

SCHEDULE A: Applications with Recommendation

13/0083

Item No: 06

Date of Committee: 19/04/2013

Appn Ref No:
13/0083

Applicant:
Mr Thompson

Parish:
Hayton

Date of Receipt:
13/02/2013

Agent:
Holt Planning Consultancy
Ltd

Ward:
Hayton

Location:

L/A Fenton Farm, Fenton, How Mill, Brampton, CA8
9JZ

Proposal: Residential Development Of 8No. Dwellings Comprising 2No.
Re-Configured Approved Dwellings And 6No. New Dwellings (Outline)

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Principle Of Residential Development
- 2.2 Scale, Siting And Design
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Highway Matters
- 2.5 Biodiversity
- 2.6 Drainage

3. Application Details

The Site

- 3.1 This proposal relates to the north-east of Fenton which lies on the eastern side of the road to the immediate north of Fenton Farmhouse. The application site forms the northern approach to Fenton from How. The site

consists of a feed hopper; a cubicle building and a stock building together with the remnants of other agricultural structures. The site is bounded to the south-west by residential properties and on all other sides by open countryside.

- 3.2 To the south and east the agricultural grassland rises steeply away from the application site. The land is separated from the neighbouring residential properties to the west by existing vegetation. A separate access exists in the south-west corner of the site and connects the land with the Fenton to Faugh road.

Background

- 3.3 Initially in 2002, the applicant applied for 7 houses on the site but this application was withdrawn prior to determination. Subsequently, an application for outline planning permission was submitted in 2003 and was later approved. The applicant submitted additional supporting information which comprised of the following:

- since the withdrawal of application 02/0665 the future of Fenton Farm, as an agricultural enterprise, has been wholly reviewed. The farm unit was in the course of being broken up. The vast majority of the farmland was in the process of being sold off. A significant number of stock had already been sold and more were to be sold in the near future. The agricultural enterprise was to cease and all existing buildings, related hardstandings and structures will all become redundant during the course of late Spring/early Summer of 2003. In addition, 400,000 litres of milk quota had been sold;
- the proposed redevelopment would be of a lesser scale and limited site area than the previous proposal and related to 4 properties only sited alongside the highway frontage;
- the proposal would ensure the removal of all the redundant agricultural buildings and the reversion to greenfield of the part of the farmstead not proposed to be re-developed for the 4 dwellings;
- it was envisaged that 13ha of land would be retained and used for the summer grazing of stock;
- the indicative scheme showed how the proposed dwellings would adopt a traditional form and character;
- the applicants agreed to accept a planning condition which required the removal all the non-traditional buildings at Fenton Farm and the land outwith the application site to be restored;
- the removal of the non-traditional farm buildings and reinstatement of a substantial area to a field would bring clear visual benefits to the village which is a candidate for Conservation Area status.

The Proposal

- 3.5 This application seeks outline consent for the provision of 8 houses with the layout forming part of this application. All other matters are reserved for subsequent approval. The 2 properties adjacent to the County highway form part of this application but benefit from planning permission. They form part

of this proposal as their footprint has been altered to accommodate the road into the site. In essence, Members are being asked to grant planning consent for an additional 6 houses.

- 3.6 The road would be formed parallel with the south-west boundary and would wind through the site from north-west to south-east. The development would comprise of 1 pair of semi detached houses (which have consent) and 4 detached houses, each accessed from the access road, and adjacent to the north-east boundary. At the bottom of the site, adjacent to the south-east boundary, would be 1 pair of semi detached houses that would be for affordable housing.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 20 of the neighbouring properties. In response 9 letters of objection have been received and the main issues raised are summarised as follows:

1. the provision of large family houses will greatly increase the traffic in the area;
2. the road in the village are narrow with dangerous bends and restricted vision of oncoming traffic;
3. if the development is built it will no longer be safe for children to play and cycle along narrow roads;
4. the area has been subject to localised flooding. Can the stream cope with additional surface water;
5. there are bats in the village and this development will destroy their roosts;
6. this development will double the size of the village;
7. Policy H5 of the Local Plan states that Fenton is suitable for minor development. The provision of another 6 houses is totally out of scale;
8. Fenton is a village of traditional character and the development will destroy this;
9. the previous consent (granted in 2003) required the remaining part of the site not to be redeveloped. Instead the non-traditional buildings were to be removed and the land reseeded and reinstated as agricultural land which has not been done;
10. the existing concrete road near Beck Cottage should be taken up;
11. the application states that the 5 year housing plan is not up-to-date. It would be prudent for the Council to defer any decision until the full extent of housing need is known;
12. there are no facilities, amenities or bus services in the village and the application cannot be considered as 'furthering sustainability';
13. the proposed development depends upon funding from a housing association;
14. the nearest school to Fenton is already at capacity;
15. the applicant has previously applied for housing on this land and was refused as it was too many for the size of the village.

- 4.2 In addition, 8 letters of support have been received and the issues raised are

summarised as follows:

1. there is a clear lack of affordable housing for young families in the rural area;
2. the development will not only provide homes in the rural area but will also benefit the Parish;
3. the proposal will remove a brownfield eyesore;
4. continued intensive farming on the land may be detrimental to neighbouring properties;
5. the redevelopment of the site will bring clear benefits to the village;
6. the layout and design of the buildings are in character with the village;

5. Summary of Consultation Responses

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

Hayton Parish Council: - the following observations have been received:

- road lighting - the Parish Council is to survey local opinion on whether road lighting should be included in the new development;
- footways - a footway should be provided between the new development and the existing footway at Fenton;

Carlisle Airport: - no objection;

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

Northern Gas Networks: - no objection;

MOD Safeguarding: - no objection;

Cumbria County Council - Drainage: - comments awaited;

Housing Strategy & Support: - the provision of 2 units for rent is above the requirement under Policy H5 and is therefore acceptable subject to the provision of a S106 agreement.

United Utilities: - no objection subject to the imposition of condition.

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 CP2, CP3, CP5, CP6, CP11, H1, LE7, LE29 and T1 of the Carlisle District Local Plan 2001-2016 are relevant. The

proposal raises the following planning issues.

1. Principle Of Residential Development

- 6.2 The application site lies within the village of Fenton. Policy H1 of the Local Plan states that new residential development in the identified settlements will be acceptable providing that compliance with four specific criteria. Fenton is not listed in Policy H1; however, paragraph 55 of the NPPF states:

"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."

- 6.3 The NPPF advocates that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities, for example, development in one village may support services in a village nearby. Fenton is sufficiently well related to Hayton and Warwick Bridge both geographically and in terms of the road network; therefore, whilst Policy H1 does not support development, Fenton can be considered a sustainable location for development in terms of the policies in the NPPF.

- 6.4 Several objectors refer to previous consent granted on the site during which the applicant justified the proposal insofar as the agricultural buildings would be removed and the land would be reseeded and returned to agricultural use. It is their belief that this requirement should remain; however, that application was approved 10 years ago and the current application has to be determined in the context of current planning policies. For the reasons outlined in the preceding paragraphs, the proposal is acceptable.

2. Scale, Siting And Design

- 6.5 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.
- 6.6 The application seeks consent for the layout only with the appearance, landscaping and scale reserved for subsequent approval. The layout is considered satisfactory in relation to the site and the context of the neighbouring built form of the village. It would be appropriate to impose conditions requiring details of materials and appropriate design that reflects the character of other buildings in the village. Furthermore, the proposal would achieve adequate amenity space and off-street parking. The character and appearance of the development would not be obtrusive within the streetscene.

