

# AGENDA

## Development Control Committee

**Friday, 26 April 2019 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 item 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 - 16**

To approve the minutes of the meetings held on 22 March 2019 and 24 April 2019 (site visits meeting).

## **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>Explanatory Notes</b>	<b>17 - 22</b>
<b>Item 01 - 18/0499 - Newtown House, Blackford, Carlisle, CA6 4ET</b>	<b>23 - 74</b>
<b>Item 02 - 18/0990 - Land to rear of Braefoot, Lanercost Road, Brampton, CA8 1EN</b>	<b>75 - 106</b>
<b>Item 03 - 19/0149 - Land at Warwick Road, Melbourne Park &amp; Tesco, Carlisle</b>	<b>107 - 138</b>
<b>Item 04 - 19/0018 - 8 Knowe Park Avenue, Carlisle, CA3 9EJ</b>	<b>139 - 156</b>
<b>Item 05 - 18/1037 - Former Brampton Infant School Lunch Hall, Moat Street, Brampton, CA8 1UJ</b>	<b>157 - 174</b>

**Item 06 - 18/0620 - Desoglin, West Hall, Brampton, CA8 2BP** **175 - 196**

**A.2 BRIAR LEA PARK, LONGTOWN - GLEESON HOMES DEVELOPMENT** **197 - 208**

The Corporate Director of Economic Development to submit a report which sets out concerns raised in relation to an ongoing development in Longtown.

(Copy Report ED.19/19 herewith)

**A.3 RIGHT TO SPEAK POLICY FOR DEVELOPMENT CONTROL COMMITTEE** **209 - 220**

The Corporate Director of Economic Development to submit a report detailing the policy for those wishing to address the Development Control Committee on matters relating to applications for planning permission and the making of Tree Preservation Orders.

(Copy Report ED.04/19 herewith)

**PART B**

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

**B.1 QUARTERLY REPORT ON PLANNING ENFORCEMENT**

- Information relating to any individual;

**Members of the Development Control Committee**

**Conservative** – Bloxham, Christian, Earp, Mrs Parsons, Shepherd, Bowman S (sub), Collier (sub), Nedved (sub)

**Labour** – Brown, Mrs Glendinning, Graham, McDonald, T Sidgwick, Mrs Warwick, Mrs Birks (sub), Ms Quilter (sub), S Sidgwick (sub)

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

Enquiries, requests for reports, background papers etc to:

Jacqui Issatt, Committee Clerk (01228) 817557 or

[jacqui.issatt@carlisle.gov.uk](mailto:jacqui.issatt@carlisle.gov.uk)



# Minutes of Previous Meetings

## DEVELOPMENT CONTROL COMMITTEE

FRIDAY 22 MARCH 2019 AT 10.00 AM

**PRESENT:** Councillor T Sidgwick (Chairman), Councillors Birks (as substitute for Councillor Brown) Bloxham, Christian, Earp, Glendinning, Graham, McDonald, Mrs Parsons, Shepherd and Tinnion.

**ALSO**

**PRESENT:** Councillor Collier (Ward Member) attended the meeting having registered a Right to Speak in respect of applications:

- 18/1088 – Land adjacent to King Edwards Fauld, Burgh by Sands, Carlisle, CA5 6AR;
- 18/0994 – Land to the rear of Hallcroft, Monkhill, Carlisle, CA5 6DB.

Councillor Allison (County Councillor) attended the meeting having registered a Right to Speak in respect of applications:

- 18/1088 – Land adjacent to King Edwards Fauld, Burgh by Sands, Carlisle, CA5 6AR;
- 18/0994 – Land to the rear of Hallcroft, Monkhill, Carlisle, CA5 6DB.

**OFFICERS:** Corporate Director of Governance and Regulatory Services  
Development Manager  
Principal Planning Officer  
Planning Officer x 2

### **DC.027/19 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Brown and the Corporate Director of Economic Development.

### **DC.028/19 DECLARATIONS OF INTEREST**

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

Councillor Tinnion declared an interest in respect of application 18/0499 – Newtown House, Blackford, Carlisle, CA6 4ET. The interest related to the applicant being known to him.

Councillor Shepherd declared an interest in respect of application 18/0499 – Newtown House, Blackford, Carlisle, CA6 4ET. The interest related to the applicant's business operation carrying out works for an organisation where he held the position of Vice Chairman.

Councillor Earp declared an interest in respect of application 19/0010 – Land adjacent to Scotby Acres, Broomfallen Road, Scotby, Carlisle, CA4 8DE. The interest related to objectors being known to him.

Councillor Mrs Parsons declared an interest in respect of application 18/0994 – Land to the rear of Hallcroft, Monkhill, Carlisle, CA5 6BD. The interested related to her being a relative of the applicant.

### **DC.029/19 PUBLIC AND PRESS**

**RESOLVED** – That the Agenda be agreed as circulated.

## **DC.030/19 MINUTES OF PREVIOUS MEETINGS**

RESOLVED – 1) That the minutes of the meetings held on 21 November 2018 (site visits meeting), 23 January 2018, 9 January 2019 (site visits meeting), 11 January 2019 be signed by the Chairman.

2) That the minutes of the meetings held on 15 February and 20 March (site visits) be approved.

## **DC.031/19 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Corporate Director of Governance and Regulatory Service outlined, for the benefit of those members of the public present at the meeting, the procedure to be followed in dealing with rights to speak.

## **DC.032/19 CONTROL OF DEVELOPMENT AND ADVERTISING**

1) 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.

(2) That the applications referred to under the Schedule of Applications under B be noted.

- 1) **Change Of Use of Land and Buildings to for Concrete Product manufacturing premises to roofing business including the siting of a scaffold rack, erection of a car port and store together with the formation of a vehicle wash bay (Part Retrospective), Newtown House, Blackford, Carlisle, CA6 4ET (Application 18/0499).**

The Development Manager informed the Committee that a number of additional issues pertaining to the application had been raised that morning which meant they were not able to be resolved in advance of the meeting. He recommended that the application be withdrawn from discussion so that the issues may be considered, and a further report be submitted to a future meeting of the Committee.

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

RESOLVED: That the application be withdrawn from discussion so that the issues may be considered, and a further report be submitted to a future meeting of the Committee.

- 2) **Erection of 24no. detached dwellings and associated infrastructure, Land adjacent to King Edward Fauld, Burgh by Sands, Carlisle, CA5 6AR (Application 18/1088)**

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 20 March 2019.

Slides were displayed on screen showing; site location plan, site plan, elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

Correspondence had been received from the occupiers of 1 and 2 King Edwards Fauld, which had rear elevations facing the site, objecting to the two visitor spaces being located to the rear of their dwellings. It was requested that trees be planted in the area and that the fence to the rear of the dwellings to be increased to 1.8m.

Having considered the matter, the Principal Planning Officer considered it appropriate to amend the boundary treatment adjacent to 1 and 2 King Edwards Fault by increasing the fence height to 1.8m. However, the planting of trees was not feasible as they would be planted in the garden of Plot 16, which was not reasonable and had the potential to create future maintenance issues.

Objectors had expressed concerns about the impact of the proposal on the adjacent highway network, particularly in relation to parking issues at school drop off and collection times. The Principal Planning Officer noted that the matter would have been taken into account during the process of the site being allocated for housing in the Carlisle District Local Plan 2015 – 30 (“Local Plan”). Furthermore, the Highway Authority had not objected to the current proposal,

With reference to the conditions proposed in the report, the Principal Planning Officer advised that condition 14 effectively duplicated condition 18 and made reference to previous Local Plan policies, accordingly, he recommended that condition 14 be removed from the permission.

The Principal Planning Officer recommended that:

- 1) Authority to Issue be given to the Corporate Director of Economic Development to grant approval of the application, subject to the completion of a S106 agreement to secure:
  - a) The provision of four affordable dwellings (two for discounted sale and two for social rent);
  - b) A financial contribution of £16,600 to support the off-site improvement of open space in Burgh by Sands;
  - c) A financial contribution of £98,216 (based on DfE multiplier of £24,554 per pupil place) to Cumbria County Council toward.
- 2) That should the Section 106 Agreement not completed in a reasonable time, then Authority to Issue a Refusal Notice be given to the Corporate Director of Economic Development.
- 3) That condition 14 be removed from the permission.

Mr Stonebridge (Burgh by Sands Parish Council) addressed the Committee noting that the Parish Council had engaged with the Council during its development of the Local Plan and agreed that the application site was the preferred location for development in the area. He objected to the proposed scheme on the following grounds: the increase in the number of proposed dwellings from the Outline application; the density of the development would lead to reduced amenity in terms of garden size; the proposed drainage system; impact on the adjacent highway network of additional vehicular movements particularly related to school drop off and collection time.

In conclusion Mr Stonebridge considered that development of the site was welcome, but the infrastructure needed to support the scheme was not in place.

Councillor Collier (Ward Member) endorsed the Parish Council’s representation and indicated he held the same concerns in relation to the proposed scheme. He stated that whilst attending the Committee’s site visit he had noted the boggy nature of the site. Moreover, he was not satisfied with Untied Utilities response to the application: in his view, the organisation was aware of a number of drainage issue in Burgh by Sands, including the backing up of sewage into domestic properties.

Councillor Allison (County Councillor) addressed the Committee advising that he did not object to the application. Referring to the longstanding issue of vehicular parking on Ludgate Hill at

school drop off and collection times, he expressed disappointment that the proposed scheme was not to be used as a mechanism for addressing the issue as part of the Section 106 Legal Agreement. Councillor Allison asserted that the community would realise far more amenity value from S106 monies being used to create parking provision in the vicinity of the school, than being put towards improvement of the existing play area. He requested that Members consider that option as part of their determination of the application.

The Development Manager responded that there were legal and planning tests for matters that were able to be included in a Section 106 Legal Agreement. It was also possible that issues identified during the early stages of an application may be addressed as part of the development. However, it was not possible for such matters to be included when an application was significantly progressed, for example, when both parties had agreed the terms of a legal agreement as was the case with the current application.

Mr Greig (on behalf of the applicant) responded that the layout and design of the proposed scheme provided a range of properties with an average garden depth of 10.5m. Acknowledging the issue of congestion at school times, he advised that the application would afford a betterment to the existing situation through the provision of a public footpath to the school.

The Highway Authority had rejected the Parish Council's proposal of widening the road in addition to the provision of a footpath on the grounds that it was likely to increase vehicular speed thereby reducing safety.

In relation to drainage, Mr Greig noted that United Utilities had advised that there was sufficient capacity in the existing sewerage system to incorporate the development. Ground investigations by the developer had indicated that soakaways were suitable for the site.

The applicant had agreed to all the requirements of the legal agreement thus far and was agreeable to the changed boundary treatment in relation to the fence adjacent to 1 and 2 King Edward Fauld. In conclusion, Mr Greig felt that the proposed scheme was compliant with the relevant planning policies, he requested that the Committee approve it.

The Committee then gave consideration to the application.

A Member asked, given the concerns expressed in relation to sewerage capacity in the area, whether Officers were able to raise the matter with United Utilities requesting that an assessment be carried out.

The Development Manager undertook to write to United Utilities on the issue.

With regards to the suggestion of using Section 106 monies to fund parking provision near the school, a Member asked whether it was permissible for the funding to be given to the Parish Council and for it to decide how to distribute it.

The Development Manager explained that the purpose of a Section 106 Agreement was to specify the level of funding required from the developer and the activity it was for, which required the consent of both parties. The proposed agreement, as set out in the Officer's recommendation had been settled by both parties (Council and developer), were the Committee minded to request that funding be required for parking provision, it would also need to be agreed by the developer and the current agreement would need to be redrawn.

In response to a question from a Member regarding the proposed boundary treatment adjacent to plots 1 and 2 King Edwards Fauld, the Principal Planning Officer detailed the height and extent of the proposed fencing.

A Member asked whether a condition could be added requiring the provision of an electric car charging point, and if such a requirement was able to be incorporated into all planning permissions going forward.

The Development Manager responded that Officers would raise the matter with the developer. He noted that the provision of electric charging points for visitor spaces were difficult to justify commercially as doing so would require an appropriate supply and frequency of use of the points. It was a matter that Officers would continue to be mindful of going forward. The layout of this development allowed all properties to easily access their own supply which was also be able to be used by any visitors.

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

RESOLVED – 1) That Authority to Issue be given to the Corporate Director of Economic Development to grant approval of the application, subject to the completion of a S106 agreement to secure:

- a) The provision of four affordable dwellings (two for discounted sale and two for social rent);
- b) A financial contribution of £16,600 to support the off-site improvement of open space in Burgh by Sands;
- c) A financial contribution of £98,216 (based on DfE multiplier of £24,554 per pupil place) to Cumbria County Council towards education provision.

2) That should the Section 106 Agreement not completed in a reasonable time, then Authority to Issue a Refusal Notice be given to the Corporate Director of Economic Development.

3) That condition 14 be removed from the permission.

4) That the Development Manager write to United Utilities requesting that an assessment of the sewer system in Burgh by Sands be carried out.

**3) Erection of 7no. Dwellings (Outline/Renewal of previously approved permission 15/0284) Land to the rear of Hallcroft, Monkhill, Carlisle, CA5 6DB (Application 18/1059).**

*Councillor Parsons having declared an interest in the item of business took no part in the discussion nor determination of the application.*

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 20 March 2019. He advised that paragraph 3.3 of the report erroneously referred to two dwellings with two affordable dwellings and should read seven dwellings with two affordable dwellings.

Slides were displayed on screen showing; elevation plans, ground floor plans, block plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

In overall terms, the site was well-related to the village of Monkhill and had been previously granted two planning permissions. The application was supported by the National Planning Policy Framework (NPPF) and the Local Plan, and as such, the principle of development

remained acceptable. Matters of access, appearance and landscaping, layout and scale would be considered during the course of any subsequent Reserved Matters application.

The submitted plans took account of highway issues and the living conditions of the occupiers of the neighbouring properties which would not be prejudiced, subject to the imposition of appropriate conditions.

The means of foul and surface water drainage would be suitably addressed through the imposition of planning conditions. Any subsequent development would have to take account of existing underground infrastructure both through the planning and building control processes.

The proposal would preserve the character and setting of nearby Listed Buildings and existing trees and hedges would be protected by means of a condition requiring the provision of protective barriers.

In conclusion, the Planning Officer recommended that the application be approved, subject to the imposition of the conditions detailed in the report.

Mr Rigg (Objector – on behalf of Mrs Rigg and himself) objected to the application in the following terms: the site was on a field which contained a number of septic tanks and associated infrastructure for a number of existing, adjacent properties; it was contrary to Building Regulations to build on top of sewerage infrastructure; a Deed of Access existed between himself and one of the applicant parties to allow access into the site for the purposes of maintaining the septic tank; the existing drainage in the village was poor and may not have the capacity for the additional properties; the proposal would create an additional 14 vehicles in the village which would have a detrimental impact on road safety; the properties would overlook and overshadow his property. Slides were displayed on screen showing conditions on the adjacent roads.

Mr Jackson (Objector) objected to the application in the following terms: the Parish Council who had previously supported the proposal now objected to the scheme; the site was poor quality land; approving the application, in addition to other extant permissions would equate to a 42% increase in the number of dwellings in the village; it was not lawful to building dwellings over existing septic tanks and associated infrastructure; the adjacent field was thought to contain Roman artefacts. Slides were displayed on screen showing traffic issues on the adjacent highway and an aerial photograph of an adjacent field which potentially contained Roman artefacts.

Councillor Collier (Ward Member) addressed the Committee and drew Members attention the comments of the Parish Council (page 122) which he fully endorsed. He questioned how it was feasible for development to be permitted over existing septic tank infrastructure. In respect of highway matters he disagreed with the Highway Authority's comments and noted that a number of accidents had occurred at the junction on the adjacent highway.

Councillor Allison (County Councillor) addressed the Committee recognising the application sought the renewal of a permission. In relation to highway issues, a traffic monitoring exercise had been carried out (full details of which were contained in his written representation on the application). Given the number of accidents and near misses, he was disappointed with the Highway Authority's response to the application and was concerned that the Authority viewed the matter as a traffic control issue rather than a problem with the junction itself.

Regarding drainage matters, Councillor Allison felt that there had been a lack of developer interest in the site as a result of the existing utilities within the site. He was of the opinion that

the matter ought to be addressed and requested, in the event of the Committee approving the application, that a condition be imposed to require that.

Mr Greig (on behalf of the applicant) responded that whilst he appreciated the objectors' concerns, the application merely sought the renewal of a previously granted permission with no material changes. Whilst the issues relating to the existing septic tanks at the site were Civil matters, condition 16 of the Consent required that the matter be taken into account as part of any future Reserved Matters application.

The Committee then gave consideration to the application.

A number of Members expressed concerns regarding the existing drainage infrastructure within the site in relation to:

- the uncertainty of the exact number and location of pipes and septic tanks;
- the potential for damage to occur during the construction phase of the development and where liability for rectifying any such matters would lie;
- issues relating to future access and maintenance of the existing drainage infrastructure.

The Corporate Director reminded the Committee that its purpose was to determine the proposed land use, as such Members were required to assess whether the site was suitable for housing development. The current application sought a renewal of previously approved permission for the site, given that the application was for Outline Permission, Members were being asked to approve the principal of development only, other matters including drainage would be considered later in the process in the event of a future Reserved Matters application submission.

The Development Manager added that the location of the drainage infrastructure at the site was not known by the Local Planning Authority however, it was a matter for the landowner and developer to resolve. Condition 16 required those parties to carry out investigation works at the site, as the details of the existing infrastructure at the site would be required as part of any future Reserved Matters application. The condition did not prejudice the Committee's right to refuse permission of a Reserved Matters application, nor the Civil rights of the occupiers of the existing dwellings.

Regarding the liability for the reparation of damage as a result of any permitted construction activities at the site, the Planning Officer advised it was a Civil matter and as such was not reasonable to impose a condition apportioning responsibility to any one party.

A Member considered that the most effective system for managing the drainage from the existing properties was a single septic tank.

The Planning Officer accepted the idea and indicated that a relevant condition would be considered at the appropriate stage of the planning process.

In response to a question from a Member regarding education contributions, the Planning Officer explained that the County Council, as Local Education Authority, was responsible identifying contribution levels. However, a development of the size proposed would fall below the threshold where a contribution would be required.

Turning to the issue of Roman artefacts being present in the adjacent field, Members sought confirmation that the matter had been brought to the attention of Historic England.

The Planning Officer responded that Historic England had returned comments on the current scheme and the two previous applications. There had been no material changes to the application nor the submissions from objectors. He understood that Mr Jackson (Objector) had made representations to the organisation on the matter.

A Member requested that the situation be monitored in future.

The Development Manager agreed impose a condition requiring the submission of a watching brief.

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

RESOLVED: 1) That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

2) That an additional condition be imposed requiring the submission of a watching brief on the possible archaeological artefacts in the field.

**4) Single storey rear extension to provide sunroom, 5 Kirkandrews Moat, Longtown, Carlisle, CA6 5PH (Application 19/0100).**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing; Site location plan; Existing floor plans and elevations; Proposed floor plans and elevations; Photo of the rear of the property existing outbuilding to be demolished; Northern boundary of the site; Southern boundary of the site, and photographs of the site, an explanation of which was provided for the benefit of Members.

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 within the Schedule of Decisions attached to these minutes.

**5) Change of Use of Land to mixed use of agricultural and siting of 1no. residential gypsy/travellers pitch with 3no. caravans, (including a static caravan); erection of amenity building; laying of hardstanding (Part Retrospective) without compliance with condition 8 imposed on planning permission 14/0825 to allow the submission for the development and landscape details of the site and subsequent completion of development, Land adjacent to Scotby Acres, Broomfallen Road, Scotby, Carlisle, CA4 8DE (Application 19/0010).**

The Planning Officer submitted the report on the application which sought the variation of a condition of the previous permission in order for it to be discharged. The current application proposed the variation of condition 8 by altering the timescale allowing for the submission of an application with details relating to: the layout of the site including the positioning of the caravans and ancillary buildings and areas of hard standing; boundary treatments; the means of foul and surface water drainage; external lighting; landscaping including tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities. The principle and level of the use, together with the overall timeframe for implementation of the planning permission remain unaltered by the application.

The Planning Officer advised that in all aspects the proposal was compliant with the objectives of national and Local Plan policies, accordingly, the application was recommended for approval, subject to the imposition of appropriate planning conditions.



A Member questioned whether the name of the site was correct. Concerns had been expressed by local residents that the whole site would be taken over, he sought clarification that there was an allocated Gypsy and Traveller site within the district.

The Planning Officer confirmed that an allocated Gypsy and Traveller site existed within the district.

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 within the Schedule of Decisions attached to these minutes.

**6) Siting of hand car wash and valet facility, including canopy and portable office store building, (Revised Application), Houghton Hall Garden Centre, Houghton, Carlisle, CA6 4JB (Application 18/0891).**

The Planning Officer submitted the report on the application which sought permission for the operation of a car wash and valet business from within the hardstanding area associated with the garden centre. The development would comprise the creation of water recirculation system and water tanks, floodlighting affixed to the cabin and the demarcation of valet areas within the site. The car wash business would operate from 9am to 6pm Mondays to Saturdays and 10.30am to 4.30pm Sundays.

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 principle of development was acceptable, and in the Planning Officer's view, would not have a detrimental impact on the character or appearance of the area or the nearby Listed Building. The site was detached from the nearby residential property and, subject to the imposition of conditions, the development would not result in a nuisance to the occupiers of that property.

The report detailed proposed conditions in respect of the foul water, surface water run-off, and the storage of detergents and chemicals on the site. The proposal had not raised any biodiversity or highway issues and in all aspects, the Planning Officer considered that the proposal was acceptable in terms of the NPPF and Local Plan policies. On that basis the application was recommended for approval, subject to the imposition of the conditions detailed in the report.

The Committee then gave consideration to the application.

A Member expressed strong concerns that the applicant had not provided full details of the foul drainage system, he considered that withholding such information meant that the proposal was not in accordance with Local Plan policy IP 6 – Foul Water Drainage on Development Sites. In addition, he felt it was inappropriate that the authority was passing the responsibility for determining the efficacy of the system to the Environment Agency.

The Planning Officer agreed that policy IP 6 was central to the determination of the proposal. Given that a pre-commencement condition had been imposed requiring the submission of details of the foul water drainage system to the Local Planning Authority for approval prior to any future permit application with the Environment Agency, he did not believe the Council was negating its responsibilities.

Another Member drew the Committee's attention to the Environment Agency's response which had been reproduced on page 157 of the Schedule, noting it stated that the application was unlikely to be able to meet the standards required for the permit. In light of those comments, he considered that the application ought to be refused on the basis of the foul drainage system not being able to meet the required standard.

The Planning Officer advised that, due to the applicant not having submitted the details of the foul water drainage arrangements, the Environment Agency had not carried out an assessment of system. The use of conditions requiring the submission of details of systems related to a development was a common place occurrence in planning.

The Member responded that the foul drainage system information ought to have been provided with the application to enable Officers and the Committee to properly determine the application.

The Development Manager acknowledged the Members' concerns and noted the applicant had stated that they would not provide the details of the foul water drainage system until planning permission had been granted. The imposition of a condition requiring the submission and approval of the system meant those arrangements would need to be formally approved prior to the commencement of the development.

A number of Members remained of the view that details of the foul water drainage system ought to have been provided with the application and gave consideration to refusing the scheme on the grounds that not providing the data meant the scheme was not compliant with Local Plan policy IP 6.

The Corporate Director advised Members that in order to base refusal on policy IP 6 Members should be convinced that no suitable foul water drainage system was in place. In the case of the application before the Committee that information had not been submitted. He reminded Members that the function of planning conditions was to make development acceptable, and that the central consideration was the proposed land use; were the use to be deemed acceptable, subject to a satisfactory drainage system, the scheme was permissible.

Moreover, condition 3 required the Local Planning Authority to approve the foul drainage system prior to the development commencing. The permitting regime of the Environment Agency offered a secondary protection on the efficacy of the system.

A Member appreciated the Corporate Director's advice and indicated that he did not have concerns with the proposed land use. In his view, drainage management was the key issue relating to the scheme, the lack of data on the arrangements meant that the Committee was not able to consider the issue. On that basis, he moved that the application be refused on the grounds that it was not compliant with Local Plan policy IP 6 Foul Drainage on Development Site. The proposal was seconded.

In response to a question from a Member regarding the restrictions on the use of pressure washers, the Planning Officer advised that the application was for a hand car wash, therefore using such equipment was not necessary to the operation.

The Committee discussed the applicant's experience of providing car wash facilities and noted that they had another operation in the district which used pressure washers.

A Member noted that the foul water drainage condition required the submission of details prior to the development taking place. If the applicant did not discharge the condition, planning

permission would not be given, therefore, she moved the Officer's recommendation which was seconded.

The Chairman noted that proposals to refuse and approve the application had been moved and seconded, they were put to the vote and it was:

RESOLVED: That the application be refused for the reasons indicated within the Schedule of Decisions attached to these minutes.

#### **DC.033/19 SCHEDULE B**

The Development Manager provided Members with a synopsis of the key issues relating to the applications reported in the Schedule B reports.

A Member commented that he considered the Officer's overview of the implications of the Planning Inspectorate Appeals had been very useful.

RESOLVED - That the applications referred to under the Schedule of Applications under B be noted.

[The meeting closed at 12:26pm]



# **Development Control Committee Main Schedule**

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

26<sup>th</sup> April 2019

## The Schedule of Applications

This schedule is set out in five parts:

**SCHEDULE A** - 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. In common with applications contained in Schedule B, where a verbal recommendation is made to the Committee, 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

**SCHEDULE B** - 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 09/04/2019 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 26/04/2019.

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.



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Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
1.	18/0499 A	Newtown House, Blackford, Carlisle, CA6 4ET	RJM
2.	18/0990 A	Land to rear of Braefoot, Lanercost Road, Bampton, CA8 1EN	SO
3.	19/0149 A	Land at Warwick Road, Melbourne Park & Tesco, Carlisle	SD
4.	19/0018 A	8 Knowe Park Avenue, Carlisle, CA3 9EJ	SO
5.	18/1037 A	Former Bampton Infant School Lunch Hall, Moat Street, Bampton, CA8 1UJ	AC
6.	<u>18/0620</u> A	Desoglin, West Hall, Bampton, CA8 2BP	<u>SO</u>

# SCHEDULE A

# SCHEDULE A

## SCHEDULE A: Applications with Recommendation

18/0499

Item No: 01

Date of Committee: 26/04/2019

**Appn Ref No:**  
18/0499

**Applicant:**  
Hedleys Roofing

**Parish:**  
Westlinton

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:** Newtown House, Blackford, Carlisle, CA6 4ET

**Proposal:** Change Of Use Of Land And Buildings From Concrete Product Manufacturing Premises To Roofing Business Including The Siting Of A Scaffold Rack, Erection Of A Car Port And Store Together With The Formation Of A Vehicle Wash Bay (Part Retrospective)

**Date of Receipt:**  
29/06/2018

**Statutory Expiry Date**  
24/08/2018

**26 Week Determination**  
25/03/2019

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### REPORT

**Case Officer:** Richard Maunsell

### ADDENDUM REPORT

A report was included within the schedule presented to Members of the Development Control Committee on the 22nd March 2019. The application report was withdrawn from discussion at the meeting due to several issues being raised about the Noise Assessment submitted by the applicant in support of the application. The withdrawal of the application from the meeting was to allow Officers to investigate these issues that could not be resolved prior to the meeting of the Committee and to await a further report on the application at a future meeting of the Committee.

The applicant's Noise Consultant has submitted an additional document which details the issues raised followed by her response to each of the matters. This document is reproduced in this schedule following this report.

An additional letter of objection has been received but this is a copy of the same letter that was submitted last year.

Notwithstanding the aforementioned paragraphs, the application is recommended for approval subject to the imposition of planning conditions.

### COMMITTEE REPORT FOR 22ND MARCH 2019 MEETING

## **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 Surrounding Area
- 2.3 The Impact On The Living Conditions Of The Occupiers Of The Neighbouring Properties
- 2.4 Highway And Access Issues

## **3. Application Details**

### **The Site**

- 3.1 Newtown House is located centrally within the village of Blackford. The house is a two storey detached property set back from the adjacent County highway. A driveway passes the west gable of the property that leads to an area of hard standing. Adjacent to and further north of this, is a large detached portal farmed building. In turn this is surrounded by more hard standing.
- 3.2 Adjacent to the northern boundary and to the rear of the large building is a detached structure that is used for the storage of scaffold poles. There is a detached office building that leads to a paddock area that forms the eastern boundary. To the west is a boundary fence and hedgerow that separates the site from the neighbouring property. Adjacent to this boundary is a detached car port and storage area.

### **The Proposal**

- 3.3 This application seeks planning permission to change the use of the existing building from a commercial premise involved in the production of flags and garden ornaments together with the storage of materials for their production to a use for the storage of plant and equipment associated with the applicant's roofing business.
- 3.4 Additionally, a free-standing scaffold rack has been constructed adjacent to the northern boundary. Adjacent to the western boundary a detached mono-pitched building that is used partially as a car port and in part for the storage of scaffold batons.
- 3.5 The scaffold rack measures 6.23 metres by 6.23 metres with an overall height of 2.37 metres and is, itself, constructed from scaffold poles. The building described as a car port measures 5.8 metres in width with an overhang to the front taking the overall width to 7.3 metres. The length of the building measures 20.15 metres. The building has a mono pitched roof with

the lower height being adjacent to the boundary of the neighbouring property and measuring 2.5 metres increasing to 4.624 metres in height at the front of the building. The structure has been constructed from anthracite coloured profile sheets.

- 3.6 A hard standing area has been formed adjacent to the northern gable of the previously existing building that is used for the washing of vehicles with the use of a steam pressure washer.

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

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of six of the neighbouring properties. In response, two letters of objection have been received and the main issues raised are summarised as follows:

1. when the site was used as by a construction company there were no issues;
2. since 2017 when the applicant purchased the site, there have been repeated complaints to the applicant about noise;
3. there are noise issues from the 7 day a week use of the site which impacts on residential amenity;
4. the reference to other local businesses in the applicant's supporting statement is irrelevant as they have no bearing on the village or the application. Residents have no faith in the applicant's claim that work will only be undertaken on Sundays in an emergency;
5. Scaffolding Solutions Ltd is a separate business and the application is therefore misleading;
6. the car port will be used to store scaffold material and is therefore not a car port;
7. there are considerable vehicle movements from contractors to the site;
8. isolation switches were removed from vehicles until late in the complaints process;
9. the stated legal advice relating to the purchase and the fact that the site could be used unrestricted as a commercial premises is questioned;
10. the application form states at Q7 that no waste will be generated which is not true;
11. the main building has been clad since the applicants moved in which should form part of the application;
12. the development involves the expansion of the hardcore to provide 40 car parking spaces;
13. the surface water drainage drains to a watercourse yet the application form states the site is not within 20 metres of a watercourse. There was no surface water drainage before metalling of the yard area was undertaken;
14. it is questioned whether any contamination of the yard area has occurred as a result of the removal of the asbestos sheets from the building;
15. a tree has been removed from the rear of the site;
16. washing of vehicles takes place on the site which results in trade effluent, a matter which the applicant has declared as not applicable;

17. there should be some restriction of the unapproved office building;
18. the proposal involves the change of use of non-residential floor space to which the applicant has ticked 'no' on the application form;
19. the applicant has stated that the business employees 16 persons yet there is parking within the site for 40 cars. There should be a limit on the number of employees/ contractors;
20. there should be no extension to the hours of operation approved by the planning permission granted in 2000;
21. there are objections to the scaffolding business which is inappropriate in the rural area resulting in increased noise levels and should be relocated to an industrial estate;
22. asbestos has been removed from the site and the use itself involves the storage of materials/ fuels/ gas cylinders etc. which are controlled by the COSHH regulations;
23. the use of the site is visible from the adjacent highway and adverts are displayed which have been fixed to neighbouring properties and for which no consent has been granted.

4.2 Following the further consultation in respect of the Noise Impact Report, one letter of objection has been received and the issues raised are summarised as follows:

1. the application has generated one letter of positive comment but this was made by the then occupiers of Hazelwood House who at the time of making this remark were in the final stages of selling their property which has now sold and is therefore no longer valid as the makers are no longer resident in the village;
2. a sound monitor was located in the front drive of Newtown house but it is noted there is no reference to recordings at that point in the report. No sound recordings have been taken in the driveway of Newtown House which abuts a neighbouring property and it therefore it would have been appropriate to monitor sound at this point as all vehicles entering and leaving the site can only do so by using this driveway. The location of sound recording point B monitors only the impact of noise on my neighbours house as at this point a solid wooden fence with a mature coniferous hedge some two and a half metres high behind acts as a sound buffer to the neighbouring rear garden and again, noise levels should have been taken from the driveway;
3. these activity noise levels have been recorded by the applicant and form the baseline for their commercial activities on this site. Thus in the event of this application being approved and increased noise levels are experienced, if sound specialists were employed to record noise activity from Newtown house and that proved to be well above those of their recordings then the applicants would then be in breach of planning permission?;
4. the proposal seeks to extend the operating hours in excess of those of the previous use. As vehicular traffic passes immediately adjacent to a neighbouring property, this will cause noise and nuisance disturbing the rural amenity. It is noteworthy to mention that on Saturday 29th September between 1400 and 1600 five commercial trucks and vans entered and left the site, four of which were scaffolding trucks. Whilst

there is no objection to commercial activities on this site these should remain within the previously approved hours.

- 4.3 Further consultations have been undertaken following the receipt of the latest Noise Assessment (report number HR/BF/001) but no representations have been received at the time of writing this report.

## 5. Summary of Consultation Responses

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

### *Highway Authority*

The access taken from the U1074 Highway maintainable at public expense road to the private site. No parking provisions have been provided.

Bearing in mind the previous use of the premises, existing access is acceptable in connection with the proposed use and therefore the Highway Authority has no objection to the proposal.

### *Lead Local Flood Authority (LLFA)*

The LLFA surface water map show no flooding to the site and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk;

**Westlinton Parish Council:** - provided that the hours are kept to those stated and the neighbours are satisfied, the parish council has no objection;

**Local Environment - Environmental Protection:** - the Noise Assessment HR/BF/001 has been received in light of the BS 4142 :2014 which depicts the current context operationally for the site and following a further site visit and the recommendations in the report are accepted based on the current operation of the site and not to operate at weekends and particularly Sundays (para 1.2.6 refers except in an emergency).

If the planning application is approved with conditions the provision of a purpose built noise barrier delineated with a green line on the Figure 3 on page 17 of the report should suffice to address the main noise sources on the boundary of this site;

**Natural England:** - no response received;

**Eskdalemuir Seismic Recording Station:** - no response received;

**National Air Traffic Services:** - no response 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 is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP1, SP2, SP6, EC11, IP2, IP3, CC5, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 are also relevant.
- 6.3 The proposal raises the following planning issues.

### **1. Whether The Principle Of Development Is Acceptable**

- 6.4 Paragraph 83 of the NPPF provides guidance for promoting a prosperous rural economy and states 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.”*
- 6.5 The NPPF advocates a flexible approach to the consideration of businesses within the rural area and recognises that what might be considered conventional locations are not suitable or appropriate for development and that locations not served by public transport, which may not be considered “sustainable” for example may be appropriate. The NPPF continues in paragraph 84 that:
- “Planning policies and decisions should recognise 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.”*
- 6.6 The aforementioned advice is reflected in Policies SP2 and EC11 of the local plan. Policy SP2 seeks to promote sustainable development through



concentrating development in the urban area then Key and Local Service Centres. Outside of these locations, in the remote rural area, new development has to be assessed against the need to be in the location specified or is required to sustain existing businesses.

- 6.7 Policy EC11 highlights that there is a need to strengthen the economy in rural areas, thereby, helping the countryside to diversify, flourish and sustain itself. The policy sets out the criteria against which proposals will be assessed the main factors being compatibility of the proposed use with the surrounding operations, scale, landscape impact, highway capacity including access and parking arrangements.
- 6.8 From the planning history Members will note that the main building in the site was granted planning permission for the manufacture of concrete items and this remains its lawful use. The council has previously accepted a commercial use on the site, albeit subject to conditions in terms of hours of use, only being used by the occupier of Newtown House etc.
- 6.9 It is recognised that the nature of the previous use was different as was the fact that it was confined to the building; however, the current proposal must also be considered on its merits. The use of the site and the proposed buildings and structure are specific to the location insofar as it is central within the applicant's land ownership, occupies previously developed land and relates to the continued management and facilities operated as part of the applicant's business.
- 6.10 The majority of the use remains confined to the large building within the site and this is no different to the previous use. The difference with the current application being the use by the scaffolding business and the siting of an external structure partly use for the storage of scaffolding materials and garage together with the siting of a storage rack for scaffold poles.
- 6.11 By the nature of the applicant's roofing business, the use of scaffold equipment is an integral part of the business. Whilst it is reasonable to say that most small-scale roofing companies would contract the scaffold from another company, the applicant considers it more economical and efficient to contract the scaffold from his own site for small-scale work, although the scaffold company is under a separate company name. The associated issues raised by this, and indeed the overall use, are discussed later in this report but there is a clear relationship between the two elements.
- 6.12 In the context of the foregoing policy advice, the proposal would help provide economic viability for an existing business. Accordingly, subject to the imposition of relevant conditions including that the use of the site shall only be operated by the occupier of Newtown House, the principle of development is acceptable.

## **2. Scale, Design And Impact On The Character And Appearance Of The Surrounding Area**

- 6.13 Development should also be 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.

- 6.14 The gable of the large building is visible from the public highway with views between Newtown House and Waverley House. The remainder of the development is to the rear of the site from which there are no public vantage points.
- 6.15 The car port structure is located adjacent to the western boundary which delineates the curtilage of Palumic House. The boundary itself comprises of an established hedgerow which varies in height but adjacent to the car port is approximately 300mm higher than the eaves of the building which measure 2.5 metres. The scaffold rack is approximately 6 metres further east and 16 metres from the western boundary. Although the roof of the car port is visible from the first floor windows of the neighbouring property, both the car port and scaffold rack are proportionate structures in scale that are well related to the other commercial buildings within the site.
- 6.16 The site is not within an Area of Outstanding Natural Beauty and there are no other designated landscape characteristics applicable for the site. Based on the foregoing assessment and given the context of the neighbouring built environment and the location, it is considered that the proposal is neither obtrusive nor disproportionate. The proposal does not adversely affect the character or appearance of the area.

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

- 6.17 There are residential properties either side of the application site. In the objections that have been received against the application, the dominant area of concern relates to overall impact on the amenity of occupiers of residential properties primarily from the nature and level of use leading to unacceptable levels of noise and disturbance.
- 6.18 As stated earlier in this report, the previous use related to uses within the main building and the hours of use were controlled by means of a condition. Although the majority of the use of the site would continue to take place within the building, consistent with the previous use, there are additional structures within the site and Members must also consider the nature of the overall use. This includes potential noise from the applicant's plant and machinery being manoeuvred within the site, vehicles entering and leaving the premises, as well as the movement of equipment. The use of the site does have the potential to adversely affect the living conditions of neighbouring occupiers.
- 6.19 Members will note that a significant proportion of the issues raised by the objectors relate to the impact of the use of the site on their amenity through noise, disturbance, vehicle movements etc.

- 6.20 Officers consulted Environmental Health Officers who initially made comment in respect of the extended hours of use from the previously approved hours but without reference to the overall use of the site and requested additional information from the applicant in the form of a noise impact report. The applicant engaged the services of a noise consultant. This consultant undertook a monitoring exercise of noise from the site on 24th, 28th and 31st August and 4th, 5th, 6th, and 11th September 2018 at two locations within the site.
- 6.21 The Environmental Health Officer, in commenting on the submitted report, stated that whilst efforts had been taken to address some of the issues, the report was not submitted in accordance with the BS4142 by a member of the Institute of Acoustics.
- 6.22 The applicant has subsequently commissioned a different noise consultant who has submitted a Noise Assessment, a copy of which is reproduced following this report. The report concludes that:
- A noise assessment has been carried out for a change of use at Newtown House, Blackford, Carlisle.
  - The assessment has included measurement of the background noise climate both during the daytime and night time at a position considered equivalent to the closest residential premises to the site over a 24-hour period. The existing noise climate was found to be influenced mainly by distant road traffic on the M6.
  - Measurement of the specific sound sources has been undertaken and calculations have been carried out to predict the rating level at the nearest potentially sensitive dwelling.
  - The worst case rating level during the day was determined to be 2dB above the daytime background sound level at the façade of Palumic House and up to 8dB above the daytime sound level at the boundary of the amenity garden with Hedleys Roofing. Therefore, the activities at Hedleys Roofing, according to the methodology in BS4142:2014 have the potential for adverse impact in the amenity garden with a lesser impact at the property itself, depending on the context. However, given the context of the Hedleys Roofing within site previously used for industrial (construction) purposes with similar sound sources it is considered that the impact is decreased.
  - Internal noise levels have also been considered at the nearest residential property and in the event that windows are opened for ventilation or cooling purposes, internal noise levels would be reduced by 10 – 15 dB(A). Subsequent internal noise levels of <35dBLAeq are expected which therefore meets the guidance criteria contained within BS8233 and the WHO Guidelines.
  - Consideration may however, be given to erecting an acoustic fence along the western boundary if deemed necessary. However, the results of the assessment suggests that the noise levels are not likely to change the behaviour of local residents, particularly as they occur for short periods (up to 90 minutes) twice a day and there are no night time activities.
  - This report has been compiled from the results of noise measurements undertaken in February 2019 and the levels measured are considered to

be representative of the prevailing noise climate.

- 6.23 Members will note from Section 5 of this report that the council's Environmental Health Officer has raised no objection subject to the development being undertaken in accordance with the conclusion of the Noise Assessment. Accordingly, a condition is imposed to this effect.
- 6.24 In terms of working on Sundays, the applicant has secured contracts which necessitate working in buildings in pedestrianised areas and normally inaccessible locations during the working week. As such, this requires some movement of plant and vehicles to allow the work to be undertaken on Sundays. In addition, the applicant may be asked to respond to damage to buildings as a result of severe weather conditions. Given this working practice, together with the fact that the Noise Assessment has not identified any issue, the principle of some working on Sunday is acceptable.
- 6.25 Given the nature of the use together with the distance from the residential properties, it would be acceptable during the hours stated but it would be reasonable to impose a condition restricting the hours of use to those stated on the application form and thereby safeguarding the living conditions of the occupiers of neighbouring properties.

#### **4. Highway And Access Issues**

- 6.26 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway.
- 6.27 There is a large amount of hardstanding within the site which provides more than adequate parking facilities. Cumbria County Council as the Highway Authority has confirmed that the given the context of the site and its previous use, the proposal does not raise any highway issues.
- 6.28 In terms of the vehicle movements, the Noise Assessment also takes account of this through the noise readings that were obtained on the site. It would be unreasonable to restrict the amount of vehicle movements given the details of the Noise Assessment and the Highway Authority response.
- 6.29 The parking requirements can be adequately met within the site and the proposal would not result in unacceptable levels of additional traffic such that it would be detrimental to the adjacent highway network. As such, the use would not give rise to a significant increase in traffic over and above the existing use of the overall site and is acceptable in highway terms.

#### **5. Other Matters**

- 6.30 Reference is made to a tree having been removed from the site. There is no Tree Preservation Order on the site which is not within a consideration area and as such, no consent was required for its removal.
- 6.31 It is uncertain whether there was any asbestos on the site but if there were,

this would have had to have been removed under strict conditions in accordance with separate legislation.

- 6.32 The objectors make reference to the fact that the application should include an “unapproved” building within the site. This was erected in 2011 by the previous owner of the site. The development and use of the building is beyond any enforceable period even if this were deemed to be expedient to pursue.
- 6.33 The applicant is aware of the issue over the signage but this is a private matter between the relevant parties involved.

## **Conclusion**

- 6.34 In overall terms the principle of the reuse and erection of additional buildings on the site is acceptable. The development would not adversely affect the character or appearance of the area.
- 6.35 The proposed use has the potential to impact on the living conditions of the occupiers of neighbouring properties through increased noise and disturbance. The applicant has undertaken a Noise Assessment which concludes that the use of the site, albeit subject to planning conditions, is acceptable and would not be detrimental to the occupiers of the neighbouring properties.
- 6.36 The continued use would not result in significant levels of vehicle movements that would be detrimental to the surrounding highway network and as such, the Highway Authority has raised no objection.
- 6.37 In all aspects the proposals would be compliant with the objectives of the relevant national and local planning policies.

## **7. Planning History**

- 7.1 In 2000, planning permission was granted for the change of use of sheds to be used for the production of flags and garden ornaments and storage of materials for their production.
- 7.2 Planning permission was granted in 2004 for the erection of a single storey extension to provide a living room, study and utility room.
- 7.3 Later in 2004, an application was submitted for the erection of an extension to provide a living room, study, utility and balcony area but was withdrawn.
- 7.4 In 2006, planning permission was granted for the erection of a two storey extension to provide extra living accommodation and a porch.

## **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 22nd June 2018;
  2. the Location Plan received 29th June 2018;
  3. the Block Plan received 29th June 2018 (Drawing no. HCB/0618/2A);
  4. the Ground Floor Plan of Existing Storage Building received 29th June 2018);
  5. the Proposed Erection Of Car Port/ Store, Vehicle Wash and Scaffold Rack received 22nd June 2018 (Drawing no. HCB/0618/2);
  6. the Proposed Scaffold Rack received 22nd June 2018 (Drawing no. HCB/0618/3);
  7. the Noise Impact Report received 6th March 2019;
  8. the Notice of Decision;
  9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

2. This permission shall not be exercised by any person other than Mr N Hedley whilst resident at the property (Newtown House).

**Reason:** But for the special circumstances of the applicant permission would not be forthcoming and in order to safeguard the amenity of the character of the locality in accordance with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

3. The premises shall be used as a roofers yard with ancillary storage and for no other purpose including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality occupiers in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

4. The use of the premises hereby permitted shall not commence before 07.30 hours or remain in operation after 18.00 hours on Mondays to Fridays; before 08.00 hours or remain in operation after 17.00 hours on Saturdays; and before 09.00 hours or remain in operation after 15.00 hours on Sundays or Bank Holidays.

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

5. There shall be no powered plant or vehicles permitted to access or work within the area between the storage shed and the western boundary between measuring points A and B shown in the Noise Impact Report.

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

6. The height of goods and materials to be stored outwith any building or structure on the site shall not exceed 1.8 metres above ground level.

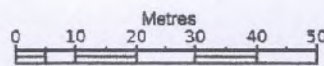
**Reason:** To prevent disturbance to the occupiers of neighbouring properties in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

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Produced 11 Jun 2018 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



1:1250



Newtown House, Newtown, Blackford,  
Carlisle  
CA6 4ET

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29 JUN 2018

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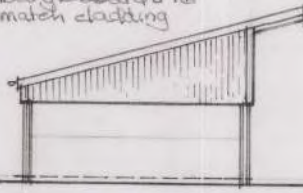


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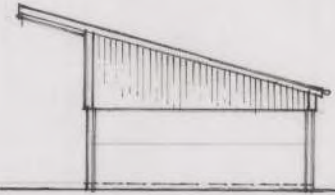


Anthracite grey steel corrugated cladding to roof, part side + ends.  
2 Metres high smooth concrete panels to ends + low side of car port.

Barge boards to match cladding



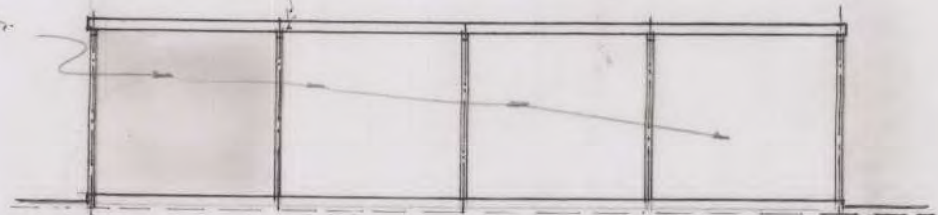
**END ELEVATION**



**END ELEVATION**

High side of car port to be open.

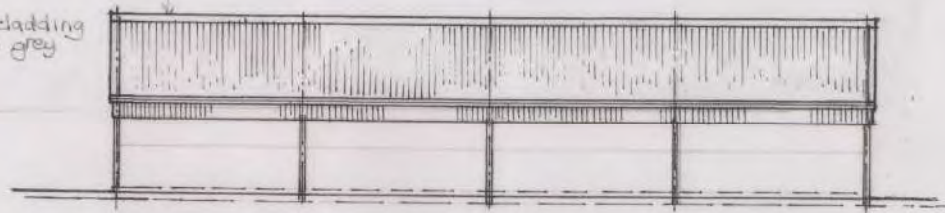
steel trim to match cladding



**SIDE ELEVATION (FRONT)**

slating edge to match cladding

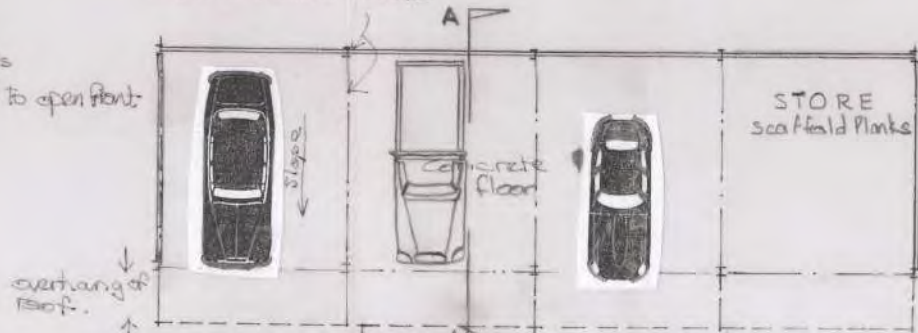
Anthracite Grey steel corrugated cladding to roof + vertical return to smooth grey concrete panels 2 metres high.



**BACK ELEVATION AS PROPOSED**

2 Metres high concrete panels  
Concrete floor with slight fall to open front

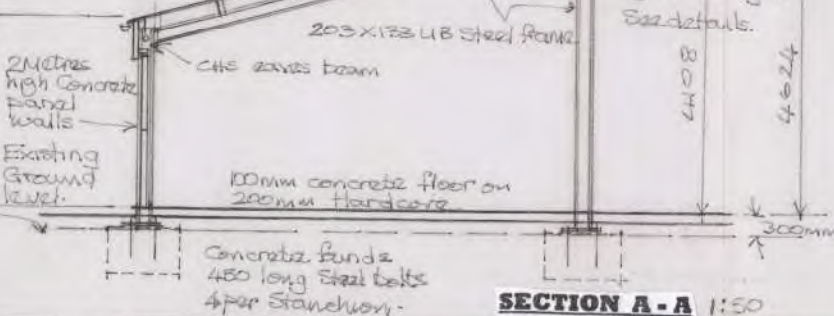
203x133 UB steel frame



**GROUND FLOOR PLAN AS PROPOSED**

225x75 Timber purlins @ 1500mm Max. centres

Anthracite Grey steel corr. roof + side cladding



**SECTION A - A 1:50**

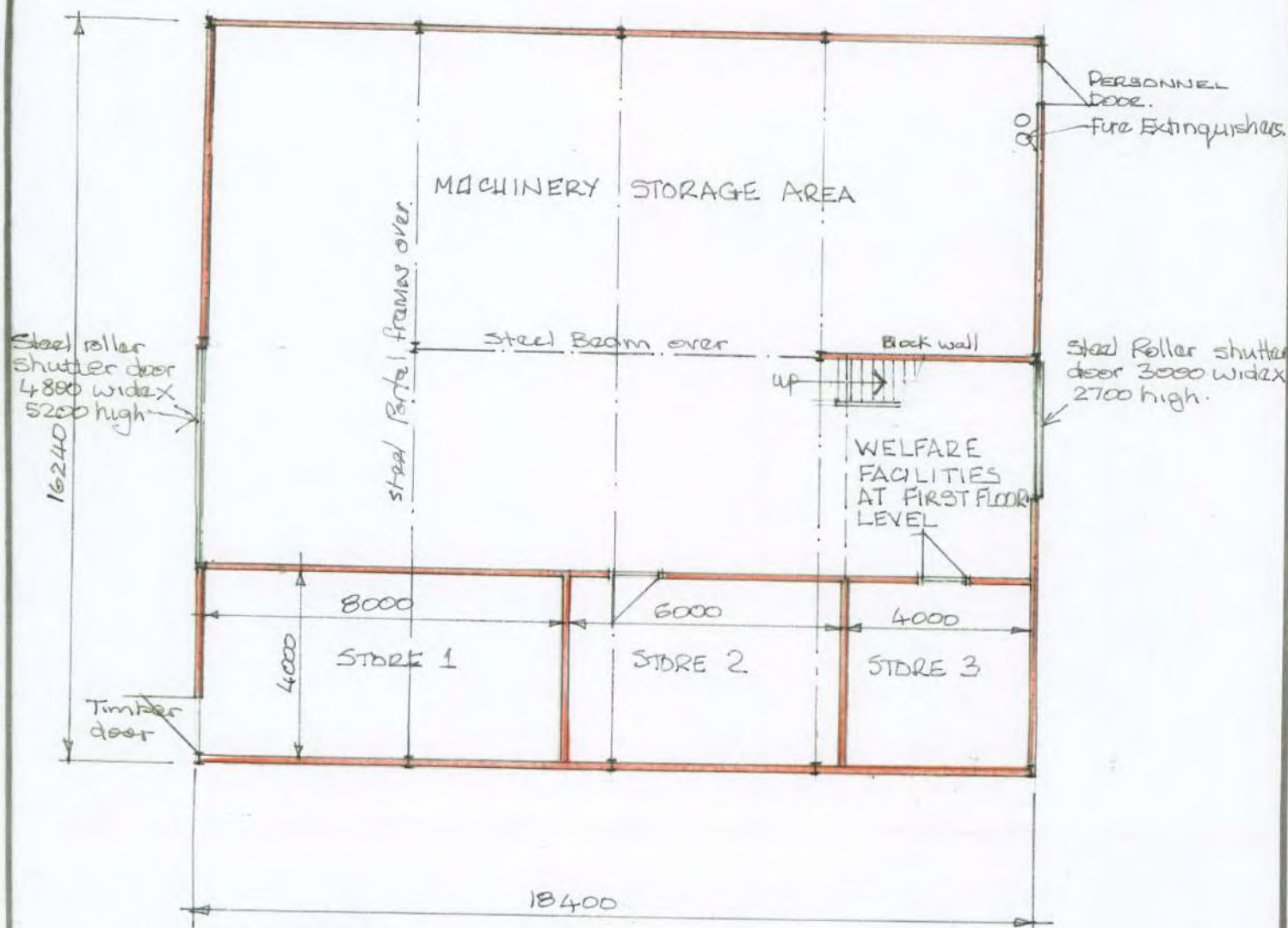
RECEIVED  
27 JUN 2018  
18/0499

**NEWTOWN HOUSE**

PROPOSED ERECTION OF  
CARPORT/STORE, VEHICLE  
WASH AND SCAFFOLD RACK  
AT NEWTOWN HOUSE  
NEWTOWN, BLACKFORD  
NR. CARLISLE  
FOR HEDLEY ROOFING.

SCALE 1:50 & 1:100 DATE JUNE 2018  
DRAWING NO. HCB/0618/2



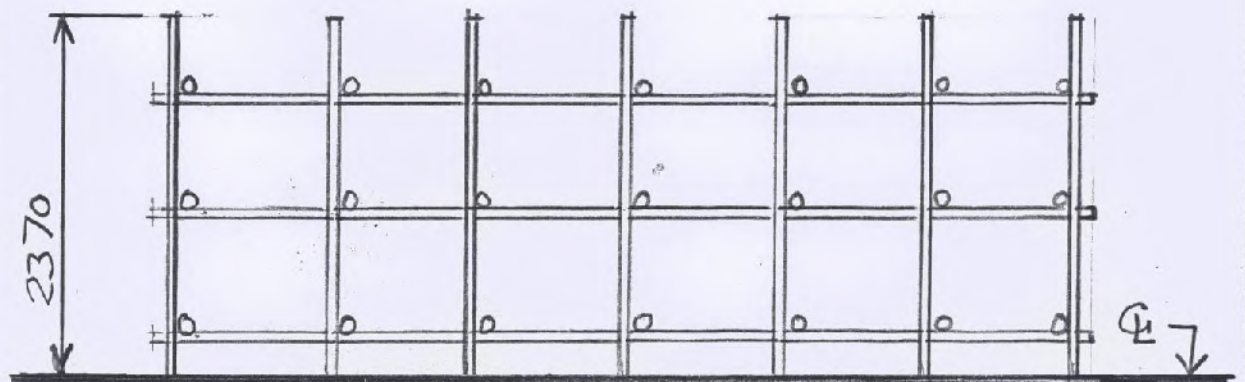


Exterior Walls Steel corr. insulated sheeting with Concrete block below.  
 Interior partitions - Timber studwork clad both sides with plywood.  
 Floor Concrete.

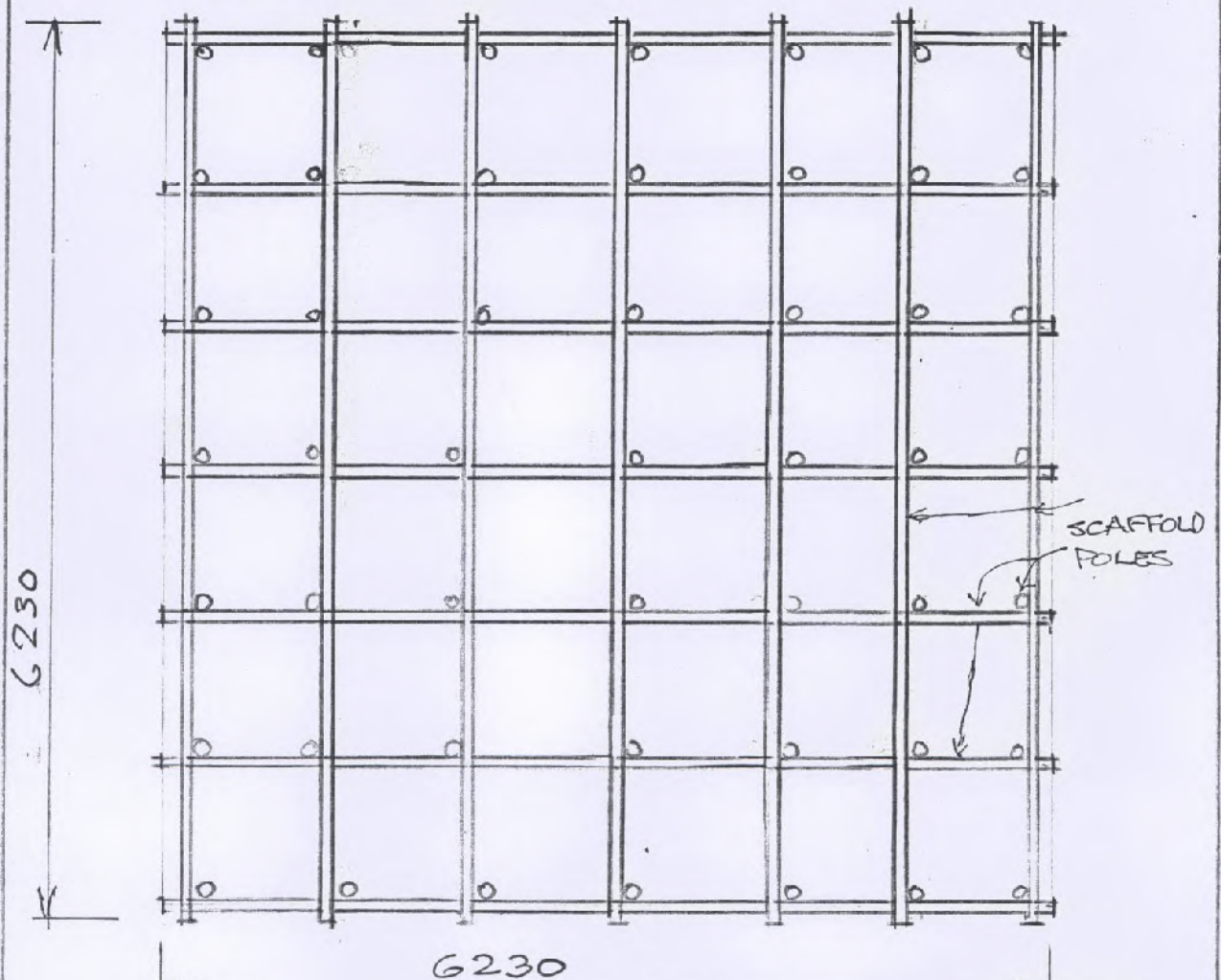


GROUND FLOOR PLAN OF  
 EXISTING STORAGE BUILDING  
 AT NEWTOWN HOUSE NEWTOWN  
 BLACKFORD, CARLISLE

JUN 2018 SCALE 1:100.



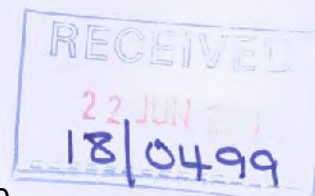
TYPICAL ELEVATION



PLAN

6230

PROPOSED SCAFFOLD RACK  
 SCALE 1:50  
 DRAWING NO. HCB0618/3



## **HEDLEYS ROOFING**

**Newtown House, Blackford, Carlisle CA6 4ET**

## **Noise Assessment**

**Report No.**  
HR/BF/001

**Author**  
Louise M Alderson MIOA

**Checked/Approved**

**Date of issue**  
05 March 2019



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## APPENDICES

Appendix A	Glossary of Acoustic Terminology
Appendix B	Noise Monitoring Equipment
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Appendix D	Noise Survey Results

## **1 INTRODUCTION**

### **1.1 Context**

- 1.1.1 Hedleys Roofing instructed L A Environmental Ltd to undertake a noise impact assessment for a change of use of land from concrete product manufacturing premises to roofing business including the siting of a scaffold rack, erection of a car port and store together with the formation of a vehicle wash bay at Newtown House, Blackford Carlisle CA6 4ET.
- 1.1.2 An initial noise assessment was submitted in September 2018 by Noise Insulation & Measurements Services (NIMS) Report no 180917. However, the outcome and conclusions to the report were not accepted by the Council's Environmental Health Officer. Following a discussion with Scott Burns, Regulatory Services Manager of Carlisle City Council this report and assessment has been carried out in accordance with the procedures given in BS4142: 2014 "Methods for rating and assessing industrial and commercial sound".
- 1.1.3 In order to address some of the concerns raised, further noise monitoring has been carried out at the site to determine the background and specific noise levels from Hedley Roofing activities over a 24 hour period from 10:00 hours on Thursday 21 February 2019 and determine the likely impact on the surrounding noise climate at the nearest sensitive properties to the site in accordance with the procedures detailed in BS4142:2014.

