

<b>Agenda Item</b> A9	<b>Committee Date</b> 29 June 2015	<b>Application Number</b> 15/00080/FUL
<b>Application Site</b> Land At Stoney Lane Galgate Lancashire	<b>Proposal</b> Erection of 71 dwellings with associated access	
<b>Name of Applicant</b> Story Homes Limited	<b>Name of Agent</b> Mr Dan Mitchell	
<b>Decision Target Date</b> 11 May 2015 Extension of time for determination agreed to the 14 <sup>th</sup> July 2015	<b>Reason For Delay</b> Officer caseload and ongoing negotiations	
<b>Case Officer</b>	Mrs Jennifer Rehman	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approve subject to outcomes of further consultation and agreement of s106.	

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

- 1.1 This site relates to 2.8h parcel of pasture land located to the east of Galgate village to the north of Stoney Lane within the designated Countryside Area. Galgate is located approximately 7km south of Lancaster Town Centre, 2km from the centre of the University campus and 1.5km to M6 junction 33. The main core of the village is located to the east of the West Coast Mainline where local services such as shops and the school are located;
- 1.2 The site consists of two rectangular fields, a small rectangular enclosure and an irregular field and currently used for grazing, intersected by mature hedgerows and trees and bound by a combination of hedgerows, trees, post and wire fences and stonewalls. There is a watercourse, Whitely Beck, which extends marginally into the southeast corner of site, near the access gate for the site. This beck is partly culverted under Stoney Lane and is classified as a mains river. The site is elevated steeply from Stoney Lane (circa 27.50m Above Ordnance Datum - AOD) to the north approximately 40m (circa 32.5m AOD) and then levels out. The site also slopes from west (circa 21.00m AOD) to east (circa 34.00m AOD) over approximately 250m. Existing access to the site is off Stoney Lane approximately 145m from the village crossroads next to the neighbouring small holding (chicken building) and opposite Vale House.
- 1.3 The site is bound by existing residential development along its western boundary, the primary school and playing fields to the northern boundary, open fields to the eastern boundary upto the point of the M6 corridor and Stoney Lane to the southern boundary. Stoney Lane extends under the motorway and connects to Hampson Lane and Five-Lane Ends beyond. There are predominately residential properties located on both the north and south sides of Stoney Lane close to the crossroads with the rear gardens of 1 -23 (odd numbers only) backing and siding onto the application site. There is a garage and retail shop on the south side of Stoney Lane practically located at the junction. East of No. 23 the site frontage immediately abuts the highway and is separated by high mature hedgerows. The built form beyond this point diminishes eastwards with the exception of one further dwelling facing the existing access into the site. Approximately 145m

east of the main built up part of the village and before the motorway bridge a small ribbon of residential development exists on the south side of Stoney Lane.

- 1.4 The site is largely unconstrained. It is not located within any nationally-designated landscape or Green Belt; it does not fall within flood zones 2 or 3 with the exception of a small corner alongside Whitley Beck; there are no protected trees on site or nearby; the site is not protected by any international or local conservation status; and the site is not located within a conservation area. A Grade II listed building located close to the north eastern corner of the site (31 Chapel Street). A definitive Public Right of Way (PROW No.31) runs along the northern boundary of the site which connects to Chapel Street and part of the site is identified within a Minerals Safeguarding Area.

## **2.0 The Proposal**

- 2.1 Full planning permission is sought for the residential development comprising 71 residential units with an associated vehicular access off Stoney Lane. The proposal involves some re-grading of the site to deal with the existing topography, landscaping, public open space and the provision of connections to the existing public right of way to the north of the site.

- 2.2 The development will be predominately for family homes with some apartment accommodation and bungalows to cater for different age groups. The density of the development is approximately 26 dwellings per hectare. The proposal includes 28 affordable homes which equates to 40%. The breakdown of accommodation is as follows:

- 4 x 2-bedroom apartments (affordable)
- 2 x 2-bedroom bungalows (affordable)
- 12 x 2-bedroom terraced houses (affordable)
- 10 x 3-bedroom semi-detached houses (affordable)
- 6 x 3-bedroom semi-detached houses (market)
- 37 4-bedroom detached houses (market)

The proposed dwellings and the apartment block will be two-storey on height, with the exception of the pair of bungalows. Amendments were received reducing the apartment block from three storey to two storey.

- 2.3 The scheme proposes an area of public open space within the north-western corner of the site which shall provide an equipped play area with two separate access points from this area and footways within the site to the adjacent public right of way.

- 2.4 The site shall be accessed via a single vehicular access point off Stoney Lane approximately 40m west of the existing access. This access incorporates pedestrian footways to both sides of the access which will extend the length of the site frontage and shall join with existing footway along the northern side of Stoney Lane to the west. A principal spine road runs north through the site where it splits to serve the north western and north eastern sections of the development. Small private drives and shared surfaces are accessed of this spine road.

## **3.0 Site History**

- 3.1 There is no relevant planning history associated with the application site. However, the site has been identified as part of a wider site within the Council's Strategic Housing Land Availability Assessment (Ref: SHLAA\_142). The SHLAA assessment indicated that this site was capable of being deliverable and it has been included as part of the Council's anticipated future housing land supply, though only the western part of the site was considered deliverable (relating to the application site) with an expectation of 45 dwellings.

- 3.2 Prior to the submission of the application, a formal Screening Opinion request (14/01194/EIR) was made to the Council. The Council considered the details and contended that whilst the proposal would lead to the loss of a greenfield site, a change in the character and visual amenity of the area and will lead to an increase in traffic associated with the development, these environmental impacts would generally be localised. Having regard to the EIA Regulations, the National Planning Policy Framework and National Planning Practice Guidance, it is the opinion of the Local Planning Authority that whilst there will be environmental implications associated with the development due to the nature, scale and characteristics of the development and the development site, these

environmental effects are not likely to be significant and on this basis, the Local Planning Authority concluded that the proposed development was not EIA development.

#### **4.0 Consultation Responses**

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

Consultee	Response
Highway Agency	<p><b>No objection</b> – however there are aspects of the Transport Assessment that are not agreed. Notwithstanding this, based on their own assessment of the proposal, the changes/differences would not alter their overall conclusion of no objection.</p>
Highways (Lancashire County Council)	<p><b>No objection</b> in principle providing the following matters are resolved:</p> <ul style="list-style-type: none"> <li>• Inadequate parking provision</li> <li>• Internal layout to be amended to incorporate greater road narrowing and chicanes to help reduce vehicles speeds</li> <li>• Concerns over highway drainage</li> </ul> <p>Notwithstanding the above, further off-site works are considered necessary (upgrades to the PROW, the creation of an improved footway along Chapel Lane, a secondary pedestrian access to the school off the PROW, traffic calming measures and the provision of on-street parking at Stoney Lane)</p> <p>A <b>further response</b> has been provided. There are issues surrounding the management of vehicle movements along Stoney Lane particularly during the morning peak times (7:30-9:30) and that this is principally due to the lack of “off-street” parking facilities as well as vehicular capacity issues along the A6. The proposed creation of parking along Stoney Lane will provide a degree of mitigation.</p> <p>Mitigation proposed through other development in the village (Launds Field) together with the introduction of MOVA (to be funded via the County Council) will help alleviate vehicular queuing problems. Subsequently, there is no request from County to contribute to any other highway improvement works.</p> <p>LCC Highways have not questioned the contents and conclusions of the submitted Transport Assessment.</p> <p>In summary, the following conditions are recommended:</p> <ul style="list-style-type: none"> <li>• Provision and details of the access (including phased programme for implementation)</li> <li>• Scheme for off-site highway works (including phased programme for implementation)</li> <li>• Construction Management Plan</li> <li>• Protection of visibility splays</li> </ul> <p>Improvements to the adjacent PROW and the provision of the school link are to be secured by legal agreement.</p> <p>Amendments have been received and the Highway Authority re-consulted. At the time of drafting this report no further comments have been received. A verbal update will be provided.</p>
Strategic Planning Policy (Lancashire County Council)	<p><b>No objections</b> to the submitted minerals assessment that states that the site and its surroundings would be unlikely to be attractive to a commercial quarry operation given its location. The County’s planning team comments that the assessment does indicate that there is a sand and gravel resource beneath the site. The report states that reserves of sand and gravel are plentiful in Lancashire; when considering the issue of minerals sterilisation the availability of permitted reserves is not relevant. The City Council are advised to consider whether this sand and gravel can be extracted before or as part of the proposed development, and whether it is desirable for this prior extraction to be required in order to justify the grant of planning permission.</p>

<b>(City) Planning and Housing Policy Team</b>	<b>No objection</b> - support the development of this site in principle. The settlement is one where residential development is promoted and is also identified in the SHLAA. The lack of a five year housing supply should be a key consideration as should the scale of the development and its relationship with the existing settlement.
<b>County Education Authority</b>	<b>No objections</b> subject to a contribution to the sum of £216,533 towards the provision of 18 primary school places.
<b>Environmental Health Service (General)</b>	<b>No objections</b> , conditions or recommendations in relation to general environmental health matters. <b>No objections</b> from the Contaminated Land Officer, despite some criticisms over the submitted investigations. An unforeseen contamination condition is requested. <b>An objection</b> from the Air Quality Officer on the grounds the proposal would have a negative impact on air quality and in the absence of effective mitigation the proposal would be contrary to policy DM37. Following a response from the applicant, the Air Quality Officer confirms that current monitoring already indicates exceedance of the healthy based objective for nitrogen dioxide within the Galgate AQMA. The applicant's submitted assessment predicts a small but negative impact. No commitment is given to measures to mitigate/reduce or offset this impact. On this basis, their objection stands.
<b>Tree Protection Officer</b>	Following the submission of revised tree reports, <b>no objections</b> subject to clarification over the retention of a 10m length of hedgerow and appropriate landscaping/tree protection conditions. A revised Tree Report has been provided and a verbal update – including matters pertaining to retained trees and hedges, will be provided.
<b>Parish Council</b>	<b>Objection</b> - the development should not be supported until such time as a practical solution has been implemented to solve the traffic problems in Galgate, which this development would exacerbate. The Parish Council have objected solely on the basis of traffic concerns.
<b>Environment Agency</b>	<b>No objections</b> subject to a condition requiring the development to be implemented in accordance with the submitted Flood Risk Assessment and a detailed scheme for surface water drainage to be controlled by condition.
<b>City Council Drainage Engineer</b>	Initial comments raised in respect of surface water drainage have been addressed by the applicant. <b>No objections</b> to the proposed development subject to the precise details being conditioned.
<b>Lead Local Flood Authority</b>	<b>No objections</b> subject a condition requiring a surface water drainage scheme to be designed, implemented, maintained and managed, including the following: <ul style="list-style-type: none"> <li>• Design storm period and intensity (1 in 30 and 1 in 100 +30% climate change allowance)</li> <li>• Discharge rates restricted to 1 in 100yr rainfall event plus 30% climate change allowance</li> <li>• Finished floor levels (no lower than 150mm above existing ground levels)</li> <li>• Flood water exceedance routes</li> <li>• Timetable for implementation</li> <li>• Management plans for the lifetime of the development</li> </ul>
<b>United Utilities</b>	<b>No objections</b> subject to a condition for detailed foul and surface water drainage.
<b>County Archaeology</b>	There is potential for buried archaeological deposits as the line of the Roman Road from Ribchester to Lancaster is thought to cross the site. <b>No objections</b> subject to a condition requiring a programme of archaeological work to be undertaken.
<b>Police (Traffic)</b>	No observations to make to the proposal.
<b>Police (Architectural Liaison Officer)</b>	<b>No objections</b> but recommends that a condition be imposed to ensure the scheme is developed to full Secure By Design security standards. Other observations in respect of security feature are provided as commentary.
<b>Public Realm Officer</b>	An on-site play area should be provided, along with young persons' play (or a contribution - £30,000) in lieu of on-site provision, together with general amenity space within the design layout. Some concerns have been aired about the proximity of the public open space (POS) to adjacent habitable windows.  Amendments have been submitted attempting to address the POS requirements. At the time of compiling this report, further comments from the Public Realm Officer are still outstanding. A verbal update will be provided.

## **5.0 Neighbour Representations**

5.1 At the time of compiling this report 15 representations have been received. Of these 15 representations, 14 are against the proposal and 1 in favour, with additional comments from the school. Below is a summary of the reasons for opposition/support:

- Traffic and highway concerns, including exacerbation of congestion problems; lack of village car parking including problems around the existing Spar; potential for more accidents; lack of safe, continuous footways along Chapel Street; no consideration of pedestrian/cycle safety; Chapel Street is already used as a rat-run; a need for additional crossings at the crossroads junction; inadequate mitigation for the increased traffic impacts; and a decision should wait until the (Draft) Lancaster Transport Masterplan advances and a by-pass around Galgate is supported.
- Residential amenity concerns, including increases in noise, pollution and anti-social behaviour; loss of privacy; loss of views; loss of property value;
- Locational concerns, including inappropriate location; loss of greenfield; loss of public open space; and detriment to the character of the village by over-development.
- Capacity concerns, including those relating to the school, village store and health centre.
- Proximity of social housing to neighbouring property
- Increase in surface water run-off in an area known to flood
- Lack of public awareness/discussion of the proposed developments (Stoney Lane and Launds Field).

