

Agenda Item A5	Committee Date 6 th March 2017	Application Number 16/00335/OUT
Application Site Land Adjacent Brewers Barn Carnforth Brow Carnforth Lancashire	Proposal Outline application for the erection of up to 158 dwellings with associated new vehicular access, incorporating a roundabout and access road, and pedestrian/cycle access points	
Name of Applicant Mr R Hughes	Name of Agent Mr Avnish Panchal	
Decision Target Date 30 December 2016 Extension of time agreed to the 31 st March 2017	Reason For Delay Submission of further information and ongoing negotiations in relation to highway and infrastructure considerations and viability matters	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Approve subject to a legal agreement	

1.0 The Site and its Surroundings

- 1.1 The application site relates to a 7.4ha parcel of agricultural land located on the edge of Carnforth town within designated Countryside Area. The site is bound by Lancaster Canal to the south, the Whelmar Estate to the west, the A601(M) to the east and agricultural land extending up to Carnforth Brow to the north, including a cluster of residential properties (Netherbeck). The Carnforth to Leeds railway line runs lies to the north of the site.
- 1.2 Existing vehicular and pedestrian access to the site is via North Road from the west (Carnforth) or Netherbeck (which is a continuation of North Road) from the east (the Kelllets). There is an existing field access off Netherbeck to the north and an access to the site via the existing property, Brewers Barn, which is accessed through the Whelmar Estate. The A601(M) which runs along the eastern boundary is separated from the site by a strong belt of hedgerow trees. This road enjoys motorway regulations and provides the connection between the M6 to the A6 (Scotland Road).
- 1.3 The topography of the site and its surroundings is gently undulating at relatively low altitudes ranging between circa 12.5m Above Ordnance Datum (AOD) and 20m AOD; this is typical of the local landscape character which is described as Low Coastal Drumlins. The levels are at their lowest adjacent to the Back Lane watercourse (north of the application site) rising and falling towards the base of the canal embankment where the site levels are circa 19m AOD. The top of the canal is approximately 21.4m AOD. Land levels to the north of Brewers Barn rise quite sharply from Back Lane watercourse (13.2mAOD) up to approximately 16.4m AOD towards the central section of this part of the site. The site levels then drop very steeply to the east over a relatively short distance (from 16.6m AOD to 11.7m AOD) towards the watercourse.
- 1.4 Field boundaries within the site consist of native hedgerows and trees and provide important landscape features. Recent tree planting is evident along the boundary with the Whelmar Estate, whilst much more mature landscaping exists along the boundary with the A601(M) and canal. There are two significant trees close to the field access off Carnforth Brow that are protected by a Tree Preservation Order (TPO No.170) (1989) and a further two trees protected by TPO 133 (1998)

located close to the boundary of property on Browfoot Close and on land associated with 11 Browfoot Close.

- 1.5 Lancaster Canal runs along the southern boundary of the site and is a designated Biological Heritage Site (BHS). It is therefore recognised for supporting a diverse range of habitats and species. There are also drainage ditches within the site as well as open and culverted sections of Back Lane Watercourse which is a tributary of the River Keer. The Environment Agency (EA) flood maps indicate that the majority of the site falls within flood zone 1 with parts of the northern section of the site (north of Brewers Barn) within flood zone 2, and a very small pocket of land in the far north eastern corner within flood zone 3.
- 1.6 Other constraints on site include a high-pressure gas pipeline that runs north-south alongside the eastern boundary and overhead electricity power lines which cross the site and a pylon. The site is also located within a Mineral Safeguarding Area.

2.0 The Proposal

- 2.1 The applicant seeks outline planning permission for up to 158 dwellinghouses with an associated vehicular access off the A601(M) incorporating a new roundabout and access road into the site with pedestrian/cycle and emergency access points to North Road and the Whelmar Estate and pedestrian/cycle links to the canal towpath.
- 2.2 The layout, scale, landscaping and appearance of the development are matters reserved for subsequent approval. The details provided in relation to such matters are indicative only. Access is to be considered in full as part of this outline application. To deliver the proposed access, the revocation of the A601(M)'s Special Status would be required, i.e. removing its motorway status. Whilst this would be subject to separate legal agreements with the Highway Authority the principle of removing the Special Status is set out in the application.
- 2.3 The access strategy for the site consists of a single vehicular access point involving an at-grade roundabout junction with 75m of linking road into the site onto a downgraded A601(M). There is no provision for pedestrian/cycle access as part of this main access. Separate pedestrian/cycle access arrangements (including emergency vehicle access points) are proposed to North Road and via the private drive of Brewers Barn onto the Whernside Grove.
- 2.4 The application proposes 40% of the dwellinghouses to be affordable (64 units based on a scheme for 158 dwellings). The submission indicates that there would be no new housing within flood zones 2 and 3. To deal with this, the indicative plans provide open space in the areas around the existing watercourse. The submission also assumes the infrastructure on the site (pipeline and electricity pylons) will be relocated within the site under separate agreement with the infrastructure providers.

3.0 Site History

- 3.1 The site has been subject to two previous outline planning applications for the development of a marina complex and hotel with associated access, parking and landscaping. The first of these applications was withdrawn by the applicant to try and overcome a number of objections raised by consultees and officers. These objections included (i) the sequential test for the hotel element of the proposal and (ii) highway concerns associated with the proposed access off the A601(M). A further application was submitted on 12 March 2013 for the same development. The Planning and Highways Regulatory Committee resolved to approve the development on 21 July 2014, subject to conditions and a legal agreement securing the delivery of the new access and highway improvements, together with ecology mitigation/compensation. This application was reported back to committee in October 2016, but was deferred while discussions were ongoing over the appropriateness of the access given the presence of the gas pipeline. This application has not yet been reported back to committee to enable the s106 to be signed. Subsequently, despite the Committee's resolution to approve, there is no formal planning permission yet in place. Relevant planning history is noted in the table overleaf.
- 3.2 Additionally the site was considered in the Council's latest Strategic Housing Land Availability Assessment (SHLAA) (2015) as a potentially-deliverable housing site within the 6-10 year phase of the plan period. The SHLAA did however recognise the accessibility constraints associated with this site.

3.3 The applicant also sought 'in-principle' (Level 1) pre-application advice regarding the prospects for residential development on the site. This advice concluded the proposal may be acceptable subject to a number of matters being satisfactorily addressed, including the provision of a suitable vehicular access point; accessibility to public transport and the pedestrian environment; landscape impacts; impacts on biodiversity; flood risk, and addressing its mineral safeguarding allocation.

Application Number	Proposal	Decision
12/00269/OUT	Outline Application for the construction of a 50 berth Marina, hotel, facilities building, wind turbine, car parking and landscaping with full details of access arrangements	Withdrawn
13/00211/OUT	Outline application for a new inland marina (up to 50 berths), associated facilities building, hotel, associated parking and new access arrangements	Decision pending (subject to s106)
16/00123/EIR	Screening request for residential development	LPA concludes the proposal is not EIA development

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>Initially objected. Since then LCC Highways have negotiated with the applicant and reviewed amendments and further supporting information. They have confirmed that despite concerns over the location and access to local amenities/services including public transport, they have no objections to the proposed access strategy and that the supporting measures (Section 278 works) to reduce the impacts of the development to improve connectivity. Overall their position of no objection is subject to a number of conditions and s106 contributions covering the following:</p> <ul style="list-style-type: none"> • Details of site access and associated off-site works including construction phasing plan and implementation of such works; • Site layout with all connections (including emergency access) to be submitted and agreed; • Canal towpath improvements; and also a pre-occupation (1st dwelling) condition requiring full payment of the s106 canal towpath contribution; • New estate roads to be built to adoptable standards; • Garage use restricted to parking of cars and not living accommodation; • Travel Plan condition and Travel Plan support to the sum of £12,000; • Protection of visibility splays; • Traffic Management Plan for construction works; • Scheme for future management and maintenance of the proposed streets; • Contribution to review and improve existing public rights of way.
Highways England	No objection - Have considered the nature of the proposals and their likely traffic generation. Conclude that the development would be unlikely to result in a severe impact upon the Strategic Road Network. Highways England confirm that the A601(M) is operated by Lancashire County Council and that they need to determine the traffic/safety implications of the proposal upon junction 35 including any alterations required for the removal of its special-status.
Planning Policy Team	Comments - the Authority has an undersupply of housing and that the development should be considered in accordance with paragraph 14 of the NPPF. Opportunities to address the lack of a five year housing supply is a key consideration. The application may be supported on this basis provided the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits.
Public Realm Officer	No objections subject to on-site amenity greenspace with equipped play area and young people's provision and off-site contribution (£244,426) towards outdoor sports and parks and gardens.

