

Agenda Item	Committee Date	Application Number
A8	16 September 2019	18/00877/OUT

Application Site	Proposal
Land To The Rear Of The Manor Inn Cockerham Lancashire	Outline application for the erection of up to 24 dwellings (C3) and associated access

Name of Applicant	Name of Agent
Mr Halhead	Mr Jake Salisbury

Decision Target Date	Reason For Delay
25 October 2018	Protracted Section 106 Negotiations

Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval

Procedural Matters

- (i) This planning application was presented to Planning Committee on 12 November 2018, and councillors approved the application based on the officer's proposed conditions and Section 106 obligations. It is proposed to amend the obligations due to County Highways no longer requiring monies to upgrade the Public Right of Way (PROW Number 14). The application therefore has to come before Planning Committee for re-consideration. The full committee report from November 2018 is appended to this report.

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 10km 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 up to 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

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18/00877/OUT	Outline application for the erection of up to 24 dwellings (C3) and associated access.	Resolution to approve by Planning Committee on 12 November 2018

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection and no longer require the financial contribution towards the upgrade of the public right of way.

5.0 Neighbour Representations

5.1 Discussed within the appended Committee Report dated 12 November 2018.

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 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

7.0 Comment and Analysis

7.1.1 In November 2018, the outline scheme was recommended favourably by Officers and subsequently presented to Planning Committee, where Members supported the recommendation and granted approval for 24 new dwellings. Over the course of the last 9 months there has been ongoing discussions with respect to the Section 106 obligations. The Section 106 secures matters such as affordable housing provision, education contributions and the payment of monies towards the upgrade of footpath 14.

7.1.2 The current Section 106 contained the following obligations:

Current Section 106 Contributions

- 1) The provision of up to 40% and no lower than 37.5% of the total number of dwellings to be 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);
- 2) 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);
- 3) Financial contribution towards the upgrade of footway 14 to ensure an appropriate linkage towards the village;
- 4) 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,
- 5) Long term maintenance of non-adopted highways, open space, landscaping and creation of management-company.

7.1.3 During discussions with the County Council (as highways authority), they confirm that they no longer require the funding that officers sought to upgrade footpath 14 (contribution 3 as noted above). The stretch of footway was from the site to Manor Barn. The reason that the County have given for no longer needing the monies is that they indicate that there has been some ongoing issues with obstructions from the resident at Manor Barn, on the line of footpath 14. The proposal was to hard surface circa 30 metres of grassland that forms part of footpath 14. Footway 14 connects the site to the village of Cockerham, and notably to the amenities on Main Street, and therefore it was for this reason officers considered it was reasonable, and appropriate to require the existing PROW to be hard surfaced.

7.1.4 It was acknowledged in the officer report in November 2018 there was significant benefit in a route being accommodated here, as 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. The route still could be used as a means to bypass the pinch-point although officers are disappointed that an agreement was reached with the applicant, but subsequently the spending authority is the County Council and they are not seeking to advance this. The monies secured are for a specific purpose, and cannot be diverted to other site-specific matters (it would fail the statutory tests to do so), and given the County Council's position, the absence of the County Council's agreement (as it is within their remit if they wish to upgrade the PROW), means that the matter cannot proceed. Whilst officers feel there would be benefits to the future residents, officers cannot insist on an improvement as there would be no means of ensuring it was implemented. With this in mind regrettably officers have to recommend removing the requirement for a contribution towards footpath 14.

8.0 Planning Obligations

8.1 For context, 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 56 of the NPPF.

- The provision of up to 40% and no lower than 37.5% of the total number of dwellings to be 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 **£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.

9.0 Conclusions

9.1 Officers recommended support for the scheme in November 2018, and whilst they are disappointed that the negotiated financial contribution cannot be secured, the scheme is still offered support given it was the Highways Authority who no longer wish for the contribution. A planning judgement is required, and many of the benefits of the scheme are policy compliant (such as the provision of open space, or affordable housing). It is however considered that the weight attached to the provision of housing within the district outweighs the minimal localised landscape harm associated with the development and regrettably the loss of the improvement to footpath 14 and it is recommended to Members that the scheme be supported.

Recommendation

That subject to 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 to be in accordance with an updated AIA and 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;
16. Provision of home owner packs

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

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

18/00877/FUL Agenda Item A8; Planning Committee Report 12 November 2018