Application no: 7/2008/2165
Applicant: Mr A Fernandez
Date of Application: 3 June 2008
Type of Application: Full

Location: Lyzzick Hall Hotel, Underskiddaw, Keswick, CA12 4PY
Grid Reference: 324745 526275  See Plan

Proposal: Upper floor extension to provide additional bedrooms

District Council: Grant/approve
Parish Council: Grant/approve
Highway Authority: No objection

**RECOMMENDATION:** APPROVE with conditions

**REPORT:**

1 **BACKGROUND & PROPOSAL**

1.1 I am reporting this application to Committee because my recommendation to approve the application conflicts with a previous decision taken by the Committee in 1997 to refuse an application for a similar proposal.

1.2 This application for full planning permission proposes the extension of Lyzzick Hall, a large Victorian hotel off the A591 Trunk Road, several miles outside of Keswick and close to the village of Millbeck. The hotel has been incrementally enlarged, particularly in the mid and late 1990s when extensions to house an outdoor swimming pool were granted permission. The hotel now consists of an array of buildings set in extensive grounds.

1.3 In 1996 planning permission was refused for an extension to link the swimming pool on the east side of the site with the main part of the hotel. Consent was granted on appeal and that extension has now been completed. In 1997 a further application was made to enlarge this link extension with bedrooms at first floor level. That application was refused for the following reason:

“The scale and massing of the proposed extension would be visually harmful on this elevated site. As such it is contrary to Policies 11 and 25 of the Approved Cumbria and Lake District Joint Structure Plan and Policy T2 of the Lake District National Park Local Plan (Deposit version as amended) relating to the size of hotel extensions in the open countryside and villages.”
1.4 This application is identical in outward appearance to the refused scheme but proposes two larger bedrooms instead of the three smaller bedrooms proposed in 1997. The extension of 66m sq would sit above the existing single storey extension and would be stepped down slightly from the roof of the main hotel building. A pitched local slate roof is proposed with three dormer windows and stone facing to the walls.

1.5 The intention is to remodel some of the existing rooms to provide a larger and better standard of accommodation. There is therefore no net increase in the number of rooms, only of floor space and therefore no proposed increase in parking spaces etc. However, following discussions a new private waste water disposal system is proposed.

2 CONSULTATIONS AND REPRESENTATIONS

2.1 Underskiddaw Parish Council have given their full support to the proposal.

2.2 The Local Highway Authority have no objection to the proposal.

2.3 No other consultation responses or representations have been received at the time of writing this report.

3 POLICY AND ASSESSMENT

3.1 The following development plan policies provide the context for the assessment of this application:

North West of England Regional Spatial Strategy:
- DP7 (Promote Environmental Quality)
- RDF2 (Rural Areas)
- W6 (Tourism and the Visitor Economy)

Extended policies of the Cumbria and Lake District Joint Structure Plan:
- EM16 (Tourism)

Saved policies of the Lake District National Park Local Plan:
- NE1 (Development in the Open Countryside)
- T2 (Hotel Extensions in the Open Countryside)

3.2 The Regional Spatial Strategy provides an up to date strategic policy context for development proposals. Where tourist development would not conflict with the statutory purposes of the National Park it supports sustainable tourism activity which would strengthen and diversify the economic base within the National Park and improve the region’s tourist offer. This theme is shared by Structure Plan and Local Plan policy.

3.3 Local Plan Policy T2 gives favourable consideration to proposals to extend or alter hotels in this location subject to various criteria being satisfied. As this relatively modest addition does not affect parking, highways, staffing or other facilities the issues to be considered under Policy T2 are limited. These essentially relate to the size of the proposed extension and the potential impacts that this could have. In assessing this the issues must be
considered on a site specific basis. Criterion (f) of Policy T2 has found no favour with appeal Inspectors in recent years. Inspectors have concluded that an increase of 10% over existing as worded by the policy would allow incremental increases (once an extension is built it becomes existing) and is also arbitrary. I recommend a site specific assessment in line with these decisions, the national Good Practice Guide on Planning for Tourism and consistent with recent decisions both by committee and in accordance with the scheme of delegation.

3.4 For information the existing floor space of the hotel is 1,468m sq, the proposal is for an additional 66m sq, which equates to an increase of 4.5%.

3.5 The hotel is contained by its own landscaped garden and car park. An extension of the size proposed can easily be accommodated on the existing site. The design proposed is neither prominent outside of the site nor out of scale with the existing building. The design of the extension is considered more fully below.

