

Agenda Item A8	Committee Date 8 December 2014	Application Number 13/01297/OUT
Application Site Land Off Scotland Road Carnforth Lancashire	Proposal Outline application for the erection of 18 dwelling houses including associated access and services	
Name of Applicant Professor Derek Carruthers	Name of Agent Mr Ian Hunter	
Decision Target Date 24 June 2014	Reason For Delay Awaiting additional information	
Case Officer	Mr Andrew Holden	
Departure	No	
Summary of Recommendation	Approval subject to conditions	

1.0 The Site and its Surroundings

1.1 The application site is located on the south side of Lancaster Road (A6) on the east side of Carnforth. The site is a little over 1ha in area and is currently in agricultural/grazing use. The site abuts housing to the west and south, fronts Lancaster Road to the north and has open pastoral land to the east. Beyond the site to the north is the newly developed Aldi retail store and Norjac car workshop. The Carnforth s Working Men's Club abuts the western corner of the site.

The majority of the residential properties are two storey houses with rear gardens abutting the site. The depth of the gardens vary in length. North Road Conservation Area abuts part of the boundary in its SW quadrant following the curtilage boundaries of 95-109 North Road and includes the Grade II listed building, Carnforth House Farm (109 North Road).

The ground levels vary significantly across the site with the ground rising very steeply from its boundary with Lancaster Road then climbing more gradually further up to the site boundary with the rear gardens of North Road. Current ground levels are approximately 15m above Ordnance Datum (AoD) at the Lancaster Road frontage rising to 32m AoD at a point 50m from the site frontage, then climbing more gradually to a maximum level of approximately 39m AoD, 110m into the site. The current gradient of the land at its steepest section close to Lancaster Road is gradient less than 1 in 4 and terminates on the Lancaster Road boundary with a short retaining wall some 800mm high.

2.0 The Proposal

2.1 This is an outline submission reserving all matters except for access. Subject to any approval, all details relating to the development of the site other than means of access would be the subject of a further 'Reserved Matters' application. The scale of the dwellings is not fully indicated but recognises that the majority of development in the area is two-storeys in height but acknowledges that some recent development has a greater scale and massing.

2.2 The proposal does not indicate the scale of the dwellings but has recognised the need to provide an element of affordable dwellings in line with the Meeting Housing Needs Supplementary Planning Document (SPD). As the site is greenfield the SPD seeks the provision of up to 40% affordable

housing. The number, type, tenure, phasing and occupancy criteria would be agreed at any Reserved Matters stage, but secured via a S106 Legal Agreement at this stage.

- 2.3 There is a current access off an unadopted road known as Oliver Place on the west side of the site. The legal status of the route and its geometry have, in the opinion of the developer, ruled out Oliver Place as a realistic option to access the site. As a result the application is seeking to develop a simple priority 'T' junction within the 30mph limitation off Lancaster Road and a road within the site to service the dwellings.
- 2.4 The road would generally be 4.8m wide with localised widening on bends to facilitate larger vehicles with 2m footway to either side of the road. The road gradients are to be reduced in comparison with the existing gradients, requiring the utilisation of retaining walls and embankments. The internal road layout has been revised from the original scheme following highway concerns. The revised layout provides for a junction with a more forgiving entry radius to accommodate larger vehicle movements and more open road sweeps further into the scheme.
- 2.5 The final scheme provides for two large retaining walls which cross the width of the site which provide support the road system and a further shorter retaining wall running partly along the eastern edge of the site to support neighbouring land to the east.
- 2.6 The new road will be laid to technically acceptable gradients with the maximum gradient being 1:12 and much of the road layout being at gradients of between 1:20 and 1:30. The retaining walls will be 3m and 4m in height and will involve the reduction of ground levels over large areas of the site (upto a maximum of 6m) to accommodate the road layout and provide areas potentially available for the siting of dwellings. New tree planting is to be introduced along the Lancaster Road frontage, the large open area between road bends and a further belt of trees across the base of the lower retaining wall.

3.0 Site History

- 3.1 The site has no relevant planning history. It is understood to have been used for open grazing for horses for many years. The site has been assessed under the recent Strategic Housing Land Availability Assessment (SHLAA) and concluded to be undeliverable. The reasoning being that despite the land being put forward within the 'call for site' no information was supplied at the time to demonstrate the accessibility of the site.

