SCHEDULE A: Applications with Recommendation

Item No: 14

Date of Committee: 20/12/2013

Applicant: Appn Ref No: Parish: 13/0728 Mr Andrew Pape Beaumont Ward: Agent: Taylor & Hardy Burgh Location: Land to the rear of Hallcroft, Monkhill, Carlisle, CA5 6DB **Proposal:** Erection Of 7 Dwellings, Including 2 Affordable Units And The Change Of Use Of Agricultural Land To Domestic Garden To Serve The Property Known As 'Hallcroft' (Outline Application) Statutory Expiry Date **26 Week Determination** Date of Receipt: 08/11/2013 13/09/2013

REPORT

Case Officer: Richard Maunsell

1. Recommendation

1.1 It is recommended that this application is granted Authority to Issue approval subject to the satisfactory completion of a legal agreement. If the S106 agreement is not completed within a reasonable time, Authority to Issue is requested to the Director of Economic Development to refuse the application.

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 Whether The Scale And Design Of The Dwellings Are Acceptable
- 2.3 The Impact Of The Proposal On The Amenities Of Neighbouring Residents
- 2.4 Highway Issues
- 2.5 Drainage
- 2.6 The Impact Of The Development On Hadrian's Wall Buffer Zone
- 2.7 Biodiversity
- 2.8 Impact On Existing Trees And Hedgerows
- 2.9 The Provision Of Affordable Housing

3. Application Details

13/0728

The Site

- 3.1 The application seeks Outline Planning Permission for the erection of 7 dwellings. The site is located on the western side of the road leading from Monkhill to Moorhouse. To the north lies a cul-de-sac of six residential properties, to the south are agricultural buildings and dwellings and to the west are 3 bungalows. Agricultural land adjoins the site to the east.
- 3.2 The application site is currently in agricultural use and relatively level; however, the land to the north and west is at a lower level. The site is relatively open with only an established hedgerow and trees along the northern boundary. A vehicular access exists from the west between 2 bungalows.

Background

3.3 A previous application was submitted for development of this site for 12 houses but was withdrawn prior to determination.

The Proposal

- 3.4 The current application seeks consent for the erection of 7 dwellings on the site. All matters are reserved for subsequent approval. The indicative layout plan show that the existing vehicular entrance would utilised with a central access road leading to a turning head.
- 3.5 The indicative layout plans shows the provision of 1 bungalow, 2 four bedroom houses, 1 three bedroom house, 1 three/ four bedroom house and 2 two bedroom bungalows that would be affordable homes.
- 3.6 The application indicates the use of slate, stone and clay facing bricks with soakaways and a treatment plant for drainage. The boundary treatment would be a stock fence with planting of hedging and native tree species.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 14 of the neighbouring properties. In response, 15 letters of objection have been received and the main issues raised are summarised as follows:
 - 1. there are septic tanks and outfall pipes on the land which would be affected by the development;
 - 2. the land to the rear of the adjoining properties is offered for sale for the betterment of the occupiers of the properties and will not be gifted;
 - 3. the nearby school is operating under capacity due to freedom of choice and the development will do nothing to change this;
 - 4. another 7 houses will not secure the future of the public house;
 - 5. there are already houses for sale in the area and there is no demand for extra houses in Monkhill;

- 6. the extra development will be out of keeping with the scale of the village;
- 7. the junction at the proposed site is very narrow with only 1 car being able to access/ exit the site at any one time;
- 8. the site is near Hadrian's Wall World Heritage Site and should be preserved and not built upon;
- 9. the junction in the village is already dangerous with cars speeding through and this development will put extra traffic pressure;
- 10. there is no mains sewage system in the village.
- 4.2 In addition, 9 letters of support have been received which raise the following issues:
 - 1. housing in the rural area, especially affordable housing is scarce;
 - 2. local amenities are under threat in the current economic climate and the additional houses would support businesses and services;
 - 3. although close to an archaeologically sensitive area, an archaeological dig has shown that the site shows no historical significance;
 - 4. the development will bring life into the area for younger generations in accordance with current planning objectives;
 - 5. this will allow people who grew up in the country to move back;

