

Allerdale Borough Council
Planning Application FUL/2021/0006
Development Panel Report

Reference Number: FUL/2021/0006
Valid Date: 11th January 2021
Location: Field Adjacent to A594, Maryport Road, Maryport
Applicant: Mr Lee & Scott Chilton
Proposal: Resubmission of application FUL/2020/0033
Construction of two new detached dwellings

RECOMMENDATION

Grant permission subject to conditions

1. Summary

| <u>Issue</u> | <u>Conclusion</u> |
|-------------------------------------|--|
| Principle of Development | Acceptable at this sustainable location, within the Key Service Centre of Maryport as defined in the settlement hierarchy of the Allerdale Local Plan 2014. The site is within the settlement boundary for Maryport as defined in Part 2 of the Allerdale Local Plan 2020. |
| Impact on the character of the area | The proposed two dwellings would be in keeping with the mixed character of the area and would be in accordance with Policy S4. |
| Site Layout | The proposed site layout accords with the relevant criteria set out in Policy DM14. |
| Highway Issues | The proposed access would not cause harm to highway safety. |

2. Introduction

- 2.1 The application has been called in by Councillors McCarron Holmes, Maguire & Kendall on the grounds that it appears that the site is outside the settlement limit and concerns are expressed regarding the egress. Officers advise members that the settlement limits referred to by the councillors are those in the defunct 1999 Local Plan and, as explained in this report, the site is within the 2020 Part 2 Local Plan limits.

3. Proposal

- 3.1 The proposal seeks full planning permission for the construction of two detached dwellings. Both dwellings are three storeys in height with gabled roofs. Both face the highway and have garages on the ground floor and a shared access onto the A594. They would sit behind the retained hedge and landscaping. The proposal is the resubmission of application FUL/2020/0033, which was withdrawn.

- 3.2 The Plans for consideration are:-

Location plan DWG05, Amended 21st April 2021
Proposed Elevations (Plot 1) DWG02 Rev B, Amended 21st April 2021
Proposed Floor plans (Plot 1) DWG01 Rev C, Amended 21st April 2021
Proposed Elevations (Plot 2) DWG04 Rev B, Amended 21st April 2021
Proposed Floor plans (Plot 2) DWG03 Rev B, Amended 21st April 2021
Proposed Block Plan and Sections DWG06 Received 21st June 2021

The suite of submitted documents can be found online here:-

<https://allerdalebc.force.com/pr/s/planning-application/a3X3X000004DVqSUAW/ful20210006?tabset-e3f5c=2>

4. Site

- 4.1 The site is roughly rectangular in shape and is located to the south of Ellenborough Road (A594) at the eastern edge of Maryport. The majority of the site comprises unmanaged grass, vegetation and mature trees. A detached building is located at the western part of the site along with a static caravan and some gravel hardstanding. An access road and area of hardstanding serve this building. The site slopes upwards to the south away from the road. Semi mature trees form the roadside boundary.

5. Relevant Planning History

- 5.1 FUL/2020/ 0033 -Construction of two dwellings- Withdrawn.

6. Representations

Town Council

6.1 No objections.

Cumbria County Highways

6.2 Drawing Number DWG01 Rev C shows 60m visibility splays in both directions from a point of 2.4m into the site as per requirements. The plan also shows that any walls built will be outside of the visibility splays as to not obstruct them.

6.3 The A594 is the responsibility of Connect Roads and their requirements for this proposal are as follows:-

- a) Section 184 agreement (of the Highways Act) would need to be in place with full detailed design drawing showing wall, entrance construction, kerb lines drainage and street lighting (drainage and street lighting drawings still outstanding).
- b) Drainage would be required to prevent surface water running on to the A594, this would need to be shown on a detailed design drawing (drawing to be provided).
- c) Advise that the street lighting is extended to include the new entrance. The current lighting stops at the neighbouring property entrance, or an assessment is produced showing that the current lighting level is correct for the new access.

6.4 With these points in mind, confirm that the Highway Authority and Connect Roads have no objections subject to conditions.

