

Agenda Item A5	Committee Date 4 February 2019	Application Number 18/00335/FUL
Application Site Land At Chapel Lane Galgate Lancashire	Proposal Erection of 32 dwellings (C3) with associated access and landscaping	
Name of Applicant Applethwaite Ltd	Name of Agent Mr Lee Greenwood	
Decision Target Date 24 August 2018	Reason For Delay Negotiation with the applicant on matters of viability, design, highways, surface water drainage and deferral of application.	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Note

The application was on the agenda for the 12 November 2018 Planning Committee meeting, but was deferred to allow the applicant time to address the Officers' concerns. However, despite the deferral the scheme remains the same in terms of layout and design, and therefore the recommendation also remains unchanged. The applicant is now separately considering a proposal for 29 two storey dwellings based on a reduced application site (19/00013/PRE3).

1.0 The Site and its Surroundings

1.1 The site is located to the north of the village of Galgate, and consists of grazing land occupying an area of circa 3 hectares. The site is bounded by mature hedgerows, and by Chapel Lane, Langshaw Lane and the M6 further to the east. A hedgerow runs throughout the centre site, essentially forming a field boundary. The site rises gradually from Chapel Lane to its highest point in the south eastern corner of the site. Where development is proposed, the site levels are 25 metres (Above Ordnance Datum AOD) towards the west, rising to 29 metres (AOD) towards the far east of the site. The site lies within Flood Zone 1, however Flood Zone 2 and 3 are located on the western boundary of Chapel Lane. Footpath 15 is located 300 metres to the north west of the site and Footpath 26 is located 125 metres to the north east of the site.

1.2 The site is allocated as countryside land in the adopted local plan, and partly continuing through the emerging local plan, however the very eastern extent of the site is proposed to be captured within the broad area for growth of Bailrigg Garden Village allocation, and also the infrastructure delivery for South Lancaster. St Johns Church is Grade II listed building and abuts the site. Galgate Silk Mill (100 metres away) and Ellel House (60 metres away) are located to the south, and both Grade II listed. The Galgate Air Quality Management Area is situated 500metres to the south west of the proposal site.

2.0 The Proposal

2.1 The proposal seeks full planning consent for the erection of 32 single storey bungalows (and will be all over 55's accommodation), together with the creation of a new access, open space and landscaping and internal vehicular roads.

The scheme proposes 32 open market bungalows (semi-detached and detached) which consist of;

- Three 1-bedroom unit;
- Sixteen 2-bedroom units;
- Thirteen 3-bedroom units

2.2 The bungalows are proposed to be delivered using a variety of gabled and hipped roofs under natural slate. External walls would comprise of stone, render and timber boarding. A new access would be positioned off Chapel Lane, and this would be the only point of access and egress into the site.

3.0 Site History

3.1 There is no recent planning history associated with the site, however the applicant engaged with the Local Planning Authority via its pre-application advice service on a larger scheme of 56 dwellings.

3.2 In January 2019 the applicant applied for pre-application advice (19/00013/PRE3) on the basis of 29 two storey dwellings. It is proposed to take the scheme to a Member Engagement Forum in due course.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection , though concede that the development could be at the detriment of public safety, and the operation of the highway network as a whole. However, planning conditions could be imposed to negate a highway objection to the scheme.
Local Plans Team	Whilst the site is located in a settlement where the Council would look to promote residential development, poor linkages to existing services and the current built form of the village together with wider infrastructure concerns raise significant issues for officers. Concerns in regards wider road network, its potential impact on the adjacent AQMA and wider Bailrigg Garden Village delivery.
Lead Local Flood Authority (LLFA)	Initially required additional information to allow for an informed opinion to be made with regards to soakaway sizing calculations, the maintenance of the soakaways and the design from exceedance flows. The applicant shared additional information with regards to the above, and the LLFA now raise no objection to the scheme.
United Utilities	No objection , and foul and surface water should be drained on separate systems and a surface water drainage scheme shall be conditioned.
Ellel Parish Council	Objection . Surface Water drainage and highway safety concerns associated with the scheme, and the view is that Galgate ought to retain its identity as a settlement and a community distinct from Lancaster, rather than subsumed into the latter.
Environmental Health Officers (Noise)	No objection as the noise assessment predicts the noise levels at the site, and with double glazing and trickle ventilation that the design criteria recommended within BS8233:2014 for acceptable sound levels will be met.
Environmental Health Officer (Air Quality)	Objection on the basis that the development will impact on the two Air Quality Management Areas and in the absence of a required mass emission assessment of the proposed impact/mitigation and absence of sufficient mitigation to minimise the associated air quality impact.
Tree Protection Officer	No objection . Recommends a Tree Protection Plan is controlled by planning condition together with a landscaping scheme.
Natural England	No observations to make on the proposal
Public Realm Officer	No objection and the proposal provides for a good designation of natural and semi-natural open space. However, further details of how this will be maintain for public

