

# Allerdale Borough Council

## Planning Application 2/2018/0400

**Proposed Development:** Erection of detached dwelling and garage

**Location:** North Scape  
Eaglesfield  
Cockermouth

**Applicant:** Mr John Wedgwood

**Recommendation:** **Grant permission**

### Summary/Key Issues

Issue	Conclusion
Principle	When applying the NPPF's tilted balance, the development is within a sustainable location, impacts do not significantly and demonstrably outweigh the benefit of a family home
Siting	Well related to the settlement limit and surrounding buildings
Design/Scale	The dwelling is considered appropriate scale and massing for the plot
Drainage	Foul to main sewer and surface water to rainwater harvesting system
Residential Amenity	No significant harm to nearby properties
Parking	Level of parking and turning is considered to be satisfactory
Access	Although substandard, not meeting the requirements of the Highway Authority, acceptable visibility splays can be achieved given the low levels of traffic using this minor section of highway.

### Proposal

The application seeks detailed permission for the erection of a single, split level, three bedroomed dwelling.

### Site

The site is located centrally within the village. The neighbouring property, closest to the application site, is a bungalow which at present is in the applicant's ownership, with two-storey dwellings at a lower level to the north and dwellings to the west, set at a more elevated position than the site. The site is opposite the former Black Cock public house

which has recently been converted into two residential properties.

The site is defined by post and wire fences and railings along the northern, western and southern roadside frontages above a low sandstone wall and the eastern boundary to the plot is adjacent to the boundary of the existing bungalow and garage.

To the north of the site is an unclassified road which would be the main access point of the development. A further highway runs to the south of the site. To the north and west the site there are a number of residential properties separated by the highway.

### **Relevant Planning History**

2/2018/0164 – Erection of dormer dwelling on opposite (eastern ) side of Northscape approved

### **Representations**

#### **Dean Parish Council (incorporating Eaglesfield)**

- The top two photographs within the application do not show the intended site.
- The Ecological Statement is incorrect. The northern boundary of the village of Eaglesfield is Barkers Meadow, not Beckside.
- There are two known watercourses within 200m of the proposed site. One is partially piped/open along the south (front) of Beckside - hence the name. The other is a covered watercourse within the grass verge alongside this site to the north west opposite the dwellings known as Annie's Cottage and Black Cock Cottage, formerly the Black Cock pub. This watercourse is fed from the natural spring on the village green.
- There are numerous telephone wires and electricity cables crossing over the site - have the appropriate authorities been consulted?

The Parish Council urges ABC Development Panel to make a site visit to view the site from all angles to fully appreciate the elevations. The Parish Council has concerns over the size and height of the proposed dwelling and we believe its position in relation to nearby dwellings could conflict with S32 "Safeguarding Amenity" within the Allerdale Local Plan (Part 1) in that it may have an unacceptable effect on residential amenity and surrounding land uses in terms of loss of privacy as a result of overlooking. The change to the appearance of this area at the heart of Eaglesfield village could also be considered to have a detrimental effect on the local area in terms of visual amenity, distinctive character or environmental quality. We also have concerns regarding possible flooding and disturbance of a constantly flowing natural watercourse.

Questions are raised in terms of the land ownership for part of the site as the land to the north of the site is included within the applicant's red line; however, the land ownership plan from the land registry indicates that the land is not within the applicant's control.

## **United Utilities**

No objections subject to foul and surface water being drained on separate systems and surface water should be drained in terms of the drainage hierarchy.

## **ABC Environmental Health**

Initially requested a desk top survey and construction management plan. However, evidence suggests that, given the nature and distance of potential contaminants (former burial ground 200m away), it would not be required.

## **Natural England**

No comments

## **Minerals Planning Authority**

No objections

## **Cumbria County Highways/LLFA**

Visibility for the suggested access is restricted and, if the middle plot will be sold, then required visibility would be unachievable. My suggestion was to create access on the other side of the plot where visibility is easy achievable. I haven't heard anything back as yet to my last response 20.09.2018. In addition there is a stream running on the west side of the plot – it is not mapped on our system but ,while I was at the site it is clearly there. Neighbours comments confirm that. Water Consent will be required if any works will be done to the watercourse or close to it.

