

Agenda Item A5	Committee Date 15 October 2018	Application Number 18/00365/OUT
Application Site Land Off Scotland Road Carnforth Lancashire	Proposal Outline application for residential development comprising 213 dwellings (Use Class C3) with associated vehicular and cycle/pedestrian access to Scotland Road and cycle/ pedestrian access to Carnforth Brow/Nether Beck, public open space, creation of wetlands area, construction of attenuation basins, erection of sub-station, installation of a pumping station and associated earth works and land regrading and landscaping.	
Name of Applicant Mr Richard Morton	Name of Agent Mrs Helen Binns	
Decision Target Date 22 June 2018 Extension of time 30 October 2018	Reason For Delay Negotiating amendments, addressing initial consultee objections and subsequent consultation.	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Approve	

1.0 The Site and its Surroundings

- 1.1 The application site relates to a 16.8 hectare parcel of land comprising undulating pastoral land located north of the main built up area of Carnforth on land designated as open countryside. The site lies beyond the Carnforth and Leeds railway line which abuts part of the southern boundary to the site. The south western corner of the site sits alongside a small existing employment area known as the Midland Units (office and industrial uses). Scotland Road (the A6) runs adjacent to the western boundary with further commercial premises (Travellers Choice coach depot) directly opposite the southern part of the site. To the north lies Truck Haven services which is separated from the site by the River Keer. Beyond Truck Haven services the strategic highway network (A601M) connects to the A6 where further employment premises are located, together with Pine Lakes leisure complex. Open pasture land, Netherbeck Holiday Park and a small cluster of existing dwellings sit alongside the eastern boundary of the site.
- 1.2 The existing site can be accessed off Scotland Road or Carnforth Brow (extending into Netherbeck) via existing field access points. Scotland Road is subject to a 50mph speed limit alongside the site frontage reducing to 30mph some 250m southwest of the railway bridge close to the existing supermarkets. North Road/Carnforth Brow is subject to a 20mph speed limit for most of its length increasing to 30mph as it leaves the residential area of the Whelmar estate and passes the south-eastern corner of the proposed site. A public right of way (FP26), which links Scotland Road and Carnforth Brow, also runs along the southern boundary of the site and the Midland Units before passing through the site and crossing the railway line at an uncontrolled level crossing in a steep cutting.

- 1.3 The site contains no buildings or structures and is currently used for grazing. There are several significant trees and hedgerows within and around the periphery of the site. These are currently subject to a provisional Tree Preservation Order, which is yet to be confirmed. The northern third of the site is also identified as priority habitat (Coastal Floodplain Grazing Marsh) and part of a much larger Nature Improvement Area. The River Keer lies outside the application site but abuts the northern boundary. A separate watercourse, known as Nether Beck, passes through the site in a general west-east direction with a series of other ditches within the northern part of the site. Between the northern boundary and the far southern boundary of the site there is almost a 15 metre level difference. Towards the River Keer levels are in the region of 5 metres Above Ordnance Datum (AOD) with the highest point along the southern boundary at circa 20 metres AOD. The southern part of the site is on an existing plateau where levels range between 10 metres AOD and 20 metres AOD. The land falls in a general south – north direction. The northern part of the site lies within flood zones 2 and 3 (the lowest part of the site) with the southern part of the site within flood zone 1 (the existing plateau). The site is also safeguarded for minerals under Lancashire’s Waste and Minerals Local Plan.
- 1.4 Aside from the designations noted above, the site itself is largely unconstrained. The site is not within the Conservation Area nor are there any Listed buildings within or near likely to be affected by the proposals. It is, however, very close to the south-eastern boundary of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) and the nature conservation sites associated with Morecambe Bay (Special Protection Area, RAMSAR and Site of Special Scientific Interest). Carnforth Ironworks Biological Heritage Site is circa 100 metres to the west but separated by the A6, existing built development and the West Coast Mainline.
- 1.5 Carnforth town centre is located around 0.8 to 1km from the site and provides a range of local services and facilities, including a medical centre, supermarkets, post office, some comparison retail, offices, restaurant/cafes/public houses, and employment land. The railway station is located around 1.3km metres from the centre of the site. Scotland Road also provides regular bus services along its length. The closest bus stop on the A6 is around 520 metres south west of the site at its closest point and around 900 metres from the centre of the site. Primary and secondary schools are situated off either North Road or Kellet Road and are also around 1.2 to 1.3km walking distance from the centre of the site.

2.0 The Proposal

- 2.1 The application seeks outline planning permission for residential development comprising 213 dwellings with an associated vehicular access off Scotland Road, together with the provision of public open space, the creation of a wetlands conservation area, construction of attenuation basins, earthworks and re-grading of the land and associated infrastructure including a pumping station and sub-station. As part of this outline proposal, the application seeks full consent for access, layout and landscaping. Matters pertaining to the scale and appearance of the development (i.e. the dwellings) are reserved for subsequent approval. The proposal originally submitted sought 232 dwellings, but during the determination period the scheme has been amended and has been subject to re-consultation.
- 2.2 The residential development and associated access points, earth works and associated infrastructure (save for the pumping station and part of one attenuation basin) are proposed within the southern part of the site identified as flood zone 1. The pumping station, the attenuation basins with some of the public open space are situated within flood zone 2 with the remaining land proposed for public open space and associated recreational facilities together with the landscaping and habitat enhancement areas (the wetland conservation area) situated within the northern half of the site identified as flood zone 3.
- 2.3 Given layout forms part of the consideration of this proposal, the applicant has been able to provide a detailed breakdown of the likely housing mix which comprises the following:
- 12 1-bed dwellings
 - 61 2-bed dwellings
 - 60 3-bed dwellings
 - 80 4-bed dwellings
- It is proposed that 40% of the total number of dwellings shall be affordable homes.

2.4 Access will be taken off Scotland Road with a new priority junction with a right turn ghost island. The access will be 7.3m wide with footways/shared cycleways. The proposed carriageway dimensions reduce into the site to 5.5m wide with footways. New pedestrian/cycle access points are proposed along Scotland Road and one single point off Netherbeck/Carnforth Brow with associated off-site highway works to make improvements to the network in these locations. The off-site highway works proposed include the following:

- Two new bus stops northbound and southbound on Scotland Road along the site frontage;
- Provision of a new 2 metre wide footway on the southeast side of Scotland Road between the site access and the new southbound bus stop;
- Extension of central hatching and start lighting on Scotland Road from the site access to Truck haven roundabout;
- Reduction in speed limit along Scotland Rad from 50 mph to 40 mph;
- Provision of a new 3 metre-wide shared footway/cycle along the site frontage on the southeast side of Scotland Road to a new pedestrian crossing point;
- Improvements and widening of footway on the north-western side of Scotland Road to a 3 metre-wide (where feasible) shared footway/cycleway extending up to the junction of the supermarkets;
- Provision of pedestrian crossing facilities on Scotland road adjacent to Border Aggregates
- Provision of footway improvements on the south side of Carnforth Brow from the railway bridge to junction with Browfoot Close under the railway bridge.

The proposal also seeks the diversion of the public right of way to facilitate the closure of the existing uncontrolled level crossing to the south of the site.

2.5 Approximately 4.3 hectares of the northern part of the site is reserved to provide a new wetland bird conservation area. Restricted access is proposed within this area though paths and interpretation boards are intended around the edge. The whole area will be subject to long-term management. The scheme also proposes significant new areas of public open space to support the development and the wider community. This includes general amenity space with a trim trail, open parkland, an equipped play area for children up to 12 years and young person's provision including a cycle track. Two attenuation basins, which form part of the site's sustainable drainage system, shall be incorporated into this wider area of public open space.

2.6 Extensive landscaping proposals are included as part of the proposal including swathes of structural planting through the site and around the margins of the site, together with soft landscaping proposals to support the areas of open space and the general design and layout of the built development. Three trees and approximately 340 linear metres of hedgerow are to be removed as part of the proposals.

2.7 To construct appropriate development platforms the proposal also includes changes to the site levels within the southern part of the site only. The earthworks proposed is in the region of 28,880m cubic metres of cut and 13,800 of fill with the surplus to be removed off site. This will be subject to some variation so long as the proposed levels are maintained.

3.0 Site History

3.1 There is no planning history associated with the proposed site, except for a recent Screening Opinion required under the Environmental Impact Assessment Regulations. This is referenced below. There have been formal pre-application discussions held between the developer and the local planning authority since June last year. The applicant has also engaged with other statutory consultees at the pre-application stage, such as the local highway authority, and the local community, Ward Councillors and the Town Council.

