

Agenda Item A5	Committee Date 6 January 2014	Application Number 13/01018/FUL
Application Site Land To The Side Of Willey Lane Willey Lane Cockerham Lancashire	Proposal Erection of 17 two storey affordable dwelling houses, associated landscaping and creation of new access	
Name of Applicant R P Tyson Construction Ltd	Name of Agent Mr L Stevenson	
Decision Target Date 27 December 2013	Reason For Delay Awaiting drainage details	
Case Officer	Mr Karl Glover	
Departure	No	
Summary of Recommendation	Approval subject to conditions	

Procedural Matters

This application was on the Planning Committee agenda on 9 December 2013, but due to very late clarifications from United Utilities regarding their formal comments on the proposal a decision was taken to defer the determination in line with Officers' advice. The applicant has been made aware of the shortcomings of their submission in relation to surface water drainage. At the time of writing the applicant is undertaking the necessary site investigations and storm water calculations along with design work on the drainage infrastructure required to serve the development. Upon receipt of these details, the Local Planning Authority will consult with appropriate consultees on this additional information, and a verbal update will be provided for Members at the Committee meeting.

Due to the early submission of reports for January's agenda, because of the intervening Christmas/New Year period, this report replicates the one on the December agenda with the exception of the drainage paragraphs and recommended conditions.

The deferral also afforded an opportunity for Members to visit the site in early January 2014.

1.0 The Site and its Surroundings

- 1.1 The site which forms the subject of this application is a 0.665 hectare (1.64 acre) parcel of undulating green field agricultural grazing land located on the eastern side of Lancaster Road (A588), south of Willey Lane in the rural village settlement of Cockerham and is sited between a detached residential bungalow known as the 'Nest' to the north and towards the south is the village public house known as the 'Manor Inn'. The general locality of the site can be described as being within the core centre of Cockerham Village approximately 6 miles south of Lancaster City Centre.
- 1.2 The northern boundary of the site which separates the land from Willey Lane is made up of a well established mixed species hedgerow with a large mature Sycamore Tree located in the north western corner, close to the detached garage of the bungalow 'The Nest'. The eastern boundary of the site at present remains undefined and is the most elevated land gradient approximately 25m above ordnance datum (AOD). The southern boundary comprises of a mature field boundary

hedgerow which has a number of breaks within leading to the field beyond. The western boundary adjacent to Lancaster Road is again made up of a mature high-level hedgerow with a field gate located within. Directly adjacent to the field entrance are two very substantial Sycamore trees which are subjects of Tree Preservation Orders (TPO no 94-1984) and (TPO no 266-1997).

- 1.3 The surrounding area is predominantly characterised as a mixture of residential and open countryside land. Willey Lane is accessed on the same side of Lancaster Road approximately 20 metres to the north of the field entrance and forms the most northern boundary of the site. The lane is a single track private road which is also a public bridleway (no 13) and continues east beyond the site to an isolated converted barn complex known as Uptown Barn. Positioned on the northern side of Willey Lane are six relatively large detached residential properties which all overlook the application site, albeit on a slightly lower gradient. These properties are made up of a mixture of materials including wet and pebble dashed render under concrete tile and slate roofs. The south-western boundary wraps around a small orchard which is ancillary to the Manor Inn Public House. Within a half a mile radius from the application site to the north is a small petrol filling station and to the south located on the western side of Main Street is Cockerham Village Hall and the Village Primary School.
- 1.4 Within Lancaster Road is a landscaped traffic (splitting) island forming a small section of dual carriageway/turning lanes leading from the entrance of Willey Lane up to the point of the Manor Inn (approximately 80m in length). Located within the highway island are a number of mature trees, telegraph poles, directional highway signage and street lighting. The A588 Lancaster Road is a designated cycle route and has two bus stops located either side of the splitter island directly outside the application site. The 89 bus service operates approximately every two hours (starting and finishing at Knott End and Lancaster).
- 1.5 The application site is allocated as countryside area and a rural settlement within the Lancaster District Local Plan Proposals Map and is designated within an aerodrome safeguarding area. There are no other constraints which affect the proposal site.

2.0 The Proposal

- 2.1 The existing site is an undeveloped greenfield site. The applicant seeks full planning consent for residential development (Use Class C3) for 17 two-storey affordable houses, comprising of 9 3-bed dwellings and 8 2-bed dwellings with a new access, internal highway infrastructure and associated landscaping. The proposed new access requires the removal of (approximately) 18m of existing hawthorn hedgerow on the western boundary and two trees (Maple and Whitebeam) from the central reservation island on Lancaster Road.
- 2.2 The proposed semi-detached properties are to measure approximately 5m in height to the eaves and 8m to the ridge with a total width of 11m. The terrace block measures 16.1m in width x 5m to the eaves and 8m to the ridge. It is proposed that externally the elevations are finished in a buff brick with projecting entrance canopies to all of the dwellings, the roof materials include interlocking concrete tile with fascias, soffits, bargeboards and windows all to be finished in white uPVC. It is demonstrated that each dwelling has front and rear gardens all of which have a minimum depth of 10m, off street parking for 2 vehicles and allocated bin storage areas.
- 2.3 The proposed access to the site requires the re-construction of the central reservation island within Lancaster Road. Works include the re-positioning of street lighting, alterations to existing services, the construction of an additional length of footway and resurfacing. The proposal also includes the upgrade to the existing bus stops. Within the site the proposed highway measures 4m in width with dropped kerbs to each property and a section of highway which provides access for the farmer to the field adjacent to the site.
- 2.4 Boundary treatment includes a 1m-high stockproof fence to the perimeter of the site. Along the southern boundary, the existing hedgerow is proposed to be retained. To the front gardens a 0.4m high trip-rail is proposed with a 1.8m high timber boundary fence to be erected along each dividing boundary. The proposed landscaping of the site includes an area of green space with tree planting separating the 'Nest' and the properties towards the south of the site with tree planting to each of the front gardens.

