

SCHEDULE A: Applications with Recommendation

18/0290

Item No: 10

Date of Committee: 08/06/2018

Appn Ref No:
18/0290

Applicant:
Mr S Mawbray

Parish:
Wetheral

Agent:
Tsada Building Design
Services

Ward:
Wetheral

Location: Croftfield, Aglionby, Carlisle, CA4 8AQ

Proposal: Part Retrospective Planning Permission For the Change Of Use Of Paddock Area To Provide Additional Garden and Parking Area Together With the Erection Of A Detached Garage Without Compliance With Condition 2 (Approved Documents) And Condition 5 (Boundary Hedgerow) Imposed By Planning Permission 16/1054 For The Internal Fence Adjustment From 1.8m To 2.6m High Close Boarded Fencing And The Retention Of The Western, Eastern and Southern Hedgerow Boundaries To Be Retained At A Height Of Not Less Than 2.6 Metres In Height In Lieu Of 2 Metres

Date of Receipt:
27/03/2018 16:02:50

Statutory Expiry Date
22/05/2018 16:02:50

26 Week Determination
11/06/2018

REPORT

Case Officer: Barbara Percival

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 Visual Amenity Of The Area

3. Application Details

The Site

- 3.1 The application site forms part of a former paddock to the south-east of Croftfield, a large detached bungalow located on the southern outskirts of

Aglionby. The site, immediately adjacent to the A69 Carlisle to Newcastle trunk road, is enclosed by a hedgerow (approximately 2 metres high) along its western, eastern and southern boundaries.

Background

- 3.2 In 2017, Members of the Development Control Committee granted full planning permission for part retrospective planning permission for the change of use of paddock area to provide additional garden and parking area together with the erection of a detached garage (application reference 16/1054).

The Proposal

- 3.3 This current proposal now seeks part retrospective planning permission for the change of use of paddock area to provide additional garden and parking area together with the erection of a detached garage without compliance with condition 2 (approved documents) imposed by planning permission 16/1054. The application also seeks to vary condition 5 for the retention of the western, eastern and southern boundaries of the site at a height of not less than 2.6 metres as measured from the existing ground level in lieu of 2 metres.
- 3.4 The hardstanding has been completed in accordance with the approved documents and the garage is currently under construction. This current application; however, seeks part retrospective consent for the erection of a 2.6 metre high timber close boarded perimeter fence located behind the existing hedgerows in lieu of the approved 1.8 metre high timber close boarded fence.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of three neighbouring properties and the posting of a Site Notice. In response, three representations of objection have been received; however, only two of the objectors provided their addresses.
- 4.2 The representations identifies the following issues:
1. questions the need for an additional garage;
 2. questions if the premises are being used for business purposes;
 3. questions if garage was commenced prior to granting of planning permission;
 4. use of the garage and amenity space.

5. Summary of Consultation Responses

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

Wetheral Parish Council: - objection to the proposal as the 2.6 fence will be

detrimental to the visual amenities of the local area.

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 SP6, IP3, CC5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. A further material consideration is the City Council's Supplementary Planning Document (SPD) 'Trees and Development'.

1. Whether The Principle of Development Is Acceptable

- 6.3 Section 73A of the Town and Country Planning Act 1990 concerns determination of application to develop land already carried out without compliance with conditions previously attached. It is colloquially known as 'varying' or 'amending' conditions. Section 73A applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under S73A is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it.
- 6.4 The principle of development has been established since 2017 through the granting of planning permission (application reference 16/1054). The proposed alterations subject of this application consist of:
- increase in height of the internal perimeter fence from a 1.8 metre timber close boarded fence to 2.6 metre high timber close boarded fence
 - retention of western, eastern and southern hedgerow boundaries of the site at a height of not less than 2.6 metres as measured from the existing ground level in lieu of 2 metres
- 6.5 The permission is extant and the principle of development remains acceptable. The impact on: the living conditions of neighbouring residents; highway safety; and biodiversity are unaffected by this application. Furthermore, the proposed method for the disposal of surface water has been discharged in consultation with the Cumbria County Council, as Lead Local Flood Authority, in 2017 (application reference 17/0173). The remaining issue is discussed in the following paragraphs.

