

Agenda Item	A8
Application Number	22/00618/FUL
Proposal	Demolition of existing agricultural buildings and erection of 22 dwellings (C3) with associated garages, internal roads and open space
Application site	Development Land North Of Rectory Gardens Lancaster Road Cockerham Lancashire
Applicant	Mr M Whelan
Agent	Mr Jake Salisbury
Case Officer	Mr Andrew Clement
Departure	No
Summary of Recommendation	Approval, subject to conditions and a Section 106 legal agreement

1.0 Application Site and Setting

- 1.1 The site is located to the north of the village of Cockerham, approximately 500 metres to the north of the village primary school (Cockerham Parochial School), and it occupies an existing agricultural building and part of a rectangular parcel of land covering approximately 1.3 hectares. The site previously benefitted from outline consent for 18 dwellinghouses and a new access, however this consent recently expired. The site is bounded by a mature hedgerow along the eastern boundary of the site along A588 Lancaster Road, together with protected trees that are located primarily along the boundaries to the site. To the north are continuing fields and to the south lies a private cul-de-sac road and residential dwellings on Rectory Gardens. The site rises from east up to the west, with the field approximately 20 metres Above Ordnance Datum (AOD) at its lowest part adjacent to Lancaster Road rising to 26 metres AOD on the western extent of the site.
- 1.2 The site is largely unconstrained beyond the existing agricultural building, however there is a public right of way that runs to the western of the site (footpath no. 10). The Old Rectory is a Grade II listed building is located approximately 150 metres to the south of the site. There are a number of trees to the south, east and west of the site that are the subject of Tree Preservation Order No.620 (2017). The site is located within an Aerodrome Safeguarding Area and is within the designated Open Countryside area.

2.0 Proposal

- 2.1 This application seeks planning permission for the demolition of the existing agricultural building on site, construction of 22 dwellinghouses, with a site vehicular and walking accesses linking to internal roads. The proposal includes 2 one-bed apartments, 3 detached two-bedroom bungalows, 5 semi-detached two-bedroom houses, 6 detached three-bedroom houses, 4 detached four-bedroom houses with garages, and 2 large detached five-bedroom houses with two storey detached garage outbuildings. The proposal seeks to provide 7 affordable dwellings on site, with the overall housing

mix for dwellings on site detailed below:-

- 2 x one-bedroom apartments (both affordable)
- 3 x two-bedroom bungalows (one of which is affordable)
- 5 x two-bedroom semi-detached dwellings (three of which is affordable)
- 6 x three-bedroom detached dwellings (one of which is affordable)
- 4 x four-bedroom detached dwellings
- 2 x five-bedroom detached dwellings

2.2 The proposed properties are to be finished in a mix of natural stone and rendered walls, under a grey slate roof with anthracite grey framed windows and doors. Some of the properties feature timber porches, with a mix of integral garages, detached garages, and off-street parking on driveways and within a communal parking areas to shared surface accessed properties. The proposed site access matches that previously granted through an outline planning permission with access, albeit this permission has since expired due to lack of agreeable reserved matters and no commencement of development within the timeframe stipulated on the consent.

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
22/00056/FUL	Demolition of agricultural buildings and erection of 4 dwellings (C3) with associated infrastructure, internal road and landscaping	Refused
22/00029/REM	Reserved matters application for the erection of 18 dwellings with associated landscaping and open space	Refused
17/00723/OUT	Outline application for the erection of 18 dwellings and creation of a new access	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Objection , insufficient infrastructure in Cockerham to accommodate addition dwellinghouses, and potential road safety issues from proposed access
Lead Local Flood Authority	No objection , operational standards achievable, subject to planning conditions for a Final Surface Water Sustainable Drainage Strategy, Construction Surface Water Management Plan, Sustainable Drainage System Operation and Maintenance Manual and Verification Report of Constructed Sustainable Drainage System, plus informative regarding Ordinary Watercourse (Land Drainage) Consent.
County Highways	Concern regarding lack of swept path information for turning head and parking provision. Requested highway improvements of pavements, lighting, gateway measures to the village, and bus shelter, plus financial contribution to projects across the district.
County Education	No observation received
Greater Manchester Ecology Unit	Require condition for homeowner packs, avoiding tree/hedge removal during nesting bird season and a Landscape and Ecological Management Plan through planning condition
County Archaeology	No objection , subject to a written scheme of investigation and programme of works of geophysical surveys and trial trenching for archaeological remains
Environmental Health	No observation received
Fire Safety	No objection , informative regarding emergency vehicle access and water provision
Engineering Team	No observation received

Waste and Recycling	Concern regarding the distance plots accessed by shared surface accesses will be expected to manoeuvre waste containers in exceedance the suggested 25 metre maximum. Collection points required at the end of each shared surface access point to the internal road network to prevent blocking vehicular and pedestrian access.
Police	No observation received
Natural England	Further information requested for an updated Habitats Regulation Assessment which includes further assessment of the potential disturbance impacts during the construction and operation phases upon functionally linked land. No updated response received on re-consultation on updated Habitats Regulation Assessment
Parachute Centre	No objection , concern regarding road closure during construction
Arboricultural Officer	Objection , due to proximity of dwellinghouses within falling distance of trees, likely to present future conflict with tree retention. Require further details of planting the site edges, within the site and to plot boundaries. Lack of protection of hedging within the site is disappointing.
United Utilities	No objection , subject to details of sustainable surface water drainage and foul drainage schemes
Planning policy and strategic housing	Affordable housing provision and mix are compliant, require tenure split and details for affordable units

