

Agenda Item A7	Committee Date 24 June 2019	Application Number 19/00164/OUT
Application Site Land east of Lancaster Road & north of Willey Lane Lancaster Road Cockerham Lancashire		Proposal Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane
Name of Applicant Mr P & M Hewitt		Name of Agent Mr Avnish Panchal
Decision Target Date 1 August 2019		Reason For Delay
Case Officer		Mr Mark Potts
Departure		No
Summary of Recommendation		Refusal

1.0 The Site and its Surroundings

- 1.1 The site is located on the northern fringes of the village of Cockerham, which is located 9km to the south of Lancaster City Centre. The site is farmland and reaches its highest point at circa 24 metres Above Ordnance Datum (AOD) within the centre of the site, and falls either side of this to around 20 metres AOD. To the north lies Batty Cottage and to the east lies open fields. A linear form of development lies to the south consisting of 6 residential dwellings served off Willey Lane.
- 1.2 The site extends to around 1.7 hectares, and the boundaries to the north west and south consist of a mixture of fencing, hedgerows and walling. To the east there is no boundary in place. The site is allocated as Countryside Area in the adopted Local Plan and Willey Lane, which is located 30 metres to the south of the site, is a Public Right of Way. The site lies within an aerodrome safeguarding zone where structures greater than 6 metres will not be permitted.

2.0 The Proposal

- 2.1 The application is made in outline form for the erection of up to 24 residential dwellings, with the only matter that is being considered in full is the provision of the access into the site. Matters associated with scale, appearance, layout and landscaping are proposed to be considered under the Reserved Matters application process. The scheme initially provided for 31 dwellings, but Officers had concerns regarding the density across the site, and therefore a reduced quantum of housing has been proposed. An indicative layout plan is submitted in support of the scheme that illustrates how 24 dwellings could be delivered on the site. It includes a connection to the Public Right of Way on Willey Lane together with open space.

3.0 Site History

- 3.1 There is no site history relevant to this application.

4.0 Consultation Responses

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

Consultee	Response
Natural England	Originally raised concerns with the application given additional recreational pressure on the Morecambe Bay Special Protection Area (SPA) and also whether wintering birds could utilise the site. Following negotiation with the applicant no objection has now been received.
Greater Manchester Ecology Unit	Initially raised concerns with the submitted environmental appraisal and raised concerns on wintering birds. However, based on the amended submission they are now satisfied that the proposals will not impact on wintering birds and the land is not functionally linked to the SPA. Additional information has been shared by the applicant to address issues of ponds and also the proximity of the site to Biological Heritage Sites. Comments are awaited in this regard.
Lead Local Flood Authority	Objection. Consider that infiltration testing is provided to demonstrate that the site can be sustainably drained.
United Utilities	No objection on the understanding that the development is undertaken in accordance with the submitted Flood Risk Assessment
County Highways	Objection. Unable to support the application given the location of the site in an unsustainable area and also concerns regarding highway safety.
Cockerham Parish Council	Comments - The entrance to the proposed application is situated on a main road and on a bad bend where there have been 2 accidents recently. This issue is compounded by the fact that there are no footpaths. There are also concerns regarding the management of water and the current infrastructure is inadequate for this proposed development and would require improvement.
Tree Protection Officer	No objection
Lancashire Archaeological Advisory Service	No objection. Recommend a condition associated with a written scheme of investigation.
Contaminated Land Officer	No objection. Recommends land contamination related conditions.
Environmental Health Officer (Noise and Air Quality)	No observations received within the statutory timescales.
County Council Education	Recommend provision for 2 secondary school places and a maximum of 4 primary school places for primary, resulting in a contribution of £48,370.20 and £64,202.16 respectively.
Waste and Recycling Officer	No objection though recommends amendments to the layout associated with collection points for wheelie bins and for house types for plots 10-14, 18-25 and 30-31.
Dynamo (Lancaster and District Cycle Campaign)	Objection. The scheme does not include the provision for a safe, sustainable cycle route between the new development and the wider area.
Public Right of Way Officer	No observations received within the statutory timescales.

5.0 Neighbour Representations

5.1 5 objections to the proposal have been received raising the following concerns:

- Loss of a greenfield site;
- Detrimental impact upon residential amenities;
- Highway safety and accessibility concerns;
- Ground conditions and pollution control;
- Contaminated land;
- Utilities – Water pressure is a particular concern;
- Outlook and loss of amenity for properties along Willey Lane; and
- Impact on employment and local economy.

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

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

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

The Examination Hearing Sessions commenced on 9 April 2019.

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.

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.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

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 2018 SHELAA (January 2019)
- Cockerham Neighbourhood Plan;
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Provision of Electric Vehicle Charging Points – New Developments (February 2016).
- Open Space Provision in new residential development (October 2015);

7.0 Comment and Analysis

7.0.1 The main issues associated with the application include the following matters;

- Principle of development;
- Highways;
- Layout and design;
- Drainage;
- Landscape;
- Ecology;
- Infrastructure; 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. Cockerham is a village in principle where sustainable housing will be supported. Policy DM42 indicates 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 Batty Cottage located to the north, and residential dwellings to south 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); together with 18 units off Rectory Gardens (17/00723/OUT); and land at Manor Inn for 24 units (18/00877/OUT). Permission had been previously granted for 36 dwellings off Marsh Lane (16/00494/OUT and 15/00587/OUT), though this permission is now not capable of being implemented.