**Is the proposed scale, appearance and use of materials acceptable?**

3.6 The previous reason for refusal of this extension concentrated on the scale and massing of the proposal. However, I am clear in my view that this extension is small in scale when compared with the overall group of buildings which make up the hotel. It would sit above and behind the existing swimming pool building and would be particularly obscured from view. It would step down from the roof of the adjacent building which it would extend from and which itself is lower than the roof of the main, original building.

3.7 There would be two public views of the extension - from the main road to the south from a distance of 150m away and from the old road immediately behind the site which passes through Millbeck and Applethwaite.

3.8 The roof and dormer windows of the extension would be seen clearly from the main road with the existing swimming pool extension in the foreground. This would also be in the context of the other hotel buildings, all far larger and set forward of the proposed extension. From behind the site there is a 3.5m stone wall along the boundary. Only the top 1m of slate roof of the extension would be visible above the wall. In neither context do I consider the proposed extension to be of an inappropriate scale or massing.

3.9 Detailing and use of materials are consistent with the existing traditional building, would provide a high quality finish and integrate with the existing buildings. The proposals would conform with the requirements for high quality design contained in Policy DP7 of the Regional Spatial Strategy.

**Would the proposals impact on the amenities of neighbours?**
3.10 There is one dwelling, Green Close, approximately 45m west of the hotel building. As the proposed extension would be above an existing extension it would encroach no further towards this house. All windows are on the elevation facing towards the road so there would be no overlooking from the proposed hotel bedrooms. In any case, the area between the hotel and this house is heavily wooded. The house is therefore barely visible from the hotel.

Are there any other relevant matters for consideration?

3.11 It has come to light that the existing septic tank has been known to overflow. Despite the fact there would be no net increase in the number of rooms I have sought to ensure that adequate arrangements are put in place and the proposals now include a new system.

3.12 The applicants have been in negotiation with the Environment Agency and have applied for a consent to discharge. They have also provided a specification and site plan for a new, larger septic tank. I recommend an appropriate condition.

3.13 A bat survey of the existing building was carried out and submitted with the application. The site as a whole is ideal territory for bats but the specific area of the proposed extension is less significant and few signs of bats were found in this area. There were signs of a transient roost which was not being used at the time of the survey. The survey recommends a number of mitigation measures including the provision of bat access points under the roof slates. Our Ecologists have recommended a condition requiring full adherence with this mitigation unless otherwise agreed.

4 CONCLUSION

4.1 Although policy has changed since the decision to refuse permission for an application of this type in 1997 the relevant considerations remain essentially the same. Although we should have regard to relevant planning history this does not fetter the decision on the current proposal. Having given the issues careful consideration I am satisfied that the proposal is capable of being granted planning permission subject to appropriate conditions.

Committee is recommended to:

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

   REASON: Imposed in accordance with the provisions of Section 91 of

2. Unless otherwise agreed in writing by the Local Planning Authority the development shall incorporate the mitigation measures described in Sections E1 - E5.2 of the bat survey report (Ref: 1107248264) compiled by Sally Phillips and submitted to the Local Planning Authority on 7 July 2008.

   REASON: To ensure the protection of bats, in compliance with Policy EM1 of the North West of England Regional Spatial Strategy.

3. Unless otherwise agreed in writing by the Local Planning Authority the external window frames of the extension hereby permitted shall be painted white no later than three months after the development first being brought into use.

   REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance for the development in conformity with Policy DP7 of the North West of England Regional Spatial Strategy.

4. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete conformity with the submitted plans as amended by the plan (No: 0816-FD1 and DS0190) received by the Local Planning Authority on 19 November 2008 and shall include the installation of a new waste water disposal system before the new bedrooms hereby permitted are first brought into use.

   REASON: For the avoidance of doubt and to ensure that the works to commission a waste water disposal system are carried out as proposed.

INFORMATIVE:

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency may be required for any discharge of sewage or trade effluent into water, including groundwater via soakaways, and may be required for any discharge of surface water liable to contamination of such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into waters which are not controlled waters. The Environment Agency can be contacted on 08708 506 506.

