

# AGENDA

## Development Control Committee

**Friday, 03 December 2021 AT 10:00**  
**In the Council Chamber, Civic Centre, Carlisle, CA3 8QG**

### **APOLOGIES FOR ABSENCE**

To receive apologies for absence and notification of substitutions

### **DECLARATIONS OF INTEREST**

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any items on the agenda at this stage.

### **PUBLIC AND PRESS**

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

### **MINUTES OF PREVIOUS MEETINGS**

**5 - 20**

To note that Council, at its meeting of 9 November 2021, received and adopted the minutes of the meetings held on 8 September (site visits) and 10 September 2021. The Chair will sign the minutes.  
[Copy minutes in Minute Book 48(3)].

To approve the minutes of the meetings held on 22 October and 1 December 2021 (site visits).

## **PART A**

**To be considered when the Public and Press are present**

### **A.1 CONTROL OF DEVELOPMENT AND ADVERTISING**

To consider applications for:

- (a) planning permission for proposed developments
- (b) approval of detailed plans
- (c) consents for display of advertisements.

<b><u>Explanatory Note</u></b>	<b>21 - 28</b>
<b><u>1. Application 20/0797 - Land to the North West of Stainton Gardens, Stainton Road, Etterby, Carlisle</u></b>	<b>29 - 116</b>
<b><u>2. Application 21/0498 - Land North East of Inglewood Meadows, Wetheral</u></b>	<b>117 - 148</b>
<b><u>3. Application 21/0314 - Land off Orton Road, Carlisle</u></b>	<b>149 - 192</b>
<b><u>4. Application 21/0951 - Land to the rear of South View, The Green, Houghton, Carlisle, CA3 0LN</u></b>	<b>193 - 206</b>
<b><u>5. Application 20/0096 - Land at Richardson Street, Denton Home, Carlisle</u></b>	<b>207 - 238</b>
<b><u>6. Application 21/0928 - Land South and West of Castle Grounds, Wetheral, Carlisle, CA4 8JQ</u></b>	<b>239 - 266</b>
<b><u>7. Application 21/0979 - Unit 1 Site 18, Willowholme Road, Willowholme Industrial Estate, Carlisle, CA2 5RT</u></b>	<b>267 - 274</b>

<b><u>8. Application 21/0975 - Green Meadows Country Park, Blackford, Carlisle, CA6 4EA</u></b>	<b>275 - 290</b>
<b><u>9. Application 21/0449 - Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE</u></b>	<b>291 - 328</b>
<b><u>10. Application 21/0513 - Buck Bottom Farm, Burgh by Sands, Carlisle, CA5 6AN</u></b>	<b>329 - 360</b>
<b><u>11. Application 21/0514 - Buck Bottom Farm, Burgh by Sands, Carlisle, CA5 6AN</u></b>	<b>361 - 374</b>
<b><u>12. Application 21/0732 - Land adj. Hallmoor Court, (Plot 4), Wetheral, Carlisle, CA4 8JS</u></b>	<b>375 - 396</b>
<b><u>13. Application 21/0641 - Yew House, Sikeside, Kirklington, Carlisle, CA6 6DR</u></b>	<b>397 - 416</b>
<b><u>14. Application 21/0915 - Meadow View, Smithfield, Kirklington, Carlisle, CA6 6BP</u></b>	<b>417 - 428</b>
<b><u>Schedule B</u></b>	<b>429 - 438</b>

## **PART B**

**To be considered when the Public and Press are excluded from the meeting**

-NIL-

### **Members of the Development Control Committee**

**Conservative** – Christian, Mrs Finlayson, Meller, Morton, Nedved, Shepherd, Mrs Bowman (sub), Collier (sub), Mrs Tarbitt (sub)

**Labour** – Alcroft, Mrs Glendinning, Southward, Brown, Birks (sub), Patrick (sub), Dr Tickner (sub)

**Independent** - Tinnion, Paton (sub)

Enquiries, requests for reports, background papers etc to:  
[committeeservices@carlisle.gov.uk](mailto:committeeservices@carlisle.gov.uk)

To register a Right to Speak at the meeting please contact  
[DCRTS@carlisle.gov.uk](mailto:DCRTS@carlisle.gov.uk)

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**Development Control Committee**

**Date:** Friday, 22 October 2021

**Time:** 10:00

**Venue:** Cathedral Room

**Present:** Councillor Nigel Christian, Councillor Mrs Christine Finlayson, Councillor Keith Meller, Councillor David Morton, Councillor Paul Nedved, Councillor David Shepherd, Councillor Christopher Southward, Councillor Raymond Tinnion  
Councillor Lisa Brown (for Councillor Miss Jeanette Whalen)

**Also Present:** Councillor Bainbridge (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 21/0314 - Land off Orton Road, Carlisle.

Councillor Dr Davison (in her capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 21/0657 - 11 Newfield Park, Carlisle.

Councillor Betton (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 21/0313 - Land off Warwick Road, Carlisle.

**Officers:** Corporate Director of Economic Development  
Head of Development Management  
Legal Services Manager  
Principal Planning Officer  
Planning Officer (x3)

**DC.83/21 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Mrs Anne Glendinning, Councillor Ruth Alcroft and Councillor Miss Jeanette Whalen.

**DC.84/21 DECLARATIONS OF INTEREST**

In accordance with the Council's Code of Conduct the following declarations of interest were submitted:

Councillor Christian declared an interest in respect of the following applications:  
- 21/0314 - Land off Orton Road, Carlisle. The interest related to objectors being known to him;  
- 21/0657 - 11 Newfield Park, Carlisle, CA3 0AH. The interest related to objectors being known to him;  
- 21/0498 - Land North East of Inglewood Meadows, Wetheral. The interest related to objectors being known to him and his wife's membership of the National Trust which had submitted an objection to the application.

## **DC.85/21 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

## **DC.86/21 MINUTES OF PREVIOUS MEETINGS**

With reference to minute DC.82/21 Planning Enforcement Update, a Member commented that, in relation to a case contained in the report, he had raised the matter of enforcement relating to previous conditions not being implemented, and that the Officer had undertaken to address the issue.

The Chair responded that the minutes would be updated to include a reference to the Member's comments.

RESOLVED - 1) It was noted that Council, at its meeting of 14 September 2021, received and adopted the minutes of the meetings held on 21 July (site visits) and 23 July 2021. The Chair signed the minutes.

2) That the minutes of the meeting held on 20 October 2021 (site visits) be approved.

3) That the minutes of the meeting held on 10 September 2021 be approved, subject to the inclusion of the amendment set out above.

## **DC.87/21 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Legal Services Manager set out the process for those members of the public who had registered a Right to Speak at the Committee.

## **DC.88/21 CONTROL OF DEVELOPMENT AND ADVERTISING**

That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

### **1. Application - 21/0314 - Land off Orton Road, Carlisle**

#### **Proposal: Residential Development & Associated Landscaping and Infrastructure.**

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 20 October 2021. Slides were displayed on screen showing: location plan; proposed site layout; proposed site sections; tree protection plan; proposed parking layout; and, photographs of the site an explanation of which was given for the benefit of Members.

The Principal Planning Officer recommended that:

1) The application be approved with conditions, subject to the completion of a Section 106 agreement to secure:

- a) the provision of 30% of units as affordable;
- b) an off-site open space contribution of £31,038 for the upgrading of existing open space;

- c) a financial contribution of £45,000 to support the off-site improvement of existing play area provision;
- d) a financial contribution of £33,327 to support the off-site improvement of existing sports pitches;
- e) the maintenance of an informal open space within the site by the developer;
- f) a financial contribution of £554,158 to Cumbria County Council towards secondary education provision;
- g) a financial contribution of £6,600 to Cumbria County Council for Travel Plan monitoring;
- h) a financial contribution of £5,500 to Cumbria County Council for relocating the 30mph zone and a new gateway feature.

2) Should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

Councillor Bainbridge (Ward Member) addressed the Committee in the following terms: as usage of the adjacent highway had increased, so had the number of accidents thereon; concerns had been expressed in relation to the proposed access/egress arrangements; the moving of the 30mph signage was not sufficient; the laying of tarmac had the potential to negatively impact existing trees and hedgerow at the site; a condition preventing vehicles parking on street prior to the site opening was needed; the applicant had conducted a public consultation on the application, however, residents in 14, 15 and 16 St Edmonds Park did not agree with the outcome; the proposed two storey dwellings at the rear of the existing bungalows of 14 - 16 St Edmonds Park would have a detrimental impact on their residential amenity; the submitted section plans showed the properties at plots 7 - 9 (backing on to 14 - 16 St Edmonds Park) being moved a further 1.2 metres from the existing boundary and a lowering of floor levels by 2 foot, however, those amendments were not sufficient to mitigate the impact of the proposed dwellings on the existing properties; the proposal of providing hedging along the boundary of plots 7 - 9 was not appropriate as the existing properties had small gardens which would be swamped by hedging on such a scale; due to the impact on 14 - 16 St Edmonds Park, the proposal was not compliant with Local Plan policy SP 6 - Securing Good Design; a better solution would be the provision of bungalows on plots 7 - 9; the Supplementary Schedule contained a letter from the applicant to Councillor Bainbridge, he asserted that he did not agree with the content.

Mr Fenton (Applicant) responded in the following terms: the proposal would provide 160 dwellings, 40 of which would be affordable; the site was allocated for housing development in the Local Plan; work with the Officer and stakeholders had been undertaken in order to address issues raised in the consultation; the north eastern boundary of the site was recognised as a sensitive part of the development; a number of options to mitigate the impact had been considered including the provision of bungalows along the boundary with St Edmonds Park, the meeting of separation distances, the reduction of floor levels in the proposed dwellings, the installation of hedgerow; the removal of Permitted Development Rights for plots 7 - 9 had been agreed; the small gardens at 14 -16 St Edmonds Park was the existing position; the layout scale and massing was consistent with bungalows and 2 storey properties; public open space within the site would provide views over to an AONB; the proposed sub-station would be built in accordance with the relevant regulations and would be screened; following a request by the Highway Authority, an additional traffic survey was undertaken which indicated the development would generate an additional 3 car movements per minute; the assessment indicated no adverse impact on road safety as a result of the scheme; the relocated 30mph speed limit signs along with the installation of a gateway feature would effectively guide people into the development, the Highway Authority had not objected to the proposal; the proposed scheme would be connected to services and a footpath was to be provided from the development to St Edmonds Park; the scheme would provide a mixture of dwelling types and a number of people had already registered their

interest in the development; were the application to be approved, development would commence in early 2022.

The Chair invited the Principal Planning Officer to respond to the issues raised, with regards to parking condition 28 could be expanded to include the prevention of parking on Orton Road prior to the development opening.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Lengthy discussions had taken place between Officers, the developer and the Ward Member regarding the provision of bungalows on the plots along the boundary between the development and plots 9 - 16 St Edmonds Park. A number of revisions had been made to the proposal including the lowering of floor levels and the re-siting of the proposed dwellings to comply with stipulated separation distances, as a result the proposal was deemed to comply with Local Plan policy SP 6 and the Supplementary Planning Document:
- A play area near the application site had been closed and had its equipment removed in response to issues relating to anti-social behaviour. There were other existing play areas in the vicinity of the application site, contributions under the Section 106 agreement would be allocated to those.

Members remained concerned about the impact of the development in relation to the provision of 2 storey dwellings along the boundary with St Edmonds Park due to the impact on the residential amenity on the existing properties. They were of the view that in respect of plots 7 - 9 bungalows would be a more appropriate dwelling type rather than the proposed 2 storey properties.

A Member moved that determination of the application be deferred in order to allow Officers to discuss the replacement of 2 storey dwellings with bungalows at plots 7 - 9 with the applicant. The proposal was seconded and following voting it was:

**RESOLVED:** That determination of the application be deferred in order to allow Officers to discuss the replacement of 2 storey dwellings with bungalows at plots 7 - 9 with the applicant, and to await a further report on the application at a future meeting of the Committee.

## **2. Application - 21/0657 - 11 Newfield Park, Carlisle, CA3 0AH**

**Proposal: Removal of hedge and erection of 1.8m high boundary fence to incorporate additional land into the domestic curtilage.**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan and photographs of the site, an explanation of which was provided for the benefit of Members.

The application had been withdrawn from discussion at the 10 September 2021 meeting of the Committee. Following that meeting the Planning Officer had contacted Cumbria County Council's Historic Environment Officer and the Countryside Access Officer making them aware of the concerns of third parties and the Ward Councillor in respect of potential impact of the proposal on archaeology and the footpath. Both statutory consultees reiterated their previous response of no objections to the proposal.

Paragraph 6.20 of the Main Schedule detailed a Freedom of Information request (FOI) which had been submitted and that the findings had not been provided to the Council. On Friday of

15 October 2021, a document dated 22 July was emailed to the Council and the Ward Councillor had subsequently confirmed that this was the FOI in questions and the respondent was content that the findings be discussed by the Committee.

The third party who requested the FOI specifically wanted to draw attention to point 3 of the FOI. The FOI sought clarification on the status of California Lane and whether the county had acted with due diligence to ascertain land ownership either side of the highway.

The response from Cumbria County Council highlighted that California Lane was part unadopted highway and part Public Right of Way with the Council attaching a Notice under the Highways Act 1980. The Notice illustrated a proposed 18 metres section of adoptable highway crossing between numbers 47 and 76 Newfield Park into the proposed residential development to the east of California Lane. Although land ownership was a civil matter no landowner had come forward in response to the Notice.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

Councillor Dr Davison (Ward Member) sought confirmation that the Committee had been provided with a copy of the FOI requested. The Head of Development Management advised that the submission had been made too late for it to be circulated to Members, however, it pertained to highways issues which were fully considered in the report.

Councillor Dr Davison addressed the Committee in the following terms: the scheme required the loss of a significant parcel of hedgerow and habitat; open space was important to the health and wellbeing of residents; the Committee needed to be mindful of further narrowings of public space; the site was part of a walking and cycling route; California Lane had a lot of potential, the application should not restrict that; it was possible that the site contained historic artefacts; Dr Davison gave an overview of the history of California Lane in relation to its various designations as highway and Public Right of Way, the need for a Stopping Up Order and the uncertainty about its ownership; were the footpath to be classed as highway the current proposal was not in accordance with its use.

In response the Planning Officer advised that: a definition of a highway was provided under the Highways Act, however, California Lane was registered as a public footpath; the Countryside Access Officer had not proposed the use of a Stopping Up Order; the Historic Environment Officer had been on site and had not identified any areas where potential artefacts may be sited; the proposed scheme would increase biodiversity.

Councillor Brown noted that she had not been present at the Committee's earlier consideration of the application and indicated that she would not take part in the discussion nor determination of the application.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The proposed fence would be sited 3 - 5 metres from the outer edge of the footpath;
- It was not known who had undertaken maintenance to the footpath verge, however, it was a responsibility of Cumbria County Council as the Local Highway Authority.

A Member moved the Officer's recommendation which was seconded and following voting it was:

**RESOLVED:** That the application be approved, subject to the imposition of relevant conditions as indicated in the Schedule of Decisions attached to these minutes.

*The Committee adjourned at 11:22 and reconvened at 11:28*

### **3. Application - 21/0313 - Land off Warwick Road, Carlisle**

#### **Proposal: Erection of discount foodstore with car parking and landscaping (Reserved Matters Application pursuant to Outline Permission 19/0840).**

The Head of Development Management submitted the report on the application. Slides were displayed on screen showing: location plan; proposed site layout; general arrangement elevations, proposed roof plan; proposed substation; highway drainage; landscape details; and, photographs of the site an explanation of which was provided for the benefit of Members.

Cumbria County Council as Local Highway Authority and Lead Local Flood Authority had unresolved concerns about the technical details with regards to both highway matters, in particular Road Safety Audit and drainage regarding surface water treatment, requiring more information. It had not objected to the Reserved Matters aspect of the application which included access, therefore the principle of access at this point resulting in a new junction arrangement was accepted. Further information relating to kerb alignment, dropped kerbs, construction details would have to be resubmitted with additional information. The Head of Development Management noted that there was also a separate S278 Highway agreement required from the County Council which was running in parallel to the planning application process.

The Head of Development Management recommended that the application be approved subject to the conditions detailed in the report.

Councillor Betton (Ward Member) stated that a resident of his ward, Mr Nash had requested that he make a representation to the Committee on his behalf, therefore he requested that the time allocated to a member of the public be added to the time allocated to himself to make a submission as Ward Member. The Chair sought clarification as to when Councillor Betton had received that request, Councillor Betton indicated Mr Nash had made the request the previous day. The Head of Development Management confirmed that Mr Nash had registered his Right to Speak in advance of the deadline of 5pm on 20 October. The Chair responded that as Councillor Betton was making representations on behalf of residents, he did not consider it necessary for him to be allocated any additional time to address the Committee.

Councillor Betton read out a submission on behalf of Mr Nash containing the following points: a letter had been submitted to the Town Clerk and Chief Executive regarding the detrimental impact on landscaping of the application in February 2021, as yet no response had been received; the report on the earlier application was flawed, therefore the principle of development was not confirmed; the objections submitted in relation to the Victoria Place / Warwick Road junction required detailed consideration; the traffic census was conducted at a time when, due to water pipe replacement works traffic on Warwick Road was severely disrupted: car parking proposals needed serious consideration; the report did not consider the relocation of nearby bus stops; 50% of the provided car parking should include electric charging points; surface water was likely to run-off on to the highway exacerbating existing flooding issues in the area; the proposal was not in accord with government thinking on CO<sub>2</sub> output; approving the application was likely to result in the closure of two local sub-post offices, therefore the proposed store should include a post office; permitting development on a flood plain amounted to poor decision making, Members needed to protect the safety of residents and businesses.

Councillor Betton made his representation to the Committee in the following terms: it was unclear whether a green man crossing on the highway or appropriate disabled access would be provided by the applicant; a number of conditions imposed as part of the Outline permission had not been enacted; an overview of an issue relating to a river outlet was given along with a description of activities undertaken as a result of previous flood events in areas near the application site; a Stage 2 Road Safety Audit was required.

The Chair asked Councillor Betton to begin winding up his speech to the Committee. Councillor Betton continued to describe actions taken in response to earlier flood events. The Chair stated that Councillor Betton had exceeded his allocated time for making verbal representations and requested that he cease his address to the Committee. Councillor Betton continued to address the Committee until such time as his speech was concluded. The Chair commented that Councillor Betton had registered a Right to Speak to represent his ward residents, unfortunately, his conduct at the meeting had let them down.

The Head of Development Management, in response to the points made by Councillor Betton, made the following points: the correspondence from Mr Nash had been replied to in May 2021; many of the issues raised pertained to conditions imposed on the Outline Permission and as such were not relevant matters in the determination of the current application; United Utilities comments were contained in the report.

Mr Koszyczarek (Agent) responded in the following terms: the approval of the Outline application established the principle of development; detailed drawings had been submitted with the current application setting out the scale and appearance of the store; the store would be powered by 468 solar panels; the applicant intended to provide as many 30 minute electrical vehicle charging points as was feasible; bicycle parking would be provided; the car park surface would be constructed from permeable materials; soft landscaping, ecological and biodiversity measures were incorporated into the scheme; the proposal was in line with national and local planning policy.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Conditions relating to drainage imposed on the Outline Permission would be addressed by the Lead Local Flood Authority;
- The proposals for surface water management took into account the installed flood defences and sought to provide a betterment to the existing condition;
- The Highway Authority's assessment of the proposal had not led to a request for the imposition of any further measures than those proposed by the applicant;
- The Sequential Test had indicated no adverse impact from the proposal nor that there was a similar or better site for the scheme.

A Member moved the Officer's recommendation which was seconded, and following voting it was:

**RESOLVED:** That the application be approved, subject to the imposition of relevant conditions as indicated in the Schedule of Decisions attached to these minutes.

*The Committee adjourned at 12:12 and reconvened at 14:15*

#### **4. Application - 21/0498 - Land North East of Inglewood Meadows, Wetheral**

**Proposal: Change of Use of agricultural land for siting of 6no. pods; formation of parking area and footpaths; erection of service building and bin store.**

The Planning Officer submitted the report on the application which subject of a site visit by the Committee on 20 October 2021. Slides were displayed on screen showing: location plan; site plans and pod design; and, photographs of the site an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application:

In response to a question from a Member the regarding the management of waste water from the proposed hot tubs, the Planning Officer explained that the applicant was required by condition to submit a drainage scheme for the development for approval; should Members wish it the condition may be expanded to include reference to the management of waste water from the hot tubs.

A Member commented that he had felt that the site visit had been useful in assisting the Committee to determine the application, he outlined the following concerns:

- the proposed car parking did not match the requirements of the Local Plan;
- The application was not in accordance with Local Plan policies:

GI 1 - Landscapes as it was not appropriate to its surroundings;

EC 9 - Arts, Culture, Tourism and Leisure Development due to its scale and design which would compete with the existing landscape;

EC 10 (2) - Caravan, Camping and Chalet site due to its adverse interaction with the landscape and the location of the pods at the bottom of the site looking at the car park;

EC 11 - Rural Diversification as it was not inkeeping with the wider landscape;

SP 8 - Green and Blue Infrastructure - the site was clearly important to wildlife and the Woodland Trust's comments on the application noted the potential for the proposed scheme to cause disturbance.

Overall the Member considered that the location was not suitable for the proposal.

In response the Planning Officer noted:

- The site was selected as it was deemed to be the most viable position for the proposed accommodation;
- The site enjoyed the tranquillity of the woodland and had better connectivity to the village;
- Scale: The 6 pods were able to accommodate 2 people, a number of management conditions were proposed including no provision of night time facilities as mitigation of the scheme's potential impact on the surrounding area;
- The impact of biodiversity net gain had been assessed including the submission of a Habitat Assessment which was satisfactory and was included in the proposed conditions.

The Member responded that he felt the impact of the application would incorporate not just the existing trees but also the wildlife in the vicinity of the site, he indicated he was in favour of refusing the application.

Another Member stated his agreement with the concerns outlined above and added further concerns in relation to: the gradient of the site causing surface water run-off; and, the potential for users of the site to park on the roadside. Moreover, he felt the scheme was not aligned with the character of landscape nor the nearby heritage assets.



A Member asked whether the proposed car parking was able to be relocated next to the pods.

The Planning Officer responded that should Members wish that proposal to be assessed, the Committee should consider deferring determination of the application on that basis.

The Corporate Director of Economic Development advised that, if Members felt there were technical issues that needed to be addressed it was better to defer the application.

A Member proposed that the application be refused on the grounds that it was not compliant with Local Plan policies GI 1, EC 9, EC 10, EC 11 and SP 8. The proposal was seconded.

Another Member proposed that the application be deferred to allow Officers to negotiate the relocation of parking provision within the site. The proposal was seconded.

The Chair put the two proposals to the vote in the order in which they had been made, and it was:

**RESOLVED:** That determination of the application be deferred in order for Officers to negotiate the relocation of parking provision within the site and for a further report on the application be presented to a future meeting of the Committee.

## **5. Application - 21/0766 - Land to the rear of 46 Broomfallen Road, Scotby, Carlisle, CA4 8DE**

### **Proposal: Erection of 1no. dwelling**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: block plan / location plan; site plan; site section; elevations; floor plans, and photographs of the site an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

In response to questions from Members, Officers confirmed:

- The current proposal differed from application 18/0506 in that the proposed dwellings sat lower in the site due to the remodelling of the site;
- The Planning Officer along with representatives from the Lead Local Flood Authority had undertaken joint site visits to investigate surface water flooding and it was recommended that the same conditions in respect of surface water management be imposed within the current application;
- No recent objections had been submitted in respect of surface water flooding from the development site and the occupiers of 1 Ridge Close had not raised any issues.

A Member commented that there was a large mound of soil within the site which he considered was connected to the existing development thereon, he understood that it was to be removed.

The Planning Officer undertook to liaise with the developer on the matter.

A Member moved the Officer's recommendation which was seconded, and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated in the Schedule of Decisions attached to these minutes.

**6. Application - 21/0649 - Land to the south of The Coach House, Allenwood, Heads Nook**

**Proposal: Formation of Vehicular Access into Field.**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: block plan; proposed new access; and photographs of the site.

A Member moved the Officer's recommendation which was seconded and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated in the Schedule of Decisions attached to these minutes.

**7. Application - 21/0545 - Former Methodist Chapel, Cumwhinton, Carlisle, CA4 8DT**

**Proposal: Change of Use of former Methodist Chapel to 1no. dwelling.**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; site plan; existing sections and elevations; proposed plan (ground floor and roof); and, photographs of the site and explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then have consideration to the application.

Members discussed the issue of parking in relation to the proposal both within and in the vicinity of the site.

The Planning Officer explained that a strip of land at the side of the proposed dwelling had been sold to the owner of the adjacent property who had absorbed it into the curtilage of the property. Discussions between the applicant and adjacent property owner were understood to have commenced but as yet an accommodation had not been reached.

Members considered the importance of retaining the building in a useable, maintained form, refusing the application was likely to see it fall into a state of disrepair.

A Member moved the Officer's recommendation which was seconded and, following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated in the Schedule of Decisions attached to these minutes.

**DC.89/21 STANDING ORDERS**

During consideration of the above item, it was moved, seconded and RESOLVED that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

## **8. Application - 21/0782 - 153 Newtown Road, Carlisle, CA2 7LL**

### **Proposal: Change of Use from hairdressers to hot food takeaway.**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; block plan; structural details; and, photographs of the site an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be refused for the reasons set out in the report.

Mr Seenarine (Applicant) addressed the Committee in the following terms: the application was in accordance with Local Plan guidelines; the proposal would allow for the provision of a new type of takeaway cuisine; traffic and noise in the area around the site was reduced due to the closure of the nearby Thai takeaway and a bakery; parking would not be an issue; no concerns in respect of the backyard had been raised by adjacent property owners; refuse would be stored in the yard prior to collection; the proposed opening hours may be amended to make them more sociable; the ambient noise associated with the development would decrease through the evening time; the Highway Authority had not objected to the proposal.

In response the Planning Officer noted that the applicant had indicated a willingness to amend the proposed opening hours which had not previously been offered in the assessment of the application. There was a domestic flat above the application site therefore noise and disturbance issues needed to be considered.

The Committee then gave consideration to the application.

A Member stated that she considered the reasons for refusing the application to be weak as the site was already in commercial use and noted that a hairdressers can be very busy establishments. She proposed that the application be approved.

The Planning Officer responded that comparing the proposal to the existing use was a subjective matter. He noted that the building itself was small and confined, and that a takeaway use would operate at different hours and would, in addition to customers entering the premises, also have deliveries.

The Corporate Director of Economic Development explained that hairdresser and food takeaway establishments had differing use classes in national planning policy, with takeaways being viewed as more detrimental to their surroundings.

A Member seconded the proposal to approve the application with the imposition of relevant conditions, particularly those related to extraction being delegated to the Corporate Director of Economic Development.

Another Member noted the applicant's offer to revise the proposed opening hours.

The Planning Officer responded that, were the application to be approved, the matter would be explored with the applicant.

The proposal to approve the application was put to the vote and it was:

**RESOLVED:** That the application be approved subject to the imposition of relevant conditions

determined by the Corporate Director of Economic Development, as indicated in the Schedule of Decisions attached to these minutes.

*The Committee adjourned at 15:25 and reconvened at 15:32.*

**9. Application - 21/0382 - Metal Bridge Inn, Metal Bridge, Blackford, Carlisle, CA6 4HD**

**Proposal: Change of Use to add provision of overnight parking of motorhomes & 5no. camping pods; Erection of toilet block (Part Retrospective).**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; site plan elevations; and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

In response to questions from Members, Officers confirmed:

- That a licence from the Environment Agency would be required in respect of the foul drainage arrangements, that process was out with the planning application;
- The proposed structures were not large enough to provide for residential use, therefore the imposition of a condition to prevent such use was not necessary;
- The closed status of the section of highway which ran under the M6.

A Member moved the Officer's recommendation which was seconded, and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as set out in the Schedule of Decisions attached to these minutes.

**10 Application - 21/0698 - Land North of Holme Meadow, Cumwhinton, Carlisle, CA4 8DR**

**Proposal: Erection of 5no. market dwellings; erection of 9 no. self/custom build dwellings; formation of vehicular access and road; provision of structural landscaping/planting; formation of amenity area and provision of associated infrastructure and services (Outline) (Revised Application).**

The Head of Development Management submitted the report on the application which had been subject of a site visit by the Committee on 20 October 2021. Slides were displayed on screen showing: location plan; block plan, proposed site plan; aerial image; site section; drainage layout; biodiversity gains plan; and, photographs of the site an explanation of which was provided for the benefit of Members.

The current application was a resubmission with revisions to the supporting information to address a number of concerns raised by Members during the debate on the previous application and seeking to address the refusal reason.

The applicant had commissioned a Landscape and Visual Assessment to demonstrate how the development would sit within the landscape and after a 10 year period when the new

structural landscaping has been put in place.

The Head of Development Management noted that as well as providing additional supporting information to address the concerns about intrusion into the countryside, confirmation of the separation distance to existing housing, changes to the drainage scheme and setting out the biodiversity net gains, the application continued to seek to deliver 9 self or custom build plots. The market housing on the site would assist with the required infrastructure provision, ensuring serviced plots would be provided and all services/infrastructure and strategic landscaping were to be delivered by the developer of the site as part of the overall delivery of the proposal.

The Head of Development Management recommended that:

1) Authority to Issue approval be given to the Corporate Director of Economic Development subject to the completion of a Section 106 agreement regarding:

- a) limiting defined units to self-build and custom build dwellings;
- b) maintenance and management of on-site open space, amenity space and strategic landscaping areas.

2) Should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

Mr Mallinson (Objector on his own behalf and on behalf of Messrs Credie, Thompson and Liverick) spoke against the application on the following terms: a condition of the existing Holme Meadow development had required the planting of native hedge and trees species along the southern boundary of the application site which the Council had confirmed had been imposed to define the edge or the limit of the village, beyond which was open countryside; the developer's contention that a key objective of the proposed scheme was to *'provide the edge of the village which reinforces its form and put definite limits on development'* was then fallacious as the existing landscaping provided that function; permitting development beyond the existing defined limit would set a precedent and provide for further such applications thus continuing the march of the village into open countryside; the Officer's report recognised the issue (paragraph 6.26), noting any expansion into open countryside was not in accordance with Local Plan policy HO2, specifically criterion 1 and 3; two dozen local residents had objected to the proposal along with the Parish Council, local MP, the Friends of the Lake District, and the Campaign for the Protection of Rural England (CPRE); the mitigation measures put forward in the Officer's report were not sufficient, for example, the proposed landscaping screening would take decades to be effective, regardless of the height or location of individual dwellings; the proposed location of the self-build dwellings at the southern boundary would have a strong visual impact as that was the highest point of the site; the ecological impacts of the development would not be positive as the scheme would necessitate the displacement of wildlife from both the existing landscaping features and through the development of the site; the canopy of trees at the boundary of the Holme Meadow development overhung the application site, as such it was likely branches may be lopped in future creating a detrimental impact on both the appearance and viability of the trees along the length of the boundary; since 2014 the village of Cumwhinton had, due to permitted development, doubled in size, the village's proximity to Carlisle city should not mean its character and form were not protected as that would not be in accordance with Local Plan policies HO 2 and SP 2 – Strategic Growth and Distribution; the Officer's report grossly underestimated the scale and impacts on the existing village; the application site was prominent and the proposed scheme's dwelling types and locations would have maximum impact on the settlement and open countryside; the St Cuthbert's Garden Village project (SCGV) was conceived as a mechanism for protecting villages in the district from overdevelopment and its associated harms, there was no reason that the dwellings proposed

in the current scheme may not be provided there particularly given permissions for the Garden Village were now able to be provided.

Mr Mallinson read out a representation to the Committee on behalf of Councillor Higgs who was not able to attend the meeting: Residents of Cumwhinton did not support the development; the additional housing was not needed in the village; the site contributed to the setting of the village by providing an open aspect and expansive views to open countryside, development thereon was then contrary to Local Plan policy GI 1 - Landscapes; Cumbria Constabulary recognised there was a speeding issue in the village, other recent applications had been required to make contributions towards traffic calming measures but no such levy had been applied to the proposed scheme; no Green Spaces contribution had been secured to enable compensatory provision either on or off-site; there was no low cost housing provision associated with the application; the road network in the village was already busy, drainage was struggling to cope, the local school was oversubscribed, thus approving the application would over burden the community in ways there were contrary to Local Plan policy SP 2; the application site was not well contained within existing landscape features nor was it well integrated with the existing settlement, instead it constituted an unacceptable intrusion into open countryside and so was not in accord with Local Plan policy HO 2; the SCGV project was conceived as a mechanism for protecting villages in the distract from overdevelopment and its associated harms, there was no reason that the dwellings proposed in the current scheme may not be provided there.

Mr Hutchinson (Agent) responded in the following terms: there was a local need for self and custom build plots which the Council had a legal duty to provide, the previous application (19/0871) had been submitted as a model for self and custom build development in the district and extensive discussion had taken place between the applicant and Officers to identify a site plan, basic road layout and the concept of providing a mixture of market and self build units; in response a planting schedule, infrastructure plan, biodiversity plan had been submitted; following the refusal of application 19/0871, the applicant commissioned a Chartered Landscape Architect to conduct a Landscape and Visual Assessment (LVA) of the proposal with a view to making relevant recommendations; whilst not part of the formal reason for refusal, the Committee had highlighted concerns in relation to proposed structural planting, infrastructure design, and biodiversity benefits associated with the scheme; Mr Hutchinson set out the amended proposal in relation to planting and landscaping noting that they would enhance the key attributes of the existing site; in July 2020 the Ministry for Homes, Communities and Local Government published an assessment of the district and the SCGV project that showed 2,803 people were looking for a self or custom build plot; the Housing Development Officer had provided confirmation that a specific duty to grant permission for service plots was in force and that the Council was not making sufficient delivery, therefore more plots were required, the current proposal would make a positive contribution in respect of the Council's self and custom build duty; it was evident that the Council needed to do more to comply with the duty for self and custom build housing provision; the village of Cumwhinton had services and was sustainable; SCGV would accommodate significant housing development in the future, windfall housing remained permissible; no Statutory Consultee had objected to the proposal, subject to the imposition of relevant conditions.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The initiation of the landscaping scheme would be managed as part of legal agreement, as yet there were no examples of how best to manage that aspect of the development over the long term;
- The woodland would be a community woodland rather than being managed by self maintenance;
- The national planning policy landscape had changed significantly in the two decades since

the Holme Meadow development was approved, it had become much less restrictive and local authorities now had duties in relation to self and custom builds as well as new homes targets to meet;

- An appeal had been lodged with the Planning Inspectorate in respect of the refusal to grant permission for application 19/0871;
- A condition requiring the use of swift bricks was able to be included in the permission.

A Member stated that he could not distinguish any material change in the current application that mitigated the concerns raised by Members regarding the proposed scheme's intrusion into open countryside which had been the basis of the Committee's refusal of application 19/0871. Moreover, he did not consider the site was suitable for self and custom build development which may take many years to complete, the Member indicated he was minded to refuse the proposal.

Another Member supported the concerns outlined above and considered the duty to provide self and custom build plots did not justify the use of the Windfall Housing policy as a means to justify the development. Furthermore, he expressed concerns in relation to the existing drainage in the settlement which was subject to flooding and the proposal was likely to exacerbate that issue.

A Member moved the Officer's recommendation which was seconded.

Another Member proposed that the application be refused on the grounds that it was not in accordance with Local Plan policies HO 2(3) and CM 5. The proposal was seconded.

The Head of Development Management requested that those Members who had proposed and seconded the motion to refuse the application provide further detail as to why the changes in the current scheme were not satisfactory.

The Members further outlined their concerns, however, it was determined that they did not amount to sufficient grounds on which to justify refusing the application, resultantly, the proposal was withdrawn.

The Chair put the proposal to accept the Officer's recommendation to the vote and it was:

**RESOLVED:** That

1) Authority to Issue approval be given to the Corporate Director of Economic Development subject to the completion of a Section 106 agreement regarding:

- a) limiting defined units to self-build and custom build dwellings;
- b) maintenance and management of on-site open space, amenity space and strategic landscaping areas.

2) Should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

*Councillor Shepherd left the meeting at 4:28pm*

## **DC.90/21      SCHEDULE B - APPLICATIONS DETERMINED BY OTHER AUTHORITIES**

**RESOLVED** - That the content of the report be noted.

## **DC.91/21      TPO 312 STONEGARTH, MORTON PARK, CARLISLE**

RESOLVED - That Tree Preservation Order 312 Stonegarth, Morton Park, Carlisle be confirmed.

The Meeting ended at: 16:45



# **Development Control Committee Main Schedule**

## **Schedule of Applications for Planning Permission**

**3<sup>rd</sup> December 2021**

## The Schedule of Applications

This schedule is set out in five parts:

**SCHEDULE A – Applications to be determined by the City Council.** This schedule contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. Officer recommendations are made, and the Committee's decisions must be based upon, the provisions of the Development Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 <http://www.legislation.gov.uk/ukpga/2004/5/contents> unless material considerations indicate otherwise.

In order to reach a recommendation the reports have been prepared having taken into account the following background papers:-

- relevant planning policy advice contained in Government Circulars, National Planning Policy Framework, [https://www.gov.uk/government/publications/national-planning-policy-frame work--2](https://www.gov.uk/government/publications/national-planning-policy-frame-work--2),
- Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/> and other Statements of Ministerial Policy;
- Carlisle District Local Plan 2015-2030 <http://www.carlisle.gov.uk/planning-policy/Local-Plan/Carlisle-District-Local-Plan-2015-2030>
- Conservation Principles, Policies and Guidance - <https://historicengland.org.uk/advice/constructive-conservation/conservation-principles/>
- Enabling Development and the Conservation of Significant Places <https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/>
- Flood risk assessments: climate change allowances <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

- Consultee responses and representations to each application;  
<http://publicaccess.carlisle.gov.uk/online-applications/>
- Cumbria Landscape Character Guidance and Toolkit  
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)  
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981  
<http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010  
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)  
[http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)
- Equality Act 2010  
[http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)
- Manual For Streets 2007  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/341513/pdfmanforstreets.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf)

Condition 2 of each application details the relevant application documents; except the following where the associated documents are located at –

21/0979 - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**SCHEDULE B – Applications determined by other authorities.** This schedule provides details of the decisions taken by other authorities in respect of those applications determined by that Authority and upon which this Council has previously made observations.

The officer recommendations made in respect of applications included in the Schedule are intended to focus debate and discussions on the planning issues engendered and to guide Members to a decision based on the relevant planning considerations. The recommendations should not therefore be interpreted as an intention to restrict the Committee's discretion to attach greater weight to any planning issue when formulating their decision or observations on a proposal.

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Management Team of the Planning Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 18/11/2021 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 03/12/2021.

Any relevant correspondence or further information received subsequent to the printing of this document will be incorporated in a Supplementary Schedule which will be distributed to Members of the Committee 5 working days prior to the day of the meeting.

## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	20/0797 A	Land to the North West of Stainton Gardens, Stainton Road, Etterby, Carlisle	SO
02.	21/0498 A	Land North East of Inglewood Meadows, Wetheral	RJM
03.	21/0314 A	Land off Orton Road, Carlisle	SD
04.	21/0951 A	Land to the rear of South View, The Green, Houghton, Carlisle, CA3 0LN	RJM
05.	21/0096 A	Land at Richardson Street, Denton Home, Carlisle	SO
06.	21/0928 A	Land South and West of Castle Grounds, Wetheral, Carlisle, CA4 8JQ	BP
07.	21/0979 A	Unit 1 Site 18, Willowholme Road, Willowholme Industrial Estate, Carlisle, CA2 5RT	RJM
08.	21/0975 A	Green Meadows Country Park, Blackford, Carlisle, CA6 4EA	BP
09.	21/0449 A	Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE	SO
10.	21/0513 A	Buck Bottom Farm, Burgh by Sands, Carlisle, CA5 6AN	JHH
11.	21/0514 A	Buck Bottom Farm, Burgh by Sands, Carlisle, CA5 6AN	JHH
12.	21/0732 A	Land adj. Hallmoor Court, (Plot 4), Wetheral, Carlisle, CA4 8JS	RJM
13.	21/0641 A	Yew House, Sikeside, Kirklington, Carlisle, CA66DR	JHH

Item No.	Application Number/ Schedule	Location	Case Officer
14.	21/0915 A	Meadow View, Smithfield, Kirklington, Carlisle,CA6 6BP	SD
15.	21/9005 B	Carlisle Wastewater Treatment Works, Willow Holme Industrial Park, Willow Holme Road,Carlisle, CA2 5RN	JHH

## SCHEDULE A

Applications to be  
determined by the  
City Council.

## SCHEDULE A





## SCHEDULE A: Applications with Recommendation

20/0797

Item No: 01

Date of Committee: 03/12/2021

**Appn Ref No:**  
20/0797

**Applicant:**  
Genesis Homes (North)  
Ltd

**Parish:**

**Agent:**  
Sam Greig Planning

**Ward:**  
Belah & Kingmoor

**Location:** Land to the North West of Stainton Gardens, Stainton Road, Etterby, Carlisle

**Proposal:** Erection Of 33no. Dwellings

**Date of Receipt:**  
23/12/2020

**Statutory Expiry Date**  
27/03/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Suzanne Osborne

#### Addendum

Members resolved to defer consideration of the proposal at the Development Control Committee meeting on the 10th September 2021 in order to commission an Independent Highway Assessment and to await a further report on the application at a future meeting of the Committee.

An Independent Highway Assessment (IHA) has been undertaken (a copy of which is contained within the Committee Schedule) which has reviewed all the Highway information submitted by the applicant and the comments made by the Local Highway Authority and looked at whether the proposal would have an adverse impact upon the highway in accordance with the NPPF, Manual for Street (MfS) and current local and national policies including whether:

- appropriate opportunities to promote sustainable transport modes can be or have been taken up given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the highway network in the area can accommodate the anticipated trip generation; and,
- the proposal does not result in an unacceptable impact on highway safety or a residual cumulative impact on the road network that is severe and thus should not be refused on transport grounds as set out in paragraph 111 of the NPPF.

The IHA confirms that the visibility splays for the site access are consistent with Cumbria Design Guide requirements and the analysis for LGVs and cars within the

site are broadly acceptable. The IHA states that refuse vehicles appear to over sail the parking bay/layby between plots 4 and 7 and appears to touch/collide with the kerbs, however the IHA has stated that provided the Council's Waste Services department is satisfied with the swept path analysis no further action is required.

In relation to the above comments the applicant has resubmitted an amended swept path diagram (copy contained within the schedule) which illustrates a large 11.347 refuse vehicle not conflicting with the visitor parking bay (this swept path plan relates to a slightly larger refuse vehicle that which the Council uses - the difference being 0.42m). The Council's Waste Services department have confirmed no objections to this amended plan and are satisfied that the swept path analysis indicates that the vehicle does not encroach on the parking bay.

The IHA also recommends a 1m paved strip to be provided to the side of the on-street parking bays to enable passengers to alight onto a paved surface. This is however just a recommendation and Members are reminded that the internal roads, footways and parking bays within the site meet with the design standards of the relevant Highway Authority. It is not considered that the lack of a paved strip by the parking bays is significant and the inclusion of additional hard surfaces within the site would reduce the amount of soft landscaping. It is therefore up to Members whether they wish to accept this recommendation or not.

With regard to trip generation from the development the IHA confirms that the trips rates and associated vehicle movements are deemed acceptable and notes that the applicant has accepted the request by the Local Highway Authority for road widening to enable the passing of vehicles. The IHA assessment has however recommended that the length of any passing place be confirmed by a swept path analysis for a large HGV being stationary and fully accommodated at the passing place and passed by a car. Such details can be dealt with via condition 6 which requests full construction details of the two passing places.

The IHA states that the number of vehicular movements from the development are wrongly quoted in the submitted TS as they have also included pedestrians, cyclists and public transport users as part of the vehicle movements and has confirmed that the number of vehicular movements in any one direction are likely to be less than those quoted in the TS. The IHA confirms that the passing places along Stainton Road will mitigate the development impact and result in betterment to all road users. The IHA also confirms that Etterby Road has been servicing local residents and commuters with no evidence of safety or congestion therefore the limited number of additional vehicles, potentially one every 3 minutes, is unlikely to be significant or lead to any noticeable congestion or backing up of traffic. In such circumstances and taking into consideration the passing places offered it is unlikely that the residual development impact can be regarded as severe.

The IHA also states that the level of pedestrian movements is unlikely to have a significant impact taking into consideration the footpath connectivity offered by the applicant. The IHA notes that a short stretch of Etterby Road approximately 160 in length which is equivalent to 2 minutes walking time lacks any formalised footways. The IHA confirms that local residents and regular commuters will be familiar with the carriageway limitations however it is highly recommended that a financial contribution is considered so that a scheme of signage can be designed and

installed in suitable locations to warn and remind drivers of the likelihood of pedestrians on the road. This recommendation can be dealt with as part of the S106 agreement.

The IHA states that an independent review of the collision and incidents date for the most recent 22 years concluded no accident cluster can be seen particularly over Etterby bridge and at the 90 degree bend of Stainton Road with Etterby Road, the IHA therefore concurs with the findings of the applicant's Transport Statement.

The IHA also notes that Stainton Road, Etterby Road and Etterby Scaur form part of NCN Route 7 which demonstrates that the site is accessible by cycle to employment centres and local amenities within a 5km radius, an area of which represents a substantial percentage of Carlisle City and its outlying areas. Carlisle Train station also has 16 cycle spaces which provides for multi-modal travel options.

The IHA confirms that the development proposals are predicted to generate 22 and 19 vehicular movements in the peak hours in two different directions. Further multi-modal residents' movements include up to 3 pedestrians, 2 bus users and 1 cyclist. The applicant has provided footpath links of 1.2m width that can be adopted by the LHA, passing places and the site access arrangements including site internals are all accepted by the LHA. Further consideration of the TA includes the sites proximity to cycle routes, NPPF and appeal decisions.

The IHA concludes that it is their professional opinion that appropriate opportunities to promote sustainable transport modes have been taken up given the type of development and its location; safe and suitable access to the site can be achieved for all users given the type of development and its location; the design of streets, parking areas and other transport elements and the content of associated standards reflects current local and national guidance; and, potential impacts on the transport network in terms of (capacity and congestion) have been mitigated to an acceptable degree. The IHA confirms that the residual impact of the development is not considered severe and the application should not be refused on highway grounds.

In relation to the above Members are advised to accept the findings and recommendations of the IHA as discussed above.

Furthermore, in the intervening period since the application was presented at the September committee meeting a planning consultant acting on behalf of DRS has suggested the following change to condition 22:

*“Before the occupancy of any residential unit, noise level measurements must be undertaken in at least five residential units in the development to verify that the noise from the major road and railway does not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night-time; and the measured noise levels reported to and approved in writing by the Local Planning Authority. If noise measurements exceed World Health Organisation guidelines, the report shall include a scheme of noise mitigation measures for all affected residential accommodation. The noise mitigation measures shall be designed to achieve noise insulation to a standard that nuisance will not be caused to the occupiers of residential accommodation by noise from identified neighbouring sources. The Approved scheme shall be implemented prior to the first occupation of*

*any residential unit and be permanently maintained thereafter...”*

The Council's Environmental Health department are happy to undertake noise level measurements in five residential properties rather than the suggested two. Environmental Health have however confirmed that the current wording of condition 22 is more robust than the proposed aforementioned suggested rewording. They have however confirmed that they are happy to include an additional sentence to condition 22 confirming that if noise measurements are to exceed *World Health Organisation guidelines, the report shall include a scheme of noise mitigation measures for all affected residential accommodation and such a scheme shall be prior to the first occupation of any residential unit and be permanently maintained thereafter...”*

Members are therefore advised to accept the changes to condition 22 as per the comments by the Council's Environmental Health department.

### **Addendum 10th September Committee**

Members resolved to defer consideration of the proposal at the Development Control Committee meeting on the 23rd July 2021 in order to undertake a site visit; for the Council to undertake further investigations with regard to issues raised during their discussion in particular highway safety; and, to await a further report on the application at a future meeting of the Committee.

A further site visit is due to take place on the 8th September 2021.

In response to the highways issues raised during the last committee meeting Cumbria County Council as the relevant Highway Authority has confirmed that a footway cannot be provided along Etterby Road towards Balmoral Court due to the carriageway not being wide enough to accommodate a 2m footway and maintain the carriageway width of 5m. With regards to utilising a white line to delineate a footway, it is the view of the Highway's Authority that a white line feature will give pedestrians a false sense of security, leading to possibly more conflicts between pedestrians and vehicles and would be an ongoing maintenance issue. Therefore as stated previously the Highways Authority consider that the current arrangement is satisfactory for highway purposes and no improvement is necessary.

During third party rights to speak at the Development Control Committee meeting on the 23rd July 2021 suggestions were made for Etterby Road to become a 20mph Zone. The Highway Authority has since confirmed that they have no objections in principle with regard to Etterby Road becoming a 20mph zone; however it should be noted that the developer is to cover the costs associated with Traffic Regulation Order (TRO) amendments and traffic calming required. The TRO amendments and traffic calming features can be secured through a s278 agreement with the developer.

The Highway Authority has also reconfirmed that the number of passing places proposed and their indicative locations are acceptable to the Highway Authority and are to be provided through a s278 agreement.

During discussions at the previous committee meeting Members also requested that

the existing footpath at Stainton Gardens and the proposed link upgraded to a hard surface so that it can be used by pram's, cyclists etc. The landowner, Riverside, has confirmed that they are agreeable to this. An updated proposed boundary treatment and hard landscaping plan (Drawing No.003 Rev J) and proposed site layout (Drawing No.002 Rev L) has been submitted to show the footpath link. As stated in the original committee report this can be secured by a Grampian condition. It is therefore proposed that condition 14 in the original committee report is updated to the following:

*No development hereby approved shall take place above the ground floor slab level until details of a footpath from the edge of the application site connecting to the existing footpath at Stainton Gardens together with upgrading of the existing footpath, including location, design and materials have been provided to and approved in writing by the local planning authority. Such approved footpath must be constructed in accordance with the approved details and made available for use before the occupation of the first property in the development.*

**Reason:** *To ensure that pedestrian links are provided to the application site in the interests of highway safety.*

Condition 2 (list of approved documents) of the original committee report will also need to be updated as follows to reflect the two updated plans :

*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 23rd November 2020;*
- 2. the site location plan received 5th March 2021 (Drawing No.001 Rev C);*
- 3. the proposed site layout plan received 4th August 2021 (Drawing No.002 Rev L);*
- 4. the proposed boundary treatment and hard landscaping plan received 4th August 2021 (Drawing No.003 Rev J);*
- 5. the proposed landscape plan received 5th March 2021 (Drawing No.WW-01C);*
- 6. the proposed floor plans and elevations of The Caldew Petteril received 23rd November 2020 (Drawing Nos. Cal-Cal-Pet-S105-110-L and Cal-Cal-Pet-S105-160-L);*
- 7. the proposed floor plans and elevations of The Eden received 23rd November 2020 (Drawing Nos. Eden-110- Rev M and Eden-160 Rev M);*
- 8. the proposed floor plans and elevations of The Ellen received 23rd November 2020 (Drawing Nos. Ellen V1 NG1-160-M and Ellen V1 NG1-110-M);*
- 9. the proposed floor plans and elevations of The Esk received 23rd November 2020 (Drawing Nos. Esk M42-160 Rev L and Esk M42-110 Rev L);*
- 10. the proposed floor plans and elevations of The Gelt received 23rd November*

- 2020 (Drawing Nos. Gelt Semi-160 Rev L and Gelt Semi 110 Rev L);*
- 11. the proposed floor plans and elevations for The Dee (excluding Plot 1) received 23rd November 2020 (Drawing No. Dee M42-160 Rev M and Dee M42-110 Rev M);*
  - 12. the proposed floor plans and elevations for The Dee (Plot 1 only) received 5th March 2021 (Drawing No. DeeM42-Plot 1 Rev M)*
  - 13. the detached garage details received 23rd November 2020 (Drawing No. Gar Sin14 S101-200-C);*
  - 14. the proposed street scene elevations received 5th March 2021 (Drawing No. 004 Rev C);*
  - 15. the drainage construction details received 23rd November 2020 (Drawing No. 51 Issue P1);*
  - 16. the highway construction details received 23rd November 2020 (Drawing No. 61 Issue P1);*
  - 17. the draft passing places plan received 7th May 2021;*
  - 18. the Archaeological Desk-Based Assessment report received 23rd November 2020 (Report 339);*
  - 19. the Design and Access Statement received 23rd November 2020;*
  - 20. the Phase 2 Ground Investigation For Residential Commercial Development on Land At Etterby, Carlisle received 23rd November 2020 undertaken by FWS Consultants Ltd (Report No. 8325OR02 Rev01/November 2020)*
  - 21. the Planning And Affordable Housing Statement received 23rd November 2020 (Ref: 19/022);*
  - 22. the Preliminary Contamination Risk Assessment received 23rd November 2020 undertaken by FWS Consultants Ltd (Report No. 8325OR01Rev02/November2020);*
  - 23. the Preliminary Ecological Appraisal received 23rd November 2020 undertaken by S.A.P Ecology and Environmental Ltd (Report Ref: GEN101/001);*
  - 24. the Transport Statement received 23rd November 2020 undertaken by AXIS (Report 2886-01-TS01 November 2020);*
  - 25. the Ecological Impact Assessment received 21st May 2021 produced by Naturally Wild received 21st May 2021 (Report Ref GH-20-02, May 2021).;*
  - 26. the Flood Risk and Drainage Strategy received 7th May 2021 undertaken by Coast Consulting Engineers (Report 20184-FRA1 Rev F);*
  - 27. the soakaway test results received 21st May 2021;*
  - 28. the SUDS manual received 7th May 2021;*

29. *the Notice of Decision;*

30. *any such variation as may subsequently be approved in writing by the Local Planning Authority.*

**Reason:** *To define the permission.*

In terms of the concerns raised during committee discussions with regards to the capacity of the existing drainage system United Utilities have reconfirmed that they have to allow new drainage connections under their statutory obligations. That said UU recommend that all options for surface water drainage have been fully investigated and discounted prior to any proposed connection to the public sewer for surface water. The focus of UU comments is surface water as they have confirmed that foul flows have a minimal impact on the public sewer. Having regard to the content of the submitted flood risk assessment, UU understand that surface water will discharge to a watercourse with no reliance on the public sewer for surface water management. This approach helps ensure the impact of the development on UU sewers is kept to a minimum.

With regard to foul flows, although these are minimal, if planning permission is granted, UU have confirmed that they will further review any impact and consider whether it is necessary to amend the main connection point for foul water so that the connection is made further along Stainton Road where there is a larger sewer.

UU has confirmed that jet washing occurs as part of the regular, normal maintenance of the sewer to remove material that may build up over time and ensure the sewer remains in good working order. The problem experienced by a resident as a result of the jet washing is a matter under separate consideration and investigation and is not associated with any capacity issue.

In overall terms there is nothing further to add to the original committee report (other than amendments to conditions 2 and 14 as discussed above) which follows this addendum including the two new plans.

## **1. Recommendation**

- 1.1 It is recommended that “authority to issue” approval be granted to the Corporate Director of Economic Development subject to the completion of a satisfactory S106 agreement to secure:
- a) the provision of the proposed level of affordable units (nine units at plots 19-21, 23-25 and 27-29 that would be made available at discounted sale, with the level of discount set at 30% below open market value);
  - b) a financial contribution of £5,500 towards speed limit changes and traffic calming measures;
  - c) a financial contribution of £122,770 to Cumbria County Council towards education provision;
  - d) the maintenance of the informal open space, play provision and SUDs within the site by the developer.
  - e) financial contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading

and maintenance of off-site open space.

- 1.2 If the legal agreement is not completed within a reasonable time then it is recommended that Authority be given to the Corporate Director of Economic Development to refuse the application.

## **2. Main Issues**

- 2.1 The principle of development;
- 2.2 Scale, layout and design of the development;
- 2.3 The impact of the proposal on the living conditions of the occupiers of neighbouring properties;
- 2.4 Provision of affordable housing;
- 2.5 Highway matters;
- 2.6 Foul and surface water drainage;
- 2.7 Open space provision;
- 2.8 Education;
- 2.9 Archaeology;
- 2.10 Impact upon Hadrian's Wall World Heritage Site Buffer Zone
- 2.11 Noise issues;
- 2.12 Biodiversity;
- 2.13 Impact upon trees and hedgerows and the landscape character of the area;
- 2.14 Contamination;
- 2.15 Crime; and
- 2.16 Other matters.

## **3. Application Details**

### **The Site**

- 3.1 The application site, which covers 1.65 hectares, is a greenfield site in Etterby which adjoins the edge of the urban area of Carlisle. The site, which comprises part of a larger field, is located to the north of Etterby, off Stainton Road and is surrounded by two storey dwellings to the south-east at No.12 Stainton Road, the housing estate at Stainton Gardens (No.s 9-18) and a detached property 'The Beeches'. On the opposite side of Stainton Road to the south-west are two storey dwellings with the exception of the two northernmost properties which are bungalows. Beyond the application site to the north-east Direct Rail Services is located.
- 3.2 Access to the application site is via an ungated field access from Stainton Road. The site boundaries consist of a post and wire fence to the north-east which delineates an existing paddock, a mixture of fencing/hedging to the south-east which defines the existing residential curtilages and a hedgerow to the south-west which delineates the frontage of the site along Stainton Road. The north-west and part of the north-eastern boundary are undefined as the site crosses the field.
- 3.3 The site is located within the buffer zone of Hadrian's Wall World Heritage



Site. An unscheduled archaeological site also lies to the north.

## **The Proposal**

- 3.4 The proposal seeks Full Planning Permission for 33 dwellings on the site. The proposal includes 7 different house types which includes 9 bungalows (comprising 5no.2 bed and 4no.3 bed bungalows), 15 semi-detached properties (comprising of 6no.2 bed and 9no.3 bed dwellings) and 9 detached properties (all of which will be 4 bed dwellings). The majority of the dwellings (with the exception of the Petteril house type which will be constructed from render) will be constructed from a mixture of three different facing brick types (Ibstock Glenfield Antique, Bespoke Brick Company Safier and Ibstock Ivanhoe Athena Blend) some with feature render panels under a marley modern light grey tiled roof. Windows would be anthracite grey upvc with fascia, barge boards and rainwater goods being black upvc.
- 3.5 The dwellings will have various designs and would utilise a range of features to add visual interest and variety. These would include the use of red sandstone effect artstone cills and lintels to the front elevations with brick cills to the rear corresponding associated brick type, single and two storey projections, open porches, and, some dwellings having integral garages or detached garages .
- 3.6 It is proposed to close the existing field access and create 2 new vehicular accesses from Stainton Road into the site. The principle access (a 5.5 metre wide carriageway with 2m wide footways), will be towards the northern extent of the road frontage opposite No.33 Stainton Road and will serve 30 dwellings. A secondary access, towards the southern extent of the road frontage, opposite Nos.25 and 27 Stainton Road, will be a private access drive to serve plots-1-3. Both accesses will be within the existing 30mph zone and can achieve visibility splays of 2.4x 60m in either direction. The submitted drawings also show that each residential unit will have 2no.incurtilage parking spaces. 7 visitor parking spaces will be provided as well as space within the curtilages of each dwelling for cycle parking provision.
- 3.7 The proposal also seeks to provide a 1.2 metre wide footpath from the main vehicular entrance through a landscaped area to the front of the site which will provide a link to an existing footpath that leads through Stainton Gardens.
- 3.8 The area of land on which the houses are to be sited measures approximately 113 metres in width and 116 metres in depth. The site boundary extends further northwards to include land that would be used for the provision of open space, a suds basin and associated outfall.
- 3.9 The application is accompanied by a range of supporting documents including a Design and Access Statement, Planning Statement, Archaeological Report, Preliminary Contamination Risk Assessment, Phase 2 Ground Investigation Report, Preliminary Ecological Appraisal, Ecological

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

- 4.1 This application has been advertised by the display of a site notice, press notice and by means of notification letters sent to 64 neighbouring properties/interested parties. In response to the consultation undertaken 50 objections have been received and 3 comments.
- 4.2 The objections received are summarised as follows:

##### **Principle**

1. There is enough houses being built on green areas;
2. Flats in Morton should be knocked down with houses built there;
3. Query whether more houses are needed north of the river;
4. There are already lots of sites still building;
5. A scheme should be devised to purchase and re-sell empty houses;
6. Land is not allocated within local plan and is opportunistic;
7. Site is contrary to Policy HO2 as there is no access to a primary school;
8. Area is under served for schools, shops and other facilities;
9. Two earlier, smaller applications for residential development on part of the site have been refused;
10. Concern that the application is the first phase of development;

##### **Highway Issues**

11. There are no pavements along Stainton road and part of Etterby road;
12. Roads are already narrow and single track in places;
13. Highway safety resulting from impact of construction traffic and additional household traffic;
14. Pedestrian access through Stainton Gardens would be obtrusive;
15. Existing road stability issues on Etterby Road and another 50/60 cars would increase the danger of collapse of the road;
16. Access along Stainton Road joining the land leading to the by-pass is a "pony and trap" width with passing loops;
17. Speed of existing traffic along Etterby Road and Stainton Road is illegal;
18. Etterby road is too busy and narrow in places;
19. Development is not on a bus route;
20. There is no room for two vehicles to pass safely with the main road/banks in their current state;
21. Insufficient lighting along roads;
22. Access to the bypass is not fit for purpose;
23. Top of Etterby road where Caledonian Buildings is in danger of collapse;
24. There are no traffic calming measures in place;
25. There is a constant flow of traffic 7 days a week to the local salvage yard;
26. A full traffic survey should be carried out;
27. Lack of cycle paths;
28. Existing highway safety issue from parked cars in the area;

29. Highways are proposing to make road single track in front of Caledonian Buildings with traffic lights;
30. Query the Traffic Appraisal submitted;
31. Unlikely that occupants will use lane from Stainton Road to the bypass;
32. Proposed improvements for road to the by-pass do not address the fundamental safety issues with the road suitability for use.
33. Unfenced land at the road junction just outside Stainton is "Common Land" therefore any passing places and remodelling will need to be with the agreement of the Parish Council and the "Commons Commissioners"

### **School Places**

34. Another 33 homes in the area without school places is irresponsible;
35. Lack of school places for primary school children until a new school is built;
36. Other plans in the area have been refused relating to school capacity;
37. Another primary school should be built before any other houses are built;
38. Site is less than one mile from the Deer Park site and same refusal on lack of school places should apply;
39. Query County Council's response on how additional local primary school children could be accommodated locally;
40. Nothing has changed since Deer Park was refused, proposal is contrary to Policy CM2 of the Carlisle District Local Plan 2015-2030;
41. If there is space for 3 infant children at Stanwix School why was this not taken into account for application 19/0905?
42. Stanwix School is an academy and sets its own arrangements for admissions.

### **Impact Upon Neighbouring Properties**

43. Impact upon privacy of neighbouring properties from the pedestrian access through Stainton Gardens
44. Planting of trees/evergreens will block light into gardens of Stainton Gardens
45. Impact upon outlook of neighbouring dwellings;
46. Impact upon existing residential dwellings from construction noise;
47. Already a lot of noise from Direct Rail Services;
48. Mental health needs of residents from prolonged stress from the pandemic and constant building work and applications;
49. Impact upon privacy from vehicles exiting the estate;
50. Overlooking of neighbouring properties.

### **Ecological Issues**

51. Area is rich in nature and there is little conservation in the plans;
52. Is it morally questionable for more greenfield land to be built upon damaging the environment?
53. Need to stop building on fields. Scotby village has seen 2/3 ugly housing developments in last couple of years destroy fields, hedges and animal

habitats etc

- 54. Need to conserve greenery for health, planet's future and oxygen;
- 55. Site is close to local nature reserve and will have a negative impact upon wildlife in the area;
- 56. Site is a dog walking route;
- 57. Impact of construction noise on livestock;
- 58. Pollution impacts from standing traffic;
- 59. Field has been left to grow wild flowers in summer and hedges that surround it are home to birds and wild animals;
- 60. Environment Agency opinion on noise/air pollution should be sought;
- 61. Field is home to frogs and toads who enjoy the wet environment

### **Drainage**

- 62. Existing problem with drainage in Stainton road with foul drainage causing backup into some of the existing dwellings - concern that development would exacerbate this problem;
- 63. Creation of a SUDs pond will only cause further flooding in the remainder of the existing field and that adjacent;
- 64. Existing culvert fills causing overflow on the road and towards the proposed site entrance also making the culvert look invisible causing accidents;
- 65. Where drainage is piped this creates large puddles and water flowing across the road;
- 66. Query how drainage issues will be handled;
- 67. Want assurances that proposal will not exacerbate existing surface water flooding on Stainton Road;
- 68. Field where housing is proposed is subject to flooding.

### **Other Matters**

- 69. Contaminated land?
- 70. Development will lower house prices of local homes;
- 71. Noise and pollution from railway and potentially contaminated land
- 72. Residential development close to the DRS will restrict DRS proposals for expansion;
- 73. Reduction in access to primary care services; and
- 74. Telephone and broadband services are already overloaded;

#### **4.3 The comments received are summarised as follows:**

- 1. Impact of development on road loading/stability;
- 2. No pedestrian footways and inadequate street lighting on Etterby Road/Stainton Road;
- 3. Road condition very poor;
- 4. Continuous turning 'circle' usage;
- 5. No parking controls on highway; and
- 6. Inadequate highway drainage

4.4 Comments have also been received from Kingmoor Parish Council which are summarised as follows:

1. Increased traffic that uses the road from the CNDR roundabout to Stainton village and Etterby;
2. Road from CNDR roundabout has no official passing places and is subject to flooding and ice in the winter;
3. Number of existing issues with traffic using road from CNDR;
4. Highway safety of those using road from CNDR including cyclists;
5. Increased traffic flow will result in more erosion of the embankment by the Caledonian Buildings;
6. Broadband signal is very poor in the area, would like assurances that development will not reduce broadband in the area;
7. There are currently issues with flooding in Etterby and the land that is being considered for development is prone to flooding. Would like assurances that the development will not make existing flooding problems worse;
8. Welcome extension of 30mph speed limit. Further consideration should be given to making safe the right hand bend forming the junction of Etterby Road and Stainton Road;
9. Note measures to increase visibility - consideration should be given to straightening bends close to 'Misty Dawn' which is a accident black spot;
10. Pleased to see the passing places plan but would like to see them marked with signage;
11. There should be stricter enforcement of the HGV control of the road;
12. Drainage must be addressed before commencing development as water floods onto the road and adjacent farmland; and
13. Development must ensure reliable and fast broadband on completion and perhaps extending this to other communities such as Stainton.

4.5 An objection has also been received from Cllr Davidson which is summarised as follows:

1. Site is not allocated for housing in the Local Plan;
2. Before any housing is allowed there should be a thorough investigation of the impact upon local amenity for existing residents and upon local services in particular health and education as well as infrastructure;
3. Existing road infrastructure is inadequate to support the development;
4. Whole route is part of the National Cycle Network and would not like to see the development worsen safety issues for cyclists or pedestrians;
5. Important to seek views of Sustrans and Cycle UK;
6. Highway safety concerns along Etterby Road as there is no pavement, traffic travels too fast and there is heavy vehicles using the road to access Direct Rail Services and Michael Douglas Scrap Yard;
7. Measures should be explored to make Etterby Road safer such as 20-mph zone and Quiet Lanes and Home Zones before any development takes place;
8. Concern about pedestrian and vehicle safety of the junction of Etterby Road/Stainton Road;
9. Pleased to see developer putting in the footpath link however who is

- going to look after and maintain the path?
10. Is there any scope to improve the informal path that it links onto within Stainton Gardens as the existing path has steps down onto the road?
  11. Issues with Stainton Lane from the CNDR due to its width;
  12. Pleased to see highways recommending extending the 30mph zone and requiring a gateway feature but would like to see the speed limit reduced to 20mph;
  13. Pleased to see highways including passing places on Stainton Lane, residents still have concerns that there will not be enough passing places to deal with the issues there;
  14. Who's responsibility is it to repair the verges and drain along the verge in a timely manner?
  15. Residents will have to walk up Etterby Road with no pavement to access the No.76 bus service;
  16. Work should be done with bus companies to increase the frequency of services;
  17. Concern that the proposal will exacerbate drainage and flooding issues currently experienced when Stainton Gardens was developed;
  18. Following the Planning Inspectors ruling that they take the County Council's word at face value about school places with regard to Deer Park it feels very difficult to successfully argue but the same arguments apply as for Deer Park about primary and secondary school places for all children in the additional developments north of the city;
  19. To date the County Council is providing no meaningful assurances that this issue has a definite solution and the urgent need for a new primary school north of the river remains;
  20. Also concerns that key secondary schools in the catchment do not have the capacity for expansion;
  21. If children have to go to Richard Rose Morton Academy it enhances arguments to sort out issues with Waverley Viaduct and create a good safe cycle route through the west of the city;
  22. Would like to see conditions the absolute maximum level of mitigation measures for the loss of wildlife and habitat loss and additional enhancement measures for wildlife;
  23. Development would only be sustainable if there is maximum use of renewable energy with a safe pedestrian route all the way up Etterby Road;
  24. Noise and pollution from DRS should be considered and understood before houses are built;
  25. Shame if an expansion to DRS is stopped due to the impact upon a new housing estate;
  26. Developer should work closely with residents at Stainton Gardens around boundary issues to ensure that they are not detrimentally impacted;
  27. Concerns that development could lead to further plans to build on the rest of the field; and
  28. Photo in Design and Access Statement is out of date as there are no barriers to access the field and residents walk their dogs and children play in the field.

## **5. Summary of Consultation Responses**

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection subject to 7 conditions relating to 1) vehicles ramps; 2) full construction details of the passing places to be provided which shall be installed prior to occupation of the dwellings; 3) construction details of carriageways, footpaths etc within the development; 4) details of parking areas for loading, unloading and turning of vehicles; 5) construction vehicles parking plan; 6) construction traffic management plan; and, 7) construction surface water management plan.

**Local Environment - Environmental Protection (former Comm Env Services- Env Quality):** - no objection subject to the imposition of conditions ensuring further investigation and testing of top soil in line with the recommendations of section 9.6.1 of the Ground Investigation Report, submission of a remediation scheme if necessary as well as conditions dealing with unsuspected contamination, noise and vibration, dust; electric car charging points and ensuring that noise measurements are undertaken in at least two residential units prior to occupation to verify that noise from the major road and railway do not result in internal and external noise levels exceeding World Health Organisation guidelines. Advice also received regarding notification to all residents and businesses potentially affect by works.

**Local Environment, Waste Services:** - no objection.

**Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention):** - no objection;

**Natural England - relating to protected species, biodiversity & landscape:** - as surface water will discharge to Pow Beck via the SuDS pond, and this is hydrologically linked to the River Eden SSSI/SAC to the north, pollution prevention measures during the construction of the SuDS pond and swale need to be put in place. This should be conditioned as part of the subsequent planning approval.

The recommendations outlined in Section 5 of the submitted Ecology Report also need to be secured.

**Cumbria County Council - Development Management:** - estimated that the development would yield 11 children consisting of 3 infant, 3 junior and 5 secondary age pupils. The catchment schools for this development are Kingmoor Infant and Kingmoor Junior Schools (2 miles) and Trinity Secondary Academy School (2.1 miles). The only other primary school within the statutory walking distance threshold is Stanwix School (1.2 mile). The next nearest secondary school is Central Academy (2.2 miles).

There are sufficient places available to accommodate the estimated yield of 3 infant children from this development within the catchment school of Kingmoor Infants. There are currently no spaces for the junior yield in the catchment school of Kingmoor Junior, however Stanwix Primary School is nearer to the proposed site and has sufficient spaces available to accommodate the estimated yield of 3 junior age children. No education

infrastructure capacity is therefore required in connection with primary school capacity.

Taking into account committed housing development, the catchment secondary school, Trinity Academy, has no space to accommodate the yield of 5 secondary school age pupils that is estimated to arise from this development proposal. This situation is replicated within other secondary schools in the Carlisle area. Therefore, an education contribution of £122,770 (5 x £24,554) is required to help provide additional secondary school capacity.

**Direct Rail Services:** - no response received;

**Cumbria County Council - (Archaeological Services):** - no objection subject to the imposition of a condition ensuring that the site is subject to an archaeological investigation and recording in advance of development.

**Historic England - North West Office:** - do not wish to offer any comments;

**Northern Gas Networks:** - no objection, standing advice received regarding apparatus.

**Planning - Access Officer:** - no objection.

**(Former Green Spaces) - Health & Wellbeing:** - require on site play provision preferably central within the development and contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space.

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** - no objection subject to the imposition of conditions relating to foul and surface water drainage. Standing advice has been received in respect of water supply, United Utilities' property, assets and infrastructure.

## **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 proposals be determined in accordance with 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) together with Policies SP1, SP2, SP5, SP6, HO2, HO4, IP1, IP2, IP3, IP4, IP6, IP8, CC4, CC5, CM2, CM4, CM5, HE1, HE2, GI1, GI3, GI4 and GI6 of the Carlisle District Local Plan 2015-2030. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) and the Council's



Supplementary Planning Documents (SPD) "Achieving Well Designed Housing", "Affordable and Specialist Housing" and "Trees and Development" are also material planning considerations.

6.3 The proposals raise the following planning issues:

### **1. The Principle Of Development**

6.4 The main issue for Members to establish in consideration of this application is the principle of development. The application site is an unallocated greenfield site located on the edge of the urban area boundary of Carlisle in Etterby, as defined by the proposal maps which accompany the Carlisle District Local Plan 2015-2030.

6.5 When assessing whether the site is appropriate for residential development it is important to note that the National Planning Policy Framework (NPPF) outlines that the purpose of the planning system is to contribute to the achievement of sustainable development.

6.6 The aims of the NPPF are reiterated in Policy HO2 of the Carlisle District Local Plan 2015-2030 (CDLP) which allows for windfall housing development other than those allocated within or on the edge of Carlisle, Brampton, Longtown, and villages within the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and subject to satisfying five criteria namely that 1) the scale and design of the proposed development is appropriate to the scale form, function and character of the existing settlement; 2) the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed; 3) on the edge of settlements the site is well contained within existing landscape features, is physically connected; and integrates with the settlement, and does not lead to an unacceptable intrusion into open countryside; 4) in the rural area there are either services in the villages where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and 5) the proposal is compatible with adjacent land users.

6.7 As stated above the application site is located in Etterby and consists of a greenfield site on the edge of the urban area of Carlisle. The site is immediately bordered by primary residential areas (as defined by the proposal maps which accompany the CDLP) to the south-east and on the opposite side of Stainton road to the south-west. The south-eastern boundary is surrounded by two storey dwellings that have residential curtilages adjacent to the application site. These properties are known as No.12 Stainton Road, the housing estate at Stainton Gardens (No.s 9-18) and a detached property 'The Beeches'. The residential dwellings located on the opposite site of Stainton Road to the south-west comprise mainly of two storey dwellings with the exception of the two northernmost properties which are bungalows.

6.8 The application site equates to 1.65 hectares and comprises part of a larger field. The area of land on which the houses are to be sited measures

approximately 113 metres in width and 116 metres in depth. The site boundary extends further northwards to include land that would be used for the provision of open space, a suds basin and associated outfall. The site boundaries consist of a post and wire fence to the north-east which delineates an existing paddock, a mixture of fencing/hedging to the south-east which defines the existing residential curtilages and a hedgerow to the south-west which delineates the frontage of the site along Stainton Road. The north-west and part of the north-eastern boundary are undefined as the site crosses the field.

- 6.9 The development of the site for 33 houses (a mixture of bungalows, terraced, semi-detached and detached houses) would not prejudice the delivery of the spatial strategy of the Local Plan for Carlisle given the size of the site relative to the City. Furthermore similar sized windfall housing developments have been approved within the City.
- 6.10 The application site is deemed to be in a sustainable location as it is located immediately adjacent to the urban boundary of Carlisle where there is access to a range of services. The site is physically connected to the built form of Carlisle as it is bounded by residential dwellings immediately to the south-east and south west. In such circumstances and given the additional landscaping proposed along the north-western boundary of the site the proposal is considered to be well contained and would not result in a prominent intrusion into the open countryside. In such circumstances the principle of additional housing in this sustainable location is deemed acceptable. The impact on the landscape character and design of the proposal is discussed below.

## **2. Scale, Layout And Design Of The Development**

- 6.11 The proposal will provide 33 dwellings which includes a mix of house types consisting of 9 bungalows (comprising 5no.2 bed and 4no.3 bed bungalows), 15 semi-detached properties (comprising of 6no.2 bed and 9no.3 bed dwellings) and 9 detached properties (all of which will be 4 bed dwellings). The site area, excluding the SUDS pond, open space area and drainage run, covers an area of 1.24ha with the development equating to 26.6 dwellings per hectare which is appropriate for an edge of city site.
- 6.12 The majority of the dwellings (with the exception of the Petteril house type which will be constructed from render) will be constructed from a mixture of three different facing brick types (Ibstock Glenfield Antique, Bespoke Brick Company Safier and Ibstock Ivanhoe Athena Blend) some with feature render panels under a marley modern light grey tiled roof. Windows would be anthracite grey upvc with fascia, barge boards and rainwater goods being black upvc. The dwellings will have various designs and would utilise a range of features to add visual interest and variety. These would include the use of red sandstone effect artstone cills and lintels to the front elevations with brick cills to the rear corresponding associated brick type, single and two storey projections, open porches, and, some dwellings having integral garages or detached garages .

- 6.13 It is proposed to create 2 new vehicular accesses from Stainton Road into the site. The principle access (a 5.5 metre wide carriage way with 2m wide footways), will be towards the northern extent of the road frontage opposite No.33 Stainton Road and will serve 30 dwellings. A secondary access, towards the southern extent of the road frontage, opposite Nos.25 and 27 Stainton Road, will be a private access drive to serve plots-1-3. The submitted drawings also show that each residential unit will also have 2no.incurtilage parking spaces. 7 visitor parking spaces will be provided as well as space within the curtilages of each dwelling for cycle parking provision. A 1.2 metre wide footpath from the main vehicular entrance through a landscaped area to the front of the site is also proposed which will provide a link to an existing footpath that leads through Stainton Gardens.
- 6.14 The proposed development is well laid out and will encourage and promote the creation of a neighbourhood. The properties overlook one another thereby creating a degree of natural surveillance and the distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring.
- 6.15 In terms of the units there are a range of differing house types, which, aesthetically, will add variety to the estate and create its own identity. The dwellings incorporate reasonably sized garden areas that are comparable to the size of the units that they serve, thereby ensuring that the development does not appear cramped or overdeveloped. The size of the gardens and the way that the properties are laid out will help create a sense of space within the estate.
- 6.16 The scale and design of the proposed dwellings relate well to the size and vernacular of surrounding properties which comprise of a mixture of two storey and single storey properties. Each property has adequate incurtilage parking provision, together with access to the rear gardens for refuse/green recycling bins.
- 6.17 In light of the above, the layout, scale and design of the proposed development is acceptable.

### **3. The Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties**

- 6.18 The Council's Achieving Well Designed Housing Supplementary Planning Document (AWDHSPD) seeks to ensure minimum separation distances of 21m between primary facing windows and 12m between primary windows and blank gables.
- 6.19 The submitted layout plan indicates that the development would comply with the minimum distances set out in the AWDHSPD from existing residential properties that surround the site. For example the proposed dwellings which directly face onto Stainton Road will be 30 metres or more from the residential properties opposite. The gable of the bungalow on plot 31 will be sited more than 12 metres from No.s 15 and 16 Stainton Gardens, and, the primary windows serving the proposed bungalow on plot 30 and the two

storey dwellings on plots 28-30 will be sited 21 metres from the two storey properties at Stainton Gardens which face onto the site. Furthermore plots 26-27 which will back onto a residential property known as 'The Beeches', (located beyond Stainton Gardens to the north-east) will have a separation distance of 59 metres. Additionally, the gable of plot 1 (a single storey bungalow situated in the south-eastern corner of the application site) will be off set from the gable of No.12 Stainton Road.

- 6.20 As adequate separation distances have been maintained between the existing residential properties which surround the site and those proposed it is unlikely that the living conditions of the occupiers of existing residential properties will be compromised through loss of light, loss of privacy or over dominance.
- 6.21 If Members are minded to approve the application it is recommended that conditions are imposed within the decision notice restricting the hours of construction and removing certain permitted development rights from plots 28, 29, 30 and 31 to protect the living conditions of neighbouring properties.
- 6.22 In respect of any increase in traffic generated by this proposal it is not anticipated that this factor alone would prejudice the living conditions of local residents to such an extent that would warrant refusal of the application. The impact upon the local highway network is discussed further in paragraphs 6.29-6.38.

#### **4. Provision Of Affordable Housing**

- 6.23 Local Plan Policy HO4 requires 30% affordable housing on sites in Affordable Housing Zone C which encompasses the application site and stipulates that the affordable housing provision should be 50% affordable/ social rent (usually through a Housing Association) and 50% intermediate housing (usually discounted sale at a 30% discount from market value through the Council's Low Cost Housing Register). A lower proportion and/or different tenure split may be permitted where it can be clearly demonstrated by way of a financial appraisal that the development would not otherwise be financially viable or where the proposed mix better aligns with priority needs.
- 6.24 The supporting text to policy HO4 states that in determining the type of affordable housing to be provided, the Council's Housing Service will advise developers of the appropriate type and mix of units for each site to ensure local need is being met. In relation to the tenure split of affordable housing the supporting text states that it is important to allow for flexibility to ensure marginal schemes remain viable. Demand for intermediate housing (such as shared ownership) can vary with market conditions and as a result there may be occasions where an increased proportion of social rented housing would be acceptable.
- 6.25 In accordance with policy HO4, based on a 33 housing scheme, the requirement would be for 9 affordable dwellings, with a 50% tenure split. The proposal seeks to provide 9 affordable dwellings (plots 19-21, 23-25 and 27-29) which are to comprise 3no.3 bed dwellings and 6no.2 bed dwellings.

The tenure for all affordable housing on the site is to be discounted sale, with the level of discount set at 30% below open market value. The Planning Statement accompanying the application confirms that the proposed tenure differs from the 50/50 usual split that the Council might otherwise seek to achieve as the proposal also includes the provision of 9 bungalows which equates to 27% of the dwellings to be provided on-site which exceeds the thresholds for larger housing developments outlined in the 'Affordable and Specialist Housing' SPD and strikes an appropriate balance between the aspirations of policies HO4 and HO10 (housing to meet specific needs) of the CDLP.

- 6.26 The Council's Housing Development Officer (HDO) has been consulted on the proposed application and has raised no objections to the proposal. The HDO has confirmed that on balance, taking into account that the site is adjacent to a recent 100% affordable 30-unit Riverside development (Stainton Gardens) which is a mix of 20 Affordable Rented houses and bungalows and 10 Shared Ownership houses, it is considered that, on this occasion, the applicant's proposal is acceptable, as there are already opportunities for people, to secure Affordable Rented homes in this part of Etterby. The decision to agree to vary the usual 50/50 tenure requirements is based solely on its own merit, due to the specific location of the application site and the level of Affordable Rented housing already available on the adjoining development, and does not set any precedent for future applications. Furthermore the HDO confirms that he has taken informal advice from an experienced Chartered Surveyor and it is considered that the trade-off between the reduced discount on a discounted sale property compared to an Affordable Rental unit would be approximately commensurate with the increased development costs associated with the larger footprint required by a bungalow, and a formal viability assessment would therefore not be required.
- 6.27 The HDO confirms that he is happy with the affordable unit sizes on site and confirms that as all the affordable homes are not in a single cluster, and taking into consideration that there are only nine units on the scheme the location of the affordable units is broadly acceptable.
- 6.28 In relation to the above the amount of affordable housing proposed and tenure split would be appropriate for the site. The provision of 9 bungalows in the housing scheme would also help to meet an identified need of an ageing population outlined in the Council's Affordable and Specialist Housing Supplementary Planning Document.

## **5. Highway Matters**

- 6.29 Paragraph 108 of the NPPF confirms that when assessing specific applications for development it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be or have been- taken up, given the type of development and its location
  - b) safe and suitable access to the site can be achieved for all users; and

- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree
- 6.30 Paragraph 109 of the NPPF goes onto confirm 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. Policies IP2 (Transport and Development) and IP3 (Parking Provision) of the CDLP require all development proposals to be assessed against their impact on the transport network and to ensure adequate levels of parking provision. Such policies generally require that proposals do not increase traffic levels beyond that of the capacity of the surrounding highway network.
- 6.31 The application site currently has an ungated vehicular access from Stainton Road in the south-eastern corner of the site adjacent to No.12 Stainton Road. It is proposed to close this existing access and create 2 new vehicular accesses from Stainton Road into the site. The principle access (a 5.5 metre wide carriageway with 2m wide footways), will be towards the northern extent of the road frontage opposite No.33 Stainton Road and will serve 30 dwellings. A secondary access, towards the southern extent of the road frontage, opposite Nos.25 and 27 Stainton Road, will be a private access drive to serve plots-1-3. Both accesses will be within the existing 30mph zone and can achieve visibility splays of 2.4x 60m in either direction which is in accordance with the Cumbria County Council's Development Design Guide (2017). The principle access can also achieve visibility splays of 2.4x 90 metres in either direction in accordance with Design Manual for Road and Bridges. The submitted drawings also show that each residential unit will have 2 no. incurtilage parking spaces. 7 visitor parking spaces will be provided as well as space within the curtilages of each dwelling for cycle parking provision.
- 6.32 The proposal also seeks to provide a 1.2 metre wide footpath from the main vehicular entrance through a landscaped area to the front of the site which will provide a link to an existing footpath that leads through Stainton Gardens. From the Officer site visit it was evident that the existing footpath leading through Stainton Gardens stops short of the application site. The applicant has confirmed that the landowner of Stainton Gardens, Riverside Housing Association, have agreed to provide the 'missing' footpath link from the proposed development to the existing footpath at Stainton Gardens. This can be ensured by a relevant grampian condition imposed upon any planning consent.
- 6.33 In terms of impact upon the highway network the Transport Statement (TS) statement accompanying the application confirms that the proposal is forecast to generate 30 two way vehicular trips during the morning peak hour and 26 two way trips during the evening peak hour, which volumetrically equates to one trip every 2.3 to 2 minutes during peak hours. The TS concludes that this level of traffic would not have a material impact on the capacity of the road network.

- 6.34 The TS also notes that the footpath link from the site to the adjacent Stainton Gardens development will improve pedestrian connectivity and the site is within walking distances to a number of amenities (including convenience stores on Kingmoor Road, Austin Friars School and Southwells Trade Centre). Public Rights of Way 109080 and 109079 are also accessible via Stainton Road as well as National Cycle Route 7 which runs along Stainton Road. The nearest bus stops to the site are on the Etterby Road/Etterby Scaur junction.
- 6.35 The relevant Highway Authority has been consulted on the proposal and has raised no objections. The Highway Authority has confirmed that the visibility splays are achievable as they do not cross third party land. As the splays extend into the National Speed limit area the Highway Authority has advised that the 30mph speed limit should be relocated with a gateway feature to reduce vehicle speeds entering Stainton Road. The traffic calming measures and speed limit changes required are to be installed prior to the access being formed for the development at a cost of £5,500 which can be secured through a S106 agreement. The applicants agent has agreed to this request.
- 6.36 With regard to additional vehicle movements generated by the proposal the Highway Authority has confirmed that in order for the development to be considered acceptable passing places are required to permit vehicle movements north of the development towards the A689 (the bypass) not only for the 33 dwellings proposed but for any traffic which will have to serve the properties i.e refuse, delivery vehicles. The applicant has submitted a plan proposing the road widening of Stainton Road at two locations to enable the passing of vehicles. This is acceptable to the Highway Authority who have confirmed that the passing places will need to be constructed at the developers cost (including service diversions). The Highway Authority has clarified that the passing places will require a S278 Agreement and will need to be designed to take into account the traffic that may need to use them. The Highway Authority has confirmed that a condition should be included in any planning consent to ensure that the passing places are constructed in accordance with the agreed documents.
- 6.37 The Highway Authority has no objections to the proposed footpath which will link to Stainton Gardens as it will keep pedestrians away from the 90 degree bend in Stainton Road. A local Councillor has requested the provision of a public footpath/white lines on Etterby Road for pedestrians/cyclists. The Highway Authority has confirmed that following an assessment it is unlikely that such a provision would work within the existing highway boundary as the existing carriageway is 5m, widening at the Bridge to a maximum of 6.5m. The existing highway boundary would therefore make the provision of a built footway not feasible, as to meet the requirements of the Design Guide, a footway would need to be 2m wide, reducing the lane width down to 3m. Whilst the aim should be to provide footway links where possible, there is insufficient space in the existing network to facilitate a built footway and still allow 2 way traffic movements.
- 6.38 Overall the Highway Authority raises no objection to the proposal subject to £5,500 to deal with traffic calming measures and speed limit changes (which

can be secured through a S106 agreement) and the imposition of conditions relating to 1) vehicles ramps; 2) full construction details of the passing places to be provided which shall be installed prior to occupation of the dwellings; 3) construction details of carriageways, footpaths etc within the development; 4) details of parking areas for loading, unloading and turning of vehicles; 5) construction vehicles parking plan; 6) construction traffic management plan; and, 7) construction surface water management plan.

## **6. Foul And Surface Water Drainage**

- 6.39 Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water.
- 6.40 It is proposed that foul drainage from the development will be disposed of via existing mains drainage. Surface water is to be discharged via an existing watercourse.
- 6.41 The disposal of foul drainage to the existing mains drainage network is acceptable to United Utilities. United Utilities has however requested details of proposed covered levels for the on-site drainage system and associated private drainage runs, details of the route of any exceedance flows from the existing and proposed drainage systems and a management/maintenance plan prior to the commencement of development.
- 6.42 In terms of surface water drainage the PPG has a hierarchical approach for the disposal of surface water drainage, with the aim to discharge surface water run off as high up the following hierarchy of drainage options as reasonable practicable: 1) surface water should discharge into the ground (infiltration), 2) to a surface water body, 3) to a surface water sewer/highway drain/other drainage system and 4 to a combined sewer. The Flood Risk Assessment and Drainage Strategy accompanying the application confirms that the site is located within flood zone 1 and has a low risk of flooding. A series of infiltration tests have been undertaken which confirm that the site is not suitable to discharge via infiltration due to stiff clays present which provides low permeability therefore it is proposed to discharge surface water to the north of the site. SUD techniques will be used on site with surface water stored in a detention basin with the flow to the water course (Pow Beck to the north) controlled to the equivalent of greenfield run off including 1 in 100 year rainfall event plus 40% climate change and 10% urban creep. The drainage proposals also incorporates three stages of treatment (stone filter drain, attenuation basin and swale outfall) prior to discharge.
- 6.43 The attenuation basin (SUDs pond) is to be located further north of the site (approximately 60 metres from the proposed dwellings) and will be maintained by a nominated management and maintenance company.
- 6.44 The Lead Local Flood Authority has been consulted on the proposal and has raised no objections to the drainage arrangements. As the relevant statutory consultees have raised no objections subject to the imposition of relevant conditions it is not considered that the proposal conflicts with the relevant drainage policies of the Local Plan.



## **7. Open Space Provision**

- 6.45 Policy GI4 of the CDLP states that new developments of more than 20 dwellings will be required to include informal space for play and general recreational or amenity use on site according to the size of the proposal. The developer will be required to ensure that appropriate measures are put in place for the future management and maintenance of such spaces. On smaller housing sites, where on site provision is not appropriate the developer may be required to make commuted payments towards the upgrading of open space provision in the locality, especially if a deficit has been identified.
- 6.46 Policy GI4 goes on to confirm that all new dwellings should have safe and convenient access to high quality open space, capable of meeting a range of recreational needs. Where deficits are identified, new development will be expected to contribute towards the upgrading of an existing open space to improve its accessibility or the creation of a new one within the immediate locality.
- 6.47 The proposal seeks to provide 0.21 hectares of open space to the north-east of the site which will be managed/maintained by a nominated management company.
- 6.48 The Council's Green Spaces team have been consulted on the development and has confirmed that as there is no easy access to nearby play provision due to the lack of footway along Etterby Road on site play provision is required preferably central within the development and contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space.
- 6.49 The applicant has agreed to the financial contribution requests. Whilst it would be preferable for the open space provision within the site to be more centrally located this is not feasible as relocating the open space would push the proposed dwellings further back into the site towards DRS which would cause noise issues. Also pushing the dwellings further back into the site would also have a greater impact upon the landscape character of the area. In such circumstances the location of the open space within the site is deemed to be the most appropriate location and a relevant condition has been imposed within the decision notice ensuring that the development incorporates a children's play area within the proposed open space. The details of which will need to be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any work on site and shall be completed in accordance with an agreed programme for its implementation.

## **8. Education**

- 6.50 Cumbria County Council has estimated that the development would yield 11 children consisting of 3 infant, 3 junior and 5 secondary age pupils. The catchment schools for this development are Kingmoor Infant and Kingmoor Junior Schools (2 miles) and Trinity Secondary Academy School (2.1 miles). The only other primary school within the statutory walking distance threshold is Stanwix School (1.2 mile). The next nearest secondary school is Central Academy (2.2 miles).
- 6.51 The County has confirmed that there are sufficient places available to accommodate the estimated yield of 3 infant children from this development within the catchment school of Kingmoor Infants. There are currently no spaces for the junior yield in the catchment school of Kingmoor Junior, however Stanwix Primary School is nearer to the proposed site and has sufficient spaces available to accommodate the estimated yield of 3 junior age children. No education infrastructure capacity is therefore required in connection with primary school capacity.
- 6.52 The County has however confirmed that taking into account committed housing development, the catchment secondary school, Trinity Academy, has no space to accommodate the yield of 5 secondary school age pupils that is estimated to arise from this development proposal. This situation is replicated within other secondary schools in the Carlisle area. Therefore, an education contribution of £122,770 (5 x £24,554) is required to help provide additional secondary school capacity. The applicant's agent has agreed to pay the relevant contribution therefore there is no policy conflict.

## **9. Archaeology**

- 6.53 The Council's GIS mapping system has identified an unscheduled archaeological site to the north of the proposed SUDs pond. Policy HE2 of the CDLP states that development will not be permitted where it would cause substantial harm to the significance of a scheduled monument, or other non-designated site or assets of archaeological interest, or their setting.
- 6.54 The application is accompanied by an Archaeological Desk-Based Assessment which states that a contact zone with the River Eden has yielded nationally significant early prehistoric occupation at Stainton West, approximately 1km to the south-west. Familiarity with the local topography and the evidence of local geo-physical reconnaissance does not suggest that the creeks and sheltered havens that supported a hunter-gatherer community existed in close proximity to the study area. It is unlikely that archaeological deposits either existed or have survived within the study area. Roman occupation principally lay to the south of the River Eden, behind Hadrian's Wall and the formalised Roman frontier.
- 6.55 The assessment goes on to state that medieval occupation appears to have been light and would have centred on the townships of Etterby and Stainton. Despite the former narrow linear shape of the fields, there is no evidence for medieval settlement within the study area. Moreover, an adjacent archaeological evaluation proved to be fruitless regarding deposits of substantive antiquity. The assessment concludes that it is doubtful whether a

geo-physical survey would provide enlightenment regarding the presence of former occupation. The development area is open but wet underfoot and unlikely to have borne established settlement as the topography was largely unsuitable. The assessment concludes that a programme of archaeological evaluation prior to the development commencing would in all likelihood confirm the low expectation of archaeological significance.

- 6.56 The Historic Environment Officer (HEO) for Cumbria County Council has been consulted on the development and has confirmed that the site lies in an area of some archaeological potential. It is located on the edge of Etterby, a village which has medieval origins. Etterby is first mentioned in 12<sup>th</sup> century documents, although the origins of the name suggest a settlement on the site prior to the Norman Conquest. Remains of medieval field systems were revealed during an investigation on an adjacent site. Furthermore, aerial photos show a cropmark complex of a probable medieval settlement located 400m north west of the site. It is therefore considered that there is the potential for archaeological assets to survive on the site and that they will be disturbed by the construction of the proposed development. The HEO has therefore advised that should planning permission be granted a relevant planning condition should be imposed ensuring that the site is subject to archaeological investigation and recording in advance of development, which can be secured by a relevant planning condition. Subject to a relevant planning condition being imposed in the decision notice the proposal will not cause harm to any archaeological assets.

## **10. Impact Upon Hadrian's Wall World Heritage Site Buffer Zone**

- 6.57 The application site falls within the buffer zone of Hadrian's Wall World Heritage Site. Policy HE1 of the Local Plan 2015-2030 states new development within the Hadrian's Wall World Heritage Site and its buffer zone which enhances or better its significance, or which accords with the approved Management Plan will be supported. 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 will be refused.
- 6.58 Historic England have been consulted on the proposal and do not wish to offer any comments. As discussed in paragraphs 6.4-6.17 the proposal is acceptable in terms of scale, design and would therefore not have a detrimental impact upon the buffer zone of the World Heritage Site.

## **11. Noise Issues**

- 6.59 Direct Rail Services (DRS) which operates a 24 hour depot is located approximately 132 metres to the north-east of the proposed dwellings. DRS has been consulted on the development and has made no comments during the consultation period.
- 6.60 Officers in Environmental Health have been consulted on the application in relation to noise. Due to the proximity of the proposed development to the railway line, depot and associated sidings, Environmental Health has

confirmed that prior to the occupancy of any residential unit, noise level measurements must be undertaken in at least two residential units in the development to verify that the noise from the roads and the railway do not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels must be reported to and approved in writing by the Local Planning Authority. Environmental Health has also requested conditions to deal with noise and vibration, dust and electric car charging points. Advice has also been received regarding notification to all residents and businesses potentially affected by works. Suitably worded conditions and informative's have been added to the permission to deal with these issues. In such circumstances it is considered that the proposal would be able to provide satisfactorily living conditions for the occupiers of the proposed dwellings.

## **12. Biodiversity**

- 6.61 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities 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), and 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. In this case, the proposal relates to the development of residential dwellings on greenfield land. As such it is inevitable that there will be some impact upon local wildlife.
- 6.62 Natural England has been consulted on the development and originally requested that a further NVC plant community survey is undertaken since the proposals will directly impact on an area of rush pasture/marshy grassland with the implementation of the SUDs pond and associated drainage. An ecological assessment has subsequently been submitted which includes a National Vegetation Classification (NVC) survey and a Great Crested Newt (GCN) survey. A Biodiversity Net Gain calculation has also been undertaken.
- 6.63 In summary the site was considered to be of overall moderate ecological value. Some suitable habitat for GCN, which are known to be present in the wider area, was recorded on site. Suitable habitat for foraging and commuting bats, nesting birds, brown hare and hedgehog was also recorded. Surrounding habitats are considered to be of higher ecological value, providing suitable habitat for badgers and both aquatic and terrestrial habitats continue to offer suitable habitat for GCN.
- 6.64 Following the site assessment and in review of the findings, a series of ecological mitigation, compensation and enhancement measures to be incorporated into the works have been outlined. These include the production

of a working Method Statement for GCN which will incorporate exclusion fencing (where necessary) and ecological supervision; commencing clearance works outside of bird nesting season (March to August) or pre-start surveys for nesting bird species if this is not feasible; further surveys of trees with potential for bats if they are to be removed; precautionary measures in relation to brown hare and hedgehog; adequate protection of retained vegetation; implementation of a sensitive lighting scheme; pollution prevention measures; the appropriate disposal of non-native plant species; wildlife friendly landscaping (in line with the Biodiversity Net Gain calculation of 5.14%) and possible incorporation of enhanced bat roosting and bird nesting opportunities on-site using bat and bird boxes. Providing the recommendations are implemented in full the ecological assessment concludes that there will not be a significant impact upon protected species or their habitats as a result of the proposed works.

- 6.65 Natural England has been consulted on the further information and has confirmed that as surface water will discharge to Pow Beck via the SuDS pond, and this is hydrologically linked to the River Eden SSSI/SAC to the north, pollution prevention measures during the construction of the SuDS pond and swale need to be put in place. This should be conditioned as part of the subsequent planning approval. The recommendations outlined in Section 5 of the submitted Ecology Report also need to be secured.
- 6.66 Subject to the mitigation measures outlined above which can be secured by condition the proposal will not have an adverse impact upon any protected species or their habitats.

### **13. Impact Upon Trees and Hedgerows And The Landscape Character Of The Area**

- 6.67 The application site is defined by a hedgerow along the road frontage with Stainton Road, a combination of fencing/hedging to the south-east together with a post and wire fence to the north-east which delineates an existing paddock.
- 6.68 The submitted plans illustrate that the landscaping along the peripheries of the application site will be retained with the exception of where the visibility splays to the accesses are to be formed and supplemented with additional landscaping. A new native hedgerow is to be formed along the north-western boundary behind plots 12-21. The hedgerow will be interspersed with native trees to contain the development and provide a natural backcloth. In such circumstances it is considered that the development scheme provides a suitable landscaping scheme which mitigates for the loss of part of the hedgerow which is to be removed thereby ensuring that the development will be fully integrated into its surroundings. Subject to a relevant conditions being imposed regarding tree/hedgerow protection measures being in place during development works the proposal will not have an adverse impact upon any retained landscape features.
- 6.69 The site is identified as sub type 6d - urban fringe in the landscape maps which accompany the Cumbria Landscape Character Guidance and Toolkit

(CLCGT) . The CLCGT states that the characteristics of such landscapes have long term urban influences on agricultural land; recreational, large scale buildings and industrial estates are common; and wooded valleys, restored woodland and some semi-urbanised woodland provide interest. The vision for this landscape type is to enhance through restoration. Guidance for development is to protect countryside and 'green' areas from sporadic and peripheral development through local plans; careful siting of any new development in non prominent locations; strengthen undeveloped areas of land with mixed woodland and hedgerow planting and restoration of natural landscape features; along major roads, develop schemes to improve visual awareness of individual settlements, land uses and cultural landmarks.

