

## SCHEDULE A: Applications with Recommendation

20/0388

Item No: 03

Date of Committee: 19/02/2021

**Appn Ref No:**  
20/0388

**Applicant:**  
Mr and Mrs Grey

**Parish:**  
Burgh-by-Sands

**Agent:**  
Graham K Norman  
(Architect) Ltd

**Ward:**  
Dalston & Burgh

**Location:** Land to Rear of The Hollies, Thurstonfield, Carlisle, CA5 6HD

**Proposal:** Erection Of 1no. Dwelling

**Date of Receipt:**  
29/06/2020

**Statutory Expiry Date**  
22/08/2020

**26 Week Determination**  
22/02/2021

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### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the character and setting of the listed building
- 2.3 Scale and design of the proposed dwelling
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Disposal of foul and surface water drainage
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on existing trees and hedges
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other matters

#### 3. Application Details

##### The Site

- 3.1 The application site is located to the north of The Hollies, a detached grade II listed building, within Thurstonfield. Extending to approximately 0.13

hectares in area, the site is currently the domestic curtilage of The Hollies. The northern boundary of the site consists of a post and wire fence with the eastern and western boundaries made up of a combination of: post and wire; post and rail; hedgerows; and walls. A curtilage listed barn with a relatively modern extension on the rear runs along the southern boundary. Within the vicinity of the application site are a variety of properties of differing ages and styles.

## **The Proposal**

- 3.2 This application seeks full planning permission the erection of a detached two storey dwelling. The submitted drawings illustrate a contemporary style dwelling centrally located within the application site. The dwelling would have a maximum length of 17.3 metres by a maximum width of 15.7 metres including the first-floor balcony with a maximum ridge of 8.2 metres. The accommodation would comprise of a kitchen/day room, porch, hallway, dining room, utility room, cloakroom with 1no. ensuite bedroom with gallery lounge, master ensuite bedroom, ensuite bedroom, bedroom/study and balcony above.
- 3.3 The proposed dwelling would be finished in a combination of an off-white smooth render and grey/blue fibre cement weatherboarding with a grey/blue natural slate roof.
- 3.4 The location of the dwelling would result in the loss of several overgrown ornamental shrubs and conifers within the existing garden, however; the loss of these would be mitigated by the planting of new ornamental shrubs and trees within the curtilage of the proposed dwelling. The existing hedgerow along the eastern boundary of the site would also be extended by the planting of a double row staggered hedgerow of laurel, black thorn, elder and holly in lieu of the existing post and rail fence.
- 3.5 Vehicular access would be via the existing access serving The Hollies which also provides access to the agricultural field beyond. Parking and turning provision would be to the south (front) of the dwelling.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of four neighbouring properties and the posting of site and press notices. In response, three representations of objection has been received.
- 4.2 The representations identify the following issues:
  - 1. suitability of existing access to serve the proposed dwelling;
  - 2. impact of the proposal on the adjacent heritage asset;
  - 3. impact on existing trees and hedgerows;
  - 4. impact on the living conditions of neighbouring residents;
  - 5. location of proposed dwelling;
  - 6. refuse collection and storage;

7. potential to exacerbate existing surface water flooding;
  8. questions accuracy of speed survey.
- 4.3 The Ward Councillor has also made representations on behalf of a third party and the applicant. These representations have been reproduced in full for Members. In summary the issues raised in respect of the third party identify the following issues:
1. impact on living conditions of neighbouring residents;
  2. development potential of heritage asset;
  3. location of proposed dwelling.
- 4.4 The issues raised in respect of the applicant identify the following issues:
1. explanation for location of dwelling;
  2. existing access already used by tractors and other heavy vehicles;
  3. windows in eastern gable elevation would be obscurely glazed.

## 5. Summary of Consultation Responses

**Burgh-by-Sands Parish Council:** - concerns raised in respect of drainage as there are ongoing flooding issues in the area;

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to imposition of a condition requiring the boundary wall to the east of the existing access reduced to a height of 1.05 metres;

**United Utilities:** - no objections.

## 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 At a national level, 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), Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP2, SP6, HO2, HO3, IP2, IP3, IP4, IP6, CC5, CM5, HE3, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The city council's Supplementary Planning Documents (SPD) 'Achieving Well Designed Housing', 'Tree and Development' and The Burgh By Sands Parish Design Statement are also material planning considerations. Historic England's document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3' is also a material consideration.
- 6.3 The proposal raises the following planning issues.

### 1. Principle Of Development

6.4 Paragraph 11 of the NPPF outlines that: *"at the heart of the NPPF is a presumption in favour of sustainable development"*. Paragraph 78 expands by highlighting that: *"To promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby"*.

6.5 The aims of the NPPF is reiterated in Policy HO2 of the local plan which outlines that new housing development other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and in the rural areas provided that the development would not prejudice the delivery of the spatial strategy of the local plan and be focussed in sustainable locations subject to satisfying five criteria. The proposal seeks full planning permission for the erection of a dwelling within a residential garden, therefore, Policy HO3 of the local plan is also relevant. Policy HO3 of the local plan supports housing development in existing residential gardens subject to the following criteria:

- "1. the scale, design and siting of the proposal would not result in a cramped form of development out of character with the surrounding environment;*
- 2. a safe and attractive garden area, which reflects that predominant in the area, can be created for both the proposed new house and the existing house;*
- 3. the proposal, by way of design, siting and materials integrates into the surrounding built, natural, and where necessary historic environment;*
- 4. there is no unacceptable loss of living conditions to surrounding properties by overlooking, loss of light, overbearing nature of the proposal or increase in on street parking; and*
- 5. the proposal does not prejudice the development potential of an adjacent site."*

6.6 The application site is well contained within existing and proposed boundaries and adjoins the domestic curtilages of other residential properties within Thurstonfield. In overall terms, the application site is well contained within existing and proposed landscape features, it is physically connected, and integrates with, the settlement, and would not lead to an unacceptable intrusion into open countryside. The development of one dwelling is of an appropriate scale for the village to accommodate and would not be considered a threat to the delivery of the local plan's spatial strategy. Any perceived visual impact the proposal may have would be mitigated through the implementation of a landscaping scheme. Compliance with other criteria within Policies HO2 and HO3 of the local plan will be discussed in the relevant sections below.

6.7 In light of the foregoing, the site for housing is consistent with both the NPPF and local plan, the principle of development is acceptable.

## **2. Impact of the proposal on the character and setting of the listed**

## building

- 6.8 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".*
- 6.9 Accordingly, considerable importance and weight to the desirability of preserving the character and settings of the listed buildings within the vicinity of an application site. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.10 Protecting and enhancing the historic environment is also an important component of the National Planning Policy Frameworks drive to achieve sustainable development. Paragraph 184 highlights that: *"heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".*
- 6.11 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.12 In considering potential impacts on heritage assets, paragraph 194 of the NPPF detailing that: *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ... "*
- 6.13 The aims of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF are reiterated at a local level. Policy HE3 of the local plan seeking to ensure that listed buildings and their settings are preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the harm.
- 6.14 In light of the foregoing, Members need to have cognizance of: a) the significance of the listed building and the contribution made to that

significance by its setting; and then assess b) the effect of the proposal on the listed building and its setting (inclusive of its significance and on the appreciation of that significance).

a) the significance of the listed building and the contribution made by its setting

6.15 The Hollies, is a Grade II listed building. By way of background, there are around 400,000 listed buildings within England which are categorised as Grade I, Grade II\* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II\* Buildings are particularly important buildings of more than special interest, 5.8% of listed buildings are Grade II\*. The final tier of listed buildings are Grade II listed buildings which are of special interest warranting every effort to preserve them. Over 90% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner.

