

<b>Agenda Item</b>	<b>Committee Date</b>	<b>Application Number</b>
A10	3 June 2019	18/00380/FUL
<b>Application Site</b> The Corner House Woodwell Lane Silverdale Carnforth	<b>Proposal</b> Demolition of existing property and outbuilding, erection of replacement detached dwelling, alteration to vehicular access and associated landscaping	
<b>Name of Applicant</b> Mrs Adele Higham	<b>Name of Agent</b> Michael Harrison	
<b>Decision Target Date</b> 12 July 2018	<b>Reason For Delay</b> Ongoing negotiations to seek an improved design and further publicity	
<b>Case Officer</b>	Mrs Petra Williams	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

- (i) This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Cllr Goodrich for the application to be reported to the Planning Regulatory Committee for the proposal's design and scale to be considered by Members.

## **1.0 The Site and its Surroundings**

- 1.1 The application relates to an existing dwelling and associated domestic curtilage. The two storey property occupies a rectangular corner plot on the junction of Lindeth Road and Woodwell Lane in Silverdale. The existing 3-bed property dates from the early 1900s and comprises pitched roofs and gables with a detached pitched roof garage. The dwelling is set well back from Lindeth Road in a relatively elevated position as land levels increase across the site in a generally west to east direction. The substantial front garden is overgrown and it is understood that a number of large trees were removed from the front of the plot during 2016 and this allows views of the property from Lindeth Road.
- 1.2 There are a range of property types within Silverdale and this is evident along Lindeth Road where there is a mix of traditional terraced dwellings, large detached houses and more modest bungalows. Nevertheless the built form is softened and screened by the significant tree planting along this road. Woodwell Lane is a pleasant, leafy thoroughfare which offers a route to Bottoms Wood, Scout Wood and Wood Well and provides connectivity to Stankelt Road the north and Hollins Lane to the east.
- 1.3 The site is located within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) and a Public Right of Way (PROW) runs along Woodwell Lane to the south of the site. A Tree Preservation Order (TPO no.589(2016)) affects part of the site close to the western boundary as well as the grass verge which abuts the southern boundary.

## **2.0 The Proposal**

- 2.1 The application proposes the demolition of the existing house and garage and the erection of a replacement dwelling which will incorporate five bedrooms and an attached garage. The submission

also includes minor alterations to the vehicular access in order to increase its width and associated landscaping within the site.

### **3.0 Site History**

3.1 There is no associated planning history.

### **4.0 Consultation Responses**

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

Consultee	Response
<b>Arnside and Silverdale AONB</b>	<b>Comments raise concerns</b> – The current property is of a scale and design appropriate to the character of the local area. The proposed dwelling is of a much larger scale and massing, of a modern and urban design with extensive fenestration, is not in keeping with the local character of Silverdale village. The new development will be highly visible and its scale and design will be intrusive and have an adverse impact on the visual amenity of this predominantly rural area. The massing of the new development will be highly visible from Woodwell Lane and the PRow. The proposed development does not contribute positively to the conservation and enhancement of the AONB, does not contribute positively to the landscape and character of the area and will be detrimental to the visual amenity of this part of Silverdale. In addition to the proposed 5 bed dwelling is not reflecting local needs.
<b>Natural England</b>	<b>No objections</b> - considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
<b>Tree Officer</b>	<b>No objections</b> – subject to conditions to ensure that the development is carried out in accordance with the submitted Arboricultural Implications Assessment and that a planting scheme is submitted prior to commencement.
<b>County Highways</b>	<b>No objections</b> – Subject to a condition for a scheme of highway improvement in respect of the installation of a length of kerb line along the sites frontage with Woodwell Lane.
<b>Ramblers Association</b>	<b>No comments received</b> at the time of writing this report.
<b>Parish Council</b>	<b>Neither objects nor supports</b> but highlights the following concerns: <ul style="list-style-type: none"> <li>• Potential impact of the scale and in particular, the height of the proposal. Suggests that the Local Planning Authority gives careful consideration to this aspect especially as the site occupies a position at the gateway to the particularly sensitive landscape and public amenity area of Woodwell Lane and Woodwell, which are owned by Silverdale Parish Council.</li> <li>• There are trees within verges adjacent to the site which are protected by a TPO.</li> <li>• The Parish Council owns the land between the highway Woodwell Lane and the boundary of Corner House, a strip of land approximately two metres in width, and the current driveway is allowed with Parish Council permission. Any building work will undoubtedly result in damage to the land with heavy vehicles crossing it.</li> </ul>

### **5.0 Neighbour Representations**

5.1 A total of 8 items of public comments have been received in respect of this submission.

Six of the items raises objections as follows:

- Concerns regarding the potential visual impacts of the scale, height, design with excessive glazing on some elevations and a complex mix of roof pitches and balconies.
- No objection to redevelopment of the site in principle but the development will be prominent and intrusive and out of keeping with the area.
- The house as proposed would visually dominate the immediate area in a way that no other houses do.
- Although there is no local vernacular in this part of the village, houses do sit modestly in their plots. The current proposal would not.

- The development would not conserve or enhance the landscape.
- No detailed landscape plan provided.
- If landscaping is provided it would not be sufficient to mitigate the impact of the development.
- Reiterates objections relating to the scale and design with excessive glazing on some elevations, a complex mix of roof pitches and balconies.
- The garage 'complex' is excessive.
- The proposal has failed to make considerate use of the plot available to them.
- Concerns regarding scale of the building which would effectively be 3 storeys high with at least half the frontage comprising doors to the garages not sympathetic to the frontage to Woodwell Lane.
- The plot is situated on a highly visible corner and the development should be designed to give a less urban appearance and of a lesser scale.

In addition to the concerns raised within the 6 letters of objection, an additional item of comment queries the differences in height between the existing and proposed dwellings.

The final item of comment raises the point that part of the access between the property and Woodwell Lane is not owned by the applicant and is Parish Council land. Also points out that there may be possible damage to this land caused by contractors' vehicles. It is noted that Notice has been served on the Parish Council in this regard.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

Paragraph 48 – Weight of emerging plan

Paragraph 77 – Rural housing

Section 11 – Making effective use of land

Paragraphs 124 and 127 – Achieving well-designed places

Paragraph 170 and 172 – Areas of Outstanding Natural Beauty

Paragraphs 170, 172, 175 and 176 – Protecting and enhancing biodiversity

### **6.2 Local Planning Policy Overview – Current Position**

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) (A Review of) The Development Management DPD

The Examination Hearing Sessions commenced on 9 April 2019.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

### **6.3 Development Management DPD (adopted December 2014)**

DM27 – The protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impacts

DM29 – Protection of Trees, Hedgerows and Woodland

DM35 – Key Design Principles

DM39 – Surface Water Run-off and Sustainable Drainage

DM41 – New Residential dwellings  
DM42 – Managing Rural Housing Growth

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development  
SC5 – Achieving Quality in Design

6.5 Lancaster District Local Plan – saved policies (adopted 2004)

E3 – Development Affecting Areas of Outstanding Natural Beauty  
E4 – Countryside Area

6.6 Arnsdale & Silverdale AONB Development Plan Document (adopted 2019)

AS01 – Development Strategy  
AS02 – Landscape  
AS03 – Housing Provision  
AS04 – Natural Environment  
AS08 – Design  
AS12 – Water quality, sewerage and sustainable drainage

**7.0 Comment and Analysis**

- 7.1
- Principle of development
  - Scale, siting and design and impact on the character of the area
  - Impact on residential amenity
  - Trees, landscaping and ecology
  - Drainage

7.2 Principle of development

7.2.1 Silverdale is identified within policy DM42 of the Development Management DPD as a sustainable rural settlement. Given the established use of the site and the residential character of the area it is considered that the principle of a residential development is acceptable. Policy AS03 of the recently adopted Arnsdale and Silverdale Area of Outstanding Natural Beauty (AONB) DPD, states that within the AONB, the size and types of all homes provided should closely reflect identified local needs in accordance with current AONB housing needs evidence at the time of the application. Policy AS01 discusses the Development Strategy for the AONB and this too requires development to closely reflect identified local needs within the AONB. In this regard the scale of the proposal raises issues. The submission proposes a large 5-bed dwelling. However, the housing need within Silverdale, as identified in the Housing Needs Survey Report for the AONB (September 2014) is for one to three bedroomed homes rather than five bedroomed properties.

7.2.2 Policy AS03 sets out that proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character. Policy AS03 also advises that it is inappropriate to use those sites that are suitable for development in the AONB to deliver development that does not help to meet local affordable or other local needs. However, given that the plot is occupied by a single dwelling and the application seeks a replacement unit the development would not result in a net gain. Therefore it is considered difficult to argue non-compliance with Policy AS03. Furthermore, the number of bedrooms at the existing dwelling could be increased by extensions to the property under permitted development rights without the imposition of Policy AS03. It is therefore considered inappropriate to apply this policy to a proposal for a replacement dwelling.