	<p>access is required. A development of this size is required to a minimum of 477m² usable amenity space within the development. Offsite contributions of; £82,020 are required:</p> <ul style="list-style-type: none"> • Outdoor Sports Facilities £28,908 • Equipped Play area £32,100 • Young People's Provision £12,840 • Parks and Gardens £8,172
Engineering Team	No observations received within the statutory timescales.
Conservation Officer	The proposal would lead to a level of harm on the setting and significance of designated heritage assets, St Johns Church and Galgate Silk Mill (Grade II). The level of harm is less than substantial. The proposal would also harm the setting and significance of surrounding non designated heritage assets notably Sill House and Leatside. The harm has not been avoided or mitigated by design, layout or landscaping, and therefore raise objection .
Greater Manchester Ecology Unit	No objection , and would consider that the development proposal would not cause substantive ecological harm, but would recommend that a number of precautions are required to protect ecological interests if permission is granted to the scheme: <ul style="list-style-type: none"> • Construction Method Statement; • Landscaping Plan; • Tree Felling and Nesting Birds avoided between March and August inclusive • All trees and hedgerows to be protected during development; and • External Lighting shall be minimised.
Historic England	No observations to make on the planning application.
Fire Safety Officer	No objections
Lancashire Police	No objections . However, recommends that secured by design principles are embodied in any scheme.
Lancashire County Council Education	No objection . However, recommends that provision is made for two secondary school places and therefore a contribution of £47,474.56 is provided for. Following further dialogue that no education contribution is required given the over 55s nature of the development.
Citizens of Lancaster Opposed to Un-necessary Development (CLOUD)	Objection: <ol style="list-style-type: none"> 1) Proximity to the Bailrigg Garden Village and proposed new road; 2) The village is at capacity; 3) Detrimental to the air quality of the area; 4) Road Safety concerns; 5) Enhanced flood risks associated with the development; 6) Lack of Affordable Housing Provision; and 7) Concerns associated with the supporting information with respect to errors.

5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notice and adjoining residents notified by way of letter. To date there has been 44 pieces of correspondence received all objecting to the development;

Surface Water Flooding Issues – Chapel Lane, together with the site, flooded extensively in November 2017 and the loss of this site to development will only compound the issues downstream further.

Loss of Greenfield – The site has landscape value, and the Council should be considering brownfield sites in advance of releasing further greenfield sites, the site would be better used as an extension of the graveyard associated with the adjacent church.

Highways – The local highways are constrained (notably around the Galgate Crossroads, by the Silk Mill and along Chapel Lane heading towards the University), further development will only serve to make matters worse. Chapel Lane is on a national cycle-route, and therefore there are compatibility issues between cyclists and motorists. Chapel Lane is used by motorists, cyclists and walkers and lacks proper footpaths.

Air Quality – Air Quality in the village is already poor around the Galgate Crossroads, approval of this scheme will only serve to make the situation worse.

Local Infrastructure - The school is at capacity and significantly over-subscribed, as is the local doctors surgery, and there is a lack of shops and services within the village to support a scheme of this nature.

Affordable Housing – No affordable housing provision is proposed on what is a greenfield site.

Heritage - The scheme will impact on St Johns the Evangelist Church and also the Silk Mill.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7 to 10 Achieving sustainable development
Paragraph 11 to 14 The Presumption in favour of sustainable development
Paragraphs 47 to 50 – Determining applications
Paragraphs 52 to 56 – Planning Obligations
Paragraphs 59, 60, 62 – Delivering a sufficient supply of homes
Paragraph 68 – Identifying land for homes
Paragraph 74 – Maintaining supply and delivery
Paragraphs 77 to 78 – Rural Housing
Paragraphs 91, 92, 94, 96 and 98 – Promoting healthy and safe communities
Paragraphs 102 to 103, 108 to 111 – Promoting sustainable transport
Paragraphs 117 to 118, 122 to 123 – Making effective use of land
Paragraphs 124, 127, 129, 130 - Achieving well-designed places
Paragraphs 148, 155, 163 and 165 – Flood risk
Paragraphs 170, 172, 175 - Conserving the natural environment/habitats and biodiversity
Paragraphs 178 to 180, 182 - Ground Conditions and Pollution
Paragraphs 189 to 192, 196, 197 and 200 – Conserving and enhancing the historic environment
Paragraphs 205 to 206 – Facilitating the sustainable use of minerals
Paragraphs 213 to 214 – Annex 1 Implementation

6.2 Local Planning Policy Overview – Current Position

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

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

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

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

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

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

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

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 Material Considerations**

- National Planning Practice Guidance;
- Five Year Housing Land Supply Position (September 2018);
- Housing Land Monitoring Report (September 2018);
- Strategic Housing and Employment Land Availability Assessment 2018;
- Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (2015);
- Open Space Provision within New Residential Development Planning Advisory Note (2015);
- Provision of Electric vehicle Charing Points for New Development Planning Advisory Note (2016);
- Low Emissions and Air Quality Guidance for Development Planning Advisory Note (September 2017);
- District of Lancaster Highways and Transport Masterplan (October 2016);
- Housing White Paper: Fixing our broken housing market (February 2017).

