

<b>Agenda Item</b> A13	<b>Committee Date</b> 20 September 2010	<b>Application Number</b> 10/00338/FUL
<b>Application Site</b> Top Moor Ridding Cottage The Gars Wray Lancaster		<b>Proposal</b> Erection of detached dwelling in land to the rear
<b>Name of Applicant</b> Mr & Mrs John Robinson		<b>Name of Agent</b> Mr Greg Gilding
<b>Decision Target Date</b> 30 June 2010		<b>Reason For Delay</b> Rise in application numbers and Committee site visit
<b>Case Officer</b>		Petra Williams
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Grant permission with conditions

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

Members will recall that this application came before them during the last Committee meeting and was deferred in order to allow for a site visit.

- 1.1 The application site is situated within the village of Wray and forms part of the residential curtilage of the applicant's house Top Moor Ridding Cottage. The plot comprises an area of 315 square metres and is bounded by a mix of treatments. There is a 1.8 metre timber fence along the northern and eastern boundary and a stone wall forms the western boundary and is punctuated by an existing opening which allows vehicular access to and from the site. The site itself is rather unkempt and consists of overgrown shrubs and bushes as well as rough ground and is fairly flat and level with the surrounding area. There are three timber outbuildings (one of which forms part of the eastern boundary) sited within the plot as well as a trailer, building materials and garden paraphernalia. There is also an old car on the site which, judging by the surrounding vegetation growth has not moved for some considerable time.
- 1.2 The building to the south of the site is a stone under slate cottage (Top Moor Ridding Cottage) and attached barn which is in the ownership of the applicant. To the immediate rear of the cottage is an associated private garden area of adequate size and double garage which borders the adjacent lane to the east. The garden area borders the application site with the northern elevation of the garage and large shrubs and bushes forming a boundary between the two areas. The nearest property to the east is 13 metres away. The property to the north of the plot is a 1960s bungalow (Deer Park View) which differs from the typical Wray property in that it has a dash render exterior. There is also a second garage associated with Top Moor Ridding Cottage which fronts The Gars. This is a traditional stone under slate building which is known as the Carriage House. This building is set slightly forward of Top Moor Ridding Cottage at the opposite side of the lane. There is also further car parking area associated with Top Moor Ridding Cottage to the east of the property.
- 1.3 The Gars is a short loop road to and from the main road through the village. The Gars itself has an intimate feel and is bounded on both sides by properties of varying styles but a sense harmony is retained by the prevalence of traditional stone and slate materials. The plot is set back from The Gars which runs perpendicular to the lane that provides vehicular access to the application site and

rear garden and garage of Top Moor Ridding Cottage as well as the property to the north of the site, Deer Park View. The lane, which is bounded on both sides by stone buildings or walls, is approximately 43 metres long and on site measurements indicate that the lane is 2.85 metres at the widest point and 2.42 metres wide at its narrowest which is one particular point between Top Moor Ridding Cottage and the garage which fronts The Gars. As well as providing vehicular access to two properties the lane is also a Public Right of Way (PRoW) and allows access to the fields and countryside to the north of the village.

- 1.4 The northern edge of the application site forms part of the boundary to the Wray Conservation Area and the Countryside Area as designated by the Lancaster District Local Plan proposals map lies to the north. The village is also within the Forest of Bowland Area of Outstanding Natural Beauty. Wray is also identified in the Lancaster District Core Strategy as one of the eight key villages which have the five basic services.

## **2.0 The Proposal**

- 2.1 The application proposes the erection of a modest, three bedroomed, detached dwelling within the plot following the demolition of the three outbuildings. External materials will be slate roof and a mix of natural local stone and rough cast render. The layout of the property will comprise three bedrooms, bathroom and toilet facilities at ground floor with living, kitchen and dining areas in the first floor roof space. Timber windows and doors are also proposed. The dwelling will be 12.5 metres long x 6.6 metres wide, 2.1 metres to eaves and 6 metres to the pitched roof.
- 2.2 The pitched roof will run west to east with the main windows of the first floor facing the field to the west of the plot. The window of the eastern elevation will be significantly smaller. Three rooflights are proposed for both roof planes. A key feature of the design is the insertion of elongated windows at ground floor which reflect the style of traditional barn openings.
- 2.3 Importantly this application differs from the previous refusal in respect of vehicular arrangements. Access to the site will be via the lane with car parking for the new dwelling being incorporated into the applicants existing garage which will split. The access to the rear of Top Moor Ridding Cottage will be walled up in order to prevent vehicles entering the site. A turning area will be provided within the site and new parking provision for Top Moor Ridding Cottage will be located within the Carriage House.
- 2.4 Adequate amenity space is proposed around the property and details of landscaping and surfacing will be conditioned. The existing stone wall on the east of the site will be lowered to a height of 750mm and a new opening will be created in the rear of garage of Top Moor Ridding Cottage. The remaining boundary treatment around the site will be a 1.8 metre natural stone wall.