Separate comments from Dynamo (Lancaster & District Cycle Campaign) who object on the grounds the proposal does not adequately address cycle and walking onto and around the new development. The footpath connections should be made shared cycle/pedestrian footways. A contribution should be sought to make pedestrian/cycle links to the village hall better.

Separate comments have been received from the head teacher of the adjacent school. Concerns revised about the school being land-locked should the school ever need to expand to accommodate the proposed and potential future growth of the village. Concerns over the capacity of the school and access to the school off Chapel Street which is narrow and congested. The school would like to have seen a potential vehicular access provided into their site.

One letter of support from one of the landowners.

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

6.1 The National Planning Policy Framework (NPPF) indicates that the purpose of the planning system is to contribute to the achievement of sustainable development and at its heart is a presumption in favour of sustainable development (paragraph 14). The following paragraphs of the NPPF are especially relevant to the determination of this proposal:

Paragraph 12 – Development Plan as starting point for decision making

Paragraph 17 – 12 core land-use planning principles

Paragraphs 19 and 22 – Building a strong, competitive economy

Paragraph 32 – Traffic and highway considerations

Paragraphs 49, 50 and 55 – Delivering housing and creating sustainable communities

Paragraph 72-74 – Open Space and well-being of communities

Paragraph 103 – Flood Risk

Paragraphs 109, 111, 115, 118 – Conserving the natural environment

Paragraph 118 - Biodiversity

Paragraph 124 – Air Quality

Paragraphs 128-141 – Conserving and enhancing the historic environment

Paragraph 144 – Mineral Safeguarding

Paragraphs 187-190 – Decision-taking and pre-application engagement

Paragraphs 204-205 – Planning Obligations

Paragraphs 215-216 - Policy weighting of existing and emerging development plan planning policy.

## **6.2 Lancaster District Core Strategy**

SC1 – Sustainable Development  
SC4 – Meeting the District’s Housing Need

### 6.3 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Car parking provision  
DM23 – Transport Efficiency and Travel Plans  
DM25 – Green Infrastructure  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM32 – Setting of Heritage Assets  
DM34 – Archaeological Features & Scheduled Monuments  
DM35 – Key Design Principles  
DM36 – Sustainable Design  
DM37 – Air Quality Management & Pollution  
DM38 – Development and Flood Risk  
DM39 – Surface Water Drainage  
DM41 – New Residential Development  
DM42 – Managing Rural Housing Growth

### 6.4 Saved Lancaster District Local Plan

E4 – Countryside Area

### 6.5 Other relevant planning documents

Meeting Housing Needs Supplementary Planning Guidance  
National Planning Practice Guidance  
Joint Lancashire Waste and Minerals Local Plan (Policy M2)  
Guidance Note on Policy M2 – Safeguarding Minerals December 2014  
Strategic Housing Land Availability Assessment 2014 (SHLAA, 2014)  
Strategic Housing Market Assessment 2013 (SHMA, 2013)  
Lancaster District Housing Land Supply Statement, 2014  
Lancaster Local Plan Land Allocations DPD Preferred Options Document (Consultation 2012)

## **7.0 Comment and Analysis**

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

- Principle of the development
- Mineral Safeguarding
- Housing Supply & Need
- Access and highway impacts
- Air Quality
- Landscape and Visual Impact
- Design & Amenity Considerations
- Biodiversity & Landscaping Considerations
- Contamination/Flooding

### 7.2 **Principle of Residential Development**

The Development Plan policies referred to in Section 6 require new development to be as sustainable as possible, minimising the need to travel and making it convenient to walk, cycle and travel by public transport between the site and homes, workplaces and a host of facilities and services. Policy DM42 identifies a number of settlements where new residential development can be encouraged, one of which is Galgate. This settlement has a range of services including a primary school, doctor’s surgery, two public houses, shops, post office, regular bus services, community centre and sports facilities making it more locationally sustainable than most rural settlements. Thus, despite some comments to the contrary, the principle of new residential development in Galgate is acceptable and can be supported, provided it complies with the criteria set out in policy DM42 in relation to whether it is well related to the existing built form, proportionate to the existing scale of the settlement, located where infrastructure can cope with expansion and demonstrate good design.

- 7.3 Despite the site being a greenfield site, it is land that has been identified within the SHLAA and considered a deliverable site that can contribute to the district's housing supply. Despite the rising topography to the east, the site is predominately surrounded by existing development with access to local services and facilities within the village. Notwithstanding other considerations, such as landscape impact and highways, the site is well-related to the existing built form and despite the proposal advancing a scheme in excess of the 45 dwellings suggested in the SHLAA, the proposal is not considered disproportionate given the size and scale of the existing settlement and its proximity and role the village could (and does) play with Lancaster University.
- 7.4 **Mineral Safeguarding**  
The site and surrounding land is located within a Mineral Safeguarding Area under Lancashire's Waste and Minerals Local Plan. Policy M2 of the Waste and Minerals Plan states that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals. The policy sets out circumstances where incompatible development may be acceptable, for example where there is an overriding need for the development that outweighs the need to avoid mineral sterilisation. It requires proposals for development other than non-mineral extraction, to demonstrate that they will not sterilise the resource or that consideration has been given to prior extraction, on site constraints and the need for the proposed development. The NPPF states that local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.
- 7.5 The application has been submitted with a comprehensive Minerals Assessment which concludes that due to the relatively small area of land potentially suitable for mineral extraction, the topography of the site and the proximity of the site to residential property, together with the need to retain minerals on site for any cut and fill exercises and the use of sustainable drainage, the site is highly unlikely to attract significant commercial interest for mineral extraction. Similarly, it is considered that pursuing extraction of the minerals as part of the development would not be appropriate in this location given the potential adverse environmental impacts likely to arise. Officers are satisfied that Policy M2 of the Waste and Minerals Plan has been appropriately considered. There is a strong presumption in favour of supporting new housing, which on balance, would outweigh any concerns over mineral sterilisation, particularly because of the constraints listed above.
- 7.6 **Housing Supply**  
The NPPF requires local authorities to significantly boost the supply of housing especially in situations of noted undersupply. The most recent housing land supply and delivery position for the district is described in the 2014 Housing Land Monitoring Report (HLMR) and accompanying Housing Land Supply Statement 2014. This has a base date of the 1<sup>st</sup> April 2014. Allowing for existing commitment, past housing completions, the requirement for a 20% NPPF buffer and the Sedgefield methodology for calculating future supply the Housing Land Supply Statement identifies a five year supply position of 3.2 years against its adopted housing requirement of 400 dwellings per annum set out in Core Strategy policy SC4. In light of the current undersupply, it should also be noted that as part of the Council's preparation of its Land Allocations DPD, the emerging evidence base in relation to objectively assessing housing needs (the Strategic Housing Market Assessment (SHMAA) and the SHLAA) identifies a gap of approximately 5,000 dwellings, includes this site as a suitable for residential development.
- 7.7 The applicant has undertaken their own assessment of the districts housing land supply position, which in summary suggests the Council's claimed supply of 3.2 years to be optimistic at best. Their own assessment suggests that the Council's latest objective assessment of housing needs to be as low as a 1.5 year supply based on a higher housing target (800 per annum), 1.8 year supply based on the Council's emerging local plan target (600 per annum) and a 2.4 year supply based on the current requirements (400 per annum). The Council however maintain their housing land supply position - it is evident that the Council does not currently have a 5 year housing land supply. Subsequently, it is accepted that paragraph 49 of the NPPF applies (presumption in favour of sustainable development).
- 7.8 The NPPF introduces a requirement for authorities to meet their full, objectively assessed need for market and affordable housing in their area and to identify a supply of specific deliverable sites sufficient to provide 5-years of housing against their housing requirements. Within Lancaster it is

