

## SCHEDULE A: Applications with Recommendation

19/0452

Item No: 01

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0452

**Applicant:**  
Mr Alistair Wannop

**Parish:**  
Stanwix Rural

**Agent:**  
PFK Planning

**Ward:**  
Stanwix & Houghton

**Location:** Land adjacent to Croft House, Brunstock, Carlisle, CA6 4QG

**Proposal:** Erection Of 10no. Dwellings

**Date of Receipt:**  
10/06/2019

**Statutory Expiry Date**  
09/09/2019

**26 Week Determination**

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### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

- 1.1 It is recommended that authority to issue approval be granted to the Corporate Director of Economic Development subject to the completion of a satisfactory legal agreement relating to the provision of affordable housing. If the legal agreement is not completed within a reasonable time then Authority be given to the Corporate Director of Economic Development to refuse the application.

#### 2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Whether the layout, scale, appearance and design of the proposal is acceptable
- 2.3 Impact of the proposal on the living conditions of neighbouring residents
- 2.4 Impact of the proposal on highway safety
- 2.5 Provision of affordable housing
- 2.6 Foul and surface water drainage
- 2.7 Impact of the proposal on the setting of adjacent listed buildings
- 2.8 Impact of the proposal on trees and hedgerows
- 2.9 Impact of the proposal on biodiversity
- 2.10 Other matters

### **3. Application Details**

#### **The Site**

- 3.1 The application site, equating to approximately 0.55 hectares is located in the centre of Brunstock. The application site is bounded to the north and east/southeast by residential properties with agricultural fields to the southwest and west.

#### **Background**

- 3.2 The application site was considered in the Strategic Housing Land Availability Assessment under references OC83 (Discarded) and OC33 (Deliverable). Site OC83 was a large site requested for allocation and included the smaller site the subject of this application. Site OC33 relates to the boundaries of the existing application. The site has not been allocated in the current Carlisle District Local Plan 2015-2030 but is considered to be deliverable. This is discussed further in the assessment of the principle of development. Outline planning permission was granted for residential development of this site.

#### **The Proposal**

- 3.3 The application seeks Full Planning Permission for the erection of 10 dwellings.
- 3.4 The submitted drawings illustrate that the access would be from Brunstock Road with 10 detached dwellings arranged around a central open space "the green". Several hedgerow trees, the group of trees to the west and the majority of hedgerows would be retained with the exception of sections of hedgerow and hedgerow trees to afford vehicular and pedestrian access.
- 3.5 The proposed dwellings comprise 4 house types as follows:  
3 x Type A - 4 bedroomed two-storey detached house of 1884sqft (10.1 x 10.1 metres) - ground floor dining kitchen, family room, retreat, study, cloakroom; first floor 1 master suite, 3 further bedrooms plus family bathroom  
3 x Type B - 3 bedroomed 1½ storey detached house with linked detached garage of 1659sqft (12.8 x 10.5 metres max excl garage) - ground floor dining/kitchen/family room, study, master bedroom suite; first floor 2 bedrooms plus family bathroom  
2 x Type C - 3 bedroomed 2 storey detached house of 1662sqft (8.5 x 10.7 metres max) - ground floor dining/kitchen/family room, retreat, study, cloakroom; first floor 1 master suite, 3 further bedrooms plus family bathroom  
  
2 x Type D - 3 bedroomed single storey linked bungalow with garage of 1396sqft (19 x 12.1 metres max incl garage) - dining/kitchen/family room, utility, retreat, garage; 1 en-suite bedroom, 2nd bedroom, 3rd bedroom/study plus family bathroom, garage  
Each property will have either a detached or attached garage plus off-road hardstanding parking area

## **4. Summary of Representations**

4.1 Consultation on this application was undertaken by press notice and site notice along with notification to 32 neighbouring properties. In response 3 letters of objection and 1 of comment have been received. The objections raise the following issues:

- Appreciate the housing numbers have been reduced but the same problems as previous are still ongoing.
- There is no mains drains we all rely on septic tanks and soakaways
- We have problems after heavy rain with standing water.
- Investigations need to take place as some soakaways go through the field
- The disruption is no less - consider the residents
- New build are taking away rural living
- Residents moved into hamlets and villages many years ago but the boundaries are getting closer
- Brunstock is a small hamlet with no services/amenities other than a post box
- Adding another 10 properties will increase the hamlet by 25% with no justification of scale and no small plots
- This will have an urbanisation effect on the rural hamlet
- Each property will have two cars plus visitors which is not sustainable on a narrow road already posing problems for residents' access
- There is no mains sewerage in Brunstock
- This will also impact on surface water disposal
- Recent heavy rain events has meant that the outflow from existing mini treatment plants and private surface water drains could not clear and the sewage system was overloaded and flooded. Additional drainage would exacerbate this problem.
- The land has been farmed every year until now when nothing is done so that it is classed as just a field
- Concerns on health and safety grounds due to potential increase in traffic not only residents but also deliveries
- Will have a detrimental impact on residents

4.2 In addition one representation of comment has been received which makes the following points:-

- Concerned with sewerage disposal. At present there is no mains sewerage and after 20 mins of heavy rain the surface water drains on Brunstock Lane were unable to cope causing back flow into the largest systems of the hamlet.
- The present narrow road is inadequate for more traffic and is already in poor condition. 10 houses may result in as many as 20 additional cars.

4.3 In addition, Councillor Bainbridge who was ward councillor at the time of the last planning application has reiterated his objection about the development of this site raising the following points:-

- Having read the documents my overall feeling is that this is an application that will negatively impact on Brunstock, a small hamlet that in proportion to the area has seen a level of new builds already.