2. Impact Of The Proposal On The Character Of The Area

- 6.6 The application is before Members as Wetheral Parish Council raised

objections to the proposal as the: *"2.6 metre high fence would be detrimental to the visual amenities of the local area"*. The applicant, during the site visit, verbally confirmed to the officer that it was his intention to allow the existing hedgerows to grow higher than the minimum height of 2 metres imposed under condition 5 of application 16/1054. A revised application form has subsequently been received which now also seeks to vary condition 5 which would require the retention of the western, eastern and southern hedgerow boundaries of the site at a height of not less than 2.6 metres as measured from the existing ground level in lieu of 2 metres. At the time of preparing the report the further comments of the Parish Council are awaited and Members will be updated of their further comments.

- 6.7 Policies seek to ensure the 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.
- 6.8 As highlighted earlier in the report, the application seeks permission for the erection of a 2.6 metre internal timber fence and the retention of the existing boundary hedgerows at a height of 2.6 metres when measured from the existing ground level. The retention of the existing boundary hedgerows at a minimum height of 2.6 metres would assist the integration of the internal timber fence into its surroundings. In overall terms, the principle and appearance of the proposal is acceptable and would not result in any demonstrable harm to the visual amenity of the area.

3. Other Matters

- 6.9 Third parties have raised objections to the proposal; however, these objections centre on the use of the garage and amenity space. As Members are aware, each application is dealt with on its own merits. The application is for the variation of conditions 2 and 5 attached to planning approval 16/1054 only, therefore, these issues are not relevant in the determination of the application. Nevertheless, should unauthorised activities take place from the premises then this would be an enforcement matter.

Conclusion

- 6.10 In overall terms, the principle and appearance of the proposal is acceptable and would not result in any demonstrable harm to the visual amenity of the area. The variation of the conditions do not raise any planning issues in this context and in all aspects the proposals are considered to be compliant with the objectives of the national and local plan policies. Accordingly, the application is therefore recommended for approval.
- 6.11 The original planning permission continues to exist, therefore, to assist with clarity, those conditions that have not been either: discharged, part discharged; or are instructive are recommended to be repeated within the conditions as part of this planning application should Members approve the application.

7. Planning History

- 7.1 In 2013, outline planning permission was granted for the erection of a dwelling (application reference 13/0353).
- 7.2 In 2014, full planning permission was granted for erection of 1no. dwelling (application 14/0615).
- 7.3 A further application to discharge Conditions 3 (Materials); 4 (Boundary Treatment); 5 (Hard & Soft Landscape Works) And 9 (Surface Water Discharge) Of Previously Approved Application 14/0615 was granted (application reference 14/0910).
- 7.4 Also in 2015, full planning permission was granted for the erection of 1no. dwelling (revised application) (application reference 15/0089).
- 7.5 In 2017, full planning permission was granted for part retrospective planning permission for the change of use of paddock area to provide additional garden and parking area together with the erection of a detached garage (application reference 16/1054).
- 7.6 Again in 2017, an application to discharge of condition 3 (sustainable drainage scheme) of previously approved planning permission 16/1054 was granted (application reference 17/0173).

8. Recommendation: Grant Permission

- 1. 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 16th May 2018;
 - 2. the proposed storage/garage unit received 27th March 2018 (Drawing No. 53/2016/01C);
 - 3. the Notice of Decision; and
 - 4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

- 2. The drainage scheme for the site approved under planning reference 17/0173 shall be managed and maintained in accordance with the approved details.