6.16 The Hollies was listed by Historic England (HE) as a Grade II Listed Building in 1957. The HE listing details are as follows:

*"Farmhouse. Late C18. Flemish bond brickwork on chamfered stone plinth with raised quoins and plain cornice; Welsh slate roof with coped gables and kneelers, end brick chimney stacks. 2 storeys, 2 bays. C20 door in painted eared architrave, moulded cornice. Sash windows with glazing bars to right, double sash windows with glazing bars to left, all in painted architraves. Late C19 outbuildings to left is not of interest".*

6.17 The Hollies is an impressive double fronted property with an attached barn which has been converted to provide additional living accommodation. A further clay dabbin barn, used as domestic storage, is located to the rear of The Hollies forming a courtyard area which provides parking for the occupiers of The Hollies. The barns have been altered and extended with the HE listing detail outlining that: *"Late C19 outbuildings to left is not of interest"*. Nevertheless, they are curtilage listed given their relationship with the listed building and does not diminish their importance. As such, the assessment of the potential impact of the proposal should be on the listed building and the curtilage listed barns.

b) the effect of the proposal on the character and setting of the listed building (inclusive of its significance and on the appreciation of that significance)

6.18 Section 66 (1) of the 1990 Act requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the heritage assets and their setting when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).

6.19 When considering potential impacts of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193 of NPPF). As highlighted earlier in the report, paragraph 194 of the NPPF outlining that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ..."*. Where a proposed development would lead to substantial harm or less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraphs 195 and 196 of the NPPF).

- 6.20 HE has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
  
- 6.21 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: *"the surroundings in which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*. The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking.
  
- 6.22 In respect of the impact of proposals on the setting and views of heritage assets, the TSHA advocates a staged approach to proportionate decision-taking. The TSHA stating that: *"all heritage assets have significance, some of which have particular significance and are designated. The contribution made by their setting to their significance also varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of the change. It can also depend on the location of the asset: an elevated or overlooked location; a riverbank, coastal or island location; or a location within an extensive tract of flat land may increase the sensitivity of the setting (ie the capacity of the setting to accommodate change without harm to the heritage assets significance) or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis"*.
  
- 6.23 When considering potential impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the

weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193). As highlighted earlier in the report, paragraph 194 outlining that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ..."*. Where a proposed development would lead to substantial harm or less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraphs 195 and 196).

- 6.24 The proposal seeks full planning permission for the erection of a dwelling within the domestic curtilage of The Hollies. Located approximately 60 metres to the north of The Hollies the proposed dwelling would be separated from the listed building specifically by the curtilage listed clay dabbin barn. Accordingly, the potential impact of the proposal on both The Hollies and its associated curtilage listed outbuildings have to be assessed.
- 6.25 As highlighted earlier in the report, within the vicinity of the application site are a variety of properties of differing ages and styles. This assessment is borne out by the The Burgh By Sands Parish Design Statement which outlines that: *"... most of its few surviving traditional buildings (only four of which are listed) are clustered at the eastern entrance to the village along the Powburgh Beck and around a small area of public open space which is situated in the centre of the village off the main road. These two potentially and attractive and historic groups of buildings, along with their associated tree groups, are separated from each other and surrounded by a predominance of 20th century development ..."*
- 6.26 When viewing The Hollies from public vantage points the southern (front) elevation of the dwelling and the attached barn are clearly visible with only partial views of the clay dabbin beyond. It is only when within the courtyard parking area that you view the dwelling in the context of the curtilage listed barns. The outbuilding directly to the east of the dwelling has been sympathetically altered to provide additional living accommodation for The Hollies. The clay dabbin barn, directly across the courtyard to the north of the dwelling has also been extended and altered by several stone and brick extensions with both gables replaced in brick. The northern elevation of the barn is mostly obscured by a relatively modern wood and block work extension.
- 6.27 The setting of the heritage assets have evolved from its former use as a farm and farmhouse. The application site, which it is assumed, would once have been agricultural land now serves as part of the domestic curtilage of The Hollies with pockets of overgrown ornamental shrubs and trees together with domestic paraphernalia. From within the application site, views of the dwelling and its extended living accommodation is largely obscured by the clay dabbin barn. The northern elevation of the clay dabbin barn is also largely obscured by a relatively modern wooden and block agricultural type building. The submitted drawings illustrate that the stepped front elevation of the dwelling would be located between 29 metres and 33 metres from the



original rear elevation of the clay dabbin barn with existing planting retained. The council's Conservation Officer has been consulted and raise no objections to the dwelling subject to ensuring the submission of details in respect of the surfacing of the access road. These details would be subject of a pre-commencement condition, should Members approve the application. Based on the foregoing assessment, the proposal would have a less than substantial impact on the character or setting of the heritage assets with the benefits of the proposal contributing to the housing stock and the built environment.

- 6.28 A planning consultant, acting on behalf of third parties, has referenced a document produced by Historic England (HE) in 2007 entitled *"High Beeches and The Hollies, Thurstonfield, Burgh By Sands, Cumbria: Tree-Ring Analysis of Timbers From the Barn"* (Research Department Report Series No. 85-2007). The agent outlining that HE describes the clay dabbin barn as a "nationally important and threatened building type" and questions the potential impact of the dwelling on the heritage asset and potential detrimental impact on the structural stability of the clay dabbin resulting from construction traffic and the formation of the vehicular access to serve the proposed dwelling.
- 6.29 The importance of the curtilage listed clay dabbin barn is not disputed, however; in light of the assessment above the proposed dwelling would have a less than significant impact on the heritage asset. Furthermore, although HE undertook the research in 2007 to primarily determine the age of the internal wooden cruck trusses. HE also used it to understand the significance of the historic structure and inform them of its conservation, however; chose not to list the clay dabbin building separately. This does not, however; diminish its importance as that of a curtilage listed building and is right and proper that the potential impact of the proposal on the curtilage listed building are assessed as part of this application.
- 6.30 In respect of the potential impact on the structure of the clay dabbin barn. The vehicular access to the proposed dwelling would be via an existing field access the width of which would naturally restrict the size of construction vehicles able to access the application site. However, in order to further ensure that the structural stability of the heritage assets are not undermined during the construction phase, a pre-commencement condition is recommended that would require the submission of a construction management statement (CMS). The CMS would detail how the heritage assets would be protected during construction works together with the details of the construction vehicles parking and storage of materials to be used within the application site.

### **3. Whether The Scale And Design Of The Dwelling Is Acceptable**

- 6.31 Policies seek to ensure that development proposals are 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 Policies

SP6, HO2, HO3 and HE3 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, make use of appropriate materials and detailing and achieve adequate amenity space. Policy HO3 of the local plan, subject to satisfying five criteria, recognising that gardens contribute significantly to the character and quality of housing areas within the City, market towns and many villages within the rural area.