Application Number	Proposal	Decision
17/01383/EIR	Screening opinion for erection of up to 250 dwellings	Not EIA development
17/00767/PRETWO	Residential development comprising circa. 260 dwellings, creation of access,	Advised that the site should advance via the Local Plan. If an application was to be advanced, officers advised it would be one where the benefits of the

	public open space and associated works	scheme (housing delivery at that time) would need to be carefully balanced by the impacts.
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4.0 Consultation Responses

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

Consultee	Response
Carnforth Town Council	<p>No objection. Two letters of support have been received. The Town Council supports the application for the following reasons:</p> <ul style="list-style-type: none"> • The proposal represents an attractive, high quality extension to the town which fits sensitivity within its context, respects the landscape, creates sustainable development and contributes towards housing needs in the district; • The proposal is designed to reduce carbon and save energy, conserve water and enhance biodiversity and provide safe and accessible open space and recreational facilities; <p>The Town Council states they were impressed by the evidence base, engagement and the quality of the submission and strongly believe and support the statement that the development will meet identified housing (including affordable housing needs) and that the scheme has been designed to meet the needs of a '21st century neighbourhood'. The Town Council have stressed that the impacts of growth should be mitigated and investment secured in existing infrastructure through the planning/s106 process.</p>
Highway Authority (HA) (Lancashire County Council)	<p>No objections subject to the imposition of conditions to secure an appropriate and safe access, the off-site highway improvements to enhance accessibility between the site and local services/facilities, wheel cleaning facilities during construction, cycle provision and the submission of a Travel Plan. HA also seeks a financial contribution towards re-signalling of the traffic lights at the town centre crossroads to mitigate the impacts of the development traffic through the crossroads. In response to the amended plans, HA has raised concerns over the loss of visitor parking suggesting this would be detrimental to the amenity of residents and vehicle manoeuvring. No comments have been received in response to the updated Technical Note. A verbal update will be provided.</p>
Highways England (HE)	<p>No objection. HE concludes that the proposal in isolation would not result in a severe traffic impact upon the strategic road network.</p>
Network Rail	<p>No objection subject to the closure of Brow Foot Level Crossing and the diversion of the public right of way under s257 of the Town and County Planning Act 1990. Network Rail recommends such should occur before first occupation of any new residential units. Network Rail has also issued extensive asset protection comments regarding works within proximity to the railway line.</p>
Ramblers Association (RA)	<p>Following the submission of amended proposals, the Ramblers Association wishes to raise no objections to the proposal. Their previous concerns have been withdrawn on the grounds that the indicative diversion for the public right of way is satisfactory from their perspective.</p>
Public Right of Way (PROW) Officer (Lancashire County Council)	<p>Following the submission of amended proposals, the PROW Officer has no objections to the development and is satisfied that the proposed diversion for the existing public footpath is satisfactory. The applicant is advised that the diversion order must be made, advertised and confirmed and the alternative route provided before commencement of development.</p>
Environment Agency (EA)	<p>Following the submission of amended plans and a revised Flood Risk Assessment (FRA), the EA has no objections to the development and has withdrawn their earlier concerns. The EA is satisfied the development would not be at risk of flooding or exacerbate flood risk elsewhere and recommends the development is carried out in accordance with the mitigation measures set out in the revised FRA.</p>
Lead Local Flood Authority (LLFA)	<p>Following the submission of amended plans and a revised Flood Risk Assessment, the LLFA has no objections to the development and has withdrawn their earlier concerns. The LLFA recommends the following conditions:</p>

	<ul style="list-style-type: none"> • Surface water drainage details to be submitted and agreed before the commencement of development; • No occupation under the agreed scheme has been completed; • Scheme for management and maintenance of the agreed Surface Water Drainage scheme (pre-occupation);
United Utilities	No objections subject to the foul and surface water being drained on separate systems with no surface water connecting to the public sewer, and that the development shall be carried out in accordance with the FRA.
Arnsdale and Silverdale AONB Partnership	Following the submission of amended proposals, the AONB partnership maintain concerns that the proposal will have a negative impact on the character of the setting of the AONB when viewed from Warton Crag. The AONB partnership has recognised the applicant has been responsive to their previous objection, but recommend in the event the Council supports the application that enhancements are secured by condition (including areas for woodland, green corridors, additional trees and priority habitat). They also recommend that the setting and views from the AONB will be affected by lighting and that a condition should be are secured to minimise light spill and glare.
Natural England (NE)	Following the submission of the amended proposal, NE has removed their earlier concerns and now confirms that they have no objections to the proposal, noting that the development will not have significant adverse impacts on protected landscapes. NE advise that the coastal and floodplain grazing marsh should not have any public access and that a management plan is submitted to demonstrate how this area would be managed and maintained. These comments are advisory. NE offers their standing advice in relation to protected species and priority habitats. NE has indicated that on consideration of the information they are satisfied the proposals will not have likely significant effects on the designated sites, but that the authority should record this in the form of a Habitat Regulations Assessment. The HRA has been issued to NE for comments. A verbal update will be provided.
Greater Manchester Ecology Unit (GMEU)	No objections to the development and advises that the proposal will not cause harm to the special nature conservation interests of the nearby European Sites, the special interests of the nearby SSSIs or the Carnforth Ironworks Biological Heritage Site. On behalf of the Council, GMEU has undertaken a Habitat Regulations Assessment (Stage 2 Appropriate Assessment) which concludes, with certainty, that the proposed development will not have any harmful effects on the special nature conservation interests of the European sites concerned and will not adversely affect the integrity of the European sites concerned. This is provisional on the basis that the mitigation measures described in the application are implemented in full and would need to be conditional of any planning permission. GMEU is satisfied that the proposals will not adversely affect the priority habitat (Coastal Floodplain Grazing Marsh), as this is largely to be retained, enhanced and managed as part of the proposals. Any losses will be compensated for by the creation and management of the wetland bird conservation area proposed and by extensive areas of greenspace. No objections subject to detailed landscaping plan being prepared and a comprehensive Habitat and Landscape Creation Management Plan being secured as part of any s106 agreement, and securing the following by condition: Environmental Construction Management Plan, and no works within the bird nesting period. Overall, concludes the proposal, if implemented appropriately, should result in net gains in biodiversity.
Tree Officer	Following the submission of a revised Arboricultural Implications Assessment (AIA, Version 3), the Council's Tree Officer has no objections to the principle of the scheme but still has concerns over the layout around T15 (protected tree) and the implications of the off-site highway works around the roadside hedgerows and trees.
Wildlife Trust	No comments received at the time of compiling this report or within the statutory consultation period.
RSPB	No comments received at the time of compiling this report or within the statutory consultation period.
Environmental Health Services - Noise/Vibration	Following an amended acoustic report, the Environmental Health Officer (EHO) raises no objection in terms of the mitigation measures proposed to address noise from adjacent transportation corridors but has raised concerns over the layout and the relationship of the proposed residential dwellings sitting alongside the adjacent commercial premises. Whilst mitigation is proposed in the form of an acoustic fence

Contaminated Land	around certain plots, the EHO is not convinced such would form adequate mitigation. Negotiations are ongoing regarding this matter. A verbal update will be provided.
Air Quality	No objections and recommends standard site investigation/remediation/soil importation conditions.
Canal & Rivers Trust	Objection claiming the developer has not evidenced that the proposed air quality mitigation will effectively reduce air pollution and therefore not contribute to the air pollution within the Air Quality Management Area. A revised assessment has been submitted and is still being considered by the Council's EHO. A verbal update will be provided.
Lancashire County Council Schools Planning Team	Consultation returned as it falls outside that notified area for providing statutory comments.
Planning Policy Team	No objections subject to a contribution for 14 secondary school places potentially raising to 19 subject to other pending decisions that could impact on this development should they be approved prior to this decision being made. No contribution towards primary school places are sought. A revised assessment has been requested ahead of reporting to Planning Committee. A verbal update will be provided.
Public Realm Officer	The policy team has provided an updated position on the 5 year housing land supply and has indicated that whilst the tilted balance would no longer be engaged as part of the determination of this application, proposals which deliver housing which are genuinely sustainable and are consistent with the policy framework of the Local Plan should continue to be supported. However, the policy team remain concerned over the relationship of the site with the existing settlement pattern of Carnforth, indicating that the site represents an unnatural encroachment into the countryside.
Strategic Housing Officer	No objection noting that the proposed public open space incorporated in this development is exceptional and should be commended. If granted planning permission, the following should be secured: <ul style="list-style-type: none"> • on-site formal Amenity Green Space; • on-site accessible Natural Green Space (in lieu of an off-site contribution towards Parks and Gardens as the proposal is exceptional in this regard); • on-site Equipped Children's Play Area, and; • Young Person's Provision; The on-site requirements are all indicated on the submitted Landscape Masterplan with the submission demonstrating a good understanding of integrating design with the natural environment. The Public Realm Officer also seeks an off-site contribution towards outdoors sports facilities (circa £260,000), towards public adult and junior sports pitches. This contribution is suggested to go towards a planned sports hub in the south of Carnforth which forms part of the emerging Local Plan.
Conservation Team	No objections and is satisfied that the proposed housing mix suitably aligns with the most recent housing needs survey (2017).
Lancashire Archaeology Advisory Service	The Council's Conservation Team considers the Midland Units Non-Designated Heritage Assets (NDHA) and considers policy DM32 relevant to the determination of the application. No objections are raised to the proposal on the grounds that the new buildings must be no taller than 2 storeys in order to sit subordinately within the landscape to the NDHAs. The Council's Conservation Team is satisfied with the assessment of potential buried archaeological interests and supports the recommendations of Lancashire Archaeological Advisory Service. Early comments from the Conservation Officer indicate that given the prominence of the site on approach to the Conservation Area, that development fronting the A6 should reflect traditional materials.
Lancashire Constabulary	No objections – a phased scheme for investigative works including trial trenching is required with the details of the scheme for investigation to be agreed before development commences.
	No objections subject to several recommendations pertaining to development security (specifications of windows/doors/boundary treatments), the promotion of natural surveillance, external lighting, landscaping and provision of in-curtilage parking, security during construction and advise that the development should be built to Secured by Design Homes 2016 standards.

