

| | | |
|--|--|---|
| Agenda Item A5 | Committee Date 21 st September 2015 | Application Number 15/00587/OUT |
| Application Site Land Off Marsh Lane And Main Street Cockerham Lancashire | Proposal Outline application for the erection of up to 25 residential dwellings | |
| Name of Applicant Mr P Hewitt | Name of Agent Mr Avnish Panchal | |
| Decision Target Date Time extension agreed till 30 th October 2015 | Reason For Delay Relocation of the access point / amended plans/ re-consultation | |
| Case Officer | Mr Mark Potts | |
| Departure | No | |
| Summary of Recommendation | Approve subject to applicant signing a Section 106 Agreement. | |

1.0 The Site and its Surroundings

- 1.1 The application site relates to a 1.35 hectare parcel of open agricultural land located to the south side of Marsh Lane (A588), positioned behind Main Street and The Old Smithy (a cul-de-sac of three detached dwellings) and north of the village football/recreation grounds. Land to the southwest is open countryside predominately used for grazing. Cockerham is a relatively-small rural settlement predominately built up along either side of Main Street creating a very linear settlement pattern. It is located approximately 8.8km south of Lancaster City Centre, 3.3km south west of Galgate and circa 6.8km north of Garstang.
- 1.2 The site is largely unconstrained, but is designated as 'countryside area' in the saved Lancaster District Local Plan. It is not positioned within a flood risk area; it is not protected by any landscape or nature conservation designation; it is not within an area recognised as a designated heritage asset (such as conservation area/schedule ancient monument site); there are no protected trees within the site and the land is not constrained by any underground infrastructure (such as gas pipelines etc), albeit there is United Utilities public sewer to the east of the site.
- 1.3 The site represents an open undulating greenfield site used for grazing. It is notably elevated above properties to the northeast (The Old Smithy) and Marsh Lane to the northwest. The highest point of the site is approximately 20m above Ordnance Datum (AOD) in the northern corner of the site, and the lowest part at approximately 15m AOD along the south-western boundary. The site is practically at-grade with land to the south-east. There is an access track which is hard surfaced and provides the main vehicular access to the Grade II* listed church some 220m south west of the site. This access track is also a dedicated public right of way (Footpath 15). From the church, Footpath 15 connects to a network of other footpaths (FP25 and FP24) that provide access into the open countryside towards Cocker Wood and the River Cocker.
- 1.4 Surrounding land uses consist of residential development, recreation/community development and open countryside.
- 1.5 The boundary treatments along the eastern boundary consists of an open post and wire fence (above a retaining wall to The Old Smithy), at its highest point with native hedgerows running the

length between the public right of way to The Old Smithy. A low post and wire fence separates the site from the public right of way which runs along the southern boundary. To the other side of the access track lies the village recreation/football grounds where there are approximately 12 mature trees lining the access track to the church. To the east of the football field lies the Parish Hall and its car park, with access to a children's play area and tennis/basketball courts. Off-road access can be gained to the local primary school. The western boundary is lined with trees beyond which is undulating countryside.

1.6 Access to the site is proposed to the north-west boundary off Marsh Lane (A588). Marsh Lane currently enjoys a 40mph speed limit through the village which soon increases to 60mph beyond the application site. There was however a planning condition imposed on planning permission 13/01018/FUL, requiring the reduction in speed from 40mph to 30mph through the village. This is currently being implemented by the County Council. The proposed access will therefore enter the revised 30mph zone with the 60 mph zone located circa 10 metres to the south west

1.7 The A588 also forms part of the strategic cycle network (on road route – northern loop) and is locally popular with motorcyclists. There are bus stops located either side to the splitter island north east of the application site. Bus service 89 operates along this route and provides a moderate level of service between Knott End and Lancaster.

2.0 The Proposal

2.1 The applicant seeks outline planning permission for the erection of up to 25 dwellings with layout, appearance, scale and landscaping reserved for subsequent approval. The applicant seeks approval at this outline stage for the proposed access.

2.3 An indicative layout drawing has been provided which shows an access taken off Marsh Lane with the development concentrated in two thirds of the site closest to the existing settlement.

