

Allerdale Borough Council

Planning Application OUT/2021/0017

Development Panel Report

Reference Number: OUT/2021/0017
Valid Date: 22/06/2021
Location: Part Field 7800, Newton Arlosh, Wigton
Applicant: K Foster
Proposal: Re-submission of application OUT/2021/0009 for outline proposal for residential development for up to 3 dwellings including access

RECOMMENDATION

Refuse

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	Newton Arlosh is a village within the fourth tier, defined a 'Limited Growth Village' of the settlement hierarchy as detailed in Policy S3 which can accommodate small-scale developments. The site is within the settlement limit of Newton Arlosh as defined by the recently adopted Part 2 Allerdale Local Plan.
Amenity	The proposal, is adjacent to an existing agricultural building and, although separated by a line of trees/hedgerow, is approximately sited only 5 metres from the agricultural building. Given this distance, it is the opinion of officers that the proposed dwellings would be potentially impacted upon by the use of the agricultural building (which is outside of the applicants control) in terms of noise and odour. Officers therefore consider that this present proposal does not provide an acceptable standard of amenity

2. Introduction

- 2.1. The application has been called in by Councillor Tony Markley.
- 2.2. The application seeks outline planning permission for residential development for up to 3 dwellings including access (resubmission of OUT/2021/0009).

3. Proposal

- 3.1. The Plans for consideration are:-

Dwg No 21.06. OP loc – Location Plan
Dwg No 21.06.sk.block – Block Plan
Dwg No 21.06 SK.1 – Schematic Proposal
Odour Assessment dated Febraury 2017
Hesketh Ecology report – 22.04.2021
Email from agent received 12.08.2021

4. Site

- 4.1. The application site lies within the village of Newton Arlosh and currently forms part of a larger agricultural field.
- 4.2. The site lies adjacent to a row of detached houses that have gained gradual planning approvals. These approvals are for two storey detached dwellings with the plot depth approximately 31m and orientated to face the public highway which fronts the sites. Directly to the southwest of the site, planning permission has been granted for a row of 3 terraced houses which have recently been completed (ref. 2/2018/0156).
- 4.3. The site is bounded to the northeast by an agricultural field which is separated from a portal frame building on the adjacent land by an existing hedgerow, agricultural land to the southeast and residential properties to the southwest and northwest.

5. Relevant Site History

- 5.1. 2/2012/0876 – Outline application for residential development – Granted with conditions – 09.01.2013
- 5.2. 2/2016/0747 – Outline application for residential development including access – Refused – 22.03.2017.
- 5.3. 2/2018/0156 – Outline application for residential development to include access and layout – Granted with conditions – 16.07.2018. This application is directly adjacent to the current proposed development to the southwest and overcame the odour concerns of the 2016 refusal due to a separation distance of approximately 20m between the proposed dwellings and the adjacent agricultural building resulting in an acceptable standard of amenity to future occupiers of the dwellings.

- 5.4. RMA/2019/0001 - Reserved Matters application following approval 2/2018/0156 for appearance, landscaping, layout and scale – Approved with conditions – 25.03.2019.
- 5.5. OUT/2021/0009 - Outline proposal for residential development for up to 3 dwellings including access – refused – 17.05.2021; The proposed residential development is considered in close proximity to buildings with a potential source of odour beyond the applicants' control. The Local Planning Authority considers the submitted details fail to demonstrate that the occupiers of the proposed development would not suffer a poor standard of residential amenity and living conditions contrary to Policy S2, S4 and S32 of the Allerdale Local Plan (Part 1), Adopted July 2014 and the National Planning Policy Framework, (paragraphs, 9, 12 and 17).

6. Representations

- 6.1. **Parish Council** - The Council has not changed its view on this matter, and has no objections to the proposal
- 6.2. **Cumbria Highways & LLFA** - Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below. I can confirm that the response made to the previous application OUT/2021/0009 should still apply. I attached our previous response hereto;

Given the design and location of the dwellings the Highway Authority have no objections to the proposal however we recommend the conditions applied to application reference: 2/2018/0156 are applied equally to this present application. The conditions are as follows:

1) 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 5.0 metres inside the site, as measured from the carriageway edge of the adjacent highway.

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

2) The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres 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) (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. To support Local Transport Plan
Policies: LD7, LD8

3) Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to 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.
To support Local Transport Plan Policies: LD7, LD8

4) Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to 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.
To support Local Transport Plan Policies: LD7, LD8

5) The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

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

Any works within the Highway must be agreed with the Highway Authority. No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team.

LLFA response:

The LLFA do not have any records of flooding on this site and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk.

6.3. ABC Environmental Health - I have re-considered the proposed development in view of previous comments made by the Environmental Health department and the odour assessment which had been submitted with the current application.

The odour assessment submitted has not addressed the issue of external amenity, I would raise concerns that the developer is unable to protect the amenity of future occupants as they have no control or influence on the agricultural style building which is 1.5m away from the application site boundary.

