

## SCHEDULE A: Applications with Recommendation

16/0097

Item No: 02

Date of Committee: 17/03/2017

**Appn Ref No:**  
16/0097

**Applicant:**  
Mr Wannop

**Parish:**  
Stanwix Rural

**Agent:**  
Positive Planning Solutions

**Ward:**  
Stanwix Rural

**Location:** Land adj Croft House, Brunstock, Carlisle, CA6 4QG

**Proposal:** Erection Of Dwellings (Outline)

**Date of Receipt:**  
05/02/2016

**Statutory Expiry Date**  
06/05/2016

**26 Week Determination**  
05/08/2016

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### REPORT

**Case Officer:** Christopher Hardman

### ADDENDUM

At Development Control Committee on the 8 July 2016 Members resolved to defer the application in order to undertake an independent highway assessment of the application. In response the Council commissioned a Technical Review of the transport information in relation to this application to consider the submitted information from the applicant/agent and the response of the Highway Authority. Following this Technical Review the agent submitted a revised indicative layout reducing the number of units to 9 dwellings. Both the Technical Review and the revised Indicative Layout have been the subject of further consultation.

This report has been updated in the following section/paragraphs to reflect the revisions undertaken: 4.2; Section 5; 6.3; 6.32a; 6.34; 6.43a-d, and 6.45a. Paragraphs 6.1-6.3 have been updated to reflect the adoption of the Local Plan.

The new text has been *italicised* for ease of reference for Members of Development Control Committee.

The conditions have been updated for the Carlisle District Local Plan 2015-2030. In addition a new condition 27 has been added to restrict the development numbers on the site. The conclusion and recommendation remain the same.

#### 1. Recommendation

- 1.1 It is recommended that this application is approved subject to conditions and a legal agreement for a commuted sum for affordable housing.

## **2. Main Issues**

- 2.1 Whether the principle of development is acceptable
- 2.2 Impact of the proposal on the setting of adjacent listed buildings
- 2.3 Whether the layout of the proposal is acceptable
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Impact of the proposal on highway safety
- 2.6 Provision of affordable housing
- 2.7 Foul and surface water drainage
- 2.8 Impact of the proposal on trees and hedgerows
- 2.9 Impact of the proposal on biodiversity
- 2.10 Other matters

## **3. Application Details**

### **The Site**

- 3.1 The application site, equating to approximately 0.55 hectares is located in the centre of Brunstock. The application site is bounded to the north and east/southeast by residential properties with agricultural fields to the southwest and west.

### **Background**

- 3.2 The application site was considered in the Strategic Housing Land Availability Assessment under references OC83 (Discarded) and OC33 (Deliverable). Site OC83 was a large site requested for allocation and included the smaller site the subject of this application. Site OC33 relates to the boundaries of the existing application. The site has not been allocated in the emerging Local Plan but was considered to be deliverable. This is discussed further in the assessment of the principle of development.

### **The Proposal**

- 3.3 The application seeks Outline Planning Permission with all Matters Reserved namely: access, layout, appearance, landscaping and scale. This application, therefore, is to establish the principle of development.
- 3.4 The submitted drawings illustrate that the access would be from Brunstock Road with 12 detached dwellings arranged around a single access point to the site. Several hedgerow trees, the group of trees to the west and the majority of hedgerows would be retained with the exception of sections of hedgerow and hedgerow trees to afford vehicular and pedestrian access. This is however an indicative site layout as these matters are reserved for a later planning application.

## 4. Summary of Representations

4.1 Consultation on this application was undertaken by press notice and site notice along with notification to 8 neighbouring properties. In response 25 letters of representation have been received including a petition of 50 signatures and comments are summarised below.

- high risk to health and safety of residents due to increase in traffic volume
- speeding through the village already, with several accidents recorded
- narrow footpaths and vehicles use it as a 'rat run' now
- the road is not fit for purpose now
- the access to the development is at the narrowest part of the through road
- development is acceptable in principle, but should be far fewer homes
- overdevelopment and urbanisation of this small hamlet - increasing it by almost a third
- the field is currently agricultural and is still in use
- contrary to H1 of the CDLP and H01 and H02 of the emerging plan
- the Stanwix Rural Parish Plan does not indicate future development
- detrimental visually and will increase noise in the village
- the development will contribute to increase flooding risk and overwhelm the drainage system from water run-off
- brownfield sites should be used up first
- the hamlet lacks facilities/amenities and use of private cars will therefore be compulsory
- there will be an increase in local children requiring schools, which are mostly oversubscribed now

4.2 *Following further consultation 10 objections have been received making the additional points:*

- *This will still have a detrimental impact on the quiet rural hamlet*
- *Unacceptable high density/over development of the site, the applicant is trying to squash as many buildings onto this field as he can get away with.*
- *Proposed development is over bearing, out-of-scale and character in terms of its appearance compared with existing development in the vicinity*
- *It is not appropriate to the scale and density of dwellings in the hamlet and as such fails to satisfy the definition of a windfall site*
- *Is this 9 or 7 dwellings?*
- *Consultee has stated that the application is for 7 dwellings and this is not correct*
- *The removal of number 7 from the original plans is the thin edge of the wedge. If approved this will set a precedent for doubling the size of the village to the detriment to all who enjoy living there*
- *The modern estate layout would not blend in with the current housing of a more linear form*
- *There have been previous developments in 1997 and 2001 and the latest 15/0098 was refused for an additional dwelling as it would appear cramped and overdevelopment in the context of the adjacent site and area as a whole. The applicant has been holding up precedents from all over the country to squeeze every penny from the agricultural land. Believe the maximum number should be 4-5 at the most.*
- *If as the agent stated this was to benefit the hamlet some of the land*

*should be used to widen the lane and provide a pavement through that section of the lane.*

