

<b>Agenda Item</b>	A6
<b>Application Number</b>	21/00694/REM
<b>Proposal</b>	Reserved matters application requesting consideration of scale and appearance for 213 dwellings
<b>Application site</b>	Land East Of Scotland Road Carnforth Lancashire
<b>Applicant</b>	Rowland Homes Ltd
<b>Agent</b>	Mrs Helen Binns
<b>Case Officer</b>	Mrs Jennifer Rehman
<b>Departure</b>	N/A
<b>Summary of Recommendation</b>	Approval

## 1.0 Application Site and Setting

- 1.1 The application site relates to a 16.8 hectare parcel of land comprising undulating pastoral land located north of the main built up area of Carnforth on land designated as open countryside. The Carnforth and Leeds railway line runs along part of the southern boundary to the site with a small group of employment premises (known as the Midland Units) abutting the south western corner of the site. Scotland Road (the A6) runs adjacent to the western boundary with further commercial premises (Travellers Choice coach depot) directly opposite the proposed access. The River Keer runs along the northern boundary of the site with Truck Haven services located on the opposite side of the watercourse. Beyond Truck Haven services the strategic highway network (A601M) connects to the A6 where further employment premises are located, together with Pine Lakes leisure complex. Open pastureland, Netherbeck Holiday Park and a small cluster of existing dwellings sit alongside the eastern boundary of the site off Carnforth Brow.
- 1.2 The existing site is accessed via field accesses off Scotland Road and Carnforth Brow. The former public right of way (PROW) (1-3-FP-26) that passed through the site, alongside the southern boundary before it crosses the railway line and links back to Carnforth Brow, has now been stopped up and diverted in accordance with the terms of the planning permission and the Diversion Order.
- 1.3 The site comprises several agricultural field parcels. Tree cover is largely restricted to the southern and eastern boundaries and internal field hedgerows. The northern third of the site is also identified as priority habitat (Coastal Floodplain Grazing Marsh) and is part of a much larger Nature Improvement Area. The River Keer lies outside the application site but abuts the northern boundary. A smaller watercourse (Nether Beck) passes through the site in a general west-east direction with a series of connected ditches within the northern parcel of the site. The northern part of the site is around 5m Above Ordnance Datum (AOD) and subsequently lies within flood zones 2 and 3. The southern part of the site is between 10m and 20m AOD and lies within flood zone 1.

- 1.4 Following the approval of the outline planning permission, the Council have adopted a new Local Plan. The site does not benefit from any housing or other land-use allocation. Instead, the site is subject to Countryside Area and Natural Improvement Area designations (as was the case when the outline planning permission was granted). The site is not within the Conservation Area nor are there any listed buildings within or near likely to be affected by the proposals. Nevertheless, the site occupies a gateway location into the town. It is, however, very close to the south-eastern boundary of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) and reasonably close to the nature conservation sites associated with Morecambe Bay (Special Protection Area, RAMSAR and Site of Special Scientific Interest). The site is also allocated as a Minerals Safeguarding Area.
- 1.5 Carnforth town centre is located approximately 800-1000 metres from the site and provides a range of local services and facilities, including a medical centre, supermarkets, post office, some comparison retail, offices, restaurant/cafes/public houses and employment land. The railway station is located around 1300 metres from the centre of the site. The closest bus stop on the A6 is around 520 metres south west of the site at its closest point and around 900 metres from the centre of the site. Primary and secondary schools are situated off either North Road or Kellet Road and are also around 1200-1300 metres walking distance from the centre of the site.

## 2.0 Proposal

- 2.1 The applicant has applied for reserved matters following the grant of outline planning permission. An application for approval of reserved matters is not an application for planning permission. Reserved matters are those aspects of a proposed development that an applicant can choose not to submit details of with an outline planning application (i.e. they can be 'reserved' for later determination). An outline planning permission allows for the general principles of how (and if) a site can be developed. In this case, the site benefits from an outline planning permission, subject to several conditions and a legal agreement. Condition 1 of the planning permission requires the subsequent approval of the appearance and scale of the development, herein the 'reserved matters'. Only these 'reserved matters' are the subject of this application. Matters relating to traffic, access, air quality, flood risk, biodiversity and impacts on local infrastructure such as school places, layout, housing mix/tenures and landscaping have all been considered and previously accepted as part of the outline planning permission and subsequent permission pursuant to Section 73. This application is not a re-examination of these key planning considerations and the principle of residential development on the site.
- 2.2 The application includes reserved matters details for 213 dwellings based on the following housing mix approved as part of the latest planning permission (pursuant to Section 73):
- Affordable Homes (85 units):  
8 x one-bedroom apartments  
7 x two-bedroom bungalows  
25 x two-bedroom dwellings  
45 x three- bedroom dwellings
- Open Market Homes (128 units in total):  
40 x three-bedroom dwellings  
88 x four-bedroom dwellings
- 2.3 The applicant has had pre-application discussions with the Council ahead of the submission of this reserved matters application. The proposal includes seventeen different housetypes (with some variations to specific housetypes depending on plot orientation), comprising a mix of apartments, bungalows, terraced, semi-detached and detached dwellings. Except for the bungalows, these are all two-storey in scale finished in either (or a combination) of natural stone, brick and roughcast render under grey concrete roof tiles. Windows, fascia, soffit and bargeboards shall be finished in white PVCu with black PVCu rainwater goods. In addition to the details of the appearance of the dwellings, details of the external surfacing treatments and boundary details have been submitted.

### 3.0 Site History

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

Application Number	Proposal	Decision
21/00073/DIS	Discharge of conditions 3,7,8,13,19 and 25 on approved application 20/00607/VCN	Pending Consideration
21/00118/DIS	Discharge of conditions 10,11 and 21 on approved application 20/00607/VCN	Pending Consideration
21/00119/DIS	Discharge of conditions 5,6 and 17 on approved application 20/00607/VCN	Pending Consideration
20/00607/VCN	Outline application for residential development comprising 213 dwellings (Use Class C3) with associated vehicular and cycle/pedestrian access to Scotland Road and cycle/ pedestrian access to Carnforth Brow/Netherbeck, public open space, creation of wetlands area, construction of attenuation basins, erection of sub-station, installation of a pumping station and associated earthworks and land re-grading and landscaping (Pursuant to the variation of conditions 2, 5, 6, 7, 10, 11, 14, 16, 18, 24, 25, 26 and 27 on planning permission 18/00365/OUT to take account of amendments to the layout of the residential development, changes to the housing mix, alterations to the associated earthworks and land re-grading scheme, amendments to the drainage scheme and changes to public open space and landscaping (including the removal of additional hedgerow)	Approved
18/00365/OUT	Outline application for residential development comprising 213 dwellings (Use Class C3) with associated vehicular and cycle/pedestrian access to Scotland Road and cycle/ pedestrian access to Carnforth Brow/Netherbeck, public open space, creation of wetlands area, construction of attenuation basins, erection of sub-station, installation of a pumping station and associated earth works and land regrading and landscaping	Approved
17/01383/EIR	Screening opinion for erection of up to 250 dwellings	Not EIA development

### 4.0 Consultation Responses

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

Consultee	Response
Town Council	At the time of compiling this report, no comments received.
Local Highway Authority (Lancashire County Council, LCC)	<b>No objection</b>
Highways England	<b>No objection</b>
School Planning Team (LCC)	In line with the requirements of the S106 Agreement, a reassessment has been undertaken confirming no requirement for an Education Contribution.
Environment Agency	<b>No objection</b>
GMEU	No comment on the reserved matters (ecology matters controlled by the outline planning permission).
Natural England	<b>No objection</b>
Arboricultural Officer	At the time of compiling this report, no comments received.

Arnside and Silverdale AONB Unit	<p>Concerned about the use of red brick, red roof tiles and red chippings to external surfaces, noting such would not reflect local landscape character and would conflict with the AONB planning policies. The AONB Partnership recommend the use of limestone and render and slate grey roof tiles. The AONB Partnership continue to comment on the requirement for more tree native planting to help reduce the visual impact on the AONB.</p> <p>Following the submission of amendments, the AONB Partnership have commented they have no further comments and that the material changes address their concerns.</p>
Environmental Health Service	No adverse comments commenting the layout and specifications of the acoustic barrier fencing appears satisfactory.
Strategic Housing Officer	Comments that the provision of 40% affordable housing is positive and supported and that whilst the overall mix of houses broadly accords with the Strategic Housing Market Assessment, some changes are recommended to better meet the housing needs for Carnforth.
Conservation Team	Commented that they have no comments on the application.
Lancashire Archaeology	At the time of compiling this report, no comments received.
Network Rail	<p>No objection to the principle of the proposal.</p> <p><i>NB: Network Rail repeat a series of asset protection measures and recommend conditions relating to matters controlled by the outline planning permission.</i></p>
Lancashire Fire & Rescue Service	No objection – standard recommendations provided for Building Regulations
Lancashire Constabulary	<p>Comments as follows:</p> <ul style="list-style-type: none"> <li>• Landscaping to be kept to a minimum with trees and foliage allowing for surveillance.</li> <li>• Low lying shrubs along budling frontages</li> <li>• Street furniture can be valuable but can also attract anti-social behaviour – questions raised over the use and purpose of the internal footpaths</li> <li>• External lighting required 24 hours along the footpaths to reduce the risk of crime and anti-social behaviour.</li> </ul>
Waste and Recycling Team	Concerns raised in relation to the layout of the development and the requirement of additional refuse collection points.
Lancaster Canal Trust	No comments to make on the application.
Public Rights of Way Officer (LCC)	At the time of compiling this report, no comments received.
Ramblers Association	At the time of compiling this report, no comments received.
Electricity North West	At the time of compiling this report, no comments received.
Cadent Gas	At the time of compiling this report, no comments received.

4.2 At the time of compiling this report, one letter of objection has been received stating that there is a perfectly good brownfield site closer to the town centre and greenfield sites should remain second to brownfield sites.

## 5.0 Analysis

### 5.1 Procedural Matters

5.1.1 Reserved matters are those aspects of a proposed development that an applicant can choose not to submit at the outline stage. They are fundamentally details reserved for subsequent approval. Reserved matters applications are not applications seeking 'planning permission'. The grant of planning permission is established under the outline planning permission. Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines reserved matters as access, appearance, landscaping, layout and scale. In this case, access, layout and landscaping were applied for and considered as part of the outline planning permission.