3.0 Site History

- 3.1 The land in question appears to have no records of any planning history. Historic aerial photographs clearly demonstrate that in the 1940s and 1960s the land was established agricultural Greenfield.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Object to the proposals – They recognise the need for affordable housing but feel the amount of proposed dwellings is excessive in this location. Concerns regarding the site access; the removal of the vegetation from the central reservation; and traffic safety are also cited. A reduction in speed limit and better traffic management is required along with improvements to surface water drainage. The Parish Council also believe that a zebra crossing is necessary to facilitate the safety of children walking to school and this should be incorporated within the plan proposals.
Lancashire County Highways	<p>No Objection – They initially objected to the application based on the submission insufficient highway and access information.</p> <p>Following meetings with the applicant's highways consultant and the submission of more detailed information/plans this objection was removed subject to the delivery of transport improvement measures (controlled by condition but delivered under Section 278 Highways Act). These measures necessitate a financial contribution of £25,800 to deliver appropriate and essential mitigation for the development, including the improvement of existing bus stop facilities; the introduction of a Traffic Regulation Order on Lancaster Road for a reduction in the overall speed limit through the village from 40mph to 30mph; and the realigning of existing kerb lines along the dual carriageway section of the A588 through Cockerham village to create vehicle running lanes of 4.5m, central reserve of 9m will have to be undertaken. No development shall commence until the highway improvement works secured through a Section 278 agreement have been undertaken and agreed</p> <p>In addition the following conditions are requested:</p> <ul style="list-style-type: none">• The internal road shall be constructed in accordance with LCC Specification for Construction of Estate roads;• The protection of visibility splays along Lancaster Road;• Repositioning of field gates at a set back of 2.4m behind the nearside edge of the carriageway;• Wheel cleaning facilities for vehicles (during construction);• No work to commence until a scheme for the construction of a means of access to the site from Lancaster Road has been submitted and agreed. <p><i>A more detailed summary of the highway requirements and comments are referred to within the Comment and Analysis section of this report (Section 7.0)</i></p>
Natural England	No Objection – Satisfied that the proposed development will not damage or destroy the interest features of the nearby Lune Estuary (SSSI) or the Morecambe Bay Special Protection Area (SPA).
Environment Agency	No Objection – As the scale of the site is less than 1 hectare then the proposal falls outside the scope of referral.
United Utilities	No Objection – Site investigations are required prior to the determination of the application, including percolation tests and storm water calculations. If the Local Planning Authority is satisfied that the surface water associated with this development can be accommodated solely on this site through the use of soakaways and/or a sustainable drainage system, with only the foul being drained to the off-site sewage infrastructure, then United Utilities has no objection to the proposal subject to

	drainage conditions.
Lancashire Constabulary	No Objection – The Traffic Management Facilitator has stated that no observations are to be made. The Architectural Liaison Officer has raised no objections and will provide security recommendations apart of the Secure by Design Process
Civil Aviation Authority	No Objection – As the overall height of the development is less than 15m in height then the buildings will not constitute an aviation en-route obstruction.
Public Rights of Way Officer	No Objection – As long as the Public Bridleway is open and available for safe use by the public at all times.
Strategic Housing Policy Officer	No Objection – Stated that the Housing Needs Survey 2011 supports the need for additional provision of both market and affordable housing in rural areas. Adactus Housing Association are working in partnership with Simply Housing to provide a scheme which provides 100% affordable housing, by way of 14 units let as shared ownership and 3 units at affordable rent. Adactus has secured Homes and Community Agency (HCA) funding to provide the proposed scheme. The development will significantly contribute to meeting local needs.
Tree Protection Officer	No Objection – Initially objected to the proposal due to the lack of a detailed Arboricultural Impact Assessment including all on and off site trees and hedgerows and an Arboricultural Method Statement for the installation of cellular confinement system including hand dig techniques. Following the submission of further information and additional assessments it is not anticipated that there will be any substantial detrimental impacts upon the TPO Trees subject to conditions including mitigation for replacement tree planting and landscaping.
Environmental Health Services	No Objection – The Contaminated Land Officer has recommended an unforeseen contamination condition to be attached. Other recommended conditions include the hours of construction and dust control measures

5.0 Neighbour Representations

5.1 At the time of compiling this report 27 letters of objection had been received. The main reasons for opposition are noted below:

- Highway safety concerns in relation to the additional traffic movements on Lancaster Road at the point of access, conflict with bus stops and buses, the addition of a further junction in the central reservation, and unsuitable access/sightlines;
- Loss of privacy, overlooking and overbearing impacts upon the residential dwellings on Willey Lane including the Nest;
- Concerns over surface water run-off and flooding. The field at present is a sloping site and significantly floods during heavy rainfall;
- Poor design, incongruous in relation to existing village and out of character with the surrounding area;
- Impacts upon wildlife, biodiversity and loss of trees;
- Noise impacts'
- Excessive amount of properties extending the village by 20%'
- Landscape impacts'
- Contrary to Lancaster District Core Strategy and the Emerging Development plan as it will result in unsustainable development. Cockerham does not have sufficient services/amenities;
- Loss of a peaceful, rural outlook/views;
- Over subscribed primary school.

