

## SCHEDULE A: Applications with Recommendation

13/0423

Item No: 11

Date of Committee: 30/08/2013

**Appn Ref No:**  
13/0423

**Applicant:**  
Mr Stephens

**Parish:**  
Dalston

**Date of Receipt:**  
11/06/2013

**Agent:**  
Mr Clode

**Ward:**  
Dalston

**Location:**

Land adjacent Alpine Cottage, Raughton Head,  
Carlisle, CA5 7DD

**Proposal:** Erection Of 1no. Dwelling

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### REPORT

**Case Officer:** Suzanne Edgar

#### 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, Layout And Design Of The Development Is Acceptable
- 2.3 Impact Upon Ther Living Conditions Of Neighbouring Residents
- 2.4 Highway And Parking Matters
- 2.5 Drainage
- 2.6 Impact On Trees/Hedges
- 2.7 Biodiversity
- 2.8 Whether The Proposal Would Lead to The Loss of The Best And Most Versatile Agricultural Land
- 2.9 Contamination
- 2.10 Other Matters

#### 3. Application Details

##### The Site

- 3.1 This application seeks full planning permission for the erection of a dwelling

at land to the east of Alpine Cottage, Raughton Head. Alpine Cottage is a two storey property constructed from rendered walls under a concrete tiled roof located on the northern side of the road that leads from Raughton Head towards Stockdalewath. The land to the east of Alpine Cottage is approximately 957 sqm in area and is bounded by hawthorn hedging to the west together with stock proof fencing to the remaining boundaries. The land is currently used for agricultural purposes and is surrounded by residential properties to the west, north-west and south-east. To the north there are fields and to the east there are farm buildings.

## **The Proposal**

- 3.2 The proposal seeks to erect a two storey property on land to the east of Alpine Cottage. It would provide a study, WC, living room, hall, kitchen, dining room and integral garage at ground floor with 4no.bedrooms (1 en-suite) and bathroom situated above. The dwelling is proposed to be constructed from roughcast rendered walls to match Alpine Cottage, white UPVC windows with sandstone sills, jambs and heads under a blue-black natural slate roof. Foul drainage will discharge to a biodisc treatment plant and surface water drainage will discharge to soakaways.
- 3.3 The application also includes the formation of a new access onto the road leading from Raughton Head to Stockdalewath. The proposal will provide 3 incurtilage parking spaces as well as a turning area.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to nine neighbouring properties. At the time of preparing this report four letters/emails of objection and one email making comments have been received.
- 4.2 The letters/emails of objection cover a number of matters which are summarised as follows:
1. There is a legal covenant on the land restricting any further building development
  2. Loss of light and privacy to neighbouring properties
  3. Highway Safety And Access Issues
  4. Increase in surface water run off and flooding
  5. Land ownership
  6. Accuracy of information supplied
  7. Management of proposed hedgerows
- 4.3 The email raising comments is summarised as follows:

1. There is a legal covenant on the land
2. Access Issues
3. Accuracy of plans.

## **5. Summary of Consultation Responses**

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of 3 conditions;

Dalston Parish Council: - object on the following grounds: proposed development is on land designated as farmland; it is not on the current housing plan; access is across common land; proposed access is potentially hazardous as it is close to both a junction and a bend on a well used country road into the village; it is recommended that a local occupancy restriction is considered; and, there is concern regarding the size and weight of vehicles which will cross over the partly combined threshold.

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): - no objection;

Cumbria County Council - Drainage: - do not wish to make any comments;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: - no objection.

## **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, CP4, CP5, CP6, CP10, CP11, CP12, H1 and T1 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF) and the Council's Achieving Well Designed Housing Supplementary Planning Document (SPD) are also material planning considerations. The proposal raises the following planning issues:

1. The Principle Of Development

- 6.2 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. 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 the location of housing) cannot be considered up to date under the NPPF as per paragraphs 55 and 215. The Framework seeks to promote sustainable development and in rural areas, housing should be located where it will

enhance or maintain the vitality of rural communities. For example, where there are small groups of smaller settlements, development in one village may support services in a village nearby.

- 6.3 The site is located within the settlement boundary for Raughton Head as defined in the proposal maps which accompany the Carlisle District Local Plan 2001-2016 however it is important for Members to note that the NPPF does not advocate the use of settlement boundaries. Raughton Head is defined within Policies DP1 and H1 of the Local Plan as being a sustainable location. Raughton Head has a church and school. It is also located in close proximity to Dalston which has a further range of services (primary school, secondary school, shops, church, village hall, public house, dentist etc). In such circumstances the application site is considered to be in a sustainable location for housing development in terms of the policies in the NPPF and the Carlisle District Local Plan. In such circumstances the principle of development is acceptable.

## 2. Whether The Scale, Layout And Design Of The Development Is Acceptable

- 6.4 There are a range of house types within Raughton Head which vary in terms of their scale, design and materials. The houses within the immediate vicinity of the application site are mainly two storey and constructed from either stone or rendered walls under tiled/slate roofs. The footprint of the proposed development is similar to that of surrounding properties and the size of the dwelling is commensurate to the size of the plot.
- 6.5 The materials of the proposed dwelling would correspond with the surrounding residential properties. The design of the dwelling is appropriate to the site and would not have a detrimental impact upon the existing street scene or the visual character of the area to warrant refusal of the application on this basis.

## 3. Impact Upon The Living Conditions Of Neighbouring Residents

- 6.6 All of the primary windows will be compliant with the separation distances outlined in paragraph 5.44 of the Councils Achieving Well Designed Housing SPD.
- 6.7 Given the positioning of the proposed development in relation to residential properties surrounding the site it is not considered that the development would have an adverse impact upon the occupiers of any neighbouring properties in terms of loss of light, overlooking or over dominance sufficient to warrant refusal of the application.

