

<b>Agenda Item</b> A7	<b>Committee Date</b> 2 February 2015	<b>Application Number</b> 14/00366/OUT
<b>Application Site</b> 19 Church Grove Overton Morecambe Lancashire	<b>Proposal</b> Outline application for the demolition of an existing dwelling and erection of three detached dwellings	
<b>Name of Applicant</b> Mr James Hutton	<b>Name of Agent</b> Mr Ian Whitworth	
<b>Decision Target Date</b> 18 November 2014	<b>Reason For Delay</b> Awaiting further information	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	None	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Keith Sowden for the application to be determined by the Planning Committee. The reason for the request relates to concerns regarding the suitability of the access and that the plans indicate a number of trees and a large amount of hedge would be lost, having an adverse effect on the landscape.

**1.0 The Site and its Surroundings**

1.1 The site is located on the south-eastern edge of the village of Overton. It is accessed off Church Grove, which is privately maintained where it passes the site. The site comprises a detached dormer bungalow, a large detached outbuilding and a long linear garden to the north west of the dwelling. There are hedgerows along the north east and south west boundaries and groups of trees along the north west boundary. The site has a narrow frontage with the highway as the dwelling is located adjacent to a 90 degree bend in the road. To the south east is a detached bungalow, no. 21, the rear boundary of which is in line with the north east boundary of the application site. To the west is a detached bungalow, no. 17, which appears to have the same length of garden as no. 19, however it is understood that the rear part of this is owned by a neighbouring property. To the north east and north west of the site are fields.

1.2 The site is located within the Countryside Area, as set out on the Local Plan Proposals Map. Approximately 170 metres to the south east is the Lune Estuary Site of Special Scientific Interest (SSSI), which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. There is a disused quarry approximately 80 metres to the south east of the site which contains ponds. Approximately 60 metres to the south west of the site is St Helen's Church which is Grade II\* Listed.

**2.0 The Proposal**

2.1 Outline planning permission is sought for the demolition of the dwelling and other buildings on the site and the erection of three detached dwellings. All matters are reserved.

### **3.0 Site History**

3.1 The planning history is detailed below.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>03/01132/FUL</b>	Erection of railings and fence on existing flat roof	Approved

### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Parish Council</b>	Object. Would cause an increase in traffic in Chapel Lane and Church Grove and would be detrimental to road safety. Chapel Lane has hazardous bends and sections where there are no pedestrian footways and Church Grove is unmade and narrow.
<b>County Highways</b>	No objection - subject to conditions requiring: provisions to enable vehicles to enter and leave the highway in a forward gear; the developer to make good any damage to Church grove caused during construction; and submission of a construction method statement.
<b>Environmental Health</b>	Recommend rejection as no Desk Study in relation to Contaminated Land has been submitted. Request hours of construction condition.
<b>Tree Protection Officer</b>	No objection - Following confirmation of the retention of the hedgerow along north west boundary, no objection subject to conditions requiring: Tree Protection Plan; no tree within the site or on any immediately adjacent property or land to be cut-down, up-rooted, topped, lopped or destroyed: Landscaping scheme; Tree Works Schedule and Arboricultural Method Statement.
<b>Conservation</b>	No objection - The area around the church has been developed and the proposed location for the three dwellings will be part of the existing surrounding development. Therefore it is considered that development in this location will not adversely alter the setting of the church.
<b>Lancashire Fire and Rescue</b>	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.
<b>Natural England</b>	The proposal is not directly connected with or necessary to the management of the designated sites. Therefore, in order for the Authority to proceed through the Habitats Regulations Assessment process, the following information is required: <ul style="list-style-type: none"><li>• Full details of the drainage proposed for the dwellings – both surface water and foul drainage to ensure that no contaminated water enters the designated site.</li><li>• Details of the mitigation that will be implemented during construction to ensure no polluting run off enters the designated site</li></ul>

### **5.0 Neighbour Representations**

5.1 17 items of correspondence from have been received which raise the following concerns:

- Access is via an unsuitable, narrow, unmade road with no footways or passing places
- Impact on highway safety for vehicles and pedestrians
- Maintenance of private road
- Access for emergency vehicles
- Loss of privacy and daylight
- Loss of views
- Two storey dwellings are out of character with the area - majority of properties in the locality are bungalows/dormer bungalows
- Limited services available in the village
- Impact on and loss of hedgerows
- Surface water drainage
- Capacity of sewerage system and other services
- Noise and vehicle movements during construction

