

SCHEDULE A: Applications with Recommendation

14/0594

Item No: 01

Date of Committee: 03/10/2014

Appn Ref No:
14/0594

Applicant:
Mr M Kirkaldy

Parish:
Burgh-by-Sands

Agent:
Tyler Design Services

Ward:
Burgh

Location: Orchard Farm, Moorhouse, Carlisle, CA5 6EY

Proposal: Erection Of 1no. Dwelling With Detached Garage

Date of Receipt:
08/07/2014

Statutory Expiry Date
02/09/2014

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

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 On The Adjacent Listed Building
- 2.7 Biodiversity
- 2.8 Impact On Existing Trees And Hedgerows

3. Application Details

Introduction

- 3.1 This application was deferred at the last meeting of the Development Control Committee in order that Members could undertake a site visit.
- 3.2 This application seeks Full Planning permission for the erection of 1

detached dwelling together with a detached double garage at Orchard Farm, Moorhouse, Carlisle. The site is currently an orchard and occupies an area of approximately 0.11 hectares. The site is located within the village between Orchard Farm House and Westmead.

Proposal

- 3.3 A single access would be formed in the south-east corner of the site which would lead into a hard standing and turning area within the site.
- 3.4 Planning permission is sought for the erection of a 2 storey detached dwelling that would be set within the site to the rear of the hard standing. The property would comprise of a sun room, lounge, hall, dining room, utility, W.C. and kitchen/ breakfast area on the ground floor with 3 bedrooms, a bathroom and an ensuite master bedroom on the first floor. The property would also include a detached double garage within the curtilage. The building would be constructed from facing brick work under a slate roof with white upvc windows and doors.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 4 of the neighbouring properties. In response, 1 letter of objection has been received and the main issues raised are summarised as follows:
1. on the application form the applicant has forgotten to fill in the trees and hedge section;
 2. this plot is an orchard with many fruit trees and has been for many years, hence the name Orchard Farm;
 3. the boundary is a solid 7 foot hedge robust in its rooting;
 4. there isn't much information about the entrance, where would it be?
What will happen to the hedge?
 5. the map doesn't show the bends in the road;
 6. it isn't a good road it's very busy with wagons, also school time is very busy;
 7. it would help if the Highway Authority visited the site to look at the road instead of just looking at the map;
 8. the house looks very big for the size of the plot;
 9. the plan looks so much bigger than the plot and the site should be visited;
 10. it's sad that another old house with orchard garden will be gone.

5. Summary of Consultation Responses

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

Burgh-by-Sands Parish Council: - the objections of the Parish Council are given as follows:

1. access to the site is dangerous – this is a corner site;
2. the Orchard is over 100 years old;
3. the setting of a listed building is affected by this proposed new house and garage;
4. the fate of the trees and the hedge is not explained in the application (section 15);
5. the Plan MK/Moor SBP is inaccurate as the bend in the road is not as shown;
6. the site is not earmarked for future development.

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, CP2, CP3, CP5, CP12, H1, T1, LE12 and LE29 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. The Principle Of Development

- 6.2 Since the adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the determination of this application. Paragraph 215 of the NPPF 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, in respect of the issue of housing, the Local Plan cannot be considered up to date under the NPPF.
- 6.3 When assessing the application site against the foregoing policies, it is acknowledged that this is within the village of Moorhouse where the principle of infill residential development is supported by national and local plan policies.

2. Whether The Scale And Design Of The Dwelling Is Acceptable

- 6.4 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.
- 6.5 The submitted drawings illustrate that the proposed dwelling would be 2

storey in scale. Orchard Farm House to the north-west is 2 storey in height and whose gable faces the road and adjacent to the south-east is a single storey detached bungalow. On the opposite side of the road are a number of single storey and one and a half storey detached properties. All these properties, perhaps with the exception of Orchard Farm House, have a significant degree of established boundary treatment along the roadside frontage.

