

## SCHEDULE A: Applications with Recommendation

14/0529

Item No: 10

Date of Committee: 29/08/2014

**Appn Ref No:**  
14/0529

**Applicant:**  
North Homes

**Parish:**  
Wetheral

**Agent:**  
Taylor & Hardy

**Ward:**  
Great Corby & Geltsdale

**Location:** Land at Longhwaite Farm Court, Warwick Bridge, Carlisle, CA4 8RN

**Proposal:** Erection Of 2No. Dwellings (Outline)

**Date of Receipt:**  
26/06/2014

**Statutory Expiry Date**  
21/08/2014

**26 Week Determination**

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### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

- 1.1 It is recommended that this application is approved subject to the completion of a Legal Agreement in respect of a commuted sum towards off-site affordable housing provision.

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Whether the scale and design of the dwellings are acceptable
- 2.3 Provision of a commuted sum towards off-site affordable housing provision
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Impact of the proposal on highway safety
- 2.6 Impact of the proposal on the adjacent public footpath
- 2.7 Impact of the proposal on biodiversity
- 2.8 Impact of the proposal on the floodplain
- 2.9 Method for the disposal of foul and surface water
- 2.10 Potential ground contamination
- 2.11 Other Matters

#### 3. Application Details

## **The Site**

- 3.1 The application site is located approximately 430 metres south east of Warwick Bridge within a development of six dwellings known as Longthwaite Farm Court. Immediately adjacent to Longthwaite Farm Court is Warwick Mill Business Park together with other residential properties, 1-12 High Buildings. Access to Longthwaite Farm Court, Warwick Mill Business Park, 1-12 High Buildings and other residential properties at 1-4 Low Building is via an existing unadopted access road, along which Public Footpath 138022 also runs.
- 3.2 Located at the junction of the access road with the adjacent A69 Carlisle to Newcastle Trunk road are a number of commercial properties consisting of a cafe, hairdressers, bed and breakfast together with the mixed development of the recently completed Co-Op with the residential flats of King George Court above. There is also an extant permission for a further eighteen houses as part of the mixed development.
- 3.3 Access to the application site is via an existing vehicular access between numbers 3 and 4 Longthwaite Farm, both of which are located at an oblique angle to the application site.
- 3.4 The boundaries of the proposed site are delineated by: a dwarf brick wall with an opening along its northern boundary; a post and rails fence along its western boundary; open aspects to the south; and the domestic curtilage and large outbuilding of 4 Longthwaite Court along its western boundary.

## **The Proposal**

- 3.5 This application seeks Outline Permission for the erection of two dwellings with all Matters Reserved. This application, therefore, is to establish the principle of development of the site for residential development.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of seven neighbouring properties and the posting of a Site Notice. In response, three representations of objection has been received.
- 4.2 The representations identifies the following issues:
  1. the application form states incorrectly that there is no watercourse within 20 metres.
  2. proposal does not reflect character and form of Longthwaite Farm Court.
  3. loss of privacy.
  4. the land is used by children from neighbouring properties as a place to play.

5. Accuracy of submitted documents and drawings.
6. intensification of use.
7. impact of the proposal on public health from the adjacent mobile phone masts.
8. impact of the proposal on existing drainage systems and the nearby SSSI.
9. possible land contamination issues.
10. questions the finished floor levels as the land is higher than surrounding land.
11. questions method of publicity for application.

## **5. Summary of Consultation Responses**

Department of Transport (DOT): - offers no objection;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - this Authority has on a few occasions stated discontentment with further development off this Public Right of Way; however, as the Highways Authority (DOT) do not raise any issues with the intensification of the access onto the A69, Cumbria County Council raises no objection;

Clerk to Wetheral PC: - objection to the proposal. As previous stated Members still wish to object to any further expansion /increase in traffic in this area on the grounds that the access road to the properties is a private single track road, already heavily used, with further expansion expected from the proposed development of the site to the rear of the new Co-Op building.

## **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.
- 6.2 The Development Plan for the purposes of the determination of this application is the Carlisle District Local Plan 2001-2016 from which Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1, H5 and T1 of the Carlisle District Local Plan 2001-2016 are of particular relevance.
- 6.3 The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (March, 2014) are also material planning considerations in the determination of this application.

