

SCHEDULE A: Applications with Recommendation

14/0606

Item No: 10

Date of Committee: 03/10/2014

Appn Ref No:
14/0606

Applicant:
Mr Fairgrieve

Parish:
Brampton

Agent:

Ward:
Brampton

Location: Whingather, Carlisle Road, Brampton, CA8 1ST

Proposal: Demolition Of Dwelling And Erection Of 2no. Dwellings (Outline)

Date of Receipt:
29/07/2014

Statutory Expiry Date
23/09/2014

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Principle Of Residential Development
- 2.2 Scale, Siting And Design
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Highway Matters
- 2.5 Development Within Flood Zone 3
- 2.6 Biodiversity
- 2.7 Drainage
- 2.8 The Impact On The Brampton Conservation Area

3. Application Details

The Site

- 3.1 The application site comprises of the property known as Whingather, together with its curtilage, and is located within a residential area to the west of Brampton. The site measures 0.13 hectares in area and the property is

accessed via a private road that leads directly from Carlisle Road, 300 metres west of the centre of Brampton.

- 3.2 The access road leads down towards the application site which is surrounded on all sides by residential properties. The garden of the property is itself relatively level adjacent to the southern boundary but then slopes steeply towards the northern boundary.
- 3.3 The existing property comprises of a detached rendered property under a slate roof. The building is single storey to the southern elevation but then encompasses a 2 storey element to the rear as the ground level slopes down. The property stands within a reasonable curtilage with mature landscaping. There are glimpsed views into the site, particular at the point of the vehicular access; however, the remainder of the site is relatively well screened through hedges and mature shrubs.

The Proposal

- 3.4 This application seeks outline consent for the provision of 2 houses with all other matters being reserved for subsequent approval. The indicative block plan shows an access road adjacent to the southern boundary with the 2 properties immediately adjacent and to the north of this. The garden areas would be between these houses and the northern boundary.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of 11 of the neighbouring properties. In response, 5 letters of objection have been received and the main issues raised are summarised as follows:
 - 1. the views of St. Martin's Church will be obliterated;
 - 2. the nearest property will be less than 3 metres from the boundary fence which will be very imposing and depressing on the adjacent seating area;
 - 3. there will be a loss of privacy;
 - 4. why should the occupiers of pensioner's cottages be disturbed?
 - 5. resident's peace and quiet should not be disturbed for 1 extra property when over 200 houses are going to be built just over the road;
 - 6. there are already 2 eyesores (where Ivinson's garage once was) and who's to say that this development won't run out of money and leave residents looking at scaffolding;
 - 7. residents don't want the noise and inconvenience;
 - 8. windows in the rear elevation of the proposed dwellings would overlook habitable rooms of the adjacent properties;
 - 9. the presence of an additional dwelling would result in an increase in traffic movement on the private access road which has to be kept clear in order to provide access for emergency vehicles at all times;
 - 10. objection is made to the property on the eastern side of the site being anything other than a bungalow due to the high roof line that would result in a loss of light;

11. it is not clear from the drawings what the height of the buildings will be. There is no objection to another bungalow replacing the existing but if the application is for houses, these will be higher and result in a loss of amenity.

5. Summary of Consultation Responses

Carlisle Airport: - no objection;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection; however, parking and turning should be in accordance with Cumbria standards;

Brampton Parish Council: - no response received.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission are determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. In respect of this application, the National Planning Policy Framework (NPPF) together with DP1, CP2, CP3, CP5, CP6, CP12, CP15, CP17, H1, H2, LE19 and T1 of the Carlisle District Local Plan 2001-2016 are relevant. The proposal raises the following planning issues.

1. Principle Of Residential Development

- 6.2 The application site lies within Brampton. Policy H1 of the Local Plan states that new residential development in the identified settlements will be acceptable providing that compliance with 7 specific criteria.
- 6.3 A number of objections have been received which raise concerns about the future development of the site and these issues are addressed in the following paragraphs of this report; however, the principle of development remains acceptable.