7.2.3 The principle of a replacement dwelling on this site is considered acceptable subject to other matters which will be discussed below.

7.3 Scale, design and landscape impact upon the AONB

- 7.3.1 Key design principles are set out within policy DM35 of the DPD which advises that new development should contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, materials and scale. Policy DM28 of the DPD affords protection to protected landscapes. The site is located within an AONB, which is afforded the highest status of protection in relation to landscape and scenic beauty, as highlighted in paragraph 172 of the NPPF which states “*Great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.*”
- 7.3.2 The Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) DPD also sets out a number of policies which are relevant to the consideration of this application. The test in policy AS01 is whether the application is consistent with the primary purpose of the AONB which is to conserve and enhance the local landscape and settlement character. Policy AS02 also requires development proposals to demonstrate how they will conserve and enhance the landscape and natural beauty of the area, respect visual amenity and reflect the rural nature and local distinctiveness of the area. Policy AS08 contains detailed guidance on a number of design characteristics. The reasoned justification of this policy describes the broad significances of the existing vernacular styles and settlement characteristics in Silverdale. This policy is not referenced at all by the applicant’s planning statement.
- 7.3.3 Due to the position of the plot it is considered that the development will be highly visible from both Lindeth Road and Woodwell Lane. The proposed replacement dwelling is of a significantly larger scale in terms of footprint as well as being 1.8 metres higher than the current building. It will also be set slightly further to the west within the site which is considered to increase the visual impacts from Lindeth Road and would be a dominant feature within Woodwell Lane. The development includes a particularly large attached building to provide two double garages (which could accommodate 6 vehicles) which serves to exacerbate the scale of the proposed building. Although plans have been amended during the course of the application in order to provide a revised dormer design to the Lindeth Road elevation, concerns remain regarding the design, scale and appearance of the new dwelling as it appears very eclectic as if it was a house which has undergone numerous unsympathetic extensions.
- 7.3.4 The submitted Planning Statement states that the design approach is a contemporary one which has been dictated by the applicant’s requirements. Internally the new dwelling would provide five bedrooms, one of which would be at ground floor and it is understood that this would provide accommodation for an elderly relative. A study is to be incorporated within the roofspace/second floor and this would be served by the dormer fronting Lindeth Road. The majority of the window openings are within the southern and western elevations in order to maximize light into the property. While this is understandable, it is considered that the Lindeth Road elevation is dominated by glazing and is not typical of what would be expected for a principle frontage. The extensive glazing is one of the concerns raised by the AONB consultee. The applicant points to recent permissions elsewhere (no specific details provided) which involve far more glazing than proposed here. However, each case is determined on its own merits depending on site specifics. When viewed from Woodwell Lane the ground floor protrusion to the western elevation would appear as an incongruous addition due to the cat-slide roof and balcony. Notwithstanding the large plot size, the footprint appears excessive and the mix of roof forms which include the dormer is overly complicated. Although the proposed materials, which comprise natural slate, natural stone, white render and grey powder coated aluminium windows and doors are acceptable, this does not mitigate the serious concerns regarding scale and design which is considered to result in harm to the character and appearance of the wider street scene and the visual amenity of the area.
- 7.3.5 The applicant maintains that the design approach is appropriate and suggests that there has been some confusion regarding what should be considered as a principle frontage. As the site is a corner plot the development would have two principle elevations which only serves to make the considerations of design and scale all the more critical. The applicant argues the large garage would be an aid to the celebration and preservation of heritage as it would house 5 British sports cars which he owns. However, the need to accommodate vintage vehicles does not outweigh the requirement to conserve and enhance the landscape within the AONB. It has also been pointed out by the applicant that the proposal will be an eco-house with a close to zero carbon footprint. However, this does not mitigate the concerns raised in relation to scale and visual impacts of the scheme. The applicant has also voiced concerns that the Case Officer’s views are personal and subjective. While the Case Officer accepts that there is a mix of design styles in the vicinity of the

site (including dormers and cat slide roofs), the current proposal is considered to represent an incohesive design. This is the professional view of Officers. Unfortunately the proposal was not subject of formal pre-application advice, otherwise these concerns could have been raised and addressed prior to submission of an application (though as already stated, concerns have been raised during the determination period and yet satisfactory amended plans have not been forthcoming).