- The access and entrance to the hamlet off the A689 is problematic as you slow down or try to speed up another road user is usually bearing down on you, only some of whom are aware of your existence. This has led to a level of accidents which at the time of the original application was not detailed, since then the matter has been raised at local area Committee and the County Councillor (John Mallinson) surveyed properties. The County Council will therefore have a better record and should refer to this in their response. If they don't I feel the Committee should ask for it.
- The issue of the hamlet's drains to cope with the demand I feel are unaddressed by the application.
- the application before you is for ten and this has already been highlighted as causing capacity issues such as waste collections. Please bear in mind that the road at this point is single track and if the waste trucks can not access the site in full then they should not have to resort to blocking the road whilst 10 green waste bins are emptied, 10 black bins are emptied and about 30 recycling containers are emptied.
- I have been contacted by several residents over the capacity of the village drainage to deal with the current rainfall – let alone with the addition of further housing. Most of the properties in Brunstock (if not all) have drainage aspects of their properties that use the beck. This summer there has been several times the area has received heavy and sudden rainfall. This has caused the beck to rapidly fill up and flow back up the residents to drainage systems. A few properties on the same side as the field had water ingress into them as a result, and a number of others had near misses that would have been much worse had the residents not been able to take matters into their own hands.
- My concern is that if this application progresses then the field (itself relatively centrally located to the other houses in the hamlet) will not only be lost, but the addition of housing and tarmacing, etc will only add the burden which the small stream will have to take. I notice that several recent applications have only a limited response from the drainage officer at the County Council, and very few applications (if any) are refused on drainage issues.
- Should this application be taken forward I would want a more focused study of the capacity of the drainage in the area to cope.

## 5. Summary of Consultation Responses

**Cumbria County Council - Highways:-** Note that this is the same access point as previous but layout slightly changed. Refuse bin storage should also be provided. No objection subject to conditions (road construction, provision of visibility splays, kerblines, details of crossings; surface water drainage; turning requirements, parking of construction vehicles and a construction phase management plan);

**Cumbria County Council - Lead Local Flood Authority:-** No drainage details are provided and therefore require planning condition for a surface water drainage scheme to account for a 1 in 100 year plus 40% storm event;

**Stanwix Rural Parish Council:-** Consider the previous application and comment regarding the affordable housing provision and S106 Agreement from the previous planning application and the need to enhance that contribution. The application proposes 25 parking spaces, a not unlikely

number of private vehicles and will increase domestic traffic in the hamlet by approx 20% which could generate up to approx 18,000 additional vehicle movements annually. Parish Council share the concern of existing residents that a roadway that is too restricted for waste collection vehicles is also too restricted for several types of emergency vehicles or other types of vehicles requiring access causing obstruction, nuisance or damage to property. Parish Council recommends construction traffic leave the site via the A689. Recommend that a S278 Agreement be required by the highway authority to improve Brunstock's junction with the A689 as a result of this development. Applicant states that foul sewerage will be via mains sewer. The hamlet's main services are restricted to mains water and electricity supply. No detail of the type of connection or longer term provision for management of such a system. Consent should be refused until detailed proposals are available for consideration. No wildlife survey has been provided. Mature trees and hedgerows provide a habitat for multiple species of wildlife. One good hedge and several trees could be affected but there is no information. Hedgerows are a habitat of Principle Importance under the NERC Act and should be taken into account further more hedgerows can be protected by The Hedgerow Regulations 1997. A tree survey should be undertaken and included in the planning conditions. Sufficient information should be gathered on the presence of bats as a protected species. A comprehensive habitat and wildlife survey should be undertaken prior to determination.

**Local Environment, Waste Services:** - Site looks too tight for waste collection vehicles so space will need to be made for collection of waste containers near the entrance of the site;

**Historic England - North West Office:** - Defer to local authority specialist advisers;

**United Utilities:** - No objection subject to conditions relating to surface water drainage and that foul water shall be drained on a separate system;

**Local Environment - Environmental Protection:** - No objection subject to conditions relating to working hours and methods (relating to noise, vibration and dust), contamination and air quality and transport.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. At a local level, the development plan comprises the Carlisle District Local Plan 2015-2030 (CDLP 2015-2030).
- 6.2 Policies of the CDLP (2015-2030) of relevance are: SP1, SP2, SP6, HO1, HO2, HO4, HO6, IP3, IP5, IP6, IP8, CC5, CM4, CM5, GI3, and GI6.
- 6.3 Policy HO2 ("Windfall Housing Development") states that new housing development on sites other than those allocated will be acceptable within Carlisle, Brampton, Longtown and villages within the rural area provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan and comply with a number of criteria:

- the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed;
- the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;
- the layout of the site and the design of the houses is visually attractive;
- on the edge of settlements the site is well contained within existing landscape features, is physically connected, integrates with the settlement, and does not lead to an unacceptable intrusion into open countryside;
- in the rural area there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services; and
- the proposal is compatible with adjacent land users.

6.4 At a national level, other material considerations include the National Planning Policy Framework, February 2019 (the Framework/NPPF), Planning Practice Guidance (April 2014 as updated), the Community Infrastructure Levy Regulations 2010 (as amended), and the Natural Environment and Rural Communities Act (2006).

6.5 Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities....

*“For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset...*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling.”*

6.6 Planning Practice Guidance indicates, amongst other things, that:  
*“....all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.”*

6.7 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also 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.

