SCHEDULE A: Applications with Recommendation

18/0361

Item No: 04 Date of Committee: 24/08/2018

Appn Ref No:Applicant:Parish:18/0361Mr & Mrs ToddIrthington

Agent: Ward:

Sam Greig Planning Stanwix Rural

Location: Land adjacent to Hawklemass, Irthington, Carlisle, CA6 4NN

Proposal: Proposed Residential Development With Relocated Entrance To Field

Widened Providing Access To The Residential Site And Field (Outline)

(Revised Application)

Date of Receipt: Statutory Expiry Date 26 Week Determination

04/06/2018 30/07/2018

REPORT Case Officer: Christopher Hardman

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of The Development Is Acceptable
- 2.2 Impact On Living Conditions On Neighbouring Occupiers
- 2.3 Impact Upon Highway Safety
- 2.4 Drainage
- 2.5 Impact Upon Trees and Hedgerows
- 2.6 Impact On Hadrian's Wall World Heritage Buffer Zone
- 2.7 Biodiversity
 - 2.8 Other Matters

3. Application Details

3.1 This application seeks outline planning permission for residential development at Land adjacent to Hawklemass, Irthington. The proposed development is the erection of 1 dwelling with a relocated vehicle and field access and the existing barn is to be relocated to another part of the field outside the development site. This outline application includes matters of

access, landscaping, layout and scale with appearance a "reserved matter".

- 3.2 The proposal site is located to the north of the village of Irthington and immediately to the west of the junction of the road leading from Irthington to the settlement of Newtown.
- 3.3 The site is primarily green field agricultural land with a small number of existing agricultural storage buildings used for agricultural purposes. The site is currently vacant although the site was last used for grazing.
- 3.4 The site is bound to the north east by the unclassified road leading to the small settlement of Newtown; to the south east by the existing semi-detached two storey brick built dwelling known as Hawklemass; to the south west by the remainder of the agricultural land within the ownership of the Applicant; and, to the north west by the remainder of the agricultural land within the ownership of the Applicant beyond which is a stock proof fence and sporadic hedgerow facing the unclassified road.
- 3.5 The site, and surrounding land, is currently owned by the Applicant and has been within the family for over 30 years.

Background

3.6 Application 17/0354 for Proposed Residential Development With Entrance To Field Widened Providing Access To The Residential Site And Field (Outline) was considered at the meeting of Development Control Committee on the 7the July 2017. The application was refused for the following reasons:

The application site is on the northern edge of the village of Irthington. The form and character of the existing built form in this area of the village is predominantly linear in nature. The proposal site would be at the northern most aspect of the village and would protrude beyond the existing linear nature of the built form at an elevated position. The proposal site would therefore not be appropriate to the form and character of the existing settlement and is contrary to criterion 1 of Policy HO2 of the Carlisle District Local Plan 2015-2030.

The application site is on the northern edge of the village of Irthington and is located at an elevated position in the context of open aspects which does not benefit from existing landscape features to contain the proposal. Although the site would be physically adjacent to the existing built form it would appear visually detached from the village. The proposal would therefore not be well contained within existing landscape features and could be considered to intrude into the open countryside. The proposal is therefore contrary to criterion 3 of Policy HO2 of the Carlisle District Local Plan 2015-2030.

3.7 It should be noted that since the outline application was considered by Members of the Development Control Committee the application has been revised to include access, landscaping, layout, and scale and revisions have been made to address the refusal reasons above. The drawings which

would form part of any approval now indicate the location of the dwelling which would be cut into the slope to reduce its impact and a relocated vehicular access to the north of the dwelling. In addition, planting is indicated to the north to frame the house in the context of the village. These changes are considered in the assessment of the application.

4. Summary of Representations

4.1 This application has been advertised by means of site notice and notification letters sent to four neighbouring properties. No verbal or written representations have been made during the consultation period.

5. Summary of Consultation Responses

Cumbria County Council Highways Authority: - No objection to development of the site. Advise that parking spaces should be provided in accordance with the Cumbria Development Design Guide 2017. In addition they advise that conditions should be placed on any permission relating to visibility splays; surfacing of the access drive; access gates shall be hung to open inwards; provision of detailed drawings of the access; a footway shall be provided; and, access/parking requirements shall be constructed in accordance with approved drawings.

Cumbria County Council Lead Local Flood Authority: - has no objection subject to conditions regarding prevention of surface water discharging onto the highway, and detailed design of the surface water drainage system.

Irthington Parish Council: - Request a site visit.

Historic England - North West Office: - No comments.

Carlisle Airport: - No response received.

