

## SCHEDULE A: Applications with Recommendation

17/1047

Item No: 03

Date of Committee: 16/03/2018

**Appn Ref No:**  
17/1047

**Applicant:**  
Mr A Gould

**Parish:**  
Stanwix Rural

**Agent:**

**Ward:**  
Stanwix Urban

**Location:** Land adjacent to Wensleydale, Tarraby, Carlisle, CA3 0JS

**Proposal:** Proposed New Vehicular And Pedestrian Access To Serve Previously Approved Dwelling (Ref. 15/0179)

**Date of Receipt:**  
12/12/2017

**Statutory Expiry Date**  
06/02/2018

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Impact On The Tarraby Conservation Area
- 2.2 Impact On The Setting Of Listed Buildings
- 2.3 Impact On The Hadrian's Wall World Heritage Site
- 2.4 Highway Matters
- 2.5 Impact On Biodiversity

#### 3. Application Details

##### The Site

- 3.1 The application site is a paddock that lies adjacent to Wensleydale, which is a large detached property that is set in an extensive plot. The paddock lies directly to the west of the property and is separated from an adjacent field by a timber post and rail fence. A hedgerow runs along the front of the site, adjacent to Tarraby Lane and this qualifies as an important hedgerow under the Hedgerow Regulations 1997. The site lies within the Tarraby

## **Background**

- 3.2 In August 2015, planning permission was granted for the erection of a large detached dwelling within the paddock and within part of the side garden of Wensleydale (15/0179). This permission has not been implemented but remains extant until 14<sup>th</sup> August 2018.
- 3.3 The approved access to the dwelling is via the existing access to Wensleydale, which would be altered to improve visibility. A new driveway would be created to the front of Wensleydale and this would require the removal of six trees (silver birch and scots pine). The existing hedge to the front of the site, that lies adjacent to Tarraby Lane, would be retained and the existing timber post and rail fences to the paddock would be replaced by new hawthorn hedges along the eastern, western and southern site boundaries.
- 3.4 A condition was attached to the permission which requires the existing hedge to the front of the site adjacent to Tarraby Lane to be retained at a height of no less than 2m (measured from the garden side).

## **The Proposal**

- 3.5 This proposal is seeking to create a new vehicular and pedestrian access to serve the previously approved dwelling. The new entrance would be similar to the existing entrance to Wensleydale and would be angled to face east towards Houghton Road.
- 3.6 The proposal would require the removal of approximately 12m of hedgerow. This would be replaced by 9m of new hedgerow to the east of the new access and 3m to the west which would link into the existing hedgerow. The six trees in the garden of Wensleydale, which were to be removed, would be retained.
- 3.7 The application is accompanied by a Hedge Report. This states that there are no unique species or specimens recorded within the hedge and the species composition of the hedge is typical for this rural north Cumbria setting. The report considers that the existing hedge is in poor condition and replanting would be beneficial. Furthermore, the retention of the existing trees would be greatly beneficial to the landscape character of the lane.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of site and press notices. In response, one letter of objection has been received, which makes the following points:

1 ) an entrance way for the new dwelling has already been approved through the garden of Wensleydale. The approved access route to the new house respects the protected status of the hedgerow and uses Wensleydale's drive for access to and from Tarraby Lane;

2) the proposed planning application should not be seen as a way of protecting trees in the garden of Wensleydale from being felled. Scots Pine trees are incongruous within the surrounding landscape and have only served to starve the protected hedgerow of light and nutrients. The trees are also a danger to traffic. In the last year a large branch of one tree was caught by the bin lorry;

3) the presence of dead or dying hedging plants or wide gaps in between existing hedging plants should never be a reason for the destruction of a protected hedgerow. Rather, the planting of new hedging plants to bolster the existing hedgerow should be enforced by the Council;

4) the proposed creation of a new entrance way destroys a section of protected hedgerow which takes out part of the curvature of the country lane. The curvature helps to slow traffic down. The space opened up will only discourage drivers from slowing down when driving towards Tarraby before their approach of the sharp bend at Tarraby Farm;

5) reference has also been made to the new gateway into the field across the road from Wensleydale (approved planning application 15/0755). It should be noted that this is not an additional gateway into the field, but a replacement gateway. The existing roadside gateway is to be sealed up with hedgerow.

