PARISH: Kirkby in Furness
Land Opposite Sun Inn Cottage, Lady Moyra Incline, Beckside

PROPOSAL: Erection of Three Dwellings with Vehicular and Pedestrian Access

APPLICANT: Holker Estate Trust

Grid Ref: E: 323482    N: 482284
SUMMARY
1. A full application for the erection of 3 dwellings on land within the village development boundary on land at Beckside, Kirkby in Furness.
2. The principle issues comprise, access, the impact upon the street scene and character of this part of Beckside, highway access and parking, surface water drainage and the provision of affordable housing.

RECOMMENDATION
The application is brought for consideration by Members of the Planning Committee as the proposals comprise a departure from the provisions of the Development Plan in terms of affordable housing provision and the application is recommended for approval subject to conditions related to matter outlined at the end of this report.

DESCRIPTION AND PROPOSAL
Site description
3. The application site consists of an open agricultural grazing field opposite to the former Sun Inn at the upper part of Beckside.
4. The site is bounded at its high point to the east by Beckside Village Hall which then falls away down to the west towards the gable of a street frontage row of terraced houses. To the north the site looks over other open grazing land and to the south by the road through Beckside, Lady Moyra Incline. To the street frontage the site is elevated and retained by a slate built field wall.
5. The site is located in Environment Agency Flood Zone 1, although there is anecdotal evidence of surface water flooding issues.

Proposal
6. The application seeks full planning permission for the erection of three detached houses with detached garages.
7. A new point of access for a shared driveway is located midway along the frontage wall. To either side of the opening are flanking walls to provide the required visibility splays.

HISTORICAL CONTEXT
8. There is no relevant planning history

CONSULTATIONS
Parish Council:
9. Object on the basis that there have been repeated instances of flooding and difficulties of access. Local opposition is very strong. Recommend that the LPA visit the site.

Cumbria County Council:
Highways
10. Initially objected to scheme as submitted, after further detail changes to the visibility splays, gradient, parking arrangements and garage sizing – Objection resolved.
Lead Local Flood Authority

11. Initially objected to scheme as submitted, but following design changes in consultation with the applicant’s drainage engineers the County Council as LLFA are satisfied that the drainage scheme is acceptable.

Historic Environment

12. Records suggest that site is located where there may be archaeological remains of interest. Recommends the imposition of a condition for an archaeological survey and any necessary excavation works.

United Utilities:

13. The scheme should be drained with foul water to the public sewer and that surface water is dealt with by means of a sustainable system.

South Lakeland District Council:

Principal Housing Strategy Officer

14. The interim position on affordable housing should still be applied; no less than 35% of the total number of units proposed should be affordable. In this instance this should be one unit on site or an equivalent commuted sum.

Neighbours / Others:

15. 28 letters of representation have been received in response to the site notice and notification letters, comments are made in response to both the original submission and subsequent amendments; all objecting

16. Issues raised

- Lane is narrow and additional traffic will create problems
- Emergency vehicles will be obstructed by parking on road
- Pavements are limited, the elderly and children are at risk
- New entrance will cause difficulties
- The nearby village hall creates traffic and parking issues
- On street parking is very limited
- Insufficient onsite parking
- Construction vehicles will be a hazard
- Flooding occurs in field and existing road drains cannot cope with run off
- Proposed surface water drainage proposals are inadequate, calculations are incorrect
- Run-off into adjacent properties from the site and fields beyond
- Design of houses are too modern and not in keeping with other development in the locality
- Materials used are not in keeping
- 4 bed houses are not needed
• Inappropriate in terms of street scene
• Noise and light will create impacts on amenity
• Loss of outlook for properties opposite
• Loss of privacy
• Will be slow to sell as other 4 bed properties in the village are not selling
• No affordable provision, two other allocated sites can be developed with full affordable provision
• What are the impacts on tenant farmer?

POLICY ISSUES
17. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan:
South Lakeland Core Strategy (CS):
18. Policy CS1.1 Sustainable Development Principles
19. Policy CS1.2 The Development Strategy
20. Policy CS3.1 Ulverston and Furness area
21. Policy CS6.1 Meeting the Housing Requirement
22. Policy CS6.2 Dwelling Mix and Type
23. Policy CS6.3 Provision of Affordable Housing
24. Policy CS6.6 Making Effective and Efficient Use of Land and Buildings
25. Policy CS8.1 Green Infrastructure
26. Policy CS8.2 Protection and Enhancement of Landscape and Settlement Character
27. Policy CS8.3a Accessing Open Space, Sport and Recreation
28. Policy CS8.3b Quantity of Open Space, Sport and Recreation
29. Policy CS8.4 Biodiversity and Geodiversity
30. Policy CS8.6 Historic Environment
32. Policy CS8.8 Development and Flood Risk
33. Policy CS8.10 Design
34. Policy CS9.1 Social and Community Infrastructure
35. Policy CS9.2 Developer Contributions
36. Policy CS10.1 Accessing Services
37. Policy CS10.2 Transport Impact of New Development
Other Material Planning Considerations:

South Lakeland Local Plan – Development Management Policies (DMDPD):

38. Policy DM1 – General Requirements for all development
39. Policy DM2 – Achieving Sustainable High Quality Design
40. Policy DM6 – Flood Risk Management and Sustainable Drainage Systems
41. Policy DM9 – Parking Provision, new and loss of car parks
42. The DMDPD is in the process of preparation. Objections to the draft policies exist; therefore, limited weight only can be given to the policies in decision taking.

Local Plan Land Allocations: Development Plan Document (DPD)

43. Policy LA1.0 Presumption in Favour of Sustainable Development
44. Policy LA1.1 Development Boundaries
45. Policy LA1.3 Housing Allocations

Saved Policies of the South Lakeland Local Plan (LP):

46. Policy C15 Listed buildings and their settings
47. Policy S2 South Lakeland Design Code
48. Policy S3 Landscaping
49. Policy S10 Parking Provision in new Development
50. Policy S12 Crime and Design
51. Policy S26 Sewage Treatment and Disposal

National Planning Policy Framework (NPPF):

52. Paragraph 14 - Sets out a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the Development Plan without delay.
53. Core Planning Principles – with regard to design layout and protecting neighbour amenity

Council Plan 2014 – 2019:

54. The Council has four priorities: the economy; housing; environment; and culture and wellbeing. It states that the Council will help deliver new affordable and open market housing and enhance and protect the district’s high quality environment.
55. The Localism Act 2011 is aimed at empowering local agencies and people to deliver and better the Government agenda. It is not directed to deliver less, but to deliver at levels to maximise or exceed Government’s strategic objectives. The policies of the NPPF and the Development Plan are not altered by the Localism Act.
56. The Localism Act introduces local finance considerations as a planning consideration in so far as they are material to the application.
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ASSESSMENT

Principle

58. Policy CS1.2 of the Core Strategy supports new residential development within the Local Service Centre of Kirkby in Furness.

59. The Site is located within the defined settlement boundaries for Kirkby in Furness as identified within Policy LA1.1 of the LADPD and which confirms that the development needs of the settlement between 2010 and 2025 will be met within the settlement boundaries. Therefore the principle of residential proposed development on the Application Site is acceptable subject to site specific matters.

The key issues that apply to this application are:

Design and Layout

60. The proposed three house scheme follows a line of development slightly set back from the frontage wall and reflects the set back of the adjacent village hall. The sloping nature of the site both across the frontage and from front to rear places a number of constraints on how the site is laid out.

61. The houses are shown as cut into the slope at the rear of the site and whilst not true split level; the floors internally have differing heights. This approach has ‘grounded’ them into the street scene without requiring significant changes in levels. Although they all present a similar frontage elevation Plot 1 and plots 2&3 are slightly different in terms of window patterns and use of materials and are in effect variations on a theme. The houses are undoubtedly modern however it is considered that the size and scale, simple forms, low roof pitch and traditional detailing are compatible with other houses in the locality. The garages set back and to the rear are of a similar complimentary modern/traditional design.

62. Proposed materials include natural slate roofs, rough cast and stone facing to plots 2 & 3. The use of these materials are as found elsewhere in the locality. A condition will be applied to ensure that the materials and finishes are of a high quality.

63. The sloping nature of the site and the need to provide access and parking has imposed a constraint on how the site is laid out. The design as submitted has been subsequently modified to ease the spacing between the units and to provide a less potentially overbearing impact on the property Beckside Cottage to the west. The set back of the garages also helps in keeping the frontage more open.

Affordable Housing

64. Policy CS6.3 of the Core Strategy (CS) requires that on all schemes of three or more dwellings in the Local Service Centres (including Kirkby in Furness), not less than 35% of the total number of dwellings proposed are affordable.

65. In accordance with the requirements of Policy CS6.3 of the CS, a total of 1no. affordable dwelling would be required to be delivered as part of the proposed development.
66. The Written Ministerial Statement (WMS) of the 28th November 2014 is clear that in designated rural areas, no affordable housing or tariff-style contributions should be sought from residential developments of 5-units or less.

67. A separate general Agenda Item (Planning Obligations for Affordable Homes) was heard by Members on the 22nd February 2018 regarding the provisions of the WMS in decision taking and the weight that has to be attributed by the decision taker to the provisions of the WMS.

68. This development for 3 no dwellings, is in the view of the case officer given the constraints created by the use of detached house designs, the sloping nature of the site and the need for access and onsite parking, the upper limit for the development potential of the site.