## **3.0 Site History**

- 3.1 There are two relevant planning applications and one appeal relating to this site.

Application Number	Proposal	Decision
07/00980/FUL	Erection of a detached bungalow	Refused
08/01357/FUL	Erection of a detached bungalow	Refused
09/00011/REF	Erection of a detached bungalow	Dismissed

## **4.0 Consultation Responses**

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

Statutory Consultee	Response
County Highways	No objections - The current scheme appears to address the previous Highway refusal reasons. Although the use of the Carriage House as a garage would result in regular reversing movements to and from The Gars, it is also acknowledged that this building could be used for such purposes at any time without the need for planning permission.

<b>Environmental Health</b>	No objections subject to the addition of an 'hours of construction' condition and a condition for a preliminary risk assessment regarding soil contamination.
<b>Parish Council</b>	No comments received
<b>Ramblers Association</b>	No comments received
<b>Conservation</b>	No objections subject to the conditioning of details and materials
<b>Forward Planning Team</b>	No objection - the Housing Needs Survey identifies an under supply of 3 bedroom houses in rural areas, and Wray is one of the key villages with the five key services identified in the Core Strategy.

## **5.0 Neighbour Representations**

5.1 There have been a total of 27 objections and concerns received from members of the public. Ten of these representations came from the occupant of one residential property. At the time of compiling this report that person was the only resident of the village to submit objections. Six items of objection were submitted from a resident of Singapore. The reasons for opposition:

- The narrow and unlit lane puts public safety at risk when using the public footpath.
- The single track road would not be able to accommodate an increase use of vehicles without posing danger to pedestrians and highway safety
- Application does not seek to assist the increasing problems of the lane and the lack of visibility at The Gars when exiting.
- The development may affect the amenity of the area especially being in an Area of Outstanding Natural Beauty.
- Issues of change of use. The carriage house serves the use of a wood shed and farmers barn with two different owners, not that of a garage.
- Emergency vehicles will be unable to access The Gars with the proposed additional parking.
- Planning Policy Guidance 13 Transport (PPG13) emphasises that the public should be able to travel in a safe manner. The narrow and unlit lane along with the increase of vehicles does not comply with this.
- The development will result in "many more people" using the lane.
- The applicant has created an opening in the wall between the public footpath and the site. without planning permission.
- The applicant does not own the whole of the Carriage House as indicated on the submitted plan.

5.2 In addition, 2 letters of support have been received. Comments that support the development are:

- The lane and exit/ entrance of the lane is not unusual in the area due to the age and rural aspects of the village.
- The nature of the lane is self regulating in relation to speed.
- The development is on a small scale and could not generate a large amount of traffic that would be noticeable or pose danger on the public.
- There has been no previous traffic incident in the area.

5.3 The applicant has also submitted comments in response to the objections which have been raised:

- Only one of the objectors' lives in Wray and the applicant feels that the volume of other negative comments has been generated by this one person.
- There have been no objections from the Parish Council or other residents of the village.

## **6.0 Principal Development Plan Policies**

6.1 Lancaster District Core Strategy (LDCS):

Policy SC1 (Sustainable Development) - seeks to ensure new development proposals are sustainable in terms of both location and design. This policy, albeit a generic overriding policy, states that the proposed use would be compatible with the character of the surrounding landscape and accessible to public transport, education and community facilities.

Policy SC3 (Rural Communities) - seeks to build healthy sustainable communities by empowering rural communities to develop local vision and identity, identify and need local needs and manage change in the rural economy and landscape. Development should protect, conserve and enhance rural landscapes and the distinctive characteristics of rural settlements. This Policy also identifies eight key villages which have the five basic services which are considered necessary to sustain new residential development.

Policy SC5 (Achieving Quality in Design) - seeks to ensure that new development contributes to the positive characteristics of its surroundings and the quality of life of the District by improving the quality of development and promoting good urban design. This policy supports regional and national agendas for raising the profile of good design in spatial planning.

