

**Allerdale Borough Council**

**Planning Application FUL/2020/0122**

**Development Panel Report**

**Reference Number:** FUL/2020/0122  
**Valid Date:** 30/06/2020  
**Location:** Overgate  
Mealsgate  
Wigton  
**Applicant:** Executors of Late J M Ferguson  
C/O Davidson & Robertson  
**Proposal:** Creation of new replacement access and track,  
closing of existing access with boulders

**RECOMMENDATION**

**Approve**

**1. Summary**

<b><u>Issue</u></b>	<b><u>Conclusion</u></b>
Principle of Development	Officers consider the proposed new access to the A595 will result in a significant improvement to the substandard existing access. Whilst it is noted that the required visibility of over 215m can be achieved to the right (northeast), the visibility to the left (southwest) is only 197m. This only falls 18m below the national requirements. Given the significant improvement from existing officers consider the proposed access to be acceptable.
Landscape / Ecological Impact	It is considered that the proposed access road will assimilate into the existing landscape of the area. The translocation of the original hedge and the replanting of additional hedgerow will enhance the ecological value of the area.
Heritage Impacts	The property is a Grade II Listed farmhouse. It is considered that the proposal will not impact on the setting of the listed building.

## **2. Proposal**

2.1. The application seeks consent for the creation of a new vehicular access to serve the property known as Overgate.

2.2. The Plans for consideration are:-

5566 11 Location Plan (received 7 October 2021)

5566 10 Rev A Proposed New Access Road (received 7 October 2021)

Additional Supporting Statement – Proposed Access Improvements (received 4 October 2021)

Hedgerow Survey (received 27 September 2021)

Email 11 October 2021 amending description

Design and Access Statement (received 11 October 2021)

The particulars are available to view via the following link:-

<https://allerdalebc.force.com/pr/s/planning-application/a3X3X000004DF0nUAG/ful20200122>

## **3. Site**

3.1. Over gate is a grade II Listed Building, which is currently served off a single existing vehicular access from the A595, which leads into a court yard with the farmhouse to the right of the access and stone listed curtilage buildings to the rear with modern farm buildings beyond this.

3.2. The entrance is framed by a low stone wall with hedging above that extends around the frontage and along the highway. A small woodland lies to the northeast of the access and farmhouse. The visibility at the existing access is poor and substandard.

## **4. Relevant Planning History**

4.1. FUL/2021/0179 Rear Single storey extension and alterations to farmhouse, demolition of barns and erection of a timber boundary fence – Pending.

4.2. LBC/2021/0024 Listed Building Consent for a rear single storey extension, internal and external alterations to farmhouse, demolition of barns and erection of boundary fencing – Pending.

4.3. The new owners of the property and the applicant for the two applications listed above has carried out some retrospective works that form part of these applications. This included the boundary fence that has been erected behind the hedge. Officers are currently investigating the matter and enforcement action can be taken if considered appropriate.

## **5. Representations**

### **Parish Council**

- 5.1. No objections

### **Environmental Health**

- 5.2. No objections and no comments to make.

### **Cumbria Highway / LLFA**

- 5.3. As stated in our previous response, the proposal will be an improvement on the current substandard access, from the information provided for review it does not meet current highway standards for visibility and cannot, therefore, be accepted without justification for the relaxation in standards.
- 5.4. Our previous response therefore still apply. If you are however minded to approve the application then I recommend that conditions are attached. The conditions relate to visibility splays and the construction and drainage of the access area bounded by the carriageway edge.

### **Fire Officer**

- 5.5. No reply to date.

### **Minerals & Waste CCC**

- 5.6. Cumbria County Council as minerals planning authority does not object to this application.

### **United Utilities**

- 5.7. We object to the planning application on the grounds that the protection given to our plant may be diminished by the works you intend to carryout.

### **Northern Gas Networks**

- 5.8. Withdraw their objection.
- 5.9. The application has been advertised by press advert, site notice and neighbour letter. No representations have been received to date.

