

<b>Agenda Item</b> A7	<b>Committee Date</b> 16 October 2017	<b>Application Number</b> 17/00723/OUT
<b>Application Site</b>  Land North Of Rectory Gardens Lancaster Road Cockerham Lancashire		<b>Proposal</b>  Outline application for the erection of 18 dwellings and creation of a new access
<b>Name of Applicant</b>  Messrs Kirkby & Sherrington		<b>Name of Agent</b>  Mr Avnish Panchal
<b>Decision Target Date</b>  23 October 2017		<b>Reason For Delay</b>  N/A
<b>Case Officer</b>		Mr Mark Potts
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

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

- 1.1 The site is located to the north of the village of Cockerham, approximately 0.45km to the north of the village primary school (Cockerham Parochial School) and it occupies a rectangular parcel of land covering 1.3 hectares. There are no buildings on the application site, however there is a farm building to the north-eastern corner of the plot (within the applicant's control). The site benefits from a mature hedgerow along the eastern boundary of the site with Lancaster Road together with trees that are located on the western boundary of the site. To the north are fields and to the south lies a stockproof fence beyond which there is a road and residential dwellings on Rectory Gardens. The site rises to the west and is approximately 20 metres Above Ordnance Datum (AOD) and its lowest part adjacent to Lancaster Road rising to 26 metres AOD on the western extent of the site.
- 1.2 The site is largely unconstrained, however there is a public right of way that runs along the western boundary of the site (footpath 10). The Old Rectory is a Grade II listed building located approximately 30 metres to the south of the site. There are a number of trees particularly to the south of the site which have recently been the subject of Tree Preservation Order No.620 (2017). The site is located within an Aerodrome Safeguarding Area and is allocated as countryside area in the Local Plan.

## **2.0 The Proposal**

- 2.1 The scheme proposes the erection of 18 residential dwellings together with the creation of a new access off Lancaster Road. The scheme is in outline form and only the means of access is being applied for, however the applicant has submitted an illustrative layout in support of the scheme which shows an inherently outward-facing layout with residential units facing Lancaster Road. The scheme also proposes a potential rights of way connection, together with open space and landscaping.
- 2.2 A new access is proposed to the north of the current Rectory Gardens access and visibility splays in the region of 4.5m x 111m to the north, and 4.5m x 90m to the south are proposed. A 5.5 metre wide road with 6 metre kerb radii is proposed into the site, with 2 metre footways to the north and south. To create the sites means of access there will be a need to remove 22 metres of hedgerow to facilitate the required visibility splays.

### **3.0 Site History**

3.1 There is no relevant planning history.

### **4.0 Consultation Responses**

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

Consultee	Response
County Highways	<b>No Objection</b> on the basis of off-site highway works to include; <ul style="list-style-type: none"><li>• Visibility splays being delivered;</li><li>• A review of street lighting;</li><li>• Gateway treatment measures on the approach to the village (including road markings)</li><li>• Two-metre footway along the sites frontage;</li><li>• Ensuring a connection from the site to the public right of way to the west of the site and the creation of pavement at the junction of the A588/B5272.</li></ul> Other conditions relating to construction are also requested.
Cockerham Parish Council	<b>No Objection</b> , however the Parish Council have asked for a pull-in layby and covered bus stop for village use.
Contaminated Land Officer	<b>No Objection</b> , however has concerns with the content of some of the recommendations made within the report and therefore recommending conditions.
Lead Local Flood Authority	<b>No observations</b> received within the statutory timescales.
County Council Public Rights of Way	<b>No Objection.</b>
Ramblers Association	<b>No Objection</b> and recommends that links advocated by the applicant are secured by planning condition.
Public Realm Officer	Recommends that amenity space is provided on site together with a financial contribution of £55,639 is secured (subject to need).
Tree Protection Officer	Initially objected, however assuming an amended Arboricultural Implications Assessment is submitted to reflect that ground levels within root protection areas will remain the same; root-friendly materials and methods of construction will be used;; and that only 22m of the hedgerow along the frontage will be removed to facilitate the access, then <b>No objection</b> is raised. An amended AIA was received on the Committee Report deadline and therefore a verbal update will follow.
Natural England	<b>No Objection.</b>
Greater Manchester Ecology Unit	<b>No Objection</b> - recommends a condition to protect Great Created Newts; a scheme for replacement and management of the boundary hedgerow and trees; vegetation clearance not to be undertaken during bird breeding seasons unless a competent ecologist has inspected the site, and a biodiversity plan.
United Utilities	<b>No Objection</b> , recommends that foul and surface water is drained on separate systems and that a scheme for surface water is conditioned.
Lancashire Archaeological Advisory Service	<b>No Objection</b> however recommends a condition regarding a programme of archaeological work.
Strategic Housing Officer	<b>No Objection</b> , however recommends that 3 x 2 bedroom affordable rented properties and 4 x 3 bedroom shared ownership properties are secured by Section 106 Agreement.
Lancashire County Council Education	<b>No Objection</b> , however recommends a financial contribution of £42,846.54 towards the provision of 2 secondary school places. No contribution is being sought towards primary school provision.
Conservation Officer	<b>No Objection</b> , however materials and architectural forms used within the proposed development should take influence from the historic buildings found within the village.
Black Watch Parachute Centre	<b>No observations</b> received within the statutory timescales.

