

Allerdale Borough Council

Planning Application OUT/2022/0010

Development Panel Report

Reference Number: OUT/2022/0010
Valid Date: 23/03/2022
Location: Land at Causeway head
Opposite New Rose Cottage
Silloth
Applicant: Mark Orchard
Proposal: Outline planning application for residential
development with all matters reserved (resubmission)

RECOMMENDATION

REFUSE

1. Summary

| <u>Issue</u> | <u>Conclusion</u> |
|--------------------------|---|
| Principle of Development | <p>The dwelling lies outside and detached from any settlement limit therefore is development within the open countryside.</p> <p>The applicant has not evidenced any location need for dwellings in this location. The proposal would therefore constitute non-essential development in an unsustainable open countryside location contrary to Policies S1, S2 and S3 of Part 1 of the Local Plan and Policies SA2 and SA4 of Part 2 of the Local Plan.</p> |
| Highway Issues | <p>Access is to be considered as part of this application. There are a number of trees located along the highway boundary that could impede visibility from the site. In the absence of detailed information from the applicant relating to the proposed access and associated visibility splays they have failed to demonstrate that a safe and adequate access can be achieved to serve the development in line with Policies S4 and DM14 of the Local Plan Part 1.</p> |

| | |
|----------|---|
| Trees | The existing trees offer a high level of visual amenity to the area. In the absence of an arboricultural assessment the applicant has failed to demonstrate the trees will not be harmed by the development. |
| Drainage | In the absence of a Flood Risk Assessment and the fact that the application site represents a small island surrounded by Flood Zone 3 land, the applicant has not been able to adequately demonstrate that the proposal site can be safely development and that it will not increase flood risk elsewhere in line with Policy S29 of the Local Plan Part 1. |

2. Proposal

- 2.1. The proposal seeks outline consent for two open market residential dwellings. The indicative layout plan submitted with the application shows two detached dwellings.
- 2.2. Whilst the description states that all matters are reserved, in line with Government guidance, officers wrote out to the applicant informing them that access needed to be considered as part of the current outline consent.

- 2.3. The Plans for consideration are:-

DWG 200 Location Plan
Dwg No 101 Rev A Indicative Site Plan
Non-Mains Means of Drainage Assessment
Ecological Statement
Planning Statement

- 2.4. The particulars are available to view via the following link:-

<https://allerdalebc.force.com/pr/s/planning-application/a3X3X00000B9EpcUAF/out20220010>

3. Site

- 3.1. The application site is located at Causewayhead 0.6km southeast of the settlement of Silloth. The site is relatively flat and is currently unused agricultural land. Fields border the site to the east, south and west with the highway immediately to the north. Two dwellings lie on land to the north of the highway.

There are a number of mature trees along the periphery of the site including the highway boundary.

- 3.2. Approximately 150m to the southeast of the site lies a cluster of commercial and residential buildings. These are owned and operated by the applicant. The applicant also owns the land to the southwest of the site down to the highway junction on the same side of the highway as the application site.
- 3.3. This site is located on a localized area of Flood Zone 1, immediately adjacent to Flood Zone 3. The designated main river Causewayhead Beck runs approximately 16m to the south of the development site.

4. Relevant Planning History

- 4.1. OUT/2021/0025 Outline application for residential development with all matters reserved, Land opposite New Rose Cottage, Causewayhead – Withdrawn to undertake a Flood Risk Assessment.

5. Representations

Parish Council

- 5.1. No objections. The Parish Council are in full support of the proposed development. This site has become an eyesore over the years, and this would tidy it up. The proposed buildings would also compliment other properties in the vicinity of the development. There needs to be more affordable properties for the younger generation, as many struggle to get on the property ladder.

Environmental Health

- 5.2. No objections subject to conditions relating to contamination land and a Construction and Demolition Method Statement.

Butterfly Conservation Cumbria

- 5.3. No reply to date.

Natural England

- 5.4. No objections.

Historic England

- 5.5. No advice offered.

Environment Agency

- 5.6. We note that the red edge boundary for this application closely follows the boundary of flood zone 3, appearing to specifically exclude FZ3 from the development site and therefore removing the requirement for a Flood Risk Assessment (FRA) in accordance with the National Planning Policy Framework (NPPF).
- 5.7. However, in this confined location where the surrounding land is at high risk of flooding, an FRA would inform how the site could be developed safely. The Flood Map for Planning cannot be taken as being 100% accurate at this detailed scale.
- 5.8. We strongly advise that the applicant undertake a topographical survey and request flood risk 'product 4' from the Environment Agency. This would allow an understanding of potential flood depths around the site. It would also provide an understanding of future flood risk, taking climate change into account, as required by the NPPF.
- 5.9. We would have no fundamental objection to development of this site, which we consider could be developed safely in regard to flood risk. But we do recommend that an FRA would inform the proposals and facilitate a safer development.

