SCHEDULE A: Applications with Recommendation

20/0452

Item No: 01 Date of Committee: 11/09/2020

Appn Ref No:Applicant:Parish:20/0452Mr Tim HeslopBrampton

Agent: Ward:

Architects Plus (UK) Ltd Brampton & Fellside

Location: Land at Capon Tree Lodge, Capon Tree Road, Brampton, CA8 1QL

Proposal: Erection Of 1no. Dwelling (Outline)

Date of Receipt: Statutory Expiry Date 26 Week Determination

10/07/2020 04/09/2020

REPORT Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 Impact On Landscape Character
- 2.3 Scale And Design
- 2.4 Impact On Residential Amenity
- 2.5 Highway Issues
- 2.6 Drainage Issues

3. Application Details

The Site

3.1 The application site, which measures 0.1ha, forms part of the garden to Capon Tree Lodge. Capon Tree Lodge is a large bungalow which sits within a very large plot which extends from Capon Tree Road, which runs to the front of the property, to the U1108 (Capon Hill) (also referred to as Quarry Lane and Quarry Bank Lane by objectors) which runs to the rear. The vehicular access to the existing dwelling is from Capon Tree Road and there

is also a pedestrian access via a gate onto the rear lane.

- 3.2 The garden slopes downhill away from the property towards the rear lane. There are a number of trees within the garden area and along the boundaries of the property. An allotment is located in the southern corner of the garden and this, together with some adjoing lawned area, which contains some mature trees on the boundary, forms the application site. The rear property boundary adjacent to the lane consists of fencing adjoined by hedging.
- 3.3 Capon Tree Lodge is adjoined by residential properties to all sides. Cashel lies to the north, with Albany Cottage and Trevanna lying to the south.

 Quarry Bank lies to the east on the opposite side of Capon Hill.

The Proposal

- 3.4 The proposal is seeking outline planning permission for the erection of one dwelling. The application is seeking permission for the scale of the dwelling and for the new access, with the layout and appearance of the dwelling and the landscaping being reserved for subsequent approval.
- 3.5 The layout plan that has been submitted with the application shows a dormer bungalow being sited towards the southern end of the plot. The plans show the front elevation of the dwelling facing north with a side elevation shown facing east towards Capon Hill.
- 3.6 A number of the trees on the southern site boundary would be retained together with a large tree that is located adjacent to Capon Hill with some new planting also proposed. The hedge along the roadside would be retained and reinforced with new native species hedgerows being planted to the new site boundaries.
- 3.7 A new access onto Capon Hill would be created at the northern end of the plot and this would require the removal of a tree. This new access would run to the rear of the large tree that is to be retained on Capon Hill and would provide access to a parking area for three cars that would be located to the front of the dwelling. A plan has been submitted which shows visibility splays of 90m in both directions are achievable from the proposed access.
- 3.8 Surface water would discharge to a soakaway which is shown as being located in the northern corner of the site. Foul drainage would connect to a new package treatment plant that would be sited in the southern corner of the plot.

4. Summary of Representations

4.1 This application has been advertised by means of a site notice and notification letters sent to four neighbouring properties. In response 13 letters of objection (from 12 households) have been received which make the following points:

Highway Issues

- the lane from which the proposed development will have access is single track:
- the entrance to the proposed development would come out onto a totally unsuitable narrow road which can barely cope with the present traffic volume. It is with great difficulty that passing can take place owing to the lack of road width:
- the proposed access to the site is dangerous and wholly unacceptable, being on an elevated site, close to a difficult corner on a very narrow lane and with restricted visibility;
- the proposed development would access Quarry Lane at it's narrowest point:
- the lane is in a poor state of repair and has been for many years. The surface is crumbling, the width is reducing and it is barely single carriageway;
- this proposal has poor access from a badly maintained lane and there is no doubt additional vehicles used for building and groundworks will further aggravate the parlous state of the lane;
- the proposed dwelling would create the first vehicular entrance onto that side of the lane just as it narrows and bends;
- the access to this proposed house is at a particularly narrow point rising steeply to the suggested drive which will create a blind spot and be a danger to all users because it will be hard to provide adequate splays, which must be a Highways issue;
- the road is also widely used by walkers and cyclists (it is part of the C2C cycle route) who have to take to the banking to let vehicles past;
- Quarry Lane is a narrow tarmac lane ending in a cul-de-sac and provides access to two farms, an electricity substation and small parking area. There is an open ditch on one side reducing the ability of vehicles to pass;
- the road is used by tractors, postal vans, and supply vehicles, heavy duty agricultural traffic to access fields, a steady increase in cars to access the Gelt Woods and Talkin Tarn, walkers with or without dogs, cyclists (it is a designated cycle route) and vehicles (for maintenance and the supply of diesel fuel); pedestrian, horserider, cyclist and vehicle use of the lane has increased considerably in recent years and particularly since lockdown;
- in 2015 the Inspector, commenting on a previous application, noted that the area was well used recreationally in the last five years this has noticeably increased again and will doubtless intensify as government encourages people to continue exercising outside;
- there are in excess of 40 vehicles using this lane every day plus the farm traffic and oil tankers servicing the Peaking Plant;
- the applicant voiced concerns himself about a new build with access onto the lane in an objection to a previous planning application (Reference 15/1000) when he stated 'Quarry Bank Lane, the only access to this site is a narrow rural lane much used by walkers and cyclists, it is part of a designated cycle route';
- unfortunately, some do not drive to suit the lane conditions and regularly speed and pose a huge risk and danger to other users - people, dogs and children have to take to the verges to avoid an accident;
- traffic noise from the bypass can also be an issue for lane users as they are unaware the noise they hear is actually a vehicle right behind them and not

on the A69:

- any new developments would significantly impact the rural character of the lane and increase hazards for all the people who currently use the lane as a cycle path or walking route;
- the proposed site plan does not include the splayed rear vehicular access to the neighbouring property which would appear to be directly opposite the proposed access to the new development site;
- when Highways attempted to record the volume of traffic using their electronic equipment within hours of the cables being laid there was a heavy snowfall and the cables were covered with impacted snow and ice and the lane was closed for three days so it would appear that Highways are basing their opinion on unreliable data;
- the Planners should insist that the Highways re-evaluate the level of traffic using the lane so that the Planning Committee can base their decision on reliable information;

Landscape Character

- the section of the lane where the new development will be sited has a lovely semi-rural aspect as houses are either well set back from the road or hidden behind established hedges;
- the elevated setting of the new house combined with its proximity to the lane will have an impact on the rural character of the lane;
- this proposal is completely out of kilter with the surrounding area. It is out on a limb and inconsistent with the current placement of houses in the area;
- the proposal is actually creating a new housing line with access from the lane and this precedent will actively open the floodgates to further applications from those with gardens facing the lane and potentially from those whose applications were refused in 2014/2015;
- the current homes with pedestrian access to the lane are well secluded and unobtrusive so that visitors can enjoy all aspects of the area;
- this is a beautiful tree lined lane which leads to many walks and is part of the C2C cycle route and it gives everyone who flocks here on a regular basis a wonderful experience;
- the proposal does not respect the character of the local landscape;
- the development will have a visible detrimental impact and is hardly likely to solve any housing supply issues;
- it will be an isolated house which will detract from the natural location and may even result in the necessity to remove large, matures trees;
- the garden of the proposed development is significantly shaded by tall trees some of which are on neighbours land - there is the distinct possibility that in the future there will be pressure to reduce the height of these trees;

Residential Amenity

- the proposed development will have a serious impact on the quality and the privacy of occupiers of neighbouring properties;
- site of the proposed development is significantly higher than the neighbouring property and the proposed dormer bungalow would therefore inevitably overlook this property and garden and by reason of its elevated location would have an overbearing and over-dominant effect;
- in an area of substantial detached dwellings within spacious garden areas it is unacceptable that this new development should intrude privacy of exiting

dwellings;

