

Date of Committee: 21 January 2021

Planning Application No: 20/0548 **Date Received:** 6 August 2020

OS Grid Ref: 346528 540451 **Expiry Date:** 25 January 2021

Parish: Hesket **Ward:** Hesket

Application Type: Reserved Matters

Proposal: Reserved matters application for access, appearance, landscaping, layout and scale, attached to approval 20/0538

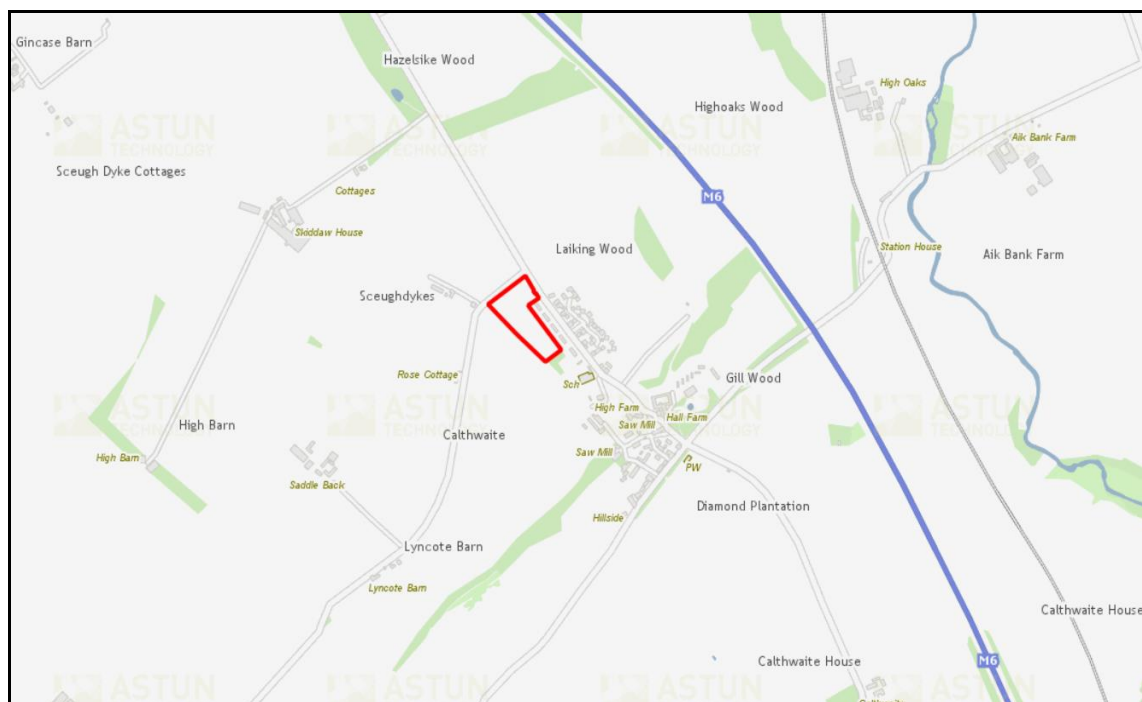
Location: Land West of Gillians Well, Calthwaite

Applicant: Genesis Homes – Mr J Blue

Agent: Genesis Homes – Mr J Blue

Case Officer: Karen Thompson

Reason for Referral: The Members of the Planning Committee requested that the Reserved Matters application be determined by the Planning Committee.





1. Recommendation

It is recommended that planning permission be granted subject to the following conditions:

Approved Plans

1. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
 - i) Application form received 6 August 2020
 - ii) Design and Access Statement received 7 August 2020
 - iii) Site Location Plan, drawing no. 001 Rev A received 23 September 2020
 - iv) Detailed Site Layout Plan, drawing no. 51D-GEN 100 Rev G received 19 October 2020
 - v) Detailed Site Layout Plan Coloured, drawing no. 51D-GEN 101 Rev C received 11 November 2020
 - vi) The Petterill Affordable (Semi) – Floor Plans, drawing no. S-110 Rev L received 6 August 2020
 - vii) The Petterill Affordable (Semi) – Elevation Plans, drawing no. S160 Rev L received 6 August 2020
 - viii) The Esk Bungalow – Floor Plan, drawing no. Esk M42-110 Rev L received 6 August 2020
 - ix) The Esk Bungalow – Elevation Plans, drawing no. Esk M42-160 Rev L received 6 August 2020
 - x) The Ellen(V1) – Floor Plans, drawing no. Ellen V1 SG1-110 Rev L received 6 August 2020
 - xi) The Ellen(V1) – Elevation Plans, drawing no. Ellen V1 SG1-160 Rev L received 6 August 2020
 - xii) The Eden – Floor Plans, drawing no. Eden-110 Rev L received 6 August 2020
 - xiii) The Eden – Elevation Plans, drawing no. Eden-160 Rev L received 6 August 2020
 - xiv) The Whillan – Floor Plans, drawing no. Whillan DF2-110 Rev L received 20 October 2020
 - xv) The Whillan – Elevation Plans, drawing no. Whillan DG2-160 Rev L received 20 October 2020
 - xvi) Proposed Street Scenes, drawing no. 51D-GEN 120 Rev D received 19 October 2020
 - xvii) Proposed Sections, drawing no. 51D-GEN 121 received 22 October 2020
 - xviii) Proposed Boundary Treatment Plan, drawing no. 51D-GEN 102 Rev D received 19 October 2020
 - xix) Boundary details, drawing no. 1843 008 received 6 August 2020
 - xx) Planting Plan, drawing no. 02 received 22 October 2020
 - xxi) Plant Specification and Schedules, received 22 October 2020