- There have 5 new houses in the last 2 years designed on large sites sympathetic with the rest of the village. Nine houses on such a small plot would give the impression of council or estate built houses over developing a small hamlet*
- The tactics used is no surprise asking for an absurd amount of houses then trying to fool the planning committee into accepting 9 which is probably what they wanted at the start. Need to decline permission as there are better options in other villages*
- There is no strong justification to turn this agricultural land into a residential development*
- The proposed area of development is part of a larger field of good agricultural land which has been farmed for many years. There is no reasonable justification for building development*
- There will be a traffic impact as each house will have at least two vehicles*
- The independent traffic report is slightly contradictory as it states it should not be refused on traffic grounds but mentions traffic calming measures in the hamlet*
- The transport technical review effectively acknowledges all residents' concerns about increased volume and speed of vehicles*
- Even a reduction to 9 houses still means an increased volume of traffic in the order of about 18%, not an insignificant amount. Do not accept the assertion that there is no material impact onto the highway network as studies show increase in accidents with increased volume of traffic until the volume causes a decrease in speed.*
- The proposed entrance to the site is at the narrowest part of the road through the hamlet. Is it really common sense to put the entrance only 2.2m from the corner of a listed barn?*
- The current narrow road does not unfortunately cause all drivers to slow down and many residents will confirm of near misses/close encounters on foot or in a vehicle*
- A689 & B6264 Brunstock Entry/Exits – leaving or entering at either point must be done with considerable care, refer to residents nearly killed in accidents resulting in cars completely written off. Nearly all residents have had near misses at this junction. Bad experiences when turning right off the A689. Both the roads have 60mph limits while each exit has a limited view. Virtually all residents feel a need to warn visitors of these hazardous points.*
- Very heavy traffic uses the A689 as an east-west link since the by-pass opened*
- Brunstock is now in the Brunstock Triangle, difficult to get out once you're in, major road on three sides and no safe route on foot*
- The potential for increased traffic would increase the accident potential at these points as well as within the hamlet*
- Strongly object to traffic calming measures as affect neighbouring properties by noise intrusion from traffic accelerating over and away from the calming measures*
- Traffic calming measures would spoil the rural hamlet*
- Feel that the traffic calming measures suggested confirm there will be a problem.*

- *The junction considered for traffic calming is already a cause for concern, HGVs delivering to the ongoing building work cannot get round the 90-degree junction and have had to reverse about 1 mile to the B6264.*
- *Both junctions have been highlighted many times due to several accidents*
- *It will have a significant impact on the residents' well-being*
- *Perhaps the applicant would do something for the community such as considering enhancing wildlife instead of destroying this, create a wetland and walkway so that all the rural community can benefit from this.*
- *The small hamlet has doubled in size in the last 15 years but the infrastructure has not – no main roads only narrow country lanes; no paths; no street lighting; no main sewerage system; no bus route; no school; no shops*
- *To increase the traffic usage with more houses is another accident waiting to happen*
- *There are better options for sites in larger villages with amenities or on the outskirts of Carlisle*
- *There are no amenities and there is no suitable footpath for pushchair use to the nearest shop in Houghton.*
- *Houghton School is already oversubscribed, these additional houses will increase the pressure on places*
- *There is no bus service to the village and all transport is by cars*
- *Please take on all residents objections and refuse the application*
- *This is laying down the option of further construction into the next field*

## 5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority and Lead Local Flood Authority): - Initially requested additional information. Following submission of that information has no objection subject to a number of conditions relating to standard of construction; visibility splays; highway verge crossing details; surface water discharge; vehicular access provision and vehicle turning space provision. *Following further consultation they raise no objection subject to the above conditions.*

Historic England - North West Office: - The application should be determined in accordance with national and local policy guidance and on the basis of your own specialist conservation advice.

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: - No objection provided conditions are imposed ensuring that foul and surface water are drained on separate systems, and the management and maintenance of sustainable drainage systems.

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): - In the event of an application for full permission being submitted, the applicant should be reminded that compliance with Policy CP17 is expected and the Design and Access Statement should demonstrate how crime prevention has been considered as part of the development ('Design and Access Statements: How to write, read and use them' CABE – 2007. Some matters to consider have been suggested for inclusion in a subsequent application

Local Environment - Environmental Protection: - No objections.

Local Environment, Waste Services: - No objection in principle but if proceed to reserved matters, applicant would have to provide bins for each property.

Stanwix Rural Parish Council: - Considers the site to be unsustainable and objects strongly on the basis of the following:

- The site was examined in the 2011 draft SHLAA and found to be in an unsustainable location having no housing potential. The site and location remain the same now as they were in 2011 and remain in reality as unsustainable as they were at that time
- As a small hamlet Brunstock lacks facilities and amenities. As a route to the garden centre, the A689 is a busy main road and lacks a footpath and the alternative footpath route is weather dependent and frequently impassable.
- The hamlet's main services are restricted to water and electricity supply and lacks main sewage disposal.
- Local primary schools are well over subscribed with Houghton School needing to provide additional accommodation for the Eden Gate development. A further increase in pupil numbers will add an extra burden.
- The hamlet's access and egress are via hazardous junctions with busy roads having 60mph limits.
- Lanes within the hamlet are narrow and have a number of blind bends
- Construction vehicles would present an unacceptably enhanced danger to residents and property for the duration of the construction process.
- The hamlet is not well served by public transport
- Increasing the size of the hamlet by approximately 30% would fail to respect the historic form and scale of the hamlet
- The proposed cramped and anomalous development would juxtapose awkwardly with the adjacent hamlet's existing rural context
- The proposed 24 parking spaces anticipate at least 24 vehicles representing a significant increase in regular daily vehicle movements
- The overall effect would be a significant detrimental impact upon the quality of life of existing residents
- The proposal would constitute unsympathetic expansion of the hamlet through its significant adverse social and environmental impact
- Additionally reference Policy CP6, H1, H5, Emerging Policy H02 Policy 30 (now IP1) and the NPPF.