United Utilities

- 5.10. Our records show that there are no known public sewers in the vicinity of the proposed development.
- 5.11. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:
1. Into the ground (infiltration);
 2. To a surface water body;
 3. To a surface water sewer, highway drain, or another drainage system;
 4. To a combined sewer.
- 5.12. United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

Cumbria Highways / LLFA

- 5.13. The application site joins the U2029 within a national speed zone (60mph). The applicant would need to show that visibility splays of 215m in both directions are fully achievable measured from a point of 2.4m into the site from the carriageway edge and at a height not exceeding 1.05m above the carriageway. The splays need to be measured to the nearside kerb and cannot be obstructed by trees/walls/fences. It is noted that adjacent to the site there are trees that are likely to obstruct the splays. To make this acceptable to the highway authority, the trees would need to be cut back and maintained providing they are within the ownership of the applicant.

- 5.14. If these requirements are not achievable, we strongly recommend a speed survey is carried out and the 85thile speed results submitted for review.
- 5.15. Upon receipt of further information, we will be better placed to make a final recommendation.

Solway Coast – AONB Unit

- 5.16. No reply to date.
- 5.17. The application has been advertised as a departure from the local plan by site notice, press notice and neighbour letter. Three letters of support have been received.
- 5.18. A letter of objection has been received on the grounds that the site lies outside of Silloth settlement limits, the development of this site risks creeping urbanisation of what is still a small rural settlement at West Causewayhead. It would set a precedent.

6. Environmental Impact Assessment

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

7. Duties

- 7.1. Does the site affect the setting of a listed building?
No
- 7.2. Is the site within a designated conservation area?
No
- 7.3. Is the development likely to have a significant effect upon a Natura 2000 designation?
No

8. Development Plan Policies

8.1. 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 S6e Area Based Silloth
Policy S22 Transport Principles
Policy S28 Hadrian's Wall World Heritage Site
Policy S29 Flood Risk and Surface Water Drainage
Policy S30 Reuse of Land
Policy S32 Safeguarding Amenity
Policy S33 Landscape
Policy S35 Protecting and Enhancing Biodiversity and Geodiversity
Policy DM14 Standards of Good Design
Policy DM17 Trees, Hedgerows and Woodland

8.2. Allerdale Local Plan (Part 2)

Policy SA2 Settlement Boundaries
Policy SA4 Custom and Self-Build Housing
Policy S33 Broadband

9. Other material considerations

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

9.2. Allerdale Council Strategy 2020-2030

10. Policy weighting

- 10.1. 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. Assessment:

Principle of development

- 11.1. Policy S3 of the Allerdale Local Plan (Part 1) sets out the settlement hierarchy for Allerdale. It defines the settlement hierarchy, which sets out the role of settlements, including the form of scale of development that would be expected within the towns and villages and what is acceptable in the open countryside. Policy SA2 of Part 2 of the Local Plan adopted July 2020 details the settlement boundaries.

- 11.2. The development seeks outline consent for the erection of 2 open market dwellings. The proposal site lies outside of any settlement limit and therefore would be considered as development in the open countryside.
- 11.3. Paragraph 80 of the National Planning Policy Framework February 2021 is applicable to the proposal. Within this, it is indicated that planning decisions should avoid the development of isolated homes in the countryside.
- 11.4. Figure 5 of Policy S3 is in line with paragraph 80 of the NPPF and details proposal outside of defined settlements will be limited to:
 - a. Housing essential for rural workers in the operation of a rural based enterprise;
 - b. Housing following the rural exceptions policy;
 - c. An appropriate diversification of an existing agricultural or land based activity;
 - d. The optimal viable use of a heritage asset or appropriate enabling development to secure the future of heritage assets;
 - e. A recreation or tourism proposal requiring a countryside location;
 - f. Facilities essential to social and community needs;
 - g. The replacement of an existing dwelling;
 - h. A suitably scaled extension to an existing building;
 - i. The conversion or reuse of a suitable existing building;
 - j. Other development requiring countryside location for technical or operational reasons.
- 11.5. The applicants supporting statement details that it is intended that one of the dwellings would provide his daughter with a place to live in close proximity to the business he owns to the north east of the application site. They advise that there are currently very few houses on the market within the Silloth area combined with a period of rapid price rises which means it is impossible for his daughter to access the housing market. This application would enable a self-build unit on land owned by the family. They argue that there is a shortage of self-build plots and the need for the applicant's daughter to build a house as a way into the housing market is a material consideration which would enable relaxation of planning policy in locational terms.
- 11.6. A local search of houses for sale in Silloth does highlight 2 and 3 bed units available ranging from £95,000 - £180,000.
- 11.7. Policy SA4 of the Local Plan Part 2 is relevant to custom and self-build units. The policy supports self-build proposal where the development complies with policy S3 and other relevant policies, is well related and commensurate to the size of the settlement and the plot(s) can be adequately serviced in terms of highway access, drainage and other utilities.
- 11.8. The applicant has not demonstrated any locational need for his daughter to live at the site or any need in relation to the additional plot, therefore in officers opinion fails to comply with any of the above criteria and is contrary to Policy S3 of Part 1 of the Local Plan.

