

Agenda Item A8	Committee Date 2 March 2015	Application Number 14/01168/FUL
Application Site Queens Hotel 34 - 36 Market Street Carnforth Lancashire	Proposal Erection of 8 one bed apartments and 12 two bed apartments to rear of existing Hotel	
Name of Applicant Dewcraft Ltd	Name of Agent Mr Manning Elliott	
Decision Target Date 11 March 2015	Reason For Delay None	
Case Officer	Ms Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 This application relates to land to the rear of the Queen's Hotel which fronts onto Market Street in the centre of Carnforth. The site comprises a large area of hardstanding, used for parking in association with the Queen's Hotel which is currently closed, and a large detached stone building. The land extends behind several other properties fronting onto Market Street, in addition to the Queens Hotel. Access is from Market Street, through an undercroft between numbers 36 and 38. Along the rear and eastern boundary of the site is a brick wall and along the western boundary are a metal railings.
- 1.2 Adjacent to the site, to the north and east, is a large car park associated with Booths. The supermarket is set further away from the site boundary to the north east. This adjacent land is at a significantly lower level that the application site. The site is supported by a large stone retaining wall on three sides. To the west of the site are the rear yards associated with some of the adjacent properties in addition to a surgery and health centre which are both at lower levels than the site. There is also a pedestrian route linking Market Street to the public car park. To the north west is the end of a row of terraced properties fronting onto Ramsden Street which are at the similar lower level.
- 1.3 The site is located within the Carnforth Conservation Area, the boundary of which follows the rear boundary of the site. There is a United Utilities sewer crossing part of the site close to the buildings on Market Street. The site is also adjacent to the Carnforth Air Quality Management Area (AQMA). The site is within the area identified as the town centre and the adjacent properties fronting on to Market Street are designated as primary retail frontage.

2.0 The Proposal

- 2.1 The application seeks consent for the erection of a two and three storey building which will contain a total of 20 apartments, 8 of which will have one bedroom and 12 of which will have two bedrooms. The building would be arranged in roughly a U-shape with a central courtyard providing parking and turning facilities. Some car parking is also proposed in an open garage at ground floor. Bike and bin stores are also provided on the ground floor with an external shared terrace on the second floor. The walls are proposed to be finished in coloured render with some cladding, and the roof would be slate in addition to some flat roofed areas.

3.0 Site History

3.1 There is an extensive history on the site, the most recent is set out below:

Application Number	Proposal	Decision
99/00767/CU	Renewal of temporary permission for change of use of car park to hold car boot sales on Saturdays only	Approved
97/00515/CU	Renewal of temporary permission for Change of Use of car park to hold car boot sales on Saturdays only	Approved
96/00772/CU	Change of use of land for use as an outdoor market to the rear of Queens Hotel (one day a week only).	Approved
96/00324/CU	Change of use of car park to hold car boot sales on Saturdays only.	Approved

4.0 Consultation Responses

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

Consultee	Response
Carnforth Town Council	Raise concerns in particular it was noted that the proposal is for only 10 car parking spaces to be provided for a development of 20 flats which could cause difficulties in the town centre.
Environmental Health	The site borders the Carnforth Air Quality Management Area, however, given the location away from Market Street, they do not anticipate that exposure in this location would prohibit the proposed development or require a ventilation based solution. Traffic will, to some extent, impact on the AQMA and recommend that emphasis is placed on obtaining measures to minimise the transport/emissions impact. The site is in close proximity to an extract system at the Chinese Takeaway and there may also be a source associated with the hotel. As such, recommend an assessment of potential odour issues is undertaken.
County Highways	Object for the following reasons: <ul style="list-style-type: none"> • Fails to provide a safe and appropriate means of access to the development. The generation of additional traffic movements to/from the site as a result of the development would be detrimental to highway safety. • Sub-standard forward visibility at the sites point of access with Lancaster Road. • Little consideration given to the ability of vehicles to access/egress the site in a forward gear. • The access is of insufficient width such as to allow two vehicles to pass un-hindered. • Being of restricted height the "undercroft" does not allow for refuse and/or emergency vehicle access from Market Street. • Lack of detail regarding the provision of footway through the undercroft of sufficient width such as to allow a mother and child to walk side by side
United Utilities	The site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way. A public sewer crosses this site and building over it would not be permitted.
Lancashire Fire and rescue	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.
Lancashire Constabulary	There is little mention of security in the submission. The car ports are a concern as they can become an area used by youths and other persons for anti-social behaviour also theft from vehicles and damage can become a problem.
Conservation Officer	No comments received.
Carnforth & District Chamber of Trade	Object. At least 20 dedicated off-street parking bays should be provided, the development should incorporate one or two street level retail outlets and the frontage should remain consistent with the architectural style of the buildings on Market Street.

