

Agenda Item	A8
Application Number	22/00145/FUL
Proposal	Raising and filling of land using excess spoil and topsoil
Application site	Land At Grid Reference E346580 N452460 Lancaster Road Cockerham Lancashire
Applicant	Bleasdale
Agent	HPA Chartered Architects
Case Officer	Mr Andrew Clement
Departure	None
Summary of Recommendation	Approval (However, delegate back to Head of Planning and Place to enable discussion with United Utilities, subject to no new material planning considerations being raised)

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 reaches its highest point at circa 19.4 metres Above Ordnance Datum (AOD) to the northwest section of the site, and falls to around 16.8 metres AOD to the north and 17.5 to the south. To the north lies a hedge to adjacent agricultural fields, with further open agricultural fields to the east. 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. The site is immediately north of Willey Lane and the new dwellinghouse currently under construction.
- 1.2 The site extends around 0.95 hectares and the boundaries to the north and southwest consist of a mixture of fencing and hedgerows, with an agricultural field gate to the southern tip. There is no boundary in place to the east and west. The site is allocated as Open Countryside in the adopted Strategic Policies and Land Allocations DPD. Willey Lane, which is located 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). The site lies within an aerodrome safeguarding zone where consultation is undertaken for structures over 6 metres tall. The northwest and southwest corners 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 This application seeks planning permission for the raising and filling of land using excess spoil and topsoil from the adjacent residential development site, which has outline permission for 24 dwellinghouses and seeks concurrent reserved matters approval and aggregate development for an

additional dwelling (25 dwellings total). The proposal seeks to spread 6,000cu.m of material across the site, spread evenly across the site to a maximum of 1.1 metre above the existing land levels. This will remove the requirement to transport materials and dispose of materials from the adjacent development site further afield.

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
22/00147/FUL	Erection of 1 dwelling with associated internal road and access	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
Parish Council	Objection , 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).
County Highways	No objection , subject to wheel washing through planning condition
Environment Agency	No observation received at time of reporting, a verbal update will be provided to planning committee
United Utilities	No observation received at time of reporting, a verbal update will be provided to planning committee
Natural England	No objection , the proposed development will not have significant adverse impacts on designated sites
Environmental Health	No objection
Public Rights Of Way	No observation received
Ramblers Association	No observation received

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 the development
- Design, scale, ecology and landscape impact
- Drainage and flood risk
- Residential amenity and contamination
- Highways

5.2 Principle of the development

5.2.1 The application proposes to create raised land levels across the site, storing materials extracted from the adjacent housing development site. This will negate the requirement to transport excess material from the adjacent development, which otherwise would need to be transported and deposited elsewhere. The proposal offers the advantage of reduced vehicle trips and distance on the adjacent public highway network, modestly reducing the amount of construction traffic on the public highway and very modestly reducing the carbon footprint of the construction phase of the adjacent development site. Subject to a condition ensuring that all infill material originates from the adjacent field only, there are modest highway and sustainability benefits to the proposal, which is considered to be acceptable in principle. Further clarification regarding the quantum of material removed from the adjacent housing scheme will be sought, to ensure that this equates to the quantity of material to be deposited through this proposal, to further safeguard that materials deposited on the application originate from the adjacent field only.

5.3 Design, scale, ecology and landscape impact (DMDPD policies DM44 and DM46; SPLA DPD policy EN3; NPPF: section 12 and 15)

5.3.1 The proposed raising of levels seeks to predominantly follow the existing topography of the site, to a maximum of 1.1 metre above existing ground level. Spreading material relatively evenly across the site will reduce the visual impact of the proposal, and this will effectively reduce the height of an existing modest depression in the landscape between two higher points to the east and west, but remaining over 5 metres below the peak to the west and just under a metre below the peak to the east. Whilst the surrounding landscape is modestly undulating, the reduction in undulation between these two particular higher points would not unduly harm the open countryside nature of the site and would not detract from the undulating nature of the surrounding agricultural landscape. Subject to ensuring the raised land is topped with at least 100mm of topsoil and grass seeded to ensure a pastureland appearance, it is considered that the scale and details are appropriate, and would have no undue impact upon the landscape in this location.

5.3.2 The ecological impacts of the site were included within the Ecological Appraisal undertaken as part of the adjacent outline permission for housing development. Given the interlinked nature of this

application to the implementation of the outline permission for housing development through the control of source material from this adjacent housing site only, these ecological mitigation measures would be carried out in order to implement the raising of land levels. Combined with grass seeding of a topsoil layer to the proposed raised land, this is considered to mitigate the impacts of the proposal from an ecological perspective. Whilst there are sections of field hedgerow boundaries to the north and south of the site, these are planted in lower ditches to the wider site level, and proposed land raising is to a lesser height at the far north and south ends of the site, and as such no adverse impact upon hedges is anticipated.