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of conditions;

Beaumont Parish Council: - the Parish Council have made the following observations/comments;

- 1. this is a good residential scheme complying with planning requirements;
- 2. promoting 2 affordable dwellings;
- 3. new sewage treatment plant for existing as well as new properties within existing village boundaries/infill;
- 4. infill site unseen from the main roads;
- 5. good point about support needed for Burgh by Sands School which has spare capacity for more pupils;
- 6. better than the proposed scheme for 6 dwellings at Monhkhill Farm (no affordable housing);

Cumbria County Council - Drainage: - comments awaited;

Local Environment - Environmental Protection: - no objections in principle; however, it should be noted that desk studies should ideally follow the steps outlined in the developers guide;

English Heritage - North West Region: - archaeological evaluation work has previously been undertaken on this site which did not reveal any significant archaeological remains. In light of this work, the potential direct archaeological impact is not a reason for refusal of this application.

The development would not harm the setting of the Hadrian's Wall World Heritage Site;

Hadrians Wall Heritage Limited: - comments awaited;

Northern Gas Networks: - no objection;

Cumbria Wildlife Trust: - comments awaited;

Natural England: - given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice1 on priority and protected species and their consideration in the planning system;

Housing Strategy: - comments awaited;

Cumbria Constabulary - North Area Community Safety Unit: - whilst this application does not require submission of a Design and Access Statement, unfortunately, there is no information to determine how the application complies with Policy CP17 of the Local Plan.

Accordingly, it would be helpful if the applicant could provide information relating to:

- Demarcation of development space and the formation of front garden curtilages
- Preventing intrusion into rear/side garden spaces
- Protection of dwellings against burglary (specification of exterior doors, windows, glazing)
- Protection of integral garages against burglary
- Dwelling exterior lighting
- Provision for domestic intruder alarms

In the event of this application being successful, the applicant may wish to apply for Secured by Design certification for the development.;

Waste Services: - no objection to the application provided that the width of the road is at least 2m to allow access for the refuse collection vehicles. The development will be expected to purchase a refuse collection bin for each property (£30 per bin plus £150 delivery costs) to be agreed to an agreed specification.

6. Officer's Report

Assessment

6.1 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF) together with Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, CP17, H1, H5, LE7, LE29 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. The Principle Of Development

- 6.2 The main issue for Members to establish in the consideration of this application is the principle of development. Since adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the determination of this application. Policy considerations in relation to this application state that whilst 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. The Framework seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.
- 6.3 Reference is made by the objectors to the site being outside the settlement boundary identified in the Local Plan. The NPPF does not advocate the use of settlement boundaries and Members will note from the previous paragraph that the NPPF is a material consideration. With regard to this issue, limited weight can, therefore, be given to the fact that the site is outwith the settlement boundary and the principle of development remains acceptable.
- 6.4 The site is well related to Monkhill with both footpath and road links. The application site is rectangular and is bounded by properties to the north, south and west. The land is well-related to Monkhill which has some services and amenities and the development of housing on this site will support these. In light of these issues, the development of the site for housing is consistent with the policies in the NPPF.
- 6.5 Whilst policies previously made reference to the scale of proposed developments in relation to the context of the existing settlement, this criteria does not feature with the NPPF and cannot, therefore, be considered relevant as part of this application.

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. Development of this frontage site within the village will have a significant impact on the character of the area unless it is sympathetically designed.

- 6.7 The submitted illustrative drawing illustrate that the site would be a mixture of one and two storey detached and semi detached dwellings which would be acceptable. Any subsequent application would be subject to the details of the property and would include the submission of ground and finished floor levels.
- 6.8 The submitted details indicate that the proposed materials would also complement the existing dwellings. Furthermore, the proposal would achieve adequate amenity space and off-street parking. On balance, the character and appearance of the dwellings would not be disproportionate or obtrusive within the street scene.