3.0 Site History

3.1 The only relevant planning history is set out in the table below. The previous application was withdrawn for a number of reasons but mainly because of a lack of information in relation to highways, flood risk, trees and conservation considerations. The Environmental Impact Assessment (EIA) thresholds recently changed no longer requiring residential schemes under 150 dwellings and on sites less than 5ha to be screened. The Council's previous Screening Opinion for a larger number of units concluded the proposal was not EIA development in any event.

| Application Number | Proposal | Decision |
|--------------------|---|---------------------|
| 14/00856/OUT | Outline application for the development of up to 35 residential dwellings | Withdrawn |
| 14/00874/EIR | Screening Opinion for development of up to 35 residential dwellings | Not EIA development |

4.0 Consultation Responses

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

| Consultee | Response |
|-----------------------------|--|
| Parish Council | Object - on the basis of safety concerns on Marsh Lane, factual errors in the report on public transport, housing survey is not numerically sound and the drainage is not sufficient. The Parish Council also raise concerns regarding the consultation period and the number of amended plans that have been submitted during the application process. |
| County Highways | Initially objected to the scheme, however based upon a revised access location together with the proposed off site highway works, offer no objection subject to planning conditions. |
| Environmental Health | No objections subject to conditions relating to hours of construction, dust control, a contaminated land assessment, and the bunding of tanks. |

| | |
|---|---|
| Planning Policy | No Objection – support the development in principle, and the lack of a five year housing supply should be a key consideration as should the scale of the development and its relationship with the existing settlement of Cockerham. |
| Strategic Housing Officer | No Objection – the applicant undertook their own housing needs survey in January 2015. It is clear from the Housing Needs Survey 2011 however that there is a significant need for affordable housing across the district including rural parishes. Careful consideration needs to be applied at the time of the reserved matters application that the proposed affordable housing scheme is offering an appropriate tenure and mix of dwellings to meet local need. |
| County Education | No Objection – subject to a contribution of £120,296 towards the provision of 10 primary school places. |
| Conservation Officer | No Objection – in view of the distance, existing physical features, landform and stone walls separating the proposed site from the heritage assets, it is not considered that any undue impact will be created. |
| City Council Engineer | No Objection in principle and supports the use of sustainable urban drainage systems (SUDS) on site. A detailed drainage design and layout should be conditioned, along with surface water management during construction. |
| United Utilities | No Objection - the site should be drained on a separate system with foul draining to the public sewer and surface water in the most sustainable way, sustainable means of surface water drainage should be considered and a public sewer crosses the site and an easement is required, although the indicative plan has accounted for this. A number of conditions are recommended relating to foul and surface water. |
| Environment Agency | No objection to the proposed development, however foul drainage should be connected to the main sewer. |
| Lead Local Flood Authority | Following the receipt of further clarification from the applicant, No Objection subject to recommended conditions regarding; development to be in accordance with Flood Risk Assessment; drainage scheme to be agreed at Reserved Matters stage; a condition requiring Surface Water management and maintenance plan. |
| Tree Protection Officer | No objection subject to landscaping conditions. |
| Natural England | No Objection , the application is in close proximity to the Lune Estuary Site of Special Scientific Interest (SSSI) however based on the details of the application not adverse impacts will occur. |
| Lancashire Constabulary | No Objection but recommends that the reserved matters scheme is developed with secured by design security standards. |
| Greater Manchester Ecology Unit | No Objection - however hedgerow loss should be compensated for by new hedgerow planting and proposes conditions. |
| Strategic Planning Policy (County) | No observations received |
| Public Realm Officer | No objections to the scheme, recommends a contribution of £20,000 towards off-site amenity/equipment. |
| Public Rights of Way (County) | No objection |
| Civil Aviation Authority | No observations received within the timescales |
| Black Knights Parachute Centre | No observations received within the timescales |

5.0 Neighbour Representations

5.1 At the time of compiling this report there has been 78 representations received (it is noted that some of these are from the same household, and some are from the same local resident in relation to amended plans), all of which are in opposition to the scheme. The reasons for objections include:

