

Agenda Item A8	Committee Date 11 May 2009	Application Number 09/00203/OUT
Application Site Land adjoining 81 Grosvenor Place and 1 Grosvenor Court, Carnforth	Proposal Outline application for the erection of a detached bungalow and double garage and construction of a footpath link	
Name of Applicant Lewis Bibby	Name of Agent Greg Gilding	
Decision Target Date 4 May 2009	Reason For Delay Deferred by Committee for a site visit	
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 This is an updated and extended version of the report which was considered by the Committee at its meeting on 20 April. A decision was deferred, to allow Members an opportunity to inspect the site before reaching a decision.
- 1.2 The application is one which was originally expected to be dealt with under delegated powers, but was referred to Committee for decision because of the issues involved, and the relatively large number of representations received.
- 1.3 The site is a patch of unused and overgrown land at the southern end of Grosvenor Place, backing on to the end of Redruth Drive. There is a hawthorn hedge with a couple of trees in it along the southern site boundary but none of them are of the quality usually regarded as warranting special protection. The surrounding area is residential.

2.0 The Proposal

- 2.1 The applicant proposes to develop the land with a two bedroom bungalow. The design has been chosen to avoid overlooking and privacy issues with the end of terrace house opposite. The scheme also includes a double garage at the eastern end of the site. The application site as submitted did not take in the proposed path at the western end of the site but the plans have been modified to include it.
- 2.2 Some of the details of the new dwelling as shown, particularly the very shallow roof pitch, could be improved upon but as the proposal has been submitted in outline form there is no reason to seek changes at this stage.

3.0 Site History

- 3.1 A previous application involving this site was submitted in 2003. It involved a very high density of development, which would have given rise to significant privacy and overlooking issues. Because of this permission was refused.

Application Number	Proposal	Decision
03/00010/FUL	Erection of 5 houses with parking spaces	Refused

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Carnforth Town Council	Support the proposal, which will result in the satisfactory development of this unsightly location.
County Council highways	No objection to the development of the land with a dwelling. The footpath route from Redruth Drive to Grosvenor Place is an important one for access to Carnforth town centre. The realigned path should therefore be designed to a standard which will allow adoption by the highway authority to ensure that it is protected and maintained in future. Conditions should be attached to any consent to ensure this. At the same time it should also be a requirement that a vehicular turning space and off street parking are provided for the new dwelling. They confirm that the existing section of path between nos. 127 and 129 Redruth Drive forms part of the adopted highway.
Environmental Health	Point out that no contaminated land study has been submitted for this development. Consent should not be given without one. If permission is granted, a condition should be attached controlling the hours times when construction work takes place.
Police	Have been asked to comment on the footpath part of the proposal - observations to follow.

5.0 Neighbour Representations

5.1 Objections have been received from six households in the area, who object to the proposal on the following grounds:

- Loss of privacy and the impact of footpath lighting
- The footpath is unnecessary as one already exists
- Noise and disturbance
- Loss of trees and potential tree root damage
- Footpath maintenance issues (dog fouling, Litter, graffiti)
- Closure of the existing unofficial footpath route
- Traffic hazard associated with construction work
- Persimmon Homes indicated that the footpath would never be built (not a planning consideration).

It should be noted that the objections to the route of the path come from residents of Redruth Drive rather than from those living on the Grosvenor Place side of the site.

5.2 The Ramblers' Association welcomes the formalisation of the route from Redruth Drive to Grosvenor Place. However they would prefer an upgrade of the existing unofficial route if possible; the new one will only be satisfactory if the steps can be replaced by a ramp making it accessible to all.

6.0 Principal Development Plan Policies

6.1 Policy SC1 of the Core Strategy states that 90% of new dwellings should be accommodated within the existing urban areas. Policy CE1 states that the Council will improve walking and cycling networks, creating links and removing barriers and ensuring that development is integrated with pedestrian and cycle networks.

6.2 Lancaster District Local Plan policy H19 states that new residential development within existing housing areas in Lancaster, Morecambe, Heysham and Carnforth will be permitted which:

- Would not result in the loss of green space or other areas of locally important open space
- Would not have a significant adverse effect on the amenities of nearby residents
- Provides a high standard of amenity
- Makes adequate provision for the disposal of sewage and waste water, and
- Makes satisfactory arrangements for access, servicing and cycle and car parking.