3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.7 The reuse of the site for residential use is acceptable. A hedge exists along the frontage of the site and it is proposed that this would be retained at 1.8 metres high. Additional boundary treatment to the north and west would comprise a 1.8 metre high timber panel fence. The scale, siting and design mean that the living conditions of the occupiers of that property will not be compromised through loss of light, loss of privacy or over dominance.
- 6.8 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.
- 6.9 As the proposal involves the introduction of windows that face the neighbouring properties, 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. Although there is currently no detail of the individual house design, the scheme affords sufficient distance between the buildings and would exceed the minimum distances required by the SPD.

4. Highway Matters

- 6.10 It is proposed to utilise the existing vehicular access into the site. The objectors have raised concerns about the development on highway safety grounds, primarily on the basis of the increase in generation of traffic and the narrow rural roads surrounding the village. Although there would undoubtedly be an increase in traffic from the site, this is in part off-set by the use as a farm.
- 6.11 Adequate off-street parking is proposed within the curtilage of the property. The access arrangement is acceptable and the Highway Authority has raised no objection subject to the imposition of a condition.
- 6.12 Further comments have been made with regard to the provision of lighting within the site and the fact that a lighting survey of the village is due to be undertaken. Whilst a condition would be imposed requiring the access road to be constructed to adoptable standards, which would include the provision of street lighting, it is not the applicant's intention to have the road adopted. The details of the road could therefore be controlled by means of the condition.

5. Biodiversity

- 6.13 The Council's GIS Layer has identified that the site has the potential for water voles, breeding birds and moths to be present on or in the vicinity of the site. As the proposed development is within the village and involves the removal of agricultural buildings it is not considered that the development would harm a

protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

- 6.14 Objectors have made reference to the loss of bat roosts should permission be granted; however, a bat survey has been submitted with the application which concludes that there is no potential for roosting bats on site. Planning consent has previously been granted for the redevelopment of part of the site which results in the removal of the buildings.

6. Drainage

- 6.15 The issue of foul and surface water drainage has been raised. The applicant has indicated that the foul drainage would be dealt with by means of package treatment plant with the surface water being disposed of in a soakaway. The existing site is covered by hardstandings and buildings and the development would not exacerbate surface water run-off from the site. arguably, through the provision of gardens, the situation might be improved. In any event, this application seeks consent for outline permission only and the planning conditions would require the agreement of details that deal with foul and surface water drainage through consultation with the relevant interested parties.

7. Other Matters

- 6.16 The Council's Principal Environmental Health Officer has raised no objection to the reuse of the site subject to the imposition of a condition relating to contaminated land target sampling together with the imposition of a condition requiring notification and remediation should further contamination be found. Following further discussions, it has been agreed that a condition requiring a desk top study being undertaken with a remediation scheme if necessary would be appropriate.

Conclusion

- 6.17 In overall terms, the principle of residential development on the site is acceptable. The dwelling would be set back from the frontage of the site and the design would be appropriate to the character and appearance of the area. Although the scale is large, the property would be single storey in appearance and sited in a large plot and proposes an appropriate design and use of materials such that the development would not adversely affect the character or appearance of the area. The building would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings. In all other aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

7. Planning History

- 7.1 In 2002 an application for outline planning permission for the erection of 7 detached dwellings was received but was withdrawn prior to determination.

- 7.2 Outline planning permission was granted in 2003 for the redevelopment of part of the farmsteading for 4 residential properties together with the removal of non-traditional farm buildings, related hardstandings, silage clamp etc.
- 7.3 In 2005, a reserved matters application was granted for the re-development of part of farmsteading for 4 residential properties together with removal of non-traditional farm buildings, related hardstandings and silage clamp.
- 7.4 Planning consent was granted in 2011 for the erection of 2 dwellings (revised house types for plots 1 & 2 of previously approved application);
- 7.5 In 2012, a part retrospect application for planning permission for the erection of 2 dwellings (revised house type for plots 1 & 2 of previously approved application) was granted.