apparent that even in consideration of all sources of housing supply, it may be the case that sufficient development may not come forward within the next 5 year period to fully satisfy delivery of its full 5 year housing requirement. In such circumstances the NPPF states that the district's policies relating to the supply of housing may be considered to be out-of-date. As such, the NPPF stipulates that planning in such circumstances must be undertaken in accordance with a presumption in favour of sustainable development. For decision making this means "*Where the development plan, in relation to its housing supply, is assessed as being out of date, granting planning permission unless:*

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF as a whole; or*
- *Specific policies in the NPPF indicate development should be restricted*".

7.9 As a consequence there is a clear expectation that unless material considerations imply otherwise sites that offer the opportunity for housing delivery should be considered favourably.

#### 7.10 **Market and Affordable Housing Needs**

Policy DM41 of the DM DPD states that residential development will be supported where it represents sustainable development. It requires new residential development to use land effectively, be appropriately located so that infrastructure can cope with expansion and provide an appropriate dwelling mix that meets local housing needs. The Council's SPD Meeting Housing Needs (informed by the Council's Housing Needs Survey 2011) indicates that the main type of accommodation required in Galgate is predominately 1-bedroom and 2-bedroom homes with some 3 and 4 bedroom dwellings and an affordable housing need of 3-bed terraced properties. The market housing proposed as part of this application is predominately larger family homes which does not perfectly reflect the housing needs identified in the Housing Needs Survey. However, the proposal does still present a mix of housing types and sizes which would contribute to meeting local housing needs.

7.11 Policy DM41 and the SPD seek residential development on greenfield sites to deliver up to 40% affordable housing. The applicant proposes 40% affordable housing which equates to 28 dwellings. The scheme has been revised to remove initial concerns over the suitability of the three-storey two-bedroom apartment block, and now provides a scheme which offers a suitable mix of house types/sizes to positively contribute to the affordable housing need. Whilst there is some disappointment that one-bedroom units have not been incorporated into the scheme, the provision of 28 units affordable homes, including 2 x 2-bedroom bungalows, is a welcome addition to the current undersupply of affordable homes in the district.

7.12 In conclusion, the proposal will make a valuable contribution to the district's housing need in addition to providing 40% affordable housing on site. In this regard the proposal should be considered in the context of the presumption in favour of sustainable development and great weight should be attached to this consideration.

#### 7.13 **Access & Highway Considerations**

The application has been accompanied by a detailed Transport Assessment (TA) which considers the sites sustainability in terms of accessibility to transport provision, trip generation and distribution and the development traffic impacts. The submission of a TA and its contents accords with the requirements of planning policy and guidance.

7.14 The site will be accessed via a new priority controlled T-junction off Stoney Lane along the southern boundary of the site. The access will cater for pedestrians with footways incorporated at the access and along the site frontage linking to the existing footpath. The TA provides details in relation to the character of Stoney Lane and confirms that at the point of the proposed access Stoney Lane enjoys a 30mph speed limit, before dropping to 20mph west of the access, and 60mph just before the M6 to the east. Visibility splays of 2.4m x 43m are proposed. None of the statutory consultees have objected to the design, layout and position of the proposed vehicular access.

7.15 Stoney Lane is a narrow road with sub-standard footways. At peak times, Stoney Lane suffers traffic congestion compounded by the amount of on-street parking that occurs along its length, particularly close to the existing residential properties, and a consequence of drivers trying to avoid



traffic on the A6. The Case Officer's initial site inspection was purposefully made between 0800-0900 to understand the concerns the community have with the existing parking and traffic problems. Parking is unrestricted along Stoney Lane, though most vehicles tend to park on the north side of the carriageway narrowing the road further. It is understood that local residents, visitors of the shop and garage tend to park in this location due to the lack of parking provision within curtilages or for the village centre.

- 7.16 Access will in the majority of cases still be via the four-armed signal controlled crossroad junction to the west of the site access. Chapel Street is accessed off this junction via Stoney Lane (though we understand this is abused by drivers at times). Chapel Street is a narrow street providing one-way traffic (north bound) for vehicles and two-way for cyclists. There are poor pedestrian footways along its length. The school is accessed off Chapel Street. On-street parking further restricts safe and easy vehicle movements along the length of this street.
- 7.17 There is access to public transport approximately 400m from the centre of the site to the A6 where there are a number of regular services running between Lancaster, Preston and Blackpool. National Cycle Route No.6 is located on Stoney Lane which connects to local routes including Chapel Street onto Chapel Lane up towards the University. The closest railway station is in Lancaster.
- 7.18 In terms of the pedestrian environment, within the site continuous footways are incorporated along the main spine road connecting to private drives and some shared surfaces. These footways provide safe access to the proposed public open space and connect at two points into the adjacent PROW. This PROW provides an existing access to Chapel Street between 31 and 33 Chapel Street. The PROW is without doubt poorly-maintained and uninviting. It is currently and regularly obstructed by vehicles parking at the foot of the footpath and a refuse bin which is poorly placed limiting access. It also suffers poor visibility and natural surveillance, particularly to the rear of the garage serving number 31 Chapel Street (sharp 90 degree bend bound by stone walls).
- 7.19 To assess the development, traffic surveys and junction capacity assessment have been carried out, together with a road safety audit. The developer had undertaken pre-application discussions with the statutory consultees (Highway Authority and Highways Agency) in this regard.
- 7.20 For the A6/Stoney Lane/Salford Road the LINSIG (traffic signal junctions modelling) data demonstrates that this junction currently operates within capacity. However the applicant recognises that there are a number of factors which occur that cannot be accurately modelled, such as buses blocking traffic flows, informal parking outside the Spar and on-street parking. Significant queuing was accepted to occur for short periods of the peak hours along the A6 with less queuing outside the peak times.
- 7.21 In terms of generated trips from the proposed site that could potentially contribute towards A6 queueing, it can be seen from the TA that only 11 predicted arrivals are expected in the morning peak hour. These 11 trips would be distributed across the wider network and anticipated to account for an additional vehicle associated with the development every 5 to 6 minutes joining the network. The assessment demonstrates potentially 29 departures in the morning peak and 26 arrivals in the pm peak. The TA assesses matters based on cumulative impacts and traffic growth, which is consistent with the requirements of planning policy and guidance. In terms of the capacity of the crossroad junction, the assessment indicates that based on the anticipated traffic generation with the majority passing through the A6 junction, this would only equate to one additional vehicle every single signal cycle on any arm. The assessment shows that the comparison of the operation of the junction with and without the development with forecast development traffic, that the change in operation is minimal. The assessment concludes that the impact on the crossroad junction is not considered to be severe. An assessment of the site access junction concludes the site access will have more than sufficient capacity to accommodate the proposed traffic movements associated with the development.
- 7.22 Whilst the Highways Agency have indicated they did not agree with all aspects of the TA, their own assessment indicates that trip generation/distribution and the impacts of the proposal on the strategic road network (motorway) would not lead to severe impacts (paragraph 32, NPPF) and have raised no objections to the proposal. The local Highway Authority have also raised no objections to the development and in particular no concerns over the contents and conclusions of the submitted Transport Assessment, particularly in relation to the potential trip generation, trip

