

Agenda Item	Committee Date	Application Number
A8	4 March 2013	12/00834/OUT
<b>Application Site</b>  Laund Fields Stoney Lane Galgate Lancaster		<b>Proposal</b>  Outline application for residential development of up to 50 Dwellings
<b>Name of Applicant</b>  Mr Simon Slack		<b>Name of Agent</b>  Harrison Pitt Architects
<b>Decision Target Date</b>  14 December 2012		<b>Reason For Delay</b>  Awaiting consultation responses from Statutory Consultees and amendments from the applicant
<b>Case Officer</b>		Mrs Jennifer Rehman
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approve

## 1.0 The Site and its Surroundings

1.1 The site that is subject to this application relates to a 1.75ha parcel of land located on the edge of Galgate village within designated Countryside Area. The land in question sits tightly behind existing buildings fronting Main Street and Stoney Lane but extends beyond the existing urban fabric of the village towards Skew Bridge and eastward covering the land currently used as a touring caravan site. Agricultural land adjoins the site to the east with the West Coast Mainline embankment and rail route forming the south western boundary. The West Coast Mainline railway runs in a north-south direction parallel with the A6 and the M6 Motorway with the settlement of Galgate effectively dissected into two parts; the main core of the village is located to the east of the mainline where local services such as shops and the school are located; with the other part of the settlement, predominately residential development situated to the west of the mainline and east of Lancaster canal. These transport corridors heavily influence the built form and character of the settlement.

1.2 The built form along Main Road immediately adjacent to the application site consists mainly of two-storey stone under slate terraced properties with significant back gardens. Closer to the crossroad junction there are a number of commercial uses, including a local convenience shop, hairdressers, salon and public house which essentially form the local centre. The built form on the south side of Stoney Lane consists of slightly larger two-storey stone under slate buildings including the former Ellel Institute, a pair of stone built semi-detached cottages and a detached stone built property. These properties are level with the carriageway and occupy a slightly lower ground level than the application site. There is also a large garage and MOT centre close to the local centre on this side of Stoney Lane. The north side of Stoney Lane consists of a row of semi-detached properties which are generally rendered under slate roofs. These properties occupy an elevated position above the carriageway.

1.3 The application site is a mix of greenfield and previously developed land consisting of agricultural land and associated buildings, a former motor repair garage, and a licensed caravan site with amenity block in connection with residential property at Laund Field. Whitley Beck to the north, native hedgerows to the east and a high leylandii hedge to the west. A mixed native hedgerow separates the caravan site from the agricultural land to the south. The caravan site occupies the

flattest part of the site at circa 25m AOD. The rectangular parcel of land within the application site consists of open grassland with some orchard planting circa 23m – 24m AOD. This land separates the existing dwellings on Main Road and Stoney Lane from the caravan site at Laund Field. The southernmost section of the site consists of a combination of agricultural land and two buildings previously used as a motor repair garage, together with one derelict building. Land levels rises significantly from 25m AOD (at the buildings) to 30m AOD at the south eastern boundary of the application site. Land levels continue to rise to the far south eastern corner of the field to approximately 35m AOD. This area of land is outside the application site but within the applicant's ownership.

1.4 The site is currently served by two vehicular access points to the local highway network. One access point is via the driveway onto Stoney Lane which serves the existing dwellinghouse and caravan site. The second access point is a hard surfaced single track field access off the A6 approximately 50m north of Skew Bridge, adjacent to the existing row of terraced cottages on Main Road. This was the formal access to the former motor repair garage. The closest bus stops are located on the A6, with northbound stops at The Plough and north of the cross-road junction and southbound stops at the crossroads (outside Spar) and at The Plough. The strategic cycle network (National Cycle Route 6) passes through the village on Stoney Lane and provides good cycle links to the University and Lancaster City beyond.

1.5 Other than the site being protected by its Countryside designation, the site is not subject to any other allocation/designation in the saved Local Plan. Notwithstanding this, it should be noted that the site lies close to the Galgate Air Quality Management Area (AQMA) and sits adjacent to Floodzones 2 and 3 of Whitley Beck.

## **2.0 The Proposal**

2.1 The applicant seeks outline planning consent for residential development (up to 50 houses) with access and scale to be determined as part of this proposal. Layout, design and landscaping are all reserved matters to be determined at a later stage. The application has been submitted with a number of supporting documents including a Transport Statement, Flood Risk Assessment, Preliminary Risk Assessment, Ecology and Tree Assessment. An indicative site plan was been submitted to demonstrate the site is capable of accommodating up to 50 dwellings.

2.2 Full details of the access are to be considered as part of this application for outline consent. This includes a new vehicular access point onto the A6 (Main Road) and a cycle/pedestrian link onto Stoney Lane. The proposed access arrangement will involve the closing off of the existing field access on the A6, which sits immediately adjacent to 103 Main Road (the end terrace), and the formation of a new access circa 12m south from the end of the existing end terraced property. This access point will accommodate a 5.5m wide carriageway with 2m wide footways to either side into the application site. The cycle/pedestrian link onto Stoney Lane will comprise a 2.5m wide track which will be shared with the vehicular access for the existing dwelling associated with this site. In addition to the access arrangements, this outline application seeks consent for the scale of development. The proposal indicates the dwellings would be predominately two storey.

## **3.0 Site History**

3.1 The land in question has a long established lawful use as a touring caravan site, a motor repair garage (in one of the buildings) and agricultural and storage uses. The relevant planning history is noted in the table below:

Application Number	Proposal	Decision
02/00777/FUL	Erection of an agricultural building to be used for the storage of agricultural machinery only in connection with the adjoining land and caravan site	Permitted
97/01279/CU	Continuation of use of former agricultural contractors premises to motor repair garage	Permitted
94/00552/ELDC	Lawful development certificate for use of site for 20 non-residential touring caravans	Permitted

93/00932/CU	Change of use from siting of 10 caravans to siting of 20 caravans.	Permitted
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#### **4.0 Consultation Responses**