4.2 **Objections from 30** members of the public have been received, plus the residents of Rectory Gardens, raising the following concerns and reasons for objection:-

- Access from a dangerous road, highway safety from access and additional traffic in Cockerham and impacts upon Cockerham Road, including a listed building Canal Bridge
- Poor footpaths/pavements and walking provision
- Poor public transport locally
- Pollution from car-borne travel
- Lack of infrastructure within the village to accommodate additional dwellings, including school at capacity, no shops, doctors, dentist, inadequate foul drainage and telecoms
- Flooding and surface water runoff
- Ecological impacts, including great crested newts
- Adverse landscape impacts, loss of green space, uprooted hedges and trees
- Harm to appearance/character of the village, cumulative impacts of other housing developments, disproportionate to small village
- Impacts upon neighbour's mental health
- Devalue existing neighbouring properties

5.0 Analysis

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

- Principle of development
- Housing Density, Mix and Affordable Housing
- Layout, Residential Amenity and Energy Efficiency
- Scale, Appearance, Design and Heritage
- Highways and Transport
- Flood Risk and Drainage
- Landscape, Trees, Ecology and Open Space
- Contamination, Waste, Health, Education and Employment

5.2 **Principle of development** (Development Management (DM) DPD DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (The Delivery of Affordable Housing), DM4 (Residential Development outside Main Urban Areas), Strategic Policies and Land Allocations (SPLA) DPD SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes), H2 (Housing Delivery in Rural Areas of The District), National Planning Policy Framework (NPPF) Section 2 (Achieving sustainable development), Section 4 (Decision-making), Section 5 (Delivering a sufficient supply of homes))

- 5.2.1 The National Planning Policy Framework (as updated in 2021) is a material consideration in the determination of planning applications. In this instance, the NPPF reiterates that there is a need to 'significantly boost' the supply of homes, and chapter 5 sets out the priorities that LPAs should pursue in delivering an appropriate number of dwellings to meet their objectively assessed need. From a local perspective, the most recent five-year housing land supply position document (September 2022) confirms that the LPA is presently only able to demonstrate a 2.1 year supply. As a consequence, there is a clear expectation that, unless material considerations imply otherwise, sites that offer the opportunity to deliver additional housing should be considered favourably in the majority of cases. Unless dictated otherwise by relevant policy requirements, proposal for residential development will need to be considered within the context of the NPPF's tilted balance. The general need for housing throughout the district is established, and table 4.1 of the DM DPD sets out the mix of properties that the LPA expects proposals to deliver.
- 5.2.2 Whilst previous outline consent for 18 dwellinghouses at the site have since lapsed just over a year ago, and therefore cannot provide a fallback position, Cockerham is allocated as a sustainable rural settlement within Policy SP2 Settlement Hierarchy. Such settlements provide the focus of growth for Lancaster district outside the main urban areas, where sustainable levels of rural growth would be supported. Two slightly larger housing developments at either end of Cockerham have relatively recently been granted, with the allocated site currently being built out. Whilst the development of 22 additional dwellinghouses is individually considered a sustainable level of rural growth, local concerns regarding the cumulative impacts of other nearby developments and permissions is understandable. However, given the fact Cockerham is allocated as a sustainable rural settlement, combined with the Council's lack of housing land supply and repercussions of this in the preceding paragraph, the principle of development is considered to be acceptable. The windfall site would help to address local housing need, and additional houses would provide support to local services and facilities, and associated social and economic benefits of addressing such housing need weighs moderately in favour of the proposal.
- 5.3 **Housing Density, Mix and Affordable Housing (Development Management (DM) DPD DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (The Delivery of Affordable Housing), DM4 (Residential Development outside Main Urban Areas), Meeting Housing Need SPD, Strategic Policies and Land Allocations (SPLA) DPD SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes), SP9 (Maintaining Strong and Vibrant Communities), H2 (Housing Delivery in Rural Areas of The District), National Planning Policy Framework (NPPF) Section 2 (Achieving sustainable development), Section 4 (Decision-making), Section 5 (Delivering a sufficient supply of homes) Section 11 (Making effective use of land)**
- 5.3.1 The expired consent at this site proposed 18 dwellinghouses, and whilst the current application site seeks 22 dwellings, this is a larger site. The application incorporates the demolition of an existing concrete panel and corrugated sheet agricultural building, with a smaller buff stone blockwork building, neither of which are of significant age nor architecturally detailed to be noteworthy among the streetscene other than the agricultural appearance within the rural setting of Cockerham village. This larger site provides a developable area of circa 1.1 hectare, and the approximately 20 dwellinghouse per hectare is considered to offer a suitable rural density of development. Whilst this low density offers predominantly detached dwellinghouses, this density and house type is congruent to the existing housing type within of Cockerham, at the gateway to the north of this rural village.
- 5.3.2 The proposal seeks to deliver the housing mix detailed within the table below, which is considered to be a positive aspect of the scheme, meeting the identified housing needs policy position and an identified local housing need detailed by policy colleagues. The provision of bungalows, including one as an affordable unit, is particularly positive. Whilst the affordable provision is for predominantly smaller one and two bed units, the semi-detached units could be occupied as 3-bedroom, albeit the small size of one of these rooms is beneath bedroom scale stipulated within Nationally Described Space Standards (NDSS) and as such is considered a home office within a two-bedroom dwelling. However, the mix is considered policy compliant, with 7x affordable homes delivered on-site providing full 30% affordable provision including bungalows, this is considered to be a positive aspect of the scheme, further amplifying the social and economic benefits of addressing local housing shortages by also addressing specific housing needs.