distribution and capacity assessments. They have, however, acknowledged that there are currently issues surrounding the management of vehicle movements along Stoney Lane due in principle to the lack of off-street parking as well as capacity issues along the A6 corridor as a whole from junction 33 to Lancaster City, such are prevalent during the morning and evening peaks. As a consequence, the Highway Authority consider it necessary, reasonable and directly related in scale and kind that there should be a range of off-site highway improvements sought to provide a degree of mitigation.

- 7.23 The applicant has put forward a set of off-site highway improvements as part of their proposal. This principally includes the provision of purposefully designed on-street parking (lay-by for 5 vehicles) on Stoney Lane and proposed traffic calming gateway features on the approach to the village along Stoney Lane, both in advance of the 30mph limit and the 20mph limit. County Highways have raised no objections to these proposals and such measures should be secured by planning condition and delivered via a s278 agreement with the Highway Authority.
- 7.24 Traffic impacts are a significant concern to the community. However, with both the Highways Agency and the County Highway Authority not objecting on traffic grounds, in particular highway capacity, there are no defensible traffic reasons to refuse the application. Mitigation has been proposed and accepted as part of this application, together with the Highway Authority confirming that the introduction of MOVA at the junction is already part of a programme of improvements to be implemented by the County and that off-site highway works associated with the development at Launds Field would also improve highway conditions through the village. On this basis, the applicant has sufficiently demonstrated that there would be no severe impacts resulting from the proposals in relation to highway capacity matters. The development therefore accords with paragraph 32 of the NPPF and policy DM20 of the DM DPD.
- 7.25 Turning to accessibility and pedestrian safety, the existing pedestrian/cycle network is not particularly good, particularly along Stoney Lane and Chapel Street. Objections include comment about the lack of pedestrian facilities and crossings in the vicinity of the main junction but in particular along Chapel Street where the main school access is located. The Highway Authority's initial set of comments indicated that improvements to the existing PROW running along the northern boundary of the site would be required together with improvements along Chapel Street to provide a safe pedestrian walking route to the school. This was to involve the construction of an intervening length of footway and associated kerbline from the PROW in front of 31 Chapel Street to the school. Officers had concerns whether such works would result in an improved pedestrian environment, bearing in mind this section of Chapel Street is narrow, congested by parked vehicles and has a two-way shared footway/cycle route along its length. Subsequently, Officers have been in negotiations with the developer and the school, in consultation with the Highway Authority, to secure a direct link into the school grounds from the existing (but improved) PROW.
- 7.26 It transpires from our discussions that there are already a set of gates within the school's metal boundary fence that could be utilised by the school to create a new drop-off/pick-up access into the school. The revised layout plan also shows an additional connection into the PROW to create a more direct walking route to the school. The principal aim is to create an alternative route to the school thus avoiding walking along Chapel Street. To achieve this a greater length (than originally thought) of the existing PROW would need to be improved. The school have indicated they are happy with this approach and the developer has indicated they would be willing to offer a financial contribution to the County Council for the PROW improvements to be implemented up to the school gates. This provides the school with an ideal opportunity to encourage separate pedestrian (i.e. non-Chapel Street) access to the school. The school would be responsible for the access gates. The Highway Authority are yet to comment on the revised plans but it is anticipated that with a commitment from the developer to provide a contribution to re-surface and tidy up the existing PROW that this would negate the need for the originally suggested footway improvements to Chapel Street. Any further comments will be verbally updated to the Members. Cycle improvements are slightly more difficult as the existing PROW is not particularly wide so whilst it would be up to the County to design an appropriate scheme to improve the length of PROW, it is not envisaged the footpath would be a shared cycle/footway. Cycle parking provision shall be provided within the site and details to be conditioned. Overall, it is contended that with the mitigation proposed and discussed above, the proposal would be compliant with Policy DM21 of the DM DPD.
- 7.27 In conclusion, despite serious concerns from the local community about traffic and highway safety,

the proposal submitted with the mitigation planned and the fact the statutory consultees have raised no objections to the proposal, leads Officers to conclude that the proposal would not conflict with national and local planning policy in respect of highway considerations. On this basis, there are no sustainable highway grounds to refuse the application. The Highway Authority have recommended a number of planning conditions should Members support the application.

7.28 **Air Quality**

The application site is located close to the existing Air Quality Management Area (AQMA) for Galgate but does not lie within it or adjacent to it. Paragraph 124 of the NPPF states that planning decisions should ensure that any new development in an AQMA is consistent with the local air quality action plan. Policy DM37 states that new development located within or adjacent to an AQMA must ensure that users are not significantly adversely affected by the air quality within that AQMA and include mitigation measures where appropriate.

7.29 The assessment concludes that the impacts on air quality associated with the development (once completed and considered alongside other committed development) is considered imperceptible and the significance of change considered to be negligible. Notwithstanding this the Council's Air Quality Officer has objected and states that the proposals will lead to a negative impact ranging from negligible to slight adverse with no committed mitigation proposed. It is understood the main source of concern appears to relate to the impact on air quality as a direct result of vehicle emissions.

7.30 In response the applicant argues that the proposal will result in less than one additional vehicle per cycle of the traffic signals with some 30-35 vehicle trips through the crossroad junction during the weekday peak hours. It has already been accepted in highway terms that this is not significant. With the potential introduction of MOVA at the junction, these results represent a worst-case scenario. The applicant argues that the imperceptible impacts on air quality would not be contrary to Policy DM37. The applicant further argues that the NPPF requires planning decisions for development located within or adjacent to be consistent with the local air quality action plan.