## 4. Highway and Parking Matters

- 6.8 The proposed development will create a new access from the road leading through Raughton Head towards Stockdalewath. The proposal includes three incurtilage parking spaces as well as a turning area. The Highways Authority has been consulted on the proposed development and has raised no

objections subject to the imposition of three conditions relating to: 1) construction of the vehicular access, 2) access and turning requirements being met before any building work commences on site, and 3) dwelling not to be occupied until the vehicular access and parking requirements have been constructed and capable of use.

- 6.9 Objectors have raised concerns regarding the location of the proposed site entrance in relation to the bend in the road and the existing entrance to the agricultural buildings located to the east of the site. Objectors have also indicated that agricultural vehicles park in front of the field gate and the proposed development could interfere with this access/parking. The Parish Council has also raised concern over the size and weight of vehicles which will cross over which now appears to be a partly combined threshold. The Highway Authority has raised no objections with regard to highway visibility and has indicated that the proposed access would not comprise the existing farm access/usage. The construction of the access will be dealt with under Section 184 of the Highways Act 1980. In such circumstances and given no objection to the proposal from the relevant Highways Authority the proposal would not have a significant impact upon highway safety. Accordingly there is no policy conflict.

## 5. Drainage

- 6.9 Foul drainage will be disposed of via a bio disc treatment plant and surface water will be disposed off via soakaways. The treated water from the bio disc treatment plant will also go to the proposed soakaways. Objectors have raised concerns that the proposed development would exacerbate existing surface water run off during downpours and lead to flooding of neighbouring properties. Cumbria County Council has been consulted on the proposed development and has confirmed that after looking at their flooded properties list and flood map for surface water that they do not wish to make any comments on the application. Percolation tests have been submitted by Bingham Yates & Partners on behalf of the applicant which illustrates that the land is suitable for soakaways and provides the relevant calculations of the size of the soakaways required. The Councils Building Control section has been consulted on the information supplied and has confirmed no objections. Accordingly it is considered that the methods for the disposal of foul and surface water is appropriate and the proposal would not exacerbate existing flooding conditions claimed by third parties.

## 6. Impact On Trees/Hedges

- 6.10 The application site is bounded by a hawthorn hedgerow to the west together with stock proof fencing to the remaining boundaries. The proposal includes the planting of new hedgerows to the north, east and southern boundaries as well as the planting of three hedgerows trees to the north. The Council's Landscape Architect/Tree Officer has been consulted on the proposal and has raised no objections.

## 7. Biodiversity

- 6.11 The Councils GIS Layer has identified that the site has the potential for breeding birds and badgers to be present. As stated above the proposal will

retain the existing hedgerow and will enhance the biodiversity of the site by the planting of new hedgerows/trees. In such circumstances the proposed development is unlikely to harm a 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. Whether The Proposal Would Lead to The Loss of The Best And Most Versatile Agricultural Land

- 6.12 It is accepted that the proposal would lead to the loss of agricultural land. The Agricultural Land Classification identifies this land as Grade 3, Grades 1 and 2 being of the highest quality. Grade 3 land is common both within the immediate vicinity of the application site and within the District as a whole. As such, it is not considered that the loss of this area of agricultural land would provide sufficient grounds for refusal of the application.

#### 9. Contamination

- 6.13 A desk top study has been submitted which indicates that there is no evidence of any source of activity on the site except agriculture. Environmental Services has been consulted on the proposed development and has raised no objections. A condition has however been imposed within the decision notice regarding contamination, should it be found.

#### 10. Other Matters

- 6.14 Objectors have alleged during the consultation period that there is a legal covenant on the land. This is a legal matter and can not be dealt with under planning legislation.
- 6.15 Objectors have also raised concerns regarding the future management of the new hedgerows particularly with regard to their height. Any concerns regarding the height of hedgerows would be dealt with under the separate High Hedge Legislation.
- 6.16 It is noted that Dalston Parish Council have indicated that a local occupancy condition should be considered. A justification for local need has not been put forward by the applicant and the application therefore has to be judged on its own merits. The Parish Councils comments have been noted however as stated in paragraphs 6.2 and 6.3 above the application site is considered an appropriate and sustainable location for new housing development. A local occupancy condition would not be in accordance with the current Development Plan policies.
- 6.17 Dalston Parish Council have indicated that the proposed access is across Common Land. This claim is disputed by the local Highways Authority who has indicated that the proposed access is within the highway corridor and a separate section 184 agreement is required for these works. Members will be aware that issues regarding land ownership are a civil matter and cannot be dealt with under planning legislation.
- 6.18 The proposal has been considered against the provisions of the Human Rights Act 1998. 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**

- 6.19 To conclude the principle of development is acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area, with adequate car parking, access and amenity space provided within the curtilage of the site. Furthermore, the dwelling could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring residential dwellings or the existing watercourse. The proposal would also not have an adverse impact upon biodiversity or highway safety. The application is recommended for approval as the proposal is considered to be compliant with the relevant Development Plan Policies.

## **7. Planning History**

- 7.1 In 2012 planning permission was granted at Alpine Cottage for the erection of a new double garage and garden appliance store, existing garage to be used as a small gym (reference 12/0323);
- 7.2 In 2000 planning permission was refused for change of use of roadside verge to domestic garden (reference 00/0964).

## **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 submitted planning application form received 24th May 2013;
  2. the site location and block plan received 26th July 2013 (Drawing No.11281-001A);
  3. the proposed block plan received 26th July 2013 (Drawing No.11281-002);
  4. the proposed site layout received 26th July 2013 (Drawing No. 11282-01B);
  5. the proposed plans and elevations received 24th May 2013 (Drawing No.11282-02);
  6. the desk top study for contamination received 11th June 2013;
  7. the design and access statement received 24th May 2013;

8. the soakaway design and calculations received 14th August 2013 and the email from Brian Child received 14th August 2013;
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Samples of the roofing materials shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

**Reason:** To ensure the works harmonise as closely as possible with the existing buildings within the immediate vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling shall be submitted to and approved in writing by the local planning authority before any site works commence.

