

Agenda Item A5	Committee Date 17 September 2018	Application Number 18/00877/OUT
Application Site Land To The Rear Of The Manor Inn Cockerham Lancashire	Proposal Outline application for the erection of up to 24 dwellings (C3) and associated access	
Name of Applicant Mr Halhead	Name of Agent Mr Jake Salisbury	
Decision Target Date 25 October 2018	Reason For Delay Not applicable	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval (Subject to No Objection from the Lead Local Flood Authority, Natural England and Greater Manchester Ecology Unit).	

1.0 The Site and its Surroundings

- 1.1 The application site is located on the eastern fringes of the village of Cockerham which is located 9km to the south of Lancaster City Centre. The site is pastoral farmland and it falls to the west from a high point of approximately 30 metres Above Ordnance Datum (AOD) to approximately 22 metres AOD along the western boundary of the site. To the north of the site lies residential properties on Village Road and to the east and south lies open farmland, to the west lies residential properties, and the Manor Inn Public House.
- 1.2 The site extends to 1.3 hectares, and the boundaries of the site to the north, west and south consist of mature hedgerows. There is no discernible boundary to the east of the site. The site is relatively unconstrained, however Footpath Number 14 runs along the southern boundary of the site. There are two sycamore trees that are protected by a Tree Preservation Order located at the foot of the site at the access (TPO's 266 (1997) and 94 (1984)). The site is allocated as countryside land within the adopted local plan.

2.0 The Proposal

- 2.1 The scheme proposes the erection of 24 residential dwellings together with the creation of a new vehicular access, which is proposed to be served off the existing turning head from Village Road. The illustrative site plan provides for open space; a 10 metre wide planted buffer together with a connection to Footpath Number 14. The scheme has been submitted in outline form with only access being applied for, and therefore the layout should be interpreted as indicative only.

3.0 Site History

- 3.1 There is no relevant planning history associated with the site.

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>No Objection, but recommend conditions associated with:</p> <ul style="list-style-type: none"> Laying of tactile paving and tightening up of A588 (Lancaster Road) / B5272 (Main Street) junction radii such as to shorten pedestrian crossing movements to community bus stops and village primary school; Kerb & hard surface areas of hatched markings in the junction area of Lancaster Road / Main Street for the benefit of improved pedestrian movements. Improvement works to be undertaken along the frontage of "The Manor Inn" public house though outside of an immediate area of "listed" granite sett paving; To be undertaken to the opposite extent of Main Street / Lancaster Road carriageway with the extents of the footway currently denoted by a dashed white line & running around the frontage of established village parking provision; Improvement of public footway link 1/12/FP14 to include: Construction / hard surfacing of a 2m wide footway link running adjacent to the sites southerly boundary & exiting onto Main Street public highway; Lighting of a 160m length of the afore-mentioned footway link from Main Street to the sites eastern extent.
Dynamo Cycle Campaign	Object to the development as it is not contributing towards sustainable transport infrastructure.
Environmental Health	No observations received within the statutory timescales.
Lead Local Flood Authority	No observations received within the statutory timescales.
Natural England	<p>Requested additional information with respect to the use of the site and adjoining fields for SPA birds and also that the development is likely to result in increased recreational pressure on the Morecambe Bay Special Protection Area (SPA).</p> <p>Additional information has been received from the applicants in August 2018 and has been shared with Natural England and any observations will be reported verbally.</p>
United Utilities	No objection however recommends conditions associated with foul and surface water.
Tree Protection Officer	No observations received within the statutory timescales.
Civil Aviation Authority	No observations received within the statutory timescales.
Greater Manchester Ecology Unit	Comments - Further information is required to determine whether the site could be used by overwintering birds; Clarification is required over the five biological heritage sites within 2km of the site; and there is a need for a Construction Method Statement Plan.
Cockerham Parish Council	No observations received within the statutory timescales.
Ramblers Association	No observations received within the statutory timescales.
Public Rights of Way Officer	No observations received within the statutory timescales.
Engineering Team	No observations received within the statutory timescales.
County Council (Education)	No objection however recommends a financial contribution of £94,949.12 for the provision of 4 secondary school places, but should other schemes be approved in advance of the determination of this application £141,779.79 may be required towards the provision of 9 primary school places.

