

Agenda Item	Committee Date	Application Number
( A6) APPENDIX B	9 December 2019	19/01223/OUT

Application Site	Proposal
Land to The East of Lancaster Road and North of Willey Lane Lancaster Road Cockerham Lancashire	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane

Name of Applicant	Name of Agent
Mr P & M Hewitt	Mr Avnish Panchal

Decision Target Date	Reason for Delay
3 January 2020	Not applicable

<b>Case Officer</b>	Mr Mark Potts
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval (subject to a resolution on the location of the water main that crosses the site)

## 1.0 The Site and its Surroundings

- 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 The 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 only planning history associated with the site is noted below. The reason for application 19/00164/OUT being withdrawn was to allow additional time to resolve matters associated with surface water drainage and transportation matters.

Application Number	Proposal	Decision
19/00164/OUT	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane	Withdrawn

#### 4.0 Consultation Responses

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

Consultee	Response
Natural England	<b>No objection</b> , but recommends that the mitigation proposed should consist of Home Owner Packs. Natural England agrees that the proposed mitigation being secured by appropriate planning conditions will be sufficient to conclude no adverse effect on the site integrity on the Morecambe Bay.
Greater Manchester Ecology Unit	<b>No objection</b> , subject to the imposition of planning conditions controlling protection measures for Great Crested Newts, recreational pressure, birds, trees, hedgerows and biodiversity enhancement measures.
Lead Local Flood Authority	<b>No objection</b> , but recommends planning conditions associated with additional sustainable drainage scheme to be submitted, groundwater considerations, soakaway designs and long-term maintenance proposals.
United Utilities	<b>No objection</b> , but recommends that the development is undertaken in accordance with the submitted drainage scheme, and refer to a water pipe crossing the site that may influence the development layout.
County Highways	<b>No objection</b> . Advise that the amendments to the visibility splays can be provided to achieve a safe and suitable site access on Lancaster Road, and that the off-site highway works on Lancaster Road and Main Street are agreed
Cockerham Parish Council	<b>Objection:</b> <ul style="list-style-type: none"> <li>• There is insufficient infrastructure in relation to drainage and surface water;</li> <li>• There are no amenities in the village to support the extra population. There is no shop etc and the school is only a small village school which may become oversubscribed; and</li> <li>• The proposed vehicular access is on a bend and is therefore a hazard for traffic.</li> </ul>
County Archaeology	<b>No objection</b> , but recommends a condition for a scheme of archaeological investigation is undertaken on the site as a condition of the outline planning application, with the strong recommendation that the final design and layout of the development be informed by the results of the initial phase of field evaluation.
County Council Education	<b>No objection</b> but requests the payment of <b>£48,370.32</b> towards the provision of 2 secondary school places. Given there are a number of applications that are pending determination this could result in the maximum claim of <b>£64,202.16</b> towards 4 primary places.
Waste and Recycling Officer	<b>Raise concerns</b> regarding the proposed layout from a waste and recycling collection perspective.
Dynamo (Lancaster and District Cycle Campaign)	<b>Objection</b> . The village is being extended in a piecemeal fashion, which ignores new infrastructure for new sustainable transport.
Contaminated Land Officer	No observations received within the statutory timescales.
Environmental Health Officers (Noise and Odour)	No observations received within the statutory timescales.
Arboricultural Officer	No observations received within the statutory timescales.
Public Right of Way Officer	No observations received within the statutory timescales
Ramblers Association	No observations received within the statutory timescales

## 5.0 Neighbour Representations

5.1 There have been 3 letters of objection to the scheme based on the following matters:

- Drainage Concerns – foul water drainage concerns, given local residents feel the existing wastewater facility in Cockerham is not functioning as it should, concerns with flooding events that already happen in the village (through surface water flooding) and this development would add to the impact, and there are doubts regarding the permeability testing that has been conducted.
- Crime and Safety Concern – communal areas have the potential to generate crime, and should not abut residential buildings, and there are concerns that the development will open up potential access to the rear gardens associated with those properties along Willey Lane.
- Planning Principles – loss of Green Belt (the site is not designated as Green Belt land), loss of openness and the tranquil nature of the environment, the scheme does not respect the local context and existing village development pattern and would be a fragmented form of development, the development will generate privacy concerns, there is no real need for additional housing within the village and given the recent approvals this will provide for a healthy quantum of new housing in the village.
- Highway Safety Issues – the A588 is the third most dangerous road in the UK with 89 serious or fatal accidents recorded over a ten year period, cycling has not been catered for, pedestrians will have to walk to the hub of the village to reach the bus stops and village primary school and this is not considered safe, and no improvements to the surrounding road network are proposed by this planning application.