### **1.2 Site location and description of activities**

- 1.2.1 The site is located to the north of Newtown House on land previously used by the previous owner, Mr Hudson Gray of S&H Construction, from which to run his construction business from.
- 1.2.2 Hedleys Roofing have operated on the site since September 2016. The nearest residential dwellings bound the site to the east (Hazelwood House and Beechwood House) and west (Waverley House and Palumic House).
- 1.2.3 Figure 1 overleaf shows the site and neighbouring dwellings.

**Figure 1: Site Location**

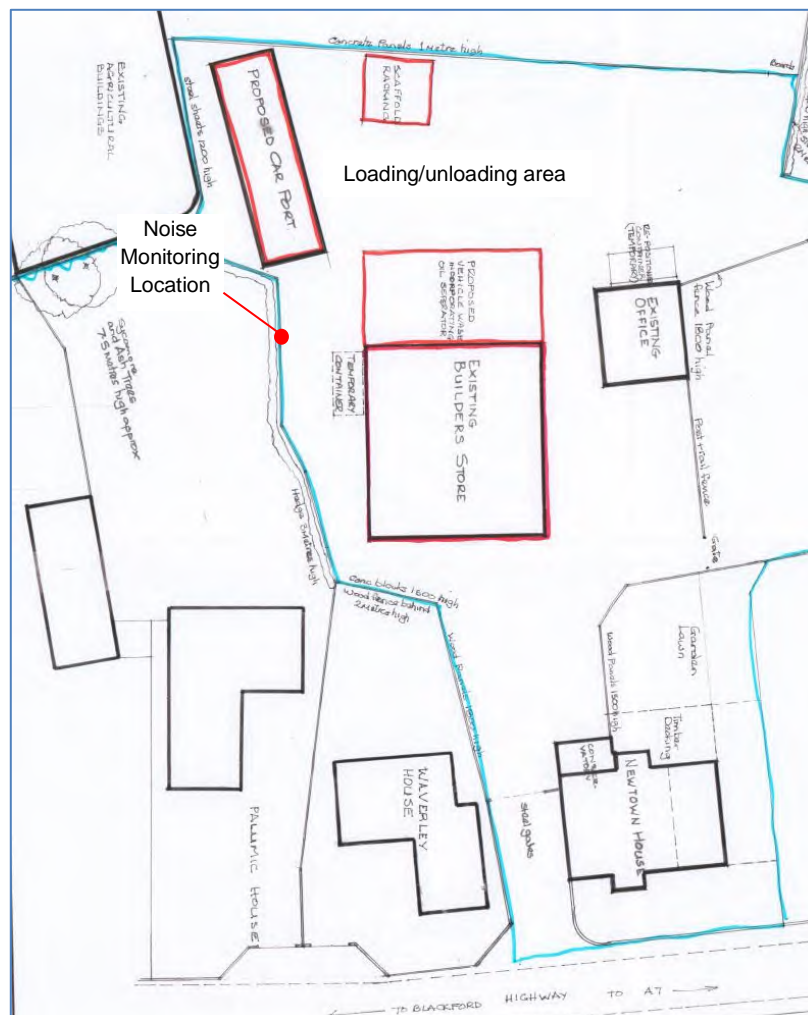


- 1.2.4 The site is predominantly used as a storage facility for roofing and scaffolding materials as all practical work is carried out at remote client premises. Working materials are delivered directly to the client's site (for efficiency and convenience), whenever possible, with the site at Newtown House used for storage of vehicles, plant, scaffolding components and a limited quantity of emergency or essential maintenance materials.
- 1.2.5 In respect of the planning application the operational hours are as follows:
- 07:30 - 18:00 Monday to Friday
  - 08:00 - 17:00 Saturdays
  - 09:00 - 15:00 Sundays and Bank Holidays
- 1.2.6 It is not the intention of Hedleys Roofing to operate at weekends and particularly not on Sundays. However, on occasion, it is necessary when there is an emergency following a storm for instance or when required to work out of office hours, i.e. working in city centre locations when access to buildings/businesses is more convenient to Hedleys Roofing Clients.



- 1.2.7 It has been identified that the main noise concern is from the loading and unloading of scaffold to and from vans which are stored on site. This usually occurs in the morning within a period of approximately ninety minutes from 07:30 hours. During this period one or two vehicles are loaded with roofing/scaffolding materials and used in connection with the business at various locations around Cumbria.
- 1.2.8 Unloading may occur in the afternoons, for again a period of around ninety minutes from around 15:30 hours as vehicles begin to return to site to unload any materials/scaffolding if it cannot be directly taken to the next site. Hedleys Roofing do try whenever possible to ensure that scaffold vans are loaded in the afternoons ready for transportation offsite the following morning rather than being loaded from 07:30 hours.
- 1.2.9 Loading/unloading generally takes around 10 – 15 minutes per van.
- 1.2.10 Figure 2 shows the layout of the site in relation to neighbouring properties and demonstrates that the yard area is located at its furthest point from potentially sensitive receptors and predominantly screened by the existing builders store and office building.

**Figure 2: Site Plan & Noise Monitoring Location**



## 2 NOISE GUIDELINES & STANDARDS

### 2.1 BS 4142: 2014 Methods for rating and assessing industrial and commercial sound

- 2.1.1 BS 4142:2014 describes methods for rating and assessing sound of an industrial and/or commercial nature and is used to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident.
- 2.1.2 The procedure is based on comparing the measured or predicted noise level from the source in question immediately outside a dwelling with the "background sound level" ( $L_{A90}$ ) that would otherwise exist in the absence of the specific noise. The "rating level" is derived by adding any feature corrections that are considered necessary, due to certain characteristics of the noise to the "specific sound level".
- 2.1.3 The monitoring duration should reflect the range of background sound levels for the period being assessed. In practice there is no "single" background sound level as this is a fluctuating parameter.
- 2.1.4 The "specific sound level" is the equivalent continuous A-weighted sound pressure level ( $L_{Aeq}$ ) of the noise associated with the site in question, at the assessment position, over a time period specified in the standard. The assessment position must be outside the dwelling or other noise sensitive building affected by the noise and the measurements must be representative of the specific sound and the background sound level.
- 2.1.5 Certain acoustic features can increase the significance of impact over that expected from a basic comparison between the specific sound level and the background sound level. Where such features are present at the assessment location a character correction is added to the specific sound level to obtain the rating level and this can be approached in 3 ways:
- Subjective method
  - Objective method for tonality
  - Reference method
- 2.1.6 The significance of sound of an industrial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs. Therefore, it is essential to place the sound in context.
- 2.1.7 Essentially there is a sliding scale of 0 to +6dB for tonality which the standard *"can be converted to a penalty of 2 dB for a tone which is just perceptible at the noise receptor, 4 dB where it is clearly perceptible, and 6 dB where it is highly perceptible"*.

- 2.1.8 For impulsivity, the standard states that *"A correction of up to +9 dB can be applied for sound that is highly impulsive, considering both the rapidity of the change in sound level and the overall change in sound level. Subjectively, this can be converted to a penalty of 3 dB for impulsivity which is just perceptible at the noise receptor, 6 dB where it is clearly perceptible, and 9 dB where it is highly perceptible"*.
- 2.1.9 Other sound characteristics are also considered and if features are present in the noise which are readily distinctive against the residual acoustic environment then a 3dB penalty can be applied.
- 2.1.10 Section 11 of BS4142 states to subtract the measured background sound level from the rating level and consider the following:
- Typically the greater this difference, the greater the magnitude of the impact.
  - A difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on the context.
  - A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context.
  - The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.
- 2.1.11 Adverse impacts include, but are not limited to, annoyance and sleep disturbance. Not all adverse impact will lead to complaints and not every complaint is proof of an adverse impact.
- 2.1.12 The specific sound should be evaluated over an appropriate reference time interval. For daytime (07:00 – 23:00) the reference time interval is 1 hour and for night time (23:00 – 07:00) it is 15 minutes. The shorter reference time intervals at night means that short duration sounds with an on time of less than 1 hour can lead to a greater specific sound level when determined over the reference time interval during the night than when determined during the day.
- 2.1.13 The scope of the standard describes methods for rating and assessing sound from industrial and manufacturing processes; sound from fixed installations; sound from the loading and unloading of goods and materials and sound from mobile plant and vehicles that are an intrinsic part of the overall sound emanating from premises, such as forklift trucks.
- 2.1.14 BS4142 states that *"Sound of an industrial and/or commercial nature does not include sound from the passage of vehicles on public roads and railway systems"*
- 2.1.15 Therefore, the assessment only applies to noise generated by activities within the site boundary.

## 2.2 BS8233:2014 and WHO 1999 Guidance Levels

- 2.2.1 BS8233:2014 '*Guidance on sound insulation and noise reduction for buildings*' defines a range of ambient noise levels for design criteria, such that suitable conditions are achieved in certain internal and external environments.
- 2.2.2 BS8233 refers to the World Health Organisation research and recommendations when defining acceptable and upper guidance noise levels within gardens during the day, and within habitable rooms in dwellings during the day and night time periods. The noise levels that normally satisfy these criteria for most people are defined in Table 1.

Table 1: Summary of BS8233 guidance noise levels			
Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living rooms	35 dB $L_{Aeq,16hour}$	--
Relaxing	Gardens	55 dB $L_{Aeq,16hour}$	--
Dining	Dining room/area	40 dB $L_{Aeq,16hour}$	--
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $L_{Aeq,8hour}$ 45dB $L_{Amax}$

- 2.2.3 BS8233 provides figures for external amenity spaces. In external areas used for amenity space, such as gardens and patios, it is desirable that external noise levels do not exceed 50dB  $L_{Aeq,T}$ , with an upper guideline value of 55  $L_{Aeq,T}$ .
- 2.2.4 BS8233 indicates that regular individual noise events can cause sleep disturbance and suggests that guideline values should be considered in terms of SEL or  $L_{Amax}$ , but does not provide recommended values. The WHO recommends that within bedrooms  $L_{Amax}$  figures in excess of 45dBA associated with individual noise events should be minimised to 10 to 15 occurrences per night to minimise sleep disturbance.

## 3 SURVEY DETAILS

### 3.1 Instrumentation and weather conditions

- 3.1.1 The equipment used in the background noise survey was a CK:247 Invictus Portable Noise Monitor with communication for remote download and alerts. Statistical values,  $L_{A10}$ ,  $L_{A90}$  etc and third octave bands, together with time history logging and audio recordings were gathered throughout the survey period.
- 3.1.2 Equipment is fully compliant with that specified as Type 1 in British Standard BS EN61672 - 1: 2003: "Electroacoustics. Sound level meters Specifications" and are detailed in Appendix B.
- 3.1.3 Equipment has also been calibrated to a traceable standard by UKAS-accredited laboratory within the 24 months preceding the survey.
- 3.1.4 The sound level meter was mounted on a tripod with the microphone 1.4m above the immediate ground level and positioned at least 3.5m from any reflecting surface, other than the ground.

- 3.1.5 A windshield was fitted over the microphone at all times during the survey periods to reduce the effects of any wind induced noise.
- 3.1.6 Weather conditions on Thursday 21 February were dry with a gentle to moderate westerly breeze with gusts up to 8m/s. The daytime temperature reached 9°C and it was mostly cloudy.
- 3.1.7 On Friday 22 February 2019 winds had dropped to a light south westerly breeze less than 2m/s. The temperature reached 12°C and it was fair with no precipitation.
- 3.1.8 Full details of the meteorological conditions during the 24 hour period are shown in Appendix C.

### **3.2 Noise measurement procedure**

- 3.2.1 The noise climate was measured over a consecutive period between 10:30 on Thursday 21 February to 10:00 on Friday 22 February 2019 on the western boundary of the site adjacent to the amenity garden of Palumic House.
- 3.2.2 The guidance detailed in BS4142 states that:

*“In using the background sound level in the method for rating and assessing industrial and commercial sound it is important to ensure that values are reliable and suitably represent both the particular circumstances and periods of interest. For this purpose, the objective is not simply to ascertain a lowest measured background sound level, but rather to quantify what is typical during particular time periods”.*

- 3.2.3 The values obtained during the survey period from 21 – 22 February 2019 are considered to be reliable and suitably represent the particular circumstances and periods of interest and are considered to be typical of the background sound levels at the nearest noise sensitive properties.
- 3.2.4 Specific noise levels were measured on the boundary with Palumic House during periods of typical operation between approximately 15:30 – 17:00 on 21 February 2019 and 07:30 and 09:00 on 22 February 2019. Specific noise levels were determined during morning and afternoon activities which included employees arriving/leaving in cars, vehicles idling and departing from the site and plant manoeuvring.

### **3.3 Noise monitoring location**

- 3.3.1 Noise monitoring was carried out on the western boundary of the site at the location shown in Figure 1 and Photograph 1. The microphone was positioned at a distance of approximately 22m from the rear façade of Palumic House and is considered representative of the noise climate within the amenity garden of the nearest residential dwelling to the loading/unloading area at Hedleys Roofing.



**Photograph 1: Noise Monitoring Location**



- 3.3.2 Noise levels at the façade of the property will be lower than measured at the site boundary due to distance correction. For every doubling of distance, the noise from a point source will reduce by 6dB(A), according to the inverse square law. Therefore measurements taken 10m from a source will be reduced by 6dB(A) at a distance of 20m from the source.

## 4 NOISE MONITORING RESULTS

### 4.1 Background sound level

- 4.1.1 Full details of the monitoring results from the survey are provided in Appendix D and are summarised in Table 2 below.

Table 2: Average Background noise survey results 21 – 22 February 2019				
Period	Time	L <sub>Aeq</sub>	L <sub>AF90</sub>	L <sub>AFmax</sub>
Daytime	07:00 – 18:00	51	<b>49</b>	73

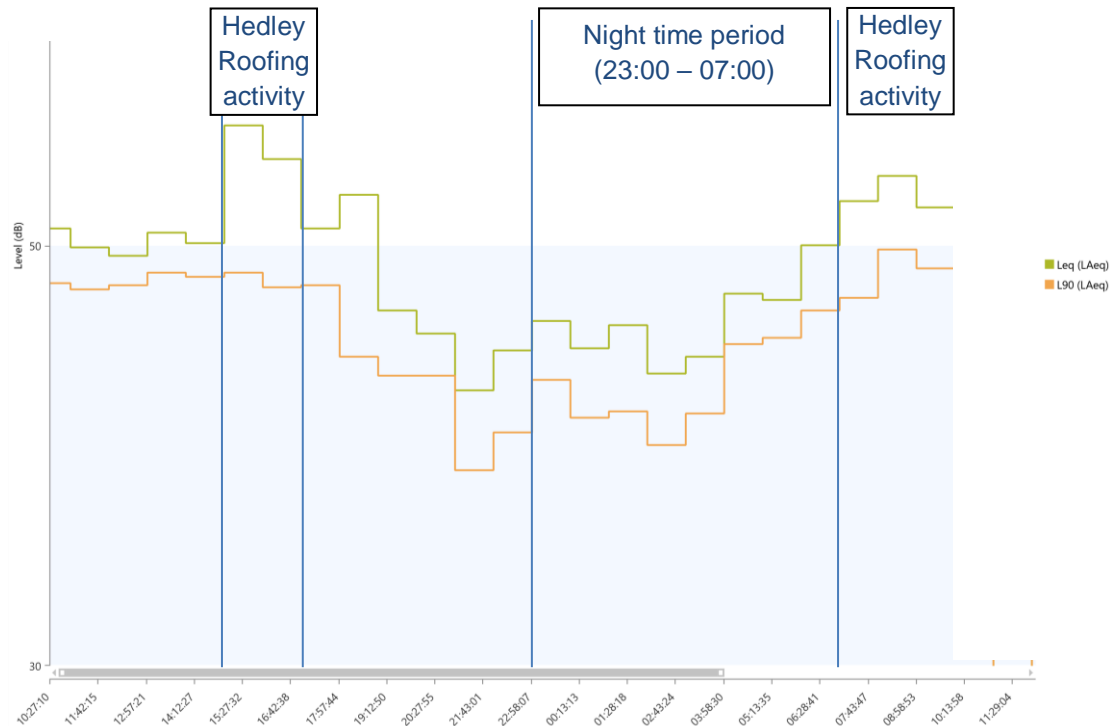
- 4.1.2 The main contributing noise source was from distant road traffic on the M6, which due to the prevailing westerly wind was the dominant noise source at the monitoring location.
- 4.1.3 The background noise level was recorded as being 49dB<sub>LA90,T</sub> throughout the operational period of Hedleys Roofing in the absence of specific noise sources.
- 4.1.4 The full results (in Appendix D) demonstrate that the background noise climate is fairly constant as it is influenced by constant distant road traffic on the M6.

4.1.5 Maximum noise levels up to 73dBLA<sub>max</sub> were recorded during a period when there was no activity at Hedleys Roofing. It is likely that this was caused by extraneous activity off site, or birdsong near to the microphone.

4.1.6 The average existing LA<sub>eq</sub> value (residual sound) was 51dBLA<sub>eq,T</sub>.

4.1.7 Graph 1 shows the hourly noise values (LA<sub>eq</sub> and LA<sub>90</sub>) over the full measurement period.

**Graph 1: Hourly average LA<sub>eq</sub> and LA<sub>90</sub> noise levels**



4.1.8 As demonstrated in the graph, background noise levels are lowest between approximately 20:00 hours and begin to rise again from 04:00 hours and reflects the period when road traffic flows on the M6 are likely to be reduced.

4.1.9 Birdsong also impacts on the measured levels and contributes to the increase in background (LA<sub>90</sub>) levels during the dawn chorus.

## 4.2 Specific sound level

4.2.1 The methodology in BS4142 suggests that where possible the specific sound level should be determined by measurement of the ambient sound level and the residual sound level at the assessment location.

4.2.2 Measurement of the specific sound was carried out at the boundary with the nearest potentially sensitive amenity garden to the operations at Hedleys Roofing.

4.2.3 The specific sound should be evaluated over an appropriate reference time interval, T

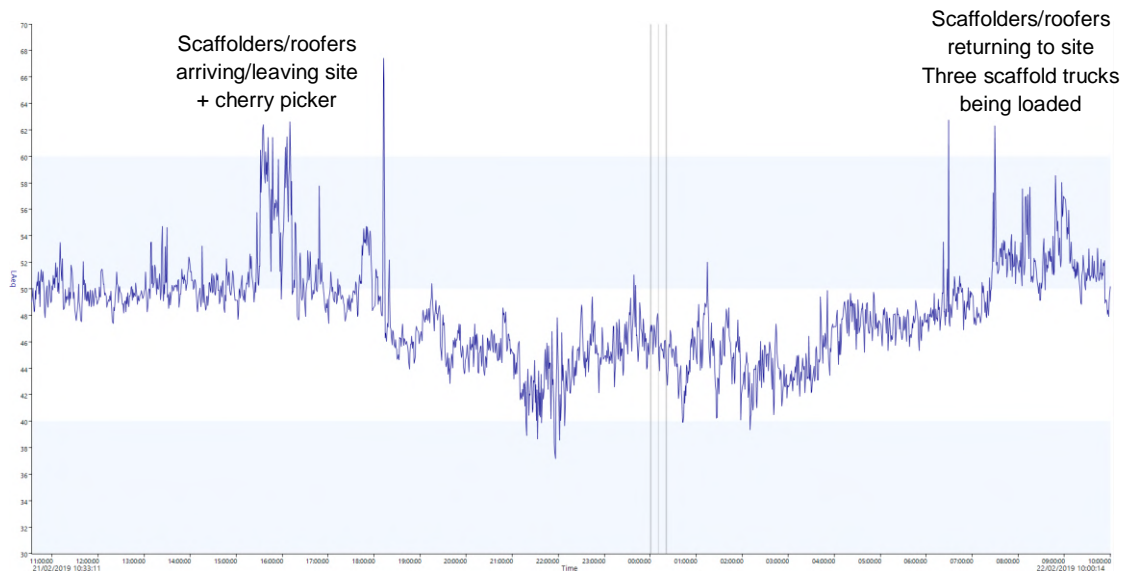
a) 1 h during the day: and

b) 15 min during the night

- 4.2.4 For the purposes of this assessment, daytime is typically between 07:00h and 23:00h and accordingly night-time is between 23:00h and 07:00h. As there is no activity at Hedleys Roofing during the night time period, only daytime hours have been considered in the assessment.
- 4.2.5 As stated within the scope of BS4142 sound of an industrial and/or commercial nature does not include sound from the passage of vehicles on public roads. Therefore, the assessment only applies to noise generated by activities within the site boundary.
- 4.2.6 In the afternoon of 21 February 2019 there were three trucks in the yard, loading starting at 3.29pm x 2 trucks (4 men), at 4.05 one truck moved out of the way to allow the third truck near the racks to load, loading finished at 4.24 pm, scaffold was moved continuously between 3.29pm and 4.24pm
- 4.2.7 During the morning of Friday 22 February, scaffolders and roofing employees began arriving at the site from 07:30. In total, during the morning of monitoring three employees cars arrived and three vans left the site, which is typical of normal activities. In addition to this a tile had fallen from the roof of Newtown House overnight and the cherry picker was removed from the store building and manoeuvred towards the dwelling to replace the tile. This activity was audible on the audio download from the monitoring equipment.
- 4.2.8 The specific noise level during this period was determined at the boundary of the site nearest to Palumic House.
- 4.2.9 Measurements were carried out on the boundary whilst normal activity was taking place and the noise measurement results are summarised in Table 3 with the noise profile shown below.



Table 3: Site boundary with Palumic House dB(A) 21 – 22 February 2019			
Period	L <sub>Aeq</sub>	L <sub>AF90</sub>	L <sub>AFmax</sub>
07:30 – 08:30	53	50	75
15:30 – 16:30	56	49	82



4.2.10 Throughout the measurement of specific noise, activity within the site was audible and included vehicles manoeuvring in the yard, cars and vans arriving and leaving. Full details of all the specific noise events are shown in Appendix D together with frequency analysis data.

4.2.11 The (worst case) ambient sound level is 5dB(A) (56 – 51) above the residual sound level between 15:30 – 16:30. A correction is therefore required to determine the contribution of specific noise only. This is presented in Table 4.

4.2.12 A further correction is required to determine the noise level at the façade of Palumic House based on the formula:

$$SPL_2 = SPL_1 - 20 \log (r_2/r_1)$$

Where  $SPL_2$  = noise level at façade of Palumic House  
 $SPL_1$  = 56dB(A) at measurement location ( $r_1$ )  
 $r_2$  = 30 from noise source to Palumic House  
 $r_1$  = 10m from noise source to assessment location

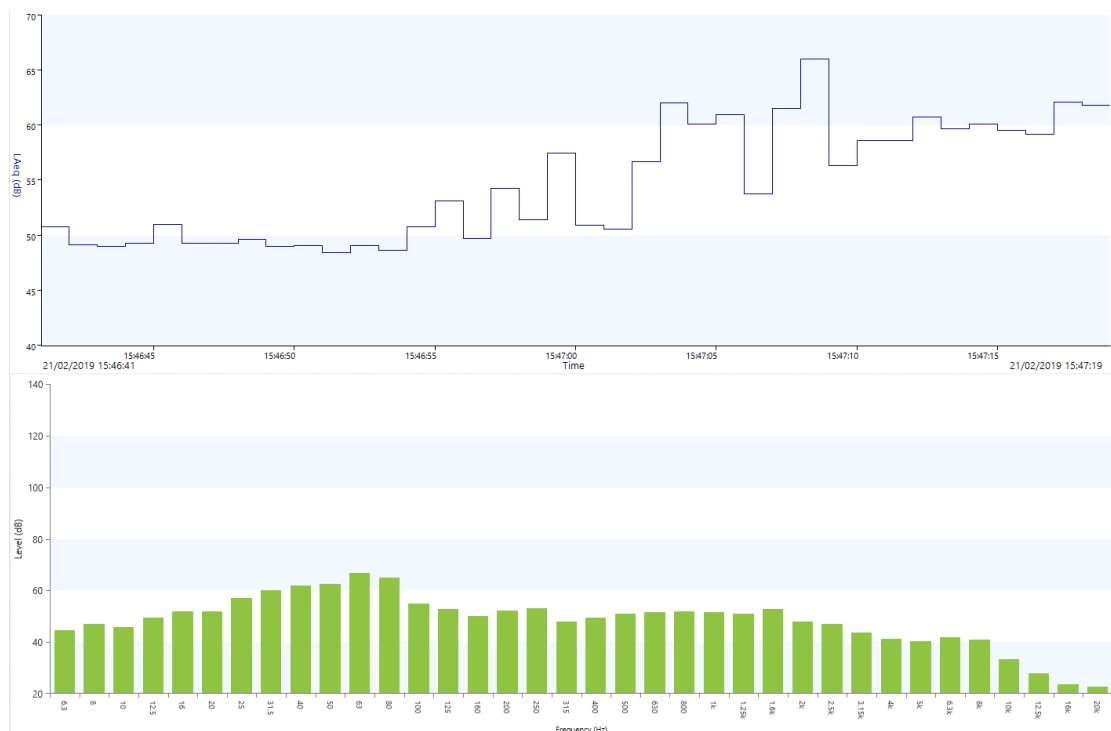
4.2.13 The reduction in noise level is calculated to be 6dB(A) based on the above.

## 5 BS4142 ASSESSMENT

### 5.1 Rating level

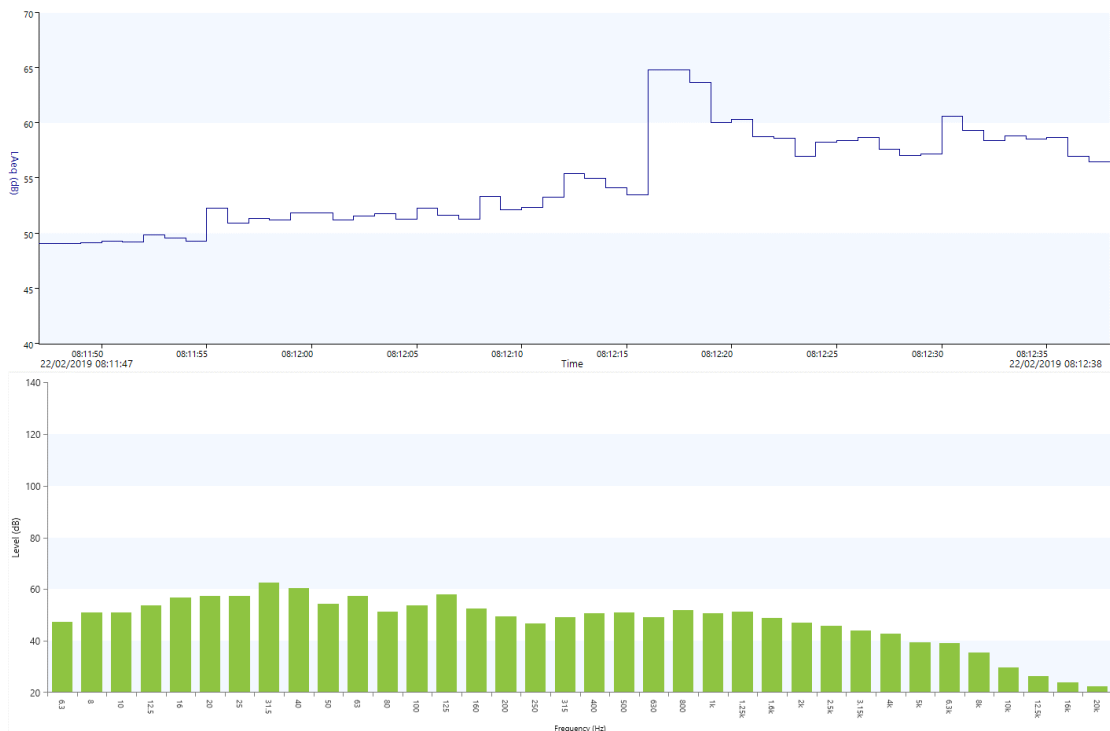
- 5.1.1 If the noise source under consideration contains certain acoustic features then these can increase the likelihood of adverse impact over that expected from a simple comparison between the specific noise level and the background noise level. If this is considered to be the case then a correction should be applied in accordance with BS4142:2014.
- 5.1.2 Third octave band frequency data was carried out throughout the measurement period to determine whether the specific noise contained any distinctly tonal notes. Full results are shown in Appendix D with a sample shown in Graph 2.

**Graph 2:** Third Octave band frequency analysis during vehicle manoeuvring in yard area



- 5.1.3 The noise level during this period was 61dB(A) with a duration of just 8 seconds.

**Graph 3:** Third Octave band frequency analysis of cherry picker starting up and manoeuvring out of shed



5.1.4 The noise level during this period was 60dB(A) over a duration of 21 seconds.

5.1.5 There are no identifiable prominent tones during vehicles leaving the site or vehicles manoeuvring. However, it is considered that the specific sound of loading and unloading scaffolding features characteristics that otherwise are readily distinctive against the residual acoustic environment and a penalty of 3dB has been applied to the specific noise level.

## 5.2 Background sound level

5.2.1 Noise levels were measured at a position considered representative of the background noise climate at the nearest potentially sensitive property to the site access. There was no activity within the proposed depot during the measurement of background noise and therefore the background noise climate was representative of the existing noise climate in the vicinity of the nearest potentially noise sensitive properties.

5.2.2 The most commonly used percentile level is the LA90,T, which is the 90th percentile level and is the level exceeded for 90 per cent of the time, T. It is higher than the Lmin and has been adopted as a good indicator of the “background” noise level. The noise climate was influenced mainly by distant road traffic noise and birdsong during the survey period in February 2019. The results of the survey were presented in Table 2 and demonstrated that the average background noise climate in the area (in the absence of specific noise) was as follows:

- Daytime (07:30 – 18:00) = 49 dBLA90

- 5.2.3 It is considered that these levels are representative of the average background noise climate in the area and gives a clear indication of the underlying noise level, or the level that is almost always there in between intermittent noisy events. This is not expected to alter significantly across the site or at neighbouring dwellings. Therefore, measured levels are also considered representative of noise climate to the rear of properties to the east of Newtown House.
- 5.2.4 BS4142:2014 advises that the measurement period should be long enough to obtain a representative sample of the background level. It is considered that 24 hour data is representative.
- 5.2.5 There is no activity anticipated at the site at night time (as defined as between 23:00 – 07:00).

### 5.3 Results

- 5.3.1 The significance of sound of an industrial nature depends upon the margin by which the rating level exceeds the existing background noise climate and the context in which the sound occurs.
- 5.3.2 An assessment of the impact is carried out following the procedure detailed in Table 4 at the nearest noise sensitive receptor.

Table 4: Assessment Results – Daytime			
	07:30 – 08:30	15:30 – 16:30	Commentary
Ambient Sound Level $L_{Aeq,T}$	53	56	<i>The ambient sound level is a measure of the residual sound and the specific sound when present. This was measured at the western site boundary with Palumic House</i>
Residual Sound Level $dBL_{Aeq}$	51	51	<i>This is the ambient sound remaining at the assessment location when the specific sound source is suppressed to such a degree that it does not contribute to the ambient sound.</i>
Measured background Sound Level $dBL_{A90}$	49	49	<i>Measured at the assessment location in the absence of the specific sound.</i>
Reference time period	1 hour	1 hour	<i>Assessment is through the day (0700 – 1900)</i>
Specific Noise Level at boundary $L_{Aeq, 1hr}$	53	54*	<i>*Correction to ambient level is 2dB(A) as a result of the residual sound, using formula : <math>L_s = 10\lg(10^{L_{Aeq}/10} - 10^{L_{r/10}})</math></i>
Specific Noise Level at façade of Palumic House $L_{Aeq, 1hr}$	47	48	<i>Correction for distance to Palumic House, using formula: <math>SPL_2 = SPL_1 - 20\lg(r_2/r_1) = 6dB(A)</math></i>
Acoustic feature correction	3	3	<i>Noise from the specific source is assumed to contain distinctive characteristics that are distinguishable against the residual acoustic environment</i>
Rating level	50	51	<i>The rating level is 3 dB higher than the specific noise as a result of the acoustic feature correction.</i>
Background level dB $L_{A90, T}$	49	49	
<b>Excess of rating level over background level dB(A)</b>	<b>+1</b>	<b>+2</b>	

## 5.4 Assessment results

- 5.4.1 An assessment of the impact of the specific sound is gained by subtracting the measured background sound level from the rating level and the assessment method in Section 11 of BS4142 states that, typically, the greater this difference, the greater the magnitude of impact.
- 5.4.2 The predicted rating level from the activity at Hedleys Roofing for a period of one hour in the morning has been demonstrated to be above the existing background sound level by up to 1dB(A) and by 2dB(A) during a one hour period in the afternoon at the façade of Palumic House. The significance of the rating level is not considered to have an adverse impact or significant adverse impact on occupiers of the nearest residential dwelling.
- 5.4.3 If residents were using their amenity space in the rear garden of Palumic House then noise levels are likely to be up to 6dB(A) higher which would be an indication that activities have the potential to have an adverse impact on the noise climate, but not a significant adverse impact. However, this impact must very much be considered in the context of the existing noise climate and previous use of the site which was previously used by a construction company with similar working hours.

## 5.5 Uncertainty

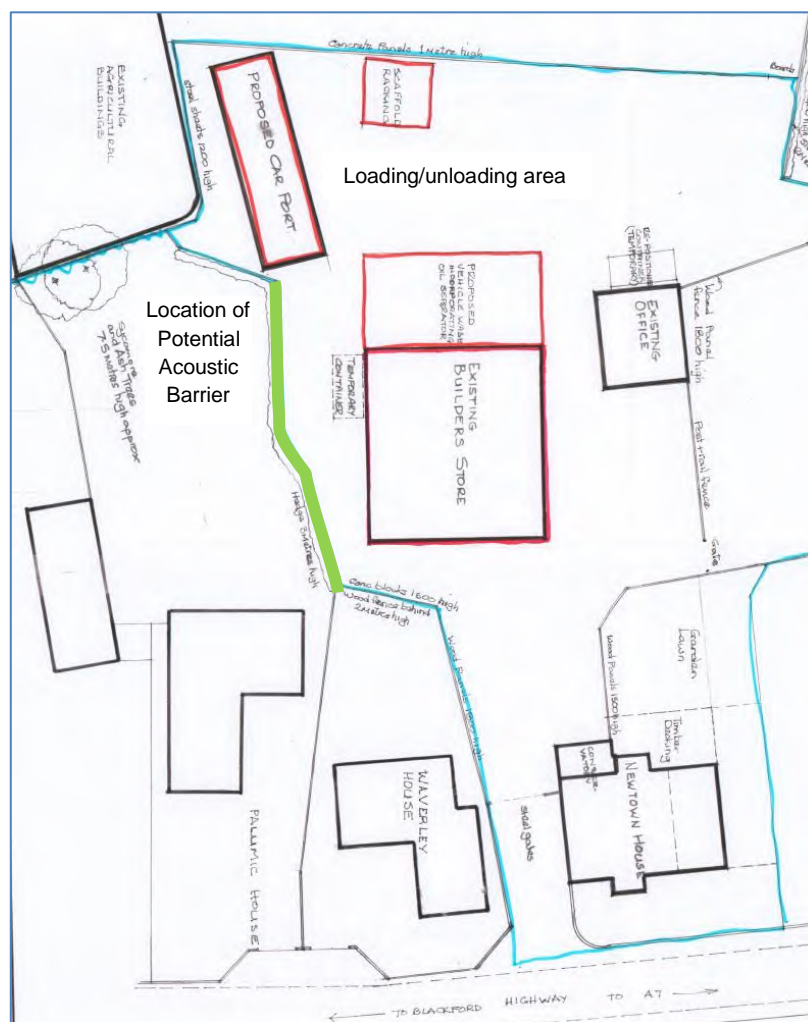
- 5.5.1 The level of uncertainty in the measured data and associated calculations have been considered where the level of uncertainty could affect the conclusions. Confidence in the measured background values is high as the measurements were carried out over a 24 hour period during favourable weather conditions (no rain or high winds) at a position considered equivalent to the amenity garden of the nearest potentially noise sensitive dwelling and therefore the level of uncertainty is low.
- 5.5.2 There is also a low uncertainty in the calculations as the specific sound level used in the calculations was measured directly at the assessment location and measurement of the source noise under appropriate working conditions.
- 5.5.3 A correction for additional distance to the façade of the closest dwelling has been applied which demonstrates that there is less likelihood that the specific sound source will have an adverse or significant adverse impact. However, a worst-case situation would be when residents are within their rear amenity garden within close proximity to the boundary of Newtown House. It has been demonstrated that the rating level could be up to 8dB(A) over the background sound level and is above the threshold where there is an indication of an adverse impact.
- 5.5.4 The uncertainty lies therefore as to the position of the assessment location and whether this is within the garden near to the boundary with Hedleys Roofing or at the façade of the property itself.

## 6 MITIGATION MEASURES

### 6.1 Screening

- 6.1.1 Measures can be introduced to control the source of, or limit exposure to, noise. Such measures should be proportionate and reasonable and could include providing a purpose-built barrier to screen the main noise sources.
- 6.1.2 The degree of attenuation afforded by a barrier depends on the frequency of the noise, the increase in path distance and the effect on the line of sight of the source from the receiver. Barriers have to be continuous and solid. Suitable ones include a double-skinned overlapping solid timber (at least 25mm thick), solid masonry or earth banks.
- 6.1.3 A timber barrier should have a superficial mass of at least 10 kg/m<sup>2</sup>. The panels should be rigidly mounted and there should be no gaps between adjacent panels of the barrier and the ground. The barrier should be designed so that no gaps develop between abutting panels through warping or shrinkage. Lightweight woven panels are not suitable as noise barriers.
- 6.1.4 There are formulae for calculating barrier effects relative to the frequency of the sound and the path difference. In general terms, if a barrier removes a source completely from the line of sight, then a reduction of 10dB is a reasonable estimate. If the source is only half obscured, then the reduction is only 5dB.
- 6.1.5 Although not entirely necessary in terms of reduction of noise received at the façade of Palumic House it may be considered by Hedleys Roofing to provide an acoustic barrier along the western boundary as shown in Figure 3 to reduce the potential for adverse impact within the amenity garden of Palumic House from loading and unloading of vehicles within the yard area.

**Figure 3: Proposed location of potential acoustic barrier**



## **7 DISCUSSION**

### **7.1 BS4142**

- 7.1.1 It is acknowledged in BS4142 that other guidance, such as BS8233, might also be considered when assessing the potential impact of new noise sources near potentially noise sensitive properties.
- 7.1.2 This assessment has indicated there is a marginal indication of adverse impact as a result of vehicles ingressing and egressing the site during the day and manoeuvring and activity within the loading and unloading area. However, this is based on an external assessment of the noise. Consideration should also be given to actual noise levels affecting residents inside their properties which is acknowledged in BS4142.
- 7.1.3 Consideration should therefore also be given to the likely internal noise levels to which residents may be exposed to.

### **7.2 BS8233**

- 7.2.1 It should be noted that the acoustic performance of a building envelope will be reduced in the event windows are opened for ventilation or cooling purposes, which typically reduces the insulation to no more than 10 – 15dB(A). Most residents value the ability to open windows for a variety of reasons and therefore internal noise levels should be achieved in noise-sensitive rooms with windows open. A level of 35dBLAeq internally would equate to an external value of 50dBLAeq.
- 7.2.2 It has been calculated, based on distance attenuation, that the specific noise level at the façade of Palumic House does not exceed 50dB(A), as a result of worst case scaffold loading activity within the yard. Therefore, current guidance suggests that it is unlikely to change the behaviour of local residents, particularly as this occurs for a period of around 1 hour in the morning and 1 hour in the afternoon.



## 8 CONCLUSIONS

- 8.1.1 A noise assessment has been carried out for a change of use at Newtown House, Blackford, Carlisle.
- 8.1.2 The assessment has included measurement of the background noise climate both during the daytime and night time at a position considered equivalent to the closest residential premises to the site over a 24-hour period. The existing noise climate was found to be influenced mainly by distant road traffic on the M6.
- 8.1.3 Measurement of the specific sound sources has been undertaken and calculations have been carried out to predict the rating level at the nearest potentially sensitive dwelling.
- 8.1.4 The worst case rating level during the day was determined to be 2dB above the daytime background sound level at the façade of Palumic House and up to 8dB above the daytime sound level at the boundary of the amenity garden with Hedleys Roofing. Therefore, the activities at Hedleys Roofing, according to the methodology in BS4142:2014 have the potential for adverse impact in the amenity garden with a lesser impact at the property itself, depending on the context. However, given the context of the Hedleys Roofing within site previously used for industrial (construction) purposes with similar sound sources it is considered that the impact is decreased.
- 8.1.5 Internal noise levels have also been considered at the nearest residential property and in the event that windows are opened for ventilation or cooling purposes, internal noise levels would be reduced by 10 – 15 dB(A). Subsequent internal noise levels of <35dBLAeq are expected which therefore meets the guidance criteria contained within BS8233 and the WHO Guidelines.
- 8.1.6 Consideration may however, be given to erecting an acoustic fence along the western boundary if deemed necessary. However, the results of the assessment suggests that the noise levels are not likely to change the behaviour of local residents, particularly as they occur for short periods (up to 90 minutes) twice a day and there are no night time activities.
- 8.1.7 This report has been compiled from the results of noise measurements undertaken in February 2019 and the levels measured are considered to be representative of the prevailing noise climate.

## Appendix A: Glossary of Acoustic Terminology

**Decibel (dB):** a unit of level derived from the logarithm of the ratio between the value of a quantity and a reference value. It is used to describe the level of many different quantities. For sound pressure level the reference quantity is 20 Pa, the threshold of normal hearing is in the region of 0 dB, and 140 dB is the threshold of pain. A change of 1 dB is only perceptible under controlled conditions.

**dB(A):** decibels measured on a sound level meter incorporating a frequency weighting (A weighting) which differentiates between sounds of different frequency (pitch) in a similar way to the human ear. Measurements in dB(A) broadly agree with people's assessment of loudness. A change of 3 dB(A) is the minimum perceptible under normal conditions, and a change of 10 dB(A) corresponds roughly to halving or doubling the loudness of a sound. The background noise level in a living room may be about 30 dB(A); normal conversation about 60 dB(A) at 1 metre; heavy road traffic about 80 dB(A) at 10 metres; the level near a pneumatic drill about 100 dB(A).

**$L_{Aeq,T}$ :** the equivalent continuous sound level -the sound level of a notionally steady sound having the same energy as a fluctuating sound over a specified measurement period (T).  $L_{Aeq,T}$  is used to describe many types of noise and can be measured directly with an integrating sound level meter. It is written as  $L_{eq}$  in connection with aircraft noise.

### Maximum and Minimum ( $L_{Amax}$ and $L_{Amin}$ )

The simplest statistical parameters are the maximum level ( $L_{Amax}$ ) and the minimum level ( $L_{Amin}$ ) during the measurement period. The  $L_{Amax}$  is often used as a measure of the most obtrusive facet of the noise, even though it may only occur for a very short time and is the level of the maximum Root Mean Square reading.  $L_{Amin}$  is rarely used, but can be a useful way of identifying a constant noise amongst other intermittent noises.

**Fast Time-weighting:** An averaging time used in sound level meters, equivalent to 1/8 second.

**Slow Time-weighting:** An averaging time used in sound level meters, equivalent to 1 second.

### Percentile Parameters ( $L_n$ ,T)

Percentile parameters,  $L_n$  values, are useful descriptors of noise. The  $L_n$  value is the noise level exceeded for n per cent of the measurement period, which must be stated. The  $L_n$  value can be anywhere between 0 and 100. The two common ones are discussed below, but sometimes other values will be encountered.

### Background Noise ( $L_{A90,T}$ )

The most commonly used percentile level is the  $L_{A90,T}$ , which is the 90<sup>th</sup> percentile level and is the level exceeded for 90 per cent of the time, T. It will be above the  $L_{min}$  and has been adopted as a good indicator of the "background" noise level. It is specified in BS 4142:2014 as the parameter to assess background noise levels. Whilst it is not the absolute lowest level measured in any of the short samples, it gives a clear indication of the underlying noise level, or the level that is almost always there in between intermittent noisy events. BS4142:2014 advises that the measurement period should be long enough to obtain a representative sample of the background level.

### Level exceeded for 10% of the Time ( $L_{A10,T}$ )

$L_{A10,T}$  is the 10<sup>th</sup> percentile, or the level exceeded for 10 per cent of the time, and was used for road traffic noise assessments since it had been shown to give a good indication of people's subjective response to noise. Although the  $L_{Aeq}$  has largely superseded its use for traffic,  $L_{A10,T}$  may still be found in acoustic reports discussing road traffic. It is still used to assess traffic noise to determine eligibility for noise-insulation grants where a road is altered or a new one proposed. The  $L_{A10,T}$  can be useful in assessing the overall noise climate, for example, if the  $L_{A90,T}$ ,  $L_{A10,T}$  and  $L_{Aeq,T}$  are all within a few dB, then this indicates that the noise source is fairly constant.

### Ambient Sound Level

Equivalent continuous A-weighted sound pressure level of the totally encompassing sound in a given situation at a given time, usually from many sources near and far, at the assessment location over a given time interval, T.

### Residual Sound

Ambient sound remaining at the assessment location when the specific sound source is suppressed to such a degree that it does not contribute to the ambient sound

### Residual Sound Level

Equivalent continuous A-weighted sound pressure level of the residual sound at the assessment location over a given time interval, T

### Specific Sound Level

Equivalent continuous A-weighted sound pressure level produced by the specific sound source at the assessment location over a given time interval, T

## Appendix B: Noise Monitoring Equipment

Instrumentation
Cirrus Research plc Instrument type: CR:247 Noise Monitoring terminal Serial number V069903

## Appendix C: Meteorological Conditions

Thursday 21 February 2019

## Daily Observations

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Time	Temperature	Dew Point	Humidity	Wind	Wind Speed	Wind Gust	Pressure	Precip.	Precip Accum	Condition
9:50 AM	9 ° C	9 ° C	100 %	W	37 km/h	0 km/h	985.0 hPa	0.0 mm	0.0 mm	Mist / Windy
10:50 AM	9 ° C	9 ° C	100 %	W	39 km/h	0 km/h	986.0 hPa	0.0 mm	0.0 mm	Mostly Cloudy / Windy
11:06 AM	9 ° C	9 ° C	100 %	W	35 km/h	0 km/h	986.0 hPa	0.0 mm	0.0 mm	Mostly Cloudy / Windy
11:50 AM	9 ° C	9 ° C	100 %	W	31 km/h	0 km/h	987.0 hPa	0.0 mm	0.0 mm	Mostly Cloudy
12:50 PM	10 ° C	9 ° C	94 %	W	33 km/h	0 km/h	987.9 hPa	0.0 mm	0.0 mm	Mostly Cloudy / Windy
1:50 PM	10 ° C	9 ° C	94 %	W	24 km/h	0 km/h	987.9 hPa	0.0 mm	0.0 mm	Mostly Cloudy
2:50 PM	10 ° C	8 ° C	87 %	W	50 km/h	0 km/h	987.9 hPa	0.0 mm	0.0 mm	Mostly Cloudy / Windy
3:50 PM	9 ° C	8 ° C	93 %	W	37 km/h	0 km/h	988.9 hPa	0.0 mm	0.0 mm	Mostly Cloudy / Windy
4:50 PM	9 ° C	7 ° C	87 %	W	22 km/h	0 km/h	988.9 hPa	0.0 mm	0.0 mm	Cloudy
5:50 PM	7 ° C	6 ° C	93 %	W	20 km/h	0 km/h	989.9 hPa	0.0 mm	0.0 mm	Partly Cloudy
6:50 PM	7 ° C	6 ° C	93 %	W	22 km/h	0 km/h	989.9 hPa	0.0 mm	0.0 mm	Fair
7:50 PM	6 ° C	5 ° C	93 %	W	15 km/h	0 km/h	990.8 hPa	0.0 mm	0.0 mm	Mist
8:50 PM	5 ° C	5 ° C	100 %	NW	6 km/h	0 km/h	991.8 hPa	0.0 mm	0.0 mm	Mist
9:50 PM	5 ° C	5 ° C	100 %	WNW	9 km/h	0 km/h	991.8 hPa	0.0 mm	0.0 mm	Mist
10:50 PM	5 ° C	5 ° C	100 %	W	9 km/h	0 km/h	991.8 hPa	0.0 mm	0.0 mm	Fair
11:50 PM	5 ° C	4 ° C	93 %	SW	9 km/h	0 km/h	992.8 hPa	0.0 mm	0.0 mm	Fair

Temp 9°C max  
 Wind direction Westerly  
 Wind speed Gusts up to 8m/s  
 Mostly cloudy

Friday 22 February 2019

## Daily Observations

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Time	Temperature	Dew Point	Humidity	Wind	Wind Speed	Wind Gust	Pressure	Precip.	Precip Accum	Condition
12:50 AM	7 ° C	7 ° C	100 %	SW	20 km/h	0 km/h	992.8 hPa	0.0 mm	0.0 mm	Mist
1:50 AM	7 ° C	6 ° C	93 %	SW	26 km/h	0 km/h	992.8 hPa	0.0 mm	0.0 mm	Mist
2:50 AM	7 ° C	5 ° C	87 %	SW	15 km/h	0 km/h	993.7 hPa	0.0 mm	0.0 mm	Fair
3:50 AM	6 ° C	5 ° C	93 %	S	13 km/h	0 km/h	992.8 hPa	0.0 mm	0.0 mm	Fair
4:50 AM	5 ° C	4 ° C	93 %	SSE	13 km/h	0 km/h	992.8 hPa	0.0 mm	0.0 mm	Fair
5:50 AM	6 ° C	5 ° C	93 %	SSE	13 km/h	0 km/h	993.7 hPa	0.0 mm	0.0 mm	Fair
6:50 AM	7 ° C	5 ° C	87 %	SSE	11 km/h	0 km/h	994.7 hPa	0.0 mm	0.0 mm	Partly Cloudy
7:50 AM	9 ° C	6 ° C	82 %	S	13 km/h	0 km/h	995.6 hPa	0.0 mm	0.0 mm	Mostly Cloudy
8:50 AM	9 ° C	6 ° C	82 %	S	6 km/h	0 km/h	995.6 hPa	0.0 mm	0.0 mm	Fair
9:50 AM	9 ° C	7 ° C	87 %	S	9 km/h	0 km/h	996.6 hPa	0.0 mm	0.0 mm	Fair
10:50 AM	12 ° C	8 ° C	77 %	S	20 km/h	0 km/h	996.6 hPa	0.0 mm	0.0 mm	Fair

Temp 12°C max  
 Wind direction SW – SSE  
 Wind speed 2 – 6m/s  
 Fair

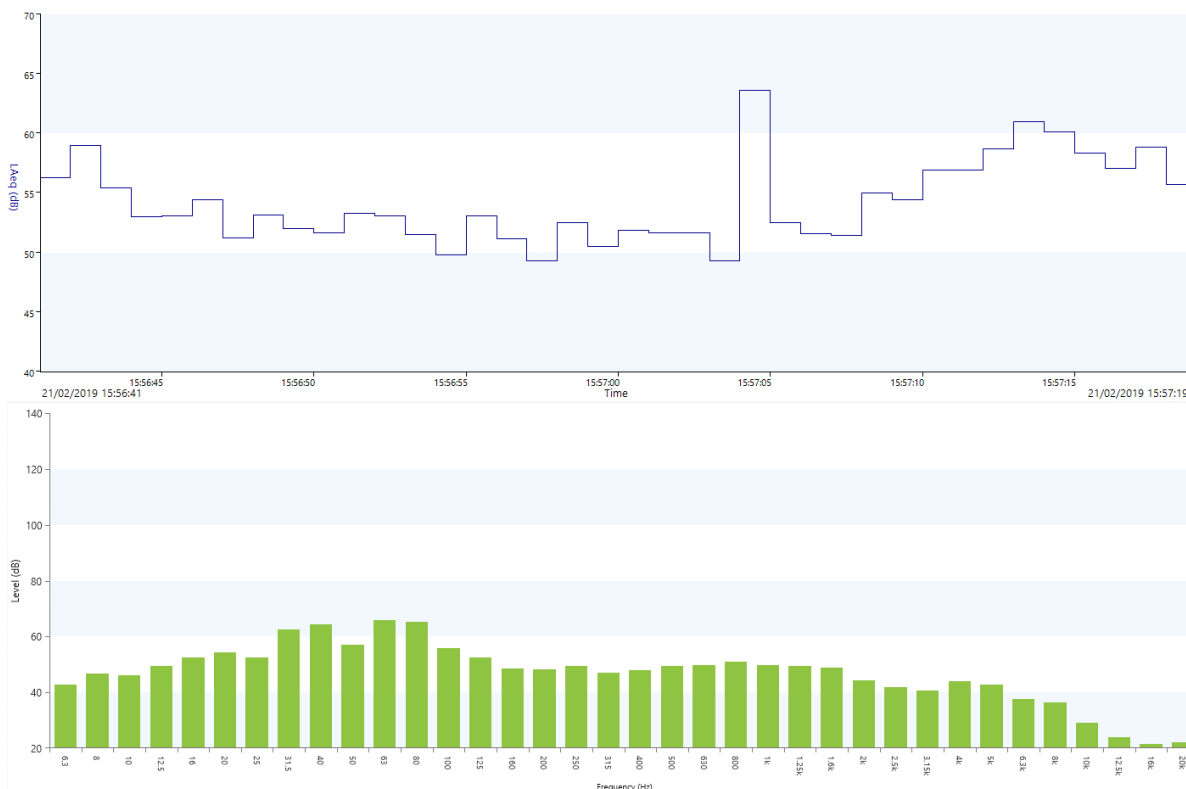
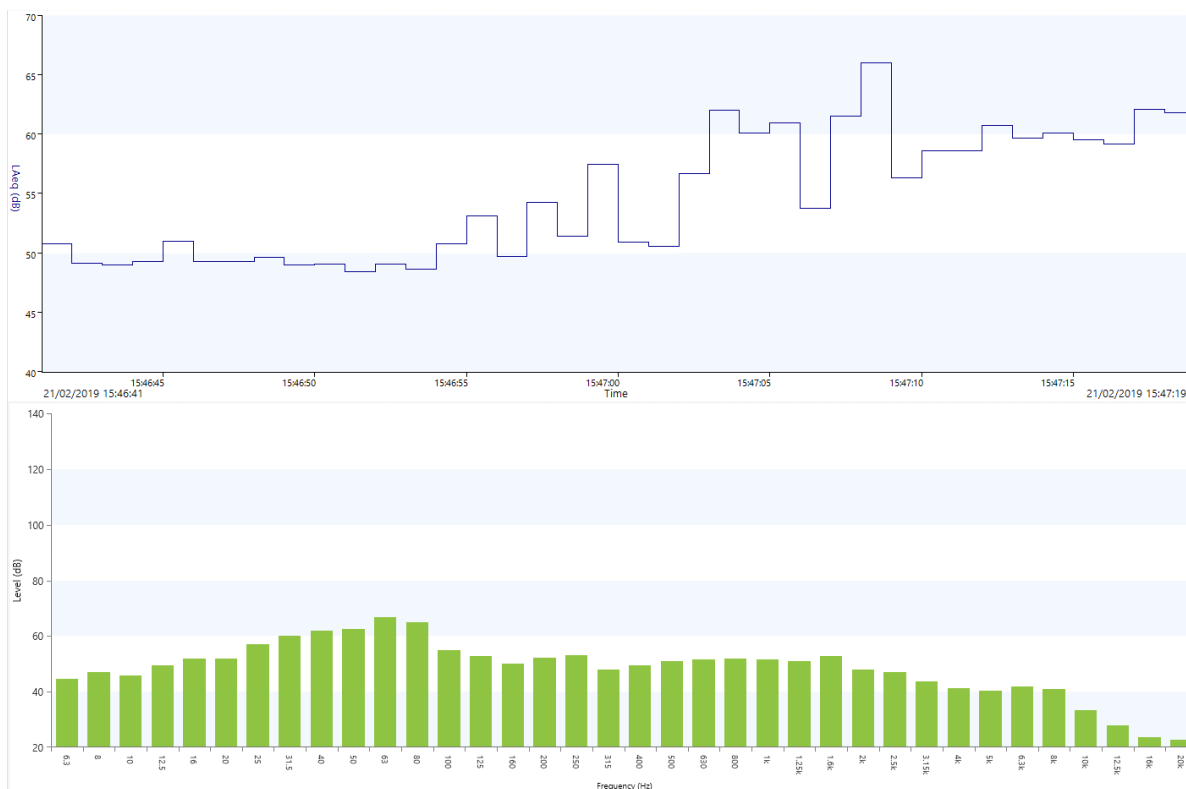
## Appendix D: Noise Monitoring Results

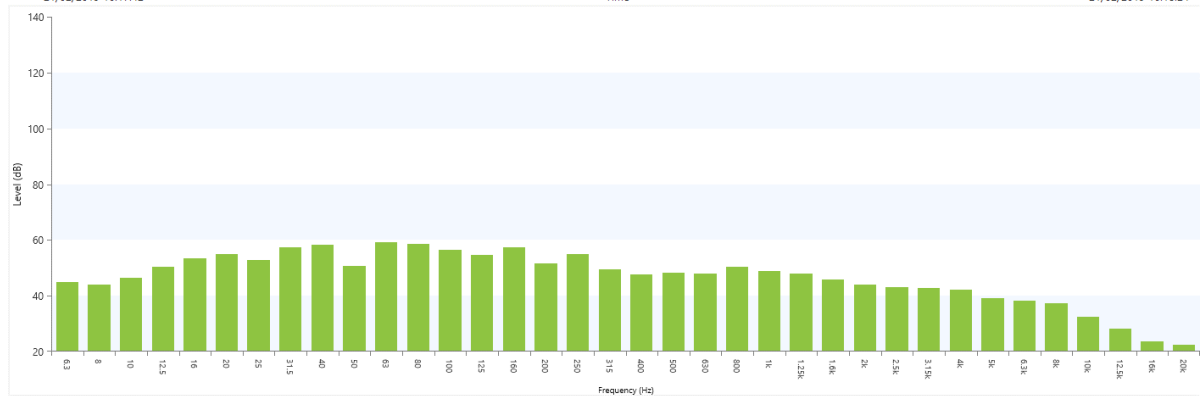
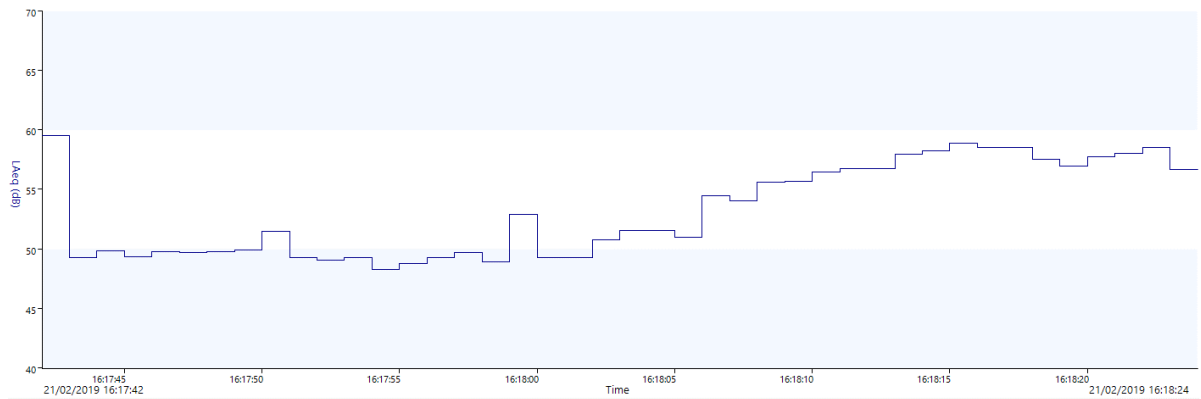
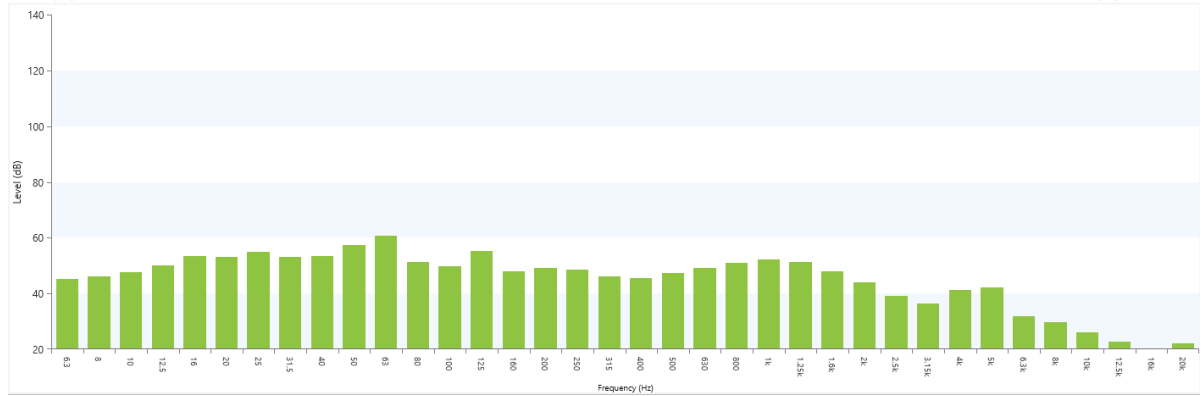
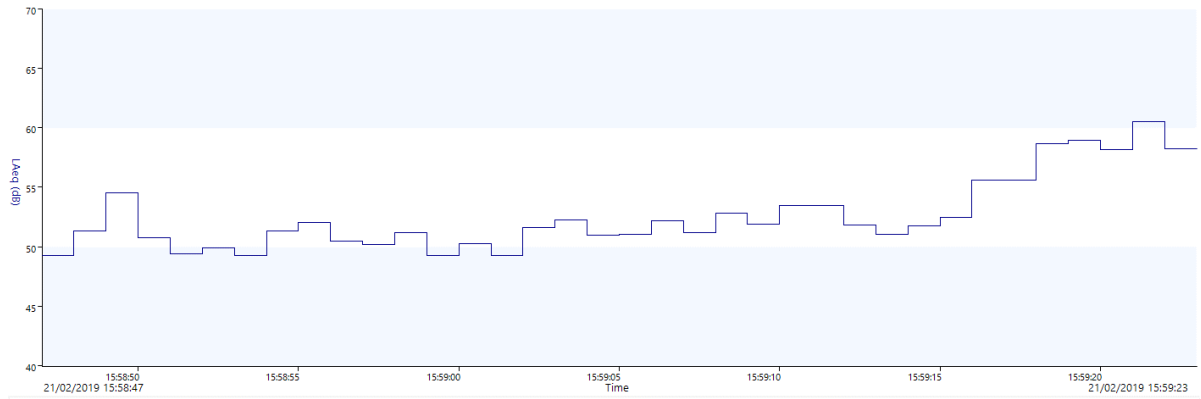
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21/02/2019 11:00	21/02/2019 11:15	00:15:00	51.1	72.3	49
21/02/2019 11:15	21/02/2019 11:30	00:15:00	49.7	57.7	48.2
21/02/2019 11:30	21/02/2019 11:45	00:15:00	49.2	59.6	47.2
21/02/2019 11:45	21/02/2019 12:00	00:15:00	49.4	59.7	48.2
21/02/2019 12:00	21/02/2019 12:15	00:15:00	49.9	58.8	48.4
21/02/2019 12:15	21/02/2019 12:30	00:15:00	49.4	61.4	47.5
21/02/2019 12:30	21/02/2019 12:45	00:15:00	49.2	55.3	48
21/02/2019 12:45	21/02/2019 13:00	00:15:00	49.6	55.9	48.5
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21/02/2019 13:45	21/02/2019 14:00	00:15:00	50.6	59.3	48.9
21/02/2019 14:00	21/02/2019 14:15	00:15:00	50.2	56.5	48.5
21/02/2019 14:15	21/02/2019 14:30	00:15:00	49.9	65.9	48.3
21/02/2019 14:30	21/02/2019 14:45	00:15:00	50.1	55.4	48.9
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21/02/2019 15:00	21/02/2019 15:15	00:15:00	49.6	64	48
21/02/2019 15:15	21/02/2019 15:30	00:15:00	51.4	69.4	48.7
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21/02/2019 15:45	21/02/2019 16:00	00:15:00	56.4	81.4	49.8
21/02/2019 16:00	21/02/2019 16:15	00:15:00	58.1	80	48.9
21/02/2019 16:15	21/02/2019 16:30	00:15:00	51	72.1	47.2
21/02/2019 16:30	21/02/2019 16:45	00:15:00	50.6	67.4	48.6
21/02/2019 16:45	21/02/2019 17:00	00:15:00	51.2	70.1	48.1
21/02/2019 17:00	21/02/2019 17:15	00:15:00	49.7	57.1	48.2
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21/02/2019 17:45	21/02/2019 18:00	00:15:00	53.3	66.3	48.8
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21/02/2019 20:15	21/02/2019 20:30	00:15:00	45	51	43.2
21/02/2019 20:30	21/02/2019 20:45	00:15:00	45.7	52.5	44.2
21/02/2019 20:45	21/02/2019 21:00	00:15:00	46.6	53.2	44.3
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21/02/2019 21:30	21/02/2019 21:45	00:15:00	42.5	50.9	39.1
21/02/2019 21:45	21/02/2019 22:00	00:15:00	43.4	59.9	37.9
21/02/2019 22:00	21/02/2019 22:15	00:15:00	43	62.4	38.7
21/02/2019 22:15	21/02/2019 22:30	00:15:00	44.4	51.1	41.9
21/02/2019 22:30	21/02/2019 22:45	00:15:00	46	51.6	43.3
21/02/2019 22:45	21/02/2019 23:00	00:15:00	45.9	55.1	43.2
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21/02/2019 23:15	21/02/2019 23:30	00:15:00	46	52.8	43.4
21/02/2019 23:30	21/02/2019 23:45	00:15:00	47.7	54.8	44.6
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22/02/2019 06:00	22/02/2019 06:15	00:15:00	47.9	52.6	46.5
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22/02/2019 08:00	22/02/2019 08:15	00:15:00	53.9	73.8	49.8
22/02/2019 08:15	22/02/2019 08:30	00:15:00	52	72.1	49.3
22/02/2019 08:30	22/02/2019 08:45	00:15:00	52	60.6	49.9
22/02/2019 08:45	22/02/2019 09:00	00:15:00	54.6	71.7	50.4
22/02/2019 09:00	22/02/2019 09:15	00:15:00	53.7	69.7	50.3
22/02/2019 09:15	22/02/2019 09:30	00:15:00	51	65	48.9
22/02/2019 09:30	22/02/2019 09:45	00:15:00	51.4	59.3	49.8
22/02/2019 09:45	22/02/2019 10:00	00:15:00	50.4	65.1	48

