

SCHEDULE A: Applications with Recommendation

13/0438

Item No: 04

Date of Committee: 11/10/2013

Appn Ref No:
13/0438

Applicant:
Mr George Graham

Parish:
Burgh-by-Sands

Date of Receipt:
27/06/2013

Agent:
S & H Construction

Ward:
Burgh

Location:

Sechelt, Longburgh, Burgh by Sands, Carlisle, CA5
6BJ

Proposal: Erection Of 1no. Dwelling (Outline Application)

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Whether the scale and design of the dwelling is acceptable
- 2.3 Impact of the proposal on the living conditions of neighbouring residents
- 2.4 Impact of the proposal on highway safety
- 2.5 Impact of the proposal on existing trees and hedgerows
- 2.6 Impact of the proposal on biodiversity
- 2.7 Method for the disposal of foul and surface water
- 2.8 Other Matters

3. Application Details

The Site

- 3.1 The application site is located within the domestic curtilage of Sechelt, a detached one and a half storey property located on the southern periphery of Longburgh. Extending to approximately 965 square metres, the application site is delineated by mixed hedgerows, sporadic trees and post and wire

fences along its north-west and north-eastern boundaries. An existing access would serve the proposed dwelling, the existing dwelling (Sechelt) and the garage conversion which was granted Full Planning Permission under Delegated Powers in December 2012.

- 3.2 A detached bungalow, Willowbank (annotated as The Shield on Ordnance Survey maps), is located to the north-east with open aspects to the north-west and south-east. Shield Farm is located approximately 580 metres to the south west, along the private access road which runs along the southern boundary of the application site.

The Proposal

- 3.3 This application seeks Outline Permission for residential development with all Matters Reserved. This application, therefore, is to establish the principle of development; however, indicative layout drawings submitted as part of the application illustrates a dormer style dwelling.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of two neighbouring properties and the posting of a Site Notice. In response, five letters/e-mails of objection, from two households, have been received in respect of the original and revised proposal.
- 4.2 The letters/e-mails identifies the following issues:
1. impact of the development on the peace and tranquility of the area through increase traffic, noise and light pollution;
 2. loss of privacy and view;
 3. loss of trees and its impact on biodiversity;
 4. overdevelopment of the site;
 5. impact on highway safety;
 6. development out of character with the area and the Buffer Zone on the World Heritage Site;
 7. adequacy of foul and surface water drainage provision;
 8. proposal would restrict any potential extensions of neighbouring properties;
 9. request that a clause be included within any decision notice requiring a 3 metre high wall be constructed along the entire length of the shared boundary on the applicants land;

10. to mitigate for tree loss, the applicant plant replacement mature trees in the adjacent property's garden;
 11. questions the requirement for further housing given the amount of houses for sale within a 3 mile radius of the site;
 12. increased noise from construction works;
 13. worry and financial implications that it will de-value the surrounding area;
 14. questions why application was not submitted at the same time as previous applications.
 15. other sites within Longburgh more suitable for development.
- 4.3 Representations have been received from both the City and County Council Ward Members. The City Councillor has raised an objection in respect of overdevelopment of the site. Whilst the County Councillor notes that the revised drawings have reduced the footprint of the dwelling and illustrates a 2 metre high wall with copings. This the County Councillor considers will substantially shield the new build from view, and protect the privacy of the occupiers of the adjacent property, Willow Bank.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - the property is accessed along Public Footpath 106111; however this is 3 metres in width and concrete paved, so is suitable for the additional traffic likely to be generated. The revised information confirms how the site is to be sub-divided between the 3 sites it is proposed to form, using the existing drive as a shared one. Can confirm that the proposals are acceptable to the Highways Authority subject to the imposition of a condition;

Burgh-by-Sands Parish Council: - do not wish to make any representations on the proposal;

Local Environment - Environmental Protection: - no objections subject to the imposition of a condition;

Cumbria County Council - Drainage: - no response received.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP5, CP12, H1, H9, T1 and LC8 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF), the Burgh-By-Sands Parish Design Statement and Supplementary Planning Document 'Achieving Well Designed Housing' are also material planning considerations. The proposals raise the following planning issues:

1. Whether The Principle of Development Is Acceptable

- 6.2 The main issue for Members to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the determination of this application.
- 6.3 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. For decision-taking the NPPF highlights that this means: *"approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*.
- 6.4 This is further reiterated in paragraph 215 of the NPPF which highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF.
- 6.5 When assessing the application against the foregoing policy advice it is evident that the application site is well related to the settlement of Longburgh within the domestic curtilage of Sechelt which forms a natural stop to the built form of Longburgh. Longburgh itself is in close proximity to Burgh- By-Sands which provides a high level of service including a school and public house. Accordingly, the site is considered to be a sustainable location, therefore, the principle for the development of the site for housing is consistent with the objectives of the NPPF.

2. Whether The Scale And Design Of The Dwelling Is Acceptable

- 6.6 The Burgh-By-Sands Parish Design Statement outlines that *"settlements within the Parish tend to be of linear nature, with residential properties and clusters of farm buildings strung out along a single road and backing onto agricultural land"*. The Design Statement goes on to highlight that *"gaps within the linear structure have been subject to infill development over the years and some buildings have also been replaced, thus giving rise to a mix of buildings of different ages"*.
- 6.7 The drawings submitted as part of the application illustrate the siting of dormer style dwelling with rooms in the roof space. However, the application seeks Outline Planning Permission with all Matters Reserved. The scale and design of the dwelling is reserved for subsequent approval should this application be approved, therefore, is for indicative purposes only.

- 6.8 Concerns have been expressed by local residents in respect of overdevelopment of the site, in light of a recent approval for the conversion of a garage within the grounds of Sechelt into a dwelling (application reference 12/0744). As Members are aware each application is dealt with on its own merits; however, in respect of this proposal the submitted drawings, although indicative only, illustrate that the footprint of the dwelling would be commensurate in scale to its immediate neighbours and that there would be adequate amenity space to serve the proposed dwelling together with the existing and proposed garage conversion. In light of the foregoing, it is appropriate to condition that the height of the proposed dwelling should be no higher than one and a half storey.

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

- 6.9 Development should be 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. One of the criterion being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in Local Plan policies, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.
- 6.10 Objections have been expressed by local residents in respect of intensification of use of the site through increased noise and light pollution. It would be inevitable that an additional dwelling together with the existing dwelling and garage conversion would lead to some increase in noise and light pollution to that previously experienced by adjoining occupiers. As Members are aware, adverse noise nuisance and light pollution would be subject to Environmental Health Legislation.
- 6.11 Objections have also been received in respect of loss of privacy. The revised drawings illustrate that the proposed shared boundary between the application site and the adjacent property, Willowbank (annotated on OS Maps as The Shield), would be a 2 metre high block and render wall topped with coping stones. Furthermore, the application satisfies the minimum distances between windows as outlined in the City Council's Supplementary Planning Document 'Achieving Well Designed Housing'. Although the drawings are indicative only and in light of the proposed boundary treatment, conditions ensuring that the proposed dwelling would be no more than one and an half storey high with no windows above ground floor level on the western elevation of the proposed dwelling are proposed which will further ensure that there is no significant loss of privacy to the occupiers of Willowbank.

4. Impact Of The Proposal On Highway Safety

- 6.12 Access to the proposed dwelling would be via a private concrete surfaced road along which Public Footpath 106011 also runs. Objections have been

raised in respect of the intensification of use of the existing access road together with the potential for overspill parking from the proposed and existing properties resulting in parking along the verge. Members should note that Cumbria County Council, as Highways Authority, has raised no objection to the proposal subject to the imposition of appropriate highway conditions.

5. Impact Of The Proposal On Existing Trees And Hedgerows

- 6.13 The application site is bounded by hedgerows with sporadic trees along the north-western and north-eastern boundaries. The applicant has submitted an Arboricultural Report which assesses the impact of the proposal on trees and hedgerows within the development site. The Report outlines that the hedgerow along the northern-western boundary including a Sycamore and an Oak tree would be retained; however, recommends that trees along the north-eastern boundary be felled due to fungal decay and potential structural instability.
- 6.14 The City Council's Landscape Architect/Tree Officer has been consulted and has no objections subject to the imposition of a condition ensuring the protection of those trees to be retained.