- 6.8 In this context, it is considered that the main issues are:

**1. Whether The Principle Of Development Is Acceptable**

- 6.9 The NPPF outlines that housing applications should be considered in the context of the presumption in favour of sustainable development. Policy SP1 of the Local Plan requires all proposals for development to be assessed against their ability to promote sustainable development. The aforementioned policy outlines that all proposals for development will be considered favourably within the locations identified within the policies, provided they are in scale with the location and consistent with other policies of the Local Plan.
- 6.10 The application site was considered in the Strategic Housing Land Availability Assessment (SHLAA) as part of two proposed development sites. Site OC83 was a much larger site and contained the field to the north west of the site. This site was discarded as not an appropriate location for the scale of development proposed. Site OC33 reflected the boundaries of the current application and it was considered that this site was deliverable. All the deliverable sites were further considered whether or not to be allocated through the emerging Local Plan. Given the size of the site proposed it was considered that there were sufficient larger allocations essential to bring forward through allocation to ensure that the plans housing numbers were delivered. A number of smaller sites were not allocated and would therefore be treated as windfall sites that would still be able to contribute to housing delivery.
- 6.11 When assessing the application against the foregoing context the application needs to be considered against Policy H02 Windfall Housing Development of the Local Plan. The site is located in the centre of Brunstock with existing residential properties to the north and east. The site is well-related to the form of Brunstock and although currently an open field the strong tree boundary ensures that the site would not encroach into the adjoining countryside. Given the scale of the settlement, the additional 10 houses proposed by this development would be of an appropriate scale to the village and reflects the village's compact form.
- 6.12 It is noted that the settlement relies on services/facilities in either neighbouring villages (Houghton/Low Crosby/Linstock for schools/church/shop/village hall, etc) and has access to Carlisle. In the context of the National Planning Policy Framework, Paragraph 78 states that development in one village may support the services of villages nearby. It is noted that there is only a limited bus service some distance from the village however in this location it is acknowledged that short journeys may have to be made by car. The NPPF is clear that in rural areas development in one village which supports the services/facilities in nearby villages is considered to be sustainable. There is also recognition that villages may not necessarily be linked by convenient bus services.

- 6.13 Housing in Brunstock could help sustain services in this village cluster, in line with paragraph 78 of the NPPF. On this basis outline planning permission was granted for residential development of the site and the policy context has not changed since the granting of that permission.
- 6.14 In overall terms, the proposal is therefore consistent with the up-to-date spatial strategy of the development plan, Policy HO2 of the Carlisle District Local Plan 2015-2030 and conforms with the NPPF. On this basis the principle of development is acceptable subject to other considerations outlined in this report.

## **2. Whether The Layout, Scale, Design and Appearance Of The Proposal Is Acceptable**

- 6.15 Development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This application seeks Full Planning Permission and the layout provided indicates a courtyard arrangement around a central open space "The Green". The design concept seeks to respect the existing scale of development in Brunstock with a lower density scheme and a mixture of single, 1½ and 2-storey properties. The compact layout arranged in a cul-de-sac style ensures that the compact nature of the settlement is retained. Traditional materials are proposed incorporating a mixture of render and stone although these details are not fully specified and a planning condition for further details of materials would be appropriate.
- 6.16 The proposed dwellings comprise 4 house types as follows:  
 3 x Type A - 4 bedroomed two-storey detached house of 1884sqft (10.1 x 10.1 metres) - ground floor dining kitchen, family room, retreat, study, cloakroom; first floor 1 master suite, 3 further bedrooms plus family bathroom  
 3 x Type B - 3 bedroomed 1½ storey detached house with linked detached garage of 1659sqft (12.8 x 10.5 metres max excl garage) - ground floor dining/kitchen/family room, study, master bedroom suite; first floor 2 bedrooms plus family bathroom  
 2 x Type C - 3 bedroomed 2 storey detached house of 1662sqft (8.5 x 10.7 metres max) - ground floor dining/kitchen/family room, retreat, study, cloakroom; first floor 1 master suite, 3 further bedrooms plus family bathroom  
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 Each property will have either a detached or attached garage plus off-road hardstanding parking area
- 6.17 With regards to the Council's Supplementary Planning Document "Achieving Well Designed Housing" all the separation distances between the properties and existing development achieve or exceed the minimum required to retain privacy. The design also seeks where possible to retain and enhance existing tree and hedgerow features. Further details of the planting



arrangements would be required and it would therefore be appropriate to impose a planning condition to that end.

- 6.18 In overall terms, the proposed layout, scale, design and appearance would comply with the council's policies.

### **3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Residents**

- 6.19 The living conditions of the occupiers of adjacent residential properties should not be adversely affected by proposed developments. This is echoed and reinforced in Local Plan policies and SPDs, which importantly require that the suitability of any development proposal be assessed against the policy criteria.
- 6.20 The City Council's SPD 'Achieving Well Designed Housing' outlines where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (12 metres between any wall of a building and a primary window). The layout of the proposed development is such that the proposed dwellings have been so orientated to achieve the minimum distances outlined in the SPD.
- 6.21 In overall terms, given the location of the application site in relation to neighbouring residential properties and the proposed site layout plan submitted with the application, the proposal would not have a detrimental impact on the living conditions of the occupiers of those properties on the basis of loss of light, overlooking or over dominance. Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition is suggested which would limit construction hours.

### **4. Impact Of The Proposal On Highway Safety**

- 6.22 When considering the previous outline application for this site (16/0097) a potential access point on the north eastern boundary of the site was identified. The intended access illustrated that in order to attain the required visibility splays it would necessitate the removal of two additional trees over and above the tree survey findings. Cumbria County Council, as Highways Authority, was consulted and following the submission of speed survey information, raised no objections subject to the imposition of relevant conditions in respect of standard of construction; visibility splays; highway verge crossing details; surface water discharge; vehicular access provision and vehicle turning space provision. A number of concerns were raised in respect of highway safety and volume of traffic generated in the village and this matter was given further consideration at that time including consideration of road safety at the junction with the A689. Members requested an independent review of the transport concerns and this concluded that additional measures in the highway were not required.
- 6.23 This application now seeks full approval including details of the access and internal road arrangements. The Highway Authority has been consulted on

the application and has raised no objection subject to conditions as the proposed access point is similar to that previously suggested by the outline application. They do however request that refuse bin storage should also be provided. This latter point has been reiterated by the Council's waste services team as well as Parish Council and residents.

