

## SCHEDULE A: Applications with Recommendation

12/0790

Item No: 10

Date of Committee: 19/04/2013

**Appn Ref No:**  
12/0790

**Applicant:**  
Simtor Limited

**Parish:**  
Wetheral

**Date of Receipt:**  
20/09/2012

**Agent:**  
Taylor & Hardy

**Ward:**  
Wetheral

**Location:**

Land at Broomfallen Road, Scotby, CA4 8DE

**Proposal:** Erection Of 28No. Dwellings

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### REPORT

**Case Officer:** Richard Maunsell

#### Summary

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Paragraph 55 of the NPPF indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The proposal is in accordance with the principles of the NPPF as the application site is located in a sustainable location close to the centre of Scotby, public transport links and the city of Carlisle. Scotby village has a range of services (school, public house, church, village hall, playing fields etc) and the proposal would create an opportunity to support these existing rural facilities. The site is well contained as it is bounded by residential dwellings to the east and north together with the Public Bridleway to the west. In such circumstances it is considered that the proposal would not result in an unduly prominent intrusion into the countryside nor would it result in settlements merging. In such circumstances the principle of additional housing in this location is deemed acceptable and is in accordance with the objectives of the Council's Interim Housing Statement and the National Planning Policy Framework.

The scale, layout and design of the development is acceptable and it is considered that the development would not have a detrimental impact upon landscape character of the area, the living conditions of existing and future occupiers, crime or the loss of the best and most versatile agricultural land.

Subject to suitably worded planning conditions and a S106 agreement it is considered that the rural character of the area can be safeguarded through an appropriate landscaping scheme and that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, flooding,

biodiversity, noise, contamination, waste or education provision. The level of affordable housing is also acceptable.

On balance, having regard to the Development Plan and all other material planning considerations, the proposal is considered acceptable.

## **1. Recommendation**

- 1.1 It is recommended that this application is approved subject to legal agreement and the imposition of planning conditions.

## **2. Main Issues**

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Scale, Layout And Design Of The Development
- 2.3 Impact Upon Landscape Character
- 2.4 The Impact Of The Proposal On The Living Conditions Of Neighbouring And Future Residents
- 2.5 Highway Issues
- 2.6 Landscaping
- 2.7 Education
- 2.8 Affordable Housing
- 2.9 Foul And Surface Water Drainage
- 2.10 Flooding
- 2.11 Ecological Issues
- 2.12 Contamination
- 2.13 Whether The Proposal Would Lead to The Loss of The Best And Most Versatile Agricultural Land
- 2.14 Crime
- 2.15 Waste/Recycling Provision

## **3. Application Details**

### **The Site**

- 3.1 The 1.548 hectare site is located at the southern end of Scotby on the approach from Cumwhinton. Within the site, there is an area of marsh and wet land at the western end with broad leaved planting on the north-west area and a substantial band of trees to the south. The land is currently grassland.
- 3.2 The topography of the land is such that it slopes down from east to west with an approximate difference of 6 metres in level and again of a similar height difference from north-east to south-west.
- 3.3 A mature hedgerow bounds the site adjacent to the County highway and also along the route of the Public Bridleway which flanks the land to the north and

then sweeps to the west. Immediately adjacent to the western boundary is Wash Beck.

- 3.4 To the south of the junction with Ladysteps, Broomfallen Road is largely characterised by 2 storey residential properties constructed from facing brick and render under a slate or tiled roof. The properties are set back from the road frontage and on the east side of Broomfallen Road are elevated above the highway due to the topography of the land. Nearer to the application site are 4 bungalows.
- 3.5 Opposite the north-east corner of the site is a working farm with associated outbuildings. The residential form then continues to the east of the site and further beyond the site to the south with 2 and 3 storey dwellings, albeit in a more sporadic format.

### **The Proposal**

- 3.6 This application seeks "Full" planning permission for the erection of 28 dwellings, together with associated open space and infrastructure, on land at Broomfallen Road, Scotby. A single vehicular access measuring 4.8 metres in width would be formed part way along the eastern boundary that would then serve 2 cul-de-sacs within the site. A footpath is proposed along one side of the access roads that would measure 1.8 metres in width. A footpath link is also proposed from the north-east corner of the site.
- 3.7 The layout comprises a mix of detached/semi-detached and terraced properties. In total 6 different house types are proposed which comprise a variety of 2-4 bedroom dwellings. The properties would be 2 storey in height. The dwellings will be completed in a range of materials including facing brick and painted render and positioned so that they follow the topography of the land.
- 3.8 Each dwelling will have 2 dedicated parking spaces, 1 of which may be an integral garage.
- 3.9 An area of land immediately adjacent to the Wash Beck is to be retained as informal open space and which will be maintained by the applicant. The existing trees within the site would be unaffected by the development; however, 2 sections of hedgerow will have to be removed to enable access to the site for vehicles and pedestrians but the remainder of the hedgerow would be unaffected. The proposed development incorporates substantial new planting within the public open space, plot frontages (especially along the Scotby - Cumwhinton Road) and site entrance. General amenity shrub planting will be provided within the site to the plot frontages to define boundary ownership with rear garden areas delineated by 1.8 metre high open boarded fencing.
- 3.10 It is proposed that foul water will be discharged into the mains sewer. Surface water will be attenuated and discharged into Wash Beck. The attenuation scheme will reduce the potential surface water run-off by 50%.

#### **4. Summary of Representations**

4.1 This application has been advertised by means of 2 site notices, a press notice and direct notification to the occupiers of 18 neighbouring properties. As a result, 23 letters of objection have been received and the main issues raised are summarised as follows:

1. the scheme is far too big for the village and will enlarge the village by 20%;
2. the scheme will result in Scotby becoming a suburb of Carlisle by the back door;
3. there are numerous houses already for sale in Scotby and there is no need for any additional development;
4. planning permission has already been granted for 1700 new houses which is more than adequate to provide housing for the projected population growth;
5. the site is outside the local plan area and unrelated to the village
6. the scheme will not provide the type of housing that is required in Scotby which is social housing
7. the proposal fails to comply with Policies DP1 and H1 of the Local Plan;
8. the properties opposite the site are of sandstone construction with slate roofs. The proposed houses are inappropriately designed and will spoil the character of the area;
9. the proposal will not enhance the village
10. Broomfallen Road is characterised by ribbon development of low rise well spaced dwellings. The high density estate is out of character;
11. some of the units are 3 storey in height and the neighbouring properties on Broomfallen Road are bungalows
12. the development will result in a loss of light and privacy to the neighbouring properties including those which have been granted planning permission adjacent to kennels;
13. additional vehicles from the development would conflict with other road users which include agricultural vehicles going to the auction mart and animals which are herded along the road;
14. the entrance to the site will be close to a bend in the road and there will be restricted visibility and would be dangerous
15. the road leading into the village is narrow with restricted visibility to a junction and passes under a railway bridge which is unacceptable for the additional amount of traffic;
16. Broomfallen Road is used as a “rat run” and an additional 60 vehicles would pose an added danger;
17. extra traffic will increase the burden on the road surface which is already in a poor state of repair;
18. the school is already full and unable to accept any additional children
19. the construction noise will distress the animals in the nearby kennels and cattery;
20. the site is adjacent to a working farm and kennels and it would be inappropriate to building houses next to these noises;
21. the development will result in addition noise levels in this rural area from residents coming and going

22. the sewer currently serves 7 properties and when there is heavy rain the drains back up and another 32 houses will make this worse;
23. additional surface water will result in flooding onto the road and into Wash Beck which will cause flooding in the village;
24. there will be inconvenience with road closures, deliveries etc. during the construction process;
25. development of the estate will create light pollution;
26. the development will adversely affect the wildlife on the site;
27. the land has been used as grazing land to support a local farm business;
28. approval of this application could create a precedent for development along Broomfallen Road;
29. residents along Broomfallen Road have gates to their properties which are closed when animals are moved. Will the proposed estate have such gates?
30. the development will place additional demand on broadband speeds within the village which are already very slow.

4.2 Following the receipt of amended details which reduce the overall number of dwellings and delete the 3 storey properties, 3 letters of objection has been received and the main additional issues raised are summarised as follows:

1. no revision has been made to the position of the access road;
2. the use of red facing brick adjacent to sandstone buildings would be unacceptable;
3. the scale of 28 houses conflicts with the ribbon development along Broomfallen Road;
4. the houses are not well designed and existing properties would be overlooked;
5. the use of 1.8 metre high boundary fences would not be in keeping with character of the area;
6. although there is a bus stop adjacent to the site this is an infrequent service;
7. there is insufficient information relating to foul and surface water drainage;
8. the village shop and post office are currently for sale and cannot be relied upon or included in the benefits for further development;
9. the retention of the access in the proposed position means that there are serious highway safety concerns;
10. the scheme conflicts with the requirements of the NPPF;
11. the application does not comply with Local Plan Policies;
12. approval of the application would set a precedent for future applications along Broomfallen Road.

## 5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): - comments awaited;

Green Spaces - Countryside Officer: - Public Bridleway 138049 runs along the north and north-west sides of the site. The ownership of the boundary hedges should be clarified and this information recorded to individual properties to avoid future boundary problems;

Northern Gas Networks: - no objection;

Cumbria County Council - (Highway Authority - Footpaths): - comments awaited;

Natural England: - the Local Planning Authority should assess and consider the possible impacts resulting from this proposal;

Cumbria County Council - (Archaeological Services): - no objection subject to the imposition of a condition;

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

Local Environment - Drainage Engineer: - comments awaited;

Housing Strategy: - Policy H5 requires developers building large rural schemes to provide an affordable housing contribution of 25%. Based on this policy, it is expected that the developer will provide 8 affordable homes on this site; this figure may be reduced if the developer provides affordable rented properties on the site, as such units require more developer subsidy.

Affordable housing provision on this site can be justified by the large affordable housing need in the rural east of Carlisle. The Carlisle Housing Need and Demand Study, commissioned in 2011, found that in the rural east of Carlisle, 101 affordable homes are required per year over the next five years to meet housing need.

Records show that there are 84 affordable homes in the ward of Wetheral, and, within the ward, only 29 affordable homes local to Scotby itself. There are no discounted sale properties in Scotby;

Cumbria Constabulary - North Area Community Safety Unit: - the Design and Access Statement shows that crime prevention has been considered as part of the design. The application therefore complies with Policy CP17 of the Local Plan;

Wetheral Parish Council: - the Parish Council objects to the scale of the proposed developments. Whilst it is appreciated that to sustain the village shop, post office, pub etc, some housing is needed, it was felt that together with application 12/0710 the impact on the village of an increase by 16% in housing would change the character of the village in this rural area. Should the applications proceed my council would prefer to see a phased approach to any development to allow integration into the village gradually.

