

<b>DECISION DATE</b> 23 December 2008	<b>APPLICATION NO.</b> 08/01145/FUL A14	<b>PLANNING COMMITTEE:</b>  <b>8 December 2008</b>
<b>DEVELOPMENT PROPOSED</b>  <b>CONSTRUCTION OF 14 NO. APARTMENTS FOR USE/SALE TO OVER 55'S</b>		<b>SITE ADDRESS</b>  <b>119 MAIN ROAD BOLTON LE SANDS CARNFORTH LANCASHIRE LA5 8DX</b>
<b>APPLICANT:</b>  Daffodil Homes Ltd Tarnwater Yealand Conyers Carnforth Lancashire LA5 9RJ		<b>AGENT:</b>  Harrison Pitt Architects

#### **REASON FOR DELAY**

None.

#### **PARISH NOTIFICATION**

**Bolton-le-Sands Parish Council** - The Parish Council felt the proposed development is totally out of context within the village for the following reasons:

- The new designs are completely over-intensive and totally unacceptable;
- Car parking was of major concern in view of the fact that only six parking spaces have been allowed for, one of which is marked disabled. It has not been made clear whether these parking spaces are for visitors or residents, both of which will cause problems at this very busy part of the village. It was the view of this council that anyone over the age of 55 is more likely to own at least one car and therefore any overspill would ultimately end up on the main road outside the church. This will ultimately create problems when the church is in use;
- Access into the site seems to have been overlooked as the Parish Council was under the impression that the existing new access was sub-standard and therefore access and egress is potentially dangerous at this point;
- Age Legislation was brought into force in 2006, therefore the council is at a loss to understand why it is considered necessary to provide 14 cycle places and only 6 parking spaces when there are many people now who work well into their 60's and even 70's who may need a car for their work.
- It should also be borne in mind that a similar restricted development at Brookfield resulted in applications for the council to lift the age restriction which, in most cases, was granted.
- The proposed over-intensive development is of great concern to this council, especially as the age restriction and the lack of parking could well cause further problems in the future.

Therefore this Parish Council feels that this application should be refused on the grounds of traffic movement and the fact that it is totally out of keeping with the area.

## **LAND USE ALLOCATION/DEPARTURE**

Lancaster District Local Plan - Within the Bolton-le Sands Conservation Area. The site is also affected by Tree Preservation Order 404 (2007).

## **STATUTORY CONSULTATIONS**

**Environmental Health Officer** - Suggested hours of construction restriction. Advice regarding dust control and restriction of fires/burning on site during the demolition/construction process. The development is one which needs a desk study, recommends rejection of the application without such a study.

**County Highways** – Views not received at the time of compiling this report. Comments will be verbally reported.

**United Utilities** - No objection subject to separate system of drainage. Any surface water discharge into the public sewer could need to be at a restricted rate.

**Housing Policy Officer** – I understand that there is now a proposal from the developer that this scheme include 4 shared equity units on site. This still does not meet the Council's requirement for 40% on all schemes over 10 properties in rural areas. However, given the total number of units planned, the alternative could be the developer only producing 9 units and therefore avoiding any requirement to produce affordable housing. This offer is a substantial improvement on the original proposal and I would therefore support this application.

## **OTHER OBSERVATIONS RECEIVED**

**Conservation Section** - Views not received at the time of compiling this report. Any comments will be verbally reported.

**Tree Protection Officer** – They understood that the development is within the footprint of the existing development site agreed and commenced earlier this year. No new implications to this development providing the agreed and implemented tree protection measures are maintained during any construction process.

**Neighbour Consultation** - To date only a single letter has been received concerning the development of the site. The letter raised concerns on the following grounds: -

- Concerns over the numbers of additional dwelling being proposed and the impact upon highway safety in the village;
- Increase in vehicle movements will create a traffic hazard in the village;
- Lack of parking provision within the development will lead to parking and congestion outside the site;
- Concerns the proposed planting scheme will unduly impact upon the resident of the neighbouring Cross Hill Court;
- The proposal is considered to be over development of the site.

## **REPORT**

This application was deferred from the previous committee meeting (10 November 2008) to enable further consultation to be undertaken in the light of additional information provided by the applicant, which sought to address the Local Planning Authority's concerns and its reasons for refusal.

### **Site and its Surroundings**

This site is located at the southern end of the old village of Bolton-le-Sands on the east side of Main Road. The site consists of a former vicarage (until approximately 3/4 years ago it was used as a children's home), a stone built barn, a more modern house and the vicarage grounds. The grounds of the vicarage are enclosed by a tall boundary wall and contain a number of mature trees which are subject to a Tree Preservation Order.

