

SCHEDULE A: Applications with Recommendation

13/0787

Item No: 13

Date of Committee: 15/11/2013

Appn Ref No:
13/0787

Applicant:
Mr & Mrs Percival

Parish:
Stanwix Rural

Date of Receipt:
04/10/2013

Agent:
Jock Gordon Architectural
SVS Ltd

Ward:
Stanwix Rural

Location:

Land at Orchard Gardens, Houghton, Carlisle, CA3
0LH

Proposal: Residential Development Of Approximately 6no. Bungalows (Outline)

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Whether the scale and design of the dwellings are acceptable
- 2.3 Impact of the proposal on the living conditions of neighbouring residents
- 2.4 Impact of the proposal on highway safety
- 2.5 Provision of affordable housing
- 2.6 Whether the method of disposal of foul and surface water are appropriate
- 2.7 Impact of the proposal on biodiversity
- 2.8 Impact of the proposal on existing trees and hedgerows
- 2.9 Other matters

3. Application Details

The Site

- 3.1 The application site is located immediately to the south of Orchard Gardens, Houghton. Extending to approximately 0.29 hectares in area, the submitted

application form outlines that the site is currently vacant with its previous use being that of a paddock. The application site is delineated by mixed hedgerows along its northern, southern and western boundaries with wooden fences and sporadic planting along its eastern boundary. An existing field access directly off Orchard Gardens would serve the proposed development.

- 3.2 Two storey dwellings are located to the west of the site whilst bungalows and dormer bungalows are located along the northern and eastern boundaries. An access lane runs along its southern boundary with open aspects beyond that.

The Proposal

- 3.3 This application seeks Outline Permission for residential development with some Matters reserved namely: appearance, landscaping, layout and scale. This application, therefore, is to establish the principle of development together with the proposed access arrangements.
- 3.4 As previously outlined, the application seeks Outline Planning Permission; however, indicative layout drawings submitted as part of the application illustrate six dwellings.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of thirteen neighbouring properties and the posting of a Site Notice. In response, eleven letters/e-mails of objection and one e-mail of support have been received .
- 4.2 The objection letters/e-mails identifies the following issues:
1. site has previously been the subject of an application and subsequent appeal
 2. in adequacy of highways and footpaths to support further traffic and possible construction traffic
 3. inadequacy of existing foul and surface drainage
 4. sufficient housing within Houghton
 5. questions procedural matters
 6. maintenance corridor should be provided to allow maintenance of existing hedges
 7. out with main village boundaries.
- 4.3 The e-mail of support identifies the following issues:

1. other developments have improved the area
2. overall, any development would be good for existing businesses and service provision within Houghton.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection to the principle of development; however any subsequent Reserved Matters application would have to ensure that adequate parking provision can be achieved for the proposed dwelling at the entrance to the site and that the access road within the site accords with the Design Guide standards;

Stanwix Rural Parish Council: - object to the proposal on the following grounds; outwith settlement boundary of Houghton and considered an intrusion into an area of open countryside, therefore, contrary to current planning policy; the development would over stretch the existing drainage/foul sewer infrastructure. Areas of concern raised by adjacent residents of low rate of water pressure experienced and the proposal being situated on an area of marshy land with surface water run-off flowing into neighbouring properties; development is considered too dense for the size of the area and parking provision (at two parking spaces) per property, considered insufficient;

Cumbria County Council - Drainage: - no objection in principle, advice received regarding surface water flooding;

Local Environment - Environmental Protection: - no objections subject to the imposition of a condition;

United Utilities: - no objections subject to the imposition of a condition to ascertain the proposed method for the disposal of surface water prior to commencement of any development.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP5, CP12, H1, H5 and T1 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Whether The Principle of Development Is Acceptable

- 6.2 The site has previously been the subject of an earlier refusal and subsequent appeal (application reference 06/0132). At that time, the site was judged to be outwith the settlement boundary of Houghton. However, 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.