Cumbria Minerals and Waste Planning Policy

6.5 The proposed development is on the edge of a settlement with other residential development nearby. Mineral extraction on or close to the application site would therefore not be environmentally acceptable. The safeguarding area extends across a significant area of surrounding open land so the proposal will not prevent access to this mineral resource for extraction in the future. It is considered that criteria 2 and 4 of Policy DC15 (Minerals Safeguarding) in the adopted Cumbria Minerals and Waste Local Plan are satisfied.

6.6 Cumbria County Council as minerals planning authority therefore does not object to this application.

Fire Service

6.7 No objections.

United Utilities

6.8 No objections.

Other representations

- 6.9 The application has been advertised by a site notice and neighbour letter. One letter of objection was received via the Councillors 'Call In' on the basis that the site is outside the settlement limit for Maryport.

7. Environmental Impact Assessment

- 7.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development is not within Schedule 1, nor 2 and, as such, is not EIA development.

8. Duties

- 8.1 The site doesn't contain, nor is it in close proximity to any listed buildings, nor is it within or affecting a conservation area or a Natura 2000 site.

9. Development Plan Policies

Allerdale Local Plan (Part 1)

- 9.1 The following policies are considered applicable:-

S1 Presumption in Favour of Development
S2 Sustainable Development
S3 Spatial Strategy and Growth
S4 Design Principles
S5 Development Principles
S6b Area Based Maryport
S22 Transport Principles
S29 Flood Risk and Surface Water Drainage
S32 Safeguarding Amenity
S33 Landscape
S35 Protecting and Enhancing Biodiversity and Geodiversity
DM14 Standards of Good Design
DM17 Trees, Hedgerow and Woodland

These policies can be found here:-

<https://www.allerdale.gov.uk/en/planning-building-control/planning-policy/local-plan-part-1/>

Allerdale Local Plan (Part 2)

9.2 The site is within the settlement limits for Maryport. The following policy applies:-

SA2 Settlement Boundaries

The Plan can be found here:-

<https://www.allerdale.gov.uk/en/siteallocations/>

10. Other material considerations

National Planning Policy Framework (NPPF) (2019)

10.1 Paragraph 212 advises that the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Paragraph 213 advises that existing development plan policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

11. Policy weighting

11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 and the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.

11.2 The development plan policies in this instance are considered to be consistent with the provisions of the NPPF. Full weight is afforded to them and there are no material considerations applicable which would give rise to a decision not in accordance with the development plan.

12. Assessment

Principle of development

12.1 The Policies Map which accompanies Part 2 of the Allerdale Local Plan identifies that the site is located within the settlement boundary for Maryport. The eastern and northern boundaries of the site form the settlement boundary for the town.

12.2 Policy SA2 of the Allerdale Local Plan Part 2 refers to settlement boundaries. The policy states that there is a presumption in favour of sustainable development within the settlement boundaries as defined on the Policies Map.

Development within settlement boundaries will be supported where it is appropriate in scale, consistent with the settlement's role and function within the hierarchy and complies with other relevant policies in the Local Plan. Given the site is within the settlement boundary for Maryport and the proposal is for two dwellings, which is considered commensurate in scale with Maryport's role and function as a key Service Centre, the proposal accords with Policy SA2.

- 12.3 Similarly, policy S3 of the Allerdale Local Plan Part 1, which refers to Spatial Strategy and Growth, states that new development will be located in accordance with the spatial strategy and will be concentrated within the towns and villages identified in the settlement hierarchy. The scale of development proposed will be expected to be commensurate to the size of the settlement and reflect its position in the settlement hierarchy.

