

<b>Agenda Item</b> A9	<b>Committee Date</b> 27 July 2015	<b>Application Number</b> 15/00425/FUL
<b>Application Site</b> Grasscroft Borwick Avenue Warton Carnforth	<b>Proposal</b> Erection of three dwellings with garages and associated access and landscaping	
<b>Name of Applicant</b> Mr Julian Stainton	<b>Name of Agent</b>	
<b>Decision Target Date</b> 12 June 2015	<b>Reason For Delay</b> Additional information and increase in officer caseload	
<b>Case Officer</b>	Catherine Spreckley	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to conditions	

**(i) Procedural Matter**

This form of application would normally be deal with under the Scheme of Delegation, however, the joint applicant is a member of staff within the local authority and consequently the application needs to be determined by the Planning Committee.

**1.0 The Site and its Surroundings**

- 1.1 The application site is located within the village of Warton between Borwick Avenue and Warton Bowling Club. The site within the Arnside and Silverdale Area of Outstanding Natural Beauty and Countryside Area. Warton Conservation Area boundary lies approximately 50m to the northwest of the application site beyond the bowling green running along Church Walk. Properties on the west side of Church Walk are two storey semi-detached 1930's housing and predominantly single storey bungalows to the east side of Church Walk.
- 1.2 The application site comprises a small field and to the north part of the area to the now vacant haulage yard associated with Grasscroft. The site boundaries comprise, mature privet hedgerow to the east along Borwick Avenue, a mixture of mature hedgerow, trees and fencing along the southern boundary of the residential properties on Borwick Lane, and a 1.3m high limestone wall to the western boundary with the bowling green. The northern site boundary is open as part of the yard. A mature hawthorn hedge sits slightly within the application site forming the field boundary.
- 1.3 Ground levels generally fall northeast to southwest with the land to the east of Borwick Avenue siting approximately 2.0m higher than the application site. The dwellings fronting Borwick Lane lie slightly lower than the application site, approximately 0.6m. A section across the site indicates a difference in level (Grasscroft to the north and 17 Borwick Lane to the south) of approximately 1.5m over the gentle grade.
- 1.4 The immediate area has a mix of property types, in terms of age, style and over height. Adjacent to the site to the north are Grasscroft House (two storey) and Grasscroft Bungalow owned by the former owner of the building plots. On Borwick Avenue sitting at a higher level there are two pairs of two-storey semi-detached houses built in the 1930's. There are four chalet style

bungalows adjacent to the site on Borwick Lane with a detached two storey house also on Borwick Lane at the junction with Borwick Avenue. The bungalows enjoy generous rear gardens with a depth of approximately 18m. The properties on Borwick Avenue are set well back from the road with front gardens on a similar length and a separation distance to the edge of the application site of over 25m.

## **2.0 The Proposal**

- 2.1 The application is seeking consent for the erection of three detached four bedded dwellings along with new vehicle accesses and landscaping. The submission scheme has been revised from its original form removing the development of detached double garages from plots 2 and 3 of the scheme. Plot 1 to the west end of the site maintains a detached double garage in front (north) of the dwelling alongside the boundary with the bowling green.
- 2.2 All plots provide for 4-bed houses two storeys but all of differing design but shared materials (slate roof, rendered walls and stone detailing). Plot 1 introduces a dwelling with full height gables rising to a ridge height of 8.0m, Plot 2 rises to a similar height but has a hipped roof. Plot 3 is a slightly smaller footprint and lower roof height (7.7m) again with a hipped roof. The rear garden depths are 10m or greater with only a small single storey projection into the rear garden to form a garden room on each dwelling. The plot widths all vary to reflect the shape of the site but are generous providing circulation space around each dwelling.
- 2.3 The site is accessed off Borwick Avenue, a private made up road which currently serves 5 dwellings and the now closed haulage yard associated with Grasscroft. Currently, Grasscroft and Grasscroft Bungalow are served off Church Walk to the northwest, a private unmade road. The scheme utilises the existing haulage yard access to provide a new defined driveway which will serve Plots 1 and 2 of the application and Grasscroft. Plots 1 and 2 will both have separate driveways each provided with a turning/manoeuvring area as well as car parking for at least two cars. Plot 3 to the east will again enjoy a separate access, turning and parking area but this will be developed by the removal of a section of hedgerow fronting Borwick Avenue. The construction of the dwellings will also necessitate the removal of the hawthorn hedgerow which formed the northern field boundary but which lies approximately a quarter of the way into the application site.
- 2.4 The existing junction of Borwick Avenue with Borwick Lane is unmarked and has limited sight lines. Following discussion/negotiation with the Highway Authority the sight lines have been improved by the cutting back of a third party hedgerow. Whilst beneficial to all users of the avenue, the control of the sight line lies outside of the control of the applicant. In order to aid visibility at the junction and alert users of the main Borwick Lane, the Highway Authority has sought the introduction of a simple white lining on Borwick Lane. This will alert users of the presence of the access and demarcate the junction. The applicant has agreed to fund this, the precise design will be developed by the Highway Authority and is not shown on the submission plans.
- 2.5 Drainage of the site is to be via a separated system with surface water being directed to soakaways and foul drainage into the adjacent public sewer. The sewer lies within the garden areas of the neighbouring properties fronting Borwick Lane. Agreement has already been gained from United Utilities for a connection to the public sewer with a connection brought from the garden of 17 Borwick Avenue into the site. It is understood that this connection will serve not only this application site but also the separate single dwelling consent adjacent to Grasscroft.