## Event Report

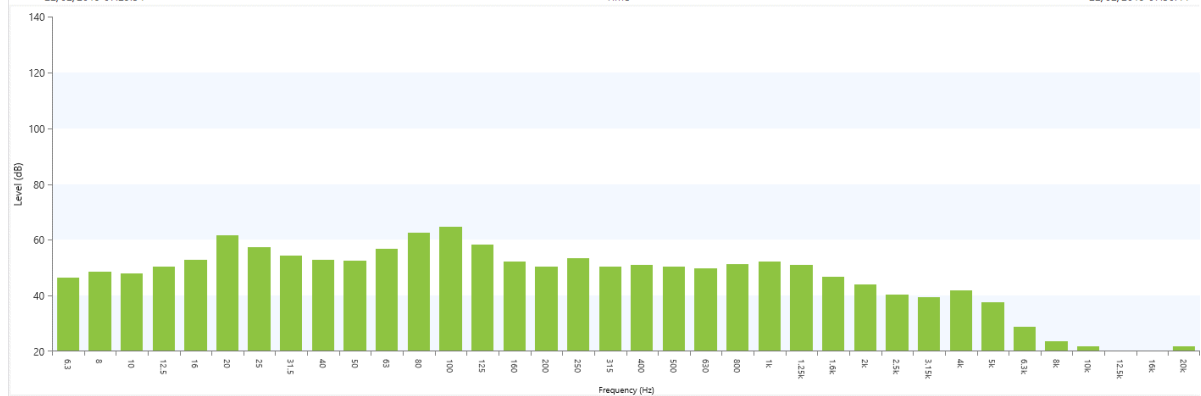
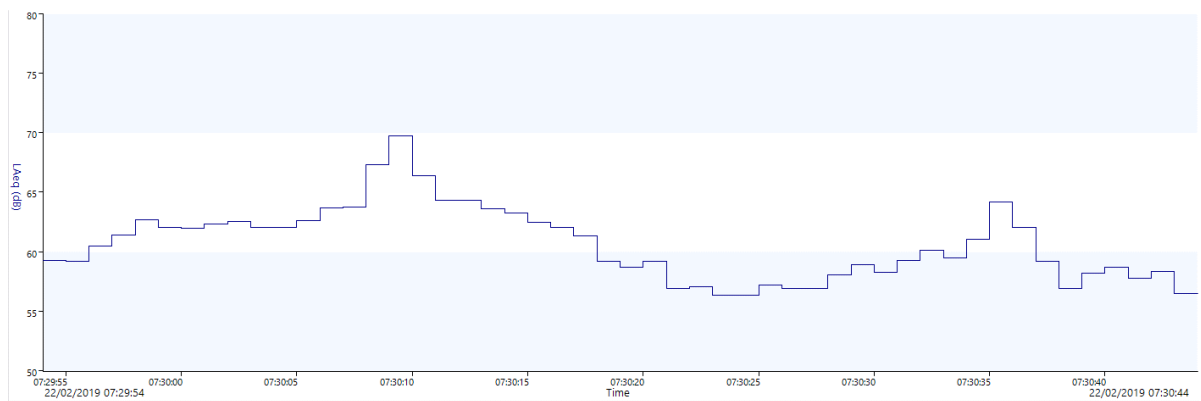
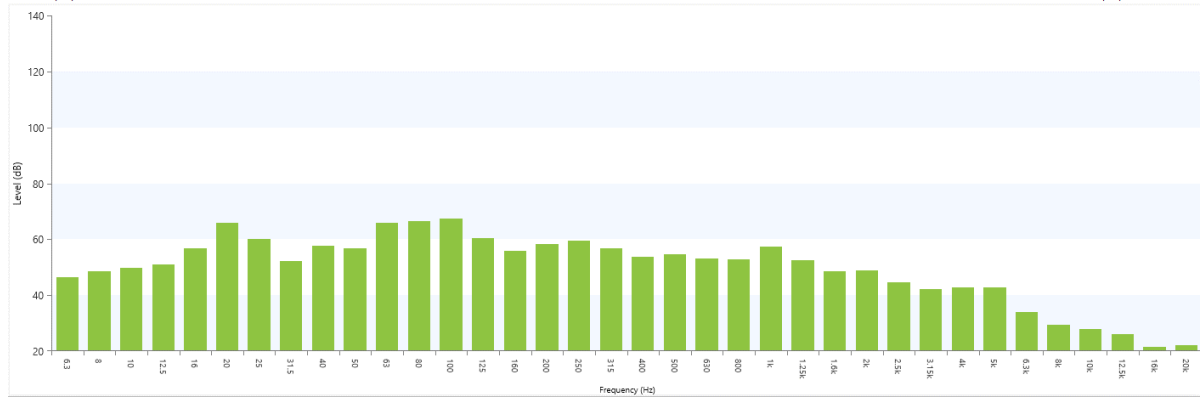
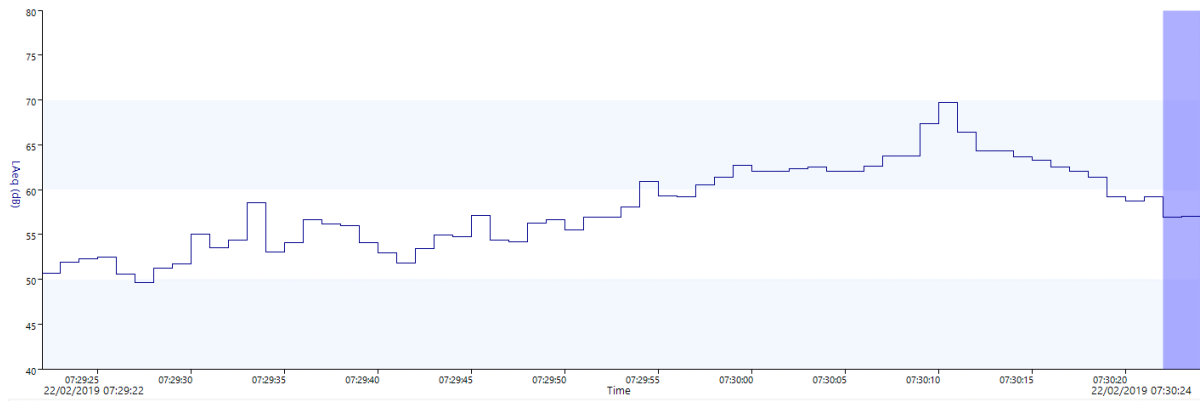
Time	Duration	LAeq (dB)	LAFMax (dB)	Audio investigation
21/02/2019 15:27:48	12	58.5	62.5	Engine - vehicle manoeuvring
21/02/2019 15:47:11	8	60.7	69.1	Engine - vehicle manoeuvring + horn toot
21/02/2019 15:57:11	8	58.6	64.1	door slamming - Car driving away
21/02/2019 15:59:17	6	58.6	63.1	Birdsong - vehicle audible
21/02/2019 16:18:12	12	58.0	60.5	Light aircraft audible overhead - + vehicle
22/02/2019 07:29:52	32	63.1	74.5	Engine - vehicle manoeuvring + birdsong
22/02/2019 07:30:24	20	59.3	65.1	Engine - vehicle manoeuvring + birdsong
22/02/2019 07:30:51	10	59.1	65.9	Engine - vehicle manoeuvring + birdsong
22/02/2019 07:31:01	15	60.7	66.3	Vehicles maoeuvering
22/02/2019 08:12:17	21	59.6	67.0	cherry picker out of shed

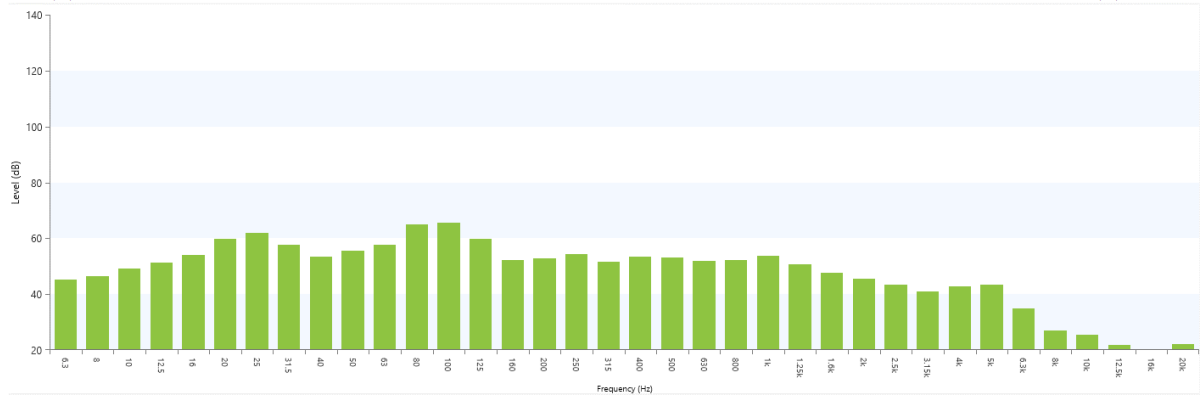
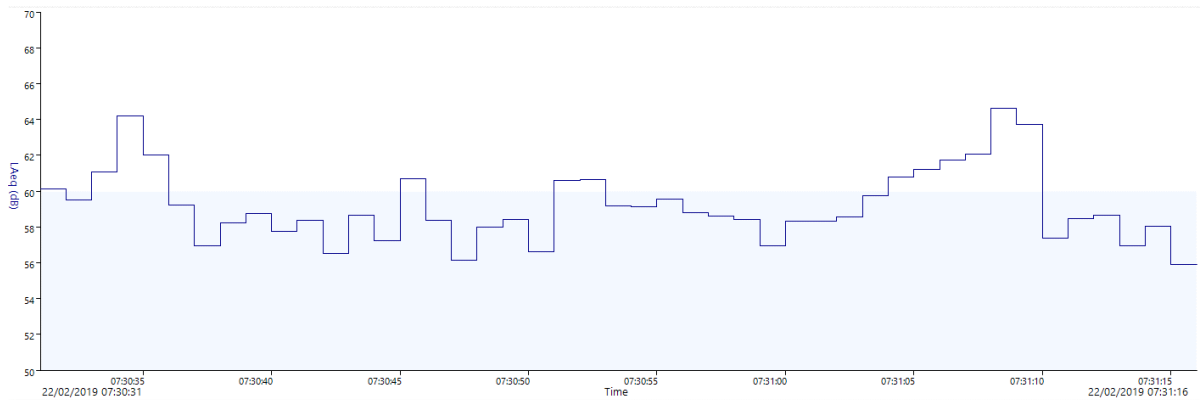
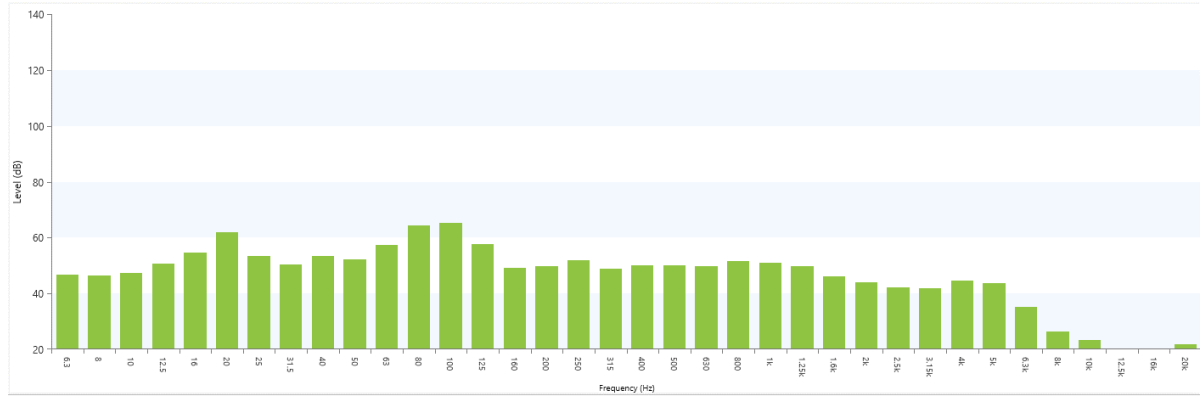
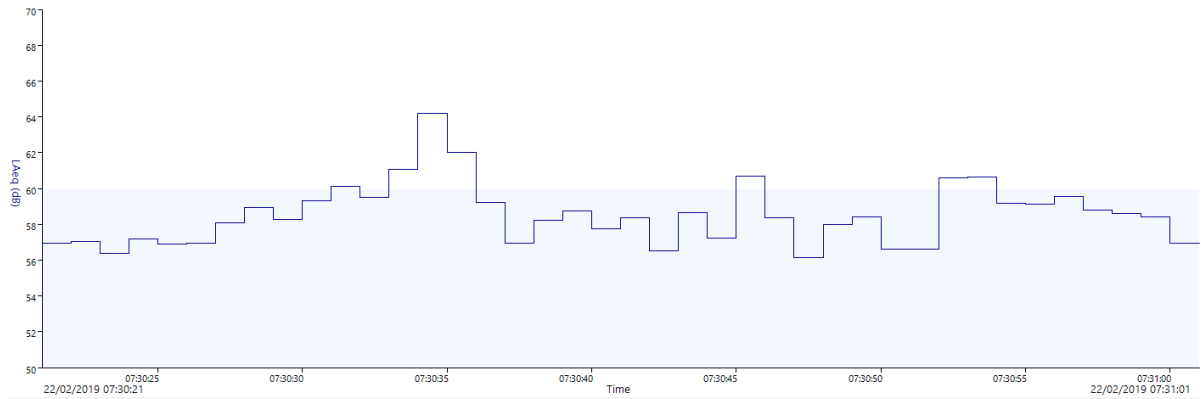


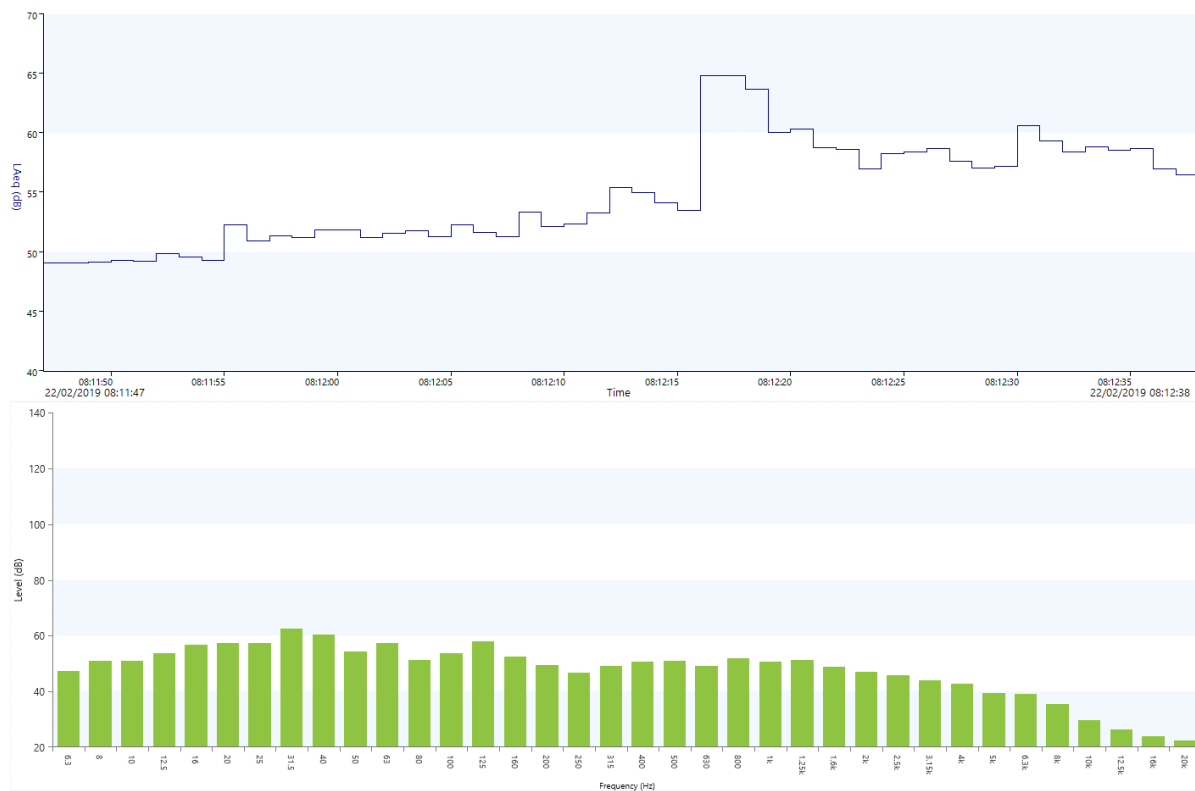












# Memo

<b>To:</b>	Sue Hedley Hedley's Roofing
<b>From:</b>	Louise Alderson MIOA Environmental Consultant L A Environmental Ltd
<b>cc:</b>	
<b>Date:</b>	April 4, 2019
<b>Re:</b>	Application 18/0499 - Newtown House, Blackford, Carlisle, CA6 4ET

I refer to an email dated 03 April 2019 from Richard Maunsell MA (Hons) MRTPI Planning Officer (Development Management) Economic Development, Carlisle City Council to Sue Hedley, of Hedley Roofing which stated that:

*“Prior to the application being considered at the last Development Control Committee meeting, I highlighted the fact that a Councillor had some queries in terms of the technical aspect of the report.”*

The issues are repeated (*in italics*) below and are responded to in turn:

*“para 3.1.6 p7 refers to a gentle to moderate westerly breeze with gusts up to 8m/s on Thursday, dropping to a light breeze of less than 2m/s on Friday. I calculate that 8m/s is approx 29km/hr and 2m/s is approx 7.2Km/hr. When we look at the wind speed reported under Daily Observations, Appendix C p1 for Thursday, we have windspeeds of more than 30km/hr rising to 50km/hr before falling to around 20km/hr in the late afternoon and dropping away in the evening. On Friday the recorded wind speed exceeds 7.2km/hr for most of the day. There seems to be considerable variance between the wind conditions stated in the body of the report and the tabulated observations in Appendix C.*

The tabulated observations in Appendix C are from the nearest met office station at Hethersgill and was shown to give a general overview of the weather conditions at the nearest official weather station. Obviously localised weather conditions can be variable. However, it is considered all monitoring was carried out within the parameters of the recommended guidance documents and the operational parameters of the noise monitoring equipment and did not have an impact on the overall conclusions of the Noise Assessment (Report No. HR/BF/001) dated 05 March 2019.



*para 3.2.4 refers to various "specific noise levels" but does not mention moving scaffolding poles. Similarly, the Event Report in Appendix C p2 does not mention scaffolding poles. Why is the sound of scaffolding poles being moved not mentioned in these sections of the report?*

The activities referred to in para 3.2.4 are not an exhaustive list of operations being undertaken and as stated "included" employees arriving/leaving in cars, vehicles idling and departing from the site and plant manoeuvring. A more detailed description of the specific noise sources were included within Section 4.2 entitled "Specific sound level" (para 4.2.6 and 4.2.7).

*L<sub>Amax</sub> is described in Appendix A p1 as "often used as a measure of the most obtrusive facet of the noise even though it may only occur for a short time". But little seems to have been made of L<sub>Amax</sub> in the report, except under para 4.1.5 about background noise. Why not?*

There are no limits given for the L<sub>Amax</sub> parameter in any of the current planning guidance documents on noise. BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" indicates that regular individual noise events can cause sleep disturbance and suggests that guideline values should be considered in terms of SEL or L<sub>Amax</sub>, but does not provide recommended values. The World Health Organisation "Environmental Noise Guidelines for the European Region (2018)" recommends that within bedrooms L<sub>Amax</sub> figures in excess of 45dBA associated with individual noise events should be minimised to 10 to 15 occurrences per night to minimise sleep disturbance. However, as Hedleys Roofing does not operate during the night time period, as defined between 23:00 – 07:00, then no assessment has been undertaken for maximum noise.

*para 5.1.5. p13 does mention the 'specific sound of loading and unloading scaffolding' and says "a penalty of 3dB has been applied". What does that mean?*

As explained within the technical report (Report no HR/BF/001), certain acoustic features can increase the significance of impact over that expected from a basic comparison between the specific sound level and the background sound level. The methodology within BS4142:2014 "Methods for rating and assessing industrial and commercial sound" state that if the specific noise source is readily distinctive against the residual acoustic environment then a penalty of 3dB can be applied to the specific sound source. To demonstrate a worst-case situation this has been applied on this occasion in accordance with the British Standard.

*para 8.1.4 p19 - "previously used for industrial .....considered that the impact is decreased". This seems to be conjecture since no evidence is given about the noise impact of the previous use.*

It is agreed that there is no evidence of noise produced by the previous occupants of Newtown House and the business activities carried out. However, BS4142 requires that the significance of a sound of an industrial and/or commercial nature depends not only on how much the noise exceeds the background level but also on the **context** in which the sound occurs. As this site was previously used for industrial/commercial activities, the context is such that it has previously been used for potentially noisy activities. Therefore, Hedleys Roofing, who undertake business activities twice a day for up to 90 minutes at a time, are no more likely to give rise to significant adverse impact than the previous owners/operators.



*para 8.1.5 p19 - "in the event that windows are opened.....internal noise levels would be reduced". This line in the Noise Assessment was picked in the third bullet point on p33 of the Committee Report. But it is contradicted in para 7.2.1 p18 which says: "acoustic performance.....will be reduced in the event that windows are opened.....which typically reduces the insulation". In other words, as you would expect, if you open the windows the noise gets louder!*

There is no contradiction within the noise report. Para 7.2.1 states that an open window provides 10 – 15dB(A) insulation. The specific sound level calculated at the façade of Palumic House is below 48dBLAeq,1hr externally during worst case noise levels measured within the yard. Therefore, internal noise levels, with the windows open would range between approximately 33 – 38dBLAeq,1 hour.

The internal guidance level for resting in living rooms is 35 dB LAeq,16hour and 40 dB LAeq,16hour for dining room/areas. It should be noted that these levels are averages over a 16 hour period between 07:00 – 23:00 hours.

Para 8.1.5 states that in the event that windows are opened for ventilation or cooling purposes, internal noise levels would be reduced by 10 – 15 dB(A). Subsequent internal noise levels of <35dBLAeq are expected which therefore meets the guidance criteria contained within BS8233 and the WHO Guidelines.

*Overall this leaves me with some doubts about the weather conditions and whether the report adequately assesses the noise of scaffolding poles being moved. Hopefully these questions can be answered."*

As addressed the weather conditions are not particularly relevant to the overall outcome of the assessment as localised meteorological conditions were within the parameters of both the operational capabilities of the monitoring equipment and the recommendations within relevant British Standards.

A detailed description of activities was provided by Sue Hedley and given in para 4.2.6 and 4.2.7 which demonstrated that scaffold was moved during the monitoring period which has been fully assessed in accordance with current methodology in British Standard BS4142.

I trust the above information satisfies the issues raised by the Councilor. If any further information is required please do not hesitate to contact me.

Louise Alderson MIOA  
Environmental Consultant  
**L A Environmental Ltd**

## SCHEDULE A: Applications with Recommendation

18/0990

Item No: 02

Date of Committee: 26/04/2019

**Appn Ref No:**  
18/0990

**Applicant:**  
Mr Allen

**Parish:**  
Brampton

**Agent:**  
Hyde Harrington

**Ward:**  
Brampton

**Location:** Land to rear of Braefoot, Lanercost Road, Brampton, CA8 1EN

**Proposal:** Demolition Of Agricultural Outbuildings; Erection Of 1no. Dwelling With Access From Lanercost Road, Together With Additional Landscaping

**Date of Receipt:**  
05/11/2018

**Statutory Expiry Date**  
31/12/2018

**26 Week Determination**  
21/01/2019

### 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 Whether the scale and design of the dwelling is acceptable and impact upon the landscape character of the area;
- 2.3 Impact upon Brampton Conservation Area
- 2.4 Impact upon the setting of Grade II Listed Buildings;
- 2.5 Impact of the proposal on the living conditions of neighbouring residents;
- 2.6 Impact of the proposal on highway safety and public footpath 105002;
- 2.7 Whether the methods of disposal of foul and surface water are appropriate;
- 2.8 Impact of the proposal on trees and hedgerows;
- 2.9 Impact upon biodiversity;
- 2.10 Other matters.

#### 3. Application Details

##### The Site

- 3.1 The application relates to land to the rear of Braefoot, Lanercost Road, Brampton. The site occupies a parcel of land that measures approximately 0.14 hectares in area and is currently in agricultural use with two single storey agricultural buildings (one constructed from brick walls with a curved cement sheeted roof and one constructed from stone with a corrugated roof) located to the western side of the site.
- 3.2 The land rises noticeably from The Swartle/Lanercost Road at the south-eastern side of the site towards Brampton Ridge to the north-west. To the south there are a combination of single and two storey properties (namely The Hayloft, Ridge Valley, Braefoot and Shiloh), which are situated in a linear formation along The Swartle. The majority of the application site is mainly situated behind Ridge Valley and Braefoot however part of the site extends down between the side elevations of Ridge Valley and Braefoot . The application site is currently served by two field access gates, one which crosses in front of the principle elevation of Ridge Valley to the south and the other which is situated off an access lane/public footpath No.105002 which runs parallel to the western boundary of the application site towards the top of the ridge.
- 3.3 There is a two storey Grade II Listed dwelling to the south- west (Mote Cottage) which is located on the opposite side of public footpath 105002. The land to the north and east comprises of agricultural fields however further up the ridge approximately 126 metres to the north-west there are three residential properties known as Moat Cottage, Dambreezy and Nearinuff. Beyond the agricultural field to the east is a two storey Grade II Listed dwelling known as Ridge House.
- 3.4 The site falls within Brampton Conservation Area. An Ash Tree which is situated towards the front of the site, on the parcel of land between Ridge Valley and Braefoot, is also covered by Tree Preservation Order 297.

### **The Proposal**

- 3.5 The application seeks full planning permission to demolish the existing agricultural buildings and erect 1no. dwelling which will have a split level design and will be partially built into the existing landscape. The majority of the accommodation (kitchen/dining room, hall, utility, WC, en-suite master bedroom and lounge) will be provided on the ground floor however three bedrooms and a bathroom will located on the lower ground floor. The submitted drawings illustrate that the dwelling will be "L" shaped with the main part of the dwelling aligned to follow the footprint of the existing brick built agricultural building with a single storey 6.5 metre projection to the east. The dwelling will be constructed from a mixture of sandstone (colour pink/buff/grey coursed in a random rubble pattern) and cedar boarded walls (colour light grey/green) under a natural slate roof. Windows/screens and doors are to be composite aluminium/timber units coloured grey/green. Rainwater goods are to be finished in aluminium/zinc colour.
- 3.7 The proposal seeks to utilise the existing site access from public footpath 105002 located to the west of the site. A new 3.2 metre wide timber gated



access will be formed at the location of the field access with 1.8 metre high stone walls either side. Incurtilage parking and turning spaces will be provided within the site as well as a garden area. The proposed boundary treatment for the curtilage of the property will be post and wire fencing with a hedgerow comprising of native species.

- 3.8 Members should be aware that the application as first submitted sought to form a new access from The Swartle however the access arrangements were changed to that outlined in paragraph 3.7 above due to objections raised by the highway authority in relation to visibility splays.

#### **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 8 neighbouring properties. During the consultation period 6 letters of objection and 2 comments have been received.

- 4.2 The letters of objection cover a number of matters and are summarised as follows:

1. queries regarding level of consultation undertaken;
2. impact upon TPO 297;
3. impact upon public footpath no.105002 which runs along the western boundary of the site including damage/ health and safety issues arising from construction traffic;
4. footpath 105002 is unadopted and used by occupiers of four dwellings as the sole access to their properties and who are responsible for the upkeep;
5. the access track leads to a dead end and any obstruction/closure would severely inconvenience neighbouring residents and users of the footpath as there are no possible diversions;
6. area is considered to be of national importance archaeologically;
7. archaeologist was required to be on site during the laying of a new electric supply at the top of the footpath;
8. impact upon Brampton Conservation Area and landscape character/visual appearance of the area particularly as site is elevated;
9. development does not comply with the conditions set out in the Brampton Conservation Area Appraisal/Management Plan;
10. design of dwelling not in keeping with surroundings;
11. impact upon an ancient hedge located along the western side of the site;
12. removal of any part of the hedge and creation of any hard standing areas will exacerbate sand/silt material that is washed down the steep track during heavy rainfall;
13. the development will have windows that will look out onto the lane to the west;
14. poor visibility from access track onto Lanercost Road;
15. applications 84/0725 and 92/0924 were rejected on the site ;
16. existing agricultural buildings are unattractive but indicate the agricultural heritage of Lanercost Road and are part of the former Sands Farm (now

Ridge Valley/Hayloft);

17. agricultural land is used for livestock grazing, buildings have previously been used for livestock shelter;
18. photos of how the building will set in the landscape are deceptive as building will be higher than the existing roof lines of Ridge Valley and Braefoot, the images are more than 10 years old and include double imaging;
19. application does not mention Ridge House which is a Grade II Listed Georgian property or the properties to the north of the site;
20. inclusion of full length windows/doors are not in-character with surrounding properties;
21. site is part of an open field and is not well contained;
22. adverse impacts upon Braefoot and Ridge Valley in terms of overlooking, lack of privacy and loss of private amenity;
23. additional screen planting in front of 1.2 metre high boundary to Braefoot would affect private amenity;
24. application is not single storey it is split level;
25. increased flood risk from proposed building and hard standings;
26. potential structural damage to retaining walls of neighbouring properties;
27. queries regarding the position of what will happen to the existing access gate to the field and the neglected gate?
28. impact upon ecology;
29. proposal may create a precedent for future development in the field;
30. development would not comply with Policies HO2, HO6, HO12, HE3, HE7 and GI3 of the Carlisle District Local Plan 2015-2030;
31. impact upon settings of Listed Buildings;
32. no public benefit to be gained by the proposal;
33. query how an 'area for turning' is to be constructed in a field before there is any area for turning;
34. would like assurances that construction traffic will not go further up the track.

#### 4.3 The letters of comment are summarised as follows:

1. would like to see field kept as agricultural land;
2. there is already access to the building which has been used in the days of Sands Farm;
3. there are already enough outlets in the vicinity of Lanercost Road;
4. families utilise the public footpath up to the ridge;
5. development will create a precedent for more buildings; and
6. visual impact upon the area.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection subject to the imposition of one condition ensuring that access and parking/turning requirements are met before building works commence. Standing advice received in relation to the public footpath to the west of the site and the use of soakaways.

**Brampton Parish Council:** - application would have an adverse visual

impact on the character of the local area- contrary to Policy HE7 - Conservation Areas of the Carlisle District Local Plan 2015-2030. The application would not maintain or enhance the local area and would have a detrimental effect on nearby properties- contrary to Policy HO12 - Other uses in primary Residential Areas of the Carlisle District Local Plan 2015-2030.

**Northern Gas Networks:** - no objection, standing advice received;

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** - no objection subject to one condition, standing advice received regarding water and united utility assets;

**Conservation Area Advisory Committee:** content with general principle; concern over clarity of access impact - tree is shown as both retained on one drawing and to be felled on another; and, some concern over elevated overlooking of neighbouring house. Recommendation is no comment.

**Historic Environment Officer (Cumbria County Council)** - application does not raise any archaeological issues. It is too far from The Mote to affect it and the likelihood that currently unknown remains will be impacted is very small. Do not object to the application or have any comments to make.

**Footpath Officer (Cumbria County Council)** - public footpath 105002 follows the access road to the west of the development area and must not be altered or obstructed before or after the development has been completed, if the path is to be temporarily obstructed then a formal temporary closure will be required there is a 14 week lead in time for this process.

## **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) together with Policies SP1, SP2, SP6, HO2, IP3, IP4, IP6, CC5, CM5, HE3, HE7, GI1, GI3, GI5 and GI6 of the Carlisle District Local Plan 2015-2030 (CDLP).
- 6.3 Other material considerations are Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the Cumbria Landscape Character Guidance and Toolkit (adopted March 2011) together with Supplementary Planning Documents (SPD) adopted by the City Council, 'Achieving Well Designed Housing' and 'Trees and Development'.
- 6.4 The proposal raises the following planning issues:

## **1. The Principle of Development**

- 6.5 Paragraph 10 of the NPPF outlines that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 68 of the NPPF confirms that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and to promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 6.6 The aims of the NPPF are reiterated in Policy HO2 (Windfall Housing Development) of the local plan which makes provision for windfall housing development 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 a number of criteria namely scale, design, ensuring that the proposal is compatible with adjacent land users, enhances/maintains the vitality of rural communities, and, if on the edge of a settlement ensuring that the development is well integrated and does not lead to an unacceptable intrusion into the open countryside
- 6.7 The proposal seeks full planning permission for the demolition of existing agricultural buildings and erection of 1 no. dwelling on land to the north of Ridge Valley, The Swartle, Brampton.
- 6.8 Brampton is identified as a District Centre in the Carlisle District Local Plan due to its high range of services. The application site is therefore considered to be a sustainable location for new housing development. Although the site lies within a field to the north of the properties along The Swartle it is appreciated that the application seeks to replace the existing agricultural buildings (one which is already visible within the existing street scene) and will be set into the landscape with the backdrop of the ridge behind. In such circumstances it is considered that the site is already integrated with the existing settlement and would not lead to an unacceptable intrusion into the open countryside. The proposal is, therefore, acceptable in principle.

## **2. Whether The Scale And Design Of The Dwelling Is Acceptable And Impact Upon The Landscape Character Of The Area**

- 6.9 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and, optimise the potential of the site to accommodate and sustain the appropriate mix of development. Paragraph 130 of the NPPF states that 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. Paragraph 131 goes on to confirm that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 6.10 The relevant design policies of the CDLP seek to ensure that proposals respond to the local context in terms of height, scale and massing and by using appropriate materials and detailing. Local landscape character should be respected and development should be fully integrated into its surroundings. Policy HO2 (Windfall Housing Development) of the CDLP seeks to ensure that the scale and design of new housing development is appropriate to the scale, form, function and character of the existing settlement.
- 6.11 In terms of landscape character it is acknowledged that the site is identified as being located within sub category 7C - Sandy Knolls and Ridges of the Cumbria Landscape Character and Toolkit. The key characteristics of this landscape is regular knolls and ridges, land cover is generally pasture, irregular field patterns, and, significant amounts of woodland cover in the form of hanging woods, coniferous plantations and semi-natural woods. The vision is to conserve and enhance the landscape with the guidelines for development being to conserve and protect historic villages and hamlets and ensure all new development reflects the scale and character of the existing settlement, and, to encourage additional planting to soften and screen existing large scale or eyesore developments.
- 6.12 As stated in paragraph 3.1 of this report the application site is presently occupied by two single storey agricultural buildings, one which is constructed from brick with a curved cement sheeted roof and the other constructed from stone with a corrugated roof. The brick built building is rectangular in shape and is orientated south-east to north-west. As the land rises from The Swartle towards the north-west the existing brick built agricultural building is a visible feature from a number of viewpoints. The stone agricultural building is located further down the western side of the site and is not as visible within the landscape as it is at a lower level and located immediately behind the rear garden of Ridge Valley.
- 6.13 It is proposed to demolish both existing agricultural buildings and erect 1no. dwelling which will have a split level design and will be partially built into the existing landscape. The majority of the accommodation will be provided on the ground floor however three bedrooms and a bathroom will be located on the lower ground floor. The submitted drawings illustrate that the dwelling will be "L" shaped with the main part of the dwelling aligned to follow the footprint of the existing agricultural brick buildings (which are to be demolished) with a single storey 6.5 metre projection to the east. The dwelling will be constructed from a mixture of sandstone (colour pink/buff/grey coursed in a random rubble pattern) and cedar boarded walls (colour light grey/green) under a

natural slate roof. Windows/screens and doors are to be composite aluminium/timber units coloured grey/green. Rainwater goods are to be finished in aluminium/zinc colour.

- 6.14 When assessing the foregoing it is appreciated that there are a variety of house types situated along the northern side of The Swartle. The dwellings closest to the application site range from older two storey terraced or detached properties constructed from stone walls under a slate roof to more modern single storey detached bungalows constructed from brick. The dwellings are mainly located in a linear formation facing towards The Swartle with the exception of Mote Cottage which is set back by approximately 34 metres. When one travels further along The Swartle to the east the house types become more varied comprising of a detached dormer bungalow and two storey detached rendered properties as well as two storey terraced dwellings with a third floor in the roof space.
- 6.15 The typography of the application site is varied with the land rising steeply from The Swartle at the south-eastern side of the site towards Brampton Ridge to the north-west. There are dwellings that are located towards the top of the ridge which are also visible within the landscape.
- 6.16 The main part of the proposed dwelling will be aligned to follow the footprint of the existing brick agricultural buildings and will be mainly constructed from traditional materials - stone walls under a slate roof. This element of the proposal will also incorporate fenestration details which retain barn like features as well as traditional features such as stone mullions, headers and cills. This element of the proposal will be compatible with the more older stone properties located within the immediate vicinity. The proposed single storey off shoot to the east will however be constructed from more contemporary materials (cedar boarded walls with fully glazed windows) however these light weight materials will be complementary to the traditional design of the split level element of the dwelling. In such circumstances the materials of the proposed development are considered to be appropriate to the context of the application site.
- 6.17 It is appreciated that the application site is located in a prominent location due to the typography of the landscape which rises towards the north west. The proposed dwelling will be noticeably visible within the landscape however it is appreciated that the two storey gable of the dwelling on the south-east elevation will only be 300mm higher than the highest part of the existing agricultural buildings that it is replacing and the dwelling has been designed to align with the footprint of the existing agricultural buildings and to be built into the existing landscape . Although the dwelling will have a 6.5 metre projection to the east this projection will be set back approximately 11.85 metres from the two storey gable and will be constructed from relatively light weight materials which will soften the built form of the development. The dwelling (which will have a ridge height higher than the existing dwellings located along The Swartle due to the typography of the landscape and will have a greater mass than the existing agricultural buildings) will be viewed within the context of the existing two storey and single storey dwellings located towards the front of the site, Mote Cottage to the left which is also set

back a considerable distance from the road as well as the rising landscape behind and the woodland on the western side of the public footpath. In such circumstances it is considered that the proposal would not result in an obtrusive development that would unacceptably affect the character/appearance of the existing street scene or the landscape character of the area. The scale and design of the dwelling itself is therefore acceptable.

- 6.18 The submitted plans illustrate that the proposed treatment for the curtilage of the property will be post and wire fencing with a hedgerow comprising of native species. This low level boundary treatment is considered to be in keeping with the character of the area and will have a minimal visual impact. The size of the proposed curtilage is comparable to the dwelling proposed with an appropriately sized garden and parking area. Hard standings within the site are to comprising of gravel and permeable paving which are also sympathetic materials.
- 6.19 The proposed timber access gate and 1.8 metre high walling will also be in keeping with the immediate surroundings and will correspond with materials within the locality.

### **3. Impact Upon Brampton Conservation Area**

- 6.20 The application site is located within Brampton Conservation Area. As highlighted earlier in the report, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG and Policy HE7 (Conservation Areas) of the Local Plan are relevant.
- 6.21 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*".
- 6.22 The aims of the 1990 Act is reiterated in both the NPPF, PPG and policies within the Local Plan. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 of the NPPF goes onto state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 195 states that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss or if 4 criteria apply (i.e. the nature of the assets prevents all reasonable uses of the site, no viable use of

the asset can be found in the medium term, conservation by grant funding is not possible, and, the harm/loss is outweighed by the benefit of bringing the site back into use).

- 6.23 Paragraph 196 of the NPPF confirms that where a development will lead to less than substantial harm to the significance of a designated asset, this harm should be outweighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 200 of the NPPF states that LPA's should look for opportunities for new developments within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset should be treated favourably. Paragraph 201 highlights that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of a Conservation Area should be treated as substantial harm or less than substantial harm taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.
- 6.24 Policy HE7 (Conservation Area) of the Local Plan advises that proposals within Conservation Areas should preserve or enhance the special character and appearance of the conservation area and its setting. Specifically proposals should: harmonise with their surroundings; be sympathetic to the characteristics of the conservation area; preserve or enhance features which contribute positively to the areas character/appearance; not have an unacceptable impact upon historic street patterns, boundaries, roof scape, skyline and setting including protecting important views into and out of conservation areas; not other than a last resort result in demolition and redevelopment behind retained facades; where possible draw on a local palette of materials; retain individual features of interest; and not generate a significant increase in traffic movements.
- 6.25 Brampton Conservation Area was originally designated in 1973. Following the agreement in 2003 to extend the original Brampton Conservation Area, an appraisal of the areas surrounding Brampton's town centre was the subject of an exhibition and following public meetings the responses were evaluated which resulted in the conservation area being extended.
- 6.26 The application site was not included within the 1973 Conservation Area boundary but is within the 2003 extension to the Conservation Area. With reference to The Mote, Ridgevale Terrace and The Sands, the appraisal element of the document states:

*"The Mote is a scheduled ancient monument where a defensive site is believed to have been constructed in the 12th century. The ridge itself is also a significant landscape feature running north eastwards towards Lanercost. This area is considered to be of national importance archaeologically as well as being highly significant visually and as a recreational site. Around the foot of the Mote is a mixture of housing development; detached, semi-detached and terraced. Ridgevale terrace is particularly prominent. Two large triangular open areas known as The Sands separate the other residential areas, The*



*Sands Cottages and the Wilson Memorial homes. There is also some 20th century detached housing along the A6071.*

*A number of buildings in this area have town scape significance and looking down The Sands is Warren House Farm. The agricultural land below it forms a well designated backdrop and is of significant landscape value.*

*Key issues:*

- Development sites should have carefully set out design briefs to ensure it does no harm to the character of the conservation area*
- Significant open spaces in the landscape should be protected from future development*
- Significant local buildings should be considered for inclusion on a local list"*

6.27 Although the appraisal identifies that the open spaces in the landscape should be protected from future development it does not preclude development *per se*. Under the requirements of the NPPF, a “*balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*” In this instance, the application site already has agricultural buildings in situ with the brick built agricultural buildings being a visible feature within the landscape from a number of viewpoints due to the topography of the landscape which rises from The Sands towards the Ridge. It could be argued that the building does not have a particularly positive impact upon the character/appearance of the Conservation Area as it is constructed from a low grade brick and has a curved cement sheeted roof. As previously stated within this report the application proposes to demolish all the existing agricultural buildings on the site and replace them with a split level dwelling which follows the main footprint of the brick built agricultural buildings with an extension to the east. The main issue therefore is whether the proposed development continues to preserve or enhance the character and appearance of Brampton Conservation Area.

6.28 The Conservation Area Advisory Committee (CAAC) were consulted on the original plans submitted for the application and confirmed that they were content with the general principle of development. They did highlight that they had concern over clarity of the access impact as the TPO tree was shown as both retained on one drawing and to be felled on another. They also raised some concern over elevated overlooking of neighbouring house with the overall recommendation of no comment. Since CAAC comments were received the drawings have been updated to show the TPO tree retained with access to the site via an existing field gate from public footpath No.105002. The first floor window on the gable has also been reduced in size. (Impacts upon the residential amenity of neighbouring properties are however discussed in paragraphs 6.46-6.51 of this report).

6.29 The City Council's Heritage Officer has been consulted on the development and has confirmed that the site is in a setting of substantial significance as it is located in close proximity to the scheduled monument 'The Mote', Grade II

Listed Buildings at Mote Cottage and Ridge House, a Grade II Listed Howard Memorial Shelter, and, key town scape/local list buildings 1-3 Earl Grey Cottages, The Hayloft and Ridge Valley. The Heritage Officer is of the opinion that the submitted heritage statement does not clearly illustrate the significance of the assets or convincingly assesses the impacts on these. In this context, paragraph 189 of the NPPF confirms that heritage assessments need to be proportionate to the development proposed and if any shortcomings are identified, it is up to the City Council to make a balanced judgment when making an assessment of the impact upon heritage assets.

- 6.30 The Heritage Officer is concerned that the indicative visuals provided are not entirely reflective of the current context of the site and therefore underestimate the prominence of the development within the Conservation Area. He considers that the scheme of a two storey dwelling with a side extension makes the overall width double that of the existing brick structure and maintains that a single storey dwelling which encompasses existing buildings on site with a modest extension would be more appropriate. In matters of detail he would welcome consideration of a reduction in the height of the building to no more than the existing ridge height; concern of the loss of the frontage wall to provide the access; and, suggested that a less intrusive access could be achieved via the existing access to the west. The Heritage Officer originally raised concerns over the volume of the development and that the proposal would set a precedent for additional parallel development behind the bungalows Braefoot and Shiloh. In response to amendments to the proposed access (now via the public footpath to the west) and changes to the elevations (inclusion of more traditional barn like features and use of drive-in rise and fall brackets) the Heritage Officer has confirmed that he is content that these alterations make the development more acceptable.
- 6.31 With reference to the Heritage Officer's comments it is appreciated that the indicative visuals are not entirely reflective of how the development would appear in the landscape however the application has been assessed on the basis of the scaled drawings provided.
- 6.32 In terms of the overall scale and design of the development and the impact of the development on the character/appearance of Brampton Conservation Area this is a subjective matter with the CAAC confirming no objection to the development. As previously outlined in paragraphs 6.9-6.19 the application site is located in a prominent location due to the topography of the landscape which rises towards the north west. The dwelling will be noticeably visible within the landscape however it is appreciated that the two storey gable of the dwelling on the south-east elevation will only be 300mm higher than the highest part of the existing agricultural buildings that it is replacing and the dwelling has been designed to align with the footprint of the existing agricultural buildings and to be built into the existing landscape. Although the dwelling will have a 6.5 metre projection to the east this projection will be set back approximately 11.85 metres from the two storey gable and will be constructed from relatively light weight materials which will soften the built form of the development. The materials of the remainder of the property will correspond with the materials of properties within the immediate vicinity with the dwelling incorporating traditional and barn like features. The proposed

dwelling (which will have a ridge height higher than the existing dwellings located along The Swartle due to the typography of the landscape and will have a greater mass than the agricultural building) will be viewed within the context of the existing two storey and single storey dwellings located towards the front of the site, Mote Cottage to the left which is also set back a considerable distance from the road as well as the rising landscape behind and the woodland on the western side of the public footpath. In such circumstances it is considered that the proposal would not result in an obtrusive development that would unacceptably affect the character/appearance of Brampton Conservation Area.

6.33 As stated in paragraphs 6.18- 6.19 above the proposed treatment for the curtilage of the property is considered to be in keeping with the character of the area and will have a minimal visual impact. The size of the proposed curtilage is comparable to the dwelling proposed with an appropriately sized garden and parking area. Hard standings within the site are to comprise of gravel and permeable paving which are also sympathetic materials. In order to protect the character and appearance of the Conservation Area it is recommended that relevant conditions are imposed within the decision notice, should Members approve the application, requesting samples of all proposed materials, and, removing permitted development rights for boundary treatments, outbuildings, hard standings as well as extensions/alterations to the dwelling.

6.34 In light of the foregoing assessment it is considered that the proposal would not have a detrimental impact on the character or appearance of Brampton Conservation Area.

#### **4. Impact Upon The Setting Of Grade II Listed Buildings**

6.35 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"*.

6.36 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).

6.37 The NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to a designated heritage asset. 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 Local

Plan also indicates that listed buildings and their settings will be preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.

a) the significance of the heritage asset and the contribution made by its setting

6.38 The nearest Listed Buildings are located at Mote Cottage and Ridge House which are Grade II Listed and situated approximately 21 metres to the south-west and 56 metres to the east of the proposed dwelling. There is also a Grade II Listed Howard Memorial Shelter located on the open space at The Swartle over 70 metres from the proposed dwelling. By way of background there are over 374,000 listed buildings within England which are categorised as Grade I, Grade II\* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II\* Buildings are particularly important buildings of more than special interest, 5.5% of listed buildings are Grade II\*. The final tier of Listed Buildings are Grade II buildings which are nationally important and of special interest.

6.39 Mote Cottage was listed by Historic England (formerly English Heritage) as Grade II in 1984. The listing details are as follows:

*House. Circa 1870, as estate house for the Howards of Naworth. Dressed calciferous sandstone with bands of red sandstone; green slate roof with decorative ridge tiles, coped gables, stone chimney stacks. 2 storeys, 3 bays. Half-plank oak doors, have side lights and mullioned fanlight, with moulded surround and pointed arch, shaped hood-mould: flanked by 2 projecting canted bay windows, which are right is carried up to gabled dormer, with cross-mullioned windows: left transomed window has pointed head with gabled dormer above: all leaded casements.*

6.40 Ridge House was listed by Historic England (formally English Heritage) as Grade II in 1957. The listing details are as follows:

*House formerly inn. Dated 1835 over entrance. Red sandstone ashlar with plain cornice, slate roof with lead hips, rendered chimney stacks. 2 storeys, 3 bays. 6-panel door with glazed fanlight and pilastered surround, has prostyle Tuscan porch with moulded entablature and cornice. Sash windows with glazing bars with plain stone surrounds. Blind window to south-west wall has painted glazing bars. In 1847, this was the ridge House Inn (Mannix & Whellan Directory).*

6.41 The Howard Memorial Shelter was listed by Historic England (formally English Heritage) as Grade II in 1984. The listing details are as follows:

*Memorial shelter. Circa 1930, inscribed TO GEORGE JAMES HOWARD 9TH EARL OF CARLISLE, 1843-1911, AND TO ROSALIND FRANCES, HIS WIFE, 1845-1921. Snecked calciferous sandstone ashlar, stone slate roof. Octagonal single storey building with partly open sides. Squared columns are*

*carried on inside to form vaulted roof, with central circular column. Oak lintels and open timber roof. Floor has stepped flagged surround with small herringbone brickwork inside. Stone seats around central column and along inside of filled arches, with internal inscription stone.*

b) the effect of the proposed development on the setting of the Grade II Listed Buildings

- 6.42 The proposed dwelling will be located approximately 25 metres to the north-east of Mote Cottage. There is an intervening access road/public footpath between the application site and the listed building as well as high vegetation within the existing roadside verge. The proposed dwelling will be set back from the front elevation of Mote Cottage and given the scale and design of the proposal which is acceptable in terms of the context of the surrounding area (as discussed in paragraphs 6.9-6.19) and the separation distances involved it is not considered that the proposed development would have an adverse impact upon the setting of this Grade II Listed Building.
- 6.43 The dwelling will be located approximately 56 metres to the west of Ridge House. It was evident from the Officer site visit that Ridge House is located at a lower level to the application site with its western boundary covered in dense mature landscaping. The dwelling will be set back from the front elevation of Ridge House. Given the scale and design of the proposal which is acceptable in terms of the context of the surrounding area and the separation distances involved it is not considered that the proposed development would have an adverse impact upon the setting of Ridge House.
- 6.44 The dwelling will be located over 70 metres from the Grade II Listed War Memorial on The Swartle. As stated in paragraphs 6.9-6.19 the application is acceptable in terms of scale and design as well as its location within the landscape. In such circumstances and given the separation distances involved it is not considered that the proposed development would have an adverse impact upon the setting of the Grade II Listed War Memorial.
- 6.45 The Council's Heritage Officer has been consulted on the development and has not raised any further comments other than those outlined in paragraphs 6.29-6.30 with regard to the impact upon the settings of neighbouring listed buildings.

## **5. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.46 The relevant planning policies seek to ensure that 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 City 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.

- 6.47 To the south of the site there are a combination of single and two storey properties (namely The Hayloft, Ridge Valley, Braefoot and Shiloh), which are situated in a linear formation along The Swartle. There is also a two storey dwelling to the south-west (Mote Cottage). The land to the north and east comprises of agricultural fields however further up the ridge approximately 126 metres to the north-west there are three residential properties known as Moat Cottage, Dambreezy and Nearinuff. Beyond the agricultural field to the east is a two storey dwelling known as Ridge House.
- 6.48 The dwelling has been orientated and designed so that the majority of the primary windows face east into the application site. There is one primary window on the north elevation however this faces directly towards the agricultural fields located beyond the application site. All of the windows on the west elevation are either secondary windows serving the kitchen/diner or windows serving non habitable rooms such as the en-suite, utility, or stairwell.
- 6.49 There are a limited number of windows on the south elevation of the dwelling which comprise of a ground floor bathroom window and a first floor dining room window on the gable as well as full height glazed windows serving the lounge within the eastern projection. The bathroom window is not considered to be a primary window as it does not serve a habitable room. It is also appreciated that the lounge and dining room are also served by larger windows on the east elevation of the dwelling. Concerns have been raised in respect of loss of privacy from the windows on the south elevation. It is acknowledged that the first floor window serving the dining room has been positioned so that it primarily looks down the gap between Ridge Valley and Braefoot. The window will be off-set from the primary windows of neighbouring properties and will be located in excess of 27 metres from the two storey elevation of Ridge Valley and over 23 metres from the rear elevation of Braefoot. The full height windows serving the lounge will be off-set from the primary windows of Ridge Valley and over 35 metres from the rear elevation of Braefoot. In such circumstances and given the differences in levels between the proposed dwellings, and, the existing boundary treatment it is not considered that the windows in the southern elevations of the development would cause sufficient overlooking to neighbouring properties to warrant refusal of the application on this basis.
- 6.50 Whilst the proposed dwelling will be located on higher land to the properties located along The Swartle and will be a visible feature it is appreciated that the proposed dwelling will be built into the existing landscape and all the distances between the existing and proposed dwellings would greatly exceed the minimum separation distances (21m between facing principal windows) set out in the Council's Supplementary Planning Document "Achieving Well Designed Housing". In such circumstances and given the orientation of the application site and positioning /design of the proposed dwelling it is not considered that the proposed dwelling would have a sufficient adverse impact upon the living conditions of any neighbouring dwellings in terms of overlooking, over dominance or loss of light to warrant refusal of the application on this basis.
- 6.51 To further protect the residential amenity of the occupiers of neighbouring

properties a condition is recommended that would restrict construction hours.

## **6. Impact Of The Proposal On Highway Safety And Public Footpath 105002**

- 6.52 The application site is currently served by two field access gates, one which crosses in front of the principle elevation of Ridge Valley and the other which is situated off the access lane which runs parallel to the western boundary of the application site. It is appreciated that public footpath No.105002 follows the access road to the west of the application site. A number of objectors have raised concerns of the impact upon users of the public footpath/access road including potential damage/obstruction particularly during development works.
- 6.53 The proposal seeks to utilise an existing vehicular access from the western boundary via public footpath 105002. Incurtilage parking and turning spaces will be provided within the site.
- 6.54 Cumbria County Council, as Highways Authority, has been consulted and has raised no objections subject to the imposition of one condition ensuring that the access and parking/turning requirements are met before building works commence. The Footpath Officer for Cumbria County Council has also been consulted on the development and has raised no objections. The Footpath Officer and Highway Authority have however advised that the public footpath should not be obstructed before or after the development has been completed. Advice has been received regarding any temporary obstructions. Accordingly and subject to the imposition of relevant conditions/advisory notes the development will not cause an adverse impact upon highway safety or have a detrimental impact upon Public Footpath 105002.
- 6.55 Concerns from users of the public footpath are noted particularly those from the occupiers of the residential properties located further up the ridge who have sole access to their dwellings via the public footpath. Any damage or obstruction to the public footpath during or after development works would be a civil matter. In order to protect the living conditions of these residents it is suggested, that if Members are minded to approve the application, that a further condition is imposed within the Decision Notice ensuring that a plan showing a location for a construction compound is submitted and approved prior to any site works commencing (including demolition).

## **7. Whether The Methods of Disposal of Foul And Surface Water Are Appropriate**

- 6.56 In order to protect against pollution, 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 water is proposed to be discharged to mains drainage with surface water to a soakaway.
- 6.57 The principles of these drainage methods are acceptable to the United Utilities and the Lead Local Flood Authority however a relevant condition has been included within the Decision Notice requesting full details of the

proposed drainage methods.

## **8. Impact Of The Proposal On Trees And Hedgerows**

- 6.58 The mature ash tree located within the application site, between Ridge Valley and Braefoot, is subject to Tree Preservation Order 297. The submitted block plan illustrates that this tree is to remain however the block plan suggests that foul drainage from the site will be located underneath the canopy.
- 6.59 The block plan illustrates that during construction the area around the tree will be fenced off in accordance with BS 5837. Drains and services taken through the tree root protection area will have the ground excavated with an "air spade" to prevent damage to the roots. Any exposed roots will be avoided with the direction of the services amended.
- 6.60 Subject to adherence to the above methods outlined in paragraphs 6.59 above there should be no adverse impact upon TPO No.297.
- 6.61 It is noted that one of the objectors has alleged that the hedgerow that runs parallel to the western boundary of the site is an ancient hedgerow and has raised concerns regarding the impact of the development on this hedgerow. It was evident from the Officer site visit that the hedgerow is not continuous as it has large gaps. The hedgerow is also located within the access verge on the other side of the post and wire fencing which delineates the site boundary. Although the proposal seeks to remove an existing tree/shrub located to the rear of the existing brick agricultural buildings this has no significant landscape value. The existing hedgerow trees will remain as they are located out with the application site and subject to tree/hedgerow protection barriers being in situ during development works (which can be secured by condition) there should be no adverse impact upon the existing hedgerow.

## **9. Impact Upon Biodiversity**

- 6.62 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, and given that the application site has previously been used for pasture, it is unlikely that the proposed development would harm protected species or their habitat. The biodiversity of the site will be enhanced by the planting of native hedgerows. To further protect biodiversity and breeding birds, 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.

## **10. Other Matters**

- 6.63 An objector has alleged that the site is of high archaeological importance. The available planning records illustrate that the site is not located on the site of any ancient monuments. Nor is the site within the buffer zone of Hadrian's Wall



World Heritage Site. The Case Officer has however contacted the Historic Environment Officer (HEO) for Cumbria County Council who has confirmed that the application does not raise any archaeological issues. The application site is considered to be too far from The Mote to affect it and the likelihood that currently unknown remains will be impacted is very small. The HEO therefore does not object to the application or has any comments to make.

- 6.64 Reference has been to previous planning refusals 84/0725 and 92/0924. Both of these applications sought outline planning permission for dwellings located up the whole of the eastern side of public footpath 105002. These applications are not directly comparable to the current application as the application sites for 84/0725 and 92/0924 encompassed a much larger area with the indicative layout showing dwellings set further into the field. The location and scale and design of the dwelling proposed is acceptable as explained in paragraphs 6.5-6.62 of this report.
- 6.65 Objectors have alleged that the approval of the application may create a precedent for further development. Every application is however dealt with on its own merits.
- 6.66 Objectors have raised concerns that the development will exacerbate existing flooding issues. As stated in paragraph 6.57 the principles of the drainage methods are acceptable to the United Utilities and the Lead Local Flood Authority however a relevant condition has been included within the Decision Notice requesting full details of the proposed drainage methods. Subject to suitable drainage methods the proposal should not exacerbate any flooding issues.
- 6.67 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:
- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularize any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life".
- 6.68 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need.
- 6.69 Article 8 and Article 1 Protocol 1 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**

- 6.70 On balance the principle of the development of the site for housing is acceptable as the application site is already well related to the built form of Brampton and is within a sustainable location. The scale and design of the development is considered to be appropriate to the context of the surrounding area and the development would therefore not have a harmful impact upon the existing street scene, the character/appearance of Brampton Conservation Area or the setting of nearby Grade II Listed Buildings . The proposed development will also not have a detrimental impact upon the living conditions of the occupiers of any residential properties nor will the proposal have an adverse impact upon highway safety, biodiversity or trees including the ash tree covered by TPO 297. Overall, the proposal is compliant with the objectives of the relevant Development Plan and approval is recommended.

