

<b>Agenda Item</b> A6	<b>Committee Date</b> 9 May 2018	<b>Application Number</b> 17/00944/OUT
<b>Application Site</b>  Ward Field Farm Main Road Galgate Lancaster		<b>Proposal</b>  Outline application for the demolition of existing agricultural buildings, retention and residential conversion of stone barn for up to 2 dwellings and erection of up to 68 dwellings with associated access
<b>Name of Applicant</b>  Hollins Strategic Land LLP		<b>Name of Agent</b>  None
<b>Decision Target Date</b>  10 November 2017  Extension of time agreed 15 May 2018		<b>Reason For Delay</b>  Submission of additional supporting information, negotiations, and further consultation on amendments to the scheme, particularly in response to the 22/23 November 2017 flood event.
<b>Case Officer</b>		Mrs Jennifer Rehman
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approve

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

- 1.1 The site relates to a 4.5 hectare parcel of agricultural land associated with Ward Field Farm located to the north of Galgate village, approximately 4 miles south of Lancaster City centre. Except for the farmhouse and its associated garden curtilage (considered previously developed land), the site is predominately 'greenfield' reflecting its Development Plan 'Countryside Area' designation. The site comprises a traditional stone-built farmhouse and stone barn with a large portal framed agricultural building to the west of the stone barn and two smaller outbuildings closer to the farmstead. Alongside the agricultural enterprise there is a butchers/farm shop operating from the site with a small-scale kennelling operation newly established. The farm is served by a single vehicular access taken off the A6 to the south side of the farmhouse with a driveway along the southern edge of the complex and parking to the north via the courtyard.
- 1.2 The site is situated between the West Coast Main Line (WCML), Preston-Lancaster Road (hereafter referred to as the A6), the River Conder, a historical scarp yard and open agricultural land. The WCML is situated along the western boundary of the application site with a landscaped embankment forming a strong linear feature along the edge of the development site in this location. The A6 runs along the eastern boundary of the site and provides a major transport corridor between the M6 motorway, Preston and Lancaster city centre. The A6 is subject to a 50mph speed limit in the location of the proposed site dropping to 30mph at Galgate Bridge. There is an existing footway along the eastern side of the carriageway and a grass verge to the western side along the site frontage. Agricultural land extends to the north of the application site where the topography begins to gradually rise in a northerly and westerly direction. The River Conder forms a strong boundary along south eastern edge of the site. The river itself is defended by a 1.3m high sectional concrete flood defence wall which separates the river channel from the proposed field. A vehicle scrap yard neighbours the southern part of the site. This is separated by a post and wire fence and high conifer trees (on the scrap yards side). The red edge extends to the western side of the scrap yard towards

the rear of property fronting and accessed off Salford Road (12-20 Salford Road) and associated outbuildings and gardens.

- 1.3 The application site straddles across flood zones 1, 2 and 3 with parts of the site affected by surface water flooding. The site is located on land identified as mineral safeguarding land and has a public right of way (FP2) running between the A6 and the WCML just to the north of the existing farmstead. There are no designated heritage assets within the proposed development site directly affected by the proposals. The closest listed buildings are those associated with Galgate Silk Mill and Chapel Cottages to the east side of Chapel Lane, with a grade II listed structure (Galgate Old Bridge) to the south of the site on Salford Road. There are no protected trees on or within the vicinity of the application site nor are there any ecological designations affecting the site directly. The site is located circa 250m (from Galgate Bridge) to the village's Air Quality Management Area (AQMA).
- 1.4 The topography of the site falls in a south-easterly direction towards the River Conder with the levels ranging from 31.5mAOB in the north-western corner of the site and 19.3mAOD on the south-eastern boundary.

## **2.0 The Proposal**

- 2.1 The applicant seeks outline planning permission for the demolition of existing agricultural buildings, retention and residential conversion of the stone barn for up to 2 dwellings and erection of up to 68 dwellings with an associated access of the A6. The applicant seeks full approval for the access with layout, landscaping, scale and appearance reserved for subsequent approval.
- 2.2 As part of the applicant's proposal, the residential development (dwellinghouses) will be limited to flood zone 1 with the southern part of the site (that identified as flood zones 2 and 3) retained to provide an extensive area of open space with equipped play areas.
- 2.3 The applicant proposes 40% of the housing units to be affordable in accordance with the Council's affordable housing policy to be secured by legal agreement.
- 2.4 New priority-controlled junction off the A6 with visibility spays measuring 2.4m x 59m, together with new footway provision is proposed along the western edge of the carriageway (A6) to tie into the existing footpath to the south of Galgate Bridge. The proposed access is approximately 25m south of the existing access.

## **3.0 Site History**

- 3.1 There are no records of any relevant planning applications associated with the proposed site. The uses operating from the site and their associated advertisements/buildings do not appear to have any formal consent from the local planning authority (if consent is needed). Such matters are being investigated by the local planning authority separate from this proposal.
- 3.2 Part of the site (the southern end – site 141) was advanced and investigated as part of the 2015 Strategic Housing Land Availability Assessment (SHLAA). This site was not advanced through the emerging Local Plan Strategic Policies and Land Allocations DPD as it was considered unsuitable due to its position within flood zones 2 and 3. Land to the north of site 141 did not form part of the 2015 SHLAA, though the developer has made representations promoting this element of the site (and the wider site) as part of the emerging Local Plan.

## **4.0 Consultation Responses**

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

Consultee	Response
Parish Council	<p><b>Objection</b> for the following reasons:</p> <ul style="list-style-type: none"><li>the development will extend the village closer to edge of Lancaster and University which will harm the character and form of the village;</li><li>there are insufficient school places;</li><li>the local highway cannot accommodate additional traffic; and</li></ul>

	<ul style="list-style-type: none"> <li>the development is at risk of flooding and will increase the risk of flooding in the village, which the village is already susceptible to.</li> </ul> <p>Following amendments to the scheme and the submission of additional supporting information, the Parish Council maintains their objection.</p>
<b>Environment Agency</b>	<p>Following the submission of additional supporting information and amendments to the scheme, the Environment Agency raises <b>no objection</b>, and confirms that the applicant has demonstrated that the development will not be at unacceptable risk of flooding or exacerbate flood risk elsewhere, provided the development is carried out in accordance with the mitigation set out in the latest flood risk assessment. Advice is provided to the applicant in respect of land drainage byelaws and environmental permitting given the proximity of the site to the River Condor.</p>
<b>Lead Local Flood Authority</b>	<p>Following the submission of additional supporting information and amendments to the scheme, the Lead Local Flood Authority raises <b>no objection</b> provided the following conditions are secured:</p> <ul style="list-style-type: none"> <li>Surface water drainage scheme to be agreed;</li> <li>Maintenance and management plan for surface water drainage scheme;</li> <li>Removal of PD rights pertaining to the erection of structures on permeable surfaces; and</li> <li>SuDS features to be installed prior to construction of any other development phase.</li> </ul>
<b>United Utilities</b>	<p>Following the submission of additional supporting information and amendments to the scheme, United Utilities raises <b>no objection</b> to the development, subject to the development being carried out in accordance with the FRA with no surface water to the public sewer and the site being drained on separate systems.</p>
<b>Highway Authority</b>	<p>Following the submission of additional supporting information/amendments to the scheme and despite some identified deficiencies in the submission, the Highway Authority (HA) raises <b>no objection</b> to the development and recommend the following conditions (in summary):</p> <ul style="list-style-type: none"> <li>Roads to be construction to adoptable standards;</li> <li>Access details to be agreed and protection of visibility splays;</li> <li>Scheme for off-site highway works, including a pedestrian refuge facility on the A6 in the vicinity of the proposed access, footway improvements between the site and village, tactile paving and alterations to junction radii at Tanhouse, provision of new northbound bus stop and associated bus stop/layby and extension of 30mph speed limit north of the site's point of access (subject to TRO) with gateway treatments between the site and Hazelrigg Lane, and a review of street lighting; and</li> <li>Construction Management Plan.</li> </ul> <p>The HA has confirmed no objections to the position of the access following the latest flood risk assessment and the extent of flooding that occurred in November 2017.</p>
<b>Highways England</b>	No objection
<b>Planning Policy team (City Council)</b>	<p>The policy team has indicated that the site is located in a settlement where the council would look to promote residential development. On unallocated sites the policy team stress that the proposal should be considered in the context of policy DM42, noting some concerns over the extent to which the proposal relates to and is proportionate to the existing built form of the settlement. The policy team set out the key policies which the development should be assessed against; the current 5 year housing land position and the implications of such in the context of the presumption in favour of sustainable development (NPPF); notes the importance of land between the village and future growth to South Lancaster identified through the emerging Land Allocations DPD, and finally recognises that the approval of more residential proposals and the identification of more land provides opportunities to address the undersupply of housing, provided that the adverse impacts of doing so do not significantly and demonstrably outweigh the benefits of delivering much needed housing in the district.</p>
<b>Lancashire County Council – Schools Planning Team</b>	<p><b>No objections</b> subject to contributions being sought to secure 1 primary school place at Ellel St John The Evangelist Church of England Primary School and 11 secondary school places at Ripley St Thomas Church of England Academy.</p> <p><i>Following the amendments to the scheme, a reassessment has been requested and a verbal update will be provided.</i></p>
<b>Public Realm Officer (City Council)</b>	<p><b>No objections</b> subject to the provision and management of on-site amenity space, play provision and off-site contributions towards young people's facilities and outdoors sports facilities (Total: £121, 777).</p>

