

<b>Agenda Item</b> A9	<b>Committee Date</b> 5 January 2015	<b>Application Number</b> 14/01052/FUL
<b>Application Site</b> Land To The Rear Of Burr Tree Cottage Long Level Cowan Bridge Carnforth		<b>Proposal</b> Erection of 18 dwellings with associated access and parking
<b>Name of Applicant</b> Mr Richard Morton		<b>Name of Agent</b> Mr James Ellis
<b>Decision Target Date</b> 16 January 2015		<b>Reason For Delay</b> N/A
<b>Case Officer</b>		Mr Andrew Drummond
<b>Departure</b>		Yes
<b>Summary of Recommendation</b>		Approval

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

- 1.1 The 0.54 hectare application site falls on the north east side of A65 close to the centre of Cowan Bridge. It comprises an agricultural field enclosed by a stone wall to the site's frontage, a disused railway embankment to the rear, Leck Beck to the north west and a further stone wall boundary to the south east (beyond which is the Fraser Hall). The field is undulating with a grass covering and benefits from a public right of way that runs across its north western edge to the top of the beck's bank. This edge also falls within Flood Zone 2, with a very small corner of the site within Flood Zone 3. The site falls within the District's Countryside Area. A Listed boundary stone is situated immediately outside the site on the grass verge to the A65, the Listed Cowan Bridge over Leck Beck is located adjacent to the site's western corner.

## **2.0 The Proposal**

- 2.1 The application seeks planning permission for the erection of 18 dwellings with a new access onto the A65. With the exception of the creation of the new access the stone wall to the site frontage will be retained with the removed stone being utilised as part of the boundary treatments to the rear gardens of 5 of the plots. The dwellings comprise five 2-bed houses, nine 3-bed houses and four 4-bed houses. 13 will benefit from garages, with the remaining 5 having 2 designated parking spaces. It is proposed that the houses are all open market houses (no affordable housing is proposed).

## **3.0 Site History**

- 3.1 There is no planning history related to this site that is relevant to this application.

## **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	No objection subject to conditions relating to the provision and protection of visibility

	splays; construction method statement to be agreed and complied with; and access arrangements and off site highway works to be agreed and implemented prior to occupation.
<b>Environment Agency</b>	No objection subject to conditions relating to compliance with the submitted Flood Risk Assessment, finished floor levels are set no lower than 300mm above existing ground levels, surface water run-off limited to 5 litres per second, and a soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse.
<b>United Utilities</b>	No objection subject to conditions relating to details for separate foul and surface water treatment, with restrictions to existing run-off rates.
<b>Environmental Health</b>	No objection subject to a condition relating to hours of construction (0800-1800 Mon to Fri and 0800-1400 Sat only).
<b>Contaminated Land Officer</b>	No objection subject to conditions relating to unexpected contamination, importation of soil, material and hardcore, prevention of new contamination, and bunding of tanks.
<b>Conservation Officer</b>	Concerns raised about the absence of a heritage statement and therefore the proposed design is uninformed by the heritage of the local environment. Conditions required regarding stone, mortar, slate, timber doors and windows, rainwater goods, ridge and eaves details.
<b>Burrow with Burrow Parish Council</b>	Supports the application though concerns about land drainage and possible risk of pollution with sewerage to Leck Beck, highway safety, the houses not being for local occupancy (potentially second homes/holiday lets), and no community benefits to school or village hall.
<b>Ireby with Leck Parish Council</b>	Concerns raised about the housing density, access, highway safety, discrepancies within the submission regarding proposed materials and local services, adequacy of the proposed treatment plant, and flood risks.

## **5.0 Neighbour Representations**

- 5.1 One piece of correspondence has been received citing the following concerns/queries:
- The boundary wall should be retained to the roadside with the exception of the access arrangements
  - Provision of public transport services is overstated in the application
  - Retention of the Public Right of Way throughout the construction period and thereafter
  - Sewage effluent being discharged into the Leck Beck
  - Potential for pollution from surface water discharge into the Leck Beck
  - Discrepancies within the submission regarding proposed materials
  - Light pollution

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

### **6.1 National Planning Policy Framework (NPPF)**

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

Paragraph **17** - 12 core land-use planning principles

Paragraph **49** - housing

Paragraphs **56, 58 and 60** - good design

Paragraphs **100** and **103** - flood risk

Paragraphs **129, 131, 132** and **135** - conservation

### **6.2 Core Strategy**

**SC1** – Sustainable development

**E1** – Environmental Capital

### **6.3 Development Management DPD and Morecambe Area Action Plan DPD**

The City Council resolved to adopt both the Development Management and Morecambe Area Action Plan Development Plan Documents (DPDs) on 17 December 2014. This means that both

documents now form part of the Local Plan for Lancaster District 2011-2031 and the policies contained therein are afforded full weight.

