

<b>Agenda Item</b> A7	<b>Committee Date</b> 27 <sup>th</sup> June 2016	<b>Application Number</b> 16/00494/OUT
<b>Application Site</b> Land Off Marsh Lane And Main Street Cockerham		<b>Proposal</b> Outline application for the erection of up to 11 dwellings and associated access
<b>Name of Applicant</b> Mr P Hewitt		<b>Name of Agent</b> Mr Avnish Panchal
<b>Decision Target Date</b> 3 <sup>rd</sup> August 2016		<b>Reason For Delay</b>
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval (Subject to signing Section 106 Agreement)	

## **1.0 The Site and its Surroundings**

- 1.1 The site relates to a parcel of agricultural land in the region of 0.8 hectares located to the south side of Marsh Lane (A588) in the village of Cockerham. To the west of the site lies an established tree/hedgerow line and beyond this agricultural fields with the A588 to the north. Agricultural fields are located to the east, and beyond this lies the built form of Cockerham with the nearest residential dwellings on the Old Smithy. To the south of the site lies a Public Right of Way (Footpath 15) with the village football ground and fields beyond this.
- 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). St Michaels Church (Grade II\*) is located 180 metres to the south west of the development with Cockerham Hall (Grade II) being located 90 metres to the north of the development site. The Morecambe Bay SPA, SAC, RAMSAR and SSSI is located circa 1.25km to the west of the development proposals.

## **2.0 The Proposal**

- 2.1 The applicant seeks outline planning permission for the erection of up to 11 dwellings with layout, appearance, scale and landscaping reserved for subsequent approval. The application originally proposed the erection of 13 dwellings however following concerns raised by the case officer this has been reduced to 11. The applicant seeks approval for the proposed access off Marsh Lane (which has the benefit of planning permission under application reference 15/00587/OUT).
- 2.2 The proposed development is in essence an extension to the previously permitted development of 25 houses to the east of the proposal (15/00587/OUT) that was approved in 2015. This permission has yet to be implemented, and reserved matters have still to be submitted for consideration.

### **3.0 Site History**

3.1 The site history is contained below;

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
15/00587/OUT	Outline application for the erection of up to 25 residential dwellings	Approved
14/00856/OUT	Outline application for the development of up to 35 residential dwellings	Withdrawn

### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	<b>No Objection</b> ; however requests a financial contribution towards the ongoing provision of the Pilling to Lancaster Bus Service (89/89H) of <b>£21,450</b> .
<b>County Planning (Education)</b>	<b>No Objection</b> ; however request the provision of up to <b>£53,898.12</b> towards the provision of 4 primary school places and 2 secondary school places at <b>£40,607.18</b> .
<b>Environmental Health</b>	No observations received in response to the application.
<b>Conservation Officer</b>	<b>No Objection</b> , with no harm to the setting of either St Michaels Church or to Cockerham Hall. Recommends materials to reflect the local area.
<b>Environment Agency</b>	No observations to make
<b>Historic England</b>	No comments to make on the application and for this to be assessed in accordance with local guidance.
<b>Cockerham Parish Council</b>	Understood that the scheme will be considered at the 9 <sup>th</sup> June 2016 Parish Council meeting and observations will be reported verbally to members.
<b>United Utilities</b>	<b>No Objection</b> subject to conditions concerning foul drainage, surface water and management and maintenance of drainage systems.
<b>Lead Local Flood Authority</b>	<b>No Objection</b> subject to a condition being imposed regarding the submission of a drainage scheme.
<b>Local Plans Team</b>	No observations received in response to the application.
<b>Natural England</b>	<b>No Objection</b>
<b>Tree Protection Officer</b>	<b>No Objection</b> subject to conditions concerning the Geo-cell erosion control system and tree protection and planting.
<b>Ramblers Association</b>	No observations received in response to the application
<b>Public Rights of Way Officer</b>	<b>No Objection</b> however raises some concern relates to whether the site will be open for vehicular access onto the right of way to the south of the site.
<b>Strategic Housing Officer</b>	No observations received in response to the application
<b>Public Realm Officer</b>	No observations received in response to the application