## **7. Planning History**

- 7.1 In 1984 outline planning permission was refused at land to the rear of Braefoot and Shiloh for the erection of 3no.dwellings (reference 84/0725);
- 7.2 In 1993 outline planning permission was refused and also dismissed at appeal for the development of 4 detached dwellings and a public car park for 5 vehicles (reference 92/0924).

## **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 2nd January 2019;
  2. the site location plan received 1st November 2018 (Drawing No.117-139-01);
  3. the proposed block plan received 18th March 2019 (Drawing No.117-139-02 Rev J);
  4. the proposed floor plans received 18th March 2019 (Drawing No.117-139-03 Rev E);
  5. the proposed north-east and south-east elevations received 5th April 2019 (Drawing No.117-139-04 Rev G);
  6. the proposed north-west and south-west elevations received 5th April

- 2019 (Drawing No.117-139-05 Rev F);
7. the tree survey schedule received 6th December 2018;
  8. the Notice of Decision; and
  9. 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, including a sustainable drainage management and maintenance plan for the lifetime of the development, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall then be installed in accordance with the approved details.

For the avoidance of doubt foul and surface water shall be drained on separate systems. In the event of surface water discharging to the public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

**Reason:** To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding 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.

4. 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.

5. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority prior to the first use on site. The dwelling shall then be constructed in accordance with the approved details.

**Reason:** To ensure the works harmonise as closely as possible with the character and appearance of the surrounding area in accordance with Policies SP6, HE7 and GI1 of the Carlisle District Local Plan 2015-2030.

6. Samples or full details of all hard surface materials to be used shall be submitted to and approved in writing by the local planning authority prior to

the first use on site. The hard surfaces shall then be constructed in accordance with the approved details.

**Reason:** To ensure the works harmonise as closely as possible with the character and appearance of the surrounding area in accordance with Policies SP6, HE7 and GI1 of the Carlisle District Local Plan 2015-2030.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building 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 and that it fulfils the objectives of Policies SP6, H02 and GI6 of the Carlisle District Local Plan 2015-2030.

8. Before any development takes place on site (including demolition of existing buildings), 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 to road users. To support Policy SP6 of the Carlisle District Local Plan 2015-2030.

9. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the PROW and highway.

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

10. 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 dwelling unit to be erected 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 building is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policies H08, SP6, HE3, HE7 and GI3 of the Carlisle District Local Plan 2015-2030.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected within any part of the site (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 accordance with Policies SP6, HE3, HE7, HO8 and GI1 of the Carlisle District Local Plan 2015-2030.

12. No work associated with the construction of the residential units 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 statutory holidays).

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted on the south-east elevation without the prior consent of the Local Planning Authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030.

14. 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 on the western side of the site at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. 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.

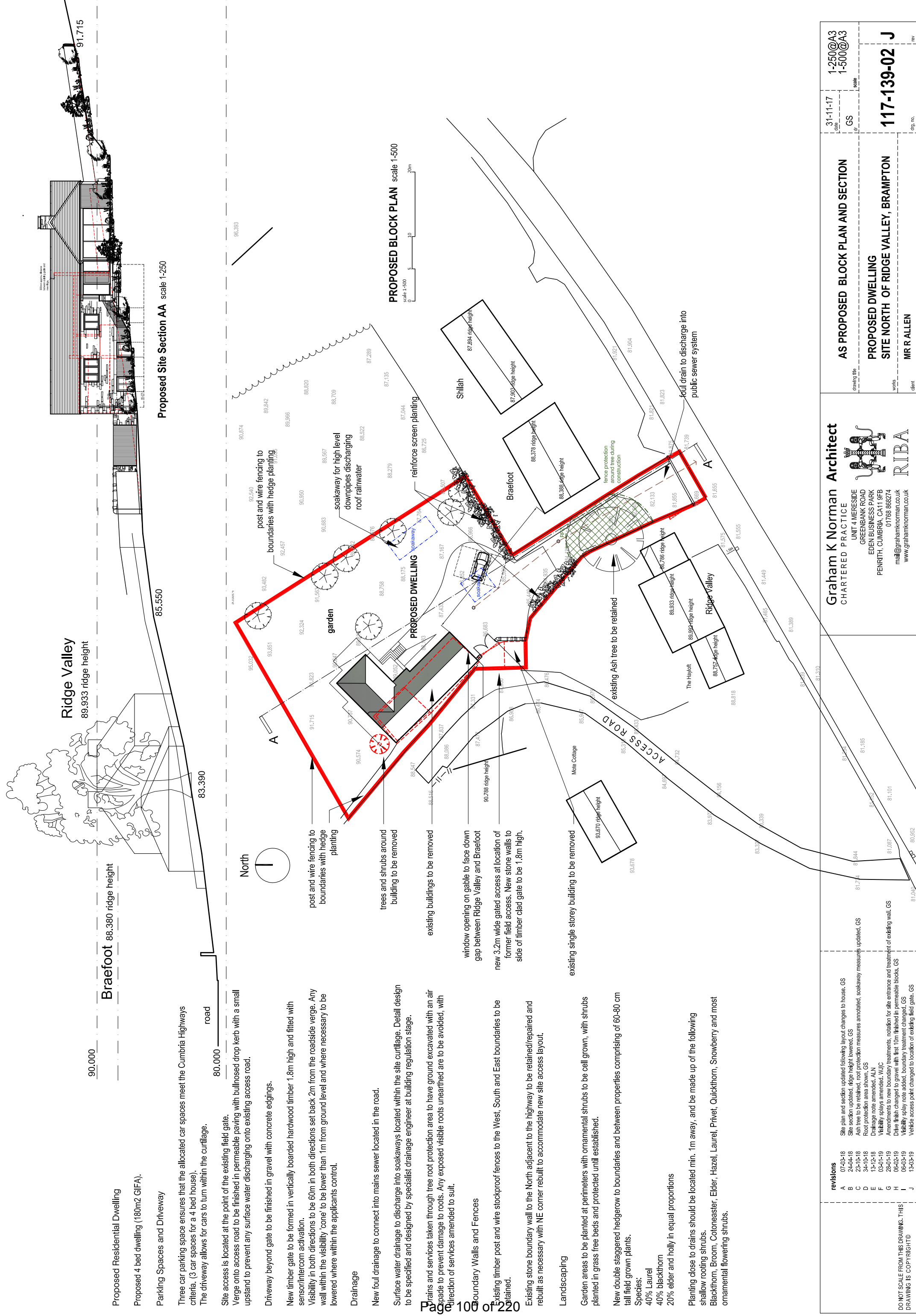
**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

15. For the duration of the development works the existing Ash Tree (covered by Tree Preservation Order 297) shall be protected by a suitable barrier as indicated on Drawing No.117-139-02 Rev J, before development works commence. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means. Any drains or services taken through the root protection area should be excavated with an air spade to prevent damage to roots. Any exposed visible roots unearthed shall be avoided with any direction of services amended to suit.

**Reason:** To protect TPO 297 in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

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Proposed Residential Dwelling

Proposed 4 bed dwelling (180m2 GIFA).

Parking Spaces and Driveway

Three car parking space ensures that the allocated car spaces meet the Cumbria Highways criteria. (3 car spaces for a 4 bed house).  
The driveway allows for cars to turn within the curtilage.

Site access is located at the point of the existing field gate.  
Verge onto access road to be finished in permeable paving with bullnosed drop kerb with a small upstand to prevent any surface water discharging onto existing access road.

Driveway beyond gate to be finished in gravel with concrete edgings.

New timber gate to be formed in vertically boarded hardwood timber 1.8m high and fitted with sensor/intercom activation.  
Visibility in both directions to be 60m in both directions set back 2m from the roadside verge. Any wall within the 'visibility cone' to be lower than 1m from ground level and where necessary to be lowered where within the applicants control.

Drainage

New foul drainage to connect into mains sewer located in the road.

Surface water drainage to discharge into soakways located within the site curtilage. Detail design to be specified and designed by specialist drainage engineer at building regulation stage.

Drains and services taken through tree root protection area to have ground excavated with an air spade to prevent damage to roots. Any exposed visible roots unearthed are to be avoided, with direction of services amended to suit.

Boundary Walls and Fences

Existing timber post and wire stockproof fences to the West, South and East boundaries to be retained.

Existing stone boundary wall to the North adjacent to the highway to be retained/repaired and rebuilt as necessary with NE corner rebuilt to accommodate new site access layout.

Landscaping

Garden areas to be planted at perimeters with ornamental shrubs to be cell grown, with shrubs planted in grass free beds and protected until established.

New double staggered hedgerow to boundaries and between properties comprising of 60-80 cm tall field grown plants.

Species:  
40% Laurel  
40% blackthorn  
20% elder and holly in equal proportions

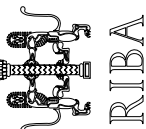
Planting close to drains should be located min. 1m away, and be made up of the following shallow rooting shrubs.  
Blackthorn, Broom, Cotoneaster, Elder, Hazel, Laurel, Privet, Quickthorn, Snowberry and most ornamental flowering shrubs.

revisions

A	07-03-18	Site plan and section updated following layout changes to house. GS
B	24-04-18	Site section updated, ridge height lowered. GS
C	23-10-18	Ash tree to be retained, root protection measures annotated, soakaway measure updated. GS
D	34-10-18	Root protection area shown. GS
E	13-12-18	Drainage note amended. ALN
F	03-01-19	Visibility splays amended. WJJC
G	28-01-19	Amendments to new boundary treatments, notation for site entrance and treatment of existing wall. GS
H	06-02-19	Drive finish changed to gravel with first 10m finished in permeable blocks. GS
I	06-03-19	Visibility splay note added, boundary treatment changed. GS
J	13-03-19	Vehicle access point changed to location of existing field gate. GS

Graham K Norman Architect

CHARTERED PRACTICE  
UNIT 4 MERESIDE  
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EDEN BUSINESS PARK  
PENRITH, CUMBRIA, CA11 9FB  
01768 868274  
mail@grahamknorman.co.uk  
www.grahamknorman.co.uk



AS PROPOSED BLOCK PLAN AND SECTION

PROPOSED DWELLING  
SITE NORTH OF RIDGE VALLEY, BRAMPTON

MR R ALLEN

117-139-02 J

31-11-17  
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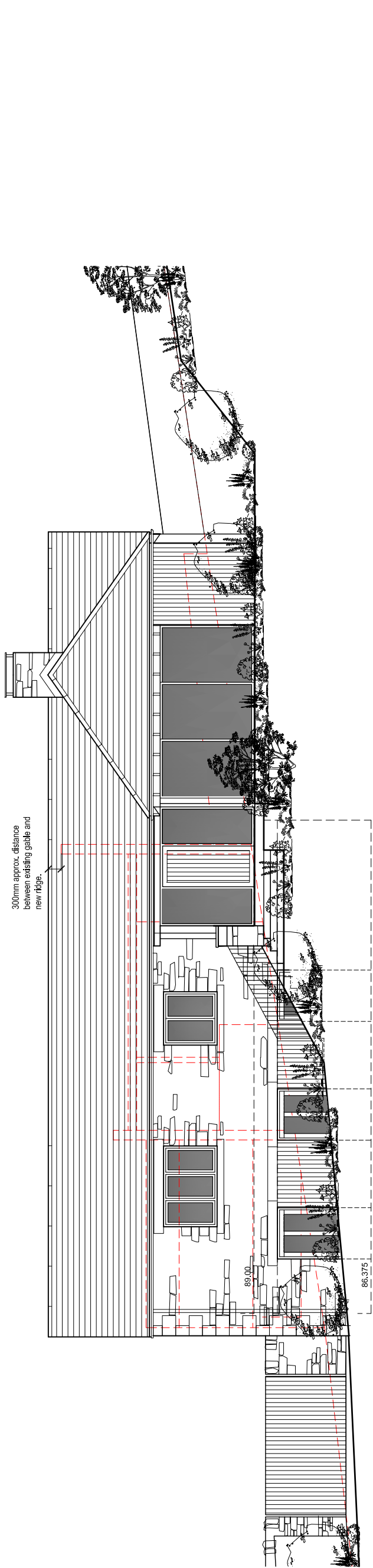
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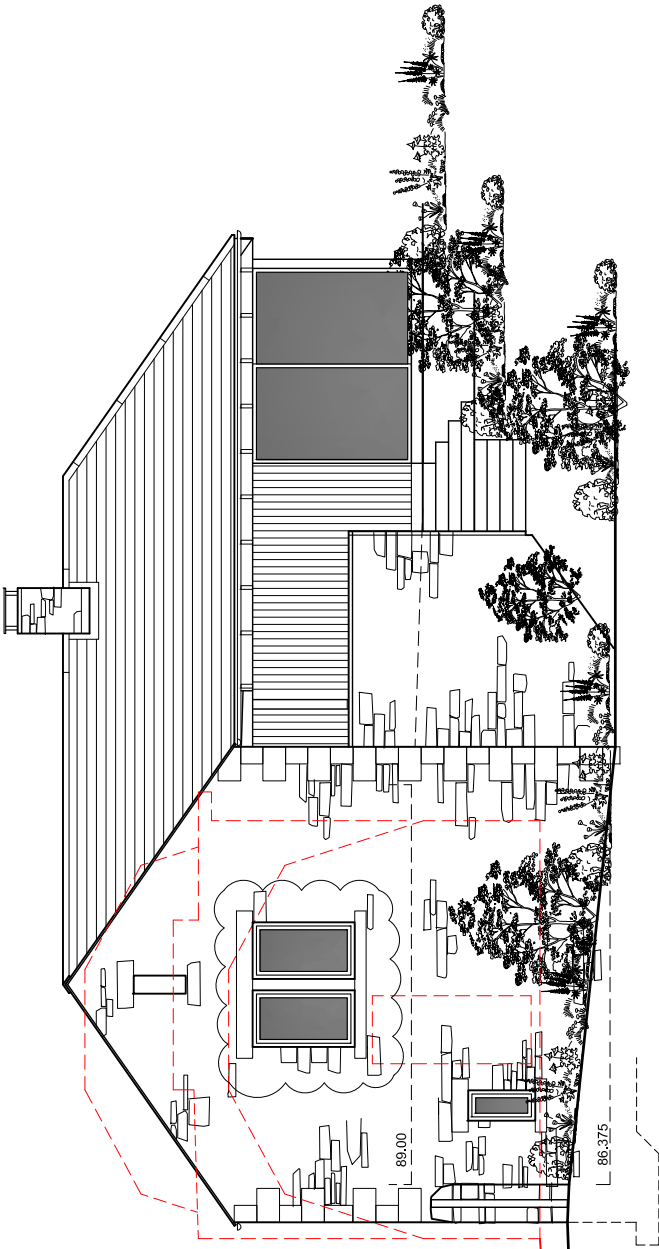
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North East Elevation scale 1-100



South East Elevation scale 1-100

**Walls**

- Stone walls to be finished in sandstone, colour-pink/buff/grey in coursed random rubble pattern with joints pointed with a lime mortar.
- Timber clad walls to be finished in cedar boarding, with translucent external woodstain (retaining visual woodgrain), colour light grey/green.
- Lintels and sills in stone finished walls to be finished in cut stone with plain mouldings. Windows and doors elsewhere and in areas of weatherboarding to have aluminium cills and head profiles colour coded with windows/doors etc.


**Windows, screens and doors**

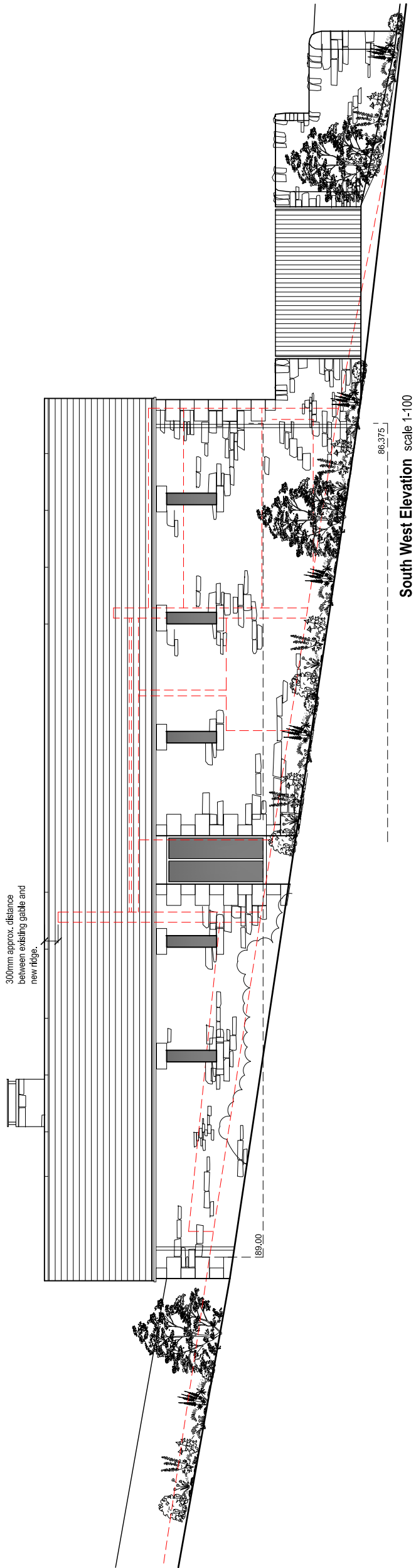
- Composite aluminium/timber units, colour- grey/green.

**Roofs**

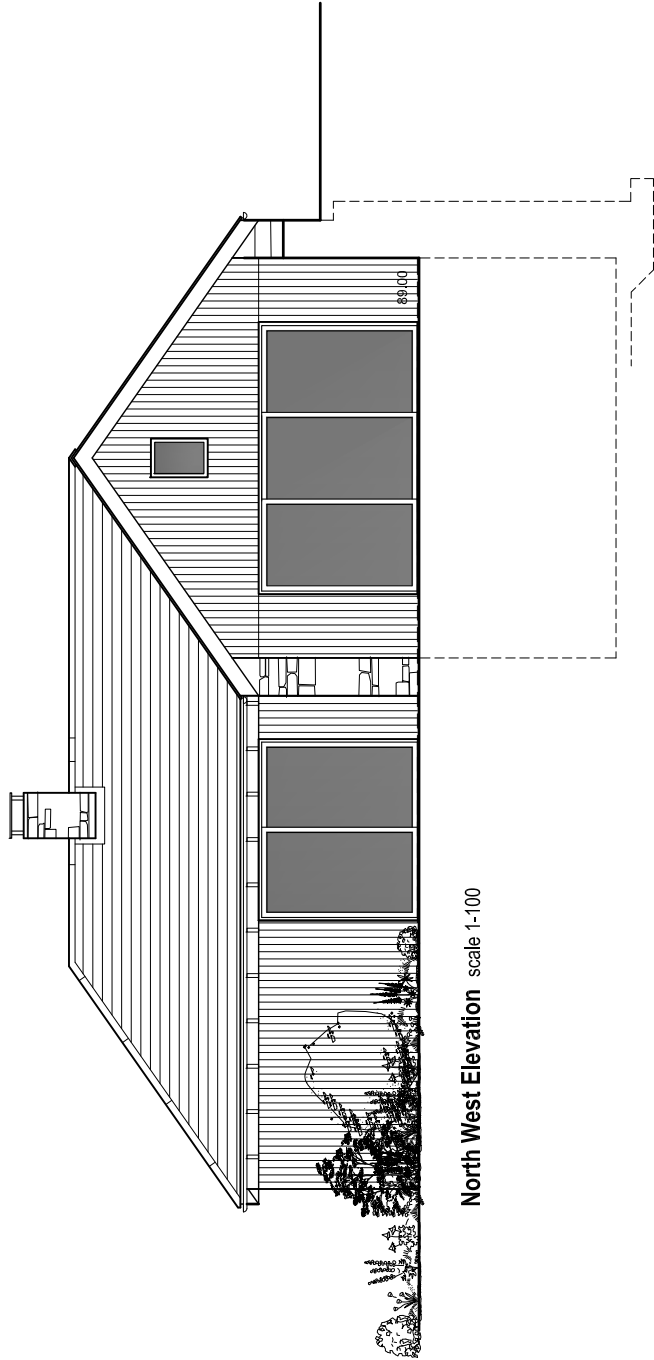
- Roofs to be finished in natural slate, colour- grey/blue and finished with an artificial sandstone ridge and hip tiles. Eaves on stone clad areas to be finished flush with wall face with gutters supported on rise and fall brackets. Eaves elsewhere to project beyond the wall to form open spar feet in the cottage eaves style.
- Verges to stone gables to be finished with a small slate overhang and pointed onto a slate undercloak. Verges to North West gable where roof project beyond timber cladding finished with a timber bargeboard, stained to match boarding.

DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS COPYRIGHT©	<b>revisions</b>				G	04-04-19	Roof and wall notes amended. GS	AS PROPOSED NE+SE ELEVATIONS	07-11-17 date GS dr	1-100@A3 scale	117-139-04 G client no.
	A	07-03-18	Changes to SE and NE elevations. GS								
	B	24-04-18	Ridge level lowered, amendments to layout and fenestration. GS								
	C	19-06-18	South East gable window reduced in size, North East elevation window increased in size. GS								
	D	20-02-19	South East gable window reduce to two bays. GS								
	E	06-03-19	Boundary Treatment amended. GS								
	F	13-03-19	Vehicle entrance locate relocated to position of existing field gate- garage omitted. GS								

<b>Graham K Norman Architect</b> CHARTERED PRACTICE  UNIT 4 MERESIDE GREENBANK ROAD EDEN BUSINESS PARK PENRITH, CUMBRIA, CA11 9FB  01768 888274 mail@grahamknorman.co.uk www.grahamknorman.co.uk		<b>PROPOSED DWELLING</b> <b>SITE NORTH OF RIDGE VALLEY, BRAMPTON</b>	<b>MR R ALLEN</b>	drawing title	works	client	rev



South West Elevation scale 1-100



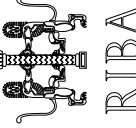
North West Elevation scale 1-100

Chimney

Exposed chimney above roof to be finished in local sandstone with horizontal galvanised contemporary metal rain cap.

Rainwater Goods

Rainwater goods comprising gutters, stop ends, downpipes and fixing brackets (rise and fall brackets to stone clad walls) to be finished in aluminium/zinc colour grey.

DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS COPYRIGHT©	<b>revisions</b> A 07-03-18 Changes to SW and NW elevations. GS B 24-04-18 Ridge level lowered, amendments to layout and fenestration. GS C 06-02-19 South West Elevation windows amended. GS D 06-03-19 Boundary treatment amended. GS E 13-03-19 Vehicle entrance locate relocated to position of existing field gate- garage omitted. GS F 04-04-19 Rainwater goods notes amended. GS	<b>Graham K Norman Architect</b> CHARTERED PRACTICE UNIT 4 MERESIDE GREENBANK ROAD EDEN BUSINESS PARK PENRITH, CUMBRIA, CA11 9FB 01768 868274 mail@grahamknorman.co.uk www.grahamknorman.co.uk 	<b>AS PROPOSED NW+SW ELEVATIONS</b>  <b>PROPOSED DWELLING</b> <b>SITE NORTH OF RIDGE VALLEY, BRAMPTON</b>  <b>MR R ALLEN</b>	07-11-17 date GS drawn by scale	1-100@A3
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Existing View from the open green space adjacent

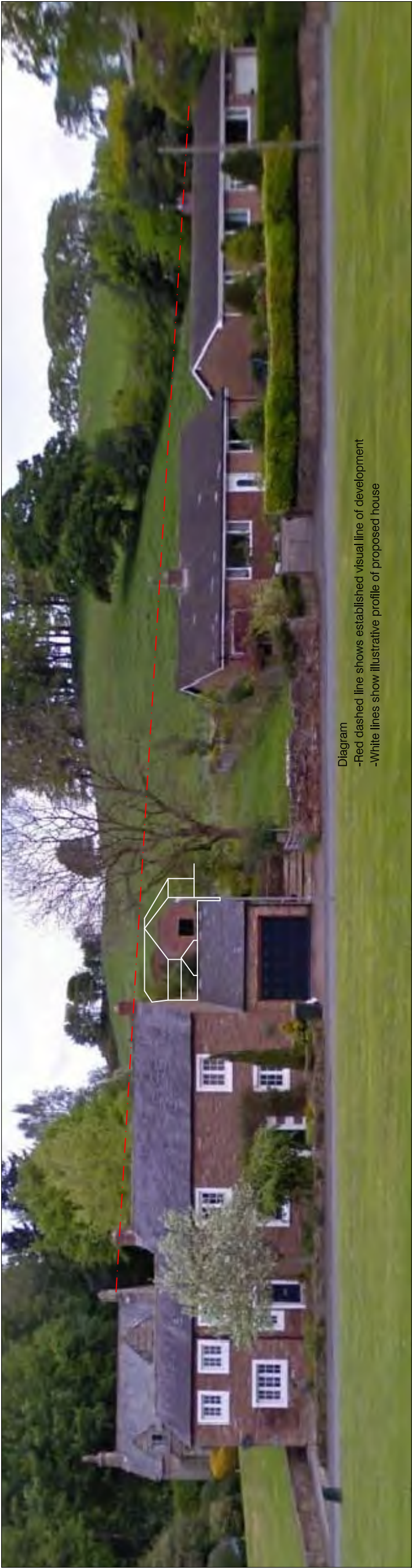
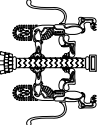


Diagram  
-Red dashed line shows established visual line of development  
-White lines show illustrative profile of proposed house

Proposed view from the open green space adjacent

DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS COPYRIGHT©	revisions  A      24-04-18      Illustration amended, GS	<div>Graham K Norman Architect CHARTERED PRACTICE UNIT 4 MERESIDE GREENBANK ROAD EDEN BUSINESS PARK PENRITH, CUMBRIA, CA11 9FB 01768 868274 mail@grahamknorman.co.uk www.grahamknorman.co.uk</div> <div> RIBA</div>	<div>drawing title <b>AS PROPOSED ILLUSTRATIVE VIEWS</b></div> <div><b>PROPOSED DWELLING</b> <b>SITE NORTH OF RIDGE VALLEY, BRAMPTON</b></div> <div>works <b>MR R ALLEN</b></div> <div>client</div>	24-04-18 date GS disc scale	N/A@A3	117-139-07 A	rev	
					117-139-07 A			1 rev






View looking across green space from the South East over the 2 bungalows (Braefoot and Shilah) view taken from google maps



View looking across green space from the South East over the 2 bungalows (Braefoot and Shilah) view now showing proposed dwelling view taken from google maps

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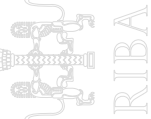
View from the open green space adjacent (In Summer, existing retained tree masks out the site and existing building behind)



View looking across to Mote Cottage from the open green space showing indicative profile of new dwelling



View looking across to Mote Cottage from the open green space

DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS COPYRIGHT©	revisions <div>A24-04-18Illustration amended, GS</div>	<div><div>Graham K NormanArchitect</div><div>CHARTERED PRACTICE</div><div>UNIT 4 MERESIDE GREENBANK ROAD EDEN BUSINESS PARK PENRITH, CUMBRIA, CA11 9FB 01768 868274 mail@grahamknorman.co.uk www.grahamknorman.co.uk</div><div></div></div>	<div><div>AS PROPOSED</div><div>ADDITIONAL ILLUSTRATIVE VIEWS</div><div>PROPOSED DWELLING</div><div>SITE NORTH OF RIDGE VALLEY, BRAMPTON</div><div>MR R ALLEN</div></div>	<div><div>28-01-19</div><div>date</div><div>GS</div><div>disc</div><div>scale</div></div> <div><div>117-139-08</div><div>drawn no.</div><div>117-139-08</div><div>rev</div></div>	N/A@A3



## SCHEDULE A: Applications with Recommendation

19/0149

Item No: 03

Date of Committee: 26/04/2019

**Appn Ref No:**  
19/0149

**Applicant:**  
Environment Agency

**Parish:**  
Carlisle

**Agent:**  
Jacobs

**Ward:**  
Botcherby

**Location:** Land at Warwick Road, Melbourne Park & Tesco, Carlisle

**Proposal:** Carlisle Phase 1 Flood Risk Management Scheme, Consisting Of New And Raised Flood Defences At Melbourne Park And Associated Land Raising At The Entrance To Tesco Supermarket At The Junction With The A69 Warwick Road

**Date of Receipt:**  
20/02/2019 23:01:16

**Statutory Expiry Date**  
22/05/2019 23:01:16

**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 Proposal Would Be Acceptable In Principle
- 2.2 Whether The Siting, Scale And Design Would Be Acceptable
- 2.3 Impact On Biodiversity
- 2.4 Impact On Flood Risk
- 2.5 Impact on Heritage Assets
- 2.6 Impact On The Occupiers Of Neighbouring Properties
- 2.7 Impact On Trees
- 2.8 Highway Matters
- 2.9 Other Matters

#### 3. Application Details

##### The Site

- 3.1 The proposed works are located within Melbourne Park and at the entrance to the Tesco supermarket. The application sites cover a total area of 7.62ha.
- 3.2 The majority of the works would be located within Melbourne Park. The proposed site consists entirely of amenity open space and is surrounded by predominantly residential properties, along with the Carlisle Central Premier Inn to the north west, some manufacturing / commercial premises to the south east and the railway line to the south of the park. Warwick Road forms the northern boundary of the site.
- 3.3 At Tesco, the site is located at the entrance to the supermarket at the junction with Warwick Road. A petrol station and car wash are located adjacent to the site, whilst the supermarket itself is located beyond to the north east of the site.

## **Background**

- 3.4 In 2015, Storm Desmond brought unprecedented levels of rainfall during the 5th and 6th of December leading to high water levels in the River Petteril, River Caldew and River Eden. This resulted in flooding across Carlisle which affected approximately 1,925 properties. This was categorised as a 0.33% Annual Exceedance Probability (AEP) event. Prior to this, the most significant flood event occurred in January 2005, which had an estimated AEP of 0.59%. Following this flood event, the majority of the City's defences were raised to meet a higher Standard Of Protection (SOP) (0.50% AEP) to reduce the flood risk. However, this was not sufficient to defend against the extent of the 2015 Storm Desmond event.
- 3.5 Consequently, options have been and are continuing to be developed to increase the SOP to properties across the City to increase the defence levels above the Storm Desmond event, which has resulted in the development of the Carlisle Flood Risk Management Scheme (FRMS). As the works required to deliver the FRMS are continuing to be developed and refined a phased approach is being taken to their implementation.
- 3.6 Phase 1 of the scheme has progressed to a position where a proposed design has been developed and works are ready to be progressed. As such, planning consent is being sought for this phase ahead of future phases, which will be subject to separate planning applications. The Phase 1 works are split across two areas, within Melbourne Park and at the entrance to Tesco off Warwick Road.
- 3.7 The area around Melbourne Park has suffered flooding multiple times in the past from both the River Eden and the River Petteril. The existing defences were completed in 2007 following the severe flood that occurred in January 2005. The defences provide property protection up to a flood event of 0.5% AEP.
- 3.8 During the Storm Desmond floods of December 2015 the current defences were first by-passed by out of bank flow from the River Petteril and then



overtopped as River Eden flood depths surcharged the outlet of the River Petteril. Downstream of Botcherby Bridge flood levels reached defence crest levels causing minor spills at limited locations. Upstream of Botcherby Bridge flood levels significantly exceeded crest levels causing widespread flooding.

- 3.9 The area near the Tesco's entrance section was included in the Eden and Petteril Flood Alleviation Scheme, completed in 2007. During Storm Desmond flood water was witnessed flowing into Warwick Road via the footpath along the Car Wash and also over the Tesco entrance. The entrance to the car park is designed at 16.83mAOD to match ground levels on the western footpath. There was, however, a low spot on the existing eastern footpath into Tesco from Warwick Road at 16.49mAOD. The original 2007 design proposed to fill this gap with a new grass embankment raised to 16.93mAOD to tie into the high ground on Rotary Way verge. However, during a site walkover in March 2017 this could not be seen on the ground suggesting that either the work was never fully completed, or the embankment has suffered significant settlement.
- 3.10 A Project Appraisal Report was prepared to detail the evaluation that has been carried out for the project. A long list of options was initially developed based on engineering judgement, site constraints and geotechnical information. These options were assessed against a multi criteria matrix and scored based on established assessment criteria. The highest scoring long list options were taken forward to a short list of options, which also included "Do Nothing" and "Do Minimum" options. The "Do Nothing" option would entail no capital investment or maintenance to be undertaken, and a "Do Minimum" option, would include maintenance of existing defences being undertaken, but with no capital investment. These options represented economic baseline options used in the appraisal process against which the "Do Something" options could be assessed. It was considered likely that the preferred flood risk management strategy would be a combination of some of the "Do Something" Options that were taken forward for further appraisal.
- 3.11 Following hydraulic modelling of the options and subsequent economic analysis a proposed scheme comprising a combination of increasing the height and length of existing defences within Melbourne Park and Tesco's supermarket entrance was identified.

## **The Proposal**

- 3.12 The overall aim of the Carlisle Phase 1 FRMS is to deliver new and improved flood defences to a standard of protection above the level of the Storm Desmond event, when taking into consideration, engineering, environmental, social and economic constraints. To achieve this objective, works are required across two locations at Melbourne Park and at the entrance to Tesco supermarket.
- 3.13 Within Melbourne Park, the existing flood defences, which run to the east and west of the River Petteril would be raised and extended. At the Tesco supermarket entrance at the junction with the Warwick Road the existing

supermarket entrance road would be regraded and a new grass embankment along the eastern footpath entrance would be created.

3.14 The works to the western defences, between Warwick Road in the north and Melbourne Road / Adelaide Street would include:

- raising of the existing wall (66m) by approximately 0.5m between Warwick Road (Botcherby Bridge) and Wallace Gardens.
- raising of an existing grassed embankment (505m) by up to 1.63m between Wallace Gardens and Jesmond Road (coach depot).
- regrading of existing grass access ramps at Riverside Way to tie into the new crest level of the raised embankment.
- raising existing tarmac footpath over embankment at Riverside Way and Wallace Gardens.
- reinstatement of 250m tarmac riverside footpath along the toe of the embankment (wet side) between Wallace Gardens and Riverside Way.
- construction of approximately 250m of new earth embankment approximately 0.5m high, extending south from the existing embankment and tying into high ground adjacent to Adelaide Street.
- regrading of existing footpath over new embankment at Melbourne Road.
- cut off trench (below ground) along wet side and a drain along dry side for full length of the embankment.

3.15 The works to the eastern defences, between Warwick Road in the north and Borland Avenue to the south would include:

- raising of 415m of existing grassed embankment by up to 0.94m between Warwick Road (Botcherby Bridge) and Falcon Mews.
- regrading of existing grass access ramps at Botcherby Bridge.
- raising of existing tarmac footpaths / access ramps over the embankment at Walkmill Crescent.
- extension of the two existing drawdown structures to take account of the increased width and footprint of the embankment. One headwall structure at each location would be removed to allow the embankment to be widened and then replaced.
- construction of approximately 195m of new earth embankment up to 1.52m high from the existing embankment near Falcon Mews and tying into high ground adjacent to the playground off Borland Avenue.
- regrading of existing footpath Public Right of Way (PRoW) over new raised embankment at Botcherby Avenue and Borland Avenue.
- cut off trench (below ground) along wet side and a drain along dry side for full length of the embankment.
- to minimise the risk of build-up of material at times of flood under Botcherby Bridge, potentially increasing the risk of flooding upstream, the underside of the bridge would be smoothed / flattened by infilling the existing ribbed soffit with shotcrete to reduce the turbulence and friction losses.

3.16 The works at Tesco can be summarised as follows:

- regrade a 14m wide section of tarmac, footpaths and road crossing at the Tesco supermarket entrance at the junction with Warwick Road to a

maximum height of 17.03mAOD.

- new eastern embankment along footpath entrance approximately 25m long and up to 460mm high.
- raise existing western embankment along footpath entrance by approx. 150mm along its length.

3.17 The application is accompanied by the following reports:

- Ecological Assessment Report
- Habitat Regulations Assessment (Stage 1 and Stage 2)
- Landscape and Visual Impact Assessment
- Heritage Statement
- Flood Risk Assessment
- Preliminary Water Framework Directive Compliance Assessment
- Noise and Vibration Assessment
- Stage 1 Preliminary Geoenvironmental Assessment
- Arboricultural Method Statement
- Traffic and Transport Assessment

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

4.1 This application has been advertised by means of the display of ten site notices, press notices and notification letters sent to 234 neighbouring properties. In response, four letters of objection (three from individuals and one from Carlisle Flood Action Group (CFLAG) and two letters of comment have been received.

4.2 The three letters of objection raise the following concerns:

- there are significant concerns regarding the implications for flooding further upstream on the River Petteril;
- the FRA does not fully address or alleviate any concerns regarding increased flood risk at other sites, including Harraby Green Business Park;
- the EA are the applicant and also a statutory consultee on flood risk and there is, therefore, a conflict of interest - ask the Council to clarify that independent consultees will be brought in to fully assess this application;
- until the implications of the proposed raised defences on all affected land are fully understood and can be proven this application should not be approved;
- the consultation has been very limited - the proposals should have been discussed with the owners of Harraby Green Business Park;
- the interests of all stakeholders both up and downstream of these proposals must be fully understood;

4.3 A summary of the comments from CFLAG is provided below:

- CFLAG concurs with the EA that a first phase of works should be aimed at measures to repair failures in the defences in the area south of Botcherby Bridge. However, the omission of re-profiling river bed and bank encroachment deposits prevents the proposal being effective in the critical

early stages of a storm flood.

- In national terms the £25m Government 'booster' funding for Carlisle appears generous, particularly following the £38m spent after the 2005 flood event. Nevertheless, considering the important first phase for Carlisle, CFLAG considers it is questionable that the intended goal of protecting the east side of the city against another Desmond storm can be achieved by this scheme alone.

- It is considered relevant and important that the planning authority takes cognisance of whether an engineering operation will achieve its designed effect. This is material to any consent to be granted or the planning authority become complicit with any failure thereafter.

- River timings and peak levels are critical to the River Petteril conveyance, particularly in regard to the inefficiency of the Botcherby Bridge during the early stages of a major flood event. CFLAG believe the applicant should clearly show how this scheme takes regard of such timings.

- The lower reaches of the River Petteril, north of Botcherby Bridge, has a relatively flat gradient and was historically prone to convoluted meanders and frequent changes of course and silting up. Engineering in the form of the Botcherby Bridge assisted transport but not river conveyance. Engineering works to straighten the channel in the 1960's attempted to improve the situation but essentially the river now suffers from slow conveyance exacerbated by lack of maintenance with vegetation growth on banks and floodplain, deposits of gravel and silt raising and restricting the river flow and recent development narrowing the extent of its floodplain north and south of the bridge. The river also suffers from poor planning decisions allowing encroachment of residential development onto the floodplain compromising the optimum location of extreme event defence structures. Protracted lack of maintenance both by the EA of the river channel and the riparian owners, Carlisle City Council, of the banks and remaining flood plain has made a poor situation worse.

- Botcherby Bridge was not designed as a flood defence. It has become one due to a poor aperture for river conveyance and river peak conflict with the Eden and to keep Warwick Road open in times of major flooding. Alternatives potentially exist via either a replacement bridge of single span or rise and fall hydraulic flood barriers across Warwick Road (allowing the bridge to be consumed by the river) to improve conveyance. Currently great faith is being placed upon the strength of the existing bridge parapet as a flood defence. If this remains the case the applicant should prove that the current structure can resist the river energy at a Desmond peak level and be made to improve early conveyance of the Petteril peak.

- The project landscaping proposals are misplaced – they focus on the benefits to leisure pursuits and environmental benefits within the floodplain between defence embankments when this area should be kept specifically clean and smooth to convey flood waters as quickly as possible in the early stages of a major storm. The applicant should revise its landscaping

proposals accordingly.

- Study of levels and the volume of water taken into the Warwick Road west area during the 12 critical hours of the Desmond flood (2 million cubic metres of water) suggests that the proposed level of defences would not contain this volume. CFLAG predict that the defences would need to sit at least 335mm higher than those proposed (i.e. to 18.035m OD) and the bridge parapet raised by 765mm minimum above its current level unless other major mitigating work is undertaken upstream and downstream as part of a defence strategy to improve conveyance. The applicant should check this assertion and amend proposals accordingly.

- The proposed scheme appears something of a compromise but flood protection cannot be subject to compromise. Works following the 2005 flood made the flood of 2015 deeper than before as defences were overtopped and outflanked and water corralled into an informal reservoir within the residential area. CFLAG's work, in checking the current scheme, shows that this may well occur again in another Desmond situation even if to a lesser degree. All that can be said is that the failure of the defences will occur later in the event than it did on 5 December 2015 and so for a shorter duration. Flood levels should be lower as the volume of water escaping would be less as it would have a later point of spill so volume would be limited by time, however, an expectation of a standing flood level between 100mm and 500mm on average in the 0.5 km nearest the river should be anticipated as the potential outcome of this scheme.

- Significant extra work is required to achieve the applicant's stated goal and the public should be aware that the proposal does not, in CFLAG's view, provide the level of protection claimed. Property Level Protection (PLP) appears essential for all households and businesses within 0.5 km of the river and the applicant should communicate widely on this potential.

- No mention is made of maintaining and clearing the river, clearing gravels at the bridge and at river bends where it is estimated opportunities exist to lower accumulated levels by up to 1.5m or the emptying of existing or proposed new catch pits to ensure the river flows efficiently and is capable of discharging its peak levels in a storm event without restriction in a maintainable way. This is basic and essential river maintenance work which has greatly reduced under the custodianship of the EA. The applicant should set down a maintenance regime that it is prepared to abide by under a legal agreement in conjunction with riparian owners.

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

- see the scheme doomed to failure as the River Petteril flows need to be attenuated upstream of the village of Wreay where the geography is eminently suitable for such a scheme;
- the virtual dam of the Warwick Road bridge will always retain a potentially damaging amount of flood;
- the River Petteril backs up from the River Eden due to the contiguous elevation of both rivers;

- adding 4 inches to the Tesco ramp is insufficient - 12 inches would be a more realistic raise;
- the works will abut properties on Raven Street which will present security problems;
- can you confirm 2 oak trees near Raven Street will not be felled and that no other trees will be sacrificed;
- the major role of the Friends of Melbourne Park is to encourage wildlife and any destruction of bird's habitats would be distressing;
- concerned that further works may increase the ingress of water from the park to Adelaide Street and will presumably sacrifice the allotments to flood waters.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections, subject to conditions (Surface Water Management Plan; construction details of works in Highway; Construction Method Statement; Construction Traffic Management Plan);

**Environment Agency:** - no objection in principle to the proposed development. Satisfied that the FRA submitted with the application demonstrates that the proposed development would not exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified;

**United Utilities:** - no objections, subject to conditions (protection of United Utilities assets);

**Natural England:** - the EA has submitted an Appropriate Assessment that concludes that there will be no impact on site integrity of the River Eden SAC. Natural England agree with this conclusion has no objections to the proposal;

**Historic England - North West Office:** - no comments received;

**Green Spaces:** - no objections. All slopes on the flood defences should be no more than 1:2.5 to allow maintenance by Green Spaces;

**Local Environment - Environmental Protection:** - no objections;

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

## 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 CC4, CC5, IP2, HE1, GI3, GI5, GI6, SP6 and SP9 of the Carlisle District Local Plan (CDLP) 2015-2030.
- 6.3 The proposal raises the following planning issues.
1. Whether The Proposal Would Be Acceptable In Principle
- 6.4 The proposed scheme for the first phase of the Carlisle FRMS seeks to deliver raised and extended flood defences within Melbourne Park to the east and west of the River Petteril, along with complementary works to improve defences at the junction of the entrance to the Tesco supermarket at the junction with Warwick Road. These works would improve the standard of protection and resilience of existing flood defences to ensure that enhanced flood protection is provided to the local community.
- 6.5 Given the nature of the scheme and its function as flood control infrastructure, it has a specific requirement to be located in an area of high flood risk to enable the proposed scheme to perform its function of reducing flood risk to people, homes and businesses. This is supported by Planning Practice Guidance in respect of Flood Risk and Coastal Change, which confirms that it is appropriate to construct flood defences which are water-compatible development in any flood zone.
- 6.6 A Flood Risk Assessment accompanies the application and this confirms that the proposed scheme would reduce localised flood risk without increasing the risk elsewhere. The assessment also confirms that the scheme has been designed to increase the standard of flood protection whilst also taking into account the predicted effects of climate change and that the EA's own guidance - Adapting to climate change: guidance for risk management authorities has been applied.
- 6.7 The proposed scheme is required to ensure that the residents and businesses in the area have adequate protection from flooding. There is, therefore, a strong justification for a flood protection scheme to prevent future flooding from the River Petteril and River Eden. The proposal would, therefore, be acceptable in principle.
2. Whether The Siting, Scale And Design Would Be Acceptable
- 6.8 The proposed layout of the scheme has been dictated by the existing flood defence infrastructure in place; the land form of the site; the proximity to environmental features; neighbouring land uses and properties; and construction requirements and constraints.
- 6.9 The existing flood wall located along the western bank of the River Petteril between Botcherby Bridge and the existing western flood embankment would be raised by approximately 0.5m along its 66m length to an overall height of 17.5mAOD.

- 6.10 The western flood embankment would be raised in height ranging from approximately 0.88m to 1.74m to a maximum height of 17.9mAOD along its 505m length. The embankment would maintain a general crest width of 4m but would have steeper side slopes than existing with a 1:2.15 slope gradient on both wet and dry sides. The width of the embankment taken from the wet side toe to the dry side toe would range from approximately 10m to 13m. The northern extent of the embankment would tie into the existing flood wall, whilst the southern extent would tie into the new western embankment extension.
- 6.11 The western flood embankment would be extended by approximately 270m in length. It would be constructed to a maximum height of 18.13mAOD, creating a new section of embankment ranging from 0.56m to 1.63m in height. The embankment would generally have a crest width of 4m and would have a 1:2.15 slope gradient on both the wet and dry sides. The width of the embankment taken from the wet side to the dry side would range from approximately 6m to 13m. The northern extent of the embankment would tie into the existing western embankment, whilst the southern extent would tie into high ground.
- 6.12 The eastern flood embankment would be raised in height ranging from approximately 0.67m to 0.94m to a maximum height of 17.88mAOD along its 415m length. The embankment would maintain a general crest width of 4m but would have steeper side slopes than existing with a 1:2.15 slope gradient on both the wet and dry sides. The width, taken from the wet side to the dry side toe of the embankment, would range from approximately 14m to 19m. The northern extent of the embankment would tie into Botcherby Bridge to the north, whilst the southern extent would tie into the new eastern embankment extension.
- 6.13 The eastern flood embankment would be extended by approximately 195m in length. It would be constructed to a maximum height of approximately 18.03mAOD creating a new section of embankment ranging from 0.3m to 1.52m in height. The embankment would generally have a crest width of 4m and would have a 1:2.15 slope gradient on both the wet and dry sides. The width of the embankment taken from the wet side to the dry side would range from approximately 5m to 15m. The northern extent of the embankment would tie into the existing western embankment, whilst the southern extent would tie into high ground.
- 6.14 The embankment profile would vary where existing access ramps are proposed to be regraded and where new ramp access is proposed. There are currently two ramps along the western embankment, with a pedestrian access ramp located to the northern extent of the existing western embankment and a vehicle access ramp to the southern extent. Both ramps would require raising to tie into the new crest level of the raised embankment at 17.9mAOD.
- 6.15 Along the existing eastern embankment, two existing maintenance access ramps would be raised, along with an extension to the existing maintenance access ramp to the south of Botcherby Bridge and two new pedestrian



access ramps would be constructed to the northern and southern extents of the existing embankment off Walkmill Crescent. These ramps would be raised and constructed to a height of 17.88mAOD to tie into the new crest level of the eastern embankment.

- 6.16 As the existing embankments are being widened to accommodate the proposed increase in height, the two existing drawdown structures would require extending to take account of the increased width and footprint of the embankment. One headwall structure at each location would be removed to allow the embankment to be widened and then replaced.
- 6.17 The design proposals in Melbourne Park have sought to integrate flood defences into the park, avoiding existing sports facilities (i.e. football pitches and playgrounds), vegetation and trees and informal routes through the park. The majority of the works within the park should not conflict or change the existing uses across the site. However, inevitably there would be some minor changes to the use of land within the footprint of the new and extended embankments. However, the embankment extensions have been carefully designed to ensure that there would be no permanent encroachment on sports pitches, play grounds or other recreational facilities within the park.
- 6.18 A Landscape and Visual Impact Assessment (LVIA) has been undertaken which considers potential effects on landscape character and visual receptors that might arise as a result of the proposed scheme.
- 6.19 Likely landscape impacts identified include: the temporary loss of parkland amenity grass areas to accommodate working space and construction; temporary closure/diversion of formal and informal paths, including those along the top of existing embankments; permanent losses of a low number of trees and young woodland fringe, plus a short length of hedgerow; and slight change to character from the raising of existing embankments and construction of new ones.
- 6.20 Likely visual impacts identified include: on temporary views of construction operations for the duration of the works, including tree clearance, plant operation and associated construction traffic; views of the raised and extended west and east embankments for residents, park users and road users; and views of a raised flood wall adjacent Botcherby Bridge.
- 6.21 The LVIA concludes that, through careful and sensitive design, potential impacts can be successfully mitigated. Mitigation by design to date has included adjustments to the alignment of the defences and the location of the satellite compound to minimise tree loss, and to keep the riverside path away from housing. These changes contribute to the mitigation of visual effects arising from the operational scheme on sensitive receptors, including residents and footpath users. Other mitigation includes wildflower and amenity grassland reinstatement and tree planting.
- 6.22 Where appropriate, enhancements would be secured at Melbourne Park through additional tree planting (replacement of trees at a ratio of 5:1); installation of park furniture including seats, a notice board and entrance

features; and provision of a link path extending from the south end of the east embankment.

- 6.23 Whilst the scheme would cause temporary impacts on the use of the PRow, informal paths, cycle way and access during the works activities, the level of impact would be reduced through mitigation. However, on completion all lost habitat vegetation would be reinstated and the constructed embankments would be seeded to re-establish amenity grass and footpaths. The cycle way would also be reinstated and therefore the overall residual impact of the scheme is considered to be negligible.
- 6.24 At the junction of the Tesco supermarket car park with the A69 Warwick Road, the land would be raised over a 14m wide section of tarmac to regrade and increase its height to a minimum of 17.03mAOD. A new 25m long, 460mm high grassed earth embankment would be constructed along the eastern footpath entrance from a north west to south easterly direction.
- 6.25 In light of the above, the siting, scale and design of the proposed flood defences would be acceptable.

### 3. Impact On Biodiversity

- 6.26 A Habitat Regulations Assessment has been undertaken for the proposed scheme, as required by section 63 of the Conservation of Habitats and Species Regulations 2017 as the River Petteril is hydrologically connected to the River Eden SAC. The River Petteril also represents important off-site supporting habitat for some of the SAC species, so an assessment is also required of the potential direct impacts to the tributary.
- 6.27 Stage 1 screening of the proposed scheme concluded that there was the likelihood of significant effects on all of the SAC qualifying features during the construction period. No likely significant effects were identified for the operational phase of the proposed scheme. The Stage 2 Appropriate Assessment concluded that, with the necessary mitigation in place, these risks could be reduced to a level which would avoid there being the potential for adverse effects on the integrity of the SAC.
- 6.28 Ecological surveys for the proposed scheme comprise a Preliminary Ecological Appraisal, Aerial Bat Tree Surveys and a Habitat Suitability Index of one pond. The proposed scheme encompasses habitats associated with parkland, with the River Petteril, a tributary of the River Eden SAC and SSSI flowing through the area. Ecological features associated with the River Petteril, which need conserving throughout construction include migratory fish species associated with the River Eden SAC and otter, which may traverse the river as part of its natural migration and feeding patterns.
- 6.29 The Aerial Bat Tree surveys concluded there to be no trees with bat interest within or adjacent to the proposed scheme. No evidence has been recorded for badger, and the potential for red squirrel to be present is low. However, pre-construction surveys are planned for these latter two species, as their presence leading up to construction cannot be discounted.

- 6.30 A single pond in Melbourne Park remains predominantly dry throughout the seasons and for this reason has poor potential to accommodate great crested newts.
- 6.31 All habitats throughout the proposed scheme have potential to accommodate breeding birds between March to August, inclusive. Vegetation clearance is, therefore, planned outside of the main breeding bird season. As biodiversity enhancement measures, twelve bird boxes and twelve bat boxes would be installed on trees to be retained.
- 6.32 Best environmental working practice would be employed for the River Petteril in-channel works at Botcherby Bridge and there is a planned programme of pre-construction protected species surveys prior to the start of works, which might result in additional mitigation being implemented subject to the survey findings. Taking into context existing planned mitigation, pre-construction surveys and presence of an Environmental Clerk of Works throughout the construction phase, no significant residual impacts are anticipated to result from the proposed scheme from an ecological perspective.
- 6.33 The invasive species Himalayan balsam was found to be present along the banks of the River Petteril. There is no current invasive species control programme in place. Prior to commencement of construction, invasive species would be mapped within and adjacent to the working areas and working methods would be agreed to manage these species and to prevent their spread during construction. A method statement would be produced by the contractor and would be adhered to during the works.
- 6.34 Natural England has been consulted on the application. It notes that the EA has submitted an Appropriate Assessment that concludes that there would be no impact on site integrity of the River Eden Special Area of Conservation. Natural England agree with the conclusion of the Appropriate Assessment and has no objections to the proposal.

#### 4. Impact On Flood Risk

- 6.35 Objectors have raised concerns about the proposed flood defences increasing flood risk elsewhere, particularly at Harraby Green Business Park. A Flood Risk Assessment (FRA) has been submitted with the application. The floodplain in the vicinity of the proposal is defended by the existing flood defences and the proposal would increase the levels flood water would have to reach to overtop the defences and hence reduce the frequency with which water can enter the floodplain. This would reduce floodplain storage for flood events between that catered for by the current defences and those planned for with the development in place. This introduces the possibility of increasing flood levels and flood risk elsewhere.
- 6.36 The crest levels of existing flood defences are already above the 1% annual probability water level and increasing the heights of the defences further would not change floodplain storage for the 1% annual probability event nor

change the present day Flood Zone 3 extents.

- 6.37 The effect of the proposals has been tested to take account of climate change through to the end of 2080s. Hydraulic modelling has been undertaken to compare the present defence elevations to the proposed elevations for the 1%AEP flood with 2080s climate change increases in peak river flow. Increased defence elevations significantly reduce flood risk to 1,200 properties in the Warwick Road area by preventing water entering the floodplain from an event similar in magnitude to Storm Desmond.
- 6.38 The hydraulic modelling identified that the scheme would have minimal impact on flood risk elsewhere. Although the proposed works would cause some increase in water levels within some river channels, these increases are a function of the reduction of flood risk provided by the proposed defences and hence whilst there is an increase in water levels within the river channel, there is no increase in flood risk.
- 6.39 The agent has confirmed that the proposed scheme would not increase flood risk elsewhere, including at Harraby Green which lies upstream of Melbourne Park. Works associated with the proposal would not alter river levels at Harraby Green. It is worth noting that the EA are delivering flood risk management works across Carlisle over several phases with the need for future interventions at Harraby Green to be considered as part of Phase 4, which would consider the need for works to prevent future flood risk rather than existing flood risk.
- 6.40 All flood defences carry risks that they would be exceeded by a flood greater than designed for or they would fail structurally. In either case this would cause flooding behind the defences. The risk of structural failure is reduced by using appropriate design and construction methods and emerging planning by the EA so is very low. The residual risks are managed by the EA providing appropriate operation and maintenance of the flood defences and providing appropriate flood warnings to residents behind the defences. Analysis would be undertaken on the final scheme to assess risks associated with flooding in excess of design standard protection or failure at key locations (e.g. flood gates) with results used to inform EA operational plans, emergency response plans and Flood Warning Areas.
- 6.41 The EA has been consulted on the application and has no objections in principle to the proposed development. It is satisfied that the FRA submitted with the application demonstrates that the proposed development would not exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified.
- 6.42 Objectors consider that there is a conflict of interest with the EA reviewing an application that it has submitted. The EA is a statutory consultee on planning applications with a responsibility for main rivers. The EA is also responsible for the maintenance, improvement and delivery of new flood risk management measures and defences. To prevent a conflict of interest there is a dedicated Sustainable Places team, which deals with planning applications relating to the water environment and waste management. This

is a separate department within the EA to that responsible for the delivery of flood risk management schemes, which fall within the remit of the National Capital Programme Management Service (NCPMS) team. As with any other applications there is a requirement for the NCPMS team to liaise and consult with the Sustainable Places team as part of a scheme's development and progression, including agreeing the scope and outcomes of a FRA which will be objectively assessed by the Sustainable Places team.

- 6.43 The Lead Local Flood Authority has been consulted on the application. As stated within the FRA, Melbourne Park area is not susceptible to surface water flooding and the development of the proposed features within the park would not increase flood risk to properties. The applicant needs to provide details of how the surface water would be managed during the construction phase of the development and a condition has been added to cover this issue.

## 5. Impact on Heritage Assets

- 6.44 A Heritage Statement has been prepared which assesses the potential impacts of the scheme on heritage assets and previously unknown archaeological remains. The proposed scheme lies partly within the Buffer Zone of the Frontiers of the Roman Empire (Hadrian's Wall) World Heritage Site (WHS). A number of designated and non-designated heritage assets are also recorded within the vicinity of the proposed scheme.
- 6.45 The Heritage Statement concluded that no designated or non-designated archaeological assets would be affected. Given the results of previous investigations, the location of the proposed scheme on the periphery of the known Roman and medieval occupation within Carlisle and taking into consideration past impacts from the realignment of the River Petteril, the potential for the proposed scheme to impact on previously unknown archaeological assets was identified to be low/negligible.
- 6.46 The proposed scheme would result in a slight change to the setting of the non-designated Botcherby Bridge due to works within Melbourne Park. However, the impact to this low value asset would be negligible.
- 6.47 Whilst the Tesco supermarket entrance elements of the proposed scheme are located within Frontiers of the Roman Empire (Hadrian's Wall) WHS Buffer Zone, the presence of intervening vegetation precludes any clear views to the north and north-west towards the WHS from the proposed scheme. As such, it is considered that the scheme would not adversely impact the Outstanding Universal Value, authenticity and integrity of the WHS, or reduce the ability to appreciate these values.

## 6. Impact Of The Proposal On The Occupiers Of Neighbouring Properties

- 6.48 A Noise and Vibration Assessment has been undertaken which defines the existing baseline noise levels and estimates the noise and vibration levels from each of the proposed construction activities at the nearest noise sensitive receptors across a number of construction phases. The

assessment has focused on residential receptors, although some comment is made in relation to other receptors that are present in the study area.

- 6.49 The findings show that the construction works have the potential for increased noise levels on the noise sensitive receptors in the proximity. However, these impacts would be of temporary duration over the length of the construction programme. With regards to vibration the predicted levels are anticipated to be noticeable to the closest local residents, but these are not likely to give rise to complaints.
- 6.50 It is anticipated that with careful planning and the implementation of Best Practicable Means on site for the entire duration of the construction programme, and by informing the local community on the construction activities, the works should be capable of being undertaken without any significant complaints.
- 6.51 A letter of objection has been received which raises concerns about the security of properties due to the proximity of the flood defences to property boundaries. The flood banks are, however, all sited away from property boundaries
- 6.52 It is acknowledged that the embankments would increase the potential overlooking of some properties that lie in close proximity to the flood defences. The height of the embankments has been determined by hydraulic modelling and cannot be reduced without compromising the scheme. Overlooking from the embankments would only be possible if people walk along the tops of the grass embankments and this should be limited due to tarmac footpaths being provided adjacent to the defences.
- 6.53 In light of the above, the proposal would not have a significant adverse impact on the occupiers of neighbouring properties that would warrant refusal of the application.

## 7. Impact Of The Proposal On Trees

- 6.54 A Tree Survey has been submitted with the application. This details the methodology of the survey and provides plans showing tree locations, canopy sizes, indicative Root Protection Areas and classification with an accompanying tree schedule for the site.
- 6.55 This report has been used to influence the proposed layout design, providing the basis for deciding which trees might be suitable for retention within the site and informing alterations to the proposed embankment alignments in order to reduce tree loss.
- 6.56 An Arboricultural Method Statement has also been submitted with the application. This would help to ensure the successful retention of the trees on site during construction. It provides detailed guidelines for the contractor to follow to ensure trees are appropriately protected.
- 6.57 In total, 11 trees would be removed, with a number of these being diseased

or in poor condition. Replacement trees would be provided at a ratio of 5:1 and the location of the new trees would be agreed with the City Council's Green Spaces team who manage Melbourne Park.

- 6.58 Whilst it is acknowledged that the proposed scheme would result in the loss of some trees, it is considered that the overall benefits of the scheme, in providing a higher level of flood protection for the residents and businesses in the area, together with the level of new tree planting proposed, would compensate for their removal.

## 8. Highway Matters

- 6.59 A Traffic and Transport Assessment has been submitted with the application and this provides an evaluation of the potential impacts on traffic and transport resulting from the proposed scheme, with the aim of quantifying the significance of the impacts and any mitigation measures that could be required. It identifies that in trip generation terms, given the limited level of trips likely to be generated once the proposed scheme has been completed and becomes operational, a quantitative analysis has not been undertaken.
- 6.60 The assessment concludes that based on the impacts and the mitigation measures identified in the assessment, it is considered that in general the proposed scheme would not have any significant traffic or transport impacts during either construction or operation.
- 6.61 The Local Highway Authority has been consulted on the application and has confirmed that it has no objections to the proposals. It does, however, wish to see some changes made to the ramp at Tesco and this element has been conditioned.