There is nothing to prevent this said building to be used to house animals or livestock in the future which would not require any permission from the planning authority. I would not wish to support the proposed development as the applicant

is not able to demonstrate how they can provide a satisfactory standard of amenity as there is potential for an odour nuisance to occur.

6.4. Natural England – No reply to date.

6.5. United Utilities – With regards to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments.

Drainage In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

Condition 1 – Surface water No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include: (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and (iii) A timetable for its implementation. The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme. Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Condition 2 – Foul water Foul and surface water shall be drained on separate systems. Reason: To secure proper drainage and to manage the risk of flooding and pollution. A non-return valve should be installed before connecting into the public sewer.

6.6. The application has been advertised on site notice and by neighbour letter.

6.7. There has been 4 representations of objection, and 2 representations of support.

6.8. The representations of objections state:

- a. Affect on occupiers of proposed properties from existing adjacent agricultural building which is used to house livestock
- b. Size of houses not appropriate for affordable family homes
- c. Approval of development would advocate future development and set a precedent

6.9. The representations of support state:

- a. Affordable housing is required in the village
- b. Affordable housing would allow young families to move into the village joining the village community

7. Environmental Impact Assessment

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

8. Duties

- 8.1. The site does not 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

9.1. Allerdale Local Plan (Part 1)

Policy S1 - Presumption in Favour of Development
Policy S2 - Sustainable Development
Policy S3 - Spatial Strategy and Growth
Policy S4 - Design Principles
Policy S5 - Development Principles
Policy S7 - A mixed and balanced housing market
Policy S29 - Flood Risk and Surface Water Drainage
Policy S32 - Safeguarding Amenity
Policy S33 - Landscape
Policy S34 - Development in the Solway Coast Area of Outstanding Natural Beauty
Policy DM14 - Standards of Good Design
Policy DM17 - Trees, Hedgerows and Woodland

These policies can be found here:-

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

9.2. Allerdale Local Plan (Part 2)

Policy SA2 - Settlement Boundaries
Policy SA3 - Affordable Housing
Policy SA5 - Housing Standards
Policy SA33 - Broadband

These policies can be found here:-

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

10. Other material considerations

10.1. National Planning Policy Framework (NPPF) (2021)

10.2 Allerdale Council Plan 2019-2023

10.2.1 Tackling inequality

- Helping to create more affordable housing where it is needed most across the borough, for example through Community Land Trusts or using our own assets or land, and bringing empty properties into affordable homes.

10.2.2 Strengthening our economy

- Supporting the development of more homes where they are needed by looking for opportunities to develop key worker housing for the health and nuclear sectors; and aspirational housing where appropriate in line with our Local Plan.

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.

12. Assessment:

Principle of development

12.1 Policy Newton Arlosh is a village within the fourth tier of the settlement hierarchy as detailed in Policy S3 which can accommodate small-scale developments. The site is within the settlement limit of Newton Arlosh as defined by the recently adopted Part 2 Allerdale Local Plan.

12.2 The proposal is in the form of a linear development achieving an appropriate relationship with this part of the existing built format of Newton Arlosh. Officers do not consider this infill development will result in a harmful visual impact on the landscape, which will be seen in line with the existing dwellings to the southwest which has already set a precedent for development in this area

- 12.3** The benefits of the scheme provide 3 new dwellings which would contribute to the housing need in the borough. This provision would also be supported by the Framework's objective of significantly boosting the supply of housing.

Design Principles

- 12.4** The majority of development within this settlement lies to the north of the highway that runs through the village of Newton Arlosh. The proposal site lies to the south. The development on this side of the village is sparse and linear in form. To the northeast of the site are modern agricultural style buildings and directly to the south west is a row of 3 terraced dwellings then a line of two storey detached houses directly fronting the highway all having a plot depth of 31m
- 12.5** The proposal site would extend the linear form of development in this part of the village with the garden areas extending in line with the adjacent built/approved dwellings. The site layout plan submitted with the application shows the applicant proposes on building a terrace of 3 dwellings, orientated to face highway, with parking to the front and garden areas to the rear.
- 12.6** A key objective of the Local Plan is to achieve high quality design for all development. Good design relates not only to the appearance of a development but to how it functions within its location and to how it contributes towards a sustainable community.
- 12.7** In assessing the proposal, the linear form of development responds positively to the immediate character, history and distinctiveness of its location and integrates well with existing development achieving an extension to the frontage development. The siting of the dwellings within the plots is considered acceptable and will integrate well with the existing streetscene. Adequate parking is provided to the front and appropriate sized gardens to the rear.
- 12.8** The final design of the dwellings are reserved, however officers are satisfied that the siting of dwellings within this location and the layout of the site is acceptable in compliance with Policies S2, S4, S32 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Amenity/Odour

- 12.9** Policy S32 of the Allerdale Local Plan (Part 1), seeks to ensure that new housing is located where it will not result in poor living conditions for the occupiers as a result of air pollution, noise, smell, dust, vibration, light or other pollution. The National Planning Policy Framework (NPPF) also requires that new development should seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.
- 12.10** Whilst the proposal is submitted in outline, and seeks to establish the principle of residential development on the site, whether the proposal would provide satisfactory living conditions for the future occupiers is fundamental to whether or not the principle is acceptable.

