Agenda Item	Committee Date	Application Number
A6	19 August 2019	18/00380/FUL

Application Site	Proposal
The Corner House Woodwell Lane Silverdale Carnforth	Demolition of existing property and outbuilding, erection of replacement detached dwelling, alteration to vehicular access and associated landscaping

Name of Applicant	Name of Agent
Mrs Adele Higham	Michael Harrison

Decision Target Date	Reason For Delay
12 July 2018	Seeking revised plans to address concerns
12 July 2010	regarding scale and design

Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval subject to conditions

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation but was previously referred to the Planning Regulatory Committee by the former Ward Councillor, Cllr Goodrich. The report for Committee was written up with recommendation of refusal, primarily due to the scale and design of the proposal. However, revised plans were submitted before the application was heard at June's Planning Regulatory Committee. As it was necessary to re-consult on the revised plans the application was deferred from the meeting to allow time for this. Although Cllr Goodrich has now been replaced by Cllr Greenwell it is appropriate to bring the revised scheme to the Planning Regulatory Committee for consideration by Councillors.

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 (FP 8) runs along Woodwell Lane to the south of the site. A Tree Preservation Order (TPO 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
Arnside & Silverdale AONB	Comments raise concerns – Comments made in respect of the original plans make the point that 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. Following consideration of the revised plans the Arnside and Silverdale AONB consultee welcomes the inclusion of limestone cladding and the lowering of the front porch but previous concerns regarding the scale and design of this proposal remain as per original comments.
Natural England	No objections - considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
Tree Officer	No objections – 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.
County Highways	No objections –Suggests consideration of the installation of a length of kerb line along the sites frontage with Woodwell Lane.
Ramblers Association	No comments received
Parish Council	 Neither objects nor supports but comments made in respect of the original plans highlight the following concerns: Potential impact of the scale and in particular, the height of the proposal. Suggests that the LPA 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. There are trees within verges adjacent to the site which are protected by a TPO. 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. Following consideration of the revised plans the Parish Council made the following points:

- With regards the garage amendment, which involves the inclusion of a carport, as this element remains almost as wide as the original proposal the impact of the view from Woodwell Lane would be virtually the same as that of the original plans. Concerned that if this revised proposal is permitted, infill of the car port area to form an enclosed garage would be a likely future change.
- Tree planting is welcomed and will help replace some of the trees on site, felled before the original application was made.
- It is noted the submitted plans shows amendments to the existing trackway from
 the boundary of the property to join Woodwell Lane. Whilst possible alterations
 have been discussed with the Parish Council, agreement has not yet been
 formally reached on this matter. Protection of the wide verge at the side of
 Woodwell lane, up to the trackway, is important and it is requested this forms
 part of the mandated protection arrangement for the protected trees and their
 root areas in the verge.
- The scale and form of the proposal is still too large, dominant and insensitive for this location unacceptable and as such would have an unacceptable impact.

5.0 Neighbour Representations

- 5.1 Original Plans A total of 8 items of public comments were received in respect of the original plans. 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 queried the differences in height between the existing and proposed dwellings.

The final item of comment raised 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.

Amended Plans - Three items of public comment have been received in respect of the amended plans. Two of these items maintain objections and one neither objects nor supports but raises concerns regarding the introduction of a roof light window and possible overlooking. With regards the two objections the following points are raised:

- The revisions are very minor and appear to consist of: the removal of a dormer window; removal of the apex of the roof; the removal of some garage doors, and replacement of stone facing on some elevations with render. Neither the size nor the impression of size has been significantly reduced, and the impression is still very urban.
- Queries if there is a reduction in height and details of materials for forecourt, gating, external lighting or changes to the south facing boundary wall.

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 <u>Local Planning Policy Overview – Current Position</u>

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 <u>Lancaster District Core Strategy (adopted July 2008)</u>

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 Arnside & Silverdale AONB Development Plan Document (adopted 2019)

AS01 – Development Strategy

AS02 – Landscape

AS03 – Housing Provision

AS04 – Natural Environment

7.0 Comment and Analysis

- 7.1 The key considerations arising from the proposal are:
 - 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 Arnside 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.