Lancashire Fire Service	No objections – advice provided in relation to compliance with Building Regulations (Part B)
Lancaster Canal Trust	No comments
City Contract services	No objections to the proposal subject to roads being built to adoptable standards to ensure the development can be appropriated serviced by refuse vehicles.
National Grid	No comments received at the time of compiling this report or within the statutory consultation period.
Electricity North West	Advise that they have apparatus that could be affected by the development and advise that the development will need to ensure the development does not encroach any ancillary rights of access or cable easements, unless such is diverted at the development's expense.

5.0 Neighbour Representations

5.1 At the time of compiling this report, 3 letters of objections have been received: A summary of the reasons for opposition are as follows:

- Lack of appropriate infrastructure in place to support major housing growth;
- The housing need is questioned, noting that that up-take for new homes is slow resulting in “ghost towns”;
- There are brownfield sites that should be considered and advanced ahead of this greenfield site;
- Increase in flood risk and loss of flood plain;
- Concerns expressed over the PROW diversion and that the proposed alternative route is not judged a safe route.

8 letters of support have been received. A summary of the reasons for support are as follows:

- Good community consultation and pre-application engagement/evidence gathering;
- Urgent need for sustainable housing (including affordable housing) in the town;
- The development will create a positive gateway into the town;
- Provision of recreational facilities and open space;
- Nature conservation benefits;
- The site is sustainably located with good access to services;
- The proposal will enhance the community;
- Exactly the type of development which should be encouraged.

Councillor John Reynolds as Ward Councillor for Carnforth has written in support of application, commending the applicant's approach to public engagement and indicating that the applicant has made excellent use of the land accounting for flood risk and landscape considerations. Councillor John Reynolds also raises no objections to the application.

6.0 Principal National and Development Plan Policies

- 6.1 Paragraphs 7 to 10 Achieving sustainable development
Paragraph 11 to 14 The Presumption in favour of sustainable development
Paragraphs 47 to 50 – Determining applications
Paragraphs 52 to 56 – Planning Obligations
Paragraphs 59, 60, 62 – Delivering a sufficient supply of homes
Paragraph 68 – Identifying land for homes
Paragraph 74 – Maintaining supply and delivery
Paragraphs 77 to 78 – Rural Housing
Paragraphs 91, 92, 94, 96 and 98 – Promoting healthy and safe communities
Paragraphs 102 to 103, 108 to 111 – Promoting sustainable transport
Paragraphs 117 to 118, 122 to 123 – Making effective use of land
Paragraphs 124, 127, 129, 130 - Achieving well-designed places
Paragraphs 148, 155, 163 and 165 – Flood risk
Paragraphs 170, 172, 175 - Conserving the natural environment/habitats and biodiversity
Paragraphs 178 to 180, 182 - Ground Conditions and Pollution
Paragraphs 189 to 192, 196, 197 and 200 – Conserving and enhancing the historic environment

- 6.2 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 enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in early January 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in mid-2019.

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
SC2 – Urban Concentration
SC4 – Meeting the District's Housing Requirements
SC5 – Achieving Quality in Design
SC8 – Recreation and Open Space

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

E3 – Development affecting AONBs
E4 – Countryside Area

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficiency and Travel Plans
DM25 – Green Infrastructure
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM33 – Development Affecting Non-designated Heritage Assets
DM34 – Archaeological Features and Scheduled Monuments
DM35 – Key Design Principles
DM37 – Air Quality Management and Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM40 – protecting Water Resource and Infrastructure
DM41 – New Residential dwellings

DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure
DM49 – Local Services

6.6 Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part 1

Policy M2 – Safeguarding Minerals

6.7 Emerging Local Plan Policies

A Local Plan for Lancaster District 2011-2013 Part One: Strategic Policies and Land Allocations DPD (Publication Version, February 2018):

SP2 – Lancaster District Settlement Hierarchy

SP3 – Development Strategy for Lancaster District

SP6 – The delivery of New Homes

SP8 – Protecting the Natural Environment

SP10 – Improving Transport Connectivity

EC5 – Regeneration Priority Areas

EN7 – Local Landscape Designations (Urban Setting Landscapes)

EN5 – The Open Countryside

A Local Plan for Lancaster District 2011-2013 Part Two: Review of the Development Management DPD (Publication Version, February 2018):

DM1 – New residential development and Meeting Housing Needs

DM4 – Residential development outside Main Urban Areas

Arnsdale and Silverdale AONB DPD (Submission version):

AS01 – Development Strategy

AS02 - Landscape

6.8 Other Material Considerations

- National Planning Practice Guidance;
- Technical Guidance to the NPPF
- Strategic Flood Risk Assessment (October 2017)
- Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015)
- Application of the Flood Risk Sequential Assessment Test and Exception Test Planning Advisory Note (PAN) (February 2018)
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council September 2018 Housing Land Supply Statement;
- Housing Needs Affordable Practice Note (September 2017);
- Lancaster Strategic Housing Market Assessment (February 2018);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points – New Developments (September 2017).
- Low Emissions and Air Quality Guidance for Development Planning Advisory Note (PAN) (September 2017).
- A Landscape Strategy for Lancashire (2000)
- Arnsdale and Silverdale AONB Management Plan (2014-19)
- Arnsdale and Silverdale AONB Lancaster Seascape Character Assessment (Nov, 2015)
- Lancashire Minerals and Waste Local Plan Policy M2 and guidance documents
- Natural England TIN049 Agricultural Land Classification: protecting the best and most versatile agricultural land (Dec, 2012).

7.0 Comment and Analysis

The main planning issues to be addressed are as follows:

- Principle of development;
- Mineral safeguarding;
- Loss of agricultural land;

- Landscape;
- Flood risk;
- Access, traffic and connectivity considerations;
- Air Quality;
- Ecology;
- Cultural heritage;
- Design and amenity; and
- Noise.