Specifically, the concerns of the Parish Council are:

1. Has a need for this amount of housing been identified?
2. The increase in traffic within the already busy village roads, access to and from the site at this point in particular;

3. Could the existing school cope with any additional demand for places. The Parish Council is already aware of local children unable to attend this school owing to lack of available places;
4. Additional footpath and lighting would be required to link the new development to the existing village facilities;
5. It was felt that this type of housing type was not suitable as the surrounding properties are all bungalows;
6. Building a new development alongside existing boarding kennels and local farm, which are situated adjacent to the proposed site, noise from which do not at present cause a problem in the local area. Would new residents be aware of any noise from farm machinery, animals etc prior to living in the area?;
7. The road at this point has been subject to poor drainage / flooding, with higher volumes of traffic this would pose an increased risk of accidents;
8. Would the existing system be able to sustain the increased broadband usage created by the new developments in the village?;
9. The Parish Council would like assurances that existing hedges would be retained;
10. 3 storey terraced properties in this location are not conducive to rural development;

Green Spaces: - a commuted sum would be required for public open space contribution; and

Cumbria County Council - Transport & Spatial Planning: - the following comments have been received:

#### Highways

There are no fundamental issues with the proposed development. A 1.8m width footway should be provided within the site and a pair of gates provided across the access to prohibit cattle entering the site when herded along the County highway. Appropriate conditions should be attached.

#### Scheduled Public Transport

The development is not anticipated to produce a significant impact upon the railway network in Cumbria. The development would be 840 metres to the nearest northbound bus stop and 840 metres to the nearest southbound bus stop. These distances are outside of the maximum recommended walking distance to a bus stop in a rural area and the development does not therefore have adequate accessibility to public transport.

#### Community Transport

Since the proposal is not within walking distance of a regular scheduled bus service, the development is likely to result in increased demand for the Rural Wheels service and a financial contribution to the scheme should be made.

#### School Transport

Where a school is in a rural location and additional capacity is required but cannot be provided at the school, a contribution may be sought towards the provision of school transport and additional capacity at another nearby school which has capacity or may be expanded to provide such capacity. As part of this process, consideration would be given to the nearest available school and to where children travel to already. However, this is not the desired approach – it should not be considered as appropriate mitigation in every circumstance and should be viewed as a last option. Should this circumstance occur, Cumbria County Council would be able to provide relevant costings at the time.

### Education

This development is within the catchment area of Scotby CE Primary School, which has a Pupil Admission Number of 38 for entry in September 2012 and a net capacity of 266. The school is currently full and is projected continue to be so for the foreseeable future; with this development the school will exceed their maximum net capacity; therefore, a contribution would be sought from this development to mitigate against its impact.

### Historic Environment

It is therefore recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development and it is advised that this work should be commissioned and undertaken at the expense of the developer.

### Biodiversity

Whilst the applicant has submitted a trees and hedgerow report, which appears acceptable, the applicant has failed to submit a biodiversity appraisal report. A key issue is that when the identified length of hedgerow is removed, this must be undertaken outside of the bird nesting season. The area is especially important for protected species such as yellowhammer, spotted flycatcher and tree sparrow. Some form of appropriate compensatory planting should be undertaken so as to avoid a net loss of hedgerow biodiversity;

United Utilities: - object to the application pending the submission of a flow impact assessment;

Local Environment-Neighbourhoods & Green Spaces, Countryside: - Public Bridleway 138049 runs along the north and north-west sides of the site. The ownership of the boundary hedges should be clarified and this information recorded to individual properties to avoid future boundary problems.

## **6. Officer's Report**

### **Assessment**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires

that applications for planning permission are determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. In respect of this application, the National Planning Policy Framework (NPPF) together with Policies DP1, CP1, CP2, CP3, CP4, CP5, CP6, CP10, CP11, CP12, CP14, CP16, CP17, H1, H5, LE8, LE29, T1, LC4 and LC8 of the Carlisle District Local Plan 2001-2016. The NPPF and The Supplementary Planning Document (SPD) "Achieving Well Designed Housing" is also of relevance. The proposal raises the following planning issues.

1. Whether The Principle Of Development Is Acceptable

- 6.2 The main issue for Members to establish in consideration of this application is the principle of development. Scotby is identified as a sustainable development location within Policies DP1 and H1 of the Carlisle District Local Plan 2001-2016. Whilst Policy H1 permits small-scale development within Scotby it is noted that the NPPF published in March 2012 is a material consideration for the determination of this application. The NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.3 In the absence of a 5 year supply of housing land, as defined by the National Planning Policy Framework, the Council adopted an Interim Planning Statement - Housing on 1st May 2012, as a material planning consideration to deal with the identified shortfall. This process encouraged a number of applications to come forward and be considered against the criteria set out in the Interim Statement. Given the short notice of the introduction of the Interim Statement and level of detail required from any planning application it is only now that we are in a position to consider applications submitted at that time.
- 6.4 Since the Interim Statement was introduced another update has been provided and as of 30 September 2012 the Council had a 5 year supply of housing albeit only an additional 65 units over the NPPF requirement. This change in housing supply is accounted for by the change in delivery of some sites and not through a significant change to the number of dwellings granted permission during the 6 month period the Interim Statement applied. In order to avoid repetition of 6 monthly variations on whether the Council has a 5 year supply or not it would be apposite to make certain that a decent buffer of housing supply is provided. This would ensure that applications were not decided randomly on appeal due to short term lack of housing supply until the Local Plan delivers new housing allocations.
- 6.5 This application was submitted at the time when the interim housing statement was still valid therefore this statement should be considered as still a material consideration when determining this application. Members should however note that the interim planning statement does not supersede all saved policies in the Local Plan and should be interpreted in conjunction with

them.

- 6.6 On the basis of the interim statement, the Council considered proposals for new housing developments on land excluded from housing development either through other designated use or outside existing settlement boundaries which: are well related to the built framework of the existing settlement; would not result in a prominent intrusion into the countryside; would not result in settlements merging; would not detract from the landscape character of the area as contained in the Cumbria Landscape Strategy and would not cause harm to some other overriding policy objective.
- 6.7 Whilst the application site is located outside the settlement boundary for Scotby identified in the local plan, the NPPF does not advocate the use of settlement boundaries and states that in order to promote sustainable development in rural areas, housing should be located where it will enhance and maintain the vitality of rural communities. Members will note from previous paragraphs that the NPPF is a material consideration in the determination of this application and limited weight can therefore be given to the fact that the site is outside the settlement boundary of Scotby.
- 6.8 The application site is located in a sustainable location close to the centre of Scotby, public transport links and the city of Carlisle. Scotby village has a range of services (school, public house, church, village hall, playing fields etc) and the proposal would create an opportunity to support these existing rural facilities. The site is well contained as it is bounded by residential dwellings to the north and east with Wash Beck to the west. In such circumstances it is considered that the proposal would not result in a prominent intrusion into the countryside nor would it result in settlements merging. In such circumstances the principle of additional housing in this location is deemed acceptable.

## 2. Scale, Layout And Design Of The Development

- 6.9 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 will have a significant impact on the character of the area unless it is sympathetically designed.
- 6.10 The site would be laid out in a manner that seeks to make the best use of the land whilst taking into account the varying topography of the land. The finished floor levels of the properties adjacent to the main frontage would vary between 0.3 metres and 1 metre below that of the existing ground level and this trend is largely reflected across the site.
- 6.11 In terms of the units there is a range of differing house types. The frontage buildings would incorporate steeply sloping roof pitches with gables facing the

road. Although this couldn't be considered a feature of the area, the style of property along Broomfallen Road is an eclectic mix of 2 storey houses, bungalows, conversions and with no one predominant house style or material. The properties would be well proportioned and appropriate in scale.

6.12 Reference is made in the original letters of objection that the inclusion of 3 storey properties is inappropriate in this location; however, the scheme has been revised and the 3 storey properties that were previously a concern of Members no longer form part of the proposal.

6.13 As in any modern development, the properties would face each other with intervening areas of public and private space together with appropriate access and parking provision. The dwellings incorporate reasonably sized garden areas that are comparable to the size of the units that they serve, thereby ensuring that the development does not appear cramped or overdeveloped. The size of the gardens and the way that the properties are laid out will help create a sense of space within the estate.

6.14 Whilst Policy LC4 of the Local Plan encourages the provision of formal and informal areas of public open space within new family housing development of more than 40 units there are instances where the Council has agreed that it would be acceptable for developers to provide a financial contribution towards the provision/improvement of existing facilities off-site.

6.15 In respect of this proposal areas of open space would be incorporated adjacent to western boundary and the pedestrian access to the north-east and the applicant will maintain these informal open space areas on site themselves. Subject to the provision and maintenance of these areas, the Council's Neighbourhoods and Green Spaces Manager has raised no objection subject to a financial contribution towards the provision/improvement of existing off-site facilities.

### 3. Impact Upon Landscape Character

6.16 As this development involves building on an open field there will undoubtedly be some impact upon the landscape character of the area. As discussed in the preceding paragraphs, this would be limited due to the appropriate design of the properties and the siting within the land taking into account the varying topography. Existing trees and the majority of hedgerow is to remain and would be enhanced through further landscaping. Significantly, the extensive group of trees to the south of the site would provide additional screening and allow greater integration between the more rural landscape to the south and the residential properties to the north.

6.17 The development would be visible particularly when travelling along the Scotby-Cumwhinton road however the development is considered to be well contained and related to the village of Scotby and would not result in a prominent intrusion into open countryside. The land in question is not designated as being of any special landscape character and there would be no significant adverse impact upon landscape character to warrant refusal of the application.

#### 4. The Impact Of The Proposal On The Living Conditions Of Neighbouring And Future Residents

- 6.18 Given the orientation of the application site with adjacent properties, it is not considered that the living conditions of the occupiers would suffer from loss of privacy or unacceptable levels of noise or disturbance. The development would not result in an overall loss of daylight or sunlight due to the distances involved between the application site and the residential properties.
- 6.19 As the proposal involves the introduction of windows that face the neighbouring property, it is appropriate to consider the development against the Supplementary Planning Document "Achieving Well Designed Housing". It requires that a distance of 21 metres is provided between primary windows. The proposed building would be sited adjacent to residential properties; however, there would be no conflict with the minimum distances required by the SPD.
- 6.20 In respect of any increase in traffic generated by this proposal it is not anticipated that this factor alone would prejudice the living conditions of local residents to such an extent that would warrant refusal of the application.