United Utilities: - No objection subject to conditions relating to surface water drainage and that foul and surface water drain on separate systems. They also advise that a water main crosses the site and there shall be no development in close proximity to the main and that an access strip will be required.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- The Development Plan for the purpose of the determination of this application is the Carlisle District Local Plan 2015-2030 from which Policies SP1, SP2, SP6, HO1, HO2, IP3, IP4, IP5, IP6, CC5, CM5, HE1, GI3 and GI6 are of particular relevance.
- 6.3 The National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and the Supplementary Planning Document (SPD) adopted

by the City Council, 'Achieving Well Designed Housing', are also material planning considerations.

6.4 The proposal raises the following planning issues:

1. Whether The Principle Of The Development Is Acceptable

- 6.5 The main issue to establish in the consideration of this proposal is the principle of development.
- 6.6 At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 11) and paragraph 78 states that housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 6.7 In accordance with the NPPF it is therefore necessary for the principle of residential development to be considered in the context of the presumption in favour of sustainable development unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF provide a clear reason for refusing the development.
- 6.8 The aim of the NPPF is reiterated in Policy HO2 of the Local Plan which makes provision for new housing development on sites other than those allocated, within or on the edge of Carlisle, Brampton, Longtown, and villages within the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and subject to a number of criteria covering scale, design, location etc.
- 6.9 Since the previous application, this proposal includes the scale of the development (one dwelling 14m x 12.5m at its largest point, 6.35m high with a detached garage 6.5 x 6.2m) although appearance still remains a reserved matter for a later application. The impact of the proposal on the form and character of the existing settlement can be considered in some detail.
- 6.10 It is therefore considered the key issues in determining whether the principle of development is acceptable in this instance is whether the proposal is compliant with criterion 1 (excluding some reference to design as appearance remains a reserved matter) and criterion 3 of Policy HO2 which states that:
 - (1) "...the proposed development is appropriate to the scale, form, function and character of the existing settlement;" and,
 - (3) "On the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside;"

6.11 Paragraph 5.16 of the supporting text to Policy HO2 states:

"Development is more likely to be acceptable on sites that are physically contained by existing landscape features such as hedges, trees, woodland or topography, physically and visibly connected to the village, and do not adversely impact on wider views into or out of a village."

- 6.12 The policy assessment in this respect is therefore whether the proposal would be appropriate to the scale, form, function and character of the existing settlement; and, whether the site is well contained within existing landscape features.
- 6.13 When assessing the proposal against the foregoing policies, the application site is located adjacent to existing residential properties and on the edge of the village of Irthington.
- 6.14 Irthington is located approximately 8 miles east of Carlisle and approximately 2.5 miles from Brampton which is designated as a Local Service Centre. The village benefits from local services including a primary school, church, pub and a weekly bus service. The village also benefits from a village hall and equipped area of play in the nearby settlement of Newtown which is approximately 0.5 miles to the north of the site. The principle of residential development within the village is therefore acceptable.
- 6.15 However, the built form in Irthington is predominantly linear in nature with the majority of dwellings broadly following the line of the C3937 highway through the village. While it is acknowledged there are buildings which stray off the existing highway, away from the linear nature, this is predominantly to the south of the highway and on the lower lying ground. In addition, the built form to the south of the highway comprises Irthington Primary School, the Grade II* Listed Church of St Kentigern, and the Grade II Listed farmhouse, barns and courtyard, known as The Nook, all of which have historical significance.
- 6.16 The land adjacent to Hawklemass would sit on the northern most aspect of the village and would protrude beyond the existing linear nature of the built form. The proposal site is physically connected to the existing built form being adjacent to the garden of the property Hawklemass. It is however sited to the north of the junction and beyond the linear line, it could appear visually detached from the existing built form. In this respect, the proposal site could be considered as intruding into the open countryside. This issue arose in consideration of the outline application when all matters were reserved and there was no fixed detail in the application. This revised application has included some reserved matters and therefore the siting of the proposed dwelling is part of the consideration. In addition, the existing field access would be relocated to the north of the dwelling thus allowing the dwelling to be sited closer to the existing village form.
- 6.17 In addition, the land adjacent to Hawklemass sits at an elevated position compared to the existing dwellings off the C3937 highway through the village with open aspect views to the rear of the properties along the C3937. The site

can be seen when travelling west to east along the highway. In order to deal with the difference in levels this application indicates that the dwelling would be cut into the slope resulting in a ridge height only 0.57m higher than the adjacent property.

