

AGENDA

Development Control Committee

Friday, 23 July 2021 AT 10:00

In the Council Chamber, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any 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

To note that Council, on 20 July 2021, received and adopted the minutes of the meetings held on; 24 March (site visits), 26 March; 28 April (site visits), 30 April; 9 June, 9 June (site visits) and 11 June 2021. The Chair will sign the Minute Book.

[Copy minutes in Minute Book 48(1)].

To approve the minutes of the meeting held on 21 July 2021 (site visits).

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

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

Explanatory Notes	5 - 12
Item 01 - 21/0157 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road), Carlisle	13 - 82
Item 02 - 21/0120 - Firbank, Westlinton, Carlisle, CA6 6AQ	83 - 112
Item 03 - 21/0121 - Firbank, Westlinton, Carlisle, CA6 6AQ	113 - 122
Item 04 - 20/0797 - Land to the North West of Stainton Gardens, Stainton Road, Etterby, Carlisle	123 - 188
Item 05 - 21/0115 - Builders Yard, Brookside House, Thurstonfield, Carlisle, CA5 6HQ	189 - 214

Item 06 - 21/0267 - The Paddock, Paving Brow, Brampton, CA8 1QU	215 - 232
Item 07 - 21/0374 - Castle Hill, Hayton, Brampton, CA8 9JA	233 - 258
Item 08 - 21/0375 - Castle Hill, Hayton, Brampton, CA8 9JA	259 - 268
Item 09 - 21/0392 - Car Parks at Lanercost Priory & Tearooms, Lanercost, Brampton, CA8 2HQ	269 - 304
Item 10 - 21/0393 - Car Parks at Lanercost Priory & Tearooms, Lanercost, Brampton, CA8 2HQ	305 - 320
Item 11 - 21/0448 - Garth House, Greenfield Lane, Brampton, CA8 1AY	321 - 336
Item 12 - 21/0468 - Wetheral Playing Fields, Wetheral, Carlisle, CA4 8HE	337 - 354
Item 13 - 21/0496 - Unit 11, Willowholme Industrial Estate, Millrace Road, Willowholme, CA2 5RS	355 - 372
Item 14 - 21/0328 - Land adjacent Oakfield, Milton, Brampton, CA8 1HX	373 - 388

Item 15 - 20/0500 - Land adjacent to Carleton Farm, London Road, Carlisle, CA1 3TY **389 - 432**

Schedule B - Applications Determined by Other Authorities **433 - 466**

PART B

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

- NIL -

Members of the Development Control Committee

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

Labour – Alcroft, Mrs Glendinning, Southward, Miss Whalen, Birks (sub), Brown (sub), Dr Tickner (sub)

Independent - Tinnion, Paton (sub)

UKIP - Denholm

Enquiries, requests for reports, background papers etc
to: committeeservices@carlisle.gov.uk

To register a Right to Speak at the meeting contact:
DCRTS@carlisle.gov.uk

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

23rd July 2021

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

- Consultee responses and representations to each application;
<http://publicaccess.carlisle.gov.uk/online-applications/>
- Cumbria Landscape Character Guidance and Toolkit
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981
<http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)
http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm
- Equality Act 2010
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

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

21/0448 - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

21/0392 Part Refusal - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

21/0393 Part Refusal - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 08/07/2021 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 23/07/2021.

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

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
1.	21/0157 A	Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road), Carlisle	SD
2.	21/0120 A	Firbank, Westlinton, Carlisle, CA6 6AQ	BP
3.	21/0121 A	Firbank, Westlinton, Carlisle, CA6 6AQ	BP
4.	20/0797 A	Land to the North West of Stainton Gardens, Stainton Road, Etterby, Carlisle	SO
5.	21/0115 A	Builders Yard, Brookside House, Thurstonfield, Carlisle, CA5 6HQ	RJM
6.	21/0267 A	The Paddock, Paving Brow, Brampton, CA8 1QU	BP
7.	21/0374 A	Castle Hill, Hayton, Brampton, CA8 9JA	SD
8.	21/0375 A	Castle Hill, Hayton, Brampton, CA8 9JA	SD
9.	21/0392 A	Car Parks at Lanercost Priory & Tearooms, Lanercost, Brampton, CA8 2HQ	SO
10.	21/0393 A	Car Parks at Lanercost Priory & Tearooms, Lanercost, Brampton, CA8 2HQ	SO
11.	21/0448 A	Garth House, Greenfield Lane, Brampton, CA8 1AY	SD
12.	21/0468 A	Wetheral Playing Fields, Wetheral, Carlisle, CA4 8HE	SO

Item No.	Application Number/ Schedule	Location	Case Officer
13	21/0496 A	Unit 11, Willowholme Industrial Estate, Millrace Road, Willowholme, CA2 5RS	JHH
14	21/0328 A	Land adjacent Oakfield, Milton, Brampton, CA8 1HX	SD
15	20/0500 A	Land adjacent to Carleton Farm, London Road, Carlisle, CA1 3TY	CH
16	19/0905 B	Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road), Carlisle	SD
17	19/0649 B	Field 7449, Land opposite Irthing Mill, Irthington, Carlisle	SD

SCHEDULE A

Applications to be
determined by the
City Council.

SCHEDULE A

SCHEDULE A: Applications with Recommendation

21/0157

Item No: 01

Date of Committee: 23/07/2021

Appn Ref No:
21/0157

Applicant:
Gleeson

Parish:
Carlisle

Agent:
PFK Planning and
Development

Ward:
Belah & Kingmoor

Location: Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road), Carlisle

Proposal: Erection Of 79no. Dwellings (Revised Application)

Date of Receipt:
19/02/2021 09:01:35

Statutory Expiry Date
24/05/2021

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

- a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
- b) an off-site open space contribution of £22,364 for the upgrading and maintenance of open space;
- c) a financial contribution of £27,409 to support the off-site maintenance and improvement of existing play area provision;
- d) a financial contribution of £15,561 to support the off-site improvement of existing sports pitches;
- e) a financial contribution of £3,500 to upgrade the footpath to the north of the site (which is to become a PROW);
- f) the maintenance of the informal open space within the site by the developer;
- g) a financial contribution of £508,596 to Cumbria County Council towards education provision (£213,948 for infant and junior places and £294,648 for secondary school places);

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Layout, Scale And Design Of The Dwellings Would Be Acceptable
- 2.3 Impact Of The Proposal Of The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Provision Of Affordable Housing
- 2.5 Highway Matters
- 2.6 Drainage Issues
- 2.7 Open Space Provision
- 2.8 Public Rights Of Way/ Footpaths
- 2.9 Education
- 2.10 Biodiversity
- 2.11 Impact On Trees/ Hedges
- 2.12 Crime Prevention
- 2.13 Archaeology
- 2.14 Noise Issues
- 2.15 Contamination
- 2.16 Other Matters

3. Application Details

The Site

- 3.1 The application site, which covers 3.51 hectares, is currently undeveloped and contains a number of trees, shrubs and plants. The site slopes downhill from south-east to north-west, with a total fall across the site of approximately 5m.
- 3.2 The northern part of the site was occupied by Deer Park House, but this was demolished a number of years ago. There are a number of trees on the site, a number of which are protected, including an avenue of lime trees, two groups of trees adjacent to Kingmoor Road and a group of trees that lie to the west of the lime trees.
- 3.3 A Public Right of Way currently crosses the site and this links Kingmoor Road with Kingmoor Sidings Nature Reserve. There are a number of other informal paths that cross the site, with two of these also providing access to the nature reserve. A permissive path runs along the northern site boundary and this also links Kingmoor Road with the nature reserve.
- 3.4 Kingmoor Road adjoins the site east and this contains a number of dwellings that face the site. Dwellings on Gleneagles Drive and Saint Pierre Avenue lie to the south of the site and these are separated from the site by a belt of trees. Kingmoor Industrial Estate lies to the north of the site and is separated from it by a strip of land that is in City Council ownership, which contains the permissive path. Kingmoor Sidings Nature Reserve adjoins the site to the west beyond which lies the railway line.

- 3.5 The eastern site boundary, adjacent to Kingmoor Road, is predominantly hedgerows although there are sections of metal palisade fence and a section of stone wall. The northern, southern and eastern site boundaries consist of post and wire fencing.

Background

- 3.6 The site is allocated for housing in the Carlisle District Local Plan 2015-2030 (Policy H01 - Site U16). The site was allocated for mixed use development in the Carlisle District Local Plan 2001-2016 which was adopted in September 2008. This would have allowed the site to be developed for either housing or commercial use.

- 3.7 An application for the erection of 80 dwellings on this site was refused by the Development Control Committee in December 2020 (contrary to the officer's recommendation) for the following reason:

"This application is seeking planning permission for the erection of 80 new dwellings on a site at Deer Park, which lies in north Carlisle. There is currently a lack of primary school places in north Carlisle and by 2023 there is forecast to be a lack of secondary school places. Despite funding having been secured by the County Council from a number of housing developments, no progress has been made on the provision of a primary school in north Carlisle or the expansion of any secondary schools in Carlisle to deliver much needed places. If this current proposal is approved, it would exacerbate the existing problem of a lack of school places. This would have a detrimental impact on any school aged children occupying the proposed Deer Park development and others in north Carlisle requiring school places contrary to Policy CM2 and supporting paragraphs (Educational Needs) of the Carlisle District Local Plan 2015-2030".

- 3.8 The applicant lodged an appeal against the refusal and also applied for an award of costs against the City Council. The appeal was allowed on 24th June 2021, with cost being awarded against the Council. On the basis of the evidence before him, the Inspector was satisfied that the appeal scheme makes adequate education provision for future residents and is not therefore in conflict with the provisions of Policy CM2 of the Local Plan.

- 3.9 The Inspector was also satisfied that:

- the principle of development is acceptable
- that the appeal scheme will not cause unacceptable harm to the trees on the site
- that the proposed development, subject to appropriately worded conditions being placed on any resulting planning permission, would not have an adverse impact on ecology.
- that the appeal scheme would not harm highway safety.

- 3.10 In relation to the award of costs, the Inspector found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of

costs is justified. At the time of writing this report, the level of costs is still to be determined.

The Proposal

- 3.11 The proposal is seeking to erect 79 dwellings on the site. The development would contain twelve different house types and these would include 12 two-bedroom semi-detached starter homes, 25 three-bedroom semi-detached properties, 22 three-bedroom detached properties and 20 four-bedroom detached properties.
- 3.12 The dwellings would be constructed of a red multi brick, under a flat dark grey concrete tiled roof. Windows, fascias and soffits would be white upvc with rainwater goods being black upvc.
- 3.13 The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of; brick sills and lintels; brick quoins; open porches; bay windows; two-storey projecting gables; single-storey projections; with some dwellings having integral garages, attached garages or detached garages.
- 3.14 Vehicular access to the site would be from a priority-controlled junction with Kingmoor Road. This road would vary in width from 5.5m to 4.8m and would have a 2m footpath to one side. This road would provide access to 76 of the dwellings via shared surface roads and private shared drives, with 3 of the dwellings at the northern end of the site having direct access onto Kingmoor Road. An emergency access would also be provided onto Kingmoor Road, the use of which would be controlled by bollards.
- 3.15 A 3m wide footpath/ cycleway would be provided along Kingmoor Road from the southern end of the site, near Gleneagles Drive, to the northern end of the site. At the southern end of the site the footpath would be set back behind some protected trees that are to be retained. An additional footpath would be provided along the avenue of protected lime trees, which are to be retained and this would be adjoined by a play/ trim trail. This footpath would link (via a shared surface road) to the public footpath that runs along the northern site boundary. This footpath would replace the existing Public Right of Way that runs through the site. A group of protected trees that lie to the west of the avenue of lime trees would also be retained, together with some protected trees that adjoin Kingmoor Road to the south of the avenue of lime trees.
- 3.16 A SUDS pond would be provided in the south-west corner of the site and this would take the surface water from the development. An area of open space would be provided to the west of the SUDS pond and a number of the orchids that currently exist on the site would be relocated to this area. Some of the orchids would be relocated to a landscaped area that adjoins the site to the north and which would lie adjacent to the footpath that runs along the northern site boundary.
- 3.17 The main changes to the previous application are:

- reduction from 80 to 79 dwellings - Plot 1 is now a detached dwelling and this replaces a pair of semi-detached properties;
- reduction in the number of different house types from 17 to 12;
- increased separation distance (by 1m) between the principal elevation of Plot 63 and the SUDS pond - plots 64 and 65 have been repositioned to maintain their distance from the SUDS pond;
- the introduction of a play trail within the avenue of lime trees (adjacent to the proposed PROW).

4. Summary of Representations

- 4.1 This application has been advertised by means of three site notices and notification letters sent to 209 neighbouring properties. In response 62 letters of objection (from 55 households) and two letters of support have been received. A letter of objection has also been received from Councillor Helen Davison who is the city councillor for Belah and Kingmoor ward.
- 4.2 The letters of objection raise the following issues:

Principle of Development

- the land should never have been zoned for housing;
- the site is an area of historical and natural interest and should be protected;
- hard to see why this site needs to be developed given the number of other sites in the city that have been given planning permission;
- there has been a recent build of 7 houses behind the Redfern pub which are still unsold after 4 months;
- site is unsuitable for a housing development due to its proximity to existing nature reserves;
- the land should be used to extend Kingmoor Sidings Nature Reserve to create a valuable community asset and improve accessibility for recreation;
- the site has over the years become part of the nature reserve and is used for many social and recreational activities;
- the site is enjoyed by many people including dog walkers and families with young children;
- site is a very popular green space for local walkers;
- the few remaining green spaces in Kingmoor are precious and should not be sacrificed for development;
- area is a vital open space in an extensively built up area;
- there are few greenfield spaces in Carlisle but there are several brownfield sites and empty properties that could be redeveloped, preserving greenfield

areas;

- other options exist for new housing e.g. garden village south of Carlisle;
- buildings should be completed on existing sites before agreeing to new ones;
- the land is boggy and water will be displaced on the nature reserve if the site is built on;
- the land between the recycling place and the railway bridge on Kingmoor Road has been granted planning permission for housing - does Kingmoor Road need a second housing development that increases the pressure on infrastructure and doubles the concerns of residents?;
- the Belah school site is still empty and would be better used for some of these houses;
- in north Carlisle development has reached 22% (or 29% depending on how the figures are treated) of the overall housing requirement with 8 or 9 years remaining until 2030. These figures therefore call into question if there is the need for more housing in north Carlisle;

Wildlife/ Biodiversity

- the site contains a variety of flora and fauna and is an important habitat for a diverse range of wildlife;
- the field contains a level of biodiversity not found in housing developments or on agricultural land;
- the area should be conserved;
- the site joins Kingmoor Woods and Kingmoor Sidings and should be kept for recreation;
- do not see any plans to preserve, relocate and protect the habitat of Deer Park;
- the land is used for grazing by deer (there are 4 living on the land) and foxes use the field;
- the open grassland is home to insects, butterflies, birds and small mammals that provide food for larger animals, bats, owls, buzzards and many other species that live in this area;
- honey bees have had a hive for a number of years within the trees at Deer Park;
- the land is a paradise for all kinds of animals and other wildlife that have lived undisturbed for many years;
- site supports an abundance of wildlife and is starting to regenerate naturally with the appearance of many small trees;
- there are many bats in the area - they fly over the field to the avenue of lime trees;
- would lose easy access to the nature reserve to the rear of the site;

- there needs to be a buffer between the housing and the wood to protect the area that is full of orchids and wild flowers;
- two species of wild orchid are on quite a large area of the site;
- once the orchids have died back it would be impossible to find them to dig them up and re-locate them;
- the idea of relocating the orchids as suggested is not feasible and the hydrology of the recipient sites is not suitable;
- the site has Japanese Knotweed all along the boundary and well into the wood;
- the avenue of 24 lime trees which formed a driveway to Deer Park House are a very important feature - this is the most likely entrance to the site which could mean the trees are felled to gain access;
- concerned a number of the protected lime trees will be removed - losing these trees would have a detrimental effect on the area - they provide a lovely aspect from all directions, reduce noise and pollution and provide a shelter for birds, insects and animals;
- there are more protected trees in a spinney including a rare specimen European Cut Leaf Beech which should be protected - there are also other specimen trees including a copper beech;
- how can foundations for houses be dug without affecting the roots of the protected trees;
- the established trees will suffer greatly from the site being drained - which may cause them to fall;
- the older oak trees have re-seeded themselves and there are several young oak trees dotted around the field which will be destroyed by the development;
- building on this land will affect the wildlife in the nature reserve;
- the impact of draining the field and the siting of the SUDS pond have not been considered - will affect the water table in the nearby wet woodland;
- impact on great crested newts has been underestimated - removing another substantial and wet area could reasonably be expected to affect the population;
- site is a vital link between 2 nature reserves (Kingmoor Woods and Kingmoor Sidings);
- nature needs linking corridors of green areas in order to thrive;
- there aren't enough buffer zones between the houses and trees;

- there should be one or two ponds in the area next to the woods to take the drainage and provide a buffer;
- having extra housing closer to the nature reserve will have environmental impacts for nature through noise and light pollution and groundwater flooding;
- Deer Park field allows plant and animal species to move out of both LNRs to use the trees, scrub, tall herbs and grasslands of Deer Park field, in order to grow, forage and breed, thus creating more diverse and sustainable populations. These would then be able to repopulate the LNRs when necessary;
- Deer Park field currently allows the free movement of species from one of its adjacent LNRs to the other - this movement of fauna and flora (by seeds or mobile adults) reduces the chances of inbreeding, ensuring a genetic diversity and thus strong, sustainable populations of species;
- Deer Park field is important as a buffer, to reduce the pressure from human visitors on the statutorily protected LNRs. If every visitor made their way into the LNRs, the habitats would become degraded more rapidly and the biodiversity would decrease;
- Deer Park is also important as a site in itself, comprising a range of habitats including species rich semi-improved grassland; a rarity, especially in this part of Carlisle District;
- Deer Park field should be put forward as a candidate for formal statutory protection as an LNR due to the roles it performs;
- there needs to be a very important 'public interest' reason to justify the deliberate isolation and degradation of statutorily-protected LNRs - not convinced there is no public interest reason to allow this planning application to proceed;
- the decision should be delayed until it is clear from the Government's Environment Bill, as to the duties of Local Planning Authorities with regards to biodiversity. Biodiversity Net Gain and Nature Recovery Networks are the policy areas designed to stop the decline and then increase biodiversity, at local and national levels, many to be implemented by local government;

Highway Issues

- Kingmoor Road is already extremely busy with cars - additional traffic will endanger existing road users and residents;
- Kingmoor Road is already a rat run for local schools with queuing traffic creating unacceptable levels of emissions;
- Kingmoor Road is inadequate for current levels of traffic at peak times - the railway bridge creates a bottle-neck and frequently floods;

- Kingmoor Road is too narrow, difficult to cross and vehicles exiting the development will be held up by vehicles on Kingmoor Road;
- vehicles parked on one side of Kingmoor Road make the road single lane most of the time;
- traffic going to and from the bypass speeds along Kingmoor Road;
- there have been numerous accidents, both serious and minor, on Kingmoor Road;
- the current traffic survey that was done on 1st October and submitted with the application is not a true reflection of the traffic on a daily basis - that day the bridge leading to the bypass was flooded and a car was stranded in it and people were advised to avoid the area;
- visibility from the opposite side of the road adjacent to the proposed new access is already limited due to the gradual bend on Kingmoor Road;
- adding 2 new road entrances will increase the risk of accidents;
- given the speed of traffic on Kingmoor Road the visibility splays will be inadequate;
- on-street parking is only possible opposite the new access;
- there is only one pavement on Kingmoor Road which is quite narrow;
- all pedestrian footfall is on the same side of Kingmoor Road as there is no footpath from Gleneagles Drive until V Athletics;
- don't see any plans to include a footpath, traffic lights at any junction, a pedestrian crossing, speed reduction measures or road widening options for Kingmoor Road in light of the increased traffic;
- Kingmoor Road is already single lane for buses and larger vehicles at peak times;
- the traffic is worse than before the northern bypass was built;
- parking in the area is already difficult;
- there are no pedestrian crossings in the area - have concerns for the safety of children and others trying to cross the main roads;
- a crossing is desperately needed near the shop on Kingmoor Road and speed cameras at the nature reserve end;
- a crossing is needed on Kingmoor Road and traffic calming measures are needed;
- the new houses potentially put another 160 cars in the immediate area on roads which are comparatively narrow and unlikely to be able to handle the increased traffic;
- the road to the bypass under the bridge floods regularly;
- there are no bus services or pavements down to the further development next to the recycling centre;

- since the development of the bypass Hartley Avenue through to Briar Bank and Kingmoor Road have become heavily congested - extra housing will exacerbate this and increase the risk of accidents;
- pulling out of Hartley Avenue is difficult as visibility is restricted by bends in the road;
- proposal may adversely affect road safety for all traffic but especially cyclists;
- lack of parking is a concern and there isn't enough parking for each house - this will add to the parking problem in the area and lead to more accidents;
- only 6 visitor parking spaces are proposed;
- construction phase will lead to a significant increase in traffic in the area;
- there is no evidence of footway provision along Kingmoor Road on the revised plans as required by County Highways;
- proposed pedestrian crossing would be situated at the northern end of the site - this is a blind corner heading out to the bypass - need full visibility and traffic calming measures;
- the proposed crossing is to be at the worst possible place - at the northern end of the site near Vibralife - this is a very dangerous place to cross due to the blind corner near Hartley Avenue;
- the main access to the site is unfit for purpose;
- unbelievably several houses have their driveway access onto Kingmoor Road;
- the estate should have 2 means of open vehicle access to help reduce traffic congestion - the emergency access has bollards;
- the emergency access will be used as overflow parking which could impede the safety of residents in the development if it is obstructed;
- children from the development would have to cross Kingmoor Road to get to schools in the area;
- proposed visibility splays are inadequate due to traffic speeds and Plots 21, 22 & 23 appear to exit on to a blind bend;
- the shared surface roads don't have footpaths;
- can't see how the emergency access will be kept clear;
- the place they appear to have identified for a crossing is in a very dangerous position;

Schools -

- no consideration has been given to the original application's refusal and the issue of a lack of school places has not been addressed by the developer;
- reducing the number of dwellings by one won't make any difference to the pressure on local schools;
- development will impact on Kingmoor School which already struggles with high

pupil numbers;

- schools north of the river are at a premium and yet housing developments continue to emerge none of which have adequately addressed the need for additional school places;

- both Stanwix and Kingmoor schools are about full to capacity;

- we need a new school now;

- seek assurance that school catchment areas do not change;

- the issue of a lack of school places north of the river, following the closure of Belah School, has still not been resolved although a number of new dwellings (675) have been given permission;

- the approval of new development requiring additional school places continues to aggravate the growing crisis;

- no new developments should be approved until the issues of school places has been resolved;

- using Gleeson's admission that at Greymoorhill 25% of homes would be occupied by children, 21/22 primary aged children could occupy this development;

- the out dated formula for children the development will yield is still being used

- only 29 children from 86 dwellings with 247 bedrooms - one child for every 3 houses - is too low;

- the County Council should already be in receipt of £1.6m towards education needs with a further £337,536 due - it has owned land for a school since 2017 - the progression of a new school should start immediately;

- the infrastructure must be in place before permission is given for more dwellings;

- it will take an estimated 3 to 4 years to build a new school by which time we will be beyond breaking point;

- Story Homes were going to build a school and this didn't happen;

- overcrowding in current schools will have a negative impact on children;

- need a new primary school and a new secondary school;

- the land is perfect for a school;

- the former Belah site on Eden Street would be ideal for a new school;

- Cumbria County Council has not provided clear and transparent details on the availability of primary school accommodation at local schools;

- the County Council has provided confusing and contradictory information

over school places which the applicant has not challenged;

- the County Council has ignored the result of previous consultations which took place with the City Council;

- the applicant has provided no information on educational provision to support its application and to provide information for prospective buyers;

- the Applicant has failed to show how its application complies with Policy CM 2 of the Local Plan;

- the County Council has provided misleading information relating to a new school at Crindledyke and has failed to make reference to the Story Consultation in 2020 and how this might affect its plans;

- the letter supplied by the County Council at the request of the Development Control Committee is worthless, fails to properly address any of the concerns raised and does not provide a clear indication of the timing of primary and secondary school provision north of the river;

- there is another application for 300 new dwellings at Low Harker which will increase demand for school places by 61 for primary school children and 43 for secondary;

- the County Council has failed to consider building a new school in phases;

- the scale of development and planned development in north Carlisle has reached such scale, it is not sustainable. All development should now be stayed pending the agreement, planning and budget of a new school either in phases or as a whole;

- the County Council has known there would be a shortfall in primary school places since at least 2014, but in the six years that have elapsed it has achieved absolutely nothing;

- it is pertinent to consider the impact of class sizes on the learning and education of our pupils. Should we continue to push schools to breaking point this will only be a detriment to our children. After such a chaotic year in education and the need to catch up, surely we should be trying to reduce class sizes and give pupils a chance to have more meaningful learning. If we continue to allow more development of families sized houses, we are only going to overwhelm schools and impact education;

- since the determination of application 19/0905 an application (20/0797) has been submitted to develop 33 dwellings at Stainton which is less than one mile from the application site. The County Council has already issued its report on this development in respect of educational provision but it comes to an almost opposite conclusion to that reached in 19/0905. They state there are places available at Stanwix school which it failed to even mention in application 19/0905. I believe this is yet another confusing decision reached without further explanation by the County Council;

Footpaths/ Rights of Way

- there are several footpaths on the site leading to 3 entrances to the nature reserve and these should be protected;
- what will happen to the Public Right of Way that crosses the site?;
- it is unclear where the footpaths will go and if they will still exist;
- the Right of Way through the site appears to have been removed;
- people wanting to enter the woods from the south of the site will have to walk further;
- the loss of the entry points to the wood will make access to the woods harder;
- people will be forced to enter the woods via a long and narrow path;
- 2 access points into Kingmoor Sidings have been removed - this only leaves one access at the northern end down what is a very narrow path;
- you cannot disrupt footpaths without going through lengthy proceedings;
- the Public Right of Way across the site would need to be kept as it is now or with an appropriate diversion to allow pedestrians to walk across to the nature reserve as at present;
- the PROW has to be retained in its current position;
- moving the PROW goes directly against the local plan which states that the public footpath needs to be 'retained and protected';
- the footpath at the northern end of Deer Park is too narrow, essentially has to be used one way, floods when it has rained and has a lower quality of views due to the light industrial units right next to it. The path itself is composed of stones/gravel which makes it particularly difficult for those families that need the use of a pram, or a disabled person in a wheelchair. There is also a steep gradient leading up from Kingmoor Road, again making it more difficult for disabled people to access the nature reserve - none of these issues exist with the current public footpath, or indeed many of the paths in the main body of the field, all of which have been in use for more than twenty years;
- the alternative path is quite a long walk down a busy road and the crossing is a very dangerous undertaking;

Scale/ Design

- the proposed number of dwellings is too many for the site;
- all new developments in Carlisle are exactly the same - where are the self

builds, bungalows and truly affordable homes?;

- development should bring a mixture of styles and some good design;
- Policy HO1 requires the provision of housing for the elderly, including bungalows - no bungalows have been provided in the housing developments (761 dwellings) approved north of the river in the last 2 years;
- the application makes no provision for the elderly which is a clear objective in the Local Plan;
- Carlisle needs more houses but it doesn't need more small boxes that are poorly and quickly thrown up - it needs affordable good sized forever homes;
- so many of the new housing estates in Carlisle are not well designed and the same issues appear in these plans;
- the site is too small to support the drainage and utilities for 86 decent sized dwellings;
- need to build some bungalows and low cost housing for young couples;
- if housing must be built on this site, reduce the number of dwellings, make changes to the parking and save more of the green space;
- appreciate the need for starter homes but these should be included in all developments;
- proposal will lead to overlooking of existing dwellings and loss of privacy and light;
- the lime avenue should be the main footpath into the woods - this could be a stunning feature if done sympathetically;
- there has been a reduction of one dwelling, which is 98.75% of original plan is intact;

Drainage

- the site is often boggy in wet weather;
- where will the surface water from the site go?;
- the site is at risk from ground water flooding below ground level - there is potential for groundwater flooding to basements and below ground infrastructure;
- there is no watercourse nearby and infiltration is not feasible so the applicant will rely for surface water on the existing public surface water sewer crossing the site to the west for surface runoff;

- pollutants will pool, runoff driveways enter the surface water sewer and contaminate ground to the west;
- surface water flood maps show highly significant risk of flooding at Balmoral Court and Kingmoor Sidings adjacent to the site - sewage and drainage systems and surface watercourses may be entirely overwhelmed and at times of groundwater flooding this would include on-site mitigation and the detention pool proposed;
- there are likely to be changes in extreme rainfall events - the applicant has used 40% allowance for climate change - it is unclear if the model takes into account rarer rainfall events with up to 10% more rainfall over and above the effect of climate change - this is recommended by Environment Agency's advice;
- drainage exceedance during flash flooding will have an adverse impact on Kingmoor Sidings Nature Reserve/ County Wildlife site - risks are associated with overland flow from dirty water, pollutants, pathogens and sediments in suspension or solution with overland flow or drain water;
- the flood risk assessment is flawed - we have had 2 once in 250 year rain events in the last 16 years - need to consider a Storm Desmond event plus 40% allowance for climate change;
- revised calculations for IH124 using HOST soil classification (soilscape 6) show that peak runoff rate from the development to United Utilities combined public water sewer and piping system for both the 1-in-1 year rainfall event and 1-in-30 rainfall events exceeds the peak greenfield runoff rate from the site for the same events;
- peak runoff rate from urban surfaces is almost certain to exceed the 1-in-100 year rainfall event allowing for climate change (plus 40%). Infiltration is not feasible on site and there is high risk of groundwater flooding to the west and north west of the site;
- a population of GCNs was found in Pond 1 in 1999. The Newt Survey carried out by Pennine Ecological has not ruled out the presence of GCNs in Pond 1. Polluted wash-off from the Deer Park site is highly likely to impact on the Kingmoor Sidings Nature Reserve and Pond 1, Pond 2 and Pond 3;

Other

- a petition with almost 800 signatures shows the wide support to save the area;
- the revised application is virtually the same as the previous one recently rejected – the concerns raised remain the same and to approve this would undermine public trust in the planning process;
- the application was rejected in 2020 what has changed now to make it viable or necessary?

- there is a covenant on the site that forbids building anywhere other than on the site of the original dwelling;
- too many builds north of the river;
- a potential 80 extra families will put a strain on local schools and services;
- there are not enough doctors or dentists in the area;
- climate emergency should be a priority for the Council - allowing a development that will increase pollution and lead to a loss of trees is not environmentally considerate;
- the proposal will lead to the further deterioration of the environment north of the river due to increased traffic and pollution;
- traffic pollution on Kingmoor Road is already bad;
- the rail depot to the west of Kingmoor Park causes a lot of noise and diesel fumes which drift across Deer Park and may affect the housing;
- the archaeological potential of the land identified previously has been dismissed by planning;
- has the archaeological site survey been completed? This was requested before any development;
- the field was damaged by heavy plant last month;
- building work will cause noise and disruption;
- having green areas nearby is important for physical and mental health;
- the great value of Deer Park has been realised even more due to the pandemic;
- the site allegedly contains hazardous material (asbestos) which might pop up in people's gardens;
- lack of current jobs and businesses;
- affordable homes are not affordable for many local people on low wages;

4.3 The letter of objection from Cllr Helen Davison raises the following concerns:

- from discussions with a wide range of residents, living both near the field and further afield, I have learnt just what a precious community amenity this field has been over the years for them and just how much they value it. I have a real feel for their passion and desire to protect the field from development and their real sadness that anyone would even consider building houses upon it.

- the revisions to the original planning application 19/0905 have not been such that they alter my objections to the development.

Local context:

- the situation has changed since Deer Park field was allocated for housing in the Carlisle District Local Plan 2015 - 2030 which means that issues which may not have been issues in the analysis of its suitability for housing have now become considerably more important from a planning perspective than they would have been. The field to the north of the industrial estate which would have served as both buffer to Kingmoor Sidings Local Nature Reserve (LNR) and the nature corridor between Kingmoor South and Kingmoor Sidings LNRs was not allocated in the Local Plan but has since had planning permission approved for 71 houses (17/1028). The loss of this nearby field makes the protection of the habitat of Deer Park so much more important with regards biodiversity and our LNRs. The building of houses there will also have a cumulative impact with regard school places, pressure on other local services and traffic flow along Kingmoor Road.

1. Highway safety, traffic and parking issues

- residents have raised major issues about road safety on Kingmoor Road and have significant concerns about the introduction of a new road junction onto a road which already has several junctions and driveways coming onto it.

- traffic is regularly observed exceeding the speed limit with some cars significantly exceeding it. Traffic currently comes from the bypass and does not heed the speed limit signs as it gets into the 30mph speed restriction area. Although this may be alleviated by the new development beyond the industrial estate, vehicles also travel fast all along the road heading out of Carlisle, with the speed warning sign on Etterby Scaur near Austin Friars not really preventing this. In the few months after the planning application was submitted at the end 2019, I am aware of two vehicle collisions in that area, one into the barriers just by the entrance to Etterby Road and one into the garden wall of a house Kingmoor Road itself, close to the position the new entrance to the estate is planned. A resident has also informed me of a near miss with a vehicle when trying to get four children across the road near the Redfern pub, such that she had to pull the children back onto the pavement. The vehicle was coming too fast and was upon them too quickly.

- given plans to remove a significant amount of the hedges on the development side I have it on good authority from a county council officer that this will reduce the sense of narrowness of the road with the risk that people will speed more rather than less.

- some residents on Kingmoor Road do not have driveways so need to park on the roadside. If they fully park on the road this leads to there being only room for one vehicle to go along the road in certain sections and I have witnessed poor driver behaviour in this area with drivers not giving way to others in this area. It adds to the poor visibility to see vehicles coming when pulling out of driveways, which is a particular issue due to the speed that traffic travels along the road.

- the pavement width on Kingmoor Road is such that when any vehicle parks on partly on the pavement the pavement itself can be blocked to wheelchair and pushchair users requiring them to walk on the busy road. Without a decent pedestrian crossing space at the southern end of Kingmoor Road people still may not cross the road to use the better planned pavement on the far side of the road to avoid such obstacles.

- drivers drive as if the road is a straight road but there are slight bends on it, which result in people having difficulty seeing cars in time when pulling out of junctions, especially when those cars are speeding. Residents have raised concerns about coming out of driveways, coming out of Hartley Avenue and also coming out from the Kingmoor Park nature reserve. All these manoeuvres are made more difficult by the speed of traffic along the road.

- there are currently no pedestrian crossings over Kingmoor Road and residents currently have to risk the speeding traffic to cross the road. Although one of the conditions of the development requested by highways is that the developer fund a crossing over the road, as I understand no exact location has been identified for this. It is being suggested at the north end of Kingmoor Road towards Kingmoor South nature reserve. Residents are concerned, depending upon its location what the visibility will be like coming up to it, given the slight but significant bends in the road. If it is not appropriately positioned such that it will work with the everyday journeys that people take over the road, people will continue to cross the road in places which are not so safe for crossing. Although a crossing at the northern end will work for children going to Kingmoor schools and would link to the cycle route from Lowry Hill it is less likely to be a route of choice for people who are going to the shop / post office, pub and take away from St Ann's estate and for parents who wanted to take their children to the large playing field off Belah Road from Etterby Road, Gleneagles Drive or the proposed development areas.

- given the pressure on the school places at Kingmoor Infant and Junior school how are children going to safely walk or cycle to a school being proposed at Windsor Way? Cycling routes for children to the central secondary schools are still also inadequate without sufficient consideration of the direct route along Kingmoor Road and Etterby Scaur which children take. Whatever walking and cycling infrastructure is put in, it should be enabling children and their parents to safely travel actively to school and not have to rely on parents driving them there and I don't feel it appropriate to go ahead with this development until these issues have been investigated and adequately addressed.

2. Conservation, wildlife and biodiversity

- the strong message coming from residents is what on earth are we doing allowing building upon a field which has such an array of plants and wildlife, quite unique in its area and right next to one of our local nature reserve? The orchids, for example, may not be the rare types that can be protected by legislation, but I don't know anywhere else in our local vicinity that you can see over 80 orchids over summer in a field so close to many residents who can access them. Where else locally can residents look out of their windows and watch the deer in a field? Many of the trees are protected, including the avenue

of trees lining the old driveway to the house on Deer Park, but what will happen to them once surrounded by houses. How will their roots be affected? What damage will happen to the trees with TPOs during building? How many of them will become damaged and will have to be chopped down? At the moment the avenue of trees is seen as a positive asset in the field but it may not be considered as such by anyone living next to them. At what point will the avenue of trees become a nuisance to the people living next to them, as they drop sap and branches onto anything underneath them and block light from houses with requests to the council to chop them back or down?

- to describe Deer Park as “scrubland”, as it has been described by the developer, is downplaying its appeal and is not to have visited and appreciated the field during its spring, summer and autumn glory and see the meadowland and the array of plants and insects inhabiting it. It has a mix of habitats. The boggy land, which has rendered it free of houses over the years due to the winter flooding, the meadowland and also the land where the estate garden was which still has fruit bushes and other plants linked to it. Other species there include goldfinches, badgers, bats, two or three species of orchid including northern marsh orchids, butterflies, fruit trees and bushes including blackberries, raspberries, apples, pears and sloes.

- how is the field used by the various species that inhabit it? Is the field part of a wildlife corridor that links wildlife here into Kingmoor South Nature Reserve on the other side? Where will the creatures go that live there? This is a very different habitat from the adjacent nature reserve. What will happen to the honeybees’ nest that has been in the tree at the entrance to the field that has been there for several years and where if you look carefully you can see the honeycomb?

- our knowledge and understanding have dramatically changed since the Local Plan was written back in 2015 and the land re-allocated for housing, and continues to do so even since the original plan 10/0905 was submitted. We are facing the extinction of wildlife on an unprecedented scale and a huge loss of insect life, the pollinators that maintain our food crops, down to human activity and the loss of habitats as a result of human development. The loss of habitat in the UK has been particularly bad with the UK now being one of the most nature depleted countries in Europe. As we increasingly put this system out of balance by our continuing development and resource use we leave it more and more fragile. I would like to see the council consider every development with this consideration. Of all the fields to choose for this development this, more than so many others around Carlisle, is hugely biodiverse. And the measures being put in by the developer to compensate for the loss of habitat come nowhere close to replacing the loss it will create and impact it will have on biodiversity.

- how is this development going to meaningfully implement the biodiversity net gain principle in the National Planning and Policy Framework (Feb 2019) with regards to this development?

- although Deer Park may not be a “valued landscape” in the grand scale of things in the way that the Lake District is, this is absolutely a valued landscape

for the local residents and those from further afield who have used that field over many years to get outdoors for exercise and recreation. The benefits to residents of this field (their local natural capital) are immeasurable in terms of the impact on their health and wellbeing, both in terms of use of the field by young and old generations and also that it enhances the local neighbourhood making it a more pleasant and desirable place to live. What this field gives that the nature reserves don't is open space and open skies. For all who suffer from seasonal affective disorder the importance of spaces where you can get out and see the fullest of daylight over winter is so important.

- how can the asset value of this field for wildlife and plant life be replicated in the locality such that the species currently inhabiting it can thrive there? The developer mentioned moving some orchids to near the path to the north of the field. That land is dry and we have it on good authority from local ecologists for the Cumbria Wildlife Trust that marsh orchids would not survive there. Also how are the orchids going to be transplanted? What guarantee is there from the developer that they will wait with their work until the next season when the orchids appear before disturbing the land and destroying the plants before they can be transplanted? How successful is the transplantation of orchids when done? Are the scale of the orchids mentioned within the reports on the field so that it can be seen where they are in order to a) protect them and b) safely move them? I did not get a sense of this from the ecological survey that was done.

- Carlisle Local Plan (2015 – 2030) policy G1 3 is also relevant. *“Biodiversity assets across the district will be protected and where possible enhanced.”* Cumbria Wildlife Trust in their objection clearly describe this field as a biodiversity asset for Carlisle and important in the protection of the neighbouring nature reserves. Given that there are two LNRs in close proximity any net gain should link to this and should ensure that wildlife corridors are not lost. It was suggested by a conservation expert at Friends of the Lake District that the obvious option would be for the field to the north to be enhanced for biodiversity (and protected from future development) to make a physical link between the two areas of the nature reserve. The field nearby could have been used to transfer some of the plant life and could have been used to create a similar habitat for the wildlife and which could have supported the nature corridor from Kingmoor Sidings to Kingmoor South nature reserves. This field although not allocated for housing in the 2015-2030 Local Plan now has planning approval for approximately 70 houses. Had that not been happening, there would have been the opportunity for some significant biodiversity gain.

- the green space available in this new development will not compensate for the loss of the habitat as it is. And I would question how net biodiversity gain can be achieved on the site itself or close enough to the area to mitigate for the impact of losing this field. It is important that the developer pay an amount to Green Spaces that truly reflects the amount of work required to remedy the detrimental impact on local biodiversity as highlighted by CWT. I would anticipate this amount to be hugely greater than that currently being requested by the Green Spaces team.

- if the development is approved I would urge that the maximum amount of

conditions that can be imposed are imposed to ensure that there are homes and habitats for bats, hedgehogs and other creatures that currently inhabit the field. e.g. bat boxes on every house. But again I would seriously question whether putting in these measures is going to lead to a true biodiversity gain for this area and urge that this development is turned down on biodiversity grounds as well as other reasons.

3. Amenity

- this field would seem to me to fulfil the definition of amenity - *“A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity.”*

- the loss of this field to housing will destroy a valuable local amenity for the neighbourhood. In considering people's health and wellbeing this field is closest to the areas of Belah and Kingmoor ward which have the worst statistics for health and social factors. Also Belah was identified in the Carlisle Green Infrastructure Strategy (The Big Green City: The Green Infrastructure Strategy for Carlisle City and District, 2011) as being the number six on the list of the 10 wards in the city with the least green infrastructure cover. This is a gem of a field that is within very easy walking distance for the residents in that area, where it is possible to get a sense of tranquillity and being “away from it all” even though you are close to houses. A place for people to de-stress and relax. With open space, trees and hedgerows and the opportunity to engage with nature and wildlife, see the stars and planets away from so much light pollution and educate children about nature. Building houses on this field will take away an irreplaceable community asset and given that Belah is sixth on the wards with least green infrastructure cover it would seem prudent for many reasons to preserve this space.

- the developer talks about the development enhancing the area and creating a desirable place to live, but the very development will take away one of the key assets that makes the area a desirable place to live in the first place.

- to understand just what a local amenity this field is to residents I would ask that all involved in making the decision read all the objections that have been submitted. Reading a summary of the report highlighting key issues raised is unlikely to capture the depth of feeling and the desire of the community to protect this field both for themselves and future generations and completely understand the objections to it being built upon.

- issues of both noise and air pollution from DRS Kingmoor railway operations were raised at the planning meeting about the development (19/0905). The previous input from Environmental Health had not mentioned the issues around air pollution as residents had not raised it with them but it is an issue that had been raised by some residents. Given the much greater understanding of the impacts of air pollution on health that we now have than we had when the Etterby Park estate was built, especially on the health of young children, and that this development is targeting young families, I think it is very important that any issues around excessive diesel pollution should be assessed and, if necessary, addressed before further houses are built close to the depot. And

with regards noise I would ask that a noise assessment should be carried out before any houses are built, rather than waiting until houses are built to carry out the assessment. This should take into consideration different times of day and year, given the nature reserve may act as a buffer in summer but not so much in winter when the trees are bare. DRS is very close to the proposed houses and noise from it could be a particular impact at night or when families are in their gardens.

4. Impact on and availability of local services

- despite a request from the Development Control Committee before making their decision on the original planning application 19/0905, the county council provided no reassurance on the school situation. I have seen nothing in their statements with regard this new application which change that and, on those grounds alone, I would urge committee to turn this application down.

- where is it intended that children will go to school from this and the nearby approved development north of the industrial estate? As I understand it Kingmoor Infants and Junior schools are currently oversubscribed. And Stanwix school hasn't got the capacity to expand. When this development is built and if families move in straight away, where will their children be expected to attend school? Will they have to go to the not yet built but talked about school at Windsor Way? And if so how will they travel to school? If the children from here attend Kingmoor schools, what areas in the ward will then have to send their children to the Windsor Way school and if so how will they get to that school?

- what measures are going to be put in place to ensure that the option of walking and cycling to school is a safe and preferable option rather than parents needing to drive their children to school adding to congestion and pollution? This will require safe routes for children across Scotland Road both on foot and bicycle.

- particularly important to consider are the routes for children coming from this estate to the secondary schools in the centre of Carlisle, Trinity and Richard Rose Academy. What provision is going to be put in place to enable a safe cycle route on the direct route that children will want to take, along Etterby Scaur and along Cavendish Terrace or the path below to Eden Bridge? The developer is being required by highways to put a walking and cycling path in along the front of the estate which is great. But how do children and teenagers then safely get from there to Eden Bridge without needing to cycle on Kingmoor Road from Gleneagles Drive, the Etterby Scaur road and the bottom of Etterby Street? There is a potential route that could be developed about which I have spoken to County Council officers but there would need to funding to enable that.

- if we are serious as a council about moving towards net zero as a city, which includes playing our part in facilitating a modal shift in how we travel, I believe all these questions need to be answered and the infrastructure be ready to be set up and funded before we agree to this housing development going ahead.

- what is the impact too of these and the neighbouring planned estate on local

health services? Is there the capacity within the system as it stands to deal with the additional pressure on services?

- the approved development on the next field out to the north of the industrial estate (27/1028) almost covers the allocation of houses that were suggested for the Deer Park field, reducing the need for the Deer Park development. 21 of the 71 houses will be affordable, half to buy and half for social renting, with quality rental properties being important in this area of the city.

- if the developers genuinely want to provide Carlisle residents some truly affordable housing for the area and care about enhancing the opportunities for people to live in a pleasant environment, as suggested when they spoke to residents at a meeting in 2020, how about creating some properly affordable low-level block of flats on the site on the footprint of the old house on Deer Park estate? That way they would leave the neighbourhood with its valuable community amenity, they would be providing the residents wanting to live there the opportunity to live in a beautiful piece of estate land and overall the major threat to biodiversity and loss of wildlife corridor and to Kingmoor Sidings nature reserve would be removed.

- Speaking to some local residents who live in and are looking for affordable housing in this area they are very clear that they would still not want to see Deer Park built upon because of its value locally.

- this development, as with so many in the north of the city also fails to provide the bungalows and provision for our more elderly residents that is needed. The expectation to put in stair lifts is really not the same as the provision of purpose-built houses on one level.

5. Counter to the Carlisle District Local Plan (2015 – 2030) and other planning documents

- the public right of way is a historical route across the field, used by railway workers to the sidings and has been secured as a right of way by the efforts of local residents. It provides the most direct route through the field enabling residents coming from the south east end of the site to access Kingmoor Sidings nature reserve through an environment conducive to wellbeing. Everything should be done to protect this right of way as it is.

- specifically with regard the land at Deer Park the Local Plan states: *"Public footpath 109397 crosses the site in a north westerly direction from Kingmoor Road, and must be retained and protected as part of the development."*

- Carlisle District Local Plan policy GI 5 Public Rights of Way states: *"New development will be expected to ensure that all public footpaths, bridleways, cycleways and other rights of way are retained. Development proposals that would affect existing rights of way will not be permitted unless an alternative route is made available, or can be made available, which is safe, attractive, is well integrated with the existing network and is not significantly longer than the original route."*

- how long is significantly longer and how long is the diversion likely to be? The current footpath is 280 metres (according to the sign in the nature reserve as you enter it.) Will the Kingmoor Sidings nature reserve still be accessible for those limited in the distance they can walk, for example people coming from the Gleneagles Drive area, or in St Ann's?

- again from the Local Plan, G1 para 10.24: *"Only if it can be demonstrated to be impossible or impractical should the rerouting of a right of way be considered. When an alternative route is proposed as part of an application for new development, the application will only be approved once it is clear that the route has been (or will be) established, and that the route is safe, convenient, of similar or better quality to the original, well integrated with the development and its setting and not significantly longer than the original route."*

- what has the developer done to demonstrate that it is impossible or impractical to keep the existing route? Is it actually impossible for the developer to keep the path where it is? How will having a path through a housing development enhance the experience for users of that public footpath?

- the argument has been made that the existing path is muddy and that their paths will be better. However, part of the experience of walking through the field and into the nature reserve is that closer to nature feeling of walking over grass and natural ground, rather than concreted paths. Given the bogginess of the field and the nature reserve wellies are sensible footwear anyway. The new proposed route will take people through houses and requires the crossing of an estate road, not the experience for wellbeing that the existing path provides.

- further to my comments about this in section 2 on biodiversity, Carlisle Local Plan policy G1 3 states: *"Biodiversity Assets across the District will be protected and, where possible, enhanced"*.

The nature reserve is a priority habitat, which the Government says, in the National Planning and Policy Framework and their 25 year environment plan, "A Green Future: Our 25 year plan to improve the environment" are crucial to nature recovery. Given that the field to the north of the site, which would have been the area with the scope for the protection of and enhancement of the Kingmoor Siding nature reserve by linking it with Kingmoor South nature reserve, is now being built upon, how is this development really going to do this?

6. Other issues arising during my discussions with residents and others:

- a condition should be put on the development that should the developer start work and find something within the process that stops it from happening, and if it becomes apparent that the development becomes unviable that they will cover the cost of restoration of the field, given what a precious community resource it is? For example, there is high confidence from a first-hand witness, a former railway worker at Kingmoor Sidings that there is a significant pile of asbestos buried near the site of the old house that was disposed of from the railway works as well as asbestos along the route of the public right of way in the field. This contamination occurred from barrows that the railway workers took to and from the site as they were working with asbestos at the railway sidings. It would be a real shame if the developer starts work and digs up the

field destroying the habitat there, only to find some level of contamination from this or other industrial materials which prevents houses being built there.

- the argument has been used that the field is private land and why shouldn't the owners be able to sell it so that houses can be built upon it. However, that is not how our planning system is set up and so it shouldn't be. People cannot build on land just because they own it. Imagine what would happen in our countryside if that was the case. It is why we have planning laws and permissions need to be granted by councils to ensure that only appropriate developments occur in appropriate places. Who owns the land and who is going to make money from it should be irrelevant to the planning process or decisions.

- with regards comments made about people accessing the land beyond the public footpath it has been used by the public consistently for well over 20 years without them being challenged in their use of it. Looking at the government website it says, *"you may still be able to access private land ... if the land was accessed by the public for 20 years and nobody has asked them to stop."* This is certainly the case with Deer Park.

- it seems wholly unfair and wrong to me that, at the moment they learn that there is a planning application for houses and want to voice their objections, residents are told that they should have objected at the time of the Local Plan consultation. Not one resident I have spoken to was aware that the local plan process was either happening or that if they were, that it was advertised in such a way that they realised this was the time to object to the principle of building houses on this site. Had they known they would have actively objected then and would have raised awareness within their own community, as they are now currently doing.

- in the introduction to the Carlisle District Local Plan it states that *"Active community involvement at each key stage of plan preparation has helped to mould the Plan to ensure stakeholders and the community are engaged in the process."* From all of my discussions with residents I can categorically say that the community who value this field and community amenity and desperately want to protect it were not actively involved in this local plan process. Much as I fully appreciate this is not a planning reason for turning down this application I really hope that this is heard by the council and that it will see the unfairness in a system that has meant residents objections to the principle of building houses on Deer Park did not get voiced in the way that the system dictates because they did not know they could. This does not mean in my opinion these objections are any less valid and I think they should be heard and recognised.

- should the development be approved I would want to see sufficient conditions such that the lives of local residents are not further negatively impacted, especially with regards the impact of traffic on Kingmoor Road and that the true level of compensation for biodiversity loss caused by the development is covered.

- 4.4 Two letters of support have been received which makes the following points:
- think the development would look fitting for the area and offer new housing at a realistic price;
 - the area needs more housing;
 - it's not a public field, just a field with a public footpath through it, so shouldn't be considered public open space;
 - think the development has incorporated the old trees well in the design.

5. Summary of Consultation Responses

Northern Gas Networks: - no objections;

Cumbria County Council - (Highway Authority - Footpaths): - PF109397 follows an alignment through the proposed development area - note the proposed formal diversion of this footpath to link up with the permissive path to be created as a PROW by Carlisle City Council at the north end of the site;

The Ramblers: - no comments received;

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections subject to conditions (construction details of roads/ footways/ cycleways and ramps; details of the crossing on Kingmoor Road; construction details of driveways; no other vehicular access to the site; linking of footways and cycleways to nearest footway/ cycleway; submission of Construction Traffic Management Plan for approval; submission and approval of surface water drainage scheme and Construction Surface Water Management Plan);

Local Environment, Waste Services: - no objections - the bin storage areas for private drives are welcome and the turning heads look acceptable;

Local Environment - Environmental Protection: - should limit the permitted hours of work; need mitigation measures to deal with noise, vibrations and dust; note reports and findings of the Geotechnical Report submitted with the application - need a further report and need to agree a remediation strategy; need conditions in relation to remediation and unexpected contamination; developer needs to provide at-least one electric charging point per dwelling and rapid charging points in communal areas.

Noise level measurements should be undertaken in at least two residential units in the development to verify that the noise from the roads and the railway do not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels should be reported to and approved in writing by the Local Planning Authority. Due to the proximity of the proposed development to the Direct Rail Services (DRS) depot we would suggest that an air quality assessment should be carried out;

Health & Wellbeing: - require contributions for offsite open space (£22,364); offsite play provision (£27,409), offsite sports pitches (£15,561) and upgrading the permissive path (£3,500). Need to establish suitable boundary fence to the nature reserve to prevent unauthorized access from the open spaces and back gardens. Need to assess the trees within the nature reserve in relation to having them protected where they overhang the development;

Planning - Access Officer: - no objections;

Cumbria Constabulary - the contents of the published Design and Access Statement and Addendum documents pertaining to community safety issues are noted. In essence, the measures proposed reflect previous amendments by the applicant during the process of 19/0905 and are acceptable. Anxious to ensure that all communal spaces and access routes are in full view, in the expectation that this will deter unwelcome or nuisance behaviour. The introduction of the Play Trail along the PROW is noted, but it is not clear if the PROW shall be included in the street lighting scheme, which is set amongst the avenue of established trees to the east of the site. Views into the site (and across the PROW) from the direction of Kingmoor Road will also be beneficial;

Natural England: - as there is no hydrological link it is unlikely there will be any negative water quality impacts on the River Eden SSSI/SAC. Due to the ecological value of the site however and the scale of the proposal, advise that this proposal does leave the biodiversity of the site in a better state than it is currently. The proposal gives opportunities for delivering net gain particularly due to the presence of quality habitat adjacent to the site and the opportunity for enhancing the ecological network. As there are a variety of ecological reports submitted for this proposal, due to revisions and additional surveys, may find it beneficial to request an overarching report which brings together all the protected species mitigation and enhancement details to aid the decision making process and to ensure these are secured through an appropriately worded condition. An overarching report would also benefit from the inclusion of a method statement to accompany the Landscaping Plan to detail what the proposals are and how they will be undertaken and their future management; a calculation of the habitats that will be lost using the biodiversity metric in order to assess whether the proposed landscaping scheme does provide a net gain; a plan showing the trees to be removed to ensure more trees are planted as compensation, with consideration that saplings will not offer the same biodiversity value of established trees;

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

Direct Rail Services: - no comments received;

United Utilities: - following a review of the proposed engineering layouts, proposals are acceptable in principle subject to conditions (surface water drainage; sustainable drainage management and maintenance plan). A critical surface water sewer and a critical combined sewer cross the site and UU will not grant permission to build over these and minimum clearance is

required for the sewers;

Cumbria County Council - Development Management: - estimated that the proposed development would yield 29 children: 7 infant, 10 junior and 12 secondary pupils. There are insufficient places available in the primary catchment schools to accommodate all of the primary age pupils that would be yielded by this development. There is projected to be a shortfall of 2 infant places and 10 junior places. Therefore a contribution is required for 2 infant places and 10 junior places $12 \times £17,829 = £213,948$. The catchment secondary school of Trinity Academy is already oversubscribed and cannot accommodate any further pupils. When all housing developments are taken into account none of the secondary schools in the Carlisle area can accommodate the additional secondary children this development is estimated to yield. Therefore, an education contribution of £294,648 ($12 \times £24,554$) is sought for secondary school places.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP5, SP6, HO1, HO4, IP1, IP2, IP3, IP4, IP6, IP8, CC4, CC5, CM2, CM4, GI3, GI4, GI5 and GI6 of The Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Documents (SPD) "Achieving Well Designed Housing", "Affordable and Specialist Housing" and "Trees and Development" are also material planning considerations.
- 6.3 The proposal raises the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 6.4 The site is allocated for housing in the Carlisle District Local Plan 2015-2030 (Policy H01 - Site U16) and planning permission has been granted (at appeal) for the erection of 80 dwellings on the site. The proposal to erect 79 dwellings on the site would, therefore, be acceptable in principle.
2. Whether The Layout, Scale And Design Of The Dwellings Would Be Acceptable
- 6.5 The site covers an area of 3.51 hectares and the proposal is seeking to erect 79 dwellings on the site. The proposed layout is very similar to the previously approved scheme for 80 dwellings.
- 6.6 Vehicular access to the site is proposed from a priority controlled junction with

Kingmoor Road with visibility splays of 2.4m by 45m in each direction being provided. This road would vary in width from 5.5m to 4.8m and would have a 2m footpath to one side. This road would provide access to 76 of the dwellings via shared surface roads and private shared drives, with 3 of the dwellings at the northern end of the site having direct access onto Kingmoor Road. An emergency access would also be provided onto Kingmoor Road, the use of which would be controlled by bollards.

- 6.7 A 3m wide footpath/ cycleway would be provided along Kingmoor Road from the southern end of the site, near Gleneagles Drive, to the northern end of the site. At the southern end of the site the footpath would be set back behind some protected trees that are to be retained. An additional footpath would be provided along the avenue of protected lime trees, which are to be retained and this would be adjoined by a play/ trim trail. This footpath would link (via a shared surface road) to the public footpath that runs along the northern site boundary. This footpath would replace the existing Public Right of Way that runs through the site. A group of protected trees that lie to the west of the avenue of lime trees would also be retained.
- 6.8 A SUDS pond would be provided in the south-west corner of the site and this would take the surface water from the development. An area of open space would be provided to the west of the SUDS pond and a number of the orchids that currently exist on the site would be relocated to this area.
- 6.9 The development would contain twelve different house types and these would include 12 two-bedroom semi-detached starter homes, 25 three-bedroom semi-detached properties, 22 three-bedroom detached properties and 20 four-bedroom detached properties. The size of the dwellings would range from 60.5sq m to 108.5sq m.
- 6.10 The dwellings would be constructed of a red multi brick, under a flat dark grey concrete tiled roof. Windows, fascias and soffits would be white upvc with rainwater goods being black upvc.
- 6.11 The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of; brick sills and lintels; brick quoins; open porches; bay windows; two-storey projecting gables; single-storey projections; with some dwellings having integral garages, attached garages or detached garages.
- 6.12 The Council's Affordable and Specialist Housing Supplementary Planning Document recommends that developments of between 50 and 100 dwellings should provide 5% of the dwellings as bungalows or as suitable adaptable properties which meet the needs of an ageing population.
- 6.13 Gleeson is a niche house builder that specialises in the provision of low cost housing for those on low incomes with a core aim of getting people out of housing poverty and the 'rental trap' and into home ownership. The company is proud of its average selling price which currently sits at £128,900 (November 2019) across their entire range which includes 4 bed detached properties. 87% of purchasers are first time buyers, with an average age of 31 (and over 81% of purchasers are under the age of 35) and an average

household income of £32,400.

- 6.14 In order to be able to provide low cost homes, Gleeson has to maintain an efficient and economical operation, and this extends to land values. Bungalows are inherently 'land hungry' and would be economically prohibitive to bring forward in a Gleeson development. The SPD notes that bungalows achieve greater values than dwellings but this runs completely at odds to the ethos of the Gleeson business which, as set out above, is all about providing low cost housing for low income families to get their foot on the housing ladder. The majority of developers would be able to provide bungalows as part of their development and recoup the 'loss' through increasing the asking price, but this doesn't work for a Gleeson development.
- 6.15 Gleeson considers that its proposals are consistent with the desires of the SPD, as it provides a product which is financially beneficial for an occupier over even social housing rental prices and so is attractive and effective in allowing social housing tenants to move out of their rented accommodation and into home ownership, freeing up the rental property for those who truly need it. This can be particularly helpful in the case of more limited accommodation types, such as bungalows, where tenants may be residing in inappropriate accommodation which can then be freed up for those requiring it.
- 6.16 Gleeson does offer, as part of its 'Community Matters' initiative, a 'Design for Disability' policy which provides free of charge alterations to dwellings to cater for those with specific identified needs. This policy would facilitate the provision of specialist hardware such as chair lifts, but not the installation of such hardware.
- 6.17 On balance, it is considered that the benefits of low cost housing which would be delivered by the proposal would outweigh the none provision of bungalows within the development. It should be noted that the recently approved scheme for 80 dwellings does not contain any bungalows.
- 6.18 In light of the above, the layout, scale and design of the proposed development, which is similar to the previous approval, would be acceptable.

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

- 6.19 The application site lies adjacent to residential properties on St Pierre Avenue, which lies to the south and Kingmoor Road, which lies to the west. There would be a minimum separation distance of 33m between the proposed dwellings and the existing dwellings on St Pierre Avenue and a belt of trees would lie on the boundary between the existing and proposed dwellings.
- 6.20 A number of the proposed dwellings that would face Kingmoor Road would be orientated so that do not directly face the existing dwellings on Kingmoor Road or would lie to the rear of existing trees which are to be retained. Plots 17 to 25 would have elevations directly facing the existing dwellings on Kingmoor Road. Plot 22 would have a side elevation 20m from the front

elevation of a property on Kingmoor Road but this would only contain a bedroom window at first floor level, with all other plots being a minimum of 25m away from the existing dwellings.

- 6.21 The separation distances proposed would comply with the Council's separation distances (21m between primary facing windows and 12m between primary windows and blank gables) set out in the Council's Achieving Well Design Housing SPD and would be consistent with the separation distances in the recently approved scheme.

4. Provision Of Affordable Housing

- 6.22 In July 2018 the NPPF was revised to include a revised and expanded definition of Affordable Housing, which includes the following:
“d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.” This definition was included once more in the NPPF published in February 2019.
- 6.23 Gleeson has been delivering a product very closely aligned to the new definition of ‘other low cost homes for sale’ for a number of years. The proposals for the application site are to sell a minimum of 30% of properties on the development at prices that are 20% below local market levels. At least 12 two-bed semi detached dwellings (15% of the entire development) would be sold for no more than £109,995 (sold with parking space but not a garage). The average sale price of a semi-detached home within one mile of the site is £169,849 (Land Registry Data 21st November 2019) - the Land Registry data does not specify the bedroom size. Gleeson's two-bed semi-detached dwellings that make up 15% of the total development would be 35% below the local market value.
- 6.24 At least 12 three-bed semi-detached dwellings (15% of the entire development) would be sold at no more than £135,879 (sold with parking space but not a garage). The average sale price of a semi-detached home within one mile of the site is £169,849 (Land Registry Data 21st November 2019) . Gleeson's three-bed semi-detached properties that make up 32% of the total development would be 20% below the local market value.
- 6.25 Gleeson is happy to give nomination rights on these dwellings to the council. Upon the initial sale, the properties would be made available to applicants on the Council's Low Cost Housing Register (for one month exclusively) before being made available to the general public.
- 6.26 In light of the above, 30% of the development would be affordable homes (in

accordance with the NPPF definition) with a mix of two and three-bed properties being provided. The prices would be reviewed each year with an allowance to increase in line with the percentage increase in the national living wage in the same period. These prices would exclude garages and any 'purchaser extras' which would be over and above the discounted price. Such provisions would be covered within a S106 agreement.

