

Agenda Item A10	Committee Date 6 April 2018	Application Number 18/00103/OUT
Application Site Land Adjacent To 25 Crag Bank Crescent Carnforth Lancashire LA5 9EQ	Proposal Outline application for the erection of one dwelling and creation of a new access	
Name of Applicant Mrs S Robinson	Name of Agent HPA	
Decision Target Date Extension of time agreed until 12 April 2018	Reason For Delay Committee Cycle	
Case Officer	Mrs Eleanor Fawcett	
Departure	None	
Summary of Recommendation	Approval	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor John Reynolds for the application to be reported to the Planning Committee on the grounds that the unique environment of the area will be impacted, and concerns over safe access.

1.0 The Site and its Surroundings

1.1 This site is located to the northwest of a row of bungalows on Crag Bank Crescent, at the southern edge of Carnforth. It comprises a small part of the domestic curtilage of Thwaite Lodge (25 Crag Bank Crescent) in addition to a roughly triangular piece of agricultural and which is part of a larger field. The land slopes away from the highway to the west and is used for grazing animals. Just beyond the site is an agricultural building and a group of trees covered by Tree Preservation Order. There was also a protected tree within the site and the curtilage of Thwaite Lodge. However, this has been removed through a Tree Works application and a replacement recently planted.

1.2 The North Lancashire Green Belt abuts the western boundary of the site but is not marked by any feature within the landscape. The site is located just outside the urban area of Carnforth, within the Countryside Area, as identified on the Local Plan Proposals Map. The West Coast Main railway line lies approximately 130 metres to the west and the site is partly with a mineral safeguarding area. Crag Bank Site of Special Scientific Interest is located beyond the railway line around 170 metres to the west.

2.0 The Proposal

2.1 Outline planning permission is sought for the erection of one dwelling with a new access from the end of Crag Bank Crescent. All matters are reserved, though the access has been indicated as utilising the north eastern edge of the residential curtilage of Thwaite Lodge.

3.0 Site History

3.1 Outline planning permission was refused in September 2017 for the erection of three dwellings on a larger piece of land, which includes the current application site. The reasons for the decision are set out below:

1. As a result of the constrained nature of the site, which has been defined by the Green Belt boundary, the significant change in levels, the encroachment into the elevated part of the larger field and the awkward access arrangement, it is considered that the development would relate poorly to the existing edge of Carnforth, would not contribute positively to the surrounding landscape or townscape and would fail to represent high quality design and a sustainable form of development. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 7, saved Local Plan policy E4, and Policies DM35 and DM41 of the Development Management Development Plan Document.
2. The application fails to fully demonstrate that the development could be undertaken without having a detrimental impact on trees protected by a Tree Preservation Order, particularly in relation to the proposed changes in levels required to accommodate the development. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 11 and Policy DM29 of the Development Management Development Plan Document.

3.2 There have also been some historic applications covering a larger part of the field and some at the end of the cul-de-sac which includes Thwaite Lodge. It is understood that a consent for an additional dwelling at the end of Crag Bank Crescent is likely to be extant as the turning head, approved by this consent, has been implemented. The approval relates to a part single part two storey dwelling, to the northeast of the application site.

3.3 The most relevant planning history is listed below.

Application Number	Proposal	Decision
17/00906/OUT	Outline application for the erection of 3 dwellings and creation of a new access	Refused
16/0173/TPO	To fell an over-mature ash tree	Approved
00/00646/FUL	Amendments to approved application 98/627 re: turning head and design and repositioning of dwelling number two	Refused but approved at appeal
98/00627/FUL	Renewal of 93/1162 to form turning head and erect two dwelling houses	Approved
93/01162/FUL	Erection of two houses with Turning Head	Approved
93/00390/OUT	Outline application to erect five dwellings and turning head	Refused

4.0 Consultation Responses

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

Consultee	Response
Town Council	Object on the following grounds: Aerial photography shows the property does not follow the line of Crag Bank Crescent; address of the applicant is incorrect; the ecology report is the same as submitted for an earlier application and since that time otters have been sighted near to the site; tree report does not mention a protected tree and members of the public have suggested that the replacement is not in the correct location; members of the public have suggested that the proposal would be against the Local Plan.
Environmental Health	No comments received within the statutory timescale
Tree Protection Officer	No objection. The submitted AIA must be revised and updated as it relates to the previous proposal, the location of the replacement silver birch ref. 16/0173/TPO has been plotted inaccurately, and a condition will be required in relation to landscaping.