## **3.0 Site History**

- 3.1 The site forms part of a larger commercial site which has been used for agricultural haulage including the movement of livestock. It is understood that the current application site which is wholly agricultural is a small field which was used for stock grazing in conjunction with the commercial operation. The larger site combining both the commercial yard and the field gained consent for the erection of two large detached dwellings under 12/00218/CU.
- 3.2 The consent sought to develop a new dwelling within the commercial yard following the demolition of a workshop/storage building. A further even larger detached dwelling and separate detached double garage was to be built within the field. The current site access into the yard was to be modified to provide access to the two new dwellings as well as the original dwellings beyond (Grasscroft and

Grasscroft Bungalow).

- 3.3 The neighbouring dwelling, Grasscroft which was associated with the haulage yard has also gained consent for the expansion of its domestic curtilage under 12/00219/CU. It is understood that the original approved site has now been split and sold as two separate development site. This current application site relates only to the land used as a grazing field.

Application Number	Proposal	Decision
12/00218/CU	Change of use of land from commercial/agricultural to residential, and erection of two residential detached dwellings	Approved
12/00219/CU	Change of use of land from commercial to domestic curtilage including the demolition of commercial store and maintenance building	Approved

#### **4.0 Consultation Responses**

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

Consultee	Response
<b>County Highways</b>	<p>Commented upon the increased numbers of vehicles using the privately managed access road (Borwick Avenue). The scheme will lead to significantly more vehicle movements over the surrounding public highway network. The limitation of carriageway alignment and reduced visibility along Borwick Lane is also noted. Suggested off-site highway improvements including hedgerow management, re-surfacing of the public right of way between Borwick Lane and Borwick Close. Implementation of white lining along Borwick Lane at its junction with Borwick Avenue, highway white lining at the change of speed classification.</p> <p>Following discussion with the Highway Authority over the reasonableness of the request, the scale of the off-site works has been refined to the implementation of white lining on Borwick Lane at its junction with Borwick Avenue.</p>
<b>Environmental Health</b>	No objections in principle, suggested conditions regarding hours of construction; unexpected land contamination and advice regarding radon gas.
<b>Tree Officer</b>	The scheme will need to be supported by an updated tree report which can be addressed by conditions requiring an Arboricultural Impact Assessment; a scheme for new tree planting to be submitted and agreed; and the retention of trees/hedges other than those previously agreed in writing with Local Planning Authority
<b>Area of Outstanding Natural Beauty Officer</b>	<p>Acknowledges that the site has consent for a single dwelling and results in the loss of a Greenfield site; indicates that the site is not as sensitive in landscape or biodiversity terms, and so development would allow other more sensitive locations to be protected and ideally represents an opportunity for more intensive development, preferably for local housing needs.</p> <p>Also comments regarding boundary treatments - the use of dry-stone walls and/or hedges are advocated. Also planting of new native hedges which would help mitigate the proposed removal of the hawthorn screening hedge close to the northern boundary of the site.</p>
<b>Conservation Officer</b>	The site lies outside Warton Conservation Area adjacent to the village bowling green. More distant views of the site viewed against the conservation area needs to be considered. The use of render/stone to the walls and slate roofs is considered acceptable subject to agreement of the precise external materials.
<b>Public Realm Officer</b>	No objections – Development will lead to a loss of potential amenity space, however the space is surrounded by houses; does not have public access; there is access to other space and the proposed/current houses in the area have good size gardens.
<b>Natural England</b>	Statutory nature conservation sites - No objections. Suggest more detailed discussion with the AONB office in respect of landscape protection

<b>United Utilities</b>	No comments received within the statutory timetable
<b>Parish Council</b>	Objection to the proposal on the grounds of difficulty entering and leaving the development via Borwick Lane. They feel because of the restricted visibility road traffic accidents could result.