### **5.0 Neighbour Representations**

5.1 The application has been advertised in the press, by site notices and adjoining residents notified in writing. To date there has been 7 letters of objection received in response to the planning application based on the following reasons;

- Lack of bus services;
- Unsustainable development and eroding the character of the village;
- Concerns over the quality of the planning submission;
- Whether the A588 can safely accommodate the additional development and safety concerns in general;
- Inadequate drainage;

- Adverse impact on the landscape;
- Lack of amenities to support a scheme of this nature;
- No need for additional housing in Cockerham;
- Adverse impact on the Grade II\* Church.

## **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  
 DM30 – Development affecting Listed Buildings  
 DM32 – The Setting of Designated Heritage Assets  
 DM35 – Key Design Principles  
 DM38 – Development and Flood Risk  
 DM39 – Surface Water Run-off and Sustainable Drainage  
 DM41 – New Residential dwellings  
 DM42 – Managing Rural Housing Growth

### **6.5 Other Material Considerations**

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

## **7.0 Comment and Analysis**

### **7.0.1 The proposal raises the following main issues:**

- Principle of development;
- Layout and Design;
- Highways;
- Residential Amenity;

- Flooding and drainage;
- Trees and Hedgerows;
- Cultural Heritage;
- Open Space/ Education;
- Aviation.

## 7.1 Principle of development

7.1.1 Cockerham is listed as a Sustainable Rural Settlement under Policy DM42 of the adopted Development Management DPD and is somewhere in principle that sustainable housing will be supported. Policy DM42 does indicate that in all cases, proposals for new residential development on non-allocated sites must:

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment and infrastructure can accommodate the impact of the development; and,
- Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape.

7.1.2 Whilst this development is seeking approval for 11 units, this is in addition to the 25 approved as part of the 2015 consent, and therefore it needs to be considered whether the additional housing proposed complies with the requirements of Policy DM42 of the Development Management DPD. Arguably the development of this tranche of land whilst some distance away from the village at present does adjoin the consented scheme for 25 houses and it could be said that for instance if this site was developed and the adjoining parcel of land was not, then it could be legitimately argued that the development would not be related to the current built form. These concerns have been relayed to the applicant's agent who is amenable to entering into a Section 106 agreement to tie the two sites together. With this in mind it can be considered that the additional 11 units would be physically well related to the existing built form of the settlement, albeit the nature and delivery of the physical connection (at any future Reserved Matters stage, should the current application be approved), will be important.

7.2.3 It needs to be considered whether an additional 11 houses would alter the character of the settlement and whether this number is proportionate to Cockerham. Officers did have some concerns with a scheme for 35 houses, and that application was eventually withdrawn. The question of whether that scale of development was disproportionate to the village has therefore never been tested at planning decision stage. It is considered that to resist the present scheme would be hard to justify at appeal (given the development still falls within the existing field with no noticeable distinguishing characteristics) and therefore it is considered that on balance the scheme is proportionate to the existing scale and character of the settlement (assuming that the eventual detail is appropriate). There are no objections from any statutory consultees, although the Parish Council's observations are due to be reported verbally to the Committee. Many of those raising concern with the application have stated that the provision of services within the village is limited. A village shop did open for a short period of time after 15/00587/OUT was approved however this has since closed. For these types of services to survive it very much depends on demand and therefore it is considered that the provision of new homes in the village could potentially assist in sustaining a village shop for example and ensuring that the post office (which is limited to only being open for two hours one day a week) continues to operate.

7.2.4 The scheme does seek to provide 40% of the units to be affordable and therefore this is a significant benefit of the scheme and the applicant is amenable to entering into a Section 106 to secure this. There has been concern raised by the local community that there is no need for further housing in Cockerham, however given the district's 5 year housing land supply position this would not be a sustainable argument at appeal.