#### 5. Highway Issues

- 6.21 A number of residents initially raised objections regarding highway safety. The principle concerns relate to the increase of traffic on the Scotby to Cumwhinton. The access, road and parking arrangements have been designed to the Highway Authority standards. The site itself is within the restricted 30 miles per hour speed limit for Scotby village. The Highway Authority has been consulted and has raised no objection subject to the imposition of appropriate highway conditions. As the Highway Authority has raised no objections to the proposal it is not considered that there is any policy conflict.
- 6.22 At the previous meeting of this Committee, Members expressed reservations about the position of the access and requested that the applicant considered resiting it. In response, the applicant has confirmed the location of the access was chosen for the following reasons:
- to provide good visibility splays of 4.5m x 70m in both directions as required by Cumbria County Council Highways Department whilst maintaining the maximum length of existing hedgerow that forms the eastern boundary against Broomfallen Road. The location as indicated on the site plan 12032-03F achieves this by positioning the access on the outside curve of Broomfallen Road;
  - to be a safe distance from the existing lane access that forms the northern boundary of the site and leads to a commercial business as well as other properties;
  - to avoid conflict with farm access on the eastern side of Broomfallen Road which is opposite the lane access referred to above;
  - any adjustment to the site vehicle access position by moving it further

north would bring it closer to the lane and farm access, which is not advisable on highway grounds.

- 6.23 The applicant's response does address the reasoning behind the siting of the access which remains acceptable in both planning and highway grounds.
- 6.24 The County Council are requesting a commuted sum from the applicant towards the provision of community transport given the distance of the site from the centre of the village. Although there are 2 bus stops adjacent to the site on Broomfallen Road, the County Council are of the opinion that as the site is only served by 1 bus per day, the nearest alternative bus stops are outside the maximum recommended walking distance for rural areas. Hence, they conclude that the development site is not served by an adequate level of public transport provision and the financial contribution is required to off-set this deficiency.

## 6. Landscaping

- 6.25 There are number of trees within the site which itself is bounded by a number of important hedgerows. Although 2 sections of hedgerow will be required to be removed to facilitate the development, the majority will remain. A Tree and Hedge Survey Report has been submitted with the application which identifies that remaining trees and hedgerows would be unaffected by the development; however, it would be appropriate to impose a condition requiring the installation of protective barriers during the course of development to prevent compaction of the soil in these areas.
- 6.26 The application is supported by a comprehensive landscaping scheme which shows amongst other things the planting of new hedgerows and trees fronting and within the site which will further serve to integrate the development within the locality. The Council's Landscape Officer has raised no objection to the revised proposal subject to the imposition of conditions. In light of the retention of the existing trees and hedgerows, the extensive landscaping proposals and the support from the Council's Landscape Officer, the proposal is acceptable in these terms.

## 7. Education

- 6.27 Objectors to the scheme have questioned whether the local primary school has adequate capacity to cater for any increase in demand for pupil school places that might arise as a consequence of this development. The Education Authority has been consulted on the proposed development and has advised that the housing development would yield 6 primary aged pupils and it is predicted that with the proposed development Scotby Primary School would exceed its net capacity. The Education Authority has also indicated that the next nearest school at Cumwhinton also has no spare capacity. To address this increased burden the Education Authority has requested a financial contribution to be used to either provide an extension at Scotby School or to provide school transport if development at Scotby School is not feasible. The Education Authority has since confirmed that there is the potential for Scotby School to be extended subject to a full feasibility study

being carried out. The provision of this financial contribution therefore would address this issue and would be secured through the S106 agreement.

## 8. Affordable Housing

- 6.28 Policy H5 of the Carlisle District Local Plan 2001-2016 indicates that for large sites in the rural area the contribution towards affordable housing is 25%. It is proposed that 7 affordable properties would be provided. This is in accordance with the requirements of the Council's Housing Strategy Officer and is acceptable.

## 9. Foul And Surface Water Drainage

- 6.29 The NPPF and Policy CP10 of the Local Plan advocates that in the first instance the applicant should explore and give priority to the use of sustainable drainage systems. It is proposed that 50% of the surface water drainage will be discharged into the Wash Beck to the west of the site and 50% will be discharged into a SUDs system. Notwithstanding the details submitted, it would be appropriate to impose a planning condition requiring the precise details of the surface water drainage scheme.
- 6.30 The applicant has indicated that foul drainage will connect into an existing adopted combined sewer to the west of the site via a new foul water pumping station which will be located within the site. Additional information regarding the flow rate have been submitted by the applicant. Due to the topographical nature of the site and based on the number of proposed dwellings, all the sewage will need to be pumped to the sewage infrastructure and this will allow the flow to be restricted to 2 litres/ second. This information has been sent to United Utilities and a response is currently awaited. Subject to no objection being received, it would be appropriate to impose a condition requiring the details of the foul drainage infrastructure to be approved by the Council.
- 6.31 In relation to the above it is not considered that the proposal will exacerbate flooding conditions at this site.

## 10. Ecological Issues

- 6.32 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the development of residential dwellings on greenfield land. As such it is inevitable that there will be some impact upon local wildlife.

- 6.33 Although the site is within open countryside, the Council's GIS Layer has identified that the site has the potential for breeding birds to be present on or in the vicinity of the site. As the proposed development would only interfere with a small element of the existing hedgerow, the development would not harm a protected species or their habitat; however, it would be appropriate to impose a condition restricting works during the bird breeding season. In addition, 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.

#### 11. Contamination

- 6.34 As the site is a greenfield site the likelihood of contamination being present is low a fact supported by an accompanying report with the application entitled "Statement On Land Contamination". Notwithstanding this fact a condition is recommended that caters for the event that contamination is found during the construction phase.

#### 12. Whether The Proposal Would Lead to The Loss of The Best And Most Versatile Agricultural Land

- 6.35 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.

#### 13. Crime

- 6.36 Section 17 of the Crime and Disorder Act together with Policy CP17 of the Local Plan requires that the design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime. As previously described the properties overlook one another thereby creating a degree of natural surveillance and the distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring. Cumbria Constabulary has been consulted a whilst some comments were received, the revised layout plan seeks to address this.

#### 14. Waste/Recycling Provision

- 6.37 With regard to residential developments, Waste Services have indicated that in the future that all new developments will be charged for refuse and recycling containers. Waste Services have also indicated that it would be their preference for communal recycling banks within the development. The agent has agreed to provide a commuted sum towards waste bin provision which will be included within the S106 agreement. There are existing recycling banks within the village and in such circumstances it is not

considered that there is any policy conflict.

## 15. Other Matters

- 6.38 Article 8 and Article 1 Protocol 1 of the Humans Rights Act are relevant but the impact of the development in these respects would 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.
- 6.39 It is noted that objectors have made comparisons between this application and the housing scheme at Scotby Green Steading (application reference 12/0710). It is accepted that there are 2 separate planning applications for reasonably large housing schemes in the village; however, each application has to be dealt with on its own merits.
- 6.40 Objectors have also raised concerns in respect of the need for additional dwellings in Scotby. The planning merits and assessment against the relevant policies are discussed within this report.
- 6.41 Objectors have also raised issues on the impact of the proposed development on broadband provision; however, this is not a planning matter.

## Conclusion

- 6.42 In overall terms, the principle of the development is acceptable. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or over dominance. Adequate amenity space, incurtilage parking provision would be available to serve the dwellings. The new access to be formed and the anticipated level of traffic generated by the proposal would not prejudice highway safety. In all aspects the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.
- 6.43 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) the provision of 7 affordable units;
  - b) a financial contribution towards the provision and maintenance of public open space within Scotby village;
  - c) the maintenance of the informal open space within the site by the developer;
  - d) a financial contribution towards education contribution;
  - e) a financial contribution together administration costs towards Community Transport;
  - f) a financial contribution towards waste bin provision.

## 7. Planning History

- 7.1 There is no planning history associated with this site.

## **8. Recommendation: Grant Subject to S106 Agreement**

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 20th September 2012;
2. the Site Location Plan received 20th September 2012 (Drawing no. 12032-01);
3. the Topographical Survey received 20th September 2012 (Drawing no. 2165/1);
4. the Block Plan received 20th September 2012 (Drawing no. 12032-02D);
5. the Site Layout received 21st March 2013 (Drawing no. 12032-03F);
6. the House Type A received 21st March 2013 (Drawing no. 12032-06A);
7. the House Type A1 received 21st March 2013 (Drawing no. 12032-15);
8. the House Type B received 20th September 2012 (Drawing no. 12032-07);
9. the House Type C received 20th September 2012 (Drawing no. 12032-08);
10. the House Type C1 received 20th September 2012 (Drawing no. 12032-09);
11. the House Type C2 received 20th September 2012 (Drawing no. 12032-10);
12. the House Type D received 20th September 2012 (Drawing no. 12032-11);
13. the House Type E received 20th September 2012 (Drawing no. 12032-12);
14. the House Type F received 20th September 2012 (Drawing no. 12032-13);
15. the Site Sections A, B, C received 21st March 2013 (Drawing no. 12032-04A);
16. the Site Sections D, E, F received 21st March 2013 (Drawing no. 12032-05A);
17. the Landscape Concept Plan received 21st March 2013 (Drawing no. A Rev A);
18. the Planting Plan received 21st March 2013 (Drawing no. B1 Rev A);
19. the Plant Schedule and Specification received 20th September 2012 (Drawing no. B2);
20. the Planning Statement received 20th September 2012;
21. the Design and Access Statement received 20th September 2012;
22. the Tree and Hedge Survey Report received 20th September 2012;
23. the Statement On The Means Of Disposing Of Both Foul Drainage And

- Surface Water received 20th September 2012;
24. the Statement On Land Contamination received 20th September 2012;
  25. the Archaeological Desk-Based Assessment And Geophysical Survey received 20th September 2012;
  26. the Notice of Decision;
  27. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the buildings have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure that materials to be used are acceptable and in accord with Policy CP5 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 lack of satisfactory screening which is not carried out in a co-ordinated manner in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. The carriageways, footways, etc: shall be designed, constructed, drained (and lit) to the standards laid down in the current Cumbria Design Guide, so as to be suitable for adoption and in this respect further detailed drawings, including land dedication plan(s) road construction details and levels (including drainage, lighting and other Utilities), shall be submitted to the Local Highways Authority for approval before work commences on site. No work shall be commenced until a full specification (and phasing) has been approved.

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

6. The development shall not commence until visibility splays providing clear visibility of 70 metres measured along the nearside channel lines of the public road from a position 4.5 metres inset from the carriageway edge, on the centre line of the access road, at a height of 1.05 metres, have been provided. Notwithstanding the provisions 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, or trees, bushes or other plants be permitted to grow, so as to obstruct the visibility splays.

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

7. The house accesses, parking and courtyard area shall be constructed to the satisfaction of the Local Planning Authority and, in this respect, full constructional details shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be substantially complete before the superstructure works commence.

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

8. 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, LD8.

9. Footways shall be provided so as to link continuously and conveniently to the nearest existing facility, including the relocated bus stop with boarding platform adjacent to the woodland on the southern boundary of the site.

**Reason:** To ensure accessibility is available by sustainable transport modes and minimise road hazards and to support Local Transport Plan Policies C2, LD5, LD6, LD7 & LD8 and Structure Plan Policies T25, T27 & L53.

