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| <b>Agenda Item</b>               | A7  |
| <b>Application Number</b>        | 22/00147/FUL  |
| <b>Proposal</b>                  | Erection of 1 dwelling with associated internal road and access                     |
| <b>Application site</b>          | Land At Grid Reference E346580 N452460<br>Lancaster Road<br>Cockerham<br>Lancashire |
| <b>Applicant</b>                 | Bleasdale   |
| <b>Agent</b>                     | HPA Chartered Architects  |
| <b>Case Officer</b>              | Mr Andrew Clement   |
| <b>Departure</b>                 | None  |
| <b>Summary of Recommendation</b> | Approval (Subject to a Section 106 for contributions from aggregate development)    |

## 1.0 Application Site and Setting

- 1.1 The application 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 the wider site reaches its highest point at circa 24.5 metres Above Ordnance Datum (AOD) to the west of the proposed development, and falls to around 20 metres AOD to the east, with Lancaster Road to the west also circa 20 metres AOD. To the north lies Batty Cottage and to the east lies open agricultural fields. A linear form of development lies to the south consisting of 6 residential dwellings served off Willey Lane, with a seventh at the eastern end of this group currently under construction.
- 1.2 The wider site extends to around 1.7 hectares, and the boundaries to the northwest 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 Open Countryside in the adopted Strategic Policies and Land Allocations DPD. Willey Lane, which is located 30 metres to the south of the site is a Public Right of Way bridleway no.13 (but also serves as a road to access the residential properties along the Lane), and 85 metres to the north is footpath no.12 to Batty Hill farm and continuing northwards. The site lies within an aerodrome safeguarding zone where consultation is undertaken for structures over 6 metres tall. The northeast corner of the site is susceptible to surface water flooding 1in100 and 1in1000 events, in an under 25% groundwater flooding class for superficial deposits flooding.

## 2.0 Proposal

- 2.1 The applicant seeks full planning permission for the erection of a single 5-bed two-storey detached dwelling, with associated access and landscaping delivered through the concurrent reserved matters application for the wider site. The proposed property is to be finished in coursed limestone and ivory roughcast rendered walls under a Matadale slate, anthracite grey uPVC frames windows and doors, artstone heads and cills, with black uPVC rainwaters goods and black uPVC woodgrain eaves,

soffits and fascia's, with an integral garage. The proposed dwelling measure circa 7.9 metres tall to the ridge, with an eaves height of 4.9 metres, at a width of 11.4 metres and maximum depth of 12.8 metres.

### 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   |
|--------------------|---|------------|
| 22/00144/REM       | Reserved matters application for the erection of 24 dwellings   | Concurrent |
| 22/00145/FUL       | Raising and filling of land using excess spoil and topsoil  | Concurrent |
| 19/01223/OUT       | Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane | Approved   |
| 19/00164/OUT       | Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane | Withdrawn  |

### 4.0 Consultation Responses

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

| Consultee                             | Response  |
|---------------------------------------|---|
| <b>Parish Council</b>                 | <b>Objection</b> , due to impacts on traffic, road safety, local infrastructure including the school, lack of facilities within the village and difficulties selling other dwellinghouses in the vicinity (perceived lack of demand). |
| <b>County Highways</b>                | <b>No objection</b> , however, the site relies on the access through the wider concurrent housing proposal, and therefore this proposal is only acceptable in highway terms if the wider scheme is also approved.                     |
| <b>County Archaeology</b>             | Archaeological field evaluation should be carried out and inform layout. Condition requested for geophysical survey and trial trenching prior to commencement of development  |
| <b>Natural England</b>                | <b>No objection</b> , subject to appropriate mitigation for the provision of a homeowner pack   |
| <b>Fire Safety Officer</b>            | <b>No objection</b> , subject to an informative regarding emergency vehicle access and water provision.   |
| <b>Public Rights Of Way</b>           | No observation received   |
| <b>Ramblers Association</b>           | No observation received   |
| <b>Black Knights Parachute Centre</b> | No observation received at time of reporting, a verbal update will be provided to planning committee  |
| <b>Civil Aviation Authority</b>       | No observation received at time of reporting, a verbal update will be provided to planning committee  |
| <b>Environmental Health</b>           | <b>No objection</b> , subject to conditions for EV charging point   |

4.2 At the time of drafting this report, 2 letters of **objection** have been received in relation to the application, based on the grounds below:-

