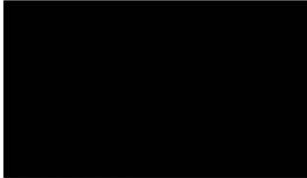


C.A. & A.P. Robinson



12<sup>th</sup> December 2016

Mr. A McNeill  
Development Plans Manager  
South Lakeland District Council,  
South Lakeland House,  
Lowther Street,  
Kendal,  
Cumbria  
LA9 4DQ

**Reference:** Arnsdale and Silverdale AONB Development Plan Document (Draft Plan Consultation November 2016).  
**Comments on Site Proposal AS25 - W130, (Land North of 17 Main Street, Warton)**

Dear Mr McNeill,

Thank you for emailing me the links to the Development Plan Consultation Document (DPCD) and it's supporting documentation. I would firstly like to point out that the proposal in question, (AS25 – W130), appears to have been included in the plan at a very late stage, and this is the first time anyone has either known about it or had chance to comment on it. Secondly the site is titled incorrectly as *17 Market Street*, in the DPD Section 5.2 table AS16, throughout the whole of the Viability Study and in Appendix 2 the Site Assessment Spreadsheet. This is confusing to all readers of the documents, and in particular those affected by the proposal, as it could easily have been missed.

My wife and I live adjacent to the proposed site and would be seriously affected if the proposed development W130 were to go ahead. We therefore object to the development on the following grounds; our objections are presented as claims, with reasoned arguments and evidence, including photographs, to support them

### **Cultural Heritage of Warton and the AONB**

#### **Claim 1**

**Development of the proposed site W130 would mean the destruction of the gardens and the possible demolition of the house “Inglebank”. Inglebank is part of the cultural heritage of Warton, and is the finest looking house in the village, (Photo 1), and should not be demolished under any circumstances.**

Cultural heritage is addressed under the DPCD Policy Issues Section 4.4 (AS08 – Historic Environment), and is one of the themes of the DPD Sustainability Appraisal Report, (table B-2) which is to “*conserve and enhance the highly valued historic environment and cultural heritage ...*” of the AONB.

The Landscape and Visual field study carried out on the site postulates that the house “Inglebank” built on the land at 17 Main Street Warton, **could be demolished to facilitate development and the construction of a new access road.** Inglebank forms an integral part of the cultural heritage of Warton; having been built in 1894 for the Carnforth Station Master, it has links to the strong cultural heritage of Carnforth Railway Station. It is a strikingly beautiful building in the late Victorian style, constructed of contrasting grey Scottish granite it sits well in its landscaped gardens. It can be seen across the fields as one approaches Warton along Mill Lane, (Photos 2&3) and is one of the finest looking houses in the village, and an asset to both the village and the AONB.

Furthermore, the DPD Sustainability Appraisal Report, (Appendix G, SA Matrices: Draft Plan Site Allocation W130), states under Objective 16 (Heritage): *“The site contains a Grade II listed building and so has potential to cause direct or indirect effects”* and also, *“Site is within 100m of a Conservation Area, and so has potential to affect its historic setting.”*

It is hoped that its cultural significance and the presence of a grade II listed building on the site will be sufficient to protect Inglebank from demolition, and prevent any development within the curtilage of the existing property. Whether the site development proposal is approved or not, **demolition of Inglebank should not be permitted under any circumstances.**

### Character and Visual Amenity of the AONB

#### Claim 2

**Development of the proposed site W130 will spoil the character and visual amenity of the AONB by ruining the view from Warton Crag south toward Millhead, (Photos 4, 5&6) and adding to the urban sprawl by linking Warton village to the new developments in the Sand Lane area**

This is addressed under the DPCD Overall Strategy Section 3.1 (AS02 – Landscape), and is another theme of the DPD Sustainability Appraisal Report (table B-2), which is to *“protect and enhance the special qualities of the AONB in particular its landscape, views and settlement character”*