	Negotiations have been on going with the applicant, Officers and Public Realm Officer now reaching agreement to deliver a shared children's and young peoples natural play space on-site with an off-site contribution towards improvements to existing sports facilities at the existing recreation grounds in the village.
<b>Environmental Health Service (Noise)</b>	<b>No objections</b> or concerns on noise or vibration grounds subject to a condition securing a scheme for noise/vibration mitigation in line with the recommendation of the submitted report.
<b>Contaminated Land Officer</b>	<b>No objections</b> subject to a site investigation condition.
<b>Air Quality Officer</b>	Following a revised Air Quality Assessment and subsequent consultation, the Air Quality Officer maintains an <b>objection</b> contending the proposal would lead to a worsening impact on Galgate AQMA and that the submissions does not provide sufficient and effective mitigation to minimise the impacts.
<b>GMEU</b>	Following the submission of additional supporting information and amendments to the scheme, GMEU has <b>no objections</b> to the development, subject to mitigation against habitat loss (landscape buffers, retention of hedgerows/trees and comprehensive landscape plan at reserved matters stage) and the provision of ecological enhancement measures including the installation of features to benefit the conservation of Swifts. The proposal includes the retention of the farmhouse and barns. GMEU advises that if works are proposed to the farmhouse, further assessment in relation to bats would need to be secured. GMEU has confirmed that no mitigation for Barn Owls will be required given retention of barns and that the development will not cause undue harm to Otters.
<b>Natural England</b>	<b>No comments</b> – advises the LPA to refer to their standing advice in relation to protected species and indicated that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
<b>Royal Society for the Protection of Birds (RSPB)</b>	The RSPB has provided comments to encourage the developer to include bird nesting/housing opportunities as part of the development, to support the declining populations of Swifts.
<b>Ramblers Association</b>	<b>Objects</b> to the application on the grounds the PROW passes through the site and that despite Network Rail blocking this PROW some time ago it was never legally closed, and a new line was never created. The Ramblers Association also object on the grounds it brings the development closer to the University and Lancaster.
<b>Public Rights of Way (PROW) Officer</b>	Confirms that there is a definitive public right of way (PROW) running through the site that could be affected by the development proposals and that it is the responsibility of the landowners to ensure necessary procedures are followed for legal diversion. The PROW Officer has confirmed that the definitive PROW through the site has not been formally diverted despite there being an alternative path to the north of the application site crossing the WCML.
<b>Lancashire Archaeology Advisory Service (LAAS)</b>	Based on the additional Archaeological Report submitted, LAAS has confirmed that the site has significant archaeological potential. LAAS initially recommended that the extent of the developable area be pulled back towards the existing buildings at Ward Field Farm to preserve the curving earthworks which are remains of later medieval or early post-medieval systems of cultivation and for the remainder of the site LAAS recommends a formal scheme of archaeological field investigation and recording. Following further information in relation to the earthworks north of the site, LAAS no longer recommend alterations to the extent of the developable area indicated on the concept plan and does not object subject to condition securing a programme of archaeological work to be carried out in accordance with a written scheme of investigation.
<b>Conservation Officer</b>	Following the amendments to the scheme to retain the existing stone barn, the Conservation Officer raises <b>no objections</b> from a conservation and heritage perspective, adding that the village is predominately stone/render with slate roofs, therefore recommends the development reflects such materials.
<b>Tree Officer</b>	<b>No objections.</b> Recommends a full Arboricultural Implications Assessment (AIA) and landscape scheme to be submitted with a subsequent reserved matters application.
<b>Network Rail</b>	<b>No objections</b> but sets out several asset protection requirements in relation to construction works, excavation, landscaping, trespass fencing and drainage.

<b>Lancashire Constabulary</b>	<b>No objections.</b> Recommends that the new development is built to Secured by Design 'Homes 2016' criteria and sets out a number of design recommendations to in be included at reserved matters stage if planning permission is granted to mitigate the risk of crime. The Constabulary has also indicated that there have been a large number of reported thefts at construction sites across Lancashire and recommends that sites during construction are also secured with perimeter fencing/gates/CCTV.
<b>Fire Safety Officer</b>	<b>No objections.</b> Recommends that the development is designed to comply with Building Regulations, in particular access and facilities for the Fire Service.

## **5.0 Neighbour Representations**

5.1 At the time of compiling this report, there has been more than 90 representations received opposing the development. These representations are in response to the initial consultation of the application and several subsequent re-consultations following the submission of additional information and amendments to the scheme.

One of the objections was from the Local Residents' group CLOUD (Citizens of Lancaster opposed to unnecessary development).

The main reasons for opposition are summarised below:

### **Policy Matters:**

- the site is not identified in the emerging Local Plan. It is premature and amounts to poorly planned piecemeal development - approval of this development would be short-sighted;
- the proposal would erode the separation promised between the village and the proposed Garden Village boundary resulting in Galgate losing its village status;
- the village has had its fair share of new housing development (121 new houses) and additional development would affect its sense of character and village status.

### **Flood risk concerns:**

- the field floods severely (described as flood plain) and has poor drainage so any additional development will increase flood risk to the site itself, neighbouring property and the village downstream;
- the severe flood event that occurred on the 22/23 November 2017 where the site and surrounding property flooded (some 104 properties affected by one account) demonstrates the real risks and devastation associated with the development;
- a decision regarding future development should be delayed until mitigation works have been undertaken and existing drainage/flood risk problems are understood;
- inaccurate flood risk assessment (FRA) and concerns and criticism of subsequent FRA addendums following the flood event (many objectors reference the photographs presented in the FRA addendum as misleading – the extent of the flooding was worse during the night and the applicant's photo was taken the following morning when waters had receded);
- residents have provided photographs of the floods to counter the information presented;
- imprecise and inappropriate surface water drainage solutions to provide reassurances the development will not increase flood risk and that there will be no run-off into the River Conder/ catchment;
- increased contamination risks as a result of increased flooding given surrounding uses around the site (this affected some residents on Salford Road in November 2017);
- existing flood defences are inadequate and were not built to cope with increased rainfall experienced in the catchment or additional development;
- concerns over the blockage of an underpass affecting flood water flows;
- previous filling of ditches on the site has impacted flood water flows;
- existing drainage infrastructure unable to cope with increased development;
- slight reduction in dwelling numbers does not alter flood risk concerns;
- the development should include a reduction to the height of the western flood wall to ensure any increased water from the development does not increase flood risk to the east side towards property on Main Street;
- safety concerns for children playing in the proposed public open space alongside the Conder.

**Access and traffic:**

- unsafe access located within the 50mph zone to an already highly congested highway at peak times;
- increase traffic congestion along A6 into the city centre and at the crossroad junction in the village, which are already considered to be at capacity;
- increase parking congestion;
- increase air quality problems in the village;
- poor and unsafe pedestrian facilities between site and local amenities/services;
- lack of consideration of the public right of way marked running through the site;
- proposed path to Salford Road is used as a garden to residents on Salford Road.