4.0 Consultation Responses

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

Consultee	Response
County Highways	Comments awaited
Environmental Health	Refuse - no contaminated desk study has been provided. Aside from contaminated land they suggests a noise assessment be undertaken given the potential proximity to the Working Men's Club. Hours of working condition suggested. The development falls outside the Air Quality Management Area (AQMA) and will not be affected however, consideration should be given over approaches to be taken to limit the impact of the development upon the AQMA.
Public Realm Officer	The site can help address some deficiencies in provision highlighted in the Lancaster District Study Open Space, Sport and Recreation Facilities Assessment. In particular delivering amenity space within the scheme; and a contribution towards enhancing the existing allotments within Carnforth is required (calculated at £1818, towards boundary treatment).
Environment Agency	No objections to the proposal, surface water run-off to be limited to the rates set out in the submitted Flood Risk Assessment (and controlled via planning condition).
United Utilities	No objections to the development subject drainage on a separate system. Conditions suggested in respect of the provision and agreement of foul and surface water drainage design including restrictive run-off rates for the surface water system.
Lancashire	Provides commentary on local crime incidents and general guidance on the design

Constabulary	approach to be taken for housing layouts.
Conservation Officer	The southern limit of the site lies close to the North Road Conservation Area and adjacent to a listed building known as Carnforth House. The site level rise above the road level of North Road and development at this site has the potential to impact upon the setting of the listed building and the North Road Conservation Area. Detailed consideration will be required over the precise floor levels and external materials.
County Education	No request for a planning contribution.
Strategic Housing	No comments received within the consultation period.
Tree Protection Officer	There must be no changes in levels within the root protection areas of any retained trees, the development must be able to demonstrate that this will be the case. Suggested conditions include: No trees to be lost other than those identified; Arboricultural Assessment and Method Statement; Tree Works Schedule; Landscaping Details.
Fire and Safety Officer	No direct comments in respect of the planning application but informs the applicant of the need to fully meet the requirements of the Building Regulations
Carnforth Town Council	Opposes scheme due to concerns regarding the chicane arrangement especially in winter months; increased A6 traffic congestion; resulting increase in air pollution; loss of green space; skyline development; and Cllr Johnson reported (April 2014) about a person being hit by a vehicle on the A6 nearby.

5.0 Neighbour Representations

5.1 17 letters have been received in respect of the development. The letters all raise concerns over the development. The main grounds include:

- Highway layout and road level matters – including ability to accommodate all vehicles; off-putting to pedestrians/cyclists; safety in adverse weather; highway capacity on A6 adjacent to supermarkets;
- Air quality concerns associated with additional traffic;
- Visually intrusive on gateway and from Warton Crag/AONB, and overbearing to North Road with loss of outlook;
- Loss of greenfield site; other sites are less harmful;
- Contrary to NPPF and Development Plan as fails to improve character or quality of the area;
- Impacts upon North Road Conservation Area;
- Plots will not serve local needs and will be unaffordable;
- Other properties already for sale, so no need for housing;
- Concerns regarding sewerage system;
- Concerns regarding potential for additional surface water flooding;
- Potential use of Oliver Road;
- Ecology issues, including bats and wildflower species; and timing of surveys;
- Heritage impacts misrepresented in assessing Carnforth House and North Road CA;
- Site is considered undeliverable;
- Over-development of the land;

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 - Delivering Housing
Paragraphs 56, 58 and 60 – Requiring Good Design

Saved policies of the Lancaster District Local Plan

H8 - Housing in the Countryside)
H12 - Layout, Design and Use of Materials)
E4 - Countryside Area
H19 – Development on small sites in Carnforth

Lancaster District Core Strategy (adopted July 2008)

SC1 - Sustainable Development
SC2 – Urban Concentration
SC4 - Meeting the District's Housing Requirements
SC5 - Good Design
E1 – Environmental Capital
E2 - Transport Measures

- 6.2 The Council is in the latter stage of preparing its' emerging Local Plan. The Development Management DPD and Morecambe Area Action Plan have both been found to be soundly prepared, subject to the Inspector's binding modifications. It is anticipated that both documents will be reported to Full Council shortly with a resolution to formally adopt them as part of the Local Plan for Lancaster District 2011-2031. Given the advanced stage of preparation, the policies contained in both documents are now considered to hold significant weight in decision-making.

Emerging Development Management DPD

DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM41 – New Residential dwellings

7.0 Comment and Analysis

- 7.1 The key material considerations arising from this application are:

- Principle/Housing supply
- Previous consideration of the site
- Highway design
- Landscape impact
- Residential Amenity
- Impact on heritage assets
- Affordable Housing

7.2 Principle/Housing supply

- 7.2.1 The site lies on the edge of Carnforth directly alongside existing residential development in close proximity to the centre of Carnforth. Carnforth is identified as one the main urban areas in the District with a wide range of services available in the town.