At the time of compiling this report there had also been 7 letters of support. The key points for support include the significant need for affordable housing accommodation which would be of benefit to the community.

6.0 Principal National and Development Plan Policies

6.1 The 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. Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental; and that these roles are mutually dependent and should be sought simultaneously through the planning system.

At the heart of the NPPF is a ***presumption in favour of sustainable development***. The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph 17 (Core Principles) sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. The principles which are relevant to this application state that planning should: be genuinely plan-led; be a creative exercise in finding ways to enhance and improve places; be supportive of sustainable economic development, identify and meet local needs (in particular housing needs and affordability); seek high quality design and good standards of amenity; take account of different roles and character of different areas; encourage the use of previously developed land and make the fullest possible use of public transport, walking and cycling.

Paragraph 32 (Sustainable Transport) relates to development and highway implications. Amongst a number of objectives it requires development and subsequent decision-taking to take into account whether there is safe and suitable access for all people; and that improvements to the transport network can be undertaken that cost effectively limit the significant impacts of the development. It specifically goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Paragraph 35 (Sustainable Transport) states that development should be located and designed where practical to (amongst a number of measures) give priority to pedestrian and cycle movements, and have high access to public transport facilities; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Paragraphs 47 – 55 (Housing) relates to the delivery of a wide choice of high quality homes, indicating that the presumption in favour of sustainable development specifically applies to housing development applications. It sets out how local authorities should boost, manage and deliver housing which meets identified local needs, including affordable housing over the plan period.

Paragraph 56 (Design) states that the Government attaches great importance to the design of the built environment and stresses that good design is a key aspect of sustainable development and is indivisible from good planning. To emphasise the importance of this statement **paragraph 64** (under the design section) clearly states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 61 (Design) goes on to state that although visual appearance and the architecture of individual building are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations. Planning should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 69 (Communities) indicates that the planning system plays a vital role in facilitating social interaction and creating healthy, inclusive communities. In relation to housing development, planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. Development proposals should contain clear and legible pedestrian routes and high quality public space in order to encourage active and continual use of public areas. In order to promote healthy communities the Framework also states that Local Planning Authorities should take a proactive, positive and collaborative approach to meet education requirements (school places) to meet the needs of existing and new communities (para 71). **Paragraph 73 and 74** relates to the value and provision of open space and recreational facilities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Paragraph 100 - 104 (Flooding) directs development away from areas at highest risk of flooding and requires local authorities, both in plan-making and determining planning application, to steer new development to areas with the lowest probability of flooding by applying the Sequential Test. For development proposed in areas at risk of flooding, a site specific flood risk assessment would be required to demonstrate that the most vulnerable development is located in areas of lowest flood risk and development is appropriately flood resilient and resistant.

Paragraph 109 requires the planning system to contribute to and enhance the natural and local environment. In particular, valued landscapes should be protected and enhanced and the impacts on biodiversity minimised. **Paragraph 118** sets out a number of principles which should aim to preserve and enhance biodiversity. The guidance set out in paragraph 118 indicates that where development causes significant harm, with no adequate mitigation or compensation proposed and accepted as commensurate to the harm, that the development should be refused.

6.2 Development Plan Weighting

Paragraphs 214 and 215 of the NPPF advise on the weight that can be attributed to existing policies within the authority's Development Plan. Paragraph 214 states that *"For 12 months from the day of publication (of the NPPF, which was published on 27 March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004, even if there is a limited degree of conflict with this Framework"*. Paragraph 215 continues by stating that, *"In other cases and following this 12-month period, due weight should be given to relevant policies in existing (Development) Plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*. In the Lancaster District, the Development Plan consists of the Lancaster District Core Strategy and the Saved Policies of the Lancaster District Local Plan. Relevant policies of each document are referred to over the following pages.

6.3 Lancaster District Core Strategy

Policy SC1 (Sustainable Development) seeks to ensure that new development proposals are as sustainable as possible, minimise greenhouse gas emissions and are adaptable to the likely effects of Climate Change and sets out a range of criteria against which proposals should be assessed. Development should be located in areas where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, uses energy efficient design and construction practices, incorporates renewable energy technologies and is compatible with the character of the surrounding landscape.

Policy SC3 (Rural Communities) seeks to build healthy sustainable communities by empowering rural communities to develop local vision and identity, identify and need local needs and manage change in the rural economy and landscape.

Policy SC4 (Meeting the District's Housing Requirements) seeks to manage and control the release of housing sites within the District in order to deliver and meet local housing needs. The Council will aim to maximise the opportunities offered by the development of new dwellings to redress imbalances in the local housing market, achieve housing that genuinely addresses identified local housing need and secures units of affordable housing in perpetuity.

Policy SC5 (Achieving Quality in Design) requires new development to be of a quality which reflects and enhances the positive characters of its surroundings, including the quality of the landscape, results in an improved appearance where conditions are unsatisfactory and complements and enhances public realm. The Council recognises the importance of environmental quality, both townscapes and natural landscapes, and seeks to work with developers to maintain and improve the quality of new development.