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

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections;

Stanwix Rural Parish Council: - recommends that the application is determined in accordance with national and local planning and conservation policy and guidance;

Historic England - North West Office: - does not wish to make any comments;

Northern Gas Networks: - no objections.

## **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 is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies HE1, HE3, HE7, GI3, GI6 and SP6 of the Carlisle District Local Plan 2015-2030.

6.3 The proposal raises the following planning issues:

1. Impact On The Tarraby Conservation Area

- 6.4 Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of conservation areas. This states "*with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*". Policy HE7 of the adopted Local Plan requires new development within conservation areas to preserve or enhance the special character and appearance of the conservation area and its setting.
- 6.5 The proposal would lead to the removal of 12m of hedgerow (which qualifies as an important hedgerow under the Hedgerow Regulations 1997) that lies adjacent to the roadside and makes a positive contribution to the rural character of the area and the Tarraby Conservation Area. This would be replaced by 9m of new hedgerow to the east of the new access and 3m to the west which would link into the existing hedgerow. The six trees in the garden of Wensleydale, which were to be removed as part of the previous permission, would be retained.
- 6.6 The Conservation Area Advisory Committee has been consulted on the application. Whilst it is not in favour of the urbanisation of the lane by the creation of a new entrance, it considers that on balance the retention of trees that were to be removed in the previously approved scheme, to create the access through Wensleydale, is preferable to the loss of a section of hedgerow. The Council's Heritage Officer shares this view.
- 6.7 It is acknowledged that the removal of 12m of the roadside hedge would have an adverse impact on the character of the area, including on the Tarraby Conservation Area and one letter of objection has been received which raises concerns about the loss of this section of hedgerow. However, 12m of new hedgerow would be planted adjacent to the proposed access to mitigate for the loss of the existing hedgerow. The six trees that would previously to be removed in order to provide an access to the new dwelling, and which make a positive contribution to the character of the area, would be retained. A landscaping condition has also been added to the permission, to secure additional tree planting (of native species) in the paddock, to the front of the proposed dwelling. A condition has also been added to require the submission of details of the proposed gate and gate stoups to ensure that they are appropriate to the rural setting.
- 6.8 In light of the above, the proposal would not have an adverse impact on the Tarraby Conservation Area and would preserve or enhance the conservation area.

## 2. Impact On The Setting Of Listed Buildings

- 6.9 Tarraby Farm, which is a Grade II listed building, lies 95m to the north west of the site. The Near Boot Public House, which is also a Grade II listed building, lies approximately 125m to the south east of the site.
- 6.10 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act

1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

*"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".*

6.11 Policy HE3 (Listed Buildings) of the adopted Local Plan states that Listed Buildings and their settings will be preserved and enhanced.

6.12 The proposed access would be over 95m away from the front elevation of Tarraby Farm and would be separated from it by a field. The Near Boot Public House would lie 130m away from the proposed access and two dwellings (Wensleydale and Hadrian's Rise) and the pub car park would separate the two properties. Given the minor nature of the works and the distance from the Listed Buildings the proposal would not have an adverse impact on the setting of either Listed Building.

### 3. Impact On The Hadrian's Wall World Heritage Site

6.13 The proposed access would be approximately 40m from the Hadrian's Wall World Heritage Site. Whilst a short section of roadside hedge would be removed this would not have an adverse impact on the World Heritage Site, particularly given the extant permission for a new dwelling in this location. Historic England has confirmed that it does not wish to comment of the application.

### 4. Highway Matters

6.14 The application is accompanied by a drawing which shows visibility splays of 60m to the east and the west of the proposed access. County Highways has been consulted on the application and has confirmed that it has no objections to the proposals. The proposed visibility splays of 60m in both directions would be acceptable and the proposal would not have material affect on existing highway conditions.

