

SCHEDULE A: Applications with Recommendation

20/0377

Item No: 03

Date of Committee: 14/08/2020

Appn Ref No:
20/0377

Applicant:
Mr Bell

Parish:
Nether Denton

Agent:
Ian Ritchie Land Agents Ltd Brampton & Fellside

Ward:

Location: Land adjacent to former Railway Inn, Low Row, Carlisle, CA8 2LG

Proposal: Erection Of Machinery And Crop Storage Building (Part Retrospective)

Date of Receipt:
09/06/2020 17:00:57

Statutory Expiry Date
04/08/2020 17:00:57

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Siting, Scale And Design Would Be Acceptable
- 2.2 Highway Matters
- 2.3 Drainage Issues
- 2.4 Impact On The Hadrian's Wall WHS Buffer Zone
- 2.5 Biodiversity

3. Application Details

The Site

- 3.1 The application site is located on the eastern edge of Low Row and lies to the south of the Carlisle to Newcastle Railway Line. A Network Rail signal box lies to the west of the application site, with a residential property (Kells Cottage, which was formerly the Railway Inn Public House) lying to the south-west. A public footpath runs along the southern boundary of the site.
- 3.2 The site is accessed via a private road which runs directly to the front of

Kells Cottage. This road also provides access to the Network Rail signal box and to the residential properties of Casamia, the Station House and 4 and 5 Station Cottages.

Background

- 3.3 In November 2019, a prior approval application was submitted for the erection of a building in the same location as the building in the current application. The submitted application form stated that this building would measure 18.30m in length by 7.70m in width and have an eaves height of 3.70m and a ridge height of 4.90m. It was determined that prior approval was not required for this building as it met the criteria in Part 6 of the The Town and Country Planning (General Permitted Development Order) 2015 (as amended).
- 3.4 The specified criteria are that the development does not exceed 1,000 square metres (including any other buildings that have been constructed in the last 2 years that lie within 90 metres of the application site), the height of the building would not exceed 12m and that any development is 25m away from a classified road.
- 3.5 Since the building was to be sited in close proximity to a railway line Network Rail was consulted. The building was to be located approximately 12m away from the railway boundary, which is in excess of 10m stand off distance required by Network Rail.
- 3.6 The building that has been erected on the site is higher than that granted approval under the prior approval process. This is due to the change in levels across the site, which has meant that the eaves and ridge heights on the building vary on the different sides of the building. In order to regularise the building, the applicant has submitted a full planning application for the building that has been erected on site.

The Proposal

- 3.7 The proposal is seeking retrospective planning permission for the building that has been erected on the site. The building, which has been erected, measures 18.45m in length by 7.65m in width. The field rises uphill away from the railway line (from north to south) and from west to east so the eaves heights and ridge heights vary on the different sides of the building. The maximum eaves height is 4.45m with the maximum ridge height being 5.60m.
- 3.8 The building, which is to be used to store machinery and crops, is constructed of a steel portal frame and contains four bays. It is clad in black box profile sheeting (which is to be painted green) above low concrete panel walls. The roof is steel sheeting and contains roof lights. At the time of the officer's site visit, the building contained a metal storage container, a tractor and a trailer. A caravan (which is used to provide shelter during the day), a trailer and various other items were stored in the field in close proximity to the building. Once the building is complete it would be used to store farm

machinery and equipment together with crops.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and notification letters sent to six neighbouring properties. In response 5 letters of objection have been received from 4 households. The letters of objection make the following points:

Siting, scale and design

- this structure has already been assembled and it's an eyesore;
- no crops are being stored in the building as the farmer has literally only got four untagged sheep;
- the size of this build does not add up to the amount of cattle;
- the building shouldn't have already been assembled;
- the gigantic size of this barn is not warranted for the two sheep & two lambs that the applicant has - he has no crops;
- the barn does not seem to be constructed from the materials described in the planning application;
- the building has an adverse impact on the surrounding landscape and the skyline;
- the building is overbearing in size at 5.6m of height, and therefore it's appearance adversely impacts on the rustic views of the landscape;
- the agricultural building is inappropriately positioned in the heart of the village, rather than on one of the farms or at the outskirts of the village;