## 9. Other Matters

- 6.62 The Carlisle Flood Action Group (CFLAG) has raised a number of issues, which are summarised in the report. The EA has provided a response to these issues which is set out below. The EA intends to address all of the points raised by CFLAG with them directly. The EA has worked closely with CFLAG since it was established post Storm Desmond and CFLAG considers itself a critical friend and the EA agrees with that description. The assertions made in the representation are largely known to the EA and have been discussed at length with CFLAG in the past as the EA's proposals have developed.
- 6.63 CFLAG have been made aware of EA's proposals to undertake works at Botcherby Bridge to manage conveyance and enable gravel management. The designs for these elements have not yet been completed. On completion and approval these designs will be shown to CFLAG. The intention to carry out conveyance and gravel management improvements was identified in the planning application but planning was not sought specifically for these items.
- 6.64 CFLAG considers that it is questionable that the intended goal of protecting

the east side of the city against another Storm Desmond would be achieved by this scheme alone. The proposals the EA has submitted to planning authority achieve the intended goal as follows:

- In Storm Desmond, approximately 1.2 million m<sup>3</sup> of water was stored behind the defence at the peak of the event based on the calibrated hydraulic model
- Raising of linear defences around Melbourne Park prevents water leaving the Petteril during extreme flood events and raises in-channel water levels by approximately 300mm at Botcherby Bridge
- Elevated water levels allow more water to be stored within Melbourne Park
- Elevated water levels increased driving head at Botcherby Bridge, allowing the Petteril to discharge a greater volume of water during the Eden peak
- Storm Desmond is retained within the proposed defences, with water which would otherwise occupy the floodplain either stored in the park or conveyed downstream
- Peak water levels associated with a Petteril dominated flood event are contained by the proposed new flood embankment crest levels for an event of a similar rarity as Storm Desmond.

- 6.65 The LPA has to determine the planning application that has been submitted by the EA, who are experts in flooding issues. The scheme has been designed in accordance with all relevant standards and codes of practice to achieve the stated performance without the need for environmentally damaging work in the watercourse.
- 6.66 The EA has checked a full range of combinations of flows and timings on the Rivers Eden and Petteril to select the worst case of possible storms with the same likelihood as Storm Desmond. This is called a joint probability analysis and is designed to help reassure the EA that it has considered the full range of possible flood events that could cause flooding in the city.
- 6.67 The EA considers that a different maintenance regime on the River Petteril downstream of Botcherby Bridge would not reduce flood risk to properties in the Warwick Road area of Carlisle. Peak flood levels downstream of Botcherby Bridge are driven by the River Eden. Changing the maintenance regime on the River Petteril downstream of Botcherby Bridge would not reduce peak flood levels on the River Eden. The EA does undertake routine vegetation maintenance along this section of channel. As part of the design of the Phase 1 FRMS the EA will be developing a maintenance and management plan that will set out how the EA and riparian landowners need to maintain the scheme so as to achieve the design standard of protection.
- 6.68 Cumbria County Council Highways has been consulted by the EA on the measures being taken to protect Botcherby Bridge from the additional flood loads and will formally approve the principles and design methods to assure that these comply fully with the required standards. The EA considers that the replacement of the bridge with one of a single span would result in a deck of approximately twice the thickness. Thus the available waterway area would be reduced. Given that the bridge is a major transport artery and also carries water, gas, sewage and electricity mains, the cost of replacement in terms of construction, service diversions and traffic delays would be of the same order as that of the entire scheme. This would not be an effective use



of taxpayer's money for a bridge that could reasonably be expected to last a further 40-50 years. After this period it would make sense to review and select a replacement that combined all its roles in the most effective manner.

- 6.69 Floodplain between the flood embankments should not be kept clear as stated by CFLAG. It reflects misunderstanding of the combination of conveyance and storage at this location. The channel conveys most of the flow and the floodplain is there to store what cannot be conveyed. Roughness in the floodplain in this instance is thus a positive benefit (as it is across floodplains in the wider catchment). The raised water levels increase the gradient of the river maximising flow in the channel and allowing full usage of the extra storage provided by increasing levels by 300mm more at the upstream end of the defences than at the bridge. Similarly there are no flood risk benefits that are sufficient to outweigh the community and amenity value of the area between the flood defences and indeed this area should be enhanced as appropriate. The EA does undertake routine maintenance of the channel through Melbourne Park.
- 6.70 The calculation of required storage made by CFLAG hasn't reflected the fact that the proposed raising of the defences within Melbourne Park provides additional pressure head to drive the flow through the bridge opening. Similarly undertaking the proposed bridge soffit smoothing works to the existing ribbed surface would give an increase in the flow speed under the bridge. The combination of these two elements means that the EA is not attempting to accommodate the volume of water that overtopped the east and west embankments in Storm Desmond as suggested by the CFLAG calculations. The proposed flood embankment crest levels reflect the above mechanism and enable the EA to demonstrate that it is providing protection to Storm Desmond level. The same approach means that the bridge parapets do not have to be raised.
- 6.71 Almost by definition, flood protection will always be a compromise. CFLAG are familiar with the way government funding is used to support flood risk related works based on a funding formula established under HM Treasury rules. Flood risk related works undertaken by the EA using government funding have to compromise on a whole host of matters ranging through standards of protection, funding, societal considerations, existing infrastructure, historic development in the floodplain etc.
- 6.72 The proposed scheme achieves the stated goal. The EA would, however, always support Property Level Protection within areas at risk of flooding but will not be delivering this as part of its proposals for Phase 1 as it does not regard it as necessary in order to protect properties in this part of the city to a Storm Desmond order of event.
- 6.73 The EA will develop a management and maintenance plan as part of the detailed design of the Phase 1 scheme. This will be shared with CFLAG.
- 6.74 CFLAG have in several places in their representation commented that the scheme is a 'reaction' and remains limited in strategic concepts at a

catchment scale. In response, the EA considers that the devastating effect of Storm Desmond demanded that the risk of flooding to Carlisle was reduced at an acceptable timescale. Looking to the wider catchment to deliver a Storm Desmond or equivalent standard of protection via strategic or catchment measures was not feasible in the short term. Further reduction to flood risk in the city in the longer-term may be achieved via a catchment based approach and the EA will continue to work with partners in an attempt to realise these reductions. Improved flood resilience may also be achieved via the EA's proposed conveyance improvements at key structures (some of which will come through the planning process in planned future phases). It is unlikely that as flood risk in the city increases with climate change that the continued raising of flood defence walls and embankments will be appropriate. Increasing conveyance at key structures may be sufficient to accommodate the increased flows associated with climate change epochs beyond those that the defences have been constructed to defend against.

- 6.75 Objectors have questioned the extent of the consultation that has taken place. Consultation has been undertaken in accordance with Carlisle City Council's adopted Statement of Community Involvement, July 2017. The applicant has made every effort to consult with as many interested stakeholders as possible as detailed within the Statement of Consultation provided in Section 4 of the submitted Planning Statement. Table 2 of the Planning Statement identifies the Stakeholder Engagement Activities that have taken place over the past couple of years, which has included numerous drop-in sessions that have been open to the public to attend. These have included sessions covering initial long list options, through to short list options, as well as consultation on a preferred scheme. Following submission of the planning application, engagement with local residents, stakeholders and interested organisations has continued and a display has been provided at Carlisle library to try to capture and inform as many interested parties as possible.
- 6.76 The Green Spaces Manager has raised concerns about the angle of the slopes of the flood banks which should not be greater than 1:2.5 if they are to be maintained by Green Spaces. The agent has confirmed that a maintenance and management plan would be prepared and the EA in consultation with the City Council. As such, it should be possible to agree within the plan that the EA would be responsible for grass cutting slopes with steeper gradients than 1:2.5, where the City Council's equipment can't manage. The EA has remote control mowers which they can use in such cases. The agent has confirmed that the sections with steeper slopes are necessary to avoid putting the footpath on top of the embankment to reduce overlooking into residential properties.

## Conclusion

- 6.77 In overall terms, the proposal would be acceptable in principle. The siting, scale and design of the proposed development would be acceptable. The proposal, subject to conditions and mitigation measures, would not have an adverse impact on flood risk, on biodiversity, on trees, on heritage assets,

on the living conditions of the occupiers of neighbouring properties, or on the highway network. In all aspects, the proposals are compliant with the objectives of the relevant adopted Local Plan policies.

## **7. Planning History**

- 7.1 In December 2005, planning permission was granted for the improvement of flood defences on the Rivers Petteril and Eden (submission of amended details incorporating raising of certain embankment levels) (05/1024).

## **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 20th February 2019;
2. the Landowner Notification Sheet received 20th February 2019;
3. the Carlisle Phase 1 Site Location Plan (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0038 Rev P01) received 20th February 2019;
4. the Carlisle Phase 1 Site Layout Plan (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0039 Rev P01) received 20th February 2019;
5. the Figure 1.1 ZVI & Visual Analysis (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0025 Rev C03) received 20th February 2019;
6. the Figure 1.2 Landscape & Townscape Character Areas (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0026 Rev C03) received 20th February 2019;
7. the Figure 1.3 Environmental Designations (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0027 Rev C03) received 20th February 2019;
8. the Figure 1.4 Landscape Masterplan Sheet 1 of 3 - Overview Plan (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0035 Rev C04) received 20th February 2019;
9. the Figure 1.5 Landscape Masterplan Sheet 2 of 3 - South (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0036 Rev C05) received 20th February 2019;
10. the Figure 1.6 Landscape Masterplan Sheet 3 of 3 - North (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0037 Rev C05) received 20th February 2019;
11. the Carlisle Phase 1 Melbourne Park General Arrangement Plan

- (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0043 Rev P01) received 20th February 2019;
12. the Carlisle Phase 1 Melbourne Park Drawdown Structure Extension (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0044 Rev P01) received 20th February 2019;
  13. the Carlisle Phase 1 Melbourne Park Eastern Embankment Long Section Sheet 1 of 2 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0045 Rev P01) received 20th February 2019;
  14. the Carlisle Phase 1 Melbourne Park Eastern Embankment Long Section Sheet 2 of 2 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0046 Rev P01) received 20th February 2019;
  15. the Carlisle Phase 1 Melbourne Park Eastern Embankment Cross Sections Sheet 1 of 2 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0047 Rev P01) received 20th February 2019;
  16. the Carlisle Phase 1 Melbourne Park Eastern Embankment Cross Sections Sheet 2 of 2 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0048 Rev P01) received 20th February 2019;
  17. the Carlisle Phase 1 Melbourne Park Western Embankment Long Section Sheet 1 of 2 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0049 Rev P01) received 20th February 2019;
  18. the Carlisle Phase 1 Melbourne Park Western Embankment Long Section Sheet 2 of 2 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0050 Rev P01) received 20th February 2019;
  19. the Carlisle Phase 1 Melbourne Park Western Embankment Cross Sections Sheet 1 of 2 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0051 Rev P01) received 20th February 2019;
  20. the Carlisle Phase 1 Melbourne Park Western Embankment Cross Section Sheet 2 of 2 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0052 Rev P01) received 20th February 2019;
  21. the Carlisle Phase 1 Melbourne Park wall Raising Elevation & Sections (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0054 Rev P01) received 20th February 2019;
  22. the Phase 1 Tesco Entrance General Arrangement (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0053 Rev P01) received 20th February 2019;
  23. the Environmental Action Plan (version 3) received 20th February 2019;
  24. the Carlisle Flood Risk Management Scheme Phase 1 (Environmental Report - Part 1: Main Report) received 20th February 2019;
  25. the Tree Survey Report (November 2018) received 20th February 2019;
  26. the Carlisle Phase 1 Tree Survey Sheet 1 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0029 Rev 01) received 20th

- February 2019;
27. the Carlisle Phase 1 Tree Survey Sheet 2 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0030 Rev 01) received 20th February 2019;
  28. the Carlisle Phase 1 Tree Survey Sheet 3 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0031 Rev 01) received 20th February 2019;
  29. the Carlisle Phase 1 Tree Survey Sheet 4 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0032 Rev 01) received 20th February 2019;
  30. the Carlisle Phase 1 Tree Survey Sheet 5 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0033 Rev 01) received 20th February 2019;
  31. the Carlisle Phase 1 Tree Survey Sheet 6 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0034 Rev 01) received 20th February 2019;
  32. the Tree Protection Plan Sheet 1 of 6 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0054 Rev 01) received 20th February 2019;
  33. the Tree Protection Plan Sheet 2 of 6 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0055 Rev 01) received 20th February 2019;
  34. the Tree Protection Plan Sheet 3 of 6 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0056 Rev 01) received 20th February 2019;
  35. the Tree Protection Plan Sheet 4 of 6 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0057 Rev 01) received 20th February 2019;
  36. the Tree Protection Plan Sheet 5 of 6 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0058 Rev 01) received 20th February 2019;
  37. the Tree Protection Plan Sheet 6 of 6 (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0059 Rev 01) received 20th February 2019;
  38. the Stage 1 Habitats Regulations Assessment (Version: Final 14/02/2019) received 20th February 2019;
  39. the Stage 2 Habitats Regulations Assessment (Version: Final 14/02/2019) received 20th February 2019;
  40. the Carlisle Phase 1: Flood Risk Management Scheme (Stage 1 Preliminary Assessment: Noise & Vibration) received 20th February 2019;
  41. the Carlisle Phase 1: Flood Risk Management Scheme (Planning Statement February 2019) received 20th February 2019;
  42. the Carlisle Flood Defence Scheme - Phase 1 (Stage 1 Preliminary Geoenvironmental Assessment Version 2) received 20th February 2019;
  43. the Carlisle Phase 1: Flood Risk Management Scheme (Traffic & Transport Assessment Document Version 2) received 20th February 2019;
  44. the Carlisle Phase 1: Flood Risk Management Scheme (Preliminary Water Framework Directive Compliance Assessment Final Version)

- received 20th February 2019;
45. the Carlisle Phase 1: Flood Risk Management Scheme (Design & Access Statement - February 2019) received 20th February 2019;
  46. the Carlisle Flood Risk Management Scheme Phase 1 (Arboricultural Method Statement - February 2019) received 20th February 2019;
  47. the Carlisle Flood Risk Management Scheme Phase 1 (Landscape & Visual Impact Assessment Version 3) received 20th February 2019;
  48. the Carlisle Phase 1 Flood Risk Management Scheme (Ecological Assessment Report - Version 2.0) received 20th February 2019;
  49. the Carlisle Flood Risk Management Scheme Phase 1 (Flood Risk Assessment - 7th February 2019) received 20th February 2019;
  50. the Melbourne Park Phase 1 Habitat Mapping (drawing ref ENV0000495C-CH2-000-A00-DR-EN-0012 Rev C.02) received 20th February 2019;
  51. the Great Crested Newt Habitat Suitability Index & Environmental DNA Test Results: Carlisle (document ref ENV0000495C-CH2-000-A00-RP-EN-0004 Rev 10) received 20th February 2019;
  52. the Environment Agency North West Package C Bat Tree Roost Survey Report: Carlisle (Phase 1) (October 2018) received 20th February 2019;
  53. the Carlisle Phase 1 FRMS Heritage Statement (February 2019) received 20th February 2019;
  54. the Cumbria Biodiversity Data Centre: Non-Statutory Sites Search received 20th February 2019;
  55. the Notice of Decision; and
  56. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Within three months of construction works commencing, full details of the proposed replacement landscaping, including a phased programme of works, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved following the completion of the development or in accordance with a programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first ten 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 GI6 and SP6 of the Carlisle District Local Plan 2015-2030.

4. The existing trees to be retained shall be protected during construction works in accordance with the details contained in the Tree Survey Report (dated November 2018 and received on 20th February 2019) and the Tree Protection Plans - Sheets 1 to 6, received 20th February 2019.

**Reason:** To ensure that the existing trees to be retained are protected during construction works, in accordance with Policy GI6 of the

Carlisle District Local Plan 2015-2030.

5. The development shall be undertaken in strict accordance with the mitigation measures contained within the Environmental Report (dated February 2019 and received 20th February 2019); the Ecological Assessment Report (Version 2, dated 12th February 2019 and received 20th February 2019); and the Stage 1 and Stage 2 Habitats Regulations Assessments (received 20th February 2019).

**Reason:** To ensure that the proposal does not have an adverse effect on ecology/ biodiversity, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

6. 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.

7. The works shown on the submitted plans shall as far as it interacts with or is located on Highway shall be designed, constructed, drained and lit to a suitable standard. 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 a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

8. Development shall not be begun until a Construction Method Statement including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling has been submitted to and approved by the Local Planning Authority and shall include measures to secure:

- formation of the construction compounds and access tracks and any areas of hardstanding;
- cleaning of site entrances and the adjacent public highway;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- post-construction restoration/reinstatement of the working areas.

The Construction Method Statement shall be carried out as approved.

**Reason:** To minimise the impact of the development on the highway network during the construction phase.

9. Development shall not be begun 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:

- the construction of the site access and the creation, positioning and maintenance of associated visibility splays;
- access gates will be hung to open away from the public highway no less than 5m from the carriageway edge and shall incorporate appropriate visibility displays;
- proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture and verges, where required, along the route;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- the scheduling and timing of movements, temporary warning signs and banksman.

Development shall be carried out in accordance with the approved Construction Traffic Management Plan.

**Reason:** To minimise the impact of the development on the highway network during the construction phase.

10. Prior to construction works commencing that affect United Utilities assets, a method statement must be submitted to the Local Planning Authority and approved in writing detailing the measures to protect United Utilities assets during:

- the site investigation work;
- the construction and decommissioning phases; and
- the future day to day operation and maintenance of the scheme.

This must include proposals for reinforcements of any crossing points to ensure United Utilities assets are protected from heavy loads during and after construction. The approved method statement shall be in line with United Utilities' document 'Standard Conditions for works adjacent to pipelines'.

**Reason:** To ensure a satisfactory form of development and to afford appropriate protection of infrastructure that crosses the site.

11. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

**Reason:** To prevent disturbance to nearby occupants in accordance with



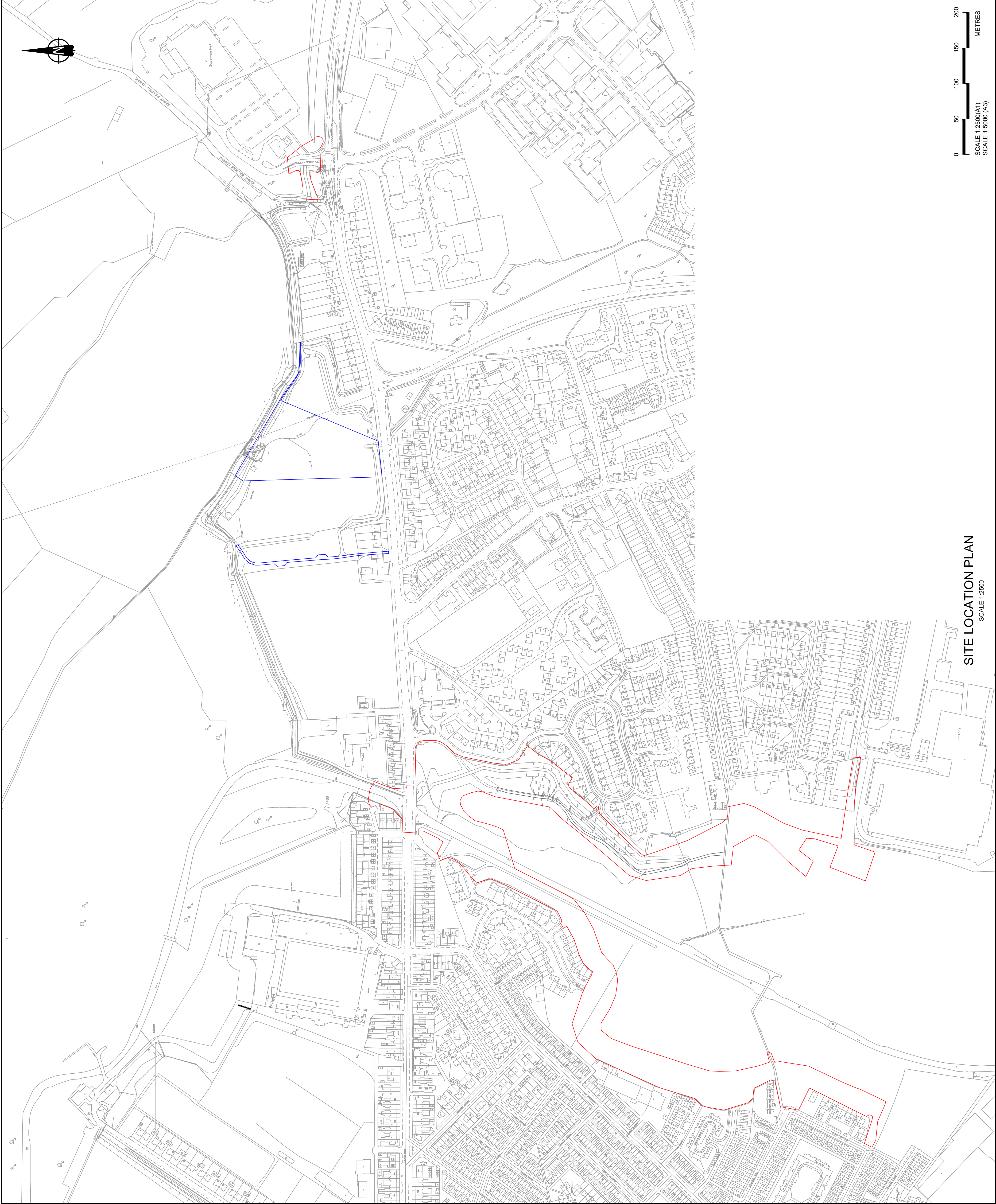
Policy SP6 of the Carlisle District Local Plan 2015-2030.

12. No clearance of vegetation shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

**Reason:** To protect features of recognised nature conservation importance, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

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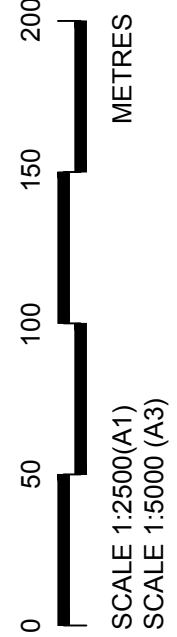




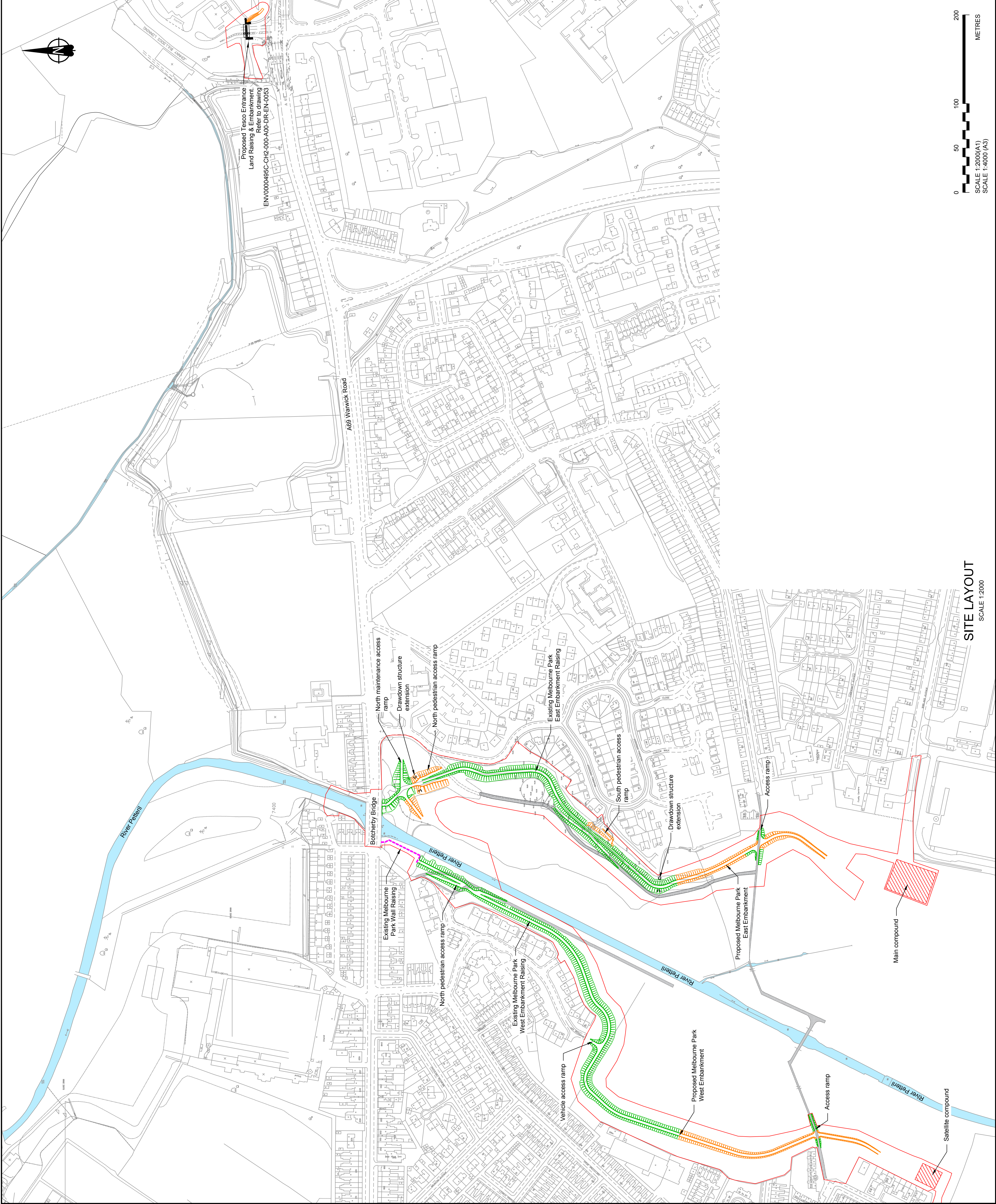
Key :  
Land Required to Undertake Work. Area = 76,216m<sup>2</sup>  
EA Land Ownership

Rev	Rev. Date	For Information	Purpose of revision	Drawn / Checked	Rev'd / Approved		
P01	19/02/19			RC	PC	PC	EM
<div>JACOBS</div> <div>95 Belford's St, Glasgow, G2 7HX Tel: +44(0)141 243 8000 Fax: +44(0)141 226 3109 www.jacobs.com</div>							
Client Environment Agency							
Project Carlisle Phase 1 FRMS							
Drawing title Carlisle Phase 1 Site Location Plan							
Drawing status For Information							
Scale 1:2500 @ A1				DO NOT SCALE			
Client no. 682447CH							
Drawing number				Rev			
ENV0000495C-CH2-000-A00-DR-EN-0038				P01			
<div>© Copyright 2015 Jacobs U.K. Limited. The copyright and information contained in this document are the property of Jacobs. No part of this document may be reproduced without the prior written permission of Jacobs U.K. Limited. This drawing has been prepared on behalf of and for the exclusive use of Jacobs Client, and is subject to the provisions of the contract between Jacobs and the Client. Jacobs accepts no liability or responsibility whatsoever for any loss or damage of any kind or for any delay caused by the use of this drawing.</div>							

SITE LOCATION PLAN  
SCALE 1:2500







Key :

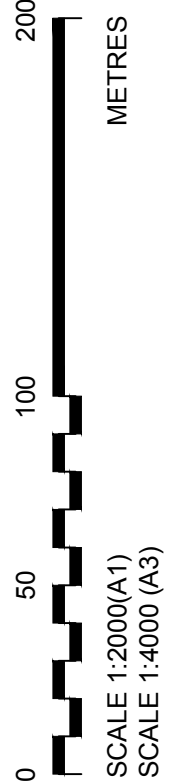
- New Embankment
- Existing Embankment Raising
- Land Required to Undertake Work Area = 76.218m²
- EA Land Ownership
- Wall Raising
- Site Compound
- Existing Footpath
- Drawdown Structure



Rev	Rev. Date	Purpose of revision	RC	PC	EM
P01	19/02/19	For information	RC	PC	EM

**JACOBS**  
56 Bellway St, Glasgow, G2 7HX  
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www.jacobs.com

Client	Environment Agency
Project	Carlisle Phase 1 FRMS
Drawing title	Carlisle Phase 1 Site Layout Plan
Drawing status	For information
Scale	1:2000 @ A1
Jacobs No.	DO NOT SCALE
Client no.	682447CH
Drawing number	Rev
ENV0000495C-CH2-000-A00-DR-EN-0039	P01

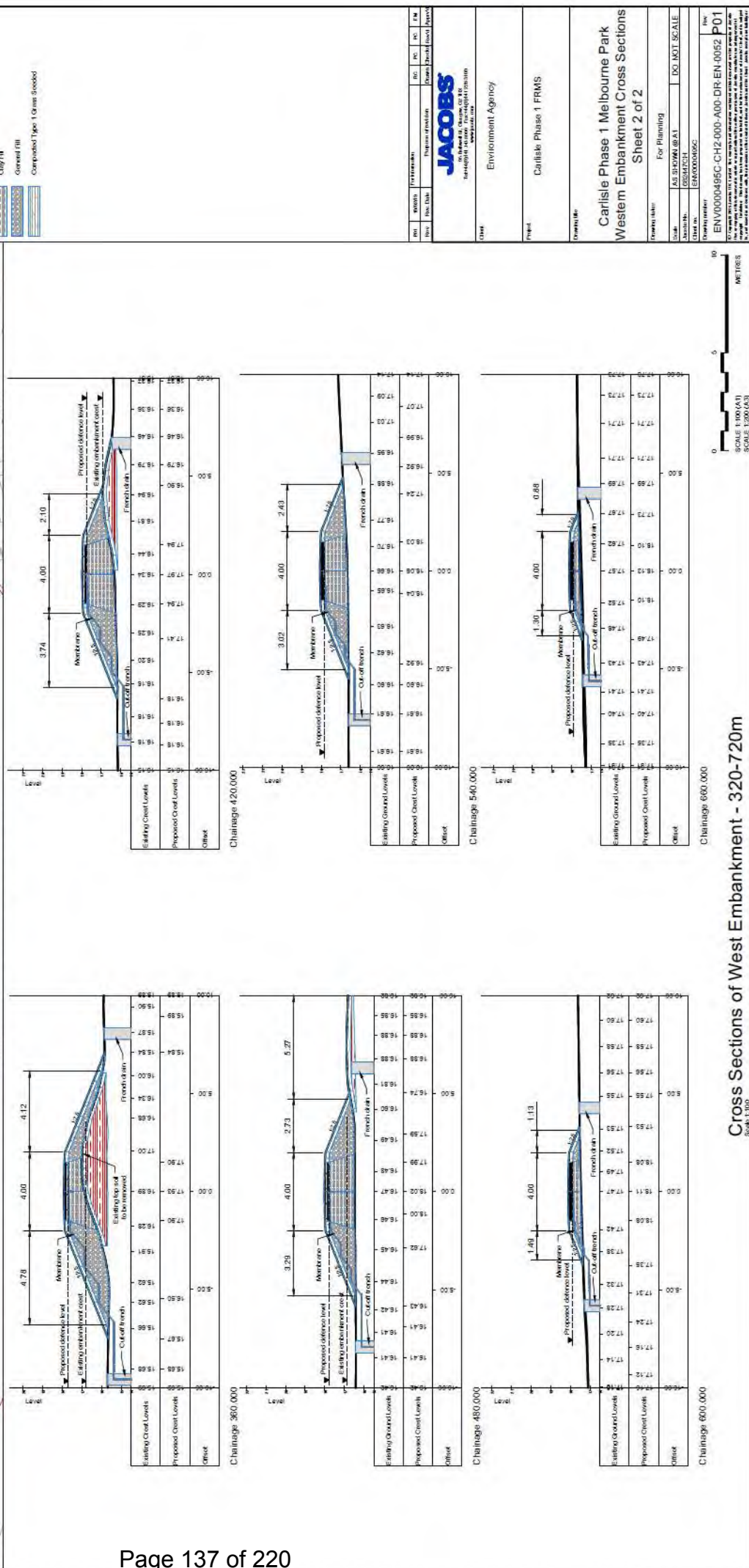
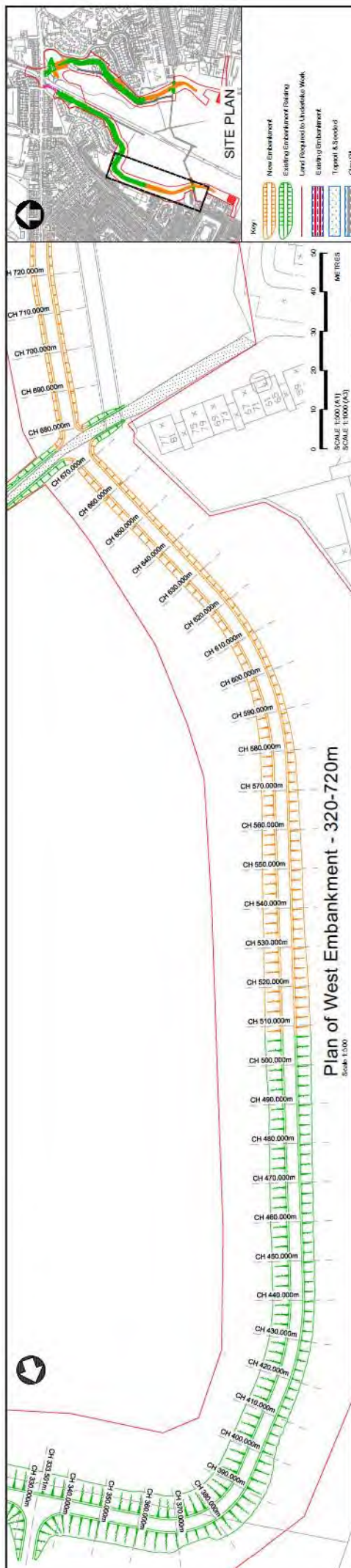


SITE LAYOUT  
SCALE 1:2000













## SCHEDULE A: Applications with Recommendation

19/0018

Item No: 04

Date of Committee: 26/04/2019

**Appn Ref No:**  
19/0018

**Applicant:**  
Mr Karol Pietruszka

**Parish:**  
Carlisle

**Agent:**

**Ward:**  
Stanwix Urban

**Location:** 8 Knowe Park Avenue, Carlisle, CA3 9EJ

**Proposal:** Erection Of Two Storey Side And Single Storey Rear Extension To Provide Office, Utility, WC And Kitchen On Ground Floor With 1no. Bedroom And Bathroom Above (Revised Application)

**Date of Receipt:**  
16/01/2019

**Statutory Expiry Date**  
13/03/2019

**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 Whether the proposal is appropriate to the dwelling and impact upon the existing street scene;
- 2.3 Impact of the proposal on the living conditions of neighbouring residents;
- 2.4 Highway impacts;
- 2.5 Impact upon biodiversity; and
- 2.6 Other matters.

#### 3. Application Details

##### The Site

- 3.1 Number 8 Knowe Park Avenue is a two storey semi-detached property located on the western side of Knowe Park Avenue in Stanwix, Carlisle. The property is constructed rendered walls under a tiled roof and is surrounded

by two storey residential properties on all orientations.

## **Background**

- 3.2 In July 2018 Members of the Development Control Committee granted full planning permission for the erection of a two storey side extension (attached to the southern side of the property) and a single storey rear extension to provide a kitchen, utility, WC and office on the ground floor with extended bedroom and bathroom above (reference 18/0396). The development was to be constructed from materials to match those of the existing dwelling and in order to provide the proposed extensions an existing single storey rear off shoot was to be demolished.
- 3.3 Since application 18/0396 was approved work has commenced on site and it has transpired that the building work undertaken is not in accordance with the approved plans. In such circumstances the applicant has been invited to submit an application to regularise the unauthorised works.

## **The Proposal**

- 3.4 The current application in comparison to the previously approved application seeks the following changes to the proposed two storey side extension and single storey rear extension:
1. The walls of the two storey side extension set back 0.34 of a metre from the front elevation as opposed to 0.5 of a metre;
  2. Additional number of quoins, insertion of window surrounds and a down pipe on the front elevation of the proposed side extension;
  3. Removal of quoins on the side elevation of the two storey side extension and removal of the first floor bathroom window;
  4. Guttering and roof on the side elevation of the two storey side extension stepped in to reduce over hang;
  5. Removal of quoins on the rear elevation of the existing property and proposed rear extensions;
  6. Alterations to the design and size of opening of the first floor bathroom window on the rear elevation;
  7. Single storey rear extension to be 0.5 of a metre longer in length with a roof overhang of 0.5 metres;
  8. Removal of 3no.sky lights on the single storey rear extension, installation of an additional french window and alterations to the design of the ground floor kitchen window;
  9. Installation of down pipes on the rear elevation; and,
  10. Installation of a flue on the single storey rear extension to serve a new boiler.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of notification letters sent to 10 neighbouring properties. In response to the consultation undertaken 6 objections and two comments have been received. Members should be



aware that one of the objections and one of the comments are however from the same household.

4.2 The objections cover a number of matters which are summarised as follows:

1. over looking and loss of privacy to neighbouring properties from first floor rear windows;
2. query as to why unauthorised building works has been allowed to continue;
3. object to an office being located within the extension;
4. applicant is running a building/joinery business from the premises;
5. existing parking problem in street from applicants van and cars;
6. concern that there will not be sufficient off-road parking on the site especially if gates have to open inwards;
7. applicant should be made to knock the building down as he has not adhered to the first plans;
8. impact of renovations to the property on the living conditions of neighbouring residents;
9. damage to trees in street by lorries and the applicant;
10. note that the applicant would have to pay to have lamp post in street removed;
11. design and external appearance of the building (in terms of render positioning and style of guttering, quoins, fenestration details, flue, gates and fencing, window surrounds, landscaped areas and metre box etc) is out of character with the existing street scene;
12. over development of the plot;
13. extension is not set back 0.5 of a metre from front elevation as requested;
14. rear extension is 1 metre deeper than approved plans;
15. allegations that rear extension breaches the boundary between no.6 and 8 Knowe Park Avenue;
16. side extension has no soffits which allows extension to be built wider;
17. overshadowing/loss of light to No.10 Knowe Park Avenue from scale, mass and proximity of side extension;
18. allegations that applicants fence has been built on land not within the applicants ownership;
19. allegations that applicant has illegally accessed neighbouring land to construct extension;
20. side extension cannot be finished without applicant accessing onto neighbouring land;
21. concern if application is granted applicant will not adhere to any approved plans;
22. application is not in accordance with Policies HO8 and SP6 of the Carlisle District Local Plan 2015-2030;
23. disregard for planning permission and ongoing work directly infringes Human Rights Act;
24. applicant has installed a flue on single storey rear extension which is not in keeping with property or landscape character;
25. concern that building work has been allowed to progress which is not in accordance with original plans; and
26. query how any further amendments on site will be treated and whether a visit will be made to neighbouring properties prior to the committee

meeting.

4.3 The comments received are summarised as follows:

1. roof levels do not meet and is out of character with street scene;
2. damage to trees in street by skip lorry and applicants van;
3. applicant has constructed a flue at the rear projecting 2-3ft out from the roof tiles.

4.4 One anonymous letter has also been received which states that the design of the extension is not in keeping with the avenue.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection subject to the imposition of one condition to ensure that access gates are hung to open inwards only away from the highway. Standing advice received regarding dropped kerbs, highway permits and surface water drainage.

**Northern Gas Networks:** - no objection, standing advice 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) together with Policies SP6, H08 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. The City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing' is also a material planning consideration in the determination of this application.

6.3 The proposal raises the following planning issues:

### 1. The Principle Of Development

6.4 The principle of a two storey side extension and single storey rear extension to No.8 Knowe Park Avenue to provide a kitchen, utility, WC and office on the ground floor with extended bedroom and bathroom above has already been assessed and established as acceptable under application reference 18/0396. Accordingly this application raises no issues with regard to the principle of a two storey side and rear extension therefore what Members have to consider under the current application is whether the proposed changes (as outlined in paragraph 3.4 of this report) are acceptable having regard to the scale and design of the proposed extensions, impact upon the

existing street scene and the living conditions of the occupiers of neighbouring properties. All of these issues are discussed in the following paragraphs of this report.

## **2. Whether The Proposal Is Appropriate To The Dwelling And Impact Upon The Existing Street Scene**

- 6.5 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that planning 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. The NPPF also indicates that planning decisions should not attempt to impose architectural styles or particular tastes. It is however proper to promote or reinforce local distinctiveness.
- 6.6 The relevant design policies of the CDLP seek to ensure that proposals respond to the local context in terms of height, scale and massing and by using appropriate materials and detailing. Local landscape character should be respected and development should be fully integrated into its surroundings.
- 6.7 Policy H08 of the CDLP (which relates to house extensions) confirms that house extensions and alterations should be designed to complement the existing building and be visually subservient. Policy H08 goes on to state that proposals should maintain the established character and pattern of the existing street scene and be a positive addition as well as retain gaps between buildings where they are characteristic of the area and contribute to the existing street scene.
- 6.8 The City Council's Achieving Well Designed Housing SPD reiterates the objectives of Policy H08 by seeking to ensure that extensions are clearly subordinate to the original dwelling. A set back of around 500mm is suggested from the face of the original dwelling to the face of the new extension. To avoid the 'terracing effect' in a row of semi-detached properties which has first floor extensions above garages, the SPD suggests that extensions should be set well back from the original dwelling.
- 6.9 No.8 Knowe Park Avenue is a semi-detached property, with projecting bay windows, located on the western side of Knowe Park Avenue. The street is characterised by pairs of semi-detached properties constructed from a mixture of brick/rendered walls under tiled roofs. Some of the properties have garages set back towards the rear of the plots others have single storey garages flush with the front elevation. A number of properties along the street have been extended since they were originally built with extensions comprising of either single or two storey side/rear extensions. It is appreciated that some of the extensions to the properties on Knowe Park Avenue are set back from the front elevation (such as the single storey side extension to No.10 and the two storey side extension at No.14) however there are other two storey side extensions flush with the front elevation (such

as the extension at No. 24).

- 6.10 The two storey side extension approved for No.8 Knowe Park Avenue under application 18/0396 was to have the same eaves and ridge height of the original dwelling however the walls of the side extension were to be stepped in approximately 0.5 metres from the front elevation. As outlined in paragraph 3.4 of this report the walls of the side extension proposed under the current application are now to be stepped in 0.34 of a metre from the front elevation. The guttering and eaves on the side elevation of the two storey extension are to be stepped in from the side of the property reducing the original proposed overhang. This results in the eaves and guttering on the side elevation now being higher than the eaves and guttering on the front/rear elevation.
- 6.11 As the walls of the proposed two storey side extension are still to be stepped in from the front elevation the extension will still appear as a subservient feature to the host dwelling and will not dominate the prominence of the principle elevation within the existing street scene. The development will also not create a 'terracing effect' as the extension is still set back from the front elevation with a sufficient gap retained between the side extension and the two storey gable of the property to the south (No.10 Knowe Park Avenue).
- 6.12 The installation of window surrounds on the front elevation of the two storey side extension and the additional number of quoins corresponds with the design of the existing host property. Although there is a downpipe installed on the front elevation this is not an uncommon feature within the existing street scene. The removal of the quoins on the side and rear elevation of the two storey side extension and the raised gutter and eaves on the two storey side extension does not detract from the overall design and is acceptable.
- 6.13 The proposed rear extension is now to project 3.5 metres from the rear elevation of the property (opposed to 3 metres) and will have a hipped roof with a 0.5 metre overhang. The rear extension is still appropriate in terms of scale and design to the existing dwelling and would still appear as a subservient feature. The installation of the flue on the single storey rear extension is also of an acceptable scale and does not detract from the overall appearance of the dwelling. The alterations to the fenestration details on the single storey rear extension and on the rear elevation of the side extension are acceptable and will correspond with the fenestration details on the host dwelling as well as other properties within the existing street scene.
- 6.14 It is appreciated that objectors have raised concerns regarding the use of the external insulated render system on the proposed development however it is noted that render is featured on the majority of properties within Knowe Park Avenue and on other residential dwellings within Stanwix. The applicant has rendered the whole of the existing property under Household Permitted Development Rights and the materials of the proposed extensions will therefore correspond with the materials of the existing dwelling. Although No.8 Knowe Park Avenue will be the only property within the existing street that is wholly rendered it is not considered that the materials significantly detract from the existing street scene given that the majority of properties along the street have some rendered features.

- 6.15 Overall the proposed changes to the previous planning approval are comparable in terms of scale and design to the existing property and would not have an adverse impact upon the existing street scene. The development would be constructed from materials to match the existing dwelling and would employ similar detailing. Accordingly, there is no conflict with the relevant policies of the Development Plan in terms of design.

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

- 6.16 The City Council's SPD 'Achieving Well Designed Housing' outlines minimum distances between primary facing windows together with primary windows and walls serving habitable rooms in order to protect against loss of amenity and privacy i.e. 21 metres between primary facing windows and 12 metres between primary windows and walls. The proposed changes to the previous planning approval will still be compliant with these distances and will therefore not give rise to any undue overlooking.
- 6.17 The residential property to the south of the site (No.10 Knowe Park Avenue) has a ground and first floor window on the gable which would face towards the proposed side extension. The property also has a single storey side extension (set back from the front elevation of the property) which has velux windows within the roof space. The ground floor window on the gable of No.10 Knowe Park Avenue serves a landing and the first floor window is obscured. The velux windows on the side extension serve a store/shower room which was granted planning approval in 2004. None of the aforementioned windows are considered to be primary windows as they do not serve habitable rooms. In such circumstances and taking into account that these windows already face the original two storey gable of No.8 Knowe Park Avenue, coupled with the orientation of the application site, it is not considered that the proposed changes from the previous planning approval would have a significant adverse impact upon the occupiers of No.10 Knowe Park Avenue in terms of loss of light or over dominance sufficient to warrant refusal of the application on this basis.
- 6.18 The residential property attached to the application site (No.6 Knowe Park Avenue) has a ground floor bay living room window situated in close proximity to the proposed rear extension as well as a single storey rear off-shoot.
- 6.19 When assessing the impact of the proposed changes to planning approval 18/0396 on No.6 Knowe Park Avenue it was evident from the Officer Site visit for application 18/0396 that there was a hedge approximately over 2 metres in height delineating the boundary of the two properties. It is also appreciated that the majority of the proposed rear extension (except the overhang and the part attached to the proposed side extension furthest away from No. 6 Knowe Park Avenue) could be built under Householder Permitted Development Rights. Part of the hedge between the two properties has been removed since work has commenced however in relation to the aforementioned matters coupled with the orientation of the application site it is not considered that the proposed changes to the rear extension would cause a significant adverse

impact upon the living conditions of No.6 Knowe Park Avenue in terms of loss of light/over dominance over and above what took place as existing and what could take place under Householder Permitted Development Rights to warrant refusal of planning permission.

- 6.20 Given the positioning of all other residential properties that surround the site in relation to the proposed extension, the proposal would also not have an adverse impact upon the living conditions of the occupiers of any neighbouring properties in terms of loss of light or over dominance.

#### **4. Highway Impacts**

- 6.21 The property will still remain a 3 bedroom dwelling as a result of the proposed development. Objectors have raised concerns under the previous application and the current application regarding the number of vehicles the applicant owns and that the proposal will increase on-street parking as a result of the proposed side extension. Allegations have also been made that the applicant is running a business from the property and that the proposed office on the ground floor will result in more callers to the property.
- 6.22 Members will recall that the applicant confirmed under the previous application that the proposed office is for domestic purposes only therefore application 18/0396 had to be considered on its own merits which is for a two storey side and single storey rear domestic extension. This applies for the current application. It is not possible to dictate how many vehicles a resident can have at a property however the allegations that the applicant is running a business from the dwelling is being looked into as a separate matter by the City Council's Enforcement Officer.
- 6.23 The Cumbria Development Design Guide (adopted in 2017) seeks to ensure that 2 parking spaces are provided for 2/3/4 bedroom dwellings on minor developments (less than 10 houses). The Highway Authority has been consulted on the proposed development and has raised no objections to the proposal as they consider that sufficient curtilage parking spaces for the number of bedrooms at the property will still be retained. The Highway Authority has however noted that the applicant has existing gates to the property which open inwards and outwards and has suggested the imposition of a condition ensuring that the access gates open inwards only. A relevant condition has therefore been imposed. As there are no objections from the statutory consultee it is not considered that the proposal would have an adverse impact upon existing highway conditions as sufficient parking spaces can still be provided on site for the number of bedrooms.

#### **5. Impact Upon Biodiversity**

- 6.24 The Council's GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. Given the scale and nature of the proposal it is unlikely that the development would harm a protected species or their habitat.

#### **6. Other Matters**

- 6.25 Some of the objectors have reiterated concerns that the proposal would be over development of the site particularly as the applicant already has single storey detached outbuildings to the rear. The available planning records indicate that the outbuildings were constructed under Householder Permitted Development Rights. The proposed block plan illustrates that there would still be sufficient garden space retained as a result of the development. The proposal would therefore not constitute over development of the site.
- 6.26 Objectors have also alleged that the proposed development and existing boundary fences are not wholly on land owned by the applicant. The applicant has signed certificate A confirming that he owns all the land to which the application relates. This dispute is therefore a civil matter and cannot be dealt with under Planning Legislation. If Members approve the application it is recommended that an informative is included within the Decision Notice reminding the applicant of their duties under the Party Wall Act 1996.
- 6.27 Objectors have also raised concerns regarding access over third party land to render the proposed side elevation. Again this is a civil matter which cannot be dealt with under planning legislation.
- 6.28 Objectors have also made allegations that the applicant was told to continue with building work. City Council Officers made it clear to the applicant that if works not in accordance with the previous planning approval continue on site this is entirely at the applicants own risk.
- 6.29 Objectors have also alleged that damage to existing trees within the highway have occurred from the applicants vehicles and that the existing access gates are often left open outwards onto the highway. Any damage to trees would be dealt with the Highway Authority as the responsible authority. Any obstruction of the highway from the existing access gates opening outwards onto the highway would also be a matter for the Police/Highway Authority.
- 6.30 No.8 Knowe Park Avenue has two existing vehicular accesses into the site which do not require planning permission. Standing advice has been received from the Highway Authority regarding permits to cross the highway and any works required to trees. This standing advice will be included within the decision notice as an informative.
- 6.31 It is appreciated that the flue on the rear elevation serves a new domestic gas boiler. Building Control have confirmed that they are still awaiting GPS notification from a gas safe registered installer. If there was to be a significant detrimental effect on neighbours from fumes from the gas boiler this would be dealt with under Environmental Health legislation.
- 6.32 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:

- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularize any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life".

6.33 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need.

6.34 Article 8 and Article 1 Protocol 1 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**

6.35 The principle of a two storey side and rear extension to No.8 Knowe Park Avenue has already been assessed and established as acceptable under the previous planning approval ref 18/0396. The proposed changes sought under the current application are appropriate in terms of scale and design to the existing dwelling and will not have a detrimental impact upon the character/appearance of the surrounding area or the living conditions of the occupiers of any residential properties. The development will also not have an adverse impact upon highway safety or biodiversity. Overall, the proposal is compliant with the objectives of the relevant Development Plan Policies and approval is recommended.

## **7. Planning History**

7.1 In 2018 planning permission was granted by Members of the Development Control Committee for the erection of a two storey side and single storey rear extension to provide office, utility, WC and kitchen on ground floor with 1no.bedroom and bathroom above (reference 18/0396).

## **8. Recommendation: Grant Permission**

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form received 11th January 2019;
  2. the site location plan received 21st February 2019 (Drawing No.0001);
  3. the proposed block plan received 21st February 2019 (Drawing No.PA004F);
  4. the proposed floor plans received 19th March 2019 (Drawing



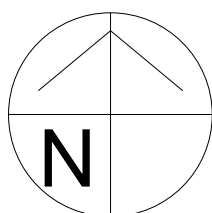
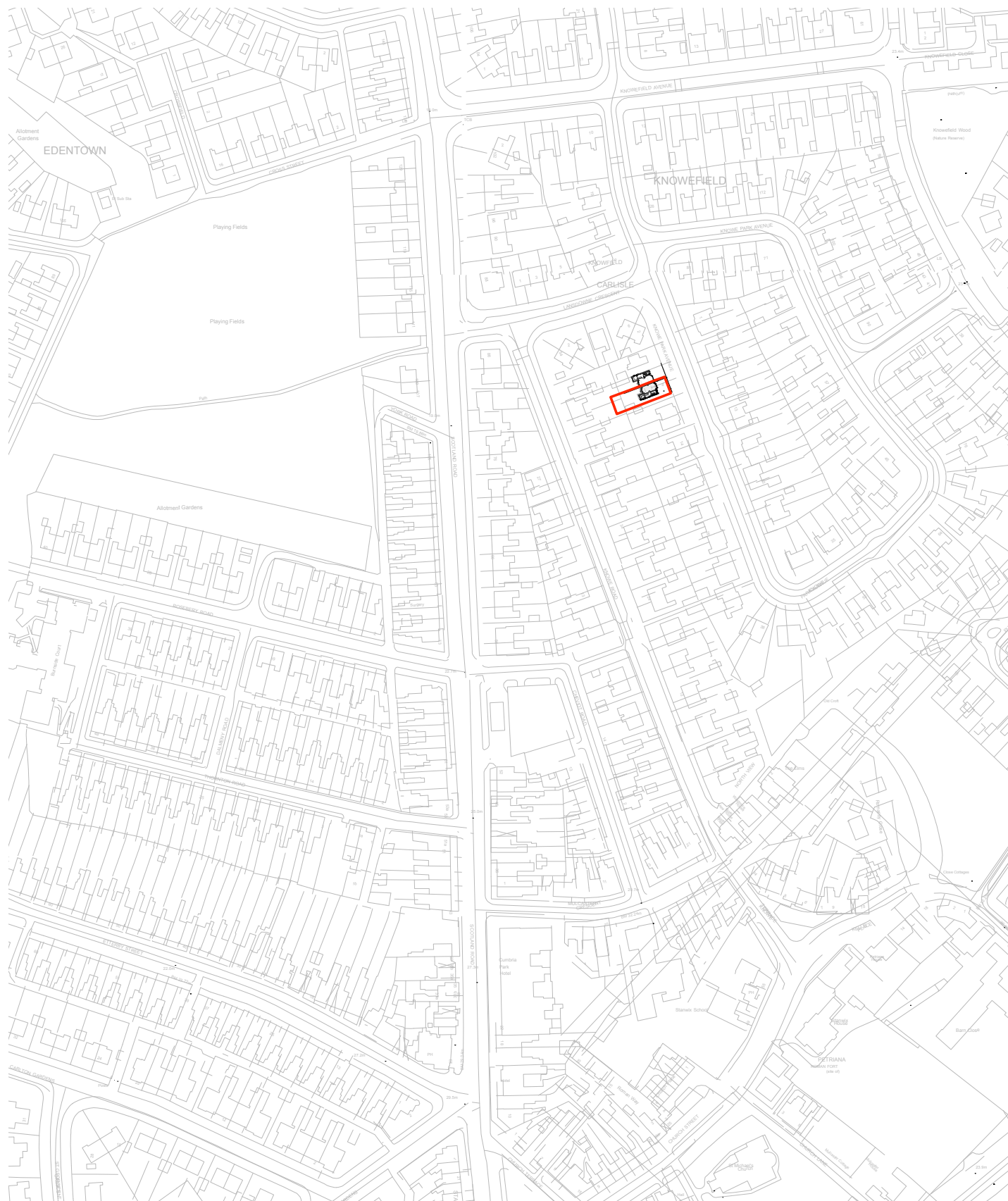
- No.PA005G);
5. the proposed elevations received 19th March 2019 (Drawing No.PA006G);
  6. the Notice of Decision; and
  7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

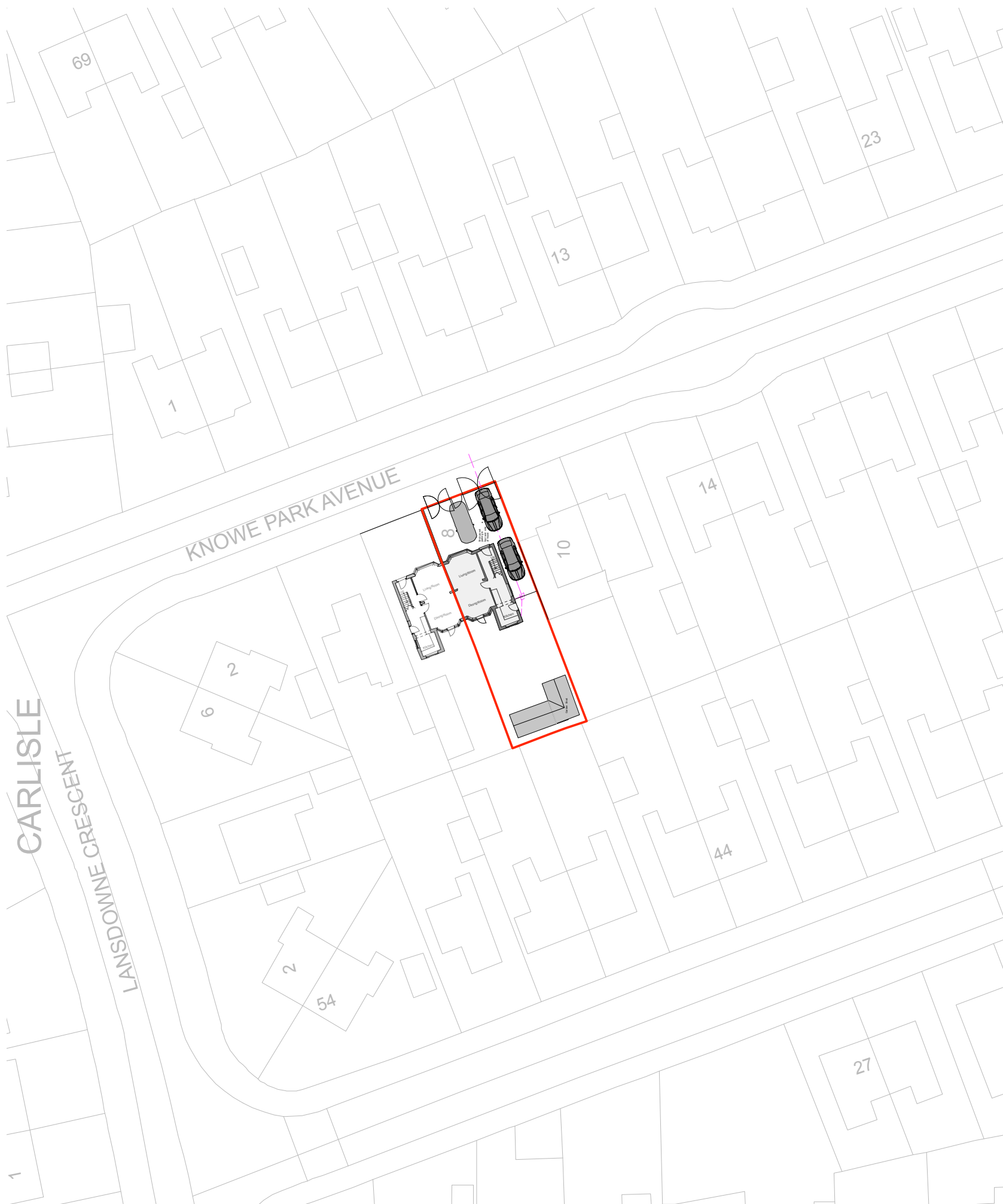
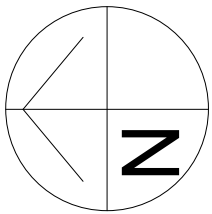
2. Access gates, if provided, shall be hung to open inwards only away from the highway.