## 7.3 Layout and Design

7.3.1 Officers worked with the applicant's agent on the original application (15/00587/OUT) to devise a layout that was more suited to its rural surroundings (despite layout not being applied for). There is

concern that the layout as provided is not entirely appropriate to its surroundings and between officers there is concern that that the scheme did represent some element of over-development when 13 units were proposed. These concerns were relayed to the applicant's agent and now the scheme proposes 11 units. Given the low density and whilst concerns have been raised it is considered that a layout appropriate to the character of the village could be accommodated on the site. Should Members be minded to grant consent these concerns will be conveyed to the applicant's agent for consideration should a Reserved Matters application be forthcoming in the future. For instance, further consideration is needed with regard to connections into the existing public rights of way and the scheme should be designed around this, as opposed to being an afterthought once the layout has been arrived at, together with the approach into the site itself. Given the distance to off-site properties it is not considered that there would be any loss of amenity, and privacy would remain.

#### 7.4 Highways

7.4.1 The proposed development would seek to utilise the access point that was approved under application 15/00587/OUT and this was judged to be acceptable to County Highways who raised no objection to this development. Given the point of access has previously been found acceptable the only real concern is whether the traffic generation associated with 11 additional units is likely to give rise to highway safety concerns that would be of a severe nature. The applicants have proposed that there would be a maximum (two-way) of 6 vehicular trips in both the morning and evening peak hour and therefore in highway capacity terms this is a negligible increase.

7.4.2 Concern has been raised by members of the local community about the site access point being unsafe. This was considered under application 15/00587/OUT and County Highways considered the access to be acceptable and as part of this approval there is provision for two new central traffic island to prevent overtaking, one located to the west of the site and one to the east. This was considered essential to provide a safe means of access off Marsh Lane and would have ultimate benefit to all highway users. Whilst the concerns are noted regarding vehicles that speed on Marsh Lane, the provision of the traffic islands would go some way in reducing the speed of drivers.

7.4.3 County Highways raise no objection to the scheme. However one fundamental concern that has arisen since 15/00587/OUT was approved is that the local bus service is at risk, (however the service continues to run on a 90 minute service). The service is operated by Kirkby Lonsdale Coaches on behalf of Lancashire County Council and it is understood that the bus service (89/89H) is a service that is to be retained until at least 31<sup>st</sup> March 2017, although the future after this date is rather uncertain. County Highway request a Section 106 contribution is made towards the operation of the bus service and have requested a figure of £21,450 (based on 3 bedroom properties). Whilst not requested on the original application (as the bus service was not at great risk at that time) it is considered appropriate in the circumstances to seek this contribution, with the final value to be established at reserved matters stage, and the applicants agent is amenable to this being secured by means of legal agreement.

#### 7.5 Drainage Matters

7.5.1 Concern has been raised that development of this site will bring about flooding elsewhere in Cockerham (similar to concerns expressed on the 25-house scheme). It should be firmly stressed that the site lies wholly in Flood Zone 1 (which is the least susceptible area to flooding and a location where the Council would be supportive of new homes). The application is supported by a Flood Risk Assessment which concludes that the site could be drained of surface water via the positioning of the soakaways in public open space (located to the south of the site) and also the possibility of individual soakaways in the rear gardens. The views of the Lead Local Flood Authority, Environment Agency and United Utilities have all been sought on the application with none raising objection. They recommend the provision of planning conditions that would ensure that the site could be drained and not bring about flooding elsewhere within the village.

#### 7.6 Trees and Hedgerows

7.6.1 The trees that are currently located on the western boundary of the site which consist of two common Ash trees supported by mature hawthorn are proposed to be retained as part of this development and furthermore this is proposed to be strengthened. The Council's Tree Protection Officer raises no objection to the scheme namely given that no hedgerows or trees will be lost (other than those that will be lost to facilitate the sites access point). The applicant is proposing to have a 10 metre

wide planted buffer to the western boundary of the site, this would complement the existing buffer and would help promote biodiversity gain. The application does not propose the planting arrangements here and this could be controlled by planning condition.