5.0 Neighbour Representations

5.1 Two pieces of correspondence have been received which object to the scheme and raise the following concerns:

- Overdevelopment;
- Will result in limited or no access to rear of adjacent properties on Market Street;
- Disruptions to traffic due to width restrictions at entrance;
- No access for emergency vehicles due to height restriction;
- Insufficient parking;
- The lower frontage of the development should be retained for retail use;
- odours and noises from adjacent businesses may attract complaints;
- Privacy and light to adjacent property on Market Street compromised; and,
- Structural impacts from piling

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
Paragraph 124 – Air Quality Management Areas
Paragraphs 131 – 134 and 137 – Designated Heritage Assets
Paragraph 135 – Non-designated Heritage Assets
Paragraph 173 – Ensuring viability and deliverability

6.2 Lancaster District Core Strategy (adopted July 2008) (LDCS)

SC2 – Urban Concentration
SC4 – Meeting Housing Requirements
SC5 – Achieving Quality in Design
SC6 – Crime and Community Safety

6.3 Development Management Development Plan Document (DM DPD)

DM1 – Town Centre Development
DM2 – Retail Frontages
DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM33 – Development Affecting Non-Designated Heritage Assets or their settings
DM35 – Key Design Principles
DM37 – Air Quality Management and Pollution
DM41 – New Residential dwellings

6.4 Other Material Considerations

- Meeting Housing Needs Supplementary Planning Document
- Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended states that the local planning authority shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of development

- Scale, Design and Impact on Conservation Area
- Access and highway impacts
- Residential Amenity
- Air Quality
- Contaminated land
- Public Sewer

7.2 Principle of development

- 7.2.1 The site is located in a highly accessible location within the centre of Carnforth. It is therefore a sustainable location for new residential development given the proximity to a variety of services. The site is to the rear of buildings fronting onto Market Street identified as primary retail frontage. Policy DM1 of the DM DPD sets out that proposals for residential development within town centre locations will be considered favourably where they are above ground floor level and do not restrict the maintenance of an active street frontage, particularly within designated retail frontages. This proposal would have residential accommodation on all three floors but would be set back from the retail frontage, accessed via a narrow undercroft between the buildings. It would likely be impractical, given the nature of the access, or unviable, given its position, to require the ground floor to be used for commercial purposes.
- 7.2.2 The impact on the ability of the primary retail frontage to be maintained does need to be taken into consideration. The proposed building and courtyard area lies very close to the rear of the buildings fronting onto Market Street. It does not appear to allow for deliveries or other vehicle access to the public house. The agent has set out that the lorry that carries out deliveries is too large to access the rear of the building through the undercroft and therefore parks on the highway. Even if this is the case, if there is no space to the rear for any servicing or deliveries then this may significantly impact on the ability or viability of the business to operate and could therefore result in the loss of the commercial premises within the primary retail frontage. There is also potential for complaints from the future occupiers in terms of noise and smells from nearby commercial premises which need to be considered. These all have the potential to impact on the continued operation of businesses.
- 7.2.3 Although there may be potential to accommodate a residential scheme within the car park, which appears to be a significantly underused facility, the current scheme does not fully take into consideration the needs of the adjacent businesses to allow their continued operation and the potential impacts on residential amenity.

