SCHEDULE A: Applications with Recommendation

13/0792

Item No: 10 Date of Committee: 20/12/2013

Appn Ref No:Applicant:Parish:13/0792Mr WatsonWetheral

Agent: Ward:

Ashton Design Great Corby & Geltsdale

Location: Land to rear of The Whins and adjacent to Sewage Works, Allenwood,

Heads Nook

Proposal: Residential Development (Outline)

 Date of Receipt:
 Statutory Expiry Date
 26 Week Determination

 07/10/2013 08:00:09
 06/01/2014 08:00:09
 07/04/2014 08:00:09

REPORT Case Officer: Stephen Daniel

1. Recommendation

1.1 It is recommended that this application is approved with conditions and subject to the completion of a S106 Agreement.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale And Design Of The Dwellings Would Be Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Highway Matters
- 2.5 Drainage Issues
- 2.6 Provision Of Affordable Housing
- 2.7 Impact On Trees And Hedges
- 2.8 Whether the Proposal Would Lead To The Loss Of The Best And Most Versatile Agricultural Land
- 2.9 Other Matters

3. Application Details

The Site

- 3.1 The site forms part of a field that lies directly to the west of The Whins and which has a sewage works in the south-east corner. The Whins is a residential development of thirteen single and two-storey properties which lie within a cul-de-sac. A hedge forms the boundary between the application site and the rear of The Whins and a number of trees lie close to the site boundary. A track runs through the middle of the field and this provides access to the sewage works.
- 3.2 The site is accessed via Black Lonning, which is a track that links the field, and adjoining fields to the west, to the main road (C1026) through Heads Nook.

Background

- The whole field, including this site, was put forward as a housing site in the Council's Strategic Housing Land Availability Assessment (SHLAA). This concluded that the site had no potential for housing, as there was an insurmountable constraint in that its access onto the main road would not be achievable without compromising highway safety due to junction positions. United Utilities also identified infrastructure capacity issues in the village which are unlikely to be addressed in the near future.
- 3.4 It should be noted that the site put forward in the SHLAA was larger than the application site and could have accommodated over 20 dwellings.

The Proposal

- 3.5 This proposal is seeking outline planning permission for residential development on the eastern part of the field, between the rear of The Whins and the access road to the sewage works. All matters, with the exception of access, are reserved for subsequent approval. The indicative layout plan, that has been submitted with the application, shows five detached dwellings, with attached double garages set within large plots. The indicative elevations show one and a half-storey dwellings with a two-storey gable and small pitched roof dormer windows in the roofslope. Vernacular design and materials would be used to reflect the character of Heads Nook. The dwellings are shown as facing south, so they would not directly face the rear of the properties on The Whins.
- The properties would be accessed via a new road that would link from Black Lonning and would run directly to the rear of The Whins. This would be a 4.8m shared access road, which would have a turning head provided at the southern end.
- 3.7 The creation of the road would require the removal of a short section of hawthorn hedge but a new hedge would be planted along the eastern side of the road, to the rear of The Whins. Trees would also be planted along the rear boundary of the dwellings, adjacent to the fields.
- 3.8 Foul water drainage would connect into the main sewer. Surface water would discharge to soakaways in the retained field to the north west of the