2. Scale, Siting And Design

- 6.4 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.
- 6.5 The application seeks consent for the principle of development only with the access, appearance, landscaping, layout and scale being reserved for

subsequent approval.

- 6.6 Residents are concerned about the scale and visual impact of the development. The site slopes down from south to north and given the presence of properties adjacent to the site boundaries, particularly those to the north, there is the potential that 2 storey dwellings may be over dominant on the site. It is therefore appropriate to impose a condition restricting the properties subject of a future application to be single storey only.
- 6.7 The proposal could achieve adequate amenity space and off-street parking although this would be subject to subsequent approval. The character and appearance of the development would not be obtrusive within the streetscene and there is no conflict with planning policies.

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

- 6.8 The redevelopment of the site for residential use is acceptable. The indicative layout plan demonstrates that the living conditions of the occupiers of that property will not be compromised through loss of light, loss of privacy or over dominance; however, this is based on Officers assessment that the properties are single storey.
- 6.9 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.
- 6.10 Whilst it is accepted that there may be some noise and disruption during the construction process, this is not in itself sufficient to warrant refusal of the application. It would, however, be reasonable to impose a restrictive condition limiting the hours during which construction works can occur to minimise this impact.
- 6.11 As the proposal involves the introduction of windows that faces 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. Although there is currently no detail of the individual house design, the indicative scheme affords sufficient distance between the buildings and would exceed the minimum distances required by the SPD.

4. Highway Matters

- 6.12 Adequate off-street parking is proposed within the curtilage of the properties. The access arrangement is acceptable and the Highway Authority has raised no objection.

5. Development Within Flood Zone 3

- 6.13 Part of the north-east corner of the site is within Flood Zone 3 and consequently, the applicant has submitted a Flood Risk Assessment (FRA). The indicative plans show that the buildings would be outwith the flood zone. In respect of the development, the applicant states that the properties would be sited towards the southern boundary of the site and would not encroach into the flood zone. The properties would therefore not be at risk of flooding due to their position in the site and the higher ground level towards the southern boundary. Development of the site would not exacerbate flooding elsewhere and any risk of flooding would be no worse than the existing situation. The Environment Agency's consultation matrix does not advise that any further information or consultation is required. The construction of the additional infrastructure does not raise any issues with reference to Policy LE27.

6. Biodiversity

- 6.14 The Council's GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposed development would involve previously developed land and is within the curtilage of the property, it is not considered that the development would harm a protected species or their habitat; 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. The Impact On The Brampton Conservation Area

- 6.15 The boundary to the Brampton Conservation Area lies on the opposite side of the private access road that leads from Carlisle Road. Although not directly within the conservation area, planning policies require that development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. The current application is in outline form only, which is acceptable in sites not within conservation areas. The requirement of the policy remains relevant, however, and would also be relevant at the time of the consideration of any subsequent application.
- 6.16 Having considered the application, the Conservation Area Advisory Committee raised no objection but expressed comment that the land falls away to the north and 2 storeys may be overpowering to the dwellings in that direction. The response continues that perhaps the applicant needs to provide additional information at outline stage to show that 2 storeys would not be overbearing. The matter is addressed through the imposition of conditions and approval of the current outline application does not prejudice the policy objectives.

8. Other Matters

- 6.16 The applicant has submitted a Site Contamination – Preliminary Assessment report which identifies that the land has been within the domestic curtilage for the previous 26 years and there have been no issues regarding

contamination. Council's Principal Environmental Health Officer has raised no objection to the reuse of the site subject to the imposition of a condition relating to contaminated land target sampling together with the imposition of a condition requiring notification and remediation should further contamination be found.

