

SCHEDULE A: Applications with Recommendation

14/0346

Item No: 01

Date of Committee: 25/07/2014

Appn Ref No:
14/0346

Applicant:
Mr W E Pattinson

Parish:
Burgh-by-Sands

Agent:

Ward:
Burgh

Location: Land to the rear of Edna's Cottage, North End, Burgh By Sands,
Carlisle, CA5 6BD

Proposal: Erection Of 1No. Bungalow (Outline)

Date of Receipt:
12/05/2014

Statutory Expiry Date
07/07/2014

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Proposal Would Be Acceptable In Principle
- 2.2 Whether The Scale And Design Would Be Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Impact Of The Proposal On Listed Buildings, The Conservation Area And The AONB
- 2.5 Highway Matters

3. Application Details

The Site

- 3.1 This proposal is seeking outline planning permission for the erection of a dwelling on land to the rear of Edna's Cottage, Burgh-by-Sands. The site is currently used as an allotment and is in private ownership. It currently contains a greenhouse, a shed and a number of planting beds. It lies to the

rear of Edna's Cottage but sits at a significantly higher level. A hedge separates the site from Edna's Cottage.

- 3.2 Edna's Cottage is a Grade II Listed dwelling that lies within the Burgh-by-Sands Conservation Area. Meadow View, which is a bungalow, adjoins the application site to the south and is separated from it by a wall. The greenhouse and bungalow are sited on the boundary with Meadow View. Leigh Cottage, which is a Grade II Listed cottage of clay dabbin construction, adjoins the site to the north. Fields lie to the east of the site and are separated from it by a post and wire fence.
- 3.3 There is an existing access to the site which runs directly to the south of Leigh Cottage and this links to a field gate which provides access into the site. The applicant, the occupier of Leigh Cottage and a local farmer have a right of way over the access.

The Proposal

- 3.4 This proposal is seeking outline planning permission for the erection of one dwelling on this site. The Design & Access Statement that accompanies the application states that a bungalow would be built to the rear of the site, with the main windows overlooking the field. The bungalow would be finished in render under a slate roof.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to four neighbouring properties. In response three letters of objection have been received which make the following points:
- Edna's Cottage is a Grade 2 Listed Building and the Conservation Area has been extended to include this dwelling. Its rural setting, with open fields to the rear, is an important part of its character;
 - the application site is significantly higher than Edna's Cottage and even a bungalow would be visible from the road and the height difference will accentuate the intrusiveness and dominance of the new building over the much lower lying Edna's Cottage;
 - any building to the rear will be visible as a backdrop to Edna's Cottage;
 - the proposed new building would adversely affect the setting of Edna's Cottage by adversely affecting the character and appearance of the immediate locality;
 - the proposal would have an adverse impact on the adjacent conservation area- the objective should be to conserve and enhance the characteristics of the conservation area but the proposed development does neither;
 - the raised level of the site means that any dwelling on this site would overlook Edna's Cottage and deprive it of its privacy to an unacceptable extent;
 - the site is currently used as an allotment which would be lost if the development goes ahead;

- Policy H9 states that 'tandem' development, consisting of one house immediately behind another and sharing the same access is generally unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered to the front house;
- the houses in North End follow a linear pattern which is surrounded by countryside and this would be compromised by the establishment of a double row of development parallel to the road which would be harmful to the setting of the village;
- the building of a modern bungalow which would be surrounded on two sides by Grade II Listed Buildings would not relate well to the form and character of the existing settlement in this location;
- Meadow View would lose privacy as a property on this site would overlook this dwellings garden, conservatory and living room areas;
- Leigh Cottage is of clay dabbin construction and is Grade II Listed - the access would be via the shared right of way immediately next to this dwelling . The access track is narrow and has a drainage channel next to the house, which is 18 inches wide and 3ft deep at its deepest - this would be hazardous for vehicles, pedestrians and for the house;
- there would be a loss of privacy to Leigh Cottage caused by pedestrian and vehicular traffic within inches of the windows of Leigh Cottage and there will be traffic noise within inches of the windows which are not double glazed as the dwelling is listed.