3. The Impact Of The Proposal On The Amenities Of Neighbouring Residents

- 6.9 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusiveness.
- 6.10 The indicative layout has been designed to take account of the requirements in the Council's Supplementary Planning Documents "Achieving Well Design Housing" and is compliant with the requirement to maintain 21 metres distance between primary facing windows and 12 metres between a primary window and a blank gable. Notwithstanding this, any future layout plan would have to remain consistent with these policy requirements.
- 6.11 The development of the land for residential purposes would not be prejudicial to the living conditions of the occupiers of the neighbouring properties. Although some of the gardens of the proposed properties would be visible from the existing properties to the south, the site would allow for the properties to be of sufficient distance from the existing properties. Given the orientation of the application site and the proposed buildings within it, future occupiers of the proposed properties would not suffer from an unreasonable loss of daylight or sunlight and due to the siting, scale and design of the property the development would not be over-dominant.

4. Highway Issues

6.12 The proposal involves the use of an existing access onto the County highway and would be within the restricted 30 mph speed limit. The objectors state that the use of the access would be detrimental to highway safety and would increase the traffic flow through the crossroads junction. The Highway Authority has assessed the proposal and confirmed that proposal is acceptable subject to the imposition of conditions. There is sufficient access and parking provision within the site and on this basis, the development does not pose any threat.

5. Drainage

- 6.13 Objectors have raised concerns about the drainage from the site. The application is in outline form and all matters, including the details for the provision of foul and surface water drainage, are reserved for subsequent approval. The indicative plan shows the installation of individual soakaways and a single package treatment plant, both of which are acceptable in principle and a condition attached to the consent would require the submission and agreement of details at a later.
- 6.14 Two of the adjoining properties have septic tanks and associated infrastructure on the site. Objections have been raised on the basis that the development would interfere with and hinder access to the septic tanks. As a result of these concerns, the plans have been amended to show an access corridor for both septic tanks which would mean that they would be unaffected by the development and would continue to allow future access.

6. The Impact Of The Development On Hadrian's Wall Buffer Zone

- 6.15 Although not part of the Hadrian's Wall Vallum, the site is within the buffer zone of Hadrian's Wall Military Zone World Heritage Site where policies require that proposals for development which would have an unacceptable impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this Plan, providing that the proposal reflects the scale and character of the existing group of buildings and there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.
- 6.19 On the basis of the details submitted, neither English Heritage or the Historic Environment Officer at Cumbria County Council have raised any objection.

6. Biodiversity

6.20 The Councils GIS Layer has identified that there are potentially otters, red squirrels and breeding birds within or adjacent to the site. As the proposed development would involve the development of agricultural land and would provide additional natural habitat, this is considered to be of benefit. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative will be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed. It would also be appropriate to impose a condition prohibiting the removal of the hedgerow during the bird breeding season unless an appropriate assessment has been undertaken.

7. Impact On Existing Trees And Hedgerows

6.21 There are a number of trees and a mature hedgerow within the site, none of which however are protected by a Tree Preservation Order. A Tree Survey

has been submitted with the application which identifies that one tree needs to be removed due to its poor condition whilst the remaining hawthorn hedge should be retained and restored with additional landscaping. The imposition of conditions will secure the landscaping details and implementation.

8. The Provision Of Affordable Housing

6.22 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 to provide 7 units 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 2 affordable units which will be secured though the completion of S106 Agreement. This exceeds the policy requirement and in this regard, the proposal is acceptable.

