

Agenda Item	A6
Application Number	21/00277/VCN
Proposal	Erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space (pursuant to the variation of conditions 2 and 12 to amend approved floor plans and elevations and roofing material and add to the list of approved plans (condition 2) details required by conditions 6, 11, 12, 15 and 16 on planning permission 19/00438/FUL)
Application site	Land Off Marsh Lane and Main Street, Cockerham
Applicant	Mr Craig Knox
Agent	Mr Arron Crick
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approve (subject to Section 106 Legal Agreement)

1.0 Application Site and Setting

- 1.1 The application site relates to a 1.35 hectare housing development located south of Marsh Lane (A588), positioned behind Main Street and The Old Smithy (a cul-de-sac of three detached dwellings) and north of the village football/recreation grounds. Land to the southwest is open countryside used for grazing. Cockerham is a small rural settlement predominately built up along either side of Main Street creating a very linear settlement pattern. It is located approximately 8.8km south of Lancaster City Centre, 3.3km southwest of Galgate and circa 6.8km north of Garstang
- 1.2 The site is allocated for housing within the Strategic Policies and Land Allocations DPD under Policy H2.10 for 36 houses. It is also located within an aerodrome safeguarding area. It is not within a flood risk area, protected by any landscape or nature conservation designation or within an area recognised as a designated heritage asset (such as conservation area or 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).
- 1.3 Permission was granted in February this year for erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space (19/00438/FUL). This development has commenced and a number of units are completed.

2.0 Proposal

- 2.1 This application seeks to vary the approved scheme by amending all house type elevations and the internal layout of one house type. It also seeks approval of details required by conditions on the original permission relating to foul sewer protection, off site highway works, materials samples,

electric vehicle charging facilities and public open space maintenance.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
21/01134/VCN	Erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space (pursuant to the variation of condition 8 on planning permission 19/00438/FUL to raise the finished floor levels of plots 3, 4, 5 and 6)	Pending
21/00026/DIS	Discharge of conditions 2,3,4,5,7,8,9,10,13,14 and 19 on approved application 19/00438/FUL	Decided
19/00438/FUL	Erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space	Approved
16/00494/OUT	Outline application for the erection of up to 11 dwellings and associated access	Approved
15/00587/OUT	Outline application for the erection of up to 25 residential dwellings	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments
Fire Safety	Standard advice
Environmental Health Officer	Objects to the provision of 3.6kw electric vehicle charging units as insufficient for modern vehicles. A minimum of 7kw is needed to provide realistic charging times
County Highways	No objection
Arboricultural Officer	Landscape Management Plan is acceptable
United Utilities	Further details required in a construction method statement relating to protection of its pipeline.

4.2 Responses from two members of the public have been received stating:

- No objection to changes in roofing material but those near western and southern boundaries should remain slate and others have a thin leading edge yet concrete tiles have been used
- Decisions have already been made to vary the permission
- Pile of soil formed close to neighbours' houses reduces outlook and causes loss of privacy
- The foul water connection should be inspected to make sure no surface water discharges into it

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Neighbour Amenity
- Visual Appearance
- Foul Drainage
- Off site Highway Works

- Electric Vehicle Charging
- Public Open Space Maintenance

5.2 **Neighbour Amenity (DMDPD Policies DM29, DM30)**

5.2.1 The alteration to the internal layout and elevation of the bungalow on plot 20 introduces a small kitchen window in the side elevation facing residential properties on The Old Smithy. This window will be approximately 21.5m from facing windows on neighbouring properties and at an approximately 1m higher ground level. Therefore, the interface distance we normally require is not provided. However, overlooking will be prevented by a proposed 1.8m high solid fence along the plot boundary with the intervening public open space and laurel hedging within the open space. Therefore, residents of these neighbouring houses will not suffer undue loss of privacy. Other interface distances with neighbouring properties remain as approved in excess of normal requirements.

5.3 **Visual Appearance (DMDPD Policies DM29, DM30)**

5.3.1 The proposed materials are reconstituted buff stone for the walls, white uPVC windows, doors, barge boards and rainwater goods and a mix of natural slate and concrete tiles for the roof. The original development was to have reconstituted quoins and window surrounds and natural slate roofs. The loss of the quoins and surrounds is regrettable but not sufficient to justify refusal of this application. Following negotiations, a compromise has been reached for the roof material with use of natural slate retained for the plots facing the external site boundaries with open land to the west and south and concrete for the plots within the site.

5.3.2 The materials are appropriate for the semi-rural setting on the edge of the village and will not look out of place.

5.4 **Foul Drainage (DMDPD Policies DM35, DM36)**

5.4.1 This issue relates to a condition imposed to protect an existing foul water pipe which runs through part of the site. United Utilities is not satisfied with the submitted details as they lack a construction method statement to show how the infrastructure will be protected during construction stage and through the lifetime of the development. Therefore, this condition will be retained as set out on the original permission and still requires discharging.

5.5 **Off Site Highway Works (DMDPD Policies DM60, DM61)**

5.5.1 The off-site highways works comprise a turning lane and pedestrian refuges with kerbing, signage and lighting on Marsh Lane. These have already been given technical approval by County Highways under the s278 procedure and therefore County has no objection to the relevant condition being discharged.

5.6 **Electric Vehicle Charging (DMDPD Policy DM31)**

5.6.1 The existing dwellings completed on plots 2, 16 to 21 and 26 have been fitted with electric vehicle charging points rated 3.6 kw. In response to this application Environmental Health have objected saying 7 kw rated charging points should be used. Current legislation does not require the higher rating and it cannot be insisted on, including upgrading those already installed. However, following negotiation the applicant has agreed to provide the higher rating to all dwellings yet to be completed. This is an acceptable outcome.

5.7 **Public Open Space Maintenance (DMDPD Policy DM29, DM44)**

5.7.1 The open space maintenance schedule is acceptable and the Arboricultural Officer has no objections.

6.0 Conclusion and Planning Balance

6.1 The proposed amendments are varied and some reduce the attractiveness of the scheme (loss of stone detailing and widespread use of natural slate). However, none of the changes alone or cumulatively are sufficient to justify refusal.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions and a variation to the s106 agreement to reflect this permission:

Condition no.	Description	Type
1	Time Limit	Standard
2	Approved Plans List	Standard
3	SW Drainage	Prior to occupation/completion
4	Foul Water	Prior to occupation
5	Employment and Skills Plan	Throughout construction
6	Pipework protection	No further development
7	Highways and Access construction	In accordance with approved details
8	Finished Floor Levels	In accordance with approved details
9	NDSS/M42	Control
10	Footway Connection	Prior to occupation of the 25 th house
11	Off Site Highways	In accordance with approved details
12	Materials	In accordance with approved details
13	Boundary treatment	In accordance with approved details
14	Landscaping	1 st planting season/following occupation
15	EV Charging	In accordance with approved details
16	POS Management and Maintenance	In accordance with approved details
17	Homeowner packs	6 Months from occupation
18	SW Management/Maintenance	3 Months from Occupation
19	Visibility Splays	Prior to occupation
20	Garage Use	Control
21	Parking provision	Prior to occupation
22	Implementation of AIA	Control
23	Removal of PD Rights	Control

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all

relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance

Background Papers