House type	% required by DM1	Proposed housing mix	Proposed by scheme
1 bed or apartment	10%	2	9%
2 bed dwelling	20%	5	23%
3 bed dwelling	35%	6	27%
4+ bed dwelling	25%	6	27%
Bungalows	10%	3	14%
Other	0%	0	0%
TOTAL	100%	22	100%

5.3.3 At this stage, it is unconfirmed which precise affordable units would be affordable/social rent and intermediate tenure. However, subject to committee determination, officers will seek 4x of the units to be affordable/social rent and 3x intermediate tenure through the legal agreement process, ensuring policy compliance with DM3. The three bungalows, ground floor apartment and two largest dwellinghouse on site are all capable of meeting M4(2) accessibility and adaptable dwellings standards, subject to floor and external levels, which should be controlled through planning conditions for these units and other across the site to address flood risk as well.

5.4 **Layout, Residential Amenity and Energy Efficiency** (Development Management (DM) DPD DM2 (Housing Standards), DM29 (Key Design Principles), DM30 (Sustainable Design), DM46 (Development and Landscape Impact), DM57 (Health and Well-Being), Strategic Policies and Land Allocations (SPLA) DPD (The Open Countryside), National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places), Section 15 (Conserving and enhancing the natural environment), Nationally Described Space Standards (NDSS) and National Model Design Code (NMDC))

5.4.1 Whilst an upper floor rooms within the semi-detached house type 5 are considered to form home-office due to modest scale, this meets NDSS standards as a 2-bedroom dwellinghouse, and all other house types achieve or proportionate exceed these minimum standards. All habitable rooms benefit from windows with outlook. All dwellinghouses achieve or exceed minimum garden size with 10 metre depths or greater, as would be expected of greenfield housing development in a rural village location.

5.4.2 Suitable separation between dwellinghouses is provided to ensure no adverse impacts from overlooking or overshadowing within and around the site. Whilst Unit 20 contains side facing openings towards Units 4 and 5 at circa 18 metres and 16 metres separation respectively, given that the upper floor window of Unit 20 is obscured and opposing ground floor openings face the highway and pavement, this arrangement is considered to offer satisfactory standards of amenity. Similarly, bungalow Unit 19 is circa 19 metres from apartment Units 17 and 18, but the upper floor apartment has no clear glazed rear facing openings, and as such, this arrangement relating to ground floor openings, with garden fence between, maintains privacy standards. This is subject to side facing upper floor openings of Unit 20 and upper floor rear facing openings to Unit 18 being permanently obscure with high-level openings at all times, controlled through planning condition.

5.4.3 The sought layout provides a low density of predominantly detached dwellinghouses, achieving minimum standards of space and amenity whilst providing a balance between effective use of land in a fashion that maintains a rural density congruent to Cockerham at this northmost entrances to the village. The focus of open spaces alongside Lancaster Road to the east helps to provide a rural visual to the streetscene, particularly as a continuation of the large grass verge on the inside of the road bend adjacent to the northeast corner of the site. The sought layout of dwellinghouses also offers a suitable setback from Lancaster Road, similar to some other properties within Cockerham and offering mitigation to noise from this road. The road layout is considered positive, fluid curving arrangement reflects the topographical changes across the site, offering similarities to the Rectory Gardens arrangement to the south and the recently granted scheme on the opposite side of Lancaster Road.

5.4.4 Three of the eastmost properties present side elevations to Lancaster Road, however this has been mitigated through design aspects explored in the following section. As such, and despite some dwellings facing into the site rather than the more prominent aspect towards Lancaster Road, the layout is considered to be policy compliant and compatible to the wider character of Cockerham,

whilst achieving and maintaining acceptable amenity standards to future occupants and existing neighbouring dwellinghouses.