- **Flood risk, drainage and contamination** – the site floods with slurry from Batty Hill Farm, no surface drains on Willey Lane, adequate drainage required to prevent exacerbating flood risk and contamination. Existing drains in Cockerham considered inadequate, field drainage is very poor, and flood risk and sea levels likely to increase in coming decades. Lower part of the field is liable to flooding. Revealed pipework through the field may be constructed of asbestos, with other potentially hazardous material on site. Proposed heights of dwellings taller than those existing along Willey Lane

- **Residential amenity** – overlooking and overbearing existing dwellings along Willey Lane from the proposed development. Noise and disturbance from the public open space to the rear of existing gardens. Low boundary treatments to existing properties along Willey Lane. Loss of natural light from proposed planting and boundary treatments. Road traffic noise and pollution to occupants of proposed dwellings. Lack of security from footpath adjacent to rear gardens. Lack of planting to some existing rear boundary treatments along Willey Lane, detracting from privacy and outlook.
- **Ecology** – Increased ecological use since last survey submitted as part of the outline approval due to lack of grazing in the interim.
- **Visual amenity** – The field is an important part of the visual amenity of Cockerham. Proposed housing does not reflect local housing, in particular terraces, and this does not reinforce local character.
- **Highways** – Access onto a dangerous road, no details of accidents occurring since the outline report. Insufficient footpath to bus stop, limited public transport locally. Conflict of agricultural vehicle movements with pedestrians, cyclists and other vehicle movements. Willey Lane unsuitable for walking due to lack of street lighting and condition. Vehicular access onto Willey Lane into the site contrary to outline approval, Willey Lane unsuitable for additional vehicles.
- **Sustainability and Infrastructure** – Unsustainable location, local needs will not be met, little demand for new housing in Cockerham. Lack of shops and facilities in Cockerham. Water pressure in Cockerham is poor, which would be exacerbated by additional dwellings.
- **Other matters** – No effort to engage with local residents.

## 5.0 Analysis

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

- Principle of development, aggregate development and contributions
- Housing mix and sustainable construction
- Design, layout, heritage and drainage
- Residential amenity
- Landscape, open space and ecology
- Highways, parking and waste

5.2 **Principle of development, aggregate development and contributions (DM DPD Policy DM1, DM3; SPLA DPD policies SP2 and SP6; NPPF section 5; Meeting Housing Need SPD, Strategic Housing Market Assessment; Affordable Housing Planning Note)**

5.2.1 The District's settlement hierarchy (policy SP2 of the SPLA DPD) recognises Cockerham as one of the districts sustainable settlements where the principle of housing can be supported. New residential development on non-allocated sites needs to be well related to existing built form, proportionate in scale and character, located where infrastructure can accommodate impacts, and demonstrate good siting and design.

5.2.2 This application seeks an additional dwellinghouse as an aggregate development to a wider scheme for 24 dwellings already granted outline consent, and concurrently seeking reserved matters approval. The proposed additional dwelling sought through this application is proportionate to the existing scale and character of the settlement, and would have a very modest impact in terms of infrastructure, services and facilities to serve the development, which it is considered can be accommodated in the local area. Subject to the proposal being controlled and delivered as part of the wider site as an aggregate development, the siting is well related to this built form.

5.2.3 The Brandlord judgement (R (Westminster City Council) v First Secretary of State and Brandlord Limited [2003] J.P.L 1066), established three criteria to determine and assess the piecemeal development of sites or/and aggregation of sites for the purposes of applying an affordable housing policy threshold. The three criteria include:

- a. the ownership of the site;
- b. whether the land could be considered to be a single site for planning purposes;
- c. whether the development should be treated as a single development.

Subsequent to the Brandlord judgment, in the New Dawn Homes Ltd v SSCLG [2016] EWHC 3314

*(Admin)* case, the judge endorsed the approach adopted by Brandlord but held the three criteria were not determinative and that such should help inform decision-makers in forming a planning judgement as to whether development should be treated as aggregate development or not.

5.2.4 Having regard to the specific circumstances of this case, the LPA contend all three criteria are met and that based on the submission details, it is clear this smaller proposal on the site forms part and parcel of the whole development. Therefore, any additional dwelling should contribute to the provision of affordable housing, open space and education facilities in accordance the wider outline planning permission (19/01223/OUT). The matter of aggregation has not been disputed by the applicant, and subject to a legal agreement for this aggregate development for proportionate additional contributions for these three matters as part of the wider scheme, the proposal is considered to sufficiently mitigate the impact of the development upon local infrastructure.