- 6.32 The submitted drawings illustrate a contemporary styled two storey dwelling within the domestic curtilage of The Hollies. As highlighted earlier in the report, there are a range of dwellings of differing styles and ages within the immediate vicinity of the application site. The scale and massing of the proposed dwelling would reflect neighbouring properties with the proposed palette of materials also harmonising with those of its neighbours.
- 6.33 Concerns has been raised in respect of the proposed location of the dwelling within the plot citing unacceptable intrusion into open countryside and that the dwelling does not respect the building line of this part of Thurstonfield. In respect of development within the domestic curtilages of existing dwellings within the immediate vicinity, the adjacent property, Birch House, is constructed on part of what was the former garden area of Orchard House (application 13/0021). Permission for another, as yet unimplemented, dwelling was approved within the domestic curtilage of Croft House to the east of The Hollies (application reference 20/0330). It is acknowledged that the rear elevation of the proposed dwelling would be set further back than that of Birch House, however; the dwelling would still be within the domestic curtilage of The Hollies and be well contained by existing/proposed landscaping. Furthermore, the location of the dwelling would ensure adequate external space to serve both the existing and proposed dwelling. In respect of the building line, there is no definitive building line in this part of Thurstonfield.
- 6.34 The concerns of third parties are respected, however; the scale and massing of the proposed dwelling would respond to the form of existing and proposed dwellings within this part of Thurstonfield and achieve adequate external space and in-curtilage parking provision to serve both the existing and proposed dwelling. The proposed palette of materials would also respect and reflect those of the adjacent properties. The retention of existing landscaping together with proposed landscaping would also help to soften and blend the proposed dwelling into the landscape. Furthermore, only limited views of the dwelling would be possible from public viewpoints. In overall terms, the proposal would respond to the local context and would not be disproportionate or obtrusive within the character of the street scene.

#### **4. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.35 Development should be 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. The living conditions of the occupiers of adjacent residential

properties should not be adversely affected by proposed developments. This is echoed and reinforced in local plan policies and SPDs, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.

- 6.36 The City Council's SPD 'Achieving Well Designed Housing' outlines where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (12 metres between any wall of a building and a primary window).
- 6.37 Objections have been raised by third parties citing over dominance, visual intrusion, loss of privacy to neighbouring properties and potential loss of privacy to the occupiers of the proposed dwelling resulting from overlooking from the balcony area of the adjacent property.
- 6.38 It is acknowledged that there may be some perception of over dominance and visual intrusion by the erection of a dwelling in an otherwise undeveloped domestic curtilage. In mitigation, due to the orientation and design of the proposed dwelling it would be located between 10.3 metres and 20 metres from the balcony and gable elevation of The Birches separated by a mature hedgerow. The maximum ridge height of the proposed dwelling, 8.2 metres, would not be significantly higher than that of its neighbour which the 2013 planning report detailed as 7.4 metres. The submitted drawings also illustrate that the proposed ridge and eaves lines would be stepped, thereby, also helping to reduce any perceived over dominance or visual impact by the proposed dwelling. An existing tree, within the curtilage of the adjacent property, would also help to screen the external balcony area from the proposed dwelling. Existing and proposed landscaping along the eastern shared boundary would also help to soften any perceived visual impact and screen the proposed dwelling from neighbouring properties.
- 6.39 In respect of loss of privacy resulting from the proposed development on neighbouring properties. The orientation and location of the proposed dwelling achieves the minimum distances outlined in the SPD. Proposed landscaping together with opaquely glazed windows in the eastern gable elevation of the proposed dwelling would also afford a greater degree of privacy to the neighbouring external amenity area. Landscaping along the shared boundaries and within the application site itself would protect the living conditions of the future occupiers of the proposed dwelling from unacceptable overlooking from the balcony area of the adjacent property.
- 6.40 In overall terms, given the location of the application site in relation to neighbouring residential properties, the proposal would not have a detrimental impact on the living conditions of the occupiers of those properties on the basis of unacceptable over dominance, visual intrusion or overlooking. To further protect the living conditions of the occupiers of neighbouring properties from unacceptable noise and disturbance during construction works a condition is recommended which would limit construction hours.

## **5. Disposal Of Foul And Surface Water Drainage**

- 6.41 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that enough capacity exists prior to commencement of any development. The submitted documents details that foul drainage would be disposed of via the mains sewer. Details submitted by a firm of consultant civil and structural engineers, in support of the application, illustrate surface water entering a soakaway located more than 5 metres away from the highway and existing/proposed properties.
- 6.42 United Utilities as statutory consultee for foul drainage raise no objections to the proposal with connection to its assets subject to its legislation. Cumbria County Council, as Lead Local Flood Authority (LLFA), advise that as the proposal is a minor development it is below the threshold for LLFA comments. Any development below five dwellings will have the drainage arrangements scrutinised by Building Control, however; the surface water discharge rate should not be greater than the existing, and if installing a soakaway, should not be positioned within 5 metres of the highway or property.
- 6.43 The proposed methods for the disposal of foul and surface water are acceptable. Should the proposed drainage methods prove unsatisfactory from a Building Control perspective then a further planning application for the any revised drainage methods to serve the proposed dwelling would be required.

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

- 6.44 The proposed dwelling would utilise part of the existing vehicular access serving The Hollies and the field beyond. Cumbria County Council, as Highways Authority, following the receipt of a speed survey, raise no objections, subject to the imposition of a condition, as the visibility splays required can be accommodated. The recommended condition would require the boundary wall to the east of the existing vehicular be reduced to 1.05 metres to allow greater visibility. The reduction of the wall would require listed building consent.
- 6.45 Third parties have questioned the suitability of the existing access to serve the development and the validity of the results of the speed survey due to parked vehicles potentially restricting vehicle speeds. The Highway Authority have been made aware of these concerns and confirm that the speed survey results are acceptable. A further issue raised was the potential of surface water discharging onto the highway from the access citing recent surface water flooding issues within the vicinity of the application site. This issue was also raised by Burgh By Sands Parish Council. The Highway Authority has not requested the imposition of a condition in respect of the proposed method to prevent surface water discharging onto the highway; however; as outlined earlier in the report, a condition is recommended requiring the submission of further details in respect of the surfacing of the proposed access. The LLFA have also confirmed that it has been investigating the cause of surface water flooding within the vicinity of the site and has found numerous blockages of the surface water drainage network in the village. These blockages have subsequently been removed with cracked pipework repaired. These works

will reduce the flood risk in the area.

- 6.46 The views of third parties are noted, however; given that the Highway Authority do not share these views it would be difficult to substantiate a refusal on highway safety grounds.

## **7. Impact Of The Proposal On Existing Trees And Hedges**

- 6.47 Policy GI6 of the local plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the city council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees and hedges. This aim is further reiterated in Policy SP6 of the local plan which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing landscaping.
- 6.48 The city council's SPD 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.49 The submitted drawings illustrate the removal of several trees and shrubs in order to facilitate the erection of the dwelling, however; these shrubs and conifers do not make a positive contribution to the locality as they are mainly ornamental shrubs and conifers largely hidden from public viewpoints. The shrubs and trees are not worthy of protection by Tree Preservation Orders nor is the application site within a conservation area. As such, they could be removed by the applicant without applying for permission under planning legislation. The loss of these shrubs and conifers would also be offset by the implementation of a landscaping scheme within the development site which includes native species hedgerows. In overall terms, existing and proposed landscaping would help to soften and blend the development into the landscape.