- 6.24 The agent has confirmed that refuse bin storage will be provided at the access to the site and that it will be located away from the appointed highway to ensure that waste collection can be appropriately managed without bringing refuse vehicles in to the site. It was also suggested that as waste vehicles may have difficulty accessing the site other vehicles may also have impaired access. The layout of the site allows for emergency and delivery vehicles to turn around within the site should access be required.
- 6.25 The Parish Council has requested that a S278 agreement under the Highway Act should require improvement to the junction of the A689 however as the outline permission was granted on the basis of 9 dwellings and no request was made by the Highway Authority it would be unreasonable to impose this on one additional dwelling. The Highway Authority raises no objection to the application and has not requested additional improvements to the junction. The Parish Council has requested that any construction traffic is directed to use the A689 junction to access this area rather than the road to the south. This matter would be dealt with through a construction traffic management plan however it would be prudent to advise that this measure should be included within the plan and revise the condition accordingly.
- 6.26 Subject to the conditions requested by the Highway Authority, additional reference to the access route for construction traffic and an additional condition relating to the provision of a bin storage area the proposal is compliant with highway requirements and it would be difficult to substantiate a refusal of the application on highway safety grounds.

## **5. Provision of Affordable Housing**

- 6.27 This site falls within affordable housing Zone A, so a 30% affordable housing contribution would be required on a site of 10 units in line with policy HO4 of the Local Plan. Since producing the Local Plan the Council has now adopted an "Affordable and Specialist Housing" SPD. The applicant has agreed to enter into a S106 legal agreement for the provision of affordable housing.
- 6.28 The Parish Council has requested that an enhanced contribution be provided over and above that in the original S106 agreement.
- 6.29 The request for an affordable housing contribution has to be consistent with current policy requirements and the guidance in the adopted SPD. The Council's Housing Development Officer has confirmed that in accordance with section 5.3b) of the Affordable and Specialist Housing SPD, the affordable housing financial contribution on a 6-10 unit rural scheme in Affordable Housing Zone A would be equivalent to 30% of the units being affordable on site, based on a 30% discount on each of these 3 units (this being the percentage discount required through the Council's discounted sale policy).

Current data is based on previous ward boundaries and therefore on a 10 unit scheme in the (former) Stanwix Rural ward this would be calculated as follows:-

Lower quartile property price for the former Stanwix Rural ward: £188,254 (CACI Streetvalue, 2019) x 30% (discounted sale percentage) = £56,476 x 3 units (30% affordable housing requirement in Affordable Housing Zone A) = £169,428.

This would be split into 3 equal tranches based on the first occupation of the third, sixth and ninth units.

- 6.30 The provision of affordable housing is therefore consistent with the current Local Plan policies.

## **6. Foul And Surface Water Drainage**

- 6.31 In order to protect against pollution, Policies IP6 and CC5 seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. United Utilities and Cumbria County Council as Lead Local Flood Authority (LLFA) have been consulted on the application and although no detailed design of the drainage provision has been provided, they raise no objections subject to the imposition of conditions relating to foul drainage, surface water drainage and sustainable drainage systems.
- 6.32 The application form, as part of the submitted details, includes reference to the foul sewage being connected to mains drainage however as residents and the Parish Council have pointed out, this does not exist. Foul drainage will therefore be by way of treatment plants which would have to comply with building regulations. This would accord with the requirement from United Utilities to ensure the foul and surface water drain to different systems. Concerns have also been raised about the volume of water with recent heavy rainfall and difficulties with local drainage systems. The LLFA in their response on such matters ensures that not only does the run-off remain at existing greenfield rates there is also an uplift by way of 40% increase in capacity for climate change. This should therefore address local concerns regarding drainage. Any details provided by way of discharging the conditions would involve consideration by UU and the LLFA.
- 6.33 The intended provision of foul and surface water drainage would therefore be consistent with national guidance and Local Plan policies.

## **7. Impact Upon Setting Of Grade II Listed Buildings**

- 6.34 The application site is located close to a Grade II Listed Building namely Brunstock Farmhouse and Barns located to the north-east of the site. The applicant has submitted a Heritage Statement in consideration of the local heritage assets.
- 6.35 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

- 6.36 As a result it is recognised that considerable importance and weight must be given to the desirability of preserving the listed buildings within the immediate vicinity and their setting(s) when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1). Paragraph 195 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Planning Practice Guidance explains that, in relation to assessing harm, such a judgement is for the decision taker having regard to the circumstances of the case and the policy in the NPPF. In general terms it is the degree of harm to the asset's significance rather than the scale of the development that needs to be assessed. The harm may arise from works to the asset or from development within its setting. Policy HE3 of the Local Plan indicates that new development which adversely affects a listed building or its setting will not be permitted.
- 6.37 English Heritage produced a document entitled 'The Setting of Heritage Assets' (TSHA) which, although out-of-date, still includes useful advice and case studies. The TSHA document provides a definition of the setting of a heritage asset as *"the surroundings in which [the asset] is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 6.38 The listed building opposite part of the site is Brunstock Farmhouse and Barns with the following listing details:
- "Farm and barns, formerly Dairy to Brunstock House. Late 1820s with additions dated 1845, for the Saul family. Farmhouse has English garden wall bond brickwork, whitewashed over, graduated stone-slate roof, double brick chimney stacks, one stone arch and surround, with hood mould and iron studded plank door. Ground floor windows have 2-3 light mullions with hood moulds and diamond cast-iron casements, central one altered to double sash with mullions removed. 2 corbelled-out dormer windows with crow-stepped gables, central window retains its tripartite diamond cast-iron casements, but flanking dormers altered to wooden and steel casements without glazing bars. Central dormer has weathered stone arms panel with cross stone vents in others. Brick modillions, chimney stacks with recessed panels and dentilled cornice. Gable end has date stone 1845. Behind, facing the road, is a 2 1/2*