8. Recommendation: Grant Subject to S106 Agreement

- 1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
 - i) The expiration of 3 years from the date of the grant of this permission, or
 - ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990. (as amended by The Planning and Compulsory Purchase Act 2004).

- 2. Before any work is commenced, details of the appearance, landscaping and scale of the site (hereinafter called "reserved matters") shall be submitted to and approved by the Local Planning Authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

- 3. The approved documents for this Planning Permission comprise:
 - 1. the Planning Application Form received 31st January 2013
 - 2. the Location Plan received 31st January 2013 (Drawing no. 03/01/347-101);
 - 3. the Site Plan received 15th February 2013 (Drawing no. 03/01/347-102a);

4. the Scale Parameters received 31st January 2013;
5. the Foul Drainage System produced by R. A. Dalton Ltd. received 31st January 2013;
6. the Highway Advice produced by White Young Green received 31st January 2013;
7. the Phase 1 Desk Top Study received 31st January 2013;
8. the Daytime Roost Inspection Survey received 31st January 2013;
9. the Planning Statement received 31st January 2013;
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. The design, siting and layout of the proposed dwellings shall by the adoption of traditional architectural features and materials evident locally, reflect or be in sympathy with the character and appearance of Fenton.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

Reason: In order that the approved development is appropriate to the character and appearance of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Access gates, if provided, shall be erected to open inwards only away from the highway, be recessed no less than 4.5 metres as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

Reason: To preserve sight lines in accordance with CP5 of the Carlisle District Local Plan 2001-2016.

7. The estate road shall be designed, constructed and drained to a standard suitable for adoption and in this respect full engineering details, shall be submitted for written approval as part of the Highways Act 1980 Section 38 Agreement before work commences on site. No work shall be commenced until a fill specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. All such approved works shall be constructed before the development is complete.

Reason: To ensure a minimum standard of construction in the interests of highway safety in accordance with Policy CP5 of the Carlisle

District Local Plan 2001-2016 and to support Local Transport Plan Policies LD5, LD7 and LD8.

8. Each house access, parking area etc. shall be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details shall be submitted for written approval before development commences on site. No work shall be commenced until a full specification has been approved.

Reason: To ensure a minimum standard of construction in the interests of highway safety in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and to support Local Transport Plan Policies LD5, LD7 and LD8.

9. A footway link that continuously and conveniently to the nearest existing footway the details of which shall be submitted to and approved in writing by the Local Planning Authority. the footway shall be provided before first occupancy of any dwelling

Reason: In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards and to support Local Transport Plan Policies C2, LD5, LD6, LD7 and LD8.

10. No dwelling shall be occupied until the access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 and LD8.

11. 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.

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 and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

13. All works comprised in the approved details of landscaping shall be carried

out in the first planting and seeding season following the completion of the development.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

14. 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 as far as possible that the landscaping scheme is fully effective in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

15. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

Reason: To ensure that the materials used are appropriate to the character and appearance of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling units to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure that the character and attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy H14 of the Carlisle District Local Plan.

17. 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.

- 18. 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 before any site works commence, and the approved scheme shall be implemented in accordance with a phasing scheme for the conversion works hereby approved.

Reason: To ensure that the materials used are appropriate to the character and appearance of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

- 19. 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. The drainage scheme shall be in accordance with the principles set out in the report submitted by R. A. Dalton Ltd. dated 10th December 2012. No part of the development shall be brought into use until the foul drainage has been constructed and completed in accordance with the approved plans.