**DM28** – Development and Landscape Impact

**DM32** and **33** – Development affecting heritage and non-designated heritage assets and their setting

**DM35** – Key design principles

**DM38** – Development and flood risk

**DM39** – Surface water run-off and sustainable drainage

**DM42** – Managing rural housing growth

## **7.0 Comment and Analysis**

7.1 The key considerations in determining this planning application are:

- The principle of residential development in this location
- Provision of affordable housing
- Design, layout and sustainable construction
- Impact on heritage assets
- Impact on landscape
- Access and parking
- Flooding and drainage
- Ecology and trees

### 7.2 The principle of residential development in this location

7.2.1 The Development Management DPD has not identified Cowan Bridge as one of the villages within the District where new housing is proposed. However, it benefits from a convenience store, a very limited bus services, a school in the next hamlet (1km away in Leck), a small employment area and a church. In other words, whilst it is a departure from the Development Plan the application does seek to provide new housing in a village that supports more services than some of the villages identified in the DM DPD policy DM42. It is on this basis that the proposal is acceptable in principle subject to satisfactorily meeting the requirements of other policies within the Development Plan.

### 7.3 Provision of affordable housing

7.3.1 When the application was initially submitted the applicant was seeking to provide no affordable housing based on their financial appraisal which accompanied the application. This appraisal was checked by the Local Planning Authority and was found wanting. The build costs were higher than those agreed on other residential developments (even taking into consideration the proposed materials) and the property values significant lower than comparable prices being achieved in the village. There were a number of other figures that were questioned. The application as submitted also stated that there was no housing required for workers of the Leck Estate, and the applicant advised that he would not accept a local occupancy condition when questioned by one of the local Parish Councils. Quite simply, the application failed to meet the Council's planning policy requirements in terms of affordable housing. Whilst it is recognised that the Council does not have a 5 year land supply of deliverable sites for housing, this is a greenfield site and a departure from the Development Plan, and therefore the applicant must offer 7 affordable houses on the site for the scheme to be acceptable in planning terms. This is discussed further in 8.1.

### 7.4 Design, layout and sustainable construction

7.4.1 The proposed layout of the housing scheme was carefully considered with the houses orientated to face onto public spaces – the A65, the public footpath and the proposed public open space. Unfortunately it appear that less work had gone into the design of the house types that did not reflect the local vernacular. Cowan Bridge is an attractive village with distinctive house styles. Whilst the materials of stone, slate and timber (doors and windows) had been identified, other key details had not. The application was not supported by a heritage statement. Whilst one was provided during the determination period, it should have been undertaken prior to designing the properties and its absence probably explains the lack of reference in the proposal to its local environment. This is explored more in Section 7.5.

7.4.2 Through negotiation with the applicant and his architect a number of design changes have been

achieved, including the removal of a gable, relocation of downpipes, changes to some of the porches, widening of the small window openings, provision of window surrounds, removal of glazing bars from the casement windows and removal of a gable fronted property. These changes have made a significant difference to the scheme. The exception is that many of the porches still include a toilet and therefore have an off-centre door and a small window within its façade. To accommodate these openings, the porch is also overly wide, especially in proportion to the width of the property to which they serve. The architect has investigated whether the toilets could be relocated under the stairs within the ground floor layout, but there is insufficient headroom to do so. As such it is the applicant's preference to be retain the toilet in the porch. As the front doors of the traditional dwellings in the village are either recessed into the façade or set into a narrow porch with a dual pitched roof, it would have been preferable to replicate this feature within this new development. However, when considering such details, it is a case of whether form and function can coexist or whether one outweighs the other. On balance, a relatively sensitive porch arrangement has been agreed for each house type and whilst these do not reflect the local style, they are not sufficiently out of character to warrant a reason for refusal on design grounds.