7.3 Design and Impact on Conservation Area

- 7.3.1 The site is located on the edge of, but within, the Carnforth Conservation Area. Some of the adjacent properties to the south (32-42 Market Street) have been locally listed and as such are considered to be non-designated heritage assets. The adjacent development fronting onto Market Street is a mix of two and three storeys and many have two storey outriggers. The proposal is predominantly three storey with a maximum height of 12m. The building would form roughly a u-shape, set away from the side and rear boundaries by approximately 1m, with a central courtyard area. The land levels change considerably to the north, east and north west of the site. Two sides of the site bound the car park at Booths but there is also a health centre and residential properties to the north west.
- 7.3.2 The height of the proposal poorly relates to the adjacent public car park, supermarket and terraced dwellings on Ramsden Street. It will be visually and overly dominant. Some of the building has high eaves levels and steep pitched roofs, which adds to the height, and the proximity to the site boundaries emphasises this. Little information has been provided to show the context of the development and how it relates to the existing development, particular that located at a lower level. In addition, it is not considered that the scale and form relates well to the development fronting onto Market Street. At its closest, the proposed building will be approximately 2.6m from the rear of the properties fronting Market Street. The closest elements of the proposal are two storey, with one flat roof forming a terrace, and the other with a pitched roof of a height of 9.1m, which limits the impact to a degree. However, it is still considered that the scale and form relates poorly to the adjacent buildings fronting onto Market Street, particularly given the scale and proximity. The design will be discussed in more detail, but for the reasons set out above it is not considered that the scale of the development is acceptable in this location and represents an overdevelopment of the site.

- 7.3.3 As already set out, the proposed building is predominantly three storey with the two two-storey elements located close to the rear of the properties fronting Market Street. There is a mix of gables, dormers and some flat roof elements. The longest visible elevation is that adjacent to the rear of the site, overlooking the supermarket car park. This has three gables which extend above the main roof slope, and three dormer windows. It is considered that this is over complicated and will appear too fussy, although it is acknowledged that this approach may have been taken to try and break up the large expanse of render given the massing of the building. From outside the site, the building will be mainly viewed as a large block, as the internal courtyard will not be visible. As already set out, the pitches are steep and some of the eaves levels appear high which does not relate well to the adjacent development. The walls are proposed to be coloured render with a small amount of cladding on some of the gables between the roof slope and the nearest window. The window frames and doors are proposed to be powder-coated aluminium and most will have heads and cills. There are also some flat roof elements proposed, some of which will be highly visible, and are also considered to be poor design elements.
- 7.3.4 Concerns have also been raised by Lancashire Constabulary with regards to security. Some of these could be addressed by way of condition, but they have raised concerns regarding the proposed carports on the ground floor level of the building as they could become an area used by youths and other persons for anti-social behaviour and also theft from vehicles and damage could become a problem. This would need to be addressed as part of the overall design of the scheme as advocated within policy DM35 of the DM DPD.
- 7.3.5 The site is within the Conservation Area and, although it will not be very visible from Market Street, it will be highly prominent from the public car park, the end of the terrace of dwellings to the north west and, to a lesser degree, from the A6 across the car parks. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that the local planning authority shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. When considering any application that affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This is reiterated in policy DM31 of the DM DPD which goes on to set out that new buildings 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.
- 7.3.4 It is considered that the current scheme fails to respect the character of the built form and its wider setting as a result of the scale, massing, height and design of the proposed building. It is therefore not considered that the proposal represents high quality design or will preserve or enhance the character of the Conservation Area. As such, the development is contrary to policies within both the NPPF and the DM DPD.
- 7.4 Access and highway impacts
- 7.4.1 Although the site has been previously used as a car park, a new residential use is proposed and as such a safe and appropriate means of access must be provided to serve the properties. There are also likely to be more regular vehicle movements associated with the proposal. The response from County Highways sets out various concerns regarding the access (see Paragraph 4.1). Although vacant, the current use is a public house and hotel, and the loss of parking and access to the rear of this building needs to be fully addressed. Concerns have also been raised regarding the lack of information pertaining to the construction of a contiguous length of footway through the under-croft of sufficient width such as to allow a mother and child to walk side by side over it as well as consideration to the provision of a degree of protection to the gable end of adjacent properties.
- 7.4.2 Market Street is particularly busy in the vicinity of the site and there is quite often queuing traffic in front of the access given the proximity to the traffic lights. If there is not sufficient space for two vehicles to pass on the access then there is potential for vehicles to have to wait to enter the site within the highway, increasing the likelihood of queue generation on Market Street. This would be

likely to prejudice the free flow of traffic on the highway, increasing the likelihood of collisions and drivers undertaking inappropriate manoeuvres. The proposal can also not achieve highway visibility requirements, as set out in Manual for Streets, which is likely to be detrimental to both highway and pedestrian safety. The visibility could not be improved as it is restricted by the buildings adjacent to the access. For the reasons set out above, it is therefore considered that the proposal fails to provide a safe and appropriate means of access to the development and the generation of additional traffic movements to and from the site as a would be detrimental to highway safety.

