

<b>Agenda Item</b> A7	<b>Committee Date</b> 2 <sup>nd</sup> March 2015	<b>Application Number</b> 14/01105/REM
<b>Application Site</b> Launds Fields Stoney Lane Galgate Lancaster	<b>Proposal</b> Reserved Matters application for 50 dwellings and associated roads and landscaping	
<b>Name of Applicant</b> Mr Chris Gowlett Persimmon Homes	<b>Name of Agent</b> None	
<b>Decision Target Date</b> 12 February 2015  An extension of time for determination has been agreed to the 9 <sup>th</sup> March 2015	<b>Reason For Delay</b> Outstanding matters to address and committee cycle	
<b>Case Officer</b>	Mrs Jennifer Rehman	
<b>Departure</b>	N/A	
<b>Summary of Recommendation</b>	Approve subject to receipt of satisfactory amended plans and further information and comments from County Highways	

## **1.0 The Site and its Surroundings**

- 1.1 The site relates to a 1.75ha parcel of land located in Galgate but within the designated Countryside Area. The land 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 forming the south western boundary.
- 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 (e.g. 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 Ellet 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 on this side of Stoney Lane.
- 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. The land levels rise quite steeply in the south eastern part of the site.
- 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 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 Flood Zones 2 and 3 (Ou Beck).

## **2.0 The Proposal**

- 2.1 A reserved matters application has been submitted for the layout, appearance and landscaping for the residential development of the site. The application proposes 50 two-storey dwellinghouses made up of a mix of 2, 3 and 4 bedroom units. 15 units are identified as affordable units in accordance with the requirements of the legal agreement for the outline permission. The breakdown of house types is as follows:

- 22 x 2-bed units (of which 13 are affordable)
- 14 x 3-bed units (of which 2 are affordable)
- 14 x 4-bed units

- 2.2 The application shows a community car park within the layout as required by the outline permission (the management details of this covered by condition under the outline permission) and a small area of amenity/public open space within the core of the site. The vehicular access to the site remains as per the outline permission and a cycle link is still proposed from the site to Stoney Lane.

## **3.0 Site History**

- 3.1 Members will recollect the outline application for upto 50 dwellings being approved (Issued 19 December 2013). Access and scale was applied for at the outline stage. This permission was subject to conditions and a legal agreement requiring 30% on-site affordable housing, an open space contribution and the setting up of a management company/maintenance plan for the community car park and an associated contribution.

The relevant planning history is noted in the table below:

Application Number	Proposal	Decision
12/00834/OUT	Outline application for residential development of up to 50 Dwellings	Permitted
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

## **4.0 Consultation Responses**

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

Consultee	Response
County Highways	<p><b>Objection</b> on the following grounds:</p> <ul style="list-style-type: none"> <li>• Inadequate parking provision for the proposed development</li> <li>• Cycle link to be improved to remove the 90 degree bend</li> </ul>

	Concerns were aired in relation to road adoptions and surfacing treatments and the location of the field access. The Highway Authority have also highlighted the requirements of the outline planning permission in relation to off-site highway works.
<b>Highways Agency</b>	<b>No objection.</b>
<b>Network Rail</b>	<b>No objection</b> subject to an advice note relating to their asset protection.
<b>Parish Council</b>	<b>Objection</b> on the following grounds: <ul style="list-style-type: none"> <li>• The proposal will exacerbate existing traffic problems in Galgate</li> <li>• There are insufficient school places and doctor surgery provision</li> <li>• The development has not been designed to “Secure by Design” standards.</li> </ul>
<b>Contaminated Land Officer (Env Health)</b>	Further information has been submitted to address earlier concerns. At the time of compiling this report the Contaminated Land Officer had not provided any additional comments. A verbal update will be provided.
<b>United Utilities</b>	<b>No objection</b> subject to foul and surface water drainage scheme condition.
<b>Tree Protection Officer</b>	<b>Objection</b> subject to amendments to the layout to improve the relationship of the development to trees/hedgerows identified as G1, H1 and H2. Subject to resolving this, conditions are recommended in relation to the implementation of the tree assessment/protection, submission of tree schedule and method statement and landscaping.  A revised tree assessment and landscaping proposal has now been submitted. The Tree Protection Officer <b>no longer objects</b> subject to the imposition of conditions relating to the implementation of the submitted AIA, Tree Protection Plan, AMS and landscaping.
<b>Environment Agency</b>	<b>No comments</b> – previous comments on the outline application remain applicable.
<b>Lancashire Constabulary</b>	<b>No objections</b> but recommendations to secure some of the secure by design principles.