Policy ER7 (Renewable Energy) - seeks to promote and ensure the integration of renewable energy within new development, subject to acceptable impacts on townscape, landscape and residential amenity.

Policy E1 (Environmental Capital) – its purpose to improve the District’s environment by protecting and enhancing nature conservation sites and landscapes of national importance, Listed buildings, conservation areas and archaeological sites.

Policy E2 (Transportation Measures) – development should be focused in sustainable locations and should improve walking and cycle networks.

## 6.2 Saved policies of the Lancaster District Local Plan (LDLP):

Policy E3 (Development affecting Areas of Outstanding Natural Beauty) - this policy seeks to ensure that development within the AONB is appropriate in terms of scale and materials.

Policy E35 (Conservation Areas and their Surroundings) - this policy states that development proposals which would adversely affect important views into and across a conservation area or lead to unacceptable erosion of its historic form and layout, open space and townscape setting will not be permitted.

## 6.3 National Planning Statements

In addition to the above local planning policies the following National Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) Notes are relevant:

PPS1 (Sustainable Development) - sets out the overarching planning policies on the delivery of sustainable development, advocating high quality design, accessibility to services and facilities, reducing the need to travel, inclusiveness, efficient use of land and improvements and enhancing biodiversity and landscape character.

PPS3 (Housing) - illustrates the need for good quality residential development in sustainable locations which have good access to a range of services and facilities. The use of previously developed (brownfield) land is an explicit objective, as is the delivery of different types of affordable housing to meet local housing needs.

PPS5 (Planning for the Historic Environment) - outlines the Government’s overarching aim for the conservation and enjoyment of the historic environment and its heritage and states that in considering the impact of a proposal on any heritage asset, (e.g. conservation area) local planning authorities should take into account the particular nature of the of the heritage asset.

PPS7 (Development in Rural Areas) – acknowledges that many villages are of considerable historic and architectural value and highlights the need to ensure that development respects these policies. Planning authorities should take a positive approach to high quality designs that are sensitive to their immediate setting.

PPG13 (Transport) - encourages sustainable travel, ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

## **7.0 Comment and Analysis**

### **7.1 Background**

This application is a resubmission of a similar scheme which was refused solely on Highway grounds. This refusal was subsequently upheld by an Appeal Inspector. In his statement the Inspector stated:

*“The development would not harm the character or appearance, and thereby the objective of preserving or enhancing the Conservation Area would be met. Any overlooking of neighbours to the north could be overcome by obscure glazing the roof-lights. I do not consider that the activities and traffic arising from the proposed dwelling would cause unacceptable noise or disturbance to neighbours”.*

Although the Inspector considered the scheme acceptable in all other respects he ultimately ruled that the development would be detrimental to highway safety because of the potential for increased traffic in the lane arising from a third dwelling. The current scheme aims to address the previous highway safety concerns.

The other key issue for consideration is the principal of the development in relation to the PPS 3 which was revised in June 2010.

### **7.2 Highways**

The Gars is narrow with on-street parking serving a number of dwellings and due to the nature of the road, traffic levels and speeds are low. In his statement the Inspector acknowledged that the PRoW was used, albeit not heavily. This has been confirmed by the Case Officer who visited the site on five separate occasions and it was evident that the lane was not used by members of the public on either of these occasions. The plans propose to remove vehicular access to Top Moor Ridding Cottage via the lane. Consequently there will be no net change in the number of dwellings that the lane provides vehicular access to as a result of the development. Adequate off street parking for Top Moor Ridding Cottage can therefore be provided in the Carriage House.

7.3 Since this application was last brought before Members a letter has been received which raises issues regarding the ownership of the Carriage House. It is the applicant's responsibility to ensure that they have ownership of the site. Furthermore it would be a condition of approval that the new development could not be occupied until the Carriage House was brought into use providing off street parking for Top Moor Ridding Cottage. Nevertheless this issue was brought to the attention of the agent and it appears that the applicant does not in fact own the whole of the Carriage House as shown on the original submitted plans. This was an error on behalf of the plan drawer and subsequently an amended blue edge has been received showing only the front portion of the building as being in the ownership of the applicant. There still appears to be inaccuracies relating to the applicant's drawings relating to the red and blue-edged plans and these matters are the subject of continued discussion between the local planning authority and the applicant's agents. The matter will be verbally updated at the meeting.