To summarise, I haven't received enough details from the applicant/agent to be able to provide full response hence I would recommend refusal on the grounds that:  
Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:

- a) Access
- b) Visibility splays
- c) Surface water drainage
- d) On-site turning facilities

**The application has been advertised on site and adjoining neighbours have been notified. There has been 19 letters of objection from 12 individuals.**

## **The objections relate to the following points**

- a. Form of Development
  - (i) Over development of the site
  - (ii) Scale considered to be inappropriate
  - (iii) Two/three story dwelling on the highest part of the site and higher than 90% of present surrounding houses

- (iv) The development does not contribute to the character of the village
- (v) Not in keeping with the existing built development in terms of form and design
- (vi) The building would dominate the skyline
- (vii) Visual impacts
- (viii) Elevated nature of the site

b. Highways issues

- (i) Dangerous access
- (ii) Access onto narrow lane
- (iii) No way to turn a vehicle out of a steep drive without affecting any vehicles already parked
- (iv) The highways authority have recommended that the application is refused
- (v) Believe the access area is council owned land and not owned by Northscape (the one time owner of the public house paid rent to the parish for that area)
- (vi) Congestion with existing driveways
- (vii) Increase in general congestion on the narrow road
- (viii) The new access would cause parking issues

c. Drainage

- (i) The application does not take into account of the water courses nearby and to the front of the site in the highway/verge
- (ii) There is an underground watercourse running from northwest and routing under Village Green, Spring Bank, hence name of this property, flowing adjacent and with high potential to route beneath proposed development, being disturbed by the required significant excavation.
- (iii) Aforementioned watercourse feeds into an open watercourse running parallel and directly to front elevation of Beck Side properties, this is the most significant watercourse within the village and cannot be ignored, as it has been within this and previous application.

d. Policy considerations

- (i) S4 Design Principles: Is it visually attractive and of appropriate scale and appearance, no it is not. Will it integrate into the character of the village, no it will not.
- (ii) S5 Development Principles: The scale and design detracts from the character of the site/village. Car parking and access are not suitably arranged, as access is on a narrow lane, not a road.
- (iii) S29 Construction of Building: This may affect underground watercourse.
- (iv) S32 Safeguarding Amenity: This proposal should not be supported due to the property overlooking the opposite cottages and constitutes an 'overbearing' development, therefore there will be a loss of sunlight/daylight due to the 'overshadowing' of a three story building upon these cottages.
- (v) DM12 Standards of Good Design: This proposed new development does not consider the impact on existing properties at the boundaries of the site.

It does not consider the existing building heights. It does not consider appropriate vehicular access on this narrow lane

e. Other Issues

- (i) Loss of views
- (ii) Loss of light
- (iii) Ecological statement is inaccurate
- (iv) Inaccurate plans/sections
- (v) The proposed access to the garages will cut across established grass verges with trees, flowers etc, on a piece of land that has always been known to belong to the parish/local council as they cut the grass along there. Can an applicant of a proposed plan simply 'claim' any piece of land they wish?
- (vi) Concerns relating to work during the building process
- (vii) impinge on the quality of life of residents in the area
- (viii) Lack of notification
- (ix) Issues disturbance from with existing work on renovation of Northscape

**Development Plan policies**

**Allerdale Local Plan 1999**

Saved settlement limits

**Allerdale Local Plan (Part 1) July 2014**

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 S29 - Flood Risk and Surface Water Drainage  
Policy S32 - Safeguarding amenity  
Policy S33 - Landscape  
Policy S35 - Protecting and enhancing biodiversity and geodiversity  
Policy DM14 - Standards of Good Design  
Policy S27 Heritage assets

**Other material considerations**

**Draft Allerdale Borough Local Plan (Part 2)**

**National Planning Policy Framework (NPPF) (2018)**

### **Policy weighting**

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 settlement limits from the 1999 Plan and the Allerdale Borough Local Plan (Part 1) 2014 policies have primacy in decision making.

