

SCHEDULE A: Applications with Recommendation

15/0425

Item No: 12

Date of Committee: 10/07/2015

Appn Ref No:
15/0425

Applicant:
Mr Derek Routledge

Parish:
Stanwix Rural

Agent:
Ms Rachel Lightfoot

Ward:
Stanwix Rural

Location: Land adjacent 7 The Nurseries, Linstock, Carlisle, CA6 4RR

Proposal: Erection Of 1No. Dwelling

Date of Receipt:
12/05/2015

Statutory Expiry Date
07/07/2015

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether The Principle Of Residential Development Is Acceptable
- 2.2 Scale, Siting And Design
- 2.3 The Impact Of The Proposal On The Amenities Of Neighbouring Residents
- 2.4 Highway Issues
- 2.5 Drainage
- 2.6 Biodiversity
- 2.7 Other Matters

3. Application Details

Introduction

- 3.1 This application seeks Full Planning permission for the erection of 1 detached dwelling together with a detached double garage at Orchard Farm, Moorhouse, Carlisle. The site is currently an orchard and occupies an area of approximately 0.11 hectares. The site is located within the village between Orchard Farm House and Westmead.

Background

- 3.2 Outline planning permission was refused in 2007 for the erection of a 2 storey detached dwelling for the following reasons:

"The application site is not located within either a Key Service Centre or Local Service Centre as identified under Policies DP1 and H1 of the Local Plan 2001-2016 (Revised Redeposit Draft). The proposal would therefore result in an additional dwelling in a less sustainable location, for which no local housing need has been satisfactorily demonstrated and if permitted, would restrict development in more sustainable locations. On this basis the proposal is considered to be contrary to the provisions of Policy UR7 of RSS (formerly RPG) 13, Policy H17 of the Cumbria and Lake District Joint Structure Plan and Policies DP1, H1 and H6 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

The proposed dwelling would represent a cramped form of development by reason of the likely relationship to the road frontage, site boundaries and resultant design which would be noticeably at variance with the existing street scene. The proposal is therefore considered to be detrimental to the character of the area contrary to criterion 3 of Policy H5 of the Carlisle District Local Plan, criterion 1 of Policy CP4 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft)."

- 3.3 The decision was subject to an appeal to the Planning Inspectorate which was subsequently dismissed. A copy of the site location plan and appeal decision relating to this application is reproduced in this schedule for Members' information.

Proposal

- 3.4 A single access would be formed in the north-east corner of the site adjacent to 7 The Nurseries which would provide the driveway into the site.
- 3.5 A 2 storey dwelling would then be erected within the site. The building would be set back approximately 9 metres within the site with a frontage of 11 metres across the 21 metre width site. The property would comprise of a lounge, garage, hallway, kitchen/ dining room and utility on the ground floor with 3 bedrooms, a bathroom and an ensuite master bedroom on the first floor. The building would be constructed from facing brick work under a slate roof with brown upvc windows and doors.

4. Summary of Representations

- 3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 15 of the neighbouring properties. IN response, 3 letters of objection have been received and the main issues raised are summarised as follows:

1. the application site is not located within either a Key Service Centre or Local Service Centre;
2. the proposal would in an additional dwelling in a less sustainable location, for which no local housing need has been satisfactorily demonstrated and if permitted, would restrict development in more sustainable locations;
3. to build a new completely different house will spoil the outlook and goes against the council's own rules not to allow building in small infill sites in hamlets such as Linstock. Once one person gets permission to build in their garden it will open the flood gates for anyone with a big garden to apply;
4. the proposed dwelling would represent a cramped form of development by reason of the likely relationship to the road frontage, site boundaries and resultant design which would be noticeably at variance with the existing street scene;
5. squeezing the proposed dwelling into the existing garden of No 7 would spoil the appearance of the street the way it is as the design is not the same as all the other 22 houses. The design does not appear to integrate into the surrounding environment;
6. the neighbouring property would have loss of light to what there presently is. The application was rejected in 2007 for very good reasons and the same reasons apply now;
7. the proposal raises concerns about road safety and parking, particularly as the proposed site is close to a bend with poor visibility. Children regularly play on their front gardens and ride bikes along the road;
8. residential development on this site has previously been subject of a planning appeal that was dismissed.

