

Agenda Item A6	Committee Date 17 October 2016	Application Number 16/00798/REM
Application Site Land at Carnforth Brow Carnforth Lancashire	Proposal Reserved matters application for the erection of 6 dwellings with associated new access	
Name of Applicant Loxam Riley	Name of Agent Michael Harrison	
Decision Target Date 22 August 2016	Reason For Delay Revised layout and committee cycle	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approve subject to receipt of satisfactory amended plans	

- (i) **Procedural Matter**
This form/scale of development would normally be dealt with under the Scheme of Delegation. However, the associated Outline application was determined at Planning Committee following a request by Councillor Gardner at that time. It is therefore considered appropriate that this Reserved Matters application is also determined at Planning Committee.

1.0 The Site and its Surroundings

- 1.1 The application site comprises the western portion of a triangular field approximately 0.3 hectares in area and located on the north-eastern edge of Carnforth fronting North Road (Carnforth Brow). The field lies to the north of Carnforth Brow within land designated as Countryside Area in the Lancaster District Local Plan. A railway line runs along the northern boundary of the site and there is a small open field to the west. Residential housing is located directly opposite part of the site frontage and to the west of the site. Open agricultural land lies to the north beyond the rail line.
- 1.2 The site is located on the eastern side of rising land and falls both to the east and to the north. The railway line reflects this change in ground levels along the northern boundary with the rail line crossing from shallow cutting to embankment as it travels west to east. A public footpath accesses the western boundary of the site from Carnforth Brow following the western edge of the field and connecting to a rail crossing point. The footpath continues having crossed the railway line cutting into fields finally emerging onto Scotland Road north of the bridged rail crossing.
- 1.3 The current field boundaries comprise mature mixed thorn hedges to the Carnforth Brow frontage and the western boundary. The northern boundary is a little less dense with hedgerow and small trees following the rail cutting turning to sparse vegetation along the rail embankment section of the boundary. A narrow field gate is present on the Carnforth Brow frontage of the site opposite Browfoot Close, a cul-de-sac of residential properties.

2.0 The Proposal

- 2.1 The site benefits from an outline consent granted at Planning Committee on 10 November 2014 for the development of up to 6 residential dwellings. The current application seeks approval of the reserved matters in relation to access, appearance, landscaping, layout and scale.
- 2.2 The proposed units are all detached in nature and would comprise two storeys consisting of black/blue slate roof tiles, natural coursed stonework, cream render, timber doors and upvc windows. Four house types are proposed, all of which would be 4 bed roomed with garage and driveway parking provision. There would be a central access to the development off Carnforth Brow and provision is made for improvements to the Public Right of Way which runs along the western site boundary.

3.0 Site History

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

Application Number	Proposal	Decision
14/00629/OUT	Outline application for the development of up to 6 residential dwellings	Permitted
01/90/1165	Residential development (12 maximum)	Refused and Dismissed at appeal

4.0 Consultation Responses

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

Consultee	Response
Tree Protection Officer	No objection – subject to an amendment to the hedge and tree identification references across all documents and drawings, in the interest of clarity and to avoid future confusion.
Environmental Health	No objection – subject to conditions previously suggested in respect of the Outline submission in respect of the glazing units to the proposed dwellings to mitigate the effects of noise from rail traffic. The Contaminated Land Officer has also requested the inclusion of standard contaminated land conditions.
Strategic Housing Policy Officer	No comments received during the statutory consultation period.
City Contract Service	No comments received during the statutory consultation period.
County Strategic Planning and Transport	No comments received during the statutory consultation period.
County Highways	No objection – Requests that consideration be given to a number of conditions relating to such matters as visibility splays, provision of a footway and offsite works.
Public Rights of Way Officer	No objection – satisfied with the proposed use of fencing between the development and the PRow. Also expressed a preference for the path to be surfaced with a stone base course with a 40mm-dust dressing.
Mineral Safeguarding	No comments received during the statutory consultation period.
Network Rail	No objections made but a list of suggested conditions relating to works in proximity to the railway line.
Fire 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.
United Utilities	No comments received during the statutory consultation period.
Parish Council	No objection – Providing the entrance to the access road is not moved from that shown on plan.