## **6. Environmental Impact Assessment**

- 6.1. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

6.2. The development does not within Schedule 1 nor 2 and, as such, is not EIA development.

## **7. Duties**

7.1. For LB setting:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

## **8. Development Plan Policies**

### **8.1. Allerdale Local Plan (Part 1)**

Policy S1 Presumption in Favour of Development  
Policy S2 Sustainable Development  
Policy S3 Spatial Strategy and Growth  
Policy S4 Design Principles  
Policy S22 Transport Principles  
Policy S27 Heritage Assets  
Policy S32 Safeguarding Amenity  
Policy S33 Landscape  
Policy DM14 Standards of Good Design  
Policy DM15 Extensions and Alterations to Existing Buildings and Properties  
Policy DM17 Trees, Hedges and Woodland

### **8.2. Allerdale Local Plan (Part 2)**

## **9. Other material considerations**

### **9.1. National Planning Policy Framework (NPPF) (2021)**

## **10. 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 the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.

## 11. Assessment:

### Principle of development

- 11.1. The main farmhouse is a Grade II Listed Building that has direct access from the A595 to a court yard to the side of the farmhouse. The application details that the current access is close to a bend in the road making visibility very limited and well below the national standard when entering/exiting the site. The current visibility is to the left 35m to the nearside kerb and is estimated to be 56m to the central double white line to the left (southwest) and 97m to the right (northeast).
- 11.2. The speed of the road is 60mph and therefore the national required visibility splays in both directions should be 215 metres in each direction.
- 11.3. Policy S4 seeks development function well by ensuring suitable standards of access can be achieved and maintained. Paragraph 111 of the National Planning Policy Framework details that developments should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be serve.
- 11.4. When leaving the site it is extremely dangerous to turn to the right when exiting and what tends to happen is people turn left then carryout a U-turn at the next junction up the road rather than tuning right. This currently is the only access to the farmhouse and associated farm buildings. The recent resale of the property has seen an intensification of the use of the site and brought the farm building back into use which in turn will see farm vehicles using the access. This in turn has resulted in in an intensification of the substandard access.
- 11.5. The applicant seeks to create a new access northeast of the site where it is argued visibility is better. This access would extend along a field boundary before passing across a field and then into the site courtyard area. It is proposed that this access would be used by all vehicles and the existing access would be permanently closed.
- 11.6. Cumbria Highways initial reply stated "Whilst the proposed will be an improvement on the current substandard access, from the information provided for review it does not meet current highway standards for visibility and cannot, therefore be accepted without justification for the relaxation in standards".
- 11.7. The applicant has now submitted a further supporting statement which included further information and justification following discussions with CCC Highways.
- 11.8. In the vicinity of the farm, the A595 has a carriageway width of 7.5m with a verge approx. 2.4m wide. The road is subject to the national speed limit (60mph) and there is a double white line system in place around the bend which prohibits overtaking in both directions. Traffic is free flowing with little queuing or delays

- 11.9. The application proposes an alternative access, some 215m northwest, in order to improve visibility and amenity. The new access takes all traffic through a field then splits residential and agricultural traffic so that farm vehicles don't pass through the courtyard and garden.
- 11.10. Visibility to the new access could achieve to the right approx. 330m which is well in excess of the required 215m. To the left it is 145m to the nearside kerb and estimated to be 160m to the central double white line marking which is below standard.
- 11.11. Although the proposed access offers a very significant improvement in visibility, CCC Highways in discussions indicated that it should be further improved by the removal and relocation of the existing hedge.
- 11.12. The relocation of the hedge maximises the available visibility to the left to 197m (to the centreline), just 18m short of the 215m requirement.
- 11.13. The below summarises the existing and proposed visibilities and the improvement resulting from the proposed access.

Direction	Existing Access	Proposed Access	Visibility Improvement
Visibility to Left (southwest)	56m	197m	+141m
Visibility to Right (northeast)	97m	215m	+118m

- 11.14. As can be seen whilst the full visibility to the right can be achieved the visibility to the left is just 18m below the recommended value of 215m. An approaching vehicle on the A595 travelling at the design speed of 60mph moves 26.8m each second. As such the travel time difference between the recommended visibility distance and that at the proposed access is just 0.66 seconds and is considered to be negligible.
- 11.15. County Highways have considered the additional supporting statement and advise their previous response therefore still applies. However, should we be minded to approve the application then they have recommended a condition be attached requiring the visibility splays to be provided prior to the development commencing.
- 11.16. As the vehicular use at the existing access is established and cannot be removed members should consider the significant betterment that the new access can achieve.

## **Landscape / Ecological Impact**

- 11.17. Policy DM17 seeks where possible that existing trees, hedgerows and woodland that are considered important to the local community, contribute to the character of the area and/or are of nature conservation value be protected. Policy S2 and S35 seeks to promote sustainable development whilst protecting and enhancing biodiversity within the Plan area.
- 11.18. To achieve the required maximum visibility at the site it is necessary to relocate part of the existing hedge that forms the front boundary with the highway.
- 11.19. The agent has submitted a Hedgerow Survey with the application that assess the hedge under The Hedgerow Regulations (1997).
- 11.20. The site survey found that the hedgerow does not meet the criteria of being classified as 'important' by the Hedgerow Regulations 1997.
- 11.21. Furthermore the hedgerow is deemed as having a low value to wildlife, both animals and plants, when viewed in the context of local landscape. As such, it is recommended that, where possible, the original hedge is translocated to its new position. Where this is not possible, a new hedgerow should be planted using a native species mix, with additional hedgerow wildflower seed / plug plants to be planted in the base.
- 11.22. The adjacent pasture land on which development will take place was also judged to be of low ecological value.
- 11.23. In terms of the impact on the landscape, along with the relocation of the original hawthorn hedge, the applicant is proposing that a mixed hawthorn and blackthorn hedge be planted along the inner side of the access track.
- 11.24. Officers consider the proposed access road will assimilate into the existing landscape of the area. The translocation of the original hedge and the replanting of an additional hedge will enhance the ecological value of the area.

## **Heritage Impacts**

- 11.25. Section 66 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."
- 11.26. The council therefore has a duty to have a special regard on developments which may affect the character or setting of the listed building.
- 11.27. Officers consider that the proposed new access will not impact on the setting of the listed building with the proposed landscaping facilitating the access track into the existing landscape.

11.28. With regards to the existing access although this will be closed the existing gated sandstone wall surrounding the entrance will be retained, with the drive leading to the house and courtyard retaining the historic history of the site.

11.29. To prevent people trying to continue to enter the original recessed access, then potentially having to reverse onto the highway for safety purposes it is proposed this access is to be closed. Whilst officers do not oppose this, consideration has been given to the means used to close off the existing access so as to retain the historic origins of the property and the original access. It is proposed that 4 boulders will be sited along the entrance to a height between 40 – 60cm to close off the access altogether. Officers consider the proposed location of the boulders to be acceptable, and the material and scale to be appropriate. This will ensure the historic significance of the sites original access remains intact.

### **11.30. Local Financial Considerations**

Having regard to S70 (2) of the Town and Country Planning Act the proposal will have financial implications arising from New Homes Bonus and Council Tax Revenue.

## **12. Conclusions**

12.1. The existing access at Overgate has very poor visibility along the A595 and is substantially below the required visibility standard of 215m.

12.2. It is considered that the proposed new access will allow a new safer egress/exit from the site. Although it is noted that the visibility to the left still falls below standard at 197m this is only 18m less and is a substantial improvement of 114m on the existing current situation and the revised access is considered acceptable.

12.3. The access track itself will not have an impact on the setting of the Listed Building. It is considered necessary to close the existing access in a manner which will retain the historic working of the farm whilst preventing any accidents on the A595 by drivers trying to enter. Therefore the proposed boulders are considered the most appropriate form, with the design and siting not having a detrimental impact on the setting of the Listed Building.

## **13. RECOMMENDATION**

**APPROVE**

## 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:  
5566 11 Location Plan (received 7 October 2021)  
5566 10 Rev A Proposed New Access Road (received 7 October 2021)  
Additional Supporting Statement – Proposed Access Improvements (received 4 October 2021)  
Hedgerow Survey (received 27 September 2021)  
Email 11 October 2021 amending description**

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.

#### **Post-commencement/Pre use commencing conditions:**

- 3. The development shall not commence until visibility splays providing clear visibility as shown on drawing number 5556 11 have been provided. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.**

Reason: In the interest of highway safety to ensure an acceptable standards of highway access during the construction and operational use of the site, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 4. The whole of the access area bounded by the carriageway edge, entrance gates and the splays (as shown on the drawing 5566 11) shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.**

Reason: In the interests of road safety.

- 5. The hedge along the access track and the replacement hedge to be reinstated behind the visibility splays as required under condition 3 as shown on drawing number 5566 10 Rev A and in line with the recommendations in the Hedgerow Survey shall be planted within the first planting season following completion of the development . Should any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality.

**Other:**

- 6. Within 1 month of the new access been brought into use the existing access as indicated on drawing number 5566 10 Rev A shall be permanently closed and the approved boulder details installed in situ. Thereafter the boulders shall be not removed nor the access brought back into use without the approval of the Local Planning Authority.**

Reason: To minimise highway danger for operational traffic and for the avoidance of doubt and safeguard the setting of the application sites listed building in compliance with policy S22 and S27 of the Allerdale local plan (Part 1).

**Advisory Note**