**Impact on the village infrastructure**

- primary schools over-subscribed;
- doctor's surgery over-stretched;
- limited services within the village;
- deprive the tenant farmer of livelihood;
- loss of farm shop which is utilised by locals;
- insufficient drainage/sewerage capacity.

**Amenity concerns:**

- loss of greenfield land;
- loss of open rural views to rear of existing properties (Main Road);
- erosion of village identity especially to the north;
- loss of quality of life to residents on Main Road backing the site (undeveloped open space to the rear makes it a bearable place to live given congested A6 to the front) and increased noise levels;
- loss of privacy to residents on Salford Road by virtue of the proposed footpath link;
- the amended density plan shows high density development which would be unsuitable;
- increased vehicles will contribute to poor air quality in the village.

**Other matters:**

- proposed public open space (POS) is located in a hazardous position (accessed via 50mph road next to the railway embankment and River Conder);
- concerns over POS maintenance;
- poor consultation;
- property values affected by concerns over increased flood risk;
- inability for future residents to obtain insurance;
- concerns over risk of non-compliance of planning by developers and associated flood risks;
- lack of employment opportunities;
- amendments to the proposal fail to take account of concerns raised by various agencies and residents.

There has been 1 letter of support for the construction of houses on Ward Field Farm commenting there are no flooding problems.

**6.0 Principal National and Development Plan Policies****6.1 National Planning Policy Framework**

Paragraphs 7, 11, 12 and 14 – Achieving sustainable development

Paragraph 17 – Core planning principles

Section 4 – Promoting sustainable transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Paragraphs 100 – 104 – Flood risk

Paragraphs 120, 121, 123 and 124- Contamination, noise and air quality

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

Paragraph 144 – Mineral Safeguarding

## 6.2 **Local Planning Policy Overview**

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above. The relevant policies are:

SP2 – Lancaster District Settlement Hierarchy  
SG1 – Broad Location for Growth - Bailrigg Garden Village  
EN5 – The Open Countryside  
T4 – Public Transport Corridors

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

## 6.3 **Development Management (DM) DPD (2014)**

DM8 – The Re-Use and Conversion of Rural Buildings  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM23 – Transport Efficiency and Travel Plans  
DM25 – Green Infrastructure  
DM26 – Open Space, Sports and Recreational Facilities  
DM27 – The Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM32 – The Setting of Designated Heritage Assets  
DM33 – Development affecting Non-Designated Heritage Assets  
DM34 – Archaeological Features and Schedule Monuments  
DM35 – Key Design Principles  
DM36 – Sustainable Design  
DM37 – Air Quality Management and Pollution  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-Off and Sustainable Design  
DM40 – Protecting Water Resources and Infrastructure  
DM41 – New Residential Development  
DM42 – Managing Rural Housing Growth  
DM48 – Community Infrastructure

## 6.4 **Lancaster District Core Strategy (2008)**

SC1 – Sustainable Development  
SC4 – Meeting the Districts Housing Requirements  
SC8 – Recreation and Open Space

6.5 **Saved policies Lancaster District Local Plan (2004)**

E4 – Countryside Area

6.6 **Waste and Minerals Local Plan (2013)**

Policy M2 Safeguarding Minerals

6.7 **Other Materials Considerations**

National Planning Practice Guidance

Technical Guidance to the NPPF

Meeting Housing Needs Supplementary Planning Document (2013)

Five Year Housing Land Supply Position (October 2017)

Housing Land Monitoring Report (August 2017)

Strategic Flood Risk Assessment (October 2017)

Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (2015)

Application of the Flood Risk Sequential Assessment Test and Exception Test Planning Advisory Note (February 2018)

Open Space Provision within New Residential Development Planning Advisory Note (2015)

Provision of Electric vehicle Charging Points for New Development Planning Advisory Note (2016)

Low Emissions and Air Quality Guidance for Development Planning Advisory Note (September 2017).

A Landscape Strategy for Lancashire (2000)

Expression of Interests for a locally-led garden Village (Lancaster City Council)

District of Lancaster Highways and Transport Masterplan (October 2016)

Housing White Paper: Fixing our broken housing market (February 2017)

**7.0 Comment and Analysis**

7.1 The main planning issues to be addressed are as follows:

1. Principle of development
  - a) Emerging Local Plan
  - b) Mineral Safeguarding
  - c) Housing Supply
  - d) Rural Housing
2. Flood risk considerations
3. Access, traffic and connectivity considerations
4. Design, landscape and heritage considerations
5. Amenity and environmental considerations

**1. Principle of Development**

7.2 **a) Emerging Local Plan**

As set out in section 6.0 of this report, the Council is in the process of preparing a new Local Plan for the district including a Strategic Policies and Land Allocations DPD and a Review of the Development Management DPD. Whilst the emerging Local Plan is gathering pace with the Publication versions due to be submitted to the Inspectorate in the forthcoming months, at the time of drafting this report, the policies contained in the emerging Local Plan can only be afforded limited to modest weight depending on unresolved objections to the policies contained therein and consistency with the Framework in accordance with paragraph 216 of the NPPF.

7.3 Some of the public objections received express concerns over the site being promoted in advance of the emerging Local Plan noting concerns over prematurity. The critical themes arising from the public representations relate mainly to the growth of South Lancaster, specifically the Bailrigg Garden Village (BGV) allocation, and the risk that this proposal would undermine the proposed areas of separation between BGV (strategic growth area) and Galgate village. It should be noted that since the submission of the application (and initial representations received) and reporting this application to the Planning Committee the proposed allocation associated with the BGV allocation has evolved, with the BGV allocation being represented in the emerging Strategic Allocations and Land Allocations DPD as a Broad Area of Growth. It is the Council's intention (subject to the outcome of the Local Plan Examination) to provide more detail on the locations for growth and the delivery of critical infrastructure through a separate BGV Action Plan DPD.



- 7.4 The matter of prematurity is discussed in the National Planning Practice Guidance (NPPG) where it states that a refusal of planning permission on the grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. If permission was refused on such grounds the local planning authority would have to indicate clearly how the grant of planning permission for the development would prejudice the outcome of the plan-making process.
- 7.5 The BGV allocation (under emerging policy SG1) currently clips the northern edge of the proposed application site, although the actual boundary of the BGV (marked by a blue dashed line) is outside the proposed site. The extended shading to the BGV allocation into the site is marginal and does not appear to form any functional purpose. The remainder of the proposed site is outside the BGV allocation and therefore is not considered necessary to the delivery of this proposed strategic growth area. The remaining parts of the site are identified in the emerging plan as Countryside Area (like the current Development Plan). This proposed Open Countryside designation extends north of the application site up to the suggested boundary of the BGV. It is understandable that objectors to the proposal have concerns that the development of the proposed site would threaten and potentially prejudice opportunities to secure appropriate areas of separation between the BGV allocation and the village. One of the key principles of Emerging policy SG1, will be to create sufficient areas of open space including distinct areas of separation between the BGV and Galgate (and South Lancaster). This is a requirement of that emerging policy whatever the outcome of this application. Whilst the proposal will result in an extension of the village northwards, there are no grounds at this stage, to argue the development would prejudice future growth of the district (delivery of the BGV) or indeed remove the ability and opportunities (through the emerging Allocations DPD and the future BGV Action Plan DPD) to provide and secure a suitable visual and functional gap between the village and planned areas of growth. The proposal would not at this time undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development central to the emerging Local Plan. Despite the objections to the contrary, there are no substantive grounds for refusing planning permission on prematurity.
- 7.6 b) 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. The application offers limited assessment and consideration of the mineral safeguarding designation. However, in accordance with guidance and having suitable regard to the nature, scale and sensitivity of the site and surrounding uses together with the site's close proximity to essential transport infrastructure and environmental assets, it is reasonable to judge that mineral sterilisation would not present a constraint to development and mineral extraction is highly unlikely to be regarded commercially viable nor environmentally appropriate in this location. On this basis, the use of the land for alternative development can be considered favourably, particularly having regard to the under supply of housing.
- 7.7 c) Housing Supply  
The NPPF requires local planning authorities to boost significantly the supply of housing taking account of full objectively assessed needs (OAN) for both market and affordable housing over the plan period. The NPPF also indicates that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.8 The interpretation of what policies should to be judged 'out-of-date' has been the subject of recent case law. Most significant is a Supreme Court judgement in May 2017 (Suffolk Coast DC v Hopkins Homes and Richborough Estates v Cheshire East BC) which overturned a previous Court of Appeal ruling regarding the interpretation of "relevant policies for the supply of housing". The Supreme Court concluded that there was no reason "...to treat the shortfall (of a 5-year housing land supply) in the

particular (housing specific) policies as rendering out-of-date other parts of the Plan which serve a different purpose". The judgement re-emphasises the primacy of the Development Plan and the role of the decision-maker in assessing the weight to be attached to individual policies when considering the planning balance.

