

Allerdale Borough Council

Planning Application FUL/2021/0085

Development Panel Report

Reference Number: FUL/2021/0085
Valid Date: 06/04/2021
Location: Croft Foot Farm, Eaglesfield
Applicant: Mr MacKay
Proposal: Erection of one new dwelling

RECOMMENDATION

Grant permission subject to conditions

1.0 Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	The principle of one new dwelling on this site has already been established under planning permission FUL/2020/0216.
Highway safety	Highway safety has been established under planning permission FUL/2020/0216.
Design	Design has been established under planning permission FUL/2020/0216 except the increase in levels and relocation of the proposed dwelling to west of site. The changes are acceptable within the context of the character of Eaglesfield.
Heritage	The separation distance and intervening dwelling between the site and the Listed Buildings means the principle of a dwelling on the site can be accepted. There is no harm to the significance of the listed building (its setting will be preserved).
Residential Amenity	The revised proposals result in the proposed dwelling being significantly higher than the neighbouring terrace.

	This is mitigated by relocating the building to the west to increase the gap between properties. Whilst the height difference is significant, it will not result in a loss of residential amenity.
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2.0 **Proposal**

- 2.1 The proposal is for a single detached dwelling with a detached garage/summerhouse to the rear, within the Settlement Boundary of Eaglesfield. The application is the same as that granted under FUL/2020/0216 except that an issue with levels on site has resulted in the new proposed building being located higher than the permission granted and, in order to lessen the impact on existing buildings to the east, the proposed dwelling has been moved to the west. There is now a gap of 12.3m between the side elevation of the existing terrace and the side elevation of the proposed dwelling.
- 2.2 Materials are a mix of stone and render, with traditional features but also including more modern features such as the wood framed porch. The existing access is used with a driveway to the rear. To the eastern boundary there will be a 1.8m close boarded fence.
- 2.3 The Plans for consideration are:-

WDS-05-6283-201 Rev B Garage Plans & Elevations and Location Plan
WDS-05-6283-202 Rev B Proposed Elevations
WDS-05-6283-203 Rev B Ground Floor Plan
WDS-05-6283-208 Rev C Site Plan 1:200
WDS-05-6283-208 Rev C Site Plan 1:500
WDS-05-RK-104 Rev B First Floor Plan
WDS-05-RK-105 Rev A Proposed Levels

The suite of documents can be found on-line here;-

<https://allerdalebc.force.com/pr/s/planning-application/a3X3X000007zJLnUAM/ful20210085?tabset-e3f5c=2>

3.0 **Site**

- 3.1 The site is brownfield land in use for storage within the settlement boundary of Eaglesfield. The land has been cleared and there is a storage barn to the rear. The site has an existing access onto Hotchberry Brow. The site is not at the same level as the road, but rises from the pavement up a bank to a flat plot.
- 3.2 To the west is agricultural land with farm buildings beyond. To the east is a row of two storey terraced dwellings at a slightly lower level. Within this terrace is the Grade II listed building called Croft Foot Farm House which is

separated from the application site by another dwelling. Across the road to the north there is a planning permission for a single dwelling.

4.0 Relevant Planning History

4.1 There have been several applications relating to the site:

- a) FUL/2019/0071 New dwelling refused on Plot 1, May 2019
- b) FUL/2019/0072 New dwelling refused on Plot 2, May 2019
- c) FUL/2020/0039 Two dwellings refused, 2020
- d) FUL/2020/0216 Re-submission of application FUL/2020/0039 for the building of one new dwelling. Granted with conditions, January 2021

5.0 Representations

Parish Council

5.1 Dean Parish Council have no objection.

ABC Environmental Health

5.2 No objection. Suggested conditions regarding construction noise and hours.

Natural England

5.3 No objections.

County Fire Service

5.4 No objections

Other representations

5.5 There have been no other letters of representation.

6.0 Environmental Impact Assessment

6.1 With reference to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development is not within Schedule 1 nor 2 and, as such, is not EIA development.

