

EDC Householder Application Ref: 20/0527

Site Address: Armathwaite Mill, Armathwaite

Case Officer: Nick Atkinson

Summary of Delegated Decision: **APPROVE**

| Application for Householder Development Eden Local Plan 2014-2032/Material considerations assessment |  Acceptable |  Unacceptable |
|---|---|---|
| Amenity impact upon existing residents (privacy, light, oppressiveness, noise etc). |  | |
| Design impact upon form and character of area. |  | |
| Scale impact upon form and character of area. |  | |
| Layout impact upon form and character of area. |  | |
| Highway safety impact. |  | |
| Drainage requirements. | | |
| Impact upon historic environment. |  | |
| Sustainable construction and efficiency measures. | | |
| Any other interests of acknowledged importance (list below) | | |

| Summary | <input checked="" type="checkbox"/> Acceptable | <input type="checkbox"/> X Unacceptable |
|--|---|--|
| <p>The proposed development seeks the erection of a glass geodesic dome greenhouse, located within the curtilage of the existing property Armathwaite Mill.</p> <p>The proposed green house would be sited on an existing area of hardstanding within the property curtilage. The dome would measure 6m x 6m circular and would extent to approximately 3.9m in height. The dome would be entirely glazed.</p> <p>The application site is located at Armathwaite Mill, which is in an isolated location outside of the settlement of Armathwaite and located immediately adjacent to the River Eden.</p> <p>In terms of constraints, it is noted that the application site is located within a Flood Zone 2 and 3, whilst also being within the River Eden Special Area of Conservation and the River Eden and Tributaries SSSI.</p> | <input checked="" type="checkbox"/> | |

| Any further comment; |
|---|
| <p><u>Consultation Responses</u></p> <p>Highway Authority – Responded on the 25 August 2020 raising no objection to the proposal. LLFA – Responded on the 25 August 2020 raising no objection to the proposal. Hesketh-in-the-Forest Parish Council – responded on the 04 September 2020 raising no objection to the proposal. Environment Agency – responded on the 02 September 2020 raising no objection, but noting that the development must be undertaken in accordance with the Flood Risk Assessment. Natural England – no response received to date.</p> <p><u>Considerations</u></p> <p>As a householder application, there are no concerns relating to the principle of the development. However, the main considerations in this instance relate to design, appearance upon the character of the area, flood risk and environmental impacts.</p> <p><u>Design</u></p> <p>Within the Eden Local Plan Policy DEV5 seeks to ensure that new proposals display a high quality design which complements or enhances the surroundings and respects the character of its immediate setting.</p> <p>Furthermore, Policy ENV2 of the Eden Local Plan, seeks to ensure that new development conserves or enhances the distinctive landscape characteristics.</p> <p>The proposed dome is of an unusual design and appearance for a green house, which displays a fairly</p> |

contemporary look. Due to the uniqueness of its appearance and the isolated and rural setting of the application site, the dome cannot be said to be entirely reflective of its surroundings. However, the scale and design of the proposed development within the existing curtilage of the host property is not considered to be inappropriate or harmful, and will in many regards be relatively sympathetic to the modern conversion of the host property, which does itself include larger areas of glazing on the rear elevation facing out towards the river. In many regards, the relative uniqueness of the design of the dome is considered to be visually and architecturally more interesting than a normal greenhouse which could otherwise be erected under permitted development rights, which adds an interesting feature to the property.

There are no external views of the dome from any public footpath, road or viewpoint. As such, the proposed dome is considered to be appropriate in terms of scale and design, and as such the proposal can be considered to broadly conserve the appearance of the local area and not result in any adverse impacts upon its character, in accordance with Policies DEV5 and ENV2 of the Eden Local Plan.

Flood Risk

Within the Eden Local Plan, Policy DEV2 seeks to ensure that all new development would not result in adverse impacts of flooding at the site or on land elsewhere in areas of increased flood risk. This is further supported by paragraph 155 of the NPPF which notes that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

In the case of the current application, due to the site's close proximity to the river Eden, the site is located within a Flood Zone 2 and 3, meaning that the site is at an increased flood risk. Due to the position of the host dwelling, being sited adjacent to the river by virtue of being a former Mill, it is not possible to locate the proposed greenhouse within an area of lower flood risk, as this covers the entire curtilage of the property and curtilage. As such, the sequential test is considered to have been met in this instance.

The applicant has submitted a Flood Risk Assessment for the proposal which includes mitigation measures to prevent increasing flood risk. This application has been subject of consultation with the Environment Agency who raise no objection to the proposal, on the basis that the Flood Risk Assessment is strictly adhered to. On the basis that the FRA is secured through condition, and the development undertaken in accordance with this document, the proposed greenhouse dome is considered unlikely to result in any increased flood risk at the site or result in an increased risk of flooding elsewhere. As such, the proposal is considered to be in-compliance with Policy DEV2 of the Eden Local Plan and the NPPF.

Environment

Within the Eden Local Plan, Policy ENV1 provides protection for Special Areas of Conservation (SAC) and SSSI's, and requires that all new development does not result in any adverse impacts upon such areas.

This is further supported by Paragraphs 175 and 176 of the NPPF which note that no development should be approved which would result in harm to either a SAC or SSSI.

In the case of the current application, it is noted that the proposed dome would be sited on an area of existing hardstanding within the curtilage of the host dwelling. In this regard, there would be limited

construction works required in the erection of the dome, and none that would be considered likely to result in any adverse impacts (through pollution) upon the River Eden. Furthermore, as the use of the dome is for a greenhouse within an existing residential curtilage, the future use of the development would similarly not likely result in any adverse impacts upon the SSSI or the SAC resulting from pollution. In consultation with Natural England no response or comments have been received to this proposal.

Therefore, whilst it is noted that the site sits adjacent to an important natural feature and habitat, the erection and use of the proposed dome as a Greenhouse is unlikely to result in any adverse impacts upon the natural environment or the adjacent river. As such, the proposal is considered to be in accordance with Policy ENV1 of the Eden Local Plan and the NPPF.

Conclusion

Having regard to the provisions of the Development Plan, in particular the Eden Local Plan policies DEV1, DEV2, DEV5, ENV1 And ENV2, and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable, subject to the conditions recommended.

Recommendation

That the application is granted subject to the following conditions:

Time limit for commencement

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
 - i. Application Form, received 03 August 2020;
 - ii. Plans and Site Location – Proposed Location (ref: 11394-01A), received
 - iii. Block Plan and Location Plan (ref: 11394-02), received 03 August 2020;
 - iv. Plans and Site Location (ref: 11394-03), received 03 August 2020;
 - v. Design Statement and Flood Risk Assessment, received 03 August 2020.

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Ongoing conditions

3. The development hereby approved, shall be undertaken in strict accordance with the Design Statement and Flood Risk Assessment, received 03 August 2020, at all times.

Reason: To ensure that the development does not result in any adverse impacts of flooding or flood risk to the site or any surrounding land.

Informative

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission