

<b>Agenda Item</b> A10	<b>Committee Date</b> 5 February 2018	<b>Application Number</b> 17/01450/VCN
<b>Application Site</b> Land Rear Of Cemetery Back Lane Carnforth Lancashire		<b>Proposal</b> Outline application for 16 affordable residential units with associated access, drainage and landscaping arrangements (Pursuant to the variation of conditions 4 and 6 on planning permission 11/00668/OUT to amend the access)
<b>Name of Applicant</b> Mr Graham Wallbank		<b>Name of Agent</b> N/A
<b>Decision Target Date</b> 26 February 2018		<b>Reason For Delay</b> N/A
<b>Case Officer</b>		Mr Mark Potts
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

## **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, and to the east Back Lane. To the south and west are residential properties on Hard Knott Rise and Fairfield Close which are separated by a belt of trees. 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. The site itself is roughly rectangular in shape, approximately 110 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.
- 1.2 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.
- 1.3 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 consent was granted by the Planning Inspectorate in January 2013 (11/00668/OUT) and Reserved Matters consent was granted in April 2016 (15/01630/REM). This application only proposes to amend the access position on Back Lane and it is proposed to relocate

it c6 metres to the north, together with switching the footpath to the southern side of the access road and losing the speed bump with pedestrian crossing. Given the amendment to the access, open space on the site has increased by c10% from 186m<sup>2</sup> to 204m<sup>2</sup> and the scheme now provides for the retention of a tree which would be lost as part of the consented layout.

2.2 In view of the above the applicant needs to amend the wording of the conditions described below:

*Condition 4*

*The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Development Plan and Section Drawing numbered 3000 Rev F, but only in respect of those matters not reserved for later approval.*

*Condition 6*

*No part of the development shall be occupied or brought into use until visibility splays indicated on the drawing No. 3000 Rev F measuring 2.5 metres by 120 metres are provided on each side of the junction of the access onto back lane. No walls, fences, trees, hedges, shrubs, ground works or other structures within these splays shall exceed 1 metre in height above the centreline of the adjacent carriageway.*

**3.0 Site History**

3.1 The below applications are relevant in the determination of this planning application:

Application Number	Proposal	Decision
17/00340/VCN	Outline application for 16 affordable residential units with associated access, drainage and landscaping arrangements (pursuant to the variation of condition 5 on the approved application 11/00668/OUT in relation to flood mitigation measures)	Refused  Appeal has been lodged with the Planning Inspectorate
15/01630/REM	Reserved matters application for 14 affordable residential units with associated access, drainage and landscaping arrangements	Approved
11/00668/OUT	Outline application for 16 affordable residential units with associated access, drainage and landscaping arrangements	Refused by the Local Planning Authority. Granted on appeal by the Planning Inspectorate

**4.0 Consultation Responses**

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

Consultee	Response
Environment Agency	<b>No objection</b>
County Highways	<b>No objection</b> with regards to the re-positioning of the site's access, but have raised some concerns with respect to the width of the internal carriageway.
Fire Safety Officer	<b>No objection</b>
Tree Protection Officer	<b>No objection</b> , though has requested that the approved Arboricultural Implications Assessment should be revised to reflect these changes.
Cadent Gas	<b>Comments</b> - advised that there are gas pipelines in close proximity to the site.
Property Group	<b>No objection</b> though highlights that City Council land would be required to facilitate development

<b>Lead Local Flood Authority</b>	No observations received within the statutory timescales
<b>Carnforth Town Council</b>	No observations received within the statutory timescales

## **5.0 Neighbour Representations**

5.1 **One letter of objection** has been received citing concerns with respect to surface water drainage and the flooding which could cause areas of the cemetery to be unusable (this application does not propose to alter the drainage proposal).

## **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** - The 12 Core land-use planning principles  
Paragraph **49** and **50** - Housing  
Paragraphs **56, 58** and **60** - Good Design  
Paragraphs **32** - transport

### **6.2 Local Planning Policy Overview – Current Position**

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs will be published in February, after which there will be a 6 week period for representations prior to the submission of the documents to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

### **6.3 Development Management DPD**

Policy **DM25** Green spaces and green corridors  
Policy **DM29** Protection of trees, hedgerows and woodland  
Policy **DM35** Key design principles  
Policy **DM41** New residential dwellings

6.4 Lancaster District Core Strategy  
Policy **SC1** Sustainable development  
Policy **SC5** Achieving quality in design

6.5 Lancaster Local Plan  
Policy **E29** Urban Greenspace

6.6 Joint Lancashire Minerals and Waste Local Plan  
Policy **M2** Mineral Safeguarding

## **7.0 Comment and Analysis**

7.0.1 The principle concern is whether the proposed amendments are acceptable in planning terms.

7.1 The application proposes a very minor change to the position of the consented access which was approved under outline planning consent 11/00668/OUT (which was granted on appeal). The change is in essence to move the access road at its connection with Back Lane c6 metres to the north. The original access proposal was positioned central to the existing dropped kerb access. However, due to land ownership concerns the applicant has amended its proposal to move the access slightly to the north. The applicant states that the benefits of the amendments are that the proposed scheme will deliver the footpath on the same side all the way into the site, the open space area would increase in size by c10%, and retain a tree which would have otherwise been lost to facilitate development.

7.2 The main concern therefore is whether the amendment to the access would be detrimental to highway safety and whether the proposed change would be detrimental to the amenity of surrounding occupiers. County Highways has raised no objection to the alteration to the access and therefore it has to be considered that this is a safe means of access. They have suggested some small modifications to the site's internal layout, but condition 7 of the extant planning consent requires details of the internal access arrangements, car parking and servicing and therefore this detail should be submitted under the requirements of this condition. Discussions are ongoing between County Officers and applicant in this regard. The submitted plan demonstrates that visibility splays of 2.4m x 120m can be achieved to the north and south, which is slightly below the standard (2.5m x 120m) required by the original consent. Therefore an amended plan has been sought.

7.3 Changing the position of the access means that there will be a slightly larger quantum of open space provided for and would result in the retention of a tree that was previously proposed to be removed. The Tree Protection Officer raises no objection but requests that the approved Arboricultural Implications Assessment (AIA) is updated to reflect the amended layout. Whilst it would be preferable to seek an amended AIA prior to determination of this application, it is considered that this can be conditioned.

7.4 It is noted that there has been some concern raised by a third party representation with respect to flooding matters. However, the minor amendment to the access position would not exacerbate flooding and the Environment Agency raise no objection to the development as proposed. The comments of the Local Lead Flood Authority are awaited and will be reported verbally to Members.

7.5 The grant of consent of a Section 73 application results in a new planning permission which sits alongside the original permission, which remains intact and un-amended. All the conditions associated with the approved outline consent will be imposed on this consent (where they are relevant). Given the Reserved Matters consent has been granted there is no need to impose condition 1 which requires the Reserved Matters to be submitted, nor a need to submit the Reserved Matters within three years given these were submitted in 2015. It is recommended to amend condition 3 to ensure that the development commences by 6 April 2018, otherwise the permission will fall away. There are 6 planning conditions associated with contaminated land on the outline consent but it is considered reasonable to amalgamate these into a single planning condition. The conditions set out in the recommendation reflect this commentary.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 The scheme provides for 100% affordable housing, and therefore following the original appeal decision the local planning authority is keen to support the development of this site. The amendment to the access has been found to be acceptable from a highway safety perspective and is appropriate from the perspective of the visual amenity of the area and therefore it is recommended that the scheme can be supported.

## **Recommendation**

That Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Timescales – Development to commence by 6 April 2018
2. Development in accordance with approved plans
3. Provision of Flood Risk Mitigation Measures to be included
4. Visibility splays to be provided measuring 2.5m x 120m
5. Internal Access arrangements
6. Proposed cycle/pedestrian links
7. External lighting
8. Site clearance restriction
9. Control of dust and site clearance
10. Contaminated land assessment
11. Wheel cleaning facilities
12. Disposal of surface water and foul sewage
13. Scheme for the protection of the habitat on the banks of the watercourse
14. Scheme for the provision of renewable energy (10%)
15. Provision of an affordable housing scheme
16. Amendment to the approved AIA.

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

In accordance with the above legislation, the City Council can confirm that it has 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.

## **Background Papers**

None.