- 6.6 To this end, the proposed dwelling would be set within the site and would retain the existing hedgerow along the frontage, albeit at a reduced height in compliance with the requirements of the Highway Authority.
- 6.7 The Design and Access Statement also indicates that the proposed materials would 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 streetscene.

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

- 6.8 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.
- 6.9 The development 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.
- 6.10 The property would be of sufficient distance from the existing properties along the main road. 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

- 6.11 The proposal involves the formation of a new access onto the County highway and would be within the restricted 30 mph speed limit. The Parish Council has raised concerns that this is a corner site and access to the site is dangerous. It is further stated that the plans are inaccurate insofar as they don't sufficiently show the curvature of the road.
- 6.12 The Highway Authority has assessed the proposal and subject to the imposition of highway related conditions, including the reduction of the hedgerow, has raised no objection.

5. Drainage

- 6.13 The applicant intends to connect into the existing foul mains drains which is an acceptable means of disposal. Surface water would be dealt with by means of a soakaway. Although there are no details submitted with the application of the soakaway or any percolation test results, these are the subject of a condition within the decision notice.

6. The Impact On The Adjacent Listed Building

- 6.14 Orchard Farm is Grade II listed and the description reads as follows:

“Farmhouse. Late C17 with early C19 alterations and additions. Painted stucco, partly over clay; graduated greenslate roof, end brick chimney stacks. 2 storeys, 2 bays; 3-bay extension to right, of lower roof line. Top-glazed 6-panel door in plain painted stone surround; ogee-headed metal lattice porch. Sash windows with glazing bars in painted stone architraves. Extension has 2-pane and 3-pane sash windows. Lower part of side wall and exterior wall, now internal, is of clay. Brick extension to left, and further extension to right and outbuildings are of no interest.”

- 6.15 The proposed dwelling is sufficiently detached from the building and is of an appropriate scale, design and use of materials that the development would not adversely impact on the character or appearance of the listed building or its setting. The development of the orchard and the loss of some trees likewise would not adversely affect the setting of the listed building.

7. Biodiversity

- 6.16 The Council's GIS Layer has identified that there are potentially protected species on or adjacent to the site. 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. 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.

8. Impact On Existing Trees And Hedgerows

- 6.17 There are a number of trees and a mature hedgerow within the site, none of which however are protected by a Tree Preservation Order. As part of their objection, the Parish Council has raised concerns about the loss of the established orchard. The Council's Tree Officer has visited the site and assessed the application. No objection has been raised to the principle of development but additional information was required to survey the trees on the site. It is further recommended that the scheme should retain and protect as many existing trees as possible and where trees are to be removed, a landscaping scheme should include replacement trees to mitigate their loss.
- 6.18 The applicant has submitted a Tree Report in response to these comments and to support the application which concludes that there are no unique

species or specimens recorded and the species composition is typical for this rural North Cumbria village setting. The report continues that the trees and hedges surveyed have low to medium landscape and amenity value and moderate ecological value. Finally the report states that a Planting Strategy is identified which recommends tree and hedge planting integrated with the development which will compensate for the minor loss of hedgerows and trees and enhance the amenity and ecological value of the site.

- 6.19 The Council's Tree Officer has assessed this report and has clarified that the Tree Report, proposed planting scheme and tree protection measures are acceptable. Accordingly, in respect of these issues, the proposal does not conflict with planning policies and is acceptable.

9. The Impact On Human Rights

- 6.20 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".

- 6.21 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.
- 6.22 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

- 6.23 In overall terms, the principle of development of the site is acceptable under the provisions of the NPPF. The proposal does 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 is considered acceptable and would be well related to the existing built form of the village. 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.