- 6.17 Objectors have raised concerns about being left with an 'eyesore' if development is commenced but not completed. Although the planning permission is subject to a time restriction during which the development has to be implemented, it is deemed unreasonable to impose a condition when the buildings have to be completed. Following the previous commentary, the site is relatively well screened and should this situation arise, it is not considered that the visual amenity of the area would be adversely affected.

Conclusion

- 6.18 In overall terms, the site is within a residential area that is within Brampton. The principle of residential development is acceptable both in terms of the NPPF and local plan policies.
- 6.19 The application seeks outline planning permission only with all matters reserved for a subsequent application. The indicative plans show that 2 properties could be accommodated towards the southern boundary of the site that would be well related to the boundaries of the site and would be appropriate to the character and appearance of the area.
- 6.20 The redevelopment of the site to provide 2 residential properties would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings; however, in order to ensure that the buildings would not be over dominant given the ground levels within the site, it would be appropriate to impose a condition requiring them to be single storey. In all other aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

7. Planning History

- 7.1 There is no planning history relating to this site.

8. Recommendation: Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
 - i) The expiration of 3 years from the date of the grant of this permission, or
 - ii) The expiration of 2 years from the final approval of the reserved

matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990. (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. The approved documents for this Outline Planning Permission comprise:

1. the Planning Application Form received 29th July 2014;
2. the Location Plan received 14th July 2014;
3. the Current Block Plan received 29th July 2014;
4. the Proposed Block Plan received 29th July 2014;
5. the Flood Risk Assessment received 17th September 2014;
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.

4. The dwellings to be erected on Plots 1 and 2 shall be of single storey construction only.

Reason: In the interests of preserving the privacy and amenity of the neighbouring residents, to ensure that the development respects the scale and character of buildings in the locality and to ensure compliance with Policies H1 and CP5 of the Carlisle District Local Plan 2001-2016.

5. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters (including details of foul sewage connection) has been 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 drainage in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

6. For the avoidance of doubt, neither surface water nor highway drainage shall connect into the public sewerage system (directly or indirectly).

Reason: To ensure that adequate drainage facilities are available. In accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

7. No development shall be commenced until samples or full details of materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

Reason: To ensure that materials to be used are acceptable in accordance with Policies H1 and CP5 of the Carlisle District Local Plan 2001-2016.

8. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved, in writing, by the Local Planning Authority before any site works commence.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policies H1 and CP5 of the Carlisle District Local Plan 2001-2016.

9. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area in accordance with Policies H1 of the Carlisle District Local Plan 2001-2016.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no dormer windows or rooflights shall be inserted above the ground floor on the buildings hereby approved without the prior written consent of the Local Planning Authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policies H1 and CP5 of the Carlisle District Local Plan 2001-2016.

11. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority.

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

12. No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any dwellings. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

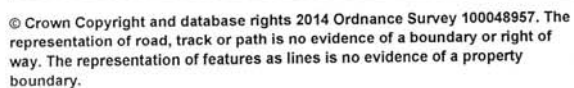
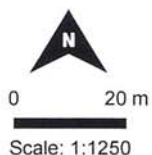
13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy H1 of the Carlisle District Local Plan 2001-2016.

14. 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 H1 of the Carlisle District Local Plan 2001-2016.

