

SCHEDULE A: Applications with Recommendation

18/0192

Item No: 06

Date of Committee: 24/08/2018

Appn Ref No:
18/0192

Applicant:
Mrs A Fowler

Parish:
Kirklington Middle

Agent:

Ward:
Lyne

Location: Land adj Fir Ends School, Skitby Road, Smithfield, Carlisle, CA6 6DL

Proposal: Erection Of 5no. Dwellings And Provision Of Adjacent Public Car Park For Use By The Parish Of Kirklington (Outline)

Date of Receipt:
13/03/2018

Statutory Expiry Date
08/05/2018

26 Week Determination

REPORT

Case Officer: Christopher Hardman

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Impact On Landscape Character
- 2.3 Impact On Neighbouring Properties
- 2.4 Impact On Highways And Footpaths
- 2.5 Impact On Drainage
- 2.6 Other Matters

3. Application Details

The Site

- 3.1 The application site is part of a large agricultural field which lies to the south of Skitby Road to the east of Smithfield. The site is separated from the village by a strong hedgerow which forms a footpath around the Fir Ends Primary School boundary. The land is relatively flat with a gentle slope towards the south. There is also a strong hedgerow boundary along the

Skitby Road with a field access gate to the site. The proposed site has no visible southern or eastern boundaries delineated within the field for the car park area or proposed housing.

The Proposal

- 3.2 The application seeks outline permission (with all matters reserved) for the erection of five dwellings and the provision of a public car park. As all matters are reserved there are few details however the application indicates that the proposal would provide for a public car park of about 20 spaces with a single access point onto Skitby Road. To the east of the car park would be the site for 5 dwellings again with an indicated single access point however access remains a reserved matter.

4. Summary of Representations

- 4.1 Consultation has been undertaken by way of site notice, press notice and neighbour notification of 9 neighbouring properties. No responses have been received.

5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority - Footpaths): - Public footpath 123012 follows a legal alignment through the field and must not be altered or obstructed before or after the development has been completed, the field where the legal alignment runs which is subject to the proposed development does not follow the used footpath alignment around the school boundary, as such a legal order will be required to move the alignment of the current legal route to avoid the proposed development.

The Ramblers: - No response received.

Kirklington Parish Council: - The Parish Council's position remains the same as with the submitted letter accompanying the application.

Cumbria County Council - (Highways & Lead Local Flood Authority): - Local Highway Authority and the Lead Local Flood Authority has no objection to this application but would recommend that conditions are included in any consent you might grant. The conditions from the highway authority relate to provision of visibility splays; retention of boundaries lower than 1.05m within the visibility splays; surfacing of the access drives; prevention of water surcharging onto the highway; footway provision; construction details and turning space. The condition from the Lead Local Flood Authority relates to surface water drainage.

Local Environment, Waste Services: - No objection subject to suitable layout for waste collections at reserved matters stage should it be approved.

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: - Comments that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way, suggest conditions to support these drainage methods.

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.
- 6.2 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, HO5, IP3, IP6, CC5, CM5, GI3 and GI6 are of particular relevance.
- 6.3 The National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), the Cumbria Landscape Character Guidance and Toolkit (adopted March 2011) 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 outline proposal is the principle of development for both housing development and a public car park. Matters of detail are reserved for later consideration should outline planning permission be granted.
- 6.6 Para 78 of the National Planning Policy Framework (NPPF) states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. It also states that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
- 6.7 This context has changed little between the previous and recently revised NPPF and therefore the Council's Local Plan policies remain up-to-date. This application should be considered against the plan's spatial strategy in the context of Policy SP2 and housing delivery in relation to Policy HO2.
- 6.8 Policy SP2 of Carlisle District Local Plan 2015-2030 (CDLP) sets out the Strategic Growth and Distribution policy for new development. Section 1 of that policy relates to housing and based on evidence from the Strategic Housing Market Area Assessment (SHMAA) has set the growth targets. These housing targets will be delivered by approximately 30% of the housing located within the rural area. In addition, specific sites have been identified within the plan alongside an allowance for windfall development.
- 6.9 Paragraph 3.29 in support of the above policy states that "In order to support the rural economy and thriving rural communities, development proposals of

an appropriate scale and nature, which are commensurate with their setting, will be supported within the District's rural settlements". It continues "This approach will consider proposals on a case by case basis on their individual merits, and against other policies of relevance within the Local Plan".