4.2 Cllr Collier has objected to the proposal for the following reasons:

- another building will put further pressure on an already overloaded and outdated sewerage system.
- any building on this site will affect the setting of 2 neighbouring clay dabbin Listed Buildings.
- the amenity of the neighbouring property (Leigh Cottage) would be compromised as the entrance would be directly alongside the windows of the property and so affect its privacy.
- the access is too close to significant local vernacular clay walled buildings.
- the run off from this new property would affect the material (clay dabbin) of Leigh and Edna's Cottage
- double banked houses/bungalows are not in keeping with the area.
- in this area of the Solway AONB, the building would be visible from the eastern approach and so alter the gateway to the village.
- the building of this property would significantly alter the height of the properties within the village.

5. Summary of Consultation Responses

Solway Coast AONB Unit: - comments awaited;
 Local Environment - Environmental Protection: - no objections - normal conditions relating to contamination should apply;
 English Heritage - North West Region: - no objections;
 Cumbria County Council - (Econ. Dir. Highways & Transportation): - comments awaited;
 Burgh-by-Sands Parish Council: - objects to the proposal for the following reasons: another building will put further pressure on an already overloaded

and outdated sewerage system; any building on this site will affect the setting of 2 neighbouring clay dabbin Listed Buildings; the amenity of the neighbouring property (Leigh Cottage) would be compromised as the entrance would be directly alongside the windows of the property and so affect its privacy; the access is too close to significant local vernacular clay walled buildings; the run off from this new property would affect the material (clay dabbin) of Leigh and Edna's Cottage; double banked houses/bungalows are not in keeping with the area; in this area of the Solway AONB, the building would be visible from the eastern approach and so alter the gateway to the village; the building of this property would significantly alter the height of the properties within the village;

United Utilities: - only foul water should drain to the public sewer with surface water draining in the most sustainable way. Permeable paving should be used on all driveways and other hard-standing areas;

Cumbria County Council - Drainage: - comments awaited.

6. Officer's Report

Assessment

6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP9, H1, H9, LE7, LE12, LE19, CP3, CP5, CP12, CP13 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues:

1. Whether The Proposal Would Be Acceptable In Principle

6.2 The application site lies within the village of Burgh-by-Sands, which is identified as a Local Service Centre in the adopted Local Plan. The village contains a range of services including a school, public house and village hall. The erection of a dwelling on this site would, therefore, be acceptable in principle.

2. Whether The Scale And Design Would Be Acceptable

6.3 These matters are reserved for subsequent approval and do not form part of this application. The Design and Access Statement makes reference to a bungalow and given the elevated nature of the site and the adjacent Listed Building, the height of any dwelling would need to be kept low. A condition has, therefore, be added to the permission to ensure that the proposed dwelling is single-storey.

3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

6.4 Edna's Cottage lies to the front of part of the application site and lies at a significantly lower level. The rear elevation of this property, which faces the application site, only has two ground floor windows, one of which is obscure glazed, and a glazed porch. If the proposed dwelling is a bungalow which is sited away from the boundary with Edna's Cottage it would not have an adverse impact on the occupiers of Edna's Cottage, particularly if the existing

hedge on the rear boundary is retained.

- 6.5 Meadow View, which is a bungalow, adjoins the site to the south and this property has a conservatory attached to the rear. The erection of a bungalow on the site would ensure that the new dwelling would not be over-dominant when viewed from Meadow View and there would be no loss of light or overshadowing given that Meadow View lies to the south of the application site. The new bungalow could be designed so that it has no primary windows facing Meadow View or suitable boundary treatment could be erected along the boundary between Meadow View and the application site to limit overlooking between the dwellings.
- 6.6 The proposed access to the new dwelling runs directly in front of the south elevation of Leigh Cottage, which has four windows at ground floor level. The applicant has a right of way over the access as does a local farmer (to access the fields to the rear) and this access could, therefore, be used by vehicles. Whilst the erection of a dwelling on this site could increase the vehicle movements passing Leigh Cottage, this would not be significant enough to warrant refusal of the application.
- 6.7 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of that dwelling through loss of light, loss of privacy or over-dominance.

4. Impact Of The Proposal On The Listed Buildings, The Conservation Area And The Solway Coast AONB

- 6.8 The application site lies within the Solway Coast AONB and adjacent to the Burgh-by-Sands Conservation Area and the Grade II Listed Edna's Cottage. In addition, the access would run directly in front of the Grade II Listed Leigh Cottage. The site is well related to the existing settlement and the rear boundary of the dwelling would tie in with the rear boundary of Meadow View, which adjoins the site to the south. Dwellings to the north extend further east than the application site.
- 6.9 The Council's Heritage Officer has been consulted on the application. He has no objections to the erection of a dwelling on this site providing that it is one to one-and-a-half stories in height and the proposed materials draw on the traditional palette of Burgh-by-Sands and modern materials are avoided. The applicant has indicated that a bungalow would be erected on this site. If it was carefully sited and an acceptable design it would not have an adverse impact on the adjacent listed buildings or the conservation area. An existing access, which passes Leigh Cottage, would be used to provide access to the new dwelling.
- 6.10 The Council's Heritage Officer has noted that the adjacent listed buildings, in particular Leigh Cottage, could be adversely affected during the construction of the dwelling. A condition has, therefore, been added to the permission to ensure that the applicant submits a Construction Method Statement prior to the commencement of development.
- 6.11 In light of the above, the proposal would not have an adverse impact on the

Solway Coast AONB, the conservation area or the adjacent listed buildings.

5. Highway Matters

- 6.12 County Highways has been consulted on the application. It has no objections to the proposal subject to the imposition of a condition which requires the first 5m of the access to be surfaced in bituminous or cement bound materials. The Council's Heritage Officer would not want to see the existing access upgraded as this could have an adverse impact of the adjacent clay dabbin. This condition has not, therefore, been added to the proposed consent.

Conclusion

- 6.13 In overall terms, the proposal is acceptable in principle. The scale and design of the dwelling would be addressed through a Reserved Matters application but would be restricted to a single-storey dwelling. The dwelling could be located on the application site without having an adverse impact on the occupiers of any neighbouring properties. The proposal would not have an adverse impact on the Solway Coast AONB, the adjacent Conservation Area or an adjacent Listed Buildings. Appropriate access and parking could be provided. In all aspects, the proposal is considered to be compliant with the objectives of the relevant national and local planning 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 permission comprise:

1. the submitted planning application form, received 17 April 2014;
2. Design & Access Statement, received 12 May 2014;
3. Desktop Study, received 12 May 2014;
4. Location Plan, received 17 April 2014 (Dwg 01);
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

4. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

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

5. No development shall take place until full details of hard and soft landscape works, including a phased programme of 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 part of the development or in accordance with the programme agreed by the Local Planning Authority. 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.

6. 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.

7. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works 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 surface water disposal and in accord with Policy CP12 of the Carlisle District Local Plan 2001-2016.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwellings to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure that the character and attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

10. Prior to the commencement of development, a Construction Method Statement shall be submitted for approval in writing by the Local Planning Authority. The development shall then be constructed in accordance with the Construction Method Statement.

Reason: To ensure that the proposal does not have an adverse impact on the adjacent Listed Building, in accordance with Policy LE12 of the Carlisle District Local Plan 2001-2016.

11. 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 in accordance with condition 3.

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 CP13 of the Carlisle District Local Plan 2001-2016.

12. 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.

13. The dwelling shall be in the form of a single storey construction only.

Reason: To ensure that the proposal does not have an adverse impact on the adjacent conservation area and listed buildings and to protect the privacy and amenity of the neighbouring residents in accordance with Policies LE12, LE19 and CP5 of the Carlisle District Local Plan 2001-2106.