## 6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 2 – Delivering sustainable development;  
Section 4 – Decision making;  
Section 8 – Promoting healthy and safe communities;  
Section 9 – Promoting sustainable transport;  
Section 11 – Making effective use of land;  
Section 12 – Achieving well designed places;  
Section 14 – Meeting the challenge of climate change, flooding and coastal change;  
Section 15 – Conserving and enhancing the natural environment;  
Section 16 – Conserving and enhancing the natural environment;

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

### **The Strategic Policies and Land Allocations DPD; and, (A Review of) The Development Management DPD**

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications was undertaken and expired on 7 October 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.

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.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

### 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 2018 SHELAA (January 2019);
- Cockerham Neighbourhood Plan;
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Provision of Electric Vehicle Charging Points – New Developments (February 2016).
- Open Space Provision in new residential development (October 2015);
- Surface Water Drainage, Flood Risk Management and Watercourses (Planning Advice Note (PAN) May 2015.
- Housing Land Monitoring Report July 2019

## 7.0 Comment and Analysis

The main issues associated with the application include the following matters:

- Principle of development;
- Highways;
- Layout and design;
- Drainage;
- Landscape;
- Ecology;
- Infrastructure; and
- Other material considerations.

## 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 the village continues to be allocated within the forthcoming Strategic Land Allocations document. It 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 sited on the eastern fringes of the village, with Batty Cottage located to the north, and residential dwellings to south of the site and therefore it is considered that the development is well related to the built form of Cockerham. It is fair to suggest that in recent years the village has seen a number of planning applications approved for residential schemes, namely the Village Road development which has now been built out for 17 houses (13/01018/FUL); together with 18 units off Rectory Gardens (17/00723/OUT); and land at Manor Inn for 24 units (18/00877/OUT). Permission had previously been granted for 36 dwellings off Marsh Lane (16/00494/OUT and 15/00587/OUT), however these permissions have now lapsed. However, there is an application for 36 houses which is pending consideration on the site (19/00438/FUL).

7.1.3 The consideration of this application does need to be considered in the context of the previously approved schemes, though there is no certainty that the any of the approved schemes would come forward for development. Officers consider that even taking account of 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 a high-quality design. It is therefore considered that the development complies with the requirements of Policy DM42 of the Development Management DPD.

7.1.4 As part of this application the applicant has committed to providing *the full* (our emphasis) 40% affordable housing provision, so this would relate to the provision of nine affordable dwellings (37.5%). This is afforded significant weight in the decision-making process and one that could be controlled as such via the Section 106 Legal Agreement process.

## 7.2 Highways

7.2.1 One vehicular access is proposed off Lancaster Road (A588). The County Council did raise concerns to the original scheme (19/00164/OUT) regarding the sustainability credentials, and also from a highway safety perspective. The scheme originally proposed visibility splays in the region of 4.5 x 73m and 4.5 x 70m, and these have been increased during the application process to 2.4 metres x 92 metres to the north and 2.4 x 94 metres to the south. County's original response was to provide visibility splays of 120m x 2.4m, but this cannot be achieved within the extent of land that is within the applicant's ownership. A further amended drawing has been shared which now shows 2.4m x 100m to the south and 2.4m x 120m to the north. County has confirmed that the visibility splays proposed are considered acceptable.

7.2.2 The applicant has proposed a series of off-site highway improvement works. These consist of a new footway on the east side of Lancaster Road between Willey Lane. To implement this footway, it is necessary to reduce the footway width on the west side of Lancaster Road, in order to maintain the carriageway width. This will result in a short section of reduced footway to 1.5m on the west side. County is amenable to the applicant's proposal here and consider it is safe. The applicant also proposes an uncontrolled crossing and proposes a pedestrian drop crossing point on Main Street (within the centre of the village). This is considered acceptable, together with some improvements to the north of the Manor Inn car park. County has raised no objection subject to the measures being implemented. The Case Officer is still in discussions with County to ensure that all the measures proposed are all deliverable, and there will be a verbal update at the Planning Regulatory Committee.

7.2.3 Willey Lane is a Public Right of Way and the applicant has included a footway which connects to this. Officers from the City and County Councils were keen to see this included as a secondary means of access to amenities within the village such as the school, church and public house. This can be secured by means of planning condition should the scheme be supported.