10. The new access shall be substantially complete before any works other than Site Investigations and Clearance commences on site so constructional traffic is accommodated clear of the highway. In addition a Plan shall be prepared of a secure compound for the site offices stores etc. with adequate parking and turning space for vehicles associated with the development, accommodation for site operatives and materials necessary for the Constructional Works. It shall include provision for the cleaning of vehicle wheels so mud is not tracked onto the highway. This access and area shall be kept available for such purposes until the end of the Constructional Works.

**Reason:** Constructing the development without such facilities in place could lead to inconvenience and danger to road users and to support Local Transport Plan Policies LD7 & LD8.

11. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

This written scheme of investigation will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

12. Where the results of the programme of archaeological work referred to in the above condition make it appropriate, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.

**Reason:** To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

13. 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 LE29 of the Carlisle

District Local Plan 2001-2016.

14. The dwellings shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason:** To ensure a satisfactory means of surface water disposal and in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

15. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage 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.

**Reason:** To ensure an adequate form of drainage in accordance with Policy CP12 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. Within the tree protection fencing approved by Condition 16:

- 1. no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree;
- 2. no equipment, machinery or structure shall be attached to or supported by a retained tree;

3. 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;
4. no alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority;
5. the tree protection measures shall be retained in good condition and to the satisfaction of the local authority 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.

18. Following completion of construction works and removal of site machinery and materials, protective fencing may be dismantled to permit ground preparation and cultivation works, if required, adjacent to the hedges. Any such ground preparation and cultivation works shall be carried out by hand, taking care not to damage any roots encountered.

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

19. All works comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following completion of the development.

Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

20. 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.

21. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours and 13.00 hours on Saturdays, nor at any times

on Sundays or Bank Holidays.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

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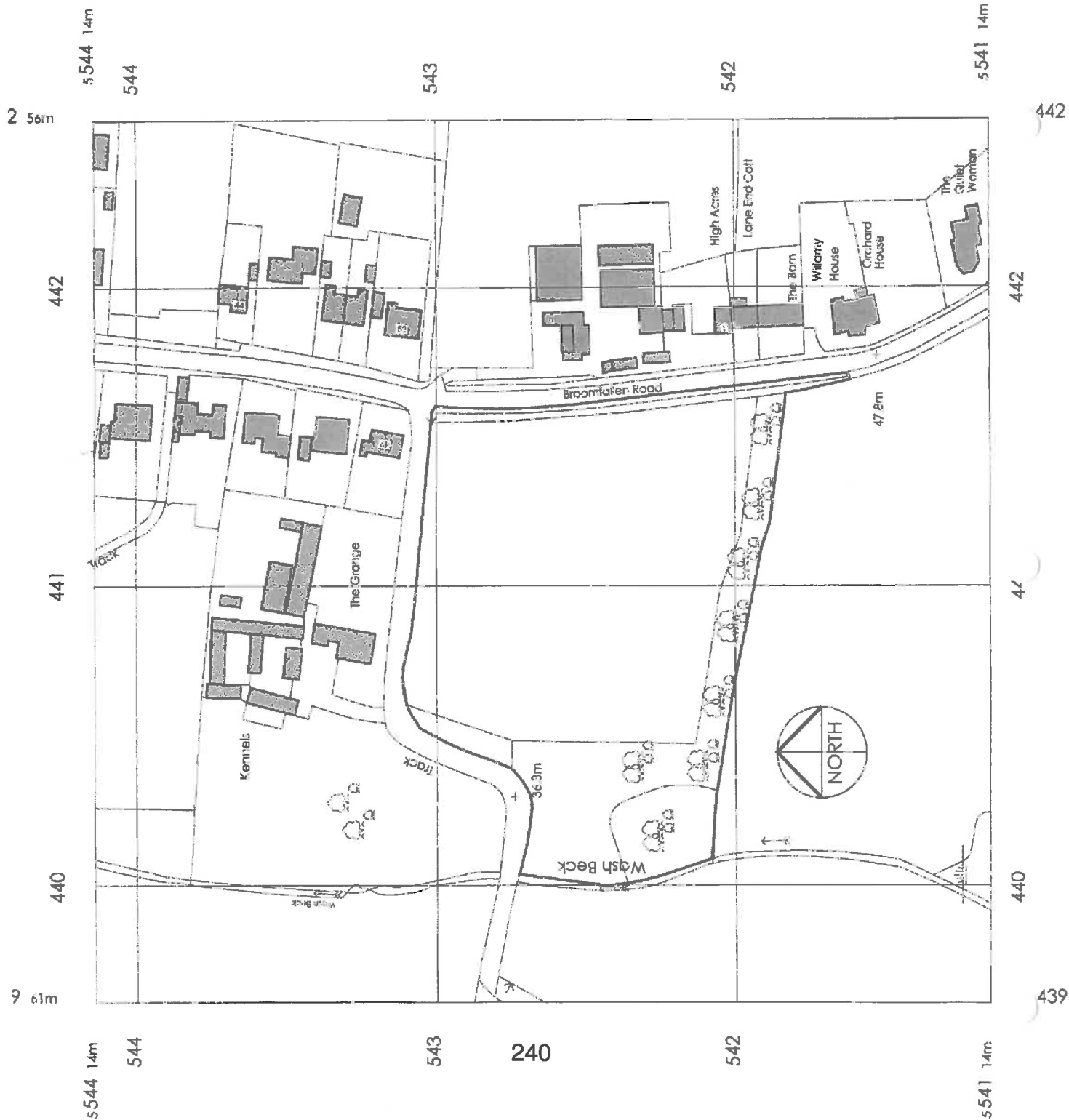


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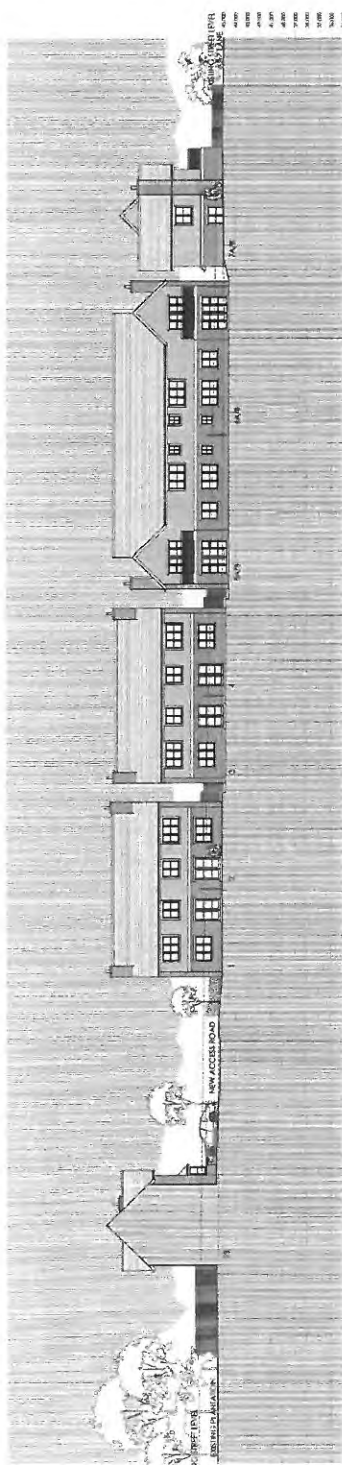
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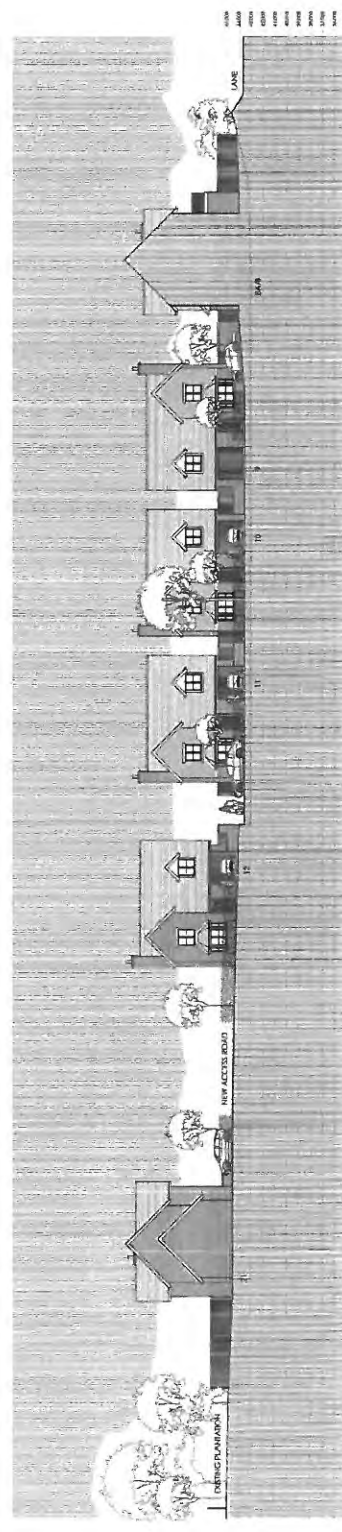
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 WINDOWS/DOORS : PAINTED TIMBER  
 WINDOW CURTAINS/JUELS/CILLS : PRECAST STONE  
 EXISTING GROUND LEVEL