5. Summary of Consultation Responses

English Heritage - North West Region: - the proposal would not impact directly on any archaeological remains from the Hardian's Wall World Heritage Site nor would it harm the setting of the World Heritage Site;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of condition;

Stanwix Rural Parish Council: - Stanwix Rural Parish Council wish to object to the above planning application. The proposed dwelling would represent a cramped form of development by reason of the likely relationship to the road frontage, site boundaries and resultant design which would be noticeably at variance with the existing street scene. The proposal is therefore considered to be detrimental to the character of the area.

Furthermore, the utilities in the area are already under strain and we believe an additional dwelling on this site would further exacerbate the problem.

6. Officer's Report

Assessment

6.1 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF) together with Policies DP1, CP2, CP3, CP5, CP12, H1, T1 and LE29 of the Carlisle District Local Plan 2001-2016. Policies GI3, SP6 and H08 of the emerging The Carlisle District Local Plan 2015-2030 are also relevant.

6.2 Carlisle's emerging new Local Plan 'The Carlisle District Local Plan 2015-2030' was published as a proposed submission draft for consultation, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, on the 4th March 2015. Consultation on the Plan closed on 20th April, beyond which the Council has submitted the Plan for independent examination.

6.3 Paragraph 216 of the National Planning Policy Framework identifies that:

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*

6.4 Carlisle City Council resolved at their meeting of the 10th February 2015, with regards to the emerging Local Plan, that *"once published for consultation, weight be given to the Carlisle District Local Plan (2015–2030) as a material consideration when exercising Development Management policy decisions, in accordance with paragraph 216 of the National Planning Policy Framework"*.

6.5 In exercising a decision on the proposal regard has therefore been had to the relevant policies and proposals within the emerging Carlisle District Local Plan 2015-2030. The particular weighting afforded to policies and proposals of relevance has been arrived at by considering each in turn and by way of reference to the provisions of paragraph 216 of the NPPF.

6.6 The proposal raises the following planning issues.

1. Whether The Principle Of Residential Development Is Acceptable

6.7 The application site lies within the village of Linstock. Policy H1 of the Local Plan states that new residential development in the identified settlements will be acceptable providing that compliance with four specific criteria. Linstock is not listed in Policy H1; however, paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For

example, where there are groups of smaller settlements, development in one village may support services in a village nearby."

- 6.8 Reference is made by the objectors to the Council's previous refusal for planning permission for residential development of the site. In this respect, the first reason for relates to the principle of development in a village which, at the time, was considered to be unsustainable.
- 6.9 Whilst the decision was upheld at the time and the appeal dismissed, planning policies evolve and the policy parameters are different 8 years later. The NPPF advocates that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities, for example, development in one village may support services in a village nearby. Linstock is sufficiently well related to the urban area of Carlisle both geographically and in terms of the road network; therefore, whilst Policy H1 does not support development, Linstock can be considered a sustainable location for development in terms of the policies in the NPPF. These principles were applied through the consideration of the previous planning application earlier this year when consent was granted for the erection of 1 dwelling.

2. Scale, Siting And Design

- 6.10 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.11 This policy consideration is relevant to the second reason for refusal for the previous application which states:
- "The proposed dwelling would represent a cramped form of development by reason of the likely relationship to the road frontage, site boundaries and resultant design which would be noticeably at variance with the existing street scene. The proposal is therefore considered to be detrimental to the character of the area contrary to criterion 3 of Policy H5 of the Carlisle District Local Plan, criterion 1 of Policy CP4 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft)."*
- 6.12 The application subject to the refusal and subsequent appeal was submitted in outline form only and no detailed drawings were considered; however, the Site Location Plan showed the footprint of a building within the plot that measured 15 metres in width by 13 metres in depth and at the nearest point, 4 metres from the frontage of the site. The building had a wider frontage, was larger on overall footprint and closer to front boundary.
- 6.13 The current proposal seeks consent for a dwelling that is narrower in width being 11 metres. As a consequence of the smaller dimension, the building is

proposed to be set further back within the plot 9 metres from the front boundary.