## **5.0 Neighbour Representations**

5.1 12 letters have been received from nearby residents, the main concerns primarily relate to:-

- Highway and traffic concerns, including increase in traffic along private Borwick Avenue to the detriment of amenity and highway safety; dangerous access to Borwick Avenue;
- Road surface matters, including need to repair road surface if approved; and resistance to white-lining (more appropriate in urban areas);
- Overdevelopment of the site within the AONB
- Warton is not considered to be a sustainable village
- Drainage and Flooding concerns, including increased run-off for ground water and the potential effect on the lower properties on Borwick Road; and capacity of the foul drainage system in Borwick Lane;
- Amenity concerns, including out-of-keeping height of the new dwelling; increase in massing from previous scheme; possible overlooking compared to previous scheme;
- A resident of Borwick Avenue does not consider access rights are available for the use of the lane to access the site. The route into Grasscroft by heavy goods vehicles is considered to be concessionary and should now fall away as the yard is not in use.

## **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  
Paragraphs 56, 58 and 60 – Requiring Good Design  
Paragraph 115 - Areas of Outstanding Natural Beauty  
Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development  
SC2 – Urban Concentration  
SC3 – Rural Communities  
SC5 – Achieving Quality in Design

6.4 Development Management DPD (adopted December 2014)

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 – Setting of Heritage Assets  
DM35 – Key Design Principles  
DM41 – New Residential dwellings  
DM42 – Managing Rural Housing Growth

6.5 Lancaster District Local Plan (Saved Policies)

E3 – Development affecting Areas of Outstanding Natural Beauty  
E4 – The Countryside Area

## **7.0 Comment and Analysis**

7.1 The main issues are:

- Principle of the development
- Impacts upon residential amenity
- Highway Impacts
- Design and materials
- Impacts upon the conservation area and wider Area of Outstanding Natural Beauty (AONB)

### **7.2 Principle**

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 E2 also emphasises that the Council will minimise the need to travel by car and Policy SC3 of the Core Strategy states that 10% of new homes will be allowed to meet local housing needs in villages, focussed in those that have five basic services. Warton is not one of the settlements identified in this policy. However, the Council is adopting a more flexible approach and allowing residential development within settlements which contain some services sufficient for them to be considered to be sustainable. This is reflected in policy DM42 of the Development Management DPD. The approach of this policy is also in line with the more flexible position taken by the NPPF as opposed to the more restrictive policy in the Core Strategy.

7.2.2 Warton has a primary school, pubs, park, church and bus stops on a main bus route. As such, it is considered to be a sustainable location where small scale residential development would be supported. The site is well related to the existing built up development with housing to the north, south and east. Warton bowling green, a further community facility lies immediately to the west. The site does suffer from a poor footway linkage to the centre of the village. However, given the small scale of the proposal and the need for houses within the District, including the rural area, the development of housing in this location is considered to be acceptable in principle.

### **7.3 Impacts upon Residential Amenity**

7.3.1 Concerns have been raised by a number of local residents over the change of the scheme from an approved single dormer bungalow to the current proposal for three detached two storey houses. Concerns relate to the increase in highway movements, scale/massing of the development and issues of privacy/overlooking.

7.3.2 In practice, each application must be considered on its own merits and planning history in itself does not necessarily prejudice the consideration of an application. In this case, it is acknowledged that the principle of developing this greenfield site for housing in the village of Warton has already been accepted in principle (12/00218/CU), but consideration will need to be given to the implications of the new scheme. The consideration of highway and design implications are covering in the following sections 7.4 to 7.6 below.

7.3.3 The properties to the south of development site enjoy good sized rear gardens approximately 18m in depth. In addition the dwellings are to be set back a minimum of 10m into the plot. The resulting separation at first floor is over 28m, well in excess of the minimum 21m adopted by the local planning authority. The ground floor separation distances are reduced with the introduction of a garden room to distance of around 24m. The boundary between the application site and the properties on Borwick Lane comprises a well-established boundary hedgerow and a number of semi-mature trees. The presence of such a boundary further limits loss of privacy/overlooking concerns.

7.3.4 Properties to the east are again set well-back from the site with a separation distance of over 30m to the gable of Plot 3. The relationship is further aided by the rising ground and the existing dwellings being sited at a significantly higher level than the application site. The mature privet along the western boundary of the site is also to be retained other than the section required to be lost for the new vehicle access into plot 3. The retention of the hedgerow can be addressed by condition.