	The Public Realm Officer has indicated that due to the sites location a junior football pitch on site would be a good alternative to the off-site outdoor sports contribution.
Strategic Housing Officer	No objections in principle subject to a good mix of market and affordable housing. The main needs are 1 & 2-bedroom units with some larger units to meet the affordable needs. If the development does not provide 1-bedroom units it should not be supported. Early dialogue with Registered Providers is recommended.
Canal & Rivers Trust	<p>No objection subject to the developer contributing to the upgrade of the canal towpath between the site and Bridge 128 (Market Street). To be secured by a s106 contribution in the region of £100,000 and the following conditions:</p> <ul style="list-style-type: none"> • Development to accord with recommendation of the Flood Risk Assessment. • No construction within 10m of the toe of the canal embankment until details of the foundations have been submitted and approved (by the LPA) in the interest of protecting the structural stability of the canal infrastructure. • Details of the access points to the towpath to be submitted and agreed in writing with the LPA. • Full landscaping details and a 10 year maintenance plan. • No tree planting within 5m of the waterway embankment. • External lighting details to be agreed. <p>Additional comments included that they consider the Landscape and Visual impact Assessment (LVIA) underestimates the impact of the development on the canal; the water frontage should be utilised as an asset, not a constraint (although a balance is needed in terms of a healthy hedgerow boundary); turning heads and accessed roads should be discouraged; proposed pedestrian/cycle link junction has an awkward junction with the towpath and needs carefully design; and a 3m access strip to the rear of plots 34-41 should be provided.</p>
Lead Local Flood Authority	No objection subject to development according with the Flood Risk Assessment (FRA) and a surface water drainage scheme shall be agreed as part of reserved matters application. (<i>Advice Notes are recommended in relation to land drainage consents and easements from the watercourse on site</i>).
United Utilities	No objection subject to conditions requiring foul and surface water drainage on separate systems; surface water drainage scheme to be constructed in accordance with the submitted FRA with surface water restricted to 11l/s; and a sustainable drainage management and maintenance plan for the lifetime of development to be submitted and agreed.
Environment Agency	No objection subject to development according with submitted FRA, in particular that there shall be no development within flood zones 2 and 3. (<i>Advice regarding Environmental Permit under separate (non-planning) legislation is also provided</i>)
Health and Safety Executive (HSE)	No objection – despite the initial advice generated from their HSE Planning Advice Web App advising against the grant of planning permission, on consideration of the proposal and the advice from NGGD (see below), HSE have removed their initial objection and <i>do not Advice Against</i> the grant of planning permission.
National Grid (NGGD)	Comments - there is a high pressure gas pipeline within the site that could be affected. NGGD has indicated that the relocation of the pipeline and its route has not been confirmed by NGGD and that feasibility studies would have to be undertaken. In this regard NGGD has invited dialogue (<i>NB: outside the planning process</i>) with the applicant to discuss potential mitigation for loss of development. NGGD advise that the pipeline is a major accident hazard pipeline and that consultation with the HSE should be carried out. They also provide a number of advisory notes, including no buildings within the easements of the pipeline and various other plant protection/safety considerations. NGGD have indicated that the land allocated within the proposed layout scheme will not be sufficient or appropriate to accommodate a realigned high pressure main together with the necessary ancillary safety protection areas and 18m wide easement rights.
Electricity North West (ENW)	Comments - the development is shown to be adjacent to or affect ENW operational land and assets. The developer is advised to contact ENW estates and Wayleaves. ENW also advise that the costs to divert would usually be borne by the developer. ENW have indicated they would not object to the overhead line remaining over the completed development provided the developer complies with all statutory regulations regarding safety clearances.

Environmental Health Service	Comments - Initial objection on the grounds of inadequate assessment of noise impacts and impacts on the Air Quality Management Area in Carnforth Centre have been partly overcome. Air Quality mitigation has now been proposed which removes the initial objection provided such mitigation is conditioned. With regards to noise, it has been agreed between the applicant and Environmental Health that further assessment would be required to inform appropriate mitigation once the layout of the site has been determined through the reserved matters application. Standard Contaminated Land conditions are recommended.
Tree Protection Officer	Objection - The proposed loss of trees and hedgerows is unlikely to have any significant and long term adverse impact upon the character and appearance of the site. But objects due to failure to provide a tree protection plan overlaid with the indicative layout. <i>NB: as the layout is indicative, there is no requirement to provide the information requested at this outline stage.</i>
Greater Manchester Ecology Unit	No objection – observations include: At least 10% of site area to be retained as greenspace and enhanced in terms of landscape and habitat value; The indicative landscape plan shows that the hedgerows, watercourses and trees are capable of being retained and protected. These features are also used by bats for feeding and commuting. If retained the proposals will not have a substantive detrimental impact on the local bat population; The Canal BHS is most important feature to be of most value to bats. There should be no light over-spill onto the Canal corridor; No vegetation clearing or groundworks to take place during March-August (bird breeding season); Landscaping scheme to be provided at reserved matters, including new tree and shrub planting of appropriate species; provision of large un-fragmented garden spaces; retention/creation of coherent green corridors; Installation of bird nesting and bat roosting boxes; and Incorporation of Sustainable Urban Drainage Systems.
Natural England (NE)	No objection in relation to nature conservation sites. Also advise that the nearby Site of Special Scientific Interests (SSSI) do not represent a constraint to development. Advise that consideration is given to the nearby AONB and its landscape designation and whether there would be significant impact on or harm the statutory purpose of the AONB.
Lancashire Education Authority	No objections subject to a contribution towards 18 secondary school places. They have confirmed no contribution needed for primary school places.
Carnforth Town Council	Objection on the following grounds (including comments to the amendments): <ul style="list-style-type: none"> • Highway and Traffic matters, including reservations about removing the motorway status from the A601(M) and allowing all modes of transport usually permitted for A roads. CTC consider this would be dangerous and could lead to non-motorway traffic entering the M6. The emergency access is of little use and could lead to it becoming a through route, increasing traffic on North Road. There would be an increase in traffic during construction stages impacting upon queuing in Carnforth and would harm local businesses. Concerns in relation to the proposed off-site highway improvements to North Road – noting that removing on-street parking will exacerbate parking problems and would not have any effect. • The area is prone to flooding. • Increase demand and pressure on existing services (doctor surgery and school). • Due to the close proximity of the development to the M6, the town council feel this makes Carnforth a “commuter town”. • The site is not allocated in the Local Plan for housing in the district.
Lancashire Constabulary	No objections - Recommends design to ‘Secure by Design’ standards and advises that the pedestrian/cycle links should be carefully designed to enhance natural surveillance. Security should be provided on site during construction phases.
Lancashire Fire Service	Advice - The Fire Service will make a detailed report at Building Regulations stage but reminds the developer the development must meet all the requirements of part B5 of the Regulations.
Dynamo	Objection - the proposals to improve walking and cycling links between the development and Carnforth centre are too weak. The towpath improvements should be secured and agreed with the CART and the upgrades provided before occupation.

5.0 Neighbour Representations

5.1 At the time of compiling this report in excess of 85 objections have been received. The main planning reasons for opposition are summarised as follows:

- **Inappropriate and unsustainable location** for housing concerns include: more sustainable, brownfield sites should be developed first (e.g. Lundsfield Quarry and Keer Bridge); loss of agricultural land; loss of greenfield land; inadequate infrastructure and jobs (schools, health, bus services) to support town expansion; lack of housing need; remote from the main urban area and bus/rail stations and therefore encouraging greater reliance of the use of private car; the site previously considered unsuitable in the SHLAA 2008; the provision for circular bus routes through the development should be explored, and; the proposal is contrary to strategic growth of Carnforth through the Green Belt Review and emerging land allocations.
- **Inappropriate and unsustainable access** – including lack of sustainable travel options; practicalities and costs associated with downgrading the A601(M) and risks if this doesn't occur (development may proceed with the main access via North Road); safety concerns due to proximity of new roundabout to Junction 35; the lack of provision to ensure the downgraded route is safe for all users (pedestrian/cyclists); concerns over the timing of its implementation; if accepted the access should be delivered before commencement of the development in the form of a Grampian condition, and; the emergency access points are not suitably controlled to prevent vehicle access.
- **Increased traffic along North Road and in/along Carnforth/A6**– concerns include misuse, management and enforcement of the emergency access and risk of a rat-running from A601(M) towards town centre and beyond via North Road; questions the need for emergency access points; exacerbation of existing congestion and traffic on North Road; suitability and safety of North Road for construction vehicles (weight limits should apply to North Rd for construction vehicles (7.5 tonnes)); visitors parking on Whernside Grove; and, impact of increased traffic, congestion and parking within Carnforth.
- **Pedestrian/Cycle Safety** – concerns include: lack of continuous footways, sub-standard footways and suggested route is very steep; and the canal towpath is dark and pavement is deteriorating – lighting is suggested by some (and not others). Suggested pedestrian access to Whernside crosses a private drive (currently in same ownership as applicant).
- **North Road Pedestrian Improvements** – concerns include: widening of footpaths makes the carriageway too narrow to allow parked cars and passing vehicles; loss of on-street parking; lack of forward visibility at the give-way sections (pinch points) and increased risk of collisions making pedestrian safety worse than existing. Given the distance from the site to the town centre most residents will drive and not walk along North Road questioning the need for the pedestrian improvements at all.
- **Impacts on Air Quality** and increase in **noise** from the new roundabout (vehicles slowing and speeding up). The Acoustic Assessment is inadequate.
- **Landscape, recreational and biodiversity** concerns include: loss of local greenspace and greenfield site, loss of hedgerows, negative impacts on wildlife and protected species, additional landscaping likely to lead to overshadowing and would not compensate for losses, and loss of peaceful landscape and recreational value of the canal towpath;
- **Design and residential amenity concerns** including loss of privacy and overlooking from the proposed dwellings into existing gardens; loss of outlook; the site cannot accommodate 158 houses and ensure residential amenity is protected for existing residents, and the density is too high compared to adjacent development;
- **Flood Risk** concerns including: inadequate assessment of flooding; the site flooded during December 2015; development will increase risk of flooding (and flooding frequencies) on and off-site; where will required attenuation be located?; water quality concerns given the Over Kellet sewerage works discharge to the watercourse that runs through the site;