The Landscape and Visual Field Study carried out on the site states that: *“ the site (W130), is concealed by the residential properties and mature garden vegetation of Main Street,”* and that the site *“is considered to have the capacity to accommodate some development without resulting in harm to the character and visual amenity of the AONB”* **This statement is not accurate,** as while part of the site will be obscured by the existing residential properties and gardens, this will not be the case if Inglebank is demolished, and **the Northern extent of any development will be visible even if single storey dwellings are erected, as a fence which has recently been erected in part of the proposed site, is clearly visible as one approaches Warton along Mill Lane. (Photos 2&3)**

The Field Study goes on to state that the site, (W130) *“ is a noticeable element in views from the footpath at the west edge of the conservation area and from Warton Crag”* . **This is somewhat of an understatement,** as the views south from Warton Crag are spectacular, particularly when some of the fields are flooded, (Photo 7), taking in the green field slopes of the Crag, sweeping across the fields to Mill Head, Carnforth and beyond. This view is shown very well in the photograph which forms part the Field Study Survey Sheet, and in (Photos 4, 5&6). The view is enhanced by the period Victorian and Edwardian houses with their mature gardens which form part of the foreground. This early ribbon development of period houses along Main Street, helps to provide a break between the village conservation area and the new developments around the junction of Main Street with Sand Lane. **The development of site W130 with 16 highly visible, high density single**



storey dwellings will ruin this view completely and add to the urban sprawl, linking the village conservation area with all the new developments in the Sand Lane area.

### The Financial Viability of the proposed development

#### Claim 3

The development of site W130 is only marginally viable due to high development/access costs, and only delivers 3 affordable houses. It is financially unviable for the landowners once the fall in value of their existing property, or the demolition and rebuilding costs of Inglebank are included. These plus the fact that **there is a covenant attached to the proposed site, which gives the previous landowners a share in any profits resulting from the land being developed for housing**, means that the development proposal is financially unviable, and should not be included in the Arnside and Silverdale AONB Development Plan Document.

The methodology of estimating the viability of developing the proposed site, (W130) is explained in The Arnside and Silverdale AONB DPD Viability Study and a detailed breakdown of the estimated costs for W130 is given in the Appendix 2 Base Appraisals.

#### Viability for the Developers

The viability study is based on building 16 properties, (13 at market value, 1 shared ownership and 2 affordable rent), on a 0.53 hectare site, with an average property size of 86m<sup>2</sup>, which generates a Gross Development Value (GDV) of £2,615,444. This GDV is set against Development Costs of £1,999,479; which includes cost of land (£65,108), building costs (£1,492,809) and abnormalities – additional costs due to difficult access, (£74,640), to deliver a competitive return of £523,089, which is 20% of the GDV.

The estimated value of the land, known as the Residual Value, is based on what the developer can afford to pay the landowner to achieve the 20% return on GDV as shown above, and is based on an Existing Land Value for the site of £13,250, plus an uplift of £214,650 in site value if planning permission was granted, less the developers costs to achieve his 20% return. This results in an estimated site value of £65,108 which the developer would pay to the landowner.

The viability study shows that the developer can achieve his 20% return, however this is with minimal shared ownership/affordable housing,(3 units out of the proposed 16), or 18% of the total build, as opposed to the 30% target of affordable housing for Lancaster City Council, and 50% for the AONB.

#### Viability for the Landowner

There is an existing covenant on the proposed site that was not declared in the extra site proposal No 9257 AONB ES; this will dramatically affect the viability of the development. This covenant was imposed when the 4 hectare field was sold as agricultural land by the previous owners in 2015. They included a covenant in the sale whereby they would take a share in any profits generated should the land be developed for housing at a future date. The previous owners are aware of the current development proposals, and are watching the situation with interest.