Policy SC6 (Crime and Community Safety) seeks to use spatial planning to enhance community safety principally through good design (incorporating Secure by Design principles), greater use of pedestrian and cycle networks and open spaces.

Policy SC7 (Development and the Risk of Flooding) seeks to build sustainable communities by ensuring that new development does not expose homes, workplaces and public areas to unacceptable levels of flood risk.

Policy E1 (Environmental Capital) seeks to safeguard and enhance the District's Environmental Capital. In particular, this policy seeks to protect, conserve and enhance landscapes, direct development to locations where previously developed land can be recycled and resisting development which would have a detrimental impact on environmental quality and public amenity. In particular the policy seeks to resist development in places where environmental risks including those risks from flooding cannot be properly managed.

Policy ER7 (Renewable Energy) seeks to maximise the proportion of energy generated in the District from renewable sources where compatible with other sustainability objectives.

Policy E2 (Transportation Measures) seeks to minimise the need to travel by car principally by focusing development in town centres and other locations which offer a choice of modes of transport; improving walking and cycling networks; and ensuring new development integrates with existing cycle links and/or provides opportunities to remove barriers and create new links.

6.4 Lancaster District Local Plan – saved policies (adopted April 2004)

Policy H12 (Layout, Design and Use of Materials) sets out standards for new housing stating that proposals will only be permitted which exhibit a high standard of design, layout and landscaping and which use materials and features that are appropriate to and retain local distinctiveness.

Policy H19 (Development on Small Sites) states that new residential development will be permitted which does not result in a loss of greenspace; would not have an adverse effect on the amenities of nearby residents; provides a high standard of amenity; makes adequate provision for the disposal of sewage and waste water and makes satisfactory arrangements for access, services, cycle and car parking.

Policy T26 and T27 (Footpaths and Cycleways) - Requirements to include cycle and pedestrian links for new housing and commercial schemes particularly where proposed development sites are close to the strategic cycle network.

Policy E4 (The Countryside Area) relates to new development within the countryside area stating that development will only be permitted where it is in scale and in keeping with the character of the landscape and is appropriate in terms of scale, siting, design and materials. It also seeks to ensure that development proposals will not have an adverse impact on nature conservation and to make satisfactory arrangements for parking and access.

Policy E13 (Trees and Woodland) states that development which would result in a significant adverse effect on, or involve the loss of significant trees or significant areas of woodland will not be permitted.

Policy R21 (Access for People with Disabilities) - requires disabled access provision.

Supplementary Planning Guidance Note 12 'Residential Design Code'. This document sets out general guidance on design, layout and amenity issues.

Meeting Housing Needs Supplementary Planning Document (SPD) (Adopted 7th February 2013) sets out the Council's approach to delivering sustainable communities by appropriately addressing housing need and delivery, in particular the delivery of affordable housing in the district. This SPD supersedes SPG 10 and the Affordable Housing Practice Update.

6.5 Emerging Local Plan Policies (Draft Development Management DPD - Autumn/Winter 2012)

The Council is in the mid-stages of preparation of an emerging Local Plan and has now produced a Publication version of the Development Management DPD. Policies in the emerging Local Plan are a material consideration. However, the degree of weight that can be afforded to these policies varies depending on stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency with the Framework (paragraph 216 of the NPPF). Limited weight can therefore be afforded to the following draft policies that received significant objections at the Preferred Options stage and are relevant to this application:

DM41 (New Residential Development) – Sets out that proposal for new residential development should:

- Ensure that available land is used efficiently but takes account for the characteristics of different locations
- Be proportionate to the existing built form
- Be located where the environment and infrastructure can accommodate the impacts of expansion and;
- Provide an appropriate dwelling mix in accordance with the Lancaster District Housing Needs Survey

Proposals for new housing on Greenfield land must demonstrate that the benefits outweigh the impacts upon local amenity and new housing development that falls into Use Class C3 must contribute towards the provision of affordable housing.

DM42 (Sustainable Rural Housing Growth) - This indicates that the Council will permit new residential development within Cockerham and other key settlements in the district.

7.0 Comment and Analysis

7.1 The key planning issues to be assessed in the determination of this application are;

- Whether the principle of residential development on the site constitutes sustainable development and contributes to meeting local housing needs in particular in terms of LDSC SC1, SC4, paragraph 47 of the NPPF and policy DM42 of the Emerging Local Plan.
- Whether the application site can be adequately accessed without compromising highway safety and convenience.
- Whether the application demonstrates that the site is capable of accommodating 17 dwellings without creating an unacceptable impact on neighbouring residential amenity; and,
- Whether the development is acceptable in terms of its impacts upon the character and natural beauty of the landscape in particular in terms of compliance with LDLP E4 and Paragraph 109 of the NPPF

Other material planning issues which need to be considered in the determination of this application relate to:

- Layout, scale, design and materials
- Drainage
- Impacts upon existing trees (TPOs) and hedgerows
- Impacts upon biodiversity and ecology and;
- Contaminated land and noise impacts

7.2 Principle of the Development

The key starting point in determining this planning application is to establish if the principle of 17 new affordable residential dwellings on this greenfield site within the rural village of Cockerham is deemed to be acceptable and whether or not it is seen to constitute sustainable development. Following the publication of the National Planning Policy Framework (NPPF) in March 2012, local planning authorities are required to ensure that they identify sufficient land for housing to maintain five years worth of housing. The NPPF also directs that planning applications for housing should be considered in the context of sustainable development, and also advises that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As such, in the preparation of both the Development Management DPD and the Land Allocations DPD one of the Council's key priorities is to ensure that sufficient land is identified and allocated to meet local housing needs and that planning policies are prepared which support housing development which is seen to be appropriately located and necessary.