proposed dwellings. Permeable surfaces would be used where possible to reduce the amount of runoff.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to twelve neighbouring properties. Eleven letters of objection have received, which make the following points:
- this application needs to be considered alongside 13/0762, which is opposite the proposed site;
 - site lies outside the existing settlement and intrudes into the open countryside and is contrary to Policy H1;
 - development is inappropriate for Heads Nook which is a hamlet and not a true village it has few amenities (no shop, pub, school or church) and is not a sustainable settlement:
 - the SHLAA said the site had no potential for housing it said the site faces insurmountable constraints in that its access onto the main road would not be achievable without compromising highway safety due to the junction positions nothing has changed since the SHLAA was produced;
 - proposal could set a precedent for large scale housing development on the northern edge of the village;
 - proposal would adversely affect the amenity of the area and impinge on the privacy of the occupiers of The Whins, contrary to Policy H2;
 - the entrance onto the C1026 from The Whins is a difficult one, with poor visibility due to a hump in the road and the position of the small wood at the entrance to The Whins if this application and 13/0762 are approved it will make access out of The Whins very difficult and dangerous;
 - the access road (Black Lonning) is not well maintained, has deep rutting and is frequently flooded it is intensively used at silage times which could create a danger to those accessing the development;
 - this is a very busy road and by adding a further access there will be four accesses within 100m;
 - if the utilities road is moved to the back of The Whins this will cause a severe nuisance to the dwellings —heavy tankers would use it during the day and at night could damage properties some of which have extensions close to the rear boundary;
 - the dwellings will be serviced by delivery and refuse vehicles which will cause disturbance;
 - new road to the back of The Whins will increase the risk of burglary;
 - in the summer bad odours come from the sewage works the new housing

will be very close;

- the hedge to the rear of The Whins needs to be preserved and protected wide verge should be put in next to the hedge to protect it;
- The Whins is screened by trees new dwellings would be very visible from the Burnrigg and Broadwath roads;
- the fields are naturally very wet and is underlain with clay, with soakaways are unlikely to succeed;
- proposal would increase the risk of flooding at The Whins;
- taken with the Croftlands application, 18 new dwellings will probably overload the current sewage pipes;
- previous plans to develop this site have been refused due to lack of capacity at the sewage works;
- the sewage works discharges to Cairn Beck and the overflow renders the footpath a muddy mess it should not be further loaded;
- there is no mention of any dwellings being affordable, which would exclude local people taking up ownership;
- proposal would remove part of a well used footpath;
- the amenity of the public footpath would suffer due to building and in the longer term traffic in and out of the development;
- proposal would destroy a valuable part of the countryside and have anadverse impact on wildlife;
- a pair of buzzards inhabit the trees that from the border with the neighbouring fields and may be disturbed;
- development might cause problems to the electricity supply by putting excessive load on the supply;
 - the hedge and existing mature trees to the rear of The Whins would be endangered by construction of the new road the wet conditions would require extra deep foundations for stability of the new road while these will obstruct natural drainage of Whins' gardens causing waterlogging;
 - the plans don't show extensions that have been built on the dwellings at The Whins some are very close to the hedge e.g. No 4, 1.50m away;
 - Dwg 04A purports to show the visibility splays. To the south the dimensions shown are just about achievable, but to the north the view is obstructed by a large BT pole with connections to Croft House, Croftlands etc. and is otherwise dependent on substantial vegetation being cut back on a regular basis the vegetation is on land under other ownership so who would undertake this? The length of the visibility splays, and spacing of adjacent junctions may just be acceptable for the 30 mph limit but it is believed officially recognised that actual traffic speeds are significantly higher;

- excavations for carriageway, footway or 600 mm "service strip" would damage trees adjacent to Black Lonning leading to early demise of the trees and possible damage to an 11kV overhead cable;
- access road is not sufficient for a vehicle entering the Lonning to pass a vehicle leaving without risk of collision here or obstruction of the main road;
- understand that these reduced standards are acceptable because the proposal is "for only 5 houses" suggest other important users of this "shared access way" have been forgotten, i.e. United Utilities with their regular tankers and service vehicles, plus intermittent construction traffic, the farmers with fields accessed from the Lonning, horse riders and pedestrians if wider passing places and footways are required anywhere, it is here.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objections, subject to conditions;

Wetheral Parish Council: - the SHLAA stated that this site had no potential for housing. "It said it is severely constrained by utility and highway issues. Beyond the need to maintain this access and the bad neighbour issues of the adjacent sewage works, the site faces an insurmountable constraint in that its access onto the main road would not be achievable without compromising highway safety due to its junction positions. United Utilities has also identified infrastructure capacity issues in the village which are unlikely to be addressed in the near future". Concerned about highway safety issues of the access to and from the site in conjunction with application 13/0762 (Croftlands) in the same location on to the busy, narrow local road into and through the village. Concerned about the loss of privacy and amenity to the occupiers of The Whins due to the re-location of the service road to the rear of these properties - it should be located to the north of the site away from the existing dwellings. There is a lack of affordable housing provision. Will the proposed surface water drainage be adequate. Request an environment assessment survey, which should include the Croftlands application. Request a site visit to this and the Croftlands site;

Cumbria County Council - (Highway Authority - Footpaths): - Public Footpath 138024 runs adjacent to the southern boundary of the site. The footpath alignment must not be altered or obstructed during or after the development has been completed;

Local Environment - Environmental Protection: - no objections;

Cumbria County Council - Drainage: - comments awaited;

United Utilities: - no objections, subject to conditions;

Local Environment - Waste Services: - the turning fork at the end of the road needs to be wide enough for refuse vehicles to turn/ reverse into else there needs to be provision for refuse bins to be left at the top of the road for

collection. The developer should pay for the cost of providing bins to households (currently £30 per 240 litre bin and a one off delivery charge of £150);

Hayton Parish Council: - whilst the site is not in Hayton Parish, it lies on the opposite side of the road that denotes the parish boundary. The proposed spacing of the development site junction and The Whins is only 26.5m. The minimum spacing for junctions on major access roads is 50m. This latter spacing should be considered the absolute minimum, as the 85percentile speed of traffic along the section of road is much higher than the 30mph speed limit. The sewage works cannot cope at times of very heavy rainfall and residents of Heads Nook have complained of backing up of their foul sewers during these times. Only 150mm pipes have been laid to carry the sewage, rather than 225mm pipes, with twice the capacity. If the sewerage authority mistakenly allows this development to discharge into the sewage works, a separate sewage pipe should be installed so as not to aggravate the existing inadequate capacity problem. Neither the visibility splay drawings or the proposed site layout drawing are to scale. The visibility splay on Dwg P1307/04 does not cover the correct visibility envelope.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, CP3, CP5 and CP12 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:
 - 1. Whether The Proposal Is Acceptable In Principle
- The main issue to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the National Planning Policy Framework (NPPF) has been published by the Government and is a material consideration in the determination of this application.
- 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".
- This is further reiterated in paragraph 215 of the NPPF which highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, the Council's Local Plan (in respect of

the issue of housing) cannot be considered up to date under the NPPF.

- 6.5 When assessing the application against the foregoing policy advice it is evident that the application site is well related to the settlement of Heads Nook. Heads Nook itself is in close proximity to Warwick Bridge, Corby Hill and Little Corby which provides a high level of service including a school, public house, garage, church and shops. Accordingly, the site is considered to be a sustainable location, therefore, the principle for the development of the site for housing is consistent with the objectives of the NPPF.
 - 2. Whether The Scale And Design Of The Dwellings Would Be Acceptable
- These matters are reserved for subsequent approval and do not form part of this application. The illustrative layout plan that has been submitted with the application shows five one and a half-storey dwellings set within large plots. The plot sizes and size of the dwellings shown would be in keeping with other dwellings in the area, which are a mixture of bungalows and two-storey dwellings.
- 3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 6.7 The dwellings shown on the indicative layout plan would comply with the Council's standards on minimum distances between dwellings. They would be a minimum of 24m away from the rear elevations of the dwellings at The Whins and would be orientated so that they would not directly face the rear elevations of the existing dwellings. One and a half-storey dwellings would not be over-dominant and the provision of suitable boundary treatment, which can be ensured by condition, would ensure that the new dwellings would not lead to a loss of privacy for the occupiers of any neighbouring properties.