- xxii) Landscape Statement (Eden Environment Ltd) dated May 2020
- xxiii) Arboricultural Constraints Survey and Tree Protection Plan (EcoSurv Ltd) issue 2 Rev 1 dated 5 November 2020
- xxiv) Preliminary Ecological Appraisal (EcoSurv Ltd) issue 2 Rev 1 dated 5 November 2020
- xxv) Ground Investigation – Phase 1 and 2 (FWS Consultants Ltd) dated February 2020
- xxvi) Flood Risk Assessment and Drainage Strategy (CK21 Ltd) dated February 2020
- xxvii) Main Site Access Visibility Splays, drawing no. 2816-01-SK01 Rev C received 21 October 2020
- xxviii) Calthwaite Main Road Visibility Splays, drawing no. 2810-01-SK02 Rev C received 21 October 2020
- xxix) Proposed Driveways Visibility Splay, drawing no. 2816-01-SK03 Rev C received 21 October 2020
- xxx) Surfaces Finishes and Kerbing Arrangements, drawing no. CTH-CK-XX-XX-DR-C-9010 Rev T3 received 11 December 2020
- xxxi) Hardstanding Construction Details, drawing no. CTH-CK-XX-XX-DR-C-9030 Rev T3 received 11 December 2020
- xxxii) Public Drainage Details Sheets 1-3, drawing numbers CTH-CK-XX-XX-DR-C-5201/ 02 and /03 Rev T1 received 11 December 2020
- xxxiii) Private Drainage Details, drawing no. CTH-CK-XX-XX-DR-C-5203 Rev T1 received 11 December 2020
- xxxiv) Public Drainage Long sections and Manhole Schedule, drawing no. CTH-CK-XX-XX-DR-C-5220 Rev T2 received 11 December 2020
- xxxv) Public Manhole Schedule, drawing no. CTH-CK-XX-XX-DR-C-5221 Rev T2 received 11 December 2020
- xxxvi) Carriageway Setting Out and Horizontal Alignment, drawing no. CTH-CK-XX-XX-DR-C-9050 Rev T3 received 11 December 2020
- xxxvii) External Works Arrangement, drawing no. CTH-CK-XX-XX-DR-C-9010 Rev T4 received 11 December 2020
- xxxviii) Engineering Arrangement, drawing no. CTH-CK-XX-XX-DR-C-5210 Rev T4 received 11 December 2020

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

Pre-Occupancy or Other Stage Conditions

2. The approved landscaping scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the first dwelling. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

Reason: To protect and enhance the character of the site and the area, and to

ensure its appearance is satisfactory

3. Development shall not be begun until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing

Reason: In the interests of highway safety.

4. Prior to use on site, samples of the external finishing materials to the dwellings hereby approved, shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This application is related to an earlier grant of planning permission for this site, reference 20/0538 at October's Planning Committee (a variation of the originally approved outline consent 16/0968) to seek the removal of an indicative layout plan. That permission granted outline planning approval for up to 16 dwellings to be constructed on the site.
- 2.1.2 This is a Reserved Matters application which seeks the approval of scale, layout, appearance, access and landscaping for residential development.
- 2.1.3 In terms of scale, the proposal is for 16 dwelling houses of which four will be affordable dwellings. There are five proposed house types and the sizes as listed below:
- Units 1 and 16; 'The Ellen' - 4 beds - 121 sqm
 - Units 2, 4, 6, 13 and 15; 'The Eden' - 4 beds - 123 sqm
 - Units 3, 7 and 8; 'The Esk Bungalow' - 3 beds - 96 sqm plus garage 14 sqm
 - Units 5 and 14; 'The Whillan' - 5 beds - 171 sqm plus garage 14 sqm
 - Units 9, 10, 11 and 12; 'The Petterill Affordable Semi' – 3 beds – 76 sqm.
- 2.1.4 In terms of layout, the proposed dwellings will cover just over half of the application site area. This area is in the northern most part of the site extending to the boundary with the unclassified U3032 to the north; to the C1037 Calthwaite village road to the east; and to the field boundary to the west. The southernmost end of the proposed area to be developed will extend to the rear of Nos 10 and 11 Pennine View. The remaining area of the application site, behind the row of houses in Pennine View, will be retained as pasture land. There are no proposals to build on this land.

- 2.1.5 The proposed dwellings will comprise three rows of houses which address the contours of the land. Sectional plans have been submitted to show the levels within the site and the positioning of the dwellings. There will be three detached dwellings across the front of the site facing the village road – the C1037 – and accessed with a shared linked private driveway from this road. These dwellings are roughly in line with the existing row of dwellings along Pennine Way. The most northern positioned proposed bungalow (unit 3) has been set in from the northern boundary in order to retain the existing trees and hedge and to allow additional planting. The proposed dwelling (unit 1) at the southern end, has been generously set away from nearest existing house on Pennine Way to allow for a landscaped gap; part of the open space provision; and a pedestrian gateway/link to the residential site.
- 2.1.6 The positioning of the proposed vehicular and pedestrian accesses along the frontage will allow for the retention of Gillians Well; the existing stone boundary wall; bench; and crescent shaped open space alongside the village road, as well as retaining the majority of the existing hedgerow along this frontage.
- 2.1.7 There are two further rows of dwellings (one row of five, and one row of six) on the higher, more level part of the site. These dwellings will be accessed off the unclassified U3032 lane that runs in an east-west alignment immediately north of the site and connects with the C1037 Calthwaite village road. Both rows have been set back from the northern boundary and the existing trees and hedging along that frontage. Unit 16, nearest the northern boundary, will have dual aspect elevations at the new entrance to the site and opposite on the middle row, the position of unit 6 allows for another generous gap for open space and the pedestrian link which runs through the site.
- 2.1.8 The proposed layout allows for between 2 – 4 car parking spaces per property as well as three visitor parking; turning areas; private gardens to the rear of each of the properties; and front gardens.
- 2.1.9 The layout of the site provides for open space (approx. 0.13 ha) that runs alongside of the internal pedestrian path as well as a public area adjacent to the proposed turning area between units 12 and 13, as well as an area at the northern end of the site.
- 2.1.10 In terms of appearance, the proposal will provide for five different house types (two storey dwellings and bungalows) and they will be finished predominantly in heritage style brickwork with some render to some elevations and having upvc windows and doors. The roofs would be covered in dark grey concrete tile which have a thin leading edge.
- 2.1.11 The site will have a vehicle access from the village road (C1037) providing access to the three front dwellings only. A second access, to the remaining 12, would be constructed off the unclassified lane (U3032) that runs along the northern edge of the site and positioned at approximately 35 metres east of the site's westernmost corner.
- 2.1.12 Proposals have been put forward for both hard and soft landscaping. The pedestrian footpath will run through the site to allow for all residents to have pedestrian access into the village (an additional public footpath will be constructed alongside the U3032 which will connect in with the existing village footpath). There will be a wide grassed area either side of the internal pedestrian route with tree planting alongside it and throughout the site, including a mix of native and ornamental species. The existing boundaries (north, east and west) comprising trees, shrubs and hedges, will be maintained and further enhanced through additional planting. The development will have an open plan appearance at the front of the properties, with driveways finished in block paving and separated by soft landscaping/front garden areas. Rear gardens will