- 7.9 Given the requirement to significantly boost the supply of housing, housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means approving development that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, grant planning permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.
- 7.10 It is well rehearsed that the City Council is currently unable to demonstrate a 5 year housing supply despite much improved delivery over the past few years (figures above the 400 dwellings per annum requirement set out in the Development Plan). This undersupply does therefore render relevant policies for the supply of housing out of date, triggering the engagement of what is now referred to as the tilted balance. It must be recognised that opportunities to address the undersupply of housing can only come forward through the approval of more housing proposals and the identification of further supply through the land allocation process. Notwithstanding the key issues to be discussed in the remaining sections of this report, there is no doubt that this proposal, which seeks to achieve up to 70 dwellings (including the conversion of the barn), will positively contribute towards the supply of housing in the district, including the provision of affordable housing. On the point of affordable housing, the applicant is agreeable to a 'policy compliant' provision of affordable housing (up to 40%) which would be secured by legal agreement. Due to the current undersupply of housing in the district and the acute need for more affordable homes, the delivery of market and affordable housing is a matter that carries significant weight and provides clear social benefits, to the village and the district as a whole.
- 7.11 d) Rural Housing  
Planning law requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making. The site is located on the edge of Galgate village and must be considered against saved local plan policy E4 (Countryside areas) and policy DM42 of the DM DPD (Sustainable Rural Settlements) in relation to the principle of developing the site for residential use.
- 7.12 Saved policy E4 relating to the 'Countryside Area' designation sweeps across the entire village and beyond. Fundamentally, this policy seeks to protect the intrinsic rural character of the countryside by resisting inappropriate development and limiting it to development essential to the needs of agricultural or forestry or other uses appropriate to the rural area. This policy does, however, identify that there are a wide range of other policies which would apply to development in the countryside area, including housing policies.
- 7.13 The Development Plan policies referred to in Section 6 requires 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 several settlements where new residential development will be supported. Galgate is one of these settlements and offers a range of services including a primary school, nursery, doctor's surgery, churches, public houses, garages, convenience shop, employment sites, regular bus services, community centre and sports facilities making it more locationally sustainable than most rural settlements. The principle of housing in the village is therefore acceptable.
- 7.14 Policy DM42 supports the principle of new housing in Galgate provided it complies with the following requirements:
- i. be well related to the existing built form of the settlement;
  - ii. be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;

- iii. be located where the environment and infrastructure can accommodate the impacts of expansion, and;
- iv. demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape;

The above requirements capture a range of planning considerations which will be addressed throughout this report and link well to the core planning principles set out in the NPPF. Fundamentally this is about delivering sustainable development with inherent social, environmental and economic benefits.

- 7.15 The proposed site is located on the northern edge of the village immediately adjacent to the existing built environment, albeit separated by the channel of the River Conder and the WCML. The development seeks to extend the village in a northerly direction up to a point whereby the proposed development would align with edge of the existing settlement to the west side of the WCML. On plan or from a birds-eye view this may seem a logical extension to the village. However, taking account of the spatial distribution of the settlement and the transport infrastructure corridors that dissect the village, together with flood zones 2 and 3 to the southern end of the site, the proposal will appear somewhat disjointed from the existing settlement and built form. The proposed intra-sequential allocation of development within the site (due to flood risk) would present a visual and functional gap (circa 60m) between the existing and proposed built development. This 'open and undeveloped gap' forms a townscape feature that is arguably not typical of the existing built environment immediately adjacent to the site.
- 7.16 The issue is, however, one of harm, and whether this 'open and undeveloped' gap creates a significant adverse impact that would result in the development appearing significantly out of character with the existing built environment. This is a matter of judgement and is subjective but through the careful design and layout of the housing development (reflecting the linear character and pattern of development at reserved matters stage), the undeveloped gap between existing and proposed development is unlikely to result in significant adverse visual and townscape impacts. Indeed it could be viewed a positive addition to the village. This will provide public open space and landscaping offering enhanced green infrastructure within the centre of the village, which is currently lacking. The development of footways, a bus layby and pedestrian crossing facilities (discussed later in the report) will provide necessary infrastructure between existing and proposed development which all form typical features of built environments (rural and urban). It is also noted that between Ward Field Farm access and the edge of the existing village a stone wall forms the majority of the eastern boundary. By the incorporation of footways between the proposed buildings and the existing development on Main Street, the area of undeveloped land will very much form part of a wider site and will provide appropriate functional and visual connections to the village and as a consequence is not judged to be poorly related to the exiting built environment. Furthermore, it should be noted that the development does not seek to extend beyond the furthest northern edge of the settlement (on the west side of the WCML) and so its encroachment into the countryside (in principle) does not appear an unreasonable or illogical extension to the village.
- 7.17 In terms of point ii of policy DM42, and despite objections to the contrary, given the size of the existing village the development of up to 70 dwellings is not considered disproportionate to the existing scale and character of the village. It is acknowledged that the village has accommodated several housing proposals in the last 2 years and that cumulatively this will result in a sizable increase to the settlement. However, recognising that Galgate is one of the more sustainable rural settlements within the district, subject to all other considerations being addressed, it is considered an appropriate location to accommodate growth particularly given the requirement to significantly boost the supply of housing.

## **2. Flood Risk Considerations**

- 7.18 Planning policy and guidance aims to steer new development to areas at least risk of flooding. Policy DM38 of the DM DPD defines area which are vulnerable to flood risk as flood zones 2, 3a and 3b and local sources of flooding). Any new development vulnerable to flood risk must then meet the requirements of paragraphs 100 to 104 of the NPPF in relation to the sequential and exception tests and the production of a site specific flood risk assessment (SFRA).
- 7.19 The SFRA identifies the site within flood zones 1, 2 and 3a. Straddling the flood zones requires there to be consideration of the intra-sequential approach to the redevelopment of the site. Dwellinghouses are regarded a 'more vulnerable' use and therefore should not be located in areas

at risk of flooding. The applicant's position from the outset was for the proposed houses to be located in flood zone 1 in accordance with both national and local flood risk policy. This was set out in the initial site-specific flood risk assessment (FRA) and illustrated on the original concept plans (illustrative drawings). The remaining parts of the site are to incorporate significant areas of open space, landscaping and play provision. Such uses are acceptable in flood zones 2 and 3 and are regarded water-compatible development. This approach is deemed policy compliant and initially resulted in no objections from the Lead Local Flood Authority (LLFA) or the Environment Agency (EA).