### 5. Impact On Biodiversity

6.15 Whilst 12m of hedgerow would be removed, 12m of new hedgerow would be planted in mitigation. Six trees, that were to be removed under the permission for the new dwelling, would be retained, with some additional trees being planted. The proposal would not, therefore, have an adverse impact on biodiversity.

## Conclusion

6.16 In overall terms, the proposal would not have an adverse impact on the Tarraby Conservation Area, the setting of any listed buildings, the World Heritage Site or biodiversity. County Highways considers that the location

and design of the proposed access would be acceptable. In all aspects, the proposals are compliant with policies in the adopted Local Plan.

## **7. Planning History**

- 7.1 In February 2014, an application for the erection of 1no. dwelling with detached garage was withdrawn prior to determination (13/0835).
- 7.2 In August 2015, planning permission was granted for the erection of 1no. dwelling (revised application) (15/0179).

## **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 development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

- 1. the submitted planning application form received 6th December 2017;
- 2. the Site Location Plan (drawing no. AG/DWELL/SLP Rev A) received 6th December 2017;
- 3. the Site Block Plan (drawing no. AG/DWELL/SBP Rev D) received 12th February 2018;
- 4. the Entrance Detail Plan (drawing no. AG/DWELL/ENT1 Rev A) received 6th December 2017;
- 5. the Design and Access Statement received 6th December 2017;
- 6. the Hedge Report received 6th December 2017;
- 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.

- 3. No development shall take place until full details of the proposed landscaping scheme, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle

District Local Plan 2015-2030.

4. Prior to the commencement of development, a scheme of tree and hedge protection shall be submitted to, agreed in writing by the Local Planning Authority, and this scheme shall be implemented prior to commencement on site.

Within the fenced off area;

- 1 No fires shall be lit within the fenced off area or within 10 metres of the nearest point of the canopy of any retained tree or hedge.
- 2 No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
- 3 No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
- 4 No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.
- 5 No materials or vehicles shall be stored or parked within the fenced off area
- 6 No alterations to the natural/existing ground level shall occur

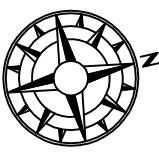
**Reason:** In order to protect the existing trees and hedges and to accord with Policy GI6 of the Carlisle District Local Plan 2015-2030.

5. No development shall take place until full details of the proposed gate and gate stoups have been submitted for approval in writing by the Local Planning Authority. The gate and gate stoups shall then be implemented in accordance with these details.