7.0 Duties

7.1 Section 66(1) of the Listed Buildings Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

8.0 Development Plan Policies

Allerdale Local Plan (Part 1) 2014

8.1 The following policies are considered to be relevant:-

- S1 – Presumption in favour of sustainable development
- S2 – Sustainable development principles
- S3 – Spatial Strategy and Growth
- S4 – Design principles
- S5 – Development principles
- S27 – Heritage Assets
- S29 – Flood Risk and Surface Water Drainage
- S30 – Reuse of Land
- S32 – Safeguarding Amenity
- S33 – Landscape
- S35 – Protecting and Enhancing Biodiversity and Geodiversity
- DM14 – Standards of Good Design

These policies can be found here;-

<https://www.allerdale.gov.uk/en/planning-building-control/planning-policy/local-plan-part-1/>

Allerdale Local Plan (Part 2)

8.2 Eaglesfield is a Limited Growth Village as defined by policy S3 of the pArt 1 Local Plan. The village therefore has settlement boundaries defined with Part 2. The following policy is therefore relevant;-

SA2 Settlement Boundaries

The Plan can be found here;-

<https://www.allerdale.gov.uk/en/siteallocations/>

9.0 Other material considerations

National Planning Policy Framework (NPPF) (2019)

9.1 Paragraph 184 states that “heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World

Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁶¹. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”

- 9.2 Paragraph 193 advises that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
- 9.3 Paragraph 195 advises that, where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - a) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 9.4 Paragraph 196 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 197 continues by advising that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.5 Paragraph 212 advises that the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Paragraph 213 advises that existing development plan policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with

the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Extant planning permission

- 9.6 The extant planning permission, FUL/2020/0216 granted subject to conditions in January 2021 is a material consideration.

The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3 (2nd Edition)

- 9.7 This publication produced by Historic England is used as a framework to inform the assessment of the impact of developments on the setting of heritage assets, including listed buildings. It is therefore a tool applied for the assessment against policy S27 of the Local Plan Part 1 and the built heritage advice contained with the NPPF. The document can be accessed on line here;-

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

10.0 Policy weighting

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 and Allerdale Local Plan (Part 2) policies have primacy.
- 10.2 The extant permission is a material consideration afforded modest weight but not to a degree that influences the overall balance of considerations here. Indeed, there are no material considerations in this instance which would result in a decision being made contrary to the development plan. The NPPF is afforded weight as a material consideration, but in the context of paragraph 213 of that Framework, the development plan policies are considered to have a high degree of consistency its content. The development plan policies are therefore afforded full weight in this instance.

11.0 Assessment

Principle of development

- 11.1 The principle of the new dwelling has already been accepted under planning permission FUL/2020/0216 and, as advised above, this is afforded modest weight as a material consideration. The new application changes the layout of the proposed dwelling within the site and reflects the actual site levels.

- 11.2 Policy S3 of the Local Plan (Part 1) sets out the hierarchy for new housing within the Borough and seeks to concentrate new housing within identified towns and villages. Eaglesfield is defined as a limited growth village, which is expected to accommodate small-scale development within the designated settlement boundary. 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, and the site is Part 2's settlement boundary for Eaglesfield.
The principle of the development is considered acceptable.

Design, Visual and Landscape Impact

- 11.3 Policy S4 of the Local Plan seeks new developments to respond positively to the character and distinctiveness of the area whilst ensuring suitable standards of amenity are achieved for the proposed dwellings. Policy DM14 further requires developments to reinforce and respect the existing development pattern with regards to plot size, building heights and frontage widths. Policy S5 of the Allerdale Local Plan also emphasises within its design criteria that "development should be of a scale and design which will not detract from the character of the settlement".
- 11.4 It is considered that the site in its undeveloped state does not offer landscape value to this part of the village and an appropriate design of dwelling could be accommodated within the streetscene.
- 11.5 The design principles of the building and the garage/summerhouse to the rear have already been approved under application FUL/2020/0216. The revised application has been submitted because, in seeking to start work on site, it was discovered that the site levels were incorrect, resulting in the proposed building sitting at a higher level than shown on the section. The applicant has reviewed the previous proposal and found it would not be viable to remove the amount of earth to reach the previously approved levels. There is also a culvert through the site which would raise difficulties with drainage. Therefore the recently granted permission cannot be built out. This is why it is only afforded modest weight as a consideration.
- 11.6 The proposed building has followed design features from the neighbouring terrace and responds successfully to the distinctiveness of the location and character of the village. The proposal continues to follow the building line of the neighbouring terrace, with front and rear gardens. The dwellings within the village are sited to face the highway with the majority of dwellings setback from the highway and having established curtilage area to the front and rear. In contrast with previous proposals on the site, the orientation of the proposed dwelling follows the pattern of other dwellings with a direct relationship with the highway. Therefore the proposal responds to the character, history and distinctiveness of its location and integrates acceptably with the village.
- 11.7 The site is significantly higher than the adjacent dwellings to the east which include the Grade II Listed Building, Croft Foot Farmhouse. A section has