5. Highway Matters

6.27 The application is accompanied by a Transport Statement, which has been prepared in accordance with recognised guidance and pre-application advice from Cumbria County Council. It concludes that:

- the site has been demonstrated to be accessible on foot, by bicycle and by public transport;
- a review of the historical collision data has demonstrated that there are no existing accident blackspots in the vicinity of the site and no safety concerns related to the operation of a priority controlled junction on this section of Kingmoor Road;
- based on the findings of the trip generation analysis, there is no reason to believe that highway safety would be worsened as a result of the development;
- the design of the proposed site access junction and internal road layout accord with the County Council's design guidance;
- car parking has been provided in accordance with the Highway Authority's pre-application advice;
- an AutoTrack assessment has demonstrated that the site can be safely serviced using an 11.2m refuse vehicle;
- from a review of the traffic generation of the site, the proposed development would have no material impact upon the safe and efficient operation of the surrounding highway network;
- the proposed Kingmoor Road site access junction has been demonstrated to operate well within capacity.

6.28 The proposed development consists of 79 dwellings with 76 being accessed from a new road to be constructed off Kingmoor Road and plots 21, 22 and 23 being accessed directly from Kingmoor Road. The Highways Authority note that no objections were raised with regards to a previous planning application at this site (19/0905) for 80 dwellings. Minor changes are noted between the previous application and current, therefore the principal of development at this location is accepted with an access from Kingmoor Road.

6.29 The maximum number of dwellings that one access can accommodate is 50 dwellings; as such an Emergency Vehicle Access (EVA) onto Kingmoor Road is required for a development of this size which is provided between plots 20 and 24. The applicant undertook a speed survey on Kingmoor Road in October 2019 which determined the true vehicle speeds at the location of the proposed access for the development site. The results of this survey demonstrated 85th percentile speeds of 31.5mph in a northbound direction and 31.7mph in a southbound direction. Therefore, the visibility splays required for all of the access points onto Kingmoor Road, including the

Emergency Vehicle Access (EVA) is 2.4m x 45m. It should be noted that the EVA is accessed off a private shared driveway so will remain private; as such the developer will need to consider how they will prevent it being used as a short cut or being used as parking, which will negate its benefit.

- 6.30 The applicant has stated within the Transport Statement that the visibility splays associated with the EVA, main vehicular access and plots 21 to 23 are located within Plan 6. However, Plan 6 has not been submitted and is required to be scrutinised by the Highways Authority. The applicant should note that the visibility splays associated with Plots 21 to 23 may be impeded by the relocated hedgerows in the vicinity and as such may be required to be relocated. The visibility splay information is to be provided at a later stage of the planning process and secured through the use of planning conditions.
- 6.31 The main vehicular access into the development site incorporates a 5.5m wide carriageway with a 2m footway on either side of the bell mouth. The bell mouth itself has a 6m radii which is in accordance with the Cumbria Development Design Guide. The applicant has also demonstrated that a 3m wide footway / cycleway is to be provided along the boundary of the development with Kingmoor Road and a pedestrian crossing point located at the northern extent of the development site across Kingmoor Road linking into the existing cycle / footway network into Lowry Hill / Belah.
- 6.32 The crossing point along Kingmoor Road with associated signage is to be funded by the applicant through a S278 agreement and secured through a planning condition. It should be noted that Cumbria County Council as the Highways Authority will not adopt remote footpaths / cycle track nor the link adjacent to plot 20 unless this link is to a footway along the site frontage. The Council may consider adopting the remote footpath that will run adjacent to Kingmoor Road (due to the Tree Preservation Orders). Further to this the retained gate feature to the rear of Plot 2 will not be maintained by the Highways Authority and further information is required on its location as the gateway feature is within the proposed new footway.
- 6.33 Traffic calming is also required within the development to restrict the ability of vehicles to exceed speed limits and should also provide additional benefits (i.e. crossing points). This is to be achieved through shared surface areas being reached by a ramp and speed tables throughout the development. Where the footway crosses the new access (near plot 78), there appears to be a feature in the road but its unclear from any other drawings what this may be. The applicant is to confirm what the feature is and ensure that this does not impede NMU movements at this crossing point. The applicant is to enter into discussions with the Highways Authority regarding the surfacing of these traffic calming features and agreed through the S38 process.
- 6.34 It is also not stated within the suite of documents submitted as part of this application what the property driveways will be formed of. It is a requirement that they are formed of a bound material and not loose chippings or gravel. This is to be addressed as part of detailed design submission, along with construction details etc. which will be required for the design check for S38 and secured through the use of the planning conditions.

- 6.35 The car parking provision associated with each dwelling within the development has been submitted by the applicant. The car parking provision to be provided within the curtilage of each dwelling is acceptable to the Highways Authority as it meets the requirements of the Cumbria Development Design Guide with all spaces 2.4m x 5m in diameter. In addition to the car parking provision for each dwelling, the applicant has provided a further 6 car parking spaces for visitors which is acceptable to the Highways Authority.
- 6.36 Long sections, construction details and management plan, engineering layouts showing road lighting and highway drainage will be required to progress a Section 38 Agreement. Further to this a Stage 1/2 Road Safety Audit will also be required with the conclusions submitted to the Highways Authority for comment.
- 6.37 In light of the above, the Highway Authority has no objections to the proposal subject to the imposition of conditions (construction details of roads/ footways/ cycleways and ramps; details of the crossing on Kingmoor Road; construction details of driveways; no other vehicular access to the site; linking of footways and cycleways to nearest footway/ cycleway; submission of Construction Traffic Management Plan for approval). The Inspector attached the majority of these conditions to the recent approval. The conditions that state that there should no other vehicular access to the site other than via the approved access and footways and cycleways should be provided which link continually and conveniently to the nearest existing footway/ cycleway were not deemed necessary by the Inspector so have not been included in this application.
- 6.38 The Inspector noted that "a number of residents have raised highway safety issues, with particular regards to Kingmoor Road. The application was accompanied by a Transport Statement that included amongst other matters, a review of the historical collision data which, as detailed in the Officer's report "demonstrated that there are no existing accident blackspots in the vicinity of the site and no safety concerns related to the operation of a priority controlled junction on this section of Kingmoor Road". Furthermore, I note that the local Highway Authority were consulted, and no objection was raised. Therefore, on the basis of the evidence before me I am satisfied that the appeal scheme would not harm highway safety".

6. Drainage Issues

- 6.39 The applicant has submitted a Flood Risk Assessment (FRA) which details the drainage principles associated with the development of 79 dwellings at Deer Park, Carlisle. The applicant has stated within the FRA that the proposed surface water discharge is to be into the combined sewer to the west of the site at 19l/s. The discharge rate is equal to the QBar (greenfield runoff) rate with attenuation provided on site to account for a 1 in 100 year plus 40% to account for climate change storm event. This is because it has been deemed by the applicant that discharge via infiltration is unfeasible on site and there are no available watercourses within the vicinity of the site.

- 6.40 It is expected that the applicant works through the hierarchy of drainage options as stated within the Cumbria Development Design Guide. As such the first option to be explored for the discharge of surface water is via infiltration. A series of valid infiltration tests across the development site in accordance with the BRE 365 method have been undertaken by the applicant and the results submitted to the LLFA within a geo-environmental report for comment. It is stated within this document that 3 trial pits were constructed across the site in accordance with the BRE 365 method which concluded that infiltration is not a valid method of surface water discharge for the development. The LLFA agrees with this conclusion; and with no ordinary watercourses within the vicinity of the development site, surface water discharge into the combined sewer is acceptable in principal.
- 6.41 The green field runoff rate calculated for the site within Appendix G of the FRA is 19l/s and this is proposed to be the discharge rate for the site controlled via a hydro brake. It is also stated that attenuation is to be provided on site to accommodate a 1 in 100 year plus 40% to account for climate change storm event. The principles stated above regarding the discharge rate being equal to the green field runoff rate and the attenuation volume to be designed into the drainage network are acceptable to the LLFA. The detailed micro drainage calculations submitted by the applicant within Appendix F of the FRA illustrate that the drainage network can accommodate a 1 in 100 year plus 40% to account for climate change storm event without increasing flood risk on site or downstream of the development.
- 6.42 However, a detailed drainage design with built ground levels has not been submitted which correlates to the Micro Drainage calculations. For clarity, the attenuation on site is to be provided through a series of rain gardens, permeable paving, attenuation ponds and swales. Not a predominantly piped system leading into an attenuation pond. It is the preference of the LLFA that drainage features are not piped but surface features which are easily maintainable and provide additional biodiversity benefits. It is deemed that the applicant can provide this information at a later stage of the planning process and is to be secured through the use of the planning conditions.
- 6.43 In light of the above, the LLFA has no objections to the proposals subject to the imposition of a number of conditions (surface water drainage scheme; submission of a Construction Surface Water Management Plan). The Inspector attached these conditions to the recent approval.
- 6.44 A 1200mm diameter critical surface water sewer and a critical combined sewer cross the site and a minimum clearance is required from these sewers. United Utilities has been consulted on the application. It has reviewed the FRA and Drainage Strategy and has confirmed that the proposals are acceptable in principle. United Utilities has requested conditions are added to the permission which require the submission of a surface water drainage scheme and a sustainable drainage management and maintenance plan for the lifetime of the development, both of which would need to be approved by the LPA. These conditions were also attached to the recent approval.

7. Open Space Provision

- 6.45 The proposal should provide 0.89 Ha of open space to maintain the Local Plan target of 3.6Ha/'000. The plan provides 0.49 Ha of open space leaving a deficit of 0.40 Ha (45%). The proposal provides links to other open spaces which would contribute to this deficit, subject to a contribution for the upgrading and maintenance of open space within the ward of £22,364 (45% of total contribution) and this would be secured through a S106 Legal Agreement.
- 6.46 It is noted that the developer is now proposing to add a trim trail within the site and this is welcomed. There is no provision for a play area on site and the development is too small to have its own dedicated play area. An offsite contribution is, therefore, required, to maintain and improve existing play provision within the local ward, which is accessible from the development. Based on the size of the development (247 bedrooms) a contribution of £27,409 is required and this would be secured through a S106 Legal Agreement.
- 6.47 There is no provision for sports pitches on site and no scope to do this. Therefore, a contribution to improve existing off-site sports and recreation provision within the District is required. Based on the size of the development a contribution of £15,561 is required and this would be secured through a S106 Legal Agreement.
- 6.48 The developer would be required to ensure appropriate measures are put in place for the management of any new open space provided within this development. The future maintenance of the open space within the development would be secured through a S106 Legal Agreement.
- 6.49 The pedestrian and cycle links through the site and on to the play area at Gleneagles Drive and open spaces on the Kingmoor Sidings Nature Reserve, Kingmoor South Nature Reserve and Briar Bank Field open space are improved and suitable. The existing Public Right of Way is being re-routed to link up with the existing link to the Kingmoor Nature reserves.
- 6.50 In light of the above, the proposed level of open space in the site would be acceptable, together with financial contributions to improve existing open space, play areas and sports pitches in the area. An executed S106 was submitted to the Planning Inspectorate during the appeal and this included all of the financial contributions outlined above.

8. Public Rights of Way/ Footpaths

- 6.51 A Public Right of Way (FP109397) currently crosses the site. It starts in the south-east corner of the site and provides access to Kingmoor Nature Reserve. A permissive path, which is on land owned by the City Council, runs to the north of the site and this provides a link from Kingmoor Road into the nature reserve.
- 6.52 The proposed plans retain a PROW through the site but alter the alignment. The route would start in the south-east corner of the site and would run along the eastern side of the site near to Kingmoor Road before passing through the avenue of lime trees. It would then link into the permissive path that runs

to the north of the site via a shared surface road and a landscape strip which is in City Council ownership.

- 6.53 The County Council has been consulted on the application and is happy with the proposed new route of the PROW. It has, however, requested that the permissive path that the PROW would link to should be dedicated as a PROW so that it can be suitably maintained as a part of the network. The Health & Well Being Manager has no objections to the permissive path becoming a PROW and if the application is approved this would need to happen along with the diversion of the existing PROW. The applicant has agreed to pay £3,500 to upgrade this footpath and this will be secured through a S106 Legal Agreement.
- 6.54 At present there are a number of informal paths across the site, which are not identified as PROWs and there is no legal requirement to retain these. An application has recently been made to the County Council to have some of the additional footpaths that cross the site dedicated as PROWs. That application is likely to take a long time to determine and it would not be reasonable to await the outcome of the PROW application prior to the determination of this planning application. If additional PROWs are identified across the site the applicant would need to address this issue.

9. Education

- 6.55 The previous application was refused due to Members concerns about a lack of primary and secondary school places in north Carlisle which would be exacerbated if the application was approved. Members considered that this would have a detrimental impact on any school aged children occupying the proposed development and others in north Carlisle and this would be contrary to Policy CM2 of the adopted Local Plan.
- 6.56 The Inspector noted that *the first consultation response to the application from Cumbria County Council, the education provider in the area, identified that “the proposed development would yield 29 children” and thereby generate a need for 2 infant places and 10 junior places at primary level and 12 secondary school places, resulting in contributions of £213,948 and £294,648 respectively. This is not disputed by the appellant and an executed S106 obligation securing this and other contributions has been submitted in support of the appeal.*
- 6.57 *The Council also refers to “the existing problem of a lack of school places”. However, the consultation responses from Cumbria County Council clearly identifies that “there is no current shortage of places” and I have no substantive evidence to the contrary.*
- 6.58 *The second consultation response from Cumbria County Council is entirely unambiguous, while referring to the provision of school place planning in respect of the Story Homes development at Crindledyke, the response states that “...the county council is entirely supportive of sustainable housing development in Carlisle, and would not expect the issue of school place planning to impact on the decision of the Planning Committee on the*

proposed Deer Park development”.

- 6.59 *Consequently, on the basis of the evidence before me I am satisfied that the appeal scheme makes adequate education provision for future residents and is not therefore in conflict with the provisions of Policy CM2 of the LP.*
- 6.60 It is estimated that the proposed development would yield 29 children: 7 infant, 10 junior and 12 secondary pupils for the schools.
- 6.61 The site is in the catchment areas of Kingmoor Infant and Kingmoor Junior Schools (1.5 miles) and Trinity Secondary Academy School (1.8 miles). The only other primary school within the walking threshold is Stanwix School (1 mile) and the next nearest secondary school is Central Academy (1.9 miles).
- 6.62 There are insufficient places available in the primary catchment schools to accommodate all of the primary age pupils that would be yielded by this development. There is projected to be a shortfall of 2 infant places and no spaces are available in the catchment junior school to accommodate the estimated junior yield of 10 places. Therefore, a primary education contribution of £213,948 is required for 2 infant places and 10 junior places (12 x £17,829).
- 6.63 The catchment secondary school of Trinity Academy is already oversubscribed and cannot take any further pupils. When all housing developments are taken into account none of the secondary schools in the Carlisle area can accommodate the additional secondary children this development is estimated to yield. Therefore a secondary education contribution of £294,648 (12 x £24,554) is required.
- 6.64 The multipliers used in the above calculations utilise the figures referenced in the County Council’s Planning Obligation Policy (2013) with indexation applied. The Council would require the above education contributions (which total £508,596) to be provided prior to the occupation of any dwellings.
- 6.65 It should be noted that the above capacity analysis represents a snapshot in time and that all figures can be subject to change as further information becomes available. There may be other potential developments that may affect these schools, but as they haven’t been approved at this stage, they have not been included in the calculations.
- 6.66 Subject to the contributions requested above (which have been accepted as appropriate by the Planning Inspectorate) being provided no contribution for school transport would be required.

10. Biodiversity

- 6.67 The application is accompanied by an Ecological Appraisal of the site. An Extended Phase 1 Habitat Survey of the study area was undertaken in June 2019. The site’s habitats were mapped and plant species were recorded. The site is dominated by poor semi-improved grassland derived from the

historical management of Deer Park House and its grounds.

- 6.68 In the lower lying south western part of the site an area of semi-improved grassland is present and this area has greater species diversity than other parts of the site, including marsh orchid hybrids. In the central/ northern part of the site a mosaic of habitats are present dominated by mature plantation woodland. An avenue of mature lime trees extends from the eastern boundary of the site towards the location of the former dwelling and this formed the formal driveway to the house. A number of trees are located to the west of the lime trees and this area also contains the former foundations of the dwelling together with several large mounds of rubble and spoil. Other small groups of trees are located along the eastern site boundary, including a group in the south-east corner of the site and a group to the south of the lime trees, with further trees lying just beyond the northern site boundary. A hedge runs along the eastern site boundary adjacent to Kingmoor Road.
- 6.69 During the Phase 1 Habitat Survey additional surveys were undertaken where appropriate to establish the presence of protected species. A badger survey was undertaken of the site. No setts were found on site and no sign of badger activity was found on the site or along the site boundaries.
- 6.70 Trees were inspected for potential opportunities that may be of value to bats and some trees were identified as having bat roost potential. Some trees are considered to have moderate to high potential for roosting bats and this potential is significantly enhanced by the habitats on site and the proximity of high quality bat foraging habitats which extends into the wider landscape for considerable distances.
- 6.71 Trees were also inspected for dreys and checks were made for feeding remains of red squirrels. The survey did not locate any feeding remains of red squirrels and there was no evidence of red squirrel dreys although visibility in many areas was significantly reduced by dense leaf cover. Several sightings of grey squirrel were made.
- 6.72 The report makes a number of recommendations which are summarised below:
- the development should aim to retain as much woodland/ mature trees and boundary hedgerow as possible;
 - the development should aim to maximise an undeveloped buffer along the western and southern site boundaries;
 - the hedgerows affected by the development are species poor and do not qualify as important hedgerows under the Hedgerow Regs. Any lengths of hedgerow lost must be replaced by new native hedgerows;
 - there are no issues in relation to badgers;
 - removal of woodland/ trees/ scrub/ hedgerows should take place outside the bird breeding season otherwise checks should be made to establish any nesting or breeding activity prior to the removal of suitable habitat. Following the felling of trees/ scrub piles of brash should be removed from the site;
 - further surveys for feeding remains and dreys for red squirrels need to be

repeated when trees are dormant and without leaf cover;

- a daytime bat roost assessment is required of all trees affected by the development. This must be undertaken when trees are dormant and without leaf cover. Any trees that require further detailed inspection will be identified for inspection by a licensed bat handler;

- additional native hedge planting should be incorporated into the sites landscaping where possible;

- lighting of the site's woodland/ tree lined/ hedge boundaries must be avoided. Where lighting is required this must be low level, directed downwards and low intensity;

- significant provision for bats should be made within the development using artificial bat roosts (within properties and trees);

- Great Crested Newt (GCN) surveys need to be undertaken to establish the location of viable GCN breeding locations within 250m of the site.

6.73 A further Ecological Surveys & Assessments Report was undertaken in March 2020, in relation to bats, red squirrels and great crested newts. In relation to bats, the survey identified 10 trees as having bat roost potential which will require further more detailed inspections by a licenced bat handler. Following these inspections further recommendations will be made. In relation to red squirrels, the latest survey failed to detect the presence of the species on the site. One drey was located in woodland within the centre of the site but it is not possible to differentiate between grey and red squirrel dreys. The survey for dreys needs to be repeated before construction starts on site and before any trees are removed.

6.74 The Great Crested Newt (GCN) Survey revealed the presence of 4 water bodies within terrestrial range of the species in relation to the site and at least 3 of these have historical records of supporting GCNs. A GCN Survey was undertaken in May 2020. Three ponds and a ditch were surveyed. GCN are absent beyond reasonable doubt from Pond 1 (58 west of the site), Pond 2 (100m north of the site) and Ditch 1 (162m to 400m north of the site). There are, therefore, no water bodies within 250m of the site currently supporting GCN.

6.75 Pond 3 is the only pond supporting GCN. This pond is over 300m away from the site at it's nearest point which is beyond distances considered to present acceptable risk to the species. In addition, this pond is immediately surrounded by extensive and very high quality optimum GCN terrestrial habitat, including mature woodland. It has been shown by Natural England that where such habitat exists around ponds the vast majority of the GCN population is likely to be contained within 100m of the pond.

6.76 In light of the above, it is unlikely that GCN are present anywhere within the proposed development site and, therefore, no further action is required in respect of GCN in relation to the development of the site.

6.77 Pennine Ecological was commissioned to undertake additional investigations of the 10 trees that were identified as being suitable for bats. It concluded that three of the surveyed trees (T1, T2 and T6) pertain to 'Moderate' bat

roost suitability. Therefore, it is recommended that two dusk and/or dawn emergence/re-entry surveys are conducted during the active season of bats (May - August) in order to establish if the trees are being used by bats, and if so identify the species, abundance, roost locations and flight lines following emergence/re-entry.

- 6.78 Pennine Ecological was re-commissioned to undertake the dusk bat surveys and these were carried out in June and July 2020. These found that T1 is being used by two Soprano Pipistrelle bats and T6 by one Soprano Pipistrelle for roosting purposes.
- 6.79 To ensure that bats are not left without a roost while the work takes place two Schwegler 1FF bat boxes (or suitable equivalent) will be erected on suitable trees in close proximity to T1 and T6 respectively; if this is not possible, pole-mounted boxes will be required. The receptor bat boxes will act as receiver boxes if bats have to be captured by hand and relocated to them by the ecologist during the work schedule; they will be retained permanently post-development to provide a long term roost opportunity for bats.
- 6.80 Prior to felling being undertaken the presence/absence of bats (as far as is possible) will be established by the arborist undertaking detailed investigation of each section identified as holding potential for roosting bats under supervision from the ground by the Ecologist. A minimum of 10 bat boxes will be erected on trees in proximity to those trees which have been felled. Furthermore, additional new roost provision can also be incorporated into the design of the proposed new dwellings. Landscaping on the site should include native tree planting to include the creation of linear features, particularly along the eastern border and central area of the site.
- 6.81 Natural England has been consulted on the application. As surface and foul drainage is to go to a sewer and there is no hydrological link it is unlikely there will be any negative water quality impact on the River Eden SSSI/SAC. Due to the ecological value of the site however, and the scale of the proposal, Natural England advise that the LPA should ensure this proposal does leave the biodiversity of the site in a better state than it is currently. The proposal gives opportunities for delivering net gain particularly due to the presence of quality habitat adjacent to the site and the opportunity for enhancing the ecological network.
- 6.82 Natural England has also suggested that it might be beneficial to request an overarching report which brings together all the protected species mitigation and enhancement details to aid you in the decision making process and to ensure these are secured through an appropriately worded conditions. An overarching report should include a method statement to accompany the Landscaping Plan to detail what the proposals are and how they will be undertaken and their future management; a calculation of the habitats that will be lost using the biodiversity metric in order to assess whether the proposed landscaping scheme does provide a net gain; and a plan showing the trees to be removed to ensure more trees are planted as compensation, with consideration that saplings will not offer the same biodiversity value of established trees.
- 6.83 Cumbria Wildlife Trust (CWT) has objected to the application. Deer Park field

is an ecologically important site within an urban context, particularly regarding its position lying between and adjacent to, two statutorily protected sites namely Kingmoor Sidings Local Nature Reserve (LNR) and Kingmoor (South) Local Nature Reserve. Deer Park Field will, it appears, soon be the only remaining piece of semi-natural habitat linking the two adjacent LNRs, so is obviously of importance. The proposed loss of the linking habitat at Deer Park will inevitably adversely affect the neighbouring LNR sites by removing the link between them and creating two smaller habitat islands.

- 6.84 CWT considers that Deer Park field is of ecological significance because: it allows plant and animal species to move out of both LNRs to use the habitats on Deer Park; it currently allows the free movement of species from one of its adjacent LNRs to the other; it is important as a buffer, to reduce the pressure from human visitors on the statutorily protected LNRs; it is important as a site in itself, comprising a range of habitats including species rich semi-improved grassland.
- 6.85 CWT considers that translocating the orchids to the locations proposed would not be feasible. The hydrology of the recipient site adjacent to the footpath is far drier than the damp area in which this grassland currently grows. The other site identified for translocation in the south-west corner of the site is not only a much smaller area than the existing habitat (net loss of habitat area), but is shaded on three sides by trees, garden boundaries and with a proposed new shrubbery. The other small section at the eastern side of the SUDS pond is likely to be too dry and trampled heavily by people and dogs, so is also unlikely to retain the diversity of these specialist species. If the application were to be approved a better mitigation proposal would need to be developed, involving a properly financed off-site mitigation proposal.
- 6.86 CWT considers that Deer Park field should be put forward as a candidate for formal statutory protection as an LNR. CWT believes that this application is of obvious detriment to the biodiversity of area and that the mitigation proposed is insufficient. The application if approved in its current form will therefore lead to a net loss of Biodiversity. Biodiversity Net Gain and Nature Recovery Networks are the policy areas designed to stop the decline and then increase biodiversity, at local and national levels, many to be implemented by local government. The retention of the Deer Park field for the reasons outlined above should make the enhancement of biodiversity within the LNRs far more likely to succeed. There should of course need to be a very important 'public interest' reason to justify the deliberate isolation and degradation of statutorily-protected LNRs. There appears to be no such justification in the case of this proposed development.
- 6.87 The site is allocated for housing in the local plan and the proximity of the nature reserve and the impact on it would have been considered when the site was allocated for development. Planning permission has now been granted for erection of 80 dwellings on this site and the current proposal is very similar to the approved scheme.
- 6.88 Objectors, Natural England and the CWT have made reference to biodiversity net gain. This is not, however, currently policy although there is a

requirement to provide mitigation. Whilst this application would lead to the loss of some trees and hedgerows, new trees and hedgerows would be planted to mitigate for their loss. The orchids that are currently present on the site would be translocated to new areas within or adjacent the site. Bat boxes and bird boxes would be provided within the site. Once the gardens become established and flowers and trees are planted they would contribute to the biodiversity of the site.

- 6.89 The site contains hybrid marsh orchid and common spotted orchid. These are not protected species but the applicant is proposing to relocate them around the proposed SUDS pond and to an area at the northern end of the site. The CWT and objectors have questioned relocating the marsh orchids to the northern end of the site which is drier than the south-east section but the applicant's ecologist considers that the ground conditions at the northern end of the site and adjacent to the SUDS pond are suitable for marsh orchids.
- 6.90 Objectors have also made reference to deer using the site. Deer are not, however, a protected species. Objectors have also made reference to honey bees using one of the trees on the site that is to be removed but honey bees are not a protected species. The applicant's ecologist has advised that it would be very difficult for the bees to be manually re-homed due to being located within a hollow of a tree. There are a limited number of honey bees active in a nest during winter season and he has suggested the best thing to do would be to leave parts of the felled tree in situ for a period of time and let the bees leave on their own accord.
- 6.91 The Health & Wellbeing Manager has stated that the boundary treatment between the nature reserve and the development needs to be improved to prevent multiple access points from the open space and back gardens. Conditions have been added to the permission which require the submission of landscaping details and boundary treatment for approval by the LPA.
- 6.92 The SUDS uses existing United Utilities systems to outflow to and, therefore, doesn't affect Kingmoor Nature reserve. The SUDS pond would provide some biodiversity enhancements within the site.
- 6.93 With regards Ecology, the Inspector noted "objectors refer to the position of the site between two nature reserves and the existing value of the site to wildlife and local residents. An Extended Phase 1 Habitat Survey of the study area has been undertaken and that, as detailed on the Officer's report an "Ecological Surveys & Assessments Report was undertaken in March 2020, in relation to bats, red squirrels and great crested newts" (GCN). The submitted reports do not preclude the development of the site and Natural England has been consulted, raising no objection. On the basis of the evidence before me I am satisfied that the proposed development, subject to appropriately worded conditions being placed on any resulting planning permission, would not have an adverse impact on ecology.
- 6.94 In light of the above, the proposal would not have an adverse impact on biodiversity subject to the imposition of a number of conditions (retention and protection of a number of existing trees; additional landscaping (including

trees and hedgerows); wildlife enhancement measures; external lighting and relocation of orchids). Informatives have been added to require bat and red squirrel surveys prior to tree removal and to protect breeding birds.

11. Impact On Trees/ Hedges

- 6.95 The site contains a number of trees (a number of which are the subject of a Tree Preservation Order(TPO)) and a tree survey has been submitted with the application.
- 6.96 The avenue of lime trees that formed the driveway to Deer Park House are protected by a TPO and these trees would be retained. A group of trees, which are also protected, lie to the west of these and these would also be retained, with the exception of two trees (an ash and a horse chestnut) which are identified as trees unsuitable for retention (Category U).
- 6.97 There are four mature trees in the southern corner of the site which are also subject to a TPO. Two of these would be retained, with two being removed. The trees to be removed are both ash trees which have major decay and which as a consequence have been identified as unsuitable for retention (with one being identified as a tree which should be felled as a matter of urgency). The layout plan also shows other mature trees that lie adjacent to Kingmoor Road, to the south of the avenue of lime trees, being retained with the exception of one horse chestnut which is identified as a tree of low quality. Existing trees that adjoin the footpath that runs along the northern site boundary would also be retained. A group of trees that lie within the northern section of the site would be removed but none of these are protected trees.
- 6.98 A belt of trees adjoins the site to the south, with trees in the nature reserve adjoining the site to the west and these would both be adjoined by the gardens of the proposed dwellings. New hedgerows would be planted along the southern site boundary. There are some significant trees within the nature reserve adjacent to the development and these should be assessed to see if any are worthy of a TPO.
- 6.99 A hedge runs along the majority of the eastern site boundary. A large section of this would need to be relocated to accommodate the 3m footway/ cycleway that is proposed along Kingmoor Road. Additional hedgerows would be planted within the site (particularly along the southern site boundaries) to enhance the biodiversity of the site and these would be secured by condition.
- 6.100 Footpaths, drives/parking areas, fences and gardens would be located within the Root Protection Areas (RPAs) of trees to be retained. The applicant has submitted an Arboriculture Method Statement, which sets out the methodology for works within the RPAs of the existing trees. A plan has also been submitted which shows the construction details of roads and footpaths within the RPAs of existing trees. Conditions will ensure that the works in the RPAs are undertaken in strict accordance with the Method Statement. A condition also requires the applicant to submit details of the location and specification of tree protection fencing which would be need to be installed prior to construction works starting on site.

6.101 The Inspector noted "at the site visit that the site is verdant in character with established trees and open grassed areas, including a number of trees subject of a Tree Preservation Order. In support of the appeal the appellant has submitted a Tree Survey including Root Protection Areas and an Arboriculture Method Statement. The submitted plans show the retention of the key trees on the site with minimal felling. On the basis of the evidence before me I am satisfied that the appeal scheme will not cause unacceptable harm to the trees on the site".

6.102 In light of the above, the proposal would not have any adverse impact on the existing trees.

12. Crime Prevention

6.103 The Crime Prevention Officer (CPO) raised a number of concerns about the layout as originally submitted. His concerns predominantly related to the lack of direct supervision of the public open space, the woodland path and the SUDS pond and the presence of open space to rear of a number of properties.

6.104 The site layout has been amended a number of times and the CPO considers it is now a significant improvement on the initial site layout. The removal of the additional link into the nature reserve is supported; the incorporation of large areas of unsupervised open space into private gardens is welcomed; and the SUDS ponds is better overlooked.

6.105 The CPO has noted the introduction of the Play Trail along the PROW but it is not clear if the PROW would be included in the street lighting scheme, which is set amongst the avenue of established trees to the east of the site. Views into the site (and across the PROW) from the direction of Kingmoor Road would also be beneficial.

6.106 The PROW would not be lit as it lies within the avenue of lime trees which are used by wildlife. It is accepted that sections of the PROW would not be directly overlooked but this is the case with the existing PROW across the site and the footpaths within the nature reserve. There are other routes (through the development and along Kingmoor Road) which are overlooked and which would be lit.

13. Archaeology

6.107 Records indicate that the site lies in an area of archaeological potential and Roman remains were identified during an archaeological investigation in advance of an adjacent housing development. The archaeological assets were interpreted as a temporary Roman camp, one of a number that were located around the periphery of the Roman town. It is, therefore, considered that the site has the potential for similar archaeological assets to survive below ground and that they would be disturbed by the construction of the proposed development. The County Archaeologist, therefore, recommended that, in the event planning consent is granted, the site is subject to archaeological investigation and recording in advance of development which

should be secured by condition.

- 6.108 The applicant has commissioned an archaeological evaluation of the site prior to the determination of the application. The results indicate that there is a very low potential for archaeological assets to be disturbed by the construction of the proposed development and so no further archaeological work is required on the site. The County Archaeologist has, therefore, confirmed that he has no objections to the proposals.

14. Noise Issues

- 6.109 Officers in Environmental Health have been consulted on the application in relation to noise. Due to the close proximity of the proposed development to the railway line, depot and associated sidings, they have suggested that a noise survey should be carried out. This should provide details of noise from railway activities and demonstrate the likely impact upon future occupants of properties on this development. This information should be used to inform details of the final design/ construction and orientation of the houses. Details of proposed mitigation measures to minimise noise disturbance from the railway should be provided to the planning department. Prior to the occupancy of any residential unit, noise level measurements must be undertaken in at least two residential units in the development to verify that the noise from the roads and the railway do not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels must be reported to and approved in writing by the Local Planning Authority. A suitably worded condition has been added to the permission to deal with this issue.
- 6.110 EH Officers have also requested that, due to the proximity of the DRS depot, an air quality assessment should be carried out. It is concerned that the development would introduce new sensitive receptors into an area with potentially high air pollution levels. EH Officers did not request an air quality assessment was submitted during the determination of the previous application which has now been approved without the need for such an assessment. It is not, therefore, considered reasonable to require the applicants to submit an air quality assessment for this application. There is legislation, which falls out with the planning system, to protect local residents from pollution, which could be utilised if a problem occurred.

15. Contamination

- 6.111 Objectors have raised concerns about the site being contaminated. The applicant has commissioned a Geo-Environmental Appraisal of the site. The Environmental Health department has reviewed this report and a Ground Gas Monitoring Addendum letter in respect of land contamination. The findings and recommendations of these reports have been noted. In view of concerns regarding elevated levels of Lead, Benzo (a) pyrene and Naphthalene which have been identified within the site investigation, officers in Environmental Health concur that a further report should be produced to agree a remediation strategy and this would be secured by condition. A condition has also been added to deal with any unexpected contamination

that is encountered in the course of the development.

16. Other Matters

- 6.112 Objectors have raised the issue about a covenant on this land that stipulates the only building allowed would be on the site of the demolished house. The applicant has confirmed that no such covenant exists.
- 6.113 A condition has been added to the permission which requires each dwelling to be provided with a separate 32Amp single phase electrical supply. This would allow future occupiers to incorporate an individual electric car charging point for the property.
- 6.114 An objector has made reference to Japanese Knotweed growing on the site and in the adjacent nature reserve. This issue has been raised with the Health & Wellbeing Team who manage the nature reserve.

Conclusion

- 6.115 The application site is allocated for housing in the adopted Local Plan and planning permission has recently been granted for the erection of 80 dwellings on the site. The layout, scale and design of the development would be acceptable and the proposal would not have an adverse impact on the living conditions of existing and future occupiers. Subject to the proposed conditions and a S106 agreement it is considered that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, biodiversity, trees, archaeology, education, or open space. The site would provide 20% of the dwellings as affordable (in accordance with the NPPF definition) which is considered to be acceptable. The proposal is, therefore, recommended for approval subject to the completion of a S106 Agreement.
- 6.116 If Members are minded to grant planning approval it is requested that “authority to issue” the approval is given subject to the completion of a S106 agreement to secure:
- a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
 - b) an off-site open space contribution of £22,364 for the upgrading and maintenance of open space;
 - c) a financial contribution of £27,409 to support the off-site maintenance and improvement of existing play area provision;
 - d) a financial contribution of £15,561 to support the off-site improvement of existing sports pitches;
 - e) a financial contribution of £3,500 to upgrade the footpath to the north of the site (which is to become a PROW);
 - f) the maintenance of the informal open space within the site by the developer;
 - g) a financial contribution of £508,596 to Cumbria County Council towards education provision (£213,948 for infant and junior places and £294,648 for secondary school places);

7. Planning History

- 7.1 In December 2020, an application for the erection of 80 dwellings on this site was refused by the Development Control Committee (19/0905). This application was subsequently allowed on appeal on 24th June 2021 (Ref: APP/E0915/W/21/3266806).

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. submitted planning application form, received 23rd February 2021;
2. Site Location Plan (Dwg 1732-PL100) received 23rd February 2021;
3. Proposed Site Plan (Dwg 1732-PL212 (Rev O) received 23rd February 2021;
4. House Type - 201 (Dwg 201/1F) received 23rd February 2021;
5. House Type – 301 (Dwg 301/1G) received 23rd February 2021;
6. House Type – 314 (Dwg 314/1) received 23rd February 2021;
7. House Type - 315 (Dwg 315/1A) received 23rd February 2021;
8. House Type - 403 (Dwg 403/1H) received 23rd February 2021;
9. House Type – 337 (Elevations - Rural 13) (drawing ref 13/337-10 Rev A) received 23rd February 2021;
10. House Type – 337 (Floor Plans) (Dwg 337/1) received 23rd February 2021;
11. House Type – 351 (Elevations - Rural 13) (Dwg 13/351-9 Rev A) received 23rd February 2021;
12. House Type – 351 (Floor Plans) (Dwg 351/1) received 23rd February 2021;
13. House Type – 353 (Elevations - Rural 13) (Dwg 13/353-09 Rev A) received 23rd February 2021;
14. House Type – 353 (Floor Plans) (Dwg 353/1A) received 23rd February 2021;

15. House Type – 357 (Elevations - Rural 13) (Dwg 13/357-8 Rev A) received 23rd February 2021;
16. House Type – 357 (Floor Plans) (Dwg 357/1A) received 23rd February 2021;
17. House Type – 404 (Elevations - Rural 13) (Dwg 13/404-9 Rev B) received 23rd February 2021;
18. House Type – 404 (Floor Plans) (Dwg 404/1F) received 23rd February 2021;
19. House Type – 436 (Elevations - Rural 13) (Dwg 13/436-10 Rev A) received 23rd February 2021;
20. House Type – 436 (Floor Plans) (Dwg 436/1) received 23rd February 2021;
21. House Type – 450 (Elevations - Rural 13) (Dwg 13/450-9) received 23rd February 2021;
22. House Type – 450 (Floor Plans) (Dwg 450/1A) received 23rd February 2021;
23. Boundary Treatments – 1800mm Timber Fence Details (Dwg 0282-SD-100 Rev D) received 23rd February 2021;
24. Boundary Treatments – Post and Wire Fence Details (Dwg 0282-SD-103 Rev B) received 23rd February 2021;
25. Standard Garages - Single (Dwg 0282-SD700 Rev A) received 23rd February 2021;
26. Standard Garages - Double (Dwg 0282- SD701 Rev B) received 23rd February 2021;
27. Landscape Plan (Dwg WW/01 Rev B) received 23rd February 2021;
28. Proposed Engineering Layout 1 of 2 (Dwg 19004-D001 Rev 3) received 23rd February 2021;
29. Proposed Engineering Layout 2 of 2 (Dwg 19004-D002 Rev 3) received 23rd February 2021;
30. Manhole Schedule (Dwg 19004–D200 Rev 3) received 23rd February 2021;
31. Flood Routing Plan (Dwg 19004–D201 Rev 3) received 23rd February 2021;
32. Proposed Impermeable Areas (Dwg 19004–D202 Rev 3) received 23rd February 2021;
33. Proposed Road Long Sections 1 of 2 (Dwg 19004–D300 Rev 2) received 23rd February 2021;
34. Proposed Long Sections 2 of 2 (Dwg 19004–D301 Rev 3) received 23rd February 2021;
35. Kerbs & Surfacing Plan (Dwg 19004–D500 Rev 3) received 23rd

- February 2021;
36. Public Right of Way Proposed Diversion Route (Dwg 1732–PL214 Rev H) received 23rd February 2021;
 37. Public Open Space Plan as Proposed (Dwg 1732–PL213 Rev E) received 23rd February 2021;
 38. 3m Wide Footpath Plan as Proposed (Dwg 1732-PL215 Rev C) received 23rd February 2021;
 39. Existing Drainage Plan (Dwg 19004–SK-002 Rev 1) received 23rd February 2021;
 40. Geoenvironmental Appraisal (Report 7049A, April 2019), received 23rd February 2021;
 41. Geotechnical Appraisal Ground Gas Monitoring Addendum received 23rd February 2021;
 42. Archaeological Desk Based Assessment (Report 303 - 20th October 2019) received 23rd February 2021;
 43. Transport Statement/Travel Plan (VN91443 - November 2019) received 23rd February 2021;
 44. Preliminary Ecological Appraisal (Pennine Ecological) received 23rd February 2021;
 45. Tree Survey Report & Plan (Iain Tavendale - 26th April 2019) received 23rd February 2021;
 46. Flood Risk Assessment and Drainage Strategy (AE/FRADS/19004 vERSION 2 November 2019) received 23rd February 2021;
 47. Planning Statement received 23rd February 2021;
 48. Construction Management Plan received 23rd February 2021;
 49. Economic Benefits Report received 23rd February 2021;
 50. Affordable Housing Statement received 23rd February 2021;
 51. Draft Heads of Terms received 23rd February 2021;
 52. Draft S106 Agreement, received 23rd February 2021;
 53. Design and Access Statement received 23rd February 2021;
 54. Design and Access Statement Addendum received 23rd February 2021;
 55. Ecological Surveys & Assessment - Pennine Ecological - March 2020 Update in Relation to Bats, Red Squirrels & Great Crested Newts received 23rd February 2021;
 56. Great Crested New Survey - Pennine Ecological received 23rd February 2021;
 57. Appendix 1 – Extended Phase 1 Habitat Survey Plan received 23rd

February 2021;

58. Archaeological Evaluation (Report 312 - 3rd February 2020) received 23rd February 2021;
59. Dusk Bat Survey Results - Pennine Ecological received 23rd February 2021;
60. Additional Appraisal and Inspection of Trees in Relation to Bats - Pennine Ecological received 23rd February 2021;
61. Affordable Housing Plan (Dwg 1732-PL217 Rev B), received 17th March 2021;
62. Arboriculture Method Statement (Westwood) received 23rd February 2021;
63. Paving Details in RPA (Dwg D/01) received 23rd February 2021;
64. House Type - 403 - Plot 79 variation (Dwg 403) received 23rd February 2021;
65. Boundary Treatments & Enclosures Plan as Proposed (Dwg 1732-PL216 Rev C) received 23rd February 2021;
66. Drainage Details (Dwg D700 Rev 2), received 23rd February 2021;
67. Drainage Details (Dwg D701 Rev 2), received 23rd February 2021;
68. Tree Survey Plan, received 23rd February 2021;
69. Play/ Trim Trail Plan (Dwg WW-02), received 23rd February 2021;
70. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Samples or full details of all materials to be used on the exterior of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before their first use on site. The development shall then be undertaken in strict accordance with these details.

Reason: To ensure the works harmonise as closely as possible with dwellings in the vicinity and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping

scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the commencement of development, details of the proposed boundary treatment to be erected along the western and southern site boundaries (with the nature reserve and woodland belt) shall be submitted for approval in writing by the Local Planning Authority. The boundary treatment shall then be erected in strict accordance with these details and retained at all times thereafter.

Reason: To ensure satisfactory boundary treatment is erected in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Prior to the SUDS ponds being brought into use, the applicant shall install a fence/railings around the SUDS ponds, the details of which shall have been agreed beforehand in writing by the Local Planning Authority.

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

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

None of the dwellings hereby approved shall be occupied until the approved surface water drainage scheme has been completed and made operational.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

9. Prior to occupation of the development a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted

to the Local Planning Authority and agreed in writing. The Sustainable Drainage Management and Maintenance Plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

10. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

Reason: In order to enhance the habitat for wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

11. Prior to the commencement of development, a method statement for the relocation of the orchids shall be agreed in writing by the LPA. The orchids shall then be relocated to the areas identified on the Landscape Plan (Dwg ref WW/01 Rev B, received 23rd February 2021) in strict accordance with the method statement.

Reason: In order to retain the orchids on site, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

12. Prior to its installation, details of any lighting (including location and specification) to be installed on the dwellings shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.

Reason: In order to ensure the development does not have an adverse impact on bats and other wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

13. Prior to the commencement of development, tree protection fencing shall be installed in accordance with details to be agreed in writing by the Local Planning Authority. The tree protection fencing shall be retained in place at all times until the construction works have been completed.

Reason: To ensure that the existing trees are protected, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

14. The development shall be undertaken in strict accordance with the Arboriculture Method Statement, received on 23rd February 2021 and the Paving Details RPA Area Plan (Dwg No D/01), received 23rd February 2021.

Reason: To ensure that the existing trees are protected, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

15. Prior to any works being undertaken to the trees located within the Kingmoor Sidings Nature Reserve which overhang the development site, details of the works shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.

Reason: To protect the existing trees, in accordance with Policy GI6 of the Carlisle District Local Plan 2015--2030.

16. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

Reason: In order that the approved development does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

17. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).

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

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

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

19. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management

procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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

Site investigations should follow the guidance in BS10175.

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

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

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

The noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. Daytime noise levels are to be measured in living rooms and the night time levels to be measured in bedrooms. The rooms chosen must be orientated towards the noise sources.

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

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

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

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

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

Reason: To ensure that the character and attractive appearance of the dwellings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

Reason: To ensure a minimum standard of construction in the interests

of highway safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

26. Details of proposed crossing of Kingmoor Road shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossing has been constructed.

Reason: To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

27. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

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

28. The access drives for each property shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use.

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

29. Development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The CMP shall include details of:

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- Details of proposed crossings of the highway verge;
- Retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular /

pedestrian)

- Surface water management details during the construction phase
- Details of any lighting (including location and specification) to be used on site during the construction phase
- The proposed location and height of any soil storage areas
- The provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors

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

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

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

31. No dwelling with direct access onto Kingmoor Road shall be occupied prior to visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of its the access and the nearside channel line of the carriageway edge have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

32. The Emergency Vehicle Access shall be provided prior to the construction of the 50th dwelling hereby permitted and shall provide for clear visibility of 43

metres measured 2.4 metres down the centre of its the access and the nearside channel line of the carriageway edge have been provided. 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 and to support Local Transport Plan Policies LD7 & LD8.

33. Prior to the installation of the play/ trim trail details of the equipment to be installed shall be submitted for approved in writing by the Local Planning Authority. The play/ trim trail shall then be installed in strict accordance with these details.

Reason: To ensure that suitable play equipment is provided on site in accordance with Policy GI4 of the Carlisle District Local Plan 2015-2030.



© COPYRIGHT MANNING ELLIOTT PARTNERSHIP 2018.
THIS DRAWING IS THE PROPERTY OF MANNING ELLIOTT PARTNERSHIP.
IT MUST NOT BE COPIED OR REPRODUCED OR ENLARGED
TO ANYONE WITHOUT PERMISSION.
DO NOT SCALE OFF THIS DRAWING. ANY DISCREPANCIES TO BE
REPORTED TO MANNING ELLIOTT PARTNERSHIP.

REVISIONS:	
Revision	DESCRIPTION
—	00.00.00



MANNINGELLIOTT
PARTNERSHIP

Chartered Architects &
Designers

Mossburn, Suite 1
Cooper Road, Perth
Camden CA11 9BN

t: 01753 866 900
e: perth@manning-elliott.co.uk
w: manning-elliott.co.uk

project title:
**Proposed Residential Development
Deer Park
Kingmoor Road, Carlisle**

drawing title:
Location Plan

issue stage:
PLANNING ISSUE

date:	drawn:	scale @ A3:
JUL 20	CS	1:1250

drawing number:	revision:
1732-PL100	-

Revision A	CS	04.12.2019
Plan updated to show trees to be retained and proposed 300 parts for sale.		
Revision B	CS	14.01.2020
Revision C	CS	29.03.2020
Locations in blue ink, planning, with Planning Officer		
Revision D	CS	01.06.2020
Locations in blue ink, planning, with Planning Officer		
Revision E	CS	03.06.2020
Details added to this, service area extended, hedge added, 100m to be retained, 100m to be retained		
Revision F	CS	02.06.2020
Landed Revisions to be retained, 100m to be retained		
Revision G	CS	09.06.2020
Landed Revisions to be retained, 100m to be retained		
Revision H	CS	17.06.2020
Line trees to be retained, 100m to be retained		
Revision I	CS	26.07.2020
Changes to be retained, 100m to be retained		
Revision J	CS	26.07.2020
Line 400m to be retained, 100m to be retained		
Revision K	CS	01.08.2020
Changes to be retained, 100m to be retained		
Revision L	CS	01.08.2020
Changes to be retained, 100m to be retained		
Revision M	CS	19.09.2020
Changes to be retained, 100m to be retained		
Revision N	CS	22.09.2020
Changes to be retained, 100m to be retained		
Revision O	CS	26.09.2020
Changes to be retained, 100m to be retained		



Mix Target Schedule							
		SQ.M	SQ.FT	Units	Total SQ.M	Total SQ.FT	
201	Semi	2 Bed	60.5	651	12	726	7812
301	Semi	3 Bed	70.6	760	14	988	10633
351	Semi	3 Bed	88.0	904	3	252	2715
357	Semi	3 Bed	88.0	905	8	672	7237
357	Detached	3 Bed	89.3	864	8	642	6910
355	Detached	3 Bed	88.0	905	4	356	3816
324	Detached	3 Bed	75.3	811	5	377	4035
315	Detached	3 Bed	75.9	817	1	180	1985
403	Detached	4 Bed	97.4	1048	5	487	5242
404	Detached	4 Bed	97.4	1048	3	252	2744
410	Detached	4 Bed	107.6	1156	4	430	4628
436	Detached	4 Bed	108.5	1167	8	868	9339
Totals					79	6490	69409
Sales Area Pkts 1 / 2							
2 Bed Semi	Total	No	%				
3 Bed Semi	Total	12	15.19				
3 Bed Detach	Total	21	26.55				
4 Bed Detach	Total	22	27.85				
4 Bed Detach	Total	20	25.32				
Total		75					

Enclosures:
Unless otherwise stated, all existing site boundaries will be assessed on site and replaced / repaired as necessary.
All garages are optional. If not constructed with the house a screen fence is to be provided on rear garage wall line.
Front gardens and POS to be turfed.

Materials:
Main Brick: Forterra Abbey Red Multi
Roof: Flat Concrete Tile in Dark Grey
Windows & French Doors: White UPVC
Front & Rear Doors: elevation drawings
Fascia & Soffits: White UPVC
Rainwater Goods: Black

Paths:
Paving slab paths to level threshold for principal entrances. Gradient not to exceed 1 in 12 for maximum 5m length.
Paving slabs - Grey PCC

MANNINGELLIOTT PARTNERSHIP
Chartered Architects & Surveyors
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Project title: Proposed Residential Development
Deer Park
Kingmoor, Carlisle.

Drawing title: Site Plan as Proposed

Issue stage: PLANNING ISSUE

Date: SEP 19
Scale: 1:1000

Drawing number: 1732-PL212
Revision: 0



Chartered Architects & Designers
Marcell House, Suite 1
Cresper Road, Penrith
Cumbria CA21 9BB
t: 01768 554 888
e: ps@psdesigning.co.uk
or marcell@psd.co.uk

drawing number:	revision:
1732-PL213	E

Revision		
Revision A	CS	22.07.2020
First Issue		
Revision B	CS	27.07.2020
Amended Footpath Line		
Revision C	CS	28.07.2020
County Council owned land excluded		
Revision D	CS	01.08.2020
Revised Footpath		
Revised to reflect 1732-PL214 Site Layout Plan as Proposed		
Revision E	CS	04.08.2020
Revised to reflect 1732-PL214 Site Layout Plan as Proposed		
Revision F	CS	04.08.2020
Existing FROD added		
Revision G	CS	18.08.2020
Revised to reflect 1732-PL214 Site Layout Plan as Proposed		
Revision H	CS	25.09.2020
Revised to reflect 1732-PL214 Site Layout Plan as Proposed		



-  Public Footpath Diversion Route
-  Existing Public Right of Way (PROW)

MANNING ELLIOTT
 PARTNERSHIP
 Chartered Architects & Engineers
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

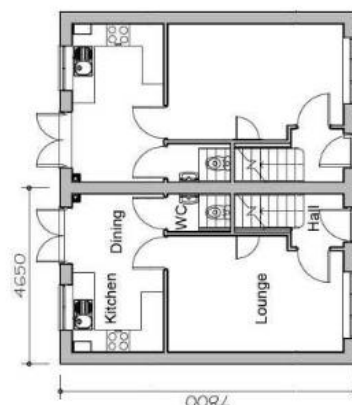
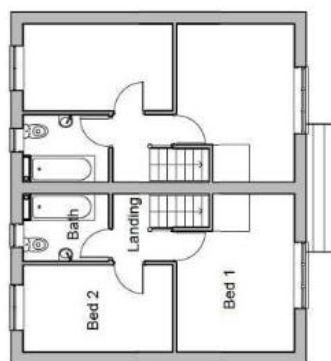
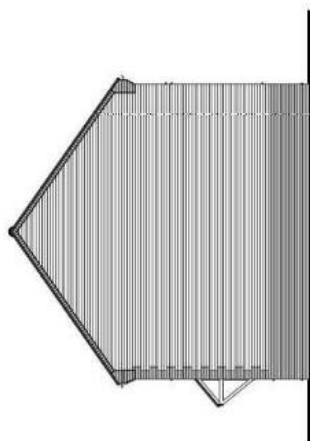
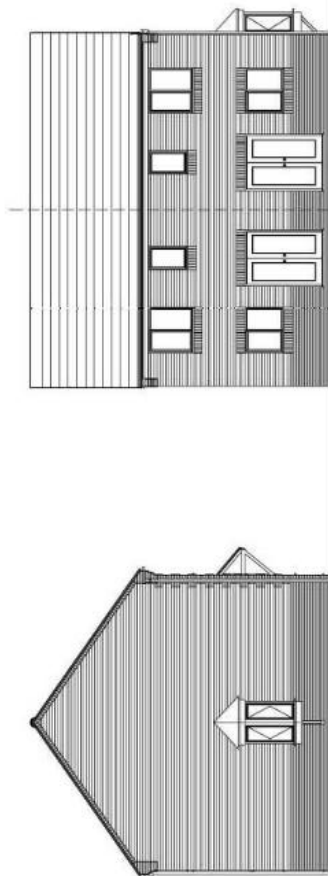
Project title:
 Proposed Residential Development
 Deer Park
 Kingmoor, Carlisle.

Drawing title:
 Public Right of Way
 Proposed Diversion Route

Issue stage:
 PLANNING ISSUE

Date: SEP 19
 Scale: 1:500

Drawing number: 1732-PL214
 Revision: H



FLOOR AREA
60.48m², 651ft²

60.48m², 651ft²

PLANNING DRAWING

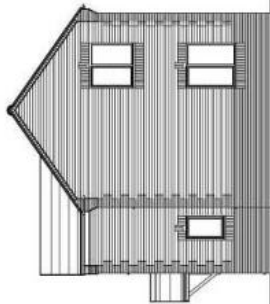
DRAWING

201 dwelling type

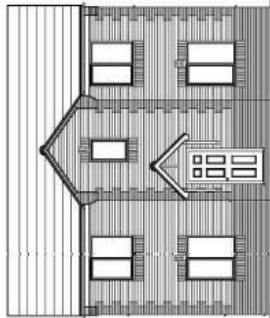
GLEESON

HOUSES & REGENERATION

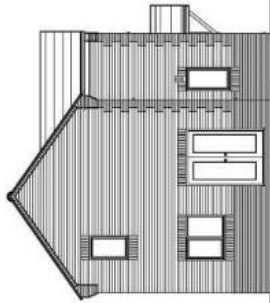
A	Internal audit report	11/20	5/4/20
B	Direct Audit/Interview	14/03/20	14/03/20
C	Control type for record	20/02/20	20/02/20
D	Interview dates	20/02/20	20/02/20
E	Interview report	20/02/20	20/02/20
F	Report on Internal Audit, 5, 6, 7 and 8 of annex	27/05/20	27/05/20



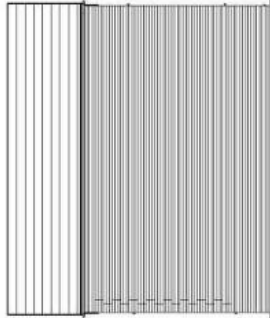
SIDE ELEVATION



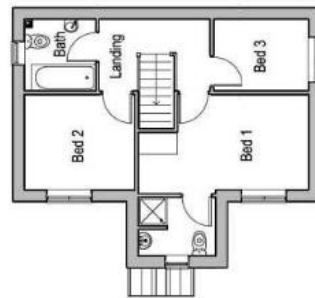
FRONT ELEVATION



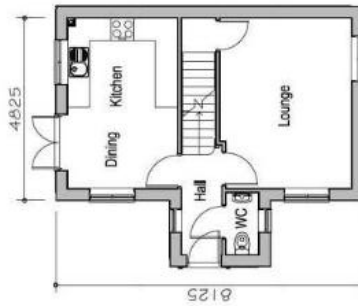
SIDE ELEVATION



REAR ELEVATION



FIRST FLOOR PLAN



GROUND FLOOR PLAN



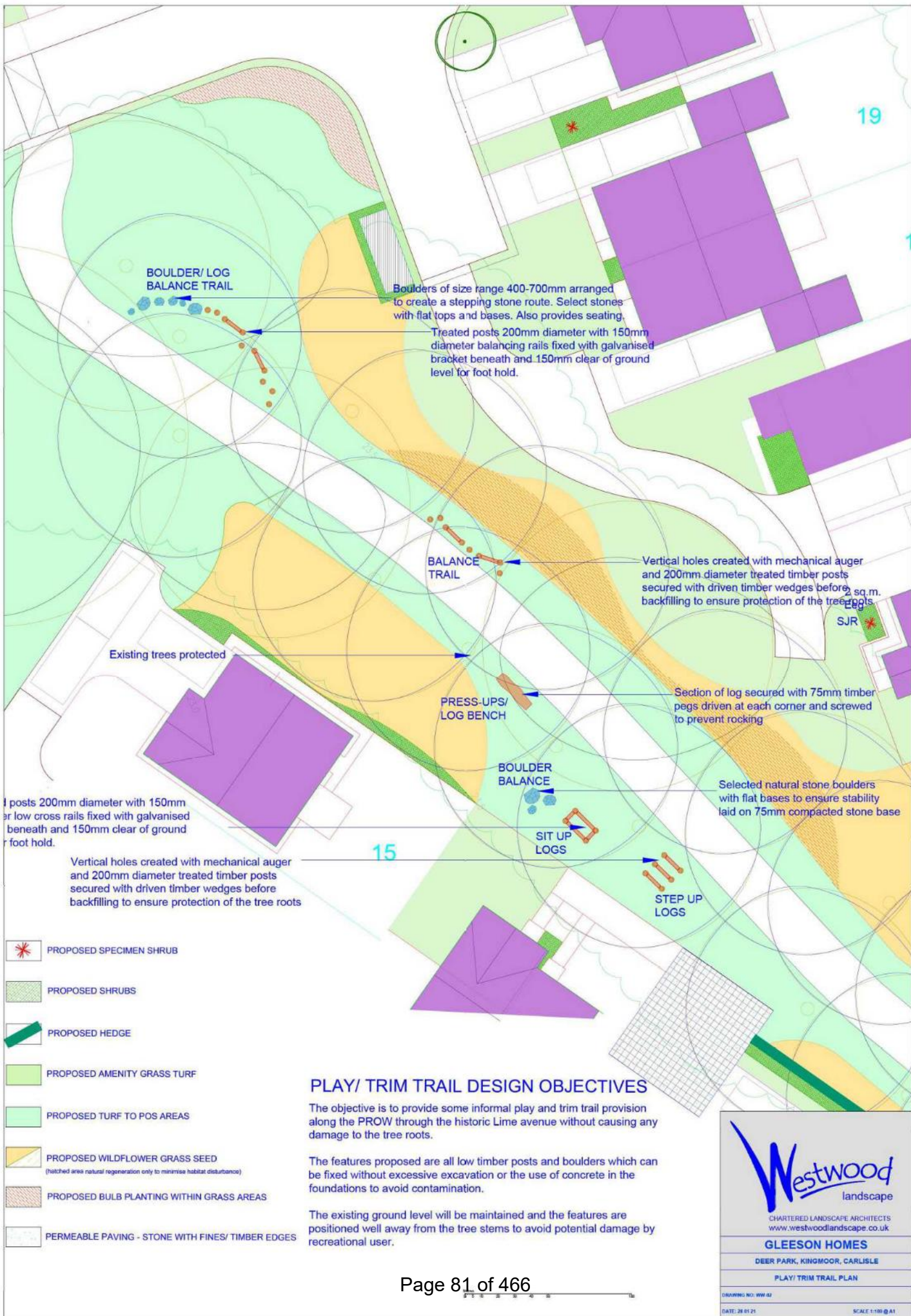
FLOOR AREA
75.311m², 811ft²

PLANNING
DRAWING

314 dwelling type

GLEESON
HOMES & REGENERATION

Scale	
1:100 at A2	
Date	
Feb 2016	
Drawn by	
314/1-	




PLAY/ TRIM TRAIL DESIGN OBJECTIVES

The objective is to provide some informal play and trim trail provision along the PROW through the historic Lime avenue without causing any damage to the tree roots.

The features proposed are all low timber posts and boulders which can be fixed without excessive excavation or the use of concrete in the foundations to avoid contamination.

The existing ground level will be maintained and the features are positioned well away from the tree stems to avoid potential damage by recreational user.