**Reason:** In the interests of preserving the privacy and amenity of the neighbouring residents and to ensure that the development respects the scale and character of buildings in the locality. In accordance with Policies CP5 and H1 of the Carlisle District Local Plan 2001-2016.

5. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those trees and hedges to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site to the satisfaction of the Local Planning Authority.

**Reason:** In order to ensure that adequate protection is afforded to all trees and hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. The development shall be landscaped in accordance with the landscaping scheme hereby approved. 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 wilfully destroyed within the following five years shall be replaced by appropriate nursery stock.



**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

7. The access and 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. Such facilities shall be retained capable of use thereafter and shall not be altered without the prior consent of the Local Planning Authority.

**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. Retention of the facilities ensures an appropriate standard of parking and access for as long as the use continues. To support Local Transport Policies: LD5, 7 and 8.

8. The dwelling shall not be occupied until the vehicular access and parking requirements (including the integral garage) have been constructed and capable of use. 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.

9. The whole of the vehicular access area bounded by the carriageway edge and the highway boundary shall be constructed and drained to the specification of the Local Highways Authority.

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

10. 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.

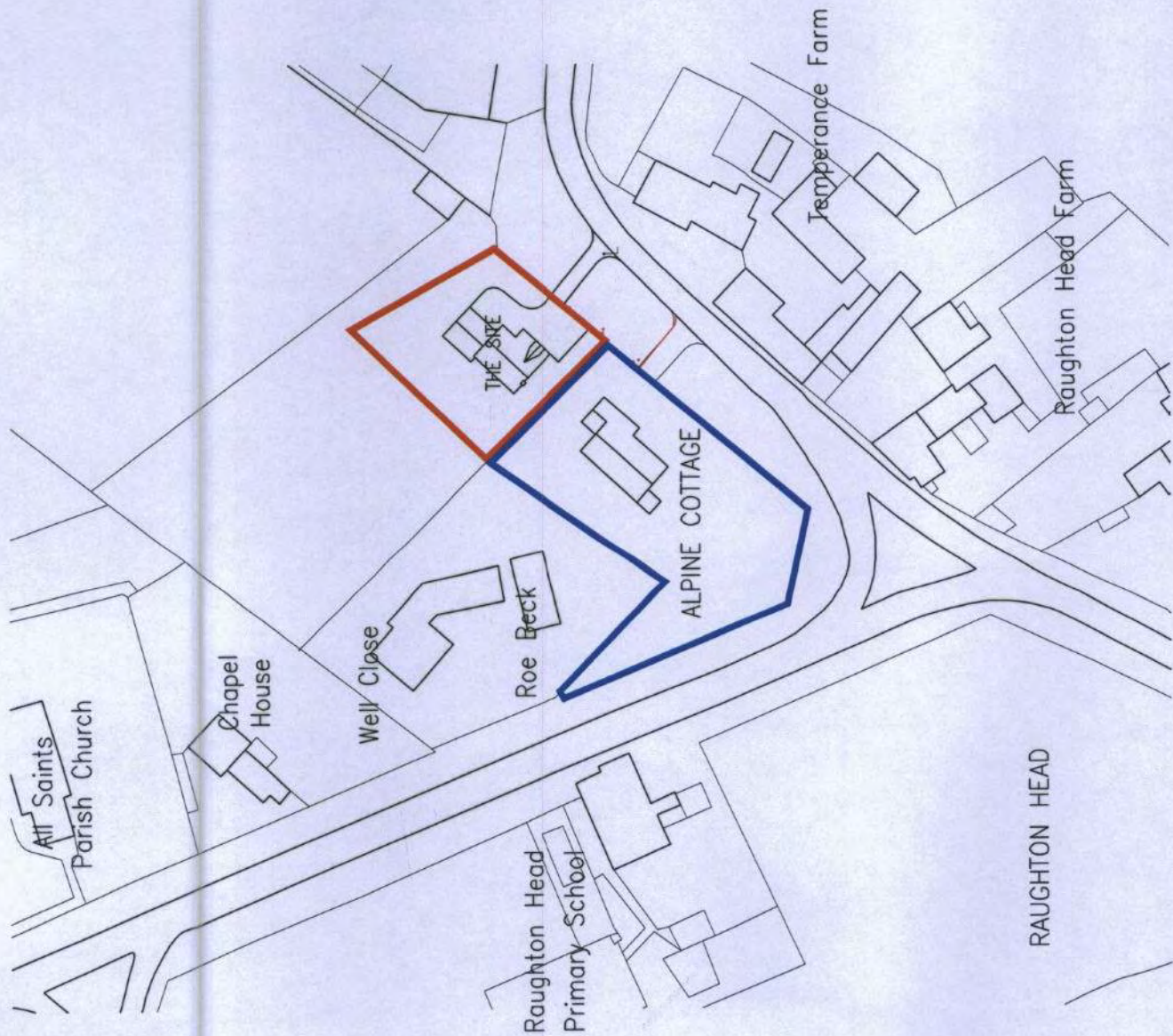
**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.