7.1 Principle of Development

- 7.1.1 The spatial strategy for the District is embedded in the Core Strategy (SC1 and SC2) which seeks to direct most housing and employment growth to the main urban areas of Lancaster, Morecambe Heysham and Carnforth. This is to promote and build sustainable communities with new development located where there is good access to public transport, employment, retail and leisure services/facilities to reduce and better manage the demand for travel, minimise natural resources and safeguard our environmental capital.
- 7.1.2 Specifically, policy SC1 requires development proposals to be convenient to walk, cycle and travel by public transport between homes, workplaces, schools and other services; to be on previously developed land; not be at risk of unacceptable flooding or cause flooding off-site; to be developed without loss or harm to features of biodiversity, landscape, archaeological or built heritage importance; and that the proposed use would be appropriate to the character of the landscape.
- 7.1.3 Whilst partially superseded by policies within the Development Management Development Plan Document (DM DPD), policy SC2 promotes an urban-concentration approach to development in the District and recognises proportionate growth would be required in Carnforth to reflect its role as a key service centre. The DM DPD (DM42) provides greater flexibility for rural settlements, but still places significant emphasis on the need for new development to be located in sustainable centres where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion. This approach is not envisaged to change as part of the emerging Local Plan, which continues to have an urban-focused approach to the spatial distribution of development and continues to recognise Carnforth as a key service centre. Carnforth is considered an important centre not only to support its own needs but to support surrounding constrained settlements and the countryside where development opportunities are limited, such as settlements within the nearby AONB.
- 7.1.4 Nevertheless, this site is not an allocated site nor is it proposed to be an allocated site in the emerging Local Plan. It is designated countryside and protected as such under saved policy E4. This policy requires new development to be in scale and in keeping with the character and natural beauty of the landscape; be appropriate to its surrounding in terms of siting, scale, design, materials, external appearance and landscaping; would not result in a significant adverse effect on natural conservation interest and makes satisfactory arrangements for access, serving and parking. These are matters to be addressed later in this report.
- 7.1.5 The emerging Local Plan proposes significant strategic growth in South Carnforth. This proposal would be completely at odds with the spatial distribution of future growth envisaged in the town. The amount of weight that can be afforded to the emerging Local Plan and specifically the strategic sites in Carnforth is, at this time, limited due to the stage of preparation of the emerging Local Plan but more specifically the extent to which there are unresolved objections to the relevant policies. It is contended that an argument of prematurity could not be substantiated. Therefore the determination of the application must proceed on the basis of the policies contained in the Development Plan and any other material considerations.
- 7.1.6 Following the publication of the revised National Planning Policy Framework (NPPF) in July 2018 and the publication of the 2016 sub-householder projections in September 2018, Lancaster City Council has reviewed its 5 year housing land supply. Using the standard methodology as described in the Planning Practice Guide, the local housing need figure identified by the 2016 sub-householder projections and incorporating a buffer as required by NPPF, Lancaster District has a minimum annual requirement of 138 dwellings. Having undertaken a detailed assessment of the deliverability of all sites capable of delivering 5 or more dwellings (i.e. investigating sites for their suitability,

availability and achievability for housing) to create a housing trajectory, Lancaster District can demonstrate a 5 year housing supply with 13.3 years identified. Whilst the NPPF has been revised, its overall direction has been maintained, with local authorities required to significantly boost the supply of homes in their area. It can only do this if it continues to approve appropriate housing schemes. Therefore just because Lancaster District can currently demonstrate a 5 year housing land supply it does not mean that residential proposals should be refused planning permission unless material considerations indicate otherwise. Whilst weight is still attributed to the delivery of housing, the fundamental change is that additional weight is not applied to this material consideration (i.e. the tilted balance is not applied).

7.1.7 The proposed development has been designed to secure an appropriate mix of housing to reflect the local housing needs set out in our most recent housing needs evidence. The proposed housing mix is supported by the Council's Strategic Housing Officer. The town itself is an extremely constrained town and consequently has seen very little growth over the past decade. The provision of 213 new homes including a 40% provision towards affordable housing would make a positive contribution to the supply of housing in Carnforth specifically supporting its role as a key service centre for the north of the District.

7.1.8 Whilst the site is greenfield and outside the defined settlement of Carnforth within countryside area, it is immediately adjacent to the built-up area with good access (enhanced by the proposed off-site highway works) to local services and public transport. Accordingly, the proposal would conform to the urban-concentration principles set out in policies SC1 and SC2 of the Core Strategy and the policy direction set out in emerging policy SP2 of the Strategic Allocations and Policies DPD. This weighs in favour of the proposal.

7.2 Loss of Mineral Safeguarding Land

7.2.1 The site and surrounding land is located within a Mineral Safeguarding Area under Lancashire's Waste and Minerals Local Plan. Policy M2 of the Waste and Minerals Plan states that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals. The policy sets out circumstances where incompatible development may be acceptable, for example where there is an overriding need for the development that outweighs the need to avoid mineral sterilisation. It requires proposals for development other than non-mineral extraction, to demonstrate that they will not sterilise the resource or that consideration has been given to prior extraction, on site constraints and the need for the proposed development. The NPPF states that local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. The application is supported by a detailed Minerals Assessment which has adequately satisfied officers that the prospects for prior extraction of minerals would not be environmentally or economically viable and on this basis the development is not considered to conflict with Lancashire's Waste and Minerals Plan or paragraphs 205 and 206 of the Framework.

7.3 Loss of agricultural land

7.3.1 The proposed development would result in the loss of pastoral land for grazing. To support the application, the applicant has provided an Agricultural Land Classification Assessment. For the avoidance of doubt, 'best and most versatile' agricultural land is considered Grade 1, 2 and 3a. The applicant's assessment concludes that the land should be categorised as Grade 4 and 3b agricultural land. Officers are satisfied with the methodology and conclusions of this assessment. In this instance, the development of the site for non-agricultural development would not result in the loss of 20 hectares (a trigger for engaging with Natural England) of grades 1, 2 of 3a land and therefore is judged not to have significant adverse environmental or economic impacts in relation to the protection of natural resources. The proposal complies with policy DM 27 of the DM DPD and paragraph 170 of the Framework.

7.4 Landscape

7.4.1 The proposed site forms an unallocated site beyond the established built up area of the town within designated countryside area. It is also within close proximity to the Arnsdale and Silverdale AONB. Accordingly, a detailed Landscape and Visual Impact Assessment (LVIA) has been submitted (and amended) to support the proposed development.

- 7.4.2 The area is located within the Morecambe Coast and Lune Estuary National Character Area. At county level, the local landscape character is identified as the Carnforth – Galgate – Cockerham Low Coastal Drumlins. The AONB Seascape Character Assessment draws the landscape character types down further, which identifies the site within both the low coastal drumlin character type and the River Keer/Warton Floodplain, which clearly reflects the change in topography over the site. There are a number of key characteristics associated with the identified landscape character areas/types, which of note recognises that away from the coast and outside urban areas, the landscape consists predominately of undulating pasture land; low lying landscapes comprise mosaics of wetlands rich in biodiversity; fields divided by drainage ditches and used for grazing; small to medium scale drumlins; distinctive hedgerows and woodland areas limited to the tops and sides of drumlins; development focused along key transport corridors (which as the A6), scattered farmsteads and caravan sites, and housing estates built on the sides of drumlins.
- 7.4.3 The above characteristics are evident on the site, with the lower part of the site forming part of the floodplain to the River Keer and the southern part of the side rising and forming the edge of the drumlin which extends south beyond the railway line. This existing drumlin feature is relatively undisturbed on its western side and provides a green wedge within the built up area of the town with the roofscape of properties on North Road visible in the distance. The eastern side of the drumlin has been developed as the Whelmar Estate. Existing transport corridors, namely the A6 and the railway line, neighbour the site with development located along their corridors in the vicinity of the proposed site.
- 7.4.4 The point here is that whilst the proposed site is located in the countryside area, the character of the site and its immediate surroundings is not a one that could be described as being completely open and rural in character. It is located along a significant transport corridor and lies immediately adjacent to existing development. Saved policy E4 requires development to be in scale and in keeping with the character and natural beauty of the area and to be appropriate in terms of siting, scale, design, materials and landscaping. Given the location of the site immediately adjacent to the edge of the existing urban area, adjacent to existing transport corridors with development alongside and opposite the site, together with housing on more elevated locations to the south, it is accepted that the effects of the development on the local landscape character would be low. The harm is more localised and relates more to the settlement pattern of the town. The development to the site will form an unnatural extension of the built environment which conflicts to a degree with policy DM35 which seeks proposals to positively contribute to the identity and character of the area. The site specifically forms a rural setting to the settlement. This will be lost by the development.
- 7.4.5 Looking beyond the impact on the existing settlement pattern of the existing town, the proposal has taken a landscape-led approach to the scale and design of the development, which the applicant contends would arguably have a **medium beneficial** effect on the landscape in the long term. Officers are satisfied that whilst the proposal will have an urbanising impact on the character of the site itself and results in a slightly discordant extension to the town, the proposed development would not have a significant adverse impact on the local landscape character type. The proposed structural planting, open space and habitat enhancement areas will have a beneficial effect in the long term provided such is appropriately secured and appropriately managed.
- 7.4.6 The LVIA has focussed heavily on the impacts of the development on the AONB, in particular its setting as the site does not lie within the boundary of the AONB itself. The impact on the AONB has been a key consideration from the outset (at the pre-application stage). The initial scheme for 232 dwellings resulted in an objection from both the AONB Partnership and Natural England (NE). The AONB Partnership did not share the conclusions of the LVIA and considered the magnitude of change on the landscape character of the setting of the AONB to be **medium adverse**, rather than **low to medium beneficial** as claimed in the assessment. Their concern being that the density, scale and expanse of housing would urbanise the rural landscape which provides an important setting to the AONB. The AONB Partnership provided a steer on how to resolve the concerns.
- 7.4.7 Given that the AONB benefits from the highest status of protection as set out in both local and national planning policy, the applicant has amended the scheme in order to address the concerns of the AONB Partnership and NE. The amended scheme now includes significant new planting to the western boundary and structural planting throughout the scheme. These amendments seek to provide a high quality and permanent landscaped boundary between the site/edge of the built-up area and the AONB and to create a layering effect when the site is viewed from elevated positions

within the AONB (Warton Crag). Such landscaping is proposed to break up the expanse of new built-up development so that the proposal better integrates with the surrounding landscape character. The applicant's position is that the development will not have a detrimental effect on the setting of the AONB. Instead, over time the overall effect on the setting will be ***slight beneficial significance*** on the basis that the proposed landscaping, open space, wetland conservation area will reinforce the strong landscape identity.

