(i) **Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, the applicant is related to a Council employee so it is necessary for the application to be referred to the Planning Committee for a decision.

1.0 **The Site and its Surroundings**

1.1 The site is located within a group of dwellings approximately 1km west of the village of Cockerham. The dwellings comprise a small row of stone terraced houses, a number of detached houses and a cluster of semi-detached housing known as Marsh Close. A surfaced footpath runs alongside the road linking the housing to Cockerham. A bus stop is also located at the cluster of housing.

1.2 The plot is bounded on three sides by garden areas to neighbouring properties, including the applicant's own garden area. The southern boundary fronts open pasture currently used for grazing. Large mature evergreen hedgerows form the boundaries to the north, east and west. The southern field boundary is again a mature hedgerow but this is kept low to improve outlook. The eastern side of the long driveway leading to the annexe abuts a separate private garden link to the applicant's dwelling, 10 Marsh Lane. This boundary is a low ranch style timber fence.

1.3 The application relates to an annexe building to 10 Marsh Lane. The annexe is separated from the main dwelling by approximately 50m lying at the northern end of the current ownership and served by a separate driveway running from a communal parking/turning area which serves the terrace of housing. The garden area to each of the terraced houses are divorced form the houses by the communal parking/turning area.

1.4 The site falls within Flood Zone 3 and the District's Countryside Area.

2.0 **The Proposal**

2.1 The application is seeking the use of the annexe as a separate open market dwelling to be used independently from 10 Marsh Lane. The annexe is currently occupied by the applicant’s daughter.
The applicant is seeking to provide their daughter with an affordable means of housing but one that is legally as well as physically separated from the main residence. Following discussion with the applicant it was concluded that the most appropriate way to consider the application and one which would provide an unfettered dwelling for the applicant’s daughter would be the use of the property as an open market dwelling.

2.2 The proposal involves no operational development or other work to allow independent occupation. The property already enjoys sufficient internal areas, externalamenity space and dedicated car parking area.

3.0 Site History

3.1 The site has a limited planning history all relating to the development of the annexe. The annexe is currently occupied by the applicant’s daughter wholly independently of the main property at 10 Marsh Lane.

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/00932/FUL</td>
<td>Demolition of existing annex and erection of new annex</td>
<td>Approved</td>
</tr>
<tr>
<td>12/00480/RCN</td>
<td>Demolition of existing annex and erection of new annex (pursuant to the removal of condition 4 to allow installation of permanent cooking facilities and/or a kitchen)</td>
<td>Approved</td>
</tr>
</tbody>
</table>

4.0 Consultation Responses

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

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Health</td>
<td>No comments received within the statutory consultation period.</td>
</tr>
<tr>
<td>Natural England</td>
<td>No comment to make</td>
</tr>
<tr>
<td>Strategic Housing</td>
<td>No comments received within the statutory consultation period.</td>
</tr>
<tr>
<td>Parish Council</td>
<td>No objections</td>
</tr>
</tbody>
</table>

5.0 Neighbour Representations

5.1 No comments received within the consultation period

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 - Delivering Housing
Paragraph 53 – Delivering a choice of homes
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC2 – Urban Concentration
SC3 – Rural Communities
SC5 – Achieving Quality in Design

6.3 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM27 – Protection and Enhancement of Biodiversity
The annexe originates from a historical piggery building sited in a similar position to the annexe. Consent was granted for the demolition of the piggery and erection of the annexe. The original consent restricted the nature of occupancy, tying its occupation to be ancillary to the main dwelling but also prevented the installation of kitchen/cooking facilities. A later planning application in 2012, under 12/00480/RCN sought to remove the restriction of the introduction of cooking facilities. It was recognised in the consideration and granting of the consent that the building was being occupied by the applicant’s daughter and given her age and circumstances was in practice being used independently. The removal of the restriction over cooking facilities reinforced this ability.

Internally, the building now comprises a one bedroom chalet bungalow with separate living/dining, kitchen and full sized bathroom on the ground floor and a large bedroom on the upper floor. Externally, a driveway with at least two parking spaces leads to an enclosed garden area bounded by large mature evergreen hedgerows.

Development Plan policies require 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. District Core Strategy Policy SC3 seeks to focus rural development in settlements which have five basic services (GP, Primary School, Food Shop, Post Office and Bus Stop). Whilst Cockerham does not fulfil this criteria, the more-up-to-date Development Management DPD Policy DM42 accords with the more-flexible NPPF by identifying a number of settlements which contain some services sufficient for them to be considered to be sustainable. Cockerham is one of these settlements, benefitting from a primary school, pub, park/play area and village hall. Additionally there is a relatively frequent bus service to Lancaster providing a main bus route.

The application site is located some way outside Cockerham (approximately 1km) within a cluster of approximately 20 houses. The dwellings are linked to the village by a surfaced footpath running alongside the main road. A bus stop is also located in the cluster of housing to provide links further afield.