7.5 Residential Amenity

7.5.1 The nearest residential properties are above some of the adjacent buildings fronting onto market street. The rear wall of the nearest property would be approximately 5.5m from the proposed building, with the nearest habitable room window approximately 8.5m. These are at an upper floor level and the height of the closest part of the building would be 6.9m high and contain a shared open terrace area at second floor level. The relationship is quite close, however as the habitable rooms are on the upper floors there is unlikely to be a significant loss of light given the height of the closest part of the proposed building and the orientation. However there is the potential for mutual overlooking between the adjacent residential properties and the open terrace area.

7.5.2 To the north west lies the end of a row of terraced dwellings fronting onto Ramsden Street. These are approximately 4.5m lower than the application site. The development would be approximately 14.7m from the boundary of the nearest dwelling and approximately 18.4m from the rear wall. There is a large window proposed in the north west corner of the development on all three floors which will look towards rear of the nearest dwellings on Ramsden Street. It is difficult to be sure whether the development would look directly into windows of these properties given the change in levels but it is likely to increase overlooking into the rear yard areas which are enclosed and given a feeling of being overlooked given the scale of the building. As the proposed building would be approximately 16m higher than the ground level of the properties on Ramsden Street it is likely that the development will overly dominate these properties and have an unacceptable overbearing impact.

7.5.3 The windows in the proposed building have been positioned so that there is no overlooking between the properties as a result of the courtyard arrangement. As already raised above, there is potential for conflict with the existing pub and hotel use. This not only relates to vehicle movements but potentially associated noise and odours. The site is also in close proximity to an extract system at the Chinese Takeaway. Environmental Health have recommended that an assessment of potential odour issues is undertaken. It is not considered that the amenities of the future occupiers have been fully assessed and there is potential for impacts, particularly by way of noise, disturbance and smells from the adjacent businesses.

7.5.4 Overall it is considered that the proposal does not provide an acceptable level of amenity for neighbouring future residents of the proposed development.

7.6 Affordable Housing

7.6.1 Policy DM41 of the DM DPD sets out that within urban areas, proposals for 15 residential units or more will be expected to provide 30% affordable housing on site. The submission sets out that 6 1-bed flats will be provided for either discounted rent or discounted sale. It goes on to say that due to the development being multiple occupancy and a relative low level of affordable units, it might be more appropriate for a commuted sum being paid by the developer in lieu of an on-site provision. The Housing Strategy Officer has confirmed that there is a chronic shortage of one bedroom apartments in the social rented sector in Carnforth, and any opportunities to meet the local need would normally be most welcome. However, based on past experience, the tenure would need to be rented accommodation, rather than a mix of social housing and intermediate housing, as shared ownership in apartments can be unattractive and unaffordable depending on any proposed service charge combined with mortgage and rent payments. Having regard to the proposed design of the scheme, there are reservations about whether any local Registered Providers would be prepared to acquire units unless there was some degree of separation between the affordable units and the market units, as they will not normally enter into a management agreement with a third party. The most appropriate solution would be for the design to be modified to take account of these issues, and the units offered to registered providers as rented units, in order to secure the on-site affordable housing.

7.7 Air Quality

7.7.1 The proposed development borders the Carnforth Air Quality Management Area (AQMA). Environmental Health have set out that given that the location is away from Market Street it is not anticipated that exposure in this location would prohibit the proposed development or require a ventilation based solution. Traffic will however to some extent impact on the AQMA and, although the development is not large, it has been recommended that emphasis is placed on obtaining measures to minimise the transport/emissions. This could be done through: provision of an electrical charging point to facilitate the use of electric vehicles; provision of measures/ facilities to promote cycling and walking; energy efficiency measures; use of Ultra low NOx boilers if gas boilers are to be installed and a low emission car share scheme. The proposal does already provide a shared cycle store. Other measures could be requested by way of condition.