## **8. Impact Of The Proposal On Biodiversity**

- 6.50 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England it is unlikely that the proposed development would harm protected species or their habitat. To further protect biodiversity and breeding birds, informatics are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

## **9. Other Matters**

- 6.51 Third parties have raised was the accuracy of the submitted drawings and questions the ability of the application site to accommodate the proposed dwelling. The submitted drawings are to scale and have been compiled by a qualified architect.
- 6.52 A further issue raised was in respect of refuse collections and the distance from the proposed dwelling to the kerbside collection point. The distance to the proposed collection point would be similar to that of other properties within the vicinity.
- 6.53 The Ward Councillor made reference to the potential future development of the curtilage listed clay dabbin barn. This barn is out with the application site; therefore, any potential future development is not relevant in the determination of this application.

## **Conclusion**

- 6.54 In overall terms, the principle of residential development on the site is acceptable under the provisions of the NPPF and the local plan. The application site is well contained within existing landscape features, it is physically connected, and integrates with, the settlement, and would not lead to an unacceptable intrusion into open countryside. The development of 1no. dwelling is of an appropriate scale for the village to accommodate and would not be considered a threat to the delivery of the local plan spatial strategy.
- 6.55 The proposal would have a less than significant impact on the heritage assets. A condition requiring the submission of a construction management plan would afford further protection of the heritage assets during construction works. A further condition would also ensure the surfacing of the proposed access in a material sympathetic to the heritage assets and their settings.
- 6.56 The scale, design and massing of the proposed dwelling is acceptable. Adequate external amenity space and parking provision to serve both the existing and proposed dwelling can also be achieved. Given the orientation of the application site with adjacent properties, the living conditions of the occupiers of neighbouring properties would not be significantly adversely affected through unacceptable over dominance, visual impact or overlooking that would merit the refusal of permission. Existing and proposed landscaping together with the proposed palette of materials would also help to soften and blend the proposed dwelling into the landscape, thereby, further minimising any perceived visual impact.
- 6.57 Adequate provision of the disposal of foul and surface water drainage can also be achieved. The Highway Authority, subject to the imposition of a condition requiring the reduction of the boundary wall to the east of the access to a height of 1.05 metres, raise no objections on highway safety grounds. The reduction in height of the boundary wall would require listed building consent.

- 6.58 In all other aspects, the proposal is compliant with the objectives of the NPPF, PPG and relevant local plan policies. Accordingly, the application is recommended for approval.

## **7. Planning History**

- 7.1 In 1970, full planning permission was refused for the proposed conversion of outbuilding to cottage (application reference BA6202).
- 7.2 In 1971, full planning permission was granted for alterations and extensions to dwelling (application reference BA6326).
- 7.3 In 1996, listed building consent was granted for internal alterations to provide a family room and bedroom, installation of 2no. roof lights to reverse slope of roof and erection of a sun lounge and porch to rear of dwelling (application reference 96/0515).
- 7.4 In 1999, listed building consent was granted for provision of balance flue (application reference 99/0208).
- 7.5 In 2002, full planning and listed building consent was granted for conversion of outbuilding to form kitchen, dining room and snug together with reconstruction of east facing wall into courtyard (application references 02/1033 and 02/1034 respectively).

## **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 11th June 2020;
2. the Heritage Statement received 29th June 2020;
3. the Speed Survey received 7th September 2020;
4. the Speed Survey Summary received 7th September 2020;
5. the Surface Water Drainage Calculations received 30th October 2020;
6. the Surface Water Construction Phase Management Plan received 30th October 2020;
7. the location plan received 13th August 2020 (Drawing No. 118-151-01 E);
8. the as proposed site plan received 18th January 2021 (Drawing No. 118-151-03 E);

9. the as proposed ground floor plan & elevations received 18th January 2021 (Drawing No. 118-151-04 C);
10. the as proposed first floor plan & elevations received 11th June 2020 (Drawing No. 118-151-05 A);
11. the as proposed visibility splays received 18th January 2021 (Drawing No. 118-151-06 A);
12. the proposed surface water drainage plan received 30th October 2020 (Drawing No. D15363/SK.01);
13. the Notice of Decision;
14. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. The existing highway boundary wall to the east of the access shall be reduced to a height not exceeding 1.05 metres 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 1.05 metres thereafter.

**Reason:** In the interests of highway safety in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

4. Development shall not be begun until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include details of:

- method for the protection of the structural stability of the heritage assets from construction traffic and deliveries
- area set aside for the parking of construction traffic
- area set aside for the storage of materials

**Reason:** To ensure the structural stability of the heritage assets during construction works in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

5. Details shall be submitted for the method and surfacing of the access within the proposed application site and approved in writing by the local planning authority prior to commencement of development hereby approved. The approved development shall be carried out in strict accordance with the details approved in response to this condition.

**Reason:** To ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policies SP6 and HE3 of the Carlisle District Local Plan 2015-2030.

6. No work associated with the construction of the residential units hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays



(nor at any times on Sundays or statutory holidays).

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

7. 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 dwellings.

**Reason:** To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

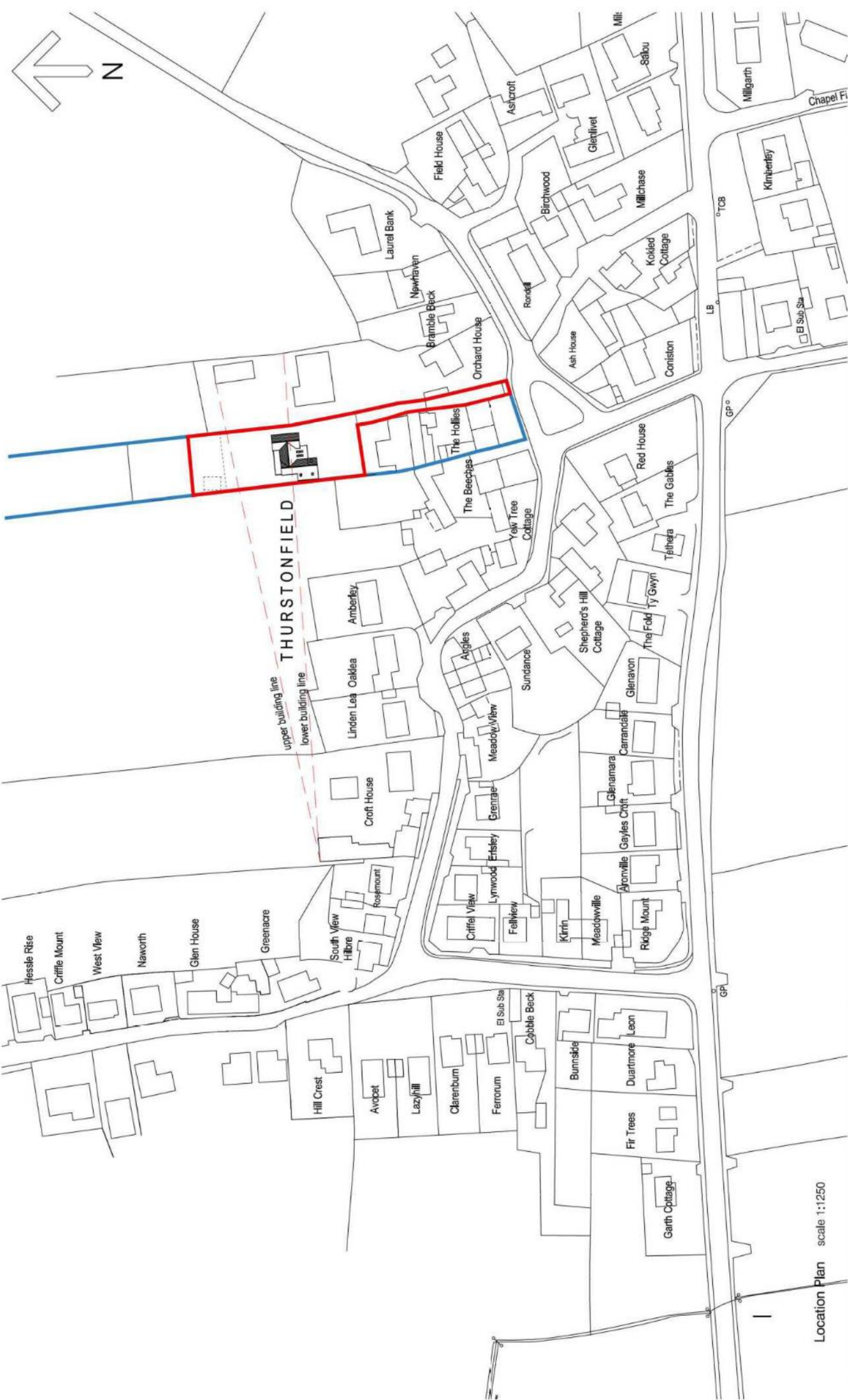
**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy GI6 of the Carlisle District Local Plan 2015-2030.

