

## SCHEDULE A: Applications with Recommendation

17/0111

Item No: 09

Date of Committee: 21/04/2017

**Appn Ref No:**  
17/0111

**Applicant:**  
Mr Jardine

**Parish:**  
Burgh-by-Sands

**Agent:**

**Ward:**  
Burgh

**Location:** 1 Ash Tree Square, Burgh by Sands, Carlisle, CA5 6AY

**Proposal:** Proposed New Vehicle Entrance

**Date of Receipt:**  
20/02/2017

**Statutory Expiry Date**  
17/04/2017

**26 Week Determination**

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### REPORT

**Case Officer:** Paul Fenton

#### 1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

#### 2. Main Issues

- 2.1 Impact of the proposal on the Burgh by Sands Conservation Area
- 2.2 Impact of the proposal on highway safety
- 2.3 Impact of the proposal on the Solway Coast Area of Outstanding Natural Beauty
- 2.4 Impact of the proposal on trees (TPO) and biodiversity

#### 3. Application Details

##### The Site

- 3.1 The application site is located in the centre of the village of Burgh by Sands to the south east of the junction with the C5022 and Station Road. The site is within the Burgh by Sands Conservation Area.
- 3.2 The site is bound to the north by the cobbled wall, beyond which is the C5022 road, the site is bound to the east by a mature hedgerow beyond which is Ash Tree Square, the site is bound to the south by 2 Ash Tree Square and to

the west by Station Road.

- 3.3 There is a tree subject to a Tree Preservation Order (Ref. TPO240) on the western boundary of the site and there is a Tree Preservation Order (Ref. TPO214) on the group of trees on the opposite side of Station Road. There is also an electricity substation, telephone box and post box immediately to the west of the site and adjacent to Station Road.
- 3.4 The character of the immediate area is characterised by a mix of residential properties, some fronting on to the highway with others side on creating a courtyard style form. Some residential properties have driveways onto the highway while others have on-street parking.

### **Background Information**

- 3.5 The land currently forms the residential garden of 1 Ash Tree Square, Burgh by Sands. The dwelling does not currently benefit from any off-street parking and as such vehicles are parked on the C5022 highway and the grass verge off Station Road.

### **The Proposal**

- 3.6 This application seeks planning permission for 'proposed new vehicle entrance' within the Burgh by Sands Conservation Area at 1 Ash Tree Square, Burgh by Sands.
- 3.7 It is proposed to create a 3 metre wide entrance through the existing 0.8 metre high cobbled wall to form an access and driveway for off-street parking for 2no. vehicles to serve the existing dwelling.
- 3.8 The wall would be made good and new opening sides rebuilt using existing materials. It is proposed the driveway would be finished with green granite chippings with timber edging. The remainder of the garden area would remain as grassed lawn.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the display of a site notice, press notice and by means of notification letters sent to 4 neighbouring properties. Two neighbour objections have been received during the consultation period relating to:
  - 1. The proposal would be detrimental to the visual impact of the Burgh by Sands Conservation Area and relationship to Ash Tree Square;
  - 2. Absence of detail relating to TPO tree on initial plan (subsequently amended by the Agent);
  - 3. Insufficient detail, clarity or sympathy to the character of the local area in terms of proposed materials;
  - 4. Concerns relating to the proximity to neighbouring electricity substation and safety implications;

5. The proposal would reduce the availability of on-street car parking for remaining residents; and,
6. Concerns relating to the number of vehicles accessing and existing the junction onto Station Road.

However, the neighbour objection did acknowledge the ability to enter and exit the property in a forward direction is positive.

## **5. Summary of Consultation Responses**

Cumbria County Council - (Highways & Lead Local Flood Authority): -

No objection. The layout details shown on the submitted plan are considered satisfactory subject to the imposition conditions.

Burgh-by-Sands Parish Council: -

Object to the application on the following grounds:

1. Breaking up of the cobbled wall which is a feature of the Burgh by Sands Conservation Area
2. The new access will displace on-street parking and encourage parking closer to the junction with Station Road
3. The new access and parking area may affect the TPO and root protection area.