- Inadequate information to reach a decision and legitimacy of the supporting reports;
- Highway and traffic concerns, including proposed sightlines, adequacy of existing road infrastructure; limited public transport; misleading facts regarding bus service provision;
- Site is not allocated for residential development; and has sufficient development already;

- Issues regarding housing need - the social housing scheme in the village is not all occupied; the scheme fails to address local housing needs; already a number of properties for sale in the village.
- The scheme should be supported by a Landscape and Visual Appraisal;
- Cockerham is a historic rural village, and the visual impact will spoil the village's outlook and layout;
- Detrimental impact upon St Michaels Church;
- Inadequate drains and sewerage to accommodate the development;
- Overbearing development;
- Significant impact on the dwellings on the Old Smithy;
- Increase in noise;
- Affects Public Rights of Way;
- Contrary to National and Local Planning Policies;
- Ecological Impacts.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

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

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC4 – Meeting the District's Housing Requirements

6.3 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.4 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
 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

6.5 Other Material Considerations

- National Planning Practice Guidance
- Meeting Housing Needs Supplementary Planning Document
- Lancaster City Council 2015 Housing Land Supply Statement

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of development
- Housing Supply/ Housing Needs
- Affordable Housing
- Highways
- Landscape and Visual
- Residential Amenity
- Flooding, Drainage and Land contamination
- Trees and Hedgerows
- Cultural Heritage
- Open Space/ Education
- Aviation

7.1.1 Principle of development

7.1.2 The Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities (Policy SC1). Policy DM42 of the adopted Development Management DPD identifies a number of rural settlements that the Council considers sustainable villages and can support new housing development in principle. Cockerham is listed in this policy.

7.1.3 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. The table below highlights how accessible the site is to some local services:

| Service/Facilities | Description | Distance from application site (closest point) |
|---------------------------|---|---|
| Primary School | Cockerham Primary School Main Street | Approx. 150m |
| Parish Hall | Cockerham Parish Hall with day nursery and football ground | Approx. 20m |
| Church | St Michael's Church | Approx. 220 metres |
| Public House | The Manor Inn, Main Street | Approx. 85m |
| Bus Stops | Lancaster Road, 2 stops – (both directions), outside The Manor Inn Public House | Approx. 110m to all nearby stops |
| Cycle Link | Northern Route Number 0 Strategic Cycle Network – Lancaster Road | Immediately adjacent to site |

7.1.4 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.

7.1.5 Notwithstanding other technical issues, it is considered that the development is well related to the built form of Cockerham (being adjacent to the settlement) and the scheme is considered to be of a scale and character which is proportionate to Cockerham. Given none of the infrastructure consultees have objected to the development, the opinion is that the environment and infrastructure can accommodate the proposed development and the site is of a size whereby (at reserved matters stage) a high quality scheme could be devised which is complimentary to the character and quality

of the landscape. It is therefore concluded that the scheme conforms to the requirements of Policy DM42 of the DM DPD.

7.2 Housing Supply / Housing Needs

7.2.1 The NPPF requires local authorities to significantly boost the supply of housing especially in situations of noted undersupply. The most recent housing land supply and delivery position for the district is described in the 2015 Housing Land Supply Statement (July 2015), which sets out that only 3.3 years of housing supply can be demonstrated, with a persistent undersupply of housing over the last 11 years. Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up to date if there is not a 5 year supply of deliverable housing. It should also be noted that as part of the Council's preparation of its Land Allocations DPD, the emerging evidence base in relation to objectively assessing housing needs (the Strategic Housing Market Assessment (SHMAA) and the SHLAA) identifies a gap of approximately 5,000 dwellings.

7.2.2 As a consequence there is a clear expectation that unless material considerations imply otherwise sites that offer the opportunity for housing delivery and in particular those that are deliverable should be considered favourably.

7.2.3 The applicant, at the request of the Local Planning Authority (LPA), undertook their own housing needs assessment. A questionnaire was distributed to approximately 400 households in the local area, with 56 returned forms. The results demonstrate there is a desire for new homes in Cockerham in the form of 3-4 bedroom units. The exact mix would be determined through a reserved matters application.