have mostly 1.8 metre high fencing and there will be some brick walling to define public and private areas.

2.2 Site Description

- 2.2.1 The application site comprises an ‘L’ shaped field amounting to 1.3 hectares and is located on the north-west edge of the village of Calthwaite. The site wraps behind a single row of existing semi-detached residential properties (Pennine Way) which front the main road through the village road. The site rises from the village road and behind the rear of Pennine Way up to the ridge line which defines the site’s western boundary.
- 2.2.2 Alongside the northern boundary is a minor country lane (U3032) which runs along the northern edge of the site. On the opposite side of the U3032 is a private dwelling known as ‘Hillcrest’ with its neighbouring dwelling ‘Grada’ beyond.
- 2.2.3 The boundaries of the application site are defined by a mixed species hedge (hawthorn, blackthorn, beech, dog rose) along with hedgerow trees (sycamore, ash, beech and oak). The hedgerows do have some breaks and is sparse in places, however, elsewhere the hedge can be up to 2 metres in height.
- 2.2.4 Along the east boundary is a curved stone wall which is a local feature known as Gillian’s Well.
- 2.2.5 The village of Calthwaite has two distinctive parts including the older village to the south around Calthwaite Hall, and the newer part which comprises the single line of residential properties on the west side of the village road (Pennine Way) and a newer housing development on the east side of the road (Laikin View).

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	24 November 2020 – The speed survey provided and accesses acceptable; Recommend condition that carriageway, footways, footpaths, cycleway etc are designed, constructed, drained and lit to a standard suitable for adoption (details have been submitted to address this); Developer to enter into an agreement to fund the 30 mph speed limit (developer does not agree to this as this is a Reserved Matters application dealing with access only and not matters outside of the site); Request a Construction Management Plan condition (attached).
Natural England	16 October 2020 – No comment

3.2 Discretionary Consultees

Consultee	Response
Environmental Health	11 September 2020 – No issues with this application, but recommend a standard condition restricting the hours of construction. A condition restricting hours of construction were attached to the outline permission and are still relevant.
United Utilities	12 October 2020 – Further to our review of the submitted drawing of Engineering Arrangement, ref:

Consultee	Response
	CTH-CK-XX-XXDR-C-5210 revision T1, dated 4/9/2020 proposing surface water discharging into watercourse, the plans are acceptable in principle to United Utilities.
Historic Environment Officer	24 August 2020 – No objections
Housing Officer	23 October 2020 - From a housing consultee perspective, I can confirm there is healthy demand for family homes on the discounted sale register for this area. They are altogether a bit undersized (GIFA) however, my view is they will be suitable for this market.
Arboriculturist	19 October and 23 November 2020 – The proposed landscaping details are acceptable. Requested details of tree and hedge protection measures now submitted and acceptable. The barrier type should be as per figure 2 BS 5837:2012 which is shown at Appendix 9 of the Ecosurv report.

4. Parish Council

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support/Comment	No Response	No View Expressed
Hesket		✓		

4.1 The Hesket Parish Council provided the following response to this application:

'With regards to planning application 20/0548 on land West of Gillians Well, Calthwaite for a Reserved Matters application for access, appearance, landscaping, layout and scale, attached to approval 16/0968, Hesket Parish Council wishes to retract our previous objections. However, the Parish Council would like to submit the following comments to be considered:

- *Hesket Parish Council seeks reassurance that Gillians Well itself will be unaffected by the development. As noted by Historic England in the report for application 16/0968, Gillians Well is an asset of local historical significance. Historic England did not object to that application as they deemed it would not affect Gillians Well. The Parish Council would request that confirmation is provided that it will remain unaffected.*
- *It is the Parish Council's understanding that Genesis Homes own land around the development. Hesket Parish Council would therefore request that any compound required during construction be located within Genesis Homes land to minimise disruption to residents.*
- *Hesket Parish Council would seek reassurance that the northern and western boundaries of the site are protected.*
- *Hesket Parish Council understand that the development is to be a private development, meaning that the road will not be adopted and that there will be no street lighting within the development. The Parish Council is concerned that this will create a safety hazard for pedestrians using the proposed footpath from the*

site, and would request that consideration is given to this, and that footway lighting provision be made on the proposed footpath.

- *It is the Parish Council's understanding that Genesis Homes would be willing to accommodate widening of the access road to the development, the U3032. This would assist turning traffic and allow better access for refuse vehicles. The Parish Council would therefore request that consideration is given to this matter'.*

4.2 Notwithstanding the final comment received by the Parish Council, this is a Reserved Matters application dealing with matters relating to scale, layout, appearance, access and landscaping only and cannot under this application require wider road improvements. Such matters are normally sought through s106 contributions at the outline planning stage.

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 11 September 2020.