A material consideration is the provisions of the updated NPPF. Paragraph 47 of the NPPF advises that applications be determined in accordance with the development plan, unless material considerations dictate otherwise. Paragraph 48 of the NPPF advises that weight can be afforded to emerging plans, that weight dependent on the stage of preparation, the extent of unresolved objections and consistency with the provisions of the Framework.

The overall aim of the NPPF and its core planning principles is to achieve sustainable development through strengthening the economy whilst supporting the needs of the community and protecting and enhancing the natural, built and historic environment.

In line with the NPPF, the Council is committed to take a positive approach in the determination of planning applications and will always seek to approve proposals unless material adverse effects would significantly and demonstrably outweigh the benefits (Policy S1).

A material consideration, especially in the local context, is the appeal decision for land at Little Broughton (PINs ref APP/G0908/W/17/3183948) which specifically addressed the weighting afforded to development plan policies in the context of paragraphs 215 and 14 of the former NPPF.

In the decision for this appeal the inspector commented that we are now within the medium term of the 2014 Local Plan's delivery period. Within this time it was expected that new allocations, within part 2 of the Local Plan and beyond the 1999 settlement limits, would come forward for delivery to meet the planned housing delivery trajectories.

However, the allocations are at a pre-submission stage that cannot be afforded meaningful weight in the development management process; the emerging Local Plan is not anticipated to be adopted until 2019. The significant contributions to housing supply anticipated from allocated sites have therefore not yet come to fruition. Other housing sites, including on land outside of the 1999 settlement limits, need to come forward to meet the 2014 Part 1 Local Plan's medium terms growth objectives.

Although the Inspector's decision predated the publication of the 2018 NPPF, comparisons of paragraph 14 of the 2012 version and paragraph 11 of this latest publication reveal that it is only rational to still afford significant weight to the decision as a material consideration.

Consequently, for these reasons, the settlement limits from the 1999 Local Plan are out of date as are policies S3 and S5 of the 2014 Part 1 Local Plan to the extent where they refer to the 1999 settlement limits and the housing numbers for each settlement. As a consequence little weight is afforded to the settlement limits and these parts of policies S3 and S5. The provisions of paragraph 11 of the NPPF 2018 are therefore engaged and

the “tilted balance”. Specifically, the principle should only be resisted if any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

However, this does not mean to say that other Local Plan Part 1 policies are out of date and should not be afforded substantial weight where they are consistent with the provisions of the NPPF 2018. In this instance, it is assessed that the settlement hierarchy within policy S3 can be afforded substantial weight given its consistency with the sustainability principles of the NPPF 2018 as can the criteria a) to f) of policy S5. Other policies within the Part 1 Local Plan also maintain their full weight.

## **Assessment**

### **Principle of the development**

Under the local plan’s designation of Eaglesfield as a limited growth village (policy S3 applies), it is expected that there would be further residential development within the village in contributing to the Borough’s future housing supply.

The site is considered to be well related to the settlement as it acts as a continuation of the line of the existing dwelling “Northscape” and the approved dormer bungalow dwelling 2/2018/064 on this small island of land within the overall village envelope. Indeed the plot is bordered on three sides by existing residential development. The principle of a single dwelling is also commensurate in scale with Eaglesfield status as a limited growth village.

The benefit of providing a single dwelling is afforded weight in the overall tilted balance.

### **Design, visual and landscape impact**

These are relevant considerations in policies S4, S5, S33 of the Local Plan Part 1.

To a limited degree the site fulfils a role, visually, as a village greenspace. However, it is private with no public access and could be enclosed if the owner exercised their minor operations permitted development rights. As such, given this context and the limited area of the site, this consideration is afforded little weight.

