

Agenda Item A7	Committee Date 5 January 2015	Application Number 14/01136/OUT
Application Site Land To The East Of St Wilfrids Hall Foundry Lane Halton Lancashire		Proposal Outline application for the development of 4 residential detached dwellings.
Name of Applicant Ms Nicola Thornton		Name of Agent JMP Architects Ltd
Decision Target Date 23 December 2014		Reason For Delay Officer workload and request for committee determination
Case Officer		Andrew Holden
Departure		No
Summary of Recommendation		Approval subject to conditions

(i) **Procedural Matters**

This form/scale of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Woodruff for the application to be determined by the Planning Committee. The reason for the request is because it is considered the application warrants examination over: -

- Potential concerns regarding access
- Potential issues regarding traffic capacity, and
- Tree matters

1.0 The Site and its Surroundings

1.1 The application site is located on the edge of the village of Halton, to the north of Lancaster. The site lies outside but bounding the Halton Conservation Area to its western boundary. The site is open field falling gently north to south with existing residential development of three sides with open land to the north. The site is accessed from Foundry Lane via a private road known as The Garden which serves four new dwellings and a long established nursing home known as St Wilfrid's Hall. The plot is a little over 0.4 ha and is rectangular in shape with the site access to the north west of the plot.

1.2 The site abuts the rear gardens to two storey residential properties on St Wilfrid's Park, Rectory Paddock to the south and the garden area to St Wilfrid's Hall and part of the garden to No.4 The Gardens to the west. Most of the rear gardens to the St Wilfrid's Park are substantial in length at over 25m. Existing dwellings to the south have shorter gardens but with a differing orientation from the development site. In addition to long gardens the boundary between the sites comprises in part substantial shrubs and maturing trees. The western boundary with St Wilfrid's Hall has a substantial tree belt along the full length of the site boundary, most of which are statutorily protected via a Tree Preservation Order.

2.0 The Proposal

- 2.1 The application is an outline one for 4 houses with Mean of Access, Layout and Scale being applied for.
- Means of Access covers accessibility for all routes to and within the site as well as the way they link to other roads.
 - Layout includes building routes, and open spaces within the development and the way they are laid out in relation to buildings and spaces outside the development.
 - Scale includes size of the development, including height, width and length of each of the proposed buildings
- 2.2 Access to the site is to be gained off The Gardens a 5.5m wide shared surface road linking to Foundry Lane. The site entrance road is to be 5.0 m wide and of shared surface design. The road will run from The Garden alongside the boundary of No. 4 The Gardens into the main application site, a rectangular field measuring an average of 27m wide and 120m long falling approximately 6m north-south over its full length. The road incorporates a full size turning head at its northern end and turns south following the western boundary of the site to serve the remaining dwellings.
- 2.3 The proposed dwellings are to be two storeys in height with an east-west orientation to the roof and predominantly south-facing windows. The dwellings are spaced evenly down the length of the plot with garden areas to the south of each dwelling and an attached single storey double garage on the north. The plots provide parking for up to four vehicles (double garage and driveway). The footprint of the main dwelling is 13m x 6.8m. The overall height of the dwelling is 8.27m with an eaves height of 5.21m. A double garage approx. 5.5m square is attached to the north of each dwelling. The scheme will demand minor changes in land levels to create level garden areas with a small step across the plot of no more than 600mm.
- 2.4 Existing planting on the eastern boundary is to be retained where possible and supplemented with a new native species hedgerow and a 1600mm 'hit and miss' fence. The western boundary to St. Wilfrid's is to remain untouched other than the creation of a link footpath from the new road between trees to an existing footpath which serves St Wilfrid's Hall from Foundry Lane at its south end.

