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| Agenda Item A8 | Committee Date 4 April 2016 | Application Number 15/01630/REM |
| Application Site Land Rear Of Cemetery Back Lane Carnforth Lancashire | | Proposal Reserved matters application for 14 affordable residential units with associated access, drainage and landscaping arrangements |
| Name of Applicant Mr G Wallbank | | Name of Agent Not Applicable |
| Decision Target Date 8 th April 2016 | | Reason For Delay Not Applicable |
| Case Officer | Mr Mark Potts | |
| Departure | No | |
| Summary of Recommendation | Approval (Subject to no objections from the Lead Local Flood Authority, County Highways and the Environment Agency following the re-consultation process). | |

1.0 The Site and its Surroundings

- 1.1 The half hectare application site is situated at the north end of Back Lane close to its junction with Kellet Lane to the east side of Carnforth. To the northern boundary sits Carnforth Cemetery, to the east Back Lane, agricultural fields and M6 motorway. To the south and west are residential properties to Hard Knott Rise and Fairfield Close which are separated by a belt of trees.
- 1.2 The immediate surrounding area is predominantly residential with Back Lane forming the outer boundary of the residential area, becoming agricultural beyond it towards the villages of Over Kellet and Nether Kellet with the intersecting motorway running in a north south direction to the east. The commercial centre of Carnforth is only a short distance from the site as are local facilities such as supermarkets and schools.
- 1.3 The site itself is roughly rectangular in shape approximately 100-120 metres in length, from Back Lane to the rear of the site, and 40 metres wide. The land is predominantly scrubland with a number of significant trees along its perimeters, although there are none of any notable significance within the site.
- 1.4 Although overgrown and barely visible within the site, a watercourse/drainage dyke runs adjacent to the northern boundary of the site parallel to the cemetery to the north. The dyke enters the site in the form of two streams, one from Back Lane to the east boundary and the other from the rear of Hard Knott Rise to the southern boundary. It then exits the site at the west boundary at the southern corner of Fairfield Close adjacent to property no.14 and enters a culvert which crosses beneath Fairfield Close travelling northwards and under Kellet Close, visible again at the funeral parlour which sits along the north side of the lane. The dyke then follows the east boundary of the 'Carnforth Hub' (Children's Centre) and leading to Carnforth High School playing fields to the north.
- 1.5 The site is allocated as Urban Greenspace under the saved policies of the Local Plan and is within Flood Zone 2 and 3, and 60% of the site is covered by a mineral safeguarding zone.

2.0 The Proposal

- 2.1 Outline planning permission was granted on appeal in January 2013 for the erection of 16 dwellings consisting of eight 2-bedroom apartments, four 3-bedroom houses and four 4 bedroom houses, with access taken from Back Lane. The application seeks approval of the reserved matters in relation to scale, layout, appearance and landscaping to a site that benefits from an outline consent granted in 2013. The scheme proposed consists of the eight 2 bedroom houses and 6 3 bedroom houses.
- 2.2 The units are all semi-detached in nature and are proposed to be two storeys, and will consist of a blue slate roof tile, red brick, buff render, quoins, heads and cills (all to be buff). All the roads will be constructed in permeable surfacing and provision is made for open space and landscaping within the development.

3.0 Site History

- 3.1 The site has an extensive planning history as detailed below:

| Application Number | Proposal | Decision |
|---------------------------|---|-------------------|
| 1/88/0841 | Outline application to erect 5 dwellings | Refused |
| 01/90/0104 | Outline application to erect 12 semi-detached dwellings | Approved |
| 95/00499/FUL | Erection of two detached houses | Refused |
| 11/00668/OUT | Outline application for 16 affordable residential units with associated access, drainage and landscaping arrangements | Granted on appeal |

4.0 Consultation Responses

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

| Consultee | Response |
|-----------------------------------|---|
| County Highways | Originally offered no objection to the scheme subject to conditions, however a further response has been received refraining from providing further comment until such time the bridge arrangement is known. |
| County Archaeologist | No objection. |
| Carnforth Town Council | No observations received within the timescales. |
| Environmental Health | No objection recommends conditions associated with contaminated land, bunding of tanks and hours of construction. |
| United Utilities | No objection , providing that foul and surface water is drained on separate systems, surface water drainage scheme, and management arrangement's for the Sustainable Drainage System |
| Lead Local Flood Authority | Object to the development, pending the submission of an updated Flood Risk Assessment. |
| Environment Agency | Object to the development on the lack of a comprehensive Flood Risk Assessment. |
| Tree Protection Officer | Object to the scheme given the lack of an Arboricultural Impact Assessment of the proposed scheme. |
| National Grid | No objection. |
| County Strategic Planning | No observations received. |
| Housing Strategy Officer | Fully Supportive of the scheme and will improve the mix of affordable housing in Carnforth. |
| Public Realm Officer | No Objection , requests 216 m2 of amenity space be provided on site and consideration given to enhancing the proposed amenity space with benches and a off-site contribution for tree and enhancement works to the woodland. |

