

Agenda Item A9	Committee Date 17 October 2016	Application Number 16/01094/FUL
Application Site Land Between 24 And 25 Hestham Crescent Morecambe Lancashire	Proposal Erection of two dwellings and three garages with associated access	
Name of Applicant Mrs C Stebbing	Name of Agent JMP Architects Ltd	
Decision Target Date 20 October 2016	Reason For Delay None	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Approval subject to resolution of concerns regarding the proposed garage building and no objections received from Network Rail	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, the applicant has declared that she is related to Councillor Brayshaw and, as such, the application must be determined by the Planning Committee.

1.0 The Site and its Surroundings

1.1 This application relates to an area of land off Hestham Crescent in Morecambe, which is a cul-de-sac and part of a larger residential estate. The site comprises an area of unused scrub land to the rear of nos. 23 and 24 and to the side of no. 25. There is an existing access from the highway to a hard surfaced area at the front of no. 25 with a gate adjacent to the side wall into the land. To the north of the site is an area of open land and to the east is a railway embankment. The highway is at a higher level than the site and slopes upwards to the north towards the end of the cul-de-sac. As a result of this, the dwellings at nos. 23 and 24 are at a much higher level than the land at the rear, and no. 25 is at a similar level to the site, although there are variations across the land. The site is heavily overgrown with various trees and shrubs.

2.0 The Proposal

2.1 Planning permission is sought for the erection of a pair of semi-detached bungalows with accommodation in the roof space. An access drive, approximately 20 metres in length, is proposed to a large area which also contains three garages sited towards the southern boundary. The dwellings are proposed to the north of the site, to the rear of nos. 23 and 24 with garden areas to the rear.

3.0 Site History

3.1 Outline planning permission was granted in 1993 for the erection of five houses on land between nos. 10 and 24 Hestham Crescent. This was renewed in 1996 and 1999. In 2004, full planning

permission was sought for the erection of three terraced and two semi-detached dwellings (04/00467/FUL). Two of these dwellings were proposed to the rear of nos. 23 and 24 Hestham Crescent. This application was refused and the appeal was dismissed. The Inspector's report set out that the two semi-detached dwellings would be only 11 metres at their nearest point from the rear of existing dwellings on the crescent. Although they would be at a much lower level due to the fall of the land, they would present a cramped appearance detrimental to the character and appearance of the area and would harm outlook from the rear of the existing properties.

3.2 A reserved matters application (04/01701/REM), in relation to the outline consent for 5 dwellings, was granted in 2005. This permission consisted of a terrace of three dwellings and a pair of semi-detached dwellings all fronting onto the highway, set back a similar distance to the other buildings on this road.

3.3 Planning permission (12/01086/FUL) was refused in 2013 for the erection of three dwellings on the application site for the following reasons:

1. *By reason of its location to the rear of the existing development and its proximity to the adjacent dwellings, the proposal would present a cramped appearance detrimental to the character and appearance of the area and would harm outlook from the rear of the existing properties. As such it is contrary to the aims and objectives of Section 7 of the National Planning Policy Framework, Policy SC5 of the Lancaster District Core Strategy, Saved policies H12 and H19 of the Lancaster District Local Plan.*
2. *Due to an under provision in the overall width of the site's means of access from the adjacent public highway there would be a significant risk of overflow parking onto the surrounding road network and into existing developed areas thus creating obstruction or conflict to the detriment of the operation and ultimately the safety of the public highway itself. The proposal is therefore contrary to Saved Policy H19 of the Lancaster District Local Plan.*
3. *The proposal will result in the loss of an area of land which is identified as urban green space in the Lancaster District Local Plan and as part of the green space network in the Emerging Local Plan. As such the development is contrary to Policy E1 of the Lancaster District Core Strategy, Saved Policies H19 and E29 of the Lancaster District Local Plan and Policy EN1.1 of the Draft Development Management DPD.*

3.4 Earlier in 2016 planning consent (16/00222/FUL) was sought for the erection of a pair of semi-detached bungalows on the site, with associated parking and garages, similar to the current scheme. The submission failed to address concerns with regards to drainage and potential implications on the railway infrastructure and impacts on the amenities of the neighbouring residential property due to the height and siting of the proposed garages. As such planning permission was refused.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments received so far within the statutory consultation period – any comments received will be reported verbally at the meeting
Environmental Health	No comments received so far within the statutory consultation period – any comments received will be reported verbally at the meeting
County Highways	No comments received so far within the statutory consultation period – any comments received will be reported verbally at the meeting
Network Rail	No comments received so far within the statutory consultation period – any comments received will be reported verbally at the meeting
Fire Safety Officer	No comments received so far within the statutory consultation period – any comments received will be reported verbally at the meeting
Natural England	No comments to make on this application.