- Overdevelopment
- Harmful Impact to setting of the Listed Church
- Better alternative sites within the village
- Impact on wildlife

## **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  
 Paragraph 53 – Development of Residential Gardens  
 Paragraphs 56, 58 and 60 – Requiring Good Design  
 Paragraph 118 – Conserving and Enhancing Biodiversity

### **6.2 Lancaster District Core Strategy (adopted July 2008)**

SC1 – Sustainable Development

### **6.3 Lancaster District Local Plan - saved policies (adopted 2004)**

E4 – Countryside Area

### **6.4 Development Management Development Plan Document**

DM20 – Enhancing Accessibility and Transport Linkages  
 DM22 – Vehicle Parking Provision  
 DM27 – Protection and Enhancement of Biodiversity  
 DM28 – Development and Landscape Impact  
 DM29 – Protection of Trees, Hedgerows and Woodland  
 DM32 – The Setting of Designated Heritage Assets  
 DM35 – Key Design Principles  
 DM41 – New Residential dwellings  
 DM42 – Managing Rural Housing Growth

### **6.5 Other Material Considerations**

Supplementary Planning Guidance 12 – Residential Design Code

## **7.0 Comment and Analysis**

### **7.1 The main issues to be considered in the determination of this application are:**

- Principle of development
- Impact on residential amenity
- Access and highway impacts
- Impact on trees and hedgerows
- Ecological Impacts
- Contaminated land

### **7.2 Principle of development**

**7.2.1** Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport between the site and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits. Overton is listed as one of the settlements where new housing will be supported.

7.2.2 Overton has a primary school, pub, park, hall, church and is on a bus route. As such, it is considered to be a sustainable location where small-scale residential development would be supported. Although located on the edge of the village, the site is relatively well-related to the existing built-up development and will be fully contained within an existing garden area. Paragraph 53 of the NPPF sets out that planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the area. The Local Authority has no specific policy in relation to this type of the development, however policies do consider impacts on the character and appearance of the area and amenities of neighbouring properties. The application seeks outline consent and as such the layout, scale and design of the dwellings would be assessed at reserved matters stage. The other issues are considered below. On the basis of the above, the small scale of the proposal and the need for houses within the District, including the rural area, the development is considered to be acceptable in principle.

### 7.3 Impact on residential amenity

7.3.1 The application site consists of a detached bungalow with a long and relatively narrow rear garden. An indicative layout has been submitted to show how the buildings could be positioned. There was concern raised regarding two-storey buildings, given the surrounding development, and indicative elevations have been provided to show a lower building with dormer windows, although the precise details would be agreed at the reserved matters stage if outline consent is granted. The indicative plans show the buildings in a row with the main outlook towards each other rather than over the adjacent garden areas. 21 metres has been shown between the buildings which is considered an acceptable separation distance to prevent overlooking. Windows can be controlled in the side elevation to prevent overlooking on existing garden areas. There is only 13 metres between the nearest dwelling and the boundary with the property to the south east, no.21, however it is unlikely that there will be any impact on privacy to the dwelling. It may be with this plot that upper floor windows need to more sensitively considered. However, it is considered that three dwellings could be adequately sited on the plot without having a detrimental impact on residential amenity.

### 7.4 Access and highway impacts

7.4.1 Many concerns have been raised in relation to the suitability of the road network to serve the increase in vehicle movement associated with the development, during and post construction. The property is accessed via a narrow unmade track, which is privately maintained and serves a number of other properties. The development would result in a net gain of two dwellings, as the existing one is proposed to be demolished. County Highways has confirmed that, having visited the site, it is not considered that the access is unacceptable to serve the additional development. The road is narrow and un-made however these features provide ideal traffic calming features which would serve to maintain low vehicle speeds. This coupled with the fact that it is a cul-de-sac which would be frequented by local residential traffic and that there have been no recorded injury accidents in the last 5 years would suggest that an objection on highway safety grounds would be unsustainable if taken to appeal.