7.3.5 The new dwelling to the north of the application site approved under 12/00218/CU will again enjoy a separation distance of over 24m and an elevation of 1.0m above the application site. In addition, the area between the dwellings is not private, encompassing the driveways to all the properties and their

respective front gardens.

7.3.6 The relationship of the new dwellings to the existing and proposed neighbouring dwellings is considered to meeting criteria set out in planning policy and not unduly detrimental to the amenity of neighbouring residential occupiers.

7.3.7 Immediately alongside the western boundary of the site and Plot 1 is the operational Warton bowling green. The bowling green is regularly used with floodlighting operating mainly at either end of the season until around 10pm in the evening. The main aspect to the dwelling in Plot 1 is front to back with only minor lounge windows facing the bowling green at ground floor and obscure glazed bathroom/en-suite to the upper floor. In addition the dwelling is set back some 5m from the boundary. The presence of a double garage at the front of the site also will help to limit impacts from the bowling green. A conditional requirement will be the agreement of boundary treatments both to the site and internally. There may be a need to consider the nature of any new boundary along this side of the site to ensure a reasonable level amenity of the new occupier is provided without detriment to either the aesthetics of the bowling green or the wider townscape.

#### 7.4 Highway Impacts

7.4.1 County Highways has not raised objection to the development but has commented upon increase in vehicle movement on the privately managed Borwick Lane as well as the limitations of the Borwick Avenue to Borwick Lane junction and the limited width of Borwick Lane - a view shared by a number of local residents and the Parish Council. As part of the consultation process, a number of highway improvements have been suggested by the Highway Authority including resurfacing of neighbouring footpath link and lowering of hedgerows to either side of the link in addition to white lining of the Borwick Avenue/Borwick Lane junction.

7.4.2 The scale and reasonableness of these works have been queried by both the applicant and the local planning authority. In concluding discussions with the Highway Authority it was confirmed that the proposed white lining at the junction of Borwick Lane with Borwick Avenue would be proportionate to the scheme. The white lining of the junction will help to define the junction form as well as alerting highway users of its presence. The applicant has confirmed acceptance to fund these works which would be addressed by way of condition to negate the need for a S278 Legal Agreement.

#### 7.5 Design and materials

7.5.1 The design of the dwellings has raised concerns with the local planning authority. The general height and massing is considered acceptable but the scheme as originally submitted, and to a lesser degree as currently presented, is not considered to be ideal. The proposal seeks to develop quite complicated building forms with hipped roof gable projections, external chimneys and smaller hipped roof single storey additions to create porches and garden rooms.

7.5.2 The resulting designs are considered to be very urban in form and not fully reflective of their general location within the Arnside and Silverdale AONB and the wider rural location. It is considered that the development of two storey dwellings in particular should be less complicated in appearance with simple forms and shapes. The resulting building need not provide any less floor area and accommodation but be provided in a simpler external envelope.

7.5.3 The applicant has been approached as part of the negotiation over the scheme with a request to revisit the scheme to simplify/improve its external appearance. Ideally, the amendments would reflect more closely the design of the approved two storey dwelling under planning consent 12/00218/CU (*slides will be shown at Committee indicating the 2012 approval*). Revised plans have been submitted which introduce additional areas of stone and simplify some of the window detailing. The gable elevation to Plot 3 facing Borwick Avenue has also been improved but the overall form of the dwellings has not changed. However, the dwellings are considered to have the use of sympathetic materials to the wider area with the use of slate roofs, render and detailing in limestone.

7.5.4 The neighbouring properties vary significantly in design, form and height. The dwellings range from two storey semi-detached houses (dashed walls under slate roofs) on the higher land to the northeast fronting Borwick Avenue to the lower more modern chalet bungalows with concrete roof tiles and white render walls facing Borwick Lane. It is considered that the proposed materials and overall height of the dwellings will sit comfortably within the wider townscape of this part of Warton.