- **Infrastructure** concerns include: safety issues developing so close to existing pylons/overhead cables and gas pipeline; diverting the infrastructure is considered short-sited and the associated costs could be significant and will lead to fewer dwellings on the site; local services unable to cope with increased populations (schools and healthcare in particular) and town has insufficient parking provision to cope with expansion, and; concerns including whether the existing foul system can cope with additional development.
- **Other concerns** include: lack of consultation and community engagement; impact on Heritage Assets (damage from traffic and vibration and change in character of the area); impact on farming community (access through North Road); the site does not benefit from planning permission for a marina and hotel as claimed by the applicants submission; contrary to Human Rights Act; inconsistencies in the submission; previous MP letter quoted stating the MP would not support housing.

4 letters neither in support or objection have been received. These make comment regarding parking congestion and forward visibility; the need for more recreational space; query regarding the tallest dwelling height; and acknowledgement that public transport in Carnforth has been substantially reduced – bus routes 5, 51 and 55 (evening and Sunday services badly affected), and a comment that any permission must ensure access to North Road is restricted and not relaxed

One letter of support was received on the proviso that there is no access for vehicles on North Road.

A public meeting was held which included approximately 80 residents and local councillors. A written summary of the issues raised at the meeting has been submitted. These issues are broadly similar to the key areas of concern already noted in this section. Additional comments include a query as to whether the proposed roundabout would be implemented before or after the houses; doubts regarding the applicant's claims in relation to employment opportunities; questions the applicants claim that there is a planning permission for the access off the A601(M); the status and management of the A601(M); commenting that the City Council and County Council stand to gain financially from building more houses, and questioned/discussed the practicalities, responsibilities and costs associated with moving the pipeline and overhead cables.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7, 12,14 and 17 – Sustainable Development and Core Principles

Paragraphs 31, 32, 34 and 35 - Promoting Sustainable Transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring Good Design

Section 8 – Promoting Healthy communities (access to open space/school places)

Paragraphs 100 – 104 – Flood Risk

Paragraphs 109, 115, 117 and 118– Conserving the natural environment

Paragraphs 120-121 – Land contamination

Paragraphs 123- 125 – Noise, Air Quality and Light pollution

Paragraph 144 – Mineral Safeguarding

Paragraph 173 and 176 – Ensuring viability and deliverability

Paragraphs 188 -195 – Pre-application engagement and consultation with appropriate bodies when planning, or determining, development around major hazards.

Paragraphs 196, 197 and 203 – 206 – Decision taking and planning conditions/obligations

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

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

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the

latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

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. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

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. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Saved Lancaster District Local Plan (2008)

Policy E4 – Countryside Area
Policy E12 – Impacts on Wildlife
Policy E30 – Green Corridor

6.4 Core Strategy(2008)

Policy SC1 – Sustainable Development
Policy SC2 – Urban Concentration
Policy SC4 – Meeting the Districts Housing Needs
Policy SC5 – Achieving Quality in Design
Policy SC6 – Crime and Community Safety
Policy SC7 – Flood Risk
Policies ER2 – Regeneration Priority Areas(Carnforth)
Policy E1 – Environmental Capital
Policy E2 – Transportation

6.5 Development Management DPD(2014)

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Parking Provision
DM23 – Travel Plans
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, hedgerows and Woodland
DM31 - Development affecting Conservation Areas
DM35 – Design
DM37 – Air Quality Management
DM38 – Flood Risk
DM39 – Surface water run-off-SUDS
DM41 – New Residential Dwellings
DM48 – Community Infrastructure
DM49 – Local Services

Other Considerations:

- National Planning Policy Guidance
- Meeting Housing Needs Supplementary Planning Document
- Lancaster City Council 2015 Housing Land Supply Statement
- Lancashire Landscape Strategy including Lancaster Character Assessment
- Guidance Note on Policy M2 – Safeguarding Minerals, December 2014
- Strategic Housing Land Availability Assessment (2015)

7.0 Comment and Analysis

7.1 The key planning considerations are as follows:

- 7.2 Principle of development
- 7.3 Contribution towards housing need
- 7.4 Highway considerations
- 7.5 Biodiversity considerations
- 7.6 Flood risk and drainage considerations
- 7.7 Infrastructure considerations
- 7.8 Design, Landscape and Amenity considerations
- 7.9 Planning Balance and Deliverability

7.2 Principle of development - Key Issues

7.2.1 At the heart of the NPPF is the presumption in favour of sustainable development. Delivering sustainable development is also echoed in the District's Core Strategy and the Development Management DPD. Paragraph 7 of the NPPF explains that there are three principal roles to sustainable development, namely economic, environmental and social, and these roles are mutually dependant. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

7.2.2 Site Location

Development Plan Policy (CS Policy SC1, DM DPD Policies DM20, DM35 and DM41) advocate the siting of new development in sustainable areas where it is convenient to walk, cycle and travel to and from homes, services and facilities by public transport. The proposed site is located adjacent to the edge of the existing built-up area of Carnforth (the Whelmar Estate) within the Countryside Area, bounded by a short length of North Road and agricultural land to the north, the A601(M) to the east and the canal to the south. On plan the proposal appears a logical extension to the boundaries of the settlement. However, the highway constraints associated with North Road and the distance between the site and the local amenities/services, presents a somewhat less attractive site for development. In order for a site to be considered a sustainable location, the maximum recommended walking distances to a town centre are 800m; a school/commute 2000m and access to public transport (bus stop) 400m. In this case, with the exception of education, most amenity needs are beyond the maximum distances with the nearest bus stop 920m from the site, 1050m to the town centre (at its closest point) and 1150m at the furthest point of the site. This is compounded by the constrained nature of North Road which has clearly led to the proposal having its main vehicular access point off the A601(M), meaning that there is no vehicular connections through the existing built environment. This is a key material consideration in the determination of the application and is a weakness of the scheme, which must be weighed against the benefits when assessing if the proposal represents sustainable development in the context of paragraph 7 of the NPPF.

7.2.3 Site Allocation – Presumption in Favour of Sustainable Development

The site is not an allocated housing site and is located in the Countryside Area adjacent to the built-up area of Carnforth. The Countryside Area designation limits development in the countryside to essential needs of agriculture and other uses appropriate for the rural area. LDLP Saved Policy E4 indicates that the development needs can be accommodated in the main urban areas of the district and key rural settlements. This policy is considered out-of-date. Officers and Members are all too acutely aware that the Council cannot evidence a deliverable 5-year housing land supply and that the district's development needs are not currently capable of being met by the sites allocated in the saved Local Plan. As a consequence, for housing proposals, this means the presumption in favour of sustainable development is engaged in the decision-making process (Paragraph 49 and 14 of the NPPF). For decision-taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Needless to say, the proposal would make a positive contribution to the supply of housing in the district and that this is a significant material consideration in the determination of the application. The following sections of this report will set out the key material considerations associated with the

proposal to establish whether the proposal represents sustainable development and whether the benefits of the scheme outweigh the impacts.