- 5.4.5 Current adopted Local Plan policy does not set a standard for Energy Efficiency, however the submitted Energy Statement recognises the direction of travel of both future Building Regulations and emerging planning policy and proposes several measures to positively contribute to mitigating against the impacts of climate change. The site-specific fabric details insulated cavity walls, floor slab insulation, insulation for both cold and warm roofs, glazing, low energy lighting and air heating provided by air source heat pumps. Whilst these measures have not been compared directly against building regulation requirements, subject to a planning condition for a full detailed Energy Statement demonstrating an exceedance of Building Regulations, which in themselves have become more stringent since adoption of the current policy position (requiring CO2 emissions from new build homes to be around 30% lower than standards in place at the time of the adoption of the current Local Plan), the proposal is considered to meet sustainable design standards.
- 5.5 **Scale, Appearance, Design and Heritage (Development Management (DM) DPD DM29 (Key Design Principles), DM37 (The Setting of Designated Heritage Assets), DM42 (Archaeology), DM46 (Development and Landscape Impact), Strategic Policies and Land Allocations (SPLA) DPD SP7 (Maintaining Lancaster District's Unique Heritage), EN3 (The Open Countryside), National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places), Section 15 (Conserving and enhancing the natural environment), Section 16 (Conserving and enhancing the historic environment), Listed Building and Conservation Areas Act 1990 paragraphs 72 and 73, National Model Design Code (NMDC)**
- 5.5.1 In conjunction with the NPPF, policy DM29 seeks to secure developments that contribute positively towards the identity and character of the areas in which they are proposed. Good design should respond to local distinctiveness and in locations such as Cockerham, a focus on an appropriate palette of materials will be important. The revised NPPF also places an increased focus on good design through advocating 'beautiful' buildings and places to reside.
- 5.5.2 Cockerham contains a variety of architectural styles, although these are predominantly bungalows and two-storey dwellings under a gable end roof, with materials of grey slate roofs over a variety of external wall finishes. Whilst the natural stone walls and slate remain unspecified at this time, these could be controlled through planning condition for details and samples to ensure these are appropriate to existing natural buff sandstone walls and natural grey slate roofs that are characteristic of the area. Similarly, render is widely used in Cockerham, and precise details of RAL colour and finish can be controlled through planning condition, along with window frame materials and dimensions, details of doors, garage doors, air source heat pumps and other external details.
- 5.5.3 Given the sloping topography of the site and visibility from the public right of way and particularly Lancaster Road, controlling the details and samples of high-quality external materials through planning condition would be necessary. Details of boundary treatments are currently limited, and given the visibility of the edges to the site, tall timber fencing would appear overtly domestic and a poor visual entrance to the village, particularly given the terraced appearance this would give from sloping topography. This has been discussed with the planning agent, with agreement to a 'notwithstanding' planning condition to control details and heights of boundary treatments through this process, not prejudiced by details on the submitted site plan. Boundary treatments, particularly to the north and south, will be prominent from surrounding roads and viewpoints, and therefore controlling these through planning conditions, and removing permitted development rights for boundary treatments, is considered a necessary and appropriate way of ensuring acceptable details.
- 5.5.4 The proposal contains some large properties, up to 9.4 metres tall to the ridge, but predominantly 8.9 metres tall or shorter. Despite this height of proposed built form, it is considered proportionate to other buildings within Cockerham. The retention of protected trees of substantial heights around the site will help ground the proposed development and make this appear more subservient, despite the rising topography. From a visual and massing perspective the dwellings are considered to be proportionate to existing properties within the visual context of the site, and the positioning of smaller units to the north and east will soften the visual impact of larger properties set within the site. There is suitably varied form of development and external appearance, preventing the scheme from appearing as monotonous and uninspiring, which is important for congruency to Cockerham and the varied dwellinghouse that are characteristic of the village. The gable end roof and front features to

the development are appropriate to the setting, and provide a sufficient congruency to local built form without replicating existing properties or appearing pastiche.