7.3 Although at this moment in time there are no specific allocations for housing in the Cockerham area within the Draft Land Allocations DPD (although this may be reviewed in 2014) Policy DM42 of the emerging Development Management DPD (Publication Version – submitted for examination later this month) does identify Cockerham as a village which would be appropriate for future rural housing

growth. Cockerham's inclusion within this policy is based on the services contained within the village and equally importantly the accessibility of other services within other nearby local settlements. As a result of the application sites location, access to public transport and local service and facilities is considered to be acceptable. The table below highlights how accessible the site is to local services:

Service/Facilities	Description	Distance from application site
Primary School	Cockerham Primary School Main Street	Approx 150m
Village Hall	Cockerham Parish Hall with day nursery and football ground	Approx 240m
Church	St Michael's Church	Approx 0.5mile (south west of site)
Public House	The Manor Inn, Lancaster Road	Approx 70m
Petrol station	Texaco petrol station with ancillary convenience goods	Approx 0.5mile (north of site)
Funeral Directors	Main Street	Approx 100m
Bus Stops	Lancaster Road, 2 stops – (both directions), outside The Manor Inn Public House	Less than 100m to all nearby stops
Cycle Link	Northern Route Number 0 Strategic Cycle Network – Lancaster Road	Immediately adjacent to site

7.4 In terms of its geographical location, the application site is within the geographical settlement boundary of Cockerham and will essentially form an extension to the main built-up part of the village which in essence is developed either side of Lancaster Road and Main Street. In this instance the application site has the residential boundary of Willey Lane to the north and the Manor Inn Public House to the west. Although the site rises in gradient, developing up to Willey Lane seems to be a natural rural extension which would not result in an uncomfortable pattern of development or an isolated incursion into the countryside which would prejudice the rural character of the settlement.

7.5 Planning policy seeks to support housing development in rural areas where it meets a local housing need. The Housing Needs Survey supports the need for additional provision of both market and affordable housing in rural areas, although at the time of the survey Cockerham was not an identified village within the Core Strategy (Policy SC3). The data held is therefore not specific for Cockerham itself but does provide broad data for all rural areas outside the key villages. This application proposes to deliver a 100% affordable housing scheme on this site by way of 14 units let as shared ownership and 3 units delivered as affordable rent. Notwithstanding the concerns raised by local residents regarding the extension to the village, the proposed development would make a significant contribution towards housing provision within the district and would constitute sustainable development. Whilst Cockerham has not been previously identified as a village which should support additional residential development it is considered that the NPPF (which was published after the Core Strategy) introduced a more flexible approach to help increase the delivery of housing at a national and district level. Therefore, the provision of new housing, particularly affordable rural housing, carries a significant weight in the determination of this application.

7.6 Given that officers are satisfied about the precise location of the site and the weight attributed to delivering housing, the principle of development is considered acceptable subject to specific detailed matters, most notably access/highway implications, impacts on the landscape and impacts upon local residential amenity.

7.7 Access and Highway Safety Considerations

One of the key issues arising concerns the proposed access to the site and what implications this may have on highway safety and the existing highway network, a concern expressed by both members of the public and the Parish Council during the consultation process of this application.

7.8 Access to the site is gained via a section of the A588 which is a limited section of dual carriageway, being subject of a 40mph speed limit with existing bus stops on either side, and a grassed central reservation. The applicant was advised that the proposed highway layout and significant design/technical requirements to the access and central reservation would need to be addressed and adequately demonstrated, with due consideration given to guidance contained within the County Council *Manual for Streets* Document, and that these details would need to be resolved prior to the application being submitted. Unfortunately the application was submitted with very little detail in

relation to the highway works and proposed site access. The plans as submitted were deemed to be unacceptable and as a result Lancashire County Highways raised an initial objection to the development.

7.9 As a result of this the agent instructed a Highways Consultant to undertake a full Transport Statement was submitted. This included traffic counts, a full access arrangement plan (with swept path analysis) and an indication of visibility splays. County Highways considered this and removed their previous objection, subject to a number of off-site highway improvement works that were necessary to enable the development to proceed. These works would be funded by the financial contribution (£25,800), and the works would be secured under Section 278 of the Highways Act. The highways contribution will ensure:

- The re-alignment of existing kerb lines along the dual carriage way adjacent to the site to create vehicle running lanes of 4.5m and a central reserve of 9m;
- Re-location of north bound bus stop to a location on Marsh Lane south of the junction;
- The undertaking of a Traffic Regulation Order (TRO) for the implementation of a reduction in speed limit from 40mph to 30mph and if successful then the provision of incorporating variable/interactive signage and a review of public lighting signing and lining scheme.