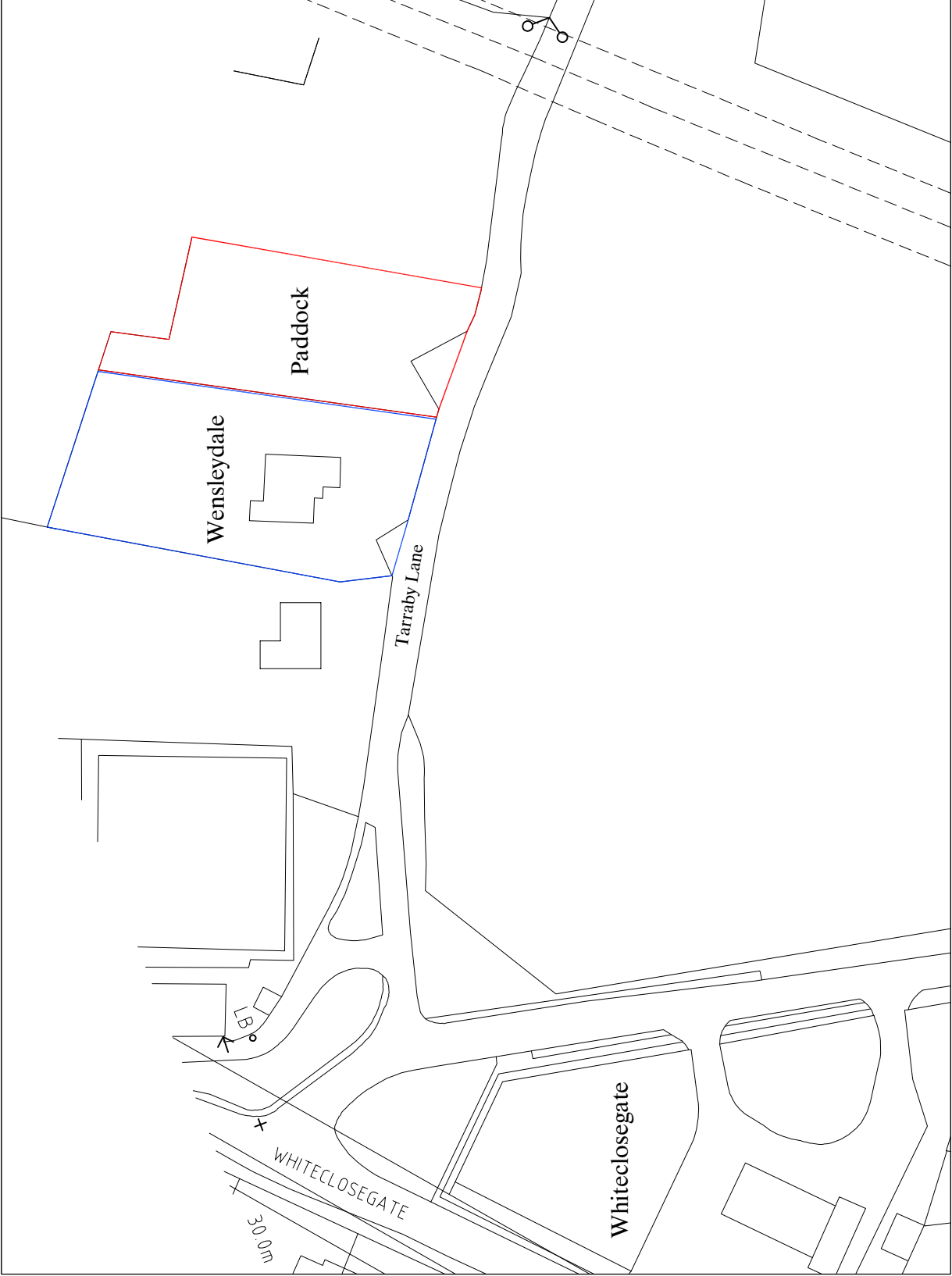
**Reason:** To ensure that the gate and gate stoups are appropriate to the rural setting and to ensure compliance with Policies HE7 and SP6 of the Carlisle District Local Plan 2015-2030.