11. The dwelling hereby approved shall not be occupied until the foul and surface water drainage works have been completed in accordance with the submitted plans. If any other drainage scheme is proposed this shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that adequate drainage facilities are available in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

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SITE: LOCATION PLAN  
SCALE: 1:1250@A3



SITE: BLOCK PLAN  
SCALE: 1:500@A3



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Project Proposed New Dwelling

Land Adjacent Alpine Cottage

Drawing Raughton Head, Carlisle CA5 7DD

Site Location and Block Plan

Scales shown Date: 09/05/13 Drawn by: Number 1281-001A

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Revisions:

A: 26-07-13 RED LINE BOUNDARY AMENDED



FOOTWAY CROSSING TO BE CONSTRUCTED IN ACCORDANCE WITH CUMBRIA COUNTY HIGHWAY SPECIFICATION FOR ASPHALT CONCRETE FOOTWAY TO STANDARD DETAIL CDG1113/AM2  
NEW BUILD VEHICULAR ACCESS  
EXCAVATE TO REDUCED DEPTH OF AT LEAST 300mm BELOW FINISHED LEVEL AND CART ALL SPOIL TO LICENSED, OFF-SITE TIP.  
EXCAVATE ANY SOFT SPOTS IN SUB-GRADE AS REQUIRED AND DISPOSE.  
SUPPLY, LAY AND COMPACT MINIMUM OF 225mm OF GRANULAR SUB-BASE MATERIAL TO FALLS AND LEVELS.  
SUPPLY, LAY AND COMPACT 50mm OF 20mm DENSE BIN 100/150 BIN, 30mm OF AC 6mm DENSE SURF 100/150/PSV 50 TO FALLS AND LEVELS. CLEAR ALL SITE OF DEBRIS AND RUBBLE ON COMPLETION AND MAKE GOOD.  
ALL TARMAC TO COMPLY WITH BS 4987

50mm x 200mm BULL-NOSED EB CONCRETE EDGING KERBS TO STRAIGHT LINES AND CURVES AS NECESSARY  
PC EDGING ON 10 - 40 THICK MORTAR BED.  
MIX ST2 COCRETE FOUNDATION AND HAUNCH  
MAKE GOOD TO BACK OF KERB ON COMPLETION  
ALL KERBS TO COMPLY WITH BS EN 1340

PROPOSED DWELLING

PECKED LINE DENOTES EXTENT OF EXISTING WARDROBE/STONE BASE. THE PROPOSED CROSSING WILL CROSS THIS AREA AS SHOWN AND CONSTRUCTED IN ACCORDANCE WITH CUMBRIA COUNTY HIGHWAY STANDARDS AS STATED AND SUBMITTED TO CCC HIGHWAYS  
NOTE THAT HATCHED AREA SIGNIFIES THE EXTENT OF THE EXISTING HARDSTAND AREA

NEW VEHICLE ACCESS TO BE CONSTRUCTED IN ACCORDANCE WITH COUNTY HIGHWAYS REQUIREMENTS TO SINGLE DWELLINGS IN ACCORDANCE WITH DETAIL VA/1

ALPINE COTTAGE

THIS SECTION TO BE MADE GOOD AS NECESSARY AND IN ACCORDANCE WITH COUNTY HIGHWAYS/DETAILS



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Revisions:

Project Proposed New Dwelling

Drawing Land Adjacent Alpine Cottage

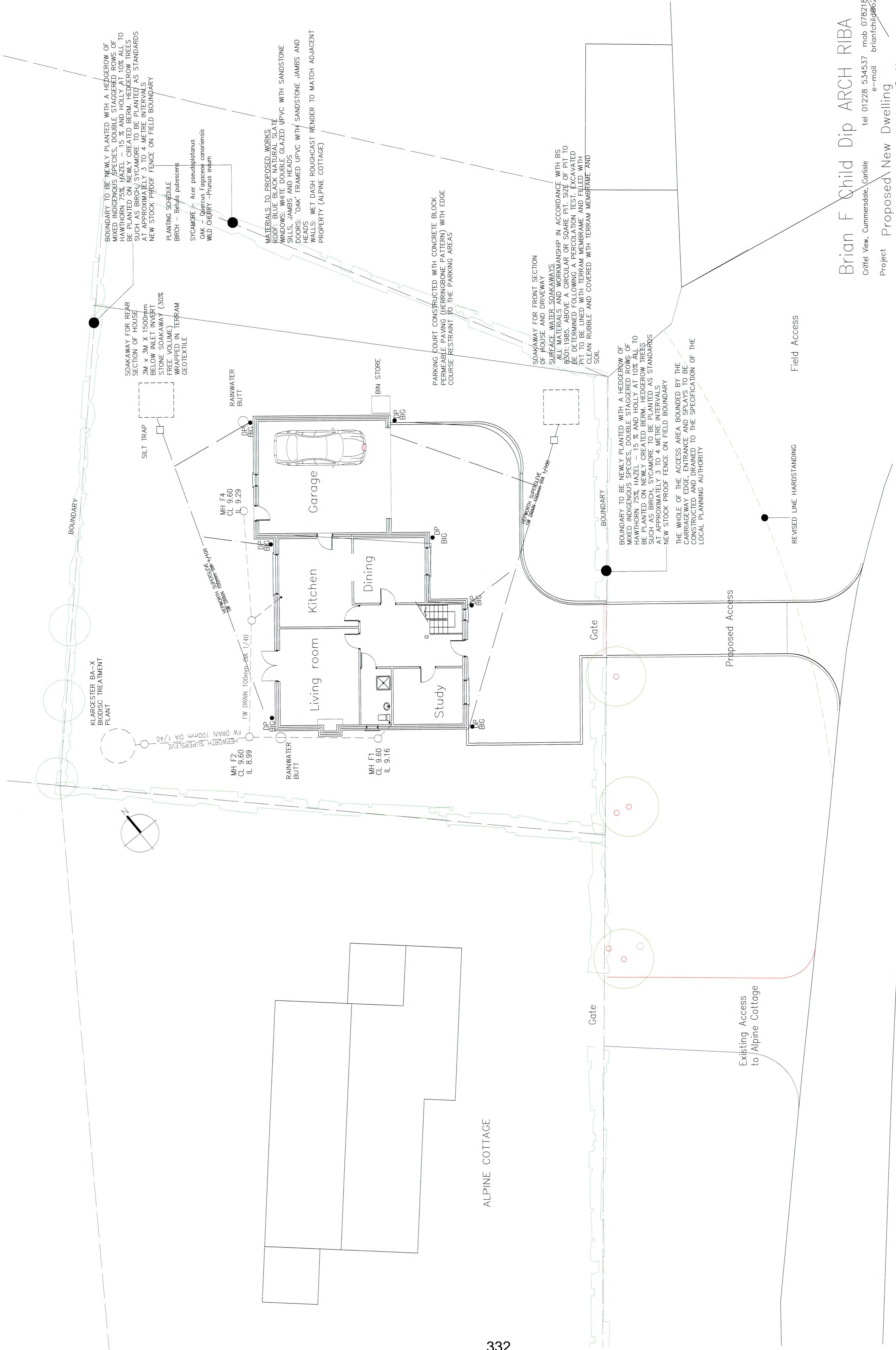
Raughton Head, Carlisle CA5 7DD  
block plan proposed site access