Solway Coast AONB Unit: -

The opening of the wall to provide vehicular access is acceptable in this case. However, it is requested a condition is included securing details of how the two wall ends would be finished regarding both materials and design.

Northern Gas Networks: -

No objection. However there may be apparatus in the area that may be at risk during construction works and should the application be approved, then the promoter of these works should contact NGN directly to discuss the requirements in detail.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), and Policies SP6, IP3, HE7, GI2, GI3 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. The Burgh by Sands Parish Design Statement SPD is also a material consideration.
- 6.3 The proposal raises the following planning issues:

## **1. Impact Of The Proposal On Burgh by Sands Conservation Area**

- 6.4 Policy HE7 of the Local Plan requires new development within conservation areas to preserve or enhance the special character and appearance of the conservation area.
- 6.5 The Burgh by Sands Parish Design Statement SPD aims to ensure new development reflects the local characteristics and qualities of the area through the use of traditional materials and local architectural styles. The Statement makes specific reference to walls and plot boundaries using local natural materials (i.e. stone). In addition, the Statement aims to protect the historic street pattern, open spaces and other landscape features of the Conservation Area.
- 6.6 The proposal seeks approval to remove 3 metres of the existing cobbled wall to create a driveway and off-street parking provision for 1 Ash Tree Square. The existing wall is constructed of random sized cobbles with a lime mortar. The wall would be finished using existing materials and mortar to match. The driveway would be finished with green granite chippings with timber edging.
- 6.7 While the site is not within the immediate vicinity of any listed buildings, and the host building is of neutral contribution to the conservation area, the wall itself is part of the characteristic fabric of Burgh by Sands.
- 6.8 The Parish Council has objected to the application as the breaking up of the cobbled wall is considered to be detrimental to the feature of the Burgh by Sands Conservation Area and does not accord with the Burgh by Sands Parish Design Statement SPD.
- 6.9 Two neighbours have also raised concerns as it is considered the proposal would be detrimental to the visual impact of the locality.
- 6.10 The Council's Heritage Officer has been consulted on the proposal and originally requested additional detail in support of the application including a Heritage Statement and Elevation Plan to address how the proposed finish of the wall would respond to the character and setting of the Burgh by Sands Conservation Area.
- 6.11 The Agent subsequently submitted additional detail outlining the wall to be finished using existing materials to reflect existing openings through the wall within the immediate vicinity.
- 6.12 It is evident that similar accesses to the proposed have been made through the existing cobbled wall within the village. Most notably is the access and driveway opposite 1 Ash Tree Square serving the property known as Stoneleath. The proposal would be finished in a style to match as can be seen on the Proposed Elevation Plan (Dwg. ATS/ENT/ELEV WALL Rev A).
- 6.13 It is also evident that the wall is in a poor state of repair with crumbling mortar and dislodged cobbles. The proposal includes the repointing and repair of the existing stone wall and coping stones as necessary. It is therefore considered

the wall, and Conservation Area, would benefit from the proposal.

- 6.14 The Council's Heritage Officer has confirmed the proposal is acceptable subject to the imposition of a condition securing a material sample to be agreed on site prior to the commencement of the rebuilding of the wall.
- 6.15 On balance, although a 3 metre section of the wall would be removed, it is considered the proposal would preserve and enhance the long term contribution of the wall to the Burgh by Sands Conservation Area by way of repair and repointing in accordance with Policy HE7 of the Local Plan and the Burgh by Sands Parish Design Statement SPD.