7.31 The Air Quality Officer maintains the view that the impacts predicted are small but negative and that there is no mitigation proposed to offset this impact. The Officer also confirms that there is no air quality action plan for Galgate as this is reliant on wider, strategic plans that the County Council are considering. Mitigation measures suggested include charging points in garages, car clubs, promotion of cycling and walking including contributions to path infrastructure and tree planting along the AQMA route (if feasible).

7.32 In light of the above circumstances and whilst there may be some disagreement between the Air Quality Officer and the development, Officers have considered the information submitted and the consultation responses received and, on balance, contend that the impacts on air quality are not significant and that such impacts would not significantly or demonstrably outweigh the benefits of the proposal.

7.33 **Landscape & Visual Impacts**

Local Policy DM28 and the NPPF seeks to attach great weight to the protection of nationally important designated landscapes. For the avoidance of doubt, it should be noted that the application site is not located within any such designation (e.g. AONB or National Park). The site and the surrounding countryside are identified as 'countryside area' in the saved Local Plan. Saved policy E4 states development will only be permitted where it is in scale and keeping with the character and natural beauty of the landscape. Policy DM28 states that outside of protected landscapes the council will support development which is of scale and keeping with the landscape character and which are appropriate to its surroundings in terms of siting, design, materials, external appearance of landscaping. However due to the scale of the development proposed and the greenfield nature of the site, the application has been accompanied by a Landscape and Visual Impact Assessment.

7.34 The site is characterised by several pasture fields interspersed by mature native hedgerows of varying height. The site slopes steeply away from Stoney Lane and gradually rises from south to north and west to east. The site is bound by existing residential development to the south and west, the school and school grounds to the north and undulating pasture land up to the M6 motorway to the east. The site falls within National Character Area 31: Morecambe Coast and Lune Estuary and at the county level Character Type 5i: West Bowland Fringes, which is a

transitional landscape between the Bowland fringe Fells and the Coastal plain.

- 7.35 The site is relatively well contained by the topography, surrounding built form and existing landscaping but due to the undeveloped nature of the site, the presence of mature hedgerows and trees the site is considered in the submitted assessment to have medium landscape sensitivity. It is inevitable that the proposed development will lead to a landscape impact simply on the basis that the site will lose its previously recognised greenfield character. This will also impact the setting of the village when approaching from Stoney Lane; however the impact is localised and due to the proximity of the site to the existing built form, it will represent a natural extension to the settlement. Subsequently the assessment submitted concludes that the landscape impact would have a low/moderate negative impact.
- 7.36 In terms of visual impacts, a number of representative views of the site have been considered having regard to different potential receptors of the visual effects of the development, such as residential properties and people using nearby public rights of way for recreational purposes. The most notable viewpoints where the visual impact is considered to result in low/moderate impact are from the public right of way to the north of the site close to Chapel Lane and at the north eastern corner of the site (elevated position) and the PROW on the hillside to the south of Stoney Lane. The visual impacts are contended to be localised to a relatively small area and a relatively low number of viewpoints. Whilst the proposal will lead to some landscape and visual impacts, these are not contended to be anything more than low/moderate impacts. It will be difficult to mitigate the impacts as the proposal will lead to an inevitable change in character of the application site, however, the retention of boundary hedgerow and additional landscaping, together with careful design, will enable the proposal to appear well-connected to the existing settlement. On balance, it is contended that the identified low/moderate landscape and visual impacts would not significantly or demonstrably outweigh the benefits of the proposal. It must also be recognised, that if the nationally important designated sites are to be protected from major development, in order to meet existing and future housing needs, landscapes that are not protected and are well related to existing sustainable settlements are the landscapes most likely to accommodate future development.
- 7.37 **Design & Amenity Considerations**  
Policy DM35 requires new development to make a positive contribution to the surrounding landscape through good design having regard to local distinctiveness, siting, layout, scale. It requires development to promote diversity and choice through the delivery of a balanced mix of compatible buildings. In particular it requires development to be accessible and to promote permeability by creating connections to existing services and to retain appropriate amounts of garden/outdoor space, provide landscaping.
- 7.38 The proposed development is a relatively large scheme within the village and will lead to a marked change in character of the site, but by virtue of its position located close up to the edge of the existing settlement, it can be considered a natural expansion to the village. The proposal seeks to provide new connections into the existing PROW via a new area of public open space, as well as showing a potential future connection with land to the east (should this ever be required and considered appropriate to enable the Council to meet their future objectively assessed housing needs). The site access provides footways together with new footways to connect to existing ones along Stoney Lane. These all support the delivery of a safe and accessible environment with improved connections to existing services/facilities (shop, bus stops, school). It is contended that this aspect of the design of the scheme is compliant with policy DM35 and paragraph 61 of the NPPF.
- 7.39 In contributing to place making, the NPPF stresses the importance of the planning system playing an important role in facilitating social interaction and creating healthy and inclusive communities. One way of achieving this is through the provision of an appropriate level of public open space, amenity space and landscaping together with good design principles, such as maintaining active frontages and creating safe environments. The submitted scheme, albeit predominately inward looking, does deliver open space within the design and layout of the scheme, including an equipped play area, with good connections to the existing PROW making it accessible to the rest of the community. It incorporates areas of amenity space at the site access and the T-Junction within the site together with new landscaping throughout the development. The location of the public open space has raised no concerns, though the size of the area has been questioned by officers. The applicant has amended this part of the site to increase its size to accommodate the

provision of young persons' play as well as a re-design and re-orientation of the apartment block to protect the amenity of future occupants of this accommodation. To secure a suitable level of natural surveillance, there remain houses overlooking the area together with the internal road and footways. It is envisaged that as part of the design of this open space, the wall which separates the site from the PROW will be removed to improve the condition and accessibility off PROW (remove the 90 degree bend) and create a stronger connection with its surroundings. This would be controlled by condition. The Council's Public Realm Officer is yet to provide comments on the revised area of public open space. A verbal update will be provided.