6.4 The proposals raise the following planning issues:

**1. Whether The Principle of Development Is Acceptable**

- 6.5 The main issue for Members to establish in the consideration of this application is the principle of development. As previously outlined, since the adoption of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance have been published by the Government and are material considerations in the determination of this application. A further material consideration is an extant permission for Outline Planning Permission for the erection of one dwelling on part of the application site (application reference 13/0182).
- 6.6 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"*.
- 6.7 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.
- 6.8 When assessing the application site against the foregoing policies, the site lies some distance outside the settlement boundary for Warwick Bridge, as identified in the Proposals Map of the Local Plan; however, Policy H1 is not consistent with the NPPF, and as such greater weight should be given to those policies within the NPPF. Whilst Policy H1 restricts housing development to sites within the settlement boundary, the NPPF is aimed at significantly boosting the supply of housing, and does not refer to settlement boundaries. Paragraph 55 of the NPPF outlines that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.9 The application site is adjacent to other residential properties within the Longthwaite Farm Court development together with employment opportunities within Warwick Mill Business Park. Other service provision i.e. the Co-Op, cafe and hairdressers are also located approximately 430 metres to the north west. Furthermore, the principle of residential development on the site has previously been established, albeit for one dwelling, by the granting of Outline Planning Permission in 2013.

- 6.10 In the context of the foregoing assessment, the use of the site for residential development is consistent with the policies in the NPPF, therefore, the principle of development is acceptable.

## **2. Whether The Scale And Design Of The Dwellings Are Acceptable**

- 6.11 The application seeks Outline Planning Permission with All Matters Reserved for the erection of two dwellings with detached garages arranged around a private courtyard area. The drawings; however, are indicative only, with the scale and design reserved for subsequent approval, should the application be approved. Nevertheless, the indicative drawings illustrate that the proposed dwellings could achieve similar footprints and curtilages of other properties within Longthwaite Farm Court, a former farmsteading of six dwellings made up of the former farmhouse, three traditional converted farm buildings together with two new build dwellings.

## **3. Provision Of A Commuted Sum Towards Off-Site Affordable Housing Provision**

- 6.12 The community's needs for affordable housing provision is a material planning consideration. Policy H5 of the Local Plan recognises this need and sets the thresholds for the provision of affordable housing. In respect of this application, although the proposal is for two dwellings within the rural area on a site that extends to over 0.1 hectares, therefore, Policy H5 requires an affordable housing contribution of 10%. The Design and Access Statement submitted as part of the application acknowledges this policy requirement and agrees to the financial contribution. Accordingly, subject to the completion of a Section 106 Agreement there is no policy conflict.

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

- 6.13 Both the NPPF and the Local Plan seek to ensure that proposals for new 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. Development should also seek to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments.
- 6.14 Objections have been received from the occupiers of neighbouring properties citing, amongst other issues, potential loss of privacy and overdominance. These objections have been noted; however, the application seeks to establish the principle of development only, therefore, these issues would be addressed by the submission of a further application in respect of the scale and layout of the dwellings taking into account existing boundary treatments and existing and finished ground levels.

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

- 6.15 Access to the site and Longthwaite Farm Court would be via an existing unadopted road which has a junction with the main A69 Carlisle to Newcastle trunk road. The unadopted road has traffic calming measures along its length together with an advisory speed restriction of 10 m.p.h. As previously outlined, this access road also serves other residential properties at 1-4 Low Buildings and 1-12 High Buildings together with Warwick Mill Business Park. The access road also serves the commercial properties at its entrance together with the new flats above the Co-Op (King George Court) and the as yet unimplemented residential development of 18 houses to the rear of the Co-Op store.
- 6.16 Members will note that Wetheral Parish Council and the occupiers of adjacent properties have raised objection to the proposal, citing intensification of use of the single track road serving existing and proposed developments.
- 6.17 The access to the proposed development is taken directly off the A69 Carlisle to Newcastle Trunk road, therefore, the Highways Authority in respect of this application is the Department of Transport (DOT). Cumbria County Council's Highways and Transportation Division has also been consulted on the application. The DOT offers no objection to the proposal whilst Cumbria County Council highlights previous discontentment with further development off access road along which Public Footpath 138022 runs; however, outlines that given that the DOT has not raised any issues with the intensification of the access onto the A69, confirms that Cumbria County Council can raise no objection.
- 6.18 In light of the response from the Highways Authority together with the extant permission on the site for a dwelling, it would be difficult to substantiate a refusal of the application on highway safety grounds.

## **6. Impact Of The Proposal On The Adjacent Public Footpath**

- 6.19 Public Footpath 138022 runs along the unadopted road serving the application site, passes adjacent to the eastern gable elevation of 3 Longthwaite Farm Court then along a track to the south of the domestic curtilage of 3 Longthwaite Farm Court. Given that the application is outwith the route of the public footpath it is unlikely that there would be any interference with the public footpath; however, should Members approve the application a condition will be included within the Decision Notice ensuring that there is no obstruction of the footpath during or after development.

