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| Agenda Item A11 | Committee Date 25 July 2016 | Application Number 16/00533/OUT |
| Application Site Land At 50 Market Street Carnforth Lancashire LA5 9LB | Proposal Erection of 8 dwellings and 4 apartments with associated parking | |
| Name of Applicant Mr T Johnson | Name of Agent Mr Lee Donner | |
| Decision Target Date 2 August 2016 | Reason For Delay None | |
| Case Officer | Mrs Eleanor Fawcett | |
| Departure | None | |
| Summary of Recommendation | Approval subject to receipt of minor amendments | |

1.0 The Site and its Surroundings

- 1.1 The site relates to an area of land located between Market Street and Hawk Street, within the centre of Carnforth. Most of the site is currently used as a car park in relation to the adjacent businesses, and has an existing vehicle access from Market Street. There is a significant difference in levels between the two highways and there are grassed bankings and retaining walls towards the northeast and southeast boundaries. Along the boundary with Market Street is a rendered wall, approximately 2 metres in height, and the boundary with Hawk Street comprises a hedgerow and trees.
- 1.2 To the north west of the site is a row of commercial properties fronting onto Market Street, and a terrace of two storey dwellings fronting onto Hawk Street. To the south east is a detached dormer bungalow, facing onto Market Street and at a higher level than the site and the highway, and a commercial garage fronting onto Hawk Street. On the opposite side of Market Street, to the southwest of the site, is a block of residential accommodation which is ancillary to the County Hotel. To the north east of the site, on the opposite side of Hawk street, are some semi-detached and detached dwellings which are set back from the highway, at a higher level.
- 1.3 The site is located within the defined urban area of Carnforth and is adjacent to the Conservation Area. It is also just outside the identified Town Centre on the Local Plan proposals map. The Lancaster Canal lies approximately 100 metres to the south east. The Carnforth Air Quality Management Area (AQMA) is concentrated around the nearby crossroads and is approximately 35 metres from the application site at its closest.

2.0 The Proposal

- 2.1 The application seeks outline consent for the erection of 8 dwellings and four apartments with associated parking facilities. The 8 dwellings are proposed to face onto Hawk Street in the form of a terrace, with the four apartments facing onto Market Street. Vehicle access would be from Market Street, in the existing position. Consent is sought for the access and the siting of the dwellings, with scale, design and landscaping being matters that would be considered by a subsequent reserved matters application.

3.0 Site History

3.1 The relevant recent site history is set out below.

| Application Number | Proposal | Decision |
|---------------------------|--|-----------------|
| 15/01564/OUT | Outline application for the erection of 8 dwellings and 4 apartments with associated parking | Withdrawn |

4.0 Consultation Responses

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

| Consultee | Response |
|-----------------------------------|---|
| Carnforth Town Council | Comments - Considered that this application had been approved by Lancaster City Council using officers' delegated powers (not the case). The Town Council have been re-consulted on the amended layout plan. |
| Environmental Health | Agree with the proposed contamination site investigation, the scope of which must be agreed prior to execution. |
| Conservation | Comments - The design is not considered to have an adverse impact on the conservation area. However, there could be some improvement in the relationship of the windows to surrounding built form. Details could be submitted through a subsequent reserved matters application. |
| Tree Protection Officer | No objection subject to conditions requiring: compliance with submitted arboricultural implications assessment; submission of a scheme for new tree planting; submission of a tree protection plan. |
| Public Realm Officer | Comments - 182m ² of Amenity Space is required on site in addition to an off-site contribution of £17,680 towards young people's facilities and a children's play area. |
| County Highways | No objection subject to conditions requiring: a construction method statement; construction of hardstanding in a porous material; and a review of existing Traffic Regulation Orders and on-street parking arrangements on Market Street. |
| United Utilities | No objection subject to conditions requiring foul and surface water to be drained on separate systems and a surface water drainage scheme including management and maintenance. |
| Canal and River Trust | No comments to make. |
| Lead Local Flood Authority | No comments received within statutory timescale. |

5.0 Neighbour Representations

5.1 4 pieces of correspondence have been received which raise objections to the proposal and include the following concerns:

- Unsuitable access to the site and loss of parking for commercial properties;
- Use of the lane to the rear of 3-9 Hawk Street is inappropriate for construction traffic, drainage or parking associated with the development;
- Insufficient parking and impact on Hawk Street.