CTION A-A



CTION B-B



CTION C-C

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## PLANNING

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**PROPOSED HOUSING  
LAND OFF BROOMFALLEN ROAD, SCOTBY**

SIMTOR

SITE SECTIONS A, B, C

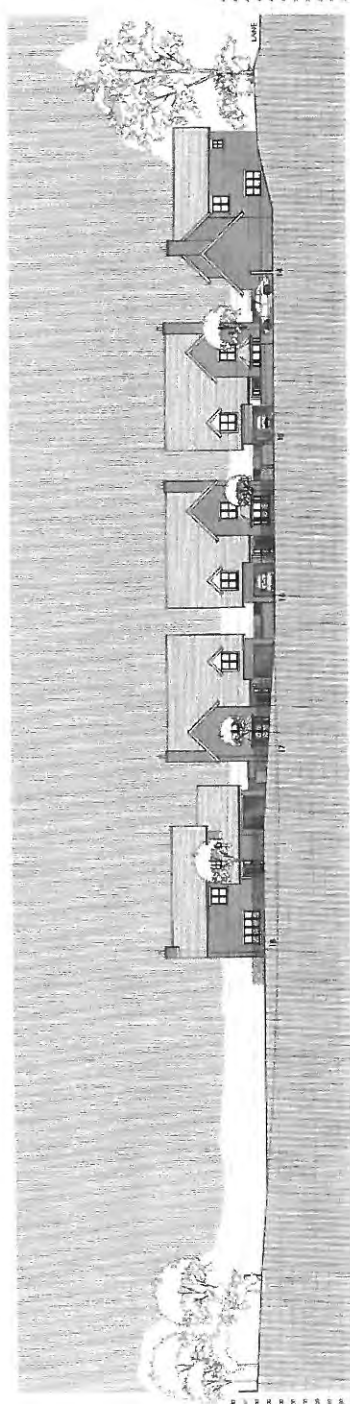
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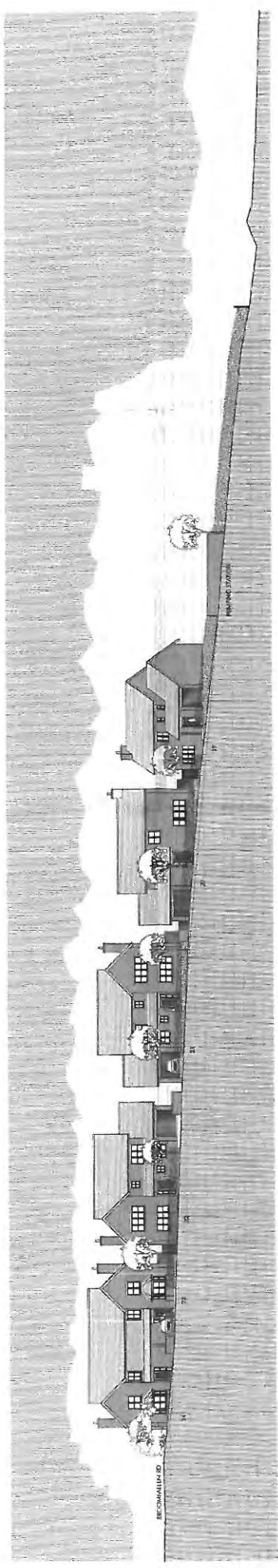
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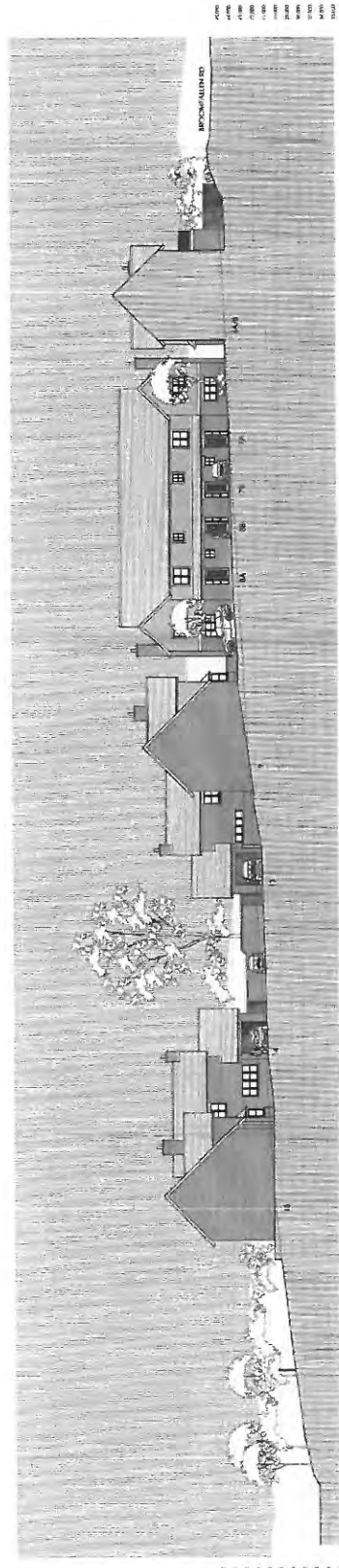
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 EXISTING GROUND LEVEL



SECTION D-D



SECTION E-E



SECTION F-F

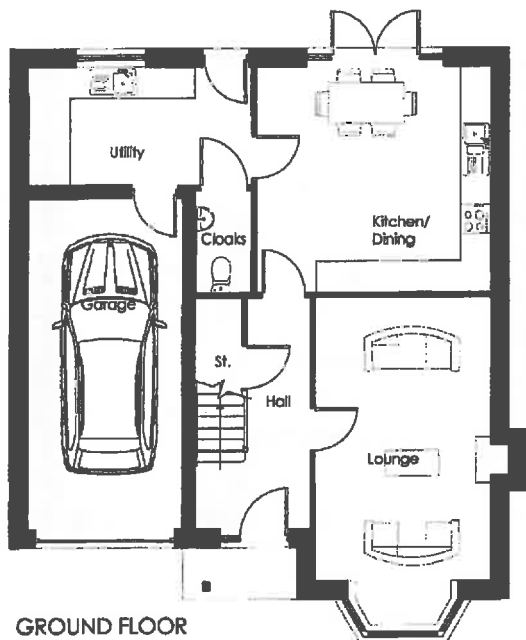
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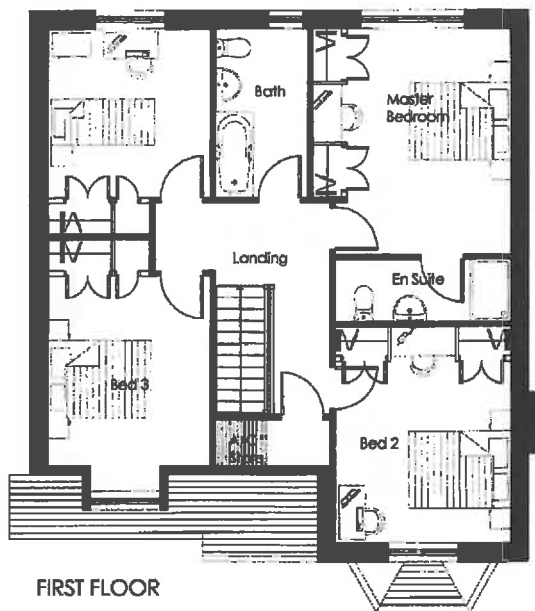
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 LAND OFF BROOMFALL ROAD, SCOTBY  
 CLIENT: **SIMIOR**  
 DRAWING: **SITE SECTIONS D, E, F**

Scale: **1:100** Date: **09/12** Drawn by: **AT** Checked by: **AT** Project No: **12032-05A**

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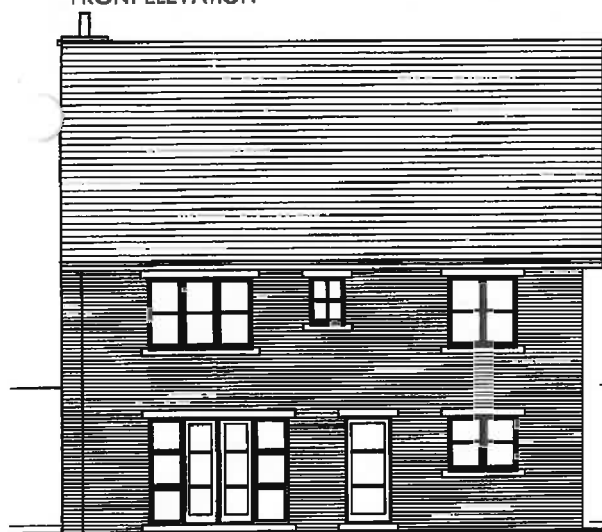
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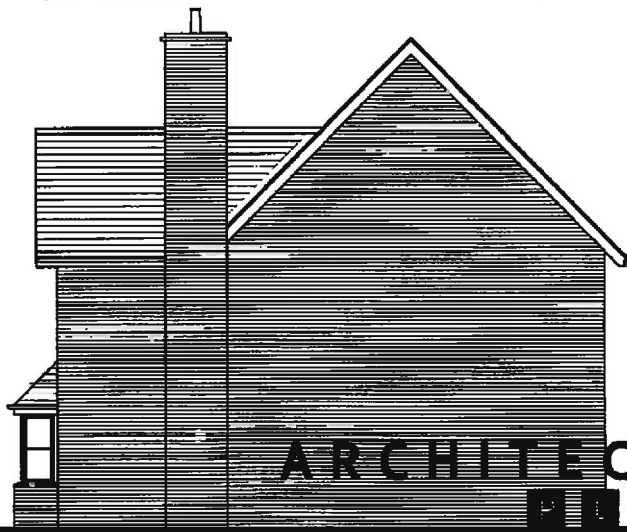
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SIDE ELEVATION



BACK ELEVATION



SIDE ELEVATION

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Project  
PROPOSED HOUSING  
LAND OFF BROOMFALLEN ROAD, SCOTBY

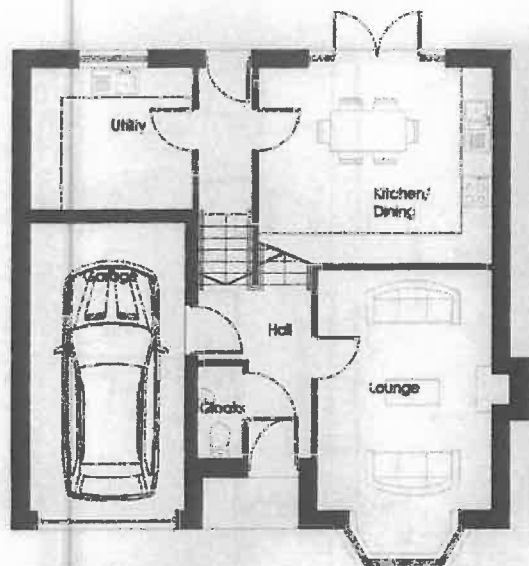
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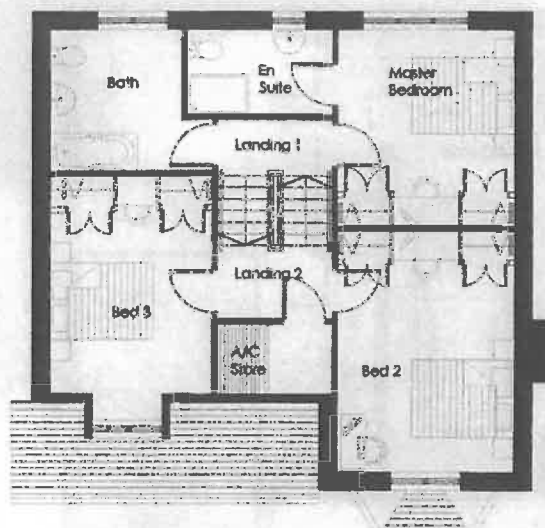
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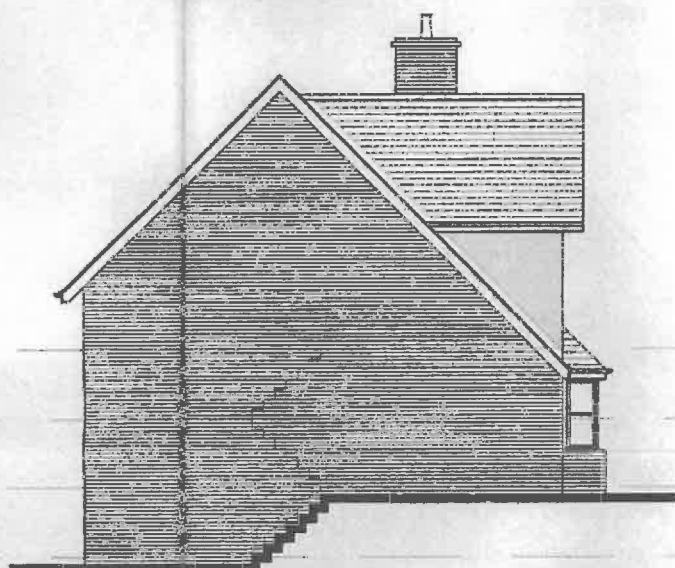
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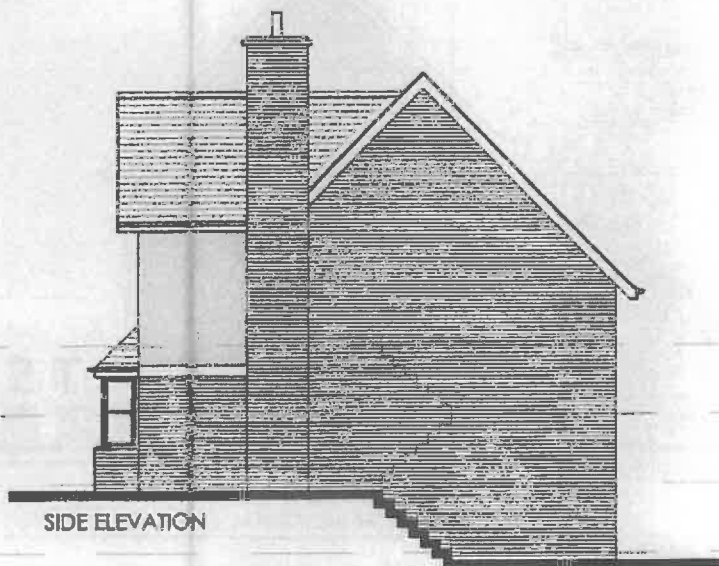
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FRONT ELEVATION