3.0 Site History

- 3.1 The main application site has a limited planning history. A small part of the site at its north-western end along with a southern part of the main garden area to St Wilfrid's Hall was subject of a planning application and subsequent appeal for the erection of 9 single storey sheltered units (originally submitted at 8 but varied to 9 dwellings prior to the appeal hearing). The appeal was dismissed as it was considered that the development of the units would cause harm to the character and appearance of the Conservation Area.
- 3.2 The site access road is also contained within an extant consent for the erection of a two storey rear extension on the north elevation of the neighbouring nursing home. The plans were originally approved in 2007 under 07/00688/FUL and has been renewed in 2010 and again in 2012. The 2012 consent, 12/01074 granted in January 2013 could enable the extension to be developed until 2016.
- 3.3 The approved scheme encompasses land to be used as the site access for the current proposal and has conditions attached to it to ensure screen tree planting is introduced along the boundary with No. 4 The Gardens should the extension be developed.
- 3.4 The overlapping nature of the red edges for the two applications (approved and current) and the presence of conditions to develop planting for the approved extension would result in the ability (should the current application be approved) for only one of the two consents being able to be implemented.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections in principle, the development is to be accessed via a private road known as The Gardens and would not be adopted. Suggested conditions include turning area provision and off-site highway works (white lining at the junction of The Gardens with Foundry Lane to influence vehicle speed at the junction).
Environmental Health	No objections in principle suggested conditions, hours of construction, standard contaminated land conditions.
Conservation Officer	No objections to the development subject to conditions (limiting height of development to no more than 2 storeys; slate roofs; other materials/finishes to be agreed). In reaching this recommendation consideration has been given to the impacts upon setting of the Conservation Area (CA) and St Wilfrid's Hall (unlisted heritage asset). Mature, dense tree planting on the western boundary forms an important element in the setting of the hall. These trees and vegetation will also, importantly, hide the development from the hall, which means that they will have little or no impact upon its' setting of the hall. The proposed access too will have little impact. Longer distance views of the site from within the CA, including from the other side of the Lune were undertaken when carrying out the site visit. It is considered unlikely that glimpses of the development will be possible when the trees are in full foliage. However, it may be possible during the winter months and so the conditions recommended above are considered appropriate.
Tree Protection officer	No objections to the development, a Tree Protection Plan, Arboriculture Method Statement, Tree Works Schedule (if pruning is required) will be required. There are no protected trees or conservation area constraints on the site. Protected trees lies within the neighbouring St Wilfrid's Hall. The development does not affect any of the protected trees but seeks to remove 7 trees many of which have limited life expectancy. The loss of the trees is not considered to have a detrimental effect on the area but will result in a loss of habitat. Suggested planting ratio of 3 to 1.
Strategic Housing	No comments received within the consultation period
United Utilities	No objections – Separated system of drainage required
Parish Council	Comments awaited

5.0 Neighbour Representations

5.1 6 letters have been received from neighbouring residents. All the representations raise objection to the development. The main grounds for objection include:-

- Inadequate Access, Turning Points, and Parking.
- Loss of Privacy and Overlooking.
- Impact upon the Halton Conservation Area
- Traffic to and from the Development
- Non-compliance with Government guidance
- Protection of Trees
- Local Traffic Impact
- Drainage capacity in the area
- Conflict with previously approved schemes
- Effect of construction/development upon adjacent buildings
- Conflict with a private right of way enjoyed by The Gardens

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 - Delivering Housing
Paragraphs 56, 58 and 60 – Requiring Good Design

6.2 Saved Policies of the Lancaster District Local Plan

H8 - Housing in the Countryside
H12 - Layout, Design and Use of Materials
E4 - Countryside Area

Lancaster District Core Strategy (adopted July 2008)

SC1 - Sustainable Development
SC2 – Urban Concentration
SC4 - Meeting the District's Housing Requirements
SC5 - Good Design
E1 – Environmental Capital
E2 - Transport Measures

6.3 Development Management DPD

The City Council resolved to adopt both the Development Management and Morecambe Area Action Plan Development Plan Documents (DPDs) on 17 December 2014. This means that both documents now form part of the Local Plan for Lancaster District 2011-2031 and the policies contained therein are afforded full weight.

DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM41 - New Residential dwellings
DM42 – Housing Growth

6.4 Other relevant material considerations: Draft Local Plan for Lancaster District 2011-2026 2014 Housing Land Supply Statement (July 2014)

7.0 Comment and Analysis

7.1 The key material considerations arising from this application are:

- Principle/Housing supply
- Previous application/appeal decision
- Highway safety
- Residential Amenity
- Impact on trees

7.2 Principle/Housing supply

7.2.1 The site lies on the edge of Halton with existing residential development surrounding the site on three sides with only the northern boundary open to pastoral field. Halton is identified as one of the sustainable rural settlements in the District with a range of services available in the village

7.2.2 In terms of general housing need, the 2014 Housing Land Supply Statement (July 2014) sets out that only 3.2 years of housing supply can be demonstrated, with a persistent undersupply of housing over the last ten years. As such, a 5 year supply of housing land cannot currently be demonstrated. Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Development on the edge of Halton alongside existing residential development is considered to be sustainably located and as such would provide an important contribution towards housing supply within the District in a location which can be supported in principle.

