

Agenda Item	A6
Application Number	23/00699/FUL
Proposal	Relevant demolition of Church and erection of a two storey building comprising of 9 apartments and bin store with associated garden areas and landscaping
Application site	Pentecostal Church Hunter Street Carnforth Lancashire
Applicant	Mr Craig Derbyshire
Agent	JMP Architects
Case Officer	Mr Andrew Clement
Departure	None
Summary of Recommendation	Refusal

1.0 Application Site and Setting

- 1.1 The site is located on the outside corner of Hunter Street and Ramsden Street in Carnforth, in close proximity to the town centre to the southeast, with the Post Office general sorting office and west coast mainline railway a short distance west of the site. Land at Scotland Road designated employment area is a short distance north of the site, beyond the terraced dwellinghouses backing towards the site from Pond Terrace. The site is currently occupied by a small single storey building, used as a church (Use Class F), with some open space grass to the north of this, accessible via a gate to Hunter Street.
- 1.2 The site is within the Carnforth Conservation Area, with Victorian terraced houses within the streetscene identified as non-designated heritage assets of local heritage importance, contributing positively to the national heritage asset of the Conservation Area. The site is within the Carnforth Regeneration Priority Area, in an area at low risk of flooding, and approximately 750 metres from Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. The site is within the Carnforth Neighbourhood Plan (CNP) area, within focus area A of the associated design code, although there are no further designations within the CNP affecting this site.

2.0 Proposal

- 2.1 This application seeks planning permission to demolish the existing single storey church building, erecting a block of 9 apartments in its place, over a larger footprint than the existing building. The development is to measure 22.2 metres side by a maximum of 10.7 metres deep, setback behind a 0.5 metres front garden, measuring a maximum of 8.8 metres tall predominantly flat roof. The top third floor is within a steep pitch mansard roof design, with three separate box dormers to the front, and a single wider box dormer/third floor to the rear. The development is to be finished in brick walls, under metal mansard, dormers and roof, with aluminium clad and composite window frames and doors, and uPVC rainwater goods. A bin store and communal/private garden spaces are provided

external, whilst inside the proposed development is cycle parking within a communal corridor, leading to 3x two-bed apartments and 6x one-bed apartments, with the first and second floors accessed via a communal stairwell.

3.0 Site History

3.1 A relevant application relating to this site have previously been received by the Local Planning Authority include:

Application Number	Proposal	Decision
20/00382/PRETWO	Demolition of existing meeting hall and erection of a 3 storey block of flats	Advice provided

4.0 Consultation Responses

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

Consultee	Response
Carnforth Town Council	Objection , as the scale, layout and high density of building, the design, appearance, and materials proposed in the application are not appropriate and do not support the character of the surrounding built form of the street, the immediate neighbourhood or the Conservation Area. The architecture style, materials and colours proposed do not have regard to the approved Carnforth Design Code, with no regard to the concept of "local" and does not respect the character of the surrounding built form of Hunter Street. For flats which don't have an allocated parking space, provision should be made for a shared communal charging point, however the proposal does not include any. The proposed addition of nine apartments comprising three two-bedroom and six one-bedroom will exacerbate parking, traffic, highway safety issues, with no provision for any off-street parking to mitigate its impact of on-street parking, traffic and highway safety on Hunter Street and surrounding streets. The planning application does not sufficiently address the parking problems, it does not make any provision for car parking for people with impaired mobility, and would make on-street parking situation worse to the detriment on Hunter Street and of great concern for residents. Given the narrowness of the street and the level of on-street parking there is a significant number of minor collisions with parked vehicles which often go unreported.
County Highways	Objection , due to concerns regarding the lack of off-street parking. Construction management plan and associated details also required, but could be controlled through planning condition.
Conservation Section	Objection , as the proposals would not preserve the character and appearance of the area, particularly the proposed mansard roof form, which is not appropriate to the context and would appear incongruous in a streetscape dominated by pitched roof forms.
Engineering Team	Objection , no assessment of existing runoff rates from the site has been made, arbitrary runoff rate provided is unjustified, and concerns regarding the proposed systems ability to deal with 1in100 year rainfall events for +50% climate change allowance.
United Utilities	No objection , subject to implementation of the drainage scheme at the restricted runoff rate.
Environmental Health	No observation received
Natural England	No objection , subject to securing homeowner ecological information packs through planning condition to mitigate any increased recreational pressure on nearby designated sites.
Fire Safety Officer	No observation received

4.2 **Objection** received from Carnforth and Millhead Ward Councillor Chris Hanna, raising the following concerns and reasons for objection:

- The height, scale, massing, layout, high density, and the design, appearance, and materials proposed in the application are not appropriate and do not support the character of the surrounding built-form of the street, or the immediate neighbourhood character as terraced housing original built for workers at the ironworks and railway, or the wider Conservation Area.
- The proposed high-density block of nine flats across three-storeys dominates most of the plot in size and density, significantly reducing the existing outside space, which does not reflect the density and character of the surrounding built form, particularly the design of roof dormers.
- The proposed block of flats does not “bookend” a continuous terrace, does not share any design features of the adjacent terraced houses, and again does not respect the character of the surrounding built form of Hunter Street that have predominantly sandstone walls and slate roofs. The metal roofing, dormers, uPVC gutters, aluminium clad windows and aluminium composite doors, with brick exterior wall finish, the façade and fenestration, materials, and palette of colours of the proposed building are not appropriate within Hunter Street or to the surrounding streets, and do not have regard to the approved Carnforth Design Code.
- No outdoor drying area or electric vehicle charging points.
- The development proposal does not reflect the reality of the parking issues on Hunter Street and makes no provision for any off-street parking to mitigate its impact of on-street parking, traffic and highway safety on Hunter Street and surrounding streets.
- Lack of off-street public carparking in the vicinity (other parking owned and operated by separate private companies/bodies). No significant provision for secure cycle storage other than three cycle hooks in the communal entrance area, no provision for parking for future residents with mobility issues. This would exacerbate existing issues of traffic and highway safety concerns.

4.3 **26 objections** have been received from members of the public, raising the following concerns reasons for objection:

- Insufficient/absence of parking provision, particularly no parking for people with reduced mobility, which would highly intensifying existing on-street parking demand and result in road safety issues, exacerbating the existing parking problem locally which is insufficient due to demand by residents, local shoppers, rail commuters, holidaymakers and employees, and a single access/egress point Fire Station carpark and for Post Officer sorting office, including large vehicles.
- Lack of off-street public carparking in the vicinity (other parking owned and operated by separate private companies/bodies)
- Construction traffic gridlock and blocking access and parking along Hunter Street, no vehicle turning space, with insufficient on-site space for construction vehicle parking, skips, materials and welfare provision, adverse impact on busy junction with Market Street.
- Construction dust impacting residential amenity and local health.
- Highway impacts dangerous for local children.
- The development has no regard to the conservation area, appears a caricature of an ugly modern office block, detracting from local history and out of character. Incongruent window dimensions, design and materials do not match the existing Victorian terrace streetscene. It should be more sympathetic and in-keeping with the surrounding streets, and frontage should be stone.
- No existing 3-storey buildings on west side of Hunter Street, overdevelopment for the size and design of residences in this location.
- Road drains and surfacing problems exacerbated, additional residential units adding strain to an already struggling drainage system that floods during heavy rainfall and storm events.
- Loss of green space and openness that is accessible to local community, smaller landscaped area through the proposal.
- Concerns regarding public consultation process.
- Demand for apartments in Carnforth met by neighbouring developments.
- Overshadow neighbouring residences and block sunlight
- Noise and vibrations from demolition/construction damaging existing old properties.

5.0 Analysis

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

- Principle of the development and loss of a community facility;
- Design, scale and streetscene impact upon heritage assets;
- Transport, parking, and highway impact;
- Residential amenity and noise impacts; and
- Drainage, ecology and open space.

5.2 **Principle of residential development and loss of community facility** Carnforth Neighbourhood Plan (CNP) Policies H1 (Housing) and H2 (Housing Mix), Development Management (DM) DPD Policies DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM56 (Protection of Local Services and Community Facilities) and DM57 (Health and Well-Being), Strategic Policies and Land Allocations (SPLA) DPD Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes) and EC5.6 (Regeneration Priority Areas), and National Planning Policy Framework (NPPF) Section 2 (Achieving sustainable development), Section 4 (Decision-making), Section 5 (Delivering a sufficient supply of homes), Section 8 (Promoting healthy and safe communities) and Section 11 (Making effective use of land)

5.2.1 The District's settlement hierarchy recognises Carnforth as one of the districts Market Towns, which can accommodate levels of new residential and economic development to serve more localised catchments, and where the principle of housing can be supported. The site forms part of the Central Carnforth regeneration priority area, supporting regeneration for an appropriate mix of commercial and residential development. Policy SP6 relates to housing delivery and clearly states that the figures set out in this policy represent minimum figures for new homes in the district. The policy goes on to state that opportunities for further growth will be supported where it represents sustainable development and is in accordance with relevant national and local planning policy. The principle of housing growth in Carnforth is acceptable in spatial planning terms. The key considerations (set out in paragraph 5.1 and discussed through this report) will assess whether the proposal constitutes sustainable development.

