

## SCHEDULE A: Applications with Recommendation

21/0649

Item No: 06

Date of Committee: 22/10/2021

**Appn Ref No:**  
21/0649

**Applicant:**  
Mr Paterson

**Parish:**  
Wetheral

**Agent:**  
Harraby Green Associates

**Ward:**  
Wetheral & Corby

**Location:** Land to the south of The Coach House, Allenwood, Heads Nook

**Proposal:** Formation Of Vehicular Access Into Field

**Date of Receipt:**  
28/06/2021 13:00:45

**Statutory Expiry Date**  
23/08/2021 13:00:45

**26 Week Determination**  
25/10/2021

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Scale, Design And Impact On The Character And Appearance Of The Area Is Acceptable
- 2.2 Highway Matters
- 2.3 The Impact On The Living Conditions Of Residential Properties
- 2.4 Biodiversity
- 2.5 Other Matters

#### 3. Application Details

##### The Site

3.1 The application site is parcel of agricultural grazing and to the south of the former Coach House situated between Corby Hill and Heads Nook. The land slopes down from west to east and a mature hedgerow flanks the western boundary. There are residential properties further to the north.

##### The Proposal

- 3.2 This application is for full planning permission for the formation of a vehicular access that would include a bell-mouth entrance with visibility splays in either direction.

#### **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 11 properties. In response, seven representations have been received objecting to the application and the main issues raised are summarised as follows:

1. there is an existing access into the field. It is clear that the access proposed into this agricultural field is to pave the way towards further development as per the previous application for holiday cabins on this land. I'm opposed to any increase in traffic which will in my opinion be unsafe, unsightly, and only serve to increase pollution and noise in this scenic hamlet;
2. this busy stretch of road is on a very long straight from both directions and that unfortunately encourages people to drive too fast given the presence of and limited visibility at the crossroads at Allenwood and the number of vulnerable road users;
3. there is an increase number of walkers, cyclists and horse riders using this road who are at risk from speeding vehicles. Additional traffic would make this worse;
4. the entrance onto the road from Heads Nook to Warwick Bridge is a fast 60 mph road. A short distance from the entrance is a crossroads with a blind exit from Allenwood cottage, well known for accidents;
5. creating access into the field at this point on this stretch of road would increase the likelihood of accidents here unless significant traffic calming measures were put into place. The previous application showed 90% objections based on safety of access;
6. the required visibility splay for a 54 to 62mph is 214metres, not 160metres as the plans show. The visibility was lowered due to the speed strip that was placed at the existing entrance not the new access therefore giving a false reading;
7. the previous application showed 90% objections based on safety of access;
8. the hedges are high beyond the access further obscuring the view.
9. it is well known that there are bats nesting in nearby buildings which feed over the field. It is a concern that the headlights from traffic turning in here at night would disturb them and disrupt their feeding patterns;
10. any future development of any holiday park/ caravan/ cabins/ camping in this location will be detrimental to the appearance and character of our local area. It will contribute to increased noise and disturbance, seriously impacting the privacy of the neighbouring properties, especially those closest;
11. the proposed access would involve removing a substantial section of a mature hedge which currently acts as a safe corridor for wildlife to be able to travel up and down this stretch of road and is home to a wide variety of

- birds and small mammals;
12. a commercial development is opposed with previous concerns regarding sewage, lighting, water supply, noise and access;
  13. large slower vehicles such as lorries, caravans would be a greater hazard.

## 5. Summary of Consultation Responses

**Hayton Parish Council:** - the parish council submitted the following observations:

- parishioners are concerned that permitting the vehicular access would enable other developments. If it is approved they would want a condition that the access is only for agricultural use;
- the visibility improvements do not meet national standards. The visibility of 160m cannot be achieved to the north. The block plan clearly shows that the distance has been measured to the centre of the carriageway and not along the road channel where it should be measured to. Visibility splay to the south involves land that belongs to an adjacent landowner and is used for agricultural purposes;

**Wetheral Parish Council:** - no response received;

**Northern Gas Networks:** - no objection, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, the promoter of these works should contact Northern Gas Networks to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - the following response has been received:

### Local Highways Authority

The development under consideration has a detailed planning history. As part of the withdrawn planning application 20/0733 for the siting of 5 log cabins, and following a speed survey, it was demonstrated that for the proposed access visibility splays of 2.4m x 160m were achievable. It is noted that the Highways Authority raised no objections with regards to the approval of planning permission as part of the consultation process.

