

<b>Agenda Item</b> A11	<b>Committee Date</b> 24 August 2009	<b>Application Number</b> 09/00422/OUT
<b>Application Site</b> Land To The Rear Of Brentim Cottage Shore Road Silverdale Carnforth		<b>Proposal</b> Outline application for the erection of a new dwelling and treatment plant
<b>Name of Applicant</b> Mr And Mrs Proctor		<b>Name of Agent</b> John Coward Architects Ltd
<b>Decision Target Date</b> 19 August 2009		<b>Reason For Delay</b> Awaiting consultation replies
<b>Case Officer</b>		Mr Richard Bamforth
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

## **1.0 The Site and its Surroundings**

- 1.1 This application was originally identified as suitable for determination under delegated powers but given the controversial history relating to the neighbouring site and the access arrangements it has been referred to committee.
- 1.2 The site subject of this planning application consists of a relatively large private garden area associated with Brentim Cottage. The site is situated on the western periphery of, but still within the village settlement of Silverdale. The topography of the site gently slopes downwards from the south-west to the north-east.
- 1.3 Brentim Cottage is a two storey, semi-detached property that is accessed off Whinney Fold with rendered elevations and a natural slate roof. The rear garden extends 42-45m in length and 32-40m in width and extends directly along the rear of the adjoining property at No.21. (There are two ground floor windows to the rear of No.21 overlooking the garden).
- 1.4 The western boundary of the garden to the neighbouring properties at No.29 and No.30 (Top Barn), Shore Road consists of a limestone wall measuring 1.8-2m in height. Both properties are constructed with rendered elevations and natural slate roofs, with the introduction of natural stone present to some elevations at No.30. The eastern boundary with Whinney Fold consists of a 1.7m high limestone wall and timber panel fence, whilst the southern boundary consists of a hedge line, beyond which is agricultural land.
- 1.5 Whinney Fold is an un-adopted, block paved road that terminates in a cul-de-sac serving six houses under the ownership of the Housing Association, whilst maintaining the access arrangements to the original dwellings and the agricultural land beyond.

## **2.0 The Proposal**

- 2.1 The application is in outline form with all matters reserved, for the erection of a detached new dwelling and treatment plant within the existing garden of Brentim Cottage, accessed off Whinney Fold.
- 2.2 The application provides details of the layout, form and scale for a three-bed single storey dwelling with additional accommodation provided in the roof space and an integrated double garage.
- 2.3 The applicant proposes to live in the new dwelling, whilst selling their present home (Brentim Cottage) on the open market.

## **3.0 Site History**

- 3.1 Previous applications specific to Brentim Cottage including the lounge extension and the erection of a conservatory are not relevant to this particular application. However, the relevant history relates to the development on the neighbouring land by the Housing Association for 6 affordable dwellings and the access road. The development was controversial at the time with vociferous local objection both over the nature and extent of the affordable dwellings, boundary treatments, but also dispute over the land ownership and the overall standard of the access road. Members may remember that these were complaints to the local ombudsman and threats of legal action.

Members may wish to note that an application for a two storey rear extension was approved (06/01266/FUL) to the west at No.29, Shore Road, which has not as yet been implemented.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>97/00119/FUL</b>	<b>Erection of six houses and construction of access road (Whinney Fold).</b>	<b>Permitted</b>
<b>00/01136/FUL</b>	<b>Creation of a new access road alignment (Whinney Fold) into new development</b>	<b>(Application Refused) Appeal Allowed</b>
<b>02/00813/LB</b>	<b>Listed Building application for works to allow creation of a new access road (Whinney Fold) alignment into new development</b>	<b>Permitted</b>
<b>06/01266/FUL</b>	<b>Erection of a two storey extension to the rear at No.29 The Shore.</b>	<b>Permitted</b>
<b>09/00377/OUT</b>	<b>Outline application for the erection of 2 dwellings with integral garages, sewerage plant and access improvements</b>	<b>Permitted</b>

## **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory consultees:

<b>Statutory Consultee</b>	<b>Response</b>
<b>Environmental Health</b>	<b>Recommends refusal, since no contaminated land desk top study has been submitted. A condition controlling hours of construction is also requested.</b>
<b>Parish Council</b>	<b>Design seems acceptable, but concerns regarding the potential for precedent.</b>
<b>United Utilities</b>	<b>No objection to the proposal, subject to generic utility advice.</b>
<b>County Highways</b>	<b>No objection - Whinney Fold is capable of providing suitable access for one additional dwelling. Requests conditions regarding the garages and car parking arrangements.</b>

## **5.0 Neighbour Representations**

- 5.1 2 letters have been received which object on the following grounds:
- Infilling is detrimental to the character and tranquillity of the Area of Outstanding Natural

Beauty (AONB) leading to an 'urbanisation' of the existing settlement.