- this small development will overlook either the house or garden of at least three surrounding properties;
- given the number of large trees around the proposed development site anticipate that the house would need a significant number of windows in order to gain sufficient natural light and doubtless some of these will face the property to the east;
- every movement in the garden and parts of the house will be visible to outside scrutiny;
- the proposed access entrance will be adjacent to the garden of a neighbouring property and we will obviously be subject to fumes and in the winter months light pollution will dazzle through windows:
- this proposed development should be in line with Capon Tree Lodge this would remove any objections on the grounds of privacy expressed by the immediate neighbours;

Drainage

- the proposed development will increase the surface water run off into the lane given that there will be more hard surfaces;
- when it rains, there is already a significant volume of water running downhill that the lane can struggle to handle;
- the road is already in a poor state of repair and any increase will exacerbate the erosion of the road surface and increase the level of standing water.

Other Matters

- if permission is granted for this development to go ahead, this would set a precedent for similar developments to go ahead in other gardens of houses in this single-track lane;
- in addition the present proposed site could lead over future years to a ribbon development down Quarry Lane which is totally inadequate to carry more traffic:
- the proposed development is contrary to criteria 1 and 7 of Policy SP6 and criterion 4 of Policy HO3 of the Carlisle District Local Plan.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - has no objections to the principle of this application subject to conditions (provision of visibility splays; surfacing of access drive; gradient of the access; measures to prevent surface water discharging onto the highway; access gates to open inwards; access and parking to be constructed in accordance with the approved plan; parking for construction traffic) - it is not considered that one dwelling would have a significant impact on the highway conditions;

Brampton Parish Council: - objects to the application: Quarry Lane is too narrow and not maintained sufficiently to support access to construction vehicles etc; could the proposed dwelling be relocated elsewhere in the garden area of Capon Tree Lodge and the access be from Capon Tree Road itself which would be more in keeping with the area?; the usage study undertaken by highways that is mentioned in one of the online objections is of concern and doesn't seem to be actual representative data; could an

additional study be undertaken by highways that is more accurate?

6. Officer's Report

Assessment

- 6.1 Section 70(2) 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.
- 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 SP1, SP6, HO2, HO3, CC4, CC5, GI3, GI6, IP2, IP3, IP4 and IP6 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Documents Achieving Well Designed Housing and Trees and Development are also material planning considerations.
- 6.3 The proposal raises the following planning issues.
 - 1. The Principle Of Development
- The application site is located within Brampton, which contains a large range of services. Policy HO2 of the adopted Local Plan identifies Brampton as a settlement that is suitable for new housing development on unallocated sites. The proposal would, therefore, be acceptable in principle.
 - 2. Impact On Landscape Character
- 6.5 A number of objectors have raised concerns about the impact of the proposal on landscape character. The application site forms part of the garden to Capon Tree Lodge. This dwelling is adjoined by dwellings to all sides. The majority of the existing roadside hedge, which contributes to the rural character of the area would be retained together with a number of the existing trees. Whilst one tree and a section of hedgerow would be removed to facilitate the creation of a new access, new hedgerows and trees would be planted within the site and these can be secured through a landscaping condition.
- 6.6 Whilst it is acknowledged that a new access would be created onto the lane there are other existing accesses onto the lane, including one directly opposite the proposed access. The creation of a new access would not have a significant impact on the landscape character. As the lane is unclassified a new access could be created to serve the existing dwelling without the need for planning permission.
- 6.7 In light of the above, the proposal would not have a significant adverse impact on the landscape character of the area which is characterised by residential properties at its northern end.