9. 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.

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.

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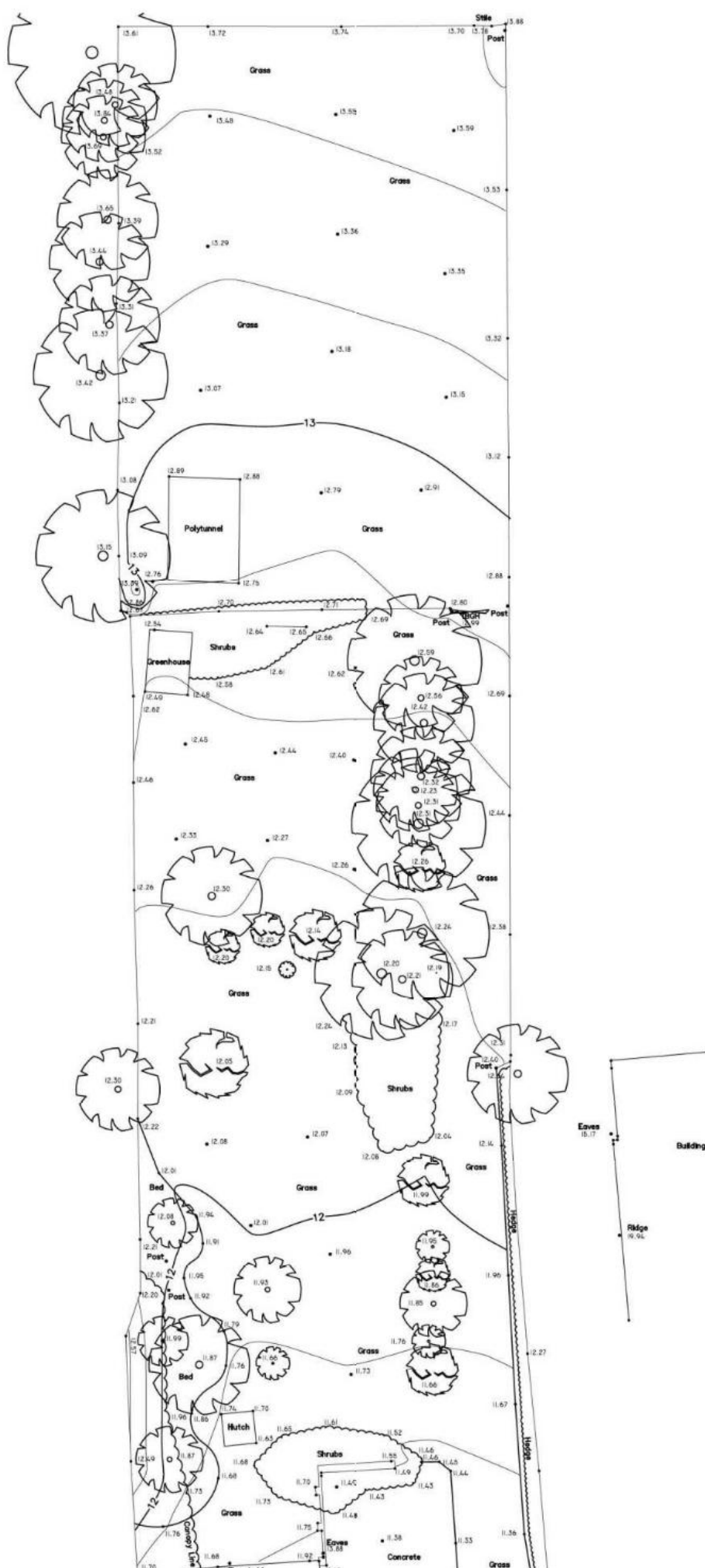


Location Plan scale 1:1250

<div>revisions</div> <div><div>A</div><div>01-06-20</div><div>Red and blue line amended, BB</div></div> <div><div>B</div><div>09-06-20</div><div>Blue line amended, BB</div></div> <div><div>C</div><div>03-08-20</div><div>Dwelling repositioned, BB</div></div> <div><div>D</div><div>03-08-20</div><div>Dwelling repositioned, BB</div></div> <div><div>E</div><div>11-08-20</div><div>Dwelling repositioned, Building lines added, CA</div></div>	<div><div>Graham K Norman Architect</div><div>CHARTERED PRACTICE</div><div><div>UNIT 4 MERESIDE</div><div>GREENDANK ROAD</div><div>EDEN BUSINESS PARK</div><div>PENRITH, CUMBERLAND, CATT 193</div><div>01768 886274</div><div>mail@graham-norman.co.uk</div><div>www.graham-norman.co.uk</div></div></div>	<div><div>LOCATION PLAN</div><div><div>PROPOSED DWELLING,</div><div>THE HOLLIES, THURSTONFIELD</div></div><div>MR AND MRS GREY</div></div> <div><div>drawing title</div><div>work</div><div>client</div></div>	<div><div>28-10-18</div><div>date</div></div> <div><div>W/C</div><div>18</div></div> <div><div>1-1251@A3</div><div>scale</div></div> <div><div>118-151-01 E</div><div>118</div></div> <div><div>118-151-01 E</div><div>118</div></div>
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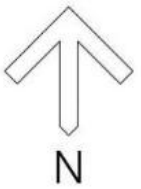
**Graham K Norman** Architect  
CHARTERED PRACTICE

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 RIBA

202



### Landscaping

Existing trees to be thinned out as indicated.

Site areas as indicated to be planted with ornamental shrubs and trees from the following native species:-

- [1] Rowan (*sorbus aucuparia*)
- [2] Silver Birch (*betula pendula*)

Trees and shrubs to be cell grown, trees planted in grass free beds within plastic sleeves, shrubs planted in grass free beds and protected until established.

[3] New double staggered hedgerows between properties comprising of 60-80 cm tall field grown plants.

Species:  
40% Laurel  
40% blackthorn  
20% elder and holly in equal proportions

Planting close to adopted sewer drains should be located min. 1m away, and be made up of the following shallow rooting shrubs.  
Blackthorn, Broom, Cotoneaster, Elder, Hazel, Laurel, Privet, Quickthorn, Snowberry and most ornamental flowering shrubs.