- 5.1.2 The applicant has chosen to submit the remaining reserved matters (appearance and scale) for the whole development as part of this pending application. The submission of this application for reserved matters complies with condition 1 of the outline planning permission (and therefore section 92 of the Town and Country Planning Act 1990) in relation to the time limit within which an application for reserved matters approval can be made pursuant to the outline permission.
- 5.1.3 The local planning authority can only assess the details submitted relating to the 'reserved matters'. Matters relating to the principle of the development (including the access, layout and landscaping), such as the need for housing, traffic impacts, flood risk, loss of agricultural land, impacts on geodiversity and ecology are matters previously considered and accepted conditionally as part of the approval of outline planning permission. This does not mean that some aspects covered by the outline permission, such as landscape/townscape considerations will not be assessed as part of the consideration of reserved matters, but such will relate only to whether the proposed reserved matters enables or prejudices compliance with the outline permission. In short, consideration of the reserved matters is not an opportunity to re-examine the principle of the redevelopment of the site for residential development. This has been accepted by the grant of outline planning permission in August 2019 and the subsequent grant of the Section 73 permission. The only matters for consideration as part of this application relate to the scale and appearance of the development, largely the dwellings, boundary treatments and external surfacing details.
- 5.2 The main planning issues in the consideration of this application solely relates to the effects of the appearance and scale of the development on the character and the visual amenity of the area and whether overall the proposal constitutes good design.
- 5.3 **Consideration 1 - Design and Amenity Chapter 12 (Achieving Well-Designed Places) paragraphs 124-136) and Development Management (DM) DPD policies DM29 (Key Design Principles) and DM46 (Development and Landscape Impact).**
- 5.3.1 Planning policy requires development outside protected and designated landscapes to be in scale and in keeping with the landscape character in terms of siting, scale, massing, design, materials and landscaping. National and local planning policy also strongly promotes high quality design, for development to positively contribute to local distinctiveness to contribute to the creation of beautiful places. This is particularly important here given the scale of the development and the sites gateway location on approach to Carnforth, together with the site's position within the setting of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB).
- 5.3.2 The effects of the development on landscape character and the visual impacts of the development from the AONB (and from a townscape perspective too) were matters considered in depth at the point of granting the outline planning permission. It was the landscape reasons that led to the submission of an outline planning application including consideration of access, layout and landscaping. Consequently, the impacts on landscaping character have been previously addressed with extensive landscape mitigation included as part of the original grant of planning permission. For this reserved matters application, it is simply a matter of ensuring the scale and appearance of the proposed dwellings complement the approved layout and landscaping of the approved development and is appropriate for the sites prominent position alongside the A6 on approach to Carnforth and within the setting of the AONB.
- 5.3.3 The scale of the proposed development (bungalows and two-storey dwellings) is appropriate and reflective of the existing built environment surrounding the site – largely to the north. The housetypes proposed are taken from a selection of standard housetypes constructed by Rowland Homes. The selected housetypes are the basis of pre-application discussions and where certain housetypes occupied corner plots (requiring dual frontages or active elevations) adaptations to these standard housetypes have been provided. Given the scale of the development, the applicant has appropriately produced a good mix of different housetypes to provide interest and variation across the site. There is a strong synergy between the different housetypes, which positively reflect and complement the local vernacular.
- 5.3.4 The material palette is also varied with a mix of brick (three types proposed), natural stone and roughcast render. For a development of this size, it is appropriate to have a varied mix of elevation treatments/finishes to ensure it is attractive and interesting and creates its own sense of place. Officers have negotiated changes to the material palette during the determination period. This has

largely led to the use of natural stone (rather than a reconstituted stone), an increase in the use of Render, the loss of the red brick (as per the specification initially submitted), the removal of red roof tiles as well as the removal of any red external surfacing treatments. These changes have now resolved the initial concerns of the AONB Partnership and also better reflect local distinctiveness. A grey roof tile is accepted, though Officers are still in negotiation over the precise tile to be used. If this matter is not resolved ahead of the Planning Committee, this is capable of being controlled by condition. The use of brick remains a dominant material, which given the amended mix across the site is acceptable in principle. However, the amended brick specifications submitted remain unacceptable, mainly due to their colour and texture and the compatibility with one another and the stone and render when viewed as a site wide material composition. Officers have provided suitable examples for the developer to consider and submit more appropriate, alternative samples ahead of determination. A verbal update will be provided. In any case, a planning condition is required to secure suitable sample panels of the render, brick and stone (including pointing and mortar details) ahead of the construction of the dwellings.

5.3.5 In addition to the appearance of the dwellings themselves, details of the boundary treatments and external surfacing for the roads and paths throughout the development have also been provided. The external surfacing treatments have been amended to remove the use of red materials (following officer concerns and those of the AONB Partnership) with the amended proposal utilises a mix of black and grey tones/textures. This maintains a degree of variety to add interest to the appearance of the development and to reflect the road hierarchy within the estate. This is a suitable and acceptable approach and will contribute to the overall design of the development.

5.3.6 The boundary treatments comprise a mix of closed boarded timber fencing and feature walls (stone/brick) in prominent street locations. The acoustic timber fence details have been amended to demonstrated compliance with the noise mitigation condition (pursuant to the outline), with the standard timber fencing constructed with a gap at their base for hedgehog pathways (also requirement by condition pursuant to the outline). Where dwellings back or side onto the open space land or the green corridors throughout the development, the proposed boundary treatments will be complemented by extensive landscaping, approved under the outline planning permission, and would not lead to adverse visual impacts.