- 7.20 The Parish Council and local residents raised a number of concerns over the quality of the applicant's FRA and genuine concerns over the potential risk the development would pose elsewhere (i.e. the village). A summary of the flood risk concerns received are set out in section 5.0 of this report. These concerns have been reaffirmed and the sensitivity to the application and the concerns of the impact on flood risk heightened significantly following the severe flood event that occurred on the evening of the 22 November into the morning of 23 November 2017. Members will be fully aware of the devastation this caused and the significant distress and disruption the flood event caused for residents and businesses across the district, including Galgate. Many properties in Galgate were affected by the floods, principally those within the flood risk areas.
- 7.21 Given the severity of the flood event, Officers sought updated positions from the flood risk statutory consultees and despite the applicant seeking to address the flood risk implications promptly after the flood event, the local planning authority later received formal objections to the application from the LLFA and the EA based on their evidence over the extent of flooding that occurred in November, the flood risk implications associated with the introduction of the bus layby (location affecting an underpass and earth works affecting flood storage areas) and the implications relating to flood water flows from a previously blocked underpass.
- 7.22 Whilst the precise cause of the flooding in the village has not been identified by the consultees (other than the significant intensity of rainfall that occurred), the EA provided confirmation that the extent of the flooding that occurred in November had encroached into land to the north, previously identified as flood zone 1. The EA confirmed that this flood extent is to be indicative of flood zone 2. This was contrary to the applicant's initial response to the flood event which suggested this was not the case but consistent with the comments received from local residents. In light of the evidence from the statutory consultees, the applicant submitted further supporting information in the form of a further FRA addendum and hydraulic assessment. This was also supported by the submission of amendments to the proposal reducing the developable area to ensure all the dwellings are located outside areas of identified flood risk.
- 7.23 The developable area has reduced marginally but demonstrates that the proposed housing development would not be at risk of flooding (located in flood zone 1) and the proposed bus layby has been reduced to avoid interference with the underpass but remains within flood zone 3. Due to the level differences between the A6 and the application site in the location of the proposed bus stop/layby, earthworks to fill land on the application site would be required. This clearly results in the loss of floodplain and therefore flood storage. The amount of earthworks is not significant and based on the submitted FRA amounts to 187 cubic metres. It is therefore necessary that this storage capacity is displaced elsewhere on site to compensate of its loss. It is envisaged such can be achieved through the lowering of ground levels which will clearly need to form part of a much wider surface water drainage strategy for the site. The hydraulic modelling assessment has been undertaken to more accurately assess the flood risk associated with the 'now open' A6 underpass. The submitted FRA not only assesses the impact on the development site itself but also addresses the flood risk off-site. This will relate mainly to the surface water drainage proposals for the site. Surface water drainage proposals will need to be designed and controlled to reflect the existing greenfield rate with an outfall to the River Conder. This approach is consistent with the SuDS hierarchy set out in national and local planning policy. Surface water from the development will not be designed to connect into public sewers. United Utilities supports this approach and has raised no objections to the development.
- 7.24 The FRA recognises that development can affect surface water run-off by virtue of the loss of permeable surfaces. The details contained in the FRA demonstrate that an unrestricted post-development run off rate to be significantly greater than its pre-development greenfield rate. There is no denying that this is the case. In order for the development to be acceptable (on flood risk grounds), the development must ensure the post-development run-off rate is restricted to mimic the

greenfield rate. This is a common scenario when developing greenfield sites. This can be achieved through appropriate surface water drainage solutions. In this case, there are opportunities to implement SuDS features within the wider greenspace and within the developable area too. SuDS features can be a combination of 'soft solutions', such as swales/ponds etc but can also comprise hard engineered solutions, such as holding tanks and oversized pipes. Any such drainage scheme will also need to have regard to the implications of the WCML embankment to ensure run-off from the railway is accounted for and that there are features along its length to prevent any significant pooling of water which may pose a flood risk to future residents. Network Rail has raised this point and recommend earlier engagement with their asset protected team. The LLFA is satisfied that the site can be drained and recommend that a surface water drainage scheme is a condition of the permission (if granted). This is considered necessary to make the development acceptable and would meet the requirements of paragraph 206 of the NPPF.

- 7.25 The revised FRA and hydraulic modelling assessment has been assessed and considered by the relevant statutory consultees dealing with such technical matters. Both the EA and LLFA have now removed their objections noting that the revised submission demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. Both consultees, however, state this will only be the case if there are specific controls imposed, securing the development is carried out in accordance with the FRA and mitigation therein and that conditions are secured relating to the precise details of the surface water drainage strategy, including the provision of necessary compensatory flood storage, limitations that the discharge rate to the River Conder does not exceed the existing greenfield rate (8.1 litres per second), safe access routes, flood water exceedance routes and timetables for implementation. Unlike other proposals, the LLFA has specifically recommended additional conditions in relation to the removal of permitted development rights to better manage flood risks and the creation of appropriate SuDS features (pertaining to an agreed surface water drainage scheme) to be constructed and operational prior to the commencement of any other development on the site. This in itself justifies the requirements for a phasing condition to ensure the development is delivered having due regard to the flood risk associated with the construction phases of the development too.
- 7.26 The proposed access to the site is located in flood zone 2. The determination as to the safety of a site's means of access/egress is a matter for the local planning authority. The NPPG states that "access considerations should include the voluntary and free movement of people during a 'design flood', as well as the potential for evacuation before a more extreme flood. Access and egress must be designed to be functional for changing circumstances over the lifetime of the development". Fundamentally, people should be able to safely access and exit their dwellings in 'design flood' conditions with vehicular access suitable for emergency services. Preference is for the access to remain 'dry'. The 'design flood' is categorised as the 1 in 100 year event (flood zone 3). Having the access within flood zone 2 therefore satisfies this criteria. It is noted that the Highway Authority raises no objection to the location of the access and the revised FRA.
- 7.27 It is acknowledged that residents and the Parish Council remain genuinely concerned over flood risk and that additional development is seen as an increased risk. Such concerns are particularly understandable given recent flood events and the difficulties and apprehension encountered for residents and business affected by the floods. However, the local planning authority in assessing planning applications and making planning decisions must have regard to the technical advice provided by the relevant statutory consultees and the relevant policies within the development plan, which forms the legal framework for making planning decisions. On this basis, there are no substantive reasons to resist the development on flood risk grounds.

### **3. Access, Traffic and Connectivity Considerations**

- 7.28 The application has been supported by a Transport Assessment with an amended technical note to address initial concerns raised by the Highway Authority (HA). The principle highway-related matters in this case relate to the safety and suitability of the access, the impact of the development on the efficiency of the highway network and accessibility between the site and village amenities.
- 7.29 The A6 forms part of the district's strategic transport network and forms an important public transport corridor running north-south between Lancaster and Preston, practically running parallel with the M6. It is also identified as diversionary route for the M6. The A6 is fully lit between the village and Lancaster and is subject to 50mph speed limit in the location of the application site. The 30mph limit starts slightly north of the bridge over the River Conder (c90m south of existing site access) through

the village. There is an existing footway on eastern side of the carriageway and verge to the western side. The proposed site access is located approximately 350m north of the signalled controlled crossroad junction A6/Salford Road/Stoney Lane.