This is not the whole story however, as the costs to the landowner to overcome the problems of site access, and the devaluation of their existing property have not been included in the appraisal. The existing property and garden at 17 Main Street were bought by the current owners in 2015 for £485,000 and they later purchased the 4 hectare field on the north side of the property, ( which includes site W130), for £94,000. There is no access to site W130, and as things stand this could only be provided by:

- a) Constructing an access road through the garden of the existing property.
- b) Knocking down the house (Inglebank), building a new road and then constructing a new house of the same footprint area as the original in the remains of the garden, (as postulated in the Landscape and Visual Field Study).

With either option the costs to the landowner make the development financially unviable:

- a) The value of the existing house would be considerably reduced due to the new road through the garden, and by being overlooked from the rear by the new development. It is estimated that the current value of the house would be reduced to £400,000, **giving a net loss of £20,000 when the value of site W130, (£65,108) is added.**
- b) The cost of demolishing and rebuilding the house is estimated at £220,000; based on a 222 m<sup>2</sup> gross internal area. The house would not be of the same quality or have the character of the original, and with a much smaller garden and being overlooked from the rear by the new development would have an estimated current value of £350,000, **giving a net loss of £290,000 when the value of site W130, (£65,108) is added.**

As discussed, the costs of the development to the landowner greatly outweigh the increased value of the land unless another strategy is being considered:

- a) The land owner could be intending to develop the land himself or in partnership with a developer. However this would still only be marginally viable, and once the loss on the existing house value itself is taken into account could still make the development unattractive.
- b) The landowner or developer could try to **maximise their return** by applying to:
  - i Increase the number of the properties, (property density) on the site.
  - ii **Not build any affordable housing**
  - iii Demolish Inglebank and fully develop the whole site with new houses, thereby maximising the return.
- c) The landowner could be intending to develop the site as a private estate with other prospective residents, in which case the losses incurred by the land owner would not signify, and would be shared amongst members of the new estate.

Were the proposed site W130 to be approved for development, it would the Lancaster City Council's responsibility to ensure the requirements of the AONB were met, that the correct percentage of affordable housing is included, and that the remaining "market" housing is released onto the open market. Otherwise the whole purpose of the exercise, which is to provide affordable housing for the local community, will be lost.

#### **Viability of the Arnsdale and Silverdale AONB Development Plan**

The financial viability appraisal for the development of proposed site W130 is shown in the Base Appraisal and Summary spreadsheets in Appendix 2 of The Arnsdale and Silverdale: AONB DPD Viability Study. The following figures were produced by this appraisal

- i. The Existing Use Value of the site is **£13,250** (£25,000/hectare)
- ii. The Residual Value of the site is calculated at **£65,108** (£122,845/hectare)
- iii. The Viability Threshold Value of the site, (Existing Use Value plus uplift) is **£227,900** (£430,000/hectare)
- iv. The Additional Profit for the site, (funds available to contribute toward the council infrastructure costs), is **negative, -£175,116**. This means that the proposed development could not contribute any funds toward infrastructure costs, and these would **all have to be met by the council.**



Even when ignoring the effects of devaluation of the existing property, and the covenant held by the previous landowners, the Base Appraisal for site W130 is assessed as only ***“Marginally Viable”*** as defined in Section 9 of the Viability Study, which states ***“Marginal - where the Residual Value per hectare exceeds the Existing Use Value or Alternative Use Value, but not Viability Threshold Value per hectare. These sites should not be considered as viable when measured against the test set out, however depending on the nature of the site and the owner, they may come forward.”***

Finally, in Section 10 the conclusions of the Viability Study; conclusion 10.8 regarding affordable housing, states ***“In LCC the values are lower than in the SLDC area this is reflected in the results. Even at the lower 30% affordable, none of the three LCC sites are viable. This must raise doubts about their deliverability in the current market.”***

### **The proposed development constitutes a Major Development**

#### **Claim 4**

The development of proposed site W130 should be categorised as a Major Development due to the size of the site, (0.53 hectares), the number of proposed new houses (16) and the requirement to construct a new access road. Major Developments are not permitted in the AONB.

