

SCHEDULE A: Applications with Recommendation

19/0398

Item No: 10

Date of Committee: 22/11/2019

Appn Ref No:
19/0398

Applicant:
Hayton Agriculture Ltd

Parish:
Westlinton

Agent:
A L Daines & Partners LLP

Ward:
Longtown & the Border

Location: The Hill, Blackford, Carlisle, CA6 4DZ

Proposal: Construction Of New Vehicular Access Onto A7 Between The Hill And Elm House

Date of Receipt:
21/05/2019

Statutory Expiry Date
16/07/2019

26 Week Determination
25/11/2019

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 highway safety
- 2.2 Impact of the proposal on the existing hedgerow
- 2.3 Impact of the proposal on an unscheduled archaeological site
- 2.4 Impact of the proposal on biodiversity
- 2.5 Other matters

3. Application Details

The Site

- 3.1 The application site is located approximately 130 metres south of Elm House, Blackford.

The Proposal

- 3.2 The application seeks full planning permission for the construction of a new

vehicular access onto the A7 Carlisle to Longtown county highway. The proposed access would serve the development at The Hill and Elm Bank Farm. The access would be 6 metres in width with a large bellmouth immediately adjoining the county highway providing visibility splays of 160 metres in either direction. The existing roadside hedgerows within the visibility splays would be translocated with decorative railings and a feature walls either side of the proposed access.

- 3.3 The supporting letter accompanying the application outlining that: *" the existing access track to The Hill, staff cottage and bungalow would be closed, and all their traffic would transfer to the proposed access. The existing access would only be used by The Alpines and Hill Farm ... Similarly, the proposal would mean that all Elm Bank Farm traffic would transfer to the new access and the existing track would be closed. The existing access would only be used by Elm House. The proposed access will result in the transfer of traffic movements, including HGVs, from access junctions with poor or very poor visibility to a new junction which has visibility suitable for the speed limit of 50mph. The improvement to the visibility achieved by the proposed new access will be a significant highway benefit. In conclusion the proposed access meets the appropriate standards and would reduce traffic movements at sub-standard junctions and would be a highway benefit".*

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, two representations of objection have been received.
- 4.2 The representations identify the following issues:
1. object to the new access of safety grounds;
 2. there has been many accidents and fatalities on this stretch of road;
 3. residents sought 40mph speed limit; however, highway authority imposed 50mph speed limit;
 4. there has been an increase in number of lorries using road, especially wood lorries;
 5. statement supplied from post office employee reiterating highway safety concerns'
 6. loss of a hedgerow;
 7. increase potential for stock escape.
- 4.3 Following receipt of a Road Safety Audit Stage 1 two representations of objection have been received.
- 4.4 The representations identify the following issues:
1. scheme identical to previous submission as there is no refuge for traffic;
 2. there has been two accidents since previous objections;
 3. suggest speed limit should be lowered to 40mph.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the Road Safety Report and the Stage 1 Road Safety Audit and Designers Response Details provided are satisfactory. The access is acceptable as it is considered to increase visibility at the new access. However, the existing access to The Hill should be closed off permanently. Accordingly, the Local Highway Authority and the Lead Local Flood Authority raise no objections to this application subject to the imposition of conditions and informatives. The suggested conditions are: formation of visibility splays and radius kerbs prior to commencement of use; use of approved access only; and construction of access to highway authority specification.

Westlinton Parish Council: - cannot currently lend their support to the application. The parish council are in no way opposed to the project underway to renovate and develop the Mansion House at the Hill, as a shooting lodge. Indeed, the parish welcome the improvements that have already been made to the old building and the benefits that will no doubt result for the parish of Westlinton and the local economy. The detail in the application however does not provide any certainty that road safety will be improved.

The proposed entrance is accessed from a stretch of the A7 which has a long history of fatal, and many more minor unrecorded, accidents. The parish council lobbied over a period of more than 15 years to have a speed limit introduced. The parish council were finally successful in persuading the County Council to introduce a 50 mph limit, 6 years ago. Since then the parish council have had concerns about the speed limit having had any positive impact on road safety. Indeed, the applicant refers to a more recent accident.

The parish council have previously approached Cumbria Police about enforcing the speed limit. They have declined to do so citing concerns about the safety of any suitable vantage point from which to do so, on the same stretch of the A7 where this proposed entrance would be located.

