

Agenda Item A7	Committee Date 8 February 2016	Application Number 15/00972/FUL
Application Site Land Adjacent To 2 Rosegarth Slyne Lancaster Lancashire	Proposal Erection of two dwellings with associated access and landscaping	
Name of Applicant Mr Russell Sanderson	Name of Agent Mr Michael Harrison	
Decision Target Date 3 December 2015	Reason For Delay Committee determination following formal advertisement as a Departure	
Case Officer	Mr Andrew Holden	
Departure	Yes	
Summary of Recommendation	Approval subject to conditions	

1.0 The Site and its Surroundings

- 1.1 The application site is within a cluster of approximately 50 houses forming a broad triangle of development bounded by A6 Lancaster Road and Hest Bank Lane. The area including the properties lie within the North Lancashire Green Belt and whilst detached from the main developed area of Slyne-with-Hest which lies approximately 300m to the north, the cluster of housing is considered to part of the village.
- 1.2 The application site relates to the 'L-shaped' garden area to the west of the dwelling known as 2 Rosegarth. The land currently forms part of the domestic garden area to the property but has been used as part of the market garden run by the previous owners of the plot. The site is bounded by mature native hedgerows along the north, west and southern boundaries. The east of the application abuts the remaining garden area to the original dwelling. A large mature beech lies outside the plot on its south-eastern edge but has an extended canopy which spans into the application site.

2.0 The Proposal

- 2.1 The application is seeking consent for two detached 'true' four-bedded bungalows and attached garages complete with associated access and landscaping. The proposal will provide for three plots, including the original dwelling, all with good sized gardens. Access to the original dwelling remains unchanged with a new shared access serving the proposed dwelling being developed off the western end of the private access road. The mature boundary hedgerows forming the overall boundary of the larger plot are to be retained with new boundaries in the form of 1.8m fencing and new planting creating the boundaries between the three plots.
- 2.2 The bungalows are truly single storey with a low overall roof height under single storey walls. The external materials are to be natural stone to the bulk of the main elevation with render to the remaining under a natural slate roof. An attached garage will provide for a generous single parking space and additional storage with driveways to both properties providing additional parking for a further two cars. The private drive is laid out to ensure car turning can be provided within the site.

2.3 Internally, the layout for each dwelling provides for four bedrooms, one en-suite along with a separate bathroom and a large combined living/dining/kitchen area all over one floor.

3.0 Site History

3.1 The site has a limited planning history all relating to the redevelopment of the existing dwelling, 2 Rosegarth with a large single storey rear extension under planning consent 14/00846/FUL. These works are currently on-going.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No highway objections to development.
Environmental Health	No objections in principle, suggest conditions in relation to contaminated land, hours of construction
Tree Protection Officer	Objections to the initial submission as the proposal lack significant details including Tree Constraints Plan, Tree Protection Plan method Statement and landscaping scheme. Additional information is generally considered to be acceptable but is not supported by a tree protection plan.
Natural England	No objections in relation to Statutory nature conservation sites. Suggests addressing standing advice in respect on protected species.
United Utilities	No objections to the development which should be drained on a separate system. Suggested conditions re separated systems and need for a detailed surface water drainage design to be agreed.
Environment Agency	Any comments will be reported verbally.
Local Lead Flood Authority	Any comments will be reported verbally.
Parish Council	Objections to the proposal, it is located within the Green Belt and should be resisted as an exception, particularly given the current climate of the Green Belt review. Concerns over the use of a narrow private access and possible highway safety. Trees and hedgerows should be given protection along with a landscaping scheme to preserve natural habitat should the application be supported.

5.0 Neighbour Representations

5.1 To date 8 letters have been received in response to the consultation and site notice. All seek to object to the development of the site, the main grounds for objection include: -

- Within Green Belt – no further development should occur; Inappropriate to the open rural character; will lead to suburbanisation and erode separation of settlements;
- Development will consolidate the built frontage of Rosegarth, appearing unsympathetic an inappropriate when viewed from the private drive;
- Highway and traffic concerns, including access onto busy A6; narrow nature of the private access road and the additional two-way movements created; insufficient parking leading to parking conflict with neighbours; users of A6 and emergency services;
- Drainage is problematical and is currently subject to improvements as part of the M6 Link. Additional flows may undermine these works;
- The scheme involved the loss of old orchard trees which previously covered the part of the site area and have been removed ahead of the application submission;
- Reduction of view, overbearingness, undue massing, overlooking and loss of light;
- No need for the provision of additional new housing – there is no housing crisis;
- Loss of habitat.
- Construction of two dwellings will exacerbate the noise and disturbance associated with the existing extension development.