- 6.18 There are no existing landscape boundaries to the north west or south west of the proposal site. These boundaries would be exposed with open aspects and would be sited on a prominent, elevated, position. With the previous outline application, no details of landscaping were provided however with this revised application details of landscaping have been included and indicate a landscape belt to the north of the site. This would to some degree be dominant in the landscape however by the use of native species would reinforce the existing hedgerow along the road frontage. Although in the context of Policy HO2 of the Local Plan, the site is not well contained within existing landscape features, the mitigation of the proposal is to introduce a new boundary as part of the landscape context.
- 6.19 It has not been disputed that the site is located immediately adjacent to existing residential dwellings, within walking distance to the centre of Irthington and that the site has the capacity to accommodate an appropriate scale and design. The revisions since the original application now attempt to address previous concerns and through reduced height, relocation of the access and the introduction of landscaping seek to integrate the development closer to the form and character of this area of the village and its visual perception.
- 6.20 By way of context it should also be mentioned that paragraph 6.15 of the Local Plan states that "Housing will also be acceptable where it will enhance or maintain the viability of rural communities. This will need to be demonstrated by the applicant, and could include, for example, a young family moving to the village, someone wishing to work from home, people moving into the village to support other family already living there". In this instance the applicants are already resident in the village but wish to relocate and maintain their established ties to the local community. It is not intended however to restrict the development by a personal condition even though this may be a material consideration.
- 6.21 Taking into account the changes from the previous application it is considered that the principle of the proposal is acceptable.

2. Impact On Living Conditions On Neighbouring Occupiers

6.22 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One of the criterion of Policies SP6 and CM5 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 the City Council's 'Achieving Well Designed Housing' SPD. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should be achieved. However, if a site is an infill, and there is a clear building line that

the infill should respect, these distances need not strictly apply.

6.23 Scale and layout of the proposed dwelling form part of this outline application and minimum distances can be achieved by the proposed siting of the dwelling taking into account the need to locate the dwelling so that it appears integrated into the village. Cutting the dwelling into the ground also reduces the potential for any dominance and the ridge height will be 0.57m higher than the adjacent property and off-set to the east of the existing dwelling. The proposed dwelling would therefore accord with the Council's Supplementary Planning Document.

3. Impact Upon Highway Safety

- 6.24 The original application indicated access via the existing field access on to the unclassified road. This revised proposal has sought to address concerns and as a consequence of trying to integrate the dwelling into the field a new access is to be created incorporating field access and access to the dwelling. In order to incorporate the visibility splays it will be required to remove an existing hedgerow. The proposal includes the option if possible to translocate the hedgerow otherwise a new hedgerow of the same species will be provided.
- 6.25 The Highway Authority has been consulted and has raised no objection to development of the site. They do advise that parking spaces should be provided in accordance with the Cumbria Development Design Guide 2017. In addition, they advise that conditions should be placed on any permission relating to visibility splays; surfacing of the access drive; access gates shall be hung to open inwards; provision of detailed drawings of the access; a footway shall be provided; and, access/parking requirements shall be constructed in accordance with approved drawings.

4. Drainage

6.26 As the application is in outline form full details of drainage proposals (foul and surface water) have not been included in the application. The Lead Local Flood Authority and United Utilities have not objected to the development however they do propose that if permission was to be granted a number of conditions should be imposed to ensure satisfactory drainage. These conditions ensure that sustainable drainage is considered and that foul and surface water are drained on separate systems. United Utilities has also identified that a water pipe crosses the site and restricts development in certain locations. It is located under the existing field access (and does not prevent the existing access from being used) and continues under the adjacent road. It would however be appropriate to add a planning condition to ensure protection of the pipeline.

5. Impact Upon Trees and Hedgerows

6.27 Policy GI6 of the Local Plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute positively to a locality, and/or are of

specific natural or historic value.

- 6.28 Furthermore, the City Council's Supplementary Planning Document (SPD)
 'Trees and Development' outlines that not only should the design of
 developments 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.
- 6.29 There are no trees within the proposal site. However, there is a fragmented hedge along the north eastern boundary. In order to provide the required visibility splays it is proposed to translocate the hedgerow as part of the application. Should the hedgerow not survive a new hedgerow would be planted. In addition, tree planting and hedgerows are to be provided along the western and northern boundaries of the development providing a variety of native countryside planting as well as domestic scale trees. Although it is recognised that there will be some loss of hedgerow the mitigating planting will compensate for any loss and increase the biodiversity value of the area.

6. Impact On Hadrian's Wall World Heritage Buffer Zone.

- 6.30 The site is located within the Hadrian's Wall World Heritage Buffer Zone. Proposed development within the buffer zone should be assessed for its impact on the sites outstanding universal value and particularly on views both into and out of it. Policy HE1 of the Local Plan highlights that development that would result in substantial harm will be refused.
- 6.31 Although the proposal has the potential to be visible from the World Heritage Site, it is considered the proposal would not result in substantial harm. Historic England has been consulted on the proposal and confirmed there are no comments to make on the application.