Impact on the character of the area

- 12.4 Policy S4 refers to 'Design Principles'. The policy states that proposals for new development should be visually attractive, of appropriate scale and appearance; and respond positively to the character, history and distinctiveness of its location and integrate well with existing development.
- 12.5 The proposal is for two large detached dwellings, comprising three storeys at the front and two storeys at the rear due to the topography of the site. The two dwellings would share a new access to be created off the A594.
- 12.6 The character of the area is relatively mixed. On the southern side of the A594 travelling out of Maryport, there is a row of two storey terraced dwellings (Clarinda Terrace), an elevated two storey detached dwelling, a bungalow, an older two storey dwelling set with a gable presenting onto the road and then a single storey elevated dwelling adjacent to the eastern boundary of the application site. On the northern side of the road, this area is open countryside, outside of the settlement limit. Within this area, is a large detached property Brooklands, and further to the east, and opposite the site is another large detached house set down from the road so that only the roof is visible on the approach into the town.
- 12.7 The proposed dwellings have been amended in size and appearance. The ridge height has been reduced and each house now has one projecting gable. These amendments have significantly reduced the massing of the dwellings. Although the dwellings remain large and occupy a prominent position at the entrance to the town, the reduction in massing is considered to be more in keeping with the semi-rural character of this part of Maryport.
- 12.9 The majority of the roadside vegetation would be kept, apart from the access point and the necessary visibility splays. The roadside frontage of the site is approximately 75 metres in length and approximately 20 metres of vegetation would be required to be removed to accommodate the visibility splays. Given the majority of the vegetation could be retained, which can be secured by condition, this would provide some screening of the dwellings. An additional plan was submitted in June which clearly evidences how a mix of the retained hedge, new

planting and a small bund will minimise the impact from the A594, specifically screening much of the ground floor of both dwellings.

- 12.10 Overall the proposed dwellings would not be out of character with the relatively mixed character of the locality. The provision of a split level dwelling would make use of the topography of the site, the retention of vegetation would soften views of the dwelling and would provide some integration into the landscape at this important entrance of the town. The proposal would therefore accord with Policy S4.

Layout of the proposed development

- 12.11 Policy DM14 requires all new development to conform to the following relevant criteria:

a) Reinforce and respect the existing development pattern with regards to plot size, building heights and frontage widths, particularly where they contribute to local character. Consideration should be given to the impact on existing developments at the boundaries of the site;

The plots for both dwellings are relatively generous with reasonable sized rear gardens and with large frontage widths. This size of plot is in keeping with other dwelling plots in the area and the semi-rural nature of the site. As already detailed, three storey dwellings are uncommon in this area, but the development uses the changes in topography and the existing landscaping to reduce the impact to an acceptable level.

b) Respect and respond positively to the distinctive qualities of the location and integrate with the characteristics of the site, ensuring that all external materials and boundary treatments are appropriate to the design and distinctiveness of the development, site and location.

The proposed dwellings would be spaced apart, creating gaps to their sides and between each other, again reflecting the semi-rural nature of the site. The retention of vegetation along the boundaries, apart from the access and visibility splays, will help to integrate the dwellings in the landscape. Furthermore given the topography of the site, it is considered that the proposal responds positively to the location.

c) Create an attractive environment that provides appropriate levels of open and amenity green space, privacy and amenity for the occupants of the properties;

The proposal includes rear gardens and a side patio for both dwellings. The level of amenity space for each dwelling is therefore appropriate for the size of the property. Overall the proposal complies with the relevant criteria within policy DM14.

Highway Issues

- 12.12 Concerns have been raised relating to the proposed access onto the A594. The plans show a new access roughly in the centre of the site frontage with visibility splays 2.4 metres by 60 metres in either direction. The Highway Authority raise no objection to the proposed access.
- 12.13 The proposal includes a one metre rendered wall either side of the access point and the removal of some trees to provide the necessary visibility and planting a hedge to be maintained at a height of one metre. The Highway Authority would prefer a boundary wall rather than a hedge as it would require maintenance. However a hedge would have a softer appearance rather than a wall in this streetscene. A condition requiring the hedge to be maintained at a height of one metre to the rear of the visibility splay is considered to be sufficient.
- 12.14 The Highway Authority also require the submission of a detailed design drawing to prevent surface water running on to the A594. This is also considered to be an issue that can be dealt with by the imposition of a condition.
- 12.15 Overall the Highway Authority raises no objections to the proposal, subject to conditions and therefore, Officers consider the proposal to be acceptable on highway safety grounds.