- 7.40 To further support the promotion of healthy communities, the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities (paragraph 72). It requires local planning authorities to be proactive, positive and to collaborate to meet this requirement. In this case, the Education Authority has confirmed that based on their adopted methodology an education contribution equivalent to 18 primary school places should be sought. Officers have supported the County's request and the developer has agreed to pay this contribution.
- 7.41 Turning to the proposed house types, whilst the proposed house types are the developers standard house types, they are generally well-proportioned, architecturally pleasing and reflect the local vernacular and shall be constructed in a good mix of materials. The materials comprise a combination of render, stone and brick. Whilst brick is perhaps not traditional to the village (with the exception of Galgate Mill), a high quality brick similar to what the developer has used at their Lancaster Moor Hospital site would be acceptable. The height of the properties is no higher than two storeys. The developer reduced the height of the proposed apartment block to satisfy officer concerns over a three-storey building on this site given the heights of surrounding property. The house types vary in design and appearance and will add to the overall character and appearance of the development.
- 7.42 The layout of the development does not naturally follow the urban grain and pattern of the historic part of the village (linear development and predominately terraced properties). However, this would not be possible nor desirable given the position and topography of the site. The scheme is designed fundamentally around the spine road with discreet private drives and cul-de-sacs of this road to create variety and interest to the overall design of the development. The most significant area of concern in this case is the site frontage. At the pre-application stage Officers had expressed concerns over the rear of the proposed properties facing Stoney Lane. The developer's position is that there was more merit in retaining the high level strong hedgerow boundary to maintain the rural setting and approach to the village than replicating the position and arrangement of the existing dwellings on Stoney Lane. Officers accept there is some merit in this position, but would have preferred to see better designed rear elevations than those submitted to try and provide effectively dual-aspect properties. The applicant has not amended the proposed house types significantly along this section of the development. That said, these properties are elevated considerably from Stoney Lane and from road level with their setback and the provision of a new hedgerow, may not overly prominent. Officers will try and seek further amendments in this regard. The orientation of plot 1 does mitigate these concerns especially when approaching from the east. Conservatories originally shown on the plan have now all been removed from these plots to try and satisfy officer concerns.
- 7.43 The only other area of concern is the position of plot 54 in the north eastern corner of the site. Officers had recommended this property be removed from the scheme and an improved landscape buffer provided, particularly given its elevated position and proximity to the existing hedgerow. The critical concern to officers was securing a continuous hedgerow along the eastern boundary from a landscape and visual impact perspective (with the exception of the field access proposed). The applicant has responded to this request and indicated that the removal of this unit is not feasible. To try and alleviate concerns the developer have shuffled the units marginally to the west to increase the distance between plot 54 and the existing hedgerow and have proposed a new hedgerow in place of the existing. This is a disappointing position from the developer but so long as a new hedgerow is planted to ensure the eastern boundary is by and large retained and consists of a strong green boundary, it would not be sufficient grounds for refusal.
- 7.44 The scheme provides a good mix of house type; semi-detached, detached, bungalows, terraces and a small apartment block, though they are all quite tightly positioned on the site. That said, on

the whole the Councils recommended standards are adhered to and where they are not, particularly in relation to garden sizes, the resultant space proposed would not significantly or demonstrably outweigh the benefits of the proposal.

7.45 In terms on impacts on neighbours, the neighbouring property most affected is 23 Stoney Lane. This property sits on the western boundary of the site and shall have new two-storey dwellings located all the way down their garden (east) and to the rear. The concerns were compounded due to the proposed level changes on site and the elevated position of the properties backing onto the side of their garden. Whilst the developer has proposed approximately 12m between the rear of the properties to the garden boundary, there was a clear overlooking and privacy concern. The applicant has amended their scheme and replaced plots 7 and 8 with a pair of bungalows, pulled them forward (with parking down the sides) to minimise the perception of overlooking. The applicant also proposes a new hedgerow along this garden boundary to try and retain more rural character. With these changes, the proposal is acceptable. The properties are located a considerable distance from the rear of the properties on Stoney Lane and so it is contended future and existing residential would have an acceptable level of amenity. The layout and orientation of other proposed dwellings within the site have been appropriately designed to ensure that neighbouring properties along Chapel Street (Ashley Gardens) and properties opposite the site on Stoney Lane retain an acceptable level of amenity. On the whole the proposal is considered compliant is paragraph 17 of the NPPF and policy DM35 of the DM DPD.

#### 7.46 **Biodiversity & Landscaping**

One of the three dimensions of sustainable development set out in the NPPF is an environmental role; a role which should contribute to protecting and enhancing the natural, built and historic environment and as part of this policy seeks to improve biodiversity. Development should minimise the impacts on biodiversity and provide net gains where possible. The application site is not located within any designated conservation site, nor are there any protected trees or hedgerows on site. Policy DM27 seeks to improve biodiversity by retention of landscape features where possible.

7.47 It is inevitable that the proposed development will change the character and nature of the existing site – this has already been discussed in the landscape section above. However, the design and layout of a development proposals should take account of any features of ecological value and should aim to retain such features where possible.

7.48 Due to the topography of the site there is some regrading required within the site which does lead to the loss of the central hedgerow and the single Ash tree, along with other small sections of existing boundary hedgerows. The scheme also results in the loss of pasture land. An Ecological Appraisal of the site has been undertaken which has been accompanied by proportionate protected species surveys. In the whole it concludes that the site does not represent a site which exhibits significant ecological value. The assessment considers the site poor semi-improved grassland with low species diversity and ecological value, which is typical of regularly grazed pasture land and that the trees/hedgerows are generally low quality. Protected species were not found to be significant present on the site, in particular bats, though it is acknowledged that the existing hedgerows do provide foraging habitat and should where possible be retained and protected.

7.49 Notwithstanding the low ecological value described, policy seeks to minimise the impacts of development on biodiversity and as such mitigation is proposed. The protection of the boundary hedgerows and hedgerow trees forms part of the package of mitigation, together with the incorporation of bird and bat nest/roosting opportunities within the design of the development, precautionary protected species surveys and new native landscaping.

7.50 Planning conditions would need to be imposed for the precise details of the mitigation to be submitted and agreed, especially in relation to protected species, together with tree protection conditions and the implementation of an appropriate landscaping scheme. With such mitigation, the proposed development is considered not to have a significant negative impact on the local biodiversity of the area and would be compliant with national and local planning policy in this regard.

7.51 Whilst the trees may generally be described as low quality, they still contribute to the rural character of the area. It is proposed that the boundary hedgerows are largely retained to ensure

the scheme appropriately responds in landscape terms of its rural setting. However, as noted above the central hedgerow and Ash tree will need to be removed. Similarly, the development of the site can have implications for the retained hedgerows/hedgerow trees as a consequence of the site levels and any regrading. The Tree Protection Officer has raised no objections, subject to clarification over a short section of hedgerow. However, she has subsequently raised some concerns having had sight of the engineering drawings (levels/retaining structure) and the implications of such work within the root protection areas of retained hedgerow features. In the meantime a revised tree survey has been submitted. As a consequence, a verbal update will be provided in relation to the full impact of the proposal on existing and retained trees.