4. Highway Matters

- 6.8 A number of objectors have raised concerns about the proposed access to the site. County Highways has, however, raised no objections to the proposals, subject to the imposition of a number of conditions. The proposal is seeking to use an existing private access and upgrade it to a 4.8m wide private shared access, which would we wide enough for two cars to pass. Highways has confirmed that suitable visibility splays are available within the highway and these do not, therefore, need to be conditioned.
- 6.9 This application needs to be considered with application 13/0762 (outline application for residential development to the rear/ east of Croftlands), which coupled with The Whins and Rose Paddock results in several road junctions in close proximity. The existing access has grandfather rights (i.e. it is an established access). Junction spacings refer to highways off highways not private accesses, which have different spacing criteria. Given the number of dwellings (five) the estate road is not being constructed as a highway but as a private shared access and the junction spacings are, therefore, acceptable. This development would, as part of the access track upgrade, provide a ramp at the junction with the C1026 to indicate to drivers they are entering a private

shared driveway and this would be ensured by condition.

5. Drainage Issues

- 6.10 A number of objectors have raised concerns about the capacity of the sewage works. United Utilities has been consulted on this application and has raised no objections, subject to the imposition of conditions. These conditions would ensure that prior to commencement of development, details of the proposed foul and surface water drainage (inclusive of how the scheme shall be maintained and managed after completion) are submitted for approval by the Local Planning Authority. The drainage scheme would need to be in accordance with the principles set out in the planning application, which proposes surface water runoff from the development site discharging into a soakaway. It should be noted that United Utilities has raised no objections to application 13/0762, which is located on the opposite side of the C1026 to this application site, providing that no surface water is discharged to the mains sewer.
- 6.11 Objectors have raised concerns about the use of soakaways. This issue has been discussed with officers in Building Control who consider that soakaways should work at this site. If these could not be used, surface water could discharge to Cairn Beck to the south of the site, which currently takes the surface water from the dwellings at The Whins and from the sewage works.
- 6.12 United Utilities has confirmed in their response that Head Nooks Sewage Works has neither odour nor noise problems.
 - Provision Of Affordable Housing
- 6.13 Heads Nook is located within the ward of Wetheral, which forms part of the rural east housing market area. The 2011 Housing Need and Demand Study identified an affordable housing need of 101 affordable homes a year in the rural east housing market area. Despite being one of the larger wards in the rural east housing market area, and certainly one of the most expensive, there are only 91 affordable homes located in the ward of Wetheral.
- 6.14 The above justifies the full implementation of the Local Plan Policy H5, which outlines that on developments between three and ten units in size, 10% of dwellings must be affordable, at a discount of between 25-30%. On this site, this equates to 0.5 of a dwelling and a financial contribution would be secured through a S106 Agreement. Given the high level of need in the rural east housing market area and the relatively high house prices, the discount provided on the unit should be 30%.

7. Impact On Trees & Hedges

6.15 A number of objectors have raised concerns about the impact of the proposal on existing trees and hedges. A condition has been added which requires the applicant to submit a full tree and hedgerow survey with the Reserved Matters application. This would identify the Root Protection Areas (RPAs) of any trees and hedges to be retained and ensure that the development is outside the RPAs or where it is inside, a no dig solution is used. A condition has also been added to ensure that suitable tree protection fencing is put in

place, prior to the commencement, the location and specification of which would need to be agreed in advance with the Local Planning Authority.

- 8. Whether the Proposal Would Lead To The Loss Of The Best And Most Versatile Agricultural Land
- 6.16 It is accepted that the proposal would lead to the loss of part of a field. The Agricultural Land Classification identifies this land as Grade 3, Grades 1 and 2 being of the highest quality. Grade 3 land is common both within the immediate vicinity of the application site and within the District as a whole. As such, it is not considered that the loss of this small area of agricultural land would provide grounds for refusal of the application.

Other Matters

6.17 The Council's Waste Services Section has requested that the turning fork at the end of the road is wide enough for refuse vehicles to turn/ reverse, else there needs to be provision for refuse bins to be left at the top of the road for collection. This matter can be resolved at the Reserved Matters stage. It has also requested that the developer should pay for the cost of providing bins to households (currently £30 per 240 litre bin and a one off delivery charge of £150) and this would be included within the S106 Agreement.