As mentioned in paragraph 6.8 above, some sites have been identified in the Local Plan specifically for housing development. This site was raised through the Strategic Housing Land Availability Assessment (SHLAA) however as the proposal is only for five houses it fell below the threshold for consideration and no allocation has been made. The appropriate consideration for a site of this size is under Policy HO2 – Windfall Housing Development.

- 6.10 Policy HO2 recognises that housing development may be acceptable within or on the edge of villages within the rural area as long as it does not prejudice the delivery of the spatial strategy and subject to a number of criteria. With regards to the spatial strategy, a proposal of this scale would not prejudice other rural housing allocations coming forward and therefore its compatibility with the criteria needs to be considered.

"1. the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;"

- 6.11 Whilst matters of detail are reserved, it is clear from the site that the proposed location seeks to extend the village of Smithfield to the east and combined with the proposed car park would create a separation between the existing edge of the village and the proposed new housing. It would therefore alter the form of the compact village by a linear extension towards a small group of houses putting potential pressure for additional road frontage development to fill between the new and existing housing resulting in a change of character to the existing village.

"2. 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;"

- 6.12 There are no details of the nature of the housing proposed however the scale of five dwellings could maintain the local community especially where there is a primary school should family housing be developed. The proposed car park may add further enhancement by improving an existing parking issue.

"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;"

- 6.13 The site is not well contained within existing landscape features and breaks into a large relatively flat agricultural field with no internal demarcation of boundaries. In addition, there is a strong boundary along the existing footpath and the proposed car park would add further separation resulting in an unacceptable intrusion into the countryside.

"4. 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, or to the larger settlements of Carlisle, Brampton and Longtown; and"

- 6.14 There are services within the village and there is access to either Brampton or Longtown.

"5. the proposal is compatible with adjacent land users".

- 6.15 Due to the nature of the outline application it is not clear how agricultural use of the remaining field would be maintained although access arrangements could be made and given the scale of the proposal there will be sufficient land retained in agricultural use to remain attractive to farm.

"Within rural settlements applicants will be expected to demonstrate how the proposed development will enhance or maintain the vitality of rural communities."

- 6.16 In dealing with the matter of enhancement of the vitality of the village and working with local communities, the proposed car park could be said to aid the local school and be available to the general public so that localised parking issues can be resolved
- 6.17 In consideration of Policy HO2 the proposed development does not satisfy all the criteria and whilst some elements are compatible, the proposal conflicts with parts 1 and 3 in relation to the form and character and intrusion into the open countryside. The proposal is therefore contrary to Policy HO2 of the Carlisle District Local Plan

2. Impact On Landscape Character

- 6.18 The Cumbria Landscape Character Guidance and Toolkit (adopted March 2011) considers that the site lies within the lowland landscape character, specifically sub type 05b - Low Farmland which is characterised by:- undulating and rolling topography; intensely farmed agricultural pasture dominates; patchy areas of woodland provide contrast to the pasture; woodland is uncommon west towards the coast; fields are large and rectangular; and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape
- 6.19 In particular this site is located within a large field which is characteristic of the landscape and is bounded by hedgerows. It is therefore recognised that such a proposal as this will be clearly visible in the landscape and degrade the local landscape character. There are references within the guidance that when new development takes place opportunities for enhancing and strengthening green infrastructure and reinforcement of woodland belts could help reinforce landscape and biodiversity features. No such measures have been promoted as part of this application and whilst boundary treatment would come through alongside reserved matters details, this may not be sufficient to integrate the proposed development into the landscape. The proposal is therefore contrary to Policy GI1 (Landscapes) of the Carlisle

3. Impact On Neighbouring Properties

- 6.20 The site is separated from adjacent housing development and the proposed car park would put an intervening use between the new housing and the primary school and footpath thereby minimising any potential conflict. There is some housing to the south and whilst the development would be visible there would no difficulty in designing a development that would meet the Council's standards in the Achieving Well-Designed Housing SPD. The proposed development would therefore have minimal impact on neighbouring properties.