- 7.3.3 There is a mix of design, styles and materials evident in relation to other dwellings in the vicinity of the site. This includes large detached dwellings, a range of bungalows as well as traditional terraces. The existing property is well set back from Lindeth Road but due to its position within the plot it is more visible from Woodwell Lane. The replacement dwelling would occupy a slightly larger footprint than the existing property. There were significant concerns regarding the scale and design of the original scheme. However, the following amendments have now been made to the scheme:
 - Overall ridge height lowered by introduction of flat top roof (previously 1.8 metres higher than original dwelling; now 1 metre higher);
 - Dormer window removed and replaced with roof windows to west and east elevations;
 - Full height bay over main entrance removed allowing for a simplified continuous gutter line to the main roof:
 - Entrance porch cheeks to be formed of natural stone under a pitched roof with gable formed at right angles to the Woodwell Road elevation providing a visual target for visitors on arrival;
 - Garage elevation redesigned to a single garage door, window and open car port with feature stone column support at external corner reducing overall impact of single storey elevation element; and
 - Lindeth Road and Woodwell Road elevations to be formed entirely of natural stone.
- 7.3.4 It is considered that the reduction in height goes some way to address the previous concerns regarding scale and the removal of the dormer and full height entrance bay serve to simplify the design somewhat. The omission of one of the garage doors and creation of a carport minimises the bulk and visual impacts of this element of the scheme. The inclusion of natural stone to the Woodwell Lane and Lindeth Road elevations is a welcome improvement and would be conditioned to fit in with the natural vernacular of the Silverdale area, which is predominantly limestone. While the catslide roof projection and integral balcony remains part of the scheme it is considered that the inclusion of natural stone will create an overall more cohesive appearance than previously proposed. While a significant amount of glazing is still proposed within the Lindeth Road elevation it has been reduced somewhat with the omission of the large dormer. Again, the natural stone will provide a more unified appearance to this elevation when viewed from Lindeth Road. Roof treatment will be natural slate.
- 7.3.5 On balance, and taking into account the range of property types in the vicinity of the site it is considered that due to the collective amendments the scheme is now acceptable in terms of scale and design and subject to the conditioning of appropriate materials, would not adversely impact the character of the AONB. However, to ensure that the unacceptable details that have been removed as part of the negotiations are not introduced at a later date under the General Permitted Development Order, it is appropriate to remove permitted development rights.
- 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. In addition the revised plans include a small roof light within the northern roof plane within its lowest point being approximately 1.6 metres above floor level within the study. Again, due to the distances involved and intervening planting this is considered to not be a point of concern. The proposed balcony within the front (Lindeth Road) elevation would be set into the catslide roof with 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 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

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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 of low conservation value are 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 loss 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 and 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 have regard to the three derogation tests that would 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 In terms of the first test it is considered that the replacement dwelling would be more eco-efficient than the existing property, which would make a small contribution to environmental benefits. This along with the revisions to design and scale would lead to an on balance conclusion that the first test can be passed.
- 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. The Planning Statement sets out that the existing dwelling is in a poor state of repair and this is certainly evident on site. The statement identifies that the existing building requires a replacement roof and

windows along with other structural defects. Although the applicant has looked at various options for renovating, extending, updating and altering the existing dwelling all considered options resulted in an unsatisfactory compromise with a large carbon footprint. As such the Local Planning Authority is satisfied that the second test could 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 It is considered that all three derogation tests could be passed in order to obtain the licence necessary from Natural England.

7.6 <u>Drainage</u>

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 Obligation

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 (AONB) 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. 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. The applicant has provided revised plans which on balance address the previous concerns regarding design scale and appearance. Subject to appropriate conditions regarding materials, landscaping and ecological mitigation overall it is considered that the proposal would comply with both local and national planning policy and would not impact adversely on the landscape character of the AONB.

Recommendation

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

- 1. Standard three year timescale
- 2. In accordance with amended plans
- 3. Submission of a foul and surface water drainage scheme (prior to the commencement of development)
- 4. Materials details and samples including elevational treatment (natural stone and render), slate, eaves verge and ridge details, rainwater goods, windows (including rooflights) and doors (including garage),

surfacing (including access between Woodwell Lane and the site) and boundary treatments, external lighting- to be submitted and approved.

- 5. Development in accordance with AIA including tree protection
- 6. Landscaping scheme
- 7. Ecological mitigation
- 8. Providing of parking and turning areas prior to occupation
- 9. Obscure glazing to first floor en-suite within northern elevation
- 10. Privacy screen to balcony details, implementation and retention
- 11. Removal of Permitted Development rights roof, windows and doors alterations (including garage doors), extensions and outbuildings and boundary treatments.
- 12. Garage use restriction

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

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.

Background Papers

None