### **Planning History**

The site has a limited planning history, because any alterations and extension in association with the children's home would have been undertaken as permitted development by Lancashire County Council. The only recent application was an outline application for 16 houses submitted by Lancashire County Council in 2002 (Ref: 02/00305/OUT). The application was refused in May 2002, on the grounds of poor highway layout, parking provision and the loss of trees/impact upon the Conservation Area.

More recently planning history relates to three applications: -

**07/01407/CU** has been granted for the conversion of the vicarage into two dwellings and the erection of a single detached dwelling to the rear south-eastern corner of the site, close to its boundary with Cross Hill Court. These works are currently under construction.

**08/00883/CU** has been granted for the conversion of part of the barn to the northern corner of the site for use as a vicar's office and meeting room, in association with the neighbouring dwelling which is to return to use as the vicarage. The remainder of the barn would be used as garaging to the neighbouring dwelling.

**08/00803/FUL** - This application sought consent for the erection of 14 sheltered flats within the grounds of the site. The application did not provide for affordable housing and had issues of neighbour impact and design. The application was recommended for refusal but was withdrawn prior to determination at the Planning Committee held on 1 September 2008.

### **The Proposal**

The current application again seeks to develop 14 apartments for over-55's occupation. The building comprises a single block which follows the gentle curve of the new access road through the site. The block has been redesigned to provide a central section of three storeys, stepping down to two storeys at each end. The flats are generously sized two-bedroom units, six on both the ground floor and first floor and a further two on the third floor. Access to the ground and upper floors are gained from a central glazed stairwell which also houses a single lift. The top floor flats have direct access from the stairwell area whilst the flats to the ground and first floor have open-deck access to the rear of the building, which leads to individual entrance doors and a small private area.

External materials are proposed to be natural stone under a slate roof. The stone would be random rubble with quoins. The windows are timber, setback and painted white to reflect local vernacular with rainwater goods in aluminium to reflect cast iron details.

Externally, car parking for six cars is provided, one of which would be to mobility standard. The remaining spaces are designed to the Lifetimes Homes Standard, and are therefore wider than the normal 2.4m required. These are located to the front of the building, directly accessed off the new road.

Cycle and refuse stores are to be provided but no indication has yet been given to the location of the stores or their design.

Overall, the land occupied by the proposal falls outside that which is considered to be protected by the existing Tree Protection Order and would not require the removal of any trees during implementation, should approval be forthcoming.

In addition to redesigning the form of the building, the applicant has offered on-site provision of affordable housing. The offer has been revised from the initial off-site commuted sum provision to on-site provision in addition; the number of units has been raised from 2.8 (equivalent) to 4 two bedded shared equity units

### **Current Development Plan Position**

There are four documents that are especially relevant to this proposal.

- Lancaster District Local Plan (Saved Policies and policies not superseded)
- SPG10 – “Affordable Housing” accompanied by the Affordable Housing Practise Update Note of February 2008
- The Council's Strategic Housing Market Assessment (SHMA).
- Lancaster District Core Strategy

#### **Lancaster District Local Plan (Saved policies and policies not superseded)**

Policy **H7** of the Lancaster District local Plan (LDLP) allows for the development of suitable small infill sites.

Policy **H10** - Seeks to ensure the development of affordable homes within the District.

Policy **H17** - Seeks to ensure that sheltered housing is located in appropriate positions close to local services, facilities and primary bus routes

Policy **E13** – Advises a refusal of any proposals which would have a significant impact upon or result in the loss of significant trees.

Policy **E35** - Seeks to protect against development which will have an adverse affect upon views and the loss of important open spaces and historic form.

Policies **E38** and **E39** - Support the development of new build and alterations which are sympathetic in form and materials to the conservation.

#### **SPG10 – “Affordable Housing” - accompanied by the Affordable Housing Practise Update Note of February 2008**

The District of Lancaster is greatly in need of additional Affordable Housing: the most recent Housing Needs Study Update was completed as recently as January 2008 and was reported to the appropriate Cabinet Member in February 2008. Later that month the City Council published an Affordable Housing Practice Update Note which stated that the Council would seek to secure, through negotiation, an average of 40% of the total new dwellings as Affordable Dwellings. The threshold for development in sustainable rural settlement was defined as 10 dwellings or more.

## The Council's Strategic Housing Market Assessment (SHMA)

The SHMA was prepared by David Couttie Associates (DCA) on behalf of the Council and was published in August 2008. The SHMA was reported to Planning Policy Cabinet Liaison Group on the 18th September 2008. Members supported the report's recommendations and it was agreed that based on the robust evidence found in this assessment, the Local Development Framework can sustain affordable housing target levels of 40% within the District.