## 7.5 Impact on heritage assets

7.5.1 Whilst Cowan Bridge is not a Conservation Area, the proposed site is adjacent to and opposite a number of designated and non-designated heritage assets. In particular, it impacts upon the setting of the Listed Cowan Bridge and boundary stone adjacent to the field boundary wall, and it could also be argued (though to a lesser degree) the setting of the Listed Bronte Cottages. The Conservation Officer is reassured that the field stone boundary wall is being retained, and that natural stone, natural slate, and painted timber doors and windows, and pointed verges are proposed. However, the Officer raised concerns about the absence of a heritage statement which explained why the proposed design was uninformed by the heritage of the local environment.

## 7.6 Impact on landscape

7.6.1 Most of the land to the north east of the A65 is earmarked as a potential extension to the Yorkshire Dales National Park. A decision is anticipated at any time. However, this particular site is excluded from the proposed designation given it is slightly divorced from the wider landscape by Leck Beck, the railway embankment and existing development. That said, the site still falls within the District's Countryside Area, is within an attractive historic (non-designated) environment and will form some of the context to the boundary of the national park should it be expanded in the manner proposed. Therefore the scale and form of the development is important, including boundary treatments, elevation and roof details, and materials. Cowan Bridge has a mix of painted stone and bare stone elevations with slate roof dominating. The proposed scheme was for 18 stone built properties, but this was felt to be out of keeping with the local area insofar as the presence of stone is broken up with white painted properties. It is deemed appropriate to add some contrast and therefore the applicant is now proposing 4 rendered properties within the development.

## 7.7 Access and parking

7.7.1 County Highways has assessed the application and deemed the proposal acceptable from a highway safety and efficiency perspective. Access can be taken from the A65 and adequate visibility splays achieved. The Highway Authority is seeking a number of off-site highway works to make the development acceptable, including provision of a footpath within the existing verge along the site's frontage, 2 new/relocated refuge islands, new street lighting, new gateway treatments to the village to reduce vehicle speeds and upgrades of the kerbs at the bus stops. All of these requirements can be addressed by way of conditions.

7.7.2 Parking is adequately provided for within the scheme. The properties benefit from parking bays or driveways with garages. The level of provision is deemed acceptable for the size of properties and the village's location and limited public transport options (restricted bus service).

## 7.8 Flooding and drainage

7.8.1 The north western edge of the site is within Flood Zones 2 with a very small section (the public right of way) within Flood Zone 3. United Utilities and Environment Agency have been very helpful in providing the applicant and the Local Planning Authority advice which has been checked over by the City Council's drainage engineer. The foul will be dealt with by way of a new water treatment plant,

to be installed close to the beck. The surface water will be controlled by a system that include a hydrobrake that restricts the flow of water off the site. The applicant's Flood Risk Assessment also requires the properties' finished floor levels to be 300mm over existing ground levels, though the Environment Agency has confirmed that this is only required for properties in Flood Zone 2. If the drainage schemes are not adopted by United Utilities they will require a maintenance and management scheme for their lifetimes.

## 7.9 Ecology and landscaping

7.9.1 The site comprises poor semi-improved grassland. It supports very little wildlife as it is regularly grazed, or grown and cut for silage. The railway embankment that faces the site has a covering of hawthorn and bramble, which supports nesting birds and the tree-lined Leck Beck is a foraging route for bats. The trees must be retained and protected during construction (including their roots and branches which may encroach into the site) to protect this habitat and where possible enhanced by additional native tree planting. The embankment and the beck fall outside the application site, but light spillage will not respect arbitrary boundaries, so will need to be controlled by condition. Tree works and protection measures, along with additional planting will all need securing by planning condition too.

7.9.2 The site layout proposes an area of public open space. During pre-application discussions with the Parish Council, the applicant was made aware of their desire for a children's play area as the village currently does not have that facility. The Public Realm Officer suggested at that time that amenity space was required, maybe with the inclusion of some natural play and play equipment. The plans simply show an area of grassed space situated in the southern corner of the site with some tree planting to two of its edges. The space benefits from natural surveillance from the adjacent proposed properties whilst being close to the existing dwellings. This will hopefully give the space a sense of joint ownership and not merely considered to be for the use of the new properties only. The drawback is its siting next to the A65, which will restrict how the space can be used, but equally the inclusion of some forms of equipment may adversely impact on the amenity (overlooking) of the adjacent property. The proposal is therefore generally acceptable, though specific details will be required as part of the site's landscaping scheme and its ongoing maintenance will need to be secured by way of a private management company via a legal agreement.