69. In the above regard, giving significant weight to the provisions of the WMS it is considered that the requirement to provide 1 no. affordable dwelling required by Policies CS6.3 is not reasonably justifiable and is outweighed by this material planning consideration.

Access and Parking

70. The proposed single point of access is located approximately centrally between the village hall and Beckside Cottage within the existing field boundary /retaining wall. The proposed access will require excavation of the site to achieve gradients and levels compliant with the technical requirements of CCC. and to provide the required visibility splays.

71. Following a number of minor detail alterations to the plans as submitted, the access and visibility splay arrangement are now acceptable to CCC.

72. In terms of the proposed parking arrangements, it was clear from the outset that there was no other option than to seek full onsite parking provision on what is a narrow and constricted section of road. The point of access has raised concerns as to its adequacy to allow larger vehicles to access, however the splays provided allow access and egress without impinging on parked vehicles opposite. CCC. initially raised some concerns regarding the adequacy of the layout to provide the necessary level of parking.

73. The parking requirement is assessed as 2.5 spaces plus 1 visitor space per unit. The latest revised plan shows minor detail changes that show the garage footprint increased to 21m2 and this allows the scheme to provide a total of 9 spaces, which CCC. have confirmed is acceptable.

74. A separate pedestrian access is proposed towards the eastern end of the site, that will serve Unit No 3 and an existing side gate to the village hall.

75. The concerns raised in the representations regarding the narrow width and traffic along this stretch of road are noted, however the provision of a dedicated access will allow safe access and egress to the satisfaction of the Highway Authority. Notwithstanding the limited additional traffic generated by the development and provided that the parking provided is used, the new access will have no adverse impact on the functioning of the road.
Drainage and Flood Risk

76. The site is located within Environment Agency Flood Zone 1.

77. It is proposed to dispose of foul water to the public sewer and surface water via a SuDs scheme.

78. There has been considerable comment made about the proposed surface water drainage arrangements and whether these take into account the potential for surface water run off across and along the site. Photographs have been submitted that show the field and the road during flood events. CCC, as the LLFA, were initially not satisfied with the proposed drainage strategy and this has now after some delay been resolved. The revised scheme now shows within the site a surface water storage tank, connecting to a hydro brake to give a controlled discharge to a surface water drain within the street. Surface water outwith the site will be dealt with by means of an engineered bund to control exceedance surface water flows from reaching the 3 houses and the adjoining property Beckside Cottage. The bund it is intended will direct the exceedance water flows towards the highway drainage system. CCC are satisfied with the surface water management scheme.

79. The proposed arrangement is in accordance with the national drainage hierarchy.

Other Planning Considerations

Residential Amenity

80. Neighbour comments have been made concerning the potential for overlooking. The distance between first floor windows of the new houses and the existing properties is in a range of 15 to 18 metres and across a public road. It is accepted that the finished floor levels will result in the houses being slightly elevated, however the set back of the houses from frontage means that the potential for overlooking is less than would be the case if the development was of a close frontage design as found in the locality.

81. In terms of outlook and overbearing, the setback from the frontage and the spacing between the houses means that for the properties opposite there will still be views across to the field behind the development, and that the layout does retain a degree of openness.

82. Notwithstanding the distance between facing windows, the site is constrained by the elevated ground levels relative to the carriageway level of the road. Any other form of development that involved reducing levels could result in significant engineering works with a consequential adverse impact on the street scene. The scheme as proposed is considered an acceptable form of development.

83. There will inevitably be a change in outlook for existing properties, but given the relative difference in levels between the site and the existing houses this would be similar for this scheme as for other house designs. Landscape planting will help to soften the changes.

84. With regard to the relationship between plot 1 and Beckside Cottage, the eaves level for plot 1 is approximately at the ridge height of Beckside Cottage, there is a separation of 7 metres between the facing gables. There is the potential for a loss of light to to the first floor windows of Beckside Cottage, however the front
elevation of plot 1 is in line with the rear elevation of Beckside Cottage, given this set back within the site the loss of light is considered to be minimal.

Protected species and ecology
85. The application is accompanied by a Habitat Survey Report, this identifies that the 0.1 ha site consists of improved grassland used for grazing. There was no evidence of badgers, bats, reptiles or amphibians and the site was generally to be of low ecological value. There is some limited habitat value provided by drystone walls.

Financial benefits to Local Authorities from the development
86. In accordance with the requirements introduced by Section 115 of the Housing and Planning Act 2016. The financial benefits of the proposed development are estimated below.

