Allerdale Borough Council
Planning Application 2/2016/0109

Proposed Development: Variation of condition 2 for amended access plans to planning approval 2/2014/0796

Location: Land at Tallentire Hall Tallentire Cockermouth

Recommendation: APPROVE

Summary/Key Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal decision</td>
<td>An appeal was allowed for a detached dwelling, with garage, landscaping and access on land at the rear of Tallentire Hall under appeal reference APP/G0908/W/15/3035833 following the refusal at Development Panel of application 2/2014/0796. The Development Panel decision was contrary to Officer recommendation. This proposal seeks to revise the design of the dwelling by the re-siting of the attached garage and providing a vehicular and pedestrian access from the archway and adjacent courtyard associated with Tallentire Hall (modifying condition 2).</td>
</tr>
<tr>
<td>Outside settlement of Tallentire</td>
<td>Although outside the settlement boundary for Tallentire. The dwelling is discretely sited and retains an access through the archway into the adjacent courtyard and therefore retains a relationship with the courtyard conversions’ and the Tallentire Hall estate in line with an independent assessment of Places Matter which promotes good design in the north-west. The Inspector’s decision supported a dwelling at this location.</td>
</tr>
<tr>
<td>Setting of listed building</td>
<td>Officers consider the setting of the Grade II listed building of Tallentire Hall is retained; due to the sympathetic design and materials of this development as amended; that takes account of the site’s constraints, provides a satisfactory outlook from the site and is sympathetic to the trees within the locality. The development retains a linkage through the nearby archway towards Tallentire Hall and the various converted courtyard buildings that now comprise of dwellings and this supports a relationship with the listed Tallentire Hall, nearby dwellings and the further connectivity to the settlement of Tallentire.</td>
</tr>
<tr>
<td>Access arrangements</td>
<td>This scheme seeks to re-site the attached garage to enable vehicular access from the archway and existing courtyard. There are no objections from Cumbria Highways because the access is a</td>
</tr>
</tbody>
</table>
private access. There are objections from nearby residents who set out concerns relating to residential amenity and noise of vehicles passing through the arch way; given there is a bedroom above.

| Trees and ecology | A Pre Development Arboriculture report was submitted under planning application 2/2014/0796 and the condition established in the Inspector decision letter remains relevant. |
| Drainage | The conditions relating to foul and surface water drainage remains as per the Inspector’s decision letter. |
| Contamination | The condition relating to possible contamination remains as per the Inspector’s decision letter |

**Proposal**

The application is to amend condition 2 of the appeal decision to consider revised drawings showing the alternative use of the listed courtyard archway as the main vehicular access to the site rather than the adjacent farm lane. The Inspector found that the access through the archway was the preferable link with the listed Hall although the farm access was also considered to be acceptable.

**Site**

The site is located on the edge of the village of Tallentire and forms part of the Tallentire Hall estate. The site is outside the settlement boundary and the site is bounded by the south east by the existing converted outbuildings of Tallentire Hall which is a residential courtyard development to the west of the main hall. To the north of the site are agricultural fields used as pasture and to the west immediately adjacent to the site is an existing track serving the agricultural land and a single dwelling is to the far north of the site. The site is surrounded by trees on three sides, which is a mixture of plantation and managed landscape. The site has a mixture of trees, of young Sycamore, Ash, Holly, Hawthorn and Rhododendron. A number of mature trees exist on the edge and adjacent sites. It is noted that no veteran trees or mature trees are proposed for removal.

** Relevant Policies**

**National Planning Policy Framework 2012**

- Building a strong, competitive economy
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Delivering a wide choice of high quality homes
- Requiring good design
Allerdale Local Plan (Part 1) Adopted July 2014

Policy DM14 - Standards of Good Design
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 S27 - Heritage Assets
Policy S29 - Flood Risk and Surface Water Drainage
Policy S30 - Reuse of Land Policy
Policy S32 - Safeguarding amenity
Policy S33 - Landscape
Policy S35 - Protecting and enhancing biodiversity and geodiversity

Relevant Planning History


Representations

Bridekirk Parish Council – Objection. The proposed archway for access on to the site was designed for horse and carriage and not for modern transport and is inappropriate. Emergency services could not reach the development through the narrow arch. The space is narrow and there is no footpath regarding this shared route. It will be difficult to get building materials through the arch. There will be noise in the bedroom above the archway.
Cumbria Highways – No objection
County Archaeologist – No objections
Environmental Health – No objections subject to planning conditions
Environment Agency – No objections
United Utilities – No representations received
Natural England – Unlikely to affect statutorily protected sites.
Fire Officer – No representations received
English Heritage – No comment

The application has been advertised on site and adjoining owners have been notified.

2 letters of objection has been received setting out the following concerns:
There is no regard to health and safety for people who visit the property known as ‘The Hayloft’ and there has been no vehicular traffic for 40 years since the ‘bypass’ farm road. A combined sewer runs underneath the archway and that previously there has been refusal from building control to add a sewer outfall to the existing pipeline. It is noted that Tallentire Hall has been recently sold and it is not known whether a right of access has been established by the new owner and how it will affect maintenance as residents within the courtyard have a 15% stake in the driveway maintenance.
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.

