

Agenda Item A12	Committee Date 2 November 2009	Application Number 09/00822/OUT
Application Site Land behind 1 St Michaels Grove, Bolton-le-Sands		Proposal Outline application for the erection of a live/work unit
Name of Applicant David Hall		Name of Agent John Coward Architects Ltd, Devonshire Buildings, Cartmel, Grange over Sands LA11 6PN
Decision Target Date 13 October 2009		Reason For Delay Awaiting consultation replies, and additional information from the applicant in support of the proposal.
Case Officer		Peter Rivet
Departure		No
Summary of Recommendation		Approval

1.0 The Site and its Surroundings

- 1.1 The site is in the Bolton-le-Sands Conservation Area. It lies on the east side of the A6 road through the village, 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 of the area as allotments, it is not used as such; it has been for many years a detached garden associated with the applicant's house. The adjoining land to the east also appears to be used similarly, though at the time this report was drafted its exact ownership was unclear. At present the area concerned is uncultivated, but it is used to provide off-street parking and for the open storage of various items.
- 1.2 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 Indian Restaurant.

2.0 The Proposal

- 2.1 The applicant's proposal involves erecting a two-storey, three-bedroom detached house of conventional design at the northern end of the site. On the east side of it would be a single-storey garage/workshop, together with a pair of detached garages. The drawings provided also show where it is intended to provide additional landscaping. The end wall of the workshop would, as shown, be 10m from the nearest part of the existing house at 1 St Michael's Grove and 15 m from the rear of the next property in the terrace.
- 2.2 The Design and Access Statement accompanying the proposal points out that this is an outline application. Full details of the proposal, including the materials specified, would form part of a later reserved matters submission.
- 2.3 The applicant has also provided a letter in support of the proposal explaining the nature of and background to his landscape contracting and design business. He requires the workshop accommodation in order to store his plant and equipment. He recognises the concern of neighbours about the current state of the site but he argues that the proposal will allow him to tidy it up. A copy of his letter appears at the end of this report.

2.4 In response to a request from the Environmental Health Service, the applicant has agreed to provide a Contaminated land Study. It is anticipated that this will be available in time for the Committee meeting.

3.0 Site History

3.1 There has been only one recent planning application involving this site, which was submitted by the same applicant earlier this year. It was withdrawn before it could be determined:

Application Number	Proposal	Decision
09/00014/CU	Outline application for mixed use development comprising church hall, parking and live/work unit	Withdrawn

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Consultees	Response
Bolton-le-Sands Parish Council	No adverse comments in principle, but they would prefer to see the workshop restricted to domestic use. They are concerned that some uses could be unneighbourly.
Lancashire County Council Highways	No objections from a highway point of view, subject to a condition being attached to any consent requiring the provision of garages and/or parking facilities.
Environmental Health	Note that no contaminated land study has been submitted and unless one is provided, they recommend that permission should be refused. They have some concerns about the impact of the workshop use on neighbours, but consider the proposal acceptable subject to a construction hours restriction and also conditions controlling the way in which the workshop is used. Comments on the anticipated Contaminated Land Study to follow.

5.0 Neighbour Representations

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

- A house is inappropriate in this position
- The site is in a Conservation Area
- Traffic and parking problems
- The site may be suitable for a house, but not a workshop because of noise problems
- Insufficient information has been provided on the range of activities to be carried on
- The site is shown on the OS plan accompanying the application as allotments and this is untrue
- A bungalow would be more appropriate here.

5.2 Reference is made to allegations that the site is already being used, without consent, for business purposes (specifically, for open storage in association with the applicant's landscape gardening business). These are currently being investigated by the City Council's Planning Enforcement Team. It is pointed out that a Conservation Area Appraisal of Bolton-le-Sands was carried out as recently as February 2009.

5.3 One of the objections states that the writers are unhappy about the way in which the case officer has dealt with applications in the past, and alleges that their comments on them have been misrepresented.

6.0 Principal Development Plan Policies

6.1 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. It anticipates that 10% of new housing in the District will be provided in the rural area, generally within these settlements. It also seeks to provide for local employment needs within them.

- 6.2 Policy **ER7** of the Core Strategy seeks to encourage the use of renewable energy in new developments.
- 6.3 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.
- 6.4 As the site is in a Conservation Area account has to be taken of "saved" policy E38, which states that development proposals within such areas will only be permitted where they respect their scale and character.

7.0 Comment and Analysis

- 7.1 Generally outline applications in Conservation Areas are discouraged, as the detailed design is a major consideration, but this is a case where it provides a useful way of establishing whether the form of development proposed is appropriate. There are essentially two issues to be considered. The first is the impact of the development on its setting, with particular regard to the character of the village and its setting. The other is the implication of attaching a garage/workshop to the house.
- 7.2 The site is at present open but the recent Conservation Area Appraisal of Bolton-le-Sands did not identify it as being of special significance to the character of the village, unlike the adjoining land to the north. As it is screened from the A6 road, its development would have only a limited impact on views of the area. The house and workshop would, if built in the positions shown on the submitted plans, be far enough away from neighbouring properties not to give rise to any privacy issues. The design of dwelling shown would not have any windows in positions where they would give rise to overlooking problems.
- 7.3 A two storey building, constructed of appropriate materials, would be compatible with the character of the older part of the village. The single storey alternative suggested by one of the objectors would be difficult to reconcile with the Conservation Area status of the site. Although there are numerous bungalows on the west side of the village they are not characteristic of the older buildings which led to its designation.
- 7.4 Members will note the concern of the Environmental Health Service about the proposal; however this was before details of the applicant's business were available. Any development of the site with a live/work unit rather than a dwelling house alone needs to be accompanied by safeguards to ensure that the activities carried on do not cause problems for neighbours. While anything involving a general industrial use is to be discouraged in a residential area, there is a range of activities for which working from home is a practical and sustainable arrangement.
- 7.5 One of the objections raised refers to possible parking problems. It is important to ensure that sufficient off street spaces are provided as the adjoining roads are ill suited to provide on street parking. This issue is addressed in one of the conditions suggested by the County Council's highway engineers.
- 7.6 The site is classed as being in a sustainable location within one of the eight rural communities highlighted in Policy SC3 of the Core Strategy where (cumulatively) 10% of new housing should be provided to meet the district housing supply.

Policy SC3 also seeks to "accommodate development that meet the local needs in villages", whilst Policy SC4 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.

7.7 Subject to the report of the Head of Planning Services in respect of the issue of local need, the current situation is no different to previous (pre-housing restraint) eras, in that each application for additional housing is considered on its own planning merits. This site is within the established boundaries of the settlement in a residential area and is appropriate for housing, where other site-specific matters are considered acceptable.

8.0 Conclusions

8.1 Overall it is considered that the site is suitable for development with a single dwelling house of the type proposed. The workshop element of the proposal will however need to be tightly controlled by condition, to limit the potential for noise and disturbance to neighbours.

Recommendation

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

1. Standard outline condition - details of siting/design/materials/external appearance.
2. Drainage details to be submitted.
3. Use of workshop/store to be for activities associated with landscape gardening business only.
4. Parking/garaging to be provided and retained as such.
5. No activities to be carried on likely to be detrimental to neighbours from noise, vibration, smoke etc.
6. Construction hours 08:00 - 18:00 Monday to Saturday, no work of Sundays or public holidays.
7. At least 10% of energy needs to be generated on site.

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. Letter from Mr Hall explaining the background to his business and how the development is intended to meet his needs.