Conclusion

6.18 In overall terms, the proposal is acceptable in principle. The scale and design of the dwellings would be addressed through a reserved matters application. The indicative layout plan illustrates that five dwellings could be located on the application site without having an adverse impact on the living conditions of the occupiers of any neighbouring properties. The proposed access would be acceptable. In all aspects, the proposal is considered to be compliant with the objectives of the relevant national and local planning policies.

7. Planning History

7.1 There is no planning history relating to this site.

8. Recommendation: Grant Permission

 Before any work is commenced details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the Local Planning Authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

2. 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:

- 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).

- 3. The approved documents for this Outline comprise:
 - 1. the submitted planning application form, received 7 October 2013;
 - 2. Planning Statement, received 8 October 2013;
 - 3. Desk Study Land Contamination, received 8 October 2013;
 - 3. Site Location & Existing Site Plan, received 7 October 2013 (Dwg. No. P1307/01);
 - 4. Proposed Site Layout, received 7 November 2013 (Dwg. No. P1307/02A);
 - 5. Indicative House Design, received 8 October 2013 (Dwg. No. P1307/03);
 - 6. Tree Survey, received 7 October 2013 (Dwg. No. P1307/05):
 - 7. Desk Top Contamination Study, received 7 October 2013 (Dwg. No. P1307/06);
 - 8. Visibility Splay & Road Width Infromation, received 1 November 2013 (Dwg. No. P1307/04A);
 - 9. the Notice of Decision; and
 - 10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

Reason: To ensure the works harmonise as closely as possible with

dwellings in the vicinity and to ensure compliance with Policy

CP5 of the Carlisle District Local Plan 2001-2016.

5. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared

and to ensure compliance with Policy CP5 of the Carlisle

District Local Plan 2001-2016.

6. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the design and materials to be used are appropriate

and to ensure compliance with Policy CP5 of the Carlisle

District Local Plan 2001-2016.

7. Prior to commencement of development, details for how foul and surface water shall be drained on a separate system shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory means of surface water and foul

drainage disposal and in accord with Policy CP12 of the

Carlisle District Local Plan 2001-2016.

8. Prior to the commencement of development, a scheme for surface water and foul water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the planning application proposing surface water runoff from the development site discharging into the soakaway. No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approved details. For the avoidance of doubt, neither surface water, land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory means of surface water and foul

drainage disposal and in accord with Policy CP12 of the

Carlisle District Local Plan 2001-2016.

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

Reason:

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

10. The access road, parking areas etc shall be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details shall be submitted with the Reserved Matters Application. No work shall be commenced until a full specification has been approved.

Reason:

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

11. A plan shall be submitted with the Reserved Matters Application, reserving adequate land for the storage of materials, parking of vehicles/plant engaged in the construction operations and such land, including the vehicular access thereto, shall be used 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 work is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

12. The vehicular access ramp leading off the public highway shall be constructed and drained to the specification of the Local Highways Authority.

Reason: In the interests of road safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

13. Full details of the surface water drainage system shall be submitted to the Local Planning Authority with the reserved matters application. All approved works shall be implemented as required by the development phasing and shall be maintained operational thereafter.

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

14. No dwelling shall be occupied until its access and parking facilities have been constructed in accordance with the approved plan. These facilities

shall be retained 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 and to support Local Transport Plan Policies LD5, LD7, LD8.

15. A full Tree Survey shall be submitted with the Reserved Matters application. This shall identify the Root Protection Areas (RPAs) of the trees and hedges and to retained on and adjacent to the site. The access road shall be constructed outside the RPAs or a no dig solution shall be used within the RPAs, the details of which shall be agreed in writing with the Local Planning Authority.

Reason: In order to protect existing trees and hedges in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

16. For the duration of the development works existing trees and hedges to be retained shall be protected by a suitable barrier, the position of which shall be indicated on a plan and agreed in writing by the Local Planning Authority before development works commence. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works in

accordance with Policy CP3 of the Carlisle District Local Plan

2001-2016.