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

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8 Knowe Park Avenue, Carlisle  
 Drawing: 0001  
 Site Location Plan  
 Scale: 1:1250 @ A4

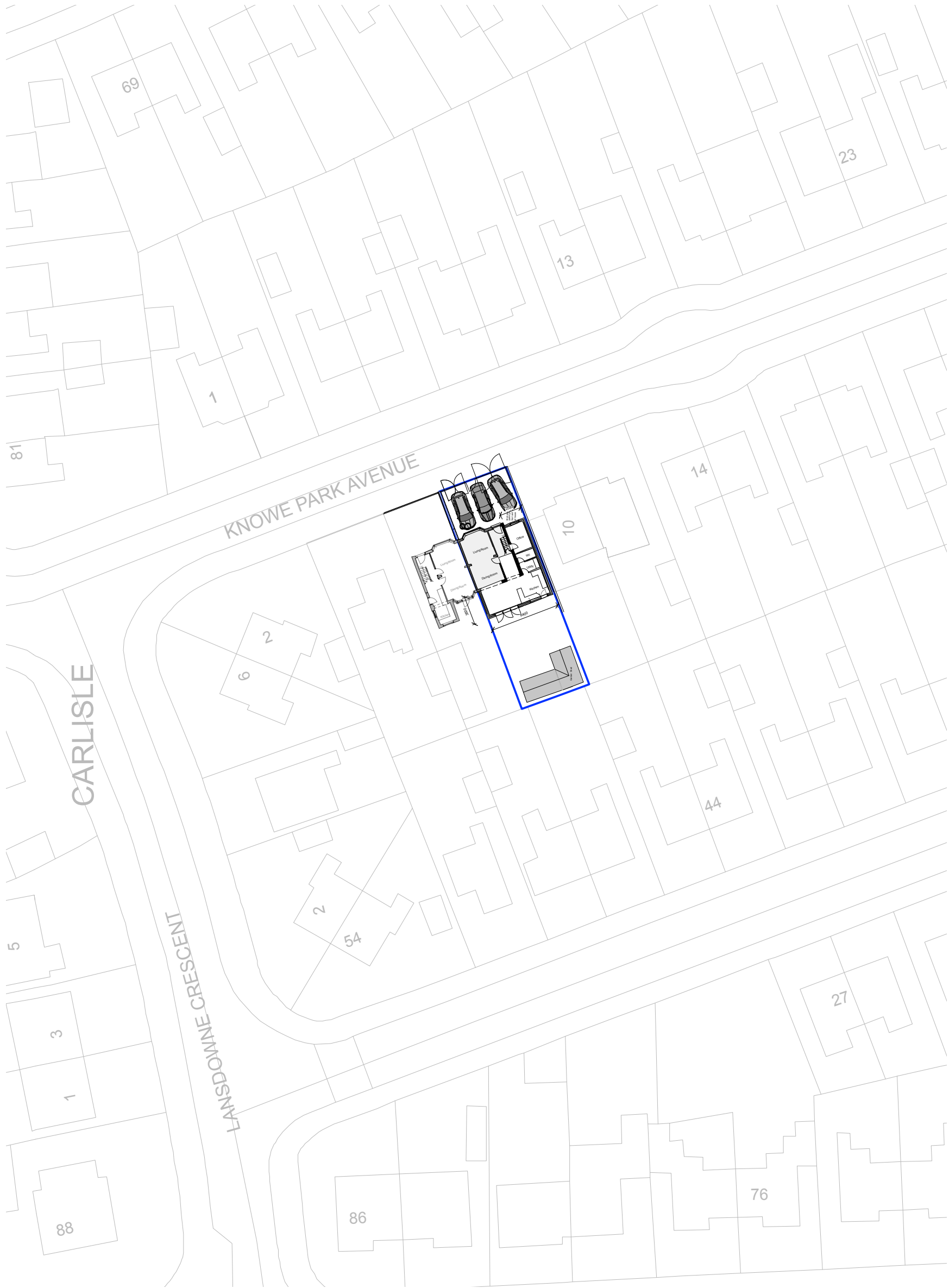
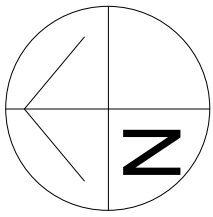


8 Knowe Park Avenue, Carlisle

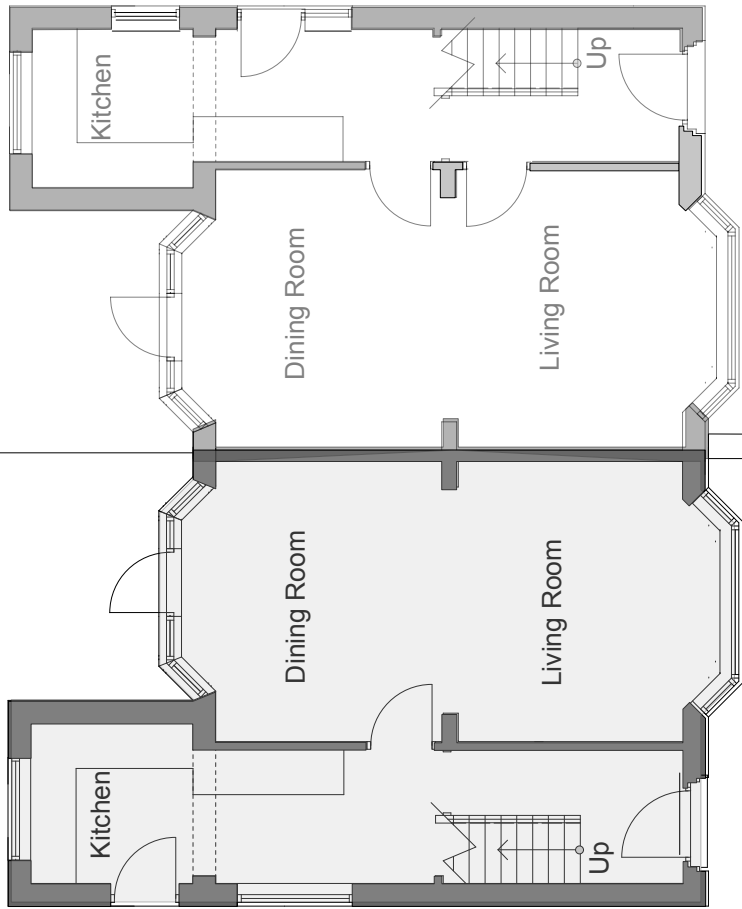
Drawing: PA001D

Existing Block Plan

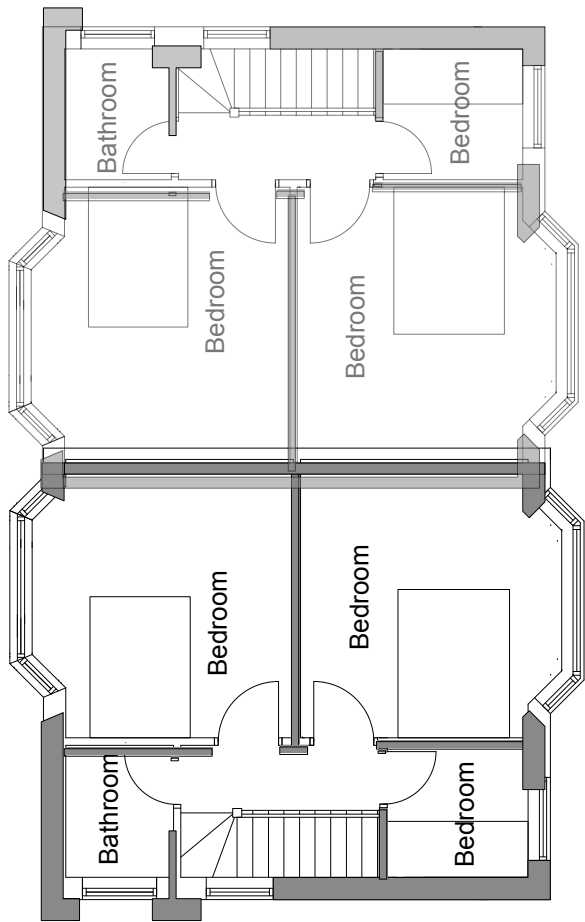
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8 Knowe Park Avenue, Carlisle
Drawing: PA004F
Proposed Block Plan
Scale: 1:250@A1 / 1:500@A3

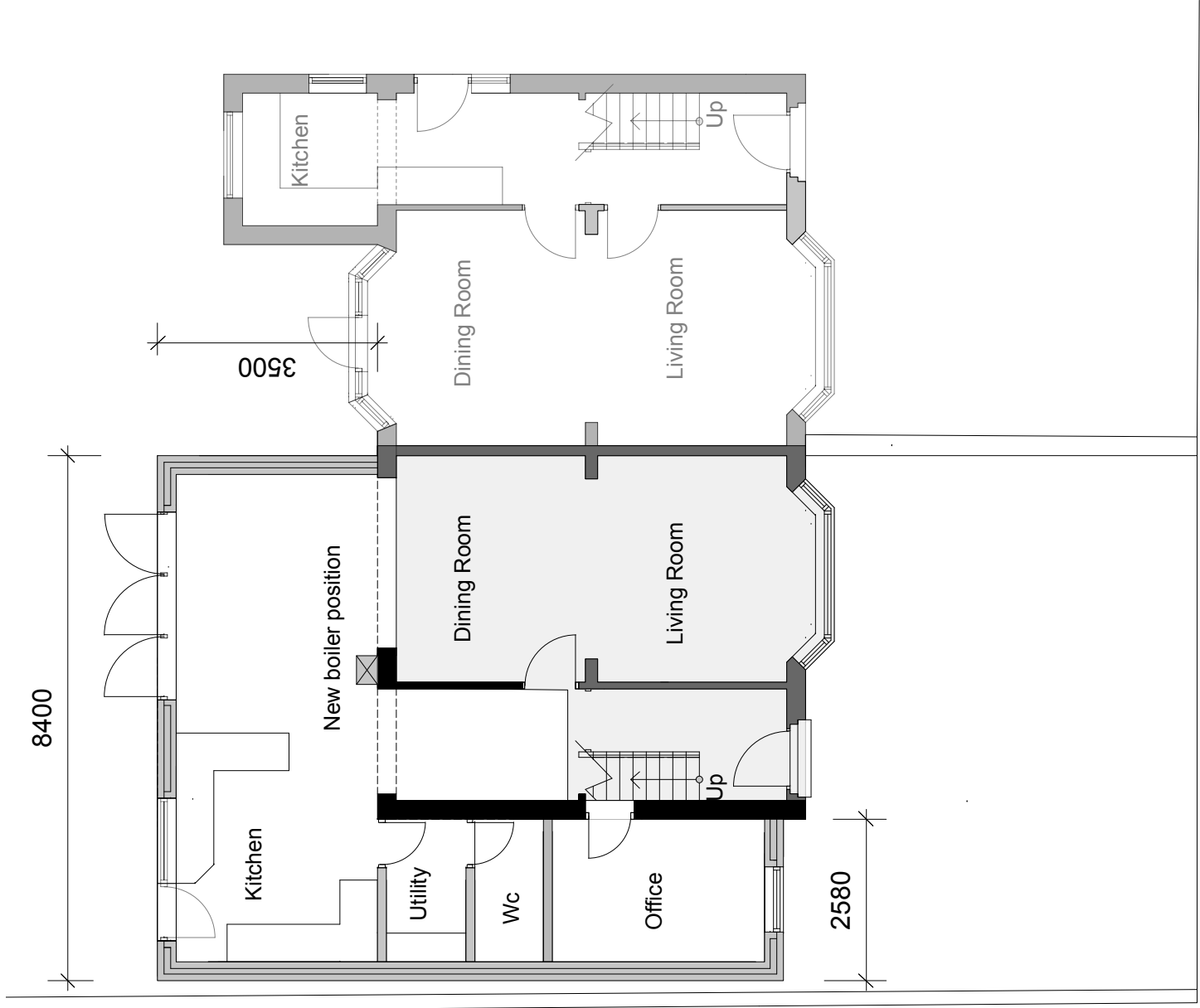


GROUND FLOOR PLAN

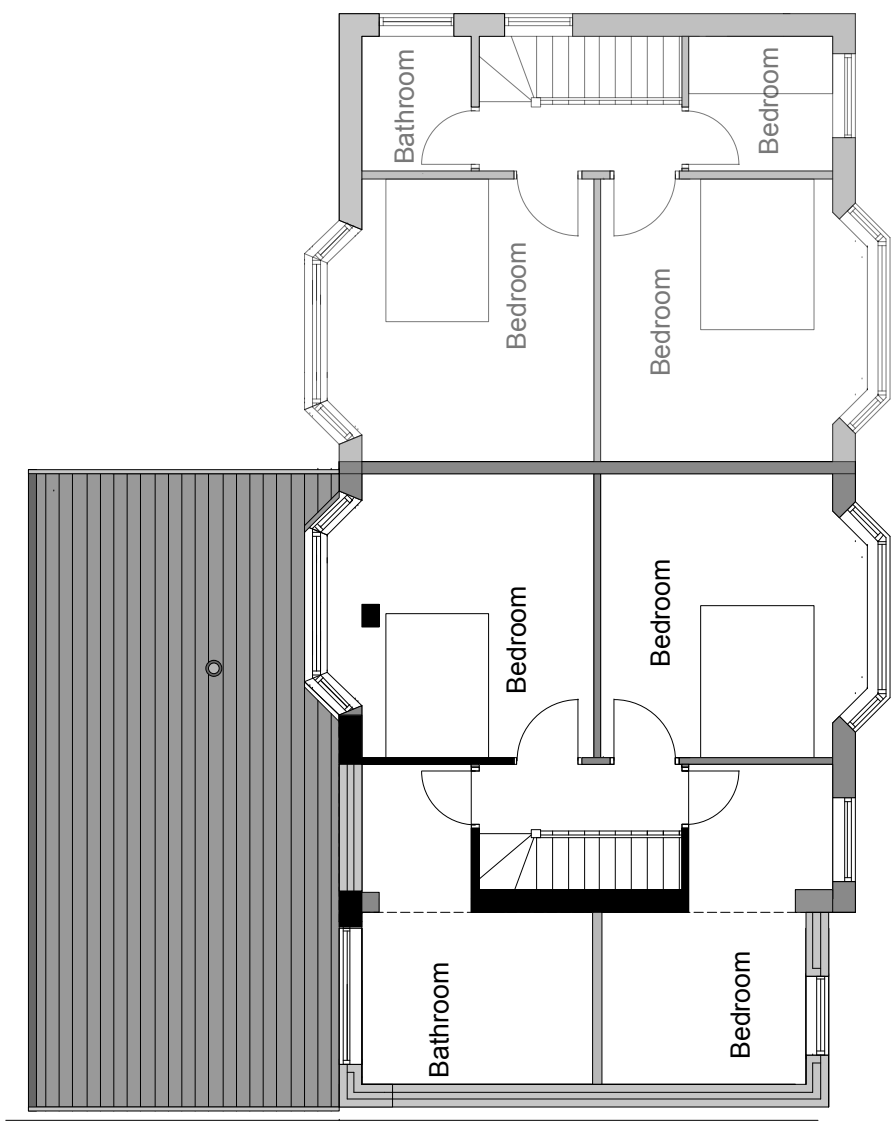


FIRST FLOOR PLAN

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Drawing: PA002  
Existing Plans  
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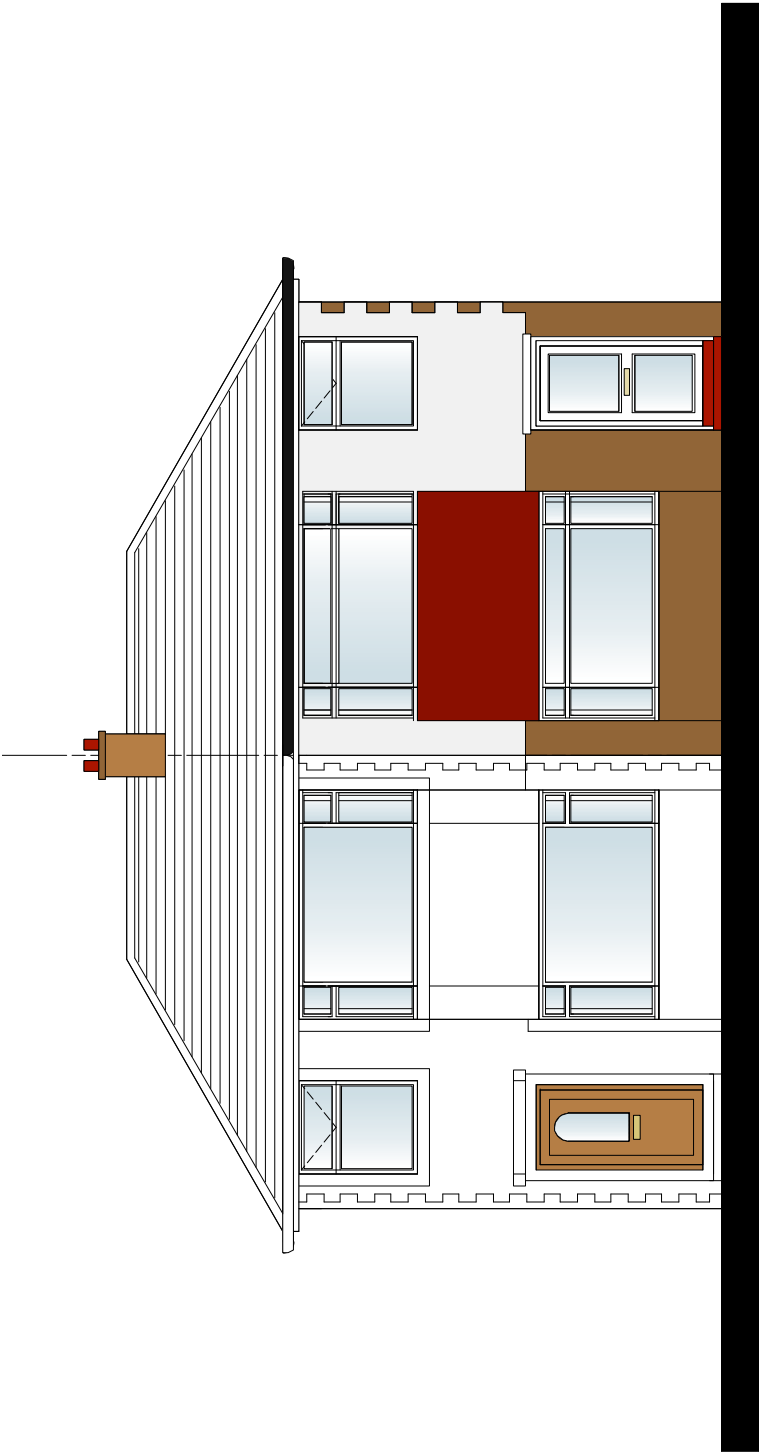


GROUND FLOOR PLAN

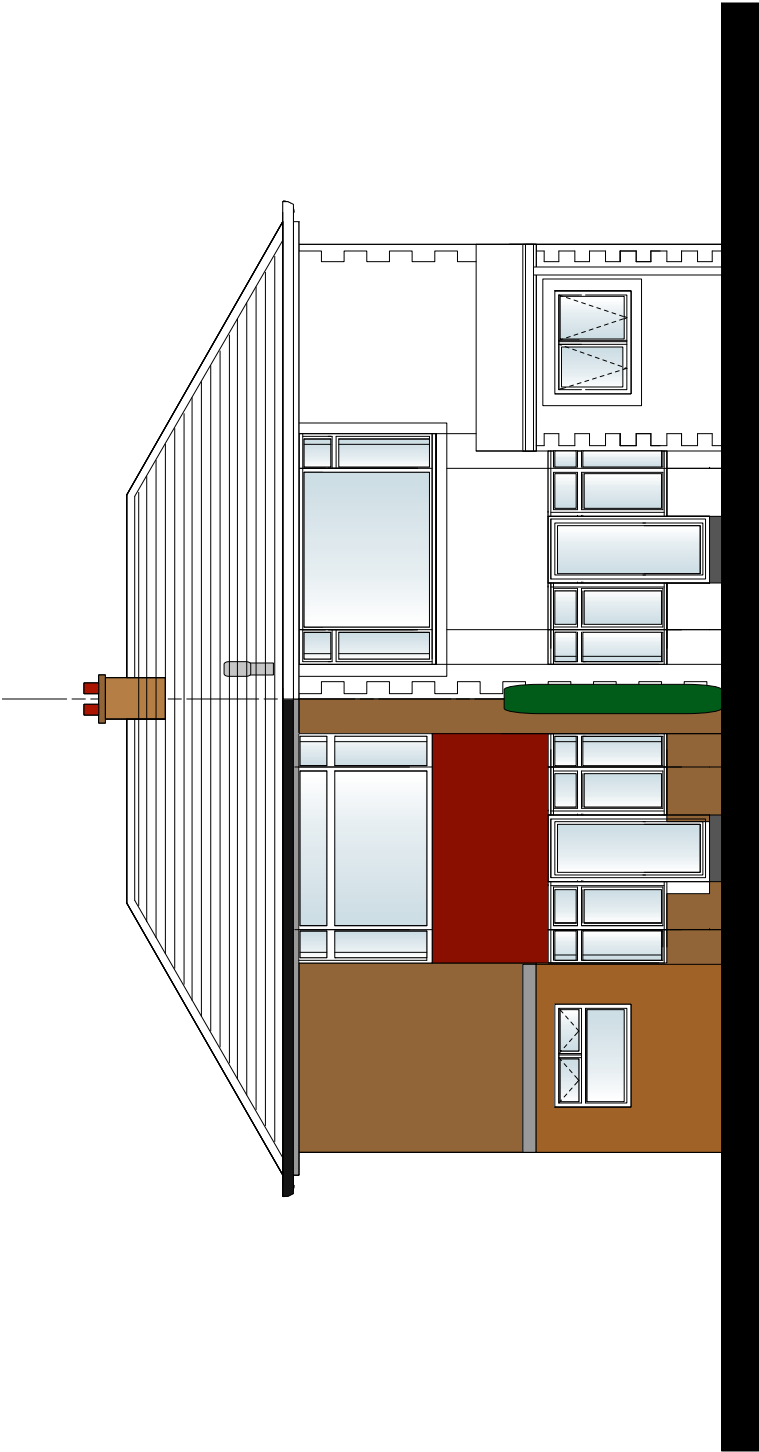


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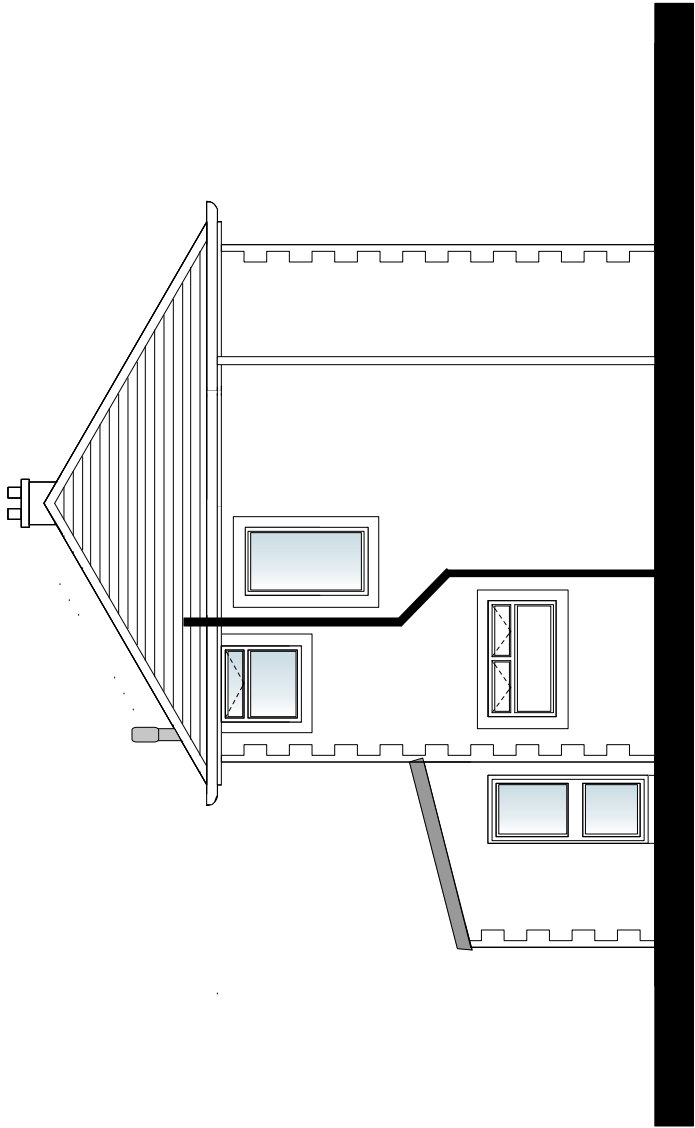
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Drawing: PA005G  
Proposed Plans  
Scale:1:50@A1/1:100@A3



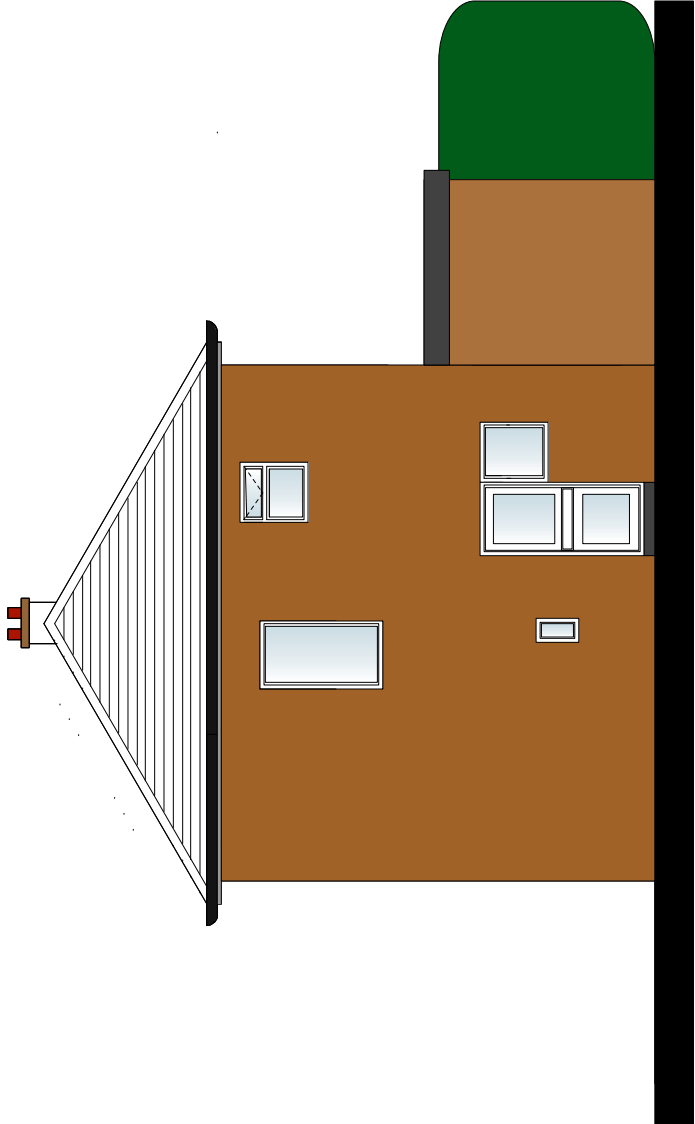
FRONT ELEVATION



REAR ELEVATION

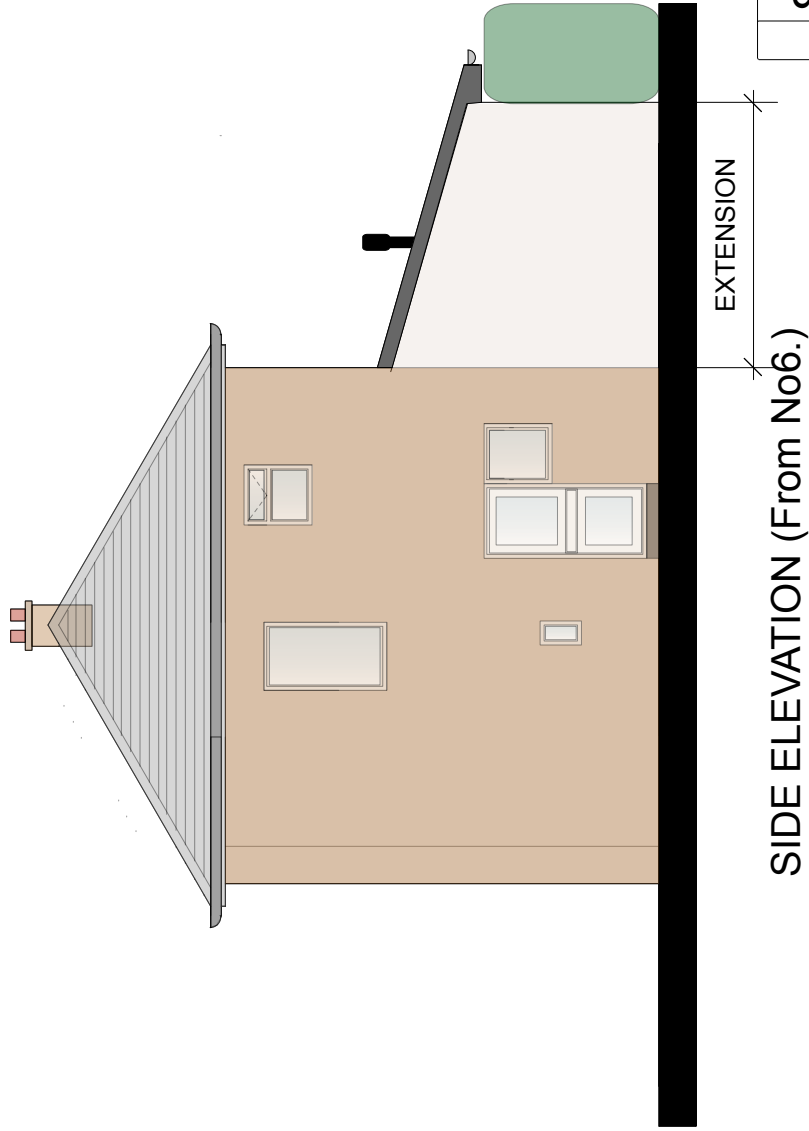
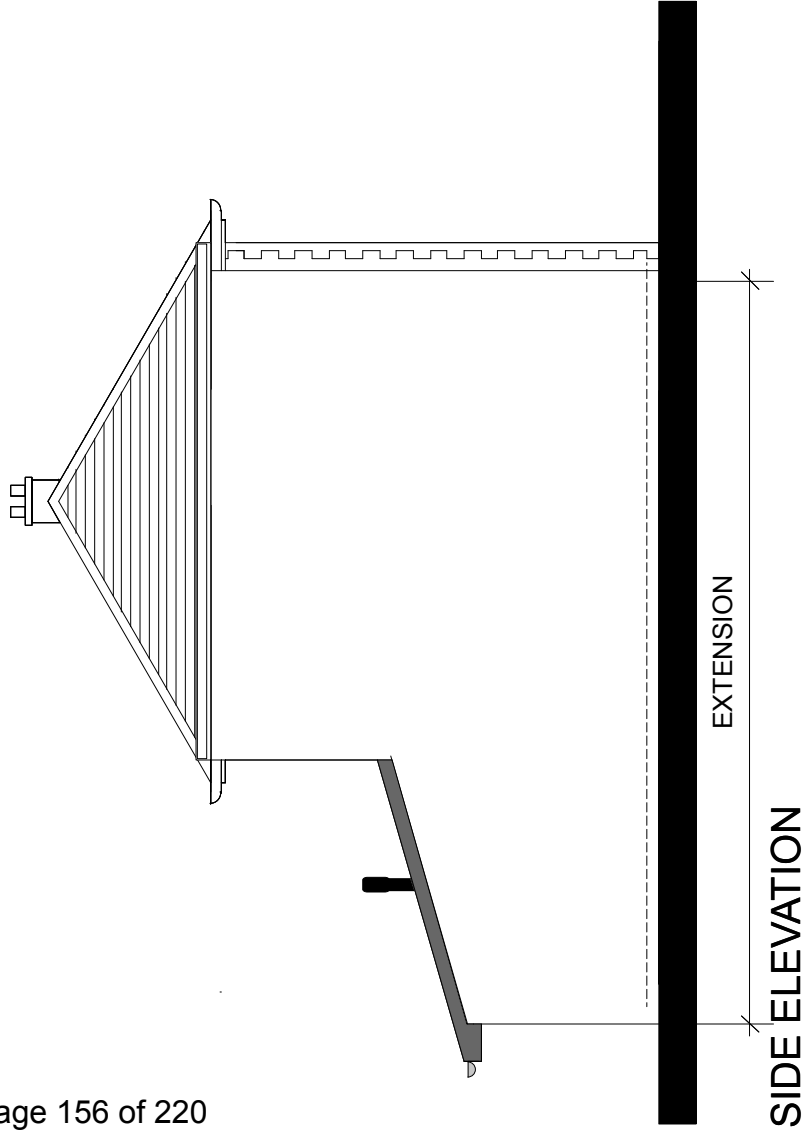
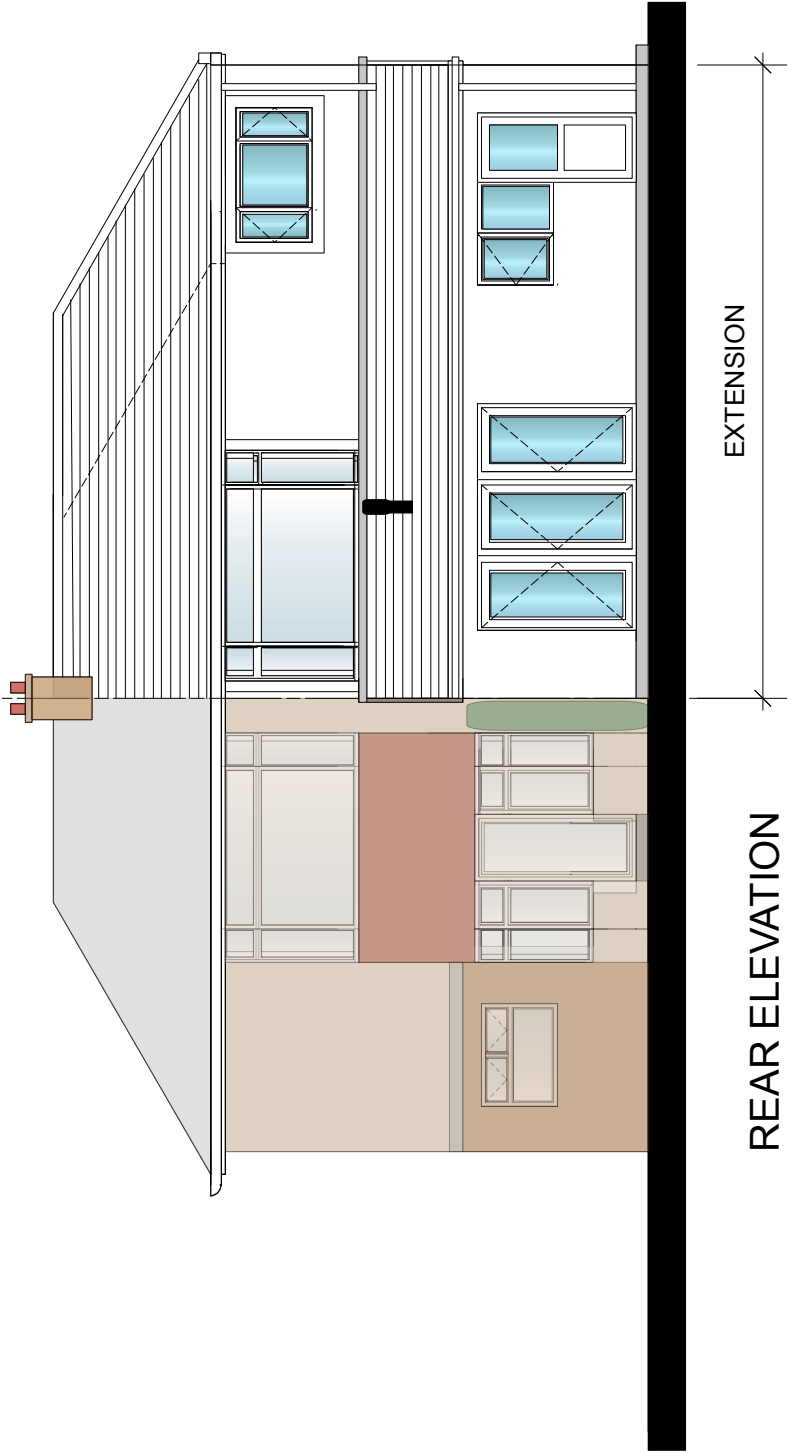
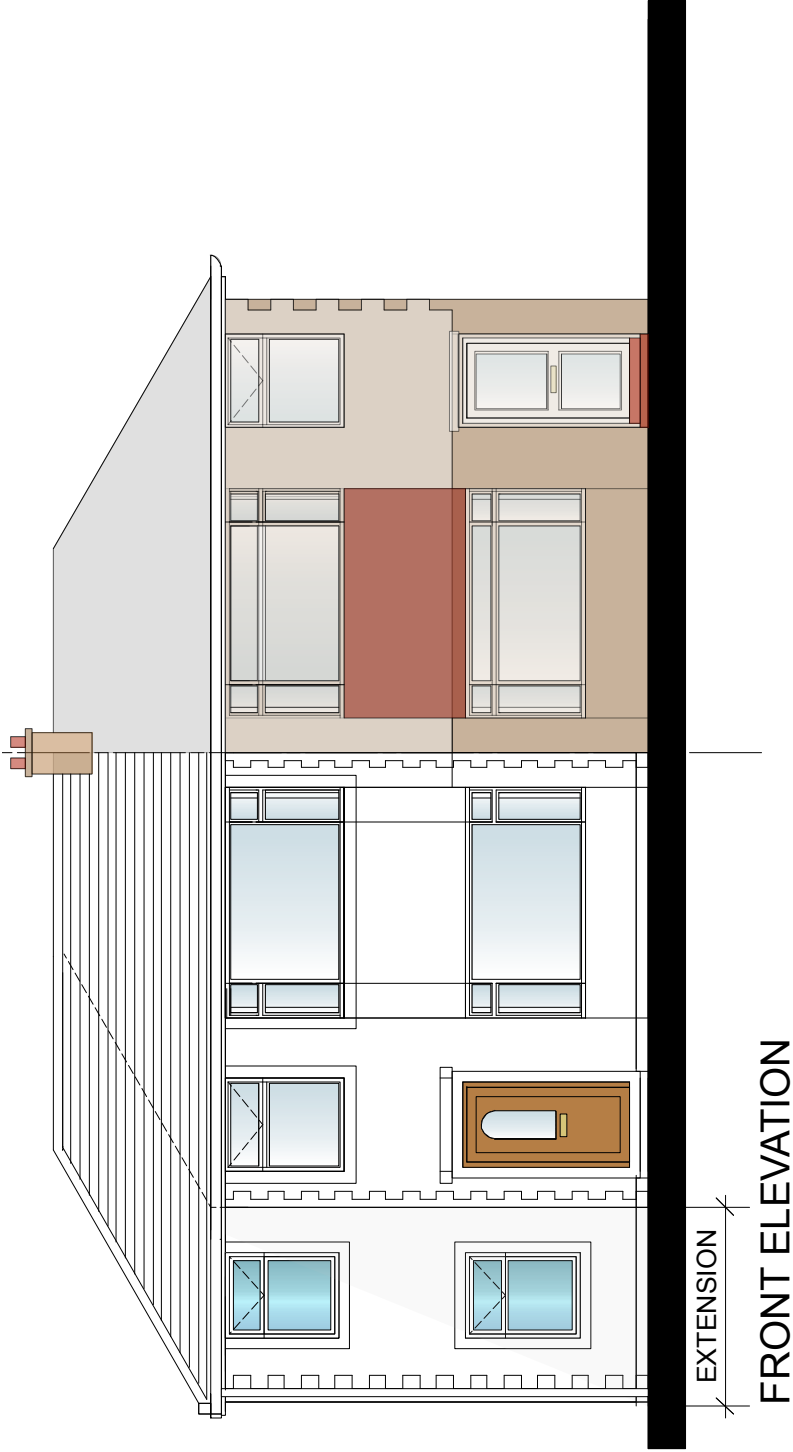


SIDE ELEVATION



SIDE ELEVATION

8 Knowe Park Avenue, Carlisle Drawing: PA003C Existing Elevations Scale:1:50@A1/1:100@A3	
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8 Knowe park Avenue. Carlisle Drawing: PA006G Proposed Elevations Scale:1:50@A1/1:100@A3	
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## SCHEDULE A: Applications with Recommendation

18/1037

Item No: 05

Date of Committee: 26/04/2019

**Appn Ref No:**  
18/1037

**Applicant:**  
F Scott Builders

**Parish:**  
Brampton

**Agent:**  
PFK Planning

**Ward:**  
Brampton

**Location:** Former Brampton Infant School Lunch Hall, Moat Street, Brampton, CA8 1UJ

**Proposal:** Conversion Of Former Brampton Infant School Lunch Hall To 1no. Dwelling With Partial Demolition And Reconstruction Of Frontage To Form Off Street Parking (Part Retrospective)

**Date of Receipt:**  
23/11/2018

**Statutory Expiry Date**  
18/01/2019

**26 Week Determination**  
29/04/2019

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### REPORT

**Case Officer:** Alanzon Chan

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Development Is Acceptable In Principle
- 2.2 Whether The Scale Of The Proposal Is Acceptable
- 2.3 Whether The Design Of The Proposal Is Acceptable, And The Impact Of The Proposal On The Non-Designated Heritage Asset and The Brampton Conservation Area
- 2.4 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.5 Highways Matters
- 2.6 Other Matters

#### 3. Application Details

##### The Proposal

- 3.1 The proposal seeks planning permission for the conversion of the former Brampton Infant School Lunch Hall to 1no. dwelling, with partial demolition and reconstruction of the frontage to form off-street parking (part retrospective).

### **Background Information**

- 3.2 Initially, the applicant proposed to demolish part of the frontage of the building to create open off-street parking spaces to facilitate the proposed conversion. Although the Highways Authority raised no objection to this, the extent of demolition within the initial proposal was considered by the Council's Heritage Officer as unacceptable due to the potential harm to a non-designated heritage asset.
- 3.3 During the exploration of different design opinions for the proposal, the applicant was found to have carried out the intended demolition without permission in February. The justification for the demolition given by the applicant was that the building has been left vacant and unmanaged for a long time, alongside that the building was previously subjected to biological growths and vandalism including arson, a lot of the stonework had been eroded and dislodged, and would therefore require to be demolished as soon as possible.
- 3.4 Upon the acknowledgement of such event, the Planning Officer visited the site at once and instructed the Applicant to cease all external work operations until a decision to this application is made. The site was made safe and is currently enclosed by Heras fencing. The applicant has confirmed and agreed that no more external works will be performed on site until a formal decision is made.
- 3.5 Following a series of discussions between the Planning Officer, Heritage Officer and the Applicant, the reconstruction of the frontage of the building through the use of reclaimed sandstone was considered to be an acceptable remedy to the unauthorised demolition and if the reconstruction is carried out to a high standard, it can provide enhancement to the appearance of the building and make a positive contribution to the non-designated heritage asset and the Brampton Conservation Area. Apart from the creation of an undercroft parking area, the proposed new frontage of the building would have a very similar appearance to the old frontage of the building.

### **The Site**

- 3.6 This application relates to the lunch hall of the former Brampton Infant School on the northern end of Moat Street, Brampton. The Brampton Infant School Lunch Hall has been left vacant for a decade, following the amalgamation of the Brampton Infant School and Brampton Junior School in 2009, forming the Brampton Primary School which is situated at Sawmill Lane.
- 3.7 Although the building in question is not within any local list or statutorily protected by listing, the application site lies within the Brampton

Conservation Area and is identified as a non-designated heritage asset within the Carlisle District Local Plan Policies Map (2015-2030).

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

- 4.1 This application was advertised by means of a press notice, a site notice and direct notification letters sent to four neighbouring properties. During the initial advertisement period, 1 letter of objection and 1 comment were received. Some comments/concerns received are in relation to the Brampton Junior School site but not the application site. The planning issues/concerns raised, which are relevant to the application site, are summarised as follow:

- the demolition work has already taken place without permission
- *'Moat Street is very narrow and parking is already an issue'*
- *'When an attempt to burn the old school down was made in 2017, by arsonists, it took about 10 minutes for the fire engine to reach the fire, because of the number of parked cars at the lower end of Moat Street, indeed the engine had great difficulty even accessing the street from the main A69 road'*

Upon receipt of the revised proposal, all neighbours were re-consulted and no representations have been made during the re-consultation period.

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

**Cumbria County Council - (Highways & Lead Local Flood Authority):** No objection to initial proposal with 2no. open parking spaces but raised objection to the revised proposal as it cannot achieve the required visibility splays for vehicles.

**Brampton Parish Council:** No observations

**Northern Gas Networks:** No objection

**Cumbria County Council - (Archaeological Services):** No objection but advised that a condition regarding the recording of historic building to be included within the decision notice.

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

##### **Assessment**

- 6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are 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), Policies SP1, SP2, SP6, SP7, HO2, IP3, CM5, HE6 and HE7 of the Carlisle District Local Plan (CDLP)(2015-2030) and section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The proposal raises the following planning issues:

## **1. Whether The Development Is Acceptable In Principle**

- 6.3 One of the main issues to establish when assessing this application is the principle of development. Sections 5 of the NPPF relates to the delivery of a sufficient supply of homes. Paragraph 59 of the NPPF states that:

*“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*

- 6.4 Meanwhile, Section 11 of the NPPF also advocates the effective use of land in relation to the promotion and support of the development of under-utilised land and buildings to meet identified needs for housing. Paragraph 117 of the NPPF states that:

*“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”*

- 6.5 Paragraph 118 of the NPPF also states that planning decisions should *‘promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively’*

- 6.6 This coincides with the objectives of the adopted CDLP Policies SP2 and HO2. Objective 6 of Policy SP2 states that *‘where possible and appropriate, the re-use and redevelopment of previously developed land will be encouraged across the District’*. Meanwhile, Policy HO2 recognises that windfall housing can contribute positively to the supply of housing over the plan period, in particular, within the built-up areas of Carlisle, Brampton and Longtown, and not exclusively within the Primary Residential Areas. This CDLP Policy considers that residential development in these areas is acceptable, and supports opportunities for new residential development, either through the development of vacant sites, the conversion of vacant buildings, or as part of a larger mixed use scheme.

- 6.7 It is noted that the Brampton Infant School is situated on a street which is predominantly residential in nature and is within walking distance of the Brampton Town Centre and its amenities. In addition, taking into consideration that the infant school has been vacant and unmanaged for nearly a decade and has previously been subject to vandalism, it is considered that the principle of reusing of this redundant building as a dwelling is acceptable and would help to enhance the vitality of Brampton.

## **2. Whether The Scale Of The Proposal Is Acceptable**

- 6.8 The application relates to the conversion of a redundant infant school lunch hall into a dwelling. The conversion would utilise all existing openings and the scale and footprint of the property would remain unchanged.

## **3. Whether The Design Of The Proposal Is Acceptable, And The Impact Of The Proposal On The Non-Designated Heritage Asset and The Brampton Conservation Area**

- 6.9 The application site lies within the Brampton Conservation Area and is identified as a non-designated heritage asset/key townscape frontages within the Local Plan Policies Map (2015-2030).
- 6.10 Section 16 of the NPPF relates to the conservation and enhancement of the historic environment. Paragraph 196 of the NPPF states that where a development is determined to have a less than substantial harm, it should be weighed against the public benefits of the scheme.
- 6.11 Paragraph 197 of the NPPF relates to the effects of applications on non-designated assets. In these instances, a balanced judgement will be required having regards to the scale of any harm or loss and the significance of the heritage asset.
- 6.12 In addition, Paragraph 200 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to provide enhancements. Proposals that make a positive contribution to the assets should be treated favourably.
- 6.13 Policies HE6 and SP7 of the CDLP 2015-2030 suggest that development which would remove, harm or undermine the significance of a locally listed asset, or its contribution to the character of the area, will only be permitted where evidence can demonstrate that the public benefits of the development would clearly outweigh the harm.
- 6.14 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". This duty is also reflected in Policy HE7 of the Carlisle District Local Plan 2015-2030.
- 6.15 Brampton Conservation Area was originally designated in 1973. An appraisal of the designated conservation area and areas surrounding Brampton's town centre was undertaken and resulted in an extended conservation area being designated in 2003. The appraisal acknowledges the variety of sandstone and unrendered houses and cottages as a feature of Moat Street.
- 6.16 In terms of design, the majority of the proposed works are internal works. The initial proposal involves the demolition of approximately 5m of the frontage of

the building to create off-street parking. This was previously considered as unacceptable by both the Heritage Officer and the Conservation Area Advisory Committee (CAAC) due to the amount of fabric loss to a non-designated heritage asset and the impact towards the key townscape frontage. Off-street parking was suggested by the CAAC as an alternative option, however, this option was not supported by the Highways Authority.

- 6.17 As the building has been left vacant and unmanaged for a decade, the side wall and the upper section of frontage was colonised by different types of organic growths, including lichens, mosses and ivy. Although no report has been submitted by the applicant to demonstrate that these organic growths have affected the structural integrity of the building, it is acknowledged that woody root growth can penetrate walls and dislodge stonework, leading to structural damage to the building. In light of this, the issue regarding biological growth found on the building fabric has been taken in consideration during the assessment of the principle of the proposed part-demolition, and it was considered that some remedial work would need to be carried out to control and remove the identified biological colonisation from the building stones.
- 6.18 While discussions regarding the structural integrity of the building and the possibility of creating an undercroft parking area to minimise the impact on the building were taking place, it was found that the applicant had already undertaken the demolition work. That being said, the applicant has agreed to rebuild the frontage through the use of reclaimed sandstone.
- 6.19 Whilst it is noted that the Council does not condone the demolition action without the acquisition of the planning permission, irrespective of the recent demolition, it was considered that works would need to be carried out to tackle the biological growth on the building. The principle of the partial demolition to create undercroft parking spaces was also considered acceptable in design terms by the Planning Officer and the Heritage Officer. Furthermore, it is considered that the rebuilding on the frontage will remedy the issue of the plant growth on the old frontage and will subsequently enhance the amenity and appearance of the overall building. Therefore, given that the applicant has agreed to rebuild the frontage with reclaimed sandstone and that the appearance of the new frontage would be similar to the old frontage but without the biological growth, it is considered that the impact upon the key townscape frontage and the Brampton Conservation Area would be temporarily only, and the revised proposal will comply with the objectives of CDLP Policies SP6, HE6 and HE7.
- 6.20 Cumbria County Council's Historic Environment Officer was consulted on the application and has advised that the building is recorded prior to both demolition and construction work commencing, and that the recording should be in accordance with a Level 2 Survey as described by Historic England in 'Understanding Historic Buildings A Guide to Good Recording Practice (2016)'. According to the aforementioned document by Historic England, a Level 2 survey is a descriptive record and will typically consist of either drawn record, photograph or written record. This coincides with paragraph 199 of the NPPF which states that:

‘Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.’

- 6.21 The applicant has submitted a document to demonstrate that the building has been recorded prior to the demolition. The submitted details are considered acceptable. As the rest of the proposal, including the reconstruction of the frontage, has yet been carried out, it is recommended that a condition is to be included within the decision notice, to ensure that the existing building affected by the proposed development shall be recorded in accordance with a Level 2 Survey as described by Historic England’s document Understanding Historic Buildings A Guide to Good Recording Practice (2016).
- 6.22 As part of the proposal, the applicant also proposes to install a new window on the proposed snug room, and to replace the existing windows and doors with new ones. These cosmetic works are considered minor in nature and given that they cannot be seen from the public realm, they have minimal impact upon the non-designated heritage asset and the character of the Brampton Conservation Area.
- 6.23 In light of the above assessment, it is considered that the design of the revised proposal is considered acceptable and the revised proposal would have little impact upon the non-designated heritage assets, key townscape frontage and the character of the Brampton Conservation Area. The Council’s Heritage Officer was consulted and has raised no objection to the revised proposal.

#### **4. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.24 One of the core planning principles of the NPPF is that planning has an essential role in seeking to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, local policies also seek to protect residential amenity by setting out a number of criteria by which applications for development will be assessed. These include protecting the character of the locality, ensuring satisfactory daylight, outlook and privacy for all dwellings.
- 6.25 Moreover, criterion 7 of Policy SP6 of the CDLP 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.
- 6.26 The building in question is located within a predominantly residential area. Further taking into consideration the previous use of this building and its location relation to the surrounding properties, it is not envisaged that the proposal would detrimentally affect the living conditions of the occupier(s) of any neighbouring properties on the basis of loss of light, loss of privacy or

overdominance.

## **5. Highways Matters**

- 6.27 Whilst the Highways Authority had no objection to an open off-street parking area proposed within the initial proposal, they raised concerns regarding the current revised proposal being unable to achieve the suggested visibility splays for vehicles set out within the Cumbria Development Design Guide 2017.
- 6.28 According to the Highways Authority, the Cumbria Development Design Guide 2017 sets out that the standard visibility splays requirement for pedestrians and vehicles is 2m x 2m and 2.4m x 60m respectively. The submitted visibility splays plan shows that although the proposal will satisfy the visibility requirements for pedestrians, the required visibility splay for vehicles cannot be achieved. As such, the Highway Authority objects to this application on the grounds of inadequate visibility splays for vehicles.
- 6.29 According to Policy IP3 of the CDLP 2015-2030, developers should have regard to the Department for Transport's 'Manual for Streets' when considering parking design for development proposals. According to paragraph 7.7.7 of the 'Manual for Streets' document, although a distance of 2.4m (measured from the nearside edge of the carriageway back to the position of the driver's eye line) should normally be used in most built-up situations, a minimum figure of 2m would be considered acceptable in some very lightly-trafficked and slow-speed situations. The proposal can achieve a visibility splays of 2m x 25m in both directions.
- 6.30 Policy IP3 of the CDLP 2015-2030 recognises that off-street parking provision in some areas in Carlisle could be problematic and suggests that a more flexible approach to parking standards in such areas may be required. Therefore, when assessing whether this application will have an unacceptable impact on highways safety, it is important to take into consideration the local circumstances.
- 6.31 The application site is located at the top end of Moat Street, which is a narrow street and a no-through road. As there are no on-street parking restrictions along Moat Street, a high level of on street parking already occurs. This issue was also raised by a member of public. Due to the congested nature of the current parking situation on Moat Street, cars are forced to navigate the street at a very slow speed.
- 6.32 Whilst it is noted that there is a school gate located to the end of Moat Street, according to the Development Control and Regulation Committee report produced by Cumbria County Council in 2010 (County Council Reference: 1/10/9010), the main entrance for the Brampton Primary School is situated at Sawmill Lane. The rear access at Moat Street would be for occasional use only and as a means of accessing a safe refuge at the rear of the school in the event of a fire. In addition, it is noted that this rear access gate would be locked after school hours and signs have been erected indicating that trespassers will be prosecuted. Therefore, it is not envisaged that there would



be a high level of pedestrian traffic on this road.

- 6.33 Taking into consideration that the proposal is for the creation of one dwelling only, the impact on traffic generation would be very low. As the application site is located where there is a low level of pedestrian movement and traffic is both light and slow moving, it is considered that a reduced visibility splay provision is acceptable in this instance. It is also acknowledged that without the provision of off-street car parking, the scheme would be unviable and contrary to local plan policy IP3.
- 6.34 The proposed access would be of sufficient width and length to allow two cars to be parked within the curtilage of the property, as such, although it is acknowledged that the access does not provide the normal required standards of vehicles visibility splays, vehicles and pedestrians approaching from the north and south would be clearly seen by driver(s) leaving the access. As such, it is not felt that the proposal would have a detrimental impact upon highway safety, to an extent which is significant enough to warrant refusal of this application.

## **6. Other Matters**

- 6.35 The Applicant proposes to install an aco drain to the front of the driveway to prevent surface water discharge onto the highway. This arrangement is considered acceptable.

## **Conclusion**

- 6.36 The principle of the development is considered acceptable. The proposal will bring a building, which has been left vacant and unmanaged for a decade, back into use. Additionally, the scale and design of the proposal is considered acceptable and the proposal will not unduly harm the non-designated heritage asset or the character of the Brampton Conservation Area.
- 6.37 Although the proposal cannot achieve the required visibility splays for vehicles, taking into consideration the application site is located where there is a low level of pedestrian movement and traffic is both light and slow moving, it is considered that a reduced visibility splay provision is acceptable in this instance, as per suggested within the Department for Transport's 'Manual for Streets'. In light of the local circumstances, it is considered that the proposal will not have a detrimental impact upon highway safety.
- 6.38 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that the proposal is in full accordance with both local and national planning policies. Therefore, it is recommended that this application is approved with conditions.

## **7. Planning History**

- 7.1 There is no planning history relevant to the assessment of this planning application.

## **8. Recommendation: Grant Permission**

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form, received 19 Nov 2018;
  2. the Location Plan, received 19 Nov 2018;
  3. the Proposed Site Plan, received 26 Mar 2019;
  4. the Proposed Floor Plan (Dwg No. 504 Rev B), received 9 Apr 2019;
  5. the Proposed Front, Side and Rear Elevations and Floor Plans (Dwg No. 501), received 6 Mar 2019;
  6. the Planning Statement, received 19 Nov 2018;
  7. the Contamination Statement, received 19 Nov 2018;
  8. the Heritage Statement, received 8 Apr 2019;
  9. the Level 2 Historic Building Recording Survey, received 8 Apr 2019;
  10. the Notice of Decision; and
  11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

2. Prior to the carrying out of any construction work, the building affected by the proposed development shall be recorded in accordance with a Level 2 Survey as described by Historic England's document Understanding Historic Buildings A Guide to Good Recording Practice, 2016. Within 2 months of the commencement of construction works, a digital copy of the resultant Level 2 Survey report shall be furnished to the Local Planning Authority.

**Reason:** To ensure that a permanent record is made of the building of architectural and historic interest prior to its alteration as part of the proposed development.

3. The external leaf of the reconstructed portion shall be bedded and pointed in a cement-free lime mortar to a ratio of 1:3 (lime to a well-graded sharp sand with a range of particle sizes from 1/3<sup>rd</sup> of joint size to dust). The mortar specification shall be submitted in writing to the Council's Heritage Officer and a sample panel shall be constructed and agreed on site with the Heritage Officer. The reconstruction work shall only proceed upon the agreement of the Council's Heritage Officer.

**Reason:** To safeguard and preserve the special architectural and historic interest of the listed building, and to ensure compliance with Policies HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

4. The Timber vertically opening sash windows, as shown on the proposed elevation plan (Dwg no. 501, received 6 Mar 2019), shall to be slim double glazed windows with glazing of no more than 4/10/4 and with a central structural glazing bar. Externally the glazing to be held in place by a proprietary putty fillet (timber fillet not to be used). All windows to be set back

at least 100mm from the face of the window.

**Reason:** To safeguard and preserve the special architectural and historic interest of the listed building, and to ensure compliance with Policies HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

5. Access gates, if provided, shall be hung to open inwards only away from the highway.

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

6. The property shall not be occupied until the aco drain, as shown on the proposed site plan (Dwg No. 501 Rev C, received 26 Mar 2019) is installed.

**Reason:** In the interests of road safety and to support Local Transport Plan Policies: LD5, LD7, LD8.

7. No work associated with the construction of the frontage 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 statutory holidays).

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted on the east or south elevations of the frontage of the building without the prior consent of the Local Planning Authority.