- 7.30 Access to the site is proposed off the A6 north of the village and approximately 25m south of the existing access serving Ward Field Farm. The development has been amended and proposes a single point of access off the A6 to serve the development including the retained Ward Field farmhouse and stone barn. The access proposed is a simple priority-controlled junction arrangement and has a carriageway width of 5.5m with a 6m radius and 2m footways incorporated to both sides of the proposed junction. The access design (subject to separate agreement with the HA) shall secure the creation of a right turn southbound facility and the creation of a pedestrian refuge. The existing access should be closed off as part of the development. Such matters are capable of being suitably addressed by planning condition and will also need to be considered as part of the wider phasing of the development. The HA has raised no objection to the access design, position and proposed visibility spays (based on observed traffic speeds) and recommends that the existing 30mph speed limit is extended north beyond the proposed access to ensure traffic speeds are appropriate in the region of the access in the interests of highway safety.
- 7.31 Turning to traffic generation and highway efficiency, the applicant's position is that the traffic generated from the development would have a minimal impact on the operation of the local highway network and the Galgate junction in particular. The applicant states that the traffic generated from the development would add around 20 vehicles per hour at peak times. Concerns over traffic generation are understandable given the amount of traffic and congestion frequently experienced along the A6 and at key junctions along its length between the M6 and the city centre. The village crossroad junction does experience considerable queueing at peak times. The HA has considered the application and the potential impacts the development would have on the local highway network having regard to the key junctions along the A6 with and without committed development. Despite some deficiencies in the Transport Assessment, the HA (from its own informed assessment) is satisfied the development will not significantly impact the efficiency of the Hala Road junction and Pointer roundabout along the A6. Regarding the Galgate junction, the HA identified deficiencies concerning the saturation figures in the Transport Assessment, noting that the figures did not account for queue lengths during the A.M and P.M peaks. Notwithstanding this, given the site is situated to the north of the Galgate signals and the potential traffic egressing south from the site would be low (14 vehicles per hour (A.M peak) and 18 vehicles per hour (P.M peak)) which is well below the impact sensitivity of 30 vehicles movements per hour identified in the Department for Transport guidance), the HA concludes that the development is unlikely to impact established congestion problems through the village or residential queueing to the M6, or impact two way movements through the junction at peak times. There will be a slight impact at peak times through the village junction, but such that is not regarded significant. Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.
- 7.32 As for accessibility, the proposed site sits on the northern edge of the village and will be physically connected to the village pedestrian network via improved footway provision along the western side of the A6 carriageway. The development will also include provision for pedestrian crossing facilities between site and the school, which is situated within the eastern part of the village. These improvements will provide safe and suitable walking facilities between the site and the village facilities located along the A6 corridor and towards the school. Pedestrian connections to the western part of the village (such as shops on Salford Road and the doctors' surgery) are impinged by the elevated position of the WCML and the fact the site does not physically connect to the adopted part of Salford Road (in other words there is third party land intervening between the site and Salford Road). There is little opportunity to address this at this stage. If the development is supported, there will be an expectation that any subsequent application for reserved matters approval secures internal footway provision towards the far southern part of the site so potentially connections can be made in the future. Members will note that there is an objection to the application from the Ramblers' Association. This is because there is a legal public right of way (PROW) affected by the proposal, which runs between the A6 through the proposed site towards the WCML. Lancashire County Council's PROW Officer has confirmed that despite there being an alternative footpath to the north of the application site that crosses the WCML, the definitive PROW has not been formally diverted. It is understood that a railway operator closed the route over the WCML affecting the PROW. The alternative path north of the site has been in situ for many years and links to routes to the eastern

side of the A6. If the application is supported, there will be a requirement of the applicant to legally divert the PROW or incorporate the route into the subsequent layout at the reserved matters stage.

- 7.33 In addition to improvements to the pedestrian environment, access to public transport needs suitable consideration. The proposed development and improved footway provision will provide access to bus stops located on the A6 corridor. As part of the highway negotiations during the consideration of the application (in relation to the assessment on the impact on the village crossroad junction), the developer is also committed to secure improvements to the northbound bus stop situated close to Galgate Bridge. The improvements include the relocation of this bus stop and the incorporation of a bus layby into the site to the north of the bridge. This layby will be shorter than average to avoid the underpass under the bridge, but such is accepted by the HA. The provision of the bus layby will not only secure direct access to public transport but will provide opportunities to help relieve congestion at the junction by providing space for buses to pull in off the carriageway in the interest of relieving congestion. This also provides potential benefits to air quality as stalled traffic is a significant contributor to air quality problems in the village. Overall, the applicant has demonstrated that a safe and suitable access can be provided; that the traffic generated by the development would not lead to severe impacts and that there is suitable and safe pedestrian access to village services and public transport. On this basis there are no highway objections to the proposal.

#### **4.Design, Landscape and Heritage Considerations**

- 7.34 The application is in outline form with only the access being applied for in full. Matters pertaining to the layout, scale, appearance and landscaping of the site are reserved for subsequent approval. Whilst the precise details of the layout and appearance of the development are not up for discussion now, the local planning authority needs to be satisfied that the amount of development proposed is capable of being delivered whilst achieving a high standard of design. Requiring good inclusive design is a prerequisite of good planning and is about creating attractive places. This means new development should respond to local character, be safe and accessible, visually attractive, supports local facilities and transport networks, provides opportunities to create open space and integrate with surrounding uses/development and provides active and strong street frontages. The acoustic mitigation and boundary requirements from Network Rail have the potential to influence and affect the design and appearance of the development. Acoustic features will only be required in the areas where the dwellings are proposed but trespass fencing separating the site from Network Rail's land will be visually noticeable from the areas of open space. A condition is recommended to control the type and colour of this fencing in the interests of good design. New planting (to be agreed at reserved matters stage) could also help screen such fencing.
- 7.35 The application has been supported by amended concept plans and density plans – both are indicative to help illustrate what the site is capable of delivering. There are no policies within the Development Plan that specify what densities are required for development sites within identified rural settlements. Instead planning policy requires plan-making and decision-taking to significantly boost the supply of housing, use land efficiently, develop where the infrastructure can cope with the impacts of expansion and to ensure development promotes or reinforces local distinctiveness. The applicant's indicative density plan suggests a higher density towards the village (circa 36 dwellings per hectare), gradually lowering towards the northern boundary (circa 26 dwellings per hectare), which is also supported by a landscape buffer. There is no right or wrong answer to this. There are areas in the village where there is high density development (terraced development along the A6 corridor) and lower density on the periphery of the settlement. There would be general support for a mix of densities (and ultimately house types/sizes) across the developable part of the site with a preference to have lower density development at the northern end of the site (and some within the site facing the open space) to support the transition between the proposed built development and open countryside/open space. Higher density development ideally should front the A6 corridor to reinforce local distinctiveness (this also has benefits in terms of designing out noise impacts). The proposal seeks up to 68 dwellings plus the conversion of the stone barn up to 2 dwellings. Through careful design and depending on the eventual housing mix there are no grounds at this stage to suggest this level of development cannot be achieved.
- 7.36 In terms of landscape considerations, the site lies within the Carnforth-Galgate-Cockerham landscape character area (LCA) which forms part of the wider Low Coastal Drumlins landscape character type (LCT). The Landscape Strategy for Lancashire recognises that this LCA supports extremely high proportion of built development, particularly along key transport corridors including the A6. The landscape is not protected by any statutory designation nor does it lie within a

Conservation Area or land affected by local landscape designations, such as key urban landscape allocations. The site is situated within 'open countryside' and therefore enjoys a degree of landscape importance (saved policy E4). Policy DM28 states that the council will support development outside protected landscapes where it is in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, design, materials, external appearance and landscaping. This is echoed in policy DM42. The proposed site is situated alongside the established settlement boundary between two significant transport corridors and does not extend beyond the furthestmost northern boundary to the west side of the WCML. The proposed 'gap' between the built environment (the flood zones) will be incorporated into the development as open space and has a functional and integral purpose serving the development and the community. For these reasons, the development is not judged to have a significant adverse impact on the wider coastal drumlin landscape character area.

- 7.37 The development will result in the loss of 'open countryside' and this can be judged a negative impact associated with the development. Whilst there is significant areas of open space incorporated into the scheme (for reasons explained above), the development will result in the loss of greenfield land (except for the farmhouse). The development will result in the loss of a single highway tree to secure the access. The hedgerows and planting around the periphery of the site are capable of retention. There is equally ample scope to secure additional planting (or mitigation for any losses) within the development site. The council's Tree Officer does not raise an objection to the development and recommends that a fully detailed arboricultural implications assessment and comprehensive landscape strategy be provided at the reserved matters stage.
- 7.38 Regarding heritage implications, the application has been supported with a heritage assessment which principally sought to address the potential impacts of the proposal on the setting of nearby designated heritage assets including Galgate Old Bridge, Chapel Cottages, Galgate Silk Mill, Ellet House, Church of St John and 31 Chapel Street, together with the potential impacts of the proposal on the farmhouse (non-designated heritage asset). Planning policy stresses the desirability to sustain and enhance the significance of heritage assets. The development site is separated from a number of the designated heritage assets by the A6 corridor and therefore is not considered to contribute to the significance of the setting of a number of the designated heritage assets assessed. In terms of the farmhouse, the applicant initially contended that the removal of the stone barn and the proposed development would enhance the area and the setting of the farmhouse. Officers did not share this view and have negotiated amendments to the proposal to secure the retention and conversion of the original stone barn to the rear of the farmhouse. This has been supported by the council's Conservation Officer, who contends the barn should be regarded a non-designated heritage asset like the farmhouse. The layout and design of the development will need to carefully consider the impacts of the proposal on the setting of the retained non-designated heritage assets. In fact there is a real opportunity to enhance the buildings with the reinstatement of a formal courtyard and the removal of the large modern agricultural buildings attached to and surrounding the barn to better reveal its significance. The council's Conservation Officer has raised no objections to the development but has stressed that future development reflects the use of traditional materials that predominately prevail in the village.
- 7.39 Whilst the application satisfactorily addressed impacts on listed buildings and non-designated assets, it failed to address the potential impacts on archaeology. Lancashire Archaeology Advisory Service (LAAS) initially commented on the proposal and recommended that the application not be determined as it failed to address paragraph 128 of the NPPF. Specifically it failed to account for significant information held on the Historic Environment Record.
- 7.40 Subsequent to this, additional archaeological investigations and reporting have been provided with particular regard to the prominence of the lynchets (series of curving ridges (earthworks) likely to be the result of medieval and early post medieval agricultural activities) and potential for early occupation. LAAS has reviewed the additional information and whilst there was a preference for the northern boundary of the developable area to be pulled back towards Ward Field Farm to better reveal the existing earthworks, LAAS does not consider such amendments could be substantiated on heritage grounds, though recommend that an archaeological field investigation and recording is secured by condition.

