

<b>Agenda Item</b> A12	<b>Committee Date</b> 4 April 2016	<b>Application Number</b> 16/00278/FUL
<b>Application Site</b> Grasscroft Borwick Avenue Warton Carnforth	<b>Proposal</b> Erection of one dwelling with associated access and landscaping	
<b>Name of Applicant</b> Mr Julian Stainton	<b>Name of Agent</b> N/A	
<b>Decision Target Date</b> 20 April 2016	<b>Reason For Delay</b> N/A	
<b>Case Officer</b>	Andrew Holden	
<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 applicant is related to 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 lies within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) and designated 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 current application relates to the central dwelling of the three approved under 15/00425/FUL. The earlier consent has been implemented but the applicant is seeking to change the design of the approved dwelling. Whilst the footprint, internal layout and fenestration pattern of the dwelling remains as originally approved, the main roof form is to change from a hipped roof to a gable with the introduction of limestone to the whole of the front elevation of the building. The change from hip to gable increases the overall mass of the roof and raises the ridge height by approximately 300mm. The roof changes closely relate to those approved for the neighbouring plot 1 on the approved scheme. Plot 3 remains as a hipped roof form but lies closer to properties on Borwick Avenue.
- 2.2 The marginal increase in the roof height and change in the overall roof form cannot be considered as non-material amendments to the approved scheme and has resulted in the need for a separate planning application for the revised dwelling design. This is within the previously approved layout and plot boundaries.

## **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 agricultural haulage operation. The larger site combining both the commercial yard and the field gained originally 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 commercial and adjacent to Grasscroft has more recently gained a separate consent for a four bed detached dwelling under planning consent 15/00567/FUL. The application replacing the earlier combined approval on the larger site, 12/00218/CU.
- 3.3 The current application site forms part of a larger site for three dwelling approved under 15/00425/FUL. The earlier consent granted approval for three detached four bedded dwelling with an ungraded access off Borwick Avenue leading to both sites.
- 3.4 Consent for the three dwellings approved under 15/00425/FUL has been implemented with associated conditions including materials, landscaping and hedgerow agreed. The external materials for the dwellings include the use of render and limestone walling under slate roofs. Windows and doors are to be aluminium with a grey external finish. The roof form of the three dwellings differ between plots with the introduction of both hipped and gable roof details.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>15/00425/FUL</b>	Erection of three dwellings and associated access and landscaping	Approved
<b>15/00567/FUL</b>	Erection of a detached dwelling	Approved
<b>12/00218/CU</b>	Change of use of land from commercial/agricultural to residential, and erection of two residential detached dwellings	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>County Highways</b>	No highway objections.
<b>Environmental Health</b>	No objections - previously suggested conditions regarding hours of construction; unexpected land contamination and advice regarding radon gas.
<b>Tree Officer</b>	Any views received will be verbally reported.
<b>AONB Office</b>	Any views received will be verbally reported.
<b>Conservation Officer</b>	Views awaited on the revised design, previously commented that the site lies outside Warton Conservation Area. More distant views 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>	Views awaited on the revised scheme previously commented - No objections, the 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>	Any views received will be verbally reported.
<b>Parish Council</b>	Any views received will be verbally reported.

## **5.0 Neighbour Representations**

5.1 None to date, any comments will be reported directly to the planning committee.

## **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

## **7.0 Comment and Analysis**

7.1 The main issues are:

- Principle of the development
- Impacts upon residential amenity
- Highway Impacts
- Design and materials

### **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 The previously approved scheme raised a number of objections from neighbouring residential occupiers as it sought to introduce two storey dwellings within the field plot instead of the earlier consent for a large dormer bungalow. The introduction of the two storey houses was considered acceptable, providing that there was sufficient spatial separation from the neighbouring dwellings to maintain privacy. The current proposal retains the same footprint and fenestration pattern with no changes to the approved arrangements in relation to the neighbouring properties.

7.3.2 The properties to the south 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 a 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.