been provided to enable a consideration of the impact on the terrace of buildings to the east. The approved application set out the difference at ridge height of only 0.76m. The revised proposal shows the difference in ridge heights of 3.11m. The issue for the current application is whether that increase in ridge height is acceptable.

- 11.8 In order to minimise the impact of the change in heights, the applicant has increased the gap significantly and meaningfully between the proposed building and the existing terrace. The proposed dwelling has a low eaves levels and low pitch but does employ raised tie trusses to maintain internal headrooms.
- 11.9 The key policy relating to this issue is Policy S4 which seeks new developments to respond positively to the character and distinctiveness of the area whilst ensuring suitable standards of amenity are achieved for the proposed dwellings. The village of Eaglesfield is on a slope with properties along both sides of the road being built on different levels. There is an organic and varied roofscape of varying heights across the village which forms part of its character and distinctiveness. Therefore, the change in ridge heights is not without precedent within the village and is actually an intrinsic part of the prevailing character.
- 11.10 In this context and affording weight to the proposed, increase in separation distance which visually reduces the acuteness of the level change, the variation is considered acceptable.

Heritage

- 11.11 Policy S27 states that the historic environment including all heritage assets and their settings will be conserved and enhanced in a manner appropriate to their intrinsic historic value and significance, their importance to local character, distinctiveness and sense of place, and to other social, cultural economic or environmental benefits/values.
- 11.12 There is a Grade II listed building within the terrace to the east of the site. It is identified as Croft Foot Farmhouse and barn and described in the official listing as follows:
- “Farmhouse and barn. Dated 1705 over entrance, with C19 alterations. Painted roughcast walls, under graduated greenslate roof with cement rendered chimney stacks. 2 storeys, 3 bays with long right barn under common roof. Top glazed 6-panel door in painted stone surround. Sash windows with glazing bars, those on ground floor in enlarged C19 painted stone surrounds; upper ones in original chamfered surrounds. Barn has projecting large double plank doors and right casement window in plain reveals. Left extension now Sycamore House, is not of interest”.
- 11.13 The application has been considered in the context of the duty under s66 of the Listed Buildings Act 1990. The listed building is representative of the residential /agricultural history of this village and this still forms the setting

today, acknowledging that other sectors such as quarrying were and are important. It is typical of the farmhouses/barn buildings that once predominated in the centre of rural Allerdale settlements that were based, in part, on an agrarian economy. This would have been the physical and functional setting of the village in Dalton's time (the village being the birthplace and so associated with the famous physicist). This functional and physical setting still contributes to the significance of the listed building along with its vernacular architectural features. Following discussions with planning officers in considering application FUL/2020/0216, the scheme has been designed to respond to the distinctiveness of the area, through a reduction in density, a change in design and orientation. The proposal followed the building line set by the terrace, including the listed building and would not cause harm to the views of the listed building. These elements have been maintained in the current proposal so it continues to meet those requirements.

- 11.14 The revised sectional details demonstrate that there is a change in levels between the application site and the Grade II Listed Building Croft Foot Farmhouse. In terms of level of harm, the site at present is unattractive brownfield land which does not enhance the setting of the listed building. The current proposal has been located to preserve views of the Listed Building by following the building line and it follows the design principles of the area. The separation distance and intervening dwelling between the site and the Listed Buildings means the principle of a dwelling on the site can be accepted. Part of the character of Eaglesfield is derived from the variation in levels throughout the village and there are examples within the village where neighbouring properties have large differences in ridge height. Therefore the impact of the proposal on the setting of the Listed Building will be neutral, its setting preserved with no harm and accordance with policy S27 of the Local Plan and the duty under section 66 of the Listed Buildings Act 1990.