Following on from this the applicant is seeking planning permission for the proposed new access only to serve the field, therefore removing the 5 log cabins. The initial Highways Authority comments to the current application stated that the visibility splays demonstrated for the proposed access crossed over into third party land which was unacceptable. In light of these comments the applicant has submitted a revised visibility splay plan for review by the Highways Authority. The visibility splays demonstrated within the revised plan do not cross into third party land and illustrate that visibility splays of 2.4m x 160m are achievable.

Therefore it is confirmed that no objections are raised with regards to the

approval of planning permission subject to the conditions stated at the end of this response being applied to any consent granted.

### Lead Local Flood Authority (LLFA)

This is a minor development which is below the LLFA threshold for comment. As such the drainage arrangements for this development are to be scrutinised by Building Control. It should be noted that the surface water discharge rate should not be greater than the existing, and if installing a soakaway it is advised that it is not positioned within 5 metres of a highway or property.

### Conclusion

No objections are raised with regards to the approval of planning permission subject to the imposition of a conditions requiring the surfacing of the access being applied to any consent that the council may wish to grant.

## **6. Officer's Report**

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 National Planning Practice Guidance (NPPG) and Policies of SP6, IP2, IP3, CM5 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. The proposal raises the following planning issues.

### **1. Whether The Scale, Design And Impact On The Character And Appearance Of The Area Is Acceptable**

6.3 Paragraphs 126 to 136 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 130 outlines that:

*“Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

6.4 It is further appropriate to be mindful of the requirements in paragraph 134 of the NPPF which states:

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

6.5 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.

6.6 The principle of the formation of the access would be acceptable in the context of allowing vehicular access and egress to the land. The scale, layout and design is appropriate and would not form a discordant feature with the character of the locality.

## **2. Highway Matters**

6.7 There is an existing access into the field from the north-west corner of the site. This access is at an angle to the boundary and faces north-west, meaning that access from the south and subsequent egress is awkward and depending on the type of vehicle using the access, may in fact not be possible.

6.8 The application seeks permission for the formation of an access further to the south, approximately half way along the western boundary. The access would include a bell-mouth with visibility splays of 2.4 metres by 160 metres in either

direction. The Cumbria Development Design Guide 2017 states that the visibility splay for a road with a speed limit of 60 miles per hour should be 215 metres.

- 6.9 The representations that have been received raise concerns about the impact of the development on the safety of users of the highway, particularly given the relatively straight section of road.
- 6.10 Prior to the submission of the previous application, the use of the existing access was not seen to be satisfactory by the Local Highways Authority (LHA). Consequently, the applicant commissioned a speed survey and as based on the speed survey, a new access with a visibility of 160 metres in either direction was prepared and was accepted by Cumbria County Council.
- 6.11 The current application is based on this scheme and as such, the principle is acceptable and raises no issues in terms of highway safety.
- 6.12 The LHA has requested that conditions are imposed on any planning permission in relation to the surfacing and drainage of the access together with the provision and retention of visibility splays. The conditions are considered to be reasonable and necessary as part of the development.

### **3. The Impact On The Living Conditions Of Residential Properties**

- 6.13 In addition to the NPPF, policies of the local plan require that proposals ensure that there is no adverse effect on residential amenity or result in unacceptable conditions for future users and occupiers of the development and that development should not be inappropriate in scale or visually intrusive.
- 6.14 The access would be approximately 72.5 metres south from the nearest residential property, The Coach House. There are also other residential properties that are adjacent to this dwelling. The formation of the access would not adversely affect the living conditions of the occupiers of neighbouring properties though an increase in noise or disturbance nor would it be visually intrusive.

### **4. Biodiversity**

- 6.15 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.

- 6.16 The Councils GIS Layer has identified that the site has the potential for protected species to present on or in the vicinity of the site. As the proposed development involved the formation of an access on agricultural land, the development would not harm a protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **5. Other Matters**

- 6.17 The objections have questioned the need for the access or that following the formation of the access, additional commercial activities may take place on the land. The application can't be determined on the premise that future activities may or may not occur. Where appropriate, conditions can be used to control future development. Hayton Parish Council has requested that a condition is imposed on any planning permission limiting the use of the access to be for agricultural purposes only.
- 6.18 Planning conditions are required to meet several tests, namely that they are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. In this instance, there's no evidence to suggest that the field would be used for any other purpose or what any alternative use might be. It is not common practice to limit the use of an access. If the use of the land requires planning permission for a change of use, this would subject to separate application. Permitted development rights do allow for the temporary use of land but again, subject to certain criteria, planning permission would not be required. As such, the imposition of a restrictive condition is not considered to be necessary or reasonable.

