

**Allerdale Borough Council**

**Planning Application  
Development Panel Report**

**Reference Number:** FUL/2022/0118

**Valid Date:** 26/05/2022

**Location:** Land adjoining Barncroft, 16 High Seaton, Seaton,  
Workington, CA14 1PB

**Applicant:** Deo Properties Ltd

**Proposal:** Proposed Detached Dwelling

**RECOMMENDATION**

**GRANT planning permission subject to planning conditions**

**1. Summary**

<b><u>Issue</u></b>	<b><u>Conclusion</u></b>
Principle of Development	<p>The site falls within the settlement limits of the adopted Part 2 of the Local Plan.</p> <p>Seaton is included as part of the Principal centre (Workington) in policy S3 of the Allerdale Local Plan Part 1. This Centre is expected to absorb 35% of the total housing growth provision across the Plan period.</p> <p>The site is in a sustainable location and well related to the existing built form of Seaton.</p>
Highways	<p>This is a modest proposal of one dwelling. The Highway Authority have confirmed that there are no objections to the proposed access arrangements.</p>

Drainage	There are no known critical drainage problems or surface water flooding records for the site. The Lead Local Flood Authority raise no objections in relation to the drainage proposals which have been approved under previous applications.
Ecology	There are no records of any protected species on the site which forms part of a larger building plot and there is therefore no impact on ecology.

## 2. **Introduction**

2.1 The application is brought before Development Panel due to its history.

## 3. **Proposal**

3.1 The proposal seeks planning approval for one 1.5 storey detached house sitting within the existing row of dwellings along High Seaton. The frontage of the house faces into the site which is under construction. The main gables element is along to place the ridge in parallel to High Seaton. Dormer windows are placed to face into the site with roof lights on the elevation towards High Seaton. The ridge height is 7m and the eaves 3.4m.

3.2 The site will be accessed by both vehicles and pedestrians with the dwellings currently under construction which were granted under application reference FUL/2021/0026.

3.3 The Plans for consideration are:-

- 01002 Rev 01 - Location Plan
- 04011 Rev 03 - Site Block Layout
- 04002 Rev 02 - Proposed Floor Plans
- 05001 Rev 04 - Proposed Elevations
- 04030 Rev 01 - Details of proposed boundary treatment between 16 and 17 High Seaton
- Design and Access Statement

## 4. **Site Description**

4.1 The development site is to the side of Barncroft (also known as 16 High Seaton), a two storey dwelling which was historically constructed as a barn and whilst it retains some historical character is largely viewed as a dwelling now. The site has been cleared in advance of possible development. The current boundary

between 16 and 17 High Seaton is part block wall (erected following the removal of planting) and part hedgerow.

- 4.2 The immediate character of the area is residential in nature. There is a wide range of building types. The site is within 400m of Seaton Infants' School, a Post Office/ Shop and the cycle/footway to Workington.

## **5. Relevant Site History**

- 5.1 The following applications are considered to be of relevance to decision taking:
1. 2/2004/1296 Erection of detached house and garage, as amended by letter and plans received on 24 November 2004 - approved
  2. 2/2015/0337 - Outline application for the erection of a single storey dwelling - Resubmission outline refused, appeal allowed
  3. FUL/2020/0043 - Proposed erection of one detached house (Type A) and two dormer bungalows (Types B and C) on land adjoining no 16 High Seaton - Refused at Development Panel - unacceptable impact on residential amenity of no 17 High Seaton. Appeal dismissed as no information on boundary treatment to 17 High Seaton
  4. FUL/2020/0026 - Proposed erection of 2no 3 bed dormer dwellings (Type B & C) resubmission of FUL/2020/0043 - Approved and under construction
  5. FUL/2022/0009 - Detached dwelling with garage - withdrawn
- 5.2 Permission has also been granted for a detached garage within the grounds of 16 High Seaton and for extension and alteration to the existing house which have been carried out.

## **6. Representations**

### **Seaton Parish Council**

- 6.1 Concerns with overdevelopment of the site, vehicle ingress and egress and the overbearing impact on the neighbouring property.

### **United Utilities**

- 6.2 Recommend that the drainage hierarchy in relation to surface water be followed.

### **Highways Authority and Lead Local Flood Authority**

- 6.3 Cumbria County Council have commented on the proposal that as the details are the same as the previous application in relation to both access and drainage there is no objection to the proposal.