- 5.5.5 Concerns were raised with gable end side elevations facing the highway, particularly the bungalow forming the entrance to the village and dwellinghouses either side of the site entrance, as this would create a poor and uninviting entrance appearance to the site. This has been softened with marginal reorientation and more substantive side facing window openings and projecting bay window features, which helps to articulate and animate side elevations to these key node properties. Whilst ideally having the frontages to these properties facing Lancaster Road would be preferable, given this impacts upon just three properties, combined with the setback from Lancaster Road, the approach within the proposal is considered to be acceptable from design, visual amenity or streetscene perspectives. This is subject to conditions controlling precise details of external materials and landscaping, to ensure the open space areas soften this appearance and retain a rural green aspect to Lancaster Road, transitioning to entering the village from the agricultural surrounds further north. Subject to these and previously mentioned planning conditions, it is considered that the proposed development will appear congruent to Cockerham, causing no undue harm to the character of the village or wider landscape within this sensitive village entrance location.
- 5.5.6 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM37. The development boundary is located approximately 30 metres to the north of the Old Rectory, which is a former vicarage of 1843 (now residential accommodation) that is a Grade II listed building. The setting of this building has been somewhat undermined by the existing surrounding residential development along Rectory Gardens. Given the intervening built form and protected trees, combined with nearest proposed dwelling being circa 48 metres from the aforementioned heritage asset, it is considered that the proposed development does not pose any further significant detriment to the setting of the listed building. The proposal's impact is considered neutral from a heritage perspective.
- 5.5.6 There is a potential for previously unknown archaeological remains to exist within the proposed development site, which should be addressed by means of a programme of pre-commencement archaeological works. Subject to a written scheme of investigation for carrying out archaeological works, including an initial phase of geophysical survey and trial trenching, prior to commencement. Such survey works must be implemented and report on the outcome of agreed works, which will proportionately address the potential for archaeological interest at the site and mitigate any discovered impacts by fully reporting and cataloguing such finds through the correct channels, controlled through planning condition.
- 5.6 **Highways and Transport** (Development Management (DM) DPD DM29 (Key Design Principles), DM57 (Health and Well-being), DM58 (Infrastructure Delivery and Funding), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision), DM64 (Lancaster District Highways and Transport Masterplan), Appendix E (Car Parking Standards), Strategic Policies and Land Allocations (SPLA) DPD SP10 (Improving Transport Connectivity), National Planning Policy Framework (NPPF) Section 9 (Promoting sustainable transport))
- 5.6.1 The proposal seeks a new vehicular access broadly in the same location and dimensions as previously consented at the site, although since expiring this no longer provides a fallback position at the site. Whilst the addendum to the Transport Statement submitted relates to additional trips, a key change since granting the permission at the site in 2017 is the introduction of a 30mph zone through Cockerham, which begins circa 38 metres north of the site entrance. Furthermore, very recently average speed cameras have been installed on the A588 Lancaster Road, to enforce the speed limit of 40mph north of the established 30mph sign for circa 533 metres north of this point, and reduction to 50mph (down from 60mph) beyond this towards Lancaster. Whilst further from the site, speed reductions and enforcement measures have also been installed west of Cockerham towards Pilling and beyond as part of these recent highway works.
- 5.6.2 The vehicle speeds and other data within the submitted Transport Statement is over 6 years old, and. However, the reduction of speed limits locally will reduce vehicle speeds on both sides of the proposed access from the information presented within the Transport Statement. The submitted

visibility splay plan demonstrates visibility from a viewpoint 4.5 metres within the site access for 90 metres south, and even reducing the north splay accounting for obstacles of trees outside of the applicant's control, the north splay is also 90 metres long. Whilst we have no reliable contemporary 85th percentile vehicle speed, the requisite visibility splay distance for speeds exceeding the local speed limit is 54 metres up to 35mph, and 65 metres splays required for serious exceedance of up to 40mph. As such, given that the access was originally designed and permitted when higher speed limits were present on this section of Lancaster Road, it is considered that the site access and demonstrated visibility splays of 90 metres either side of this access from 4.5 metres back into the site is suitable for a safe means of access and egress from the site.

- 5.6.3 More recent collisions data shows three non-fatal casualty collisions have been reported in Cockerham within the last 5 years, however these instances have occurred further south at the junction between the A588/B5272 Lancaster Road and Main Street. As such, subject to the provision and maintenance of suitable visibility splays within the site ownership and full details of the construction and lighting at the site access, the proposal is considered to have no severe adverse impact upon highway safety, with no objection from County Highways. Pedestrian movements require off-site highway improvements to ensure these are safe for additional footfall from the proposal, requiring improvements to pavements south of the site access and at the junction between the A588/B5272, as the key crossing point to the primary school and other facilities in Cockerham. In addition to pavement improvements, improvements to bus stops should also be provided as off-site highway improvements to encourage sustainable transport, as recommended within the County Highways consultation response and previously secured through historic but unimplemented consents at this site. These can be controlled through planning conditions and legal agreements. Recognising this is a sensitive section of local highway, a construction management plan should be controlled through planning condition to ensure such vehicle movements, deliveries and activities during construction do not cause any severe adverse impact upon the highway network.
- 5.6.4 County Highways requested £14,050 towards delivering various highway developments in Lancaster and Morecambe. Given the separation distance from suggested highway projects sought for contributions, it is also difficult to reach a planning view that the development should be refused if this was not provided, and fails to comply with the Community Infrastructure Levy (CIL) tests of being reasonable, necessary and proportionate for a development at such a separation. As such, this contribution will not be sought, and aforementioned visibility splays, CMP and off-site highway works are considered suitable mitigation to ensure no adverse impact upon highway safety.
- 5.6.5 The proposed access and main spine road are 5.5 metres wide, with 2 metres wide pavement on both sides of this internal spine road. The three dwellinghouses north of the site entrance and at the far end of the cul-de-sac are served by narrower shared surface arrangements. The provision of pavements across the site and formalisation of an existing walkway gate providing closer links to public right of way footpath no.12 encourages walking through design and such provision, prioritising pedestrian and cycle movements. Subject to secure cycle storage provision for each dwellinghouse and EV charging points for Units sharing parking provision at the heads of shared surface accesses (provision to other Units legislated through Building Control), it is considered that the proposal suitably encourages sustainable transport.
- 5.6.6 Whilst sustainable transport is encouraged, given the rural location and limited bus services, particularly in the evenings, achieving parking standards is an important consideration. Except for the one bed apartments (which have a single space each), all units benefit from at least two parking spaces. More than half (twelve) of the Units benefit from private garages of suitable dimensions to be considered parking spaces, and the off-street parking provided across the site is considered to be acceptable, subject to these being provided prior to occupation of each unit. Whilst concern has been raised regarding the lack of swept-path details for the turning head, this appears to provide sufficient space for domestic and waste collection vehicles, albeit larger vehicles would likely momentarily impede other vehicle movements whilst turning within the site.
- 5.7 **Flood Risk and Drainage (Development Management (DM) DPD DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure), DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD SP8 (Protecting the Natural Environment), National Planning Policy Framework (NPPF) Section 14 (Meeting the challenge of climate change, flooding and coastal change), Section 15 (Conserving and enhancing the natural**

environment)