CHARTERED LANDSCAPE ARCHITECTS
www.westwoodlandscape.co.uk

GLEESON HOMES

DEER PARK, KINGMOOR, CARLISLE

PLAY/ TRIM TRAIL PLAN

DRAWING NO: WW/02

DATE: 28.01.25

SCALE: 1:100 @ A1

SCHEDULE A: Applications with Recommendation

21/0120

Item No: 02

Date of Committee: 23/07/2021

Appn Ref No:
21/0120

Applicant:
Mr & Mrs S Carr-Baugh

Parish:
Westlinton

Agent:
PFK

Ward:
Longtown & the Border

Location: Firbank, Westlinton, Carlisle, CA6 6AQ

Proposal: Erection Of Single Storey Side Extension To Provide Garden Room; Glazed Lobby Link Through To Outbuilding; Conversion Of Outbuildings To Domestic Use: Alterations To Outbuilding 1 To Create Utility, Boot Room & Storage Room; Alterations To Outbuilding 2 To Create Kitchen, W.C., Lounge/Dining Room And Gym On Ground Floor With Function Room, Office and Shower/W.C. Above; Alterations To Outbuilding 3 To Create 2no. En-Suite Bedrooms, Boot Room, Consulting Room With Dispensary, Sauna/Shower Room and Gym; Erection Of Detached Garage; Erection Of New Gateway And Boundary Treatments; Creation Of New Access

Date of Receipt:
02/03/2021

Statutory Expiry Date
29/04/2021

26 Week Determination
26/07/2021

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the character and setting of the Grade II Listed Building
- 2.3 Impact of the proposal on the amenity of neighbouring residents and land users
- 2.4 Impact of the proposal on highway safety
- 2.5 Adequacy of existing drainage systems
- 2.6 Impact of the proposal on existing trees and hedgerows
- 2.7 Impact of the proposal on biodiversity

2.8 Other matters

3. Application Details

The Site

- 3.1 Firbank, is substantial late Georgian brick two storey former farm house, set back from the C1016 county highway approximately 0.8 miles to the west of Westlinton. The dwelling is a Grade II Listed Building with its associated courtyard of single and two storey buildings curtilage listed. Immediately, to the north of the courtyard are a series of traditional and modern agricultural buildings which are under separate ownership.
- 3.2 The existing access to the property is via a shared driveway off the C1016 county highway which also serves the agricultural operation immediately to the north of Firbank.

The Proposal

- 3.3 The application seeks planning permission for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room and storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of one neighbouring property and the posting of site and press notices. In response, three representations of objection has been received.
- 4.2 The representations identify the following issues:
1. questions requirement for separate driveway;
 2. impact on highway safety;
 3. questions adequacy of parking provision and access for emergency vehicles to serve development;
 4. questions capacity of foul drainage to serve additional 2no. ensuite bedrooms;
 5. questions procedure/publicity of 21/0121;
 6. questions ownership of outbuildings / land and ability to undertake proposals;
 7. potential trespass from visitors;
 8. proposals not in keeping with listed building;
 9. potential commercial use of function room, gym, dispensary and

- additional accommodation;
- 10. position of CCTV cameras not illustrated on drawings;
- 11. removal of trees and hedgerow to create driveway;
- 12. impact on biodiversity;
- 13. requests that should the applicant work for the council the transparency of the council is adhered to if the application goes to committee.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections;

Westlinton Parish Council: - object to the application as it is considered that development is more of a commercial venture rather than a domestic extension. If that was so the applicants would have to have a change of use from domestic to business premises. A new access and the size of development is not justified and there is very little actual detail.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP6, HO8, IP2, IP3, IP6, CC5, CM5, HE3 and GI3 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Document (SPD) adopted by the City Council, 'Achieving Well Designed Housing' is also a material planning consideration. A further material planning consideration is a document produced by Historic England entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA).
- 6.3 The proposals raise the following planning issues:

1. Principle of Development

- 6.4 Development should 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. The living conditions of the occupiers of adjacent residential properties should not be adversely affected by proposed developments. This is echoed and reinforced in local plan policies and SPDs, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.

- 6.5 The proposal seeks permission for the erection of a single storey extension and glazed link, conversion of outbuildings to form ancillary domestic accommodation, erection of triple garage together with creation of new vehicular access and boundary treatments at Firbank, Westlinton.
- 6.6 Westlinton Parish Council and third parties have raised objections to the proposals citing the scale of the development and potential use of the accommodation as a commercial venture. Further information has been provided by the agent in response to the objections raised by the parish council and third parties. This additional information details that: "*... the precise nature of the accommodation is designed to meet the needs of the current owners, who will use the space for their own work commitments, personal hobbies and for additional accommodation for guests ...*".
- 6.7 The proposals would increase the domestic accommodation of Firbank, however; with the exception of the single storey extension and glazed link, it would utilise outbuildings within an existing courtyard area. As such, the proposals would not result in any significant intensification of use. A condition is also recommended, should Members approve the application, that would ensure that the property is occupied as a single, self-contained family dwellinghouse. In overall terms, the principle of development is acceptable.

2. Impact Of The Proposal On The Character And Setting of the Grade II Listed Building

- 6.8 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".

- 6.9 Members, therefore, must give considerable importance and weight to the desirability of preserving the listed building and its 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).
- 6.10 Protecting and enhancing the historic environment is also an important component of the National Planning Policy Frameworks drive to achieve sustainable development. Paragraph 184 highlights that: "heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the

quality of life of existing and future generations".

- 6.11 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.12 In considering potential impacts on heritage assets, paragraph 194 of the NPPF detailing 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 ...".
- 6.13 The aims of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF are reiterated at a local level. Policy HE3 of the local plan seeking to ensure that listed buildings and their settings are 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 harm.
- 6.14 In light of the foregoing it is considered that Members need to have cognizance of: a) the significance of the listed building and the contribution made to that significance by its setting; and then assess b) the effect of the proposal on the listed building and its setting (inclusive of their significance and on the appreciation of that significance).
- a) the significance of the listed building and the contribution made by its setting
- 6.15 Firbank is a Grade II listed building. By way of background, there are around 400,000 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, 5.8% of listed buildings are Grade II*. The final tier of listed buildings are Grade II listed buildings which are of special interest warranting every effort to preserve them. Over 90% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner.
- 6.16 Firbank was listed by Historic England as a Grade II Listed Building in 1984. The listing details are as follows:
- "Farmhouse. Early C19. Flemish bond brickwork with cream headers, graduated slate roofs, gutter modillions, brick chimney stacks. 2 storeys, 3 bays, and flanking single storey wings with hipped roofs. C20 6-panel door and glazed fanlight, has pilaster strip surround and moulded cornice. Sash windows with glazing bars have flat brick arches and stone sills".*
- 6.17 Firbank, is a substantial late Georgian brick two storey former farm house, set

back from the county highway. Located to the rear of the property is a range of single and two storey outbuildings arranged around a courtyard. The character and setting of the property has evolved over the years through the subdivision of the dwelling from the adjacent farming operation and the erection of modern agricultural buildings within the adjacent farm yard.

b) the effect of the proposed development on the heritage asset and its setting

- 6.18 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjacent 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).
- 6.19 When considering potential impacts 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 193 of NPPF). As highlighted earlier in the report, paragraph 194 of the NPPF outlining 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 ...". Where a proposed development would lead to substantial harm or less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraphs 195 and 196 of the NPPF).
- 6.20 Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
- 6.21 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: "the surroundings in which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral". The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking.
- 6.22 As outlined earlier in the report, Firbank is a substantial two storey former farm house which is set back from the county highway. The proposal seeks

seeks permission for the erection of a single storey extension and glazed link, conversion of outbuildings to form ancillary domestic accommodation, erection of triple garage together with creation of new vehicular access and boundary treatments. The proposals would sympathetically utilise existing outbuildings with minimum alterations to the fabric of the buildings or their appearance. The proposed single storey extension, glazed link and garage would be finished in materials sympathetic to the listed building and its setting. The new vehicular access track would provide afford an opportunity to improve the entrance to the dwelling. The Council's Conservation Officer raises no objections to the conversion of the outbuildings as the proposal would sustain their maintenance and future survival. In respect of the new build elements, access and boundary treatments he again raises no objections and considers the glazed link to retain a degree of visual separation from the outbuildings.

- 6.23 In the context of the foregoing, the proposals would result in a less than substantial impact on the listed building and its setting and would secure the outbuildings optimum viable use. Accordingly, the benefits of the proposal clearly outweigh any perceived harm to the listed buildings and their settings.

3. Impact Of The Proposal On The Amenity Of Neighbouring Residents And Land Users

- 6.24 Development should 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. The residential amenity of existing areas, or adjacent land users should not be adversely affected by proposed developments. This is echoed and reinforced in local plan policies and SPDs, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.
- 6.25 The property is located in a relatively isolated location, however; there are a series of traditional and modern agricultural buildings located immediately to the north of its curtilage in separate ownership. Given the orientation of the proposals in relation to neighbouring land and buildings and that it would utilise existing outbuildings, the proposal will not have a significant detrimental impact on the amenity of adjoining land uses through overlooking, over dominance or intensification of use.

4. Impact Of The Proposal On Highway Safety

- 6.26 Firbank and the agricultural buildings immediately the north of the application site is served by a shared driveway. The submitted drawings illustrate the formation of a new access to serve Firbank taken off the C1016 county highway together with the erection of a triple garage.
- 6.27 The parish council and third parties raise objections to the proposals questioning the justification for an additional access, adequacy of parking

provision and impact on highway safety. In respect of the justification for the proposed access, as Members are aware each application is determined on its own merits and in this instance the application before them includes the formation of a new access together with the erection of a triple garage. The agent has, however, advised that the proposed access would provide an independent access to serve Firbank which currently shares an access with the adjacent farming operation.

- 6.28 Cumbria County Council, as Highways Authority, has been consulted and raise no objections to the proposal as it considers that the proposal will not have a material affect of existing highway conditions. The views of the parish council and third parties are noted; however, in light of the consultation response from the Highways Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.

5. Adequacy of Existing Drainage Systems

- 6.29 A further issue raised by a third party is the adequacy of the drainage system to serve the development given the increase in bathrooms. There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development; however, this is for extension to an existing dwelling. As such, the drainage would enter the existing drainage systems serving the dwelling. Furthermore, the adequacy of the drainage systems would be subject to Building Control legislation.

6. Impact Of The Proposal On The Existing Trees and Hedgerows

- 6.30 Policy GI6 of the local plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute to a locality, and/or are of specific natural or historic value. In respect of new development, proposals which would result in the unacceptable or unjustified loss of existing trees or hedges or which do not allow for the successful integration of existing trees or hedges will be resisted.
- 6.31 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing trees and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting, it is important that these issues are considered at the very start of the planning process.
- 6.32 The formation of the access would require the removal of a section of hedgerow with a third party citing the removal of trees prior to the submission of the application. The removal of the section of roadside hedgerow with the majority of it retained would not result in a significant discordant feature within

the character of the area. In respect of the removal of the trees the agent has advised that the removed trees were damaged and in poor condition. The trees were not in a conservation area nor were not protected by a tree preservation order. As such, the formal permission of the local planning authority was not required.

7. Impact Of The Proposal On Biodiversity

- 6.33 The Councils GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England the proposals would not have an adverse impact upon biodiversity. However; it is recommended that an informative should be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

8. Other Matters

- 6.34 Third parties have questioned the ownership of outbuildings and the ability to undertake the proposals together with potential trespass of visitors to Firbank. These issues are not material planning considerations, therefore, are not relevant in the determination of this application.
- 6.35 Another issue centred on publicity of the application and questions why two applications have been received which appear identical with the exception of one minor adjustment to the description. Firbank is a listed building, therefore, an application for listed building consent is also required. Both applications have been correctly publicised by the posting of site and press notices.
- 6.36 Access for emergency vehicles to serve the dwelling was raised by third parties as the courtyard would be enclosed by the single storey extension and glazed link. Adequate access to serve the development would be afforded for emergency vehicles, should Members approved the application, via the proposed new access together with the retained shared access.
- 6.37 Members should also be aware, one of the applicants is employed on a contractual basis by the City Council; however, they have not be involved in the determination of the application other than in their role as applicant.

Conclusion

- 6.38 The application seeks full planning permission for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room and storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office & shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatment; creation of new access.

- 6.39 The proposals would increase the domestic accommodation of Firbank, however; with the exception of the single storey extension and glazed link, it would utilise outbuildings within an existing courtyard area. As such, the proposals would not result in any significant intensification of use and subject to the compliance of the recommended condition would be occupied as a single, self-contained family dwellinghouse. In such a context the principle of development is acceptable.
- 6.40 The proposals would result in a less than substantial impact on the listed building and its setting and would secure the curtilage listed outbuildings optimum viable use. Accordingly, the benefits of the proposal clearly outweigh any perceived harm to the listed building and its settings.
- 6.41 The proposals would not have a significant detrimental impact on the amenity of neighbouring land users, hedgerows or biodiversity and be served by an adequate drainage system. Cumbria County Council, as Highway Authority, do not raise any objections to the formation of the new access or the parking provision to serve the dwelling.
- 6.42 In overall terms, the principle of development accords with the objectives of the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP6, HO8, IP2, IP3, IP6, CC5, CM5, HE3 and GI3 of the Carlisle District Local Plan 2015-2030. Accordingly, the application is recommended for approval.

7. Planning History

- 7.1 In 2000, listed building consent was granted for internal alterations to reposition existing internal door and create a wet room in lieu of existing bathroom; installation of stair lift and modification of first floor bathroom (application reference 00/0804).
- 7.2 In 2004, full planning permission and listed building consent was granted for erection of partition wall, creation of archway opening through existing outbuildings and landscaping of farmyard (application references 04/0860 and 04/0859 respectively).
- 7.3 In 2018, full planning permission and listed building consent was granted for alterations to existing boundary walls and gates together with blocking up of openings within outbuilding (application reference 18/0257 and 18/0258 respectively).
- 7.4 In 2019, an application to discharge of condition 3 (construction details) of previously approved permission 18/0258 was approved (application reference 19/0314).
- 7.5 There is currently an application for listed building consent pending a decision for the erection of single storey side extension to provide garden room;

glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room & storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office & shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room; erection of detached garage; erection of new gateway and fencing; creation of new access (application reference 21/0121).

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:

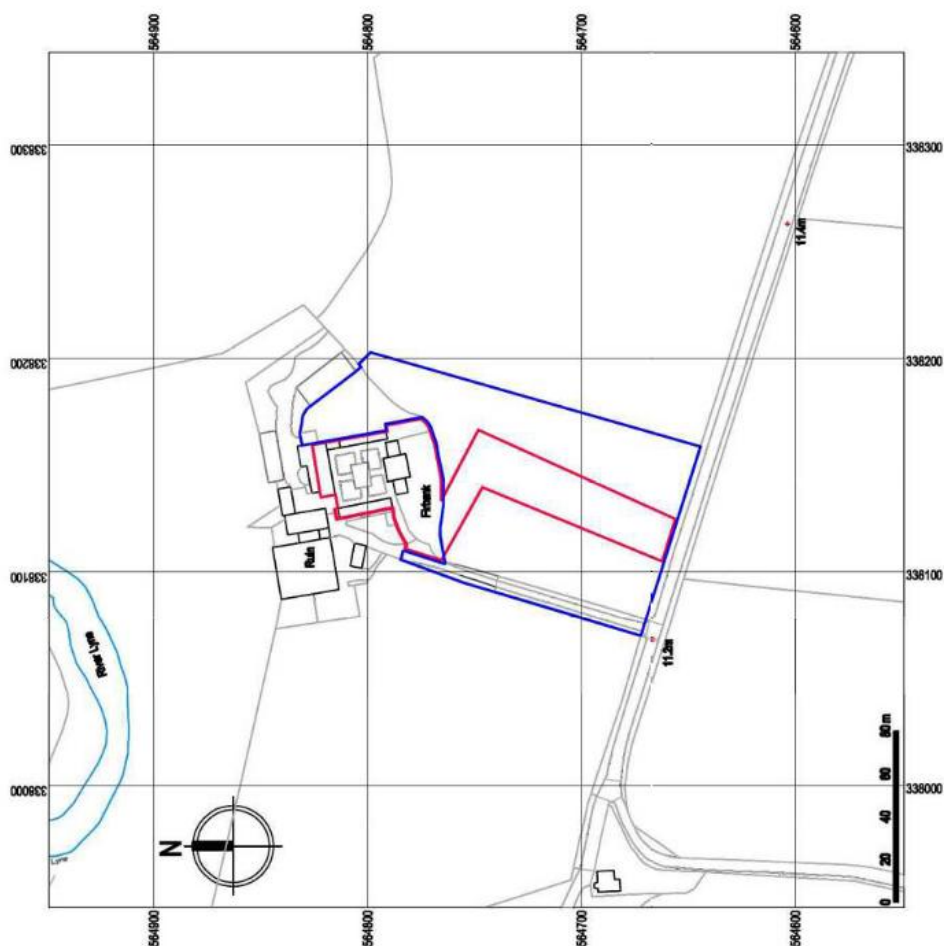
1. the submitted planning application form received 10th February 2021;
2. the Heritage Statement received 17th May 2021;
3. the Supporting Information received 17th May 2021;
4. the Window Details received 25th June 2021;
5. the Window Schedule received 1st July 2021;
6. the location plan received 10th February 2021 (Drawing No. 01 Revision 0);
7. the block plan as proposed received 10th February 2021 (Drawing No. 03 Revision 0);
8. the part ground floor plan as proposed received 10th February 2021 (Drawing No. 07 Revision 0);
9. the part first floor plan as proposed received 10th February 2021 (Drawing No. 08 Revision 0);
10. the elevations of dwelling and outbuilding 1 as proposed received 10th February 2021 (Drawing No. 09 Revision 0);
11. the proposed detached triple garage received 6th July 2021 (Drawing No. 010 Revision B);
12. the part elevations of dwelling and outbuilding 1 as proposed received 10th February 2021 (Drawing No. 11 Revision 0);
13. the new entrance drive received 10th February 2021 (Drawing No. 12 Revision 0);
14. the outbuilding 2 as proposed received 10th February 2021 (Drawing No. 14 Revision 0);
15. the outbuilding 3 as proposed received 10th February 2021 (Drawing No. 16 Revision 0);
16. the outbuilding 1 as proposed received 10th February 2021 (Drawing No. 018 Revision 0);
17. the Notice of Decision;
18. any such variation as may subsequently be approved in writing by the

local planning authority.

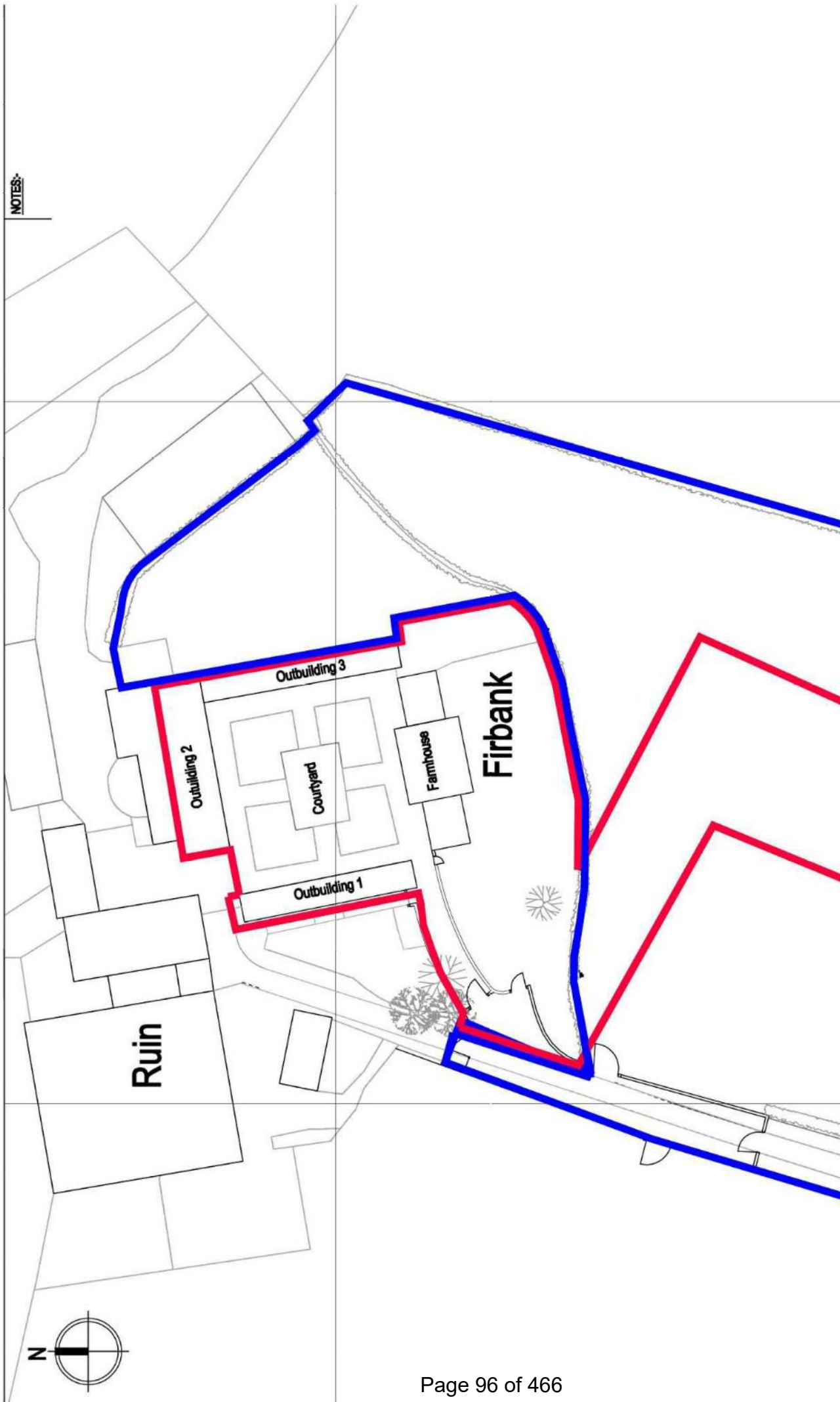
Reason: To define the permission.

3. The premises shall be occupied as a single, self-contained family dwellinghouse, and at no time shall any part be sub-divided and occupied independently of the remainder of the property.

Reason: The local planning authority are not prepared to permit the establishment of a separate unit of accommodation on this site in accordance with Policy HO6 of the Carlisle District Local Plan 2015-20230.



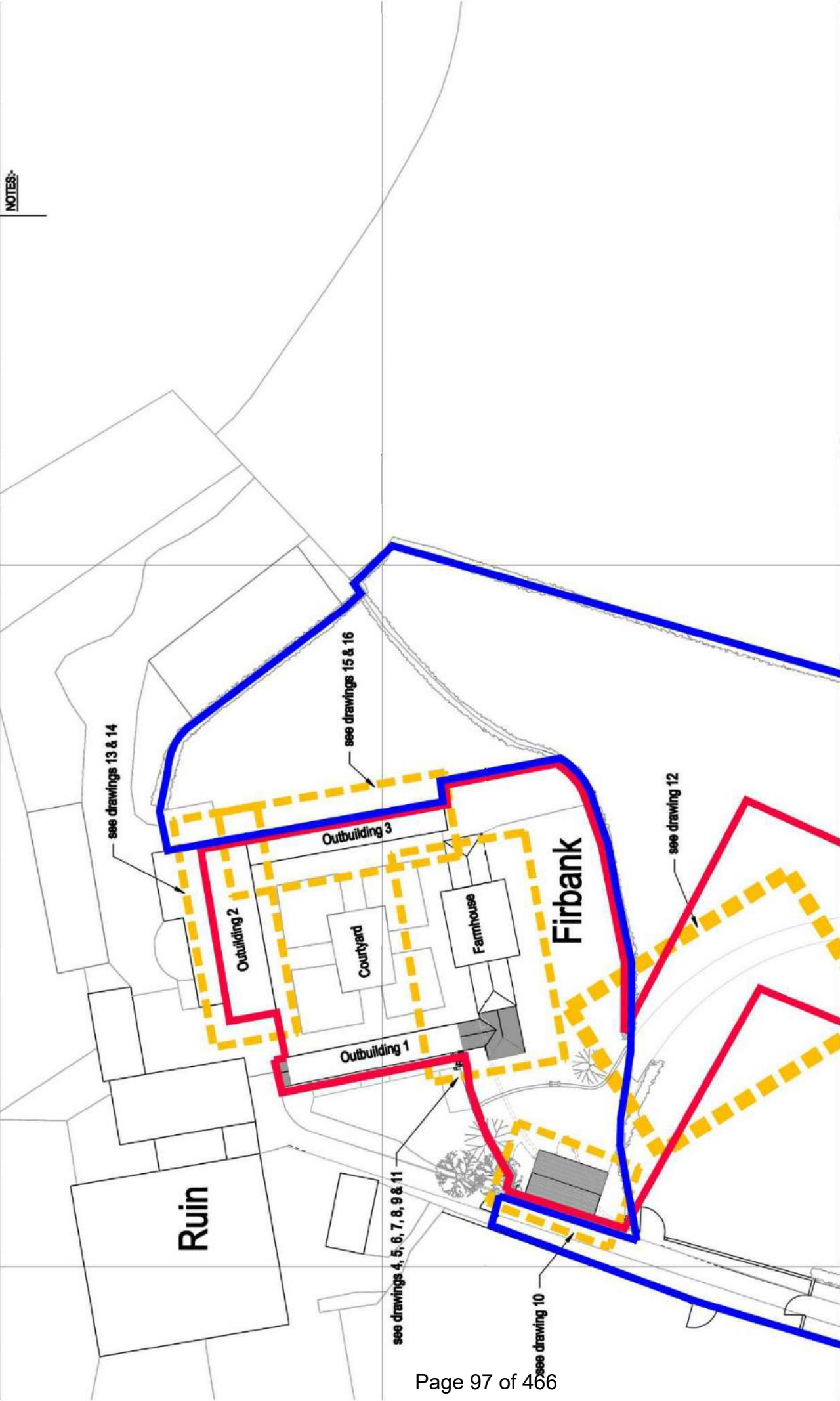
<div style="display: flex; justify-content: space-between;"> <div> <p>Broadrath Design Services</p> <p>Broadrath Collings, Broadrath, Heath Wood, Buckinghamshire Golf Club B&A</p> <p>Tel : 01295 594415 Fax : 01295 594416 Email : info@bdsdesign.com</p> </div> <div> <p>PLANNING</p> <p>Mr & Mrs Steven Carr - Baugh Fribank, Westlinton, Carlisle CA8 8AQ</p> <p>Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.</p> </div> </div>											
<div style="display: flex; justify-content: space-between;"> <div> <p>Location Plan</p> <p>scale 1:2500</p> <p>area 0.14</p> <p>density mmwh</p> <p>permitted mmwh</p> <p>max flow 8.5.2020</p> </div> <div> <p>project no: B05030</p> <p>revision: 01</p> <p>date: 0</p> </div> </div>											
<p>Do Not Scale From This Drawing</p>											



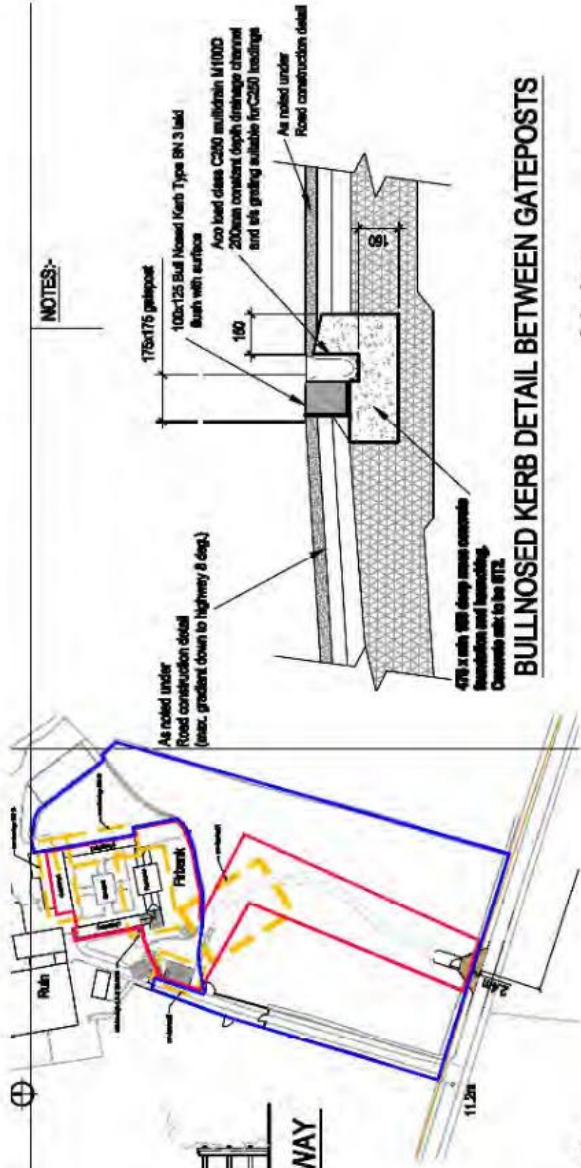
NOTES:-

<p>Broadwath Design Services</p> <p>Broadwath College, Broadwath, Huddersfield, West Yorkshire, Huddersfield, BD14 4BA Tel : 01484 894413 Mob : 07802 144082 Email : info@bdsdesign.co.uk</p>		<p>PLANNING</p> <p>Mr & Mrs Steven Carr - Baugh Firbank, Westlinton, Carlisle CA8 8AQ</p> <p>Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.</p>		<p>Block Plan as Existing</p> <p>Scale 1:500</p> <p>Drawn by: RDS/080</p> <p>Check by: RDS/080</p> <p>Date: 8.5.2020</p>	
<p>02</p> <p>Do Not Scale From This Drawing</p>		<p>0</p>		<p>0</p>	

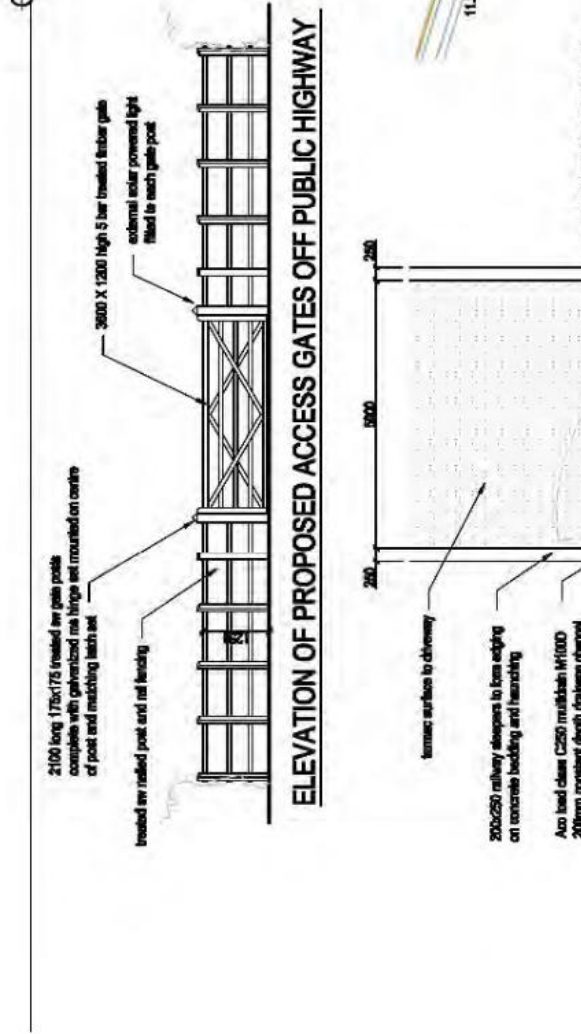
NOTES:-



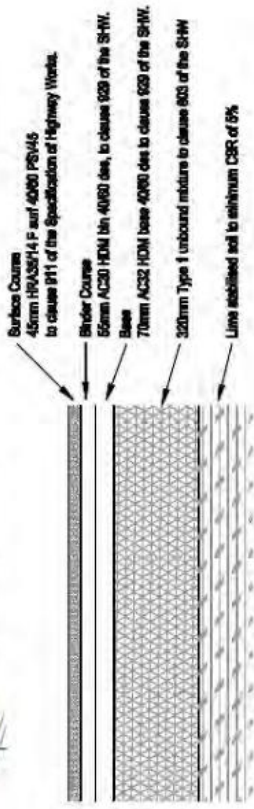
B D S Broadwath Design Services Broadwath College, Broadwath, Huddersfield, West Yorkshire, England Tel : 01484 894413 Mob : 07702 144082 Email : info@bdsdesign.co.uk										PLANNING		Block Plan as Proposed			
Mr & Mrs Steven Carr - Baugh Firbank, Westlinton, Carlisle CA8 8AQ										Scale		Scale	Scale	Scale	Scale
Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.										Date		Date	Date	Date	Date
										1:500		1:500	1:500	1:500	1:500
										mwf		mwf	mwf	mwf	mwf
										8.5.2020		8.5.2020	8.5.2020	8.5.2020	8.5.2020
										03		03	03	03	03
										0		0	0	0	0
										Do Not Scale From This Drawing					



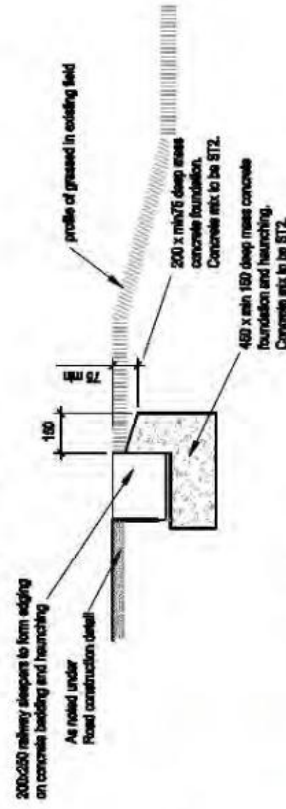
ELEVATION OF PROPOSED ACCESS GATES OFF PUBLIC HIGHWAY



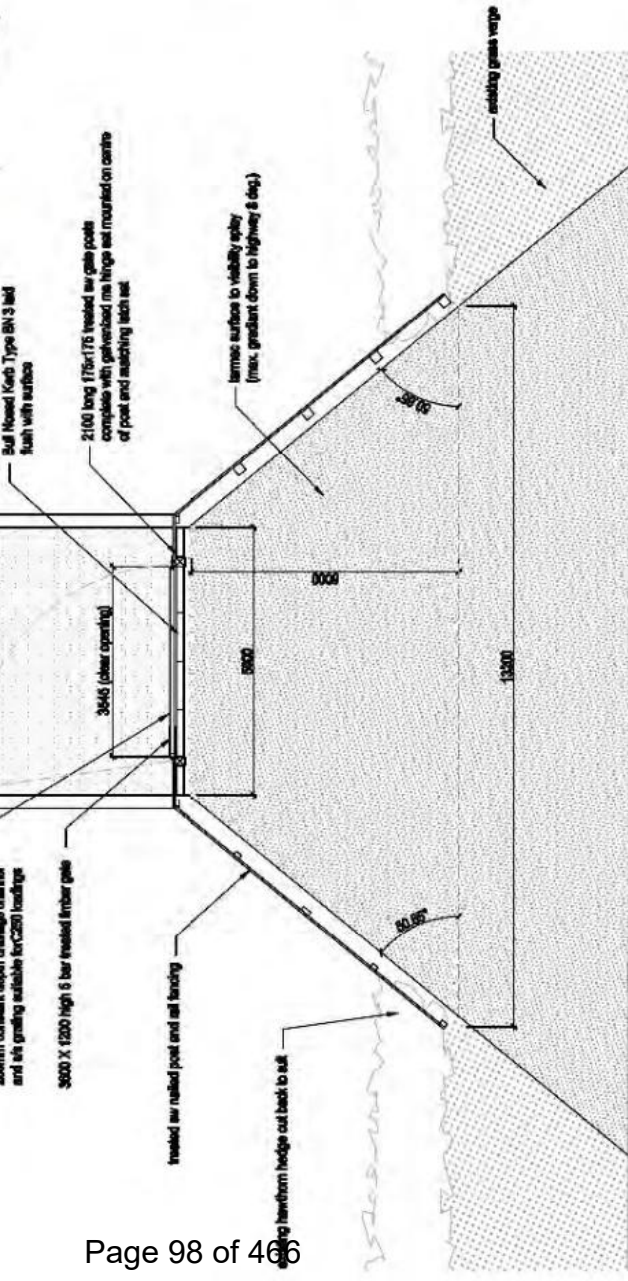
BULLNOSED KERB DETAIL BETWEEN GATEPOSTS



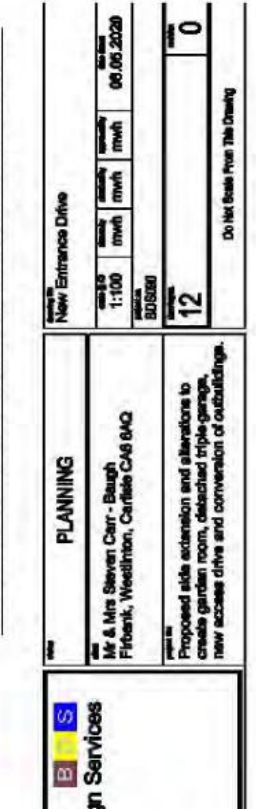
TARMACED ROAD BUILD UP ON LIME STABILISED SOIL



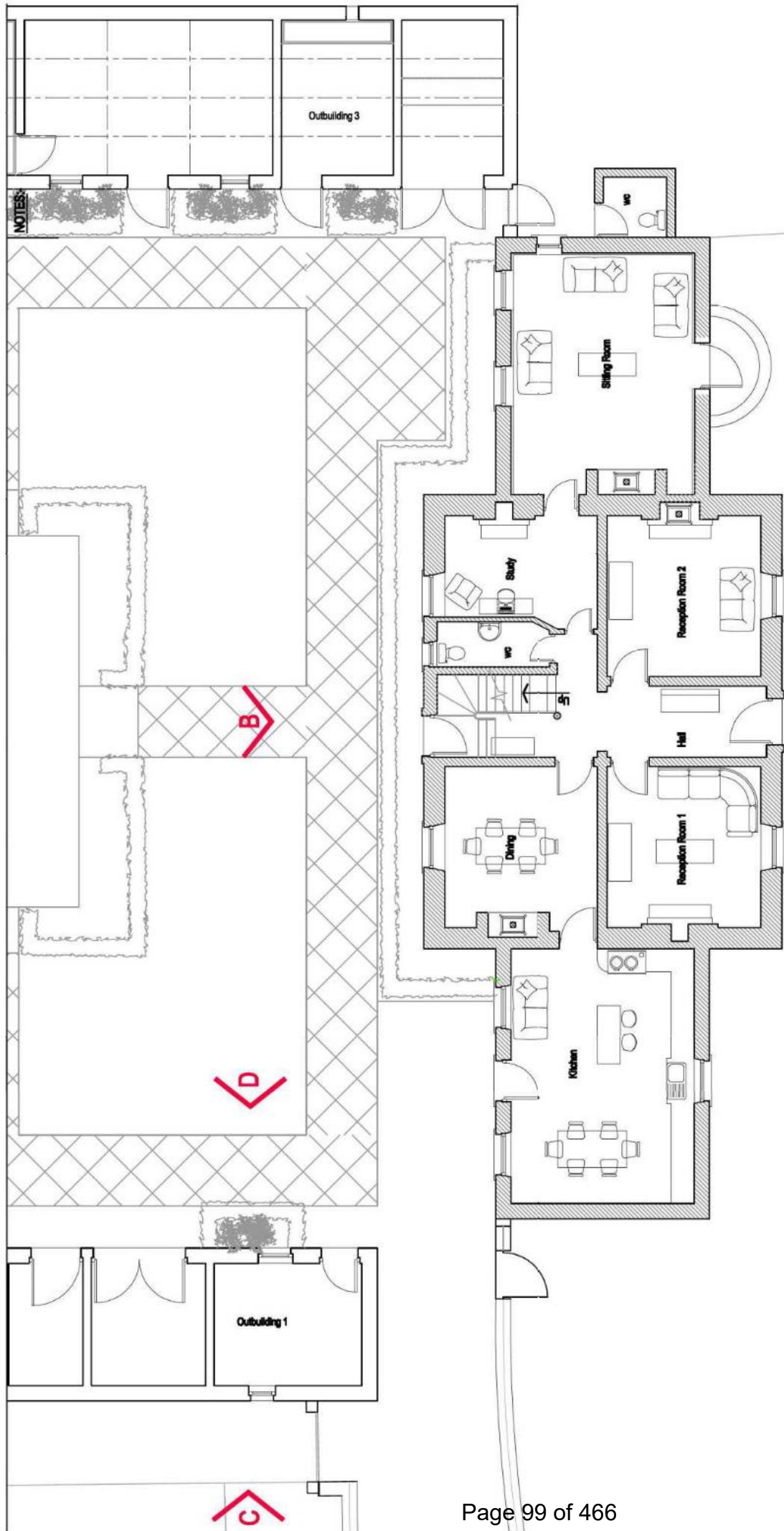
PLAN OF PROPOSED ACCESS OFF PUBLIC HIGHWAY



TYPICAL GRASSED MARGIN DETAIL TO DRIVEWAY

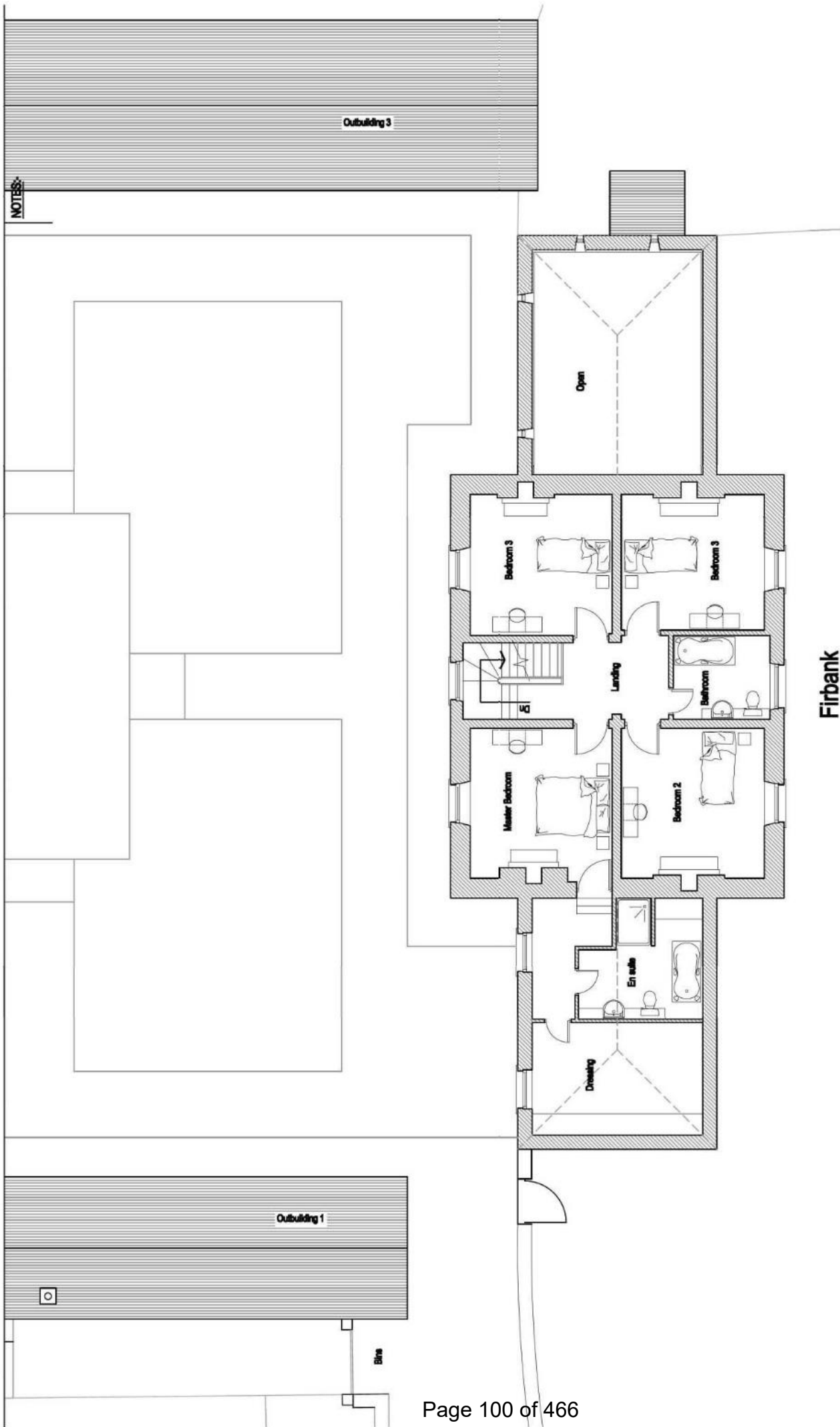


<p>Broadwath Design Services</p> <p>Broadwath College Broadwath Heath Road, Stamford, Leicestershire LE8 5AA</p> <p>Tel : 01530 894115 Fax : 01530 894116 Email : info@broadwathdesign.co.uk</p>		<p>PLANNING</p> <p>Mr & Mrs Steven Carr - Baugh Frickley, Westthorpe, Carlisle CA8 8AQ</p> <p>Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.</p>		<p>Notes</p> <p>1. Do not build from this Drawing</p>	
<p>Scale 1:100</p>	<p>Scale 1:100</p>	<p>Scale 1:100</p>	<p>Scale 1:100</p>	<p>Scale 1:100</p>	<p>Scale 1:100</p>
<p>12</p>	<p>12</p>	<p>12</p>	<p>12</p>	<p>12</p>	<p>12</p>
<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>



Firbank

<p>Planning</p> <p>Mr & Mrs Steven Carr - Baugh Firbank, Westlinton, Carlisle CA8 8AQ</p> <p>Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.</p>									
<p>Broadwath Design Services</p> <p>Broadwath College, Broadwath, Heath Road, Brampton, Carlisle CA8 8BA</p> <p>Tel : 01228 894413 Mob : 07802 144082 Email : info@bdsdesign.co.uk</p>									
<p>Part Ground Floor Plan as Existing</p> <p>Scale 1:100</p> <p>Drawn by: RDS/000</p> <p>Check by: 04</p> <p>Date: 8.5.2020</p> <p>Do Not Scale From This Drawing</p>									



NOTES:

Outbuilding 3

Outbuilding 1

Bin

Open

Landing

Master Bedroom

Bedroom 2

En suite

Dressing

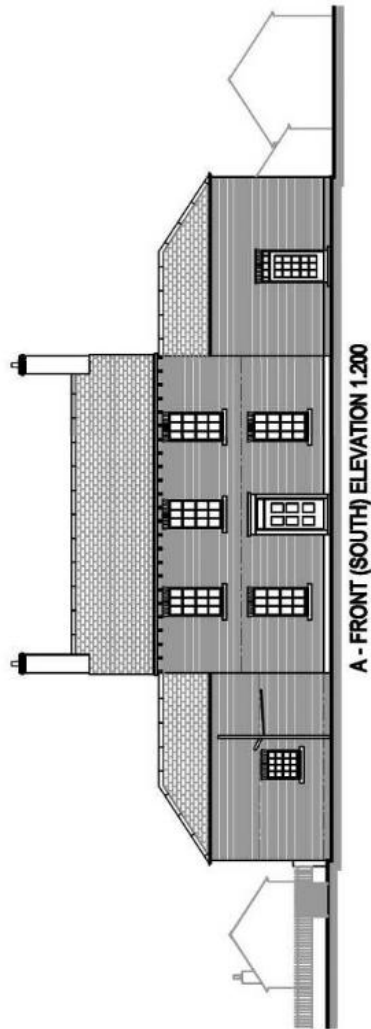
Bedroom 3

Bathroom

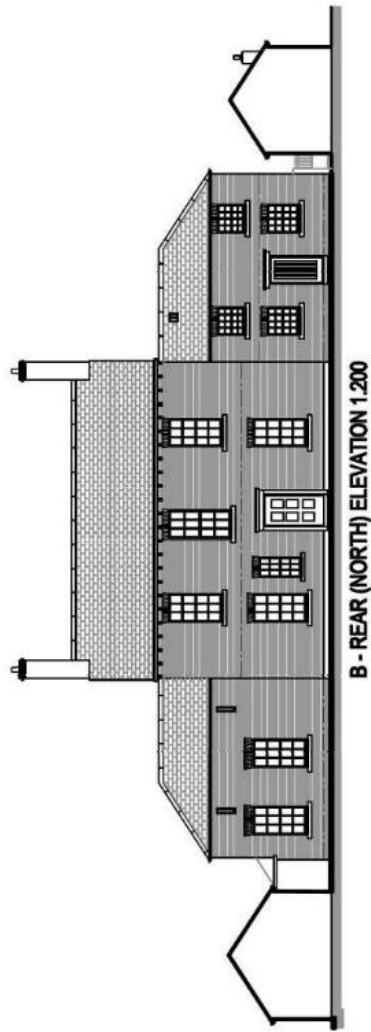
Bedroom 3

Firbank

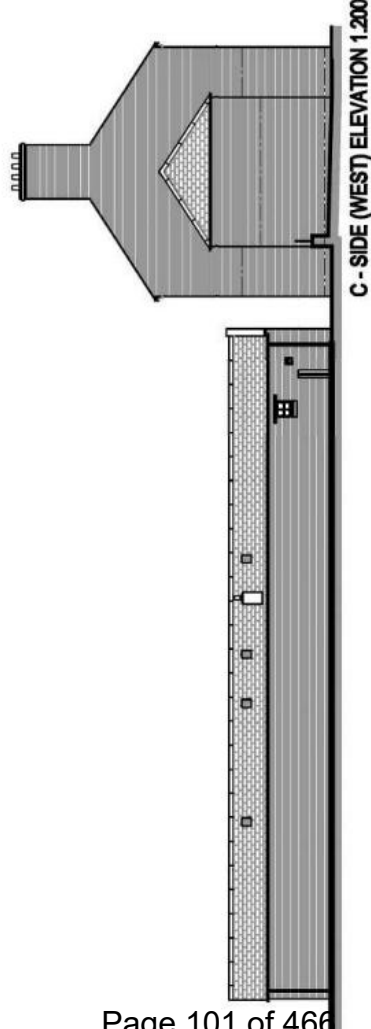
<p>PLANNING</p> <p>Mr & Mrs Steven Carr - Baugh Firbank, Westlinton, Carlisle CA8 8AQ</p> <p>Proposed side extensions and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.</p>		<p>Part First Floor Plan as Existing</p> <p>Scale: 1:100</p> <p>Drawn: 8/5/2020</p> <p>Check: 8/5/2020</p> <p>05</p> <p>0</p> <p>Do Not Scale From This Drawing</p>	
<p>Broadwath Design Services</p> <p>Broadwath College, Broadwath, Huddersfield, West Yorkshire, England</p> <p>TM : 01484 894113 Mob : 07802 144082 Email : info@bdsdesign.co.uk</p>		<p>05</p> <p>0</p> <p>Do Not Scale From This Drawing</p>	



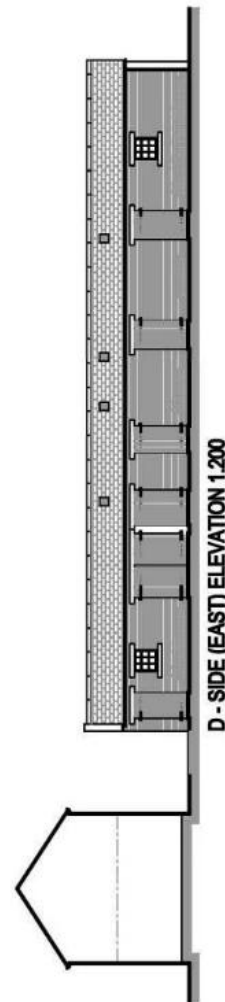
A - FRONT (SOUTH) ELEVATION 1:200



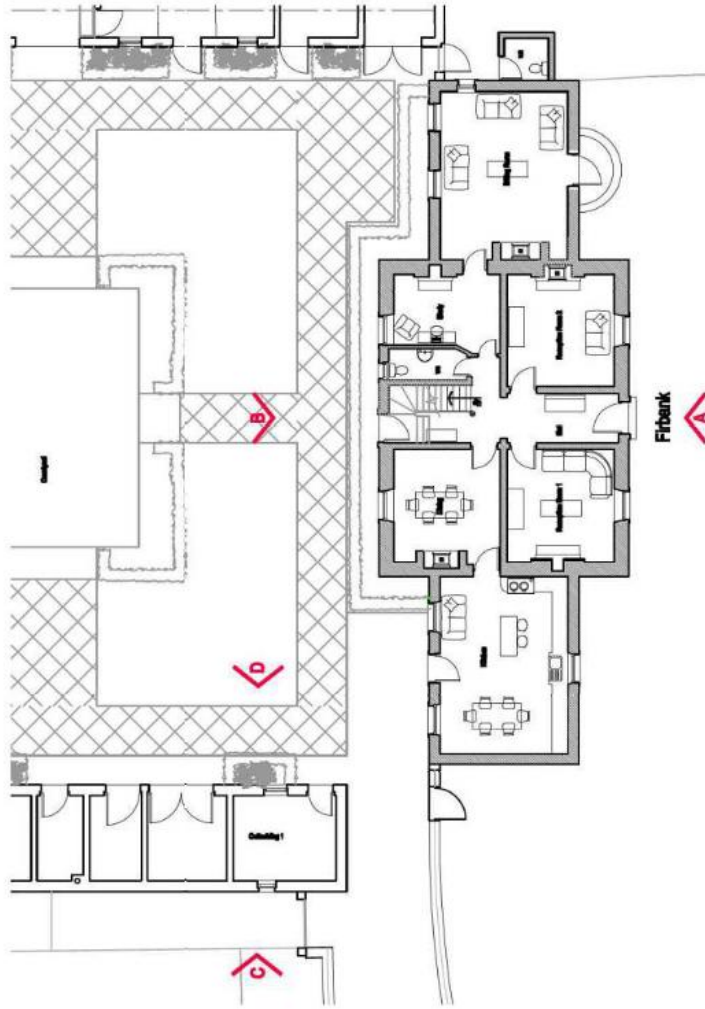
B - REAR (NORTH) ELEVATION 1:200



C - SIDE (WEST) ELEVATION 1:200

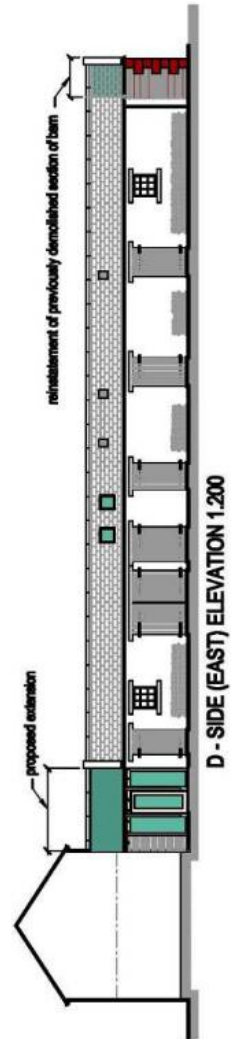
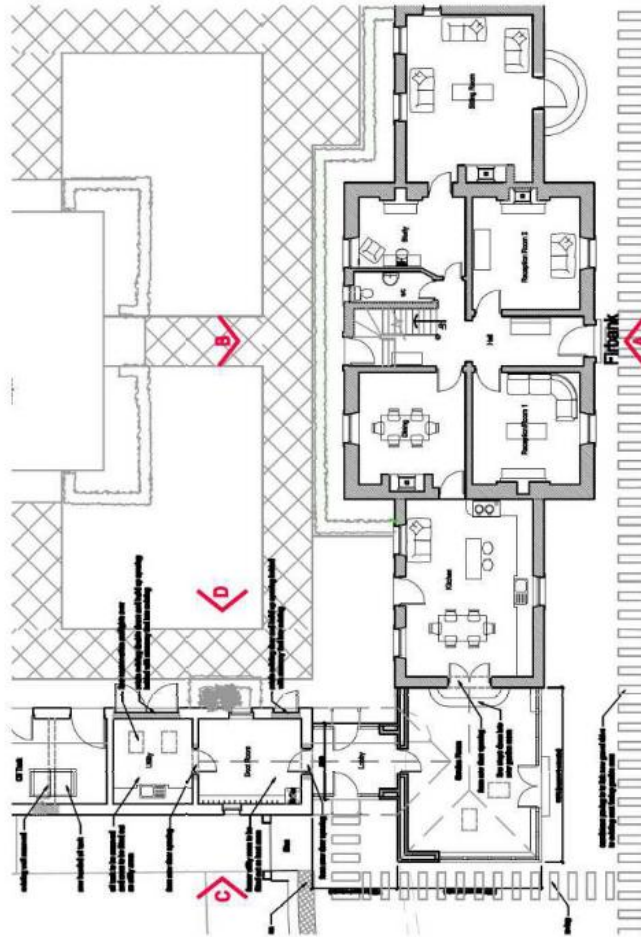
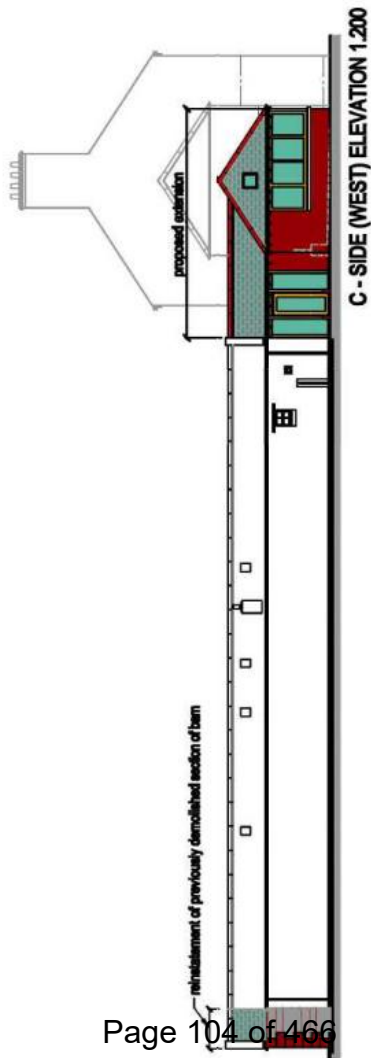
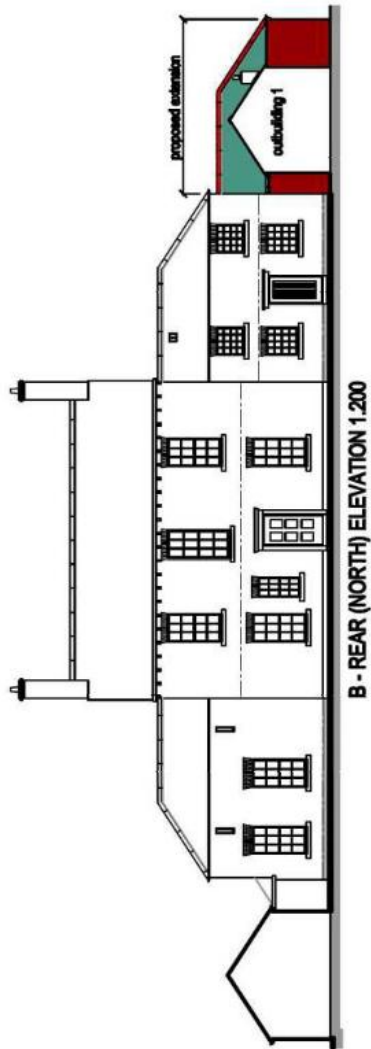
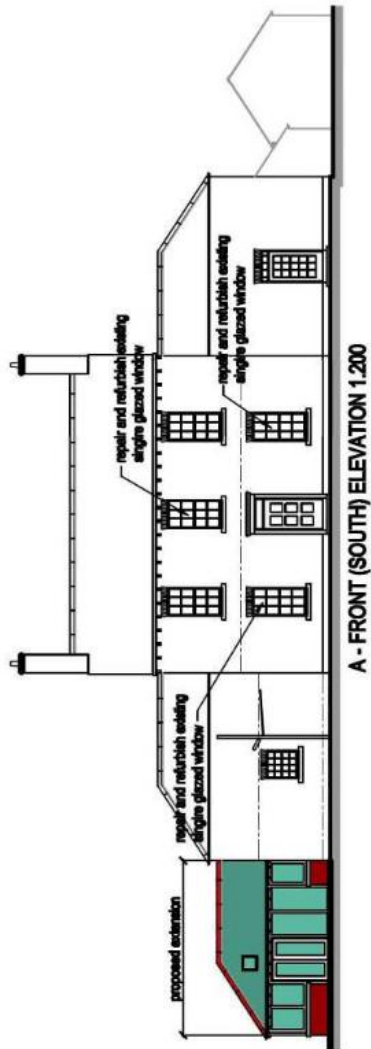


D - SIDE (EAST) ELEVATION 1:200

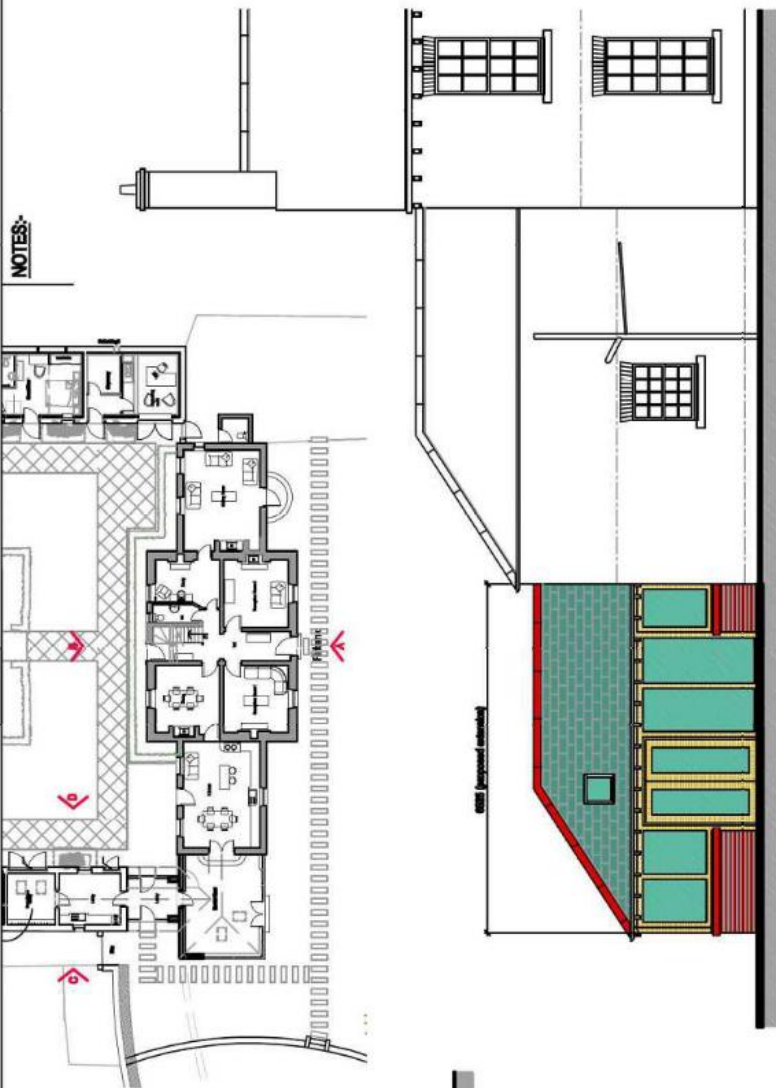


Fibbank

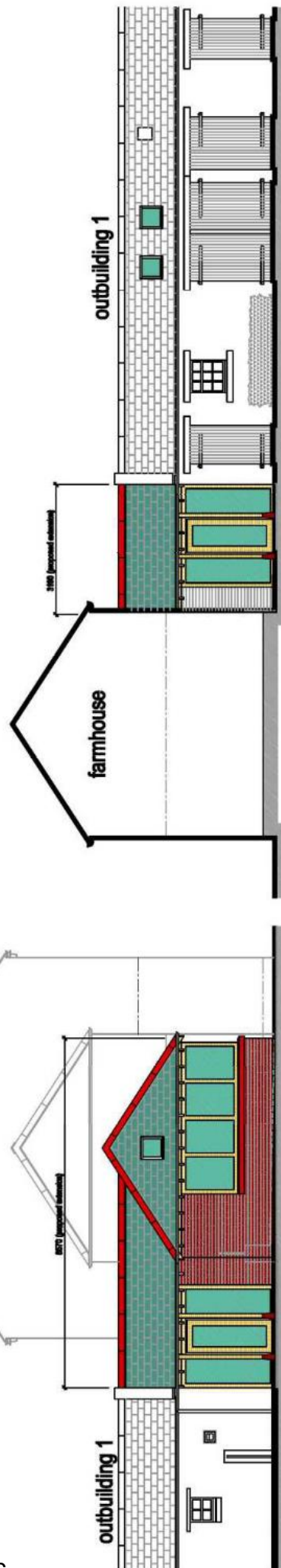
Broadwath Design Services		PLANNING		Elevations of Dwelling and Outbuilding 1 as existing	
Broadwath College, Broadwath, Leeds LS16 7JH, Tel: 0113 281 1413, Fax: 0113 281 1414, Email: info@broadwath.co.uk		Mr & Mrs Steven Carr - Baugh, Fibbank, Westlinton, Carlisle CA8 8AQ		Scale 1:200	
Date: 08.06.2020		Project: 2020/00		Drawing: 06	
Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.		Do Not Scale From This Drawing		0	



Broadwath Design Services											
Broadwath College, Broadwath, Heath North, Birmingham, Staffordshire CV4 8AA Tel : 0121 894413 Fax : 0121 894413 Email : info@broadwathdesign.co.uk											
Planning											
Mr & Mrs Steven Carr - Baugh Fribank, Wealdstone, Carfile CA8 8AQ											
Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuilding.											
Elevations of Dwelling and Outbuilding 1 as Proposed											
Scale	1:200	1:200	1:200	1:200	1:200	1:200	1:200	1:200	1:200	1:200	1:200
Drawn	09	09	09	09	09	09	09	09	09	09	09
Check	09	09	09	09	09	09	09	09	09	09	09
Issue	09	09	09	09	09	09	09	09	09	09	09
Do Not Scale From This Drawing											




A - FRONT (SOUTH) ELEVATION 1.100

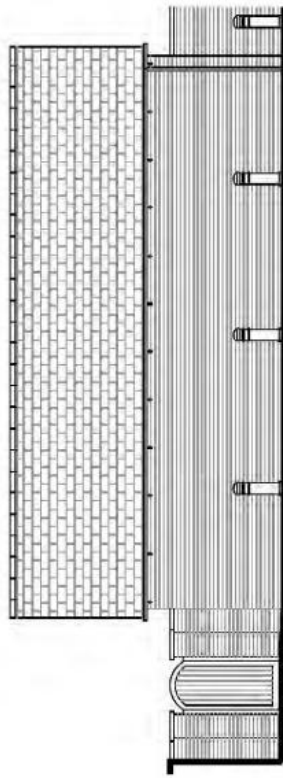
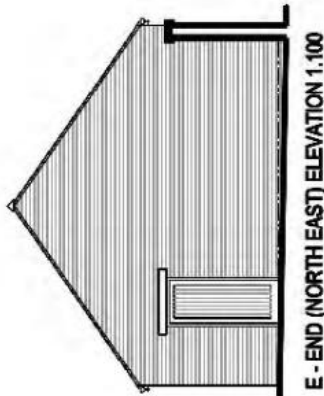
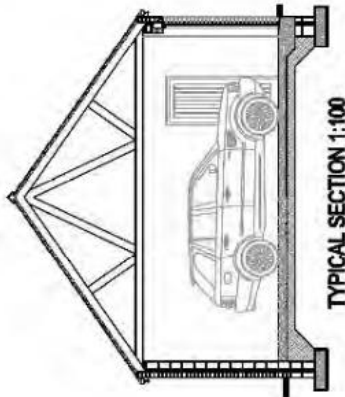
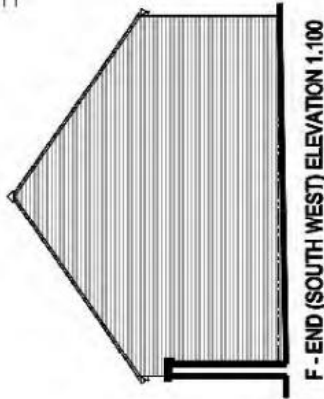
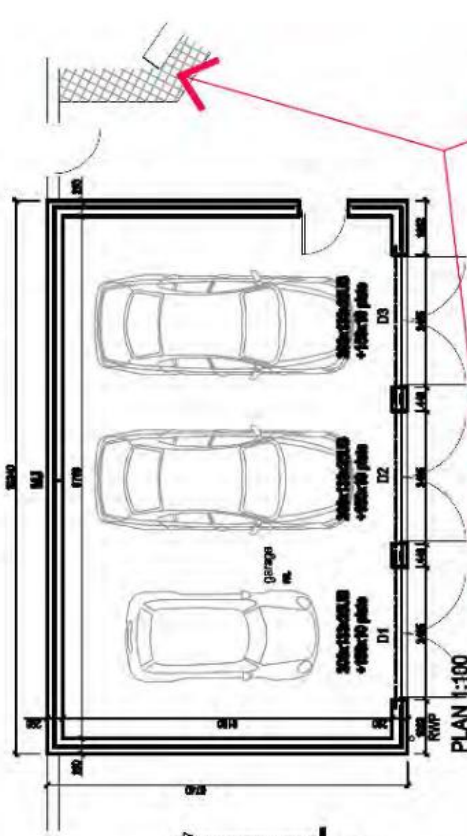


D - SIDE (EAST) ELEVATION 1.100

C - SIDE (WEST) ELEVATION 1.100

PROPOSED MATERIALS	EXISTING MATERIALS
Roof	Asph/Flt
Natural slate to match existing dwelling off green oak timber frame	Asph/Flt
Black powder coated cast iron rainwater goods	Asph/Flt
Velux conservation nightlites	Asph/Flt
Walls	Brick
Red null facing brick to match existing dwelling	Brick
Downpipes	Asph/Flt
Green oak, as timber frame	Asph/Flt
Hard standing	Asph/Flt
Indian sandstone paving slabs forming patio and path to lobby set within golden self draining gravel	Asph/Flt

 Broadwath Design Services Broadwath Campus, Broadwath, Leeds LS14 4JH, England T: 0113 2854148 M: 07828 887418 E: info@bds.co.uk Web: www.bds.co.uk										PLANNING Mr & Mrs Steven Carr - Blagh Firbank, Westlinton, Carlisle CA9 8AQ Proposed site Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.									
Date: 08.05.2020 Validity: 1:100 Issued by: mmh Date: 08.05.2020 Project No: BD0080 Drawings: 11 Sheets: 0										Part Elevations of Dwelling and Outbuilding 1 as Proposed 1:100 Do Not Scale From This Drawing									

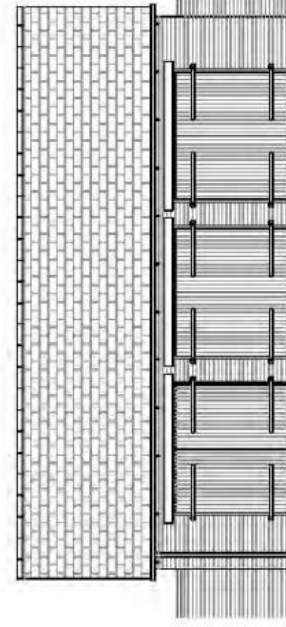


Hatch indicates the proposed 1800mm high 'green' galvan wall



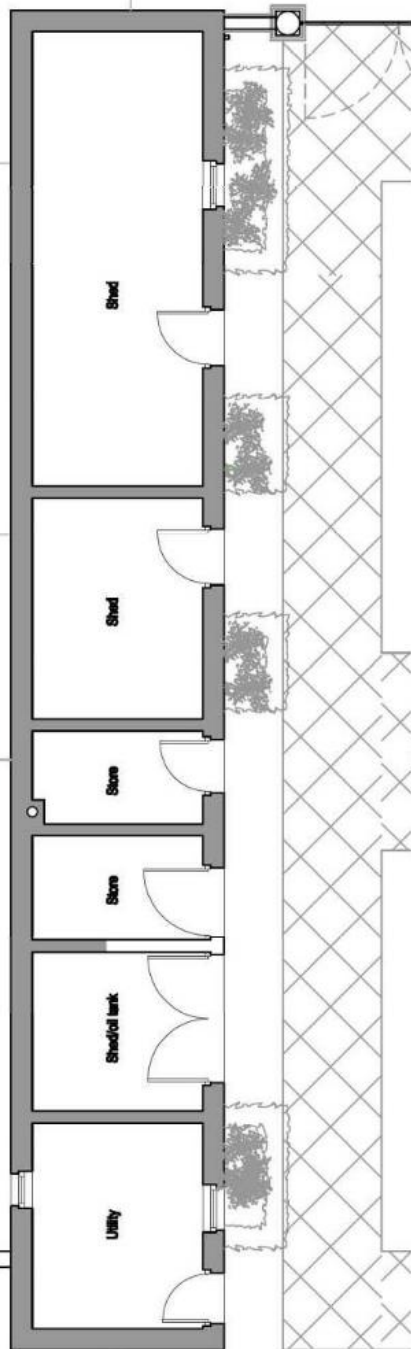
PROPOSED MATERIALS

- Rock
- Natural stone and mortar bedded ridge to match existing dwelling
- Black powder coated cast iron rainwater goods supported by stone in line and full brackles
- White
- Red roof facing brick to match existing dwelling
- Grey antique bricks above doors and matching copings to boundary walls
- 'Green' galvanised iron galvan wall with Cambridge green stone wall
- Garage Doors
- Slab being bolted cast in place and bolted down with black cast iron
- Entrance gable
- Cast braced 5 bar gable with black cast iron bracing
- Hard standing
- Free draining golden gravel with broken sandstone paving slabs to path

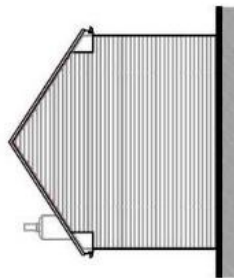


<p>Notes</p> <p>A Notes added relating to reuse of existing garden wall and railings</p> <p>B Garage doors and pass door amended, lintels added, fascias and barge boards omitted and riles and full brackles added</p>	<p>04.06.21</p> <p>05.07.21</p>	<p>04.06.21</p> <p>05.07.21</p>	<p>04.06.21</p> <p>05.07.21</p>	<p>04.06.21</p> <p>05.07.21</p>	<p>04.06.21</p> <p>05.07.21</p>	<p>04.06.21</p> <p>05.07.21</p>
<p>PLANNING</p> <p>Mr & Mrs Steven Carr - Baugh</p> <p>Friar, Westlinton, Carlisle CA8 8AQ</p>	<p>Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.</p>	<p>Broadwath Design Services</p> <p>Broadwath College</p> <p>Broadwath</p> <p>Heath Hall,</p> <p>Carlisle CA8 8AA</p> <p>Tel : 01228 894113</p> <p>Mail : 87002 144002</p> <p>Email : 144002@bds.co.uk</p>	<p>Proposed Detached Triple Garage</p> <p>Scale 1:100</p> <p>Drawn by: 10/06/20</p> <p>Check by: 09/06/2020</p>	<p>10</p> <p>Do Not Scale From This Drawing</p>	<p>10</p> <p>Do Not Scale From This Drawing</p>	<p>10</p> <p>Do Not Scale From This Drawing</p>

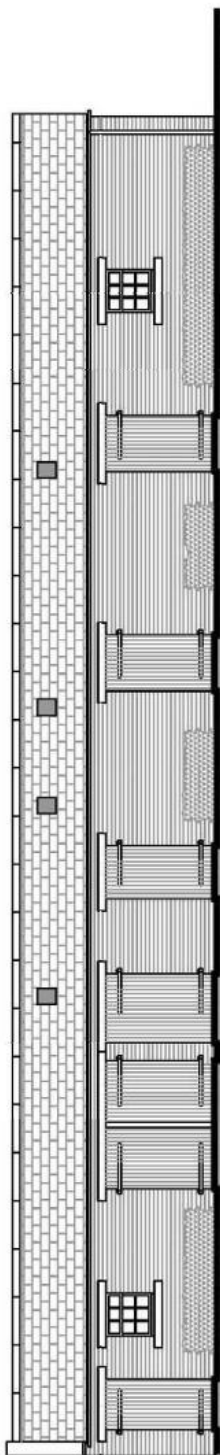
NOTES:-



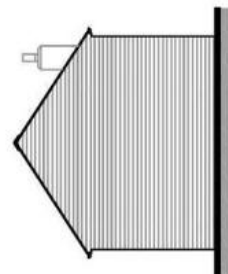
FLOOR PLAN AS EXISTING 1:100



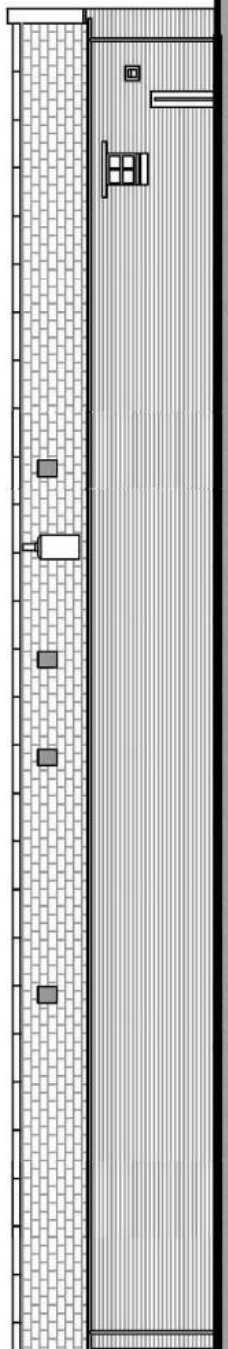
K - END (SOUTH) ELEVATION
AS EXISTING 1:100



D - FRONT (EAST) ELEVATION AS EXISTING 1:100



J - END (NORTH) ELEVATION
AS EXISTING 1:100

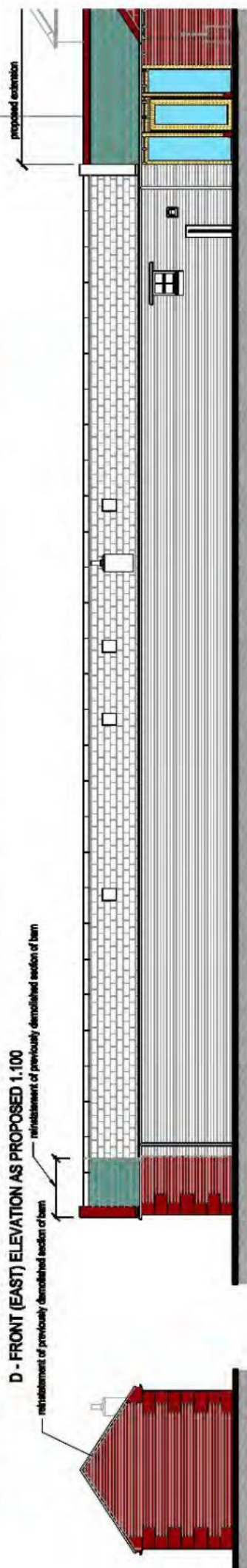
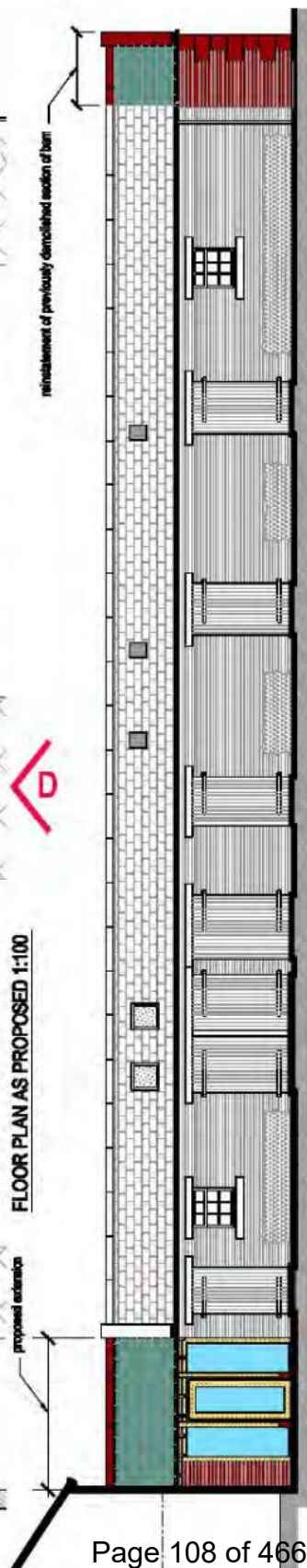
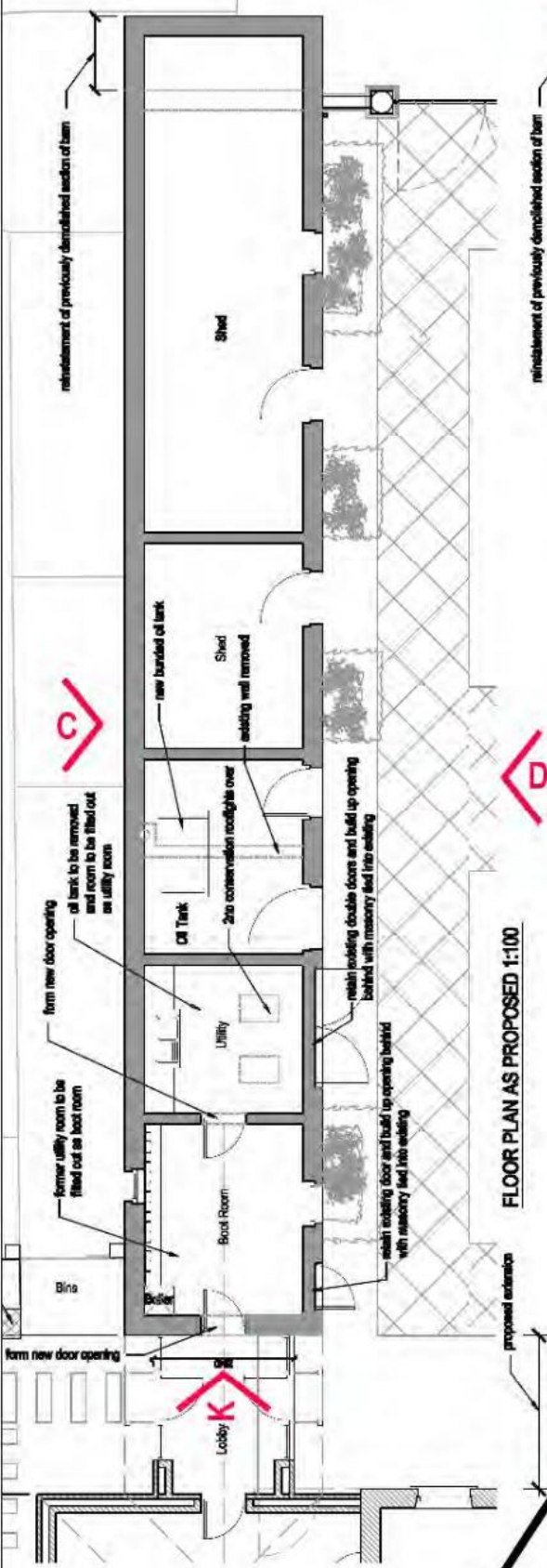
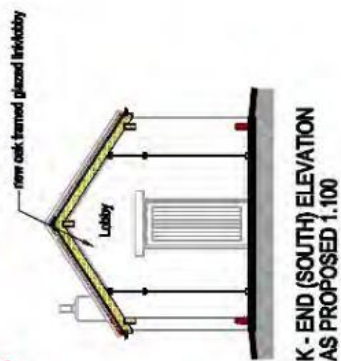


C - REAR (WEST) ELEVATION AS EXISTING 1:100

Project Information									
Client	Address	Project Name	Project Number	Project Date	Project Status	Project Manager	Project Engineer	Project Designer	Project Checker
Mr & Mrs Steven Carr - Baugh	Firbank, Westlinton, Carlisle CA8 8AQ	Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.	17	08.05.2020	0				

Planning									
Client	Address	Project Name	Project Number	Project Date	Project Status	Project Manager	Project Engineer	Project Designer	Project Checker
Mr & Mrs Steven Carr - Baugh	Firbank, Westlinton, Carlisle CA8 8AQ	Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.	17	08.05.2020	0				

Broadwath Design Services									
Client	Address	Project Name	Project Number	Project Date	Project Status	Project Manager	Project Engineer	Project Designer	Project Checker
Mr & Mrs Steven Carr - Baugh	Firbank, Westlinton, Carlisle CA8 8AQ	Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.	17	08.05.2020	0				

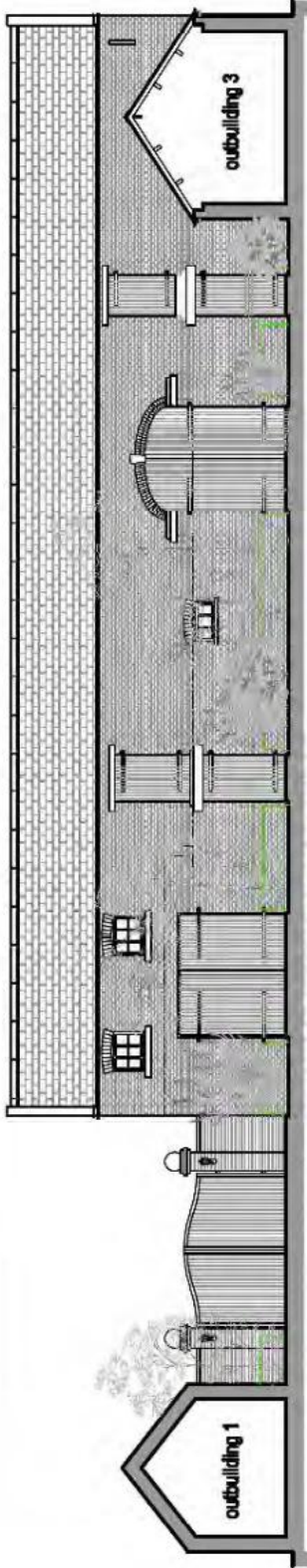


C - REAR (WEST) ELEVATION AS PROPOSED 1.100

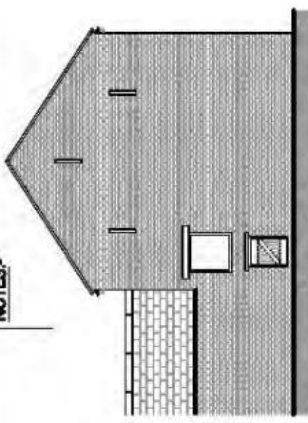
J - END (NORTH) ELEVATION
AS PROPOSED 1.100

[illegible]

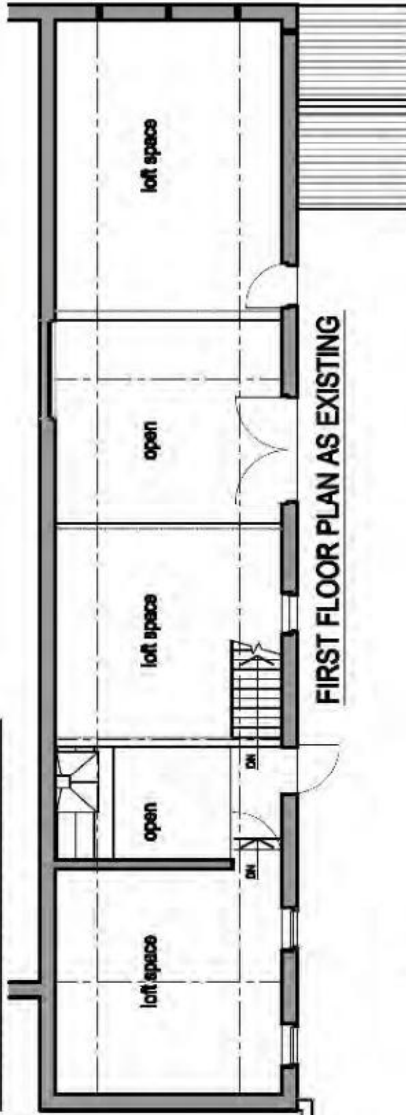
NOTES:-



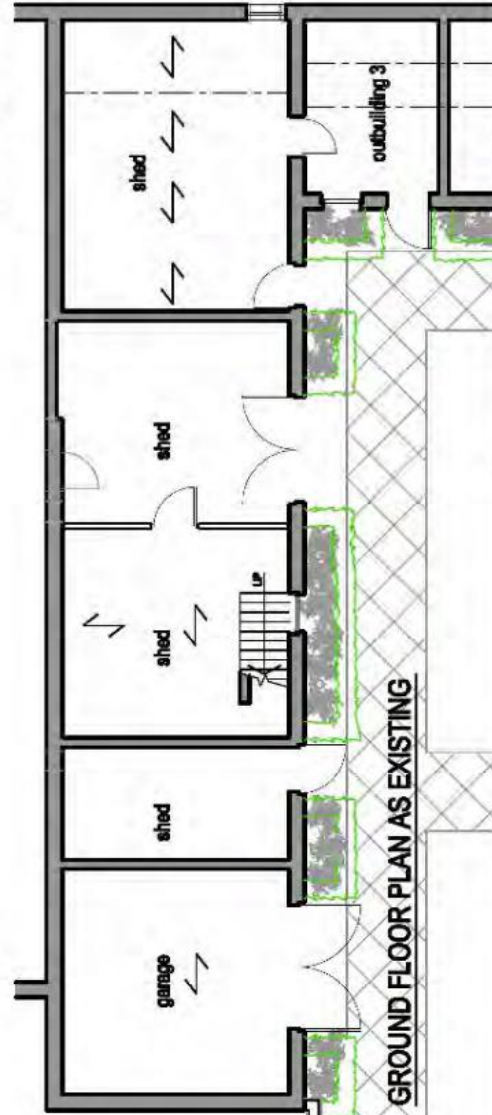
SOUTH ELEVATION AS EXISTING



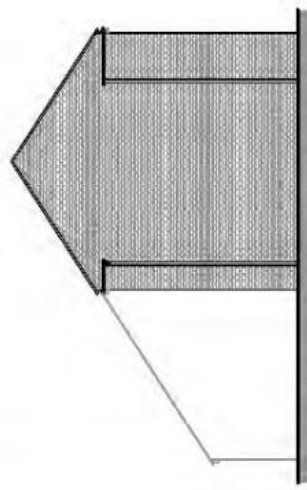
EAST ELEVATION AS EXISTING



FIRST FLOOR PLAN AS EXISTING

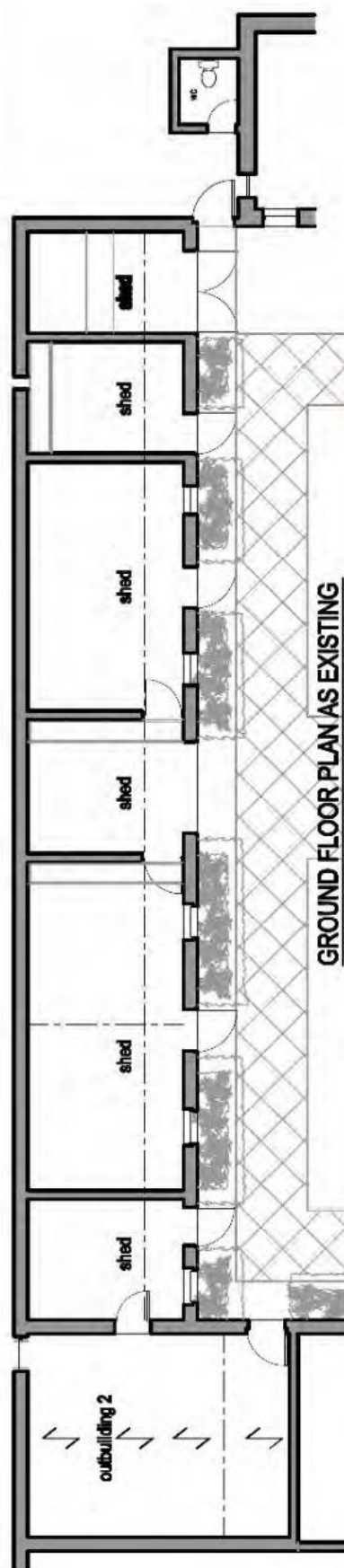
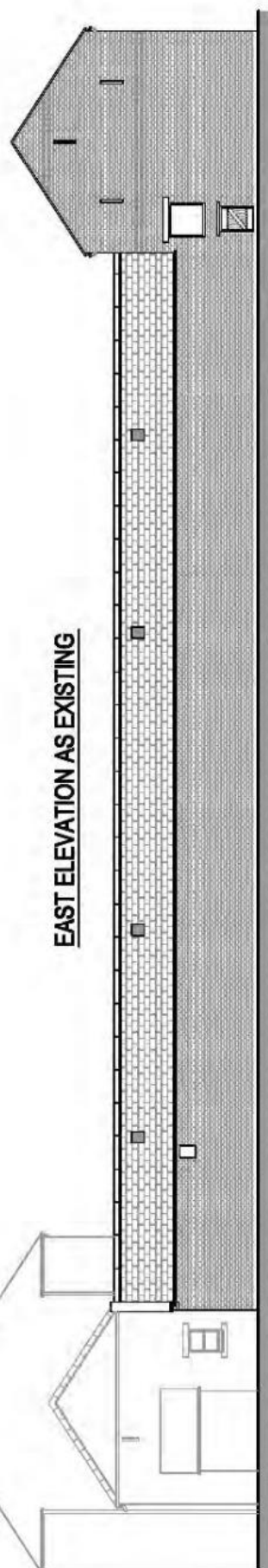
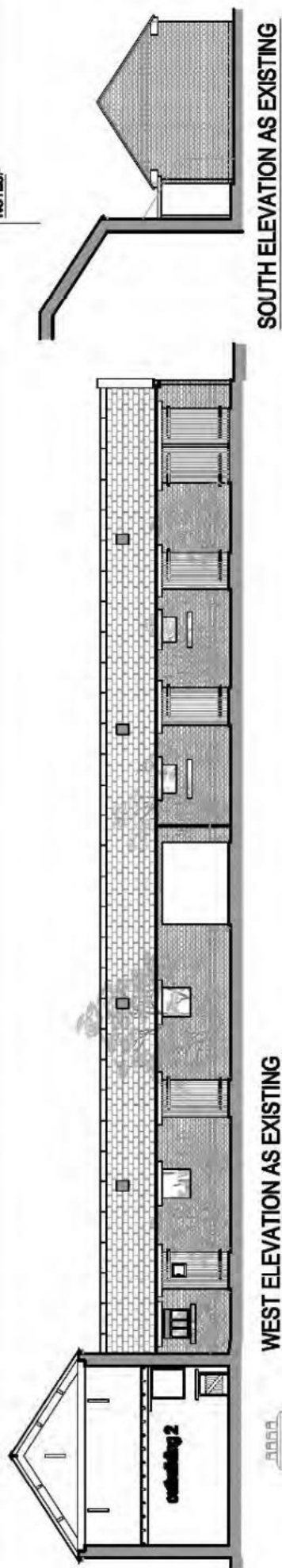


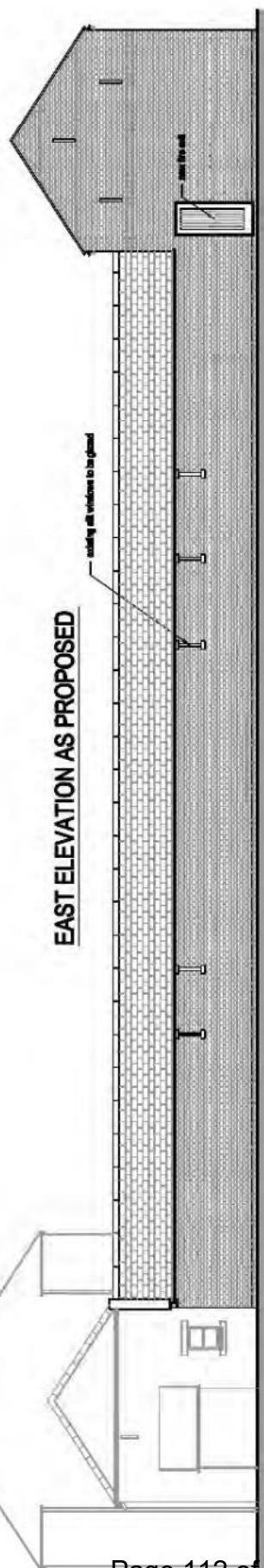
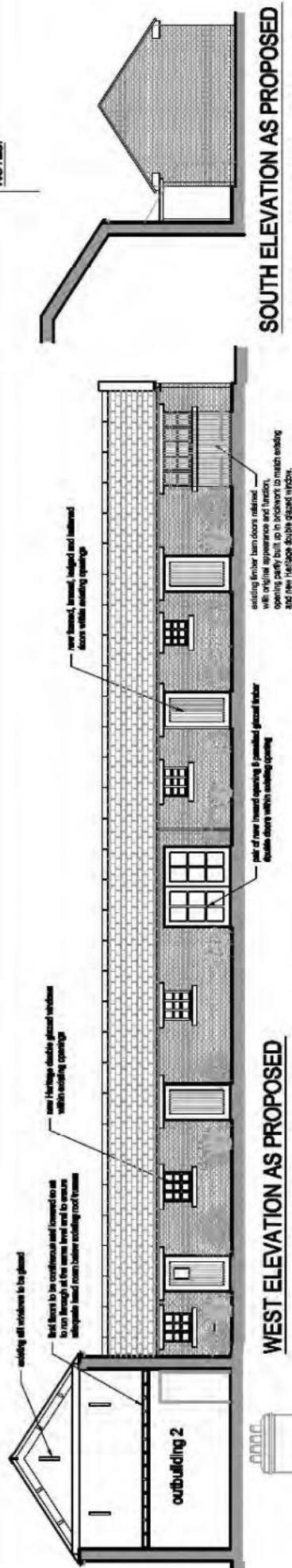
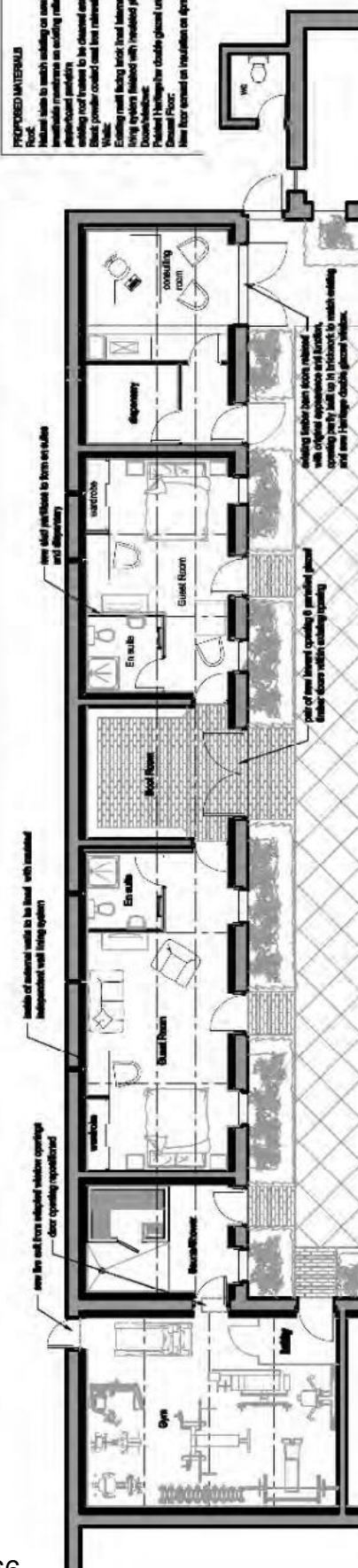
GROUND FLOOR PLAN AS EXISTING



WEST ELEVATION AS EXISTING

BROADSWATH DESIGN SERVICES		PLANNING		Outbuilding 2 as Existing	
Broadswath Design Services Broadswath College Broadswath Heath Hall, Stamilton, Cardiff CF4 8AQ Tel : 01222 894113 Mob : 07702 140282 Email : info@bds-services.com		Mr & Mrs Steven Carr - Baugh Ffronk, Westlinton, Cardiff CF4 8AQ		Date: 00.06.2020	
		Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.		0	
				13	
				Do Not Scale From This Drawing	

[illegible]

[illegible]

<p>Broadwath Design Services</p> <p>Broadwath College Broadwath Huddersfield, West Yorkshire HD15 8JH</p> <p>Tel : 01482 894113 Mob : 07805 14282 Email : info@bdsdesign.com</p>										<p>PLANNING</p> <p>Mr & Mrs Steven Carr - Baugh Flecken, Westwinton, Carlisle CA6 6AQ</p> <p>Proposed side extension and alterations to create garden room, detached triple garage, new access drive and conversion of outbuildings.</p>									
<p>Site: Mr & Mrs Steven Carr - Baugh Flecken, Westwinton, Carlisle CA6 6AQ</p>										<p>Project No: 16</p>									
<p>Scale: 1:125</p>										<p>Scale: 1:125</p>									
<p>Area: 0.062029</p>										<p>Area: 0.062029</p>									
<p>Notes: 0015000</p>										<p>Notes: 0</p>									

SCHEDULE A: Applications with Recommendation

21/0121

Item No: 03

Date of Committee: 23/07/2021

Appn Ref No:
21/0121

Applicant:
Mr & Mrs S Carr-Baugh

Parish:
Westlinton

Agent:
PFK

Ward:
Longtown & the Border

Location: Firbank, Westlinton, Carlisle, CA6 6AQ

Proposal: Erection Of Single Storey Side Extension To Provide Garden Room; Glazed Lobby Link Through To Outbuilding; Conversion Of Outbuildings To Domestic Use: Alterations To Outbuilding 1 To Create Utility, Boot Room & Storage Room; Alterations To Outbuilding 2 To Create Kitchen, W.C., Lounge/Dining Room And Gym On Ground Floor With Function Room, Office and Shower/W.C. Above; Alterations To Outbuilding 3 To Create 2no. En-Suite Bedrooms, Boot Room, Consulting Room With Dispensary, Sauna/Shower Room and Gym; Erection Of Detached Garage; Erection Of New Gateway And Boundary Treatments; Creation Of New Access (LBC)

Date of Receipt:
01/03/2021

Statutory Expiry Date
28/04/2021

26 Week Determination
26/07/2021

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Impact of the proposal on the character and setting of the Grade II Listed Building

3. Application Details

The Site

- 3.1 Firbank, is substantial late Georgian brick two storey former farm house, set

back from the C1016 county highway approximately 0.8 miles to the west of Westlinton. The dwelling is a Grade II Listed Building with its associated courtyard of single and two storey buildings curtilage listed. Immediately, to the north of the courtyard are a series of traditional and modern agricultural buildings which are under separate ownership.

- 3.2 The existing access to the property is via a shared driveway off the C1016 county highway which also serves the agricultural operation immediately to the north of Firbank.

The Proposal

- 3.3 The application seeks listed building consent for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room and storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of one neighbouring property and the posting of site and press notices. In response, three representations of objection has been received.
- 4.2 The representations identify the following issues:
1. questions adequacy of parking provision and access for emergency vehicles to serve development;
 2. questions procedure/publicity of 21/0121;
 3. questions ownership of outbuildings / land and ability to undertake proposals;
 4. proposals not in keeping with listed building;
 5. potential commercial use of function room, gym, dispensary and additional accommodation;
 6. position of CCTV cameras not illustrated on drawings;
 7. removal of trees and hedgerow to create driveway;
 8. impact on biodiversity;
 9. requests that should the applicant work for the council the transparency of the council is adhered to if the application goes to committee.

5. Summary of Consultation Responses

Westlinton Parish Council: - object to the application as it is considered that development is more of a commercial venture rather than a domestic extension. If that was so the applicants would have to have a change of use from domestic to business premises. A new access and the size of

development is not justified and there is very little actual detail.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP6 and HE3 of the Carlisle District Local Plan 2015-2030. Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA) which is also a material planning consideration.
- 6.3 The proposals raise the following planning issues:

1. Impact Of The Proposal On The Character And Setting of the Grade II Listed Building

- 6.4 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".

- 6.5 Members, therefore, must give considerable importance and weight to the desirability of preserving the listed building and its 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).
- 6.6 Protecting and enhancing the historic environment is also an important component of the National Planning Policy Frameworks drive to achieve sustainable development. Paragraph 184 highlights that: "heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

- 6.7 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.8 In considering potential impacts on heritage assets, paragraph 194 of the NPPF detailing 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 ...".
- 6.9 The aims of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF are reiterated at a local level. Policy HE3 of the local plan seeking to ensure that listed buildings and their settings are 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 harm.
- 6.10 In light of the foregoing it is considered that Members need to have cognizance of: a) the significance of the listed building and the contribution made to that significance by its setting; and then assess b) the effect of the proposal on the listed building and its setting (inclusive of their significance and on the appreciation of that significance).
- a) the significance of the listed building and the contribution made by its setting
- 6.11 Firbank is a Grade II listed building. By way of background, there are around 400,000 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, 5.8% of listed buildings are Grade II*. The final tier of listed buildings are Grade II listed buildings which are of special interest warranting every effort to preserve them. Over 90% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner.
- 6.12 Firbank was listed by Historic England as a Grade II Listed Building in 1984. The listing details are as follows:
- "Farmhouse. Early C19. Flemish bond brickwork with cream headers, graduated slate roofs, gutter modillions, brick chimney stacks. 2 storeys, 3 bays, and flanking single storey wings with hipped roofs. C20 6-panel door and glazed fanlight, has pilaster strip surround and moulded cornice. Sash windows with glazing bars have flat brick arches and stone sills".*
- 6.13 Firbank, is a substantial two storey former farm house, set back from the county highway. Located to the rear of the property is a range of single and

two storey outbuildings arranged around a courtyard. The character and setting of the property has evolved over the years through the subdivision of the dwelling from the farm and the erection of modern agricultural buildings within the adjacent farm yard.

b) the effect of the proposed development on the heritage asset and its setting

- 6.14 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjacent 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).
- 6.15 When considering potential impacts 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 193 of NPPF). As highlighted earlier in the report, paragraph 194 of the NPPF outlining 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 ...". Where a proposed development would lead to substantial harm or less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraphs 195 and 196 of the NPPF).
- 6.16 Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
- 6.17 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: "the surroundings in which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral". The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking.
- 6.18 As outlined earlier in the report, Firbank is a substantial two storey former farm house which is set back from the county highway. The proposal seeks listed building consent for the erection of a single storey extension and glazed

link, conversion of outbuildings to form ancillary domestic accommodation, erection of triple garage together with creation of new vehicular access and boundary treatments. The proposals also include the installation of CCTV cameras; however, for security reasons these drawings have not been published. The proposals would sympathetically utilise existing outbuildings with minimum alterations to the fabric of the buildings or their appearance. The proposed single storey extension, glazed link and garage would be finished in materials sympathetic to the listed building and its setting. The new vehicular access track would provide afford an opportunity to improve the entrance to the dwelling. The Council's Conservation Officer raises no objections to the conversion of the outbuildings as the proposal would sustain their maintenance and future survival. In respect of the new build elements, access and boundary treatments he again raises no objections and considers the glazed link to retain a degree of visual separation from the outbuildings.

- 6.19 In the context of the foregoing, the proposals would result in a less than substantial impact on the listed building and its setting and would secure the outbuildings optimum viable use. Accordingly, the benefits of the proposal clearly outweigh any perceived harm to the listed buildings and their settings.

2. Other Matters

- 6.20 Third parties have questioned the ownership of outbuildings and the ability to undertake the proposals together with potential trespass of visitors to Firbank. These issues are not material planning considerations, therefore, are not relevant in the determination of this application.
- 6.21 Another issue centred on publicity of the application and questions why two applications have been received which appear identical with the exception of one minor adjustment to the description. Firbank is a listed building, therefore, an application for planning permission is also required. Both applications have been correctly publicised by the posting of site and press notices.
- 6.22 Access for emergency vehicles to serve the dwelling was raised by third parties as the courtyard would be enclosed by the single storey extension and glazed link. This issue is not relevant in the determination of this listed building application as Members can only consider the impact of the proposals on the listed building.
- 6.23 One of the applicants is employed on a contractual basis by the City Council; however, they have not be involved in the determination of the application other than in their role as applicant.

Conclusion

- 6.24 The application seeks listed building consent for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room and storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground

floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatment; creation of new access.

- 6.25 The proposals would result in a less than substantial impact on the listed building and its setting and would secure the outbuildings optimum viable use. Accordingly, the benefits of the proposal clearly outweigh any perceived harm to the listed buildings and their settings.
- 6.26 In overall terms, the proposals accords with the objectives of the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP6 and HE3 of the Carlisle District Local Plan 2015-2030. Accordingly, the application is recommended for approval.

7. Planning History

- 7.1 In 2000, listed building consent was granted for internal alterations to reposition existing internal door and create a wet room in lieu of existing bathroom; installation of stair lift and modification of first floor bathroom (application reference 00/0804).
- 7.2 In 2004, full planning permission and listed building consent was granted for erection of partition wall, creation of archway opening through existing outbuildings and landscaping of farmyard (application references 04/0860 and 04/0859 respectively).
- 7.3 In 2018, full planning permission and listed building consent was granted for alterations to existing boundary walls and gates together with blocking up of openings within outbuilding (application reference 18/0257 and 18/0258 respectively).
- 7.4 In 2019, an application to discharge of condition 3 (construction details) of previously approved permission 18/0258 was approved (application reference 19/0314).
- 7.5 There is currently an application for planning permission pending a decision for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room and storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room; erection of detached garage; erection of new gateway and fencing; creation of new access (application reference 21/0120).

8. Recommendation: Grant Permission

1. The works identified within the approved application shall be commenced within 3 years of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas Act 1990.

2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:

1. the submitted listed building consent application form received 10th February 2021;
2. the Heritage Statement received 17th May 2021;
3. the Supporting Information received 17th May 2021;
4. the Window Details received 25th June 2021;
5. the Window Schedule received 1st July 2021;
6. the location plan received 10th February 2021 (Drawing No. 01 Revision 0);
7. the block plan as proposed received 10th February 2021 (Drawing No. 03 Revision 0);
8. the part ground floor plan as proposed received 10th February 2021 (Drawing No. 07 Revision 0);
9. the part first floor plan as proposed received 10th February 2021 (Drawing No. 08 Revision 0);
10. the elevations of dwelling and outbuilding 1 as proposed received 10th February 2021 (Drawing No. 09 Revision 0);
11. the proposed detached triple garage received 6th July 2021 (Drawing No. 010 Revision B);
12. the part elevations of dwelling and outbuilding 1 as proposed received 10th February 2021 (Drawing No. 11 Revision 0);
13. the new entrance drive received 10th February 2021 (Drawing No. 12 Revision 0);
14. the outbuilding 2 as proposed received 10th February 2021 (Drawing No. 14 Revision 0);
15. the outbuilding 3 as proposed received 10th February 2021 (Drawing No. 16 Revision 0);
16. the outbuilding 1 as proposed received 10th February 2021 (Drawing No. 018 Revision 0);
17. the Notice of Decision;
18. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. All new windows and doors to be installed in the development hereby approved shall strictly accord with detailed drawings and specifications that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include the frames, means of affixing to the wall, the size and opening arrangements of the window, the method of glazing, frames, cill and lintol arrangement.

Reason: To ensure that the works harmonise as closely as possible with the listed building, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

4. All new brickwork to be used in the development hereby approved shall closely match the appearance, texture, and size of the main building and to be bedded and pointed in a cement-free lime mortar to match that on page 18 of Historic England's "*Guidance on the Repointing of Brick and Stone Walls*". A sample area of the stonework for the proposed development, including proposed mortar and pointing detail, shall be prepared and approved in writing by the local planning authority in advance of commencement of development. The development shall then be constructed in strict accordance with the approved sample area.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

5. Following substantial completion of the works and prior to occupancy of the altered areas, a photographic record showing all external elevations and internal areas shall be submitted to the planning authority for the completeness of their records of the building.

Reason: To ensure that a permanent record is made of the buildings of architectural and historic interest prior to its occupation and to accord with the objectives of Policy HE3 of the Carlisle District Local Plan 2015-2030.

SCHEDULE A: Applications with Recommendation

20/0797

Item No: 04

Date of Committee: 23/07/2021

Appn Ref No:
20/0797

Applicant:
Genesis Homes (North)
Ltd

Parish:

Agent:
Sam Greig Planning

Ward:
Belah & Kingmoor

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

Proposal: Erection Of 33no. Dwellings

Date of Receipt:
23/12/2020

Statutory Expiry Date
27/03/2021

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

- 1.1 It is recommended that “authority to issue” approval be granted to the Corporate Director of Economic Development subject to the completion of a satisfactory S106 agreement to secure:
- a) the provision of the proposed level of affordable units (nine units at plots 19-21, 23-25 and 27-29 that would be made available at discounted sale, with the level of discount set at 30% below open market value);
 - b) a financial contribution of £5,500 towards speed limit changes and traffic calming measures;
 - c) a financial contribution of £122,770 to Cumbria County Council towards education provision;
 - d) the maintenance of the informal open space, play provision and SUDs within the site by the developer.
 - e) financial contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space.
- 1.2 If the legal agreement is not completed within a reasonable time then it is recommended that Authority be given to the Corporate Director of Economic Development to refuse the application.

2. Main Issues

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

3. Application Details

The Site

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

The Proposal

- 3.4 The proposal seeks Full Planning Permission for 33 dwellings on the site.

The proposal includes 7 different house types which includes 9 bungalows (comprising 5no.2 bed and 4no.3 bed bungalows), 15 semi-detached properties (comprising of 6no.2 bed and 9no.3 bed dwellings) and 9 detached properties (all of which will be 4 bed dwellings). The majority of the dwellings (with the exception of the Petteril house type which will be constructed from render) will be constructed from a mixture of three different facing brick types (Ibstock Glenfield Antique, Bespoke Brick Company Safier and Ibstock Ivanhoe Athena Blend) some with feature render panels under a marley modern light grey tiled roof. Windows would be anthracite grey upvc with fascia, barge boards and rainwater goods being black upvc.

- 3.5 The dwellings will have various designs and would utilise a range of features to add visual interest and variety. These would include the use of red sandstone effect artstone cills and lintels to the front elevations with brick cills to the rear corresponding associated brick type, single and two storey projections, open porches, and, some dwellings having integral garages or detached garages .
- 3.6 It is proposed to close the existing field access and create 2 new vehicular accesses from Stainton Road into the site. The principle access (a 5.5 metre wide carriageway with 2m wide footways), will be towards the northern extent of the road frontage opposite No.33 Stainton Road and will serve 30 dwellings. A secondary access, towards the southern extent of the road frontage, opposite Nos.25 and 27 Stainton Road, will be a private access drive to serve plots-1-3. Both accesses will be within the existing 30mph zone and can achieve visibility splays of 2.4x 60m in either direction. The submitted drawings also show that each residential unit will have 2no.incurtilage parking spaces. 7 visitor parking spaces will be provided as well as space within the curtilages of each dwelling for cycle parking provision.
- 3.7 The proposal also seeks to provide a 1.2 metre wide footpath from the main vehicular entrance through a landscaped area to the front of the site which will provide a link to an existing footpath that leads through Stainton Gardens.
- 3.8 The area of land on which the houses are to be sited measures approximately 113 metres in width and 116 metres in depth. The site boundary extends further northwards to include land that would be used for the provision of open space, a suds basin and associated outfall.
- 3.9 The application is accompanied by a range of supporting documents including a Design and Access Statement, Planning Statement, Archaeological Report, Preliminary Contamination Risk Assessment, Phase 2 Ground Investigation Report, Preliminary Ecological Appraisal, Ecological Impact Assessment, Transport Assessment, Flood Risk and Drainage Strategy, and, Soakaway Test Results.

4. Summary of Representations

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

Principle

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

Highway Issues

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

33. Unfenced land at the road junction just outside Stainton is "Common Land" therefore any passing places and remodelling will need to be with the agreement of the Parish Council and the "Commons Commissioners"

School Places

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

Impact Upon Neighbouring Properties

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

Ecological Issues

51. Area is rich in nature and there is little conservation in the plans;
52. Is it morally questionable for more greenfield land to be built upon damaging the environment?
53. Need to stop building on fields. Scotby village has seen 2/3 ugly housing developments in last couple of years destroy fields, hedges and animal habitats etc
54. Need to conserve greenery for health, planet's future and oxygen;
55. Site is close to local nature reserve and will have a negative impact upon wildlife in the area;
56. Site is a dog walking route;
57. Impact of construction noise on livestock;

- 58. Pollution impacts from standing traffic;
- 59. Field has been left to grow wild flowers in summer and hedges that surround it are home to birds and wild animals;
- 60. Environment Agency opinion on noise/air pollution should be sought;
- 61. Field is home to frogs and toads who enjoy the wet environment

Drainage

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

Other Matters

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

4.3 The comments received are summarised as follows:

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

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

- 1. Increased traffic that uses the road from the CNDR roundabout to Stainton village and Etterby;

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

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

1. Site is not allocated for housing in the Local Plan;
2. Before any housing is allowed there should be a thorough investigation of the impact upon local amenity for existing residents and upon local services in particular health and education as well as infrastructure;
3. Existing road infrastructure is inadequate to support the development;
4. Whole route is part of the National Cycle Network and would not like to see the development worsen safety issues for cyclists or pedestrians;
5. Important to seek views of Sustrans and Cycle UK;
6. Highway safety concerns along Etterby Road as there is no pavement, traffic travels too fast and there is heavy vehicles using the road to access Direct Rail Services and Michael Douglas Scrap Yard;
7. Measures should be explored to make Etterby Road safer such as 20-mph zone and Quiet Lanes and Home Zones before any development takes place;
8. Concern about pedestrian and vehicle safety of the junction of Etterby Road/Stainton Road;
9. Pleased to see developer putting in the footpath link however who is going to look after and maintain the path?
10. Is there any scope to improve the informal path that it links onto within Stainton Gardens as the existing path has steps down onto the road?
11. Issues with Stainton Lane from the CNDR due to its width;
12. Pleased to see highways recommending extending the 30mph zone and requiring a gateway feature but would like to see the speed limit reduced

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

5. Summary of Consultation Responses

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

parking plan; 6) construction traffic management plan; and, 7) construction surface water management plan.

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

Local Environment, Waste Services: - no objection.

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

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

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

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

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

Taking into account committed housing development, the catchment secondary school, Trinity Academy, has no space to accommodate the yield of 5 secondary school age pupils that is estimated to arise from this

development proposal. This situation is replicated within other secondary schools in the Carlisle area. Therefore, an education contribution of £122,770 (5 x £24,554) is required to help provide additional secondary school capacity.

Direct Rail Services: - no response received;

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

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

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

Planning - Access Officer: - no objection.

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

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

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP1, SP2, SP5, SP6, HO2, HO4, IP1, IP2, IP3, IP4, IP6, IP8, CC4, CC5, CM2, CM4, CM5, HE1, HE2, GI1, GI3, GI4 and GI6 of the Carlisle District Local Plan 2015-2030. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) and the Council's Supplementary Planning Documents (SPD) "Achieving Well Designed Housing", "Affordable and Specialist Housing" and "Trees and Development" are also material planning considerations.
- 6.3 The proposals raise the following planning issues:

1. The Principle Of Development

- 6.4 The main issue for Members to establish in consideration of this application is the principle of development. The application site is an unallocated greenfield site located on the edge of the urban area boundary of Carlisle in Etterby, as defined by the proposal maps which accompany the Carlisle District Local Plan 2015-2030.
- 6.5 When assessing whether the site is appropriate for residential development it is important to note that the National Planning Policy Framework (NPPF) outlines that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 6.6 The aims of the NPPF are reiterated in Policy HO2 of the Carlisle District Local Plan 2015-2030 (CDLP) which allows for windfall housing development other than those allocated within or on the edge of Carlisle, Brampton, Longtown, and villages within the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and subject to satisfying five criteria namely that 1) the scale and design of the proposed development is appropriate to the scale form, function and character of the existing settlement; 2) the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed; 3) on the edge of settlements the site is well contained within existing landscape features, is physically connected; and integrates with the settlement, and does not lead to an unacceptable intrusion into open countryside; 4) in the rural area there are either services in the villages where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and 5) the proposal is compatible with adjacent land users.
- 6.7 As stated above the application site is located in Etterby and consists of a greenfield site on the edge of the urban area of Carlisle. The site is immediately bordered by primary residential areas (as defined by the proposal maps which accompany the CDLP) to the south-east and on the opposite side of Stainton road to the south-west. The south-eastern boundary is surrounded by two storey dwellings that have residential curtilages adjacent to the application site. These properties are known as No.12 Stainton Road, the housing estate at Stainton Gardens (No.s 9-18) and a detached property 'The Beeches'. The residential dwellings located on the opposite site of Stainton Road to the south-west comprise mainly of two storey dwellings with the exception of the two northernmost properties which are bungalows.
- 6.8 The application site equates to 1.65 hectares and comprises part of a larger field. The area of land on which the houses are to be sited measures approximately 113 metres in width and 116 metres in depth. The site boundary extends further northwards to include land that would be used for the provision of open space, a suds basin and associated outfall. The site boundaries consist of a post and wire fence to the north-east which delineates an existing paddock, a mixture of fencing/hedging to the south-east which defines the existing residential curtilages and a hedgerow to

the south-west which delineates the frontage of the site along Stainton Road. The north-west and part of the north-eastern boundary are undefined as the site crosses the field.

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

2. Scale, Layout And Design Of The Development

- 6.11 The proposal will provide 33 dwellings which includes a mix of house types consisting of 9 bungalows (comprising 5no.2 bed and 4no.3 bed bungalows), 15 semi-detached properties (comprising of 6no.2 bed and 9no.3 bed dwellings) and 9 detached properties (all of which will be 4 bed dwellings). The site area, excluding the SUDS pond, open space area and drainage run, covers an area of 1.24ha with the development equating to 26.6 dwellings per hectare which is appropriate for an edge of city site.
- 6.12 The majority of the dwellings (with the exception of the Petteril house type which will be constructed from render) will be constructed from a mixture of three different facing brick types (Ibstock Glenfield Antique, Bespoke Brick Company Safier and Ibstock Ivanhoe Athena Blend) some with feature render panels under a marley modern light grey tiled roof. Windows would be anthracite grey upvc with fascia, barge boards and rainwater goods being black upvc. The dwellings will have various designs and would utilise a range of features to add visual interest and variety. These would include the use of red sandstone effect artstone cills and lintels to the front elevations with brick cills to the rear corresponding associated brick type, single and two storey projections, open porches, and, some dwellings having integral garages or detached garages .
- 6.13 It is proposed to create 2 new vehicular accesses from Stainton Road into the site. The principle access (a 5.5 metre wide carriage way with 2m wide footways), will be towards the northern extent of the road frontage opposite No.33 Stainton Road and will serve 30 dwellings. A secondary access, towards the southern extent of the road frontage, opposite Nos.25 and 27 Stainton Road, will be a private access drive to serve plots-1-3. The

submitted drawings also show that each residential unit will also have 2no. incurtilage parking spaces. 7 visitor parking spaces will be provided as well as space within the curtilages of each dwelling for cycle parking provision. A 1.2 metre wide footpath from the main vehicular entrance through a landscaped area to the front of the site is also proposed which will provide a link to an existing footpath that leads through Stainton Gardens.

- 6.14 The proposed development is well laid out and will encourage and promote the creation of a neighbourhood. The properties overlook one another thereby creating a degree of natural surveillance and the distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring.
- 6.15 In terms of the units there are a range of differing house types, which, aesthetically, will add variety to the estate and create its own identity. The dwellings incorporate reasonably sized garden areas that are comparable to the size of the units that they serve, thereby ensuring that the development does not appear cramped or overdeveloped. The size of the gardens and the way that the properties are laid out will help create a sense of space within the estate.
- 6.16 The scale and design of the proposed dwellings relate well to the size and vernacular of surrounding properties which comprise of a mixture of two storey and single storey properties. Each property has adequate incurtilage parking provision, together with access to the rear gardens for refuse/green recycling bins.
- 6.17 In light of the above, the layout, scale and design of the proposed development is acceptable.

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

- 6.18 The Council's Achieving Well Designed Housing Supplementary Planning Document (AWDHSPD) seeks to ensure minimum separation distances of 21m between primary facing windows and 12m between primary windows and blank gables.
- 6.19 The submitted layout plan indicates that the development would comply with the minimum distances set out in the AWDHSPD from existing residential properties that surround the site. For example the proposed dwellings which directly face onto Stainton Road will be 30 metres or more from the residential properties opposite. The gable of the bungalow on plot 31 will be sited more than 12 metres from No.s 15 and 16 Stainton Gardens, and, the primary windows serving the proposed bungalow on plot 30 and the two storey dwellings on plots 28-30 will be sited 21 metres from the two storey properties at Stainton Gardens which face onto the site. Furthermore plots 26-27 which will back onto a residential property known as 'The Beeches', (located beyond Stainton Gardens to the north-east) will have a separation distance of 59 metres. Additionally, the gable of plot 1 (a single storey bungalow situated in the south-eastern corner of the application site) will be

off set from the gable of No.12 Stainton Road.

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

4. Provision Of Affordable Housing

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

thresholds for larger housing developments outlined in the 'Affordable and Specialist Housing' SPD and strikes an appropriate balance between the aspirations of policies HO4 and HO10 (housing to meet specific needs) of the CDLP.

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

5. Highway Matters

- 6.29 Paragraph 108 of the NPPF confirms that when assessing specific applications for development it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be or have been- taken up, given the type of development and its location
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree
- 6.30 Paragraph 109 of the NPPF goes onto confirm that development should only be prevented or refused on highway grounds if there would be an

unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policies IP2 (Transport and Development) and IP3 (Parking Provision) of the CDLP require all development proposals to be assessed against their impact on the transport network and to ensure adequate levels of parking provision. Such policies generally require that proposals do not increase traffic levels beyond that of the capacity of the surrounding highway network.