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SITE LOCATION PLAN

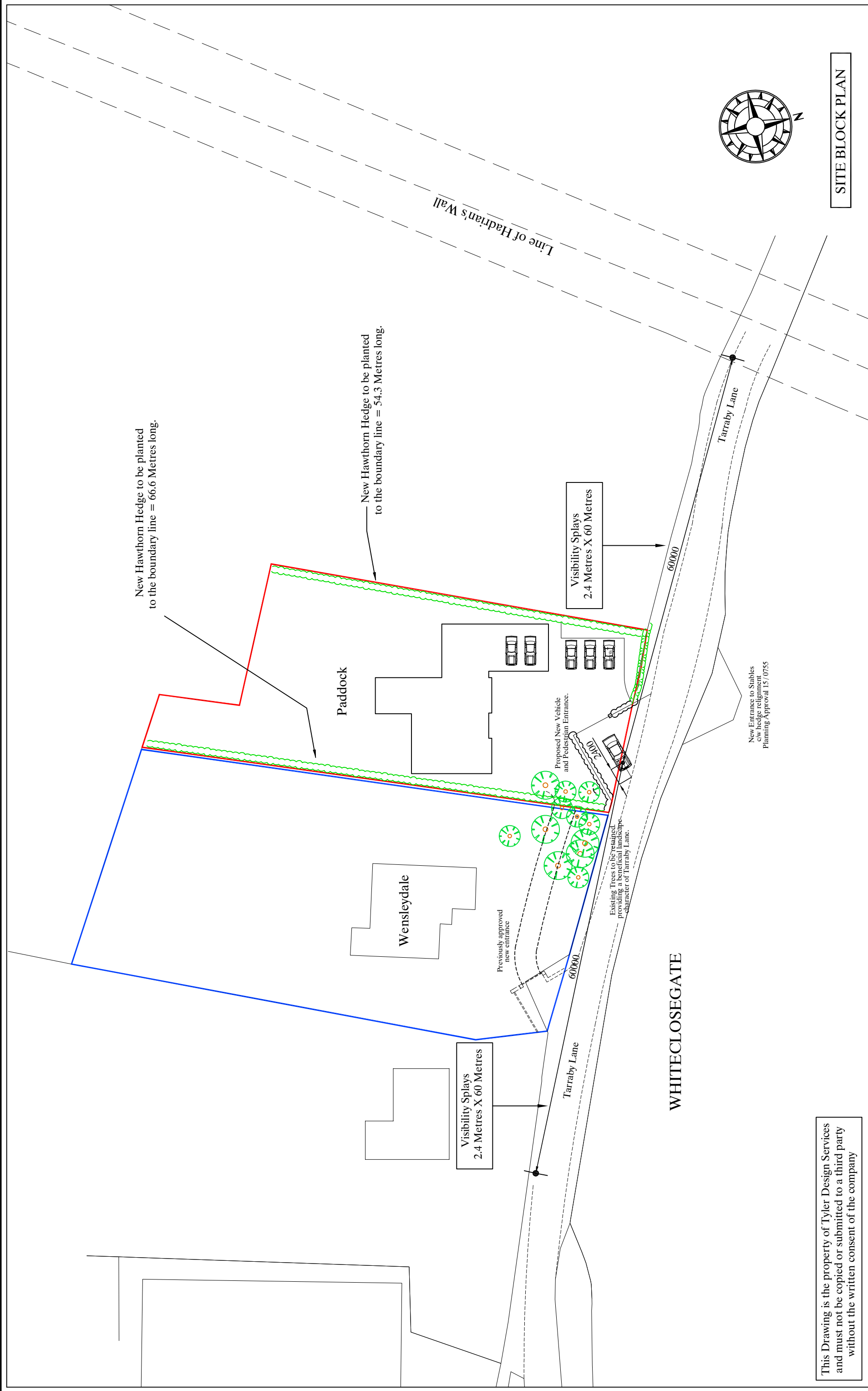


Proposed New Vehicle & Pedestrian Entrance to Land Adjacent to  
" Wensleydale ", Tarraby Lane, Carlisle, Cumbria, CA3 0JS for Mr & Mrs A. Gould.

Drawn By	G.Tyler
Scale	1:1250
Date	1st December 2017
Drawing No	AG / DWELL / SLP
Rev	Rev A