9. The Impact On Human Rights

- 6.23 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:
 - Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
 - Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
 - Article 8 recognises the "Right To Respect for Private and Family Life".
- 6.24 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need.
- 6.25 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

6.26 In overall terms, the principle of development of the site is acceptable under the provisions of the NPPF. The proposal would not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The siting, scale and design of the proposal would be subject to subsequent approval. The development would not create a precedent for further applications in the area which, in any case, would have to be considered on their own merits. In all aspects the proposal is considered to be compliant with the objectives of the relevant Local Plan policies.

6.27 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 agreement to secure a financial contribution towards the provision of affordable housing.

7. Planning History

7.1 An application for outline planning permission was submitted in 2006 for the erection of 12 dwellings but was withdrawn prior to determination.

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 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:
 - 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 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.
- 3. The approved documents for this Planning Permission comprise:
 - 1. the Planning Application Form received 13th September 2013;
 - 2. the Location Plan received 13th September 2013;
 - the Indicative Layout received 21st November 2013 (Drawing no. 11285-01B);
 - 4. the Indicative Drainage Layout received 13th September 2013 (Drawing no. 11285-02);
 - 5. the Planning Statement 13th September 2013;

- 6. the Statement On Land Contamination 13th September 2013;
- 7. the Tree Report received 13th September 2013;
- 8. the Notice of Decision;
- 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

- 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. The development shall then be undertaken in accordance with the approved details.
 - **Reason:** To ensure the materials are appropriate to the building and character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.
- 5. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before any site works commence. The development shall then be undertaken in accordance with the approved details.
 - **Reason:** In order that the approved development is appropriately located within the topography of the land in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.
- 6. Prior to the commencement of development hereby approved by this permission a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the investigation and, where possible, the inclusion of SUDs and shall be constructed and completed in accordance with the approved plans prior to the occupation of any dwelling.
 - **Reason:** To ensure a satisfactory means of surface water disposal and in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.
- 7. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans. The development shall then be undertaken in accordance with the approved plans.

Reason: To prevent pollution of the water environment in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

8. Prior to the commencement of development hereby approved, details of a landscaping scheme have been submitted to and approved in writing by the

Local Planning Authority.

- **Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.
- 9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
 - **Reason:** To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.
- 10. The shared access way shall be designed, constructed and drained to a standard suitable for adoption and in this respect full engineering details shall be submitted for approval before work commences on site. Any works so approved shall be constructed before the development is complete.
 - **Reason:** In the interests of road safety and to support Local Transport Plan Policies LD5, LD7 and LD8.
- 11. Full details of the surface water drainage system shall be submitted with the first reserved matters application for approval prior to constriction works being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
 - **Reason:** In the interest of highway safety and environmental management and to support Local Transport Plan Policies LD7 and LD8.
- 12. No dwelling shall be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior written 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 and LD8.
- 13. Before any development 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 and plant engaged in construction

operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available 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 works is likely to lead to inconvenience and danger to road users and to support Local Transport Plan Policy LD8.
- 14. No development shall commence until visibility splays providing clear visibility of 43 metres measured along the nearside channel lines of the public road from a position of 2.4 metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05 metres, have been provided. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure 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 and to support Local Transport Plan Policies LD7 and LD8.
- 15. 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.
- 16. 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.
- 17. Prior to the commencement of development hereby approved, a Method Statement detailing the type of materials and construction methods to be used in the Root Protection Areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
 - **Reason:** To protect the trees on and adjacent the site in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

18. 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 the Policy LE29 of the Carlisle District Local Plan 2001-2016.
- 19. No site clearance or works to hedges shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect nesting birds in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

20. Prior to the occupation of the first property suitable receptacles shall be provided for the collection of waste and recycling for each unit in line with the schemes available in the Carlisle district.

Reason: In accordance with Policy CP14 of the Carlisle District Local Plan 2001-2016.

- 21. The corridor access to the septic tanks for the properties known as 'Gracelands' and Bushy Bank' shown on drawing no. 11285-01B received on 21st November 2013 shall be retained as such and not developed or used for any other purpose.
 - **Reason:** To ensure that there is reasonable future access to the septic tanks in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.