6. Impact Of The Proposal On Biodiversity

- 6.15 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm 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. An additional condition is also proposed ensuring that all works to hedgerows and trees and undertaken out with the bird nesting season.

7. Method Of Disposal Of Foul And Surface Water

- 6.16 In order to protect against pollution, Policy CP12 seeks to ensure that development proposals have adequate provision for the disposal of foul and surface water. As previously mentioned, the proposal seeks Outline Planning Permission with all Matters Reserved; however, it is appropriate to include a condition, should the application be approved, ensuring submission of details for the disposal of foul and surface water as part of any future application.

8. Other Matters

- 6.17 Objectors have raised concerns in respect of the impact of the proposal on the Buffer Zone on the World Heritage Site and Longburgh Conservation Area; however, the site and its immediate neighbours are out with both the Buffer Zone and the Conservation Area.
- 6.18 Objectors have raised concerns about: the 'drip-feed' nature of planning applications within the site; suggested other sites within Longburgh which they consider more appropriate for development; and need for the dwelling.

Members are aware that each application is dealt with on its own merits and have to consider the application as proposed.

Conclusion

- 6.19 The principle of development of the site is acceptable under the provisions of the NPPF. Cumbria County Council, as Highways Authority, do not object subject to the imposition of appropriate conditions. Other matters in respect of appearance, landscaping, layout and scale would be subject to consideration upon receipt of a further application.
- 6.20 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF and the objectives of the relevant Local Plan policies. Accordingly, the application is recommended for approval.

7. Planning History

- 7.1 In 1954, Planning Permission was granted for erection of a dwellinghouse (application reference BA1116).
- 7.2 In 1977, Planning Permission was granted for siting of temporary residential caravan (application reference 77/0797).
- 7.3 Also in 1977, Planning Permission was granted for demolition of existing cottage and outbuildings and erection of new bungalow and garage (application reference 77/0920).
- 7.4 In 1981, Outline Planning Permission was granted for erection of new dwelling (application reference 81/0105).
- 7.5 In 1982, Full Planning Permission was granted for conversion of barn into stores and new loft store (application reference 82/0286).
- 7.6 In 2006, Full Planning Permission was granted for a domestic garage and store to house vintage tractors (application reference 06/1348).
- 7.7 In 2012, Full Planning Permission was granted for change of use from garage to dwelling (application reference 12/0744).

8. Recommendation: Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of three years 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 five years from the date of the grant of this permission, or

- ii) The expiration of two 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 access, appearance, landscaping, layout, and scale 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 submitted planning application form received 31st May 2013;
2. the Tree Report compiled by Westwood Landscape received 4th September 2013;
3. the Contamination Report received 27th June 2013;
4. the site location plan received 19th September 2013;
5. the site plan received 17th September 2013;
6. the ground floor plan received 4th September 2013;
7. the first floor plan received 4th September 2013;
8. the Notice of Decision; and
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface waters have 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.

5. No development shall be commenced until samples or full details of materials to be used externally on the dwelling 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 and in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Before development commences, particulars of height and materials of all screen walls and boundary fences to be erected shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance therewith.

Reason: In the interests of privacy and visual amenity in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. 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 the dwelling. 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.

8. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the new dwelling 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 CP5 of the Carlisle District Local Plan 2001-2016.

9. The access road/parking areas etc shall be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details, shall be submitted to the Local Planning Authority for approval as part of the Reserved Matters Application.

Reason: To ensure a minimum standard of construction in the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8.

10. There shall be no interference with the public's right of way over Public Footpath No. 106011.

Reason: In order to prevent any obstruction to a public right of way in accord with Policy LC8 of the Carlisle District Local Plan 2001-2016.

11. The dwelling, subject of this approval, shall be no higher than 1.5 storeys.

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 Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted above the ground floor on the north east elevation without the prior 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 Policy CP5 of the Carlisle District Local Plan 2001-2016.

13. 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.

14. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, no equipment, machinery or structure shall be attached to or supported by a retained tree or hedge, no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

15. 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 CP13 of the Carlisle District Local Plan 2001-2016.