## **5.0 Neighbour Representations**

- 5.1 The application has been advertised in the press, by site notice and adjoining residents notified by letter. To date there has been **two** letters of objection;
- No need for additional dwellings within the village;
  - Concerns over the creation of the new estate road and concerns over the fast moving speeds along Lancaster Road;
  - Attractive setting of the site and concerns that this development could destroy the quality and character of the village;
  - Wish to understand that affordable houses will be provided as part of this application; and,
  - Ecological concerns.

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

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

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles  
Paragraph 32, 34 and 38 - Access and Transport  
Paragraphs 49, 50 and 55 - Delivering Housing  
Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design  
Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities  
Paragraph 103 – Flooding  
Paragraphs 109, 115,117,118 – Conserving the Natural Environment  
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment  
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

### **6.2 Local Planning Policy Overview**

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (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. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 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 2016, 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 Lancaster District Core Strategy (adopted July 2008)**

SC1 – Sustainable Development

## SC4 – Meeting the District’s Housing Requirements

### 6.4 Lancaster District Local Plan - saved policies (adopted 2004)

#### E4 – Countryside Area

### 6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM22 – Vehicle Parking Provision

DM26 – Open Space, Sports and Recreational Facilities

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and Woodland

DM30 – Development affecting Listed Buildings

DM32 – The Setting of Designated Heritage Assets

DM35 – Key Design Principles

DM38 – Development and Flood Risk

DM39 – Surface Water Run-off and Sustainable Drainage

DM41 – New Residential dwellings

DM42 – Managing Rural Housing Growth

### 6.6 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2015 Housing Land Supply Statement;
- Cockerham Neighbourhood Plan;
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points – New Developments (February 2016).

## **7.0 Comment and Analysis**

### 7.0.1 The main issues arising from this application include the following matters;

- Principle of the Development;
- Layout and Design;
- Highways;
- Drainage Matters;
- Landscape;
- Cultural Heritage;
- Open Space and Education; and,
- Other Matters.

### 7.1 Principle of Development

#### 7.1.1 Cockerham is listed as a Sustainable Rural Settlement under Policy DM42 of the adopted Development Management DPD and is a village in principle where sustainable housing will be supported. Policy DM42 does indicate that in all cases, proposals for new residential development on non-allocated sites must:

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment and infrastructure can accommodate the impact of the development; and,
- Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape.

7.1.2 The proposal is on the northern fringes of the village, however there are properties to the south of the site, and along Lancaster Road to the east. It is therefore considered that the site is well related to the built form of Cockerham. The village has seen a number of planning applications approved in recent years; namely the Village Road development which has now been built out for 17 houses (13/01018/FUL) and the 36 units approved on land off Marsh Lane (16/00494/OUT and 15/00587/OUT). The approval of this planning application does need to be considered in the context of what has been previously approved, however there is no guarantee or certainty that the Marsh Lane development will come forward for development (no reserved matters application has yet been submitted). Officers consider that even taking account the approved schemes, this scheme is capable of being of a scale and character appropriate to the settlement, and is capable of being able to demonstrate high quality design. Whilst there have been reservations raised by local residents, it is considered that the development complies with the requirements of Policy DM42 of the Development Management DPD.

7.1.3 The scheme seeks to provide 40% affordable housing, equating to 7 units and is therefore a significant benefit of the scheme (and subsequently afforded considerable weight in the planning balancing exercise). The applicant is amenable to entering into a Section 106 to secure this. It has been suggested by the local community that there is no need for additional housing in the village, however given the 5 year housing land supply position (such that the authority cannot demonstrate a deliverable 5 year housing land supply), and the government's commitment to significantly boost housing, it is considered that this position would not be a sustainable argument at appeal.

## 7.2 Layout and Design

7.2.1 Layout is not being applied for, however the applicant has submitted an indicative layout in support of the scheme. The layout consists of 4 residential dwellings fronting the main highway with the remainder of those in a crescent shape taking advantage of the views to the east. The layout is logical, but could be improved further at reserved matters stage should Members determine to support the scheme. It is considered that plot 1 requires some re-consideration given its relationship with a protected tree (the same is true for plots 6 and 7). Notwithstanding the illustrative nature of the plans there is confidence that a high quality scheme can be delivered here.