There are many references to major developments in the DPCD, for example:

Section 1.3.7 of the DPCD refers to paragraph 116 of the National Planning Policy Framework, NPPF), which states:

***“Planning permission should be refused for major developments in these designated areas, [AONB’s], except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Consideration of such applications should include an assessment of:***  
***i The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;***  
***ii The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and***  
***iii Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated “***

Section 3.1 of the DPCD Proposed policy AS01 states:

***“In accordance with NPPF Paragraph 116, proposals for major development will not be permitted in the AONB, unless the proposal can be demonstrated to be in the public interest and exceptional circumstances exist.***

***Whether a proposed development constitutes major development will be a matter for the relevant decision taker, taking into account the individual characteristics and circumstances of the proposal and the local context. In determining whether a proposed development constitutes major development the Councils will consider whether by reason of its scale, character or nature, the proposal has the potential to have a significant adverse impact on the natural beauty of the AONB.***  
***“***

Section 3.1.16 and 3.1.17 of the DPCD which state:

***“National planning policy does not allow major new development in Areas of Outstanding Natural Beauty except in exceptional circumstances because of the likely harm it would cause to the***

*would therefore be through the mature grounds of the existing residential property resulting in the loss of existing vegetation which contributes to the character of Main Street....".* Note this includes a rare mulberry tree that is growing in the garden.

Development of residential gardens is restricted under the National Planning Policy Framework, (NPPF) paragraph 53 which states that:

*"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."*

By referring to DPD Appendix 2 Site Assessment Spreadsheet, it can be seen that a total of 10 proposed development sites have already been rejected under NPPF Par 53. Proposed site W130 should likewise be rejected on the grounds of inappropriate development.

### **Increased risk of flooding at the junction of Main Street and Sand Lane**

#### **Claim 7**

**Development of the proposed site W130 will mean increased surface water run off from the new road and buildings, plus sewerage from the 16 new buildings will enter the already overburdened sewer main in Main Street, and cause increased flooding at the corner of Sand Lane and Main Street during times of heavy rainfall**

This is addressed under the DPCD Policy Issues Section 4.9 (AS13 – Water quality, sewerage and sustainable drainage), and is and is another theme of the DPD Sustainability Appraisal Report (table B-2), which states that's: *"The AONB DPD should include policies that address water quality, flood risk and coastal erosion."*

During Periods of heavy rainfall there is an ongoing problem **with flooding of houses on the south side of Main Street at the junction with Sand Lane**. This is caused by the combination of sewerage and surface water run off. This collects and then flows under gravity along the sewer main that runs down the middle of Main Street, and along Gardener Road to the pumping station in the field on the south side of Gardener Road. The combination of the **long pipe run and insufficient pipe fall causes the drainage water to back up** during periods of high rainfall, and results in localised flooding at the junction of Sand Lane and Main Street. **This flooding problem has worsened** in the last few years following building of new houses at Town End Fold near the junction with Sand Lane.

The rainwater that falls onto the proposed site, (W130), currently **soaks naturally into the field** and there is no excess surface water run off into Main Street. However if the proposed site is developed with 16 new properties, garages, drive ways and a new access road, this **will dramatically increase the drainage flow into the Main Street sewer**. Due to the proposed new development being built at a higher level, it will preferentially flow into the sewer, further **restricting the low flow rate from the Sand Lane junction end of the sewer, causing even more flooding problems for those residents during periods of heavy rainfall**.