7.0 Comment and Analysis

7.0.1 The proposal raises the following key considerations:

- Principle of development;
- Housing need for older persons accommodation;
- Local highway infrastructure;
- Layout and scale;

- Landscape impact;
- Natural environment;
- Air quality;
- Noise;
- Cultural heritage;
- Drainage matters; and
- Other considerations.

7.1 Principle of Development

- 7.1.1 Following the publication of the revised National Planning Policy Framework (NPPF) in July 2018 and the publication of the 2016 sub-householder projections in September 2018, Lancaster City Council has reviewed its 5 year housing land supply. Using the standard methodology as described in the Planning Practice Guide, the local housing need figure identified by the 2016 sub-householder projections and incorporating a buffer as required by NPPF, Lancaster District has a minimum annual requirement of 138 dwellings. Having undertaken a detailed assessment of the deliverability of all sites capable of delivering 5 or more dwellings (i.e. investigating sites for their suitability, availability and achievability for housing) to create a housing trajectory, Lancaster District can demonstrate a 5 year housing supply with 13.3 years identified. Whilst the NPPF has been revised, its overall direction has been maintained, with local authorities required to significantly boost the supply of homes in their area. It can only do this if it continues to approve appropriate housing schemes. Therefore just because Lancaster District can currently demonstrate a 5 year housing land supply, it does not mean that residential proposals should be refused planning permission unless material considerations indicate otherwise. Given the status of the development plan as a whole (as outlined in Paragraph 6.2 of this Committee report), the ‘tilted balance’ is still required to be undertaken by the decision maker.
- 7.1.2 The application site is situated on the northern periphery of the village of Galgate, which is a settlement where sustainable housing will be supported. This is enshrined in DM42 of the Development Management DPD, subject to the below criteria:
1. Be well related to the existing built form of the settlement;
 2. Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
 3. Be located where the environment and infrastructure can accommodate the impacts of expansion;
 4. Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape; and
 5. Consider all other relevant policies,
- 7.1.3 Galgate continues to remain a sustainable rural village as part of the Councils emerging local plan (although limited weight can be attached to this), and therefore there is still a desire to focus sustainable housing within the village. Galgate has no settlement boundaries (nor do any of the villages within the Development Management DPD), but notwithstanding the above it could be argued that the site has more synergies with Ellel than with Galgate, as the Mill, Hillcroft House and the Church essentially form the boundaries of Galgate as the pattern of development to a linear form of development occurs north of the site. Ellel has a strong linear feel from Sill House in the south (immediately north of the application site) to Mallin Croft, and the Croft to the north, before arriving at Hazelrigg Lane, and then the University. The applicant engaged in the Council’s pre-application advice service on a scheme of 56 dwellings consisting of a mixture of houses and bungalows. The scheme before Members therefore has been fundamentally amended to account for a lower density of properties, additional open space and ensuring a vista of the Church (St John the Evangelist – Grade II listed) when looking southwards from Chapel Lane is maintained. The advice shared in 2017 was essentially supportive of some form of development, but on a much reduced scale.
- 7.1.4 The scheme is for over 55s, and exclusively single storey bungalows. The Local Planning Authority is supportive of a scheme of bungalows, given the need for a relatively level site to accommodate single-storey living, and Officers are attributing significant weight to the provision of older person’s accommodation. Policy DM45 is especially relevant for this planning application, which concerns accommodation for older people which this application proposes, and the policy goes on to state that this has to meet the needs of older people and well located on a primary bus route, and

convenient for local services and facilities and be wheelchair accessible and shall contribute to affordable housing in accordance.

- 7.1.5 The emerging local plan (whilst limited weight can be attached) is relevant for this application, as around 20 of the 32 units fall within the Policy SG1 (Broad Location for Growth Bailrigg Garden Village), SG3 (Infrastructure Delivery in South Lancaster), and T1.2 (Lancaster Park and Ride). It should be noted that the site falls outside of the Bailrigg Garden Village Broad Area of Growth allocation, however critically falls within land that is essentially being safeguarded as possible future use of any reconfigured Junction 33. One critical concern of officers is whether this scheme could prejudice the future provision of an amended Junction 33 arrangement. As yet a route has not been chosen, nor have officers been privy to any future routes. No objection has been received from the County Council, who are Highway Authority for the district, and ultimately have had the opportunity to object to this development should they considered it prejudice the future alignment of a new road.
- 7.1.6 National Planning Practice Guidance provides useful commentary on the issue of prematurity. It states:
- “Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process”.*
- 7.1.7 When considering whether this particular development is premature (i.e. ahead of masterplanning the Bailrigg Garden Village), the two questions that need to be considered are:
- (a) Is the development proposed so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and,
 - (b) Is the emerging plan is at an advanced stage (even though it is not yet formally part of the development plan for the area).
- 7.1.8 In response to the first issue, whilst masterplanning will be fundamental to successfully delivering the Garden Village, the major concern is whether this scheme could jeopardize the future provision of a new road. Officers have reverted to County on this matter and whilst they have not raised objection on this matter, they have raised it as a concern. As mentioned above there is an argument that the provision of a new reconfigured Junction 33 is critical to the success of the garden village and therefore if an objection was to have been raised by County and evidenced, a very different stance could have been taken. Officers therefore consider that the eventual route of any amended J33 arrangement is unlikely to be constrained by approving this site for older person's accommodation. On the second issue, Paragraph 6.2 provides an accurate summary of the current position.
- 7.2 Housing need for older persons accommodation
- 7.2.1 In terms of the existing provision of housing for older people across Lancaster district, there is fairly broad mix of housing options across tenures, although bespoke housing is more prolific in the social housing sector and apartment schemes such as McCarthy and Stone developments and the Elms Hotel. Other than the Applethwaite development at Silverdale, there are very few examples of designated purpose built bungalows for the elderly in the market housing sector. Officers are pleased to see that the scheme will consist of a mix of one, two and three bedroom units, which can accommodate a wide range of needs depending on the requirements of the intended client group.
- 7.2.2 There was concern initially as the internal room layouts provided for little in the way of circulation space, particularly in the hall-ways and access into and around the bathroom. Level access was also questioned, in terms of into the properties and also for parking. The adopted policy concerning older person's accommodation is detailed in Policy DM45 of the Development Management DPD.