7.2.2 There is an existing farm building located to the east of the site, which is still in active use and this building is within the ownership of the applicant. The building is not included within the development area (red edge) of this application. Should Members support the outline scheme the future relationship with the agricultural building will be an important consideration at the detailed reserved matters stage. However given only 18 units are proposed across the 1.3 hectares (therefore low density) there is confidence that the scheme can co-exist with the applicant's existing farm buildings.

## 7.3 Highways

7.3.1 The local bus service is at risk, (although the service continues to run on a 90 minute service). It is a service that operates from Lancaster to Knott End and is operated by Kirkby Lonsdale Coaches on behalf of Lancashire County Council. It is understood that the bus service (89/89H) is a service that is to be retained, however for how long and in what form remains unclear. County Highways (on planning permission 16/00494/OUT) requested a Section 106 contribution was made towards the operation of the bus service. Officers note that the same request has not been made on this application, however in the circumstances it is considered appropriate to seek this contribution, with the final value to be established at reserved matters stage. The applicant's agent is amenable to this being secured by means of legal agreement.

7.3.2 The County Council raise no objections to the development either on highway safety or capacity grounds. They do however suggest conditions associated with street lighting at the site's points of access with Lancaster Road, improvements to the gateway features to the village and ensuring the footway from the site is 2 metres in width, together with a short length of footpath at the junction of the A588/B5272 to facilitate pedestrian movement to the village. These works are acceptable to the applicant and are considered reasonable in nature and scale. County have suggested that there should be a link from the site directly to the public right of way located to the west of the site. The applicant's submission shows this route, however this would cross third party land and therefore would not be achievable in the form of the current alignment. There are a number of public rights of way within the vicinity of the site and it is considered that there would be benefit in ensuring a

connection can be made to footpath 10. It is considered that a connection maybe possible (60 metres further to the north within the applicants control) and officers will seek to discuss this further with the applicants between now, and the committee meeting, and members will be informed verbally of the position.

- 7.3.3 The northbound village bus stop was relocated as part of the package of works associated with the approval of the Village Road development and the new northbound bus stop does not have a bus shelter associated with it. The reason for the lack of the shelter is that the footway width is not wide enough to accommodate one. The Parish Council raise no objection, but request the bus shelter. There is a strong argument that a further 18 properties within the village will increase the use of the bus stop, however given the footway width it is not considered reasonable in this instance, but the issue will be highlighted to the County Council as highways authority.

#### 7.4 Drainage Matters

- 7.4.1 Concern has been raised that development of this site will bring about flooding elsewhere in Cockerham. The site lies wholly in Flood Zone 1 (which is the least susceptible area to flooding and a location where local authorities would generally be supportive of new homes). The application is supported by a Flood Risk Assessment which concludes that the site could be drained of surface water via the positioning of the soakaways in public open space (located to the east of the site) and also the possibility of individual soakaways in the rear gardens. The views of the Lead Local Flood Authority have been sought, however no response has been received within the statutory timescales. There is nothing before Officers to conclude that the site cannot be drained effectively. No objection has been received from United Utilities. With respect to foul water it is anticipated that foul sewers in the area have capacity to accept foul flows from the site which would be in the region of 0.8 l/s. Conditions have been recommended to address foul water arrangements, surface water drainage arrangements and the surface water maintenance programme.

#### 7.5 Landscape

- 7.5.1 The site rises to the west, and views into the site can be seen from motorists travelling along Lancaster Road, but also walkers utilising the public right of way which travels north to south. The site does have landscape value, especially when approaching the village from the north where there are quite extensive views of the site with the tree-lined backdrop and views towards the Old Rectory. Given the elevated nature of the site, it is likely properties would be sited on higher ground than the surrounding road level. Assuming good design can be achieved, this is acceptable. There is however concern for the rear boundary treatment to these properties. If this was close boarded fencing this would be suburban and feel out of context with the village. A more preferable solution would be a living fence or stone wall. Neighbour concerns are duly noted and whilst there would be a change from open countryside land to housing land, it is not considered that the impacts would be so harmful to warrant refusal of this planning application. Therefore the impact on the landscape attracts moderate weight in the planning balance exercise.

#### 7.6 Cultural Heritage

- 7.6.1 The development boundary is located approximately 30m to the north of the Old Rectory which is a Grade II listed building which is a former vicarage of 1843 (now residential accommodation). The setting of this building has been somewhat undermined by the development which forms Rectory Gardens. Given this, it is not considered that the proposed development will pose any further detriment to the setting of the building. The Conservation Officer has no objections to the scheme. Lancashire Archaeological Advisory Service comment that there remains a potential that there could be buried roman coins given the presence of the main Roman Road which runs north to Lancaster. A condition is recommended which requires a programme of archaeological work. Given this it is considered that the scheme complies with Policies DM30 and DM32 of the DM DPD and that due regard has been paid to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990, it is considered that the nearby heritage assets would be preserved on the basis of a scheme to be assessed at reserved matters stage.