5.2.2 The NPPF was revised in July 2021 but at its core, the objective to 'significantly boost' the supply of homes remains and is reflected in paragraph 60 of the framework. In this regard, as of November 2022, the Lancaster District can only demonstrate a 2.1-year supply of housing land whilst an average of 674 dwellings are required per annum to meet the district's objectively assessed need for housing. The annual need for this quantum of housing is confirmed in both policy SP6 of the SPLA DPD and the LPA's latest Housing Supply Statement. A lack of a five-year housing land supply is a material consideration in the determination of this application and also requires the application of the presumption in favour of sustainable development. The opportunity to address the undersupply can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process. Therefore, given the current situation, the relatively small-scale infill site within a sustainable Market Town, and meeting a local housing need for smaller residential units, the principle of residential development in this location offers benefits weighing in favour of the proposal, subject to other policy considerations.

5.2.3 Turning to the issue of the loss of community facility, the supporting text to policy DM56 of the DPD sets out the role that local services can play in ensuring that communities are sustainable in the long term is recognised. The ability to access local services that are located in close proximity to where people live has a significant relationship with well-being and a positive quality of life. To this end, the Council will protect the buildings and premises used by local services that benefit the local community both socially and economically. The Council will also resist the loss of local services where it is demonstrated that they are valued by the community they serve. Furthermore, the National Planning Policy Framework sets out in Paragraph 93 that planning policies and decisions

should plan positively for the provision and use of shared spaces and community facilities and should guard against the unnecessary loss of valued facilities and services.

5.2.4 Policy DM56 sets out that proposals that would result in the loss of buildings or uses which currently (or have previously) provided the community with a local service, must provide compelling and detailed evidence. Proposals will be expected to ensure that:

- A robust and transparent marketing exercise has taken place demonstrating that the retention of the existing use is no longer economically viable or feasible. This should include a realistic advertising period of at least 12 months at a realistic price (confirmed by independent verification), making use of local and (if appropriate) national media sources. Information on all offers made, together with copies of the sales particulars will also be required to accompany the application;
- Alternative provision of the key service exists within a rural settlement or within a nearby neighbouring settlement, that can be reasonably accessed by pedestrians and public transport; and
- The current / previous use no longer retains an economic and social value for the community it serves.

Appendix A of the DM DPD provides a Glossary of Terms and this includes community facilities (village hall, meeting house, church hall) as a type of use which is classed as a local service.

5.2.5 Criteria I of Policy DM56 requires a robust and transparent marketing exercise of the community use to be undertaken. It sets out that the marketing period must be a minimum of 12 months and set at a realistic price using local and national agencies. The purpose of the marketing exercise is to demonstrate that the existing use of property is no longer economically viable or feasible. In other words, Policy DM56 assumes that if no offers are forthcoming within the required marketing period for the continuation use of the site as a community facility, then that use is considered to be unviable and unfeasible. Policy DM57 seeks to protect and improve social and community facilities, whilst NPPF Section 8 states that planning decisions should promote social interaction, including opportunities for meetings between people, and plan positively for the provision and use of shared spaces and community facilities.

5.2.6 No substantive evidence has been provided with this application to establish that a robust marketing exercise has taken place demonstrating that the retention of the community use is no longer economically viable or feasible. Whilst the submission details that no approaches to purchase the site were made whilst the property was vacant for 'several months', there is no evidence this was actually advertised for the existing community use, or any other use within the Use Class F. Furthermore, the site had changed operator under the same use as recently as 2000. Whilst there appears to have been no attempt to actively advertise the property for continued community use/facility, nor justification that there is no local need for this existing use, the site is currently advertised for sale for £300,000 as a development opportunity site for 9 apartments, not at a value or use as a local service or community asset:-

<https://www.lancastrianestates.co.uk/property/hunter-street-carnforth-la5/>

5.2.7 No evidential argument nor compelling and detailed evidence has been put forward to demonstrate that the site is unsuitable, unviable or unfeasible to be used as community facility, and it appears they has been no formal marketed to try to continue such a use in new ownership. Without such a marketing exercise, the local planning authority has no certainty of this, nor has such a case been sufficiently demonstrated in order to weigh the planning balance in favour of the proposal in terms of policy DM56. Clearly as a local planning authority we want to be proactive in terms of not retaining buildings where there is no reasonable expectation they can be maintained in their current use. However, there needs to be some demonstration to assist officers in forming that decision. Whilst it is acknowledged that alternative larger provision has recently been approved and developed through permission 21/00545/FUL on the eastern side of Carnforth, this only forms the second of three criteria within policy DM56. All three criteria within this policy should be met to be policy compliant, and the other two aspects deficient, with no substantive evidence to justify that the site itself can no

longer provide continued community facility use, with policies DM56 and DM57 seeking the protect and improve such social and community facilities.