- 6.14 The drawings illustrate that the proposed dwelling would be appropriate in scale and massing in comparison to its immediate neighbours and other properties within the immediate vicinity of the application site. The neighbouring properties are consisting finished in facing brick. Initially the application proposed the use of some sandstone within the building but the scheme has been revised to only use facing brick. It is recommended that a condition is imposed requiring the agreement of samples of materials to ensure that these are appropriate for use on the site. Furthermore, the proposal would achieve adequate amenity space and off-street parking. Residents and the Parish Council remain concerned that the development would be inappropriate and result in a cramped form of development; however, for the reasons outlined above it is considered that there are sufficient changes to overcome the previous reasons for refusal. Consequently, the changes to the approved scheme are acceptable and the character and appearance of the dwelling would not be obtrusive within the street scene.

3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.15 The reuse of the site for residential use is acceptable. The scale, siting and design mean that the living conditions of the occupiers of that property will not be compromised through loss of light, loss of privacy or over dominance.
- 6.16 Given the orientation of the application site with adjacent properties, it is not considered that the living conditions of the occupiers would suffer from loss of privacy or unacceptable levels of noise or disturbance. The development would not result in an overall loss of daylight or sunlight due to the distances involved between the application site and the residential properties.
- 6.17 As the proposal involves the introduction of windows that face the neighbouring properties, it is appropriate to consider the development against the Supplementary Planning Document "Achieving Well Designed Housing". It requires that a distance of 21 metres is provided between primary windows. The proposed building would be sited adjacent to a residential property; however, there would be no conflict with the minimum distances required by the SPD.

4. Highway Matters

- 6.18 It is proposed to form a vehicular access on the north-east boundary of the site. The entrance would be flanked by splayed brick wall and enclosed by close boarded timber gates. The road is narrow but the applicant is able to achieve the required visibility splays required by the Highway Authority. A condition is imposed to ensure that the splays are formed.
- 6.19 Adequate off-street parking is proposed within the curtilage of the property. The access arrangement is acceptable and the Highway Authority has raised

no objection subject to the imposition of a conditions.

5. Drainage

- 6.20 The representations received have raised concerns about the foul drainage infrastructure and the impact that the additional development would have. The means of both foul and surface water drainage details are dealt with by the imposition of conditions which would be dealt with through a subsequent application to discharge them. There is no requirement to consult United Utilities as the application is for 1 dwelling; however, United Utilities received weekly notification of all applications received and the opportunity to comment if they consider that there are issues to raised. No response has been received to this application.

6. Biodiversity

- 6.21 The Councils GIS Layer has identified that the site has the potential for bats, breeding birds and badgers to be present on the site. As the proposed development is within the village and involves the removal of horticultural buildings with retention of the boundary hedgerow, it is not considered that the development would harm a protected species or their habitat as the latter has been removed; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

7. Other Matters

- 6.22 The site is within the Hadrian's Wall Buffer Zone. The development would be adjacent to existing properties and would not adversely affect the character or setting of the Buffer Zone. In addition, English Heritage has raised no objection.

Conclusion

- 6.23 In overall terms, the principle of residential development on the site is acceptable. The dwelling would be set back from the frontage of the site and the design would be appropriate to the character and appearance of the area. Although the scale is large, the property would be single storey in appearance and sited in a large plot and proposes an appropriate design and use of materials such that the development would not adversely affect the character or appearance of the area. The building would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings. In all other aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

7. Planning History

- 7.1 Outline planning permission was refused in 2007 for the erection of a 2 storey dwelling and was subsequently dismissed at appeal.

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 8th May 2015;
2. the Proposed Location Plan, Block Plan and Front Elevation received 12th May 2015 Rev H;
3. the Proposed Floor Plans received 8th May 2015 Rev D;
4. the Proposed Elevations received 17th June 2015 Rev E;
5. the Contamination Statement received 12th May 2015;
6. the Notice of Decision;
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of Cumbria County Council as the the local highway authority.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

4. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

5. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users to support Local Transport Policy LD8.

