

Agenda Item	A7
Application Number	23/00750/VCN
Proposal	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane (pursuant to the variation of condition 3 on planning permission 19/01223/OUT to alter the visibility splays)
Application site	Land At Grid Reference E346580 N452460 Lancaster Road Cockerham Lancashire
Applicant	L&W Wilson (Higham) Ltd
Agent	HPA Chartered Architects
Case Officer	Mr Andrew Clement
Departure	No
Summary of Recommendation	Approval

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 24.5 metres Above Ordnance Datum (AOD) to the southeast section of the site, and falls to around 20 metres AOD by Lancaster Road to the west, and 20 metres AOD to the eastern edge of the site. 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 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 This application seeks to vary outline permission (19/01223/OUT), which was granted by Planning Regulatory Committee in December 2019 for the erection of 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane in Cockerham. This application proposes to vary condition 3 of this permission, relating to the approved vehicular access and associated visibility splays. This planning condition stipulated visibility splays to be 2.4 metres setback with 120 metres

visibility northbound and 100 metres southbound from the centre point of this approved access. This condition also requires constructional details of the access road and connection to the highway.

2.2 This application seeks consent to provide visibility splays of 105 metres northbound and 60 metres southbound from the centreline 2.4 metre back from the edge of Lancaster Road (A588). These visibility splays are shown on a proposed site/access plan, with the access in the same location as previously approved, but with reduced visibility splays. The reduction in splays is supported by an updated speed survey around the site access, based on the impact of recent changes to speed limits and speed management schemes in the immediate vicinity and between Lancaster and Pilling.

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
22/00058/DIS	Discharge of conditions 3,4,5,6,7,8,10,11,12,15, 16 and 19 on approved application 19/01223/OUT	Issued
22/01143/VLA	Variation of a legal agreement application attached to planning permission 19/01223/OUT to amend the clauses relating to affordable housing and mortgage protection	Pending legal agreement
22/00147/FUL	Erection of 1 dwelling with associated internal road and access	Pending legal agreement
22/00145/FUL	Raising and filling of land using excess spoil and topsoil	Pending legal agreement
22/00144/REM	Reserved matters application for the erection of 24 dwellings	Approved
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
Cockerham Parish Council	No observation received
County Highways	No objection , the proposed lengths of the visibility splays are still in line with national guidance

4.2 At the time of drafting this report, one letter of objection has been received which states that local residents have not seen the revised plans.

5.0 Analysis

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

- Procedural matters, principle of development
- Highway safety

5.2 **Procedural matters, principle of development** Development Management (DM) DPD policies, DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing standards) and DM3 (Delivery of Affordable Housing); Meeting Housing Needs SPD; Affordable Housing Practice Note Planning Advisory Note; Housing Standards Planning Advisory Note, Strategic Policies and

Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District) and SP6 (The Delivery of New Homes), and National Planning Policy Framework (NPPF) Sections 2. Achieving sustainable development, Section 4. Decision-making, Section 5. Delivering a sufficient supply of homes and Section 6. Building a strong, competitive economy

- 5.2.1 A Section 73 application seeks permission to carry out development without complying with planning conditions imposed on a previous planning permission, but to vary the details controlled through planning conditions, and comply with such varied details and conditions. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original planning permission, which remains intact and unamended. It is ultimately open to the applicant to decide whether to implement the new permission or the one originally granted. Section 73 provides a mechanism to consider and assess minor material amendments (i.e. the changes sought via the Section 73 application) to an earlier planning permission.
- 5.2.2 A Section 73 application does not provide an opportunity to re-examine the principal considerations associated with the approved development, which were considered to be acceptable at the Planning Regulatory Committee in December 2019 and again in August 2020. During the original December 2019 committee, it was proposed by Councillor Janice Hanson and seconded by Councillor Malcolm Thomas:
- “That, subject to a Section 106 Agreement being entered into to secure the obligations contained in Paragraph 8.1 of the Committee Report outline planning permission be granted, subject to the conditions set out in the Committee Report.”
- 5.2.3 Upon being put to the vote, 10 Members voted in favour, with 4 abstentions, whereupon the Chair declared the proposal to be carried, subject to the Section 106 agreement being entered and planning condition.
- 5.2.4 This parent consent application 19/01223/OUT was brought to committee members again in August 2020 due to the intervening progression of the current local plan and policies, and this was again considered acceptable and granted planning permission largely under the current suite of planning policies. All decision making must remain consistent with the requirements of planning legislation to determine applications in accordance with the provisions of the adopted local plan, unless materials considerations indicate otherwise.
- 5.2.5 The provision of 24 dwellings and the provision of new vehicular and pedestrian accesses has been established by the granting of a conditional planning permission. The material considerations of this application will focus only on the changes to the scheme proposed as part of this Section 73 application, namely the changes to the approved vehicular access and reduced visibility splays. In addition to the aforementioned variations to conditions, a decision has recently been issued regarding the discharge of conditions application at the site, finding a number of details submitted through this process acceptable. Where this is the case, these conditions would need to be attached as controlled conditions based on information submitted and agreed as part of the parent consent, if this variation of conditions application is granted.
- 5.3 **Highway safety** Development Management (DM) DPD policies DM29 (Key Design Principles) and DM60 (Enhancing Accessibility and Transport Linkages), Strategic Policies and Land Allocations (SPLA) DPD policy SP10 (Improving Transport Connectivity), National Planning Policy Framework (NPPF) Sections 8 (Promoting healthy and safe communities) and 9 (Promoting sustainable transport) and Manual for Streets
- 5.3.1 The proposed vehicular access point remains in the same location as previously approved, but this application seeks to reduce the northbound visibility splay from 120 metres down to 105 metres, with the southbound visibility splay reduced from 100 metres down to 60 metres. It is understood that the longer southbound visibility splay brought complications with implementation.
- 5.3.2 At the time of determining the original application, the speed limit in Cockerham was 30mph, increasing to 40mph just north of the approved vehicular access point. This remains unchanged, however beyond the 40mph zone the speed limit has been reduced from national speed limit to a