- 6.70 As this development involves building on an open field there will undoubtedly be some impact upon the landscape character of the area. As demonstrated in the preceding paragraphs of this report the impact has been reduced through the design of a sympathetic scheme. Where practical existing landscaping/trees are to be retained and additional landscaping is to be undertaken to soften the edge of the development. The development is considered to be well contained and related to the surrounding built-environment and would not result in a prominent intrusion into open countryside. The land in question is not designated as being of any special landscape character and it is the Officers view that there will be no significant adverse impact upon landscape character to warrant refusal of the application.

#### **14. Contamination**

- 6.71 As the site is a greenfield site the likelihood of contamination being present is low however a Preliminary Contamination Risk Assessment and Phase 2 Ground Investigation Report has been undertaken. In summary the report does not identify any significant contamination hazards on the predominantly greenfield site. A number of recommendations on remedial mitigation measures are however proposed including additional investigation and testing of topsoil to characterise the marginal, localised elevated lead concentrations.
- 6.72 Environmental Services have been consulted on the proposal and has raised no objection subject to the imposition of conditions ensuring further investigation and testing of top soil in line with the recommendations of section 9.6.1 of the Ground Investigation Report, submission of a remediation scheme if necessary as well as conditions dealing with unsuspected contamination.

#### **15. Crime**

- 6.73 As previously stated in paragraph 6.14 the proposed development is well laid out and will encourage and promote the creation of a neighbourhood. The properties overlook one another thereby creating a degree of natural surveillance and the distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring. The Crime Prevention Officer has

been consulted on the proposed development and has raised no objections. Advice has however been provided with regard to physical security measures which has been forwarded to the applicant.

## **16. Other Matters**

- 6.74 A condition has been added to the permission which requires each dwelling to be provided with a separate 32Amp single phase electrical supply. This would allow future occupiers to incorporate an individual electric car charging point for the property.
- 6.75 Queries have been raised regarding the stability of Etterby Road and whether the development will impact upon this. A relevant condition has been imposed within the decision notice regarding a construction management plan which can ensure that all construction traffic can access the site via the by-pass/Stainton Road. Notwithstanding this suggested condition the relevant Highway Authority has raised no objections to the proposal on road stability grounds.
- 6.76 Objectors have raised concerns in respect of the need for additional dwellings. The planning merits and assessment against the relevant policies are discussed within this report.
- 6.77 Objectors have also raised issues on the impact of the proposed development on broadband provision; however, this is not a planning matter.
- 6.78 Objectors have queried whether the proposal is just the first phase of development. As far as the Case Officer is aware this is the only housing scheme proposed and the application should be determined on its own merits.
- 6.79 A request has been made by a Local Councillor for additional traffic calming measures on Etterby Road due to a lack of footpath in places. The Highway Authority do not consider this necessary as the 30mph speed limit is to be extended on Stainton Road with associated traffic calming measures. As stated in paragraphs 6.29-6.38 the Highway Authority do not object to the proposal.
- 6.80 The site has been subject to previous planning refusals for housing in 1990 and 1980 however the issues raised during consideration of the historic applications are not directly comparable to the current application as the development plan has changed significantly in the intervening period as well as the sites surroundings. For example in the intervening period the 30 dwellings at Stainton Gardens have been constructed as well as the three dwellings on the western side of Etterby Road between Stainton Gardens and the entrance to Direct Rail Services. No.35 Stainton Road has also been constructed on the opposite side of the site.
- 6.81 Article 8 and Article 1 Protocol 1 of the Humans Rights Act are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

## Conclusion

- 6.82 The proposal is in accordance with the principles of the NPPF as the application site is located in a sustainable location on the edge of Carlisle. The site is physically connected to the built form of Carlisle as it is bounded by residential dwellings immediately to the south- east and south west. In such circumstances and given the additional landscaping proposed along the north-western boundary of the site the proposal is considered to be well contained and would not result in a prominent intrusion into the open countryside. In such circumstances the principle of additional windfall housing in this sustainable location is deemed acceptable.
- 6.83 The scale, layout and design of the development is acceptable and it is considered that the development would not have a significant impact upon the landscape character of the area, the buffer zone of Hadrian's Wall World Heritage Site, the living conditions of existing and future occupiers or crime.
- 6.84 Subject to suitably worded planning conditions and a S106 agreement it is considered that the character of the area can be safeguarded through an appropriate landscaping scheme and that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, , biodiversity, trees/hedgerows, archaeology, noise, contamination, education and open space.
- 6.85 The level of affordable housing proposed and tenure split would also be appropriate for the site. The provision of 9 bungalows in the housing scheme would also help to meet an identified need of an ageing population outlined in the Council's Affordable and Specialist Housing Supplementary Planning Document.
- 6.86 On balance, having regard to the Development Plan and all other material planning considerations, the proposal is considered acceptable.
- 6.87 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 agreement to secure:
- a) the provision of the proposed level of affordable units (nine units at plots 19-21, 23-25 and 27-29 that would be made available at discounted sale, with the level of discount set at 30% below open market value);
  - b) a financial contribution of £5,500 towards speed limit changes and traffic calming measures;
  - c) a financial contribution of £122,770 to Cumbria County Council towards education provision;
  - d) the maintenance of the informal open space, play provision and SUDs within the site by the developer.
  - e) financial contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading



and maintenance of off-site open space.

- 6.88 If the legal agreement is not completed within a reasonable time then it is recommended that Authority be given to the Corporate Director of Economic Development to refuse the application.

## **7. Planning History**

- 7.1 The planning history of the site is as follows:

- 7.2 In 2011 Full Planning Permission was granted in the southern corner of the site (adjacent to No.12 Stainton Road) for the creation of a construction storage compound in association with the development of 30 dwellings (now known as Stainton Gardens) previously approved under planning permission reference 10/0508 (reference 11/0171);

- 7.3 In 1990 Outline Planning Permission for residential development was refused on part of the site fronting Stainton Road (reference 90/0429) for the following two reasons:

*The proposal is contrary to, and would offend against the objectives of the adopted policies of the Cumbria and Lake District Joint Structure Plan, the emerging provisions of the Carlisle Rural Area Local Plan and the related provisions of the Carlisle Settlement Policy, all of which reflect national planning guidance in seeking to restrict new residential development to appropriate sites within established settlements in order to prevent the intensification or creation of sporadic development in the countryside and to safeguard the amenity and character of the rural landscape.*

*The proposed site occupies a prominent location in an area of attractive countryside within an important and sensitive part of the urban fringe of Carlisle where the Council would not permit further residential development leading to the erosion of the landscape at the margins of the built up area within open countryside, other than, in exceptional circumstances, where justified on the grounds of essential agricultural need or in the interest of forestry activities. No such special need has, however, been advanced or can be identified which would merit departure from the approved policies in this instance or overcome the wider planning objections to these proposals.*

- 7.4 In 1980 residential development of 17 houses was refused (reference 80/0864) for the following five reasons:

*The proposed development would conflict with the provisions of the approved development plan which allocates the area in which the proposal is located as 'white land' intended to remain in its existing use.*

*The proposed development would result in an unsatisfactory form of development and would have an adverse affect on the amenities of the area.*

*If permitted the proposal would result in the intensification of the existing*

*scattered development in the area.*

*Approval of the proposal would be contrary to the Council's policy for development in the area as embodied in the Carlisle Settlement policy.*

*The proposal would result in an inappropriate and over intensive form of development which would be out of keeping with the established form of development in the vicinity and would this seriously detract from the amenities of adjacent properties.*

**8. Recommendation: Grant Subject to S106 Agreement**

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 23rd November 2020;
2. the site location plan received 5th March 2021 (Drawing No.001 Rev C);
3. the proposed site layout plan received 7th May 2021 (Drawing No.002 Rev J);
4. the proposed boundary treatment and hard landscaping plan received 30th June 2021 (Drawing No.003 Rev H);
5. the proposed landscape plan received 5th March 2021 (Drawing No.WW-01C);
6. the proposed floor plans and elevations of The Caldew Petteril received 23rd November 2020 (Drawing Nos. Cal-Cal-Pet-S105-110-L and Cal-Cal-Pet-S105-160-L);
7. the proposed floor plans and elevations of The Eden received 23rd November 2020 (Drawing Nos. Eden-110- Rev M and Eden-160 Rev M);
8. the proposed floor plans and elevations of The Ellen received 23rd November 2020 (Drawing Nos. Ellen V1 NG1-160-M and Ellen V1 NG1-110-M);
9. the proposed floor plans and elevations of The Esk received 23rd November 2020 (Drawing Nos. Esk M42-160 Rev L and Esk M42-110

Rev L);

10. the proposed floor plans and elevations of The Gelt received 23rd November 2020 (Drawing Nos. Gelt Semi-160 Rev L and Gelt Semi 110 Rev L);
11. the proposed floor plans and elevations for The Dee (excluding Plot 1) received 23rd November 2020 (Drawing No. Dee M42-160 Rev M and Dee M42-110 Rev M);
12. the proposed floor plans and elevations for The Dee (Plot 1 only) received 5th March 2021 (Drawing No. Dee M42-Plot 1 Rev M)
13. the detached garage details received 23rd November 2020 (Drawing No. Gar Sin14 S101-200-C);
14. the proposed street scene elevations received 5th March 2021 (Drawing No. 004 Rev C);
15. the drainage construction details received 23rd November 2020 (Drawing No. 51 Issue P1);
16. the highway construction details received 23rd November 2020 (Drawing No. 61 Issue P1);
17. the draft passing places plan received 7th May 2021;
18. the Archaeological Desk-Based Assessment report received 23rd November 2020 (Report 339);
19. the Design and Access Statement received 23rd November 2020;
20. the Phase 2 Ground Investigation For Residential Commercial Development on Land At Etterby, Carlisle received 23rd November 2020 undertaken by FWS Consultants Ltd (Report No. 8325OR02 Rev01/November 2020)
21. the Planning And Affordable Housing Statement received 23rd November 2020 (Ref: 19/022);
22. the Preliminary Contamination Risk Assessment received 23rd November 2020 undertaken by FWS Consultants Ltd (Report No. 8325OR01 Rev02/November 2020);
23. the Preliminary Ecological Appraisal received 23rd November 2020 undertaken by S.A.P Ecology and Environmental Ltd (Report Ref: GEN101/001);
24. the Transport Statement received 23rd November 2020 undertaken by AXIS (Report 2886-01-TS01 November 2020);
25. the Ecological Impact Assessment received 21st May 2021 produced by Naturally Wild received 21st May 2021 (Report Ref GH-20-02, May 2021).;

26. the Flood Risk and Drainage Strategy received 7th May 2021 undertaken by Coast Consulting Engineers (Report 20184-FRA1 Rev F);
27. the soakaway test results received 21st May 2021;
28. the SUDS manual received 7th May 2021;
29. the Notice of Decision;
30. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before development commences. The development shall be undertaken in strict accordance with the details approved in response to this condition.

**Reason:** In order that the approved development responds to planning issues associated with the topography of the area and preserves amenity in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

4. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

5. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details

of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

**Reason:** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety. To support Local Transport Plan Policies LD5, LD7 and LD8.

6. No development hereby approved shall be commenced until full construction details of the two passing places to be provided, which shall be located in general compliance with the locations illustrated on the draft Passing Places Plan received 7th May 2021, have been submitted to and approved, in writing, by the Local Planning Authority, unless otherwise agreed in writing via any subsequent Discharge of Condition application. The passing places shall be installed in compliance with the approved details prior to the occupation of the dwellings.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. To support Local Transport Plan Policies: LD5, LD7, LD8.

7. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8.

8. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

**Reason:** To ensure that vehicles can be properly and safely accommodated clear of the highway. To support Local Transport Plan Policies: LD7 and LD8.

9. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the

parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users. To support Local Transport Policies LD8.

10. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
  - details of proposed crossings of the highway verge;
  - retained areas for vehicle parking, maneuvering, 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;
  - the management of junctions to and crossings of the public highway and other public rights of way/footway;
  - Details of any proposed temporary access points (vehicular / pedestrian); and
  - surface water management details during the construction phase.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. To support Local Transport Plan Policies: WS3, LD4.

11. No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.

**Reason:** To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

12. The development shall incorporate a children's play area within the proposed open space. The play area shall be laid out and provided with items of equipment at the expense of the developer in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any work on site and the shall be completed in accordance with an agreed programme for its implementation.

**Reason:** In order to secure a satisfactory standard of development and to make proper provision for the recreational needs of the area in accord with Policies GI4 and SP6 of the Carlisle District Local Plan 2015-2030.

13. Prior to the commencement of development details of all pollution prevention measures to take place during the construction of the SUDS pond and swale shall be submitted to and approved in writing to the local planning authority. The development shall then proceed in accordance with the approved details.

**Reason:** To prevent pollution to the River Eden SSSI/SAC in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

14. No development hereby approved shall take place above the ground floor slab level until details of a footpath from the edge of the application site connecting to the existing footpath at Stainton Gardens, including location, design and materials have been provided to and approved in writing by the local planning authority. Such approved footpath must be constructed in accordance with the approved details and made available for use before the occupation of the first property in the development.

**Reason:** To ensure that pedestrian links are provided to the application site in the interests of highway safety.

15. The proposed footpath link shall be lit with bollard lighting the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. The illumination of the footpath shall then be undertaken in strict accordance with the approved details.

**Reason:** In the interests of pedestrian safety. In accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

16. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared including the additional investigations as outlined in section 9.6.1 of the Phase 2 Ground Investigation For Residential Commercial Development on Land At Etterby, Carlisle received 23rd November 2020 undertaken by FWS Consultants Ltd (Report No.8325OR02 Rev01/November 2020). This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. Prior to the commencement of development, details of a sustainable water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

1. A restricted rate of discharge of surface water. The rate of discharge shall be in accordance with the submitted Flood Risk Assessment and Drainage Strategy dated 26 April 2021 reference 20184-FRA1 Rev F;
2. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
3. Foul and surface water shall drain on separate systems;
4. Details of exceedance flows from the proposed and existing drainage systems;
5. A management and maintenance plan. The management and maintenance plan shall include as a minimum:
  - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a management company; and
  - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime including during construction.

The approved schemes shall also be in accordance with the Non-Statutory



Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standard and in accordance with the principles in the submitted Flood Risk Assessment and Drainage Strategy dated 26th April 2021 reference 20184-FRA1 Rev F. No surface water shall discharge to the public sewer directly or indirectly.

The drainage schemes shall be completed, maintained and managed in accordance with the approved details and retained thereafter for the lifetime of the development.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

19. The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access roads with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

**Reason:** In the interests of highway safety and to support Local Transport Plan Policies LD7 & LD8.

20. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

**Reason:** To establish an acceptable level of access to connectivity resources, in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

21. Prior to the occupation of any dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for any dwelling shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.

**Reason:** To ensure the provision of electric vehicle charging points for each dwelling, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

22. Before the occupancy of any residential unit, noise level measurements must be undertaken in at least two residential units in the development to verify that the noise from the major road and railway does not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels reported to and approved in writing by the Local Planning Authority.

The noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. Daytime noise levels are to be measured in living rooms and the night time levels to be measured in bedrooms. Measurements must be taken at plots which are considered to be a worst case scenario, in terms of noise exposure. The rooms chosen must be orientated towards the noise sources i.e. railway line.

Before the measurements are undertaken a schedule of the properties and rooms to be used must be submitted in writing to the Local Planning Authority and the work must not be undertaken before the schedule is agreed in writing.

**Reason:** To protect the living conditions of the future occupiers of the proposed residential units.

23. Prior to the occupation of each dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle District.

**Reason:** In accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

24. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained in the positions shown on the Landscape Plan Drawing No.WW-01C. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** To ensure that the existing tree and hedgerow resource is preserved appropriately, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

25. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following completion of the development.

Trees, hedges and plants shown in the landscaping scheme to be retained

or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and maintained, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

26. The development hereby approved shall be undertaken in accordance with the Mitigation measures outlined in Section 5 of the Ecological Impact Assessment produced by Naturally Wild received 21st May 2021 (Report Ref GH-20-02, May 2021).

**Reason:** In order to ensure that the works do not adversely affect the habitat of protected species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

27. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the south-east elevation of the dwelling units to be erected on plots 28, 29, 30 or 31 in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

**Reason:** To protect the living conditions of the occupiers of adjacent properties and future occupiers of the development, and, to ensure that the character and attractive appearance of the buildings are not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy HO8 of the Carlisle District Local Plan 2015-2030.#

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected along the western boundary of plots 1, 2, 3, 11 and 12 (other than

those shown in any plans which form part of this application), without the approval of the Local Planning Authority.

**Reason:** To ensure that any form of enclosure is carried out in a co-ordinated manner in accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

30. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

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Note:  
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This drawing is copyright of Ergo Projects Ltd.  
All dimensions to be checked prior to any work  
commencing. Any discrepancies to be reported  
to Ergo Projects immediately.

For: Genesis Homes



**TOTAL SITE AREA - GROSS**  
= 4 Acres - 1.65 Hectares

**TOTAL SITE AREA - NETT**  
= 2.25 Acres - 0.92 Hectares

- C** Open Space added and red line boundary amended 03.03.21  
**B** Red-line boundary amended to suit new layout and drainage proposals 12.11.20  
**A** Re-design down to 34 plots 04.11.20

**ergo**

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Note:  
Do not scale from this drawing.  
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For: Genesis Homes



**TOTAL SITE AREA - GROSS**  
= 4 Acres - 1.65 Hectares  
**TOTAL SITE AREA - NETT**  
= 2.25 Acres - 0.92 Hectares



**OPEN SPACE**  
= 0.52 Acres - 0.21 Hectares



557200m

557100m

557000m



- J** 08.04.21 Additional visitor parking added and (temp. tarmac road amended) (revised road layout and red line boundary amended)
- I** 03.03.21
- H** 02.02.21 Road hump & additional VPA added, plot 1 & 27-29 re-handled, plots 12 & 28 red boundaries amended to 1.5m and 2.5m respectively
- G** 17.11.20 House types on plots 2, 16, 27-29 amended with a total of 33 plots
- F** 12.11.20 Red-line boundary amended to suit new layout and drainage proposals
- E** 04.11.20 Re-design down to 34 plots
- D** 28.10.20 Planning Issues
- C** 13.10.20 Plot 5 & 23 swapped & VPA re-located further to request from SM on 13.10.20
- B** 05.08.20 Layout amended further to meeting with SM on 13.10.20
- A** 01.09.20 M1 amended per email from SM dated 02.09.20

**ergo**  
0191 329 8331  
info@ergoprojects.co.uk  
www.ergoprojects.co.uk

PROJECT:  
Stainton Road  
Enderby

PROPOSED SITE LAYOUT

DATE: 08/04/21  
DRAWN BY: ME  
CHECKED BY: J  
SCALE: 1:500  
PROJECT NO: 661  
DRAWING NO: 002







Page 76 of 438



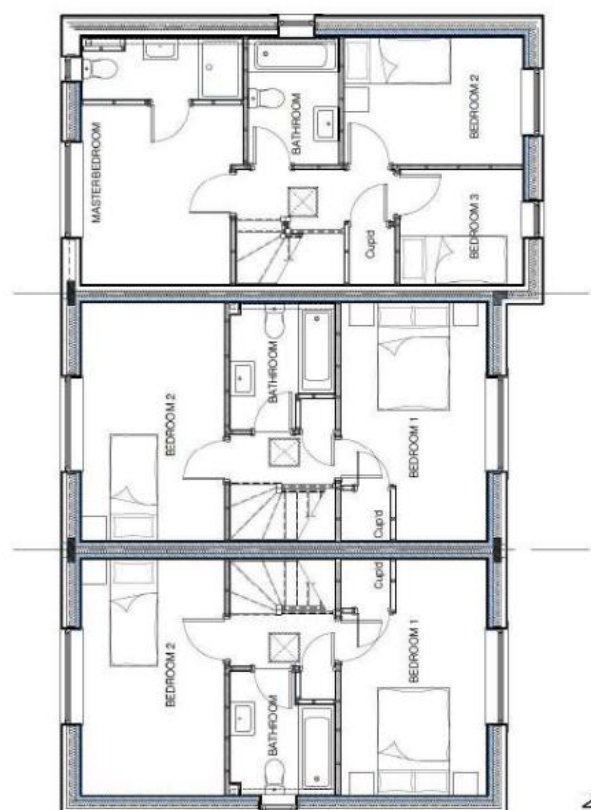


# The Caldew Caldew Petteril (Terrace)

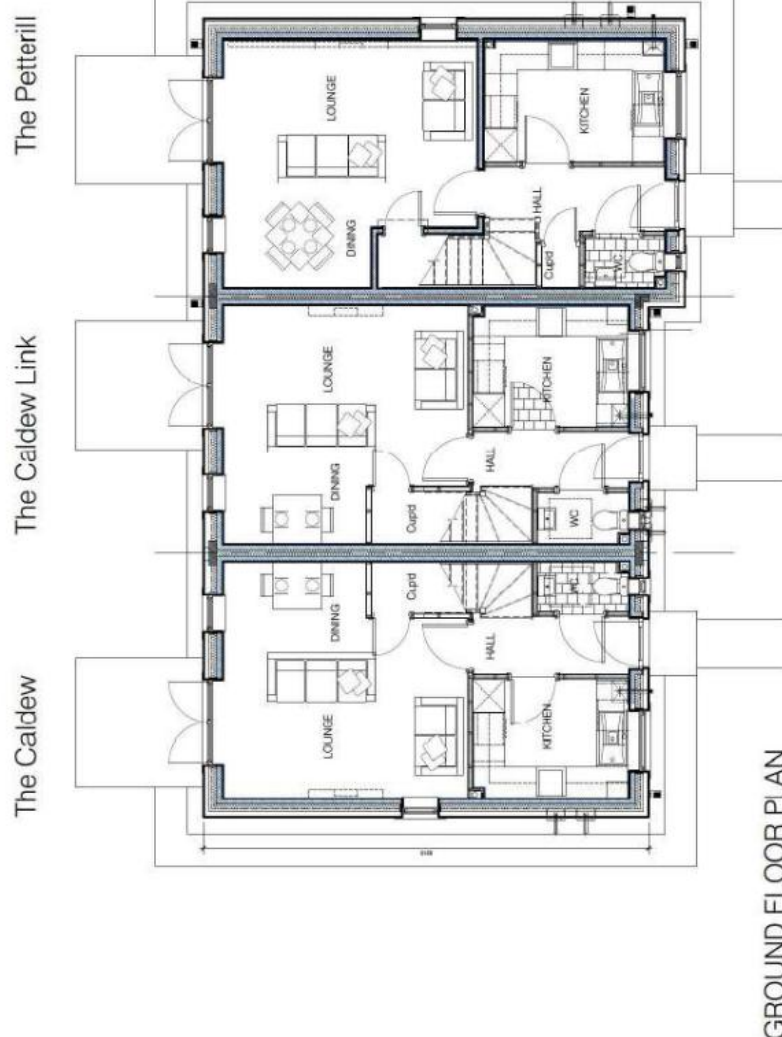
2/3 Bedroom Terrace.

Area

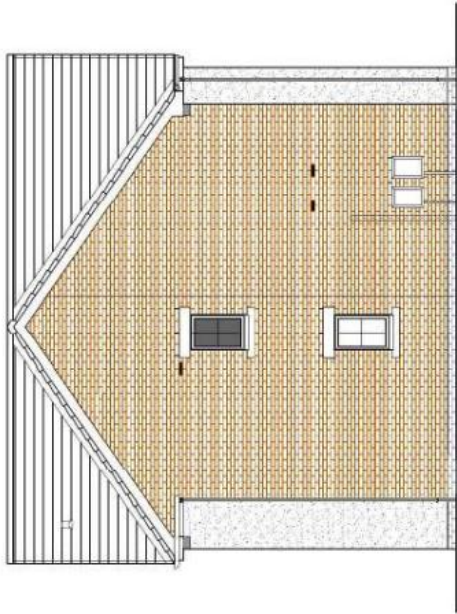
Ground Floor 33.34 sq m / First Floor 33.34 sq m  
Total 66.7 sq m (718 sq ft).



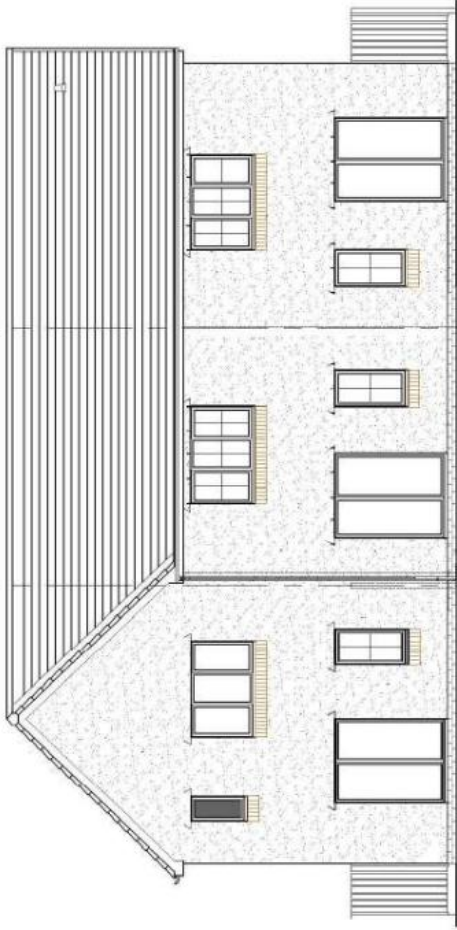
FIRST FLOOR PLAN



GROUND FLOOR PLAN



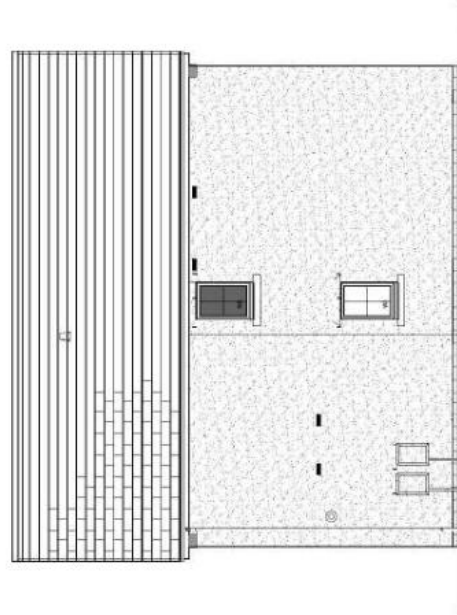
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



ELEVATIONS

Rev. L Jan-2020 G/H Design review amend  
Rev. K Dec-2019 G/H Design review amend  
Rev. J Feb-2019 G/H Design review update  
Rev. H Dec-2018 Drainage review update  
Rev. G 21-09-18 Design Review update  
Rev. F 11-06-18 Site Feedback Added  
Rev. E 05-01-18 General update  
Rev. D 05-01-18 General update  
Rev. C 05-10-17 B Regs update  
Rev. B 28-07-17 B Regs update  
Rev. A 12-06-17 Issue for Construction

Scale: As Shown  
1:50/100

Cal-Cal-Pet-S106-160- L

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# The Eden

4 Bedroom detached property.

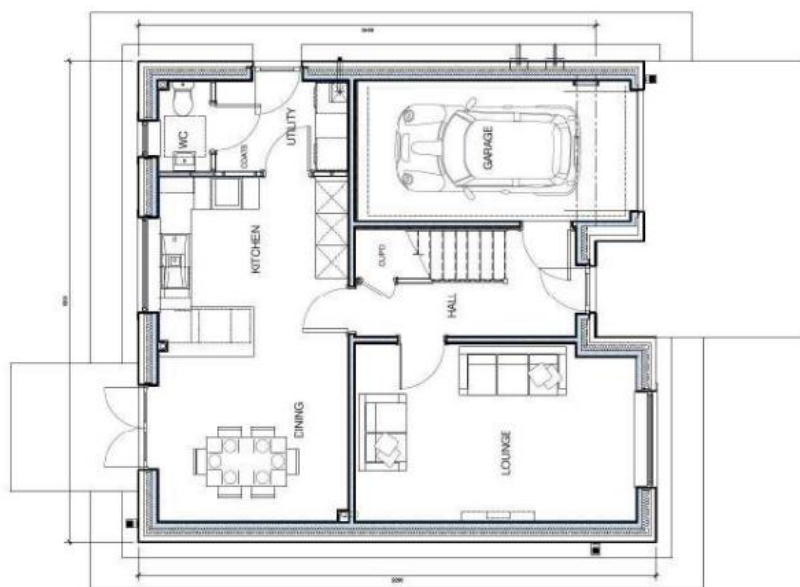
## Area

Ground Floor 55.63 sq m  
First Floor 67.55 sq m  
Total 123.18 sq m (1326 sq ft).

Garage 13.56 sq m

© Genesis Homes 2017





## GROUND FLOOR PLAN



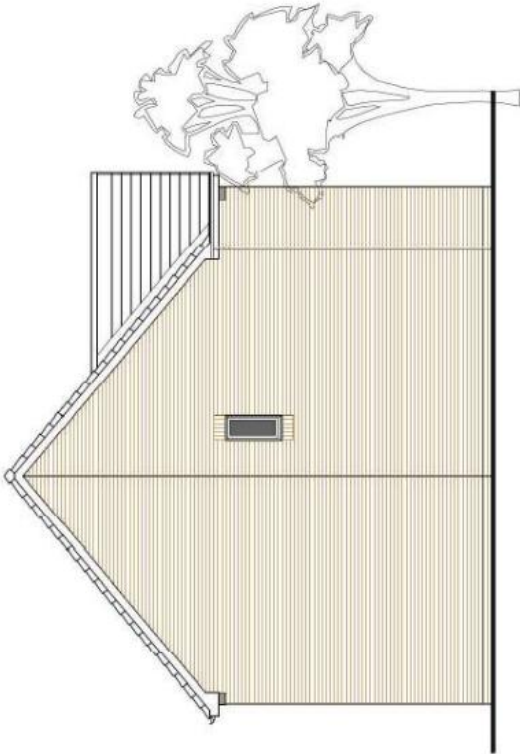
FIRST FLOOR PLAN



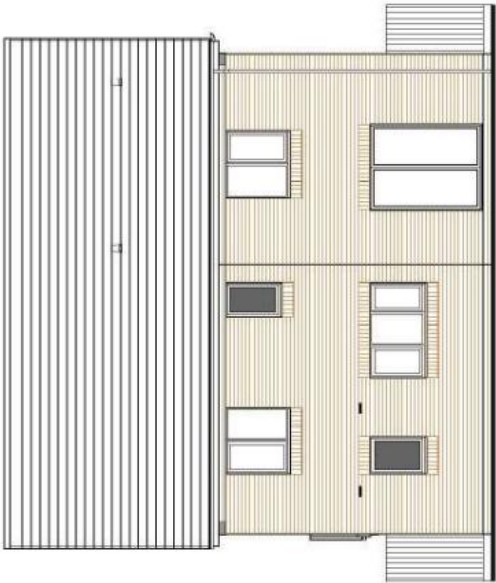
## FLOOR PLANS

PLANNING DWS	THE EDITOR WITH INTEGRAL ARCHITECTS Baltimore (classified property)
GH Design review amend	GH Design review amend
GH Design review amend	GH Design review amend
GH Design review amend	GH Design review amend
GH Design review amend	GH Design review amend
Design Review update	Design Review update
Design Review update	Design Review update
Site Feedback Added	Minor Revisions
	General update
	General update
	B Page update
	Final for Construction

Shipping number:	Eden -110-	sec.	M
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SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



ELEVATIONS

Rev M Sep-2020	GH Design review amend
Rev L Dec-2019	GH Design review amend
Rev K Dec-2019	GH Design review amend
Rev J May-2019	GH Design review update
Rev I Feb-2019	GH Design review update
Rev H Dec-2018	Design review update
Rev G 21-08-18	Design review update
Rev F 11-08-18	Site Feedback Address
Rev E 01-08-18	Material palette
Rev D 05-01-18	General update
Rev C 06-10-17	B Rega update
Rev B 28-07-17	B Rega update
Rev A 12-06-17	Issue for Construction

Scale of Arch.  
1:50/100

Drawing number	Rev
Eden -160-	M

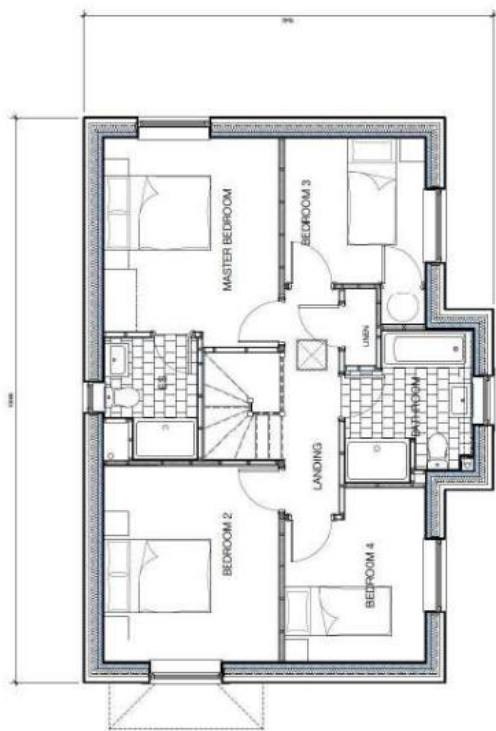


# The Ellen (NG1)

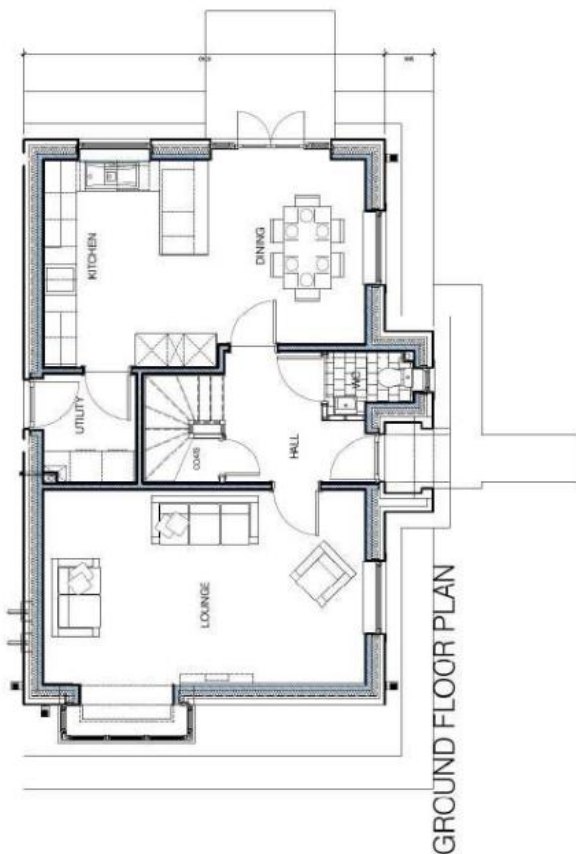
4 Bedroom detached property.

Area	
Ground Floor	60.69 sq m
First Floor	61.06 sq m
Total	121.75 sq m (1311 sq ft).
Garage	14.8 sq m (159 sq ft).

© Genesis Homes 2017



FIRST FLOOR PLAN



GROUND FLOOR PLAN



FLOOR PLANS

PLANNING DWG

The Ellen V1 with attached single Garage.  
4 Bedroom detached property.  
2 Storey.

Area:  
House 121.75 sq m (1310 sq ft).  
Garage 14.8 sq m (159 sq ft).

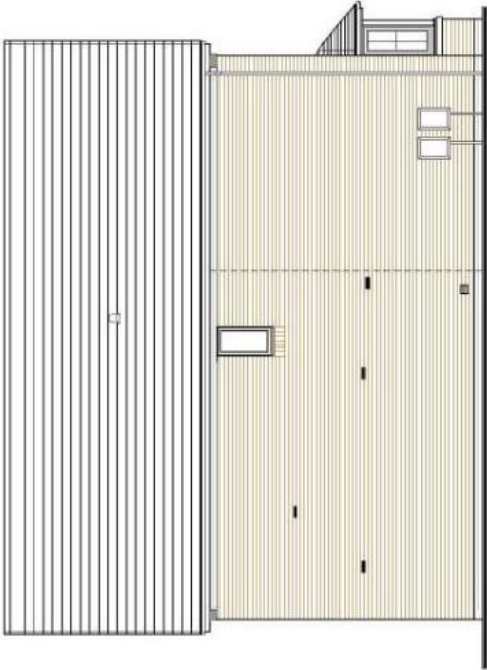
Date: 01 AUG 2017

1:50/100

Drawing number:  
Ellen V1 NG1-110- M

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SIDE ELEVATION



REAR ELEVATION



FRONT/SIDE ELEVATION



FRONT/SIDE ELEVATION





# The Esk Bungalow

3 Bedroom Bungalow.

Area  
Bungalow: 96.62 sq m (1040 sq ft).  
Garage: 13.93 sq m (150 sq ft)



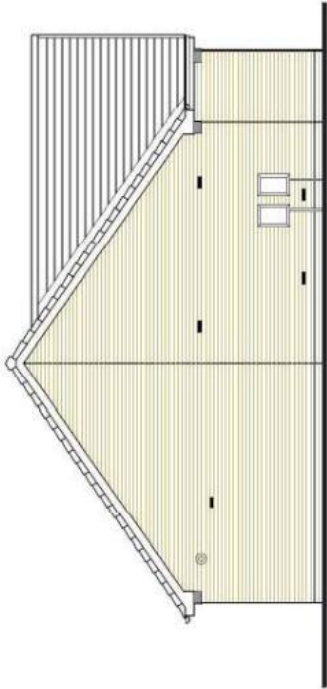
FLOOR PLAN



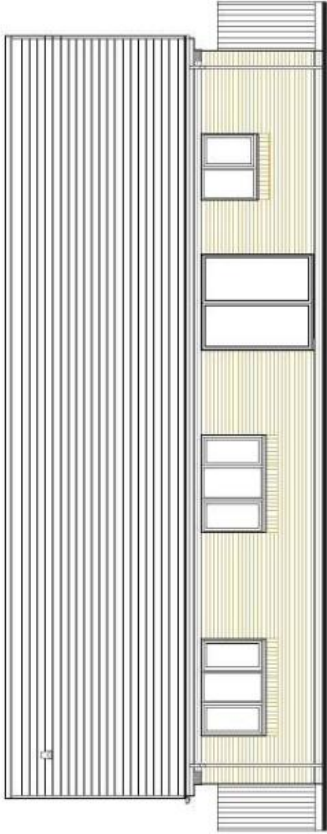
FLOOR PLANS

PLANNING DWG	
The Site	3 Bedroom Bungalow
Area	98.00 sqm (1051 sq ft)
Rev	<div> <div> L Jan-2020 GH Design review amend</div> <div> 1 Mar-2020 GH Design review amend</div> <div> 2 Mar-2020 GH Design review amend</div> <div> 3 Mar-2020 GH Design review amend</div> <div> 4 Mar-2020 GH Design review amend</div> <div> 5 Mar-2020 GH Design review amend</div> <div> 6 Mar-2020 GH Design review amend</div> <div> 7 Mar-2020 GH Design review amend</div> <div> 8 Mar-2020 GH Design review amend</div> <div> 9 Mar-2020 GH Design review amend</div> <div> 10 Mar-2020 GH Design review amend</div> <div> 11 Mar-2020 GH Design review amend</div> <div> 12 Mar-2020 GH Design review amend</div> <div> 13 Mar-2020 GH Design review amend</div> <div> 14 Mar-2020 GH Design review amend</div> <div> 15 Mar-2020 GH Design review amend</div> <div> 16 Mar-2020 GH Design review amend</div> <div> 17 Mar-2020 GH Design review amend</div> <div> 18 Mar-2020 GH Design review amend</div> <div> 19 Mar-2020 GH Design review amend</div> <div> 20 Mar-2020 GH Design review amend</div> <div> 21 Mar-2020 GH Design review amend</div> <div> 22 Mar-2020 GH Design review amend</div> <div> 23 Mar-2020 GH Design review amend</div> <div> 24 Mar-2020 GH Design review amend</div> <div> 25 Mar-2020 GH Design review amend</div> <div> 26 Mar-2020 GH Design review amend</div> <div> 27 Mar-2020 GH Design review amend</div> <div> 28 Mar-2020 GH Design review amend</div> <div> 29 Mar-2020 GH Design review amend</div> <div> 30 Mar-2020 GH Design review amend</div> <div> 31 Mar-2020 GH Design review amend</div> <div> 32 Mar-2020 GH Design review amend</div> <div> 33 Mar-2020 GH Design review amend</div> <div> 34 Mar-2020 GH Design review amend</div> <div> 35 Mar-2020 GH Design review amend</div> <div> 36 Mar-2020 GH Design review amend</div> <div> 37 Mar-2020 GH Design review amend</div> <div> 38 Mar-2020 GH Design review amend</div> <div> 39 Mar-2020 GH Design review amend</div> <div> 40 Mar-2020 GH Design review amend</div> <div> 41 Mar-2020 GH Design review amend</div> <div> 42 Mar-2020 GH Design review amend</div> <div> 43 Mar-2020 GH Design review amend</div> <div> 44 Mar-2020 GH Design review amend</div> <div> 45 Mar-2020 GH Design review amend</div> <div> 46 Mar-2020 GH Design review amend</div> <div> 47 Mar-2020 GH Design review amend</div> <div> 48 Mar-2020 GH Design review amend</div> <div> 49 Mar-2020 GH Design review amend</div> <div> 50 Mar-2020 GH Design review amend</div> <div> 51 Mar-2020 GH Design review amend</div> <div> 52 Mar-2020 GH Design review amend</div> <div> 53 Mar-2020 GH Design review amend</div> <div> 54 Mar-2020 GH Design review amend</div> <div> 55 Mar-2020 GH Design review amend</div> <div> 56 Mar-2020 GH Design review amend</div> <div> 57 Mar-2020 GH Design review amend</div> <div> 58 Mar-2020 GH Design review amend</div> <div> 59 Mar-2020 GH Design review amend</div> <div> 60 Mar-2020 GH Design review amend</div> <div> 61 Mar-2020 GH Design review amend</div> <div> 62 Mar-2020 GH Design review amend</div> <div> 63 Mar-2020 GH Design review amend</div> <div> 64 Mar-2020 GH Design review amend</div> <div> 65 Mar-2020 GH Design review amend</div> <div> 66 Mar-2020 GH Design review amend</div> <div> 67 Mar-2020 GH Design review amend</div> <div> 68 Mar-2020 GH Design review amend</div> <div> 69 Mar-2020 GH Design review amend</div> <div> 70 Mar-2020 GH Design review amend</div> <div> 71 Mar-2020 GH Design review amend</div> <div> 72 Mar-2020 GH Design review amend</div> <div> 73 Mar-2020 GH Design review amend</div> <div> 74 Mar-2020 GH Design review amend</div> <div> 75 Mar-2020 GH Design review amend</div> <div> 76 Mar-2020 GH Design review amend</div> <div> 77 Mar-2020 GH Design review amend</div> <div> 78 Mar-2020 GH Design review amend</div> <div> 79 Mar-2020 GH Design review amend</div> <div> 80 Mar-2020 GH Design review amend</div> <div> 81 Mar-2020 GH Design review amend</div> <div> 82 Mar-2020 GH Design review amend</div> <div> 83 Mar-2020 GH Design review amend</div> <div> 84 Mar-2020 GH Design review amend</div> <div> 85 Mar-2020 GH Design review amend</div> <div> 86 Mar-2020 GH Design review amend</div> <div> 87 Mar-2020 GH Design review amend</div> <div> 88 Mar-2020 GH Design review amend</div> <div> 89 Mar-2020 GH Design review amend</div> <div> 90 Mar-2020 GH Design review amend</div> <div> 91 Mar-2020 GH Design review amend</div> <div> 92 Mar-2020 GH Design review amend</div> <div> 93 Mar-2020 GH Design review amend</div> <div> 94 Mar-2020 GH Design review amend</div> <div> 95 Mar-2020 GH Design review amend</div> <div> 96 Mar-2020 GH Design review amend</div> <div> 97 Mar-2020 GH Design review amend</div> <div> 98 Mar-2020 GH Design review amend</div> <div> 99 Mar-2020 GH Design review amend</div> <div> 100 Mar-2020 GH Design review amend</div> </div>

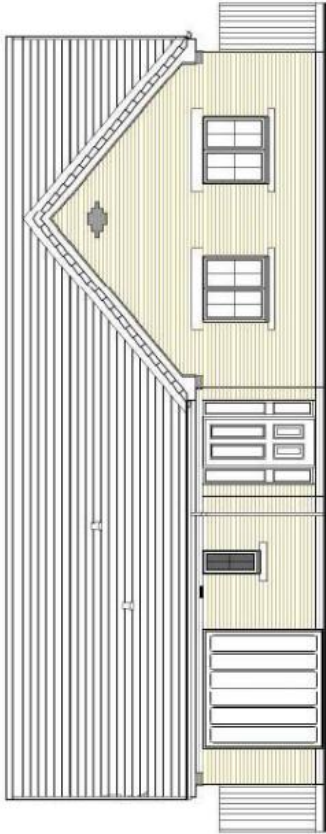
Drawing Number	ESK M42-110-	Rev	L
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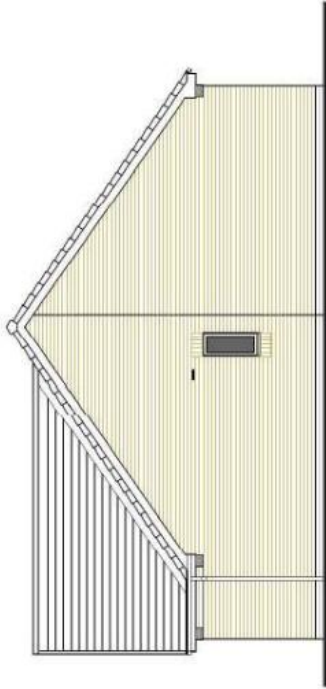
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



ELEVATIONS

Rev L Jan-2020 G1 Design review amend  
Rev K Dec-2019 G1 Design review amend  
Rev J May-2019 G1 Design review amend  
Rev I Feb-2019 G1 Design review update  
Rev H Dec-2019 Drainage review update  
Rev G 21-09-18 Design Review update  
Rev F 11-05-18 Master feedback Added  
Rev E 01-05-18 Master feedback  
Rev D 05-01-18 General update  
Rev C 06-10-17 General update  
Rev B 25-07-17 B Pags update  
Rev A 12-06-17 Issue for Construction

DATE @ A3/15  
1:50/100

Drawing Number  
Esk M42-160- L

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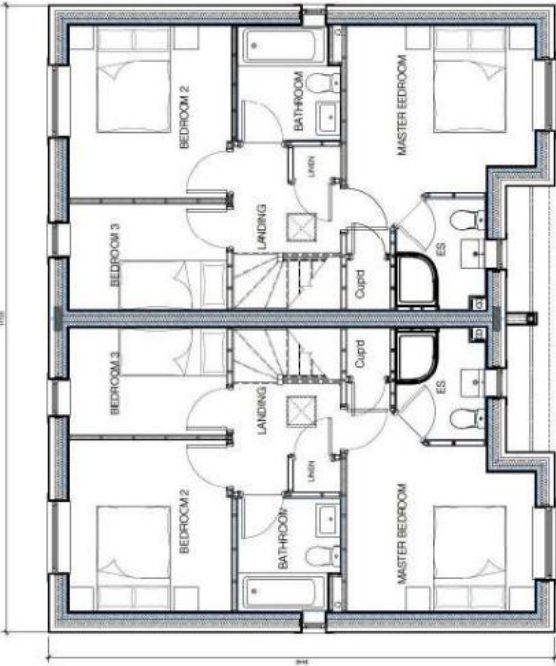


# The Gelt (Semi V2)

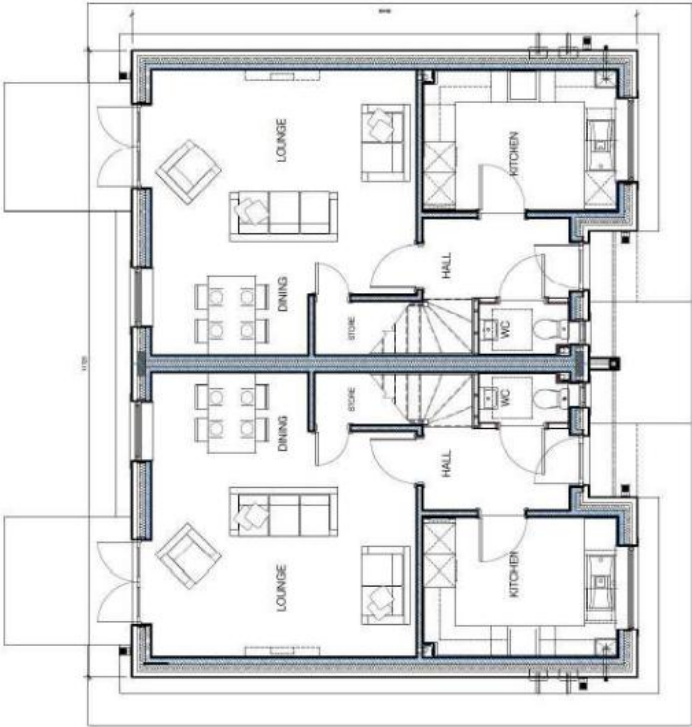
3 Bedroom Semi property.

## Area

Ground Floor 43.68 sq m  
First Floor 43.68 sq m  
Total 87.36 sq m (940 sq ft).



FIRST FLOOR PLAN



GROUND FLOOR PLAN



FLOOR PLANS

PLANNING ISSUE  
The Galt Semi  
3 Bedroom Semi property  
2 Storey  
Area  
House 67.36 sq m (840 sq ft)

- Rev L Jan-2020 Galt Design review amend
- Rev K Dec-2019 Galt Design review amend
- Rev J May-2019 GH Design review update
- Rev I Feb-2019 GH Design review update
- Rev H Dec-2018 Drainage review update
- Rev G 21-06-18 Design Review update
- Rev F 11-06-18 Site Feedback Added
- Rev E 05-06-18 Planning Feedback
- Rev D 05-01-18 General update
- Rev C 06-10-17 B Rega update
- Rev B 28-07-17 B Rega update
- Rev A 12-06-17 Issue for Construction

Scale @ A1:60  
1:50/100  
Drawing number:  
Galt Semi-110- L  
© Genesis Homes 2017





REAR ELEVATION

SIDE ELEVATION



FRONT ELEVATION

SIDE ELEVATION



Rev. L: Jan-2020 GH Design review amend  
Rev. K: Dec-2019 GH Design review amend  
Rev. J: May-2019 GH Design review amend  
Rev. I: Feb-2019 GH Design review update  
Rev. H: Dec-2018 Design review update  
Rev. G: 21-09-18 Design review update  
Rev. F: 11-06-18 Site Feedback Added  
Rev. E: 05-01-18 General update  
Rev. D: 05-01-18 General update  
Rev. C: 06-10-17 B Rugs update  
Rev. B: 28-07-17 B Rugs update  
Rev. A: 12-06-17 Issue for Construction

Scale: 1/4" = 1'-0"  
1:50/100

Sheet number: 160- L  
Galt Semi-160-

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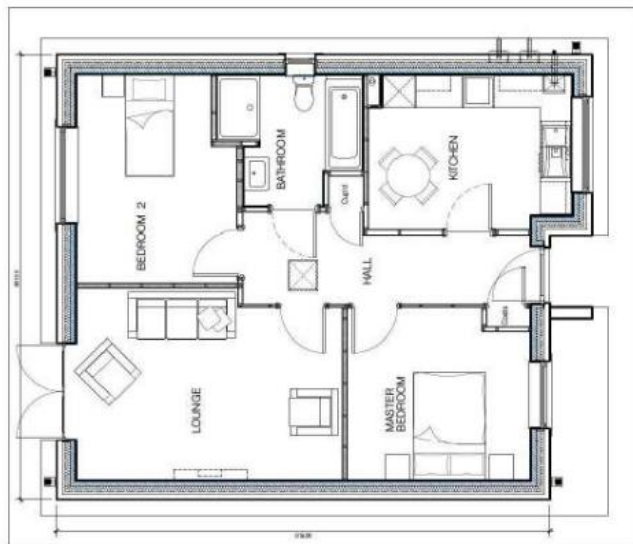


# The Dee

2 Bedroom Bungalow.

Area  
Total 66,01 sq m (711 sq ft).





GROUND FLOOR PLAN



FLOOR PLANS

PLANNING DWG

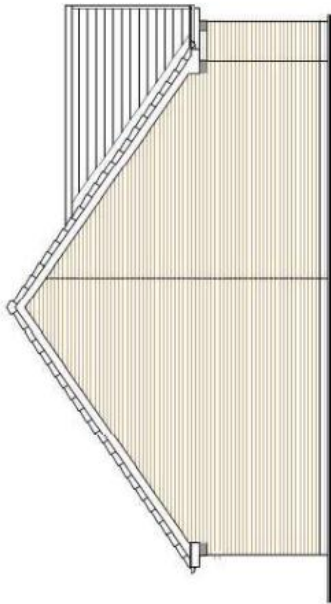
The Doc  
2 Bedroom Bungalow

Area  
House 65.46 sq m (704 sq ft)

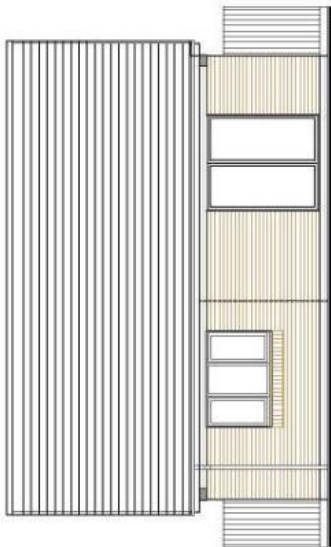
DATE: 09 JUL 2017  
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Drawing number  
Doc M42-110- M

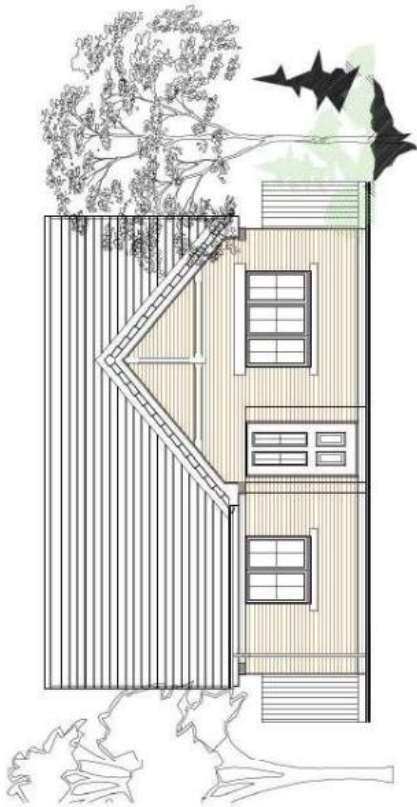
© Genesis Homes 2017



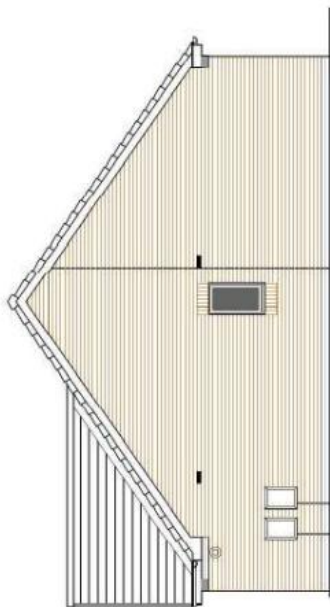
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



ELEVATIONS

Rev M Sep-2020	GH Design review amend
Rev L Jan-2020	GH Design review amend
Rev K Dec-2019	GH Design review amend
Rev J May-2019	GH Design review amend
Rev I Dec-2019	GH Design review amend
Rev H Dec-2019	Design review update
Rev G 21-09-18	Design review update
Rev F 11-06-18	Site Feedback Added
Rev E 01-02-18	Minor Revisions
Rev D 05-01-18	General update
Rev C 12-05-17	General update
Rev B 26-02-17	Revised construction
Rev A 12-06-17	Issue for Construction

Scale: 1/4" = 1'-0"

1:50/100

Drawing number: 1:50/100

Dec M42-160-

M

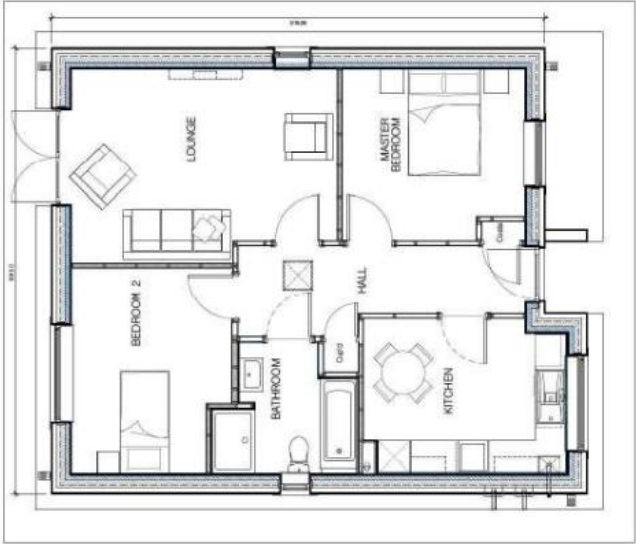
© Genesis Homes 2017



# The Dee (Plot 1 Only)

2 Bedroom Bungalow.

Area  
Total 66.01 sq m (711 sq ft).



GROUND FLOOR PLAN



FLOOR PLANS  
Plot 1 Only

PLANNING DWG

The Dwg  
2 Bedroom Bungalow

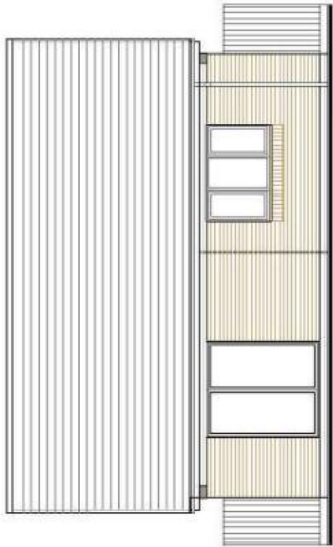
- Rev A Sep-2020 GH Design review amend
- Rev B Jan-2021 GH Design review amend
- Rev C Dec-2019 GH Design review amend
- Rev D Feb-2019 GH Design review amend
- Rev E Feb-2019 GH Design review update
- Rev F Dec-2019 Drainage review update
- Rev G 21-09-18 Design Review update
- Rev H 11-06-18 Site Feedback Added
- Rev I 01-02-18 Minor Revisions
- Rev J 05-04-18 General Update
- Rev K 08-10-17 General Update
- Rev L 28-07-17 B Reps update
- Rev M 12-06-17 Issue for Construction

scale @ A.L.S.  
1:50/100

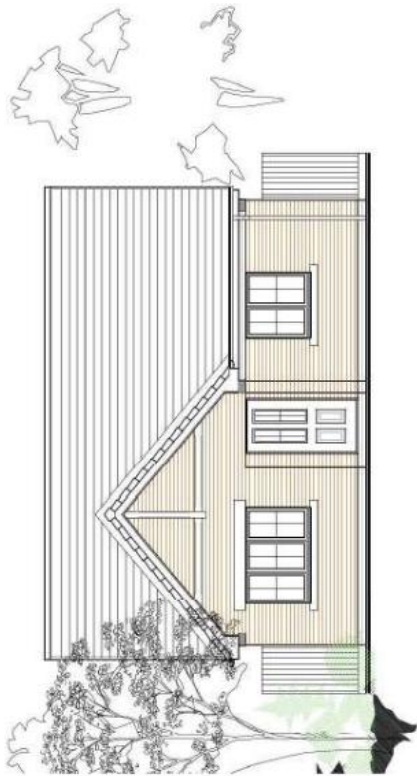
Drawing number	Rev
Dee M42-Plot 1	M



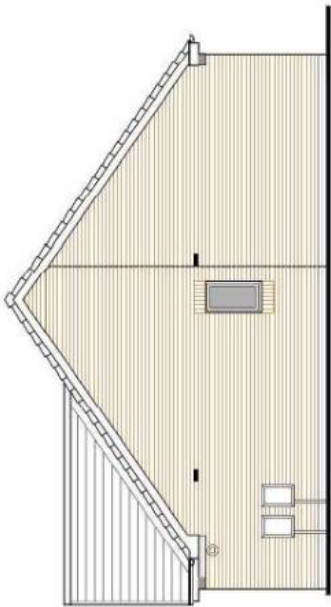
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



ELEVATIONS  
Plot 1 Only

Rev M Sep-2020 G4 Design review amend  
Rev L Jan-2020 G4 Design review amend  
Rev K Dec-2019 G4 Design review amend  
Rev J May-2019 G4 Design review amend  
Rev I Dec-2019 G4 Design review amend  
Rev H Dec-2019 Drainage review update  
Rev G 21-09-18 Design review update  
Rev F 11-05-18 Site Feedback Added  
Rev E 01-02-18 Minor Revisions  
Rev D 05-01-18 General update  
Rev C 12-05-17 General update  
Rev B 28-02-17 B Repairs and Construction  
Rev A 12-06-17 Issue for Construction

Scale 1:50/100  
Drawing number 1-50/100

Plot 1 Only  
Dec M42 Plot 1 M

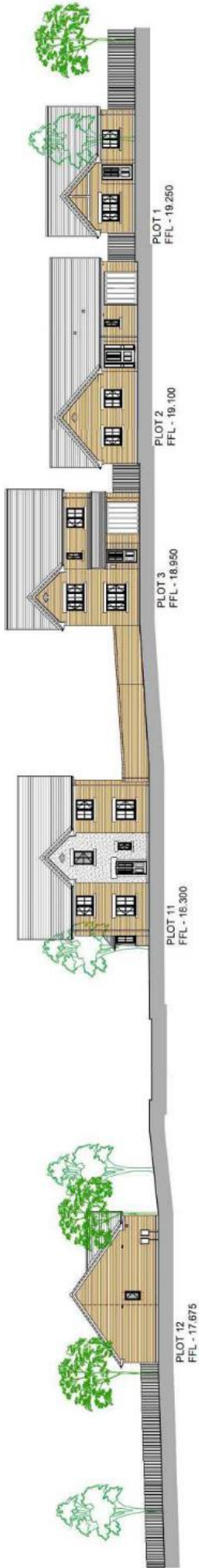
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C Plots 1 re-handled 02.02.21  
B Plots 2 & 3 amended 18.11.20  
A Amendments to reflect latest layout updates 12.11.20

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Aston Business Centre, 440 Street,  
Wolverhampton, West Midlands, B91 6LN  
www.ergo-projects.co.uk  
Stainton Road  
Etterby

Proposed Street Scenes			
REVISION	DATE	BY	APP'D
1	02.02.21	CP	
2	18.11.20	CP	
3	12.11.20	CP	
4	12.11.20	CP	
5	12.11.20	CP	
6	12.11.20	CP	
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100	12.11.20	CP	





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For: Genesis Homes



**TOTAL SITE AREA - GROSS**  
= 4 Acres - 1.65 Hectares

**TOTAL SITE AREA - NETT**  
= 2.25 Acres - 0.92 Hectares

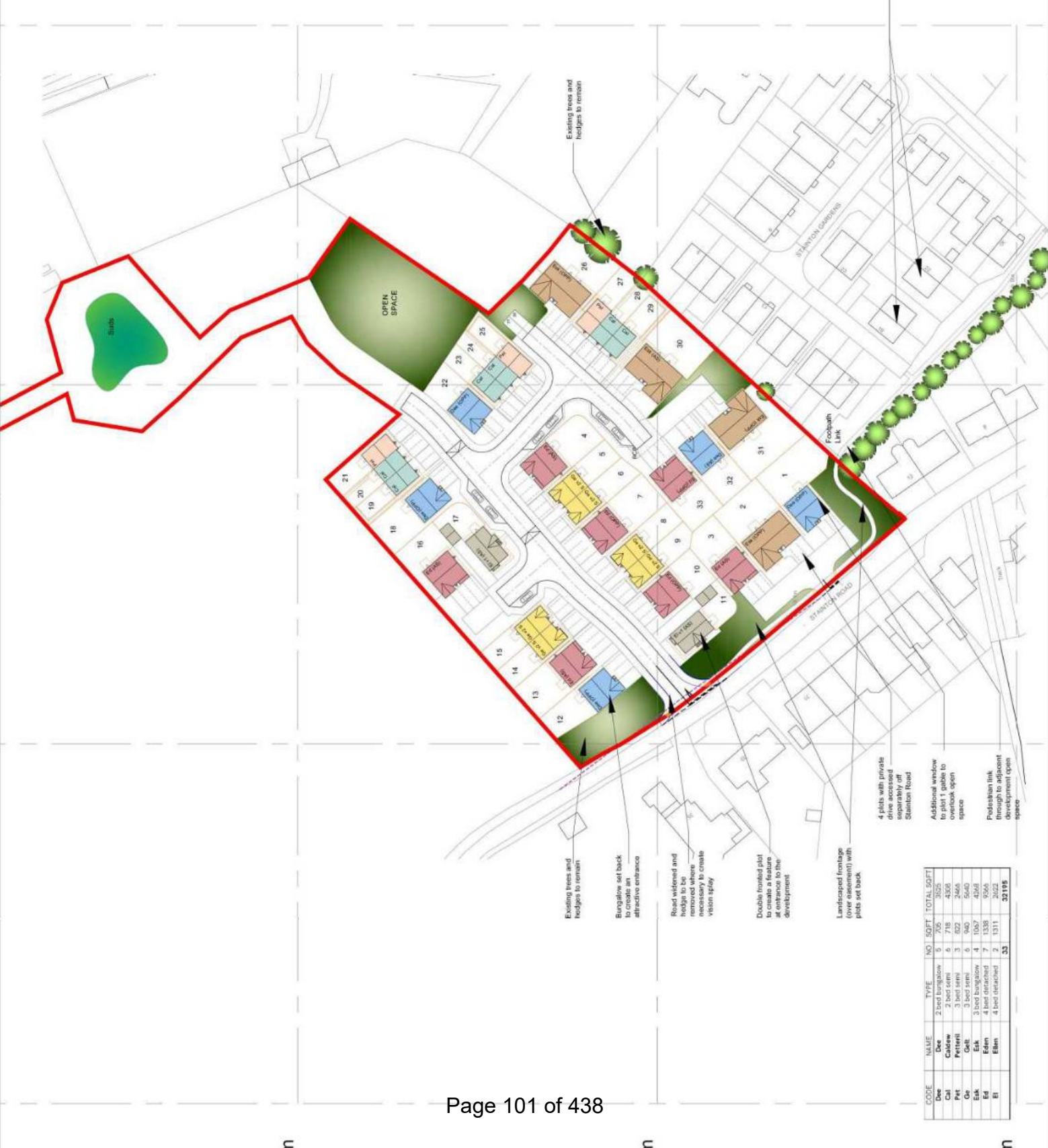


**OPEN SPACE**  
= 0.52 Acres - 0.21 Hectares

557200m

557100m

557000m



- L Footpath dashed line extended and annotation added 02.09.21
- K Discrepancy in House Type Due amended to engineer's drawings 29.07.21
- J Additional visitor parking added and ramps, road road amended 08.04.21
- I Road widened and hedgerow removed 03.03.21
- H Road hump & additional VPA added, plot 1 & 27-29 re-routed, plots 12 & 26 side boundaries amended to 1.1m and 1.2m respectively 02.02.21
- G House types on plots 2, 16, 27-29 amended with a total of 33 plots 17.11.20
- F Rad-line boundary amended to suit new layout and drainage proposals 12.11.20
- E Re-design down to 34 plots 04.11.20
- D Planning Issues 28.10.20
- C Plot 5 & 29 stripped & VP re-located further to request from SM on 13.10.20 13.10.20
- B Layout amended further to meeting on 13.10.20 05.09.20
- A Mx amended per email from SM dated 01.09.20 02.09.20



1911 229 0231  
info@ergoprojects.co.uk  
www.ergoprojects.co.uk

Stanton Road  
Enderby

Proposed Site Layout

Revision  
M1  
L

Date of Revision  
August 2020

Scale  
1:500

Sheet  
A1

Page  
661

002



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**TOTAL SITE AREA - GROSS**  
= 4 Acres - 1.65 Hectares

**TOTAL SITE AREA - NETT**  
= 2.25 Acres - 0.92 Hectares

**OPEN SPACE**  
= 0.52 Acres - 0.21 Hectares



- J Footpath dashed line extended and amended across
- I Discrepancy on House Type One amended to engineer's drawings
- H Heads & cills material added and amended
- G Plot 1 Fence extended further to OPV's
- F Additional visitor parking added and ramp, raised road amended
- E Open Space added and red line boundary amended
- D Road ramp & additional VP's added, 25m of footpath added to the site and site boundaries amended to 1.2m
- C House types on plots 2, 16, 27-29 amended with a total of 23 plots
- B Additional boundary amended to suit new layout and driveway approach
- A Re-design down to 34 plots

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Stainton Road  
Eterby

**Proposed Boundary Treatment and Herd Landscaping Plan**

DATE: 04.11.20  
SCALE: 1:500  
PROJECT: 661 003

### MATERIALS KEY:

- Block 3, 2020**
- 1 Type and color of material to be used
- 2 Main Block - Black, Dark Grey, Ash
- 3 Main Block - Black, Dark Grey, Ash
- 4 Main Block - Black, Dark Grey, Ash
- 5 Main Block - Black, Dark Grey, Ash
- 6 Main Block - Black, Dark Grey, Ash
- 7 Main Block - Black, Dark Grey, Ash
- 8 Main Block - Black, Dark Grey, Ash
- 9 Main Block - Black, Dark Grey, Ash
- 10 Main Block - Black, Dark Grey, Ash
- 11 Main Block - Black, Dark Grey, Ash
- 12 Main Block - Black, Dark Grey, Ash
- 13 Main Block - Black, Dark Grey, Ash
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- 15 Main Block - Black, Dark Grey, Ash
- 16 Main Block - Black, Dark Grey, Ash
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- 27 Main Block - Black, Dark Grey, Ash
- 28 Main Block - Black, Dark Grey, Ash
- 29 Main Block - Black, Dark Grey, Ash
- 30 Main Block - Black, Dark Grey, Ash
- 31 Main Block - Black, Dark Grey, Ash

PROPOSED OPEN SPACE AREAS TO BE MAINTAINED BY MANAGEMENT COMPANY

PROPOSED OPEN SPACE AREAS TO BE MAINTAINED BY MANAGEMENT COMPANY

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PROPOSED OPEN SPACE AREAS TO BE MAINTAINED BY MANAGEMENT COMPANY

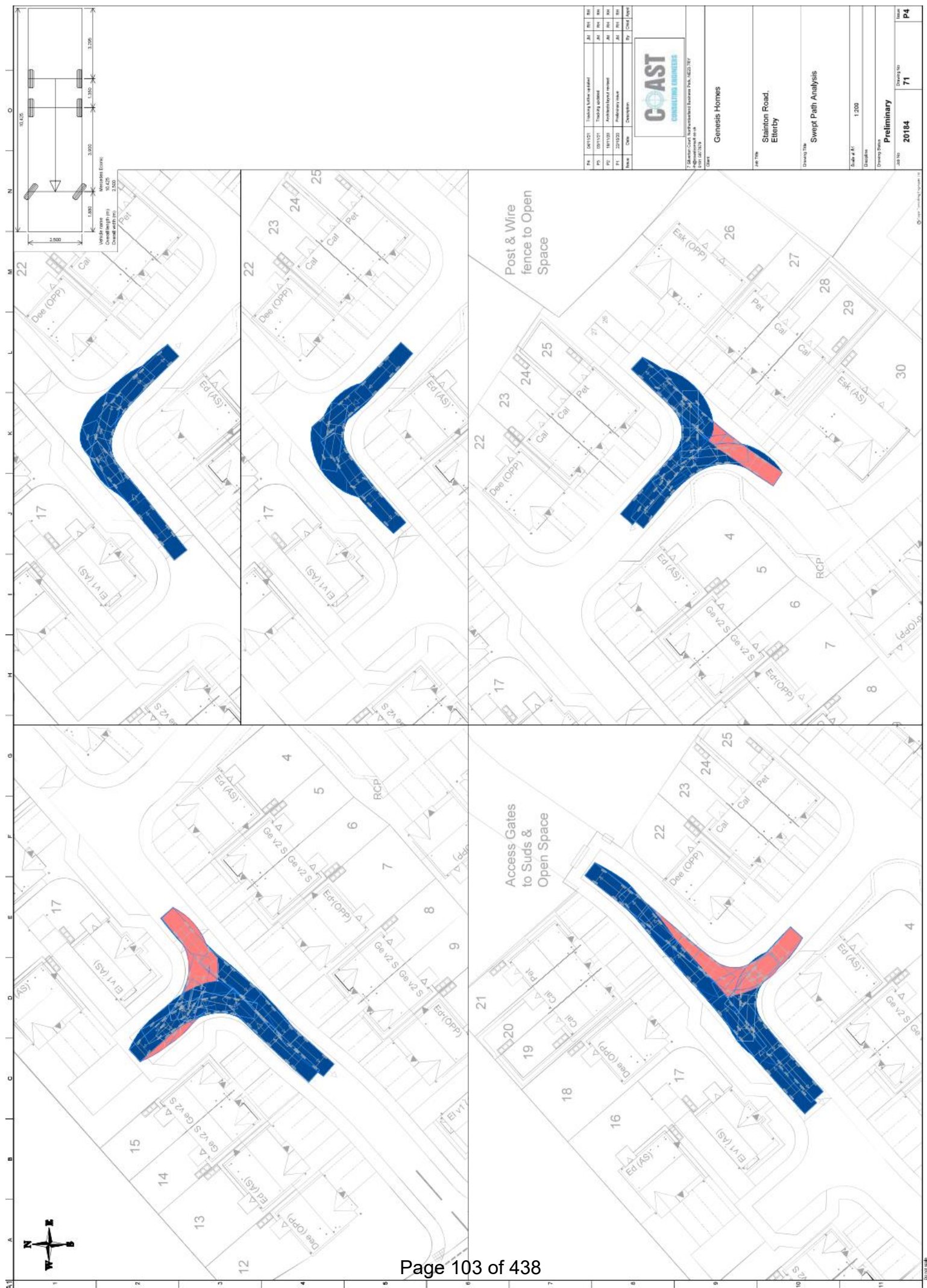
PROPOSED OPEN SPACE AREAS TO BE MAINTAINED BY MANAGEMENT COMPANY

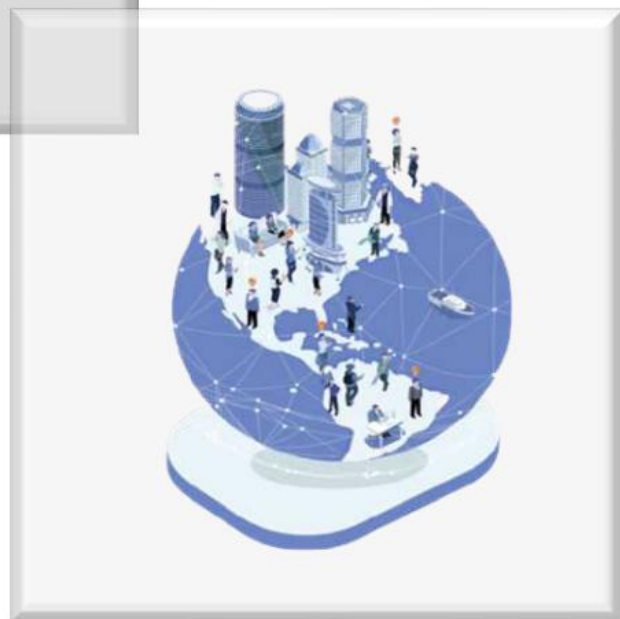
PROPOSED OPEN SPACE AREAS TO BE MAINTAINED BY MANAGEMENT COMPANY

PROPOSED OPEN SPACE AREAS TO BE MAINTAINED BY MANAGEMENT COMPANY

PROPOSED OPEN SPACE AREAS TO BE MAINTAINED BY MANAGEMENT COMPANY







## iTransport technical review

Proposed 33no. Dwellings

Land to the North West of Stainton Gardens, Stainton Road

Etterby, Carlisle

Application Ref: 20/0797

*Creative Minds, Intelligent Thinking*

## 1.0 INTRODUCTION

- 1.1 iTransport Planning, a specialist consultancy of iPRT Group of Companies, has been commissioned by Carlisle City Council to review the traffic and transportation issues associated with the proposed 33no. dwellings on the Land to the North West of Stainton Gardens, Stainton Road, Etterby, Carlisle, Planning Ref: 20/0797

## 2.0 SCOPE OF THIS REVIEW

- 2.1 This review is based on review of the following publicly available reports and drawings:
- Transport Statement (TS) produced by Axis ref: 2886-01-TS01.
  - Proposed boundary treatment and hard landscaping plan produced by Ergo, revision J.
  - Draft plan identifying passing place locations (unreferenced); and
  - Cumbria County Council consultee responses of 25 January 2021, 22 March 2021 and 17 June 2021.
- 2.2 When assessing the traffic, transportation and highway reports and drawings submitted as part of the planning application, iTP considered whether the proposal would have an impact upon the highway in accordance with the National Planning Policy Framework (NPPF), Manual for Street (MfS) and current local and national highway policies including whether:
- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
  - Safe and suitable access to the site can be achieved for all users.
  - The highway network in the area can accommodate the anticipated trip generation; and
  - The development proposal does not result in an unacceptable impact on highway safety or a residual cumulative impact on the road network that is severe and thus should not be refused on transport grounds, as set out in paragraph 111 of the 2021 NPPF.

## 3.0 EXISTING CONDITIONS

### *Local Highway Network*

- 3.1 The TS considered the existing adjoining infrastructure and described the local highway network which, following independent review by iTP, is considered acceptable.

### ***Public Transport***

- 3.2 The nearest bus stops to the Site are located near Etterby Road / Etterby Scaur junction, approximately 720m from the centre of the Site.
- 3.3 On average, Etterby Scaur and Kingmoor Road are served by 2-3 buses per hour Monday to Saturday, and one bus an hour on Sundays.
- 3.4 Further, Carlisle Railway Station is located approximately 3.7km to the southeast of the Site, around 15 minutes' cycle journey via Etterby Road and Etterby Scaur. Carlisle Railway Station is on the West Coast Main Line, and therefore provides direct train services to/from Penrith, Lancaster, Manchester Piccadilly, and Newcastle.

### ***Non-Motorised Accessibility***

#### ***Walking***

- 3.5 The TS considered the existing footways connectivity along Stainton Road and Etterby Rd which provides a possible sustainable option to residents.

#### ***Cycling***

- 3.6 Stainton Road, Etterby Road and Etterby Scaur form part of the National Cycle Network (NCN) Route 7, which includes on-road and off-road cycle lanes. The route provides the opportunity for cycle trips to be made from the Site towards Carlisle, Kingstown, Etterby, Edentown, Moorville and Hadrian's Cycleway. This connectivity provides access to local amenities and employment centres.

### ***Personal Injury Collisions***

- 3.7 Review of the most recent 5 years and concluded that there were no incidents in the vicinity of the Application site, along Stainton Road or Etterby Road. Further, no incidents were recorded that involve vulnerable road users.
- 3.8 An independent review by iTP of the collision and incidents data for the most recent c. 22 years history concluded that no accident cluster can be seen particularly over the bridge and at the 90 degree bend of Stainton Road with Etterby Rd. As such, iTP concur with the submitted TS the findings of which are considered acceptable.

## 4.0 DEVELOPMENT PROPOSALS

- 4.1 The development proposals of 33no. dwellings comprise:
- 2-bed bungalows = 5 dwellings
  - 2-bed semidetached = 6 dwellings
  - 3-bed semidetached = 9 dwellings
  - 3-bed bungalow = 4 dwellings
  - 4-bed detached = 9 dwellings
- 4.2 The main site access takes the form of a single priority junction of 5.5m width, 6m kerblin entry radius and 10m exit radius with 2m footways within the site and on both sides of the site access bellmouth to the tangent point.
- 4.3 To the south, a 1.0m wide footway is proposed along the Site frontage that will connect to the existing link leading to Stainton Gardens, as shown on the layout plan attached in Appendix 1.

### iRecommendation

- 4.4 It is advisable that the minimum footway width be 1.2m to enable parent and child to walk side by side (ref: MfS Figure 6.8) and Cumbria County Council Development Design Guide (Page 20, footway requirement for a Lane).
- 4.5 ***Based on the LHA response of 22<sup>nd</sup> March 2021 this appears to have been offered by the Applicant.***

- 4.6 A separate driveway access will also be created off Stainton Road to serve three dwellings. The driveway will be 6.0m wide and this is acceptable for a private drive; further, all car manoeuvres will take place within the site and residents will be able to enter and egress in forward gear.

### **Visibility Splay and SSD**

- 4.7 Appendix 2 of the TS provided visibility splays of 2.4m x 60 and 2.4m x 90m which are consistent with Cumbria Design Guide requirements.



### **Servicing**

- 4.8 Appendix 3 of the TS provided swept path analysis for 11.347m long 4 axels refuse vehicle, an LGV and a car. The analysis for LGVs and car are broadly acceptable.



### **irecommendation**

- 4.9 The refuse vehicle appears to oversail the parking bay / layby between plots 4 and 17 and appears to touch / collide with the kerbs. Provided the Waste Services department is satisfied with the swept path analysis then no further action is required.
- 4.10 It is also recommended that 1m paved strip be provided to the side of the on-street visitor parking bays to enable passengers to alight onto a paved surface.

### **Trip Generation**

- 4.11 The vehicular trips associated with the proposed development were assessed using the industry standard TRICS database.
- 4.12 The TRICS analysis was independently verified by iTP. The trips rates and associated vehicular movements are deemed acceptable.
- 4.13 The development proposals are predicted to generate 30 and 26 movements (arrival + departure) in the AM and PM peak hours respectively.
- 4.14 The LHA has requested road widening of Stainton Road at three locations to enable the passing of vehicles. The Applicant has accepted this request and agreed the passing places' locations with CCC.



### **irecommendation**

- 4.15 It is recommended that the length of any passing place be confirmed by swept path analysis for large HGV being stationary and fully accommodated at the passing place and passed by a large car.



## 5.0 DEVELOPMENT IMPACT

### *Vehicular*

- 5.1 The development proposals are predicted to generate 30 and 26 movements (arrival + departure) in the AM and PM peak hours respectively.
- 5.2 In fact, the vehicular movement stated in the TS are wrongly quoted in that they included pedestrians, cyclists and public transport users as part of the vehicular movements. Notwithstanding this, the vehicular trips associated with the development will either be travelling north to the A689 or south towards Etterby Scaur hence, the number of vehicular movements in any one direction are likely to be lower than those quoted in the TS.
- 5.3 As a result of the development proposals, passing places are introduced along Stainton Road which will mitigate the development impact and result in betterment to all road users.
- 5.4 Etterby Road have been serving local residents and commuters with no evidence of safety or congestion therefore, the limited number of additional vehicles, potentially one every 3 minutes, is unlikely to be significant or lead to any noticeable congestion or backing up of traffic. In that sense, and taking into consideration the passing places offered, it is unlikely that the residual development impact can be regarded as Severe.

### *Pedestrians and Cyclists*

- 5.5 Based on the Method of Travel to Work Census Data used in the TS, the development is predicted to generate 5 pedestrians (up to 3 travelling to work on foot and up to 2 walking towards bus stops) which is one every 12 minutes. This level of pedestrian movements is unlikely to have a significant impact taking into consideration the footpath connectivity offered by the applicant.

## irecommendation

- 5.6 A short stretch of Etterby Rd, approx. 160m in length, which is equivalent to 2 minutes walking time, lacks any formalised paved footways. Local residents and regular commuters will be familiar with the carriageway limitations however, **it is highly recommended that a financial contribution is considered so that a scheme of signage can be designed and installed in suitable locations to warn and remind drivers of the likelihood of pedestrians on the road.**
- 5.7 Further, Stainton Road, Etterby Road and Etterby Scaur form part of NCN Route 7 which demonstrates that the site is accessible by cycle to employments centres and local amenities within 5km radius, an area which represents a substantial percentage of Carlisle City and it's outlying areas.

- 5.8 Further, Carlisle railway station has 16 cycle spaces which provides for a multi-modal travel option for longer journeys.

#### *Appeal Decision*

- 5.9 Appeal Decision upheld appeals where sites were considered by the LPA as inaccessible by modes of travel other than a car. For example:

- **Appeal Ref: APP/P2935/A/12/2176272** for Medburn in Northumberland where the Planning Inspector concluded

“ Although the small settlement has no facilities of its own, it is not a remote rural location. Whilst it appears that residents generally have private cars and the site is outside convenient walking distance of the shopping, social, educational and employment facilities at Ponteland and Darras Hall, the site appears to be within cycling distance of such facilities and there is a limited regular bus service and school transport. Therefore, the site offers scope for accessing facilities and services by means other than private cars.

- **Appeal Ref APP/Q1825/A/13/2205688** Land of Church Road, Webheath, Redditch, B97 5PG which was **allowed**; Redditch BC refused an up to 200 dwellings application and community centre on a number of grounds and particularly on ‘transport’ sustainability and accessibility. The Council’s highway refusal reasons included:
  - The site is not in a sustainable location (indeed, the Action Group claimed the site was the ‘most unsustainable of the sites reviewed in terms of accessibility to key services and facilities’).
  - Majority of houses would not be within a convenient walking distance of most local services and amenities
  - Site poorly located and poorly connected.

*The Inspectors response was:*

- “
- 10 minutes walking distance (up to about 800m) which residents may comfortably access on foot is not an upper limit and that walking offers the greatest potential to replace short car trips particularly those under 2km.
  - Relatively few people live within walking distance of these facilities [supermarket, secondary schools] and would generally expect to have to use either public transport or the car to access them.
  - The [NPPF] Framework itself is silent on the matter of standards, advocating, instead, the need to reduce travel and giving people a real choice about how they travel. A recent appeal decision highlights the current approach, the inspector finding that a simple yardstick measure of sustainability was too simplistic both in relation to the site and to other considerations relevant to an assessment of sustainability in the wider context.

- *To conclude on this issue, I have already found that, in principle, the appeal site is accessible. The improvements provided by the proposal would further increase its accessibility to local services and facilities, Redditch town centre and beyond.*
- **Appeal Ref APP/X1355/W/16/3165621** Land to the west of Briardene, Cadger Bank, Lanchester, Durham DH7 0HE; Durham County Council refused an up to 52 dwellings application on a number of grounds and particularly on 'transport' sustainability and accessibility. The County Highways Engineers have expressed reservations as to the distance of the site from the village centre in terms of sustainability and criticise its lack of connection and links into the existing residential estates.

*The Inspector concluded:*

- “○ *Being beyond the current edge of the town, it is inevitable that the site will be somewhat further from facilities and services within the built-up area than existing residential areas. Whilst the distance of 600m from the village centre is not in itself unreasonable, the long, steeply sloping nature of the hill would prohibit certain sections of the population from accessing the village on foot or bicycle. The nearest bus stop is in the village centre and a local community bus service is infrequent and runs voluntarily only. It, therefore, seems to me likely that some residents will necessarily rely on the car for transport both into the village and over longer distances for employment or other services.*
- *However, whilst opportunities for walking and cycling to facilities are less than ideal, such a situation is not unusual in a rural area. It is likely that sections of the existing population living on the hill already rely on a car for such journeys. There is no evidence to support the concern that occupants of the affordable units will not have access to a vehicle. Consequently, the issues raised are not in themselves sufficient to rule out the development.*

## 6.0 SUMMARY & CONCLUSIONS

- 6.1 Taking into consideration the locality and scale of development, para 111 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 6.2 The development proposals are predicted to generate 22 and 19 vehicular movements in the peak hours in two different directions. Further, multi-modal residents' movements include up to 3 pedestrians, 2 bus users and 1 cyclists.
- 6.3 The Applicant has provided footpath links of 1.2m width that can be adopted by the LHA, passing places and the site access arrangements including site internals are all accepted by the LHA. Further consideration of the TS included the site's proximity to cycle routes, the NPPF and Appeal Decisions.

6.4 As such, it is our professional opinion that:

- appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location.
- safe and suitable access to the site can be achieved for all users given the type of development and its location.
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current local and national guidance; and
- Potential impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, have been mitigated to an acceptable degree.

6.5 It is advisable that the recommendation offered as part of this review are considered. As the LHA is aware, a development of this scale would not normally be accompanied by a TS however, considering the issues raised in this TR, the residual impact of the development is not considered as Severe and our conclusion is that the Application should not be refused on highway grounds.

## **APPENDIX 1**

### Development Layout Considered









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## SCHEDULE A: Applications with Recommendation

21/0498

Item No: 02

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0498

**Applicant:**  
Drumlister Farming

**Parish:**  
Wetheral

**Agent:**  
Summit Town Planning

**Ward:**  
Wetheral & Corby

**Location:** Land North East of Inglewood Meadows, Wetheral

**Proposal:** Change Of Use Of Agricultural Land For Siting Of 6no. Pods; Formation Of Parking Area And Footpaths; Erection Of Service Building And Bin Store

**Date of Receipt:**  
02/06/2021

**Statutory Expiry Date**  
28/07/2021

**26 Week Determination**  
06/12/2021

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### REPORT

**Case Officer:** Richard Maunsell

### ADDENDUM REPORT

The application was presented to Members of the Development Control Committee on the 22nd October 2021 with a recommendation that the application was approved subject to the imposition of planning conditions.

Following consideration of the application, Members resolved to defer consideration of the proposal in order to allow Officers to negotiate the relocation of parking provision within the site with the applicant and to await a further report on the application at a future meeting of the Committee.

A revised plan has been submitted which is reproduced following this report. The site layout plan shows the parking area moved to a lower section of the site closer to the proposed pods. It also includes the provision of a turning area given the reduction in width of the access and parking area compared to the previously proposed parking area. A section of the proposed site layout is also included in the drawing.

The following commentary has also been submitted in support of the revised drawing and states:

*“As you will be aware, in order to license the Site, the Fire Service will be consulted. The fire tender can reverse a maximum of 20m and the pods must be within 45m of the nearest point of the first tender. Therefore the turning circle will allow a fire*

*tender to get within 45m of the furthest pod and provide a turning area in line with their requirements. The turning circle is the smallest one possible for the requirements of the fire service.*

*Questions were also raised in regards to the water from the hot tubs. This will be stored in an underground tank and piped back to the farm after 2 days (i.e. when the chemicals have dissipated) in order to provide additional water for washing down the cow sheds which is considered to be environmentally friendly and will have some impact on reducing the water requirement for the farm."*

In addition to the concerns and policy references highlighted in the discussion by Members at the meeting, the agent has submitted the following:

*"GI1 - Landscapes notes that proposals will be assessed against the Cumbria Landscape Character Guidance and toolkit in regards to key characteristics, distinctiveness and capacity for change.*

*The site is located in Sub type 5c which is rolling lowland. The Toolkit notes that hedges and hedgerow trees for strong field patterns and are sensitive to change - these are unaffected in the current proposal. Changes in farming practices to more intensive cropping and hedgerow removal. This is not the case in this area.*

*It is noted that there are opportunities to soften development with a stronger landscape framework which this application promotes, in line with the Toolkit public rights of way are unaffected and work has been done on the farm to ensure that they remain safe whilst stock is in the fields.*

*It is not considered that there is any conflict with this proposal given the position of the pods in the landscape and the proposed planting which will strengthen the location and add biodiversity.*

*EC9 - Arts, Culture, Tourism and Leisure development notes that development should contribute to the tourism offer of the District and support its economy.*

*The application is for 6 pods with bed spaces for a total of 12 people and parking for 6 cars. This is considered to be completely compatible within a farm of over 215 acres and adjacent to a village of over 4500 people. There are excellent opportunities to access public transport, cycling and long distance walking and the application will support the local economy in terms of visitors to local pubs etc.*

*EC10 - Caravan, Camping and Chalet Sites supports the development of such where clear justification has been provided as to why the development in the location, siting and scale does not have an unacceptable adverse impact on local landscape, it is contained within existing landscape features. Has adequate access and parking and flood risk is taken into consideration.*

*The scheme has been placed on an area of the farm which has great connectivity to Wetheral village, the public transport therein is available within walking distance as are the facilities. It is on an area of the farm which is already heavily influenced by an existing footpath network and the land form means that the pods can sit below the view point of anyone looking over them.*

*This is the type of location which is encouraged by the Planning System where development is sustainable and contained.*

*SP6 - Securing Good Design aims to retain trees and hedgerows on site, topographical features, ensure the site is accessible to all, include landscaping etc.*

*The site has been designed to provide an accessible development which sits within the topography of the field, employs landscape opportunities and retains all trees and hedgerows which further mitigate any potential view of the pods.*

*SP8 - Blue and Green Infrastructure. The scheme is not within a valued landscape as defined by any planning or Natural England. It is noted that there is a presumption against the loss of green infrastructure which fulfils a valuable function. In this case the land is farmland contained within a footpath network and of no protected landscape value. In accordance with the policy, provision is made to increase the green infrastructure value of the site by increased planting which will enable biodiversity to improve and also increase ecological connectivity by offer wildlife and alternative corridor.*

*It is maintained that, in line with the Officer's previous committee report, the proposal is fully compliant with policy contained within the Carlisle Local Plan 2015-30."*

In addition to the appended report, the Council for Protection of Rural England/ Friends of the Lake District (CPRE) has raised concerns that whilst their objection has been reproduced in the Summary of Consultation Responses, the issues raised in an objection from a neighbouring landowner is only summarised in the Summary of Representations. The neighbouring landowner is a charity organisation for heritage conservation and as such, isn't a statutory consultee. Similarly, the CPRE isn't a statutory consultee and also should perhaps appear in the Summary of Representations; however, notwithstanding these issues raised, Members have previously been provided with copies of third party representations and that all information has been made available either through this or the report.

## **Conclusion**

The amended drawing shows the provision of adequate parking and turning facilities within the site whilst according with the necessary standards which apply to such holiday accommodation, including access by emergency vehicles. Additionally, through the revisions, the development would be on a lower section of the site and would have a further reduced impact on the character and appearance of the landscape.

If Members are content with the proposal subject to the revised wording for these conditions, it is recommended that the application is approved with condition 2 listing the approved documents being varied to include the revised drawing.

## **COMMITTEE REPORT FOR 22nd October 2021 MEETING**

### **1. Recommendation**

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

## **2. Main Issues**

- 2.1 Principle Of Development
- 2.2 Whether The Scale, Design and Impact On The Character And Appearance Of The Area is Acceptable
- 2.3 The Impact Of The Development On The Grade I And Grade II Listed Buildings
- 2.4 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Impact On Highway Safety
- 2.6 Impact On The Public Rights Of Way
- 2.7 Impact On Veteran Trees
- 2.8 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.9 Development And Flood Risk
- 2.10 Biodiversity

## **3. Application Details**

### **The Site**

- 3.1 The application site comprises of a 0.7 hectare parcel of land that is currently in agricultural use and is located to the south of Wetheral. The land is accessed from an existing field access that leads from the road linking from Wetheral to the B6263 Wetheral to Cumwhinton Road via the unclassified road 1185 which passes the Wetheral Abbey Gatehouse which itself is to the north of the site.
- 3.2 The land itself slopes down from west to east towards the River Eden that is located further to the east. It is flanked by a hedgerow along the frontage and public footpaths to the east and west.
- 3.3 The River Eden is designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The woodland further to the east is itself designated as an Ancient Woodland.

### **The Proposal**

- 3.5 This application seeks planning permission to change the use of the land to facilitate the development for holiday accommodation. The proposal would utilise the existing vehicular access to the land. Within the site, it is further proposed to form a hardstanding area that would serve as a parking area adjacent to which would be a timber framed bin storage area and timber service building. Access would then link from the car park to a track to the east that would be formed parallel with the camping pods. The site would be incorporate planted bunds and screen planting.
- 3.6 The pods would be sited in a linear form from north to south and orientated

to face south-east. The pods would be of timber construction with a curved roof and would comprise of a living and kitchen area, double bedroom and W.C. Each pod would be served by an outdoor hot tub.

- 3.7 The foul drainage would be served by a treatment plant with the surface water discharging into a soakaway.

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

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of one property. In response, 36 representations have been received objecting to the application and the main issues raised are summarised as follows:

1. the proposed development would necessitate significant changes to the topography of the meadow. These earthworks, together with the urbanisation of the field with access road, parking areas, amenity building and glamping pods would significantly harm the unspoilt appearance of the area;
2. the current locality is unspoilt and it is difficult to see how the development would be compatible;
3. the site is visible from the Abbey Prior Gatehouse which is a Grade I listed building and English Heritage has been informed;
4. the views from neighbouring properties are across undeveloped fields;
5. uninterrupted views across open countryside from neighbouring properties will be spoilt by the access to the car park and the movement of vehicles;
6. the value of the application site along with Abbey Priory Gatehouse, Abbey Farm and neighbouring properties will be compromised as well as the surrounding countryside;
7. the applicant suggest that this will support farm income but there is no farm currently located on the land. It appears that this is the applicant's intention but in this case, there is no necessity for income diversification.
8. the proposal in no way contributes to the development and/ or protection of the arts, cultural, tourism and leisure officer in this location;
9. the proposed development is not ancillary to an established leisure attraction and is unrelated. The application site does not support the expansion of tourist and visitor facilities nor is there an identified need for such in this specific location;
10. Policy SP2(8) requires that development will be assessed against the need to the in the location specified, this is omitted from the application;
11. there is no justification with accommodation needs being met via existing establishments;
12. the application site is not a suitable location being outside the settlement boundary of the village;
13. the application site is visible from Abbey Priory Gatehouse which is a Grade I listed building of significant national historic interest. The location of the gatehouse is integral to the character of the local landscape;
14. the applicant's claim that no heritage assets would be affected by the proposal is incorrect. Various Court judgements, in particular, the Barnwell Manor Wind Energy Ltd v East Northamptonshire District

- Council and others (EWCA Civ 137), confirm that considerable importance and weight must be given to preserving the setting of a listed building;
15. the siting of the pods would be detrimental to the unrestricted views south from the gatehouse and would destroy this;
  16. the development will result in an increase of vehicles and noise from car engines, doors, together with shouting and singing on the site;
  17. the development is designed to provide an outdoor experience which then increase noise from people socialising;
  18. the area is largely free from light pollution which would not be the case if the development proceeds;
  19. the Speed Survey was taken during Covid-19 lockdown. The roads do not support additional vehicle activity compounded by vehicles which park on the verges in the immediate area;
  20. additional vehicles will lead to concerns about safety of residents and children walking in the locality;
  21. the development will be visible from properties in The Glebe which are high value and having been purchased for the peace, tranquillity and historic views;
  22. whilst the pods are for two persons, they can be booked by groups and used in conjunction with one another;
  23. the preservation of wildlife habitats is a concern;
  24. surface water run-off from the site is already high and this will increase into the River Eden, a SSSI;
  25. there are no other buildings on the site and or landscape feature which would make the development acceptable;
  26. no objection in principle but there are numerous negative impacts to the wider community demonstrably outweigh the specific financial benefits to the applicants;
  27. the proposed site is agricultural land lying within the boundaries of Wetheral village, but is not in the Wetheral Local Plan (WLP) for any form of development. No camping site was included. If it were, residents would oppose inclusion of a holiday campsite, most specifically at this specific location;
  28. the data used to calculate visibility splays does not correspond to observed data;
  29. the road at the proposed access point is narrow, being single lane in places, with high hedges, and is situated close to a 90 degree bend. Visibility for the multiple vehicles entering and exiting the site on a daily basis is severely limited, to a much greater degree than suggested in the application;
  30. with 6 pods and a capacity of 24 guests, the development will get noisy, particularly as the prevailing wind is from the south or west, thereby affecting neighbouring properties;
  31. due to the topography, any guests will be able to look in the houses and gardens of neighbouring properties.

- 4.2 A petition against the application containing six signatories has been received raising some of the above issues and citing that the application is contrary to Policies SP1, SP6, EC9, EC10 and EC11 of the local plan.

- 4.3 In addition, 50 representations have been received supporting the application and the main issues raised are summarised as follows:
1. the development is an excellent use of poor farming land and would provide great for the growth of the village;
  2. this is an excellent diversification scheme and local business should be supported;
  3. this will bring tourists which will support the economy and local businesses, restaurants and shops;
  4. the development will be a great rural asset showing the rural beauty of the area;
  5. six pods will be a minuscule adverse effect on local services;
  6. the site has a safe access with good views of oncoming vehicles;
  7. employment could be provided to the local community.
- 4.4 Two representations have been received commenting on the application and the issues raised are summarised as follows:
1. based on the Wildlife Assessment Checker, the application should include a preliminary ecological appraisal due to the location immediately adjacent to the River Eden SSSI/ SAC. As the site lies within the SSSI Impact zone and within 500 metres of the SAC Natural England should be consulted on the likely impacts of the development?;
  2. if the application is approved at some time then all paths, roads and parking areas should be constructed from natural materials such as gravel to enhance the agricultural setting of the development. No tarmac or concrete.
  3. there is mention in the application that no artificial outside lighting will be used. Natural lighting is starlight, moonlight and sunlight but does not include solar powered filament lighting which is classified as artificial.
  4. most planning inspectors apply little weight to screening using natural materials such as hedges, trees, etc because they're not permanent and are subject to disease, dieback, etc.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority - Footpaths):** - public footpath 138060 follows an alignment to the west side and Public footpath 138063 follows an alignment to the east side of the proposed development area and must not be altered or obstructed before or after the development has been completed;

**Cumbria County Council – (Highway Authority):** - the following response has been received:

### Local Highway Authority

A Speed Survey has been carried out with results provided enabling to use the 85th percentile. Parking provisions have been provided and the Transport Form has been completed and submitted.