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

Consultee	Response
<b>County Highways</b>	<p><b>No objections</b> subject to the following requirements:</p> <ul style="list-style-type: none"> <li>▪ Pedestrian/cycle access to be provided onto Stoney Lane</li> <li>▪ Provision of a car park for residents of Main Street</li> <li>▪ Access at the end of gardens of Main Street to provide potential rear parking – details needed at reserved matters stage</li> <li>▪ Northbound and southbound bus stops to be upgraded to Quality Bus Stop standards (s278 works)</li> <li>▪ Developer pursues the introduction of a TRO on Main Road to remove on-street parking.</li> </ul> <p>The following <b>conditions</b> are required:</p> <ul style="list-style-type: none"> <li>▪ Access construction details</li> <li>▪ Wheel cleaning</li> </ul>
<b>Highway Agency</b>	<p><b>No objection</b> subject to the following conditions:</p> <ul style="list-style-type: none"> <li>▪ A car park to accommodate displaced vehicles from the Main Road (A6) shall be provided – precise details to be agreed with the local planning authority.</li> <li>▪ A cycle link to be provided onto Stoney Lane</li> </ul>
<b>Environmental Health Service</b>	<p><b>No objections</b> subject to the following conditions:</p> <ul style="list-style-type: none"> <li>▪ Development to be carried out in accordance with the Noise report – sound attenuation measures to be implemented</li> <li>▪ Hours of construction</li> <li>▪ Scheme for dust control</li> <li>▪ Construction noise (no pile driving)</li> </ul>
Air Quality Officer	Whilst the Officer has stated that he has concerns over the submitted assessment, he concludes that an objection on air quality grounds would be difficult to sustain given the development is set well back from the road. However, traffic from the development will impact on air quality and as such a scheme of mitigation is required.
Contaminated Land Officer	<b>No objections</b> subject to standard contaminated land conditions.
<b>Planning and Housing Policy Team</b>	<p><i>Housing Strategy Officer</i></p> <p><b>No objections</b> on the grounds of housing needs. The development should provide 30% affordable housing with a tenure split of 50% Social rented and 50% Intermediate housing. Early engagement with Registered Providers is encouraged.</p> <p><i>Policy Team</i></p> <p>The policy team have been made aware of the application site through the Local Plan process, site reference ES_24. Due to concerns over adequate and safe access the site was not pursued and subsequently not included in the emerging draft Land Allocations document. There were also concerns raised at the time, that the increase in traffic would add to existing congestion in the village and impact on the adjacent AQMA (Air Quality Management Area).</p> <p>The Policy Team have highlighted the relevant policies in the Development Plan to be assessed. With regard to policy SC3 of the Core Strategy, the policy team highlight that whilst the site would deliver in excess of 10% of the annual housing requirement of the district this would be balanced by the delivery of housing within one of the key villages of the district. They also indicate that the extent to which the scheme meets a local need for housing will also need to be considered and balanced against the loss of greenfield land.</p>

<b>Public Realm Officer</b>	According to the PPG17 study there are sufficient facilities within the area and as such there is no requirement for specific (play equipment) POS within the site. However, given the scale of the development, an area of informal open space should be incorporated into the design as it will contribute to the wellbeing of the estate; together with a request for £21,250 to improve the quality of existing facilities in the village.
<b>Environment Agency</b>	<b>No objections</b> subject to the following conditions: <ul style="list-style-type: none"> <li>▪ Implementation of the mitigation measures outlined in the submitted Flood Risk Assessment</li> <li>▪ Details of surface water drainage</li> </ul>
<b>Network Rail</b>	<b>No objections</b> in principle subject to the following comments: <ul style="list-style-type: none"> <li>▪ Slight discrepancy regarding ownership</li> <li>▪ The local planning authority are advised that, despite the conclusions of the noise assessment, the current level of railway usage may be subject to change without any prior notification; there may be emergency works to be undertaken on the railway during the evening; maintenance to the line and trains can occur at anytime, which would cause noise and vibration – residents should be aware of this.</li> <li>▪ A 2m gap is required between the boundary of the railway and any buildings or structures.</li> <li>▪ Operational advice in respect of construction, fencing, external lighting and landscaping.</li> </ul>
<b>United Utilities</b>	<b>No objection</b> subject to the following conditions: <ul style="list-style-type: none"> <li>▪ Site to be drained on a separate system – surface water to discharge to the soakaway or directly into the nearby watercourse (separate consent may be required).</li> <li>▪ Drainage strategy to be submitted and agreed prior to commencement. This should include a scheme for the provision and implementation of a surface water regulation system restricting surface water to discharge 5 l/s or Greenfield runoff which ever is greater.</li> </ul>
<b>Ellel Parish Council</b>	<b>Objection</b> on the following grounds: <u>Impact on traffic</u> – increased congestion along the A6 (Main Road in Galgate) and increase in traffic pollution. Poor sightlines to the south (when leaving the proposed site) due to proximity of Skew Bridge and road alignment. Increase in danger – conflict between vehicles and pedestrians, especially increased use of recreation field and new village hall. Increase in on-street parking along Stoney Lane and Salford Road – parking provision within the site is not sufficient. <u>Drainage</u> – increase in non-porous surfaces will lead to increase surface water – where will this go? The River Conder or Whitley Beck? These are already at critical levels. There have been severe floods in the past (2002 and 1998). This could be a potential problem to other residents of the village.
<b>Tree Protection Officer</b>	<b>No objections</b> subject to detailed arboricultural information being provided at reserved matters stage to ensure boundary trees and important hedgerows can adequately be retained and protected.
<b>County Archaeology</b>	Important hedgerows have been identified within the site and should not be removed.
<b>County Planning Obligations Team</b>	The County Council have requested a contribution of £69,814 to provide education places (6 primary school places) within a reasonable distance of the development based on their 'Planning Obligations in Lancashire' Policy Paper.
<b>Lancashire Fire and Rescue</b>	<b>No objections</b> provided the development is compliant with buildings regulations.

## **5.0 Neighbour Representations**

5.1 The application has been appropriately publicised in the local press, two site notices posted close to the site and individual letters sent to nearby residential properties. We have also recently re-

consulted neighbours for a further 14 days (from 5 February 2013) on amended plans (specifically amendments to the red edge, slight changes to the indicative layout and an increase to the size of the proposed car park). The consultation period is on going but will have expired before the Committee meeting. Any additional representations made in respect of the amended plans will be reported verbally.

At the time of compiling this report, 21 letters of objection have been received. The majority of these representations are from residents in the immediate vicinity of the application site. The reasons for opposition are summarised as follows:

#### Highway/traffic issues

- Increase in traffic and congestion
- Increase in traffic noise and air pollution
- Unsuitable access with poor sightlines
- Increase in potential road safety accidents – pedestrian/vehicle and cycle conflict
- There are 19 houses between the traffic lights in the centre of Galgate and Skew Bridge, residents of these homes, visitors and students are always searching for kerb side space to park. Removing the ability to park on the roadside is not adequately compensated for within the proposed development (car park for 14 spaces)
- Loss of road side parking will affect local businesses
- Maintenance and ownership of the “public” car park (which in some documents suggests spaces will be allocated to residents). Would residents then need to pay for permits?
- The Transport Assessment has reported figures for turning into the access based on 52 houses but has not included movements associated with the car park
- Traffic monitoring has been undertaken in June – however if the monitoring was undertaken between the 1 – 10<sup>th</sup> June local schools were closed and as such traffic figures at this time would not be a true reflection for the majority of the year
- Disruption during construction periods (traffic/noise/dust/contamination)
- If residents park in the allocated car park – where would visitors park? This could lead to on-street parking elsewhere in the village.
- Need to relocate traffic lights further up Stoney Lane to stop people skipping lights and getting on to Chapel Street

#### Amenity issues

- The extent of development is out-of-proportion with the character of the area
- Loss of greenfield/greenbelt land to development
- Loss of safety and privacy for local residents
- Green strip behind the estate likely to be misused, increase risk in crime and nuisance
- Light and noise pollution from housing estate, including traffic
- Loss of a quite, peaceful, rural outlook/views
- Insufficient local amenities to support a further 50 dwellings plus a strain on public transport
- Overlooking into neighbouring properties - the proposal is too close to properties on Stoney Lane. These properties have no rear garden to provide a buffer.