5.0 Neighbour Representations

5.1 3 pieces of correspondence have been received which raise objections to the scheme. These set out the following concerns:

- Existing congestion and parking issues on the highway will be exacerbated by the proposal
- Insufficient access
- Loss of view from property
- Impact on wildlife
- Loss of Green Belt land (Officer's note: the site is not designated as Green Belt)
- Loss of privacy
- Loss of amenity due to noise during construction and post occupation
- Construction in this area is likely to result in subsidence problems for existing homes
- Lack of objections from local residents is not representative as many of the neighbouring properties are occupied by applicant's tenants

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 **123** – Noise impacts

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.3 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM35 – Key Design Principles
DM39 – Surface Water run-off and Sustainable Drainage
DM41 – New Residential Development

7.0 Comment and Analysis

- 7.1
- Principle of development
 - Design, appearance and scale of the development
 - Impact on residential amenity of neighbouring properties
 - Access and highway impacts
 - Loss of urban green space
 - Impact on Network Rail infrastructure

7.2 Principle of development

7.2.1 The site is located in a sustainable location, within the built up area of Heysham and, as such, the principle of residential development is acceptable.

7.3 Design, appearance and scale of development

7.3.1 In 2004, permission was refused for the erection of five dwellings, two of which were positioned in a similar location to the current proposal. The appeal was dismissed and the Inspector concluded that the two semi-detached dwellings would present a cramped appearance detrimental to the character and appearance of the area and would therefore be contrary to Policy H19 of the Local Plan. The

more recent proposal on the site in 2012/13 was slightly closer to the boundaries with nos. 23 and 24 Hestham Crescent and comprised an additional dwelling. It also involved a large area of parking and turning to the front of the dwellings. As such, it was considered that the issues raised by the Inspector were relevant to that application, and the scheme would be likely to have more impact on the character and appearance of the area, as the previous scheme included an area of public open space where the parking and turning area was proposed.

7.3.2 The current application proposes a pair of semi-detached bungalows with a depth of 13.3 metres, a width of 10.95 metres and a height of 3.1 metres to the eaves and 6.3 metres to the ridge, at its highest point. There is a variation in levels across the site and as such a section has been provided. The walls are proposed to be finished in roughcast render and the roof in a thin edge flat concrete tile. The building will be at a lower level than the adjacent dwellings to the west (nos. 23 and 24), with the ridge height approximately in line with the ceiling of the ground floor of these properties, according to the submitted section. Although this type of development, to the rear of existing properties, is not usually desirable, it is unlikely that the proposal would have a significant adverse impact on the character and appearance of the area given the reduced scale of the proposal from previous proposals. Particularly given the orientation of the building, with the roof slope facing nos. 23 and 24, it is not considered that the current scheme will result in an overly cramped appearance. It will result in a large area of hardstanding, but this should be mostly screened from the highway.

7.3.3 A detached garage building is also proposed adjacent to the boundary with no 25. This would be 8.1m wide and 5.5m deep. As the land is sloping the building is proposed to be stepped with each having a flat roof with a maximum height of 2.9 metres. Given the position of the building, this is the main element of the proposal that would be visible from the highway. As such, there are concerns regarding the appearance of the building, given its flat roofed design. It would be more appropriate if the building had a pitched roof. It is appreciated that this design has come forward as a result in concerns regarding the impact on the amenities of the neighbouring property. However, it does not justify the poor design. The agent has been asked to consider the use of a pitched roof, which may need to be stepped and also reduce the size of the garage building to help reduce any impacts on amenity. These amendments are awaited, though the agent has advised that they will be provided, so a verbal update will be provided in this regard at the meeting.

7.4 Residential amenity

7.4.1 The proposed dwellings will be c9.4 metres from the rear of no. 24 at its closest, although they are positioned at an angle. The section shows the bungalows set into the site with a retaining wall close to the building and the side garden sloping up to the boundary. Boundary treatments can be conditioned to prevent overlooking from the garden area. Given the position of the bungalows, set away from the boundary, and their height, it is not considered that the proposal will have an adverse impact on the amenities of nos. 23 or 24. There are rooflights proposed in the side roof slope, however, these will serve the landing and as such, it is not considered that they would result in a significant loss to privacy. There were concerns with the previous scheme in relation to overlooking from the neighbouring properties to the rear garden areas of those proposed. However, the bungalows have been afforded relatively longer rear gardens, at least 10 metres in length, with a large area of this at least 15 metres from the rear wall of no. 23. As such it is considered that the future occupiers will be afforded sufficient private amenity space.