### **7.3 Layout and Design**

7.3.1 Layout, scale and appearance are Reserved Matters, and therefore Councillors are making a recommendation on whether they consider that the site can accommodate up to 24 residential dwellings. However, the applicant has included an indicative layout in support of the application to demonstrate how the site could be developed. The original iteration of the scheme included 31 dwellings and there was some concern when travelling southwards to the village on Lancaster Road how the dwellings could sit in relation to Batty Cottage. The applicant has removed this element of the scheme, and shown this area to be landscaped (on the indicative plan). Overall the scheme has the potential to be developed sensitively, and whilst there would need to be amendments at the Reserved Matters stage it is considered that the concept of the proposed layout has the potential to work in this location.

7.3.2 Given the gradient across the site and to ensure a high-quality layout it is considered necessary to include planning conditions requiring the submission of the finished floor and site levels. This should include gardens associated with the plots and also open space and roads and pavements. Whilst the gradient creates a challenge, the indicative layout has not sought to propose dwellings on the highest part and this is to be supported via any future Reserved Matters application. Concern has been raised amongst those residents on Willey Lane regarding loss of privacy, overlooking and privacy issues. The rear garden boundaries along Willey Lane have low boundary treatments, and therefore any future application would need to ensure suitable separation distances to ensure that privacy matters could be protected. All these matters could be addressed within any future Reserved Matters submission.

### **7.4 Drainage**

7.4.1 One of the early concerns of officers was whether the site could be drained with sustainable drainage principles. There is no point of connection to the main sewer network directly outside the site, and no watercourses or drains are accessible to direct surface water to. The Flood Risk Assessment submitted in support of the scheme does state that infiltration would be a likely suitable means of surface water discharge from the site. The applicant has stated that the site at Rectory Gardens has a soil infiltration co-efficient of  $3.15 \times 10^{-5}$  m/s (0.113 m/hour). United Utilities records show that surface water drainage for the individual residential properties on Village Road immediately to the south of the proposed development are being drained by individual soakaways located in the rear gardens. United Utilities also advocate draining the site sustainably. The applicant has since undertaken two trial trenches on the site with the revealing that the site can be suitably drained by soakaways given the soil infiltration rate is  $1.34 \times 10^{-4}$  m/s. These works were undertaken in June 2019. The Lead Local Flood Authority raises no objection to the scheme on the basis planning conditions are imposed.

7.4.2 As testing has been undertaken, this provides the confidence that on the balance of probabilities that the site can be drained via soakaways. Notwithstanding this, a Grampian style condition should be imposed on any planning consent that provides for full drainage scheme to be submitted to, and approved by the Local Planning Authority in advance of any works on the site.

7.4.3 Concern has been raised via representations to the proposal regarding the problems faced by the existing waste water treatment facility within the village. Given this is the responsibility of United Utilities, who raise no objection to the scheme, it has to be assumed there is capacity to accept additional foul water (furthermore United Utilities are obligated to do so). The scheme provides for a foul pumping station on the site. This would need some careful consideration of its location as part of any Reserved Matters application.

7.4.4 United Utilities raises the Council's attention to a water main easement crossing the proposed development site. The water authority have statutory rights for inspection and maintenance. The water main is not detailed within the applicant's Utility Statement submitted in support of the scheme. Further clarification has been sought between the applicant and United Utilities (who do not object to the scheme, but raises the Council's attention to be mindful of their infrastructure when this application is determined). This could have a bearing in terms of how the site could be developed, and the quantum of development,

and therefore whilst layout is not being applied for, we need the confidence to understand where the pipework is located.

## 7.5 **Landscape**

- 7.5.1 The site is currently pastoral farmland, with open views across the Forest of Bowland to the east. It is accepted that there would be a moderate degree of harm associated with the development given the development occupies an area of greenfield, but the proposal represents a logical extension to the village in the Case Officer's opinion. The impact on the landscape can be mitigated via high quality design, and the use of soft landscaping, and therefore these are issues that can be addressed at the Reserved Matters stage.
- 7.5.2 The proposal would be proportionate to the existing scale and character of Cockerham (this includes those schemes that have been approved), and hence accords with criterion v of Policy DM42 of the DM DPD. It is considered that with a sensitive layout (including appropriate boundary features) and high-quality landscaping, this would mitigate the harm of the development. However, there would be some conflict with the landscape character and countryside setting aims of Policies DM28, DM35, DM41 and DM42 of the DM DPD, saved Policy E4 of the Local Plan, and Policy SC1 of the Core Strategy and Paragraph 170 of the Framework.