7.1.3 This application does need to be considered in the context of the previously approved schemes, though there is no certainty that any of the approved schemes 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 demonstrating a high quality design. It is therefore considered that the development complies with the requirements of Policy DM42 of the Development Management DPD.

7.1.4 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 and one that could be controlled as such via the Section 106 Legal Agreement process.

7.2 **Highways**

- 7.2.1 One vehicular access is proposed off Lancaster Road (A588). The County Council did raise concerns to the original scheme regarding the sustainability credentials (the location of the site in relation to local services/facilities) and also from a highway safety perspective. The scheme originally proposed visibility splays in the region of 4.5m x 73m and 4.5m x 70m, and these have been increased during the application process to 2.4m x 92m to the north and 2.4m x 94m to the south. The County's original response was to provide visibility splays of 2.4m x 120m, though when the revised scheme was submitted (which included additional transportation information) they did not comment over whether the reduced visibility splays are acceptable. The Case Officer has sought clarification from the Highway Authority on this matter, as realistically visibility splays of 2.4m x 120m would not be possible within land in control of the applicant. They have since responded advising that visibility splays of 2.4m x 120m are indeed required to ensure that the site can be accessed in a safe manner.
- 7.2.2 Officers have re-examined the Transport Assessment (TA) submitted in support of application 17/00723/OUT at Rectory Gardens (this site is on the opposite side of the A588 and consent is for 18 residential dwellings). The 85th percentile speed here was 37.4mph (northbound) and 42.3mph (southbound). The applicants TA in support of this application states that 85th percentile speeds are 31.9mph northbound and 31mph southbound. There is significant concern that given the sites are adjacent to one another why there is such a discrepancy. The observations of the County have been sought on this and they raise concern with the application if visibility splays in the region of 2.4m x 120m cannot be achieved. It is therefore considered that approval based on the current iteration of the scheme would generate highway safety concerns and cannot be supported.
- 7.2.3 The County Council has requested a footway along the site entrance to tie in with the existing footway which is adjacent to Hallgarth. The principle of connecting the footway is acceptable, although some clarification has been sought from the County Council over how feasible it is to include a footway given the highway is only 8.5 metres at this pinch-point and given this is an A-road whether in reality the County would allow these works is questioned.
- 7.2.4 Willey Lane is a Public Right of Way and the applicant has included a footway which connects to this, Officers from the City and County Councils were keen to see this included as a secondary means of access to amenities within the village such as primary school, churches and public house. This can be secured by means of planning condition, should the scheme be supported.

7.3 **Layout and Design**

- 7.3.1 Layout, scale and appearance are Reserved Matters, and therefore Councillors are making a decision on whether they consider that the site can accommodate up to 24 residential dwellings. The applicant has, however, included an indicative layout in support of the application to demonstrate how the site could be developed. The original iteration of the scheme including 31 dwellings and there was some concern when travelling southwards to the village on Lancaster Road how the dwellings could sit in relation to Batty Cottage. The applicant has removed this element of the scheme, and left this area reserved for landscaping. Overall the scheme has the potential to be developed sensitively, and whilst there would need to be amendments at the Reserved Matters stage it is considered that the concept of the proposed layout has the potential to work in this location.
- 7.3.2 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, the indicative layout has not sought to propose dwellings on the highest parts and this is to be supported via any future Reserved Matters application. Concern has been raised amongst those residents on Willey Lane regarding loss of privacy and overlooking issues. The rear garden boundaries along Willey Lane have low boundary treatments, and therefore any future application would need to ensure suitable separation distances to ensure that privacy matters could be protected. All these matters could be addressed within any future Reserved Matters submission.

7.4 **Drainage**

- 7.4.1 One of the early concerns of Officers was whether the site could be drained with sustainable drainage techniques, as there is no point of connection to the main sewer network directly outside the site, and there are no watercourses or drains which are accessible to direct surface water to. The Flood Risk Assessment submitted in support of the scheme does state that infiltration would be a likely suitable means of surface water discharge from the site and the applicant has stated that the site at Rectory Gardens has a soil infiltration co-efficient of 0.113 m/hour. United Utilities records show that surface water drainage for the individual residential properties on Village Road immediately to the south of the proposed development are being drained by individual soakaways located in the rear gardens. United Utilities also advocate draining the site sustainably, and in line with what the applicant is proposing. The Lead Local Flood Authority (LLFA) object to the development as no site specific assessment of the local geology has been submitted in support.
- 7.4.2 In an effort to overcome the concern, the applicant's drainage engineer has submitted additional information, but no investigative work. The additional information has been shared with the LLFA as to whether this overcomes the concerns or whether further site investigation works are required. Whilst the applicant states that soil investigation works have occurred at Rectory Gardens this is not the case from a review of application 17/00723/OUT, as this application used the results of the Village Road development also. Whilst Village Road is less than 100 metres from the site, the Local Planning Authority need to be convinced that the drainage solution as proposed is capable of being implemented. Without an understanding of the ground conditions Officers cannot offer support of the scheme, as without an appropriate drainage solution surface water flooding could be made worse elsewhere. Officers have consulted the LLFA on the additional material and Councillors will be verbally updated at the Committee meeting.