5.2.8 The current community use/facility of the site runs with the land, it is not transposed through neighbouring development, and there is no substantive evidence that such a use could not feasibly or viably continue to operate under a new owner/tenant. As such, the submission fails to comply with the first and third elements of policy DM56 and DM57, with no satisfactory marketed exercise for the site within its existing use class, nor any evidence that the site would no longer retains an economic and social value for the community it serves. Whilst it is noted that none of the public objections to the scheme relate specifically to the loss of this use of the building itself, the surrounding land appears to have an important value to local residents in the immediate vicinity.

5.2.9 The benefits of the scheme are fully acknowledged, particularly the modest contribution this would make to addressing the Councils lack of 5-year housing supply position, which is a significant consideration in the determination of planning applications. Although this is a consideration, it does not override the need for compliance with the requirements of DM56, which the Council has applied rigorously in the consideration of other applications (such as 21/00469/FUL at The Britannia and 21/01549/CU Green Finch Café). The proposal is within a sustainable Market Town settlement where residential development would be acceptable, however the failure to comply with policy DM56 and DM57 means that the overall principle of the scheme is unacceptable, and also contrary to Section 8 of the NPPF. This would result in the loss of a community facility with no substantive evidence that such a use continuing at the site is no longer economically viable or feasible, and no evidence that the use no longer retains an economic and social value for the community.

5.3 **Design, scale and streetscene impact upon heritage assets** Carnforth Neighbourhood Plan (CNP) Policies H1 (Housing), HD1 (Conserving the historic environment) and HD3 (Design), Carnforth Neighbourhood Plan Design Code (CNPDC), Development Management (DM) DPD DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets) and DM41 (Development Affecting Non-Heritage Assets or their settings), Strategic Policies and Land Allocations (SPLA) DPD SP7 (Maintaining Lancaster District's Unique Heritage), National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places) and Section 16 (Conserving and enhancing the historic environment), Listed Building and Conservation Areas Act 1990 paragraphs 72 and 73, National Model Design Code (NMDC) and Carnforth Conservation Area Appraisal

5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policy DM38. DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

5.3.2 The application site and wider area of central Carnforth is covered by a Conservation Area. The area is characterised primarily by two storey terraced dwellings of homogenous architectural appearance and material palette, with additional half storeys appearing as gables and dormers at 'bookend' locations, providing some articulation and variety in the streetscene. The density is high with terraces often built up to the back of the footway, and gardens and yards are small. The area within which the application site is located is characterised by terraced housing for working people at the ironworks and railway. The dense form opens up in certain key areas, which presents welcome relief. The majority of properties along Hunter Street, Pond Terrace and Pond Street are identified as Non-Designated Heritage Assets (NDHA) within the Councils NDHA map, with the Carnforth Conservation Area Appraisal identifying these as positive buildings, with Hunter Street a strong frontage, forming primarily late Victorian and early twentieth century terraced houses.