## **2. Impact Of The Proposal On Highway Safety**

- 6.16 The proposal would introduce an additional access onto the C5022 highway, over the exiting footway, serving 1 Ash Tree Square. The access would create off-street parking for 2no. vehicles within the curtilage of 1 Ash Tree Square allowing the vehicles to enter and exit in a forward direction. There would be a loss of 1no. on-street vehicular parking space.
- 6.17 A visibility splay of 33 metres would be achieved to ensure safe access and egress from the driveway. The height of the wall would remain at 0.8 metres and would not impede the visibility splay.
- 6.18 It is understood there are existing problems within the village with on-street parking, particularly in this area where residents of Ash Tree Square do not benefit from off-street parking.
- 6.19 The Parish Council has objected to the application on the grounds the new entrance would encourage parking closer to the junction with Station Road and further reduce evening parking for other residents of Ash Tree Square who have no parking provision adjacent to their houses.
- 6.20 The Highway Authority has been consulted and confirmed the proposal is acceptable subject to the imposition of conditions relating to the vehicular crossing over the footway, including the lowering of dropped kerbs, and the associated surfacing of the driveway in bituminous or cement bound materials.
- 6.21 It is therefore considered that the net benefits of the proposal, in terms of additional off-street parking, outweigh the concerns relating to the loss of on-street parking within the immediate vicinity.

## **3. Impact Of The Proposal On The Solway Coast Area Of Outstanding Natural Beauty**

- 6.22 Policy GI2 of the Local Plan requires development proposals within the Solway Area of Outstanding Natural Beauty (AONB) to preserve and enhance the natural beauty of the area.
- 6.23 The Solway Coast AONB Unit were consulted on the proposal and confirmed

the opening of the wall to provide vehicular access is acceptable in this case. However, it was requested that a condition be attached to any planning approval securing details of how the two wall ends would be finished regarding both materials and design. As discussed in Section 1 above, the Council's Heritage Officer has also requested a similar condition.

- 6.24 As the development would utilise existing materials and materials to match the existing, it is considered the proposal would not detract from the special character and landscape quality of the area. It is therefore considered the proposal is acceptable by way of scale, setting and design and is appropriate to the landscape setting of the Solway AONB.

#### **4. Impact Of The Proposal On Trees (TPO) And Biodiversity**

- 6.25 The Parish Council originally raised concerns with the proximity of the proposed parking provision to the tree subject to a Tree Preservation Order (Ref. TPO240). The original proposal did not identify the TPO, or root protection area, on the submitted plans and therefore did not take account of the impact of the proposal on the TPO. However, the Agent subsequently amended the plan to relocate the parking provision from the western side of the dwelling to the eastern side of the dwelling. The proposed parking provision now falls out with the TPO root protection area. It is therefore considered there would be no detrimental impact on the tree (Ref. TPO240).
- 6.26 Nevertheless, it is considered appropriate to include a condition securing root protection fencing to be erected around the tree (Ref. TPO240) prior to the commencement of the development and for the duration of the construction works to ensure there is no detrimental impact on the tree.

#### **5. Other Matters**

- 6.27 Concerns have been raised by a neighbour relating to the proximity of the proposal to the existing electricity substation adjacent to the site. However, a permit would be required prior to the commencement of any works within the highway to address this issue.

#### **Conclusion**

- 6.28 In overall terms, it is considered the proposal would not be detrimental to the character and setting of the Burgh by Sands Conservation Area or the Solway Area of Outstanding Natural Beauty. The proposal would not be detrimental to highway safety and would provide a net gain in terms of off-street parking. Finally, the proposal would not be detrimental to the existing trees and biodiversity.
- 6.29 In all aspects the proposal is compliant with the objectives of the Local Plan policies and the proposal is recommended for approval.

#### **7. Planning History**

7.1 There is no relevant planning history.

## **8. Recommendation: Grant Permission**

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 20th February 2017;
2. the Site Location Plan (Dwg. ATS/ENTRANCE/SLP1 Rev A) received 8th February 2017;
3. the Site Block Plan (Dwg. ATS/ENTRANCE/SBP1 Rev B) received 6th March 2017;
4. the Section Through Existing Wall Plan (Dwg. ATS/ENT/DETAIL1 Rev D) received 23rd March 2017;
5. the Existing and Proposed Elevation On Wall Plan (Dwg. ATS/ENT/ELEV WALL Rev A) received 4th April 2017;
6. the Design & Access Statement (Ref. February 2017) received 8th February 2017;
7. the Heritage Statement (Ref. March 2017) received 31st March 2017;
8. the Green Granite specification received 23rd March 2017;
9. the Buff Paver specification received 23rd March 2017;
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Prior to the commencement of the rebuilding of the cobbled wall, a sample panel, including stone work, coping and mortar specification shall be constructed for the inspection and approval in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved detail.