- 5.7.1 The site lies within flood zone 1, on a downwards east facing slope with the higher point of topography between the site and the sea. Areas of defended flood zone are over 150 metres west of the site. Furthermore, there are no known surface water flooding risks on site or adjacent to this, despite the impermeable subsoils at the site ruling out soakaways through on-site infiltration testing. As such, the site is not at risk of flooding, and subject to suitable drainage arrangements for the development and impermeable areas this would create, the proposal is considered acceptable in terms of flood risk. Foul drainage arrangements can be controlled through planning condition, with mains sewers present in Cockerham circa 75 metres south of the site.
- 5.7.2 The third revision of the Drainage Strategy received in March details intentions to discharge to a drainage ditch approximately 670 metres southwest of the site on the north side of Marsh Lane, a drainage scheme currently being progressed by the granted development on the opposite side of Lancaster Road through a pending discharge of conditions application. The application site will be positively drained and attenuated to pre-development greenfield runoff rates through a hydrobrake, with surface water storage of 400m³ within open space areas. Whilst basic in detail, this provides evidence that a drainage scheme in accordance with the hierarchy of drainage options can be provided at the site without exacerbating flood risk on-site or elsewhere. The Lead Local Flood Authority has no objection to the proposal, subject to planning condition for a fully detailed drainage scheme for the proposed development and measures to ensure suitable drainage arrangements during construction. Subject to the aforementioned planning conditions, the proposal has no adverse impact on flood risk, and be drainage in accordance with policy and guidance, with surface water attenuation ponds benefiting local ecology.
- 5.8 **Landscape, Trees, Ecology and Open Space (Development Management (DM) DPD DM27 (Open Space, Sports and Recreation Facilities), DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland), Appendix D (Open Space Standards and Requirements), Strategic Policies and Land Allocations (SPLA) DPD SP8 (Protecting the Natural Environment), National Planning Policy Framework (NPPF) Section 8 (Promoting healthy and safe communities), Section 15 (Conserving and enhancing the natural environment)**
- 5.8.1 The site contains a number of trees within the site and just beyond site boundaries that are protected through tree preservation orders. Whilst the submitted information demonstrates how all trees will be protected during construction and development, the proximity of dwellinghouses within falling distance of trees to the southeast corner of the site and tree T32 within the site is unfortunate. This may pressure these trees for removal following occupation, particularly given these trees would shade the nearest gardens, and trees would be within falling distance of dwellinghouses. This arrangement and proximity to established trees has not been addressed within the scheme, and weighs against the proposal. However, only modest weight is applied to this detraction given the trees are protected throughout the construction phase, and tree protection orders of these trees provides some control for their retention.
- 5.8.2 A section of hedgerow would require removal for the site access, and for the southern visibility splay along the site frontage totalling circa 28 metres of hedgerow to the southeast corner of the site adjacent to Lancaster Road. The northern visibility splay is largely provided through curvature of the road, with hedgerow to the north of the access retained through protection measures. Hedges within the site around tree T32 are not included within the protection measures, resulting in a possible loss of 50 metres of hedgerow, some of which could be retained due to separation from development, albeit this makes a less visual and landscape impact set within the site.
- 5.8.3 Whilst the proposal results in a potential 78 metre removal of hedgerow, some of which appears unjustified, this can be mitigated through measures within the submitted Ecological Appraisal, including hedgerow planting around the site and the 135-metre northern boundary to be created/planted, and along the north end of the western boundary. Full details will be required through a detailed planting scheme reflecting the amended site plans, and ensuring a meaningful biodiversity net gain through a Landscape and Ecological Creation and Management Plan, controlled through planning conditions and legal agreement. Subject to these details controlled through such measures, the proposal is considered to satisfactorily mitigate the ecological impacts of hedgerow removals and loss of semi-improved grassland impacts detailed within the submitted Ecological

Appraisal.

