

Agenda Item	A7
Application Number	20/00455/FUL
Proposal	Erection of a detached bungalow (C3), creation of vehicular access off Curwen Avenue and associated hardstanding
Application site	Land south of Curwen Avenue, Heysham Lancashire
Applicant	Mr John Ashdown
Agent	Building Plan Services
Case Officer	Ms Rebecca Halliwell
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

This application is a resubmission of the previously withdrawn scheme 19/00526/FUL that was referred to the Planning Regulatory Committee by Cllr Hartley on the grounds of design (layout and density) and highway safety. Therefore, in line with the Scheme of Delegation in the Council's Constitution, the application must be determined by the Planning Regulatory Committee

1.0 Application Site and Setting

- 1.1 The application site is located to the south of Curwen Avenue, west of the junction with Warton Avenue, within the urban area of Heysham. The Morecambe Bay SSSI, SAC, SPA and RAMSAR sites are sited circa 680m west of the application site.
- 1.2 The site is currently a vacant plot of land bounded by Curwen Avenue to the north, residential properties to the west and south and a row of garages to the east. To the south of the site is an existing boundary wall with the neighbouring property of 1 Cherry Tree Close, which is 4.5m at the highest point and 3.5m at the lowest point. To the west of the site is an existing boundary wall with the neighbouring property of 40 Middleton Road, which is 3.3m in height. Beyond the boundary wall to the west of the site is grassed land that rises from east to west. There are currently six bungalows located to the north of Curwen Avenue, which is a cul-de-sac.
- 1.3 The site is currently an overgrown small flat plot of land following the demolition of a joiner's workshop in 1993. The site is rectangular in shape with a long frontage and shallow depth. The area currently benefits from a number of self-sown trees within it.
- 1.4 The predominant residential property type in the immediate area is single storey bungalows. The row of garages is flat roofed with a tarmac area to the front. Curwen Avenue is accessed via a circular road centred by an area of grassed open space creating a small cul-de-sac.

2.0 Proposal

- 2.1 The proposal seeks planning permission for the erection of a detached bungalow (Use Class C3), the creation of a vehicular access off Curwen Avenue and associated hardstanding. The proposed dwelling will occupy the western part of the site. The property will have a width of 16m and a depth of 5.2m, resulting in a proposed footprint of 83 sq.m. The proposed dwelling will be single storey with a pitched roof, with a ridge height of 4.2m.
- 2.2 The external walls will be finished in render with a concrete tiled roof. Internally the property will provide 2 bedrooms, one with an en-suite, a family bathroom, an open plan kitchen / dining room, an entrance hall and a lounge. To the west of the property will be an area of private amenity space measuring 68 sq.m and 2 off street parking spaces.
- 2.3 The boundaries to the west and south of the site are to be retained as existing. A 1.8m high boundary wall / fence is also proposed to create the private amenity space to the rear. A 1.5m footpath is also proposed which will extend along the frontage of the site to serve both the application site and the street.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
19/00526/FUL	Erection of detached bungalow with detached garage	Withdrawn
09/00818/FUL	Erection of a detached bungalow with detached garage	Permitted
94/00510/FUL	Amended proposal for erection of one detached dwelling.	Permitted
93/01088/FUL	Demolish existing workshop and erection of two detached dwellings.	Permitted

4.0 Consultation Responses

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

Consultee	Response
Office of Nuclear Regulations	This application falls outside of any GB nuclear consultation zone, therefore ONR has no comment to make.
United Utilities	No objection subject to the site being drained on separate systems with foul water draining to the public sewer and surface water draining in the most sustainable way.
Property Services	The land between the highway kerb and the development site is within Lancaster City Council's ownership as is the development plot.
Health and Safety Executive	The development does not intersect a pipeline of hazard zone.
Emergency Planning	Lancashire County Council's Emergency Planning Team have received no objections to the application from the relevant organisations, therefore all agencies can accommodate the changes within the Heysham Power Stations Off-Site Emergency Plan
Highway Authority	The creation of a means of access serving a single residential unit with parking facilities complying with Lancaster City Council's parking standard guidelines to be appropriate in capacity terms given traffic levels on Curwen Avenue. Therefore, no objection is raised subject to the inclusion of a number of conditions relating to the submission of details prior to commencement of the development for the creation of the access point and the creation of a 1.5m footway.
Environment Agency	No comments to make.