BACK ELEVATION



SIDE ELEVATION

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**LAND OFF BROOMFALLEN ROAD, SCOTBY**  
Client  
**SIMTOR**

Drawing  
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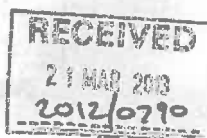
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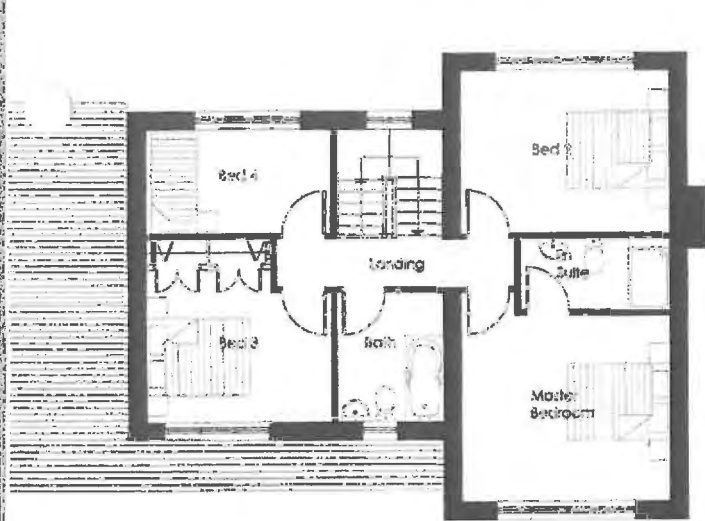


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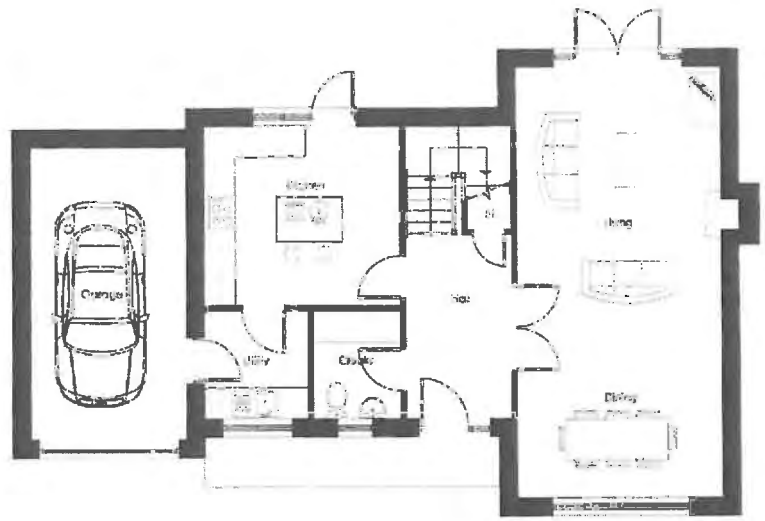
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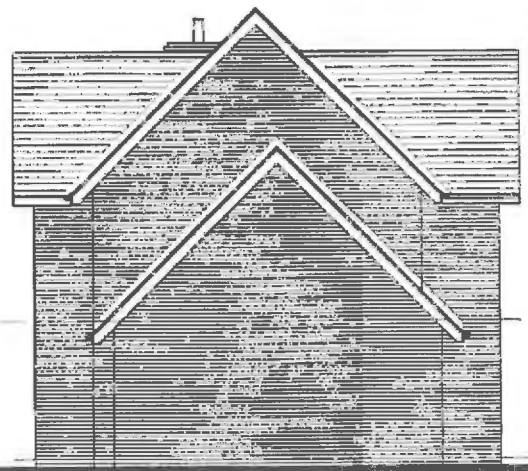
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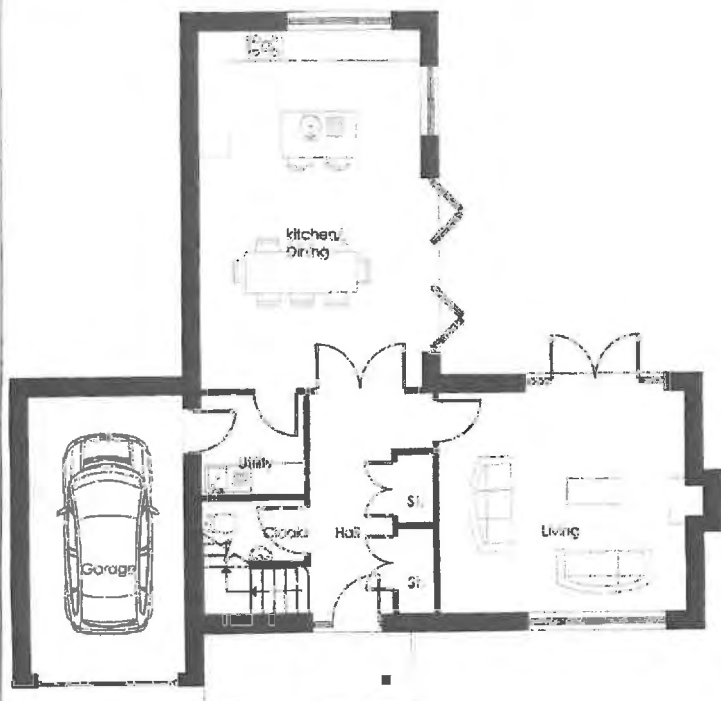
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PROPOSED HOUSING  
LAND OFF BROOMFALLEN ROAD, SCOTBY

Client  
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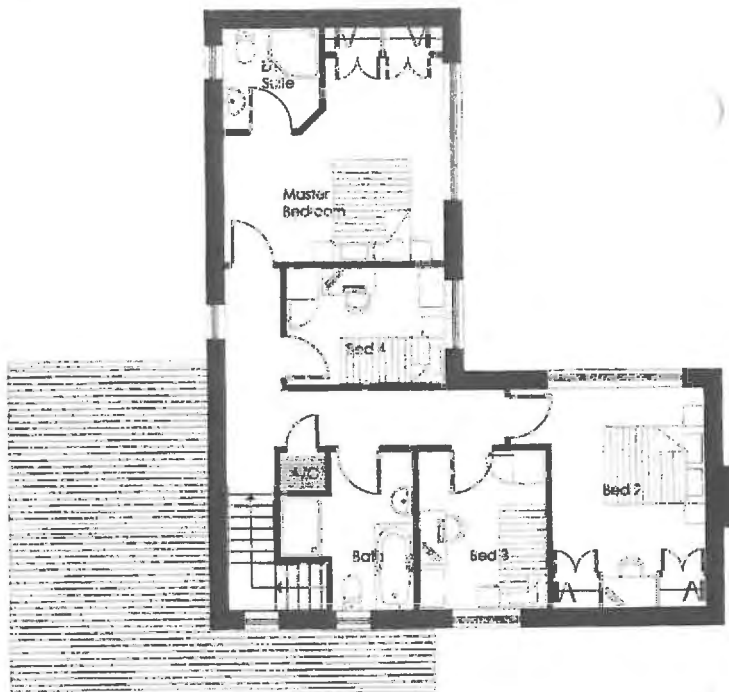
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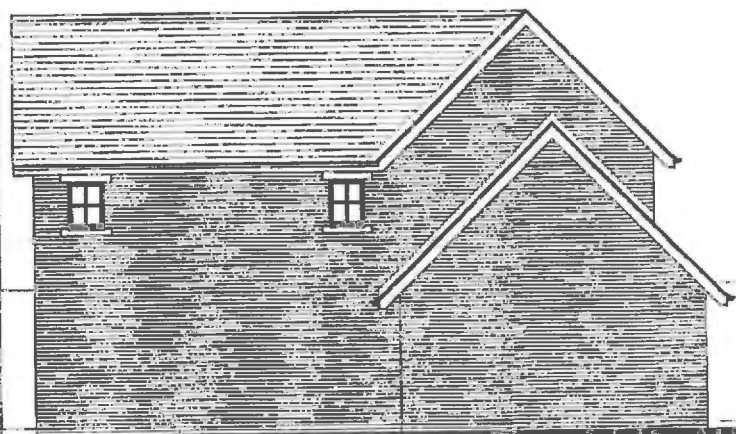
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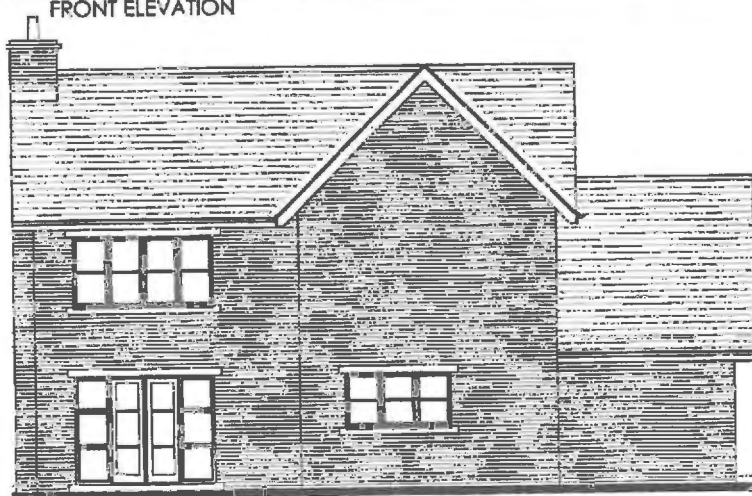
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FRONT ELEVATION