The partial isolation of the property from the village limits the sustainability of the location. In addition, NPPF Paragraph 53 provides local planning authorities with guidance resisting inappropriate development of existing residential gardens. However, it is considered that these constraints must be balanced against the location of the application site within a cluster of twenty existing dwellings and the proposal, in practice, is only seeking to remove an occupancy restriction from existing purpose-built accommodation. The property is of a high standard and recent construction. The internal spatial standards and layout are appropriate for independent living and the site is also self-sufficient in parking and external amenity provision. Given the unusual nature of the proposal and the need for houses within the District, including the rural area, the development of housing in this location is considered to be acceptable in principle.

As outlined above, the property is fully operational as a separate unit and is only linked by planning condition to the applicant’s main residence some 50m from the annexe. The annexe is in practice
7.3.2 The impact of the proposed use for independent occupation must also be considered in relation to the applicant's dwelling and other neighbouring properties. The applicant's own dwelling fronts onto Marsh Lane and is an end terraced property. The rear of the property leads onto a parking area for two vehicles and beyond to the garden area including a detached garage. The garden area is extensive and separated from the application site by a low ranch style fence along its west boundary and a substantial evergreen hedgerow on the southern boundary. The vehicle parking area and pedestrian access to the application site runs alongside the low ranch fencing and would lead to potential overlooking of the garden area to 10 Marsh Lane. The need to protect the privacy of the applicant's garden has been recognised by the applicant and agreement gained to the provision of a new boundary fence running along the western site boundary. This can be addressed via an appropriate condition.

7.3.3 The remaining neighbouring gardens are all bounded by substantial evergreen hedgerows over 2.0m in height. The independent use of the property is not considered to have any detrimental impact on the neighbouring garden areas. A suitable condition would need to be attached to ensure the hedgerows are maintained at their current height to maintain privacy.

7.4 Flood Risk

7.4.1 The application site and most of the immediate area, including the land occupied by the cluster of housing and neighbouring fields lie within Flood Zone 3. New development within such areas should normally be avoided and directed towards areas at lower risk of flooding. The NPPF and DM DPD Policy DM38 seek to ensure that new development is formally assessed in line with the Technical Guidance contained within the Planning Practice Guidance – Flood Risk and Coastal Change. New dwellings are classed as a More Vulnerable land use and should only be considered for development in Flood Zone 3 following application of a Sequential Test and if identified that such development cannot be located in zones of less flood risk and Exception Test be applied seeking to ensure that any development is appropriately flood resilient and resistant, with safe access and residual risks can be managed.

7.4.2 In this case, the building is not new development. The annexe has the benefit of planning consent and has been in residential occupation for over 8 years, albeit, tied by condition to the neighbour dwelling. During the last 3 years of this 8 year period the building has been fully capable of, and occupied independently having had the removal of a restriction allowing the introduction of full kitchen facilities within the building.

7.4.3 It is considered that the unusual circumstances attached to this proposal need to be balanced against the policy position in respect of development with high risk flood zones. The building has been occupied for many years and is built over two storeys to modern building regulations standards. The floor slab of the property is solid and the walls of the property are whole, other than the entrance door, up to window cill height. The structure is already residentially occupied and is of a relatively flood resistant design.

7.4.4 The flood resilience of the building could be improved with some simply additions and adaptations such as removable barriers being fitted across the entrance door and raising of internal electricity circuitry and socket positions. Improving the means of escape would be difficult as the whole of the surrounding area is located within Flood Zone 3 but signing up to the Environment Agency early flood warning messaging system will aid early evacuation should this be deemed necessary. Subject to improvement to flood resilience and signing up to the Environment Agency flood warning system the continued residential use of the building would not result in increased risk to the occupiers or the surrounding area.

7.5 Other Matters

7.5.1 The Meeting Housing Needs Supplementary Planning Document sets out that a financial contribution towards off-site affordable housing is required from developments that result in a net increase of up to 4 units. The applicant has acknowledged this demand and a willingness to provide a contribution. The application has been supported by an affordable housing statement and...
independent valuation of the property by a local estate agent. The property has been valued at a potential open market value of £125,000. Based on the methodology contained within the Meeting Housing Needs SPD this value would generate a requirement of a contribution of £2,660.

8.0 Planning Obligations

8.1 The applicant has indicated a willingness to provide a contribution towards the provision of affordable housing which will need to be secured via an appropriate agreement.

9.0 Conclusions

9.1 The development of a new dwelling in this location within the garden of existing properties in a high level flood zone area would not normally be encouraged. However, it is considered that account has be taken to the presence and current occupation of the building situated within a cluster of existing dwellings. Given the unusual nature of the proposal as detailed within the above report together with the need for housing within the District, including the rural area, the development of housing in this location is considered to be acceptable and subject to securing a financial contribution and appropriate conditions should be supported.

Recommendation

That subject to securing the £2,660 contribution towards the provision of affordable housing in the District, Planning Permission BE GRANTED subject to the following conditions:

1. Standard 3 year time limit
2. Development to be undertaken in accordance with approved plans
3. Amended plans – boundary treatment and flood resilience measures
4. Fence to be provided within 3 months and retained at all times thereafter
5. Permitted development rights removed – extensions, alterations including new windows
6. Hedgerows to be retained at current height
7. Parking spaces (for both the 10 Marsh Lane and application site) set out on approved plan to be retained and kept available


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 applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

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