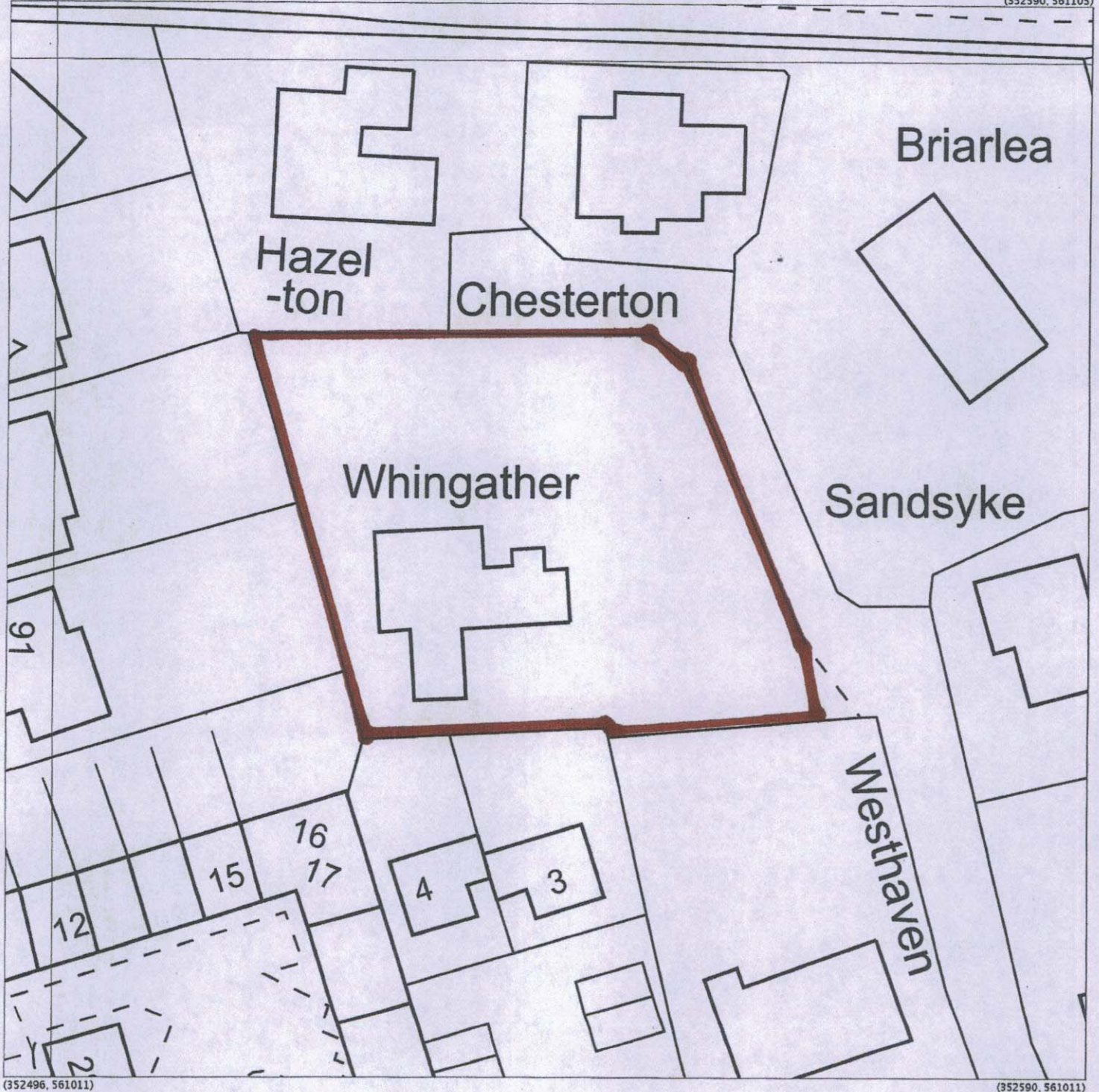


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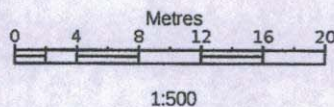
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CA8 1ST