County Highways	No objection.
Natural England	No objection on the understanding that foul drainage will be discharged to the main sewer system.
United Utilities	Comments. Recommend a surface water drainage scheme in accordance with the drainage hierarchy.
Lancashire Fire and Rescue Service	Comments. It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

5.0 Neighbour Representations

5.1 19 pieces of correspondence have been received objecting to the proposal and raise the following concerns:

- Impact on residential amenity – loss of privacy, light pollution, impact on views.
- Impact on highway and pedestrian safety including during construction; existing pavement is narrow on road condition; width of access is excessive for 1 dwelling; awkward access arrangements.
- Detrimental visual impact on the landscape; not in keeping with character of area – different type, size and material to existing houses; visible from the A6 and will appear to be in the middle of a field; unclear how building next to the Green Belt would strengthen this; should be incorporated into the Green Belt and such boundaries should follow natural features.
- Surface water drainage concerns.
- Impact on wildlife including Runoff into SSSI.
- Replacement of felled TPO tree should be where access is proposed and of a comparable size and species.
- Previous applications refused consent on land and has not overcome reasons for refusal of proposal for 3 dwellings.
- Loss of agricultural land.
- Set a precedent for further housing.
- Need for new dwellings in this area given other development proposed or under construction and emerging plan; 1 dwelling makes a negligible contribution to housing supply.
- Number of supporting documents are inaccurate or misleading – tree survey, ecology report, landscape and visual impact assessment.
- Vagueness in terms of proposal.
- Need for size of dwelling proposed.
- Consideration should be given to impact on approved dwelling (not constructed) at the end of Crag Bank Road.
- Applicant does not live at address shown.
- Covenant on 23 Crag Bank Road restricting development within 100 yards in a westerly direction.

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
Paragraphs 79, 80, 81, 87, 88, 89 and 90 – Protecting Green Belt land
Paragraph 109 – Protecting and enhancing valued landscapes
Paragraph 118 – Conserving and enhancing biodiversity

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 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.5 Development Management Development Plan Document (adopted July 2014)

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and woodland
DM35 – Key Design Principles
DM41 – New Residential Dwellings

7.0 Comment and Analysis

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

- Principle of the development of the land for housing
- Landscape and visual impact
- Highway impacts
- Impacts on residential amenity
- Ecology and tree implications

7.2 Principle of the development of the land for housing

7.2.1 The site is located within the Countryside Area, just outside the defined urban area of Carnforth and abuts the Green Belt. Given that it lies adjacent to the Green Belt boundary, rather than within it, the proposal cannot be considered to be contrary to Green Belt policy. However, the line of the Green Belt in this location does not follow any field boundary or other obvious feature on the ground and is instead a line drawn between two corners of the larger field. Visually the application site is part of the remainder of the field, although Thwaite Lodge does partly encroach into this, and the land is at a lower level than the highway and adjacent development, and slopes downwards to the west.

- 7.2.2 The Green Belt boundary leaves a relatively narrow triangular piece of field, outside the designation, to the rear of the bungalows fronting Crag Bank Crescent. The gardens to these properties reduce in length significantly to the north west of the row and, as such, one consideration when the Green Belt was originally designated could have been to leave the potential for the properties with shorter gardens to be extended in line with others, although this is not known. This piece of land formed part of the previous application for the erection of three dwellings. The current application relates to the erection of one dwelling to the northwest of Thwaite Lodge.
- 7.2.3 Although the site is within the Countryside Area, it is adjacent to the urban area of Carnforth and, as a result, the development would be in reasonably close proximity to services within the town. Therefore, from a locational perspective it would be considered to be sustainable. There were significant concerns with regard to the previous proposal for three dwellings that the development did not form a logical extension to the current edge of Carnforth or rounding off to the settlement. The access was considered to be awkward, utilising the garden of a residential property, and the development was considered to relate poorly, particularly in terms of its layout to the adjacent residential properties, mainly due to the very constrained nature of the site which has been determined by the boundary of the Green Belt. This particularly related to the two proposed dwellings in the narrow triangular section of land to the rear of the existing buildings which created an awkward form of backland development.
- 7.2.4 The current proposal does not form a natural rounding off to the development on Crag Bank Road, particularly due to the change in levels. However, it does relate better to the existing built development than the previous proposal as it would continue the line of development to the northwest and not extend to the rear of the existing bungalows. The site would still utilise the same access point. However, as it would only serve a single dwelling it would not create the same awkward relationship. The application boundary still extends up to the Green Belt, which does not follow any feature within the field. The submitted site plan and visualisation appears to show a garden boundary set in from this, more in line with the furthest extent of the garden to Thwaite Lodge. However, the red line boundary would allow the domestic curtilage to extend beyond this. Given this, the agent has been asked to amend the red line to correspond to the proposed field boundary. In response, it has been set out that the Green Belt Review 2016 identified that the Green Belt in this location has a weak boundary which is vulnerable to encroachment as no physical boundary is visible. The response goes on to say that by providing a physical boundary, they are demarking the Green Belt, therefore strengthening the boundary and reducing the risk of encroachment into the area. However, it is not clear how a strong boundary, more in line with the adjacent properties, would make the Green Belt vulnerable to encroachment, and having the boundary extending up to the Green Belt results in a greater visual encroachment into this field. The submitted plan also shows landscaping along the line of the Green Belt in order to strengthen this boundary. However, as set out above, this does not follow any natural feature so would likely create an unusual line of trees within the field and it would be more appropriate that the site boundary was reduced, as discussed above, and a strong boundary created at this point if consent was to be granted.
- 7.2.5 One of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. Although the site is outside the Green Belt, it was considered that the previous proposal would result in a significant encroachment into the countryside due to its poor relationship to the adjacent development in terms of form and layout and the sloping nature of the site, which is a clear part of the undulating pasture which makes up the adjacent Green Belt land that surrounds Carnforth on its southern side and contributes to the landscape setting of the town. As set out above, whilst the current proposal is at a lower level than the adjacent development, and would encroach into the field, it is better related to the existing development, particularly if the site boundary is reduced. Some of the supporting documentation appears to show the building as single storey, though the agent has confirmed that this would be split level, following the contours of the site. However, the design, scale and layout would be a reserved matter and is not considered at this stage.
- 7.2.6 A number of the responses received to the application have raised that earlier applications on this land have been refused and this proposal should be resisted for the same reasons and that it could set a precedent for further development. However, the current application must be determined on its own merits in accordance with the relevant planning policy at this time including a presumption in favour of sustainable development set out in the NPPF. Although this development would only contribute a single dwelling, Lancaster District has a significant undersupply of housing and this