#### Other issues

- Impact on property values and desirability to live adjacent to the proposed site
- Drainage capacity concerns and increase in flood risk
- Council tax could go up for local residents
- One resident on Main Road has asked various questions about creating parking on their own land either to the front or rear (not the subject of the application).
- No community benefit
- Residents understood that the site was Greenbelt land and therefore no development would occur here
- Potential damage to archaeological interest on the site

## **6.0**

### **Principal Development Plan Policies**

#### **6.1**

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental; and that these roles are mutually dependent and should be sought simultaneously through the planning system.

At the heart of the NPPF is a **presumption in favour of sustainable development**. The following paragraphs of the NPPF are relevant to the determination of this proposal:

**Paragraph 17 (Core Principles)** sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. The principles which are relevant to this application state that planning should: be genuinely plan-led; be a creative exercise in finding ways to enhance and improve places; be supportive of sustainable economic development, identify and meet local needs (in particular housing needs and affordability); seek high quality design and good standards of amenity; take account of different roles and character of different areas; encourage the use of previously developed land and make the fullest possible use of public transport, walking and cycling.

**Paragraph 32 (Sustainable Transport)** relates to development and highway implications. Amongst a number of objectives it requires development and subsequent decision-taking to take into account whether there is safe and suitable access for all people; and that improvements to the transport network can be undertaken that cost effectively limit the significant impacts of the development. It specifically goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

**Paragraph 35 (Sustainable Transport)** states that development should be located and designed where practical to (amongst a number of measures) give priority to pedestrian and cycle movements, and have high access to public transport facilities; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

**Paragraphs 47 – 55 (Housing)** relates to the delivery of a wide choice of high quality homes, indicating that the presumption in favour of sustainable development specifically applies to housing development applications. It sets out how local authorities should boost, manage and deliver housing which meets identified local needs, including affordable housing over the plan period.

**Paragraph 56 (Design)** states that the Government attaches great importance to the design of the built environment and stresses that good design is a key aspect of sustainable development and is indivisible from good planning. To emphasise the importance of this statement **paragraph 64** (under the design section) clearly states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

**Paragraph 61 (Design)** goes on to state that although visual appearance and the architecture of individual building are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations. Planning should address the connections between people and places and the integration of new development into the natural, built and historic environment.

**Paragraph 69 (Communities)** indicates that the planning system plays a vital role in facilitating social interaction and creating healthy, inclusive communities. In relation to housing development, planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. Development proposals should contain clear and legible pedestrian routes and high quality public space in order to encourage active and continual use of public areas. In order to promote healthy communities the Framework also states that Local Planning Authorities should take a proactive, positive and collaborative approach to meet education requirements (school places) to meet the needs of existing and new communities (para 71). **Paragraph 73 and 74** relates to the value and provision of open space and recreational facilities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

**Paragraph 100 - 104 (Flooding)** directs development away from areas at highest risk of flooding and requires local authorities, both in plan-making and determining planning application, to steer new development to areas with the lowest probability of flooding by applying the Sequential Test. For development proposed in areas at risk of flooding, a site specific flood risk assessment would be required to demonstrate that the most vulnerable development is located in areas of lowest flood risk and development is appropriately flood resilient and resistant.

**Paragraph 109** requires the planning system to contribute to and enhance the natural and local

environment. In particular, valued landscapes should be protected and enhanced and the impacts on biodiversity minimised. **Paragraph 118** sets out a number of principles which should aim to preserve and enhance biodiversity. The guidance set out in paragraph 118 indicates that where development causes significant harm, with no adequate mitigation or compensation proposed and accepted as commensurate to the harm, that the development should be refused.

6.2

### Lancaster District Core Strategy

Policy **SC1** (Sustainable Development) seeks to ensure that new development proposals are as sustainable as possible, minimise greenhouse gas emissions and are adaptable to the likely effects of Climate Change and sets out a range of criteria against which proposals should be assessed. Development should be located in areas where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, uses energy efficient design and construction practices, incorporates renewable energy technologies and is compatible with the character of the surrounding landscape.

Policy **SC3** (Rural Communities) seeks to build healthy sustainable communities by empowering rural communities to develop local vision and identity, identify and need local needs and manage change in the rural economy and landscape. In particular, this policy provides an allowance of 10% of new homes to be focussed in 8 of the identified rural settlements, Galgate being one of them.

Policy **SC4** (Meeting the District's Housing Requirements) seeks to manage and control the release of housing sites within the District in order to deliver and meet local housing needs. The Council will aim to maximise the opportunities offered by the development of new dwellings to redress imbalances in the local housing market, achieve housing that genuinely addresses identified local housing need and secures units of affordable housing in perpetuity.

Policy **SC5** (Achieving Quality in Design) requires new development to be of a quality which reflects and enhances the positive characters of its surroundings, including the quality of the landscape, results in an improved appearance where conditions are unsatisfactory and complements and enhances public realm. The Council recognises the importance of environmental quality, both townscapes and natural landscapes, and seeks to work with developers to maintain and improve the quality of new development.

Policy **SC6** (Crime and Community Safety) seeks to use spatial planning to enhance community safety principally through good design (incorporating Secure by Design principles), greater use of pedestrian and cycle networks and open spaces.

Policy **SC7** (Development and the Risk of Flooding) seeks to build sustainable communities by ensuring that new development does not expose homes, workplaces and public areas to unacceptable levels of flood risk.

Policy **SC8** (Recreation and Open Space) seeks to retain and improve existing recreation facilities and open space to enable all existing and future residents have suitable access to sports facilities, green spaces and greenspace networks. This policy requires new residential development to make appropriate provision for formal and informal sports provision in line with the needs identified in the Open Space and Recreation Study.

Policy **E1** (Environmental Capital) seeks to safeguard and enhance the District's Environmental Capital. In particular, this policy seeks to protect, conserve and enhance landscapes, direct development to locations where previously developed land can be recycled and resisting development which would have a detrimental impact on environmental quality and public amenity. In particular the policy seeks to resist development in places where environmental risks including those risks from flooding cannot be properly managed.