Access/ Highway Matters

- the road is narrow and serves many residences as well as access to Network Rail's signal box. It may therefore be entirely unsuitable for the type of agricultural machinery and storing/moving crops such as buying large quantities of hay;
- over use by tractors, large lorries and many extra vehicles on a private small road, which was only supposed to be the access to five residential properties until the Railway Signal Box was built in 2007;
- the heavy vehicle usage is a danger;
- the increase in traffic, whether big or small vehicles is a risk to the public;
- this barn is next to a public footpath which is used daily by villagers walking their dogs or exercising - there is a great danger of an accident waiting to happen here;
- large HGV's often reverse along the lane, therefore their vision may not be as clear and drives exit directly onto this lane;
- the local Highway Authority should consider specifically the reversing of large agricultural vehicles from the private road into the public road on the brow of a hill with a slight bend in the road. This is an accident waiting to happen;
- large lorries reversing down from road passed kids nursery and other property entrances are a danger;
- use of heavy vehicles are causing damage to a private road and drainage from other existing property;
- access is via private road yet no indication has been made whether there is

right of access and any limitations on the right of access to the site either for construction or ongoing operational purposes - evidence should be provided that the owner of the private road concurs with new usage;

- the farmer has no legal access to this field as the rights of access belong to four railway cottages;
- the awards set out along with the covenants quite clearly state no access points to be created or nothing to be built down this private road;
- the road owner must be asked;

Drainage Issues

- there are number of concerns about drainage due to the number of recent incidents of localised flooding that have affected the areas near and around Kell's cottage, Signal Box, other adjacent properties and the site proposed for development;
- the impact on flooding has greatly increased;
- land has been heightened to the detriment of all the other adjacent properties, which will now cause a massive flood risk because the water will obviously drain towards these other private dwellings and Network Rail Signal Box and the railway line through its natural course;
- given the location of the building in the lower end of the field which is often saturated soil, any increase in run-off will exacerbate problems downhill/downstream;
- alteration to the land at the end of the lane - changing from a drained and grassed area to hardcore and access was amended to this field in the corner with gates;
- interference with historic septic tank drainage pipes to two private properties (Kell's Cottage & Casamia) which went across the public footpath into the applicant's field long before he was ever involved;
- damage to drains through mechanical digging and huge amounts of heavy hardcore laid at the entrance/gateway and on parts of the field, which would be exacerbated by the very heavy plant machinery constantly running over these drains accessing this field for the erection of this barn;
- there are inadequate details in the application of technical design proposed of the drainage, and an absence of demonstration that the proposed drainage would be effective;
- there is major concern that there is no demonstration of an absence of flood risk for those properties nearby;
- in addition, weight limitations and protection of pipework and drainage running under the private road need to be considered;

Other Matters

- change of use of land not belonging to applicant has taken place;
- damage have been caused to Network Rail wall and adjacent tree;
- alteration of ground levels increasing flood risk to Network Rail and other properties;
- the area remained quiet until the applicant arrived approximately two years ago;
- the applicant is not a local 'farmer';
- the destruction of a great crested newts site along with other wildlife;
- the impact on resident's quality of life;
- the decrease in value of people's homes.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - Highways Authority has no objections as it is deemed the impact of the storage building on the public highway will be minimal. Lead Local Flood Authority has no objections subject to conditions (surface water drainage) and an informative being added to any permission;

Nether Denton PC: - there are concerns around the development from Parishioner's and that the planning committee should investigate and address these concerns before making a decision on the application;

Network Rail: - no objections subject to conditions (surface water drainage) and an informative being added to any permission;

Historic England - North West Office: - no comment received.