7.2.4 Loss of Agricultural Land

There have been concerns raised about the loss of agricultural land. The applicant has submitted documentation to evidence the agricultural quality of the land. The site is classified as Grade 3b which is defined as 'moderate quality'. Planning policy (NPPF and DM DPD Policy DM27) seeks to protect the best and most valuable versatile agricultural land. On this basis, there are no planning grounds to resist the principle of development due to the loss of 'moderate quality' agricultural land.

7.2.5 Mineral Safeguarding Land

The site is also protected for its potential mineral resource. Policy M2 of the Minerals and Waste Plan seeks to prevent the sterilisation of mineral resources by non-minerals development. The Mineral Safeguarding designation extends across this part of the district, particularly to the north and east of the site – as a consequence of the proximity to existing quarries. The applicant - during the determination of the earlier marina and hotel application - provided sufficient information to satisfy the County Council (as the Minerals and Waste Authority) that the proposal would not prejudice mineral resources. The same information has been submitted again here, including a view that there is insufficient mineral of adequate quality to justify commercial extraction. It is also contended that the proximity of sensitive land uses including existing residential dwellings and the Canal (Biological Heritage Site) will further limit the feasibility of prior extraction. Given this, together with the long-term requirements to secure housing to meet the needs of the district over the plan period, it is contended that the principle of residential development on the site should not be prevented on the grounds the site is safeguarded for its mineral resource.

7.2.5 Emerging Plans

The Council are in the process of reviewing the Local Plan and are currently consulting on a draft Strategic Land Allocations DPD. As some members of the public have alluded in their representations, this Plan identifies two strategic housing allocations in South Carnforth. Lundsfield Quarry remains an allocated (brownfield) housing site (it is currently allocated for housing in the saved local plan also) which would potentially make a positive contribution to support wider regeneration in Carnforth. A second strategic site is included to the south of Windermere Road. This site is currently on designated Green Belt land. The preamble to Policy SG14 (south of Windermere Road) recognises that there are limited opportunities for growth in Carnforth noting that the M6 motorway provides a robust boundary from the urban fabric of the town and the countryside beyond. Given these limited opportunities, the Council have considered the review of the Green Belt boundary to south Carnforth necessary to meet future development needs. Whilst these sites have been identified as part of the emerging Plan, given the early stages of preparation, the weight that can be afforded to these policies in the decision-making process is currently limited. On this basis, the Council could not delay the determination of this application whilst the emerging Plan gains momentum and could not refuse planning permission on the basis that these other emerging strategic sites could potentially contribute towards the district's development needs (instead of the application site). This is simply not the case. The position of Government is clear – authorities must boost the supply of housing – the NPPF endorses this through the presumption in favour of sustainable development being applied to housing proposals.

7.2.6 In summary, it is accepted that the proximity of the site to key services/amenities is a constraint and with this brings issues of locational sustainability (to be discussed later in the report) but nevertheless it is a site located on the edge of an existing urban area. The land is not considered best and most versatile land and the prospects of mineral extraction are limited. The emerging plan carries limited weight in terms of other sites being considered more acceptable to the one proposed. At this stage, there are no 'in-principle' land use reasons why this site could not be supported for housing subject to addressing the following key considerations.

7.3 Key Consideration – Contribution to Housing Needs

7.3.1 The application is in outline form and therefore the precise details regarding the type and size of residential units are not fixed at this stage. The application has indicated that the scheme would deliver predominately 2, 3 and 4-bedroom units. The indicative plan shows the majority of the units to be large detached units (most probably 3-4 bed properties) with a mix of smaller units towards the south-eastern corner of the site. The Council's Meeting Housing Needs SPD specifies that the market housing needs for Carnforth are predominately semi-detached and attached 3-bedroom units and that for affordable units predominately 2- bedroom units.

- 7.3.2 DM DPD Policy DM41 requires proposals for new residential development to ensure land is used effectively (but taking account of characteristics of the local area); be located where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion, and; provides an appropriate dwelling mix to meet local needs. This would have to be addressed at the reserved matters stage, but ultimately, for a proposal of this scale a good mix of market housing would be required. This must include smaller units to ensure the proposal caters for a mix of different groups of the community.
- 7.3.3 The application proposes 64 affordable housing units (based on delivering 158 units) which is equivalent to 40% affordable housing on site. This accords with DM DPD Policy DM41 which seeks upto 40% affordable housing on greenfield sites. This would be secured by legal agreement and would require an affordable housing scheme comprising 50% intermediate housing and 50% social rented units to be agreed in accordance with planning policy. The Council's Strategic Housing Officer has indicated the affordable housing need for Carnforth predominately comprises small units, noting there is a clear need for 1-bedroom apartments or cottage-style houses. Any subsequent proposal that fails to provide a proportion of 1-bedroom units to rent would not be supported at the reserved matters stage; nor would the affordable housing scheme legal agreement be accepted.
- 7.3.4 Overall, as it stands it is the applicant's position is that the scheme can deliver 40% affordable housing and this can be secured by a Section 106 legal agreement. Subject to ensuring an appropriate mix of housing is delivered at the reserved matters stage (and via the legal agreement), the proposal will therefore make a positive contribution to the supply of market and affordable housing in the district and Carnforth in particular.
- 7.4 **Key Consideration - Highway Matters**
- 7.4.1 The application is supported by a Transport Assessment which provides information in respect of the local area and site characteristics, consideration of highway-related/sustainability policy, a description of the development and details of the highway-related impacts associated with the proposal, such as trip generation and capacity assessments. After various iterations (supporting information) this assessment has been considered and accepted by the local highway authority (Lancashire County Council).
- 7.4.2 The site is located between the A601(M) and Carnforth Brow, to the north-east of Carnforth beyond the built-up environment. The A601(M) connects to the A6 Scotland Road and to the B6254 Kellet Road via junction 35 of the M6 motorway. The A601(M) does not form part of the trunk road network and is not managed and maintained by Highways England. It is, however, subject to motorway regulations and therefore limited only to Class I and Class II vehicles. The A601(M) was transferred from the Secretary of State for Transport to Lancashire County Council in the mid 1980's under '*The Lancashire County Council (Carnforth Link) Special Road Scheme 1985*' and '*The Lancashire County Council (Carnforth Link) Transport of Highways and Alteration of Side Roads Orders 1985*'. For the avoidance of doubt, the A601(M) has 'Special Motorway Status' and is maintained and managed by Lancashire County Council.
- 7.4.3 Access to the site is currently taken off Carnforth Brow or via the adjacent residential estate to Brewer's Barn via North Road. As local residents have pointed out in their representations, North Road is a narrow highway impinged by unrestricted parking on either side of the carriageway for some of its length. For these reasons, it is accepted that North Road would not be capable of taking the traffic associated with the proposed residential scheme and so the applicant seeks to provide its main vehicular access off the A601(M). It was accepted under the earlier marina and hotel proposal, that in order to accommodate an access off the A601(M), its Special Status would need to be revoked. This was a requirement of the Highways Agency (now Highways England) and Lancashire County Council at the time, and was also accepted by the applicant. This remains a key requirement for the proposed scheme and its associated access. The revocation of the Special Status would need to be applied to both sides of the M6 including the motorway roundabout. There are no objections from the statutory consultees regarding the revocation of the Special Status and indeed assuming the associated costs are borne by the developer, there are no reasons why this could not be delivered within the 3 year timeframe of any planning consent. The applicant has set out the process for doing this which has not been disputed by the Highway Authority (paragraphs 2.17.3 of the submitted Transport Assessment).