Summary of Reasons for Approval

The proposed extension is a small scale addition to a large and established hotel and would not result in any of the potential impacts of hotel extensions in the open countryside which development plan policy seeks to avoid. Its proposed design and finished appearance would integrate with the existing building and there would be no harm to interests of acknowledged importance. Subject to the conditions imposed the proposal would be acceptable and would conform with
the relevant development plan policies, in particular Policies W6 and DP7 of the North West of England Regional Spatial Strategy, Policy EM16 of the Cumbria & Lake District Joint Structure Plan 2001-2016 and Policies NE1 and T2 of the Lake District National Park Local Plan and all other material considerations.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2008/2249  
Applicant: Willowcity Estates PLC  
Date of Application: 26 September 2008  
Type of Application: Full  
Location: 91, Main Street, Keswick, CA12 5DT  
Grid Reference: 326445 523575 See Plan  
Proposal: Change of use from A1 (Travel Agents) to A3 (Restaurant)  

District Council:  
Parish Council: Object – too many takeaways in the area and not enough A1 Use. Also concerns over policy issues.  
Highway Authority: Recommended refusal in respect of an originally proposed takeaway element  

**RECOMMENDATION:** APPROVE with conditions  

**REPORT:**  

1 **BACKGROUND**  

1.1 I am reporting this application to Committee because I am recommending approval contrary to the views of Keswick Town Council.  

1.2 91 Main Street is a town centre location which lies on the corner of Main Street and Tithe Barn Street. I understand that its lawful use is retail (Class A1 in the Use Classes Order). The property was last in use as a Travel Agents business but the premises have been vacant and on the market for approximately 4 years.  

1.3 The property, which is a Grade 2 Listed Building, lies within Keswick’s Central Shopping Area as defined in the Local Plan.  

1.4 The applicant originally proposed to change the use of the building to a restaurant and takeaway business; these are respectively Classes A3 and A5 of the Use Classes order. In response to the objection by the Highway Authority the applicant has amended the description by omitting the takeaway element from the proposal.  

1.5 No external alterations are proposed. As first submitted the plans showed the addition of an external flue pipe for the kitchen extraction unit. This pipe would have protruded through the roof. An amended plan has been submitted omitting this external flue and the extraction flue is to exit through the existing chimney thereby avoiding harm to the building’s appearance. The amended proposal does not involve any external alterations.
1.6 No indication of any internal works are referred to on the plans other than the sitting of a flue pipe. The ground floor of the building has been altered in the past and has no features of architectural or historical interest. The floor plans of the existing building indicate the probability that a sub-dividing wall was removed at some time in the past on both floors.

2 REPRESENTATIONS

2.1 Four residents who occupy flats on the opposite side of the main road from the site have written to object to the installation of two roof lights in the building. These alterations have already been carried out and they do not form part of this application. This separate matter is being investigated by the Compliance Team. The objectors also express a concern that there are too many fast food and café outlets in the area and that problems could arise from parking, smells and noise.

3 POLICY AND ASSESSMENT

3.1 Policy R1 of the Local Plan advises that development proposals for shops, financial and professional services and for the sale or consumption of food or drink (Use Classes A1, A2 and A3) will be permitted in defined Central Shopping Areas subject to certain criteria being met. The relevant issues are considered below.

3.2 Policy TR9 of the Local Plan advises that proposals will be expected to include adequate provision for off-street vehicle parking and manoeuvring, including where necessary provision for servicing.

Is the location acceptable in principle?

3.3 The town centre site is a location where Policy R1 of the Local Plan allows for the development of A3 uses in principle. The Central Shopping Area is characterised by a range of commercial uses including restaurants and other food and drink outlets and the ground floor of 91 Main Street has a commercial style frontage. In consequence I can see no inherent reason why a restaurant use on this site would harm the building's appearance or look out of keeping with the locality character.

Would the proposed development result in a danger to users of the highway or result in unacceptable levels of congestion?

3.4 Local Plan Policy R1 and Policy TR9 state that proposals should have adequate arrangements for parking. There is no minimum level of parking provision for customers set out within the ‘Parking Guidelines in Cumbria’ and this is in line with Government advice. In common with a substantial number of other business premises in the centre of Keswick there is no on-site parking for customers or for service vehicles. Where businesses are located in the town centre the presence of nearby public car parks is normally adequate for customer use. The building is located on a busy corner where there is a mini-roundabout and where there are parking restrictions in place. Customers of a take-away service might have been tempted to park for a short time outside the building, but it is self evident that parking on the
highway would be obstructive and I would expect restaurant customers, who need to park for a substantial period, would use nearby public car parks.

3.5  The Parking Guidelines recommend that there should be one delivery space for a restaurant. In this particular case delivery vehicles would have to park on the highway on or near a busy corner and this could occasionally result in congestion. However I would not expect the delivery needs of a restaurant business to be materially different from that associated with the existing A1 retail use. Although the Local Highway Authority objected to a take-away use they have not objected to the use as a restaurant and given the existing lawful use of the building I do not consider that the absence of an on site delivery space justifies refusal of the application.