- 7.2.2 In terms of general housing need, the (July) 2014 Housing Land Supply Statement sets out that 3.2 years of housing supply can be demonstrated, with a persistent undersupply of housing over the last 10 years. As such, a 5 year supply of housing land cannot currently be demonstrated. Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Development on the edge of Carnforth alongside existing residential development is considered to be sustainable in principle and would provide an important contribution towards housing supply within the District.

7.3 Previous consideration of the site

- 7.3.1 The site has no formal planning history or application but has been the subject of historical enquiry over potential development where concerns have been raised over the elevated position of the site and concerns over the use of Oliver Road as a point of access. More recently the site has been brought forward as part of the 'call for sites' and has been assessed under the SHLAA and the Planning Inspectorate's Site Allocations submission. The land was not included in the Site Allocations as no information had been provided to indicate that a suitable access could be provided and that the site was ultimately 'deliverable'. Concerns were also raised by the Council over the prominence of the development site.

7.3.2 In considering the submission the Inspector commented in respect of the potential landscape impact:

“... from the more distant of these, dwellings would be visible, but would not be intrusive in the wider landscape. From closer viewpoints, where new dwellings would be clearly apparent, they would be seen against an immediate foreground and/ or background of extensive residential and commercial structures. These extend much further from the town centre than the outer edge of the objection site. The visual impact on new dwellings could, in any case, be substantially reduced by landscaping. From every vantage point where the land could be clearly seen, it is dominated by urban land uses and structures. For these reasons I conclude that its development for housing would not cause demonstrable harm to the character or appearance of Carnforth and its rural setting.”

and in regard of the sustainability of the location:

“The site is directly adjacent to the main shopping and public services of this substantial rural settlement. It is also within easy walking distances of public transport services by both railway and bus, and a wide range of employment opportunities. Its development would therefore contribute to the achievement of the more sustainable pattern of development which is advocated by PPG1 and PPG13.”

7.4 Highway Design

7.4.1 The application is seeking to create a vehicle access off Scotland Road (A6) in the form of a simple ‘T’ junction. The use of the existing access into the site off Oliver Road has been ruled out by the applicant due to private ownership and geometry. Site levels across the site change dramatically with over 20m of rise from the site frontage with the A6 to its southern boundary with the rear gardens of residential properties on North Road. The changes in level call for a more radical approach to the design of the road to ensure a safe access point onto the A6 and achievement of safe gradients within the scheme.

7.4.2 The initial submission involved a tight access off the A6 and a series of tight ‘S’ bends climbing up the hillside to the more gently sloping areas towards the south of the site. This arrangement caused concern with the highway authority, as the bends were considered to be too severe to enable vehicles to pass one another whilst still keeping to their side of the carriageway. As a consequence the scheme has been redesigned to open out the ‘ends’ and produce an acceptable layout. The consequence of such a change has been the need to reduce land levels within the site and increase the size of the retaining walls. The areas available for development have also been re-orientated to align more closely with the orientation of neighbouring dwellings.

7.4.3 The County Council, as Highway Authority, whilst uncomfortable with the development of such a road network, have confirmed that a safe access point can be created onto the A6 along with a workable layout serving the application site. The scale of the development is one which the highway authority would wish to see designed to adoptable standards. This would include rather onerous design specifications for the retaining structure and a provision of a commuted sum for their maintenance. This approach is not accepted by the developer and it is understood that the road and its retaining structures will remain in private ownership and be maintained as part of the responsibility of a Management Company. This being the case the Highway Authority require the road to be built to adoption standards and layout up to base course, and this would be secured by planning condition.

7.4.4 Drainage of the road and land is of concern as surface water flooding occurs on the highway further east along Lancaster Road under the railway bridge. The need to control surface water run-off has been recognised by the developer and it is intended to design a scheme which will retain surface water on site and restrict its rate of run-off to that of the current greenfield rate. This already occurs given the relationship of the rising land alongside Lancaster Road. The Highway Authority is not comfortable with this arrangement but it is considered to already occur and in principle is difficult to resist. The Environment Agency have considered the design principles of the surface water scheme and have raised no objection to the approach, seeking to ensure that a planning condition is attached to ensure that surface water run-off from the site is restricted to green field rate.

7.4.5 Whilst the retention of surface water on site may be a potentially expensive solution, it is technically achievable but would need to be the subject of condition to agree the form, design and run-off rate. Other conditions in respect of the highway design and implementation will also be required to ensure

a satisfactory and safe scheme can be achieved.