- 7.4.5 The vehicular access itself is an at-grade, three-armed roundabout onto the A601(M), which is categorised as an A-road in terms of its hierarchy. The proposed roundabout has a 45m inscribed circle diameter with a 9m wide circulatory carriageway. The access into the site is designed as a 6.75m carriageway tapering to 5.5m along a 75m linking road into the site. The proposed roundabout has been subject to a Stage 1 Safety Audit. The principal recommendation from the Safety Audit is to remove the motorway regulations from a stretch of the A601(M) between the M6 junction 35 and the existing roundabout junction with the A6 Scotland Road. The Highway Authority (County Council) initially objected to the proposal on the basis of site sustainability and safety issues relating to the proposal access strategy. The applicant has now addressed the safety concerns. County Council confirm that the access onto the A601(M) is not typical for a residential development, in that it does not include any provision for pedestrians/cyclists. However, through negotiation and further analysis of the impacts of the proposal on the network, including the introduction of a 75m linking road to be a motorised gateway only (no private/public drives onto the linking road), the County Council are satisfied that the proposed vehicular access off the A601(M) is acceptable. In terms of the impacts of the proposal on the strategic highway network - given its proximity to junction 35 - Officers can confirm Highways England have raised no objection to the development. Overall, there are no technical reasons to resist the proposed vehicular access.
- 7.4.6 Considering that the proposed vehicular access has been designed to prohibit pedestrians/cyclists accessing and egressing the site from the proposed roundabout junction, the applicant has included proposals to demonstrate that the scheme suitably caters for pedestrians and cyclists, as required by national and local planning policy.
- 7.4.7 As part of the access strategy, the proposal provides for emergency access points onto Carnforth Brow and Whernside Grove with pedestrian and cycle links, together with connections to the canal towpath. In addition the scheme now includes proposals to improve the pedestrian environment along North Road, which currently lacks continuous footways and where there are footways these in part are sub-standard.
- 7.4.8 There has been significant concern expressed from the local community in respect of the emergency access points being misused or that in the event that the main access cannot be delivered, these emergency access points default to provide the vehicular access to the development. It is clear that this would not be an acceptable situation. For this reason, in the event of any approval, conditions would be imposed to ensure the roundabout access is provided *before* commencement of the development of the residential element of the scheme and that this access would be provided for the construction phases too. To ensure the emergency routes remained restricted to provide only pedestrian/cycle access (except in the case of emergencies), a scheme for the provision of bollards (or similar) to prohibit vehicle access together with maintenance and management would be required by condition.
- 7.4.9 Turning to pedestrian/cycle connectivity, the site is located somewhat removed from the town centre where access to public transport and local services/facilities is available. To try and mitigate against this, the proposal incorporates access to the canal towpath and upgrades to the surfacing between the site and Bridge 128 (Market Street). This clearly contributes to ensuring development is integrated within existing pedestrian and cycle networks, noting that it is also a recognised national Cycle Route. The Canal and Rivers Trust (CART) have no objections to the principle of the development provided these links are provided and a contribution is sought to secure the upgrades proposed. The CART have confirmed that the figure agreed as part of the marina application is acceptable. The CART have confirmed that failure to secure the contribution would result in an objection to the development due to the impact on the towpath, especially given this will provide the most direct route towards the school and town centre.
- 7.4.10 The proposed emergency access and pedestrian/cycle link to Whernside Grove will be taken via the existing drive of Brewers Barn. The precise details of this will be conditioned, however, officers are satisfied that this route can be achieved. The link onto Carnforth Brow involves alterations to the highway and the incorporation of footway to connect to the existing footway to the west side of Browfoot Close. The proposal then includes an outline scheme for various off-site highway works to secure improvements to the existing footways and the provision of new footways where none are at present. The delivery of this scheme provides improved pedestrian provision and traffic calming along North Road to encourage and support pedestrian movements between the site and the town centre. This accords with the principle of DM DPD policies DM20 and DM21.

- 7.4.11 There is some strong local opposition to these proposals, both in terms of safety and the inconvenience, may reduce the ability to park on-street in certain locations. However where the proposal limits on-street parking, most properties adjacent benefit from private drives. The proposed scheme demonstrates that in most places the carriageway will remain 5m wide and will be capable of two-way traffic (subject to on-street parking). The proposals do result in a pinch point adjacent to 114 North Road where give-way measures to oncoming traffic are proposed. Concerns have been raised regarding forward visibility and the safety of the proposed pedestrian improvements. The County Council have raised no objections to the proposed pedestrian improvements and have indicated that the details provided on the submitted drawings are sufficient to establish the principles of the proposal. The precise detail would be subject to detailed design and safety audits. The County Council also recognise that the changes will inevitably have some influence on the public highway parking but overall reducing the historic weakness of the corridor by providing pedestrian provision is of value. The level of disruption to the existing parking habits has been carefully considered and minimised in the design of the proposals and will further be considered at the detailed design stage, but not at the expense of satisfying its purpose.
- 7.4.12 Notwithstanding the above mitigation measures to improve accessibility between the site and key services/amenities, due to the site location it is likely that there will be a reliance on the private car and that this is a weakness of the scheme (as noted earlier under our 'in-principle' considerations).
- 7.4.13 Whilst there are some concerns regarding the distance between the site and local services/amenities and the fact that the vehicular access is divorced from the existing built environment, the proposed access strategy and the proposed level of mitigation to enhance pedestrian/cycle opportunities from the site towards the town centre and school (via the existing built environment), enables Officers to conclude that, on balance, the proposal is acceptable. The County Council maintain concerns over the locational sustainability of the site, but accept that this is only one aspect of the broader context of sustainability. Following lengthy negotiations, it is contended that the amended proposals for the access strategy and the proposed mitigation provide safe and suitable access to the site and that the cumulative impacts of the proposal would not be severe (Paragraph 32, NPPF). There are no highway safety objections from the statutory consultees (County Council and Highways England) and on this basis, there would be no technical highway grounds to resist the proposal.
- 7.5 **Key Consideration - Biodiversity Implications**
- 7.5.1 The application site sits immediately adjacent to the Lancaster Canal Biological Heritage Site (BHS) and comprises open agricultural land dissected by hedgerows and water features and contains some mature trees. Whilst the application is submitted in outline (with layout, scale, appearance and landscaping reserved at this stage) biodiversity cannot be treated as a "reserved matter" and should be considered fully at this outline stage, in order to determine whether the principle of the development is acceptable or not. The NPPF is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature [paragraph 9], and it is a core planning principle [paragraph 17] that development should contribute to conserving and enhancing the natural environment. In addition to the NPPF, there is a statutory duty for planning to seek to minimise impacts on biodiversity. Therefore, it is an integral part of policy and decision making, in particular regarding protected species and protected habitats, where the presence of either is a material planning consideration.
- 7.5.2 The application has been submitted with an ecological appraisal of the site which has been considered and assessed by Natural England and our appointed consultants (GMEU). Natural England have confirmed that the redevelopment of the site if undertaken in accordance with the details submitted, is not likely to have a significant effect on the interest features for which Morecambe Bay SPA, SAC and Ramsar has been classified and on this basis, do not advise the local planning authority that an Appropriate Assessment under the Habitat Regulation's is required. Natural England also advise that the redevelopment of the site would not adversely affect the nearby SSSI's (Morecambe Bay and Thwaite House Moss both just under 2km from the site).
- 7.5.3 Turning to the impacts of the proposal on protected species of wildlife and biodiversity in general, our consultants have accepted that the surveys remain relevant and that the level of survey effort undertaken is acceptable. The proposal includes indicative pedestrian links to the canal towpath but no direct alterations to the canal itself. In terms of the impacts on the canal, it is essential that external lighting is minimal (to avoid overspill of light) and best practice construction methods are employed to prevent pollution. With regards to protected species, bats are active at this site mainly commuting in and out of the site for foraging. There was no evidence at the time of the surveys that

bats were roosting in any of the mature trees on site. As landscaping is not applied for at this stage, any subsequent loss of trees proposed under a reserved matters application, may have a potential impact on protected bats if bats are later found to be roosting in any of the existing trees. Precautionary mitigation and method statements would be required in these circumstances. In terms of bat activity, the number and types of bats using the site is not exceptional, but nevertheless, they are protected. The main features of the site used by bats for feeding and commuting are the hedgerows, watercourses, trees, and the Canal. Through a subsequent reserved matters application, these features are capable of being retained, albeit with amendments to the suggested layout. The indicative plan does include the provision of a wildlife corridor running from the southern boundary to the centre of the site and then following the line of the watercourse to the northern boundary. This green corridor is something Officers consider as essential at the reserved matters stage. GMEU have confirmed that the proposal would not have a substantive detrimental impact on protected bats species (or other species) and make several recommendations in relation to ecology mitigation and biodiversity enhancements (see Paragraph 4.1). A condition should be imposed requiring the development to be carried out in accordance with the recommendations in the submitted ecology appraisal. This will inevitably inform any subsequent reserved matters application in terms of the amount of development (number of dwellings), site layout and landscaping. With the imposition of a condition to ensure the development protects and enhances biodiversity (as set out above) the proposal sufficiently accords with the requirements national and local planning policy.

7.6 **Key Consideration - Flood Risk**

7.6.1 The indicative site plan and the supporting Flood Risk Assessment indicates that all the built development (dwellings) would be located in flood zone 1 which is consistent with the sequential approach to locating development in the areas least likely to be at risk from flooding. As the proposal is in outline form, it is considered reasonable and necessary to impose a planning condition to ensure that all new houses must be situated in flood zone 1. The Environment Agency endorse this. The development of the site will increase the area of impermeable surfaces and will alter the surface water runoff regimen of the site and therefore could potentially impact flood risk on site and elsewhere in the catchment. The application proposes that the new surface water drainage will adopt sustainable drainage principles, with surface water attenuated to the greenfield runoff rate. Attenuation is most likely to be in the form of underground storage with some allowance for infiltration. The surface water would then be discharged to the existing watercourse at a controlled rate. Despite concerns to the contrary, it is possible that an appropriate Sustainable Drainage Systems (SuDS) can ensure flooding is not a risk on or off site. It is considered reasonable and necessary to ensure suitably-worded conditions are imposed requiring a detailed surface water drainage scheme to be submitted and agreed in consultation with the Environment Agency and the Lead Local Flood Authority (LLFA). A condition will also be required to ensure there is appropriate maintenance and management of the proposed drainage system. There are no objections to the principle of developing the site from the relevant statutory consultees.