Proposals for accommodation for older people will be supported subject to the proposal meeting the following criteria:

I. Meeting the genuine needs of older people;

II. Being well located for a primary bus route, and convenient for local services and facilities;

III. Being wheelchair accessible; and

IV. Contributing towards the provision of affordable housing in accordance with Policy DM41 (Use Class C3 only).

- 7.2.3 There is a distinct lack of bungalow provision within the District and as previously stated, the Strategic Housing Officer is supportive of the provision of bungalows on the understanding that the layouts can ensure that accessible standards can be achieved. Officers have worked with the applicant's architects and agents and amendments have been made to the units. Progress has been made towards achieving Building Regulations Part M4 (2) standards (essentially to ensure that people are able to access and use buildings and their facilities), but the applicant has requested should planning permission be approved they are amenable to a condition to allow for accessibility standards to be achieved. There is nothing before Officers to suggest that this cannot be achieved here, and therefore a condition is reasonable.
- 7.2.4 The principle of a scheme for over 55s is something that the Local Planning Authority is keen to support given the local age demographic and national policy suggests that local authorities should plan to meet the needs of an ageing population. Officers are satisfied that it is possible to control the use of the properties to over 55 provision by means of planning obligation, of which the applicant is amenable to. With respect to location there is tension here as the site is circa 0.45km to the nearest bus stop and whilst Galgate has services it is circa 0.65 km to the Spar shop at the Galgate Crossroads. The site is not isolated by any stretch of the imagination, but footways are poor to say the least. Some off-site highway works are provided by this application which would assist with connectivity matters.
- 7.2.5 The application has been submitted on the basis that no affordable housing is being provided. This has been independently reviewed by Lambert Smith Hampton (LSH) and it has been concluded that based on the floor space of the development (i.e. because it's all bungalows), that it is not economically viable to provide any affordable homes on the site. This is naturally a disappointment given this is a greenfield site in the south of the district. However a specific type of residential unit is being provided for by this application which is catering for a specific demographic. Members should be aware that Paragraph 64 of the Framework requires that at least 10% of the homes should be for affordable home ownership, however given the independent assessment that has been carried out it is not considered in this circumstance the provision of affordable housing could be catered for.
- 7.2.6 Through collaborative working with the applicant, the Local Planning Authority, and building control colleagues, a suite of properties have been proposed which Officers consider would meet the requirements of more adaptable living accommodation. As Members will be aware, many schemes across the district over the course of the last few years have been on sloping sites, none of these lend themselves to the provision of bungalows and therefore weight is attached to this site in so far as it can deliver the intended use of bungalows. On balance other than the locational tensions, it is considered that the scheme accords to Policy DM45 of the Development Management DPD.
- 7.3 Local Highway Infrastructure
- 7.3.1 The site would be accessed off Chapel Lane and there would be only one point of access/egress into the site. The access has been considered by County Highways to form a safe means of access/egress to facilitate the development. This is on the understanding that 2.4m x 25m visibility splays can be achieved, which can be conditioned as such, should members seek to support the scheme.
- 7.3.2 Chapel Lane connects to Hazelrigg Lane to the North, and Galgate to the south, and it is a route which is used by cars, cyclists and pedestrians, being very sinuous in nature and consisting of a number blind bends. This is heightened by parked cars particularly to the north of the site. Furthermore, Chapel Lane only has a limited amount of footway. The case officer has visited the site at different times of the day to assess the impact and there are a number of pinch points along its stretch. This is echoed within public comments also.

7.3.3 Members should be mindful of the extant consent for the conversion of the Galgate Silk Mill to student accommodation for 107 studio apartments (which was approved on appeal - 14/00989/CU), which will inevitably lead to a marked increase in Chapel Lane being utilised by students accessing the University (should the permission be implemented). The Inspector considered as part of that determination;

'Chapel Lane has direct easy access on foot or cycling to the University and is designated as an on-road cycle route. While the lane is narrow, the applicants uncontested evidence points out that improvements such as LED street lighting, traffic calming and parking restrictions have been carried out. In addition I observed a footpath runs along part of its length. Against this backdrop, I consider that an increase in its use by occupiers of the proposal would be unlikely to compromise highway safety for those using the Lane.'