Nevertheless, the site is prominent within the centre of the village and currently open in character. This prominence is accentuated by the location flanked by roads and the openness is characterised by the lack of landscaping or buildings. The roads are sensitive visual receptors.

In response, the proposal’s split level design seeks to integrate the proposal into the sloping contours on the site, working with rather than against the topography. This strategy effectively reduces the massing, despite two storeys of accommodation being offered. Indeed, the overall heights has been reduced following the submission of amended plans, from 10.45m (height from road level to ridge) to 8.3m.

The amended house type is of a modern design and materials and it is considered to be compatible with other modern dwellings within the locality and on the adjacent site and has encompassed some more traditional features found on properties within the village. As such it will assimilate into this prevailing character and built landscape. Officers are satisfied that the design and scale of the development and would comply with policies S4 and DM14 of the Allerdale Local Plan in terms of Design given the property is located within an area of modern and traditional properties.

### **Residential Amenity**

Policies S5 and S32 of the Local Plan are relevant.

The site is elevated from the properties to the north with the finished floor level being approximately 3m higher than Meadow View which is the nearest dwelling. Therefore, it is considered that a dwelling with first floor accommodation with the roof space is acceptable as this solution minimises any overbearing impacts on nearby properties. It is also noted that the proposed dwelling is set back further into the site than the adjacent property and would be a similar height as the existing single storey property.

The property is elevated from the dwellings to the north and neighbouring properties have objected on the grounds that the dwelling would cause overshadowing and a loss of light.

The separation distance between the proposed dwelling and the existing dwelling Meadow View is 13.5m at its nearest point and 18m from the properties Black Cock Cottage and Annie's Cottage (recently converted from the Black Cock Public House). Although the site is elevated, the new dwelling would be a similar height to the existing property adjacent and the proposals windows on the northern elevation have been removed from habitable rooms to prevent overlooking; the separation distance is considered to be adequate to prevent any overshadowing or loss of light from the existing properties to the north of the site.

It is considered that there would be no more overlooking than the existing situation given the garden/parking areas are visible from the highways and adjacent dwellings. The development is considered to comply with policy S32 of the Allerdale local plan in terms of safeguarding residential amenity.

### **Highways Issues**

The site would be accessed off an unclassified road which serves a number of residential properties. The access and parking to the proposed dwelling is new and includes a turning area to allow for cars to enter and leave the site in a forward gear. A splay of 35m to the west can be achieved and 22m to the east the highways authority indicated that splays of 45m should be achieved in order to achieve satisfactory visibility splays.

Although the visibility splays do not meet the requirements of the highway authority the road is of a minor nature and vehicular speeds are observed to be less than the

mandatory 30mph speed limit. The use of the access for the development is not considered to compromise highway safety significantly or severely as advised by the NPPF where maximum speeds achievable are proportionally low.

There is adequate parking within the site for the dwelling and the site levels are to be lowered to make parking, turning and access to the garages easier.

The highways authority have indicated that the land not included within the applicant's ownership is most likely to be part of the highway verge given the land is not registered to the applicant, council or parish.

## **Ecology**

The site is a paddock area with little in the way of features that would be suitable habitat for protected species. The development is not considered to have any significant impacts on ecological issues.

## **Drainage**

The foul and surface water would be drained on separate systems, the application documents indicate that the surface water drainage would be to a rainwater harvesting system. Given the limitations of the site a rainwater harvesting system is considered to be acceptable.

Officers are aware of the watercourses in the area and it is not anticipated that the development would affect the watercourse within the highway/verge or wider area. A note to applicant can ensure that if any works that would affect the watercourse are notified and appropriate permission is sought from the relevant authority.

## **Heritage**

There is a Grade II listed building Croft Foot Farm to the south east. The application has been considered in the context of the duty under s66 of the Listed Buildings Act 1990. The separation distance and intervening development as well as the lack of historical connection between the two sites means that the setting is not affected. As such, the development was not considered against the duties under s66 of the Listed Buildings Act 1990 or publicised as affecting the setting.