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 are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies EC12, SP6, CC5, HE1 and GI3 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposals raise the following planning issues:
 1. Whether The Siting, Scale And Design Would Be Acceptable
- 6.4 In November 2019, permission was granted under the prior approval process for an agricultural building in this location. The approved building measured 18.30m in length by 7.70m in width and had an eaves height of 3.70m and a ridge height of 4.90m. The building was to be used for the storage of farm machinery and crops.
- 6.5 The building that has been erected on site is 18.45m in length by 7.65m in width. The constructed building has the same floor area as the previously approved building (141 sq m) but is 15cm longer and 5cm narrower than the approved building. The building is a comparable size to that approved under the prior approval process and this is a material consideration which needs to be taken into account in the determination of this application.
- 6.6 The eaves height of the approved building is 3.70m and the ridge height is

4.90m. The building that has been erected on site has different eaves and ridge heights on the different sides of the building due to the changing levels across the site, with the eaves height varying from 3.8m to 4.45m and the maximum ridge height being 5.60m. The eaves and ridge heights as constructed are, therefore, between 0.70m and 0.75m higher than those approved under the prior approval process.

- 6.7 The building is located approximately 28m from the gable of the nearest residential property (Kells Cottage). Whilst it is acknowledged that the building sits at a higher level than the dwelling, it only has a maximum ridge height of 5.60m, 0.70m higher than the previously approved building. The main view from the rear elevation of the dwelling is largely unaffected.
- 6.8 The building is constructed of black metal sheeting (which is to be painted green) above a low concrete wall. The roof is also steel sheeting and this contains some rooflights. The materials are considered to be acceptable for an agricultural building.
- 6.9 Whilst the building is visible from a public footpath that runs to the south of the site, permission already exists for the erection of a building in this location. Whilst the maximum ridge height of the building is 0.7m higher than that of the approved building, this does not have a significant impact on views from the footpath or views from the surrounding area.
- 6.10 At the time of the site visit, the building contained a storage container (which had been moved into the building), a tractor and a trailer and a number of items were stored within the field. Once the building is complete these items should be stored in the building which would improve the visual appearance of the site.
- 6.11 In light of the above, the siting, scale and design of the building are considered to be acceptable.

2. Highway Matters

- 6.12 The access into the site is via an existing field gate which adjoins onto a private un-adopted road. As the access utilises an existing access into the development site via an un-adopted private road, the impact of the development on the highway network (C1023) would be solely through the construction phase of the development. In light of this application being retrospective, the majority of the building is already complete. Therefore, the future impact of this development on the highway network is negligible. As such the Highways Authority has no objections to the proposal as it is deemed that the impact of the building on the public highway would be minimal.
- 6.13 A number of objectors have raised concerns about the number of vehicle movements made along the private access road and they question if the applicant has a right to use this road to access the field. The number of vehicle movements along the road in recent weeks will have been high due to the building being constructed and once the building is finished the

number of vehicle movements to the site should not be significant. It should be noted that the Council cannot control the number of vehicle movements that the applicant makes to his field and a number of these would happen even if there was no building in the field. The applicant's right to use the access is a civil matter and is not relevant to the determination of this application.