7.5 Landscape

- 7.5.1 The site is currently pastoral farmland, with open views across the Forest of Bowland to the east. It is accepted that there would be a moderate degree of harm associated with the development, However, whilst the development occupies an area of greenfield between the built form, the proposal represents a logical extension to the village. The impact on the landscape can be mitigated via high quality design, and the use of soft landscaping. These are issues that can be addressed at the Reserved Matters stage.

7.6 Ecology

- 7.6.1 The proposal is supported by an ecological appraisal and this has been reviewed by Greater Manchester Ecology Unit. They initially raised concerns about whether wintering birds utilise the site. However, following additional information supplied by the applicant, GMEU withdrew their concerns in this regard. GMEU has raised concerns regarding a lack of Great Crested Newt Survey on a pond to the north of the site and the applicant has responded to this by stating the pond is not accessible to survey. The additional information was only shared by the applicant on the report deadline, and therefore Councillors will be verbally updated as to whether an additional reason for refusal needs to be included.
- 7.6.2 Natural England (NE) initially objected on the basis that insufficient information was submitted to enable them to conclude whether or not the site could be used by wintering birds and also concerns regarding recreational pressure on Morecambe Bay. The applicant has provided additional information, which has been considered by NE. NE has removed its objection subject to a homeowner pack being secured by planning condition.

7.6 Infrastructure

- 7.6.1 The County Council as Education Authority for the District has requested there would be a shortfall of 205 secondary places in 5 years' time. This equates to a need of a financial contribution of £48,370.32, for the provision of 2 secondary school places. With respect to primary places no contribution would be required as it is only envisaged that there would 87 pupils at Cockerham Parochial School in 2024 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. The applicant is amenable to the financial contributions being secured by legal agreement.

7.7 Other Matters

- 7.7.1 The development proposes in excess of 20 dwelling houses and therefore it is considered necessary and reasonable for a condition to be applied requiring an Employment Skills Plan. The Council's contaminated land officer has requested a suite of planning conditions associated with contaminated land though it is only reasonable to include a condition associated with unforeseen contamination. Whilst not within an air quality management area, it is considered reasonable and appropriate to include electric vehicle charging points for mitigation against emissions generated by the development's traffic.
- 7.7.2 The site lies within an aerodrome safeguarding zone whereby obstacles higher than 6 metres will not be permitted. The principle of development would not pose a danger to aircraft or parachutists on the basis of two storey dwellings and in any event the Civil Aviation Authority would be consulted at Reserved Matters stage.
- 7.7.3 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).

8.0 Planning Obligations

- 8.1 Whilst the scheme is being recommended for refusal by Officers, the applicant is amenable to securing the following requirements by way of a legal agreement. These requirements are considered to meet the tests set out in paragraph 56 of the NPPF:
- The provision of 40% of affordable housing to be based on a 50:50 (affordable 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 **£48,370.32** for two secondary 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.

9.0 Conclusions and Planning Balance

- 9.1 Cockerham is a sustainable rural settlement and therefore the principle of sustainable housing in the village is acceptable. 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. The Local Planning Authority cannot demonstrate a deliverable 5 year housing land supply, nor can it demonstrate an up to date Local Plan. 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 District.
- 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 150 metres of the site, and the site is on the northern loop cycle route. Therefore whilst private car transport is likely to be the mainstay of trip movements there are other options open to future residents.

- 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 based on the information as contained within the applicants Flood Risk Assessment. However, the applicant has failed to convince the Local Planning Authority that the site can be drained via infiltration methods, as there is no real opportunity for a connection to the watercourse or the main sewer within the village.
- 9.4 Overall, it is considered that the weight attached to the provision of housing within the District outweighs the landscape harm associated with the development, but the technical matters associated with drainage and highways leads Officers to recommend refusal of the scheme for the reasons as noted below.

Recommendation

That outline planning permission be **REFUSED** for the following reasons:

1. The proposed vehicular access is not considered to be a safe and suitable access, as the visibility splays proposed are not sufficient enough to allow for a safe means of vehicular access and egress, and therefore there will be an unacceptable impact on highway safety on the A588. The development fails to conform to Paragraphs 108 and 109 of the National Policy Framework, and Policies DM35 and DM42 of the Development Management DPD.
2. It has not been demonstrated to the satisfaction of the Local Planning Authority that surface water run-off from the site can be managed in a sustainable way. The Local Planning Authority has insufficient information before them to deduce whether the development would increase surface water run off rates, and therefore create flooding within site, and to other properties and businesses within the village. The development fails to conform to Paragraph 163 of the National Planning Policy Framework and Policies DM35, DM39 and DM42 of the Development Management DPD.

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

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

Background Papers

None