5.0 Neighbour Representations

5.1 Seven letters of objection has been received which raise the following points:

- Concerns about additional dwellings on an already busy road
- This is a cramped development and will spoil the views to open countryside
- Too close to the railway line
- Egress to the site is on to a narrow lane with a dangerous corner under the railway bridge
- Already applications for a total of 166 other new houses in the vicinity – the area is at saturation point
- There are plans to build a further 5 dwellings on the adjoining plot
- Increased pressure on drainage
- Public Right of Way must have a stile or gate
- Detrimental to character of the area, inappropriate layout and density
- Detrimental to Conservation Area (Officer's note: there is no Conservation Area close to this site)
- Detrimental to Green Belt (Officer's note: there is no Green Belt land close to this site)
- Loss of amenity

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

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 **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

Saved Policy **E4** Countryside Area

7.0 Comment and Analysis

The scheme raises the following issues:

- Principle of development
- Design, scale and layout
- Highways and the Public Right of Way
- Trees and hedgerows
- Other matters

7.1 Principle of Development

7.1.1 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 relate to the layout, scale, appearance and highways and landscaping arrangements of the proposed development. The outline permission was granted subject to a number of planning conditions, particularly in relation to the main vehicular access and off-site highway works as well as drainage.

7.2 Design, Amenity and Layout

7.2.1 Design

There are effectively 4 house types (A, B C and D) proposed within the development all of which exhibit pitched roofs with gable features. All properties would have driveway parking provision in addition to integral garages apart from plot 3 which would have a detached double garage. The use of upvc windows and timber doors is considered acceptable and overall, the design and external materials proposed would fit well with the adjacent housing development to the south of the site.

7.2.2 Amenity

Concerns have been raised by the Case Officer in respect of the layout of the scheme in terms of the orientation of the proposed houses and their relationship with the road and railway, and also the shallowness of many of the private amenity spaces. Despite the receipt of amended plans these have not satisfactorily addressed the issues of concern. In terms of amenity it is considered that plots 4, 5 and 6 which back on the railway line have an unacceptable rear garden provision with depth of between 5 and 6 metres. While there is a degree of flexibility in respect of garden depths the current private amenity areas of these plots are not acceptable and fall significantly short of the 10 metre minimum suggested within policy DM35 of the Development Management DPD. This point is considered critical given that the scheme proposes large, detached family houses. Policy DM35 also states that where there are overriding justifications a reduced depth may be accepted providing the garden area still provides 50 sq.m. However, in this instance given the proximity of the railway line it is considered that the limited depths proposed would be highly unacceptable. This point has been pushed further with the agent and amended plans are awaited at the time of writing this report.

7.2.3 Layout

In terms of the overall layout of the development four dwellings are proposed along the northern boundary with two properties located to the west of the site entrance. The plans indicate a turning head within the east of the site with the internal road terminating at the eastern edge of the public footpath in order to provide connectivity for any potential future development on the adjoining site to the west. Plans indicate that two areas of visitor parking are currently proposed to the east of the site entrance within an area of unusable green space, which would have no effective purpose and would become a management liability. It is considered that this would not be acceptable in terms of street scene impacts. Consequently a revised layout has been suggested to the agent which would address this concern as well as going some way to dealing with the issue of amenity space within plots 4, 5 and 6 as highlighted within the previous paragraph.

7.3 Highways and the Public Right of Way

7.3.1 The outline application was subject to a number of highways related conditions concerning matters such as visibility splays and construction details to be submitted before development commences. Whilst there have been objections from members of the community regarding the increase in traffic along this part of Carnforth Brow, this has already been deemed acceptable under the guise of the outline permission.

- 7.3.2 The Highways Authority has requested the inclusion of a new 2m wide pedestrian footway extending along the frontage of the site. However, there is no existing footpath to the west and east of the site which would provide connectivity to a new footpath and given the presence of a length of footway on the opposite side of the road this request seems unreasonable. Therefore a short section of footpath is proposed to the site's frontage to facilitate a crossing point over the existing footpath on the southern side of Carnforth Brow. This is deemed to be an acceptable approach.
- 7.3.3 The layout provides for sufficient parking within the curtilages of the dwellings, with each property having its own driveway and garage(s). Therefore it is deemed that there is adequate parking for the residents and their visitors without the need for additional visitor parking spaces within the site.
- 7.3.4 The application site has a public footpath (no.26) which follows the line of the western boundary hedgerow between its link onto Carnforth Brow and the rail crossing point on the north boundary. On the ground the footpath does not appear to be a regularly trodden route and is not clearly defined particularly within the northern part of the site. The application acknowledges and retains the line of the footpath but suggests that the route is defined by a fence line along the residential boundary apart from a central area which will provide for pedestrian connectivity from the site. The Public Rights of Way Officer is of the view that a fence boundary is preferable to a hedge in this location as it would present a maintenance issue. The existing hedge line along the eastern side of footpath would be retained but cut back (otherwise it would 'suburbanise' an otherwise rural route). The Public Rights of Way Officer has also suggested that the path should be surfaced with gavel/hard-core. This would have the benefit of improving things underfoot for users of the footpath with the additional advantage of improving drainage. The revised plan (27 September) indicates a staggered entrance/exit between the footpath and the adjacent highway. It is considered that the standard of the public footpath would be significantly improved as a result of the scheme. Such details can be conditioned.