- 5.3.3 The Carnforth Design Code seeks development that respects the character of surrounding built form within the Conservation Area and setting of historic features in terms of design, scale, massing, materials and height, and any development should create area of positive character by responding to prevailing characteristics. The particular characteristics of this location include a linked building line of the terrace frontage, uniformity of roofline with materials, pitch, eaves, chimney stacks as visible features, in a high-density area. Proposed developments should be of a high quality and reinforce local distinctiveness of the area, with material selections made based on an understanding of the Carnforth's built environment. The streetscene presents predominantly sandstone frontages under gable pitched slate roofs, particularly to those properties identified as NDHA. Subsequently built properties and those along Pond Terrace/Street are finished in a variety of render colours and finishes. The rhythm and pattern of window openings is a key characteristic, as are the window surrounds/heads/cills and the unaltered roof forms interrupted only by chimneys and bookend gable features.
- 5.3.4 Whilst the existing single storey building is subservient in scale and design, and provides some relief in terms of openness and reduced scale in this densely developed area, the property itself contributes little to the Conservation Area and streetscene in terms of design and materials. The demolition of the building would have a neutral impact on the character and appearance of the Conservation Area. The existing open space provides a relief from the surrounding dense built-form, identified as a characteristic within the Carnforth Conservation Area Appraisal. Whilst this would be lost through the proposal, this plays a lesser role than the similar opening and positive gateway to the south at the junction with Market Street, and given the previous development at the site, it is considered that the loss of open area would have negligible impact from a heritage perspective.
- 5.3.5 The proposed development seeks to apply a brick wall finish, with the top second floor within a shallow pitch mansard metal roof with metal clad front box dormers, wider rear metal clad box dormer, and windows at a variety of sizes to the frontage. The setback behind a narrow front garden strip mirrors the dwellinghouses opposite, although this breaks the linked buildings line on the west side of Hunter Street. However, the property appears to be largely uninfluenced by the streetscene and wider vernacular. The width combined with the height and incongruent materials and design of the property prevents this appearing as a bookend, but more a standalone design. The second floor appears taller and above the neighbouring property heights, which would not be concealed by the mansard roof design, particularly as this would in itself appear alien in the streetscene. The incongruity of the roof design is exacerbated in prominence by introducing a metal clad material, box dormers and rooflights matching the positions of windows beneath. This design, materials, height and massing would be harmful to the Conservation Area, with no precedence or similar features within this visual context or the wider heritage area. This harm is caused by the design as a whole and particularly by the roof, which is prominently located elevated above the neighbouring eaves height, visible from the south along Hunter Street, east along Ramsden Street, with the poorly articulated rear elevation visible from trains to the west and the bridge over this railway line.
- 5.3.6 Whilst the opposite side of Hunter Street presents bookends to the terrace, these are in the form of much narrower gable ends, with ornate eaves and ridge features, quoins and window surrounds to natural stone walls, offering a symmetry to each end of the terrace. There is no bookend on the application site side of Hunter Street, and the use of materials proposed are primarily justified due to robustness and lack of maintenance requirements within the submitted design and access statement. There is no precedence for mansard roofs in the area to accommodate an additional floor of accommodation. Use of brick is rare in the Conservation Area, with the notable exception of Grosvenor Place some 450 metres south of the site, although it is more locally applied to some unfortunately designed flat roof extensions at the opposite end of Hunter Street, and Station House beyond further south. The sought openings would upset the rhythm and pattern of windows characteristic to the area. The combination of height, massing, new materials, openings, and particularly the mansard roof form and box dormers, are considered to cause unjustified harm to the Conservation Area, the characterful streetscene, and the setting of NDHA properties. This harm is considered to be a moderate degree of less than substantial harm to the Conservation Area, with a lesser degree of harm to the setting of NDHA.
- 5.3.7 Within the Conservation Area, development should respect the character of the surrounding built form, in terms of design, scale, massing, material and height, creating areas of positive character by responding to prevailing characteristics through choice of choice of materials and architectural

styles. The proposal is considered to fail to achieve this, introducing design features and materials that are incongruent to the streetscene and wider Conservation Area, causing harm to this national heritage asset area, setting of NDHA, and bearing little resemblance to the local context, contrary to heritage and design policies. The Conservation Area is a heritage asset of national importance, and the harm to this designated heritage asset is considered to form a clear reason for refusal, removing the application of NPPF paragraph 11(d) and associated requirement for any benefits to be significantly and demonstrably outweighed. The proposal is considered to be contrary to CNP policies H1, HD1 and HD3, the CNPDC, DM DPD policies DM29, DM38 and DM41, SPLA DPD policy SP7, NPPF Sections 12 and 16, and the Listed Building and Conservation Areas Act 1990 paragraphs 72 and 73.

5.4 **Transport, parking, and highway impact** Carnforth Neighbourhood Plan (CNP) Policy AM2 (Charging points for electric vehicles), Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision), DM64 (Lancaster District Highways and Transport Masterplan), Appendix E (Car Parking Standards), Strategic Policies and Land Allocations (SPLA) DPD policies SP10 (Improving Transport Connectivity), T2 (Cycling and Walking Network), National Planning Policy Framework (NPPF) Section 9 (Promoting sustainable transport)

5.4.1 The application site contains no off-street parking provision as existing. Whilst there are existing gates to the curtilage area, the area is established grassland, with no formal parking provision nor any evidence it has previously been used for car parking. The proposed development prevents any off-street parking by substantially reducing this open grass area and blocking vehicular access with a proposed bin store, and the site is considered to have no parking provision at present or as proposed. Based on the requirements of Appendix E, the development would demand a maximum number of parking spaces for twelve vehicles.

5.4.2 As it stands, zero spaces are proposed, and whilst a semi-vertical cycle rack circa 3.8 metres wide could accommodate one bike per bedroom proposed, cycle storage space appears to be cramped in a corridor on the proposed floor plans, with indicated 0.9 metre depth insufficient, and circa 1.2 metre circulation space behind this very narrow, with the average adult bike measuring 1.75 metres long. No specific details of bike storage have been provided other than the area on floor plan, and there is no evidence these could be accommodated without restricting movement through the corridor. This is particularly disappointing given the proximity to the cycle network, lack of car parking, with six of the nine apartments are only accessible via stairs to upper floors. No provision is made for electric vehicle parking, although practicality of such charging is limited due to the development lacking any off-street parking within the proposal. The lack of off-street parking also means that the needs of people with disabilities and reduced mobility are not met within the development.