Assessment and Conclusion

Planning appeal APP/G0908/W/15/3035833 was allowed following the refusal at Development Panel of application 2/2014/0796. The scheme seeks to re-site the garage associated with the scheme and to provide a vehicular access through the existing residential courtyard outbuildings of the listed hall.

An existing archway from the courtyard would serve the site. Above the archway is a flying free hold and a bedroom which is part of the dwelling known as ‘The Hayloft’. Residents of The Hayloft have objected setting out concerns over the proposed archway vehicular access regarding safety of the shared access, and the potential for an adverse impact on residential amenity particularly regarding noise from the comings and goings of traffic. There is concern due to the limited size of the archway that its use during construction will be difficult.

Following the appeal decision, the Inspector did not find the use of the archway vehicular access route as an issue but set out this was the preferable access arrangement for the site.

‘Access via the archway seems preferable, maintaining a better link with the listed Hall, but the design would not be compromised if that were not used. …’

Following the findings of the Inspector’s decision, the merits of the alternative vehicular access through the archway from the courtyard and the amended design of the dwelling are considered to be acceptable and sympathetic to the character of the building, the setting of the listed buildings and the locality.

The key new planning issue relating to the alternative access route is the weight attached to any loss of amenity to the occupiers of the living accommodation above the arch. However in officer’s opinion it is considered this is likely to generate a low level of travel trips and the associated level of disturbance does not warrant the refusal of the application.

With regard to the listed status of Tallentire Hall regard is given to the following;

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
With regard to the proposed dwelling’s impact on the setting of the listed buildings adjacent, this is a material consideration of considerable importance and weight should be accorded to it. In considering the details above and from the findings of the Inspector’s decision the proposal is considered to be an acceptable form of development that will not negatively affect the historic fabric of the building and will protect the setting of the grade II Listed Building.

With regard to rights of access over the land, a revised plan shows highway access from land within ownership of the person who was appropriately served notice at the time of submission. It is acknowledged the access (and Hall) is in new ownership but it has been confirmed rights of vehicular and pedestrian access are retained from Tallentire Hall main gate for the proposed development.

The revised scheme is deemed to be in accordance with Allerdale Local Plan (Part 1) adopted July 2016 policies as set out within the report. Subject to no adverse comments from the fire officer the scheme is recommended for approval accordingly.
Annex 1

Conditions/Reasons

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.

2. The development hereby permitted shall be carried out solely in accordance with the following plans:
   - 130903-10 Rev B Plans and Elevations
   - 130903-11 Rev B Site Layout
   - 130903-12 Rev B Protected Landscape amended plan received 3 December 2014 (2/2014/0796)
   - 130903-13 Rev B Foul Drainage Connection
   - 130903-14 Rev C Location Plan 2 amended plan received 11 April 2016
   - 130903-16 West Elevation (2/2014/0796)
   - DS1171P Single Sewage Pump Chamber
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.

3. Development shall not begin until the following have been submitted to and approved in writing by the Local Planning Authority:
   - Details, and samples where appropriate, of the materials to be used in the construction of the external surfaces of the dwelling;
   - Details of all eaves and verges;
   - Details of all windows and doors.
   Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory standard of development.

4. Development shall not begin until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include proposed new tree planting; finished levels; means of enclosure; vehicle and pedestrian access; hard surfacing materials; and a programme for implementation. All hard and soft landscape works shall be carried out in accordance with the approved details and programme.
Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality.

5. Development shall not begin until full details of existing trees to be retained and measures for their protection during the course of construction works have been submitted to and approved in writing by the local planning authority. The details shall be broadly in accordance with the Pre-development Arboricultural Report (Addendum) dated January 2015 Revised. Development shall be carried out in accordance with the approved details.
Reason: In the interests of protecting of the woodland habitat in accordance with Policy S24 of the Allerdale Local Plan (Part 1) 2014.
6. **The dwelling shall not be occupied until works for the disposal of foul drainage have been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority.**

   Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution in compliance with Policy S29 of the Allerdale Local Plan (Part 1) July 2014.

7. **Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the works have been implemented as approved.**

   Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding, in compliance with the National Planning Policy Framework and Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

8. **Development shall not begin until a strategy for investigating contamination present on the site has been submitted to and approved in writing by the Local Planning Authority; An investigation has been carried out in accordance with the approved strategy; and A written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and a proposing remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority; Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified in the initial investigation but found during construction work shall be carried out in accordance with details submitted to and approved in writing by the local planning authority subsequent to its discovery.**

   Reason: To minimise any risk arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

9. **The dwelling shall not be occupied until the means of vehicular and pedestrian access have been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority.**

   Reason: In the interests of residential amenity within the locality.

10. **Measures to protect birds and badgers during the construction period shall be carried out in accordance with the Recommendations in Phase 1 habitat Survey dated December 2014.**

Proactive Statement

Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern within the application (as originally submitted) and where appropriate negotiating, with the Applicant, acceptable amendments and solutions 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.