It should be noted that the DPD Sustainability Appraisal Report for W130, (Appendix G, SA Matrices: Draft Plan Site Allocations), under Objective 10 (Water), **has not addressed the above issue. The Appraisal for proposed site W130 should be revisited and amended to state "Any development must show that it will not worsen any flood or surface water risks to existing properties"**

## Safe Vehicular Access to the proposed site

### Claim 8

**Development of the proposed site W130 will result in a new access road which will make vehicle egress from the new road and driveways of adjoining houses hazardous, increase traffic through Warton and Carnforth, and result in loss of parking on Main Street for the existing residents.**

This is addressed under the DPCD Overall Strategy Section 3.2 (AS03 – General Requirements), DPCD Policy Issues Section 4.5, (AS09 – Design), and Proposed Development Allocation Section 5.3, (AS25 – W130, Land North of 17 Main Street Warton).

There is currently no vehicular access to the proposed development site and so a new road would have to be constructed from Main Street through the existing grounds of No.17 Main Street. Main Street is a busy road and due to the high wall and driveway between No.17 and No.19, and the driveway, wall and large trees between No.15 and No.17, **egress from the new road would be potentially dangerous unless a very wide junction was designed; this would detract from the visual amenity of the area, and also make egress from the adjacent driveways a lot more hazardous.** Additionally, the building of 16 new properties with an estimated 24 cars between them would significantly add to the traffic flow through Warton Village and Carnforth, both of which already have significant traffic flow problems.

It has been speculated that the “small lane” between 15 and 17 Main Street could possibly be used for access to the proposed site. This “small lane” is in fact a private driveway owned by the owners of 15 and 15A Main Street, and judging by conversations held with the owners, access via this route is very unlikely to be granted.

Due to the topography of the land **the new road would be very steep.** This would encourage surface water run off and lead to a surface water hazard at the junction with Main Street and the **possibility of ice in the winter time.**

The DPD Appendix 2 Site Assessment Spreadsheet confirms that there are potential problems with access with the statement *“Careful design of safe highway access required”*

## Reduction in Biodiversity of the proposed site

### Claim 9

**The development of the site will result in a reduction of biodiversity of the site due to blocking of an existing wildlife tunnel in my garden wall, which is used by frogs and hedgehogs for access into the field beyond**

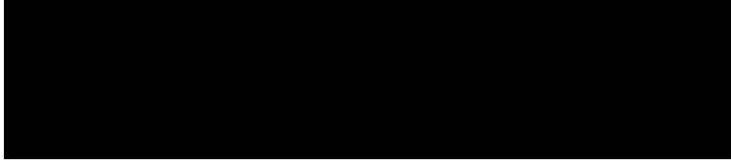
My garden contains a small sized pond, (4m long x 2m wide x 1m deep), and each year an increasing number of frogs breed producing hundreds of young frogs. My garden can only support so many frogs, and to enable them to leave the garden, I have created a tunnel through the wall by which they can enter and exit the garden safely. This tunnel is also large enough to be used by hedgehogs and other small mammals and reptiles. I am concerned that if the proposed site W130 is developed behind my house, another fence will be constructed which will block off the wildlife tunnel, and then the animals which wish to leave the garden will be forced to negotiate the driveway, and face the hazards of the road beyond.

The biodiversity of the site has been assessed by the Cumbria Wildlife Trust in their Biodiversity Assessment; no mention is made of the wildlife tunnel as they were not aware of it.

Summary

In summary, I believe that the nine claims discussed above adequately refute the viability and desirability of the development of proposed site W130 on land behind 17 Main Street Warton, and I formally request you consider these claims and if substantiated remove this site from the Arnsdale and Silverdale AONB Development Plan Document.