4. Impact On Highways And Footpaths

- 6.21 Access is a reserved matter and not considered as part of this outline application. It should be noted however that the proposal would include two access points onto the C1012 Skitby Road. One would access the car park and the other would be for the housing development. On that basis, Cumbria County Council as Highway Authority has not objected to the proposed development but would require a number of instructive planning conditions to be put in place should development be approved. These conditions include the provision of visibility splays; retention of boundaries lower than 1.05m within the visibility splays; surfacing of the access drives; prevention of water surcharging onto the highway; footway provision; construction details and turning space. In addition, conditions would be imposed on the proposed car park to ensure that spaces are sufficient for their intended use.
- 6.22 In addition, they have identified that PROW (public footpath/bridleway/byway) number 123012 lies adjacent to/runs through the site, the applicant must ensure that no obstruction to the footpath occurs. It is noted that on the Definitive Map the footpath does not follow that which is marked to the west of the site between the proposed car park and the primary school. The plotted route uses the field gate access to enter the field and aligns at a 90 degree angle to the road before crossing back to the field boundary. A formal diversion of the footpath would be needed and could be undertaken should development be approved as an alternative route is already in use.

5. Impact On Drainage

- 6.23 Details of drainage are not specifically a reserved matter although do impact on the layout of the site. United Utilities and the Lead Local Flood Authority have both been consulted on the application and have raised no objections. Should the application be approved conditions would be required to ensure that foul and surface water are drained on separate systems and that the surface water is drained in the most sustainable way.

6. Other Matters

- 6.24 A number of species have been identified within the vicinity of this site

however the land has been in agricultural use for many years and the wildlife value will be localised to hedgerows around the site. Other than the required access points it would be pertinent, should the application be approved, to put a condition on to protect existing hedgerows in accordance with Local Plan Policy GI6 (Trees and Hedgerows). In addition, any development should be undertaken outside the bird breeding season. An informative should also be added to any approval advising that works should cease in the event that protected species are found and measures put in place to protect the species.

- 6.25 Kirklington Parish Council were previously consulted on the proposal for a car park use and their letter to the applicant has been included in the submission documents. They have nothing further to add at this stage however they have raised questions about future maintenance of the car park. Should the application be approved a S106 Agreement would be required to put in place the transfer of the land and any maintenance arrangements necessary for the development of the car park. Options are available however further exploration of these options would have to take place during preparation of the S106 and would involve the Parish Council.

Conclusion

- 6.26 This application is in Outline and therefore seeks to establish the principle of development. Matters of detail are for a later Reserved Matters application however it is clear from the considerations in the report that subject to appropriate planning conditions they would not impact on issues relating to development of the site. With regards to the principle however the proposed development of this site would impact on the form and character of Smithfield, intrude into open countryside and impact on the local landscape character. The principle of development is therefore contrary to Policies HO2 and GI1 of the Carlisle District Local Plan 2015-2030.