7.4.2 The highways response acknowledges that the proposal would lead to the access road being used by construction traffic, which would be detrimental to the integrity of the carriageway surface and lead to further deterioration. It has therefore been suggested that an appropriate condition is attached, if consent is granted, requiring the applicant to make good any damage caused to the access during construction. Conditions requiring the provision of vehicles to enter and leave the highway in a forward gear and the submission of a construction method statement have also been requested. Although the application is in outline, an indicative layout plan has been submitted which demonstrates the vehicles would be able to manoeuvre within the site to enable them to enter the highway in a forward gear. The construction method statement would include details of: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of dirt and dust during construction; details of working hours; and contact details of the site manager. Given the above, it is not considered that the development will have a detrimental impact on highway safety.

### 7.5 Impact on trees and hedgerows

7.5.1 There are a relatively high number of trees and hedges within the site and a Pre-development Arboriculture Report has been submitted. Collectively, trees and hedges within the site make a positive impact on the site and immediate neighbourhood. Boundary hedges and trees provide important greening, wildlife benefits and also screening between neighbouring properties. With the exception of 3 trees, trees and hedges within the site are in a good overall condition with medium to long term periods of useful remaining life potential. 4 additional trees have been proposed for removal to accommodate the development. It has been confirmed that the hedgerows on either of the site will be retained as part of the development. The distance between the dwellings and the boundary hedge to the adjacent field would need to be increased slightly from that shown on the indicative layout in order for the hedgerow to be adequately protected. There is sufficient space on the site for this to be achieved and the precise siting of the dwellings would be agreed at the reserved matters stage. The proposal is therefore considered to not have a significant detrimental impact on hedgerows and trees within the site, providing that they are afforded adequate protection during construction. Additional planting will also be required in order to compensate for the trees to be removed.

## 7.6 Ecological Implications

7.6.1 The Lune Estuary SSSI is located approximately 170 metres to the south east of the site. This is also designations listed in paragraph 1.2 of this report. These are European designations afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Natural England have advised that the proposal is not directly connected with or necessary to the management of the designated sites. Therefore, in order for the Authority to proceed through the Habitats Regulations Assessment process, the following information is required:

- Full details of the drainage proposed for the dwellings – both surface water and foul drainage to ensure that no contaminated water enters the designated site.
- Details of the mitigation that will be implemented during construction to ensure no polluting run off enters the designated site

7.6.2 Further information has now been received with regards to drainage and mitigation during construction. Foul drainage will be through the existing mains sewer network which is available at the site. Surface water drainage will be dealt with through soakaways in the gardens. There is sufficient space within the site for this to be achieved and precise details can be requested by way of condition as this is an outline application. During construction, site drainage, including surface runoff, will be discharged to sewers, after any required treatment, and relevant permissions will be obtained from the statutory undertaker. Site drainage will meet the effluent standards required by the sewerage undertaker or Environment Agency (EA) as appropriate, and holding or settling tanks, separators and other measures will be provided as may be required. Protection measures to control the risk of pollution to surface water will be adopted and will include, where appropriate and reasonably practicable:

- Any containers of contaminating substances on site will be leakproof and kept in a safe and secure building or compound;
- All refuelling, oiling and greasing will take place above drip trays or on an impermeable surface;
- Only construction equipment and vehicles free of all oil/fuel leaks will be permitted on site. Drip trays will be placed below static mechanical plant;
- All wash down of vehicles and equipment will take place in designated areas and washwater will be prevented from passing untreated into watercourses.

7.6.3 The site is not within Flood Zone 2 or 3, there are no drains or channels linking the application site to the designated areas and there is existing intervening residential development to the south. There is also an existing residential property on the site. From the information provided, it is considered that the foul and surface water can adequately be dealt with within the site, and the mitigation measures proposed are sufficient to prevent runoff into the designated areas. As such, it is not considered that there will be a likely significant effect on the ecologically designated sites.

7.6.4 The proposal involves the demolition of a bungalow. There are mature hedgerows bounding the site and it is in close proximity to ponds associated with former quarry, in addition to the designated areas. As such, there is potential for the proposal to impact on protected species, in particular bats

and newts, and as such an ecology survey has been requested.