4.2 4 letters of representation have been received from the public, 3 from local residents and 1 from Cllr Hartley. The letters of representation object to the proposal for the following reasons:

- Highway Safety – parking issues due to the road being too narrow for vehicles to drive into and out of a driveway safely. Further to this, visitors would have to park on the road, exacerbating existing access issues.
- Amenity Impact – overlooking and loss of privacy
- Standard of Accommodation – the proposed layout is not suitable
- Loss of Trees – ecological impact would be adverse as the trees host an array of birds, bats and foxes. Loss of noise insulation.
- Layout and Density – the site is a narrow strip of land. Doubts have been raised if the site can even accommodate the proposed development

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

Principle of the development (Development Management DPD Policies DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM60 (Enhancing Accessibility and Transport Linkages) and NPPF Section 2: Achieving sustainable development, Section 11: Making effective use of land))

Design / Visual Impact (Development Management DPD Policy DM29 (Key Design Principles) and NPPF Section 12: Achieving well-designed places))

Residential Amenity (Development Management DPD Policy DM29 (Key Design Principles) and NPPF Section 12: Achieving well-designed places))

Highways (Development Management DPD Policy DM62 (Vehicle Parking Provision) and Appendix E: Car Parking Standards and NPPF Section 9: Promoting sustainable transport))

Biodiversity (Development Management DPD Policies DM45 (Protection of Trees, Hedgerows and Woodland) and DM44 (The Protection and Enhancement of Biodiversity) and NPPF Section 15: Conserving and enhancing the natural environment))

Drainage (Development Management DPD Policy DM30 (Sustainable Drainage) and DM34 (Surface Water Run-Off and Sustainable Drainage))

5.2 Principle of the development

5.2.1 Policy DM1 of the DM DPD states that any new development must be well related to the existing built form of the settlement and be located where the environment and infrastructure can accommodate the impacts of the expansion. Policy DM60 of the DM DPD sets out that proposal should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport.

5.2.2 The site is located within the urban area of Heysham, within an existing residential area and is within a short walking distance of a number of local facilities, including shops, bus services and local schools. It is, therefore, in principle considered to be an appropriate location for new residential development.

5.2.3 Policy DM1 also relates to Meeting Housing Needs within the District. It states that the council will support proposals that seek to promote balanced communities and meet evidenced housing needs by supporting proposals that accord with the Council's latest Strategic Housing Market Assessment. Notwithstanding the above assessment, the council has responsibility for planning for the future housing needs of the district, with the NPPF requiring local authorities to significantly boost the supply of housing especially in situations of noted undersupply. The November 2019 Housing Land Supply Statement sets out that 4.5 years of housing supply can be demonstrated at the current time.

5.2.4 The council's DM DPD adopted in July 2020 states that, on the basis of; the deliverability evidence provided to support the Local Plan; the application of a stepped housing requirement; a 5% NPPF

buffer; and, taking account past periods of undersupply the council could demonstrate a 5-year supply during the Examination local hearing. In reaching this conclusion the Inspector states in his report that whilst assessing the plan under the 2012 NPPF he remained satisfied that a 5-year supply could also be demonstrated under the increased scrutiny required under the new 2019 NPPF. However, due to Covid-19, delivery has slowed, and it is considered that when the figures are re-run under the NPPG the council will not be able to demonstrate a 5 year land supply.

- 5.2.5 A lack of a five-year housing land supply is a material consideration in the determination of this application and also requires the application of the presumption in favour of sustainable development. Opportunity to address the undersupply can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process. Therefore, given the current situation, the relative small scale of the proposal and the proximity to local services, it would be difficult to resist the principle of residential development in this location.
- 5.2.6 DM2 of the emerging Local Plan relates to Housing Standards. The council, in accordance with national policy and practice guidance, has taken consideration of overall need and viability across the district and has chosen to implement optional housing standards on new residential development. Proposals for residential development will be supported where the new dwelling meets the Nationally Described Space Standard (NDDS) (or any future successor). As submitted the bedrooms would measure 7.2 sq.m and 11.04 sq.m. The NDDS require single bedrooms to measure 7.5 sq.m and double bedrooms 11.5 sq.m. It is acknowledged that both rooms are marginally substandard, however, it is not sufficient to warrant the refusal of this application. Further to this, the NDDS required that for a 2 bedroom single storey dwelling a minimum of 61 sq.m and a maximum of 70 sq.m total gross internal floor area is provided. In this case, the proposed dwelling would exceed even the maximum amount as it proposes a dwelling with a total floor area of 83.2 sq.m.
- 5.2.7 Further to this, the proposed detached dwelling has previously been approved in 1994 and 2009. The submitted application differs slightly in scale and layout due to the removal of the detached garage element.
- 5.2.8 Taking into consideration the above, it is considered that the proposed development accords with local policies found within the DM DPD. The principle of the development is accepted, in accordance with the NPPF's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters.
- 5.3 Design / Visual Impact
- 5.3.1 National policy requires development to be of good design and contribute positively to making places better for people, requiring development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Planning permission should be refused for poor design that fails to take opportunities for improving the quality and character of an area. This is reiterated in Policy DM29 of the DM DPD which echoes the above whilst stating that that design should have regard to local distinctiveness have appropriate siting, layout, materials, orientation and scale.
- 5.3.2 The application site lies within a predominantly residential area. The immediate surrounding area is characterised by semi-detached two storey dwellings and semi-detached / detached bungalows. The proposed dwelling is of a design which reflects the character and appearance of the local area and will be finished in materials that are similar in appearance to the local vernacular.
- 5.3.3 The Council recognises the importance that private garden space can provide, both to the health and well-being of residents but also the benefits that it can provide to the natural environment, particularly in urban locations. New houses should be designed to ensure that at least 50 sq.m of usable private garden space is provided, which is not directly overlooked by neighbouring properties. Rear gardens should look to achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth. This is on the proviso that the garden area still provides a minimum 50 sq.m of useable, private amenity space (which must be proportionate to the size of dwelling – for example 50 sq.m for a two-bedroom house and an extra 10 sq.m for each additional bedroom) and providing neighbouring private amenity open space will not be overlooked. The