No of Neighbours Consulted	24	No of letters of support	0
No of Representations Received	11	No of neutral representations	0
No of objection letters	11		

5.2 Eleven objection letters have been received from 7 households. Letters of objection raised the following material considerations to the application:

- The proposals represent an under-development of the site and the same number of houses proposed for the whole site is slotted into an area half the original size.
- The site is on a steep slope and this field is prone to flooding the gardens along Pennine Way and on the school playing field and playground and drains are unable to cope with the water. Houses on this land will cause flooding.
- No drainage details and the flood water attenuation tank has been removed from the plan. Concern that the previously approved 'SUDS' area has been removed from the scheme.
- Gillian's Well dates back to 1663, any development will disturb the natural flow of water to the well and may impact on the stability of the proposed house directly on top of it.
- If development goes ahead, would like reassurance that Gillians Well would not be affected in any way.
- The single track steep road providing access rises 10 metres along its 100 metres length between the village road and the Hillcrest properties. At the top is a blind bend on the lane.
- The lane to the site is used by large agricultural vehicles, people walking their dogs, joggers, cyclists, walkers, for equestrian use and at times it very dangerous with traffic. It is impassable in snow and ice and drivers end up parking outside the houses on Pennine Way.
- The lane to the site is totally unsuitable being only 3.5 metres wide. Traffic meeting on this lane will have to reverse or take to the verges to pass.
- The proposed visibility splay is not adequate being close to a corner and no vehicles using the lane has good visibility. Traffic on this lane has increased dramatically over the years.

- The lane is narrow and in a poor state of repair with erosion at the edges and significantly deteriorating at the junction where it joins the main street. The use of this narrow, steep lane as an additional access to the housing estate is unviable.
- The new access off Pennine Way is very close to the existing junction for Field Head.
- The development will cause more congestion and add to the traffic that is parked at the school and nursery. The development will introduce an additional 24 vehicles.
- Calthwaite School is at capacity as is the school at High Hesket.
- The development will not be in-keeping with the character of the village.
- The wildlife will be disturbed and probably not return.
- The Landscape and Visual Appraisal submitted with the earlier Outline planning application gave weight to the importance of the northern part of the site in defining the visual character of the area and welcomes further hedge planting and a 20 metre wide landscape buffer zone as an agricultural landscape feature.
- The Planning Inspector considered that the submitted indicative plan and the landscape and visual appraisal (submitted under the outline application) would cause limited harm to the character and appearance of the area – the proposed scheme proposes development up to the northern boundary and no buffer zone.
- At the outline stage it was considered that the proposal represented a significant expansion of the village and does not relate well into the existing settlement. The location on higher land would increase the visibility and impact on the village.
- The proposal is something that would be built within the middle of a city, not a countryside village and the houses do not look like they are going to add any character or be in keeping with the rest of the village.
- Only 3 affordable dwellings proposed whereas a required target of 30% amounts to 4 affordable dwellings.
- If approved, the houses should have slate roofs and the footpaths be tarmac or concrete so that they don't wash away.

5.3 Letters of objection raised the following non-material considerations:

- Concerns about building on pasture land.
- Concerns that the remainder of the field will be developed in the future.
- There are other brown-field sites in Calthwaite that are not being developed.
- This development will extend the village boundary.
- The proposed T-junction within the site and next to the remain field suggests future development.
- The indicative plan submitted with the outline application showed one access off the village road.
- Concerned that if the access gates to the field surrounding the school cannot be reached or are taken out of commission by the planned build, it would mean using the only access alongside the school which would be unsafe for children, parents and staff walking into the school.
- The site sketch/indicative plan submitted at the outline stage should remain valid.

- The village is only served by the Fellrunner bus service once a week with one pick up and one drop off. The only amenities available is a pub, school and the church. There is no local shop, post office, medical facilities, transport network, village hall, meeting place or coffee shop – therefore the development will not provide the economic and social benefits being claimed.

6. Relevant Planning History

Application No	Description	Outcome
15/0517	Outline application for residential development (up to 27 dwellings) with all matters reserved.	Withdrawn on the basis that a revised scheme, with less units, proposed.
15/0985	Outline application for residential development (up to 16 dwellings) with all matters reserved.	Refused - Inappropriate form of development which fails to show a clear understanding of the form and character of the built environment and also fails to complement and enhance the existing area due to it being a prominent site on the edge of the village.
APP/H0928/W/16/3153089	Appeal for the above refused planning application 15/0985.	Dismissed on the grounds that an appropriate legal agreement regarding affordable housing and a financial contribution for school transport has not been submitted. However, the principle of development was accepted.
16/0968	Outline application for residential development (up to 16 dwellings) with all matters reserved. This application was identical to 15/0985 but included the appropriate legal agreement to	Approved, subject to a legal agreement to secure affordable housing and financial contribution for

Application No	Description	Outcome
	ensure the provision of on-site affordable housing and for assistance for school transport.	school transport (signed agreement in place).
20/0538	Variation of condition 4 (plans compliance) to remove reference to indicative site sketch plan SK-100 Rev B, attached to approval 16/0968. This is the outline approval.	Approved 15 October 2020
20/0879	Discharge of conditions 5 (surface water drainage scheme), 6 (construction surface water management plan), and 8 (foul and surface water) attached to approval 20/0538	Live application – to be determined

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-2032):

- LS1 – Locational Strategy
- DEV1 – General Approach to New Development
- DEV2 – Water Management and Flood Risk
- DEV3 – Transport, Accessibility and Rights of Way
- DEV5 – Design of New Development
- HS1 – Affordable Housing
- HS4 – Housing Type and mix
- HS5 – Accessible and Adaptable Homes
- ENV1 – Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity
- ENV2 – Protection and Enhancement of Landscapes and Trees
- ENV5 – Environmentally Sustainable Design
- COM3 – Provision of new Open Space

Supplementary Planning Documents:

- Housing (2010)
- Housing (2020)

7.2 Other Material Considerations

National Planning Policy Framework:

- Delivering a wide choice of high quality homes
- Delivering a sufficient supply of homes
- Requiring good design

- Achieving well designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

7.3 The policies and documents detailed above are the most relevant policies relating to the determination of this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- Landscape and Visual Impacts
- Design and Appearance
- Residential Amenity
- Historical Environment
- Provision of Open Space
- Infrastructure/Highway Safety
- Drainage

8.2 Principle

8.2.1 In terms of the principle of housing development, consideration is given to the Development Plan. This consists of the adopted Eden Local Plan (2014-2032) and the policies which it contains.