- 5.8.4 The site is within an amber risk zone for Great Crested Newts (GCN), and the proposed development presents a risk that great crested newts may be harmed. Under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), a Licence will be required from Natural England. In this instance, rather than seek the traditional mitigation Licence, the applicant has opted to enter into the District Level Licence (DLL) incentive offered by Natural England. A GCN DLL Impact Assessment & Conservation Payment Certificate has been received as part of this application.
- 5.8.5 Under the traditional approach to licensing disturbance of great crested newts, developers who want to build on land where they are found must trap and relocate the species before starting work, simply keeping them out rather than helping to conserve their wider populations. Research by Natural England has found that the amount of money spent on survey, trapping and exclusion with plastic fencing can outstrip that spent on habitat creation and management by a ratio of almost seven to one. Crucially, a lot of resource is used without there really being significant benefits for the newts. With respect to this application, Natural England have confirmed in writing that a DLL was issued in relation to the application site on 3rd April 2023. Significant weight must be attached to the fact that Natural England have granted a Licence in this instance.
- 5.8.6 Ultimately, although Natural England have granted the DLL, the local planning authority must still have regard to Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 and must consider whether or not:
- i) That the development is 'in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment;
 - ii) That there is 'no satisfactory alternative'; and,
 - iii) That derogation is 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'
- 5.8.7 It is accepted that their granting of the Licence demonstrates compliance with test iii above. However, tests 'i' and 'ii' must still be considered by the Local Planning Authority. With respect to the first test, the benefits of the scheme in terms of social and economic benefits of housing provision, particularly meeting local housing and affordable housing need, provides overriding public interests and benefits. The proposal can be made safe through mitigation, particularly to the site access, and environmental credentials controlled through conditions and legal agreements. As such, this test is considered to be passed.
- 5.8.8 In terms of the second test and the lack of a satisfactory alternative, there is another similar nearby scheme recently granted. However, this similar nearby scheme will not overcome the acute housing need within the district in itself, which this proposal will help to address, albeit still falling a long way short of meeting the lack of housing land locally. As such, the impact upon GCN is considered to be adequately mitigated through the DLL process, and it is considered that the proposal is acceptable with regard to the Conservation of Habitats and Species Regulations 2010.
- 5.8.9 The Ecological Appraisal concludes the existing barn is sealed and offers negligible potential for roosting, and trees with negligible or low potential for bat roosts retained within the development. Construction practices and mitigation measures detailed within the submitted Ecological Appraisal can adequately ensure no adverse harm to protected species, with mitigation and net gain delivered through these measures combined with an Ecological Creation and Management Plan.
- 5.8.10 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. Natural England requested further information to be

included within the submitted AA relating to cumulative and functionally linked land impact, however no further response has been received to the updated document consulted upon in mid-March. Given the further information and mitigation of a construction environmental management plan, landscaping and homeowner packs, combined with the nature of the site occupied by a farm building adjacent to a heavily trafficked A-road, it is considered that the impact upon overwintering and passage birds can be adequately mitigated. As such, subject to the implementation of the mitigation measures within the AA, the proposal is considered to have an acceptable impact upon the environment, habitats and protected species and sites.

5.8.11 The site plan details public open space of at least 800sq.m within the site, plus areas of communal space for landscaping areas and above ground surface water attenuation features to the front (east) of the site. This provides ample amenity green space within the site. Young persons provision and sports provision cannot be provided on-site, however the additional pressure on such facilities within Cockerham can be adequately mitigated through financial contributions to known projects within Cockerham, calculated based on the number of bedrooms provided within the proposal. Subject to such payment being controlled through legal agreement for the amount and projects detailed within the consultation response from Public Realm, the proposal is considered to adequately address provision and impacts upon public open space.

5.9 **Contamination, Waste, Education and Employment (Development Management (DM) DPD policies, DM28 (Employment and Skills Plans), DM32 (Contaminated Land), DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD policies: SP9 (Maintaining Strong and Vibrant Communities), National Planning Policy Framework (NPPF) Section 8 (Promoting healthy and safe communities), Section 12 (Achieving well-designed places)**

5.9.1 A Contaminated Land Phase One Desk Study has been submitted with the application, detailing potential contaminants from Cementous corrugated sheeting likely containing asbestos fibres, plus the northern end of the site potentially being contaminated from the former petrol station to the north. It is recommended that, following the safe removal of Cementous material, further intrusive investigations are undertaken into the potential existence of asbestos fibres around the agricultural building to the northeast of the site, along with intrusive investigations undertaken along the northern boundary to the site to confirm what risk, if any, will exist from this site. This can be controlled through pre-commencement (other than Cementous removal) planning condition, with the remainder of the site covered through unforeseen contamination measures. Subject to such a planning condition, the proposal is considered to suitably protect and cause no undue harm to construction workers and future occupants through contamination.

5.9.2 Waste bin storage can be provided within rear gardens of all dwellinghouses, with the exception of the proposed first floor apartment, which has an external visually contained bin/bike storage area. These arrangements are considered to be suitable. Whilst waste collection lorries can access and turn at the far end of the site, collection points for shared use areas will be required. These have yet to be detailed on plan, but given such provision would involve surfacing and low boundary treatments, these can be controlled through planning condition. The turning head is within 27 metres of Unit 13, marginally exceeding the suggested 25 metre maximum drag distance, whilst such a space is directly to the rear of other units beyond the turning head. The drag distance for Units 16 to 18 would be between 30 metres and 53 metres, a greater exceedance. However, it is understood that at least this route will be downhill to kerbside movements when the bins are full, and slightly uphill when empty. This is still unideal, but with no simple solution, and given other properties have simple kerbside arrangements adjoining front gardens, the exceedance of 3 Units only weighs only modestly against when considered across the whole site of 22 dwellinghouses.