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

- 6.20 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 a protected species or their habitat; however, an Informative, should permission be granted, will be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

- 6.21 Neighbours raised concerns about the impact of the development on the Site of Special Scientific Interest (SSSI). Cairn Beck and the Millrace run to the south of the application site, both of which enter the River Eden (identified as a SSSI) located over 700 metres to the north east of the site. Given the topography of the site in relation to the adjacent watercourses and that the southern boundary of the application site would be between 6 to 7 metres from the watercourses, the proposal is unlikely to have a detrimental impact on the SSSI. Furthermore, there are other residential properties located immediately adjacent to the watercourses.

## **8. Impact Of The Proposal On The Floodplain**

- 6.22 The originally submitted application form in respect of the assessment of flood risk stated that the application site was not within 20 metres of a watercourse. This error has subsequently been corrected by the submission of revised application form. Nevertheless, the application site lies adjacent to but outwith Flood Risk Zones 2 and 3 as identified in the Environment Agency's Strategic Flood Risk Assessment Maps. In such a context, the proposal is unlikely to have a detrimental impact on the floodplain.

## **9. Method of Disposal of Foul And Surface Water**

- 6.23 These issues will be addressed by the submission of a further application should the application be approved.

## **10. Potential Ground Contamination**

- 6.24 Concerns have been raised in respect of possible ground contamination from its alleged former use as a scrap yard. The City Council's Environmental Services Section has been consulted and based on their records raise no objections to the proposal subject to the imposition of a condition.

## **11. Other Matters**

- 6.25 Third Parties have also raised concerns about inconsistency of the submitted documents as the site was referred to as both 'Longthwaite Court' and 'Longthwaite Farm Court'. Further concerns were also made as to the accuracy of the submitted drawings. These errors have now subsequently been resolved by the submission of revised documents correctly referred to the application site as Longthwaite Farm Court and accurately reproduced scaled drawings.
- 6.26 As previously outlined within the report, the application was advertised by the posting of notification letters to the occupiers of seven neighbouring residential properties and the posting of a site notice and subsequent removal of same at the entrance to Longthwaite Farm Court. Accordingly, the appropriate publicity procedures have been correctly undertaken.
- 6.27 A third party has commented on the use of the land as an informal play area enjoyed by the children of Longthwaite Farm Court. This issue is subject to Civil Law and is not a material planning consideration.

- 6.28 The occupiers of neighbouring residents have raised objections in respect of the proximity of the development to the telecommunication masts located to the west of the site and the perceived impact on public health. These concerns are noted; however, again this issue is not a material planning consideration. Furthermore, there are other residential dwellings and their domestic curtilages together with business premises closer to the masts than the application site.

## **Conclusion**

- 6.29 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 subject to the completion of a Section 106 Legal Agreement in respect of the provision of a commuted sum towards off-site affordable housing provision.

## **7. Planning History**

- 7.1 In 2013, Outline Planning Permission was granted for erection of dwelling (application reference 13/0182).

## **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 14th August 2014;
  2. the Planning Statement received 14th August 2014;
  3. the Desk Top Contamination Report received 14th August 2014;
  4. the site location plan received 14th August 2014 (Drawing No. 14 10 01e);
  5. the block plan received 14th August 2014 (Drawing No. 14 10 02e);
  6. the indicative layout received 14th August 2014 (Drawing No. 14 10 03c);
  7. the Notice of Decision; and
  8. 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 foul and surface water disposal in accordance 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 dwellings 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 H2 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 dwellings. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

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 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 H2 of the Carlisle District Local Plan 2001-2016.

9. There shall be no interference with the public's right of way over Public Footpath No.138022.

**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.

10. No work associated with the construction of the residential units hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 16.00 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.

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.

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.

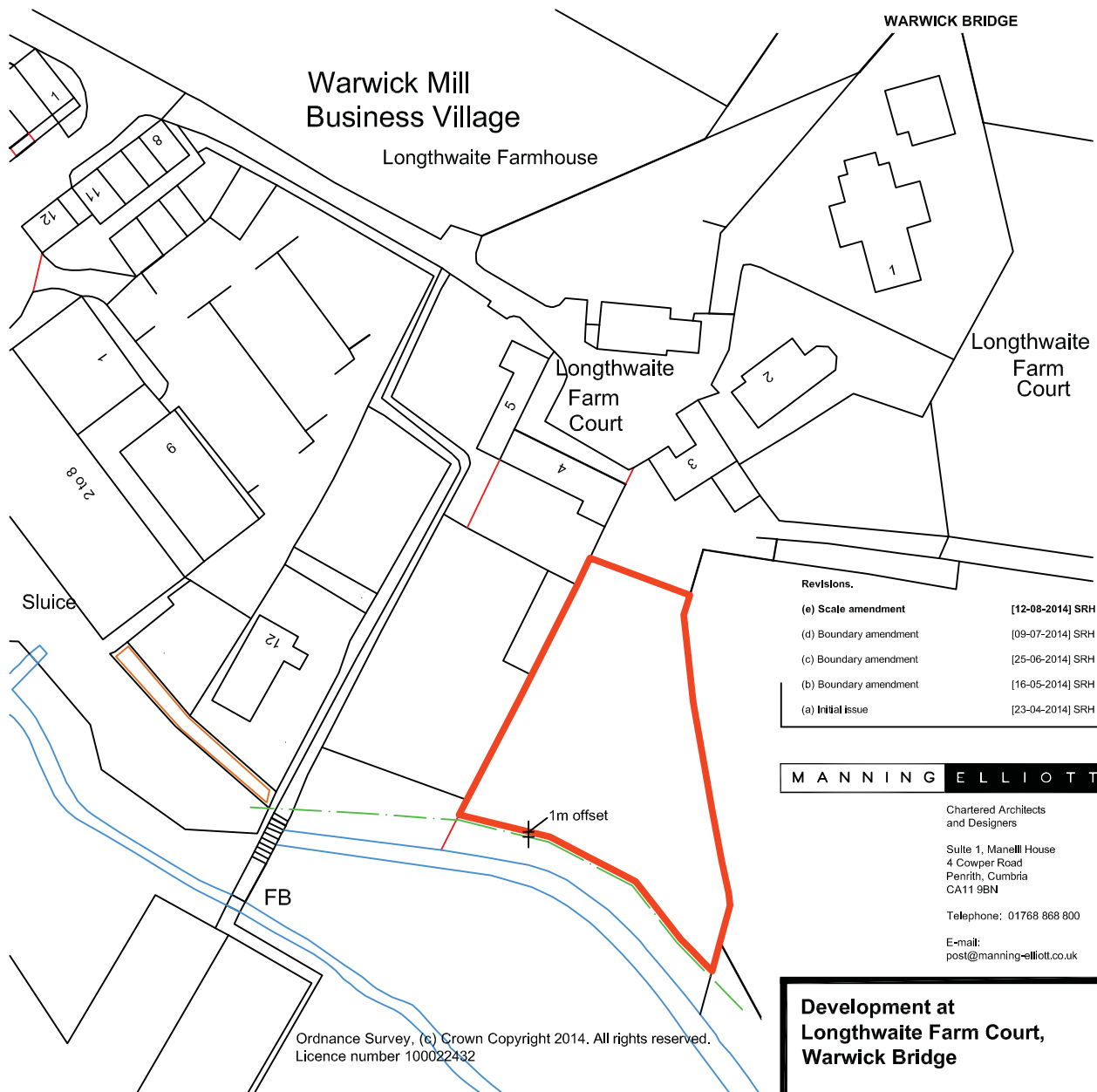
**Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.

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## Development at Longthwaite Farm Court, Warwick Bridge

Site Location Plan

SCALE: 1:1250 (A4)	DATE: Apr 2014	DRAWN BY: SRH
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North Homes Ltd.

14	10	01e
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# Warwick Mill Business Village

Longhwaite Farmhouse

Longhwaite  
Farm  
Court

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#### Revisions.

(e) Scale amendment	[12-08-2014] SRH
(d) Boundary amendment	[09-07-2014] SRH
(c) Boundary amendment	[25-06-2014] SRH
(b) Boundary amendment	[16-05-2014] SRH
(a) Initial issue	[23-04-2014] SRH

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**Development at  
Longhwaite Farm Court,  
Warwick Bridge**

Block Plan

SCALE: 1:500 (A3)	DATE: Apr 2014	DRAWN BY: SRH
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North Homes Ltd.

14	10	02e
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FB

Key:

--- Flood Zone 3

1m offset

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Warwick Bridge

Longthwaite Farmhouse

Longthwaite Farm Court

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Revisions.

(c) Boundary and layout amendmnet	[13-08-2014] SRH
(b) Layout update	[18-06-2014] MDH
(a) Initial Issue	[16-05-2014] SRH

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**Residential Development  
Longthwaite Farm Court,  
Warwick Bridge, Carlisle**

Proposed Site Plan

Outline planning drawing

SCALE: 1:500 (A3)	DATE: May 2014	DRAWN BY:
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North Homes Limited

14 10 03c

Metres

0 5 10 20 30 40 50

Key:

--- Flood Zone 3

1m offset

Hedgerow