

Agenda Item	(A9) APPENDIX A
Application Number	19/01223/OUT
Proposal	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane
Application site	Land to the east of Lancaster Road and north of Willey Lane, Lancaster Road, Cockerham, Lancashire
Applicant	Mr P & M Hewitt
Agent	Mr Avnish Panchal
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (Subject to the signing of a Section 106 Agreement)

(i) **Procedural Matters**

Lancaster City Council received the Report on the Examination of the Lancaster Local Plan Part One: Strategic Policies and Land Allocations Development Plan Document and Part Two: Review of the Development Management Development Plan Document (the "Lancaster Local Plan") from the Planning Inspectorate on 12 June 2020.

The Inspector concluded that the Lancaster Local Plan provides an appropriate basis for the planning of the district provided that a number of main modifications are made to it. The main modifications were subject to public consultation over an eight-week period between August and October 2019. With the incorporation of these modifications (and some the Inspector made) the Local Plan documents meet the criteria for soundness in the National Planning Policy Framework. Officers are recommending to Councillors that the 'Lancaster Local Plan' be adopted when the report is presented to Full Council on 29 July 2020.

The application was presented to the Planning Regulatory Committee in December 2019. However, given the change in the Development Plan (with emerging policies attracting substantial weight), and owing to the legal agreement not being signed, Officers are re-presenting the scheme to Councillors for consideration.

1.0 Application Site and Setting

1.1 The proposed site is located on the northern fringes of the village of Cockerham, which is located 9km to the south of Lancaster city centre. The site is farmland, and reaches its highest point at circa 24 metres Above Ordnance Datum (AOD) and falls to around 20 metres AOD by Lancaster Road. To the north lies Batty Cottage and to the east lies open fields. A linear form of development lies to the south consisting of 6 residential dwellings served off Willey Lane.

1.2 The site extends to around 1.7 hectares, and the boundaries to the north west and south consist of a mixture of fencing, hedgerows and walling. To the east there is no boundary in place. The site is allocated as Countryside Area in the adopted Local Plan, and Willey Lane, which is located 30 metres to the south of the site is a Public Right of Way (but also serves as a road to access the

residential properties along the Lane). The site lies within an aerodrome safeguarding zone where structures greater than 6 metres in height will not be permitted.

2.0 Proposal

2.1 The application is made in outline form for the erection of up to 24 residential dwellings, with the only matter that is being considered in full is the provision of the access into the site. Matters associated with scale, appearance, layout and landscaping are proposed to be considered under the Reserved Matters application process. The scheme initially provided for 31 dwellings, but Officers had concerns regarding the density across the site, and therefore a reduced quantum of housing was negotiated through the determination of 19/00164/OUT. An indicative layout plan is submitted in support of the scheme that illustrates how 24 dwellings could be delivered on the site, alongside a connection to the Public Right of Way on Willey Lane and the provision of public open space.

3.0 Site History

3.1 The proposal was presented to, and resolved to be approved in December 2019 by, the Planning Regulatory Committee (the full report is appended). Under the scheme of public participation, Angela Manning spoke against the application, and Graham Salisbury spoke in favour of the application.

It was proposed by Councillor Janice Hanson and seconded by Councillor Malcolm Thomas:

“That, subject to a Section 106 Agreement being entered into to secure the obligations contained in Paragraph 8.1 of the Committee Report outline planning permission be granted, subject to the conditions set out in the Committee Report.”

Upon being put to the vote, 10 Members voted in favour, with 4 abstentions, whereupon the Chair declared the proposal to be carried.

Resolved:

That, subject to a Section 106 Agreement being entered into to secure the obligations contained in Paragraph 8.1 of the Committee Report outline planning permission be granted, subject to the following conditions:

1. Two year timescale.
2. Development in accordance with the approved plan (red edge and access).
3. Access details to be submitted.
4. Scheme for off-site highway works.
5. Construction Environmental Management Plan.
6. Scheme for Sustainable Surface Water Drainage.
7. Scheme for Foul Water Drainage Scheme.
8. Submission of Finished Floor and Site Levels.
9. Scheme for the provision of on-site open space.
10. Scheme for the connection to the Public Right of Way.
11. Scheme for any external lighting.
12. Vegetation clearance to be undertaken from 1st March to 31st July.
13. Scheme to be undertaken in accordance with the ecological mitigation methods.
14. Development in accordance with the submitted AIA.
15. Employment and Skills Plan.
16. Provision of electric vehicle charging points.
17. Uncontaminated Land.
18. Provision of Home Owner Packs.

4.0 Consultations

4.1 As set out in the appended report.

5.0 Analysis

5.0.1 The key technical matters have been addressed within the Committee report of December 2019 (appended). However, given the Inspector's Report the main issue is:

- The change in direction of planning policy following the receipt of the Inspector's report dated 12 June 2020, giving substantial weight to policies of the emerging Local Plan, and the potential adoption by the Council on 29 July 2020.

5.1 The change in direction of Planning Policy following the receipt of the inspectors report dated 12 June 2020 and the potential adoption by the Council on 29 July 2020 (Policies SP2, SP3, SP6, SP8, EN3, SC1 and T2 of the Strategic Policies and Land Allocations DPD (Adoption Edition July 2020) and Policies DM1, DM2, DM3, DM4 and DM55 of the Review of Development Management DPD (Adoption Edition July 2020).