*storey tower with similar windows, gabled roof, rounded stone with 1820's date, partly cut away. similar entrance and windows to right. Square headed lancets to left and at right angles to the farmhouse are 2 storey barns of brick: 1980's slate roof nearest farmhouse and graduated slate roof at right angles. Large projecting cart entrance: plank doors and half-plank doors, slit vents to upper floors."*

- 6.39 When assessing this application it is important to consider a) the significance of the listed buildings and the contribution made to that significance by their setting; and then b) the effect of the proposal on the setting (inclusive of its significance and on the appreciation of that significance). In the case of the former, the more significant the heritage asset, the greater should be the presumption in favour of its conservation. For the latter, different elements of a setting make different contributions to a building's significance as a heritage asset, namely: its immediate context; the area that can be seen from the building; and the street scene in which the building is set.
- 6.40 When considering the significance of the respective listed buildings, there are over 374,000 listed buildings within England which are categorised as Grade I, Grade II\* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II\* are particularly important buildings of more than special interest, 5.5% of listed buildings are Grade II\*. The final tier of Listed Buildings are Grade II buildings which are nationally important and of special interest.
- 6.41 The barns are the closest part of the listed building as these abut the road through the village. Over many years the development has surrounded the barns apart from this field which has remained open. Whilst the proposed development will be visible from the elevation of Brunstock Farmhouse barns the surrounding development has already altered the setting of the farmhouse and barns and it is not considered that the development of this site would have an adverse impact upon the setting. The Council's Heritage Officer has not raised any objection to the proposed development.

## **8. Impact Of The Proposal On Trees And Hedgerows**

- 6.42 Policy GI6 of the Local Plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further reiterated in Policy SP6 which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing trees and hedges.
- 6.43 Furthermore, the City Council's SPD 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the

design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the scheme to ensure integration of existing features and space for new planting. It is important that these issues are considered at the very start of the planning process.

- 6.44 The proposed development would retain the majority of trees and hedgerows within the site with the exception of the loss of two trees, an Ash and a Hawthorn, together with small sections of hedgerow and two further trees to facilitate vehicular and pedestrian access. Limited short term loss to the landscape value would occur but this would be mitigated by supplementary planting within the site including within the centre of the development which is currently an open field. To the north west of the site is a group of trees which remain outside the development boundary and it would be appropriate to ensure tree protection along this boundary through appropriate planning conditions to ensure their protection during construction.
- 6.45 The proposal is acceptable subject to conditions requiring the submission of a method statement ensuring the protection of the retained trees and hedges together with a landscaping scheme.

## **9. Impact Of The Proposal On Biodiversity**

- 6.46 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. The Parish Council has requested that a habitat survey be undertaken however the field has been cut for grass for several years and any species would likely to be within the hedgerows and hedgerow trees. The design ethos of the site has been based on protection of as much of the surrounding hedgerows and trees as possible with removal only where access is required. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative is recommended should Members approve the application that if a protected species is found all work must cease immediately and the Local Planning Authority informed. A condition is also recommended that works involving the removal of section of the hedgerow and trees are undertaken outwith the bird nesting season and protection barriers should be installed around all retained hedgerows and trees. The Parish Council has also raised concerns regarding the Hedgerow Regulations however the granting of planning permission overrides that protection should the application be approved.

## **Conclusion**

- 6.47 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF and the objectives of the relevant Local Plan policies. The application is therefore recommended for approval.

## **7. Planning History**

- 7.1 Outline Application 16/0097 for the erection of 9 dwellings was granted permission subject to a legal agreement in August 2017.

**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 development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form;
2. the Location Plan (Dwg 15080-00) received 5 June 2019;
3. the Proposed Site Layout (Dwg 18155 (Fe) 001 A) received 5 June 2019;
4. the House Type A (Dwg 18155 (Fe) 002) received 5 June 2019;
5. the House Type B (Dwg 18155 (Fe) 003 A) received 5 June 2019;
6. the House Type C (Dwg 18155 (Fe) 004) received 5 June 2019;
7. the House Type D (Dwg 18155 (Fe) 005) received 5 June 2019;
8. the Planning Statement received 5 June 2019;
9. the Design and Access Statement received 5 June 2019;
10. the Heritage Statement received 5 June 2019;
11. the Contaminated Land Statement received 5 June 2019;
12. the Notice of Decision; and
13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Notwithstanding references to materials within the approved documents, full details of all materials to be used on the dwelling exteriors shall be submitted to and approved in writing by the local planning authority within three months of site commencement.

**Reason:** To ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority within three months of site works commencing, and the approved scheme shall be implemented in accordance with the approved details.

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Within three months of site commencement, detailed plans shall be

submitted incorporating full design details of walls, gates, fences and other means of permanent enclosure and boundary treatment. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, any enclosure of such garden areas shall take place strictly in accordance with the agreed scheme.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory boundary treatment in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Prior to commencement, a landscaping scheme shall be submitted to and agreed with the local planning authority including details of trees and shrubs to be retained and proposed new planting. The scheme shall include the use of native species and shall also include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and size for new planting. The scheme shall then be implemented in accordance with the approved details.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-30.

7. Other than those trees identified for removal on the approved plan, in accordance with Condition 6, no tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme to be agreed with the local planning authority.

**Reason:** The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy GI6 of the Carlisle District Local Plan 2015-30.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy SP6 of the Carlisle District Local Plan 2015-30.

9. Prior to the occupation of any dwelling, an external or within garage 32Amp single phase electrical supply shall be installed to allow future occupiers to



incorporate an individual electric car charging point for the property.