- 6.31 The application site currently has an ungated vehicular access from Stainton Road in the south-eastern corner of the site adjacent to No.12 Stainton Road. It is proposed to close this existing access and create 2 new vehicular accesses from Stainton Road into the site. The principle access (a 5.5 metre wide carriageway with 2m wide footways), will be towards the northern extent of the road frontage opposite No.33 Stainton Road and will serve 30 dwellings. A secondary access, towards the southern extent of the road frontage, opposite Nos.25 and 27 Stainton Road, will be a private access drive to serve plots-1-3. Both accesses will be within the existing 30mph zone and can achieve visibility splays of 2.4x 60m in either direction which is in accordance with the Cumbria County Council's Development Design Guide (2017). The principle access can also achieve visibility splays of 2.4x 90 metres in either direction in accordance with Design Manual for Road and Bridges. The submitted drawings also show that each residential unit will have 2no. curtilage parking spaces. 7 visitor parking spaces will be provided as well as space within the curtilages of each dwelling for cycle parking provision.
- 6.32 The proposal also seeks to provide a 1.2 metre wide footpath from the main vehicular entrance through a landscaped area to the front of the site which will provide a link to an existing footpath that leads through Stainton Gardens. From the Officer site visit it was evident that the existing footpath leading through Stainton Gardens stops short of the application site. The applicant has confirmed that the landowner of Stainton Gardens, Riverside Housing Association, have agreed to provide the 'missing' footpath link from the proposed development to the existing footpath at Stainton Gardens. This can be ensured by a relevant grampian condition imposed upon any planning consent.
- 6.33 In terms of impact upon the highway network the Transport Statement (TS) statement accompanying the application confirms that the proposal is forecast to generate 30 two way vehicular trips during the morning peak hour and 26 two way trips during the evening peak hour, which volumetrically equates to one trip every 2.3 to 2 minutes during peak hours. The TS concludes that this level of traffic would not have a material impact on the capacity of the road network.
- 6.34 The TS also notes that the footpath link from the site to the adjacent Stainton Gardens development will improve pedestrian connectivity and the site is within walking distances to a number of amenities (including convenience stores on Kingmoor Road, Austin Friars School and Southwells Trade Centre). Public Rights of Way 109080 and 109079 are also accessible via Stainton Road as well as National Cycle Route 7 which runs along Stainton

Road. The nearest bus stops to the site are on the Etterby Road/Etterby Scaur junction.

- 6.35 The relevant Highway Authority has been consulted on the proposal and has raised no objections. The Highway Authority has confirmed that the visibility splays are achievable as they do not cross third party land. As the splays extend into the National Speed limit area the Highway Authority has advised that the 30mph speed limit should be relocated with a gateway feature to reduce vehicle speeds entering Stainton Road. The traffic calming measures and speed limit changes required are to be installed prior to the access being formed for the development at a cost of £5,500 which can be secured through a S106 agreement. The applicants agent has agreed to this request.
- 6.36 With regard to additional vehicle movements generated by the proposal the Highway Authority has confirmed that in order for the development to be considered acceptable passing places are required to permit vehicle movements north of the development towards the A689 (the bypass) not only for the 33 dwellings proposed but for any traffic which will have to serve the properties i.e refuse, delivery vehicles. The applicant has submitted a plan proposing the road widening of Stainton Road at two locations to enable the passing of vehicles. This is acceptable to the Highway Authority who have confirmed that the passing places will need to be constructed at the developers cost (including service diversions). The Highway Authority has clarified that the passing places will require a S278 Agreement and will need to be designed to take into account the traffic that may need to use them. The Highway Authority has confirmed that a condition should be included in any planning consent to ensure that the passing places are constructed in accordance with the agreed documents.
- 6.37 The Highway Authority has no objections to the proposed footpath which will link to Stainton Gardens as it will keep pedestrians away from the 90 degree bend in Stainton Road. A local Councillor has requested the provision of a public footpath/white lines on Etterby Road for pedestrians/cyclists. The Highway Authority has confirmed that following an assessment it is unlikely that such a provision would work within the existing highway boundary as the existing carriageway is 5m, widening at the Bridge to a maximum of 6.5m. The existing highway boundary would therefore make the provision of a built footway not feasible, as to meet the requirements of the Design Guide, a footway would need to be 2m wide, reducing the lane width down to 3m. Whilst the aim should be to provide footway links where possible, there is insufficient space in the existing network to facilitate a built footway and still allow 2 way traffic movements.
- 6.38 Overall the Highway Authority raises no objection to the proposal subject to £5,500 to deal with traffic calming measures and speed limit changes (which can be secured through a S106 agreement) and the imposition of conditions relating to 1) vehicles ramps; 2) full construction details of the passing places to be provided which shall be installed prior to occupation of the dwellings; 3) construction details of carriageways, footpaths etc within the development; 4) details of parking areas for loading, unloading and turning of vehicles; 5) construction vehicles parking plan; 6) construction traffic management plan;

and, 7) construction surface water management plan.

6. Foul And Surface Water Drainage

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

7. Open Space Provision

- 6.45 Policy GI4 of the CDLP states that new developments of more than 20 dwellings will be required to include informal space for play and general recreational or amenity use on site according to the size of the proposal. The

developer will be required to ensure that appropriate measures are put in place for the future management and maintenance of such spaces. On smaller housing sites, where on site provision is not appropriate the developer may be required to make commuted payments towards the upgrading of open space provision in the locality, especially if a deficit has been identified.

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

8. Education

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

Academy (2.2 miles).

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

9. Archaeology

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

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

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

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

11. Noise Issues

- 6.59 Direct Rail Services (DRS) which operates a 24 hour depot is located approximately 132 metres to the north-east of the proposed dwellings. DRS has been consulted on the development and has made no comments during the consultation period.
- 6.60 Officers in Environmental Health have been consulted on the application in relation to noise. Due to the proximity of the proposed development to the railway line, depot and associated sidings, Environmental Health has confirmed that prior to the occupancy of any residential unit, noise level measurements must be undertaken in at least two residential units in the development to verify that the noise from the roads and the railway do not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels must be reported to and approved in writing by the Local

Planning Authority. Environmental Health has also requested conditions to deal with noise and vibration, dust and electric car charging points. Advice has also been received regarding notification to all residents and businesses potentially affected by works. Suitably worded conditions and informative's have been added to the permission to deal with these issues. In such circumstances it is considered that the proposal would be able to provide satisfactorily living conditions for the occupiers of the proposed dwellings.

12. Biodiversity

- 6.61 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the development of residential dwellings on greenfield land. As such it is inevitable that there will be some impact upon local wildlife.
- 6.62 Natural England has been consulted on the development and originally requested that a further NVC plant community survey is undertaken since the proposals will directly impact on an area of rush pasture/marshy grassland with the implementation of the SUDs pond and associated drainage. An ecological assessment has subsequently been submitted which includes a National Vegetation Classification (NVC) survey and a Great Crested Newt (GCN) survey. A Biodiversity Net Gain calculation has also been undertaken.
- 6.63 In summary the site was considered to be of overall moderate ecological value. Some suitable habitat for GCN, which are known to be present in the wider area, was recorded on site. Suitable habitat for foraging and commuting bats, nesting birds, brown hare and hedgehog was also recorded. Surrounding habitats are considered to be of higher ecological value, providing suitable habitat for badgers and both aquatic and terrestrial habitats continue to offer suitable habitat for GCN.
- 6.64 Following the site assessment and in review of the findings, a series of ecological mitigation, compensation and enhancement measures to be incorporated into the works have been outlined. These include the production of a working Method Statement for GCN which will incorporate exclusion fencing (where necessary) and ecological supervision; commencing clearance works outside of bird nesting season (March to August) or pre-start surveys for nesting bird species if this is not feasible; further surveys of trees with potential for bats if they are to be removed; precautionary measures in relation to brown hare and hedgehog; adequate protection of retained

vegetation; implementation of a sensitive lighting scheme; pollution prevention measures; the appropriate disposal of non-native plant species; wildlife friendly landscaping (in line with the Biodiversity Net Gain calculation of 5.14%) and possible incorporation of enhanced bat roosting and bird nesting opportunities on-site using bat and bird boxes. Providing the recommendations are implemented in full the ecological assessment concludes that there will not be a significant impact upon protected species or their habitats as a result of the proposed works.

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

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

- 6.67 The application site is defined by a hedgerow along the road frontage with Stainton Road, a combination of fencing/hedging to the south-east together with a post and wire fence to the north-east which delineates an existing paddock.
- 6.68 The submitted plans illustrate that the landscaping along the peripheries of the application site will be retained with the exception of where the visibility splays to the accesses are to be formed and supplemented with additional landscaping. A new native hedgerow is to be formed along the north-western boundary behind plots 12-21. The hedgerow will be interspersed with native trees to contain the development and provide a natural backcloth. In such circumstances it is considered that the development scheme provides a suitable landscaping scheme which mitigates for the loss of part of the hedgerow which is to be removed thereby ensuring that the development will be fully integrated into its surroundings. Subject to a relevant conditions being imposed regarding tree/hedgerow protection measures being in place during development works the proposal will not have an adverse impact upon any retained landscape features.
- 6.69 The site is identified as sub type 6d - urban fringe in the landscape maps which accompany the Cumbria Landscape Character Guidance and Toolkit (CLCGT) . The CLCGT states that the characteristics of such landscapes have long term urban influences on agricultural land; recreational, large scale buildings and industrial estates are common; and wooded valleys, restored woodland and some semi-urbanised woodland provide interest. The vision for this landscape type is to enhance through restoration. Guidance for development is to protect countryside and 'green' areas from sporadic and

peripheral development through local plans; careful siting of any new development in non prominent locations; strengthen undeveloped areas of land with mixed woodland and hedgerow planting and restoration of natural landscape features; along major roads, develop schemes to improve visual awareness of individual settlements, land uses and cultural landmarks.

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

14. Contamination

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

15. Crime

- 6.73 As previously stated in paragraph 6.14 the proposed development is well laid out and will encourage and promote the creation of a neighbourhood. The properties overlook one another thereby creating a degree of natural surveillance and the distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring. The Crime Prevention Officer has been consulted on the proposed development and has raised no objections. Advice has however been provided with regard to physical security measures which has been forwarded to the applicant.

16. Other Matters

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

Conclusion

- 6.82 The proposal is in accordance with the principles of the NPPF as the

application site is located in a sustainable location on the edge of Carlisle. The site is physically connected to the built form of Carlisle as it is bounded by residential dwellings immediately to the south- east and south west. In such circumstances and given the additional landscaping proposed along the north-western boundary of the site the proposal is considered to be well contained and would not result in a prominent intrusion into the open countryside. In such circumstances the principle of additional windfall housing in this sustainable location is deemed acceptable.

- 6.83 The scale, layout and design of the development is acceptable and it is considered that the development would not have a significant impact upon the landscape character of the area, the buffer zone of Hadrian's Wall World Heritage Site, the living conditions of existing and future occupiers or crime.
- 6.84 Subject to suitably worded planning conditions and a S106 agreement it is considered that the character of the area can be safeguarded through an appropriate landscaping scheme and that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, , biodiversity, trees/hedgerows, archaeology, noise, contamination, education and open space.
- 6.85 The level of affordable housing proposed and tenure split would also be appropriate for the site. The provision of 9 bungalows in the housing scheme would also help to meet an identified need of an ageing population outlined in the Council's Affordable and Specialist Housing Supplementary Planning Document.
- 6.86 On balance, having regard to the Development Plan and all other material planning considerations, the proposal is considered acceptable.
- 6.87 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 agreement to secure:
- a) the provision of the proposed level of affordable units (nine units at plots 19-21, 23-25 and 27-29 that would be made available at discounted sale, with the level of discount set at 30% below open market value);
 - b) a financial contribution of £5,500 towards speed limit changes and traffic calming measures;
 - c) a financial contribution of £122,770 to Cumbria County Council towards education provision;
 - d) the maintenance of the informal open space, play provision and SUDs within the site by the developer.
 - e) financial contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space.
- 6.88 If the legal agreement is not completed within a reasonable time then it is recommended that Authority be given to the Corporate Director of Economic Development to refuse the application.

7. Planning History

7.1 The planning history of the site is as follows:

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

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

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

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

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

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

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

If permitted the proposal would result in the intensification of the existing scattered development in the area.

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

The proposal would result in an inappropriate and over intensive form of

development which would be out of keeping with the established form of development in the vicinity and would this seriously detract from the amenities of adjacent properties.

8. Recommendation: Grant Subject to S106 Agreement

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

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

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

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

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

29. the Notice of Decision;
30. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

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

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

This written scheme will include the following components:

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

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

5. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

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

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

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

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

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

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

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

9. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to

inconvenience and danger to road users. To support Local Transport Policies LD8.

10. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - details of proposed crossings of the highway verge;
 - retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
 - cleaning of site entrances and the adjacent public highway;
 - details of proposed wheel washing facilities;
 - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - construction vehicle routing;
 - the management of junctions to and crossings of the public highway and other public rights of way/footway;
 - Details of any proposed temporary access points (vehicular / pedestrian); and
 - surface water management details during the construction phase.

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

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

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

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

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

13. Prior to the commencement of development details of all pollution prevention measures to take place during the construction of the SUDS pond and swale

shall be submitted to and approved in writing to the local planning authority. The development shall then proceed in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

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

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

The drainage schemes shall be completed, maintained and managed in

accordance with the approved details and retained thereafter for the lifetime of the development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected along the western boundary of plots 1, 2, 3, 11 and 12 (other than those shown in any plans which form part of this application), without the approval of the Local Planning Authority.

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

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

Site investigations should follow the guidance in BS10175.

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

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

Note:
Do not scale from this drawing.
This drawing is copyright of Ergo Projects Ltd.
All dimensions to be checked prior to any work commencing. Any discrepancies to be reported to Ergo Projects immediately.



TOTAL SITE AREA - GROSS
= 4 Acres - 1.65 Hectares

TOTAL SITE AREA - NETT
= 2.25 Acres - 0.92 Hectares

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

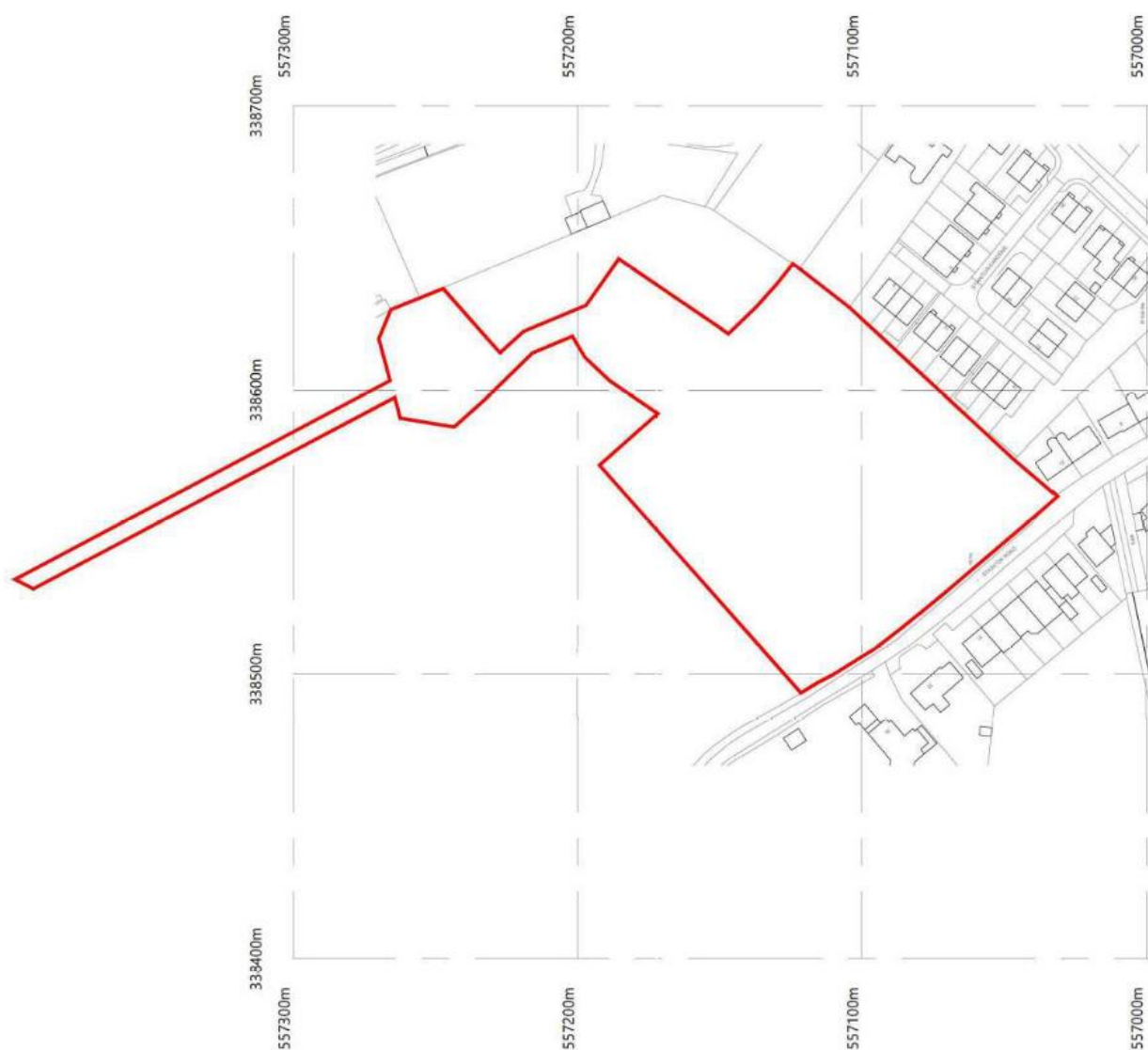


0191 229 0231
info@engprojects.co.uk
Aure Business Centre, High Street,
Newburn, Newcastle upon Tyne, NE15 6LN
www.engprojects.co.uk

PROJECT:
Stalnton Road
Etterby

TABLE	Location / Redline Boundary Plan
-------	-------------------------------------

DATE OF DRAWING	DATE OF DRAWING	DATE OF DRAWING
October 2000	October 2000	October 2000
PROJECT NO.	PROJECT NO.	PROJECT NO.
661	661	661
SCALE	SCALE	SCALE
1:1250	1:1250	1:1250
SHEET SIZE	SHEET SIZE	SHEET SIZE
A3	A3	A3
REVISION	REVISION	REVISION
C	C	C
DATE	DATE	DATE
AR	AR	AR
CHARTER	CHARTER	CHARTER



©Crown Copyright and database rights 2020 OS Licence no. 100059809

Note:
Do not scale from this drawing.
This drawing is copyright of Ergo Projects Ltd.
All dimensions to be checked prior to any work commencing. Any discrepancies to be reported to Ergo Projects immediately.

For: Genesis Homes



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



OPEN SPACE
= 0.52 Acres - 0.21 Hectares



557200m

557100m

557000m



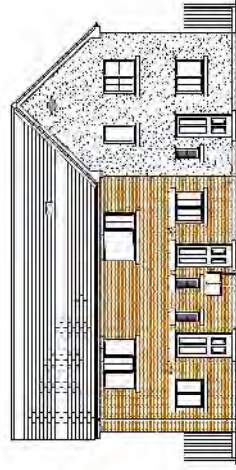
- J** 08.04.21 Additional visitor parking added and (temp. tarmac road amended) (existing trees and red line boundary amended)
- I** 03.03.21
- H** 02.02.21 Road hump & additional VPA added, plot 1 & 27-29 re-handled, plots 12 & 28 red boundaries amended to 1.5m and 2.5m respectively
- G** 17.11.20 House types on plots 2, 16, 27-29 amended with a total of 33 plots
- F** 12.11.20 Red-line boundary amended to suit new layout and drainage proposals
- E** 04.11.20 Re-design down to 34 plots
- D** 28.10.20 Planning Issues
- C** 13.10.20 Plot 5 & 23 swapped & VP re-located further to request from SM on 13.10.20
- B** 05.08.20 Layout amended further to meeting with SM on 13.10.20
- A** 01.09.20 Mix amended per email from SM dated 02.08.20

ergo
0191 229 8231
info@ergoprojects.co.uk
www.ergoprojects.co.uk

PROJECT:
Stainton Road
Enderby

PROPOSED SITE LAYOUT

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

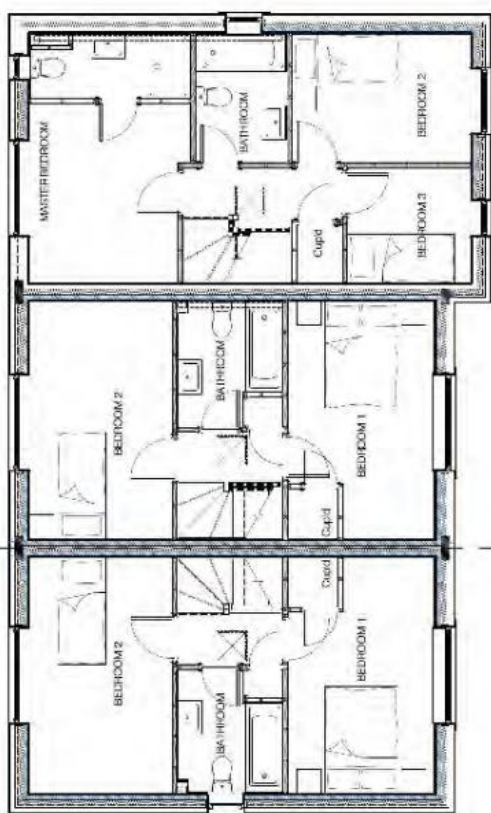


The Caldew Caldew Petteril (Terrace)

2/3 Bedroom Terrace..

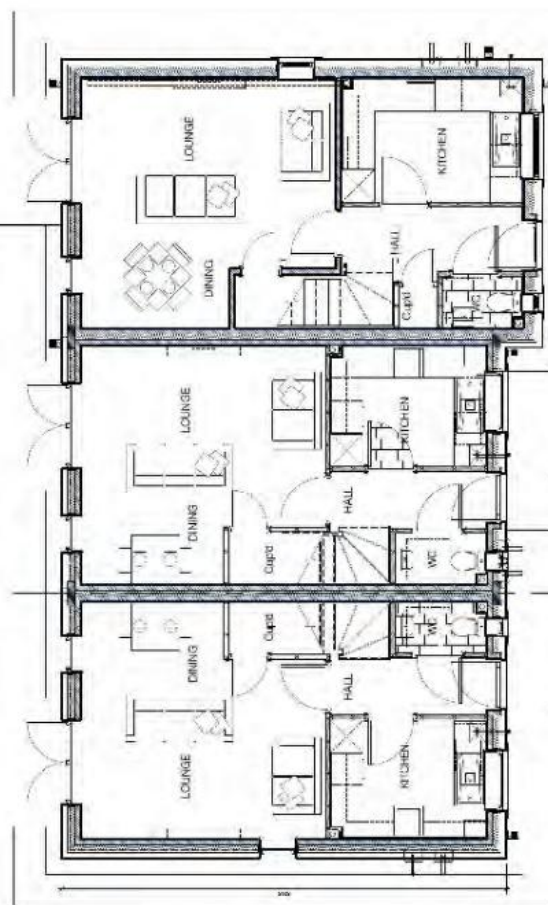
Area

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



FIRST FLOOR PLAN

The Caldwell
The Caldwell Link
The Petterill



GROUND FLOOR PLAN



FLOOR PLANS

10.1111/j.1365-3113.2011.04524.x

© 2000 by The Cable News Network, Inc. All rights reserved. CNN and the CNN logo are trademarks of The Cable News Network, Inc. All other trademarks are the property of their respective owners.

Nov. 14, 1966, 7:50 pm (7:10 am EST)

Rev L Jan 2000 GH Design

2025-01-19 11:19:19

Rev J May-2019

REV. H. DEODHIA

Rev G 21-02-15 Design Asst

Rev F 11-05-18 Site Facts

Rev. 01-02-15
Rev. 03-01-15

Rev C 00-10-17

Rev B 28.07.17 3 Rows up

REV A 12-06-17 ISSUE FOR C

四二

10

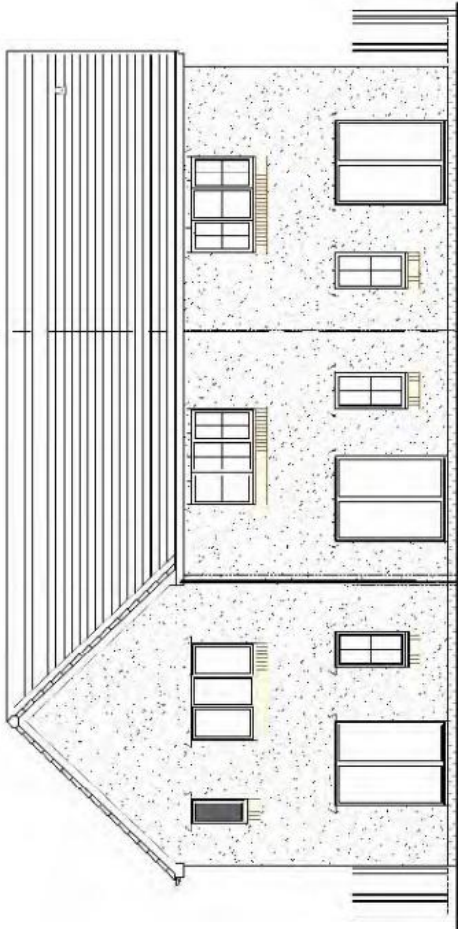
Cal. Cal. Pat. 5,105,110

011-0016363-4000-0000

© Genesis Homes 2011



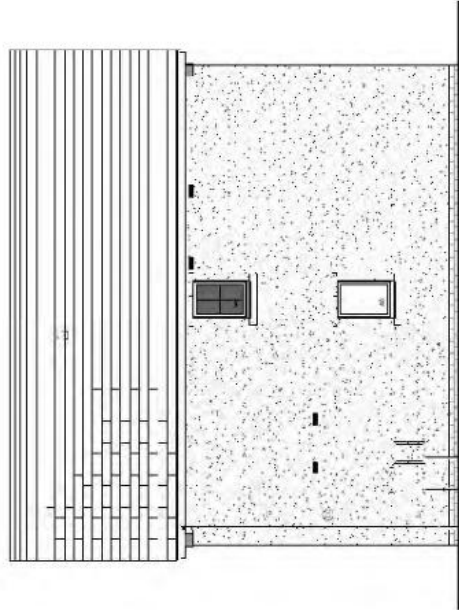
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



ELEVATIONS

Rev L Jan-2020 GH Design review approval
Rev K Dec-2019 GH Design review approval
Rev J May-2019 GH Design review approval
Rev I Feb-2019 GH Design review approval
Rev H Dec-2018 Design review update
Rev G 21-09-18 Design review update
Rev F 11-02-18 Design review update
Rev E 05-01-18 Design review update
Rev D 05-01-18 Design review update
Rev C 05-01-17 Design review update
Rev B 28-07-17 Design review update
Rev A 12-06-17 Issue for Construction

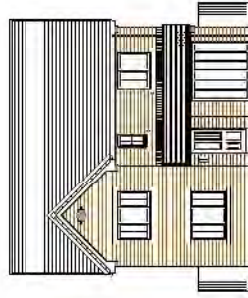
Scale: 1/8" = 1'-0"

1:50/100

1/8"

Cal-Cal-Pet-S105-180- L

© Genesis Homes 2017



The Eden

4 Bedroom detached property.

Area

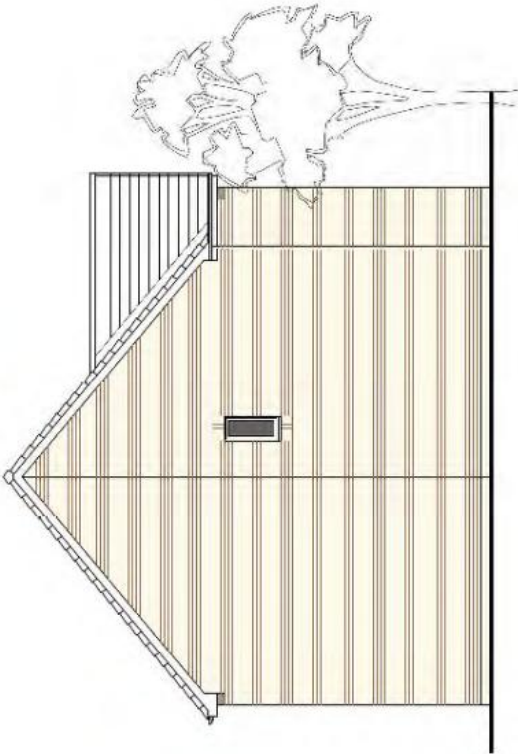
Ground Floor 55.63 sq m

First Floor 67.55 sq m

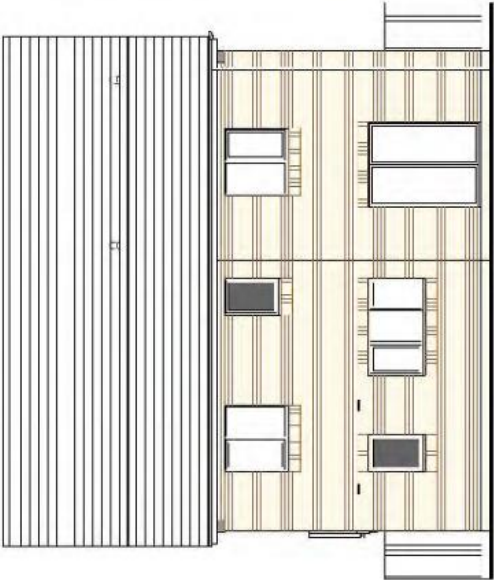
Total 123.18 sq m (1326 sq ft).

Garage 13.56 sq m

© Genesis Homes 2017



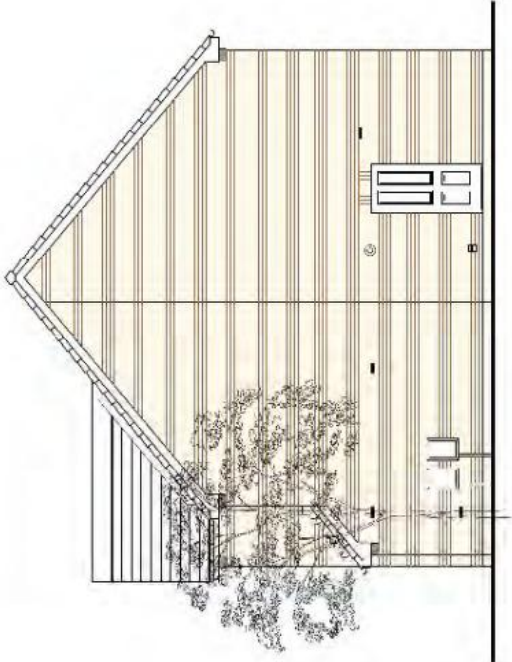
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



ELEVATIONS

Rev. M May-2020 G11 Design review amend
Rev. L Dec-2019 G10 Design review amend
Rev. K Dec-2019 G11 Design review amend
Rev. J May-2019 G11 Design review update
Rev. I Feb-2019 G11 Design review update
Rev. H Dec-2018 Design review update
Rev. G 21-Jul-18 Design review update
Rev. F 11-Dec-18 Design review update
Rev. E 01-Dec-18 Design review update
Rev. D 06-Jul-18 General update
Rev. C 04-Jul-17 General update
Rev. B 28-Jul-17 B Regn update
Rev. A 12-Jul-17 Issue for Construction

Scale: 1/8" = 1'-0"
1:50/100

Project Name: Eden -180-
Sheet: M

© Genesis Homes 2017



The Ellen (NG1)

4 Bedroom detached property.

Area

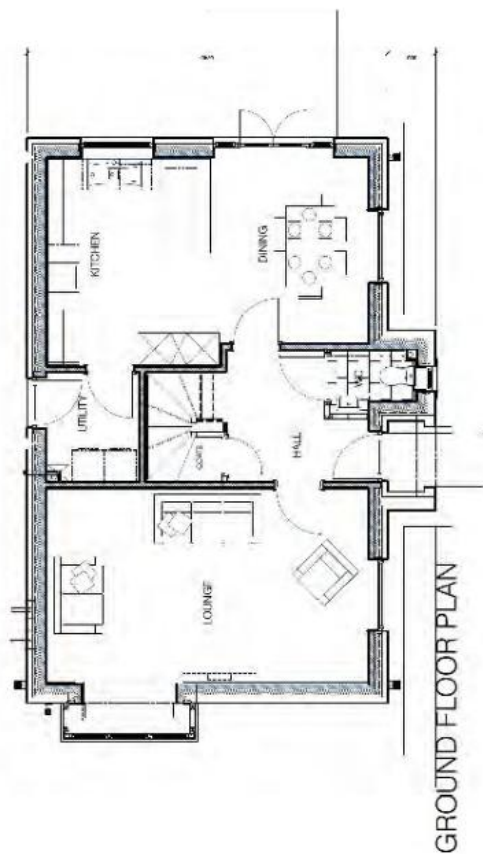
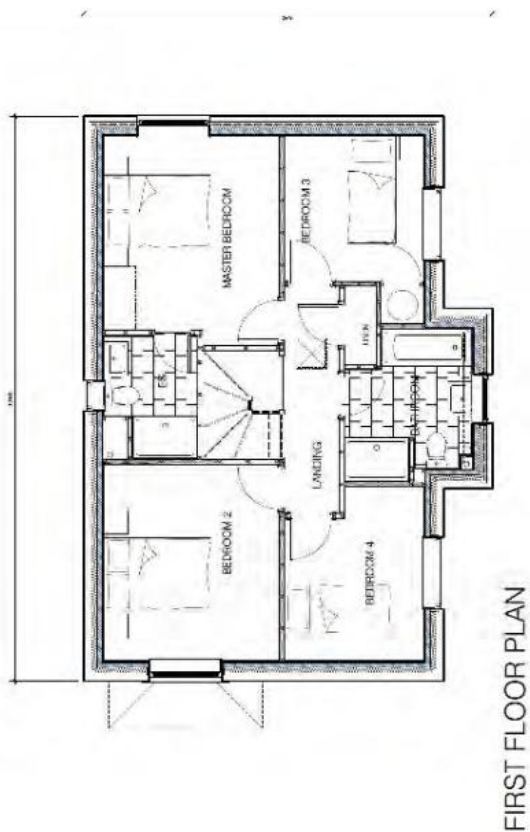
Ground Floor 60.69 sq m

First Floor 61.06 sq m

Total 121.75 sq m (1311 sq ft).

Garage 14.8 sq m (159 sq ft).

© Genesis Homes 2017



FLOOR PLANS

14 JANUARY 2015

The Elm V1 will include three Garages
4 Bedrooms and 2 Bathrooms.

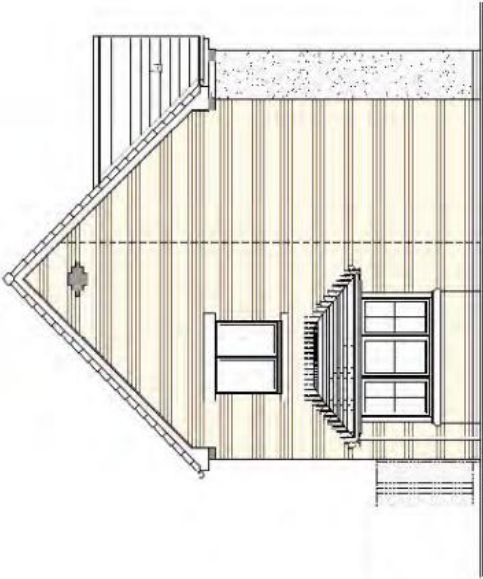
Area:
House 14.25m x 10.0m (142.5m²)
Garage 14.0m x 5.0m (70.0m²)

14 JANUARY 2015

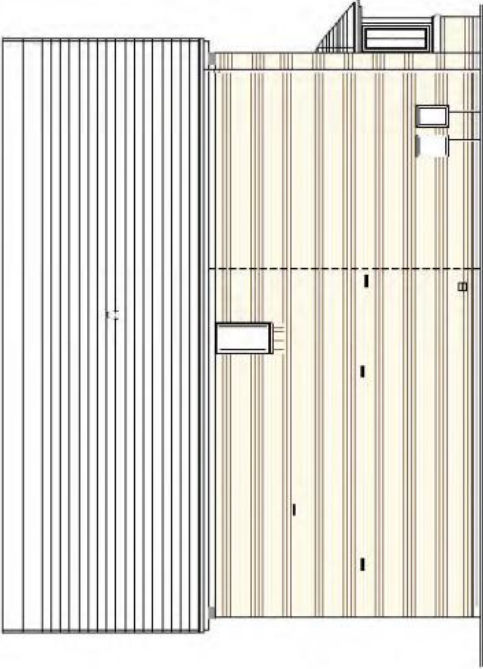
1:50/100

Elm V1 NG1-110-M

© Genesis Homes 2017



FRONT/SIDE ELEVATION



SIDE ELEVATION

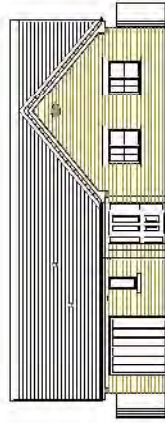


FRONT/SIDE ELEVATION



REAR ELEVATION





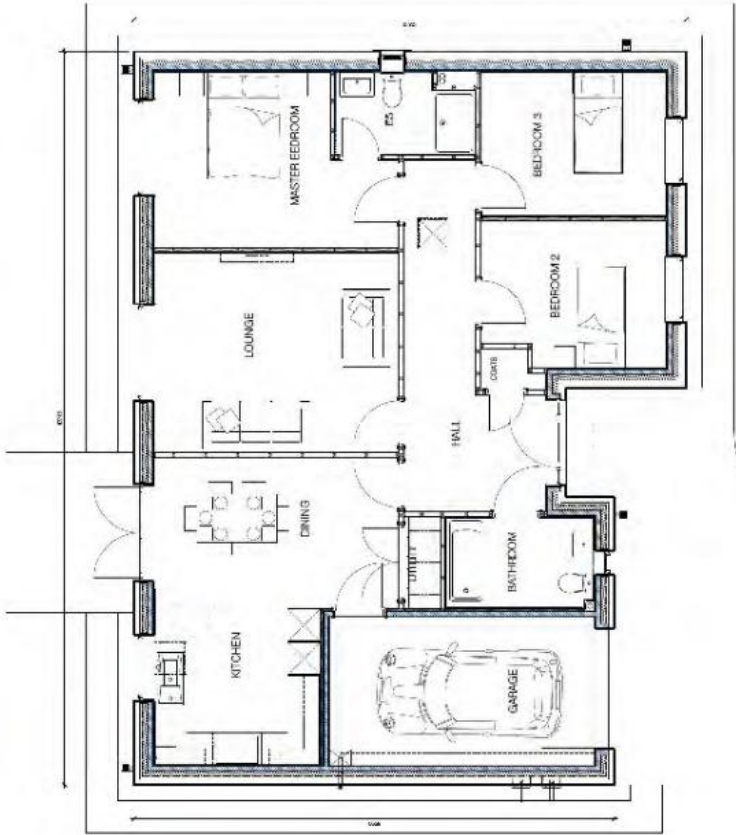
The Esk Bungalow

3 Bedroom Bungalow.

Area

Bungalow: 96.62 sq m (1040 sq ft).

Garage: 13.98 sq m (150 sq ft)



FLOOR PLAN



FLOOR PLANS

PLANNINGS

The Gen.
2. Revision 18/10/2017

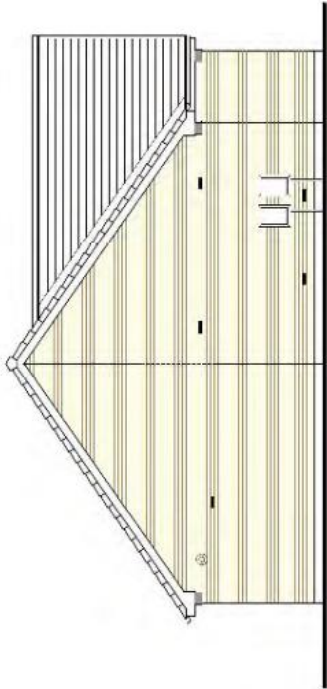
Area:
60.00 m² (646 sq ft)

- Rev L Jun-2020: SH Design review amend
- Rev K Oct-2019: SH Design review amend
- Rev J May-2019: SH Design review amend
- Rev I Feb-2019: SH Design review amend
- Rev H Dec-2019: Design Review update
- Rev G 21-03-19: Design Review update
- Rev F 11-06-18: SH Feedback Added
- Rev E 05-07-18: SH Feedback Added
- Rev D 05-01-18: SH Feedback Added
- Rev C 05-10-17: SH Feedback Added
- Rev B 28-07-17: SH Feedback Added
- Rev A 12-06-17: Issue for Construction

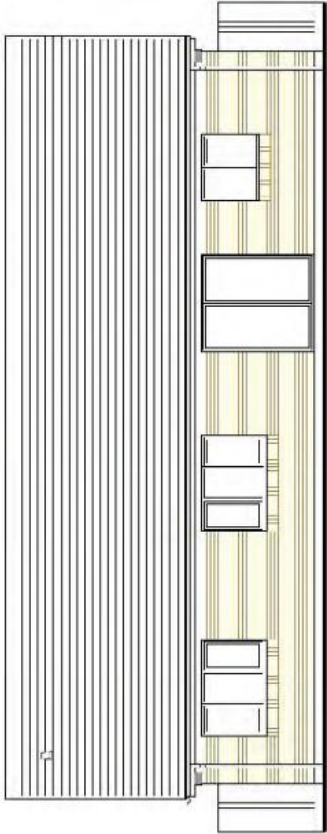
Scale: 1:50/100

Plot No: M42-110-
Esk: L

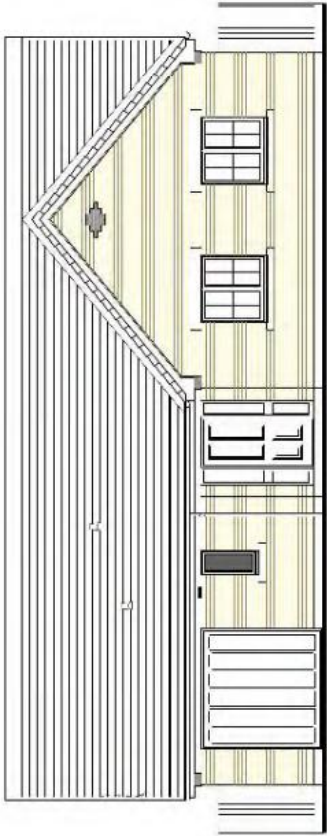
© Genesis Homes 2017



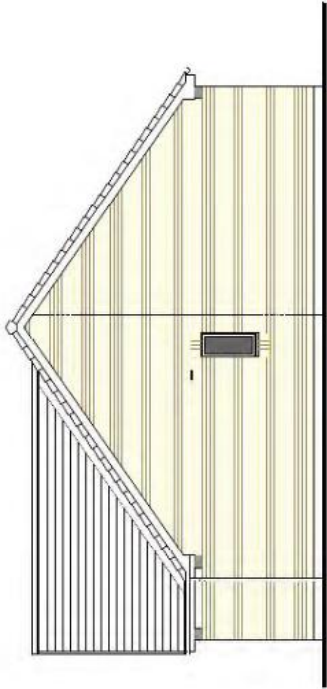
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION

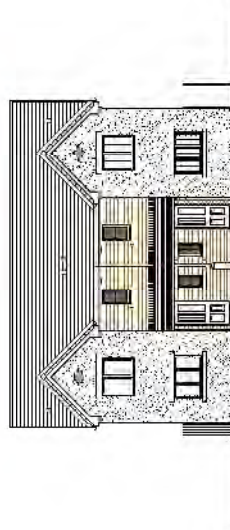


ELEVATIONS

Rev. L: 06-2020 GH Design review amend
Rev. K: Dec-2019 GH Design review amend
Rev. J: May-2019 GH Design review amend
Rev. I: Feb-2019 GH Design review update
Rev. H: Dec-2018 GH Design review update
Rev. G: 21-09-18 GH Design review update
Rev. F: 11-05-18 GH Design review update
Rev. E: 01-02-18 GH Design review update
Rev. D: 06-01-18 GH Design review update
Rev. C: 06-10-17 GH Design review update
Rev. B: 28-07-17 GH Design review update
Rev. A: 12-05-17 GH Design review update

DATE: 01-03-2020
1:50/100

PROJECT: 180-
Esk M42-180-
L

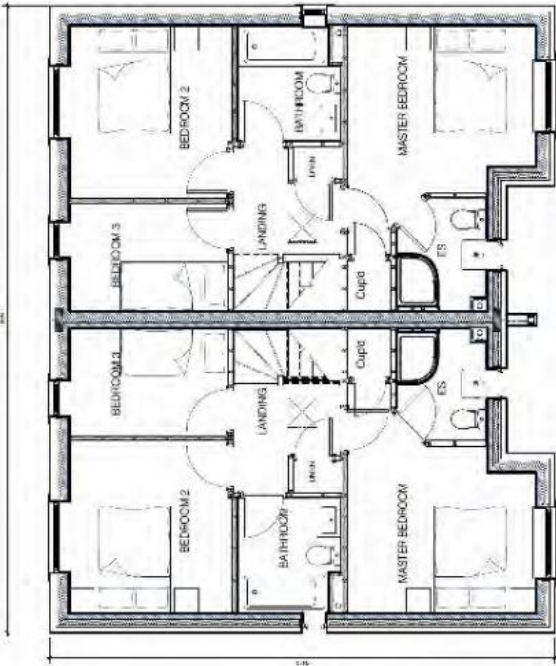


The Gelt (Semi V2)

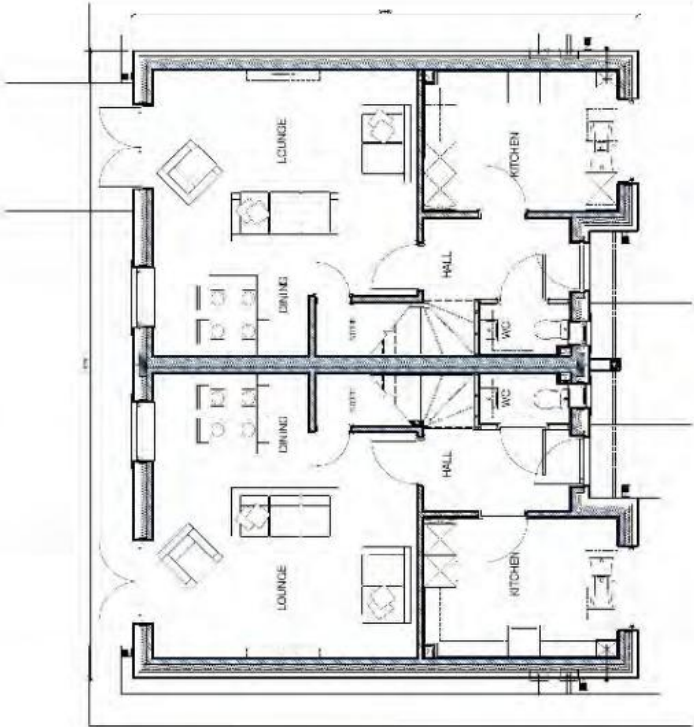
3 Bedroom Semi property.

Area

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



FIRST FLOOR PLAN



GROUND FLOOR PLAN



FLOOR PLANS

HARRING 1002
The Oak Street
3 Bedroom Semi property
3 Storey

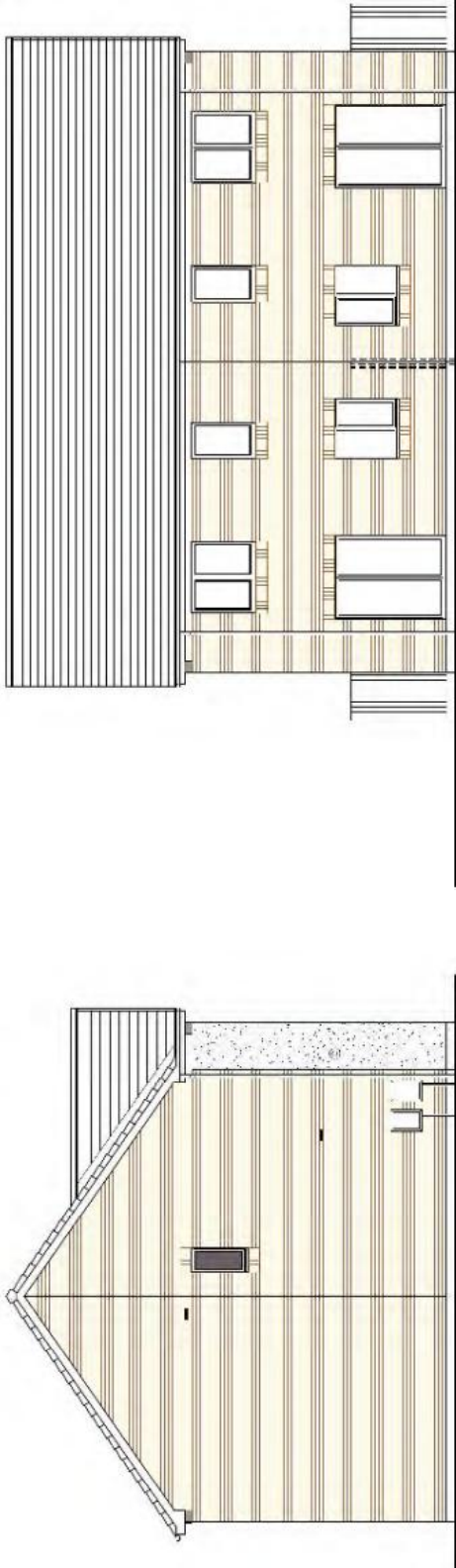
Area
100sqm (1000sq ft)

- Rev L 30/03/2020 GH Design review amend
- Rev K 26/03/2019 GH Design review amend
- Rev J 14/03/2019 GH Design review amend
- Rev I 14/03/2019 GH Design review update
- Rev H 21/03/2019 GH Design review update
- Rev G 21/03/2019 GH Design review update
- Rev F 11/03/2019 GH Design review update
- Rev E 05/03/2019 GH Design review update
- Rev D 05/03/2019 GH Design review update
- Rev C 05/03/2019 GH Design review update
- Rev B 28/02/2019 GH Design review update
- Rev A 12/02/2019 GH Design review update

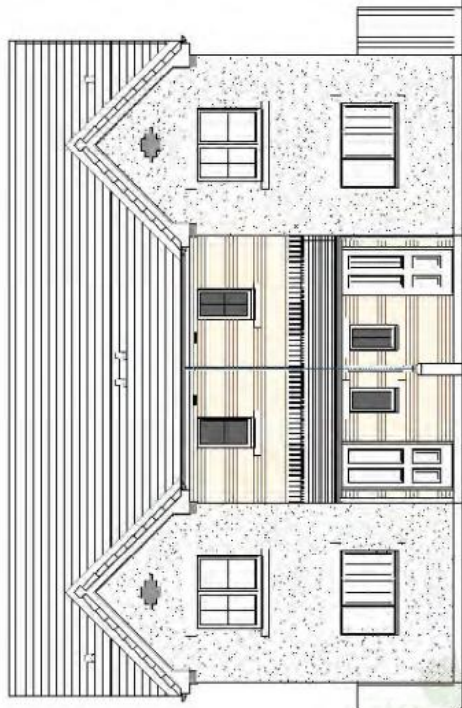
Scale 1:500
1:50/100

Get Semi-110- L

© Genesis Homes 2017



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



Rev L Jan-2020 GH Design review amend
Rev K Dec-2019 GH Design review amend
Rev J May-2019 GH Design review amend
Rev I Feb-2019 GH Design review update
Rev H Dec-2018 Design review update
Rev G 21-09-18 Design review update
Rev F 11-03-18 Design review update
Rev E 01-02-18 Design review update
Rev D 05-01-18 General update
Rev C 09-12-17 General update
Rev B 26-07-17 5 Page update
Rev A 12-06-17 Issue for Construction

Scale: 1:50/100

Project Name: Galt Sami-160- L

© Genesis Homes 2017

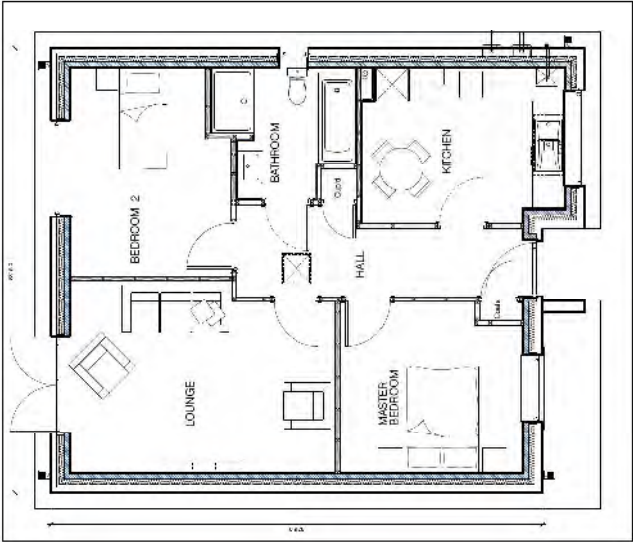


The Dee

2 Bedroom Bungalow.

Area

Total 66.01 sq m (711 sq ft).

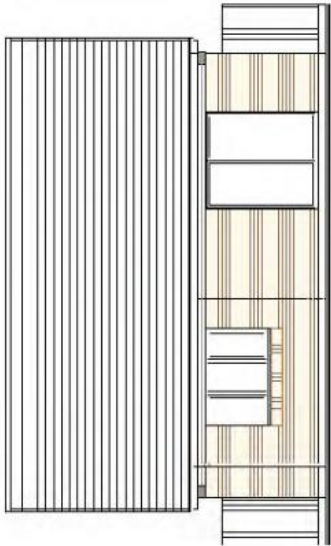


GROUND FLOOR PLAN

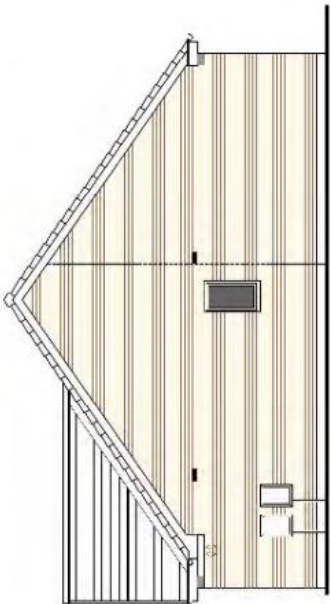


FLOOR PLANS

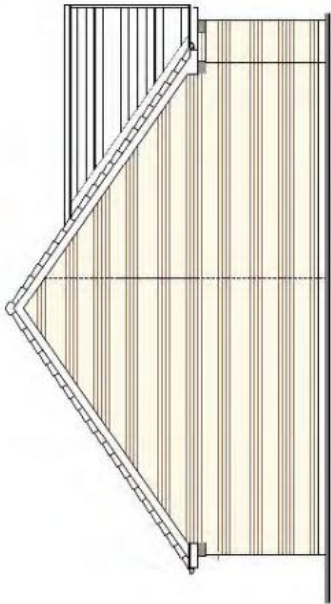
PLANNING DWG
The Dee
2 Bedroom Bungalow
Area
House 65 (9.43m x 7.04m, 10)



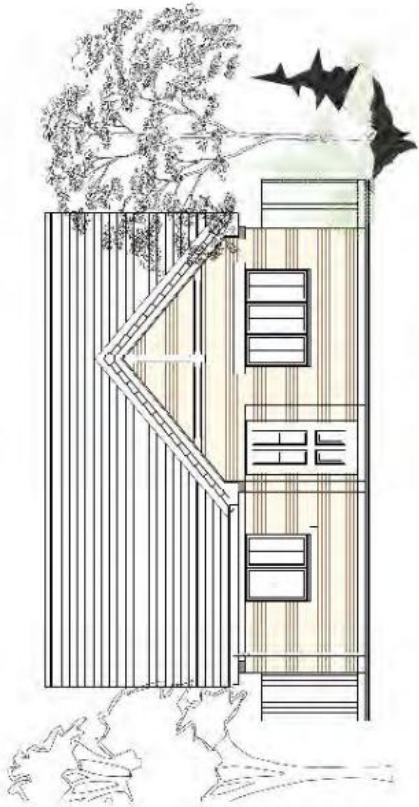
REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION



ELEVATIONS

Rev. M Sep-2020	G11 Design review amend
Rev. L Jan-2020	G11 Design review amend
Rev. K Dec-2019	G11 Design review amend
Rev. J May-2019	G11 Design review amend
Rev. I Dec-2018	G11 Design review amend
Rev. H Dec-2018	Design review update
Rev. G 21-03-18	Design review update
Rev. F 11-06-18	Site feedback added
Rev. E 01-02-18	Minor Revisions
Rev. D 05-01-18	Genesis Update
Rev. C 04-01-17	Genesis Update
Rev. B 28-07-17	Genesis Update
Rev. A 12-06-17	Issue for Construction

Scale: 1/8" = 1'-0"
1:50/100

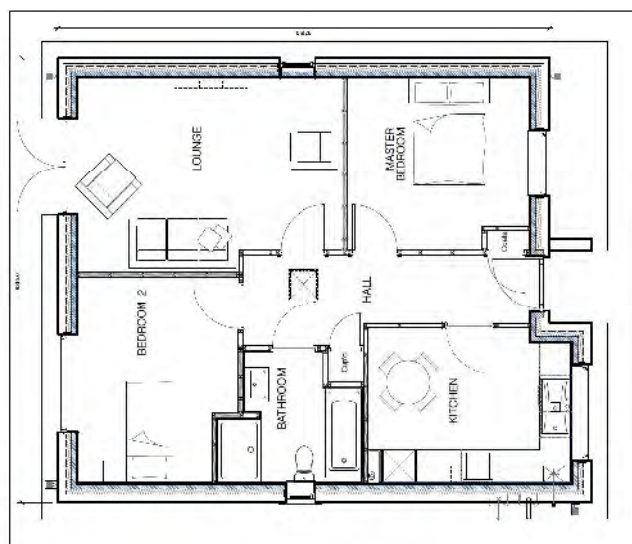
Drawn: M42:160	Rev: M
----------------	--------



The Dee (Plot 1 Only)

2 Bedroom Bungalow.

Area
Total 66.01 sq m (711 sq ft).



GROUND FLOOR PLAN



FLOOR FLANS
Plot 1 Only

PLANNING THE

The Day
of National Hurricane

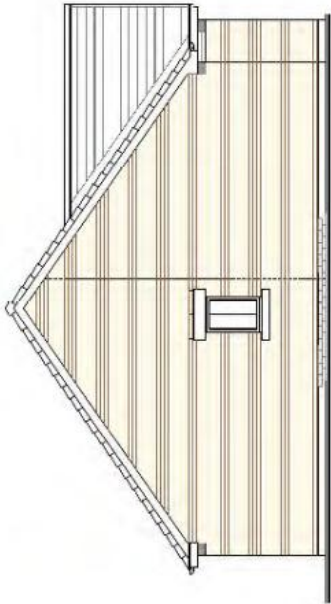
[illegible]

1:50/100

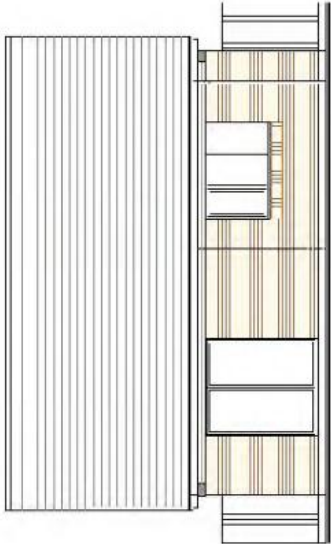
1:50/100

[illegible]

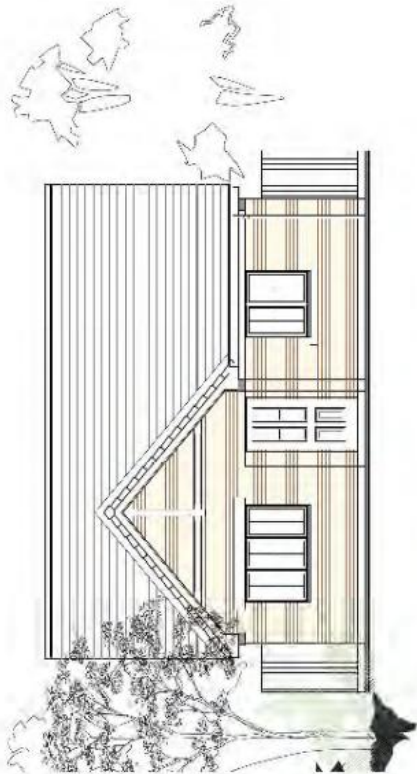
Dee M42-Plot - M



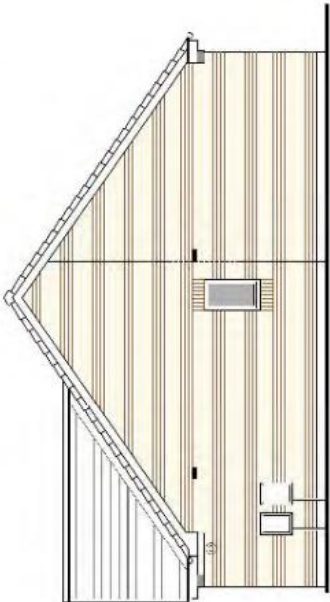
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



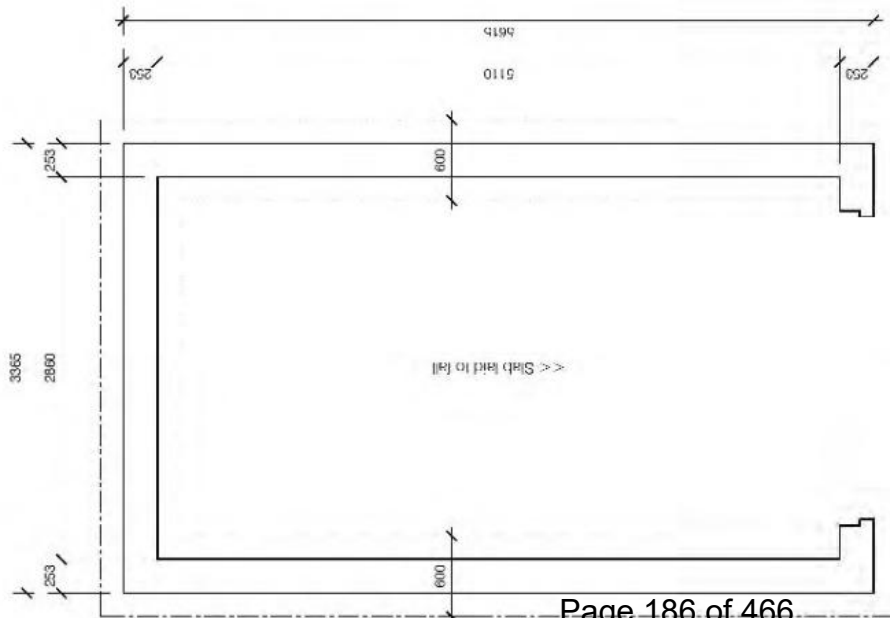
SIDE ELEVATION



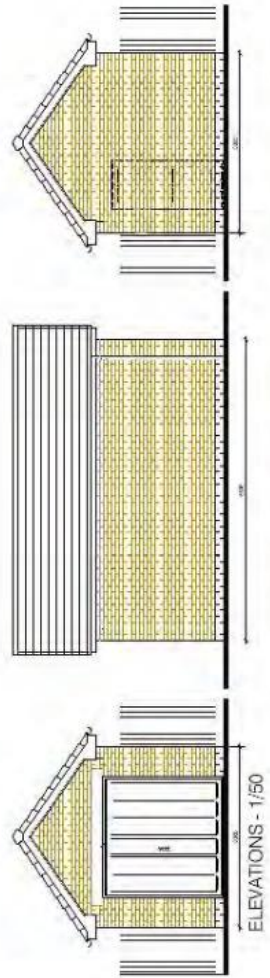
ELEVATIONS
Plot 1 Only

Rev M Sep-2020 G11 Design review amended
Rev L Jan-2020 G11 Design review amended
Rev K Dec-2019 G11 Design review amended
Rev J May-2019 G11 Design review amended
Rev I Feb-2019 G11 Design review amended
Rev H Dec-2018 Design review update
Rev G 21-02-18 Design review update
Rev F 11-05-18 Site feedback Added
Rev E 01-02-18 Minor Revisions
Rev D 05-01-18 General update
Rev C 04-01-18 General update
Rev B 28-07-17 In Progress
Rev A 12-05-17 Issue for Construction

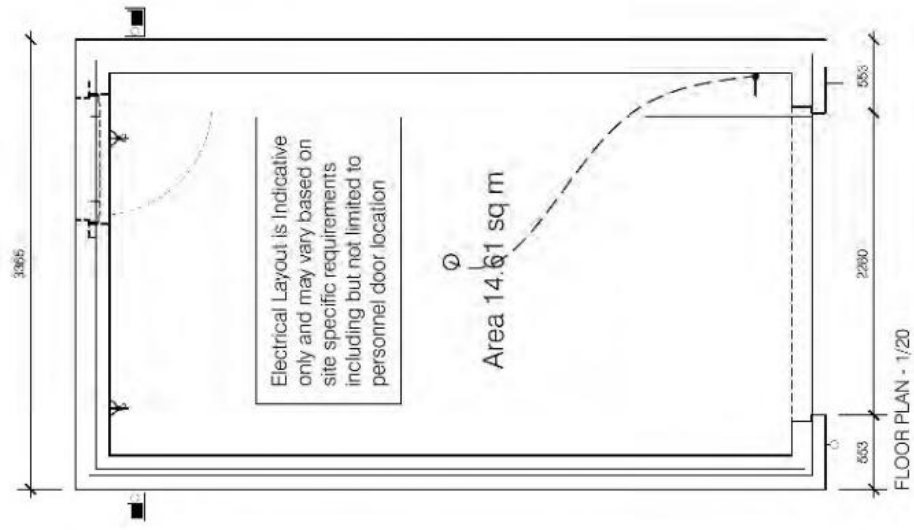
Scale: 1:50/100
Date: 11/01/2020
Drawn: M42 Plot 1
M
© Genesis Homes 2017



FOUNDATIONS - 1/20



ELEVATIONS - 1/50
GENERAL ARRANGEMENT - SINGLE GARAGE 14 sqm (SLAB CONSTRUCTION)
(to be read in conjunction with Engineer's drawings and specification)



FLOOR PLAN - 1/20

Personnel Door is to be installed as a customer extra only and is dependent on build stage. Please refer to Customer Extra's Document

Electrical Layout is Indicative only and may vary based on site specific requirements including but not limited to personnel door location

Area 14.61 sq m



DETACHED GARAGE

FOUNDATION NOTES

220mm cavity wall to be carried on a min. 3 No. courses of Class 4 Calcium Silicate or Class B Engineering bricks below DPC on external wall. Concrete trench blocks to be used below brickwork.