5.4.3 Parking is understood to be a primary concern to local residents in the vicinity, particularly given the lack of off-street parking available to existing residents in the densely populated area, combined with vehicle movements of accessing the Post Officer sorting office and fire station carpark. Due to the proximity to the town centre, space for parking along Hunter Street and immediately surrounding streets is in high demand, with existing residents along these roads of Victorian terraces having no driveways. Unrestricted on-street parking occurs on both sides of the road, limiting vehicular movements to single width between, with limited space for passing or turning. The site is located within a sustainable location, with easy access to public transport facilities and walking distance from facilities in Carnforth Town Centre. However, there is no information submitted to suggest that occupants would likely not own cars, with no clear justification for the lack of provision proposed. Whilst apartments within larger city centres are often associated with low levels of car ownership, this does not appear to be the case on Hunter Street or surrounding residential area in Carnforth, where demand for car parking has been highlighted as one of the most prevalent local concerns within the public consultation process for this application.

5.4.4 Furthermore, County Highways have objected to the proposal due to the lack of any off-street parking within the proposal, and failure to mitigate the impact of the development and associated parking requirement. Whilst the majority of carparks in the vicinity are available short-term, and primarily for restricted use such as retail customers, the railway station offers annual car parking passes at cost. However, conflict between peoples demand for residential parking and town centre

parking prohibits the reliance on using public car parks for residential parking, due to the potential adverse impact on the availability of town centre parking for town centre and railway users.

5.4.5 Development should provide adequate car parking and cycle storage provision to ensure that excessive levels of on-street parking are avoided. The proposal fails to achieve this, and despite the sustainable location and close proximity to public transport, the fact the site immediately abuts and area of unrestricted on-street parking in a location known to suffer from overdemand for such public street parking, it is considered that the proposal would exacerbate excessive levels of on-street parking, to the detriment of highway efficiency, highway safety and adversely affect local amenity. The lack of suitable provision for 9 additional residential units in this location is considered to be contrary to policy DM DPD policies DM29, DM57, DM61, DM62 and Appendix E, and Section 9 of the NPPF.

5.4.6 Vehicle movements and parking requirements would be intensified during the construction activities, and certain delivery times, vehicle sizes and parking requirements would be problematic. However, given this would be for a temporary period, and an ability to control such arrangements and activity through a construction management plan during the construction phase, it is considered that this can be mitigated through planning conditions. Such details could control construction hours and dust measures to mitigate potential impacts upon residential amenity, as well as to ensure highway efficiency and safety is maintained, albeit with details likely to inconvenience the development itself during construction.

5.5 **Residential amenity and noise impacts** Development Management (DM) DPD DM2 (Housing Standards), DM29 (Key Design Principles), DM30 (Sustainable Design), National Planning Policy Framework (NPPF) Section 8 (Promoting healthy and safe communities), and Nationally Described Space Standards (NDSS)

5.5.1 The submissions fails to provide the minimum space standards stipulated in the Nationally Described Space Standards (NDSS), and required through policy DM2. Ground floor apartment 1, first floor apartment 4 and second floor apartment 7 have two double bedrooms (over 11.5sq.m) for four persons, failing to provide the minimum gross internal floor area requirement 70sq.m for four person apartments. Ground floor apartment 2, first floor apartment 5 and second floor apartment 8 have one double bedrooms for two persons, failing to provide the minimum gross internal floor area requirement 50sq.m for four person apartments. This is exacerbated on the top floor apartments 7 and 8, where floor area under 1.5 metres in internal room height is excluded from floor area calculations. The failure to achieve the minimum space standards is considered to offer substandard levels of residential amenity to future occupants, contrary to DM DPD Policy DM2 and NPPF Section 12.

5.5.2 Windows to bedrooms of ground floor apartments 1 and 3 are within 2.3 metres of a boundary wall. Whilst this would have some impact upon outlook, this wall measures circa 1.3 metres tall, and as such this aspect would not be detrimental to residential amenity. The three-storey tall blank north side elevation would be much larger and closer to the rear elevations along Pond Terrace than the existing single storey building of greater setback. This fails to achieve the policy compliant separation distance of 12 metres, at it's closest just 11 metres from the closest existing neighbour. However, the urban grain of the area and density of dwellings presents short separation distances to neighbouring dwellinghouses as existing. Furthermore, the rear facing windows to no.7 and no.11 Pond Terrace appear to be obscure glazed to bathrooms, and whilst no.9 is clear glazed, a window visible through this rear facing window suggests this serves a dual aspect room. Given these arrangements and the fact separation distance of less than 12 metres are commonplace in the vicinity, the impact on neighbouring residential amenity would not constitute a reason for refusal in itself, subject to a construction management plan controlling hours and dust of development.