**Reason:** In accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030

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

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

11. Notwithstanding details on the approved drawings, an area shall be laid out for the collection of waste receptacles from properties within the site prior to the occupation of the first dwelling hereby approved.

**Reason:** In accordance with Policy IP5 of the Carlisle District Local Plan 2015-30.

12. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

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

13. No development shall commence until visibility splays providing clear visibility of 2.4metres back by 45 metres measured down the centre of the access road and the nearside channel line of the major road road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

14. The use of the development shall not be commenced until the access has been formed with 6 metre radius kerbs, to give a minimum carriageway width

of 4.8 metres, and that part of the access road extending 15 metres into the site from the existing highway has been constructed in accordance with details approved by the local planning authority.

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

15. Details of proposed crossings of the highway verge shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies: LD5, LD7, LD8.

16. Full details of the surface water drainage system shall be submitted to the local planning authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

17. The development shall not be occupied until the access and turning requirements have been constructed in accordance with the approved plan and has been brought into use. The vehicular access and turning provision shall be retained and be 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 and to support Local Transport Plan Policies: LD5, LD7, LD8

18. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Plan Policy LD8.

19. Development shall not be begun until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing prioritising the A689/Brunstock junction;

**Reason:** To support Local Transport Policies: LD8

20. Foul and surface water shall be drained on separate systems.

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution.

21. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No development shall commence until details of the future maintenance and operation of the surface water systems are agreed in writing with the Local Planning Authority.

**Reason:** To ensure the surface water system continues to function as designed, in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

22. Prior to occupation of the development a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The Sustainable Drainage Management and Maintenance Plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

**Reason:** To ensure that management arrangements are in place for the

sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

23. No development shall commence until a Construction Surface Water Management Plan has been agreed in writing with the Local Planning Authority.

**Reason:** To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

24. No clearance of or damage to hedgerows 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 features of recognised nature conservation importance, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

25. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

**Reason:** In order that the approved development does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

26. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

**Reason:** To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

27. There shall be no pedestrian access from any of the proposed dwellings directly on to the adjacent PROWs.

**Reason:** To ensure that the proposed development does not have an adverse impact on the existing PROWs that adjoin the site.

28. 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. The investigation 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.

<b>Reason</b>	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.
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revision  
 Rev. Date Description

Project  
 Proposed Residential Development  
 Brunstock

Drawing  
 LOCATION PLAN

Client  
 Alistair Wannop

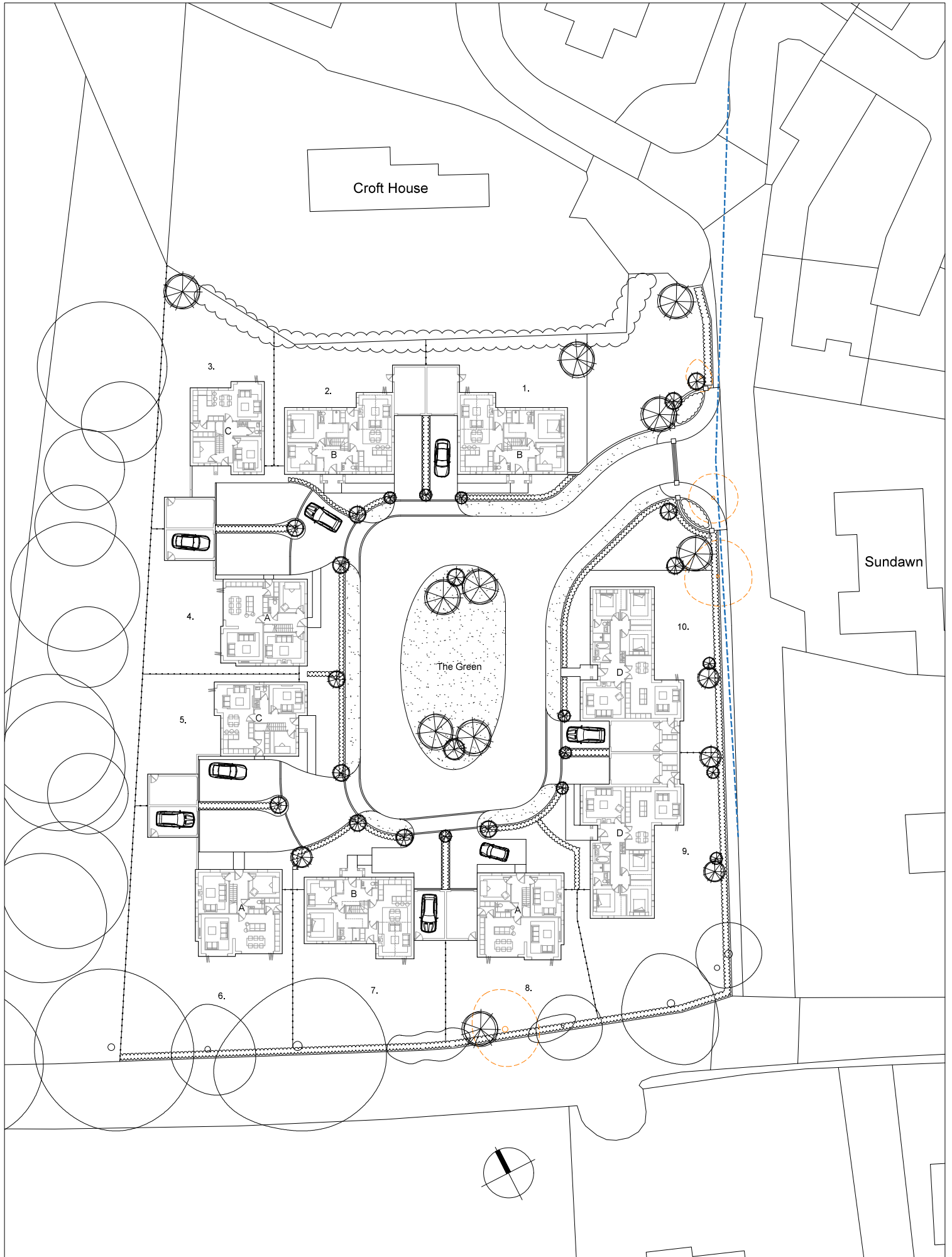
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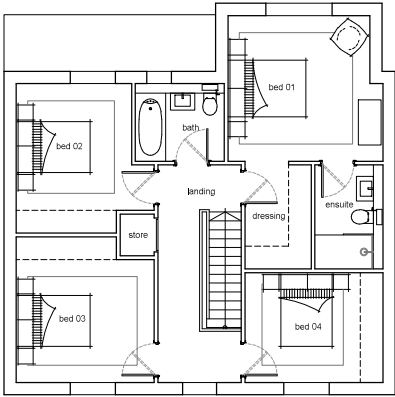
PLANNING

