

SCHEDULE A: Applications with Recommendation

20/0002

Item No: 03

Date of Committee: 24/04/2020

Appn Ref No:
20/0002

Applicant:
Ms Lucy Armstrong

Parish:
Irthington

Agent:
Sam Greig Planning

Ward:
Longtown & the Border

Location: Cumrenton Farm, Irthington, Carlisle, CA6 4PG

Proposal: Erection Of 1no. Dwelling

Date of Receipt:
03/01/2020

Statutory Expiry Date
28/02/2020

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Scale, Design And Impact On The Character Of The Area
- 2.3 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.4 Impact On Highway Safety
- 2.5 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.6 Impact Of The Proposal On Biodiversity
- 2.7 Landscaping
- 2.8 Other Matters

3. Application Details

The Site

- 3.1 The application site is located approximately 0.63 miles (1 kilometre) west of Newtown. From the county highway to the north, an access lane leads south between agricultural fields for a distance of approximately 420 metres before

reaching the application site.

- 3.2 The land is bounded to the east by a hedgerow with open countryside on the remaining sides. The land has previously been used as an informal stackyard and is relatively level in form and topography.
- 3.3 To the south of the application site is a portal frame agricultural building and beyond that, a replacement dwelling is currently under construction.

The Proposal

- 3.4 This application is for full planning permission for the erection of a detached two storey dwelling. The front elevation would be a striking façade with a projecting gable, detailed stonework, steeply sloping roofs and a dormer window. The fenestration to the remaining elevations would also contain equal variance with projecting gables, dormer windows and a prominent chimney. The window and door openings would be proportionate.
- 3.5 The materials would comprise of reclaimed Welsh slate, lead clad dormer windows, cast iron rainwater goods, Furness Buff Edwardian facing brick and Stanton Buff stone surrounds and features. Windows and doors are proposed to be painted timber coloured grey. The drive and parking areas would be tarmacadam.
- 3.6 To the north of the land for the proposed dwelling, a new road would be created from the access lane that curves around the north of the site, adjacent to the western boundary that would then serve the replacement dwelling to the south.

4. Summary of Representations

- 3.1 This application has been advertised by means of a site notice. In response, no representations have been received.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following comments have been received:

A PROW (public footpath/ bridleway/ byway) number 119003 lies adjacent to the site, the applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

The proposal for one additional dwelling on this site and using the existing access is unlikely to have a significant effect on the existing highway conditions. With it being located off a narrow access track, it is recommend that there are passing places built every 40 metres to allow for vehicles to pass and avoid vehicles waiting on the highway.

The plans do not show any surface water drainage measures for the dwelling

however it has been noted in the application form that there will be a soakaway. This should be situated at least 5 metres from the dwelling and the highway.

The Highway Authority and Lead Local Flood Authority have no objections to this proposal subject to the imposition of a drainage condition;

Irthington Parish Council: - although the new proposed building may cover a smaller footprint than the original barn it is outwith the footprint of the agricultural barns and is to be built on grazing land, which members felt is essentially a greenfield site and therefore contravenes Policy HO6.

If the Development Control Committee is mindful to approve the application, then the development should be restricted to one house;

Local Environment - Environmental Protection: - no objection raised but comments submitted in respect of noise and vibration, dust and contamination with mitigation measures and a condition suggested;

Historic England - North West Office: - no response received;

The Ramblers: - no response received;

Cumbria County Council - (Highway Authority - Footpaths): - Public Footpath 119003, follows an alignment through the southern area of the proposed development, the footpath must not be altered or obstructed before or after the development has been completed.

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.
- 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 SP1, SP2, SP6, HO2, HO6, IP2, IP3, IP4, IP6, CC5, HE6, GI1, GI3 and GI5 of the Carlisle District Local Plan (CDLP) 2015-2030. The Supplementary Planning Document 'Achieving Well Designed Housing' adopted by the City Council is also a material planning consideration. The proposals raise the following planning issues.

1. Whether The Principle Of Development Is Acceptable

- 6.3 In respect of dwellings outwith villages in the rural area Paragraph 79 of the NPPF outlines that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The NPPF identifies five special circumstances as: the essential need for a rural worker

to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the development would involve the subdivision of an existing residential dwelling; or the exceptional quality or innovative nature of the design of the dwelling.