7.4.2 No. 25 is to the south of the site and has been identified as being under the same ownership as the application site. The previously refused application proposed a block of three garages under one roof, which essentially increased in height given the change in ground levels. There were concerns with regards to the height, size and position of the garage block adjacent to the boundary with this property, whose garden is at a lower level. Although this building would be sited to the north, it was considered that it would exert an overbearing impact on this property, in particular in relation to the use of the garden area. The current application proposed a block of garages which will be set in slightly from the boundary and stepped in height with flat roofs. Whilst this has reduced the impacts to some degree, there are concerns regarding the flat roof design. In addition, the plan does not clearly show the ground level of the site in relation to the level of the garden at the adjacent property. It is considered that 3 garages is not essential to serve the development, given its scale. Therefore it has been suggested that one of the garages is removed and an alternative roof design considered. This should help to overcome both the issues with regards to design and residential amenity.

7.4.3 The site is located adjacent to the railway line to Heysham. Environmental Health previously raised

no objection but advised that noise levels associated with the railway will need to be determined to ensure that adequate mitigation measures are put in place to protect residential amenity. They advised that this can be dealt with by condition requiring an assessment to be carried and appropriate mitigation installed.

7.5 Access and highway impacts

7.5.1 The scheme proposes a parking space for each unit, with three visitor spaces and three garages. The submission sets out that the parking is proposed solely in conjunction with this development, which seems slightly excessive, though the agent advises that they are trying to address the concerns of the local residents regarding on-street parking. The proposed amendments would secure 2 parking spaces per unit, with 1 garage and 1 visitor space each. The application also appears to show a reconfiguration of the parking for the adjacent properties to the south west, so that unrestricted access can be provided to the site. The hardstanding is already there so it does not involve development and can therefore be conditioned to be implemented, as within the applicant's ownership.

7.5.2 The proposed access is wider than an earlier application which was refused, and will have a width of 3.15 metres adjacent to the pavement. The Highways Officer previously set out that there should be a width of 5.5 metres but then considered the submitted plan on the last application and advised that it was acceptable. A dropped crossing was requested, but this already appears to be in place, and the first part of the access is already surfaced in tarmac. It is not considered that the proposal will have an adverse impact on highway safety.

7.6 Impact on Urban Green space

7.6.1 The site is identified as Urban Greenspace on the Local Plan proposals map. The loss of this was one of the reasons for refusal on the previous application. However, the site comprises an overgrown piece of private land that does not appear to be functionally linked to any other space. Given its position behind the houses it provides little in terms of amenity value, except possibly by those whose properties overlook it. It is also a relatively small proportion of a larger identified area. As such, its loss is not considered to be a substantial reason to refuse the application.

7.7 Impact on trees

7.7.1 There are a number of trees within the site but mainly around the edges. None of these appear to be especially large and most should be capable of retention. Ideally a Tree Assessment would have been submitted with the application, however one was not submitted on the previous one and this was not a reason for refusal. However, given the predominant position of the trees around the site it is considered that this information can be adequately conditioned, with a detailed landscaping scheme submitted prior to commencement, with any loss of trees adequately mitigated and protection measures detailed during site works.

7.8 Impact on Network Rail Infrastructure

7.8.1 As already set out, the site is in close proximity to a railway line. Network Rail previously raised some concerns regarding drainage on the site as the land slopes down towards the railway boundary and embankment. In relation to the previous application, which was refused, they advised that there were concerns regarding the impact of water draining down to the embankment. It was also set out that they could not support the proposal due to the layout of the site potentially importing a risk of flooding or water saturation onto their land. Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment / infrastructure; or lead to de-stabilisation of land through water saturation.

7.8.2 The current submission provides details of drainage and such details could be controlled by condition if considered to be acceptable. A response from Network Rail is awaited and will be updated at the Planning Committee meeting.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The scheme will provide two houses within a sustainable location. Although this is a form of backland development, it is not considered that the proposal will have a detrimental impact on the character or appearance of the area, highway safety or parking and residential amenity, subject to the resolution of the concerns regarding the garage building and a positive response from Network Rail. It is therefore considered to be acceptable.

Recommendation

That Planning Permission **BE GRANTED** subject to the receipt of amended plans and no objections raised by Network Rail and the following conditions:

1. Standard time condition
2. Approved plans
3. Scheme for disposal of surface water and an associated maintenance plan
4. A Construction Risk Assessment and Method Statement in relation to the adjacent railway line.
5. Contaminated land assessment and remediation if necessary
6. Landscaping scheme showing existing and proposed trees/shrubs and protection for retained trees during works.
7. Assessment of noise from railway line and mitigation measures
8. Materials/details including – render, roof tiles, windows/ doors, eaves and ridge details, surfacing materials
9. Creation of access, parking and turning prior to occupation, including reorganisation of parking on adjacent site
10. Use of garages and parking area
11. Removal of permitted development – extensions, outbuildings and alterations to the roof

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 taken 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 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