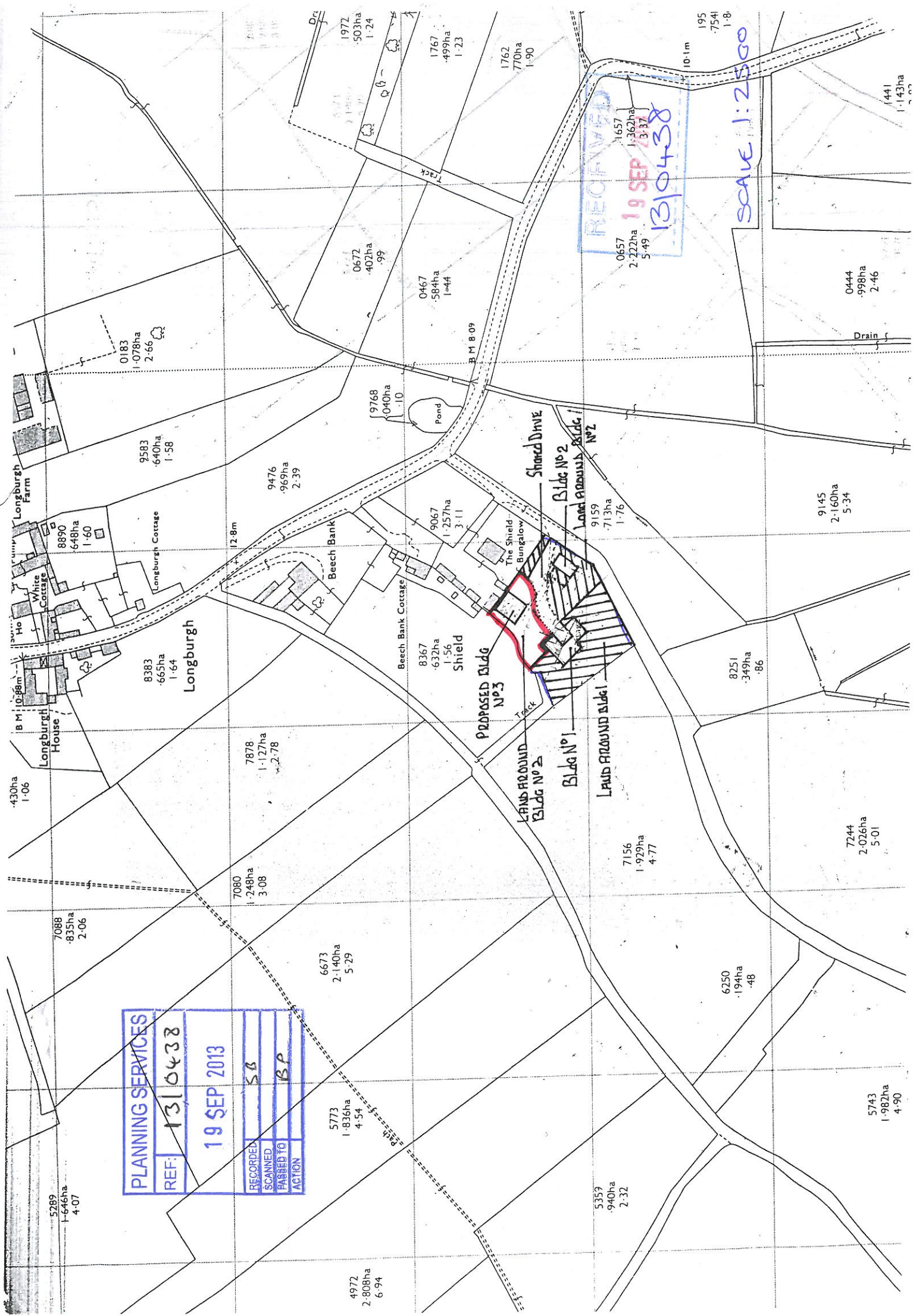
16. No work associated with the construction of the residential unit hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