Policy **ER7** (Renewable Energy) seeks to maximise the proportion of energy generated in the District from renewable sources where compatible with other sustainability objectives.

Policy **E2** (Transportation Measures) seeks to minimise the need to travel by car principally by focusing development in town centres and other locations which offer a choice of modes of transport; improving walking and cycling networks; and ensuring new development integrates with existing cycle links and/or provides opportunities to remove barriers and create new links.

## 6.3

### Saved Policies of the Lancaster District Local Plan

Partially saved Policy **H7** (Housing in villages) identifies Galgate as an existing rural settlement within which small-scale housing development will be permitted provided it is appropriate in terms of design and density and does not adversely affect the character of the area or residential amenity. This policy is partly superseded by the policy SC3 contained in the Core Strategy.

Policy **H12** (Layout, Design and Use of Materials) sets out standards for new housing stating that proposals will only be permitted which exhibit a high standard of design, layout and landscaping and which use materials and features that are appropriate to and retain local distinctiveness.

Policy **H19** (Development on Small Sites) states that new residential development will be permitted which does not result in a loss of greenspace; would not have an adverse effect on the amenities of nearby residents; provides a high standard of amenity; makes adequate provision for the disposal of sewage and waste water and makes satisfactory arrangements for access, servings, cycle and car parking.

Policy **T26** and **T27** (Footpaths and Cycleways) - Requirements to include cycle and pedestrian links for new housing and commercial schemes particularly where proposed development sites are close to the strategic cycle network.

Policy **E4** (The Countryside Area) relates to new development within the countryside area stating that development will only be permitted where it is in scale and in keeping with the character of the landscape and is appropriate in terms of scale, siting, design and materials. It also seeks to ensure that development proposals will not have an adverse impact on nature conservation and to make satisfactory arrangements for parking and access.

Policy **E13** (Trees and Woodland) states that development which would result in a significant adverse effect on, or involve the loss of significant trees or significant areas of woodland will not be permitted.

Policy **R11** (Open space in new housing schemes) requires new housing schemes to provide open space and play areas in accordance with the standards set out in Appendix 1 of the Saved Local Plan.

Policy **R21** (Access for People with Disabilities) - requires disabled access provision.

Supplementary Planning Guidance Note 12 'Residential Design Code'. This document sets out general guidance on design, layout and amenity issues.

Meeting Housing Needs Supplementary Planning Document (SPD) (Adopted 7<sup>th</sup> February 2013) sets out the Council's approach to delivering sustainable communities by appropriately addressing housing need and delivery, in particular the delivery of affordable housing in the district. This SPD supersedes SPG 10 and the Affordable Housing Practice Update.

## 6.4

### Emerging Local Plan Policy

Paragraph 216 of the NPPF states that from the day of publication decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation; the extent to which there are unresolved objections to relevant policies, and; the degree of consistency with the NPPF. The emerging Local Plan is in the early stages of preparation and as such the extent of weight given to emerging policies in the determination of the application is limited. The draft Local Plan is however a material consideration. Many of the policies contained in this emerging policy document are similar to those policies contained in the Saved Local Plan and the Core Strategy. Subsequently, only the key emerging policies have been noted in the report:

#### *Draft Local Plan Part A Development Management DPD:*

Policy CSC4.2 – Affordable Housing Requirements. The general criterion to new housing development in emerging policy takes a similar approach to the saved policies of the Development Plan and the guidance provided in the recently adopted Supplementary Planning Document.

Policy CSC4.6 – Addressing Rural Housing Needs. This indicates that the Council will permit new residential development within Galgate and other key settlements in the district. This element of the

policy remains consistent with Core Strategy policy SC3.

The emerging land allocations document will also address a partial review of the Core Strategy, in particular policy SC2 in relation to Urban Concentration. Whilst this strategy could of course deliver a very significant degree of urban concentration it does not necessarily reflect what the Council understand about the actual demand, and particular the need for housing in rural areas.

## **7.0 Comment and Analysis**

7.1 The main planning issues to be assessed in the determination of this outline application are as follows:

- Whether the principle of residential development on the site constitutes sustainable development and contributes to meeting local housing needs;
- Whether the development is acceptable in terms of highway safety and convenience;
- Whether the application demonstrates that the site is capable of accommodating up to 50 dwellings without creating an unacceptable impact on neighbouring residential amenity and visual amenity.

### **7.2 Principle of Development**

At the heart of the NPPF is a presumption in favour of sustainable development. This is echoed in the Council's Core Strategy and the emerging Local Plan. The Core Strategy sets out the spatial vision for the District. One of the key objectives is for the Council to build and maintain sustainable communities, primarily through a strategy of Urban Concentration (policy SC2) and supporting key Rural Communities (policy SC3).

7.3 Policy SC3 of the Core Strategy seeks to support rural communities by allowing 10% of new homes to be accommodated in the 8 key villages of the District which have been identified as having 5 key services. Galgate is one of the identified villages where new housing and employment development can be supported in principle. However, the site is of course partly greenfield, and Core Strategy Policy SC1 sets out a series of sustainability and locational indicators to assess whether proposals are as sustainable as possible. One of the key indicators set out in this policy relates to sites being *previously developed*. Developing on previously developed land is and remains a key priority for the Council. This is reflected in the emerging Land Allocations DPD where all of the Districts key brownfield sites have been allocated for future development (residential or otherwise). That said the Land Allocations SPD has also included some significant areas of greenfield land for future development. Whilst we are not debating the Land Allocations document in context of this particular application, these allocations have been selected based on a sound evidence base informing the Council that in order to meet the District's housing needs, additional land will need to be allocated above and beyond allocating the District's key brownfield sites. Whilst the NPPF seeks to encourage the re-use of previously developed land and buildings (Paragraph 17) it does not preclude greenfield development.

7.4 In context of policy SC1 of the Core Strategy, the application site could not wholly be described as 'previously developed' as it is a combination of 'greenfield' and 'brownfield' land. Despite objections to the contrary, policy SC1 and the NPPF does not specifically preclude greenfield development, but sets out a series of indicators to ensure development is sustainable as possible. In particular, planning authorities should be satisfied when assessing development proposals that new development addresses the economic, social and environmental roles which make up sustainable development (Paragraph 7, NPPF). These other indicators include matters such as flood risk, landscape impact and other environmental considerations which will be discussed later in the report.

7.5 In terms of geographical location, the application site is well integrated within the existing settlement and will essentially form an extension to the main built up part of the village. Developing up to the railway embankment to the south seems a natural termination to the village and would not result in an uncomfortable pattern of development which would prejudice the rural character of the settlement or the countryside designation.