- 7.6.5 Both the dwelling and the garden buildings were inspected internally and externally for evidence of bats. No evidence of bats or bat activity was found and as such the report concludes that there is no reasonably foreseeable likelihood that bats could be roosting in any of the areas that will be affected by the works. In addition none of the trees on the site were found to have potential for bats. The Phase 1 survey indicates that the hedgerows along the site could provide habitat for bat foraging and commuting. These habitats are to be retained within the development and therefore it is considered that the development will have very limited impact upon bat foraging or commuting. Some precautionary mitigation has been proposed in relation to bats to ensure that they are not harmed during works.
- 7.6.6 The report sets out that a few common garden species of bird were observed during the survey including Robin and House Sparrow. It is anticipated that the mature hedgerow and trees on site will provide nesting opportunities for a number of bird species. As the proposals are to retain the majority of the hedgerows, only a very marginal loss of foraging, shelter and nesting habitat is likely. The overall assessment is that for tree and hedgerow nesting species there will be a 'not significant minor impact'. Precautionary mitigation has also been proposed in relation to nesting birds.
- 7.6.7 Desk study records indicate the presence of great crested newts (GCN) within the 2km radius of the site during desk study. The known population is from a pond located approximately 1.73 km north of the site. This distance is outside the typical distance that amphibians use as their 'core' areas in terrestrial habitat and a number of roads and residential properties lie in between the site and the GCN pond location. The only pond within 500m is the former Overton Quarry which is located 150m to the south of the site. The report sets out that this quarry has a 10m sheer vertical side acting as a barrier between it and the properties at Overton. This would act as a significant barrier to any amphibian movement, if they were present. However, the quarry is connected to the River Lune, which is at the mouth of the estuary at this pond. It is likely that the pond is periodically inundated with brackish water which is not suitable for breeding amphibians. The report concludes that overall, the combination of physical isolation, low pond density and poor suitability of the only nearby pond means that there is no likely impact upon any GCN.

## 7.7 Contaminated land

- 7.7.1 The Contaminated Land Officer has requested that the application is rejected as no Desk Study has been provided to assess the potential for contamination. The site comprises an existing dwelling and its associated garden. There is no evidence to suggest that the site has been subjected to levels of contamination and therefore there would be unlikely to be any risk to future occupants from contaminated land. As such it is unreasonable to request a contaminated land survey. A condition can be added, if consent is granted, to ensure that any unforeseen contamination found during the course of the development is investigated and adequately remediated.

## **8.0 Planning Obligations**

- 8.1 There are no planning obligations to consider as part of this application.

## **9.0 Conclusions**

- 9.1 The site is considered to be in a sustainable location and is of a sufficient size to accommodate three dwellings without having a significant adverse impact on the character and appearance of the area, highway safety, residential amenity and ecology. As such, it is not considered that the proposal represents inappropriate development of a residential garden. The proposal is therefore considered to be acceptable and will provide a contribution to housing within the District.

## **Recommendation**

Subject to an acceptable outcome of the ecological survey and Natural England response, Outline Planning Permission **BE GRANTED** subject to the following conditions and signing of a Unilateral Undertaking to secure a financial contribution towards affordable housing:

1. Standard outline condition – all matters reserved.
2. The details of the scale and design of the dwellings indicated on the drawings submitted shall be

regarded as illustrative only and are not approved as part of the application.

3. Prior to the start of the development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Church Grove (between St Helens Road and the development site). A similar survey shall be carried out within six months of the completion of the development , and the developer shall make good any damage to this section of Church Grove to return it to the pre-construction situation
4. Construction Method Statement
5. Details of parking and turning facilities
6. Tree Protection Plan
7. No tree within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, other than those identified within the approved application, without the prior written approval of the local planning authority and before any site activity is commenced in association with the development
8. Landscaping scheme with 10 year maintenance
9. Tree Works Schedule and Arboricultural Method Statement
10. Lighting scheme
11. Ecological mitigation set out in 6.3 and 6.4 of the submitted ecology report.
12. Surfacing materials
13. Scheme for surface water drainage
14. Finished floor levels
15. Hours of construction
16. Unforeseen soil contamination
17. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no window or door openings shall be created at upper floor level in the west elevations of the dwellings hereby approved without the express permission of the local planning authority.

### **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.

The local planning authority has proactively worked with the agent in requesting further supporting information which has now positively influenced the proposal and has secured a development that now accords with the Development Plan and the National Planning Policy Framework.

### **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