8.2.2 This proposal seeks the approval of reserved matters, specifically for access, appearance, landscaping, layout and scale attached to approval ref. 20/0538. The Outline permission was granted under 16/0968 and varied under 20/0538 (removal of the indicative plan) and approved at Planning Committee on 15 October 2020.

8.2.3 The principle of development has been established for this site through the prior grant of outline planning permission 20/0538, and housing is approved to be constructed upon it. This application has been subject to a number of objections which have raised the 'principle' of development as part of their objection or that the proposals now, do not reflect what the outline application suggested. These comments are not relevant to the determination of this application and therefore, afforded no weight in the determination of this current application which solely considers the Reserved Matters for which approval is now sought.

8.2.4 Accordingly, outline planning permission does not commit the applicant to any subsequent approach thus nobody should be 'misled' by previously submitted indicative outline plans. It is for the reserved matters application to provide additional detail in terms of design, access, etc. and for that detail to be considered by the Local Planning Authority subsequently.

8.2.5 Within the Development Management Procedure Order 2015 (<http://www.legislation.gov.uk/ukxi/2015/595/article/2/made>), specific guidance is provided relative to the regulations and those considerations upon which can and cannot be considered under a Reserved Matters application. Those aspects of a proposal that can be considered at the Reserved Matters stage are as follows;

- Access;
- Appearance;
- Landscaping;
- Layout; and
- Scale.

- 8.2.6 Therefore, the principle of development has been established notwithstanding all other relevant considerations in relation to this reserved matters application.
- 8.2.7 The outline planning permission (16/0968) is subject to a Section 106 legal agreement to secure 30% (4 dwellings) affordable housing on site and a financial contribution to support transport to a secondary school. This reserved matters application originally proposed three affordable properties however this scheme has been revised to include four affordable dwellings, which is in accordance with the legal agreement.

8.3 Landscape and Visual Impacts

- 8.3.1 Chapter 12 Achieving well-designed places of the NPPF states that new development should be sympathetic to the local character and history, including the surrounding built environment and landscape setting. This is supported by Policy DEV5 of the Eden Local Plan entitled 'Design of New Development' which states that '*new development will be required to demonstrate that it:*
- *Shows a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area.*
 - *Protects and where possible enhances the district's distinctive rural landscape, natural environment and biodiversity.*
 - *Protects features and characteristics of local importance.*
- 8.3.2 Furthermore, Policy ENV2 – Protection and Enhancement of Landscapes and Trees – within the Eden Local Plan confirms that new development will only be permitted where it conserves and enhances distinctive elements of landscape character and function, including form of settlements, local styles, views and the openness of the countryside.
- 8.3.3 In assessing the visual impact of the proposed dwellings on the local character, consideration should be given to Paragraph 127 of the NPPF which confirms that '*Planning Policies and decisions should ensure that developments:*
- *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);*
- 8.3.4 The application site relates to an 'L' shaped field which wraps around the rear and side of the residential properties in Pennine Way immediately on the east side of the application site. To the north west of the site on the other side of the U3032 is a further private dwelling – 'Hillcrest'. The field has clear boundaries defined by a mix of hedgerows, shrubs and trees and has roads on its east and northern boundaries – the C1037 Calthwaite village through-road and the unclassified U3032. The application field rises up from the village road in a westerly direction with changes in levels that amount to around 8-10 metres, before it levels out to the most western side of the site. This site has outline planning permission for residential development of up to 16 dwellings.
- 8.3.5 Concerns have been raised by local residents that the proposed scheme is at odds with the Landscape and Visual Appraisal that was submitted under the outline planning consent. That Appraisal commented that the 'indicative plan' (subsequently omitted) gave weight to the importance of the northern part of the site in defining the visual character of the area and welcomed further hedge planting and a 20 metre wide landscape buffer zone as an agricultural landscape feature.
- 8.3.6 In support of this Reserved Matters application, a Landscape Statement compiled by Eden Environmental Ltd has been submitted. When compared with the earlier indicative layout, the proposed layout would:

- contain the same number of dwellings, offset towards the north-west end of the site;
- be accessed from the U3032 (to plots 4 – 16) and the C1037 (to plots 1 – 3);
- be sat within the same pattern of field boundaries, roads and hedges;
- include 12 detached (including 3 bungalows) and 4 semi-detached houses compared to 16 detached houses;
- occupy a smaller overall footprint;
- includes boundary tree planting, as well as tree planting within the proposed housing area;
- leave part of the site as open field.

8.3.7 The Landscape Statement assesses the impact of the proposed scheme on the surrounding area. The new houses, being positioned across the northern section of the field would be more visible from the C1037 when passing the front of the site but would extend less far to the south and so would be less visible behind the houses on Pennine Way. From further north on the C1037, up to about 210 metres, the visibility of the three of the north-westernmost new dwellings (closest to the U3032) may be slightly greater.

8.3.8 When approaching the village from the north, the new houses would be concealed or filtered by the scattering of trees in the hedge on the west but plots 3 and 16 would be visible and perhaps plot 4. The north-westernmost houses would be closer to the U3032 between the C1037 junction and 'Hillcrest' where there is currently boundary planting which is fine in parts and more permeable to views. From 'Hillcrest' the nearest plots will be visible but it is doubtful that the remainder of the development would be visible as the site falls towards the east and because the view would be obliquely through the roadside hedge. Further along the U3032 there are two or three successive field hedges between the road and the proposed development.

8.3.9 In order to mitigate the effects of moving the housing to the northern part of the site, it is now proposed to reinforce the hedgerow along the north-western and south-western boundaries of the site with native hedgerow species typical of the area including hazel, blackthorn, hawthorn and elder, and a wide variety of trees. The hedgerow enhancement would screen or filter views into the site from the north and west and planting along the north-west boundary would also screen views from the C1037 to the north. In addition, the planting along the south-west boundary would backdrop the rooflines of the new houses when viewed from the east.