**ARCHITECTS**  
 PLUS

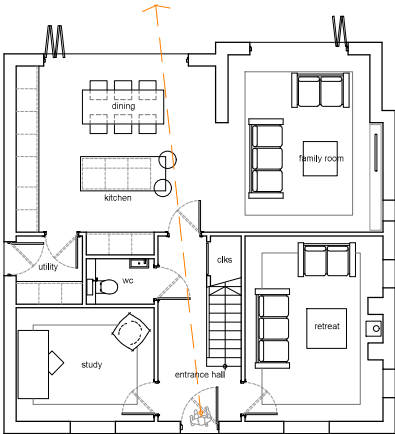
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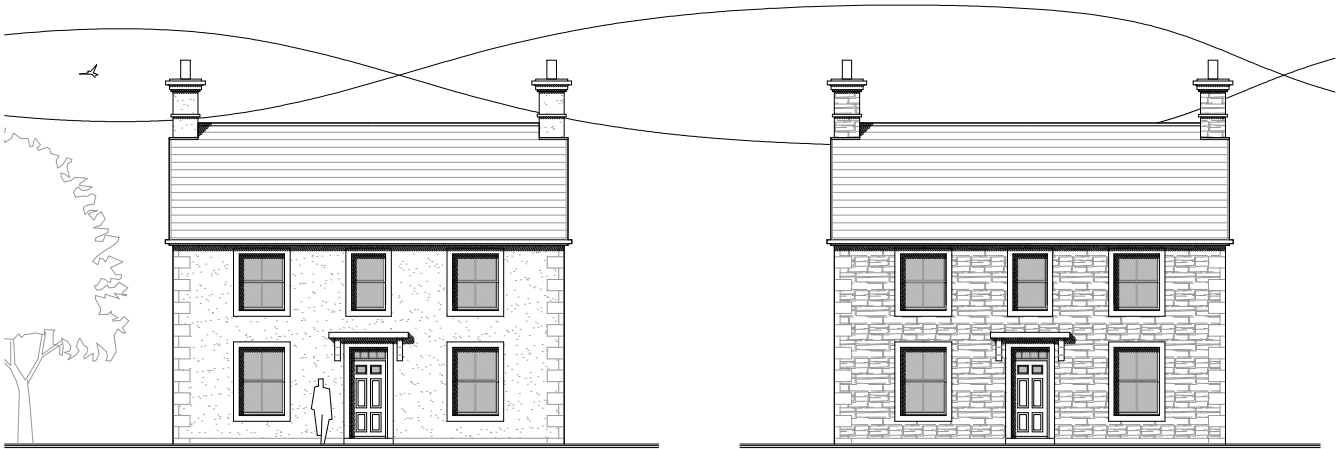




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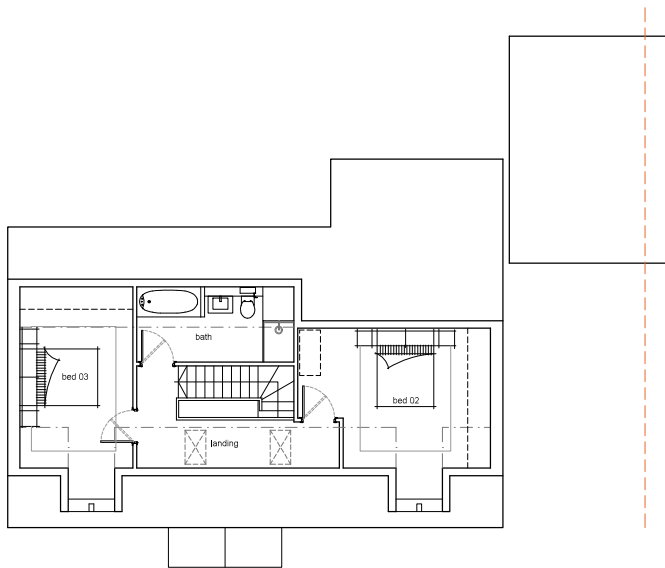
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1884 sqft total