limit of 50mph. Furthermore, there are now speed control measures between Pilling and Lancaster, covering the site and stretches of public highway either side of this, with average speed cameras along this stretch of road to enforce speed limit compliance. This application is supported by average speed recording from a year ago (September 2022), recording an average 85th percentile speed of 41.1mph northbound and 37.2mph southbound.

5.3.3 The recently installed average speed cameras, in addition to the pavements and crossing provisions through public highway improvements to be delivered as part of this scheme, will hopefully reduce these local speeds further upon implementation. At the speeds recorded last year submitted as part of this application, the County Highway consultee has confirmed that the splays of 105 metres northbound and 60 metres southbound achieve national guidance for visibility splays, raising no objection to this proposed variation. As such, the visibility splays proposed are considered to cause no undue impact to highway safety, incorporating a suitable and safe access to the highway, maintaining safety and efficiency of the highway network. This is subject to their implementation in full prior to occupation of any dwellinghouses at the site, and maintained free of obstacles (over 1 metres above road level) in perpetuity thereafter. This can be controlled through a varied planning condition as sought as part of this variation of conditions application, and a variation of the legal agreement to reimpose previously agreed obligations and contributions of the scheme upon a varied permission.

6.0 Conclusion and Planning Balance

6.1 The proposed changes to the wording of condition 3 continue to ensure the proposed development would comply with the requirements of the Development Plan and specifically, ensure that the proposed access is safe and would not lead to a severe impact on the efficient operation of the local network, with no objection from County Highways to this proposal. On this basis, the Planning Committee are recommended to support the application.

Recommendation

Subject to the signing and completion of a Deed of Variation to the s106 planning obligation, that condition 3 be **VARIED** as follows:

3. No part of the development shall be occupied or brought into use until the vehicular access hereby approved, as detailed on the Access and visibility splays plan, referenced K39505 17 RevB, dated 26/05/23, has been constructed in accordance with the following approved plans and is available for vehicular use, and shall be retained as such at all times thereafter.

- Section 278 works typical sections and details, referenced 2021-042-C002, dated 07.01.22
- Road and footway sections, referenced 2021-042-C003, dated 07.01.22
- Kerb details plan, referenced 2021-042-C004, dated 07.01.22

No part of the development shall be occupied or brought into use until visibility splays hereby approved, as detailed on the Access and visibility splays plan, referenced K39505 17 RevB, dated 26/05/23, measuring 2.4m x 105m to the north and 2.4m x 60 metres to the south, have been implemented in full on both sides of the approved vehicular access. No walls, fences, trees, hedges, shrubs, ground or other structures within these splays shall exceed 1 metre in height above the centre line of the adjacent carriageway for the lifetime of the development.

Reason: In the interests of highway safety and to ensure safe access and egress from the site.

Condition no.	Description	Type
1	Two year timescale	Control
2	Development in accordance with the approved plan (red edge and access)	Control
3	Access details and visibility splays of 105m northbound and 60m southbound (as amended and drafted above)	Compliance
4	Scheme for Sustainable Surface Water Drainage	Compliance
5	Construction Environmental Management Plan	Compliance

6	Submission of Finished Floor and Site Levels	Compliance
7	Scheme for Foul Water Drainage Scheme	Compliance
8	Employment and Skills Plan	Prior to occupation
9	Off-site Highway Works	Development above ground
10	Provision of Nationally described space standards across all units	Compliance
11	At least 20% of the units to be M4 (2) compliant (Accessible and Adaptable) and housing mix to be agreed	Compliance
12	Scheme for the provision of open space	Compliance
13	Scheme for the connection to the Public Right of Way	Development above ground
14	Scheme for external lighting	Development above ground
15	Provision of electric vehicle charging points	Compliance
16	Provision of Home Owner Packs	Compliance
17	Vegetation clearance to be undertaken from 1 st March to 31 st July	Compliance
18	Scheme to be undertaken in accordance with the ecological mitigation methods	Compliance
19	Development in accordance with the submitted AIA	Compliance
20	Unforeseen contaminated land	Compliance

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

19/01223/OUT – Previous officer report to the Planning Regulatory Committee December 2019 and August 2020