One of the parish councillors is a builder who is regularly involved in the design of developments such as this. He was not present at the site meeting; however, has suggested that the application itself is lacking in detail and the distances quoted within the documentation are insufficient to guarantee safe run off the road for large vehicles.

The clerk received notification a few weeks ago that permission for the removal of hedges adjacent to the application site has not been granted. Presumably this means the proposed development cannot go ahead in its present form?

The parish council would ask that the applicant is required to review his plans to take account of the facts outlined above and give consideration to carrying out a speed survey before re-submitting the application. This should give everyone concerned the ability to judge whether the proposed entrance is a) appropriate from a safety perspective in the proposed location and b) suitable

in its design.

The revised plans show no significant changes to the dimensions and shape of the new access. It is not safe enough for large vehicles to get off the A7 and leaves vehicles waiting to turn in from the north. All of the original safety concerns expressed by this council remain. Is a second safety audit needed?

In the last 5 weeks there have been two serious accidents with half a mile of this proposed new access. The speed limit of 50mph is not enforced and this increases the risks.

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, IP2, CC5, CM5, HE2, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. Other material considerations are Supplementary Planning Documents (SPD) adopted by the City Council, in particular 'Trees and Development'.
- 6.3 The proposals raise the following planning issues:

1. Impact Of The Proposal On Highway Safety

- 6.4 Policy IP2 of the local plan seeks to ensure that all new development is assessed against its impact upon the transport network. Development that will cause severe issues that cannot be mitigated will be resisted.
- 6.5 The proposal seeks full planning permission for the formation of a new vehicular access onto the A7 Carlisle to Longtown county highway. The proposed new access to serve both The Hill and Elm Bank Farm would be located approximately 130 metres south of the existing access serving Elm Bank Farm and Elm Bank. The proposed access would have a width of 6 metres with a large bellmouth immediately adjacent to the A7 county highway providing 160 metres visibility in both directions.
- 6.6 Cumbria County Council, as Highway Authority, has been consulted and requested the submission of a Stage 1 Road Safety Audit (RSA). The RSA outlining that: *"the access is intended to cater for the majority of vehicle movements to and from two existing properties, The Hill and Elm Bank Farm which have accesses to the south and north respectively. Both of the existing accesses have substandard visibility splays with the A7 and the proposed access would be located approximately mid-way between the two".*

- 6.7 The RSA expands by detailing that: *"the existing access to The Hill currently serves a house, staff cottage and bungalow, and The Alpines. Immediately to the south is an additional access and track which serves Hill Farm. The Hill is currently being converted to provide accommodation for shooting parties and is expected to generate 10 to 12 vehicle movements per day, mostly by light vehicles with occasional use by delivery and refuse vehicles. The proposed access would accommodate all traffic other than that associated with The Alpines and Hill Farm. The access to Elm Bank Farm serves Elm House, which is residential, and Elm Bank Farm, which is a game bird hatchery. The farm generates about 10 to 12 vehicular movements per day, mostly by delivery vehicles. The proposed access would accommodate all traffic other than that associated with Elm House".*
- 6.8 Cumbria County Council, as Highway Authority, has confirmed that the RSA details provided are satisfactory. The proposed access is acceptable as it would increase visibility at the new access; however, the existing access to The Hill should be closed off. Accordingly, the Highway Authority, raise no objections subject to the imposition of conditions. These conditions require: the provision of the visibility splays and radius kerbs prior to the use of the access; use of approved access only; and construction of the access to the specification of the highway authority.
- 6.9 The parish council and third parties have raised concerns in respect of highway safety and these concerns have been brought to the attention of Cumbria County Council, as Highway Authority. Given that the Highway Authority raise no objections, subject to the imposition of conditions, it would be difficult to substantiate a refusal of the application on highway safety grounds.

2. Impact Of The Proposal On The Existing Hedgerows

- 6.10 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.
- 6.11 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.
- 6.12 The submitted drawings illustrate the retention of the existing roadside

hedgerow except for the access point. A Hedgerow Translocation Method Statement has been submitted which details how the hedgerows either side of the access and within the visibility splays would be translocated to ensure they do not impede visibility. These details are acceptable; however, a condition is recommended ensuring strict compliance with the method statement.

- 6.13 The parish council also cites the refusal of an application for prior approval application for the removal of hedgerows (application 19/0001/HDG). The prior notification application differs from the application before Members as it included the loss of four large sections of ancient hedgerows. The application does involve the loss of a small section of hedgerow to form the access; however, the hedgerow within the visibility splays would be translocated as opposed to lost.