## **Local Financial Considerations**

Having regard to S70 (2) of the Town and Country Planning Act the following local financial considerations are relevant to the determination of the application.

There will be benefits arising from the scheme through the New Homes Bonus scheme and Council Tax Revenue. It is considered this is of little weight in judging the overall planning merits of the current scheme.

## **Conclusion**

The proposal has been considered against the provisions of the development plan in the first instance with the NPPF afforded some limited weight as a material consideration. In this context the location, scale, design and materials are considered to be satisfactory and there would be no significant harm to neighbouring properties. Therefore approval is recommended.

## **Annex 1**

### **Conditions/Reasons**

#### **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.

#### **Approved plans compliance**

- 2. The development hereby permitted shall be carried out solely in accordance with the following plans:**

**IMW228749 Rainwater Harvesting Tank Details**

**05001 Rev 05 Proposed Elevations Sheet 1 - Amended plan received 16 November 2018**

**05002 Rev 6 - Proposed Elevations Sheet 2 - Amended plan received 16 November 2018**

**Site Location Plan - Amended plan received 26 September 2018**

**05010 Rev 03 - Site Section as Proposed - Amended plan received 23 November 2018**

**04003 Rev 07 Block plan - Amended plan received 23 November 2018**

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.

#### **Prior to commencement**

- 3. Notwithstanding the proposed submitted levels, prior to works commencing on site, details of proposed levels including levels of any paths, drives and parking areas and external finishes of any associated retaining walls shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved works.**

Reason: To ensure that works are carried out to a suitable level in relation to the adjoining properties and highways and in the interest of visual amenity.

#### **Following initial commencement**

- 4. The development hereby approved shall not be constructed above plinth level until the details of the:**
  - (i) Proposed crossings of the highway verge and/or footway ;**
  - (ii) Surfacing in porous bituminous or cement bound materials;**
  - (iii) Access drive gradient**
  - (iv) Surface water drainage measures to prevent surface water discharging onto or off the highway;****shall be submitted to and approved by the Local Planning Authority**

**The works shall be implemented and maintained operational at all times thereafter.**

Reason: To ensure a suitable standard of verge crossing and that the verge is properly reinstated before the development is brought into use, to ensure that pedestrians can negotiate road junctions in relative safety, minimise the risk of flooding and in the interests of highway safety.

### **Prior to occupation**

- 5. The dwelling hereby approved shall not be occupied until the vehicular access, parking and turning requirements have been constructed in accordance with the approved plan and have been brought into use. The vehicular access, parking and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.**

Reason: To ensure a minimum standard of access, parking and turning provision when the development is brought into use.

- 6. Details of the siting, height and type of all means of enclosure/screen walls/fences/other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to the occupation of the dwelling. Any such walls/fences etc shall be constructed prior to the approved building being brought into use/occupied. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.**

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area and safeguard the amenity of neighbouring properties.

### **Post occupation**

- 7. Only foul drainage shall be connected to the public sewer.**

Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution to the local water environment, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 8. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of highway safety and environmental management.

- 9. Access gates, if provided, shall be hung to open inwards only away from the highway.**

Reason: In the interests of highway safety.