7.3.6 Overall, it is considered that this proposal fails to adequately take account of the requirements of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) DPD in addition to policies DM28 and DM35 of the Development Management DPD, saved policy E3 of the Local Plan and paragraph 172 of the NPPF.

#### 7.4 Impact on residential amenity

7.4.1 The siting of the development ensures that there would be adequate separation distance from all external elevations of the proposed dwellinghouse to neighbouring houses. Windows within the northern elevation of the property are limited to three at first floor, one of which will serve a bathroom and therefore could be obscure glazed. The remaining two windows would serve a bedroom which would face the garden of no.41b to the north but due to intervening planting in the neighbouring plot it is considered that this would not raise issues of overlooking. The proposed balcony within the front (Lindeth Road) elevation would have an external floor area of 4 metres by 3.4 metres and this clearly has the potential for overlooking and the perception of being overlooked by the occupants of no.41a to the north. However, the indicative section drawing indicates a privacy screen and therefore notwithstanding the design concerns regarding the balcony, this could be conditioned to be installed and retained.

#### 7.5 Trees, landscaping and ecology

7.5.1 Policy DM29 supports the protection of trees which contribute positively to the visual amenity of the area and supports opportunities for the planting of new trees. Policy AS04 of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) DPD contains guidance on trees, including replacement trees. The submission includes an Arboricultural Implications Assessment which identifies two individual trees (T1 & T2) and three groups of trees (G1 – G3) in addition to a single hedge (H1) in relation to the proposed development. The trees identified can be clearly seen from the wider public domain and are entirely in keeping with the character and appearance of the locality. On the whole the identified trees are established at sufficient distances from the proposed development so as not to be implicated. There is a requirement for hand dig techniques to be employed where an encroachment into the root protection area (RPA) of trees within G1 occurs. This is taken into account within the submitted Arboricultural Implications Assessment and considered acceptable.

7.5.2 The submitted plans indicate new planting and this would significantly improve the overall cover of trees within the site. A detailed planting scheme which specifies the types of trees and includes a 10 year maintenance regime and commitment to replace any tree that should fail to establish would need to be conditioned should consent for the development be granted. The AONB consultee is concerned that the proposed patio/terrace and steps will lead to a significant loss of open green space within the plot. However, it is considered that the plot is of a sufficient size to accommodate this as well as new planting which is proposed and, as highlighted above, this offers a potential enhancement to the site.

7.5.3 As highlighted within the consultee responses, access into the site is across land within the ownership of the Parish Council and the access entrance will be widened slightly as part of the scheme. Notice has been served by the applicant in this regard. The Parish Council has requested that measures are put in place prior to the commencement of any works to ensure protection of the trees and verges. This is a key consideration as these trees are protected by a Tree Preservation Order (TPO). The submitted Arboricultural Implications Assessment includes a Tree Constraints Plan which makes provision for tree protection fencing which has been considered by the Tree Officer and found to be acceptable.

7.5.4 Policy DM27 considers the safeguarding of protected species from development proposals and this approach is echoed within the provisions of policy AS04 of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) DPD. The proposal seeks to demolish the existing dwelling and

as highlighted above there are protected trees close to the site boundary in addition to woodland within 100 metres of the site and as such the habitat around the site offers a high potential for foraging for bats.

- 7.5.5 A Bat Survey has been received and considered. The survey states that bats were observed/recorded using the building for roosting. The survey found that two small day roosts located on the north side of the house roof. A brown long eared bat roost is located between roof slates and the breathable membrane on the north eastern aspect of the house. Consequently the demolition of this building would result in destruction of this roost and so will require a European Protected Species (EPS) licence to proceed lawfully. The survey sets out proposed mitigation which would be put forward as part of an EPS application. This includes timing of the works, with demolition to be carried out between October and March when bats are less likely to be present; soft demolition of the roof area around the roosts and replacement roosts.
- 7.5.6 Due to the identified presence of bats it is important to consider the three derogation tests that would be applied when determining whether a licence can be issued must be considered. These are:
1. *The proposed development must meet a purpose of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment” Regulation 53(2)(e).*
  2. *The competent authority must be satisfied “that there is no satisfactory alternative” Regulation 53(9)(a), and:*
  3. *“That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range” Regulation 53(9)(b).*
- 7.5.7 As highlighted within section 7.3 of this report, there are serious concerns regarding the design and scale of the proposed replacement dwelling. As such it is considered that there is no overriding public interest in the demolition of the existing dwelling and as such the proposal could not pass the first test. If a more appropriate scheme were to be forthcoming in terms of design and scale, then a balancing exercise could be carried out in order to determine public benefits of the development against the loss of the two identified day roosts.
- 7.5.8 The second test relates to there being no satisfactory alternatives. In the guidance it sets out that there are always going to be alternatives to a proposal and, in terms of licensing decisions, it is for Natural England to determine that a reasonable level of effort has been expended in the search for alternative means of achieving the development whilst minimising the impact on the Protected Species. Although the submitted Planning Statement sets out that the existing dwelling is within a poor state of repair, it is considered that it has not been robustly demonstrated that there is no satisfactory alternative such as refurbishment and extensions. As such the Local Planning Authority is not satisfied that the second test can be passed.
- 7.5.9 The third test sets out that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The property is located in close proximity to deciduous woodland which provides good connectivity into a wider area of woodlands to the east of the site. Overall foraging potential for bats can be considered good in the vicinity of the site. Therefore it is considered that the proposal will not be detrimental to the maintenance of the bat population in this locality.
- 7.5.10 All three derogation tests must be passed but it is considered that the submission fails on this point. Notwithstanding the proposed mitigation set out within the submitted Bat Survey, it is considered that the current proposal fails to satisfactorily demonstrate that the derogation tests could be passed in order to obtain the licence necessary from Natural England.