## **Environmental Health**

- 6.4 Previously commented on former applications stating no objections but in accounting for its immediate environment and local representations seek conditions regarding noise mitigation, protection from noise levels on Seaton Rd (specified levels), construction hours of operation and noise monitoring and contamination.
- 6.5 The application was advertised on site and via neighbour notification letters. A letter of objection has been received which raises the following issues:
- Design and orientation is out of keeping with the rest of the neighbourhood;
  - Overdevelopment and the plot density would be significantly out of keeping with the High Seaton area;
  - Loss of residential amenity in terms of overlooking and loss of privacy;
  - Loss of residential amenity in terms of loss of sunlight ;
  - Impact on highway safety around the Fernleigh junction and the main road;
  - Impact on the environment in relation to loss of habitat;
  - Concerns over increased flooding due to the development reducing the soak away capacity of the site, the capacity of the culvert and the structural integrity of other dwellings;
  - Concerns over impact on social infrastructure such as schools and shops.

## **7. Environmental Impact Assessment**

- 7.1 With reference to the Town and Country Planning (Environmental Impact Assessment Regulations 2017, the development falls within neither Schedule 1 nor Schedule 2. As such it is not EIA development.

## **8. Duties**

- 8.1 Does the site affect the setting of a listed building?

No

- 8.2 Is the site within a designated conservation area?

No

- 8.3 Is the Development likely to have a significant effect upon a Natura 2000 designation?

No

## **9. Development Plan Policies**

### **Allerdale Local Plan (Part 1)**

Policy S1 Presumption in favour of sustainable development

Policy S2 Sustainable development principles  
Policy S3 Spatial Strategy and Growth  
Policy S4 Design principles  
Policy S5 Development Principles  
Policy S7 A mixed and balanced housing market  
Policy S22 Transport principles  
Policy S29 Flood Risk and Surface Water Drainage  
Policy S32 Safeguarding amenity  
Policy S33 Landscape  
Policy DM14 Standards of Good Design

### **Allerdale Local Plan (Part 2)**

Policy SA2 Settlement limits  
Policy SA33 Broadband

## **10. Other material considerations**

### **National Planning Policy Framework (NPPF) (2019)**

### **Allerdale Borough Council Plan 2020-2030**

### **Environmental Bill 2021**

## **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**

- 12.1 Policy S1, S2 and S3 of the Allerdale Local Plan Part 1 outline the presumption in favour of sustainable development, requiring new development to adhere to sustainable principles and comply with the Borough's approved settlement hierarchy. The main role and function of different areas is set through this strategy.
- 12.2 Seaton forms part of the Workington Principal Centre for the purposes of the Local plan and the delivery of housing and other development. As such the majority of housing development is expected to be delivered in this area.

- 12.3 The site falls within the settlement boundary and is within 400m of the Infants' School, shops and a short distance to the foot/ cycleway to Workington. Bus stops are also within acceptable walking distances. The location is therefore considered to be sustainable when considering residential development.
- 12.4 The level of growth at one unit is minimal in relation to the overall size of Seaton. An objection has been received in relation to the potential impact on social infrastructure such as schools etc. It is considered the addition of one property would not cause demonstrable harm. No consultees have noted in this or any previous application that there would be an impact on service and infrastructure capacity. The development is considered to be commensurate with the scale of the settlement.
- 12.5 The development is considered acceptable in principle.

### **Residential amenity**

- 12.6 Policy S32 of the Local Plan Part 1 seeks to ensure new developments do not have an unacceptable impact on the residential amenity of existing properties.
- 12.7 The site has a long history and has been refused and dismissed at appeal (ref APP/G0908/W/21/3270521). The main point of contention being the impacts of the development on 17 High Seaton the adjacent property.
- 12.8 In terms of the impacts on 17 High Seaton, the ground levels of the proposed development site are significantly lower than those of the neighbouring property; sitting at approximately 1.5m below. A hedgerow has been removed in part and a block wall erected alongside the built form of No 17. The dwelling type is the same as previously considered under reference FUL/2021/0049. A following application FUL/2022/0009 was withdrawn following concerns over the 'workability' of the boundary treatment detail between No17 and the development site.
- 12.9 As a recap, the application was submitted under reference FUL/2020/0043 as a two storey dwelling with a gable feature facing High Seaton. This application was refused at Planning Panel and a subsequent appeal dismissed. The Planning Inspector noted that they were satisfied that the relationship between the two properties would be acceptable with regards to the privacy of opposing windows. The change in floor levels was noted and the Inspector found that due to No17 being at a higher level and having its main outlook from windows to the rear, there would not be an undue sense of enclosure and the outlook of the occupants of the property would not be adversely affected. In relation to impacts on loss of light or overshadowing, the Inspector concluded that the setback from the boundary and the presence of windows on the front elevation of No 17 result in no significant harm being caused to the living conditions of occupants on No17 in this regard.
- 12.10 The issue which could not be resolved related to the treatment of the boundary between the proposed development and No17. The application details in this regard lacked a clear section detail and how a fence could be provided. Given the uncertainty over those details, the impacts on No17 were considered to

potentially cause harm and therefore the application was concluded to be unacceptable.