*A further response from the Parish Council with regards to the further consultation is awaited and Members will be updated*

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. At a local level, the development plan comprises the Carlisle District Local Plan 2015-2030 (CDLP 2015-2030).
- 6.2 The Carlisle District Local Plan 2015-2030 was adopted by Carlisle City Council 8 November 2016.

- 6.3 Policies of the CDLP (2015-2030) of relevance are: SP1, SP2, SP6, HO1, HO2, HO4, HO6, IP3, IP5, IP6, IP8, CC5, CM4, CM5, GI3, and GI6.
- 6.4 Policy HO2 ("Windfall Housing Development") states that new housing development on sites other than those allocated will be acceptable within Carlisle, Brampton, Longtown and villages within the rural area provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan and compliance with a number of criteria:
- the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed;
  - the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;
  - the layout of the site and the design of the houses is visually attractive;
  - on the edge of settlements the site is well contained within existing landscape features, is physically connected, integrates with the settlement, and does not lead to an unacceptable intrusion into open countryside;
  - in the rural area there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services; and
  - the proposal is compatible with adjacent land users.
- 6.5 At a national level, other material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), Planning Practice Guidance (April 2014), the Community Infrastructure Levy Regulations 2010 (as amended), and the Natural Environment and Rural Communities Act (2006).
- 6.6 In relation to the CDLP 2015-2030 paragraph 215 of the NPPF highlights that due weight should be given to policies in such existing development plans according to their degree of consistency with the Framework. Paragraph 216 explains the weight that can be afforded to the policies of emerging plans.
- 6.7 Paragraph 6 confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 7 identifies the three dimensions to sustainable development: economic; social; and environmental. Paragraph 14 of the NPPF highlights the presumption in favour of sustainable development which is referred to as "a golden thread". For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
  - specific policies in this Framework indicate development should be restricted.
- 6.8 Paragraphs 17 and 111 of the Framework explain that the planning system should encourage the effective use of land by reusing land that has been

previously developed providing that it is not of high environmental value. Paragraph 55 of the NPPF also states that 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. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- where such development would represent the optimal viable use of a heritage asset...*
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- the exceptional quality or innovative nature of the design of the dwelling.”*

6.9 Planning Practice Guidance indicates, amongst other things, that:

*“...all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricted housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.”*

6.10 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application in accordance with paragraph 118 of the NPPF. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.

6.11 In this context, it is considered that the main issues are:

### **1. Whether The Principle Of Development Is Acceptable**

6.12 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".*

6.13 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.

- 6.14 The NPPF outlines that housing applications should be considered in the context of the presumption in favour of sustainable development. Policies DP1 and H1 of the Local Plan requires all proposals for development to be assessed against their ability to promote sustainable development. The aforementioned policies outline that all proposals for development will be considered favourably within the locations identified within the policies, provided they are in scale with the location and consistent with other policies of the Local Plan. The locations identified are prioritised as the City of Carlisle, the Key Service Centres of Brampton and Longtown, and the Local Service Centres.
- 6.15 As highlighted earlier in the report, the application site was considered in the Strategic Housing Land Availability Assessment (SHLAA) as part of two proposed development sites. Site OC83 was a much larger site and contained the field to the north west of the site. This site was discarded as not an appropriate location for the scale of development proposed. Site OC33 reflected the boundaries of the current application and it was considered that this site was deliverable. All the deliverable sites were further considered whether or not to be allocated through the emerging Local Plan. Given the size of the site proposed it was considered that there were sufficient larger allocations essential to bring forward through allocation to ensure that the plans housing numbers were delivered. A number of smaller sites were not allocated and would therefore be treated as windfall sites that would still be able to contribute to housing delivery.
- 6.16 When assessing the application against the foregoing context the application needs to consider Policy H02 Windfall Housing Development of the emerging Local Plan. The site is located in the centre of Brunstock with existing residential properties to the north and east. The site is well-related to the form of Brunstock and although currently an open field the strong tree boundary ensures that the site would not encroach into the adjoining countryside. Given the scale of the settlement, the additional 12 houses proposed by this development would be of an appropriate scale to the village and reflects the village's compact form.
- 6.17 It is noted that the settlement relies on services/facilities in either neighbouring villages (Houghton/Low Crosby/Linstock for schools/church/shop/village hall, etc) and has access to Carlisle. In the context of the National Planning Policy Framework, Paragraph 55 states that development in one village may support the services of villages nearby. It is noted that there is only a limited bus service some distance from the village however in this location it is acknowledged that short journeys may have to be made by car. This NPPF is clear that in rural areas development in one village which supports the services/facilities in nearby villages is considered

to be sustainable. There is also recognition that villages may not necessarily be linked by convenient bus services.

- 6.18 Housing in Brunstock could help sustain services in this village cluster, in line with paragraph 55 of the NPPF.
- 6.19 In overall terms, the proposal is therefore consistent with the up-to-date spatial strategy of the development plan, Policy HO2 of the emerging Carlisle District Local Plan 2015-2030 and conforms with the NPPF. On this basis the principle of development is acceptable subject to other considerations outlined in this report.