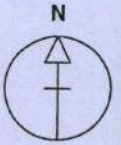


TITLE NUMBER
CU178275

LOCATION PLAN

CUMBRIA : CARLISLE

DWG01



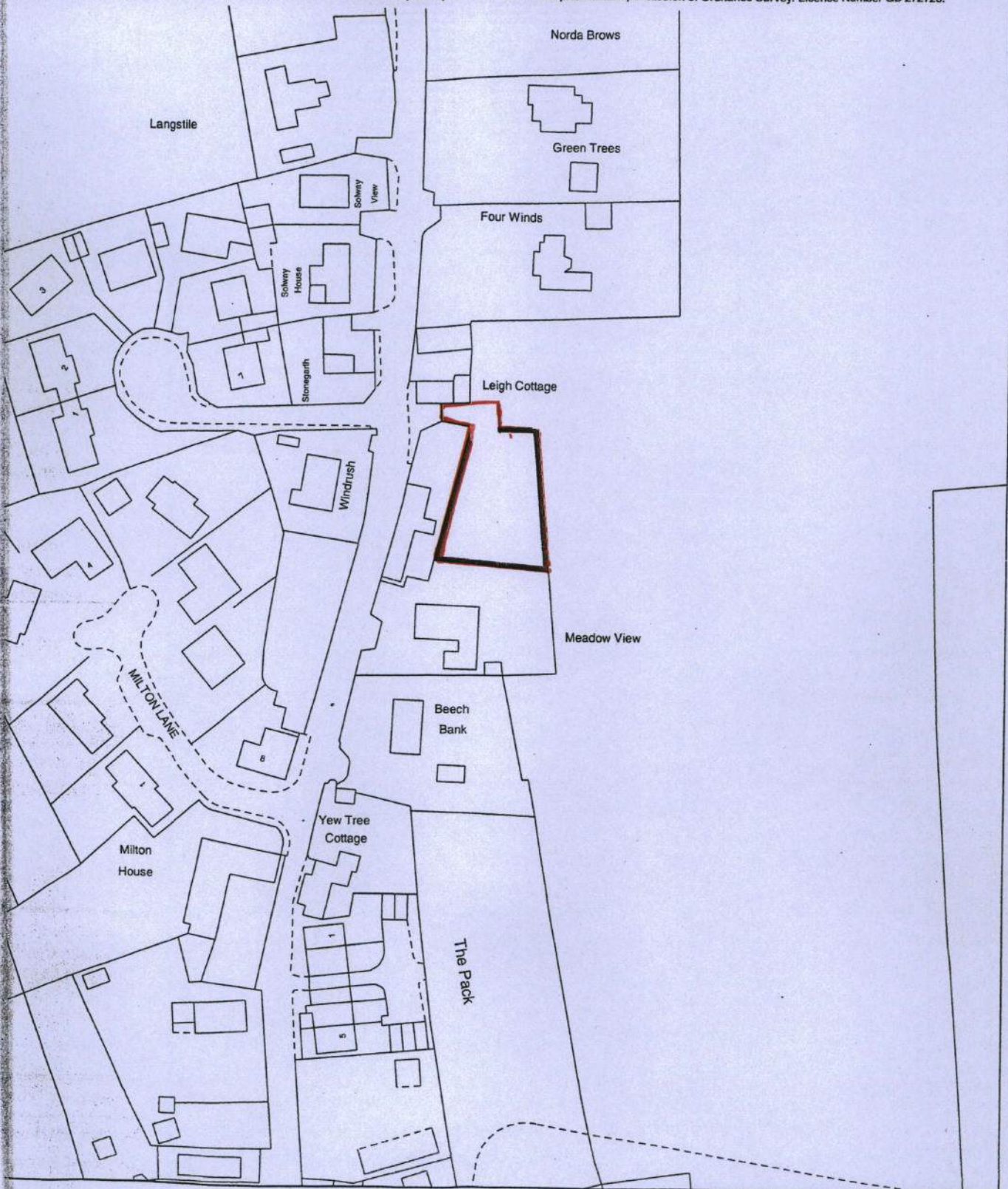
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