5.2.5 Whilst the scale, design, and impacts upon the proportionality and character of Cockerham and wider landscape will be assessed in following sections of this report, the principle of development in terms of relation to settlement built-form and impact upon infrastructure is considered to be acceptable in this sustainable rural settlement location.

5.3 **Housing mix and sustainable construction (DM DPD Policy DM1, DM3; SPLA DPD policies SP6; NPPF section 5; Meeting Housing Need SPD, Low Emissions and Air Quality SPD, Strategic Housing Market Assessment; Affordable Housing Planning Note)**

5.3.1 The concurrent reserved matters seeks to provide the affordable housing contribution on-site, in accordance with the legal agreement attached to the outline consent. The additional aggregate dwelling sought through this application brings the 30% affordable housing requirement to 7.5 units across the whole site of 25 dwellings. It has been agreed with the Council’s Housing Officer and discussed with the applicants to deliver this addition requirement for 0.5 of an affordable home as an off-site proportionate financial contribution, as opposed to on-site for the aggregate dwelling. Subject to agreement to this through a section 106 agreement, this is considered to meet the requirements of affordable housing from this aggregate development.

5.3.2 The housing mix sought across the district is within the table below, which is adjacent to the proposed housing mix as part of the concurrent reserved matters application and combined with this aggregate development within the table below:-

| Property type       | DM1 Requirement (%) | Reserved matters (%) | Reserved matters and full application (%) |
|---------------------|---------------------|----------------------|---|
| 1 bed house / flats | 10%                 | 2 (8.3%)             | 2 (8%)                                    |
| 2 bed house         | 20%                 | 7 (29.2%)            | 7 (28%)                                   |
| 3 bed house         | 35%                 | 9 (37.5%)            | 9 (36%)                                   |
| 4+ bed house        | 25%                 | 4 (16.6%)            | 5 (20%)                                   |
| bungalows           | 10%                 | 2 (8.3%)             | 2 (8%)                                    |
| <b>TOTALS</b>       | <b>100%</b>         | <b>24 (100%)</b>     | <b>25 (100%)</b>                          |

Whilst this proposed aggregate dwelling is a large property offering 5-bedrooms, this would be controlled and delivered as part of the wider development of the site for 25 houses if approved. In the context of this wider scheme, the proposed housing mix is considered to be acceptable and is broadly in accordance with the district wide housing mix requirement.

5.3.2 Whilst the site is not within an air quality management area, it is considered reasonable and appropriate to include electric vehicle charging points, in accordance with the Low Emissions and Air Quality SPD requirements for one electric vehicle dedicated charging point per house with garage or driveway. In terms of sustainable design and construction, DM DPD Policy D29 encourages this across all schemes, and whilst individually the proposal is minor in scale, this forms an aggregate development to a major scheme. As such, energy efficiencies should be addressed in terms of insulation in comparison against current building regulations, solar gain, ventilation and heat recovery and other efficiencies. It is considered that these matters can be controlled through planning condition for this proposal.