5.0 Neighbour Representations

5.1 To date there has been five letters of objection received, which cite the following issues;

- Drainage – The existing drainage infrastructure cannot accommodate future expansion of the village, both from a surface water and also foul future drainage perspective;
- Amenity Matters – Concerns regarding additional traffic on the local highways, noise issues associated with the build; privacy and loss of view concerns; residents moved to Cockerham for the peace and quiet;
- Ecology – The impact on local wildlife.
- Housing – There is already a number of properties for sale within the village, no further dwellings are in fact required.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 2 – Delivering Sustainable Development

Section 4 – Decision Making

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12 – Achieving well designed places

Section 14 – meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the natural environment

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development

SC4 – Meeting the District's Housing Requirements

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

E4 – Countryside Area

6.5 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

6.6 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2015 Housing Land Supply Statement;
- Cockerham Neighbourhood Plan;
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points – New Developments (February 2016).

7.0 Comment and Analysis

The key issues arising from the proposal are:

- Principle of the Development;
- Layout and Design;
- Highways;
- Drainage Matters;
- Landscape;
- Cultural Heritage;
- Open Space and Education; and,
- Other Matters.

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 continues to be allocated within the forthcoming Strategic Land Allocations document and is a village in principle where 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 The proposal is sited on the eastern fringes of the village, with properties to the north and west of the site and therefore it is considered that the development is well related to the built form of Cockerham. It is fair to suggest that in recent years the village has seen a number of planning applications approved for residential schemes, namely the Village Road development which has now been built out for 17 houses (13/01018/FUL); 36 dwellings off Marsh Lane (16/00494/OUT and 15/00587/OUT - a consolidated planning application for this site for 36 houses has also been received 18/00953/FUL); together with 18 units off Rectory Gardens (17/00723/OUT). The consideration of this application does need to be considered in the context of the previously approved schemes, however there is no certainty that the Marsh Lane development or Rectory Gardens scheme will come forward for development. Officers consider that even taking account of the approved schemes, this scheme is capable of being of a scale and character appropriate to the settlement, and is capable of being to demonstrate a high quality design. It is therefore considered that the development complies with the requirements of Policy DM42 of the Development Management DPD.

7.1.3 As part of this application the applicant has committed to providing *the full* (our emphasis) 40% affordable housing provision, so this would relate to the provision of nine affordable dwellings (37.5%). This is afforded significant weight in the decision making process.

7.2 Layout and Design

7.2.1 Layout is not being applied for, however the applicant has submitted an indicative layout in support of the application. The layout consists of a mixture of semi-detached and detached properties which are generally quite inward looking, the applicant's layout shows a proposed 10 metre planted buffer on the eastern boundary of the site (within the applicants red edge) and also a connection to the existing Public Right of Way 14. The scheme is of a low density, and even taking into account the gradient associated with the levels on the site it is considered that with suitable house types and appropriate boundary treatments there is scope to develop a layout that respects the character of the village.

7.2.2 The site rises as you head to the east and therefore plots 11-18 could be quite prominent when viewed from Main Street and these plots will also be noticeable when viewed from Willey Lane which is also a Public Right of Way. The front and rear projections in addition to boundary treatments will be critical to the success at reserved matters stage.

7.2.3 Given the gradient across the site and to ensure a high quality layout it is considered necessary to include planning conditions requiring the submission of the finished floor levels, this should include gardens associated with the plots and also open space and roads and pavements. Whilst the gradient creates a challenge, via the use of split level properties and working with the levels as opposed to against has the potential to create an attractive form of development. Concern has been raised amongst those residents on Village Road regarding loss of privacy and overlooking issues. There is a substantial hedgerow to the rear of the properties along the southern boundary of the Village Road site, and the layout is capable in ensuring that the required separation distances to protect residential amenity are capable of being provided at reserved matters stage. Whilst the concerns are all noted, these are issues that are capable of being resolved at reserved matter stage.

