

DECISION DATE 5 March 2009	APPLICATION NO. 09/00014/OUT A5	PLANNING COMMITTEE: 9 March 2009
DEVELOPMENT PROPOSED OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING OF CHURCH HALL, PARKING AND LIVE/WORK UNIT		SITE ADDRESS LAND TO THE REAR OF 1 ST MICHAELS GROVE BOLTON LE SANDS CARNFORTH LANCASHIRE LA5 8JB
APPLICANT: David Hall 1 St Michaels Grove Bolton Le Sands Carnforth Lancashire LA8 8LG		AGENT: John Coward Architects Ltd

REASON FOR DELAY

Awaiting consultation replies.

PARISH NOTIFICATION

Bolton-le-Sands Parish Council - Opposed to the principle of the church hall part of the proposal, on the grounds of access and parking problems. They have reservations about releasing the site for house building because of what they understand to be an oversupply of building land for residential development. However if this is no longer considered to be an issue they would support a domestic dwelling, without a work unit, on the site.

LAND USE ALLOCATION/DEPARTURE

The site lies within an inset village within the North Lancashire Green Belt. The site is also within the Village Conservation Area.

STATUTORY CONSULTATIONS

County Council Highways - Concerned about likely parking problems especially if the hall is intended for use by a minority group with a large catchment area.

Environmental Health – Comments will be verbally reported to Committee.

OTHER OBSERVATIONS RECEIVED

In total 12 letters and emails have been received, objecting to the proposal on the following grounds:

- Traffic problems associated with a dangerous vehicular access;
- Inadequate car parking on the site will lead to parking problems on the roads adjoining it;
- Over intensive form of development;
- Loss of amenity for the nearby houses;
- Inappropriate form of development for a Conservation Area;
- Already sufficient places of worship in Bolton-le-Sands.

One of the objectors is the proprietor of the restaurant on the adjoining site.

REPORT

INTRODUCTION

This application has been placed on the Committee agenda as it raises complex issues and has led to a significant number of objections from local residents.

The site is on the east side of the A6 through Bolton-le-Sands, from which it is screened by a belt of trees at the side of a watercourse known as St Michael's Brook. Although the land is shown on the Ordnance Survey plans as allotments, it is not used as such; it has been for many years a detached garden associated with the applicant's house. At present it is uncultivated, but it is used to provide it with off-street parking and for the open storage of various items. To the south east is a terrace of late-Victorian houses fronting St Michael's Grove. The adjoining site to the north west is occupied by a large single storey building used as an restaurant..

THE PRESENT APPLICATION

The application is in outline form but the architects have provided a substantial amount of illustrative material indicating the form of development they have in mind. It would consist of a two-bedroom dormer bungalow on the north west side of the site, adjoining St Michael's Brook. It would incorporate a garage/workshop area at the south western end. The eastern corner would be occupied by a modest sized (72 sq metre) church hall.

The remainder of the site would be occupied by six off-street parking spaces, including one laid out to disabled accessible standards, and small garden areas for both the existing dwelling and the proposed one.

PLANNING POLICIES

Policy **SC3** of the Core Strategy identifies Bolton-le-Sands as one of those villages which has a full range of services: a general practitioner, a primary school, a food shop, a post office and a bus stop. It is therefore considered appropriate for infill housing development.

The proposal also has to be considered in relation to Policy **H7**, one of the "partly saved" policies from the Lancaster District Local Plan, which allows for new housing development in selected villages where it:

- Is appropriate in terms of design, density, and open space standards to its surroundings;
- Would not have a significant adverse effect on the character of the settlement, the surrounding landscape, or the amenities of nearby residents;
- Would not result in the loss of an important open area;
- Makes satisfactory arrangements for access, servicing, cycle and car parking; and
- Makes adequate provision for the disposal of sewage and waste water.

As the site is within the village Conservation Area saved Policy **E35** is relevant: this states that development proposals which would adversely affect important views into and across a Conservation Area or erode its historic form and layout will not be permitted. Policy **E38** further states that development proposals within Conservation Areas will only be permitted where these protect the scale and style of surrounding buildings.