- 7.4.8 With regards the visual impacts, it is accepted that the receptors most affected are those living alongside the site and recreational users of the public rights of way within relatively close range of the proposed site, with the exception of the viewpoint from Warton Crag within the AONB. This latter viewpoint is considered to have a moderate adverse impact due to its high level of sensitivity to change. A series of viewpoints have been provided to support the application which helps illustrate the change in views that would be experienced as a result in the development at year 0 and year 10. In the worst affected viewpoints, the magnitude of change in the visual environment is considered to be moderate adverse.
- 7.4.9 Following the submission of the amendments, NE has now withdrawn their earlier objections and note that the landscape and visual impacts are minimised as far as possible through the proposed landscape scheme and additional planting within the estate. Specifically, they have stated that the development would not compromise the purposes of designation or special qualities of the AONB. The AONB Partnership maintains concerns over the proposal and contend the development will still have negative impacts on the character of the setting of the AONB.
- 7.4.10 In considering all the evidence presented and the comments of the statutory and non-statutory consultees, on balance, officers are satisfied with the conclusions of the LVIA. The conclusions of the LVIA still recognise that the impacts of the development will have some residual adverse effects even with the proposed mitigation for those receptors most affected.
- 7.4.11 The proposed mitigation will improve the views but it is anticipated that the effects from moderate adverse to low adverse (as anticipated in the LVIA) would depend on a number of variables, not least the time it will take for planting to establish. The inclusion of heavy standards as part of the planting proposal is welcomed and would support the mitigation proposed. This could be enhanced further by the provision and inclusion of the structural planting at an early stage of the development. In the event the proposal is supported a phasing condition is recommended which could address this matter.
- 7.4.12 Saved policy E3 and policy DM27 indicates proposals which would have a *significant adverse* effect upon the character of the designated landscapes should be refused. Whilst there may be some adverse effects, particularly in the early stages of the development, in the long term those impacts will be mitigated as part of the extensive landscaping proposals and overall it is considered that the impacts of the development on landscape character would not lead to significant adverse impacts. Accordingly, the proposal does not conflict with local landscape policy of section 15 of the Framework.

7.5 Flood Risk Considerations

- 7.5.1 Planning policy and guidance aims to steer new development in areas at least risk of flooding. Policy DM38 of the Development Management DPD defines area which are vulnerable to flood risk as flood zones 2, 3a and 3b and local sources of flooding. Any new development vulnerable to flood risk must then meet the requirements of paragraphs 155 to 165 of the NPPF in relation to the sequential and exception tests and the production of a site-specific flood risk assessment.
- 7.5.2 The application site straddles all three flood zones. In accordance with the Councils' Application of the Flood Risk Sequential Assessment Test and Exception Test Planning Advisory Note (PAN) (February 2018), the applicant has taken an intra-sequential approach to the redevelopment of the site which has negated the need for a sequential test. The applicant's position from the outset has been to locate the residential dwellings within flood zone 1, which comprises land assessed as at a low risk of flooding with less than a 1 in 100 annual probability of river or sea flooding. This is consistent with both national and local flood risk policy and guidance. The remaining parts of the site are to incorporate significant areas of open space and play provision, landscaping and new wetland habitat. Such uses are acceptable in flood zones 2 and 3 and are regarded water-compatible development. This approach is also deemed policy compliant. The applicant's flood risk

assessment (FRA) has considered this matter further and indicates that whilst the children's play area would be affected by the 1 in 100 year or greater probability of river flooding, given its distance from the watercourse and the elevation of the site (in the location of the play area) there would be adequate time for retreat prior to flood water reaching the play area. In terms of the location of the bike track which is situated within flood zone 3, the FRA concludes that this would need to be designed to maintain the current volume of flood plain storage.

- 7.5.3 Aside from the flood risk considerations associated with the principle of developing the site, development proposals and planning decisions should also demonstrate that sites can drain without causing a risk of flooding. The design of the development has positively evolved having regard to the drainage requirements from the outset. The applicant has provided appropriate supporting information pertaining to ground conditions, infiltration testing and the feasibility of securing a suitable surface water drainage strategy for the site, which has had regard to the sustainable drainage hierarchy. Due to the underlying ground conditions, it has been concluded that infiltration is unlikely to be a feasible option. The second consideration should be draining to a watercourse. Nether Beck, which is a tributary to the River Keer, is an existing watercourse which runs through the site. This clearly provides a feasible option for managing surface water drainage. For this to be acceptable, the discharge to the outfall at the watercourse must be restricted to a greenfield rate. To support this drainage strategy, attenuation basins are proposed as part of the layout of the development. These basins are positioned within flood zone 2.
- 7.5.4 There were initial objections to the proposals from the Environment Agency and the Lead Local Flood Authority relating to the positions of the attenuation basins within flood zone 2. As part of the revised Flood Risk Assessment and following negotiations with both statutory consultees, the applicant has overcome these concerns by a slight modification to the design and position of the attenuation basins. The required easements (8 metres) to the watercourse are now protected as part of the revised layout and the crest levels for the basins (bunds) shall be set at a level of 8.50 metres AOD (above the accepted flood level - 7.09m to 7.62m AOD) to prevent inundation of flood water during a flood event. Both statutory consultees have now withdrawn their objections.
- 7.5.5 With regards foul drainage, the applicant seeks to connect to the existing sewer on Scotland Road via a pumping station proposed in the north west corner of the site. The applicant indicates that if connecting to the sewer is unfeasible they would consider a treatment plant. Preference would be for the foul water to drain to the sewer. Subsequently any alternative system would require robust justification. United Utilities has raised no objection to the proposal subject to conditions to ensure the development is carried out in accordance with the FRA. For the avoidance of doubt, officers consider it necessary to include a condition for details of the foul drainage to be submitted to and agreed before the commencement of development.
- 7.5.6 In conclusion, the applicant has adequately demonstrated that the site is capable of being drained and that the development would not be at risk of flooding or increase the risks elsewhere. There are no objections from the relevant statutory consultees subject to the imposition of conditions relating to the development being carried out in accordance with the FRA, details of surface water and foul water drainage schemes and maintenance plans being submitted to and agreed by the local planning authority (in consultation with consultees) and a separate condition relating to any earthworks required within the floodplain area to deliver the young person's play provision (bike track). The proposed development accords with the requirements of DM38, DM39, DM40 of the DM DPD, policy SC1 of the Core Strategy and paragraphs 163 and 165 of the Framework.
- 7.6 Access, connectivity and traffic considerations
- 7.6.1 Given the scale of the development, the application has been supported by a detailed Transport Assessment (TA) and Framework Travel Plan in compliance with both national and local planning policy. This includes information pertaining to the access arrangements, traffic generation and site accessibility associated with the proposed development.
- 7.6.2 Policy SC1 of the Core Strategy and Policy DM20 of the Development Management DPD seeks to ensure new development is located where sustainable travel patterns can be achieved to minimise the need for travel by private car. The site lies adjacent to the existing built-up area and would lie on the periphery of the town. Coupled with this, there is an acknowledgment that the town centre and its facilities extend over some distance and are not all concentrated in one location. Subsequently, the walking distances to existing facilities vary. The Core Strategy sets out some

indication of what could be regarded a sustainable location in terms of accessibility criteria. This indicates that a sustainable location would be within the urban areas of Lancaster, Morecambe, Heysham or Carnforth; for housing 400m to a public transport route with a daily frequency of at least 30 minutes and for housing, less than 30 minutes by public transport from a GP, employment, town centre and schools. There is further best practice guidance which is set out in the TA. This indicates that the preferred maximum walking distances for journeys between new development and schools would be 2000 metres and 1200 metres between new development and other services (such as retail).