Rev.	Date	Original Issue	Description
A	14 / 10 / 17		





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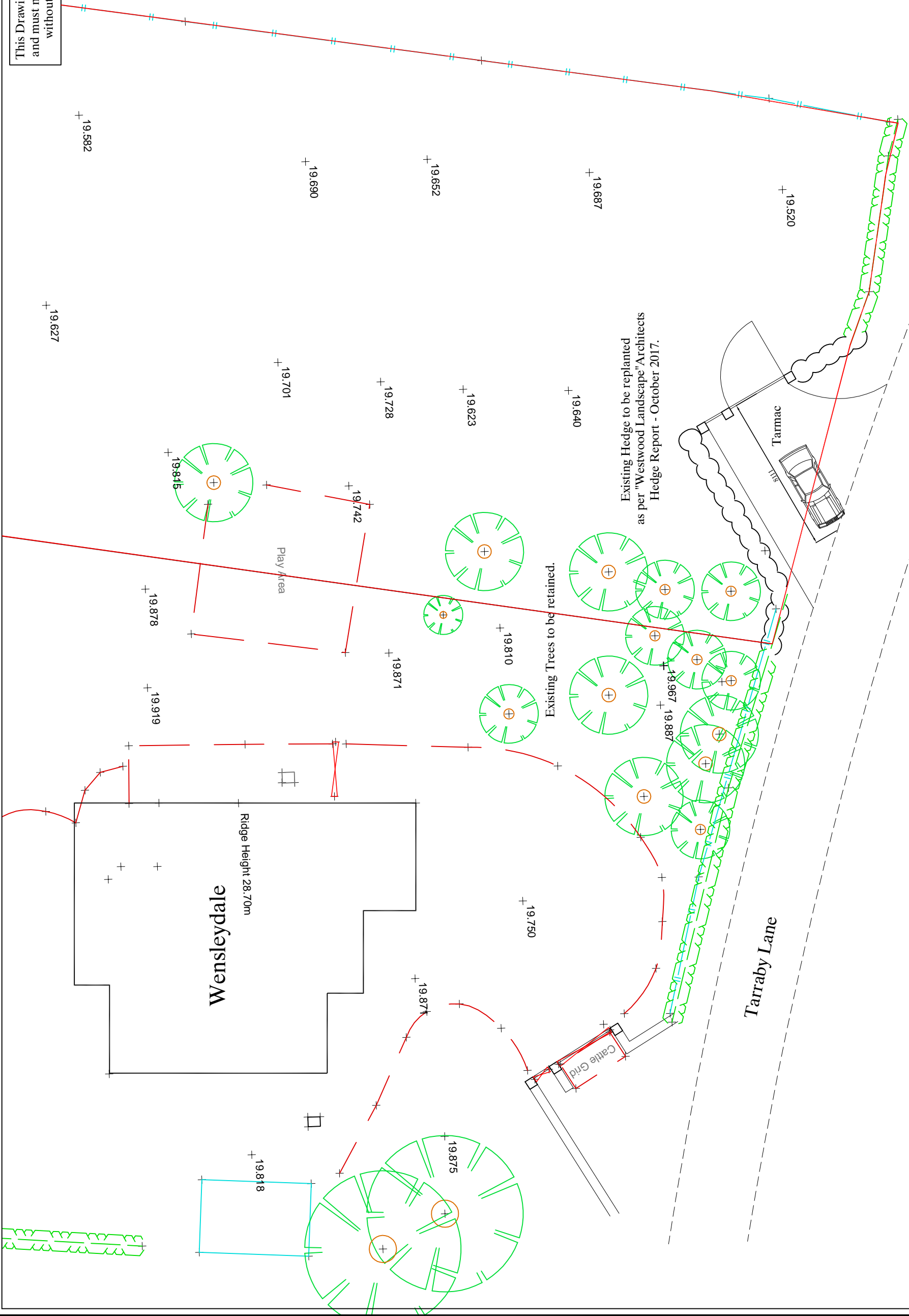
SITE BLOCK PLAN

Proposed New 5 Bedroom Dwelling to Land Adjacent to  
" Wensleydale ", Tarraby Lane, Carlisle, Cumbria, CA3 0JS for Mr & Mrs A. Gould.

Drawn By	G.Tyler
Scale	1:500
Date	28th August 2013
Drawing No	AG / DWELL / SBP Rev D

D	09/01/18	New Boundary Hedges added
C	21/12/17	Visibility Splays added
B	12/12/17	New Dwelling added
Rev.	Date	Description

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Proposed New Vehicle & Pedestrian Entrance to Land Adjacent to " Wensleydale " , Tarraby Lane, Carlisle, Cumbria, CA3 0JS for Mr & Mrs A. Gould.		Drawing No		AG / DWELL / ENT 1	Rev A
		Drawn By	G.Tyler		
		Scale	1:200		
		Date	14th October 2017		
	Original Issue	Date	14 / 10 / 17	Rev.	A
	Description				