2 additional pieces of correspondence do not raise an objection but raise the following concerns:

- Loss of parking for commercial properties could have a detrimental impact on these businesses. Suggest that parking spaces outside the businesses have a limited parking time so that spaces can be used throughout the day.

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

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

SC2 – Urban Concentration
SC4 – Meeting Housing Requirements
SC5 – Achieving Quality in Design

6.3 Development Management Development Plan Document (DM DPD)

DM1 – Town Centre Development
DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM29 – Protection of Trees, Hedgerows and woodland
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
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 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that the local planning authority should pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

7.0 Comment and Analysis

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

- Principle of development
- Siting, Scale, Design and Impact on Conservation Area
- Access and highway impacts
- Residential Amenity
- Affordable Housing
- Drainage
- Open space

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. 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. The site is just outside the identified town centre area and as such will not conflict with this policy.

7.2.2 The site does however currently serve as a car park for the adjacent commercial businesses, although it is in separate private ownership. Some of these have direct access onto the site. The proposed layout appears to retain pedestrian access from the units to the north east of the site. However, there would be no parking to serve these properties. It is under private ownership so its use could be withdrawn at any time and there is a large town centre car park approximately 110 metres to the northwest. Some comments have been submitted from the adjacent businesses requesting whether the parking space to the front of the commercial properties, within the highway, could be time-limited to allow more opportunity for customers to mark close to the businesses

throughout the day. This has also been recommended by the Highways Officer and could be covered by condition. This would be secured through a Traffic Regulation Order (TRO)

7.3 Siting, Scale, Design and Impact on Conservation Area

- 7.3.1 The application only seeks consent for the siting of the buildings and the access from the highway. Scale, design and landscaping would be covered by any subsequent reserved matters application. However, given the proximity to the Conservation Area, indicative drawings have been provided showing the possible height and design of the buildings. In terms of the layout, a terrace of 8 dwellings is proposed fronting onto Hawk Street. They would have two storeys, when viewed from this road, but definitely some would be three storey at the rear given the difference in levels between the main part of the site and Hawk Street. The indicative elevation plan shows an increase in height for every two of these, following the gradient of the adjacent highway. This is similar to the existing terrace of properties to the northwest. The four apartments are proposed to be positioned adjacent to the existing boundary wall with Market Street. They have been shown within a two storey building with two apartments on each floor.
- 7.3.2 The position of the buildings follows that of the adjacent development and it is unlikely that the height of the buildings would change significantly given the development proposed and the constraints of the site. There are some concerns regarding the appearance of the apartment building adjacent to the large boundary wall and it is not clear if a strong frontage can be achieved in the position proposed. Lowering the wall may improve the appearance but would likely lead to windows of the ground floor apartments onto Market Street. One solution could be setting the building back slightly, with a small front yard to the apartments, and lowering the wall to give a better frontage. A simple sloping roof would probably be more appropriate, rather than the projecting gables shown on the indicative plan. As this change will affect the layout, and the application seeks consent for this element, alterations have been sought from the agent. There were concerns regarding the lack of private amenity space to serve the dwellings fronting onto Hawk Street and the layout has been amended to include these. This had had an implication on shared amenity space and parking, with the removal of integral garage, but these issues will be considered below. This alteration does not significantly alter how the development would be seen from outside the site.
- 7.3.3 Along Market Street, the boundary of the main part of the Conservation Area extends to 48 Market Street, approximately 20 metres to the northwest. However this boundary abuts the application site where it fronts onto Hawk Street. There is a separate part of the Conservation Area, focussing around North Road up to the Canal, the boundary of which lies approx. 25 metres to the southeast. The special character of the area relates to the market town's expansion in the latter half of the 19th century. In the conservation area, the buildings are a mixture of 2 and 3 storeyed terraced houses and first floor apartments with ground floor 19th century shop fronts. Their construction is characterised by sandstone walling (often rusticated), slate pitched roofs, sash windows, canted bay windows and timber panelled doors. Given the proximity of the site to the Conservation Area and the nature and position of the site, it is considered that the proposal will impact on the character and appearance of the conservation area.
- 7.3.4 Conservation areas are designated under the Planning (Listed Buildings and Conservation Areas) Act 1990 for their 'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. In terms of the siting, providing that the above concerns regarding the position of the apartment building, is addressed, it is considered that the siting respects the layout of the surrounding development. In addition, it is not considered that the proposed principle height and design of the buildings will not have an adverse impact on the conservation area. However, there could be some improvement in the relationship of the windows to surrounding built form, in relation to the dwellings on Hawk Street. As set out above, there were some concerns regarding the form of the building fronting Market Street, and a simplified approach with a strong frontage would be more appropriate. The precise details and materials to be used on the development would be fully considered at the reserved matters stage.