7. Planning History

- 7.1 In 1993, planning permission and listed building consent were granted for the renovation of the existing farmhouse, conversion of barns to 2 dwellings and erection of 2 dwellings and 4 garages.
- 7.2 Listed building consent was granted in 1996 for the minor alterations and improvements, including new bathrooms and staircase.
- 7.3 In 2007, listed building consent was granted for demolition of farm outbuildings, alteration and conversion of retained barn to a single dwelling.
- 7.4 Also in 2007, planning permission was granted for the demolition of farm outbuildings, alteration and conversion of retained barn to a single dwelling and the erection of two new semi-detached dwellings.

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:
 1. the Planning Application Form received 8th July 2014;
 2. the Site Location Plan received 8th July 2014 (Drawing no. MK/MOOR/SLP);
 3. the Site Block Plan received 8th July 2014 (Drawing no. MK/MOOR/SBP1 Rev A);
 4. the Site Block Plan received 8th July 2014 (Drawing no. MK/MOOR/SP1 Rev A);
 5. the Proposed Ground and First Floors received 8th July 2014 (Drawing no. MK/MOOR/FP1 Rev A);
 6. the Proposed Elevations received 8th July 2014 (Drawing no. MK/MOOR/ELEV Rev A);
 7. the Proposed Garage received 8th July 2014 (Drawing no. MK/GARAGE/ELEV Rev A);