7.3 Affordable Housing

7.3.1 A number of local representations raise the issue that there is already an oversupply of affordable homes in the village and to approve any further would be unnecessary. These properties are associated with the recently-built 'Village Road' development that was approved in January 2014 (13/01018/FUL) which has been developed by Adactus Housing Group and consist of 17 units (three of which are affordable rent with the remainder shared ownership). Whilst residents are correct that at the time of writing many of these properties remain unoccupied, this is due to the criteria-based approach that is imposed in connection with this permission. In the first instance this offers these properties to those who have immediate connections to Cockerham, then surrounding parishes, then any other parishes and finally households with a connection to the district. There have also been issues associated with mortgage-lending on these properties which has slowed progress. The Council are engaged with the Registered Provider to ensure that these units are allocated to those most in need of the affordable units, however to date there has been more applications than properties and therefore it is clear that there is a need for affordable homes in Cockerham and this is echoed by the Council's Strategic Housing Officer.

7.3.2 The submission sets out that 40% affordable housing will be provided on site and this would be 50% social rented and 50% intermediate housing. This is in accordance with DM DPD Policy DM41 and the Meeting Housing Needs DPD. The Council's Housing Strategy officer is supportive of further affordable units as it is unlikely that the existing provision will satisfy current and future need. It is considered at the time of the reserved matters application careful consideration of the proposed affordable scheme to define the appropriate tenure and mix meets the local demand. The additional provision of 10 affordable homes is a positive and should be considered strongly in the balancing exercise.

7.4 Highways

7.4.1 The scheme proposes the provision of a new access off Marsh Lane using sightlines based on 2.4 metres x 90 metres towards Cockerham and 2.4 metres x 160 metres towards Pilling. Therefore at this outline stage it needs to be considered whether the local highway network can accommodate the vehicle movements associated with the provision of 25 new dwellings, and also whether the access proposed is a safe means of access. The applicant's original access position was considered unacceptable to County Highways due to inadequate sightline towards Cockerham. Amended plans now show a relocation of the access point 20 metres to the west, and County Highways now raise no

objection to the scheme, subject to the imposition of a variety of highway-related conditions. It is therefore considered that that access point is acceptable from a highways perspective.

- 7.4.2 The applicants commissioned a speed survey on Marsh Lane to obtain prevailing vehicle speeds. This involved an automatic traffic counter (ATC) installed (close to the National Speed Limit sign), for the period of two full days between the 16th and 17th December 2014. During the planning application process following correspondence from local residents regarding the increased use of the road during the summer months, Lancashire County Council as highway authority undertook their own survey, albeit in a slightly different location (more central to Cockerham).
- 7.4.3 The County Council results show an increase in vehicle numbers over the submitted count information of between 250–280 vehicles per day. The 85th percentile vehicle speeds show a reduction in speeds from the low to mid-50's (applicants data) to the high-30's (LCC data) which would indicate that the majority of drivers are adhering to the current 40mph speed limit, (albeit the LCC equipment was located more centrally within the 40mph zone, whereas the applicants equipment close to the National Speed Limit sign). Residents had concerns regarding vehicle overtaking in contravention of the double white line markings in the westbound direction. The results varied between 3 vehicles on a Saturday to 24 vehicles on a Friday.
- 7.4.4 As part of the amended proposals the applicant has proposed some off-site highway works which essentially consist of two new central traffic islands to prevent overtaking, one located to the west of the site and one to the east. These works are considered essential to provide a safe means of access on and off Marsh Lane. This will have a benefit on the safety of highway users currently using Marsh Lane and can be secured by condition to be undertaken via a Section 278 Highway Agreement. These works are considered acceptable to County Highways.
- 7.4.5 As part of the scheme for the Village Road development, there was a requirement to lower the speed limit from 40 mph to 30mph, and this extended to just past the site boundary. At the time of writing the Traffic Regulation Process has near completed, and therefore the new speed limit on the access/egress point will be 30mph. Whilst many of the local community have continued to raise concern regarding the safety on Marsh Lane, given the various amendments that have occurred through the application process, County Highways no longer object to the development and therefore on highway grounds there is no justifiable reason as to why this application cannot be supported and it is considered that the local highway network can accommodate the development and there are no highway safety concerns subject to the provision of planning conditions.
- 7.4.6 Concerns have been raised regarding incorrect details contained within the supporting documentation regarding the provision of bus services in the locality, particularly a bus service to Garstang. Whilst it is apparent that there was some errors in the submission, the fact remains there are bus stops in close proximity to the site. The natural way to ensuring there are further bus services, or an increase in frequency is for there to be more users on that route and therefore whilst resident concerns are justified and it was unfortunate that this information was included, it is not a reason for the refusal of this scheme.
- 7.4.7 A public right of way is located to the south of the site and as part of the indicative layout it is proposed that there will be a connection to the existing way of way. The County Council's Public Rights of Way officer has offered no objection to the scheme and it is considered that the detail of this can be determined through the Reserved Matters process.