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

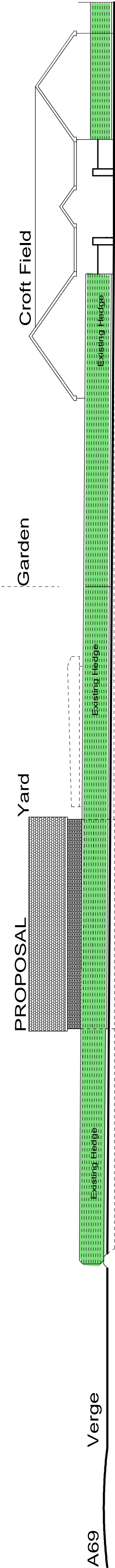
- 3. The proposed development shall be used solely for private, domestic

purposes by the occupier(s) of Croftfield, Aglionby whilst resident at the premises and no trade or business shall be carried out therein or therefrom.

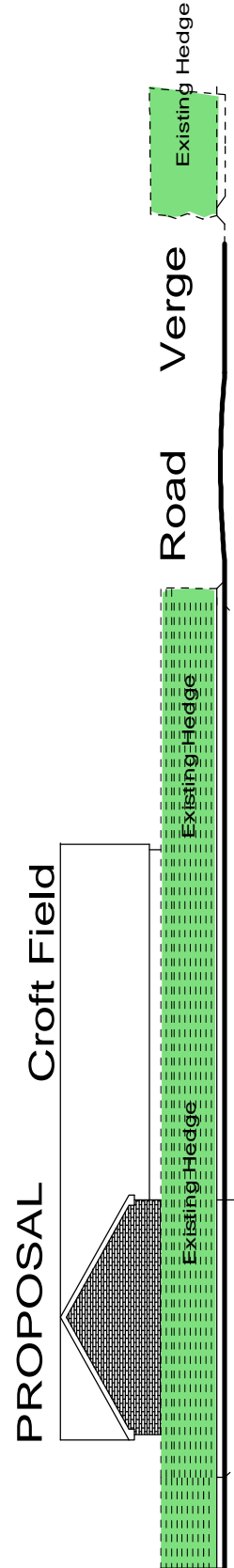
Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. The existing hedgerows to be retained to the western, eastern and southern boundaries of the site as indicated on Drawing Number 53/2016/1C received on 27th March 2018 shall be retained at a height of not less than 2.6 metres as measured from the existing ground level.

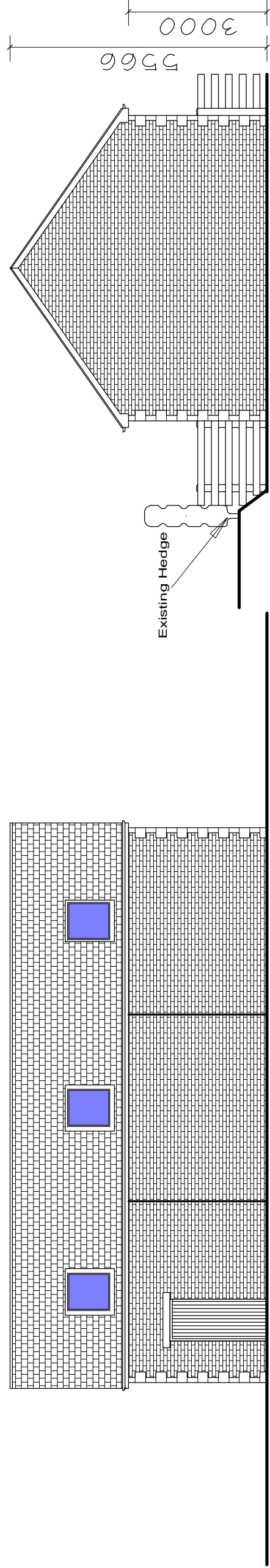
Reason: In the interests of privacy and amenity in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.