8.3.10 The proposed scheme would extend the development boundary of the village to the north-west, but would be better constrained and framed by the existing physical features (roads and hedgerows) which would be enhanced and strengthened with additional planting.

8.3.11 Furthermore, it is considered that the proposed scheme would cause visual impacts for fewer people because the development would be over the northern section of the field only. However, the development would be somewhat more visible from 'Hillcrest', about 45 metres to the west of the nearest proposed new house. However, the proposed reinforcement of the hedges would help to screen or soften these views from 'Hillcrest'.

8.3.12 The conclusion of the Landscape Statement is that the hedgerow enhancement all around the site in the proposed scheme, as well as additional boundary and internal planting, is likely to result in either a neutral or a beneficial effect.

- 8.3.13 The planning application has been supported by a detailed Planting Plan and a Plant Specification and Schedules document, which shows and lists the wide variety of trees such as sycamore, birch, hornbeam, wild cherry, oak and rowan (in excess of 40); plus seven orchard fruit trees including bramley, braeburn, pear and plum; 35 linear metres of native field hedgerow including hazel, hawthorn, holly, blackthorn and 98 metres of mixed species ornamental hedge including Laurel, beech and holly. As well as trees being planted within the site, the planting scheme includes a large number of shrubs to be planted at various locations around the site including the pedestrian gateway to the site from the Calthwaite village road.
- 8.3.14 The Council's Arboriculturist has considered the planting scheme and schedules, and has advised that the proposed landscaping details are acceptable including the tree protection barriers that would be required to be in place during the construction phase.
- 8.3.15 Overall, it is considered that the proposed development along with planting mitigation to the boundaries and within the site, would be sympathetic and conserve the distinct elements of the local landscape character and setting and would therefore comply with the aims of the NPPF and Policies DEV5 and ENV2 of the Eden Local Plan.

8.4 Design and Appearance

- 8.4.1 Under Policy DEV5, the Council will support high quality design, which reflects local distinctiveness and shows a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area. The Policy requires new development to demonstrate that it reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials. The policy also requires new development to demonstrate that features and characteristics of local importance are protected.
- 8.4.2 Chapter 12 of the National Planning Policy Framework (NPPF), entitled 'Achieving well-designed places' states that '*good design is a key aspect of sustainable development*'.
- 8.4.3 Concerns have been raised by nearby residential occupiers that the proposed development will not be in-keeping with the character and appearance of Calthwaite and is somewhat urban in its form.
- 8.4.4 Calthwaite village is divided into two distinct parts – an older nucleus to the south around Calthwaite Hall and Calthwaite Bridge with the village extending to the south and up to the crossroads next to All Saints Church and the village playing field. Building types in this part of the village range from traditional cottages and agricultural buildings to later Victorian cottages and villas, and often constructed using locally available stone and slate.
- 8.4.5 To the north of Calthwaite Bridge there are the 1970s-era dwellings on Pennine Way which are mostly rendered in grey or off-whites and on the opposite side of the road is the more recent Laikin View development where the properties are finished in red brick with some key facing elevations finished in sandstone. With the exception of the village school building, this area of Calthwaite has a more suburban form of development.
- 8.4.6 While the concerns raised by objectors have been fully considered, it is also acknowledged that this site has outline planning permission for up to 16 dwellings which will extend the village to the north and west. The applicant has taken on board the appearance and characteristics of the village, particularly the properties in the northern end of the village, in terms of scale, form and the use of materials.
- 8.4.7 The proposed dwellings will be arranged in three rows which address the contours of the land. Three dwellings will be located on the lower part of the site fronting the village

road and alongside Pennine Way. Behind these dwelling there is a fairly steep banking which will be utilised as an open space area with a pedestrian footpath providing access through the site. On the western, more level area will be two further rows of five and eight dwellings on each row.

- 8.4.8 This housing development will be finished in heritage brickwork, with some elevations and front gable features being finished in render (Petterill and Ellen house types only) and thin leading-edge tiles to the roofs. These materials are considered complementary to the types of materials already in the northern part of the village (and also to some housing developments on the southern fringes of the village) and accordingly would be acceptable for use in this instance. Whilst the principle of these materials is considered acceptable, it is considered necessary that exact samples of the final materials are submitted to the Local Planning Authority for approval prior to their use on site.
- 8.4.9 The proposed houses will have a rather traditional appearance with some projecting gables; covered doorways; and bay window features which can be found in the nearby Laikin View development. There are five different house types within a proposal of 16 dwellings, which provides for a good mix of styles and satisfactory form of development. The submitted 'Proposed Street Scenes' plan demonstrates the variation of styles throughout the application site.
- 8.4.10 The three dwellings fronting Calthwaite village road are of three different styles, although they are visually connected through the use of the same materials. The dwelling furthest to the north, and the first house viewed when approaching the village is a bungalow which will be positioned behind existing and proposed planting along the adjacent boundaries, including the hedge along the front of the site. The height of the dwelling and its positioning will not appear dominant or have an impact on the character of the village. The dwelling nearest to 11 Pennine Way will have a dual frontage – one facing the village road and one facing the pedestrian access – and will be of a similar height and scale to existing nearby housing. These three front facing dwellings will be viewed as a continuation of Pennine Way until the row of dwellings comes to a natural stop at the junction of the C1037 and U3032.
- 8.4.11 Plot 16 is positioned at the furthest north west corner, adjacent to the entrance to the site off the U3032 and plots 9 – 15 will lie behind it and along the western boundary. The nearest residential property is 'Hillcrest' which is approximately 45 metres way to the north west and faces the rear side of these plots. The row of dwellings will be visible when approaching the site from the west along the U3032, but any visual impact will be mitigated by existing hedges rows and trees that form the boundary of the adjacent field. This, together with the form, scale, finishing materials and mix of dwellings types, will not have a significant adverse impact on the character and setting of the surrounding area.
- 8.4.12 Overall, the proposed design, layout and finishing materials is considered good. The dwellings proposed offer a variety of house type and the housing mix is welcomed. The inclusion of three bungalows and four affordable houses is a particular welcome addition given that there is a noted need for such housing types in the District. The use of the heritage brick with some elements of render, along with some local design features is considered acceptable and the overall development would complement the existing street scene and would not have a significant adverse impact on the built form of the village. It is considered that the proposed development complies with the aims of local (Policy DEV5) and the National Planning Policy Framework.
- 8.4.13 On sites of 10 or more, 20% of new housing must be designed and constructed in a way that enables it to be adapted to meet the changing needs of its occupants over time (Policy HS5 – Accessible and Adaptable Homes). The applicants have informed

that they are addressing this issue across all of their housing types however on this scheme the three bungalows proposed are designed to be fully accessible and adaptable compliant.