- 6.4 Ordinarily, new residential development in this rural location would be unacceptable. From the planning history it is apparent that consent has been granted for the conversion of a nearby barn. The application is accompanied by an Explanatory Statement which highlights in depth the weight which should be attached to the 'fallback' position. It is stated in paragraph 3.2 that:

*"The most recent and current leading Judgment on the principle of the 'fallback position' is outlined in the Court of Appeal Judgement 'Mansell v Tonbridge and Malling BC [2016] EWHC 2832 (Admin)' (Case No. C1/2016/4488). Lord Justice Lindblom, the presiding Judge, provided an explanation of the 'fallback position'. In doing so, at Paragraph 27 (2) Lord Justice Lindblom quotes an earlier judgement by Lord Justice Sullivan stating that **"The basic principle is that "... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice".**"*

- 6.5 In paragraph 3.3 the assessment continues:

"The aforementioned Judgement is particularly relevant to the current application as it related to whether or not Tonbridge and Malling Borough Council were correct in granting consent for a new build development on the basis that the barns could potentially be converted under Class Q in Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development (England) Order 2015. Lord Justice Lindblom concluded that they were thereby establishing a legal precedent and hence the Judgement's direct relevance to this application."

- 6.6 Nationally there have been a few successful applications, whereby a basic barn is given prior approval for change of use to be converted, and then a second full planning application for a new dwelling(s) made, relying heavily on the 'fallback' argument. These have been allowed by both district council's and the Planning Inspectorate. This fallback argument makes the case for the new dwelling(s) by essentially showing the new purpose built dwelling will be better for the occupants, and more attractive than the conversion that would otherwise be shoehorned into the existing barn envelope. The argument aims to approve something altogether better in spite of being generally against local planning policy. It should be noted however, that the fallback position is not automatically a green light to allow a new build dwelling and it is for the determining authority to apportion the amount of weight that should be given to it.

- 6.7 In this instance, the existing building is a portal framed building of no architectural merit. It consists of concrete blocks, fibre cement sheeting and

steel gates. The main frame is steel with some timber supports in the roof structure. It is 23m x 10m in plan, although there is an overhang on the front (south) elevation making the overall depth around 11m. The conversion of the barn would result in a cramped form of development that would be ill-related to the replacement dwelling. On the contrary, the proposed dwelling would be appropriately sited as a 'lodge' to the main house, together with the proposed realignment of the access road. These factors, together with the architectural merit of the dwelling, should be afforded weight in the determination of this application.

- 6.8 The current application site is in open countryside and the provision of a second dwelling (over and above the replacement dwelling already granted planning permission) on the site in the absence of any justification would be contrary to both the NPPF and local plan policies.
- 6.9 Members will note that a second dwelling is the concern of the parish council. The issue of the fallback position is highlighted in the foregoing sections of this report. The conversion of the barn that was subject to an earlier application under the prior approval application route, remains extant. Therefore, to avoid the formation of two additional dwellings through both the conversion of the building and erection of a new building which would be contrary to planning policies, it is appropriate to include a planning condition requiring the demolition of the barn prior to the commencement of development.
- 6.10 It is important that should permission be granted, that this is not a precursor for the demolition of every barn and erection of a replacement dwelling. Each application must be considered on its merits and the appropriate weight given to the individual elements of the fallback position. Based on this assessment, the principle of development is acceptable.

2. Scale, Design And Impact On The Character Of The Area

- 6.11 The NPPF promotes the use of good design with paragraph 127 outlining that:

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other*

- public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 6.12 It is further appropriate to be mindful of the requirements in paragraph 130 of the NPPF which states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

- 6.13 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.14 The building would be a two storey property. The front elevation would be a striking façade with a projecting gable, detailed stonework, steeply sloping roofs and a dormer window. The fenestration to the remaining elevations would also contain equal variance with projecting gables, dormer windows and a prominent chimney. The window and door openings would be proportionate.
- 6.15 The materials would comprise of reclaimed Welsh slate, lead clad dormer windows, cast iron rainwater goods, Furness Buff Edwardian facing brick and Stanton Buff stone surrounds and features. Windows and doors are proposed to be painted timber coloured grey. The drive and parking areas would be tarmacadam.
- 6.16 The proposed dwelling reflects the materials and architectural features that have been used on the site of a replacement dwelling granted under application 19/0041 to the south of the site. The building would be acceptable in the context of the its immediate surroundings by incorporating appropriate materials. The scale of the dwelling is considered to be appropriate to the size of the plot with sufficient amenity and parking spaces retained. The new dwelling would therefore not form a discordant feature and would have a positive contribution to the character and appearance of the surrounding area

and is therefore acceptable in this regard.

3. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 6.17 Policy CM5 of the local plan requires that development proposals do not adversely affect the amenity of residential areas by virtue of inappropriate development, scale or being visually intrusive.
- 6.18 Other than the replacement dwelling being built that is within the applicant's ownership, the nearest residential property is West Winds in Newtown that is approximately 400 metres to the east of the site. Given the location of the proposed development in relation to neighbouring properties it is not considered that the development would have a detrimental impact on the living conditions of the occupiers of any neighbouring properties through loss of light, over dominance or overlooking.

4. Impact On Highway Safety

- 6.19 The building would be approximately 420 metres south of the County highway that is accessed along a private lane. There is adequate parking provision within the site.
- 6.20 Cumbria County Council as the Highway Authority has raised no objection but advises that the applicant considers the formation of passing places given the length of the lane. The agent has advised that many sections of the track are wider than 4.1m which provides natural passing places along its length and that the existing track will be upgraded from its present state; the localised damage to which has been caused by construction traffic. Accordingly, it is not considered that this proposal raises any issues with regard to highway safety.
- 6.21 A public right of (public footpath number 119003) crosses the lane to the south of the proposed dwelling. The development would not affect the alignment of the public's right to access the footpath; however, it would be appropriate to include an informative within the decision notice advising that there should be no obstruction during or after the completion of the development.

5. Whether The Method of Disposal of Foul And Surface Water Are Appropriate

- 6.22 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form submitted as part of the application outlines that foul sewage would be to a package treatment plant whilst surface water would be to a soakaway. Whilst these means of discharge are acceptable, no details have been submitted and it is therefore appropriate to impose planning conditions that require the submission and agreement of further details.

6. Impact Of The Proposal On Biodiversity

- 6.23 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.24 The building was occupied as a dwelling that included accommodation in the roof space. The dwelling has been cleared internally and partially stripped out and as a result of this work, that was disruptive and invasive. The councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposal would involve development on agricultural land, the development would not harm a protected species or their habitat; however, it would be appropriate to include an informative within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

7. Landscaping

- 6.25 Policy SP6 of the local plan requires landscaping schemes (both hard and soft) to be submitted for new developments in order to ensure that new developments are fully integrated into its surroundings. The submitted plans indicate the retention of the existing hedgerow along the eastern boundary with the access and parking areas being surfaced with tarmac. These details are acceptable; however, given the location of the site, it is not considered necessary to impose a landscaping condition.
- 6.26 The drawings do not show any boundary treatment and the application forms show none are to be provided. A physically undefined curtilage is acceptable; however, given the location of the site adjacent to the footpath and the Hadrian's Wall Buffer Zone, should the applicant decide that a physical boundary is preferable, it would be appropriate to impose a condition requiring the submission and agreement of boundary details prior to their use on site. As such, a condition should be imposed removing permitted development for such works.

8. Other Matters

- 6.27 The site is within an area of archaeological sensitivity; however, Historic England has raised no objection.
- 6.28 Policy HE1 of the local plan seeks to control development within the Hadrian's Wall World Heritage Site and Buffer Zone to ensure that

development which would have an unacceptable adverse impact on the character and/ or setting of the World Heritage Site will not be permitted. The development result in a positive additional the character of the area and therefore would not adversely affect the character or appearance of the Buffer Zone.

- 6.29 The council's Environmental Health Officer has raised no objection but has highlighted three issues, namely noise and vibration, dust and contamination. In respect of the first two matters, it is stated that the site is located within a residential area and that consideration should be given to limiting construction hours, noise mitigation and well as appropriate measures to mitigate nuisance from dust from the site. There are no properties adjacent to the site, other than the applicant's replacement dwelling. No such conditions were placed on the planning permission for the replacement dwelling and as such, it would be unreasonable to impose such considerations under these circumstances.
- 6.30 In respect of contamination, the application is accompanied by a Statement on Land Contamination that it is the applicant's opinion, given the historical use of the land for agricultural and absence of any buildings on the land, that no contamination exists; however, it would be appropriate to impose a condition in the event that there is some previous unidentified contamination so that the land can be appropriately remediated.

Conclusion

- 6.31 In overall terms, the principle of the erection of a dwelling is acceptable. The scale and design would be appropriate to the site and would not result in an adverse impact on the character or appearance of the area.
- 6.32 The development does not raise any archaeological issues and would not be detrimental to the character or appearance of the surrounding area. Adequate provision would be made for foul and surface water drainage (through the imposition of planning conditions) together with the access and parking arrangements.
- 6.33 In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

7. Planning History

- 4.1 There is no direct planing history in relation to this parcel of land.
- 4.2 In 2018, planning permission was granted for the demolition of the adjacent farmhouse and erection of a replacement farmhouse including garage block and self contained annex.
- 4.3 An application for prior approval was granted in 2019 for the conversion of a barn to residential.