5.1.1 Whilst a new suite of planning policies has evolved as part of the Strategic Policies and Land Allocations DPD (SPLA Adoption Edition July 2020), Cockerham is still identified as a sustainable rural settlement. Policy SP2 is clear that subject to technical matters being addressed, sustainable housing schemes will be supported in selected villages. This follows the same ethos as Policy DM42 in the adopted Development Management DPD. Whilst new policies have been included within the SPLA, notably the development strategy, and how new homes will be delivered, overall it is considered that the proposal complies with the over-arching development strategy policies in the SPLA 2020.

5.1.2 The Development Management DPD has been revised as part of the plan making process. Of particular note to this planning application are Policies DM1 (new residential development and housing needs), DM2 (housing standards) and DM3 (affordable housing provision).

5.1.3 Policy DM1 follows a similar train of thought to the existing adopted policies, whereby schemes that meet an identified housing need, ensure land is used effectively, and the environment (both natural and manmade) can accommodate growth, will be looked upon favourably. Policy DM2 concerning internal housing standards is a new policy requirement, whereby all new dwellings (market and affordable) must meet the Nationally Described Space Standards, and at least 20% of the new affordable and market housing should meet Building Regulations Requirement M4(2) Category. This is to ensure dwellings are accessible and adaptable. Officers recommend a condition should be imposed on any planning permission requiring the internal space standards to be met. This is considered a reasonable request given there was no viability concerns associated with the proposal. A condition should be imposed requiring that at least 20% of the dwelling houses are M4(2) compliant, both within the unit and parking arrangements and access to the property.

5.1.4 Policy DM3 relates to the delivery of affordable dwellings within the district. Councillors may recall historically the figure officers sought to secure was 40% affordable provision. Viability has been considered in the context of the plan, in ensuring that developments that come forward are deliverable. The approved scheme secured 40% affordable housing, but under Policy DM3 within Lancaster, Carnforth and Rural West (which Cockerham sits within), this has been reduced to 30%. The Section 106 therefore needs to be modified to account for this lower figure.

5.1.5 Whilst there has been variations to other policies within the Local Plan, given the location of the site, and those planning conditions previously recommended, no new issues are highlighted that require additional consideration, or are matters that have not been addressed by means of planning condition.

6.0 Conclusion and Planning Balance

6.1 The scheme was presented to the Planning Regulatory Committee in December 2019. The weight of the policies under the emerging plan has now changed to substantial, and the potential adoption of these by Full Council on 29 July 2020 would alter it again to full weight. There is now a lower quantum of affordable housing required at 30%, as opposed to 40%. The Plan as a whole has been viability tested, and whilst it is regrettable the figure is lower, the examined evidence base suggests 30%. This is to ensure a deliverable scheme that can provide for the likes of education, open space and a housing mix that is required. The major other change relates to the provision of internal space

standards across the development and ensuring the provision of 20% of the units are M4(2) compliant. Conditions can be imposed on the consent in addition to those recommended and sought by Councillors previously. With the above in mind, the development as a whole is considered sustainable, and the recommendation is to support the scheme subject to conditions and the provision of a legal agreement.

Recommendation

That Outline Planning Permission **BE GRANTED** subject to the signing of the Section 106 agreement to secure:

- The provision of 30% of affordable housing to be based on a 50:50 (affordable 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 addressed by condition);
- The payment of £48,370.32 for two secondary school places (to be assessed at reserved matters stage when the number of units and bedroom numbers is known);
- Off-site open space contribution to be assessed based on the needs of the village of Cockerham (at the time of the reserved matters application); and,
- Long term maintenance of non-adopted highways, open space, landscaping and creation of Management Company.

and the following conditions:

Condition no.	Description	Type
1	Two year timescale	Control
2	Development in accordance with the approved plan (red edge and access)	Control
3	Access details to be submitted	Pre commencement
4	Scheme for Sustainable Surface Water Drainage	Pre commencement
5	Construction Environmental Management Plan	Pre commencement
6	Submission of Finished Floor and Site Levels	Pre commencement
7	Scheme for Foul Water Drainage Scheme	Pre commencement
8	Employment and Skills Plan	Pre-commencement
9	Off-site Highway Works	Development above ground
10	Provision of Nationally described space standards across all units	Development above ground
11	At least 20% of the units to be M4 (2) compliant (Accessible and Adaptable) and housing mix to be agreed	Development above ground
12	Scheme for the provision of open space	Development above ground
13	Scheme for the connection to the Public Right of Way	Development above ground
14	Scheme for external lighting	Development above ground
15	Provision of electric vehicle charging points	Development above ground
16	Provision of Home Owner Packs	Development above ground
17	Vegetation clearance to be undertaken from 1 st March to 31 st July	Compliance
18	Scheme to be undertaken in accordance with the ecological mitigation methods	Compliance
19	Development in accordance with the submitted AIA	Compliance
20	Unforeseen contaminated land	Compliance

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been 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

19/01223/OUT – December 2019 Committee Report