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| <b>Agenda Item</b><br>A16   | <b>Committee Date</b><br>20 September 2010 | <b>Application Number</b><br>10/00541/FUL      |
| <b>Application Site</b><br>Land At Rear Of 85-91<br>North Road<br>Carnforth<br>Lancashire |  | <b>Proposal</b><br>Erection of a new dwelling  |
| <b>Name of Applicant</b><br>Mr D Barnes   |  | <b>Name of Agent</b><br>Mr Allan Lloyd-Haydock |
| <b>Decision Target Date</b><br>22 September 2010  |  | <b>Reason For Delay</b><br>None.               |
| <b>Case Officer</b>   |  | Mr Andrew Holden                               |
| <b>Departure</b>  |  | No   |
| <b>Summary of Recommendation</b>  |  | Approval                                       |

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

1.1 This is a backland site on the west side of North Road, behind a row of cottages. It was at one time used for the storage of vehicles awaiting repair but these have been removed. Access to it is by means of a driveway at the side of 91 North Road.

The surrounding area is residential, but it is within easy walking distance of the town centre and bus and train services.

### **2.0 The Proposal**

2.1 The current application is seeking consent to erect a detached four-bedded dwelling with an integral single garage. The footprint and external appearance of the building replicates those of the earlier scheme approved under 06/00134/REM. The internal floor plan of the first floor has been reconfigured to provide three single bedrooms and a double with en-suite rather than the original arrangement which provided two double bedrooms and a single.

The building is two storeys but has been designed to keep the upper floor wall height down. Externally the walls are to be constructed of natural stone to the ground floor, render to the upper floor all under a natural slate roof.

### **3.0 Site History**

3.1 This application is the latest in a long series of proposals involving the site. The previous owner obtained outline consent for a dwelling was in 2000. This was renewed in 2003. The first reserved matters application was refused consent, but a subsequent amended version was approved in 2006 under consent 06/00134/REM.

Since then four different versions involving a larger house, have been refused consent. Two of

these refusals have been the subject of appeals, and both have been dismissed.

| Application Number | Proposal  | Decision                        |
|--------------------|---|---------------------------------|
| 80/00188           | Erection of a detached bungalow   | Refused 1980                    |
| 81/00746           | o/a for the erection of a hall of worship                                     | Refused 1981                    |
| 83/01250           | Use of land for the storing of private motor vehicles awaiting repair         | Approved 1984                   |
| 85/00435           | Renewal of parking cars awaiting repair                                       | Approved 1985                   |
| 00/00471/OUT       | O/A for the erection of one dwelling house                                    | Approved 2000                   |
| 03/00803/OUT       | Renewal of O/A for the erection of one dwelling house                         | Approved 2003                   |
| 06/00134/REM       | Reserved Matters for the erection of a detached dwelling with integral garage | Refused 2006                    |
| 06/00536/REM       | Reserved Matters for the erection of a detached dwelling                      | Approved Aug 2006               |
| 07/00208/FUL       | Erection of a dwelling  | Refused 2007 – Appeal dismissed |
| 07/01030/FUL       | Erection of a dwelling  | Refused 2007 – Appeal dismissed |
| 08/00345/FUL       | Erection of a dwelling  | Refused 2008                    |
| 09/00060/FUL       | Erection of a dwelling  | Refused 2009                    |

#### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

| Statutory Consultee           | Response   |
|-------------------------------|--|
| <b>Environmental Health</b>   | No objections in principle subject to hours of construction and unexpected contamination conditions. |
| <b>Carnforth Town Council</b> | No observations received.  |

#### **5.0 Neighbour Representations**

5.1 No observations received.

#### **6.0 Principal Development Plan Policies**

6.1 Policy SC1 of the Lancaster Core Strategy stresses the importance of locating new development in places where it is convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation and leisure and community facilities, and use land which has previously been developed.

Policy SC2 requires that 90% of all new dwellings within the District should be accommodated within the existing urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Lancaster District Local Plan "saved" Policy H19 requires that new housing in Lancaster, Morecambe, Heysham and Carnforth should:

- Not result in the loss of green space or other important local space;
- Provide a high standard of amenity;
- Make adequate provision for the disposal of sewage and waste water; and, Make satisfactory arrangements for access, servicing, cycle and car parking.

#### **7.0 Comment and Analysis**

7.1 The current application has been submitted following complaints from local residents and ward councillors that works were being undertaken on site without the benefit of planning consent. Following discussions with the site owner and current applicant it was determined that the original

consent, 06/00134/REM had elapsed and that no valid consent related to the site.

At this stage works had progressed on site to construct the foundations of the site implement gas protection measures and cast the floor slab of the building. Works ceased following intervention and no further works have been undertaken at the site.

- 7.2 As indicated earlier in the report the site has been the subject of a number of revised schemes all of which sought to develop a large building on this constrained site. The applicant has moved away from the position of seeking to develop a larger property and has constructed the foundation/floor slab on the basis of the earlier approval. This consent developed a 3 bed property but with a practical subdivision of a second double bedroom an additional bedroom has been create without the need to change the external envelope of the building , including the introduction of additional windows. A large gable window to the southern elevation has been subdivided with a central mullion behind which a wall is constructed to subdivide the room.
- 7.3 As overlooking and outlook were the main issues relating to all the previous applications this arrangement to gain an additional bedroom is considered appropriate.
- 7.4 The site had been previously used for the storage of damaged vehicles awaiting repair and as a consequence a condition had been attached to the earlier consent for the implementation of a contaminated land study. This has been undertaken as part of the negotiations with the local planning authority before the current application had been submitted. No issues arose from the study but gas measures have been put in place as a precautionary approach to any possible contamination and also for radon gas protection which is common to this general area. Some additional excavation works are required for the construction of the drainage system and as a consequence an 'unexpected contamination' condition has been suggested by the Contaminated land officer.
- 7.5 The planning policy position in relation to the development of this brownfield site has not changed significantly since the original approval and the proposal raises not significant new issues. However, in recognition of the 'Merton rule' and the need to minimise energy use, the applicant has indicated that the house will introduce energy generation in the form of either photovoltaic tiles of solar panels on the south facing roof slope. The precise details of which will need to be conditioned along with a demand that the house is constructed to a minimum code 3 for sustainable homes.
- 7.6 It is considered that development of a detached dwelling in the form proposed accords with current planning policy and is appropriate to this location. Planning conditions will need to be attached to clarify the external materials, the built form of the development along with conditions to control construction hours and any future development of the dwelling.

## **8.0 Planning Obligations**

8.1 None

## **9.0 Conclusions**

9.1 It is considered that development of a detached dwelling in the form proposed accords with current planning policy and is appropriate to this location. Planning conditions will need to be attached to clarify the external materials and the built form of the development along with conditions to control its future occupation.

## **Recommendation**

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

1. Development to be built in accordance
2. Amended elevations – windows
3. GDO tolerances removed
4. Boundary treatments to be agreed
5. Separate system of drainage
6. Turning area to be provided and maintained
7. Unexpected contamination

8. Samples of external materials
9. Hours of construction 8am to 6pm Monday to Friday and 8am to
10. Garage to be maintained for the parking of a vehicle
11. Details of the means of the 10% energy generation to be agreed
12. Dwelling to be built to a minimum of Code 3 for Sustainable Homes standards

### **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.