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<tr>
<th>Source</th>
<th>Benefit</th>
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<tr>
<td>Community Infrastructure Levy</td>
<td>Full liability</td>
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<td>Council Tax</td>
<td>TBC</td>
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<td>New Homes Bonus</td>
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87. It is considered limited weight should be attached to the financial benefits arising from the proposed development.
88. Council Tax is an ongoing annual income, new homes bonus for four years (currently).
89. Any financial considerations would add to the overall benefits in delivering the five year housing land supply and identified housing need on this allocated site.

RECOMMENDATION

It is recommended that Planning Permission be GRANTED subject to the planning conditions outlined within this report.

Condition (1) The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date hereof.
Reason To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition (2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Composite scale – Site Location & existing site plan – Dwg No 15014 P101 – Received 05/08/2016
1:100 scale – Proposed Site plan – Dwg No 15014 P102 Rev D – Received 04/04/2018
1:100 scale – Plans & elevations – Dwg No 15014 P103 Rev B –
Reason: For the avoidance of doubt and in the interests of proper planning.

Condition (3) Before any dwelling is first occupied visibility splays of 2.4m back from the edge of the highway by the full length of the site shall be provided at the site. The visibility splays shall be retained at all times thereafter with no structure or plants exceeding 1m in height within the splay.

Reason: In the interests of highway safety in accordance with Policy CS10.2 of the South Lakeland Core Strategy.

Condition (4) Prior to the first occupation of the development, the approved parking layout and turning space shall be constructed, and made available for use and shall be retained as such thereafter. The parking spaces shall be used solely for the benefit of the occupants and visitors of the development hereby approved and for no other purpose.

Reason: In the interests of highway safety in accordance with saved Policy S10 of the South Lakeland Local Plan.

Condition (5) a) No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) Development shall be carried out in accordance with the approved details of materials unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development is of a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy and saved Policy S2 of the South Lakeland Local Plan.

Condition (6) a) A sample panel of the materials to be used for the external surfaces of the development hereby approved shall be erected at the application site and no superstructure shall be erected until written approval for the materials has been given by the Local Planning Authority. The sample panel shall be of sufficient size to indicate the method of jointing and coursing to be used.

b) Development shall be carried out in accordance with the
approved details of materials unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development is of a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy and saved Policy S2 of the South Lakeland Local Plan.

Condition (7)  

a) The roofs where stipulated on the submitted plans, shall be covered with slates laid in diminishing courses being blue / grey in colour and of similar or the same texture to those mined within the County of Cumbria a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any of the superstructure is erected.

b) The roof shall be built in the approved slates.

Reason: To ensure the development is of a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy and saved Policy S2 of the South Lakeland Local Plan.

Condition (8) No development shall take place until the applicant or their agent(s) or successor(s) in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall include the following components:

a) an archaeological evaluation; and

b) archaeological recording programme, the scope of which shall be dependent upon the results of the evaluation.

Where the results of the programme of archaeological work recommend, there shall be carried out within two years of the completion of that programme on site, or within such timescale as otherwise agreed in writing with the Local Planning Authority:

i. an archaeological post-extraction assessment and analysis;

ii. preparation of a site archive ready for deposit at an appropriate store;

iii. compilation of an archive report; and

iv. the preparation and submission of a report of the results for publication in a suitable specialist journal.

Reason: These details are required to be approved before the commencement of development to ensure any remains on site are properly recorded in accordance with saved Policy C19 of
the South Lakeland Local Plan.

**Condition (9)**

a) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- proposed finished levels or contours;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; and an implementation programme.

The agreed scheme shall be carried out as approved to the agreed timetable. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

**Reason:**

These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and secure high quality landscaping in accordance with saved Policy S3 of the South Lakeland Local Plan.

**Condition (10)**

a) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, height, design, materials and type of boundary treatment(s) to be erected.

b) The boundary treatment(s) shall be completed as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.

**Reason:**

These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and secure high quality landscaping in accordance with saved Policy S3 of the South Lakeland Local Plan.
Condition (11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification),

- no garages shall be erected other than those expressly authorised by this permission.
- no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.
- no windows / dormer windows shall be constructed on the south elevations of plots 1, 2 & 3 and the west facing gable elevation of plot 1.

Reason: The restricted nature of the site means that the design and layout of the development has been carefully considered to ensure a satisfactory appearance of development in accordance with Policy CS8.10 of the South Lakeland Core Strategy and to protect residential amenity in accordance with National Planning Policy Framework Core Principles.

Condition (12) a) No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

    b) Before any dwelling is occupied / the building is first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to the Local Planning Authority.

    c) The system shall be implemented and thereafter managed and maintained in accordance with the approved sustainable drainage details / plan.

Reason: These details are required to be approved before the commencement of development to ensure surface water is managed in a sustainable way in accordance with Policy CS8.8 of the South Lakeland Core Strategy.
Application approved with amendment

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.