## Lancaster District Core Strategy

Core Strategy Policy **SC4** aims to ensure that dwellings are sufficient in quantity (and quality) to meet the dwelling requirements of the Regional Spatial Strategy in a manner that contributes to delivering sustainable communities. The policy intends that sites should be in sustainable locations and importantly maximises the opportunities offered by the development of new dwellings to redress imbalances in the local housing market and achieves housing that genuinely addresses identified local housing need and secures units of "in-perpetuity affordable housing.

The Core Strategy identifies that the approach to delivering affordable homes will be expanded upon in forthcoming SPD's but that given the limited opportunities available to negotiate affordable housing in the district's rural areas the threshold of 10 dwellings is again clarified.

## Assessment

### Background

As indicated earlier in the report the site was in the ownership of Lancashire County Council and operated as a Children's Home until a number of years ago. Following closure of the home the land and the building have remained vacant and with little, if any, maintenance. The property and land has been the subject of sale and is now in the ownership of the applicant. The earlier consent, 07/01407/CU is now being implemented. The new access road has been opened up together with the conversion and new build being undertaken.

### Policy Position

The application needs to be considered against planning policy and the other material considerations set out earlier in the report. In particular, these are the need to provide an element of affordable housing, the need to justify an accommodation requirement for over 55's sheltered, and the conservation/design impact of the development.

### Affordable Housing

The revised application now seeks to provide an element of affordable housing within its submission. . The applicant has provided a justification as to both why the offer percentage is lower than the 40% demanded by the Strategic Housing Market Assessment (SHMA) and the provision of a commuted sum rather than on-site provision.

The applicant initially argued that the figure of 40% affordable housing provision expressed in the Affordable Housing Practice Update of February 2008 has little credibility or weight as it has not been subject to any public consultation or scrutiny. Furthermore, it is based upon a recent Housing Need Study which, in their view, cannot be considered as robust. The proposal goes on to suggest that if the figures in the Practice Update are accepted (between 20% and 40%), the lower figure should be adopted for the following reasons: -

- The scheme directly addresses local housing needs as set out in the Core Strategy by providing smaller and more manageable accommodation for a specific sector of the community;

- Local housing needs are also assisted by 'freeing up' currently under-occupied family housing;
- The proposed apartments can only be occupied by people in the over 55's sector of the community, and it is only the affordability needs of that sector that can and should be met by this development.

The off-site contribution is considered appropriate due to the nature of the site and the development proposed, whereby the scheme will require on-going management and maintenance of the building and the site, including significant and abnormal tree/woodland management cost. The transfer of ongoing management costs to occupiers of the affordable units would be inappropriate in the medium/long-term.

In support of the above the applicant has also provided a Management Strategy and Service Charge Projections from Trinity Estate (Property Management Solutions) for the development. The strategy provides a breakdown of the costs and provides a projection for service charges for the dwellings. The overall cost for the site is approximately £25k annually, of which the tree/woodland element appears to be less than £2,000. The Strategy is also out of date as it refers to the original scheme which would generate higher maintenance costs with the additional lift and communal areas.

The applicant also considers that development of a scheme for 9 units (to avoid the need for an affordable housing provision) would result in a wasted opportunity in terms of the effective and efficient use of the site, and would result in a nil provision of affordable housing in Bolton-le-Sands.

The argument raised by the applicant over the standing of evidence based document over housing need cannot be accepted. The requirement for a 40% provision of affordable units has been determined through the SHMA. The methodology used in this SHMA is based on the Communities and Local Government (CLG) Strategic Housing Market Assessments Practice Guidance (August 2007).

In short, the 40% requirement for affordable housing is considered to be a robust and upto date evidence based SHMA. Its findings should be supported. A lower contribution figure would require exceptional justification from the developer.

Equally, the option of a commuted sum for off-site provision is not considered appropriate. The site location is central in the village and is well served by the local services and shops. It is a sustainable location which would be very difficult to achieve elsewhere in the village. In addition, housing sites within Bolton-le-Sands are limited, and few if any will allow a development of this size. Furthermore, provision of an alternative site in this area would also be difficult to develop given the Green Belt allocation surrounding the village.

Following negotiations with the developer and a recommendation for refusal at the previous committee meeting, the applicant has accepted this position and the need to provide on-site affordable housing and has offered 4 units from the 14 to be developed. These would be a shared equity two bedded flats within the block and all units subject to 'local occupancy' condition. The local occupancy relates to all units the 'local' definition is this District and neighbouring ones in Lancashire and Cumbria (South Lakes, Wyre, Craven etc) in addition a local connection would be acceptable to enable local residents to accommodate aging relatives close by.