7.3 Previous application/appeal decision

- 7.3.1 Parts of the site have already been the subject of planning applications (see Section 3). An extant consent for development exists until 2016, but would be void if the current application were to be developed as the red edges of the two applications render the consents mutually exclusive.
- 7.3.2 A part of the site at its NW end has also been the subject of a dismissed appeal for the erection of 9 single storey sheltered dwelling. The development was to be split with 6 houses in the grounds of the Hall and three within the field area, the subject of this current application. In dismissing the appeal the Inspector found that the field plays an important role defining the edge of the village concluding that the development of the three dwelling would have a harmful effect on the form and setting of this part of the village.
- 7.3.3 The Inspector found that development would erode the value of the meadow as an effective visual break between the residential character of St Wilfrid's Park and the grounds of the hall. The Inspector further concluded that the development of the three properties would not have a detrimental effect on the Halton Conservation Area.
- 7.3.4 The current policy position still seeks to protect against development which could affect the character of the conservation area this is reflected in the position taken by the NPPF and its accompanying Guidance. In respect of the development on the open field adjacent to residential properties it is considered that the planning position differs considerably from that outline in the Inspector's decision in 2000. The current application needs to be considered in respect of the current Development Plan and the acknowledged undersupply of housing as set out in section 7.2.2 above.
- 7.3.5 The relationship of the scheme to the neighbouring Conservation Area has been considered from examination of the submitted scheme and a detailed on-site inspection including assessment from more distant views across the River Lune. It is considered that the scheme will have limited visibility, particular when the trees are in leaf and would not impact upon the character of the conservation area. A view shared by the Inspector in 2000, albeit for a development of less massing and scale.
- 7.3.6 Notwithstanding the position set out in Paragraph 49 of the NPPF (see 7.2.2 above) it is considered that the current application could be supported in the context of the current policies contained within the Development Management DPD. Policy DM42 identifies Halton as a sustainable rural settlement within which proposals for new housing will be supported in principle. Policy DM41 - New Residential Development sets out criteria for new housing. Development should be effective but respectful of locational characteristics, located where services and infrastructure can accommodate expansion, be appropriate in dwelling mix with the Lancaster District Housing Needs survey. Greenfield development must prove that the benefits of the proposal outweigh any impacts on local amenity.
- 7.3.7 It is considered that the site constraints, particular its long narrow form with restricted depth limits the nature of the development to a single line of dwellings. The scheme has also acknowledged the relationship of housing on St Wilfrid's Park, with the orientation of the new dwellings away from the houses. The tree belt on the western edge protecting other dwellings. Any housing development will require garden areas as well as parking facilities leading to an approach which provides for a limited number of detached properties. The precise number of bedrooms is not identified as part of the outline scheme but given the footprint of the dwelling they are anticipated to be 3 or 4 bed dwellings. Halton has a slight over-supply of such dwellings but given the site constraints, the limited number of proposed units and the wider undersupply of housing across the District, the nature of the housing is not considered to be inappropriate.

7.4 Highway safety

- 7.4.1 The application has been supported by a transport statement. The Highway Authority have no objections to the principle of the development. In practice, development of the scheme will lead to the provision of a private road linking to the existing private road known as The Gardens before access onto the public highway at its junction with Foundry Lane. The new road has been designed to allow a full-sized service vehicle to enter and exit in a forward gear as well as providing a shared road which is considered to be capable of accommodating the limited vehicle and pedestrian movements associated with the scheme. The road width would be sufficient for two-way car movements, if required. The new road leads onto The Gardens, which is again a shared road and considered of sufficient width and geometry to accommodate movements from the site.
- 7.4.2 The highway authority has acknowledged traffic speeds along Foundry Lane and has suggested

white-lining is provided at the developer's expense at the junction of The Gardens with Foundry Lane. This will improve use of the site access and seeks to influence vehicle speeds along Foundry with the demarcation of a formal access point. This can be addressed via condition and entry into a s278 Agreement with the Highway Authority.

7.5 Residential Amenity

7.5.1 The scheme has been designed to limit its impact upon neighbouring residential properties. The properties on St Wilfrid's Park mostly enjoy long rear gardens leading to separation distance of upto 30m between the rear windows and the gable of the new dwellings. The closest distances relate to properties at the southern end of St Wilfrid's Park but orientation and siting of the new dwellings is still considered to provide an appropriate degree of separation. Eaves and ridge heights for the dwellings have been set to reflect those of neighbouring dwellings and where the site boundary abuts closer properties on Rectory Paddock, a garden area is provided to the closest house to maintain separation distances. The general relationship to neighbouring residential properties is considered to be acceptable.