Position of RWP's are indicative only - see engineer's plot drainage layout

Below ground drainage layout is indicative only - refer to engineer's drainage drawing for specific plot drainage details.

Foundations taken below level of drainage pipe penetrations.

CONSTRUCTION ISSUE

REFER TO APPROPRIATE BUILDING REGULATIONS SPECIFICATION DOCUMENT AND SITE SPECIFIC CONSTRUCTION SCHEDULE

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE APPROPRIATE GROUND FLOOR SLAB DESIGN. FOR IN-SITU SUSPENDED CONCRETE FLOOR SLABS. SEE ENGINEER'S DESIGN.

NOTE

Drawing to be read in conjunction with overall drainage layout to ensure correct positioning of RWP / Gs and routing of drainage pipework.

Scale: 1:100
A. All in situ
B. Excavation work
C. Foundation work
D. Floor of slab



SCHEDULE A: Applications with Recommendation

21/0115

Item No: 05

Date of Committee: 23/07/2021

Appn Ref No:
21/0115

Applicant:
William Barton

Parish:
Burgh-by-Sands

Agent:
Day Cummins

Ward:
Dalston & Burgh

Location: Builders Yard, Brookside House, Thurstonfield, Carlisle, CA5 6HQ

Proposal: Erection Of 7no. Dwellings On Site Of Former Builders Yard & Paddock

Date of Receipt:
15/02/2021

Statutory Expiry Date
14/04/2021

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of Residential Development Is Acceptable
- 2.2 Whether The Scale, Design And The Impact Of The Proposal On The Character And Appearance Of The Area Is Acceptable
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties
- 2.4 Highway Issues
- 2.5 Development Within The Flood Zone
- 2.6 Foul And Surface Water Drainage
- 2.7 Impact Of The Proposal On Biodiversity

3. Application Details

The Site

- 3.1 The application site is located on the eastern fringe of the village of Thurstonfield and comprises a 0.6 hectare parcel of land. The site is bounded by a mature hedgerow along its frontage which continues partially

along the eastern boundary. A stock fence defines the boundary to the north whilst to the west, is the rear of the former officer building and a row of conifer trees. The slopes from the road to the south down to north.

- 3.2 Adjacent to the site to the west is Brookside House and former builders yard. To the south, is Lough House albeit this is approximately 75 metres away and is separated by intervening land. There are no properties to the north or east.
- 3.3 The application site appears to be used as grazing land and once within the site is relatively level. A vehicular access exists which punctuates the southern hedgerow.

The Proposal

- 3.4 The application seeks full planning permission for the erection of seven dwellings on the site. The submitted layout plan shows the development utilising the existing access between Brookside House and the office building with the access directly though into the field further to the east being closed.
- 3.5 The submitted layout plan shows the development utilising the existing access into the site. An access road would be constructed centrally through the site which would serve the properties. Two properties would be constructed to the north whilst the remaining five properties would be to the south of the road. The development would comprise of three, four and five bedroom dwellings detached houses some with integral and some with detached garages.
- 3.6 The application details that the properties would be constructed from facing brickwork, natural slate and aluminium grey windows.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of four of the neighbouring properties. In response, no representations have been received.

5. Summary of Consultation Responses

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

Local Highways Authority

The proposed development of 7 dwellings on the site of a former builders yard and paddock at Thurstonfield is proposed to be accessed via an existing access onto the B5307. The existing access is stated to be 4.8m in width with a 4.8m carriageway proposed through the development site with a turning head to enable vehicles to enter and leave the site in a forwards gear. The development also provides linkage to the existing footway network within

Thurstonfield. It is noted within the access statement that the carriageways within the development are to be offered for adoption by the Highways Authority. The Highways Authority have no objections with regards to the roads being designed to an adoptable standard in principle, but further information is required to be submitted regarding the detailed design and how the carriageway is to be drained. It is deemed however that this information can be provided at a later stage of the planning process and secured through the use of conditions stated at the end of this response.

The access is located within the 30mph speed limit which necessitates visibility splays of 2.4m x 60m in accordance with the requirements of the Cumbria Development Design Guide. The applicant has demonstrated within drawing number C001 that visibility splays of 2.4m x 60m can be achieved from the site access providing a 35m section of hedge is removed. The Highways Authority have no objections with regards to the hedge being removed and as such the visibility splays are achievable for the proposed access.

In accordance with the Cumbria Development Design Guide the following car parking spaces are required for each dwelling:

- a five bedroom dwelling = 3 car parking spaces;
- a four bedroom dwelling = 2 car parking spaces;
- a three bedroom dwelling = 2 car parking spaces.

Each of the car parking spaces is to be 2.4m x 5m and located within the curtilage of each dwelling. It is stated within the layout plan that the development is to provide:

- 2, three bedroom dwellings;
- 4, four bedrooms dwellings;
- 1, five bedroom dwelling.

As such the car parking requirement for the development is 13 car parking spaces within the curtilage of the development. Following a review of the block plan submitted it is detailed that there is sufficient space within the curtilage of each dwelling to accommodate the car parking provision required, with an additional 2 visitor car parking spaces. This provision is acceptable to the Highways Authority.

Conclusion

The Highways Authority has no objections with regards to the approval of planning permission subject to the conditions being applied to any consent the council may wish to grant.

Lead Local Flood Authority (LLFA)

The applicant has detailed within the application forms for this full planning application that the surface water discharge for the development is proposed to discharge into Powburgh Beck on the northern boundary of the site. As noted within the Flood Risk Assessment (FRA) submitted by the applicant, the majority of the site is located within Flood Zone 2; however a small section on the north west boundary of the site is located within Flood Zone 3.

The proposed layout of the development indicates that all dwellings are to be solely located in the area encompassed by Flood Zone 2 and no dwellings are in Flood Zone 3. The FRA considered that the flood water encroachment from Flood Zone 3 will be a maximum level of 26.5mAOD and therefore all thresholds for properties are to be above this level to prevent internal flooding.

The applicant has stated within the FRA that intrusive ground investigations have confirmed that infiltration is not viable due to the ground conditions and high water table. However, the applicant has not undertaken a series of infiltration tests to determine if infiltration is a viable method of surface water disposal in line with the hierarchy of drainage options set out in the Cumbria Development Design Guide. The applicant is to undertake a series of infiltration tests on site in accordance with the BRE 365 method and submit the results to the LLFA for comment. If the infiltration results are negative then discharge of surface water into the ordinary watercourse can be considered.

Due to the potential any drainage design could have on the layout and local area, drainage information is required before further assessment of this application can be made. This should include a minimum assessment of:

- existing flow routes from site;
- any existing drainage in relation to the site;
- greenfield runoff rates;
- details of propose discharge method (including analysis of soils / contamination etc);
- proposed drainage layout plans;
- contributing areas plan;
- proposed treatment of surface water;
- supporting calculation (design to Non-statutory technical standards for sustainable drainage (March 2015) including appropriate allowances for climate change and urban creep);
- exceedance routes;
- who will maintain the drainage system?;
- maintenance plan;
- any other relevant site-specific information that may impact the drainage design.

Further assessment will be made once the above information has been provided. However, it should be noted that a construction management condition should also be applied to ensure surface water is sufficiently managed during the site construction phase to prevent pollution and increased flood risk;

Burgh-by-Sands Parish Council: - there were no allocated sites for development within Thurstonfield. Carlisle District Local Plan Housing Strategy 5 Housing Objectives states that housing should 'meet the aspirations of the existing residents, including those with a need for affordable housing and those wishing to move to the area'. To date all houses on windfall sites and proposed sites have not met the needs of those requiring affordable housing.

Flooding Concerns

This area has been prone to flooding in the past and if surface water is directed to the nearby watercourse (Powburgh beck) because direct infiltration is not possible due to the ground conditions and high water table, this might add to flooding problems further into Thurstonfield Village .(Ref Carlisle District Local Plan: Policy CC4 1 b and CC5)

Foul Water

There seems to be some uncertainty regarding the connection to the main sewerage manhole beside Brook House and whether this will be adequate and that If a pumped system is needed that the pumping system should be located outwith the flood encroachment area so that its vulnerability inundation is minimised. As Thurstonfield sewerage system runs from East to West, this might impact on the system within neighbouring villages;

Local Environment, Waste Services: - no objection. There is a turning head and this looks sufficient to access the site and leave in a forward gear;

Natural England: - no objection;

United Utilities: - in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. No objection subject to the imposition of conditions.

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. At a national level, the relevant considerations include the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 6.2 The Development Plan for the purposes of the determination of this application comprise Policies SP2, SP6, HO2, IP2, IP3, IP4, IP6, CC4, CC5, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 are of particular relevance. The City Council's Supplementary Planning Document 'Achieving Well Designed Housing' (SPD) is also a material planning consideration. The proposal raises the following planning issues.

1. Whether The Principle Of Residential Development Is Acceptable

- 6.3 The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 11 of the NPPF continues to support

sustainable development stating that:

“Plans and decisions should apply a presumption in favour of sustainable development.”

- 6.4 This is reinforced in paragraph 11(c) which states that:

“approving development proposals that accord with an up-to-date development plan without delay”

- 6.5 Policy HO2 is equally transparent in its guidance relating to housing development and requires housing is provided within or on the edge of existing settlements. Critically in terms of this application, criteria 3 states:

“on the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside;”

- 6.6 As previously outlined, the site is adjacent to other dwellings to the north with a clearly defined site boundaries along the southern and western flanks. The site is clearly contained within the landscape features and is appropriately related to the village of Thurstonfield.

- 6.7 Members will note that the parish council has objected to the application on the basis that the land isn't allocated for housing development and that provision has already been made elsewhere within the village. Land doesn't have to be allocated for housing devolvment to allow planning permission to be granted for housing. It is a well-established planning principle enshrined in current policies which are transparent at both national and local level that windfall sites and those which are well-related to existing appropriate settlements are in principle permitted. The simple fact that land is not allocated is not a valid planning reason for refusal. In terms of the principle of development, it is considered to fully accord with both national and local planning policies. The planning issues raised by the development, including the impact on the character and appearance of the area, are discussed in the following paragraphs.

2. Whether The Scale, Design And The Impact Of The Proposal On The Character And Appearance Of The Area Is Acceptable

- 6.8 Paragraphs 124 to 132 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 127 outlines that:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the*

- short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

6.9 It is further appropriate to be mindful of the requirements in paragraph 130 of the NPPF which states:

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

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

6.11 Given the topography of the land, the properties would be sited at a lower level than the adjacent road. The properties themselves, whilst being of modern appearance, would be constructed of appropriate materials. The scale, layout and design are considered appropriate. A planning condition is included within the decision notice requiring the retention and protection of the hedgerow along the southern boundary during construction works together with the submission of a landscaping scheme for the development as a whole. Accordingly, the development would be appropriate on the edge

of the village and would not result in a discordant feature or adversely affect the character and appearance of the area as a whole.

3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties

- 6.12 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusive.
- 6.14 In addition to paragraph 127 of the NPPF referenced earlier in this report, the city council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:

"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (para. 5.44). While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances." (para. 5.45)

- 6.15 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusive.
- 6.16 The principle of residential development would not in itself prejudice the living conditions of the occupiers of any neighbouring properties. Although the site slopes down south to north, Brookside House to the west which is also within the applicant's ownership but currently vacant, is not subject to similar change on levels and is sited at a higher point being adjacent to the road. The development would afford appropriate distances between existing and future occupiers of the properties and given the orientation of the application site with the neighbouring properties a scheme could be developed without the occupiers of neighbouring properties suffering from an unreasonable loss of daylight or sunlight subject to an appropriate scheme. Likewise, and for the same reason, the siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of over-dominance.

4. Highway Issues

- 6.17 The site is within the 30 mph speed limit of the village. There is an existing agricultural access to the land but this would be closed up as part of the development which would utilise the existing access which serves Brookside House and the former builders yard to the west. Cumbria County Council as the Local Highways Authority (LHA) has raised no objection subject to the imposition of conditions and the proposal does not, therefore, raise any highway issues.

5. Development Within The Flood Zone

6.18 Part of the site lies within an area designated as Flood Zone 2 and as such there is potential for the site to flood and the proposed dwelling is referred to as a "more vulnerable" in flood risk terms.

6.19 Paragraph 160 of the NPPF states:

"The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."*

6.20 Paragraph:023 Reference ID: 7-023-20140306 Revision date: 06 03 2014 of the NPPG states:

"The Exception Test, as set out in [paragraph 160 of the Framework](#), is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

Essentially, the 2 parts to the Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall."

6.21 The application is accompanied by a separate Site Plan which forms part of the Drainage Strategy and on which the flood zone has been specifically outlined and annotated. This shows that part of the site is located within Flood Zone 2 and is contained to the north east corner which the plans indicated would be "Pasture garden to No.7" and partly to the rear gardens of Plots 1 and 2. The remainder of the site is within Flood Zone 1 and as such, no buildings would be constructed within Flood Zone 2.

6.22 The Drainage Strategy and Flood Risk Assessment concludes:

"The residential development is classed as 'More Vulnerable' and is therefore permissible in Flood Zone 3a subject to the satisfactory resolution of the 'Exception Test'.

*The limited EA fluvial data which has been provided has been appraised and a maximum flood level of **26.500m A.O.D.** is considered to be a realistic worst case scenario for a 1:100 or greater annual probability of river flooding. The minimum ground floor level has been assessed at **27.250m A.O.D.** to provide an adequate freeboard for climate change and any local variations in*

water level.

The dwellings should include a suspended substructure to mitigate against a loss of volume beside the watercourse, and new permeable road levels should approximate to existing ground levels.

A surface water drainage outfall should be created directly into Powburgh Beck at/ about the North West corner of the site, with a maximum outfall limited to Q bar @ 3.4l/sec. The new site roadway should be of a permeable (no infiltration) construction to minimise potential pollution of the nearby beck.

New foul water drainage should be connected to the nearby UU system in the Public road beside Brookside House. General flood resilient construction is always sensible to 600mm above ground floor level due to the close proximity of the watercourse.

The development should be registered with the EA for flood warnings, and an Excavation Plan should be prepared prior to occupation, and the layout of the development should consider straightforward access/egress in relation to same."

- 6.23 The development would provide additional housing on the edge of Thurstonfield which is considered to be a suitable location for housing development. This would provide additional variety and choice to people looking to purchase a house within the district. The Drainage Strategy and Flood Risk Assessment takes account of the site conditions and proposes a series of recommendations that would be included as part of the development to address these. Subject to the inclusion of this document within the list of approved documents, and therefore bound by the planning condition, the proposal is acceptable.

6. Foul And Surface Water Drainage

- 6.24 In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy which should be considered in the following order of priority:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
- 6.25 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application documents, submitted as part of the application, states that the foul drained would connect in the main sewer. The surface water would be disposed of into the existing watercourse.

- 6.26 For clarity, options relating to on-site drainage should be explored first; however, the Drainage Strategy and Flood Risk Assessment discounts this option due to *“the intrusive site investigation has confirmed that direct infiltration is not possible due to the ground conditions and high water table.”*
- 6.27 Members will note the detailed response submitted by Cumbria County Council as the Lead Local Flood Authority and the depth of additional information required which they state should be provide prior to determination to that a further assessment can be made.
- 6.28 Paragraph: 001 Reference ID: 21a-001-20140306 Revision date: 06 03 2014 of the NPPG states:

“Why are conditions imposed on a planning permission?”

When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.”

- 6.29 Therefore, a condition could be imposed requiring the submission of this further information as part of a drainage strategy that would still meet the relevant conditions required by all conditions as its is necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.
- 6.30 Therefore, provided that the condition is imposed and subsequently discharged through the submission of an appropriate scheme, which would be subject to consultation with the LLFA, the scheme would be acceptable in terms of the drainage issues.

7. Impact Of The Proposal On Biodiversity

- 6.31 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application in accordance with paragraph 118 of the NPPF. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.
- 6.32 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of

the Conservation (Natural Habitats, cc.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.

- 6.33 The city council's GIS layer did identify the potential for protected species to be present on the site or within the immediate vicinity. Given that the proposal involves a small piece of agricultural land, adjacent to existing buildings, it is unlikely that the proposal would affect any species identified; however, an informative should be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

Conclusion

- 6.34 In overall terms, the site is located on the edge of Thurstonfield. The application is supported by the NPPF and the development plan and as such, the principle of development remains acceptable. Additionally, the scale and design would be appropriate to the site and would not result in an adverse impact on the character or appearance of the area.
- 6.35 The submitted plans take account of the highway issues and the living conditions of the occupiers of the neighbouring properties would not be prejudiced subject to the imposition of conditions. The means of foul and surface water drainage can be suitably addressed through the imposition of appropriately worded planning conditions as detailed in this report.
- 6.36 In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF and is therefore recommended for approval subject to the imposition of planning conditions.

7. Planning History

- 7.1 Planning permission was granted in 2004 on part of the site for the erection of a double garage.
- 7.2 In 2008, part retrospective planning permission was approved for a change of use of land from domestic curtilage to the formation of a builders yard; installation of a parking area and material storage area; erection of a garage/ office block and machinery/ plant store.
- 7.3 Planning permission was refused in 2012 for a change of use of land to allow for an extension to the existing building contractors yard including formation of a new vehicular access.
- 7.4 In 2015, outline planning permission was approved for the demolition of a

builders office and erection of 4no. dwellings.

8. Recommendation: Grant Permission

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the Planning Application Form received 9th February 2021;
 2. the Location and Block Plan as Proposed received 15th February 2021 (Drawing no. 10 PI);
 3. the Type A 4 Bedroom Detached With Detached Garage received 15th February 2021 (Drawing no. 04 Rev PI);
 4. the Type B 3 Bedroom Detached With Garage received 15th February 2021 (Drawing no. 05 Rev PI);
 5. the Type C 4 Bedroom House With Garage received 15th February 2021 (Drawing no. 06 Rev PI);
 6. the Type D and Garages 5 Bedroom House With Detached Garage received 15th February 2021 (Drawing no. 04 Rev PI);
 7. the Street Scenes Looking North, South and West received 15th February 2021 (Drawing no. 08 Rev PI);
 8. the Planting Plan received 15th February 2021 (Drawing no. 2026.01A);
 9. the Design and Access Statement received 15th February 2021;
 10. the Access Appraisal received 15th February 2021;
 11. the Tree Survey Report received 15th February 2021;
 12. the Preliminary Environmental Risk Assessment received 15th February 2021;
 13. the Ground Investigation report received 15th February 2021;
 14. the Drainage Strategy and Flood Risk Assessment received 15th February 2021;
 15. the Notice of Decision;
 16. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. Notwithstanding any details submitted, prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the local planning authority.

The surface water drainage scheme should be accompanied by an assessment which as a minimum should include details of:

- existing flow routes from site;
- any existing drainage in relation to the site;
- greenfield runoff rates;
- details of proposed discharge method (including analysis of soils / contamination etc);
- proposed drainage layout plans;
- contributing areas plan;
- proposed treatment of surface water;
- supporting calculation (design to Non-statutory technical standards for sustainable drainage (March 2015) including appropriate allowances for climate change and urban creep);
- exceedance routes;
- who will maintain the drainage system?;
- maintenance plan;
- any other relevant site-specific information that may impact the drainage design.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory 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. Notwithstanding any details submitted, details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and any garages shall be submitted to and approved in writing by the local planning authority before any site works commence. The development shall then be undertaken in accordance with the approved details.

Reason: In order that the approved development is appropriate to the topography of the site and neighbouring properties in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

5. Before any development takes place, a plan shall be submitted for the prior written approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times

until completion of the construction works.

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

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

Reason: To ensure a minimum standard of construction in the interests of highway safety and to support Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

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

Reason: To ensure that vehicles can be properly and safely accommodated clear of the highway and to support Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

8. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- details of proposed crossings of the highway verge;
 - retained areas for vehicle parking, manoeuvring, loading and unloading for their
 - specific purpose during the development;
 - cleaning of site entrances and the adjacent public highway;
 - details of proposed wheel washing facilities;
 - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of
 - any materials on the highway;
 - the management of junctions to and crossings of the public highway and other public
 - rights of way/footway;
 - surface water management details during the construction phase

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety and to support Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

9. Prior to their use on site, samples or full details of all materials to be used on the exterior have been submitted to and approved in writing by the local planning authority. The hereby permitted development shall be carried out and completed in full accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies HO2 and CM5 of the Carlisle District Local Plan 2015-2030.

10. Prior to their use on site, full details of the proposed hard surface finishes to all external areas have been submitted to and approved in writing by the local planning authority. The hereby permitted development shall be carried out and completed in full accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

11. All boundary fences, walls, screens or other means of enclosure shall only be installed or erected in strict accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority, which shall include:
1. precise details of the item(s) including materials, location and height;
 2. timescale for implementation;
 3. any maintenance proposals identified as necessary within the first 5 years following provision.

Reason: To ensure that the appearance of the development will be in keeping with the locality and to protect visual amenity, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

12. The use of the development shall not be commenced until the access has been formed with 6m metre radius kerbs, to give a minimum carriageway width of 4.8 metres, and that part of the access road extending 10 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority.

Reason: In the interests of highway safety and to support Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

13. 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 the development is brought into use and shall not be raised to a height exceeding 1.05m thereafter.

Reason: In the interests of highway safety and to support Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within a timeframe that has first been submitted to and approved in writing by the local planning authority and maintained thereafter in accordance with maintenance measures identified in the approved landscaping scheme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and maintained, in the interests of public and environmental amenity, in accordance with Policies SP6 and GL6 of the Carlisle District Local Plan 2015-2030.

15. As part of the development hereby approved, adequate underground ducts shall be installed in accordance with details approved in writing beforehand by the local planning authority to enable telephone services, electricity services and television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines. The development shall then be undertaken in accordance with the approved details.

Reason: To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

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

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

17. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1600 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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

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

Reason: In accordance with Policy IP5 of the Carlisle District Local Plan 2015-2030.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Site investigations should follow the guidance in BS10175.

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

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

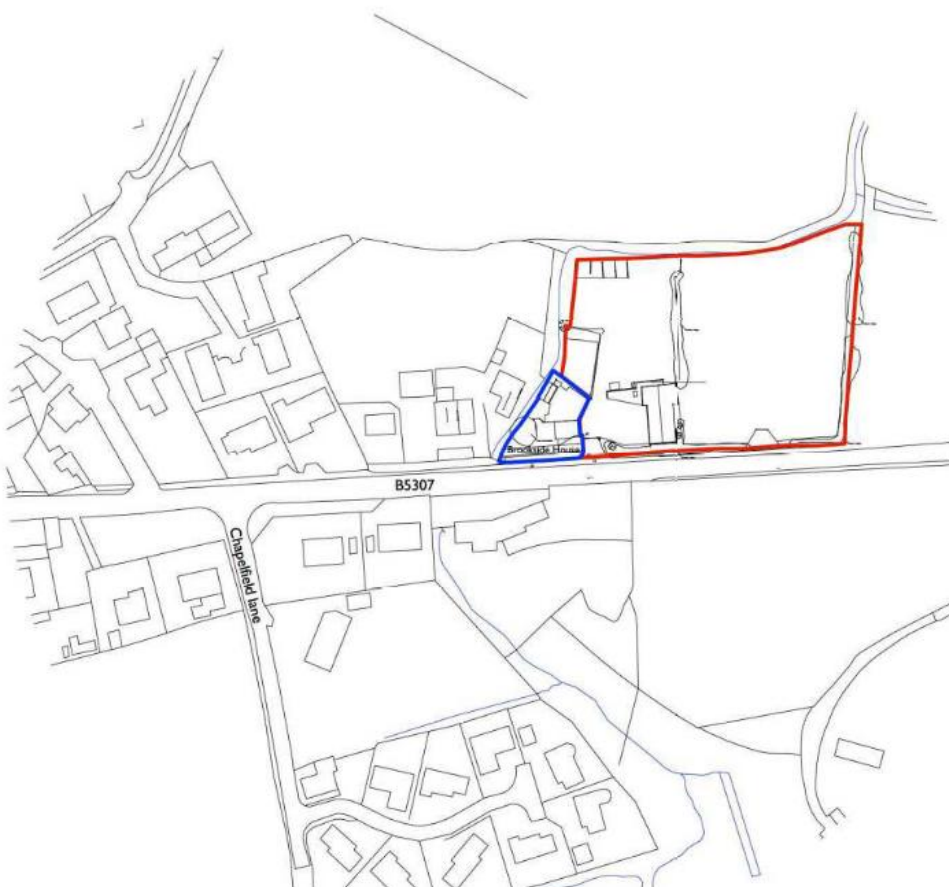
20. Any parking area subsequently approved shall be constructed in accordance with the approved plans before any dwelling is occupied.

Reason: To ensure adequate access is available for each occupier in accordance with Policies SP6, HO2 and IP3 of the Carlisle District Local Plan 2015-2030.



Block Plan as Existing
scale 1:500

0 5 10 15 25 35
Scale @ 1:500.

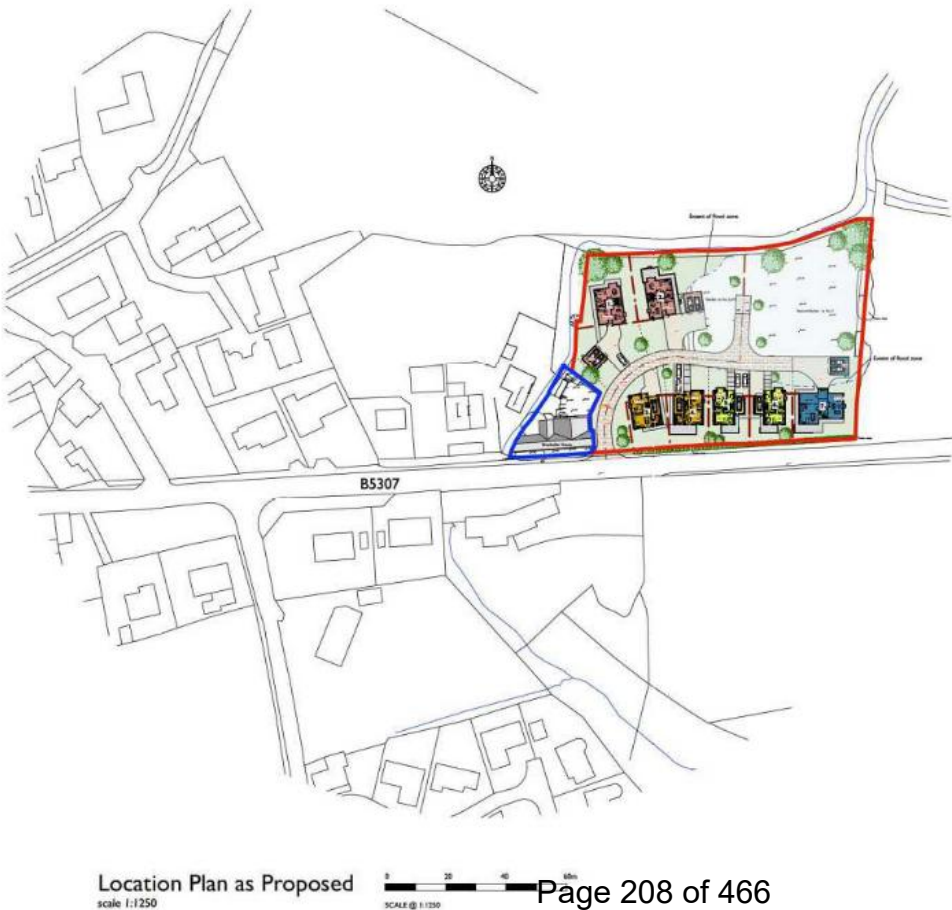


Location Plan as Existing
scale 1:1250

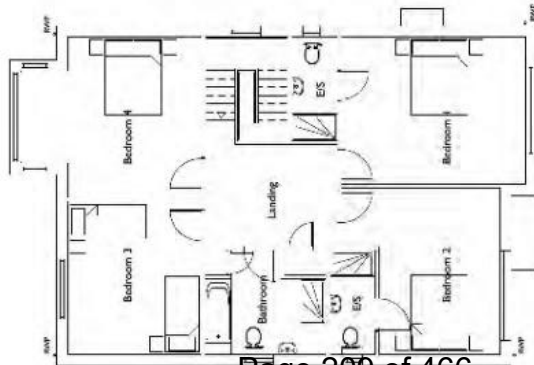
0 20 40 60m
SCALE @ 1:1250



Rev:	Date:	Comments:	By:
Client:			
Mr W Barton			
			
DAY CUMMINS LIMITED Architects & Surveyors Lakeland Business Park Cockermouth Cumbria CA13 0QT Tel: 01900 820700 Fax: 01900 820701 email: dc@day-cummins.co.uk www.day-cummins.co.uk			
Project: Residential Development of Existing Builders Yard and Field at Brookside House, Thurstonfield.			
Drawing Title: Location and Block Plan as Existing			
Drawn: MDL	Checked: AW	Signed:	
Scale: 1:1250, 500	Date: 26/11/20	Paper Size: A2	
<small>ALL DIMENSIONS TO BE CHECKED ON SITE FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS THIS DRAWING IS COPYRIGHT</small>			
Project No: 5457	Drawing No: 09	Rev: PI	

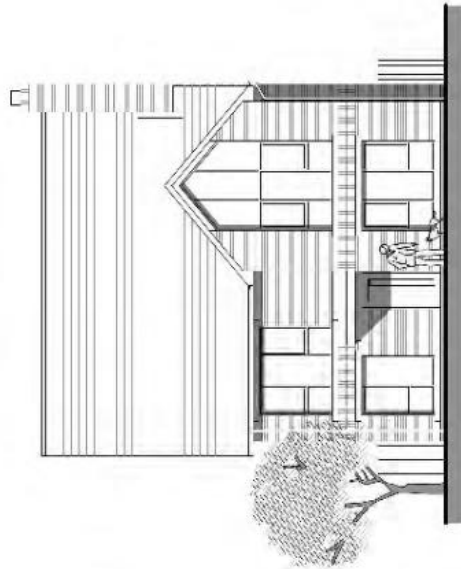


Rev:	Date:	Comments:	By:
Client:			
Mr W Barton			
DAY CUMMINS			
DAY CUMMINS LIMITED			
Architects & Surveyors Lakeland Business Park Cockermouth Cumbria CA13 0QT Tel: 01900 820700 Fax: 01900 820701 email: dc@day-cummins.co.uk www.day-cummins.co.uk			
Project: Residential Development of Existing Builders Yard and Field at Brookside House, Thurstonfield.			
Drawing Title: Location and Block Plan as Proposed			
Drawn: MDL	Checked: AW	Signed:	
Scale: 1:1250, 500	Date: 26/01/21	Paper Size:	A2
ALL DIMENSIONS TO BE CHECKED ON SITE FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS THIS DRAWING IS COPYRIGHT			
Project No: 5457	Drawing No: 10	Rev: PI	

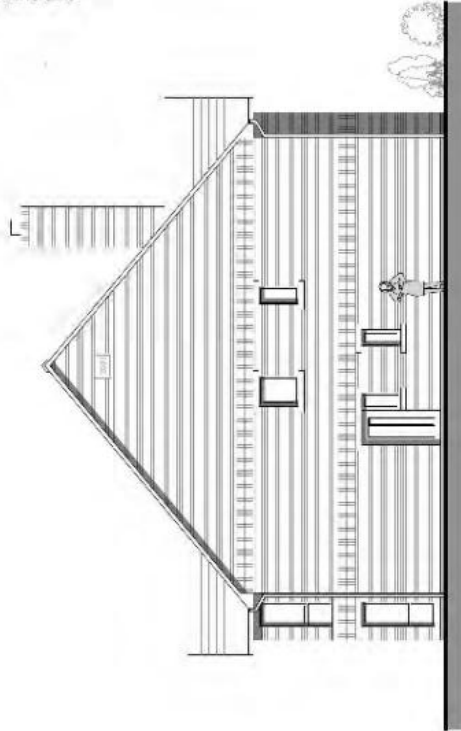


First Floor

Front Elevation



Side Elevation



External Finishes

Roofs: Blue, Grey, Slate

Facia Boarding: UPVC - colours for individual houses to be confirmed

Soffit Boarding: UPVC - colours for individual houses to be confirmed

Gutters & Downpipes: UPVC Black

External Walls: Facing brick with brick banding

Feature Sills & Linolea: Cast stone

Windows / Glazed Screens: Aluminium - Grey

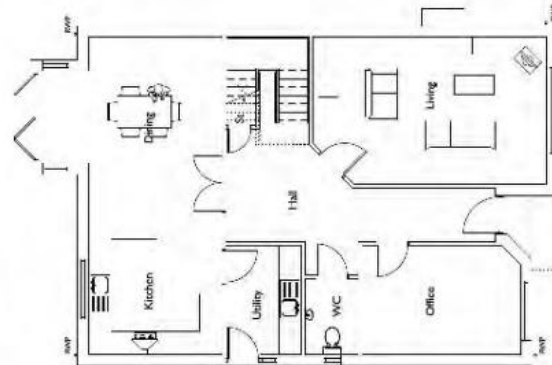
External Doors: Composite - colours for individual houses to be confirmed

Individual house levels are as shown on the Proposed Site Plan

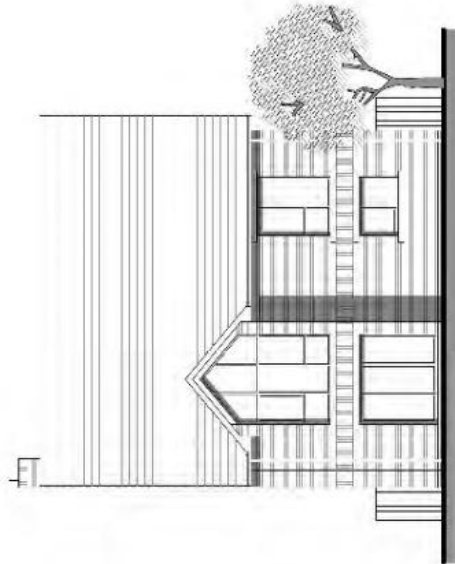
Scale Bar in Metres at 1:100



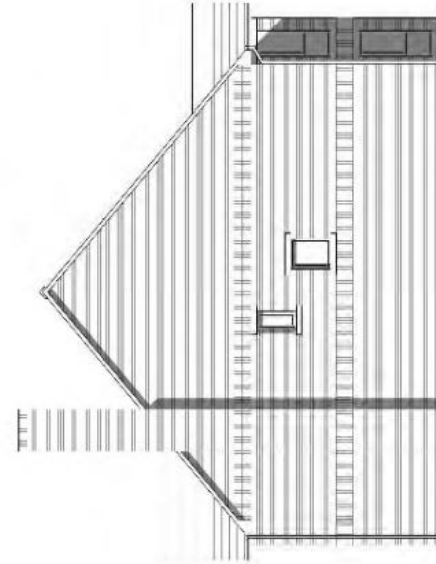
Ground Floor



Rear Elevation



Side Elevation



Ground Floor

TYPEA - Plots 1 and 2
4 Bed House
201m2 Gross Internal Area Excl Garage

Rev	Date	Comments	By
Client			

Mr W Barton	
DAY CUMMINS LIMITED Architects & Surveyors Lakeside Business Park Cockermouth Cumbria CA13 0QT Tel: 01900 820700 Fax: 01900 820701 email: dc@day-cummins.co.uk www.day-cummins.co.uk	

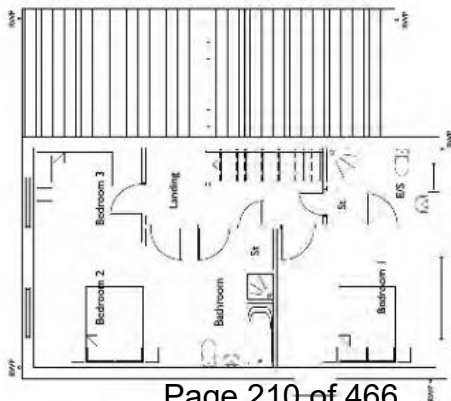
Project		Residential Development of Existing Builders Yard and Field at Brookside House, Thurstonfield.	
Drawing Title	Type A	Client	AW
Drawn	MDL	Scale	1:100
Date	26/01/21	Project No	5457
Drawn By	AW	Project No	04
Drawn By	AW	Project No	PI

External Finishes

- Roof Blue Grey Slates
- Fascia Boarding UPVC - colours for individual houses to be confirmed
- Soffit Boarding UPVC - colours for individual houses to be confirmed
- Gutters & Downpipes UPVC Black
- External Walling Facing brick with brick banding
- Festure Sills & Linels Cast stone
- Windows / Glazed Screens Aluminium - Grey
- External Doors Composite - colours for individual houses to be confirmed

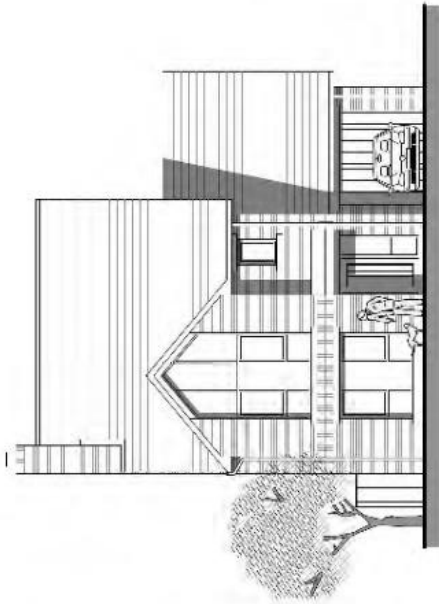
Individual house levels are as shown on the Proposed Site Plan

Scale Bar in Metres at 1:100

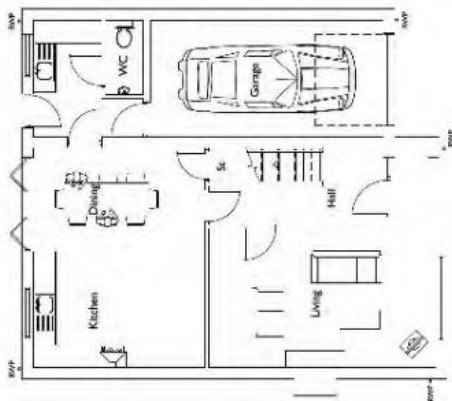
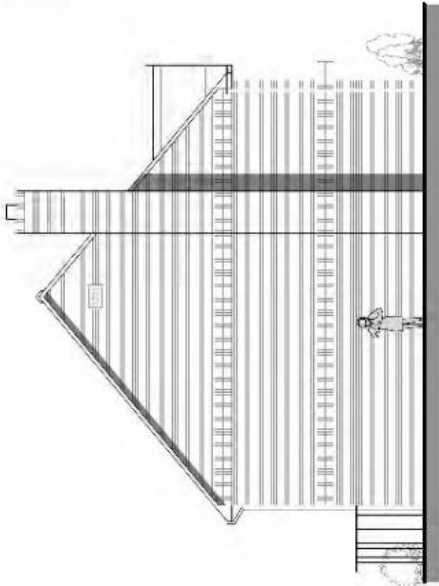


First Floor

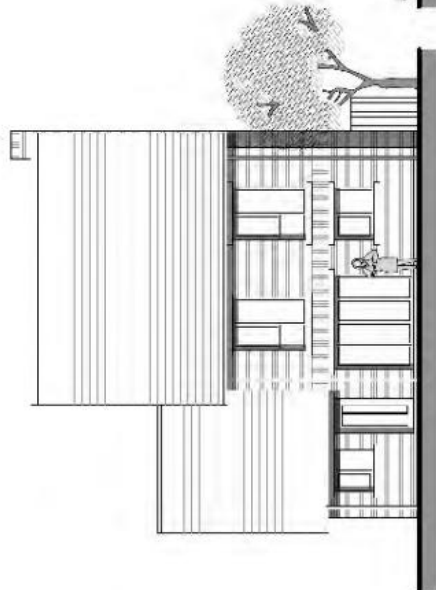
Front Elevation



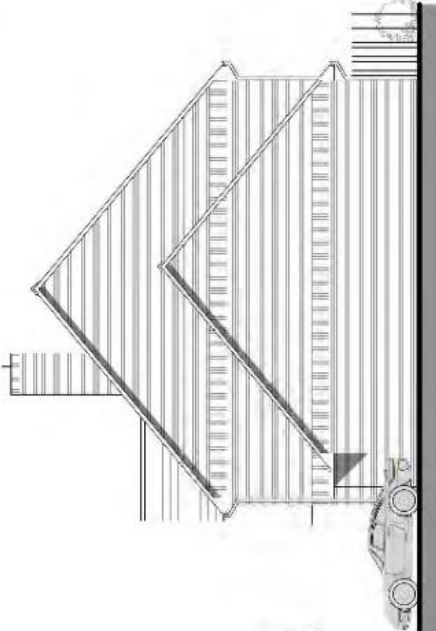
Side Elevation



Ground Floor



Rear Elevation



Side Elevation

Rev: _____
Date: _____
Client: _____

Mr W Barton

DAY CUMMINS LIMITED
Architects & Surveyors
Lakeland Business Park
Cockermouth Cumbria CA13 0QT
Tel: 01900 820700
Fax: 01900 820701
email: dc@day-cummins.co.uk
www.day-cummins.co.uk

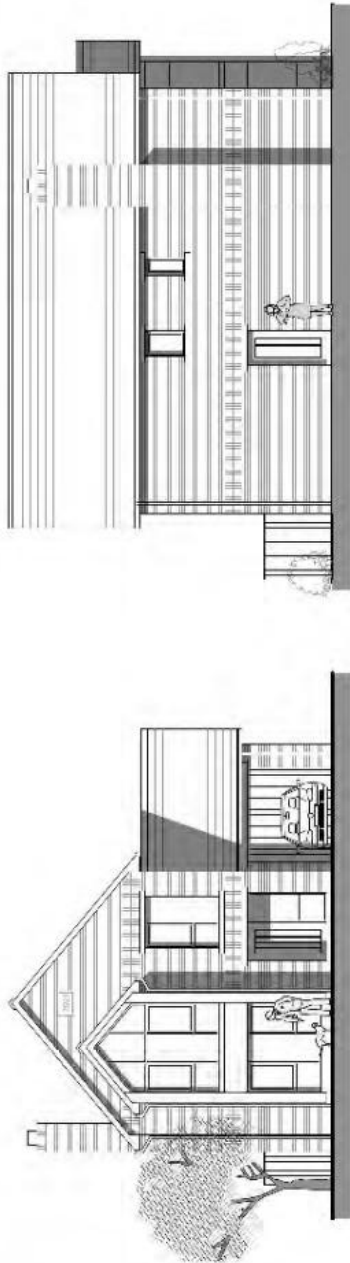
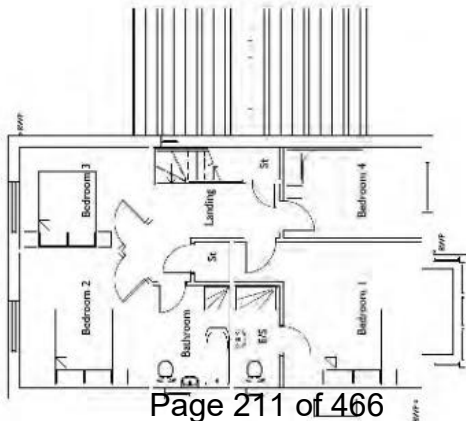
Project: Residential Development of Existing Builders Yard and Field at Brookside House, Thursfield.

Drawing Title		Type B	
3 Bedroom Detached with Garage		Client:	AW
Drawn:	MDL	Date:	26/01/21
Scale:	1:100	Drawn By:	A2
ALL DIMENSIONS TO BE CHECKED ON SITE FOR CONFORMANCE WITH THE BUILDING REGULATIONS AND TO BE CONFIRMED TO THE CLIENT'S REQUIREMENTS BEFORE COMMENCEMENT OF WORKS			
Project No:	5457	Drawn For:	PI

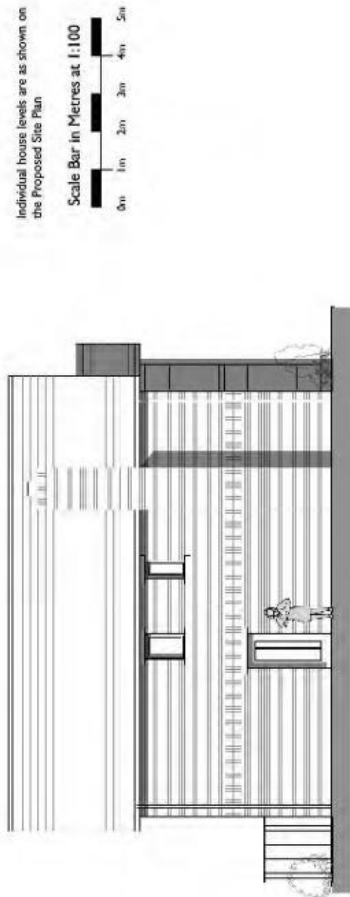
TYPE B - Plots 3 and 4
3 Bed House
129m2 Gross Internal Area Excl Garage

External Finishes

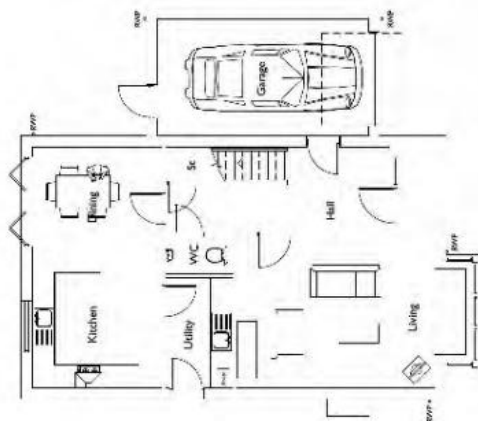
- Roof: Blue Grey Slates
- Fascia Boarding: UPVC - colours for individual houses to be confirmed
- Soffit Boarding: UPVC - colours for individual houses to be confirmed
- Gutters & Downpipes: UPVC Black
- External Walls: Facing brick with brick banding
- Feature Sills & Linels: Cast stone
- Windows / Glazed Screens: Aluminium - Grey
- External Doors: Composite - colours for individual houses to be confirmed



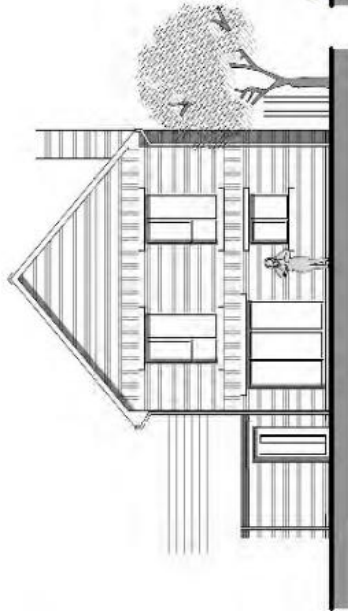
Front Elevation



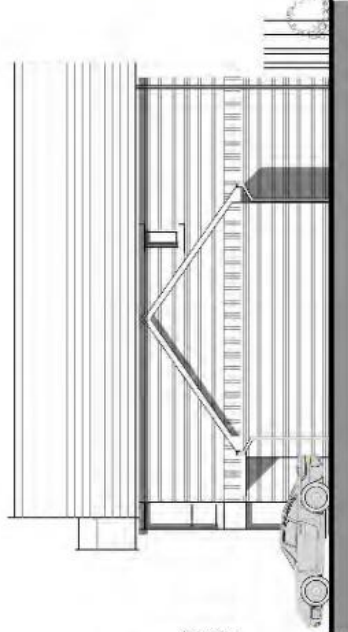
Side Elevation



Ground Floor



Rear Elevation



Side Elevation

Rev	Date	Comments	By
Client			

Mr W Barton



DAY CUMMINS LIMITED
Architects & Surveyors
Lakeland Business Park
Cockermouth Cumbria CA13 0QT
Tel: 01900 820700
Fax: 01900 820701
email: dc@day-cummins.co.uk
www.day-cummins.co.uk

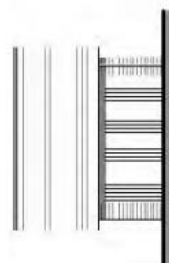
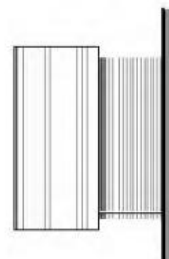
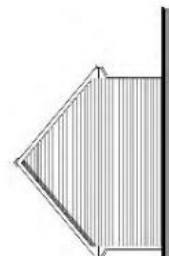
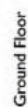
Project: Residential Development of Existing
Builders Yard and Field at Brookside House,
Thursofield.

Drawing Title	Type C 4 Bedroom House with Garage
Drawn	MDL
Checked	AWY
Scale	1:100
Date	26/01/21
Issue	1
Project No	5457
Client	PJ

TYPE C - Plots 5 and 6
4 Bed House
136m2 Gross Internal Area Excl Garage

Why don't house levels are as shown on

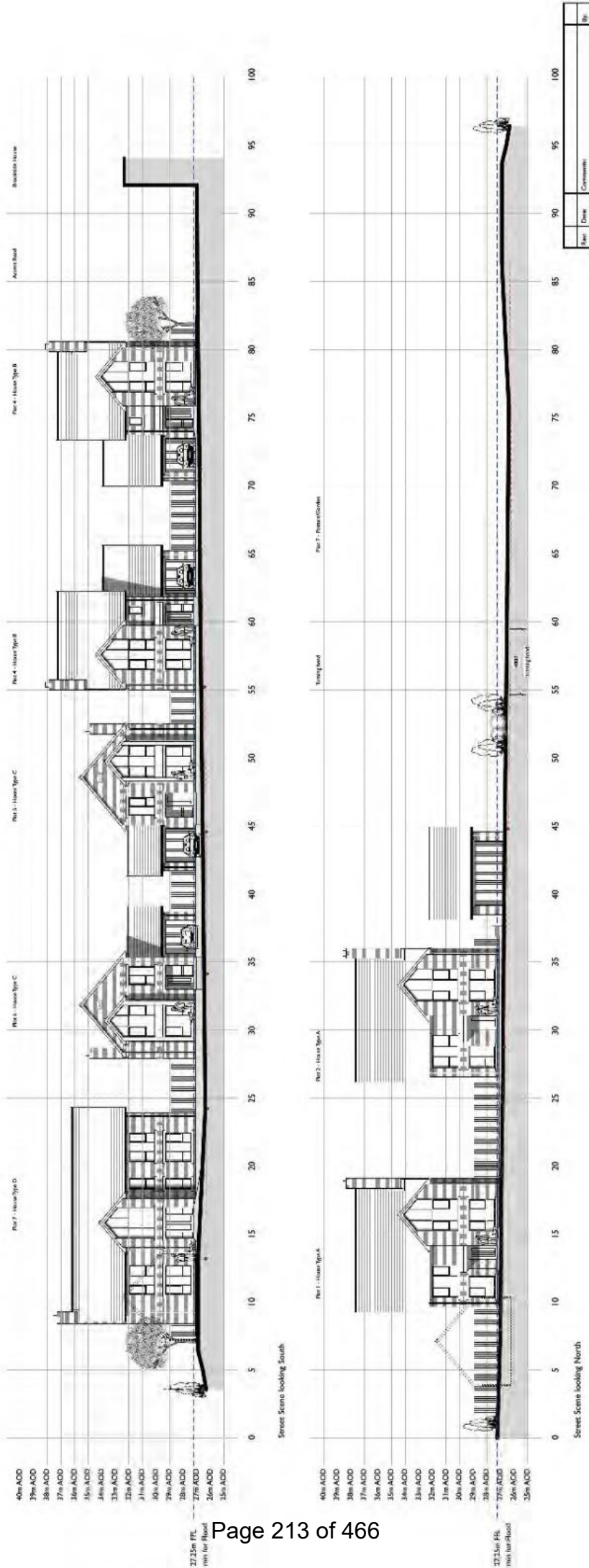
Scale Bar in Meters at 1:100



Side Elevation

Garages - Plots 1, 2 and 7
332m² Gross Internal Area

[illegible]



DAY CUMMINS LIMITED
Architects & Surveyors
Lakeland Business Park
Cockermouth Cumbria CA13 0QT
Tel: 01900 820700
Fax: 01900 820701
email: dc@day-cummins.co.uk
www.day-cummins.co.uk

Mr W Barton

Client

Project
Residential Development of Existing
Builders Yard and Field at Brookside House,
Thursfield.

Drawing Title
Street Scenes looking North, South and West

Client
MDL

Scale
1:200

Date
02/02/21

Page
A2

ALL DIMENSIONS TO BE CHECKED ON SITE
PLEASE CONFIRM ANY DIMENSIONS
TO SCALE TO PREVENT
ANY DISCREPANCIES & CONFLICTS

Project No.
5457

Drawing No.
08

Version
PI

Seeding

1. Topsoil to be 150mm deep (minimum) for new amenity grass areas, ensuring a free draining formation level prior to spreading topsoil.
2. Amenity grass seeded areas to be cultivated 300mm deep removing stones and other material over 20mm dia. and prepare for seeding.

Grass mix at 30gms/m²

Plant Quality

10

2. All trees and shrubs are to be supplied healthy, bushy, balanced and well established. Trees are to be symmetrical and have a clear straight stem to a minimum of 2.0m above ground level.

1. Topsoil shall be 450 mm deep (minimum) for new planted areas ensuring a free draining formation level prior to spreading topsoil.
2. Shrub areas to be cultivated 450mm deep removing stones and other material over 20mm dia. and prepare for planting.
3. Shrub planted areas to have 50mm deep peat free tree and shrub planting compost incorporated into the soil prior to planting.
4. Planting beds to be forked over before dressing with 50mm deep ornamental bark mulch.

other than topsoil. Break up sides and bottom of pit and line with geotextile. Backfill each tree pit 75% topsoil and 25% tree and shrub planting compost.

straight sawn tanalised pointed stakes with 25mm wide tie wrap/belt secured to stakes using appropriately sized nails. Stakes to be driven in firmly and be aligned, evenly spaced and upright with 700mm visible above ground.

1. Planting areas are to be kept weed free at all times. Minimum twice yearly operation to remove weeds either by hand or by selective herbicide weed treatment.
2. Inspect once per month to check, repair or adjust tree stakes crossbars and ties.

remove all litter rubbish etc...

5. Prune shrubs annually to ensure that they do not overhang the highway footpath or parking bays.

development die, are removed, are severely damaged or become diseased will be replaced with others of similar species and size

1. Layout based on Day Cummins Proposed Site Plan drawing nr 5457/03 Rev P1 dated 4/11/2020.
2. Refer Architect's/Engineer's plans for drainage, levels and highway sight line details.

STANDARD TREES






No	Species	Girth	Clear Stem	Height	Requirements
3	Acer campestre	10-12cm	min 2.0m	3.0-4.0m	CG or RB
1	Quercus robur	10-12cm	min 2.0m	3.0-4.0m	CG or RB
	Sorbus aucuparia	10-12cm	min 2.0m	3.0-4.0m	CG or RB

Planted at 400mm centres in a double staggered row 150mm between rows, planted in random species


No.	Species	% mix	Height	Requirements
10	<i>Acer campestre</i>	7.5%	40-60	cell grown
15	<i>Corylus avellana</i>	5%	40-60	cell grown
10	<i>Crataegus monogyna</i>	65%	40-60	cell grown
30	<i>Ilex aquifolium</i>	7.5%	40-60	cell grown
15	<i>Ligustrum vulgare</i>	5%	40-60	cell grown
10	<i>Prunella domestica</i>	5%	40-60	cell grown
10	<i>Viburnum opulus</i>	5%	40-60	cell grown

No.	Species	Pot Size	Height	Density	Requirements
8	<i>Ameletchier lamarckii</i>	12L	80-100	spot	min 3 breaks
325	<i>Codonaster succidus</i> 'Coral Beauty'	3L	30-40	4	min 3 breaks
6	<i>Ilex aquifolium</i>	12L	80-100	spot	min 3 breaks
260	<i>Prunus laurocerasus</i> Otto Luyken	3L	30-40	3	min 3 breaks

EXISTING

Tree	Hedge	Standard tree	Shrub planting	Native hedge
				

Planting Plan

Circle	Scale	
Aug 2020	1:100@A3	
Drawing Number		2026.01A

data:
Only figured dimensions to be used.
All dimensions and settings out to be checked on site.
Refer any query to Learning Associates.

SCHEDULE A: Applications with Recommendation

21/0267

Item No: 06

Date of Committee: 23/07/2021

Appn Ref No:
21/0267

Applicant:
Mrs Theresa Dunston

Parish:
Brampton

Agent:

Ward:
Brampton & Fellside

Location: The Paddock, Paving Brow, Brampton, CA8 1QU

Proposal: Change Of Use From Dwelling (Use Class C3) To 1no. Holiday Let (Sui Generis) (Retrospective)

Date of Receipt:
30/03/2021

Statutory Expiry Date
28/05/2021

26 Week Determination
27/07/2021

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the Brampton Conservation Area
- 2.3 Impact of the proposal on the living conditions of neighbouring properties
- 2.4 Impact of the proposal on highway safety
- 2.5 Impact of the proposal on biodiversity
- 2.6 Other matters

3. Application Details

The Site

- 3.1 The Paddock, Paving Brow, Brampton is a detached bungalow set within extensive grounds. The submitted drawings illustrate that the accommodation consists of: lounge; study; reception room; kitchen / dining room; hallway; w.c.; utility room; 1no. ensuite master bedroom; 2no. ensuite bedroom; 2no. bedrooms and bathroom. To the rear of the property is a

decked area which has seating areas and a hot tub. The property also has a detached garage and several garden structures within its domestic curtilage.

- 3.2 Access to the property is via a driveway off Paving Brow which also serves two other residential properties, Grange Garth and Anuthago. Parking for four vehicles is located to the front of the property. Views of the property from the majority of public viewpoints are largely obscured by mature trees.

The Proposal

- 3.3 The proposal seeks retrospective full planning permission for change of use from a dwelling (Use Class C3) to 1no. holiday let (Sui Generis). Details available from the Letting Agent website advertise that The Paddock can accommodate up to 9 people in its 5 bedrooms.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of thirteen neighbouring properties and the posting of site and press notices. In response, five representations of objection have been received.
- 4.2 The representations identify the following issues:
1. holiday let is out of keeping within a residential area;
 2. experienced noise and disturbance arising from the property late at night and early in the morning;
 3. if granted, how can number of visitors and noise be controlled and supervised;
 4. questions the number of parking spaces to serve the property;
 5. increase in traffic;
 6. questions why and how long the proposed change of use is for as application details the change of use is for a limited period;
 7. no fences to stop visitors dogs accessing neighbouring land.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections;

Clerk to Brampton PC: - no observations.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be

assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP2, SP6, EC9, IP3, CC4, CM5, HE7 and GI3 of the Carlisle District Local Plan 2015-2030.

6.3 These proposal raises the following planning issues:

1. Principle Of Development

- 6.4 Policy EC9 of the local plan highlights that the tourism sector is vitality important to Carlisle as generators of economic prosperity. Outlining that proposals will be supported where they contribute towards the development and/or protection of the arts, cultural, tourism and leisure offer of the District and support the economy of the area subject to satisfying three criteria. The NPPF and the local plan recognising that tourism development is a main town centre use and, as such, the Council will encourage this type of development within a recognised centre (i.e. the City Centre, District Centres or Local Centres).
- 6.5 The proposal seeks retrospective planning permission for the change of use of a dwelling into a holiday let, the scale of which is compatible with the character of the surrounding area. Brampton is accessible by a range of transportation modes including National Cycle Network Route 72 'Hadrian's Cycleway' which passes through the town. Accordingly, the proposal accords with the objectives of the NPPF and local plan.

2. Impact Of The Proposal On The Brampton Conservation Area

- 6.6 The dwelling is located within the Brampton Conservation Area, however; the majority of its domestic curtilage is outwith the 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 of the local plan are relevant.
- 6.7 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".*
- 6.8 The aims of the 1990 Act is reiterated in both the NPPF, PPG and policies within the local plan. Policy HE7 of the local plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.9 Accordingly, considerable importance and weight to the desirability of preserving or enhancing the character and appearance of the conservation area. The local planning authority also has to be mindful of case law South Lakeland District Council v Secretary of State for the Environment (1992)

which established the principle that development that was neutral on a conservation area, in that it made no positive contribution but left it unharmed, could properly be said to preserve the character and appearance of that area.

- 6.10 The proposal seeks retrospective planning permission for the change of use of a dwelling into a holiday let. The submitted drawings illustrate that the appearance and car parking would remain as existing. Furthermore, due to the topography of the site together with existing mature landscaping the property is partially obscured from the majority of public viewpoints. Accordingly, based on the foregoing assessment, the proposal would preserve the character and appearance of the conservation area.