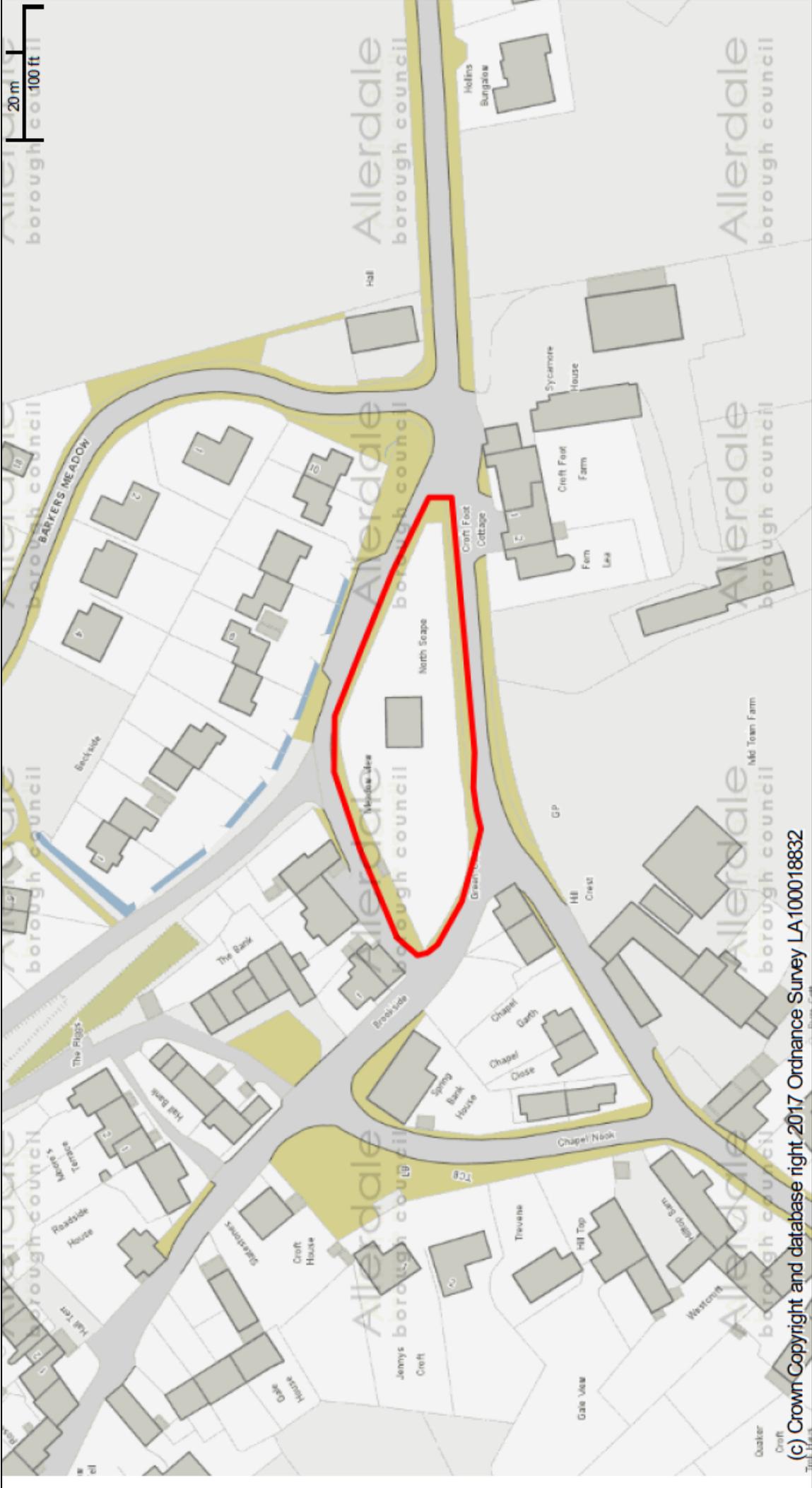
- 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B, E of Part 1 of Schedule 2 and Class A of Part 2 of**

**the said Order shall be carried out 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 any proposed alterations/extensions in the interests of the appearance of the site and safeguard the amenities of adjacent properties.

#### Proactivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by, primarily identifying relevant development plan policies, any duties applicable as well as other material considerations that have been afforded weight, including emerging Local Plan policy, stakeholder representations and the National Planning Policy Framework. In this context, having identified matters of concern with the application as originally submitted and, if applicable, following negotiations with the applicant, acceptable amendments and solutions to the proposal have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.



(c) Crown Copyright and database right 2017 Ordnance Survey LA100018832

