

DECISION DATE	APPLICATION NO. 05/00375/FUL A 9	PLANNING COMMITTEE: 27 June 2005
DEVELOPMENT PROPOSED ERECTION OF ONE DWELLING ON LAND TO REAR		SITE ADDRESS 39 LINDETH ROAD, SILVERDALE, LA5 0TX.
APPLICANT: B. Lisle and S. M. Murray C/o Agent		AGENT: J Cowpe (Consulting) Ltd.

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Silverdale Parish Council - Object to the proposal, on the grounds that the development is out of scale and will not fit comfortably on to the site, and that the building will not make a positive contribution to the character of the AONB. The existing septic tank serving no. 39 will have to be replaced to make way for the new dwelling. The new bungalow will be an obtrusive factor when seen from the access road along the northern boundary and from the nearby public footpath. It should be set further away from the northern site boundary.

LAND USE ALLOCATION/DEPARTURE

Arnside/Silverdale Area of Outstanding Natural Beauty.

STATUTORY CONSULTATIONS

County Council Planning - Consider that the application is contrary to policies 12, 20 and 21 of the adopted Joint Lancashire Structure Plan.

Policy 12 of the JLSP deals with housing. The district had completed 1,560 dwellings from 1 April 2001 to 31 March 2004 and 1,981 dwellings were under construction or have the benefit of planning permission. Based on this figure the existing housing supply is adequate and although the proposal is for only one dwelling, they are concerned about the cumulative effect of such proposals.

Policy 21 of the JLSP aims to protect the district's natural and manmade heritage, therefore impacts on the adjoining Woodwell Biological Heritage site should be avoided. If development is approved mitigation measures will be needed.

Policy 20 deals with landscape issues. The site is within the Arnside/Silverdale AONB where priority is given to the conservation and enhancement of landscape character. The character of the building is appropriate provided that appropriate materials are used but the timber board fencing proposed is not. A further letter from the County Council's Ecology Section draws attention to the possible impact of the development on the adjoining Biological Heritage Site and asks for protection and mitigation measures (a copy has been referred to the applicant's agent for his comments).

County Council Highways - No objections.

Environment Agency - A high grade sewage treatment plant with an ultraviolet filter will be required to serve the development, to prevent groundwater pollution. Consent will be required for any discharge from it.

United Utilities - Water mains may need extending to serve the site. The site adjoins existing electricity apparatus and care will be needed when working close to it.

English Nature - The footprint of the proposal would not affect the nearby protected limestone pavement. They have no objections provided that appropriate landscaping is carried out as part of the development.

Arnside/Silverdale AONB office - the following issues need to be considered:-

- The impact of a single dwelling may be limited, but it is necessary to consider the impact of incremental change on the landscape of the AONB.
- The size of the dwelling seems excessive in relation to the application site.
- The proposed high roofline is likely to be visually intrusive on a site which is on the edge of the settlement.
- Damage would be done to small areas of limestone pavement.
- Advice from central government indicates that housing supply should not be increased in the area.

Consequently they consider that the application should not be approved.

OTHER OBSERVATIONS RECEIVED

Three letters of objection have been received from neighbours, on the following grounds:-

- Loss of an attractive garden area at the rear of the present bungalow at no.39.
- Impact on views from the footpath from the village to Wood Well.
- The building is too large for the site.
- The proposal will involve the removal of trees from the site.

One of the objections comes from a neighbour who is an architect. He has submitted a drawing indicating how he considers the design of the dwelling could be improved.

The applicant's agent has circulated a short statement to Members indicating why he considers that planning permission should be granted.

Any further representations received will be reported orally at Committee.

REPORT

This application was considered by your Committee at its last meeting. A decision was deferred, to allow Members an opportunity to visit the site.

A copy of the previous report setting out the issues involved is attached. As before, Members are recommended to grant consent subject to conditions including one removing the "permitted development" rights for future extensions, and another requiring measures to protect the nearby area of limestone pavement while construction work is in progress.

HUMAN RIGHTS ACT IMPLICATIONS

The proposal has to be considered in relation to two sections of the Human Rights Act. These are Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). Article 8 is particularly relevant here as the proposal affects the quality of life for a disabled person. Despite this the issues involved do not appear to be such as 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.

RECOMMENDATIONS

THAT PERMISSION BE GRANTED subject to conditions as follows:

1. Standard five year condition.
2. Development to be carried out in accordance with the approved plans.
3. Details of materials to be agreed.
4. Details of arrangements for foul drainage to be agreed.
5. Removal of permitted development rights - extensions.
6. Removal of permitted development rights - doors and windows.
7. Building work to take place only 08:00 - 18:00 Mondays to Saturdays, no work on Sundays or officially recognised public holidays.
8. Use of garage incidental to the dwelling house as such.
9. Measures to be taken to protect the adjoining limestone pavement from damage while construction work is in progress.

ADVICE

1. Naming/numbering of dwelling to be agreed.
2. Environment Agency requirements.