6. No development hereby approved by this permission shall commence until samples or full details of all materials to be used on the exterior of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in

accordance with the approved details.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001 - 2016.

7. No development hereby approved by this permission shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No development hereby approved by this permission shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy CP12 of the Carlisle District Local Plan 2001-2016.

9. No development hereby approved by this permission shall commence until a scheme for the conveyance of foul drainage has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the approved drainage scheme has been constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

10. No development hereby approved by this permission shall commence until particulars of height and materials of all screen walls and boundary fences have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

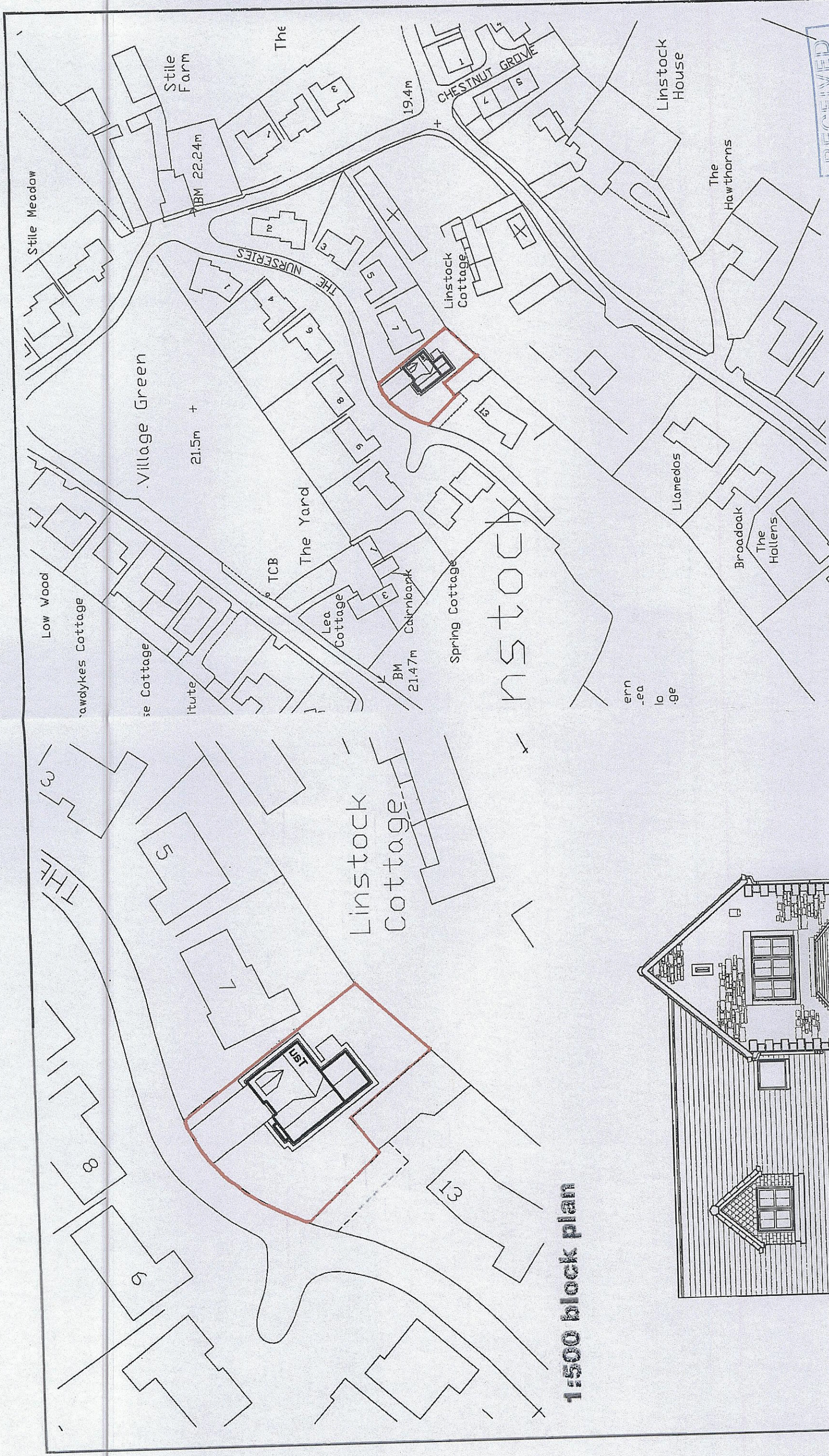
Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

11. No site clearance or works to hedges shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect nesting birds in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

12. No work associated with the construction of the residential units hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.