7.5 **Landscape and Visual**

- 7.5.1 Given the proposed location there will be a material visual change in the way the landscape is viewed from the surrounding public vantage points. Footpath 15 to the south of the site will witness a marked change associated with users who use this footpath, as there will be with views from Marsh Lane and Main Street. The access location will inevitably lead to a marked change for users of Marsh Lane as essentially the access will be through the existing embankment to the site. Officers had concerns previously when the location was to cut through one of the highest sections of the bank; however it is now considered (with the amended location which has a lesser visual impact) that the access is acceptable subject to detailed methods of construction and landscaping to be secured by means of planning condition. The introduction of up to 25 dwellings with associated highway infrastructure will impinge upon the natural openness of the landscape and it is inevitable that the proposed development will lead to a landscape impact simply on the basis that the site will lose its previously

recognised greenfield character, however a change from open land to a developed area is not necessarily harmful as the impact is localised and due to the proximity of the site to the existing built form, it will represent an extension to the settlement as opposed to an isolated new community.

7.5.2 Policy DM28 of the DPD and the NPPF seeks to attach great weight to the protection of nationally important designated landscapes. For the avoidance of doubt, it should be noted that the application site is not located within any such designation (e.g. AONB or National Park). Policy DM28 states that outside of protected landscapes the council will support development which is of scale and keeping with the landscape character and which are appropriate to its surroundings in terms of siting, design, materials, external appearance of landscaping. Given this is an outline application, matters associated with siting, design, materials and external appearance of landscaping will be determined at the reserved matters stage should this be supported.

7.5.3 The proposal will lead to an inevitable change in character of the application site, however, through careful landscaping at the reserved matters stage, the retention of existing trees, together with careful design, the proposal will be able to appear well-connected to the existing settlement. On balance, it is contended that the visual impacts would not significantly or demonstrably outweigh the benefits of the proposal. It must also be recognised, that if the nationally important designated sites are to be protected from major development, in order to meet existing and future housing needs, landscapes that are not protected and are well related to existing sustainable settlements are the landscapes most likely to accommodate future development.

7.6 **Impact on Residential Amenity**

7.6.1 This outline application reserves all matters except access. As such the scale, design and layout of the scheme would be considered through a subsequent Reserved Matters application if outline consent is granted. Therefore at this stage, it needs to be determined whether 25 dwellings can be adequately accommodated on the site without having a detrimental impact on the amenities of the nearby residential properties. In order to assess this, an indicative layout has been submitted in together with some indicative cross sections.

7.6.2 Given the scheme is in outline no details of the type of dwellings have been proposed, however the applicant has stated that the site will be predominately 2-storey which would be in keeping with Cockerham. The nearest residential properties are located at the Old Smithy which consist of three detached properties with views across the open countryside. Officers had concerns with the original proposed layout due to initially proposing dwellings that would have been located 13 metres from off-site dwellings; concerns were also raised due to the inherently inward-looking nature of the proposals. As part of the amended plans some of these weaknesses have been addressed and interface distances has been increased and the scheme is more outward-facing and garden sizes increased. Concerns from the local community have been raised regarding level differences and this is accepted, however given the outline nature of the proposals, levels will need to be determined during the course of the reserved matters application and therefore conditions can be imposed to require this level of detail. Given the density of the proposals it is considered that through the reserved matters application that a well devised scheme could be achieved and therefore whilst there will be a change to residential amenity the benefits of the proposal outweighs this in the planning balance.