7.6 As a consequence of the sites appropriate edge of settlement location, access to public transport and local service and facilities is considered acceptable. The table below highlights how accessible

the site is to local services:

Service/Facilities	Description	Distance from application site
Primary School	Ellel St John C of E Primary School, Chapel Street	Circa 210m
GP Surgery	Galgate Health Centre, Highland Brow	Circa 370m
Post Office	PO, Main Road	Circa 120m
Convenience Shop	Spar convenience store, Main Road	Circa 120m
Public Houses	The Plough, Main Road and The New Inn, Main Road	Less than 200m
Bus Stops	Main Road, Galgate - 4 stops – The Plough (both directions), outside Spar (southbound), Main Road by Seat garage (northbound)	Less than 200m to all nearby stops
Cycle Link	Route 6 Strategic Cycle Network – Stoney Lane	Immediately adjacent to site

Whilst it is recognised that the proposal constitutes part greenfield development and that there have been objections on this basis, the site is sustainably located on the edge of the established settlement of Galgate.

7.7 The loss of greenfield land on the edge of the settlement must be balanced against the economic, social and environmental considerations of the development. Essential to this is the assessment of housing need. The delivery of housing is an important element of the National Planning Policy Framework. Securing up to 50 dwellings with 30% affordable residential units would clearly contribute to meeting the Council's housing needs, which under current local policy SC4 of the Core Strategy is set at 400 dwelling completions per annum. This is based upon a requirement for 7,200 new dwellings over the period 2003/04 to 2020/21. Between 2003/4 and 2011/21 only 2,318 residential units have been completed clearly indicating that housing needs are not being met in the District. In accordance with paragraph 159 of the NPPF, local planning authorities should have a clear understanding of housing needs in their area. The Housing Needs Survey (HNS) (February 2011) undertaken by David Couttie Associates (on behalf of the Council) provides an evidence base to support policy SC4 and the requirement for delivering 400 housing completions per annum. In fact, the survey highlights a much greater need of 900 dwellings annually over the next three years. However, given current market conditions, the Council has adopted a viability informed approach to continue with the targets set out in Core Strategy SC4. This is set out in the recently adopted Supplementary Planning Document (SPD) on Meeting Housing Needs.

7.8 Planning policy seeks to support housing development in rural areas where it meets a local housing need. The 2011 Housing Needs Survey provides important evidence on the market housing requirements that exist in the sub areas of the District. For Galgate, the survey indicates a need for semi-detached 2-bedroom properties with some need for 3 and 4 bedroom properties. The application indicates that the scheme would deliver predominately two-storey 2, 3 and 4 bedroom properties, although the precise details of the layout and design of the development and house types are reserved matters. With regards to affordable housing provision, the proposal offers 30% affordable housing in accordance with the recently adopted SPD on Meeting Housing Needs. There is a requirement for 40% affordable housing on greenfield sites, however given this site is a combination of both brownfield land and greenfield, Officers have accepted a minimum of 30% affordable housing to be provided on site. The exact location of affordable housing, type and tenure is unknown at this stage due to layout and design being reserved matters. It is envisaged that at the reserved matters stage, the exact type, location and tenure would have to be compliant with current policy and guidance. For example the tenure should be 50% social rented and 50% intermediate and the location of affordable units should be appropriately integrated into the design of the whole development in order to support a mixed community. Details of the affordable housing requirement will be appropriately controlled within the s106 agreement which the applicant has agreed to enter into following Members' resolution of the development proposal.

7.9 Subsequently, despite concerns being aired by local residents regarding the loss of greenfield land, the proposed development would make a positive contribution towards housing provision and would constitute sustainable development, in compliance with local and national planning policy. Delivering new housing in sustainable locations must carry significant weight in the determination of this application and on this basis the principle of residential development on this site, in land use planning terms, is strongly supported.

7.10 Having concluded that the principle of residential development in the proposed location is acceptable, it is essential to ensure that the development can be delivered without causing undue harm to the local environment. Other considerations key to the delivery of residential development on this site includes highway implications, impacts on the landscape and local amenity and flood risk. These also form part of the wider assessment of sustainable development (other indicators in SC1 of the Core Strategy).

7.11 **Highway Considerations**  
The application site is proposed to be accessed of Main Road (the A6) with a pedestrian and cycle link onto Stoney Lane. Access arrangements are being applied for in detail as part of this application. To support the application a detailed Transport Statement (TS) has been submitted with the application. This addresses access to public transport, anticipated traffic levels, operational capacity of the local highway network, access and visibility and parking demands. Objections have been received regarding the validity of the TS, in particular whether the traffic monitoring data was undertaken at a time that would truly reflect normal traffic conditions. County Highways have acknowledged this and have compared the applicant's figures with their own traffic count information, concluding that the figures used in the TS are acceptable for use as baseline traffic data. Access to this site was a key concern to the Council when preparing the evidence base for the emerging Land Allocations document and as such was not included within the Strategic Housing Land Availability Assessment (SHLAA). The applicant was aware of this and has subsequently had lengthy pre-application discussions with the County Highway Engineers to help inform their assessment and ultimately decide on the location and arrangement of the access. The A6 Main Road route through Galgate in the immediate vicinity of the application site is of a single carriageway (in both directions) layout between 6.6m and 7.1m wide with a 2.5m wide footway to the development side. This route enjoys street lighting and operates under a 30mph speed limit. Visibility, together with safe access and egress from the site has always been a concern, mainly due to the nature of the road to the south of the site, in particular the s-bend layout underneath Skew Bridge. South of the application site, before Skew bridge, there is a footway on the development side only and not on the opposite side. A traffic signalised crossing has been provided opposite The Plough which is circa 110m to the south of the proposed vehicular access. The road alignment south of the bridge is relatively straight and provides the main route to junction 33 of the M6 motorway and Garstang. North of the proposed site frontage, the A6 passes through the main built up part of the village. The road alignment here is relatively straight with footways present on both sides of the highway up to the point the A6 meets the traffic signalised crossroads (circa 140m from the site entrance) with Salford Road and Stoney Lane. Just off this junction on Stoney Lane there is also one-way vehicular access onto Chapel Lane and two-way traffic for cyclists. On-footway parking is evident on both sides of the A6 south of the cross-road junction and on the east side of the A6 north of the cross-road junction. At the time of the Officer's site visit 8 vehicles were parked on the footway on the development side of the carriageway.