therefore carries significant weight. Given that the current proposal would be outside the Green Belt, adjacent to the existing built up area of Carnforth, and better related to the existing layout of development, particularly if the site boundary is reduced, on balance it is considered that the principle of a single dwelling in this location is acceptable.

7.3 Landscape and visual Impact

7.3.1 The visual impacts of the proposal are contained by the existing topography; the main views of the development being from nearby residential properties, the end of Crag Bank Crescent and possibly briefly from the railway line, although there is a significant band of intervening trees. There may also be more distant views from the A6, although these would be limited due to existing development along this road and a wooded area that is likely to screen the site in summer months. It would also be seen in the context of existing dwellings. The submission does not set out how high the dwelling would be, though it has been advised that this would be single storey where it faces the road and two storey at the rear, following the contours of the site. The building would be set at a lower level than the highway and lower than the adjacent bungalows, which would limit its visual impact and prominence within the street scene. Overall, given the limited viewpoints and the position at the end of the row of dwellings, it is considered that there would not be a significant adverse visual impact as a result of the development.

7.3.2 The site does form part of the rolling drumlin landscape and, although the development is small in scale, it would alter the appearance of this. There were concerns in relation to the previous proposal that there would be stepped areas and retaining walls due to the engineering operations to create a level area for the dwellings. However, this is likely to be more limited with the current proposal and it could be designed in a way to follow the contours of the site, particularly if the height is kept lower than the adjacent development and the boundary brought more in line with Thwaite Lodge to limit the impact of associated domestic paraphernalia from more distant views. As set out above, the creation of a line of planting following the Green Belt boundary would likely create an unusual feature within the landscape. However, some planting could be incorporated to help soften the development along its boundaries.

7.3.3 A landscape and visual impact assessment has been submitted, but it just provides a visual amenity assessment and proposes some mitigation in terms of landscaping. Some concerns have been raised in the public comments about inaccuracies within this which have been noted. It also does not appear to provide an assessment of the impact on the landscape. However, for the reasons set out above, it is considered that a dwelling could be accommodated within the site without having a significant adverse landscape and visual impact. The siting, design and scale of this would be considered through a subsequent reserved matters application if consent is granted.

7.4 Highway Impacts

7.4.1 The Highways Authority has raised no objections to the application on highway safety grounds. The application relates to a small scheme and therefore there is unlikely to be a significant amount of traffic generated and there will only be the shared access drive/ road which would not benefit from a footway. Whilst access is a reserved matter, there is only one option given the location of the site. Clarification has been sought with the agent in relation to how the new access could be arranged to ensure that there were no conflicts with users of the driveway to Thwaite Lodge. The agent has advised that an extension to the dropped kerb could be made if necessary, and a plan has been provided to show how the two properties could use the access. The precise details would be covered by a subsequent reserved matters application. It would be expected that two parking spaces were created, and there is considered to be sufficient space to provide this.