## **5.0 Neighbour Representations**

5.1 At the time of compiling this report, 9 letters of objection have been received raising in the following concerns:

- Traffic and highway safety concerns, especially regarding peak times, access arrangements; insufficient spaces in the community car park (and management and allocation of spaces of the car park);
- Lack of village infrastructure (school places/doctor surgery);
- Overlooking (privacy) and overbearing (scale) concerns;
- Garden access lane should be extended to all residents on main road bordering the development site;
- Concerns over the buffer strip to rear of Stoney Lane. This will lead to security problems, loss of light and on-going maintenance issues. The applicant has not made any contact with the owners of 2, 4 and 6 Stoney Lane. The proposal fails to reduce the fear of crime which is integral to good design. The proposal does not meet Secure by Design principles.
- Cycle/pedestrian improvements on existing roads should be explored;
- More appropriate uses for this site – such as a ‘park and ride’ car park;
- Lack of publicity/consultation;
- Loss of property values;
- The above concerns exacerbated by other proposals discussed/proposed in the village

A further letter from the local school head teacher has been received offering general support for development provided the impact of the scheme and its possible expansion are considered when the local planning authority considers new proposals for housing in the village.

## **6.0 Principal National and Development Plan Policies**

- 6.1 National Planning Policy Framework (NPPF)  
Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles  
Paragraph 32 and 34 – Transport Considerations  
Paragraphs 47-55 - Housing

Paragraphs 56, 57, 58, 60, 61 and 64 – Design  
Paragraph 69 – Promoting Healthy Communities (place making)  
Paragraphs 109, 117 – 119 – Conserving the Natural Environment

6.2 Lancaster District Development Management DPD (DM DPD)  
Policy DM20 – Enhancing Accessibility and Transport Linkages  
Policy DM21 – Walking and Cycling  
Policy DM22 - Vehicle Parking Provision  
Policy DM28 – Development and Landscape Impact  
Policy DM29 – Protection of Trees, hedgerows and Woodland  
Policy DM35 – Key Design Principles

6.3 Lancaster District Local Plan (saved)  
Policy E4 – Countryside Area

Lancaster District Core Strategy  
SC1 – Sustainable Development

6.4 Supplementary Planning Guidance (SPG)  
SPG 12 – Residential Design Code  
SPG – Meeting Housing Needs

6.5 Other Material Considerations  
National Planning Practice Guidance

## **7.0 Comment and Analysis**

7.1 The main issues to consider in respect of this application for reserved matters are as follows:

- Principle of Development
- Design, Layout and Amenity
- Parking
- Landscaping

### **7.2 Principle of development**

The previous outline application has already established the broad principles of residential development on the site (for upto 50 dwellings), with matters such as layout, appearance and landscaping being matters reserved for later determination. Access and scale of development have already been accepted and the reserved matters application is not an opportunity to re-examine the principle of development or the details concerning the proposed access points.

7.3 The outline permission was granted subject to a number of planning conditions, particularly in relation to the main vehicular access and off-site highway works, and a s106 legal agreement covering affordable housing, a public open space contribution, a contribution towards the community car park and the establishment of a management company and management/maintenance strategy for the operation of the on-site community car park. The main considerations in relation to this reserved matters application relates to securing high quality design to ensure the proposal integrates with the existing built-up area of the village.

### **7.4 Design, Layout and Amenity**

The layout of the scheme is not dissimilar to the indicative plans provided at the outline stage. The layout still provides the community car parking to the south side of the main vehicular access point and an area of public open space in the centre of the site. The main vehicular access point and cycle link to Stoney Lane are predominantly consistent with the terms of the outline. The development is focussed around a circular internal road layout with development positioned to the south of the main access road adjacent to the railway embankment. The layout also works around the existing house on site which is intended to be retained by the existing landowner.

7.5 In terms of overall layout, the scheme adequately demonstrates that the dwellinghouses are appropriately sited to secure an acceptable level of amenity for existing and future residents. Separation distances between the existing and proposed dwellinghouses adequately meet the recommended interface distances set out in policy DM25, with gardens generally compliant with the requirements set out in the DM DPD. Those gardens that are slightly below the recommended

standards are not such that would result in substandard development. Sectional drawings have been provided to evidence that suitable and practical gardens can be achieved to the properties running along the eastern boundary. The retaining wall varies from 1.2m to 1.8m in height beyond which the land would be planted with additional trees and wildflowers to support and enhance biodiversity.