5.5.3 A Noise and Vibration Impact Assessment has been submitted, detailing that due to the noise environment locally and particularly to the west of the proposed development, that openable windows cannot be relied upon for background ventilation for an extended period due to noise disturbance. This assessment details that double glazing combined with hit and miss trickle vents would provide suitable mitigation to the west elevation. Whilst such window ventilation specifications are often discouraged in Conservation Areas, given this would apply to the west facing rear elevation of the building, this is considered to be an appropriate solution to provide a satisfactory noise environment to future occupants. Subject to such window details and mitigation being controlled

through planning condition, it is considered that the existing noise environment can be satisfactorily mitigated within the development. However, such noise mitigation would not overcome the deficiencies in standards of accommodation to future occupants.

5.6 **Drainage, ecology and open space Carnforth Neighbourhood Plan (CNP) Policies EC1 (Local Biodiversity, Landscape and Character) and EC3 (Sustainable Housing), Development Management (DM) DPD policies DM27 (Open Space, Sports and Recreational Facilities), DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM44 (Protection and Enhancement of Biodiversity) and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment), National Planning Policy Framework (NPPF) Section 14 (Meeting the challenge of climate change, flooding and coastal change), Section 15 (Conserving and enhancing the natural environment)**

5.6.1 The proposed development increases the impermeable area of the site, replacing the existing building with a larger footprint development, in place of existing grassland to the north of this. Whilst no percolation testing of the grass area has been undertaken, the proposal to develop on the majority of this area precludes the provision of soakaways within the site, although this does not explain the omission of any other sustainable drainage options. The proposed restricted discharge rates within an addendum to the original drainage scheme represents a betterment against existing flow rates. However, this confirms that flood risk would be exacerbated by the proposal during 1 in 100 year flood events, factoring in climate change allowance. This has been raised with the applicant, and if drainage is at functioning perfectly at 100% capacity the increased flood volume would be modest. This does not overcome the fact the system has been designed to fail under these conditions, which would exacerbate the impacts of flooding locally, another local concern raised within a number of public consultation responses. As such, the drainage scheme is considered to be unacceptable and contrary to DM DPD DM33 and DM34, and Section 14 of the NPPF.

5.6.2 The area of grassland appears to be of limited ecological value, and whilst information received during the consultation process details community use of the space, this has no formal designation in the neighbourhood or local plan, and as such is not protected through the policies relating to these. The existing building itself has potential for use by nesting birds and numerous potential bat roost features, although no active bird nesting or bat activity was recorded during an ecologist inspection and emergence survey. Subject to the mitigation measures within the submitted Bat, Barn Owl & Nesting Bird Survey regarding timeframes of development avoiding bird nesting season, inspection of historic nests prior to development, precautionary activity during construction and subsequent development including at least 8 potential bat roost sites within the development, the proposal is considered to adequately mitigate the potential low impacts upon protected species, whilst delivering a very modest degree of biodiversity net gain.

5.6.3 Morecambe Bay is very important for many species of birds. As such, there is the potential for development and recreational use close to the designated sites to have impacts on birds associated with the SPA and Ramsar designations. It is considered that these impacts could be avoided, but only through mitigation. In light of the People Over Wind ruling by the Court of Justice of the European Union, likely significant affects cannot be ruled out without mitigation and therefore an Appropriate Assessment (AA) is required. This is contained within a separate document and concludes that, with the implementation and retention, where appropriate, of mitigation the development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in combination with other plans and projects. Subject to the implementation of the mitigation measures within the AA, namely for homeowner packs including details of adjacent designated sites and alternative for recreation to mitigate such recreation pressure, the proposal is considered to have an acceptable impact upon the environment, habitats and protected species and sites.