7.5 Impacts on residential amenity

7.5.1 The site lies adjacent to Thwaite Lodge, 25 Crag Bank Road, and is at a lower level. The site plan has demonstrated that sufficient distance could be created in order to prevent overlooking between the properties or loss of light. Care would need to be taken in relation to boundary treatments, and the boundary to Thwaite Lodge is quite open at present. The presence of Thwaite Lodge and the topography would prevent any overlooking to the other adjacent bungalows on Crag Bank Crescent. It is considered that there would not be a significant impact in terms of light pollution from a single dwelling located adjacent to existing development.

7.5.2 Some concerns have been raised from the owner of the adjacent land, where there is consent for a single dwelling. This may be extant as the turning head, approved as part of that application, has been implemented. Considering the approved plans, a new dwelling could be positioned on the site without having a detrimental impact on future occupiers of the approved dwelling.

7.6 Ecology and tree implications

7.6.1 An ecology appraisal has been submitted with the application. This is the same as submitted with the previous application and was carried out in July 2017. Whilst it refers to the previous proposal, it covers the application site and is considered to be within an appropriate timescale to allow for impacts of the development to be adequately assessed.

7.6.2 No objections have been raised by Natural England in relation to potential impacts on the nearby designated site, Crag Bank SSSI, subject to the proposal connecting to the existing sewer system for the disposal of foul drainage. The agent has confirmed that it is envisaged this would be pumped up to the existing system. The submitted report sets out that the site comprises semi-improved grassland with low species diversity and ecological value. In terms of protected species, the site is considered to be of low value to amphibians, and no evidence of badgers were found although there are records within 2 kilometres. In terms of bats, it is considered that there would not be significant degradation of foraging habitat as a result of the proposal and no trees are proposed to be felled. The grassland is considered to have low value for nesting birds, the risk to brown hares is considered low, it is considered that the site is not of any local significance for invertebrates and the majority of the site has low value for reptiles although they may occur along the railway line. Overall, it is considered that the ecological value of the site does not provide a significant constraint to the development and some precautionary mitigation has been advised in the report.

7.6.3 Some of the public comments submitted have advised that there is a badger sett on the other side of the railway line and otters have been seen in the area. Mitigation has already been proposed within the ecology report as badger setts are known to occur within 2 kilometres. This mitigation is during construction to ensure that impacts will be minimised to badgers passing over the site and would also be relevant to otters and other animals to ensure that they do not become trapped in open trenches. The ecological value of the site has been fully considered in the report and therefore, subject to the precautionary mitigation, it is considered that there would not be a detrimental impact to protected species as a result of the proposal. In relation to bats it has been advised that roosting provision for crevice dwelling bats could be incorporated into the buildings on site or bat boxes could be erected in retained trees. These details can be requested by condition.

7.6.4 There is a single veteran ash tree to the north-western corner of the site which is implicated by the development. Unfortunately, the submitted assessment relates to the previous scheme for three dwellings and has not been revised to reflect the current proposals. This does need to be updated, however, it is likely that the scheme could be undertaken without undue pressure on either the above or below ground structures of this tree. A silver birch has been planted as a direct replacement following the authorised removal of a mature ash tree under permission 16/073/TPO, but has been inaccurately plotted on the proposed site plan. The replacement tree has been planted to the northern aspect of the existing boundary line, not to the southern aspect as shown. However, it is considered that it does not form a significant constraint to the development and, whilst the location is different to the original ash tree, this is acceptable. It is currently a small tree and could be transplanted if required in order to accommodate the access and it does assume the protection as the original tree which was subject to a TPO.

8.0 Planning Obligations

8.1 There are no planning obligations to consider in relation to this proposal.

9.0 Conclusions

9.1 The site is in close proximity to the existing urban area of Carnforth, and whilst it does not form a natural rounding in relation to the edge of the settlement, it is considered that the proposal would not have a sufficient landscape or visual impact to warrant refusal of the proposal. It also would not have a significant impact on highway safety, residential amenity or biodiversity. In accordance with paragraph 49 of the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development, and relevant policies for the supply of housing

should not be considered up-to-date if a five year supply of deliverable housing sites cannot be demonstrated. Therefore it is considered that any adverse impacts caused by the proposal do not significantly outweigh the benefits of the dwelling.

Recommendation

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

1. Standard outline timescale
2. Approved plans – in relation to location plan
3. Investigation of contamination
4. Foul and surface water drainage scheme
5. Ecology mitigation – including new bat roosting opportunities
6. In accordance with arboricultural implications assessment (to be updated) including tree protection measures
7. Remove permitted development rights – extensions and outbuildings

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 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