7.8 Contaminated land

7.8.1 No response has been received from the Contaminated Land Officer. As the site has been used as a car park there is potential for contamination. However, there is no evidence to suggest that there have been any uses of the site that would result in significant levels with potential to cause harm to future occupiers. As such, it is considered that this could be adequately dealt with by condition requiring a preliminary risk assessment and further investigation and mitigation if necessary.

7.9 Public Sewer

7.9.1 United Utilities have advised that a public sewer crosses the site and they will not permit building over it. An access strip width of 6m is required, 3m either side of the centre line of the sewer, in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. The sewer crosses the site close to the rear of the buildings fronting onto Market Street and it appears that the proposed building would partly cross this. Therefore the current scheme fails to comply with United Utilities in relation to sewers. There would still be scope to develop within the site but the building would need to be reduced and/or re-sited to accommodate this.

8.0 Planning Obligations

8.1 The application would require a legal agreement for the provision of the affordable housing. It would seem reasonable in this instance to include a provision to accept an appropriate offsite contribution if a registered provider did not express an interest in taking the affordable properties.

9.0 Conclusions

9.1 The proposal in its current form is considered to represent an overdevelopment of the site with the siting, scale, massing and design relating poorly to the existing development in the area. It is also considered that the proposal does not represent development that would preserve or enhance the character and appearance of the Conservation Area. There are significant issues regarding the safety of the existing access and it is considered that the proposal fails to provide a safe and appropriate means of access to the development, and the generation of additional traffic movements to and from the site as a would be detrimental to highway safety. It is not considered that the proposal provides an acceptable level of amenity for both neighbouring and future residents of the proposed development and there are potential issues with conflicts with adjacent commercial properties which could be detrimental to their future operation and retention in an area identified as Primary retail Frontage. The current scheme is also not deliverable as it partly crosses a public sewer and it has not be demonstrated that the cost of moving this has been taken into consideration. On the basis of the above it is not considered that the proposal represents a sustainable form of development with significant issues which are unable to be easily overcome.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. It is not considered that the current scheme respects that character of the built form and its wider setting as a result of the scale, massing, height and design of the proposed building, or fully

addresses safety and security. It is therefore considered that the proposal does not represent high quality design and will not preserve or enhance the character of the Conservation Area. As such, the development is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Sections 7 and 12, Policy SC5 of the Lancaster District Core Strategy and policies DM31, DM32 and DM35 of the Development Management Development Plan Document.

2. The proposal fails to provide a safe and appropriate means of access to serve the development and the generation of additional traffic movements to and from the site as would be detrimental to highway safety. As such, the development is contrary to the aims and objectives of the National Planning Policy Framework, in particular Sections 4, and Policy DM20 Development Management Development Plan Document.
3. The proposal does not fully take into consideration the needs of the adjacent business, particularly in terms of access and servicing, or the potential impacts on the amenity of the proposed units from the nearby commercial properties. The proposal may therefore impact on the ability of the primary retail frontage to be maintained to the detriment of the vitality of the town centre. It therefore conflicts with the aims and objectives of the National Planning Policy Framework, in particular, the Core Planning Principles, and policies DM1 and DM2 of the Development Management Development Plan Document.
4. As a result of the siting, scale and design of the proposed building, and the proximity to nearby commercial properties, it is not considered that the development will provide an acceptable level of amenity for both neighbouring and future residents of the proposed building. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Sections 7, and Policy DM35 Development Management Development Plan Document.
5. The proposed building would cross a public sewer and as such would not comply with current United Utilities guidance in relation to separation distances set out within 'Sewers for Adoption'. The proposal would therefore not be deliverable and as such does not comply with paragraph 173 of the National Planning Policy Framework.

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:

In accordance with Article 31 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in this report.

This proposal has been assessed on site by the local planning authority. Regrettably the proposals are unacceptable for the reasons prescribed in this report and the problems are so fundamental that they are incapable of being resolved as part of the current submission. The local planning authority has attempted to work proactively with the applicant/agent regarding this proposal by identifying that the proposal as submitted cannot be approved for the reasons prescribed.

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