5.4 **Drainage and flood risk (DM DPD Policies DM29, DM34; NPPF section 14; Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note)**

5.4.1 The application site is within flood zone 1, at low probability (less than 1 in 1,1000 year annual probability) risk of flooding from a river or sea. There are patches of the site at risk to surface water flooding, at 1 in 1,000 year annual probability to the south of the site, and 1 in 100 year to the north. The adjacent housing development with outline approval to the west of the site seeks development on the sloping topography down towards the application site, and whilst drainage arrangements are still to be agreed through a condition on the outline consent, it is understood that this would be intercepted from the impermeable areas of the housing development, and directed to an attenuation basin before outflowing at a greenfield rate to an underground drainage pipe under the application site. The attenuation basin and surface water scheme within the adjacent housing development site will intercept surface water from this adjacent development site, and control outflow via an underground pipe, rather than the existing arrangement of flowing towards the land sought to be raised through this application where the adjacent site slopes in this direction (approximately the eastern quarter of the site). It is understood that a United Utilities pipe is present beneath the site. United Utilities ordinarily provide consultation responses from the weekly list of applications, and no consultation response has been received to date, and if any response is provided prior to planning committee date this will be presented verbally. However, given that the proposal relates to the depositing of material rather than excavations of the site itself, it is considered that this development would have no undue impact upon existing underground infrastructure, but would restrict access which could prove an issue for the statutory undertaker. This can be confirmed with United Utilities prior to issuing a decision to ensure this does not impede their infrastructure.

5.4.2 The soakaway testing for the adjacent site demonstrates that the site is primarily grass topsoil to 0.3 metres deep, with a stony/sandy clay to approximately 1.8 to 2.2 metres deep, with a firm clay beneath. Whilst the material removed from the adjacent housing development site will not be taken at a consistent depth across the entire site, given that 6000cu.m is to be removed across a 1.7-hectare development site, the material removed will predominantly be within the topsoil layers, and the upper reaches of the stony/sandy clay. Whilst there are known to be infiltration issues locally, and pooling of surface water was witnessed during the site visit, the raised land will broadly follow the topography as existing, at a raised level, with a private underground land drain retained within the site at increased depth due to raised land levels. Furthermore, the hedgerows to the north and south of the field are planted in depressions from the adjacent field and road respectively, providing a potential water storage/drainage route. Whilst little information has been submitted regarding drainage from the proposal itself, given the drainage strategy requirement for the adjacent development site, the scale of this application site and introduction of permeable topsoil and spoil to the site, there will be a feasible solution to store and direct any potential displaced by the raising of levels. As such, subject to the impact upon surface water drainage being fully assessed and mitigated prior to commencement of development on site, with any potential mitigation such as on-site surface water storage and overflow routes implemented as part of the proposal, it is considered that the impacts upon drainage and surface water flood risk can be adequately mitigated by a Grampian style planning condition.

5.5 **Residential amenity and contamination (DM DPD Policies DM2, DM29, DM32; NPPF sections 12)**

5.5.1 The application site is located just 19.5 metres northeast of the nearest existing residential dwellinghouse, and much closer to the rear garden of this house and a dwellinghouse currently under construction. The route of spoil transportation would likely run through the agricultural fields immediately behind the rear gardens of a row of 6 (potentially 7) existing residential dwellinghouses. The earthworks and transportation may cause some temporary disturbance, which although unfortunate, is not beyond that associated with residential developments of 25 dwellinghouses

across the adjacent site in closer proximity to these dwellinghouses. It is considered that the proposal would cause no undue harm to residential amenity for the temporary period of development, and impacts of this aspect of the proposal would be indiscernible from those that would occur concurrently with the development of the adjacent housing scheme.

5.6 **Highways DMDPD policies DM29, DM63; NPPF sections 9 and 12)**

5.6.1 The route of transportation between the adjacent housing development site and this application site to deposit topsoil and spoil can be controlled through planning condition to remain off the public highway, as there are no boundary or landscape features to prevent this closest and most convenient route within the sites. As such, the proposal should reduce vehicle movements across the public highway associated with the development, offering a modest highway benefit. Whilst County Highways have recommended wheel washing of associated vehicles as part of the proposal, the proposal itself has no highway impact and the construction impacts of the adjacent residential development were assessed and controlled through this outline permission. As such, no highway or wheel washing planning conditions would meet the requirements of a planning condition for this proposal.

6.0 Conclusion and Planning Balance

6.1 In conclusion, subject to the raised levels being finished in topsoil and grass seeded, the proposal will have no undue impact upon the protected landscape and ecology. The proposal will have no detrimental impact upon residential amenity due to being carried out in conjunction with the adjacent housing development site for a temporary construction phase. Subject to the materials deriving from the adjacent housing development site, this proposal will delivery modest highway benefits during construction and very modest environmental benefits through reduced carbon footprint of development, which are considered to weigh in favour of the proposal.

Recommendation

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

- Linked to the outline planning permission 19/01223/OUT to only be deposit material from the adjacent site as part of this housing scheme;

and the following conditions:

Condition no.	Description	Type
1	Time limit for commencement	Control
2	Approved plans list	Control
3	Surface water drainage scheme	Pre-commencement
4	Only materials from adjacent development site, transported within the site	Control
5	Grass seeded and restoration timescales	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

None