Scale: 1:200@A3 Date: 24-07-13 Drawn by: Number: 1281-002

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SITE: BLOCK PLAN  
SCALE: 1:200@A3





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Project Proposed New Dwelling  
Land adjacent Alpine Cottage

Drawing Raughton Head, Carlisle CA5 7DD

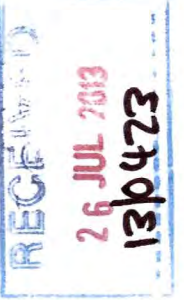
Proposed Site Layout

Scale 1:1000@A1 Date 09.05.13 Drawn bfc... Number 1282-01B

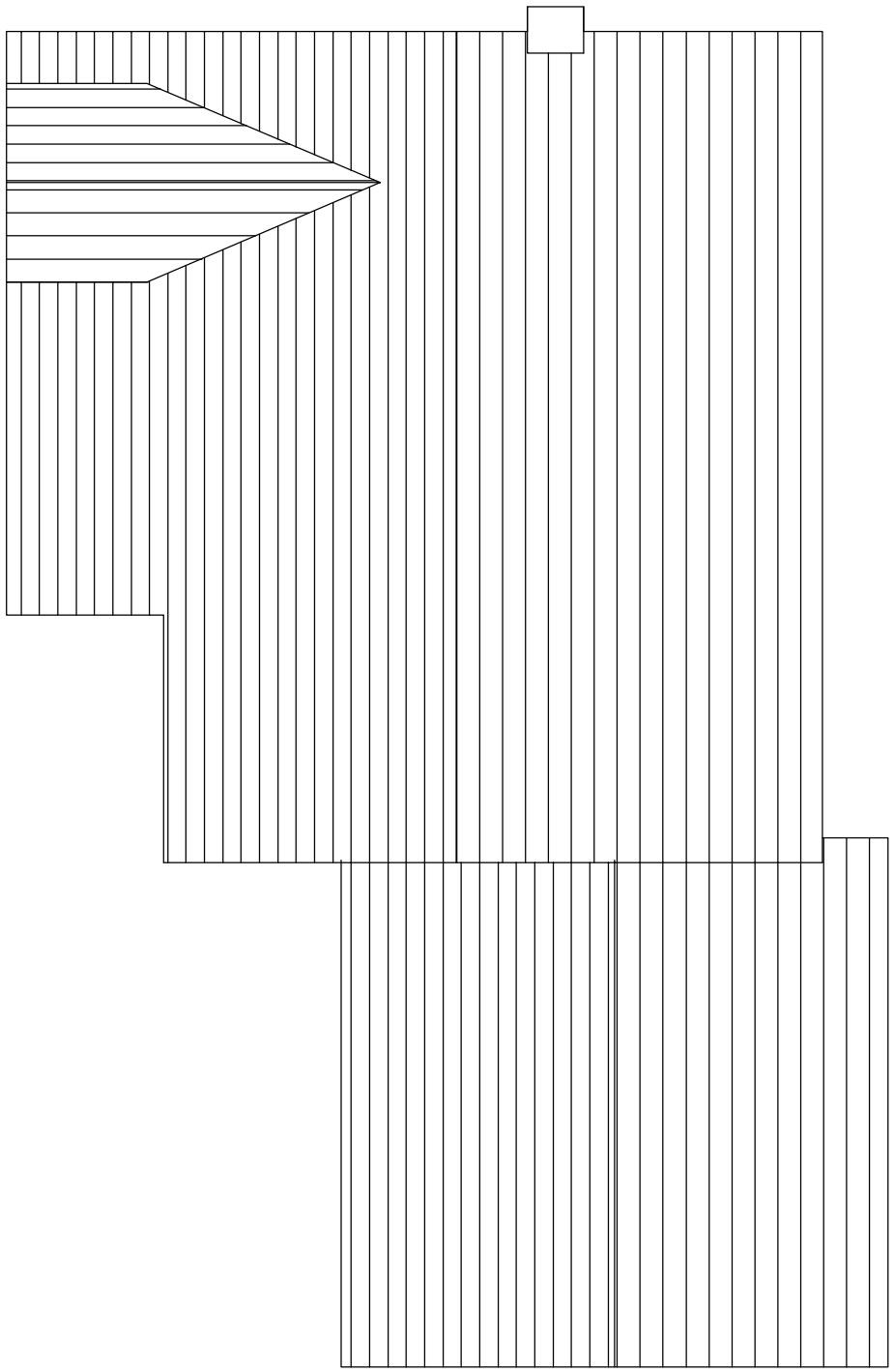
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Revisions:

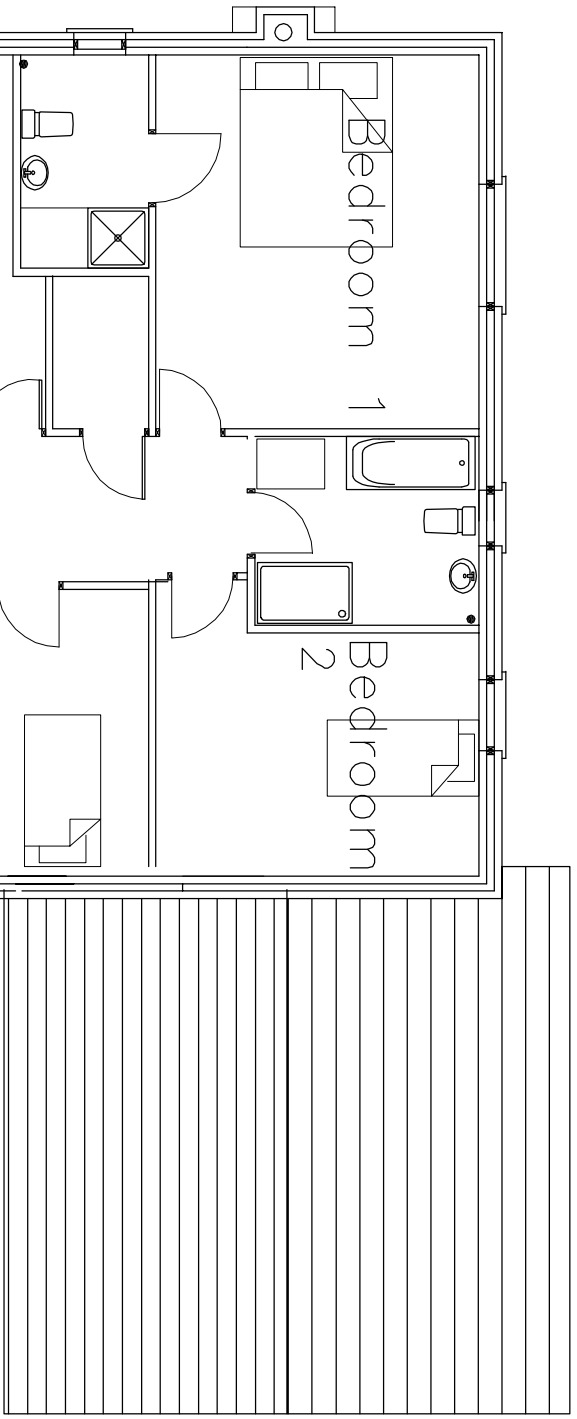
- A: 04/07/13 ADJUSTMENT TO PARKING COURT
- B: 26/07/13 SPECIFICATION