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 – Delivering a choice of homes
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
SC2 – Urban Concentration
SC3 – Rural Communities
SC5 – Achieving Quality in Design

6.3 Development Management DPD

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
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth

6.4 Lancaster District Local Plan (Saved Policies)

E4 – The Countryside Area

7.0 Comment and Analysis

7.1 Principle of Development

7.1.1 Development Plan policies require 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. District Core Strategy Policy SC3 seeks to focus rural development in settlements which have five basic services (GP, Primary School, Food Shop, Post Office and Bus Stop). Slyne with Hest fulfil this criteria and has been identified within the policy as a sustainable rural village. The more-up-to-date and recently adopted Development Management DPD Policy DM42 accords with the more-flexible NPPF by identifying a greater number of settlements which contain some services sufficient for them to be considered to be sustainable. Slyne with Hest is again identified as a sustainable village.

7.1.2 The application site is located within a cluster of approximately 50 houses forming an area of development broadly bound by the A6 Lancaster Road and Hest Bank Lane. The land and surrounding properties lie within the North Lancashire Green Belt and, whilst detached from the main developed area of Slyne-with-Hest which lies approximately 300m to the north, the cluster of housing is part of the parish and is considered to be part of the village.

7.1.3 The partial isolation of the application site and surrounding housing from the main urban area limits the sustainability of the location. However, the site is well served by public transport, with a number of services running along the adjacent A6 linking the site south to Lancaster and north to towns and villages. Public houses and a restaurant lie to the north of the site, both within relatively easy walking distance. Slyne with Hest also has a local convenience store, church and village hall and recreational facilities.

7.1.4 In addition NPPF Paragraph 53 provides local planning authorities with guidance resisting inappropriate development of existing residential gardens. However, these constraints must be balanced against the location of the application site within a cluster of existing dwellings. Notwithstanding the matters pertaining to the Green Belt (discussed separately below), given the nature of the proposal and the identified need for houses within the District, including the rural area, the development of housing in this location is considered to be acceptable in principle.

7.2 Impact upon the North Lancashire Green Belt

7.2.1 National Green Belt policy is well established and its purpose and intentions are clearly defined in the NPPF. NPPF Paragraph 87 notes that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It also suggests that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate. There are, however, a number of exceptions which are set out in NPPF Paragraph 89, amongst these exceptions are “*limited infilling in villages, and limited affordable housing for local community needs under policies set out in the local plan*”. There is no statutory definition of “infilling” but in planning terms it is generally accepted as a gap site within an otherwise built up frontage.

7.2.2 The development site is currently part of the large garden of No 2 Rosegarth and as outlined earlier in the report is considered to fall within the existing village developed “envelope” of Slyne with Hest. In this regard it is considered the proposal represents “infill”, located between the frontage development on the A6, the development currently comprising Rosegarth and the three dwellings immediately to the west with access from Hest Bank Lane. It is therefore considered to be an allowable exception under current Green Belt policies.

7.2.3 Having established that the development in principle is an “appropriate exception” in the Green Belt it is also necessary to consider the impact of the development in relation to the purpose of the Green Belt which is considered to have five aims. Three of these are considered relevant to the proposal:-

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another; and,
- To assist in safeguarding the countryside from encroachment.

(Note: the other two aims that are not especially relevant to the current proposal relate to assisting urban regeneration and the preservation of setting and special character of historic towns).

7.2.4 The application site sits within an a well-defined area of existing built development constrained on all but its northern edge by existing development and domestic gardens area. The northern edge of the site abuts open pasture and is defined by a mature 2m-high hedgerow. Views of the site can be gained across open fields from Throstle Grove/Hest Bank Lane. The new dwellings will be unobtrusive and read against a background of existing properties, particularly those within Rosegarth which are all bungalows of similar height and massing. The development is considered to sit comfortably with the surrounding development and have no impact on the immediately adjoining open agricultural land to the north. The development of the site will not add to the “sprawl” or merging of settlements and is considered to respect the character of the surrounding countryside. There will, therefore, be no detrimental impact on the openness of the Green Belt or its aims.

7.3 Design/residential amenity

7.3.1 The proposal will provide two additional properties within generous plots, provide large private rear gardens and off-street parking areas. The internal spatial standards are more than adequate and fully comply with residential standards. The plot positions are designed to maintain privacy to the existing dwellings within Rosegarth including the original dwelling. The closest property, Dean Court lies to the east of plot 3 and is separated by 8m at its closest point. The relationship is gable to gable with no windows proposed for the new dwelling and only minor windows to the upper gable of Dean Court. A 2.5m high mature hedgerow forms the boundary between the two plots. Subject to retention of the mature hedgerow, the relationship is considered acceptable.