- 4.4 Also in 2019, applications were submitted and approved under the prior approval notification procedure separately for the erection of an agricultural building and also for the formation of access tracks.

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 Planning Application Form received 3rd January 2020;
2. the Location Plan received 3rd January 2020);
3. the Proposed Site Plan received 3rd January 2020 (Drawing no. 19/01/942-42);
4. the Lodge House - Proposed Plans & Elevations received 3rd January 2020 (Drawing no. 19/01/942-01);
5. the Explanatory Statement received 3rd January 2020;
6. the Statement on Land Contamination received 3rd January 2020;
7. the Notice of Decision;
8. 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 any development, a surface water drainage scheme based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority.

The surface water system shall demonstrate that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 40 % to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc). The scheme must also confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary.

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. In the event of surface water draining to the surface water public sewer, the pass forward flow rate to the surface water public sewer must be restricted to 5l/s

for any storm event.

Reason: To ensure a satisfactory form of development and to secure a proper drainage scheme in accordance with policies within the National Planning Policy Framework, the National Planning Practice Guidance and Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030.

4. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.

Reason: To prevent pollution of the water environment in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the commencement of development hereby approved, the agricultural building subject to planning application 19/0003/COU shall be demolished in its entirety.

Reason: To avoid the potential of multiple dwellings being created in this location in accordance with Policies HO2 and HO6 of the Carlisle District Local Plan 2015-2030.

6. As part of the development hereby approved, 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 maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Site investigations should follow the guidance in BS10175.

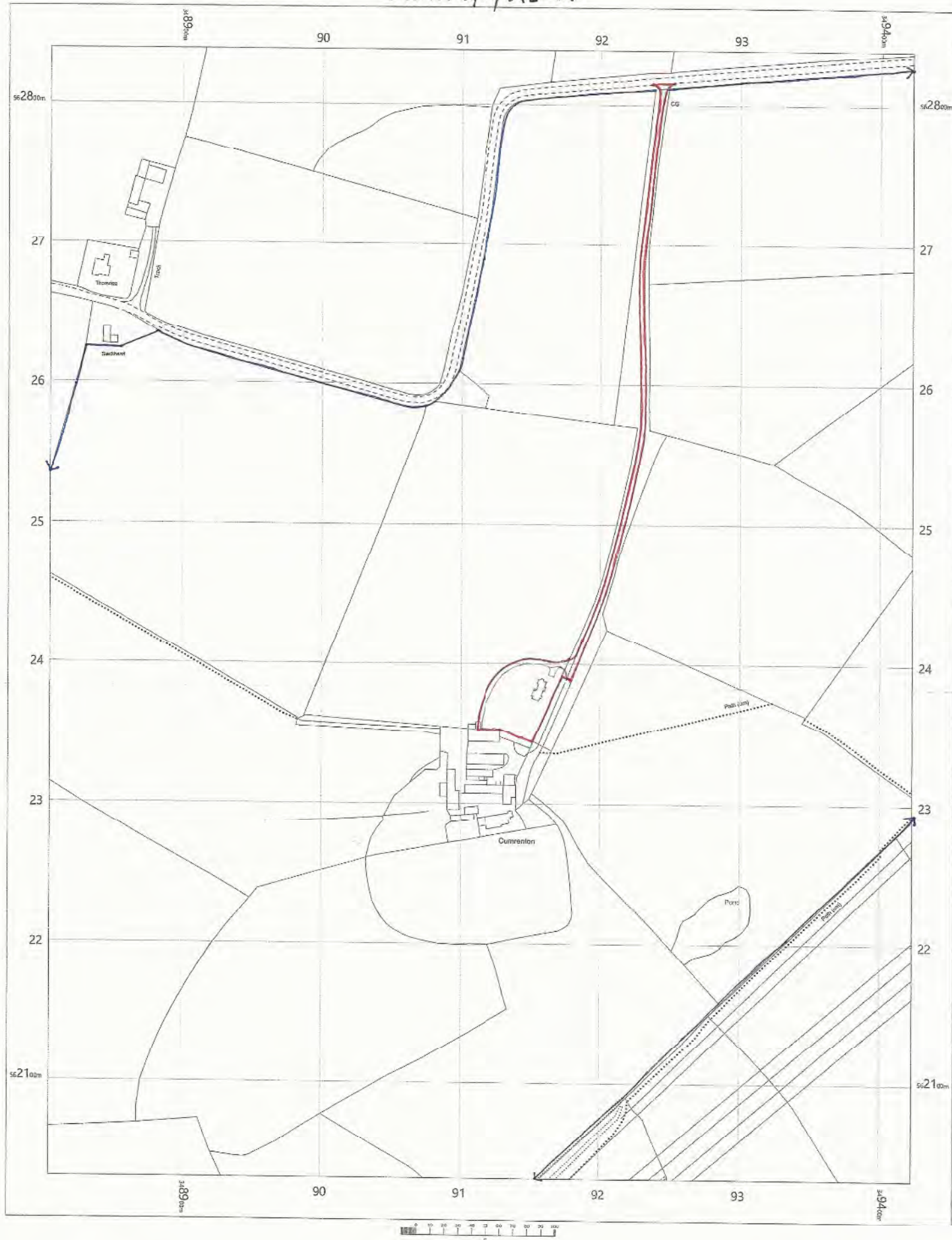
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle

District Local Plan 2015-2030.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected or constructed within the curtilage of the property without the prior written permission of the local planning authority.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.



Cumrenton Farm
Irthington
Carlisle
CA6 4PG

OS MasterMap 1250/2500/10000 scale
Thursday, January 17, 2019, 10: MDY-007 / 02/1
www.malcolmhughes.co.uk

1:2500 scale print at A3, Centre: 349114 E, 562435 N

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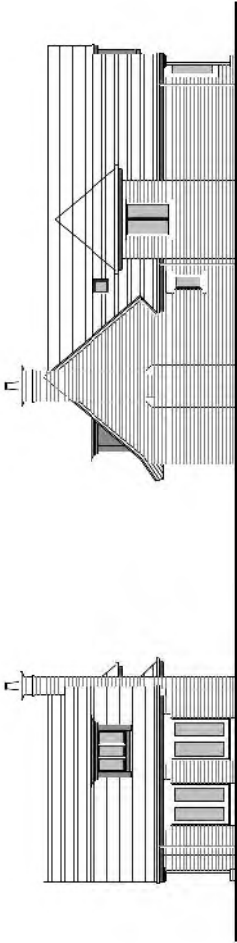
**MALCOLM
HUGHES**
CHARTERED
LAND SURVEYORS

EXTERNAL MATERIALS

Reclaimed Welsh slate roof.
Cast iron chimney.
Velux rooflights.
Cast aluminium RW goods in
Grey, (RAL 7002).

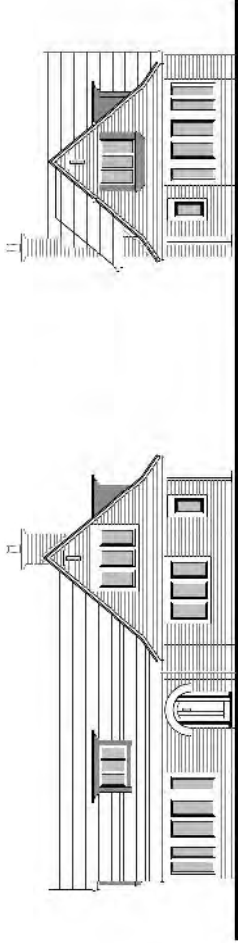
Furness Georgian Grey Buff M&M
with coloured mortar.
Black metal cast iron window
sills, lintels etc.

Timber windows & doors in Grey,
(RAL 7002).



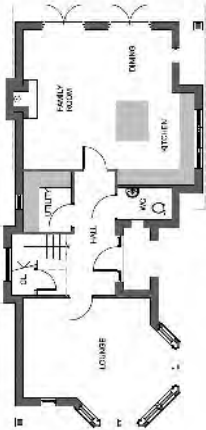
SW ELEVATION

SE ELEVATION



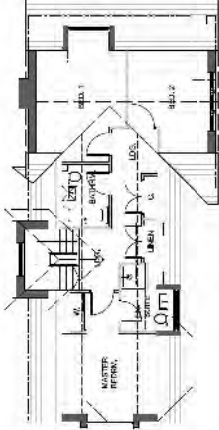
NW ELEVATION

NE ELEVATION



GROUND FLOOR PLAN

RS: 1/10/2018



FIRST FLOOR PLAN

RS: 1/10/2018

TOTAL AREA: 1427 SQ. FT.

No.	Date	Revision	Initial

ALPHA DESIGN

Architectural Services
Member of the Chartered Institute of
Professional Designers

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Project

CUMRENTON FARM,
IRTHINGTON,
CARLISLE

Client

Ms. L. ARMSTRONG

Drawing

LODGE HOUSE - PROPOSED
PLANS & ELEVATIONS

Scale 1:100 @ A1 Drawn GB

Checked Date 10/10/2018

Drawing No.

19/01/042 - 41

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