- 5.4 **Design, layout heritage and drainage** (DM DPD Policies DM2, DM4, DM27, DM29, DM30, DM33, DM34, DM35, DM42; DM45, DM46; NPPF sections 2, 5, 11, 12, 14 and 15; Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note; National Model Design Code)
- 5.4.1 The proposed dwelling is sought to the southeast corner of the concurrent reserved matters layout for the wider housing site. This layout is largely assessed as part of the concurrent reserved matters application, however this aggregate development is considered to be well related to the wider site, facilitated by no longer requiring a pumping station at the site. The design of the proposed dwelling is broadly in accordance with the ethos and external materials of the wider site, which is considered to be congruent to Cockerham. Whilst the scale of the dwelling sought is large, there are existing large detached dwellings adjacent to the site, such as Batty Cottage to the north and The Spinney to the south, in addition to other large detached dwellings in the village. Furthermore, the proposed dwelling would be view in the context of the wider housing delivery as part of the concurrent application, with a variety of house types and sizes across this scheme. As such, the proposal is considered to be proportionate in scale and character of Cockerham.
- 5.4.2 The site is understood to be of archaeological interest, with a Roman Road potentially located in the vicinity. Whilst the archaeological consultee would have preferred relevant site assessments to be undertaken prior to consideration of this planning application, subject to appropriate site investigation of geophysical surveys and trial trenching, this is considered to be appropriate and practical as part of the implementation of housing delivery at the site. Such survey works can be controlled through planning condition.
- 5.4.3 The original outline application detailed that soakaways across the site would provide a suitable and sustainable surface water drainage scheme for the proposal, however the concurrent reserved matters proposed layout includes an attenuation pond and directing the surface water drainage to an existing drainage ditch at greenfield runoff rates. As part of the concurrent reserved matters application, it has demonstrated that soakaways are not feasible at this site, and a surface water sustainable drainage scheme will be assessed as part of a discharge of conditions application on the approved outline permission. Given that soakaways have been eliminated as a potential drainage option, the proposed dwellinghouse sought through this application does not prejudice the drainage method of the wider site. This aggregate development would likely connect to the wider site drainage system, which is considered to be acceptable for this aggregate form of development, and can be controlled through planning condition for surface water drainage details. Foul drainage have yet to be specified, but can be controlled through planning condition.
- 5.5 **Residential amenity** (DM DPD Policies DM2, DM29, DM32; NPPF sections 12; Nationally Described Space Standards)
- 5.5.1 The proposed dwellinghouse is suitably separated from opposing walls with clear glazing to prevent privacy and overlooking concerns between proposed dwellings. The proposed garden areas is ample and above 10 metres in depth. The dwelling meets the minimum Nationally Described Space Standards of minimum floor and storage space, and M4(2) Building Regulations Requirement. Cycle and motor vehicle parking is provided within the integral garage and off-street parking provision. This parking provision can be controlled through planning condition. The proposed development is considered to offer suitable residential amenity standards to future occupants of the dwelling.
- 5.5.2 The nearest dwellinghouses to the application site is The Spinney, located over 24 metres to the south of the proposed dwelling. Whilst this is sufficient separation distance for opposing clear glazed openings, given the site is within 10 metres of neighbouring gardens, the upper floor side facing windows (serving bathrooms only) should be obscure glazed and high-level opening only, to prevent overlooking. The proposed landscaping as part of the current reserved matters application for trees along the southern boundary adjacent to the proposed aggregate dwelling and open space to the west will further ensure no adverse impacts upon neighbouring privacy standards. In any case, details of boundary treatments for the proposed dwelling can be controlled through planning condition to ensure suitable amenity standards. The northern aspect of the proposed dwelling ensures no overshadowing to existing neighbours along Willey Lane from the proposed development, and the separation distances and intervening proposed landscaping will ensure the development does not overbear these neighbours. As such, the proposal is considered to be acceptable in terms of residential amenity.