7.5 Landscape Impact

7.5.1 Consideration must be given to the landscape impact of any development, particular one which is within the Countryside Area and can be viewed from open land to the north and NE of the site and from within the Arnside and Silverdale AONB. The closest point of the site from the boundary of the AONB is approximately 1km at Millhead.

7.5.2 The site occupies steeply rising land but one which is closely associated with neighbouring residential development to the south and west. The north aspect of the site comprising primarily of commercial buildings and urban infrastructure.

7.5.3 The application has been supported by a detailed Landscape Assessment which considers the visual impact of the development from closer views in and around the town to more distinct view form within the neighbouring Arnside and Silverdale AONB. The assessment concludes that development of the site would introduce a slight landscape impact and slight to moderate visual impact within the surrounding area. The main impact coming from within the AONB but at some distance and one which can be further mitigated by tree planting to breakup rather than screen views of development from further afield.

7.5.4 This assessment is reinforced by the Planning Inspectorates conclusion in commentating on the site allocation (*please see quote from the Inspector in respect of landscape and topography, which is reprinted in paragraph 7.3.2 of this committee report*).

7.5.5 The site will clearly be visible but in the context of a simple extension of the urban area. Subject to conditions to ensure a strong tree planting and general landscaping scheme is introduced the development is not considered to unduly impact on the landscape and charter of the area.

7.6 Residential Amenity

7.6.1 Neighbour consultation has raised objection to the relationship of the dwellings indicated on the illustrative scheme to existing dwellings citing over bearing, overlooking and loss of outlook as some of the main concerns. However, it must be noted that the submitted scheme is only for illustrative proposed only and does not form part of the detailed consideration at this stage. The submission of the Reserved Matters application would provide an opportunity for a detailed examination of the relationship between existing and proposed dwellings and would have to accord with development Plan policies and standards.

7.6.2 Environmental Health have indicated that there may be a potential for disturbance from the neighbouring Carnforth Working Men's Club at the north west edge of the site. In order to enable detailed consideration of the relationship to and potential impact upon a new dwelling close to the club a Noise Assessment is recommended. This would need to be undertaken ahead of the Reserved Matters submission and would help to inform the design and location of dwellings in this area. A suitable condition should be attached to ensure the provision of such an Assessment as part of the Reserved Matter submission.

7.6.3 Overall, it is considered that the constraints of the road layout will provide suitable areas for residential development to be located and the precise number of units, their location, orientation, scale, design and floor levels will be the subject of detailed consideration at a later stage.

7.7 Impact on heritage assets

7.7.1 The site lies immediately alongside the North Road Conservation Area and adjacent to the curtilage of the Grade II listed Carnforth Farm house. Carnforth Conservation Area lies a little further to the west of the site along Lancaster Road. The scheme clearly has potential to affect the setting and character of the heritage assets. As there is no specific layout of dwelling design or layout proposed at this stage the detailed consideration of the schemes impact will be undertaken at the Reserved Matters stage. The scheme will be visible both in more generally terms but will have a close relationship to the listed farmhouse and the North Road Conservation Area. The scale, floor levels, height and external appearance of the dwellings will need to be carefully considered to ensure that the development will conserve and compliment the heritage assets.

7.8 Affordable Housing

7.8.1 The Council's affordable housing policy, set out in the Housing Needs SPD, requires a provision of up to 40% of affordable housing on greenfield sites development. Development of schemes for 15 plus properties would normal demand a provision of 30% housing if undertaken on brownfield land reflecting the additional costs often associated with developing such land. The applicant has acknowledged a need to provide affordable housing in some form as part of the development and has indicated that this would need to be secured via a Section 106 Legal Agreement.

7.9 Other Matters

7.9.1 Impact on trees and wider ecology - The application has been supported by an Arboricultural Impact Assessment and an Ecology Assessment. The presence of existing trees has been acknowledged in the assessment and the scheme design to limit impact either directly on the trees or the root system. The trees are located on the edges of the site and as a consequence development can be achieved with little impact on the existing trees. The submission has also been supported (albeit illustratively at this stage) with additional tree planting along the Lancaster Road Frontage and in open areas to provide additional greening and to help break up the site from more distant views from the north. Appropriate conditions would be required to ensure the protection of existing trees and the development of a suitable tree/landscaping scheme to improve the appearance of the site.