7.3 Drainage

7.3.1 The application is supported by a drainage statement which outlines that the nature of the local geology is such that soakaway's are likely to be feasible in this location. The views of the LLFA are awaited. No investigative ground works have occurred, and therefore officers do have some concerns that the site may not be capable of being drained via soakaway's and given there is no watercourse to drain into the only available option could be draining directly into the existing sewer (however at a controlled rate). The observations of the Lead Local Flood Authority are therefore important in the consideration of this planning application and officers support the scheme on the understanding that no objection is raised by the LLFA.

7.3.2 Officers have sympathy for those residents that unfortunately suffered flooding in November 2017, where it is understood that properties along Main Street suffered from surface water flooding. United Utilities have responded to the planning application with no objection to the scheme on the understanding that surface water will be dealt with in a sustainable fashion, and also that foul and surface water will be treated sustainably. The Framework is clear at Paragraph 163 that local

planning authorities should ensure that flood risk is not increased elsewhere, and there is nothing before officers to suggest that approval of this scheme would lead to an increased risk of flooding. The observations of the Lead Local Flood Authority will be reported verbally to Members, but officers are supporting the scheme only on the understanding that the LLFA raise no objection to the proposal.

7.4 **Landscape**

7.4.1 The site is currently pastoral farmland, and on the far eastern extent on the site there will be pleasant views across the open countryside towards the Bowland Fells. It is accepted that there would be a moderate degree of harm associated with the development, but given the Village Road development to the north, the development of this site is considered to represent a logical extension. The impact on the landscape can be mitigated via high quality design, and the use of soft landscaping, and therefore these are issues that can be addressed at the reserved matters stage.

7.5 **Highways**

7.5.1 The site would be accessed off the A588 onto Village Road and then a new access would be created to deliver access into the site from the existing turning head. The applicants are showing an indicative upgrade to the existing public right of way (footpath number 14) which would deliver access to Main Street. The County have requested that this be surfaced to a 2m wide footway which should be hard surfaced. There is significant value in this link being hard surfaced but only 50% of this falls within the applicant's ownership, and when approaching Main Street, the footway on the eastern side of 27 Main Street is in the region of 0.8 metres in width and in reality is unlikely to be possible of being increased in width here. As part of planning application 16/01577/FUL there was a requirement to improve the public right of way that falls to the west of the site in terms of hard surfacing this, but this would still leave an area of approximately 30 metres unsurfaced. It is acknowledged that there is significant benefit in a route being accommodated here, and it would be a direct route to village amenities such as the school, village hall and recreational facilities, fundamentally negating the need to pass the pinch-point adjacent to the Manor Inn Public House, and therefore not only is this route more direct but critically safer. Officers are negotiating with the applicant and County Highways as to what is feasible, practical and realistic and Members will be updated verbally.

7.5.2 It is important to note that the County raised no objection to the development but have recommended a suite of planning conditions associated with off-site highway improvement works namely the creation of footways along the frontage of 'The Manor Inn' public house and also on the opposite extent of the carriageway. The applicant has confirmed a willingness for the above to be addressed by planning condition and therefore it is considered reasonable to impose this by planning condition.

7.6 **Natural Environment**

7.6.2 The scheme is supported by an ecological appraisal and this has been reviewed by Greater Manchester Ecological Unit, who have commented that the site is relatively large but no wintering bird surveys have been undertaken. Further information has been requested from the applicant's agent and it is expected that additional information together with observations from GMEU will be provided to update members verbally. Natural England has also expressed a similar concern, but amended information to assist in addressing Natural England's concerns was received in August 2018 and comments are awaited from Natural England in this regard.

7.6.3 An Arboricultural Implications Assessment accompanies this planning application and highlights the tree and hedgerows that bound the site. There are no trees within the main body of the site itself, only the boundaries, and therefore there is confidence that the scheme can be developed without having a detrimental impact on trees. The observations of the Tree Protection Officer are awaited and will be reported verbally to Members. It is recommended that a planning condition is attached securing the implementation of the Arboricultural Implications Assessment and also to ensure that a Tree Method Survey is submitted in advance of any works occurring on site.