## **Conclusion**

- 6.19 In overall terms, it has been demonstrated that the scale and design of the structure and the access are commensurate with the surrounding land uses and operational needs of the applicant. As such, the character or appearance of the area would not be adversely affected by the development.
- 6.20 The development would not affect the living conditions of the occupiers of any neighbouring properties and the proposal doesn't raise any issue in terms of drainage, highway or biodiversity issues nor would it impact on the Hadrian's Wall World Heritage Site Buffer Zone. In all aspects the proposal is considered to be compliant with the objectives of the relevant local plan policies.

## **7. Planning History**

- 7.1 An application for planning permission for the development of a caravan site for static and touring caravans, with associated sanitary facilities was submitted in 1999 but was withdrawn.

- 7.2 In 2020, an application was submitted for planning permission for the siting of 5no. holiday chalets and associated works including new site access and access track but was withdrawn.

## 8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the Planning Application Form received 28th June 2021;
  2. the Location Plan received 28th June 2021 (Drawing no. 2191-01);
  3. the Block Plan As Proposed received 1st October 2021 (Drawing no. 2191-02);
  4. the Notice of Decision;
  5. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. The visibility splays as illustrated on Drawing No. 2191-02 received 1st October 2021 should be provided at the junction of the access road with the county highway. Notwithstanding the provision 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 grow within the visibility splay which obstruct the visibility splays.

**Reason:** In the interests of highway safety to ensure compliance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

4. The surfacing of the access road shall extend for at least 10 metres inside the site, as measured from the highway boundary prior to the use first being commenced and shall be carried out in accordance with details of construction specified by the Local Highways Authority.

**Reason:** In the interests of highway safety in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

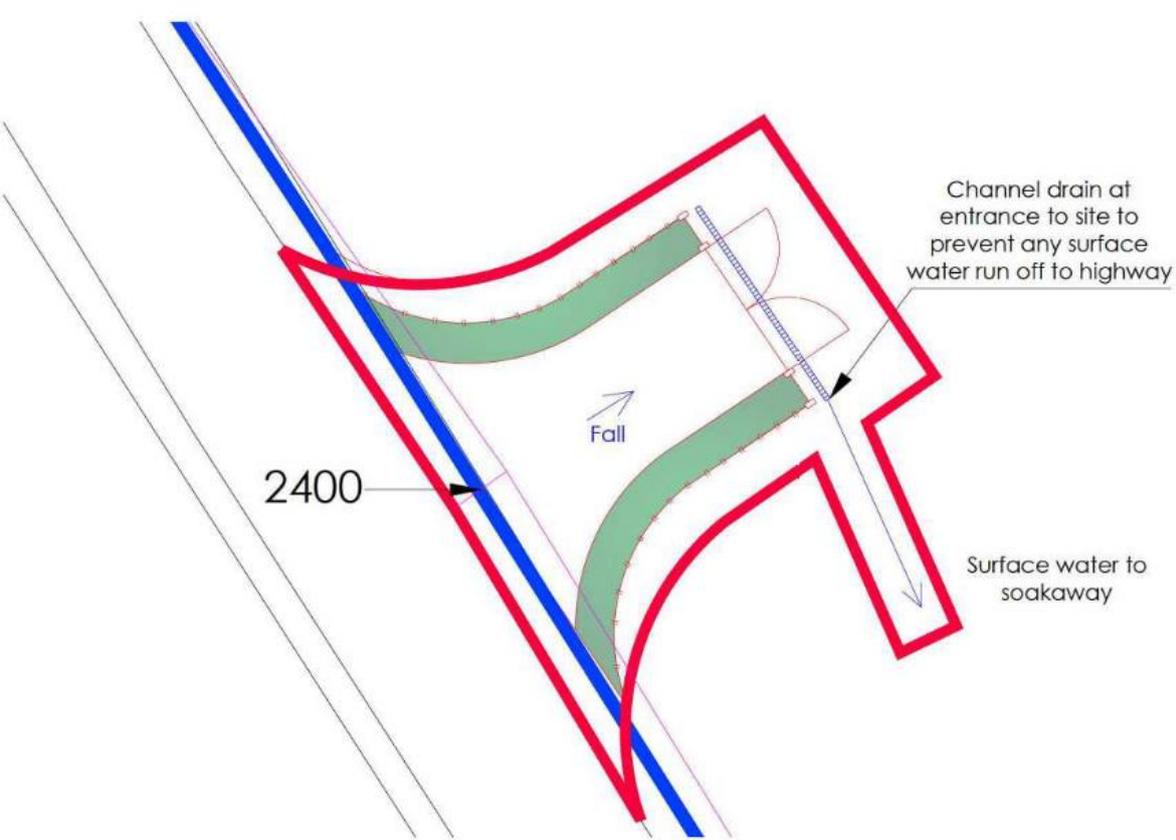
5. Measures to prevent surface water discharging onto the public highway shall be constructed in accordance with the specifications of the local highway authority and shall be maintained operational thereafter.