7.9.2 The site has no specific designations and is some distance from statutorily protected area. The nearest Site of Special Scientific Interest (SSSI) lies about 1km away, forming part of the Morecambe Bay SSSI. Warton Crag, Crag Bank and Thwaite House SSSI's lie within a 3 km radius of the site. The site is predominantly improved grassland at the top of the field. The steeper bank descending to Lancaster Road has not been frequently grazed or been the subject of improvement.

7.9.3 Overall, the site is not considered to have ecological connections to a designated site. The field contains some species of interest in the less used steep bank. Comment has been made by neighbours that the site is frequently used by bats. The scheme will seek to retain nearly all of the trees on the boundaries and supplement these with new planting both to the edge and with the open parts of the site. Overall, the scheme is not consider to impact upon designated sites.

7.9.4 Lancaster District PPG17 Study Open Space Study – the proposals are expected to have due regard to the inclusion of open space within the development of appropriate scale and nature. It has been concluded that the site has the capacity to provide usable amenity space within the scheme, there is no offsite park or young people's facilities provision in the area for the developer to contribute to enhance the quality/capacity. However, there is allotment provision in the locality which is in needs of some improvement. Boundary treatment at the site are in poor condition and in need of upgrading. A planning contribution (see below) has been secured towards upgrading works to be undertaken with the help of voluntary groups and allotment holders.

7.9.5 The Contaminated Land Officer has recommended rejection of the application as it has not been supported by a preliminary assessment for contamination. However, the site is open pasture and no history or evidence has been provided to indicate the potential contamination of the land through historic use. As such it is considered that the request is unreasonable and a simple unforeseen contamination condition should be attached to ensure that suitable investigation is undertaken should it be found necessary during construction.

8.0 Planning Obligations

8.1 A Section 106 Agreement is sought to secure the following: -

- Up to 40% provision of affordable housing (percentage, tenure, size, type, phasing to be agreed at Reserved Matters stage based on local housing needs and viability);
- Provision of a financial contribution of £1818 towards maintaining the quality of off-site allotment provision.

9.0 Conclusions

9.1 The site is located in a sustainable location, adjacent to existing development with short links to many supporting services. The development will provide an important contribution towards housing supply (both open market and affordable) within the District. It is considered that the development could be accommodated on the site without a significant impact on the neighbouring highway network or the character and appearance of the area and can be served by an appropriate means of access. The principle of residential development on this site is therefore considered to be acceptable.

Recommendation

Subject to confirmation of the suitability of the road layout and the signing/completing of a S106 agreement to cover the following planning obligation, Outline Planning Permission **BE GRANTED** with the determination being delegated to the Chief Officer to enable the agreement to be drafted and endorsed.

- Up to 40% provision of affordable housing (percentage, tenure, size, type, phasing to be agreed at Reserved Matters stage based on local housing needs and viability);
 - Provision of £1818 contribution towards maintaining the quality of off-site allotment provision.
1. Standard outline condition with all matters reserved other than means of access
 2. Drawings illustrative only
 3. Layout of the development shall enable vehicle to enter and leave the A6 in a forward gear
 4. Scheme of off-site works to be agreed
 5. Off-site to be undertaken prior to occupation of the development
 6. The road access point to be laid out to base course level before works are commenced
 7. The road layout shall be in accordance the Lancashire adoption standards (at least to carriageway base course level)
 8. Precise construction of the point of access to be submitted and approved
 9. Visibility splays to be provided and maintained
Details of a management company for the maintenance of the road and public spaces shall be submitted, agreed and maintained at all times.
 10. Provision of a Construction Method Statement and undertaking in accordance with agreed scheme
 11. Hours of Construction
 12. Noise assessment to be undertaken and submitted as .part of the Reserved Matters submission
 13. No vegetation clearance works, demolition work or other works that may affect nesting birds should take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.
 14. Scheme for the disposal of foul and surface water to be agreed
 15. No tree/hedges within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, other than those identified within the approved application, without the prior written approval of the local planning authority and before any site activity is commenced in association with the development.
 16. No trees to be lost other those identified
 17. Development to be undertaken in accordance with the submitted Arboricultural assessment
 18. Arboricultural Method Statement (AMS) to be submitted and agreed
 19. Site landscaping (hard and soft) to be agreed
 20. Surface water run-off rate to be limited to that of the undeveloped site – precise details of a surface water drainage scheme to be agreed.
 21. No impact pile driving, except in accordance with a scheme for noise control
 22. Precise finished floor and site levels
 23. Unforeseen contamination
 24. Noise assessment to be undertaken and submitted as .part of the Reserved Matters submission

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings

Human Rights Act

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

Background Papers

None.