- 11.9. In sustainable terms the site could not be considered to be in a sustainable location. It is 0.6km from the settlement of Silloth which offers shops etc and 0.63km from the village of Blitterlees. There are no footpaths along the highway network into Silloth from the site and therefore it would be highly car-dependant. Such substantial reliance on car borne journeys is not sustainable.
- 11.10. Whilst the site may not be entirely isolated as the applicant details 2 dwellings are sited on the opposite side of the highway it cannot be argued that it is sustainable or well related to the adopted settlements. It is significantly detached from the town of Silloth and Blitterlees village. The proposal would introduce new development on a rural greenfield site that is currently undeveloped and outside any defined settlement limit. The proposal therefore also fails to comply with policy SA4 of Part 2 of the Local Plan.
- 11.11. Officer consider the proposal would result in non-essential development in an unsustainable open countryside location contrary to Policies S1, S2 and S3 (ALPP1) and Policies SA2 and SA4 (ALPP2).

Highways

- 11.12. The applicant has requested that all matters be reserved. However, on the officer's assessment of the site it was noted that there are a number of trees along the road frontage. The size, number and location of these trees within the highway boundary could significantly hinder visibility when leaving the site. The applicant was therefore requested that access needs to be considered as part of the current application. A plan showing the location of the access to the site including visibility lines and a tree survey was requested. No further information has been received.
- 11.13. Policy S4 and DM14 of Part 1 of the Plan and SA2 of Part of the Local Plan requires new development to function well by ensuring suitable standards of vehicular access are achieved. Policy S22 details new development should be located in areas to reduce journey times and have safe and convenient access to public transport and key and service centres.
- 11.14. Paragraph 110 of the National Planning Policy Framework requires "safe and suitable access to the site can be achieved for all users".
- 11.15. The application site joins the U2029 with a national speed limit of 60mph. Therefore the required visibility is 215m in each direction set back 2.4m from the carriageway edge and at a height not exceeding 1.05m above the carriageway. The splays cannot be obstructed by trees/walls/fences.
- 11.16. The indicative site plan shows 200m to the southwest where the highway meets the junction with the B5301, but only 120m is shown to the northeast. No speed survey has been provided to demonstrate a lower distance is acceptable on this occasion. The applicant has therefore been able to demonstrate that the length of visibility splays required can be achieved. Furthermore there are a number of trees within the roadside boundary in both directions which are above 1.05m in

height and could significantly impact on the visibility when exiting the site resulting in a potential highway hazard.

- 11.17. Highway and Planning Officers consider that insufficient information has been submitted with the application to demonstrate that a safe and adequate access can be provided to serve the development and therefore it has not been demonstrated that the proposal complies with policies S4 and DM14 of the Local Plan Part 1.

Trees

- 11.18. The planning statement states “the trees which are situated to the periphery of the site will be retained as far as possible and a new planting feature will be created to the boundary to the wider field system which will increase biodiversity on the site”.
- 11.19. Whilst the submitted indicative layout plan includes trees along the highway frontage to the southwest no existing trees to the northeast of the site are shown. There are a number of mature trees along the highway that offer significant visual amenity to the area. Officers would not wish to see these impacted or removed to accommodate the proposal. The visibility splays as shown on the indicative plan to the southwest show that a number of these trees do fall within the splays. Although not shown on the plans officers consider this would be the same for the trees when looking to the right when leaving the site.
- 11.20. The value of these trees have been assessed by the Councils Tree Officer and a group Tree Preservation Order has been served on the owner for the trees that fall within his ownership. The trees include Sycamore, Ash Hawthorn & Alder.
- 11.21. Policy DM17 requires existing trees that are considered important to the character of the area to be protected. In the absence of an arboricultural assessment the applicant has failed to demonstrate the trees will not be harmed by the development.