5.0 Neighbour Representations

5.1 To date there has been 3 letters of objection received. The reasons for the objection are as documented below;

- Access to the site is not suitable for large vehicles;
- The site floods when it rains heavily;
- The stream culvert would need excavating;
- Traffic issues with more traffic leaving Fairfield Close;
- Property would be devalued; (Not a planning consideration)
- Privacy and Security;
- Flooding Issues - The site is Flood Zone 3b;
- Whether there is sufficient space to accommodate the access road;

Councillor Yates objects to the proposed development on the basis that a more comprehensive scheme could be accommodated on the site.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**Paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph **17** - 12 core land-use planning principles

Paragraph **49** and **50** - Housing

Paragraphs **56**, **58** and **60** - Good Design

Paragraphs **100** – **103** – Flooding

6.2 Development Management DPD

Policy **DM25** Green spaces and green corridors

Policy **DM27** Biodiversity

Policy **DM28** Landscaping impact

Policy **DM29** Protection of trees, hedgerows and woodland

Policy **DM35** Key design principles

Policy **DM36** Sustainable Design

Policy **DM38** Development and Flood Risk

Policy **DM39** Surface Water Run Off

Policy **DM40** Protecting Water Run-Off and Sustainable Drainage

Policy **DM41** New residential dwellings

6.3 Lancaster District Core Strategy

Policy **SC1** Sustainable development

Policy **SC5** Achieving quality in design

6.4 Lancaster Local Plan

Policy **E29** Urban Greenspace

6.5 Joint Lancashire Minerals and Waste Local Plan

Policy **M2** Mineral Safeguarding

7.0 Planning Assessment

The scheme raises the following issues

- Principle of Development
- Flood Risk and Drainage
- Highways
- Design
- Trees and Landscaping
- Open Space
- Other Material Considerations

7.1 Principle of Development

7.1.1 Outline Planning Consent was granted on appeal in January 2013 for the erection of 16 affordable dwellings. The Local Planning Authority refused the application on the basis that the site was situated in Flood Zone 3b and that the 'Sequential Test' - to consider the availability of other sites at a lower risk of flooding - had not been passed. The Planning Inspectorate took the view that a solution could be found to limit any flood disturbance to properties, and therefore approved the scheme in outline form (with only the point of access being approved). There are conditions associated with the outline planning permission which address issues of flood risk and surface water drainage. It should be noted that the conditions associated with flood risk measures have yet to be discharged by the Local Planning Authority, and these will require to be in advance of development commencing.

7.1.2 Given outline planning permission has been granted, the principle of development on this site has clearly been established. Therefore, the only real considerations at this stage relates to the layout, scale, appearance and landscaping arrangements of the proposed development.

7.1.3 One of the key benefits of the scheme is that this scheme will be 100% affordable housing and as noted by the Strategic Housing Officer this is to be fully supported and will add to the range and type of units available in Carnforth. Conditions associated with the outline permission restrict its use entirely to affordable housing and the applicant has engaged a Registered Provider.

7.2 Flood Risk and Drainage

7.2.1 The site does lie in Flood Zone 3b, and both the Environment Agency and Lead Local Flood Authority have objected to the development based on the lack of a robust flood risk assessment being submitted in support of the application. The applicant submitted a revised document in March 2016 and at the time of the writing this report the views of the Lead Local Flood Authority and the Environment Agency are unknown. Their views will be reported verbally to Members.

7.2.2 Officers share concerns that residents have expressed in relation to flooding; however these concerns will have to be addressed via the planning conditions attached to the outline permission before development commences to ensure that the site can be developed. Concern has been raised regarding off site flooding, however the development is not expected to exacerbate matters.

7.2.3 Whilst the recommendation is currently one of approval, this is on the basis that the Environment Agency and LLFA are satisfied with the amended Flood Risk Assessment submitted in support of the scheme, and raise no objection to the proposed reserved matters application. This is an important point and an update will be provided at the Committee Meeting.

7.3 Highways

7.3.1 On the outline consent, this benefits from planning approval for the point of access off Back Lane and therefore this element of the scheme has already been found acceptable, and there are conditions associated with the outline permission concerning matters such as visibility splays and construction details to be submitted before development commences. Whilst there has been objections from members of the community regarding the point of access, this has already been deemed acceptable under the guise of the outline permission.