 8. the Desk Top Study For Contamination received 8th July 2014;
 9. the Tree Report received 18th September 2014;
 10. the Notice of Decision;
 11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has 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 in accord with Policy CP11 of the Carlisle District Local Plan 2001-2016.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that the appearance of the area is not prejudiced by inappropriate boundary treatment in compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. 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 used are appropriate to the character and appearance of the buildings in the locality and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Highway Authority.

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

7. Any existing highway boundary (hedge) shall be reduced to a height not exceeding 1.0m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before development commence and shall be maintained to a height not exceeding 1.0m thereafter.

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

8. The access and parking/ turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to

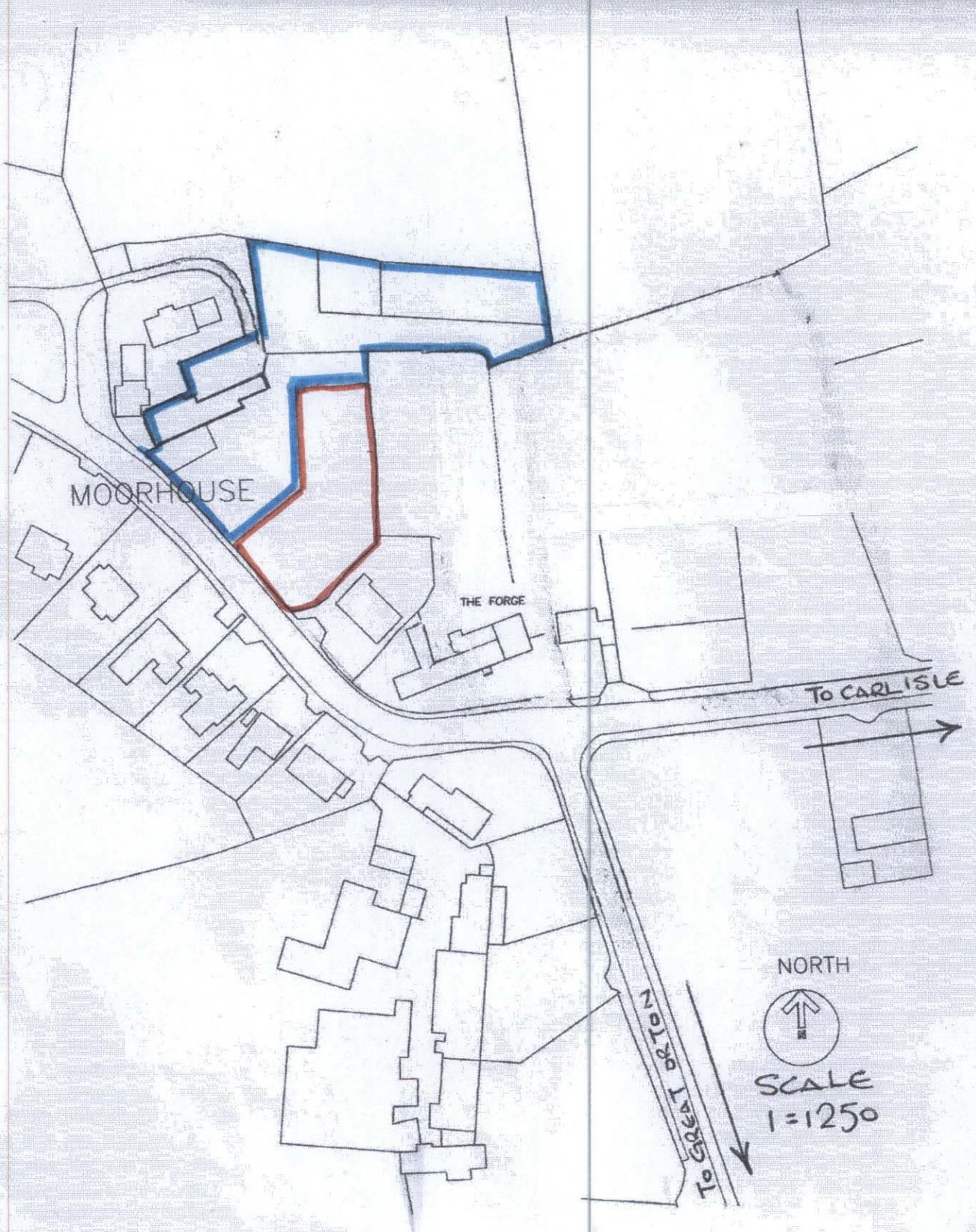
inconvenience and danger to road users and to support Local Transport Policy LD8.