### Drainage

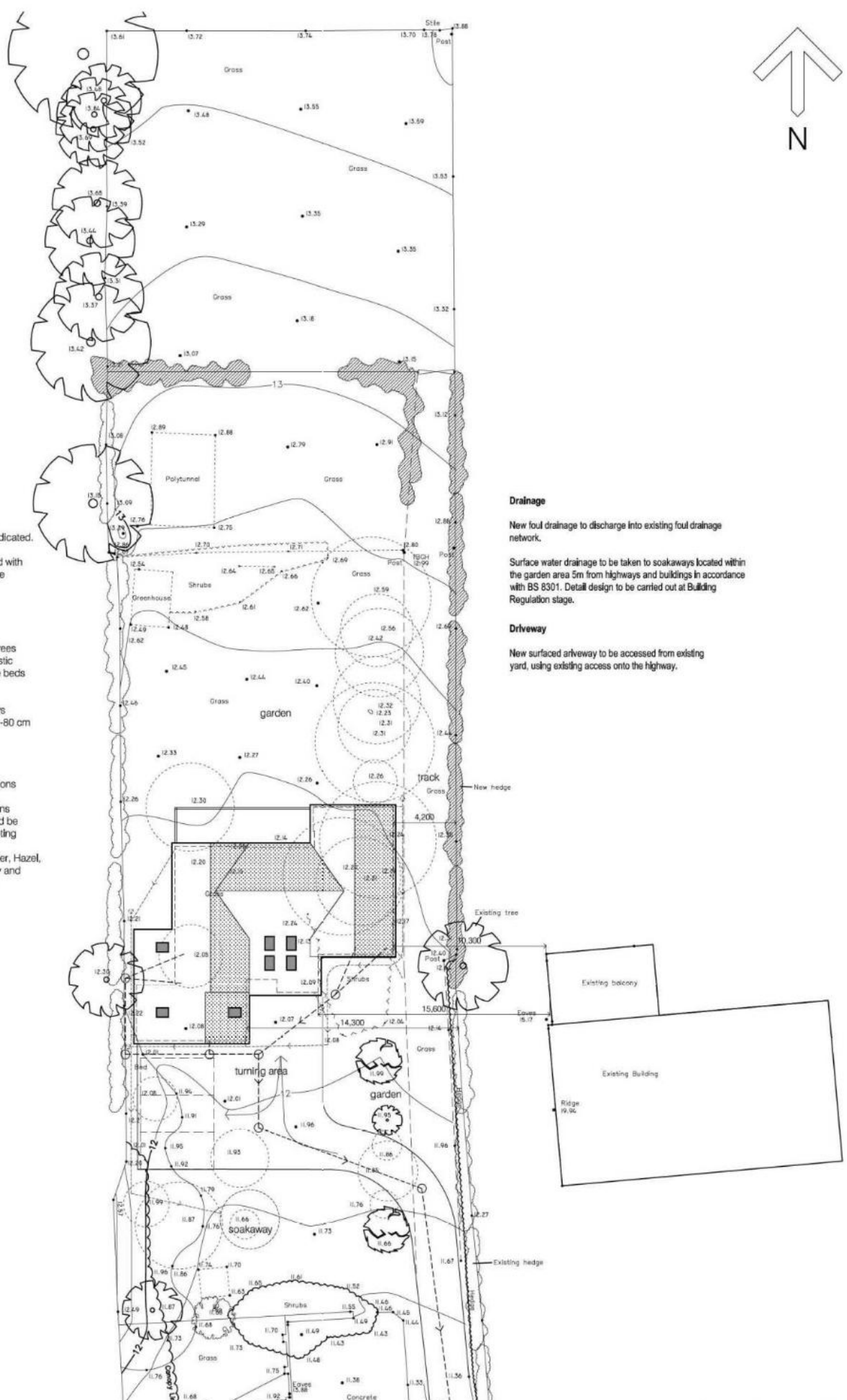
New foul drainage to discharge into existing foul drainage network.

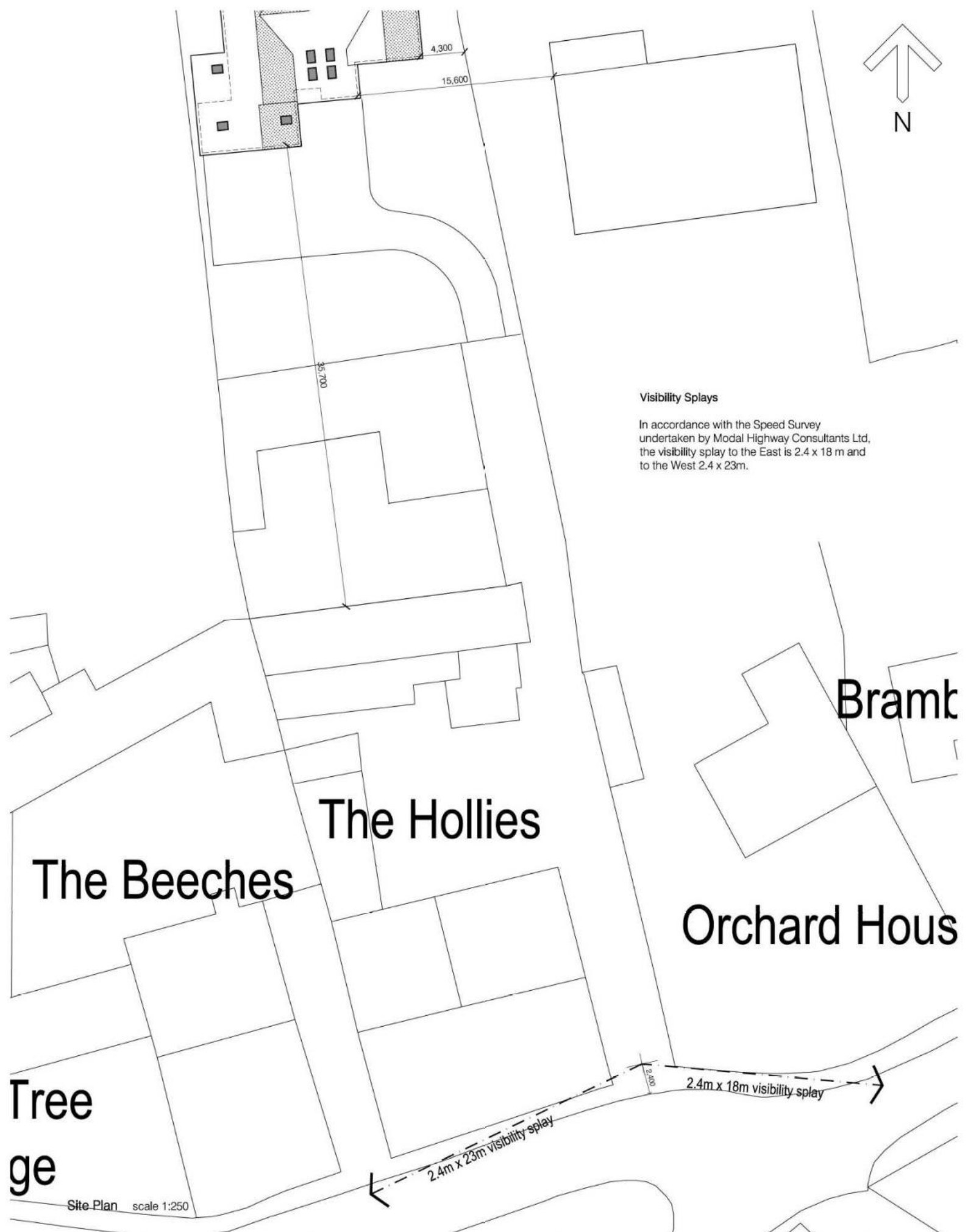
Surface water drainage to be taken to soakaways located within the garden area 5m from highways and buildings in accordance with BS 8301. Detail design to be carried out at Building Regulation stage.