- 7.3.2 The scheme proposes a new road along the southern bank of the watercourse to the north, with a turning head adjacent to Plot 12, providing for 18 car parking spaces. A new bridge will be constructed to cross the watercourse into the site, together with speed bumps and permeable tarmac surfacing. The County Council as highway authority originally raised no objection to the scheme, however a further response has been received from them wishing to refrain from providing comment until details of the bridge arrangement are known. The revised plans submitted in support of the scheme do refer to a bridge crossing, of which the original plans failed to do. The views of the County will be reported verbally to Members once available. Conditions can be imposed requiring the precise detail to be submitted in the event the County raise no objection to the proposed development.
- 7.3.3 As with matters associated with flooding, there are a number of conditions associated with highways and the creation of linkages in the form of cycle/pedestrian links and therefore the detail of this be conditioned.
- 7.4 Design Matters
- 7.4.1 The scheme is proposing 14 new affordable houses of which will be 2 and 3 bedroom units. The layout is very linear in form, which is a necessity because of the shape of the site. The initial plans submitted in support of the scheme whilst not wholly unacceptable, could have provided a greater standard of design. The applicant has responded to these concerns and - from a design perspective – subject to precise materials being agreed the development would reflect the local vernacular and can be supported. Proposed boundary treatments consist of close boarded fencing and box hedges. Given the location and the type of property this is seen as appropriate.
- 7.4.2 A concern with the originally submitted scheme was that the garden sizes were predominantly below the standards required under Policy DM35 of the DM DPD. It is considered that with the revised layout (admittedly taking into account paving areas) all but one of the units complies with the 50 m² and therefore this is seen as appropriate in the circumstances given the scheme is providing 100% affordable housing coupled with the physical constraints of the site.
- 7.5 Trees and Landscaping
- 7.5.1 The site is currently scrubland, with trees along the southern and eastern boundaries. Two trees will be lost to facilitate the access from Back Lane; a further one which lies on the proposed road and a further one which is located within the beck itself will need to be lost. The Council's Tree Protection Officer has objected to the development given an Arboricultural Assessment was not submitted in support of the application. In March 2016 the applicant has provided a survey and the comments of the Tree Protection Officer will be reported to Planning Committee verbally.
- 7.5.2 A landscaping plan has been supplied as part of the submission showing the proposed planting scheme however the location of the planting has not been provided. Therefore it is considered appropriate that a condition should be applied to include the maintenance arrangements of this and the implementation of such a scheme.
- 7.6 Open Space
- 7.6.1 The scheme proposes open space in the form of a 186m² grassed and landscaped area to the south of the access road when approaching the site, which will be bound by the stream to the west and the road to the north of this. This area whilst lower than what has been recommended by the Public Realm Officer is considered appropriate and would provide the open space for the development. Given this application is solely for reserved matters it is not considered appropriate to try and secure off-site contributions as there was no requirement for this as part of the outline consent. A condition is recommended regarding the long term management arrangements of the open space.
- 7.7 Other Material Considerations
- 7.7.1 The land is partially protected as mineral safeguarding land, however given the principle of the development has been approved it is not considered there is any Policy conflict with Policy M2 of the Joint Lancashire Minerals and Waste Local Plan. There are a number of conditions associated with the outline permission that require to be discharged prior to the commencement of development.

It is regrettable in many ways that this detail is not known, however this is quite common for a scheme of this nature. In the event there was a need to the layout to take account of conditions associated with the outline permission then this would need to be undertaken via a further planning application (Section 73 of the Town and Country Planning Act).

8.0 Planning Obligations

8.1 None applicable to the scheme as the grant of outline consent was not subject to a Legal Agreement, and no materially new matters have arisen which require obligations.

9.0 Conclusions

9.1 The proposed development would provide 14 new affordable units to Carnforth, and layout, type and materials to be used for the development are considered acceptable. Subject to resolving the matters relating to flooding and highway matters, the applicant has addressed all other matters and provided a scheme which represents an acceptable layout, design and landscaping. If the outstanding matters are adequately addressed, the development would be considered compliant with National and Local Planning Policy and consistent with the terms of the outline consent. In which case, Members would be advised to support the proposals.

Recommendation

That subject to the satisfactory resolution of the flooding and highway matters, Reserved Matters Consent **BE GRANTED** subject to the following conditions:

1. Standard Reserved Matters
2. Development to be in accordance with the approved plans
3. Details and samples of materials and finishes to be submitted to and approved in writing
4. Windows and doors to be submitted
5. Boundary Treatments to be in accordance with Drawing provided.
6. Finished floor levels
7. Removal of permitted development rights (Part 1, 2 and 14) and building/paving over soakaways
8. Car Parking to be provided in full and retained at all times thereafter
9. Design of the Bridge to be agreed.
10. Maintenance plan for the open space to be provided.
11. Landscaping scheme to be provided and maintained for 10 years.

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

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/Guidance.

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.