7.4 A number of objectors have raised highway safety issues. The fact that the applicant has already created an opening in the wall between the lane and the application site has been highlighted in a number of submitted comments. However planning permission would not be required for this type of work and the applicant is within his rights to create an access within his boundary wall. The lane is narrow and PPG13 places emphasis on people being able to travel safely whatever their chosen mode of transport and emphasises that people should come before traffic. However in light of this revised scheme County Highways have raised no objections, subject to a condition which ensures that prior to the occupation of the new dwelling the existing vehicular access at the rear of Top Moor Ridding Cottage is stopped up to vehicular traffic by construction of the wall indicated on the submitted plans.

### **7.5 PPS3 – Housing**

The revisions to PPS3 means that private residential gardens are no longer classed as brownfield land and therefore the principle of development being acceptable is no longer automatic. However

the site is within the village boundary and considered appropriate for infill development and in a suitable location within Wray which is one of the eight key villages in which residential development in the rural area will be focussed. An adequate size garden area will be retained by Top Moor Ridding Cottage and the scheme is not considered to be an attempt at “garden grabbing”. The plot is well integrated and the development will compliment neighbouring buildings and the local area in terms of scale, density, layout and access. In this regard, the proposal is not out of keeping with the street scene and the principle of development can be accepted.

## 7.6 Design

The property has been designed in order to maintain a relatively low roofline and the use of traditional materials and window designs are considered appropriate in this rural village setting. Nevertheless the development will not be highly visible within the village and will not impact unduly on the surrounding Conservation Area (heritage asset) and the scheme therefore accords with the principles of PPS5.

7.7 It is considered appropriate to condition the windows of the northern roof plane to be obscure glazed and none opening to preserve the residential amenity of the occupiers of Deer Park View. Other windows of the development are not considered to raise issues of overlooking. The development will be fairly centrally located within the plot and adequate amenity space will be provided which will be comparable to many other private gardens with Wray. The main amenity space will be 8.5 metres by 4.5 metres with an additional smaller area to the north of the property. In addition a vehicular turning area will be provided within the site which allows access to the garage and the proposal accords with the principles of SPG12.

## 7.8 Sustainability

As a new build the property will be subject to the current legislative requirements regarding insulation and energy use. From a planning point of view the scheme will be conditioned to be constructed to meet at least the standards set out in Code 3 for sustainable homes and a scheme to be submitted which incorporates on-site renewable energy measures to provide at least 10% of the predicted energy requirements arising from the development. Furthermore the site is within a village location within close proximity to local shops and services.

## **8.0 Planning Obligations**

8.1 There are no planning obligations to consider.

## **9.0 Conclusions**

9.1 The scheme is considered appropriate in terms of design, siting and scale and will improve what is currently an untidy site within the Conservation Area. The proposed residential dwelling and its associated use will not cause unacceptable noise or disturbance to neighbours. The development will not impact unduly on the surrounding conservation area of surrounding AONB.

9.2 It is acknowledged that the proposal has generated numerous objections, primarily on highways grounds relating to the use of the lane by pedestrians and the potential for accidents arising from vehicular movements to and from the site. However the lane currently provides vehicular access to two properties and this situation will remain unchanged as a result of the scheme and therefore the previous highway refusal reason has now been removed. Members are therefore advised that the submitted scheme eliminates the issues of highway concern, and as such this application can be viewed favourably.

## **Recommendation**

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

1. Standard time limit
2. Development in accordance with plans
3. Samples of external materials
4. Details of the:

- surfacing materials
  - eaves verge and ridge
  - the coursing and jointing
  - windows, including heads and cills
  - rooflights
  - doors, including garage doors
  - all boundary treatments
5. Obscure glazing to northern roof plane
  6. Landscaping scheme
  7. No occupation until vehicular turning space provided
  8. No occupation until car parking provision within garage is provided
  9. Provision of garage for Top Moor Ridding Cottage
  10. Garage use condition
  11. Details of foul and surface water drainage
  12. Existing vehicular access to the garage and garden area at the rear of Top Moor Ridding Cottage shall be stopped up to vehicular traffic
  13. At least scheme for 10% on-site renewable energy
  14. At least Code 3 for Sustainable Homes
  15. Preliminary risk assessment regarding soil contamination
  16. Unforeseen soil contamination
  17. Removal of permitted development rights
  18. Site management plan for the site clearance and construction phases

### **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**

None.