### Driveway

New surfaced arwayway to be accessed from existing yard, using existing access onto the highway.

Site Plan scale 1:250





#### Visibility Splays

In accordance with the Speed Survey undertaken by Modal Highway Consultants Ltd, the visibility splay to the East is 2.4 x 18 m and to the West 2.4 x 23m.

The Beeches

The Hollies

Bramk

Orchard Hous

Tree  
ge

Site Plan scale 1:250

revisions  
A 18-01-21 Dimensions added, CA

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AS PROPOSED VISIBILITY SPLAYS

drawing title

PROPOSED DWELLING,  
THE HOLLIES, THURSTONFIELD

works

MR AND MRS GREY

client

02-09-20

BB

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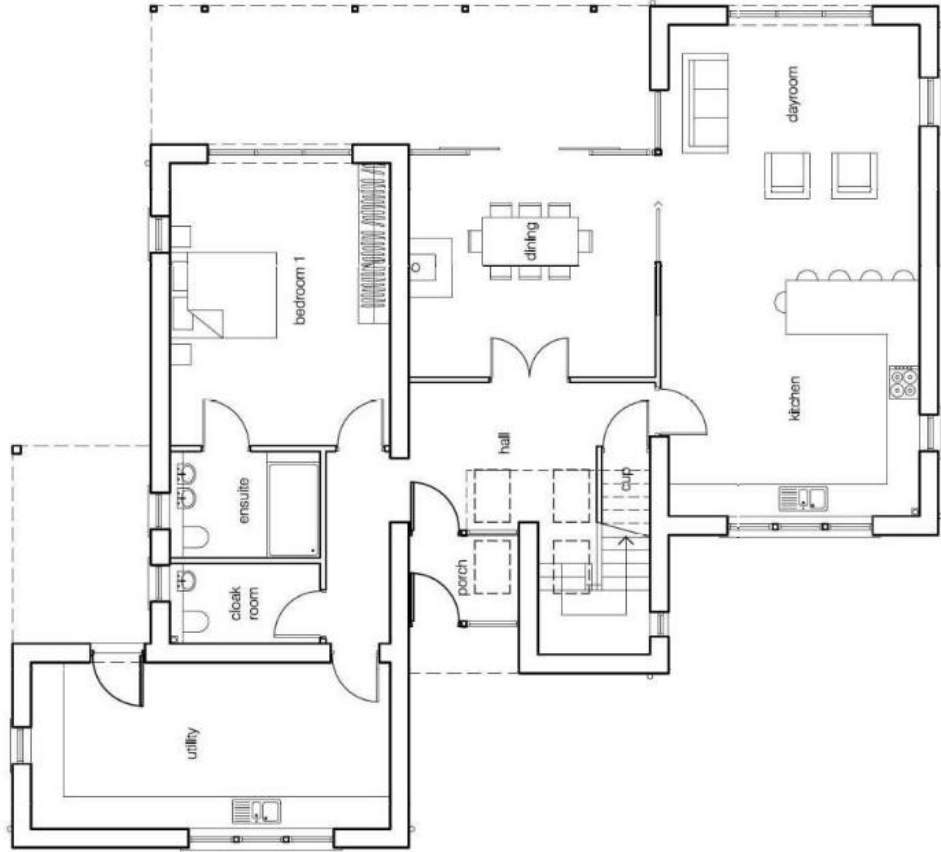
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Ground Floor Plan scale 1:100

Walls

Cavity blockwork walls to be finished in a smooth render, colour: off white.

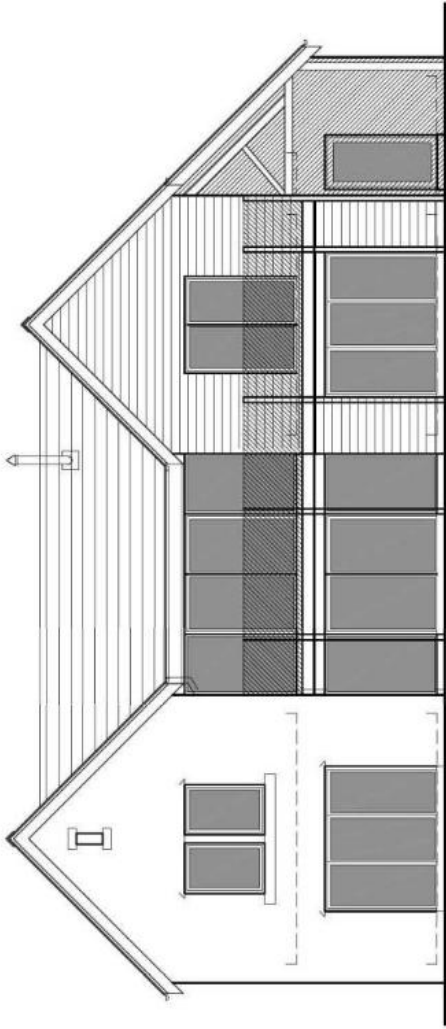
Cavity blockwork walls to be finished in natural cedar/larch boarding, left to colour naturally.

Alternatively Cedar weatherboard to be used, colour: grey/ blue. As supplied by Marley Eternit or equivalent.

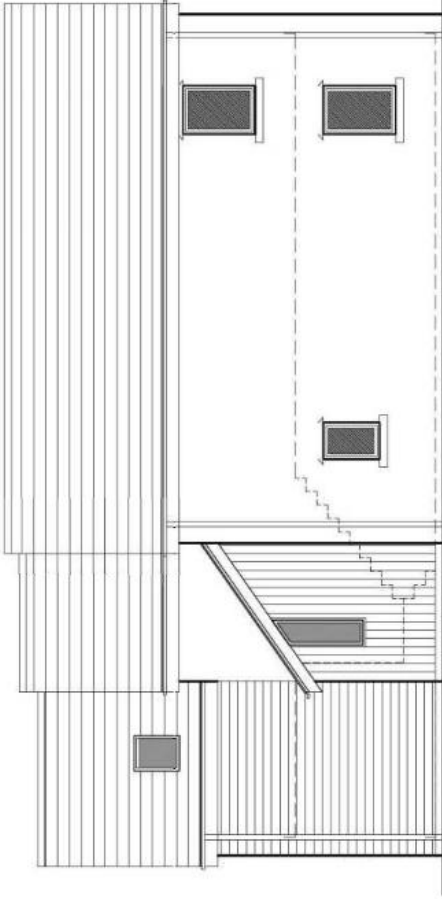
Windows, Screens and Doors

Proprietary aluminium timber 'composite' casement windows, glazed doors and screens to be finished with an opaque microporous stain, colour: blue/ green.

All panes to be double glazed in clear multifunction glass, laminated clear 'safety' glass to doors.