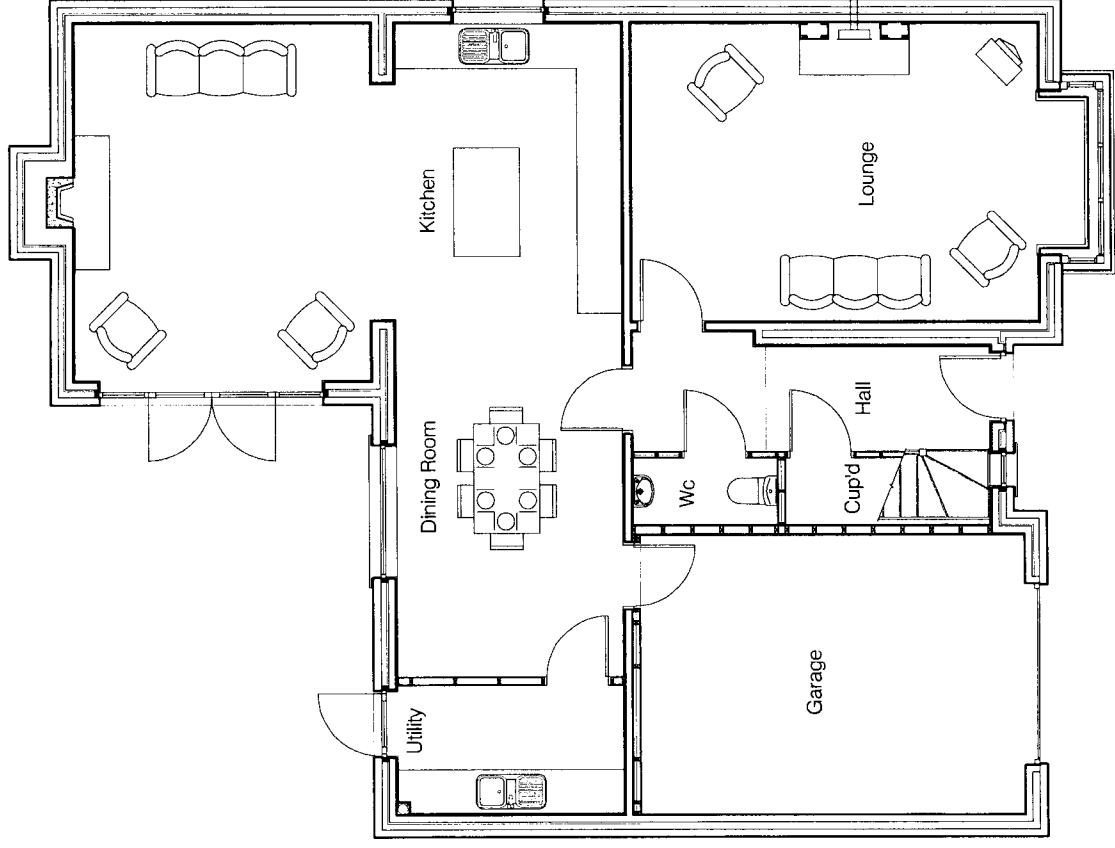
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1:1250 location plan