The access would require the appropriate permit in place for a commercial junction access to form the access from the highway into the site. The road leading to the site is a single track route with no passing places.

Outline drainage plan has been submitted with the Drainage Strategy, showing to soakaway as shown in Appendix A Drawing No. 7010 200.

Refuse bin storage has been provided (general waste and green waste collections), a refuse vehicle will only enter a site if it is possible to turn around within the site, and normally only if the road is adopted.

A PROW (public footpath/ bridleway/ byway) number 138060 & 138063 lies adjacent to/ runs through the site, the applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works. For any closures or diversions the applicant should contact the Countryside Access Team for the appropriate permit.

#### Lead Local Flood Authority (LLFA)

The LLFA has records of minor surface water flooding to the site and the Environment Agency (EA) surface water maps indicate that the site is adjacent to an area of risk flood zone 2, the council should consult with the Environment Agency regarding flood risk assessment.

A drainage plan has been submitted with the Drainage Strategy, to soakaway Appendix A Drawing No. 7010 200. The trial test and calculations are satisfactory.

#### Conclusion

The Highways Authority has no objection to the proposed, but recommend the imposition of highway conditions;

**Wetheral Parish Council:** - the parish council objects to the application.

The committee feels that Abbey Lonning is not suitable for an access point. The road is single track, winding and gets excessively busy at weekends and through the summer months, with users from the nearby playing fields and also walkers using the footpaths. Passing places are frequently occupied by parked cars.

There is no farmhouse building near the site, and as such, the committee has concerns regarding monitoring of the site for nuisance behaviour and noise, especially after hours.

The committee does not believe that policies EC9, EC10 and EC11 have been complied with and consider that this decision should be made by the Development Control committee rather than a Planning Officer. A site visit is requested to allow members to fully appreciate the nature of the site and the proposed access road;

**Planning - Access Officer:** - no response received;

**Local Environment - Environmental Protection:** - if planning permission was granted a Site licence under the Caravan Control and Development Act 1960 must be applied for before commercial use of the site;



**Natural England:** - the following has been received:

Habitats Regulations Assessment

A Habitats Regulations Assessment is required due to the proximity to the River Eden SAC. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. Due to the close proximity of the above European site a HRA is required to determine potential impacts which is a requirement under the Conservation of Habitats and Species Regulations 2017.

Construction Environmental Management Plan

Construction Environmental Management Plan. Appropriate pollution prevention guideline measures should be incorporated to include materials and machinery storage, biosecurity, and the control and management of noise, fugitive dust, surface water runoff and waste to protect any surface water drains and the SAC from sediment, and pollutants such as fuel and cement.

Package Treatment Plant

The application states that foul sewerage will be discharged to a Package Treatment Plant. Consideration should be given to the location of the PTP and associated drainage field if discharging to ground. Consultation with the Environment Agency to obtain the necessary permit is required for discharges to ground within 50 metres, or surface water within 500 metres of a designated site.

Ancient woodland, ancient and veteran trees

The council should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Biodiversity Net Gain

Government policy is progressing to reverse the trend of biodiversity decline, which has continued to occur despite planning policy aimed towards no residual loss in biodiversity. This includes the revised NPPF 2019 which sees a strengthening of provision for net gain through development. Defra have also consulted on updating planning requirements to make it mandatory within the forthcoming Environment Bill. This is following the publishing of Defra's 25 Year Environmental Plan, in which net gain through development is the first key objective.

Natural England therefore recommend the proposals seek to achieve biodiversity net gain, over and above residual losses which should be accounted for and addressed. With careful planning this should be

achievable for this development given its scale and opportunity for extensive blue/green infrastructure. Natural England recommend the current Biodiversity Metric 2 be used to calculate the net gain in biodiversity for individual planning proposals. Due to the proximity to Ancient Woodland areas of scrub/ woodland could be created to increase habitat connectivity, this application could also create some wild flower rich grassland meadow in the surrounding fields.

A further response was received once a Habitats Regulations Assessment was sent to them which reads:

*“Natural England agree with the conclusions made in the HRA, that there is unlikely to be an adverse impact on the River Eden SAC as long as the planning condition of the production of the CEMP is secured to ensure that there is no water pollution.”;*

### **Council for Protection of Rural England/ Friends of the Lake District: -**

#### Principle

The site is clearly physically and visually separate from the edge of Wetheral and is therefore in the open countryside for the purposes of planning and specifically in this case, local plan policy SP2. SP2 is clearly directly relevant to the proposal (especially point 8) but is not mentioned in the planning statement submitted. SP2 focuses new development within Carlisle, followed by the main towns and villages, then the rural settlements. Point 8 states that *“within the open countryside, development will be assessed against the need to be in the location specified”*. Paragraph 3.30 elaborates, stating *“[t]his approach is necessary to ensure that sustainable patterns of development prevail and that importantly unnecessary and unjustified encroachment into and urbanisation of the District’s countryside and fine landscapes is avoided, in keeping with the objectives of national policy”*.

Policy EC10 relates specifically to caravan, camping and chalet sites. It complements policy SP2, specifically requiring that such proposals will be supported where there is *“clear and reasoned justification as to why the development needs to be in the location specified”*.

The proposed development site is in the open countryside and the application has not provided clear and reasoned justification as to why it needs to be at the particular location proposed as opposed to a location more aligned with the spatial strategy set out in SP2. It therefore represents unnecessary and unjustified encroachment into the countryside and the proposed development in this location is in conflict with the local plan in principle.

#### Landscape and Heritage

In addition to the requirement mentioned above, policy EC10 also requires that *the siting, scale or appearance of the proposal does not have an unacceptable adverse impact on the character of the local landscape, or upon heritage assets or their settings and that the site is contained within existing landscape features*.

Policy GI1 values all landscapes for their intrinsic character and protects them from harmful or inappropriate development “*particularly those areas less able to accommodate significant change*” and requires proposals to be assessed against the Cumbria Landscape Character Guidance and Toolkit (the Toolkit). The site in question lies within landscape type 5c: Rolling Lowland as identified in the Toolkit and immediately adjacent the River Eden and type 8a: Gorges. The site is very reflective of the distinctive characteristics described for 5c, which include a strong vernacular character; a largely agricultural landscape, open, rolling topography; parkland; pasture and woodland. The importance of the River Eden is highlighted and the parklands at Corby Castle are referred to specifically. The Toolkit expressly states that in type 5c “*parkland and woodland in the farmland and alongside rivers are sensitive to changes in farming practices. Tranquility is greatest along rivers and is sensitive to development or farming intensification. The strong red sandstone vernacular of small nucleated villages is sensitive to changes from unsympathetic village expansion.*” This site is farmland/pastureland adjacent the River Eden and adjacent ancient woodland and forms part of the landscape setting of the historic nucleated settlement of Wetheral. It lies on the opposite river bank from Corby Castle and it’s designated parkland and is in a tranquil area characterised by the red sandstone vernacular. It is not contained by existing landscape features. The introduction of modern glamping pods and associated activity, noise, lighting (including light spillage), surfacing works, structures and car parking at this prominent, open location would directly conflict with the guidance in the Toolkit and would erode the character of this landscape and so conflicts directly with policy GI1.

As well as being in very close proximity to the River Eden and Tributaries SSSI, within its impact risk zone (as covered in others’ responses to this application) and within the identified Network Enhancement Zone associated with the SSSI and woodland as part of the Local Nature Recover Strategy, the site is immediately adjacent semi-natural Ancient Woodland and contains a Veteran Tree (with two others and one notable tree also very nearby). Much of this information, including the presence of the Ancient Woodland and Veteran Trees on-site or nearby is not recognised in the application and therefore cannot be said to have been properly assessed or considered in the proposals.

Habitats, including woodlands and individual trees, are an important part of the make-up of the landscape and landscape character and play a fundamental role in the ecology and biodiversity of the area. The impact of development on habitats includes direct physical impacts such as the felling of trees to make way for development and impacts on root protection areas, but also includes indirect impacts such as disturbance through increased human activity, noise and lighting as in the case of this proposal. These indirect impacts, which can occur even where proposals lie outside the habitat, can result in deterioration of the habitat as a result and must be taken into account alongside any direct impacts. In relation to Ancient Woodland and Veteran Trees, the NPPF (and local plan policy GI3 supported by para. 10.27) only allows for loss or deterioration of these irreplaceable habitats in wholly exceptional circumstances and only then, where appropriate compensation is provided. The Woodland Trust’s Planners’ Manual for

Ancient Woodland and Veteran Trees is also a useful guide, including on how indirect impacts should be accounted for and considered.

The site lies in close proximity to and within the settings of multiple built heritage assets, including a Conservation Area, various Grade I, II and II\* listed buildings, Scheduled Monuments and a Registered Park and Garden. The public footpaths around the site link and/or offer views of a number of these assets thus provide an opportunity to experience them as a collection or related group and as part of the experience of exploring and understanding the important historic and cultural landscape around Wetheral. The Visit Cumbria website makes much of this in their article on visiting Wetheral.

To place a modern glamping development and associated parking and service structures in this prominent position would compromise the settings and experience of these heritage assets, individually and as a linked group of key elements in an historic landscape. The policies in section 9 of the local plan clearly seek to protect and enhance the heritage assets and important historic landscapes of the area in line with the NPPF.

Many of the heritage assets, and the fact that the proposal lies in their settings, are not mentioned in the application, so again it is not possible to conclude that impacts on these assets or their settings have been properly assessed or considered in the proposals. Great weight must be given to the conservation of designated heritage assets, and even less than substantial harm to their significance must be weighed against public benefits following an explicit (demonstrably applied) application of the presumption against allowing that harm (Hughes v. SLDC). It is not clear how 6 glamping pods, available for stays only to those paying a private individual for the privilege, would amount to public benefits capable of outweighing such harm.

The application cites the NPPF's presumption in favour of sustainable development but fails to note that as per para. 3.5 of the local plan, "*the presumption [in favour of sustainable development] does not apply to development affecting sites protected under the Birds and Habitats Directives and/or land designated, amongst others, as a Site of Special Scientific Interest (SSSI) .designated heritage assets.*

### Conclusion

The proposal conflicts with the local plan in principle being in open countryside and without clear justification of a need to be in that location. In addition, it is clear that the site is characteristic of landscape type 5c and is an area within this type that is identified as being particularly sensitive to development. The proposal would introduce a non-vernacular form of development, along with associated noise, lighting, activity and urbanising service elements (hard-standing, car parking, access routes, bin stores etc) into a prominent position in open countryside in a peaceful and historic rural landscape. It would impact upon: views from public roads and footpaths; a SSSI; ancient woodland; veteran trees and the setting, views and experience of several designated heritage assets. Furthermore, the presence of these factors and thus the resulting impacts of the development on them and on the landscape overall have not been fully acknowledged or assessed in the

application. On this basis, we urge that the application is refused. We strongly support the comments of the National Trust in relation to this application, although we note their comments have been recorded as a 'public comment' rather than as a comment from a significant, relevant, long-standing National stakeholder organisation;

#### **Woodland Trust: -**

##### Ancient Woodland -

Natural England and the Forestry Commission defines ancient woodland "*as an irreplaceable habitat [which] is important for its: wildlife (which include rare and threatened species); soils; recreational value; cultural, historical and landscape value [which] has been wooded continuously since at least 1600AD.*"

It includes: "*Ancient semi-natural woodland [ASNW] mainly made up of trees and shrubs native to the site, usually arising from natural regeneration*

*Plantations on ancient woodland sites – [PAWS] replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi"*

##### Veteran Trees -

Natural England's standing advice on veteran trees states that they "*can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are irreplaceable habitats with some or all of the following characteristics... A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value.*"

##### Damage to Ancient Woodland -

The Woodland Trust objects to planning application 21/0498 on the basis of potential disturbance and detrimental impact to Wetheral Woods (grid ref: NY46795380), an Ancient Semi Natural Woodland designated on Natural England's Ancient Woodland Inventory (AWI). There are also concerns regarding potential impact to a veteran tree recorded on the Ancient Tree Inventory (ATI no: 187909).

##### Planning Policy -

The National Planning Policy Framework, paragraph 175 states: "*When determining planning applications, local planning authorities should apply the following principles:*

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;*

Footnote 58, defines exceptional reasons as follows: "*For example, infrastructure projects (including nationally significant infrastructure projects,*

*orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.”* There is no wholly exceptional reason for the development in this location and as such this development should be refused on the grounds it does not comply with national planning policy.

The council should also have regard for Policies GI3 (Biodiversity and Geodiversity) and GI6 (Trees and Hedgerows) of the Carlisle District Local Plan with respect to the protection of ancient woods and trees.

#### Impacts to Ancient Woodland

This application is for the construction of six pods within close proximity to an area of ancient woodland. Natural England has identified the impacts of development on ancient woodland or veteran trees within their standing advice. This guidance should be considered as Natural England’s position with regards to development impacting ancient woodland:

*“Nearby development can also have an indirect impact on ancient woodland or veteran trees and the species they support. These can include:*

- *breaking up or destroying connections between woodlands and veteran trees*
- *reducing the amount of semi-natural habitats next to ancient woodland and other habitats*
- *increasing the amount of pollution, including dust*
- *increasing disturbance to wildlife from additional traffic and visitors*
- *increasing light pollution*
- *increasing damaging activities like fly-tipping and the impact of domestic pets*
- *changing the landscape character of the area”*

When land use is intensified such as in this situation, plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular, the habitats become more vulnerable to the outside influences, or edge effects, that result from the adjacent land’s change of use. These can impact cumulatively on ancient woodland - this is much more damaging than individual effects.

The Woodland Trust are specifically concerned about the following impacts to the ancient woodland:

- intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling, litter, and fire damage;
- noise and dust pollution occurring from adjacent development, during both construction and operational phases;
- where the wood edge overhangs public areas, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees;
- adverse hydrological impacts can occur where the introduction of hard-standing areas and water run-offs affect the quality and quantity of surface and ground water. This can result in the introduction of harmful pollutants/contaminants into the woodland.

Neither an arboricultural impact assessment nor an ecological impact assessment has been completed to accompany this application. As such, we request that until such time as these reports are submitted, the application is delayed or refused due to lack of information.

The proposal will likely result in the discharge of treated sewage within the ancient woodland. The Environment Agency (2021) has produced updated guidance on discharge points and states the following: *"You cannot meet the general binding rules if the new discharge will be in an ancient woodland or in or within 50 metres of any:*

- special areas of conservation;
- special protection areas;
- Ramsar wetland sites;
- biological sites of special scientific interest (SSSI).

*If you have or are planning to start a new discharge to ground in or near a protected site, you must connect to the public foul sewer when it's reasonable to do so. You must apply for a permit if it's not."*

#### Mitigation \_

Detrimental edge effects have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges. As such, it is necessary for mitigation to be considered to alleviate such impacts.

Natural England's standing advice for ancient woodland, states: *"Mitigation measures will depend on the development but could include:*

- improving the condition of the woodland
- *putting up screening barriers to protect woodland or ancient and veteran trees from dust and pollution*
- noise or light reduction measures
- protecting ancient and veteran trees by designing open space around them
- *identifying and protecting trees that could become ancient and veteran trees in the future*
- rerouting footpaths
- removing invasive species
- buffer zones"

#### Buffering \_

This development should allow for a buffer zone of at least 15 metres to avoid root damage and to allow for the effect of pollution from the development. The council should ensure that the width of the proposed buffer is adequate to protect the adjacent ancient woodland. HERAS fencing fitted with acoustic and dust screening measures should also be put in place during construction to ensure that the buffer zone does not suffer from encroachment of construction vehicles/stockpiles, and to limit the effects of other indirect impacts.

This is backed up by Natural England's standing advice which states that

*“you should have a buffer zone of at least 15 metres to avoid root damage.”*

#### Veteran Trees

The proposed development will also be sited adjacent to a tree recorded as a veteran on the Ancient Tree Inventory (ATI no: 187909). It is not clear from the information provided as to whether the veteran tree will be afforded a full root protection area (RPA) or if there is likely to be impact from the proposals.

Trees are susceptible to change caused by construction/development activity. As outlined in *Trees in relation to design, demolition and construction, BS 5837:2012*, the British Standard for ensuring development works in harmony with trees, construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard.

However Natural England's standing advice states that *“a buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter.”*

#### Conclusion

The Woodland Trust objects to this planning application unless the applicant is able to ensure that the ancient woods and trees on site are afforded buffer zones in line with Natural England's Standing Advice;

**Historic England - North West Office:** - the following response has been received:

#### Historic England Advice

The site of the proposed development of 6 camping pods, a parking area and footpaths, a service building and bin store lies less than 200m to the south of Wetheral Priory Gatehouse, effectively separated from it by only a single field boundary.

Wetheral Priory Gatehouse is the major visible surviving remnant of the buildings of a small Benedictine Priory, founded in the 12th century and dissolved in 1538. The gatehouse itself dates from the later medieval period, and was probably rebuilt following damage sustained in Scottish raids. Its significance, as the main surviving feature of the medieval priory, is recognised by its scheduling as an ancient monument (National Heritage List for England entry number 1007904) as well as its listing in Grade I (NHLE entry number 1087695).

The gatehouse is of three storeys, with domestic accommodation on the upper two. It enjoys wide views from the windows on those upper storeys, with those to the south, in particular, being unencumbered by any form of modern development. No information is provided as to the extent to which the



proposed development might be visible from the upper storey of the Gatehouse. With its regularly spaced 'pods', car-parking area and hard-surfaced paths, the proposals appear rather 'suburban' in design, and rather alien to a location in open countryside. Their potential appearance in views would certainly impact negatively upon the setting of the gatehouse, and would constitute a degree of harm to it.

Government advice, as set out in section 16 of the National Planning Policy Framework (NPPF) is that any harm to designated heritage assets from development within their settings requires clear and convincing justification (paragraph 194), and that where a development will lead to less than substantial harm, that harm should nevertheless be weighed against the public benefits of the proposal (paragraph 196).

In this instance, it is not possible to say, on the basis of the information submitted with the application, that the proposed development would not cause harm to the setting of the gatehouse. We consider that further information is required concerning the potential visibility of the development from the gatehouse, in the form of photographs or, preferably, a visualisation showing the view towards the application site. It is recommended that the application should not be determined until this additional information has been supplied, and the council and consultees have had the opportunity to consider it.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds. Historic England consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194 and 196 of the NPPF.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purposes of the determination of this application is The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (NPPG) are also material planning considerations in the determination of this application and the Carlisle District Local Plan 2001-2016 from which Policies SP1, SP2, SP6, SP7, EC9, EC10, HO6, IP2, IP3, IP6, CC4, CC5, CM5, HE3, GI1 and GI3 are of particular relevance. Section 66 of the Planning (Listed buildings and Conservation Areas) Act 1990 and the Cumbria Landscape Character Guidance and Toolkit (2011) are also material planning considerations. The proposals raise the following planning issues.

### **1. Principle Of Development**

- 6.3 Paragraph 7 of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 8 and 9 explaining that achieving sustainable development means that the planning systems has three overarching objectives: economic, social and environmental. All of which are interdependent and need to be pursued in mutually supportive ways. Economic growth can secure higher social and environmental standards with planning decisions playing an active role in guiding development towards solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.4 Paragraph 10 of the NPPF states:
- “So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).”*
- 6.5 Paragraph 11 requires that for decision-taking this means:
- “c) approving development proposals that accord with an up-to-date development plan without delay”*
- 6.6 To support a prosperous rural economy, paragraph 84 outlines that planning policies and decisions should enable: *“a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”.*
- 6.7 Paragraph 85 recognises that: *“sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”.*
- 6.8 The aforementioned paragraphs of the NPPF are reiterated in Policy EC10 of the local plan all of which seek to support sustainable rural tourism and leisure developments where they respect the character of the countryside and where identified needs are not met by existing facilities in rural services centres. Specifically, in relation to caravan, camping and chalet sites, Policy EC10 of the local plan highlights that proposals for the development of

caravan sites and the extension of caravan sites will be supported subject to compliance with the criteria identified within the policy, namely that 1) clear and reasoned justification has been provided as to why the development needs to be in the location specified; 2) the siting, scale or appearance of the proposal does not have an unacceptable adverse effect on the character of the local landscape, or upon heritage assets or their settings; 3) the site is contained within existing landscape features and if necessary, and appropriate, is supplemented with additional landscaping; 4) adequate access and appropriate parking arrangements are provided; and 5) the potential implications of flood risk have been taken into account when necessary.

- 6.9 The applicant began establishing a farm steading at the end of 2020 and to this end, has obtained consent for and erected a livestock building with ancillary infrastructure including feed silos, tracks and effluent storage facilities. In addition, temporary planning permission has been granted for residential accommodation on the site. The applicant states that this will provide an additional financial revenue stream into the business. Additionally, the site is well related to Wetheral as far as such developments go and is accessible to a range of shops and facilities as well as by alternative means of transport. As such, the principle of development is considered to be acceptable. The remaining planning issues raised by the proposal are outlined in the following paragraphs.

## **2. Whether The Scale, Design and Impact On The Character And Appearance Of The Area is Acceptable**

- 6.10 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.”*

- 6.11 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).”*

- 6.12 The site is designated within the Cumbria Landscape Character Guidance and Toolkit as being within Sub Type 8a ‘Gorges’. The key characteristics of these landscapes are described as:
- a deep linear sandstone gorge;
  - fast flowing river with waterfalls;
  - outcrops of steep rocky cliffs;
  - hanging woodlands cling to the gorge sides;
  - large concentrations of ancient semi-natural birch woodland and occasional coniferous;
  - impressive views into the gorge from adjacent high ground.
- 6.13 In terms of development, the document requires that:
- ensure new development on the edges of settlements is sited and designed to reflect the traditional village form and character and maintains a rural setting. Maintain key views from villages to the River Eden;
  - ensure new development elsewhere, such as caravan parks, respects the scale and traditional form of other development. Ensure that new buildings are integrated into the landscape through careful siting, design and the use of appropriate materials;
  - ensure any small scale hydro electric schemes are sensitively sited and do not erode the generally undeveloped character of the landscape, or harm any nature conservation interests.
- 6.14 Policy SP6 of the local plan requires that development proposals demonstrate a good standard of sustainable design that responds to local context taking account of established street patterns, making use of appropriate materials and detailing and reinforcing local architectural features to promote and respect local character and distinctiveness.
- 6.15 The development comprises of six timber holiday pods that would each have a steel frame and timber finish. By the nature of the amount of accommodation provided, the buildings are small in scale and the curved roofs further reduce any visual impact. The buildings would be part way

along the slope of the site. The hardstanding areas and ancillary buildings would be well-related to the holiday accommodation. The development would be viewed from the public highway as well as the footpaths in the locality; however, it would also be supplemented by a landscaping scheme. In the context of the development, the scale, design and use of materials would be appropriate to the character and appearance of the property, would not appear obtrusive within the wider character of the area and the proposal is compliant with policies in this regard.

### **3. The Impact Of The Development On The Grade I And Grade II Listed Buildings**

- 6.16 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

#### **Impact Of The Proposal On The Character And Setting of the Grade I and II Listed Buildings**

- 6.17 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.18 Paragraph 201 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.19 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.20 Wetheral Abbey Gatehouse is located approximately 160 metres to the north of the application site and is a Grade I listed building. It is a 15th century stone fortification. The prior was founded at the start of the 12th Century and the gatehouse controlled the entrance to its outer courtyard. The building is important due to its historical significance and well-maintained condition.
- 6.21 To the north of the gatehouse, or rear when viewed from the application site,

is Wetheral Abbey Farm which comprises a series of Grade II listed buildings. These are similarly important although less prominent within the landscape as it sits at a much lower level but is described by Historic England as:

“Model farm, 1857 by James Stewart of Carlisle, incorporating elements of a medieval priory and a post-medieval farmstead; the eastern part was demolished mid-C20.”

- ii) the effect of the proposed development on the settings of the Grade II listed buildings

- 6.22 Also in the locality of the site is Corby Castle, which is a Grade I listed building approximately 360 metres to the north-east of the application site. The siting description reads as follows:

*“Castle. C13 tower house encased in later buildings: additions c1630 and c1690, with present facade built between April 1812 and September 1817, by Peter Nicholson for Henry Howard. red sandstone ashlar, slate roofs. 3 storeys, 5 bays to south front, which has tetrastyle ashlar, slate roofs. 3 storeys, 5 bays to south front, which has tetrastyle Greek Doric porch, flanked by arcaded loggia above which is a central tripartite window and a Diocletian window on 2nd floor. West face of 3 storeys, 7 bays, has open Greek Doric loggia connected to central recessed bays: both facades have cornice surmounted by the corby lion (heraldic device of the Howard family). Interior includes; Grecian entrance hall with moulded plasterwork to ceilings and niches; 1720's main staircase of 3 flights, with twisted balusters and ramped handrail; medieval spiral staircase in original tower; mural paintings of Alpine scenes by Matthew Nutter of Carlisle, in bedrooms. Set in grounds laid out between 1708 and 1729 by Thomas Howard, incorporating many buildings and features listed separately. See Country Life, 7 January 1954, p.32-35, 14 January, p.92-95.”*

- ii) the effect of the proposed development on the settings of the Grade II listed buildings

- 6.23 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA). The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

- 6.24 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 200). However, in paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 6.25 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.26 An application has been submitted for outline planning permission for residential development of a site that is allocated for development in the local plan, approximately 130 metres to the west of the Gatehouse. The land rises steeply on a small embankment and then plateaus and there is landscaping on the eastern boundary of the application site.
- 6.27 Similarly, in respect of the application for holiday accommodation, the road rises as it travels away from the gatehouse towards the site and sweeps round to the right. The fields are flanked by established hedgerows which provide screening from the site to a greater or lesser degree depending upon the time of year.
- 6.28 Given the topography of the land, the distance and intervening trees and hedges, the application site and the Gatehouse are not read in the same context and would be very little alteration, if any, from any of the upper floor window openings of the Gatehouse. In the context of Corby Castle, this is further away from the application site than the Gatehouse or Wetheral Abbey Farm and is separated by intervening trees. Additionally, Corby Castle is located immediately adjacent to the east of a wooded area next to the river thereby further shielding any views from the west. As such, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

#### **4. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties**

- 6.29 Development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. There are no properties immediately adjacent to the site, the nearest being Wetheral Abbey Farm, approximately 195 metres to the north, properties in The Glebe that are 210 metres to the north, Maple Tree House (adjacent to the community centre) 280 metres to the north-west and Byrehill, which is approximately 370 metres to the east on the opposite side of the River Eden.
- 6.30 The ambient noise levels in this locality are relatively low during the day and would be even more so during the evening. There is the potential that any noise or disturbance from the site could travel down the river valley thereby affecting the amenity of the occupiers of residential properties. The proposed accommodation comprises of small glamping pods capable of accommodating two persons. There are no additional facilities proposed on

the site and therefore by its very nature, in this tranquil location, the site is unlikely to attract groups of young people. Although noise and disturbance are not exclusive to young persons, it is considered appropriate that a condition is imposed to require the submission and agreement of a suitable management plan that could include issues such as prohibiting booking large groups and how noise complaints would be managed etc.

## **5. Impact On Highway Safety**

- 6.31 The site is served by an existing vehicular access and dedicated parking would be provided to serve the holiday units. Cumbria County Council, as the Local Highways Authority initially raised queries in respect of vehicles movements and requested the submission of a Transport Form. A subsequent response has raised no objection to the application subject to the imposition of several conditions, including one for the provision of visibility splays.
- 6.32 Although the area is prone to parking of vehicles by persons using the sports facilities and the local footpaths, the development comprises of six holiday units. As previously stated, the site is close to whether there are alternative transport links. Consequently, it is unlikely that the development would give rise to significant vehicle movements that would exacerbate an already existing problem to such a degree as to result in any highway safety issues.

## **6. Impact On The Public Rights Of Way**

- 6.33 Cumbria County Council has advised that a public footpath follows an alignment to the west of the site and a different public footpath follows a alignment to the east of the site. Essentially, the development site comprises a parcel of land between the two footpaths. The development would not alter or obstruct the public's right of way over these footpaths but notwithstanding this, a note is included advising the applicant of this obligation unless an appropriate temporary closure or other relative consent is sought from the county council.

## **7. Impact On Veteran Trees**

- 6.34 A Pedunculate Oak is a veteran tree (ID number 187909) and is located in the north-east corner of the site, approximately 28 metres east of the centre of the access. The development is to the west and south of the access and as such, the tree would be unaffected by this development.
- 6.35 There is also an ancient woodland to the east of the application site next to the River Eden. This is physically separated from the application site itself; however, the public have a right of access through it by means of the public right of way which passes through it. The addition of six units of holiday with the potential of an additional 12 persons using the footpath and passing through the woodland would be a very minor increase in the numbers of persons using the footpaths would not result in any harm to this protected area. The siting of the pods themselves and the formation of any



hardstanding would not physically affect this woodland. The imposition of appropriate conditions, as detailed later in this schedule, includes appropriate construction measures that would safeguard the adjacent woodland as well as biodiversity matters.

## **8. Whether The Method of Disposal of Foul And Surface Water Are Appropriate**

- 6.36 In accordance with the NPPF and the NPPG, surface water should be drained in the most sustainable way. The NPPG clearly outlines the hierarchy when considering a surface water drainage strategy with the following drainage options in order of priority:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
- 6.37 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form, submitted as part of the application, outlines that surface water would be to a sustainable drainage system and the foul drainage would be to a package treatment plant.
- 6.38 The applicant has included a Drainage Strategy which includes details of the package treatment plant and surface water drainage arrangements, including percolation test results. Cumbria County Council as the Lead Local Flood Authority has confirmed these details are acceptable and raised no objection. If consent is required from the Environment Agency to discharge into the River Eden, this is a separate consenting process to the determination of this planning application.

## **9. Development And Flood Risk**

- 6.39 This site lies within adjacent to an area designated as Flood Zone 2; however, as the site is not within the Flood Zone there is no requirement for the submission of any additional information or further consultation.

## **10. Biodiversity**

- 6.40 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.

- 6.41 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. Following the initial consultation response from Natural England, the council undertook a Habitats Regulations Assessment (HRA) which provides information to enable 'screening' of the project with respect to its potential to have a likely significant effect on Natura 2000 Sites.
- 6.42 The HRA is a screening process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant. Its purpose is to consider the impacts of a land-use plan against conservation objectives of the site and to ascertain whether it would adversely affect the integrity of the site. If found to be significant, the next stage of an Appropriate Assessment is triggered. Having outlined the screening assessment, the HRA concludes that:

*"For the reasons identified above, it is considered that the proposed development will not have any harmful impacts on the special nature conservation interests of the European sites concerned either in isolation or in combination with any other project or plan. Providing the implementation of pollution prevention measures, no likely significant effects upon any Natura 2000 Site as a result of the proposed development are predicted alone or in-combination with any other project or plan."*

- 6.43 This is, however, subject to the recommendation that a Construction Environmental Management Plan is included within any planning permission that may be issued. Following further consultation with Natural England, the HRA was accepted and no objection has been received. In addition to the condition, an Informative should be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **Conclusion**

- 6.44 In overall terms, the principle of holiday accommodation on the site is acceptable in this location. The scheme would be supplemented by additional landscaping and the scale, layout and design would be appropriate to the site and would not result in an adverse impact on the character or appearance of the area.
- 6.45 The development does not raise any issues in terms of the heritage assets in the locality and subject to the imposition of conditions no biodiversity issues are raised. As a consequence of the landscaping, the site would benefit from biodiversity net gain.
- 6.46 No highway or drainage issues are raised by this proposal. Subject to the imposition of a management plan, in the context of the site, the amenity of the occupiers of the neighbouring properties would not be adversely affected. In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

## **7. Planning History**

- 7.1 There is no planning history relating to this application site.

## **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 19th May 2021;
  2. the Location Plan received 1st June 2021 (Drawing no. 20-161-08);
  3. the Proposed Camping Pods received 9th November 2021 (Drawing no. 20-161-07B);
  4. the Drainage Strategy received 25 August 2021;
  5. 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. Prior to the commencement of development hereby approved, a Construction Environmental Management Plan shall be submitted to and agreed, in writing, by the local planning authority. This shall include (where appropriate):
- noise management measures;
  - 1. details of the installation of appropriate protective barriers;
  - 2. details of the storage of materials/ vehicles;
  - 3. details of checks of vehicles and other plant for leaks;
  - 4. static plant to be placed on drip trays;
  - 5. preparation of cement and other construction materials;
  - 6. waste minimisation and management measures;
  - 7. bio-security measures to prevent the introduction of disease and invasive species;
  - 8. measures to prevent pollution including the management of site drainage such as the use of silt traps during construction;
  - 9. the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread of invasive species;
  - 10. the construction hours of working;
  - 11. wheel washing, vibration management;
  - 12. dust management;
  - 13. vermin control;
  - 14. vehicle control within the site and localised traffic management;

15. protocols for contact and consultation with local people and other matters to be agreed with the local planning authority.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without the prior written agreement of the local planning authority.

**Reason:** To ensure that the construction of the development is undertaken in an appropriate manner and does not adversely effect ecologically sensitive areas in accordance with POLICY GI3 of the Carlisle District Local Plan 2015-2030.

4. A landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority prior to the development being brought into use. The scheme shall include details of the following where relevant (this list is not exhaustive):

16. new areas of trees and shrubs to be planted including planting densities;

1. new groups and individual specimen trees and shrubs to be planted;
2. specification/age/heights of trees and shrubs to be planted;
3. existing trees and shrubs to be retained or removed;
4. any tree surgery/management works proposed in relation to retained trees and shrubs;
5. any remodelling of ground to facilitate the planting;
6. timing of the landscaping in terms of the phasing of the development;
7. protection, maintenance and aftercare measures.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the occupation of any holiday accommodation hereby approved, a Holiday Accommodation Management Plan shall be submitted to and approved in writing by the local planning authority. The shall includes details (but not exclusively) of:

8. the booking arrangements;

- the booking agency;
- details regarding group bookings and ages;
- measures to deal with troublesome guests;
- details of pet allowance;
- maintenance of the accommodation
- fire precautions for the site;
- noise policy;
- details of use of the hot tubs;
- details of arrival and departure arrangements.

**Reason:** In the interests of the general amenity of the area in accordance with Policies EC9, EC10 and CM5 of the Carlisle District Local Plan 2015-2030.

6. The premises shall be used for let holiday accommodation and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

**Reason:** To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

7. The premises shall not be used as a second home by any person, nor shall it be used at any time as a sole and principal residence by any occupants.

**Reason:** To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

8. The manager/owner shall keep a register to monitor the occupation of the holiday unit subject of this approval. Any such register shall be available for inspection by the local planning authority at any time when so requested and shall contain details of those persons occupying the holiday unit, their name, normal permanent address and the period of occupation

**Reason:** To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

9. The development shall not commence until visibility splays providing clear visibility as shown on Drawing No. 20-161-07A. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

10. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

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

11. 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.

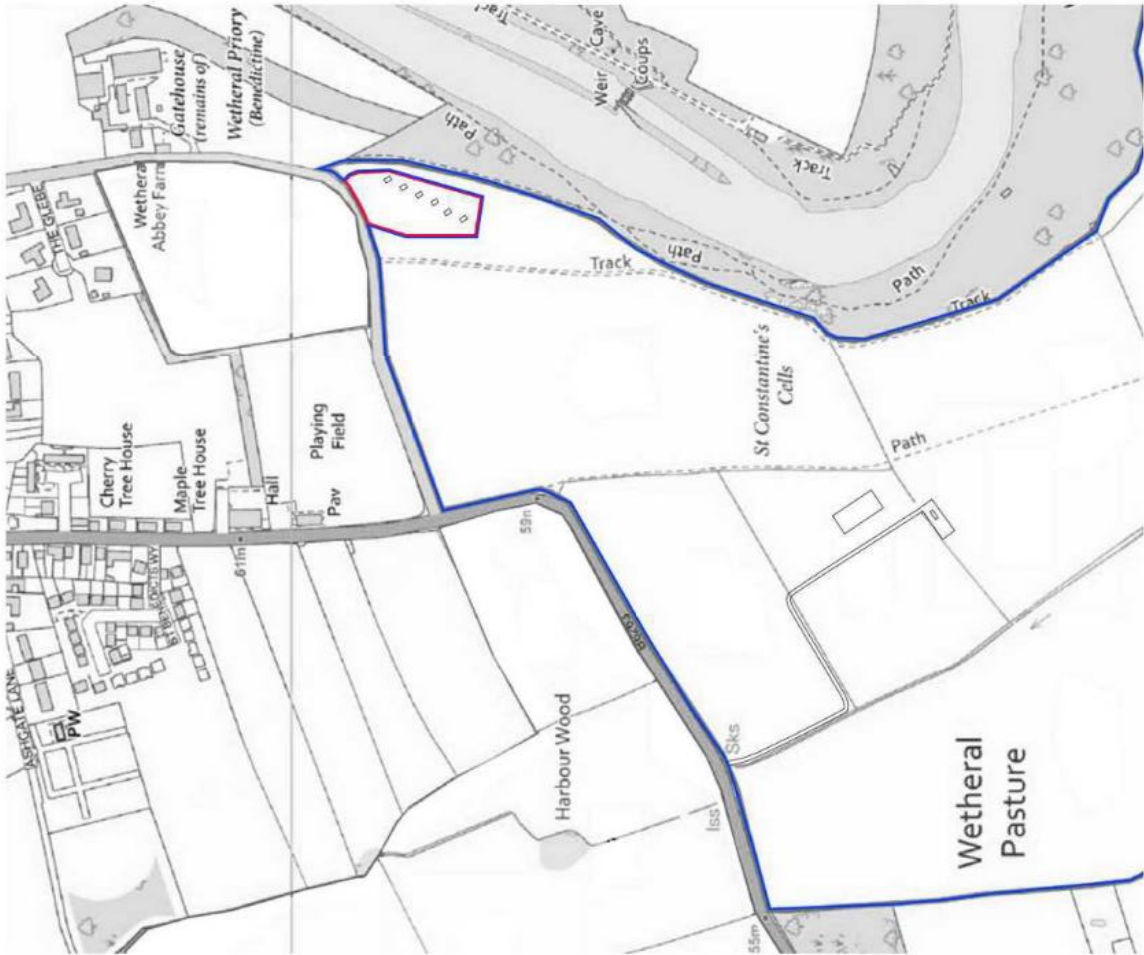
12. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Highways Authority.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety and in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

13. No artificial external lighting shall be installed without the prior written consent of the local planning authority. Any lighting proposal shall include details of lighting unit, light levels and hours of luminance.

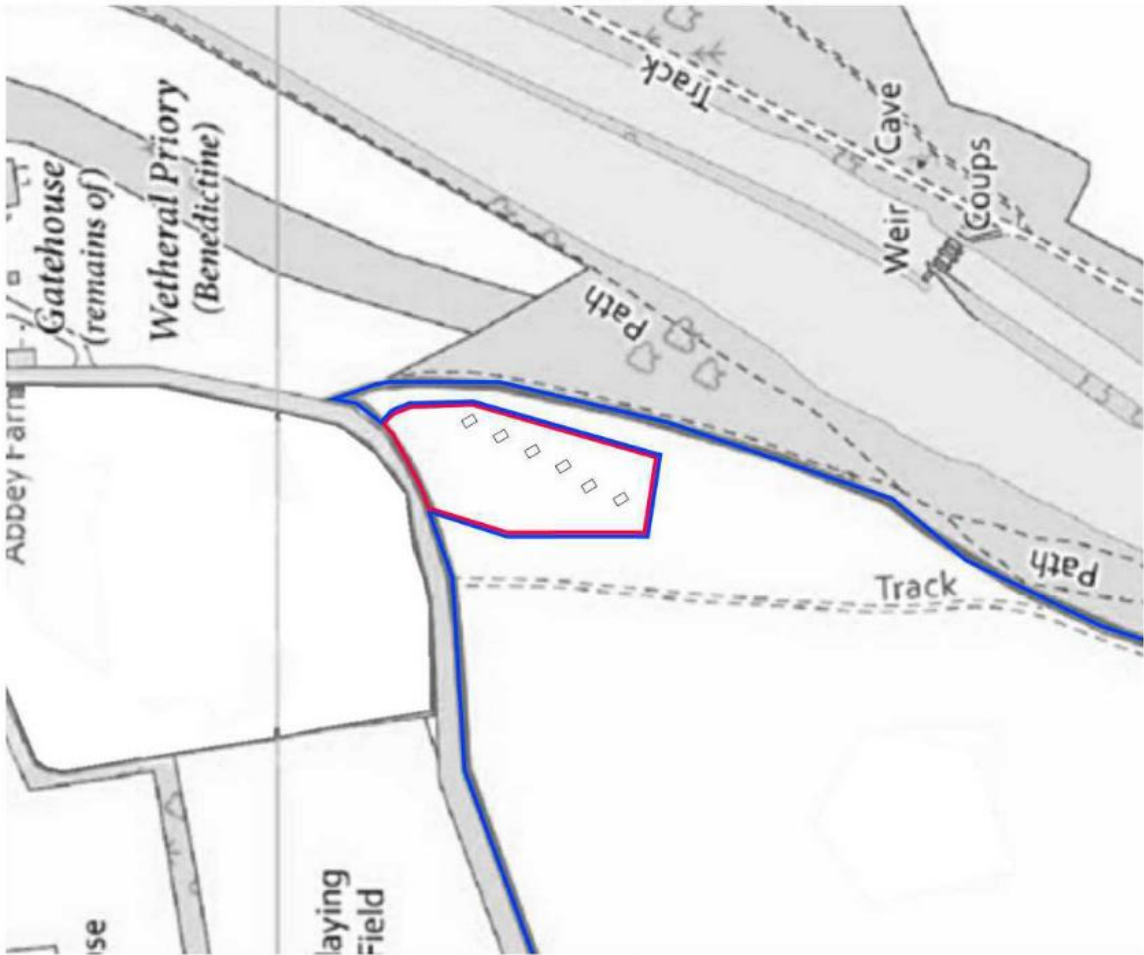
**Reason:** In the interests of the character and appearance of the area and in the interests of biodiversity in accordance with Policies SP6, GI1 and GI3 of the Carlisle District Local Plan 2015-2030.

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Site Location Plan 1:5000

0 metres 200 metres



Site Location Plan 1:2500

0 metres 100 metres

revisions

Status

Planning Submission

Project	Inglewood Meadows, Wetheral	Revision	Scale	Shown A3	Black Box Architects Limited, 1 Devonshire Chambers 8 Devonshire Street Carlisle, Cumbria, CA3 8AD Tel: 01228 402 200
Drawing	Location Plan	Job no.	20-161-08	Date	May 21
Detail	Proposed Camping Pods				

BLACK BOX

architects







## SCHEDULE A: Applications with Recommendation

21/0314

Item No: 03

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0314

**Applicant:**  
Story Homes Limited

**Parish:**  
Cummersdale

**Agent:**

**Ward:**  
Sandsfield & Morton West

**Location:** Land off Orton Road, Carlisle

**Proposal:** Residential Development & Associated Landscaping & Infrastructure

**Date of Receipt:**  
29/04/2021

**Statutory Expiry Date**  
02/08/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

Members resolved to defer consideration of the proposal in order to allow discussions to take place in relation to replacing the two-storey dwellings on plots 7 to 9 with bungalows and to await a further report on the application at a future meeting of the Committee.

The 'Proposed Site Layout' has been amended to replace the 3no. two-storey Harper house types on plots 7 to 9 with 2no. Newford bungalows (now Plots 7 & 8). An off-set distance of 19.1m would be provided between the rear elevations of the existing and proposed bungalows which would be acceptable, given the proposed boundary treatment.

The following changes have also been made to the scheme to retain the number of dwellings at 156 and to the number of affordable dwellings at 46, with a 50/50 tenure split of affordable rent (23) and discounted sale (23).

- Plots 7 to 9, previously 3no. two-storey open market Harper house types have been replaced with 2no. affordable rent Newford bungalows (now Plots 7 to 8);
- Plots 16 and 17 which were previously 2no. affordable rent Fulford house types have been replaced with 2no. discounted sale Harper house types (formerly plots 17 & 18);
- Plots 97 to 98, previously 2no. discounted sale Harper house types have been replaced with 2no. open market Harper house types (previously Plots 98 to 99);
- Plots 125 to 126, previously an open market detached Sanderson house type has

been replaced with 2no. open market semi-detached Harper house types (previously Plot 126).

The proposed amendments are considered to be acceptable and they would not have an adverse impact on the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

Cllr Bainbridge has confirmed that having spoken to the resident at number 16 she is content with the application as it currently stands. He has requested that the condition limiting permitted development rights in respect of these properties is retained in this revised application.

Cllr Bainbridge has been approached by the owner of the property who faces the revised plots 9 and 10. He has raised several issues which are set out below:

- he has a number of solar panels on his property which are designed to pick up the sun as it moves in to a western elevation. He has raised the concerns that the efficiency of the system might be affected by the positioning of the new builds;
- the resident has a conservatory attached to his property which is brick built and as such it is nearer to the boundary than the maps show. Is the boundary rule from back wall to back wall or if the conservatory here makes any difference. Might plots 9 and 10 be covered by the no permitted rule clause as it will perhaps assist in this matter?;
- since the properties were built in St Edmunds (circa 1985), they have been on the most westerly border of the city. As such many of them were designed never to be overlooked. For example bathrooms have clear windows. As a result several properties will have to seek to put in place items such as frosted windows, or risk potential situations. The constituent has enquired whether Story's as a token of neighbourliness could be in a position to compensate residents who are making reasonable adjustments to their properties to prevent such problems;

In response to the issues raised:

- Plot 9 would have a rear elevation 22m away from the two-storey section of 41 St Edmunds Park , with Plot 10 being over 20m away. Given the height of the proposed dwellings on plots 9 and 10 and the separation distances between the existing and proposed dwellings, there would be no impact on the solar panels that are located on 41 St Edmunds Park;
- windows within conservatories are not classed as primary windows;
- permitted development rights have been removed from plots 3 to 10;
- residents would need to discuss the issue of compensation (for adjustments to

their properties) with Story Homes - this is not a planning matter.

Condition 20 has been amended so that it makes reference to plots 3 to 10 (rather than 3 to 11) to reflect the changes made.

## **1. Recommendation**

1.1 It is recommended that this application is approved with conditions, subject to the completion of a S106 agreement to secure:

- a) the provision of 30% of the units as affordable;
- b) an off-site open space contribution of £31,038 for the upgrading of existing open space;
- c) a financial contribution of £45,000 to support the off-site improvement of existing play area provision;
- d) a financial contribution of £33,327 to support the off-site improvement of existing sports pitches;
- e) the maintenance of the informal open space within the site by the developer;
- f) a financial contribution of £554,158 to Cumbria County Council towards secondary education provision;
- g) a financial contribution of £6,600 to Cumbria County Council for Travel Plan Monitoring;
- h) a financial contribution of £5,500 to Cumbria County Council for relocating the 30mph zone and a new gateway feature.

If the Legal Agreement is not completed, delegated authority should be given to the Corporate Director of Economic Development to refuse the application.

## **2. Main Issues**

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Layout, Scale And Design Of The Dwellings Would Be Acceptable
- 2.3 Impact Of The Proposal Of The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Provision Of Affordable Housing
- 2.5 Highway Matters
- 2.6 Drainage Issues
- 2.7 Open Space Provision
- 2.8 Education
- 2.9 Biodiversity
- 2.10 Impact On Trees/ Hedgerows
- 2.11 Crime Prevention
- 2.12 Impact Of The Proposal On Any Listed Buildings

## **3. Application Details**

## **The Site**

- 3.1 The application site, which extends to 5.6 hectares, comprises two agricultural fields and a narrow strip of land on the north eastern boundary. A hedgerow separates the two fields, which slope away from Orton Road in a general north-west to south-east direction towards Dow Beck.
- 3.2 The land is bound to the north-west by Orton Road. The north-eastern boundary is formed by a mature hedgerow beyond which is a primary residential area at St Edmunds Park and Hebden Avenue. This area includes a former children's play area which is still in Council ownership but is currently closed. The land is bound to the south-east by a mature hedgerow and mature trees beyond which is public open space associated with the Persimmon development at Wigton Road (known as Brackenleigh). Dow Beck runs within this boundary. The land is bound to the south-west by agricultural land known as Newhouse Farm which is allocated for residential development in the Carlisle District Local Plan 2015-2030. The land at Newhouse Farm has been granted outline planning permission subject to the completion of a S106 Agreement.

## **The Proposal**

- 3.3 This proposal is seeking to erect 156 dwellings on the site. The development would contain 13 different house types and these would include terrace, semi-detached and detached properties, with some bungalows also being provided. In total there would be 25 two-bed properties; 49 three-bed properties; 73 four-bed properties; and 9 five-bed properties. Of these 46 would be affordable dwellings, including 6 affordable bungalows.
- 3.4 The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of: brick or reconstituted stone sills and lintels; open porches; bay windows; two-storey projecting gables; single-storey front and rear projections; pitched roof dormer windows; with some dwellings having integral single and double garages.
- 3.5 The dwellings would be constructed predominantly of brick with render and stone being used on the front elevations of some properties. Roofs would be covered in grey or red concrete tiles. Windows would be white upvc with rainwater goods being black upvc.
- 3.6 Vehicular access to the site would be from Orton Road via a new priority controlled T-junction. The main spine road into the site would measure 5.5m in width and would be adjoined by 2m footpaths to both sides. A clear hierarchy of streets is provided from the main spine road with pedestrian footpaths, to local individual streets, avenues, cul-de-sacs and private shared driveways.
- 3.7 An emergency access is proposed adjacent to the site access. The 5.5m

spine road has also been extended up to the western site boundary to provide a potential secondary access/ emergency access into the adjacent allocation. Pedestrian links have also been provided to the boundary with the allocated land to the west and to the land to the east.

- 3.8 A SUDS pond would be provided in the south-east corner of the site (the lowest point of the site) adjacent to Dow Beck and this would take the surface water from the development.
- 3.9 A section of the hedgerow that runs through the site would be retained, together with the hedgerows that lie to the rear of St Edmunds Park and along the south-east and south-west boundaries. The trees that lie along the southern and south-eastern site boundaries would also be retained.
- 3.10 An area of public open space (POS) would be provided adjacent to Orton Road and this would be adjoined by a new electricity sub-station that would sit to the rear of 9 St Edmunds Park. Other areas of POS would also be provided adjacent to the main road into the site, to the south east of the hedgerow that runs through the site and to the east of the SUDS pond.
- 3.11 The proposal also includes the creation of a new off-site footpath which would be located on the eastern side of Orton Road. This would link the new development to existing footpaths at St Edmunds Park.

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

- 4.1 This application has been advertised by means of five site notices, a press notice and notification letters sent to 33 neighbouring properties. In response 5 letters of objection, 6 letters of comment and 2 letters of support have been received. A letter has also been received from Councillor James Bainbridge who is the city councillor for Sandsfield & Morton West Ward.
- 4.2 The letters of objection raise the following issues:

##### Scale and Design

- too many dwellings are proposed;
- why is there not a like for like row of bungalows to match in with the existing bungalows already on St Edmunds Park?;

##### Residential Amenity

- loss of privacy owing to the proximity of the properties to boundary of existing dwellings and to the distance between the properties on the proposed site;
- houses are going to be built behind existing bungalows which have small rear gardens – this will lead to loss of privacy, overlooking and feeling claustrophobic and hemmed in;
- it would be far less intrusive if bungalows rather than houses were built directly behind the existing bungalows;
- note that bungalows are going to be built at the entrance to the development behind the boundary of St Edmunds Park – why can't

bungalows continue down until the houses start of St Edmunds Park?;

- two-storey dwellings, immediately behind would make existing residents feel extremely claustrophobic;
- the majority of residents here are retired people that have chosen this quiet place to spend their remaining days not to have their peace, tranquility and perceived safety destroyed by this needless development and the pending one on Newhouse Farm;
- increased noise levels during construction and after completion. There are already heightened noise levels due to the C.N.D.R - the development will only add to the noise;
- noise and air pollution from increased vehicular traffic, during and after construction;
- while the building work is ongoing, the noise and / mess, dust etc blowing onto existing properties;
- amending the position of the planned bungalows would be a great improvement as far as the existing bungalow residents, are concerned as our rear garden space is limited;
- solar panels on existing houses, which put electricity into the grid, would be adversely affected by the proposed dwellings;
- loss of view will adversely affect the value of my property;
- the water pressure in this area leaves a lot to be desired. An additional burden like this development will not help;

#### Highway Matters

- concerned about the capacity of the road with extra vehicles it will entail;
- Orton Road is a country road that was not intended for the heavy traffic it receives today;
- proposal will add a significant amount of traffic and this will impact on the already busy Orton Road which has got busier since the introduction of the bypass;
- this development is for 156 dwellings and has 323 parking spaces, two cars or vans per household, a further 1,000 plus cars to be added for the later development of Newhouse Farm making around 1,300 plus cars that will use Orton road on a daily basis;
- one of the main impacts on the locality will be the huge increase in traffic on Orton Road which is crossed daily by children of all ages and adults alike;
- exit and entry to and from St Edmunds Park and Sandsfield Lane and of the driveways of residence further down Orton Road would be severely compromised;
- the proposed access would, in my opinion, be dangerous;
- traffic emerging from the site will be very close to the junction with Sandsfield Lane and will be unable to see traffic coming from Carlisle when it enters the dip at the entrance to St Edmund's Park.
- the road layout would have to be totally re-planned from the bypass through to Wigton Road, even in its present state it is totally inadequate;
- over the years the junction at Sandsfield Lane has had a number of accidents because of the poor visibility on the corner and people driving too fast;
- the Transport Assessment says negligible increase in traffic, but can't see that as being the case;
- the pavements are very narrow and overgrown;

### Infrastructure

- schools are at full capacity;
- the local amenities (Hospitals GP Practices and Schools and other services that are already stretched to breaking point) will be severely impacted and undoubtedly overwhelmed by such an increase in population, which would be further compromised by the numerous other proposed developments in and around the City of Carlisle;
- concerns about the impact on the general infrastructure. The NHS, schooling etc. have been told secondary education provision may be a problem;

### Biodiversity

Loss of habitat to the wildlife in this area would be catastrophic. Birds, both migrant and local species, deer regularly roam these fields, as well as hedgehogs, foxes, amphibians and numerous insects;

- the land in question is a wildlife habitat, as well as viable farmland;
- thought needs to be given to the replacement of wildlife habitat which the proposal will inevitably destroy. This development, along with the proposed Persimmon one in the adjacent fields, will cause the loss of mature trees and hedging along Orton Road, as well as hedging in the fields themselves. Some of this loss could be made up by continuing the hawthorn boundary hedge from St Edmunds park along the rear of Hebden Avenue to the pond at the bottom of the field;
- object to the hedge being cut back, as this is used by a variety of birds to nest in and is a slight barrier against the constant road noise;
- have read that the hedge and 5/6 trees at the front of the scheme will be removed due to the narrow frontage of the estate, causing loss of habitat;
- there is a preservation order on the trees leading up to the site but again there is an intended pavement along there in the plans;
- a tree in G28 has been assessed as having bat roosting potential. There has always been bats around here and they are frequently seen foraging at night;

### Other Matters

- this is not unproductive land, it is agricultural land vital for the production of food, in my view it is greenbelt - just because someone decided to move the boundary to the bypass, does not mean it has to be built on;
- was advised that the land in question was green belt, and have had no communication to say that this is no longer the case;
- also, the consultation carried out during lockdown conveniently, by Story Homes is completely null and void as it referred to a plan that bears no resemblance to the one now proposed;
- given the current level of house building, there is no need to build houses on every available acre of Carlisle's former 'urban fringe'.

#### 4.3 The letters of comment make the following points:

- could a second entrance to the proposed development be placed around the bottom of Hebden Avenue leading onto Queensway, thus easing

pressure on Orton Road which is only a minor road;

- note that there is only one entrance - think that changing the southern access road on plan to a normal entrance and exit road would take the pressure off this narrow stretch of Orton Road between St Edmunds Park entrance and the western bypass;
- since the bypass opened this stretch of Orton Road has become a rat run for commercial vehicles, including skip wagons and various HGV's who constantly speed. This narrow stretch of road is not suitable for this type of traffic. Another T-junction would increase the risk of further traffic accidents. There is constant screeching of brakes at the existing T-junction close to where new T-junction is proposed;
- this narrow stretch of road needs road calming measures applied, e.g., road humps as in other parts of Carlisle where speeding is a problem;
- the surface quality of road to rear of 1 to 9 St Edmunds Park is of poor quality and the sound it creates is at times deafening. Increased traffic from the development would only make this worse;
- the entrance to the development is fairly close to Sandsfield Lane and we note that Story has recognised this by proposing that the existing controlled exit from Sandsfield Lane (a triangular anonymous sign with some indecipherable white road markings) should be enhanced and in our opinion upgraded to a Halt sign;
- agree with the Story proposal to extend the length of Orton Road which is currently 30 mph which terminates shortly after the access road to St Edmunds Park to a point beyond the Story development and in our opinion if possible to beyond the land covered by the adjacent Persimmon development;
- a lot of the traffic from Sandsfield Lane travels at excessive speed and on at least 3 occasions in recent years vehicles from Sandsfield Lane hit the hedge on the St Edmunds Park side, in one case travelling through the hedge at no 9 demolishing part of the garden fence and ending up on the patio. In January 2020 a vehicle continued across the junction to demolish the road sign post (which has not yet been replaced and is still lodged in the hedge). In my opinion the 30 mph limit should be extended into the part of the Lane closest to Orton Road;
- it would have made more sense for the access points to the Story and Persimmon developments to be considered together as this could reduce the new Orton Road access points from 3 to 2 by providing access to the Story development via the roads to be provided by the Persimmon development;
- welcome the proposed extension of the footpath on the St Edmunds Park side but trust that this can be achieved without reducing the width of the existing hedge which is a valuable habitat for many small birds and also helps to reduce the traffic noise which has risen significantly since the A595 bypass was opened;
- what access will there be from the field site to maintain the hedge on the boundary with St Edmunds Park?;
- will a 1.8m wooden fence be erected the rear of dwellings that back onto existing dwellings and how far will this be from the existing hedge?;
- the electricity substation for the development is planned to be sited at roughly the location of the existing field gate and in the absence of vegetation screening would be an eyesore when viewed from no 9. The existing hedge at that point is a crab apple tree and hawthorn which are both



currently about 3 metres high. We cannot see the height of the substation in the documentation but we note that its internal height will be not less than 244 centimetres in which case the existing hedge may be adequate but would request the developer to consider this;

- need to clarify who would be responsible for the future maintenance of the hedge between St Edmunds Park and the proposed new dwellings;
- the development will achieve economic and social objectives, but will not improve the environmental conditions of this area;
- the proposed footpath along Orton Road is unnecessary - the established path on the other side of Orton Road provides good access to local amenities and buses, and has potential for future shared pedestrian/cyclist use. Construction of a new footpath is likely to result in further hedgerow destruction, with a loss of habitat for local wildlife, and increased negative visual effect on pedestrians, cyclists and road users of Orton Road;
- plans show a footpath and 0.5m trip rail adjacent to the currently locked, neglected and unused park at the rear of Hebden Avenue - clarification is needed on whether this park will be developed as a much needed green space;
- the mix of dwelling types and sizes is good, and it is encouraging to see the inclusion of much needed bungalows. However, it is disputable whether affordable properties are well integrated within the scheme, with two large clusters of high density housing with limited soft landscaping;
- the substation would be situated on the highest point in the development and will probably be the least attractive property on the estate and will be the first part of the estate seen by anyone approaching the development from any direction - looks as though its location has been chosen to avoid spoiling the outlook from the proposed new dwellings - would any sound be generated by the transformer equipment;

#### 4.4 The letters of support make the following points:

- welcome the development and know that Story's will bring to the area a much needed development and will be sympathetic to the surroundings due to their high calibre houses and developments done to date;
- there is a desperate need for affordable 4 bedroom homes in this part of Carlisle - have been trying to buy a 4 bedroom home in city for past 18 months on HTB scheme - would really love for this development to offer the Emerson home under the HTB scheme;

#### 4.5 Cllr Bainbridge has raised the following issues:

- the issue of the roads and the backing of potential semi-detached properties onto the rear of some of the existing bungalows on St Edmunds Park have been the two main concerns, being mentioned by several residents;

Roads – until the CNDR Orton Road was a rather quiet road past Sandsfield Lane which mainly saw traffic onto the Sandsfield estate. After the CNDR it has become much busier, with traffic often cutting onto the CNDR by Orton Rd. As well as traffic numbers increasing - so has speed. The junction to the site will be near to the existing Sandsfield Lane and St Edmunds Park junction. Traffic in this area picks up speed to reach the 60mph limit and it is

this closeness to the Sandsfield Lane junction and the proposed entrance which has been the biggest concern. The current proposals do very little to change the flow, speed or visibility of traffic - need more physical features such as a Speed Indicator Device and/or a Speed Table to make the speed drop. Additionally, if the application is approved the developed line will go beyond Sandsfield Lane and should look to be reducing speed there too, in order to prevent traffic travelling at speed to this junction, and over-shooting it or turning at speed into Orton Road.

Footpath on Orton Road – can see the argument the applicant has made for a continuation of the footpath line from the site entrance to St Edmunds Church, and there are impressions of a path being formed, have some concerns that a path and its associated installation works will have a negative impact on the mature and attractive hedges that run alongside this route, in addition there are a number of TPO's in place for the trees along this route. Would be concerned that they would be damaged by a footpath going in so close to their root system. Additionally, as you will see the hedges which are original to St Edmunds Park do come out across the line of the proposed path, and there isn't a lot of room to utilise for a path as a result. At present the nearest width of the footpath at the entrance is about pram width and nothing more, as a result you will have people meeting and stepping into the road. If we are going to try and improve road safety and reduce speed on that section of road a pedestrian island might be an option so that a footpath could join with the larger footpath on the other side of Orton Road.

Bungalow properties of St Edmunds Park – have been contacted by constituents who live in the bungalows on St Edmunds Park and have attended a site visit - concerned about the provision on the intended site of semi-detached properties which are backed against some of the strip of bungalows on St Edmunds Park. The St Edmunds Park bungalows don't have extensive gardens to the rear and whilst there is a required distance in the plans, concerned that this isn't good example of design and is contrary to Policy SP6 (doesn't respond to the local context and the form of surrounding buildings in relation to density, height, scale, massing) - would hope that two further bungalows could be added to the intended bungalows at the entrance of the site to enable a better design. This would lead to a net drop of one dwelling in the total number of properties on the site, but do not feel that this is an unreasonable request to make under the circumstances. In addition, the property on St Edmunds Park nearest to the site entrance of the application has over the years become self-sufficient through the use of solar panels. The resident has expressed concern that the development would have potential to reduce light accessing the solar panels - hope that an assessment of this could be given consideration.

Play area provision – the site will not have a play area allocated to it, and whilst there is a redundant and closed play area at Hebden Avenue, that is in the ownership of the City Council, all equipment has been removed. Been contacted by residents there who would not wish for the site to be re-established as they encountered anti-social behaviour there in the past. Whilst there is a view that any play area contribution could be 'rolled into' the site next-door, which is also in the Local Plan, the timescales for this development are several years away, and I would not wish to see families that would live on this site having to wait years for a play area to access.

Preferred option would be to use the Section 106 as a monetary sum to improve the play area by the Yewdale Community Centre, which is 0.4 miles away (and no more than a 7 min walk). The play area at Yewdale Park is a Priority 2 play area in our Active Spaces report, and work will be required to improve it. The Section 106 money could very much improve this area. It might also be the case that the goals and greenspace of Yewdale Park could also be improved on the back of this.

School Access – this is not a direct planning issue but does have merit. The nearest Primary School (Yewdale) has had past issues with congestion at school dropping off and collection times. The present arrangement of pinch points isn't really a good answer as it pushes the problem further along Yewdale Road. Whilst the school has been under capacity for a number of years, these developments and the improvement in the school's performance will cause numbers to rise and it is likely that these problems will come to the fore again. With additional sites coming forward in Yewdale, improving access to the school should be considered as a part of this overall expansion of residential dwellings as a result of the Local Plan.

Hedging – residents really want to retain the hedging at the back of their properties and where it borders the site and agree that it is important to them and the environment. The application proposes retaining the hedge, and the development will erect a fence on their side of the development. This will create a bit of a gap between the fence and the hedge. Can it be established clearly in the application who will be responsible for this and the upkeep of the hedge going forward? Could we have an agreement that when any work is needed on this area that the affected residents of St Edmunds Park are kept informed in advance?

Construction Traffic – would like to propose a condition similar to the one included by the Planning Inspector when considering the Deer Park Appeal, this being:- *"17.No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays)."* Would add the following to ensure that residents are not in disadvantaged - this would be that machinery is not started or deliveries of materials occur before 8am. Employees should be able to arrive at the site to start work at 7.30am, but would wish to avoid the noise of machinery, and deliveries turning up early and particularly parking on Orton Road, waiting for the site to open - this has been an issue on other sites under the applicant's operation, and Orton Road is not a safe road for HGV's to be parked on.

Wildlife – the residents have experienced an abundance of nature locally as a result of the site and its neighbouring land having been left alone for a number of years. The use of hedges in this area is something that should actively be preserved, and residents are accustomed to deer, pheasants, etc in the field. During my visit to the site with neighbours the level of birdsong and activity was considerable. The hedges do need to be preserved, as they add much to the local biodiversity, and this would include the hedges and trees along Orton Road.

Site Visit – would wish to request a site visit to the application site, which would see the road junctions, proposed footpath and the hedge line with St Edmunds Park.

4.6 Following the receipt of amended plans, Cllr Bainbridge has raised the following issues:

- disappointed that the amended plans did not include a revisions to plots 7, 8 and 9 in terms of their replacement by bungalows - do not consider that moving the building line 1m away from the boundary is a suitable response to the concerns raised. The condition replacing these plots with two bungalows should be required by the committee if the developers are unwilling to amend the layout. The net drop of one dwelling could be picked up in the south-west area of the site;
- the developer has outlined the replacement of the pumping station with a drainage arrangement which links with the present drains on Hebden Avenue - understand that neither property owner is willing to enter into an agreement for drainage access - therefore, the submitted amended layout could not be achieved;
- there is a need for the development to not add additional speed to the road. A number of properties on Orton Road do still rely on having to reverse onto Orton Road from their drives. The slight lines do play a relevant part in this application as does the need to lessen the speed and increase the safety of the road through S106 improvements;

4.7 Two letters of objection have been received to the revised plans and these raise the following concerns:

- extremely disappointed and insulted with the small change Story Homes have made to the revised plan. Relocating the properties 2m further away from the bungalows on St Edmunds Park is not going to make any difference whatsoever and will not resolve the problems that will occur if planning permission were to be granted;
- feel very strongly that bungalows should be built behind the existing bungalows, this would resolve some of the concerns but most of all be the right and considerate thing to do;
- this would at least go some way to lessen the massive impact on the residents that live in the bungalows who will be directly affected if houses were to be built behind their properties;
- disappointed that Story Homes have decided not to revise their plans to build bungalows on plots 7, 8 and 9 and still want to build houses, which will overlook the bungalows on St Edmunds Park despite moving them forward.

## 5. Summary of Consultation Responses

### **Cumbria County Council - (Highways & Lead Local Flood Authority):**

- initially requested additional information on: visibility splays; car parking provision; secondary access point to neighbouring sites; road layout; traffic calming; pedestrian connectivity; impact on A595/ Dunmail Drive/ Orton Road junction; detailed calculations for the surface water drainage design; detailed drainage design; and treatment of surface water prior to discharge;

Following the receipt of amended plans/ additional information has no objections to the proposals subject to conditions (construction details of highway; provision of visibility splays; no vehicular access other than the

approved access; provision of footways to link to existing footways; provision within the site for parking, turning, loading; submission of Construction Traffic Management Plan; submission of surface water drainage scheme; submission of construction surface water management plan);

**Cumbria Constabulary - North Area Community Safety Unit:** - generally the dwellings are arranged to overlook the access roads and each other, with interlocking rear gardens. Need to ensure corner plots don't present blank gables. The land adjacent to Plot 27 is outside the curtilage of the dwelling and is not overlooked - this space should be incorporated into private gardens. Would be helpful if the applicant could provide further information on proposed security measures (demarcation of space, dwelling resistance to forced entry);

Following receipt of amended plans: encouraged by the inclusion of more active gables. Requested additional information on ownership of land adjacent to Plot 27. No further information has been provided on demarcation of space, lighting schemes or protection against burglary. Provided some security advice;

**Cumbria County Council - Development Management:** - the proposed development estimates a yield of 62 children: 36 primary and 26 secondary pupils. The catchment schools for this development are Great Orton (3.7 miles measured from the centre of the development site) with a small piece in the Yewdale catchment area (1 mile). The Secondary catchment schools are Caldew (3.8 miles) with a small piece in falling in the Morton Academy catchment (0.9 miles). There are insufficient places available in the catchment school of Great Orton Primary School to accommodate the 36 primary pupil yield after other development in the area is first considered. However, part of this development is in the catchment area of Yewdale which has spaces available. Therefore a contribution is not sought for primary education. When considering the effect on pupil numbers from known levels of housing development across Carlisle, there will be only 4 places available of the required 26 to accommodate the secondary pupil yield from this development. Therefore, an education contribution for the remaining 22 places would be required of £554,158 (22 x £25,189). As there are places available Yewdale School which is within the statutory walking distance and on a safe route no contribution is sought for primary school transport. Subject to the education contribution being provided which will ensure there is sufficient capacity which will be within the statutory walking distance and on a safe route no contribution is sought for secondary school transport;

**Local Environment - Environmental Protection:** - conclusions of the Air Quality Assessment and proposed mitigation measures are acknowledged. The agreement to include electric vehicle charging points for each dwelling is welcomed. Need conditions to deal with contamination;

**Local Environment, Waste Services:** - no objections in principle;

**Natural England:** - as there is a hydrological connection from the proposed

development site to the River Eden & Tributaries SSSI and River Eden SAC potential impacts need to be considered within a brief Habitats Regulations Assessment (HRA). As Dow Beck runs through the eastern edge of the site and discharges into the River Eden & Tributaries SSSI and River Eden SAC further east it will be essential to minimise pollution of this watercourse at both the construction and built phases. A CEMP should be produced for the site and for the built phase a finalised Surface Water Drainage Plan is required detailing the appropriate Sustainable Urban Drainage System (SuDS) that will be implemented to restrict run-off to pre-construction greenfield run-off rates to help minimise pollution of the watercourse, as well as to reduce the risk of flooding downstream where Dow Beck enters Flood Risk Zones 2 and 3 in Carlisle. The recommendations outlined in Section 5 the submitted Preliminary Ecological Appraisal (PEA) should be secured. Recommend the proposal seeks to achieve a biodiversity net gain, over and above residual losses, which should be mitigated for or compensated. A biodiversity net gain should be achievable for this development given its scale;

Following receipt of amended plans and a HRA: the following is required prior to works commencing on site: a Construction Environmental Management Plan; a finalised Surface Water Drainage Strategy; further work as outlined in the PEA; a provision of 10% biodiversity net gain;

**Sport England North West:** - has no comments to make on this application;

**Cumbria Fire & Rescue Service:** - no comments received;

**Northern Gas Networks:** - no objections;

**Cummersdale Parish Council:** - concerned that the revised layout does not include two extra bungalows on plots 7, 8, and 9 - two-storey dwellings have been kept on these plots - the height of these is an issue to the back of St Edmunds;

**Cumbria County Council - (Archaeological Services):** - no objections;

**Environment Agency:** - should consult the Lead Local Flood Authority on the Flood Risk Assessment and surface water flooding;

**Health & Wellbeing:** - as the adjacent allocated sites develop a master plan approach to a central green space that is accessible from this development would be beneficial. The formal proposal should provide a total provision/contribution to 1.9 Ha of Open Space to maintain the Local Plan target of 3.6Ha/'000. The proposed plan appears to show 0.68 Ha, although the actual useable open space looks lower (c. 0.35Ha) as SUDS do not contribute towards POS. Therefore, there is a deficit of POS provision of 1.55Ha so an offsite contribution should be made of £38,839 to upgrade open space which is accessible from the development. The POS is limited but has the potential to link in to a central green space as adjacent allocated land gets developed. The open space should also allow walking and cycling routes to be established between the existing estate on Hebden Avenue,

local primary and secondary schools, the Brackenleigh estate on Wigton Road and future developments on the allocated land adjacent. The site is too small for a play area so a contribution should be made to upgrade existing offsite play provision in Yewdale. The contribution would be £45,000. There is no provision for sports pitches on site and no scope to do this. The contribution to provide existing off-site sports and recreation provision within the District, based on an occupancy of 529 is £33,327. The developer will be required to ensure appropriate measures are put in place for the management of any new open space provided within this development;

**United Utilities:** - drainage proposals are acceptable in principle subject to conditions (surface water drainage; foul water; sustainable drainage management and maintenance plan).

## **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 proposals be determined in accordance with 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 SP1, SP2, SP5, SP6, HO1, HO4, IP1, IP2, IP3, IP4, IP6, IP8, CC4, CC5, CM2, CM4, GI3, GI4 and GI6 of The Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Documents (SPD) "Achieving Well Designed Housing", "Affordable and Specialist Housing" and "Trees and Development" are also material planning considerations.
- 6.3 The proposal raises the following planning issues:
  1. Whether The Proposal Is Acceptable In Principle
- 6.4 The site is allocated for housing in the Carlisle District Local Plan 2015-2030 as part of the wider Newhouse Farm allocation (Policy H01 - Site U7). The whole site covers 30.19 Ha and has an indicative yield of 509 dwellings. The remainder of the Newhouse Farm allocation was granted outline planning permission by the Development Control Committee in January 2018 (subject to the completion of a S106 Agreement which has not been completed) and the indicative layout plans showed 480 dwellings being erected on this part of the site. The application site forms the north-eastern most part of this allocation and the proposal to erect dwellings on this site would, therefore, be acceptable in principle.
  2. Whether The Layout, Scale And Design Of The Dwellings Would Be Acceptable

- 6.5 The proposal is seeking to erect 156 dwellings on the site and this equates to just under 28 dwellings per hectare which is an acceptable density. The development would contain 13 different house types and these would include terrace, semi-detached and detached properties, with some bungalows also being provided. In total there would be 25 two-bed properties; 49 three-bed properties; 73 four-bed properties; and 9 five-bed properties. Of these 46 would be affordable dwellings, including 6 affordable bungalows.
- 6.6 The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of: brick or reconstituted stone sills and lintels; open porches; bay windows; two-storey projecting gables; single-storey front and rear projections; pitched roof dormer windows; with some dwellings having integral single and double garages.
- 6.7 The dwellings would be constructed predominantly of brick with render and stone being used on the front elevations of some properties. Roofs would be covered in grey or red concrete tiles. Windows would be white upvc with rainwater goods being black upvc. The proposed materials would reflect those commonly found within the locality, particularly at Orton Road, St Edmunds Close, Hebden Avenue, Sandsfield Road and Holmrook Road. Similarly, the recent development at Brackenleigh, off Wigton Road to the south east of this site, displays complementary materials which are visible from the site.
- 6.8 Vehicular access to the site would be from Orton Road via a new priority controlled T-junction. The main spine road into the site would measure 5.5m in width and would be adjoined by 2m footpaths to both sides. A clear hierarchy of streets is provided from the main spine road with pedestrian footpaths, to local individual streets, avenues, cul-de-sacs and private shared driveways. The spine road includes various surface materials and bends to create traffic calming measures. The use of adjacent public open space and supplementary tree planting and soft landscaping, along with the topography of the land, come together to frame long-distance views from Orton Road out towards the North Pennines Area of Outstanding Beauty (AONB). These long-distance views would become a key feature of the proposed development.
- 6.9 An emergency access is proposed adjacent to the site access. The 5.5m spine road has also been extended up to the western site boundary to provide a potential secondary access/ emergency access into the adjacent allocation. Pedestrian links have also been provided to the boundary with the allocated land to the west and to the land to the east.
- 6.10 A SUDS pond would be provided in the south-east corner of the site (the lowest point of the site) adjacent to Dow Beck and this would take the surface water from the development. The SUDS pond would be enclosed with hoop top railings to provide an attractive finish to the SUDS area along with soft landscaping.



- 6.11 A section of the hedgerow that runs through the site would be retained, together with the hedgerows that lie to the rear of St Edmunds Park and along the south-east and south-west boundaries. The trees that lie along the southern and south-eastern site boundaries would also be retained.
- 6.12 An area of public open space (POS) would be provided adjacent to Orton Road and this would be adjoined by a new electricity sub-station that would sit to the rear of 9 St Edmunds Park. Other areas of POS would also be provided adjacent to the main road into the site, to the south of the hedgerow that runs through the site and to the east of the SUDS pond.
- 6.13 The proposed layout plan includes multiple opportunities along the western boundary for footpath and road connections to the wider allocation, as well as the ability for green corridors and open space to flow seamlessly between the two parcels of land. The existing hedgerow which bisects the land from east to west is a particular feature which has been retained to accommodate this relationship with the wider allocation.
- 6.14 The proposed development has been designed to take account of the local character and would provide road and pedestrian connections through to the wider allocation at Newhouse Farm. In light of the above, the layout, scale and design of the proposals would be acceptable.

### 3. Impact Of The Proposal Of The Living Conditions Of The Occupiers Of Any Neighbouring Properties

- 6.15 Policy SP6 'Securing Good Design seeks to ensure that proposals do not have an adverse effect on the residential amenity of existing areas, or result in unacceptable conditions for future occupiers of the development. The SPD on Achieving Well Designed Housing sets out guidance for the separation distances between existing and proposed dwellings. It states that "where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window)".
- 6.16 Six bungalows are proposed to be located to the rear of the existing bungalows at 10-13 St Edmunds Park. Whilst two-storey dwellings (plots 7 to 9) would be located to the rear of 14-16 St Edmunds Park, the rear elevations of the proposed dwellings would be a minimum of 21m from the rear elevations of the existing bungalows which would be in line with the separation distances set out in the SPD. The finished floor levels of the dwellings on plots 7 to 9 would also be lower than the finished floor levels of existing bungalows and the existing boundary hedge would be retained.
- 6.17 Plot 10 would have a two-storey rear elevation 19m from 16 St Edmunds Park. Whilst this is below the 21m guidance set out in the SPD, plot 10 would only lie to the rear of part of 16 St Edmunds Park. Plot 9 would also lie to rear of this dwelling and this would be 21m away. The existing hedgerow on the north eastern boundary with St Edmund's Park and Hebden Avenue is proposed to be retained and this would help to protect and retain the

amenity of existing and future occupiers.

- 6.18 Plot 11 would be just over 20m from the rear elevations of 41 and 42 Hebden Avenue. The two-storey section of plot 13 would be over 24m from the side elevation of 43 Hebden Avenue. Plots 26 and 27 would have side elevations adjacent to the side elevations of 109 and 107 Hebden Avenue.
- 6.19 Plots 43 to 49 would lie to the rear of dwellings on Hebden Avenue. The former play area would lie between the existing and proposed dwellings, so the separation distances set out in the SPD would be greatly exceeded. Plots 52 and 55 would face the gables of 83 and 81 Hebden Avenue, with the separation distances exceeding those set out in the SPD.
- 6.20 An Air Quality Assessment has been submitted in support of this proposal. During the construction stage, the assessment found there is the potential for air quality impacts because of dust emissions from the site. Assuming good practice dust control measures are implemented, the report found the residual potential air quality impacts from dust generated by construction, earthworks and track-out activities would not be significant. Nevertheless, a condition has been added to the permission which requires the submission of a Construction Environmental Management Plan to ensure good practice and mitigation measures are employed as part of the proposed development.
- 6.21 During the operational phase (end-use), the modelling results indicated that annual emission concentrations across the site would be below the relevant air quality objectives at proposed sensitive locations.
- 6.22 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties which would be significant enough to warrant the refusal of the application.

#### 4. Provision Of Affordable Housing

- 6.23 Policy HO4 'Affordable Housing of the Local Plan identifies that the application site falls within Zone C, which requires the provision of 30% of dwellings as affordable homes on schemes with 11 or more units. A development of 156 dwellings would, therefore, require the provision of 46 affordable homes (rounded down in accordance with Housing SPD guidance).
- 6.24 This proposal includes a policy compliant provision of 46 affordable homes of which 23 (50%) would be intermediate (discounted sale or shared ownership) and 23 (50%) would be affordable rent. Of the proposed affordable housing mix, 25 (54%) would be two-bedroom dwellings and 21 (46%) would be three-bedroom dwellings. The proposal includes six two-bedroom bungalows for affordable rent. The affordable properties would be dispersed throughout the site.
- 6.25 The Council's Housing Development Officer has been consulted on the application. He considers that the affordable unit mix is acceptable and

reflects the need identified in the SHMA and meets a variety of household needs. He also considers that the location of the proposed affordable dwellings is acceptable.

- 6.26 The Housing Development Officer initially raised concerns about the gross internal area (GIA) of the Fraser house type, of which 15 were proposed for discounted sale. The size of the unit type (75.8m<sup>2</sup>) is not compliant with the standards set out in the Affordable and Specialist Housing SPD for a three bed house (80m<sup>2</sup>) and he recommended that these properties should be replaced with the Harper property type.
- 6.27 The developer has responded positively to this request and the 15 Fraser house types have been replaced by 11 Harper house types and 4 Fulford house types. The Harper and Fulford units are larger than the Fraser units and the floor space that they provide complies with the requirements of the Affordable and Specialist Housing SPD.
- 6.28 The Housing Development Officer also initially raised concerns about the lack of bungalows and adaptable dwellings on the site. The Council's Affordable and Specialist Housing SPD recommends that on sites of over 100 units 10% of the dwellings provided are bungalows or other accommodation suitable for older persons. In the case of the application site, 156 units x 10% would equate to 15 bungalows or other adaptable unit types suitable for older persons (across the market and affordable sectors).
- 6.29 The developer has submitted some additional information which demonstrates that the Branford and Fulford house types are adaptable and comply with Part M4(2) Accessible and Adaptable Dwellings of the Building Regulations. There are 21 of these house types proposed plus six bungalows, so the proposal now complies with the requirements of the Affordable and Specialist Housing SPD.
- 6.30 Following the receipt of revised plans and additional information, the Housing Development Officer has confirmed that he has no objections to the proposed development, which complies with the requirements of the Council's Affordable and Specialist Housing SPD

## 5. Highway Matters

- 6.31 Policy IP1 'Delivering Infrastructure', Policy IP2 'Transport and Development' and Policy IP3 'Parking Provision' of the Local Plan seek to ensure that sufficient infrastructure is in place to support development proposals, including adequate highway capacity and achievable access. Development proposals will be assessed against their impact upon the transport network and will be required to demonstrate / provide convenient access to public transport. Policy IP3 of the Local Plan specifically requires appropriate parking provision, whilst the Cumbria Development Design Guide (CDDG) also sets out recommended parking provision standards.
- 6.32 Access would be from Orton Road via a new priority-controlled junction. Several traffic calming measures, including raised tables with changes in

surface materials and bends in the carriageway, are proposed within the layout. This is compliant with Manual for Streets and ensures the layout incorporates predominantly 20mph road vehicle speeds and promotes walking and cycling.

- 6.33 An Emergency Vehicle Access (EVA) is also proposed off Orton Road via the private drive that serve plots 155 and 156. In the unlikely event that the primary access off Orton Road becomes blocked, the proposed EVA would provide an alternative point of access.
- 6.34 The Transport Assessment (TA) identifies that the site is well served by public transport options. The nearest bus stops are located around 550 metres from the centre of the site on Queensway to the east. Additional bus stops are located further along Orton Road and Holmrook Road. Up to ten services an hour are currently in operation providing access to destinations including Carlisle in an approximate 15-minute journey. These services operate from around 06:30 to 23:20 daily, making travel by public transport a real alternative to travelling by car.
- 6.35 In addition, an off-site footway is proposed on the south side of Orton Road and this would link the proposed development with the existing footpath leading from the west from the A595, to the existing footpath terminating at the junction to St Edmunds Park. This proposal would improve pedestrian connectivity to the existing bus stops and the services and amenities within the locality.
- 6.36 A Travel Plan has been submitted as part of the TA to further support and encourage sustainable modes of transport.
- 6.37 In terms of existing network capacity, the TA confirms the effects of the traffic likely to be generated by the proposal is forecast to be negligible. On that basis, it can be assumed the impact of the proposals on the local highway network would be minimal, and could not be considered to be severe.
- 6.38 The Highways Authority has been consulted on the application. In order to address the Highways Authority's initial concerns, the applicant has submitted a revised TA and layout plan.
- 6.39 Previously the Highways Authority noted that the proposed vehicular access onto Orton Road was within a 40mph speed limit zone, with an amended 30mph zone located to the north east of the proposed access. The applicant has demonstrated within the revised TA, that the main access into the development incorporates visibility splays of 2.4m x 60m. Following a revision of the access arrangements, the access is within a revised 30mph speed limit zone in its entirety with the relocated 30mph speed limit zone being to the west of the access on Orton Road. The Highways Authority has assessed the visibility splays and has concluded that they are under the control of the applicant and are achievable. As such the Highways Authority has no objections with regards to the vehicular access into the development site. It should be noted that the revised 30mph speed limit zone would be

delivered through a S278 agreement.

- 6.40 The applicant has detailed within the TA that a 3.7m wide emergency vehicular access (EVA) onto Orton Road is proposed to the west of the main access. Following an assessment of the layout, the EVA route is considered acceptable. Linkages to future phases of the adjacent allocated land are also provided.
- 6.41 Following previous concerns raised by the Highways Authority, the applicant has revised the layout of the development to include dropped kerbs for non-motorised users of the footways at all junctions. In addition, landscaping features are to be set back from the carriageway edge to allow for maintenance works to take place safely. The applicant has also confirmed that landscaping features within a visibility splay are to be no more than 0.6m in height to ensure that visibility splays are not compromised. This provision is acceptable to the Highways Authority and is to be ensured by conditions.
- 6.42 Within the TA, the study area as previously agreed with the Highways Authority was:
- A689/Orton Road roundabout; and
  - A595 Wigton Road/Orton Road/Dunmail Drive signalised junction

Within the previous comments regarding the TA, concerns were raised with regards to the impact of the proposed development on the A595 / Dunmail Drive / Orton Road junction and the modelling methodology behind the conclusions within the TA. In order to address these issues a revised TA has been submitted.

- 6.43 In order to better inform the TA, traffic surveys were undertaken at the A595 / Dunmail Drive / Orton Road junction between Friday 3 September and Thursday 9 September 2021. The surveys were undertaken from 07:00 to 19:00 for each day of the survey. The junction modelling has been revised using the traffic survey data collected as requested by the Highways Authority and the applicant has stated that rather than using traffic flows based on the average of each day, the analysis has utilised the busiest AM, PM and inter peak periods. This methodology is acceptable to the Highways Authority.
- 6.44 The TA has identified using the TRICS database that the proposed residential development is forecast to generate up to 95 two-way trips during the AM peak hour, 105 two-way trips during the PM peak hour and 63 two-way trips during the inter-peak/Saturday peak. This equates to an increase in vehicular movements of less than two trips per minute. Within Table 3 of the revised TA the impact of the proposed development on the A595 / Orton Road / Dunmail Drive junction is assessed. It is noted that the development proposed is forecast to result in an increase in traffic through the junction of less than 3%. The applicant considers that this increase in traffic is less than what occurs as a result of daily fluctuations in traffic flows. Therefore, the applicant considers that the impact of the development on the

A595 / Orton Road / Dunmail Drive junction would be negligible. The Highways Authority have assessed the results of the TA and have concluded that the proposed increase in traffic at the A595 / Orton Road / Dunmail Drive junction would not have a detrimental impact on highway safety and is, therefore, acceptable.

- 6.45 In order to address the concerns previously raised, the applicant has submitted a revised layout plan. In this revised layout plan there is an opportunity for pedestrian connectivity to the west, to the site which has outline planning permission for residential development (17/0883) and along the frontage of the site with Orton Road. In addition, the applicant has highlighted locations whereby footpaths can connect into Hebden Avenue to the east (between plots 43 and 44) along with an opportunity to connect to an existing footway which runs from Brackenleigh to Hebden Avenue. The Highways Authority has assessed the footway connection between plots 43 and 44 into Hebden Avenue and it is noted that the footway connects into a green space which is not under the applicant's control. The footway within the development site is to connect into the existing network between 95 and 97 Hebden Avenue and, therefore, the applicant is to work with the relevant landowners (which is Carlisle City Council) to develop this connection. The applicant should also note that all footways are to be 2m in width and surfaced in a bound material.
- 6.46 The applicant has detailed with the revised TA that the proposals would provide 392 parking spaces including garages. In accordance with the Cumbria Development Design Guide a total of 382 car parking spaces for residents are required for the proposed development along with 31 spaces for visitors. Therefore, the car parking requirement within the development site was previously considered to be 19 visitor car parking spaces below the requirements of the Cumbria Development Design Guide.
- 6.47 Following a review, the Highways Authority has determined that there are opportunities for on street car parking within the development site and spare capacity in-curtilage parking to encompass the extra 19 spaces required. As such, the Highways Authority has no objections with regards to the proposed car parking provision.
- 6.48 In light of the above, the Highways Authority has no objections with regards to the approval of planning permission subject to conditions and subject to the following financial contributions –
- Travel Plan Monitoring - £6,600
  - Relocating of the 30mph zone and new gateway feature - £5,500

## 6. Drainage Issues

- 6.49 Policy IP6 'Foul Water Drainage on Development Sites', Policy CC4 'Flood Risk and Development' and Policy CC5 'Surface Water Management and Sustainable Drainage Systems' of the Local Plan require proposals to satisfactorily demonstrate how foul and surface water would be managed. The Council seeks to ensure that new development does not result in unacceptable flood risk or drainage problems and encourages the use of

sustainable drainage systems.

- 6.50 A Flood Risk Assessment (FRA) has been submitted with the application. The FRA confirms that the land is located within Flood Zone 1 and is at very low risk of flooding.
- 6.51 Surface water would drain into Dow Beck at greenfield rate via a SuDS pond located at the low point in the south eastern part of the site. This would mitigate any impact on Dow Beck and would effectively mimic pre-development conditions.
- 6.52 Foul water was originally intended to drain via a proposed foul pumping station located at the low part of the site before being discharged via a rising main to the existing sewer in St Edmunds Park. The pumping station and associated rising main are no longer proposed. It is now proposed to connect the foul water via gravity via an existing manhole in Hebden Avenue through third party land.
- 6.53 Temporary construction surface water would be managed using temporary silt traps on the boundaries which would drain to the proposed SuDS pond. A de-silt lagoon located on the high side of the SuDS pond would intercept any silt runoff from the site prior to entering Dow Beck.
- 6.54 The Lead Local Flood Authority (LLFA) has been consulted on the application. A FRA and Geo-Environmental Appraisal (GEA) have been submitted with the application and these indicate that surface water from the development would discharge into Dow Beck which is an ordinary watercourse to the south east of the site. In accordance with the hierarchy of drainage options as stated within the Cumbria Development Design Guide, the first option to be explored for the discharge of surface water is via infiltration. Following a review of the GEA, ground investigations were undertaken through a series of boreholes and it is noted that groundwater is present throughout the site. As such the report concludes that infiltration is not a viable method of surface water disposal for the site. The LLFA has reviewed the GEA and agrees with the conclusion that infiltration is not viable for the site. Therefore, in accordance with the hierarchy, discharge of surface water into Dow Beck in line with the preferred option can be considered.
- 6.55 The discharge rate from the development into Dow Beck is to be equal to the greenfield runoff rate for the development site at 39.1l/s. Attenuation would also be required on site to accommodate a 1 in 100 year plus 40% (to account for climate change) storm event. The LLFA stated previously that within the detailed calculations submitted manholes S122, S126 and S127 experienced flooding during a 1 in 100 year plus 40% (to account for climate change) storm event. This was determined as being unacceptable as the drainage system is to be designed to accommodate a 1 in 100 year plus 40% (to account for climate change) storm event without increasing flood risk on site, or downstream. As such the applicant was to increase the attenuation being provided on site and submit revised calculations for comment. In addition, the applicant was also to demonstrate that the

drainage proposals incorporate sufficient treatment of the surface water prior to discharge for a residential development in accordance with the SuDS manual.

- 6.56 Following on from these comments, a revised suite of Micro Drainage calculations have been submitted by the applicant along with a detailed drainage design. The calculations submitted demonstrate that sufficient attenuation is provided on site to accommodate a 1 in 100 year plus 40% (to account for climate change) storm event with the discharge limited to the greenfield runoff rate of 39l/s. Following a review, there are no longer any flooded volumes during the 1 in 100 year plus 40% (to account for climate change) storm event which is acceptable to the LLFA.
- 6.57 With regards to the treatment of the surface water prior to discharge, the applicant has detailed the sediment forebay information within the pond. The details provided within the drawing are acceptable; however, the applicant has not demonstrated that the drainage proposals incorporate sufficient treatment of the surface water prior to discharge for a residential development in accordance with the SuDS manual. The LLFA are content that the treatment information can be submitted at a later stage of the planning process and secured through the use of conditions. It should be noted that the layout may change when the treatment train is confirmed.
- 6.58 Therefore to conclude, the LLFA has no objections with regards to the approval of planning permission subject to conditions.

## 7. Open Space Provision

- 6.59 Policy GI4 'Open Space' of the Local Plan requires new housing developments of more than 20 dwellings to include informal space for play or general recreation or amenity use on site according to the size of the proposal. In addition, all new developments should have safe and convenient access to high quality open space.
- 6.60 The proposed layout includes 0.68 hectares of public amenity space including two areas to the front of the scheme which create an open and attractive entrance, a linear area of open space adjacent to the existing hedgerow which bisects the middle of the scheme and an area of public open space to east of the SUDS pond.
- 6.61 The Health & Well Being Team has been consulted on the application. The site should provide 1.92 hectares of open space to maintain the Local Plan target of 3.6 hectares per 1,000 population. The proposed plan shows 0.68 hectares of open space, so there is a deficit of provision of 1.24 hectares. An offsite contribution of £31,038.75 should be provided to upgrade open space which is accessible from the development. The open spaces of Yewdale and Richmond Green are both accessible from the site and both have shown deficits in provision/quality from routine site safety surveys. The open space contribution would be spent on improvements to the footpaths and seating areas in Yewdale and Richmond Green to make them more accessible.



- 6.62 The site is too small for a play area so a contribution should be made to upgrade existing offsite play provision in Yewdale. Routine and independent inspections have shown a deficit in quality of play provision at Yewdale. The contribution would be spent on replacing swings, the infants multi-play unit and the Dutch Disc. A contribution of £45,000 is, therefore, required to upgrade the existing play equipment at Yewdale.
- 6.63 There is no provision for sports pitches on site and no scope to do this. The Local Football Pitch Facility Plan (July 2020) shows deficits in provision and the Sports Pitch Strategy 2014 (currently being updated) also shows deficits. A contribution of £33,327 is, therefore, requested and this would be spent towards the funding of an artificial football pitch. This artificial pitch, which would be a city wide facility, could be located at the Richard Rose Morton Academy or at another site in the west of the city.
- 6.64 The developer would be required to ensure appropriate measures are put in place for the management of any new open space provided within this development.

## 8. Education

- 6.65 A dwelling-led model has been applied as is outlined in the County Council's Planning Obligation Policy and the proposed development estimates a yield of 62 children: 36 primary and 26 secondary pupils. The catchment schools for this development are Great Orton (3.7 miles measured from the centre of the development site) with a small piece in the Yewdale catchment area (1 mile). The Secondary catchment schools are Caldew (3.8 miles) with a small piece falling in the Morton Academy catchment (0.9 miles).
- 6.66 There are insufficient places available in the catchment school of Great Orton Primary School to accommodate the 36 primary pupil yield after other development in the area is first considered. However, part of this development is in the catchment area of Yewdale which has spaces available. Therefore a contribution is not sought for primary education.
- 6.67 When considering the effect on pupil numbers from known levels of housing development across Carlisle, there will be only 4 places available of the required 26 to accommodate the secondary pupil yield from this development. Therefore, an education contribution for the remaining 22 places would be required of £554,158 (22 x £25,189). The £25,189 is the £18,188 multiplier set out in the County Council's Planning Obligation Policy (2013) index linked to present day costs.
- 6.68 As there are places available Yewdale School which is within the statutory walking distance and on a safe route no contribution is sought for primary school transport. Subject to the education contribution being provided which will ensure there is sufficient capacity which will be within the statutory walking distance and on a safe route no contribution is sought for secondary school transport.

## 9. Biodiversity

- 6.69 Policy GI3 'Biodiversity and Geodiversity' and Policy GI6 'Trees and Hedgerows' of the Local Plan, collectively, seek to protect, and where possible, enhance biodiversity and the natural environment through the protection and integration of existing trees and hedges.
- 6.70 A Preliminary Ecological Appraisal (March 2021) (PEA) and Arboricultural Impact Assessment (March 2021) (AIA) have been submitted in support of the application.
- 6.71 The site is currently comprised of predominantly agricultural improved grassland and is bordered on all sides by hedgerows and trees lines. A further hedgerow bisects the site from east to west. A small area of scrub and coppiced woodland is present at the southern end of the site, with an area of scrub also being present at the eastern side. Tall ruderals are present within the field margins and a wet ditch is present to the south and east of the site.
- 6.72 The following ecological constraints have been identified on the site:
- one tree was assessed as having moderate bat roosting potential, with two trees having low bat roost potential
  - the site has moderate bat foraging and commuting potential
  - the site contains suitable habitats for nesting birds, hedgehogs and common amphibians
- 6.73 All trees with bat roosting potential are to be retained and protected. Precautionary working methods are to be followed during the construction phase for bats, hedgehogs, amphibians and invasive non-native species (which have been found recorded adjacent to the site). If any vegetation requires removal, the works should be completed outside of the bird breeding season (March to September). If this is not feasible a nesting bird check should be completed by a qualified ecologist within 48 hours of the vegetation being removed.
- 6.74 The following ecological enhancements have been recommended
- bat and bird boxes could be placed on the new buildings/retained trees
  - 'hedgehog highways' should be included to facilitate movement of hedgehogs across the site
  - bug hotels and log piles should be provided to enhance the habitat for invertebrates, bats and birds
- 6.75 Natural England has been consulted on the application. As there is a hydrological connection from the proposed development site to the River Eden & Tributaries SSSI and River Eden SAC potential impacts need to be considered within a brief Habitats Regulations Assessment (HRA). As Dow Beck runs through the eastern edge of the site and discharges into the River Eden & Tributaries SSSI and River Eden SAC further east it will be essential to minimise pollution of this watercourse at both the construction and built

phases. The CEMP should contain appropriate pollution prevention guideline measures to include materials and machinery storage, biosecurity, and mitigation for the control and management of noise, fugitive dust, surface water runoff and waste. We also advise a 10m exclusion zone along both sides of the water course during construction. The biosecurity recommendations from the Preliminary Ecological Appraisal (PEA) should be included in the CEMP, as well as the lighting recommendations to reduce impacts on bat species.

- 6.76 For the built phase, a finalised Surface Water Drainage Plan is required detailing the appropriate Sustainable Urban Drainage System (SuDS) that would be implemented to restrict run-off to pre-construction greenfield run-off rates. This would help to minimise pollution of the watercourse, as well as to reduce the risk of flooding downstream where Dow Beck enters Flood Risk Zones 2 and 3 in Carlisle. The Drainage Plan needs to incorporate a management plan for ongoing maintenance of the SuDS. If the attenuation basins are to be used during the construction phase for the purpose of settling out sediment, the basins and catch pits need to be monitored and maintained following rainfall events to prevent trapped silt from being remobilised. Consideration should also be given to using other emergency mechanisms such as a silt buster. Ordinary Watercourse consent from the County Council may also be required for any discharge to the watercourse during both construction and operational phases.
- 6.77 The recommendations outlined in Section 5 of the submitted PEA should be secured. Natural England recommends the proposal seeks to achieve a biodiversity net gain, over and above residual losses, which should be mitigated for or compensated. A biodiversity net gain should be achievable for this development given its scale. Natural England recommends the current Biodiversity Metric 2 be used to calculate the net gain in biodiversity for individual planning proposals. The metric has a hedgerow calculation section which we would recommend for this application as species rich hedgerows are to be lost. For species, net gain biodiversity enhancements should be incorporated in the building design including bird and bat boxes as outlined in Section 7 of the PEA.
- 6.78 Conditions have been added to the consent which require the applicant to submit a revised CEMP and details of the proposed surface water drainage scheme. Following the response from Natural England, the applicant has submitted a Habitats Regulations Assessment Screening Report. This indicates that the proposed development has no significant risk of having any negative effect on the qualifying features for the River Eden SAC. After considering all potential direct and indirect impacts of the proposed development it is concluded that the works, both in construction and operational phase, would not significantly impact on the River Eden SAC.
- 6.79 Natural England has requested that the scheme should achieve biodiversity net gain. Some existing trees and sections of hedgerows would be removed to accommodate the development and new planting would be provided to mitigate for this loss and this would be secured by condition. A condition has also been added to the permission to secure wildlife enhancement measures and these could include the provision of bat and bird boxes, bug hotels and log piles. The provision of replacement planting, the creation of a

SuDS pond, which would bring ecological benefits through associated soft landscaping, including the creation of a bio-diverse aquatic habitat associated with a natural ecological pond, the provision of wildlife enhancement measures and the creation of gardens should ensure that the site achieves biodiversity net gain.

- 6.80 In light of the above, the proposal would not have an adverse impact on biodiversity.