3. Drainage Issues

- 6.14 The Lead Local Flood Authority (LLFA) has an ongoing investigation relating to numerous flooding instances in the location of the building and downstream of the works location at the railway line. It is the belief of the LLFA that the drainage outfall for the agricultural field is potentially compromised beneath the railway line which results in severe flooding to multiple properties within the vicinity.
- 6.15 The surface water drainage from the building currently discharges to the compromised drainage network downstream. This is not an acceptable solution to the LLFA as this could exacerbate flooding issues currently being experienced. It should be noted that Network Rail are to undertake a CCTV survey of the culvert beneath the railway line to determine if there are any blockages or collapses. The LLFA are awaiting the results of this CCTV survey and will inform the applicant as to its results and permutations.
- 6.16 The applicant's agent has stated that investigations to date have discovered that the existing drain that runs from the application site beneath the railway line (and which is the responsibility of Network Rail) has partially collapsed and this is impeding the flow of water and this is contributing to flooding in the surrounding area. Network Rail are aware of the issue and have indicated that they intend to repair the drain.
- 6.17 The first option for surface water disposal, in accordance with the Cumbria Development Design Guide, is through infiltration. Following on from the initial LLFA comments dated 23 June 2020, the applicant has undertaken a valid infiltration test in accordance with the BRE365 method. The infiltration tests undertaken determines that soakaways are a valid method of surface water disposal. As such, a soakaway is to be designed and constructed to discharge of surface water from the development with sufficient attenuation to accommodate a 1 in 100 year plus 40% to account for climate change storm event. Currently the applicant has not provided any calculations regarding the sizing of the soakaway required. However, the LLFA finds it acceptable that this information can be dealt with by condition.
- 6.18 The applicant needs to remove the current surface water connection to the compromised culvert beneath the railway line to prevent an increase in flood risk to the development site and neighbouring properties. Also, the additional drainage already constructed prior to the building being erected needs to be re-laid correctly to intercept existing surface water discharges across the bottom of the field. Further to this, additional protection should be given to any private pipe work that is within the existing access entrance given the weight of any agricultural vehicles that will access the site.

- 6.19 Network Rail has been consulted on the application. They have requested the inclusion of an appropriately worded condition to stipulate that an assessment of surface water drainage from this scheme is provided by the developer and that if it is demonstrated that the development increases flows of surface water towards the railway, that the developer undertake measures to mitigate this. The proposal to direct surface water from the building to a soakaway (rather than the Network Rail drain) would address Network Rail's concerns.

4. Impact On The Hadrian's Wall WHS Buffer Zone

- 6.20 The site lies within the Hadrian's Wall WHS Buffer Zone. Policy HE1, which deals with the Hadrian's Wall World Heritage Site, states that proposed development in the buffer zone should be assessed for its impact on the site's Outstanding Universal Value and particularly on key views both into and out of it. Development that would result in substantial harm should be refused.
- 6.21 The proposal is seeking permission for an agricultural building which would be appropriate within this rural setting. Whilst the building would be visible from the adjacent footpath, long distance views of the building are limited and it does not cause any significant harm to the WHS Buffer Zone.

5. Biodiversity

- 6.22 The field is used for grazing and is of low ecological value. The erection of an agricultural building on a small section of the field has not had an adverse impact on biodiversity.
- 6.23 An objector has made reference to the destruction of a great crested newt site. There is, however, no evidence that great crested newts were present within this field, which does not contain any ponds and is adjoined to the north by a railway line.

Conclusion

- 6.24 The siting, scale and design of the building are considered to be acceptable. The proposal would not have an adverse impact on the Hadrian's Wall Buffer Zone, the highway network or biodiversity. A condition has been added to ensure that surface water drainage from the building discharges to a soakaway rather than the existing Network Rail drain. The proposal is, therefore, recommended for approval subject to conditions.

7. Planning History

- 7.1 In December 1995, planning permission was refused for the erection of an agricultural workers dwelling (95/0840).
- 7.2 In July 2019, an application for prior approval for an agricultural building was

refused (19/0024/AGD).

- 7.3 In November 2019, an application for prior approval for an agricultural building was approved (19/0050/AGD).

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 10th June 2020;
 2. Design & Access Statement, received 10th June 2020;
 3. Site Location Plan (Dwg No. B2-2), received 10th June 2020;
 4. Site/ Block Plan (Dwg No. B2-1), received 10th June 2020;
 5. Elevations/ Roof Plan (Dwg No. B2-5), received 10th June 2020;
 6. the Notice of Decision;
 7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

