

Agenda Item A10	Committee Date 5 June 2015	Application Number 15/00537/FUL
Application Site Land To The Rear Of Burr Tree Cottage Long Level Cowan Bridge Carnforth		Proposal Erection of 18 dwellings with associated access and parking
Name of Applicant Mr Richard Morton		Name of Agent Mr James Ellis
Decision Target Date 10 August 2015		Reason For Delay N/A
Case Officer	Mr Andrew Drummond	
Departure	Yes	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

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

2.0 The Proposal

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

3.0 Site History

3.1 A previous application (14/01052/FUL) was approved by Planning Committee in January 2015, but was subsequently withdrawn by the applicant after they failed to enter into the legal agreement within the determination period.

4.0 Consultation Responses

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

Consultee	Response
County Highways	Previously had no objection subject to conditions relating to the provision and protection of visibility splays; construction method statement to be agreed and complied with; and access arrangements and off site highway works to be agreed and implemented prior to occupation.
Environment Agency	Previously had no objection subject to conditions relating to compliance with the submitted Flood Risk Assessment, finished floor levels are set no lower than 300mm above existing ground levels, surface water run-off limited to 5 litres per second, and a soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse.
United Utilities	No objection. Advise that there are no known United Utilities wastewater assets in the vicinity of this development. Previously had no objection subject to conditions relating to details for separate foul and surface water treatment, with restrictions to existing run-off rates.
Environmental Health	Previously had no objection subject to a condition relating to hours of construction (0800-1800 Mon to Fri and 0800-1400 Sat only).
Contaminated Land Officer	Previously had no objection subject to conditions relating to unexpected contamination, importation of soil, material and hardcore, prevention of new contamination, and bunding of tanks.
Conservation Officer	Previously raised concerns about the absence of a heritage statement (though one was subsequently produced) but the proposed design remained uninformed by the heritage of the local environment. Conditions required regarding stone, mortar, slate, timber doors and windows, rainwater goods, ridge and eaves details.
County Planning	The application site is in a Mineral Safeguarding Area (mineral resources of sand and gravel may be present). Given the nature of this development, and its potential to permanently sterilise resources in its vicinity, the Local Planning Authority may feel it appropriate that the applicant submits a mineral resource assessment.
Burrow with Burrow Parish Council	Previously supported the application though concerns about land drainage and possible risk of pollution with sewerage to Leck Beck, highway safety, the houses not being for local occupancy (potentially second homes/holiday lets), and no community benefits to school or village hall.
Ireby with Leck Parish Council	Previously raised concerns about the housing density, access, highway safety, discrepancies within the submission regarding proposed materials and local services, adequacy of the proposed treatment plant, and flood risks.

5.0 Neighbour Representations

5.1 No comments received at the time of compiling the report.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

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

Paragraph **17** - 12 core land-use planning principles
Paragraphs **49** and **50** - housing
Paragraphs **56**, **58** and **60** - good design
Paragraphs **100** and **103** - flood risk
Paragraphs **129**, **131**, **132** and **135** - conservation

6.2 Core Strategy

SC1 – Sustainable development
SC4 – Meeting the District’s Housing Requirements

6.3 Development Management DPD

- DM28** – Development and Landscape Impact
- DM32** and **33** – Development affecting heritage and non-designated heritage assets and their setting
- DM35** – Key design principles
- DM38** – Development and flood risk
- DM39** – Surface water run-off and sustainable drainage
- DM41** – new residential development
- DM42** – Managing rural housing growth

7.0 Comment and Analysis

7.1 The key considerations in determining this planning application are:

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

7.2 The principle of residential development in this location

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

7.3 Provision of affordable housing

7.3.1 When the application was initially submitted the applicant was seeking to provide no affordable housing based on their financial appraisal which accompanied the application. This appraisal was checked by the Local Planning Authority and in their opinion was found wanting. A number of figures within the appraisal were questioned. The application was ultimately reported to Committee with a requirement for 7 affordable units (39% provision across the site). This was approved subject to a requirement for a legal agreement to secure the affordable housing (and maintenance of the open space). The applicant did not enter into the legal agreement, but withdrew the application instead. The applicant then provided additional financial information that was subsequently independently assessed as agreed between the Local planning Authority and the applicant. The assessment concluded that the delivery of 7 affordable units on site is viable. Despite this, the applicant has submitted this application stating no affordable housing will be provided.