3. Scale And Design

- 6.8 The proposal is in outline and is seeking approval for the scale of the dwelling, with the layout and appearance reserved for subsequent approval.
- 6.9 The application is seeking approval for the scale (which includes height, width and length) of the dwelling. The layout plan shows a dormer bungalow which would have a maximum length of 16.3m and a maximum width of 10m and this is considered to be acceptable on this site. The exact location of the dwelling within the plot and the appearance of the dwelling would be determined through a subsequent reserved matters application.
 - 4. Impact On Residential Amenity
- 6.10 The occupiers of neighbouring properties have raised concerns about the impact of the proposed dwelling on their residential amenity and have raised concerns about loss of privacy, overlooking and the over bearing and over dominant impact of the dwelling.
- 6.11 The proposed layout plan shows the front elevation of the dwelling facing Cashel, which is a single-storey property that lies directly to the north of Capon Tree Lodge. There would be approximately 60m between the front elevation of the proposed dwelling and the rear conservatory of Cashel
- 6.12 Quarry Bank, which is a single-storey property, would lie to the east of the proposed dwelling and would sit at a significantly lower level. The dwelling on the submitted layout plan has a side elevation 27m from the nearest elevation of Quarry Bank, with the other elevation of Quarry Bank that faces the site being 37m away. There is an existing high hedge along the front boundary of Quarry Bank which would reduce overlooking.
- 6.13 The occupiers of a neighbouring property have also raised concerns about the impact of fumes from vehicles accessing the property and car headlights shining into their property. The access would be 25m from the boundary with the neighboring property which currently consists of a hedge. Given the low level of traffic that would be accessing a single dwelling it is not considered that this would have a significant adverse impact on the occupiers of the neighbouring property. If desired, the neighbour could erect a fence up to 2m high on the boundary with Capon Tree Lodge without the need for planning permission.
- 6.14 The proposed separation distances between the proposed dwelling and the existing dwellings greatly exceed the minimum separation distances set in the Council's SPD on Achieving Well Designed Housing (21m between primary facing windows and 12m between a primary window and a blank gable). The proposal would not, therefore, have an adverse impact on the living conditions of the occupiers of any neighboring properties through loss of light, loss of privacy or over dominance that would be sufficient to warrant refusal of the application.

5. Highway Issues

- 6.15 The Parish Council and a number of objectors have raised concerns about the suitability of the lane for accessing the dwelling. They consider that the additional traffic from the dwelling would cause a danger to existing road users, which include a large number of walkers and cyclists.
- 6.16 The Highways Authority has been consulted on the application. Due to the level of objections that raised highway safety issues, the Highways Authority were asked to undertake a site visit before providing their formal response.
- 6.17 The applicant has shown visibility splays of 90m in both directions from a point measured 2.4m back from the carriageway edge. This is considered acceptable for a 30mph road such as this. It is, however, noted that these splays could be obstructed by the verges. The applicant, therefore, needs to ensure that a clear 60m of visibility site lines can be achieved without obstruction and a condition has been added to the permission to cover this.
- 6.18 The location of the proposed dwelling is on a steep incline and the applicant should ensure that the gradient of the access is no more than 12.5% (1 in 8) for the first 5m into the site from the carriageway edge. The gradient of the site along with the loss of permeable surface would result in surface water discharging towards the highway. The applicant would, therefore, need to submit details of the measures they would be taking to prevent the discharge of surface water onto the highway.
- 6.19 The Highways Authority does not consider that one dwelling would have a significant impact on highway conditions. It has, therefore, confirmed that it has no objections to the application, subject to the imposition of conditions (provision of visibility splays; surfacing of access drive; gradient of the access; measures to prevent surface water discharging onto the highway; access gates to open inwards; access and parking to be constructed in accordance with the approved plan; parking for construction traffic).
- 6.20 An objector has made reference to a traffic survey which attempted to record the volume of traffic using electronic equipment when the lane was closed for three days due to snow and ice. This traffic survey was not undertaken in relation to this application. The Highways Authority has not asked for a traffic survey with this application as the levels of traffic generated by one dwelling would be insignificant and it has not asked for a speed survey as suitable visibility splays can be achieved.

6. Drainage Issues

6.21 Objectors have raised concerns about the proposed development increasing surface water run off into the lane. Surface water from the dwelling would be directed to a soakaway within the garden area of the new dwelling. A condition has been added to the permission which requires the applicant to submit details of measures to prevent surface water discharging onto the highway for approval by the LPA.