7.3.4 Whilst the County have not objected to the proposal they raise understandable concerns on the basis that the site does have limited access to day time public transport and the distance to the GP surgery would involve a car journey. But, equally, many of the districts sustainable villages do not have a doctors surgery (and across Lancashire and Cumbria for that matter). County Highways have raised concern with the rural roads, particularly those heading north towards the University. The County have stated that they consider a 20mph traffic regulation order for the whole stretch of Chapel Lane, together with gateway treatment and street lighting along its stretch should be put in place. County have also requested that blue advance informative signing 'Unsuitable for Long Vehicles' – to be situated on Chapel Lane at its junction with Chapel Lane and in the vicinity of the Silk Mill. A 2 metre wide footway along the frontage of the site tying into existing elements of the footway to west are also recommended.

7.3.5 Following the County's formal response, the applicant has engaged directly with the Highway Authority regarding off-site highway works. Initially they supplied an off-site highways work drawing which provided for a 900mm wide footway area on either side of Chapel Lane to take pedestrians past the Silk Mill in a safe fashion. The works also catered for a buff coloured surfacing to leave a carriageway width of 3.1 metres. County was not satisfied with this solution, and through ongoing dialogue there is now agreement to the below:

- Extension of the 20 mph speed limit along Chapel Lane up to the junction with Hazlerigg Lane;
- A gateway treatment at the junction of Chapel Lane / Hazlerigg Lane comprising road markings;
- A 1.5 metre wide footway through the 'pinch-point' at the Silk Mill with a traffic priority system;
- A 2 m wide footway across the site frontage;
- A review of the street lighting at the proposed junction location onto Chapel Lane with improvements.

Whilst Officers feel that the nature of the local highway network is constrained given its sinuous nature, given the above measures can be secured by means of planning condition and County is amenable to the off-site highway recommendations, it is considered that on balance the scheme is acceptable from a highway safety and efficiency perspective.

7.4 Layout and Scale

7.4.1 The scheme proposes 32 bungalows with a mixture of hipped and gabled roofs. The scheme is not linear in nature however the applicant has tried to replicate the linear street geometry and block formulations characteristic of the development to the north. It has to be said that the form of development proposed is not entirely reflective of that found within the village. The layout is outward facing, but given the set back that has been proposed to mitigate impact on the setting of the church this has resulted in a development proposal which could sit quite uncomfortable on the site. The use of close boarded fences along the northern boundary of the site fails to work, but the applicant is amenable to a planning condition (should Members approve the scheme) to utilise stone walling which is supported by Officers.

7.4.2 It is considered that Langshaw Lane forms the divide between the built linear form of Ellel to the north, and Galgate to the south, but the existing hedgerow that runs through the centre of the site in

officer's view forms the natural barrier to which any new development should be confined too. Overall whilst there is no objection to the appearance of the bungalows, this was on the basis that natural stone would feature. The original application plans detailed the use of stone on the majority of the principal elevations however the applicant's latest plans show the use of render as the predominant externally facing material. The built form surrounding the site is generally made up of natural stone and therefore it has been questioned why all reference to the use of stone has been removed from the proposals, and a written response is expected on the applicant on this issue.

7.4.3 The layout provides for policy compliant separation distances. On the whole garden sizes are all compliant with Policy DM35 of the Development Management DPD. Officers are supportive of the principle of development at the site based on an over 55's scheme, however there are concerns that the applicant has diluted the palette of materials during the planning process and whilst the Council are fully supportive of sustainable housing within the district feel there is an element of over development of this site. The Local Planning Authority are prepared to allow a quantum of development over and above what might otherwise reasonably be accommodated at the site given the age-related type of development that has come forward; however the current scheme goes well beyond the more linear form of development in this part of the settlement. There is scope for a reduced scheme to be accommodated here; but this should be confined to the land west of the hedgerow that crosses the site. There has been discussions with the applicant in this regard. However, they consider the quantum of development (32 dwellings) based on the footprint of this development is required to enable a deliverable scheme.

7.5 Landscape Impact

7.5.1 The development will inevitably have an impact on the local character of the landscape, however the site does not benefit from any local or national landscape designation (albeit it is countryside allocation within the adopted and emerging local plan). Compared to the pre-application scheme there has been significant improvements to the layout and the applicant has taken on board some of the local authority's concerns and numbers have been reduced. There has been an honest attempt by the applicant to address the LPAs concerns, and this is welcomed. The applicant advises that they consider the pre-application request they have made for two storey dwellings on the site has to be deemed a material consideration when determining this application. The request made is for two storey dwellings which would be entirely contained within the development envelope that Officers are advocating could be acceptable as part of this application. Notwithstanding this, Officers consider as they did in Paragraph 7.4.3 that just because the LPA has endorsed a development area that they could look to support, this is on the basis of the proposed scheme of single storey dwellings. Applications have to be determined on their own merits. Officers maintain that the encroachment is such that they are unable to lend support for the scheme as it stands.