7.6.2 The LLFA have however indicated that the surface water drainage scheme should be provided with the reserved matters application. This is not strictly possible, as drainage is not a technically a 'reserved matter', though it clearly will dictate the quantum of development and the site layout. The information submitted together with the indicative layout plan, provides sufficient reassurances that the site is capable of being developed and that there will be sufficient space to accommodate attenuation of surface water. It is not uncommon for SuDS to form part of multi-functional space (amenity space/wildlife corridors) within a development or for attenuation to be catered for by underground tanks under landscaped areas/parking areas and/or un-adopted roads. This site offers such potential and so it will be feasible. Ultimately, whilst the drainage details will only be required by condition on the outline, the developer/applicant of the site will need to demonstrate that any subsequent scheme under a reserved matters application (number of dwellings and layout) can be achieved with an implementable drainage proposal that would satisfy the requirements of the outline condition. Despite local opposition on flood risk grounds, overall there are no grounds to refuse planning permission on the risk of increased flood risk and/or inadequate drainage.

7.7 **Key Consideration - Infrastructure Consideration**

7.7.1 In accordance with the NPPF (paragraph 194) the local planning authority has consulted with the appropriate statutory consultees in relation to nearby hazards and infrastructure, in particular the high pressure gas pipeline that runs through the site. National Grid Gas Distribution (NGGD) is responsible for the gas pipeline and they advised that the pipeline is laid in a legally negotiated easement to which certain conditions apply and it is therefore essential that access to the pipeline is not restricted, particularly in the event of an emergency. Therefore, there must be no obstructions

within the pipeline's maintenance easement strip, which would limit or inhibit essential maintenance works on the pipeline. NGGD advised that it is the responsibility of the developer to contact National Grid to seek their consent for works within or adjacent to the pipeline and that the Build Proximity Distance (BPD) for the pipeline is 8 metres (this is 8m in either direction from the centre line of the pipe line).

- 7.7.2 In response, the applicant made it clear that he benefited from a separate legal "lift and shift" clause within the deeds of the land in relation to this pipeline. This is clearly a separate private matter, but for the purposes of assessing the scheme the issue of pipeline retention or relocation elsewhere on the site does affect the number of dwellings capable of being provided and the overall layout (both 'reserved matters'). NGGD later objected to the proposal on the basis that the initial indicative site plan proposed 20+ dwellings within the easement. In addition to consultation with NGGD, the Health and Safety Executive (HSE) were consulted. Their initial response 'Advised Against' the granting of planning permission based on the design and location of the access crossing the pipeline (not the dwellings on the land adjacent to the pipeline).
- 7.7.3 Officers have been in lengthy discussions with the applicant, the HSE and NGGD for some time dealing with this matter. The access has been the fundamental area of concern. Before accepting the principle of the access over the pipeline, NGGD required the applicant to evidence that the proposed traffic flows over the pipeline would not be so high that it would constitute a 'high density traffic route' (defined as a motorway or all roads carrying a volume of traffic totally in both directions, 2000 vehicles per hour and above, for periods of at least 10 hours per week). The 10 hours may be spread evenly over the week or may be concentrated into set periods. On dual carriageway roads, which carry less than this number, consideration needs to be given to future growth). The applicant has evidenced the traffic flows factoring in future growth would fall under the definition of a 'high density traffic route', which has been accepted by NGGD. In the circumstances NGGD has indicated that impact protection can be installed to mitigate the impacts of the development (the access over the pipeline). The outcome has also now resulted in the HSE no longer 'Advising Against' the grant of planning permission on safety grounds on the basis that NGGD accept that impact protection mitigation over the pipeline to allow for the access is a feasible option (as per the advice for the Marina application).
- 7.7.4 NGGD have not confirmed the repositioning of the pipeline as shown on the amended (second) indicative plan and have indicated that this cannot be confirmed until detailed feasibility studies have been undertaken. Such negotiations would be between the applicant and NGGD outside of the planning arena. NGGD no longer object to the proposal but provide several safety considerations, drawing attention to relevant health and safety working practices and measures to take account of for developing close to (and crossing) the pipeline and its easement. Ultimately, any works within the easement and/or over the pipeline need separate permission from NGGD. NGGD have also recently provided further comments indicating that the land allocated on the indicative layout plan (easement area) would not be sufficient or appropriate to accommodate a realigned high pressure main together with necessary ancillary safety protection areas and easement rights.
- 7.7.5 The fundamental issue is, and will remain, whether 158 dwellings can be accommodated on the site with the pipeline retained or even relocated. In response to these concerns, the applicant amended the scheme to read 'the erection of upto 158 dwellinghouses', thus acknowledging some of the site constraints could limit the number of dwellings capable of being accommodated. Officers have maintained a position that the site is unlikely to be able to accommodate the maximum number of units proposed (158) given the position of the pipeline and its associated easements if it was retained. However, with the "up to 158" set out in the development description it would be possible to deal with the reduction in numbers through the reserved matters application. Such a reduction will ultimately depend on the eventual housing mix and density.
- 7.7.6 The development is also shown to be adjacent to or affect Electricity North West (ENW) operational land or electricity distribution assets (power lines and pylons). ENW advise that where the development is adjacent to operational land the applicant must ensure that the development does not encroach over the land or any ancillary rights of access or cable easements, and if planning permission is granted the applicant should contact ENW. It is for the developer to seek the appropriate consents to carry out works within or adjacent to this infrastructure. ENW acknowledge the applicant proposes to divert the equipment and does not object but advises them to liaise with the appropriate estates and wayleaves department. The applicant has also presented legal documentation like the 'lift and shift' clause associated with the pipeline. Whilst such documentation

is a separate private matter, to understand whether the development can accommodate 158 dwellings, Officers pursued discussions with ENW about this matter. The advice indicated that ENW would want to work with the developer (and we understand discussions have taken place) to find a mutually-acceptable solution and that if the overhead lines were retained (ENW's preference), ENW would not object to them over the development provided safety clearances were maintained. Since the applicant has been amended to relate to the erection of "up to" 158 dwellinghouses, if after discussions with ENW the applicant or future developer finds the overhead lines and pylon must be retained, the layout of the development would need to be revised most probably resulting in a significant reduction in the number of units possible on the site. It is contended that the presence of this equipment on site would not prohibit residential development in land use planning terms, albeit it may be more challenging for a developer to make their scheme attractive to future purchasers. The purpose of planning is to establish land use principles and not duplicate other regulatory regimes and so it is contended that whether the pylon and overhead lines are retained or diverted, a residential scheme is capable of being accommodated on this site even if the numbers are reduced and the layout revised to account for safety clearances at the reserved matters stage.

- 7.7.7 With regards to foul drainage, the application has been accompanied by a drainage strategy which indicates that foul water is intended to drain to the public sewer. The strategy does highlight that United Utilities' preference is for the foul to connect to the sewer on North Road, however, the point of discharge of some distance from the site. There is a foul pumping station located adjacent to the development site on Wherside Grove where it may be possible to connect. If this is not feasible, then there may be a requirement for a pumping station on the site to pump to North Road. United Utilities have raised no objection. Nor have they stipulated details or preferences for where the foul sewerage should discharge other than to the public sewer and separate from the surface water from the site. It is reasonable to deal with this matter by condition (requiring a detail of the foul drainage scheme) and through any subsequent reserved matters application.
- 7.7.8 Construction work near the canal has the potential to adversely affect the structural integrity of the canal and the canal cutting. Land stability and the consideration of the suitability of development about ground conditions are material planning considerations as set out in paragraphs 120–121 of the NPPF and is the subject of more detailed discussion in the National Planning Practice Guidance (PPG). The CART has indicated that to ensure the proposal does not affect the structural integrity of the canal it is essential that a condition is imposed requiring no construction to take place within 10m of the toe of the embankment until details of the foundations have been provided and agreed. The imposition of this condition is considered reasonable and necessary as any failure of the canal could have significant impacts on the development itself but also residents of Wherside Grove. The CART also recognises that landscaping can implicate the structural integrity of the embankment too and so request conditions in relation to landscaping. Such conditions cannot be imposed at this stage as landscaping a reserved matter. The comments from the CART should however inform an appropriate landscaping scheme at the reserved matters stage.
- 7.7.9 There have been concerns that the development will place undue pressure on the local schools. In response, the County Education Authority have assessed the proposal and at the time of their assessment considered there to be no shortfall (and thus no contribution requested) for new places in primary schools. They have indicated that there *would* be an impact on secondary school places and they seek a contribution to the sum of £121,821.54, which is equivalent to 6 secondary school places (this has been reduced from 18 places on a recent re-assessment). The applicant has agreed to provide this contribution as part of the s106 agreement. As it is an outline application, this agreed figure could vary and so the legal agreement would enable the assessment to be re-run at the reserved matters stage when the number of units and unit sizes are determined.
- 7.7.9 In addition to the above, future development also places pressure on public open space provision and so development should ensure suitable provision is provided within a development of this scale. Where there are deficiencies mitigation should be provided either by providing additional on-site provision or by financial contributions to improve and/or enhance existing provision locally.
- 7.7.10 Based on a scheme for 158 dwelling units the development site should provide 3142m² of amenity green space, an equipped play area and young people's play provision. Should a reserved matters application come forward with less than 150 units, the provision of on-site young people's play would be omitted. The proposal would also generate off-site contributions towards outdoor sports facilities and parks and gardens based on the council's Open Space Planning Advisory Note. This is reflected in the Public Realm Officers comments, with the exception that there is preference to