#### 10. Impact On Trees/ Hedgerows

- 6.81 The proposed development requires the removal of one tree, six groups of trees, parts of a further six groups of trees, one hedgerow and parts of a further three hedgerows. It is proposed to retain existing trees and hedgerows on the boundaries, where possible. No 'Category A' trees or hedges are proposed to be removed and the hedgerows on the boundaries with existing dwellings at St Edmunds Park and Hebden Avenue would be retained.
- 6.82 Additional supplementary planting is proposed throughout the scheme to mitigate for the loss of existing trees and hedgerows. Additional landscaping would reinforce the existing landscape structure of the land and would include the reinforcement of boundary trees and hedgerows and supplementary planting to create attractive tree lined streets.
- 6.83 The new footpath that is to be created along Orton Road would be located in close proximity to some protected trees. The applicant has submitted an Arboricultural Method Statement to ensure that the creation of the footpath would not have an adverse impact on the protected trees. A cellular confinement system, which would ensure that no excavation is required, would be used.
- 6.84 The proposal would be acceptable subject to the imposition of conditions to ensure that existing trees are protected by appropriate tree protection fencing during construction works; the Arboricultural Method Statement is adhered to; and new trees and hedgerows are planted to mitigate for the loss of existing trees and hedgerows.

#### 11. Crime Prevention

- 6.85 Generally, the dwellings are arranged to overlook the access roads and each other, with interlocking rear gardens. Unfortunately, there is no detailed information relating to proposed security measures, although the Design and Access Statement (Design Principles and Development) advises the "form of open spaces with overlooking properties..." and "positive frontages will be provided onto areas of public open space providing natural surveillance and enclosure for sense of safety". The developer needs to ensure that corner plots have active gables and the land adjacent to Plot 27, which is not overlooked, should be incorporated into the garden of that property.
- 6.86 Following receipt of amended plans, the Crime Prevention Officer is encouraged that the corner plots (plots 62 and 103) now feature 'active'

gables. The status and ownership of land adjacent to plot 27, or issues pertaining to demarcation of space, lighting schemes or protection against burglary have still need been addressed. Exterior doors and ground floor windows should be certified to PAS 24:2016 and the applicant should consider achieving Secured by Design 'Silver' accreditation for this development.

- 6.87 The applicant has amended the proposals further and the area next to plot 27 has now been incorporated into the garden of that property. A plan has been submitted which shows the demarcation of public and private space. Details of the proposed windows and doors have also been provided to demonstrate the security measures to be incorporated.

## 12. Impact Of The Proposal On Any Listed Buildings

- 6.88 Bunkershill, which consists of three dwellings (West End, Centre House and East End) is Grade II Listed and lies on the opposite side of Orton Road to the application site.

- 6.89 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

- 6.90 Paragraph 201 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to (or total loss of significance of) designated heritage assets. However, in paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy HE3 (Listed Buildings) of the adopted Local Plan states Listed Buildings and their settings will be preserved and enhanced.

- 6.91 Bunkershill is located on the opposite side of Orton Road to the application site and is over 150m to the west. The building is set back from the road and is largely screened by a high wall to the front. Developing the application site for residential development would not have an adverse impact on the setting of this Listed Building.

## Conclusion

- 6.92 The application site is allocated for housing in the adopted Local Plan. The layout, scale and design of the development would be acceptable and the proposal would not have an adverse impact on the living conditions of occupiers of any neighbouring properties through loss of light, loss of privacy

or over dominance, or on any listed buildings. Subject to the proposed conditions and a S106 agreement it is considered that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, biodiversity, trees, education, or open space. The proposal is, therefore, recommended for approval subject to the completion of a S106 Agreement.

6.93 If Members are minded to grant planning approval it is requested that “authority to issue” the approval is given subject to the completion of a S106 agreement to secure:

- a) the provision of 30% of the units as affordable;
- b) an off-site open space contribution of £31,038 for the upgrading of existing open space;
- c) a financial contribution of £45,000 to support the off-site improvement of existing play area provision;
- d) a financial contribution of £33,327 to support the off-site improvement of existing sports pitches;
- e) the maintenance of the informal open space within the site by the developer;
- f) a financial contribution of £554,158 to Cumbria County Council towards secondary education provision;
- g) a financial contribution of £6,600 to Cumbria County Council for Travel Plan Monitoring;
- h) a financial contribution of £5,500 to Cumbria County Council for relocating the 30mph zone and a new gateway feature.

If the Legal Agreement is not completed, delegated authority should be given to the Corporate Director of Economic Development to refuse the application.

## **7. Planning History**

7.1 There is no planning history relating to this site.

## **8. Recommendation: Grant Subject to S106 Agreement**

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted Application Form received 6<sup>th</sup> April 2021 and part amended application form received 3<sup>rd</sup> August 2021;

2. the Amended Certificate of Ownership received 3<sup>rd</sup> August 2021;
3. the Statement of Community Involvement (April 2021) received 5<sup>th</sup> April 2021;
4. the Air Quality Assessment (28<sup>th</sup> January 2021) received 6<sup>th</sup> April 2021;
5. the Design & Access Statement received 6<sup>th</sup> April 2021;
6. the Heritage Impact Assessment (October 2020) received 6<sup>th</sup> April 2021;
7. the Material Samples document received 6<sup>th</sup> April 2021;
8. the Planning Statement (April 2021) received 6<sup>th</sup> April 2021;
9. the Flood Risk Assessment 882202-R1(01) – FRA (July 2021) received 3<sup>rd</sup> August 2021;
10. the Geo-environmental Appraisal 5110-G-R001 (December 2020) received 3<sup>rd</sup> August 2021;
11. the Landscape and Visual Appraisal (July 2021) received 3<sup>rd</sup> August 2021;
12. the Landscape Management & Maintenance Plan (November 2021) received 3<sup>rd</sup> November 2021;
13. the Transport Assessment (July 2021) received 3<sup>rd</sup> August 2021;
14. the Micro Drainage Calculations received 10<sup>th</sup> September 2021;
15. the Habitat Regulations Assessment (HRA) Screening Report (July 2021) received 3<sup>rd</sup> August;
16. the Engineering Appraisal (drawing ref 10-01 rev P8) received 3<sup>rd</sup> November 2021;
17. the Arboricultural Impact Assessment (July 2021) received 10<sup>th</sup> September 2021;
18. the Construction Specification document (windows and doors) received 19<sup>th</sup> September 2021;
19. the Construction and Environmental Management Plan - Biodiversity (July 2021) received 10<sup>th</sup> September 2021;
20. the Highways Technical Notes received 24<sup>th</sup> September 2021;
21. the External Plot Finishes (SD-100– Issue 02) - Standard Construction Details, received 6<sup>th</sup> April 2021;
22. the Proposed offsite footpath (drawing ref 20082-POF) received 6<sup>th</sup> April 2021;
23. the Schneider GRP Substation Area of land required (drawing ref SH-SS-01) received 6<sup>th</sup> April 2021;
24. the Construction details for Schneider GRP unit substation (drawing ref 900350-002 Rev 3) received 6<sup>th</sup> April 2021;
25. Bailey (A) House Type Booklet, received 6<sup>th</sup> April 2021;
26. Harper (A) House Type Booklet, received 6<sup>th</sup> April 2021;

27. Harrison (A) House Type Booklet, received 6<sup>th</sup> April 2021;
28. Hewson (A) House Type Booklet, received 6<sup>th</sup> April 2021;
29. Masterton (A) House Type Booklet, received 6<sup>th</sup> April 2021;
30. Pearson (A) House Type Booklet, received 6<sup>th</sup> April 2021;
31. Spencer (A) House Type Booklet, received 6<sup>th</sup> April 2021;
32. Wilson (A) House Type Booklet, received 6<sup>th</sup> April 2021;
33. Branford M4(2)S House Type Booklet, received 6<sup>th</sup> April 2021;
34. Fulford (A) House Type Booklet, received 6<sup>th</sup> April 2021;
35. Newford M4(3)S House Type Booklet, received 6<sup>th</sup> April 2021;
36. Rushford (A) House Type Booklet, received 6<sup>th</sup> April 2021;
37. Sanderson (A) House Type Booklet, received 10<sup>th</sup> September 2021;
38. Landscaping Supporting Notes (drawing ref  
UG\_758\_LAN\_LSN\_DRW\_08 rev P01) received 6<sup>th</sup> April 2021;
39. Garage Booklet, received 6<sup>th</sup> April 2021;
40. Location Plan (drawing ref 20082-LOC) received 3<sup>rd</sup> August 2021;
41. Soft Landscape Proposals Plan Sheet 1 of 7 (drawing ref  
UG\_758\_LAN\_SL\_DRW\_01 rev P08) received 3<sup>rd</sup> November 2021;
42. Soft Landscape Proposals Plan Sheet 2 of 7 (drawing ref  
UG\_758\_LAN\_SL\_DRW\_02 rev P06) received 3<sup>rd</sup> November 2021;
43. Soft Landscape Proposals Plan Sheet 3 of 7 (drawing ref  
UG\_758\_LAN\_SL\_DRW\_03 rev P06) received 3<sup>rd</sup> November 2021;
44. Soft Landscape Proposals Plan Sheet 4 of 7 (drawing ref  
UG\_758\_LAN\_SL\_DRW\_04 rev P06) received 3<sup>rd</sup> November 2021;
45. Soft Landscape Proposals Plan Sheet 5 of 7 (drawing ref  
UG\_758\_LAN\_SL\_DRW\_05 rev P07) received 3<sup>rd</sup> November 2021;
46. Soft Landscape Proposals Plan Sheet 6 of 7 (drawing ref  
UG\_758\_LAN\_SL\_DRW\_06 rev P06) received 3<sup>rd</sup> November 2021;
47. Soft Landscape Proposals Plan Sheet 7 of 7 (drawing ref  
UG\_758\_LAN\_SL\_DRW\_07 rev P08) received 3<sup>rd</sup> November 2021;
48. the Proposed Site Sections (drawing ref 20082-SS01 rev C) received  
3<sup>rd</sup> November 2021;
49. the Proposed Site Layout (drawing ref 20082-PL01 rev K) received  
3<sup>rd</sup> November 2021;
50. the Proposed Parking Layout (drawing ref 20082-PPL01 rev J)  
received 3<sup>rd</sup> November 2021;
51. the Man Co. Plan (drawing ref 20082-MCP01 rev F) received 3<sup>rd</sup>  
November 2021;
52. the Hard Surfacing Materials (drawing ref 20082-HSM rev G) received  
3<sup>rd</sup> November 2021;
53. the Elevational Treatments (drawing ref 20082-ET01 Rev G) received  
3<sup>rd</sup> November 2021;
54. the Proposed Site Layout Colour (drawing ref 20082-PL01 rev K)  
received 3<sup>rd</sup> November 2021;
55. the Boundary Treatments (drawing ref 20082-BT01 rev G) received  
3<sup>rd</sup> November 2021;
56. any such variation as may subsequently be approved in writing by the  
Local Planning Authority.

**Reason:** To define the permission.



3. The materials to be used on the exterior of the dwellings shall be in strict accordance with the details submitted with the application.

**Reason:** To ensure the works harmonise as closely as possible with dwellings in the vicinity and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. The proposed hard and soft landscape works shall be in strict accordance with the details submitted with the application. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. The proposed boundary treatments shall be in strict accordance with the details submitted with the application.

**Reason:** To ensure satisfactory boundary treatment is erected in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Prior to the SUDS ponds being brought into use, railings shall be installed in accordance with the details submitted.

**Reason:** To safeguard local residents.

7. Foul and surface water shall be drained on separate systems.

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution.

8. Prior to the commencement of any development, 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, 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 in accordance with policies in the NPPF and NPPG and Policy CC5 of the Carlisle District Local Plan 2015-2030.

9. Prior to occupation of the development a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The Sustainable Drainage Management and Maintenance Plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

**Reason:** To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

10. No development shall commence until a Construction Surface Water Management Plan has been agreed in writing with the local planning authority.

**Reason:** To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

11. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

**Reason:** In order to enhance the habitat for wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

12. Prior to the commencement of development, tree protection fencing shall be installed in accordance with the submitted details. The tree protection fencing shall be retained in place at all times until the construction works have been completed.

**Reason:** To ensure that the existing trees are protected, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

13. The development shall be undertaken in strict accordance with the Arboricultural Impact Assessment (July 2021) received 10<sup>th</sup> September 2021.

**Reason:** To ensure that the existing trees are protected, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

14. Prior to the commencement of development, the applicant shall submit a Construction Environmental Management Plan (CEMP) for approval in writing by the local planning authority. The development shall then be undertaken in strict accordance with the CEMP.

**Reason:** To ensure that the proposed development does not have an adverse impact on ecology or on the living conditions of local residents in accordance with Policies GI3 and SP6 of the Carlisle District Local Plan 2015-2030.

15. The finished floor levels shall be in strict accordance with the details shown on the Engineering Appraisal (drawing ref 10-01 rev P7) received 10<sup>th</sup> September 2021.

**Reason:** In order that the approved development does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

16. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

17. Prior to the occupation of any dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for any dwelling shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.

**Reason:** To ensure the provision of electric vehicle charging points for each dwelling, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation

scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19. Prior to the occupation of each dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle District.

**Reason:** In accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwellings to be erected on plots 3 to 10 in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

**Reason:** To ensure that the character and attractive appearance of the dwellings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

21. Prior to the occupation of the first dwelling the footpath that it is to be created along Orton Road (as shown on drawing Proposed Offsite Footpath Dwg No. 20082-POF) shall be constructed.

**Reason:** To ensure that the development has convenient pedestrian linkages in accordance with SP6 of the Carlisle District Local Plan 2015-2030.

22. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

23. The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

**Reason:** In the interests of highway safety and to support Local Transport Plan Policies LD7 & LD8.

24. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before development commences and shall not be raised to a height exceeding 1.05m thereafter.

**Reason:** In the interests of highway safety and to support Local Transport Plan Policies LD7 & LD8.

25. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

**Reason:** To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies LD7 & LD8.

26. Footways shall be provided that link continuously and conveniently to the nearest existing footway. Footways, to and from the site, shall be provided that are convenient to use.

**Reason:** In the interests of highway safety and to support Local Transport Plan Policies LD7 & LD8.

27. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

**Reason:** To ensure that vehicles can be properly and safely accommodated clear of the highway and to support Local

Transport Plan Policies LD7 & LD8.

28. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative, with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
  - 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;
  - The management of junctions to and crossings of the public highway and other public rights of way/footway;
  - Details of any proposed temporary access points (vehicular / pedestrian)
  - Surface water management details during the construction phase

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety and to support Local Transport Plan Policies WS3 & LD4.

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Story  
HOMES

Orton Road, Carlisle

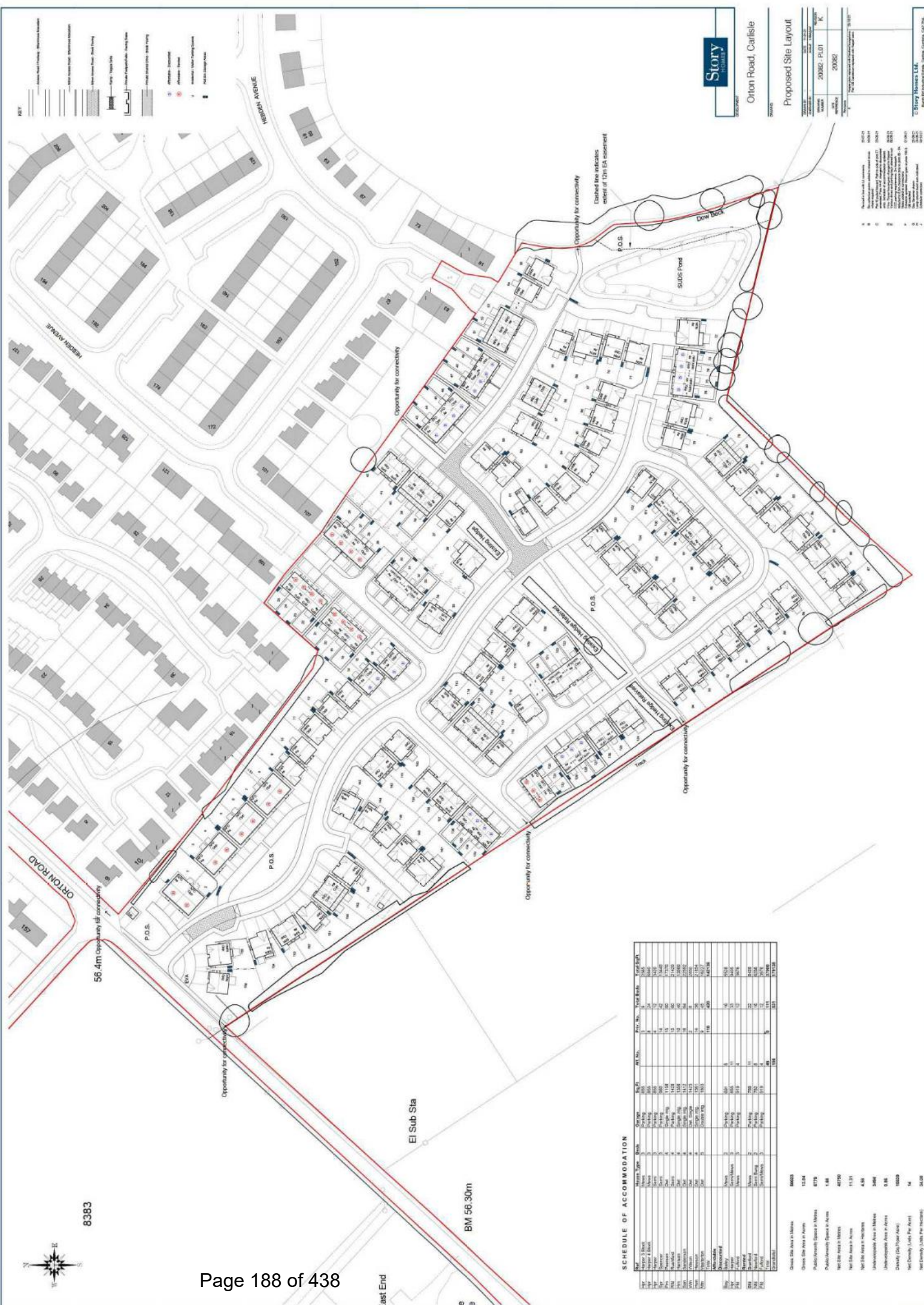
# Location Plan

DRAWN BY	DATE	25/01/2022
CHECKED BY	SCALE	1:10000
DRAWING NUMBER	20082-LOC	REVISION
DATE	20082	REFERENCE

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Burgh Rd Industrial Estate, Carlisle, Cumbria, CA2 7NA.  
Tel 01228 640800 Fax 01228 640801









8383

The Retreat

Sanjo

Bunkershill

East End

El Sub Sta

10 St Edwards Park  
FTL 50.00 (assumed)  
EFL 50.00  
BNL 42.00

Prop 1A2  
FTL 50.00  
EFL 50.00  
BNL 42.00

15.1m rear to side

Existing  
Retained  
Height

### Section A

18 St Edwards Park  
FTL 50.00 (assumed)  
EFL 50.00  
BNL 42.00

Prop 1A2  
FTL 50.00  
EFL 50.00  
BNL 42.00

15.1m rear to rear

Existing  
Retained  
Height

### Section B

10 St Edwards Park  
FTL 50.00 (assumed)  
EFL 50.00  
BNL 42.00

Prop 1A2  
FTL 50.00  
EFL 50.00  
BNL 42.00

17.2m side to rear

Existing  
Retained  
Height

### Section C

10 St Edwards Park  
FTL 50.00 (assumed)  
EFL 50.00  
BNL 42.00

Prop 1A2  
FTL 50.00  
EFL 50.00  
BNL 42.00

17.2m side to rear

Existing  
Retained  
Height

### Section D

10 St Edwards Park  
FTL 50.00 (assumed)  
EFL 50.00  
BNL 42.00

Prop 1A2  
FTL 50.00  
EFL 50.00  
BNL 42.00

17.2m side to rear

Existing  
Retained  
Height

Story  
RESIDENTIAL

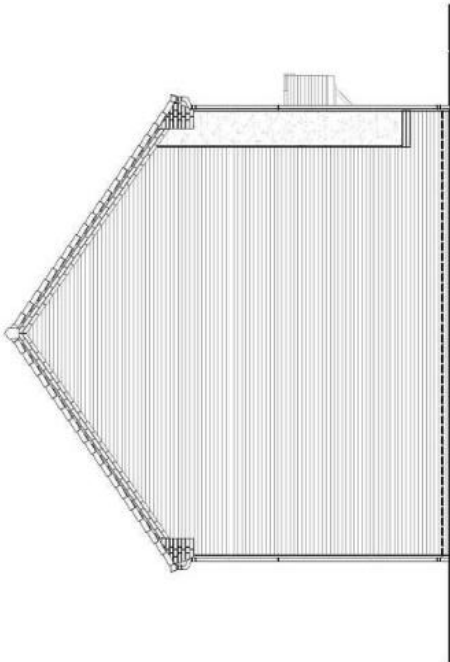
Orton Road, Carlisle

Proposed Site Sections

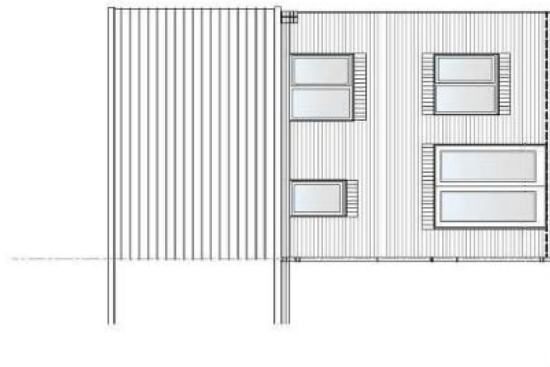
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B	2002 - 2003		
C	2004 - 2005		
D	2006 - 2007		



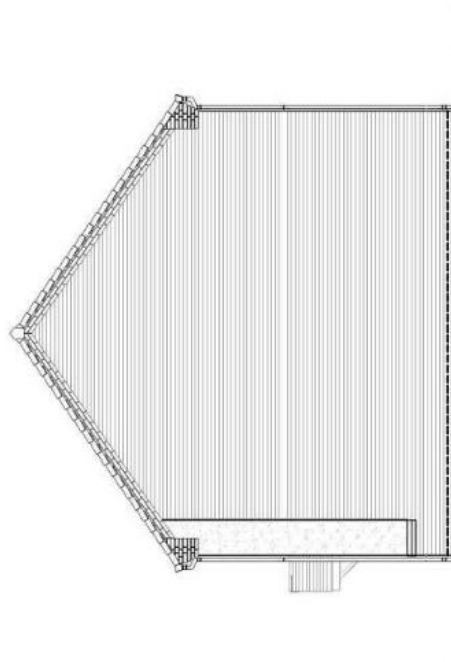
Front Elevation



Left Elevation



Rear Elevation



Right Elevation



HOUSE TYPE

BAILEY (A)

DRAWING

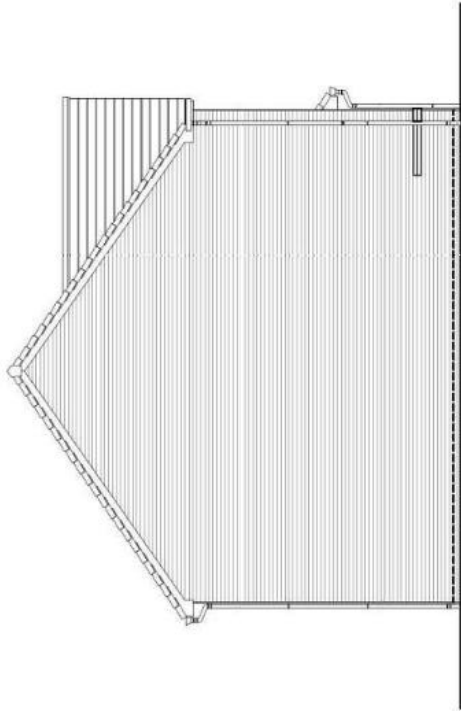
Planning Elevation 1/2

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CHECKED BY	AM	SCALE	1:100/0.5
DRAWN BY	AM	STANDARD NUMBER	18/01/20
NO. OF PAGES	3	PROJECT NUMBER	A
REVISIONS	None		
DATE	18/01/20		

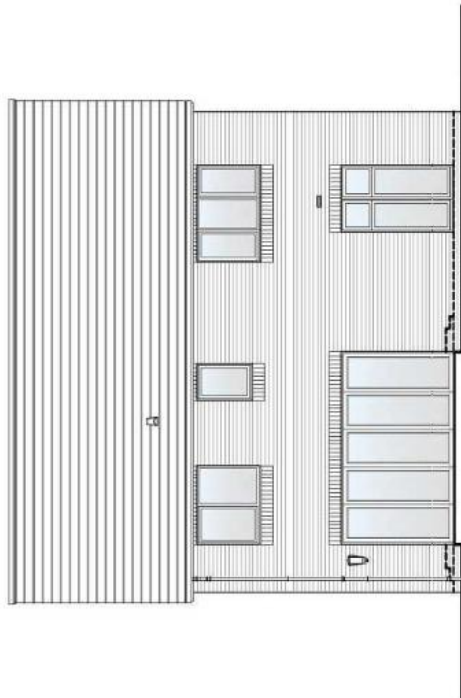
**Story Homes.**  
Story House, Lords Way, Kingmoor Business Park,  
Carlisle, Cumbria, CA4 4S.  
Tel: 01228 400390 Fax: 01228 400551



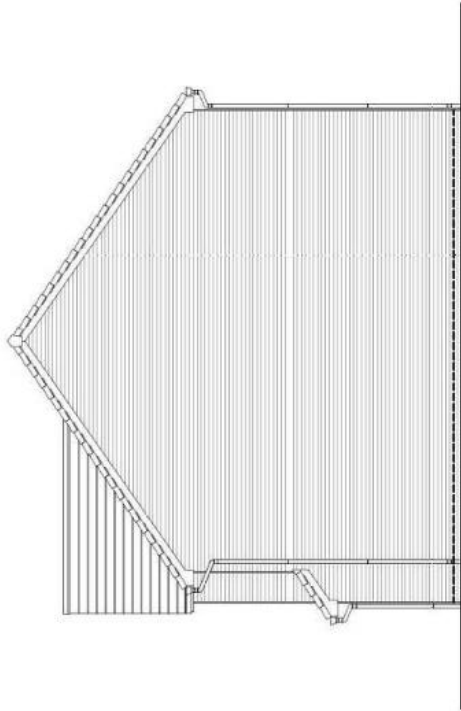
Front Elevation



Left Elevation



Rear Elevation



Right Elevation



HOUSE TYPE

HARRISON (A)

DRAWING

Planning Elevation 1/1

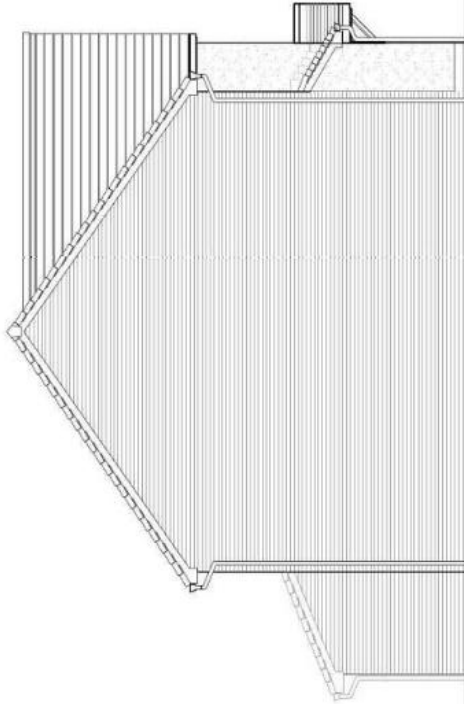
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NO. OF PAGES	A/03	PROJECT NUMBER	A
REVISIONS		DATE	
A		13/06/19	

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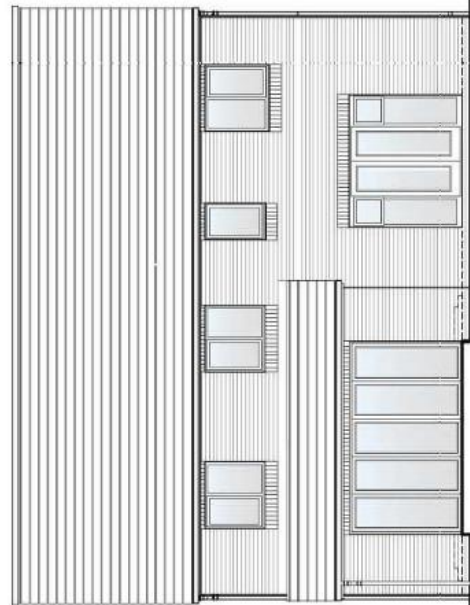




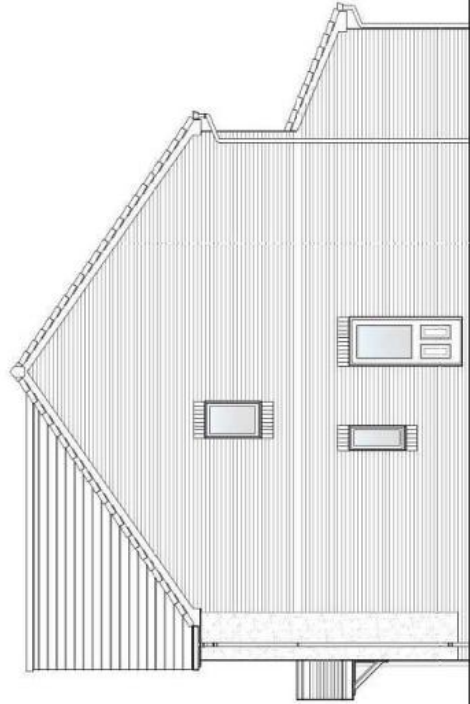
Front Elevation



Left Elevation



Rear Elevation



Right Elevation



HOUSE TYPE

MASTERTON (A)

DRAWING

Planning Elevation 1/2

DRAWN BY	CM	DATE	01/02/19
CHECKED BY	AM	SCALE	1:100/0.5
DRAWN BY	AM	DRAWING NUMBER	MTN-PL1/2
NO. OF PAGES	A/04		C
REVISIONS	Name: Date:		
A	Curtesy installed		
B	New double door and side window added		
C	New double door and side window added		
	28/04/19		
	04/02/20		
	06/05/20		

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## SCHEDULE A: Applications with Recommendation

21/0951

Item No: 04

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0951

**Applicant:**  
Mr Lovell

**Parish:**  
Stanwix Rural

**Agent:**  
Sam Greig Planning Ltd

**Ward:**  
Stanwix & Houghton

**Location:** Land to the rear of South View, The Green, Houghton, Carlisle, CA3 0LN

**Proposal:** Erection Of Agricultural Building (Revision To Application 14/0678/Part Retrospective)

**Date of Receipt:**  
06/10/2021

**Statutory Expiry Date**  
01/12/2021

**26 Week Determination**

---

### 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 Principle Of Development Is Acceptable
- 2.2 Scale, Design and Impact On The Character And Appearance Of The Locality
- 2.3 Highway Matters
- 2.4 The Impact On The Living Conditions Of Residential Properties
- 2.5 Surface Water Drainage
- 2.6 Biodiversity
- 2.7 Other Matters

#### 3. Application Details

##### The Site

- 3.1 South View is a large detached property located to the north of Houghton and is accessed via a private road that leads from The Green. The property

comprises of a series of outbuildings including a detached garage and stables.

- 3.2 To the north and west are agricultural land. To the south, on the opposite side of the private road, are land and buildings in separate ownership that are used for equestrian purposes.

## **Background**

- 3.3 Members will note from the planning history that planning permission was granted in 2014 for the erection of a general purpose agricultural building. Following the receipt of a complaint about the building alleging that it wasn't been constructed in accordance with the approved plans, Officers visited the site and measured the building which was found to be larger than that of the approved building.

## **The Proposal**

- 3.4 The application seeks retrospective planning permission for the erection of an agricultural building. An existing access serves the site which is partially screened by established hedgerows of varying heights to the south, west and north.
- 3.5 The building is set within the north-west corner of the site. The structure has been constructed from a portal frame on a concrete base and will be constructed from brickwork to a height of 1.4 metres with juniper green steel cladding above. The roof would comprise of juniper green coloured steel cladding with a galvanised roller shutter door.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupier of a neighbouring property. In response, one representation objecting to the application has been received and the main issues raised are summarised as follows:
1. planning application 14/0678 and its associated application form claims a floor area of 121.5m<sup>2</sup>;
  2. construction of the building commenced in June 2021 necessitating a visit from Planning Officers, giving rise to application 21/0951, the application form now proclaims a floor area of 179.65m<sup>2</sup>;
  3. the submitted drawing shows a ridge height 600mm higher than that in the original application;
  4. the structure completely dominates the site and skyline in total contradiction of policies CP5 & LE25 of the local plan [refers to Policies SP6 and EC12 of the Carlisle District Local Plan 2015-2030];
  5. given the most recent refusal of application 21/0299 for the storage of motor vehicles, begs the question as to the real purpose of a building with such biblical proportions.

4.2 In addition, a representation has been received from a Ward Councillor who raises the following issues:

1. development on this site has been a very contentious issue;
2. the application should be refused on the grounds of size, location, Policy LC25 in the local plan [refers to Policy EC12 of the Carlisle District Local Plan 2015-2030], intended use, no correlation between plan submitted and building being constructed and impact on visual amenity.

## 5. Summary of Consultation Responses

**Stanwix Rural Parish Council:** - although the application form for approved application reference 14/0678 proposed an area of 121.50m<sup>2</sup> of new floor space, the approved drawing, Drawing no. 128/1 Block and Location Plan, shows proposed dimensions of 18.146m x 9.234m i.e. 167.56m<sup>2</sup>. It appears, therefore, that consent exists for a building having a footprint of up to 167.56m<sup>2</sup>

Application Reference 21/0951 proposes an area of 179.65 m<sup>2</sup>, i.e. only 12.89m<sup>2</sup> larger than the maximum seemingly permitted under Application Reference 14/0678, but 58.15 larger than the 121.50m<sup>2</sup> proposed by application form.

The Parish Council recommends that clarity be sought with regard to the ability of the surface water drainage system to accommodate run-off from a significantly larger roof area e.g. 58.15 m<sup>2</sup>, while it is probable that a modest increase in roof area of 12.89m<sup>2</sup> should not create an issue. The Parish Council therefore recommends determination in accordance with local and national planning policy and guidance.

## 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. 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 SP2, SP6, EC12, IP2, IP3, CC5 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. The proposal raises the following planning issues.

#### 1. Whether The Principle Of Development Is Acceptable

6.2 Criterion 1 of Policy EC12 of the local plan states that proposals for farm buildings and structures should be sited, where practical, to integrate with existing farm buildings and/or take advantage of the contours of the land and any natural screening.

- 6.3 In this instance, the structure would be located adjacent to agricultural land owned by the applicant and on a similar footprint to the building granted by the previous development. The structure would be reasonable in scale in comparison to the built environment and comparable with buildings on the opposite side of the road. The principle of development has been established through the grant of the previous application. The construction would be appropriate with regard to modern agricultural structures and there is no objection in principle to erect a building of this scale subject to compliance with the other relevant policies in the local plan.

## **2. Scale, Design And Impact On The Character And Appearance Of The Locality**

- 6.4 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.”*

- 6.5 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 approved building measures approximately 9.2 metres in width by 18.15



metres in length. The highest to the eaves and ridge are 4.03 metres and 5.3 metres respectively. In comparison, the proposed building measures 9.7 meters in width by 18.65 metres in length. The proposed height to the eaves and ridge measures 4.3 metres and 5.8 metres respectively. Overall, this shows a general increase of 0.5 metres in width, length and height to the ridge.

- 6.7 The building remains proportionate to the site and is similarly positioned within the site to that of the previously approved building. The structure would be commensurate with the scale of the agricultural needs of the applicant and the siting takes account of the existing infrastructure and as such, is acceptable.
- 6.8 Although the site is served by a private road, there is a public footpath that runs to the north of Orchard Gardens leading from Houghton to Kingmoor Park. The building is visible across to the south from the footpath. The hedgerow immediately adjacent along the northern boundary is controlled by the neighbouring owner and the height is currently low, thus exposing the building; however, as previously outlined, the proposed building is not significantly larger than that which was granted planning permission. The control of the hedgerow would also have been the same at the time of the consideration of the previous application. A condition requires the submission of a landscaping scheme is included within the decisions which is consistent with the condition imposed on the previous permission and will ensure additional planting takes place on the site.
- 6.9 In the context of the site, and the previous planning permission which is a material consideration in the determination of this proposal, the building would not result in a significant or demonstrable adverse impact on the character of the locality.

### **3. Highway Matters**

- 6.10 The building would utilise an existing access and would be accessed from a private road on a site where there is sufficient hard standing proposed within the site for access and manoeuvring of vehicles. As such, the proposal does not raise any highway issues.

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

- 6.11 Paragraph 130(f) of the NPPF highlights that developments and decisions should:

*“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.”*

- 6.12 Moreover, Policies SP6 and EC12 of the local plan requires 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.

- 6.13 The nearest residential property is Orchard Holme, the residential curtilage of which is approximately 83 metres to the east of the proposed building. The orientation and distance of the application site with the neighbouring property means that it is not considered that the occupiers would suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of over-dominance. The amenity would be unaffected through noise or odours to those usually associated with the rural area.

## **5. Surface Water Drainage**

- 6.14 In accordance with the NPPF and the NPPG, the surface water should be drained in the most sustainable way. The NPPG clearly outlines the hierarchy when considering a surface water drainage strategy with the following drainage options in the following order of priority:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
- 6.15 In order to protect against flooding and pollution, Policy CC5 of the local plan seeks to ensure that development proposals have adequate provision for the disposal of surface water.
- 6.16 The application form states that the surface water will be disposed of by means of a soakaway which is the first option in the national hierarchy but no details have been provided. Although the previous permission didn't contain a drainage condition, it considered that there is increased emphasis on adequate means of surface water drainage which is evident and indeed required by the current policy framework. Accordingly, it is therefore appropriate to impose a condition requiring the submission and agreement of a drainage scheme which would be a betterment to the extant permission.

## **6. Biodiversity**

- 6.17 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.

- 6.18 The council's 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 is partially constructed, 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.

## **7. Other Matters**

- 6.19 Given the historical use of other areas of land within the applicant's ownership, there is concern from third parties that the building may be used for purposes other than those related to agriculture. To preclude any alternative use, it would be appropriate to impose a planning condition restricting the use solely to agriculture which is also consistent with the previous planning permission.

## **Conclusion**

- 6.20 In overall terms, it has been demonstrated that the scale and design of the structure is commensurate with the agricultural needs of the applicant and the scale of the building isn't significantly different from that previous granted planning permission. As such, the character or appearance of the area would not be adversely affected by the development and the development would be enhanced through the provision of an appropriate landscaping scheme.
- 6.21 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. In all aspects the proposal is considered to be compliant with the objectives of the relevant planning policies.

## **7. Planning History**

- 7.1 There is varied planning history relating to both the land encompassed by the current application site area and adjacent land. In terms of the former, part retrospective planning permission was approved for a rear extension to an existing stable block in 2013.
- 7.2 In 2014, retrospective planning permission was refused for the change of use from agricultural and to use for vehicle storage. A subsequent appeal against the enforcement notice was dismissed.
- 7.3 Planning permission was granted in 2014 for the erection of a general purpose agricultural shed.
- 7.4 An application to discharge of condition 4 (landscape scheme) of the previously approved application for the agricultural shed was approved in 2014.
- 7.5 In terms of the adjacent land, planning permission was approved in 1992 for

the erection of building for use as a cattle shed and fodder store.

- 7.6 In 1996, planning permission was approved for the conversion of redundant barn to dwelling.
- 7.7 Planning permission was granted in 2000 for the erection of a detached dwelling and garage.
- 7.8 In 2014, outline planning permission was granted for the erection of 1no. dwelling.
- 7.9 Planning permission was granted in 2014 for the demolition of front porch and erection of replacement porch together with alterations from flat roof to pitched roof.
- 7.10 In 2016, reserved matters approval pursuant to outline approval 14/0679 for the erection of 1no. dwelling was granted.
- 7.11 Planning permission was granted in 2019 for the erection of 1no. dwelling and detached garage.
- 7.12 Earlier this year, retrospective planning permission was refused for the change of use of the former equestrian manege to vehicle storage area.

## **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 Planning Application Form received 6th October 2021;
  - 2. the Site Location Plan received 6th October 2021 (RL/AGRI BUILD/SLP1 Rev A);
  - 3. the Proposed Site Block Plan received 6th October 2021 (RL/AGRI BUILD/SBP1 Rev A);
  - 4. the Proposed Elevations received 6th October 2021 (RL/AGRI BUILD/SLP1 Rev A);
  - 5. the Proposed Plan and Section received 6th October 2021 (RL/AGRI BUILD/ELEV2 Rev A);
  - 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. The use of the whole of the building hereby approved shall be strictly limited to agriculture as defined in Section 336 of the Town and Country Planning Act 1990:

*“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the*

*production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.*

For the purposes of this condition, the building can be used to store any equipment, livestock, fodder etc, in accordance with any of the practices above but for no other purpose.

**Reason:** To preclude the possibility of the use of the building for alternative uses inappropriate to the locality in accordance with Policies EC12, IP3 and CM5 of the Carlisle District Local Plan 2015-2030.

3. Prior to the building being brought into use, a landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following where relevant (this list is not exhaustive):
1. new areas of trees and shrubs to be planted including planting densities;
  2. new groups and individual specimen trees and shrubs to be planted;
  3. specification/age/heights of trees and shrubs to be planted;
  4. existing trees and shrubs to be retained or removed;
  5. any tree surgery/management works proposed in relation to retained trees and shrubs;
  6. any remodelling of ground to facilitate the planting;
  7. timing of the landscaping in terms of the phasing of the development;
  8. protection, maintenance and aftercare measures.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and EC12 of the Carlisle District Local Plan 2015-2030.

4. Within 3 months from the date of this permission and prior to the building being brought into use, 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.

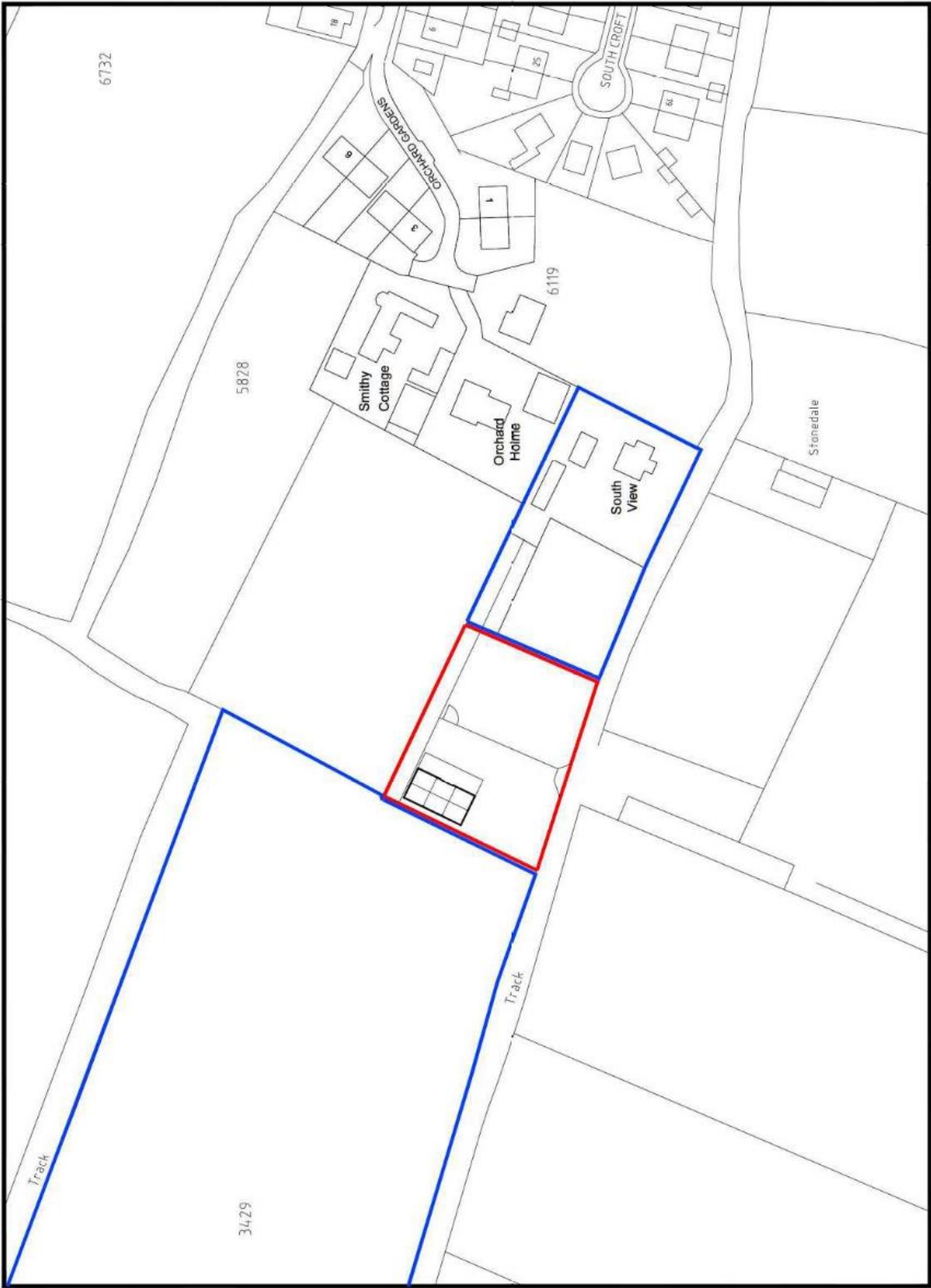
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To ensure a satisfactory means of surface water disposal in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

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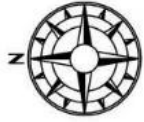
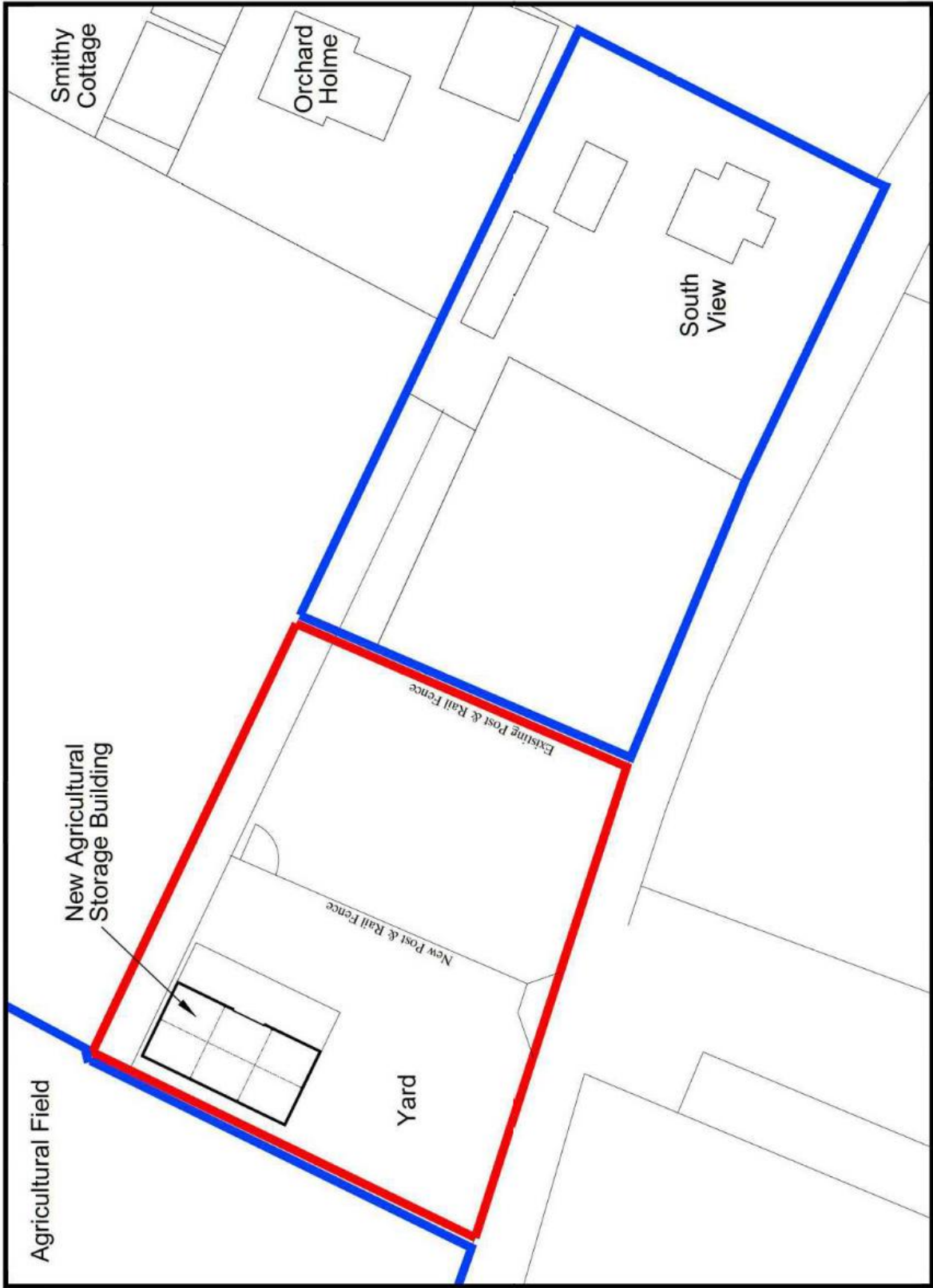
SITE LOCATION PLAN

Proposed Agricultural Storage Building - Land adjacent to  
South View Farm, The Green, Houghton, Carlisle, Cumbria CA3 0LN.

Drawn	G.Tyler
Scale	1:1250 A3
Date	21st September 2021
Drawing No	RL / AGRI BUILD / SLP1 Rev A

Rev.	Date	Description
A	22 / 09 / 21	Original Issue

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PROPOSED SITE BLOCK PLAN

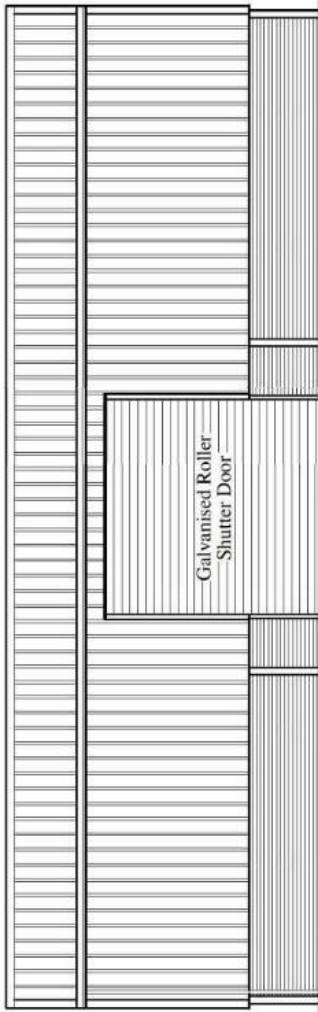
Proposed Agricultural Storage Building - Land adjacent to  
South View Farm, The Green, Houghton, Carlisle, Cumbria CA3 0LN.

Drawn	G.Tyler
Scale	1:500 A3
Date	21st September 2021
Drawing No	RL / AGRI BUILD / SBP1 Rev A

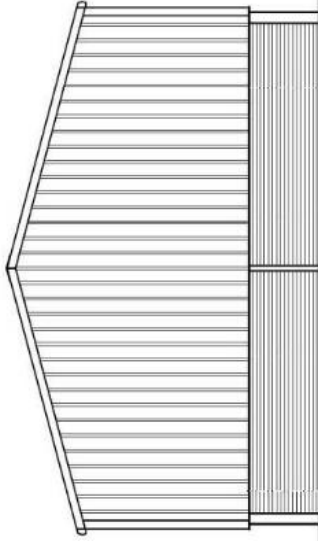
Rev.	Date	Description
A	22 / 09 / 21	Original Issue



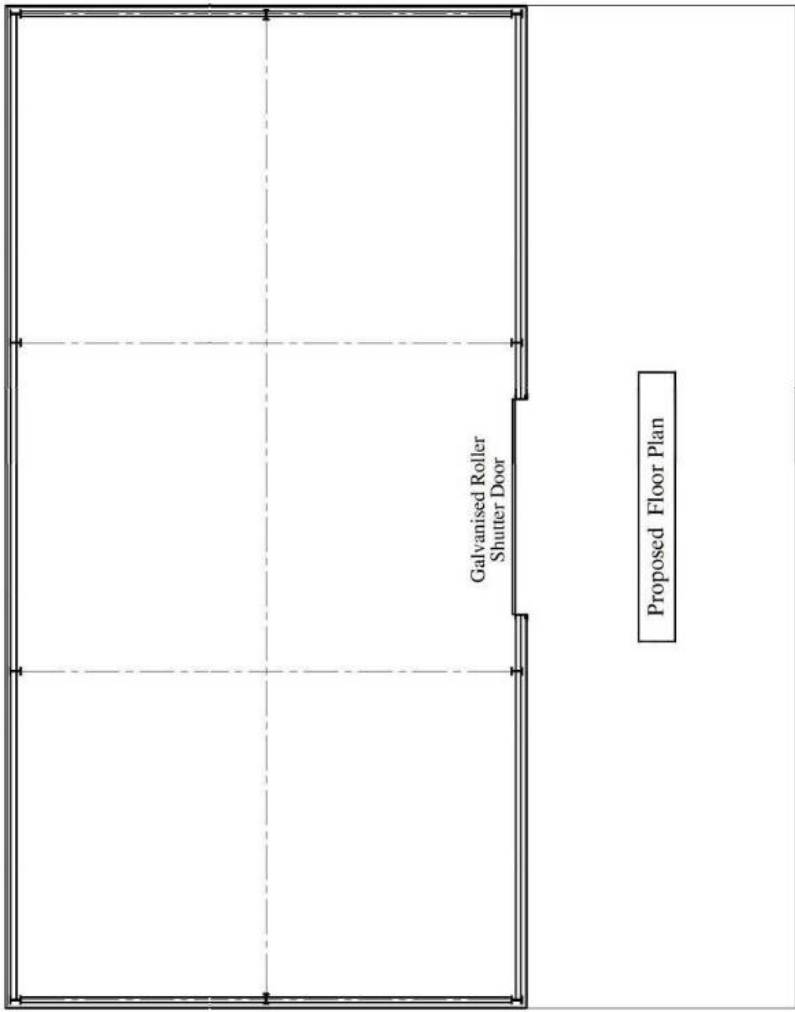
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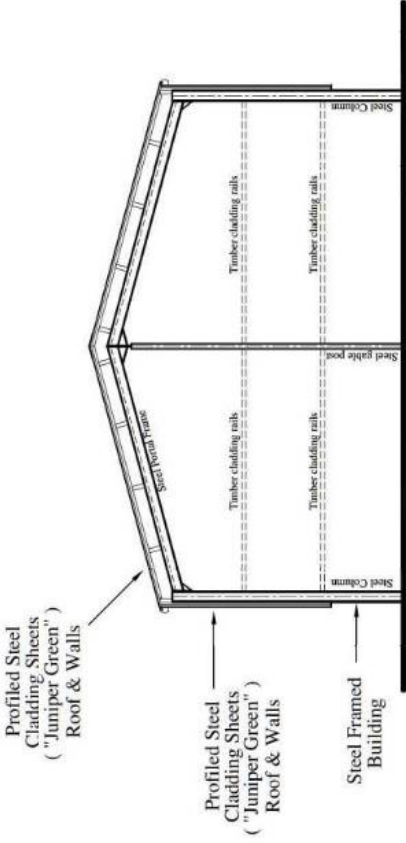
Proposed East Elevation



Proposed North Elevation



Proposed Floor Plan



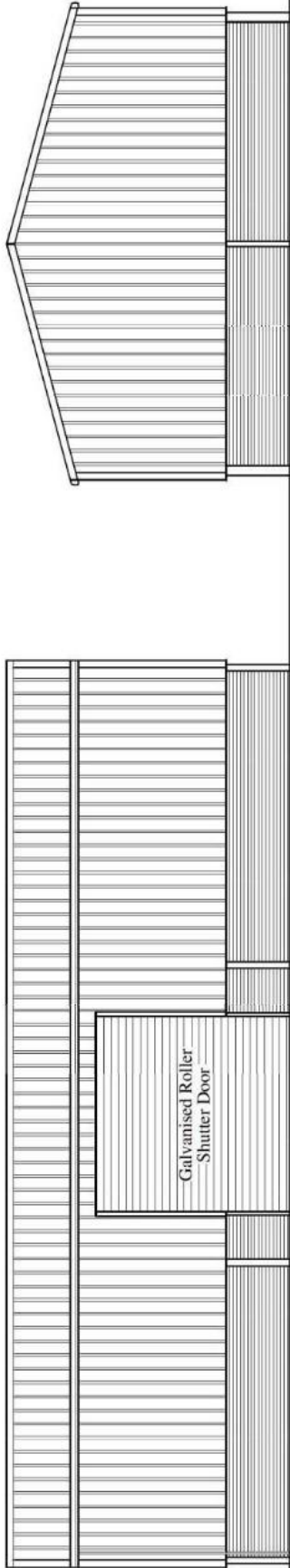
Proposed Section Thro'

Rev.	A	22 / 09 / 21	Original Issue
			Description

Proposed Agricultural Storage Building - Land adjacent to South View Farm, The Green, Houghton, Carlisle, Cumbria CA3 0LN.

Drawn	G.Tyler
Scale	1:100 A3
Date	21st September 2021
Drawing No	RL / AGRI BUILD / ELEV2 Rev A

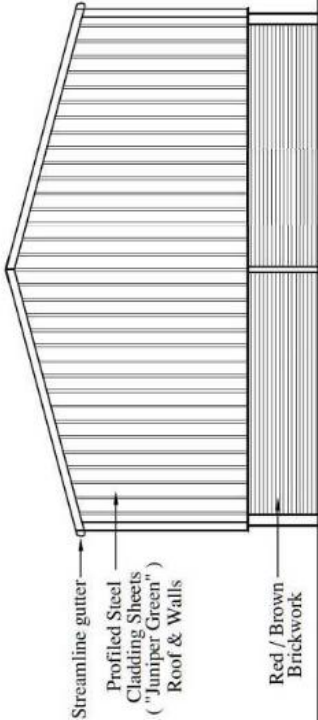
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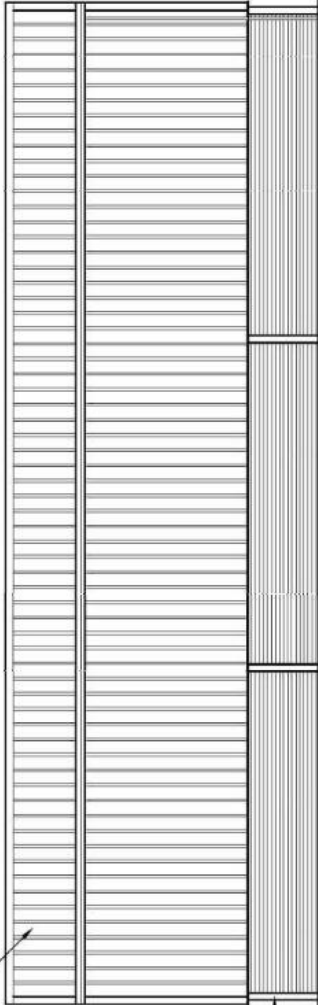
Proposed North Elevation

Proposed East Elevation

Profiled Steel Cladding Sheets ("Juniper Green") Roof & Walls



Proposed South Elevation



Proposed West Elevation

Proposed Agricultural Storage Building - Land adjacent to South View Farm, The Green, Houghton, Carlisle, Cumbria CA3 0LN.

Drawn	G.Tyler
Scale	1:100 A3
Date	21st September 2021
Drawing No	RL / AGRI BUILD / ELEV1 Rev A

Rev.	Date	Description
A	22 / 09 / 21	Original Issue

## SCHEDULE A: Applications with Recommendation

21/0096

**Item No: 05**

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0096

**Applicant:**  
Citadel Homes Ltd

**Parish:**

**Agent:**  
Sam Greig Planning

**Ward:**  
Denton Holme & Morton  
South

**Location:** Land at Richardson Street, Denton Home, Carlisle

**Proposal:** Erection Of 39no. Dwellings

**Date of Receipt:**  
12/02/2021

**Statutory Expiry Date**  
16/05/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Suzanne Osborne

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 The principle of development;
- 2.2 Scale, layout and design of the development;
- 2.3 The impact of the proposal on the living conditions of the occupiers of neighbouring properties;
- 2.4 Provision of affordable housing;
- 2.5 Highway matters;
- 2.6 Foul and surface water drainage;
- 2.7 Open space provision;
- 2.8 Education;
- 2.9 Flooding;
- 2.10 Biodiversity;
- 2.11 Contamination;
- 2.12 Crime prevention;
- 2.13 Waste/recycling provision; and
- 2.14 Other matters.

### **3. Application Details**

#### **The Site**

- 3.1 The application site, which is irregular in shape covers 0.58 hectares and is located to the east of Richardson Street in Denton Holme, Carlisle. The site is wholly surrounded by residential properties comprising of two storey terraced dwellings on Richardson Street to the west, Constable Street to the south together with Westvale Court, Dale Court and Freer Court to the east. To the north Denton Home Student Village is located which comprises of three and four storey buildings. The Little Caldew also runs along the eastern boundary of the site separating the land subject of this application from Westvale Court, Dale Court and Freer Court to the east.
- 3.2 The site, previously occupied by Kangols factory was part of the second phase of the student village development which has been partially implemented by virtue of the erection of the cycle and bin store and the foundations for some of the student blocks. The remainder of the site consists of concrete, tarmac and stock piles of soil which have self seeded. Access to the site is via an existing entrance of Richardson Street which served the former factory and is located at the south-western extent of the site. The red line boundary of the application site also covers part of an existing adopted gated access lane off Richardson Street to the south-west which runs parallel to the gable of No.35 Richardson Street.
- 3.3 The site is currently surrounded by site boarding and herras fencing along Richardson Street together with herras fencing along the adopted access lane running parallel to the gable of No.35 Richardson Street and along the rear access lane to Constable Street. The remainder of the site is delineated by a combination of brick walling, railings and fencing.

#### **Background**

- 3.4 As stated above the application site forms part of the second phase of the student village development granted under planning application 11/0863 and has been partially implemented. The approved block plan for 11/0863 (a copy of which is contained within the committee schedule for Members benefit) shows the existing factory access from Richardson Street blocked up and a new access to the site from Richardson Street via the adopted access lane which runs parallel to the gable of No.35 Richardson Street. The accommodation for the second phase of the student development was to comprise of 5 blocks of 3 storey accommodation providing a total number of 236 bedrooms.
- 3.5 In the intervening period since the student accommodation planning approval access gates have been installed in the adopted lane which wraps around No.s 7-35 Richardson Street to address residents' concerns about anti-social behaviour. A Public Space Protection Order in the lane off Richardson Street was made in 2015 which was to remain in force until 1st June 2018. The Order has been renewed in March 2021 for a further 3 years.

## **The Proposal**

- 3.6 The application seeks Full Planning Permission for the erection of 39no. 2 bedroom dwellings which will consist of seven blocks of 2 storey terraced dwellings. The proposal will comprise of three blocks of four dwellings, two blocks of five dwellings, one block of eight dwellings and one block of nine dwellings. The properties will be constructed from Ibstock Calderstone Claret facing brickwork with buff coloured sandstone cills, heads and mullions under a Russell Grampian mock bond blue grey smooth concrete tiled roof. Windows are to be white UPVC with coloured composite UPVC doors.
- 3.7 It is proposed to close the existing access to the site from Richardson Street which provided an entrance to the former factory and create a new access point from Richardson Street utilising part of the existing adopted highway adjacent to No.35 Richardson Street. The new access which is to be formed is in the same position to that approved under application 11/0863 for the student accommodation. The submitted drawings show that the blocks of eight and nine terraced dwellings will be orientated north-south and will be located towards the south side of the site backing on to the existing lane which runs parallel to the rear of the terraced properties on Constable Street. The remainder of the proposed properties will be situated in a courtyard type formation towards the north of the site. The development will provide 62 off-street parking spaces within the site (located in front of the dwellings) 8 of which will be visitor parking spaces. Each property is to have one dedicated parking space with the remaining 15 parking spaces allocated by the Management Company to tenants that express a requirement for 2 parking spaces. The site access and road within the development is to be tarmaced with parking spaces constructed from pavements. The existing security gates at the front of the site will be relocated at the end of the lane running parallel to Nos.7-35 Richardson Street (odds) with a new pavement located to the north of the site access (adjacent to the gable of no.35 Richardson Street) and along the remainder of the site frontage with Richardson Street.
- 3.8 The application is accompanied by a range of supporting documents including a Contamination Statement, Flood Risk Assessment, Planning and Affordable Housing Statement, Soakaway Microdrainage Calculations, a Sequential Test and Viability Assessment.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the display of 3x site notices, a press notice and by means of notification letters sent to 69 neighbouring properties/interested parties. In response to the original consultation undertaken 8 letters of objection and 1 comment has been received.
- 4.2 The letters of objection cover a number of matters and are summarised as follows:

## **Highways**

1. Concern that the entrance to the development is where the gated lane is off Richardson Street which was installed as a crime prevention measure;
2. Off road parking in the lane was given to residents of Richardson Street;
3. Wall should be rebuilt where harras fencing is and bin store at the end demolished;
4. Entrance to development should utilise the existing factory entrance from Richardson Street;
5. Access to gardens on housing development should be isolated from gated lane and wall heightened;
6. Ground level on lane is lower than the other side of the wall;
7. Concern where allocated parking is to plots 1-5;
8. Highway safety from the proposed entrance;
9. Query whether a traffic survey will be undertaken;
10. Query whether allocated parking behind Richardson Street will be retained;
11. Proposal will exacerbate parking problems on Richardson Street;
12. Gates from plots 31-35 will go straight onto the private rear parking areas on Richardson Street;
13. Query relating to the ownership of the land adjacent to No.35 Richardson Street;
14. Unused bin store on the site impedes access to rear parking area of 35 Richardson Street which has no allocated parking spaces;
15. Allocated provision for No.33 and 35 was to take place to the side of No.35 Richardson Street as part of Phase 2 of the student accommodation;
16. Concern about loss of parking spaces on Richardson Street as a result of the proposed access;
17. Query whether the access gates will be relocated to the rear of 35 Richardson Street;
18. Query whether the access to plots 31-39 will be isolated from the gated lane;
19. Query whether a higher fence along the wall will be erected as a crime prevention measure.

### **Other Matters**

20. Queries how much the developer will pay the local community to tie into existing service provision - school, sewage, internet etc
21. Queries regarding what provisions there are for electric car charging points and solar electric provisions;
22. Robert Ferguson and Newlaithes primary schools are over subscribed;
23. Number of houses should be reduced;
24. Impact on privacy and security to the houses on Richardson Street; and
25. All new housing should be mandated to have green initiatives.

#### **4.3 The comment received is summarised as follows:**

1. No access is available for pedestrians through the student village via path or wall;
2. There maybe noise disruption from the student village during term time;

3. Suggest tall foliage to prevent noise travelling during the night time; and
  4. Privacy for the students should be maintained at all times;
- 4.4 Amended plans have been received during consideration of the application which includes the provision of a repositioned alley gate on the rear lane behind No.35 Richardson Street, the retention of the existing wall to the access lane behind Richardson Street, the retention of the existing car parking spaces within the rear lane behind Richardson Street, the repositioning of garden gates from plots 31-39, the relocation of units 1-5, the inclusion of visitor parking provision and the positioning of soakaways. Reconsultation has been undertaken with all the properties originally consulted as well as with all interested parties who made representations on the original plans submitted. In response 4 further letters of objection have been received.
- 4.5 The objections received are summarised as follows:
1. Do not object to houses object to taking away back and side lane;
  2. Highway safety from proposed access and increased cars using Richardson Street;
  3. Concern where existing residents will park their cars;
  4. Query who owns the access lane that wraps around Richardson Street;
  5. Pleased back garden doors have been taken out from accessing the back lane;
  6. Suggest that existing site access should be used rather than the gated access lane;
  7. Concern regarding damage to houses on Richardson Street as a result of extra traffic;
  8. Concern that proposal still seeks to utilise access lane adjacent to gable of No.35 Richardson Street
  9. Query regarding level of consultation undertaken;
  10. Lane should stay as it is and surrounding wall reinstated;
  11. Lane has never been maintained by the Council or by previous owners of the factory and has an unadopted nature; and
  12. Would like to see a road safety report regarding the suitability of the proposed entrance/exit road.
- 4.6 In total 9 objections and one comment has been received to the application.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection, advice received regarding separate consents that will be required for works within the highway/adopted lane.

The Lead Local Flood Authority request that full drainage details are provided up front due to the potential any drainage design could have on the layout of the development and the local area.

**Northern Gas Networks:** - no objection, standing advice received.

**Local Environment - Waste Services:** - no objection, advice received regarding location of bins.

**Environment Agency (N Area (+ Waste Disp & Planning Liaison Team):** - no objection subject to the imposition of three conditions ensuring clear unobstructed access to the Little Caldew for access and maintenance purposes; ensuring the development proceeds in strict accordance with the submitted Flood Risk Assessment; and requiring the submission of a remediation strategy prior to the commencement of development to deal with risks associated with contamination.

Standing advice has also been received regarding environmental permits and land contamination management.

**Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention):** - no objection;

**Cumbria County Council (Education Department):** - estimated that the development would yield 5 children consisting of 3 primary age pupils and 2 secondary age pupils. The catchment schools for this development are Robert Ferguson Primary School (0.37 miles) and Trinity Secondary Academy School (1.38 miles). There are 12 other primary schools and 3 other secondary schools within the respective walking thresholds of 2/3 miles of the site.

There are currently sufficient places to accommodate the estimated yield of 3 primary age children from the development within the catchment school of Robert Ferguson as well as available spaces in a number of the other schools within the walking threshold of the site. No education infrastructure contribution is therefore required in connection with primary school capacity.

Taking into account committed housing development, the catchment secondary school, Trinity Academy, has no space to accommodate the yield of 2 secondary school age pupils that is estimated to arise from this development proposal. Taking into account current school place availability across other secondary schools in the Carlisle area and current committed development, there are currently projected to be sufficient places available to accommodate 2 secondary school places that this development is estimated to require. Consequently no education infrastructure contribution would be required from this development in connection with secondary school capacity based on current figures.

**Local Environment - Environmental Protection (former Comm Env Services- Env Quality):** - no objection subject to the imposition of five conditions ensuring the installation of electrical car charging points prior to the occupation of any dwellings; an investigation and risk assessment to deal assess the nature and extent of contamination prior to commencement of development; submission of a remediation scheme; implementation of a remediation scheme; and, reporting of unsuspected contamination.

Standing advice has also been received regarding noise/vibration, dust and



public information.

**United Utilities:** no objection subject to the imposition of three conditions regarding details of a surface water drainage scheme, ensuring foul and surface water are drained on separate systems, and, ensuring a sustainable drainage management/maintenance plan.

Standing advice has also been received in respect of United Utility assets and water supplies.

**(Former Green Spaces) - Health & Wellbeing:** - require contributions of £15,694 towards the upgrade and maintenance of open space within the ward, £39,855.64 to upgrade and maintain existing play provision as there is a deficiency of suitable quality play and recreation facilities for older children in the ward, and, £7,665.93 to provide and maintain existing off-site sports pitches and recreation provision within the District.

## **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 proposals be determined in accordance with 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) together with Policies SP1, SP2, SP6, HO2, HO4, IP1, IP2, IP3, IP4, IP5, IP6, IP8, CC4, CC5, CM2, CM4, CM5, GI3, GI4 and GI6 of The Carlisle District Local Plan 2015-2030. The Council's Supplementary Planning Documents (SPD) 'Achieving Well Designed Housing', 'Designing Out Crime', 'Affordable and Specialist Housing' and 'Trees and Development' are also material planning considerations.
- 6.3 The proposals raise the following planning issues:
  - 1. The Principle Of Development**
- 6.4 When assessing whether the site is appropriate for residential development it is important to note that Paragraph 10 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development"*.
- 6.5 The application seeks permission for the erection of 39 dwellings on an unallocated brownfield site located in the urban area of Carlisle within a primary residential area as defined in the proposal maps which accompany the Carlisle District Local Plan 2015-2030. Policy HO2 of the CDLP allows for windfall housing development other than those allocated within or on the edge of Carlisle, Brampton, Longtown, and villages within the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and subject to satisfying five criteria namely that 1)

the scale and design of the proposed development is appropriate to the scale form, function and character of the existing settlement; 2) the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed; 3) on the edge of settlements the site is well contained within existing landscape features, is physically connected; and integrates with the settlement, and does not lead to an unacceptable intrusion into open countryside; 4) in the rural area there are either services in the villages where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and 5) the proposal is compatible with adjacent land users.

- 6.6 When assessing the application against the foregoing policies, the application site is located in a sustainable location within the urban area of Carlisle which has a range of services. The proposal for 39 dwellings would not prejudice the delivery of the spatial strategy of the Local Plan and is compatible with the surrounding residential uses. The principle of the reuse of the land for housing is therefore acceptable.

## **2. Scale, Layout And Design Of The Development**

- 6.7 The proposal will provide 39 no. 2 bedroom dwellings which will consist of seven blocks of 2 storey terraced dwellings. The proposal will comprise of three blocks of four dwellings, two blocks of five dwellings, one block of eight dwellings and one block of nine dwellings. The site area covers an area of 0.58ha. The proposal would maximise the use of the site and would be a dense form of development; however, the character and nature of the buildings in the vicinity of the site is that of densely constructed terraced housing and in comparison, the development of this site would be in keeping with these proportions.
- 6.8 The dwellings will be constructed from Ibstock Calderstone Claret facing brickwork with buff coloured sandstone cills, heads and mullions under a Rusell Grampian mock bond blue grey smooth concrete tiled roof. Windows are to be white UPVC with coloured composite UPVC doors. The materials proposed will therefore be in keeping with the brick built properties that surround the site.
- 6.9 It is proposed to close the existing access to the site from Richardson Street which previously formed an entrance to the former factory and create a new access point from Richardson Street utilising part of the existing adopted highway adjacent to No.35 Richardson Street. The new access is in the exact same position of that approved under application 11/0863 for the student accommodation. The submitted drawings show that the blocks of eight and nine terraced dwellings will be orientated north-south and will be located towards the south side of the site backing on to the existing lane which runs parallel to the rear of the terraced properties on Constable Street. The remainder of the proposed properties will be situated in a courtyard type formation towards the north of the site. The development will provide 62 off-street parking spaces within the site (located in front of the dwellings) 8 of which will be visitor parking spaces. Each property is to have one dedicated

parking space with the remaining 15 parking spaces allocated by the Management Company to tenants that express a requirement for 2 parking spaces. The site access and road within the development is to be tarmaced with parking spaces constructed from pavements. The existing security gates at the front of the site will be relocated at the end of the lane running parallel to Nos.7-35 Richardson Street (odds) with a new pavement located to the north of the site access (adjacent to the gable of no.35 Richardson Street) and along the remainder of the site frontage with Richardson Street.

- 6.10 The proposed development is well laid out and will encourage and promote the creation of a neighbourhood. The properties overlook one another thereby creating a degree of natural surveillance and the distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring.
- 6.11 The dwellings incorporate reasonably sized garden areas that are comparable to the size of the units that they serve, thereby ensuring that the development does not appear cramped or overdeveloped. The size of the gardens and the way that the properties are laid out will help create a sense of space within the estate.
- 6.12 The scale and design of the proposed dwellings relate well to the size and vernacular of surrounding residential properties which comprise of two storey terraced brick properties. Each property has adequate curtilage parking provision, together with access to the rear gardens for refuse/green recycling bins.
- 6.13 In light of the above the layout, scale and design is acceptable.

### **3. The Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties**

- 6.14 The Council's Achieving Well Designed Housing Supplementary Planning Document (AWDHSPD) seeks to ensure minimum separation distances of 21m between primary facing windows and 12m between primary windows and blank gables.
- 6.15 The submitted layout plan indicates that the development would comply with the minimum distances set out in the AWDHSPD from existing residential properties that surround the site. As adequate separation distances have been maintained between the existing residential properties which surround the site it is unlikely that the living conditions of the occupiers of existing residential properties will be compromised through loss of light, loss of privacy or over dominance.
- 6.16 The dwellings within the proposed housing scheme itself will also comply with the minimum distances set out in the Council's AWDHSPD as the dwellings have generally been arranged in blocks at right angles to one another such that any overlooking would not be direct but at an angle.
- 6.17 The proposed redevelopment of the site for residential dwellings would be

compatible with the uses in the surrounding area. In respect of any increase in traffic generated by this proposal it is not anticipated that this factor alone would prejudice the living conditions of local residents to such an extent that would warrant refusal of the application. Impact upon the local highway network is discussed further within this report.

#### **4. Provision Of Affordable Housing**

- 6.18 Local Plan Policy HO4 requires 20% affordable housing on sites in Affordable Housing Zone B which encompasses the application site and stipulates that the affordable housing provision should be 50% affordable/ social rent (usually through a Housing Association) and 50% intermediate housing (usually discounted sale at a 30% discount from market value through the Council's Low Cost Housing Register). A lower proportion and/or different tenure split may be permitted where it can be clearly demonstrated by way of a financial appraisal that the development would not otherwise be financially viable or where the proposed mix better aligns with priority needs.
- 6.19 The supporting text to policy HO4 states that in determining the type of affordable housing to be provided, the Council's Housing Service will advise developers of the appropriate type and mix of units for each site to ensure local need is being met. In relation to the tenure split of affordable housing the supporting text states that it is important to allow for flexibility to ensure marginal schemes remain viable. Demand for intermediate housing (such as shared ownership) can vary with market conditions and as a result there may be occasions where an increased proportion of social rented housing would be acceptable.
- 6.20 In accordance with policy HO4, based on a 39 housing scheme, the requirement would be for 7 affordable dwellings, with a 50% tenure split. The submitted Planning and Affordable Housing Statement (PAHS) accompanying the application states all 39 units are to be rented out by the applicant who has a number of rented properties and considers themselves to be a de-facto housing provider. The rental values provided by Citadel Homes in this area are in the region of £500-£600 per month which provides an important level of housing, located somewhere between an Registered Social Landlord (RSL) and the open market. The PAHS states that there is a discernible need for properties such as this given the retraction of first time buyer mortgages in the current climate. As such the applicant is not proposing to provide any affordable housing in the context of national and local planning policy, although it is considered that all of the properties are within an affordable rental price range which a significant proportion of local people could attain, based on local median income levels.
- 6.21 The applicant has submitted a Viability Report which demonstrates that if the required level of affordable houses was provided the developers profit would be 1.62% . Omitting any contributions from the scheme (such as those for open space or affordable housing) the development will only make a modest profit of 7%. The agent has confirmed that whilst this level of profit is lower than what most developers will argue as acceptable, the profit margins are acceptable to the applicant who has a history of delivering lower cost housing

for sale or rent in the Denton Holme area (namely Dale Court Freer Court Constable Street, Carrick Square, Westmorland Court and Lime Walk).

- 6.22 The Council's 'Affordable and Specialist Housing' SPD acknowledges that differing profit margins will be expected by different developers within the Cumbrian area. Some smaller developers may be willing to accept profit levels of between 8-15% GDV (net of central overheads) in order to keep their workforce employed. Such smaller developers will generally have low level or no funding requirements and the policies of lenders will have minimal relevance. Other developers have greater profit expectations anything from 15-20% of GDV. Developers falling into this bracket will generally utilise bank funding facilities and therefore the current risk-averse cautious policies of lenders will have a greater effect. In relation to the Carlisle District a minimum assumption of 15% of GDV is appropriate on smaller schemes of up to 10 units increased to 18% for schemes of 11 or more units. It is clear from the submitted Viability Report on behalf of the applicant that the scheme without making any contributions is considerably lower than the normally accepted level of profit of 18% in such circumstances it is clear that providing any contributions on site such as affordable housing would render the scheme unviable.
- 6.23 The Council has taken advice on the applicant's viability report by an independent firm of Chartered Surveyors who have robustly checked the applicant's figures and concluded that the application site is not capable of viably providing any S106 contributions towards affordable housing or green spaces (as discussed further within this report), based on the 7% profit identified by the viability consultant as achievable on this scheme, which is well below the accepted margin of between 15-20% on a site this size. The Housing Development Officer (HSO) has been consulted on the proposed application and accepts the conclusions of independent financial viability affordability check.

## **5. Highway Matters**

- 6.24 Paragraph 110 of the NPPF confirms that when assessing specific applications for development it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be or have been- taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas and other transport elements reflect current national guidance; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.25 Paragraph 111 of the NPPF goes onto confirm 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. Policies IP2 (Transport and Development) and IP3 (Parking Provision) of the CDLP require all

development proposals to be assessed against their impact on the transport network and to ensure adequate levels of parking provision. Such policies generally require that proposals do not increase traffic levels beyond that of the capacity of the surrounding highway network.

- 6.26 As stated above, it is proposed to close the existing access to the site from Richardson Street which once formed an entrance to the factory which was previously on the site and create a new access point from Richardson Street utilising part of the existing gated adopted highway adjacent to No.35 Richardson Street. The new access which is to be formed is in the exact same position of that approved under application 11/0863 for the student accommodation with the submitted plans illustrating the relocation of the existing security gates at the front of the site to the end of the lane running parallel to Nos.7-35 Richardson Street (odds) with a new pavement located to the north of the site access (adjacent to the gable of no.35 Richardson Street) and along the remainder of the site frontage with Richardson Street.
- 6.27 The proposal will provide 62 car parking spaces within the site, 8 of which will comprise of visitor parking spaces. Each property is to have one dedicated parking space with the remaining 15 parking spaces allocated by the Management Company to tenants that express a requirement for 2 parking spaces.
- 6.28 The relevant Highway Authority has been consulted on the proposal and has noted that the site benefits from an implemented and extant planning permission (reference 11/0863) for student accommodation with the position of the approved access within 11/0863 identical to that proposed for consideration under the current application. The principle of an access from the development site onto Richardson Street has therefore already been agreed under application 11/0863 and is accepted at this location. The applicant has demonstrated that visibility splays of 2.4m x60m in accordance with the Cumbria Design Guide are achievable for the proposed access and this is acceptable to the Highways Authority.
- 6.29 The Highway Authority notes that a 2 metre wide footway is to be installed at the gable of No.35 Richardson Street with the lane width of the adopted highway increased to provide access to the site. The Highway Authority has confirmed that the works within the existing adopted lane will require a Section 38 Agreement to ensure the continuing connectivity of the existing highway network. The closure of the existing highway on the site frontage and new footway will also require a Section 278 agreement between the applicant and Highway Authority. The Highway Authority has also advised that Traffic Regulation Order (TRO) amendments will also be required on the site frontage with Richardson Street at the developers cost and if any works are proposed in the rear lane that serves the Richardson Street properties this will also need a Section 278 Agreement. Highways has also confirmed that the lane that wraps around the Richardson Street is subject to a gating order with Carlisle City Council and any relocation of the gate will require separate discussions with the City Council.
- 6.30 The Highway Authority has raised no objections to the level of car parking

provision provided as this is in line with the requirements of the Cumbria Development Design Guide. Highways have therefore raised no objections to the development.

- 6.31 It is appreciated that a number of objectors have raised concerns regarding the principle of the proposed site access which utilises the existing adopted gated lane. As stated above the proposed access is in an identical location as the approved access for extant planning permission 11/0863. The approved site access has therefore previously been considered and assessed for its suitability in the context of the immediate road network and vehicle speeds. Whilst there is on-street parking along Richardson Street this is acceptable to the highway Authority as visibility splays from a number of streets within Denton Holme are potentially impeded by the location of designated parking bays including Constable Street where the Council supported the approval of 44 additional dwellings using Constable Street.
- 6.32 As previously confirmed access gates were installed in the adopted lane which wraps around No.s 7-35 Richardson Street, after approval of the student accommodation, to address residents' concerns about anti-social behaviour. A Public Space Protection Order in the lane off Richardson Street was made in 2015 which was to remain in force until 1st June 2018. The Order has been renewed in March 2021 for a further 3 years. The relocation of the access gates of the adopted lane to the rear of No.35 Richardson Street would therefore require an amendment to the Public Protection Order which is a separate civil issue outside consideration of this application.
- 6.33 As no objections to the proposal have been raised by the relevant Highway Authority and the principle of the access onto Richardson Street from the application site has already been assessed and agreed as acceptable under application 11/0863 which is an extant implemented planning permission the utilisation of the existing adopted lane for the site access is acceptable. Whilst the adopted lane is subject to a gating order this is a separate civil matter to be dealt with outside consideration of the current planning application.

## **6. Foul And Surface Water Drainage**

- 6.34 Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water.
- 6.35 It is proposed that foul drainage from the development will be disposed of via existing mains drainage. Whilst the application form states that surface water is to be discharged via an existing watercourse the applicant's agent has since advised that surface water drainage can be dealt with via direct infiltration and has provided micro drainage calculations with the size of the soakaways shown on the proposed site plan.
- 6.36 The disposal of foul drainage to the existing mains drainage network is acceptable to United Utilities.
- 6.37 The Lead Local Flood Authority has been consulted on the proposal and has

stated that due to the potential any drainage design could have on the layout of the development and local area drainage information should be required before further assessment of the application can be made. In terms of surface water drainage the PPG has a hierarchical approach for the disposal of surface water drainage, with the aim to discharge surface water run off as high up the following hierarchy of drainage options as reasonable practicable: 1) surface water should discharge into the ground (infiltration), 2 (to a surface water body), 3 (to a surface water sewer/highway drain/other drainage system) and 4 to a combined sewer. Whilst information has been submitted to show that ground infiltration can take place with the location of soakaways shown full details of the drainage schemes proposed (including drainage runs) etc have not been submitted. In such circumstances relevant conditions have been imposed within the decision notice requesting full details of the drainage schemes proposed.

## **7. Open Space Provision**

- 6.38 Policy GI4 of the CDLP states that new developments of more than 20 dwellings will be required to include informal space for play and general recreational or amenity use on site according to the size of the proposal. The developer will be required to ensure that appropriate measures are put in place for the future management and maintenance of such spaces. On smaller housing sites, where on site provision is not appropriate the developer may be required to make commuted payments towards the upgrading of open space provision in the locality, especially if a deficit has been identified.
- 6.39 Policy GI4 goes onto confirm that all new dwellings should have safe and convenient access to high quality open space, capable of meeting a range of recreational needs. Where deficits are identified, new development will be expected to contribute towards the upgrading of an existing open space to improve its accessibility or the creation of a new one within the immediate locality.
- 6.40 There is no provision for a play area on site. The Council's Green Spaces team has confirmed that the site is unsuitable for on site play and recreation provision however it is suitable for a development of this size to provide off site contributions to local facilities instead. Green Spaces have therefore requested contributions of £15,694.55 towards the upgrade and maintenance of open space within the ward, £39,855.64 to upgrade and maintain existing play provision as there is a deficiency of suitable quality play and recreation facilities for older children in the ward, and, £7,665.93 to provide and maintain existing off-site sports pitches and recreation provision within the District.
- 6.41 As discussed in paragraphs 6.21-6.23 of this report the application is accompanied by a Viability Report which concludes that it is not viable to provide any contributions as part of the development. The Council has taken advice on the applicant's viability report by an independent firm of Chartered Surveyors who have robustly checked the applicant's figures and concluded that the application site is not capable of viably providing any S106 contributions towards affordable housing or green spaces based on the 7%



profit identified by the viability consultant as achievable on this scheme, which is well below the accepted margin of between 15-20% on a site this size. The Council accepts the conclusions of the independent financial viability affordability check.

## **8. Education**

- 6.42 Cumbria County Council has estimated that the development would yield 5 children consisting of 3 primary age pupils and 2 secondary age pupils. The catchment schools for this development are Robert Ferguson Primary School (0.37 miles) and Trinity Secondary Academy School (1.38 miles). There are 12 other primary schools and 3 other secondary schools within the respective walking thresholds of 2/3 miles of the site.
- 6.43 The County has confirmed that there are currently sufficient places to accommodate the estimated yield of 3 primary age children from the development within the catchment school of Robert Ferguson as well as available spaces in a number of the other schools within the walking threshold of the site. No education infrastructure contribution is therefore required in connection with primary school capacity.
- 6.44 The County has also confirmed that taking into account committed housing development, the catchment secondary school, Trinity Academy, has no space to accommodate the yield of 2 secondary school age pupils that is estimated to arise from this development proposal. Taking into account current school place availability across other secondary schools in the Carlisle area and current committed development, there are currently projected to be sufficient places available to accommodate 2 secondary school places that this development is estimated to require. Consequently no education infrastructure contribution would be required from this development in connection with secondary school capacity based on current figures.
- 6.45 Given that the relevant Education Authority has raised no objections to the proposal it is considered that there is adequate education provision for future residents of the proposed housing development. Accordingly there is no conflict with Policy CM2 of the CDLP.

## **9. Flooding**

- 6.46 The majority of the site is located within flood zone 1 however there are parts of the site located within flood zone 2. It is appreciated that the NPPF seeks to steer new development to areas with the lowest risk of flooding. Paragraph 162 of the NPPF states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. Paragraph 167 of the NPPF goes on to highlight that when determining applications local planning authorities should ensure that flood risk is not increased elsewhere and where appropriate applications should be supported by a site specific flood risk assessment. Development should only be allowed in areas at risk of flooding where in light of this assessment

(including sequential and exception tests where applicable) it can be demonstrated that: within the site the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; the development is appropriately flood resistant and resilient; it incorporates sustainable drainage systems unless there is clear evidence they would be inappropriate; any residual risk can be safely managed; and; safe access and escape routes are included where appropriate as part of an agreed emergency plan.

- 6.47 The application is accompanied by a Flood Risk Assessment (FRA) and a Sequential Test (ST). The sequential test has looked at whether or not there are any other potential sequentially preferable comparable sized sites within the urban area of Carlisle. 11 allocated housing sites have been discounted due to their size as they have an indicative yield of 100 dwellings or more, the remaining sites have been discounted as they are unavailable either due to land ownership or due to extant planning applications being commenced or due to commence. The ST has also looked at windfall housing sites which have also been discounted due to them either not being a comparable size, land ownership or unavailable due to commencement of extant planning approvals. In such circumstances it is clear that there are no sequentially preferable sites within the urban area of Carlisle at a lower risk of flooding. The proposal therefore passes the sequential test.
- 6.48 The FRA confirms that the applicant commissioned a detailed FRA in relation to the Carrick Square site (reference 17/0232) and this application is the second phase of that development. The Carrick Square site was wholly within flood zone 2 where as the majority of the current application falls within flood zone 1 with only small areas forming part of flood zone 2. The FRA previously undertaken was designed to take into account flood data from Storm Desmond in 2012 and the updated flood defence information from the Environment Agency. It concluded that the former factory site benefits from flood defences which worked during storm desmond and considered the site to be defended up to (and including) a 1 in 100 year flood. If defences were to be breached it is considered due to the topography of the area that the flood water would be located in the streets to the east of the site and would be in the region of 50mm depth. In order to avoid future flood risk for a greater 1 in 100 flood as a result of climate change the flood level of the properties was raised to 18.15 AOD which was 300mm higher than the existing site level at Carrick Square of 17.85 AOD. The Carrick Square development was subsequently approved subject to the imposition of two conditions ensuring adherence to the design measures in the FRA and ensuring floor levels no lower than 18.15m AOD.
- 6.49 As the proposal forms the second phase of the development of the Carrick Square scheme on part of the same brownfield site the applicant considers that the FRA submitted with the previous application remains relevant with mitigation measures of ground floor levels set a minimum of 300mm above the level of the former factory floor to give a finished floor level of 18.15 AOD and residents to sign up to the flood warning scheme.
- 6.50 The Environment Agency has been consulted on the development and has

has raised no objection with regard to flooding or flood risk subject to the imposition of a condition ensuring that the development proceeds in strict accordance with the submitted Flood Risk Assessment and ensuring clear unobstructed access to the Little Caldew for access and maintenance purposes. Standing advice has also been received regarding environmental permits. Given that there is no objections to the development from the Environment Agency and subject to relevant conditions being imposed within the decision notice it is not considered that the proposal would exacerbate flood risk at the site.

## **10. Biodiversity**

- 6.51 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities 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), and 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. In this case, the proposal relates to the development of residential dwellings on greenfield land. As such it is inevitable that there will be some impact upon local wildlife.
- 6.52 The proposal is a brownfield site which mainly comprises of concrete, tarmac and stock piles of soil which have self seeded. A buffer of landscaping is located adjacent to the Little Caldew which runs along the east of the site however this land is outwith the development site. In such circumstances the proposal is unlikely to have an adverse impact upon any protected species or their habitat. In order to protect the Little Caldew during site works a relevant condition has been imposed within the decision notice requiring a details of all pollution prevention measures prior to the commencement of development.

## **11. Contamination**

- 6.53 The application is accompanied by a Contamination Statement (CS) which indicates that the site has been subject to previous planning applications that have addressed the historical presence of contamination associated with the former use of the site. The application for student accommodation on the site (11/0863) included a scheme of remediation which was accepted by Environmental Health and the Environment Agency. Relevant planning conditions were subsequently imposed ensuring a Validation and Closure Report to ensure remediation works have been satisfactorily undertaken together with a condition that would legislate for the event that contamination is found at a later date which has not been previously identified. A discharge of condition application (12/0691) was submitted and approved confirming that the identified contaminated areas to the north of the site had been remediated. The CS confirms that the southern portion of the site, subject of the current application, will utilise the remediation methods implemented on

the northern section, consisting of retaining the concrete surface capping and replacing any area which are identified as contaminated with clean imported materials.

- 6.54 Environmental Services and the Environment Agency have been consulted on the application and have raised no objection subject to the imposition of relevant conditions (similar to those included within previously approved application 11/0863). Subject to the imposition of these conditions there should be no contamination risks on the site.

## **12. Crime Prevention**

- 6.55 Section 17 of the Crime and Disorder Act together with Policy SP6 of the local plan requires that the design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime. The layout has been designed to give a degree of natural surveillance and creates a distinction between public and private spaces. This definition should act as a deterrent to potential offenders and reduce the likelihood of crime occurring. The Crime Prevention Officer has been consulted on the development and has raised no objections. Advice has however been provided with regard to physical security measures. This advice has been forwarded to the applicant. In this respect, there is no objection to the principle of development.

## **13. Waste/Recycling Provision**

- 6.56 The submitted plans illustrate that a waste and recycling vehicle can enter, turn within the site and leave within a forward gear. There is adequate space within each plot for bin provision storage. Plots 1-17 will be able to place their bins in the rear lane on collection day. The agent has confirmed that remainder of the plots 18-39 will store wheelie bins in the rear gardens as to not obstruct footpaths. On collection days tenants will be required to place their bins either within or in front of their dedicated parking space and will then return the bin to the rear garden after collection. This refuse arrangement will be enforced by the landlord. Waste services has been consulted on the proposed application and has confirmed no objections to the proposed arrangements. They have however provided standing advice with regard to bin locations on refuse collection days which would be included as an informative within the decision notice.

## **14. Other Matters**

- 6.57 An objector has stated that the existing bin store on the site impedes access to rear parking area of No.35 Richardson Street which has no allocated parking spaces and that the previous planning approval including allocated provision for No.33 and 35 Richardson Street to the side of No.35 Richardson Street as part of Phase 2 of the student accommodation. The submitted approved plans for the phase 2 student accommodation show no dedicated parking spaces for the existing properties at No.33 and No.35 Richardson Street as the site access was to be adjacent to the gable of No.35 Richardson Street. The issue of lack of off-street parking to No.s 33

and 35 Richardson Street is therefore existing. The proposal will not result in the loss of any existing allocated parking spaces within the lane behind the back of Richardson Street as the submitted plans show the existing boundary walling is to remain. As the Highway Authority has raised no objection to the proposal and is happy with the number of parking spaces proposed it is not considered that a refusal of the application on the lack of parking spaces for two existing properties could be substantiated.

- 6.58 An objector has expressed concern that the access road development may result in structural damage to their home. In the event that structural damage were to occur in neighbouring dwellings as a consequence of any aspect of the construction phase it would be a civil matter for the developer to resolve with those persons affected outside of the planning process.
- 6.59 A condition has been added to the permission which requires each dwelling to be provided with a separate 32Amp single phase electrical supply. This would allow future occupiers to incorporate an individual electric car charging point for the property.
- 6.60 Article 8 and Article 1 Protocol 1 of the Humans Rights Act are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

## **Conclusion**

- 6.61 The application site is located in a sustainable location, well related to existing residential areas of the city and the principle of residential development is consistent with the national requirements in the NPPF and the council's own windfall housing policy.
- 6.62 The scale, layout and design of the development is acceptable and it is considered that the development would not have a significant impact upon the living conditions of existing and future occupiers or crime.
- 6.63 Subject to suitably worded planning conditions it is considered that the character of the area can be safeguarded through an appropriate landscaping scheme and that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, biodiversity, trees/hedgerows, noise, contamination or flooding.
- 6.64 Whilst the scheme is unable to provide an affordable housing or off-site contributions to open space provision this is acceptable in this instance in the context of viability assessment submitted by the applicant and the advice contained within the NPPF to ensure viability and deliverability. On balance, having regard to the Development Plan and all other material planning considerations, the proposal is considered acceptable and the benefits of the redevelopment of a vacant brownfield site would significantly and demonstrably outweigh an lack of provision of affordable housing or contribution to open space. The application is therefore recommended for

approval.

## **7. Planning History**

- 7.1 The most relevant planning history is as follows:
- 7.2 In 2007 Full Planning Permission was granted for engineering works in association with site remediation and to facilitate future development (reference 07/1207);
- 7.3 In 2011 Full Planning Permission was granted subject to a legal agreement for proposed student accommodation comprising 492 no.bedrooms with social hub and associated parking, access and landscaping (reference 11/0863);
- 7.4 In 2012 a discharge of condition application was granted for the discharge of conditions 3 (external finishes), 4 (hard surface details), 5 (landscaping scheme), 6 (protective fencing), 7 (method statement for works within root protection zones), 10 (construction environmental management plan), 11 (scheme to treat and remove suspended solids for surface water run off), 12 (surface water drainage), 14 (plan for the protection of species and habitats), 21 (railings to Norfolk street), 24 (details of roads, footpaths etc) and 25 (site compound, traffic management, site car parking) of previously approved permission 11/0863 (reference 12/0261);
- 7.5 In 2012 a variation of condition application was granted for variation of condition 1 (approved plans) of previously approved application 11/0863 to enable minor amendments to site layout, reduction in height to the boundary wall to Westmorland Street from 2.1 metres to 1.8 metres and changes to the student hub reducing its height from 2 storey to single storey (reference 12/0363).
- 7.6 In 2012 a discharge of conditions application was granted for the discharge of conditions 15 (foul drainage) and 18 (external lighting details) of previously approved application 11/0863 (reference 12/0436);
- 7.7 In 2012 a discharge of conditions application was granted for the discharge of conditions 16 (validation and closure report) and 20 (entry to social hub) of previously approved planning permission 11/0863 (reference 12/0691).
- 7.8 In 2012 a discharge of conditions application was granted for discharge of condition 23 (car parking management strategy) and condition 29 (restrictive parking measures) of previously approved planning permission 11/0863 (reference 12/0749); and
- 7.9 In 2017 a variation of condition application was refused for the variation of condition 2 to allow non student related temporary lets outside the academic letting period of 42 weeks, between July and September of previously approved planning permission 11/0863 (reference 17/0473).

**8. Recommendation: Grant Permission**

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 3rd February 2021;
2. the Site Location Plan received 3rd February 2021 (Drawing No.20/11/986-01);
3. the Proposed Site Plan received 18th May 2021 (Drawing No.20/11/986-03b);
4. the Proposed Floor Plans and Elevations received 19th April 2021 (Drawing No.20/11/986-04a);
5. the Flood Risk Assessment prepared by Citadel Homes Ltd received 3rd February 2021 (Dated 1st February 2021);
6. the Contamination Statement prepared by Citadel Homes Ltd received 3rd February 2021 (Dated 28th January 2021);
7. the Planning And Affordable Housing Statement prepared by Citadel Homes Ltd received 3rd February 2021 (Dated 1st February 2021);
8. the Sequential Test received 21st April 2021 (Ref:21/001);
9. the Soakaway Microdrainage calculations received 18th May 2021;
10. the Notice of Decision;
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to

inconvenience and danger to road users. To support Local Transport Policies LD8.

4. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
  - details of proposed crossings of the highway verge;
  - retained areas for vehicle parking, maneuvering, 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;
  - the management of junctions to and crossings of the public highway and other public rights of way/footway;
  - Details of any proposed temporary access points (vehicular / pedestrian);
  - Details of noise mitigation measures to protect nearby residents from construction works such as storage/unloading of aggregates away from sensitive receptors, use of white noise reversing alarms, noise attenuation barriers (if required); and
  - surface water management details during the construction phase.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. To support Local Transport Plan Policies: WS3, LD4.

5. No development shall commence until a construction surface water management plan and details of all pollution prevention measures during construction works have been agreed in writing with the local planning authority.

**Reason:** To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

6. No development shall commence until an investigation and risk assessment, (in addition to any assessment provided with the planning application), has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:



- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination: Risk Management (LCRM) based on 'Model Procedures for the Management of Land Contamination, CLR 11'.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme

works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be produced, and is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. Prior to the commencement of any development, full details of 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, a timetable for implementation and a restricted rate of discharge should it be agreed that infiltration is not possible) 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.

The development shall be completed, 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, NPPG together with Policy CC5 of the Carlisle District Local Plan 2015-2030.