TO HEDGEROW AMENDED



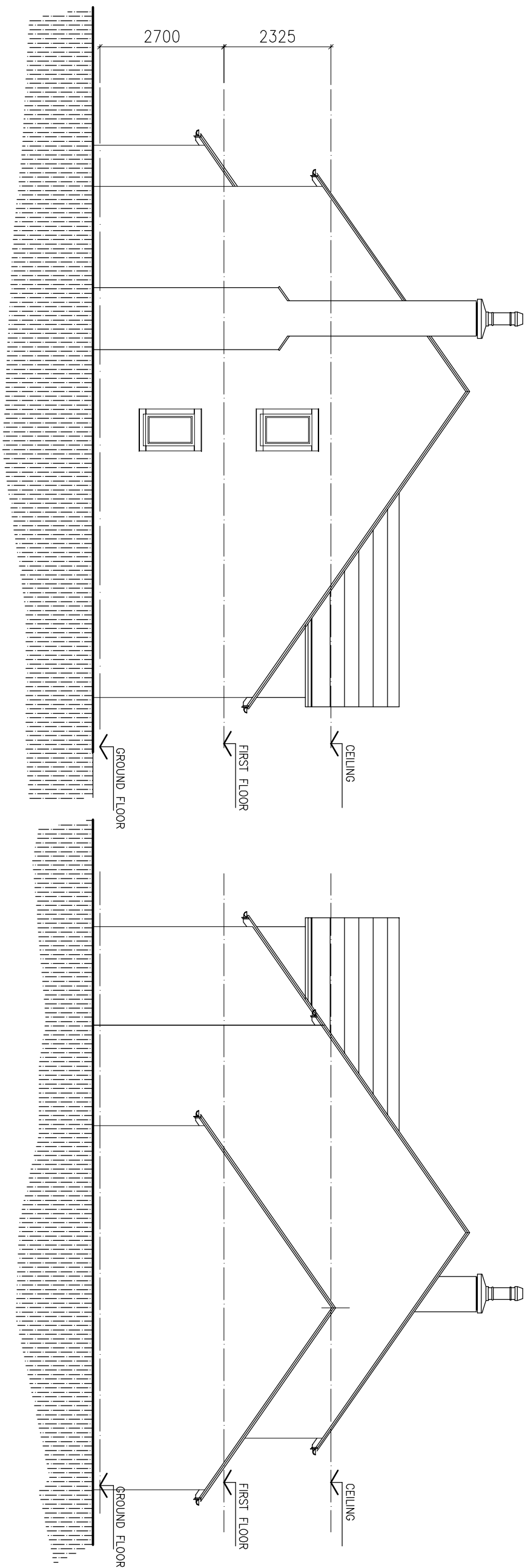
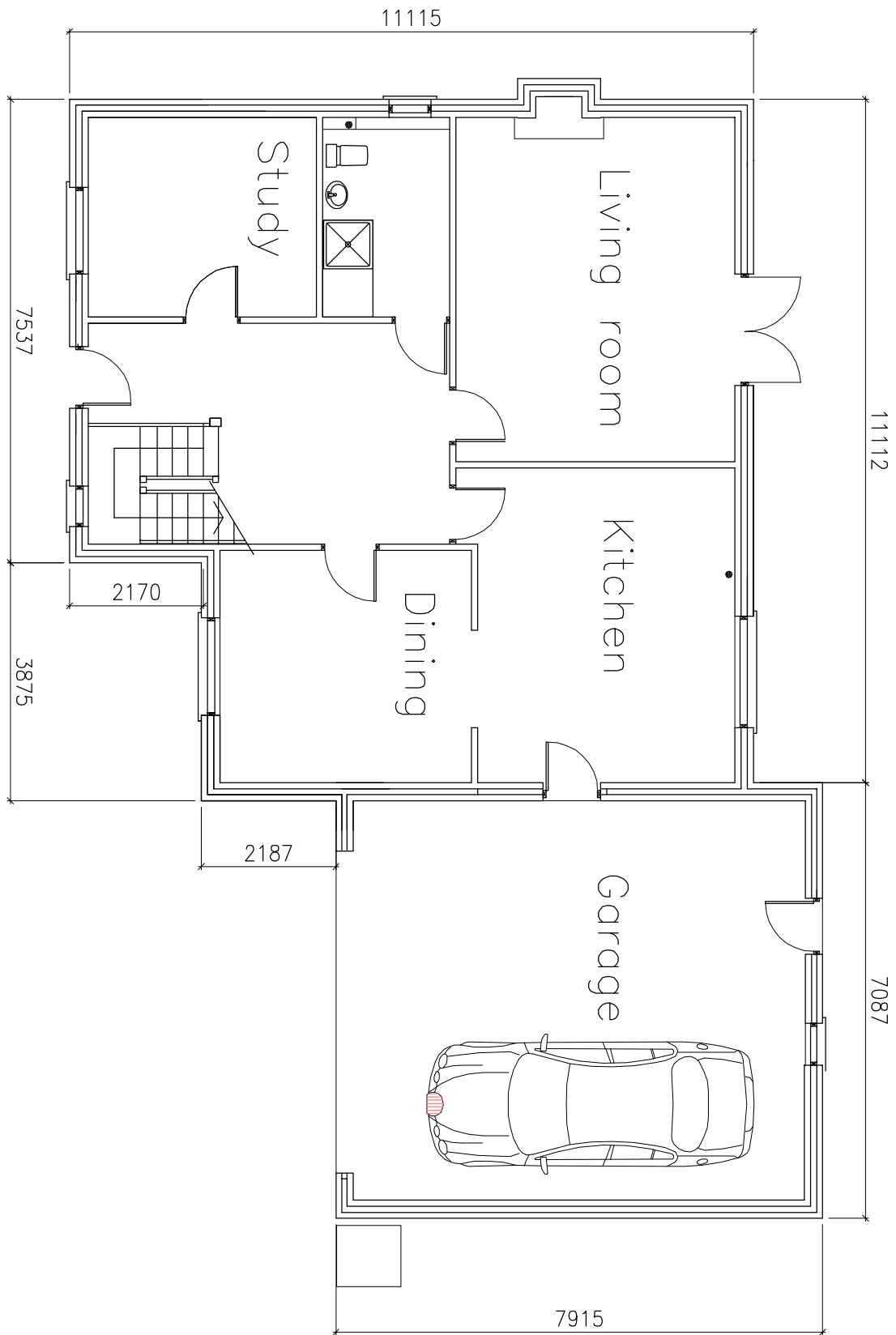