6.0 Conclusion and Planning Balance

- 6.1 The proposal to deliver 9 additional residential apartments at the site offers social and economic benefits of additional housing, particularly at a time when there is a lack of housing land supply. Given the position on housing land supply and meeting housing need, a moderate degree of positive weight is attached to the provision of nine apartments.
- 6.2 Whilst the apartments garner suitable planning benefits in balance, the way these are achieved causes multifaceted harm. The design is considered to be poor and incongruent to the streetscene, resulting in unjustified harm to the Conservation Area, streetscene and setting of non-designated heritage assets. Great weight is attached to the moderate degree of less than substantial harm to designed heritage assets, constituting a reason for refusal, amongst others, which means that NPPF paragraph 11.d) is not engaged. The majority of residential apartments proposed to not meet minimum space standards, and as such provide unsatisfactory standards of residential amenity. The sought drainage scheme would exacerbate flooding during flooding events, and is designed to fail. The lack of parking provision or details of suitable cycle storage would adversely impact highway efficiency, safety and associated amenity. The proposal has failed to demonstrate that a robust and transparent marketing exercise has taken place or that the current / previous use no longer retains an economic and social value for the community.
- 6.3 Impacts upon protected species and other matters are neutral impacts, neither weighing for nor against the proposal. It is considered that the great weight attached to the heritage harm and degrees of weight attached to inappropriate design, housing standards, flood risk, and the unjustified loss of a community use/facility cumulatively and significantly outweighs the social and economic benefits from the provision of 9 residential unit at the site.

Recommendation

That Planning Permission BE REFUSED for the following reasons:

1. The applicant has failed to evidence to the satisfaction of the Local Planning Authority that a robust and transparent marketing exercise has taken place demonstrating that the retention of the existing community use is no longer economically viable or feasible. In addition, it has not been demonstrated that the current use no longer retains an economic and social value for the community serves. Therefore, the proposed development is contrary to Policy DM56 and DM57 of the Development Management Development Plan Document, and Section 8 of the National Planning Policy Framework, in particular paragraphs 92 and 93.
2. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, with good design forming a key aspect of sustainable development. Development that is not well designed should be refused. The proposal fails to contribute positively to the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height, detailing and the materials used, with little regard for local distinctiveness. The design of the proposed development results in an unsympathetic visual intrusion due to the inappropriateness of the design, siting, scale, massing, height, detailing and materials. The proposal would harm the identity and distinct sense of place of Carnforth with a conspicuous and incongruent development, causing a moderate level of less than substantial harm to the Carnforth Conservation Area, and further harm to the setting of non-designated heritage assets. The submission provides no clear or convincing justification to demonstrate that this scale of the harm and intrusion to the significance of the heritage assets is necessary to achieve public benefits, and has not presented any exceptional circumstances that outweigh the harm. As such, the proposal is contrary to the aims of Policies H1, HD1 and HD3 of the Carnforth Neighbourhood Plan, Policies DM29, DM38 and DM41 of the Development Management Development Plan Document, the aims of Strategic Policies and Land Allocations DPD Policy SG7, and Section 16 of the National Planning Policy Framework, in particular paragraphs 8, 126, 130, 134, 135, 189, 197, 199, 200, 202 and 203, and the Listed Building and Conservation Areas Act 1990.
3. Taking into account the existing level of on-street parking and likely degree of conflict between vehicle movements on Hunter Street and surrounding roads, the proposal will have an adverse impact upon highway efficiency and safety, detrimental to the amenity of the area through the omission of off-street car and suitable bicycle parking provision. The lack of parking proposed for nine additional residential

units is likely to lead to increased on-street parking and conflict with neighbouring uses and deliveries and service arrangements in the vicinity, exacerbating existing parking and congestion problems to the detriment of public safety and the operation of the local highway network. The scheme would therefore fail to comply with the aims and objectives of Section 9 of the National Planning Policy Framework, in particular paragraphs 104, 110, 111 and 112, and Policies DM29, DM57, DM61, DM62 and Appendix E of the Development Management Development Plan Document.

4. The proposal fails to provide minimum technical housing standards within the nationally described space standards, with insufficient internal space within the new residential apartments, offering substandard and detrimental standards of residential amenity of future occupiers. As a result, the proposal is contrary to Policy DM2 of the Development Management Development Plan Document and the aims and objectives of the NPPF Section 12, in particular paragraphs 126, 130 and 134.
5. Insufficient information has been provided within the application to demonstrate that surface water can be adequately disposed within the site during flood events, and flood risk would be exacerbated by the proposal. The proposal fails to incorporate sustainable drainage systems into the development, without sufficient justification for excluding sequentially preferable drainage options, and insufficient justification for the exacerbated impacts of flooding during such events through this proposal, increasing flood risk elsewhere. Therefore, the proposal is contrary to the aims of Policies DM33 and DM34 of the Development Management Development Plan Document and Section 14 of the National Planning Policy Framework, in particular paragraph 167.

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

In accordance with Article 35 of the above Order, Lancaster City Council has made the recommendation containing reasons for the refusal, specifying policies and proposals within the Development Plan which are relevant to the decision. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the recommendation. The applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

Background Papers

None