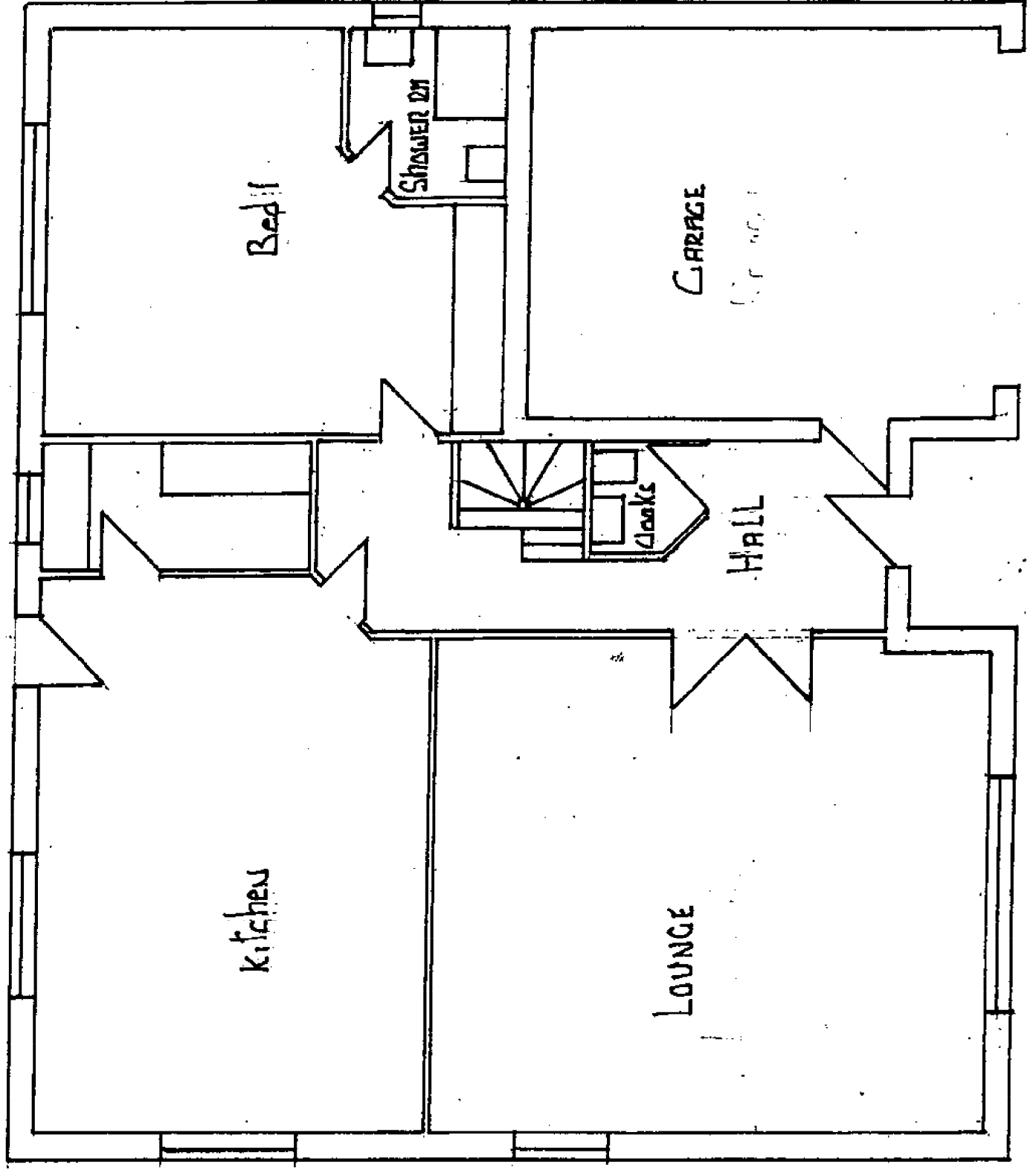
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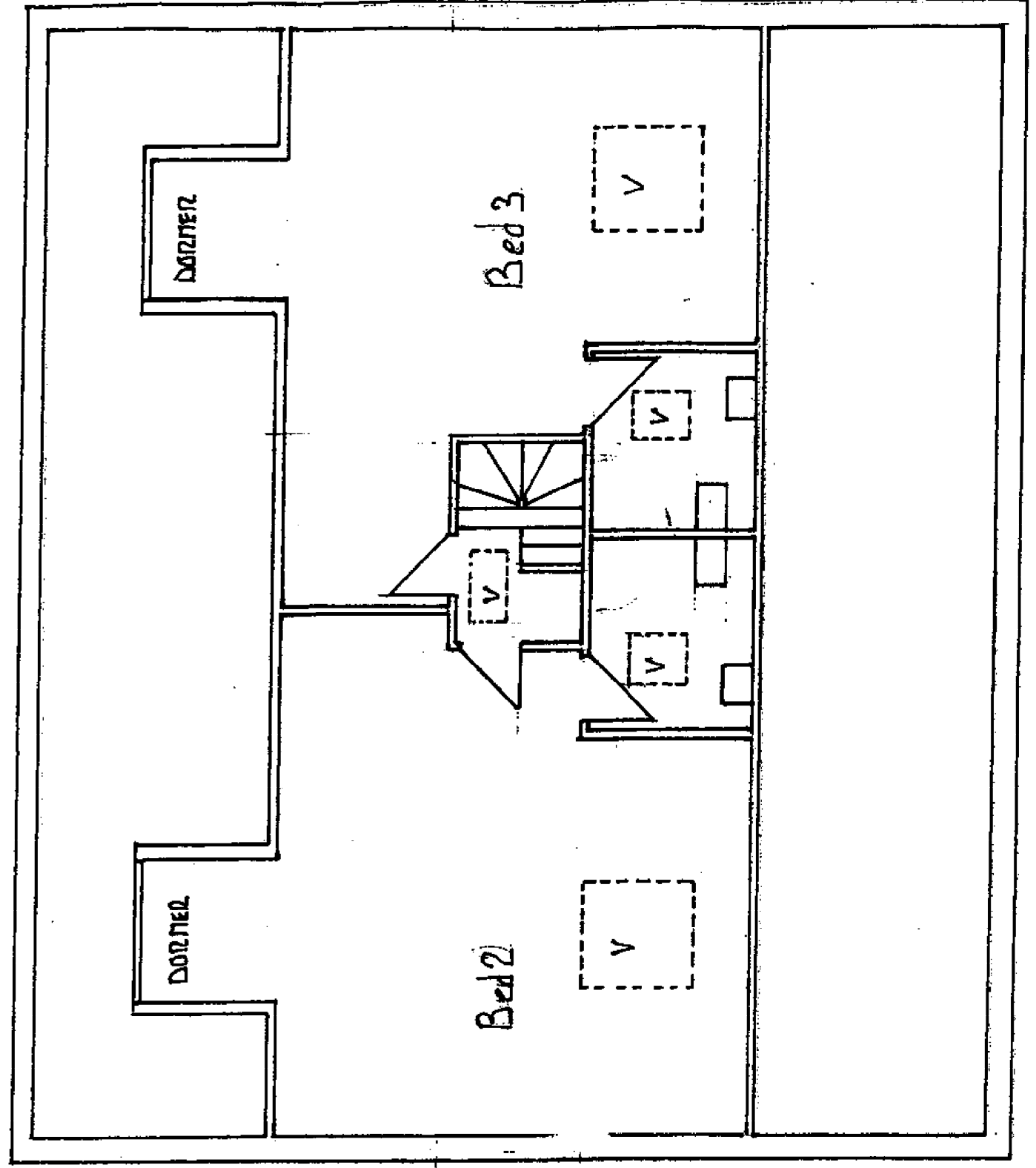


GROUND FLOOR PROPOSE DORMER BUNGALOW
 LAND AT SECHET LONG BURGH BURG BY SANDS
 FOR MR + MRS GEORGE GRAHAM SCALE 1:100 DRAWN 5/9/04



RECEIVED
 4 SEP 2013
 13/0438

1st FLOOR FOR DORMER BUNGALOW LAND AT
 SECHET LONGBURGH. BURGH BY SANDS
 FOR MR + MRS GEORGE GRAHAM. SCALE 1:100 DRAWN 9/9/05
 V = VELUX ROOF LIGHT



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