7.5.2 It is clear that residents value the local landscape, and officers accept that the site has value in its own right. However it is not considered that the site is valued landscape for the purposes of the Framework, given it is not designated nor identified in the development plan or emerging development plan for its landscape quality.

7.5.3 Whilst dwelling numbers have dropped from the pre-application discussions, Officers had recommended a scheme quite linear (to respect the form of development to the north). When approaching the village from Langshaw Lane (passing underneath the M6 motorway bridge) you get clear views of the Church and also Silk Mill and the provision of single storey dwellings at the far western end of the site would work in this context from a landscape perspective (given the built form behind). There are concerns that plots 17-27 enter a different form of landscape setting, deeper into the open countryside (extending the site circa 75 metres eastwards). When viewing the site from Footpath 26, the built form of the site would extend into the open countryside and the development would cause an adverse visual effect from this viewpoint. Furthermore there are views from the M6 which is slightly elevated in comparison to the site. When travelling northbound there are clear views across the site with the Church and Mill prominent within the landscape. Notwithstanding this, single storey dwellings would help preserve the roofscape of the designated and non-designated heritage assets, and therefore this assists with mitigating the harm.

7.5.4 Officers feel that this incursion would represent an incongruous and intrusive form of development (given the context of the surrounding built and natural environment). The applicant has provided a significant amount of open space and landscaping notably around the boundary of the site. This would help soften the impact but the change would be one from a pastoral farming site to a housing

development. Whilst the site is not valued landscape in terms of Paragraph 170 of the Framework, the proposed development would result in adverse impacts to the landscape.

- 7.5.5 In response to Officer concerns regarding the encroachment of the development into the open countryside, the applicant has undertaken traffic counts along Langshaw Lane to establish how heavily trafficked the road is for vehicles, horse riders and pedestrians. This took place on Thursday 20 December 2018 between 0700 and 1900, and the results showed one horse rider, seven pedestrians and thirty six cars. Whilst this data suggests the road is lightly trafficked, little weight can be attached given this was a single day in the winter months. Overall whilst this is a finely balanced argument, Officers conclude that the development would result in significant harm to the character and appearance of the site and surrounding area, and would conflict with Policies E4 of the Lancaster District Local Plan and Policies DM35 and DM28 of the Development Management DPD.
- 7.6 Cultural Heritage
- 7.6.1 The site is adjacent to, and behind St Johns Church (Grade II) and is within the vicinity of Ellel House (Grade II) and Galgate Silk Mill (Grade II). The setting of the church is complemented by the application site and the immediate rising topography behind the Church, which accentuates its semi-rural location and designed prominence. The proposal would result in the infill of an open plot of land which divides Galgate and Ellel, and these open fields do make a valuable and positive contribution to the setting and significance of St Johns Church. The proposal would surround the church, and impact on the views that currently exist to it, notably from Chapel Lane, Langshaw Lane, A6 and M6 Motorway. The Conservation Officer also raises concerns that the development could result detract from the architectural interest of the Grade II Silk Mill when viewed from the M6 and Langshaw Lane.
- 7.6.2 The Conservation Officer has raised concern that the designed layout will not relate to the grain of Ellel and Galgate, and there are concerns that the mixture of hipped and gabled roofs in an arts and crafts style may not be the most sympathetic form of development. There are concerns that the proposal could erode the designed prominence of St Johns Church and the Galgate Silk Mill and could detract from the distinct linear and fine grain settlement character. The Conservation Officer is unable to support the proposals as the scheme would result in a level of harm, considered to be less than substantial, but this has not been outweighed or mitigated by the layout, architectural design or landscaping. The Conservation Officer has some concern that in addition to the two listed buildings that the scheme will also harm the setting and significance of surrounding non-designated heritage assets, notably Sill House and Leatside.
- 7.6.3 Officers consider that the development would lead to a level of harm to the setting of the Grade II listed church together to a lesser extent the Mill building, and this would be less than substantial harm in this case. In considering the planning balance required by Paragraph 196 of the Framework it is accepted and well established that any harm to the setting of a heritage asset shall be given great weight. Against this harm the public benefits of the scheme need to be considered.
- 7.6.4 The proposal is for 32 bungalows specially defined for over 55s and this would make a valued contribution to the supply of housing within the district and would specifically assist in meeting local housing needs, on a site that given its gradient is conducive to the provision of level access to bungalows. There would be minor benefits associated with the development contributing to local construction jobs and supporting local building trades, albeit that this would be for a temporary period. Future occupants would also support businesses and facilities within the local area. These benefits weigh in favour of the proposal. Weaknesses of the proposal include the absence of affordable housing and the incursion beyond the established boundaries/linear form of the existing settlement, as defined by the current proposed layout.
- 7.6.5 In the context of Paragraph 196 of the Framework and taking into account of the weight attached to the public benefits identified, officers consider that when taken as a whole they outweigh the less than substantial harm to the significance of St Johns Church. It is accepted that there would be a change in setting for Leatside and Sill House however given the set back of the properties this would still allow views of the non-designated heritage assets to be appreciated.
- 7.6.6 The views of Lancashire Archaeological Advisory Service (LAAS) has been sought on the application who raise no objection although state that the block of farmland immediately north of the

Church of St John has some potential for as yet unknown buried archaeological remains to exist, but the probability is low. LAAS recommend that a planning condition associated with investigations for buried remains, and can be made as a condition of any planning consent granted.