- 12.11 An amended application was also made whilst the appeal was running, the application in relation to the dwelling was the same as the current application. The proposed dwelling is a 1.5 story house with an off shoot feature extending towards High Seaton. In particular consideration has been given to the boundary treatment between the plot and No17 in order to form a permanent boundary which will protect the amenity of No17 in particular. The proposal in the previous application was to plant the space in-between the two walls forming the retaining feature. It was considered that this could not be controlled appropriately by the Local Planning Authority and that it would not robustly control the potential conflict between the two uses.
- 12.12 Further to the withdrawn application, a new boundary treatment is proposed which is to attach a 1m high obscure glazed panel to the top of the wall. The planter box would remain in place to the rear which is within the control of No17 and would be unaffected by the proposal. The details show the current block wall at 1.7m when taken from the ground level of the proposed site. It is approximately 1m when taken from the path level of No 17, an additional 1m of glazing to the top of the wall. The glazing is a long term solution which can be fully controlled through an appropriate planning condition. The obscure glazing is considered to be an appropriate mechanism to ensure that the amenity of No17 specifically in relation to the potential for overlooking which was identified by the Planning Inspector as the point at which harm was caused. In addition to this, the dwelling refused on appeal had patio doors facing onto No17 which the Inspector noted would be likely to concentrate outdoor activities, there is now only 1 window in the elevation. This window is obscure glazed.
- 12.13 It is the opinion of Officers that the proposal details which have been received are sufficient to meet the concerns of the Inspector at the previous appeal, the glazing feature is permanent, unaffected by weather conditions and above to be fully controlled by planning condition. In addition, the removal of the patio door from the details which were the basis of the appeal further reduce the impact on residential amenity as it removes a feature for outdoor activity concentration.
- 12.14 There are to be roof lights in the North East roof space but given the height of the roof lights in relation to floor levels, it is not considered that these would have an unacceptable impact upon the amenity of neighbouring property (specifically No17) in terms of overlooking.
- 12.15 With the inclusion of planning conditions regarding the installation of the glazed feature, the removal of permitted development rights for any further openings within the north east elevation (adjacent no17) and agreement of the finished floor levels, it is considered that no demonstrable harm would be caused and the proposal is in accordance with Policy S32 of the Allerdale Local Plan Part 1.

### **Landscape and character**

- 12.16 Policies S33 and S4 of the Local Plan Part 1 are particularly relevant. The low density of development and mature landscaping is particularly noticeable on the

southeast side of High Seaton. The frontage hedges and trees are typical of a much more rural village than Seaton. Despite the proximity to the village centre and the more suburban character that prevails in the wider locality. Barncroft is typical of this character, although its appearance has been diluted by development in its curtilage and the addition and alteration to the original structural.

- 12.17 The proposed dwelling will sit within this frontage, the acceptability of this element, in a landscape impact sense, is secured by the positioning between two existing dwellings and the setting back significantly from the road. It is considered that the existing natural landscaping, which is to be retained, will ensure landscape harm is low.

### **Housing mix and design**

- 12.18 Policies S4, S5 and S7 of the Local Plan Part 1 are considered of relevance in consideration of mix and design.
- 12.19 The existing architectural character of the area is mixed. Dwellings range from C18th (potentially before to modern dwellings. There are a range of two storey and single storey homes with a range of detached and semi detached units. There is a range of materials with stone, reconstituted stone, render and brick and no overall window type. Plot ratio are mixed with no overall type. The settlement is very much a community which is balanced and mixed evident in its housing stock.
- 12.20 The proposed is considered to respect the overall character and appearance of the settlement in this locality. The proposal is considered to accord with Policies S4, S5 and S7 of the ALLP1.

### **Highway safety**

- 12.21 Policies S2 and S22 of the Allerdale Local Plan Part 1 are relevant. The site is in a sustainable location. Concerns have been raised by neighbours over highway safety and the impact of further vehicles on the road.
- 12.22 The access will be taken from Fernleigh Drive and is already formed for the access to the dwellings which are under construction. The application has been subject to consultation with the Highway Authority who have confirmed that as with the previous application, there are no objections to the formation of the access. Visibility splays have already been provided and there are no indications that highway safety would be compromised. The NPPF notes that 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe'.
- 12.23 The proposal will not have significant impact on highway safety or the road network and therefore is in accordance with Policy S22 of the Allerdale Local Plan Part 1.