## **5. Amenity and other environmental considerations**

- 7.41 Residential Amenity



Due to the sequential approach adopted to the allocation of the dwellings and open space within the application site, existing neighbouring residents surrounding the site will not be adversely affected by the built development (in terms of overbearingness, overshadowing and loss of privacy arising from the dwellinghouses themselves). The actual location of the built development (following amendments to the FRA) will be in excess of 70m from existing property. Neighbouring residents have raised concerns over loss of privacy and loss of tranquillity due to the use of the southern section of the site for open space including play provision. The indicative layout plan suggests a network of footpaths through the open space and the position of the play equipment. This is not fixed at this stage and would form part of the consideration of reserved matters. At that time, the relationship of the play area and footpaths will need to assess the relationship to neighbouring dwellings.

- 7.42 Given the legal easements required along the river and the landscape buffer recommended to form part of the ecological mitigation for the site, it is anticipated the position of play areas and footpaths can be in locations sufficient distance from existing residential property to avoid adverse impacts. There is no question that the use of land as amenity open space will result in increased activity and noise compared to the use of land for agricultural purposes. Some objectors comment this will adversely affect the enjoyment of their dwellings and their well-being. Whilst these concerns are acknowledged, there are no planning policy grounds to resist the use of this land as open space, given the benefits this would bring to the wider community. The eventual layout and landscaping of the development, including the areas of open space (to be determined at reserve matters stage), can through good design minimise impacts on neighbouring residential amenity. Officers also recommend a condition to control any proposed external lighting to ensure such would not adversely affect residential amenity and will support any future ecological mitigation. The wider benefits of the open space would outweigh the concerns raised by immediate neighbours over the loss of peace and tranquillity that would occur by the change in use of land from agricultural to open space.

7.43 Open Space

Public open space is disaggregated through the village with areas on land off Highland Brow, small play spaces within the Crofters Fold development, the new Story Homes scheme and the larger sports fields adjacent to the village hall south of the village beyond Skew Bridge. Access to these areas of open space (from this part of the village) is constrained by the transport corridors that dissect the settlement. Planning policy supports the provision of green space and formal open space within development proposals in the interests of good inclusive design and health and well-being. Such also mitigates the impacts of settlement expansion on local infrastructure. Policy DM26 requires development proposals in areas of recognised deficiency to contribute to the provision of on-site and off-site public open space. Any on-site provision should be fully accessible and should not adversely affect surrounding residential amenity (discussed above). In this case, the proposed development exceeds the thresholds for general amenity space on site and will secure a children play area in accordance with the Councils' planning advisory note (PAN) relating to open space provision in new development. There are identified deficiencies in the provision of young persons' provision in the village and recognised demand for improvements to the sports facilities at the recreation grounds adjacent to the village hall. Based on the thresholds set out in the PAN financial contributions would need to be sought towards these types of public open space. The applicant accepts a financial contribution towards outdoor sports facilities for improvements to the existing sports facilities at the recreation grounds. For the young person's provision, the applicant and the Council's Public Realm Officer have agreed that such could be provided on site instead as part of a more comprehensive, natural play offer. The provision of a central area of open space and play provision, which will be accessible to a large majority of the community and offers significant social and environmental benefits, weighs in favour of the proposal.

7.44 Air Quality Matters

The site is in close proximity to the Air Quality Management Area (AQMA) in the centre of the village at the main crossroad junction. The AQMA is due to exceedance in the annual mean air quality objection for nitrogen dioxide (NO<sub>2</sub>) derived from vehicle emissions. The Air Quality Assessment addresses air quality impacts during construction and the operational stages of development, recognising that the traffic generated from the development could have impacts on the existing AQMA and therefore exposure to receptors within it. The applicant's dispersion modelling concludes that the site is suitable for residential development without mitigation to protect future users from elevated NO<sub>2</sub> concentrations and concludes that the impacts are not significant and that air quality would not be a constraint to development. This was not a view shared by our Air Quality Officer. An amended Air Quality Assessment was provided and included the DEFRA damage costs calculation

to determine an emissions based impact of the proposed development. This produced a figure of approximately £78,000. The assessment conclusions were no difference from the original assessment but indicated that this damage cost figure should be used as an indicator to the level of mitigation measures required as part of the development and could include a combination of on and off site measures.

7.45 The Council's Air Quality Officer has considered the revised assessment and confirms that the impacts during the construction phases were capable of being mitigated through appropriate construction management measures. However, in relation to the operational impacts, despite the increase in pollutant concentration (from the development) not being large (the applicant judges 'not significant'), given the need to reduce pollutant levels in the AQMA, the Air Quality Officer maintains an objection based on the additional contributory worsening impact on the AQMA and the absence of high level effective mitigation to address the impacts. In an attempt to resolve this objection, the applicant has agreed to the provision of EV charging points for each household and, through the Travel Plan, the promotion of local car dealers that sell electric cars and the setting up of a car share scheme. Furthermore the provision of the bus layby will help to reduce stationary traffic in the village, which greatly contributes to the NO<sub>2</sub> levels. Officers are awaiting a position from the Air Quality Officer over the acceptability of this mitigation and so a verbal update will be provided.

7.46 Noise  
Paragraph 123 of the NPPF requires planning policies and decisions to aim to avoid noise from giving rise to significant adverse impacts on health and quality of life, along with policy DM35 of the DPD, which seeks to ensure existing and proposed residents benefit from a satisfactory standard of amenity. In this case, the proposed site sits alongside the A6 and the WCML. These transport corridors generate noise and therefore the development should, where necessary, mitigate against such impacts. The application has been supported by a Noise and Vibration Assessment, which having assessed the proposal, concludes that with appropriate design and layout and noise mitigation measures, the overall effect on the site due to surrounding noise sources is considered to achieve a no observed adverse effect level (NOAEL).

7.47 The suggested mitigation includes the implementation of a 2.8m acoustic barrier along the western boundary and, depending on the final layout, 1.8m fencing between dwellings nearer the A6. Higher specification glazing and ventilation systems will also be required (depending on the layout) for some properties within the development. More subtle mitigation can also be secured through good design and careful consideration of the position and orientation of dwellings, including the incorporation of landscape buffers where suitable.

7.48 The Council's Environmental Health Officer has considered the applicant's noise assessment and considered the proposal, concluding the assessment satisfactorily demonstrates the site is suitable for residential development if suitable noise mitigation measures are implemented to achieve internal and external sound criteria recommended within BS8233:2014 and WHO Guidelines. Policy recognises this can be achieved through the use of conditions. On this basis, a condition is recommended to secure appropriate mitigation to secure a satisfactory standard of accommodation for future residents in compliance with paragraphs 17 and 123 of the NPPF and Policy DM35 of the DM DPD. Given such will be dependent on the layout and design of the development, a pre-commencement condition is justified.

7.49 Contamination  
Planning policy and decisions should ensure the effects of pollution on health and the natural environment are taken into account. The application has been supported by a desk study assessment in order to address (amongst other issues) potential contaminated land risks. The Council's Contaminated Land Officer has reviewed the assessment and in general agrees with the risk assessment but recognises that the development will be very sensitive to potential contamination and that a site investigation assessment will be required to inform an appropriate remedial strategy. This is considered reasonable especially given the nature of some of the surrounding uses (in particular to the south).