7.7 Natural Environment

7.7.1 The application is accompanied by an ecological appraisal and it is acknowledged that the site is relatively large, however is dominated by species poor agricultural grassland which is not of a high ecological value. Greater Manchester Ecological Unit raise no objection, however recommend planning conditions associated with a construction management plan for the protection of amphibians, securing an appropriate landscaping scheme, protection and enhancement of trees and hedgerows and also controlling external lighting associated with the development shall not to illuminate potential bat habitat (such as hedgerows and trees). These are matters which are considered could be secured by means of planning condition should members resolve to support the scheme. On this basis it is considered that the proposal accords with the aims of Paragraph 170 of the Framework.

7.7.2 The application is supported by an Arboricultural Implications Assessment which details that 25 metres of hedgerow will be required to be removed along the frontage of the site to accommodate the new access and visibility splays, however in reality to provide for the footway and the associated visibility splays, this is more likely to be in the region of 75 metres. There is an existing hedgerow that runs through the centre of the site which is mostly retained but three relatively short stretches of hedgerow will be removed to facilitate the development. The tree protection officer is supportive of the development given there are significant new opportunities for tree planting and a mix of native and exotic tree planting should be incorporated into the overall design.

7.8 Air Quality

7.8.1 The site is located outside of the Galgate Air Quality Management Area however it is expected that vehicles would naturally pass through this. The application is accompanied by an Air Quality Assessment, and a damage cost calculation concludes that £5,477.69 should be spent on mitigation to counteract the damages to air pollution from the proposed development. Given this the applicant has committed to installing electric vehicle charging points on all the dwellings. The air quality officer has objected to development on the basis that the applicant has underplayed the impact of the development, and that there will be more vehicle movements through the AQMA. The applicant has stated there would 98 LGV movements a day whereas the air quality officer considers this is more likely to be in the region of 192. It is accepted that during the operation of the development there will be an impact on the Galgate (this is inevitable). The development will impact on the Galgate and Lancaster AQMAs (the impact will not be large but will act to contribute to existing issues/thwart reductions) and as such the development should include mitigation that removes or significantly reduces the associated impact. Whilst Environmental Health welcome the introduction of charging points they recommend (i) incentive the use of electric vehicles at the development, (ii) operation of a low emission car club, (iii) contribution to lower emission public transport, (iv) incentives for cycling. Policy DM37 is relevant in this case as it concerns air quality management and pollution and states that 'New development located within or adjacent to an AQMA must ensure that users are not significantly adversely affected by the air quality within that QMA and include mitigation where appropriate. The applicant has agreed to the principal of electric vehicle charging points and Chapel Lane is a well-used cycling route, as part of the application process they are also amenable to a travel plan being imposed. Whilst the views of the Air Quality are noted, to sustain a reason for a refusal on air quality is unlikely to be demonstrated robustly at planning appeal given the adopted position of the Local Plan, together with the applicants commitment to providing electric vehicle charging points across the site.

7.9 Noise

7.9.1 The site is located over 100 metres from the M6 and this is the predominant noise source, although trains on the west coast mainline can be heard from the site. A noise report has been submitted (however with the incorrect layout) and this was amended during the application process. No objection has been received from the Environmental Health Officer and with this in mind it is considered that the implementation of appropriate glazing and ventilation will enable the development to be acceptable from a noise perspective, which can be secured by means of planning condition.

7.10 Drainage Matters

- 7.10.1 The applicant has submitted a Flood Risk Assessment (FRA) in support of the planning application and this demonstrates that given favourable ground conditions, the use of soakaways can be utilised and therefore a soakaway is proposed for each property. For the highway, given the access road is recommended to be adopted, the first option could be a soakaway manhole unit to be sited under the roadways with road gullies feeding road runoff into them – the second option is for all runoff to be piped down to the Chapel Lane boundary and a linear soakaway with adequate storage to be sited inside and parallel to the site boundary. Members will be aware that parts of the village suffered extensive flooding during November 2017, and neighbour comments would suggest that Chapel Lane suffered extensive flooding also.
- 7.10.2 The Environment Agency are not required to formally comment on the application, however they were consulted given the flooding event in November 2017. They have sought not to provide comments on the application. It is therefore assumed flood risks associated with fluvial (river) flooding will not be increased by approval of this development.
- 7.10.3 The Lead Local Flood Authority initially raised some concerns with the applicant's drainage strategy in so far as relating to the soakaway sizing calculations, maintenance of soakaways and also design of exceedance flows across the site. The applicant has supplied additional calculations in relation to soakaway sizes and also with respect to exceedance flows from the M6 to Chapel Lane. The additional information requested has been supplied and reviewed by the LLFA. The LLFA have responded to the application on the basis of no objection on the basis that the final surface water drainage scheme is submitted for approval and associated long term maintenance of the soakaways are conditioned. With this officers are satisfied that drainage can be controlled not to increase off site flooding and therefore according to paragraph 163 of the Framework.