7. Planning History

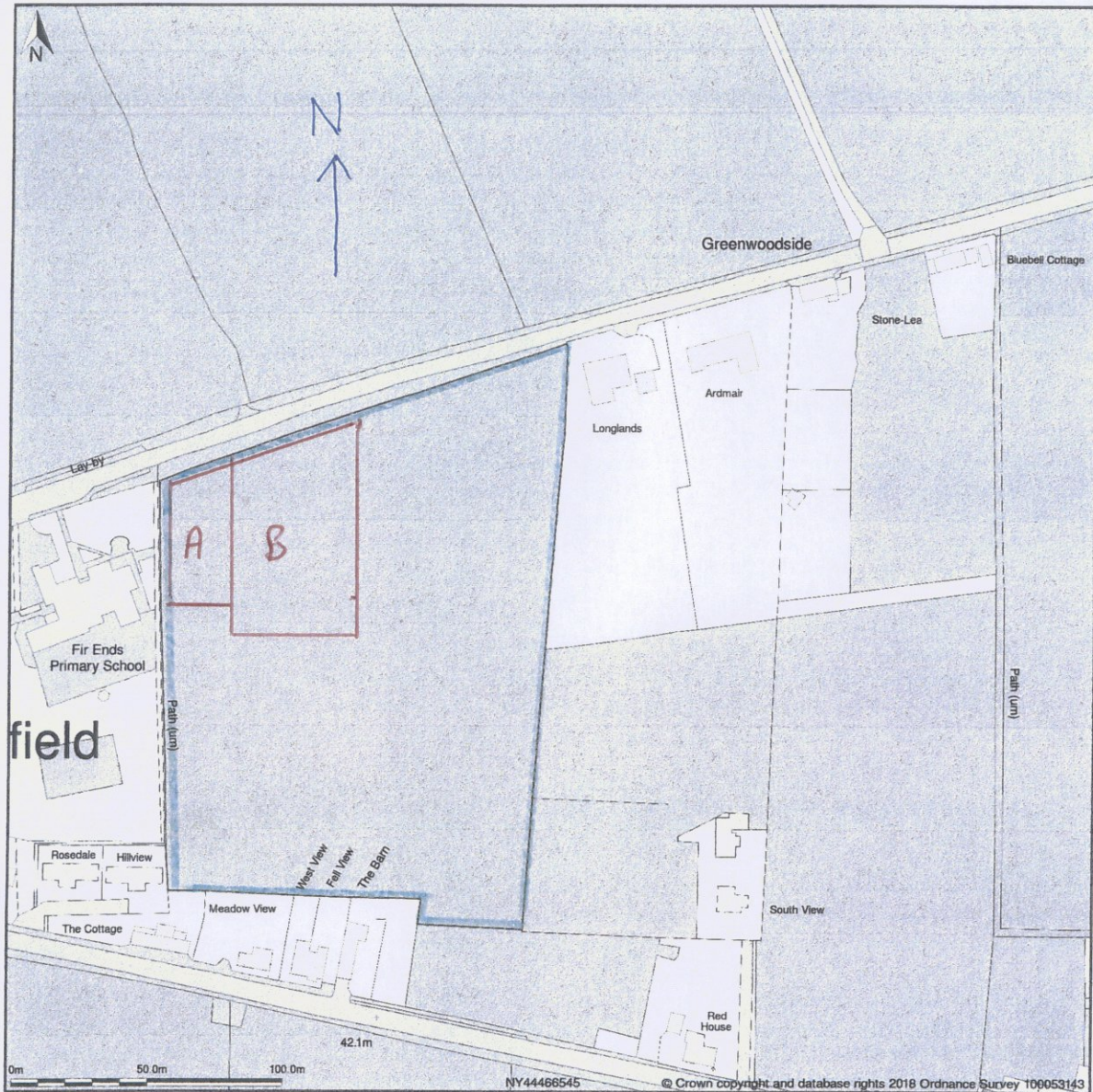
- 7.1 There is no relevant planning history on this site.

8. Recommendation: Refuse Permission

1. **Reason:** The proposed development by virtue of its location would be inappropriate to the form and character of Smithfield and lead to an unacceptable intrusion into the open countryside imposing a negative change to the local landscape character. This would be contrary to Policies HO2 and GI1 of the Carlisle District Local Plan 2015-2030 and the Cumbria Landscape Character Guidance and Toolkit (March 2011).
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Land adjacent Fir Ends School, Skitby Road, Kirklington, Cumbria, CA6 6DL

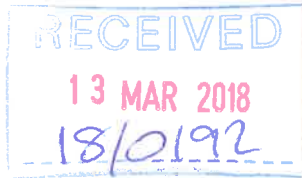


Site Plan shows area bounded by: 344260.16, 565255.47 344660.16, 565655.47 (at a scale of 1:2500), OSGridRef: NY44466545. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