**Reason:** To ensure a satisfactory external appearance to the proposal and to preserve and enhance the character and setting of the Burgh by Sands Conservation Area in accordance with Policies SP6, HE7 and GI2 of the Carlisle District Local Plan 2015-2030.

4. For the duration of the development works the existing tree (Ref. TPO240) as identified on the Section Through Existing Wall Plan (Dwg. ATS/ENT/DETAIL1 Rev D) shall be protected by a suitable barrier erected and maintained around the root protection radius. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the

ground by any other means.

**Reason:** To protect trees and hedges during development works in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

5. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

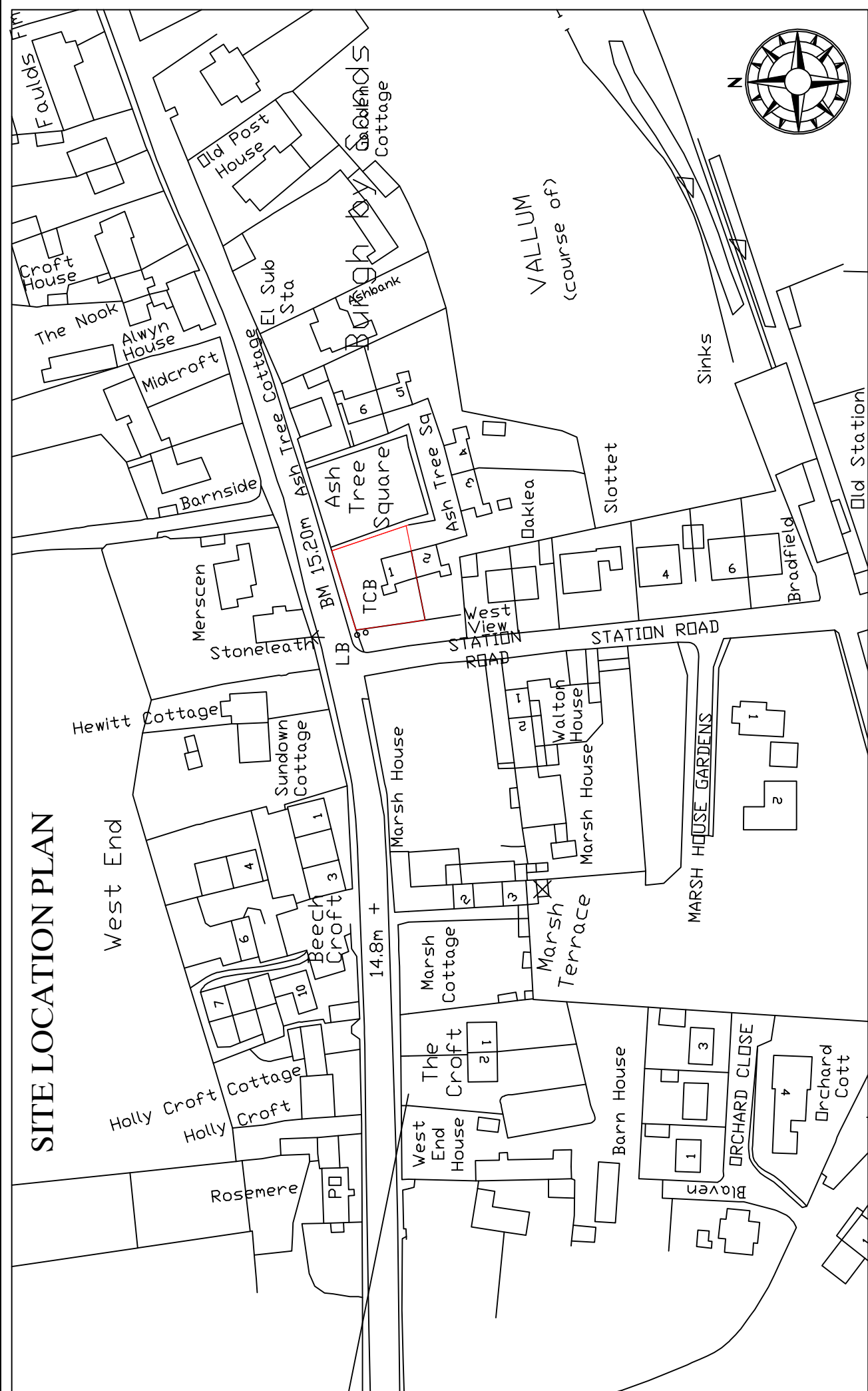
**Reason:** To ensure a suitable standard of crossing for pedestrian safety.  
To support Local Transport Plan Policies LD5, LD7 and LD8.

6. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

**Reason:** In the interests of highway safety.  
To support Local Transport Plan Policies LD5, LD7 and LD8.

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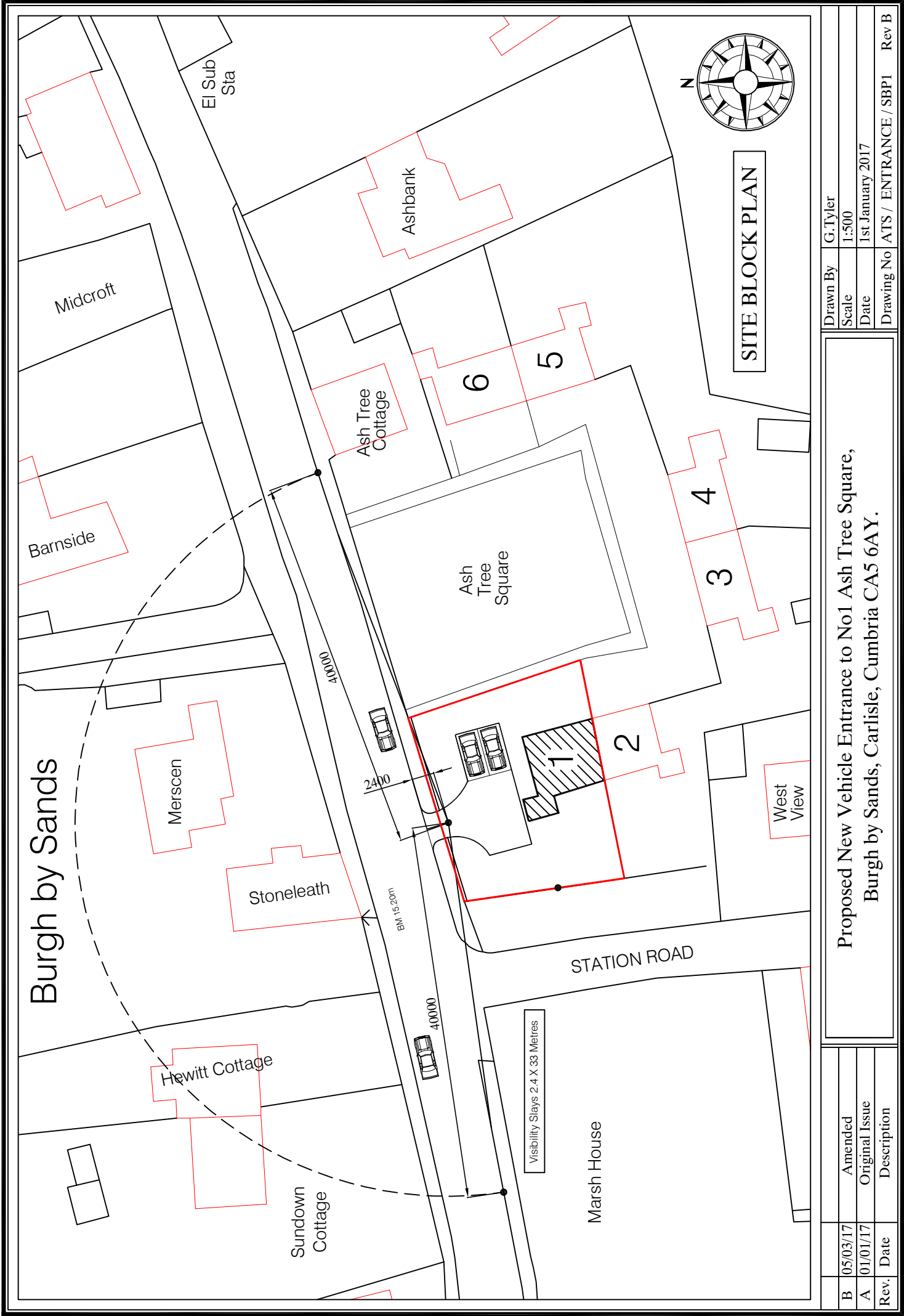