Yours sincerely,



Cliff and Anne Robinson

CC

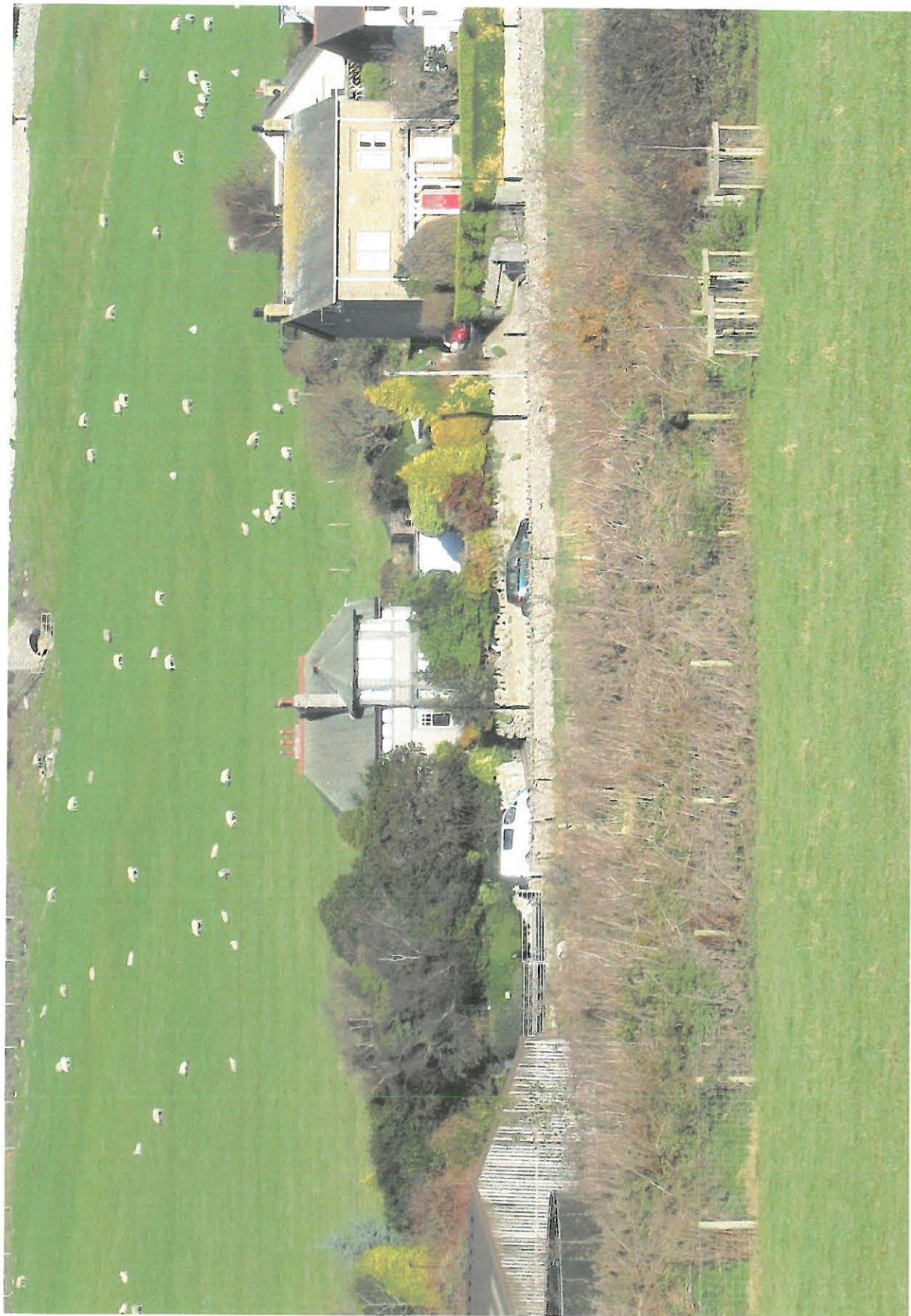
Mr. David Porter Lancaster City Council  
Arnsdale and Silverdale AONB  
Warton Parish council