**Reason:** To ensure compliance with Policies SP6, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

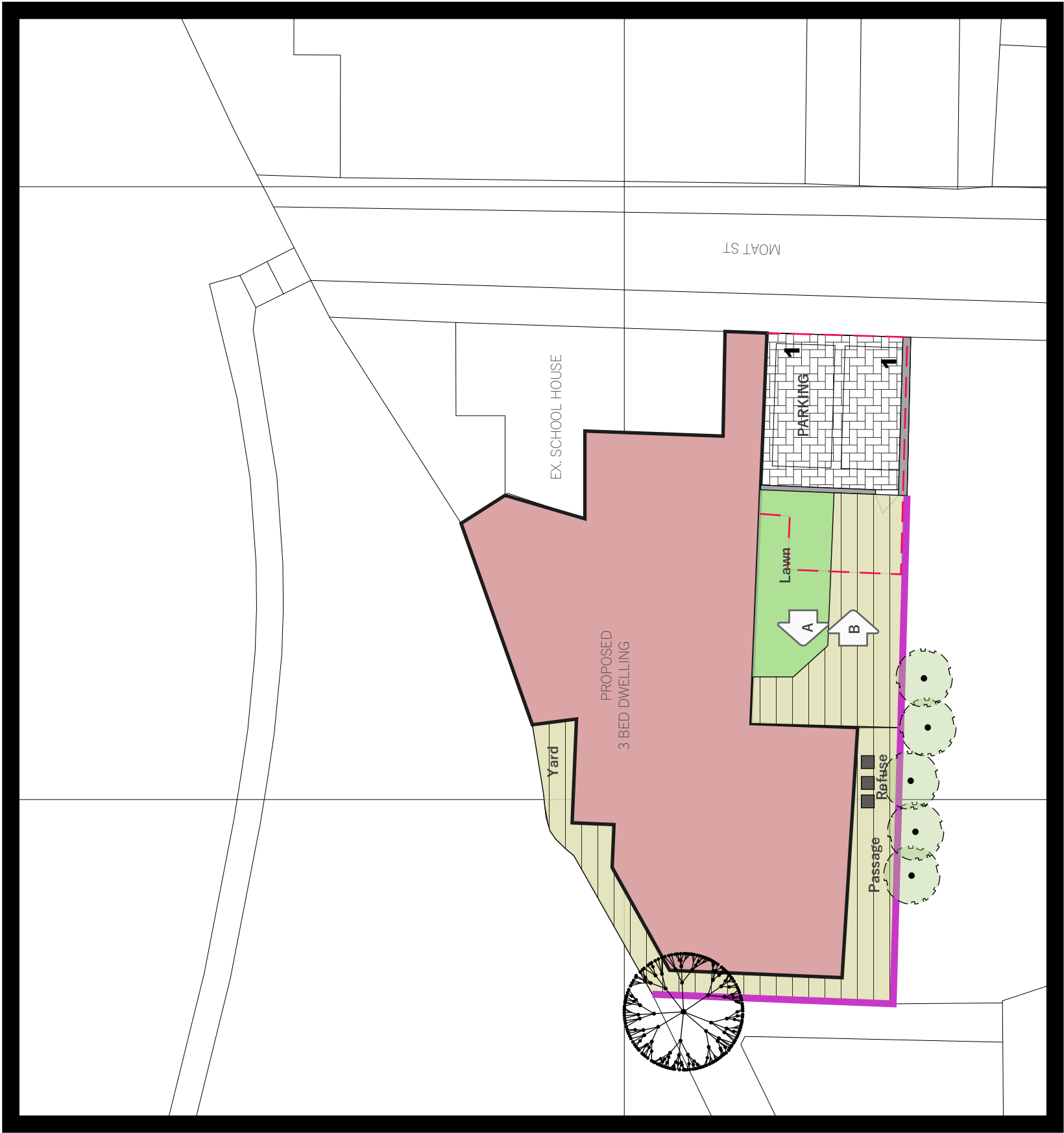
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Plan shows area bounded by: 353038.88, 561097.25 353213.88, 561340.5, OSGridRef: NY53126121. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Site Plan 1:200

Pavers

Garden

Tegular & flags hardstanding

Ex. 1.8m high timber fence

Extent to be demolished

Ex conifers

1.05m Sandstone wall (reused material from demolition)

Notes:

All foul & surface drainage to be used as existing

Project

Part Demolition & Change of use from School to 3 Bed Dwelling

Client

Frank Scott Homes

Dwg No. 501

Title

Proposed Site Plan

Status

Planning

Scale 1:200

Size A3

Drwn By: MWA

M

A

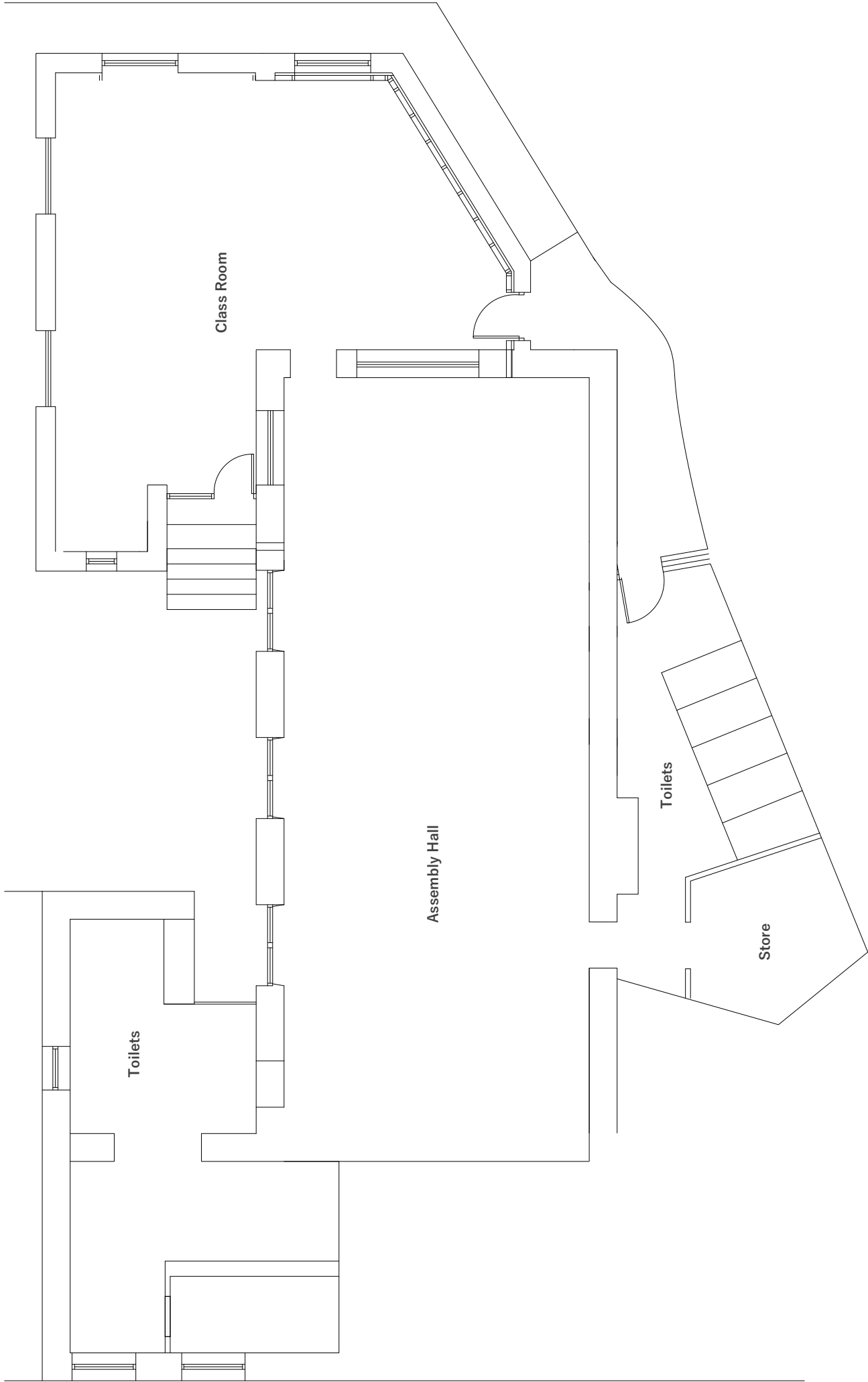
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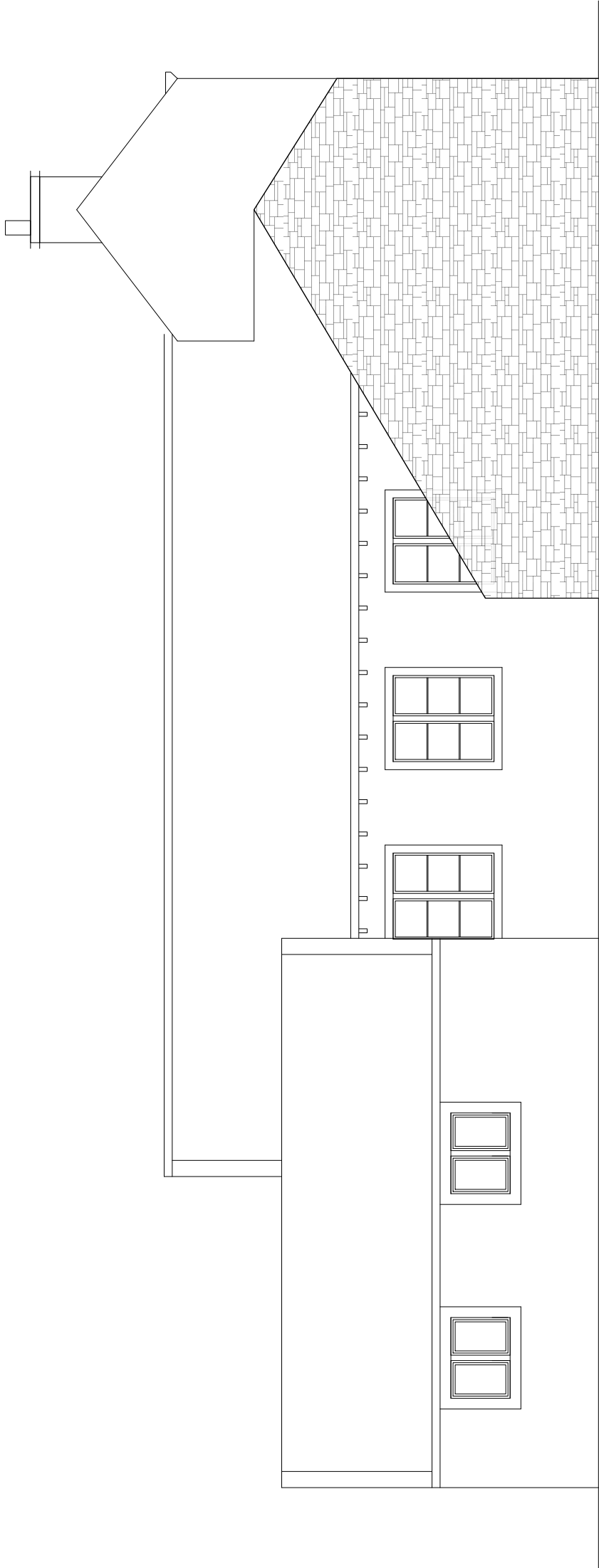
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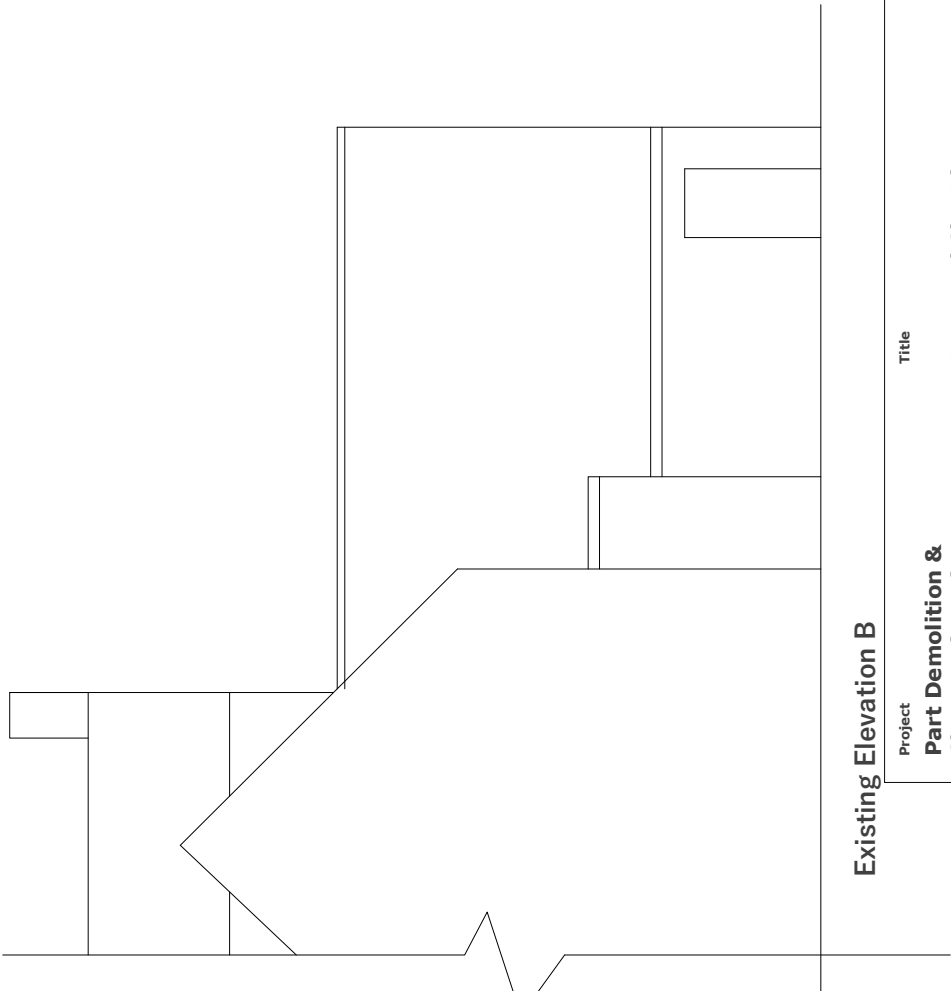
Existing Ground Floor Plan

Project	Title	
Part Demolition & Change of use from School to 3 Bed Dwelling	Existing Plan	
Client	Status	
Frank Scott Homes	Planning	
Dwg No. 503	Scale 1:100	Size A3
Drwn By: MWA		

M A C A D A S



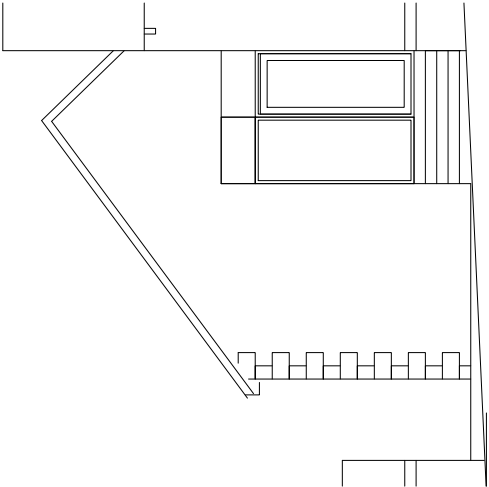
Existing Side Elevation



Existing Elevation B



Existing Street View



Existing Elevation A

Project

Part Demolition &  
Change of use from  
School to 3 Bed Dwelling

Status

Planning

Client

Frank Scott Homes

Dwg No. 502

Scale 1:100

Size A3

Drwn By: MWA

Title

Proposed Site Plan

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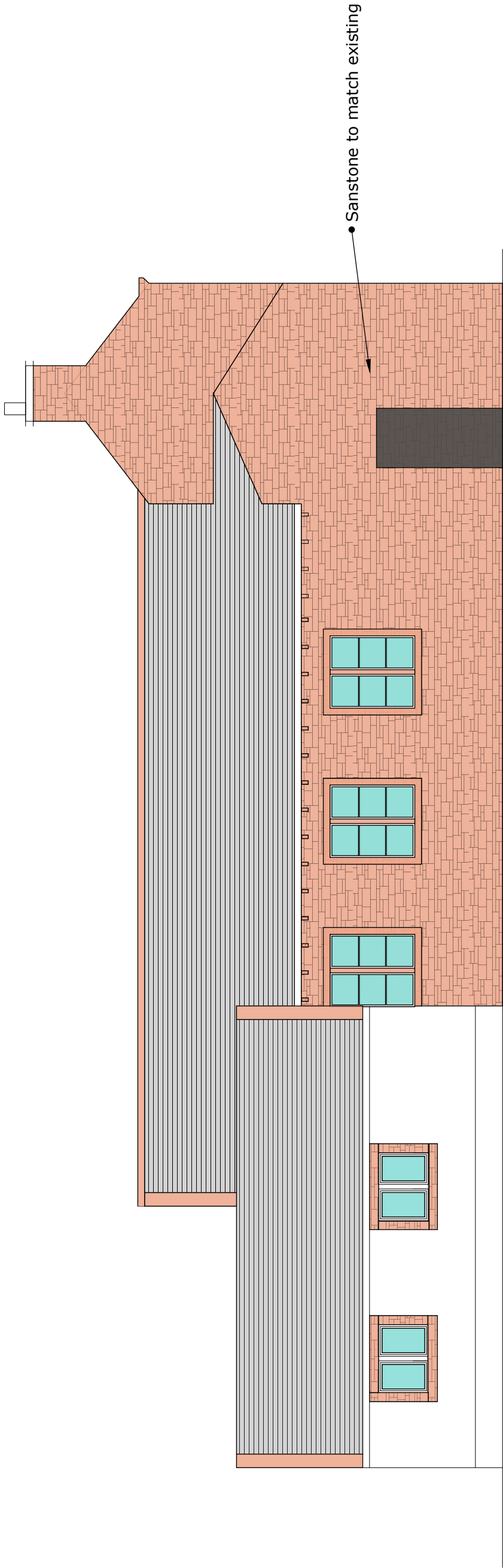
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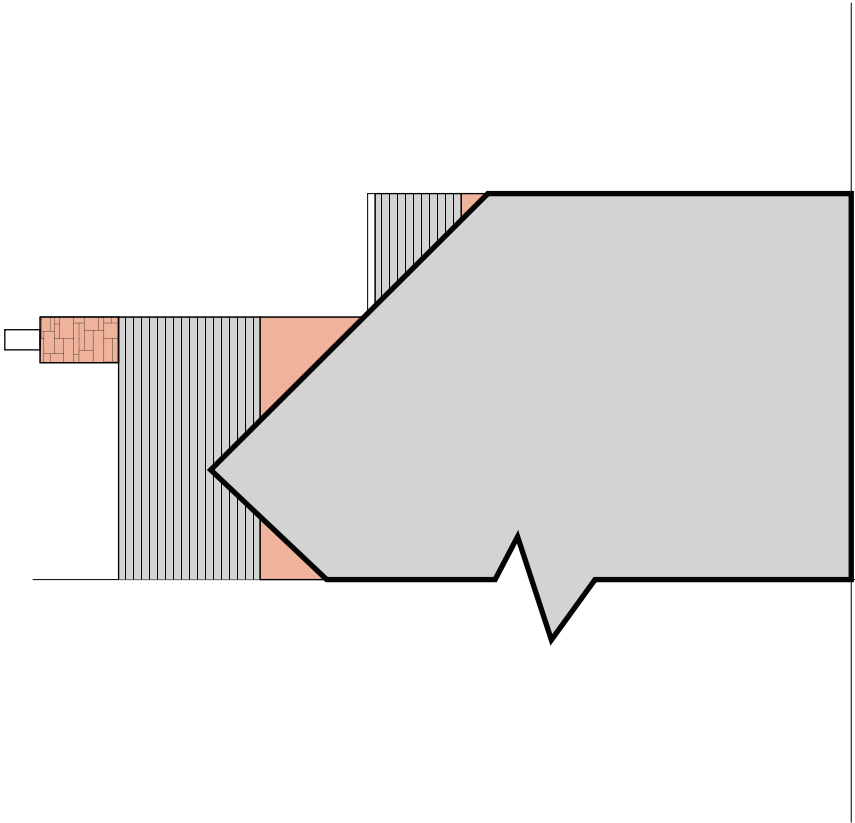
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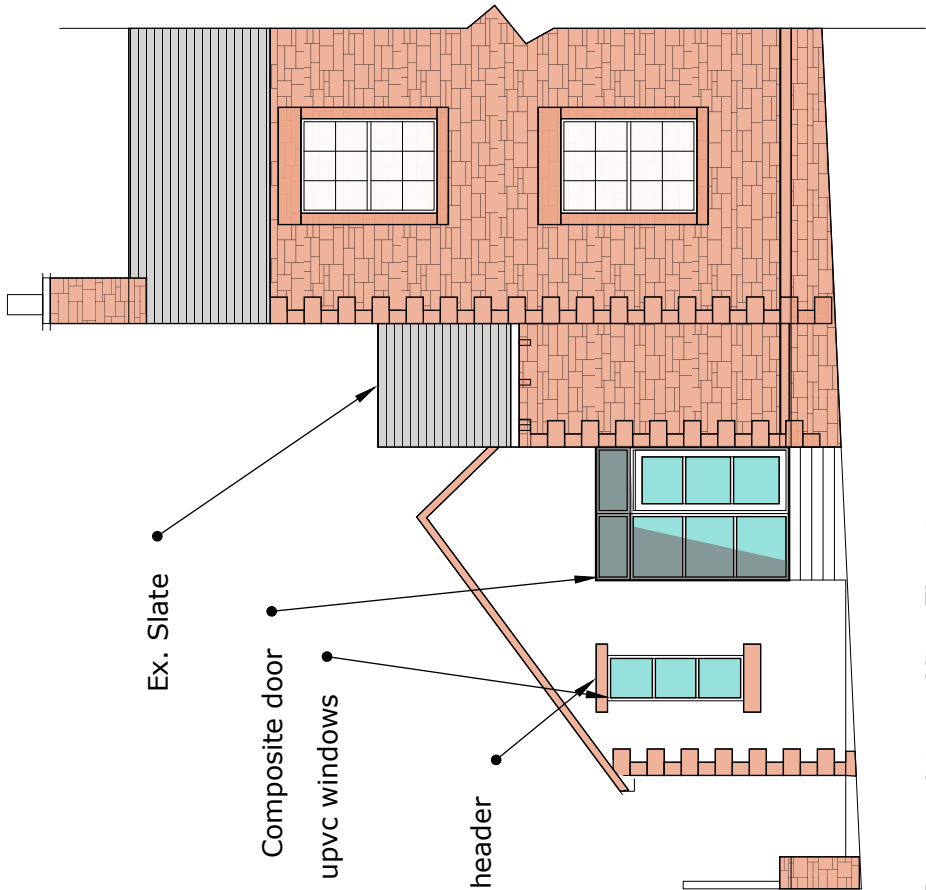




Proposed Side Elevation



Proposed Elevation B-B



Proposed Street View Elevation

Project

Part Demolition &  
Change of use from  
School to 3 Bed Dwelling

Title

Proposed Elevations

Client

Frank Scott Homes

Status

Planning

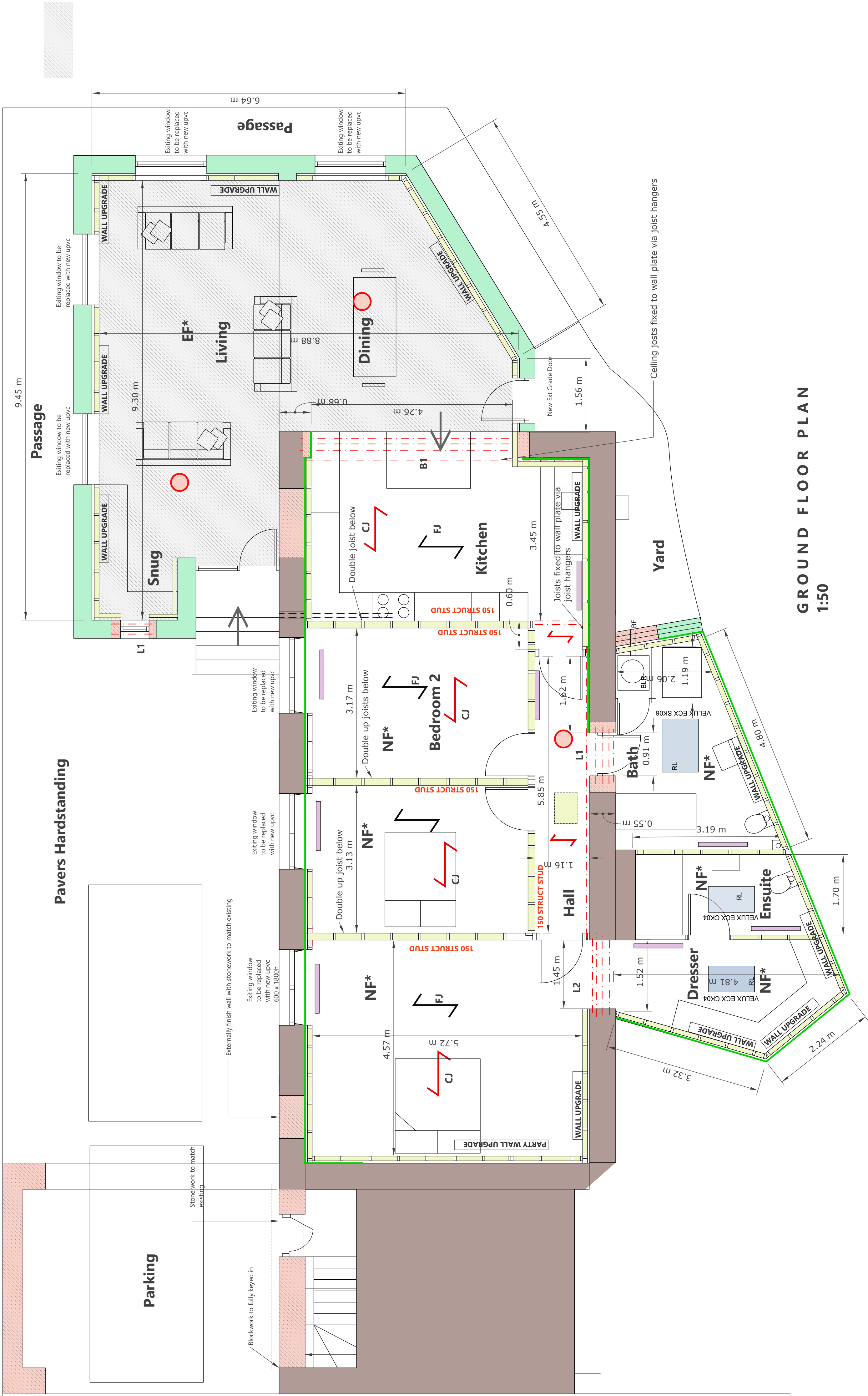
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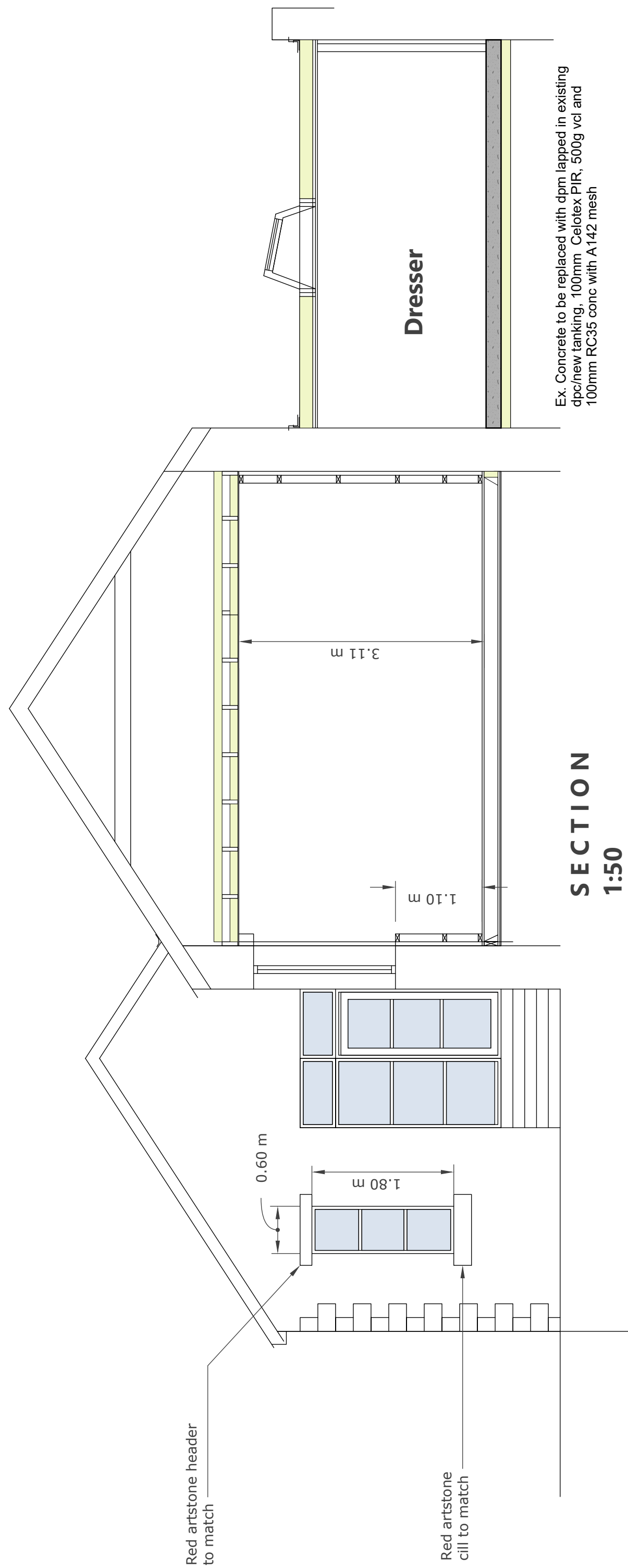
Size A3

Drwn By: MWA

M A C A D A S



GROUND FLOOR PLAN  
1:50



SECTION  
1:50

Ex. Concrete to be replaced with dpm lapped in existing  
dpc/new tanking, 100mm Celotex PIR, 500g vcl and  
100mm RC35 conc with A142 mesh

Project  
Part Demolition &  
Change of use from  
School to Dwelling

Client  
Frank Scott Homes

Draw No. 3018  
Scale 1:100  
Drawn By: NWA

Title  
Proposed Elevations  
Planning

M A C C A D A S



## SCHEDULE A: Applications with Recommendation

18/0620

Item No: 06

Date of Committee: 26/04/2019

**Appn Ref No:**  
18/0620

**Applicant:**  
Mr Foster

**Parish:**  
Kingwater

**Agent:**  
Robson & Liddle (Rural)  
Limited

**Ward:**  
Irthing

**Location:** Desoglin, West Hall, Brampton, CA8 2BP

**Proposal:** Erection Of A 16,000 Bird Poultry Unit And Packing Area With 2no.  
Feed Hoppers

**Date of Receipt:**  
24/07/2018

**Statutory Expiry Date**  
23/10/2018

**26 Week Determination**  
26/04/2019

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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 The visual impact of the proposal;
- 2.3 Impact upon the living conditions of neighbouring properties;
- 2.4 Impact upon highway safety;
- 2.5 Drainage;
- 2.6 Impact upon trees/hedgerows;
- 2.7 Biodiversity;
- 2.8 Other matters.

#### 3. Application Details

##### The Site

- 3.1 The application site relates to a field 0.19 hectares in an area located to the north of a woodland plantation (known as Spotleybank) which lies adjacent to

an unadopted road leading north from the B6318 from Kingbridge Ford Bridge to Spadeadam Farm. The field forms part of Desoglin Farm, located approximately 350 metres to the south west of the application site.

- 3.2 The site is located within the open countryside, is surrounded by fields and the Spotleybank Plantation to the south and east. The closest non-associated neighbouring property is "Lesser Moorguards" located approximately 490 metres to the south.

## **The Proposal**

- 3.3 The application seeks full planning permission for the erection of a 16,000 bird free range poultry unit in the field to the north of the Spotleybank Plantation. The unit itself will be set back approximately 102 metres from the road leading from Kingbridge Ford Bridge to Spadeadam Farm and will consist of a steel portal framed building with 1 metre concrete wall panels and dark green box profile insulated sheeting to the walls and roof. The building will have a footprint of 1110 square metres, an eaves height of 3.5 metres and a ridge height of 7 metres. Two feed hoppers 5 metres in height will also be situated adjacent to the building.
- 3.4 A hard standing approximately 460 square metres in area will be located to the south of the building with a new access road (approximately 76 metres in length) formed through the Spotleybank Plantation connecting the site to the road leading from Kingbridge Ford Bridge to Spadeadam Farm.
- 3.5 The remainder of the field is to be used as a roaming area for the birds. Native tree planting is proposed 10 metres from the agricultural building with approximately 2.5 metre spacing between the trees. A landscaped bund is also proposed to the north of the building.
- 3.6 Surface water is to discharge to a soakaway.
- 3.7 Members should be aware when the application was first submitted an access track to the development was proposed through the field to the west of the site and the poultry unit was to be located further north into the field. The application has however been amended to reflect the details outlined in paragraphs 3.3-3.6 above.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the display of a site notice and press notice. In response to the original consultation undertaken 10 objections have been received.
- 4.2 The objections cover a number of matters summarised as follows:
1. Highway safety from an increase in HGV movements;
  2. Roads not suitable for heavy traffic;
  3. Road is not gritted during winter months;

4. Proposal is in direct view of Tortie Cottage and will impact upon diversification plans (B & B, artists retreat);
  5. Visual impact on landscape;
  6. There are more suitable sites beside the main road;
  7. Impact of pollution/flooding on the surrounding water table;
  8. What would happen if adjacent trees owned by another landowner are removed?
  9. Road is used by horses/ dog walkers/cyclists and runners;
  10. Hedges on roads are too overgrown;
  11. Potential smells and toxicity;
  12. Sufficient egg farms in surrounding areas, object to any more;
  13. Site is an Area of Outstanding Natural Beauty and near a SSSI;
  14. Impact upon wildlife/protected species;
  15. Farm is too large;
  16. Intensive farming is not of any benefit;
  17. Queries whether the site will be fenced and screened by trees to help visual impact;
  18. Queries as to whether hens will be free range or in sheds?
  19. Queries as to whether the development comes near Stoneybeck Stream which runs through the area;
  20. Queries as to how waste/muck/effluent/dead hens will be disposed of?
  21. Queries as to how the site will access water?
  22. Location plan has left out farms in the area;
  23. Applicant owns other properties in the area which are more accessible;
- 4.3 Reconsultation on amended plans have been undertaken with the 10 interested parties. At the time of preparing this report one further objection and verbal representations from the same objector have been received.
- 4.4 The further objections are summarised as follows:
1. Highway safety;
  2. There are 9 properties affected by the access;
  3. Tortie Cottage is currently undergoing renovation to be used as a holiday cottage;
  4. Impact of the development on Tortie Cottage as it is elevated and will overlook the proposed development;
  5. When the trees in the Spotleybank Plantation are cut the building will be more visible;
  6. Suggest alternative locations are considered;
  7. Query regarding water supply.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to the imposition of three conditions regarding visibility splays, surfacing of the access track and height of existing fence/boundary walls.

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

**Local Environment - Environmental Protection:** - standing advice received regarding odour and vermin management as well as private water supply regulations;

**Natural England - Larger Schemes with Env.St & Designated Sites (SSSIs, SACs, SPAs, Ramsar Sites):** - agrees with conclusion of the Air Quality Assessment provided, that there is no likely significant effect on any designated sites, and has no objection or further comment to make.

## **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) together with Policies SP1, SP2, SP6, EC11, EC12, IP2, IP3, IP6, CC5, CM5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. Other material considerations are the Cumbria Landscape Character Guidance and Toolkit (adopted March 2011) together with the Council's 'Trees and Development' Supplementary Planning Document (SPD).
- 6.3 The proposal raises the following planning issues:

#### **1. The Principle of Development**

- 6.4 Paragraph 11 of the NPPF outlines that planning decisions should apply a presumption in favour of sustainable development. Paragraph 83 of the NPPF states that in order to promote a prosperous rural economy planning 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; and, b) the development and diversification of agricultural and other land-based rural businesses.
- 6.5 Policy SP2 (Strategic Growth and Distribution) of the Carlisle District Local Plan 2015-2030 (CDLP) seeks to promote sustainable development through concentrating development within existing settlements and ensuring that developments within the remote rural area are assessed against the need to be in the location specified. The revised paragraph 84 of the NPPF (adopted February 2019) recognises that there are instances where sites may have to be found beyond existing settlements and in locations not well served by public transport to serve local business and community needs. In such circumstances it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact upon local roads and exploits any opportunities to make a location more sustainable.



- 6.6 Policy EC12 (Agricultural Buildings) of the CDLP confirms that proposals for new agricultural buildings and structures will be permitted provided that 1) the building is sited where practical to integrate with existing agricultural buildings and/or take advantage of the contours of the land and any natural screening; 2) the scale and form of the proposed structure relates to an existing group of buildings unless otherwise justified; 3) the design and materials used reflect the overall character of the area; and 4) the proposal would not have an unacceptable impact on any adjacent land uses.
- 6.7 Policy EC11 (Rural Diversification) of the CDLP confirms that changes in agriculture over recent decades has resulted in a decline in farm-related jobs. As a result there is now a need to strengthen the economy in rural areas by supporting the sustainable growth and expansion of all types of businesses and enterprise in rural areas. Policy EC11 states that 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. Policy EC11 sets out criteria against which proposals will be assessed seeking to ensure that proposals are: compatible with their existing rural setting; in keeping in terms of scale and character with the surrounding landscape and buildings; include adequate access and car parking arrangements; and not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.
- 6.8 The applicants reside at Desoglin Farm which is located approximately 350 metres to the south-west of the application site. The accompanying design and access statement confirms that the applicants propose to diversify their existing livestock enterprise into free range egg production, through the erection of a 16,000 bird free range egg unit. The planning submission, which includes a supporting letter from the applicants vet, confirms that the existing farmstead is not suitable for the siting of the livestock building due to bio-security reasons and animal welfare relating to existing dairy, sheep and pig operations. Furthermore a suitable range which would meet current welfare standards by DEFRA ( a requirement of 1 hectare of land per 2,500 birds) would be unable to be accommodated nearer to the farm. The application site has therefore been selected due to the availability of a large ranging area for the hens and the natural screening provided by the Spotleybank Plantation.
- 6.9 Whilst the proposed building would be a large steel structure, it would be used for agricultural purposes as part of a diversification of an existing business. In such circumstances the principle of the proposal is acceptable and sufficient justification has been provided for the need for the development to be situated in the location specified.

## **2. The Visual Impact Of The Proposal**

- 6.10 Policy GI1 "Landscapes" of the CDLP seeks to protect landscapes from excessive, harmful or inappropriate development. Policy EC12 "Agricultural

Buildings" seeks to ensure that new agricultural buildings are sited where practical to integrate with existing agricultural buildings and/or take advantage of the contours of the land any existing natural screening. The scale and form should relate to existing group of buildings unless otherwise justified, the design/materials should reflect the overall character of the area and the proposal should not have an unacceptable impact on adjacent land uses.

- 6.11 The Cumbria Landscape Character Guidance and Toolkit (adopted March 2011) identifies the site as being located within the intermediate farmland landscape character - type 6 however it is also located in close proximity to sub type 9a - open moorlands.
- 6.12 The perceptual character of sub type 6 is large scale mainly open working farmed landscape. Hedges, trees and the undulating nature of the land can limit views and provide a more intimate feel to the landscape. Where the land rises and opens out there are more extensive views. Fields are large scale with mainly regular and rectilinear patterns, blocks of woodland reinforce the regular field patterns. Throughout the landscape some parts are lightly settled with small nucleated villages. Farms are dispersed with some large scale modern agricultural buildings forming new features in the landscape. The guidelines for development in landscape sub type 6 is to encourage farm diversification where it will benefit the landscape and economy, and, to reduce the impact of large scale new buildings by careful siting and design and by the use of appropriate materials.
- 6.13 The perceptual character of sub type 9a is large open landscapes giving a feeling of remoteness, the darker rougher moorland contrasts with the greener smoother improved pasture. Views stretch to the Scottish Hills and are uncluttered and framed by forest. The guidelines for development are to avoid siting development on prominent edges of the plateau taking advantage of the natural containment offered by intermediate ridges and horizons; minimise the impact of development by careful siting and design; and, ensure new development respects the local landscape character and vernacular.
- 6.14 The poultry unit would be sited in a field to the rear of the Spotleybank Plantation. The typography of the field is slightly varied with the land rising and then falling to the north. Following a site visit it is evident that the application site and its immediate surroundings have more characteristics of sub type 6 as many of the farms within the surrounding area are dispersed and the landscape is very lightly settled with dwelling houses. The landscape is relatively large and open however its undulating nature and pockets of woodland and hedgerow trees can obscure long range views.
- 6.15 The poultry unit itself will be set back approximately 102 metres from the road leading from Kingbridge Ford Bridge to Spadeadam Farm, positioned behind the Spotleybank Plantation. In such circumstances there is unlikely to be any long range views of the unit. Where views are afforded the development will be viewed in the context of the existing woodland plantation. In such circumstances the development will be sited in a position which takes advantage of existing natural screening which will soften the development.

- 6.16 The building will be coloured dark green and will have a relatively low eaves and ridge height which will also minimise the landscape impact.
- 6.17 In relation to the above, and taking into account that the surrounding landscape is characterised by dispersed farm steadings, the poultry unit would not form a discordant feature within the surrounding landscape. The visual impact of the proposal is therefore acceptable.

### **3. Impact Upon The Living Conditions Of Neighbouring Properties**

- 6.18 The application site is located within the remote rural area with the closest non-associated residential property located approximately 490 metres to the south. Given the separation distances involved the proposal would not have a detrimental impact upon the living conditions of any neighbouring properties through over dominance, loss of light or overlooking.
- 6.19 With regards to visual impact of the development it is important to make a distinction between something that is visible as opposed to being prominent and oppressive. It is noted that a number of objectors have raised concerns regarding the impact of the view from Tortie Cottage (which is located approximately 1.13km to the north of the proposed poultry unit). It is appreciated that right to a view is not a material planning consideration and the focus of the planning system is to regulate the use and development of land in the public interest. Whilst it is not disputed that the development would be visible from some neighbouring properties it is not considered that the development causes a prominent or oppressive impact due to the separation distances between the application site and neighbouring dwellings, coupled with the relatively low ridge and eaves height. Furthermore the development would be viewed in the context of the Spotleybank Plantation.
- 6.20 The submitted documentation confirms that a number of measures are proposed to mitigate odour, smell, flies and vermin etc from the development. For example litter is checked, kept dry and removed every week to reduce build up, manure is on a conveyable system and will be emptied once a week to prevent build up of manure within the building which could create a odour nuisance, sheds are inspected daily for the health of birds and any fallen stock will be processed and disposed of under the fallen stock scheme. Managing for incidence of flies is part of management check and insecticides may be applied onto poultry litter, water drinkers will also be chosen that provide little spillage onto surrounding litter. The development will also have a verified contractor under a formal contract to bait the sheds and keep on top of pest numbers in the area.
- 6.21 The Councils Environmental Health team have been consulted on the development and have not raised any objections to the proposal. They have however provided standing advice to ensure that no nuisance is caused in relation to odour and vermin. Advice has also been received regarding the use of private water supplies and adherence to the Private Water Supplies (England) Regulations 2016. A copy of the standing advice will be included within the Decision Notice as an informative.

- 6.22 Subject to the measures outlined in paragraph 6.20 being adhered to, which can be controlled via the imposition of a planning condition, there will be no odour, noise or nuisance problems arising from the development. Should any nuisance problems arise this would be dealt with under the relevant Environmental Health legislation.

#### **4. Impact Upon Highway Safety**

- 6.23 The poultry unit will be accessed via an unclassified road (a single 2 lane carriage way) leading from Kingbridge Ford Bridge to Spadeadam Farm. A new access from this road is to be formed through the Spotleybank Plantation with a hard standing in front of the poultry unit to the south for parking and turning.
- 6.24 The agent has confirmed that the site will generate 2 articulated HGV every 14 months for bird delivery and another 2 HGVs every 14 months for bird removal, 1 articulated HGV per month for feed/bedding deliveries, 3 articulated HGVs per week for egg collection together with 1 tractor and trailer per week for manure removal. It is stated within the Transport Statement that in order to manage the number of HGVs that will be travelling along the B6318, the eggs will be collected by the same HGV lorries that currently collect eggs from another farm steading at West Hall (Gillalees Farm). The HGVs collecting the eggs will arrive during daytime hours of 9am-5pm via the farm access track.
- 6.25 The total commercial traffic equates to 4 vehicles ( 8 movements) per week with extra journeys (5 vehicles, 10 movements) in a week during the laying period (i.e. when feed/bedding/birds are delivered/removed). In addition, the proposed development will create one full time and one part time position. The proposal includes a hard standing to allow for parking and turning.
- 6.26 The relevant Highway Authority has been consulted and has raised no objections on highway safety grounds subject to the imposition of three conditions regarding visibility splays, surfacing of the access track and the height of existing fence/boundary walls. In such circumstances the development is unlikely to have an adverse impact upon highway safety.

#### **5. Drainage**

- 6.27 Surface water from the site is to be disposed of via a soakaway. Foul drainage is to be stored in a tank and disposed of, off site. Percolation tests have been undertaken in accordance with the BRE 365 method which demonstrates that infiltration is a valid method of surface water disposal. The Lead Local Flood Authority has been consulted on the proposal and has raised no objections. In such circumstances the drainage methods are deemed acceptable.

#### **6. Impact Upon Trees/Hedgerows**

- 6.28 In order to provide the proposed access track a small proportion of the commercial Spotleybank Plantation will be felled. The plantation consists of

Norway Spruce and Sika Spruce which are within the early stage of maturity and will be suitable for clear felling and restocking within the next 10 years. As part of the development additional native trees will be planted within the roaming areas which will mitigate for the loss of the trees to provide the proposed access. Whilst policies seek to integrate existing trees into developments it is appreciated that the trees within the Spotleybank Plantation are of no particular merit and the small area of trees which will need to be removed to facilitate the proposed access will not have a significant adverse impact upon the wider landscape setting.

## **7. Biodiversity**

- 6.29 The application site is not located within or immediately adjacent to a SSSI however Natural England has part of their original consultation response to the application requested further information on air quality impacts of the development on SSSI impact risk zones as they noted that livestock sheds/manure stores and slurry lagoons are a major source of emissions of ammonia.
- 6.30 An ammonia assessment has subsequently been undertaken which concludes that the predicted contribution from the development to ammonia concentrations and nitrogen and acid deposition was below the relevant criteria at all ecological receptor locations in the vicinity of the site for all modelling years. Resultant impacts were classified as not significant in accordance with the stated criteria. As such, potential ammonia emissions from the proposed poultry unit are not considered to represent a constraint to the development. Natural England has been consulted on the air quality assessment and has agreed with the conclusions in that there will be no likely significant effect on any designated sites.
- 6.31 The increase in native trees within the site should provide biodiversity enhancement to the area. Whilst there will be some tree removal within the plantation to provide the proposed access track provided these take place outside of the breeding bird season there should be no adverse impact upon any protected species or their habitat.

## **8. Other Matters**

- 6.32 Objections have been raised regarding the impact of the proposal upon the diversification plans for Tortie Cottage. The available planning history for this property does not indicate that any business operates from the Tortie Cottage. As outlined in paragraphs 6.18-6.19 given the separation distances involved it is not considered that the proposal would have an adverse impact upon the living conditions of any occupiers of this property in terms of loss of light, over looking or over dominance.
- 6.33 Objectors have raised concerns regarding landscape impact particularly if the trees on the Spotleybank Plantation are felled. The submitted tree survey on behalf of the applicant confirms that the trees at the plantation are at the stage of early maturity and will be suitable for clear-felling and restocking within the next ten years. There is however no evidence of any felling

licences for the plantation on the GOV.uk website, Any felling is usually subject to restocking therefore there should be no significant landscape impact of the proposed development arising from the felling of trees.

- 6.34 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularize any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life".

- 6.35 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need.

- 6.36 Article 8 and Article 1 Protocol 1 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 In conclusion, the principle of the development is acceptable and the proposal is of a scale and design which is suitable in relation to the surrounding landscape. Given the positioning of the development in relation to residential properties, the proposal would not have an adverse impact upon the living conditions of the occupiers of any neighbouring properties. Nor would the development have an adverse impact upon highway safety or biodiversity (including designated sites). Overall, it is held that the proposal does not conflict with current policies of the Development Plan and therefore is considered acceptable.

## **7. Planning History**

- 7.1 There is no relevant planning history relating to the 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 submitted planning application form received 19th October 2018;
2. the site location plan received 4th October 2018 (scale 1:5,000);
3. the block plan received 19th October 2018 (scale 1:10,000)
4. the proposed site plan received 4th October 2018 (scale 1:2,500);
5. the roaming area plan received 4th October 2018 (scale 1:3,500);
6. the proposed floor plan received 6th July 2018 (Plan No.3);
7. the proposed side elevations received 6th July 2018 (Plan No.1, Ref F002A);
8. the proposed front and rear elevations received 6th July 2018 (Plan No.1, Ref A007A)
9. the design and access statement received 19th October 2018;
10. the additional information statement received 19th October 2018;
11. the supporting planning statement received 24th July 2018;
12. the swept path analysis received 6th September 2018 (Document Reference 12962-001);
13. the surface water drainage design calculations received 20th September 2018;
14. the tree survey received 4th October 2018 and plan received 19th October 2018;
15. the ecological assessment received 19th October 2018;
16. the transport statement received 19th October 2018;
17. the SCAIL data sheets received 19th October 2018;
18. the Ammonia Assessment received 4th March 2019;
19. the Notice of Decision; and
20. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The development shall not commence until visibility splays providing clear visibility of 215 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road 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 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 support Local Transport Plan Policies LD7 and LD8.

4. The surfacing of the access road shall extend for at least 10m inside the site, as measured from the highway boundary prior to the use first being commenced. The access road shall be constructed in accordance with a specification approved by the Local Planning Authority.

**Reason:** In the interests of highway safety. To support Local Transport Plan Policies LD5, LD7 and LD8.

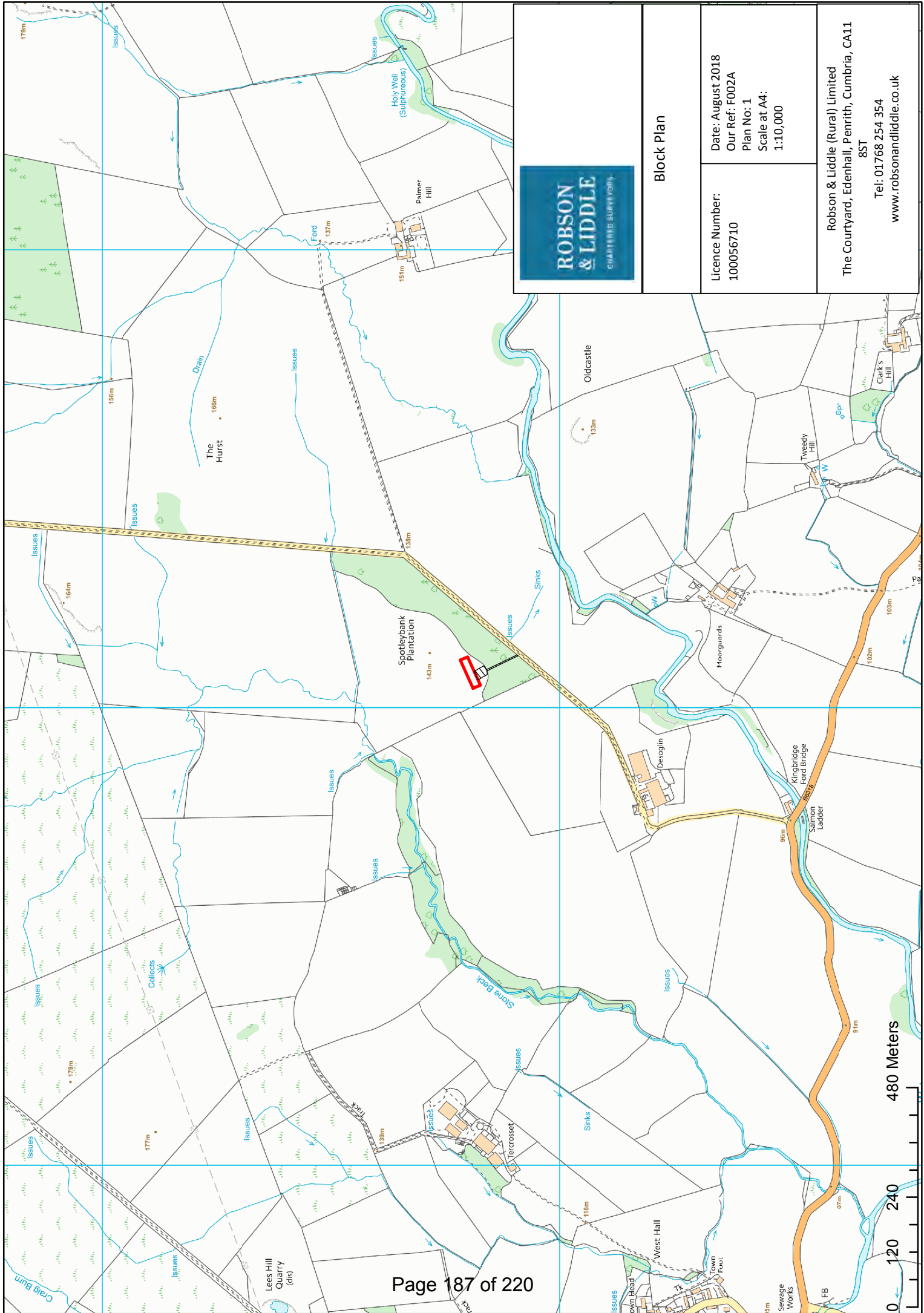
5. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before development commences and shall not be raised to a height exceeding 1.05m thereafter.

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

6. The development permitted by this planning permission shall be carried out in accordance with the measures outlined in the additional information statement received 19th October 2018 to prevent noise, odour, vermin and flies from operation site.

**Reason:** In order to ensure that the works do not cause a statutory nuisance in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

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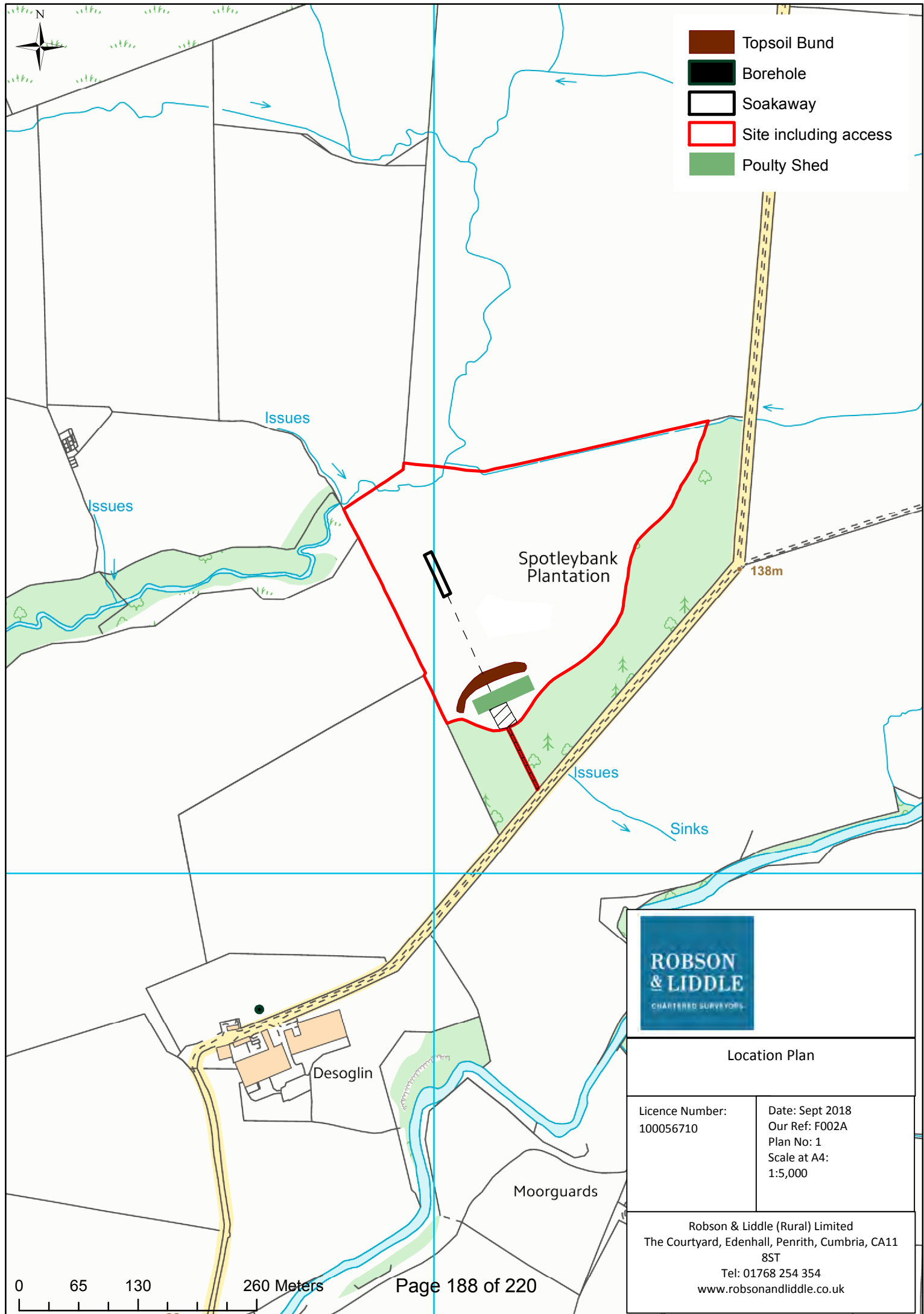


Block Plan

Licence Number:  
100056710

Date: August 2018  
Our Ref: F002A  
Plan No: 1  
Scale at A4:  
1:10,000

Robson & Liddle (Rural) Limited  
The Courtyard, Edenhall, Penrith, Cumbria, CA11 8ST  
Tel: 01768 254 354  
www.robsonandliddle.co.uk



Location Plan

Licence Number:  
100056710

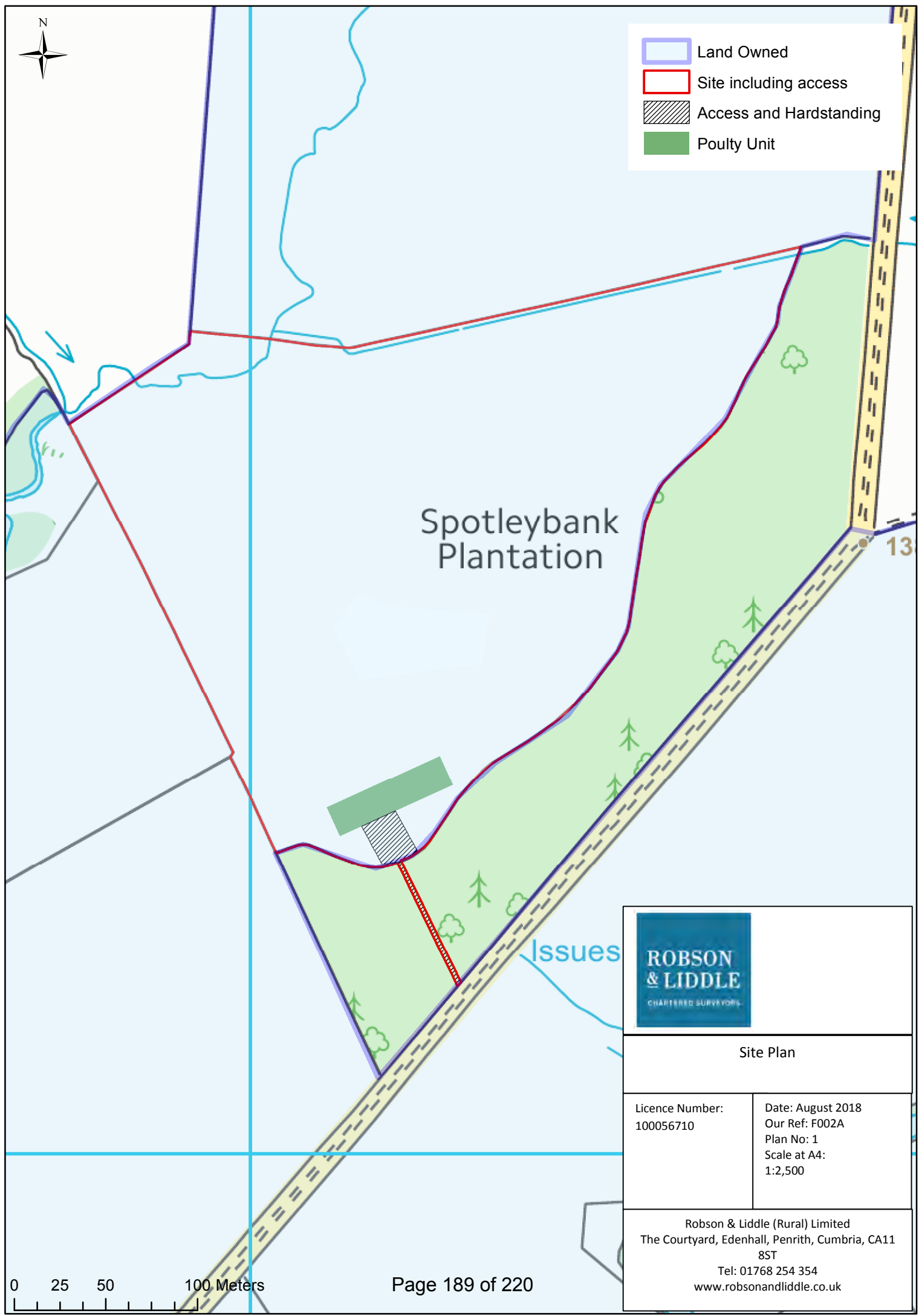
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Our Ref: F002A  
Plan No: 1  
Scale at A4:  
1:5,000

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- Land Owned
- Site including access
- Access and Hardstanding
- Poultry Unit



Spotleybank  
Plantation

13

Issues

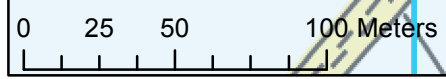


Site Plan



Licence Number:  
100056710

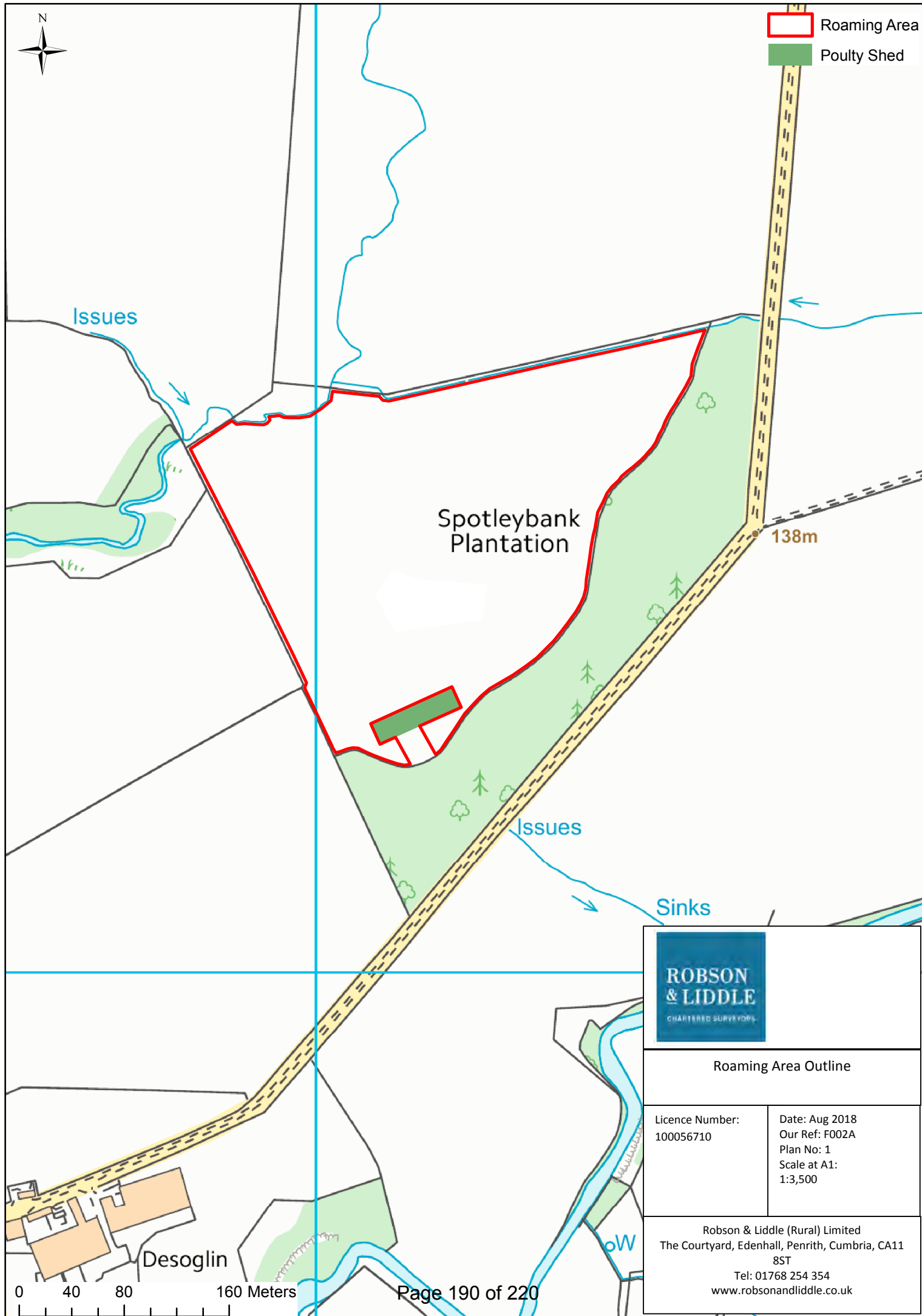
Date: August 2018  
Our Ref: F002A  
Plan No: 1  
Scale at A4:  
1:2,500

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-  Roaming Area
-  Poultly Shed



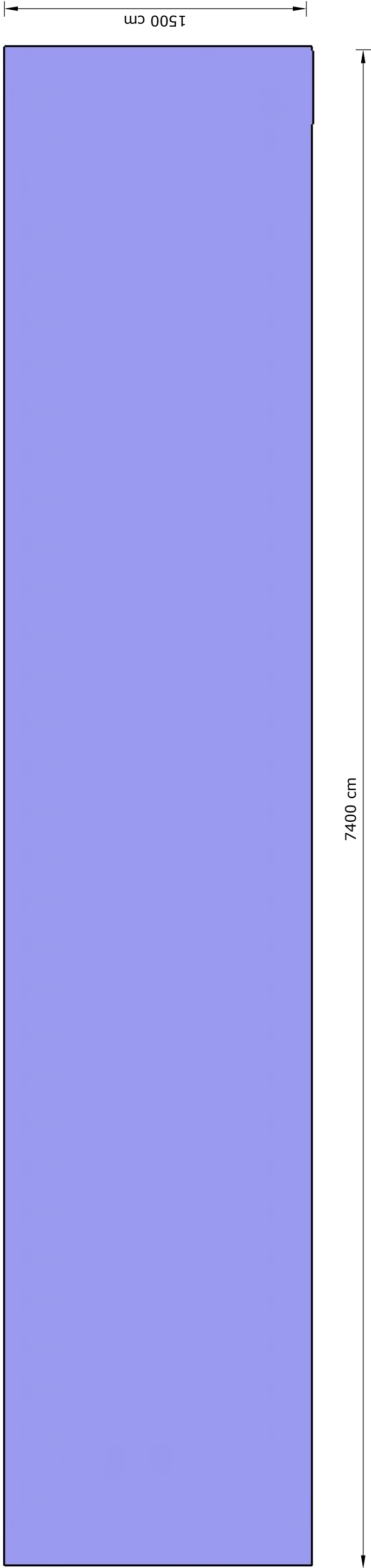
#### Roaming Area Outline

Licence Number:  
100056710

Date: Aug 2018  
Our Ref: F002A  
Plan No: 1  
Scale at A1:  
1:3,500

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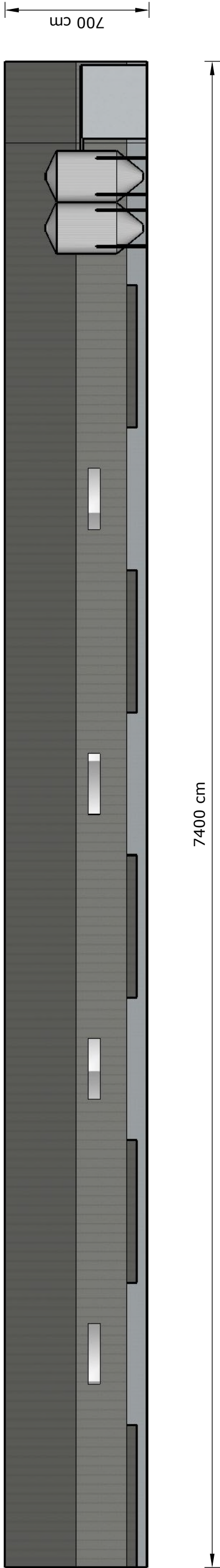
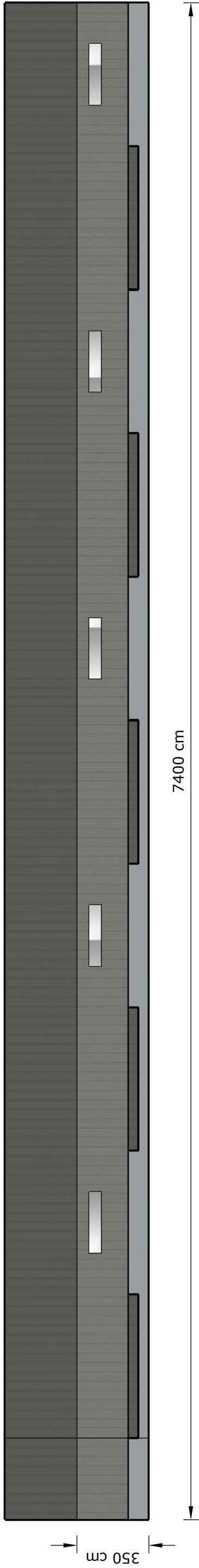
Floorplan