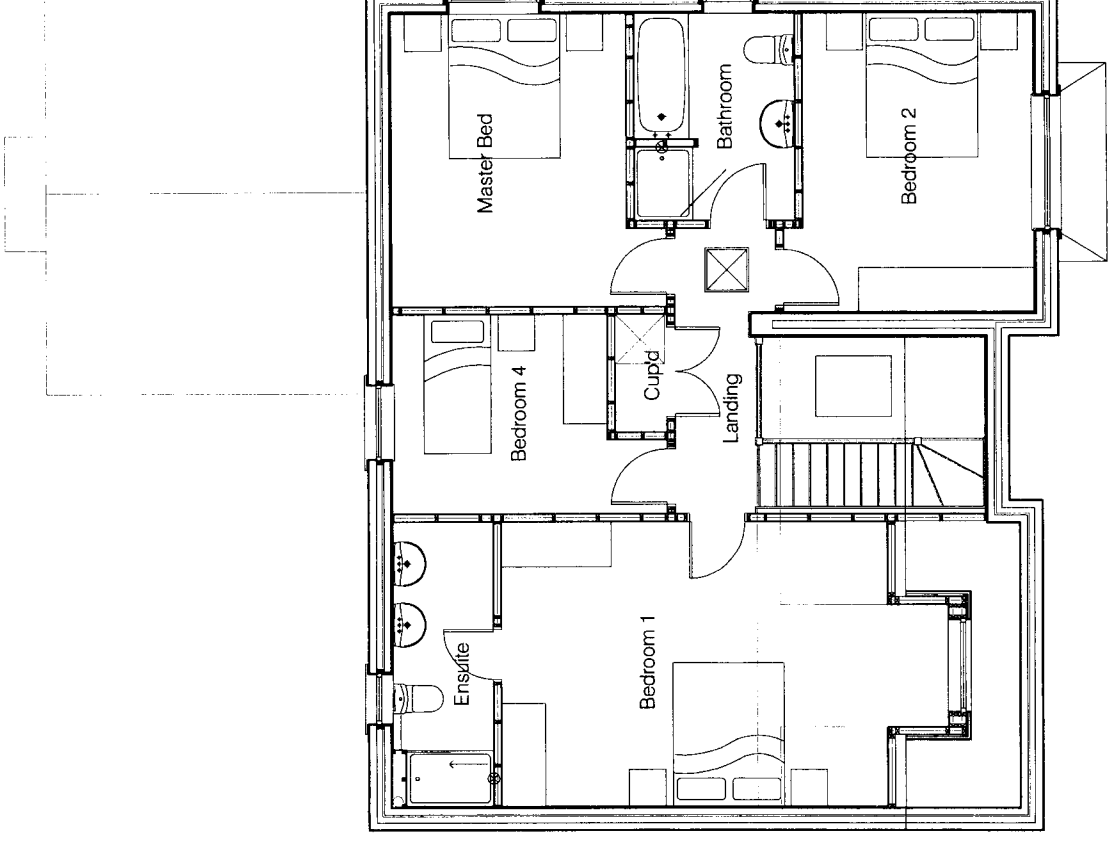
1:500 block plan

1:100 front elevation

Project: New Residential Unit at the Nurseries, Linstock
Title: Proposed Location Plan, Block Plan and Front Elevation
Scale: 1:1250, 1:500 & 1:100
Rev: H