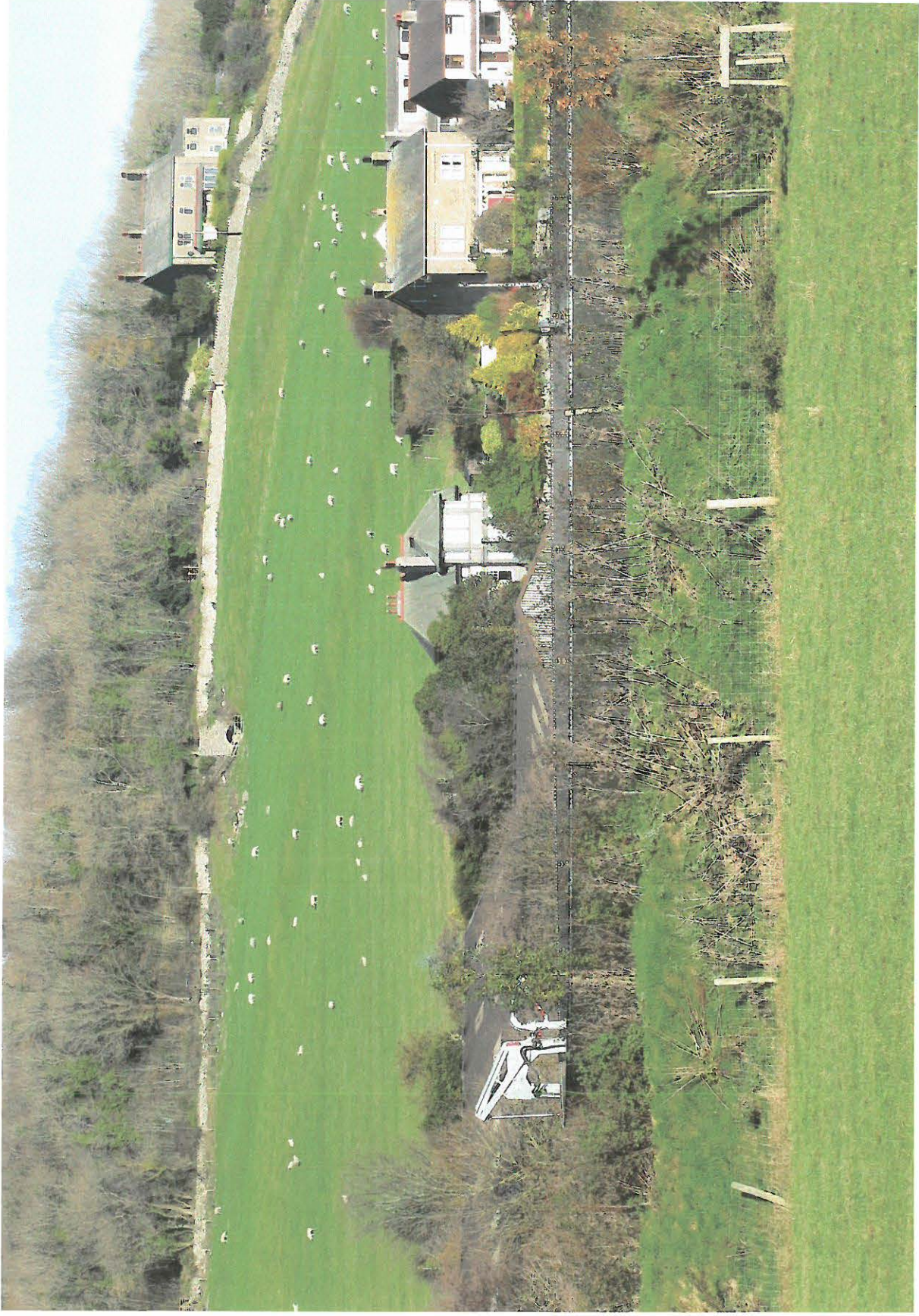
**Photo 1 – “Inglebank”, 17 Main Street Warton**