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Proposed New Vehicle Entrance to No1 Ash Tree Square,  
Burgh by Sands, Carlisle, Cumbria CA5 6AY.

|            |                       |
|------------|-----------------------|
| Drawn By   | G.Tyler               |
| Scale      | 1:1250                |
| Date       | 1st January 2017      |
| Drawing No | ATS / ENTRANCE / SLP1 |
|            | Rev A                 |

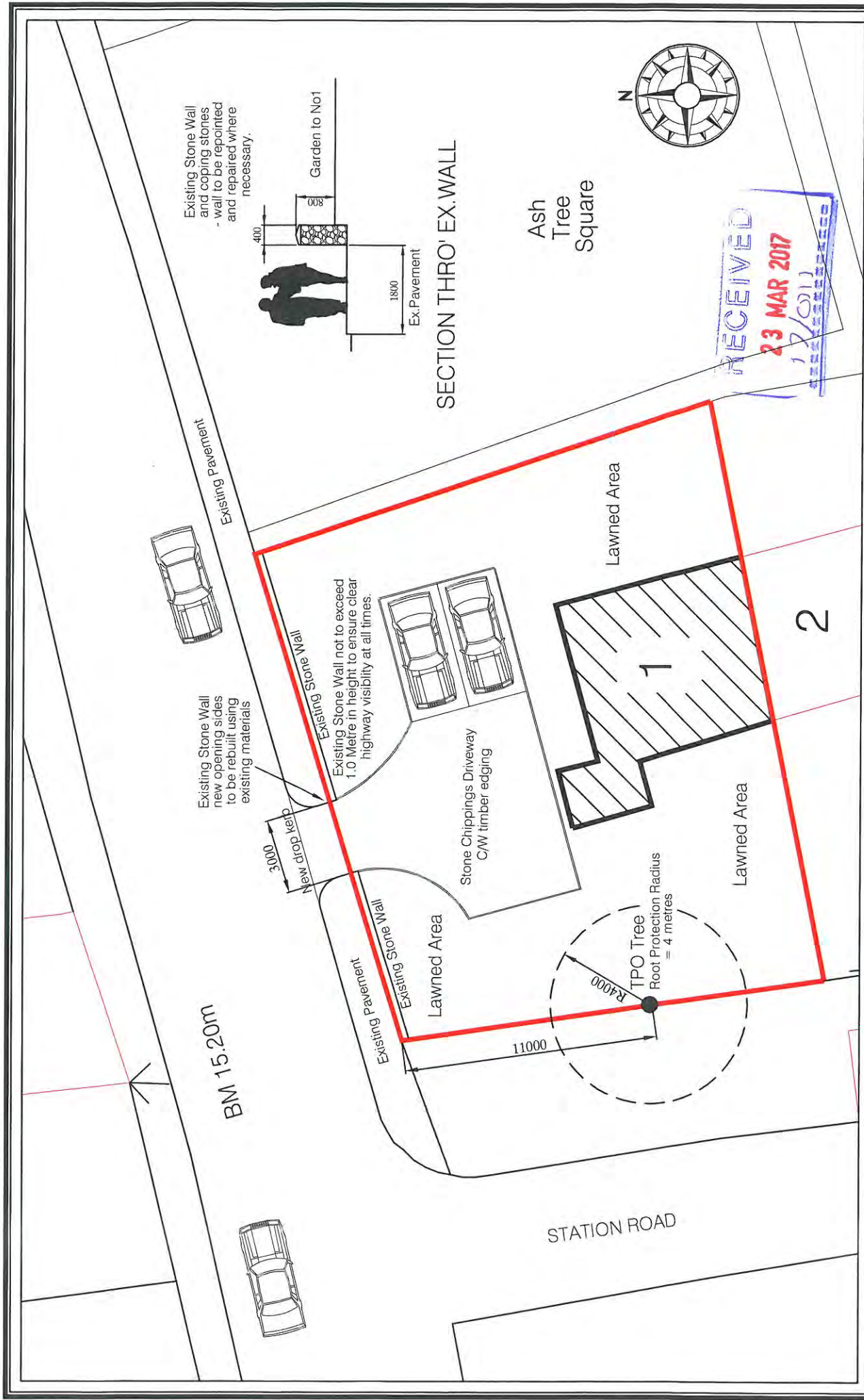
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|------|----------|----------------|--|
|      |          |                |  |
|      |          |                |  |
|      |          |                |  |
| A    | 01/01/17 | Original Issue |  |
| Rev. | Date     | Description    |  |