7.7 **Flooding, Drainage Matters and Land Contamination**

7.7.1 The site is within Flood Zone 1 which has the lowest probability of flooding (less than 1 in 1,000 annual probability of river or sea flooding <0.1%). However given the size of the site, a site specific flood risk assessment (FRA) was required in support of the application.

7.7.2 The FRA demonstrates that the site is at a low risk of flooding and the applicant has provided an indicative drainage strategy, which demonstrates the site can be drained suitably using SUDS features given the favourable ground conditions present. The Lead Local Flood Authority, the Council's own drainage engineer, United Utilities and the Environment Agency have raised no objections on flood risk/drainage grounds; subject to appropriate conditions to secure a suitable scheme design and implementation. At this indicative stage it is proposed that highway drainage would be collected via a large soakaway with individual soakaways in the rear of gardens, and therefore the proposals can be considered acceptable subject to conditions whereby the detail would be developed when the layout is designed. The proposal is therefore compliant with Policies DM38 and DM39 of the DM DPD.

7.7.3 A number of local residents and the Parish Council have raised concerns about the existing drainage both in surface water drainage terms and secondly in terms of foul water. Given that none of the statutory consultees object to the development there are no reasons as to why this scheme cannot be supported on the basis of flooding and drainage matters subject to planning conditions requiring the details to be submitted to be agreed by the LPA.

7.7.4 Environmental Health Officers have no objections, subject to the imposition of conditions. These namely relate to working practices, but it is requested that should permission be granted a planning condition is imposed requiring a contaminated land assessment. The site is greenfield and therefore not considered at application stage to pose a significant risk, however as the site will have been subjected to fertilizers it is considered appropriate should permission be granted to impose a condition requiring a report to be submitted.

7.8 **Trees and hedgerows**

7.8.1 The site is well screened especially when travelling along Marsh Lane. To facilitate the access there would be the loss of two trees at the site entrance which consist of a June Berry and Rowan, together with an (approximate) 20-metre section of existing hedgerow. All other trees on the site are proposed to remain. On the basis of the Tree Report, the development could be accommodated without significant implications on trees, subject to appropriate planning conditions including details of site levels, a Tree Protection Plan, Arboricultural Method Statement and details of landscaping. Additional tree planting will also be required to improve the appearance of the proposed access and the applicant has submitted details to show compensatory hedgerow together with proposed planting of the site access together with the provision of some species rich hedgerows to replace the hedgerow lost. There will be opportunities to do this in relation to boundary treatments, private amenity space and public open space. Landscaping would be considered at the reserved matters stage.

7.8.2 Visually it is important to retain as much landscaping as possible along Marsh Lane and the application plans show this would be the case. The Tree Protection Officer, despite having some concerns regarding the originally submitted material now offers no objection subject to conditions.

7.9 **Cultural Heritage**

7.9.1 The application has been accompanied by a heritage statement given the proximity of the Grade II* church of St Michael which lies approximately 220 metres to the south west of the application site and the Grade II listed Cockerham Hall located 90 metres to the north of the proposed boundary of the site. Therefore it needs to be determined whether the setting would be compromised by allowing the approval of this scheme. The Council's Conservation Officer is of the opinion that because of the distance, existing physical features, landform and stone walls separating the proposed site from the heritage assets it is not considered there would be any undue impact created. Recommendations have been made to use appropriate materials for the area which can be secured as part of the reserved matters application.

7.9.2 The applicant has included provision within the scheme for an open vista to the church and given the response of the Conservation Officer it is not considered that there would be any substantial harm to the setting of either Cockerham Hall or St Michael's Church, subject to an appropriate design and use of materials at the reserved matters stage.