- 6.3 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"*.
- 6.4 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 In light of the foregoing, given that the NPPF does not advocate the use of settlement boundaries but rather promotes locations of new housing relative to existing development, limited weight can be given to the fact that the site is outwith the settlement boundary of Houghton as identified in the Proposal Map of the Local Plan. Indeed, 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. Access to the site would be via Orchard Gardens which is located close to the centre of Houghton which has a high level of services. Accordingly, Houghton, 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. Furthermore, any visual impact would be minimal as the site would be adequately screened by existing hedgerows and proposed landscaping.

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

- 6.6 Policies seek to ensure the development is 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. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.7 The submitted plans illustrate that the proposed dwellings would be of a similar scale and massing to others within the immediate vicinity, many of which are single storey or dormer bungalows. However, the application seeks Outline Planning Permission with some Matters Reserved, therefore, the drawing is only indicative. The scale and design of the dwellings are

Reserved for subsequent approval should this application be approved. Notwithstanding the foregoing, a condition is suggested that the proposed dwellings should be no more than 1.5 storeys in height.

- 6.8 Accordingly, the scale and massing of the proposed dwellings appear comparable to the existing properties within the immediate vicinity and would not form a discordant feature within the streetscene.

3. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.9 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. One of the criterion 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 Local Plan policies, which importantly requires that the suitability of any development proposal be assessed against the policy criteria. The City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing' is also a material planning consideration.
- 6.10 The submitted drawings illustrate the siting of six dwellings; however, although only indicative some of the proposed dwellings fail to meet the minimum distances between primary windows as outlined in the aforementioned SPD. Accordingly, any proposed dwellings would have to be orientated so as to achieve adequate separation distance between the primary windows of the existing residential properties and the proposed dwellings. Given that the application seeks Outline Planning Permission with the layout Reserved for subsequent approval, this issue would have to be addressed at Reserved Matters stage by way of relocating the proposed dwellings within the site. Accordingly, a condition is proposed which would address this issue.
- 6.11 As such, taking into consideration the scale and position of the proposed application site in relation to these properties, it is unlikely that the living conditions of the occupiers of the surrounding properties will be compromised through loss of light, loss of privacy or overdominance.

4. Impact Of The Proposal On Highway Safety

- 6.12 The proposal involves the utilisation of an existing access to serve the proposed development off Orchard Gardens. Objections have been raised in respect of highway safety citing the potential impact that the additional traffic from the proposed development will have on the existing highway network.
- 6.13 Cumbria County Council, as Highways Authority, has been consulted and raise no objections to the proposal subject to the imposition of conditions. The concerns of the objectors have been noted; however, given that the Highways Authority do not share these concerns it would be difficult to

substantiate a refusal of the application on highway grounds.

5. Provision Of Affordable Housing

- 6.14 When considering the issue of affordable housing, Policy H5 of the Local Plan sets thresholds for the provision of affordable housing. Given the nature of the proposal and the size of the site, there is a policy requirement to provide 10% contribution towards the provision of affordable housing. The applicant is willing to provide this contribution subject to the completion of a S106 Agreement, there is no policy conflict.

6. Whether The Method of Disposal of Foul And Surface Water Are Appropriate

- 6.15 In order to protect against pollution, Policy CP12 seeks to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form, submitted as part of the application, outlines that foul sewage would be to the mains whilst surface water would be to mains drainage. The Parish Council and objectors questioned the capability of the existing sewage system to deal with the proposed development together with the impact of the proposal on existing surface water flooding within the vicinity.
- 6.16 In respect of foul sewage, United Utilities (UU) has been consulted and have raised no objections to the proposal subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer. UU suggest the imposition of a condition requiring details of how surface water from the development would be managed and if surface water were to be discharged to the public surface water sewerage system, UU may require the flow to be attenuated to a maximum discharge rate determined by UU.
- 6.17 In respect of surface water drainage Cumbria County Council, as Lead Flood Authority, has been consulted and raised no objections to the principle of development confirming that the application site is not on their surface water flood maps. They have however requested further information on surface water drainage and have indicated that they are aware of flooding issues at The Green which is more of an inconvenience as it does not flood properties.
- 6.18 Accordingly, a condition is suggested that requires the submission of drainage details for both the management of foul and surface water drainage to ensure that adequate provision can be made to serve the development.