## **2. Impact Upon Setting Of Grade II Listed Buildings**

- 6.20 The application site is located close to a Grade II Listed Buildings namely Brunstock Farmhouse and Barns located to the north-east of the site.
- 6.21 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:  
  
*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*
- 6.22 As a result it is recognised that considerable importance and weight must be given to the desirability of preserving the listed buildings within the immediate vicinity and their setting(s) when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.23 Paragraph 133 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 134, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.24 Planning Practice Guidance (March, 2014) explains that, in relation to assessing harm, such a judgement is for the decision taker having regard to the circumstances of the case and the policy in the NPPF. In general terms it is the degree of harm to the asset's significance rather than the scale of the development that needs to be assessed. The harm may arise from works to the asset or from development within its setting.
- 6.25 Policy LE12 of the Carlisle District Local Plan 2001-2016 and Policy HE3 of the emerging Local Plan also indicates that new development which

adversely affects a listed building or its setting will not be permitted.

- 6.26 English Heritage has produced a document entitled 'The Setting of Heritage Assets' (TSHA) which, although out-of-date, still includes useful advice and case studies. The TSHA document provides a definition of the setting of a heritage asset as *"the surroundings in which [the asset] is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 6.27 The listed building opposite part of the site is Brunstock Farmhouse and Barns with the following listing details:
- "Farm and barns, formerly Dairy to Brunstock House. Late 1820s with additions dated 1845, for the Saul family. Farmhouse has English garden wall bond brickwork, whitewashed over, graduated stone-slate roof, double brick chimney stacks, one stone arch and surround, with hood mould and iron studded plank door. Ground floor windows have 2-3 light mullions with hood moulds and diamond cast-iron casements, central one altered to double sash with mullions removed. 2 corbelled-out dormer windows with crow-stepped gables, central window retains its tripartite diamond cast-iron casements, but flanking dormers altered to wooden and steel casements without glazing bars. Central dormer has weathered stone arms panel with cross stone vents in others. Brick modillions, chimney stacks with recessed panels and dentilled cornice. Gable end has date stone 1845. Behind, facing the road, is a 2 1/2 storey tower with similar windows, gabled roof, rounded stone with 1820's date, partly cut away. similar entrance and windows to right. Square headed lancets to left and at right angles to the farmhouse are 2 storey barns of brick: 1980's slate roof nearest farmhouse and graduated slate roof at right angles. Large projecting cart entrance: plank doors and half-plank doors, slit vents to upper floors."*
- 6.28 When assessing this application it is important to consider a) the significance of the listed buildings and the contribution made to that significance by their setting; and then b) the effect of the proposal on the setting (inclusive of its significance and on the appreciation of that significance). In the case of the former, the more significant the heritage asset, the greater should be the presumption in favour of its conservation. For the latter, different elements of a setting make different contributions to a building's significance as a heritage asset, namely: its immediate context; the area that can be seen from the building; and the street scene in which the building is set.
- 6.29 When considering the significance of the respective listed buildings, there are over 374,000 listed buildings within England which are categorised as Grade I, Grade II\* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II\* are particularly important buildings of more than special interest, 5.5% of listed buildings are Grade II\*. The final tier of Listed Buildings are Grade II buildings which are nationally important and of special interest.

- 6.30 The barns are the closest part of the listed building as these abut the road through the village. Over many years the development has surrounded the barns apart from this field which has remained open. Whilst the proposed development will be visible from the elevation of Brunstock Farmhouse barns the surrounding development has already altered the setting of the farmhouse and barns and it is not considered that the development of this site would have an adverse impact upon the setting. The Council's Heritage Officer has not raised any objection to the proposed development.

### **3. Whether The Layout Of The Proposal Is Acceptable**

- 6.31 The application seeks Outline Planning Permission with all Matters Reserved except. Accordingly, the indicative layout provided with this application is illustrative and detailed layout is reserved for subsequent approval. The layout provided however, illustrates a range of detached properties of a similar design to others in the village. The compact layout arranged in a cul-de-sac style ensures that the compact nature of the settlement is retained.
- 6.32 With regards to the Council's Supplementary Planning Document "Achieving Well Designed Housing" all the distances between the properties and existing development achieve the minimum required to retain privacy. The design also seeks where possible to retain and enhance existing tree and hedgerow features. In overall terms, the proposed layout would comply with the council's policies however a more detailed consideration would be required for a reserved matters application.
- 6.32a *Since deferral of this application the applicant has considered the debate by Members of Development Control Committee and the issues raised and following the production of the Technical Review the applicant has revised the Indicative Layout. Whilst this remains indicative the layout now indicates 9 dwellings indicating a lower density although the entrance and road layout remain in the same location. This appears to have addressed Members concerns regarding potential overdevelopment of the site although objections remain. In order to ensure the density does not increase it is advised that a condition be added to this decision and this is reflected in new condition 27 in this report.*

### **4. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Residents**

- 6.33 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. The living conditions of the occupiers of adjacent residential properties should not be adversely affected by proposed developments. This is echoed and reinforced in Local Plan policies and SPDs, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.

- 6.34 The submitted drawings illustrate only the layout and extent of each of the plots. The City Council's SPD 'Achieving Well Designed Housing' outlines where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (12 metres between any wall of a building and a primary window). The layout of the proposed development is such that the proposed dwellings have been so orientated to achieve the minimum distances outlined in the SPD. *The revised indicative layout also achieves the minimum distances outlined in the SPD.*
- 6.35 In overall terms, given the location of the application site in relation to neighbouring residential properties and the indicative plan submitted with the application, the proposal would not have a detrimental impact on the living conditions of the occupiers of those properties on the basis of loss of light, overlooking or over dominance. Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition is suggested which would limit construction hours.