**Would the proposed development be harmful to the amenities of neighbours?**

3.6  There are residential properties to the rear of the site and on the opposite side of the main road. Cooking fumes would be extracted via a flue through the chimney on the ridge of the building and as such it would be as high as other flues serving restaurants in the same block. The flue would be further away from those flats to the rear than the extractor unit for a nearby restaurant and providing an adequate extraction system is installed there is no inherent reason why cooking odours would result in a significant loss of amenity.

3.7  There is no rear entrance and access to the building would be from the busy main street where I would not expect the comings and goings of customers arriving by foot to cause noise and disturbance. This is after all a town centre location where residents can expect a scale and nature of activity that would not be present in more residential parts of the town.

3.8  The concern expressed by objectors who live on the opposite side of the main road about loss of privacy arising from the installation of rooflight windows is a separate matter since these alterations do not form part of this planning application and that matter is being addressed by the Compliance Team.

3.9  Given that there is no outside storage yard goods and refuse would need to be stored inside. The Environmental Health Officer has been consulted and no objections have been received.

**Would the proposed development result in an unacceptable proportion of A3 uses in the area?**

3.10 Keswick Town Council objects to the application on the grounds that there are already too many takeaways in the area and not enough A1 use. The applicant has withdrawn the take-away use from this application. Keswick Town Council has not expressed a view on the use as a restaurant although it is clear that the loss of the shop unit is a cause for concern. Three of the objectors feel there are too many restaurants and take-away businesses in the area. Where such concerns might relate to an impact on amenity I have addressed those points above.
3.11 Policy R1 recognises that the concentration of non-retail frontages comprising A2 (financial and professional services), A3 (restaurants and cafes) and A5 (take-aways) uses could be a problem if it such a concentration were to harm the vitality or viability of the Central Shopping Area. While there are a number of buildings in this part of the Central Shopping area given over to A3 and A5 uses (see attached map APPENDIX 1) it is evident that they are still well dispersed amongst other commercial uses. Retail uses still pre-dominate and I do not consider that the viability of the Central Shopping Area would be harmed by the displacement of an A1 use from this site. In terms of affecting the character of an area an A3 use can add a degree of vitality to an area through the activity it generates and it can be distinguished from A2 use in this respect.

4 CONCLUSION

4.1 There is no policy objection to the principle of a restaurant use in this town centre location and the proposal has demonstrated that site specific considerations can be adequately addressed.

Committee is recommended to:

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2. Before the use hereby permitted is first commenced a system for the extraction and ventilation of cooking smells and odours shall be implemented in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority before it is installed.

REASON: To ensure that the premises are satisfactorily ventilated in the interests of the amenity of neighbouring residential properties.

3. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete conformity with the amended plan (No: W92/0856-06) received by the Local Planning Authority on 27/11/2008.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.
Development Plan Policies relevant to the Decision

The town centre site is an acceptable location in principle for a restaurant and the proposed development is unlikely to lead to traffic congestion or be harmful to the amenities of neighbours.

Lake District National Park Local Plan Policies R1 and TR9

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
7/2008/2249 – 91 Main Street, Keswick
Distribution of Retail and Restaurant and Take-Away uses – Keswick (shown in black)

APPLICATION SITE - NO: 91

Lake District
National Park

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Application no: 7/2008/2255
Applicant: Home Group Developments Ltd
Date of Application: 16 October 2008
Type of Application: Full

Location: Land adjacent to Brackenrigg, Low Lorton, Cockermouth, CA13 9UW
Grid Reference: 315248 526286 See Plan
Proposal: Residential scheme for 7 affordable dwellings including associated infra-structure

District Council: No objection
Parish Council: Object – see comments
Highway Authority: No objection – see comments

RECOMMENDATION: DELEGATE to Head of Development Management to APPROVE

REPORT:

1  BACKGROUND & PROPOSAL

1.1 I am reporting this application to committee for the following reasons:

- Committee deferred a decision at the December meeting on my recommendation to make a site inspection, which was held on 11 December 2008.
- to show the work that we have undertaken with the local community to find an appropriate housing site.
- because my recommendation to approve is contrary to the views of Lorton Parish Council.
- an objector wishes to speak at the meeting.