10. Prior to the commencement of any development full details of the proposed foul drainage methods shall be submitted to and approved in writing by the local planning authority. The foul drainage shall then be installed in accordance with the approved details.

**Reason:** To ensure that adequate drainage facilities are available in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

11. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site

and shall be completed prior to the occupation of the dwelling.

**Reason:** To establish an acceptable level of access to connectivity resources, in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

12. Prior to the occupation of any dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for any dwelling shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.

**Reason:** To ensure the provision of electric vehicle charging points for each dwelling, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

13. Prior to the occupation of each dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle District.

**Reason:** In accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

14. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Further guidance can be found on the Carlisle City Council website "Development of Potentially Contaminated Land and Sensitive End Uses-An Essential Guide For Developers".

Site investigations should follow the guidance in BS10175 (or updated version) "Investigation of Potentially Contaminated Sites - Code of Practice".

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those

to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

16. A landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following where relevant (this list is not exhaustive):

- new areas of trees and shrubs to be planted including planting densities
- new groups and individual specimen trees and shrubs to be planted
- specification/age/heights of trees and shrubs to be planted
- existing trees and shrubs to be retained or removed
- any tree surgery/management works proposed in relation to retained trees and shrubs
- any remodelling of ground to facilitate the planting
- timing of the landscaping in terms of the phasing of the development
- protection, maintenance and aftercare measures

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI 6 of the Carlisle District Local Plan 2015-2030.

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following completion of the development.

Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and maintained, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

18. Full details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed application site (including phasing/delivery) and approved in writing by the local planning authority before their use as part of the development hereby approved. The approved development shall be carried out in strict accordance with the details approved in response to this condition.
- Reason:** To ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.
19. Vehicles carrying materials on and off site must be sheeted or otherwise contained, water suppression equipment should be present on site at all times and used when required, wheel wash facilities should be made available for vehicles leaving site and piles of dusty material should be covered or water suppression used.
- Reason:** To protect nearby residents and sensitive receptors from a statutory nuisance being caused by dust from the site. In accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.
20. In accordance with dwg. no. 20/11/986-03 b) dated 17/05/21 and the email from Sam Greig Planning to Suzanne Osborne (Carlisle City Council) dated 28 June 2021, clear unobstructed access to the Little Caldew for access and maintenance purposes shall be retained for the lifetime of the development and no structures shall be erected to prevent or restrict access without the prior consent of the Local Planning Authority.
- Reason:** To prevent any increase in flood risk arising from a lack of access to the watercourse for maintenance and/or repair purposes.
21. The development hereby approved must proceed in strict accordance with the Flood Risk Assessment prepared by Citadel Homes (Cumbria) Ltd (Flood Risk Assessment-Application for the erection of 39 dwellings at Former Key Safety Systems Factory Site, Land to the east of 23-25 Richardson Street, Denton Holme, Carlisle dated 1st February 2021) and the mitigation measures identified.
- Reason:** To reduce the risk of flooding to the proposed development and future occupants as well as to prevent flooding elsewhere. In accordance with the NPPF and Policy CC4 of the Carlisle District Local Plan 2015-2030.
22. Foul and surface water shall be drained on separate systems.
- Reason:** To secure proper drainage and to manage the risk of flooding

and pollution.

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No.	Date	Revision	Initial		

ALPHA DESIGN

Architectural Services  
Member of the Chartered Institute of  
Architectural Technologists

Tel: 01900 829199 email: gb@adcumbria.co.uk

Project

RESIDENTIAL DEVELOPMENT,  
RICHARDSON STREET,  
DENTON HOLME,  
CARLISLE

Client

CITADEL HOMES  
(CUMBRIA) LTD.

Drawing

LOCATION PLAN

Scale 1:1250 @ A3 Drawn GB

Checked Date DEC. 2020

Drawing No.

20/11/986 - 01

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dimensions on site before commencing work or  
preparing shop drawings.





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B - 170911 The whole system is subject to the provisions of the Building Regulations and the Building Act 1984. The system is subject to the provisions of the Building Regulations and the Building Act 1984. The system is subject to the provisions of the Building Regulations and the Building Act 1984.		08
A - 150411 The whole system is subject to the provisions of the Building Regulations and the Building Act 1984. The system is subject to the provisions of the Building Regulations and the Building Act 1984. The system is subject to the provisions of the Building Regulations and the Building Act 1984.		08
No.	Date	Revision
Initial		

<b>ALPHA DESIGN</b> Architectural Services Member of the Chartered Institute of Architectural Technologists Tel: 01460 829199 email: <a href="mailto:info@alphadesign.co.uk">info@alphadesign.co.uk</a>	
Project	RESIDENTIAL DEVELOPMENT, RICHARDSON STREET, DENTON HOLME, CARLISLE
Client	CITADEL HOMES (CUMBRIA) LTD.
Drawing	
<b>PROPOSED SITE PLAN</b>	
Scale	1:500 @ A1 Drawn: 08
Checked	Date: DEC. 2020
Drawing No.	20/11/086 - 03 b)

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EXTERNAL MATERIALS

Roof - Russell's Grampian mock-bond  
blue/grey smooth concrete tiles.  
Black UPVC roof goods with Digne  
style gutters.

Dwelling walls - Basrock Calkestone  
Claret (A0420A) facing brickwork.  
Buff colour sandstone cl. heads &  
mullions.

Garden walls - Basrock Calkestone  
Russell with buff colour sandstone  
copings: 1.8m high.

Matching 1.0m high walls fronting  
Rear garden. Sheds supplemented  
with 2.0m high walls. All railings with  
black painted finish.

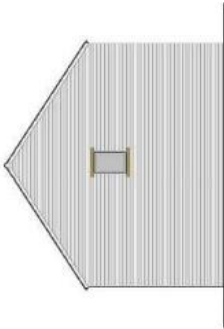
Windows - white UPVC.

Sliding doors - white UPVC.

Front entrance door - coloured  
composite UPVC.



REAR ELEVATION



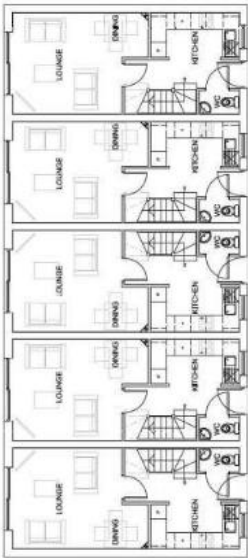
SIDE ELEVATION  
(STANDARD)  
(ON ALL OTHER  
GABLE ENDS).



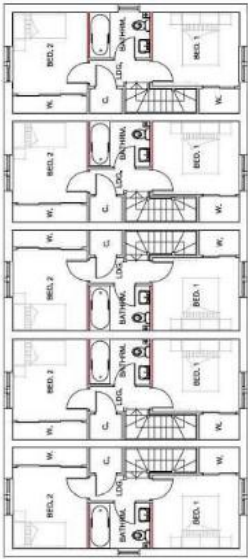
FRONT ELEVATION



SIDE ELEVATION  
(ENHANCED)  
(UNITS 1, 18, 26,  
30 & 39)



GF PLAN



FF PLAN

No.	Date	Revision	Initial
A	12/04/21	Issued for tender consideration. All dimensions to be confirmed by site survey.	GR

ALPHA DESIGN

Architectural Services  
Member of the Chartered Institute of  
Architectural Technologists  
Tel: 01480 829199 email: info@alphadesign.co.uk

Project

RESIDENTIAL DEVELOPMENT,  
RICHARDSON STREET,  
DENTON HOLME,  
CARLISLE

Client

CITADEL HOMES  
(CUMBRIA) LTD.

Drawing

UNITS 1 TO 39 - TYPICAL  
PLANS & ELEVATIONS

Scale: 1:100 @ A1 Drawn: GR

Checked: Date: JAN, 2021

Drawing No.

20/11/206 - 04 a)

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## SCHEDULE A: Applications with Recommendation

21/0928

Item No: 06

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0928

**Applicant:**  
Magnus Homes Ltd

**Parish:**  
Wetheral

**Agent:**  
Harraby Green Associates

**Ward:**  
Wetheral & Corby

**Location:** Land South and West of Castle Grounds, Wetheral, Carlisle, CA4 8JQ

**Proposal:** Erection Of 4no. Bungalows And 3no. Two Storey Dwellings

**Date of Receipt:**  
28/09/2021

**Statutory Expiry Date**  
23/11/2021

**26 Week Determination**  
07/12/2021

---

### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

- 1.1 It is recommended the application is approved subject to completion of a deed of variation to a Section 106 agreement. If the deed of variation is not completed within a reasonable time, then Authority to Issue is requested to Corporate Director of Economic Development to refuse the application. The deed of variation to the Section 106 agreement to consist of the following obligations:
- a) reference to this application.

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact on the character of the area
- 2.3 Scale and design of the proposed development
- 2.4 Impact of the proposal on the living conditions of the occupiers of neighbouring properties
- 2.5 Impact of the proposal on highway safety
- 2.6 Proposed method for the disposal of foul and surface water drainage
- 2.7 Impact of the proposal on existing trees and hedgerows
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other matters

### **3. Application Details**

#### **The Site**

- 3.1 The application site, equating to approximately 0.7 hectares, is a parcel of land located to the south and west of a property known as Castle Grounds on the western periphery of Wetheral. Castle Grounds, a single storey property, has recently been granted planning permission for a replacement single storey dwelling and is located to the north of the application site. Two other single storey properties, Lisnacree and Stonegarth, are also located to the north of the application site. Mulberry Mews, a development of 6no. houses and 2no. bungalows, is located immediately to the east of the application site. Ashgate Lane runs along its southern boundary with Wetheral Chapel and Wetheral Woodland Cemetery beyond. Public footpath number 138007, located within the adjacent field, runs adjacent to the application site's western boundary.
- 3.2 Vehicular access to the application site would be via an access approved under application reference 21/0670 which also granted planning permission for the erection of 2no. dwellings to the north of the application site. The submitted drawings illustrate the retention of the existing hedgerows and trees along the western, eastern and southern boundaries.

#### **Background**

- 3.3 In 2019, outline planning permission was granted subject to the completion of a Section 106 Agreement for the erection of 7no. dwellings (application reference 19/0427). The Section 106 Agreement required a contribution to off-site affordable housing provision.

#### **The Proposal**

- 3.4 The application seeks full planning permission for the erection of 4no. bungalows and 3no. two storey dwellings. The submitted drawings illustrate the bungalows (plots 3 to 6) together with a two storey dwelling (plot 7) arranged in a linear form fronting onto the development road. Plots 8 and 9 would be located at the of the head of the cul-de-sac.
- 3.5 The proposed materials for the dwellings would be red/multi facing bricks with sandstone detailing with artificial slate roofs. The submitted details also detail that: *"the developer is committed to reducing running costs and carbon emissions"* with each of the dwellings having solar photovoltaic panels, air source heat pumps and electric vehicle charging cabling.

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

- 4.1 This application has been advertised by the direct notification of nineteen neighbouring properties and the posting of a site notice. In response, five

representations of objection have been received.

4.2 The representations identifies the following issues:

1. submitted drawings fail to identify the adjacent development, Mulberry Mews;
2. the two storey dwellings detracts from unified development of single storey dwellings adjacent to Ashgate Lane;
3. introduction of two storey dwellings will create a visual and incongruous intrusion into what is currently a unified cohesive general setting;
4. overlooking would result in an unwelcome intrusion and loss of privacy for those attending the Cemetery;
5. plots 7, 8 and 9 should be single storey as opposed to two storey due to proximity to dwellings within Mulberry Mews;
6. two storey dwelling more likely to be family homes and would have the potential to generate more vehicle movements;
7. existing hedges and trees adjacent to Ashgate Lane should be retained and protected by conditions;
8. potential impact on existing hedgerows;
9. development was secured on the basis of bungalows;
10. layout of development differs from outline application;
11. a development of bungalows would be more suited to the demographics of Wetheral;
12. loss of privacy;
13. ability to achieve the minimum distances within the council's SPD;
14. adequacy of external amenity space;
15. impact on biodiversity;
16. number and/or size of properties inappropriate;
17. impact on highway safety from construction traffic;
18. construction hours should be controlled;
19. security and other lighting should not lead to a light nuisance to surrounding properties.

4.3 In addition Councillor Higgs, as Ward Council, has made the following representation following contacts from residents about the proposed development.

4.4 Councillor Higgs representations identifies the following issues:

1. all comments centre on the inclusion of two storey houses at the end of the development nearest to Wetheral Cemetery;
2. most recent surveys in Wetheral have shown a need for bungalows for those who are becoming less mobile – a good percentage of the villages population;
3. bungalows sell extremely quickly in Wetheral one recently sold within a week for 10% more than the asking price;
4. the upper floors of two storey houses would look directly into the Cemetery, where many people go for private contemplation;
5. the upper floors would also look directly into the windows of the bungalows in Mulberry Mews;
6. the contours of the hillside where this development is proposed lend

- themselves much more readily to single-storey houses, which would cause much less intrusion into the view from all directions;
7. this developer has built bungalows in other locations within my ward and they have sold readily, so he knows that what Wetheral residents are asking for will not cause him any financial loss;
  8. one of the criteria of Policy SP6 of the local plan is that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. The local planning authority must ensure that this application complies with Policy SP6 by taking steps to persuade the developer to go back to the original plan and build bungalows instead of two storey houses in this location.

## 5. Summary of Consultation Responses

**Wetheral Parish Council:** - Objection. The two storey dwellings, plots 8 & 9, the Council requests that these are amended to single storey dwellings due to the close proximity to the Ashgate Lane Cemetery and neighbouring houses. The previous development at Mulberry Mews included bungalows along the southern elevation. It was assumed that this application would have the same restrictions. The hedge and trees bordering with Ashgate Lane must be retained as a buffer to the new development. Members request that the use of PV cells and electric car charging points are considered for each dwelling;

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to the imposition of conditions and an informative. The conditions require: the submission of a surface water drainage scheme; details for the construction of the access roads and footways; the provision of the visibility splays and no obstruction thereafter; access and footways to be defined by kerbs and sub base construction prior to commencement; access and footways to be defined by kerbs and sub base construction prior to occupation; details of the proposed crossings; provision of footways that link continuously to existing footways; use of approved vehicular access only; and the submission of a construction phase traffic management plan. The informatives would require the applicant to obtain the relevant permit for works to the highway;

**United Utilities:** - no objections subject to the imposition of a condition requiring foul and surface water be drained on separate systems.

## 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 SP2, SP6, HO2, IP3, IP4, IP6, CC4, CC5, CM5, GI1, GI3, GI5 and GI6 of the Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Documents (SPD)

"Achieving Well Design Housing" and "Trees and Development" are also material planning considerations. The proposal raises the following planning issues.

## **1. Principle Of The Development**

- 6.3 Outline planning permission was granted, subject to a Section 106 Agreement, for the erection of 7no. dwellings in October 2019 (application reference 19/0437). Accordingly, the principle of residential development of the application site has been established. This application now seeks full planning permission for the erection of 4no. bungalows and 3no. two storey dwellings.
- 6.4 The application site is well contained within existing landscape features, it is physically connected, and integrates with, the settlement, and would not lead to an unacceptable intrusion into open countryside. The development of 7no. dwellings is of an appropriate scale for the village to accommodate and would not be considered a threat to the delivery of the local plan's spatial strategy. Furthermore, the site relates well to the existing settlement pattern in this part of Wetheral.
- 6.5 There has been no change in planning policy since the determination of the outline application, therefore, the principle of development remains acceptable. The remaining issues raised by this application are discussed in the following paragraphs of this report.

## **2. Impact Of The Proposal On The Character Of The Area**

- 6.6 The Cumbria Landscape Character Guidance and Toolkit (March 2001) identifies that the site falls within the Cumbria Landscape Character Sub-Type 5c 'Rolling Lowland'. The toolkit advises that key characteristics of this landscape are: open undulating and rolling topography; Lowland agricultural landscape dominated by pasture; hedges and hedgerows trees are common on lower ground and sparse on higher ground; and some scrub woodland.
- 6.7 The application site is a parcel of land to the south and west of Castle Grounds the southern, eastern and western boundaries of which is delineated by mature hedgerows with some trees. Beyond the western boundary is open countryside with Public Footpath 138007 running adjacent to the shared boundary.
- 6.8 Existing residential dwellings are located to the north and east with Wetheral Chapel and Wetheral Woodland Cemetery located beyond Ashgate Lane to the south. It is inevitable that the erection of a new dwellings within an undeveloped parcel of land would have some visual impact on the landscape character of the area. In mitigation; however, the site is well related to Wetheral with the proposed dwellings viewed against the backdrop of other residential dwellings within the vicinity. Furthermore, the existing and proposed landscaping together with the topography of the site would help soften any perceived visual impact.

### **3. Scale And Design Of The Proposed Development**

- 6.9 Policies seek to ensure the 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 Policies SP6 and HO2 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. On the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrated with, the settlement and does not lead to an unacceptable intrusion into open countryside.
- 6.10 As highlighted earlier in the report, the application now seeks full planning permission for the erection of 4no. bungalows and 3no. two storey dwellings. The bungalows (plots 3 to 6) would be located in the northern section of the site with the 3no. two storey dwellings (plots 7 to 9) in the southern section of the application site.
- 6.11 The primary objection raised by the parish council, ward councillor and third parties appear to centre on the inclusion of the two storey dwellings within the development. The representations citing loss of privacy, over dominance and visual impact of the two storey dwellings within the landscape.
- 6.12 The southern section of the site slopes from south east to north west resulting in the adjacent Mulberry Mews development being at a higher level than this section of the application site. The existing eastern hedgerow would be retained with the gable elevations of the proposed two storey properties on plots 8 and 9 off-set from the rear elevation of the single storey 7 Mulberry Mews. The cross section of plots 8 and 9 and number 7 Mulberry Mews illustrating that the topography of the land would result in the ridge line of plot 8 being approximately 0.5 metres higher than the ridge line of 7 Mulberry Mews. Furthermore, in all instances, the minimum separation distances as outlined in the council's SPD 'Achieving Well Designed Housing' between primary windows and primary windows and gables would be exceeded. In respect of plots 8 and 9 they would be located in excess of 15 metres from the boundary of Wetheral Woodland Cemetery with the existing boundary retained and reinforced with additional planting.
- 6.13 In overall terms, the development is reflective of the scale and design of other dwellings and development with the locality. The proposal would maximise the use of the site and achieve adequate amenity space and off-street parking. The character and appearance of the development would not be obtrusive within the street scene and accords with the objectives of the development plan.

### **4. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties**



- 6.14 Development should be appropriate in terms of quality to that of the surrounding area and do not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The council's SPD 'Achieving Well Designed Housing' provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking i.e. 12 metres between primary windows and blank gables and 21 metres between primary windows. However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances.
- 6.15 The dwellings would be so sited as to be in excess of the minimum distances between primary windows of the existing and proposed dwellings. Furthermore, the existing hedgerow separating the application site from Mulberry Mews would also be retained. It is appreciated that the proposal, when compared to the existing currently vacant use, is likely to lead to an increase in noise and disturbance although the significance of such is not sufficient to merit the refusal of permission. A condition is also recommended which would restrict construction working hours. The increase in traffic is also likely to lead to a greater degree of inconvenience for residents when seeking vehicular access/egress to the county highway but again this is also not sufficient to merit the refusal of permission.
- 6.16 In overall terms, the siting, scale and design of the development would not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of loss of privacy, loss of light or over-dominance. Accordingly, the proposal is acceptable in terms of any impact on the occupiers of the neighbouring properties.

## **5. Impact Of The Proposal On Highway Issues**

- 6.17 Access onto county highway were subject of application 21/0670 which demonstrated that visibility splays as required in the Cumbria Design Guide could be achieved within a 30mph area. Cumbria County Council, as the Highway Authority, has been consulted on this current application and raise no objections subject to the imposition of conditions and an informative. The conditions require: details for the construction of the access roads and footways; the provision of the visibility splays and no obstruction thereafter; access and footways to be defined by kerbs and sub base construction prior to commencement; access and footways to be defined by kerbs and sub base construction prior to occupation; details of the proposed highway crossings; provision of footways that link continuously to existing footways; use of approved vehicular access only; and the submission of a construction phase traffic management plan. The informatives would require the applicant to obtain the relevant permit for works to the highway.
- 6.18 In light of the views of the Highway Authority and subject to satisfying its recommended conditions the proposed development is acceptable and would

not have a detrimental impact on highway safety.

## **6. Proposed Methods For The Disposal Of Foul And Surface Water Drainage**

- 6.19 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development. The submitted document illustrate that surface water would be attenuated prior to entering the existing highway surface water drainage. Foul drainage would be via a package treatment pumping station before entering a rising foul drain connection to the mains sewer.
- 6.20 Cumbria County Council, as Lead Local Flood Authority, and United Utilities have been consulted on the proposed methods and subject to the imposition of conditions raise no objections to the proposal. These conditions would require the submission of a surface water drainage scheme and that foul and surface water are drained on separate systems. If the drainage conditions can not be satisfied then the development would stall as a result.

## **7. Impact Of The Proposal On Existing Trees and Hedgerows**

- 6.21 Policy GI6 of the local plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further reiterated in Policy SP6 of the local plan which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing landscaping.
- 6.22 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.23 There are no trees within the application site; however, the eastern, western and southern boundaries are delineated by mature hedgerows with several trees located along the eastern and southern boundaries. The submitted drawings illustrate the retention of the existing boundary hedges and trees with further planting proposed along its southern boundary all of which would help to soften and screen the proposed development from public viewpoints. Should Members approve the application, a condition is recommended ensuring that prior to any works tree protection barriers are erected around the retained hedgerows and trees and remain in-situ during construction works. A further condition is also recommended which would require the

submission of a landscaping scheme for the development including works, if any, to the retained hedges and trees.

## **8. Impact Of The Proposal On Biodiversity**

- 6.24 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, informatives have been included within the decision notice drawing the applicants attention to their obligations under the Wildlife and Countryside Act etc.

## **9. Other Matters**

- 6.25 A further issue raised by the ward councillor was that the developer should revert back to the original plan and consider the construction of bungalows instead of two storey houses in this location. This he considers would satisfy demand and would better suit the demographics of the population of Wetheral. As Members are aware, each application is dealt with on its own merits and the application before Members is for the erection of 4no. bungalows and 3no. two story dwellings. Furthermore, the submitted details in respect of the previous outline application, with the exception of the access arrangements, were indicative only with appearance, landscaping, layout and scale reserved for subsequent approval. It should also be noted that the applicant for this current application differs from that of the outline planning application.
- 6.26 A further issue raised by a third party is the potential for light nuisance arising from security and other lighting within the development. No details have been provided in respect of lighting; however, should a light nuisance arise this would be dealt with under Environmental Health Legislation.
- 6.27 In 2019, outline planning permission was granted subject to the completion of a Section 106 Agreement for the erection of 7no. dwellings (application reference 19/0427). The Section 106 Agreement required a contribution to off-site affordable housing provision. In order that the affordable contribution relates to this proposal a Deed of Variation is required to the existing permission to refer to this application.

## **Conclusion**

- 6.28 In overall terms, the principal of residential development on the site is acceptable following its establishment through the grant of outline planning permission in 2019.
- 6.29 On the matter of design it is considered that the proposal will provide sufficient connectivity; provide a mix of dwelling types that suit local requirements; has sought to create a distinctive character with well-defined and legible spaces; provides sufficient external amenity space for each of the dwellings and be served by adequate parking provision.

- 6.30 Adequate separation distances between existing and proposed dwellings would be achieved and would not adversely affect the living conditions of the occupiers of neighbouring properties through unacceptable overlooking or over dominance. Planning conditions would ensure that in the short-term period of construction, the residents would be adequately protected from the works, as far as reasonably practicable.
- 6.31 Conditions would also ensure: the implementation of a drainage scheme to serve the development; the protection of the existing hedgerows and trees together with the implementation of a landscaping scheme.
- 6.32 In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF. Accordingly, it is recommended that the application be approved subject to completion of a deed of variation to a Section 106 agreement. If the deed of variation is not completed within a reasonable time, then Authority to Issue is requested to Corporate Director of Economic Development to refuse the application. The deed of variation to the Section 106 agreement to consist of the following obligations:
- a) reference to this application.

## **7. Planning History**

- 7.1 In 2019, outline planning permission was granted subject to a Section 106 Agreement for the erection of 7no. dwellings (application 19/024378).

## **8. Recommendation: Grant Permission**

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.
- Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted planning application form received 28th September 2021;
  2. the Carbon Emission Details received 12th November 2021;
  3. the Heating Feasibility Report received 12th November 2021;
  4. the drainage Strategy Report received 16th November 2021;
  5. the location plan received 8th October 2021(Drawing No. 2108/02-01);
  6. the block plan as proposed received 15th November 2021 (Drawing No. 2108/02-04 Rev B);
  7. the site plan and site elevation as proposed received 12th November

- 2021 (Drawing No. 2108/02-05);
8. the site section through Plots 8-9 as proposed received 12th November 2021 (Drawing No. 2108/02-08);
9. Plot 3 - Plans & Elevations received 28th September 2021(Drawing No. 2108/02-13);
10. Plot 4 - Plans & Elevations received 28th September 2021(Drawing No. 2108/02-14);
11. Plot 5 - Plans & Elevations received 28th September 2021(Drawing No. 2108/02-15);
12. Plot 6 - Plans & Elevations received 28th September 2021(Drawing No. 2108/02-16);
13. Plot 7 - Plans & Elevations received 28th September 2021(Drawing No. 2108/02-17);
14. Plot 8 - Plans & Elevations received 28th September 2021(Drawing No. 2108/02-18);
15. Plot 9 - Plans & Elevations received 28th September 2021(Drawing No. 2108/02-19);
16. the proposed road and plot levels received 18th October 2021(Drawing No. 20-C-1572/01 C);
17. P3-P9 proposed kerb layout received 18th October 2021 (Drawing No. 20-C-15712/02 B);
18. the proposed drainage sections 18th October 2021 (Drawing No. 20-C-15712/03);
19. the proposed road sections received 18th October 2021 (Drawing No. 20-C-15712/04);
20. the pipe sections received 18th October 2021 (Drawing No. 20-C-15712/05);
21. the location plan received 18th October 2021 (Drawing No. 20-C-15712/06);
22. P3-P9 proposed kerb layout received 18th October 2021 (Drawing No. 20-C-15712/07);
23. P3-P9 manhole details 1 of 2 received 18th October 2021 (Drawing No. 20-C-15712/08);
24. P3-P9 manhole details 2 of 2 received 18th October 2021 (Drawing No. 20-C-15712/09);
25. the Notice of Decision;
26. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. Prior to the commencement of any development , a surface water drainage scheme (incorporating SUDs features as far as practicable), 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/maintained after completion and identifying the responsible parties) 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, maintained and managed in accordance with the approved details.

None of the dwellings hereby approved shall be first occupied until the approved surface water drainage scheme has been completed and made operational.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere in accordance with Policies SP6, CC4, CC5 and CM5 of the Carlisle District Local Plan 2015-2030.

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

- details of proposed crossings of the highway verge
- retained areas for vehicle parking, maneuvering, 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
- details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policy SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

5. The carriageway, footways, footpaths etc shall be designed, constructed, drained to the satisfaction of the local planning authority in consultation with the local highway authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

**Reason:** To ensure that the matters specified are designed to the satisfaction of the local planning authority in consultation with the local highway authority to support Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

6. Before development is commenced details shall be submitted to and approved by the local planning authority showing the proposed measures for the retention and management of the existing hedgerows and trees along the western, eastern and southern boundaries of the application site specifying the stage in the development by which these measures are to be completed.

**Reason:** The local planning authority wishes to see existing hedgerows incorporated into the new development where possible in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

7. No development shall take place until full details of hard and soft landscape works, including the retention of the majority of the western, eastern and southern boundaries of the site, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved in the first planting season prior to the occupation of the dwellings or completion of the development whichever is the sooner. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

8. Prior to the use on site samples or full details of materials to be used externally on the dwellings have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials, thereafter, the development shall be carried out in strict accordance therewith.

**Reason:** To ensure that materials to be used are acceptable in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

9. Prior to the use on site particulars of the height and materials of any new screen walls and boundary fences to be erected shall be submitted to and approved in writing by the local planning authority and the development thereafter carried out in accordance therewith.

**Reason:** In the interests of privacy and visual amenity in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. The development shall not commence until visibility splays providing clear visibility of 60 metres in both directions measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order

revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

11. No dwellings shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

**Reason:** To ensure that the access roads are defined and laid out at an early stage in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

12. No dwellings shall be occupied until the estate road including footways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

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

13. Details of proposed crossings of the highway verge and/or footway shall be submitted to the local planning authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

14. Footways shall be provided that link continuously and conveniently to the nearest existing footway. Pedestrian access within and to/from the site shall be provided that is convenient to use.

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

15. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed in writing by the local planning authority.

**Reason:** To avoid vehicle entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.



16. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the local highway authority.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

17. Foul and surface water shall be drained on separate systems.

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies IP6, CC4 and CC5 of the Carlisle District Local Plan 2015-2030.

18. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around any retained trees and hedgerows in accordance with a scheme that has been submitted to and agreed, in writing, by the local planning authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

19. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

**Reason:** To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

20. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a

remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

**Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

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**WETHERAL**

KEY:

- Extent of development site
- Extent of other site ownership

NORTH



**HARRYB GREEN**  
ASSOCIATES

REVISIONS  
B Mulberry News layout amended, Oct 21 OK  
A Amended showing Mulberry News, Sep 21 OK  
- Planning Issue, GC

Client Magnus Homes Limited

Project Land Adjacent to Castle Grounds  
Wetheral  
Carlisle  
Cumbria  
CA4 8JQ

Drawing Location Plan

Drawing No. 2108/02 - 01  
Scale 1:2500 @ A3 Drawn GC Date July 2021

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NORTH

KEY:

- Extent of development site
- Extent of other site ownership



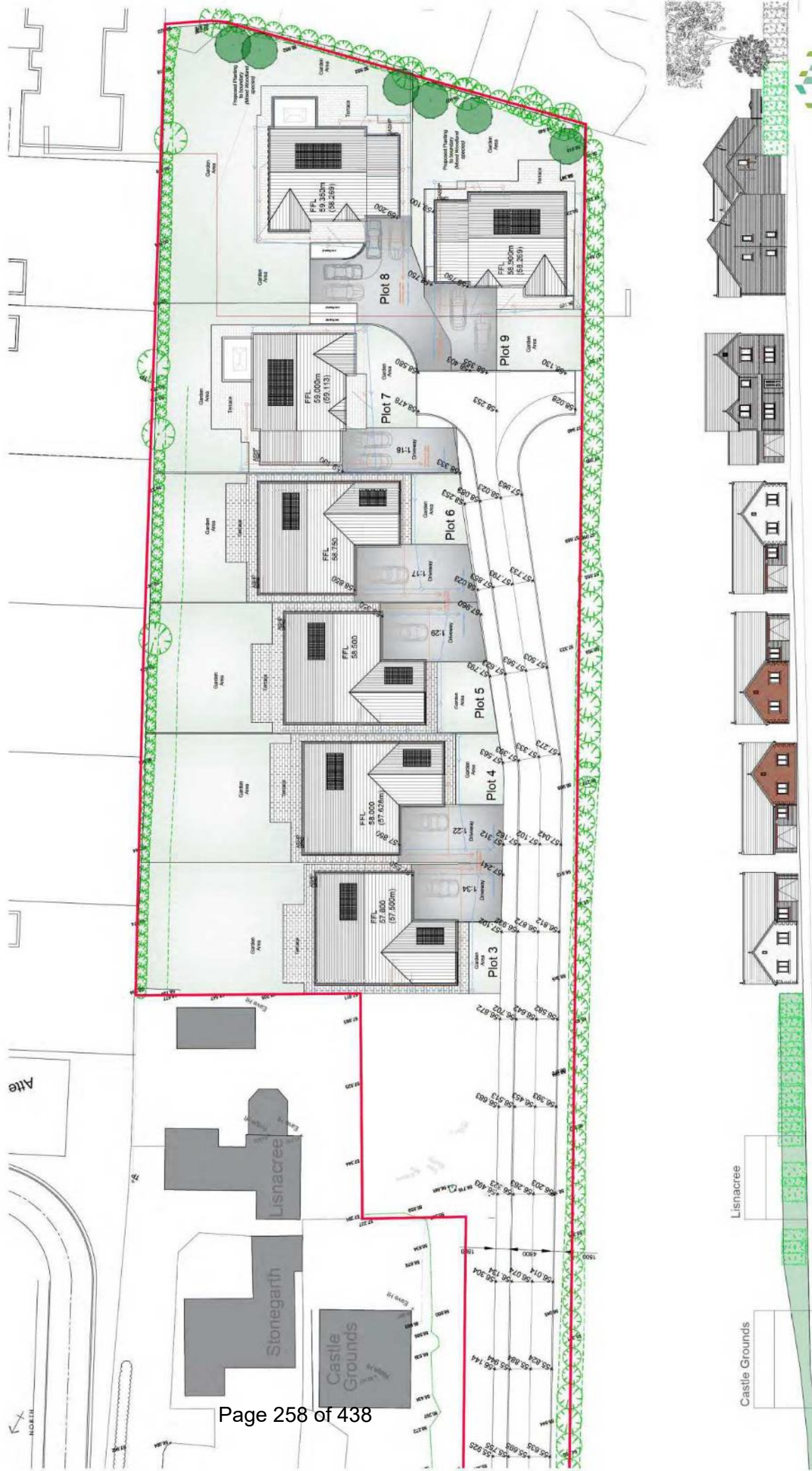
**HARRABY GREEN**  
ASSOCIATES

Revisions	B. Super completed. May 21 02. A. Muberry Mews layout developed. Oct 21 02. - Planning Ref. 10.
Client	Magnus Homes Limited
Project	Land Adjacent to Castle Grounds Wellhurst Castles Castles Castles Castles
Drawing	Block Plan As Existing
Drawing No.	2108/02 - 02 Rev.B
Scale	1:1000
Date	July 2001



Revisions	B. Proposed updated, single consultation, stage 2 OC A. Modern Homes report amended, Oct 11 OC - Planning stage, OC
Client	Magnus Homes Limited
Project	Land Adjacent to Castle Grounds Wellhurst Cottages Cottages Cottages Cottages
Drawing	Block Plan As Proposed
Drawing No.	2108/02 - 04 Rev.B
Scale	1:500 @ A3 Green OC
Date	July 2021





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Project: Castle Grounds  
Client: Magus Homes Limited  
Location: Castle Grounds  
Scale: 1:500 (A1)  
Date: July 2018

### Boundary Treatments

<b>Eastern Boundary</b> Plot 3-8	Existing hedge retained
<b>Southern Boundary</b> Plot 8-9	Existing trees & hedge retained Proposed planting to southern boundary: Mixed woodland species.
<b>Western Boundary</b> Access Road	Existing hedge retained
<b>Northern Boundary</b> Access Road	Existing hedge retained
<b>Plot 3</b>	N/A (refer to application 21/0070) Existing hedge retained

### Materials Schedule

<b>Site</b>	Black Grey Tarmac
<b>Hard Landscaping</b>	Blumen Macadam with PCC road kerb Tarmac paving to kerbside Tarmac paving to kerbside
<b>Soft Landscaping</b>	Grass Existing trees and hedges retained. Proposed planting to southern boundary: Mixed woodland species.



Key to Landscaping Shown



Proposed Planting  
Illustrative of approx 8-10 years growth



Existing Trees & Hedgerow  
to Site Boundary



Existing Trees & Hedgerow  
beyond Site Boundary



Site Section through Plots 8 & 9

As Proposed  
1:200 @ A3



Revisions - Planning Issue: GC

Client Magnus Homes Limited

Project Land Adjacent to Castle Grounds

Weatheral  
Carlisle  
Cumbria  
CA4 8JQ

Drawing Site Section Through Plots 8 - 9

As Proposed

Drawing No. 2108/02 - 08

Scale 1:250 @ A3

Drawn GC

Date Nov 2021

Do not scale from this drawing. Drawing to be used in conjunction with all other relevant drawings and information from all other consultants. Any discrepancies identified between drawings and data to be used shall be resolved by the design team. This drawing is the property of HARRY GREEN ASSOCIATES. All rights reserved. This drawing is copyright of HARRY GREEN ASSOCIATES, part of CH Group.



Photograph of Rear Elevation

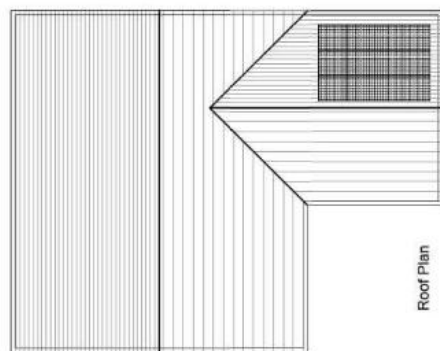
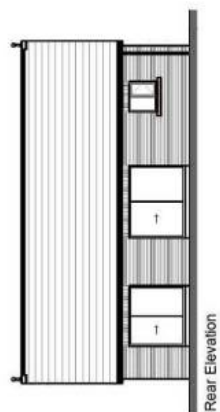
As Existing

Not to Scale

(from drone footage October 2021)





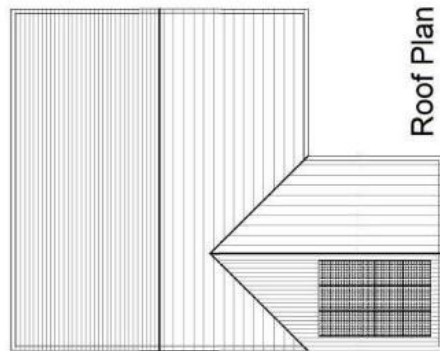
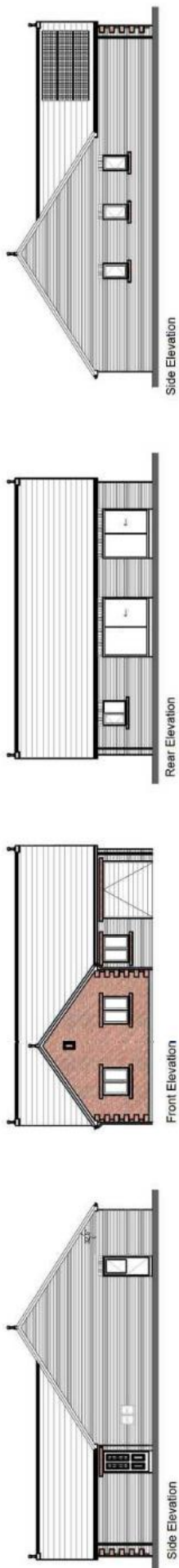
Continued to mains  
via pumping station

To attenuation system

### Plot 4

## Materials Schedule

Part 4		
Walls	Red / multi facing Block Red Sandstone	Find specification TBC. Find specification TBC.
Walls below DPC	Brown / multi facing Block	Find specification TBC.
Urinals, Sills, Gushes & All Feature Stones	Red sandstone	Find specification TBC.
Main Roof	Slate tile	Sandstone fixings interlocking slate tile or equivalent
Dormer Window	GRP Roof Dormers	Find specification TBC. Anticipated colour grey.
Roof Accessories Ridge / hips / finals	Dark Grey to match roof coverings.	
Fascia & soffits	PVCu	Find specification TBC. Anticipated colour grey.
Rainwater Gutter	PVCu	Find specification TBC. Anticipated colour grey.
Windows	PVCu	Styles as indicated. Anticipated colour grey.
Glazed Doors	Aluminium	Styles as indicated. Anticipated colour grey.
Front Doors	Composite	Styles as indicated. Anticipated colour grey.
Garage Door	Composite	Styles as indicated. Anticipated colour grey
<b>External Works</b>		
Paths & Paving	Concrete flag pavers	Find specification TBC. Anticipated size: 400 x 600mm units Anticipated colour grey.
Gravelled Areas	Gravel	Find specification TBC.
To perimeter of properties and other general areas.		
Driveway	Blurren Macadam	Anticipated colour grey.
Driveway Edging	Block Pavers	Block Find specification TBC. Anticipated colour grey.
<b>Boundary Treatments</b>		
Timber fencing (1.2m)	Vertical boarded timber	Anticipated natural finish
Timber fencing (1.8m) including gates	Vertical boarded timber	Anticipated natural finish
Entrance Walls (1.2m)	Red / multi facing Block with red sandstone copings to walls and piers	Find specification TBC.
Retaining Walls between plots	Red / multi facing Block to outer face with red sandstone coping Fencing as noted above	Find specification TBC.



Roof Plan



Floor Plan

## Plot 5

3 Bedroom Detached Bungalow.  
Floor Area : 126.1 m<sup>2</sup>  
Garage 21.8 m<sup>2</sup>

Continued to mains  
via pumping station  
To attenuation system

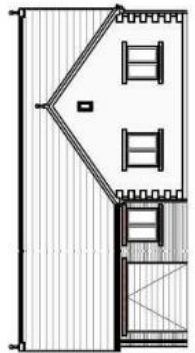
### Materials Schedule

#### Plot 5

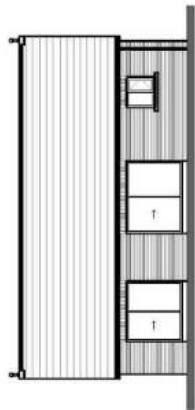
Walls	Red / multi facing Brick Red Sandstone	Final specification TBC. Final specification TBC.
Walls below DPC	Brown / multi facing Brick	Final specification TBC.
Lintels, Sills, Quoins & All Feature Stones	Red sandstone	Final specification TBC.
Main Roof	Slate tile	Sandluff Ricka interlocking slate tile or equivalent
Dormer Window	GRP Roof Dormers	Final specification TBC. Anticipated colour: grey.
Roof Accessories ridge / hips / eaves	Dark Grey to match roof coverings.	
Fascia & soffits	PVCu	Final specification TBC. Anticipated colour: grey.
Rainwater Goods	PVCu	Final specification TBC. Anticipated colour: grey.
Windows	PVCu	Styles as indicated. Anticipated colour: grey.
Glazed Doors	Aluminium	Styles as indicated. Anticipated colour: grey.
Front Doors	Composite	Styles as indicated. Anticipated colour: grey.
Garage Door	Composite	Styles as indicated. Anticipated colour: grey.
<b>External Works</b>		
Paths & Paving	Concrete flag pavers	Final specification TBC. Anticipated size: 600 x 600mm units. Anticipated colour: grey.
Gravelled Areas	Gravel	Final specification TBC.
To perimeter of properties and other general areas.		Anticipated colour: grey.
Driveway	Bitumen Macadam	Black
Driveway Edging	Block Pavers	Final specification TBC. Anticipated colour: grey.
<b>Boundary Treatments</b>		
Timber fencing (1.2m)	Vertical boarded timber	Anticipated natural finish
Timber fencing (1.8m) including gates	Vertical boarded timber	Anticipated natural finish
Entrance Walls (1.2m)	Red / multi facing Brick with red sandstone copings to walls and piers	Final specification TBC.
Retaining Walls between plots	Red / multi facing Brick to outer face with red sandstone coping Fencing as noted above	Final specification TBC.



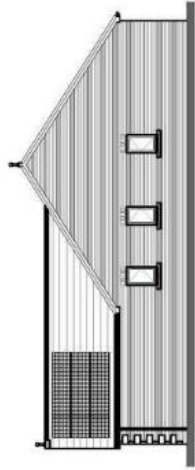
Side Elevation



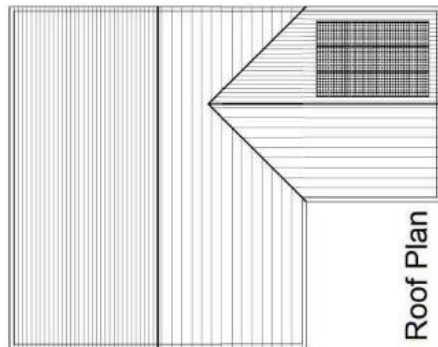
Front Elevation



Rear Elevation



Side Elevation



Roof Plan



Floor Plan

Continued to mains  
via pumping station

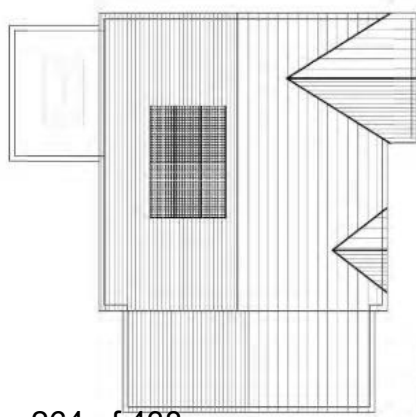
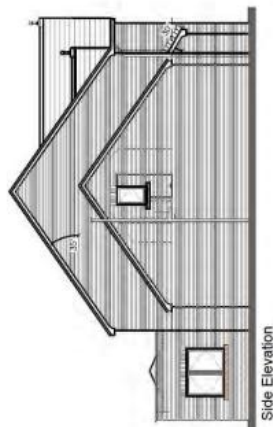
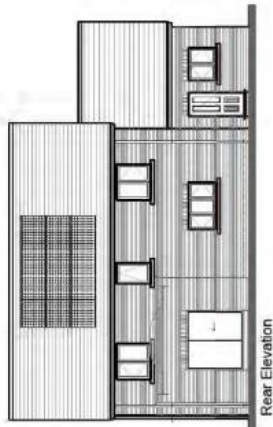
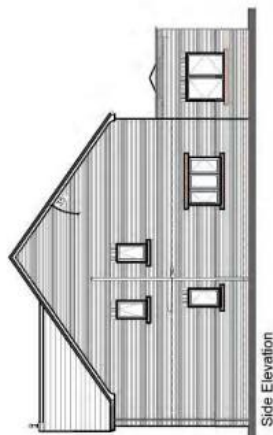
To attenuation system

Materials Schedule

Plot &	Materials	Notes
Walls	Red / multi Facing Brick Render	Final specification TBC. Final specification TBC. Anticipated colour: white-grey.
Walls below DPC	Brown / multi Facing Brick	Final specification TBC.
Unitills, Sills, Quoins & All Feature Stones	Red sandstone	Final specification TBC.
Main Roof	Slate tile	Final specification TBC.
Dormer Window	GWP Roof Dummies	Sandstone Rivus interlocking slate tile or equivalent
Roof Accessories Ridge / Hip / Finish	Dark Grey to match roof coverings.	Final specification TBC. Anticipated colour: grey.
Fascias & Soffits	PVCu	Anticipated colour: grey.
Rainwater Goods	PVCu	Anticipated colour: grey.
Windows	PVCu	Styles as indicated. Anticipated colour: grey.
Glazed Doors	Alumilium	Styles as indicated. Anticipated colour: grey.
Front Doors	Composite	Styles as indicated. Anticipated colour: grey.
Garage Door	Composite	Styles as indicated. Anticipated colour: grey.
External Works		
Paths & Paving	Concrete flag pavers	Final specification TBC. Anticipated size: 600 x 600mm units. Anticipated colour: grey.
Gravelled Areas	Gravel	Final specification TBC.
Driveway	Blumen Mosaic	Anticipated colour: grey.
Driveway Edging	Block Pavers	Black Final specification TBC. Anticipated colour: grey.

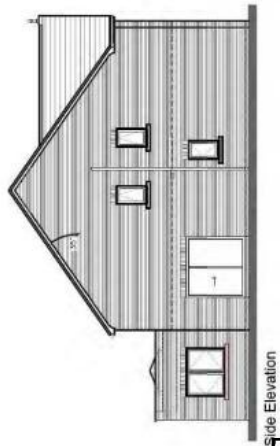
Boundary Treatments

Timber fencing (1.2m)	Vertical boarded timber	Anticipated natural finish
Timber fencing (1.8m) including gates	Vertical boarded timber	Anticipated natural finish
Entrance Walls (1.2m)	Red / multi Facing Brick with red sandstone coping to walls and piers	Final specification TBC.
Retaining Walls between plots	Red / multi Facing Brick to outer face with red sandstone coping / fencing as noted above	Final specification TBC.



Materials Schedule			
<b>Flot 7</b>			
Walls	Red / multi facing Brick	Final specification TBC. Anticipated colour: white/ grey.	
Walls below DPC	Brown / multi facing Brick	Final specification TBC.	
Uplifts, Jibs, Quirks & All Feature Stores	Red sandstone	Final specification TBC.	
Main Roof	Slate tile	Sandflot Rivels interlocking slate tile or equivalent	
Dormer Window	GRP Roof Dormers	Final specification TBC. Anticipated colour: grey.	
Roof Accessories Ridge / Hips / Finials	Dark Grey to match roof coverings.		
Fascias & Soffits	PVCu	Final specification TBC. Anticipated colour: grey.	
Rainwater Goods	PVCu	Final specification TBC. Anticipated colour: grey.	
Windows	PVCu	Styles as indicated. Anticipated colour: grey.	
Glazed Doors	Aluminium	Styles as indicated. Anticipated colour: grey.	
Front Doors	Composite	Styles as indicated. Anticipated colour: grey.	
Garage Door	Composite	Styles as indicated. Anticipated colour: grey.	
<b>External Works</b>			
Paths & Paving	Concrete flag paving	Final specification TBC. Anticipated size: 600 x 600mm units Anticipated colour: grey.	
Gravelled Areas to perimeter of properties and other general areas.	Gravel	Final specification TBC. Anticipated colour: grey.	
Driveway	Blumen Macadam	Black	
Driveway Edging	Black Pavers	Final specification TBC. Anticipated colour: grey.	
<b>Boundary Treatments</b>			
Timber fencing (1.2m)	Vertical boarded timber	Anticipated natural finish	
Timber fencing (1.8m) including gates	Vertical boarded timber	Anticipated natural finish	
Entrance Walls (1.2m)	Red / multi facing Brick with red sandstone copings to walls and piers	Final specification TBC.	
Retaining Walls between plots	Red / multi facing Brick to outer face with red sandstone coping fencing as noted above	Final specification TBC.	

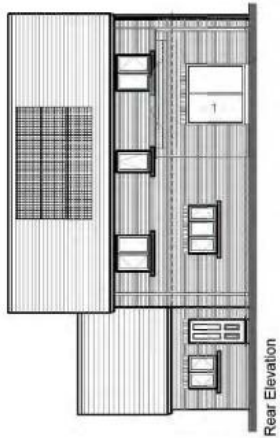




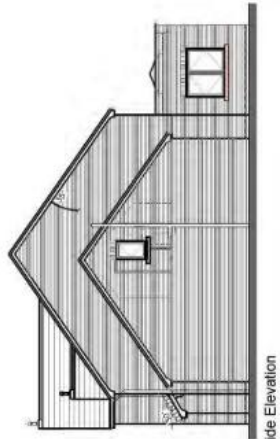
Side Elevation



Front Elevation



Rear Elevation



Side Elevation

Materials Schedule

Plot 8			
Walls	Red / multi facing brick	Final specification TBC. Anticipated colour: white-grey.	
Walls below DPC	Brown / multi facing brick	Final specification TBC.	
Unruli, Sills, Quoins & All feature Stones	Red sandstone	Final specification TBC.	
Main roof	Slate tile	Sandrift Rivin interlocking slate tile or equivalent	
Dormer Window	Gap Roof Dormers	Final specification TBC. Anticipated colour: grey.	
Roof Accessories Ridge / Hips / Finials	Dark Grey to match roof coverings.		
Fascias & Soffits	PVCu	Final specification TBC. Anticipated colour: grey.	
Rainwater Goods	PVCu	Final specification TBC. Anticipated colour: grey.	
Windows	PVCu	Styles as indicated. Anticipated colour: grey.	
Glazed Doors	Aluminium	Styles as indicated. Anticipated colour: grey.	
Front Doors	Composite	Styles as indicated. Anticipated colour: grey.	
Garage Door	Composite	Styles as indicated. Anticipated colour: grey.	
External Works			
Paths & Paving	Concrete flag pavers	Final specification TBC. Anticipated size: 600 x 600mm units Anticipated colour: grey.	
Gravelled Areas To perimeter of perimeter and other general areas.	Gravel	Final specification TBC. Anticipated colour: grey.	
Driveway	Blumen Macadam	Black	
Driveway edging	Block Pavers	Final specification TBC. Anticipated colour: grey.	
Boundary Treatments			
Timber fencing (1.2m)	Vertical boarded timber	Anticipated natural finish	
Timber fencing (1.8m) including gates	Vertical boarded timber	Anticipated natural finish	
Entrance Walls (1.2m)	Red / multi facing brick with red sandstone copings to walls and piers	Final specification TBC.	
Retaining Walls between plots	Red / multi facing brick to outer face with red sandstone coping facing as noted above	Final specification TBC.	



First Floor Plan

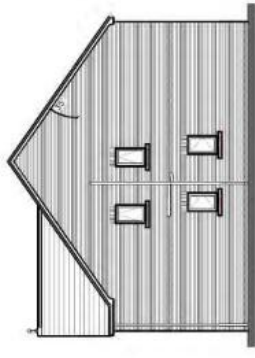


Ground Floor Plan

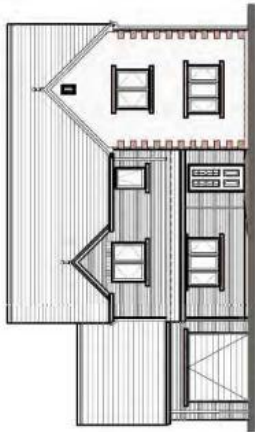
Continued to mains via pumping station

To attenuation system

Plot 8



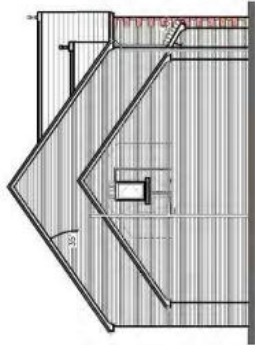
Side Elevation



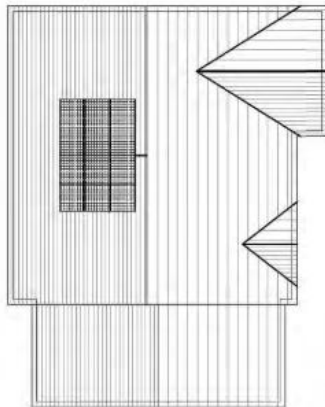
Front Elevation



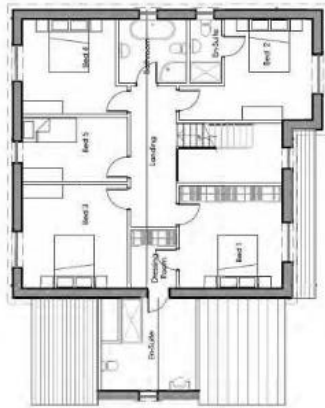
Rear Elevation



Side Elevation



Roof Plan



First Floor Plan



Ground Floor Plan

Continued to mains  
via pumping station  
To attenuation system

Materials Schedule

Plot 9	
Walls	Red / multi Facing Brick Render Final specification TBC. Final specification TBC. Anticipated colour: white-grey.
Walls below DPC	Brown / multi Facing Brick Final specification TBC.
Inlets, Sills, Quoins & All Feature Stones	Red sandstone Final specification TBC.
Main roof	Slate tile Sandliff slates interlocking slate tile or equivalent
Dormer Window	GRP Roof Dormers Final specification TBC. Anticipated colour: grey.
Roof Accessories	Dark Grey to match roof coverings.
Ridge / Hips / Finials	
Fascias & Soffits	PVCu Final specification TBC. Anticipated colour: grey.
Rainwater Goods	PVCu Final specification TBC. Anticipated colour: grey.
Windows	PVCu Styles as indicated. Anticipated colour: grey.
Glazed Doors	Aluminium Styles as indicated. Anticipated colour: grey.
Front Doors	Composite Styles as indicated. Anticipated colour: grey.
Garage Door	Composite Styles as indicated. Anticipated colour: grey.
External Works	
Paths & Paving	Concrete flag pavers Final specification TBC. Anticipated size: 600 x 600mm units Anticipated colour: grey.
Gravelled Areas To perimeter of properties and other general areas.	Gravel Final specification TBC. Anticipated colour: grey.
Driveway	Blumen Macadam Black
Driveway Edging	Block Pavets Final specification TBC. Anticipated colour: grey.
Boundary Treatments	
Timber fencing (1.2m)	Vertical boarded timber Anticipated natural finish
Timber fencing (1.8m) Perimeter garden	Vertical boarded timber Anticipated natural finish
Entrance Walls (1.2m)	Red / multi Facing Brick with red sandstone copings to walk and plant Final specification TBC.
Retaining Walls between plots	Red / multi Facing Brick to other face with red sandstone coping Fencing as noted above Final specification TBC.

## SCHEDULE A: Applications with Recommendation

21/0979

Item No: 07

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0979

**Applicant:**  
Supp Shack Limited

**Parish:**  
Carlisle

**Agent:**  
Exeter Architectural  
Services

**Ward:**  
Cathedral & Castle

**Location:** Unit 1 Site 18, Willowholme Road, Willowholme Industrial Estate,  
Carlisle, CA2 5RT

**Proposal:** Variation Of Condition 4 (Opening Hours) Of Previously Approved  
Permission 21/0198 (Change Of Use From Car Showroom To Gym) To  
Amend Opening Hours To 24 Hours Per Day

**Date of Receipt:**  
18/10/2021

**Statutory Expiry Date**  
13/12/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 Impact On The Amenity Of Occupiers Of Residential Properties
- 2.2 Potential Impact On Crime And Disorder
- 2.3 Highway Issues
- 2.4 Other Matters

#### 3. Application Details

##### The Site

- 3.1 The application site relates to Unit 1, Site 18 Willowholme Road, Willowhome Industrial Estate, Carlisle. It is a large commercial building constructed from facing brick and cladding to the elevations and the roof. The building is located at the southern periphery of the estate, attached to a building of

similar scale and appearance.

- 3.2 The buildings are enclosed with palisade fencing. A pair of double gates serves the existing vehicular access into the site where there is a large area of hardstanding that is used for parking provision.
- 3.3 The site is within a designated Primary Employment Area. Adjacent to the site to the west is a plant hire business and to the south is Stagecoach bus depot. The attached building is occupied by a safety consultant and further to the south-east is Millers Showmans Quarters.

## Background

- 3.4 Members will note from the planning history that planning permission was granted for the change of use earlier this year from a car showroom to a gym. This permission was subject to condition 4 which reads:

*“The premises shall not be open for trading except between 0600 hours and 2200 hours.*

**Reason:** *To prevent disturbance to nearby residential occupiers and in accord with Policy CM5 of the Carlisle District Local Plan 2015-2030.”*

## The Proposal

- 3.5 This application seeks permission to vary the condition to allow the gym to operate 24 hours each day.

## 4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 20 neighbouring premises. In response, 26 representations have been received supporting the application and the main issues raised are summarised as follows:
  - 1. the site is well suited to the use;
  - 2. 24 hour access to the gym is of great benefit to patrons who have busy schedules or work shifts and can't attend gyms with more conventional hours;
  - 3. the Covid-19 pandemic forced gyms to close which had a negative effect on both mental and physical health. Being able to access the gym 24 hours a day will address these issues;
  - 4. music isn't an issue as many people train with headphones and the location on a loud industrial estate is distanced from residential premises;
  - 5. the building which the premises previously operated from had 24 hour access and this was great, music was turned off at 10pm and patrons listened to music via headphones instead so the noise was kept to a minimum. The new site has more parking so there isn't any issue blocking access to anyone else in Willowholme and noise late at night shouldn't be



- an issue;
6. to stop people accessing this facility on an industrial estate in the later hours would be idiotic. Much in the same way stopping factories operating 24/7 would be. The facility promotes healthy living and provides the perfect place for people who are that way inclined to train and improve;
  7. to stop this would likely cause much frustration to those who were using the previous facility 24/7 which never caused any significant issues with the neighbouring units;
  8. surely the question should be why not 24 hours? This is a 24 hour gym operated by local people on an industrial estate not a residential area;
  9. the 24 hour use will spread the reasonable and not excessive member head count over 24 hours reducing congestion of people;
  10. the gym offers food, hair cut, other gym related services so in turn support and collaborate with other local businesses;
  11. gym members are very respectful of the facility and the neighbourhood.
- 4.2 In addition, one representation has been received commenting on the application but no additional issues are raised other than those outlined above.

## **5. Summary of Consultation Responses**

**Local Environment - Environmental Protection:** - no response received;

**Cumbria Constabulary - North Area Community Safety Unit:** - no objections to this application and in fact the proposal is supported. Extending the trading hours of the premises will generate legitimate activity around the building and approach roads, which will enhance casual supervision of an area that would otherwise be deserted overnight.

## **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 National Planning Practice Guidance (NPPG) together with Policies SP6, SP9, EC2, EC9, IP2, IP3, CM4 and CM5 of the Carlisle District Local Plan (CDLP) 2015-2030. The proposal raises the following planning issues.

### **1. Impact Upon The Amenity Of Occupiers Of Residential Properties**

- 6.3 Local plan Policy CM5 is relevant to the proposal, in that it seeks to ensure that developments would be acceptable in terms of their relationship with existing uses. The policy refers specifically to making sure development is not prejudicial to existing uses.

- 6.4 The application site is located on Willowhome Industrial Estate adjacent to commercial and industrial uses including (but not exclusively) the Stagecoach Bus Depot, a consultancy business and plant hire business as well as premises occupied as part of the Millers Showman's Quarters. The issue is the relationship with the neighbouring properties and the potential impact on the amenity of the occupants.
- 6.5 There is no objection to the unfettered use of leisure facilities and examples can be found elsewhere in the city; however, in this location, the proposal would result in an intensification of the use of the gymnasium throughout the night on weekdays, weekends and bank holidays when occupants of neighbouring residential properties would expect a reasonable amount of peace and quiet. Although located in an industrial estate, the levels of vehicle movements and ambient noise levels in the evening and night would be considerably less than the daytime. The proposed use would significantly increase the amount of noise, activity and disturbance emanating from the premises and within the surrounding area from patrons and staff at anti-social hours when low ambient noise levels are to be expected. This level of disturbance (from general chatter between patrons, vehicle engines stopping and starting, car doors closing etc.) would be significantly compounded due to the application site's position adjacent to residential properties with no other late-night commercial uses present thereby resulting in the additional coming and goings from the gymnasium. In such circumstances it is considered that the proposal would significantly intensify noise, activity and disturbance within the area to the detriment of the residential amenity of the surrounding area and neighbouring residential units.

## **2. Potential For Crime, Disorder And Anti-Social Behaviour**

- 6.6 Planning policies require that *“new development should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime. Proposals should be designed with the following principles in mind in order to create secure environments which deter crime...”*
- 6.7 The increased use of the building through the variation of the planning condition is, in itself, unlikely to result in increased levels of crime or disorder.
- 6.8 Members will note that Cumbria Constabulary has raised no objection and, in fact, support the application. It is acknowledged that their response and the issue raised are entirely relevant to this application and the use will result in an increased presence on the site; however, as previously mentioned, the site is not located in the heart of the industrial estate but instead located towards the southern periphery. A balanced assessment is therefore necessary weighing up the benefits of an increased presence in the locality against the impact on the occupiers of the neighbouring premises. There is no vehicular access or egress to the industrial estate other than from Bridge Lane. Whilst there is a footpath to the south of the site which passes under the railway and leads towards the Sheepmout Athletics Stadium and a footpath from Stephenson Industrial Estate, parallel with the River Eden and

again leading to the stadium, it isn't considered that patrons are likely to use these routes to access the gymnasium, particularly during the hours of darkness. Consequently, any perceived increased presence in the estate would be limited to the access from Bridge Lane to the site and the amount of natural surveillance within the wider industrial estate wouldn't be significantly different to the current situation. Accordingly, it's considered that limited weight can be attached to this matter.

### **3. Highway Issues**

- 6.9 The site is served by an existing vehicular access and the development would retain parking provision and turning facilities within the site. The site is well-related to the city and is accessible by alternative means of transport including cycling, walking and public transport. It is also well-related to Paddy's Market Car Park which is approximately 500 metres to the south.
- 6.10 The proposed variation of the condition wouldn't impact on highway or parking issues and as such, the proposal does not raise any highway issues.

### **4. Other Matters**

- 6.11 Reference is made in the representations that have been received to the applicant's business at its previous location being operated 24 hours a day which raised no issues. Members should note that gym operated from a premises on Durranhill Industrial Estate which likewise was adjacent to commercial uses but there were no residential properties adjacent to it. Additionally, the gym operated without the benefit of planning permission and there were complaints in relation to highway and parking issues.
- 6.12 In the support to the application, reference is also made to the gym providing additional facilities such as food and a barbers. Whilst planning permission exists for the use of the building as a gymnasium, other such uses are not consented. Discussions are being held with Officers and the applicant to determine and whether a further planning application is required for these uses

### **Conclusion**

- 6.13 In overall terms, the proposal relates to the variation of a planning condition to allow the unfettered use of the gymnasium 24 hours a day. The NPPF together with local plan policies aims to build a strong, competitive economy and generating employment opportunities. The principle of the use remains acceptable and the use of leisure facilities on a 24 basis can, in certain circumstances, be acceptable and examples can be found elsewhere in the city; however, based on the foregoing assessment, it is evident that the proposal would be detrimental to the living conditions of the occupiers of neighbouring properties which wouldn't be outweighed by any perceived enhancement of reduction of crime and disorder through increased movements in the locality. As such, the proposal is contrary to the objectives of the relevant local plan policies and is recommended for refusal.

## **7. Planning History**

- 7.1 In 1988, advertisement consent was granted for the erection of illuminated signs, double-sided post mounted box sign and a single-sided fascia box sign.
- 7.2 Planning permission was granted in 1993 for the installation of a satellite dish aerial 1.2m diameter.
- 7.3 In 2014, planning permission was granted for a change of use from a warehouse/ workshop with trade counter and office to auction house.
- 7.4 Planning permission was granted in 2018 for a change of use of industrial unit to cars sales.
- 7.5 Later in 2018, an application was approved to discharge of condition 4 (emergency flood warning and evacuation plan) of the previously approved application 18/0354.
- 7.6 Planning permission was granted earlier this year for the change of use from a car showroom to a gym.

## **8. Recommendation: Refuse Permission**

- 1. **Reason:** The proposed variation of condition number 4 would permit the gymnasium to operate 24 hours each day. The adjacent site is occupied by travelling show persons. Although the building is located within a Primary Employment Area it's sited towards the southern periphery of the industrial estate. The railway line to the east on the opposite side of the River Caldwel would generate some level of noise, albeit this would be infrequent and short term. Not all the premises on the industrial estate are occupied and there aren't considered to be significant levels of noise during the evening and at night when ambient noise levels are low. The proposed unfettered use of the premises would result in the gymnasium operating throughout the day and night during weekdays, weekends and Bank Holidays when occupants of neighbouring properties would expect a reasonable amount of peace and quiet. As such, the proposed use would significantly increase the amount of noise, activity and disturbance emanating from the premises and within the surrounding area from patrons entering and leaving the premises on foot or within vehicles at anti-social hours when low ambient noise levels are low. This level of disturbance (from general chatter between patrons, vehicle engines stopping and starting, car doors closing etc.) would be significantly compounded due to the application site's position where there are no other late-night commercial uses present thereby resulting in the additional coming and goings from the

gymnasium being particularly noticeable to surrounding residents. In such circumstances it is considered that the proposed use as a gymnasium 24 hours each day would significantly intensify noise, activity and disturbance within the area to the detriment of the occupants of neighbouring premises. The proposal is therefore contrary to criterion 7 of Policy SP6 (Securing Good Design); and the objectives of Policy CM5 (Environmental and Amenity Protection) of the Carlisle District Local Plan 2015-2030.

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## SCHEDULE A: Applications with Recommendation

21/0975

Item No: 08

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0975

**Applicant:**  
Mr Patrick Lee

**Parish:**  
Westlinton

**Agent:**  
Sam Greig Planning

**Ward:**  
Longtown & the Border

**Location:** Green Meadows Country Park, Blackford, Carlisle, CA6 4EA

**Proposal:** Variation Of Conditions 2 (Approved Documents); 5 (Number Of Units) & 6 (Holiday Occupancy) Of Previously Approved Application 20/0309 (Change Of Use Of Land To Provide Extension To Existing Caravan Park) To Amend The Layout & Increase The Number Of Static Caravans From 25 To 64 In Lieu Of The 27 Touring Pitches & 20 Tent Pitches

**Date of Receipt:**  
14/10/2021

**Statutory Expiry Date**  
09/12/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on landscape character
- 2.3 Scale and design of the proposal
- 2.4 Impact of the proposal on the living conditions of the occupiers of neighbouring properties
- 2.5 Proposed drainage methods
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on biodiversity
- 2.8 Other matters

#### 3. Application Details

## **The Site**

- 3.1 The built form of Blackford is that of dispersed residential properties, farms and a plant hire business arranged around the highway network. Blackford Church of England School and St John the Baptist Church are located to the west of the A7 Carlisle to Longtown trunk road.
- 3.2 The application site, Green Meadows Country Park, is located to the east of the A7 with vehicular access to the site via a 200 metre driveway from the U1074 county highway. Green Meadows is primarily a holiday caravan park; however, there are also 15 permanent residential units within the site together with a manager's bungalow.

## **Background**

- 3.3 The site has a long planning history which has been reproduced for Members in Section 7. The most recent application, with the exception of an application to discharge conditions, was for the variation of condition 2 (approved documents) and condition 8 (landscaping scheme) of previously approved application 20/0309 (change of use of land to provide extension to existing caravan park) to amend the approved layout (application reference 20/0600). This application was approved by Members of the Development Control Committee at its meeting in January of this year.
- 3.4 Conditions amongst others, attached to application 20/0600 and the original application (application reference 20/0309) for the application site specifically restricts the total number of static holiday units to be stationed on the application site at any one time to not more than 25no. with the total number of tent pitches/touring pitches not exceeding 20no. and 27no. respectively.
- 3.5 A further condition restricts the occupancy of the static holiday units, touring caravan pitches and tent pitches within the application site solely for holiday use only.

## **The Proposal**

- 3.6 The current application now seeks permission for the variation of conditions 2 (approved documents); 5 (number of units) and 6 (holiday occupancy) of previously approved application 20/0309 (change of use of land to provide extension to existing caravan park) to amend the layout and increase the number of static holiday units from 25no. to 64no. in lieu of the 27no. touring pitches and 20no. tent pitches.
- 3.7 The submitted block plan now illustrates 64no. static holiday units within the application site arranged around three large water features. The majority of the static holiday units would be single units with 7no. double units (plots 11 to 17) located adjacent to the eastern boundary of the application site. The existing northern hedgerow would be reinforced with Holly and Beech whips with 13no. Wild Cherry trees planted within the application site itself. The existing mature hedgerows along the eastern and southern boundaries would



remain unaffected by the application.

- 3.8 Internal access roads, utilising the existing driveway from the U1074 county highway, would be formed within the application site.

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

- 4.1 This application has been advertised by the direct notification of the occupiers of fourteen neighbouring properties and the posting of a site notice. No verbal or written representations have been made during the consultation period.

#### **5. Summary of Consultation Responses**

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections to the variation of the conditions subject to the imposition of a pre-commencement condition requiring the submission of a surface water scheme;

**Westlinton Parish Council:** - in brief the current application involves replacing the previously approved 20 tent pitches and 27 touring pitches with an additional 39 static holiday units. The 39 static units would still be the subject of a condition restricting them to holiday use. The static units are to have a maximum size of 12.8m by 6.1m. By way of comparison, a static unit measuring 35ft by 12ft has 3 bedrooms and can sleep up to 8 people. Touring caravans generally sleep 3-4 people. In effect, the proposal represents a potential intensification of the use with the currently approved tents/touring pitches equating to between circa 94-188 people and the proposed static units representing upwards of 312 people. On this basis, it could be argued that the proposal represents a material change to the planning permission granted under 20/0309. The Parish Council feel the proposal represents a material change to the original permission, therefore, is not eligible for this type of application. Further issues raised in separate emails centre on increase in traffic, adequacy of proposed drainage methods and potential light pollution;

**Local Environment - Environmental Protection:** - no response received;

**Cumbria Constabulary - North Area Community Safety Unit:** - no observations or comments.

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

##### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), and Policies SP2, SP6, EC9, EC10, EC11, IP2,

IP6, CC5, CM5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The City Council's Supplementary Planning Document 'Trees and Development' is also material planning consideration. The Cumbria Landscape Character Guidance and Toolkit (March 2011) is a further material consideration.

6.3 The proposal raises the following planning issues:

#### **1. Principle of Development**

- 6.4 Paragraph 7 of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 8 and 9 explaining that achieving sustainable development means that the planning systems has three overarching objectives: economic, social and environmental. All of which are interdependent and need to be pursued in mutually supportive ways. Economic growth can secure higher social and environmental standards with planning decisions playing an active role in guiding development towards solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.5 To support a prosperous rural economy, paragraph 84 outlines that planning policies and decisions should enable: *"a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship"*.
- 6.6 Paragraph 85 recognises that: *"sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist"*.
- 6.7 The aforementioned paragraphs of the NPPF are reiterated in Policies EC9, EC10 and EC11 of the local plan all of which seek to support sustainable rural tourism and leisure developments where they respect the character of the countryside and where identified needs are not met by existing facilities in rural services centres. Specifically, in relation to caravan, camping and chalet sites, Policy EC10 of the local plan highlights that proposals for the development of caravan sites and the extension of caravan sites will be supported subject to compliance with the criteria identified within the policy.

- 6.8 As Members will be aware, the principle for the use of the application site as an extension to Green Meadows Country Park for the siting of 25no. static holiday units and 27no. touring pitches and / or 20no. tent pitches was first established in July 2020 (application reference 20/0309). Earlier this year, Members granted permission for the variation of condition 2 (approved documents) and condition 8 (landscaping scheme) of previously approved application 20/0309 (change of use of land to provide extension to existing caravan park) to amend the approved layout (application 20/0600).
- 6.9 The proposal now seeks a further variation of the approved documents of application 20/0309 to enable the siting of 64no. static holiday units in lieu of 25no. static holiday units, 20no. tent pitches and 27no. touring pitches. The submitted Explanatory Statement outlining that: *"This application has come forward due to the applicant having had high demand for the static holiday caravans. The applicant would, therefore, like to substitute the approved caravan/tent pitches due to the ongoing success of Phase 1. The applicant has also made the commercial decision not to provide caravan/tent pitches on the caravan park"*.
- 6.10 The proposal would be an expansion of an existing sustainable rural tourism business and would ensure the continued viability of the enterprise. The permission is extant, and the principle of development remains in accordance with the objectives of the NPPF and relevant local plan policies.
- 6.11 The impact of the proposal on the remaining issues is discussed in the following paragraphs.

## **2. Impact Of The Proposal On Landscape Character**

- 6.12 The Cumbria Landscape Character Guidance and Toolkit (March 2011) (CLCGT) describes the character of different landscape types across the county and provides guidance to help maintain their distinctiveness. The CLCGT identifies that the application site falls within the Cumbria Landscape Character Sub-Type 5b "Low Farmland". The toolkit advises that key characteristics of this landscape are: undulating and rolling topography; intensely farmed agricultural pasture; hedges, hedgerow trees; and fences bound fields and criss cross up and over the rolling landscape.
- 6.13 The supporting guidance in respect of access and recreational development outlines that: *"small scale sensitive farm-based tourism/recreational businesses should be well sited close to or within existing farm buildings and appropriate landscaping should be included to integrate new facilities into the landscape"*.
- 6.14 The submitted drawings now illustrate the reconfiguration of the layout of the application site to omit the 47no. tent / touring caravan stances and provide 64no. static holiday stances i.e. a reduction of 8no. holiday stances. The submitted site block plan still illustrates that the existing hedgerows along the northern boundary of the site would be retained and reinforced with further landscaping within the application site itself. The existing mature hedgerows

which delineate the eastern and southern boundaries would be unaffected by the application. The existing and reinforced landscaping mitigating for any perceived visual impact from the limited public viewpoints of the application site. Accordingly, the revised proposal is unlikely to have a significant detrimental impact on the character of the area. Should Members approve the application, a condition is recommended to ensure that the landscaping scheme is undertaken in the first planting period following the completion of the development.

### **3. Scale and Design Of The Proposal**

- 6.15 As highlighted earlier in the report, Policy EC10 of the local plan supports the extension of existing caravan sites subject to satisfying relevant criteria including: the siting, scale and appearance of caravan sites do not have an unacceptable adverse impact on the character of the local landscape; and that the site is contained within existing landscape features and if necessary, and appropriate is supplemented with additional landscaping.
- 6.16 The application seeks permission to vary the approved details subject of extant planning application 20/0309. As highlighted earlier in the report, this would involve the reduction in the number of holiday stances provided within the application site through the omission of the tent / touring caravan stances i.e. 64no. holiday stances in lieu of 72. The application site is enclosed by existing mature hedgerows with further landscaping which would mitigate for any perceived visual impact from the limited public viewpoints of the application site. The reimposition of a condition is also recommended which would restrict the size of the static holiday units together with the spacing of the static holiday units.
- 6.17 The Parish Council have expressed concerns about the potential intensification of use of the application site through the substitution of static holiday units in lieu of the tents / touring stances. The concerns of the parish council are respected; however, the use of the application site would remain that as previously approved, an extension of an existing holiday park albeit providing static holiday stances as opposed to a mixture of static and touring holiday stances. Furthermore, in response to the objection of the parish council, the Agent has provided marketing information clarifying that the units are advertised as two bedroom holiday accommodation with a maximum occupancy of 4 persons.
- 6.18 In overall terms, the scale and design of the revised scheme remains acceptable and the proposal accords with the objectives of the NPPF and Policy EC10 of the local plan.

### **4. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.19 The nearest residential properties, excluding those 15 residential units within Green Meadows Caravan Park, are located approximately over 150 metres to the north west and south west. Given the consented use of the site and the distance from the development, the revised proposal is unlikely to have a

significant impact on the living conditions of occupiers of neighbouring properties through intensification of use or unacceptable noise and disturbance.

## **5. Proposed Drainage Methods**

- 6.20 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that enough capacity exists prior to commencement of any development and that development proposal do not have an adverse impact on the environment. The submitted documents illustrating that foul drainage from the proposed development would be to a package treatment plant with attenuated surface water disposed of via an existing watercourse.
- 6.21 Members should be aware that the proposed drainage methods for the original permission for the application site (application reference 20/0309) have been discharged (application reference 21/0418). The proposed drainage methods were also acceptable in relation to the subsequent application to vary the layout of the application site (application 20/0600).
- 6.22 This current application; however, now seeks the siting of 64no. static holiday units as opposed to 25no. static holiday units, 20no. tent pitches and 27no. touring pitches. Accordingly, given the different type of holiday units which would occupy the holiday stances it is necessary to ensure that the revised proposal is served by adequate drainage methods. The adequacy of the proposed drainage methods to serve this current development is also an issue cited by Westlinton Parish Council in its objection to the application.
- 6.23 In respect of the disposal of surface water drainage, the Lead Local Flood Authority (LLFA) raise no objections to the revised scheme subject to the imposition of a pre-commencement condition requiring the submission of further details in respect of a surface water drainage scheme to serve the application site. If these details prove unsatisfactory then the development would stall as a result. Furthermore, the proposed water features within the application site may require permission under LLFA legislation. Should Members approve the application, an informative is also recommended to be included within the decision notice, drawing the applicant's attention to the requirement to comply with LLFA legislation in respect of the proposed water features.
- 6.24 The views of the parish council as respected; however, considering the views of the LLFA it would be difficult to substantiate a refusal of this current application on the adequacy of the proposed surface water drainage.
- 6.25 The proposed foul drainage methods for this current application remain unchanged from that of the extant permission i.e. foul drainage from the proposed development would enter a new package treatment plant prior to its outfall entering a watercourse. The submitted drawing for this current application illustrating the same capacity package treatment plant previously considered acceptable by the city council's Building Control's Business

Development Manager and discharged under application 21/0418.

- 6.26 Given the proposed differing type of units occupying the holiday stances, should Members approve this current application, it is recommended the imposition of a pre-commencement condition ensuring the submission of a foul drainage scheme to serve the revised scheme. The subsequent details of which would again be assessed by the council's Building Control Section and if these details prove unsatisfactory the development would stall as a result.
- 6.27 Subject to compliance with the recommended conditions in respect of foul and surface water drainage, the proposal drainage methods are acceptable and would remain in accordance with the objectives of the NPPF, PPG and relevant local plan policies.

## **6. Impact Of The Proposal On Highway Safety**

- 6.28 Policies EC10 and EC11 of the local plan seek to ensure that development proposals should normally be accessible by public transport, walking and cycling. However; for some developments in the rural area this may not be possible. In these cases, new development should be able to demonstrate that adequate access/parking is available and that proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.
- 6.29 Access to the proposed extended caravan park would remain that as previously approved i.e. via an existing vehicular access from the U1074 county highway. Westlinton Parish Council has raised a further objection to the proposal citing increase in traffic movements.
- 6.30 It is inevitable that there would be some increase in traffic to and from the caravan park through its extension, however; the number of holiday stances for this current application within the application site has been reduced by 8no. from those previously approved under application 20/0309, albeit the site would now be used for the stationing of static holiday units. Cumbria County, as Highway Authority, has been consulted and raises no objections to this current application.
- 6.31 The concerns of the parish council are again respected, however; given the views of the Highway Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.

## **7. Impact Of The Proposal On Biodiversity**

- 6.32 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat. Furthermore, the proposal includes a landscaping scheme together with the formation of three water features within the site, thereby, providing an opportunity for net biodiversity gain. To protect biodiversity and breeding birds during any construction works, informatics are recommended within

the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

## **8. Other Matters**

- 6.33 A further issue raised by the parish council is potential light pollution arising from the application site. No details have been provided in respect of any proposed lighting within the application site. Nevertheless, should Members approve the application, it is recommended that a condition be imposed requiring the submission of further details of any proposed method of external illumination within the site.

- 6.34 The parish council in its consultation response details: "*... it could be argued that the proposal represents a material change to the planning permission granted under 20/0309. We feel the proposal represents a material change to the original permission and is therefore not eligible for this type of application*".

- 6.35 This application has been submitted under section 73 of the Town and Country Planning Act 1990 to vary a condition associated with a planning permission. Paragraph: 015 Reference ID: 17a-015-20140306 Revision date: 06 03 2014 of the Planning Policy Guidance states:

*"Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted".*

*A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect. Further information about conditions can be found in the guidance for use of planning conditions.*

*As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation".*

- 6.36 In light of the foregoing, the parish council can be assured that the correct procedure has been followed. Furthermore, the original planning permissions continues to exist, therefore, to assist with clarity, those conditions that are instructive are repeated within the conditions as part of this current planning application. Additional conditions are also recommended requiring the submission of additional details in respect of foul and surface water drainage; landscaping and any proposed external lighting within the application site.

## **Conclusion**

- 6.37 The permission is extant and the principle of development remains acceptable. The fundamental difference between this current application and the previously granted consent (application 20/0309) relates to the reduction in numbers of holiday stances within the site together with the type of units occupying those stances.
- 6.38 The scale and design of the revised scheme remains consistent with the objectives of the NPPF and development plan nor would it have a detrimental impact on landscape character.
- 6.39 The impact of the revised scheme on the: living conditions of neighbouring residents; highway safety; landscaping and biodiversity are unaffected by this application. Subject to the receipt of additional information in respect of the proposed drainage methods adequate disposal for foul and surface water drainage could be achieved. A further condition would also ensure that further details of any external lighting, if proposed, within the application site be submitted, thereby, safeguarding the character of the area.
- 6.40 Accordingly, the proposal accords with the objectives of the NPPF, PPG and relevant local plan policies with the application recommended for approval.

## **7. Planning History**

- 7.1 In 1984, full planning permission was granted for renewal of temporary permission for siting of 15 residential caravans (application reference 84/0826).
- 7.2 In 2016, full planning permission was granted for proposed reconfiguration of existing caravan park to allow siting of 37no. holiday static units (inclusive of 15no. residential units), 27no. touring pitches and 20no. tent pitches including associated landscaping (application reference 16/0625).
- 7.3 In 2017, an application for the variation of condition 2 of previously approved permission 16/0625 to revise location and details of package treatment plant was granted (application reference 17/0075).
- 7.4 Also in 2017, full planning permission was refused for variation of conditions 3 (the total number of permanent residential units to be stationed on the site at any one time shall not exceed 37no. plus 27no. touring caravan pitches and 20no. tent pitches) and condition 5 (the touring caravan pitches and tent pitches shall be used solely for holiday use and shall not be occupied as permanent accommodation) of previously approved planning permission 16/0625 (application reference 17/0094). A subsequent appeal was dismissed.
- 7.5 In 2018, advertisement consent was granted for a non-illuminated freestanding sign (application reference 18/0522).



- 7.6 Also in 2018, a variation of condition application was granted for reconfiguration of existing caravan park without compliance with conditions 2 & 3 imposed by planning permission 17/0075 to enable one of the approved holiday caravans to be occupied as a permanent residential unit following removal of unit 6 and the siting of a show holiday caravan (application reference 18/1139).
- 7.7 In 2019, a variation of condition application was granted for reconfiguration of existing caravan park without compliance with conditions 2 & 3 imposed by planning permission 18/1139 to secure flexibility regarding the size and position of the holiday caravans to be accommodated on the caravan park; to make modifications to the alignment of the northern extent of the eastern boundary of the site and to increase the approved number of holiday caravans from 21 units to 29 units (application reference 19/0360).
- 7.8 In 2020, an application for the removal of condition 7 of previously approved application 19/0360 for the requirement to install a package treatment plant to facilitate the increased number of pitches was approved (application reference 19/0670).
- 7.9 Also in 2020, an application for the variation of condition 1 (approved documents) of previously approved application 19/0670 to amend the approved site layout plan to provide flexibility in relation to the siting of the 15 permanent residential units was approved (application 20/0186).
- 7.10 Again in 2020, an application for the change of use of land to provide an extension to existing caravan park was approved by Members of the Development Control Committee (application reference 20/0309).
- 7.11 Earlier this year, an application for the variation of condition 2 (approved documents) and condition 8 (landscaping scheme) of previously approved application 20/0309 (change of use of land to provide extension to existing caravan park) to amend the approved layout was approved by Members of the Development Control Committee (application reference 20/0600).
- 7.12 Also this year, an application for the discharge of conditions 3 (surface water drainage scheme) and 4 (foul drainage scheme) of previously approved application 20/0309 was approved (application 21/0418).

## **8. Recommendation: Grant Permission**

1. The development shall be begun not later than 17th July 2023.

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 14th October 2021;
2. the proposed site block plan received 14th October 2021 (Drawing No. GMCC/PHASE 2/SBP2 Rev E);
3. the Notice of Decision;
4. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. Prior to the commencement of any development, 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.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk, of flooding and pollution in accordance with the National Planning Policy Framework and Policies CC4, CC5 and CM5 of the Carlisle District Local Plan 2015-2030.

4. Notwithstanding the submitted foul drainage details annotated on drawing number GMCC/PHASE 2/SBP2 Rev E full details of a foul drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development. Thereafter, the development shall be undertaken in strict accordance with the approved details.

**Reason:** To ensure that the development is served by an adequate method for the disposal of foul drainage in accordance with Policies IP6 and CM5 of the Carlisle District Local Plan 2015-2030.

5. Prior to the installation of any external lighting within the application site full details of the proposed external lighting shall be submitted to and approved in writing by the local planning authority.

**Reason:** To safeguard the character of the area in accordance with Policies SP6, CM5 and GI1 of the Carlisle District Local Plan 2015-2030.

6. The total number of static holiday units to be stationed within the application site at any one time shall not exceed 64no.

**Reason:** For the avoidance of doubt.

7. The static holiday units shall be used solely for holiday use and shall not be occupied as permanent accommodation.

**Reason:** To ensure that the approved static units are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

8. The static holiday units shall not exceed 12.2 metres by 6.1 metres in size or be positioned closer than 6 metres from one another unless otherwise agreed in writing by the local planning authority.

**Reason:** For the avoidance of doubt.

9. The site manager/owner shall keep a register to monitor the occupation of the holiday units subject of this approval. Any such register shall be available for inspection by the local planning authority at any time when so requested and shall contain details of those persons occupying the units, their name, normal permanent address and the period of occupation.

**Reason:** To ensure that the approved holiday units are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

10. The landscaping scheme hereby approved shall not be carried out otherwise than in complete accordance with the details as illustrated on drawing no. GMCC/PHASE 2/SBP2 Rev E received 14th October 2021. The landscaping works shall be carried out in the first planting and seeding season following the occupation of the first static holiday unit or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

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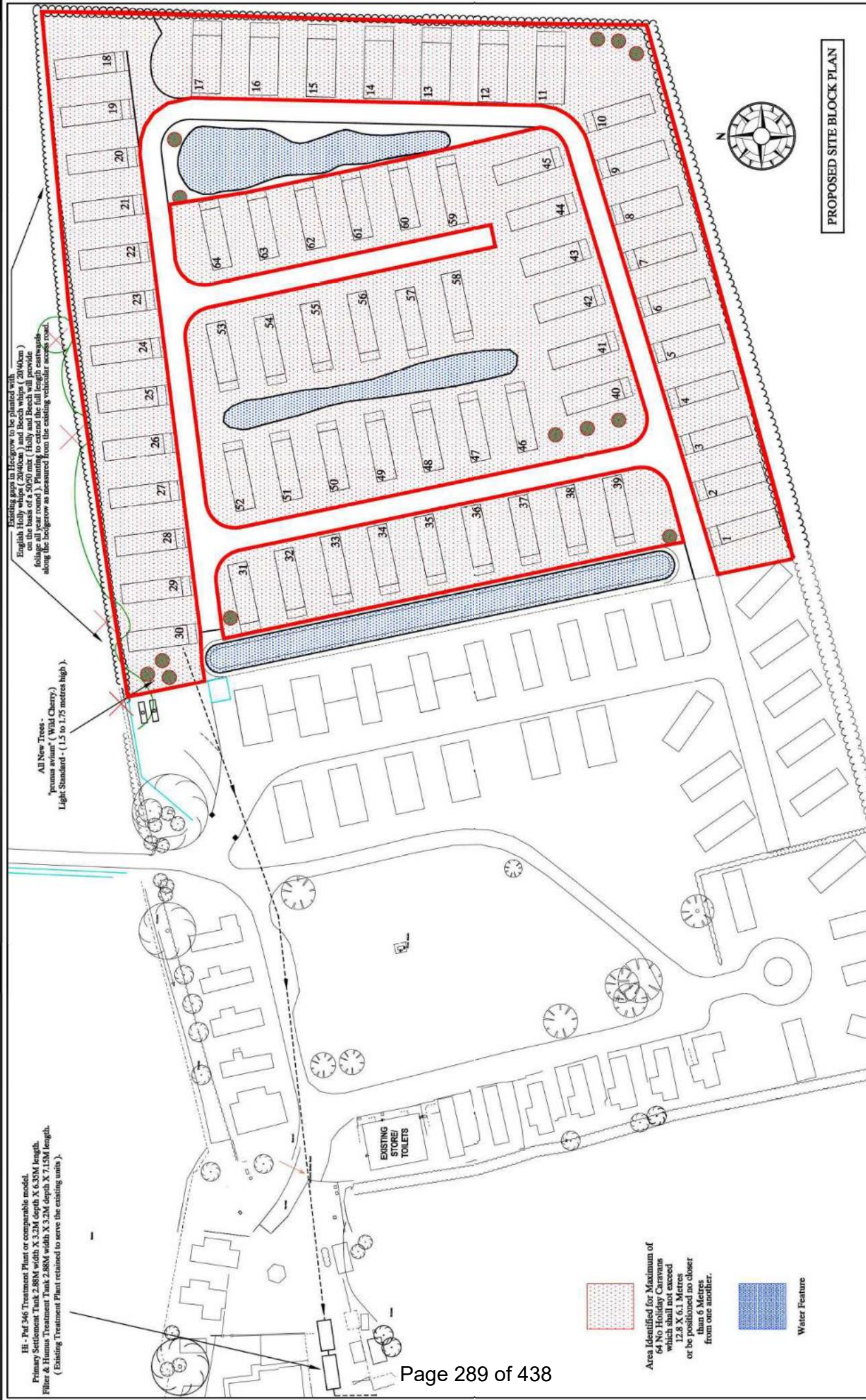


# Green Meadows Country Park, Blackford, Carlisle, Cumbria, CA6 4EA.

Rev.	Date	Description
B	19 / 05 / 20	Drawing resized A2 @ Scale 1:500
A	12 / 05 / 20	Amended

Drawn By	G.T
Scale	1:500 @ A2
Date	12th May 2020
Drawing No	GMCC / PHASE 2 / SBP2
Rev	B





Green Meadows Country Park, Blackford, Cumbria, CA6 4EA.			
Rev.	Date	Description	
E	12 / 10 / 21	Amended	
D	03 / 10 / 21	Amended	
C	03 / 09 / 21	Pond "A" increased in volume	
Drawing No	GMCC / PHASE 2 / SBP2		
Drawn By	G.T		
Scale	1:500 @ A2		
Date	12th May 2020		
			Rev E



## SCHEDULE A: Applications with Recommendation

21/0449

Item No: 09

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0449

**Applicant:**  
Anvil Homes

**Parish:**  
Hayton

**Agent:**  
Summit Town Planning

**Ward:**  
Brampton & Fellside

**Location:** Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE

**Proposal:** Demolition of Barns, Erection of 9no Dwellings and Associated Infrastructure

**Date of Receipt:**  
13/05/2021

**Statutory Expiry Date**  
08/07/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Suzanne Osborne

#### 1. Recommendation

1.1 It is recommended that “authority to issue” approval be granted to the Corporate Director of Economic Development subject to the completion of a satisfactory S106 agreement to secure:

a) a financial contribution of £83,588 towards affordable housing

1.2 If the legal agreement is not completed within a reasonable time then it is recommended that Authority be given to the Corporate Director of Economic Development to refuse the application.

#### 2. Main Issues

2.1 Principle of development;

2.2 Whether the scale and design is acceptable and impact of the development on the character/appearance of the surrounding area including non designated heritage assets;

2.3 Impact upon the living conditions of the occupiers of neighbouring properties;

2.4 Impact upon highway safety;

2.5 Whether the method of disposal of foul and surface water are appropriate;

2.6 Affordable housing;

2.7 Biodiversity; and

## 2.8 Other matters.

### 3. Application Details

#### The Site

- 3.1 The application site relates to a rectangular shaped area of land which equates to 0.59 hectares and forms part of the steading of Stone House Farm which is located on the eastern side of the village of Hayton. The steading at Stone House Farm was originally built as the "Home Farm" to the Hayton House Estate. Hayton House was demolished in the early 1950's leaving the farmhouse, farmstead, shooting lodge, stables and carriage houses serving the former parkland. The complex is mid to late nineteenth century and is predominantly built of red sandstone with slate roofs originally comprising a T-shaped range and an L-shaped range with a yard. The T-shaped range consisted of stables, tack rooms, carriage houses with a dove cote tower, a significant proportion of which has now been demolished through lawful planning consents. The late nineteenth century farmhouse has also been altered and extended.
- 3.2 To the immediate east of Stone House farmhouse there are a pair of semi-detached houses (No.s 1 and 2 Stone House Cottages) and countryside consisting of open fields or woods that provide the approach to the settlement of Townhead. To the south and west of Stone House Farm is a development known as The Woodlands which consists of two storey detached dwellings situated within reasonably sized plots. To the south-east of the site is a single storey dwelling known as 'The Lodge' which formally served the farm complex which has also been subject to extensions
- 3.3 Stone House Farm complex can be accessed via two roads, one which leads through the Woodlands housing development and the other which passes Stone House Cottages to the east and eventually connects with the road leading from Hayton to Townhead.

#### Background

- 3.4 The application site has a long planning history for the redevelopment of the site for residential purposes. Under application numbers 90/1246, 96/0031, 07/0088 and 11/0270 planning permission was granted for the conversion of the former farm buildings to dwellings. For example, in 1990 and 1996 permission was granted for conversion of the stone barns to form 13 residential units and in 2011 (application 11/0270) permission was granted for the conversion of the stone farm buildings to create 11 dwellings with 9 additional garages.
- 3.5 In 2014 Full Planning Permission was granted for part demolition of three of the barns and conversion of the remaining two barns to create 3no.dwellings and erection of 4no.dwellings with associated infrastructure (reference 14/0725). In 2017 (planning reference 17/0324) Full Planning Permission was granted for demolition of an "L Shaped" barn (which had a dove cote



tower and formed part of the original group of "T" shaped buildings) to the front of the site and the erection of 2no.dwellings. In 2018 Full Planning Permission was granted (reference 18/0440) for the demolition of the remainder of the barn to the east of the complex and erection of 1no.dwelling.

- 3.6 The resulting scheme on site, following all of the previous planning approvals, was demolition of all of the barns and erection of 7 new dwellings picking up design elements of the buildings on site to be demolished. Relevant discharge of condition applications have been approved and a lawful start on site has been made.
- 3.7 At the time of the site visit for the current application the majority of the "L" shaped building towards the southern element of the site which comprised the dove cote tower had been demolished with the front of the site facing onto the Woodlands housing estate delineated by site compound fencing. The rest of the barns, granted consent for demolition under previous schemes, remain in situ and appeared to be disused.

### **The Proposal**

- 3.8 The application seeks Full Planning Permission for the demolition of barns, erection of 9no dwellings and associated infrastructure. The submitted plans illustrate that the vehicular entrance to the site will be from the south via a new access leading off the unclassified road which goes through the Woodland's housing estate. The proposed dwellings will be set out in a similar formation to the previously approved schemes for the site with two properties (plots 1 and 2) located at the southern portion of the site to the west of the new entrance. Plot 2 will be orientated north-south with architectural features (for example arched entrances and a dove cote tower) reflecting some of the design elements of the barn which was located to the front of the site. Plot 1 will sit perpendicular to plot 2 in the south-western corner of the site, orientated east-west with the main entrance on the southern gable as well as its own vehicular entrance taken from The Woodlands. As one travels further into the site three dwellings (plots 3, 4 and 5) will be positioned to the west of the site access and two (plots 8 and 9) to the east. The remaining two plots (6 and 7) will be located to the north of the site at the estate road hammer head.
- 3.9 The dwellings will consist of two storey detached properties constructed from reclaimed random rubble stone walls with reclaimed stone quoins, timber double glazed windows under a slate roof. Each property will have its own individual design (except plot 7 which is a handed version of plot 6) utilising a range of different features such as a dove cote tower and a roof form similar to a cat slide roof (to plot 2), central gable features, gable end chimneys, water tables, porches, art stone cills, lintels and surrounds, curved doors/entrances and mock style sash windows. Furthermore plot 1 will have a detached garage located in the south-western corner with all the remaining dwellings having attached single or double garages.
- 3.10 New 1.2 metre random rubble wet walling is to surround the southern

boundary of the site. Internally boundary treatment will consist of a combination of stone walling, timber fencing and post and rail fencing.

- 3.11 The application is accompanied by a range of documents including Design and Access Statement, Flood Risk Assessment, Phase 1 Desk Top Study and Planning Statement.

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

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 18 neighbouring properties. In response to the consultation undertaken 7 representations of objection have been received from separate households as well as 2 representations of support and 2 comments.

- 4.2 The objections cover a number of matters and are summarised as follows:

1. highway safety from additional traffic from the development using the narrow road through the village;
2. highway safety from construction traffic using the main road through the village or coming in to Hayton from Townhead;
3. highway safety from additional traffic using the road through the Woodlands which is narrow, has no footpath and limited visibility onto the main road;
4. access to the development should be via the access road to Stonehouse Farm or opening up an old road behind the farm that leads to the A69;
5. houses do not appear to be in the affordable range thus supporting local schools etc;
6. concern regarding capacity and ability of sewerage and surface water services for handling increased volume and the effect on properties down stream;
7. roadside services and ditches would benefit from attention as well as highway surfacing;
8. increase in properties should provide greater funding for the parish, public services and transport;
9. did not object to previous schemes;
10. impact upon privacy and amenity of neighbouring properties as development is closer and has more windows overlooking neighbouring dwellings;
11. existence of a neighbouring properties orangery has not been taken into account as well as difference in site levels between existing and proposed dwellings;
12. previous schemes had a higher design standard;
13. scheme is identical to other developments by Anvil Homes and bares no resemblance to what was on site and its character/history;
14. impact upon Human Rights of occupiers of neighbouring properties;
15. accuracy of statements provided in supporting documents;
16. density of development is not in keeping with surrounding area;
17. contrary to policies CM5, SP6, IP2, HO2, HO3, of the Carlisle District Local Plan 2015-2030;

18. lack of services in Hayton village; and
19. scale of development;

4.3 The representations of support are summarised as follows:

1. support the development but a designated route for construction traffic should be sought to avoid traffic through the village; and
2. development will bring the opportunity to local families who want to purchase their own home in a village where their children have been born, raised and attend the primary school.

4.4 The comments are summarised as follows:

1. highway safety from construction traffic going through the village as it is already congested and suggest that a designated route is used which avoids the main road through the village;
2. no plans for 'low cost housing' which would be of benefit to the village;
3. land is located in an area considered to be infill and would connect the two parts of the village;
4. aesthetically the development will add to the villages charm and will create a nice situation for family homes;
5. shame to see farm gone but they were built for an early time;
6. supporting local community should be encouraged;
7. general comments regarding who got covid assistance; the farming industry and the council encouraging workshops/business premises;
8. development should not impact upon properties/services in place and Council should future proof for upgrades; and
9. disagree in how consultation letters are worded and what are material planning considerations.

## 5. Summary of Consultation Responses

**Hayton Parish Council:** - observations relate to the vehicular access through the development. As this application will further increase the number of dwellings at the Woodlands the road in the housing development needs to be brought up to the standards for the overall permitted size of development. Those standards are identified in the County Council's Highway Design Guide which covers the need for appropriate colouring of road surfaces, 20mph speed limit, and other traffic calming measures.