SIDE ELEVATION



BACK ELEVATION



SIDE ELEVATION

PLANNING  
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Project  
PROPOSED HOUSING  
LAND OFF BROOMFALLEN ROAD, SCOTBY

Client  
SIMTOR

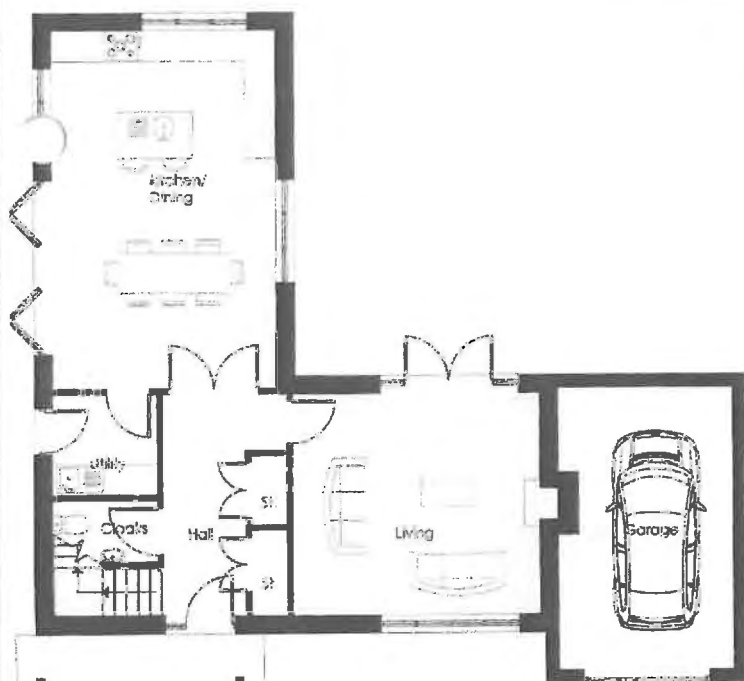
Drawing  
HOUSE TYPE C  
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Scale	Date	Drawn	Comp.No	Number
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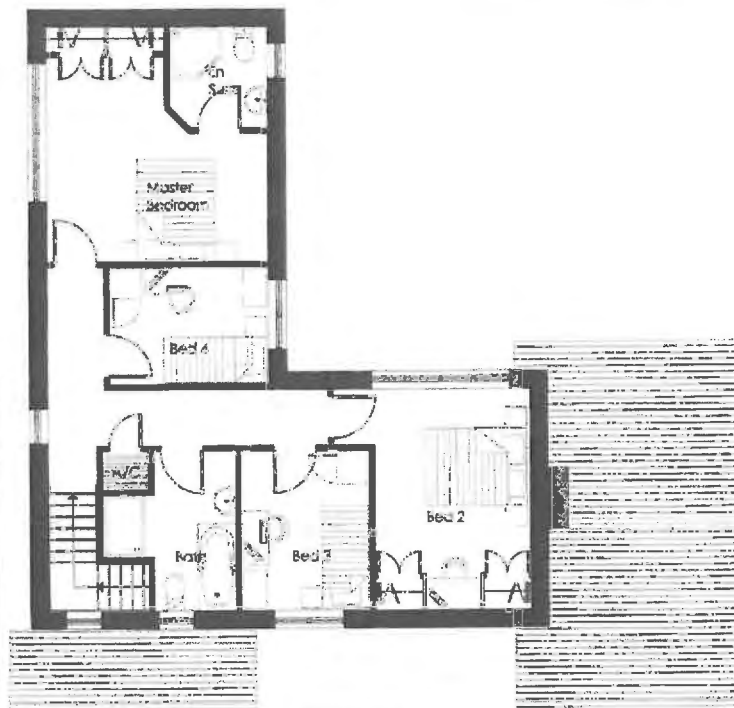


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Project  
**PROPOSED HOUSING**  
LAND OFF BROOMFALLEN ROAD, SCOTBY

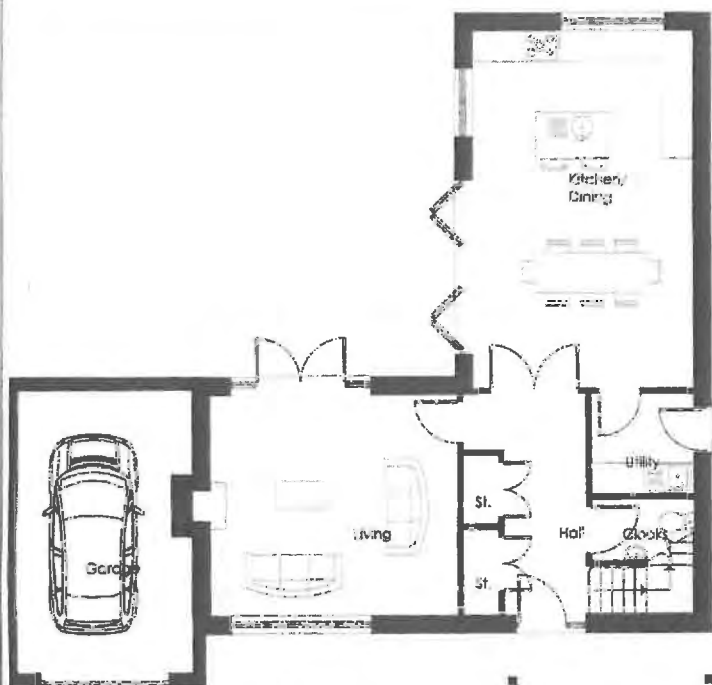
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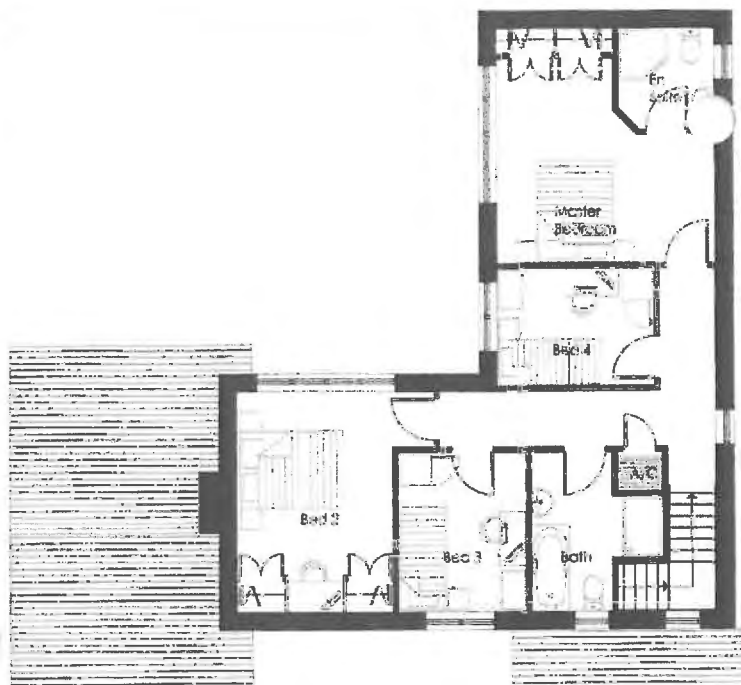
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Project  
**PROPOSED HOUSING**  
**LAND OFF BROOMFALLEN ROAD, SCOTBY**

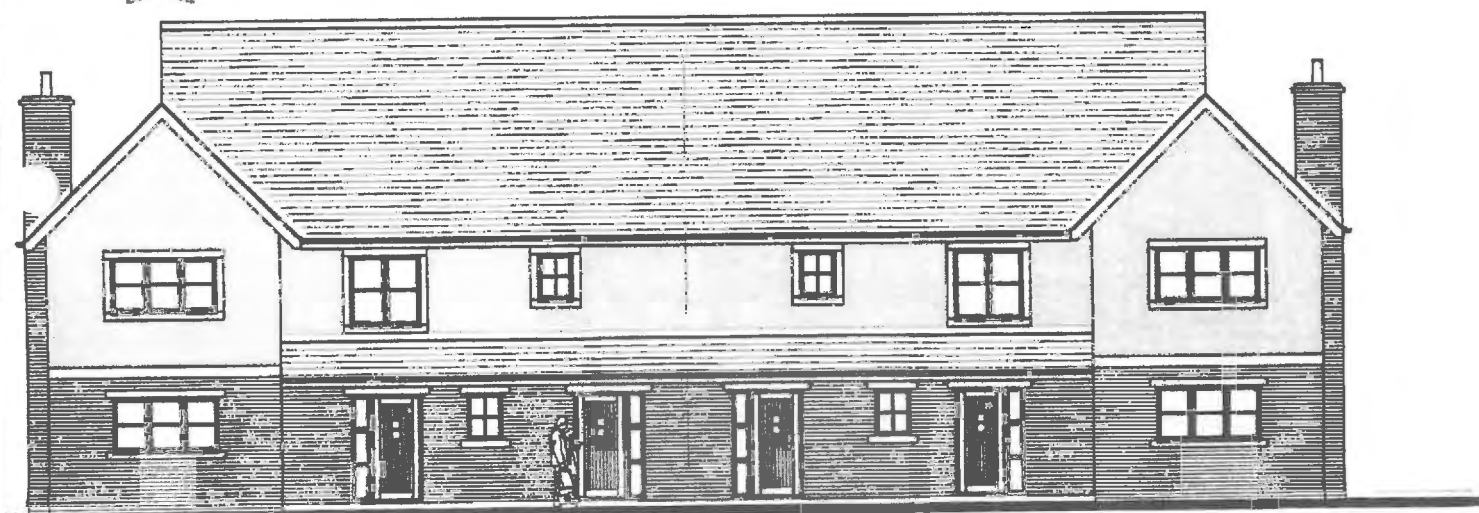
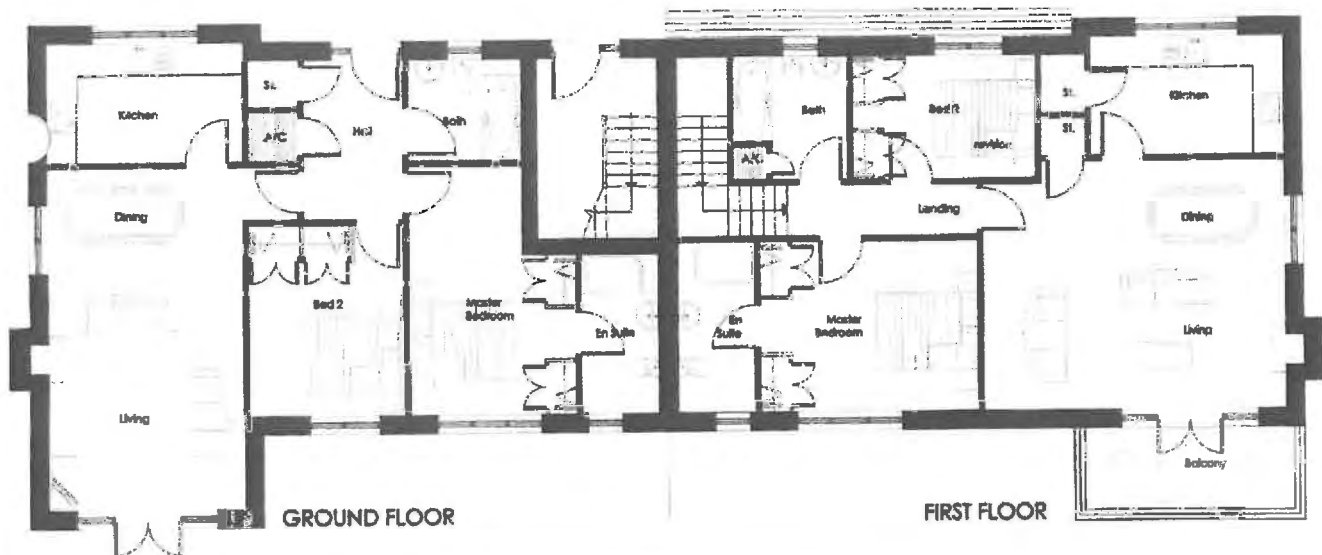
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Drawing  
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**4B 6P**