3. Impact Of The Proposal On The Living Conditions Of Neighbouring Properties

- 6.11 Policies within the local plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Policies SP6 and CM5 seeking to ensure that the development proposals do not have an adverse impact on the living conditions of the occupiers of adjacent residential properties which cannot be satisfactorily mitigated within the development proposal or by means of compliance with planning conditions.
- 6.12 As outlined earlier in the report, the proposal seeks retrospective planning permission for the change of use of a dwelling to a holiday let. The Paddock is a large detached bungalow which the Letting Agents web site outline can accommodate up to 9 people in its 5 bedrooms. The web site states that the property is a: "... *perfect location to assemble as a family or group of friends ...*". The terms and conditions of the letting agent and the submitted Management Plan also details that: "... *group bookings of single sex parties are not allowed unless special arrangements are made by the Agency with the Owner (safety deposits may be required)*". The supporting information from the applicant and reproduced for Members within the schedule further highlights that: "... *most of our guests are extended families and multi-generational guests i.e. grandparents, parents, siblings and grandchildren including infant*".
- 6.13 The submitted Management Plan also details measures to be undertaken to mitigate for any potential noise nuisance to neighbouring properties arising from the use of the property as a holiday let. The applicant has also provided a copy of Noise Policy for the property which is included within the Information Folder for guests and displayed at the exits within the property. These measures include the restriction of the playing of loud music and restricting the hours of use of the hot tub.
- 6.14 In consideration of the proposal, a property of this size can physically accommodate a large number of people. Where those people live as a single household, that may result in a low-key use. However, it is impossible to guarantee how reasonable and considerate members of a single household would be as single households can at times cause noise and disturbance

especially whilst using external amenity spaces during warm weather and school holidays.

- 6.15 The transient nature of people coming together for a short period of time are unlikely to live in the same way that a single household would with a normal daily or weekly routine. Groups staying at the property may lead to an increase in noise and disturbance during arrival and departure times and through the use of the external areas of the property including the use of the hot tub and external seating areas. The increase in noise and disturbance especially late at night or in the early hours of the morning are issues cited by third parties in their representations of objection. The views of the Environmental Health Section has been sought on this matter and has confirmed that it holds no records of any noise disturbance at the premises.
- 6.16 Accordingly, in line with objectives of Policies SP6 and CM5 Members have to make a judgement as to whether the use of the premises as a holiday let as opposed to that of a dwelling results in a significant adverse impact on the living conditions of the occupiers of adjacent residential properties which cannot be satisfactorily mitigated within the development proposal or by means of compliance with planning condition. On balance, to safeguard the living conditions of neighbouring residents from unacceptable noise and disturbance, it is recommended that a planning condition be imposed which would require the operation of the premises to be in strict accordance with the Management Plan, Noise Policy and Terms and Conditions of the Letting Agent. Furthermore, should a statutory noise nuisance occur this would also be subject to Environmental Health Legislation.

4. Impact Of The Proposal On Highway Safety

- 6.17 Access to the property is via a driveway off Paving Brow which also serves two other residential properties, Grange Garth and Anuthago. Parking and turning facilities for four vehicles is located to the front of the property. A further objection cited by third party objectors is parking / turning issues and the increase in traffic to the property. Cumbria County Council, as Highway Authority, has been consulted and do not raise any objections to the proposal. The applicant has also advised that signage will be displayed on the premises directing guests to the allocated turning provision serving The Paddock. The views of the objectors are respected, however; in light of the foregoing together with the views of the Highway Authority it would be difficult to substantiate a refusal on highway safety grounds.

5. Impact Of The Proposal On Biodiversity

- 6.18 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative has been included within the decision notice that if a protected species is found all work must cease immediately and the local planning authority informed.

6. Other Matters

- 6.19 The application form seeks: *"change of use from C3 to holiday let for a limited period"*. Third parties have questioned the: "limited period". No details have been provided in respect of this issue, however; should Members approve the application the development is classed as a Sui Generis under the Town and Country Planning (Use Classes) Order 1987 (as amended). As such, any subsequent change of use would require planning permission.
- 6.20 Another issue raised by third parties was the behaviour of the residents dogs whilst staying in the property. This is not a material planning consideration, therefore, falls out with the planning remit for the determination of this application. Nevertheless, the applicant has advised that any holes within the existing fence line will be repaired and will be monitored in the future.

Conclusion

- 6.21 The proposal seeks retrospective planning permission for the change of use of a residential property into holiday accommodation, the scale of which is compatible with the character of the surrounding area. Brampton is accessible by a range of transportation modes including National Cycle Network Route 72 'Hadrian's Cycleway' which passes through the town.
- 6.22 Policies SP6 and CM5 seeks to ensure that development proposals do not have a significant adverse impact on the living conditions of the occupiers of adjacent residential properties which cannot be satisfactorily mitigated within the development proposal or by means of compliance with planning condition. On balance, the imposition of the recommended planning condition requiring the operation of the premises to be in strict accordance with the Management Plan, Noise Policy and Terms and Conditions of the Letting Agent would safeguard the living conditions of neighbouring residents from unacceptable noise and disturbance. Furthermore, should a statutory noise nuisance occur this would also be subject to Environmental Health Legislation.
- 6.23 Cumbria County Council, as Highway Authority raise no objections to the proposal. The proposal would not have a detrimental impact on the Brampton Conservation Area or biodiversity.
- 6.24 In overall terms, the principle of development accords with the objectives of the NPPF, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the Carlisle District Local Plan 2015-2030. A condition requiring the submission of a management plan would safeguard the living conditions of neighbouring residents from unacceptable noise and disturbance. The proposal would not have a detrimental impact on highway safety nor biodiversity. Accordingly, the proposal is recommended for approval.

7. Planning History

- 7.1 In 2004, full planning permission was granted for single storey extension to provide domestic accommodation and detached garage/store (application reference 04/0766).
- 7.2 In 2005, full planning permission was granted for single storey extension to provide domestic accommodation and detached garage/store (revised proposal) (application reference 04/1574).
- 7.3 Earlier this year, an application for the demolition of existing garage and erection of replacement garage for The Paddock; change of use of garden for the erection of 2no. dwellings adjacent to The Paddock was withdrawn (application reference 21/0043).

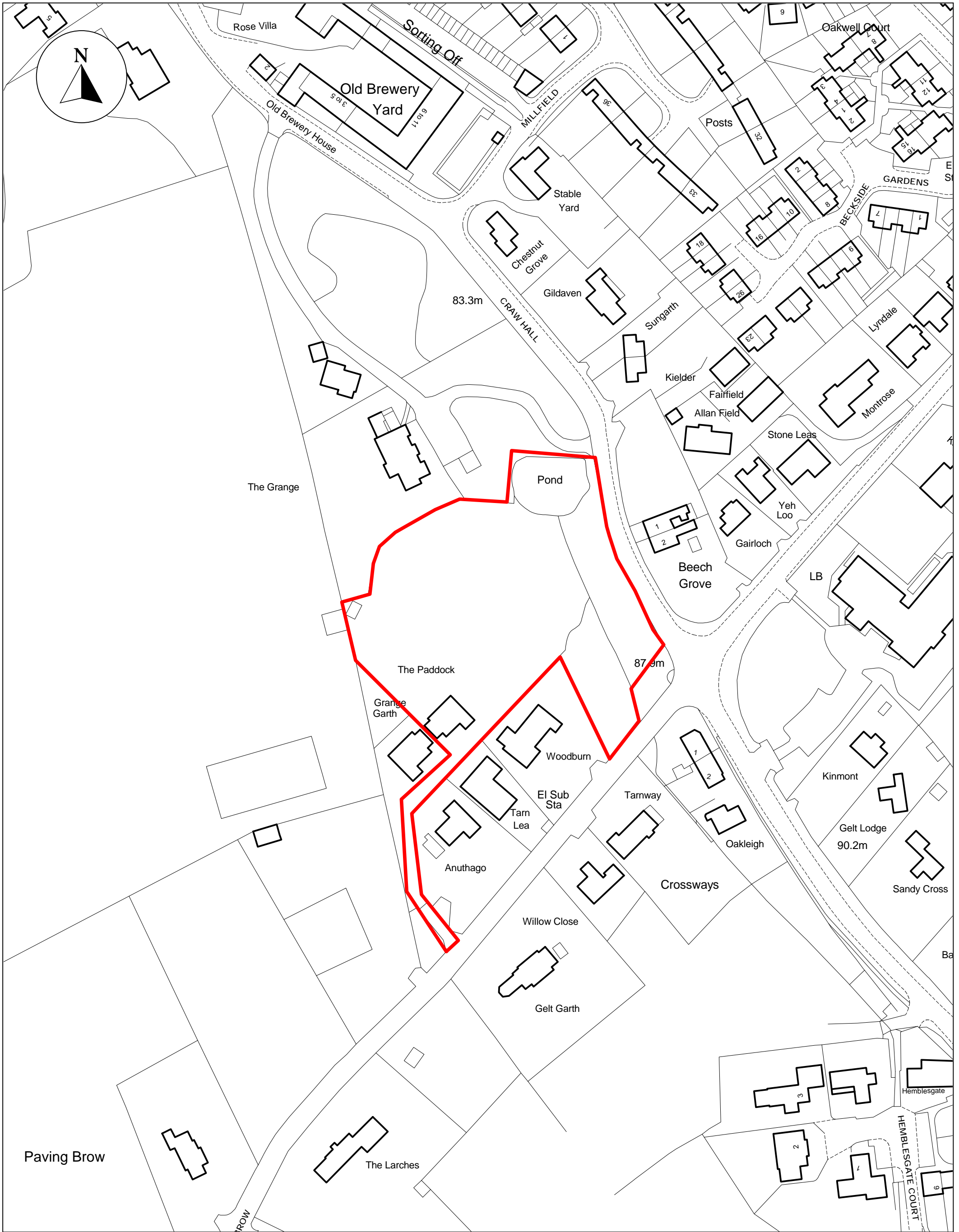
8. Recommendation: Grant Permission

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 23rd March 2021;
 2. the Management Plan submitted 5th July 2021;
 3. the Noise Policy submitted 5th July 2021;
 4. the Terms and Conditions of holidaycottages.co.uk received 5th July 2021;
 5. the location plan received 23rd March 2021;
 6. the block plan received 23rd March 2021;
 7. the floor plan received 23rd March 2021;
 8. the Notice of Decision;
 9. any such variation as may subsequently be approved in writing by the local planning authority.

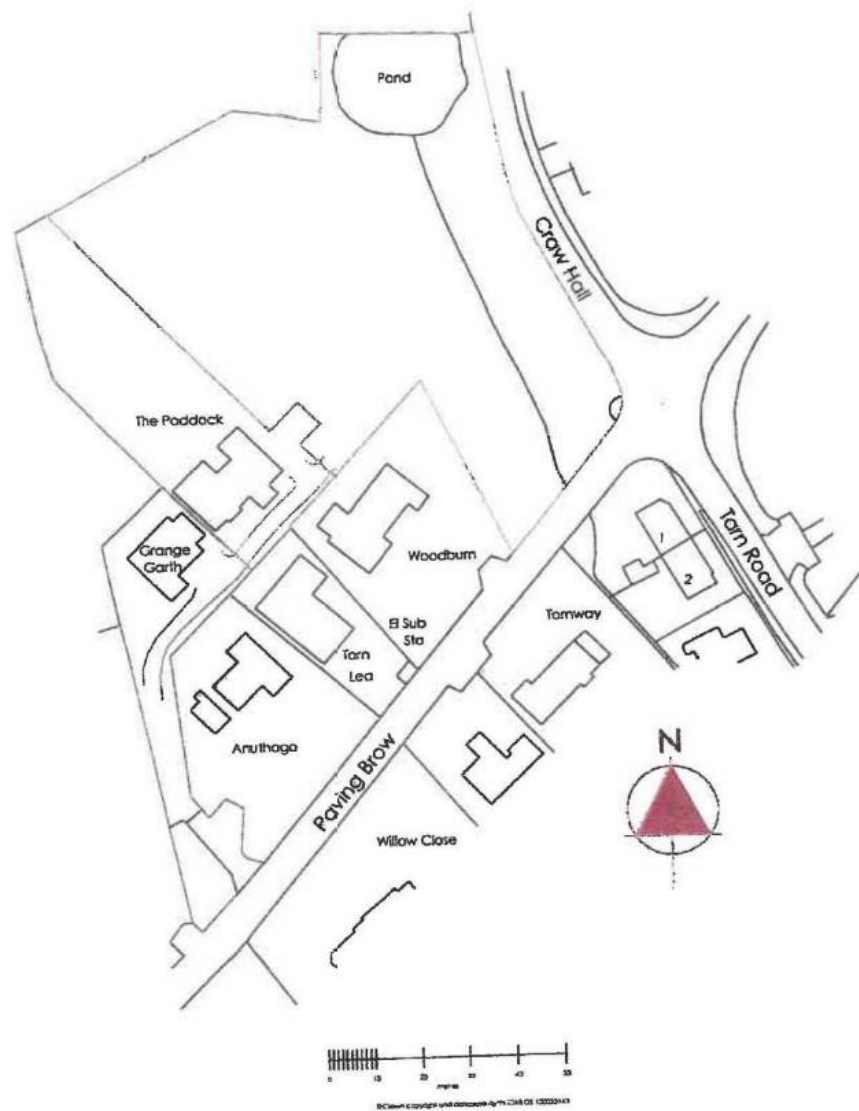
Reason: To define the permission.

2. The operation of the holiday let, hereby approved, shall be undertaken in strict accordance with the submitted Management Plan, Noise Policy and the Terms and Conditions of holidaycottages.co.uk.

Reason: To ensure the holiday let accommodation is properly operated and to ensure that local residents have a recourse in the event of any disturbance in the interests of residential amenity and the function of the area in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

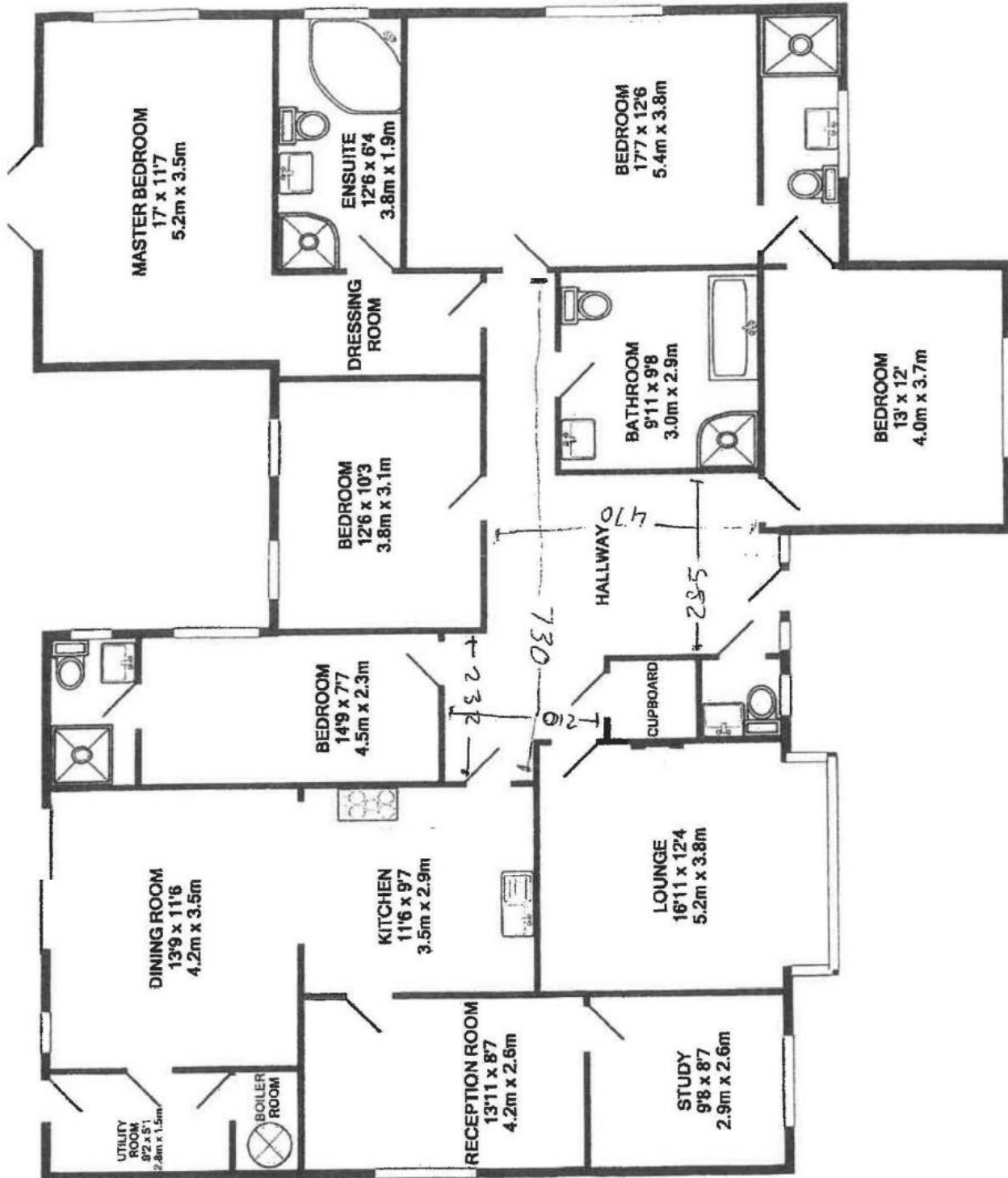


©crown copyright database rights 2021 ordnance survey LA100024459



The Paddock, Paving Brow,
Brampton, CA8 1QU

The Paddock, Paving Brow CH & IQY.



TOTAL APPROX. FLOOR AREA 195.6 SQ.M. (2106 SQ.FT.)

Whilst every attempt has been made to ensure the accuracy of the floor plan contained here, measurements of doors, windows, rooms and any other items are approximate and no responsibility is taken for any error, omission, or mis-statement. This plan is for illustrative purposes only and should be used as such by any prospective purchaser. The services, systems and appliances shown have not been tested and no guarantee as to their operability or efficiency can be given.

Made with Metropix ©2008

Dear Ms Percival

Thank you for the opportunity to address the comments and concerns regarding the use of The Paddock, Brampton as a holiday rental and to submit a Management Plan to be considered by the Members of the Development Control Committee at its next meeting on 23rd July 2021.

The Paddock is a spacious detached 5 bedroomed bungalow with 4 bathrooms, sitting room, dining room, utility, snug, large kitchen with a further seating area. The drive from the road, Paving Brow along to the dwelling is owned by The Paddock at the end of which is parking for up to 4 cars. There is a decking area to the rear of the property with table, chairs, sun loungers and a hot tub. The garden around the property is 2 acres and mainly lawn.

The Paddock was purchased by my parents in 2007, the size of the house and garden they felt would be ideal during holidays and weekends to accommodate their four grown up daughters and husbands, seven grandchildren and dogs.

My mother sadly passed away in 2016 and soon after that dad's health deteriorated. In March 2018 we felt it best and safer for dad to go into a residential care home to be looked after as it was evident, he needed continuous care. To raise funds to pay for the care home fees we were not sure whether to sell the property or rent it out. As my sister and I both own holiday rental homes and have done for several years we decided this would be the best course of action.

Sadly, dad passed away on 19th November 2020 due to Covid-19. The bookings for this year are mostly cancellations from last year that have been transferred due to the pandemic restrictions and lockdown. I would like to honour these bookings as it will be difficult for guests to find alternative places to stay due to most holiday accommodation now being fully booked for this year.

The Paddock is rented out through a well-known and reputable agency, Travel Chapter, trading as holidaycottages.co.uk, whose portfolio spans across England, Scotland and Wales. They have 311 holiday rental properties on their books in the Cumbria area alone.

- The setting of The Paddock is not compromised because of the property being used as a holiday let given that as it is such a large dwelling and as in the past when my parents lived there it had multiple vehicle movements per day. A holiday let use generates similar activities to a normal dwelling with activity in the morning before guests leave to go out and explore the area, followed by a period of inactivity, then a period of activity when the guests return in the evening. During the weekend and holidays the property and its garden would have more activity around during the day enjoying the garden when the weather permits. This is not too dissimilar to how a normal dwelling would function with people leaving to and returning from work. Most guests arrive at 4pm eager for their holiday to start.
- The Paddock was renovated to a high standard, with guests commenting on its home from home feel suitable for family use. Most of our guests are extended families and multi-generational guests i.e., grandparents, parents, siblings and grandchildren including infants. The Paddock is also suitable for wheelchair users who have been able to stay there in the past due to the dwelling being on one level with just a few wide steps up to the property. See Management Plan – BOOKINGS.

- No hen or stag groups have stayed at the property. Please see Management Plan – BOOKINGS & GROUP BOOKINGS & AGE.
- Please be aware that due to Covid lockdown most of the current bookings are cancellations from last year, 2020 which have been transferred to this year. Guest numbers are also smaller due to Covid restrictions. We are hoping to honour these 2021 bookings, the final guest departure will be 2nd January 2022. We have accepted no booking after that date.
- Due to covid restrictions the property was empty from 20th March 2020 to 4th July 2020 almost 4 months and then again from 26th September 2020 to 17th April 2021 for almost 7 months. The neighbours would have been aware of zero noise coming from the dwelling and unaccustomed to the property being occupied.
- The fencing along the boundary between The Paddock and the field I noticed has a few holes, this may be how a dog managed to wander onto this land. The fence will be repaired and the gardener and me will continuously check the fencing and repair again when necessary. This is not an exclusive problem to a holiday rental property as I know of dogs from neighbouring properties that have entered this field as it located in a residential area surrounded by domestic gardens. I have also seen people walking their dogs in that field. Please refer to Management Plan – PETS.
- I have included in The Paddocks Information Folder for guests to be considerate to the immediate neighbours and not to park on their drive or use it as a turning area. We have allocated a turning area for guests to use, further along the drive towards the garage (signage has been ordered).
- Please note that due to the positioning of The Paddock, in consideration of other buildings, it is set back from the road along a private drive. The 3 bungalows in front of the Paddock face onto the main road, Paving Brow and are screened from behind by a high wooden fence with vegetation in front. The immediate neighbours to the left of the property use the shared drive owned by The Paddock, we can arrange to have the boundary wall heightened and a gate fitted across the driveway into The Paddock. The boundary fence along the garden can also be raised with acoustic fencing to further minimise noise coming from the decking area. Please see Management Plan – NOISE POLICY & HOT TUB.
- Giving these mitigating measures we believe the use of The Paddock as a holiday let will not give rise to an adverse impact on the area. Guests who stay at The Paddock help the local economy by using the nearby facilities such as dining at The Howard Arms at Brampton, The Duke of Cumberland at Castle Carrock, Lanercost Tea Room at Lanercost and the takeaway cafes, shops, butchers etc in Brampton. All of which I encourage guests to visit by mentioning in the welcome folder literature what is on offer in Brampton and the surrounding area.
- Given the policies in place I would not expect concerns or issues, however as owner I would take action to deal with any issues raised. The neighbours have either my contact details or the agencies. I am at the property every week, usually a Saturday, so I can be contacted directly in person. Travel Chapter the agency that I use will forward any neighbours concerns onto me. I will take action to deal with any issue raised.

MANAGEMENT PLAN

Please find detailed below information on how The Paddock is managed and ways in which any concerns over nuisance will be mitigated.

BOOKINGS

Those wishing to stay at The Paddock pay a deposit and bookings are made through an agency, Travel Chapter, trading as holidaycottages.co.uk and at the time of booking the website states that the property is not suitable for stag or hen parties. This helps ensure the type of booking will not give rise to louder, more excitable activities that are potentially more common with such groups. Given its location, The Paddock is booked by outdoor enthusiasts and families. Any pets to be included are declared at the time of booking and checked and authorised via the owner.

THE AGENCY

The agency, Travel Chapter Ltd, trading as holidaycottages.co.uk has 311 properties on its books in the Cumbria area. When potential guests make a booking all names and contact details are taken, any changes are informed to the agency immediately.

GROUP BOOKINGS AND AGE

As stated in the Agency's Booking terms and conditions Paragraph 1.3 Bookings cannot be accepted from persons under 18 years of age. Group bookings of single sex parties are not allowed unless special arrangements are made with the owner.

TROUBLESOME GUESTS

Paragraph 6.3 The Holiday makers right to occupy the Property may be forfeited without compensation if: 6.3.3 Any activity is undertaken which is illegal, or may cause unreasonable damage, noise, behaviour, or disturbance. This will act as a deterrent for any ignorance of the policies in place.

PETS

Regarding dogs staying at The Paddock there are strict guidelines that the owners must adhere to. Up to two dogs are allowed to stay at the property under the booking terms and conditions set out by the agency Paragraph 10.7 The following dog terms apply 10.7.1 Dogs must be under strict control at all times while at or in the property 10.7.2 Any fouling must be cleared up without delay 10.7.4 Dogs must not be left alone in or at the property or elsewhere at any time 10.8 If you break the terms of paragraph 10, the Owner (including their representative) or the Agency may notify you that you have broken these terms and may cancel this booking and ask the holidaymakers to leave the Property without compensation, or that they pay an additional reasonable charge.

MAINTENANCE

Gas appliances are regularly maintained and serviced by a Gas Safe registered engineer; a valid annual Gas Safety Certificate is in place.

The property is also regularly inspected by a qualified electrical engineer and a valid annual Electrical Installation Condition Report (EICR) is in place.

An annual PAT test has been carried out at the property.

The garden has been maintained regularly by a local gardener since 2018 he will also check the boundary fence and repair when necessary.

The property is cleaned weekly by family members.

FIRE PRECAUTIONS

A Fire Safety assessment has been carried out and information is provided in the property handbook. A fire blanket and extinguisher are visible and within easy reach in the kitchen. Carbon monoxide detectors and smoke alarms are also in place.

NOISE POLICY

A noise policy is in place and guests are informed of the following on arrival

We ask all guests to show consideration to the environment and to the neighbours of the property in all manners and at all times.

The following noise restrictions apply

Show consideration for the neighbours of the property in the early mornings and late evening

You will not turn up the music within the property to provide music outside

Do not play loud music outside after 11pm

You must limit any loud music playing inside the property so it cannot be heard outside

The hot tub must not be used after 11pm and before 7am

Fireworks are strictly forbidden

Within the property handbook and near the exists THE PADDOCK NOISE POLICY is clearly displayed so that guests are reminded of the policies in place and the need to adhere to them.

HOT TUB

Guests are informed in the property handbook not to use the hot tub after 11pm and before 7am and to always show consideration to the neighbours nearby regarding noise levels.

ARRIVAL

Before guests arrive, they contact me personally to discuss arrival time, key code, places to visit and eat. I also mention to the users that there is a noise policy and on arrival to read THE PADDOCK NOISE POLICY contained in the welcome folder and at the exists of the property. An example of THE PADDOCK NOISE POLICY is enclosed.

NOISE POLICY AT THE PADDOCK

Dear Guests

While we are very keen for all our guests to have a fantastic time at The Paddock, it is important that we balance that with respect for the neighbours.

We are sure that like most guest you will be nothing but respectful, we ask you to acknowledge the following important noise policies:

Show consideration to the neighbours of the property in the early mornings and late evening

Please be respectful to the neighbours and do not play loud music outside after 11pm

Music must not be turned up inside the property to provide music outside

Limit any loud music played inside the property so it cannot be heard outside

The hot tub must not be used after 11pm and before 7am

Strictly no fireworks

ⓘ Please see our latest [coronavirus FAQs and information](#) for guests before contacting us.

×



Booking terms and conditions

Bookings are made and accepted only on the following conditions:

holidaycottages.co.uk ("the Website") is a website owned and operated by The Travel Chapter Limited.

1 Contract and Booking

- 1.1 The Travel Chapter Limited, trading as holidaycottages.co.uk, hereinafter called "the Agency", act only as agents for (i) the owners of the accommodation ("the Owner") or (ii) other agencies who themselves act as agents for the Owner. In all circumstances, the Contract of Letting is between the guest ("the Guest") and the Owner. The Agency is part of a group, and "Agency Group" means the Agency and any subsidiary or direct or indirect holding company of the Agency, and any subsidiary of any such direct or indirect holding company from time to time.
- 1.2 This agreement is made on the basis that the property ("the Property") is to be occupied by the holidaymakers for a holiday (as mentioned in the Housing Act 1988 Schedule 1 paragraph 9 or similar legislation in other jurisdictions) and the Holidaymakers acknowledge that the tenancy granted by this agreement is not an assured tenancy and that no statutory periodic tenancy will arise when it ends.
- 1.3 Bookings cannot be accepted from persons under 18 years of age. Group bookings of single sex parties are not allowed unless special arrangements are made by the Agency with the Owner (safety deposits may be required). Any pets you intend to take with you should be declared at the time of booking and checked and authorised via the Owner (where requested).
- 1.4 No bookings are valid until confirmed by the Agency in writing.
- 1.5 Once a booking is confirmed it is not subject to change. If you choose to cancel see section 8 for details of the terms that would apply. Whilst we will be under no obligation to do so, we may in certain circumstances and with the agreement of the Owner, make minor adjustments to bookings. In these circumstances we will charge £20 to make the change.

2 Deposit

- 2.1 A deposit of 1/3rd of the cost of the holiday ("Deposit") must accompany the booking request, plus the Booking Fee (as detailed at the time of booking) and the Holiday Insurance (if actively selected at the time of booking). The Booking Fee and Deposit are non-refundable unless the Agency is unable to accept the booking, and as specified below.

3 Insurance

- 3.1 The Agency recommends that Holiday Insurance is taken out (whether arranged by the Agency or otherwise) when making a booking even when payment is made in full.
- 3.2 Please note that where Holiday Insurance is taken out with the Agency it is being arranged by the Agency, and not by the Owner, nor by any other agencies or member(s) of the Agency Group.

4 Balance Payment

- 4.1 Once a booking is confirmed by the Agency, the Guest is responsible for the full balance of the cost of the holiday. This shall be paid not later than 9 weeks before the booking is due to commence.
- 4.2

Open today from 9am to 9pm! [Contact us](#)

Should you have any queries specifically regarding coronavirus and the potential impact on your holiday, please refer to our [coronavirus FAQs page](#).

holidaycottages.co.uk is a trading name of The Travel Chapter Limited | The Travel Chapter Limited is registered in England and Wales. | Registered office Travel Chapter House Gammaton Road Bideford EX39 4DF Company No. 02433506 | VAT reg: *43053210. © holidaycottages.co.uk 2021



[Sitemap](#) [Privacy](#) [Cookies](#) [Terms of use](#)

SCHEDULE A: Applications with Recommendation

21/0374

Item No: 07

Date of Committee: 23/07/2021

Appn Ref No:
21/0374

Applicant:
Mr Steven Tomkin & Ms
Mary Thorne

Parish:
Hayton

Agent:
Abacus Building Design

Ward:
Brampton & Fellside

Location: Castle Hill, Hayton, Brampton, CA8 9JA

Proposal: Change Of Use Of Redundant Agricultural Barn To Provide 1no. New Dwelling & Extension To Accommodation To Adjoining Gin Case; Construction Of New Entrance And 2no. Car Parking Spaces To Rear Within Existing Garden Area To Serve New Dwelling And Gin Case

Date of Receipt:
27/04/2021

Statutory Expiry Date
22/06/2021

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Proposal Would Be Acceptable In Principle
- 2.2 Impact Of The Proposal On Listed Buildings
- 2.3 Impact Of The Proposal On Landscape Character
- 2.4 Highway Matters
- 2.5 Drainage Issues
- 2.6 Impact On Biodiversity
- 2.7 Impact On Trees
- 2.8 Impact On Common Land

3. Application Details

The Site

- 3.1 Castle Hill consists of a farmhouse, a former gin case (which has been converted to a dwelling), a bank barn, a cart shed, pig hulls and a detached hay barn all of which are Grade 2 Listed Buildings. The buildings are generally red sandstone buildings with traditional slate roofs. They are arranged around a cobbled farmyard and originally formed the former agricultural holding of Castle Hill.
- 3.2 The site is served by an existing access that links to the road that leads from Hayton to Hayton Lane End and the junction with the A69. The property is also served by a field gate and a pedestrian gate which are accessed from Beck Lane, which lies to the south of the property, along with Patten Beck. A garden area slopes downhill from the buildings to Beck Lane and Patten Beck and a stone wall forms the boundary of the applicant's garden and Beck Lane.
- 3.3 Walnut Field/ Village Green lies to the south Castle Hill. Nook Farm lies to the east, with the Scheduled Monument of Hayton Castle Hill lying to the west, together with residential properties on Beck Lane. An unmade track goes from Castle Hill to Hayton Castle Hill and trees along the track are subject to a Tree Preservation Order.
- 3.4 The land at the southern end of the garden (adjacent to Patten Beck) is registered as Common Land. This land is located to the east of the field gate at the bottom of Beck Lane and is in the applicant's ownership.

The Proposal

- 3.5 The proposal is seeking to convert the bank barn into a new two-bedroom dwelling and to provide additional accommodation for the gin case, which is adjoined to the western side of the bank barn.
- 3.6 The ground floor of the gin case is equivalent to the first floor of the bank barn. The proposals are to create a doorway at ground floor level from the gin case to the bank barn. A lounge would be created on part of the first floor of the bank barn and this would have a circular staircase which would provide access to the ground floor where a bedroom would be created and to the second floor where a mezzanine seating area would be created. An office would be created in the cart shed that is attached to the north side of the bank barn.
- 3.7 The southern end of the bank barn would be converted to a new two-bedroom dwelling. Two bedrooms (one en-suite) and a bathroom would be provided on the ground floor, with an open plan lounge/ dining area/ kitchen being provided on the first floor and a mezzanine seating area being provided on the second floor.
- 3.8 The east elevation of the bank barn, which faces into the courtyard, currently has four doors and a window at ground floor level, a door at first floor level and a number of ventilation slits. New full height glazing would be installed within the door openings, with the existing timber boarded doors, including ironmongery, being retained as shutters. One new opening would

be added at first floor level in the east elevation and this would match the existing openings in this elevation. The majority of the existing ventilation slits would be retained and these would be glazed internally without frames.

- 3.9 A new timber window would be added to the west elevation of the bank barn and this would have a full sandstone surround to match the existing windows. There would be no external changes to the south and north elevations of the bank barn.
- 3.10 The existing large opening in the east elevation of the cart shed would be fully glazed. The existing timber doors, including ironmongery, would be retained as shutters.
- 3.11 Externally the proposal involves the use of stained timber window frames and doors; aluminium rainwater goods; sandstone surrounds; the interior glazing of ventilation slits; and the re-roofing of the store building in slate. Two new flues would also be added to the building.
- 3.12 The proposal also involves the construction of a new gated access from Beck Lane which would link to a new parking area which would be created to the south of the gin case. A gravel parking area would be formed by limited excavation and grading of the existing garden, with new landscaping proposed to reduce the visual impact of the parking area.
- 3.13 A new access would be formed in the existing stone wall that adjoins Beck Lane, to the east of the existing pedestrian gate. This would be adjoined by new stone piers. The access road would be constructed of rough ridged tamped concrete to enable vehicles to gain traction and hold onto the road surface.
- 3.14 Aco drains on the new access would collect surface water and divert it to a deep gravel infiltration trench. The applicant is also proposing to open up an existing section of culverted watercourse on their land, to increase the storage capacity of the watercourse.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to twelve neighbouring properties. In response, four letters of objection have been received which raise the following issues:

Highway Matters

- the proposed parking area is not located in a practical location particularly when there are currently two existing drives in the area both of which provide direct access to the proposed new dwelling and the Gin Case from the public highway;
- Castle Hill already has access onto the road from Hayton Village to Hayton Lane End Inn on the A69. This driveway has an exit with good visibility and the road to the A69 is wide. Surely provision could be made for the new

occupants of the proposed development to use this. There is also a large courtyard area in front of the barns which could easily be used for parking;

- the proposed parking area is approximately 4m lower and 18m away from the front doors of the proposed properties. The Gin Case already has its own access and parking area. This raises the question is this a forerunner to a further application for a new house adjacent to the new parking area if this application is approved?;
- Beck Bottom already has access issues from its quantity of use and parking. Aside from the residents it is in twice daily use by parents from the school and delivery vehicles struggle to navigate it, often having to reversing its length. This proposal will aggravate this issue;
- whilst the access road to the proposed new entrance is a dead end this road (including the area behind the village green) is in constant use by vehicles and particularly by children playing;
- should not a visibility splay be included?;
- the drawings show that the level area behind the gates, within the site, is minimal and therefore to open and close the gates a car would need to be parked on the slope. This relates to the visibility issue at the entrance that it is a further distraction in an already busy area;
- as the additional access will be 90 degrees onto the existing lane they will require yet more space in which to negotiate through the access. This will take yet more land which does not belong to their property;
- ask that the unauthorised access that was made be put back to how it was
- should permission be approved then it most certainly should be reinstated as one could argue it would be redundant and no longer required;
- Beck Bottom is a cul-de-sac and drivers coming down this lane have to be able turn round at the end and this is very close to the proposed exit of the new driveway from this development;
- turning is already an issue because there is no turning place and drivers use the area with slight widening at the exit of the footpath which passes beside the Village Green (the Walnut Field). Turning can be extremely difficult at times due to parked cars adjacent to this area and leaving little room for manoeuvre;
- in adverse weather conditions, parents commonly park their cars on Beck Bottom to drop off or collect their children from the village school. They use the footpath beside the Walnut Field and so park at the far end of Beck Bottom. This is where the proposed exit of the new driveway will be. Parental parking already causes congestion and problems with turning of cars and this will only be made worse if parking becomes restricted;
- the proposed parking for this development is for four cars which will hopefully be adequate for the occupants. However, there is no provision for visitors to park. This will mean that visitors or additional cars belonging to the occupants will be parked along Beck Bottom adding to the existing difficulties already stated;
- the proposed driveway has a very steep gradient of 20% - concerned that in icy weather the occupants of the development will be unable to drive their cars up into their car park and consequently will have to park on Beck Bottom exacerbating the issues. If we have snow, Beck Bottom becomes ice bound for days with persistent caked snow and ice because the sun does not penetrate into the low set road;
- the wet road freezes in winter and is extremely hazardous and this ice

extends beyond the exit of the footpath adjacent to the Walnut Field. The ice persists because of the lack of sunlight on Beck Bottom;

- there are a number of young children living on Beck Bottom. They use the road outside their houses for play and this use will increase as they get older. Additional traffic, both during construction in the short term and from residents and their visitors of this new development in the long term, will be potentially hazardous;

- the exit from Beck Bottom onto Brier Lonning is difficult for drivers. The view up the hill to the left is often obscured due to cars being parked for service at Hayton Garage. Brier Lonning itself is very narrow in places leading to the A69. Drivers already use the pavement to dodge on coming vehicles and also have to pull in to Acre Close, Castle View and field gateways. Further traffic will only exacerbate this issue;

- the proposed access would impact on the many residents of Beck Bottom and on the villagers living on and using Brier Lonning;

Drainage Issues

- there is a serious risk of water and sewerage discharge affecting properties along the Beck Bottom from the existing services already being at maximum capacity - feel that the planning proposal for the property at Castle Hill will add to an already stressed drainage and sewerage system;

- the old properties along the Beck Bottom already have grandfather rights for surface water to enter the sewer network and any additional excess water from this proposed site will undoubtedly find its way down into the Beck and potentially overflow into the sewer via the existing culverts;

- the reason for the access is to accommodate a parking area which is on such a steep incline that surface water will gather and flow down the hill of the proposed drive and enter the existing beck increasing its capacity yet further;

- from local knowledge and personal observation can say with certainty that the culvert which runs long the lane at beck bottom is in excess of 80% volume when there are any heavy showers. The recent flash flood events have seen the culvert unable to cope with any additional volume;

- the land drainage survey that took place has not taken into consideration any effect it may have downstream of the site;

Beck Bottom already floods regularly all the way along its length in severe wet weather when the water entering the culvert at the end of Beck Bottom, adjacent to the proposed driveway exit, exceeds the capacity of the culvert;

- over the past 2 years, the water draining from the bottom of the Walnut Field, directly opposite the proposed driveway exit, has increased in volume so that there is standing water in the grassy areas and the road end is constantly wet;

- the proposed steep driveway has drainage provision in the plans.

Concerned that in heavy rain it's capacity will be exceeded and water will flow onto Beck Bottom increasing the probability of flooding;

- flooding of the houses, gardens and garages is already of concern for residents with vulnerable properties;

- flooding of Beck Bottom has significantly contributed to more widespread flooding of other houses within Hayton Village in the past;

- the proposed location of the entrance and driveway on to the lane below would cause serious issues. The lane (from Blacksmith's cottage to the

bottom of the village green) flooded in 2016 under 3 feet of water, causing all the houses on the lane to flood and thousands of pounds of water damage. A paved driveway replacing the current grass and trees on the bank below Castle Hill would only exacerbate risk of further flooding;

Common Land/ Land Ownership

- the applicants have a perfectly good access of their own onto the highway so I see no need for them to make a claim on parish land/public amenity;
- understand that the classification and ownership of the section of land outside the proposed entrance is unclear. The application does not appear to have addressed this (Certificate A has been included). Some of the land in this area is registered common land. As such what rights are relevant to this land, eg access?;
- the proposed access onto the common land, the applicants have already made an unofficial access onto their property from this public space. The proposal they are submitting will take yet more of the parish's recreational ground for their transit in and out of their property;

Other Matters

- application 94/0659 'Formation of Vehicle Access from Beck Lane to serve dwelling to be formed from Barn Conversion' was refused in 1994;
- the application drawings are not consistent. The proposed site drawing does not match the engineer's drainage plan;
- several of the existing trees, included on the application plan are protected. Why has an Arboricultural Report not been included? The section shows that extensive excavation, on the north side, will be needed to accommodate the parking area. This needs to be outside of the root protection area which it does not currently appear to be;
- it is also noted that no provision for refuse/recycling appears to have been included. Currently bins on Beck Bottom are taken to the end of the road next to the garage and this will be particularly relevant if the occupants have to traverse up and down the proposed drive way just to reach Beck Bottom;
- the property sits on an ancient monument, a Saxon fortification and rampart. I have not been able to ascertain if an archaeological survey has been carried out or indeed if any permission has been sought to excavate which includes the test holes excavated by the drainage specialist;

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections subject to conditions (construction parking; Construction Traffic Management Plan; Construction Surface Water Management Plan);

Hayton Parish Council: - objects to the proposal for the following reasons:
1. The area between the end of the public highway (end of surface dressed road) and the existing access to the developer's land is Common Land. In the 1814 Hayton Enclosure Act the "Beck Bottom" was shown as one of several watering holes. It was subsequently registered as Common Land in 1968. As such no excavation can be carried out on this area without express permission from the Planning Inspectorate. Without this permission it will be difficult for vehicles to have sufficient turning space to gain entry into the

proposed new access.

2. Does not believe that at times of intense rainfall (only predicted to increase with climate change) the proposed ACO drainage systems can deal satisfactorily with the run off from a concrete track which has a gradient in excess of 1 in 5. There is a history of flooding in Beck Lane and the residents are very sensitive about a potential increase in discharge created by this development. The lack of any highway gullies on Beck Lane does not help.

3. Local residents also think that most drivers will be reluctant to use the steep access track especially in wintry conditions. On these occasions cars will highly likely park on either the turning area at the end of Beck Lane (preventing vehicles turning) or on the Common Land which is an offence.

4. Pleased to note that the developer proposes to replace the culvert on his land with an open ditch. This will be of great benefit in acting as a storage area at times of maximum discharge from the catchment area.

5. What would also be of great benefit would be to rebuild the wall at the existing field gate. It is worth remembering that in 1982 the runoff from the catchment area for the beck caused the bridge parapet walls and road to collapse on the Hayton Lane End Road. This resulted in that road being closed for 6 weeks and the gas main to be severed over the same period

Following the receipt of revised plans:

Does not see any substantive differences that address the concerns raised when objecting to the original planning applications. They therefore continue to object on the same basis as they did in response to the original planning applications.

The Parish Council has submitted an application to the County Council to ask that the mistaken registration of the common land CL190 which includes Beck Bottom be amended to reflect the Parish Council's application to register that area at Beck Bottom as submitted by the PC back in 1968.

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), Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP2, SP6, SP7, HO2, HE3, IP2, IP3, IP6, CC4, CC5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The SPD Trees and Development is also a material consideration.

6.3 The proposal raises the following planning issues.

1. Whether The Proposal Would Be Acceptable In Principle

- 6.4 The proposal is seeking to convert a disused listed barn into additional accommodation for the gin case and a new two-bedroom dwelling. The barn is located in Hayton which contains a range of services. Furthermore, the proposal would bring a listed building back into use which would help to ensure its future maintenance. In light of the above, the proposal would be acceptable in principle.

2. Impact Of The Proposals On Listed Buildings

- 6.5 The bank barn, gin case, cartshed, pig hulls and walls are all listed Grade II. The listing for these is copied below.

Bank barn, gincase and cart shed to the northwest of the farmhouse. Early C19. The bank barn in squared rubble with ashlar lintels and jambs, asbestos sheet roof. Entrance to barn from field on west elevation through sandstone porch with catslide roof. Entrances on ground floor of building from the yard to the east. This eastern elevation has a stable door with window and three byre doorways with two ventilation slits. Over one byre door is a winnowing door and to the right of this are two rows of ventilation slits. Gincase, attached to the west side of the bank barn and abutting the left return of the cartshed: two storeys, with two-window range to west face and north return, and one window to the south. Variety of openings to ground floor, several with sashes of an original design. Sandstone in squared rubble with ashlar corners; pyramidal roof of slate. Dated 1830 with initials A and FB for Abraham Bird. Also contains inserted date stone of 1683 with the initials ID:ID. Stone finial at roofs apex. Single-storey, sandstone cartshed with slate roof attached to the north of the bank barn. Also included in this listing are the single-storey pig hulls and brew house to the north of the bank barn and forming the northwest corner of the farmyard, as well as the sandstone walls enclosing a sheltered yard to the north.

- 6.6 Castle Hill Farmhouse, which lies to the south of the bank barn and gin case is also Grade II Listed. The list entry for this dwelling is reproduced below.

Farmhouse. Early C19. Sandstone ashlar and quoins. Welsh slate roof. Two storeys. Three-window range to the front, single stairwell window to the rear. Single-storey wings of one window each to either side; to the right a covered seat. Axial stacks to gable returns of main block and wings. Flat-arched entrance in centre chamfered quoins and keystone. Entrance hall with moulded round arch to stairwell at rear. Mouldings and stair of original design. Low sandstone walls to the road with ashlar gate piers. Immediately to the northeast a long, narrow, single-storey shed of rubble sandstone with slate to the roof.

- 6.7 The hay barn that lies within the group of buildings at Castle Hill is also Grade II Listed. The list description for the hay barn is copied below.

Hay barn. Late C19. Sandstone with welsh slate roof. Two storeys, five bays. First-floor divided by stone pillars with squared capitals, the ground

floor originally with carved kneelers, only one of which remains. Forms a group with the farmhouse and nearby bank barn.

- 6.8 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".

- 6.9 Paragraph 195 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.10 Policy HE3 of the Carlisle District Local Plan 2015-2030 highlights 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.
- 6.11 The ground floor of the gin case is equivalent to the first floor of the bank barn. The proposals are to create a doorway at ground floor level from the gin case to the bank barn. A lounge would be created on part of the first floor of the bank barn and this would have a circular staircase which would provide access to the ground floor where a bedroom would be created and the second floor where a mezzanine seating area would be created. An office would be created in the cart shed that is attached to the north side of the bank barn.
- 6.12 The southern end of the bank barn would be converted to a new two-bedroom dwelling. Two bedrooms (one en-suite) and a bathroom would be provided on the ground floor, with an open plan lounge/ dining area/ kitchen being provided on the first floor and a mezzanine seating area being provided on the second floor.
- 6.13 The east elevation of the bank barn, which faces into the courtyard, currently has four doors and a window at ground floor level, a door at first floor level and a number of ventilation slits. New full height glazing would be installed within the door openings, with the existing timber boarded doors, including ironmongery, being retained as shutters. One new opening would be added at first floor level in the east elevation and this would match the existing openings in this elevation. The majority of the existing ventilation slits would be retained and these would be glazed internally without frames.

- 6.14 A new timber window would be added to the west elevation of the bank barn and this would have a full sandstone surround to match the existing windows. There would be no external changes to the south and north elevations of the bank barn.
- 6.15 The existing large opening in the east elevation of the cart shed would be fully glazed. The existing timber doors, including ironmongery, would be retained as shutters.
- 6.16 Externally the proposal involves the use of stained timber window frames and doors; aluminium rainwater goods; sandstone surrounds; the interior glazing of ventilation slits; and the re-roofing of the store building in slate. Two new flues would also be added to the building.
- 6.17 A new access would be created from Beck Lane and this would involve the removal of a section of the existing stone wall that adjoins Beck Lane, to the east of the existing pedestrian gate. The access road would be constructed of concrete and would provide access to a gravel parking area. New landscaping is proposed to reduce the visual impact of the access and parking area. The access and parking area would not have an adverse impact on the setting of the listed buildings, which are set around a courtyard to the north.
- 6.18 Following concerns from the Heritage Officer, the Ancient Monuments Society and the Council of British Archaeology, the plans have been amended to remove two new openings on first floor level in the east elevation of the bank barn; two new windows in the north elevation at eaves level; and one new window in the west elevation. The revised plans are now acceptable to both of the amenity groups.
- 6.19 The Council's Heritage Officer has been consulted on the application and he has raised no objections to the proposals, following the submission of amended plans. The alterations entirely satisfy the points raised by the Heritage Officer in his initial response and he considers that the application is now compliant with the considerations set out in sections 16 and 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and Local Plan policies HE3 and SP6. Conditions should be attached to the listed building consent application which require all joinery details of proposed doors and windows to be submitted for approval by the LPA and details of the proposed pointing, including the mortar to be used, to be agreed with the LPA. A photographic survey of the completed building showing all elevations and interior spaces should also be submitted to the LPA prior to occupation of the proposed dwelling.
- 6.20 The proposals, which would bring the building back into use with sympathetic alterations are considered to be acceptable and they would not have an adverse impact on the listed bank barn or on the setting of any of the adjacent listed buildings.

3. Impact Of The Proposals On The Character Of The Area

- 6.21 In September 1994, planning permission was refused for the formation of a vehicular access from Beck Lane to serve the dwelling being formed by the conversion of the gin case (94/0659). The application was refused for the following reason:

The proposed access and car parking area would extend into land which is contiguous with and makes an important contribution to an extensive area of amenity land between the main village street and Castle Hill and which together is a significant townscape feature of Hayton. Development encroaching into that land, which contributes to the high environmental quality and setting of the village, would be visually intrusive and harmful to its character, contrary to the objectives of Proposal E39 of the adopted Carlisle Rural Area Local Plan and Policy 27 of the Replacement Cumbria and Lake District Joint Structure Plan which together establish a firm presumption against development of such areas of significant public and private open spaces within settlements.

- 6.22 The land forms part of the curtilage to Castle Hill and is in the applicant's ownership. The access road would not have a significant adverse impact on the landscape character. The parking area has been reduced from four parking spaces to two. Whilst cars parked on the parking area would be visible from the Walnut Field/ village green, which lies immediately to the south of the application site, the provision of landscaping (once it becomes established) would largely screen the cars and parking area in long distance views.
- 6.23 In light of the above, the proposal would not have an adverse impact on the character of the area.

4. Highway Matters

- 6.24 Objectors have raised concerns about the proposed new access, which would be via the U1202 in Hayton which is an access road which serves nine dwellings and has a single farm access at the end. The Highways Authority has assessed the proposals and determined that the proposals would not affect the users of the U1202 post construction.
- 6.25 However, the Highways Authority has concerns with regards to the impact of the development during the construction phase. The Highways Authority is content that further information relating to the construction phase of the development can be considered at a later stage of the planning process and secured through the use of planning conditions.
- 6.26 In light of the above, the Highways Authority has no objections with regards to the proposal subject to the imposition of conditions (construction parking; submission of Construction Traffic Management Plan).

5. Drainage Issues

- 6.27 Two Aco channel drains (one half way down the access and one adjacent to Beck Lane) would be installed on the new access. These would take the

water from the driveway to a deep gravel infiltration trench, which would run parallel to the culvert along the southern boundary. The trench would be positioned a minimum of 6m from the watercourse and would not discharge directly into it. Micro drainage calculations have been provided to show the volume of infiltration required and to prove the adequacy of the trench at storm events up to and including 1:100 year + 40% climate change.

- 6.28 The parking area would be constructed of permeable gravel, which would allow water to infiltrate into the ground below. This would maintain the existing flow pathways and avoids the need for a purpose made soakaway structure in this area.
- 6.29 The applicant is also proposing to open up an existing section of culverted watercourse on their land, to form an open channel. This would increase the the volume of storage in the watercourse and further reduce the risk of isolated surface water flooding this and adjoining sites. The Parish Council has indicated that is supportive of this element of the proposals.
- 6.30 The drainage proposals have been produced by A L Daines (consulting and civil structural engineers) who have extensive experience of designing drainage systems and are considered to be acceptable.

6. Impact On Biodiversity

- 6.31 The application is accompanied by a Bat Survey. The bank barn has recently been re-roofed and the same bat survey was submitted with this application. This identified that the bank barn was being used as a summer roost for non-breeding whiskered bats. The re-roofing works had the potential to impact on the roost and mitigation measures were put in place (no works when the bats are present; works to be overseen by experienced ecologist; roost retained or recreated). The current proposal would not have an adverse impact on bats.

7. Impact On Trees

- 6.32 A row of protected trees (13 sycamore - TPO109) lies to the north of the proposed parking area. The location of the parking area has been revised to ensure that it lies outside the root protection area (RPA) of these trees. A condition has been added to the permission to ensure that tree protection fencing is erected on site prior to the commencement of development.

8. Impact On Common Land

- 6.33 The land adjacent to Patten Beck that is within the applicant's ownership (to the east of the field gate at the end of Beck Lane) is designated as Common Land (since 1968). This land is outside the application site.
- 6.34 The Parish Council has recently applied to have the land between the field gate and the path that runs up the western side of the Walnut Field registered as Common Land. The Parish Council thought that this land was registered as Common Land in 1968 but it has recently come to light

(following the submission of this planning application) that this land is not registered as Common Land. The applicant needs to drive over this land to gain access to the new driveway and would need to check that they are legally permitted to do this.

Conclusion

- 6.35 The proposal would be acceptable in principle. It would not have an adverse impact on listed buildings, landscape character, existing trees or biodiversity. The proposed access and drainage arrangements would be acceptable. In all aspects, the proposals are considered to be compliant with the relevant policies in the adopted Local Plan.

7. Planning History

- 7.1 In April 1994, planning permission and Listed Building Consent were granted for the change of use of agricultural building to dwelling (94/0155 & 94/0156).
- 7.2 In August 1994, planning permission and Listed Building Consent were granted for the change of use from agricultural building (gin case) to dwelling and associated alterations (94/0483 & 94/0484).
- 7.3 In September 1994, planning permission was refused for the formation of vehicular access from Beck Lane to serve dwelling to be formed from barn conversion (94/0659).
- 7.4 In April 2003, Listed Building Consent was granted for the conversion of dairy to provide ground floor WC & utility, addition of 2no. windows at first floor level, north elevation and alterations to bathroom to accommodate window (03/0190)
- 7.5 In July 2004, Listed Building Consent was refused for conversion of loft space to provide additional bedrooms (04/0762).
- 7.6 In November 2004, Listed Building Consent was granted for conversion of loft space to provide additional bedrooms and alteration to external wall (04/1237).
- 7.7 In February 2020, an application for Listed Building Consent for replacement of roof and guttering on the bank barn with galvanised sheeting was withdrawn prior to determination (20/0045).
- 7.8 In April 2020, an application for Listed Building Consent was approved for replacement of roof with Welsh slate and installation of 8no. conservation rooflights; replace existing guttering and downpipes together with replacement of window in south gable (20/0154).

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 April 2021;
 2. Location Plan/ Existing & Proposed Block Plan (Dwg 2020_830_CH_000_A), received 6th July 2021;
 3. Site Plan as Proposed (Dwg 2020/MT/830/03A), received 6th July 2021;
 4. Floor Plans as Proposed (Dwg 2021/MT/685/03A), received 10th June 2021;
 5. Elevations as Proposed (Dwg 2021/MT/685/04A), received 10th June 2021;
 6. Elevations & Sections as Proposed (Access/Parking Area) (Dwg 2020/MT/830/04A), received 10th June 2021;
 7. New Access Drainage Details (Dwg 21-C-16046/01 Rev B), received 10th June 2021;
 8. Topographical Survey with Long Sections (Dwg 27120-CASTLEHILL-HAYTON-TOPO-001), received 20th April 2021;
 9. Heritage, Design & Access Statement, received 10th June 2021;
 10. Drainage Statement, received 20th April 2021;
 11. Bat Survey, received 20th April 2021;
 12. the Notice of Decision;
 13. any such variation as may subsequently be approved in writing by the Local Planning Authority.**Reason:** To define the permission.
3. The proposed car parking area shall be in strict accordance with the details shown on the Site Plan as Proposed (Dwg 2020/MT/830/03A), received 6th July 2021.
Reason: For the avoidance of doubt.
4. Prior to their use as part of the development hereby approved, full details of all materials to be used in the construction of the access and parking area shall be submitted to and approved in writing by the local planning authority.

The development shall then be undertaken in strict accordance with the approved details.

Reason: To ensure the development is acceptable visually and harmonises with existing development, in accordance with Policies HE3 and SP6 of the Carlisle District Local Plan 2015-2030.

5. No development shall take place until full details of soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. 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. 5837:2012 shall be erected around the trees and hedges to be retained 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 shall 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.

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

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

8. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning

authority. The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative, with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- details of any proposed temporary access points (vehicular / pedestrian)

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

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

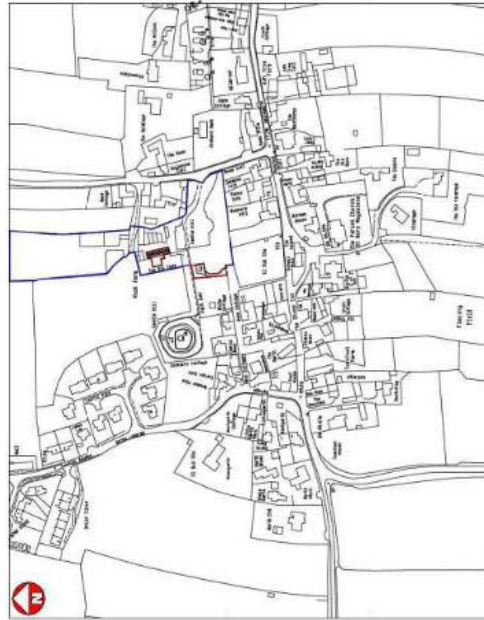
Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.