- 8.4.14 The proposed development is classed as a major residential development as it is over 10 units. Policy ENV5 – Environmentally Sustainable Design – of the Eden Local Plan has several criterion which the applicant is required to demonstrate, where practical for them to do so, that they have taken on board in the design and layout of the proposed dwellings. Such matters can relate to maximising daylight through orientation; integrating sustainable urban drainage systems; designing and positioning buildings to minimise wind funnelling, frost pockets etc; integrating renewable energy technology; minimising construction waste; providing well designed and visually unobtrusive outdoor waste storage areas to promote recycling; promoting sustainable transport modes through careful layout and road design to ensure it is conducive to walking and cycling and prioritise the pedestrian and cyclist over the car.
- 8.4.15 It is recognised that the Policy states ‘should’ demonstrate, rather than ‘must’ but despite this, the applicant is encouraged as far as they possible can to integrate such features within their schemes. The applicant has explained in the submitted Design and Access Statement how they have considered the requirements of Policy ENV5, which go beyond the standard Building Regulation requirements that are required on all new development sites.
- 8.4.16 Firstly, the proposed layout of the development has been governed by the contours of the site and therefore to a certain extent, determines the orientation of the houses. Nonetheless the line of the houses lie in a north-west to south-east orientation, which will allow for good amount of sunlight and solar gain to each of the properties. The properties will be double glazed and have adequate insulation properties to meet Building Regulation approval. Each property has good external areas where bin/recycling storage as well as garden/composting can be located. All of the houses are either detached or semi-detached with easy access to the rear of the properties.
- 8.4.17 Other features that will be integrated into the design will be technologies that aim to minimise the use of non-grey water and explore the use of sustainable urban drainage systems; ensuring water consumption is reduced to a maximum of 125 litres per day to comply with Building Regulations; use of low energy electrical fittings; low level rate taps and reduced capacity cisterns in toilets; incorporating an internal footpath to provide a good pedestrian route to the village; and private gardens large enough for the storage of bikes.
- 8.4.18 It is considered that the applicant has demonstrated that the requirements of Policy ENV5 have been fully considered in the design and layout of the site.

8.5 Residential Amenity

- 8.5.1 Policy DEV5 requires development to protect the amenity of existing residents and provide an acceptable amenity for future occupiers.
- 8.5.2 In addition to these policy aims, the Local Development Framework incorporates two housing Supplementary Planning Documents (SPDs). The 2010 iteration recommends minimum separation distances to be achieved between dwellings to assist in protecting amenity. These distances are 21 metres between principal windows and 13 metres between a main elevation and a blank gable wall.
- 8.5.3 The proposed development is in the northern end of the site and extends behind only two of the residential properties at Nos 10 and 11 Pennine Way. The separation distance between habitable room windows at the rear of plots 7 and 8 and the

properties in Pennine Way is at a minimum of 28 metres. In relation to proposed Plot 1, it will be located at the front of the site and have one of its main elevations facing the side of no. 11 Pennine Way. With a separation distance of 21 metres, it is more than the required 13 metres when habitable room window face an existing gable end wall.

8.5.4 The layout of the scheme fully addresses the requirements of Policy DEV5 of the Eden Local Plan with regards to the amenity and privacy of adjacent residential occupiers.

8.6 Historical Environment

8.6.1 Along the eastern boundary is a curved stone wall which is a local feature known as Gillian's Well and is thought to date back to 1663 and used by passing animals on the old droving route. Hesketh Parish Council and some nearby residents have raised concerns that the proposed development may disturb the feature, which is considered to be an asset of local historical importance, and seek assurance that it will be unaffected by the development.

8.6.2 The proposed scheme has been designed so that the feature, along with its associated stone wall boundary will be retained as well as the adjacent hedge as far as possible and will only be opened up where the new access will be formed to provide vehicle access to the front three properties. Thus the development preserves this locally perceived important character feature.

8.7 Provision of Open Space

8.7.1 Under the requirements of the Eden Local Plan, new major housing developments are required to provide sufficient open space provision in any new development. Policy COM3 of the Eden Local Plan entitled 'Provision of New Open Space', would require the provision of appropriate levels of open space for future residents to enjoy.

8.7.2 Policy COM3 lists five differing amenity space types that it seeks development to achieve. These include informal recreation space (amenity open space), urban parks and gardens, playgrounds, outdoor sports facilities and allotments.

8.7.3 The Local Planning Authority, as with all policies, seeks to encourage developers to provide beyond minimum policy requirements where they can. In this case, the minimum informal recreation space (amenity open space) that a development yielding the proposed house types would be 400 sq. metres (0.04 hectares). However, the proposed layout offers in excess of 1250 sqm (0.13 hectares) of public open space for play and amenity located in the south eastern edge (pedestrian gateway to the village) and in the north western edge of the site. These two areas are linked by the proposed pedestrian footpath that runs through the site and will be lined with shrubs and fruit trees. The amenity area in the north western edge will be left open with fewer planting to allow for greater public usage.

8.7.4 The provision of open space within the application site is considered acceptable and complies with the aims of Policy COM3 of the Eden Local Plan.

8.8 Highway Safety and Infrastructure

8.8.1 Policy DEV3 – Transport, Accessibility and Rights of way - of the Eden Local Plan, states that *'development be refused if it will result in a severe impact in terms of road safety and increased traffic congestion. Development should provide safe and convenient access for pedestrians, cyclists and disabled people'*.