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection subject to the imposition of seven conditions regarding 1) details of design of carriageways, footways etc; 2) visibility splays to be provided at the junction of the access road with the county highway for plot 1; 3) no dwellings/buildings or structures to be commenced until the access roads are defined by kerbs and sub base construction; 4) no dwellings to be occupied until the estate road has been constructed to base course level; 5) no occupation of dwellings until associated off-street parking has been provided; 6) no commencement of development until a Construction Traffic Management plan has been submitted and approved; and 7) full details of a surface water drainage scheme to be submitted prior to the commencement

of any development.

**Environment Agency - Environmental Crime Team:** - no response received.

**Natural England - relating to protected species, biodiversity & landscape:** - no objection, based on plans submitted Natural England considers that the proposed development will not have a significant adverse impacts on statutorily protected nature conservation sites or landscapes. Standing advice received regarding protected species etc.

**Local Environment, Waste Services:** - no objection, turning heads provided and off an adopted road.

**United Utilities:-** no objection subject to the imposition of two conditions regarding full details of the surface water drainage scheme, and, ensuring that foul and surface water are drained on separate systems.

Standing advice also received regarding surface water management, water supply, United Utilities' property assets and infrastructure.

## **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 proposals be determined in accordance with 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) together with Policies SP1, SP2, SP6, HO2, HO4, IP1, IP2, IP3, IP4, IP5, IP6, IP8, CC5, CM4, CM5, HE6, GI1, GI3 and GI6 of The Carlisle District Local Plan 2015-2030. The Council's Supplementary Planning Documents (SPD) 'Achieving Well Designed Housing', 'Designing Out Crime', 'Affordable and Specialist Housing' and 'Trees and Development' are also material planning considerations.
- 6.3 The proposals raise the following planning issues:

#### **1. The Principle Of Development**

- 6.4 When assessing whether the site is appropriate for residential development it is important to note that Paragraph 10 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development"*. In respect of rural housing paragraph 79 of the NPPF states that *"to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby."*

- 6.5 Policy HO2 of the CDLP reiterates the objectives of the NPPF allowing for windfall housing development other than those allocated within or on the edge of Carlisle, Brampton, Longtown, and villages within the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and subject to satisfying five criteria namely that 1) the scale and design of the proposed development is appropriate to the scale form, function and character of the existing settlement; 2) the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed; 3) on the edge of settlements the site is well contained within existing landscape features, is physically connected; and integrates with the settlement, and does not lead to an unacceptable intrusion into open countryside; 4) in the rural area there are either services in the villages where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and 5) the proposal is compatible with adjacent land users.
- 6.6 When assessing the application against the foregoing policies it is evident that the principle of housing development on the site has already been assessed and established as acceptable under previous permissions. The application site is still considered to be in a sustainable location as it is situated within Hayton village which has a range of services (school, church, public house, reading rooms etc). The principle of developing the site for housing, which has been established through previous planning permissions, is therefore still considered to be acceptable.

## **2. Whether The Scale And Design Is Acceptable And Impact Of The Development On The Character/Appearance Of The Surrounding Area Including Non Designated Heritage Assets**

- 6.7 As stated in paragraphs 3.8-3.10 of this report the application seeks Full Planning Permission for the demolition of the remaining barns on site and erection of 9no. detached dwellings and associated infrastructure. The submitted plans illustrate that the vehicular entrance to the site will be from the south via a new access leading off the unclassified road (U1473) which goes through The Woodlands housing estate. The proposed dwellings will be set out in a similar formation to the previously approved schemes for the site with two properties (plots 1 and 2) located at the southern portion of the site to the west of the new entrance. Plot 2 will be orientated north-south and contains architectural features (for example arched entrances and a dove cote tower) reflecting some of the design elements of the barn which was located to the front of the site. Plot 1 will sit perpendicular to plot 2 in the south-western corner of the site, orientated east-west with the main entrance on the southern gable as well as its own vehicular entrance taken from The Woodlands. As one travels further into the site three dwellings (plots 3, 4 and 5) will be positioned to the west of the site access and two (plots 8 and 9) to the east. The remaining two plots (6 and 7) will be located to the north of the site at the estate road hammer head.
- 6.8 The dwellings will consist of two storey detached properties constructed from

reclaimed random rubble stone walls with reclaimed stone quoins, timber double glazed windows under a slate roof. Each property will have its own individual design (except plot 7 which is a handed version of plot 6) utilising a range of different features such as a dove cote tower and a roof form similar to a cat slide roof (to plot 2), central gable features, gable end chimneys, water tables, porches, art stone cills, lintels and surrounds, curved doors/entrances and mock style sash windows. Furthermore plot 1 will have a detached garage located in the south-western corner with all the remaining dwellings having attached single or double garages. New 1.2 metre random rubble wet walling is to surround the southern boundary of the site. Internally boundary treatment will consist of a combination of stone walling, timber fencing and post and rail fencing.

- 6.9 The barns to be demolished are not listed or located within a conservation area however the Council's Heritage Officer, under previous applications for the site, has considered the barns to the front of the site containing the dove cote tower (which has now been lawfully demolished under previous planning approvals) to be a non-designated heritage asset given their age and siting (i.e. the presence of the Stone House barn complex on early OS maps and the level of significance attributed to the barn in the design and access statements accompanying previous applications for the site). The Heritage Officer has always preferred to see a residential use based on conversion of the existing buildings however consent was granted to demolish the barns containing the dove cote tower based on their structural condition.
- 6.10 Paragraph 189 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 203 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 204 of the NPPF goes onto state that Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- 6.11 Policy HE6 of the CDLP makes reference to locally important heritage assets with particular regard to those contained within the "local list". Although the barns subject of this application are not listed as a local asset as the Council does not have a local list (other than properties previously considered as key townscape frontages) or a defined set of criteria for defining what is a local asset, policy HE6 contains the following 3 useful criteria when assessing the loss of a locally listed asset:
- an appropriate level of survey and recording which may also include archaeological excavation;
  - provision of replacement buildings of comparable quality and design; and
  - the salvage and reuse within the replacement development of special features.

- 6.12 In relation to an assessment of the sites significance Heritage Statements accompanying previous applications confirm that Stone House is present on OS maps dating as far back as 1868 with 1952 mapping showing a significant number of buildings demolished prior to the demolition of the main house which illustrates that the environment in which the barns sit has significantly altered greatly reducing any historical significance. The barns are now contained in their entirety by modern residential development. Previous Heritage Statements have confirmed that the barns were originally outbuildings to the original stone house which was demolished in the 1950s, there are no remains of the house on site, the barns sit alone no longer in an agricultural setting, although the barns hold some historic value due to their age the house that they were previously associated with has been demolished and therefore they are not a range of wider buildings demonstrating the historic past of the village. 19th century barns are also not particularly rare within Carlisle or Cumbria.
- 6.13 The application site lies approximately 100m from the main road leading from Hayton to Townhead and can be viewed through the existing mature trees which delineate the roadside. The site is partially obscured by The Woodlands housing development which consist of large houses set in substantial plots. When assessing the application against the foregoing policies it is appreciated that the immediate setting of the barns to be demolished has been radically altered over the years resulting in the wider character and appearance of the area being completely different to when the barns were first built. The barns historical importance and integrity, as the use of an outbuilding associated with the main dwelling house, has been lost due to the demolition of the main dwelling house and many of the other outbuildings on the site. Its functionality as agricultural buildings serving the estate has also been lost due to the modern housing development that has been built and approved on the former parkland wrapping round the front, side and rear of the site. The barns all now appear as a standalone features unrelated to its modern housing development surroundings.
- 6.14 All of the barns subject of this application have been given permission for demolition under previously approved planning consents with appropriate new residential development put back in its place. A lawful start of previous approvals has been made on the site, and, the barn located to the front of the site facing onto The Woodlands housing development which had the most aesthetic appeal with its dove cote tower to warrant its retention has now been demolished as per planning approval 17/0324 due to its structural condition.
- 6.15 The demolition of the barns, granted under previous applications, have not been taken lightly and is a matter of judgement. The loss of the main dwelling house and the development of a modern housing estate within the barns original setting has reduced its historical significance. The proposed redevelopment scheme for the site is sympathetic to the scale, mass and appearance of the existing buildings whilst being notable as a new development in its own right. The development is well laid out and will encourage and promote the creation of a neighbourhood. The properties overlook one another thereby creating a degree of natural surveillance and

the distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring.

- 6.16 The development provides adequate amenity space and off street parking and is comparable in scale and height to the dwelling houses that surround the site. The dwellings incorporate reasonably sized garden areas that are comparable to the size of the units that they serve, thereby ensuring that the development does not appear cramped or overdeveloped. The size of the gardens and the way that the properties are laid out will help create a sense of space within the estate. The scale and design of the proposed dwellings relate well to the size and vernacular of surrounding residential properties whilst incorporating features which replicate some of the design elements of the demolished dove cote barn and historic character of other barns on the site - such as arched entrances, timber 'mock' sash windows, dove cote feature (plot 2), stone walling, slate roofs, stone window surrounds etc. The positioning of the plots also broadly reflect the layout of the previously approved schemes for the site and the formation of the previous built development of the barns. Plots 6 and 7 are essentially additions to the former approved schemes however it is not considered that the location of these two plots would not cause a significant intrusion into the open countryside as the additional two houses would be sited on a large expanse of compacted ground filled with top soil with limited public views. The limited landscape impact of the additional houses can be mitigated by a comprehensive landscaping scheme to the rear of the site which would help to soften the development and blend the dwellings into the landscape setting. The resulting redevelopment would therefore not appear incongruous within the existing street scene.
- 6.17 Given that the barns have already been granted for demolition through previous consents, the historic character of the barns have been significantly altered via changes to its setting, and, the replacement scheme is of a comparable quality and design which will complement the modern housing development which surrounds the site it is considered that the proposed development in this regard is acceptable.
- 6.18 Notwithstanding the above relevant conditions have been imposed within the decision notice requesting a sample of all materials to be used prior to their first use on site, the submission of a comprehensive landscaping scheme, a phasing programme to preclude demolition of the existing buildings and the presence of a vacant site, removal of permitted development rights for extensions to the dwellings and alterations to existing boundary treatments to the front of the dwellings and a building recording (level 2 survey as per the previous condition imposed on the 2017 consent).

### **3. Impact Upon The Living Conditions Of The Occupiers Of Neighbouring Properties**

- 6.19 Policy SP6 "Securing Good Design" of the CDLP seeks to ensure that development proposals should have no adverse effect on the residential amenity of existing areas or adjacent land uses, or result in unacceptable



conditions for future users and occupiers of the development. Policy HO2 "Windfall housing Developments" also confirms that proposals should be compatible with adjacent land users.

- 6.20 The City Council's Supplementary Planning Document on Achieving Well Designed Housing outlines in paragraph 5.40 that the respect for personal privacy is essential in determining the layout of new housing. Protection of privacy relates to views to and from the street, to outdoor space and views between rooms within separate dwellings. Consideration should be given to the relationship between existing neighbouring uses and any new development as well as within the development site. The topography of a site can play an important part of helping to avoid the perceived intrusion of private space. Whilst paragraph 5.44 highlights that in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window).
- 6.21 As previously stated within the report the Woodlands housing estate wraps round the south and western boundaries of the site with one property located opposite the site frontage Oak House and three properties which border the site to the west known as Orchard House, Honeysuckle House and Acre House. Plots 1 and 2 are in excess of 21 metres from the rear elevation of Oak House and is acceptable in this regard. Orchard House to the west of the site is located at a lower level to plot 1 and has a number of primary windows on the rear elevation as well as a orangery constructed in 2013 which is not illustrated on the submitted block plan. It was evident from the Officer site visit that the existing intervening boundary fencing which is located at a higher level than the ground floor level of Orchard House would substantially mitigate any overlooking from the proposed ground floor windows of plot 1. The first floor windows of plot 1 would be compliant with window to window separation distances and whilst there is a difference in levels between the two sites it is not considered this difference in ground levels would cause a significant deviation from the recommended distance of 21 metres. The impact upon the living conditions of the occupiers of Orchard House is therefore considered acceptable.
- 6.22 In terms of the impact upon Honeysuckle House it is appreciated that plot 3 will be sited in excess of 21 metres from the main two storey rear elevation of this property. Honeysuckle House has a rear projection with a roof that resembles a cat slide roof which is served by ground floor windows however the existing boundary fencing which is located at a higher level than the ground floor level of Honeysuckle House would substantially mitigate any overlooking from the proposed ground floor windows of plot 3. The impact of the development on Honeysuckle House is therefore acceptable. The remaining house to the west of the site (Acre House) is orientated north to south with no windows on gable. In such circumstances the development will be compliant with the separation distances. Whilst there will be first floor bedroom windows that will overlook the front and rear garden of Acre House it is not considered that this issue itself would warrant refusal of the application give the size of the curtilage of Acre House and the location of the proposed dwellings in relation to the property.

- 6.23 The development will be compliant with the separation distances from the former shooting lodge (known as The Lodge) to the east of the site entrance. Although one primary bedroom window of plot 9 will directly face the blank gable wall of Stone House Farm which will be two metres less than the required separation distances it is not considered that this issue itself would warrant refusal of planning permission as the only person impacted upon this reduced separation distance would be the future occupier of plot 9. Given that the aforementioned window serves a bedroom the impact upon the living conditions of the future occupiers of plot 9 is not considered to be significant.
- 6.24 In relation to the above, it is considered that the proposed scheme would not lead to problems associated with losses in privacy or over shadowing/losses in light sufficient to merit the refusal of permission. It is recognised that the proposal would lead to increases in noise and disturbance from the site being redeveloped to residential however, when viewed in the context of the existing neighbouring uses and the nature of the proposed development, this is not considered to be of a scale or form that merits the refusal of permission. In order to protect the living conditions of neighbouring properties during construction works a condition restricting construction hours has been imposed.

#### **4. Impact Upon Highway Safety**

- 6.25 As previously stated, the application proposes to utilise the existing unclassified road and access which serves 'The Woodlands'. A new access road will be provided within the site itself from the south to serve 8 of the dwellings as well as a private access to the south to serve plot 1. The proposal will provide a minimum of two curtilage parking spaces per unit as well as attached garages except unit 1 which will have a detached garage. 6 visitor car parking spaces are also proposed.
- 6.26 It is appreciated that concerns have been raised from third parties and the parish regarding the adequacy of the existing road and access serving The Woodlands as well as concerns in respect of additional traffic going through Hayton village and associated highway safety concerns.
- 6.27 In relation to the concerns raised it is apparent that the original planning permission granted to develop Stonehouse Farm for 13 dwellings was granted under application 90/1246 (renewed in 1996) with the development of The Woodlands subsequently approved under applications 01/0573, 02/1359 and 04/0639. In effect the decision to approve development at The Woodlands, and the design of the access and road, was taken in the context of permission having already been granted for the development of Stonehouse Farm. The permission granted for a total of 7 dwellings on the site is still extant. In comparison to the schemes approved under previous applications 90/1246 and 11/0270, the current proposal represents a notable reduction in the total number of dwellings.
- 6.28 The Highway Authority has been consulted on the proposal and has not

raised any objections to the proposal subject to the imposition of seven conditions regarding 1) details of design of carriageways, footways etc; 2) visibility splays to be provided at the junction of the access road with the county highway for plot 1; 3) no dwellings/buildings or structures to be commenced until the access roads are defined by kerbs and sub base construction; 4) no dwellings to be occupied until the estate road has been constructed to base course level; 5) no occupation of dwellings until associated off-street parking has been provided; 6) no commencement of development until a Construction Traffic Management plan has been submitted and approved; and 7) full details of a surface water drainage scheme to be submitted prior to the commencement of any development. On this basis it is considered that there are not sustainable reasons to refuse permission on highway grounds.

## **5. Whether The Method of Disposal of Foul And Surface Water Are Appropriate**

- 6.29. Policies IP6 and CC5 of the CDLP seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. Foul and surface water sewage is to be disposed of via mains drainage and surface water to the existing surface water network via an attenuation pipe and hydrobrake as percolation tests have identified the site unsuitable for ground infiltration and there are no watercourses located in close proximity to the site. The submitted drainage information confirms that a discharge rate of 12 L/S into the surface water sewer was agreed with United Utilities in respect of the previous application and UU has still confirmed that a rate of 12 L/S is acceptable in respect of pre-development advice.
- 6.30 United Utilities has been consulted on the current application and has confirmed that the proposals are acceptable in principle however there is insufficient information on the detail of the drainage design therefore UU has requested the imposition of a condition requesting further details on surface water drainage as well as a condition ensuring that foul and surface water are drained on separate systems. The Lead Local Flood Authority has also confirmed no objection in principle to the drainage scheme but has requested further details on its design. Subject to relevant conditions being imposed within the decision notice to deal with these issues the proposed drainage methods are considered acceptable in principle.

## **6. Affordable Housing**

- 6.31 The site falls within affordable housing zone A as defined by Policy HO4 "Affordable Housing" of the CDLP 2015-2030. Within this zone, all sites of six units and over will be required to provide 30% of the units as affordable housing. For sites between 6-10 units an affordable housing contribution will be sought in the form of cash payments which will be commuted until after completion of units within the development.
- 6.32 The Council's Housing Officer has calculated the affordable housing contribution based on 9 units to be £83,588 which would be spent on

providing affordable housing within the Carlisle Rural East housing market area where possible, unless the Council was unable to secure a suitable opportunity to utilise the funding within the market area, in which case it could be spent within Carlisle District. The Council would require 10 years to spend the funding from the receipt of the final tranche.

- 6.33 The applicant has agreed to enter into a S106 agreement to provide the aforementioned affordable housing contribution. Therefore, there is no policy conflict.

## **7. Biodiversity**

- 6.34 The application is accompanied by a Bat, Barn Owl and Nesting Bird Survey. The survey found no evidence of bats roosting with low potential for use of the walls and roof of the buildings by bats. Precautionary mitigation during demolition is however appropriate. There was also no evidence of past use of the buildings by barn owls for roosting or nesting. There were however numerous swallow nests founds and the survey confirmed that work shall not commence or be undertaken in such a way that disturbs active nests and artificial swallow nests shall be erected on the new buildings in suitable locations. Subject to adherence to the mitigation measures proposed it is not considered that the development would harm a protected species or their habitat. Relevant planning conditions have been imposed accordingly.

## **8. Other Matters**

- 6.35 A condition has been added to the permission which requires each dwelling to be provided with a separate 32Amp single phase electrical supply. This would allow future occupiers to incorporate an individual electric car charging point for the property.
- 6.36 Article 8 and Article 1 Protocol 1 of the Humans Rights Act are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

## **Conclusion**

- 6.37 The site is located in a sustainable location, well related to the built form of Hayton Village which has a range of services (school, church, public house, reading rooms etc). The principle of developing the site for housing, which has been established through previous planning permissions, is therefore still considered to be acceptable and consistent with the national requirements in the NPPF and the council's own windfall housing policy.
- 6.38 As discussed in paragraphs 6.7-6.18 of this report all of the barns have already been granted for demolition through previous consents and the historic character of the barns have been significantly altered via changes to its setting. The replacement scheme is of a good quality and design which will complement the modern housing development which surrounds the site whilst

being notable as a new development in its own right. The development provides adequate amenity space and off street parking and is comparable in scale and height to the dwelling houses that surround the site. The scale, layout and design of the development is therefore acceptable, and it is considered that the development would not have a significant impact upon the living conditions of existing and future occupiers or crime.

- 6.39 Subject to suitably worded planning conditions and a S106 it is considered that the character of the area can be safeguarded through an appropriate landscaping scheme and that the proposal would not raise any issues with regard to affordable housing, highway safety, foul and surface water drainage, biodiversity or contamination.
- 6.40 On balance, having regard to the Development Plan and all other material planning considerations, the proposal is considered acceptable.
- 6.41 If Members are minded to grant planning approval it is requested that “authority to issue” the approval is given subject to the completion of a S106 agreement to secure:
- a) a financial contribution of £83,588 towards affordable housing
- 6.42 If the legal agreement is not completed within a reasonable time then it is recommended that Authority be given to the Corporate Director of Economic Development to refuse the application.

## **7. Planning History**

- 7.1 The most recent and relevant planning history is as follows:
- 7.2 In 2018 Full Planning Permission was granted for demolition of barn and erection of 1no. dwelling (part retrospective, reference 18/0440);
- 7.3 In 2017 a discharge of conditions application was granted for discharge of conditions 5 (carriageways, footways and means of access); 7 (parking of construction vehicles) and 14 (foul and surface water drainage) of previously approved permission 14/0725 (reference 17/0557);
- 7.4 In 2014 Full Planning Permission was granted for part demolition of barns and conversion of 2no.barns to create 3no.dwellings and erection of 4no.dwellings with associated infrastructure (reference 14/0725);
- 7.5 In 2011 Full Planning Permission was granted for conversion of farm buildings to create 11 dwellings with 9 additional garages (reference 11/0270);
- 7.6 In 2007 Full Planning Permission was granted for revised proposal for the conversion of farm buildings to create 11 dwellings with 9 additional garages (reference 07/0088);

- 7.7 In 2005 Full Planning Permission was granted for conversion of former hunting lodge to dwelling (reference 05/0835);
- 7.8 In 2004 Full Planning Permission was granted for design revisions to shooting lodge (unit 1) approved under planning approval 96/0031 (reference 04/1605);
- 7.9 In 1996 Full Planning Permission was granted for renewal of permission for conversion of barns to form 13 residential units (reference 96/0031); and
- 7.10 In 1990 Full Planning Permission was granted for conversion to 13no.residential units (reference 90/1246).

## **8. Recommendation: Grant Subject to S106 Agreement**

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

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

- 2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

- 1. the submitted Planning Application Form received 7th May 2021;
- 2. the Site Location Plan, scale 1:1250, received 7th May 2021 (titled Hayton Village);
- 3. the Proposed Block Plan received 13th September 2021 (titled Proposed Site Plan, Drawing No.HUB333.PS.03 Rev M);
- 4. the Proposed Drainage Layout received 7th May 2021 titled Proposed Drainage Layout, Drawing No.100);
- 5. the Proposed Site Levels received 7th May 2021 (Titled Proposed Site Levels, Drawing No.200);
- 6. the Proposed Floor Plans and Elevations of Plot 1 received 5th October 2021 (Titled Plot 1 Dwelling, Drawing No.HUB333.PS.05 Rev B);
- 7. the Proposed Floor Plans and Elevations of Plot 1 Garage received 7th May 2021 (Titled Plot 1 Garage, Drawing No.HUB333.PS.04 Rev A);
- 8. the Proposed Floor Plans and Elevations of Plot 2 received 5th October 2021 (Titled Plot 2 Dwelling, Drawing No.HUB333.PS.06 Rev E);

9. the Proposed Floor Plans and Elevations of Plot 3 received 5th October 2021 (Titled Plot 3 Dwelling, Drawing No.HUB333.PS.07 Rev C);
10. the Proposed Floor Plans and Elevations of Plot 4 received 5th October 2021 (Titled Plot 4 Dwelling, Drawing No.HUB333.PS.08 Rev B);
11. the Proposed Floor Plans and Elevations of Plot 5 received 5th October 2021 (Titled Plot 5, Drawing No.HUB333.PS.12 Rev B);
12. the Proposed Floor Plans and Elevations of Plot 6 received 5th October 2021 (Titled Plot 6, Drawing No. HUB333.PS.09 Rev D);
13. the Proposed Floor Plans and Elevations of Plot 7 received 5th October 2021 (Titled Plot 7, Drawing No. HUB333.PS.10 Rev B);
14. the Proposed Floor Plans and Elevations of Plot 8 received 5th October 2021 (Titled Plot 8, Drawing No.HUB333.PS.11 Rev C);
15. the Proposed Floor Plans and Elevations of Plot 9 received 5th October 2021 (Titled Plot 9, Drawing No.HUB333.PS.13 Rev B);
16. the Bat, Barn Owl and Nesting Bird Survey undertaken by Envirotech received 7th May 2021 (Ref 3771 Version 3);
17. the Flood Risk Assessment and Drainage Strategy undertaken by R G Parkins received 14th May 2021 (Ref: K38187.FRA/0001);
18. the Notice of Decision; and
19. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Notwithstanding any description of materials in the application, prior to their use as part of the development hereby approved, full details of all materials to be used externally on the buildings (including the stone walling boundary treatment) shall be submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** Satisfactory details of the external materials have not yet been provided, therefore further information is necessary to ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

4. Details shall be submitted of the proposed hard surface finishes to all public

and private external areas within the proposed application site (including phasing/delivery) and approved in writing by the local planning authority before their use as part of the development hereby approved. The approved development shall be carried out in strict accordance with the details approved in response to this condition.

**Reason:** To ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. No development shall be carried out on site until the following details have been submitted to and approved in writing by the local planning authority:
- a) the mix and type of mortar to be used on the external walls;
  - b) a sample panel showing details of the pattern of stone work and use of mortar.

The development shall not be carried out otherwise than in accordance with the approved details.

**Reason:** To safeguard the visual appearance of the area in accordance with Policies SP6 of the Carlisle District Local Plan 2015-2030.

6. A landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following where relevant (this list is not exhaustive):

- new areas of trees and shrubs to be planted including planting densities
- new groups and individual specimen trees and shrubs to be planted
- specification/age/heights of trees and shrubs to be planted
- existing trees and shrubs to be retained or removed
- any tree surgery/management works proposed in relation to retained trees and shrubs
- any remodelling of ground to facilitate the planting
- timing of the landscaping in terms of the phasing of the development
- protection, maintenance and aftercare measures

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

7. Notwithstanding any boundary details shown on the approved drawings the side and rear boundaries to plots 6 and 7 shall be landscaped in strict



accordance with a landscaping scheme that shall first have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that the appearance of the development will be in keeping with the locality and to protect landscape and visual amenity, in accordance with Policies GI1 and SP6 of the Carlisle District Local Plan 2015-2030.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within a timeframe that has first been submitted to and approved in writing by the local planning authority and maintained thereafter in accordance with maintenance measures identified in the approved landscaping scheme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and maintained, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected or constructed in front of the forwardmost part of the front of the dwellings other than those expressly authorised by this permission, without the permission in writing of the local planning authority.

**Reason:** To protect visual and residential amenity by ensuring that any form of enclosure to the front gardens of the properties is carried out in a co-ordinated manner, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) the following forms of development within the provisions of Part 1 to Schedule 2 of the Order shall not be undertaken without the express permission in writing of the council:

1. Extension or enlargement
2. Additions or alterations to roofs
3. Detached outbuildings

4. Porches
5. Chimneys and flues

**Reason:** The further extension or alteration of these dwellings or erection of detached buildings requires detailed consideration to safeguard the amenities of the surrounding area, to accord with Policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030.

11. Works for the demolition of the barns hereby permitted shall not be commenced before a valid contract or phasing programme for the carrying out and completion of works of redevelopment of the site for which planning permission has been granted has been entered into, and evidence of that contract or phasing programme has submitted to and approved in writing by the local planning authority.

**Reason:** To safeguard against premature demolition in accord with Policies HO2, HE6 and SP6 of the Carlisle District Local Plan 2015-2030.

12. Prior to any demolition work the existing building affected by the proposed development shall be recorded in accordance with a Level 2 survey as described in the English Heritage document "Understanding Historic Buildings: A Guide to Good Recording Practice, 2006" and moreover within 2 months of that recording work being done 3 copies of the resultant Level 2 Survey Report shall be submitted to the Local Planning Authority.

**Reason:** To ensure that a permanent record is made prior to the demolition of the non-designated heritage asset in accordance with Policy HE6 of the Carlisle District Local Plan 2015-2030.

13. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

14. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

**Reason:** To establish an acceptable level of access to connectivity resources, in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

15. Prior to the occupation of any dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for any dwelling shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.

**Reason:** To ensure the provision of electric vehicle charging points for each dwelling, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

17. Prior to the occupation of the first dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling for each residential unit in line with the schemes available in the Carlisle district.

**Reason:** In accordance with Policy IP5 of the Carlisle District Local Plan 2015-2030.

18. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety. To support Local Transport Plan Policies LD5, LD7 and LD8.

19. Before any dwelling is occupied the associated off-street parking shall be provided together with vehicular access thereto and the associated turning area in accordance with the approved plans. The access, spaces for garage and parking, and turning area shall be used for no other purpose without the prior approval of the local planning authority.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7 and LD8.

20. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Plan Policies S3 and LD9.

21. Prior to the commencement of any development, 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.

In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public surface water sewer must be restricted to 12 l/s for any storm event.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

The development shall be completed, 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.

22. For the avoidance of doubt foul and surface water shall be drained on separate systems.

**Reason:** To secure proper drainage and to manage the risk of flooding

and pollution.

23. The development hereby permitted shall be implemented in full accordance with the recommendations and mitigation measures identified in the "Bat, Barn Owl And Nesting Bird Survey at Stonehouse Farm, Hayton, Brampton, Cumbria, CA89JE" prepared by Envirotech.

**Reason:** To mitigate the impact of the development upon bats and nesting birds in the vicinity and to ensure compliance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

24. No development shall commence until visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of the exit road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway for plot 1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicles or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splay. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

25. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

**Reason:** To ensure that the access roads are defined and laid one at an early stage. To support Local Transport Plan Policies: LD5, LD7 and LD8.

26. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

**Reason:** In the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7 and LD8.

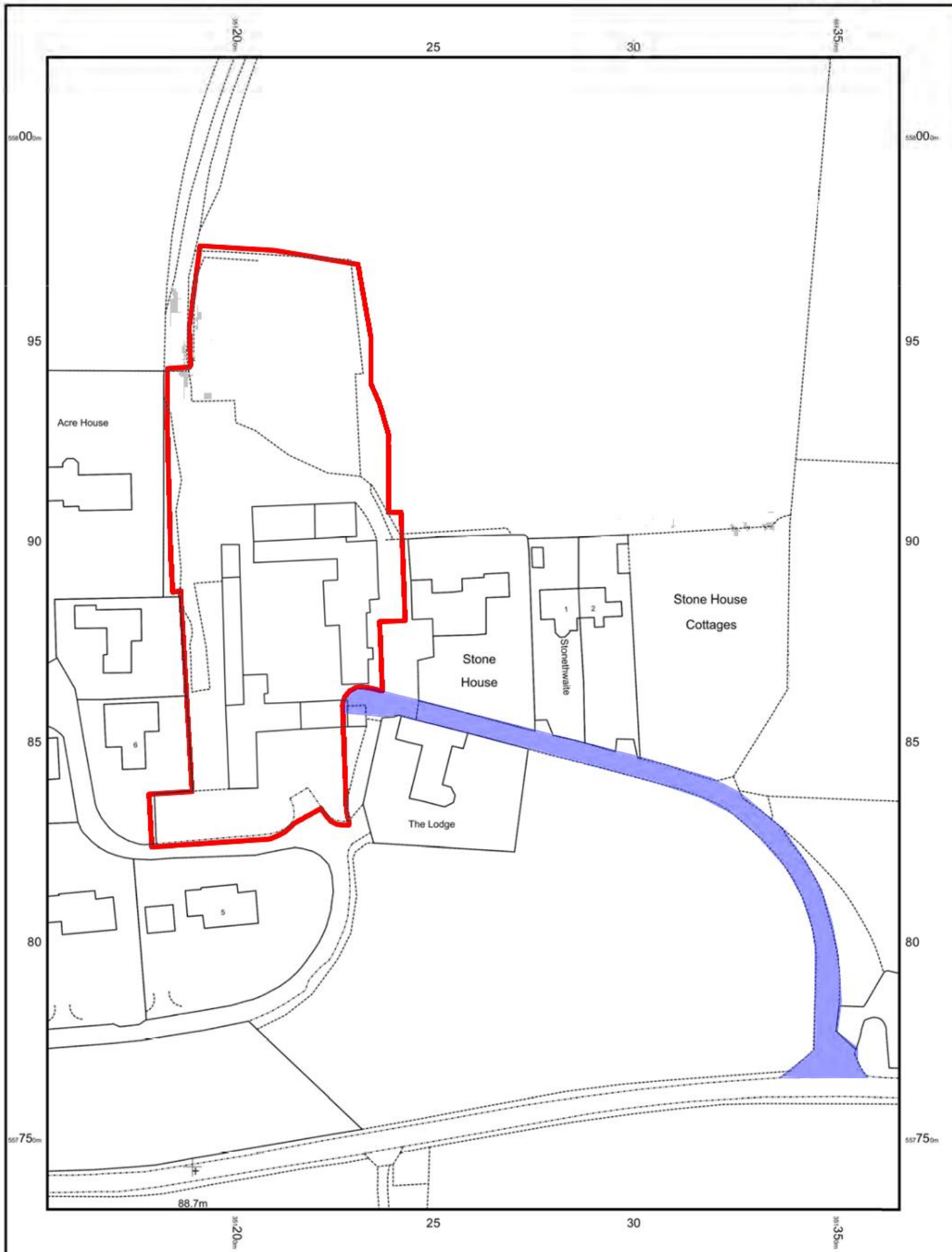
27. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- pre-construction road condition for the U1473 from the junction of U1199

established by a detailed survey for accommodation works within the highways boundary provide to the Local Planning Authority prior to commence on site; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;

- 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;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

**Reason:** To ensure the undertaking of the developmen does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. To support Local Transport Plan Policies: WS3, LD4.

---



NOTE:  
THE RED LINE LAND REGISTRY PLAN  
BOUNDARY LINE IS INDICATIVE ONLY  
ON THIS PLAN - REFER TO THE  
OFFICIAL LAND REGISTRY PLAN  
SUPPLIED BY THE CLIENT

Ecological Report "Bat, Barn Owl & Nesting Bird Survey" by Envirotech NWM Ltd, dated 9th March 2021  
is to be followed, understood and mitigation proposals adhered to at all times.

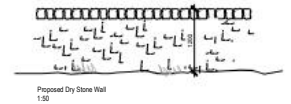
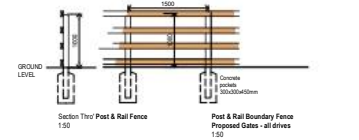
The site should be rechecked for nesting birds if work is to commence in the period March-September inclusive. It is likely birds will nest at the site at any time during the nesting season.

Additional surveys of this site for bats should be undertaken if works to not commence before March 2022.

#### MITIGATION SUMMARY

"The site survey found no evidence of bats roosting and it was considered there was a low potential for use of the walls and roof of the buildings by low numbers of bats. Precautionary mitigation during demolition is considered appropriate. There is no evidence of past use of the buildings by barn owls for roosting or nesting. There were numerous swallow nests at the site. Work will not be commenced or undertaken in such a way as active nest sites are disturbed. Artificial swallows nests should be erected on the new buildings in suitable locations. On the basis of survey information, specialist knowledge of bat species and the mitigation that has been proposed, it is considered that on balance the proposed activity is reasonably unlikely to result in an offence under regulation 39 of the Conservation (Natural Habitats, &c.) Regulations (2017) as amended. We do not consider there to be a need for a Natural England licence at this time."

0m 20m



MICHAEL HUSTON  
**HUB**  
ARCHITECTURE

#### Revisions:

- A - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.
- B - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.
- C - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.
- D - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.
- E - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.
- F - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.
- G - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.
- H - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.
- I - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.
- J - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.
- K - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.
- L - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.
- M - 1.5m high stone wall on 1.5m high stone wall. East boundary line 1.5m high stone wall on 1.5m high stone wall.

#### Client:

Anvil Homes Ltd

#### Project:

Stonehouse Farm  
Proposed Sno Dwellings

#### Dwg Title:

Proposed Site Plan

Drawn by: Michael Huston

Status - Planning - Not for Construction

Scale - 1:200 @ A1

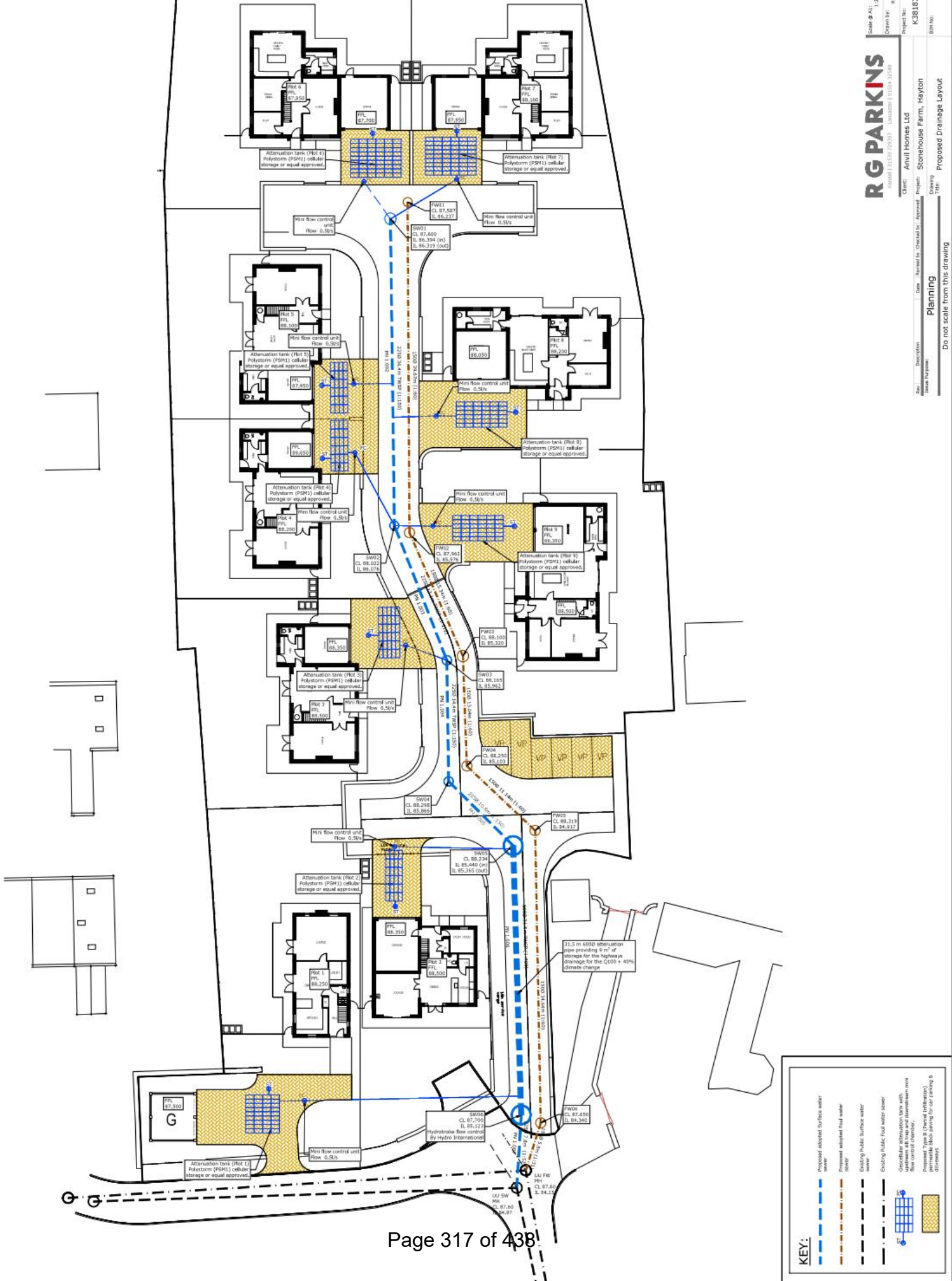
Dwg No. - HUB333 PS.03

#### Date:

Rev: M



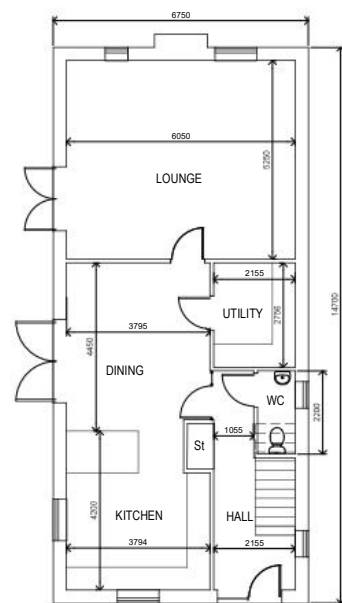
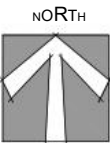




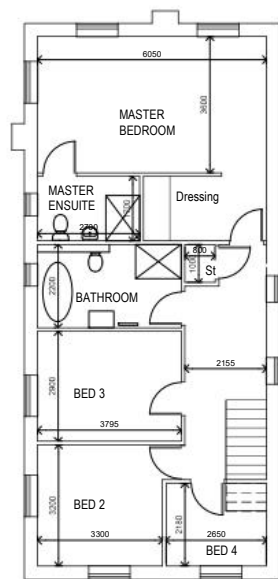
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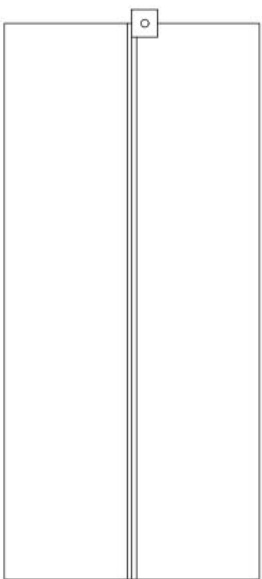
- Schedule of Materials:**
- Walls:  
Reclaimed stone quoins  
Reclaimed random rubble stone
- Chimneys:  
Reclaimed bricks
- Rainwater Goods:  
Cast iron effect, colour black  
Brett Martin Cascade range
- Roof Finish:  
Natural Grey Slate  
Clay angled ridge tiles  
Stone water tabling
- Windows:  
Timber Double Glazed Mock  
Sliding Sash, art. stone heads and  
cills



PLOT 1 912 sqft GF  
Ground Floor 84.7 sqm GF



PLOT 1 912 sqft GF  
First Floor 84.7 sqm GF



PLOT 1  
Roof Plan



Revisions:  
A - type remodel as directed  
B - heads, cills, jambs description amended

Client:  
Anvil Homes Ltd

Project:  
**Stonehouse Farm  
Proposed 9no Dwellings**

Dwg Title:  
*Plot 1 Dwelling*

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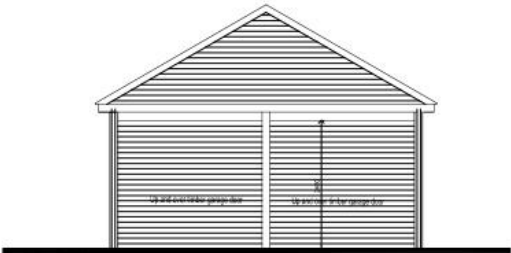
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Scale - 1:100 @ A2 Dwg No. - HUB333.PS.05

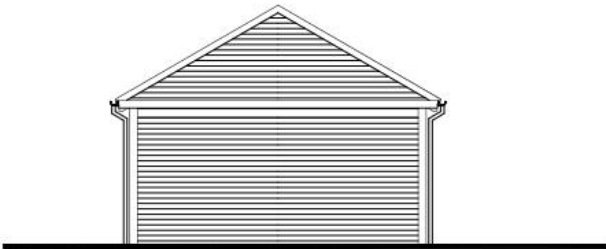
Date: Rev: B



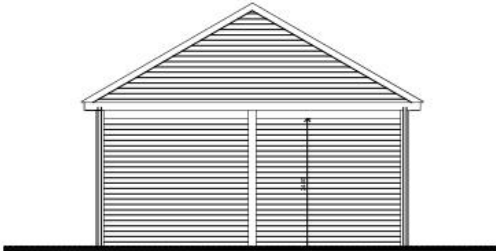
Michael H Huston MCAT  
Hub Architecture Ltd.  
Registered in England and Wales  
Company No. 7842532  
vat 0795 888 452  
email - info@hubarchitecture.co.uk  
website - www.hubarchitecture.co.uk



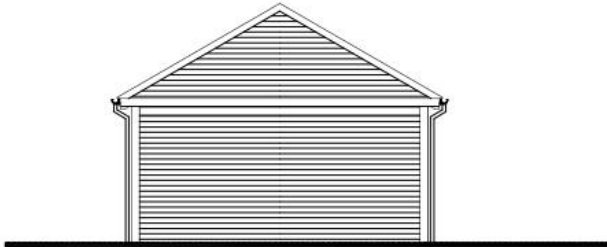
FRONT (EAST) ELEVATION



SIDE (SOUTH) ELEVATION



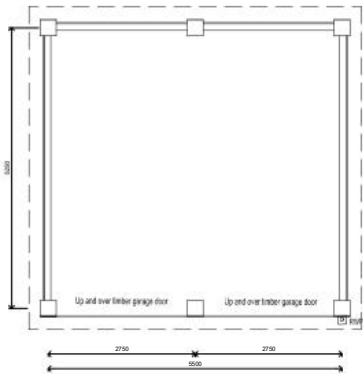
REAR (WEST) ELEVATION



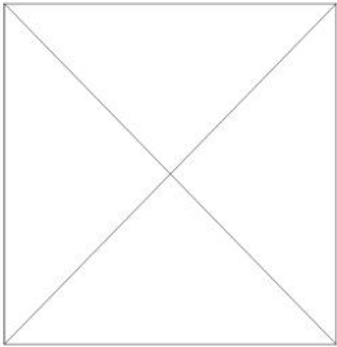
SIDE (NORTH) ELEVATION



WALLS - OAK CLAD  
ROOF - NATURAL SLATE  
RAINWATER GOODS - BRETT MARTIN MOCK IRON  
CAST IRON ROUND AND HALF ROUND



FLOOR PLAN



ROOF PLAN



Revisions:

A - garage size reduced

Client:  
Anvil Homes Ltd

Project:  
Stonehouse Farm  
Proposed 5no Dwellings

Dwg Title:  
Plot 1 Garage

Drawn by: Michael Huston

Status - Planning - Not for Construction

Scale - 1:50 @ A1 Dwg No. - HUB333 PS.04

Date: Rev: A

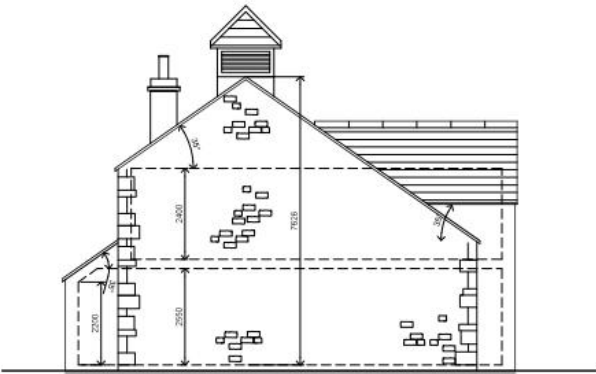
Michael Huston MCAD  
Hub Architecture Ltd  
Registered in England and Wales  
Company No. 1062222  
VAT No. 2556 562 22  
email - info@hubarchitecture.co.uk  
website - www.hubarchitecture.co.uk



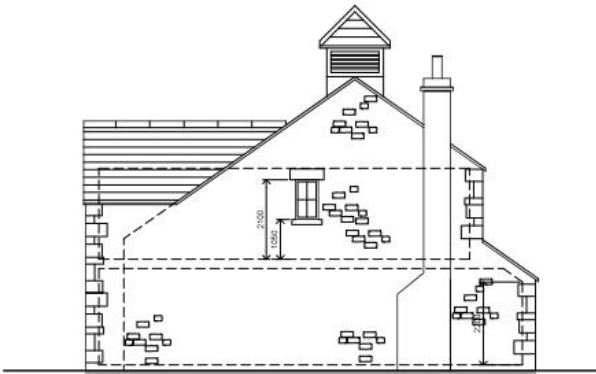




NORTH ELEVATION



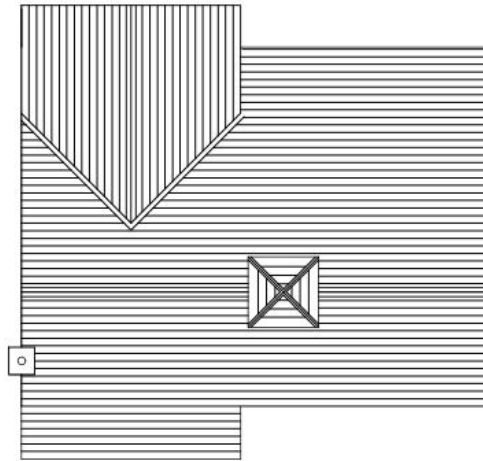
EAST ELEVATION



WEST ELEVATION

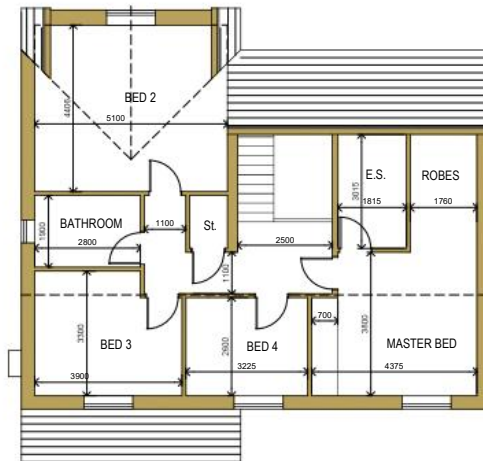


SOUTH ELEVATION

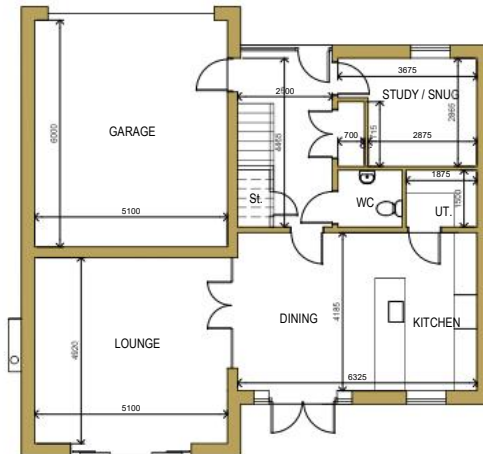


PLOT 2  
Roof Plan

0m 10m



PLOT 2 919 sqft GF  
First Floor 85.4 sqm GF ex stair void



PLOT 2 877 sqft GF  
Ground Floor 81.5 sqm GF ex garage

**Schedule of Materials:**

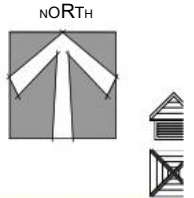
Walls:  
Reclaimed stone quoins  
Reclaimed random rubble stone

Chimneys:  
Reclaimed bricks

Rainwater Goods:  
Cast iron effect, colour black  
Brett Martin Cascade range

Roof Finish:  
Natural Grey Slate  
Clay angled ridge tiles  
Stone water tabling

Windows:  
Timber Double Glazed Mock  
Sliding Sash, art. stone heads and  
cills



Revisions:  
B - Client amends to roof & lounge  
C - heads, cills, jambs description amended  
D - dovetail added  
E - fenestration, dove cote amended, chimney added

Client:  
Anvil Homes Ltd

Project:  
**Stonehouse Farm  
Proposed 9no Dwellings**

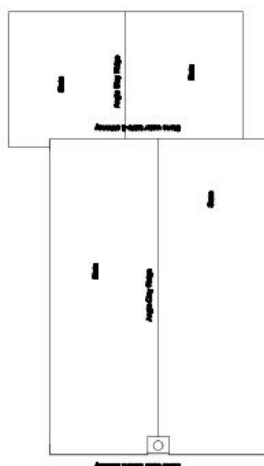
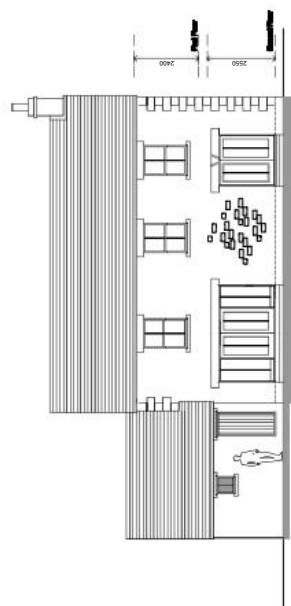
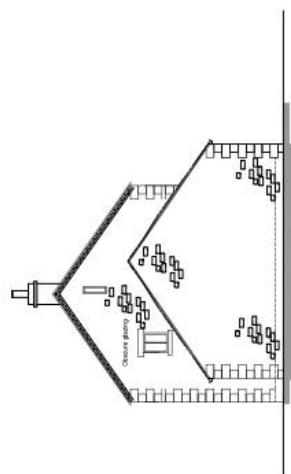
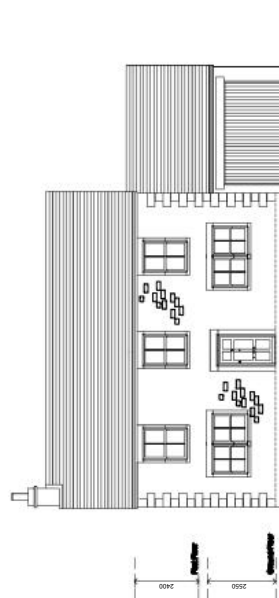
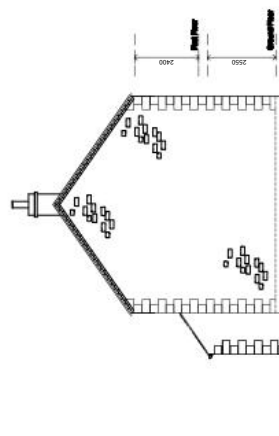
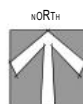
Dwg Title:  
**Plot 2 Dwelling**

Status - 1:100 @ A1 Dwg No. - HUB333.PS.06

Date: Rev: E



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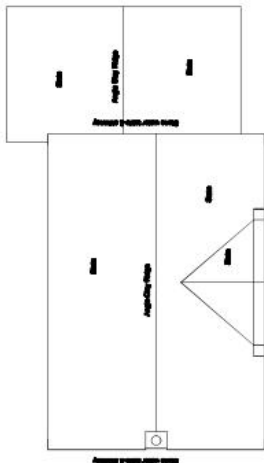
Type BM Plot 3  
Roof Plan 1:100Type B1 Plot 3  
First FloorType B1 Plot 3  
Ground FloorRear Elevation  
Type 'B' Plot 3Cable Elevation  
Type 'B1' Plot 3Front Elevation  
Type "B" Plot 3Cable Elevation  
Type 'B1' Plot 3

Abstracts are available for the following topics:

**Architect**  
Ansell Horne Ltd  
**Project**  
Storehouse Farm  
**Proposed Two Dwellings**

Schools of Medicine

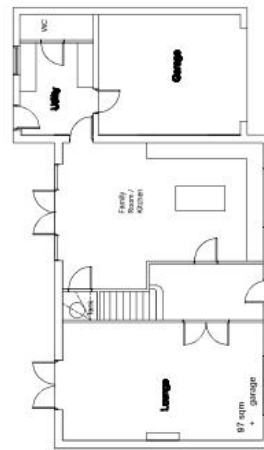
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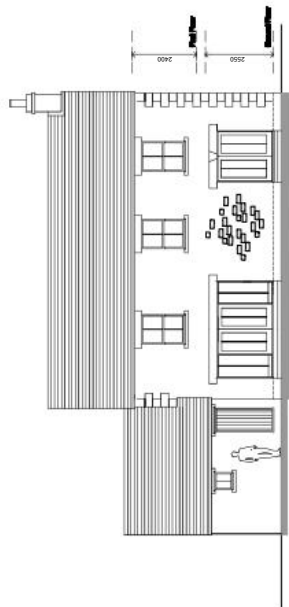
Type B1 Plot 4  
Roof Plan 1:100



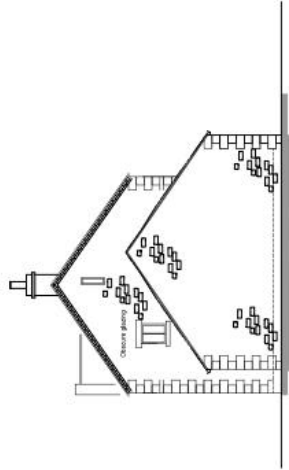
Type B1 Plot 4  
First Floor 1:100



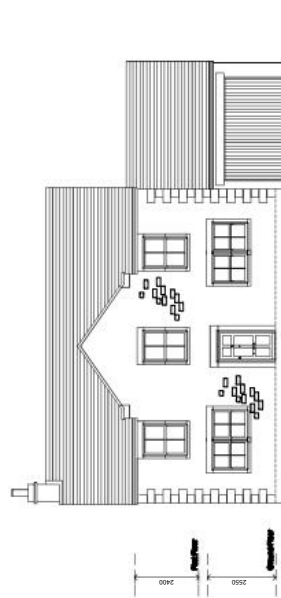
Type B1 Plot 4  
Ground Floor



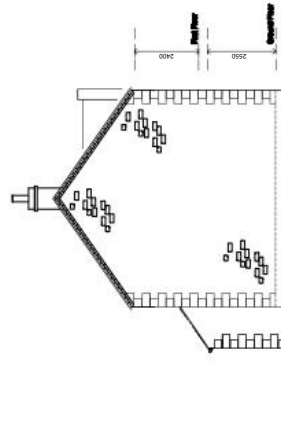
Rear Elevation  
Type B1 Plot 4



Gable Elevation  
Type B1 Plot 4



Front Elevation  
Type B1 Plot 4



Gable Elevation  
Type B1 Plot 4

**Schedule of Materials:**  
**Walls:**  
 Rendered stone & joints  
 Rendered stone & joints  
 Rendered stone & joints  
 Rendered stone & joints  
**Roofing:**  
 Rendered stone & joints  
 Rendered stone & joints  
 Rendered stone & joints  
 Rendered stone & joints  
**Windows:**  
 Rendered stone & joints  
 Rendered stone & joints  
 Rendered stone & joints  
 Rendered stone & joints  
**Doors:**  
 Rendered stone & joints  
 Rendered stone & joints  
 Rendered stone & joints  
 Rendered stone & joints  
**Other:**  
 Rendered stone & joints  
 Rendered stone & joints  
 Rendered stone & joints  
 Rendered stone & joints



## Type B1 Plot 4



Project:  
 10/10/2020

Client:  
 Acorn Homes Ltd  
 Project:  
 Stonehouse Farm  
 Proposed New Outings

Day No:  
 10/10/2020  
 Type B1

Drawn:  
 10/10/2020  
 Date:  
 10/10/2020  
 No. 1





**Options:**

- **Stairs:**
  - Reinforced stone quoins
  - Reinforced random rubble stone
- **Chimneys:**
  - Reinforced brick
- **Rainwater Goods:**
  - Wood Cast iron effect, colour black
  - Brick Marked Cast-iron range
- **Roof Finish:**
  - Natural Grey Slate
  - Clay angled ridge tiles
- **Windows:**
  - Timber Double Glazed Mock
  - Sliding Sash, art. stone finials and



**Feedback:**  
 1. Team 10: 100% accurate answers

**Project**  
**Storehouse Farm**  
**Proposed 9no Dwellings**

Drug Title: Plot 5 Drawing Type B1 handed

100

Stellen - Planung - Net für Konstruktion

Book - 1786 @ AU

100

Unit:

10. **What is the purpose of the study?**  
 11. **What are the research objectives?**  
 12. **What are the research questions?**  
 13. **What are the hypotheses?**

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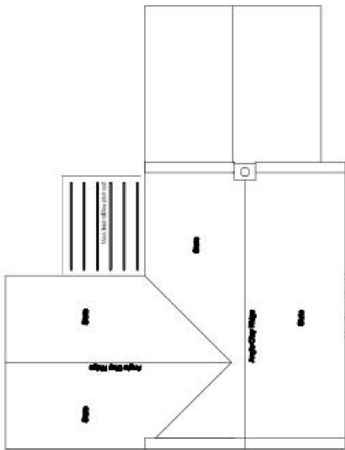
and a 100% increase in the number of people with a high school diploma.

---

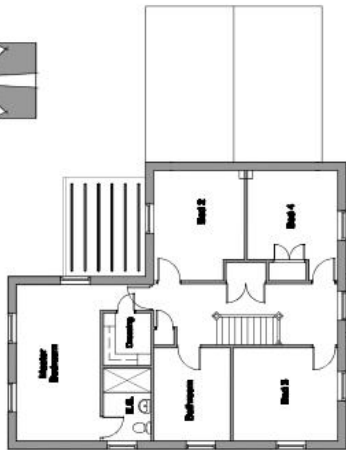
Type B1 handed  
Plot 5



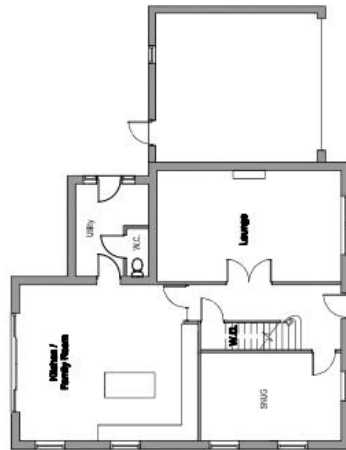
# Type A2 Plot 6



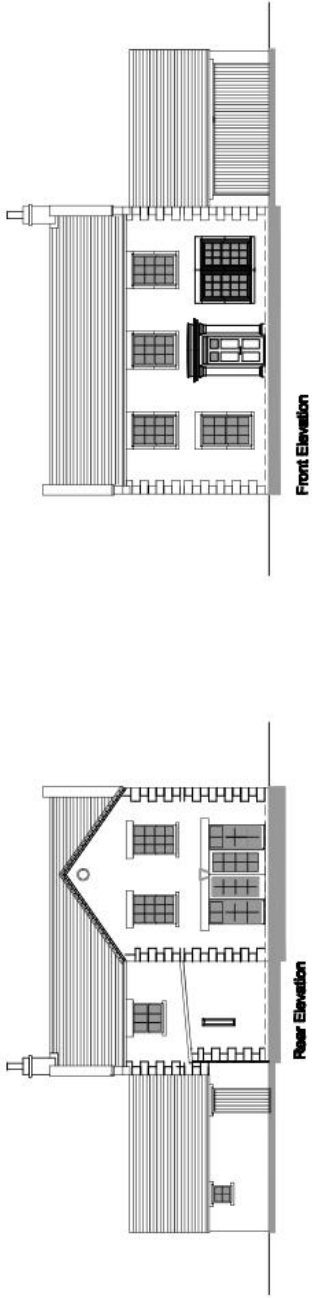
Type A2 Plot 6  
Roof Plan  
1:500



Type A2 Plot 6  
First Floor  
1:500



Type A2 Plot 6  
Ground Floor  
23rd 2314sq ft + garage  
1:500



Front Elevation



Rear Elevation

Gable Elevation

- Schedule of Materials:**
- Roof: Asphalt/Flt Shingles
  - Walls: Rendered stone/brick
  - Windows: UPVC double glazed
  - Chimneys: Rendered
  - Roofline: Rendered
  - External Walls: Rendered
  - Internal Walls: Plasterboard
  - Floors: Carpet (Living, Dining, Kitchen), Tiles (Bath, Bed 1, Bed 2, Bed 3, Bed 4)
  - Doors: Solid wood
  - Stairs: Solid wood
  - Garage: Solid wood
  - Windows: UPVC double glazed
  - Roof: Asphalt/Flt Shingles
  - Walls: Rendered stone/brick
  - Windows: UPVC double glazed
  - Chimneys: Rendered
  - Roofline: Rendered
  - External Walls: Rendered
  - Internal Walls: Plasterboard
  - Floors: Carpet (Living, Dining, Kitchen), Tiles (Bath, Bed 1, Bed 2, Bed 3, Bed 4)
  - Doors: Solid wood
  - Stairs: Solid wood
  - Garage: Solid wood



Project:  
Address:  
Client:  
Date:  
Scale:  
Sheet:  
Drawing No.: 100011713.00

Client:  
Architect:  
Proposed No. Dwellings

Site No.  
Plot 6

Site No.  
Plot 6





**Schedule of Materials:**

**Wall:**  
Redwood slat system  
Redwood neocom rubber stone

**Chimney:**  
Redwood bricks

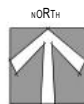
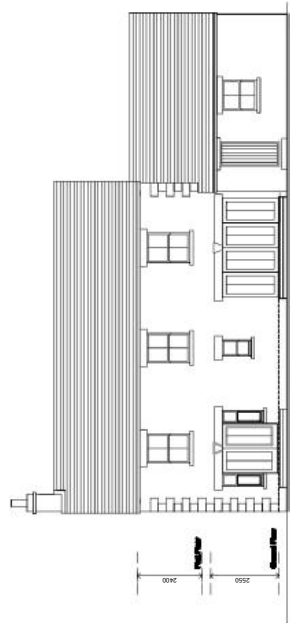
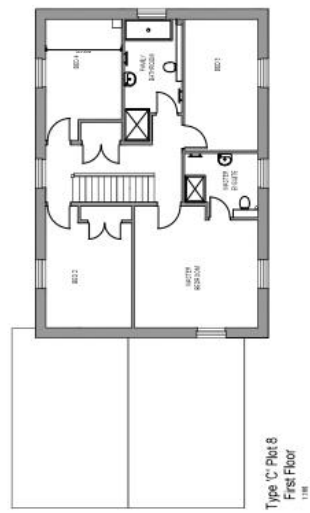
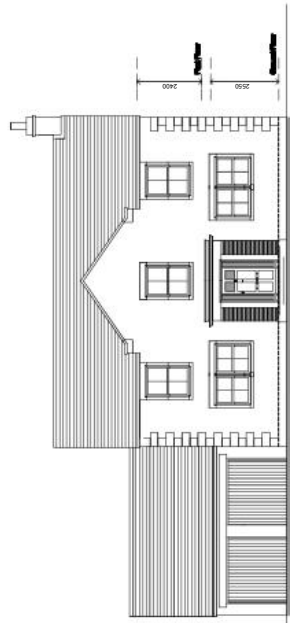
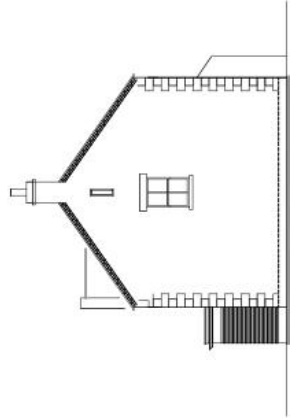
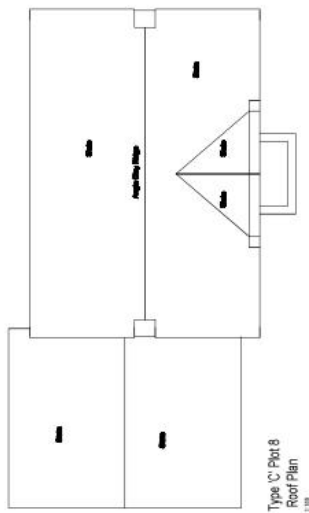
**Roofing/Goods:**  
Black roof (not effort, colour black)  
Red Martin Concrete garage

**Bed:**  
Bed Finish  
Colour of Grey slate  
Cherry night night bed  
Cherry night night bed  
Slightly more bed roll not to lobby

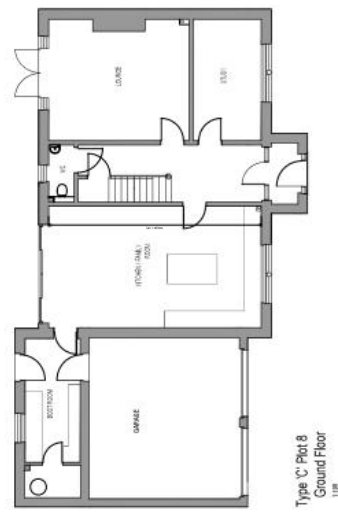
**Windows:**  
Timber Double Glazed inside sliding  
Iron, steel, stone beams and tiles



## Type A2 (handed) Plot 7

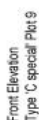


- Schedule of Materials:**
- Walls:
    - Insulated stone quarry
    - Insulated stone quarry
    - Insulated stone quarry
    - Insulated stone quarry
  - Chimneys:
    - Insulated brick
  - Roof:
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles
  - Roof Finishes:
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles
  - Windows:
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles
  - Doors:
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles
    - Asph/Flt Shingles



## Type C - Plot 8





Schedule of Materials	
Walls	Redwood stone quoins Redwood random rubble stone Redwood random rubble stone Redwood brick porch
Chimneys	
Roofs	Redwood finished timbers Rumwelter Goods Shingles oak non effert, cedar black Siding 1/2" Martin Canada range
Floor Finish	
Windows	Double Glazed Cherry stained olive blue Cherry maple ridge line
Doors	Double Glazed in oak Glazed with art. stone heads and sills



## Type C Special - Plot 9



**References**

Client:	Arnold Hill
Project:	Stonehaven
Proposed:	Proposed

Drug title:   
 Plot 9 C  
 Type C 9

Editor - Planning - Neil M. Greenbaum	Design - Doug M.	Review - Roy E.
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Journal of Internal Medicine 255: 105–114



## SCHEDULE A: Applications with Recommendation

21/0513

Item No: 10

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0513

**Applicant:**  
Kirkaldy and Roe Ltd

**Parish:**  
Burgh-by-Sands

**Agent:**  
Summit Town Planning

**Ward:**  
Dalston & Burgh

**Location:** Buck Bottom Farm, Burgh by Sands, Carlisle, CA5 6AN

**Proposal:** Demolition Of 2no Barns; Conversion Of 1no. Barn To Dwelling And Erection Of 3no. Dwellings

**Date of Receipt:**  
21/05/2021 16:00:49

**Statutory Expiry Date**  
16/07/2021 16:00:49

**26 Week Determination**

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### REPORT

**Case Officer:** John Hiscox

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether the development principle is acceptable
- 2.2 Scale of development
- 2.3 Design, layout and materials
- 2.4 Heritage impacts (listed buildings/conservation areas)
- 2.5 Heritage impacts (archaeology/Hadrian's Wall)
- 2.6 Landscape and visual impacts (Solway Coast Area of Outstanding Natural Beauty)
- 2.7 Drainage impacts
- 2.8 Biodiversity
- 2.9 Road safety
- 2.10 Private amenity impacts

#### 3. Application Details

##### The Site

- 3.1 The application site is within the village of Burgh-by-Sands. It is situated on the south side of the C2042 public road that runs east-west through the village. It has two accesses, both gated, either side (east and west) of Buckbottom Farmhouse, which is a Grade II listed building facing north towards the road. The site is generally behind Buckbottom Farmhouse, but also includes the ground east and west which includes a traditional brick barn proposed for conversion.
- 3.2 The site is rather U-shaped in plan form as it excludes the rear curtilage of Buckbottom Farmhouse, within which is a substantial building providing ancillary accommodation to the existing residence. It is generally flat and has recently been cleared of rubble from former buildings by the applicant.
- 3.3 The site includes several buildings close to the eastern boundary which are associated with Buckbottom Farmhouse and which are considered to form part of the Grade II listing, by association with it. The frontage section of the three sections of these buildings is proposed to be retained and converted to a dwelling; the remainder would be partially demolished to facilitate the development proposed.
- 3.4 The eastern site boundary is formed closest to the road by the outer walls of the aforementioned buildings; the southern half of this boundary is punctuated by a line of deciduous trees (birches) growing within the neighbours' garden ground. The land slopes slightly upwards where it meets this boundary. The adjacent ground forms the courtyard of buildings and garden ground for Cross Farm - a Grade II listed building.
- 3.5 The southern site boundary is presently a fence which allows the site to be viewed openly from nearby open grassed ground. This ground is within the Scheduled Ancient Monument being the Vallum to Hadrian's Wall. It is within the Burgh Conservation Area and the whole village is within the Solway Coast Area of Outstanding Natural Beauty.
- 3.6 The western site boundary separates the site from Housesteads (dwelling and curtilage). Housesteads is a modern, pseudo-traditional slate-over-brick two storey house with a detached modern garage in between it and the dividing boundary. Much of the boundary includes substantial evergreen trees which screen the site from the garden ground and vice versa.
- 3.7 Opposite to the north, on the opposite side of the road are Lamonby (Farmhouse) (Grade II\* listed building) and a row of three dwellings known as White House, Rosemount Cottage and Rosemount. The central one of these (Rose Mount) is a Grade II listed building. Whereas Lamonby Farmhouse is perpendicular to the road with its long length being south-north, the row of three dwellings is parallel and is set back behind deep frontal curtilage areas.
- 3.8 The application site is within the core of the Burgh By Sands Conservation Area, and although Buckbottom Farmhouse substantially screens large parts of the site from the C2042, it is easy to see the ground behind that would be developed, and even easier to observe the brick building proposed to be

converted, which is close to the road.

## **Background**

- 3.9 The Committee is advised that planning permission was previously granted for a similar development on this site through applications described in the planning history section of this report. However, development approved under previous permissions has not technically been commenced, therefore there are no extant permissions in place.
- 3.10 The Committee is also advised that archaeological investigation of the site has previously taken place, but that the current proposals differ from those approved (to which the archaeological investigation relates). Therefore, if this application is successful, it is likely that a further investigation, relating to the current proposals, would be required in advance of development. This reflects the advice provided by specialist heritage (statutory) consultees.

## **The Proposal**

- 3.11 To facilitate re-development of, and access to the overall site, two existing accesses would be augmented and altered to allow vehicles to enter the site via its eastern access, and to exit the site by either the eastern or western access. The existing access arrangement to the east would be changed significantly, with the access opening moving westwards by approximately 6m to move it away from the brick barn and thereby create adequate visibility. Part of the stone wall dividing the site from the highway would be demolished to allow this to take place. The stone harvested through partial demolition would be re-used to fill in the existing gateway. The western access would remain largely unchanged.
- 3.12 The site itself has largely been cleared of the remains of buildings previously demolished (with relevant permissions/consents obtained).
- 3.13 One dwellinghouse would be formed from the substantial brick barn adjacent to the road. In the officers' opinion, this building is listed by association with Buckbottom Farmhouse. The existing shell of the building would be retained within changes to its outer structure. New openings would be formed in the north (roadside), west and south elevations. A parking area to the front (west) of the building for two vehicles would be created. This would be a dwelling with accommodation over two floors (3-bedroomed).
- 3.14 Three new-build single storey dwellings would be introduced on the land to the south of Buckbottom Farm in the area recently cleared. Plot 1, nearest to the road, would be two-bedroomed and would include parking but no garaging, whereas Plot 2 and 3 towards the rear (southern) section would be three-bedroomed and would have both a garage and external parking.
- 3.15 Hard and soft landscaping is shown within the application drawings. These include boundary walls with railings on top on the frontages to Plots 1-3, and a brick boundary wall for the barn conversion. The rear wall of one of the existing barns is to be retained to form the eastern boundary to the southern

curtilage area to the barn conversion.

- 3.16 The entire rear boundary would be enclosed with the introduction of a 1.5m high close-boarded timber fence. Similar fences would be introduced between the new-build plots.
- 3.17 The U-shaped service road and its southern spur would be dressed in tarmac, whereas parking areas within curtilages would be finished with paving (precise details not provided). Within garden areas, the garden would generally be grassed and there is an indication that trees/shrubs would be planted. Areas close to the dwellings are to be covered with stone flags including enlarged flagged areas outside back doors on southern elevations.
- 3.18 The existing barn would be converted re-using existing openings in the west elevation, which would become the front elevation of the house. A range of new openings is proposed in both the rear (south) and roadside (north) elevations. It should be noted that both elevations are currently blank. Guttering, windows (timber), openings and pointing are described/mentioned but not in any detail in the drawings.
- 3.19 To facilitate development, demolition of one entire building and most of a second building adjacent to the eastern boundary is proposed. It may be noted that these principles were established and agreed under previous planning references 13/0047 and 13/0048. These buildings are also considered by officers to be listed by association with Buckbottom Farmhouse.
- 3.20 The materials palette for Plots 1, 2 and 3 is similar - natural slate over walls clad partially with off-white render and partially with stone reclaimed from the demolished barns on Plot 1, with render substituted with facing brick for Plots 2 and 3. uPVC windows and doors are proposed throughout these new-build dwellings (no specification/colour indicated). Each would include an element of timber framed canopy/porch. Composite material garage doors to match house windows are proposed for the garage doors to Plots 2 and 3. Plots 2 and 3 would be identical dwellings.

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

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to three neighbouring properties. Representations have been received from five individual households. Of these, three are submitted in support; one is neutral and one is in objection.
- 4.2 A summary of the matters of relevance raised in support is as follows:
  - (i) design and materials in keeping with local vernacular;
  - (ii) bungalow design and layout minimising overlooking of neighbours;
  - (iii) development would help support local employment;
  - (iv) tidying up of site (derelict and disused);



4.3 A summary of the matters of relevance raised in objection is as follows:

- (v) increase from one dwelling to five at this location would be prejudicial to safety of road users including nearby residents;
- (vi) adjustment to location of access would promote convergence of access point for 7 properties (including properties opposite);
- (vii) local network of pavements inadequate in relation to additional development;
- (viii) adverse impact on heritage settings of nearby listed buildings;
- (ix) level and nature of development too great for the site - would be more compatible if scaled down (fewer dwellings, more space);
- (x) additional children may not be able to attend school as recent new development has led to school being full;
- (xi) layout would result in houses seeming to be crammed in; (alien to most of village);
- (xii) more traditional approach including materials would be better;
- (xiii) window frames in barn conversion should be timber to reflect heritage context, not uPVC or other;
- (xiv) development of site would involve vibrations caused by machinery utilised that could damage nearby sensitive heritage buildings;

4.4 The representation neither in support, nor in objection mentions the following:

- (xv) one of the buildings within the site and subject to the planning application has partially collapsed onto neighbouring ground;
- (xvi) conditions of previous planning permission should be re-included if planning permission is granted this time around (protection of trees; methodology for construction works;
- (xvii) limitation of construction works within 10m of nearby listed cruck barn.

## **5. Summary of Consultation Responses**

### **Cumbria County Council - (Archaeological Services):**

25.5.21: No objection; recommends conditions are imposed relating to archaeological evaluation and demolition of buildings.

### **Historic England - North West Office:**

9.6.21: No objection to the proposals as submitted; requires archaeological excavation and recording to be secured via planning condition (draft condition provided).

23.8.21: Does not wish to add to previous comments.

### **Natural England:**

14.6.21: No objection; provides guidance in relation to consideration of development proposals in a protected landscape (AONB); refers to standing advice regarding Sites of Special Scientific Interest, Biodiversity Duty, Protected Species (and habitats), Ancient Woodlands/Trees, Environmental Enhancement and other related matters.

## **Northern Gas Networks:**

2.6.21: No objection. Advises in respect of gas apparatus likely to be present in the locality, and the need to approach the gas provider in advance of development.

## **Burgh-by-Sands Parish Council:**

23.6.21: Response set out in two sections: Observations and Objections.

### Observations:

- (i) acknowledges that this site should be developed but draws attention to the fact that this is an important archaeological site with Hadrian's wall, Vallum, Fort and Vicus in close proximity to the site.
- (ii) notes that the Historic Environment Officer recommends a full archaeological investigation recording and achieving so that a permanent and publicly accessible record is made of them.
- (iii) Notes that the site should be the subject of an archaeological investigation to record these assets in advance of development and is submitted by the applicant and approved in writing by the Local Planning Authority.
- (iv) Observes that demolition works have to be approved by the Local Planning Authority in order to protect any underlying archaeological remains.
- (v) Requests that the Conservation Officer and the Planning Authority are involved at every stage to closely monitor progress on this important site.
- (vi) Highlights Policy HE 2 of Carlisle District Plan 9.9 - 13 - emphasises the fact that these assets are valuable, finite, irreplaceable and fragile resources and are vulnerable to a wide range of human activities and natural processes.
- (vii) Recommends that the setting of the surrounding listed buildings that are in close proximity to this proposed development and should be preserved so that the proposals will minimise any adverse impact on their setting (refers specifically to Local Plan Policy HE 3).
- (viii) States that several buildings are adjacent to the proposed development:  
  
Grade 2 Listed Cross farm house and cruck barn  
Grade 2 Listed Buckbottom Farm House and barn  
Grade 2 Lamonby Farm, an important Listed building of more than special interest and Grade 2 Listed Rosemount are close to this site.
- (ix) Observes that the restoration and development of the existing brick built barn on the roadside would appear to be necessary to prevent further decay and deterioration as has happened since the site was purchased from the original owners of a then working Farm over 14 years ago; and that the plans show a sympathetic reuse of materials where possible.

- (x) Points out that there are rarely school places available locally.

**Objections:**

- (xi) Detailed plans for the drainage of the site do not appear to have been submitted and the Parish Council yet again wishes to point out the drainage problems in the area and that UU regularly have to service the drainage in the area close by. The main sewerage pipe is ancient and with the additional number of houses now built in Burgh this added development will exacerbate the problem. Surface water is also an issue and hard surfaces should be kept to a minimum.
- (xii) The windows and doors of the bungalows should be in keeping with the surrounding properties i.e. Timber and not UPVC as has been required of renovations to adjacent properties regardless of their position.

31.8.21: Additional comments received: "Keeping the end of the building is a good proposal and the rearrangement of the windows etc will also be to the good (fenestration), keeping with the Council's previous comments to be retained and considered."

**Solway Coast AONB Unit:** - No response.

**Environment Agency:-** No response.

**United Utilities:**

1.6.21: No objection; provides advice relating to surface water dispersal, wastewater disposal, water supply and requirements in relation to its own assets.

**National Amenity Society:** - No response.

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

### **Policy Framework:**

- 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 proposed development requires to be assessed against the National Planning Policy Framework (NPPF - 2019 - as amended in July 2021) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.4 below.
- 6.3 The main issues, as listed earlier in the report, are as follows:
- (i) Whether the development principle is acceptable
  - (ii) Scale of development

- (iii) Design, layout and materials
- (iv) Heritage impacts (listed buildings/conservation areas)
- (v) Heritage impacts (archaeology/Hadrian's Wall)
- (vi) Landscape and visual impacts (Solway Coast Area of Outstanding Natural Beauty)
- (vii) Drainage impacts
- (viii) Biodiversity
- (ix) Road safety
- (x) Private amenity impacts

6.4 Taking into consideration the range and nature of matters for consideration in respect of this planning application, the following Policies of the aforementioned Local Plan are of relevance to this application:

Policy SP 1 - Sustainable Development  
 Policy SP 6 - Securing Good Design  
 Policy SP 7 - Valuing our Heritage and Cultural Identity  
 Policy HO 2 - Windfall Housing Development  
 Policy IP 2 - Transport and Development  
 Policy IP 3 - Parking Provision  
 Policy IP 5 - Waste Minimisation and the Recycling of Waste  
 Policy IP 6 - Foul Water Drainage on Development Sites  
 Policy CC 3 - Energy Conservation, Efficiency and Resilience  
 Policy CC 5 - Surface Water Management and Sustainable Drainage  
 Policy CM 5 - Environmental and Amenity Protection  
 Policy GI 3 - Biodiversity and Geodiversity  
 Policy HE 1 - Hadrian's Wall World Heritage Site  
 Policy HE 2 - Scheduled Ancient Monuments and Non-Designated Archaeological Assets  
 Policy HE 3 - Listed Buildings  
 Policy HE 7 - Conservation Areas  
 Policy GI 2 - Areas of Outstanding Natural Beauty  
 Policy GI 6 - Trees and Hedgerows

#### **Applicant's Supporting Information:**

##### *Planning Statement (Summit Town Planning):*

6.5 A summary of the matters of relevance covered within the Planning Statement is as follows:

- (i) Advises that the barns within the site are considered curtilage listed by virtue of being formally in the same land ownership as Buck Bottom Farmhouse
- (ii) Lists planning history of the site in the context of the current application(s)
- (iii) Advises that the application responds to concerns raised in relation to the most recent planning application
- (iv) Describes the site and surroundings, confirming proximity of other development and settings (including heritage) in proximity
- (v) Confirms that buildings on site at present already have consent to be

- demolished
- (vi) Describes the proposals submitted, making reference to previous approved applications (2013 scheme) and elements thereby already consented
- (vii) Explains changes made by comparison to approved 2013 scheme e.g. two storey to single storey dwellings
- (viii) Summarises planning policy (national and local) considered to be relevant (NB - references to NPPF not up to date as it has been updated since the Statement was prepared)
- (ix) Seeks to explain why the development would be acceptable in the context of national and local planning policies
- (x) Advises that the curtilage barns are NOT listed, reflecting on the Historic England listing description
- (xi) Undertakes an assessment and advises why current scheme should be accepted, referring specifically to heritage matters
- (xii) Attempts to clarify position in relation to heritage status of the buildings
- (xiii) Describes benefits considered to arise from the development proposed in terms of public amenity improvement (tidying up of site etc)
- (xiv) Discusses impacts on private amenity and biodiversity, confirming that in both cases the application is acceptable in policy terms
- (xv) Ends with conclusion/summary relating to matters discussed in more detail throughout the Statement

*Structural Report (Bingham Yates Ltd 2019):*

- 6.6 The structural report indicates that re-use of the buildings intended to be demolished within the site (brick/stone buildings present at this time, not previously demolished modern buildings now cleared from the site) is not practicable given their poor structural condition arising from decay and damage caused over time. It indicates that works required to enable the buildings to be kept would be invasive and that the buildings may not be able to withstand them. It is advised that consideration should be given to demolition as the preferred option, in the light of their condition.

*Historic Impact Assessment (Summit Town Planning):*

- 6.7 A summary of the matters of relevance covered within the Historic Impact Assessment is as follows:
- (i) Confirms that barns referred to are curtilage structures to the listed Buckbottom Farmhouse, and are within Burgh Conservation Area
  - (ii) Advises that the planning application is accompanied by a Level 2 survey of the barns, details of the replacement buildings and archaeological survey
  - (iii) Advises that site is within the setting of a listed building, within Burgh by Sands Conservation Area, the Solway Coast Area of Outstanding Natural Beauty, the Hadrian's Wall Buffer Zone and that the Scheduled Ancient Monument of the vallum lies to the rear of the site.
  - (iv) Provides overview of national policy relevant to consideration of applications involving heritage assets
  - (v) Refers to documents published by Historic England regarding

- development in relation to heritage assets
- (vi) Describes the current proposals in the context of surrounding heritage structures and settings
- (vii) Advises that the site as a whole is considered to contribute to the conservation area as part of the wider landscape, and that the red brick barn to the frontage in particular provides a positive element of the conservation area as a striking building. Opines that views into the rest of the site are limited by the gap between the red brick barn and the farmhouse, and concludes that, as a whole, the site makes a low contribution to the overall significance of the conservation area
- (viii) Explains how the development would have a positive impact on the setting of the conservation area
- (ix) Describes historic and current context of Buckbottom Farmhouse
- (x) Opines that the development has been designed to respond favourably to the setting of this asset, and that the re-use of the site behinds it for housing, in an appropriate way, is positive in planning terms
- (xi) Describes the significance of the site and scheme in the context of Hadrian's Wall World Heritage Site
- (xii) Advises that the development would result in the site moving from vacant to residential; that the site lies within a developed area and work has been undertaken in relation to archaeological trenching to ensure that nothing unexpected in relation to the Roman history of the area is encountered; and that further archaeological work is expected to be undertaken prior to development
- (xiii) Ends with conclusion/summary relating to matters discussed in more detail throughout the Statement. Specifically advises that any harm perceived to be caused by the development is considered to be outweighed by the provision of new housing and the retention of the red brick barn giving it a viable future.

*Design and Access Statement (Black Box Architects):*

6.8 A summary of matters of relevance within this document is as follows:

- (i) Describes the site and setting and gives detailed commentary on proposed barn conversion
- (ii) Describes context of new-builds to rear and intended demolition of existing barns
- (iii) Discusses intended materials and (hard) landscaping
- (iv) Confirms that drainage will be taken to existing connection in the main road

NB This document is not up to date because it does not reflect the revised scheme submitted in response to officer/agent discussion in August 2021.

*Contamination Statement (Summit Town Planning):*

6.9 The statement advises that it is the landowner's understanding that the land has historically been used as a farm yard, and that the buildings were used for animal housing and have now been removed. It is advised that there is no

evidence on site to suggest that the site has any issues in relation to the contamination of land.

Tree Report (Westwood Landscape 2019):

- 6.10 A summary of the matters of relevance from within this statement is as follows:
- (i) Comprehensively describes all trees adjoining the development
  - (ii) Advises that row of birches, single Ash and two Dawn Redwood trees should be retained
  - (iii) Provides technical information relating to future protection of trees
  - (vi) Reflects that all trees are protected due to their situation within the conservation area
  - (v) Recommends that replacement tree planting is undertaken to compensate for the minor loss of landscape and amenity value accruing.

NB It should be noted that the report relates to drawings forming part of the 2013 scheme approval. However, it is still relevant to the current application and therefore advice within it can be accepted.

Archaeological Evaluation (CFA Archaeology):

- 6.11 The evaluation report (from 2006) provides a detailed analysis of the ground within the site, and advises in conclusion that the majority of the features evaluated within the site, between the Wall and the Vallum appear to Roman in date and may be associated with the later phases of occupation of the civilian settlement at Burgh-by Sands, rather than directly associated with the frontier defences.
- 6.12 It is clear from this supporting document that the site is archaeologically sensitive and therefore further consideration must be given to evaluating it, in the context of the current scheme.

Draft Bat Survey Report (Hesketh Ecology, 2020):

- 6.13 This report includes an Executive Summary. It states:

*This report relates to a bat survey carried out on the barns / outbuilding at Buck Bottom Farm, Burgh by Sands. A proposal exists to convert the traditional barn to provide 1x no. residential unit, demolish the smaller barn and collapsed outbuilding to create an additional 3x residential units on the site.*

*The findings of the survey effort, including two dusk activity surveys undertaken during the peak season for bats, concluded there is a common pipistrelle roost present in the main barn, used by low numbers of bats.*

*As the proposed development will result in the modification / damage to the roost, the work will require a Natural England Licence in order to legally*

*proceed. An application to NE can only be applied for once planning consent has been granted.*

*Adhering to the mitigation scheme will ensure there are no long term impacts to local bat populations from the proposal.*

*At least three different species of bat were observed during the surveys and the site is used by pipistrelle species foraging and commuting. The site is considered to be of some importance to local bat populations.*

*External lighting on site must be kept to a minimum and adhere the design set out in Chapter 8, with no light spillage on the surrounding habitat to the east, south and west site boundaries.*

*To ensure no risk of impact on breeding birds any grounds clearance and demolition to the buildings should take place outside of the breeding bird season. If works are to be undertaken during the bird breeding season (March - September) an ecologist should check for any signs of active nests prior to works.*

*To ensure continued opportunity for the swallows on site the project could install swallow cups to any suitable overhang, or the canopy walkways to the 3x bungalows would also provide suitable nest opportunity. Timber boards can be fitted along the wall - 20cm down from the roof tie and 20cm in width to collect droppings and avoid mess beneath the nest sites.*

## **Assessment**

### *Whether the development principle is acceptable:*

- 6.14 In terms of the development of additional housing within existing sustainable settlements, the principle is acceptable because it generally complies with Policy HO 2. The scale of development is proportionate to the site, and the layout and density is similar to the previous layout approved under the 2013 references.
- 6.15 To a great extent, the principle was established in 2013; although the current Local Plan was not in effect in 2013, housing policy relating to infill/windfall in settlements was highly similar within its predecessor. The current proposals would utilise the same access arrangement as previously accepted.
- 6.16 In terms of the development principle, therefore, this proposal accords with Policy HO 2 and with other overlapping policies in the Plan such as SP 1, in particular with regard to appropriate augmentation of existing service settlements. The application also accords with the NPPF in terms of the development principle.

### *Scale of development:*

- 6.17 The scale of the proposed development is the same as the scale of development approved under the 2013 references, and remains compatible



with the surrounding settlement and nearby developments. The proposals do not represent either an over or underdevelopment of the site and the use of single storey dwellings enables a hierarchy of development to be maintained, especially with regard to the primary building(s) between the majority of the site and the public road. The development is a form of 'backland' development which would also be visible from the scheduled monument (Vallum) immediately to the south, so upward scale is highly important here. Keeping the development relatively low helps its scale to be in-keeping with the broader village/heritage setting. The scale of development, compared to the 2013 scheme as approved, is better related to the overall site and its surroundings.

- 6.18 In these respects, therefore, the application is not in conflict with Policies HO 2 or SP 6.

*Design, layout and materials:*

- 6.19 First, it must be noted that the 2013 permission/consent has established a range of principles relating to this subject area. The barn was approved with a range of openings and existing materials largely retained, although negotiation led to changes - reduction in the number of openings in the principal (west) elevation and increase in the number of openings to 3 (from 2) in the north elevation.
- 6.20 The three dwellings in the rear of the overall site were largely pseudo-traditional townhouses within the 2013 scheme, and with the change to single storey dwellings this is more logical and arguably natural where backland development is concerned, to enable a greater sense of hierarchy to be maintained. The hierarchical relationship between the surrounding buildings (including Buckbottom Farm) and the development would be more akin to a farmhouse and its subservient outbuildings.
- 6.21 The materials palette is reasonable and does not substantially deviate from the palette included with the 2013 scheme, although proposed windows are uPVC as opposed to timber which has promoted an objection by the Burgh Parish Council. However, the windows would be so far from the public road that it would be difficult to discern that this material has been used from the public realm of the Conservation Area, including the area of the Vallum, which would inevitably be screened by either fencing or hedging (the current proposal is for a 1.5m high timber close-boarded fence to be installed).
- 6.22 The change from the 2013 scheme in terms of the rear boundary to the overall development (from 0.9m high post and wire fence to 1.5m high close-boarded fence) is significant as it would enclose the site from the scheduled monument. In relation to the 2013 scheme, the taller two-storey houses would have been viewed readily from this area which, although not open to public access, is open paddock with a visual interrelationship with the site. It is possible, although not currently proposed, that this area could be made accessible to the public at some point in the future.
- 6.23 This area of the scheme is challenging to balance, especially in the context of

the previously approved 2013 scheme and the greater impacts that would have been likely compared to the current scheme. Enclosure of the site with a close boarded fence would ensure that the back elevations of the new dwellings at the rear of the site are screened but the fence itself is not a positive visual component, because it would disenable the connectivity between the site and the Vallum monument. In the long term, although it is accepted that screening would be a requirement to ensure privacy to some extent for the new residents, perhaps a gentler solution would have seen the introduction of a hedgerow of mixed native species, giving the rear of the site a more organic feel as opposed to the current suburban arrangement proposed.

- 6.24 The applicants are content that the proposed close boarded fence represents an appropriate treatment of the rear boundary in the context of the current application. It can be accepted that (over time) timber weathers generally to a grey although there would be little possibility of controlling the colour of this being changed by residents - painting a fence is generally not controllable through planning.
- 6.25 However, although this element has not been proposed with the greatest amount of harmony and empathy envisioned, its position is not so prominent as to make the element unacceptable in the context of the overall scheme.
- 6.26 In respect of this subject area, therefore, the application can largely accord with Policies SP 6, HO 2, HE 7 and HE 1 of the Local Plan.

*Heritage impacts (listed buildings/conservation areas):*

- 6.27 The range of outbuildings close to the eastern boundary is listed by association with Buckbottom Farmhouse. The proposed conversion of the barn to a dwelling, partial demolition of the remaining barns in this area to open up the site, and alterations to the front boundary wall all require Listed Building Consent (LBC). 21/0514 is the related LBC which will be the subject of a separate report.
- 6.28 At this point in the Burgh Conservation Area there is a cluster of listed buildings and it is part of the main street scene/setting. The development would easily be viewed from public vantage points at close quarters, especially the frontage barn and the front boundary wall. Changes to the frontage and barn in particular, but also the placement of the dwellings in the rear wider curtilage of Buckbottom would have significant effects on this local heritage setting. Burgh in itself in a wider sense is a good quality conservation village with a strong heritage core in and around this eastern area (focussed on the crossroads at 'Burgh Head') including a range of undesignated and designated assets.
- 6.29 The previous scheme approved under 13/0047 and 13/0048 is influential and comparison between what is now proposed and what has been approved in detail is reasonable. Substantial demolition was approved in relation to the two southernmost sections of building in the eastern range in a highly similar arrangement to that now proposed, with a section of back wall being retained.

Conversion of the front barn was approved with many similar elements as proposed now; however, the prominent front elevation facing the main public road is considered to be of poorer design this time around with an excess of openings and/or incompatible arrangement, rhythm and scale of openings, which in combination makes this elevation highly domesticated. It is a blank brick gable end at present, which is characteristic of northern walls of farm buildings in many settings. Planning permission and LBC have been granted for the insertion of three openings in this elevation (two at upper floor and one at ground floor level(s) in a manner previously agreed by the Conservation Officer. However, the current arrangement is considered to be less sympathetic and not to relate particularly well to the setting which is so close to Cross Farm and Buckbottom, with Lamonby opposite. The approved scheme includes three narrower windows arranged and designed to harmonise with this elevation; whereas, the current scheme includes a window array which seems excessive in terms of its external arrangement, and potentially unnecessary (or possible to re-design so that it is more sensitive).

- 6.30 The matter of windows, and their arrangement etc in the context of this application, the associated LBC application, in the context of national and local policy and in terms of its impacts on the heritage resources in existence locally will have to be appraised in the overall planning balance, if these issues are the only issues of planning significance arising. The applicants argue that great weight should be given to the impact in terms of energy usage to light dark rooms during the day if the amount of window is reduced.

*Heritage impacts (archaeology/Hadrian's Wall):*

- 6.31 The site is known to be sensitive because of its subterranean archaeology, which was investigated and evaluated in detail in relation to the 2013 scheme. Similar attention would inevitably be necessary in relation to the current scheme.
- 6.32 Consultation responses from both Cumbria County Council's Archaeology specialist and from Historic England have indicated similarly that the matter of archaeology, although known and previously investigated, has not been discharged in relation to the current proposals. Both have indicated that conditions would be required to ensure an acceptable level of investigation is undertaken in relation specifically to the current scheme. This approach is agreed by officers and, in the event of planning permission being granted, would promote the inclusion of relevant conditions to ensure that any further investigation required and associated evaluation is secured. This would enable the proposed scheme to accord with the intentions of policies HE 1 and HE 2, as well as with the NPPF.

*Landscape and visual impacts (Solway Coast Area of Outstanding Natural Beauty):*

- 6.33 In terms of its broader impacts on the landscape, the effects of development are highly likely to be localised and not harmful. Although the entire village of Burgh is included in the AONB designation, it is more likely that substantial

developments on its margins would relate to the AONB setting.

- 6.34 The current proposal would be able to be visually contained within the village structure and would not have wider impacts on the AONB setting; and while Burgh is an integral part of the overall AONB it would be more logical to consider visual effects in the context of the village and heritage settings at closer range.
- 6.35 The development is not in conflict with Policy GI 2.

*Drainage impacts:*

- 6.36 Within the submitted Design and Access Statement, it is stated that drainage would be connected into the existing system in the main road. It is clarified within the application form that foul drainage for the development would be connected into the United Utilities main sewer drain. It is also indicated that surface water would be dispersed via a sustainable drainage system. Despite these indications, there is no graphical or technical information to indicate where the drainage would be placed or where the connection is in the main road.
- 6.37 The Parish Council has raised this as an issue in its objections. The consultee is concerned that the existing mains sewer would not cope with the additional drainage burden, and also that less permeability could promote surface water problems.
- 6.38 United Utilities has indicated that it does not object to the application and has not recommended any conditions even in the absence of firm proposals.
- 6.39 The indication that foul water would be connected to the existing mains sewer and that a sustainable drainage system would be provided for surface water dispersal accords with the NPPF and with adopted Policies IP 6 and CC 5. It is unfortunate that this detailed full application includes no information about the whereabouts of the existing and proposed infrastructure; however, this is a subject that could reasonably be covered by planning conditions if permission is granted. This would be consistent with the management of the subject in relation to the 2013 scheme.

*Biodiversity:*

- 6.40 The application site is known to provide for bats using at least one of the redundant buildings. An up to date bat survey report has been provided, within which this is acknowledged and proportionate mitigation is proposed. It is accepted that the development could be undertaken in accord with Policy GI 3, as long as the mitigation is undertaken. In the event of planning permission being granted, this would appropriately be secured through planning condition(s).
- 6.41 Introducing purpose provided mitigation for bats and birds can be described as achieving 'net gain' in relation to biodiversity. It can therefore also accord with the NPPF.

Road safety:

- 6.42 The application would use an altered eastern access and relatively unaltered western access to achieve a 'looped' route for all vehicles to use. This is consistent with the previous planning permission. It would entail relocation of the existing eastern access so that visibility is achieved to an acceptable standard in both directions along the public road.
- 6.43 Impact on road safety has been raised in objections to the scheme, but it would be difficult to argue that the scheme would promote any greater change to road safety than the 2013 scheme. Conditions from the 2013 permission would be transferable, potentially with adjustment, to the current scheme. These would adequately protect road users including users of the nearby pavements.
- 6.44 The application is therefore considered to be in accord with Policies IP 2 and IP 3 of the Local Plan.

Private amenity impacts:

- 6.45 The orientation and location of the new dwellings means that the impacts of new window openings would mainly affect future residential amenity of residents within the development itself. The new windows in the front (north) elevation of the barn conversion would be in excess of 21m from any existing windows opposite, serving primary rooms in other dwellings.
- 6.46 Because the new dwellings would be single storey as opposed to two-storey (2013 scheme refers), they would contain no upper floor windows and generally this reduces overlooking into others' private areas, although in this instance that is not considered to be a significant concern, because existing and proposed boundaries are either served well by hard and/or soft landscaping including existing trees; and the development is sited so that it does not come into direct opposition to existing development.
- 6.47 With regard to private amenity impacts, therefore, the application is able to accord with Policies SP 6 and HO 2.

**Conclusion**

- 6.48 In effect, this is an attempt to renew 13/0047 and 13/0048 but the application/proposal has been updated and changed to reflect the ambit of a different developer. Fundamental changes to the scheme include changing the 2-storey new-builds to single storey dwellings; lesser, but still significant changes arise in terms of interaction with heritage buildings and settings, especially with regard to the frontage building and the rear boundary treatment.
- 6.49 The main fundamental change to 'bungalows' has improved the hierarchy of development significantly in a local/heritage context by comparison to the 2013 scheme, and although the design approach (including materials) for the

new-builds is not exceptional and does not promote a conservation-led approach to design, the development impacts of these subservient items can be absorbed due to the strength of the heritage resource which is enveloped by substantial, prominent buildings including the listed Cross Farm and Buckbottom Farmhouse. The impact of the new-builds on the locality would be acceptable.