1.2 There has been an outstanding identified housing need in Lorton since a 2006 housing needs survey, which remains unmet. House prices are very high in the valley (median house price of £321,000 at the time of the survey) and there is a high proportion of second home ownership (17.4%). We have worked proactively with Lorton Parish Council since 2006 to help them identify sites and establish their views and the views of the community on potential development sites for affordable housing around the village. When planning their proposals housing associations have engaged with the community to discuss their plans.

1.3 This proposal would make a significant contribution to meeting the outstanding identified housing need in the parishes of Lorton, Buttermere and Loweswater and is therefore an important application for the area.
1.4 Planning permission is sought for the construction of seven housing association dwellings for rent (2 x 2 bedroom houses, 4 x 3 bedroom houses and 1 x 2 bedroom bungalow) on agricultural land at the northern end of Low Lorton. The site is the far north western corner of a much larger field which rises to meet the road and falls away gently to meet the River Cocker. The site is approximately 50m in length and 40 in width with field hedge boundaries to three sides. It is immediately adjacent to a bungalow, currently the first house in Low Lorton when approaching from the north.

1.5 The development would take the form of a row of terraced houses and an adjacent detached building with parking and gardens set behind. A traditional design is proposed with a consistent use of local materials and vernacular detailing.

2 REPRESENTATIONS

2.1 Lorton Parish Council have objected to the proposal on several grounds. They have objected to the principle of the development as they do not consider the housing needs survey to be reliable and they have objected to the specific site on the basis of highway safety, lack of pavement at the site and flooding of the site.

2.2 Allerdale Borough Council has no objections to the proposal.

2.3 The Local Highway Authority has no objection to the proposals subject to recommended conditions.

2.4 As the site is in Floor Risk Zone 1 (the lowest probability of risk) and adjacent to an ordinary watercourse, the proposal falls largely outside of the remit of the Environment Agency. They have given advice about protection from pollution of the watercourse during development as well as the need to ensure the development is not at risk from localized flooding but have raised no objection to the proposals.

2.5 We have received eight letters of objection from local residents and one from a resident of Troutbeck. The following are the main reasons for objection to the scheme which are highlighted by most objectors:

- Location of the site on the edge of the village, some distance from the school, shop etc.
- The lack of pavements at the site
- A short-fall in the visibility splay between that shown on plan and that recommended by the Local Highway Authority
- The speed of the road at the site
- Flooding of the site

The following are additional reasons for objection raised by specific objectors:

- Overlooking of neighbouring property
- Inappropriate extension of the village
- Large scale of development
- Prominent in the landscape
• Out of keeping with other houses along the road
• Smoke from the proposed wood burning stoves
• Disruption from construction traffic

3 POLICY

3.1 The following policies form the development plan context for the assessment of this proposal:

North West of England Regional Spatial Strategy:

• Policy DP 1 (Spatial Principles)
• Policy DP 2 (Promote Sustainable Communities)
• Policy DP 7 (Promote Environmental Quality)
• Policy RDF 2 (Rural Areas)

Extended policies of the Cumbria and Lake District Joint Structure Plan 2001-2016:

• H20 (Housing in the Lake District National Park)

Saved policies of the Lake District National Park Local Plan:

• H4 (Housing in villages)
• BE1 (Roof and wall materials)

The following Planning Policy Statements and Guidance (PPS) give expression to national government planning policy relevant to this application:

• PPS 1 (Delivering Sustainable Development)
• PPS 3 (Housing)
• PPS 7 (Sustainable Development in Rural Areas)

4 ASSESSMENT

Would the proposal meet the requirements of our housing policy?

4.1 Policy H20 of the Structure Plan requires that all housing development in the National Park must be to meet the identified needs of the locality and secured in perpetuity for those people in housing need. Our Supplementary Planning Document (SPD) – “Demonstrating Housing Need in the Lake District National Park” explains how to prove the housing needs of the locality and defines housing need.

4.2 Our preferred method for identifying housing needs is through a housing needs survey. In 2006 Allerdale District Council conducted a survey of the Parishes of Lorton, Loweswater and Buttermere which we recognize as a reliable and robust indicator of the housing needs of the locality. The survey identified a need for 3 x 2 bedroom houses, 4 x 3 bedroom houses, 1 x 4 bedroom houses and 1 x 2 bedroom bungalow. All but two of the respondents required housing association rental properties.
4.3 The survey identified that the majority of respondents required housing in Lorton. Lorton is the favoured location in terms of sustainability as discussed in the next section of my report and clearly the preferred location of those living and working in the Parish. The proposal is to meet the majority of this outstanding need providing two and three bedroom houses as well as a two bedroom bungalow, all for rent.