ROOF PLAN



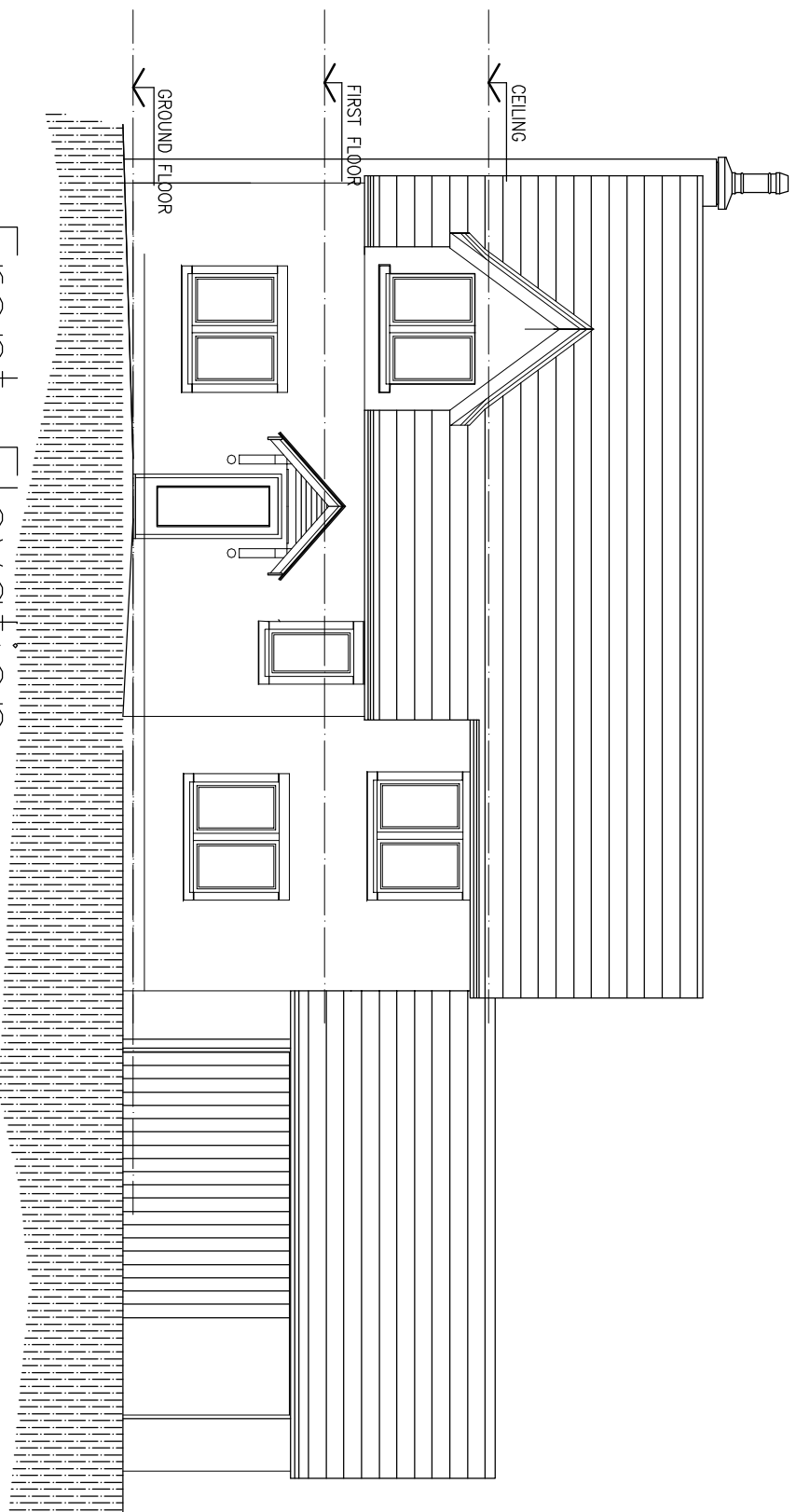
FIRST FLOOR



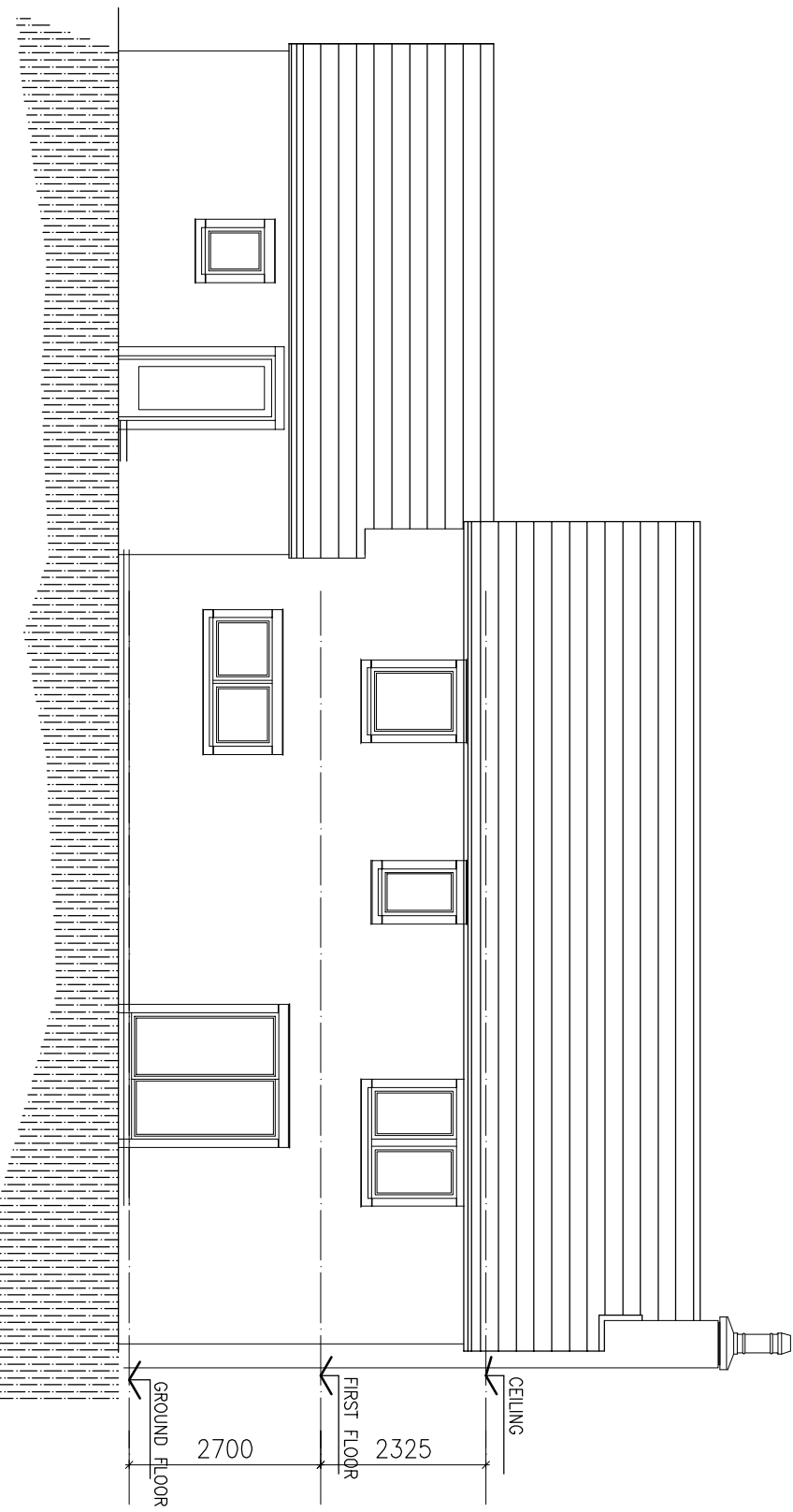
Left Gable  
North West Elevation

Right Gable  
North East Elevation

MATERIALS TO PROPOSED WORKS  
ROOF: BLUE GRAY NATURAL SLATE  
WINDOWS: WHITE DOUBLE GLAZED UPVC WITH SANDSTONE  
SILLS, JAMBS AND HEADS  
DOORS: 'OAK' FRAMED UPVC WITH SANDSTONE JAMBS AND  
HEADS  
WALLS: WET DASH ROUGHCAST RENDER TO MATCH ADJACENT  
PROPERTY (ALPINE COTTAGE)



Front Elevation  
South East Elevation



Rear Garden  
North West Elevation

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Project e-mail brianfchild@o2.co.uk

Proposed New Dwelling

Land adjacent Alpine Cottage

Drawing Raughton Head, Carlisle CA5 7DD

Proposed Plans and Elevations

Scale 1:100 @ A1 Date 09/05/13 Drawn bfc... Number 11282-02

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