7.4 Access and highway impacts

- 7.4.1 The development site has an existing access off Market Street which provides pedestrian and vehicular access to J.N Wilson Funeral Directors and Tile Doctor, including servicing space for large vehicles to enter, load/unload, turn and exit in forward gear onto Market Street. The site also provides a partly surfaced car park with marked bays for 8 vehicles and a partly unmade hard

standing car parking area which can accommodate approximately 7 vehicles. There is a sign at the access point to the car park which states '*Private Car Park for the customers of – Iretons Hardware, St Gregory's Homecare, Hi-Style Hairdressers and J.N.Wilson Funeral Directors* (all reside in the building fronting Market Street and numbered 50, 50a, 50b, 50c). There is an additional sign alongside the marked car parking bays which states - *Customer parking only – 1 hour maximum*. The car park appears to be well-used during the working day which is expected due to the lack of nearby public car parking for shoppers. On Market Street, directly outside number 50, there are approximately 3 car-length spaces where vehicles can park without restriction and the remaining on-street parking is prohibited during the working day. The section of unrestricted on-street parking lies within the visibility splay of the existing development site access, which the Highways Officer does not determine to be a highway safety concern when considering the existing vehicle movements, low vehicle speeds and no recorded collisions at the junction within the previous 5 years.

- 7.4.2 The Highways Authority have advised that the existing site access off Market Street is unsuitable to serve the proposed development and it will be necessary for the existing access to be widened to allow two vehicles to pass side by side with a footway provided on the northerly side of the access for the safety of pedestrians and the customers/staff of the Funeral Directors and Tile Doctor. It will be necessary to remove part of the existing wall which bounds the site along Market Street to accommodate widening of the access. The Highways Officer recommended a carriageway width of 5.5 metres with a footway width of 1 metre (to accommodate a wheelchair user). It is currently approximately 4.4 metres wide so the widening may affect the position of the apartment building slightly. It has been advised that the existing vehicular crossing/footway crossover arrangement should be replaced with a radius kerb arrangement to better accommodate the vehicle movements from the development site (completed via a Section 278 Agreement with the Highway Authority).
- 7.4.3 The application proposes a secondary access point from the site along a private narrow unmade lane to the rear of 3 – 9 Hawk Street which connects to an adopted back street named rear 2-6 Scotland Road and then to Market Street and Hawk Street. Currently the lane is gated at the midpoint, with a steel container positioned at the development site end preventing vehicular and pedestrian access. The Highways Officer has advised that it is not necessary to provide a secondary vehicular access to the proposed development site and the narrow width, proximity of neighbouring properties and unmade nature make it unsuitable to accommodate any development traffic, including construction traffic and therefore measures should be proposed to restrict vehicle movements. However, there are no objections to its use as a pedestrian cycle link to serve the development site.
- 7.4.4 It has been advised that the developer contact Lancaster City Council Refuse Team to seek their comments on the layout. If the refuse is to be collected from the highway on Market Street, then a wheelie bin collection point needs to be provided adjacent to Market Street to accommodate the bins from the 12 units. It would not be suitable to have the bins located on the footway of Market Street which would cause an obstruction and be a highway safety concern. Alternatively if the refuse wagon is to enter the development site, this should be agreed with the refuse team and a vehicle tracking drawing should be provided to show that a full size refuse vehicle can enter, load, turn and exit in forward gear.
- 7.4.5 The original layout plan showed 13 off street parking spaces serving the 8 dwellings, 5 of which were garage spaces. The access to these is off Market Street with no vehicular access from Hawk Street, although two gated (coded) residential pedestrian access points are proposed at the ends of the terraced block. The Highways Officer set out that it is anticipated that potential residents would chose to park on Hawk Street itself for convenience but it is not anticipated that this will present a highway safety concern. There is currently a level of on-street parking on Hawk Street, overnight and during the daytime on both sides and the Highway Officer considered that there was spare capacity to accommodate any additional residential parking. The layout has now been altered to include rear garden areas to the dwelling, which has removed the garage parking element of the proposal, leaving a space for each dwelling. Comments have been sought from the Highways Authority in relation to these amendments and will be reported to the Planning Committee.
- 7.4.6 The four one-bedroom flats which front Market Street will have four off street parking spaces proposed, at the rear of the units within the shared parking area. Secure, covered cycle parking will be necessary for the dwellings and the apartment units. Each dwelling could have this incorporated into the garden area, and there is scope for an external cycle store to be sited to serve the apartments. With a suitable provision of cycle parking at the development, the highways officer has recommended that the off-street parking provision accords with the parking and that it is suitable to