## 7.6 Impacts upon the Conservation Area and wider Area of Outstanding Natural Beauty (AONB)

- 7.6.1 The application site is located outside but close to the southeast boundary of Warton Conservation Area. The boundary lies some 50m to the northwest of the site boundary following Church Walk. The bowling club lies between the Conservation Area and the application site. Properties along Church Walk reflect those around the application site with a mixture of semi-detached two storey houses and detached bungalows. There are current views out of the Conservation Area across the bowling club and the application site, currently an open field. This aspect will change with the introduction of three new dwellings. The new dwellings will reflect materials and broader building form of their neighbours, following the gentle slope rising south to north with the housing fronting Borwick Avenue sitting above.
- 7.6.2 Views from outside looking into the Conservation Area across the site will be predominantly restricted to the private views of the occupants of the elevated dwellings fronting Borwick Avenue. This aspect will change significantly from the current views over the open undeveloped land of the application site and to a lesser degree, given the distance, over the bowling green.
- 7.6.3 In responding to the internal consultation, both the Conservation Officer and the AONB Officer have considered the impact of the development, concluding that the development in the form proposed will not unduly effect the setting of the Conservation Area or the landscape of the wider AONB.

## 7.7 Other Matters

- 7.7.1 Access rights over Borwick Avenue – Vehicular and pedestrian rights over Borwick Avenue have been queried by a number of residents of Borwick Avenue, their understanding of the situation being that the current access rights only apply effectively on a concessionary basis and only for the use of heavy goods vehicles to service the haulage yard. The two residential properties, Grasscroft and Grasscroft Bungalow enjoy a separate access off Church Walk. The cessation of the haulage yard is considered to result in the cessation of the rights.
- 7.7.2 The issue of access rights has been raised directly with the applicant who has assured the local planning authority that such rights do exist and provided historical evidence of the contract.
- 7.7.3 Trees and Hedgerows - The development will result in the loss of a section of mature privet hedgerow to facilitate the access into Plot 3 off Borwick Avenue (Plots 1 and 2 will be served by an existing access off Borwick Avenue which then serves the individual plots). The northern boundary hedgerow will be removed to facilitate the site development. A number of semi-mature trees lie immediately along the southern boundary of the application site but within the garden areas of the dwellings on Borwick Lane. The application has been supported by an outdated tree report submitted as part of the earlier application in 2012. The Tree Officer has raised no principle objections to the scheme but would require the updating of the Arboricultural Impact Assessment to reflect the new scheme and its potential to impact remaining trees/hedgerows. It is considered that suitable conditions can address the requirements of the Tree Officer.
- 7.7.4 Contaminated Land - As part of the earlier application relating to the larger site, a full contaminated Land Assessment has been carried out and is seen to be acceptable by the Contaminated Land Officer. As this site relates to only the field element of the original planning consent the Contaminated Land Officer has raised no objections and has suggested an unforeseen contamination condition.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

- 9.1 The principle of residential development has already been established with the granting of planning consent 12/00218/CU in 2012. The current scheme differs significantly from that approved for this site, originally a single large 5-bed dormer bungalow. The development now seeks consent for three detached two storey properties. As set out above the scale, massing and spatial arrangement of the dwellings is considered acceptable and meets requirements of the development plan. At issue is the

design of the properties. As submitted, the designs were considered to be overly-complicated and not respectful of their rural location and the AONB. The applicant has expressed an unwillingness to significantly alter the design of the dwellings but has amended some of the features of the dwellings, revising windows arrangement and introducing additional limestone elements.

- 9.2 However, it has to be acknowledged that the development lies outside Warton Conservation Area and is surrounded by a mixture of residential development forms, styles and ages. On balance, whilst the scheme is one which is considered could be significantly improved, given the presence of a mixture of housing types the relationship of the development to the immediate surrounds is not considered to be unduly detrimental. Subject to appropriate conditions and controls over materials and landscaping, the application can be supported.

### **Recommendation**

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

1. Standard 3 year timescale
2. Development to be completed in accordance with the approved plans
3. Amended plans received 26 June 2015
4. Parking areas to be provide and maintained
5. Submission agreement and implementation of a detailed Arboriculture Implications Assessment
6. No tree/hedges to be felled other than those agreed
7. Landscaping/planting scheme to be submitted, agreed and implemented
8. The hedgerow boundary to Borwick Avenue shall be retained at it current height of 2.0m unless otherwise agreed
9. Details/samples of all external materials to be submitted and agreed
10. Details of all boundaries including internal plot boundaries to be agreed
11. Details of construction and finish to windows and doors
12. Details of rainwater goods, eaves and fascia
13. Implementation of off-site highway works (white-lining) to be undertaken prior to occupation of the development.
14. The use of the garage to Plot 1 shall be ancillary to the dwelling only
15. Obscure glazing to be provided and maintained to all first floor gable windows
16. GDO tolerance removed window and door openings
17. GDO tolerances removed extension
18. Hours of construction
19. Unforeseen contamination

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **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.