7.10 **Open Space Provision and Education Provision**

7.10.1 The scheme proposes open space provision on the site, however it does not propose on-site play equipment. The precise details will be determined at the Reserved Matters stage but the details shown on the indicative layout are considered to be acceptable with the reserved matters stage to provide for 455m² of open space. The Council's Public Realm Officer has also requested a contribution of **£20,000** which would be put towards the maintenance and upkeep of parks and gardens, children's play areas, young people's facilities and outdoor sports facilities in the local area.

7.10.2 There have been concerns raised regarding the capacity of the local primary school from the local community, and the County Council as education authority have assessed the need and requested an educational contribution of **£120,296** which is for the provision of 10 primary school places, however it is considered that there is no requirement for any contributions towards secondary school

places. The applicant is amenable to providing the above contributions and this can be suitably controlled by means of a Section 106 agreement.

7.11 Aviation Matters

7.11.1 The site falls within an aerodrome safeguarding zone where obstacles higher than 6 metres will not be permitted. The Civil Aviation Authority and the Black Watch Parachute Centre have both been consulted and to date have not provided any response to the scheme. It is considered that the principle of development would not pose a danger to aircraft or parachutists, and in any event would be consulted on the detail at the reserved matters stage.

8.0 Planning Obligations

8.1 The applicant is amenable to securing the following requirements by way of legal agreement. These requirements are considered to meet the tests set out in paragraph 204 of the NPPF.

- The provision of up to 40% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs and viability)
- The payment of **£120,296** towards the provision of 10 primary school places;
- Contribution of **£20,000** towards offsite amenity space/equipment;
- Long term maintenance of open space, drainage and landscaping.

With Committee's support, Officers seek delegation to ensure that the Section 106 Agreement is signed within the agreed extended period for decision-making (i.e. before 30 October 2015).

9.0 Conclusions

9.1 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision-taking (paragraph 14, NPPF). The principle of residential development in Cockerham is acceptable on the basis that the village is an identified rural sustainable settlement under Policy DM 42. Whilst the proposal will result in the loss of a greenfield site, it is appropriately located within the village and would not lead to a disproportionate extension to the settlement; the landscape character would change as a consequence of the development but the change would not be significant and very localised; the design and layout on would be considered under a reserved matter application, as would delivering public open space and improving connections to the village centre; the proposal seeks to retain the principal trees and hedgerows and proposes additional landscaping to mitigate losses; the site will incorporate a sustainable drainage system which will ensure the site is not at risk or flooding and there is no flood risk elsewhere. Despite concerns to the contrary, the proposed development can be safely accessed off Marsh Lane. With mitigation to help improve site accessibility and highway safety the highway impacts associated with the development are considered fully compliant with Local and National Planning Policy which is a position supported by the statutory consultees. Fundamentally, the proposal will positively contribute to the district's housing need including the provision of 40% affordable units. Given the Council are unable to demonstrate a five year supply of housing paragraph 49 of the NPPF is engaged and accordingly the application should be supported unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework. Based on the considerations set out in this report, it is considered that the proposal would not lead to any adverse impacts that would significantly and demonstrably outweigh the benefits of delivering much needed housing in the district and on this basis, Members are recommended to support the application.

Recommendation

That subject to the signing of a Section 106 Legal Agreement, Outline Planning Permission **BE GRANTED** subject to the following conditions:

- 1 Reserved Matters to be submitted.
- 2 Application timescales for reserved matters submission.

- 3 Timescales for implementation.
- 4 Approved Plans
- 5 Details to be submitted for off-site highway works.
- 6 Submission of details for the site access.
- 7 Protection of visibility splays.
- 8 Finished Floor levels.
- 9 Development in accordance with the FRA.
- 10 Submission of Surface Water drainage scheme
- 11 Foul drainage scheme to be submitted and approved.
- 12 Construction Environmental Management Plan
- 13 Removal, containment or otherwise of any contaminants.
- 14 Contaminated Land Assessment
- 15 Controls over any import of solids to avoid introduction of contaminants.
- 16 Containment of spillage from tanks during construction.
- 17 Submission of Arboricultural Method Statement, to include tree protection plan.
- 18 Protection of existing trees on site.
- 19 Scheme for ecological mitigation and enhancement.
- 20 Details submitted for hard and soft landscaping.

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

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

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

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.