STREET VIEW OFF ACCESS TO AGLIONBY 1.200

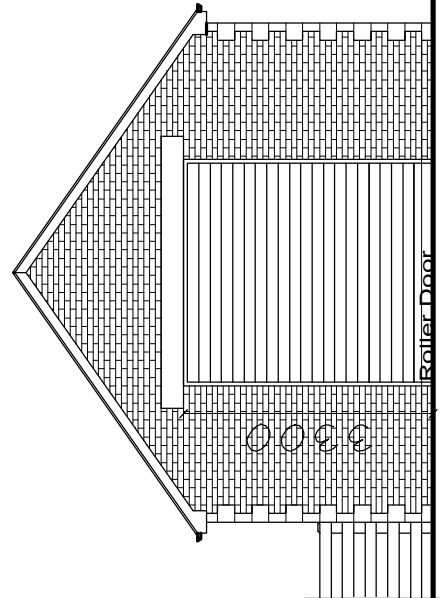


STREET VIEW OF A69 1.200

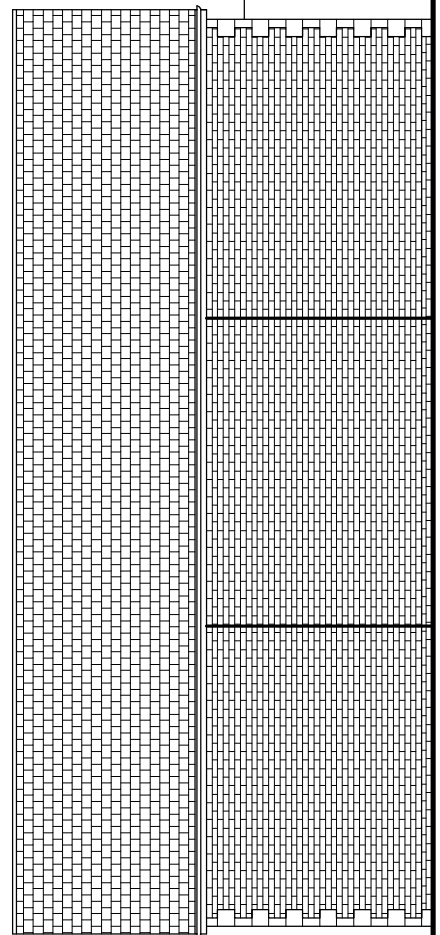


West Elevation

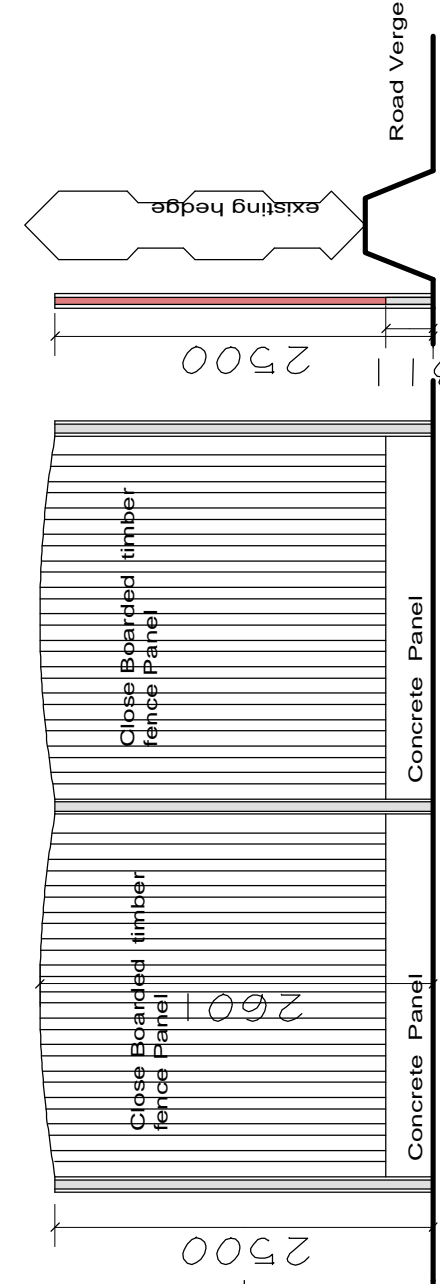
South Elevation



North Elevation

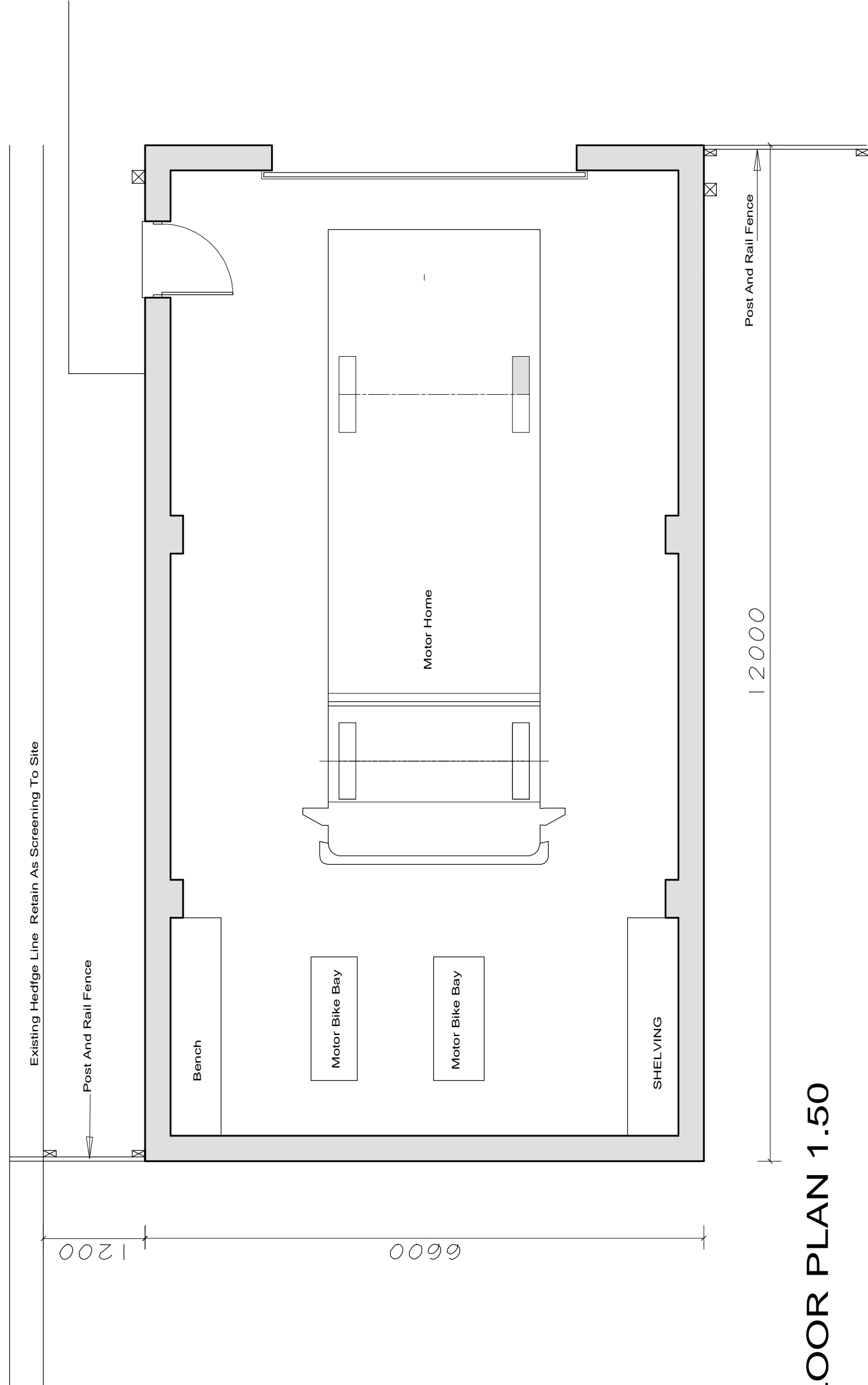


East Elevation