- 7.6 The layout and design of the scheme has many good attributes, yet the streetscenes will be dominated by parked cars in front each of the units. Very few units provide discreet parking solutions (e.g. behind the building line). This is a weakness of the scheme. However, it is not such that a refusal of planning permission could be substantiated in design terms. The proposed landscaping scheme attempts to break up the appearance of parked cars and on a positive note, because of the nature of the proposed parking arrangements, there will be limited ability to park within the highway as parking spaces would then be obstructed. This perhaps raises questions over the overall parking provision and this is discussed later.
- 7.7 The proposed dwellings shall be built in reconstituted stone under tiled roofs. The dwellings are standard house types used by the applicant but are considered acceptable in this location subject to the detailing and samples of materials being conditioned. Conditions can ensure that windows have sufficient recess and that details such as stone, tiles, heads, cills, rainwater goods, fascias and soffits are reflective of surrounding built development. A materials schedule has been provided, though officers have confirmed that some of the proposed materials are not acceptable (including the stone). The applicant has acknowledged this and recognises that the details will need improvement if any planning condition is to be satisfactorily discharged.
- 7.8 There are 10 different house types proposed within the site, comprising a mix of terraces, semi-detached and detached units. This mix will positively contribute to place making and good design. The site levels of the site vary with the lowest areas located up against the rear of properties on the A6, gently rising to the highest point in the south eastern corner of the site. This also helps create visual interest to the scheme with terraces stepped in height and breaking the mass of the overall development. Properties which face the internal spines roads on principal corners have been appropriately designed with dual aspects and soft landscaping interspersed within the development.
- 7.9 With regards to boundary treatments, amendments have been received to improve the appearance of certain boundaries where they are visually dominant within the streetscene. Further revisions are required to this effect or alternatively the detail can be conditioned. Plot boundaries will also need to be high timber fences contrary to what is currently shown on the submitted plan. This is secure future occupants have private amenity space upon occupation of the dwellings.
- 7.10 The scheme layout proposes a strip of land to the rear of plots 32–38 which is intended to be retained by the developer (or management company) to maintain. This area of land has caused considerable concern to the residents of Stoney Lane. Due to the land level difference between the site and these existing properties it is acknowledged that extending the proposed garden curtilages up to their existing boundary would be inappropriate and would lead to a loss of residential amenity. It is also acknowledged that tree planting in this location (subject to species and maintenance) would equally lead to long term amenity issues for these existing residents. One option is that the land be transferred to the existing residents of Stoney Lane and for them to increase their gardens and to remove a long term maintenance issue for the developer. It is also acknowledged that residents have aired concerns over this land being inappropriately used and posing a security risk. Officers have recommended the developer to engage with the existing residents to see if this option could be feasible. However the local planning authority cannot force the developer to transfer land to a third party if the layout of the development is acceptable or can be made acceptable. The current solution is an approximately 4.7m wide strip of land separating the rear garden boundaries of the proposed properties with the existing boundaries of properties on Stoney Lane. This proposal would prevent there being any loss of amenity or overbearing impact from the proposed dwellings and therefore presents a reasonable solution. The proposed landscaping scheme indicates minimal tree planting but low native shrub and wild meadow planting. This form of landscaping is unlikely to cause any overbearing impact and is considered acceptable.
- 7.11 With regards to security, the space should form part of the site wider landscaping proposals. A

condition will be required to ensure this land and other landscaped areas are appropriately maintained. Such maintenance should minimise the risk of crime or a fear of crime. In terms of Secure by Design, Lancashire Constabulary have raised no objection to this element of the scheme. Whilst Officers understand the existing residents' concerns, the scheme as presented is acceptable.

#### 7.12 **Parking**

Policy DM22 requires car and cycle parking provision that accords with the levels set out in Appendix B of the DM DPD. The car parking standards are set as maximum standards rather than minimum with 2/3 bedroom units having 2 spaces in local centres and 3 spaces for 4 bedroom units. The proposed site is located a rural village where access to public transport is readily available.

7.13 The proposed development offers 114 car parking spaces (excluding the community car park) which equates to just over 200%. Amendments have been received to demonstrate that adequate parking is provided for each unit relative to the unit size. House types have been revised so integral garages are of sufficient length to encourage future occupants to utilise them. The revised layout demonstrates that the 4-bedroom units have the ability to park 3 vehicles. This level of provision is compliant with local policy. All of the 3-bedroom units have 2 parking spaces provided off-street – this too is compliant with policy. The level of provision is reduced for the 2 bedroom units to approximately 150%. Whilst this level of provision is below the standards set out in the DM DPD, this level of provision in a village identified as a sustainable rural settlement where bus services are available is reasonable. Notwithstanding this, the Highway Authority are yet to comment on the revised plan and parking provision proposed. It is highly likely given the nature of the layout of the estate that future occupants who own more than one car are going to be discouraged to purchase a property that only has one space, particularly given that the layout discourages on street parking. The proposal indicates visitor parking will be available for the smaller units (2-bed units). Due to the nature of the layout there is limited scope for visitors to park on-street within the development and limited on-street parking available in the village. That said, there is no policy requirement to specifically provide visitor parking space within new residential development. The Highway Authority are yet to provide comments on the amended plans. A verbal update will be provided.