#### 7.7 Open Space and Education Provision

- 7.7.1 The County Council as Education Authority have requested a financial contribution for two secondary school places and it is essential that new development does provide for related

infrastructure and this includes the provision of education. The applicant is amenable to the contributions requested, and can be controlled by a legal agreement and the figure will be re-visited at reserved matters when the number of units and bedrooms are fully known.

- 7.72 There is a need to provide open space on the site and this amounts to 334m<sup>2</sup> of amenity space. It is considered that the site can accommodate this figure. An off-site financial contribution of £53,639 (Children's Play Area - £23,850, Young People's Facilities - £9,540 and Outdoor Sports Facilities - £20,249) has been requested but this is entirely subject to the needs of the village. The applicant is amenable to this being re-considered at reserved matters stage. Officers would advocate that the applicant should commence dialogue with the Parish Council to establish local recreation needs. The matter will be considered in detail at any future reserved matters stage.

## 7.8 Other Matters

- 7.8.1 The site falls within an aerodrome safeguarding zone where obstacles higher than 6 metres will not be permitted. The Black Watch Parachute Centre have been consulted and to date have not provided any response to the scheme. It is considered that the principle of development would not pose a danger to aircraft or parachutists, and in any event the group would be consulted on the detail at the reserved matters stage.
- 7.8.2 Some concerns have been expressed by the local authorities Contaminated Land Officer. However it is considered that a contaminated land study can be controlled by means of planning condition. An air quality assessment has been submitted as part of the planning application, and whilst Environmental Health have yet to comment on the application, it is considered appropriate to require electric vehicle charging points to be controlled by means of planning condition.
- 7.8.3 The application is supported by an ecological appraisal and the Council's advisors (Greater Manchester Ecological Unit) have no objections subject to planning conditions associated with reasonable avoidance measures to protect Great Crested Newts; avoiding works to trees and hedgerows during bird breeding season and a landscaping and biodiversity enhancement measures condition. The Councils Tree Protection Officer initially had concerns with the proposal however through dialogue with the applicant's agent an amended Arboricultural Implications Assessment (AIA) has been received (on the day of the Committee report deadline). The observations of the Tree Protection Officer will be shared with members verbally but it is hoped that this amended AIA will remove the objection.

## **8.0 Planning Obligations**

- 8.1 The applicant is amenable to securing the following requirements by way of legal agreement. These requirements are considered to meet the tests set out in paragraph 204 of the NPPF.
- The provision of up to 40% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs and viability);
  - The payment of **£42,846.54** for 2 secondary school places;
  - Contribution towards the local bus service (to be assessed at reserved matters);
  - Off-site open space contribution to be assessed based on the needs of the village (at the time of the reserved matters application); and,
  - Long term maintenance of non-adopted highways, open space and management company

With Committee's support, Officers seek delegation to ensure that the Section 106 Agreement is signed within the agreed time period for decision-making (i.e. before 23<sup>rd</sup> October 2017 – unless otherwise agreed). Failure to sign the Section 106 would result in a refusal under delegated powers.

## **9.0 Conclusions**

- 9.1 Cockerham is identified as a sustainable rural settlement in accordance with Policy DM42 of the Development Management DPD and as such is a village where sensitive and sustainable housing proposals will be encouraged. It is considered that the development is acceptable from a landscape, drainage, highways, flooding and nature conservation perspective. It is considered that the development constitutes sustainable development, and the benefits associated with a small but valuable contribution to the districts housing needs outweighs the harm caused to the landscape of the area. It is recommended to members that the scheme is supported, subject to the applicant entering into the Section 106 agreement and the planning conditions as noted below.

## **Recommendation**

That subject to a Section 106 legal agreement being entered into, Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Time Limit
2. Approved Plans
3. Access Detail
4. Offsite Highway works
5. Protection of visibility splays
6. Surface Water Drainage Layout
7. Foul Water Drainage Arrangements
8. Surface Water Long term management scheme
9. Finished Floor and site levels
10. Contaminated Land Assessment
11. Development in accordance with AIA.
12. Ecological mitigation and enhancement
13. Removal of Permitted Development Rights
14. Written scheme of archaeological investigation
15. Scheme for open space across the site.
15. Electric Vehicle Charging Points
16. Footway links to be provided.
17. Landscaping scheme.
18. Reasonable Avoidance Methods (Great Crested Newts)
19. Restriction on vegetation clearance (during Bird Breeding season)

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

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

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

## **Background Papers**

None.