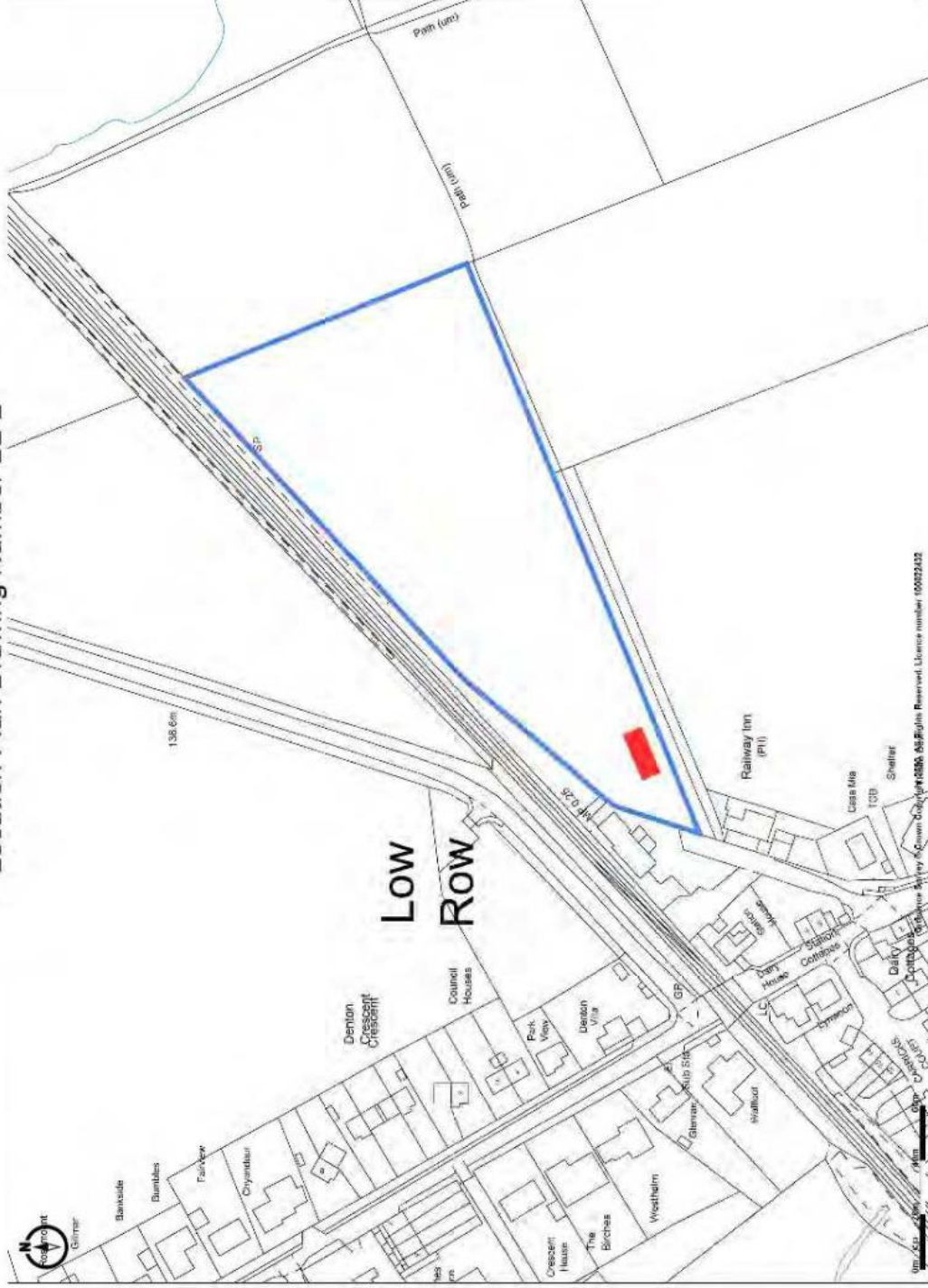
2. Within two months of the granting of this permission, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

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 and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed (within three months of the granting of this permission), maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

Machinery and Crop Store, Land adjacent to former Railway Inn, Low Row, Brampton, CA8 2LG Location Plan Drawing Number B2-2