## **5. Impact Of The Proposal On Highway Safety**

- 6.39 This application seeks Outline Planning Approval with all matters reserved including access however an indicative site plan shows a potential access point on the north eastern boundary of the site.
- 6.40 The indicative Site Plan illustrates that in order to attain the required visibility splays it would necessitate the removal of two additional trees over and above the tree survey findings.
- 6.41 Cumbria County Council, as Highways Authority, has been consulted and following the submission of speed survey information, raise no objections subject to the imposition of relevant conditions in respect of standard of construction; visibility splays; highway verge crossing details; surface water discharge; vehicular access provision and vehicle turning space provision.
- 6.42 The Parish Council and a number of objectors have raised concerns in respect of highway safety within the village. Concerns have also been raised about vehicles turning into the village from nearby road network. There were two accidents in 2013 (on the A689) however there have been no recorded incidents since and given the clear visibility on the A689 and advanced warning signs for the junction it is not considered that any traffic measures need to be incorporated at these junctions.
- 6.43 In light of the comments received from the Highways Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.
- 6.43a *At the request of Members an independent review of the transport concerns in relation to this application was undertaken. The review concluded that the proposed development will have no material impact on the highway network as such and there would be no transport/highways reasons for refusal of planning permission.*

- 6.43b *A number of residents have raised concerns about traffic in the village in response to the latest consultation however the review considered that the highway network is adequate to support the vehicle movements for the proposed development (as per the initial indicative layout) but did suggest that a possible option was to raise the bend to the south east of the development which would assist in slowing traffic down and discourage “rat runs”.*
- 6.43c *Whilst the solution of some form of traffic calming was considered to be an option it is not considered to be necessary and would therefore fail the tests of compliance for planning conditions. In addition a number of residents have raised concerns about the appropriateness of traffic calming of this nature in a rural hamlet.*
- 6.43d *Since undertaking the review the applicant has reduced the number of dwellings on a revised indicative layout. Taking account of the potential to restrict the numbers by planning condition the highway authority has been reconsulted and concurs with their original comments and raises no objection on highway safety grounds.*

## **6. Provision of Affordable Housing**

- 6.44 This site falls within affordable housing Zone A, so a 30% affordable housing contribution would be required on a site of 12 units which is shown on the indicative layout (in line with policy HO 4 of the emerging Local Plan). Policy HO 4 stipulates that this should be 50% affordable/ social rent (usually through a Housing Association) and 50% intermediate housing (usually discounted sale at a 30% discount from market value through the Council's Low Cost Housing Register). The applicant has agreed to enter into a S106 legal agreement for the provision of affordable housing.
- 6.45 It is recommended that the applicant liaises with Housing Services prior to submitting the Reserved Matters application to agree the property type and tenure of the affordable dwellings.
- 6.45a *Taking into account the revised indicative layout and the potential to restrict numbers to 9 dwellings through the use of a planning condition there would no longer be a policy requirement for on-site provision of affordable housing. The request in paragraph 6.45 is no longer required. There would however be a requirement for a commuted sum and a S106 legal agreement would still be needed to ensure its provision.*

## **7. Foul And Surface Water Drainage**

- 6.46 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. This application is for outline planning approval with drainage a matter reserved for a subsequent application.

- 6.47 United Utilities and Cumbria County Council as Lead Local Flood Authority (LLFA) have been consulted and raise no objections subject to the imposition of conditions relating to foul drainage, surface water drainage and sustainable drainage systems.

## **8. Impact Of The Proposal On Trees And Hedgerows**

- 6.48 Policy CP3 of the Local Plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further reiterated in Policy CP5 of the Local Plan and Policy SP6 of the emerging Local Plan which require all developments to take into account important landscape features and ensure the enhancement and retention of existing trees and hedges.
- 6.49 Furthermore, the City Council's SPD 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.50 The Tree and Hedge Survey, submitted as part of the application, outlines that the development would retain the majority of trees and hedgerows within the site with the exception of the loss of two trees, an Ash and a Hawthorn, together with small sections of hedgerow and two further trees to facilitate vehicular and pedestrian access. The Statement concludes that limited short term loss to the landscape value would occur but this would be mitigated by supplementary planting indicated on the submitted tree Mitigation Plan. To the north west of the site is a group of trees which remain outside the development boundary and it would be appropriate to ensure tree protection along this boundary through appropriate planning conditions to ensure their protection during construction.
- 6.51 The City Council's Landscape Architect/Tree Officer has raised no objections to the proposal subject to conditions requiring the submission of a method statement ensuring the protection of the retained trees and hedges together with a landscaping scheme.

## **9. Impact Of The Proposal On Biodiversity**

- 6.52 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 is recommended should Members approve

the application that if a protected species is found all work must cease immediately and the Local Planning Authority informed. A condition is also recommended that works involving the removal of section of the hedgerow and trees are undertaken outwith the bird nesting season.

## **10. Other Matters**

- 6.53 Residents and the Parish Council have raised concerns about the availability of school places for children from the development. As the outline application indicates 12 dwellings it falls below the threshold for a contribution towards education provision or transportation of children to school which has been used elsewhere to deal with this matter.
- 6.54 The applicant has submitted a contamination report indicating that the field has been in agricultural use for a number of years and unlikely to contain any contamination. Environmental Health are satisfied with this information however it is advised that a standard condition to cover any unexpected contamination findings is put on any decision notice to ensure that adequate measures are put in place should any findings occur.

## **Conclusion**

- 6.55 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. The application is therefore recommended for approval.

## **7. Planning History**

- 7.1 There is no relevant planning history

## **8. Recommendation: Grant Subject to S106 Agreement**

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 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) (England) Order 2015.

3. The approved documents for this Outline Planning Permission comprise:
1. the submitted planning application form received 2nd Feb 2016;
  2. the Planning Statement received 2nd Feb 2016;
  3. the Design and Access Statement received 2nd Feb 2016;
  4. the Tree Survey Report received 2nd Feb 2016;
  5. the Contamination Statement received 2nd Feb 2016;
  6. the Location Plan received 2nd Feb 2016 (Drawing No. P01 15080-00);
  7. the Tree Mitigation Plan received 2nd Feb 2016 (Drawing No. L/03 Rev B);
  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. Prior to commencement of development, details for how foul and surface water shall be drained on a separate system shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.