**Photo 2 - View from Mill Lane**





**Photo 3 - View from Mill Lane**





**Photo 4 - View from Crag Road**



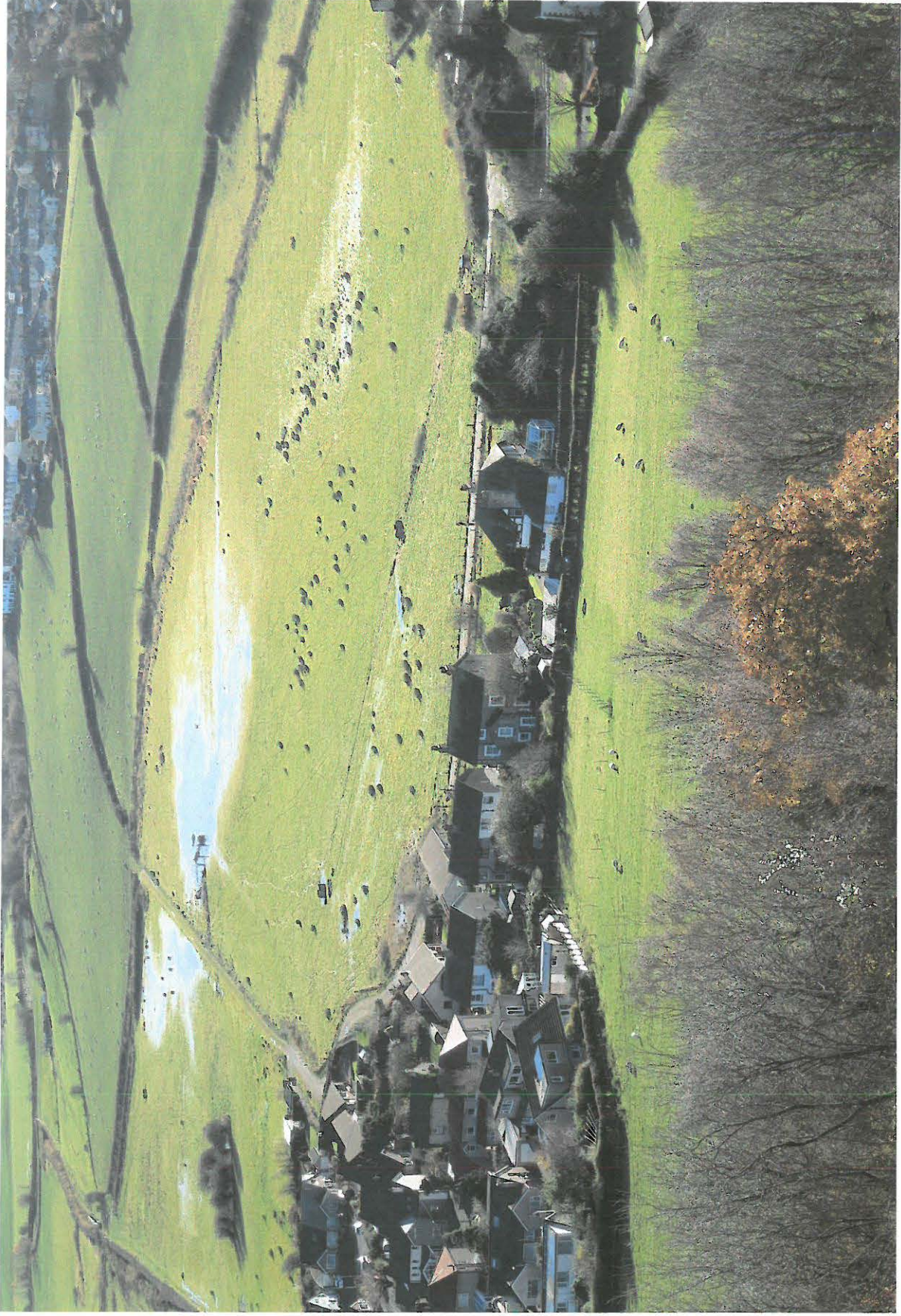


Photo 5 - View from Warton Crag





**Photo 6 - View from Warton Crag**





**Photo 7 - View from Warton Crag**