## **Flood risk and drainage**

- 12.24 The site is within flood zone 1, the preferred location for the delivery of new housing. There are no known critical drainage problems or surface water flooding records for the site.
- 12.25 There are no objections from the Lead Local Flood Authority who note that the proposals are in line with those previously put forward for the site. It is understood that there is a culverted watercourse which runs across the site which drains into the public sewer. These will continue to do so following the completion of the development.
- 12.26 A condition is appended to those proposed to ensure the implementation of the surface water drainage system based on the previous conditions put forward by the Lead Local Flood Authority.

## **13. Local Financial Considerations**

- 13.1. Having regard to S70 (2) of the Town and Country Planning Act. There are matters regarding the New Homes Bonus Scheme and Council Tax Revenue for the Council. This has carried no weight in the determination.

## **14. Balance and conclusions**

- 14.1 The proposal has been considered against the provisions of the development plan. The appeal history has also been taken into account and it is considered that the proposal now meets the requirements to protect residential amenity with the removal of the patio doors and the installation of a permanent feature to protect the privacy of No17. The site inside of the Part 2 settlement limits in a sustainable location. The residential uses compatible with the prevailing residential uses and considered to be appropriate in terms of design and massing. With the addition of conditions relating to permitted development rights and the installation and maintenance of the obscure glazed boundary treatment it is considered there will be no unacceptable harm to residential amenity.

## **15. RECOMMENDATION**

**GRANT planning permission subject to planning 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. The development hereby permitted shall be carried out solely in accordance with the following plans:**
  - i. 01002 Rev 01 - Location Plan**
  - ii. 04011 Rev 03 - Site Block Layout**
  - iii. 04002 Rev 02 - Proposed Floor Plans**
  - iv. 05001 Rev 04 - Proposed Elevations**
  - v. 04030 Rev 01 - Details of proposed boundary treatment between 16 and 17 High Seaton**
  - vi. Design and Access Statement**

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

**Pre-commencement conditions:**

- 3. No development pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-**
  - (a) a desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011; and**
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice; and**
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring. If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Contamination Land Guidance at: <https://www.gov.uk/contaminated-land>, Last accessed October 2019.**

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 to accord with policy S36 of the Allerdale Local Plan (Part 1), Adopted July 2014.

4. **No development shall commence until details of the finished ground floor level of the dwelling expressed as a height Above Ordnance Datum (AOD) have been submitted to and approved in writing by the local Planning authority. The finished floor level shall be implemented and retained as approved.**

Reason: In the interests of residential amenity of No. 17, High Seaton, in accordance with Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014

5. **Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public surface water sewer should be restricted to existing greenfield runoff for any storm event.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

**Post-commencement/Pre use commencing conditions:**

6. **The dwelling hereby permitted shall not be first occupied until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c), unless otherwise agreed in writing by 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 and to accord with policy S36 of the Allerdale Local Plan (Part 1), Adopted July 2014.

7. **The dwelling hereby approved shall be first occupied until the vehicular access have been completed in accordance with plans: • 04011 Rev 03 \_ Site Layout The said access shall thereafter be retained for the lifetime of the development.**

Reason: In the interests of highways safety and to ensure no increase in flood risk on site and to adjoining properties and to accord with policy S22 and the drainage hierarchy in policy S29 of the Allerdale Local Plan (Part 1) Adopted July 2014.

8. **The dwelling hereby permitted shall not be first occupied until the boundary details on the approved plan 04030 Rev 01 - Details of proposed boundary treatment, between 16 and 17 High Seaton have been fully implemented in accordance with the approved details. The boundary treatment shall thereafter be retained and maintained for the lifetime of the development.**

Reason: In the interests of residential amenity, in accordance with Policy S32 of the Allerdale Local Plan, Part 1, Adopted July 2014

9. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B, C and E of Part 1 of Schedule 2 of the said Order shall be carried out to dwellings B and C without the prior written permission of the Local Planning Authority upon an application submitted to it.**

Reason: The Local Planning Authority wishes to retain control over and proposed alterations/extensions in the interests of the appearance of the site and safeguard the amenities of adjacent properties to accord with policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

10. **Prior to the first occupation of the dwelling, details shall be submitted to and approved in writing by the local planning authority of either:-**
- a) **Evidence that the applicant will provide onsite access to broadband infrastructure providers during the construction process to allow the providers to install the necessary broadband infrastructure; or**
  - b) **Evidence, following contact with broadband infrastructure providers, that it is not practicably or viably possible to install broadband infrastructure to achieve superfast (as defined by Government standards) fibre broadband connectivity.**

Reason: To seek to secure sustainable superfast (as defined by Government standards) fibre broadband connectivity in accordance with policy SA33

### **Advisory Note**

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. Enquiries should be made to Cumbria County Councils Street works team.