4.4 It is clear that the proposal would accurately address a proportion of the outstanding housing needs of the locality in terms of numbers, scale and tenure and subject to an appropriate Section 106 legal agreement would be secured in perpetuity for occupation by those local people in housing need and would conform with Policy H20 of the Structure Plan and criterion (a) of Policy H4 of the Local Plan.

4.5 Some objectors as well as the Parish Council have called into question the validity of the housing needs survey. They do not consider that the level of need identified is an accurate reflection of that which exists. Part of their reasoning for this is that the when the last housing association property came up for rent in the village there was only one applicant. I have checked this with Eden Housing Association and that particular property was not marketed as there had already been an expression of interest from an individual. The fact that there was only one applicant is therefore in no way an indication that there is a lack of need throughout the three parishes.

4.6 The housing needs survey was carried out by Allerdale Borough Council to the methodology specified by Cumbria Rural Housing Trust. Our Spatial Plans and Communities Team were consulted with a draft copy at the time of its writing and agreed that we would accept its findings as evidence of housing need in the terms specified by Policy H20 of the Structure Plan and our SPD. We are satisfied that the survey is a robust and reliable source of information and that it was carried out to the standards required by our housing policies.

**Is the principle of developing this site acceptable?**

4.7 The proposal is an appropriate contribution to meeting identified housing need but the location must also be acceptable. Government policy set out in PPS3 is to "ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure". Regional guidance from Policy RDF2 of the Regional Spatial Strategy outlines how this guidance should be implemented in rural areas.

4.8 In towns and villages which already provide a limited range of services to the local community small scale development to help sustain local services, meet local needs, or support local businesses will be permitted. Policy H4 of the Local Plan requires that housing development in villages is well related to the form of the village, to established development and to infrastructure and community facilities.

4.9 Lorton is a designated village in the Local Plan (villages do not have identified development boundaries) and sites are assessed in relation to the form of the
village under Policy H4. Although the site is some distance from the main amenities of the village, its location in relation to the existing built form of the village places it clearly within the confines of the settlement. A sharp bend in the road a short distance from the site gives a clear definition of the edge of the village.

4.10 As the 2006 housing needs survey was likely to lead to planning applications, in early 2007 we agreed an approach with Lorton Parish Council that saw them carrying out an assessment of potential development sites in Lorton. Their input is important and this work allowed the community to form opinions about the suitability of various sites. We supported this activity through one of our Planners acting as an affordable housing co-ordinator. This pilot approach has seen successful applications elsewhere, notably in the Coniston area, where community engagement has been highly effective. Lorton Parish Council have been pro-active in seeking to meet the housing needs of local people and shaping the future of their village, rather than simply reacting to individual planning applications. This site fared well in the work which the Parish Council carried out although they have now objected to this scheme for the reasons outlined above.

**Are the siting, scale, design and use of materials appropriate to their location?**

4.11 Seven dwellings is a significant development for a village the size of Lorton. As well as the site being appropriate in principle, the layout, scale, scheme design and use of materials must be acceptable. The village displays a broad variety of building types from medieval defensive buildings to more common stone and render buildings. Development is spread out along a linear development pattern with no real established core and defined by regular, large gaps in development, most often agricultural fields and most evident between High and Low Lorton. Outside of the village there are detached manor houses as well as scattered farmsteads up and down the valley. Where possible it is important to continue development in a way which is reflective of traditional layout of the village. The site offers an opportunity to continue the linear development pattern of the village whilst preserving those wider open spaces around the village which are characteristic of its layout and the development of which would cause harm to the wider character of Lorton Vale.

4.12 Although the immediate context is one of 1950s bungalows the site is visually important as the development will form the entrance into Low Lorton from the north. It is therefore important that the proposal lifts the standard of development at this end of the village, defines the wider character of the built environment and strongly reflects the local distinctiveness of Lorton. From the outset it was decided that the site demanded a traditional approach. The housing association’s architect has been extremely open to suggested revisions and the proposed design has been the subject of an intensive period of pre-application discussion.

4.13 The development takes the form of a large detached house which would house 1 x 2 bedroom house and 1 x 3 bedroom house, a run of four terraced houses (3 x 3, bedroom houses and 1 x 2 bedroom house) and 1x 2 bedroom
bungalow. The development would follow the established development pattern of the village, linear in form with frontages to the road. The development proceeds north from an adjacent bungalow, Brackenrigg to the natural turn in the road where the development would be terminated with the strong gable of the detached house. Parking and gardens are set behind the development with access between the terrace and the house and field access retained at the rear of the car park. The front boundary of the development would be demarcated by a hedge boundary, typical of other development in the village. It is proposed to transplant the existing well established hedge.