Flood Risk and Drainage

- 11.22. The revised red line on the current application has been drawn tighter than that under OUT/2021/0025, to site all of the development within Flood Zone 1 and in technical terms negate the need for a Flood Risk Assessment (FRA). The adjacent land lie within Flood Zone 3.
- 11.23. The Environment Agency have detailed that in this confined location where the surrounding land is at high risk of flooding, a FRA would inform how the site could be developed safely. The Flood Map for Planning cannot be taken as 100% accurate at this detailed scale and without a FRA the applicant will not be able to understand the local flood risk.
- 11.24. The applicant was requested to submit a Flood Risk Assessment but none has been received.

- 11.25. Paragraph 159 of the National Planning Policy details “inappropriate development on areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”
- 11.26. Paragraph 162 of the NPPF advises that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. Given that the red line has been drawn so the development falls within Flood Zone 1 the lowest risk of flooding the sequential test and exception test are not required.
- 11.27. Paragraph 167 of the NPPF details LPA’s should when determining any planning application, ensure that flood risk is not increased elsewhere, and where appropriate should be supported by a site specific FRA and take account of climate change. This is in line with the requirements of Policy S29 of the Local Plan.
- 11.28. In the absence of a Flood Risk Assessment and the fact that the application site represents a small island surrounded by Flood Zone 3 officers consider that the applicant has not been able to adequately demonstrate that the proposal site can be safely development and that it will not increase flood risk elsewhere. Mitigation measures may be necessary to protect the dwellings from flood risk for the future and these should be considered as part of a FRA.
- 11.29. The submitted information details that surface water will be discharged to the watercourse that runs to the south of the site. Foul will be via a new shared treatment plant.
- 11.30. United utilities advice that surface water drainage should be investigated and delivered in line with the national hierarchy which firstly requires surface water to be disposed by infiltration to the ground before a connection to a surface water body would be accepted. The application has not submitted any investigation of ground conditions to demonstrate that ground infiltration cannot be achieved on the site. A full FRA would also include an investigation into drainage for the site, taking into account climate change and any impact the development would have on flood risk off site.

Amenity

- 11.31. The application site sits detached from any immediate development. On the opposite side of the highway lie two sporadic dwellings. Officers consider that an appropriate design of dwellings and boundary treatments could be achieved that reflect the rural nature of the site whilst protecting the amenity of the existing dwellings.

Contamination

11.32. The Environmental Health Department recommend conditions be attached to any planning approval to assess the potential for any land contamination.

Local Financial Considerations

11.33. Having regard to S70 (2) of the Town and Country Planning Act the proposal will have financial implications arising from New Homes Bonus and Council Tax Revenue.

12. Conclusions

12.1. The applicant site lies outside any adopted settlement boundary, detached from the town of Silloth and Blitterless village constituting a greenfield site lying in an unsustainable location with an open countryside location. The applicant has failed to demonstrate any locational need for the two dwellings within this location. It is considered residential units at this site would form non-essential development in the open countryside contrary to Policies S2 and S3 of the Allerdale Local Plan (Part 1) and Policies SA2 and SA4 of the Allerdale Local Plan (Part 2).

12.2. The applicant has failed to demonstrate that an acceptable and safe vehicular access can be achieved for the site whilst protecting and retaining the existing established trees along the highway frontage. Furthermore in the absence of a Flood Risk Assessment and Drainage Assessment the applicant has failed to demonstrate a safe form of development can be achieved in line with Policy S29 and the NPPF that will not increase Flood Risk elsewhere and to ensure the dwelling is protected from flooding for its lifetime.

13. RECOMMENDATION

REFUSE

1. Annex 1

REASONS FOR REFUSAL

- 1. The proposed development constitutes non-essential residential development within the open countryside. The proposal is detached from the built settlement of Silloth located in an unsustainable location due to the lack of any pedestrian link to Silloth, and as a result there would be a high reliance on car-borne journeys to access services and facilities. The proposal is considered to be contrary to Policies S1, S2 and S3 of the Allerdale Local Plan (Part 1), Adopted July 2014 and Policies SA2 and SA4 of the Allerdale Local Plan (Part 2), Adopted July 2020.**
- 2. Insufficient information has been submitted to demonstrate that a safe and adequate vehicular access can be achieved to the site whilst protecting the existing Trees within the frontage boundary of the site with the highway. The proposal has therefore not been able to demonstrate compliance with Paragraph 110 of the National Planning Policy Framework and Policies S4, DM14 and DM17 of the Allerdale Local Plan (Part 1), Adopted July 2014.**
- 3. In the absence of a Flood Risk Assessment and Drainage Assessment the applicant has failed to demonstrate that the proposal site can be safely developed ensuring that the dwellings will be safe for their lifetime without increasing flood risk elsewhere. The proposal has therefore failed to demonstrate compliance with paragraphs 159 and 167 of the National Planning Policy Framework and Policy S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.**