- Suburban style of house proposed.
- Concerned that the access road (Whinney Fold) is only single width in part making additional development inappropriate.
- Traffic congestion and parking problems along Shore Road.

5.2 2 number of letters have been received which raise no objection in principle to the proposal, but request the following:

- Natural limestone and slate be used in the construction and request a low profile to secure local views.
- Maintain the existing western boundary landscaping for privacy.

5.3 One neighbour indicates that he would object if clear glazed skylights were to be introduced into the western roof plane associated with the ground floor bedroom area.

## **6.0 Principal Development Plan Policies**

6.1 The Lancaster District Local Plan (LDLP) proposals map indicates that the application site is situated within The Arnside & Silverdale AONB and the Countryside Area.

### **Lancaster District Core Strategy (LDCS)**

Policy **SC1: Sustainable Development** seeks to ensure that new development proposals are sustainable in terms of both location and design. This policy, albeit a generic overriding policy, states that sites should be previously developed and accessible to public transport, employment, leisure, education and community facilities.

Policy **SC3: Rural Communities** identifies Silverdale as one of the 8 villages within the District where a 10% allocation of housing is accommodated to meet local needs.

Policy **SC4: Meeting the Districts Housing Requirements** seeks to manage and control the release of housing sites within the district in order to deliver and meet the housing requirements identified by the RSS.

Policy **SC5: Achieving Quality in Design** seeks to ensure that development proposals achieve the Core Strategy vision and that new development will be of a quality that enhances the character of the area, results in an improved appearance where conditions are unsatisfactory and compliments and enhances public realm.

### **Lancaster District Local Plan**

Policy **H7: Housing in Villages** identifies Silverdale as an existing rural settlement within which small-scale housing development will be permitted provided it is appropriate in terms of design and density and does not adversely affect the character of the area or residential amenity. This policy is partly superseded by the policy SC3 contained in the LDCS.

Policy **H12: Layout, Design and the Use of Materials** sets out standards for new housing stating that proposals will only be permitted which exhibit a high standard of design, layout and landscaping and which use materials and features that are appropriate to and retain local distinctiveness.

Policy **E3: Development affecting AONB** relates to the development within either of the AONB's. The policy seeks to prevent development which would either directly or indirectly have a significant adverse effect upon their character or harm the landscape quality, nature conservation or important geological features. In addition, any development must be of an appropriate scale and materials appropriate to the area.

Policy **E4: The Countryside Area** relates to new development within the countryside area stating that development will only be permitted where it is in scale and in keeping with the character of the landscape and is appropriate in terms of scale, siting, design and materials. It also seeks to ensure that development proposals will not have an adverse impact on nature conservation and to make satisfactory arrangements for parking and access.

6.4 **Supplementary Planning Guidance 12 (SPG12): The Residential Design Code** sets out the Councils design and amenity standards for new residential development.

6.5 **Arnside/Silverdale Management Plan - The Built Environment** - seeks to maintain the distinctive character of the village settlements, ensure that new developments make a positive contribution to the character of the AONB, prevents the suburbanisation of the landscape both within and around settlements and prevent development changes (such as lighting and noise) impacting on the tranquillity. And, in addition that affordable housing meets the local needs.

Paragraph 6.8.2 of the Management Plan "supports infill and village edge development provided that it would have no detrimental impact on either the historic form or character of the village, its setting, visual amenity, tranquillity, wildlife interest and landscape character.....encourages vernacular styles and good design..... Promote high standards of energy and water efficiency and renewable energy....."

## **7.0 Comment and Analysis**

### **7.1 Principles of the Development:**

The application site lies within the domestic garden area associated with Brentim Cottage. The proposal involves dividing the existing rear garden area by creating a new boundary, thereby providing a private amenity space for the existing property and the remaining garden area is to be developed.

When viewed objectively the proposal could be viewed to be 'rounding off' the existing village settlement rather than developing a 'green field' site and extending the village. (The original affordable housing scheme involved the development of a green field site, and that was granted consent given the accentuating circumstances, that being the provision of affordable dwellings).

Whilst there is no specific plan to determine the boundaries of the village settlement it is reasonable to assume that the site is contained within the village. It is situated between the area of affordable housing and the existing properties along Shore Road to the west. It therefore does not encroach onto the open countryside, and neither does it set a precedent for development of the further open land to the south.

### **7.2 Design:**

Although at outline stage the applicant is proposing a "low energy house", including renewable energy sources where possible (underground source heating, rainwater harvesting, solar panels, solar controlled external lighting). The underground source heating may be problematical given the nature of the thin soils generally associated with the limestone substrata. The applicant also proposes a new waste treatment plant.