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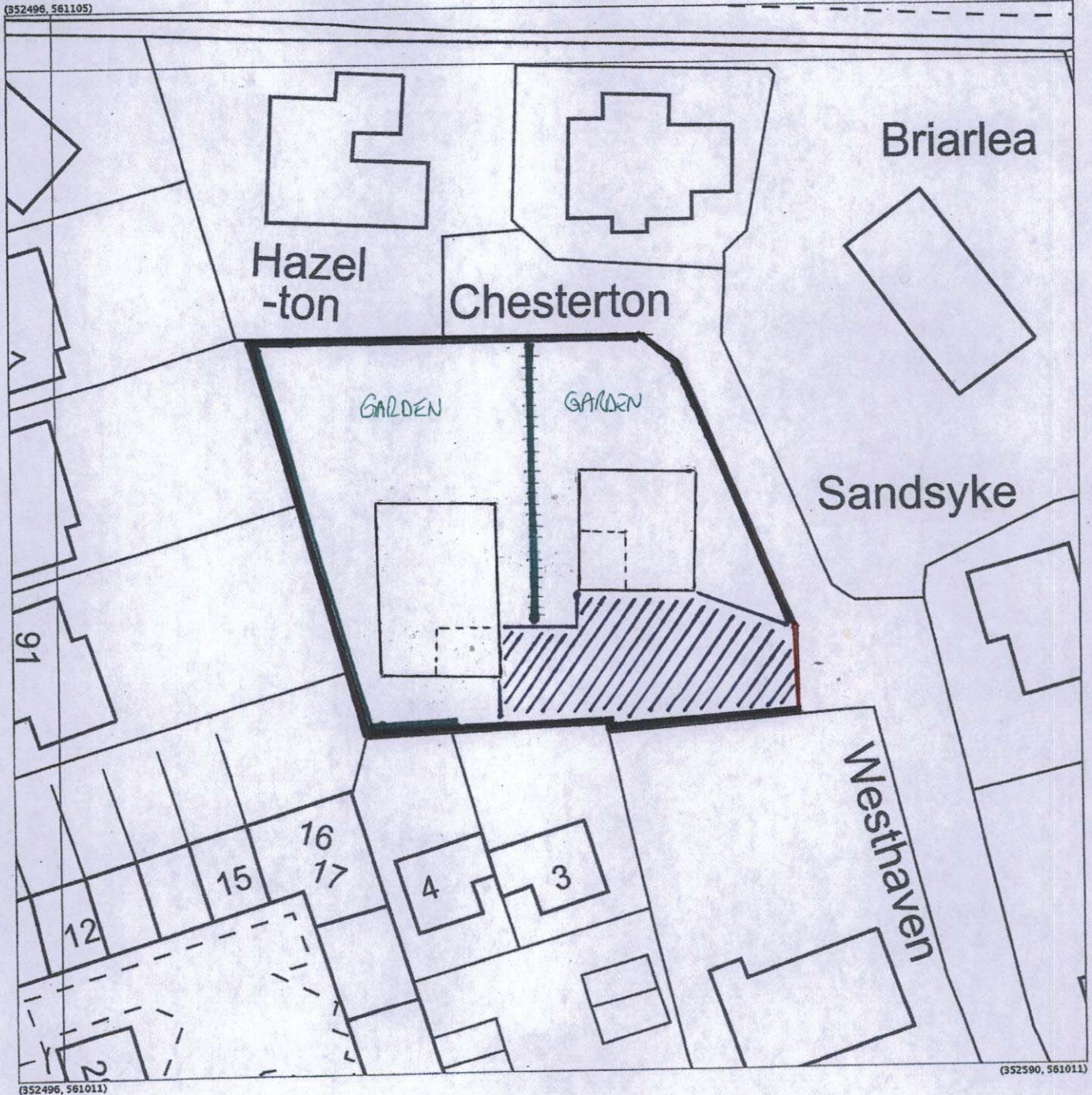


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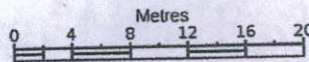
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Whingather, Carlisle Rd, Brampton
CA8 1ST

KEY

- ACCESS FROM LANE
- PROPOSED SURFACED DRIVE
- PROPOSED FENCE OR HEDGE
- EXISTING HEDGE TO BE RETAINED
- EXISTING BOUNDARY FENCE TO BE RETAINED

INTEGRAL GARAGE

RECEIVED
29 JUL 2014
2014/0606