7.4 Trees and Hedgerows

- 7.4.1 There are existing on and off site trees and hedges confined to existing boundaries, or just beyond, which collectively make an important contribution to the character and appearance of the site and also that of the wider locality. The submission includes a proposal to remove a section of hedging to the front of the site adjacent to the public highway, in order to accommodate the site access. There is also an intention to translocate a 30m section of hedgerow back from its existing position, further into the site, in order to avoid its loss and meet new visibility splay requirements with regard to highway safety. Subject to the receipt of a revised Hedge & Tree Protection Plan, Hedge Translocation Plan and the proposed Hedge Work Plan in order to address a minor discrepancy in the identification numbering of existing hedges, the Tree Officer is satisfied that subject to the imposition of appropriate conditions the scheme is acceptable in terms of tree and hedgerow impacts.
- 7.4.2 The submission also includes a planting plan which is considered acceptable in terms of species and location within the site. This includes new hedge planting to form a part of the garden boundaries in addition to shrub and tree planting. This will serve to soften the appearance of the development and enhance the greening and screening of the area. It is suggested that a maintenance condition should be included should Members be minded to approve the application.

7.5 Other Matters

- 7.5.1 Drainage - Principle of drainage has clearly been considered acceptable at the outline stage with the addition of a condition for detail of the foul and surface water systems to be provided. The submitted plans include the provision of a foul pump with the site's red edge to the immediate east of the development. It is appropriate to impose a condition relating to the ongoing maintenance of the 2 drainage systems.
- 7.5.2 Noise – In terms of the issue of noise the Environmental Health Officer has referred back to the original comments made in respect of the outline submission. These comments relate specifically to conditions in respect of glazing units of the proposed dwellings to mitigate the effects of noise from rail traffic. The outline submission included a Noise and Vibration Statement and the outline consent includes a condition relating to the design principles outlined within this document.

- 7.5.3 Contaminated Land - As in the case of the outline submission the Contaminated Land Officer has requested 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. An unforeseen contamination condition was included on the outline consent in order to ensure that suitable investigation is undertaken should it be found necessary during construction.
- 7.5.4 As already highlighted above, the site is in close proximity to a railway line. Network Rail has advised that the developer should ensure that the development both during construction, after completion of works on site and as a permanent arrangement, does not affect the safety, operation or integrity of the operational railway / Network Rail land and infrastructure. Comments provided by Network Rail would be included as advice with any approval for the attention of the applicant.
- 7.5.5 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.

8.0 Planning Obligations

- 8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

- 9.1 The proposed development would provide 6 new residential units on the north-eastern edge of Carnforth and the design and type of dwellings are considered acceptable. Subject to resolving the issue of layout and provision of private amenity spaces, the submission is considered acceptable in terms of highway matters and landscaping. If the outstanding matters are adequately addressed through the submission of revised plans, the development would be considered compliant with national and local planning policies and consistent with the terms of the outline consent. Therefore Members are recommended to support the proposal subject to receipt of adequate amended plans.

Recommendation

That Reserved Matters **BE GRANTED** subject to receipt of amended plans addressing the layout and private amenity concerns, and the following conditions:

1. Standard Reserved Matters timescale
2. Development in accordance with amended plans (to be listed)
3. Notwithstanding submitted plans, details of materials, including finishes and colours - roof, wall, windows, doors, garage doors, surface and boundary treatments - to be submitted and approved
4. Details of foul and surface water drainage maintenance schemes
5. Development in accordance with the submitted hedge translocation plan
6. Development in accordance with the submitted hedge & tree protection plan
7. Development in accordance with the submitted proposed hedge work plan
8. Development shall be carried out in accordance with the submitted planting plan
9. Details of surfacing and access arrangements to public right of way
10. Removal of permitted development rights – Parts 1, 2 and 14

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:

Officers have 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