5.9.3 It is crucial that development coming forward makes provision for essential community infrastructure, and education would fall within this. It is vital that there are sufficient school spaces to accommodate the additional pupils that the development is likely to generate. There is an existing primary school within Cockerham, and the nearest secondary school is located circa 11 minutes' drive time (5.5 miles road distance) away in south Lancaster. Unfortunately, a response from County Education has not been received; an update regarding this will be reported verbally at committee if received. Contributions sought within Cockerham approximately 6 months ago suggest that contributions relating to two secondary school places and no primary school places will be requested. This will ideally be confirmed prior to committee determination, but such contribution will be controlled through the legal agreement process, if required as evidenced within the anticipated County Education

response. Such a request is considered to be related to the development and fair and reasonable in scale and kind, subject to the final figure being proportionate to the scale of development, and controlled through legal agreement.

5.9.4 This application has met the threshold for requiring production of an Employment and Skills Plan (ESP). The ESP details how opportunities for, access to and up-skilling local people through the construction phase of the development proposal will be provided. As such, and given that mitigation would likely be met during construction phase of the development itself, this should be controlled through pre-commencement planning condition to ensure any consent granted delivers the ESP requirements.

6.0 Conclusion and Planning Balance

6.1 The proposal to deliver up to 22 dwellings, at a housing mix to meet local housing need and including the provision of 7 affordable homes. This offers positive social and economic benefits of additional housing, particularly at a time when there is a lack of housing land supply, with a larger degree of positive weight is attached to the positive housing mix and the delivery of affordable homes at a time where there is a particular demand for affordable homes. The proposal has no adverse impacts upon protected landscapes, irreplaceable habitats, flood risk nor designated heritage assets, therefore applying a tilted balance towards the delivery of residential development. It therefore needs to be considered whether any adverse impacts would significantly and demonstrably outweigh the benefits.

6.2 There are a number of positive aspects to the proposal, and whilst the proximity of dwellinghouses to existing protected trees is not ideal, and waste arrangements could inconvenience a small number of future occupants, given the protection of trees during construction and no obvious solution on waste, neither are attributed greater than modest weight in terms of harm. These considerations would not significantly and demonstrably outweigh the aforementioned benefits of housing provision, and other aspects relating to highways, safety, sustainable transport, archaeology, open space, ecology, protected species, drainage, design, energy efficiency and amenity can all be controlled and mitigated to provide neutral impacts in terms of a planning balance. Given the significant undersupply of housing within the District and above consideration and planning balance, it is recommended that planning permission is granted.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions and Planning Obligations:

- Provision of a minimum of 30% affordable housing (7 units on site, 4x affordable/social rent, 3x intermediate tenure)
- Open space provision (on-site amenity green space provision and financial contribution of £10,000 for young persons provision and £22,328.70 for outdoor sports in Cockerham)
- Biodiversity net gain to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30 year management.
- Provision for long term drainage, open space and landscaping/BNG, maintenance and management company; and,
- Contribution to Education (for two secondary school places)

Condition no.	Description	Type
1	Timescale for commencement (2 years)	Standard
2	Development in accordance with approved plans	Standard
3	Scheme of archaeological work	Pre-commencement
4	Final surface water sustainable drainage strategy (SuDS)	Pre-commencement
5	Foul water scheme	Pre-commencement
6	Finished site and floor levels (including gardens and open space) and M4(2) compliance	Pre-commencement
7	Full landscaping and ecological management plan	Pre-occupation and first planting season
8	Ecology mitigation measures	Pre-commencement
9	Full energy efficiency measures	Pre-commencement

10	Submission of an Employment and Skills Plan	Pre-commencement
11	Submission of construction management plan	Pre-commencement
12	Submission of construction environmental management plan, including avoiding noise disturbance activities during wintering bird season	Pre-commencement
13	Submission of construction surface water management plan	Pre-commencement
14	Full details of site access/footway/lighting	Pre-commencement
15	Elevations and external treatment material details and samples	Pre-commencement
16	Contaminated land – further surveys following recommendations of the report	Pre-commencement (other than Cementous removal)
17	Boundary and surface treatments, method statement for such works within tree protection fencing area, remove permitted development	Pre-commencement of boundary/surface treatments
18	Site lighting scheme	Pre-commencement of lighting
19	Scheme for the full engineering, drainage and construction details of the internal estate roads	Prior to commencement of estate roads
20	Off-site highway works, including pavements and bus shelter	Pre-use of access and occupation
21	Visibility splays	Pre-use of access and occupation
22	Sustainable drainage system operation and maintenance manual.	Pre-occupation
23	Verification report of constructed sustainable drainage system	Pre-occupation
24	Obscure glazed openings 18 and 20	Pre-occupation
25	Cycle storage details	Pre-occupation
26	Waste bin provision details	Pre-occupation
27	Homeowner packs ecology	Pre-occupation
28	EV charging	Pre-occupation
29	Implementation of approved tree protection measures	Control, implement prior to commencement
30	Provide and control parking provision	Control, implement prior to occupation

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

None