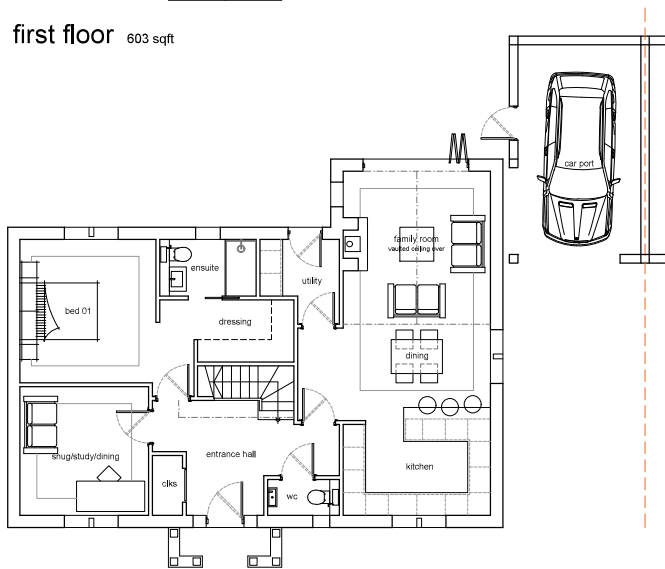
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front elevation stone





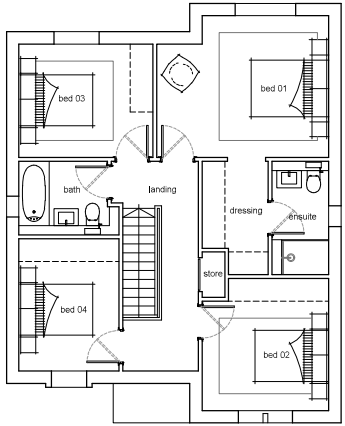
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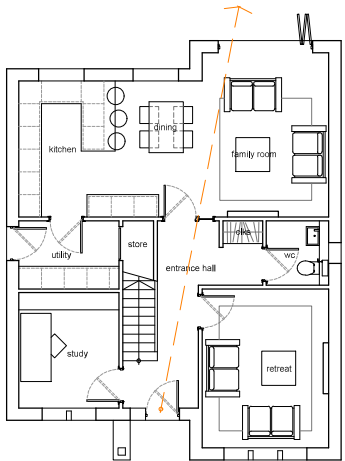
ground floor 1053 sqft  
1659 sqft total



front elevation



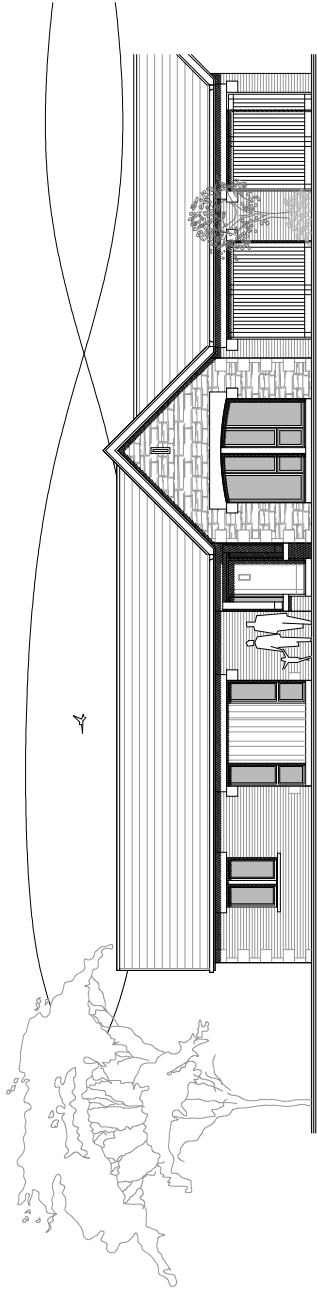
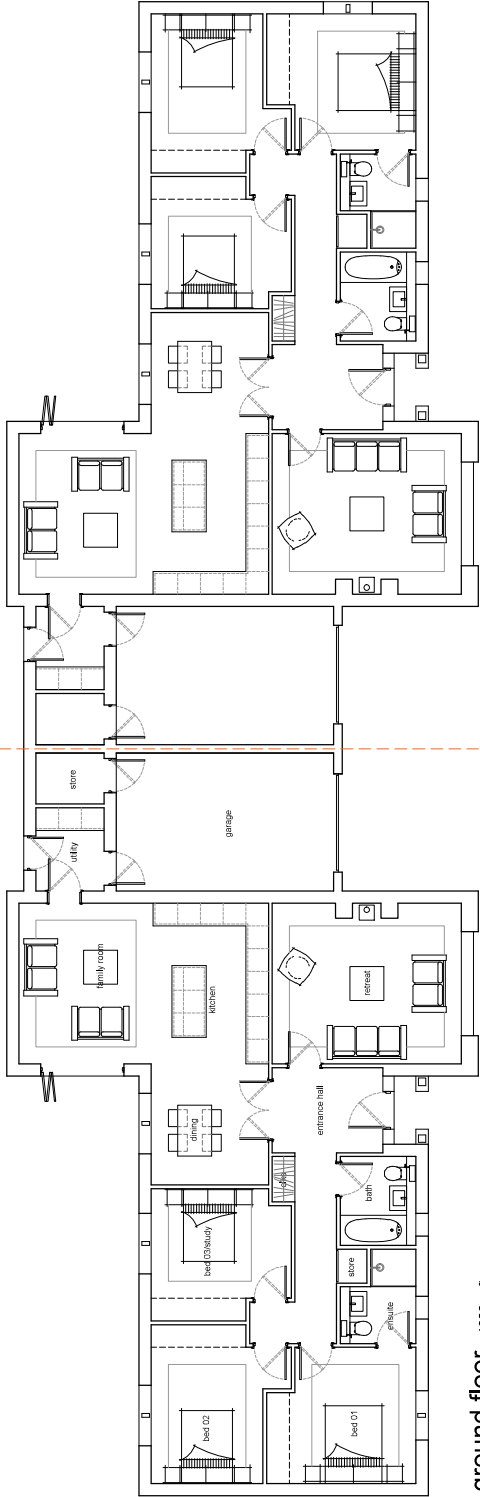
first floor 831 sqft



ground floor 831 sqft  
1662 sqft total



front elevation



front elevation