1:100 ground floor plan



1:100 first floor plan

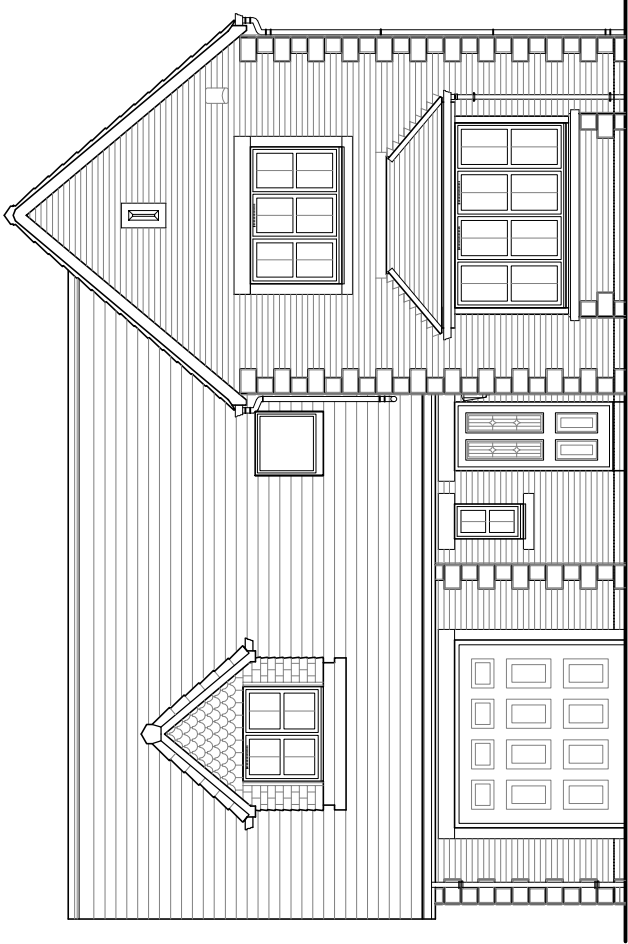
Project: New Residential Unit at the Nurseries, Linstock
Title: Proposed Floor Plans
Scale: 1:100

Rev: D

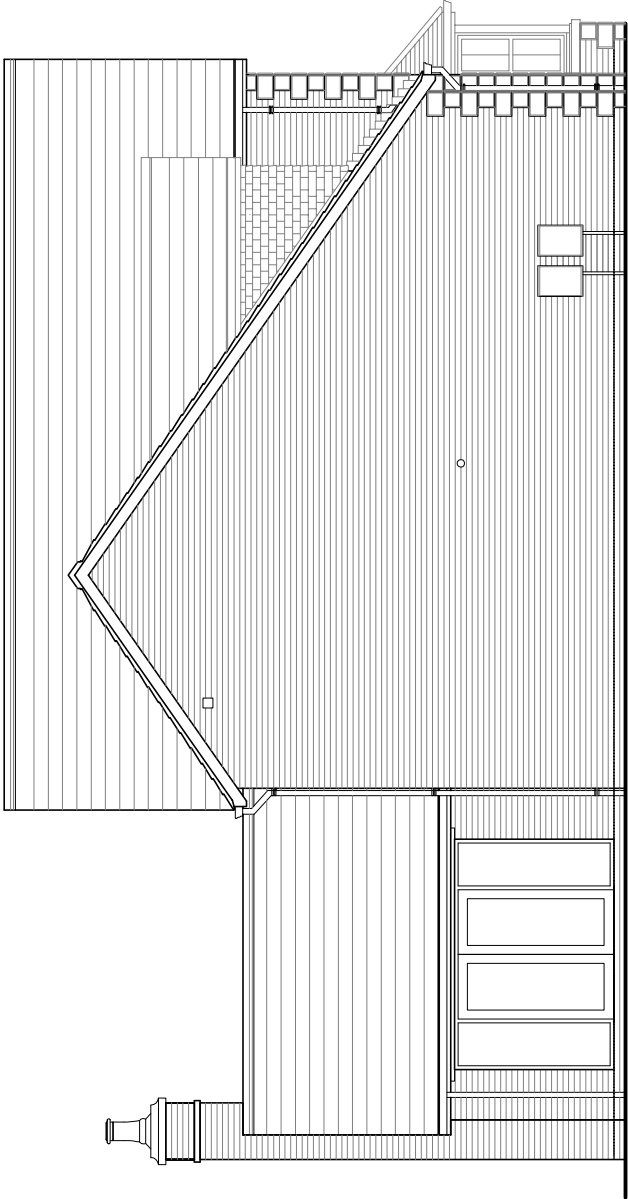
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note