7.3.2 The application as submitted also stated that there was no housing required for workers of the Leck Estate, and the applicant advised that he would not accept a local occupancy condition when questioned by one of the local Parish Councils. Quite simply, the application failed to meet the Council's planning policy requirements in terms of affordable housing. Whilst it is recognised that the Council does not have a 5 year land supply of deliverable sites for housing, this is a greenfield site and a departure from the Development Plan, and therefore the applicant must offer 7 affordable houses on the site for the scheme to be acceptable in planning terms. This is discussed further in 8.1.

7.4 Design, layout and sustainable construction

7.4.1 The proposed layout of the housing scheme was carefully considered with the houses orientated to face onto public spaces – the A65, the public footpath and the proposed public open space. Unfortunately on the original submission it appeared that less work had gone into the design of the house types that did not reflect the local vernacular. Cowan Bridge is an attractive village with distinctive house styles. Whilst the materials of stone, slate and timber (doors and windows) had

been identified, other key details had not. The original application was not supported by a heritage statement. Whilst one was provided during the determination period, it should have been undertaken prior to designing the properties and its absence probably explains the lack of reference in the proposal to its local environment. This is explored more in Section 7.5.

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

7.5 Impact on heritage assets

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

7.6 Impact on landscape

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

7.7 Access and parking

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

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

7.8 Flooding and drainage

7.8.1 The north western edge of the site is within Flood Zones 2 with a very small section (the public right of way) within Flood Zone 3. United Utilities and Environment Agency have been very helpful in providing the applicant and the Local Planning Authority advice which has been checked over by the City Council's drainage engineer. The foul will be dealt with by way of a new water treatment plant, to be installed close to the beck. The surface water will be controlled by a system that include a hydrobrake that restricts the flow of water off the site. The applicant's Flood Risk Assessment also requires the properties' finished floor levels to be 300mm over existing ground levels, though the Environment Agency has confirmed that this is only required for properties in Flood Zone 2. If the drainage schemes are not adopted by United Utilities they will require a maintenance and management scheme for their lifetimes.

7.9 Ecology and landscaping

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

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

8.0 Planning Obligations

8.1 The application seeks to erect 18 dwellings on a greenfield site in an area of the District where house prices are high. There are some additional development costs associated with this scheme, but nothing particularly abnormal, such as contamination, demolition/site clearance, major access arrangements and the like. In line with the Council's planning policy this site should deliver 40% affordable housing on site. The applicant is seeking to provide no affordable housing.

The application is only acceptable if the applicant offers 40% provision of affordable housing on site. As this equates to 7.2 units, it would actually be 39% (i.e. 7 units). This was the Officer's recommendation on the original application and the Committee's resolution to approve was based on the same premise. This has subsequently been tested. The applicant has provided the Council with their financial information and this has been independently assessed as agreed with the applicant. The assessment concluded that 7 affordable housing units on this site is viable. Despite this, the applicant is seeking to provide none.

9.0 Conclusions

9.1 The Local Planning Authority has worked with the applicant both during the determination period of

the original application and the interim period between the withdrawal of the original application and the submission of this one. Despite Officer's recommendation on the original application and the Committee's resolution, and then the subsequent verification of the scheme's viability by an independent assessor based on information provided by the applicant, this application has been submitted with no affordable housing provision. This is contrary to planning policy and therefore the application is recommended for refusal.

Recommendation

That Planning Permission **BE REFUSED** (following the expiry of the statutory consultation period) for the following reason:

1. The application as submitted fails to address planning policy with regard to the delivery of affordable housing. The financial information provided by the applicant has been independently assessed prior to the submission of this application and it was concluded that 39% (7 units) provision of affordable housing on site is viable. Despite the conclusion of this assessment the applicant is proposing a 100% open market housing scheme. This is contrary to Development Management policies DM41 and DM42, Core Strategy policy SC4 and National Planning Policy Framework paragraphs 17 and 50.

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

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

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