**Reason:** To ensure a satisfactory means of foul and surface water disposal and in accordance with Policy IP6 of the Carlisle Local Plan 2015-2030.

5. Prior to the commencement of any development hereby permitted full details of a surface drainage scheme based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local planning Authority. No surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

**Reason:** To promote sustainable development, secure proper drainage and manage the risk of flooding and pollution in accordance with Policy IP6 of the Carlisle Local Plan 2015-2030, NPPF and PPG..

6. Prior to the commencement of the development a sustainable drainage

management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management plan shall include as a minimum:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b) arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance, caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

**Reason:** To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

7. The development shall not commence until visibility splays providing clear visibility of 2.4 metres back by 45 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

**Reason:** In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8.

8. The carriageway, footways, footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

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

9. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

**Reason:** In the interests of highway safety

10. Details of proposed crossings of the highway verge shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety.  
To support Local Transport Plan Policies LD5, LD7 and LD8.

11. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the local planning authority.

**Reason:** To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.  
To support Local Transport Plan Policies LD7 and LD8..

12. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the local planning authority for approval prior to the development being commenced. Any approved works shall be implemented prior to development being completed and shall be maintained operational thereafter.

**Reason:** In the interests of highway safety and environmental management. To support Local Transport Plan Policies LD7 and LD8.

13. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, shall be submitted to the local planning authority for approval. The development shall not be brought into use until any such details have been approved and the turning space constructed. The turning space shall not thereafter be used for any other purpose.

**Reason:** To ensure that provision is made for vehicle turning within the site and in the interests of highway safety. To support Local transport Plan Policies LD7 and LD8.

14. The dwelling shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and has been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Plan Policies: LD5, LD7, LD8.

15. Before any development takes place, a plan shall be submitted for the prior approval of the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

16. Before development commences a scheme of tree and hedge protection of those trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the position and type of barriers to be installed. The barriers shall be erected before development commences and retained for the duration of the development.

**Reason:** To protect trees and hedges during development works in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

17. Notwithstanding the Tree Mitigation Plan L/03 Rev B submitted with this application, no development shall take place until full details of a landscaping scheme including retained trees and hedgerows and additional planting have been submitted to and approved by the local planning authority.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

18. Within the tree protection fencing approved by Condition 16:

- No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
- 1. 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.
- 2. No alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority.
- 3. No materials or vehicles shall be stored or parked within the fenced off area.
- 4. No alterations to the natural/existing ground level shall occur.

5. No excavations will be carried out within the fenced off area.
6. The tree and hedge protection fencing must be maintained to the satisfaction of the Local Planning Authority at all times until completion of the development.

**Reason:** To protect trees and hedges during development works in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

19. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the Local Planning Authority. The scheme shall be implemented during the planting season following the completion of the development hereby approved and any trees or shrubs which die, become diseased or are lopped, topped, uprooted or willfully destroyed within the following five years shall be replaced by appropriate nursery stock. The scheme shall include the use of native species and shall also include a detailed survey of any existing trees and hedges on the site and shall indicate plant species and those trees and hedges to be retained.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030

20. No site clearance or works to the retained trees or 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 GI3 of the Carlisle District Local Plan 2015-2030

21. Samples or full details of all materials to be used on the exterior of each dwelling 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 within the vicinity and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

**Reason:** To ensure that materials to be used are acceptable in accordance with Policy SP6 of the Carlisle District Local Plan 2015-30

23. 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 SP6 of the Carlisle District Local Plan 2015-30.

24. 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.

25. 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.

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.

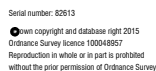
26. Prior to the occupation of the first property suitable receptacles shall be provided for the collection of waste and recycling for each unit in line with the schemes available in the Carlisle district.

**Reason:** In accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

27. Not more than 9 dwellings shall be erected on the site pursuant to this permission.

**Reason:** To ensure that the site is developed in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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Project

Client  
**Alistair Wannop**



## Location Plan

## PLANNING

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Scale	Date	Drawn	Comp.No.	Number
1:1250@A4	01.16	DB	P01	15080-00

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## Notes

- Each plot to have Min 2 No car parking spaces; garage
- Existing boundary hedge to be retained
- Existing boundary hedges to South East and South West to be retained
- Existing boundary hedges to North East and North West to be retained
- Existing hedge to South East "road" boundary to be carefully retained
- New native species hedging to be planted between plots - as indicated
- New trees to be planted as indicated in reinforcement existing landscape

- Each plot to have Min 2 No car parking spaces (see para 9)
- Existing boundary hedges and trees to all boundaries to be carefully retained
- Existing boundary hedges in South East and South West boundaries to have new mature native species
- Existing hedgerow hedges along boundaries
- Existing hedge to South East 'road' boundary to be carefully retained. Section of hedge carefully removed for new road access
- New native species hedging to be planted where indicated
- New trees to be planted as indicated to reinforce existing landscaping
- 
- 

**See separate specialist Tree and Hedge Survey Report.**  
Prior to commencement on site, tree protection barrier to be erected along around edge of hatched areas, providing a total exclusion zone adjacent to the existing trees, all to be in accordance with BS

Prior to commencement on site, tree protection barrier to be erected along around edge of hatched areas, providing a total exclusion zone adjacent to the existing trees, all to be in accordance with BS 5837:2012