- 7.6.3 From the centre of the site, the applicant has evidenced that the town centre and the schools are within the preferred maximum distances. However, recognising that these are maximum distances, the applicant proposed a series of off-site improvements to promote and encourage sustainable travel options. Of note, this includes two new bus stops along the site frontage on Scotland Road together with extensive footway/cycle path enhancements and crossings between the site and the town centre. New footway provision is also proposed between the site and Browfoot Close off Carnforth Brow to enable more direct links to the school should future residents wish to travel to school via the existing footway network through the Whelmar estate. The Highway Authority is fully supportive of the proposed off-site highway works and have raised no objections to these proposals.
- 7.6.4 Given the scale of the development, the applicant has also submitted a framework Travel Plan to promote a modal shift to sustainable travel options as part of the development. This includes a series of measures including the provision of an electric changing point for each dwelling; schemes to promote the use of cycles through cycle discount vouchers; promotion of bus services by pre-paid bus tickets being provide on first occupation as part of a welcome pack to residents. A full detailed Travel Plan would be secured by condition. The proposed measures set out in the submission to improve accessibility and promote sustainable travel are commendable and mitigate the impacts of the sites peripheral edge of town location.
- 7.6.5 The site layout also supports a strong network of footways to secure a legible and well-designed form of development. One significant constraint to the development site relates to the existing public right of way which runs through the site along its southern boundary. This is because this public footpath exits the site down a steep cutting to an uncontrolled level crossing of the Carnforth to Leeds railway line. The development of the site for housing would lead to an inevitable increase in use of the level crossing. This presents a significant safety concern. It was established at the pre-application stage that for the development to be considered acceptable, this public right of way would need to be diverted and the level crossing closed off. Network Rail has taken a strong position on this and raises no objection to the principle of the development subject to the diversion of the public footpath which must be a requirement of any planning permission granted.
- 7.6.6 Diverting a public right of way is subject to a separate legal process. The initial scheme suggested a simple diversion down towards the railway bridge on Carnforth Brow. This was not favoured by Lancashire County Council's Public Right of Way Officer or the Ramblers Association. The revised scheme still maintains the pedestrian links to Carnforth Brow as a requirement of the development itself, but provides an alternative indicative route over the existing accommodation bridge slightly west of the level crossing and along the top of the railway embankment (on the other side of the railway line) to the point where it meets the existing termination point of the public footpath. This requires third party land (the same land owner as the application site and Network Rail). Neither party have raised concerns over this indicative route. This route has been accepted as a suitable alternative route by both the County Council and the Ramblers Association. Considering this, officers are satisfied that an alternative route to divert the public footpath is potentially feasible and are satisfied that a Grampian style condition could be justified in this instance. The purpose of the condition would be to prevent commencement of the residential development before a diversion order was made.
- 7.6.7 Most of the internal streets within the site are intended to be adopted offering acceptable carriageway dimensions and footway provision throughout the site in the interest of highway safety. Like most developments, there will be hierarchy of streets within the scheme to provide variety and interest within the development. The Highway Authority has raised no objections to the submitted layout. Dedicated off-street parking is proposed for all the dwellings based on the car parking standards set out within the Development Plan (DM22). Areas of extensive parking along street frontages have been removed as part of this amended scheme, with the remaining frontage parking broken up by planting and changes to the configuration of certain plots. The original scheme did

have some visitor parking to serve the public areas of open space and recreational facilities. Whilst this was a positive addition to the scheme, there are no strict policies requiring their inclusion. Similarly, guidance (Manual for Streets) does not state on-street parking is strictly prohibited. The Highway Authority has raised concerns over the loss of the visitor spaces. However, the benefits secured as part of the amended scheme (in terms of design and mitigation for landscape impacts) outweigh the need for the visitor parking. Cycle parking details will need to be secured by condition, as will the provision of electric vehicle charging infrastructure.

- 7.6.8 The access strategy to serve the development has also been subject to lengthy pre-application discussions with the Highway Authority. The main vehicular access will be served via a new priority junction with a right turn ghost island for traffic turning into the site. The site access will be 7.3m wide with a 2 metre wide footway to the northern side and a 3 metre wide shared footway/cycle to the southern site. Visibility splays are proposed at 2.4 metres by 160 metres based on the existing speed limit. In addition, the proposal seeks to include an extension to the existing central hatching to discourage over-taking and a reduction of the speed limit from Truck Haven 50mph to 40mph. If the reduction to the speed limit is successful slightly shorter sightlines of 2.4 metres by 120 metres are clearly achievable. There is no proposal for vehicle access to be provided off Carnforth Brow. Pedestrian/cycle connections are proposed in two additional positions along Scotland Road (southwest and northeast of the main access) and a further pedestrian/cycle connection in the far south-eastern corner of the site off Carnforth Brow. The access strategy is deemed safe and suitable and does not conflict with the requirements paragraph 108 of the Framework or DM20 and DM21 of the Development Management DPD.
- 7.6.9 In terms of traffic generation and the impact of the development on the local highway network, it is inevitable that a proposal of this size will have an impact on the network. The question is whether the impact is such that it would result in 'severe' residual cumulative impacts.
- 7.6.10 The predicted am and pm two-way trips generated from 213 dwellings is 97 and 101 respectively. These figures have been used and added to the future (2023) base flows in order to assess the operational capacity of the main Carnforth crossroad junction. The assessment predicts that in the future year without development, the junction would be operating above its theoretical capacity in the morning peak. The 'with development' scenario results in a 0.7% increase to the degree of saturation above the future base flows. Whilst this results in a slight increase it is not over an extended period and as a result would not be deemed a 'severe' impact. Based on 213 dwellings the queue lengths are predicted to be the same (43 passenger car units) as that predicted for the future base flows without development.
- 7.6.11 The Highway Authority raised no objections to the original scheme based on 240 dwellings, subject to several conditions to secure the access and pedestrian access points together with off-site highway improvements to secure improved accessibility. They also sought a financial contribution of £10,000 to validate and review the timing of the signals to the existing MOVA technology at the main crossroad junction. Officers are currently seeking clarification from the Highway Authority whether such remains necessary given the reduction to the number of dwellings. A verbal update will be provided on this matter. Aside from this, the applicant has satisfactorily evidenced that the proposed development is capable of being safely accessed; is accessible and safe for all; promotes sustainable travel options and would not adversely impact the operation of the existing highway network. On this basis, the proposed development does not conflict with the relevant transport/accessibility policies set out at section 6 of this report of the Development Plan or the Framework.

7.7 Air Quality Considerations

- 7.7.1 The proposed site is located approximately 500m north-east of Carnforth's Air Quality Management Area (AQMA). As such, there is the potential for traffic generated by the development to affect the air quality in the town. Policies in the Development Plan and the Framework make it clear that planning proposals and decisions should not lead to detrimental impacts on environmental quality and should take into account the likely effects of pollution on health, living conditions and the natural environment.
- 7.7.2 The main source of pollution attributed to the AQMA in Carnforth relates traffic emissions. Both Nitrogen Dioxide NO₂ and Particulate Matter (PM₁₀) are relevant to the existing AQMA. However, it is Nitrogen Dioxide NO₂ that is the focus of our consideration. The nitrogen dioxide (NO₂)

concentration levels around the junction (Market Street, Lancaster Road and Scotland Road) for the past three years (2014-2016) have shown an exceedance (or close to exceedance) of the annual mean objective concentration of NO₂ (being 40ug/m³).