9. 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.

10. 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 and that it fulfils the objectives of Policy CP3 of the Carlisle District Local Plan 2001-2016.



"ORCHARD FARM"
SITE LOCATION PLAN
MK/MOOR/SLP



The
Forge

Carlisle

Orchard
Farm
House

Thurstonfield



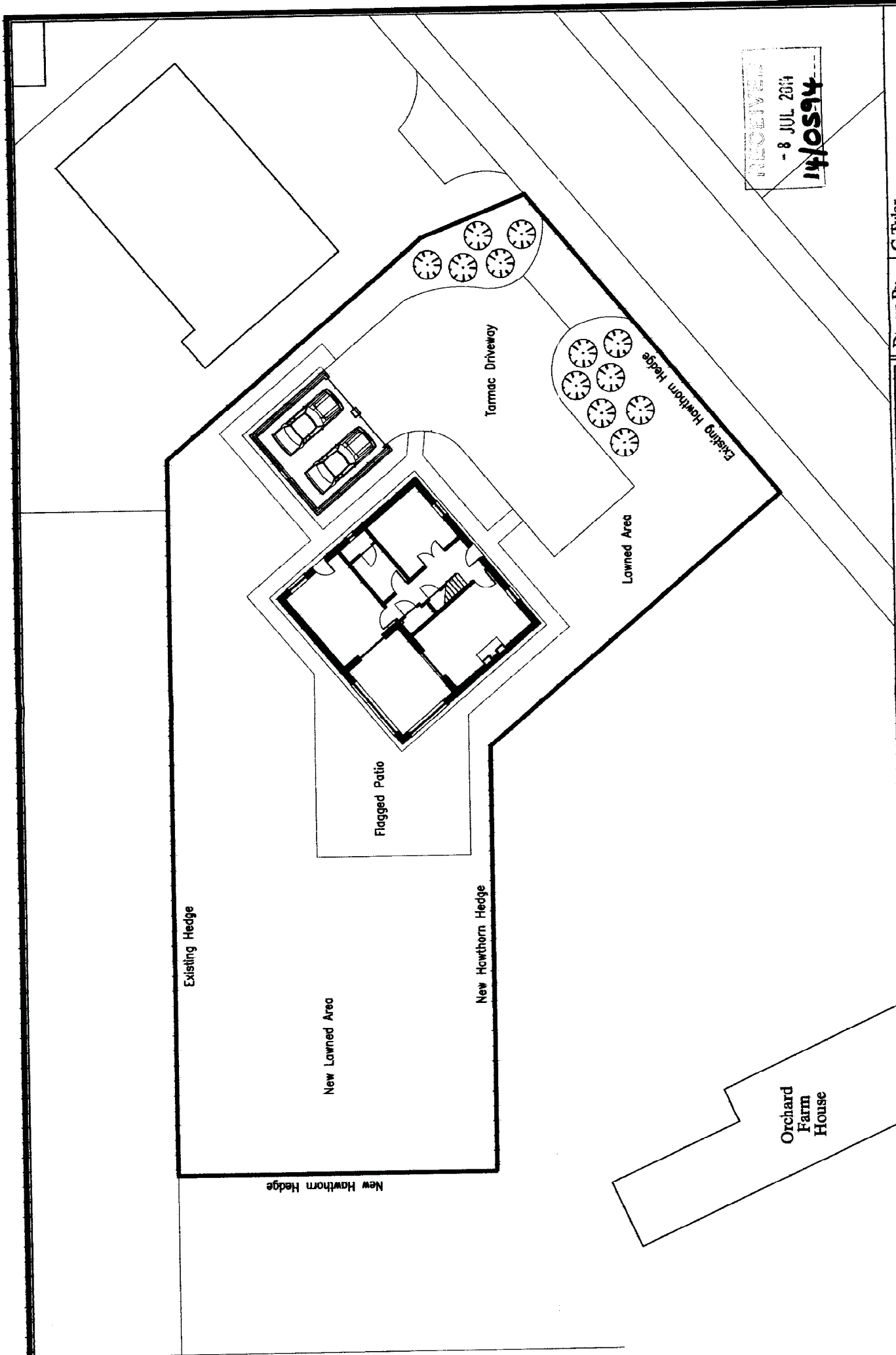
SITE BLOCK PLAN



Proposed New Detached 4 Bedroom House
complete with Detached Double Garage

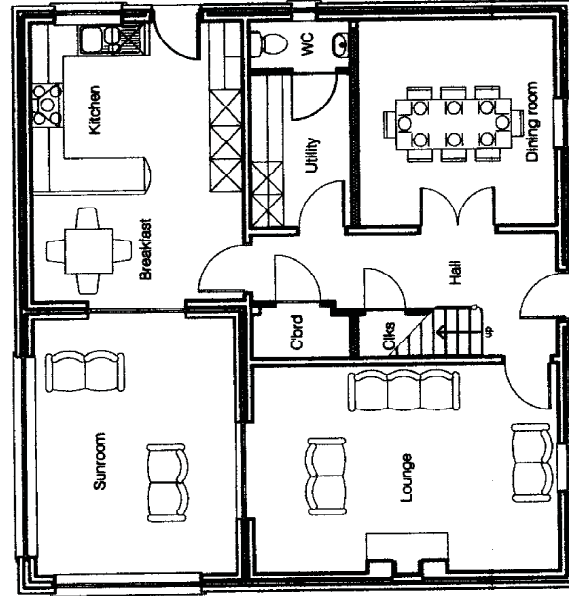
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Scale	1:500
Date	3rd August 2014
Drawing No	MK / MOOR / SBP1
Rev	Rev A