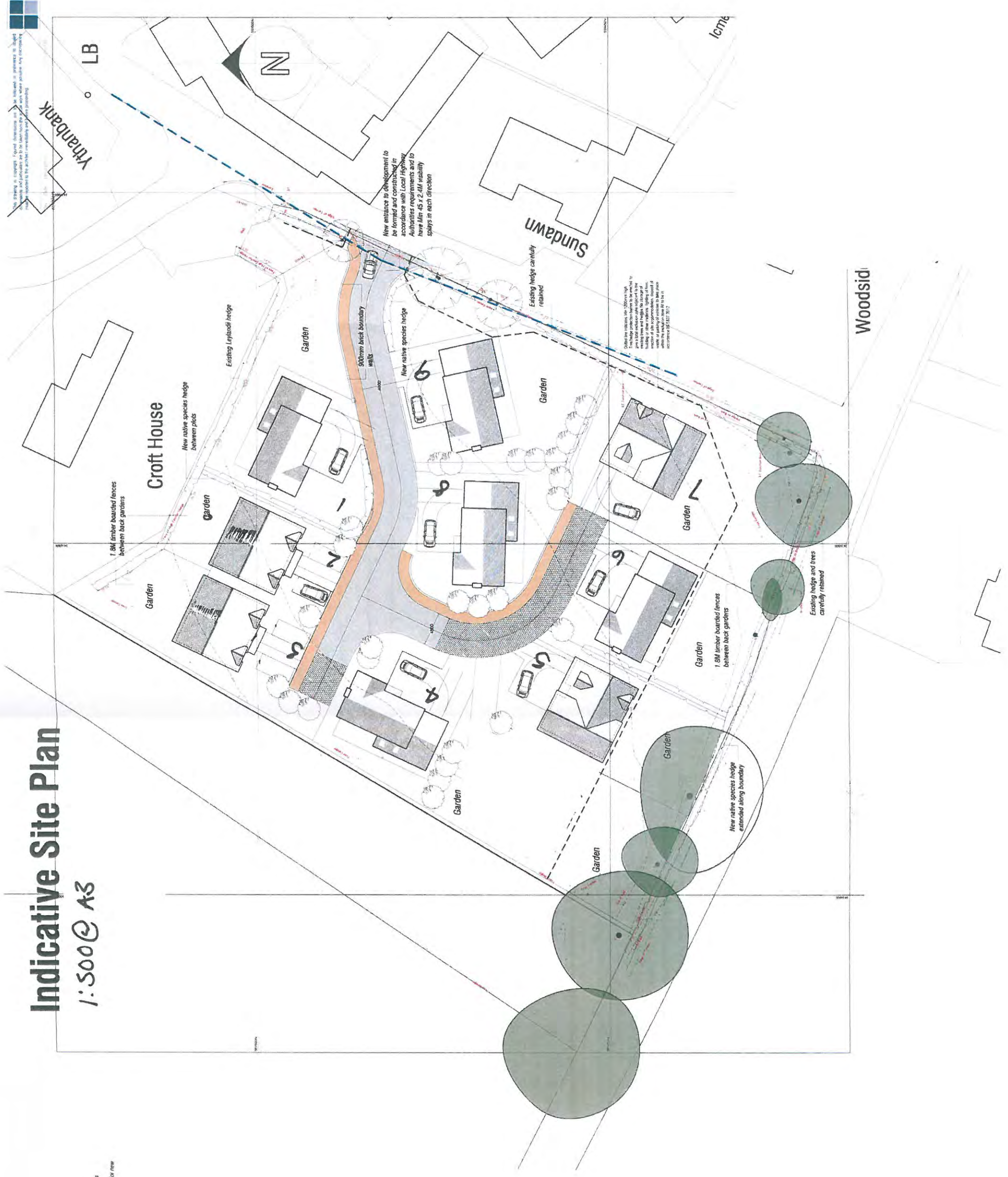
Tree barrier fencing to be min 1200mm high chestnut paling fencing

No storage of building or other materials, mixing of concrete, lighting of fires, erection of site accommodation, deposit of waste, or parking of vehicles to take place within the exclusion zone. Barrier to be retained and adequately maintained throughout the course of the development.