- 6.50 Matters of archaeology, drainage, biodiversity, road safety, tree protection and contamination could adequately be dealt with by condition, as they were in relation to the 2013 scheme - these considerations have not fundamentally changed. Broader impacts on the heritage and landscape resource are acceptable because the development effects would be localised.
- 6.51 There are still one or two issues which officers consider have not been fully, satisfactorily resolved. Firstly, attempts to reduce impacts on the barn to be converted have led to developer resistance on the basis that the scheme as submitted provides the optimum amount of light availability to rooms and is not harmful to the heritage resource. This is contested by the Carlisle City Council Conservation Officer and the case officer; however, the scheme as submitted (which has been slightly adjusted to make the fenestration in the northern end less regular) does enable the west/front elevation of the building to be retained largely as it is now. The west elevation is arguably the most sensitive to change, and during the consideration period for the 2013 scheme additional upper floor openings were deleted from the scheme, leading in turn to pressure to provide light via windows elsewhere. Although it would have been preferable for further adjustments to the northern end elevation to be made in the light of officer advice, its potential additional effects on the heritage resource over and above those already endorsed in the 2013 scheme are not overriding and can be accepted, on balance and in relation to the overall scheme.
- 6.52 The second issue of concern is that the rear boundary, as discussed under Design, Layout and Materials above. The boundary interacts with the Vallum, a scheduled ancient monument and part of the Hadrian's Wall World Heritage Site; this would be enclosed with 1.5m high close boarded fence as opposed to the 0.9m high post and wire fence agreed under the 2013 scheme. That would have the effect of partially cutting off the Vallum from the site, or rather having the development turn its back on the Vallum instead of finding a way to integrate or harmonise with it. This could perhaps be achieved by using the previously approved post and wire fence, but with augmentation through introduction of a native hedgerow. The significance of the monument cannot be underplayed, and every care should be taken to preserve its setting.
- 6.53 However, it is noted that the Vallum is not currently open in the context of public access, and in the light of this specific issue, although not ideal, the proposal to allow a close boarded fence may be acceptable.
- 6.54 All matters raised in objection to the scheme by third parties and the Parish Council have been considered and appraised in this report, alongside components that could have been improved, especially given the sensitive heritage setting and visual environs of the site. However, on balance, and in

particular having regard to the substantially improved hierarchy of buildings that would be achieved by comparison to the approved 2013 scheme, the changes to the northern elevation of the barn conversion, and the installation of a close boarded fence to the rear can be accepted because their impacts would not be harmful to the point where the scheme is rendered unsupportable.

- 6.55 The matters raised in representations from the aforementioned sources do not outweigh the general acceptability of the scheme, as revised in August 2021. The application, therefore, is recommended for approval subject to conditions.
- 6.56 The Committee may wish to note that affordable housing contributions agreed in relation to the 2013 scheme are not applicable in the context of the current Local Plan.

## **7. Planning History**

- 7.1 19/0389 - Erection Of 3No. Bungalows - Withdrawn 06/02/20
- 7.2 13/0048 - Erection Of 3No. Dwellings, Conversion Of Barn To 1No. Dwelling And Demolition Of Outbuilding (LBC) (Revised Application) - Approved 10/06/13
- 7.3 13/0047 - Erection Of 3No. Dwellings, Conversion Of Barn To 1No. Dwelling And Demolition Of Outbuilding (Revised Application) - Approved 16/01/14 (Subject to Section 106 Agreement)
- 7.4 13/0046 - Demolition Of Barns To Enable Proposed Development Of Erection Of 3No. Dwellings And 1No. Barn Conversion (Conservation Area Consent) (Revised Application) - Approved 10/06/13
- 7.5 12/0413 - Erection Of 3No. Dwellings; Relocation Of Access And Conversion Of Listed Barn To 1No. Dwelling - Withdrawn 11/01/13
- 7.6 12/0411 - Demolition Of Structurally Unsound Barns (Conservation Area Consent) - Withdrawn 11/01/13
- 7.7 12/0414 - Erection Of 3No. Dwellings; Conversion Of Listed Barn To 1No. Dwelling And Demolition Of Outbuilding (LBC) - Withdrawn 11/01/13
- 7.8 08/1168 - Erection of 3no. Residential Units and Relocation of Access Along with Conversion of Listed Barn to 1no. Residential Property (LBC) - Withdrawn 12/01/09
- 7.9 08/1159 - Erection of 3no. Residential Units and Relocation of Access Along with Conversion of Listed Barn to 1no. Residential Property - Withdrawn 12/01/09
- 7.10 08/0536 - Demolition Of 2no Brick Barns; Conversion Of 1no Brick Barn To Residential Unit And Erection Of 1.8m High Rendered Wall To Front Of Barn

To Facilitate Formation Of Private Garden Space (LBC) (Revised Application)  
(LBC) - Withdrawn 08/07/08

- 7.11 08/0535 - Conversion Of Barn To 1no Dwelling And Erection Of 8no Dwelling (Plot 7 Discounted 'Affordable' Unit) With Associated Road And Fences (Revised Application) - Withdrawn 08/07/08
- 7.12 07/0802 - Demolition of Brick Built & Tin Barns Prior To Site Redevelopment (CAC) - Approved 25/10/07
- 7.13 07/0800 - Demolition Of 2no. Brick Barns; Conversion Of 1no. Brick Barn To Residential Unit And Erection Of 1.8m High Rendered Wall To Front Of Barn To Facilitate Formation Of Private Garden Space (LBC) - Withdrawn 29/08/07
- 7.14 07/0799 - Conversion Of 1no. Barn To Dwelling, Erection Of 8no. New Dwellings And Realignment Of Entrance - Withdrawn 29/08/07

Associated History:

- 7.15 15/0861 - Replacement Of Wooden Painted C20 Casement Windows (LBC) - Approved 19/11/15
- 7.16 15/0406 - Continued Replacement Of Wooden Painted C20 Casement Windows (LBC) - Refused 16/07/15
- 7.17 14/0282 - Removal Of Rear Porch Extension And Opening Up Of New Doorway To South Elevation; Removal Of Part Of False Ceiling In Kitchen; Relocation Of Bathroom To First Floor Bedroom; Provision Of En-Suite To Master Bedroom (LBC) - Granted 28/05/14
- 7.18 07/0727 - Removal Of 1no. Gate Pier And Erection Of 1.8m High Rendered Wall To Rear (LBC) - Approved 12/10/07
- 7.19 06/0677 - Retention of works carried out to repair the east gable wall (LBC) - Approved 31/07/06
- 7.20 86/0753 - Demolition of barn and ancillary buildings, rendering of west gable end of Buckbottom farmhouse and construction of 1.6m high highway boundary wall (LBC) - Approved 07/10/87
- 7.21 86/0752 - Construction of 1.6m high highway boundary wall - Approved 07/10/87

**8. Recommendation: Grant Permission**

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

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



the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form;
  2. drawing ref. 20-113-06 'Site Location Plan', received on 24 May 2021;
  3. drawing ref. 20-113-03 'House Type Plot 1', received on 24 May 2021;
  4. drawing ref. 20-113-04 'House Type Plot 2 and 3', received on 24 May 2021;
  5. drawing ref. 20-113-02A (Revision A) 'Proposed Site Plan', published on the Carlisle City Council website on 6 August 2021;
  6. drawing ref. 20-113-05A (Revision A) 'Barn Ex and Proposed', published on the Carlisle City Council website on 6 August 2021;
  7. the Tree Report (Westwood Landscape) dated 3 June 2019, received on 24 May 2021, in particular the Tree Constraints Plan (dated 02/06/19) which identifies Root Protection Areas;
  8. the Planning Statement (Summit Town Planning) received on 24 May 2021;
  9. the DRAFT Bat Survey (Hesketh Ecology) dated 26.3.20, received 24 May 2021;
  10. the Design and Access Statement (Black Box Architects), received on 24 May 2021, insofar as it relates to proposed drainage, materials, layout and landscaping (but excluding drawings and references to the barn conversion, which was revised and which is referenced in Item 5 above);
  11. the Notice of Decision;
  12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Full details of all materials to be used on the exterior of the converted and new buildings, including the re-use where possible of reclaimed bricks following demolition of those buildings not being retained as part of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority before they are utilised within the development. The development shall thereafter be fully implemented in accordance with the details approved in response to this condition.

**Reason:** To ensure the development is harmonious with the sensitive local setting within Burgh-by-Sands Conservation Area, in the

vicinity of (and including) curtilage listed buildings and within the Solway Coast Area of Outstanding Natural Beauty and Hadrian's Wall Buffer Zone (adjacent to the Hadrian's Wall Vallum Scheduled Ancient Monument), to accord with Policies SP 6, SP 7, HE 2, HE 3, HE 7, HE 1, GI 2 and HO 2 of the Carlisle District Local Plan 2015-2030.

4. Prior to their implementation within the development, details of all proposed walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected shall be submitted to, and approved in writing by the local planning authority. The development shall be undertaken in strict accordance with the details approved in response to this condition.

**Reason:** To ensure the design and materials to be used are appropriate to the visual environs of the locality, and to ensure compliance with Policies SP 6, HE 7, of the Carlisle District Local Plan 2015-2030.

5. Details of the windows, doors, depth of recessing of windows and doors from the outer edge of any openings and treatment of all new openings in the barn conversion shall be provided prior to the formation of any new openings and/or installation of windows and doors within this building. The development shall be undertaken in strict accordance with the details approved in response to this condition.

**Reason:** To ensure the design and materials to be used are appropriate to heritage buildings and settings and to ensure compliance with Policies HE 3, HE 7 and SP 6 of the Carlisle District Local Plan 2015-2030.

6. Prior to the commencement of development, details of the proposed rainwater goods to be installed on the converted barn and the means of fixing said goods to the proposed dwellings shall be agreed in writing by the local planning authority. The rainwater goods shall then be installed in strict accordance with these details.

**Reason:** To ensure that the development is appropriate in terms of its appearance in the context of nearby listed buildings and the Burgh-by-Sands Conservation Area, and to accord with Policies SP 6, HE 3 and HE 7 of the Carlisle District Local Plan 2015-2030.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) the following forms of development within the provisions of Part 1, 2 and 14 to Schedule 2 of the Order shall not be undertaken without the express permission in writing of the council:

1. Extension or enlargement

2. Additions or alterations to roofs
3. Detached outbuildings
4. Porches
5. Chimneys and flues
6. Gates, fences, walls or other means of enclosure
7. Domestic renewable energy apparatus

**Reason:** The further extension or alteration of these dwellings, or alterations to boundaries, or erection of detached buildings requires detailed consideration to safeguard the amenities of the surrounding area, to accord with Policies SP 6, HE 1, HE 2, HE 3, HE 7 and GI 2 of the Carlisle District Local Plan 2015-2030.

8. Prior to commencement of the development hereby approved, details of all proposed foul and surface water drainage works shall be submitted to, and approved in writing by the local planning authority. The drainage works agreed in response to this condition shall be fully implemented and be operational prior to occupation of the first dwelling.

**Reason:** In the absence of any details of drainage in relation to the application, and to ensure acceptable means of surface and foul water dispersal/disposal, to accord with Policies IP 6 and CC 5 of the Carlisle District Local Plan 2015-2030.

9. For the duration of the development works, existing trees to be retained (G1 - row of Birch and T1 - Ash) as identified on the Tree Constraints Plan forming part of the approved Tree Report listed as an approved document in Condition 2 above shall be protected by suitable barriers erected and maintained in accordance with the specification within Appendix 4 to the Tree Report. The local planning authority shall be notified at least seven days before work starts on site so that barrier positions outwith the Root Protection Areas can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

**Reason:** To protect trees and hedges to be retained during development works, to ensure that their health is not compromised so that they can safely be retained for future amenity and biodiversity purposes, in accordance with Policy GI 6 of the Carlisle District Local Plan 2015-2030.

10. The development shall at all times be undertaken and occupied in strict accordance with the mitigation and actions stated in the DRAFT Bat Survey (Hesketh Ecology dated 26.3.20) stated as an approved document in Condition 2 of this planning permission, in particular those within Section 8 'Mitigation' and Section 9 'Summary', the latter of which includes provision for

'swallow cups' to be installed. All of the provisions introduced for bat and bird accommodation shall at all times be kept clear and maintained to enable them to be occupied by protected species of bat and bird.

**Reason:** The site is known to contain presence and activity, including roosting/nesting, of protected species including birds and bats. The mitigation measures identified within the aforementioned survey will ensure adequate mitigation is provided to offset potential disturbance and/or destruction of protected species and their habitats, to accord with Policy GI 3 of the Carlisle District Local Plan 2015-2030.

11. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological excavation relating to the current development scheme hereby approved in this planning permission, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

**Reason:** To afford reasonable opportunity for the examination and recording of the remains of archaeological interest that survive within the site, to accord with Policy HE 2 of the Carlisle District Local Plan 2015-2030, and to ensure the excavation/investigation reflects changes to the scheme since the first report was commissioned in 2006.

12. A programme of archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and submission of the results for publication in a suitable journal as approved beforehand by the Local Planning Authority (LPA) shall be carried out within one year of the date of commencement of the hereby permitted development or otherwise agreed in writing by the LPA.

**Reason:** To ensure that a permanent and publicly accessible record is made of the archaeological remains that have been disturbed by the development, to accord with Policy HE 2 of the Carlisle District Local Plan 2015-2030.

13. Prior to the commencement of development, a detailed methodology for the demolition and construction works shall be submitted to and approved by the local planning authority, relating to minimisation of potential impacts on the Grade II listed buildings at Cross Farm. The development shall thereafter be undertaken in strict accordance with the methodology approved in response to this condition.

**Reason:** To ensure that the Grade II listed building(s) at Cross Farm, in particular the 'Cruck barn' south of the main farmhouse, are protected from potential damage during demolition and construction works, to ensure that development is undertaken in accordance with Policy HE 3 of the Carlisle District Local Plan 2015-2030.

14. Prior to the demolition of any buildings on site a detailed methodology for the demolition works shall be submitted to and approved by the local planning authority, to ensure that there is no damage to the underlying archaeological remains on the site. The demolition works shall be undertaken in strict accordance with the details approved in response to this condition.

**Reason:** To ensure that any underlying archaeological remains on the site are protected during demolition, in accordance with Policy HE 2 of the Carlisle District Local Plan 2015-2030.

15. There shall be no excavation of any kind within 5 metres of the Grade II Listed 'Cruck barn' at Cross Farm. The excavation of the foundations and the construction of any buildings within 10 metres of the Listed cruck barn at Cross Farm shall be carried out by hand.

**Reason:** To ensure that there is no adverse impact on the Listed cruck barn at Cross Farm, in accordance with Policy HE 3 of the Carlisle District Local Plan 2015-2030.

16. The access road and parking areas shall be constructed, drained and lit in strict accordance with details that have first been submitted to and approved in writing by the local planning authority, prior to the occupation of any of the dwellings hereby approved.

**Reason:** To ensure an acceptable standard of construction, drainage and lighting is provided, in the interests of amenity and highway safety and to accord with Policies SP 6 and IP 3 of the Carlisle District Local Plan 2015-2030.

17. No dwelling shall be occupied until the vehicular access to the site and parking accommodation for each of the four residential plots (including internal/covered parking space) has been completed in accordance with the approved plans and first made available for unobstructed use. The individual parking facilities shall be retained free from obstruction and capable of use for the parking of domestic vehicles at all times thereafter.

**Reason:** To ensure an acceptable standard of access and parking provision is available when the development is brought into use and during its occupation thereafter, to accord with Policies IP 2, IP 3 and SP 6 of the Carlisle District Local Plan 2015-2030.

18. No construction vehicles shall at any time park outwith the site either during or prior to construction works associated with the development.

**Reason:** To ensure that the local road network is kept clear from construction traffic, to ensure that the construction does not prejudice the safety of road users, including pedestrians, and to accord with Policy IP 2 of the Carlisle District Local Plan 2015-2030.

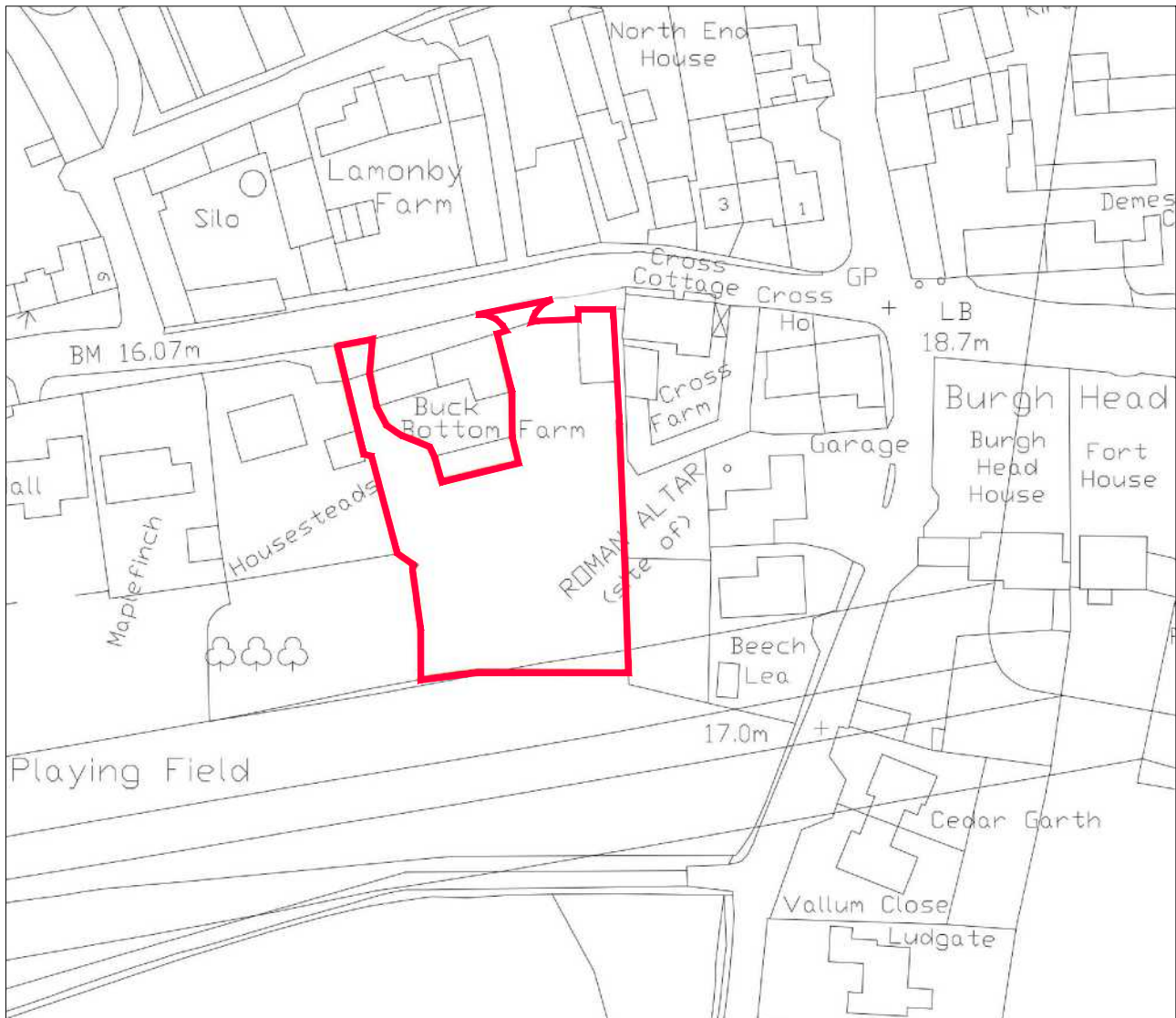
19. Hard and soft landscaping works shall be undertaken in strict accordance with details that shall first have been submitted to, and approved in writing by the local planning authority. Said details shall include timing/phasing of implementation in relation to occupation of the development, and aftercare.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP 6 and GI 6 of the Carlisle District Local Plan 2015-2030.

20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within a timeframe that has first been submitted to and approved in writing by the local planning authority and maintained thereafter in accordance with maintenance measures identified in the approved landscaping scheme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and maintained, in the interests of public and environmental amenity, in accordance with Policies SP 6 and GI 6 of the Carlisle District Local Plan 2015-2030.

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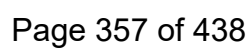


0 metres 50 metres

Project	<b>Buckbottom Farm, Burgh By Sands</b>			Black Box Architects Limited. 1 Devonshire Chambers 8 Devonshire Street Carlisle, Cumbria. CA3 8AD	
Drawing	<b>Planning Submission</b>	Revision		Scale	<b>1:1250</b>
Detail	<b>Site Location Plan</b>	Job no.	129-13-09	Date	May-21



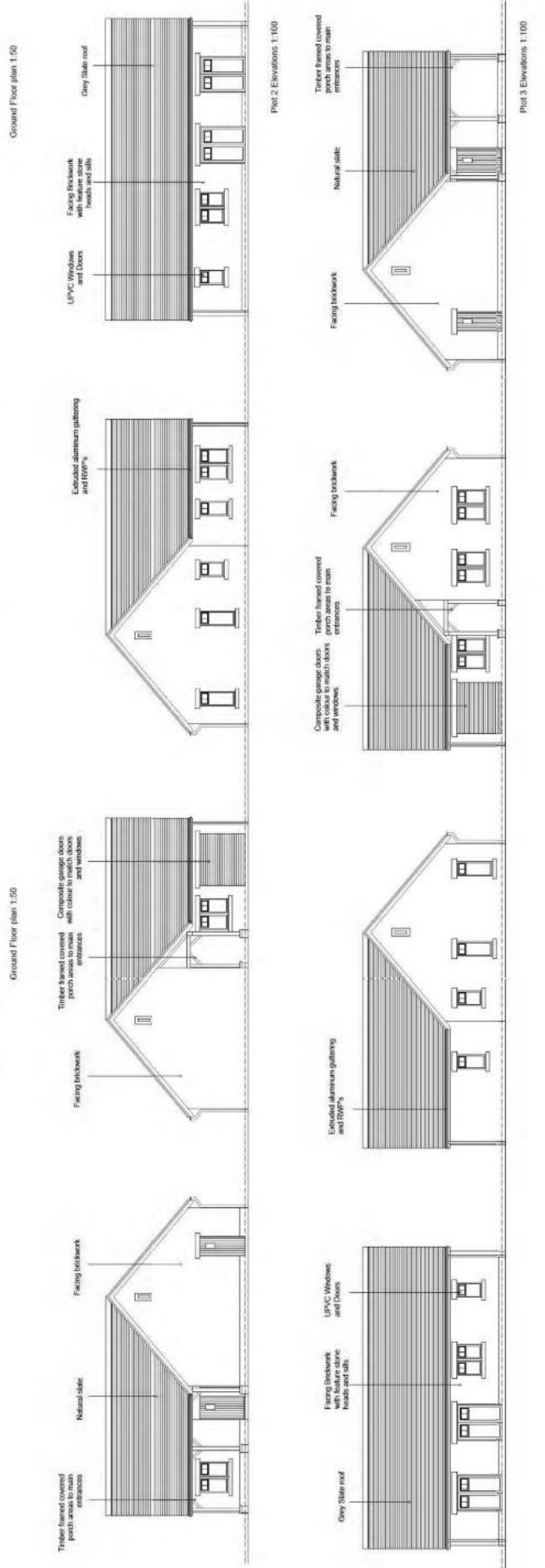




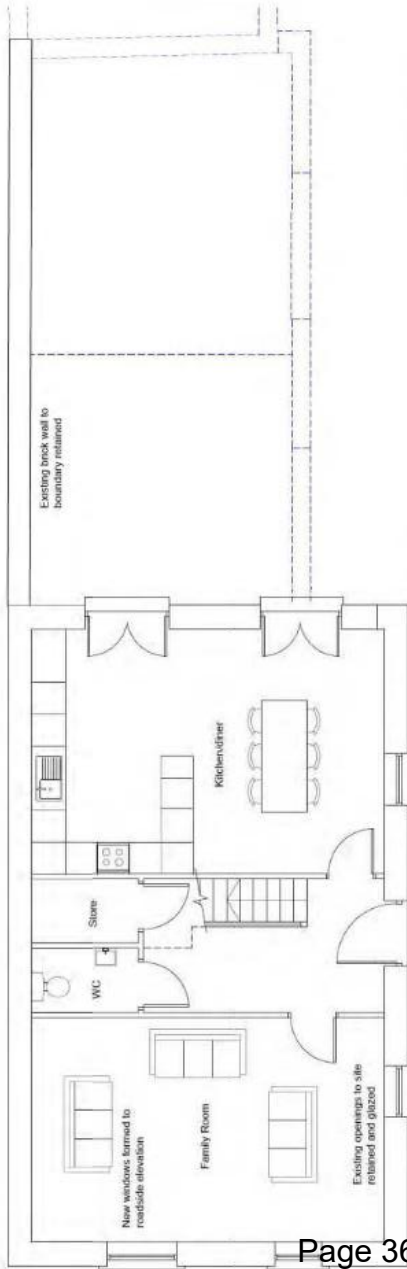


Website	 <p>Black Box Architects Ltd          1000 West Beaver Creek Road          Suite 1000, Richmond Hill          Ontario L4B 1N2          Canada          Tel: (905) 477-2888  <a href="http://www.blackboxarchitects.com">www.blackboxarchitects.com</a></p>		PLANNING SUB
Project	Blackdon Farm Burgly Fly Sands		
Staging	Planning Submission 3 house + Barn Conversion		
Detail	House Type Plot 1		
Issue	Sheet A1		
Date	Apr-21		
Job No.	20-113-03		Rev

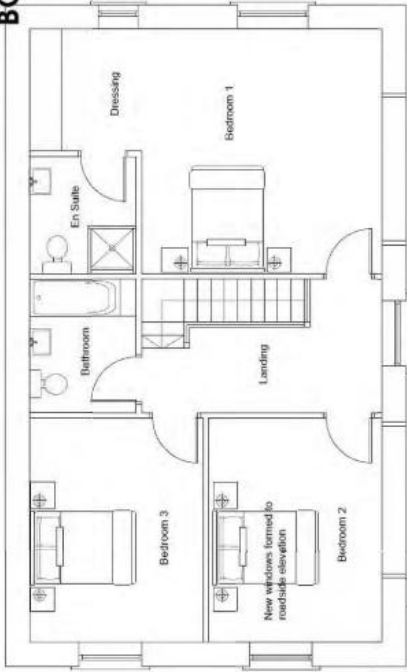




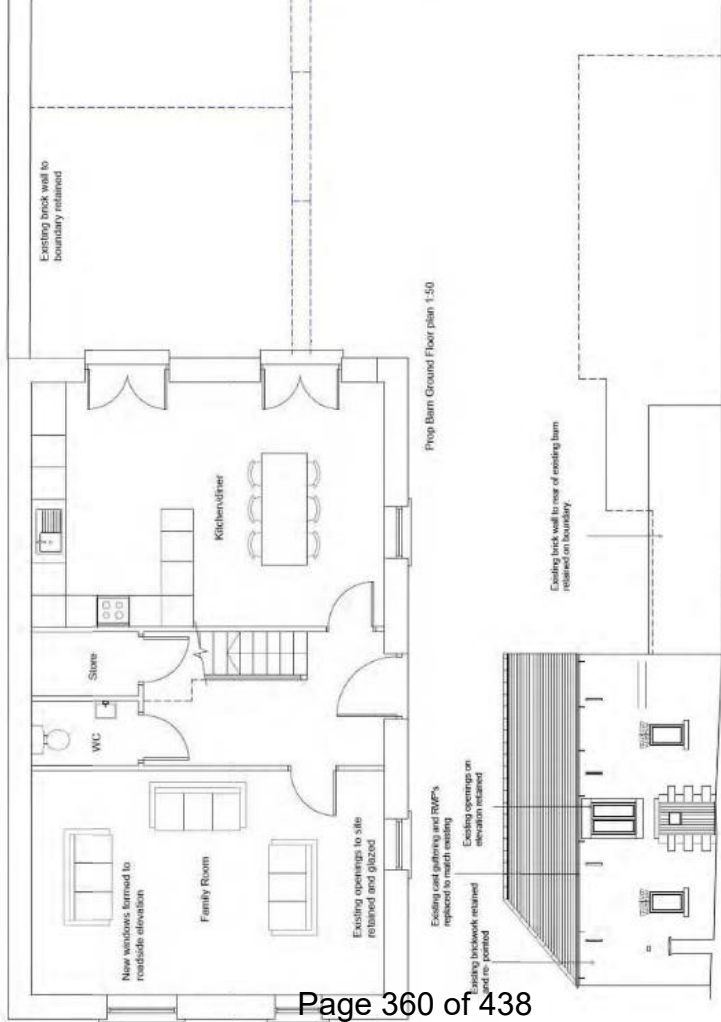
PLANNING SUB	
Project	Blackbottom Farm
Location	Burgh by Sands
Planning Submission	3 house + Barn Conversion
House Type	Plot 2&3
Drawn	Sheet A1
Date	May-21
Rev	20-113-04



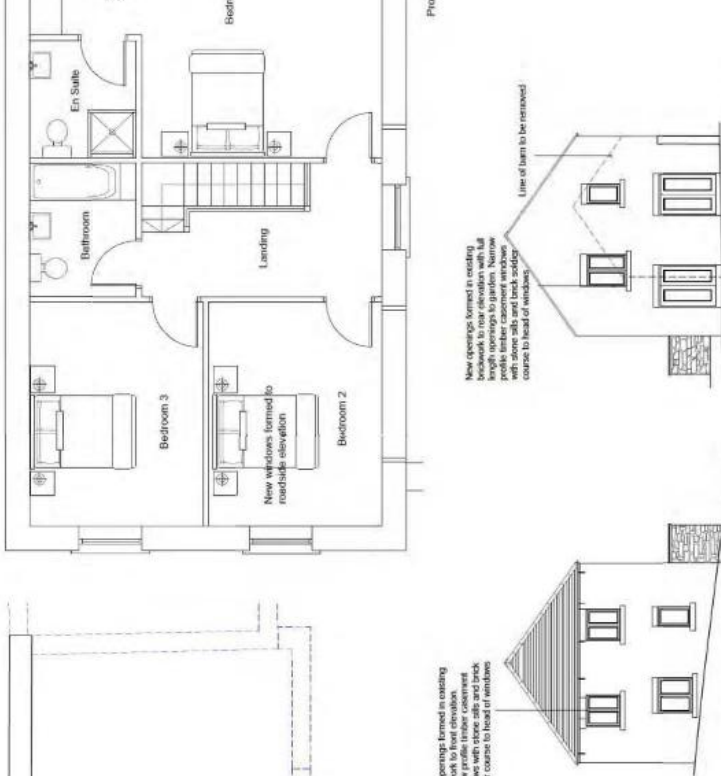
Prop Barn Ground Floor plan 1:50



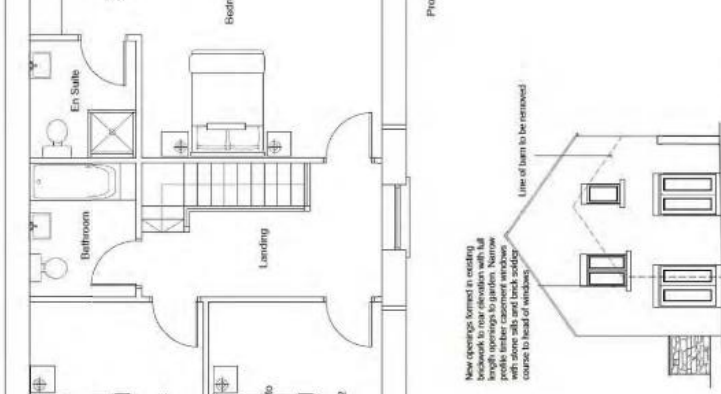
Prop Barn First Floor plan 1:50



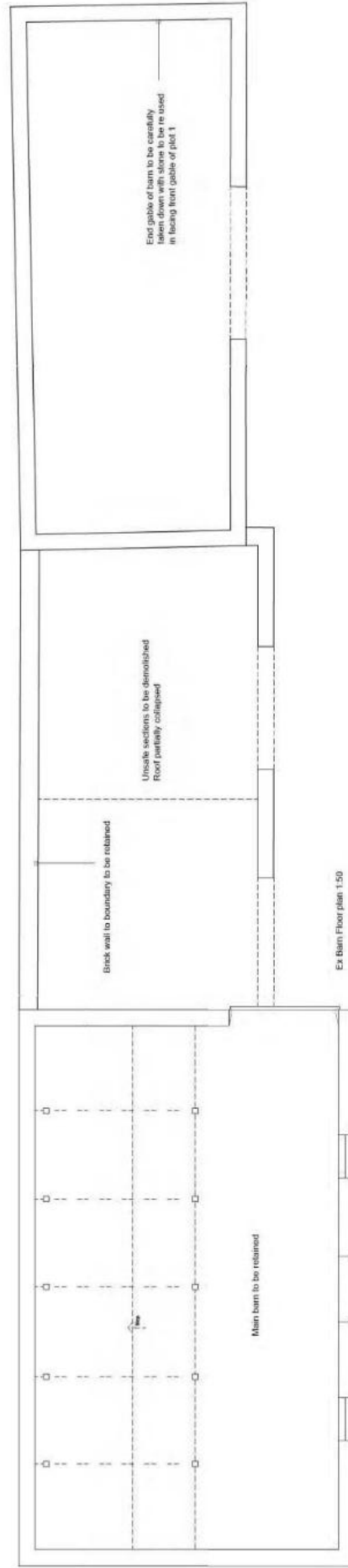
Proposed Side Elevation 1:100



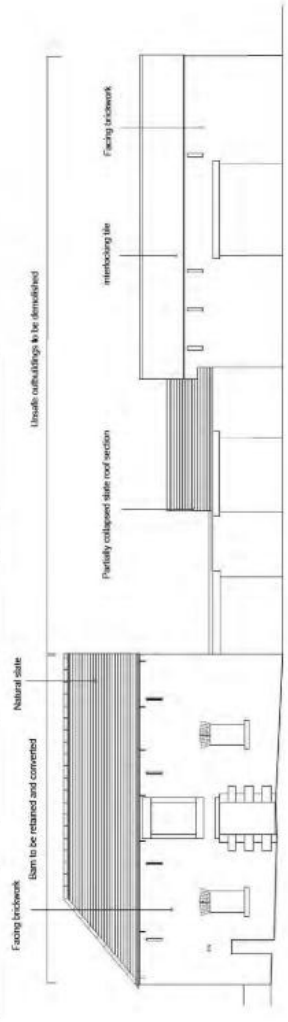
Front Elevation (roadside) 1:100



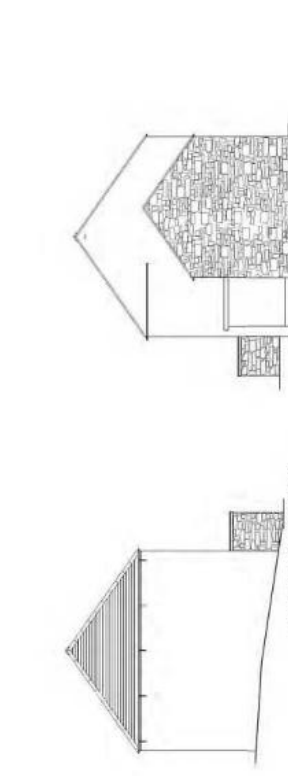
Proposed Rear Elevation 1:100



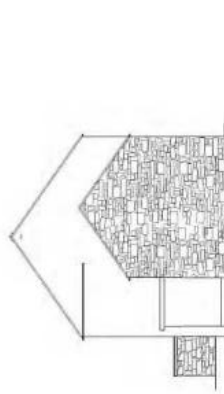
Ex Barn Floor plan 1:50



Sides Elevation 1:100



Front Elevation (roadside) 1:100



Rear Elevation 1:100

PLANNING SUB

BLACK BOX

TECHNICAL

Black Box Architects Ltd

10 Riverside Street

Cardiff, CF10 1AA

01446 402 288

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www.blackboxarchitects.com

Project	Blackbrook Farm
Location	Burgh By Sands
Planning	Planning Submission
Drawn	3 House + Barn Conversion
Date	20th May 2024
Scale	1:100
Sheet	20-113-05A

## SCHEDULE A: Applications with Recommendation

21/0514

Item No: 11

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0514

**Applicant:**  
Kirkaldy and Roe Ltd

**Parish:**  
Burgh-by-Sands

**Agent:**  
Summit Town Planning

**Ward:**  
Dalston & Burgh

**Location:** Buck Bottom Farm, Burgh by Sands, Carlisle, CA5 6AN

**Proposal:** Demolition Of 2no Barns; Conversion Of 1no. Barn To Dwelling And Erection Of 3no. Dwellings (LBC)

**Date of Receipt:**  
21/05/2021 16:00:49

**Statutory Expiry Date**  
16/07/2021 16:00:49

**26 Week Determination**

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### REPORT

**Case Officer:** John Hiscox

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Impacts of the proposed alterations and demolition on the historic fabric of buildings and structures listed by associated with the Grade II listed Buckbottom Farmhouse.

#### 3. Application Details

##### The Site

- 3.1 The application site is within the village of Burgh-by-Sands. It is situated on the south side of the C2042 public road that runs east-west through the village. It has two accesses, both gated, either side (east and west) of Buckbottom Farmhouse, which is a Grade II listed building facing north towards the road. The site is generally behind Buckbottom Farmhouse, but also includes the ground east and west which includes a traditional brick barn proposed for conversion.

- 3.2 The site includes several buildings close to the eastern boundary which are associated with Buckbottom Farmhouse and which are considered to form part of the Grade II listing, by association with it. The frontage section of the three sections of these buildings is proposed to be retained and converted to a dwelling; the remainder would be partially demolished to facilitate the development proposed. A section of front boundary wall would be modified to facilitate relocation of the existing eastern access. These are the listed components of the site the subject of this Listed Building Consent (LBC) application.
- 3.3 Opposite to the north, on the opposite side of the road are Lamonby (Farmhouse) (Grade II\* listed building) and a row of three dwellings known as White House, Rosemount Cottage and Rosemount. The central one of these (Rose Mount) is a Grade II listed building. Whereas Lamonby Farmhouse is perpendicular to the road with its long length being south-north, the row of three dwellings is parallel and is set back behind deep frontal curtilage areas.
- 3.4 The application site is within the core of the Burgh By Sands Conservation Area, and although Buckbottom Farmhouse substantially screens large parts of the site from the C2042, it is easy to see the ground behind that would be developed, and even easier to observe the brick building proposed to be converted, which is close to the road.

## **Background**

- 3.5 The Committee is advised that LBC was previously granted for similar works on this site through applications described in the planning history section of this report. However, development approved under previous permissions/consents has not technically been commenced, therefore there are no extant permissions in place.

## **The Proposal**

- 3.6 The overall site would be re-developed to provide 4no dwellings. One of said dwellings would be formed through conversion of a substantial brick barn close to the road. Part of the existing frontage wall would be demolished and rebuilt with the gateway in a different position, to provide the main access into the site. Part of the eastern range would be demolished to make way for the re-development. It is these components of the proposals that require LBC, because all of these items are listed by association with the Grade II listed Buckbottom Farmhouse.
- 3.7 The site itself has largely been cleared of the remains of buildings previously demolished (with relevant permissions/consents obtained).
- 3.8 The existing barn would be converted re-using existing openings in the west elevation, which would become the front elevation of the house. A range of new openings is proposed in both the rear (south) and roadside (north) elevations. It should be noted that both elevations are currently blank. Guttering, windows (timber), openings and pointing are described/mentioned

but not in any detail in the drawings.

- 3.9 To facilitate development, demolition of one entire building and most of a second building adjacent to the eastern boundary is proposed. It may be noted that these principles were established and agreed under previous planning references 13/0047 and 13/0048.

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

- 4.1 The application was advertised by way of a site notice, press notices and third party letters sent to three neighbouring addresses. In responses, letters of representation have been received representing two households: one in support, and one in objection.
- 4.2 A summary of the matters of relevance raised in support is as follows:
- (i) development would help support local employment;
  - (ii) tidying up of site (derelict and disused);
- 4.3 A summary of the matters of relevance raised in objection is as follows:
- (iii) adverse impact on heritage settings of nearby listed buildings;
  - (iv) level and nature of development too great for the site - would be more compatible if scaled down (fewer dwellings, more space);
  - (v) window frames in barn conversion should be timber to reflect heritage context, not uPVC or other;
  - (vi) development promoting fragmentation of curtilage of listed building;
  - (vii) historical/heritage statements inadequate - tell readers nothing of the history, significance or impacts.

#### **5. Summary of Consultation Responses**

**Cumbria County Council - (Archaeological Services):** - No objection/no comment.

**Historic England:** - Does not wish to offer any comments.

**Burgh-by-Sands Parish Council:** - Original response set out in two sections: Observations and Objections.

##### Observations:

- (i) acknowledges that this site should be developed but draws attention to the fact that this is an important archaeological site with Hadrian's wall, Vallum, Fort and Vicus in close proximity to the site.
- (ii) notes that the Historic Environment Officer recommends a full archaeological investigation recording and achieving so that a permanent and publicly accessible record is made of them.
- (iii) Notes that the site should be the subject of an archaeological investigation to record these assets in advance of development and is submitted by the

applicant and approved in writing by the Local Planning Authority.

- (iv) Observes that demolition works have to be approved by the Local Planning Authority in order to protect any underlying archaeological remains.
- (v) Requests that the Conservation Officer and the Planning Authority are involved at every stage to closely monitor progress on this important site.
- (vi) Highlights Policy HE 2 of Carlisle District Plan 9.9 - 13 - emphasises the fact that these assets are valuable, finite, irreplaceable and fragile resources and are vulnerable to a wide range of human activities and natural processes.
- (vii) Recommends that the setting of the surrounding listed buildings that are in close proximity to this proposed development and should be preserved so that the proposals will minimise any adverse impact on their setting (refers specifically to Local Plan Policy HE 3).
- (viii) States that several buildings are adjacent to the proposed development:  
  
Grade 2 Listed Cross farm house and cruck barn  
Grade 2 Listed Buckbottom Farm House and barn  
Grade 2 Lamonby Farm, an important Listed building of more than special interest and Grade 2 Listed Rosemount are close to this site.
- (ix) Observes that the restoration and development of the existing brick built barn on the roadside would appear to be necessary to prevent further decay and deterioration as has happened since the site was purchased from the original owners of a then working Farm over 14 years ago; and that the plans show a sympathetic reuse of materials where possible.
- (x) Points out that there are rarely school places available locally.

Objections:

- (xi) Detailed plans for the drainage of the site do not appear to have been submitted and the Parish Council yet again wishes to point out the drainage problems in the area and that UU regularly have to service the drainage in the area close by. The main sewerage pipe is ancient and with the additional number of houses now built in Burgh this added development will exacerbate the problem. Surface water is also an issue and hard surfaces should be kept to a minimum.
- (xii) The windows and doors of the bungalows should be in keeping with the surrounding properties i.e. Timber and not UPVC as has been required of renovations to adjacent properties regardless of their position.

**31.8.21:** Additional comments received: "Keeping the end of the building is a good proposal and the rearrangement of the windows etc will also be to the good (fenestration), keeping with the Council's previous comments to be retained and considered."



**Solway Coast AONB Unit:** - No response.

**Natural England:** - No objection.

**Ancient Monument Society:** - No response.

**Council for British Archaeology:** - No response.

**National Amenity Society:** - No response.

**Georgian Group:** - No response.

**Victorian Society :** - No response.

**Twentieth Century Society:** - No response.

**Northern Gas Networks:** - No objection. Advises in respect of gas apparatus likely to be present in the locality, and the need to approach the gas provider in advance of development.

**Society for the Protection of Ancient Buildings:** - Holding response received on 9.6.21, requiring clarification in respect of the barns affected by the application.

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

### **Policy Framework:**

6.1 Applications for Listed Building Consent require to be considered in relation to the Planning (Listed Buildings and Conservation Areas) Act 1990, and to be assessed against the National Planning Policy Framework (NPPF - 2019 - as amended in July 2021) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.3 below.

6.2 The main issue, as listed earlier in the report, is as follows:

- (i) Impacts of the proposed alterations and demolition on the historic fabric of buildings and structures listed by associated with the Grade II listed Buckbottom Farmhouse.

6.3 Taking into consideration the range and nature of matters for consideration in respect of this application for Listed Building Consent (LBC), the following Policy of the aforementioned Local Plan is specifically of relevance to this application:

Policy HE 3 - Listed Buildings

6.4 Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' is the main area of relevance within that national, overarching document.

### **Applicant's Supporting Information:**

#### *Planning Statement (Summit Town Planning):*

6.5 A summary of the matters of relevance covered within the Planning Statement is as follows:

- (i) Advises that the barns within the site are considered curtilage listed by virtue of being formally in the same land ownership as Buck Bottom Farmhouse
- (ii) Lists planning history of the site in the context of the current

- application(s)
- (iii) Advises that the application responds to concerns raised in relation to the most recent planning application
- (iv) Describes the site and surroundings, confirming proximity of other development and settings (including heritage) in proximity
- (v) Confirms that buildings on site at present already have consent to be demolished
- (vi) Describes the proposals submitted, making reference to previous approved applications (2013 scheme) and elements thereby already consented
- (vii) Summarises planning policy (national and local) considered to be relevant (NB - references to NPPF not up to date as it has been updated since the Statement was prepared)
- (viii) Seeks to explain why the development would be acceptable in the context of national and local planning policies
- (ix) Advises that the curtilage barns are NOT listed, reflecting on the Historic England listing description
- (x) Undertakes an assessment and advises why current scheme should be accepted, referring specifically to heritage matters
- (xi) Attempts to clarify position in relation to heritage status of the buildings
- (xii) Describes benefits considered to arise from the development proposed in terms of public amenity improvement (tidying up of site etc)
- (xiii) Ends with conclusion/summary relating to matters discussed in more detail throughout the Statement

*Structural Report (Bingham Yates Ltd 2019):*

- 6.6 The structural report indicates that re-use of the buildings intended to be demolished within the site (brick/stone buildings present at this time, not previously demolished modern buildings now cleared from the site) is not practicable given their poor structural condition arising from decay and damage caused over time. It indicates that works required to enable the buildings to be kept would be invasive and that the buildings may not be able to withstand them. It is advised that consideration should be given to demolition as the preferred option, in the light of their condition.

*Historic Impact Assessment (Summit Town Planning):*

- 6.7 A summary of the matters of relevance covered within the Historic Impact Assessment is as follows:
- (i) Confirms that barns referred to are curtilage structures to the listed Buckbottom Farmhouse, and are within Burgh Conservation Area
  - (ii) Advises that the planning application is accompanied by a Level 2 survey of the barns, details of the replacement buildings and archaeological survey
  - (iii) Advises that site is within the setting of a listed building, within Burgh by Sands Conservation Area, the Solway Coast Area of Outstanding Natural Beauty, the Hadrian's Wall Buffer Zone and that the Scheduled Ancient Monument of the vallum lies to the rear of the site.
  - (iv) Provides overview of national policy relevant to consideration of

- applications involving heritage assets
- (v) Refers to documents published by Historic England regarding development in relation to heritage assets
- (vi) Describes the current proposals in the context of surrounding heritage structures and settings
- (vii) Describes historic and current context of Buckbottom Farmhouse
- (viii) Opines that the development has been designed to respond favourably to the setting of this asset, and that the re-use of the site behinds it for housing, in an appropriate way, is positive in planning terms
- (ix) Describes the significance of the site and scheme in the context of Hadrian's Wall World Heritage Site
- (x) Ends with conclusion/summary relating to matters discussed in more detail throughout the Statement. Specifically advises that any harm perceived to be caused by the development is considered to be outweighed by the provision of new housing and the retention of the red brick barn giving it a viable future.

*Design and Access Statement (Black Box Architects):*

6.8 A summary of matters of relevance within this document is as follows:

- (i) Describes the site and setting and gives detailed commentary on proposed barn conversion
- (ii) Describes context of new-builds to rear and intended demolition of existing barns
- (iii) Discusses intended materials and (hard) landscaping

NB This document is not up to date because it does not reflect the revised scheme submitted in response to officer/agent discussion in August 2021.

*Archaeological Building Survey (Wardell Armstrong, 2017):*

6.9 This document is intended to be a Level 2 Recording (as per Historic England guidance) of buildings to be demolished/altered. It is set in the context of 13/0047 and 13/0048, the planning permission and LBC. However, it is relevant to the current application.

## **Assessment**

*Impacts of the proposed alterations and demolition on the historic fabric of buildings and structures listed by associated with the Grade II listed Buckbottom Farmhouse.*

6.10 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant planning permission.....for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

- 6.11 The range of outbuildings close to the eastern boundary is listed by association with Buckbottom Farmhouse. The proposed conversion of the barn to a dwelling, partial demolition of the remaining barns in this area to open up the site, and alterations to the front boundary wall all require LBC.
- 6.12 The development would easily be viewed from public vantage points at close quarters, especially the frontage barn and the front boundary wall. Changes to the frontage and barn would have significant effects on the heritage asset. The changes would also relate to the settings of Cross Farm (adjoining - Grade II), and to a lesser extent Lamonby Farm (opposite - Grade II\*).
- 6.13 The previous scheme approved under 13/0047 and 13/0048 is influential and comparison between what is now proposed and what has been approved in detail is reasonable.
- 6.14 Substantial demolition was approved in relation to the two southernmost sections of building in the eastern range in a highly similar arrangement to that now proposed, with a section of back wall being retained. This element of the proposals, in the context of this LBC application, can be accepted, having specific regard to the condition of the buildings which is now inevitably worse than when previous agreement was achieved in 2013.
- 6.15 Conversion of the frontage barn was approved with many similar elements as proposed now; however, the prominent front elevation facing the main public road is considered to be of poorer design this time around with an increase in the number of openings and a less sympathetic arrangement, rhythm and scale of openings, which in combination makes this elevation highly domesticated. It is a blank brick gable end at present, which is characteristic of northern walls of farm buildings in many settings. Planning permission and LBC were granted for the insertion of three openings in this elevation (two at upper floor and one at ground floor level(s) in a manner previously agreed by the Conservation Officer. However, the current arrangement is considered to be less sympathetic and not to relate particularly well to the setting which is so close to Cross Farm and Buckbottom, with Lamonby opposite. The approved 2013 scheme includes three narrower windows arranged and designed to harmonise with this elevation; whereas, the current scheme includes a window array which seems excessive in terms of its external arrangement and number of openings proposed, and potentially unnecessary (or at least possible to re-design so that it is more sensitive).
- 6.16 The applicants argue that the elevation as proposed, with its number and scale of openings is necessary to allow internal rooms to be adequately flooded with natural light, in particular to improve energy efficiency. The case is also made that negotiations undertaken previously to reduce impacts on the principal/primary west elevation have forced the need for new openings to other parts of the building, hence the increase in openings in the north (and south) elevations.

## **Conclusion**

- 6.17 In effect, this is an attempt to renew 13/0048 but the application/proposal has been updated and changed to reflect the ambit of a different developer. Noteworthy changes to the scheme include the interventions/demolitions relating to the (curtilage) listed buildings.
- 6.18 The main fundamental change to 'bungalows' has improved the hierarchy of development significantly in a local/heritage context by comparison to the 2013 scheme, and although the design approach (including materials) for the new-builds is not exceptional and does not promote a conservation-led approach to design, the development impacts of these subservient items can be absorbed due to the strength of the heritage resource which is enveloped by substantial, prominent buildings including the listed Cross Farm and Buckbottom Farmhouse. This is relevant to the current LBC application, in terms of the overall planning balance.
- 6.19 Officers consider that the issue of the north elevation of the barn conversion has not been fully, satisfactorily resolved. Attempts to reduce impacts on the barn to be converted have led to developer resistance on the basis that the scheme as submitted provides the optimum amount of light availability to rooms and is not harmful to the heritage resource. This is contested by the Carlisle City Council Conservation Officer and the case officer; however, the scheme as submitted (which has been slightly adjusted to make the fenestration in the northern end less regular) does enable the west/front elevation of the building to be retained largely as it is now. The west elevation is arguably the most sensitive to change, and during the consideration period for the 2013 scheme additional upper floor openings were deleted from the scheme, leading in turn to pressure to provide light via windows elsewhere. Although it would have been preferable for further adjustments to the northern end elevation to be made in the light of officer advice, its potential additional effects on the heritage resource over and above those already endorsed in the 2013 scheme are not overriding and can be accepted, on balance and in relation to the overall scheme. This balance takes account of the beneficial change arising from moving two storey to single storey new-builds on the ground behind, as assessed in the planning report for 21/0513.
- 6.20 All matters raised in objection to the scheme by third parties and the Parish Council have been considered and appraised in this report, alongside components that could have been improved, especially given the sensitive heritage setting and visual environs of the site. However, on balance, and in particular having regard to the substantially improved hierarchy of buildings that would be achieved by comparison to the approved 2013 scheme, the changes to the northern elevation of the barn conversion can be accepted because their impacts would not be harmful to the point where the scheme is rendered unsupportable. The remainder of the proposals have already been tested thoroughly via the 2013 applications, and have thereby been endorsed.
- 6.21 The matters raised in representations from the aforementioned sources do not outweigh the general acceptability of the scheme, as revised in August 2021, which is not in conflict with Policy HE 3 or the 1990 Act. The

application, therefore, is recommended for approval subject to conditions.

## **7. Planning History**

- 7.1 19/0389 - Erection Of 3No. Bungalows - Withdrawn 06/02/20
- 7.2 13/0048 - Erection Of 3No. Dwellings, Conversion Of Barn To 1No. Dwelling And Demolition Of Outbuilding (LBC) (Revised Application) - Approved 10/06/13
- 7.3 13/0047 - Erection Of 3No. Dwellings, Conversion Of Barn To 1No. Dwelling And Demolition Of Outbuilding (Revised Application) - Approved 16/01/14 (Subject to Section 106 Agreement)
- 7.4 13/0046 - Demolition Of Barns To Enable Proposed Development Of Erection Of 3No. Dwellings And 1No. Barn Conversion (Conservation Area Consent) (Revised Application) - Approved 10/06/13
- 7.5 12/0413 - Erection Of 3No. Dwellings; Relocation Of Access And Conversion Of Listed Barn To 1No. Dwelling - Withdrawn 11/01/13
- 7.6 12/0411 - Demolition Of Structurally Unsound Barns (Conservation Area Consent) - Withdrawn 11/01/13
- 7.7 12/0414 - Erection Of 3No. Dwellings; Conversion Of Listed Barn To 1No. Dwelling And Demolition Of Outbuilding (LBC) - Withdrawn 11/01/13
- 7.8 08/1168 - Erection of 3no. Residential Units and Relocation of Access Along with Conversion of Listed Barn to 1no. Residential Property (LBC) - Withdrawn 12/01/09
- 7.9 08/1159 - Erection of 3no. Residential Units and Relocation of Access Along with Conversion of Listed Barn to 1no. Residential Property - Withdrawn 12/01/09
- 7.10 08/0536 - Demolition Of 2no Brick Barns; Conversion Of 1no Brick Barn To Residential Unit And Erection Of 1.8m High Rendered Wall To Front Of Barn To Facilitate Formation Of Private Garden Space (LBC) (Revised Application) (LBC) - Withdrawn 08/07/08
- 7.11 08/0535 - Conversion Of Barn To 1no Dwelling And Erection Of 8no Dwelling (Plot 7 Discounted 'Affordable' Unit) With Associated Road And Fences (Revised Application) - Withdrawn 08/07/08
- 7.12 07/0802 - Demolition of Brick Built & Tin Barns Prior To Site Redevelopment (CAC) - Approved 25/10/07
- 7.13 07/0800 - Demolition Of 2no. Brick Barns; Conversion Of 1no. Brick Barn To Residential Unit And Erection Of 1.8m High Rendered Wall To Front Of Barn To Facilitate Formation Of Private Garden Space (LBC) - Withdrawn 29/08/07

7.14 07/0799 - Conversion Of 1no. Barn To Dwelling, Erection Of 8no. New Dwellings And Realignment Of Entrance - Withdrawn 29/08/07

Associated History:

7.15 15/0861 - Replacement Of Wooden Painted C20 Casement Windows (LBC) - Approved 19/11/15

7.16 15/0406 - Continued Replacement Of Wooden Painted C20 Casement Windows (LBC) - Refused 16/07/15

7.17 14/0282 - Removal Of Rear Porch Extension And Opening Up Of New Doorway To South Elevation; Removal Of Part Of False Ceiling In Kitchen; Relocation Of Bathroom To First Floor Bedroom; Provision Of En-Suite To Master Bedroom (LBC) - Granted 28/05/14

7.18 07/0727 - Removal Of 1no. Gate Pier And Erection Of 1.8m High Rendered Wall To Rear (LBC) - Approved 12/10/07

7.19 06/0677 - Retention of works carried out to repair the east gable wall (LBC) - Approved 31/07/06

7.20 86/0753 - Demolition of barn and ancillary buildings, rendering of west gable end of Buckbottom farmhouse and construction of 1.6m high highway boundary wall (LBC) - Approved 07/10/87

7.21 86/0752 - Construction of 1.6m high highway boundary wall - Approved 07/10/87

## 8. Recommendation: Grant Permission

1. The works identified within the approved application shall be commenced within 3 years of this consent.

**Reason:** In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:

1. the submitted Listed Building Consent application form;
2. drawing ref. 20-113-06 'Site Location Plan', received on 24 May 2021;
3. drawing ref. 20-113-02A (Revision A) 'Proposed Site Plan', published on the Carlisle City Council website on 6 August 2021;
4. drawing ref. 20-113-05A (Revision A) 'Barn Ex and Proposed', published on the Carlisle City Council website on 6 August 2021;
5. the Planning Statement (Summit Town Planning) received on 24 May

2021;

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 Consent.

3. Full details of all materials to be used on the exterior of the converted building, including the re-use where possible of reclaimed bricks following demolition of those buildings not being retained as part of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority before they are utilised within the development. The development shall thereafter be fully implemented in accordance with the details approved in response to this condition.

**Reason:** To ensure the development is harmonious with the sensitive local setting in the vicinity of (and including) curtilage listed buildings, to accord with Policy HE 3 of the Carlisle District Local Plan 2015-2030.

4. Prior to the partial demolition and rebuild of the frontage boundary wall forming part of the curtilage of (and listed in association with) Buckbottom Farmhouse, details of the wall 'as proposed' including accurate dimensions, means of coursing or other stone arrangement, and method of pointing shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in strict accordance with the details approved in response to this condition.

**Reason:** To ensure the design and materials to be used are appropriate to heritage assets that will be affected by the alterations, and to ensure compliance with Policy HE 3 of the Carlisle District Local Plan 2015-2030.

5. Details of the windows, doors, depth of recessing of windows and doors from the outer edge of any openings and treatment of all new openings in the barn conversion shall be provided prior to the formation of any new openings and/or installation of windows and doors within this building. The alterations shall be undertaken in strict accordance with the details approved in response to this condition.

**Reason:** To ensure the design and materials to be used are appropriate to heritage buildings and settings and to ensure compliance with Policy HE 3 of the Carlisle District Local Plan 2015-2030.

6. Prior to the commencement of development, details of the proposed rainwater goods to be installed on the converted barn and the means of fixing said goods to the proposed dwelling shall be agreed in writing by the local planning authority. The rainwater goods shall then be installed in strict accordance with these details.



**Reason:** To ensure that the conversion/alteration is appropriate in terms of its impact on the heritage resource including curtilage listed and adjacent listed buildings, to accord with Policy HE 3 of the Carlisle District Local Plan 2015-2030.

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## SCHEDULE A: Applications with Recommendation

21/0732

Item No: 12

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0732

**Applicant:**  
Dr & Mrs Cox

**Parish:**  
Wetheral

**Agent:**  
Swarbrick Associates

**Ward:**  
Wetheral & Corby

**Location:** Land adj. Hallmoor Court, (Plot 4), Wetheral, Carlisle, CA4 8JS

**Proposal:** Erection Of 1no. Dwelling

**Date of Receipt:**  
27/07/2021

**Statutory Expiry Date**  
21/09/2021

**26 Week Determination**

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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 Principle Of Development
- 2.2 Whether The Scale, Design And Impact On The Character Of The Area Is Acceptable
- 2.3 Impact Of The Proposal On Heritage Assets
- 2.4 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Impact On Highway Safety
- 2.6 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.7 Impact On Existing Trees And Hedgerows
- 2.8 Impact Of The Proposal On Biodiversity
- 2.9 Other Matters

#### 3. Application Details

##### The Site

- 3.1 The 0.1153 hectare site is located towards the northern end of the village

and is currently grassland. The site is flanked by a hedgerow along the western boundary and to the east by the properties in Hall Moor Court. Hall Moor Court itself comprises a number of flats which are accommodated within a series of two storey buildings of brick construction.

## **Background**

- 3.2 Members will note from the planning history that planning permission was previously granted for the erection of 27 dwellings, together with associated infrastructure. Following the grant of permission and discharge of appropriate conditions, a lawful start was made on site and as such, the permission remains extant.
- 3.3 Since then, the site has been sold and the land subdivided to five plots which will each be developed separately by the respective owners. The site will be served by communal access and drainage arrangements that have already been approved under separate applications.

## **The Proposal**

- 3.4 The current application seeks planning permission for the erection of one detached dwelling. The access would be a continuation of the access through Hall Moor Court into the site and adjoining land. The building would be two storeys in height and of brick construction under a slate roof. The main two storey element would be to the north-west of the site reducing to single storey towards the south-east and adjacent to Hall Moor Court. An area of hardstanding would be provided within the site in addition to the parking provision of two spaces within the proposed double garage. The submitted layout plan indicates proposed landscaping within the site.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 22 properties. In response, seven objections from the occupiers of five properties have been received and the main issues raised are summarised as follows:
1. the development will potentially block daylight to neighbouring properties due to the large size of the plot and should be investigated;
  2. the building will be on an elevated site and will dwarf surrounding properties;
  3. the building appears to have been designed in isolation without cognisance of the adjacent flats in Hall Moor Court;
  4. in order for a reasonable judgement to be made, elevation views need to be provided showing the proposed dwelling in relation to the adjacent flats;
  5. Certificate B omits notification of the owner of part of the land to which the application relates;
  6. the access road is aligned differently to that approved under application 21/0224;

7. there are no details of roof levels to allow a comparison to be made with those of the adjacent flats;
8. the minimum distance between primary windows should be respected;
9. the application doesn't clarify how surface and foul water drainage will integrate to the remainder of the site;
10. tarmacadam will increase surface water run-off;
11. a sewage treatment plant is proposed without any management or maintenance plan. Policies require that treatment plants should only be used where connection to the public infrastructure isn't possible;
12. Plot 4 is the highest point and surface water will drain through the proposed infrastructure and into the railway system. The council's policies relating to sustainable development aren't met as it fails to secure proper drainage and management of the risk of flooding;
13. the development would be contrary to paragraph 127 of the National Planning Policy Framework as it wouldn't comply with sections a, c and f;
14. policy HO3 is firm on overlooking, light loss, visual intrusion and appropriate configuration particularly where there are existing properties. Paragraph 5.2.3. states that the scale should not exceed that of existing dwellings adjacent to the site;
15. policy SP6(1) states that height should respond to the local context and form of the surrounding buildings. The building roof will be seen from the conservation area and public footpath;
15. policy SP6(7) aims to ensure that there are no adverse effects on the residential amenity of the existing area or adjacent land users;
16. council policy on Healthy and Thriving Communities seeks to ensure that health and wellbeing are not compromised as a result of new developments and the concerns expressed by neighbours about plot 4 are a signal that well-being issues are emerging;
17. the application form has unclear claims the site area is precisely "1153 square meters" but there is no proof of a plot of this exact size? Site plan of 27/05/21 of the NOA refers only to indicative plots. As the council promotes self-build proposals, it should ensure, through due diligence, that it is not financing or authorizing proposals with litigious potential;
18. there are "no trees or hedges which could influence the development or might be an important part of the local landscape." Yet the application envisages "thinning" of a boundary hedge. A tree and hedge survey is required to meet Council policy SP6(8)'s aims. The NOA has a wildlife advisory;
19. the NOA for application 21/0224 aims to permit 5 self-build plots. Yet the application for plot 4 is for Market Housing, the Self Build category is left empty. Is this proposal valid under the terms of the Notice of Approval and the national Self Build legislation?
20. the submitted contamination statement is inadequate. As surface run off finds its way into the River Eden, a "site walk over" and a "check of old maps" won't do. A proper soil survey is required to test for agricultural and urban effluent.

4.2 In addition, one representation commenting on the application has been received and the issues raised are summarised as follows:

1. this application is in conflict with application approved 21/0224, as the

- road and hammer head are amended utilising land owned by Hall Moor Court Ltd. A time dated offer was made for this land but has now expired;
2. the elevation drawings submitted are not clear if the dwelling is to be raised above the existing ground level to the front of the plot, or if it to be excavated and set into the natural fall of the land;
  3. this potentially will affect the adjacent flats in Hall Moor Court, as these risk been dwarfed by the development of plot 4;
  4. the whole proposed development of 5 dwellings is to be welcomed, rather than the 27 that were originally passed for the land but the developer who purchased the whole site needs to work with their neighbours, as well as the new owners of plot 4 who seem to be set on conflict over the land owned by Hall Moor Court Ltd.

4.3 Furthermore, one representation has been received supporting the application and the issues raised are summarised as follows:

1. the development is fully supported;
2. the previous approved development proposed 27 'units'. This smaller five self-build development will be more in keeping with the locale and keep vehicle movements at an acceptable level.

## 5. Summary of Consultation Responses

**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;

**United Utilities:** - no objection to the development in principle, however, it is requested that conditions are attached to any permission which controls the approach to drainage with no surface water discharging to the existing public sewer. In this regard, it is noted that this application is part of a wider development proposal for which an application for approval of details reserved by condition have been submitted. This is application reference 21/0595 which relates to the discharge of condition 4 (surface and foul water drainage scheme) of previously approved application 21/0224.

The drainage detail submitted as part of application 21/0595 (our reference DC/21/3142) to discharge condition 4 does not fully meet the requirements of the aforementioned condition 4 and therefore additional details are requested to be submitted as set out in United Utilities' letter dated 23 July 2021 in respect of application 21/0595.

Given the relationship of application 21/0595 to this application (21/0732), it is requested that either the same additional information is submitted in respect of this application as part of an updated drainage submission or that the following condition is attached to any approval you may grant in respect of plot 4.

## 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 Policies SP1, SP2, SP6, SP7, HO2, IP2, IP3, IP4, IP5, IP6, CC5, CM5, HE3, HE7 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and Carlisle City Council's Supplementary Planning Document (SPD) on "Achieving Well Design Housing" are also material planning considerations. The proposal raises the following planning issues.

#### 1. Principle Of Development

- 6.3 The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 11 of the NPPF continues to support sustainable development stating that:

*"Plans and decisions should apply a presumption in favour of sustainable development."*

- 6.4 This is reinforced in paragraph 11(c) which states that:

*"approving development proposals that accord with an up-to-date development plan without delay"*

- 6.5 Policy HO2 is equally transparent in its guidance relating to housing development and requires that:

- "1. the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;*
- 2. the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed;*
- 3. on the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside;*
- 4. in the rural area there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and*
- 5. the proposal is compatible with adjacent land users."*

- 6.6 The application site is well related to Wetheral. Hall Moor Court is immediately adjacent to the south with Greenacres and Plains Road to the north, separated by the Carlisle to Newcastle railway line. The village has a number of services or facilities including a public house, a church, a railway station, restaurant, hotel and a GP surgery.
- 6.7 Full planning permission has previously been approved for the erection of 27 dwellings on this land by members of the council's Development Control Committee. This was followed by a further revised application in 2019. Works were commenced on site such that this permission remains extant.
- 6.8 In light of the foregoing, the principle of development is therefore considered to fully accord with both national and local planning policies and remains acceptable. The remaining issues raised by the proposal are discussed in the following paragraphs.

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

- 6.9 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.”*

- 6.10 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).”*

- 6.11 The NPPF seeks to ensure that decisions should aim to ensure that developments respond to local character, reflect the local surroundings and materials but this doesn't prohibit or discouraging appropriate innovation. It isn't appropriate for planning policies and decisions to attempt to impose architectural styles or particular tastes and should not stifle innovation, originally or initiative through unsubstantiated requirements to confirm to certain development forms or styles. Local building forms and details contribute to the distinctive qualities of a place and can be successfully interpreted in new development and innovative design can contribute to the character and appearance of an area.
- 6.12 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.
- 6.13 The property would be large bespoke detached property with a distinct modern appearance that wouldn't be in keeping with the character of Hall Moor Court or any neighbouring buildings; however, the building wouldn't be viewed in this context. The site is proposed to be subdivided into 5 individual plots, each being set within a large plot and physically and visually separate from existing neighbouring properties.
- 6.14 The building would be proportionate to the site and would be an innovative yet acceptable design. The use of the contrasting stone, render and timber cladding serve to break up the mass of the building. Based on the assessment of the scale and design of the proposed development, the building is and would be well-related to the context of the site and the visual amenity and character of the area would not be adversely affected by the proposed development.

### **3. Impact Of The Proposal On Heritage Assets**

#### **3a. Listed Buildings**

- 6.15 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

#### Impact Of The Proposal On The Character And Setting of the Grade II Listed Buildings

- 6.16 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.17 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.18 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.19 Acorn Bank is located approximately 110 metres to the south of the site with its curtilage being approximately 35 metre away. The building is an important feature with the setting of the street scene.
- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.20 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA). The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.21 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 194). However, in

paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 6.22 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.23 The application site is located away from the listed building and separate by existing buildings within Hall Moor Court and the development would not be read in the same context of the listed buildings. As such, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

### 3b. Impact Of The Proposal On The Wetheral Conservation Area

- 6.24 The Wetheral Conservation Area is on the opposite side of the railway, approximately 35 metres to the south of the site. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG, Policy HE7 of the local plan are relevant.
- 6.25 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:

*"special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".*

- 6.26 The aim of the 1990 Act is reiterated in the NPPF, PPG and policies within the local plan. Policies HE6 and HE7 of the local plan advise that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.27 The location upon which this property would be sited is not within the conservation area but the site is approximately 40 metres to the south-west with the building being set away from the boundary within the site. Again, the scale of the development is large but would have less of a visual impact than the development of the land as a whole for 27 dwellings. Notwithstanding this, the proposal would not impact on the conservation area by virtue of the scale and design and distance from the boundary. On this basis, the proposal would preserve the character and appearance of the conservation area and would not prejudice important views into or out of the conservation area and is acceptable.

#### **4. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties**

6.28 Development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The SPD provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking. Any subsequent scheme would have to be mindful and have regard to the distances outlined in the SPD i. e. 12 metres between primary windows and blank gables and 21 metres between primary windows.

6.29 The City Council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:

*"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (para. 5. 44) While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances. " (para. 5. 45)*

6.30 The land is located to the rear of Hall Moor Court. The building would be at an angle to the nearest properties, 10, 11 and 12 Hall Moor Court. The first floor of the east elevation would be 12 metres from the nearest building (11 and 12 Hall Moor Court) and although a window serving the ensuite is proposed, there are no other first floor windows in this elevation. Given the orientation of the application site with the neighbouring properties means that it is not considered that the occupiers would suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of over-dominance.

6.31 Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition is suggested which would limit construction hours.

#### **5. Impact On Highway Safety**

6.32 The site would be served by a vehicular access granted under a separate consent, application reference 21/0224. The development would incorporate a garage and sufficient land around the property to allow for appropriate levels of parking provision. As such, it is considered that there would be sufficient parking space within the development and the proposal does not raise any highway issues.

6.33 Although the turning head differs from that of the aforementioned application, its position and alignment are slightly different but this doesn't alter the

principle of this element of the scheme which still provides an adequate turning facility.

## **6. Whether The Method of Disposal of Foul And Surface Water Are Appropriate**

- 6.34 In accordance with the NPPF and the NPPG, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy which should be considered in the following order of priority:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.

- 6.35 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water.

- 6.36 The foul drainage would connect into the mains sewerage infrastructure which leads through Hall Moor Court.

- 6.37 Although drainage details have been submitted, the site together with the adjoining land as a whole was subject to a site-wide drainage scheme as required by condition 4 of planning permission 21/0224, which reads:

*“Prior to the commencement of development, details of a site-wide sustainable surface water drainage scheme and foul water drainage scheme for the proposed 5 self-build plots and associated road shall be submitted to and approved in writing by the local planning authority. The drainage schemes must include:*

- (i) an investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;*
- (ii) a restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);*
- (iii) levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*
- (iv) details of any pumping;*
- (v) foul and surface water shall drain on separate systems within the site;*
- (vi) a management and maintenance plan. The management and maintenance plan shall include as a minimum:*
  - a) arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and*
  - b) arrangements for inspection and ongoing maintenance of all elements*

*of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime including during construction;*

*(vii) a timetable for implementation.*

*The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewer either directly or indirectly.*

*The drainage schemes shall be completed, maintained and managed in accordance with the approved details and retained thereafter for the lifetime of the development.”*

6.38 This condition was subject to a further application to discharge the details under application 21/0595. That application included the same Drainage Report as submitted as part of this application. Questions were raised by United Utilities and clarification was provided by the agent during the course of the consideration of that application.

6.39 The plots themselves are subject to separate applications for planning permission and whilst it would be appropriate to follow the drainage scheme (which could be subject to the imposition of a planning condition), it would still be appropriate to impose a condition requiring the submission of details of proposed ground levels to ensure that the drainage scheme and building are compatible.

6.40 In respect of the representations received, pertinent to the consideration of this application is the disposal of foul and surface water. Network Rail's response states that soakaways within 30 metres of the railway will be prohibited; however, no soakaways are proposed as part of this scheme. Their response continues:

*“Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway, any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.”*

6.41 The planning system can only deal with the management of land and development. The issue of landowner consent is separate to that of the planning process but is a matter which has been highlighted to the applicant.

6.42 Consequently, following the receipt of further clarification and taking into account of the consultation responses received from both United Utilities and Cumbria County Council as the Lead Local Flood Authority raising no objection, based on those details submitted as part of application 21/0595, the condition was subsequently discharged. This is a material planning consideration and supersedes the response from United Utilities as part of this application. On this basis, the proposal is considered to be acceptable.

## **7. Impact On Existing Trees And Hedgerows**

- 6.43 There is an existing hedgerow along the western boundary. It is suggested that a condition should be imposed requiring conditions should be imposed requiring protective fencing to be erected adjacent to the fencing and prohibiting works within that area for the duration of the construction works

## **8. Impact Of The Proposal On Biodiversity**

- 6.44 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.
- 6.45 The council's GIS layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. The development occur on former grazing land and would retain an existing hedgerow and it is not considered that the development would 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.

## **9. Other Matters**

- 6.46 Policy IP2 requires that developments are encouraged to include sustainable vehicle technology with developments, as such, it is appropriate to impose a condition require the provision of a suitable charging point for electric vehicles.
- 6.47 Reference is made in the representations that there is parcel of land which doesn't belong to the applicant. The application form submitted as part of this application acknowledges this and confirms that the requisite notice has been served on the appropriate landowners. As such, the applicant has fulfilled their obligations as part of the planning process. Whether the relevant consent from the landowner can be obtained isn't a material planning consideration.

## **Conclusion**

- 6.48 In overall terms, the principle of the erection of a dwelling is acceptable. The scale and design would be appropriate to the site and would not result in an adverse impact on the character or appearance of the area or the Wetheral Conservation Area.

- 6.49 In the context of the site, the amenity of the occupiers of the neighbouring properties would not be adversely affected. Adequate provision would be made for foul and surface water drainage. The hedgerow would be adequately protected and the submission of a landscaping scheme will mitigate the loss of the two trees and could lead to biodiversity net gain on the site. In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

## **7. Planning History**

- 7.1 An application for outline planning permission for residential development was refused in 1988.
- 7.2 In 2016, planning permission was granted for the erection of 27 dwellings.
- 7.3 Planning permission was granted in 2019 for the erection of 27no. dwellings without compliance with conditions 2, 3, 4, 16, 23, 24 and 26 (works to be done in 2 phases) including removal of condition 20 (level 3 code for sustainable homes) of previously approved application 12/0880
- 7.4 Also in 2019, an application was approved to discharge of conditions 3 (footpath details); 4 (construction of access and parking areas); 5 (access during construction); 6 (surface water drainage); 7 (foul water drainage); 8 (tree protection) and 9 (details of permeable surfaces) of previously approved application 19/0596.
- 7.5 In 2020, an application was submitted to discharge of condition 6 (surface water drainage) of previously approved permission 19/0596 but was withdrawn.
- 7.6 Planning permission was granted earlier this year for the formation of roadway and associated infrastructure to service 5no. self build plots.
- 7.7 An application to discharge conditions 4 (surface & foul water drainage scheme) and 5 (hard surface details) of previously approved application 21/0224 was recently approved.
- 7.8 Planning permission has been granted for the erection of a dwelling on Plot 1.
- 7.9 There is an undetermined planning applications to develop Plot 5 under application 21/0587.

## **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 11th November 2021;
2. the Location Plan and Block Plan received 22nd July 2021 (Drawing no. 1836.01);
3. the Site Plan received 15th November 2021 (Drawing no. 1836.06 Rev A);
4. the Proposed Floor Plans received 22nd July 2021 (Drawing no. 1836.02);
5. the Proposed Elevations 22nd July 2021 (Drawing no. 1836.02);
6. the Drainage Report received 15th November 2021
7. the Notice of Decision;
8. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. The development shall be undertaken in strict accordance with details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and any garages that have first been submitted to and approved in writing by the local planning authority before any site works commence.

**Reason:** In order that the approved development is appropriate to the topography of the site and neighbouring properties in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

4. Prior to their use on site, samples or full details of all materials to be used on the exterior have been submitted to and approved in writing by the local planning authority. The hereby permitted development shall be carried out and completed in full accordance with the approved details.

**Reason:** In the interests of visual amenity in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

5. Prior to their use on site, full details of the proposed hard surface finishes to all external areas have been submitted to and approved in writing by the local planning authority. The hereby permitted development shall be carried out and completed in full accordance with the approved details.

**Reason:** In the interests of visual amenity in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

6. All boundary fences, walls, screens or other means of enclosure shall only be installed or erected in strict accordance with a scheme that shall first have

been submitted to and approved in writing by the local planning authority, which shall include:

1. precise details of the item(s) including materials, location and height;
2. timescale for implementation;
3. any maintenance proposals identified as necessary within the first 5 years following provision.

**Reason:** To ensure that the appearance of the development will be in keeping with the locality and to protect visual amenity, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

7. Prior to the occupation of the dwelling, a landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following where relevant (this list is not exhaustive):

1. new areas of trees and shrubs to be planted including planting densities;
2. new groups and individual specimen trees and shrubs to be planted;
3. specification/age/heights of trees and shrubs to be planted;
4. existing trees and shrubs to be retained or removed;
5. any tree surgery/management works proposed in relation to retained trees and shrubs;
6. any remodelling of ground to facilitate the planting;
7. timing of the landscaping in terms of the phasing of the development;
8. protection, maintenance and aftercare measures.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

8. As part of the development hereby approved, adequate underground ducts shall be installed to enable telephone services, electricity services and television services to be connected to any premises within the application site.

**Reason:** To maintain provide appropriate levels of infrastructure in accordance with Policy IP4 of the Carlisle District Local Plan 2015-2030.

9. Prior to the occupation of the dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for any dwelling shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.

**Reason:** To ensure the provision of electric vehicle charging points for each dwelling, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

10. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1600 hours on Saturdays (nor at any times on Sundays or statutory holidays).

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

11. Prior to the occupation of the dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle district.

**Reason:** In accordance with Policy IP5 of the Carlisle District Local Plan 2015-2030.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Site investigations should follow the guidance in BS10175.

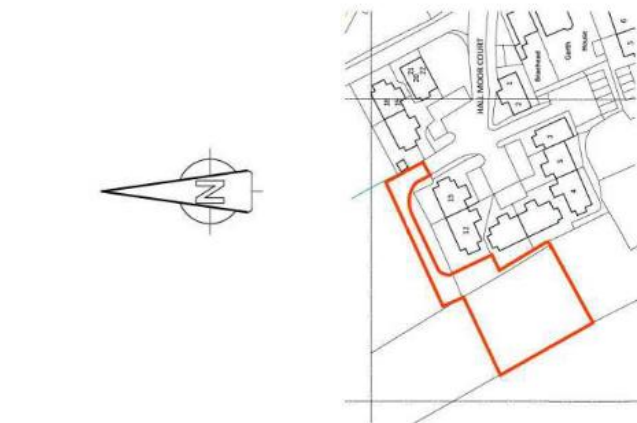
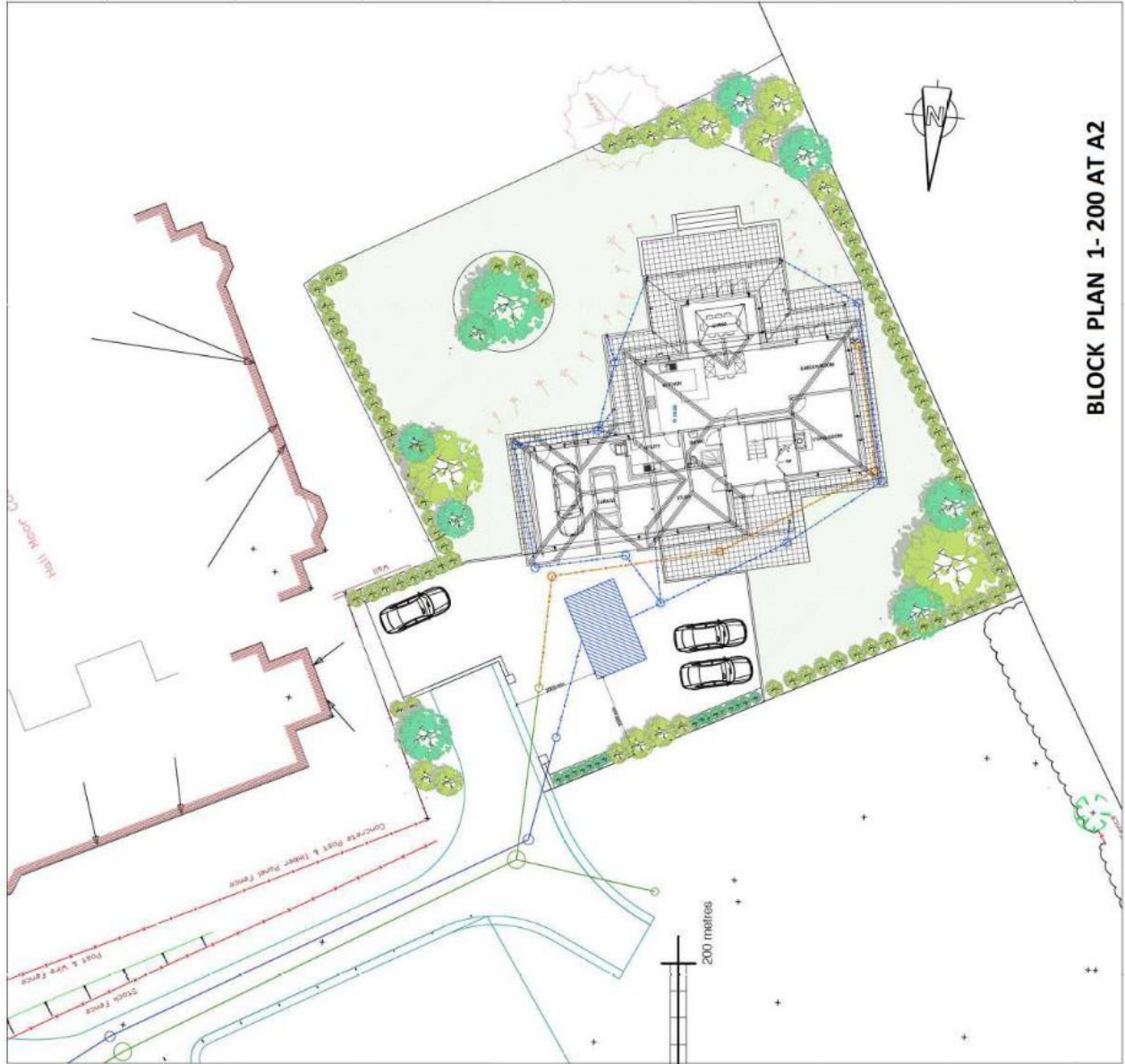
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

**Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

13. Any parking area subsequently approved shall be constructed in accordance with the approved plans before any dwelling is occupied.

**Reason:** To ensure adequate access is available for each occupier in accordance with Policies SP6, HO3 and IP3 of the Carlisle District Local Plan 2015-2030.

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LOCATION PLAN 1-1250

BLOCK PLAN 1-200 AT A2

**swarbrick**  
a s s o c i a t e s (u k) l t d

CHARTERED ARCHITECTS  
40 Agincourt Street Carisle CA1 1LP  
Tel : 01228 695252  
E Mail : info@swarbrickassociates.co.uk  
Website : www.swarbrickassociates.co.uk

CLIENT:  
Dr and Mrs D Cox

PROJECT:  
Proposed New Dwelling  
Land Adjacent Hall Moor Court Wetherill

DRAWING:  
Location and Block Plan

DWG NO: 1836.01

Scale: 1:1250 and 200 at A2 Date: 20.07.2021  
A2

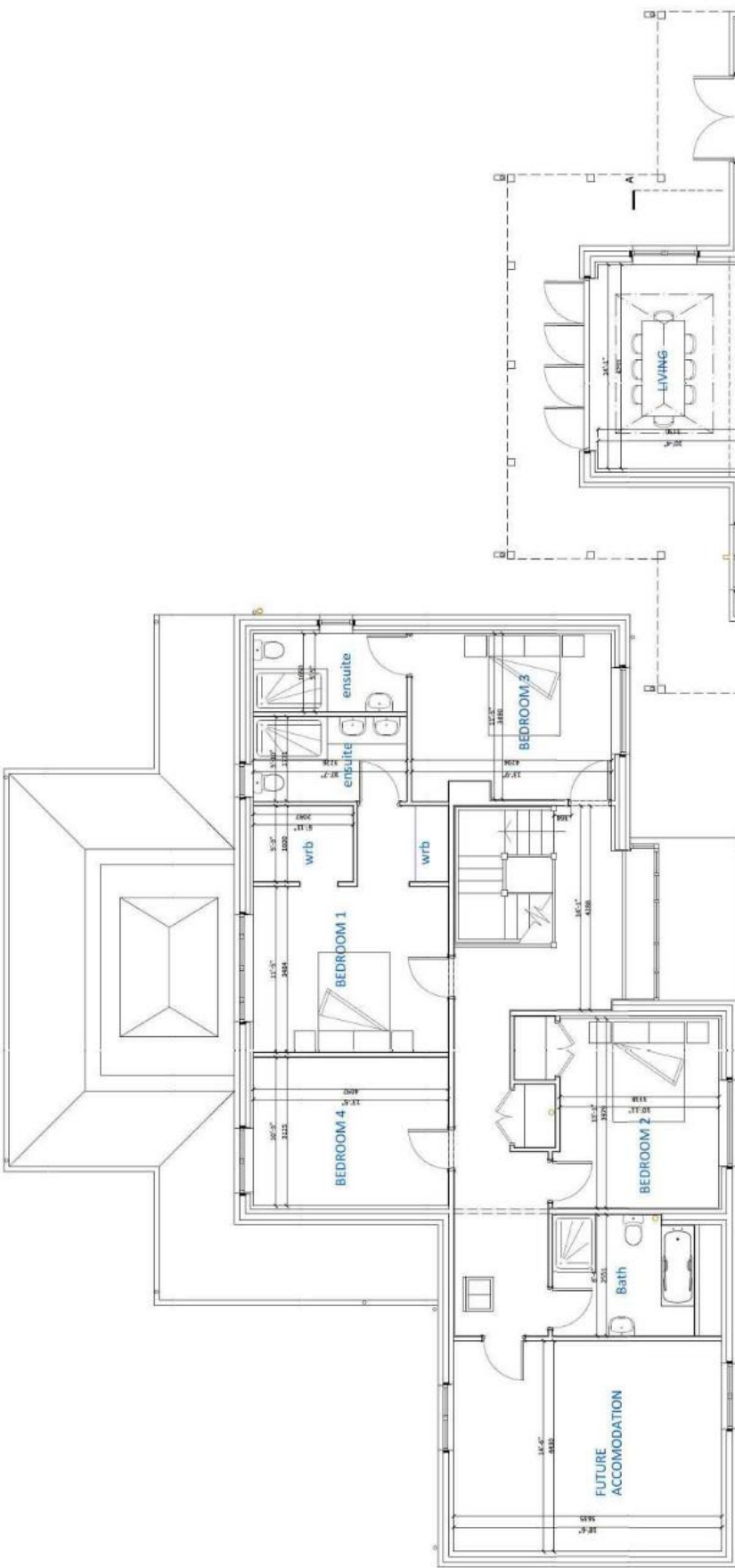
planning application



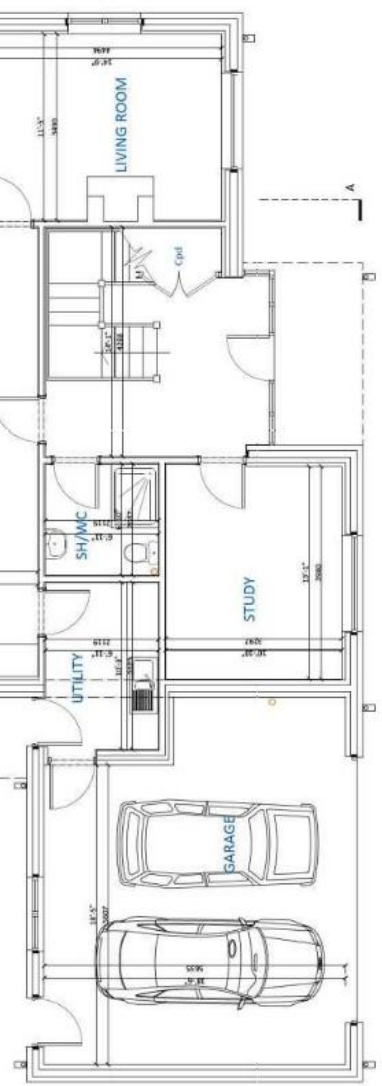


NOTE

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**FIRST FLOOR PLAN**  
Internal Plan Area 140.39m<sup>2</sup>



**GROUND FLOOR PLAN**  
Internal Plan Area 156.79m<sup>2</sup>

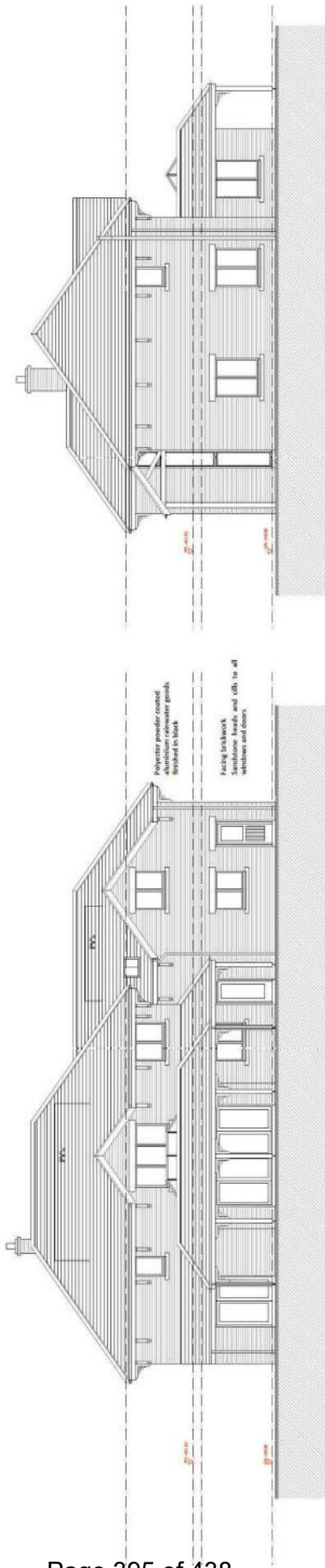


CHARTERED ARCHITECTS  
40 Agency Street, Cardiff, CF10 1UP  
Tel: 01222 999999  
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CLIENT: Dr and Mrs D Cox  
PROJECT: Proposed New Dwelling  
Jared Roberts - Full Order Release  
Proposed Floor Plans  
DWG NO: 1836.02  
Scale: 1:100 @ A1  
Date: 18.07.2021

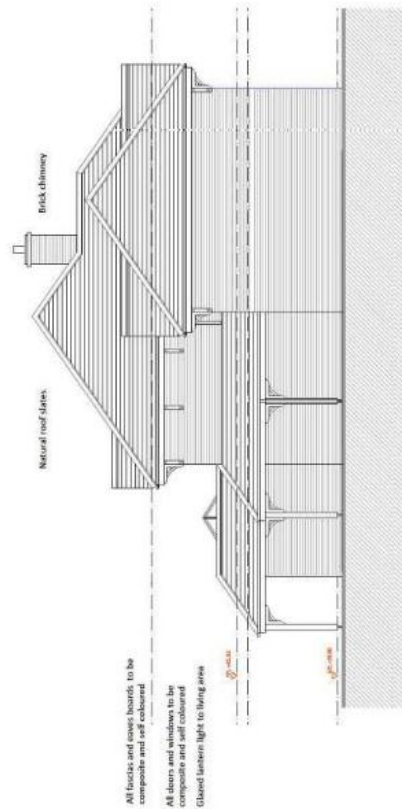
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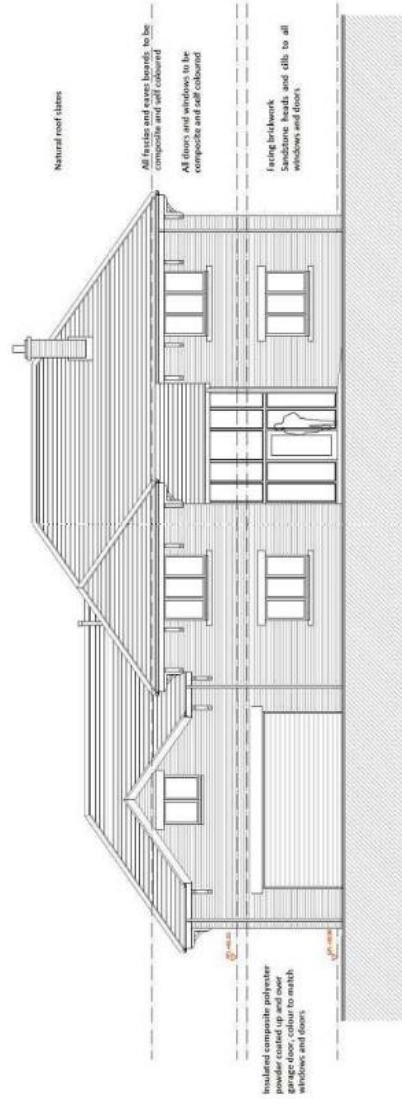


PROPOSED REAR ELEVATION

PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED FRONT ELEVATION

swarbrick  
architects (UK) Ltd

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40 Agency Street, Castle, DN1 1UP  
Tel: 01328 995552  
Email: info@swarbrickarchitects.co.uk  
Website: www.swarbrickarchitects.co.uk

CLIENT: Dr and Mrs D Cox  
PROJECT: Proposed New Dwelling  
and associated outbuildings at  
Plot 1, The Old Mill, Castle  
Proposed Location  
DN10 1ND  
1836.03  
Scale: 1:750 @ A1  
Date: 18.07.2021

Planning application





## SCHEDULE A: Applications with Recommendation

21/0641

Item No: 13

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0641

**Applicant:**  
Mr & Mrs Taylor-Smith

**Parish:**  
Hethersgill

**Agent:**  
Sam Fletcher Architect

**Ward:**  
Longtown & the Border

**Location:** Yew House, Sikeside, Kirklington, Carlisle, CA6 6DR

**Proposal:** Change Of Use Of Garage And Part First Floor To Form Holiday Let

**Date of Receipt:**  
30/06/2021

**Statutory Expiry Date**  
25/08/2021

**26 Week Determination**

---

### REPORT

**Case Officer:** John Hiscox

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether the development principle is acceptable
- 2.2 Design/visual/heritage impacts
- 2.3 Impacts on others' amenity
- 2.4 Road user safety

#### 3. Application Details

##### The Site

- 3.1 The application relates to Yew House, a semi-detached residence resulting from a barn conversion that took place approximately 30 years ago. The dwelling adjoins Alder House (resulting from the same overall conversion). This pair of dwellings was formed from former farm buildings serving what was Sikeside, but which is now called Copper Beeches. Copper Beeches is a Grade II listed building. Yew House is not listed by association with Copper Beeches.

- 3.2 Within the small cluster at Sikeside, which is an isolated former farmstead within the parish of Hethersgill, a further dwelling exists within the Grade II listed former Quaker meeting house, now known as Dun Quakin.
- 3.3 The 'hamlet' of Sikeside totals 4 dwellings, and although no agricultural operations persist within any buildings there, it is situated in a fully rural location surrounded by agricultural fields.
- 3.4 Yew House consists of a main section and a secondary section connected by a link (augmented further to planning permission in 1999 as listed in planning history). It is the secondary section, which is currently a garage with bedrooms over reached via an internal stair, that is the subject of this application.
- 3.5 It may be noted that Yew House has both a front and rear garden, and ample parking via a driveway for at least 3 private vehicles.

## **Background**

- 3.6 There is no background information to present at this point in the planning report.

## **The Proposal**

- 3.7 The aforementioned secondary linked section would be converted to a unit of holiday accommodation. This would involve mainly alterations to the ground floor section, adding an independent access door, a kitchen, sitting room, w/c and cloakroom. The upper floor would remain as it is now (essentially two bedrooms and a wetroom). Users of the unit would have access to a small amenity area to the rear which would also be home to a hot tub. Parking would be within the existing frontage curtilage.

## **4. Summary of Representations**

- 4.1 The application has been advertised by way of a site notice, a notice in the press and neighbour letters sent to 3 properties. In response, five letters of representation have been received in objection to the application, and one in comment.
- 4.2 A summary of the reasons stated in the letters of objection, which are relevant to the planning application, is as follows:
- (i) application does not accurately reflect the co-joined nature of Yew House with its immediate neighbour, Alder House
  - (ii) proposals would give rise to a self-contained unit of accommodation, effectively increasing the number of dwellings at the locus to 5 from 4
  - (iii) adding separate unit would add to burden of existing septic tank, which is shared by Yew House and Alder House
  - (iv) use and management of hot tub associated with unit could give rise to adverse environmental impacts and/or impact on the current drainage system

- (v) adverse impact on neighbouring residential amenity from noise arising from development/visitation by non-residents - location of hot tub close to property boundary is specifically mentioned
- (vi) potential development impacts on local natural environment
- (vii) likely significant increase in terms of vehicular traffic which, due to two-bedroomed nature, is unlikely to be mainly cyclists as indicated in the supporting information
- (viii) intention to use the volume within the existing dwelling as a holiday unit has caused the owners to erect a detached shed elsewhere for storage, which impacts on amenity and heritage setting at Sikeside
- (ix) planning statement makes no reference to arrangements for disposal of waste generated by the business
- (x) potential danger to dog walkers, cyclists and horse riders using the narrow lanes nearby due to additional visiting vehicles - previous rejection of application at Rigg Head cited
- (xi) introduction of a commercial element will have a degrading and detrimental effect on the historical setting of Sikeside, which includes 2 listed buildings, and disrupt its unique character
- (xii) damage to jointly owned nearby property arising from manoeuvring of visitor vehicles
- (xiii) ample other tourism accommodation already exists in the wider area - need for the development questioned
- (xiv) accommodation not within prime tourist area - not close to Hadrian's Wall, Lake District and other well known tourist attractions
- (xv) development unlikely to give rise to significant support for local companies relying on tourism
- (xvi) development could set precedent for other similar developments in the locality

4.3 Although it is not strictly a matter for planning, the issue of a covenant that may affect the property/proposals has been drawn to the attention of officers. This advises in relation to matters of legal entitlement. Such matters do not directly align with planning process and should therefore not prevent a planning recommendation being made.

4.4 A summary of the matters raised in the letter of comment is as follows:

- (xvii) increase in traffic and noise on single track country roads with many blind bends and passing places
- (xviii) citing Cycle Route 10 as using this accommodation is questionable as they would be arriving on cycles with no facilities/shops within miles
- (xvix) oversupply of holiday lets being created in the rural area
- (xx) development could set precedent for other similar developments in the locality

## 5. Summary of Consultation Responses

**Hethersgill Parish Council:** - Has no objection to the specific details of the application, however, the trend for allowing permissions for holiday lets in rural areas, when low cost housing is sorely needed, is a cause for concern that they would like noted.

**The Ramblers:** - No response.

**Cumbria County Council - (Highway Authority - Footpaths):** - Advises of presence of public rights of way nearby and the requirement not to obstruct them in relation to the development proposal.

**Historic England - North West Office:** - No comment.

## **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 proposed development requires to be assessed against the National Planning Policy Framework (2019 - as amended in July 2021) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.4 below.