## 7.7 Cultural Heritage

7.7.1 The application has been accompanied by a Heritage Statement given the proximity of the Grade II\* church of St Michaels and All Angels which lies approximately 180 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 and this is a similar conclusion that was reached regarding the development of the eastern parcel of land. Recommendations have been proposed to use appropriate materials for the area which can be secured as part of the reserved matters application. Historic England were consulted on the application given the proximity to the Grade II\* St Michael's Church and they raise no objection to the scheme.

7.7.2 The applicant has included provision within the scheme for an open vista to the church, which is essentially the same as the previous application 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. Given this it is considered that the scheme complies with Policy DM30 of the DM DPD and that due regard has been paid to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990, it is considered that the nearby heritage assets would be preserved on the basis of a scheme to be assessed at reserved matters stage.

## 7.8 Open Space and Education Provision

7.8.1 The scheme looks to tie in with the open space that was provided as part of the approved outline permission and approximately 125 m<sup>2</sup> has been provided by the applicant in relation to this scheme. The original permission did provide for a healthy amount of open space and therefore on balance this is seen as acceptable. Given the total number of units now exceeds 35 dwellings it would be usual practice for an equipped play area (children up to 12) to be provided on the site. The views of the Public Realm Officer have been sought on the application and at the time of writing this report the views of the public realm officer are unknown however these will be reported to committee verbally. It is considered that with some thought and discussion – with the applicant and their agent initiating this - with the Parish Council there could be the opportunity to create this area into a village green which would have significant benefit to the village. Should this scheme be supported it is considered that that as part of the reserved matters stage the applicants should engage with the Parish Council to discuss any possible integration of the scheme with the village hall which would be beneficial.

7.8.2 The County Council as Education Authority have requested a financial contribution for 4 primary school places and 2 secondary school places, however this was based on the provision of 13 units and the County have been requested to re-calculate the education contribution. In any event it is essential that new development does provide for related infrastructure and this includes the provision of education. The applicant is amenable to the contributions requested, and can be controlled by a legal agreement that the figure will be re-visited at reserved matters when the number of units and bedrooms are fully known.

## 7.9 Aviation Matters

7.9.1 The site falls within an aerodrome safeguarding zone where obstacles higher than 6 metres will not be permitted. The Black Watch Parachute Centre has 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 **£53,918.12** for 4 primary school places and **£40,607.18** for 2 secondary school places;
- Ensuring that this application cannot be developed in isolation to permission 15/00587/OUT;
- Contribution towards the local bus service (to be assessed at reserved matters).

With Committee's support, Officers seek delegation to ensure that the Section 106 Agreement is signed within the agreed time period for decision-making (i.e. before 3<sup>rd</sup> August 2016).

## **9.0 Conclusions**

9.1 Cockerham is a sustainable rural settlement as defined in Policy DM42 of the Development Management DPD and even with the extension to the already approved scheme it is not considered that the scheme would be a disproportionate extension to the settlement and given no objection from County Highways it is considered that the approved access point could accommodate the additional traffic generation associated with 11 households. 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 Outline Planning Permission **BE GRANTED** (subject to signing Section 106) subject to the following conditions:

1. Reserved Matters to be submitted and timescales for implementation.
2. Approved Plans
3. Details to be submitted for off-site highway works.
4. Submission of details for the site access.
5. Protection of visibility splays.
6. Finished Floor levels.
7. Development in accordance with the FRA.
8. Submission of Surface Water drainage scheme
9. Maintenance Programme for SUDS system
10. Foul drainage scheme to be submitted and approved.
11. Construction Environmental Management Plan
12. Unforeseen contamination condition
13. Submission of Arboricultural Method Statement, to include tree protection plan, and geocell details.
14. Protection of existing trees on site.
15. Scheme for ecological mitigation and enhancement.
16. Details submitted for hard and soft landscaping.
17. Removal of Permitted Development Rights
18. Illustrative landscape scheme for site entrance
19. Landscape Management
20. Electronic vehicle points

## **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**

15/00587/OUT Provision of 25 units and associated access at land off Marsh Lane, Cockerham, Lancaster.