7.52 Notwithstanding the above, the proposal incorporated additional landscaping into the design of the development in order to mitigate for the loss of the central hedgerow. This involves the planting of trees within the amenity spaces and new hedgerows in locations deemed to be visually prominent, such as along Stoney land and along the boundary with 23 Stoney Lane. The landscaping scheme would need to be secured by condition. Overall, Officers are of the opinion that any loss of hedgerow planting on site can be sufficient mitigated through the implementation of the landscaping scheme.

### 7.53 **Flood Risk & Contamination**

A flood risk assessment indicates that whilst there will be an increased in the surface water and peak flows due to the changing character of the site, the drainage strategy for the site will aim to mimic the natural drainage conditions as best as possible. Appropriate assessments of the ground conditions have been undertaken to establish the most suitable drainage solutions, though the precise design and layout of the drainage scheme would be controlled by condition. The Environment Agency, United Utilities, Lead Local Flood Authority and the Council's own drainage engineer have raised no objections on flood risk/drainage grounds, subject to appropriate conditions to secure a suitable scheme is designed and implemented. On this basis, the proposal would comply with paragraph 103 of the NPPF and policies DM38 and DM39 of the DM DPD.

7.54 The site is a greenfield site with no significant risk of contamination from past/historic uses. An appropriate assessment has been submitted along with further representations from the applicant in response to the Council's Contaminated Land Officer's initial comments. The Council's Contaminated Land Officer raised no objections, despite questioning a number of matters from the initial assessment. An unforeseen contaminated land condition was recommended.

### 7.56 **Other Considerations**

The application has considered the impacts of the proposal on nearby heritage assets in accordance with national and local planning policy. The closest property affected is 31 Chapel Street, a grade II listed building. It is accepted and contended that the setting of this listed building does not rely on the open and rural character of the land to the rear (the application site). It is already bound by existing development and forms part of the continuous run of development along Chapel Street. The layout of the development does however maintain a sense of space around it by the incorporation of the public open space in the north western corner. The special character and historic interest of this adjacent listed building would not be adversely affected by the development.

7.57 Paragraph 141 of the NPPF requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their significance. The County Archaeologist has commented on the application and indicated that the line of the Roman road from Ribchester to Lancaster is thought to cross the site and as such there is potential for buried archaeological deposits to be encountered by development. An archaeological recording condition is required should Members support the proposal.

## **8.0 Planning Obligations**

8.1 The applicant is willing to provide the following requirements (secured by way of legal agreement under s106 of the Town and County Planning Act 1990). These requirements are considered to meet the tests set out in paragraph 204 of the NPPF:

- The provision of 28 affordable homes based on a 50:50 (social rented : shared ownership) tenure split as required by planning policy.

- The payment of an education contribution to the sum of £216,533 towards the provision of 18 primary school places.
- The payment of a financial contribution to deliver improvements to the adjacent PROW to enable a safe pedestrian route between the site and the primary school located off Chapel Street. The figure is yet to be agreed between the developer and highway authority.
- The setting up of a Private Management Company to ensure the public open space, amenity space, surface water drainage systems and private roads within the site are maintained at all times in perpetuity.

## **9.0 Conclusions**

9.1 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision-taking (paragraph 14, NPPF). The principle of residential development in Galgate village is acceptable on the basis that Galgate is an identified rural sustainable settlement. Whilst the proposal will result in the loss of a large greenfield site, it is appropriately located on the edge of the village and would not lead to a disproportionate extension to the settlement; the landscape character would change as a consequence of the development but the change would not be significant and very localised; the design and layout on the whole represents good design, delivering public open space and improving connections to the village centre and school; the proposal seeks to retain the principal hedgerows enclosures and proposes additional landscaping to mitigate losses; the site will incorporate a sustainable drainage system which will ensure the site is not at risk of flooding and there is no flood risk elsewhere and that contamination is not a constraint on site. Despite concerns to the contrary, the proposed development can be safely accessed off Stoney Lane and that the increase in traffic generated from the development would not lead to a severe highway impact, particularly in respect of highway capacity. With mitigation to help improve site accessibility and highway safety the highway impacts associated with the development are considered fully compliant with local and national planning policy which is a position supported by the statutory consultees. Fundamentally, the proposal will positively contribute to the district's housing need including the provision of 40% affordable units. Given the Council are unable to demonstrate a five year supply of housing paragraph 49 of the NPPF is engaged and accordingly the application should be supported unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework. Based on the considerations set out in this report, it is considered that the proposal would not lead to any adverse impacts that would significantly and demonstrably outweigh the benefits of delivering much needed housing in the district and on this basis, Members are recommended to support the application.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to the signing of a legal agreement to deliver the abovementioned planning obligations and the following conditions:

1. Time Limit
2. Approved Drawings List
3. Construction method statement. It shall provide for:
  - a. The parking of vehicles of site operatives and visitors.
  - b. The loading and un-loading of plant and materials.
  - c. The storage of plant and materials used during the construction period.
  - d. The erection and maintenance of security hoarding.
  - e. Wheel wash/road sweep facilities
  - f. Surface water management during construction (to avoid contamination to ground water/beck)
  - g. Noise & Vibration control (details of any pile driving including mitigation)
4. Hours of construction limits
5. Construction details of the vehicular and pedestrian access points from the site to Stoney Lane and the PROW to be agreed including programme for implementation.
6. Roads to be built to adoptable standards to base course level before construction of the dwellings unless otherwise agreed in writing in accordance with a phased programme for construction of the development



7. Scheme for the construction of off-site highway improvement works namely:
  - Creation of parking facilities(Plots 02 – 05) Stony Lane with footway along the frontage of the site tying into existing adjacent number 23 Stoney Lane.
  - Implementation of a range of off-site highway improvement works relevant to influencing vehicle speeds along Stony Lane at its junction with the afore-mentioned development site.
  - Measures to prohibit vehicles parking within the adopted highway at the foot of the public right of way onto Chapel Street (TBC)
8. Protection of visibility splays
9. Parking provision
10. Garage use restriction
11. Details of cycle and refuge storage for properties without garages
12. Tree Protection condition (TBC)
13. Arboricultural Method Statement
14. Landscaping condition (TBC)
15. Boundary plan to be implemented and site/plot enclosures provided before occupation
16. Precise scheme for ecological mitigation to be agreed
17. Development to be carried out in accordance with Flood Risk Assessment (FRA)
18. Precise drainage scheme including details of implementation and management
19. Precise details of the public open space including play equipment and maintenance programme
20. Samples of all external materials and stonework/brickwork sample panel to be provided
21. Precise architectural detailing of windows/doors/mock chimneys/roof verges/eaves/any decking raised platforms.
22. Construction details and appearance of retaining walls/features within the site
23. Implementation of a programme of archaeological work in accordance with a written scheme first submitted to and agreed in writing by the Local Planning Authority.
24. Unforeseen contamination
24. Removal of PD rights for extensions/outbuildings/roof alterations

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

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **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