secure a junior football pitch (outdoor sports) on site. In this regard, Officers consider this unreasonable on the basis that the development does not trigger the threshold for on-site outdoor sports facilities and furthermore, such provision could exacerbate traffic along North Road which is clearly a local concern. On this basis, an off-site contribution is considered suitable and reasonable and the applicant is willing to secure this through their s106 agreement. With regards to a contribution towards parks and gardens, there is little evidence of where such a contribution could be secured within the town. The Public Realm Officer has indicated a contribution towards Happy Mount Park, however this is some distance from the site and that would not meet the tests set out in Paragraph 204 of the NPPF.

7.8 **Key Consideration – Landscape, Design and Amenity Considerations**

7.8.1 Good design is a key aspect of sustainable development and is indivisible from good planning. Good design is about place making and ensuring new development suitably integrates with the existing natural, built and historic environment. It is about ensuring proposals respond to local character and reflect local surroundings; that they are safe and accessible; visually attractive; take account of the different roles and character of different areas whilst recognises the intrinsic character of the countryside and seeking a good standard of amenity for all.

7.8.2 The application has been supported by a Landscape and Visual Impact Assessment (LVIA) which has assessed the implications of the development on the local landscape having regard to the Arnside and Silverdale AONB, located less than 1km from the site. This LVIA contends that the introduction of residential development into the landscape should not be driven by the assumption that it should be screened from the view. Ultimately the principle is to ensure it is suitably integrated with the natural environment to prevent an adverse visual landscape impacts. This assessment has been supported by indicative landscape proposals to illustrate how the development could be integrated into the landscape through the retention of existing hedgerows, new landscaping and tree planting and open space (all reserved matters). The LVIA concludes that the overall significance of the impact of the development on the landscape character and visual impact would be 'minor adverse' in that it would erode the field pattern and increase urbanisation. In terms of impacts from the towpath, the LVIA suggests negligible overall significance – though this has been disputed by the CART, and from the AONB also negligible given how the proposal will sit within the urban context of the built-up area of Carnforth.

7.8.3 DM DPD Policy DM28 states that the outside protected landscapes the Council will support development which is in scale and keeping with the landscape character and appropriate to its surroundings in terms of siting, design, materials, external materials and landscaping (most reserved matters). The proposal will inevitably have a localised landscape and visual impact as a consequence of the loss of the pasture land, which currently provides a pleasant green lung between with existing development to the west and the A601(M). However, in a wider context, the landscape surrounding the site has already accommodated significant change and urbanisation. Despite being a large field in itself it does not form part of a wider open and rural landscape – it is bound by strong linear features which provide a natural edge to the urban fabric of the town, namely the A601(M) and the canal. For this reason, the proposed expansion of the urban area up to these linear features would not lead to significant adverse impacts and would not significantly harm the views from or across the nearby AONB on the basis the site would naturally form part of the existing built environment and would be viewed in this context. Subject to the reserved matters application securing appropriate landscaping and open space to ensure the development integrates with its surrounding, in particular the canal, there are no landscape grounds to resist this outline application.

7.8.4 In terms of design, despite some weaknesses in respect of the vehicular access being disconnected to the existing built environment, the proposed site sits alongside existing residential development and is bound to the east and south and to a lesser extent to the north by strong linear features (A601(M), Carnforth Brow and the Canal), which form natural boundaries to the urban fabric of the town. In this regard the site offers a natural extension of the settlement. The proposal provides several pedestrian/cycle connections to the existing built environment to ensure it is suitably integrated with it. The indicative site plan, which assumes the gas pipeline and pylon and overhead lines are diverted within the site, shows the smaller units and the greatest densities of dwellings along the boundary with the A601(M) and lower densities within the northern and southern parts of the site. Large areas in the centre are not developable and should be retained as open space (as illustrated). This relates to areas identified a flood zones 2/3 and because of the presence of the watercourse running through the site and associated easements.

- 7.8.5 There are some good design features illustrated on the submitted indicative layout plan that should be pursued at the reserved matters stage (in the event of an approval). This includes the retention of the open watercourse with open space and landscaping around it to provide a strong wildlife corridor (this will also form a key component of the ecological mitigation and enhancement for the site). This also offers opportunities to mitigate for hedgerow/tree loss within the site. The application suggests the scale (whist a reserved matter) would be predominately 2-storey which for most the site would be acceptable, though the incorporation of some bungalows would be encouraged to provide a good overall housing mix. Given the scale of surrounding development and the sensitivity of the site when viewed from the canal towpath, it is unlikely dwellings more than two storeys (with some attic accommodation) would be acceptable at the reserved matters stage.
- 7.8.6 There are also elements of the design and layout on the indicative plan that cause concern, notably: the provision of buildings and gardens within the pipeline easement, which incidentally has been considered inadequate by NGGD; close proximity of development to the A601(M) and noise impacts; the layout of properties around the required 75m linking road (which as part of the access arrangements requires no private/public drives accessed off it); the layout and position of properties in the northern section of the site where the topography varies markedly resulting in potential concerns over finished floor levels and practical garden areas (both in terms of landscape and amenity considerations); the internal road layout and its relationship with the canal (CART comments); and the close position of dwellings to existing property along Browfoot Close and Whernside. These matters are, however, capable of being overcome at the reserved matters stage to ensure an acceptable design and layout is achievable and that residential amenity (both future and existing residents) is protected. This could result in a reduction to the number of units, but ultimately this depends on the eventual housing mix and density and whether the infrastructure (pipeline and overhead lines) are retained or diverted.
- 7.8.7 In terms of the noise impacts associated with developing close to the A601(M) and the motorway, the application has been supported by an acoustic assessment which concludes a 2m high acoustic barrier on a 1m earth mound along the boundary with the A601(M) would be sufficient to provide the proposed dwellings from the noise generated by the passing traffic. To further ensure a suitable acoustic environment during the night-time, additional fabric-first acoustic mitigation would be required (enhancing glazing specifications and ventilation). Environmental Health initially objected to the development on the grounds that the assessment was considered inadequate (due to concerns associated with the monitoring location and methodology for assessing noise impact) but have indicated these issues are not insurmountable and such impacts can be mitigated. Following negotiations between the applicant and Environmental Health it has been accepted that this could be dealt with through the imposition of a condition requiring a full acoustic assessment to inform appropriate mitigation at the reserved matters stage. Officers accept this approach but cannot require the details to be provided at the reserved matters stage. Alternatively, a condition is proposed requiring an assessment of likely noise impacts, to inform mitigation (to be agreed before commencement of development) and for the mitigation to be implemented before occupation. Ultimately such an assessment will be required to inform the layout and landscaping at the reserved matters stage. Any prospective development will need to ensure that at the reserved matters stage, they can comply with the requirements of the noise condition imposed on any outline consent.
- 7.9 **Planning Balance & Deliverability**
- 7.9.1 Sustainable development is about ensuring the environmental, social and economic dimensions of sustainable development are mutually dependant. In this case, there are concerns in relation to the locational sustainability of the site (i.e. that the site is beyond the maximum recommended walking distances to the town centre and most local services/facilities, including public transport, and that as a consequence there would be a reliance on the private car). There are localised landscape impacts as a consequence of the development and some tree and hedgerow loss, though this does not have significant adverse impacts. To address these concerns the applicant has provided some mitigation and has sort to provide enhanced pedestrian/cycle connections towards the town through a combination of off-site highway works and s106 contributions. With regards to the landscape impacts, it is contended that the impacts would not be significant in the context of the wider landscape character or the impacts on the AONB, and that through good design these issues are capable of being addressed at the reserved matters stage.
- 7.9.2 In terms of the proposal itself, it seeks to deliver up to 158 houses with 40% affordable housing and therefore would positively contribute to the districts housing supply, particularly given the current

lack of a 5 year housing land supply. To ensure the environment, services and infrastructure can accommodate the impacts of expansion, the applicant seeks to mitigate some of the impacts through the provision of on-site open space, sustainable drainage and off-site open space, canal towpath improvements and education contributions, together with contributions towards Travel Plan implementation and public rights of way improvements. As noted above, there are also significant proposals to North Road to improve pedestrian accessibility and traffic calming.