7.7 **Infrastructure**

7.7.1 The County Council as Education Authority for the district have requested there would be a shortfall of 211 secondary places in 5 years' time, this equates to a need of a financial contribution of

£94,949.12, for the provision of 4 secondary school places. With respect to primary places no contribution would be required as it is only envisaged that there would be 66 pupils at Cockerham Parochial School in 2023 when the future planned capacity is 102, although the County caveat that this position could change with planning applications that are pending consideration. Approval of this scheme would assist in contributing to the vitality of the school, as this is a key community asset.

7.8 Other Matters

- 7.8.1 The site falls within an aerodrome safeguarding zone where obstacles higher than 6 metres (covering 10% of the site) and no higher than 10 metres for the remainder of the site will not be permitted. The Civil Aviation Authority have 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 the group would be consulted on the detail at the reserved matters stage when matters concerning scale and layout will be considered then.
- 7.8.2 The scale of the site is such that there is unlikely to be a need for an on-site play area, although there will be a need for open space to be provided on the site. It is recommended that a condition is imposed regarding the provision of open space and also for an open space contribution to be assessed based on the needs of the village once the reserved matters application has been received (to be addressed by legal agreement).
- 7.8.3 The site is unlikely to be contaminated, given its previous use but it is considered reasonable in the circumstances to include a planning condition to cater for any unforeseen land contamination. The site is considered to have a low accessibility and from a sustainability perspective it is considered reasonable to impose a planning condition associated with the provision of electric vehicle charging points.
- 7.8.4 Concern has been raised regarding noise associated with the build process of the dwellings and this is inevitable with any form of development, but in the circumstances it is unlikely that the build process would be longer than 18-24 months. Any issues associated with noise arising from construction activity should be investigated under the Environmental Protection Act 1990.

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 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);
 - The payment of **£94,949.12** for four secondary school places (to be assessed at reserved matters stage when the number of units and bedroom numbers is known).
 - Off-site open space contribution to be assessed based on the needs of the village of Cockerham (at the time of the reserved matters application); and,
 - Long term maintenance of non-adopted highways, open space, landscaping and creation of management company.

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 25th October 2018 – unless otherwise agreed and providing those consultees whose observations are still outstanding raise no objection to the development). Failure to sign the Section 106 could result in a refusal under delegated powers.

9.0 Conclusions and Planning Balance

- 9.1 The proposal would result in the provision of 24 dwellings which are likely to come forward within the next five years. The framework is a material consideration and it seeks to boost significantly the supply of housing. There is a clear need for affordable housing in the local area and the scheme

would deliver 9 affordable homes. Significant weight should be attached to the provision of market housing and affordable housing given the shortfall and the need in Lancaster.

- 9.2 The site benefits from being sited within a sustainable rural village and whilst public transport is limited, there is a bus stop within 100 metres of the site, and the site is on the northern loop cycle route and therefore whilst private car transport is likely to be the mainstay of trip movements there are other options open to future residents. Further information has been sought regarding wintering birds and the observations of the Lead Local Flood Authority and Greater Manchester Ecological Unit will be reported verbally to Members.
- 9.3 Surface water management has been raised as a concern by local residents and officers are acutely aware that many parts of the district were affected by flooding in November 2017 and also in July 2018. United Utilities raise no objection to the applicant's proposal and the scheme is being offered approval on the basis of no objection from the LLFA. Overall it is considered that the weight attached to the provision of housing within the district outweighs the landscape harm associated with the development and it is recommended to Members that the scheme be supported.

Recommendation

That subject to 'No Objection' being raised by the Lead Local Flood Authority, Greater Manchester Ecological Unit and Natural England, and the applicant entering into a Section 106 Agreement to secure the obligations contained within Paragraph 8.1, that Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard Timescales;
2. Approved Plans
3. Surface Water Drainage Scheme;
4. Foul Water Drainage Scheme;
5. Access Works;
6. Off-site Highway Improvements;
7. Development in accordance the submitted AIA, Tree Protection Plan;
8. Linkage to the public right of way and improvements;
9. Finished Floor Levels (to include plots, gardens, open space and roads);
10. Scheme for open space;
11. Unforeseen contamination;
12. Ecological mitigation to be carried out as per the approved plans;
13. Scheme for electric vehicle charging points to be submitted to and approved;
14. Surface Water Management and Maintenance Programme;
15. Environmental Construction Method Statement.

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.

Background Papers

None