The revised access arrangement demonstrates that a 2.4m x 90m visibility splay in both a northern and southern direction from the proposed site access are deemed to be in line with national guidance contained within the Manual for Streets for a road with a 40mph speed limit. However in view of an increase in traffic and vehicular movements within the village a reduction in speed limit would be required. As highlighted below this would be achieved by means of a TRO however Officers cannot categorically say that the TRO would be successfully delivered, as it is subject to separate highway legislation and a consultation process. The concerns from local residents and the Parish Council have been acknowledged in relation to highway safety matters. It is suggested that the wider benefits from the required highway works will address some of the points raised in particular the reduction in speed limit and relocation of the bus stop. As County Highways are no longer opposing the development, a refusal on highway/traffic grounds would be highly unlikely to be successful at appeal. However any grant of consent must be dependent upon the delivery of the highway works identified.

7.10 Impacts upon residential amenity

The impacts upon neighbouring residential amenity resulting from this proposed housing scheme are seen to be heavily influenced by the site's topography. The levels of the site increase significantly towards the eastern boundary. As such a full assessment has been undertaken from each of the nearest residential dwellings located on Lancaster Road and Willey Lane. Whilst making the assessment due consideration has been given to the guidance set out within of SPG12 and the provisions of LDLP H19. Site assessments have been undertaken from each of the following properties:

The Nest

The Nest is a small redbrick bungalow located and accessed from the southern side of Willey Lane and has a small pitched roof detached garage located to the rear. This dwelling is seen to be one of the most immediately affected properties as a result of the proposed development primarily due to its proximity to the application site, immediately adjacent the northern boundary positioned on a lower (stepped) land gradient. The concerns and observations from the occupants have been fully acknowledged and a full site assessment has been undertaken from the rear and side gardens as well as an internal assessment from both the side conservatory at ground floor and the bedroom at first floor. The main material planning considerations have been assessed as follows:

Overbearing impacts and loss of privacy – The nearest proposed dwelling (Block A) is sited approximately 32m to the south of the ground floor side conservatory. In terms of separation distances this is an acceptable relationship, although this block will be substantially elevated and will have a ridge height of 4.8m above the ridge of The Nest.

Supplementary planning Guidance (SPG) 12 states that *“there should normally be at least 21m between dwellings where habitable windows of habitable rooms face each other”*. In this instance the nearest proposed dwelling exceeds this requirement along with the other three blocks of semi

detached dwellings on the southern boundary. Turning to the proximity of Block H which sits towards the north western corner on the highest gradient of the site, the gable elevation will be approximately 35m away from the kitchen window. Again this is a satisfactory separation distance. The scheme was amended to remove any overbearing impacts from this block when viewed from the rear garden.

In terms of overbearing impacts and loss of privacy this neighbouring property is not seen to be affected to a degree which would result in undue harm to the occupants. The agent has proposed increased landscaping and tree planting between The Nest and the development site to screen the housing and associated highway which in turn is seen to reduce the visual impacts. One of the main concerns amongst many raised from the occupants of The Nest is the loss of view which is currently enjoyed when looking towards the south. The existing countryside views will significantly change especially when viewed from the rooflight on the southern roof slope of the first floor bedroom and the side conservatory at ground floor. However the 'loss of view' falls outside the scope of the course of the planning process. Other concerns relate to highway safety and flood risk issues. These points are addressed below within this report.

Holly Bank

Is a relatively large detached bungalow located on the northern side of Willey Lane. At present the property sits approximately 1.5m lower than the application site and is screened by the mature boundary hedge. It is acknowledged that the views from the lounge window and a bedroom window which is located at the front of the dwelling will be compromised but again this is not considered to be a planning consideration as part of this application. The splayed position of Block H will result in the northern and western elevations being visible from this property but will be separated by approximately 25m. This is seen to be acceptable. Whilst it is not anticipated that the residential amenity of Hollybank will be impacted upon, the retention and maintenance of the mature northern boundary hedgerow is seen to be essential to provide a good level of screening at all times.

Glenbrook & Mellbreak

These two dwellings are large two storey detached properties located to the east of Hollybank again on the northern side of Willey Lane. The properties sit on slightly higher level than Hollybank and overlook the application site. A full assessment was undertaken from ground floor and the first floors of both dwellings. Although the concerns highlighted from the residents are acknowledged it is not anticipated that there will be any residential impacts in terms of loss of privacy or overbearing impacts. The main concerns from the residents related to the loss of views and flood risk along with the highway safety impacts resulting from the scheme.

7.11 Although the application site is elevated in comparison to the surrounding properties on Willey Lane the design and layout of the site ensures that the development does not result in adverse or detrimental impacts upon residential amenity. The proposal is seen to comply with the general principles set out within SPG12 and further complies with LDLP H19 and the provisions set out within LDCS E1.

7.12 Visual impacts upon the Landscape

The proposed residential development is to be sited on an existing parcel of greenfield land which is currently allocated as countryside land within the Lancaster District Local Plan Proposals map. Without wishing to replicate the provisions of each policy set out within paragraph 6.4 of this report LDLP E4 states *"development will only be permitted where it is in scale and in keeping with the character of the landscape and is appropriate in terms of scale, siting, design and materials"*. Given the prominent location and increase in elevation of the application site positioned against one of the main access routes through Cockerham, the Case Officer is of the opinion that there will be a significant visual change in the way the landscape is viewed from the surrounding public vantage points. This includes Willey Lane which is also a designated bridleway and public footpath, the approaching highway network including when travelling from Lancaster through to Cockerham approximately at the point of the Texaco Garage on Lancaster Road. The introduction of 17 dwellings with associated highway infrastructure will appear to impinge upon the natural openness of the landscape. However, the substantial benefits arising from the scheme are seen, on balance, to outweigh the impacts which will arise.