- 7.9.3 Whilst there is an argument that the site is not ideally located, on balance it is contended that the adverse impacts associated with the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 7.9.4 However, Officers have been mindful of the viability of the scheme and its deliverability given the costs associated with developing the site and the scale of obligations and policy requirements sought. The NPPF makes it clear that pursuing sustainable development requires careful attention to viability and costs in both plan-making and decision-taking (paragraph 173). The NPPG states that *'decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of obligations and other costs, a viability assessment may be required'*. The applicant has maintained the proposal is deliverable (and has a housing developer interested in the site) with the scale of obligations required and other costs necessary to make the development acceptable.
- 7.9.5 Whilst not wishing to delay potential housing opportunities within the district, Officers have questioned the deliverability of the proposal and sought a viability appraisal for the site. It is acknowledged that assessing viability at the outline stage is difficult as there are many variables that could change, most notably (in this case) whether the pipeline and overhead lines remain or are diverted. However it has still been considered prudent to test the deliverability of the development proposed to ensure that this recommendation highlights a realistic expectation of what can be achieved on the site, in terms of the scale of obligations.
- 7.9.6 The applicant's viability appraisal was initially considered by Officers and, as a further tier of review, it was agreed that the applicant's appraisal should be independently assessed. The local planning authority appointed an external consultant to review the appraisal to test whether the scheme is deliverable with the current scale of obligations and other costs. Unsurprisingly, based on some of the applicant's assumption, the consultant review concludes that the proposal with the 40% affordable housing (and the other contributions/costs) is not a viable proposition. Negotiations will be ongoing in this regard and a verbal update will be provided, but realistically Members need to be mindful that the proposal may not be deliverable unless the local planning authority is flexible in seeking planning obligations (as it is required to be, by national planning policy). That said, it is important to note that the NPPF is clear that where safeguards are necessary to make development acceptable in planning terms, and these safeguards cannot be secured, planning permission should *not be granted*. At this stage, Officers anticipate that there will be further negotiations to reach a compromised position in relation to the scale of obligations. Members are advised that this could have implications in terms of the provision of affordable housing in particular and if this was the case that this would have to be considered in the overall planning balance. It is reasonable to assume therefore, that a number of variables that could change which could implicate development viability, not least the number of units and the density of the development that would be determined at the reserved matters stage. This is the case for most outline proposals and is one to be factored into the decision-making process.
- 7.9.7 It is anticipated that through negotiation there should still be a deliverable scheme on this site, albeit potentially less attractive than the one currently presented. A verbal update will be provided which will update Members on the agreed scale of obligations. Notwithstanding this, provided the works/costs that are regarded necessary to make the development acceptable and policy requirements are sufficiently met, the presumption in favour of sustainable development still applies.

8.0 Planning Obligations

- 8.1 Subject to ongoing viability negotiations, the following contributions and requirements should form part of the decision and should be secured by s106 legal agreement:
- Provision of up to 40% Affordable Housing based on 50% intermediate and 50% social rented;

- An education contribution to be calculated at the reserved matters stage (currently £121,821.54) as it is based on bedroom numbers which are not known at the outline stage, and provided in accordance with the terms of the agreement;
- Travel Plan contribution;
- Provision of on-site amenity green space and equipped play area (detail and the exact area to be determined at the reserved matters stage);
- Provision or contribution towards Young Peoples Play to be determined at the reserved matters stage (dependent on the unit numbers) and then provided in accordance with the terms of the agreement;
- Off-site POS contributions towards outdoor sports provision and parks and gardens be calculated at the reserved matters stage and the provided in terms of the agreement; and,
- Maintenance and management of all open space, landscaped areas, any un-adopted roads and SuDS;

A verbal update will be provided.

9.0 Conclusions

- 9.1 This application has been subject to some complicated, technical constraints including the existence of on-site infrastructure and the positioning of the proposed site access off an existing A-road with motorway status.
- 9.2 The local community have raised some justifiable concerns arising from the proposed development. Some of these relate to access, traffic and parking problems along North Road. The proposed access strategy is not a typical solution for residential development, primarily because the principle access is disconnected from the existing built environment. But through long negotiations with the Highway Authority the fundamental highway safety aspects of the proposal have been satisfied. Pedestrian and cycle accessibility improvements form a key part of the proposal and are considered necessary to deliver an integrated scheme that will mitigate against the sites slightly removed position from the town centre (despite being on the edge of the urban area).
- 9.3 Consideration of the impacts on biodiversity, landscape, flood risk, air quality and impacts on existing infrastructure such as open space and education have been sufficiently resolved provided conditions and/or obligations are imposed to ensure the impacts of the development are accommodated.
- 9.4 Concerns in relation to the impact of the proposal on neighbouring residential amenity are matters that can be secured at the reserved matters stage and from this assessment it is clear the indicative proposal would not be an acceptable scheme.
- 9.5 Which brings us to the final point, the scheme provides an opportunity to deliver up to 158 dwelling units. Any subsequent reserved matters application would need to address a number of issues, including delivering a better mix of housing types/sizes to demonstrate the scheme meets the local housing needs (including affordable homes). It appears that the prospects of 40% affordable housing alongside other constraints is rather fanciful. However failure to secure 40% does not in itself make a development proposal unacceptable. Development Plan policy requires *up to* 40% on greenfield sites and does indicate that fewer units would be acceptable, for example where there is compelling and detailed evidence demonstrating that affordable housing has a negative impact on viability. This approach is in line with national policy and guidance. Subsequently, whilst there are ongoing negotiations in respect of development viability, in light of the fact that the Council cannot demonstrate a five-year housing land supply, the benefits of this proposal (delivery of housing) should be weighted heavily in the overall planning balance and the decision-making process. Subject to the outcome of the outstanding viability matters, the recommendation is to support the proposal.

Recommendation

Subject to the outcome of the outstanding viability negotiations, that Outline Planning Permission **BE GRANTED** subject to a legal agreement securing the items noted in section 8 of this report and the following conditions:

1. Standard Time Limit (approval of reserved matters);

2. Approved Plans (location plan and access drawings);
3. Site plan indicative only;

Pre-commencement:

4. No development to commence until the A601(M) has its Special Status has been revoked and necessary associated works implemented;
5. Full access details to be submitted and approved and provided before commencement of the development (with some phasing to allow works to the proposed emergency access points where necessary);
6. Full details of the emergency access points to Carnforth Brow and Whernside Grove including details of the measures to prohibit vehicular access and ongoing management/maintenance to be agreed and implemented before occupation and thereafter;
7. Full details of the pedestrian/cycle connections Whernside Grove, Carnforth Brow and the canal towpaths to be agreed and implemented before occupation;
8. Traffic and Construction Management Phasing Plan to be provided and implemented;
9. Surface water drainage scheme to be agreed and implemented;
10. Foul drainage scheme to be agreed and implemented;
11. Contaminated Land (Site Investigation);
12. Assessment of noise impacts and mitigation to be submitted and agreed and mitigation implemented before occupation;

Pre-construction of dwellings:

13. Details of on-site POS and equipped play provision;
14. Details of external lighting

Pre-occupation:

15. Submission of full Travel Plan;
16. Maintenance and management of Surface water drainage scheme;
17. Traffic calming and improved footway provision along North Road to be provided in full before occupation, or an alternative agreed programme of implementation.

Control conditions:

18. Protection of Visibility splays;
19. Development to be carried out in accordance with the Air Quality mitigation plan;
20. Development to be carried out in accordance with AIA;
21. Development to be carried out in accordance with recommendations set out in the ecological appraisal;
22. Development to be carried out in accordance with the FRA;
23. No dwellinghouses to be located in floodzone 2 and 3;
24. Site to drainage on separate systems;
25. Importation of soil (contaminated land condition);
26. No construction shall take place within 10m of the toe of the canal embankment until details of the foundations have first been submitted to and agreed;
27. Garage Use condition;
28. Removal of PD rights (Parts 1 - Classes A, B, E and F and Part 2).

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

In accordance with the above legislation, the City Council can confirm that it 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 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