- 7.7.3 The submitted assessment indicates that the predicted annual mean NO₂ concentration levels at the most sensitive locations for both 'with development' and 'without development' scenarios would not exceed the annual mean objective level based on an assessment year of 2020 (factoring in growth). The difference in NO₂ concentration levels between the two scenarios at the most sensitive location is 0.49ug/m³. Whilst this is predicted to remain under the predicted air quality objective level, the Air Quality Officer had raised initial concerns that the development would, without effective mitigation, undo the air quality benefits associated with the Bay Gateway, particularly as the concentration levels 'with development' remains very close to the objective level. A revised Air Quality Assessment has been provided which takes account of the reduction to the number of dwellings and has further attempted to quantify the proposed mitigation in accordance with the Council's Low Emissions and Air Quality Planning Advice Note.
- 7.7.4 A construction environment management plan (CEMP) and the inclusion of electric vehicle infrastructure, together with all the off-site highway improvements to secure improvements to sustainable travel options (new footways/cycle ways and bus stops) forms a package of mitigation measures to minimise the impacts on air quality. A Travel Plan shall also be developed and is anticipated to be a condition of any planning approval, which intends to include schemes to incentivise bus/cycle use. Overall, the applicant's assessment indicates that the above mitigation is anticipated to result in a fossil fuelled vehicle trip reduction of 11%. Overall with the mitigation, the impacts on NO₂ concentrations because of traffic generated by the development is predicted to be **slight** at one receptor and **negligible** at all other reception locations. Impacts of PM10 concentrations were also predicted to be **negligible**. The applicant's position is that the development impacts are therefore not significant and should not be a constraint to development. The Air Quality Officer is yet to comment on the revised assessment and a verbal update will be provided.
- 7.7.5 DM37 simply requires new development located within or adjacent to an AQMA to ensure that users are not significantly adversely affected by the air quality within that AQMA and include mitigation measures where appropriate. Paragraph 182 of the Framework indicates that traffic and travel management and green infrastructure and enhancements are measures considered suitable for mitigation. The amended scheme results in a negligible reduction in traffic from the original submission, includes a commitment to deliver a full Travel Plan, and provides significant green infrastructure in the form of pedestrian/cycle infrastructure improvements to the local network and the provision of two new bus stops immediately outside the site frontage. Given the predicted concentrations levels are not showing an exceedance of the air quality objective level and that the increase in pollutants is not significant, an objection is likely to be difficult to sustain – assuming this remains the position of the Air Quality Officer.

7.8 Ecology

- 7.8.1 As part of the pre-application discussions, the ecological implication associated with the redevelopment of the site were considered potentially significant. This was on the basis that the site supports priority habitat (Coastal Floodplain Grazing Marsh), forms part of a wider Nature Improvement Area and is relatively close to the European conservation sites associated with Morecambe Bay. Coastal Floodplain Grazing Marsh can be important habitat for wader birds and therefore provides the potential to be considered functionally linked land to the designated sites of Morecambe Bay. A detailed ecological assessment has been submitted which has also informed the Council's Habitat Regulations Assessment.
- 7.8.2 The proposed development seeks to retain, enhance and manage around 4.3 hectares of the Coastal Floodplain Grazing Marsh. This is described in the application as the Wetland Bird Conservation Area and would be subject to a wildlife management plan in perpetuity. The proposal also includes significant landscaping and open space which will provide ecology benefits too. The scheme has been designed to retain and protect the majority of the existing landscape features within the site. The amended scheme proposes the removal of only 3 trees. There is, however, a 360 metre length of hedgerow to be removed which has been a consequence of the applicant addressing officer concerns over site levels. The proposed levels are now far more sympathetic to the existing contours. Securing more acceptable levels for the development platforms was

considered a priority over the loss of the hedgerow. Notwithstanding this, the loss of this existing hedgerow is mitigated by the planting of 1550 metres of new hedgerow and planting of around 300 standard/heavy standards trees. This more than mitigates for the proposed losses and fully accords with the Council's policies. Subsequently, there are no objections from the Tree Protection Officer to the principle of the development. One minor outstanding point remains relating to the impacts of the formation of the bus laybys on the roadside trees/hedgerows. This is anticipated to be addressed in advance of Planning Committee.

- 7.8.3 Returning to ecology matters, the existing site comprises semi-improved grassland with a network of hedgerow, both considered to be species-poor. Extended phase 1 habitat surveys and appropriate bird surveys have been carried out, including water vole and otter surveys too. The conclusions of the surveys indicate that the development site is of limited ecological importance and that the site has been assessed as having low potential to support wading birds associated with the European designated conservation sites. Both GMEU and NE have raised no objections to the development and are satisfied that the proposed development would not lead to likely significant effects on the integrity of the nearby designated sites, subject to adequate mitigation. It is also accepted that there would there be no significant impacts on the nearby Site of Special Scientific Interest or nearby Biological Heritage Site.
- 7.8.4 Article 6(3) of the European Habitats Directive requires plans and projects to be assessed for having a likely significant effect, either individually or in combination, in relation to the European sites' conservation objectives. The test being that the competent authority shall be certain that the development will not adversely affect the integrity of the designated site. A stage 2 Appropriate Assessment Habitat Regulation's Assessment (HRA) has been undertaken which confirms with certainty the site is not functionally linked to the designated sites. In terms of the indirect impacts relating to pollution pathways and recreational pressures, conditions are recommended to secure an appropriate Construction Environmental Management Plan to minimise impacts associated with the construction phases of the development. In relation to recreational disturbance, the proposal secures large areas of on-site open space which in itself offers some mitigation. However, further mitigation is likely to be required to be certain that the residential impacts (recreational visits to the coast) are mitigated to provide certainty and reassurance that the proposal would not have an adverse impact in the integrity of the European site. The inclusion of homeowner packs to educate future homeowners of the sensitivity of Morecambe Bay to recreational pressure has been recommended by NE to be included in the HRA.
- 7.8.5 Overall and subject to securing the proposed mitigation and enhancement measures, the proposed development is considered to not adversely affect the integrity of the nearby nature conservation sites, nor adversely affect protected species or habitats and would deliver a genuine net gain in biodiversity. The proposal does not conflict with the Development Plan or the Framework with regards the protection and enhancement of the natural environment and biodiversity.

7.9 Cultural Heritage considerations

- 7.9.1 The proposed development site is not constrained by any designated heritage assets. The Midland Units to the south of the site are, however, considered non-designated heritage assets (NDHAs) as they form a group of former engine sheds originally constructed to provide sidings yard to the Carnforth and Wennington Branch Line (c1867). These buildings are now used as commercial workshops and storage units with an access off Scotland Road and are elevated above the site. To the north of these existing buildings, there is a small track accommodating the public right of way together with established planting, which separates these buildings from the site. The east elevation of the NDHA is more exposed to the proposed site. The proposed layout and site levels has been designed to ensure the development will sit subserviently alongside the Midlands Units (NDHA). The existing trees along the southern boundary with the public right of way are also intended to be retained. The Conservation Officer has indicated to maintain an appropriate relationship between the development and the NDHA, the dwellings should not be more than two-storeys. This is a matter to be addressed at the reserved matters stage. Overall, the layout does not compromise the NDHA or its setting and as such is deemed compliant with policy DM33 of the DM DPD and paragraph 197 of the Framework.
- 7.9.2 The potential for buried archaeological interests has also been carefully assessed and considered as part of this application. Lancashire Archaeology Advisory Service (LAAS) has assessed the information submitted and is satisfied with the conclusions drawn from the applicant's assessment

which indicates that there is no evidence that sites of national significance will be present on site and that the archaeological implications of the development can be dealt with by way of a phased scheme of investigative works as part of a planning condition. The proposal is considered to accord with policy DM34 of the DM DPD and Paragraph 199 of the Framework.

7.10 Design and amenity

7.10.1 The design and layout of the development has evolved over time from early pre-application discussions to the point of determination. It has been a very responsive, positive and engaging process. The applicant's commitment to pre-application engagement and discussions with the local planning authority and the wider community should be commended. The proposal started with 260 dwellings at the pre-application stage. The formal planning submission was for 232 dwellings reducing to 213 dwellings. The reduction in the number of dwellings has largely been in response to earlier flood risk concerns and the landscaping considerations noted early in the report. However, as part of those negotiations, the applicant has positively responded to officer concerns over site levels, residential amenity standards, provision and location of open space and landscaping, car parking layouts and general connectivity and legibility through the site.

7.10.2 The proposed layout, including the areas of public open space, landscaping and wetland habitat areas has been well thought out with the interface between private and public space suitable to secure a safe and pleasant environment to live. Garden depths have been increased and interface distances amended to take account of any level differences between dwellings on the site. Such are now considered acceptable and compliant with policy DM35 of the DM DPD. Overall, the development will provide a high-quality, attractive place to live which will have a strong sense of place that is safe, inclusive and accessible. The level of open space proposed goes beyond our policy expectations for on-site provision and forms part of a far more integrated community space. The Public Realm Officer is supportive of the scheme and the approach to the delivery and design of the on-site open space provision. The integration and legibility between the proposed built environment with the proposed open space will have significant social and community benefits for both future and existing residents of the town. There is a request for an off-site contribution towards outdoor sports provision in South Carnforth. Officers have not pursued this on the grounds such would not be CIL compliant as the sports hub in South Carnforth is part of the emerging Local Plan which is yet to be tested through Examination.

7.10.3 Whilst amendments have led to a reduction in the density of the development, the scheme overall has effectively utilised land and spaces, taking advantage of land not suitable for housing development to provide necessary ancillary functions, such as the open space and drainage attenuation. Undevelopable areas have also been utilised and enhanced through the landscape masterplan proposals to provide necessary mitigation and enhancement measures to support the natural environment (though the provision of habitat enhancement areas and woodland planting to minimise impacts on the AONB). Overall, the development represents an efficient and effective use of land in compliance with paragraph 122 of the Framework. It is also a good design and will deliver a high-quality and attractive form of development that will provide a distinctive place to live and visit.