7.0 Comment and Analysis

7.1 At the Committee meeting on 20 April Members asked for more information on:

- The views of the Police on the proposal
- The status of the existing footpath
- The ownership of the land over which the southern end of the existing footpath passes, and
- The status of the "cul-de-sac" footpath between nos. 127 and 129 Redruth Drive

7.2 The comments of the Police were not available at the time this report was prepared but they are expected to be available at the Committee meeting. So far as the existing informal path is concerned, there is nothing to indicate that the land it crosses is privately owned. The path is clearly well used and it may be possible for local people to provide the evidence necessary to register it with the County Council as a public right of way, but to date they have not done so. The Land Registry has been asked to confirm the status of the land adjoining the Cricket Club. The County Council's highway engineers have confirmed that the existing stretch of path between nos. 127 and 129 is adopted.

7.3 Despite the objection raised by one of the neighbours, the principle of developing this infill site with a single dwelling is generally uncontroversial. The site is large enough to accommodate the form of development proposed satisfactorily. The construction of the footpath and cycle link raises more complex issues.

7.4 When the northern end of Redruth Drive (then known as Dixon's Field) was developed, provision was made in the estate layout for a pedestrian and cycle link to Grosvenor Place. That part of it on the Redruth Drive side of the boundary was constructed in accordance with the approved plans, but the owner of the application site was not at that time prepared to allow public access over the relevant part of his land. Consequently the end of the path was fenced off and at present it leads nowhere. This application provides an opportunity to complete it, in line with the objectives set out in policy CE1 of the Core Strategy.

7.5 As already noted there is an existing alternative route, a path branching off the recognised one from Crag Bank to the A6 road. At present it has no official status. A site visit with the Council's Access Officer established that it is relatively easily graded, and capable of being navigated by a relatively active wheelchair user, but it is unlit and its surface is poor. The southern part of it is on land owned by Carnforth Cricket Club, which has no reason to maintain it. The northern end of it cuts across the application site so retaining the path in its present form would make this land very difficult to develop.

7.6 The construction of the proposed new link is not as straightforward as it appears on the site plan as there is a significant drop in land level (approximately 1.5 metres) from the existing path between nos. 127 and 129 Redruth Drive to the surface of Grosvenor Place. This will necessitate the use of a gradient steeper than that usually regarded as appropriate for cycle and wheelchair use. The version put forward shows a split route combining a flight of steps with a ramp alongside.

7.7 The path would be of less use to cyclists than to pedestrians as the route from Grosvenor Place to Market Street and the railway station involves the use of Haws Hill, which is a one way street. However it will be of benefit to residents of the estate and has the potential to reduce significantly the number of journeys which have to be made by car from Redruth Drive and the side roads leading off it. The possible misuse of the path by motorcyclists could be addressed by placing a staggered pair of barriers across it, but the advice of the Council's Access Officer is not to do so as it would be a nuisance to wheelchair users.

7.8 The County Council as highway authority has specifically requested a lamp post at the side of the path, to fill the gap between the nearest existing ones in Redruth Drive and Grosvenor Place.

It will be seen that this is one of the concerns raised by objectors, but the orientation of the two houses in Redruth Drive is such that it is unlikely to affect them directly.

- 7.9 As the Environmental Health service's comments point out no contaminated land study has yet been submitted in support of the proposal. The proposed use is a sensitive one and the full history of the site is unknown. As this is an outline application, it is possible to deal with the issues concerned by condition; clearly such as study should be expected of the prospective developer before any detailed consent is granted.

8.0 Conclusions

- 8.1 The development of this piece of derelict land is to be welcomed and the footpath link will fill a gap in the existing network. It is recommended that the proposal should be supported.

Recommendation

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

1. Standard three year condition.
2. Amended plans 13 March 2009.
3. Outline permission - full details to be submitted.
4. Development to be carried out in accordance with the approved plans.
5. Contaminated land study to be provided.
6. Construction work to take place only between 08:00 and 18:00 Mondays to Saturdays, with no work on Sundays or officially recognised public holidays.
7. Constructional details of footpath link to be agreed.
8. Footpath link to be completed, including removal of the section of boundary fence, before the new dwelling is made available for occupation.
9. Street lamp alongside path to be provided.
10. Turning space within curtilage of new dwelling to be provided.
11. Off street parking/garaging to be provided and retained.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.