Scale	Date	Drawn	Comp.No	Number
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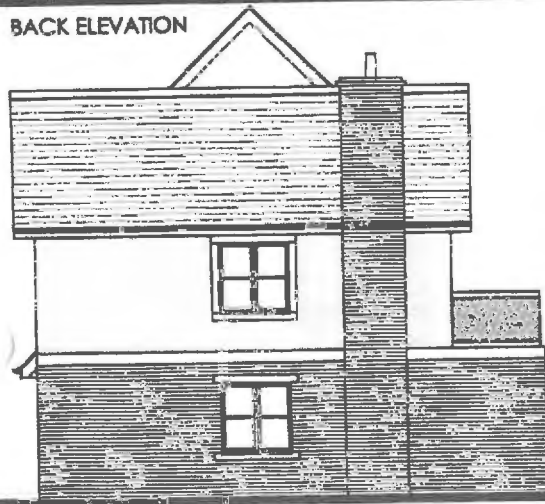
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251  
SIDE ELEVATION

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LAND OFF BROOMFALLEN ROAD, SCOTBY

Client  
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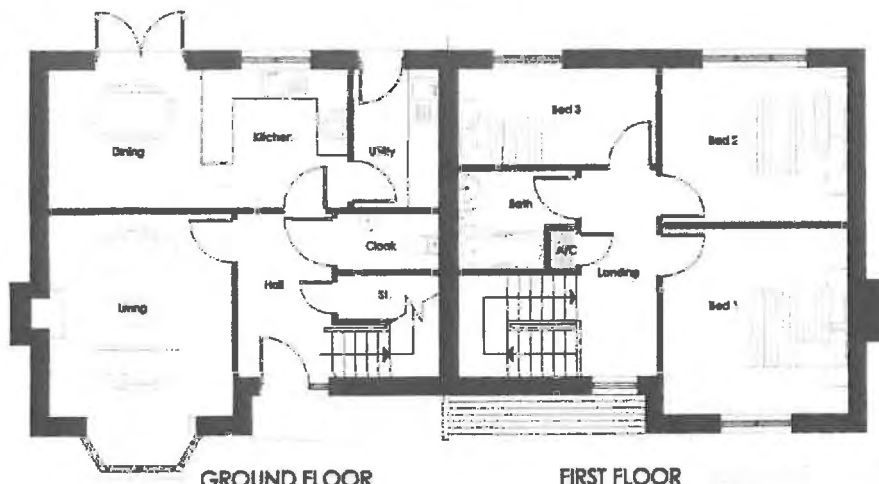
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2B 4P

Scale	Date	Drawn	Comp. No.	Number
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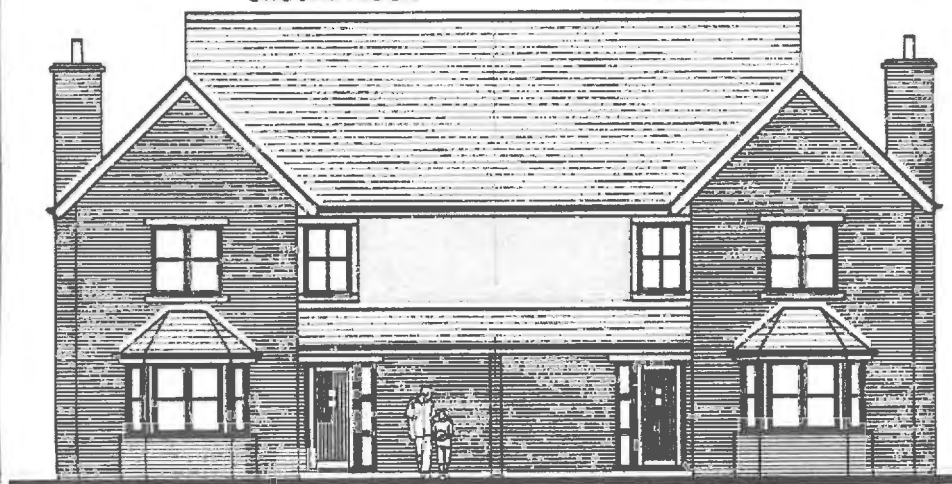
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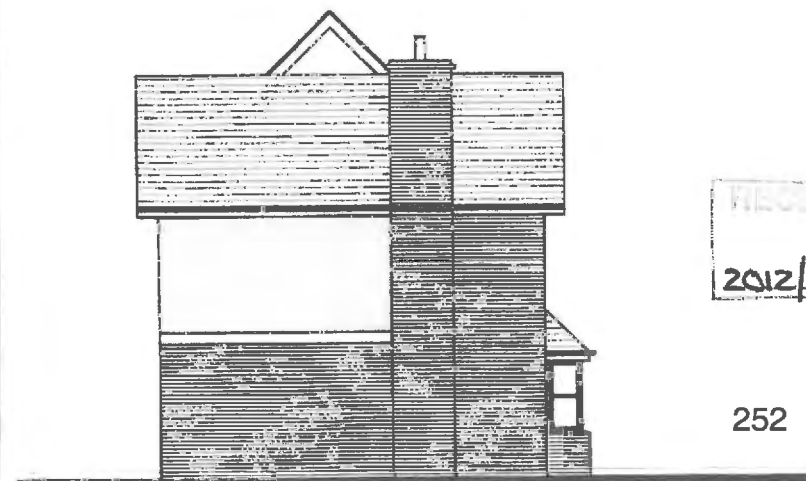
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BACK ELEVATION



SIDE ELEVATION

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252

# PLANNING ARCHITECTS PLUS

Project  
PROPOSED HOUSING  
LAND OFF BROOMFALLEN ROAD, SCOTBY

Client  
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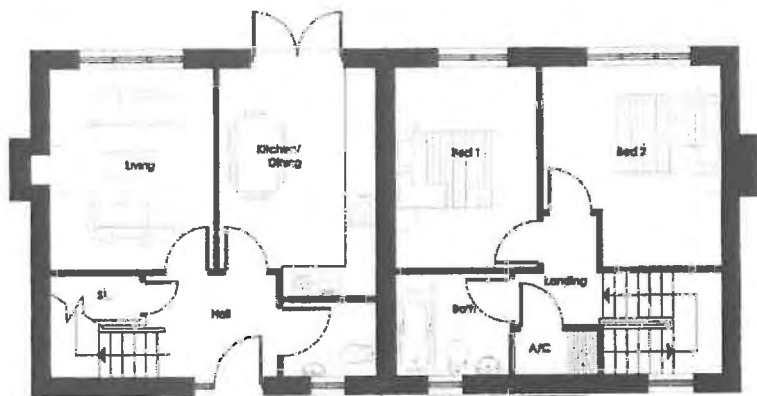
Drawing  
HOUSE TYPE E  
3B 5P

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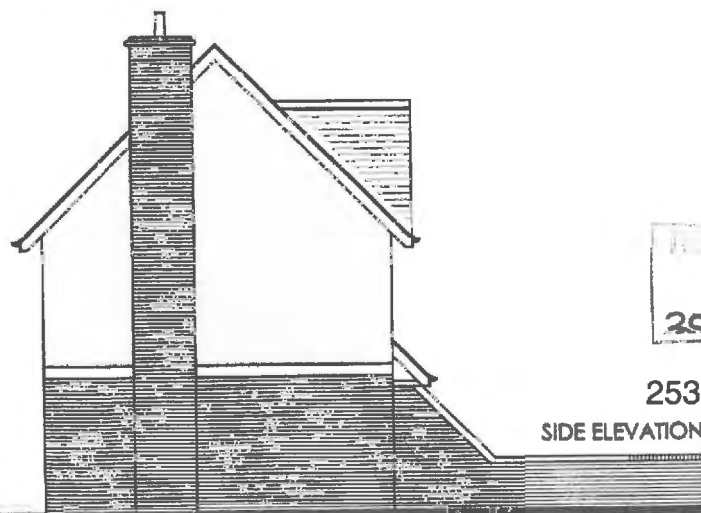
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FRONT ELEVATION



BACK ELEVATION



253  
SIDE ELEVATION

# PLANNING ARCHITECTS PLUS

Project  
PROPOSED HOUSING  
LAND OFF BROOMFALLEN ROAD, SCOTBY

Client  
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Drawing  
HOUSE TYPE F  
2B 4P

Scale	Date	Drawn	Comp.No.	Number
1/100	09/12	RJW	P01	12032-13



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**Note:** use of *Fraxinus excelsior* dependent on prevailing advice regarding Ash dieback disease.

2012/0790



**Proposed Housing off  
Broomfallen Road, Scotby**

**Drawing no A revision A**

19th March 2013

**Landscape Concept Plan**

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Natural area and  
vegetation remain  
intact