Reason: To ensure the adequate provision of foul drainage in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

- 20. 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

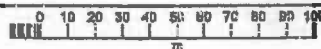
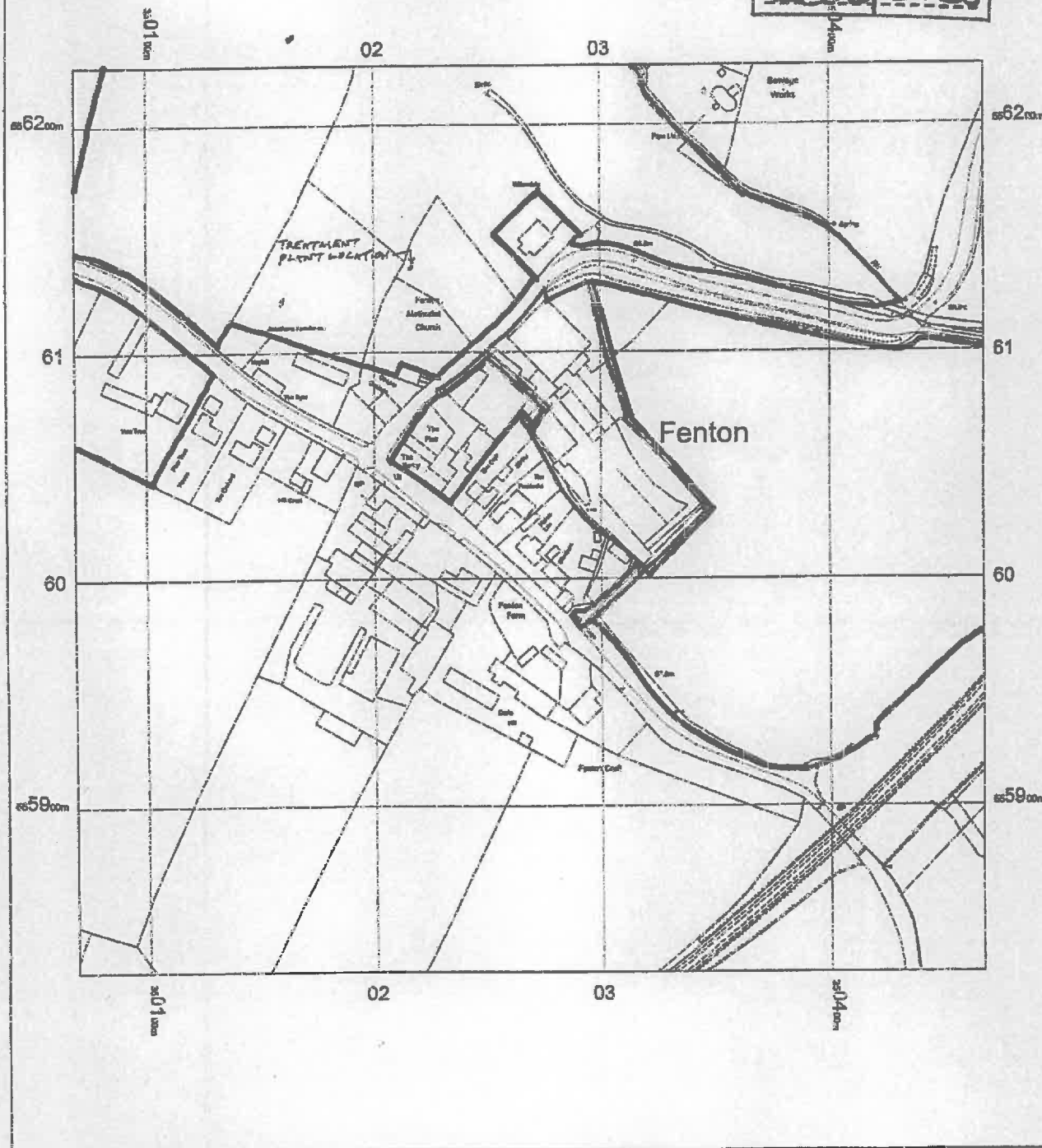
offsite receptors in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

• DWG-Nº 03/01/347-101 •

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Fenton Farm
Fenton
How Mill
Brampton
CA8 9JZ

OS Mastermap
05 February 2013, ID: MDP-00205711
www.malcolmhughes.co.uk

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