7.3.3 The relationship of the new dwellings to the existing and proposed neighbouring dwellings is considered to meet criteria set out in planning policy and subject to the continued retention of the boundary hedgerow and trees is not unduly detrimental to the amenity of neighbouring residential occupiers.

### **7.4 Highway Impacts**

7.4.1 County Highways has not raised objection to the development as it does not materially differ from the earlier approved scheme. As part of the earlier approval, payment for the upgrading (white-lining) of the junction between Borwick Avenue and Borwick Lane has been taken and undertaking by Lancashire County Council.

## 7.5 Design and Materials

- 7.5.1 The design of the dwellings as approved raised some concerns with the local planning authority. The general height and massing was considered acceptable but the scheme sought 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 were considered to be very urban in form and not fully reflective of their general location within the AONB and the wider rural location. Some improvements were made but given the immediate context with a mixture designs and dwellings, the development was reluctantly considered acceptable.
- 7.5.3 The current application is seeking to develop a building form already agreed within the adjacent Plot 1 but with the addition of natural limestone walling to the front elevation. The walling is to be bedded onto the timber frame construction leaving an open pointed appearance. The submitted drawings were unclear as to the precise nature of the coursing and lacked an expressions of support to the windows/door opening in the form of a lintel. These issues have been directed to the applicant and a revised elevation/clarification of stone detailing is anticipated in time for the committee meeting.
- 7.5.4 Overall the scheme is seeking to use material which are sympathetic to the area and will be of an overall height to sit comfortably within the wider townscape of this part of Warton and the wider Warton Conservation Area.

## 7.6 Other Matters

- 7.6.1 Trees and Hedgerows – Development of the previously approved scheme has resulted in the loss a two section of mature hedgerow to improve site access off Borwick Avenue and allow access to the three plots.
- 7.6.2 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. In addition a mature hedgerow forms the southern boundary of the current application site as well as the whole of the larger approved site. The value of the hedgerow and trees have previously been recognised and are proposed to be retained. The current application continues with the retention of the hedgerows/trees and is supported by an Arboricultural Assessment setting out a methodology for root protection during the construction period. In practice, this has already been addressed and is in place as part of the implementation of the earlier consent for three dwellings with a tree protection fencing erected along both the southern and eastern site boundaries of the larger plot. Condition should be attached to ensure the retention of the tree/hedge protection fencing during the construction period.
- 7.6.3 Affordable Housing Contribution - The original application, 15/00425/FUL was granted at a period of time when central government had set-down guidance which sought to direct local authorities from demanding the provision of affordable housing in association with small scale schemes and as a consequence, the planning consent does not demand the provision of a financial contribution towards affordable housing.
- 7.6.4 A legal challenge by a number of local authorities, concluded that the approach taken by Government was unlawful and a requirement to consider affordable housing in small schemes, including additional single dwellings remains.
- 7.6.5 In this case, the planning consent for the erection of three dwellings has been implemented and can be fully developed. The current proposal is in effect only seeking to revise the design of the approved scheme and will not result in the net gain of any dwellings. Consequently, it is not considered appropriate to seek a financial contribution for this development.
- 7.6.6 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 previous planning consents at the site 12/00218/CU and more recently 15/00425/FUL for the erection of 3 No two storey houses. The current proposal seeks only to change the form of one of the approved dwellings with the introduction of a gable roof, reflecting the form approved in the neighbouring plot and the introduction of a natural limestone front elevation. Subject to satisfactorily addressing the queries over design and materials raised, the development is considered acceptable in this location.

## **Recommendation**

That subject to the expiry of the site notice (5 April 2016) and no significant objections being raised, 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
4. Parking areas to be provide and maintained
5. Root protection measures set out in the detailed Arboriculture Assessment to be retained during the construction period
6. No tree/hedges to be felled other than those agreed
7. Details/samples of all external materials to be submitted and agreed
8. Details of rainwater goods, eaves and fascia
9. Obscure glazing to be provided and maintained to all first floor gable windows
10. GDO tolerance removed window and door openings
11. GDO tolerances removed extension
12. Hours of construction
13. 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.