Proposed New Vehicle Entrance to No 1 Ash Tree Square,  
Burgh by Sands, Carlisle, Cumbria CA5 6AY.

|            |                       |
|------------|-----------------------|
| Drawn By   | G.Tyler               |
| Scale      | 1:500                 |
| Date       | 1st January 2017      |
| Drawing No | ATS / ENTRANCE / SBP1 |
| Rev        | B                     |

| Rev. | Date     | Description    |
|------|----------|----------------|
| B    | 05/03/17 | Amended        |
| A    | 01/01/17 | Original Issue |



|   |          |             |                     |       |
|---|----------|-------------|---------------------|-------|
| Proposed New Vehicle Entrance to No1 Ash Tree Square,<br>Burgh by Sands, Carlisle, Cumbria CA5 6AY. |          | Drawn By    | G.Tyler             | Rev D |
|   |          | Scale       | 1:200               |       |
|   |          | Date        | 1st January 2017    |       |
|   |          | Drawing No  | ATS / ENT / DETAIL1 |       |
| D   | 20/03/17 | Amended     |                     |       |
| C   | 05/03/17 | Amended     |                     |       |
| B   | 01/03/17 | Amended     |                     |       |
| Rev.  | Date     | Description |                     |       |



STATION ROAD

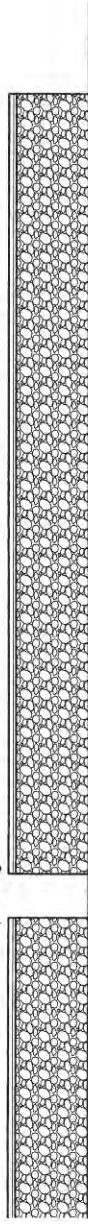
Existing Stone Wall

Existing Stone Wall

Existing Pavement



Existing Pedestrian opening



EXISTING ELEVATION ON WALL

Existing Stone Wall new opening sides to be rebuilt using existing materials

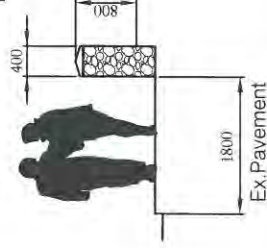
Existing Stone Wall and coping stones - wall to be repointed and repaired where necessary.

Proposed Vehicle entrance



PROPOSED ELEVATION ON WALL

Existing Stone Wall and coping stones - wall to be repointed and repaired where necessary.



SECTION THRO' EX. WALL

31 MAR 2017  
17/01/17

Proposed New Vehicle Entrance to No1 Ash Tree Square,  
Burgh by Sands, Carlisle, Cumbria CA5 6AY.

|            |                             |
|------------|-----------------------------|
| Drawn By   | G.Tyler                     |
| Scale      | 1:200                       |
| Date       | 28th March 2017             |
| Drawing No | ATS / ENT / ELEV WALL Rev A |

| Rev. | Date     | Description    |
|------|----------|----------------|
| A    | 28/03/17 | Original Issue |