5.3.7 In terms of residential amenity, the layout of the development (previously considered as part of the outline planning permission) ensures an acceptable standard of amenity is provided in terms of interface distances and garden sizes in particular. The appearance of the dwellings does not alter the relationship between the approved dwelling locations. However, it is recognised that the insertion of new windows into back walls of the housetypes proposed could lead to increased overlooking and loss of privacy. As such, it is recommended that a condition removing permitted development in insert any new windows should be imposed to maintain compliance with policy DM29 and paragraph 130 of the Framework.

5.3.8 Overall, and subject to securing an acceptable selection of bricks to be used, the proposed scale and appearance of the dwellings, the external surfacing and boundary treatments is considered acceptable. The varied house designs and the use of a high-quality mix of materials (complemented by the extensive landscaping approved as part of the planning permission) will create a vibrant and attractive development with a own strong sense of place. Furthermore, with the amendments sought to the materials, the development is considered to respond well to its surroundings and will not result in adverse effects on the setting of the AONB. Subject to agreement over the brick specifications, the reserved matters details are considered acceptable and compliant with polices DM29 and DM46 of the Development Plan and the design objectives required by the Framework.

#### 5.4 **Consideration 2 - Compliance with outline planning permission and s106 planning obligation.**

5.4.1 The applicant has submitted the remaining reserved matters for the whole site. This complies with the requirements of condition1 of the outline planning permission. Consideration of the appearance and scale of the development does not affect compliance with the outline planning permission in the same way an application for reserved matters which includes consideration of layout and landscaping. One condition that is relevant, however, relates to acoustic mitigation. The amended acoustic fence details now ensure compliance with this condition, with the Council's Environmental Health Service confirming such is suitably adequate. The applicant has submitted three discharge of condition applications to the Council which are in the process of being assessed and determined.

The outcome of this reserved matters application will not prejudice or compromise consideration of these pending condition applications.

5.4.2 Regarding the Section 106 planning obligation, the following terms required consideration at the reserved matters stage:

- *Prior to or as part of the first Reserved Matters Application, an Affordable Housing Scheme shall be submitted to the Council for approval and development shall not commence until the AHS has been approved in writing by the Council.*

An Affordable Housing scheme (AMS) has been submitted with this application which aligns with the overall provision of 40% affordable homes and the housing types identified as affordable homes as part of the s73 planning application (planning permission). The submission of this AHS complies with the requirements of the s106. Approval of this AHS must be obtained before development starts. A copy of the AHS has been shared with the Strategic Housing Officer and legal and approval of such shall be provided in writing to the developer in due course. This does not delay determination of the reserved matters.

- *At the point when the scale of the dwellings is determined as part of the reserved matters application, in short, the Education Contribution to be determined.*

In line with the original s106 and the latest Deed of Variation, Lancashire County Council (School Planning Team) have confirmed an education contribution is no longer required from this development.

The remaining terms of the planning obligation remain valid but are not triggered by the submission of a reserved matters application.

## **6.0 Conclusion and Planning Balance**

6.1 For the reasons set out above and subject to securing agreement over suitable brick and roof tile specifications, the amended details pertaining to the scale and appearance of the approved development is acceptable and conforms with the policies of the Development Plan and the Framework. Taking account of the layout of the development and the extensive open space and landscaping already approved, collectively the scale and appearance of the development will deliver an attractive, high-quality development that not only ensures the development will have its own sense of place, but that it will positively respond to local distinctiveness, its gateway position, and the setting of the AONB. On this basis, this application for reserved matters approval is recommended for approval.

## **Recommendation**

That Reserved Matters Consent BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Time Limit	Control
2	Approved Plans List	Control
3	Notwithstanding the brick details submitted, sample panels of brickwork, render and stonework to be agreed.	Before construction of the dwellings above slab level
4	Roof tile specification to be agreed (TBC)	Before construction of the dwellings above slab level
5	Removal of Permitted Development to allow for the insertion of windows/doors	Control

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

Officers have made this 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 decision 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