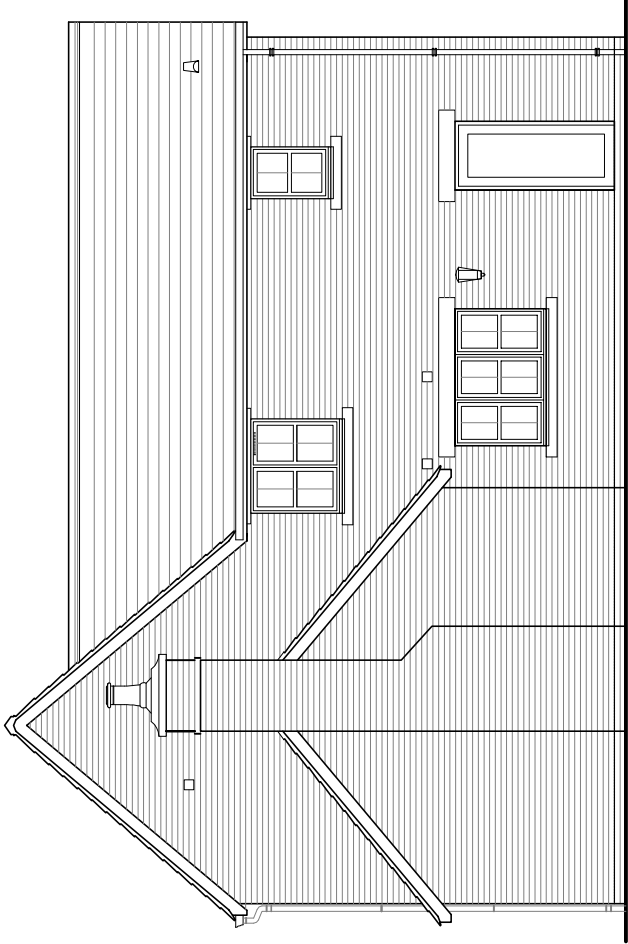
Brickwork to all elevations to match those in the surrounding area



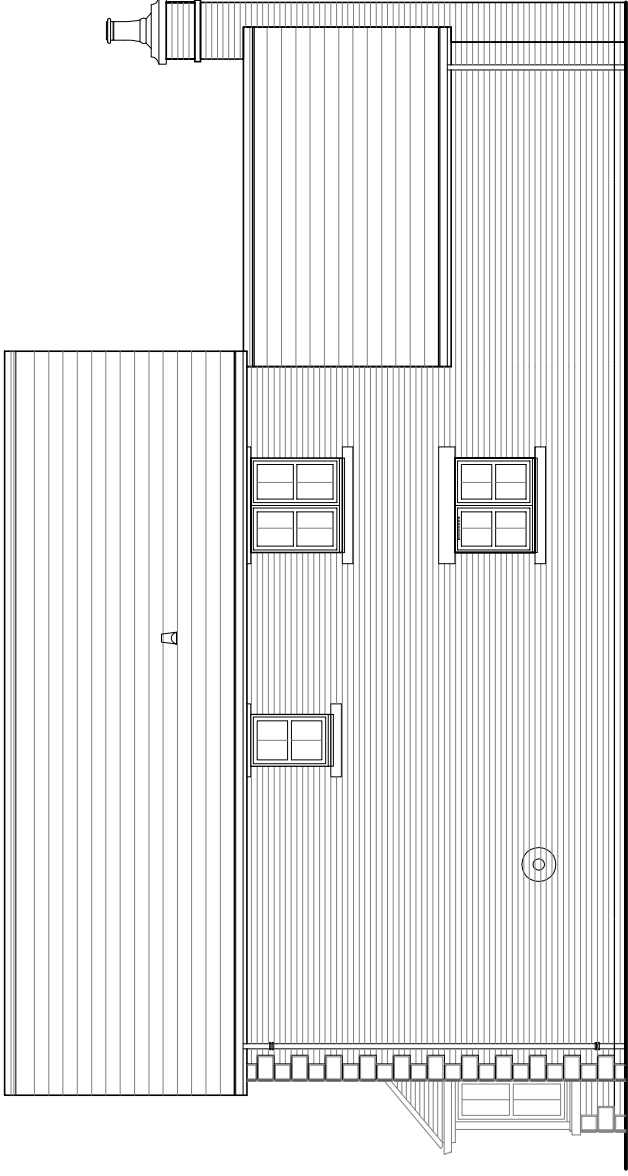
1:100 front elevation



1:100 side elevation



1:100 rear elevation



1:100 side elevation