Rev.	Date	Original Issue	Description
A	03/08/14		

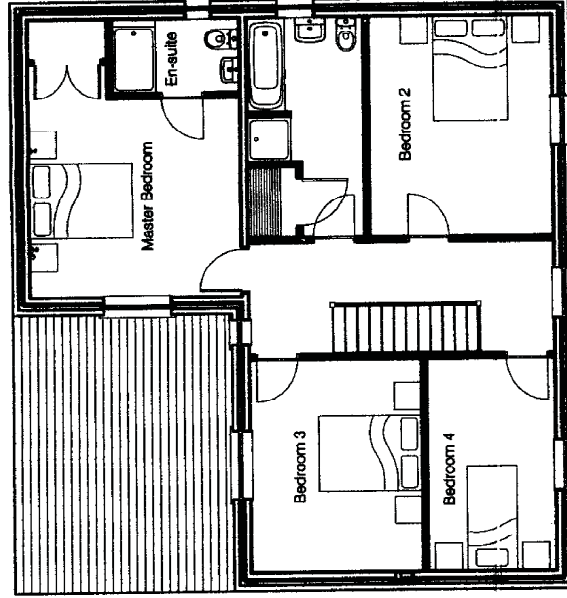


RECEIVED
- 8 JUL 2014
14/0594

Proposed New Detached 4 Bedroom House complete with Detached Double Garage to Land Adjacent to "Orchard Farm House", Moorhouse, Carlisle for Mr M. Kirkaldy		Drawn By	G. Tyler
		Scale	1:200
		Date	12th June 2014
		Drawing No	MK / MOOR / SP1
			Rev A
Rev.	Date	Description	
A	12/06/14	Original Issue	



Proposed Ground Floor Plan



Proposed First Floor Plan

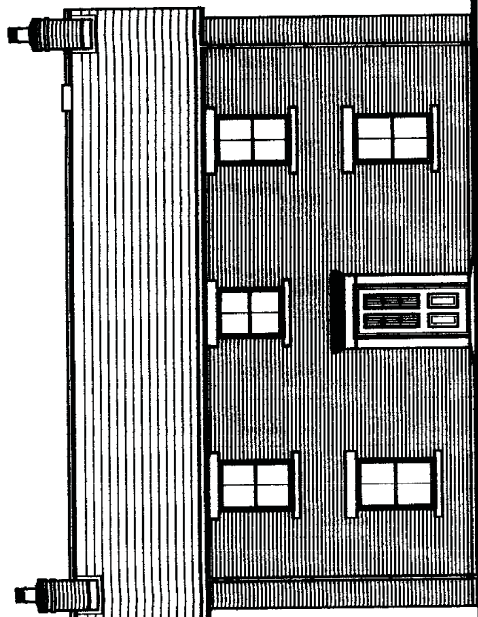
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Proposed New Detached 4 Bedroom House complete with Detached Double Garage to Land Adjacent to "Orchard Farm House", Moorhouse, Carlisle for Mr M. Kirkaldy

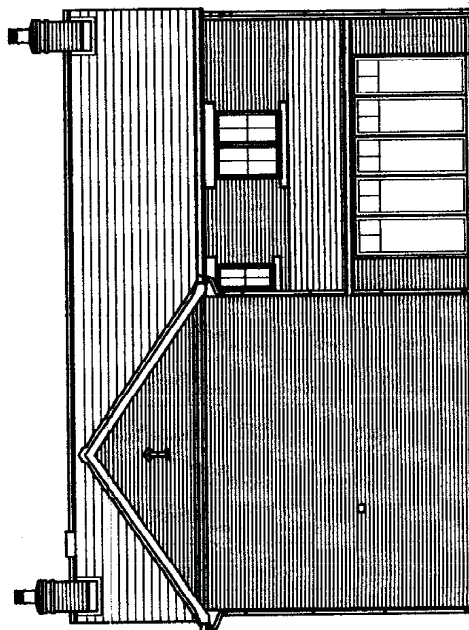
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Rev	Rev A