Residential Amenity

- 12.16 The existing buildings on site will remain and provide a degree of separation with other residential properties. As such, the proposal is considered unlikely to raise any amenity issues. The new build plots will include raised terraces to the side, but appear to be on level with garden areas at the rear, as a result of the sloping nature of the site. As such, the proposed terraces are not expected to result in a loss of privacy for future occupiers of the proposed housing.

Local Financial Considerations

- 12.17 Having regard to S70 (2) of the Town and Country Planning Act the proposal will have financial implications arising from Council Tax Revenue and potentially New Homes Bonus, albeit it is noted that the government has recently consulted on the future of the New Homes Bonus.

13.0 Balance and Conclusions

- 13.1 The site is located within the settlement boundary of Maryport. The proposal accords with Policy S3. The proposal would not be harmful to the character of the area and the site layout provides an appropriate development in this locality. Furthermore, the proposed access would not be harmful to highway safety. The proposal is therefore considered to accord with the relevant policies of the Development Plan and approval is recommended.

RECOMMENDATION

Grant permission subject to conditions.

Annex 1

CONDITIONS

Time Limit:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

In accordance:

- 2. Unless specified by separate condition, the development hereby permitted shall be carried out solely in accordance with the following plans:**

**Location plan DWG05, Amended 21st April 2021
Proposed Elevations (Plot 1) DWG02 Rev B, Amended 21st April 2021
Proposed Floor plans (Plot 1) DWG01 Rev C, Amended 21st April 2021
Proposed Elevations (Plot 2) DWG04 Rev B, Amended 21st April 2021
Proposed Floor plans (Plot 2) DWG03 Rev B, Amended 21st April 2021
Proposed Block Plan and Sections DWG06 Received 21st June 2021**

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

Pre-commencement conditions:

- 3. Notwithstanding the proposed submitted levels, prior to development commencing on site details of all proposed ground levels including finished floor levels of the building, levels of any paths, drives, garages, terraces and parking areas (and materials of any retaining walls) shall be submitted to the Local Planning Authority for written approval. The development shall be carried out only in accordance with the approved details.**

Reason: To ensure that the development is carried out to a suitable level in relation to the adjoining properties and highways and in the interest of visual amenity and to accord with policies S4 and S33 of the Allerdale Local Plan Part 1 2014.

- 4. The access and footways 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 development commences on site. No development 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 prior to occupation of any of the dwellings hereby approved.**

Reason: To ensure a minimum standard of construction in the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

- 5. No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping that includes the hedge retention and planting depicted on Proposed Block Plan and Sections DWG06 Received 21st June 2021. The scheme shall include details of a replacement hedge to be planted behind the visibility splays required for the proposal. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development 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 other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality and to accord with policies S4, S33 and DM14 of the Allerdale Local Plan Part 1 2014.

Post-commencement/Pre use commencing conditions:

- 6. Prior to the occupation of each dwellings, a surface water drainage scheme that dwelling, 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 have been completed in accordance with details previously submitted for approval by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and to accord with policy S29 of the Allerdale Local Plan Part 1 2014..

- 7. No part of the development hereby permitted shall be constructed above ground floor level until details of all external walling and roofing materials have been submitted to and approved by the Local Planning Authority. Only the materials so approved shall be used in the development as approved.**

Reason: To ensure a satisfactory standard of development for the external appearance of the approved scheme which is compatible with the character of the surrounding area, in accordance with policy DM14 of the Allerdale Local Plan (Part 1) 2014.

- 8. Details of the siting, height and type of all means of enclosure/screen walls/fences/other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to the occupation of the dwelling that they serve. Any such walls/fences etc. shall be constructed prior to the approved building being brought into use/occupied. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.**

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area and safeguard the amenity of neighbouring properties in accordance with policy DM14 of the Allerdale Local Plan (Part 1) 2014.

- 9. The development shall not be brought into use until visibility splays providing clear visibility of 2.4 metres x 60 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected or placed and no trees, bushes or other plants which exceed 1m in height shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.**

Reason: To ensure an acceptable standard of highway access during the construction and operational use of the site, in accordance with policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 10. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.**

Reason: In the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014. .

- 11. Access gates, if provided, shall be hung to open inwards only away from the highway.**

Reason: In the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014