7. Impact Of The Proposal On Biodiversity

- 6.19 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

8. Impact Of The Proposal On Existing Trees And Hedgerows

- 6.20 The site is bounded by some hedgerows with an Oak tree located within the southern boundary of the site. The City Council's Landscape Architect/Tree Officer has been consulted and has no objections subject to the imposition of conditions ensuring the protection of the hedgerows and tree.

9. Other Matters

- 6.21 Objectors raised concerns in respect of the necessity of the additional proposed dwellings within Houghton. The concerns are noted; however, this is not a material planning issue, as Members are aware every application must be dealt with on its own merits and assessed against policies within the Development Plan. Members are also minded to be aware of the high level of housing need within the District and the Government Policies to promote housing growth.
- 6.22 An objector also raised concerns about the publicity undertaken for the development. As previously outlined within the report, the application was advertised by the posting of notification letters to the occupiers of thirteen neighbouring residential properties together with the posting of a site notice. Furthermore, the Parish Council was also notified about the development. Accordingly, the appropriate publicity procedures have been undertaken correctly .
- 6.23 A neighbouring occupier also requests that a 'maintenance corridor' be provided to enable them to maintain their boundary hedge. Their objections have been noted; however, these issues relate to Civil Law and not planning legislation.

Conclusion

- 6.24 The principle of development of the site is acceptable under the provisions of the NPPF. The scale and design of the dwelling are acceptable and with minimal alterations to the layout would not have a significant detrimental impact on the character of the area or the living conditions of the occupiers of neighbouring properties. Adequate parking and access provision can be achieved whilst the method of disposal for foul and surface water is acceptable subject to the imposition of relevant conditions. The proposal would also retain existing hedgerows and would not have a detrimental impact on biodiversity.
- 6.25 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 Agreement in respect of a contribution to Affordable Housing Provision.

7. Planning History

- 7.1 In 2006, an Outline Application for residential development was refused and subsequently dismissed at appeal (application reference 06/0132).

8. Recommendation: Grant Subject to S106 Agreement

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 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 appearance, landscaping, layout, drainage 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 4th October 2013;
 2. the Design and Access Statement received 4th October 2013;
 3. the Assessment of Likelihood of Contamination received 4th October 2013;
 4. the Tree Survey received 4th October 2013;
 5. the Hedge Survey received 4th October 2013;
 6. the location plan received 4th October 20123 (Drawing Number 3002/1);
 7. the block plan received 4th October 2013 (Drawing Number 3002/2);
 8. the Notice of Decision; and
 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. Notwithstanding the details shown in the application, the dwellings subject of this approval shall be no higher than 1.5 storeys and be able to achieve the minimum distances as outlined in the Supplementary Planning Document

'Achieving Well Designed Housing'.

Reason: In the interests of preserving the privacy and amenity of the neighbouring residents, to ensure that the development respects the scale and character of buildings in the locality and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and the Supplementary Planning Document 'Achieving Well Designed Housing'.

5. 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 surface water disposal and in accord with Policy CP12 of the Carlisle District Local Plan 2001-2016.

6. 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.

7. 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.

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. 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 dwelling. 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.

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

Reason: To protect trees and hedges during development works in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

11. Within the tree protection fencing approved by Condition 10:

1. No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
2. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
3. No alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority.
4. No materials or vehicles shall be stored or parked within the fenced off area.
5. No alterations to the natural/existing ground level shall occur.
6. No excavations will be carried out within the fenced off area.
7. The tree and hedge protection fencing must be maintained to the satisfaction of the Local Planning Authority at all times until completion of the development.

Reason: To protect trees and hedges during development works in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

13. The estate road shall be designed, constructed and drained to a standard suitable for adoption and in this respect full engineering details shall be submitted for approval with the first Reserved Matters Application. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is considered complete.

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

14. The house accesses, parking area 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. To support Local Transport Plan Policies: LD5, LD7 and LD8.

15. Before any construction work takes place, a plan shall be submitted for the prior approval of the Local Planning Authority 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. To support Local Transport Plan Policies: LD8.

16. Full details of the surface water drainage system shall be submitted to the Local Planning Authority with the first 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. To support Local Transport Plan Policies: LD7 and LD8.

17. 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. To support Local Transport Plan Policies: LD5, LD7 and LD8.