7.13 The loss of greenfield land on the edge of the settlement must be balanced against the economic, social and environmental considerations of the development. The proposal will provide a valuable amount of affordable housing to the district whilst at the same time contributing to meeting housing

needs. Mitigation measures have been undertaken to try and improve and reduce the potential landscape impacts. The layout has been revised to reduce the scale and massing at the highest point of the site and create more visual breaks between dwellings at the most eastern boundary. Four pairs of semi detached dwellings will be sited at the head of the estate instead of five. This will allow views between dwellings to the agricultural land beyond. The use of materials is also considered to play a big role in the potential landscape impacts, the proposed Buff brick is not considered to be the best approach in this instance a lighter red brick will ensure that The Nest (which is made up of Accrington red brick) will blend into the scheme and not appear to be out of keeping. The landscaping of the site will also play a big role in preserving the natural beauty of the landscape, the correct species of tree planting and retention of existing trees and hedgerows will ensure that the latter section of Policy E4 is complied with and that the proposed development will integrate into the surrounding landscape and village settlement.

7.14 Other Material Considerations

Layout, scale, design and materials – the initial layout of the site was deemed to be unacceptable. One of the issues which were brought to the agent's attention and has since been addressed and revised related to the vehicular parking to the front of the dwellings. The initial scheme proposed two spaces to the front of each property abutting the highway. This was seen to dominate the street scene, SPG12 requires, where possible, that space for at least one vehicle should be available behind the building line and that developers must demonstrate that car parking will not dominate the development. The revision now demonstrates that most of the properties to the east of the site have at least two parking spaces to the side and that where this can not be achieved on Blocks A and B low level hedgerow planting has been provided to provide a minimal level of screening. This is seen to be a much more acceptable approach. Each dwelling has space for bin and cycle storage adequate front and rear garden spaces and good levels of spaces between buildings. Boundary treatment is recommended to be conditioned to ensure that this does not adversely impacts the openness of the estate. The window fenestration/arrangement details on a number of the properties have also been amended. The initial design of the dwellings showed an unusual window formation with low level cills. This has been amended and the design and form of the dwellings is now seen to be acceptable, providing much more sensitive frontages. Cockerham has no consistent approach in terms of materials or house design, so in this instance Members are advised that a fine balance has been reached which will respect the stone constructed Manor Inn towards the south west and that of the properties on Willey Lane. A light red brick is recommended to the external finish of the buildings.

7.15 The scale and amount of dwellings is seen to be acceptable. The layout demonstrates that the required separation distances and general principles of SPG12 can be successfully achieved. In turn the comments provided by the Highways Officer sets out the requirements for the developer to undertake a number of improvements to the existing infrastructure to ensure the site can accommodate an additional 17 dwellings without having impacts upon highway safety.

7.16 Drainage and Flood risk – The application site is not within an area at risk of flooding and proposes to connect to the existing foul drainage system within Lancaster Road. Concerns have been raised by residents in relation to surface water drainage of the site. Comments have been received stating that given the elevated and sloping position of the site the existing field floods at the point of access with Lancaster Road. Following late clarifications from United Utilities the applicant needs to undertake site investigations including percolation tests and storm water calculations along with associated design work on the a soakaway system and/or a sustainable drainage system. Only foul drainage should be connected to the existing off site sewage infrastructure. If the applicant is able to provide this necessary information and the relevant consultees are satisfied with the details, it is recommended that 2 drainage conditions are attached to the consent should Members be minded to grant planning permission for the proposal. One should ensure that foul and surface water are drained separately and the second to secure a detailed surface water drainage system.

7.17 Impacts upon Trees and Hedgerows – The application seeks to retain and protect most of the existing trees and hedgerows on site. Ongoing consultation with The Tree Protection Officer has been undertaken with additional Arboricultural Impact Assessment and Method statements being submitted to demonstrate that the development and works can be undertaken without any adverse impacts upon the Trees. Immediately to the side of the entrance to the site are two very well established Sycamore Trees which are subjected to Tree Preservation Orders (TPOs). As a substantial amount of works including the provision of new hard standing will be undertaken below the canopies of these trees a cellular confinement system is proposed to be installed around the root

system by means of hand dig techniques. This cellular system is a special membrane which provides a load transfer mattress which prevents direct loads on the tree roots and reduces the bearing pressure on sub soils. The Tree Protection Officer is satisfied that these protective measure will protect the trees during construction and for the future. These TPO trees provide a significant amount of character and vitality to this area of the village. As the developer has provided protective measures these can be conditioned should Members be mindful to approve the development. The hedgerow located along the western boundary is proposed to be removed to accommodate the new site entrance. The loss of this section of hedgerow which measures approximately 18m in length is to be mitigated by additional planting within the site. Two trees which are located within the central reservation island outside the application red edge are also to be removed to accommodate the new proposed access to the site. The developer has agreed to provide additional planting within the reserve to replace these two trees.