garden cannot achieve a depth of 10m due to the narrow nature of the site, however, the submitted details show that an amenity space of 68 sq.m will be provided to the east of the proposed dwelling.

- 5.3.4 The scale and massing of the proposed dwelling is thought to reflect that of the existing semi-detached dwellings located on Curwen Avenue. Further to this, the siting of the dwelling is dictated by the narrow plot of land and the boundary treatments to the south and west of the site.
- 5.3.5 The proposed dwelling has been designed so that the majority of the primary windows which will serve habitable rooms are situated on the north facing principal elevation. The south elevation will contain 4 windows, 2 of which will serve the bathroom and en-suite and 2 which will serve the kitchen / dining room. However, given the size of these opening in relation to the larger windows proposed in the front elevation, which will also serve the room, they are considered secondary.
- 5.3.6 The submitted plan shows that a 1.8m high fence / wall will be installed between the proposed dwelling and the proposed two parking spaces. This will provide adequate screening for the amenity area from Curwen Avenue. No details of the boundary treatment have been provided, so a condition will be attached requiring the submission of a scheme and its implementation prior to occupation of the dwelling.
- 5.3.7 On this basis, it is considered that the proposed development would not have an adverse impact upon the character and appearance of the application site or the surrounding area, nor would it appear as an incongruous addition within the streetscene. The development, therefore, accords with Policy DM29 of the DM DPD and the NPPF.

5.4 Residential Amenity

- 5.4.1 Policy DM29 of the DM DPD states that new dwelling should not have an adverse impact upon privacy and be free from overlooking and overshadowing where possible. It goes on to further state that a separation distance of no less than 21m shall be maintained between facing windows of habitable rooms and a separation distance of no less than 12m shall be maintained where windows of a habitable room face a blank gable or a wall with only windows to non-habitable rooms.
- 5.4.2 The proposed dwelling would be sited circa 13m from the neighbouring property No. 6 Curwen Avenue. The proposed windows on the front elevation of the proposed dwelling would face towards the blank gable elevation of No. 6 Curwen Avenue. Therefore, it is considered that the proposal would comply with the required separation distances. Further to this, given the orientation of No. 6 Curwen Avenue it is considered that the proposed windows located on the principal elevation would not result overlooking or a loss of privacy to the occupier of No. 6 or the proposed dwelling.
- 5.4.3 The development also proposes a number of openings to the rear elevation, which would face towards No. 1 Cherry Tree Avenue. However, taking into consideration the substantial boundary treatment, which is to be retained, it is considered that the development would not result in an adverse amenity impact upon the occupiers of No. 1 Cherry Tree Avenue.
- 5.4.4 A window and door opening are also proposed to the east facing gable elevation, though these will face towards the proposed amenity space and parking spaces. It is, therefore, considered that the proposed development would have a negligible impact upon the amenity of the occupiers of the neighbouring properties and accords with Policy DM29 of the DM DPD and the NPPF.