4.14 The three elements of the development have their own distinct and complementary character. The main terrace is typical of development in Lorton; rendered walls, full window surrounds, small pitched roof porches, tight eaves and corner quoins. The detached house is Victorian in style and more formal in appearance with hood mouldings, decorative barge boards, overhanging eaves and large chimneys. The bungalow is proposed to be stone-fronted to give the appearance of a converted outbuilding or farm building. Windows are timber sliding sash throughout with the exception of the bungalow which would have casement windows to reflect its different character. Other proposed materials are local stone and reclaimed local green slate throughout.

4.15 I consider that the proposed development is of suitably high quality for this important site, both in terms of layout as well as design and finish. It would make an equally valuable contribution to the built environment as it would to the housing needs of the locality. The proposals would be in line with national, regional and local requirements for high quality design.

Would there be any impact on the amenities of neighbours?

4.16 There are two bungalows immediately adjacent to the site, Brackenrigg and Ferndale. These are currently the last houses in the village. Both have open agricultural fields to the rear. Brackenrigg would share a boundary with the development.

4.17 The layout of the site has been designed in such a way as to have minimum impact on the amenities of these neighbours. The bungalow unit would be immediately adjacent to the exiting bungalow known as Brackenrigg at a distance of just under 7m from an attached flat roof garage and 10m from the main house. The first two storey part of the development would be a further 8m away. Overlooking of the rear garden of Brackenrigg would be possible from the rear windows of the proposed terrace but at a minimum distance of approximately 26m. There is an existing low stone wall between Brackenrigg and the development site. This would provide little protection from overlooking but is no different to the situation that already exists between Brackenrigg and Ferndale neither of which benefit from any existing privacy in their front garden areas.

4.18 Although the new development would be visible from the next bungalow along, known as Ferndale, impact on amenities would be minimal.
4.19 Internal to the site there would be overlooking of rear and front gardens such as can be expected with any terraced house development. Rear gardens have 1.8m high timber boarded privacy fences. There are no other issues of residential amenity.

**Is the location of the proposed development acceptable in terms of its relationship to the rest of the village?**

4.20 An area that has given rise to significant objection is the distance of the development from the basic services in the village. Lorton has a primary school, public house, small shop (which sells newspapers, confectionery and basic groceries). Other than the pub (which is located in Low Lorton, a short distance from the development site), these amenities are located in High Lorton, approximately half a mile from the development site. Objectors argue that any housing development should be better located for these services both in terms of highway safety caused by the lack of pavements at the site (discussed further in the following section) and in terms of reducing the use of the private car.

4.21 Residents of Lorton must already rely heavily on the car, an unavoidable part of living in a rural community with limited local services and limited access to public transport. Although there are some basic services in the village it is unlikely that any residents could rely fully on these and many will make regular car journeys, mainly to Cockermouth to access shops and services.

4.22 The village school serves a much wider area than just Lorton, it is therefore likely that only those residents who live in close proximity to the school make the journey on foot. Given the lack of pavements anywhere in the village, the highway safety considerations will apply to a great many residents. No alternative and acceptable sites have come forward since the completion of the housing needs survey that are nearer to the school or the shop and in any case I do not consider that a half mile distance to what in any case is a very limited range of services should be given significant weight in the assessment of the application. The amount of additional car journeys created by the development would therefore be comparable wherever in the village it was located.

**Is the proposal acceptable from a highways point of view?**

4.23 The Local Highway Authority have no objections to the proposal in principle but have highlighted a number of issues which should be considered. They have also recommended various conditions which they consider should be applied to any permission.

4.24 Objectors have pointed out that the visibility recommended by the Local Highway Authority is 48m in both directions, yet the submitted plans show the distance at 43m. I have consulted with the Local Highway Authority who have confirmed that 48m is an ideal situation but they would not object to the proposal based on the 43m which is shown on plan.

4.25 Objectors are also concerned that there are no pavements to the site and that pedestrians will need to walk along the road (which has a 60mph speed limit)
through the village to access amenities. There are however, few formal pavements in Low Lorton, the only substantial section being outside Winder Hall, 400m south of the site. To have a small section of pavement directly outside the development would serve no purpose as to walk anywhere else in the village means walking along the road. All the existing residents of Low Lorton have to walk along the road in order to get to other parts of the village. We have received a minor revision to the site plan showing access through the hedge at the south of the site to allow pedestrians to walk on the path in front of the houses rather than in the carriageway. This amended plan also shows a single street light column at the access which will also improve the highway safety situation.