7.12 During pre-application discussion there were concerns about the access arrangement and the adequacy of sightlines and forward visibility. These concerns are echoed by the Parish Council and local residents. As part of the Transport Assessment, the developer has carried out an assessment to justify the suitability for the proposed access. This demonstrates that 2.4m x 70m lateral visibility sightlines can be achieved to the right (leading direction) and 2.4m by 59m to the left (non-leading direction), although 2.4m by 70m can be achieved to the centre of the carriageway which is considered appropriate due to double white lines on the carriageway preventing overtaking. It should also be noted that 70m forward visibility for vehicles approaching a northbound stationary vehicle turning right into the site can be achieved. County Highways are satisfied with the proposed sightlines and consider them consistent both the guidance contained within the Manual for Streets and the Design Manual for Roads and Bridges. Whilst the visibility slays can be achieved, there remain concerns about the protection of visibility splays and the implications of parked vehicles on the footways. On this basis, in order for the access to be acceptable in highway terms and therefore the site capable of development, there is a requirement to prevent the parking of vehicles

on the footway and carriageway through a Traffic Regulation Order (TRO). There have been concerns aired regarding the loss of roadside parking and the affect this would have on local businesses. At present, there are already double yellow lines on the carriageway preventing parking in front of the shops on the west side of the road and some restrictions on the east side. These businesses appear to be operating relatively successfully without having the benefit of roadside or off-road parking. This is partly down to the nature of the businesses – they are small businesses serving the local community and as such it is assumed that many visitors will be able to walk to these shops/services. In addition, the TRO required as part of this proposal is not envisaged to extend in front of the Spar shop where parking is available for people visiting the local shops. On balance, it is contended that the development would not significantly adversely affect local businesses. In fact, there is a strong argument that the development of up to 50 households in the village would help support these businesses in the long term.

7.13 The benefits of the TRO would also help alleviate any slowing down of traffic and congestion in the centre of the village caused by parked vehicles on the footway and carriageways on either side of the A6 in the vicinity of the application site, subsequently helping improve the Air Quality Management Area. Officers however can not categorically say that the TRO would be successful, as it is subject to separate highway legislation and a consultation process. Restricting vehicles parking on the footway/carriageway on the A6 within the vicinity of the site frontage will result in the displacement of parked vehicles elsewhere in the village, which is undesirable and will ultimately cause further congestion and disruption to the highway network. It will also be a significant inconvenience for the residents of Main Road whom would no longer be able to park in front of their properties on Main Road, although it should be noted, that technically, parked vehicles on the footway or carriageway that cause an obstruction can be pursued by the Police. Subsequently, in order to prevent displacement of parked vehicles within the village, which already suffers from congestion and excessive on-street parking in areas not really suitable for such parking, for example Stoney Lane, the proposed development includes an on-site community car park adjacent to the access.

7.14 This car park would be for the occupants of properties on Main Road. The inclusion of the car park as part of the development should, hopefully, minimise the risk of objections to the TRO. The use of street furniture within the footway, such as bollards, should also be implemented. This would only prevent parking of vehicles on the footway – hence the need for the TRO. It is contended that the delivery of the access is reliant on the provision of the car park in order to ensure visibility sightlines can be protected in the long term. Whilst the layout of the development, which includes the car park as shown in the indicative drawing, is not subject to this application it is envisaged that any forthcoming reserved matters application would propose a car park for a minimum of 19 spaces and would be located close to the proposed junction to provide the most convenient position for existing local residents using the car park. Appropriately worded conditions are recommended to ensure that the car park is made available at the time the access is put in place and first used (i.e. by construction traffic accessing the site for the purposes of site preparation and building works) and that it is available for its intended purpose for the lifetime of the development. The applicant has agreed to the setting up of a Management Company to manage and maintain the car park with nil cost to the residents of Main Road affected. A commuted sum offered by the applicant for the ongoing maintenance and management of the car park for a period of time (yet to be agreed with the developer) will be included in the s106 legal agreement. The figure agreed for this commuted sum shall be verbally presented, as Officers are still in negotiations on this matter. The provision of the community car park and the TRO to protect visibility splays are fundamental components to the delivery of the access. Officers are satisfied that appropriately worded conditions and provisions within the legal agreement would ensure the access arrangements are acceptable and would allow the principle of residential development on the site to be supported.

7.15 The proposed development which proposes up to 50 dwellings, comprising a mix of 2, 3 and 4 bedroom properties, will inevitably result in an increase in traffic. Predicted traffic generation has been calculated with maximum 2-way traffic not anticipated to exceed 35 vehicles per hour. It is contended that this is unlikely to materially affect local network operating conditions. Traffic flow surveys have been carried out to ascertain whether or not the A6 has any spare capacity for this additional traffic. In analysing junction and link capacity the developer has followed industry standards and has concluded that there is some spare traffic capacity along the A6 and at the signalised junction. County Highways and the Highway Agency have not disputed these conclusions or raised any objections to the development on traffic capacity grounds. County Highways have commented that traffic flow through Galgate is hampered by roadside parking,

positioning of bus stops and pedestrian traffic. Clearly the introduction of the TRO would allow the traffic to flow more efficiently. To further improve traffic flow MOVA could be introduced at the signalised junction. However a contribution towards this has not been sought as Officers understand that the County have funds in place for MOVA and that this has been identified in their Commissioning Plan to occur in the near future. This will occur with or without the development and all being well in the next two years.

7.16 In addition to highway capacity and access arrangements, it is necessary to assess whether the site can adequately accommodate up to 50 dwellings and the associated parking. The developer proposes a minimum of 170% parking which would be predominately off-street/in-curtilage parking (including garages). This is a matter to be controlled through any subsequent reserved matters application, however from the indicative layout submitted it is envisaged that there will be sufficient parking on site. Cycle storage provision for each unit would also have to be submitted with reserved matters. In addition to the proposed cycle link, the applicant seeks to encourage the use of public transport by paying for the upgrade of two of the near bus stops to Quality Bus Stops which are DDA compliant. Overall, the developer has adequately demonstrated that the application site can be developed for residential purposes (up to 50 dwellings) without causing any adverse impact on the local highway network. The site is sustainably located with the provision of a direct link onto the strategic cycle network and with an appropriately designed vehicular access to ensure safe access and egress to and from the site. This is only suitable, however, with the provision of the on-site community car park and necessary off-site works to ensure visibility splays can be protected. Despite valid concerns from local residents, the development is considered acceptable from a highway safety perspective with County Highways and the Highway Agency raising no objections to the development.

7.17 **Visual and Residential Amenity Considerations**

Layout, design and landscaping are all reserved matters and not subject to the assessment of this outline consent. However, in order for the developer to demonstrate to a scheme for up-to 50 dwellings can be adequately accommodated on site, an indicative layout plan has been submitted with the application. This has been revised to demonstrate a large car park can be accommodated for Main Road residents and that a more direct cycle route can be provided.