5.5 Highways

- 5.5.1 As part of the proposed development a new access is to be created and the provision of an area of hardstanding which will accommodate 2 off-street parking spaces. Appendix E of the DM DPD sets out the council's parking standards for all development. A two bedroom C3 dwelling would require the provision of a minimum of 2 off-street car parking spaces. The proposed area of hardstanding will measure approximately 6m wide, with a length of circa 5.5m. Therefore, providing adequate space to accommodate 2 cars.
- 5.5.2 The proposed access is to be immediately to the north of the two proposed parking spaces, east of the proposed dwelling. The Highway Authority has raised no objection to the proposed development on the basis that the nature of the proposed development would be unlikely to generate a significant number of additional vehicle trips and the nature of the carriageway in the immediate vicinity if relatively flat, drivers, pedestrians and cyclists will be able to see oncoming vehicles from a

reasonable distance. Consequently, the proposed level of off-street parking is considered to be acceptable in both highway safety and visual amenity terms.

5.5.3 The Highway Authority has requested the attachment of a prior to commencement condition relating to the submission of a scheme for the construction of the site's means of access and associated footway along the frontage of the site. The latter is outside of the applicant's red edge and will be obtained via the attachment of a Grampian condition.

5.5.4 The proposed development will, therefore, not have a detrimental impact upon road safety or the safe, efficient and convenient movement of highway users. It would also provide adequate off-street parking in accordance with the Councils adopted standards. The development, therefore, accords with Policy DM62 and Appendix E of the DM DPD and the NPPF.

5.6 Biodiversity

5.6.1 An Arboricultural Impact Assessment has been submitted in support of the application. The entire site is populated with low quality trees and brambles. The assessment states that all of the trees have poor form and have resulted from regrowth and natural regeneration. They offer only transient value and no trees were identified as being suitable for retention. All of the trees and vegetation will be removed to accommodate the proposed development.

5.6.2 The assessment concludes that there is no requirement for tree protection measures as no off site trees will be impacted by the development and all on site trees and vegetation will be removed prior to commencement of the development. It goes on to further state that an element of tree and hedge planting would provide opportunities to improve the quality of tree cover, species and habitat creation for both nesting birds and pollinators. Concerns have been raised by local residents that the loss of trees and vegetation will impact birds, bats and foxes in the area. Therefore, a condition will be attached requesting the submission of a landscaping scheme prior to the occupation of the dwelling to ensure that the landscaping is both appropriate for the site and results in biodiversity net gain.

5.6.3 The site is located approximately 680 metres from Morecambe Bay Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and RAMSAR Site. The site is separated from the designated areas by intervening residential development and highway. As such, it is considered that there would be no direct impacts on this.

5.6.4 However, there is the potential for increased recreational pressure post development, although this is unlikely to be significant given the scale of the development. It is considered that this relatively small potential impact could be adequately mitigated through a requirement to produce and distribute a homeowner pack to future occupants, which could be controlled by a condition. As mitigation would be required, the Local Planning Authority is required to undertake an Appropriate Assessment, and this is contained in a separate document. This concludes that, with mitigation, it is considered that proposed development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. Natural England has confirmed that they agree with this conclusion.

5.7 Drainage

5.7.1 The submission sets out that both foul and surface water will drain to the public sewer. In accordance with the drainage hierarchy, surface water must be drained in the most sustainable way and by infiltration or to a watercourse before draining to a sewer. As such, it would need to be demonstrated that this was not feasible. However, given the small scale of the scheme it is considered that this could be adequately covered by condition.

6.0 Conclusion and Planning Balance

6.1 In conclusion the proposed development would make a modest contribution to the provision of housing within the district which weighs in favour of the application. Impacts upon ecology, trees and drainage arrangements can be satisfactorily mitigated and controlled through planning conditions, with residential amenity maintained to an acceptable drees through the removal of permitted development rights.

- 6.2 The information regarding the access arrangements is broadly acceptable subject to precise details being submitted prior to the commencement of works. Whilst the bedrooms do not meet the required Nationally Described Space Standards, the benefits of the housing provision are considered to outweigh the harm to amenity caused by this, particularly as the proposed dwelling would offer satisfactory standards of residential amenity given it exceeds the required floor area far exceeds the maximum standards for a 2 bedroom dwelling.

Recommendation

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

Condition no.	Description	Type
1	Standards 3 year timescale	Control
2	Approved plans	Control
3	Materials as agreed	Control
4	Access details / scheme	Prior to Commencement
5	Surface water drainage scheme	Development above ground
6	Provision of parking spaces	Prior to Occupation
7	Homeowner pack	Prior to Occupation
8	Boundary treatment details	Prior to Occupation
9	Landscaping scheme	Prior to Occupation
10	Off-site highways works – access point and footway	Grampian
11	Arboricultural Impact Assessment	Control
12	Retention of south and west boundary treatments	Control
13	Removal of PD	Control

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None