## 7.6 **Ecology**

- 7.6.1 The proposal is supported by an ecological appraisal and this has been reviewed by Greater Manchester Ecology Unit (GMEU). They initially raised concerns regarding whether wintering birds may utilise the site, but following additional information supplied by the applicant, GMEU withdrew their concerns. Natural England has now withdrawn their objection in this regard too. GMEU has raised concerns regarding a lack of Great Crested Newt (GCN) Survey on a pond to the north of the site and the applicant has responded to this by stating the pond is not accessible to survey. The in-accessible pond has been confirmed as being a garden pond and has amenity garden planting around its perimeter. The pony paddocks adjacent to the pond were found to be heavily grazed and consequently very short. The proposed development site itself does not support any GCN terrestrial or hibernacula habitat and whilst the hedges do provide some shelter it is considered unlikely that amphibians would cross the proposed development site due to its open nature and uniform length grassland.
- 7.6.2 In line with the requirements of the NPPF, there are opportunities for biodiversity enhancement to be incorporated into new development proposals, such as this scheme. GMEU has recommended a planning condition to this effect, and this could take the form of the inclusion of bat bricks/tubes within the development, bird boxes, native tree and shrub planting, bolstering of hedgerows and sensitive lighting.

## 7.7 **Infrastructure**

- 7.7.1 The County Council as Education Authority for the District has requested there would be a shortfall of 206 secondary places in 5 years' time, this equates to a need of a financial contribution of £48,370.32, for the provision of 2 secondary school places. With respect to primary places no contribution would be required as it is only envisaged that there would be 85 pupils at Cockerham Parochial School in 2024 when the future planned capacity is 102, although the County caveat that this position could change with planning applications that are pending consideration. Approval of this scheme would assist in contributing to the vitality of the school, as this is a key community asset. The applicant is amenable to the financial contributions being secured by legal agreement.

## 7.8 **Other Material Considerations**

- 7.8.1 The development proposes in excess of 20 dwelling houses, and therefore it is considered necessary and reasonable for a condition to be applied to any Planning Permission that contains an Employment Skills Plan. The Council's contaminated land officer had previously (on the previous outline application) requested a suite of planning conditions associated with contaminated land but it is only reasonable to include a condition associated with unforeseen contamination. Whilst not within an air quality management area, it is considered reasonable and appropriate to include electric vehicle charging points.

- 7.8.2 The site lies within an aerodrome safeguarding zone whereby obstacles higher than 6 metres will not be permitted. The principle of development would not pose a danger to aircraft or parachutists on the basis of two storey dwellings and in any event the Civil Aviation Authority would be consulted at Reserved Matters stage.
- 7.8.3 The scale of the site is such that there is unlikely to be a need for an on-site play area, although there will be a need for open space to be provided on the site. It is recommended that a condition is imposed regarding the provision of open space and also for an open space contribution to be assessed based on the needs of the village once the Reserved Matters application has been received (to be addressed by legal agreement). Given the Council's inability to demonstrate a deliverable 5-year housing land supply and the engagement of the tilted balance, it is considered to be justified to impose a two-year time period for the submission of a Reserved Matters planning application rather than the default three-year time period.

## **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 56 of the NPPF:
- The provision of 40% 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);
  - The payment of **£48,370.32** for two secondary 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.

## **9.0 Planning Balance and Sustainability**

- 9.1 Cockerham is a sustainable rural settlement, and therefore the principal of sustainable housing in the village can be found acceptable. It is accepted there are some day-to-day facilities and services within the village, and that it is possible to walk to the village primary school. However, in reality future residents would rely on the use of a private car to get to amenities, work places and attractions as the local bus service (No.89 – Knott End to Lancaster and vice versa) only runs every 90 minutes.
- 9.2 It is considered that there would be some environmental harm caused as a result of the reliance on the private car for many trips and hence the limited accessibility credentials of the site. In addition, it has been noted that there would be some harm to the landscape character and the general appearance of the countryside. Whilst there is harm, this should be weighed against the adopted Development Plan for the area (DM42 of the DM DPD and Policy E4 of the saved Local Plan). DM42 of the Development Management DPD does support additional housing in the village of Cockerham, and that the proposal would boost both affordable and market housing in the area. In addition, there would be some small-scale economic benefits. Given the Council's lack of 5-year housing land supply these benefits should be afforded significant weight in the tilted balance.
- 9.3 On balance, it is considered that taking into account the considerations above, that the identified adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework. Consequently, it is considered that the development would constitute a sustainable form of development, and it is recommended to Councillors to approve the development subject to the signing of a S106 agreement and the conditions noted below.

## **Recommendation**

That, subject to the applicant entering into a Legal Agreement to secure the obligations as noted in Section 8.1 of this 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 1<sup>st</sup> March to 31<sup>st</sup> 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

**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**

None