7.5.2 The access road is to be taken from the private road serving the Nursing Home and the four detached properties known as 1-4 The Gardens. The access will be sited along an existing level area owned by the nursing home but currently used to park a large campervan. The track leads to a thin belt of trees and shrubs forming the boundary to the main open field. The boundary to No. 4 The Gardens will run along the northern side of the access road. This boundary is formed by a stone wall to the front of the property, the side wall of a detached double garage and a 1.8m high timber fence running from the rear of the garage along the side boundary and returning along the rear boundary of the property. The main dwelling lies to the north of the detached garage approximately 7m from the boundary fence line.

7.5.3 The road will be shared-surface allowing pedestrians and vehicles to travel along the road. In practice, the provision of a new footpath link within the site onto the existing footpath in the grounds of the Hall, pedestrian movement from the new site into Halton are likely to be along the new footpath link on a much more direct route into Halton emerging onto the footpath Foundry Lane by the St Wilfrid's Lodge. Consequently, movement along the road will be predominantly vehicular in nature, which given the small number of dwellings will be limited.

7.5.4 The presence of a new road alongside a neighbouring boundary will clearly introduce additional movement and a low level of increased noise and disturbance to the occupants of the neighbouring dwelling. Loss of small trees on the southern edge of the road have been replaced with new tree planting to limit any increase in overlooking from the existing nursing home following the loss of some natural screening.

7.5.5 Overall, it is considered that given the relationship of the main house and garden area to the new road line and the low level nature of its use, the proposals will not be unduly detrimental to the amenity of the neighbouring residents.

7.6 Impact on trees

7.6.1 Land to the west of the site has large number of trees within it which are considered to be of high amenity value and are protected by a number of separate Tree Preservation Orders. In addition to this protection, trees located within Halton Conservation Area are also protected. The open field to the east of St Wilfrid's contains a number of smaller trees and shrubs but are not subject to any statutory protection.

7.6.2 The Arboricultural Impact Assessment and Method Statement recognises the status of the trees in the area and the need to limit impact. It is identified that the scheme will result in the loss of 7 trees in total many of which are considered to currently have little value and a limited life span. As a general principle, lost trees are to be replaced at an increased ratio.

7.6.3 The trees to be lost are as a result of the introduction of the access road and the siting of the dwelling. Two trees are to be removed on the boundary close to No. 4 The Gardens to facilitate the new road and the remaining lost trees are on the eastern boundary to facilitate the house footprint. New trees and hedgerow are to be introduced on the eastern boundary. A small group of trees are to be planted to the rear of the nursing home but as outlined earlier this is as much for residential

amenity reasoning. The works have been considered in detail by the Tree Protection Officer and no objections are raised over the nature and scale of the loss. The development is not considered to unduly impact upon trees in the area. Subject to condition to agree details, the development is considered to be acceptable in arboricultural and landscape terms.

7.7. Other Matters

7.7.1 The Contaminated Land Officer has recommended the submission of a contaminated land study and mitigation, if required. However, the site is open pasture and no history or evidence has been provided to indicate the potential contamination of the land through historic use. As such it is considered that the request is unreasonable and a simple unforeseen contamination condition should be attached to ensure that suitable investigation is undertaken should it be found necessary during construction.

8.0 Planning Obligations

8.1 None.

9.0 Conclusions

9.1 The site is located in a sustainable location, adjacent to existing development with links to services. The development will provide a small but important contribution towards housing supply within the District. It is considered that the development could be accommodated on the site without a significant impact on the highway network, residential amenity or the character and appearance of the conservation area and is served by an appropriate means of access. The principle of residential development on this site is therefore considered to be acceptable.

Recommendation

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

1. Standard outline condition with Appearance and Landscaping matters reserved
2. The footprint, scale of development and layout are as defined in the approved plans
3. Amended plans
4. Unforeseen contamination
5. Hours of construction
6. Layout to ensure vehicle can enter and exit the site in a forward gear
7. Off-site highway works (white lining of junction at The Gardens/Foundry Lane) to be agreed and implemented
8. Car parking to be agreed, provided and maintained
9. Provision of a Construction Method Statement and undertaking in accordance with agreed scheme
10. Landscaping scheme to be agreed
11. Additional tree planting to be agreed
12. No trees to be cut down other than those agreed
13. Detailed Arboricultural Method Statement to be agreed
14. Detailed Tree Protection Plan to be agreed
15. Development to be built on a separate system
16. Precise details of the foul and surface water systems to be agreed

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings.

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. Appeal Decision – 8 (subsequently 9) sheltered accommodation units, 20 January 2000