Concern was raised at consultation regarding the "suburban" style of the design. The proposed external elevations are in render, with the introduction of some stone detail, a natural slate roof and windows/doors are in timber. Policies SC5 and E4 seek to ensure that suitable materials are used in the construction. Whilst the front elevation does appear heavily glazed, the amount could be reduced and in principle the design seems acceptable in this particular location.

### **7.3 Amenity:**

With regards to the neighbouring western property at No.29, Shore Road the existing single storey rear extension extends 3.5m in depth. The approved scheme (yet to be constructed) proposes to demolish the existing rear extension and construct a two storey extension that extends 4.2m in depth. The extension comprises of sun lounge/dining room to ground floor and bedroom at first floor. The distance between the habitable rooms appears to be in excess of 30m with a dividing boundary wall measuring 1.8-2m in height, offering privacy at ground floor level. Similarly the spatial separation between the window(s) associated with No.30 and the development are in the region of 28m. Both of which accord with SPG12 which seeks 21m separation between dwellings where habitable rooms face each other.

### **7.4 Access & Traffic:**

According to the submission the applicants "have a legal agreement to connect the development site onto Whinney Fold." Local concern has been raised over the increase in traffic congestion in

general along Shore Road and that the block paved un-adopted access serving Whinney Fold is of a sub-standard to justify additional accommodation. It is correct that at one point towards the junction with Shore Road, the width of the cul-de-sac does narrow, but for the most part is of sufficient width for two vehicles to pass. The proposed access point into the development is well placed at the turning area and still allows access to the agricultural fields beyond. Off street parking is provided within the development and a suitable turning area. Members may wish to note the consultation response from County Highways on this matter, in that Whinney Fold "is capable of providing suitable access for an additional dwelling."

#### 7.5 **Policy for Rural Settlements:**

The principle of development in this location appears to raise no objections in terms of its compliance with the policies relating to its potential impact on the landscape quality and character of the AONB.

The site is classed as being in a sustainable location within one of the eight rural communities highlighted in Policy SC3 and therefore allocated a 10% allowance for new housing to meet the district housing supply.

But, whilst the proposal can be considered as meeting the 10% allowance, Policy SC3 also seeks to "accommodate development that meet the local needs in villages." The applicant's justification in terms of 'Housing Need' is very sparse. It is unreasonable to suggest that the submitted application could be construed as an affordable housing unit and even more unlikely to be successful on appeal should any condition be attached, restricting to the affordable market. Whilst the applicant may be wishing to live in the proposed development and release their own property, this currently would also be for sale on the open market.

Policy SC4 seeks to manage and control the release of housing sites within the district in order to deliver and meet the housing requirements identified by the Regional Spatial Strategy, it also seeks to "maximise the opportunities offered by the development of new dwellings to:

- Redress imbalances in the local housing market;
- Achieve housing that genuinely addresses identified local housing needs; and,
- Secure units of "in-perpetuity" affordable housing.

A material consideration is the comment raised by the parish council and their "concerns regarding the potential for precedent" this application sets. Whilst no particular policy presently exists regarding the development in garden areas, this is a national issue, which is being considered at national level of concerns about the loss of greenspace in settlements.

#### 7.6 **Other matters:**

Environmental Health has requested that the application be refused permission since no desk top study has been provided. This application relates to a domestic garden and whilst this may seem onerous, Planning Policy Statement 23 - 'Planning and Pollution Control' could be argued, indicates that one should have been produced.

### **8.0 Conclusions**

8.1 The proposal accords with many of the policies and principles in the development plan apart from the requirement in Policy SC3 of the Core Strategy to meet local needs. How local needs are met in particular needs to be clarified in more detail. In some cases open market housing can cross subsidize affordable units, in other cases they can be used to generate another community benefit. In this case however, no such local need or benefit has been stated. The view is taken in this instance that the local need could be met if the applicants existing house (Brentim Cottage) were to be restricted to sale in compliance with a local occupancy condition to ensure that the creation of the new dwelling does not just result in a net generation of one more open market house.

8.2 The applicant has been approached regarding the matter of addressing local needs, and an update will be presented to members at committee. Subject to this matter the application is recommended favourably.

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard time limit.
2. Outline permission - full details to be submitted.
3. Development to be carried out in accordance with the approved plans.
4. Contaminated land desk top study to be submitted and approved.
5. Materials to be agreed.
6. Renewable energy sources - full details to be submitted.
7. Details of the foul drainage plant to be agreed.  
Maintain the natural limestone boundary walls to the east and west boundary and details to be agreed.
8. Natural dry stone wall to the northern boundary of the site with Brentim Cottage and No.21 - details of which to be agreed.
9. Provision of garages and car parking
10. Provision of vehicle turning space
11. Householder permitted development rights to be removed.
12. Hours of works restrictions 08:00 - 18:00 Monday to Saturday.
- 13.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

### **Background Papers**

1. None