The offer of 4 units equates to 30% provision of affordable units, this clearly fall short of the 40% requirement set out in the Strategic Housing Market Assessments Practice Guidance (August 2007). However, the provision needs to be considered in the context of the limited number of units the site is delivering both in simple numbers and the relative site area that is being developed due to constraints with protected trees, the relatively high maintenance costs/service charges for this heavily landscaped site, restricted occupancy and the support given by the Housing Policy Officer. On balance, the offered provision is regarded as a genuine offer and given the constraints of the development is should be accepted.

## Design Issues

The building has been designed as single block of varying heights laid on a slow curve to follow the line of the new access road. The footprint of the building and external car parking lie clear of any tree canopies and falls outside the areas that are protected by the current Tree Preservation Order. As such it is anticipated that subject to ensure that the tree protection arrangements being maintained, the development would not unduly impact the protected trees within the overall site.

The massing and form of the building has been revised from the original submission in order to attempt to address some of the concerns of the local planning authority. The mass of the building has been broken up by the stepping of the roof heights and reduction of all but the central section of the building to two storeys. This reduction has improved the relationship of the eastern gable to the new dwelling, (currently under construction) and more closely relates to the ridge heights of the original vicarage building (also under construction).

The revised scheme amends the internal layout of the building, reducing the servicing of the building from two stairwells and lifts to a single stairwell and lift. The current submission develops access to all the ground and first floor units via open deck access with greater walking distances across open decks to the entrance doors than the original scheme. The maximum walking distances (from the indoor stairwell to the entrance door of the furthest unit) are still less than 20m and this is considered to be acceptable. However, the number of units with access via the open deck arrangement has increased substantially from two units gaining access in this way on the earlier scheme to twelve units currently proposed. These concerns have been raised with the agent and a simple change in internal layout can increase the number of units with a direct internal stairwell access from two to six. Revised plans have been developed which provide direct internal access for six units, furthermore the revised plans also provide for a refuse storage and cycle storage in two separate areas.

The submission indicates that the building is to be insulated to a level 20% above current building regulations to reduce energy use. The site is not suitable for wind generation given its sheltered nature. Suggestion of solar panels has been made to the front elevation of the building (6-8 panels in total, each of which would be approximately 2 sq.m in area). No details have been provided as to their location but it is not considered visually appropriate in this location to encourage the use of solar panels to the front elevation of the building. A ground source heat pump has also been put forward as a route to energy conservation but again the development of this form of 'renewables' could lead to conflict with the root system of the protected trees and its location would require careful consideration. If permission was forthcoming the imposition of our general condition (regarding renewable energy technologies to be agreed) would be imposed but careful consideration would need to be given to the practicability of energy conservation greater than the insulation levels of 20% greater than the current Building Regulations identified in the Design and Assess Statement.

It is noted that the site will be reasonably screened but it is important that any development should respect the immediate setting and the setting of the wider Conservation Area. Concerns have been raised with the architect that the submission plans lack detail and whilst the written description of the materials and form of the building contained within the Design & Access Statement appears to reflect the traditional forms of the locality, the drawn submission plans lack precise detail. These issues have again been addressed within the revised plans and the submissions details now clarifies the elevational treatment of the building and subject to conditions to develop minor details the amended plans are considered acceptable.

## Conclusion

The development of this site raises a number of issues, in particular the provision of affordable housing, the general design and the relationship with the Conservation Area. It is considered that the proposals in their revised form addresses the need for affordable housing provision, relates comfortably with neighbouring properties and the wider Bolton-le-Sands Conservation Area. Subject to no significant objections being raised by County Highways, the applications should be supported with appropriate conditions.

## HUMAN RIGHTS IMPLICATIONS

It is recognised that a recommendation of refusal may result in an interference with the applicant's right to develop their land in accordance with the Human Rights Act. However, on the facts of this case it is considered both necessary and proportionate to control development in the public interest in light of the concerns set out in this report and for the stated reasons.

## RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to the following conditions: -

1. Standard Time Limit
2. Development to be built in accordance with approved plans
3. Amended plans dated 3 November 2008-11-06
4. Amended details in respect of affordable housing provision - 4 units shared equity - E-Mail dated 6 November 2008
5. No development of commence until Agreement covering the provision and maintenance of affordable units.
6. Local occupancy condition.
7. Materials (samples of all external finishes)
8. Precise details of heads, cills, front and rear balcony construction, rear enclosure to upper floor flats, window/doors construction and finish, colour of R W Goods
9. Provision of renewables - (current proposal seeks to develop thermal insulation 20% above B Regs. requirements. Difficult to provide other forms on the site (covered in the report).
10. Tree protection measures
11. Cycle and refuse storage facilities to be provided and maintained.
12. Parking spaces provision and retention for use by all residents and visitors
13. Lime mortar use and specification to main walling.
14. Hours of construction
15. Separate system of drainage
16. As may be required.