7.14 The level of parking provision within the community car park (19 spaces) is consistent with the outline approval. The Highway Authority have not raised any objection to the level of provision provided for the car park specifically. Despite concerns raised by residents, the management and allocation of parking spaces are controlled by condition and the legal agreement. The provision of 19 spaces is reasonable, bearing in mind the proposed layout also provides a garden access route which would serve approximately 8 dwellings on Main Road that would be affected by off-site highway works required to redevelop this site (to prohibit on-street parking that currently exists). As noted at the outline stage, the properties on Main Road, with the exception of a few dwellings, have no allocated parking spaces at present. Occupants simply benefit from parking on Main Road.

#### 7.15 **Landscaping**

The landscaping proposals have been revised to resolve the Tree Protection Officer's concerns. The layout proposes the retention of the 2 significant trees along the eastern boundary (outside the site) which are visually prominent. They propose to partly-retain important hedgerows within the site (around the open space) and where existing hedgerows are to be removed (due to the land level changes) extensive new planting has been proposed to include, new beech hedging, and a range of new shrubs and tree planting across the site, in both private amenity space and open public areas. Generally, the proposals are all satisfactory and the Tree Protection Officer's objection has been removed and replaced by appropriate conditions. With regards to the maintenance of open space within the site, this shall be secured by condition 21 of the outline permission.

#### 7.16 **Other considerations**

Officers have sought clarification that the proposed layout would adequately accommodate an appropriate drainage scheme which is compliant with condition 20 of the outline permission. The applicant has indicated such reassurances would be provided though no such detail has yet been submitted. What the authority should not do is grant permission for a layout which prohibits appropriate surface water drainage proposals. A verbal update shall be provided to this effect.

7.17 The applicant has attempted to discharge conditions imposed on the outline via this reserved matters application. This is not the appropriate procedure. The applicant has sought to discharge part of the contaminated land condition and the ecological condition. Our Contaminated Land Officer has reviewed the information provided and sought further information from the developer. With regards to the ecological condition, it is understood this is interconnected with the proposed landscaping which appears acceptable. Given that the applicant will need to submit a discharge of condition application for other pre-commencement conditions, the applicant should therefore provide the necessary details at this stage. The benefit being that there has been early consideration of some of the detail submitted.

## **8.0 Planning Obligations**

8.1 The applicant has not sought to renegotiate the terms of the legal agreement, in respect of affordable housing (with viability evidence), and therefore the original terms of the agreement stand.

## **9.0 Conclusions**

9.1 Subject to resolving the matter over the cycle connection, confirmation that surface water drainage proposals can be accommodated in the proposed layout and the Highway Authority confirming their position in respect of the level of parking provision, the applicant has adequately addressed all other matters and has provided a scheme which represents an acceptable layout, design and landscaping. If the outstanding matters are adequately addressed, the development would be considered compliant with national and local planning policy and consistent with the terms of the outline consent. In which case, Members would be advised to support the proposal.

## **Recommendation**

That Reserved Matters **BE GRANTED** subject to the following conditions:

1. Time limit
2. Approved plans list (TBC – awaiting amendments in connection with cycle connection)
3. Notwithstanding details provided, materials and samples of all external materials to be provided
4. Full window/door details to be provided (sectional detail showing minimum 70mm recess), heads and cills
5. Full roof detailing (fascia's, soffits, verge, ridge tiles and rainwater goods)
6. Tree protection and AMS condition
7. AIA to be implemented
8. Landscaping scheme to be implemented and maintained  
Maintenance plan for open space to be provided
9. Notwithstanding the details submitted boundaries between plots 42 and 42; 46 and 47 and along cycle connection (TBC) to consist of stone wall and timber fence detail and divisional plot boundaries to be 1800mm timber fencing. All other boundaries to accord with revised site plan and boundary detail. Boundary details to be provided before occupation and retained at all times thereafter.
10. Details of external lighting and surfacing to cycle link and site wide
11. Car parking to be provided in full before occupation and retained at all times thereafter
12. Garage use condition
13. Removal of PD rights (extensions, alterations to roof, outbuilding, hard standing to front, erection of gate, fence, enclosures)

## **Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010**

In accordance with the above legislation, the City Council can confirm the following:

Subject to resolving the outstanding matters, the proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings. The local planning authority has proactively worked with the applicant/agent in negotiating amendments which have now positively influenced the proposal and have secured a development that now accords with the Development Plan and the National Planning Policy Framework.

## **Human Rights Act**

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

## **Background Papers**

None.