7.18 Whilst indicative, the layout of the site will be heavily influenced by the site's topography. The flattest part of the site is the rectangular parcel of land immediately behind existing properties on Main Road and Stoney Lane. The land levels rise towards the south eastern corner of the site – hence why the application site does not include all of the applicant's landholding. The eastern boundary occupies some significant trees and hedgerows which are visually important and contribute to the rural and open character of the countryside designation. These boundary trees and hedgerows are unlikely to be affected by development, although any subsequent reserved matters application would have to adequately address tree protection, tree and hedge retention and landscaping. As a consequence of the site levels, the application has been submitted with section details to demonstrate properties shown on the eastern part of the site can be developed without having inaccessible and unusable garden space as a consequence of rising land levels. With the exception of some plots, the indicative plan also suggests all the dwellings on the site would have acceptable sized gardens with sufficient off-street parking. The distances between dwellings on the indicative plan also appear to suggest the Council's separation distances could be adhered to. On this basis, there is no reason to believe at this stage that up to 50 dwellings could not be accommodated on the site. However, the exact number can only be ascertained at the reserved matters stage when layout, design and landscaping are thoroughly assessed.

7.19 In terms of impact on neighbouring residential amenity, the outline application seeks consent for scale. The submitted design and access statement indicate any future residential development on the site would be two-storey in height. This is consistent with neighbouring buildings and is regarded acceptable in planning terms. The submitted indicative layout plan also shows the distances between the existing dwellings and the proposed dwellings being in excess of the Council's minimum separation distances. The properties facing Stoney Lane, backing onto the application site are positioned at a lower level with very little rear amenity space. It would be necessary in any subsequent application to ensure that the separation distances here exceed 21m (as shown) and that there is a buffer between the rear garden boundary treatments of the proposed dwellings and the rear of these existing properties, otherwise the boundary treatment could appear overbearing. The indicative plan suggests a landscaping strip which may be an appropriate solution.

7.20 In terms of visual impact, the site at present is relatively well hidden behind existing buildings, landscaping and the railway embankment. However, it is clearly visible from the railway line and the rear of a number of properties backing onto the site. The Countryside designation seeps across the whole of Galgate and as such any green space within the settlement is considered to positively contribute to its rural feel and character. There are some significant trees and hedgerows situated on the field boundaries which are important in visual amenity terms but are not protected. There is also a single mature sycamore established close to the proposed access point from Stoney Lane that is subject to TPO no.276. The applicant has identified two mature trees in relation to the proposed development. A single mature oak tree established along a hedgerow to the southern boundary of the site and a single mature ash tree established to the west. There are a large number of established hedgerows, predominantly hawthorn, that are established along the boundaries to the east, south and west. A number of these hedgerows have been identified as Important Hedgerows by County Archaeology. The amended indicative plan shows the retention and possible relocation of some of these Important Hedgerows. Given the layout of the scheme is indicative, it is not necessary at this stage to insist on plans showing hedgerow retention, tree protection and landscaping. These are all matters to be dealt with at reserved matters stage. High quality design with appropriate landscaping and open space will ensure that the development can respect and respond to the character of the landscape and local distinctiveness. This is stipulated in the Core Strategy policy SC1. The indicative plan is relatively successful in achieving this, although there remain some urban design concerns regarding the suggested layout, such as the orientation of properties on the approach into the site, the positioning of parking areas and boundary treatments. In terms of scale, the development is acceptable and would positively reflect the character and appearance of surrounding development. The scheme takes a very similar approach to the Crofters Fold development. Materials would be reconstituted or natural stone under slate. These materials reflect the local palette of materials and do not raise any concerns.

7.21 It is contended therefore that despite the loss of some greenfield land, the development of the site would not be significantly detrimental to the local landscape character or the visual amenity of the area and that through careful design the development of the site could be a positive contribution to the settlement. As eluded to in the report, there are some concerns about the indicative layout which would need revising should a reserved matters application be forthcoming.

## 7.22 **Other Considerations**

### Open Space

Given the scale of the development and the number of dwellings proposed there is a requirement for public open space on site, including the provision of play equipment. Whilst this is desirable, the PPG17 study indicates that there is sufficient play provision within the settlement and that it is not necessary to provide play equipment on site. Officers have been in negotiations with the developer on this matter. It has been agreed that as part of this application, a commuted sum to the sum of £21,250 shall be paid to the Council to upgrade the play equipment on Beech Avenue. It is recognised that this play area is not the closest to the application site. However the play areas on Crofters Fold have not been identified for upgrade. Given the Beech Avenue play area remains within reasonable walking distance in the village the applicant has agreed to this request. In addition to the off-site contribution, it is also accepted that there is a requirement for on-site informal public open space. This will not only contribute to high quality design as advocated by the NPPF and policy SC5 of the Core Strategy, but will also add to the wellbeing and character of the development. The indicative layout plan shows an area of public open space on site which clearly shows that such provision can be achieved without significantly compromising the number of units proposed in principle. In addition to the open space, due to the requirements to provide a community car park and potentially a landscape buffer between the development and properties on Stoney Lane, there is a significant amount of landscaping shown on the indicative plan. The developer has indicated that a management company would be set up to manage and maintain the areas of land not taken up by individual dwellings. This is a matter to be included in the legal agreement.

### Flood Risk

Given the size of the site the developer has carried out a Flood Risk Assessment. The site is located in Floodzone 1 where residential development is considered acceptable. The Environment Agency has raised no objections provided the development is carried out in accordance with the FRA and that a condition is imposed relating to a drainage strategy to ensure that surface water run off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the

undeveloped site for the same event. A drainage strategy has been submitted with the FRA. Whilst there is no precise drainage solution in place at this stage, as the layout of the development remains a reserved matter this document clearly indicates that there will be a technical solution to ensure surface water is adequately drained in site. It is envisaged this would involve a SUD system. Officers are satisfied that the site can be developed as proposed and adequately drained without posing a potential flooding risk on site or elsewhere. A planning condition is recommended to ensure this matter is adequately addressed. United Utilities and the Environment Agency have not objected to the development. Despite objections and concerns to the contrary, there are no reasons at this stage to resist the development on flood risk grounds.

7.24

#### Contaminated Land/Air Quality/Noise

The application has been accompanied with a preliminary risk assessment in relation to contaminated land. This report has been considered and judged acceptable. The Council's Contaminated Land Officer recommends standard contaminated land conditions.