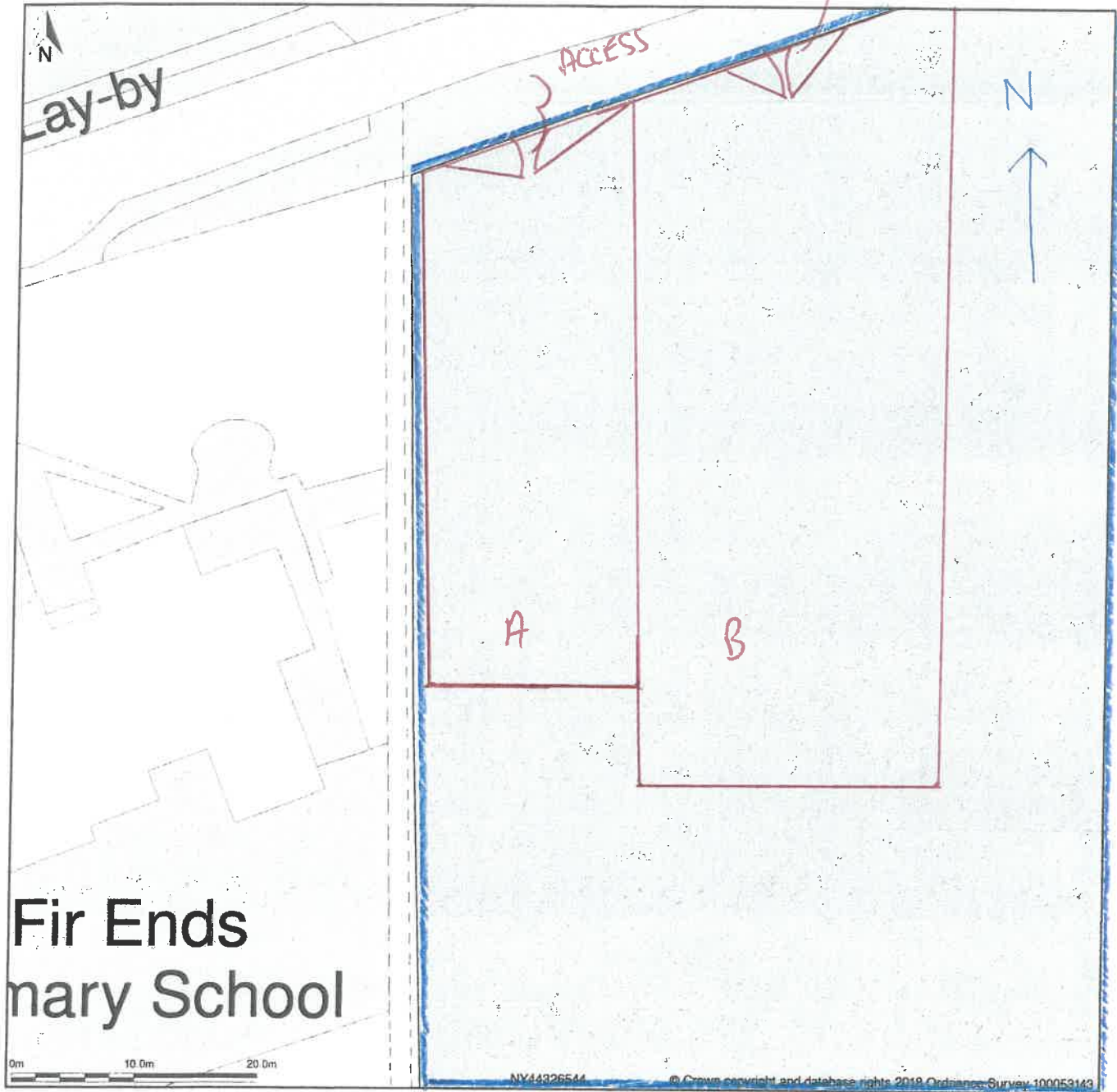
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A - CAR PARK
B - HOUSING



Land adjacent Fir Ends School, Skitby Road, Kirklington, Cumbria, CA6 6DL



Block Plan shows area bounded by: 344282.87, 565404.78 344372.87, 565494.78 (at a scale of 1:500), OSGridRef: NY44326544. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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A - CAR PARK
B - HOUSING