		Floorplan	
Licence No. 100056710		Date: July 2018 Our Ref: F002A Plan No: 3 A3 Scale at: 1:200	
Robson & Liddle (Rural) Limited 10 The Courtyard, Edenhall, Penrith, CA11 8ST Tel: 01768 254 354 <a href="http://www.robsonandliddle.co.uk">www.robsonandliddle.co.uk</a>			



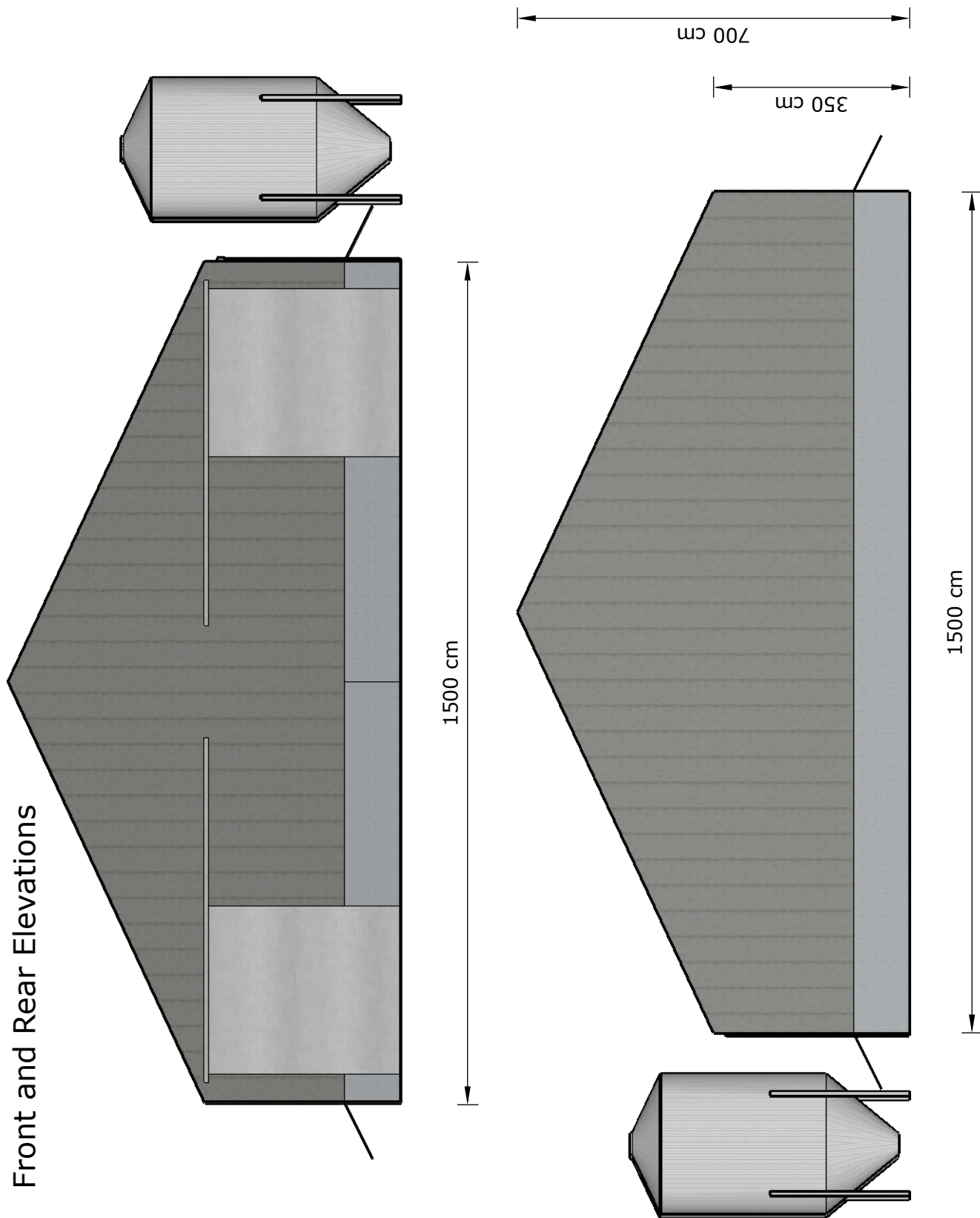
Side Elevations



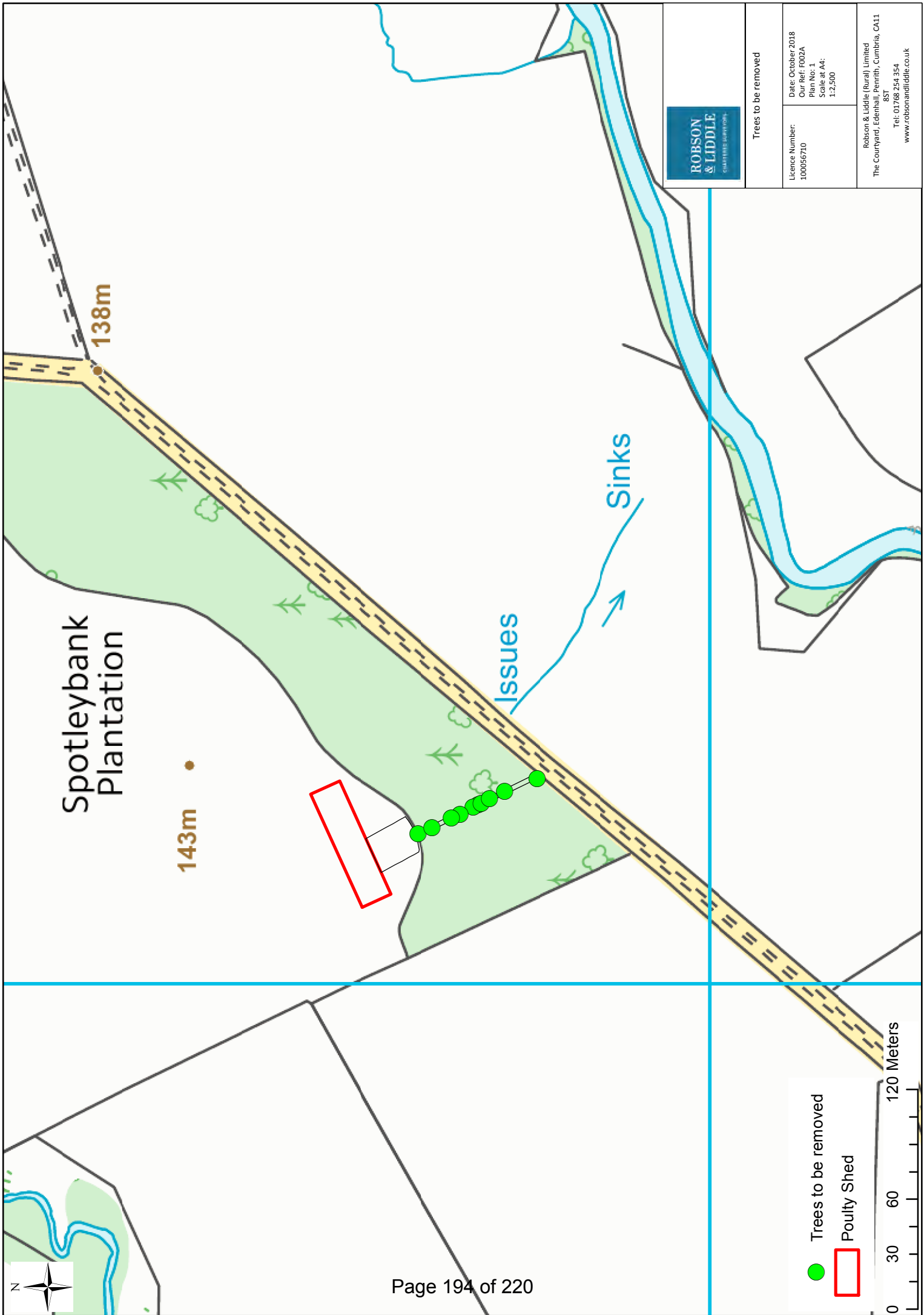
 <div>Side Elevations</div>		Date: July 2018 Our Ref: F002A Plan No: 1 A3 Scale at: 1:200		Robson & Liddle (Rural) Limited 10 The Courtyard, Edenhall, Penrith, CA11 8ST Tel: 01768 254 354 www.robsonandliddle.co.uk
Licence No. 100056710				



# Front and Rear Elevations

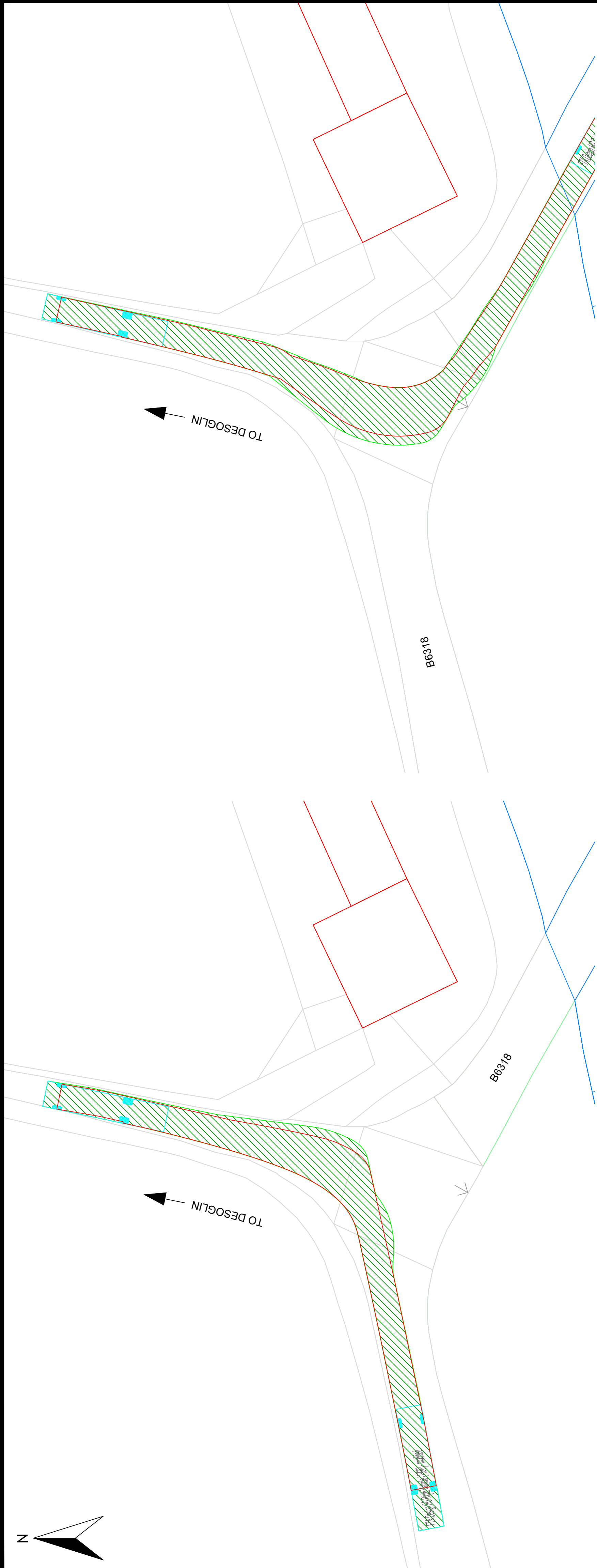
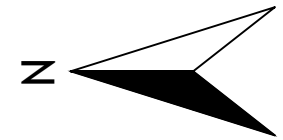


 <p>Front and Rear Elevations</p>	<p>Date: July 2018 Our Ref: A007A Plan No: 1 A4 Scale at: 1:100</p>	<p>Robson &amp; Liddle (Rural) Limited 10 The Courtyard, Edenhall, Penrith, CA11 8ST Tel: 01768 254 354 www.robsonandliddle.co.uk</p>
<p>Licence No: 100056710</p>		

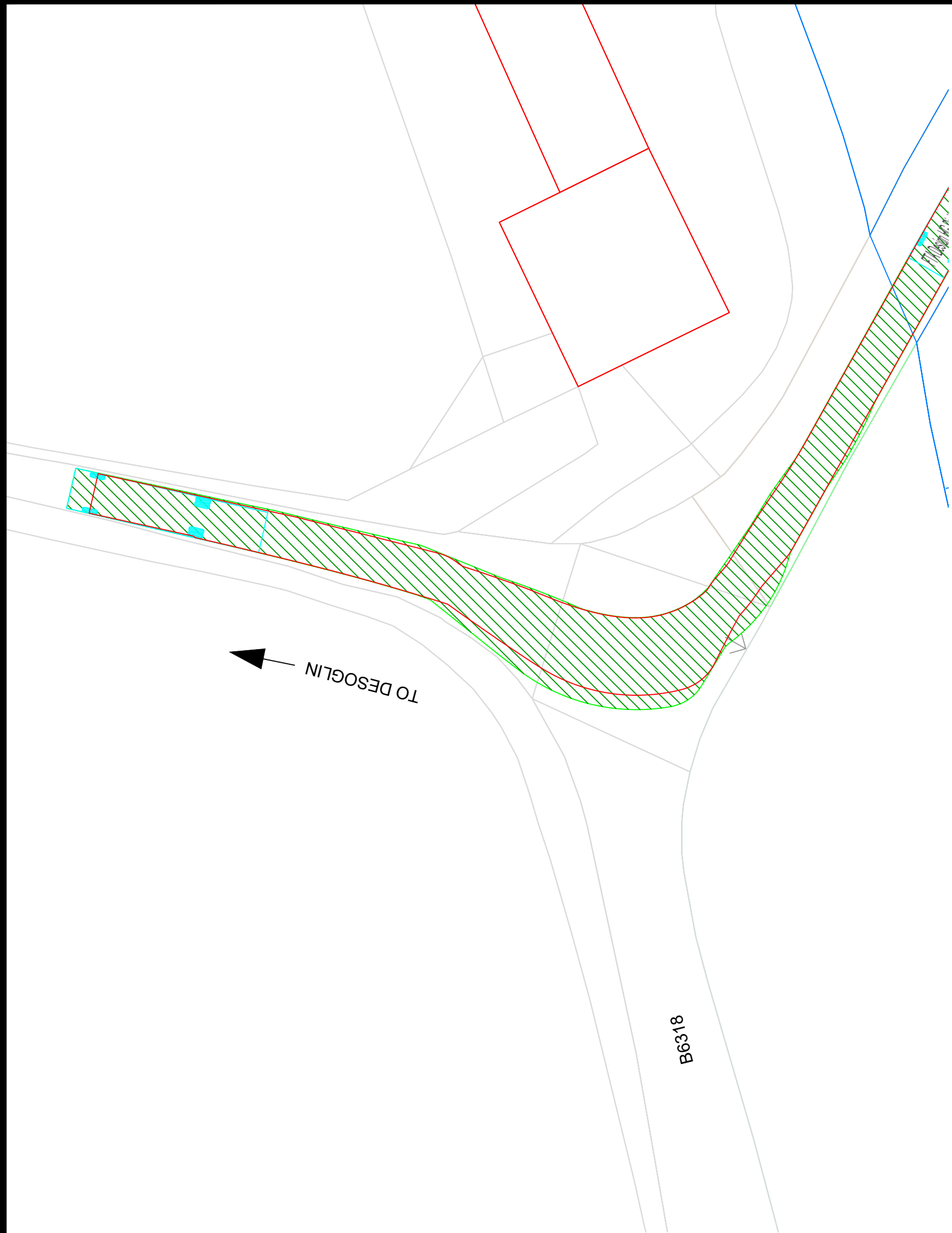


Trees to be removed

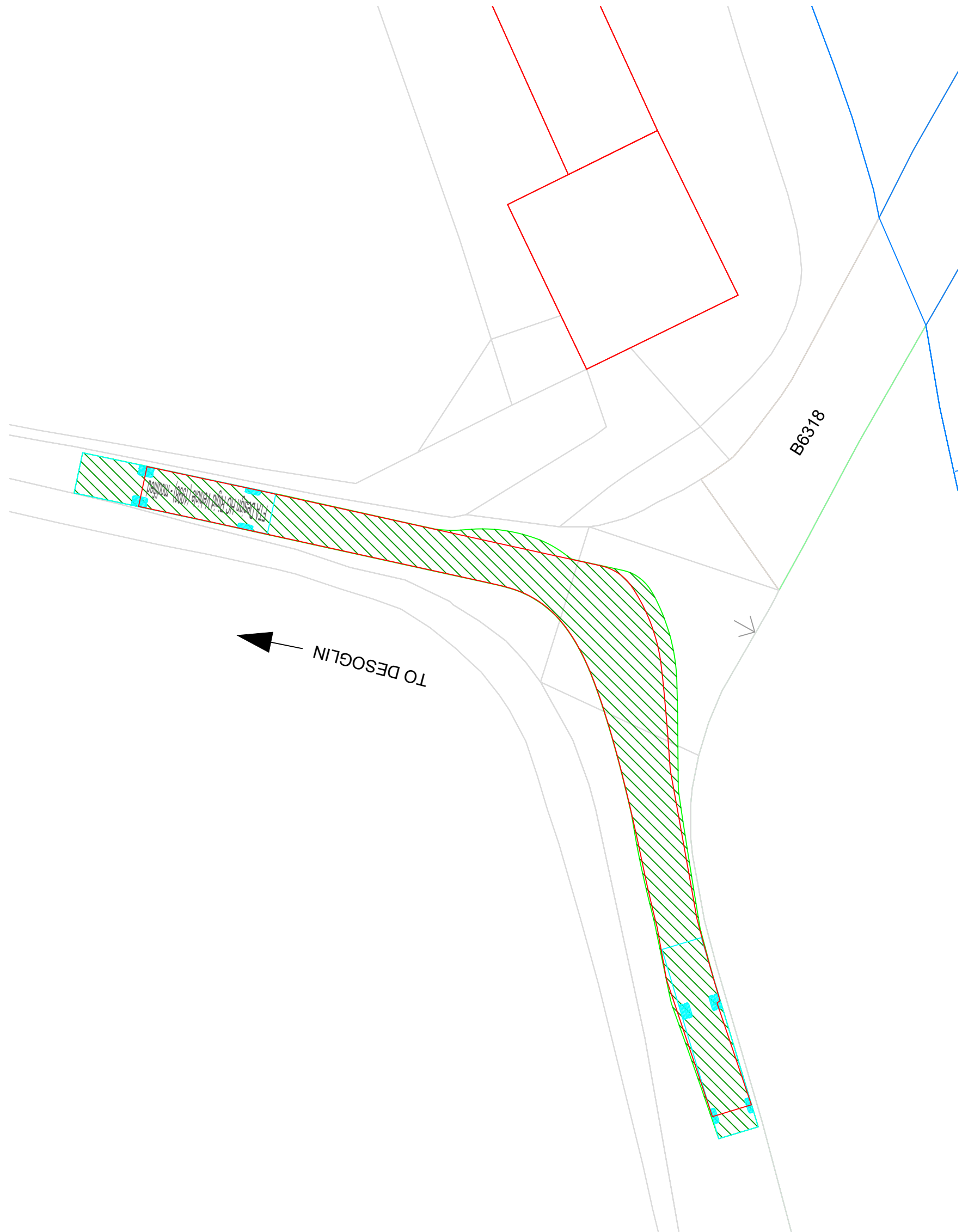
Licence Number: 100056710	Date: October 2018 Our Ref: F002A Plan No: 1 Scale at A4: 1:2,500
	Robson & Liddle (Bural) Limited The Courtyard, Edenhall, Penrith, Cumbria, CA11 8ST Tel: 01768 254 354 www.robsonandliddle.co.uk



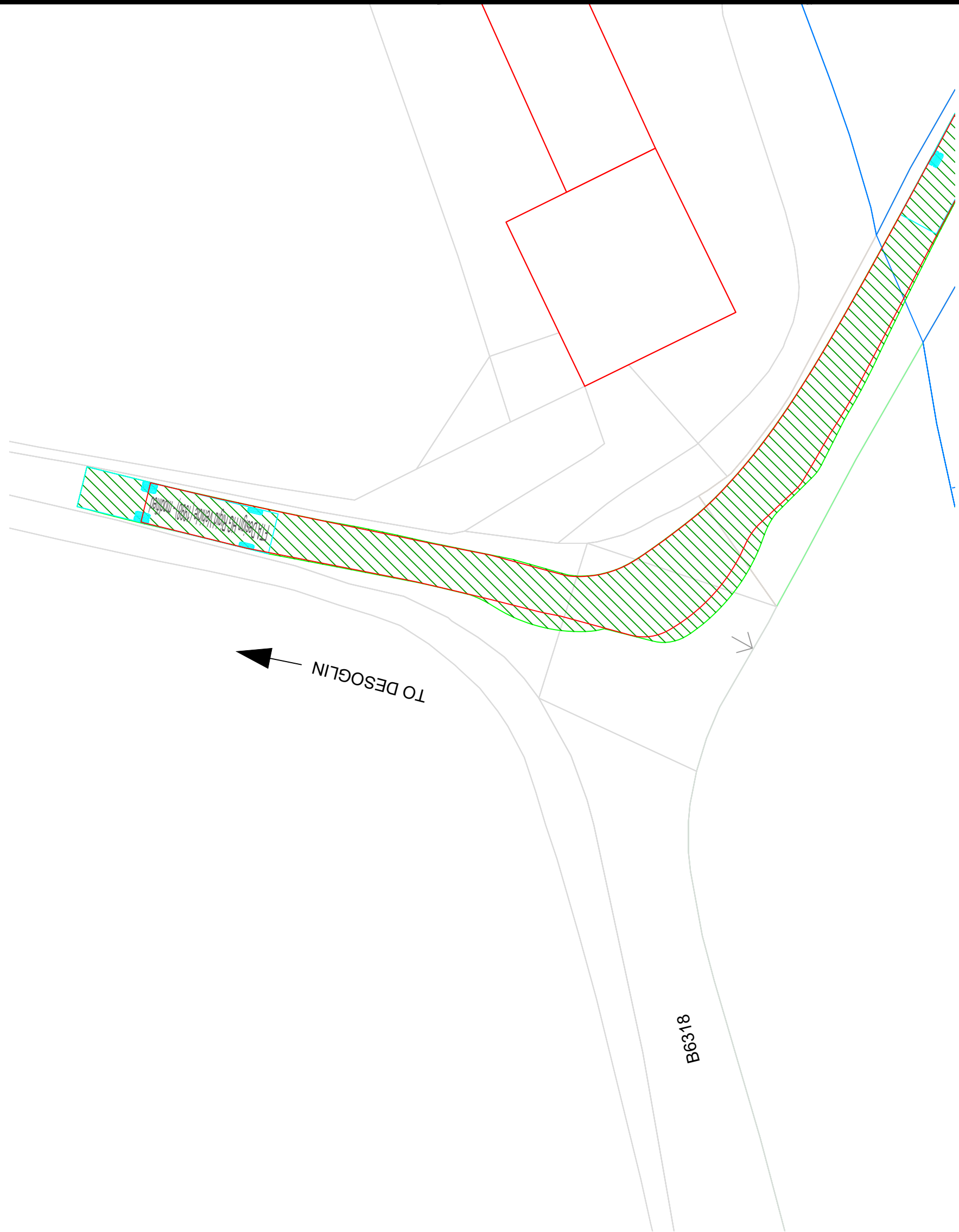
SWEPT PATH ANALYSIS  
VEHICLE HEADING EAST ON B6318 TURNING NORTH



SWEPT PATH ANALYSIS  
VEHICLE HEADING WEST ON B6318 TURNING NORTH

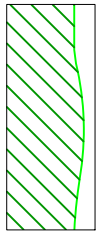


SWEPT PATH ANALYSIS  
VEHICLE HEADING SOUTH TURNING WEST ON TO B6318

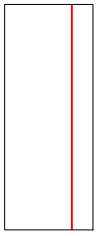


SWEPT PATH ANALYSIS  
VEHICLE HEADING SOUTH TURNING EAST ON TO B6318

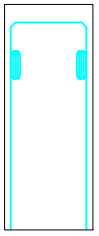
Legend



Vehicle Body Outline



Vehicle Wheel Track



Vehicle Outline

SWEPT PATH ANALYSIS BASED ON COMMERCIALLY AVAILABLE MAPPING DATA AND  
VEHICLE MODEL "FTA DESIGN HG RIGID VEHICLE (1998)-modified"

VEHICLE MODEL DIMENSIONS:  
OVERALL LENGTH 12.000m  
OVERALL WIDTH 2.500m  
OVERALL BODY HEIGHT 3.645m  
MIN. BODY GROUND CLEARANCE 0.440m  
TRACK WIDTH 2.470m  
LOCK-TO-LOCK TIME 3.00s  
CURB TO CURB TURNING RADIUS 11.000m

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RD	FIRST ISSUE	JH	JH	JH	JH	JH	JH	JH	5/9/2018
Rev.	DETAILS								DATE

Project: Swept Path Analysis at Desoglin  
Client: Robson and Lidell  
Figure Title: SPA @ B6318 Junction  
Figure Number: 12962-001  
Scale: 1 to 250 @ A1  
Document Reference: 12962-001





# Report to Development Control Committee

Agenda  
Item:  
**A.2**

Meeting Date: 26th April 2019  
Portfolio: Economy, Enterprise and Housing  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework  
Public / Private Public

Title: BRIAR LEA PARK, LONGTOWN – GLEESON HOMES  
DEVELOPMENT  
Report of: Director of Economic Development  
Report Number: ED. 19/19

## Purpose / Summary:

This report sets out concerns raised by neighbours in relation to an ongoing development in Longtown.

## Recommendations:

Members resolve that no enforcement action be taken in relation to the finished floor levels and officers continue to monitor the development.

## Tracking

Executive:	
Scrutiny:	
Council:	

## **1. BACKGROUND**

- 1.1 In July 2017, Members resolved to give Authority to Issue approval for the erection of 100 dwellings on land to the east of Briar Lea Court, Longtown, with accesses from Brampton Road and Old Road (16/0868). Following the completion of a S106 Legal Agreement, planning permission was granted in December 2017.
- 1.2 Five dwellings would front onto the A6071, with thirteen dwellings facing onto Old Road. A new 5.5m wide road, with pavements to both sides, would link the A6071 with Old Road and this would be adjoined by dwellings and an area of open space, which would have dwellings facing onto it.
- 1.3 Three cul-de-sacs, which would be 4.8m wide, would be accessed from the main road through the site. One of these would contain seven dwellings, one would contain twelve dwellings and would contain twenty-six dwellings.
- 1.4 The dwellings would be constructed of a combination of two types of brick, yellow multi brick and red multi brick, under a dark grey plain profile concrete tiled roof. Some of the dwellings would be constructed predominantly of yellow multi brick, with others being constructed predominantly of red multi brick.
- 1.5 The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of two contrasting bricks; brick sills and lintels; open porches; bay windows; single-storey projections; pitched roof dormer windows; with some dwellings having integral garages, attached garages or detached garages.
- 1.6 Each dwelling would have small front gardens and rear gardens, with the front gardens being turfed and the rear gardens being made up of topsoil. A minimum of two in-curtilage parking spaces would be provided for each dwelling and these would either be provided on driveways or within garages. The driveways would be constructed of permeable crushed aggregate but the first 5m would need to be surfaced in bituminous or cement bound materials.

## **2. DRAINAGE**

- 2.1 All of the surface water from the site would discharge into the watercourse on the opposite side of the A6071 and there would be no surface water connection to Old Road. This would be a significant improvement on the current situation, where a large amount of the surface water from the application site currently runs off into the sewer on Old Road, particularly during periods of heavy rain and causes flooding on Old Road.
- 2.2 Foul water would discharge to the public sewers. A Pre-Development Enquiry was made with United Utilities for the outline application based on 61 dwellings and United Utilities confirmed that those 61 dwellings could discharge into the system on Old Road. The current proposal, therefore, allows 61 of the 100 dwellings to discharge their foul water in to Old Road. The remaining 39 dwellings would discharge into the system located on A6071 Brampton Road.



- 2.3 The applicant has looked in detail at the existing problems with the sewer on Old Road. The current problems with the Old Road system relate to the fact that the drain is laid too flat and it has a limited number of properties discharging foul flows into it. As a consequence, the system suffers operational issues in the form of blockages. When heavy rainfall occurs this can result in localised problems, especially when the surface water element is added into the mix. By adding additional foul flows this will increase the flow down the pipe and should offer an improved position as more flow will result in less risk of blockages as a result of low flows. Additionally, by taking the surface water flows away from the Old Road system it means the foul sewer is not having to deal with surface water flows and the debris/silt that surface water brings with it.
- 2.4 The Lead Local Flood Authority was consulted on the application. It commented at the time that, the Making Space for Water Group (which is a multi-agency group who investigate flooding) has begun to investigate the surface water / public sewer drainage issue on Old Road. This involves the public sewer becoming overwhelmed with surface water, which causes it to surcharge and this prevents existing dwellings along Old Road from being able to discharge their foul effluent. Due to this issue, the Lead Local Flood Authority considers that the Local Planning Authority should re-consult with United Utilities to ensure that any foul sewage disposal to the Old Road public sewer system does not further exacerbate this issue.
- 2.5 United Utilities raised no objections to the proposed development (proposing surface water discharging into a watercourse) subject to the imposition of the following condition:
- The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Assessment, ref: RO/DS/Longtown version 3, dated September 2016 by RWO Associates, proposing surface water discharging into a watercourse. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.*
- 2.6 A condition requiring the submission of a surface water drainage scheme for approval in writing by the LPA was attached to the consent. This stated that “the drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated September 2016 and plan C001 proposing surface water discharging to a watercourse”.
- 2.7 The approved documents included an Engineering Layout (Dwg No. C001). This plan shows the foul and surface water drainage for the site and the proposed finished floor levels (FFLs) of the dwellings. Along Old Road the FFLs of the dwellings are approximately between 30cm and 120cm higher than the adjacent road.



- 2.8 The dwellings to the rear of Briar Lea Court also have FFLs between approximately 0.33cm and 120cm higher than the boundary between the site and the dwellings on Briar Lea Court.
- 2.9 In June 2018, an application was made to discharge the surface water drainage conditions. The submitted plans showed the FFLs of the proposed dwellings on Old Road increasing by between 2.5cm and 22.5cm. The dwellings to the rear of Briar Lea Court had FFLs between 15cm and 82.5cm higher than those previously shown in the original planning application.

### **3. FINISHED FLOOR LEVELS**

- 3.1 The dwellings are currently being constructed in accordance with the FFLs shown on the plans submitted in June 2018 (to discharge the surface water drainage conditions). The Council considers that the approved FFLs are those submitted with the main planning application and not those submitted to discharge the drainage conditions. The Council has advised the applicant that it needs to submit a S73 application in order to amend the FFLs.
- 3.2 The applicant has taken legal advice on this matter. This advises that the FFLs were not fixed by the Engineering Layout approved under the original planning application because these were “indicative only”. It considers that there is scope for them to be amended and finalised when discharging the drainage conditions and it is these drawings which show the approved FFLs.
- 3.3 The Council’s opinion was that the FFLs are those approved under the planning application (16/0868) and not through the discharge of conditions application (18/0582). As a consequence, the Council still considers that a S73 application is required to amend the approved FFLs to those that are currently being built on site.
- 3.4 The applicant has indicated that they have no intention of submitting a S73 to vary what the Council considers to be the approved FFLs, given the legal advice it has received. The Council, therefore, needs to consider whether the development that is currently being built is acceptable. If it is not considered to be acceptable the Council could take enforcement action against the applicant.
- 3.5 The FFLs have been increased in order to ensure positive drainage back to the adopted foul and surface water drainage networks adjacent to the A6071. They were amended in response to comments from United Utilities who wanted the outfall to be 300mm higher than the water level in the watercourse and reed bed. United Utilities originally wanted the outfall to be 600mm above the water level of the watercourse and reed bed but this figure was negotiated down by the developer. The lowering of the FFLs would cause clashes between the private surface and foul drainage networks hence the levels of which they have been set. The adopted drainage networks have been set to slackest gradients allowed and to minimal cover to allow for positive draining gravity networks. A gravity fed solution is favoured over the use of pumps, which can fail and lead to flooding of the surrounding area.

- 3.6 United Utilities has confirmed that it would normally ask for a 300mm freeboard for all outfalls (if possible) and this was the case with the final drainage solution for this scheme.
- 3.7 A number of objectors along Old Road, who live in bungalows, have raised concerns about the finished floor levels and the height of the dwellings and the impact that this has on their privacy and light. The following paragraphs set out the details relating to changes in levels. Drawing 1 shows the plots/addresses referred to in paragraphs 3.8 to 3.14.
- 3.8 Plots 28 to 31, which front onto Old Road would have FFLs 22.5cm higher than those approved in the original planning application. The dwellings on Plots 28 and 29 would measure 7.9m to the ridge, with the ridge heights of the dwellings being 9.3m higher than Old Road. The front elevation of Plot 28 would be between 22m and 24 away from the front elevation of 15 Old Road, with the front elevation of Plot 29 being between 21.5m and 23m away from the front elevation of 17 Old Road. The front elevation of Plot 30 (which would have a ridge height 8.42m higher than Old Road) would be a minimum of 22.5m away from the front elevation of 17 Old Road. Plot 31 would not lie opposite a dwelling but would face Bellsfield.
- 3.9 Plots 32 and 33, which have FFLs 15cm higher than those shown in the original application, would have front elevations between 21m and 22m away from the gable of 26 Bellsfield. It is acknowledged that a conservatory has been added to the gable of this dwelling but this would be partly screened by an existing solid timber fence on the boundary.
- 3.10 Plots 34 would have a ridge height 8.68m higher than Old Road, with that on Plot 35 being 8.02m higher and that on Plot 36 being 8.61m higher. These Plots would have front elevations a minimum of 27m away from the rear elevations of 24 and 25 Bellsfield.
- 3.11 Plots 37 and 38 would have a ridge height 8.4m higher than Old Road. The front elevations of these dwellings would be between 19.5m and 21m away from the front elevation of 19 Old Road.
- 3.12 Plot 39 would have a ridge height 7.66m higher than Old Road. This dwelling would have a front elevation a minimum of 22m away from the front elevation of 19 Old Road. Plot 40 would have a ridge height 8.31m higher than Old Road and would have a front elevation 20.5m away from the front elevation of 21 Old Road.
- 3.13 The highest dwelling on Old Road would have a ridge height of 9.3m. Whilst this is high for a two-storey dwelling, other house builders do have two-storey dwellings with ridge heights of 9m. The ridge would be a minimum of 26m away from the front elevations of 15 and 17 Old Road.
- 3.14 The Council's SPD on Achieving Well Designed Housing indicates that there should be a 21m separation distance between primary windows and a 12m separation distance between primary windows and blank elevations. These distances are largely met and exceeded, with the exception of Plot 37 which would have a front elevation 19.5m away from the front elevation of Plot 37 and 21 Old Road which

would have a front elevation 20.5m away from the front elevation of Plot 40. These separation distances are considered to be acceptable, given that the front elevations of the bungalows on Old Road are already overlooked from the footpath that runs to the front of the properties and which in some cases is only 8m away.

- 3.15 The FFLs of Plots 1 to 17, which lie to the rear of dwellings on Briar Lea Court (. Drawing 2 shows the plots/addresses referred to in paragraphs 3.15 to 3.18), have also increased by between 15cm and 82.5cm. Taking into account the change in levels, Plot 4 would have the highest ridge height which would be 9.2m higher than the land at the site boundary. This dwelling would not directly face 16 and 17 Briar Lea Court and would be a minimum of 20m from 17 Briar Lea Court and over 25m from the rear elevation of 16 Briar Lea Court. No. 16 Briar Lea Court would also look towards Plot 5 (ridge height 8.3m higher than of land on the site boundary) but there would be a minimum separation distance of over 25m.
- 3.16 Nos. 13 and 14 Briar Lea Court would have elevations facing Plots 6 to 13. The ridge heights of these dwellings would be between 8.3m to 9.1m higher than the land on the site boundary. The minimum separation distances would be a minimum of 23m but would largely exceed this.
- 3.17 No. 12 Briar Lea Court would be a minimum of 25m from the rear elevations of Plots 14 and 15; 11 Briar Lea Court would have an elevation facing the rear elevation of Plot 16 which would be a minimum of 22m away, with the ridge being a minimum of 25m away; whilst 10 Briar Lea Court would be a minimum of 25.5m away from the rear elevation of Plot 16 and a minimum of 27m from the rear elevation of Plot 17.
- 3.18 Plot 1 lies adjacent to 19 Briar Lea Court which has a conservatory attached to the rear elevation. This dwelling has been increased in height by 0.45m and has a ridge height 8.8m higher than the land at the site boundary. Whilst the dwelling on Plot 1 has some impact on the conservatory at certain times of the day this would not be significant enough to warrant refusal of the application, given that the conservatory is fully glazed.
- 3.19 The increased FFLs on the site mean that the gradient of some of the rear gardens that slope down towards the boundary with Briar Lea Court has been increased. The Lead Local Flood Authority (LLFA) consider that these increased gradients have the potential to increase surface water run-off from the rear gardens of the new dwellings. The LLFA considers that a filter drain (which would connect into the surface water drainage system) should be installed along the site boundary to prevent any surface water running into the gardens of the dwellings on Briar Lea Court. The applicant has agreed to do this and intend to submit a non-material amendment to deal with this issue.
- 3.20 Whilst the Council considers that the FFLs of the dwellings are higher than those approved in the original planning application, they are considered to be acceptable and as a consequence it would not be expedient to take enforcement action in this case.

#### **4. OTHER MATTERS**

- 4.1 Local residents have raised a number of other issues with the development and these are considered below.

#### Surface water discharging into sewer

- 4.2 Concerns have been raised about surface water from the site discharging into the sewer in Old Road, which floods during periods of heavy rain. The surface water from the development is being discharged to the watercourse that lies on the opposite side of the A6071 to the site. The FFLs on the site have been increased to ensure that surface water drainage operates as intended. The only surface water that would discharge into Old Road would be some run-off from the 5m sections of the driveways that are to be finished in tarmac or a bound surface and this would not be significant.

#### Flooding of Old Road

- 4.3 There has been some flooding of Old Road during construction works. As a consequence, the applicant has installed bunds along the site boundary (as advised by the LLFA) to prevent surface water discharging onto Old Road during the construction phase.

#### Level of Parking

- 4.4 Concerns have been raised about the level of parking proposed, particularly for the dwellings along Old Road. The level of parking has been approved under the original planning application and has been agreed with the Local Highway Authority. Each dwelling on Old Road would have a minimum of two off road car parking spaces, with a number of the dwellings having three off-road spaces. Across the whole site, the parking provision includes 60 detached garages; 31 integral garages; 185 on plot parking spaces; and 4 visitor parking spaces, which equates to 280 parking spaces for the 100 dwellings.

#### Through Road

- 4.5 Residents have raised concerns about the access onto Old Road which residents consider will cause problems due to the narrowness of the road. The access onto Old Road has been approved. The Local Highway Authority favoured a second vehicle access onto Old Road. The Council's Heritage Officer was also keen to see a second access created onto Old Road in order to improve the sites connectivity and to create a more integrated development. Residents have requested that the speed limit on Old Road should be reduced to 20mph and this issue will be raised with the Local Highway Authority through their County Councillor.

#### Bin Storage

- 4.6 Concerns have been raised about the storage of bins once the development is complete, with residents fearing that they would be left on the pavement along Old Road, due to the steepness of driveways and the use of aggregate on sections of the driveways. The steepest driveway along Old Road is 1:10 which would not be

steep enough to prevent residents wheeling bins from the dwellings to the roadside. Whilst the driveways would contain sections of crushed aggregate bins could still be wheeled across this.

#### Road Sweeping

- 4.7 The state of Old Road has been raised by residents and photographs have been forwarded to the Planning Department which show mud and soil/ debris on and adjacent to Old Road. Electricity North West were responsible for this mess and the Local Highway Authority contacted them and asked them to clean the road which has been done. Construction vehicles are using the access from the A6071 and the developer needs to ensure that this road is kept clean during the construction phase. The approved Construction Management Plan requires a wheel wash facility to be provided to wash down vehicles prior to their leaving the site.

#### Access for people with disabilities

- 4.8 Residents have queried whether the increased FFLs of the dwellings are in breach of the Disability Discrimination Act. The dwellings need to be approved by a Building Inspector who will consider access to the dwellings. The National House Building Council are dealing with Building Control matters on this site.

#### Construction Litter

- 4.9 Photographs have been supplied of plastic and polystyrene in a field that adjoins the site to the east. Metal scaffolding brackets have also been observed in this field. This matter has been raised with the Site Manager who is responsible for the day to day running of the site.

#### Street Lighting

- 4.10 Residents have raised concerns about street lighting and the impact that this would have on existing residents. The location and intensity of any street lighting would be determined by the County Council as part of the process of adopting the roads. The impact of any lighting on existing residents would be considered as part of this process.

#### Construction traffic

- 4.11 A number of complaints have been received about construction traffic using Old Road, in breach of the approved Construction Management Plan. This issue has been raised with the Site Manager who has been made aware that construction vehicles have to use the A6017 to access and egress the site.

#### Site Security

- 4.12 Residents have also raised issues about the suitability of the site security fence and have submitted photographs of a plank of wood sticking out into Old Road through the fence; and the bases of the fences projecting into the highway. The fence is typical of fenced used to secure building sites. The issue about the plank of wood

and the bases of the fences encroaching onto the highway have been raised with the Site Manager.

### Conclusion

- 4.13 The issues outlined above are not peculiar to this developer and happen on other housing sites during construction. The Council will continue to monitor the above issues and any other issues that are raised by local residents.

## **5. CONSULTATION**

- 5.1 A meeting has taken place with residents about the FFLs and other matters that they have raised concerns about. The issues raised in this meeting, and in three letters that were handed to officers at the meeting, are covered in this report. The applicant has not submitted a revised planning application as requested by the Council and so residents have not been formally consulted. The developer has offered to meet residents on future issues as the site develops.

## **6. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 6.1 Members resolve that no enforcement action be taken in relation to the finished floor levels and officers continue to monitor the development.

## **7. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 7.1 The development will address future housing needs.

**Contact Officer: Stephen Daniel**

**Ext: 7375**

**Appendices  
attached to report:**

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

- **Planning Application 16/0868**

## **CORPORATE IMPLICATIONS:**

**LEGAL –** As set out in paragraph 3.19 of the Report, the Council should only consider enforcement action when it considers it is expedient to do so. Enforcement action should not be taken to regularise an administrative situation and any action taken should be

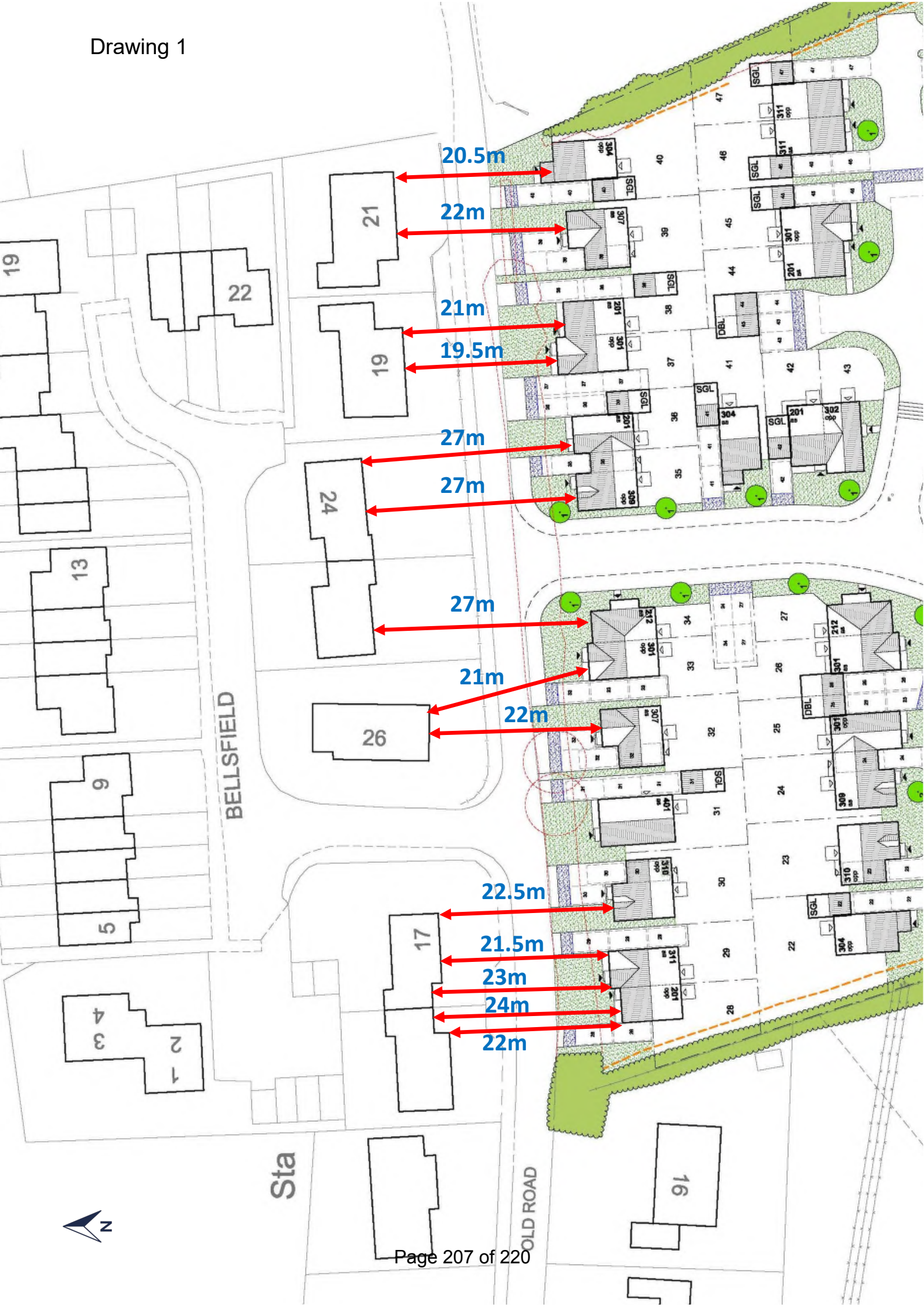
proportionate, taking account of the potential impact on health, housing needs and welfare of those involved. The Council's legal view as regards the FFL will require further analysis before any action was taken.

**FINANCE** – n/a

**EQUALITY** – These are addressed in the report

**INFORMATION GOVERNANCE** – n/a









Drawing 2



# Development Control Committee

Agenda  
Item:

**A.3**

Meeting Date: 26 April 2019  
Portfolio: Economy, Enterprise and Housing  
Key Decision: No  
Within Policy and Budget Framework  
Public / Private Public

Title: Right to Speak Policy for Development Control Committee  
Report of: Corporate Director of Economic Development  
Report Number: ED.4/19

## Purpose / Summary:

To review and set out the policy for those who wish to address the Committee on matters relating to applications for planning permission and the making of Tree Preservation Orders

## Recommendations:

It is recommended that the policy be referred to Executive for adoption.

## Tracking

Executive:	
Scrutiny:	
Council:	

## **1. BACKGROUND**

- 1.1 The current procedure for the people to address the development control committee (known as the “Right to Speak”) is contained in a leaflet produced following consideration by Members of this committee in 2009?
- 1.2 On consideration of application 18/0359 (Unit 11, Old Brewery Yard, Brampton), officers undertook to review the current policy and report back to members for their consideration on how the policy was working and any changes they wish to implement.

## **2. PROPOSALS**

- 2.1 The current right to speak policy is contained in a brief leaflet setting out the main advice relating to the time allowances provided for members of the public and how to register your right. On reviewing the guidance, it was considered that this brief leaflet resulted in a number of further questions for officers and invariably matters being referred to the chair of the development control committee to determine when the guidance lacked clarity.
- 2.2 Officers undertook a review of current practice in a number of other local authorities (Cumbria and beyond). It was clear from the other authorities that there is not one consistent approach. The number of people being allowed to speak varied between authorities. In addition, the time slots allotted to members of the public varied but generally between 3 and 5 minutes.
- 2.3 In order to re-assess the position, a workshop was undertaken with Members of the Development Control Committee on the 4<sup>th</sup> March. In general, there was a consistency amongst the views of Members of the Committee. In summary these are:
  - Agents/application have a right of response and not an automatic right to address the committee
  - Members of the public will be allotted up to 3 minutes with no more than 5 slots available
  - Parish Councils may address the committee for up to 10 minutes
  - City Councillors may address the committee for up to 10 minutes.
- 2.4 The full details of the policy are set out in the appendix to this report. This also includes additional guidance on registering your right to speak, the timescale for



providing information and some practical tips regarding the operation of the committee.

- 2.5 At the workshop with members, there was one area of the right to speak policy which was not in agreement. This relates to the ability for Parish Councils to address the committee. It was noted that the site visits are not a public meeting and therefore the current practice is that only the ward members may address the committee at a site visit. The City Council has in place a working agreement with Parish Councils on planning matters. The right to speak on site visits is a matter which remains the subject of review. At a CPCA meeting earlier this year Parish Council's expressed a desire to address the meetings as they have local knowledge of the site which would be beneficial to the committee. In addition, some other local authorities in Cumbria allow parish councils to speak.
- 2.6 As part of reviewing the Right to Speak policy Members are asked to consider the role of parish councils and the way the committee operates. At the workshop with Members they highlighted three alternative approaches:
- a) Current practice – no right to address the committee. They remain as observers and if they wish to address the committee they can do so by registering a right to speak for the formal committee meeting. In addition, they can raise matters through the local ward member who can address the committee.
  - b) The right to speak is left to the chair of the committee to determine on the merits of each site visit and the issues the parish council wish to raise that pertain to the site visit only
  - c) An automatic right to address the committee on the site visit
- 2.7 It is recommended that the current practice continues for a number of reasons. The site visit is not a public meeting and there would be no opportunity for debate on the matters raised by the Parish Council. If the Parish Council consider that descriptive information of the site and surroundings is incorrect they have the opportunity to speak to the ward member or vice-chair to correct that information before the site visit ends. Following the site visit, there is still the opportunity to register a right to speak at the committee meeting to address the committee on other matters.

### **3. RISKS**

- 3.1 Current practice lacks clarity and the risk is that users of the planning process are not treated equitably, leading to disruption of the processing of applications and potentially the committee's operation.

- 3.2 The policy improves advice to those engaging with the committee process in the consideration of planning applications and sets out the procedures.

#### **4. CONSULTATION**

- 4.1 The Policy clarifies the current position of the Development Control Committee on the Right to Speak, building on existing practice. Other than existing committee members no further consultation has taken place.

#### **5. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 5.1 It is recommended that the policy be referred to Executive for adoption.

#### **6. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 6.1 The revised policy will improve the service provided as part of the planning process.

**Contact Officer: Chris Hardman**

**Ext: 7502**

**Appendices Right to Speak Policy for Development Control Committee  
attached to report:**

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

- None

#### **CORPORATE IMPLICATIONS:**

**LEGAL** – The right to speak policy must be underpinned by fairness and equality and also allow people to participate in the planning system which the Council administers on their behalf.

**FINANCE** – There are no financial implications arising from this policy

**EQUALITY** – Equality principles are applied in the operation of the policy

**INFORMATION GOVERNANCE** – Included within the report

## RIGHT TO SPEAK POLICY

This document sets out when members of the public and planning agents/applicants, Parish Councils and other Council Members can address Carlisle City Council's Development Control Committee. It sets out the "Right to Speak" policy in relation to planning applications and proposals for new Tree Preservation Orders.

### Right to Speak on Planning Applications

For any application which is presented to the Committee you must first have made representation on the application prior to an officer report being published. Just because an objection may have been made to a planning application does not mean it will be reported to the Development Control Committee. Application will only be presented to the Committee when the criteria under the Council's scheme of delegation have been met (*INSERT HYPERLINK*).

When commenting on an application you may have requested a right to speak to the committee however you cannot register in advance. You will be advised that at the time of you making representation it is not clear whether the application is going to committee and we will not register your right to speak. If you wish to know whether an application will be reported to the Development Control Committee you will have to contact the case officer after the consultation period has ended. If it is going to committee, once the committee schedule of applications has been published (10 days prior to the meeting usually the Wednesday the week preceding the committee) you will be able to register along with others who have made representation.

### Right to Speak on Tree Preservation Orders

When a new Tree Preservation Order has been made and an objection has been made this will be reported to Development Control Committee. There will be a right to speak as to whether or not the order should be made. Please note that when an application is made to undertake works to trees protected by a Tree Preservation Order this is usually dealt with under delegated powers by officers and not reported to the Development Control Committee.

### When can you register your right to speak?

When the Committee agenda has been published you will be able to register to speak by telephone/email/letter to [DCRTS@carlisle.gov.uk](mailto:DCRTS@carlisle.gov.uk) or 01228 817179. The agenda includes a schedule of planning applications which will be presented to the committee and you will find a copy of the officer's report within the papers. Reports on Tree Preservation Orders are listed separately on the main agenda.



You have until 23:59 on the Wednesday prior to the Committee meeting to register. Once a right to speak has been registered we will inform the agent/applicant hence we have to close the ability to register more than 24 hours prior to the meeting. For Parish Councils and Ward Members please note that whilst a site visit may be undertaken on the Wednesday prior to the meeting you should still register your right to speak by close of play 5pm the same day.

Please note that for delegated reports there is no right to speak and the consideration of all matters relies on written correspondence submitted as part of the application process.

Once a right to speak has been registered the Applicant/agent has a right of reply. There is no automatic right to speak to committee for agents/applicants. If the officer's report is recommending "refusal" of the application, the agent/applicant can have a right of response to the committee. The Technical Clerks will contact you to register the right to speak.

#### How long is the right to speak for?

For any member of the public wishing to speak you must first have made representation on the application prior to the officer report being published. You will then be able to address the committee for 3 minutes on planning related matters. Three minutes is ample time to present a cogent argument at a reasonable pace of speech, speaking faster to get more information in can result in part of your speech being missed and lessen the impact of what you are saying.

There is a limit of 5 places for members of the public (not from the same household) on each application. If more than 5 people wish to speak it operates on a first come first served basis and you may not be able to speak if you are the 6<sup>th</sup> person to register. Someone may speak on your behalf and your 3 minutes will be allotted to them. You must arrange this yourself and inform the Council if you choose for someone to speak on your behalf no later than the day prior to the committee meeting. There is therefore a maximum of 15 minutes for residents. Any residents group will be allotted time from within the 15 minutes for residents and no additional time will be given.

Parish Councils will be allowed 10 minutes to address the committee and should inform the Council which Parish Councillor will be speaking on their behalf with written confirmation (e-mail will suffice) from the Clerk/Chairman of the Parish Council.

City Councillors will be allowed 10 minutes to address the Committee where they act on behalf of a number of residents. Sometimes Councillors may have a personal interest and be acting as a local resident in which case they will be limited to 3 minutes.

County Councillors will be allowed to address the committee at the discretion of the committee chair.

The Planning Agent for the application will be notified when a right to speak has been registered and will be informed on the day prior to the meeting how many have registered in relation to the application. If there is no agent, we will inform the applicant. As the agent/applicant as a right of reply, you will be given the sum of time allotted to the other speakers up to a maximum of 15 minutes. Please note this is a maximum time available and it is not a requirement to fill this time.

If anyone chooses to have more than one person speak (e.g. a specialist on certain issues) this will form part of the total time allotted based on the above maximum limits and no additional time will be allowed for more speakers.

Please note that whilst the agent has a right to reply we will inform you of the timings anticipated for other speakers. If one or more speakers do not turn up on the day we will honour the time slot that you have been advised.

The Chair of the meeting will advise you when your time to speak is nearing its end and will request that you come to a prompt close. They also have the ability to override the microphone should you ignore their requests.

### Presentations

You can choose to present information on screen if you consider that graphs/tables/images or photographs will assist. The presentations should be sent to the Council's planning technician through the email address [DCRTS@carlisle.gov.uk](mailto:DCRTS@carlisle.gov.uk) by close of play on Wednesday prior to the meeting. This is to ensure they are incorporated within the presentations to committee and ensure any material requiring redaction is dealt with prior to the meeting (e.g. we redact vehicle registration numbers, or we may obscure faces of people who have not consented to images being used).

We cannot currently include videos within presentations

Late presentations will not be accepted.

Nothing will be allowed to be handed out to the councillors on the day of the committee. Do not expect to hand out notes or photographs to the committee or have a presentation uploaded on the morning of the meeting.

#### What if the application is to be refused?

If an application is to be refused the agent/applicant will be allowed a right to speak in response to the report. Members of the public who have written in support of the application will be allowed a right to speak as well as Parish Councils and City Councillors will also be allowed to speak. The agent/applicant will have up to 3 minutes to speak if no one else registers. Otherwise the time allowed will be based on the previous time allowances with a maximum of 15 minutes for agents/applicants.

#### Right to Speak on Tree Preservation Orders

Making of a tree preservation order is only reported to the Development Control Committee when there is an objection. The objector therefore has a 3-minute right to speak. Other people can speak in support or objection with no more than 5 people and a maximum 15 minutes in total.

#### Rights to speak at the site visit

These will not be allowed as this is not a public meeting.

Agent/applicant may be present (sometimes to allow access to land) but you will not be allowed to address the committee.

Parish Council's will be invited to attend the site visit to observe however if they wish to address the visit it shall be through the local ward member (or vice-chair of the committee if the local ward member is not present).

Members of the public will not be allowed to address the site visit as it is not a public meeting. The site visit is just to allow the Committee members to see the site and its surroundings.

Ward Councillors will be invited to the site visit and may address the committee at the site visit. If you wish to speak at the formal committee meeting please ensure you have registered your right to speak in accordance with this policy.

### What happens at the committee?

On the day of the meeting please make the technical officers aware that you have arrived (they will be wearing name badges and be present at the entrance to the Council Chamber). They will then be able to inform the chair that you are in attendance. They will also direct you to a seat in the main chamber so that you will be able to make your right to speak when called. One seat in the chamber is reserved for the rights to speak. Please do not occupy this seat until called by the committee chair.

If you have not spoken at a committee meeting before, the meetings are held in public so please come and see how the meeting works on another day. You may be nervous by the formality of the meeting, but we do try to put you at your ease. You will be asked to leave a set of notes for the committee clerk to assist with the minutes of the meeting. We do not prepare a transcript but will summarise the salient planning points of your speech. Once the minutes have been approved by the committee the copy of your notes will be disposed of and cannot be returned.

Each planning item runs in the following order:

- The officer presents the application;
- Rights to speak are then heard in the following order:
  - Members of the public (Objectors to applications recommended for approval or Supporters of applications recommended for refusal)
  - Parish Council
  - City Councillors
  - Right of response by the applicant/agent
- The Committee will then debate the application and you will not be able to address the meeting further. You can return to your seat to listen to the debate.

### What happens if the item is deferred from discussion at the meeting?

Deferring an application means that no decision on the application will be made at that meeting and further discussion will take place. It depends on when and why the application is deferred what happens to your right to speak.

Members may wish the application to be deferred for a site visit before any discussion has taken place and sometimes before the officer has presented the application. In this case your right to speak will be deferred until the next meeting of the committee.

Members may defer the application for more information or to suggest that the applicant may wish to make modifications to their application. This may arise during the debate and you will have had your right to speak. In which case, there is no automatic additional right to speak when the application returns to a later meeting. Exceptionally a further right to speak may be granted depending on what additional information comes forward.

In general, you only have one opportunity to address the committee. If the item is deferred before you have opportunity to speak you will be asked if you wish to speak or wait until the next meeting. We would normally advise that you wait however if you cannot attend the next meeting you can use your right. Please note that when items are deferred for more information or alterations it may be a couple of meetings before the application is reported back to the committee.

#### Ten practical tips

1. There is no need to stand up to address the committee.
2. There is a static microphone which is operated by a push button and it will be able to pick up your voice, but this will be less clear if you stand up.
3. The planning technician will operate slides for you in a presentation (remote slide changers currently do not operate from the right to speak desk) so please put in your notes when you wish to change the slides.
4. There is no cross-examination. You will not be able to ask questions of the case officer, the committee or the applicant. They will not be allowed to ask questions of you.
5. Focus on planning matters as these are the only matters that the committee can consider (Add in examples). The chair or officers may remind you during your right to speak if they consider your issues may not be relevant to the committee.
6. If you have prepared a 3D model (usually for other purposes) it may be put on display outside the chamber and we will advise the members to view it on their way to the meeting.
7. Banners will not be allowed in the chamber
8. Notes are not to be passed to members of the committee and there should be no interaction with members of the committee once the meeting has started.
9. Heckling of officers/members will not be tolerated and you may be removed from the chamber.
10. When your item has been discussed please leave the chamber quietly as the meeting will continue and others will wish to participate and listen to subsequent items.

### Special access arrangements

Please note that current access to the Council chamber involves stairs. If you require assistance, please mention this when registering your right to speak so that we can make the necessary arrangements.

### Scheduling the timing of the meeting

Please note that the Development Control Committee commences at 10:00 and as each item is debated in order we cannot estimate the timing of when applications will be heard by the committee. Only under exceptional circumstances will items be moved on the agenda.

### What happens after the committee?

If an application is refused by the committee, the applicant has the right to appeal to the Planning Inspectorate. This process is then undertaken by the Planning Inspectorate and not the City Council. The Planning Inspectorate's web site advises on procedures for the different types of appeal.

### Data Protection

When you register your right to speak we will ask you for contact details including your phone number/email address and we will ask for your postal address to confirm that you have made representation prior to the reports being published.

Your information will only be for the committee purposes in relation to that planning application to be heard in case we need to contact you about any changes to the meeting. We will not pass this information on to any third parties. This is why, if someone is to speak on your behalf you must contact us again and inform us of this change.

Your name will be read out at the meeting when you are called to give your right to speak and you will be named in the Committee minutes. This is to ensure that the impacts of the development are understood and considered by the committee and recorded as such.

Please be aware that we are not able to control what speakers at the committee may say and they may identify individuals during their right to speak. (Add hyperlink to privacy policy for Development Management).