Conclusion

6.22 In conclusion, the proposal would be acceptable in principle. The scale of the dwelling would be acceptable and the appearance would be determined through a Reserved Matters application. The proposal would not have an adverse impact on landscape character or on the living conditions of the occupiers of any neighbouring properties that would be sufficient enough to warrant refusal of the application. The proposed access and drainage would be acceptable subject to conditions. The proposal is, therefore, recommended for approval subject to conditions.

7. Planning History

7.1 There is no planning history relating to this site.

8. Recommendation: Grant Permission

- 1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
 - i) the expiration of 3 years from the date of the grant of this permission, or
 - ii) the expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the layout, appearance and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

- 3. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 - 1. the submitted planning application form, received 7th July 2020;
 - 2. Desk Top Study, received 7th July 2020;
 - 3. Location Plan (Dwg No. 20009-00B), received 13th July 2020;
 - 4. Existing Site Survey (Dwg No. 20009-01), received 7th July 2020;
 - 5. Proposed Site Plan (Dwg No. 20009-02A), received 7th July 2020;
 - 6. Visibility Splays (Dwg No. 20009-04), received 7th July 2020;

- 7. the Notice of Decision; and
- 8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority prior to their first use on site. The development shall then be undertaken in strict accordance with the approved materials.

Reason: To ensure the design of the dwellings is appropriate to the area and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to their erection on site, details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be undertaken in strict accordance with the approved details.

Reason: To ensure the design and materials to be used are appropriate and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Full details of the foul and surface water drainage systems shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any 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 support Policies CC5 and IP6 of the Carlisle District Local Plan 2015-2030.

- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) the following forms of development within the provisions of Part 1 to Schedule 2 of the Order shall not be undertaken without the express permission in writing of the council:
 - 1. Extension or enlargement
 - 2. Additions or alterations to roofs
 - Detached outbuildings
 - 4. Porches
 - 5. Chimneys and flues

Reason: The further extension or alteration of the dwelling or erection of detached buildings requires detailed consideration to

safeguard the amenities of the surrounding area, to accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

8. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site (together with the timing of these works) have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

Reason: In order to enhance the habitat for wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

9. Adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

Reason: To ensure adequate provision of infrastructure and to accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

10. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

11. Prior to the commencement of development, the applicant shall submit details of tree protection fencing to be installed on the site for approval in writing by the Local Planning Authority. This fencing shall be erected prior to the commencement of development and shall remain in place until the works are completed.

Reason: To ensure that the existing hedgerow is protected in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

12. The development shall not commence until visibility splays providing clear visibility of 60 metres down the centre of the access road and the nearside channel line of the carriageway edge measured 2.4 metres back into the site from the carriageway edge have been provided at the junction of the access road with the county highway in line with the splays displayed on Drawing Number 20009-04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general

development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety and to support Local

Transport Plan Policies LD7 & LD8.

13. 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 and to support Local

Transport Plan Policies LD5, LD7 & LD8.

14. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before development commences and shall not be raised to a height exceeding 1.05m thereafter.

Reason: In the interests of highway safety and to support Local

Transport Plan Policies LD7 & LD8.

15. The gradient of the access drive shall be no steeper than 12.5% (1 in 8) for a distance not less than 5m as measured from the carriageway edge of the adjacent highway.

Reason: In the interests of highway safety and to support Local

Transport Plan Policies LD7 & LD8.

16. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any 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 support Local Transport Plan Policies LD7

& LD8.

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

Reason: In the interests of highway safety and to support Local

Transport Plan Policies LD7 & LD8.

The dwelling shall not be occupied until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or

altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the

development is brought into use and to support Local Transport

Plan Policies LD5, LD7 & LD8.

19. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason:

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users and to support Local

Transport Policy LD8.

Ordnance Survey Ukmapcentre.com



REV B 09.07.20 Site Plan updated REV A 24.06.20 Site Plan updated Rev. Date Description

DB DB

Revised by

Plan updated D

Project

CAPON TREE LODGE, CAPON TREE ROAD, BRAMPTON CA8 1QL

Drawing

LOCATION PLAN

Client

Mr & Mrs Heslop

LOCATION

ARCHITECTS

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Drawn DB Comp.No.

20009-00B



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