North Elevation scale 1:100



East Elevation scale 1:100

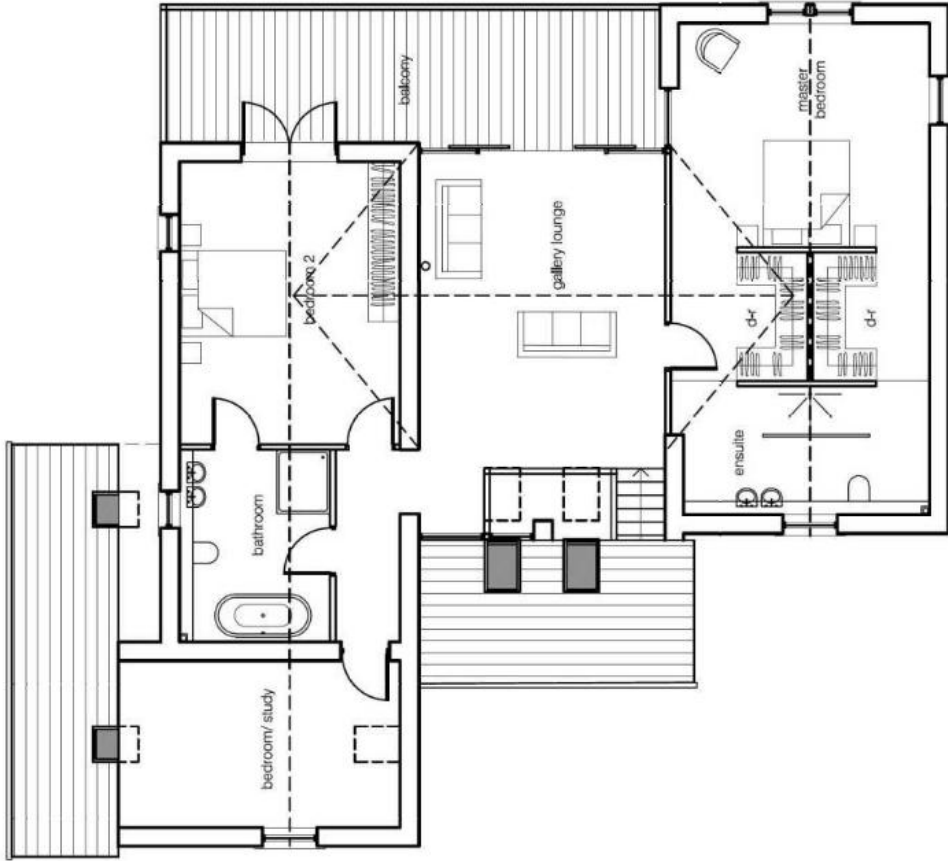
Roof

Windows to be fitted with obscure glazing on East Elevation as indicated.

New roof to be finished in natural slate, laid in the traditional manner colour: grey/blue. Roof to incorporate proprietary breather sarking underlay.

Proprietary plain stoneware ridges to be laid and bedded in mortar in the traditional manner, colour: red.

revisions	A	11-05-20	Attention to Clients Comments & notes added. BB
	B	03-05-20	Roof amended. WJC
	C	18-01-21	Windows changed to obscure glazing on east elevation.
Graham K Norman Architect CHARTERED PRACTICE UNIT 1A NEESSIDE GREENBANK ROAD EDEN BUSINESS PARK PENRITH, CUMBRIA, CA11 9FB 01768 886274 mail@grahamknorman.co.uk www.grahamknorman.co.uk			
AS PROPOSED GROUND FLOOR PLAN & ELEVATIONS PROPOSED DWELLING, THE HOLLIES, THURSTONFIELD MR AND MRS GREY			
03-03-20 BB 1-100@A3			118-151-04 C



First Floor Plan scale 1:100

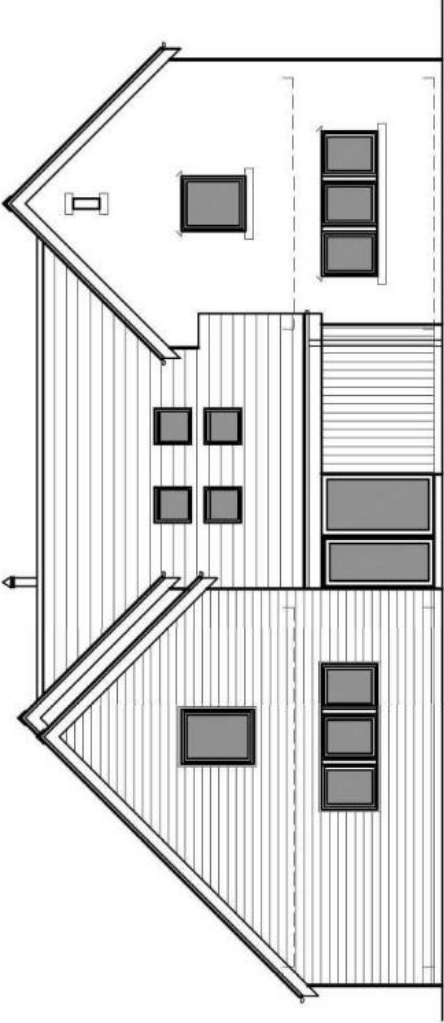
Eaves and Verges

Rafter to project beyond walls at eaves level with a fibre cement fascia and sloping soffit.

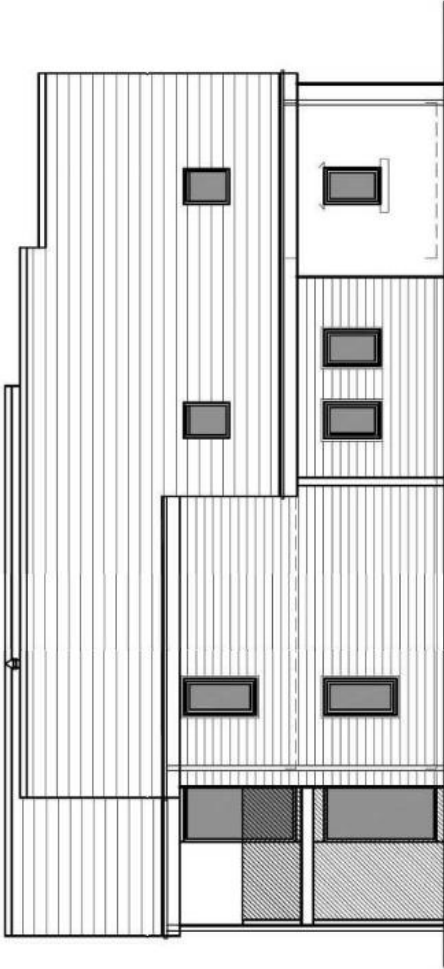
Verges to have a small overhang and bedded and pointed onto a slate undercloak with barge boards.

Cills and Thresholds

Openings in rendered superstructure walls to have dressed local stone cills and thresholds with plain mouldings, colour: pink/grey/buff.



South Elevation scale 1:100



West Elevation scale 1:100

Rooflights

New rooflights to be proprietary model type GGL FK06 roof windows with recessed flashing kits from The Velux Company Ltd, colour: Grey.

Flue Pipe

Proprietary twin walled flue to be installed and where external to be painted, colour: grey

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			PROPOSED DWELLING, THE HOLLIES, THURSTONFIELD		118-151-05	A
			MR AND MRS GREY			