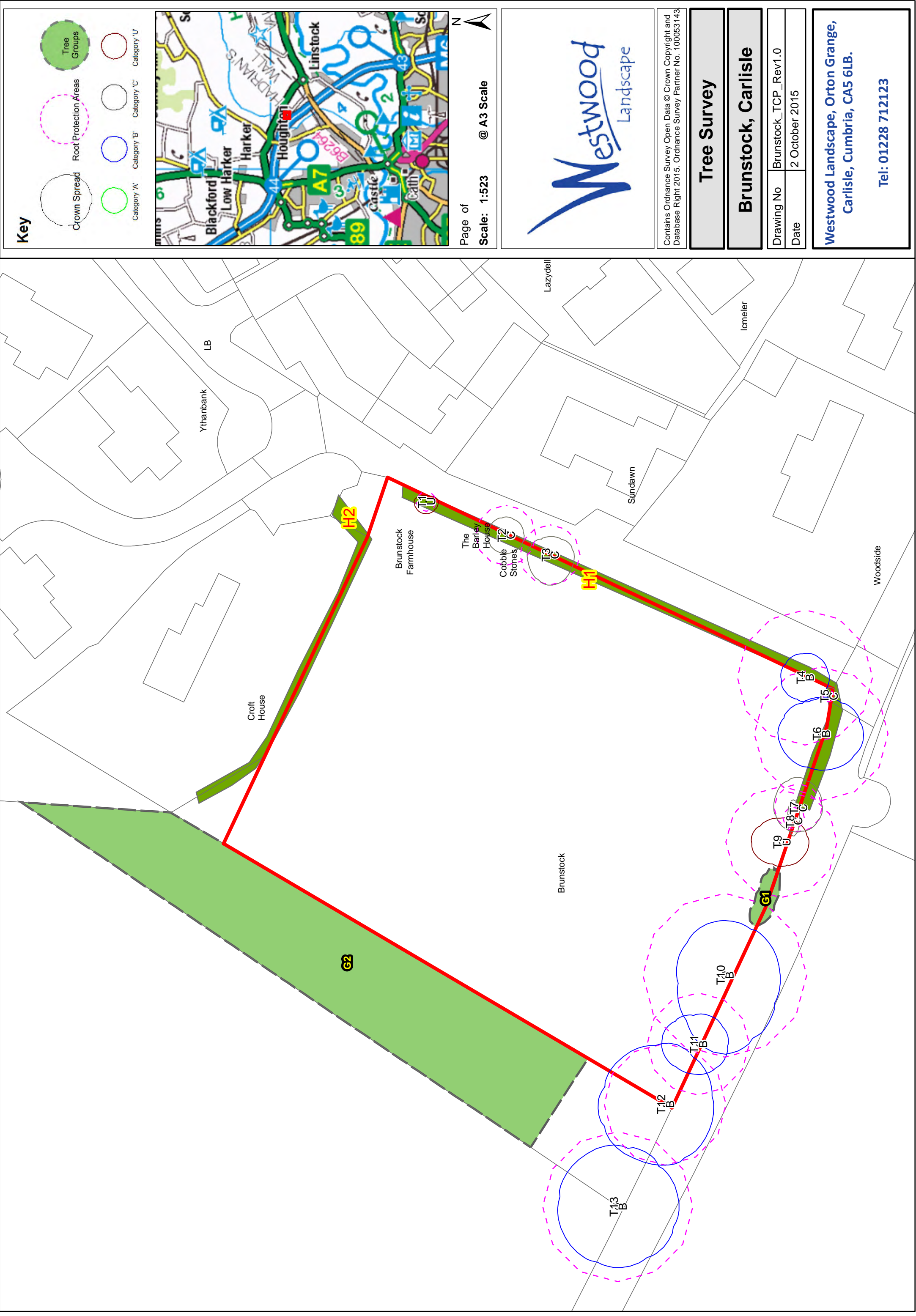
past below the branch spread of the trees, all logging to be carried out by hand avoiding the use of mechanical diggers. If roots smaller than 25mm diameter have to be cut, this should be carried out by hand, and the roots should be cut back clearly to the nearest side roots.

Roots larger than 25mm in diameter should be retained and protected unless otherwise agreed in writing by the planning authority

Exposed roots should be covered and kept moist at all times. Where backfill is to be used around and below root systems, this will be limited and consolidated by hand using suitable material.

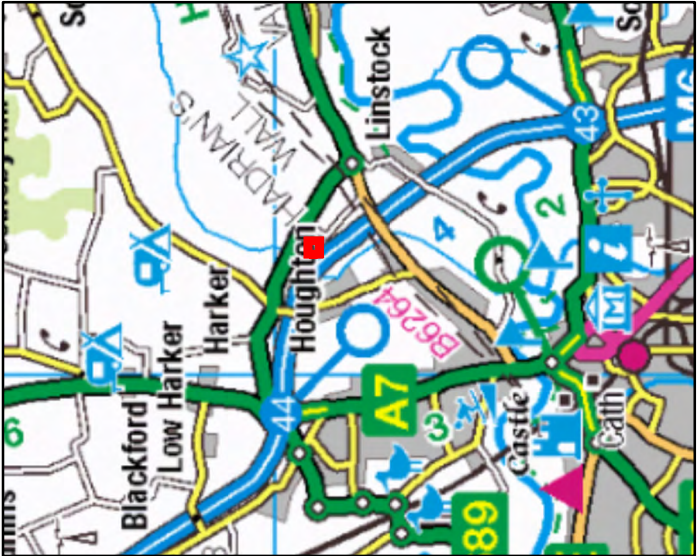






Key

- Tree Groups
- Root Protection Areas
- Crown Spread
- Category 'A'
- Category 'B'
- Category 'C'
- Category 'U'



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Tree Survey

Brunstock, Carlisle

Drawing No	Brunstock_TCP_Rev1.0
Date	2 October 2015


Westwood Landscape, Orton Grange,  
Carlisle, Cumbria, CA5 6LB.


Tel: 01228 712123








Key


Crown Spread


Root Protection Areas

Tree Groups

Category 'A'

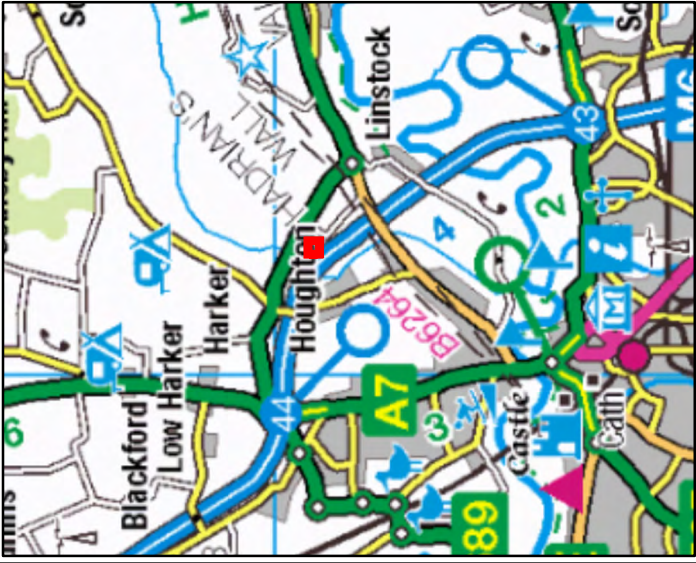
Category 'B'


Category 'C'

Category 'U'

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Tree Survey

Brunstock, Carlisle

Drawing No

Brunstock\_TCP\_Rev1.0

Date

2 October 2015

Westwood Landscape, Orton Grange,  
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