Rev.	Date	Description
A	03/08/14	Original Issue

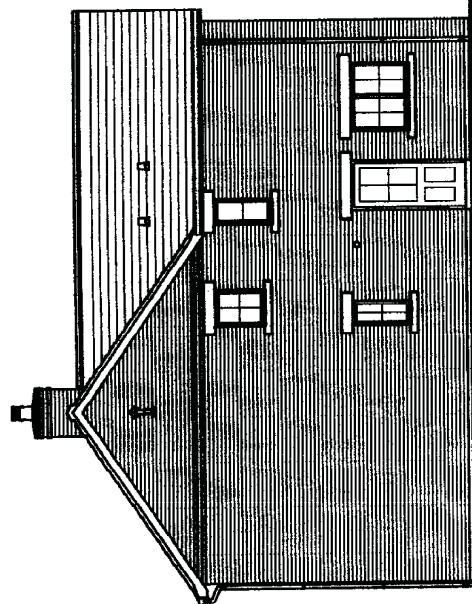
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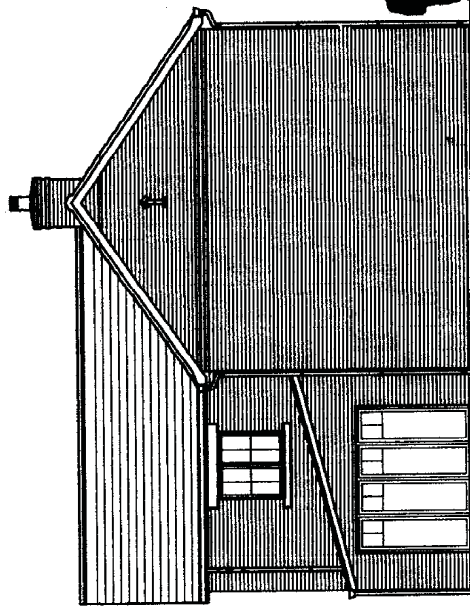
Proposed Front Elevation



Proposed Rear Elevation

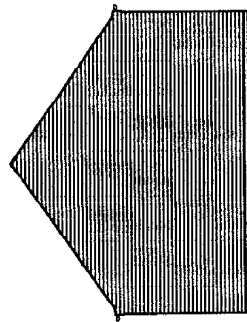


Proposed Side Elevation

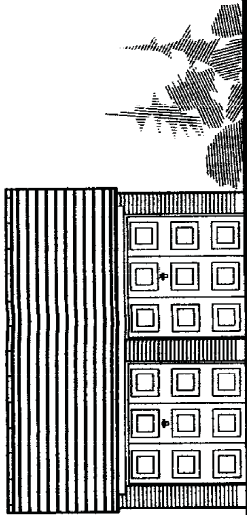


Proposed Side Elevation

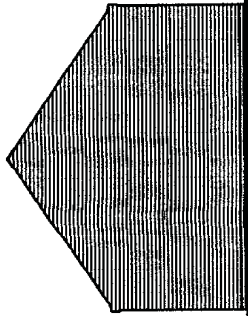
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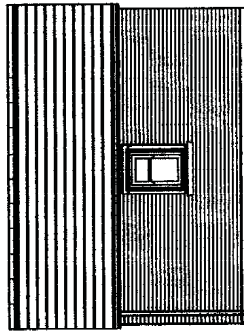
Proposed Side Elevation



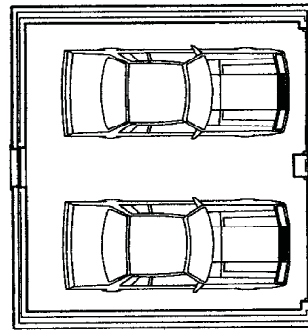
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Floorplan

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WALLS
Brickwork (Red / Brown)
ROOF
Slates (Grey)
DOORS & WINDOWS
Upvc Double Glazed (White)
GARAGE DOOR
Proprietary Door (White)

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