- 5.5.3 The site has an agricultural use, and whilst there are no known contamination issues at the site, it is considered prudent to include an unforeseen contaminated land condition, in the same wording as that included on the outline permission at the site.
- 5.6 **Landscaping, open space and ecology** (DMDPD policies DM44, DM45, DM46; SPLA DPD policy SP8 and EN3; NPPF: section 12 and 15)
- 5.6.1 The application site is forms part of the area assessed for the ecology appraisal for the wider site and approved outline consent, and as this would be controlled as aggregate development, the ecological mitigation within this outline permission is considered to address the impacts of this proposal. The planning conditions relating to the ecological mitigation measures during the construction phase of development should be applied to any permission for aggregate development.
- 5.6.2 Morecambe Bay is very important for many species of birds. As such, there is the potential for development and recreational use close to the designated sites to have impacts on birds associated with the SPA and Ramsar designations. It is considered that these impacts could be avoided, but only through mitigation. In light of the People Over Wind ruling by the Court of Justice of the European Union, likely significant affects cannot be ruled out without mitigation and therefore an Appropriate Assessment (AA) is required. This is contained within a separate document and concludes that, with the implementation and retention, where appropriate, of mitigation the development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. The site forms aggerated development to a wider residential development with outline consent, and the context of the site is adjacent to a heavily trafficked A-road and existing residential properties. As such, the implementation of the mitigation measures within the AA, namely for homeowner packs for the new dwellinghouse, is considered to have an acceptable impact upon the environment, habitats and protected species and sites. Natural England have returned no objection to this proposal subject to the aforementioned mitigation.
- 5.6.3 In terms of open space, the additional dwelling does not trigger any greater on-site requirements. Subject to a legal agreement to contribute a proportionate figure for off-site open space, in accordance with the agreement for the wider outline permission, the proposal is considered to be satisfactory in terms of open space provision.
- 5.7 **Highways, parking and waste** (SPLA DPD policies T2, T4; DMDPD policies DM29, DM60, DM61, DM62, DM63, DM64; NPPF sections 9 and 12; Walking and Cycling Planning Advisory Note; Waste Storage and Collection Guidance for Domestic and Commercial Developments Planning Advisory Note)
- 5.7.1 The access detailed within the concurrent reserved matters is in accordance with that already approved as part of the outline permission at the site. The aggregate dwelling sought through this application will be accessed through the wider development site, and the aggregate development nature of the proposal and legal ties to the wider scheme will ensure the proposed dwelling would only be implemented as part of the wider scheme. The aggregate dwelling would be accessed off a private cul-de-sacs off the adoptable highway element of the concurrent reserved matters proposal, circa 35 metres long, and at circa 4.8 metres wide. This is considered suitable for access and turning, subject to the off-street parking provision being implemented and retained to minimise instances of parking on this private road. The dwellinghouses curtilage area is marginally over 25 metres from the communal bin collection area, which is considered to be appropriate in the circumstance given the scale and dimensions of the site. The dwellinghouse has suitable provision for the parking and turning of 3 off-road parking spaces, and the delivery of EV charging points can be controlled through planning condition. Bicycle parking can be provided within the integral garage, with sufficient space for both car and bicycle parking within this floorspace, which can be controlled through planning condition. As such, the site access, highway layout and parking provision is considered to be acceptable. Whilst a construction management plan has been included as a planning conditions on the outline consent for the wider site, given this proposal relates to a single dwellinghouse it would not be necessary to impose such a condition on this development.

## **6.0 Conclusion and Planning Balance**

6.1 In conclusion, the aggregate development of an addition dwellinghouse provide a modest contribution to the delivery of housing within the district, addressing an acute housing delivery need, without compromising the layout and density of the wider site. The proposed dwelling is considered to be proportionate and well-designed, finished in quality external materials congruent to the wider development and Cockerham village. The proposal offers high standards of residential amenity standards as an accessible and adaptable dwelling under Building Regulation M4(2), with suitable parking and bicycle storage provision. Subject to appropriate contributions and connections to the wider scheme, and details relating to external materials, energy efficiency, and other matters controlled through planning condition, the economic and social benefits of delivering an additional dwellinghouse at the site are considered to weigh in favour of approval of the proposal as an aggregate development to the wider housing delivery already benefitting from outline consent.

### **Recommendation**

That Planning Permission BE GRANTED subject to Section 106 to secure:

- Linked to the outline planning permission 19/01223/OUT to only be developed as aggregate development to this wider housing scheme;
- Provision of half a unit of affordable housing as a financial contribution;
- Financial contribution to provision of secondary school places;
- Financial contribution to off-site open space based on the needs of the village of Cockerham;
- Management and long-term maintenance of all landscaping, unadopted roads, drainage infrastructure and on-site open space.

and the following conditions:

| <b>Condition no.</b> | <b>Description</b>  | <b>Type</b>         |
|----------------------|---|---------------------|
| 1                    | Time limit for commencement   | Control             |
| 2                    | Approved plans list   | Control             |
| 3                    | Precise details and samples of materials to be submitted for approval for elevations, external treatments and boundaries. | Pre-commencement    |
| 4                    | Archaeological investigation  | Pre-commencement    |
| 5                    | Energy efficiency measures, insulation  | Pre-commencement    |
| 6                    | Surface water drainage scheme   | Pre-commencement    |
| 7                    | Foul drainage details   | Prior to occupation |
| 8                    | EV charging   | Prior to occupation |
| 9                    | Implement parking provision, control use of parking provision and garages for parking cars and bicycles only              | Control             |
| 10                   | Ecological mitigation measures  | Control             |
| 11                   | Homeowner pack to inform future residents of recreational disturbance to Morecambe Bay                                    | Control             |
| 12                   | Removal of permitted development rights   | Control             |
| 13                   | Unforeseen contamination  | Control             |

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

Officers have made this 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 decision has been taken 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**