Residential Amenity

- 11.15 Policy S32 seeks to ensure that new housing is located where it will not result in poor living conditions for the occupiers as a result of air pollution, noise, smell, dust, vibration, light or other pollution. The National Planning Policy Framework also requires that new development should seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.
- 11.16 In approving FUL/2020/0216, consideration was given to the issue of noise and odour impacting the residential amenity of the future residents. However, the location is within the settlement boundaries within a countryside location, and future residents would be aware of the context. Other residential development has been accepted nearby without noise and odour issues from the farm being raised. This issue is considered to be acceptable.
- 11.17 There are modern agricultural sheds to the rear of the application site within the same ownership. The continued operation of these sheds would have a detrimental impact on the amenity of future residents in terms of noise. As required under permission FUL/2020/0216, it is understood that the applicant intends to remove them and this is to be secured by condition.

11.18 Any impact on residential amenity due to the change in levels is mitigated by the relocation of the proposed dwelling away from the existing terrace. The current application will not impact the residential amenity of existing residents.

Highway safety.

11.23 There is an existing access point and visibility splays have been submitted which are acceptable. There is accordance with policy S22 of the Local Plan Part 1 as a result.

Flood risk and drainage

11.24 The site is within flood zone 1, the area at least probability of flooding and sequentially the preferred location for development.

11.25 In terms of surface water drainage it is considered that the development can be drained in accordance with the drainage hierarchy detailed in policy S29 of the Local Plan Part 1 without increasing flooding to the site or neighbouring sites (taking into account rainfall events of up to 1 in 100 years plus an 30% additional allowance for climate change).

12.0 Balance and Conclusions

12.1 The development plan is afforded full weight and there is accordance with this Plan overall. Indeed, there is considered to be no conflict. On discovering an issue with levels, the applicant has submitted the current application to deal with a higher ridge height. To mitigate any impact on the neighbouring terrace and listed building the gap between buildings has been increased to over 12m. Within the context of the character and distinctiveness of Eaglesfield, including development at varying levels and heights, the design of the proposal is appropriate and will not have a negative impact on the listed building. There will not be a detrimental impact on the residential amenity of existing or proposed residents. Therefore it is considered that planning permission should be granted subject to conditions.

RECOMMENDATION

Grant subject to conditions.

Annex 1

CONDITIONS

Time limit

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

In accordance

- 2. The development hereby permitted shall be carried out solely in accordance with the following plans:
WDS-05-6283-201 Rev B Garage Plans & Elevations and Location Plan
WDS-05-6283-202 Rev B Proposed Elevations
WDS-05-6283-203 Rev B Ground Floor Plan
WDS-05-6283-208 Rev C Site Plan 1:200
WDS-05-6283-208 Rev C Site Plan 1:500
WDS-05-RK-104 Rev B First Floor Plan
WDS-05-RK-105 Rev A Proposed Levels**

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.

During works / Prior occupation conditions

- 3. Prior to the occupation of the development, a surface water drainage based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and to accord with policy S29 of the Allerdale Local Plan Part 1 2014.

- 4. Prior to the occupation of the dwelling, the agricultural storage sheds to the south of the application site are to be removed.**

Reason: To ensure the residential amenity of future occupiers is protected in accordance with Policy S32 of the Allerdale Local Plan (Part 1) 2014.

- 5. No part of the development hereby permitted shall be constructed above ground floor level until details of all external stone materials have been submitted to and approved by the Local Planning Authority. Only the materials so approved shall be used in the development as approved.**

Reason: To ensure a satisfactory standard of development for the external appearance of the approved scheme which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 6. Full engineering details of a sustainable highway surface water drainage regime and system shall be submitted and approved prior to development being constructed above plinth level (other than site Investigations and demolition) commencing. All approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.**

Reason: In the interests of highway safety and environmental management and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

Other

- 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 policies S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 8. The dwelling/land use 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 and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