18. No work associated with the construction of the residential unit hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

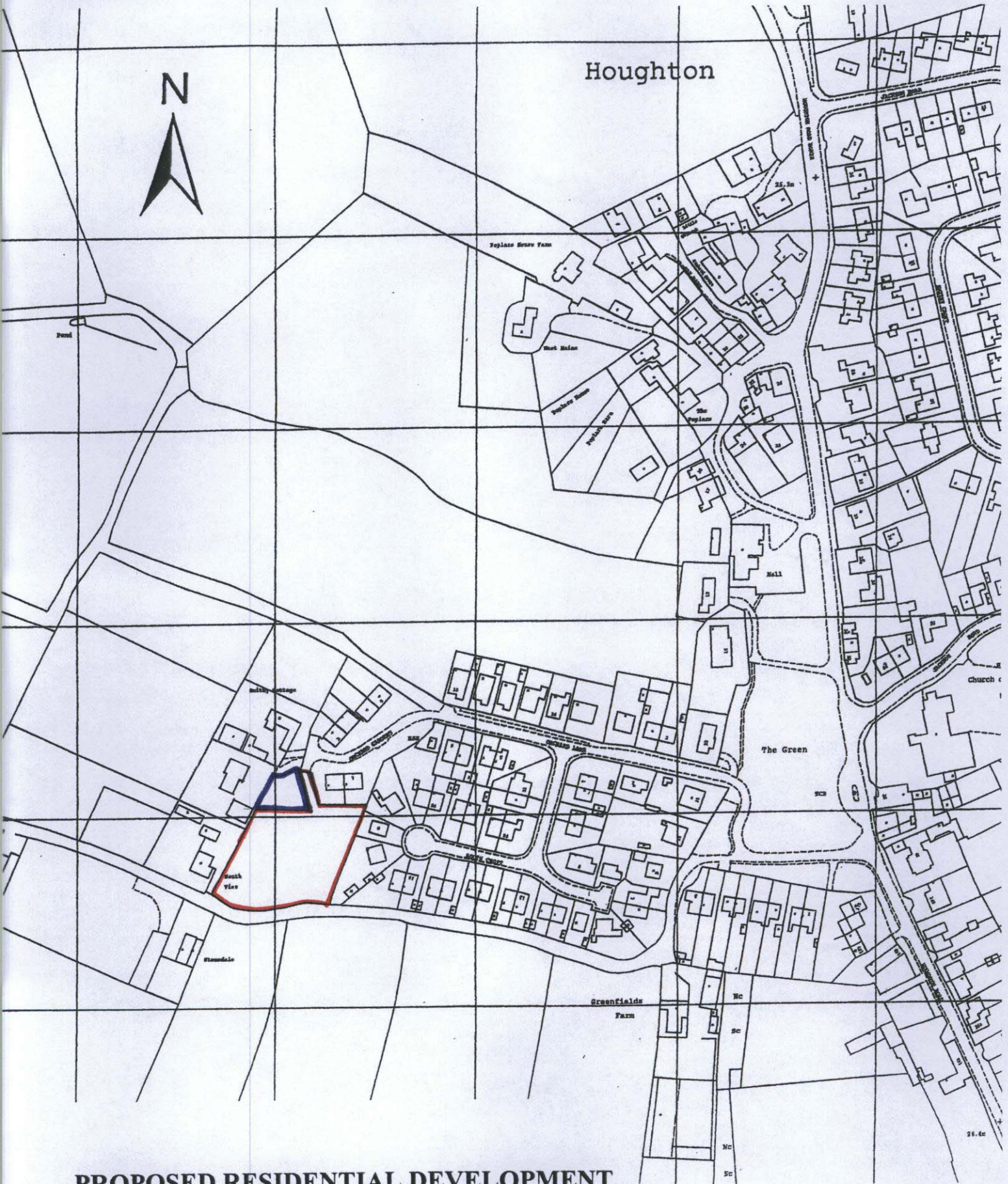
Reason: To prevent disturbance to nearby occupants in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

19. 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.

Site investigations should follow the guidance in BS10175.

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.