## 7.6 Drainage

- 7.6.1 Policy AS12 of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) DPD highlights problems relating to the lack of mains sewerage systems. This is particularly prominent in Silverdale where no properties are connected to mains sewer. As there is no public sewerage infrastructure in Silverdale, the application proposes that the development is served by a septic tank (which is understood to be the existing arrangement). These works would need to be approved under the Building Regulations during the course of the development. However, a sequential

approach to foul drainage, discounting of preferable options such as package treatment plant does not appear to have taken place. The details of the foul and surface water drainage of the proposal are basic at present, and the scale of the development will place increased demand on the foul drainage system. However, the precise details could be satisfactorily controlled through condition.

## **7.7 Other Matters**

7.7.1 It is noted that Parish Council highlights the importance that no obstruction is caused within the lane (PRoW) and highway adjacent to the site during demolition and construction in order to allow the bus service to continue to operate to timetable and serve the community effectively. However, the granting of planning permission would not give the applicant the right to block the Public Right of Way and would not override the powers held by County Highways and the Police to control such an issue should it arise.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 The site is located within the Arnside & Silverdale Area of Outstanding Natural Beauty where the design and detailing of individual buildings, the form, layout and pattern of villages and hamlets and the settings of many of the buildings are key elements of settlement character. Although the principle of a replacement dwelling is acceptable, given the location of the site within the AONB and adjacent to a Public Right of Way, it is considered that due to the design, scale and density of the proposal the development would result in significant adverse impacts on the character and appearance of the area. Furthermore, notwithstanding the proposed mitigation set out within the submitted Bat Survey, it is considered that the current proposal fails to satisfactorily demonstrate that the derogation tests could be passed in order to obtain the licence necessary from Natural England. For these reasons Members are advised that this application cannot be supported.

## **Recommendation**

That Planning Permission **BE REFUSED** for the following reasons:

1. The site occupies a prominent corner plot at the junction of Lindeth Road and Woodwell Lane which is the route of a Public Right of Way and lies within the Arnside and Silverdale Area of Outstanding Natural Beauty which has the highest status of protection in relation to landscape and scenic beauty. Great weight is given to conserving the landscape and scenic beauty within such areas, as confirmed by Paragraph 172 of the National Planning Policy Framework. Due to the scale and incoherent appearance of the proposed replacement dwelling, the development is considered to be of poor design that does not relate well to the surrounding built form or ensure that the character and appearance of the wider protected landscape is conserved or enhanced. Consequently, the proposal is deemed to be contrary to the requirements of saved policy E3 of the Lancaster District Local Plan, policies DM28 and DM35 of the Development Management DPD, policies AS01, AS02, and AS08 of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) DPD and Section 15 of the National Planning Policy.
2. The submitted Bat Survey identifies the presence of bat roosts within the existing building. Notwithstanding the proposed mitigation set out within the submitted Bat Survey, the Local Planning Authority considers that the current proposal fails to satisfactorily demonstrate that the derogation tests could be passed in order to obtain the licence necessary from Natural England. As such the application is considered to be contrary to the provisions of policy DM27 of the Development Management DPD and policy AS04 of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) DPD and section 15 of the National Planning Policy Framework.

## **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 takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

**Background Papers**

None