7.50 Ecological Implications  
The application has been accompanied by a comprehensive ecological survey and assessment and further supporting information following the amendments to the scheme to secure the retention of the original stone barn. This sets out a number of ecological recommendations to ensure the loss of greenfield land can be appropriately mitigated to secure opportunities for biodiversity

enhancement across this site. This includes the retention and protection of landscape features (except for the tree to be removed for the access), enhancement of green infrastructure and habitat connectivity along the WCML embankment (such will need to be within the site) and the River Conder, new planting within and around the site with clear opportunities recognised within the flood zone areas, incorporation of bat and bird boxes, sensitive lighting scheme to be agreed to ensure no excessive artificial lighting towards the river (and other habitat corridors) and the provision of a habitat management plan.

- 7.51 GMEU, the Council's ecological advisors, are satisfied that the development will not adversely impact any designated nature conservation sites or protected species and states that the loss of species-poor agricultural land is not of substantive ecological value, though features around the boundaries of the site are of local conservation importance, including the river, embankment and hedgerows. GMEU supports the applicant's ecological recommendations and raises no objections to the development. A condition will be needed to secure appropriate ecological mitigation and enhancement measures to accord with the requirements of paragraph 118 of the NPPF and policy DM27 of the DM DPD. Ecological mitigation will determine and influence the layout and landscaping of the development, and therefore a pre-commencement condition is justified.

## **8.0 Planning Obligations**

- 8.1 Should the application be favourably considered, a planning obligation would be required to secure up to 40% affordable housing in compliance policy DM41 of the DM DPD, together with obligations to secure a contribution towards the provision of primary and secondary school places (to be verbally updated) to ensure the impacts of the proposal on local school infrastructure is suitably mitigated. An obligation is also required to secure amenity space, children and young persons' play provision on-site, together with an off-site contribution towards improvements to the existing outdoor sports facilities at the existing recreational fields within the village. Finally, provision for the long-term management of open space, landscaped areas and any un-adopted roads and drainage features would also be secured by obligation. All have been agreed with the applicant and are considered compliant with the requirements of the CIL regulations and paragraph 204 of the NPPF.

## **9.0 Planning Balance and Conclusions**

- 9.1 The thrust of planning policy is about achieving sustainable development, recognising that the environmental, economic and social dimensions of sustainable development are mutually dependant. Pursuing sustainable development is about place making and ensuring new development can integrate with the existing built, natural and historic environment.
- 9.2 The proposed site is located in all 3 flood zones and following recent flood events is understandably a contentious scheme. The above sections of this report have summarised the assessments of key planning considerations that have led to this recommendation of approval. In doing so, Officers are mindful of the presumption in favour of sustainable development and the engagement of the tilted balance which would apply to this application. In this case, it is contended that there are no specific policies in the Framework indicating the development should be resisted. Fundamentally, therefore, this means for decision-taking, development proposals should be approved unless the adverse impacts of doing so would significantly and demonstrable outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.3 There are a number of benefits associated with the proposal. Most significantly is that the development would positively contribute to a District wide need for market and affordable housing in one of the District's most locationally sustainable settlements. This carries significant weight in the determination of the application and provides clear economic and social benefits to the wider public. The scheme also proposes a large area of public open space with play provision to serve the development and the wider community. This space also provides opportunities for new landscaping and ecological enhancements as well as off-site contributions towards improvements to the existing sports facilities at the recreation grounds. This too carries significant weight and provides social and environmental benefits. The development also provides opportunities to support existing local services (through additional spend) and provides employment opportunities during construction and fit out stages of development. These are important economic and social benefits associated with the development and carry moderate weight (recognising the extent of employment opportunities are not for the lifetime of the development) in the determination of the application. The scheme has

been amended to retain the existing stone barn with appropriate assessment of the impacts on the historical environment concluding no heritage-related grounds to resist the development.

- 9.4 The applicant has satisfactorily addressed flood risk and highway related concerns provided the development is carried out in accordance with the mitigation identified. Despite the concerns to the contrary, the applicant has sufficiently demonstrated that the development would not be at risk of flooding or increase flood risk elsewhere and that the traffic generated from the development would not result in a severe impact on the operation of the highway. The development is not regarded a flood risk 'benefit' but equally it is considered to not result in negative impacts. The mitigation identified for both flood risk and highway matters bring other benefits, such as the provision of open space and opportunities for ecological enhancements and the requirements for off-site highway works to provide improvements to the pedestrian environment and the inclusion of the bus layby to alleviate congestion problems in the centre of the village. Such have environmental and social benefits that weigh in favour of the proposal. The 'gap' between the existing development and the proposed development (as a result of the sequential allocation of uses within the site) provides functional open space and will be connected to the proposed built development along the site frontage with new footways and a bus layby. Officers are satisfied this is not going to result in harmful townscape impacts which would weigh against the proposal. The applicant is also committed to providing an education contribution to mitigate the impacts of the proposal on the local school infrastructure.
- 9.5 The negative impacts of the development are those associated with the loss of the existing field that is designated as 'countryside area', loss of mineral safeguarding land and the potential impacts on the air quality management area. With regards the loss of countryside area, saved policy E4 and DM28 of the DMPD does not preclude development in areas of open countryside; instead it requires it to be in scale and in keeping with its surroundings. For the reasons set out in this report, this adverse impact is not such that would tip the balance against the development as the development can, through good design at reserved matters stage, address the requirements of our countryside policies. In terms of mineral safeguarding, again, the above report sets out a reasoned justification why the development would not compromise the mineral safeguarding allocation. Regarding air quality, the adverse impacts are small but nevertheless potentially significant. Whether the proposed mitigation is capable of resolving concerns is yet to be determined, so a verbal update is to be provided. This potential negative impact could weigh against the development but taking into account of the Framework taken as a whole, Members are advised that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits and therefore the development should be supported.

### **Recommendation**

That subject to the applicant signing and completing a legal agreement securing:

- the provision of up to 40% affordable housing (not less than 30%);
- the provision of amenity space, and children's and young person's play provision,
- the payment of an off-site financial contribution towards outdoor sports facilities;
- the payment of an education financial contribution; and
- the setting up of an appropriate management scheme to maintain open space, landscaping, unadopted roads and SuDS features,

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

1. Time Limit (Outline)
  2. The proposed dwellings and associated gardens shall be limited to developable area
- Pre-commencement conditions**
3. Surface water drainage scheme
  4. Phasing of development (including infrastructure)
  5. Access details
  6. Scheme for off-site highway improvements including footway provision between the site and the village centre, a pedestrian crossing facility over the A6 and pedestrian improvements at the Tanhouse junction to provide links between the site and the school, an extension of the 30mph limit as part of a gateway treatment scheme
  7. Scheme for archaeological investigation and building recording
  8. Site investigation condition (contamination)

9. Arboricultural Implications Assessment to be submitted and agreed including tree/hedgerow protection measures
10. Noise and ventilation mitigation to be agreed
11. Scheme for the protection of the railway embankment
12. Scheme for ecological mitigation and enhancement to be submitted and agreed.
13. Finish floor levels of the dwellings and proposed finished ground levels for all external space (gardens, landscaping, open space, roads)  
**Before construction of the dwellings and associated roads**
14. Scheme for EV charging facilities for each household to be agreed
15. Details of external lighting to be agreed
16. Precise details of boundary treatments between the site and Network Rail's operation land to be agreed
17. Travel Plan condition  
**Control conditions**
18. Existing access to Ward Field Farm to be closed off in accordance with phased programme of implementation to be agreed with the Local Planning Authority pursuant to condition 4.
19. Development to be carried out in accordance with Flood Risk Assessment and addendum reports
20. Removal of permitted development relating to permeable surfaces
21. Hours of construction work and deliveries limited to Monday – Friday 0800-1800, Saturdays 0800 – 1400 and no working on Sundays and Bank Holidays.

### **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:

Officers have made this recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in this 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.

### **Background Papers**

None