7.4 Other Matters

- 7.4.1 Affordable Housing Contribution - The Meeting Housing Needs Supplementary Planning Document sets out that off-site affordable housing in the form of a financial contribution is required from developments that result in a net increase of up to 4 units. The agent has acknowledged this demand and a willingness to provide a contribution. The application has been supported by an Affordable Housing Statement (including an independent valuation by a local estate agent) identifying a projected open market value of the dwellings of £350,000 per dwelling. Based upon the methodology contained within the Meeting Housing Needs SPD a financial contribution of £14,892 has been identified.
- 7.4.2 Contamination - The City Council's Contaminated Land Officer has requested that a Preliminary Risk Assessment is provided along with standard contamination conditions applied to a consent. However, the submission sets out that the site has been historically used as part of nursery and latterly as garden area to the main dwelling. It is considered unlikely that the site has been subjected to any levels of contamination and as such it is unreasonable to request a contaminated land survey and burden a developer with further unnecessary expenditure. There is unlikely to be risk to future occupants from contaminated land. As a precautionary approach, it is considered that an unforeseen contamination condition be attached to a consent to develop.
- 7.4.3 Drainage and Flooding – Concern has been raised by a number of local residents over the on-going surface water drainage problems in the area and the extension works currently being undertaken as part of the link road works to address the local flooding issues. Concern has been raised that the development of housing will add to the current surface water issues and undermine remedial works developed as part of the link road construction.
- 7.4.4 The scheme has acknowledge current Building Regulation requirements and is seeking to drain the scheme on a separated system. Foul flows are to be directed to the public sewer which terminates at the western end of Rosegarth. Surface water is to be directed to soakaways. United Utilities have recognised the need to drain the site on a separate system further requiring a detailed surface water scheme to be agreed ahead of any construction works.
- 7.4.5 For clarity, and in view of the recent flood events, the local planning authority has sought the views of the Environment Agency and the Local Lead Flood Authority. Their views will be reported verbally to the Committee.
- 7.4.6 The separation of the drainage system to foul and surface water will remove significant flows from the public sewer and subject to condition to control the precise design of the surface water system including the provision of permeable surfacing, run-off from the site should be restricted to 'green field' rates and are not considered to add to surface water flooding issues.
- 7.4.7 Impact on trees – There are no trees located directly within the application site (it is understood that the orchard trees within the site have been removed ahead of the application submission) but there are a number of trees within the boundary of the site along with mature hedgerows. There are four trees specifically identified trees within the site boundary, the most significant of these is a mature beech tree located on the eastern site boundary alongside 3 Rosegarth. The application has been supported with arboricultural information which considers the potential impact of development on all the identified trees and construction methodology to be adopted to limit any impact. This includes the identification of root protection areas, provision of protective fencing and most importantly, location of the proposed dwellings clear of these protected areas. Subject to compliance with the supporting arboricultural information, the development is not considered to have an undue impact of the existing trees or boundary hedgerow. Suitable conditions should be applied to ensure adoptions of the agreed aboricultural measures.
- 7.4.8 In addition to protecting the existing hedgerows and trees along the boundary of the site, add planting in the form of internal boundary hedgerows and specimen trees are also proposed. No specific details have been provided and it is considered that this should be addressed by condition to ensure that the visual impacts of the development are limited.

8.0 Planning Obligations

- 8.1 The applicant has acknowledged the need to provide a financial contribution in line with the

methodology contained within the Meeting Housing Needs SPD and will provide a contribution via an undertaking towards the provision of affordable housing. This will need to be secured via appropriate agreement.

9.0 Conclusions

- 9.1 Overall, it is considered that the development of this garden site for two dwellings represents a sustainable form of development which accords with the NPPF and Development Plan policies. The proposal represents “village infill” development within the Green Belt and is considered to be an allowable exception to Green Belt policy. Moreover, it has been shown that the proposal would not undermine the fundamental principles of Green Belt policy which is aimed at preventing the coalescence of settlements and protecting openness. The development will also make a contribution to meeting the Council’s housing targets in respect of an identified local need and addressing the current shortfall in housing supply.
- 9.2 It is considered that the development can be supported without undermining of policies in the Local Plan or the setting of any unwanted precedent, and as such planning permission can be granted.

Recommendation

That subject to the provision of a Unilateral Undertaking to secure provision of a financial contribution towards affordable housing, Planning Permission **BE GRANTED** with to the following conditions:-

1. Standard 3 year time limit
2. Development to be undertaken in accordance with approved plans
3. Amended plans – tree survey, Arboricultural Impact Assessment, Arboricultural Method Statement dated 5 November 2015
4. Tree protection areas as defined on Site Plan 404/101 Rev A received 28 September 2015
5. Scheme of surface water drainage to be submitted and agreed
6. Hardstanding areas, including the driveway and patio areas to be undertaken in a permeable surfacing.
7. Stone detailing to be agreed
8. Additional tree planting to be agreed
9. Unforeseen contamination
10. Boundary hedgerows to be retained (height to be specified as a minimum)
11. Parking provision as plan and its retention
12. Separate system of drainage
13. Hours of Construction

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 applicant 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.