**Reason:** In the interests of highway safety and to minimise potential hazards in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030 .

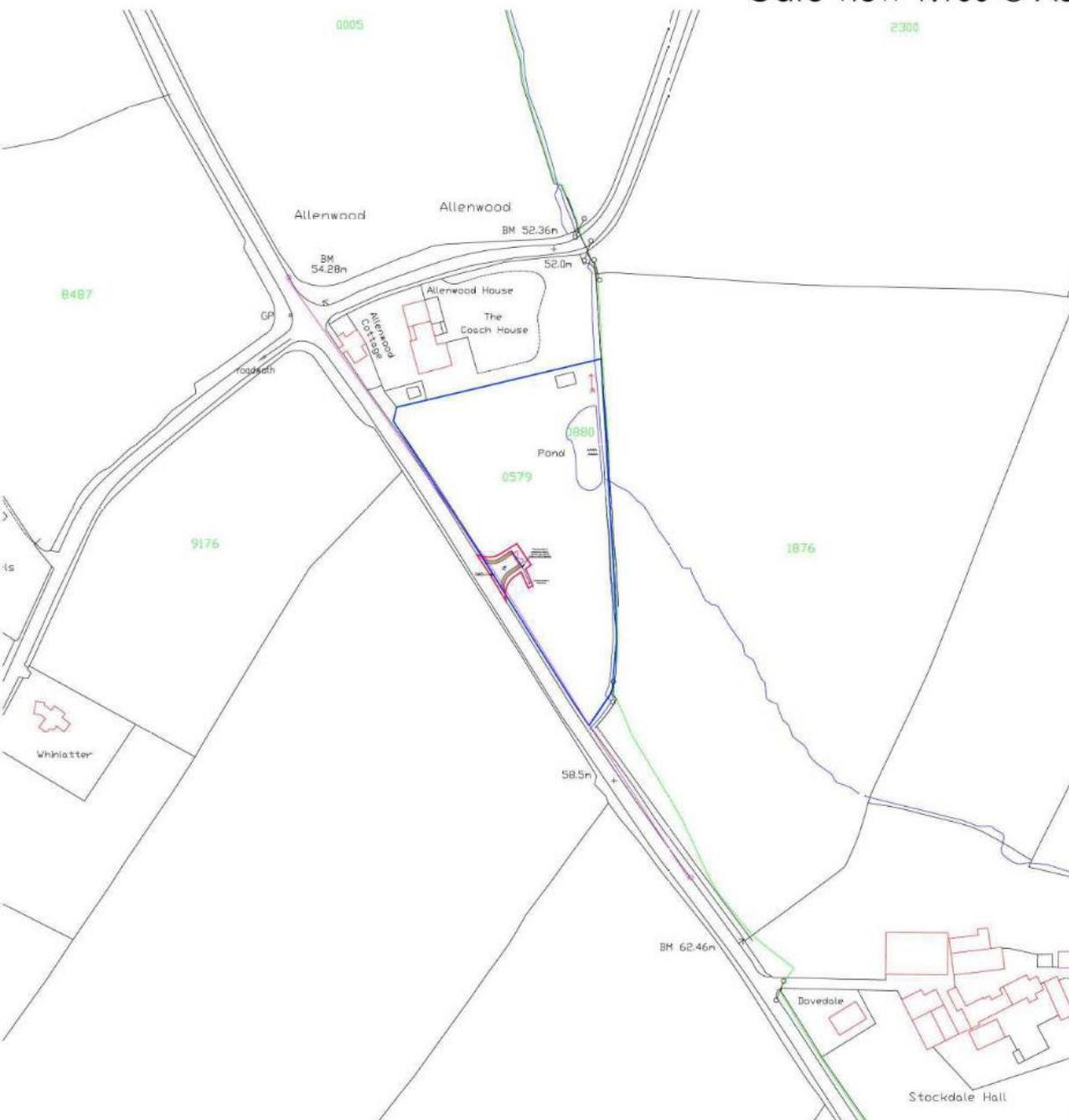


# ALLENWOOD

KEY:  
— Extent of development site  
— Extent of other site ownership



Gate view 1:100 @ A3



Revisions	A Oct 2021 Visibility plan amended, OK June 2021 Planning submission, GC
Client	Mr. J. Paterson
Project	Proposed New Access Land Adjacent to The Coach House Allenwood Heads Nook Carole CAB PAJ
Drawing	Block Plan As Proposed
Drawing No.	2191 - 02
Scale	1:100 @ A1 1:1000 @ A3
Drawn	GC
Date	Jun. 2021

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