accommodate the development without causing a detriment to highway safety or neighbour amenity. As set out above, this provision has changed and further advice has been sought.

7.4.7 Given the loss of the parking area to serve the adjacent commercial businesses, the Highways Authority has recommended that the short section of on-road parking is proposed as 1 hour limited waiting during the working day, to reflect other sections of limited waiting nearby, to assist the customers of the businesses by providing a turnover of vehicles throughout the day. This would be proposed by Lancashire County Council through its Traffic Regulation Order process and the costs would be borne by the developer and would partly compensate for the loss of the off-street parking provision which is currently available to the businesses at 50 Market Street.

7.5 Residential Amenity

7.5.1 There is a detached bungalow on Market Street, no. 58, which is set back from the highway and at a higher level. There are some windows in the side elevation facing the application site which appear to serve habitable rooms. The apartment building would be located approx. 1.7 metres from the boundary with this property, at its closest and approx. 14 metres from the side wall of the dwelling. Given the distance and the difference in levels, it is not considered that proposal will have a detrimental impact on light to this dwelling. The indicative elevations show one window serving a habitable room facing this dwelling. However there are other windows serving this room so it could be ensured that there would be no loss of privacy to this property.

7.5.2 There are no windows in the side wall of the adjacent dwelling on Hawk Street and those opposite are set back from the highway and separated from the site by approximately 28 metres. As such it is not considered that there would be a detrimental impact on the amenities of the residents on Hawk Street. On the opposite side of the road to the site, on Market Street, is residential accommodation which is ancillary to the County Hotel and has some windows fronting the road. There is approximately 17 metres between this building and the site. Although this is slightly less than usually considered acceptable, this is an urban setting and views would be across the highway. The setting back of the building, as suggested above, will provide a slightly greater separation distance. It is not considered that there will be significant detrimental impact on the amenities of the neighbouring property or the proposed apartment building.

7.6 Impact on trees and hedgerows

7.6.1 A tree survey has been submitted with the application as there is a hedgerow and some trees along the boundary with Hawk Street, and some trees along the southeast boundary. The Tree Officer has advised that generally, the existing tree and hedge stock is poor, in terms of both quality and quantity. A total of 2 hedges (Privet & Hawthorn and Ash & Elder), 2 individual trees (Ash and Beech) and a group, comprised of young ash and elder, have been identified. With the exception of one of the trees, all existing trees and hedges have been categorised as "U", which relates to trees and hedges in such a condition that they cannot be realistically be retained as living trees in the context of the current land use for more than 10 years. It is proposed that these are removed because of their severely limited life potential. It is recommended that the Beech, a boundary tree, is retained in the medium term and as such, tree protection measures will be required to safeguard this tree through the proposed development period. The alterations to the layout may have implications for this tree, but its removal is not considered to have a significant adverse impact on the character and appearance of the site. Additional new planting would be required, in the interest of public amenity and wildlife benefit.