With regards to Air Quality, the Council's Air Quality Officer has not raised a formal objection to the proposal but has aired concerns about the increase in traffic and the impact on air quality in the locality and on the existing Air Quality Management Area (AQMA). He has indicated that the impact will not be large but will cumulatively add to the burden in this location. The Air Quality Officer has suggested the impact could be mitigated. Suggested mitigation includes insisting on a higher Code for Sustainable Homes rating (such as code 4) and the provision of electrical charging points to facilitate the use of electric cars. Whilst these may be valid mitigation measures, conditioning such requirements may be viewed unreasonable and unnecessary and would ultimately fail the tests required for planning conditions. There are, however, clear direct benefits related to the proposal which may make a positive contribution towards alleviating air pollution. This relates to the requirement of a TRO which would hopefully remove parked vehicles on the carriageway and footway, resulting in potential obstructions (the parking vehicles) being removed thereby improving the flow of traffic within the AQMA. Equally, the introduction of MOVA at the signalised junction will also improve the flow of traffic through Galgate, again reducing excessive congestion and delay which adds to the air pollution within Galgate. For these reasons, Officers do not feel it is appropriate to request future mitigation on air quality grounds.

The proposed development will sit adjacent to the West Coast Mainline. As a consequence, a noise assessment has been submitted to demonstrate how the proposed properties and occupants could be protected from the noise generated by the railway. The Council's Environmental Health Officer has raised no objections provided the development is carried out in accordance with the mitigation measures proposed, which relates to the internal layout of properties (a reserved matter) and the provision of high specification glazing to any properties against the railway embankment. This matter will be reviewed again at the reserved matters stage when the layout is considered. However, as there are clear mitigation measures to deal with noise emanating from the railway, there is no reason to resist the principle of residential development on this site on the grounds of noise impact.

8.0

#### Planning Obligations

8.1

Given the nature of the proposal and the complexity of the access arrangements, there is a requirement for the applicant to enter into a legal agreement with the Council. The legal agreement would need to cover affordable housing, public open space and the management and maintenance of the community car park.

##### *Affordable Housing*

The applicant is prepared to provide 30% affordable housing. The submitted Heads of Terms suggest that the applicant wishes to agree the mix, type and tenure of affordable housing at the reserved matters stage. Officers would like to ensure the legal agreement specifies the tenure at the outline stage to include 50% social rented and 50% intermediate. A verbal update on this matter will be provided.

##### *Public Open Space*

The applicant has agreed to a commuted sum, to the sum of £21,250, for upgrading and improvements to the existing play area on Beech Avenue, Galgate. This shall be paid to the Council prior to the commencement of development.

The applicant has agreed to provide an area of informal public open space on site which shall be provided, managed and maintained, together with any communal landscaping in perpetuity. The precise location to be agreed at the reserved matters stage.

#### *Management of the Community Car Park*

The applicant is aware that in order to deliver a safe access into the site, there is a requirement for a community car park to be used by residents of Main Road who would no longer be able to park in front of their properties on the footway or carriageway, as a consequence of the TRO and street furniture. It is envisaged that the car park would be free of charge to the residents of Main Road. The most appropriate way for this element of the scheme to be delivered would be through the setting up of a management company. The developer is prepared to offer a commuted sum for the provision of the car park and its maintenance and management for the first ten years. The figure offered is £15,000. Officers remain in negotiations on this point, as ten years does not seem a sufficient or reasonable length of time following commencement of the development. Members will be verbally updated on this matter once Officers have agreed an appropriate figure and period of time for maintenance/management.

#### *Education*

The County Council have requested a contribution of £69,814 (equivalent to 6 primary school places) on the basis that the development will yield 18 primary school places and that the local schools will only have spaces for 12 (projected places in 5 years), resulting in a shortfall of 6. Whilst this is a valid consideration, Officers are mindful that the delivery of market and affordable housing is a priority and carries significant weight in the determination of the application. In addition, Officers are also mindful of the obligations needed to ensure this development is deliverable, namely the access arrangements, off-site highway works and the commuted sum in respect of the community car park. Without the car park the access arrangements are questionable due to the risk of displacing vehicles. Officers are also mindful of the requirements in the NPPF not to over-burden developers which would threaten development viability. Subsequently, bearing in mind the Council have not signed up to the County's Planning obligations paper, the priorities in this case are to deliver much need market and affordable housing in a sustainable location with a safe access which does not comprise the highway network. On the balance of priorities arising from this application, Officers have not pursued this request.

## **9.0**

### **Conclusions**

#### **9.1**

Subject to the reaching a reasonable comprise in relation to the wording of the s106 in respect of affordable housing and the commuted sum amount and period of time that the community car park should be managed and maintained, Members are recommended that planning permission should be granted. The reasons for this is summarised as follows:-

Whilst it is recognised that the proposal represents part greenfield development, this is outweighed by the need to address local housing needs and deliver open market and affordable housing in sustainable locations. It is clear, that despite the partial greenfield nature of the site, it is well integrated with Galgate village and has very good access to local services and public transport. It is clear, that matters such as flood risk, landscape impact and residential impacts can be appropriately dealt with through careful design, layout, landscaping, together with technical solutions to ensure the development of the site will not pose a flood risk to the village. These are all matters to be dealt with at the reserved matters stage. Despite concerns on highway grounds, the proposed application has demonstrated that a safe access can be provided, although to achieve this the developer must fund a TRO and street furniture to restrict parking on Main Road (including the footway) and provide a community car park to ensure that displaced cars parked on the highway are accommodated on site. To support the sustainable nature of the proposal, the developer will provide a cycle/pedestrian link onto Stoney Lane and will also contribute to upgrading the nearby bus stops to Quality Bus Stops thereby encouraging the use of public transport. On this basis, the development fully accords with the principles of sustainable development and is considered compliant with the Development Plan and the NPPF.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to a legal agreement covering affordable housing, public

open space and the setting up of a management company of third party and a commuted sum for the management and maintenance of the community car park and the following conditions:

1. Time Limit – Standard limit for outline applications
2. Indicative Drawing only
3. Scale parameter condition – 2 storey
4. Constructional details of the access (both the vehicular access point and cycle link)
5. Provision of the access agreed under condition 4 prior to commencement and only once the TRO has been successful and provision of the cycle link before occupation.
6. Scheme for off-site highway works, involving the TRO, installation of street furniture and upgrades to Quality Bus Stops, to be agreed and implemented in full – phasing to be including in this condition.
7. Protection of visibility splays
8. Construction management plan (traffic management, dust control, storage of waste, wheel washing etc)
9. Full details of the car park to be provided specifically a minimum of 19 spaces to be provided (as indicated on the illustrative plan submitted)
10. Community car park to be provided in full upon the approved access being brought into use including construction traffic
11. Car park to be retained for the lifetime of the development
12. Code Level 3
13. 10% renewable energy
14. Standard Contaminated Land Investigation
15. Importation of soil, materials and hardcore
16. Prevention of new contamination
17. Hours of Construction
18. Development to be carried out in accordance with the noise assessment and mitigation measures
19. Development to be carried out in accordance with the submitted flood risk assessment
20. Development to be carried out in accordance with the Ecological Survey and mitigation measures proposed
21. Scheme for drainage and surface water management
22. Scheme for provision and maintenance of on-site open space

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

1. None