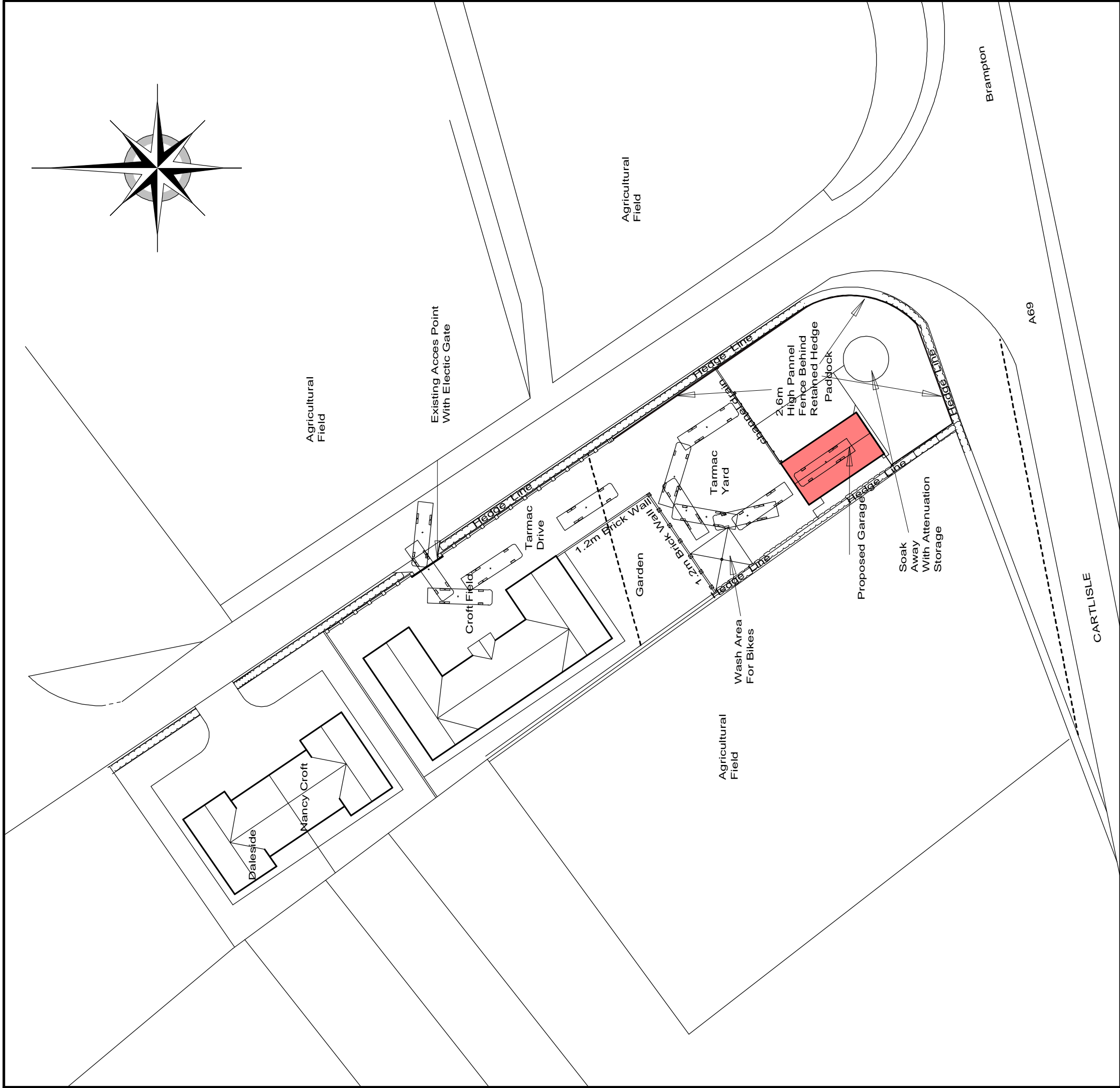


FENCING PANEL DETAIL 1.50

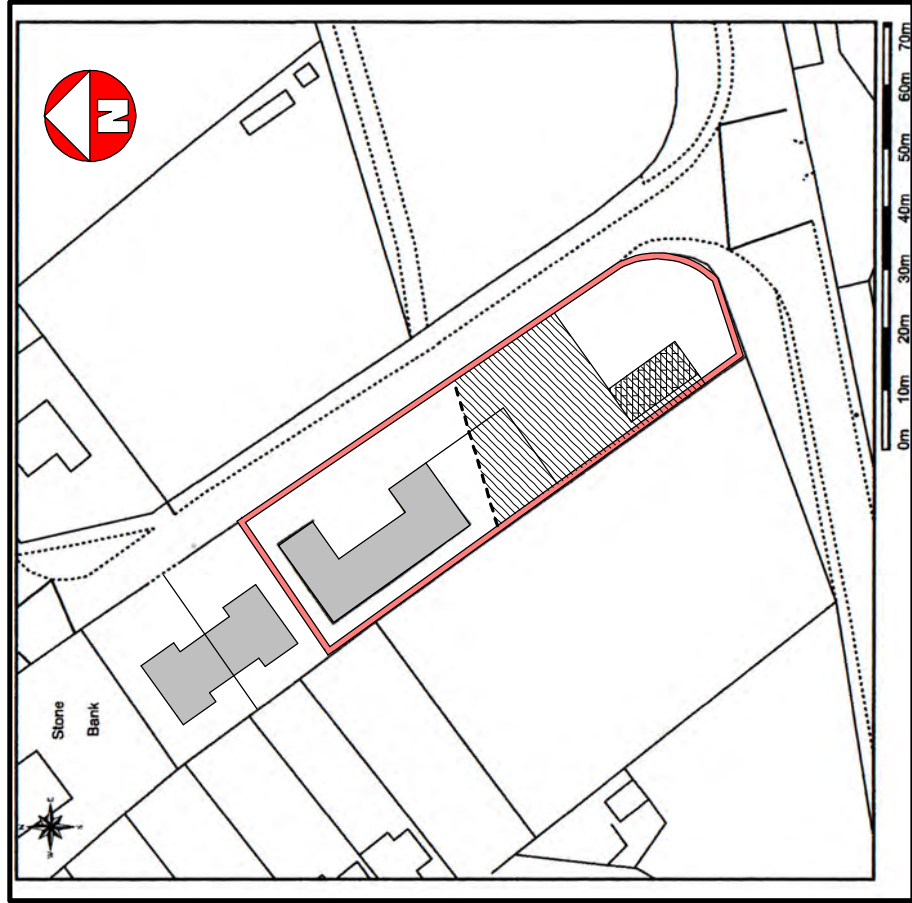
ELEVATIONS 1.100
EXTERNAL WALL CONTRUCTION
ALL WALL AND ROOF FINISHES TO MATCH EXISTING
DWELLING HOUSE FINISHES



FLOOR PLAN 1.50



BLOCK PLAN 1.500



Location Plan 1.1250

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Job title
Proposed Storage/ Garage Unit At Croftfield Aglionby ,

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All Dimensions Should Be Taken Over Scaled Dimensions. Any Discrepancies Must Be Reported To The Client Before Ordering Materials. Work Starting On The Element Of Work.

Drawing by
W.R.Faulder
Date
6/11/2016

Amendments
a 21/2/2016
b 21/1/2017
c 26/3/2018
Status Rejected By 1.50 At Length
Street View And Turning Added
Amended Fencing Detail Added

Client
Mr S Mawbray
Croftfield
Aglionby
Carlisle

Drig No.
53/2016/1C
Scale
AS SHOWN @A 1