7.11 Open Space

- 7.11.1 The scheme proposes a significant quantum of open space across the site, together with an array of native shrub and ornamental planting together with new trees and hedgerows. The provision of open space is significantly greater than what ordinarily be required. Officers consider that the proposal shows a good designation of natural and semi natural open space and the application demonstrates a clear consideration for public space around the development which will positively contribute to the deficient of accessible natural and semi natural open space within 15 minutes access time of the site. The public realm officer has asked for financial contributions towards outdoor sports, equipped play areas and young person's provision. Given the age demographics of the scheme these are not considered to be reasonable or necessary and a contribution towards Williamson Park is not appropriate given it is over 5km from the site, and secondly given the viability testing has revealed that the scheme would not be able to support any monies towards public realm.

7.12 Other Matters

- 7.12.1 The site is situated within a mineral safeguarded zone however in reality it's unlikely that the site would have the potential to be commercially worked for mineral extraction given the proximity of residential properties to the site. It is unlikely that the site is contaminated (as this was not accounted for within the applicant's viability statement), in view of this it is not considered reasonable nor necessary to include a condition associated with uncontaminated land. County education initially recommended that provision needed to be made for school provision however retracted there comments when they became aware this was an over 55s scheme and with this no contribution is required.

7.13 Planning Balance

- 7.13.1 Whilst the local authority possesses a 5 year housing land supply, the Council do not have an up to date local plan and therefore the tilted balance is engaged, whereby applications should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. The Framework is supportive of a mix of accommodation to meet future needs as it is about protecting landscape and historic assets. Whilst the proposal is a wholly open market scheme it does provide a unique form of housing exclusively of bungalows for an aging population. The applicant during the

course of the application process has worked with Officers to adapt the dwellings to allow them to be accessible and adaptable dwelling standards. Whilst some further work is required in this regard, these changes can be controlled by use of planning condition. The applicant has engaged positively with the Local Planning Authority with respect to these amendments, and great weight is attached to the provision of older person's accommodation in particular bungalows.

- 7.13.2 The proposal lies within the Countryside Area as part of the adopted and emerging local plan, and therefore has no local landscape designation, it still holds local landscape value. The form of development proposed is somewhat out of keeping with the linear settlement pattern form of Ellel to the north although has stronger synergies to that of Galgate to the south than that of the north as Langshaw Lane could be said to denote the boundary between Galgate and Ellel.
- 7.13.3 Members are faced with a difficult decision. On one hand there is an impact associated with the development by a form of layout that is not entirely characteristic of the village and it is accepted that there would be localised harm to the setting of the church, but it is providing for a form of development that is much needed within the district. As is noted within this report, the proposal cannot support any affordable housing provision and therefore the applicant asserts that to develop the scheme before members, it does require the number of units (as a minimum), based on the footprint of this planning application. In terms of the scheme before Members what needs to be considered is whether the provision of 32 bungalows and meeting the needs of an older generation is sufficient to outweigh the harm to the landscape associated with the development. The case officer is supportive of the provision of bungalows, and it is considered that the development complies with Policy DM45 of the Development Management DPD, however there is some conflict with Policy E4 of the Lancaster City Local Plan and with Policies DM35 and DM42 of the Development Management DPD.

8.0 Planning Obligations

- 8.1 The scheme is recommended for refusal. However, should Members seek to support the scheme it is recommended that the following is secured by legal agreement (of which the applicant is amenable to):
- Restriction of the bungalows to occupants over the age of 55; and
 - Long term maintenance of non-adopted highways, drainage, open space and landscaping.

9.0 Conclusion

- 9.1 This is a finely-balanced case for the reasons set out in the report. There are benefits relating to the provision of older person's accommodation (over 55 years of age) consisting of bungalows. This type of proposal is welcomed. However, balanced against this, is the harm caused by the incursion into the open countryside notably past the hedgerow which forms a natural boundary to the site. Officers also accept that there is some harm caused to the setting of the Church and Silk Mill, and a localised impact on the highway and these naturally weigh against the scheme. Officers would stress they are supportive of the principle of the scheme, however the encroachment past the existing field boundary even when considering the additional information provided in the form of traffic count data, cannot be supported, and it is considered that this element of the site creates such an adverse impact, that it would significantly and demonstrably outweigh the benefits associated with the development when taken as a whole. Regrettably with this in mind it is recommended to Members that the scheme is refused.

Recommendation

That Planning Permission **BE REFUSED** for the following reason:

- 1 The development would encroach into the open countryside, with the eastern part of the development feeling divorced from the village and would fail to have regard to local distinctiveness by the inappropriate siting of dwelling houses which would have an adverse impact at the local landscape level. It is considered that the development fails to conform to Policy E4 of the Lancaster District Local Plan and Policies DM28, DM35 and DM42 of the Development Management DPD and Paragraph 127 of the Framework.

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

In accordance with the above legislation, the City Council can confirm the following: Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

Background Papers

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