3. Impact Of The Proposal On The Unscheduled Archaeological Site

- 6.14 The A7 county highway is designated as an unscheduled archaeological site. Given the level of works to form the access the proposal is unlikely to have a detrimental impact on archaeology.

4. Impact Of The Proposal On Biodiversity

- 6.15 The Council's GIS system has identified that the site is located in an area with the potential for several key species to be present in the vicinity. As the proposed development seeks consent for the formation of an access into an agricultural field, it is unlikely that the development would have an appreciable impact on any protected species or their habitats. However, to ensure this is the case, informatives are recommended drawing the applicants attention to their obligations under the wildlife legislation and that works to the hedgerows are undertaken outwith the bird nesting season.

5. Other Matters

- 6.16 A further issue raised by the parish council is the reduction in the speed limit along this stretch of road together with its enforcement. These issues are outwith the planning system.

Conclusion

- 6.17 Subject to the imposition of conditions, the proposal would not have a significant impact on highway safety to substantiate a refusal on highway safety ground. The proposal would not have a detrimental impact on the hedgerows, archaeology or biodiversity. In all aspects the proposal is compliant with the objectives of the NPPF, PPG, relevant adopted local plan policies and SPD.
- 6.18 Accordingly, the application is recommended for approval.

7. Planning History

- 7.1 Earlier this year, a Hedgerow Removal Notice for the removal of various hedges was refused (application reference 19/0001/HDG).
- 7.2 Also in 2019, an application for prior approval was granted for the construction of replacement track and associated bridge to serve an existing agricultural enterprise; section of existing track and bridge to be removed and reinstated to field (application reference 19/0047/AGD).
- 7.3 There is a long and varied planning history for development at The Hill which is located approximately 520 metres to the south west of the proposed access.

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 16th May 2019;
2. the supporting letter dated 16th May 2019 (Reference A113150);
3. the Stage 1 Road Safety Audit received 6th September 2019 (Report No. A113150/RSA1);
4. the Stage 1 Road Safety Audit and Designer's Response received 6th September 2019;
5. the Hedgerow Translocation Method Statement received 1st November 2019;
6. the proposed property access received 6th September 2019 (Drawing No. 17-C-14886/07 Rev F);
7. the location plan received 16th May 2019 (Drawing No. 17-C-14886/08 Rev B);
8. the block plan received 16th May 2019 (Drawing No. 17-C-14886/09 Rev B);
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Particulars of the heights and materials of the feature walls and decorative fences as illustrated on drawing number 147-C-14886/07 Rev J shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the visual appearance of the area is protected in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. The translocation of the existing hedgerows within the visibility splays as illustrated on drawing number 17-C-14886/07 Revision J shall be undertaken in strict accordance with the Hedgerow Translocation Method Statement received 1st November 2019. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the use of the access 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 the retention of the hedgerow in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

5. Upon completion of the access hereby approved, the existing accesses serving the development of The Hill (as defined under application reference numbers 06/0946, 06/0947, 06/0948, 12/0007/AGD, 16/0866, 18/0750 and 19/0047/AGD) and Elm Bank shall remain closed and locked as illustrated on drawing number 17-C-14886/07 Rev J and should only be used as an emergency route or for the management of the existing vegetation unless otherwise approved in writing by the local planning authority.

Reason: In the interests of highway danger and for the avoidance of doubt. To support Local Transport Plan Policies: LD5, LD7, LD8.

6. The use of the access shall not commence until visibility splays providing clear visibility as illustrated on Drawing No. 17-C-14886/07 Rev J has been achieved. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

7. The use of the access shall not be commence until the access has been formed with 15 metre radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 15 metres into the site from the existing highway has been constructed to the specification of

the highway authority.

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



GRID REF:
339667,561861

RED LINE OUTLINE FOR
ACCESS APPLICATION
ONLY, SHOWS EXTENTS
OF INTERFACE WITH
HIGHWAY

EXISTING
FIELD GATE

REV B RED LINE AMENDED
REV A AMENDMENT TO RED LINE FOR APPLICATION

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CLIENT
EQUORIUM PROPERTY

TITLE
THE HILL
BLOCK PLAN

DRAWN A.J. DATE JAN 2019 SCALE 1:500 @A4

DRAWING NO. 17-C-14886/09

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