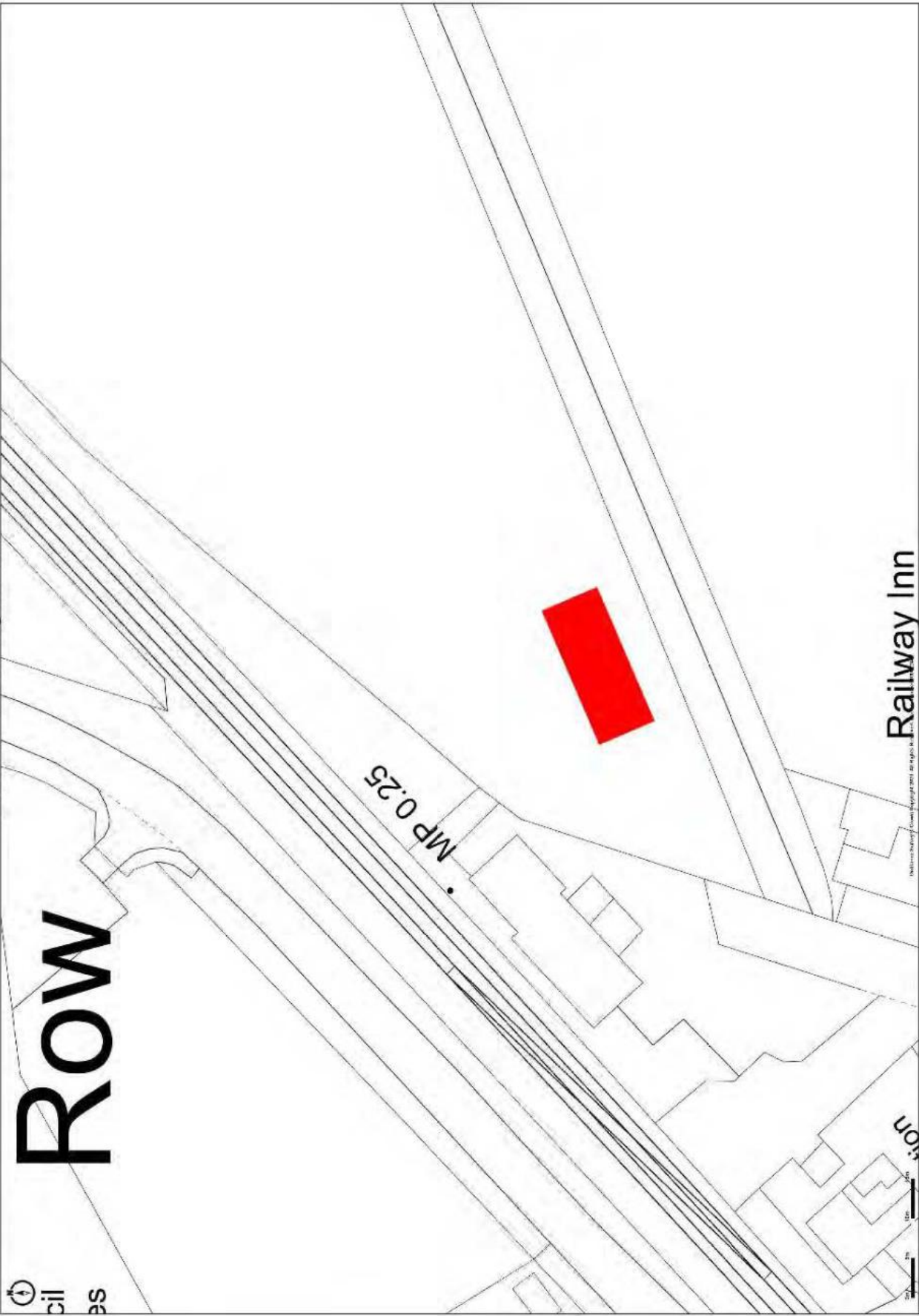


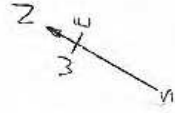
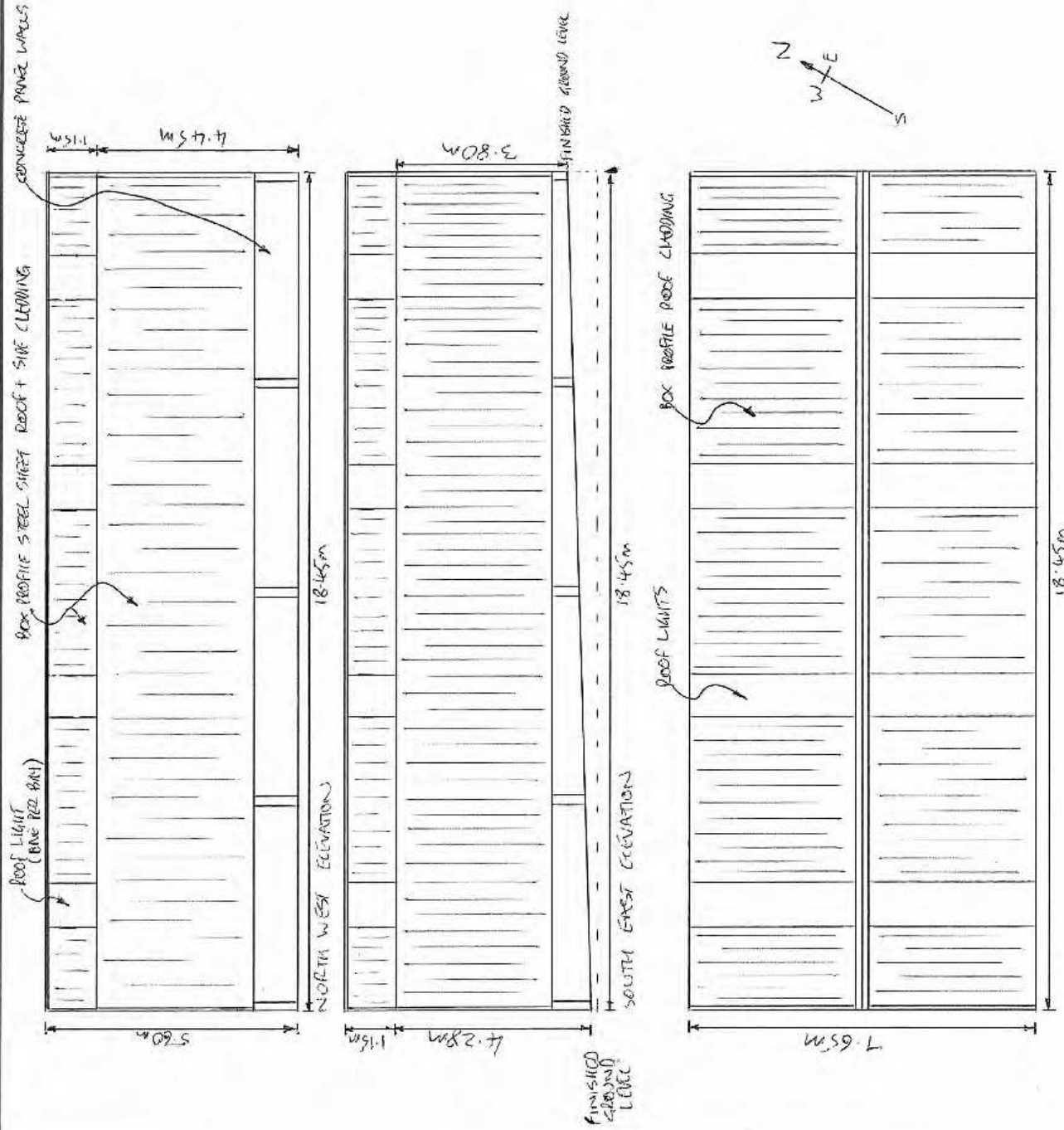
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LANDMARK INFORMATION

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PLAN VIEW

Retrospective planning application for machinery and crop store at
Land adjacent to former Railway Inn, Low Row, Brampton, Carlisle. CA8 2LG.

Drawing No: B2-5
 Scale: 1:100 @A3