6.3 The main issues, as listed earlier in the report, are as follows:

- (i) Whether the development principle is acceptable
- (ii) Design/visual/heritage impacts
- (iii) Impacts on others' amenity
- (iv) Road user safety

6.4 Taking into consideration the range and nature of matters for consideration in respect of this planning application, the following Policies of the aforementioned Local Plan are of relevance to this application:

Policy SP 1 - Sustainable Development  
Policy SP 2 - Strategic Growth and Distribution  
Policy SP 6 - Securing Good Design  
Policy GI 5 - Public Rights of Way  
Policy IP 2 - Transport and Development  
Policy IP 3 - Parking Provision  
Policy HE 3 - Listed Buildings  
Policy EC 11 - Rural Diversification

6.5 Furthermore, the most relevant paragraphs from the NPPF of specific relevance to this development would be as follows:

### **Paragraph 84**

6.6 Planning Policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural

- areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

### **Paragraph 195**

- 6.7 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

### **Applicants' Supporting Information**

#### *Heritage and Planning Statement (Sam Fletcher Architect):*

- 6.8 A summary of the highlights of this supporting document is as follows:
- describes components/elements of Yew House (advises 5-bedroomed) as existing
  - confirms neighbouring property to be Grade II listed (states 'Sikeside', but this is known to be called 'Copper Beeches')
  - summarises significance of adjacent listed building
  - briefly describes proposed alterations and mentions proximity of national cycle route no. 10
  - summarises potential impacts on adjacent listed building
  - provides level of justification in the end summary
  - includes copy of Historic England list description for Copper Beeches (stated as Sikeside)

#### *Letter submitted by applicant (published on Carlisle City Council website on 20.9.21):*

- 6.9 The letter is intended to address matters raised in representations by third parties. A summary of the matters covered, which are relevant to planning, is as follows:
- (i) applicants' wish is that the private, safe, tranquil and secure setting remains that way even when clients are staying in the holiday let
  - (ii) applicants' intend to source appropriate materials to preserve character at Sikeside
  - (iii) willow fence to be erected to rear of unit to ensure privacy is maintained for all parties

- (iv) management of behaviour of clients, for example in relation to finishing outside activity (such as hot tub) likely/possible due to proximity of owners to unit
- (v) traffic generated would not exceed potential traffic generated by the 5-bedroomed dwelling
- (vi) acknowledges that users would probably arrive by car (even if intention is to use nearby cycle network)
- (vii) not much holiday accommodation in the local area
- (viii) Hadrian's Wall within cycling distance and lots of footpaths and cycle routes nearby
- (ix) addition of holiday unit would help support local businesses such as grocers' and hostelryes
- (x) development is reversible
- (xi) development would not significantly impact on usage of shared septic tank facility - similar level of use anticipated by comparison to existing dwelling
- (xii) hot tub already in existence and utilised by applicants
- (xiii) hot tub emptied to soakaway at bottom of garden (weekly at most)
- (xiv) no intention to harm biodiversity (intention to improve it over time)
- (xv) separate development of shed now subject of planning application and mitigation being undertaken
- (xvi) drivers using development likely to be more cautious around local road network than people who know the network
- (xvii) passing places exist locally even if they are only field entrances and enable applicants to pass with no problems
- (xviii) no impact on public footpaths crossing the property.

## Assessment

### Whether the development principle is acceptable:

6.10 The most pertinent policy of the Local Plan in this respect is EC 11, supported by SP 2. The Policies are the most pertinent because no policies within the Plan are specifically relevant to this type of development, in this scenario. Paragraph 84 of the NPPF as stated above is also relevant to the development principle.

6.11 **Policy EC 11** states:

*"Development proposals to diversify and expand upon the range of sustainable economic activities undertaken in rural areas will be supported and encouraged both through the conversion of existing buildings and well designed new buildings. Any new building must be well related to an existing group of buildings to minimise its impact and blend satisfactorily into the landscape through the use of suitable materials, design and siting.*

*Proposals must:*

1. *be compatible with their existing rural setting;*
2. *be in keeping, in terms of scale and character, with the surrounding landscape and buildings;*

3. *include adequate access and car parking arrangements; and*
4. *not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network."*

- 6.12 The relevant application of SP 2 relates to principle 8, which requires that within the open countryside, development will be assessed against the need to be in the location specified.
- 6.13 In considering the application in the context of these policies and in the light of Paragraph 84 of the NPPF, the proposals are deemed to be acceptable because:
- the proposal constitutes a degree of rural diversification
  - the nature and scale of the development proposed would be in-keeping with the rural setting, local landscape and existing buildings
  - adequate car parking arrangements are available
  - the development would not promote more traffic movement than if the overall dwelling were more fully occupied
  - any 'need' associated with the development may be superfluous because the building is where it is and conversion/change of use only would occur (no new-build)
- 6.14 Notably, the existing five-bedroomed dwelling could be occupied by a family (no limitation on number of persons living together as a bona fide family unit) or by 6 persons individually living together in the context of a House in Multiple Occupation, or up to 6 persons resident if the property would be operated as a Bed and Breakfast (including the permanent residents). The intended use as a residence with two of the bedrooms occupied by holidaymakers would not be likely to result in a significant deviation from that total.
- 6.15 There is no separate fundamental policy reason why small units providing holiday accommodation cannot be provided within rural locations such as Sikeside. The Covid-19 pandemic has changed patterns of holiday making for UK residents so that more opportunities to take breaks within the UK are desired and thereby required, and if proportionate and appropriate sites are available, support should be given in a rural diversification context, unless other factors relating to applications deem otherwise and are overriding.
- 6.16 Having regard to these matters there is no fundamental reason to oppose the development principle in terms of Policies EC 11, SP 2 and the NPPF.

*Design/visual/heritage impacts:*

- 6.17 Changes to the existing buildings would be negligible in terms of physical alterations. Replacing the existing garage door with a door and window would have no discernible effect on the building or its locus, including heritage settings. Changes to the rear would not be visible because they would be within an enclosed rear garden in a secluded location. The application would therefore accord with Policies SP 6 and HE 3. It would also accord with Paragraph 195 of the NPPF.

Impact on others' amenity:

- 6.18 Objectors have stated that the introduction of a holiday unit would be incompatible with the residential character of the locale at Sikeside. The existing scenario is purely residential with none of the four properties engaged in agriculture and seemingly no other business uses occurring.
- 6.19 The placement of a hot tub close to the boundary with Copper Beeches, and visible from Alder House, is a specific concern being raised.
- 6.20 These are valid concerns, but factors regarding the development relating to (i) its small scale; and (ii) its creation within existing volume of a large dwelling would be relevant here. It is highly unlikely that visitations to Sikeside by up to four persons staying within the proposed unit would have significant adverse impact on the private amenity of neighbours, especially as the operators are resident within Yew House, which is immediately adjacent. This would enable the unit to be managed, if necessary, from very close by to ensure it is occupied appropriately and users are not taking liberties by, for example, being noisy or carrying on disruptive activities beyond reasonable hours.
- 6.21 With regard to the hot tub, this is already in situ and is used by the current occupiers of Yew House. It is accepted that it is close to the boundary with Copper Beeches, but a substantial stone wall separates the properties, and the location is not so close to habitable accommodation that it would be an overriding concern.
- 6.22 However, it is recognised that there is tension locally regarding potential impacts on the residential setting, character and activity at Sikeside as a whole. For this reason, although it is accepted that the development could co-exist harmoniously with existing residences adjacent, a helpful addition could be a management plan, which could be required by condition if planning permission is granted, to ensure that operators and users of the development abide by a set of principles intended to minimise impacts on neighbours.
- 6.23 The inclusion of a condition of this nature would add certainty in relation to control of the development, via which it would be able to accord with Policies EC 11 and SP 6 of the Local Plan. It would also be transferable to future owners/operators.

Road user safety:

- 6.24 Sikeside is approached via a network of secondary and unclassified public roads, until it reaches the long, shared, private drive to the cluster of dwellings. It is therefore valid to question whether it has the capacity to accommodate traffic associated with the introduction of a holiday unit.
- 6.25 Reference is made earlier in this report to other potential ways in which Yew House could be occupied (B & B, HMO, extended family home). The proposed development does not propose to increase habitable volume, and



although it would generate visitor vehicles, the number of persons using the property would be unlikely to increase by comparison to those other uses, by the introduction of this use.

- 6.26 It is therefore concluded that there would be no discernible difference regarding usage of the local road network as a result of this development.
- 6.27 Yew House has ample parking availability within its frontage for at least 4 domestic vehicles and potential within its grounds to provide additional space if required. This could be done under permitted development allowances.
- 6.28 With regard to road safety and parking provision, the application is therefore considered to be in accord with Policies IP 2 and IP 3 of the Local Plan.

## **Conclusion**

- 6.29 The application would give rise to a small unit of holiday accommodation within the existing fabric of a five-bedroomed dwelling within a small rural cluster of residences where there are currently no business activities. It would be operated/overseen by the applicants who reside in the main house and can therefore manage activities of users to limit potential private amenity impacts. A management plan would go a long way to ensuring that management obligations would be transferable.
- 6.30 The proposals would not give rise to significant concerns relating to road safety due to the likely negligible increase on traffic movement in the locality, and would have no impact on the setting of nearby listed buildings because the only physical alterations relate to replacement of a garage door with a window and pedestrian door.
- 6.31 There is a need nationally for opportunities to provide appropriately located, designed and scaled tourism accommodation which has resulted from changes in holidaymaker movement/ambitions in response to the pandemic.
- 6.32 By virtue of its scale in relation to the existing dwelling, the fact that it re-uses existing residential volume as opposed to promoting additional volume, and the likelihood that it would not promote a discordant level of change to the residential nature of Sikeside as a whole, the use/principle is considered to be compatible and to accord with Policies EC 11 and SP 6.
- 6.33 It is therefore recommended that planning permission is granted for the development as proposed.

## **Note regarding drainage**

- 6.34 Concerns relating to the potential impact on an existing shared septic tank serving Yew House and Alder House have been discussed with the Building Control Service. It has been confirmed that the level of usage would be unlikely to change and that although Building Regulations approval is required for the alterations to the building, in Building Regulations terms it is not significant and would not be under scrutiny, as long as it is demonstrated

that foul drainage will be connected to an existing operational system.

- 6.35 The capacity of the joint septic tank is not a matter for planning in the context of this planning application, because no additional volume is proposed and it would require only for the unit to be plumbed into the existing system. The capacity and condition of the septic tank, in this context, is a matter that would have to be resolved between the co-owners (co-users). In any event, usage as a result of the development would be comparable with potential usage prior to the development, and is not a matter that should influence the planning position, in this specific scenario.

## **7. Planning History**

- 7.1 A current application ref. 21/0783, related to the property but within a nearby field/paddock, is currently under consideration. It relates to the erection of a storage shed, the application having been submitted in retrospect. At this time, although the application has not been amended, it is understood that the position of the shed may be changed.
- 7.2 In 1999, under ref. 99/0160, planning permission was granted for the extension of a hallway to be used as playroom.
- 7.3 In 1989, under ref. 89/0842, planning permission was granted for the conversion of an existing barn to a dwelling. This application superseded an earlier planning permission with the same description under ref. 89/0237.

## **8. Recommendation: Grant Permission**

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.
- Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted planning application form;
  2. the Heritage and Planning Statement (Sam Fletcher Architect) received on 29 June 2021;
  3. drawing ref. 240-01 'Location and Block Plan', received on 24 June 2021;
  4. drawing ref. 240-02 'Ground Floor Plan as Existing', received on 24 June 2021;

5. drawing ref. 240-03 'First Floor and Roof Plan as Existing', received on 24 June 2021;
6. drawing ref. 240-04 'Elevations as Existing', received on 24 June 2021;
7. drawing ref. 240-05 'Ground Floor Plan as Proposed', received on 24 June 2021;
8. drawing ref. 240-06 'First Floor and Roof Plan as Proposed', received on 24 June 2021;
9. Drawing ref. 240-07 'Elevations as Proposed', received on 24 June 2021;
10. the Notice of Decision;
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The unit of tourism accommodation as described in the planning permission shall be occupied only by bona fide holidaymakers, shall not be occupied for more than 4 successive weeks by any individual or group, and any such individual or group shall not occupy the unit as otherwise specified for more than 13 weeks in any calendar year.

**Reason:** To ensure that the development accords with Policy EC 10 of the Carlisle District Local Plan 2015-2030, which only offers support for bona fide tourism developments and not for permanent residential accommodation.

4. The development/use hereby permitted shall be restricted to self-catering tourist accommodation only and shall not be occupied as permanent residential accommodation either independently or in association with the planning unit within which it is situated.

**Reason:** To ensure that the development accords with Policy EC 10 of the Carlisle District Local Plan 2015-2030, which only offers support for bona fide tourism developments and not for permanent residential accommodation.

5. Prior to the first occupation of the unit of holiday accommodation hereby approved, a management plan relating to the operation of the holiday unit, focussing on minimisation of disruption to private amenity of neighbouring residents, shall be submitted to, and approved in writing by the local planning authority. The development shall at all times thereafter be operated in strict accordance with the principles and specific actions agreed within the management plan.

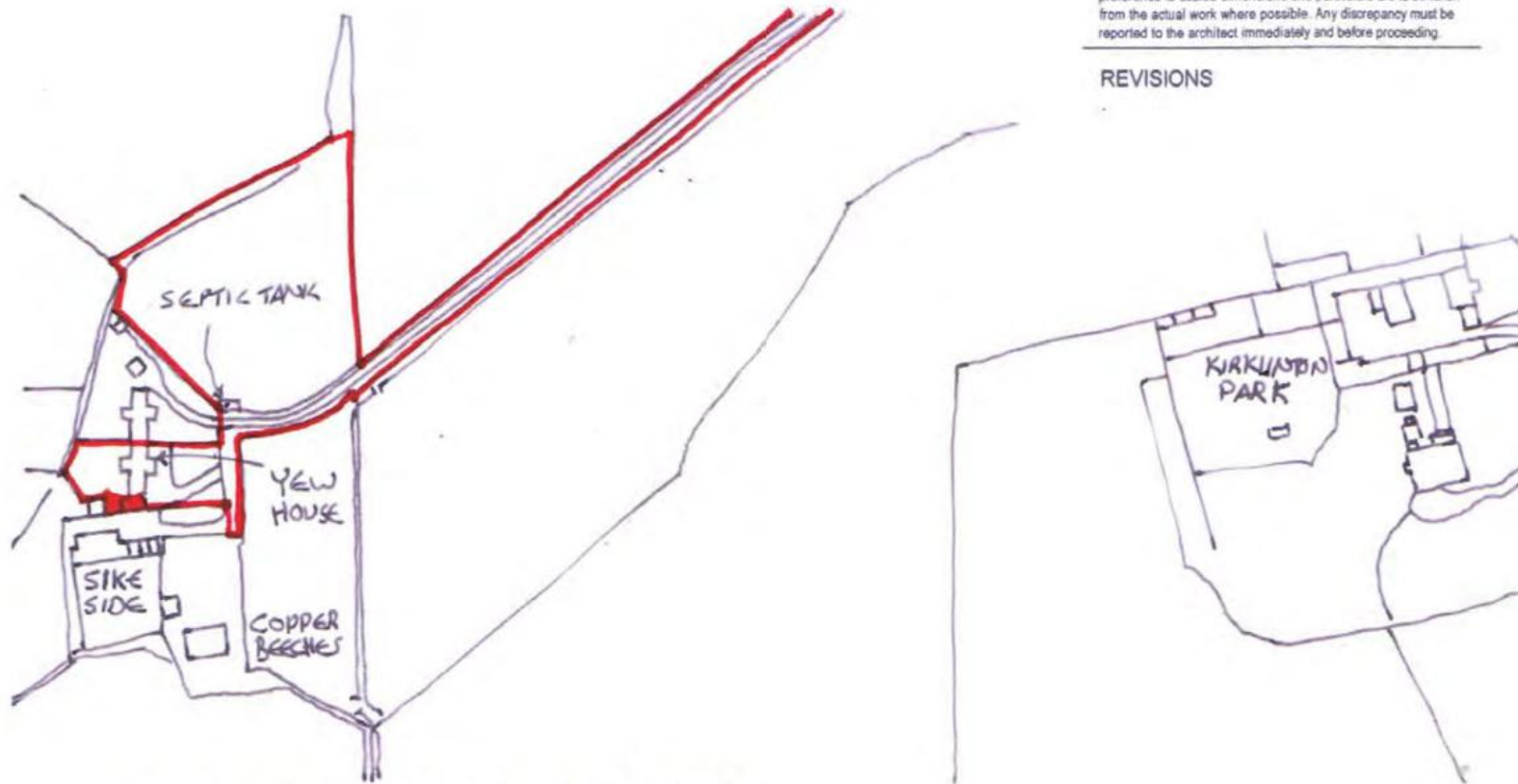
**Reason:** To preserve the private amenity of adjacent occupiers, and to accord with Policies SP 6 and EC 11 of the Carlisle District Local Plan 2015-2030.

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## NOTES AND AMENDMENTS

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

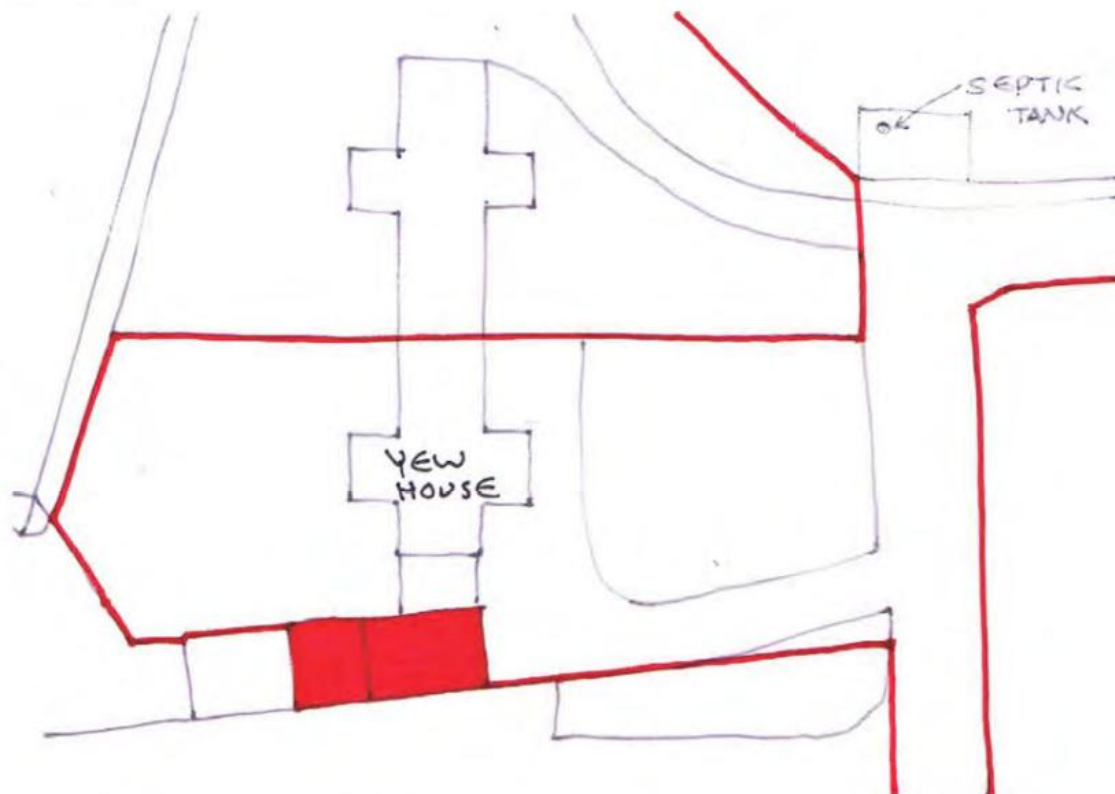
## REVISIONS



LOCATION PLAN. SCALE 1/2500

RED LINE: PROPOSED SITE

NORTH



BLOCK PLAN. SCALE 1/500

## SAM FLETCHER ARCHITECT

16 Beck Road, Carlisle CA2 7QL

01228 558950

samfletcherarchitect@gmail.com

www.samfletcherarchitect.co.uk

Project:

Proposed alterations to form Holiday Let at Yew House, Kirlinton for Mr and Mrs Taylor Smith.

Title:

Location and Block Plan

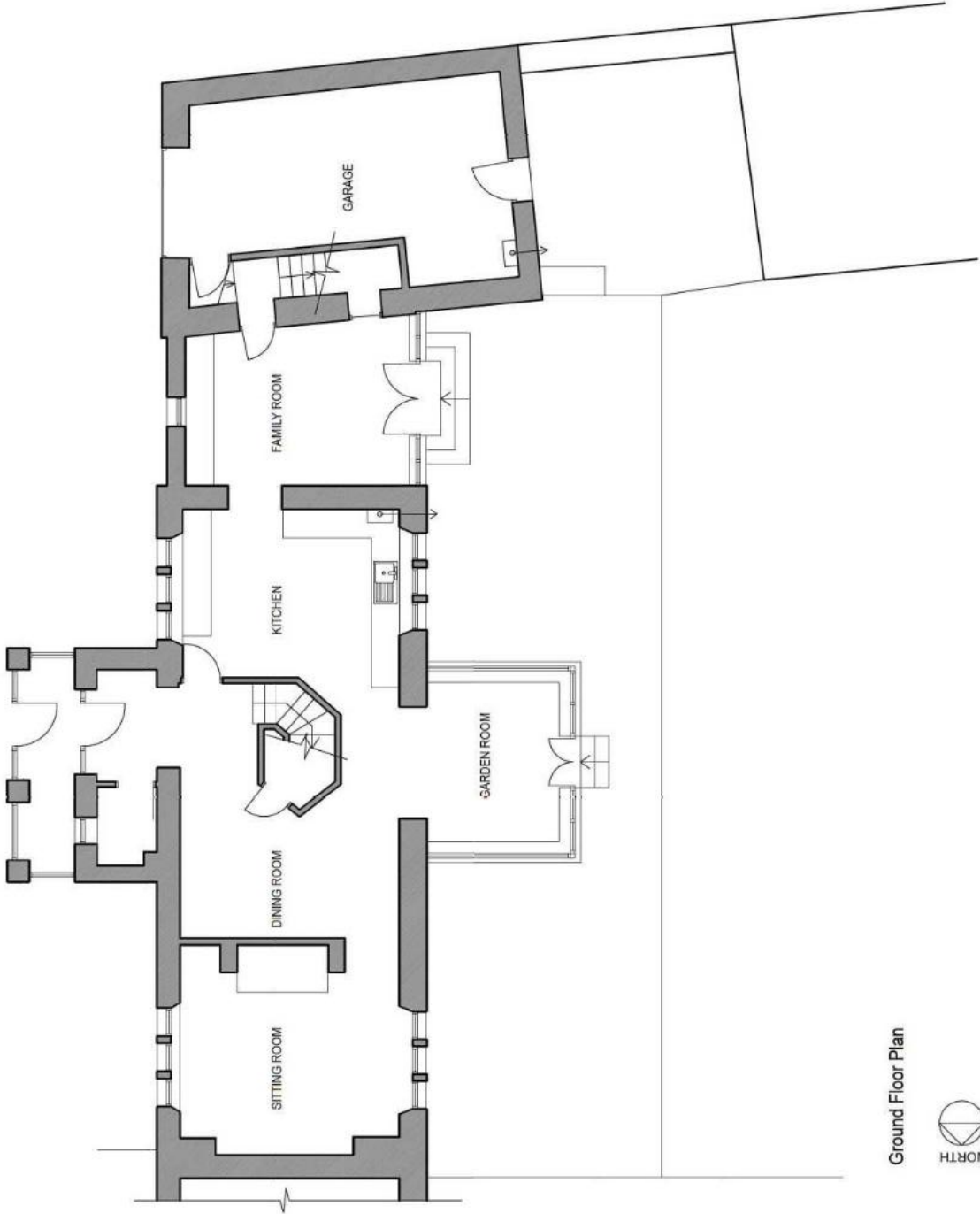
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1/2500 and 1/500	A4	06/2021
Project No:	Drawing No:	Revision:
240	01	-

NOTES AND AMENDMENTS

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REVISIONS

Planning Application, June 2021



Ground Floor Plan



SAM FLETCHER ARCHITECT

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Project:  
Proposed alterations to form Holiday Let  
at Yew House, Kirlinton for Mr and Mrs  
Taylor Smith.

Title:  
Ground Floor Plan as Existing

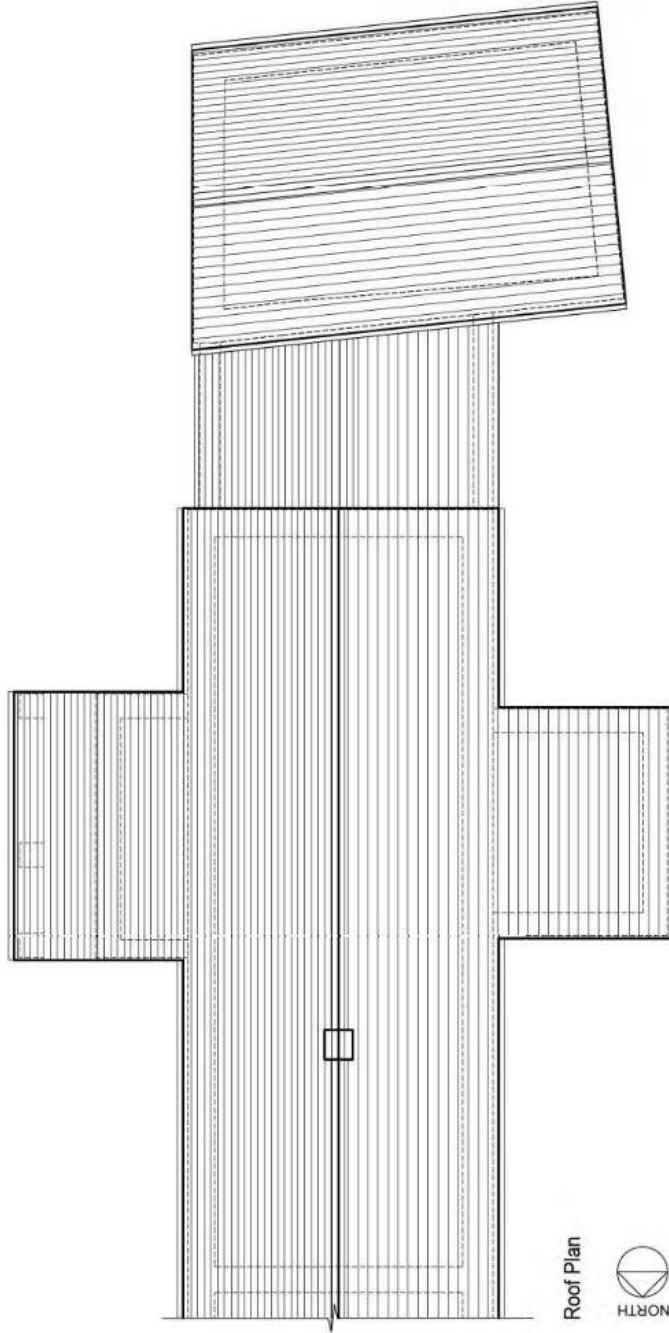
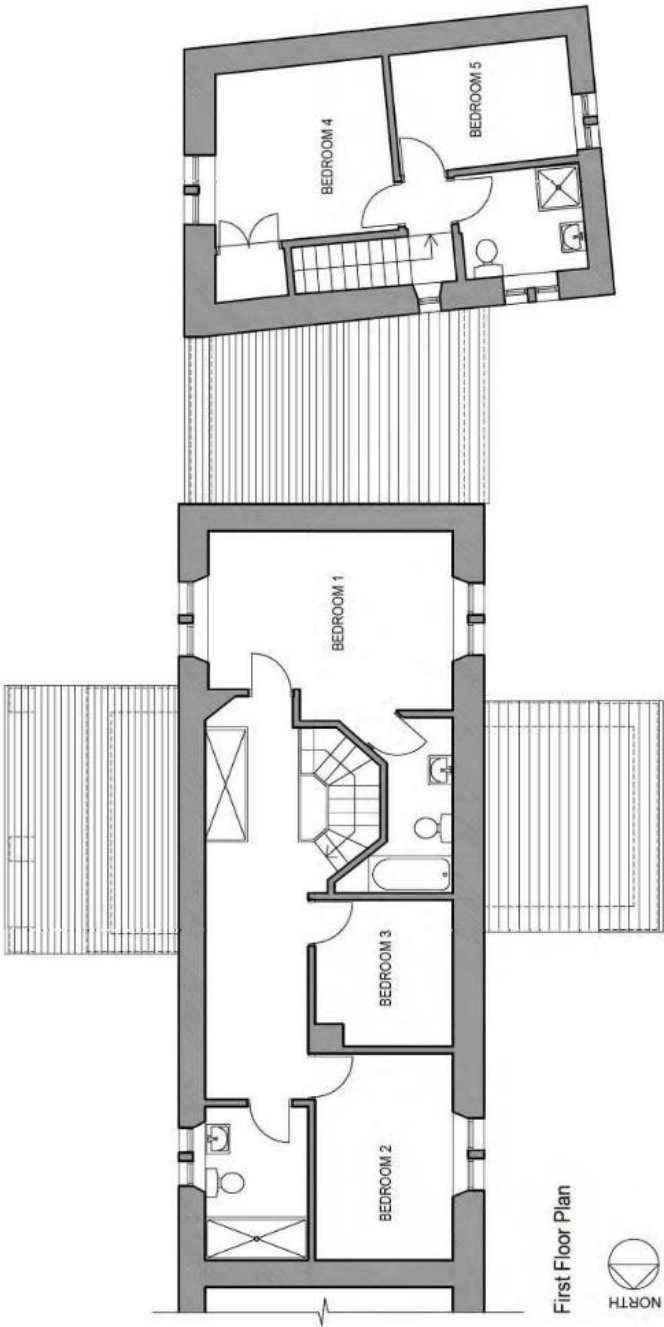
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1/100	A3	04/2021
Project No:	Drawing No:	Revision:
242	02	-

NOTES AND AMENDMENTS

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REVISIONS

Planning Application, June 2021



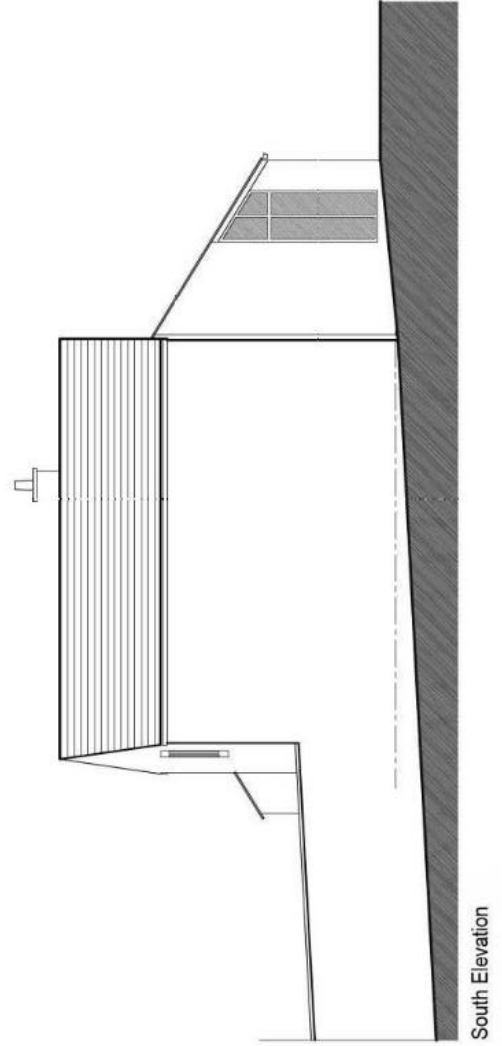
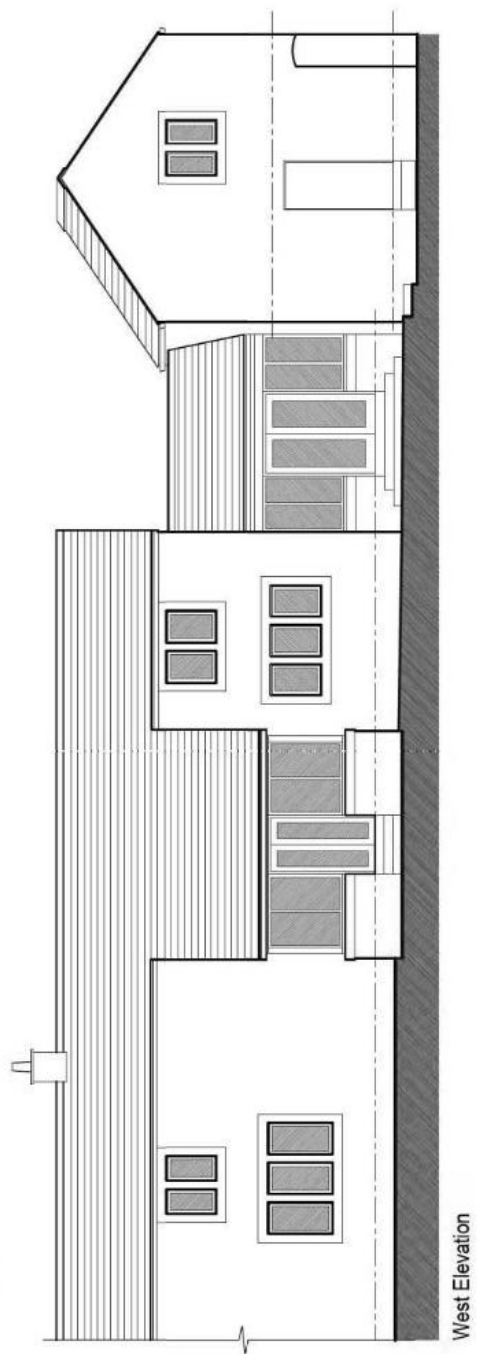
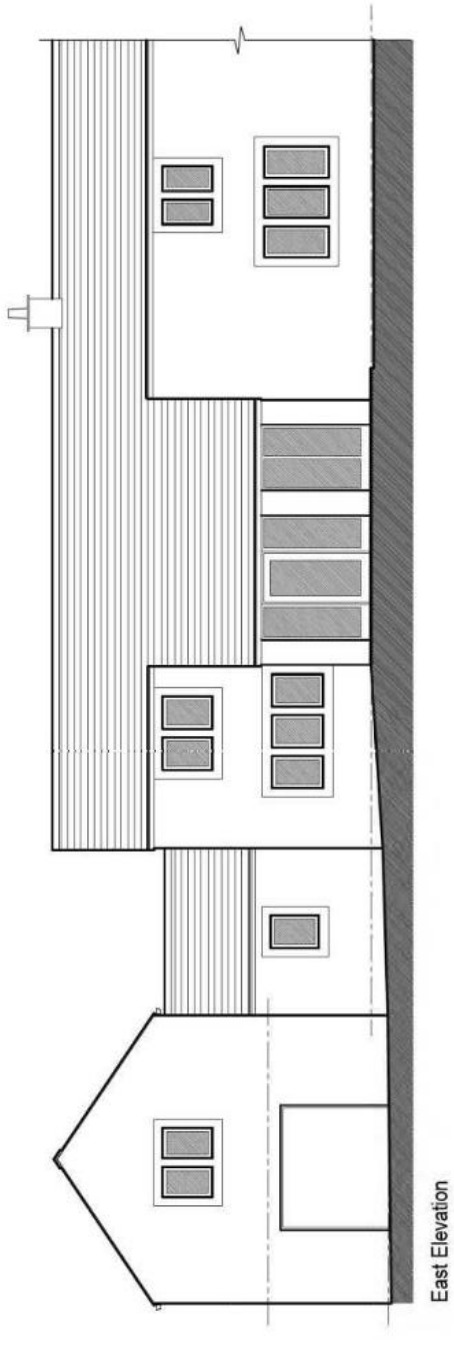
SAM FLETCHER ARCHITECT

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01228 558950  
samfletcherarchitect@gmail.com  
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Project: Proposed alterations to form Holiday Let at Yew House, Kirlinton for Mr and Mrs Taylor Smith.

Title: First Floor and Roof Plan as Existing

Scale:	1/100	Paper size:	A3	Date:	04/2021
Project No:	242	Drawing No:	03	Revision:	-



# NOTES AND AMENDMENTS

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## REVISIONS

Planning Application, June 2021

## SAM FLETCHER ARCHITECT

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01228 558950  
samfletcherarchitect@gmail.com  
www.samfletcherarchitect.co.uk

Project  
Proposed alterations to form Holiday Let  
at Yew House, Kirlinton for Mr and Mrs  
Taylor Smith.

Title:  
Elevations as Existing

Scale	Paper size	Date
1/100	A3	04/2021
Project No.	Drawing No.	Revision
242	04	-

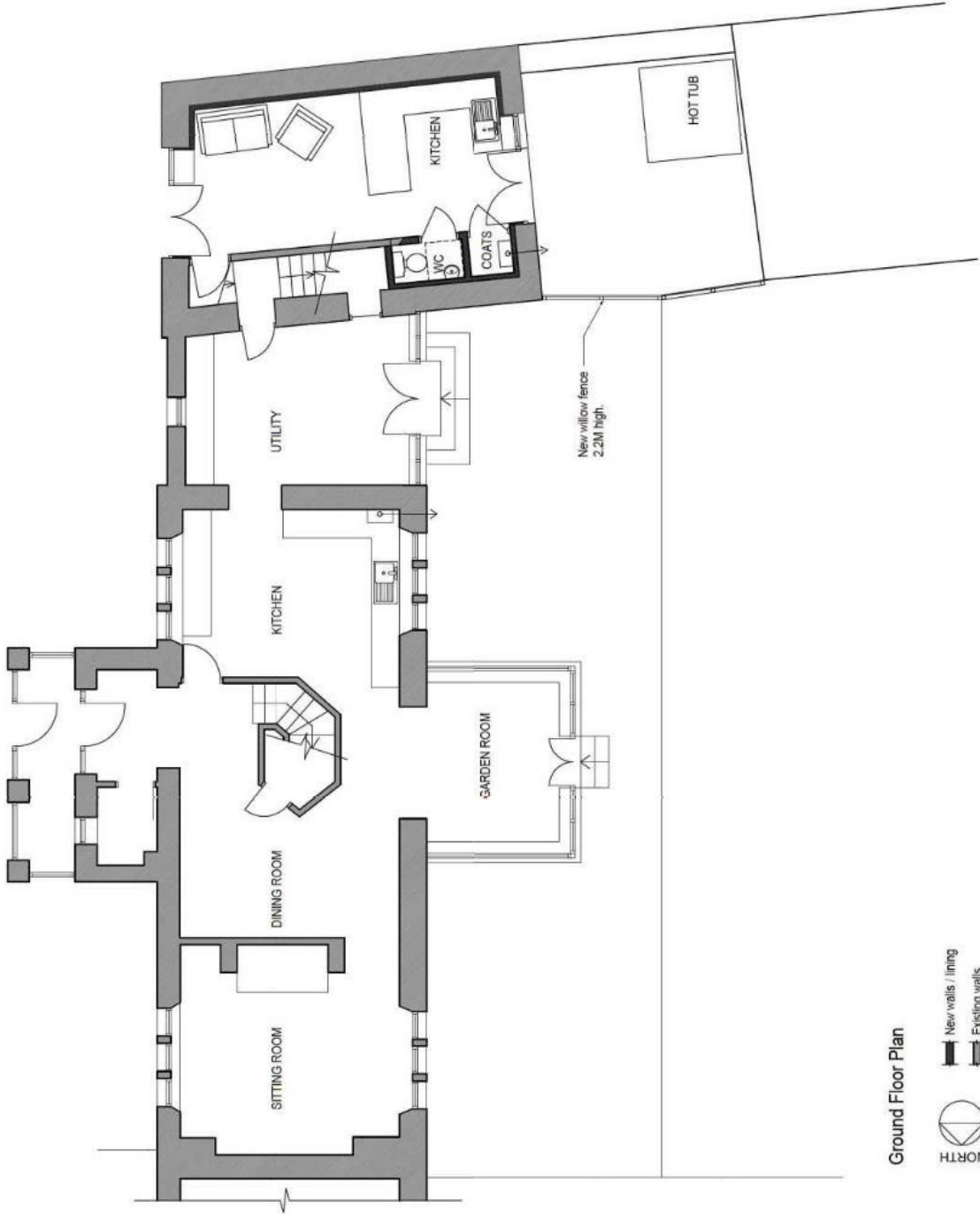


NOTES AND AMENDMENTS

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REVISIONS

Planning Application, June 2021



SAM FLETCHER ARCHITECT

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01228 558950  
samfletcherarchitect@gmail.com  
www.samfletcherarchitect.co.uk

Project:  
Proposed alterations to form Holiday Let  
at Yew House, Kilmington for Mr and Mrs  
Taylor Smith.

Title:  
Ground Floor Plan as Proposed

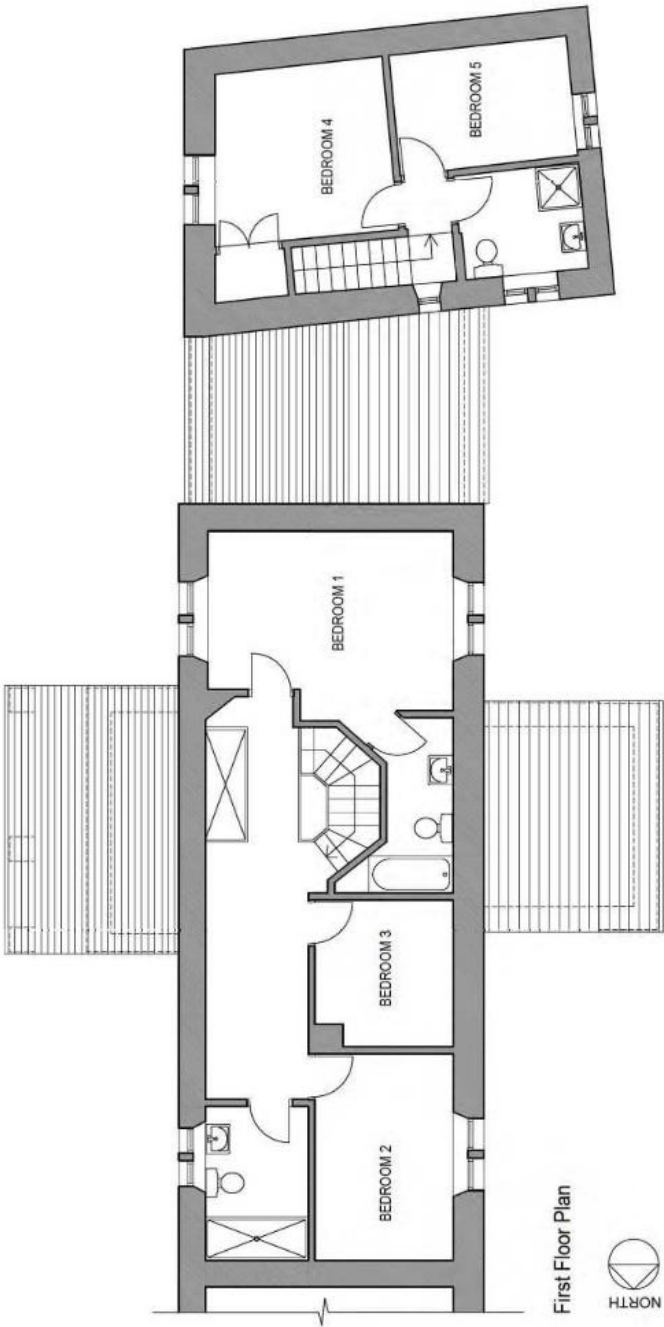
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1/100	A3	06/2021
Project No:	Drawing No:	Revision:
242	05	-

NOTES AND AMENDMENTS

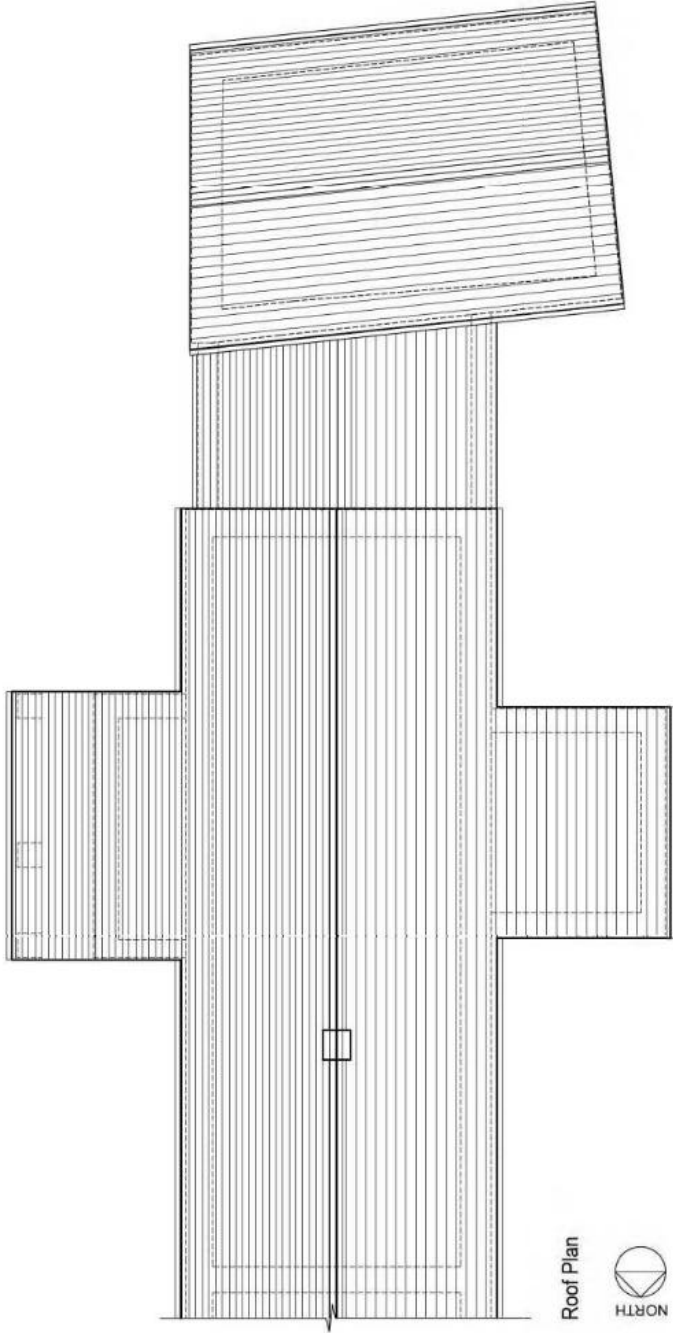
This drawing is copyright. Figure dimensions are to be followed in preference to any other dimensions shown in the drawing. The architect shall not be responsible for any errors or omissions from the actual work where possible. Any dimensions and details reported to the architect immediately and before proceeding.

REVISIONS

Planning Application, June 2021



First Floor Plan



Roof Plan



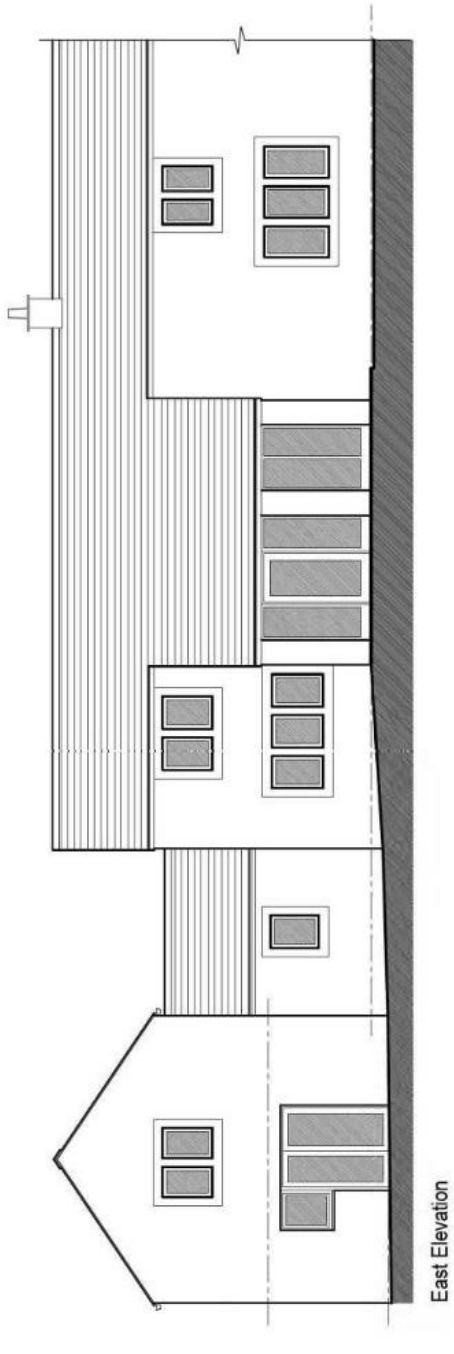
SAM FLETCHER ARCHITECT

16 Beck Road, Carlisle CA2 7QL  
01228 558950  
samfletcherarchitect@gmail.com  
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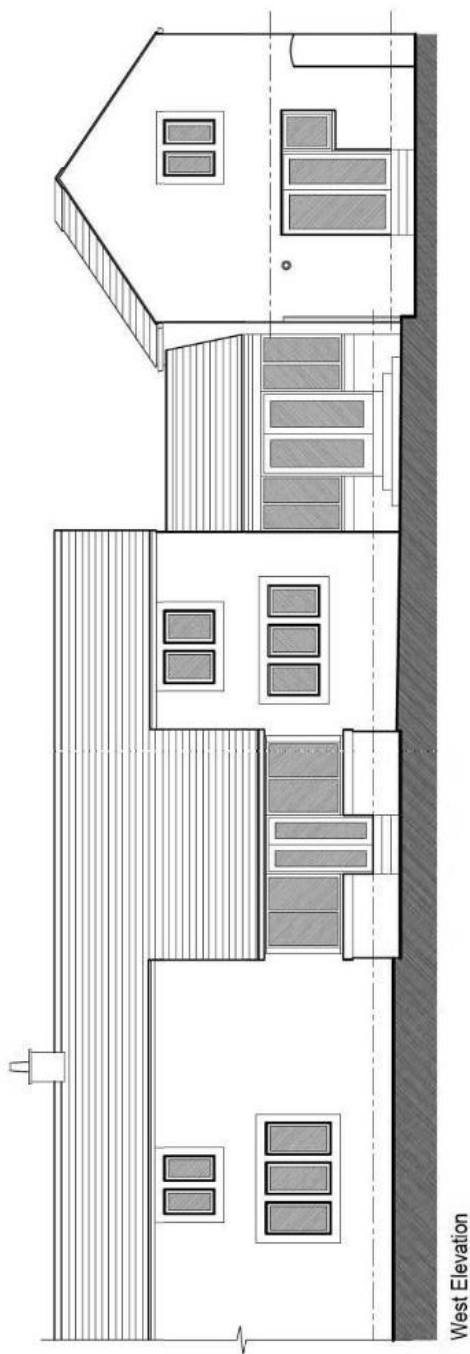
Project  
Proposed alterations to form Holiday Let  
at Yew House, Kirlinton for Mr and Mrs  
Taylor Smith.

Title:  
First Floor and Roof Plan as Proposed

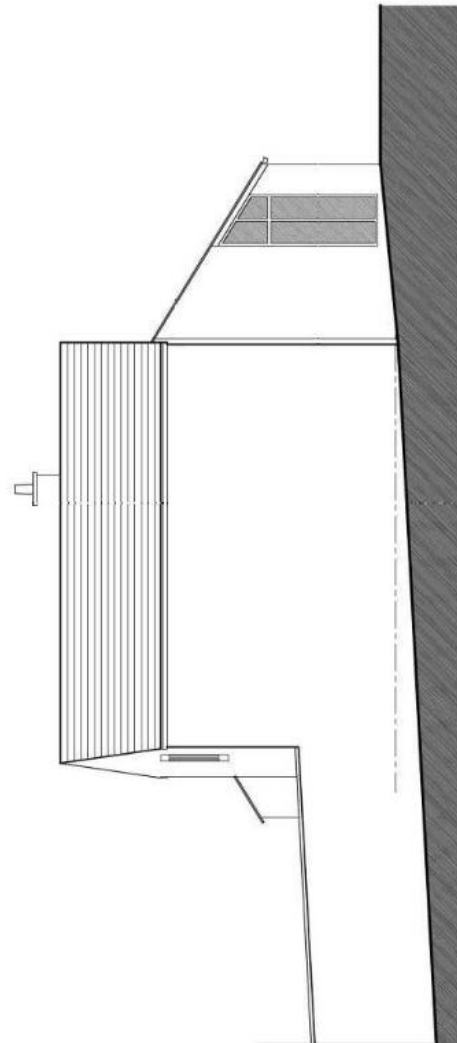
Scale:	1/100	Paper size:	A3	Date:	06/2021
Project No:	242	Drawing No:	06	Revised:	-



East Elevation



West Elevation



South Elevation

## NOTES AND AMENDMENTS

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## REVISIONS

Planning Application, June 2021

## SAM FLETCHER ARCHITECT

16 Beck Road, Carlisle CA2 7QL

01228 558950

samfletcherarchitect@gmail.com

www.samfletcherarchitect.co.uk

Project

Proposed alterations to form Holiday Let at Yew House, Kirlinton for Mr and Mrs Taylor Smith.

Title

Elevations as Proposed

Scale	Paper size	Date
1/100	A3	06/2021
Project No.	Drawing No.	Revision
242	07	-



## SCHEDULE A: Applications with Recommendation

21/0915

Item No: 14

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0915

**Applicant:**  
Mr & Mrs Maunsell

**Parish:**  
Kirklington Middle

**Agent:**

**Ward:**  
Longtown & the Border

**Location:** Meadow View, Smithfield, Kirklington, Carlisle, CA6 6BP

**Proposal:** Demolition Of Existing Conservatory; Erection Of Replacement Sun Room Together With Enlarged Bedroom Above And Formation Of Balcony

**Date of Receipt:**  
27/09/2021

**Statutory Expiry Date**  
22/11/2021

**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 Scale And Design Of the Proposals Would Be Acceptable  
2.2 Impact Of The Proposals On The Living Conditions Of The Occupiers Of Neighbouring Properties  
2.3 Impact Of The Proposal On Biodiversity

#### 3. Application Details

##### The Site

- 3.1 Meadow View is a detached dwelling which fronts on to the A6071 Brampton to Longtown Road. The dwelling is constructed of a mixture of stone and render under a slate roof. The rear elevation of the dwelling contains a two-storey stone gable, which is adjoined by a single-storey rendered extension, with a conservatory also being attached to the rear of the dwelling. A large area of hardstanding lies to the west of the dwelling

and this is used as a parking area. The dwelling has a large side and rear garden, with the rear garden containing a series of outbuildings.

- 3.2 Residential properties (West View and The Cottage) adjoin the dwelling to the east and west respectively. Open fields adjoin the dwelling to the rear (north), with the A6071 be located to the front (south) of the property.

## **The Proposal**

- 3.3 This proposal is seeking planning permission for demolition of the existing conservatory and for the erection of replacement sun room together with enlarged bedroom above and the formation of balcony.
- 3.4 The sunroom would project out 4.4m from the existing living room and would be attached to the side of the existing kitchen and the ground floor bathroom. The rear elevation would contain patio doors which would have single windows to both sides, with the side elevation containing two single windows.
- 3.5 At first floor level, the existing bedroom would be extended out 2.4m and would include an en-suite bathroom. Patio doors would be provided in the rear elevation of the bedroom and these would provide access to a balcony which would project out 2m and would measure 5.9m in width.
- 3.6 The extension would be finished in smooth painted render, under a slate roof, with the balcony being enclosed by glazed screening.
- 3.7 The applicant is also intending to add a first floor above the existing single-storey rear utility/ bathroom extension. This would project out 1.9m and would be constructed of materials to match the existing dwelling so would be permitted development. A small single-storey side extension is also being added to the eastern side of the dwelling. This would measure 2.7m in width, 2.2m to the eaves and 3.1m to its highest point and would, therefore, also be permitted development.

## **4. Summary of Representations**

- 3.1 This application has been advertised by means of notification letters sent to two neighbouring properties. No verbal or written representations have been made during the consultation period.

## **5. Summary of Consultation Responses**

**Kirklington Parish Council:** - no comments received;

**Environment Agency - Environmental Crime Team:** - no comments 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 HO8 and SP6 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Document Achieving Well Designed Housing is also a material planning consideration.
- 6.3 The proposal raises the following planning issues.
1. Whether The Scale And Design Of the Proposals Would Be Acceptable
- 6.4 The sunroom would project out 4.4m from the existing living room and would be attached to the side of the existing kitchen and the ground floor bathroom (which is to have a first floor added under permitted development). The rear elevation would contain patio doors which would have single windows to both sides, with the side elevation containing two single windows.
- 6.5 At first floor level, the existing bedroom would be extended out 2.4m and would include an en-suite bathroom. Patio doors would be provided in the rear elevation of the bedroom and these would provide access to a balcony which would project out 2m and would measure 5.9m in width. The balcony would adjoin the new two-storey rear extension that is being erected as permitted development.
- 6.6 The extension would be finished in smooth painted render, under a slate roof, with the balcony being enclosed by glazed screening. The proposed materials would match those present on the existing dwelling.
- 6.7 In light of the above, the scale and design of the proposed extension would be acceptable.
2. Impact Of The Proposals On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 6.8 Whilst West View has two-first floor windows which face Meadow View there is a planing condition in place which requires these to be obscure glazed. The extension would be 12m from these windows and would largely be located behind an existing two storey section. If the small two-storey extension is constructed as permitted development this would also screen the balcony from the east.
- 6.9 The west elevation of the extension would be 17m from the boundary with Meadow View. The upper floor of the bedroom extension would not contain any windows in the west elevation. Whilst it would be possible to look towards the garden of The Cottage from the balcony the separation distance

is considered to be acceptable and there is existing vegetation on the boundary which would limit any overlooking.

- 6.10 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

### 3. Impact Of The Proposal On Biodiversity

- 6.11 As the proposal would be an extension to an existing dwelling with minimum disturbance to vegetation the proposal 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.

## Conclusion

- 6.12 The scale and design of the proposed extension would be acceptable. It would not have an adverse impact on the occupiers of neighbouring properties due to loss of light, loss of privacy or over-dominance. In all aspects, the proposal is considered to be compliant with the relevant policies in the adopted Local Plan.

## 7. Planning History

- 7.1 In August 2010, planning permission was granted for the change of use from agricultural land to domestic curtilage (10/0697).
- 7.2 In November 2011, planning permission was granted for the erection of replacement porch (11/0875).

## 8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.  
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form, received 23rd September 2021;
  2. Location Plan (Dwg. 21-C-16273-001), received 28th September 2021;
  3. Proposed Block Plan (Dwg. 21-C-16273-004), received 28th

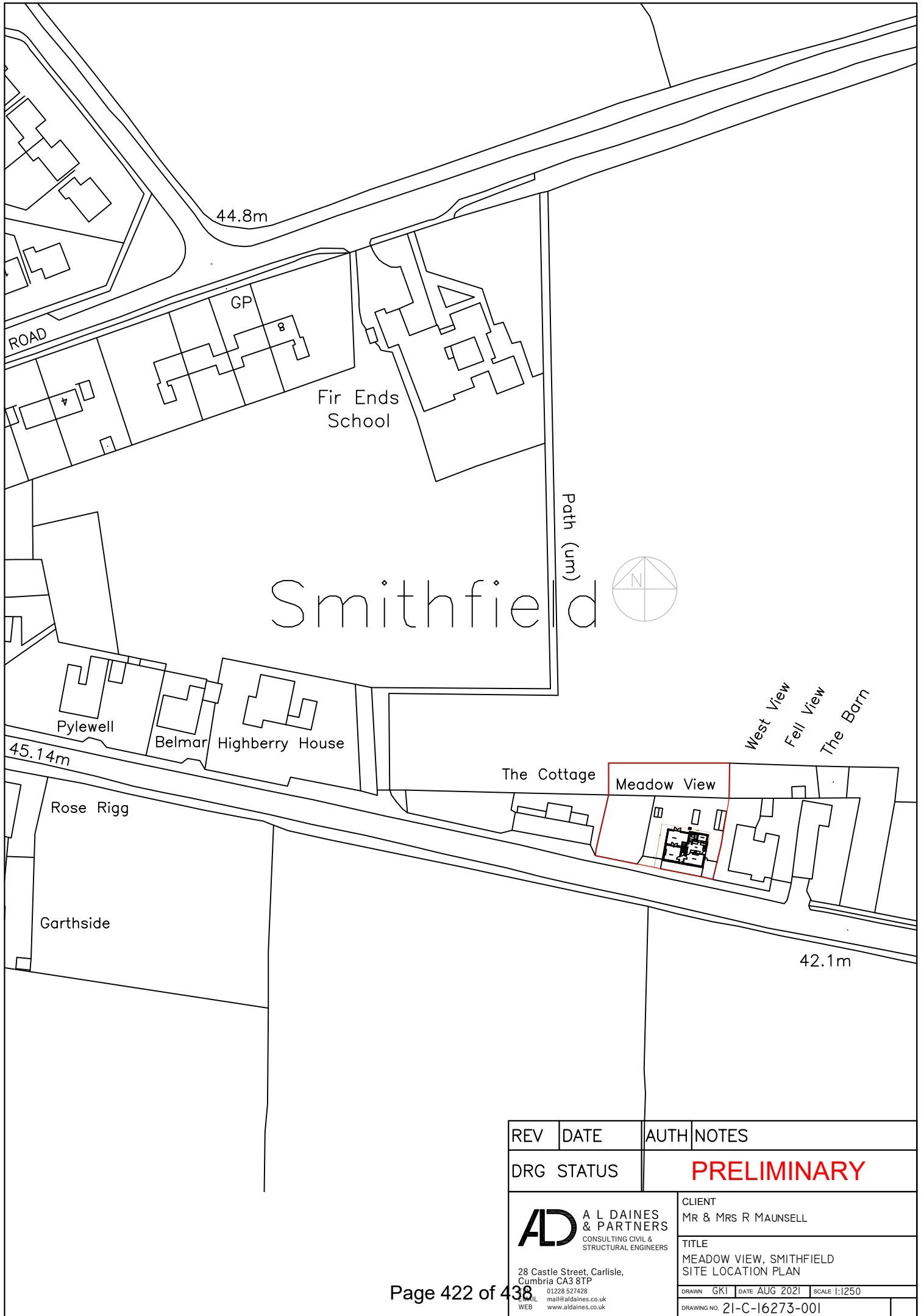



September 2021;

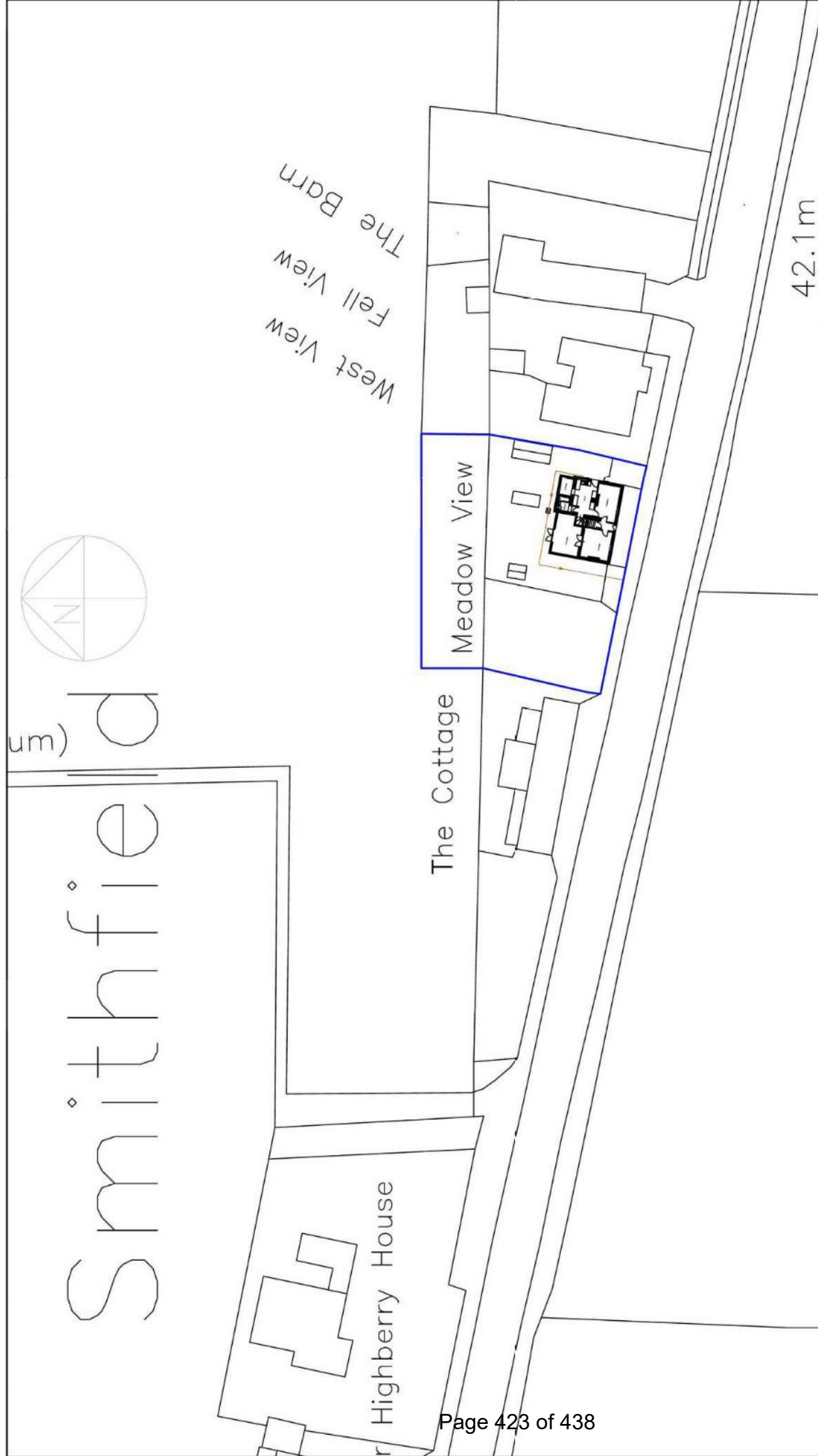
4. Proposed Floor Plan & Roof Plan (Dwg. 21-C-16273-005), received 23rd September 2021;
5. Proposed Elevations (Dwg. 21-C-16273-006), received 23rd September 2021;
6. the Notice of Decision;
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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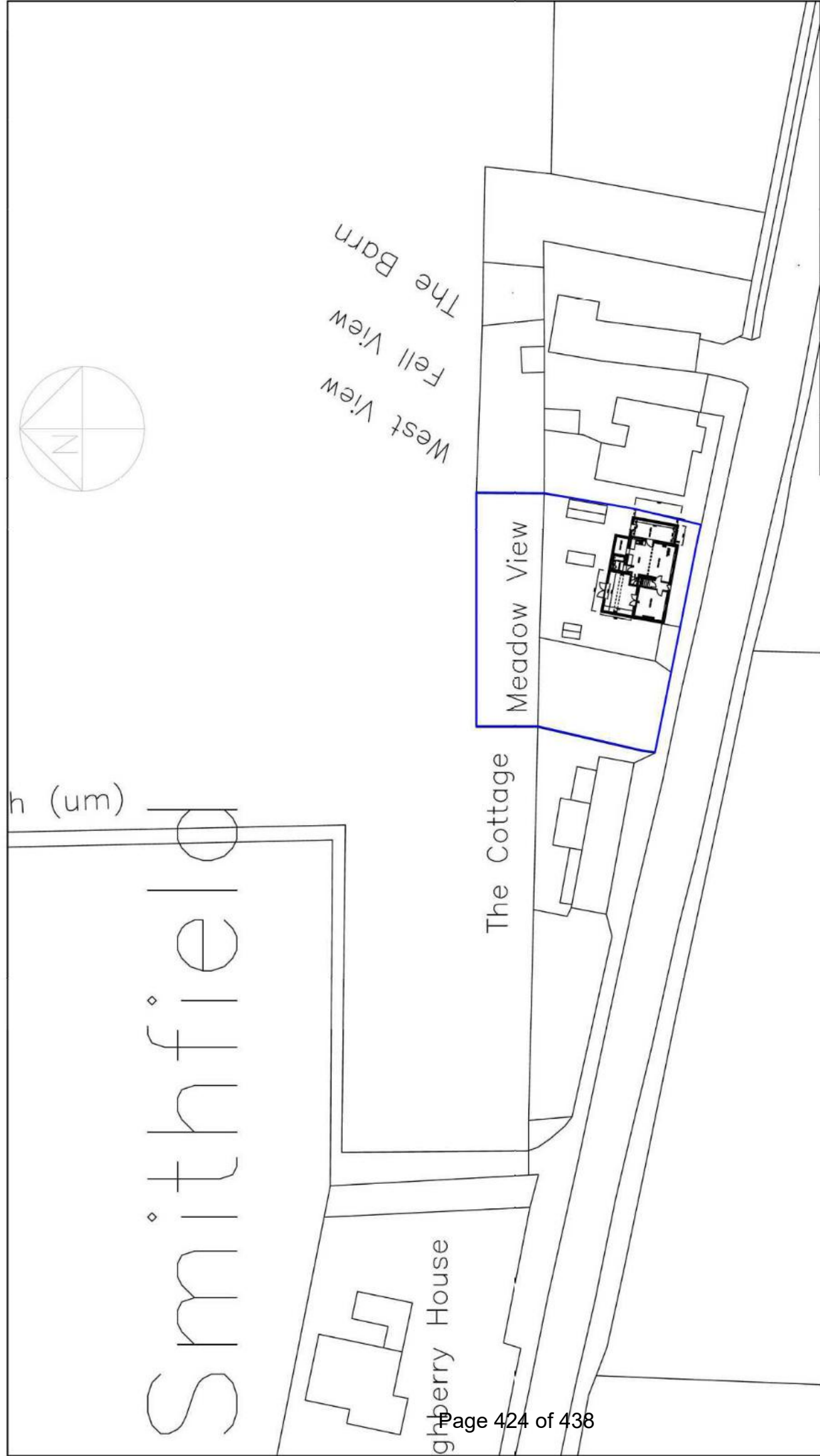
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 A L DAINES & PARTNERS CONSULTING CIVIL & STRUCTURAL ENGINEERS 28 Castle Street, Carlisle, Cumbria CA3 8TP 01228 527428 mail@aldaines.co.uk www.alldaines.co.uk		CLIENT MR & MRS R MAUNSELL	
		TITLE MEADOW VIEW, SMITHFIELD SITE LOCATION PLAN	
DRAWN		GKI	DATE AUG 2021 SCALE 1:1250
DRAWING NO.		21-C-16273-001	



REV	DATE	AUTHOR	NOTES
PRELIMINARY			
DRAWING STATUS		CLIENT	
		MR & MRS R MAUNSELL	
		TITLE	
		MEADOW VIEW, SMITHFIELD	
		AS EXISTING BLOCK PLAN	
		DRAWN	
		GKI	
		DATE	
		AUG 2021	
		SCALE	
		1:500@A3	
		DRAWING NO	
		21-C-16273-002	

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**& PARTNERS**  
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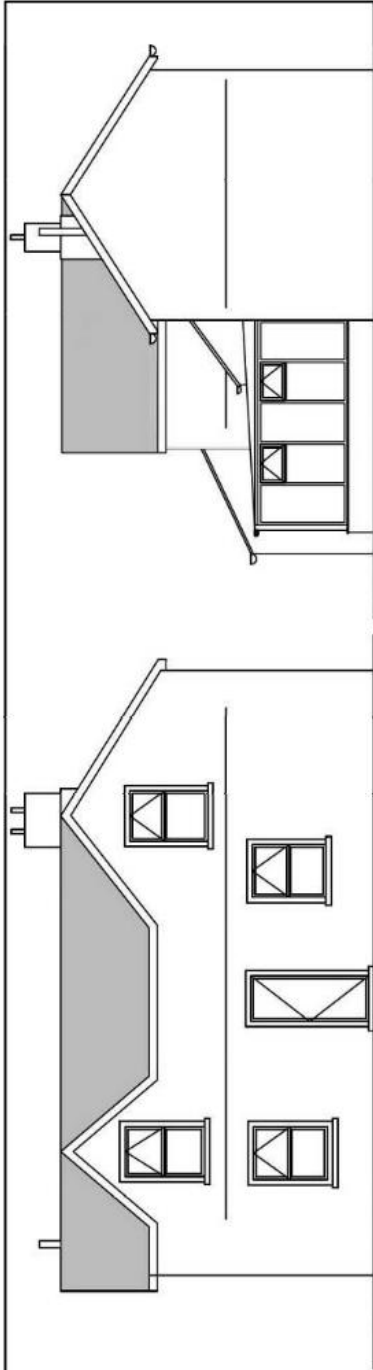
28 Castle Street, Carlisle,  
 Cumbria CA3 8TP  
 TEL: 01228 527428  
 EMAIL: info@aldaines.co.uk  
 WEB: www.aldaines.co.uk



REV	DATE	AUTHOR	NOTES
DRAWING STATUS			
PRELIMINARY			
CLIENT			
MR & MRS R MAUNSELL			
TITLE			
MEADOW VIEW, SMITHFIELD			
BLOCK SITE PLAN			
DRAWN	GKI	DATE	AUG 2021
SCALE	1:500		
DRAWING NO.	21-C-16273-004		

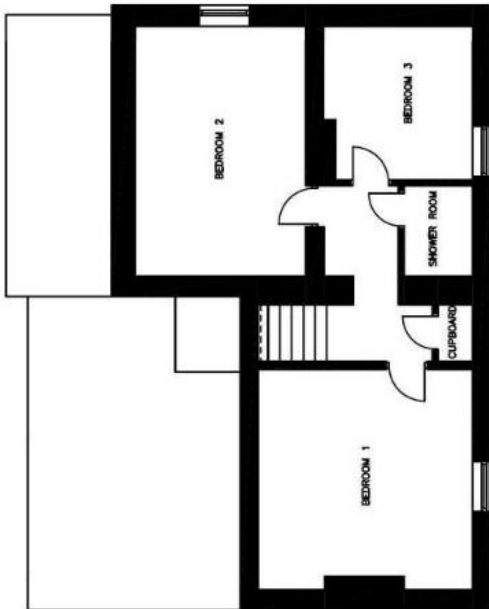
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& PARTNERS  
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Cumbria CA3 8TP  
TEL: 01228 527428  
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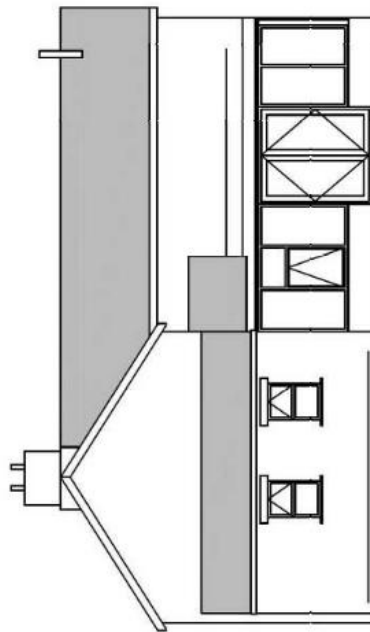


FRONT ELEVATION

SIDE ELEVATION

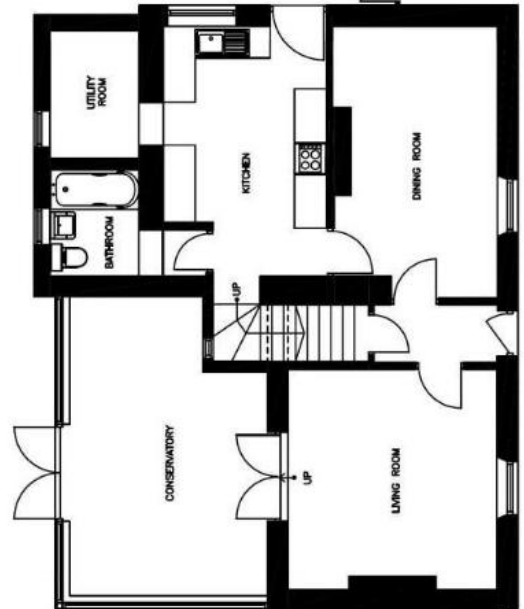


FIRST FLOOR AS EXISTING

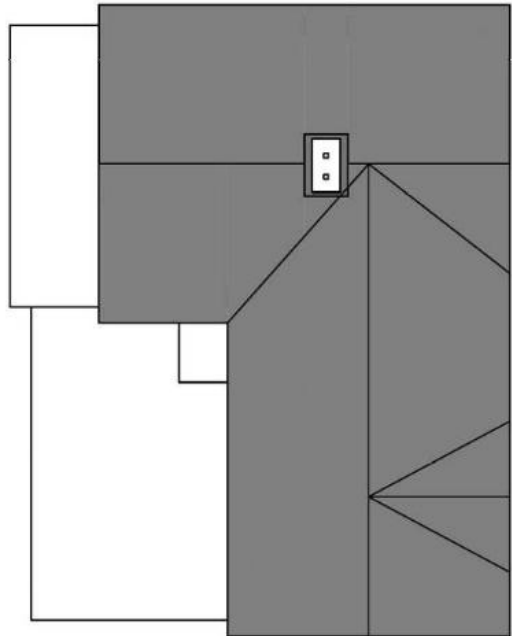


REAR ELEVATION

SIDE ELEVATION

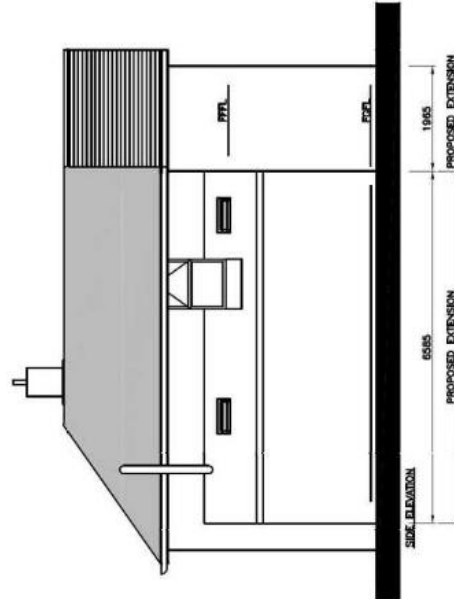
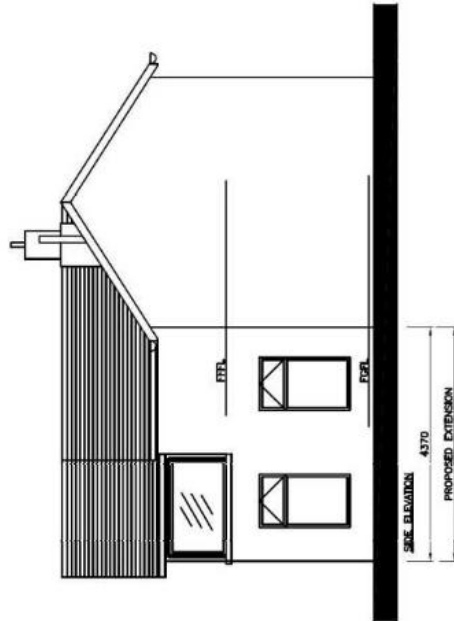
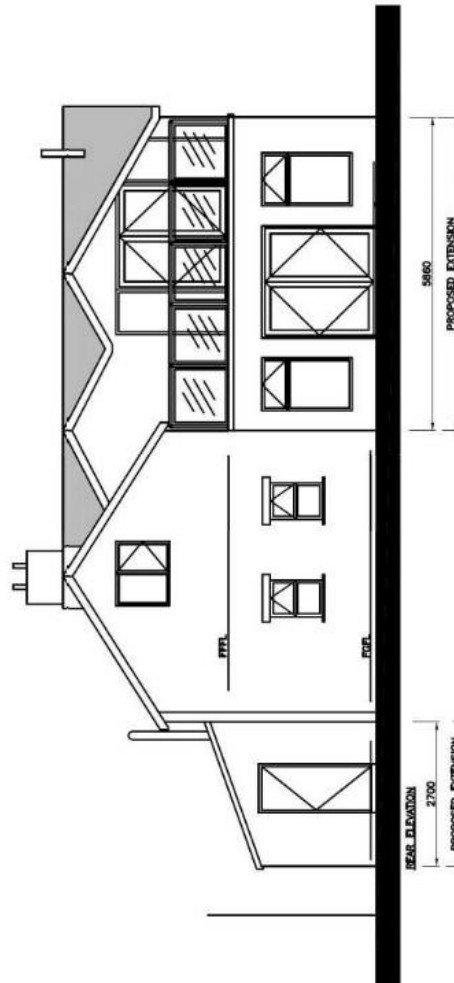
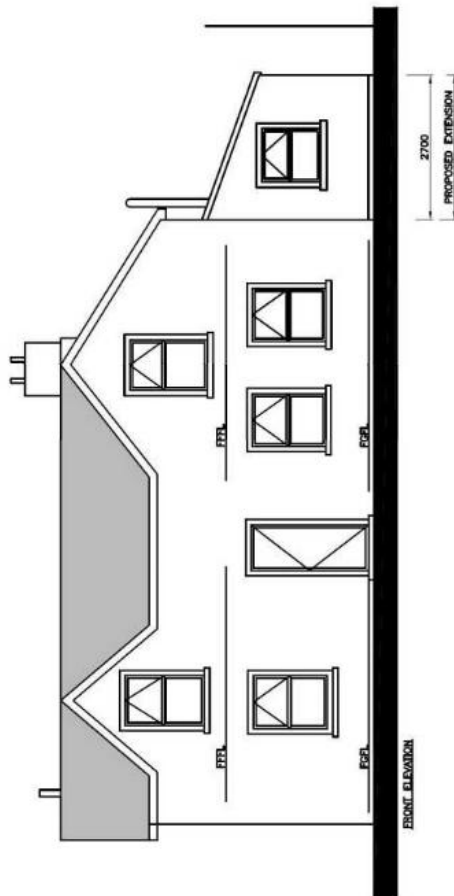


GROUND FLOOR AS EXISTING



ROOF PLAN AS EXISTING

REV	DATE	AUTHOR	NOTES
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PRELIMINARY			
CLIENT		MR & MRS R MAUNSELL	
TITLE		MEADOW VIEW, SMITHFIELD	
AS EXISTING FLOOR PLANS & ELEVATIONS		DRAWN GKI DATE AUG 2021 SCALE 1:100@A3	
DRAWING NO. 21-C-16273-003		DRAWN GKI DATE AUG 2021 SCALE 1:100@A3	
A L DAINES & PARTNERS		CONSULTING CIVIL & STRUCTURAL ENGINEERS	
28 Castle Street, Carlisle, Cumbria CA3 8TP		TEL 01228 527428	
FAX 01228 527429		EMAIL info@aldaines.co.uk	
WEB www.aldaines.co.uk			

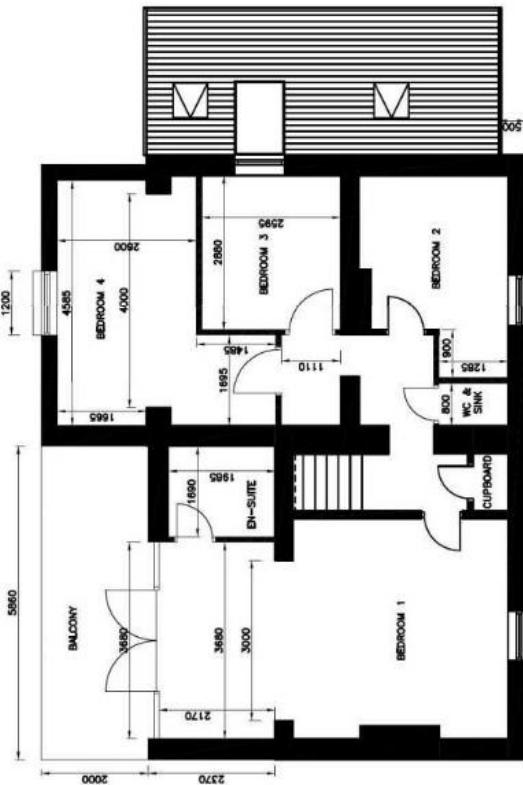


REV	DATE	AUTHOR	NOTES
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PRELIMINARY			
CLIENT			
MR & MRS R MAUNSELL			
TITLE			
MEADOW VIEW, SMITHFIELD			
PROPOSED ELEVATIONS			
DRAWN	GKI	DATE	AUG 2021
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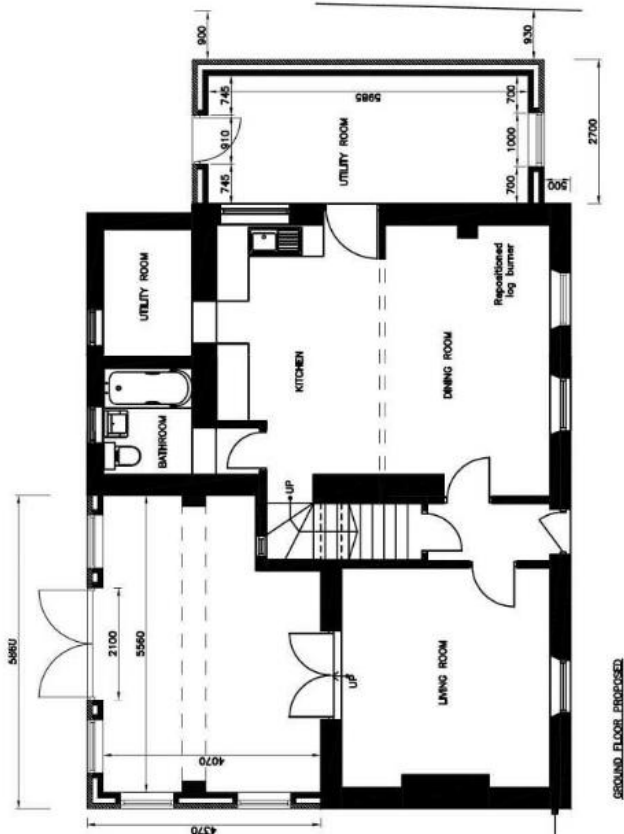
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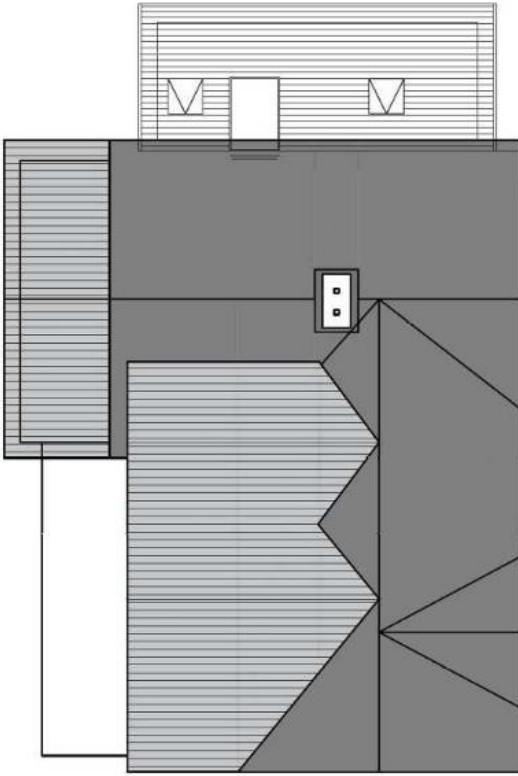




FIRST FLOOR PROPOSED



GROUND FLOOR PROPOSED



ROOF PLAN PROPOSED

REV	DATE	AUTHOR	NOTES
DRAWING STATUS			<b>PRELIMINARY</b>
CLIENT		MR & MRS R MAUNSELL	
TITLE		MEADOW VIEW, SMITHFIELD	
DRAWING NO.		21-C-16273-005	
DRAWING		GKI	
DATE		AUG 2021	
SCALE		1:100@A3	
DRAWING NO.		21-C-16273-005	
DRAWING NO.		21-C-16273-005	

**AD**  
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 WEB: www.aldaines.co.uk





# SCHEDULE B

# SCHEDULE B

## SCHEDULE B: Applications Determined by Other Authorities

---

**Item No: 15**

Between 07/10/2021 and 18/11/2021

**Appn Ref No:**

21/9005

**Applicant:**

United Utilities Water Ltd

**Parish:**

Carlisle

**Date of Receipt:**

28/07/2021

**Agent:**

Cumbria County Council -  
Economy & Planning

**Ward:**

Cathedral & Castle

**Location:**

Carlisle Wastewater Treatment Works, Willow  
Holme Industrial Park, Willow Holme Road, Carlisle,  
CA2 5RN

**Grid Reference:**

338910 556681

**Proposal:** Construction Of 6no.Kiosks

**Amendment:**

### REPORT

**Case Officer:** John Hiscox

### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection

**Date:** 20/09/2021

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 29/10/2021

A copy of the Notice of the decision of the Determining Authority is printed following the report.

---

GENERAL NOTES:-

1. ALL DIMENSIONS IN MM UNLESS NOTED OTHERWISE.
2. ALL LEVELS & ELEVATIONS ARE RELATIVE TO ORDNANCE SURVEY UNLESS NOTED OTHERWISE.

SITE LOCATION:-

CARLISLE WWTW  
WILLOWHOLME INDUSTRIAL ESTATE  
CARLISLE, CUMBRIA, LA1 1YU  
GRID REF: NY 38013 69626

REFERENCES

80061691-01-ADP-CARLI-96-DR-T-10001 LOCATION PLAN  
80061691-01-ADP-CARLI-96-DR-T-10002 SITE LAYOUT  
80061691-01-ADP-CARLI-96-DR-T-10003 INLET WORKS MIC INKOSK ELEVATIONS  
80061691-01-ADP-CARLI-96-DR-T-10004 STORM WATER MANAGEMENT MIC INKOSK ELEVATIONS  
80061691-01-ADP-CARLI-96-DR-T-10005 STORM WATER MANAGEMENT MIC INKOSK ELEVATIONS  
80061691-01-ADP-CARLI-96-DR-T-10006 UV TREATMENT UV CONTROL AND MIC INKOSK ELEVATIONS  
80061691-01-ADP-CARLI-96-DR-T-10007 UV TREATMENT RMU  
80061691-01-ADP-CARLI-96-DR-T-10008 UV TREATMENT ELEVATED GENERATOR & FUEL TANK ELEVATIONS

LEGEND:-

PLANNING BOUNDARY (AREA 23566P)  
LAND OWNED BY UNITED UTILITIES (AREA 120830V)

CURRENT ISSUE INFORMATION

POS	AS	AI	IB	Issued for Planning Application	06/05/21
Version	Auth	Chk	Rev	Reason/Release	Date
SZ				Issued for Information	
SYMBOL CODE	SYMBOL DESCRIPTION				

Water for the North West

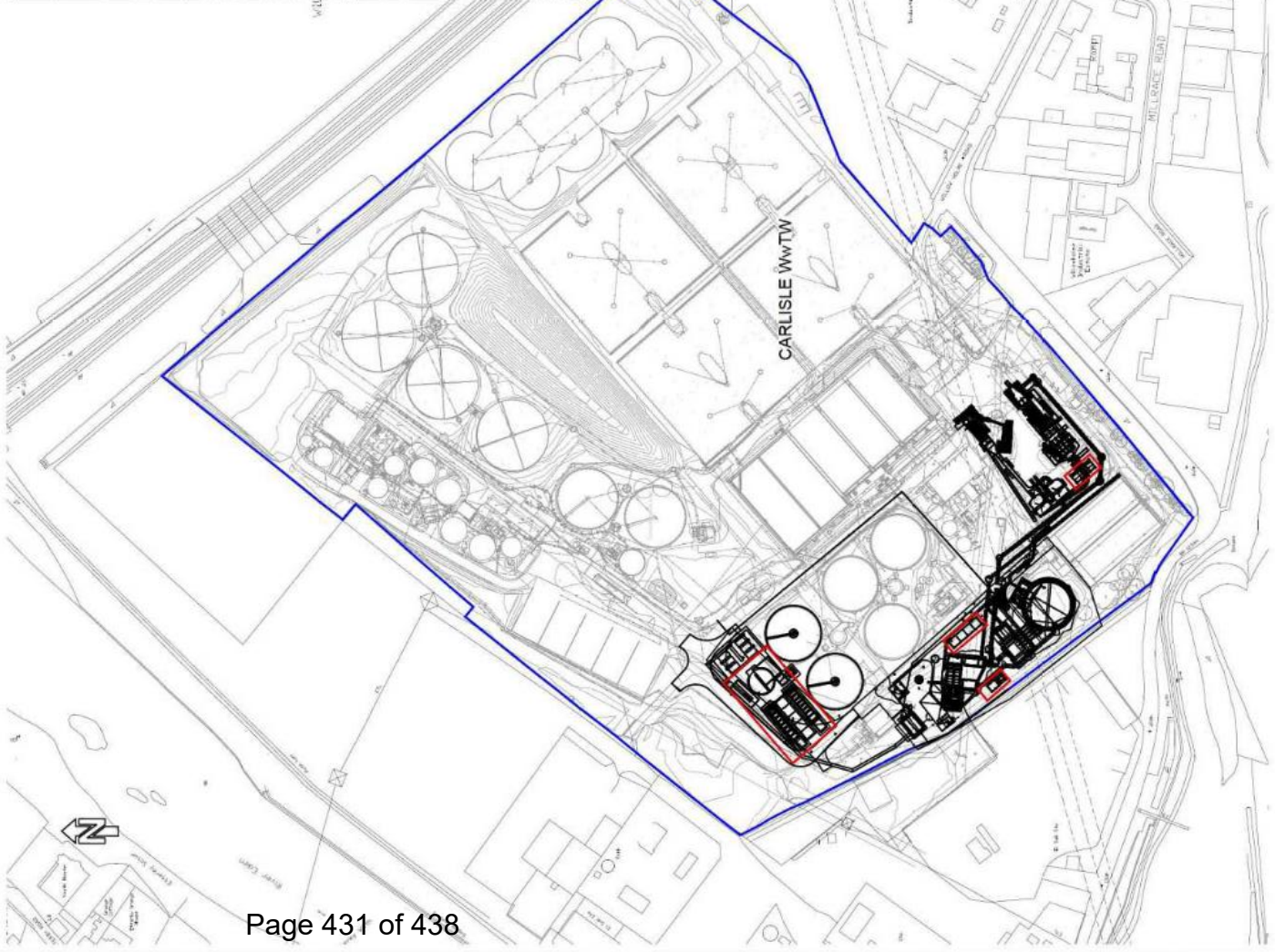
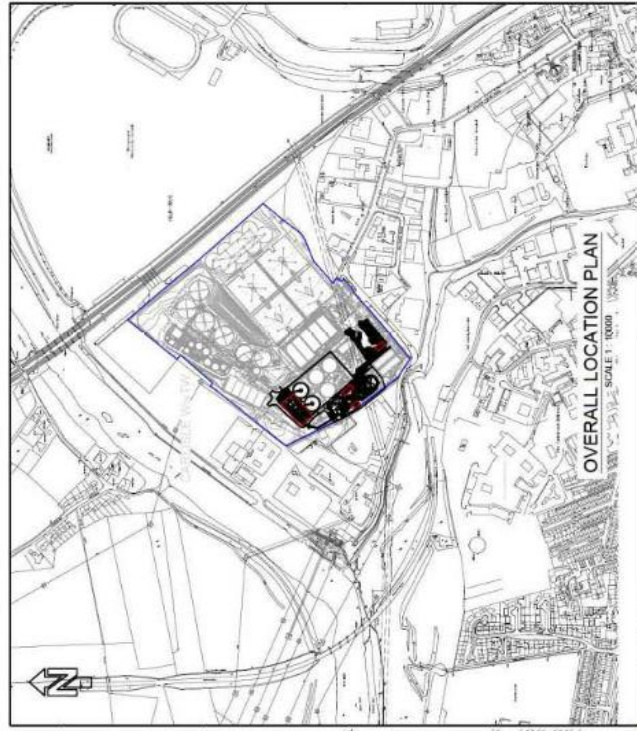
CARLISLE WWTW - SHELLFISH WATERS - AMP7  
PLANNING  
SITE LOCATION PLAN

SCALE  
AS SHOWN  
A1

PROJECT NUMBER  
80061691-01-ADP-CARLI-96-DR-T-10001

SHEET NO.  
A1

OF  
P05



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**The Town and Country Planning Act 1990  
The Town and Country Planning (Development Management Procedure)  
(England) Order 2015**

**NOTICE OF PLANNING PERMISSION**

To: United Utilities (Water) Plc  
Thirlmere House, Lingley Mere  
Lingley Green Avenue  
Great Sankey  
Warrington  
WA5 3LP

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 26 July 2021.

**viz: Proposed development of 6 kiosks which are part of upgrade works necessary to enable compliance with an enhanced effluent discharge consent for phosphorous, as set by the Environment Agency, as well as to increase the treatment capacity of the WwTW to cater for predicted population growth in the catchment area to 2035.**

**Carlisle Wastewater Treatment Works, Willow Holme Industrial Park, Willow Holme Road, Carlisle, CA2 5RN**

Subject to due compliance with the following conditions:

**Time Limit for Implementation of Permission**

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

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**Approved Scheme**

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
  - a. The submitted Application Form – dated 5 July 2021
  - b. Supporting Statement – dated June 2021
  - c. Traffic Management Plan – dated 12 January 2021
  - d. Environmental Control Plan – Document 80061691-01-ADP-CARLI-99-RP-1-00002
  - e. Flood Risk Assessment – dated 7 June 2021
  - f. Preliminary Ecological Assessment – dated August 2019
  - g. Arborticultural Impact Assessment – dated March 2021
  - h. Ecological Advice Note – dated 17 February 2021
  - i. Biodiversity Metric Advice Note – undated
  - j. Plans numbered and named:

- i) Site location plan - Drawing 80061691-01-ADP-CARLI-96-DR-T-10001.P05
- ii) Site layout plan - Drawing 80061691-01-ADP-CARLI-97-DR-T-10002.P03
- iii) RMU Kiosk elevations – Drawing 80061691-01-ADP-CARLI-96-DR-T-10007.P01
- iv) UV Treatment and standby generator kiosk – Drawing 80061691-01-ADP-CARLI-97-DR-T-10008.P02
- v) Storm water management MCC kiosk - Drawing 80061691-01-ADP-CARLI-96-DR-T-10004.P03
- vi) Inlet works MCC kiosk – Drawing 80061691-01-ADP-CARLI-97-DR-T-10003.P02
- vii) UV treatment and UV control and MCC kiosk – Drawing 80061691-01-ADP-CARLI-96-DR-T-10006.P03
- viii) Storm Water Management RMU Kiosk Elevations – Drawing 80061691-01-ADP-CARLI-96-DR-T-10005.P03
- ix) Landscape proposal – Drawing 80061691-01-ADP-CARLI-97-DR-L-00001
- k. The details or schemes approved in accordance with the conditions attached to this permission.

*Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.*

### **Implementation of Permission**

- 3. Notification of the date of commencement of the development shall be made in writing to the Waste Planning Authority within 7 days of such commencement.

*Reason: To enable the Waste Planning Authority to monitor the development to ensure compliance with this permission.*

### **Archaeology**

- 4. Prior to the commencement of development, a written scheme of investigation for an archaeological watching brief must be submitted by the applicant and approved by the Waste Planning Authority. Once approved the scheme shall be implemented in full with an archaeological watching brief being undertaken by a qualified archaeologist. Within two months of the completion of the development, a digital copy of the archaeological report shall be sent to the Waste Planning Authority.

*Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains, reflect in Local Plan policies DC17.*

## **Biodiversity**

5. Within the first planting season post construction, the scheme of the soft landscaping detailed in Advance Plus Landscape Proposal Drawing 80061691-01-ADP-CAEL9-97-DR-L-00001 rev PO1 shall be implemented.

*Reason: To ensure the delivery of biodiversity new gain is achieved ensuring compliance with National Planning Policy Framework and the NERC Biodiversity duty as reflect in Cumria Minerals and Waste Local Plan policie DC16.*

## **Hours of Operation**

6. No construction works relating to the development hereby approved shall be undertaken except between the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 12:00 Saturdays and not at all on Sundays and Bank/Public Holidays.

*Reason: In the interests of preserving the amenity of neighbouring residents.*

## **Highway and Transportation**

7. The access road from the site to the public highway including highway verges shall be kept clean and maintained in a good standard of repair for the period of construction works.

*Reason: To ensure that no material from the access road is carried onto the public highway in the interest of highway safety.*

## **Construction Management Plan**

8. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The Plan shall include details of the following:
  - a) Contractors compound/parking provision including a plan reserving adequate land for the parking of vehicles engaged in construction operations, including vehicular access;
  - b) The location and design of wheel cleaning facilities including the provision for cleaning of the site entrances and adjacent highway to prevent debris from the site being deposited by vehicle wheels upon the public highway;
  - c) Management of traffic within and accessing the site and access road including speed limit; awareness of other users on the access road and warning signage for all road users;
  - d) Means of receiving construction material;
  - e) Identification of potential sources and measures to control;
    - i. Noise
    - ii. Dust
    - iii. vibration
  - f) The storage of fuels and soils during construction phase, including spill kit;
  - g) A scheme for recycling/disposing of waste resulting from construction works;
  - h) Details of temporary lighting during construction;
  - i) Details of temporary construction/warning signage;
  - j) Provision for facilities of manoeuvring, loading and unloading of vehicles;
  - k) Construction vehicle routing.

The construction phase of the development shall be carried out in accordance



with the approved Construction Management Plan.

*Reason: To ensure the construction is carried out in accordance with the approved scheme.*

Dated 29 October 2021

Signed: Angela Jones  
Executive Director - Economy and Infrastructure  
on behalf of Cumbria County Council.

## NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
  - The policies and reasons for the approval of this planning application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/21/9005>
  - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
  - Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.
- 

## APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.
5. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").



## NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: [Planningportal.gov.uk/pcs](https://planningportal.gov.uk/pcs)
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

## Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