PLANNING CONSIDERATIONS

It could be argued that the Local Plan policies designed to protect Conservation Areas amount to a presumption against the development of an open site of this nature. However the issues here are not clear cut. The site is well screened from the A6 road and it would be difficult to argue that the site is unsuitable for any form of building. Nor can it be said that the site in its present form contributes anything to the character of the Conservation Area. A dormer bungalow is not an obviously appropriate form of building for a Conservation Area based on a North Lancashire village and it is considered that a traditional style two-storey detached house would be a better solution. However it should be conceded that the kind of dwelling envisaged would be similar in form to the adjoining restaurant.

So far as the garage/workshop element of the proposal is concerned, the combination of a detached dwelling with a small (single-person) business could, if suitably conditioned, be compatible with the character of the area. Some caution is needed as the precise nature of the proposed business has not been specified, but it is unlikely that the problems are insurmountable.

It is unusual to consider an outline application involving development within a Conservation Area. This is a case where it would be possible to invoke Article 3 (2) of the Town and Country Planning (General Development Procedure) Order 1995, and decline to deal with the proposal in its present form. However in view of the somewhat complex land use issues involved it has been concluded that it would be appropriate to consider these before putting the applicant to the expense of a detailed application.

The most serious source of concern is the combination of the dwelling and its workshop with the church hall, and the adequacy of the parking available to serve their needs. Enquiries indicate that the intended users of the building are Plymouth Brethren. Any place of worship used by a minority group can be expected to have a much larger catchment area than (for example) the Anglican and Roman Catholic churches on the other side of the Lancaster Canal, many of whose parishioners will live within credible walking distance.

The six parking spaces shown would be required to meet not just their needs, but those of the new and existing dwellings. Lancashire County Council's recommendations for off-street spaces for places of worship vary according to the accessibility of the site. In areas of high accessibility they regard 1 space for every 15 worshippers as adequate; in areas of low accessibility, 1 for 10 is needed. During the week, Bolton-le-Sands is served by a frequent bus service but the heaviest use of the place of worship will be on a Sunday morning, when public transport provision will be minimal.

The adjoining roads are not at all well suited to accommodating off-street parking. By-pass Road forms part of the busy A6, which carries heavy traffic for most of the day. St Michael's Grove is a narrow cul-de-sac with no turning head at the end. St Michael's Lane rises steeply on a curved alignment from its junction with the A6 to the point where it crosses the Lancaster Canal on a narrow overbridge.

There is a possible solution to this problem. On the other side of St Michael's Brook is a much more substantial car park associated with the Far Pavilion Restaurant. It has been suggested to the applicants that if they are able to come to an arrangement with the owner of the restaurant allowing its use on Sunday mornings, when it is normally empty, and a direct pedestrian link provided in the form of a footbridge across the brook, the objection based on parking could be overcome. At the time this report was prepared, no response had been received. As the proprietor of the restaurant is one of the objectors to the proposal, it is unlikely that he would be willing to enter into the necessary agreement.

However, notwithstanding this possible solution, the combination of the proposed uses on this relatively constrained site is considered to be over-development.

CONCLUSIONS

The site may well be suitable for either a detached dwelling with a workshop attached, or else for a small place of worship, subject to an agreement involving the use of the restaurant car park. It is not large enough for both. In the absence of adequate off street parking, the present application can only be recommended for refusal.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to three sections of the Human Rights Act. The first two are Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). The third is Article 9 (freedom of thought, conscience and religion) which is relevant because the proposal involves a building for use by a minority religious group whose beliefs prevent them from integrating fully with other parts of the community.

Particular consideration has to be given to the last of these. However, taking into account all the issues involved, there are none which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **OUTLINE PLANNING PERMISSION BE REFUSED** for the following reasons:

1. Detrimental to highway safety and contrary to Policy H7 of the Lancaster District Local Plan - amount of car parking shown is inadequate to meet the combined needs of the uses proposed, and would result in increased on street parking in an area where such parking is insufficient.
2. Over-development of a restricted site - insufficient space to accommodate combined needs of an additional dwelling and a place of worship satisfactorily.