7.7 Affordable Housing

7.7.1 Policy DM41 of the DM DPD sets out that within urban areas, proposals for 5 to 14 residential units will be expected to provide 20% affordable housing on site, which equates to 2.4 dwellings in relation to the proposal. The submission set out that 2 of the 4 apartments would be made available at 80% of market value and the additional requirement would be made up through a commuted sum. However, it is not considered that the type proposed is acceptable and does not comply with the Council's policy. It would be expected that any affordable housing would be managed by a Registered Provider as otherwise it puts an additional burden on the Council and is difficult to control. A Registered Provider would not take on units within a block of apartments due to issues with additional service charges. They may take on two of the dwellings but, as it is a small number, this is not guaranteed. The agent has been advised that a contribution may be acceptable, in lieu of

onsite provision, equivalent to providing 20% on site, if it is demonstrated that there is no interest in the units by a Registered Provider. Further information is awaited with regards to this, however a calculation of the likely contribution, if considered to be acceptable, has been provided. The agent has set out that the contribution, based on the likely open market value of the properties, would be £56,166. As this is outline, and the scheme could alter, it would be more appropriate to agree a Unilateral Undertaking for the amount to be calculated at reserved matters stage.

7.8 Drainage

7.8.1 The site currently contains a large area of hardstanding but also a grassed banking towards two edges of the site. A response has not been received from the Lead Local Flood Authority, however the Highways Officer has advised that the surfacing should be permeable. A surface water scheme can be controlled by condition and this would need to ensure that it was adequately managed, likely through the creation of a management company.

7.9 Open Space

7.9.1 A response has been provided by the Public Realm Officer in relation to the need for open space in relation to the development. It has been set out that 182 square metres should be provided on site. The original plan just showed space on the banking, however this was amended to show a larger, more usable area of open space to serve all of the units. However, there were concerns that the dwellings did not benefit from any private amenity space. The incorporation of this has resulted in the removal of the shared space, but it is considered more important that the three bedroom dwellings have some private amenity space, even in this urban setting.

7.9.2 In addition to the above, some contributions have been requested in relation to children's play areas and young people's facilities. In particular, a contribution of £10,400 towards the play area on Kellet Road or Dunkirk Avenue, and £4,160 towards improving the recreation football area on Dunkirk Avenue which requires some levelling and other improvements for young people on this site. It has also been suggested that combining the contribution that would have been required for parks and gardens, if there was one within an appropriate distance, with the money towards young people's facilities would make a significant and positive improvement to facilities in the locality. This would give an addition £3,120 giving a total contribution of £17,680. It may be appropriate to request this additional amount given that no shared amenity space is to be provided within the site.

8.0 Planning Obligations

8.1 The application would require a Unilateral Undertaking in relation to:

- A financial contribution towards affordable housing within the District, in lieu of on-site provision; and,
- A financial contribution towards off site play facilities.

9.0 Conclusions

9.1 The site is located in an accessible location within Carnforth and helps towards the housing provision within the District. It is considered that the development can be adequately accommodated within the site without having a detrimental impact on the character and appearance of the Conservation area, highway safety, residential amenity or the adjacent commercial properties. The proposal is therefore considered to be acceptable, subject to the minor amendments and further information, as set out in this report.

Recommendation

That Outline Planning Permission **BE GRANTED** subject to the receipt of an amended layout plan and the following conditions:

1. Standard outline condition with scale, design and landscaping reserved
2. Approved plans
3. Construction management plan
4. Widening of access and construction details
5. Review of existing Traffic Regulation Orders

6. Finished floor and site levels
7. Surface water drainage scheme
8. Management scheme for surface water drainage scheme and shared external areas.
9. Investigation of contamination
10. Development to be carried out in accordance with the submitted arboricultural implications assessment
11. Tree Protection Plan
12. Cycle storage
13. Bin storage

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

In accordance with the above legislation, the City Council can confirm that they have made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. 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

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