- 12.11** The proposed site lies adjacent to a row of two storey dwellings to the southwest of the site. The application before us is outline, however the indicative layout of the site shows a terrace of 3 dwellings orientated to face the highway, which would result in the majority of openings located to the front and rear elevations and therefore the amenity of existing and future occupants could be protected from overlooking.
- 12.12** Agricultural style buildings lie to the north east of the site. The nearest building on this site is approximately 1.5m from the boundary to the field and is used to house horses. However, the use of this building could change in the future and additional livestock could be housed within the building. Given the proximity of the proposed dwellings to the nearby equestrian buildings the impact on the amenity of the future occupiers from this source needs to be considered as part of this application.
- 12.13** Environmental Health Officers raised concerns to application 2/2016/0747 on potential impact for the future occupiers of the proposed development in relation to a poor standard of residential amenity due to its proximity to the agricultural buildings to the northeast of the site. The extent of the red lie on this application extended right up to the boundary with the adjacent site, and no separation distance was proposed.
- 12.14** A later application for 3 dwellings directly adjacent to this current proposal included a 20m separation distance between the agricultural buildings and the approved domestic dwellings.
- 12.15** In considering the requirements of Local Plan policy S32 and the Framework, odour is a fundamental issue that is required to be addressed before planning permission is granted.
- 12.16** In rural villages it is common for farms to be located within the village boundaries and therefore dwellings are often located in close proximity to these. The Allerdale Local Plan (Part 1) does not state a separation distance that must be adhered to between residential and farm/equestrian buildings and each one is assessed on its own individual merits.
- 12.17** The present proposal, although separated from the agricultural building by a line of trees/hedgerow, is approximately sited only 5 metres from the agricultural building. Given this distance, it is the opinion of officers that the proposed dwellings would be potentially impacted upon by the use of the agricultural building (which is outside of the applicants control) in terms of noise and odour. Whilst the agent has confirmed the windows facing the agricultural building could be non-opening, this would not protect the outdoor amenity space of the proposed dwellings. Officers therefore consider that this present proposal does not provide an acceptable standard of amenity and does not overcome the reasons for refusal of 2/2016/0747 & OUT/2021/0009; *The proposed residential development is considered in close proximity to buildings with a potential source of odour beyond the applicants' control. The Local Planning Authority considers the submitted odour assessment fails to demonstrate that the occupiers of the proposed development would not suffer a poor standard of residential amenity and living conditions contrary to Policy S2, S4 and S32 of the Allerdale Local*

Plan (Part 1), Adopted July 2014 and the National Planning Policy Framework, (paragraphs, 9, 12 and 17) and is therefore contrary to Policy S32 of the Allerdale Local Plan.

Highway Issues

- 12.18** The application is for outline with means of access to be considered. The site layout plan shows direct access from the highway into parking to the front of the dwelling. Cumbria Highways have assessed the layout and confirm the development is acceptable in terms of layout, visibility splays and parking provision subject to the inclusion of conditions.

Drainage

- 12.19** The application form indicates that foul sewage would be disposed of via the main sewers with surface water to an existing watercourse. The applicant has not submitted any further details on the proposed drainage and no details have been submitted that details why the applicant cannot provide soakaway on site to take surface water drainage, which has been accepted on recent adjacent development. Officers consider an acceptable form of drainage could be achieved on the site, however in line with United Utilities comments it is recommended that a condition be attached requiring a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance be submitted prior to development commencing.

Ecology

- 12.20** The site lies within a Site of Wildlife Interest from geese and swans which are protected species under the Wildlife and Countryside Act 1981. Given the nature of the siting of the dwelling within a grassed agricultural field and the close proximity to existing dwellings it is considered the proposal will not harm these protected species. The forging potential of the site is considered to be low and not significantly harm any priority habitat. Natural England have confirmed there are no risks in terms of designated nature conservation sites.

Local Financial Considerations

- 12.21** Having regard to S70 (2) of the Town and Country Planning Act, Local Financial Considerations relate to Business Rates Revenue

13. Conclusions

- 13.1** The development of three dwellings at the site is considered acceptable in principle. However, given the close proximity of the site to the adjacent agricultural building, it is the opinion of officers that the amenity of the dwellings could not be safeguarded. It is therefore recommended that this application is refused.

14. RECOMMENDATION

Refuse permission

Annex 1

Reason

- 1. The proposed residential development is considered in close proximity to buildings with a potential source of odour beyond the applicants' control. The Local Planning Authority considers the submitted details fail to demonstrate that the occupiers of the proposed development would not suffer a poor standard of residential amenity and living conditions contrary to Policy S2, S4 and S32 of the Allerdale Local Plan (Part 1), Adopted July 2014 and the National Planning Policy Framework, (paragraphs, 9, 12 and 17).**

Other:

Advisory Note