4.26 All of Lorton is subject to the National Speed Limit of 60mph, however, the roads are generally narrow and winding, limiting actual speeds. The site is on the edge of the village where speeds are likely to be higher than in more built up areas. However there is a bend in the road close to the site which slows traffic down and formal street lighting of the development will further aid safety.

4.27 Some objectors are concerned that the continued use of the field access at the rear of the development would be dangerous. The Local Highway Authority are satisfied that use of the field access would not present a danger to highway safety. As all the proposed units have private gardens, there would be no pressure to use the car park as amenity space.

4.28 A final objection from neighbours relates to two missing days of data and the fact the speed survey was carried out by a single person. Objectors have therefore questioned its validity. I have spoken with the applicant and the Local Highway Authority on this matter. The survey took place before the new County Council regulations came into force requiring two auditors. The Local Highway Authority have therefore confirmed their acceptance of the survey on this matter and on the matter of the missing days data.

**Are there any flooding issues at the site?**

4.29 The site falls within Zone 1 (the lowest level of risk) and is therefore not subject to the specific guidance from the Environment Agency. Siting development in low flood risk areas is in accordance with government guidance.

4.30 Although the site lies outside of flood risk areas it is adjacent to Whythe Gill, a narrow watercourse which is culverted under the road, enters the site in its north west corner and flows down the field into the River Cocker. I understand from local evidence that this stream has flooded in the past both as a result of being overwhelmed at the top of the field and as a result of water backing up from the river along a culverted section at the bottom of the field. We must be satisfied that the proposal would be safe in terms of the risk of flooding.

4.31 The development is at the top and highest part of the field. There is currently a felled tree trunk which provides an artificial bank for the watercourse and prevents it flowing out into the field. This function would be substituted with
permanent boulders which would line the bank of the stream. This would be a much improved situation to the informal arrangement which exists now.

4.32 Were the watercourse to overtop its banks the site section shows how the topography of the field relates to where water will collect in times of inclement weather. The top of the site, adjacent to the road is where the houses would be located and is at a significantly higher level than the lower parts of the field where the flooding is shown in objector’s photographs, there is a difference of at least two metres between the lowest part of the field and the proposed floor levels of the houses. None of the photos I have received show flooding of the top of the site where the houses are to be sited nor am I aware of any instance of flooding of the adjacent houses that are at the same level as the proposed development. Water would flow down the site and collect at the lower part of the field approximately 15m away from the houses.

4.33 Relating the objectors photographs of the flooding to the site plan it can be seen that during similar flood events part of the car parks may be subject to limited depths of standing water. There is a clear difference between standing water in a saturated field and the depths and velocities of water which are necessary to cause a threat to property. Water will collect anywhere where there is an impermeable or saturated surface. This would not result in the level of depth or velocity which the Environment Agency use to define flood risk. Permeable paving blocks are to be used in the car park and with regard to surface water drainage, there are a number of options which could be considered. In any case the applicants must apply to the Environment Agency for permission to discharge surface water.

4.34 The applicant is having some more detailed work prepared on the flood risk situation which should be available in time for the meeting.

Would the proposal cause harm to any nature conservation interests?

4.35 The site is 250 metres from the River Cocker with the adjacent beck draining into the river. The river is part of the River Derwent and Bassenthwaite Lake Special Area of Conservation and the River Derwent and Tributaries Site of Special Scientific Interest. We have received a method statement which details how the beck will be protected from pollution during the development as well as how it would be protected on a permanent basis. This primarily means straw baling along the watercourse and mixing of materials away from the stream.

4.36 In accordance with the requirements of the habitats regulations we must be satisfied that the development would not be likely to have a significant effect on the nature conservation interests. English Nature have now agreed with our Assessment of Likely Significant Effect which concludes that with adequate conditions pollution of the river could be avoided.

5 CONCLUSION

5.1 This is a significant application for Lorton as it addresses an outstanding identified need for affordable houses in a scheme that is well thought out. Despite the objections of the Parish Council and local residents I consider
that the scheme meets policy requirements and that site constraints are adequately addressed.

5.2 I recommend that authority be delegated to the Head of Development Management to approve the application subject to the completion of a Section 106 Agreement to secure occupation of the dwellings to people in housing need and appropriate conditions.

Committee is recommended to:

DELEGATE to Head of Development Management to APPROVE

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.