## 8.0 Planning Obligations

8.1 The application seeks to erect 18 dwellings on a greenfield site in an area of the District where house prices are high. There are some additional development costs associated with this scheme, but nothing abnormal, such as contamination, demolition/site clearance, major access arrangements and the like. In line with the Council's planning policy this site should deliver 40% affordable housing on site. The applicant sought to provide no affordable housing as part of their initial submission. However, the Council has looked carefully through the applicant's financial appraisal and identified a number of figures that are either too high (build costs) or too low (house prices). Changes to these figures dramatically change the scheme's viability. The Council is aware of 2, 3 and 4 bed properties selling in Cowan Bridge both before the recession (2007/08) and since (2012/13) for c£230,000, c£250-300,000 and c£385,000 respectively. Even assuming the 2, 3 and 4 bed properties were sold for £200,000, 250,000 and 300,000 respectively, this would give an average price of c£247,000. Accordingly to the applicant's appraisal the average price would be c£177,000 – a £70,000 difference per property, or c£1.25million across the site. Whilst there is no precise comparable sales data (as the current housing stock is predominantly made up of period properties, which could be argued to command a premium) it can equally be contended that modern, energy efficient homes are less costly to run (lower energy costs and less maintenance). Therefore whilst new properties lack the period features of older housing stock, this is balanced against lower running costs.

The main build costs quoted in the applicant's appraisal were also a lot higher than the Council has agreed on other sites. The applicant has also added further costs for the build, so it cannot be argued that the main build costs account for matters such as the additional costs of natural materials, as this is accounted for elsewhere in the appraisal. The Council has asked the applicant to provide more realistic costs, which will be reduced further when the changes agreed to the scheme during the determination period are also taken into consideration. Whilst this is outstanding at the time of writing, from the above analysis alone it is clear to the Council that this site can easily accommodate 40% affordable housing on site.

The application is only acceptable if the applicant offers 40% provision of affordable housing on site. As this equates to 7.2 units, it would actually be 39%. Of the 7 units, 4 should be offered for social rent and the remaining 3 for intermediate housing.

## **9.0 Conclusions**

9.1 The initial scheme submitted lacked sufficient details. However, during the determination period various amendments, clarifications and additional information has been submitted by the applicant in response to the Council's concerns. These included issues of drainage, design, materials and heritage. The only outstanding item is affordable housing as set out in 8.1. Whilst it is recognised that the Council does not have a 5 year land supply of deliverable sites for housing, this is a greenfield site and a departure from the Development Plan, and therefore the applicant must offer 7 affordable houses on the site for the scheme to be acceptable in planning terms.

## **Recommendation**

Subject to the applicant offering 39% affordable housing provision on site (4 social rented and 3 intermediate housing), that Planning Permission **BE GRANTED** subject to the signing and completing of a legal agreement to include:

- 40% affordable housing provision (4 social rented and 3 intermediate housing)
- Management company for the open space

and the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans – list of plans
3. Samples to be provided –
  - natural random rubble stone
  - mortar
  - render
  - natural slate
  - ridge tiles
  - natural stone window and door surrounds
  - timber window, doors and garage doors (including finishes and colours)
4. Details to be agreed –
  - boundary treatments
  - rainwater goods
  - timber fascias (including finishes and colours)
5. Access arrangements
6. Visibility splays – provision and retention
7. Off site highway works – provision of a footpath within the existing verge along the site's frontage, new/relocated refuge island, new street lighting, new gateway treatments to the village to reduce vehicle speeds and upgrades of the kerbs at the bus stops
8. Construction method statement
9. Separate drainage system
10. Development in accordance with Flood Risk Assessment including finished floor levels are set no lower than 300mm above existing ground levels within Flood Zone 2 and 150mm elsewhere and outfall rates of 4.4 l/s for 1:30 years and 5.9 l/s for 1:100 years plus critical storm
11. Surface Water Drainage Scheme – as per the drainage plan
12. Hours of construction (Mon to Fri 0800-1800 and Sat 0800-1400 only)
13. Unforeseen contamination
14. Importation of soil, material and hardcore
15. Prevention of new contamination
16. Bunding of tanks
17. Landscaping scheme and maintenance, including the provision of the public open space
18. No trees to be removed, cut down, lopped or crowned
19. Tree protection plan
20. External lighting

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

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

For the reasons stated in the report, this proposal departs from policies within the Development Plan. However, taking into account the other material considerations which are presented in full in the report, it is considered that on this occasion these outweigh the provisions of the Development Plan, and in this instance the proposal can be considered favourably.

In reaching this recommendation the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

### **Human Rights Act**

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

### **Background Papers**

None