PROPOSED RESIDENTIAL DEVELOPMENT

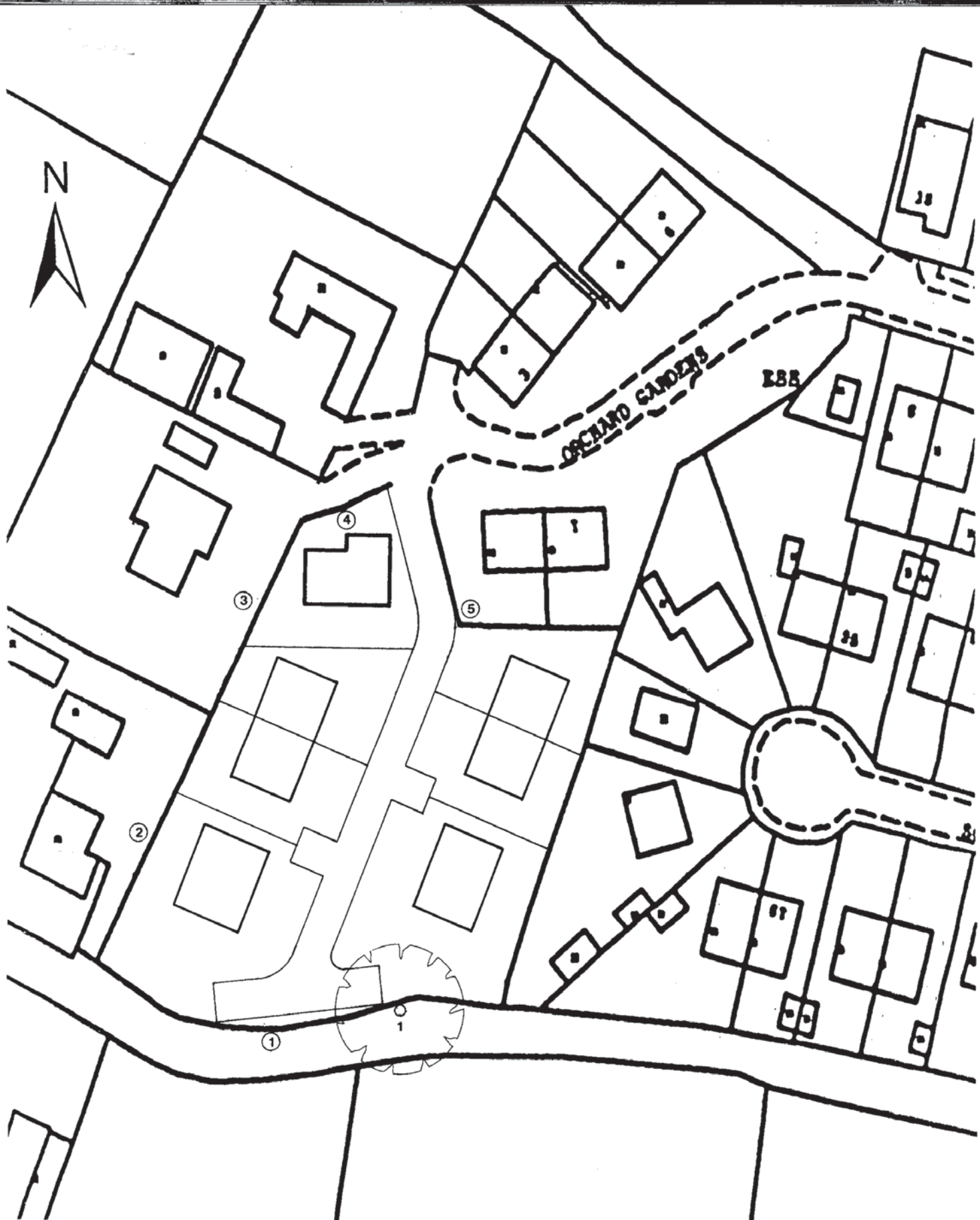
ORCHARD GARDENS - HOUGHTON - CARLISLE

LOCATION PLAN

DRG. NO. 3002/1

SCALE : 1-2500





PROPOSED RESIDENTIAL DEVELOPMENT

ORCHARD GARDENS - HOUGHTON - CARLISLE

BLOCK PLAN - INDICATIVE LAYOUT ONLY - SCALE : 1-500

DRG. NO. 3002/2