- 7.18 *Impacts upon biodiversity and ecology*- With the exception of the western boundary hedgerow being removed all of the other habitat features are proposed to be retained to allow for nesting birds and other wildlife to exercise. Natural England has advised that they do not believe the proposed development will have any adverse impacts upon the nearby Lune Estuary (SSSI) or the Morecambe Bay Special Protection Area (SPA). A full extended Phase 1 Habitat Survey has been undertaken by a qualified ecologist who concludes that there is unlikely to be any adverse impacts upon protected bird species. It does recommend that the hedgerows provide potential for foraging and commuting bats. As there are no existing structures for nesting bats on site and that there is only a small proportion of hedgerow to be removed then mitigation including the provision of bat boxes is recommended. The survey also sets out that the surrounding hedgerows provide habitat for hedgehogs and badgers however at the time of the survey no presence of these were found. A number of protective measures prior to development have been recommended within the survey. Based on this assessment and that Natural England have no objection to the proposal it is recommended that there will be minimal impacts arising from the development upon any protected species.
- 7.19 *Contaminated Land/Noise issues* – The submitted Preliminary Risk Assessment in relation to contaminated land concluded that the application site is considered to have several potential pollution linkages which require further investigation and assessment. The survey recommends that a further site investigation would identify potential remedial requirements to enable any waste disposal. The Council's Contaminated Land Officer has not objected to the proposal but has requested that prior to any development commencing the further surveys should be undertaken and conditioned accordingly. Based on these findings and mindful that the site is and has been an agricultural greenfield site which has not been previously developed then the conditions recommended by the Contaminated Land Officer is seen to be acceptable.
- 7.20 Concerns have been raised by nearby residents in relation to noise impacts arising from the proposed development. The Environmental Health Officer has raised no objection or suggested that the noise levels will result in adverse impacts upon residential amenity in the area. Whilst construction works are being undertaken the hours have been recommended to be conditioned to protect the amenity of residents during the evening, on Sundays and on bank holidays.

8.0 Planning Obligations

- 8.1 Given the nature of the proposal and the complexity of the access arrangements, there is a requirement for the applicant to enter into a Section 278 agreement with Lancashire County Highways as mentioned within paragraph 7.9 of this report. There are no other requirements for the planning obligations to consider as part of this application.

9.0 Conclusions

- 9.1 Whilst it is recognised that the proposal represents greenfield development, this is outweighed by the need to address local housing needs and deliver affordable housing in sustainable locations. It is clear, that despite varying levels of topography and the greenfield nature of the site, the site is well positioned within Cockerham village and has reasonable levels of access to local services and public transport. Concerns such as surface water flooding, landscape impact and residential impacts have been appropriately dealt with through revised layout and careful design.
- 9.2 Despite concerns on highway grounds, the proposed application has demonstrated that a safe

access can be provided, although to achieve this the developer must fund a TRO and ensure that the speed limits throughout the village is reduced from 40mph to 30mph. To support the sustainable nature of the proposal, the developer will provide a contribution to upgrading the nearby bus stops on Lancaster Road to Quality Bus Stops thereby encouraging the use of public transport. On this basis, the development is seen to fully comply with the principles of sustainable development and is considered compliant with the existing and emerging Development Plan and the as well as the provisions set out within the NPPF.

- 9.3 Following detailed site assessments (subject to drainage investigations which are currently ongoing) and establishing that from a planning policy point of view the principle of new residential development in the rural village settlement of Cockerham is seen to be acceptable and also sustainable, Members are recommended that this application can be supported and planning permission should be granted.

Recommendation

That, subject to the submission of agreeable surface water drainage details, Planning Permission **BE GRANTED** subject to the following conditions:

1. Time Limit – Standard three year consent
2. Amended plans and documents received – 6th November 2013
3. Amended documents in relation to tree works received – 13th November 2013
4. Works must be undertaken in accordance with Arboricultural Impact Assessment dated 6th November 2013
5. Full Arboricultural Method Statement to be provided
6. Full details of all hard and soft landscaping to be provided and maintained for 10 years
7. No development to commence until all boundary treatments have been agreed
8. No development to commence until details of all external materials have been provided and agreed
9. Development to be carried out in accordance with the Ecological Survey and mitigation measures proposed
10. The site internal estate road must be constructed in accordance with LCC Specification for Construction of Estate Roads
11. Protection of the visibility splays
12. No development to commence until:
 - The re-alignment of existing kerb lines along the dual carriageway of A588 have been completed
 - Re-location of north bound bus stop to a location on Marsh Lane
 - Scheme for off site highway works including the introduction of TRO on Lancaster Road for the implementation of reducing the speed limits from 40mph to 30mph
 - Once TRO has been successful then creation of variable interactive signs review of public lighting and signage
13. New vehicular access gates to be set back 2.4m from carriageway
14. Before vehicular access is used for vehicular purpose the first 2.4m in to site shall be tarmac
15. Wheel cleaning facilities to be provided (during construction)
16. No development to commence until a scheme for construction of a means of access from Lancaster Road has been submitted
17. No part of the development shall be occupied or opened for trading until conditions 10, 12 and 16 have been constructed and completed
18. Hours of Construction - 0800-1800 Mon to Fri and 0800-1400 Sat only
19. Investigation and remediation of contaminated land
20. Details in relation to the importation of soil, materials & hardcore
21. Scheme for the prevention of new contamination
22. Bunding of Tanks containing fuels/solvents
23. Separate drainage system
24. Scheme for surface water drainage system
25. Removal of permitted development rights for Part 1 and Part 2 Schedule 2 of the GPDO.
26. Removal of permitted development rights for fences and walls
27. Removal of permitted development rights for outbuildings
28. The dwellings hereby approved shall be and remain 100% Affordable Housing at all times
29. Sustainable construction - at least Code level 3

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