7.10.4 The appearance and scale of the development will be subject to reserved matters. For a scheme of this scale it will be essential that the house-types are varied both in terms of fenestration and materials. The scale is anticipated to be no more than two storeys.

7.11 Noise

7.11.1 Paragraph 180 of the NPPF requires planning policies and decisions to aim to avoid noise from giving rise to significant adverse impacts on health and quality of life, along with policy DM35 of the DMD, which seeks to ensure existing and proposed residents benefit from a satisfactory standard of amenity. In this case, the proposed site sits alongside the A6 and the Carnforth to Leeds railway line. These transport corridors generate noise and therefore the development should, where necessary, mitigate against such impacts. The application site also sits next to the Midland Units which are used as offices and industrial uses. A revised acoustic report has been submitted to address the relationship of the development to the industrial units, which had been lacking in the original submission. In relation to the noise impacts associated with the transport corridors mitigation is proposed in the form of glazing, ventilation and acoustic fencing to ensure the dwellings achieve a no observed adverse effect level (NOAEL). Additional mitigation is proposed to a number of plots neighbouring the Midland Units to secure acceptable external noise levels. The Council's

Environmental Health Officer remains concerned that the mitigation proposed is unlikely to be adequate and has requested the layout in this corner of the site be reviewed. Negotiations are ongoing in relation to this matter and a verbal update will be provided. It is anticipated that the matter can be resolved and a condition will be required to secure the necessary mitigation.

8.0 Planning Obligations

- 8.1 Paragraph 54 and 56 of the Framework state that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning obligations must only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 8.2 The Council's housing policy (DM41) requires housing development to contribute towards the provision of affordable housing in order for the District's wider housing needs to be adequately met. For schemes of this scale in urban areas a provision of 30% affordable housing must be provided, with an expectation on greenfield sites a provision of 40% can be secured. The applicant agrees to an affordable housing provision of 40% to be secured by legal agreement.
- 8.3 The development of new homes inevitably places increasing pressure on existing infrastructure. Ensuring there are sufficient school places to support the needs of existing and new communities should be given great weight in the determination of planning applications. In this case, the Education Authority has indicated that there is capacity within the local primary schools to meet the needs of the development but the capacity at the local secondary school cannot meet the full needs of the development. There will be a requirement for a contribution to meet the needs at the secondary school. The precise figure to be agreed as part of the planning obligation is being negotiated. Officers are awaiting an updated position from the Education Authority. A verbal update will be provided but the principle of securing an education contribution would comply with paragraph 94 of the Framework.
- 8.4 In addition to the affordable housing provision and education contribution, the following should also be secured by legal agreement:
- The provision of on-site public open space including the equipped play area, young person's provision, trim trail and general amenity green space as set out on the Landscape Masterplan;
 - Provision of the Wetland Conservation Area and its long term maintenance;
 - Highway Contribution relating to traffic signals at crossroad junction – a verbal update is due on this matter.

9.0 Planning Balance

- 9.1 The thrust of planning policy is about achieving sustainable development, recognising that the environmental, economic and social dimensions of sustainable development are mutually dependant. Pursuing sustainable development is about place making and ensuring new development can integrate with the existing built, natural and historic environment.
- 9.2 The local authority is able to demonstrate a deliverable 5 year housing land supply and as such the presumption in favour of sustainable development and the tilted balance provided for by the Framework is not engaged in this circumstance. Subsequently, applications should be determined in accordance with the policies of the Development Plan unless material considerations indicate otherwise.
- 9.3 The assessment of this application proposal clearly shows that there are a number of benefits associated with the proposal which need to be balanced against the negative impacts of the scheme.
- 9.4 In terms of the impacts of the proposal, there is no doubt that the proposal will result in some harm due to the urbanising effect the development would have by its northern encroachment into the countryside area. The extension of the built-up area northbound does not provide a natural extension to the town and visually appears disconnected and poorly related due to this scale of development and the fact it lies beyond the railway line. For these reasons the proposal does not fully accord with saved policy DM35. However, the degree of harm to the wider landscape character is not judged to be significant and indeed may have beneficial impacts over time. The visual impacts are

judged to be 'moderate adverse' with those most affected being those living adjacent to the proposed site and recreational users of the local footpath network, and from the AONB. These impacts have been mitigated with the level of harm likely to reduce over time once the landscaping has established. There is harm identified but the degree of harm is not judged significant. To support this view, Natural England (in respect of the AONB) no longer objects to the proposal. The traffic generated from the development will contribute to existing congestion and pollution within the town centre (crossroads in particular). However, again, the level of harm deriving from this is not judged to be severe or significant due to the level of mitigation proposed. The loss of hedgerow and trees from the site together with the loss of habitat (the loss of the greenfield site) is more than adequately mitigated by replacement planting and extensive landscaping and habitat enhancement proposals.

- 9.5 The benefits of the scheme (and measures also required to make the development acceptable) are as follows:
- the provision of 213 houses of which 40% shall be affordable on the edge of one of the District's urban areas and is sustainable located;
 - the housing mix proposed will meet the needs of the community;
 - improvements to the pedestrian/cycle network around Scotland Road and Carnforth Brow;
 - provision of new bus stops;
 - removal of an unsafe level crossing;
 - creation of a Wetland Conservation Area and significant landscaping resulting in an overall biodiversity gain;
 - provision of significant areas of public open space.
- 9.6 Aside from the above, the application has also sufficiently demonstrated that the development would not be at risk of flooding or increase the risk of flooding elsewhere; that a safe and suitable access can be provided to serve the development; that sustainable travel options have been maximised; the proposal would be of a high-quality design and that standard of accommodation would be to an acceptable level (subject to resolving the outstanding noise matters).
- 9.7 Whilst a deliverable housing land supply exists, this does not mean that sustainable schemes such as this one cannot be supported. Furthermore the government has said on record they wish to ensure 300,000 homes are built per year by the mid 2020s. Only by approving sustainable housing schemes will this figure be reached.
- 9.8 It is considered that the provision of housing; the improvements to support sustainable travel; the biodiversity enhancements; and the provision of public open space, which goes beyond our policy expectations, will provide significant economic, environmental and social benefits to the wider community. The weight attached to these benefits is judged to outweigh the localised landscape and visual impacts associated with the development and the minor impacts associated with the traffic generated from the scheme. It is recommended to Members that on the whole, the scheme does conform to the Development Plan and the Framework and can be supported.

Recommendation

That Outline Planning Permission **BE GRANTED** subject to a legal agreement securing 40% affordable housing, an education contribution towards secondary school places, the provision of the on-site public open space, the setting up of a wetland conservation area, a highway contribution (TBC) and the setting up of a long term management company and the following conditions:

1. Time Limit
 2. Approved Plans
- Prior to commencement**
3. Phasing plan (to include details of the delivery of the residential development, wetland habitat, landscaping and POS)
 4. The existing public right of way to be formally diverted before the commencement of developed.
 5. Details of the access and off-site highway improvement scheme to be submitted to and agreed by the LPA (listing the agreed off-site improvements works as part of the condition) with the access to be provided before occupation and a phased timetable for the implementation of the off-site works and provision of pedestrian/cycle connections to be agreed as part of the scheme;
 6. Development to be carried out in accordance with AIA with TPP and AMS to be submitted for approval.

7. Scheme for ecological protection and mitigation including Environment Construction Management Plan (ecology mitigation, pollution control, flood risk protection) and measures set out in the HRA.
8. Surface water drainage scheme
9. Foul drainage scheme
10. Scheme for archaeological investigation
11. Site Investigation and remediation - precise details to be submitted and agreed.
Prior to commencement of certain elements of the development
12. No works to commence within flood zones 3 (as part of the delivery of POS/Landscaping) until full details of any earthworks are proposed to the bike track or footpaths in accordance with the FRA
13. Habitat Enhancement and Management Plan
14. Development to be carried out in accordance with the approved landscaping scheme
15. Lighting scheme
Prior to occupation
16. Drainage maintenance
17. Scheme of cycle provision and EV changing points to be submitted to and agreed
18. Submission of full Travel Plan
Control conditions
19. Development to be carried out in accordance with FRA
20. Development to be carried out in accordance with submitted cut/fill and site level plans
21. Roads to be built to adoptable standards
22. Noise mitigation to be implemented (subject to resolving outstanding matters)
23. Soil importation

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 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