8.8.2 Paragraph 109 of the National Planning Policy Framework (NPPF) affirms that *'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

- 8.8.3 Concerns submitted from some local residents that the U3032 road is narrow and on a steep incline from the junction with the C1037 Calthwaite village road making it impassable in icy conditions; the road is used by large agricultural vehicles, pedestrians; and inadequate visibility splays with the access being close to a blind corner, have all been fully considered.
- 8.8.4 The developers have carried traffic speed surveys on both the C1037 and U3032 and submitted plans showing the visibility splays from both the proposed access points. The access off the C1037 Calthwaite village road will have a visibility splay of at least 104 metres to the south and 129 metres to the north. The second access off the U3032, which has a 4.8 metres wide carriageway, will have visibility splays of at least 51 metres to the west and 78 metres to the east.
- 8.8.5 The existing lane along the U3032 will be locally widened between the proposed access point and the junction on to the village road. Width and construction standards will be confirmed with Cumbria Highways Authority and will be dealt with under s278 of the Highways Act 1980. The details submitted also include a new pedestrian footway from the new access, along the U3032 to the village road and would connect in with the existing village footpath on the C1037. Notwithstanding, this is a reserved matters application and whilst comments received with regard to the U3032 have been duly noted, as are the intentions of the applicant through the s278 agreement, this falls outside of what can be considered under this application. These type of works would needed to have been secured at the outline stage where it considered necessary by the Highway Authority, and therefore secured as an s106 contribution.
- 8.8.6 The Highway Authority has considered the results of the speed survey and confirmed that they have no objections to the location of the proposed accesses and have not raised any issues regarding the use of the U3032 to access the development.
- 8.8.7 The principal access and internal road off the U3032 will function as a 'shared surface street', and will be consistent with the Cumbria Development Design Guide. The route, with a width of 4.8 metres, will be finished in macadam with contrast offered by adjacent private driveways serving each home which will be finished in block paving units. The Parish Council are concerned that the internal roadways and footpaths will be private and not adopted to Highway standards. However, the developer has confirmed that the internal roads will be adopted under section 38 of the Highways Act 1980. Details of the carriageways, access and footways have been submitted under this application and from a planning point of view are considered acceptable. Details of footway lighting will also form part of the Highways adoption of the site.
- 8.8.8 The Highway Authority has requested that the 30 mph speed limit signs be moved north beyond the junction with the U3032 and which would be at the applicants' expense and would be considered under the s278 agreements between the developer and the Highway Authority. However, again this falls outside of the considerations for a Reserved Matters application, and therefore this current application.
- 8.8.9 The Parish Council commented that a compound to store construction equipment and materials within the application site should be created to ensure minimal disruption to residents. The developer has agreed to a suitably worded condition to deal with this matter.
- 8.8.10 Therefore, for the reasons detailed above, it is considered that the proposed access is considered to be acceptable and would not result in any adverse harm to the local highway network nor lead to any highway safety issues in accordance with Policy DEV3 of the Eden Local Plan and the NPPF.

9. Drainage

- 9.1 This application site has been noted to be for the 'reserved matters' of the outline permission (ref. 20/0538). Drainage does not represent a 'reserved matter' and as such is not a consideration of this application. Concerns of objectors are noted in terms of drainage, but those concerns do not form material considerations in relation to this reserved matters proposal. However, an application has been submitted (Ref. 20/0879) to discharge the outline planning consent condition relating to surface water drainage.

10. New Homes Bonus

- 10.1 The prospect of receiving a Bonus is, in principle, capable of being taken into account as a 'material consideration' in determining a planning application. Whether potential Bonus payments are in fact a material consideration in relation to a particular application will depend on whether those payments would be used in a way which is connected to the application and to the use and development of land. For example, potential Bonus payments could be a material consideration if they were to be used to mitigate impacts resulting from development. But if the use to which the payments are to be put is unclear or is for purposes unrelated to the development concerned a decision maker would not be entitled to take them into account when making a decision on a planning application. In this particular case, there are no plans to use the New Homes Bonus arising from this application in connection with this development.

11. Implications

11.1 Legal Implications

- 11.1.1 The following matters have been considered but no issues are judged to arise.

11.2 Equality and Diversity

- 11.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

11.3 Environment

- 11.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

11.4 Crime and Disorder

- 11.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

11.5 Children

- 11.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

11.6 Human Rights

- 11.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

12. Conclusion

- 12.1 This, as a reserved matters application, seeks the approval for the details of the development, rather than the development itself. The residential development that these details relate to was approved at the outline stage under planning permission ref. 20/0538.

- 12.2 It is recognised that there are a number of objectors to this application but many refer to concerns which do not directly relate to the 'reserved matters'. In such circumstances, those objections must be disregarded as they do not form material considerations in this proposal.
- 12.3 However, some of the concerns raised do directly relate to reserved matters, such as the proposed layout of the development and impact on the landscape character. These concerns have been fully considered however the landscape appraisal document submitted with the application demonstrates that the development would result in either a neutral or a beneficial effect on the landscape character of the area.
- 12.4 The layout of the housing would be in the northern most area of the site, where existing hedgerows would be reinforced by addition planting as well as new planting within the site.
- 12.5 The application site lies north of the village where more recent development has taken place. The proposed scheme would complement and enhance the existing streetscene through the range of housing types and finishing materials which will visually connect the new development to the existing.
- 12.6 Concerns relating to Highway matters are noted. However, the test in such circumstances is whether or not the development would result in significant road safety and/or congestion impacts. It is clear from the response received from the Local Highway Authority that no such significantly severe impacts are considered likely in this case and on that basis, the proposals are supported.
- 12.7 Accordingly, the scheme is considered to be acceptable and merits support and as such the application is recommended for approval.

Oliver Shimell
Assistant Director Planning and Economic Development

Checked by or on behalf of the Monitoring Officer	05.01.2021
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Background Papers: Planning File 20/0548