7. Biodiversity

6.32 The Councils GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. The proposed development seeks outline planning permission for one dwelling and there will be changes to the hedgerows and levels within the site. The proposed landscape with native species would enhance the biodiversity value of the site however it is important that a condition is imposed to safeguard wildlife and any works to the hedgerows should be outwith the bird breeding season. In addition, an informative should be included within the Decision Notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority be informed.

8. Other Matters

6.33 The Parish Council has requested a site visit to ensure that Members understand the context of the site and the proposed development.

Conclusion

- 6.34 In overall terms, the proposal seeks outline planning permission for the erection of 1 dwelling with appearance as a reserved matter on Land adjacent to Hawklemass, Irthington. The layout of the site along with relocation of the entrance, the dwelling being set into the landscape and increase in landscaping ensure that the proposal is in accordance with the Local Plan, NPPF and PPG. No issues are raised in relation to the Hadrian's Wall World Heritage Buffer Zone or biodiversity.
- 6.35 The principle of the proposed development is considered to be acceptable and is therefore recommended for approval subject to a number of conditions.

7. Planning History

7.1 Application 17/0354 Proposed Residential Development With Entrance To Field Widened Providing Access To The Residential Site And Field (Outline) was refused

8. Recommendation: Grant Permission

- 1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 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 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 appearance of the development (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 Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3. The development shall be undertaken in strict accordance with the approved documents for this Outline Planning Permission which comprise:
 - 1. the submitted planning application form received 21st May 2018;

- 2. the Proposed Location Plan, Block Plans and Cross Sections received 29th May 2018 (Drawing No 0.5-T-I-220217);
- 3. the Illustrative layout in context received 29th May 2018 (Drawing No.03):
- 4. the contaminated land statement received 4th June 2018;
- 5. the Notice of Decision; and
- 6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. The development shall not commence until visibility splays providing clear visibility of 113 metres by 43 metres measured 2.4 metres 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 provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (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.

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

5. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for at least 10 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

6. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

7. No development shall commence until detailed drawings showing the development and means of access thereto have been submitted to the local planning authority for approval in writing. Any such approved means of access shall be completed in accordance with the approved details before the development is occupied.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan policies LD5 and LD7.

8. Footways shall be provided that link continuously and conveniently to the

nearest existing footway. Pedestrian access within and to and from the site shall be provided that is convenient to use.

Reason: To ensure a minimum standard of access provision when the

development is brought into use and to support Local Transport

Plan policies LD5 and LD7.

9. The dwelling shall not be commenced until the access requirements have been constructed in accordance with the approved plan and the dwelling shall not be occupied until the parking requirements have been constructed in accordance with the approved plan. Any such access and parking provision shall be retained and be capable of use when the development is completed 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 and to support Local Transport

Plan policies LD5 and LD7.

10. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding

and pollution in accordance with Policies IP6 and CC5 of the

Carlisle District Local Plan 2015-2030.

11. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) 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 design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary.

Reason: To promote sustainable development, secure proper drainage

and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the National Planning Policy Framework, Planning Policy Guidance and Policy CC5 of

the Carlisle District Local Plan 2015-2030.

12. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto 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 the development being

completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental

management and to support Local Transport Policies LD7 and

LD8.

13. Notwithstanding the descriptions provided on Eden Environment Ltd drawing 03 a detailed landscaping scheme including species and size of trees and shrubs shall be submitted to and agreed in writing by the Local Planning Authority before building work commences. The scheme shall indicate details of proposed as well as existing plant species to be retained.

Reason: In accordance with Policy GI6 of the Carlisle District Local Plan

2015-2030.

14. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around any retained trees and hedgerows in accordance with a scheme that has been submitted to and agreed, in writing, by the local planning authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. 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

hedges to be retained on site in support of Policy GI6 of the

Carlisle District Local Plan 2015-2030.

15. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with

Policy SP6 of the Carlisle District Local Plan 2015-2030.

16. No development shall be commenced until the location and depth of the United Utilities water pipeline has been identified and confirmed by on-site survey and details of measures to be taken to protect the pipeline during and after development have been submitted to and approved in writing by the local planning authority.

Reason: In order to protect essential infrastructure in accordance with

Policy IP1 of the Carlisle District Local Plan 2015-2030.

17. 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 CM5 of the Carlisle District Local Plan 2015-2030.

18. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

Reason: To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

19. Prior to occupation of the dwelling the developer shall provide receptacles for the collection of waste and recycling compatible with the scheme operated by Carlisle City Council.

Reason: In the interests of residential amenity and environmental

protection.