AERIAL VIEW (Location)
Not to scale



AERIAL VIEW (Block)
Not to scale

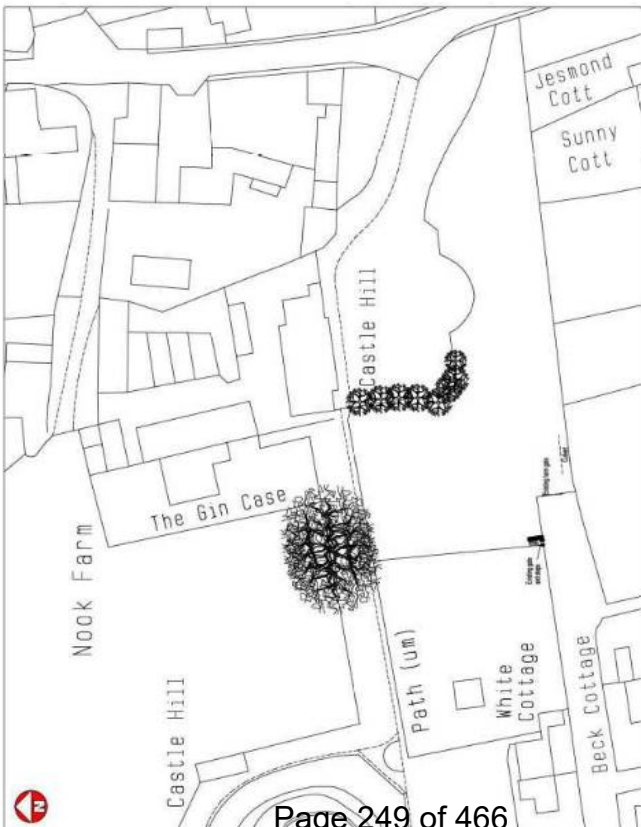


LOCATION PLAN
Scale 1:2500

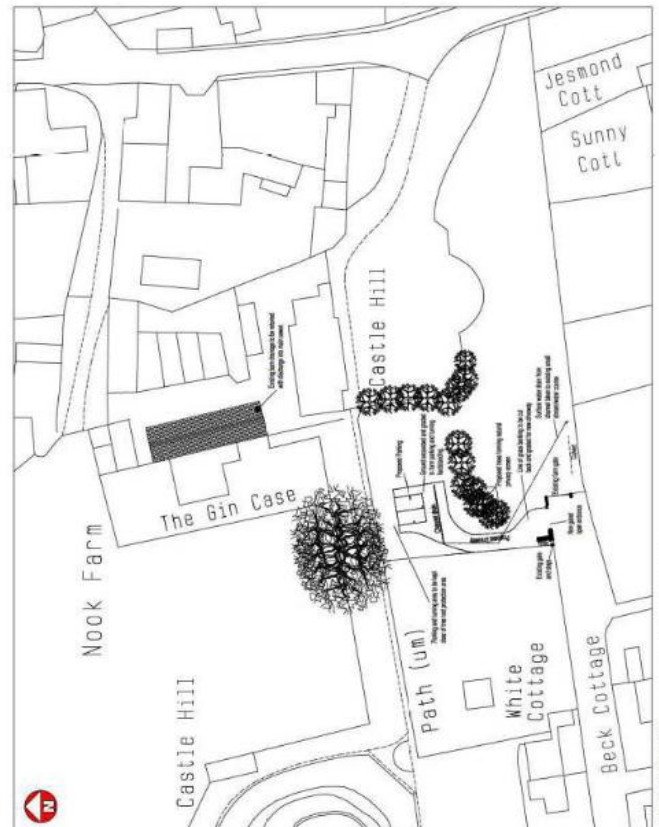
Article
Proposed Car parking for Castle Hill Farm, Hyson C&A 9/A

EXISTING & PROPOSED BLOCK PLAN
AERIAL VIEW

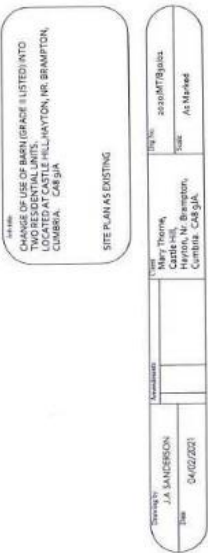
Drawing by J.A. SANDERSON	Client Mr. M. Thorne Castle Hill Hyson Barnet C&A 9/A	Date (5/7/2021)	Scale As Marked	Drawing No. 2020.001.001.001.A

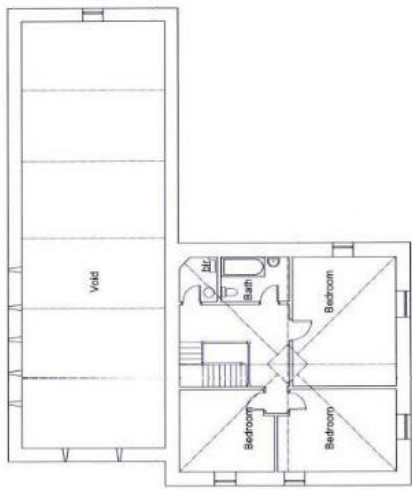


EXISTING BLOCK PLAN
Scale 1:500

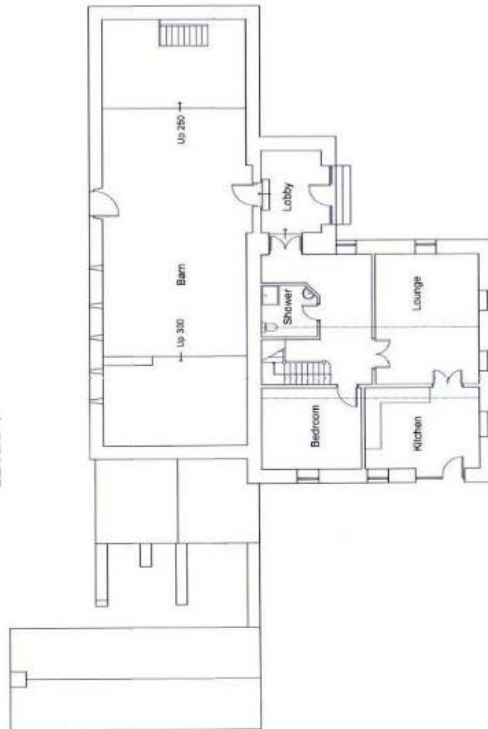


PROPOSED BLOCK PLAN
Scale 1:500

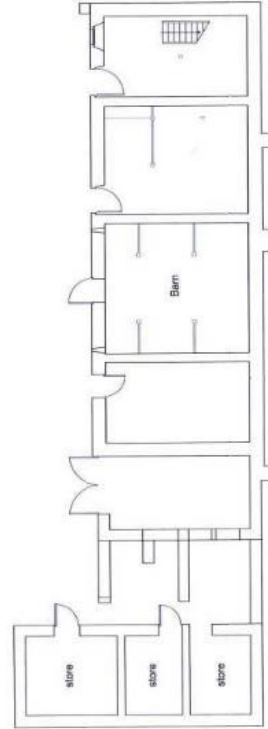




LEVEL 3



LEVEL 2



LEVEL 1

Abacus Building Design

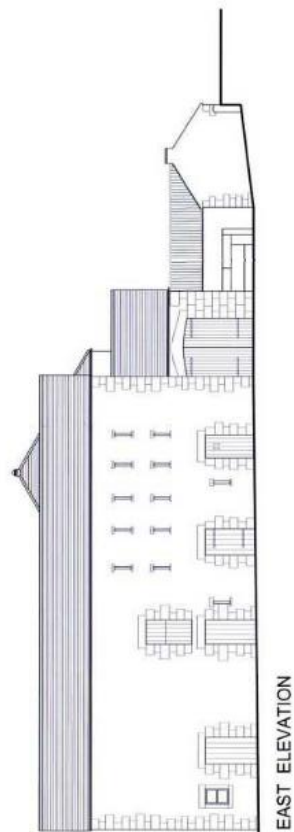
Sandy Hill
Heads Nook, Nr. Carlisle
Cumbria, CA8 9EG

REVISIONS

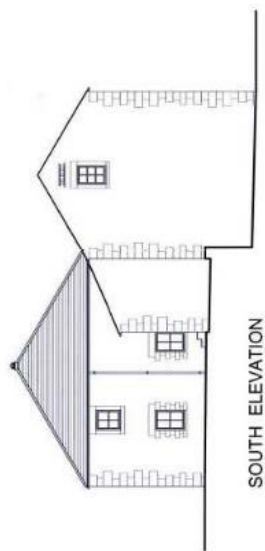
Job title
Conversion of The Gln Case, Hayton and
adjoining barn into two dwellings.
Plans as Existing

Drawing by	Amendments	Client	Dwg No.
R.B.		Ms. Mary Thorne & Mr. Steven Tonkin	2021/NT/685/01
Date		Scale	
20/01/2021		1:100	

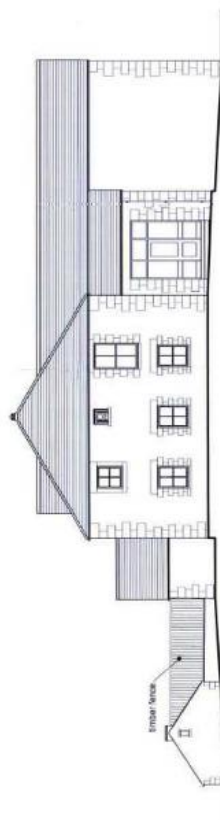
CAS 9JA



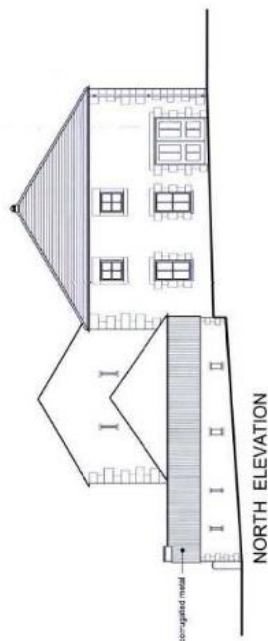
EAST ELEVATION



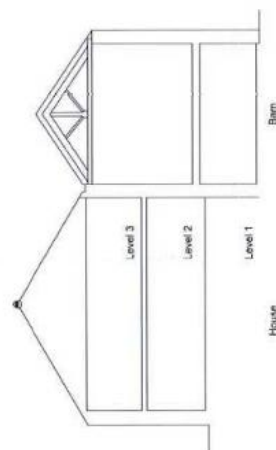
SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



SECTION

Abacus Building Design

Sandy Hill
Heads Nook, Nr. Carlisle
Cumbria, CA8 9EG

REVISIONS

Job title

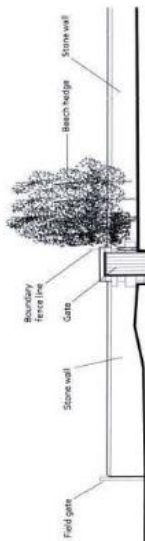
Conversion of The Gin Case, Hayton and
adjoining barn into two dwellings.

Elevations as Existing

Drawing by	Client	Ms. Mary Thorne & Mr. Steven Tonkin	Dwg No.	2021/MT/685/02
R.B.	Amendments	Castle Hill Hayton, Nr Brampton	Scale	1:100
Date		CA8 9JA		



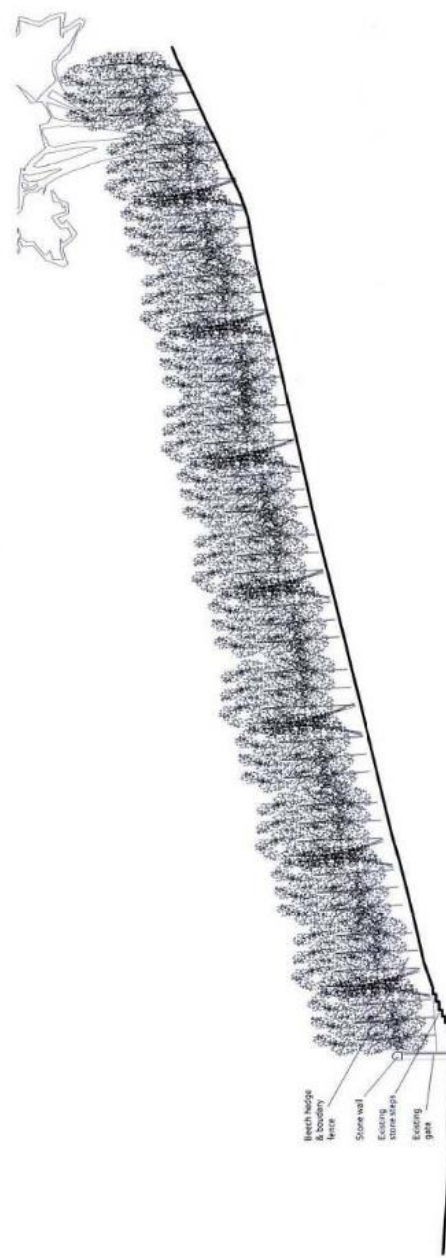
Elevation C 1:100



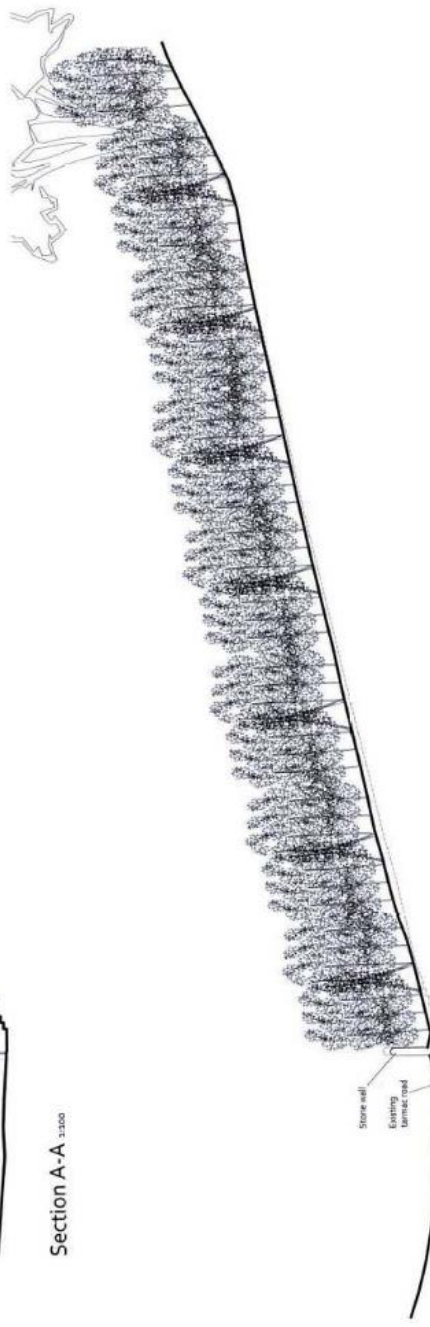
Elevation B 1:100



Elevation A 1:100



Section A-A 1:100

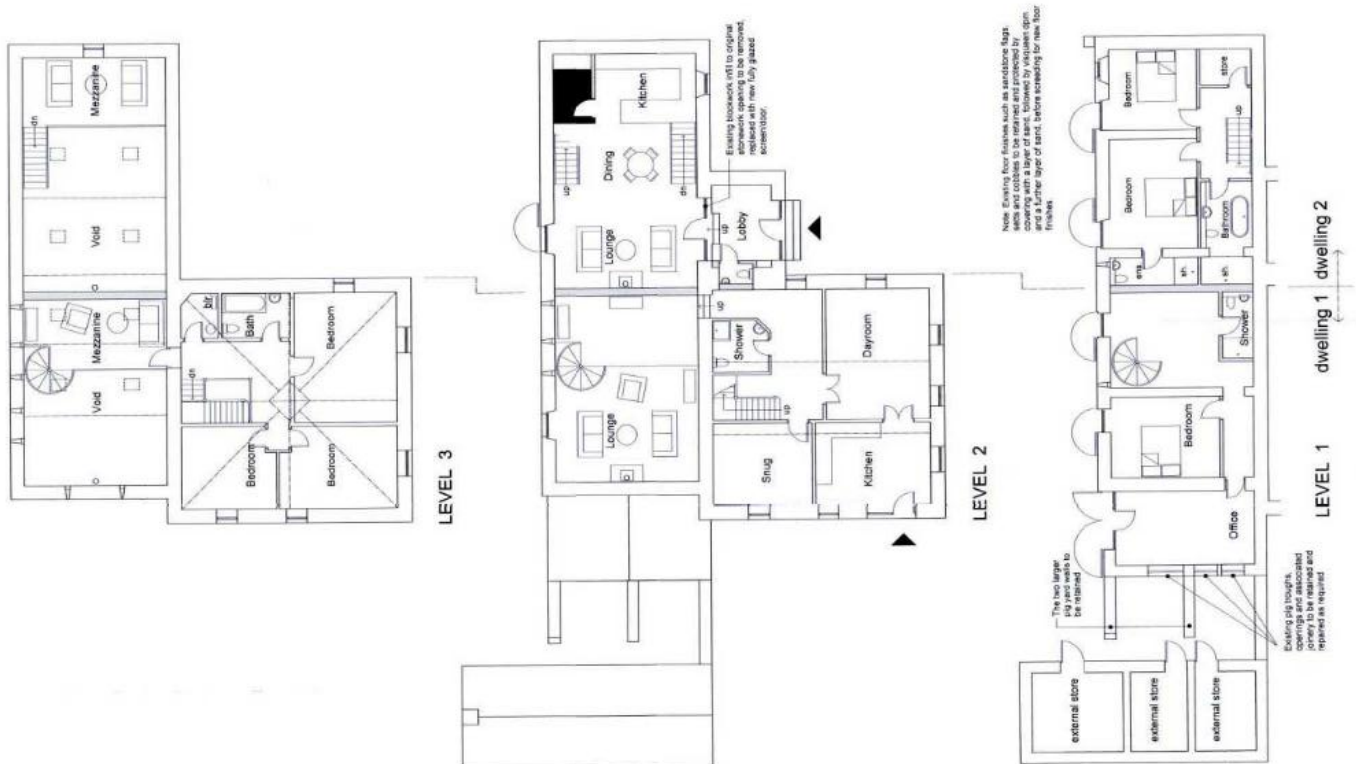


Section B-B 1:100

ALL USE
CHANGES OF USE OF BARN GRACE LISTED INTO
TWO RESIDENTIAL UNITS
LOCATED AT CASTLE HILL, HAYTON, NE BRAMPTON,
COMBRIA. C48 g/a

ELEVATION & SECTIONS AS EXISTING

Drawn by:	J.A. SANDERSON	Checked by:	W. Thompson	Scale:	as per MF/10/10
Date:	04/02/2021	Drawn by:	W. Thompson	Scale:	As Marked



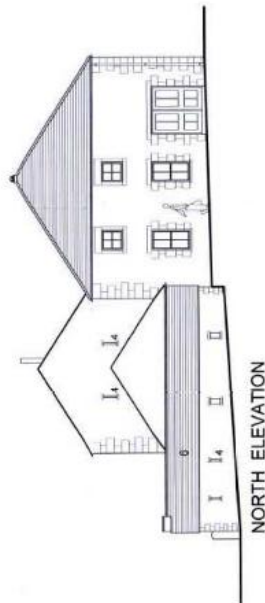
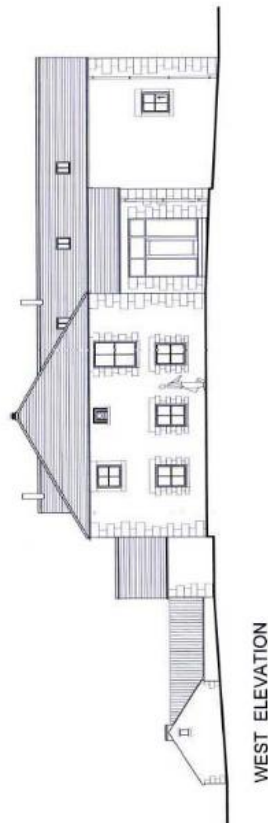
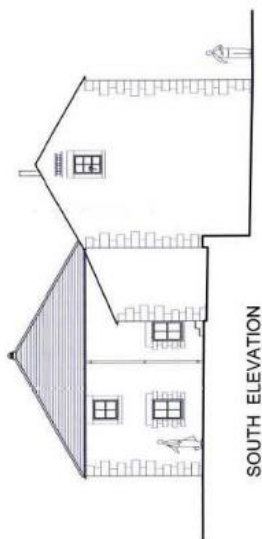
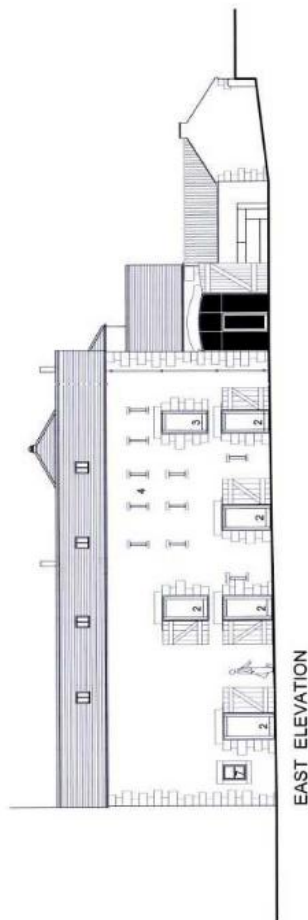
REVISIONS: A Generate revisions in response to comments 20.09.2021
 Job title

Conversion of The Gin Case, Hayton and adjoining barn into two dwellings.
 Plans as Proposed

Abacus Building Design

Sandy Hill
 Heads Nook, Nr. Carlisle
 Cumbria, CA8 9EG

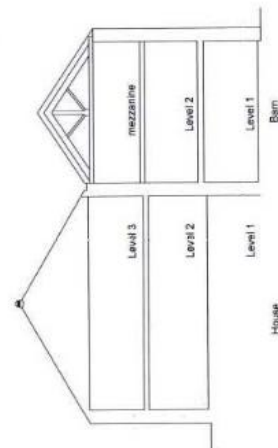
Drawing by R.B.	Amendments	Client Ms. Mary Thorne & Mr. Steven Tonkin Castle Hill Hayton, Nr Brampton CA8 5JA	Dwg No. 2021/MT/685/03 A
Date 20/01/2021			Scale 1:100



MATERIALS

- Roofs**
Grey slate to match existing.
- Walls**
New walls to be constructed in brickwork to match existing. Existing walls to be retained and repaired as necessary.
- Windows**
Replacement windows to be double glazed with timber frames, but with the appearance of existing sashes.
- Doors**
External doors to be in timber, sash type.
- Rooflights**
Steel "Conservation" type rooflights.
- Porch**
Rainwater goods to be stainless aluminium.

1. New window in new opening with full sandstone surround to match existing openings.
2. Existing timbered doors, including cornicing, to be retained as far as possible. New doors to be made to match existing doors in height, width and detail. New doors to be double glazed with timber frames, but with the appearance of existing sashes.
3. New window and opening introduced to match those in 2 above, but without outer timber door.
4. All existing ventilation slots glazed at interior side without frames.
5. Existing timber double doors, including cornicing, to be retained as far as possible. New doors to be made to match existing doors in height, width and detail. New doors to be double glazed with timber frames, but with the appearance of existing sashes.
6. Stone building work to be in situ.
7. Existing porch to be retained as far as possible, or replaced with a new porch to match.



Abacus Building Design

Sandy Hill
Heads Nook, Nr. Carlisle
Cumbria, CA8 9EG

REVISIONS: A: General revisions in response to comments. 20.02.2021

Job title

Conversion of The Gin Case, Hayton and adjoining barn into two dwellings.

Elevations as Proposed

SECTION

Drawing by
R.B.

Date 20/01/2021

Amendments

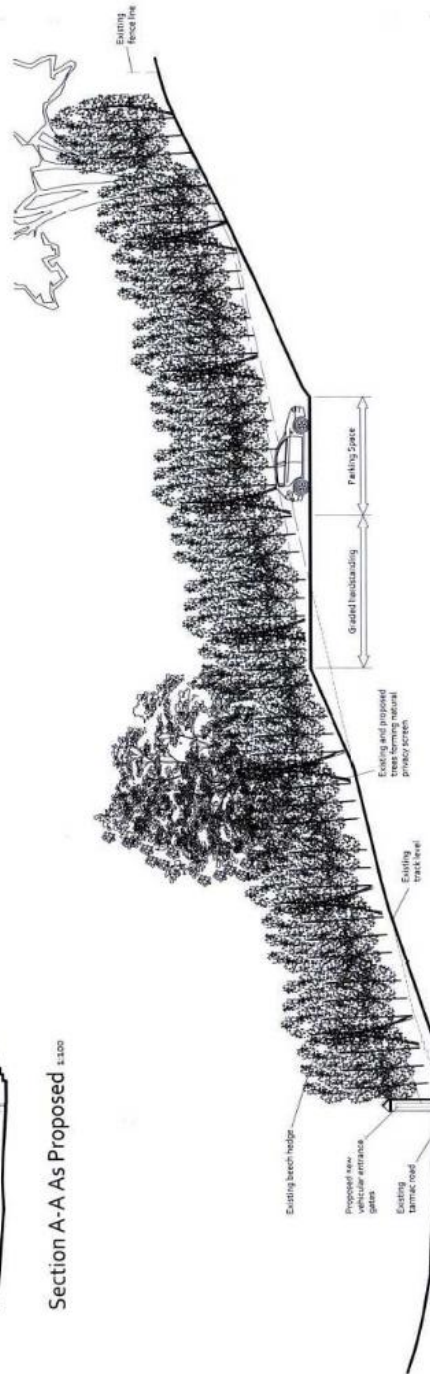
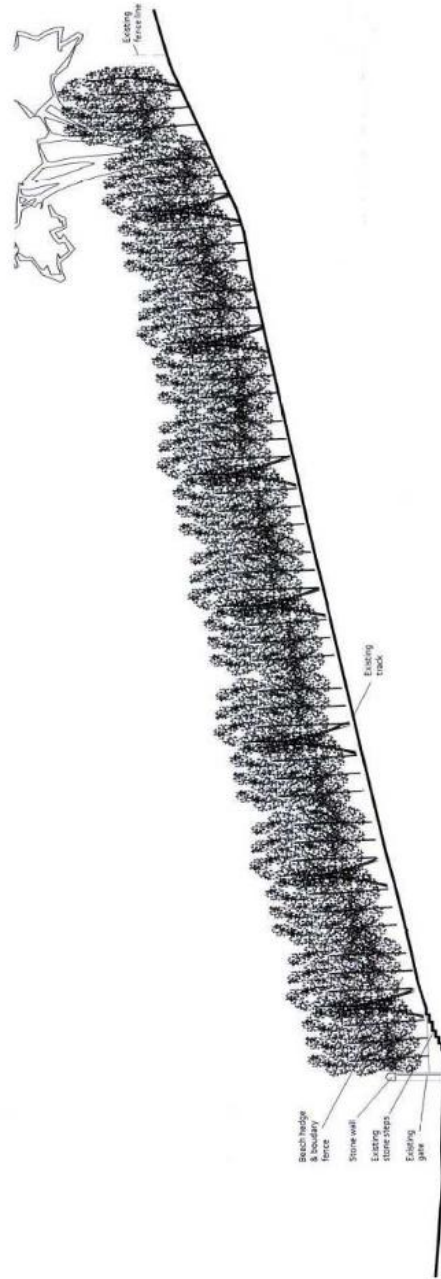
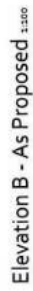
Client Ms. Mary Thorne & Mr. Steven Tonkin
Castle Hill
Hayton, Nr Brampton
CA8 9JA

Dwg No.

2021/MT/69504 A

Scale

1:100



CHANGE OF USE OF BARN (GRADE II LISTED) INTO TWO RESIDENTIAL UNITS.
LOCATED AT CASTLE HILL, HAYTON, NR. BRAMPTON,
CUMBRIA. CAB 9/10

Company No:	Invoice Number	Client	Dig No.
J.A. SANJERSON		Mary Thorne, Cass Hill Haydon, Nr Hampton Cumbria, C.A.B 9JA	3806/MTHP00LA
Date	04/02/2021	Total	A3 Marked

SCHEDULE A: Applications with Recommendation

21/0375

Item No: 08

Date of Committee: 23/07/2021

Appn Ref No:
21/0375

Applicant:
Mr Steven Tomkin & Ms
Mary Thorne

Parish:
Hayton

Agent:
Abacus Building Design

Ward:
Brampton & Fellside

Location: Castle Hill, Hayton, Brampton, CA8 9JA

Proposal: Change Of Use Of Redundant Agricultural Barn To Provide 1no. New Dwelling & Extension To Accommodation To Adjoining Gin Case; Construction Of New Entrance And 4no. Car Parking Spaces To Rear Within Existing Garden Area To Serve New Dwelling And Gin Case(LBC)

Date of Receipt:
27/04/2021

Statutory Expiry Date
22/06/2021

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 Impact Of The Proposal On The Listed Buildings

3. Application Details

The Site

- 3.1 Castle Hill consists of a farmhouse, a former gin case (which has been converted to a dwelling), a bank barn, a cart shed, pig hells and a detached hay barn all of which are Grade 2 Listed Buildings. The buildings are generally red sandstone buildings with traditional slate roofs. They are arranged around a cobbled farmyard and originally formed the former agricultural holding of Castle Hill.

- 3.2 The site is served by an existing access that links to the road that leads from Hayton to Hayton Lane End and the junction with the A69. The property is also served by a field gate and a pedestrian gate which are accessed from Beck Lane, which lies to the south of the property, along with Patten Beck. A garden area slopes downhill from the buildings to Beck Lane and Patten Beck and a stone wall forms the boundary of the applicant's garden and Beck Lane.
- 3.3 Walnut Field/ Village Green lies to the south Castle Hill. Nook Farm lies to the east, with the Scheduled Monument of Hayton Castle Hill lying to the west, together with residential properties on Beck Lane. An unmade track goes from Castle Hill to Hayton Castle Hill and trees along the track are subject to a Tree Preservation Order.
- 3.4 The land at the southern end of the garden (adjacent to Patten Beck) is registered as Common Land. This land is located to the east of the field gate at the bottom of Beck Lane and is in the applicant's ownership.

The Proposal

- 3.5 The proposal is seeking listed building consent to convert the bank barn into a new two-bedroom dwelling and to provide additional accommodation for the gin case, which is adjoined to the western side of the bank barn.
- 3.6 The ground floor of the gin case is equivalent to the first floor of the bank barn. The proposals are to create a doorway at ground floor level from the gin case to the bank barn. A lounge would be created on part of the first floor of the bank barn and this would have a circular staircase which would provide access to the ground floor where a bedroom would be created and to the second floor where a mezzanine seating area would be created. An office would be created in the cart shed that is attached to the north side of the bank barn.
- 3.7 The southern end of the bank barn would be converted to a new two-bedroom dwelling. Two bedrooms (one en-suite) and a bathroom would be provided on the ground floor, with an open plan lounge/ dining area/ kitchen being provided on the first floor and a mezzanine seating area being provided on the second floor.
- 3.8 The east elevation of the bank barn, which faces into the courtyard, currently has four doors and a window at ground floor level, a door at first floor level and a number of ventilation slits. New full height glazing would be installed within the door openings, with the existing timber boarded doors, including ironmongery, being retained as shutters. One new opening would be added at first floor level in the east elevation and this would match the existing openings in this elevation. The majority of the existing ventilation slits would be retained and these would be glazed internally without frames.
- 3.9 A new timber window would be added to the west elevation of the bank barn and this would have a full sandstone surround to match the existing

windows. There would be no external changes to the south and north elevations of the bank barn.

- 3.10 The existing large opening in the east elevation of the cart shed would be fully glazed. The existing timber doors, including ironmongery, would be retained as shutters.
- 3.11 Externally the proposal involves the use of stained timber window frames and doors; aluminium rainwater goods; sandstone surrounds; the interior glazing of ventilation slits; and the re-roofing of the store building in slate. Two new flues would also be added to the building.
- 3.12 A new access would be formed in the existing stone wall that adjoins Beck Lane, to the east of the existing pedestrian gate. This would be adjoined by new stone piers. The access road would link to a new gravel parking area which would be created to the south of the gin case.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to twelve neighbouring properties. In response, one letter of objection has been received to this application with three letters of objection being received to the related planning application (21/0374). The issues raised mainly relate to the planning application and are summarised in application 21/0374.

5. Summary of Consultation Responses

Ancient Monument Society - Amenity: - the amended plans largely address the concerns raised with the original proposal. The retention of the ventilation slits to the north elevation, the removal of the additional windows to the east and west elevations, and the retention of the barn doors to the ground floor ensure the barn would maintain an agricultural rather than domestic appearance. This is more in keeping with the special architectural and historic interest of the grade II listed barn and the advice in Historic England's Technical Advice Note No.9 *The Adaptive Reuse of Traditional Farm Buildings*;

Council for British Archaeology - Amenity: - happy to see that revisions have been made to the fenestration of this proposed scheme - believe this will reduce the impact on the agricultural character of the bank barn from its conversion to a residential use. The CBA believe these revisions will reduce the level of harm that this scheme would cause to the significance of Castle Hill bank barn and help satisfy the requirements of paragraph 193 of the NPPF. Recommend that a continued conservation led approach should be undertaken throughout any permitted works;

Hayton Parish Council: - objects to the proposal for the following reasons:
1. The area between the end of the public highway (end of surface dressed road) and the existing access to the developer's land is Common Land. In

the 1814 Hayton Enclosure Act the “Beck Bottom” was shown as one of several watering holes. It was subsequently registered as Common Land in 1968. As such no excavation can be carried out on this area without express permission from the Planning Inspectorate. Without this permission it will be difficult for vehicles to have sufficient turning space to gain entry into the proposed new access.

2. Does not believe that at times of intense rainfall (only predicted to increase with climate change) the proposed ACO drainage systems can deal satisfactorily with the run off from a concrete track which has a gradient in excess of 1 in 5. There is a history of flooding in Beck Lane and the residents are very sensitive about a potential increase in discharge created by this development. The lack of any highway gullies on Beck Lane does not help.

3. Local residents also think that most drivers will be reluctant to use the steep access track especially in wintry conditions. On these occasions cars will highly likely park on either the turning area at the end of Beck Lane (preventing vehicles turning) or on the Common Land which is an offence.

4. Pleased to note that the developer proposes to replace the culvert on his land with an open ditch. This will be of great benefit in acting as a storage area at times of maximum discharge from the catchment area.

5. What would also be of great benefit would be to rebuild the wall at the existing field gate. It is worth remembering that in 1982 the runoff from the catchment area for the beck caused the bridge parapet walls and road to collapse on the Hayton Lane End Road. This resulted in that road being closed for 6 weeks and the gas main to be severed over the same period

Following the receipt of revised plans:

Does not see any substantive differences that address the concerns raised when objecting to the original planning applications. They therefore continue to object on the same basis as they did in response to the original planning applications.

The Parish Council has submitted an application to the County Council to ask that the mistaken registration of the common land CL190 which includes Beck Bottom be amended to reflect the Parish Council's application to register that area at Beck Bottom as submitted by the PC back in 1968.

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 HE3 and SP6 of the Carlisle District Local Plan 2015-2030. Section 66 of the Planning (Listed Building and Conservation Areas) is also a material planning consideration.

6.3 The proposal raises the following planning issues.

1. Impact Of The Proposals On Listed Buildings

6.4 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).

6.5 The bank barn, gin case, cart shed, pig hulls and walls are all listed Grade II. The listing for these is copied below.

Bank barn, gincase and cart shed to the northwest of the farmhouse. Early C19. The bank barn in squared rubble with ashlar lintels and jambs, asbestos sheet roof. Entrance to barn from field on west elevation through sandstone porch with catslide roof. Entrances on ground floor of building from the yard to the east. This eastern elevation has a stable door with window and three byre doorways with two ventilation slits. Over one byre door is a winnowing door and to the right of this are two rows of ventilation slits. Gincase, attached to the west side of the bank barn and abutting the left return of the cartshed: two storeys, with two-window range to west face and north return, and one window to the south. Variety of openings to ground floor, several with sashes of an original design. Sandstone in squared rubble with ashlar corners; pyramidal roof of slate. Dated 1830 with initials A and FB for Abraham Bird. Also contains inserted date stone of 1683 with the initials ID:ID. Stone finial at roofs apex. Single-storey, sandstone cartshed with slate roof attached to the north of the bank barn. Also included in this listing are the single-storey pig hulls and brew house to the north of the bank barn and forming the northwest corner of the farmyard, as well as the sandstone walls enclosing a sheltered yard to the north.

6.6 Paragraph 195 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

6.7 Policy HE3 of the Carlisle District Local Plan 2015-2030 highlights 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.

6.8 The ground floor of the gin case is equivalent to the first floor of the bank barn. The proposals are to create a doorway at ground floor level from the gin case to the bank barn. A lounge would be created on part of the first floor

of the bank barn and this would have a circular staircase which would provide access to the ground floor where a bedroom would be created and the second floor where a mezzanine seating area would be created. An office would be created in the cart shed that is attached to the north side of the bank barn.

- 6.9 The southern end of the bank barn would be converted to a new two-bedroom dwelling. Two bedrooms (one en-suite) and a bathroom would be provided on the ground floor, with an open plan lounge/ dining area/ kitchen being provided on the first floor and a mezzanine seating area being provided on the second floor.
- 6.10 The east elevation of the bank barn, which faces into the courtyard, currently has four doors and a window at ground floor level, a door at first floor level and a number of ventilation slits. New full height glazing would be installed within the door openings, with the existing timber boarded doors, including ironmongery, being retained as shutters. One new opening would be added at first floor level in the east elevation and this would match the existing openings in this elevation. The majority of the existing ventilation slits would be retained and these would be glazed internally without frames.
- 6.11 A new timber window would be added to the west elevation of the bank barn and this would have a full sandstone surround to match the existing windows. There would be no external changes to the south and north elevations of the bank barn.
- 6.12 The existing large opening in the east elevation of the cart shed would be fully glazed. The existing timber doors, including ironmongery, would be retained as shutters.
- 6.13 Externally the proposal involves the use of stained timber window frames and doors; aluminium rainwater goods; sandstone surrounds; the interior glazing of ventilation slits; and the re-roofing of the store building in slate. Two new flues would also be added to the building.
- 6.14 A new access would be created from Beck Lane and this would involve the removal of a section of the existing stone wall that adjoins Beck Lane, to the east of the existing pedestrian gate.
- 6.15 Following concerns from the Heritage Officer, the Ancient Monuments Society and the Council of British Archaeology, the plans have been amended to remove two new openings on first floor level in the east elevation of the bank barn; two new windows in the north elevation at eaves level; and one new window in the west elevation. The revised plans are now acceptable to both of the amenity groups.
- 6.16 The Council's Heritage Officer has been consulted on the application and he has raised no objections to the proposals, following the submission of amended plans. The alterations entirely satisfy the points raised by the Heritage Officer in his initial response and he considers that the application is now acceptable and is compliant with the considerations set out in

sections 16 and 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and Local Plan policy HE3 and SP6. Conditions should be attached to the listed building consent application which require all joinery details of proposed doors and windows to be submitted for approval by the LPA and details of the proposed pointing, including the mortar to be used, to be agreed with the LPA. A photographic survey of the completed building showing all elevations and interior spaces should also be submitted to the LPA prior to occupation of the proposed dwelling.

- 6.17 The proposals, which would bring the buildings back into use with sympathetic alterations are considered to be acceptable and they would not have an adverse impact on the listed bank barn or cart shed.

Conclusion

- 6.18 The proposals would not have an adverse impact on the listed buildings. In all aspects, the proposals are considered to be compliant with the relevant policies in the adopted Local Plan.

7. Planning History

- 7.1 In April 1994, planning permission and Listed Building Consent were granted for the change of use of agricultural building to dwelling (94/0155 & 94/0156).
- 7.2 In August 1994, planning permission and Listed Building Consent were granted for the change of use from agricultural building (gin case) to dwelling and associated alterations (94/0483 & 94/0484).
- 7.3 In September 1994, planning permission was refused for the formation of vehicular access from Beck Lane to serve dwelling to be formed from barn conversion (94/0659).
- 7.4 In April 2003, Listed Building Consent was granted for the conversion of dairy to provide ground floor WC & utility, addition of 2no. windows at first floor level, north elevation and alterations to bathroom to accommodate window (03/0190)
- 7.5 In July 2004, Listed Building Consent was refused for conversion of loft space to provide additional bedrooms (04/0762).
- 7.6 In November 2004, Listed Building Consent was granted for conversion of loft space to provide additional bedrooms and alteration to external wall (04/1237).
- 7.7 In February 2020, an application for Listed Building Consent for replacement of roof and guttering on the bank barn with galvanised sheeting was withdrawn prior to determination (20/0045).
- 7.8 In April 2020, an application for Listed Building Consent was approved for

replacement of roof with Welsh slate and installation of 8no. conservation rooflights; replace existing guttering and downpipes together with replacement of window in south gable (20/0154).

8. Recommendation: Grant Permission

1. The works identified within the approved application shall be commenced within 3 years of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:

1. the submitted planning application form, received 20th April 2021;
2. Location Plan/ Existing & Proposed Block Plan (Dwg 2020_830_CH_000_A), received 6th July 2021;
3. Site Plan as Proposed (Dwg 2020/MT/830/03A), received 6th July 2021;
4. Floor Plans as Proposed (Dwg 2021/MT/685/03A), received 10th June 2021;
5. Elevations as Proposed (Dwg 2021/MT/685/04A), received 10th June 2021;
6. Elevations & Sections as Proposed (Access/Parking Area) (Dwg 2020/MT/830/04A), received 10th June 2021;
7. Heritage, Design & Access Statement, received 10th June 2021;
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.

3. Details of all new windows and doors, in the form, of quarter or full-size drawings including sections, shall be submitted for prior approval by or on behalf of the Local Planning Authority before any development takes place. Such details shall include the frames, means of affixing to the wall and the size and opening arrangements of the window. The windows shall then be implemented in accordance with these details.

Reason: To ensure that the proposals do not have an adverse impact on the listed building in accordance with Policies HE3 and SP6 of the Carlisle District Local Plan 2015-2030.

4. Any pointing shall be undertaken with a cement-free lime mortar and shall

match the details on p21 of Historic England's guidance on the re-pointing of brick and stone walls.

Reason: To ensure that the proposals do not have an adverse impact on the listed building in accordance with Policies HE3 and SP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the occupation of the building, a photographic survey of the completed building showing all elevations and interior spaces shall be submitted to the Local Planning Authority.

Reason: To provide a photographic record of the completed works.

SCHEDULE A: Applications with Recommendation

21/0392

Item No: 09

Date of Committee: 23/07/2021

Appn Ref No:
21/0392

Applicant:
Initial Parking Limited

Parish:
Burtholme

Agent:
Fisher German LLP

Ward:
Brampton & Fellside

Location: Car Parks at Lanercost Priory & Tearooms, Lanercost, Brampton, CA8 2HQ

Proposal: Installation Of Payment Machines, ANPR Cameras And Associated Structures (Timber Poles) For Signage

Date of Receipt:
28/04/2021

Statutory Expiry Date
23/06/2021

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

- 1.1 It is recommended that Members issue a split decision on the application and approve the installation of payment machines, ANPR cameras and associated structures (timber poles), subject to conditions, for Naworth Tea Rooms and refuse the payment machines, ANPR pole mounted camera and associated structures (timber poles) for the Priory car park.

2. Main Issues

- 2.1 Principle of development;
- 2.2 Whether the scale and design is acceptable and impact upon the setting of adjacent listed buildings;
- 2.3 Impact upon Hadrian's Wall World Heritage Site buffer zone and scheduled monuments;
- 2.4 Impact upon the living conditions of neighbouring residents;
- 2.5 Highway impacts;
- 2.6 Impact upon flood risk;
- 2.7 Impact upon biodiversity and existing trees/hedgerows; and
- 2.8 Other matters.

3. Application Details

The Site

- 3.1 The application relates to Lanercost Priory which is a historic site located within a rural location on the eastern side of the C1025 approximately 2.7km from the market town of Brampton. The Priory was founded c1166 for canons of the Augustinian order, and dissolved in 1537, when it passed to the Dacre family. A considerable proportion of the site of the Priory is free of later buildings, and is scheduled as an ancient monument under the provisions of the Ancient Monuments and Archaeological Areas Act 1979 (as amended). A number of key medieval buildings, including the nave of the Priory church, a fortified tower house now used as the Vicarage, the Dacre Hall and the remains of the outer gatehouse all survive, and are listed as Grade 1. The significance of the site, as a well preserved example of a medieval monastic house, is reflected in the extent of designation of its surviving features.
- 3.2 Access to The Priory, Vicarage, Dacre Hall etc is via a private access road located to the east of the C1025 by the existing outer gatehouse. The access leads to a tarmaced area in front of the church which provides circa 40 parking spaces.
- 3.3 There are a complex of buildings next to Lanercost Priory to the south west extending up to the roadside which were subject to redevelopment in 2005. The former agricultural sandstone buildings, which the Council's Heritage Officer regards as curtilage listed, are arranged around two courtyards form part of setting of the Priory. The buildings closest to the road frontage are used as Tea Rooms with the other buildings formed round the second courtyard used as holiday lets/residential use. The buildings are served by a separate access from the highway with a car park (providing circa 80 car parking spaces) located to the south. The boundaries of the car park consist of native hedgerows.
- 3.4 The land to the north of Lanercost Priory consists of the priory grounds which has a number of trees covered by Tree Preservation Orders. The remaining surrounding land is agricultural. The nearest non associated residential properties are located to the north and wrap round the corner of the C1025 with the junction of the C1029 leading from Lanercost-Garthside/Walton.

The Proposal

- 3.5 The application seeks Full Planning Permission for the installation of payment machines, ANPR cameras and associated structures (timber poles) for signage at Lanercost Tea Rooms car park and the Priory car park. A separate associated advertisement application has been submitted for the proposed signage under application 21/0393 which is also on the committee agenda for consideration by Members.
- 3.6 The payment machines and two of the proposed signs serving the Tea

Rooms car park will be situated within the car park itself tucked behind the existing hedgerow which runs parallel to the road. The payment machines will have a total height of 1.89 metres, would be constructed from galvanised metal coloured black and will be solar powered. The signs (which are double posted and subject of a separate advertisement application) are to be located either side of two proposed payment machines and will be mounted on 2 metre high timber poles. The other sign serving the Tea Rooms car park will be located on the right hand side of the car park entrance immediately adjacent to the existing hedgerow. This sign will be mounted on a single timber pole and will have a maximum height of 2 metres. A wall mounted ANPR camera is proposed to be located on the southern gable of the Tea Rooms facing towards the car park. The camera will replace an existing security light and will project 0.36 of a metre from the wall.

- 3.7 There are two payment machines and three signs also proposed to serve the Priory car park. The payment machines and two of the proposed signs will be located just as you enter the Priory car park from the private access track on the left hand side with the remaining sign located to the west of the listed gateway behind an existing timber post and rail fence which delineates the western boundary of the grounds of the Priory. All three single signs will be mounted on timber poles with a maximum height of 2 metres. The payment machines will have a total height of 1.89 metres, would be constructed from galvanised metal coloured black and will be solar powered. A 4.2 metre high timber pole with ANPR is proposed to be located on the opposite side of the road to the outer gatehouse within a field to capture vehicle registrations entering and leaving the site.
- 3.8 The proposed signs serving both car parks will display car parking information with regard to tariff charges and parking regulations. The final colour of the signage has not been confirmed however the agent has confirmed that the car parking operator works with the landowner to create bespoke signage with the wider estate in mind. For example parking signs at an operational car park at Belvoir Castle are brown and black with the castle logo included. Similar signage approved at the Lowther Estate is also to be in the estate colours. The agent has therefore confirmed that the proposed signage is likely to include the Naworth Estate colours and emblem (red and white) and are happy to accept a planning condition in relation to this. The supporting documents accompanying the application confirms that the car park intends to run to the standards of the British Parking Association (BPA) and the proposed infrastructure associated with signage for the site is the absolute minimum to comply with the BPA standards.
- 3.9 Members should be aware that the application as first submitted included signs for both car parks in different locations and 1 metre higher in height. During consideration of the application the proposed signage has been changed to that described in paragraphs 3.6-3.7 above.

4. Summary of Representations

- 4.1 This application has been advertised by the display of 2x site notices, a press notice and by means of notification letters sent to 19 neighbouring properties/interested parties. In response to the consultation 101 objections have been received.
- 4.2 The objections received are summarised as follows:
1. proposal will displace parking onto roadside verges outside of the site which will cause highway safety issues;
 2. visual impact of ANPR cameras, signage and parking metres and associated impacts on the character/appearance of the surrounding area;
 3. charging for parking will be harmful for existing businesses and events taking place at the site as it will deter customers/tourists;
 4. principle of charging for parking especially for those attending church or visiting the graveyard;
 5. impact of the proposal upon the historic setting, Grade I listed structure and scheduled monument;
 7. concern that the proposal will urbanise a rural setting;
 8. validity of application due to location of proposed signage;
 9. impact upon an iconic image of views of the Priory through the Gatehouse arch;
 10. impact upon the aesthetic and communal value of the site;
 11. question the need for the proposal;
 12. Talkin Tarn is an example of what happens when parking charges are imposed;
 13. query the level of consultation undertaken;
 14. there is a right of free access to the Parish Church and Dacre Hall by the main gateway and legal issues relating to parking on the Garth area;
 15. legalities around parking cameras harvesting personal data;
 16. Thirwell Parish Council object to parishioners having to pay for parking to attend church services or the graveyard;
 17. query location of payment machines in relation to the parking area;
 18. proposal contrary to Policies HE1, HE2, HE3, SP6, SP8, CM3, EC9 and IP3 of the CDLP.

19. probable application fails the British Parking Association (BPA) code of practice;
20. displacing parking may result in further traffic regulations along the roadside such as yellow lines;
20. if lighting is proposed this will detract from the character of the site; and
21. no positive benefit of the proposal.

4.3 Amended plans have been received during consideration of the application relocating the payment machines and signs for the Priory and Tearooms. Reconsultation has been undertaken with all the properties originally consulted as well as with all interested parties who made representations on the original plans submitted. In response a further objection has been received as well as 10 objections from interested parties who originally made representations to the proposal. The objections are summarised as follows:

1. query need for the proposal and the principle of charging for parking;
2. concern that proposal will displace parking on the roadside and associated highway safety concerns as a result;
3. displacing parking may result in further traffic regulations along the roadside such as yellow lines;
4. revised plan has a greater impact on the setting of the listed buildings and scheduled monument;
5. impact of proposal on site of historic beauty;
6. social impact is equally as harmful as environmental;
7. surprised lack of criticism from the heritage protection organisation within Carlisle City Council or Historic England.
8. the site is unlike Belvoir Castle of which it has been compared to;
9. legal action will be taken if the application is granted as there is a right of free access to park on the tarmac area within the Garth for the major stakeholder's;
10. the main gateway is not owned by Naworth Estates;
11. proposal would render plans to improve sewage system to Dacre Hall impossible;
12. paid parking would result in end of the "Craftsmen at the Priory" exhibition and fair at Dacre Hall;

13. suggest that the Secretary of State for Education is consulted; and
14. there could be a conflict between people queuing for tickets from the payment machines at The Priory and wedding cars/hearses.

5. Summary of Consultation Responses

Burtholme Parish Council: - raise the following objections:

1. Visual impact of the proposed signage and installation of payment machines on a scheduled monument. Parish is of the view that the pole mounted sign sited in front of the historic gateway arch leading to the Priory will significantly detract from an iconic image which has remained unchanged for well over 800 years. The 2x payment machines and 2x pole mounted signs in the car parking area directly in front of the imposing west face of the priory church represent a further desecration of this important site.
2. Displacement of parked cars as a result of parking charges. Proposals do nothing to address risk of cars being parked on adjacent roadside verges, on the private track to Haytongate, at the laybys at either ends of Lanercost Bridge and elsewhere within the Parish, all of which have the potential to cause a nuisance to residents, create congestion and endanger pedestrians and motorists alike.
3. Highway safety. The Parish remains concerns that the pole mounted sign in front of the gateway arch may result in visiting motorists stopping and/or reversing on the C1025 in order to avoid paying the proposed parking charges. In doing so, this has the potential to create a traffic hazard on an already dangerous road that is currently the subject to a proposed 30 mph speed limit.

The Parish Council has no objection to the proposal to introduce parking charges (and associated infrastructure) at the Lanercost tearooms.

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection subject to the imposition of one condition ensuring no advertisements are sited to obscure any road traffic signs. Advice received regarding highway permits.

Historic England - North West Office: - object to the proposed payment machines and two signs on poles located in front of the Priory church to the west as it will cause a high degree of harm to the setting of the Grade I listed church and the other highly graded listed buildings associated it. Scheduled monument consent will also be required for the installation of the proposed machines and signage.

Cumbria County Council - (Archaeological Services): - No objection. Four of the re-located signs now lie within the legally protected scheduled monument of Lanercost Priory, so I defer to any forthcoming comments that Historic England may make on these.

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, HE1, HE2, HE3, CC4, GI3 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 is also a material consideration.
- 6.3 The proposal raises the following planning issues:

1. Principle Of Development

- 6.4 The development is for alterations and infrastructure in connection with an existing use of the land. The principle of the development is therefore acceptable.

2. Whether The Scale And Design Is Acceptable And Impact Upon The Setting Of Adjacent Listed Buildings

- 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, 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.
- 6.6 Policy SP6 of the Carlisle District Local Plan 2015-2030 also seeks to secure good design and contains 12 design principles of how proposals should be assessed.

- 6.7 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"*.
- 6.8 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).
- 6.9 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 asset's 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.
- 6.10 Paragraph 194 goes on to 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. Substantial harm to or loss of assets of highest significance, such as Grade II* Listed Buildings, should be wholly exceptional.
- 6.11 Paragraph 195 of the NPPF outlines that where a development will lead to substantial harm (or total loss of significance of) a designated heritage asset local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm of loss is outweighed by the benefit of bringing the site back into use
- 6.12 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.13 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. The policy states that any new development within the curtilage or the setting of a Listed Building must have regard to: 1) the significance of the heritage asset, including its intrinsic architectural and historic interest and its contribution to the local distinctiveness and character of the District, 2) the setting of the asset and its contribution to the local scene; 3) the extent to which the proposed works would result in public benefits; 4) the present or future economic viability or function of the heritage asset; and 5) the preservation of the physical features of the building in particular scale, proportions, character and detailing (both internally and externally) and of any windows and doorways.

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

- 6.14 Lanercost Priory is a very important historic site located within a rural location on the eastern side of the C1025 approximately 2.7km from the market town of Brampton. The Priory was founded c1166 for canons of the Augustinian order, and dissolved in 1537, when it passed to the Dacre family. A considerable proportion of the site of the Priory is free of later buildings, and is scheduled as an ancient monument under the provisions of the Ancient Monuments and Archaeological Areas Act 1979 (as amended). A number of key medieval buildings, including the nave of the Priory church, a fortified tower house now used as the Vicarage, the Dacre Hall and the remains of the outer gatehouse all survive, and are listed in Grade 1. Historic England state that the significance of the site, as a well preserved example of a medieval monastic house, is reflected in the extent of designation of its surviving features.
- 6.15 The complex of buildings next to Lanercost Priory to the south west extending upto the roadside were redeveloped in 2005. The former agricultural sandstone buildings, arranged around two courtyards form part of setting of the Priory and are regarded as curtilage listed. The buildings closest to the road frontage are used as Tea Rooms with the other buildings formed round the second courtyard used as holiday lets/residential accommodation. The buildings are served by a separate access from the highway with a car park located to the south. The boundaries of the car park consist of native hedgerows.
- 6.16 As stated above there are a number of Listed Buildings at Lanercost Priory including the gateway arch to the west which is Grade I Listed, the walls to the north of the Priory which is Grade I Listed, the cross base north west of the Priory which is Grade I, the church of St Mary which is Grade I, the vicarage which is Grade I, Dacre Hall which is Grade I and the barn to the north east of Abbey Farm which is Grade II.
- 6.17 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.

6.18 The listing details for the aforementioned Listed Buildings are as follows:

Gateway Arch

Gateway arch, originally part of the gate tower of Lanercost Priory. Early C13. Calciferous sandstone and coursed rubble (from the nearby Roman Wall), with red sandstone dressings. Arch and fragments of the flanking tower. Chamfered segmental arch of 3 orders, hood mould and moulded corbel steps with fragments of fan vaulting. Remains of flanking walls. Rear of arch has flanking buttresses. Rear wall of tower to right has blocked segment-headed entrance to porter's lodge.

Walls to the north of the Priory

Priory and graveyard wall. C13 and C18. Mixed squared and coursed calciferous and red sandstone rubble (from the nearby Roman Wall). Low wall, probably reduced in height, forming the north wall of the former priory. Footpath entrance with chamfered surround is probably a later insertion. Included in the listing is the later graveyard wall, adjoining the north transept and built of materials from the demolished priory.

Cross base north west of the Priory

Priory Cross. Dated 1214. Carved red sandstone. Stepped plinth, chamfered square socket stone and fragment of shaft with carved decoration to edges, much weathered. the remainder of the shaft, with its cross head missing, was used as a gravestone in 1657 and when the nave was reroofed in the early C18, it was taken inside where it can be seen in the north aisle. Latin inscription translates: In the 1214th year from the Incarnation and the seventh year of the Interdict, Innocent III holding the Apostolic See, Otto being Emperor in Germany, Philip of France, John King of England and William King of Scotland, this Cross was made. See John R H Moorman, Lanercost Priory, 1983, pp16-17.

The Church of St Mary

Parish Church, formerly nave of Lanercost Priory. Early C13 with C18 alterations. Calciferous and red sandstone from the nearby Roman Wall, graduated green slate roof. 8 bay nave and north aisle. Chamfered plinth, string courses, buttresses and dentilled moulded cornice. West entrance has pointed arch of 4 engaged columns and mouldings; arcade of engaged columns above with trefoil heads; large 3-light west window of pointed arches and engaged slender columns; flanking stepped buttresses; niche above with C13 carved stone figure of St Mary and flanking coats of arms of Sir Thomas Dacre. North aisle and clerestory lancet windows with hood moulds. South wall has blocked doorways to cloisters. East window was built in 1740 to separate ruined choir from the restored nave. Interior: north aisle arcade of pointed arches on octagonal columns. Clerestory arcades on clustered circular columns with pointed arches and dogtooth decoration. Barrel vaulted

wooden ceiling was built in 1740 and repaired 1848-9. East window contains fragments of heraldic stained glass of 1559 for Sir Thomas Dacre from the nearby Dacre Hall. 2 Burne-Jones design stained glass windows in north aisle. Bronze plaque by Sir E Boehm and Burne-Jones to Charles Howard, 1879. Serpentine and bronze plaques to members of the Howard family. Brass inscription from tomb of Sir Thomas Dacre. Blocked north entrance has remains of priory cross of 1214 (remains in ground listed separately). Wooden bread cupboard with carved date 1707. C20 wooden steps to scriptorium. After the Dissolution the buildings was left in ruins until in 1739-40 the nave was reroofed as the parish church. See John R H Moorman, Lanercost Priory, 1983. Adjoining remains of the priory are listed separately.

The Vicarage

Vicarage incorporating former Guest House of the Outer Court of Lanercost Priory. Early C13 with additions of mid C16, and early C19 alterations. Calciferous and red sandstone from the nearby Roman Wall, red sandstone dressings; tower has gabled slate roof within parapet, extension has red sandstone slate roof with coped gables; calciferous ashlar chimney stacks. 3-storey, single bay tower, to left. Ground floor double cross mullioned window; blocked original window above; other windows are C19. Dogtooth decorated cornice with battlemented parapet. short wall to left with blocked window is the remains of the rear wall of a C16 building which stood in front of the tower. Side wall has 2 blocked 2-light stone-mullioned windows, with similar window above. Rear wall has earlier stonework on ground floor. Projecting chimney breast has C19 2-light window on ground floor. Small window to left has been blocked internally, but retains its C16 iron grille. Tall first floor window to right and small square blocked window above. Built into the front wall is an inverted Roman inscribed stone LEG VI and sculptured stone head above right, is thought to be of Edward II. Interior of tower has cupboard in north-west angle which could be the entrance to the newel staircase; C16 moulded plaster frieze of scallop shells and mermaids, similar to plasterwork in scriptorium. C16 extension to right of 2 storeys, 6 bays, has C19 porch with chamfered Tudor arch, 2-light chamfered mullioned window above and moulded cornice. Central upper floor 3-light chamfered stone-mullioned windows with continuous hood mould, are original; all other mullioned windows are early C19 replacements in a similar style. Projecting upper floor chimney breast to right of original windows. Rear wall has single storey C19 extension for its full length and 2 storey extension link with tower. Original central upper floor 5-light cross-mullioned window in moulded architrave with hood mould; flanking original 2-light windows. Interior of ground floor kitchen window is splayed with segmental arch.

Dacre Hall

Church Hall, formerly west range of cloisters of Lanercost Priory. Early C13 with alterations of 1559 for Sir Thomas Dacre, further early C19 alterations. Mixed red and calciferous squared and coursed sandstone rubble (mostly from the nearby Roman Wall); graduated green slate roof, stone chimney stack. 2 storeys, 5 bays; long range with upper floor C16 dining hall.

Scriptorium left has slype entrance under to cloisters, tall lancet window, dentilled cornice and gabled roof. Interior has moulded C16 plaster frieze of mermaids and scallop shells, which is the same as a frieze in the Vicar's tower. Central lower floor is very much altered; 2 two-light stone mullioned windows and C20 garage entrance to right. Extreme right undercroft has early C13 stone rib-vaulting. Upper floor entrance with segmental arch has been blocked, mid C16 chamfered-surround flat-arched entrance to right; C19 external stone steps. Upper floor 3 & 4 light stone mullioned windows with C19 restoration. Extreme right mid C16 2-bay projection has 3-light stone mullioned windows, with continuous hood mould. Interior of dining hall: kingpost timber roof of 5 bays; traces of mid C16 mural of heraldic device with vine leaf decorative borders. C16 moulded stone fireplace in thickness of west wall has been partly removed and originally had carved oak chimney piece of 1618 for Henry Dacre, now in Bowes Museum; blocked spice cupboard to right. Moulded stone fireplace in thickness of east wall is dated 1586 with initials of Christopher Dacre. Behind the present stage is the remains of the timber frame for the mid C16 minstrels' gallery. At the Dissolution, the Prior's tower, Dacre Hall and Outer Court were purchased by Sir Thomas Dacre; his alterations to form his house, are dated by the remains of a stained glass window from the hall, now in the nearby parish church. Remained in that family until the early C18. John Hetherington was of Dacre Hall, when he died in 1745. Purchased by the Earl of Carlisle in C19, converted to church hall in C20. See John R H Moorman, Lanercost Priory, 1983, p14.

Barn to the north east of Abbey Farm

Barn, formerly west range of the house of Sir Thomas Dacre built on the site of the Outer Court of Lanercost Priory. Mid C16; with C19 additions. Mixed calciferous and red sandstone rubble partly from the demolished Priory (originally stone from the Roman Wall); graduated red sandstone slate roof with coped gables; stone end chimney stack. Long barn of 2 storeys. Rear wall, facing Vicarage gardens, has central 2 bays with blocked ground floor window and blocked 2-light chamfered stone-mullioned windows above. Flanking walls are probably a C19 addition. Wall to farmyard appears to be completely C19 of older stone. Ground floor and loft plank doors, C19 chamfered-surround windows and large C20 sliding door. Listed partly for G.V with the adjoining Vicarage.

b) the effect of the development on the setting of the listed buildings

- 6.19 The proposed full planning application appears to be in two parts, the proposed payment machines, pole signs and cameras serving The Tea Room car park and those serving the Priory car park.
- 6.20 The payment machines and two of the proposed signs serving the Tea Rooms car park will be situated within the car park itself tucked behind the existing hedgerow which runs parallel to the road. The payment machines will have a total height of 1.89 metres, would be constructed from galvanised metal coloured black and will be solar powered. The signs (which are double posted and subject of a separate advertisement application) are to be

located either side of two proposed payment machines and will be mounted on 2 metre high timber poles. The other sign serving the Tea Rooms car park will be located on the right hand side of the car park entrance immediately adjacent to the existing hedgerow. This sign will be mounted on a single timber pole and will have a maximum height of 2 metres. A wall mounted ANPR camera is proposed to be located on the southern gable of the Tea Rooms facing towards the car park. The camera will replace an existing security light and will project 0.36 of a metre from the wall.

- 6.21 Historic England have been consulted on the proposal and have not raised any objections to the proposed development to serve the Tea Rooms car park. The Council's Heritage Officer (HO) has also been consulted and is content that the impact of the signage serving the tea rooms would not be unacceptable.
- 6.22 When assessing the impact of the payment machines, cameras and pole signs serving the Tea Room car park it is appreciated that although the proposed ticket machines will have a small footprint they do have a utilitarian design. Given the modest scale of the payment machines and siting within the existing car park behind the native hedgerow which delineates the western boundary the proposed payment machines would not appear to be out of place within the surrounding context. The impact of the machines would be very localised and contained within the existing car park.
- 6.23 The impact of the proposed signage serving the Tea Rooms car park is a matter for separate consideration under associated application 21/0393 however the timber poles on which the signage will be attached to are a matter to be determined under the current planning application. The timber poles will be in keeping with the sites rural context with two out of the three timber poles associated with the signage located within the car park tucked behind the existing hedgerow. The third will be sited immediately adjacent to the side entrance adjacent to the existing hedgerow and would be viewed in this context. The impact of the timber poles would be very localised, the majority of which would be contained within the existing car park.
- 6.24 The proposed parking camera on the southern gable of the Tea Room facing into the car park would replace an existing external security light and given its small scale would not be a particularly intrusive feature within the immediate environment. Furthermore the camera would be viewed in the context of the gable on which it is to be installed. As the camera is to be attached to the tea rooms building, which is curtilage listed a separate Listed Building Consent application will be required for this element of the proposal.
- 6.25 Overall it is considered that the payment machines, timber poles associated with the signage proposed under application 21/0393 and wall mounted camera would be viewed in the context of the existing car park, hedgerows delineating the western boundary of the site and the sandstone gable of the Tea Rooms. Given the modest size and scale of the development together with its positioning in relation to the existing built environment and landscape features it is considered that the scale and design is acceptable and the proposal would not significantly detract from the setting of the

aforementioned listed buildings, including the curtilage listed Tea Rooms to warrant refusal of the application on this basis.

- 6.26 There are two payment machines and three signs also proposed to serve the Priory car park. The payment machines and two of the proposed signs will be located just as you enter the Priory car park from the private access track on the left hand side with the remaining sign located to the west of the listed gateway behind an existing timber post and rail fence which delineates the western boundary of the grounds of the Priory. All three single signs will be mounted on timber poles with a maximum height of 2 metres. The payment machines will have a total height of 1.89 metres, would be constructed from galvanised metal coloured black and will be solar powered. A 4.2 metre high timber pole with ANPR is proposed to be located on the opposite side of the road to the outer gatehouse within a field to capture vehicle registrations entering and leaving the site.
- 6.27 Historic England (HE) has raised objections to the proposed payment machines and two signs on poles located in front of the Priory church to the west as HE considers that this element of the proposal will cause a high degree of harm to the setting of the Grade I listed church and the other highly graded listed buildings associated with it. HE state that the view to the west of the Priory church is of great significance, which allows the visitor to appreciate both the architectural design of the church and its relationship to the other buildings of the complex. HE state that the addendum submitted to the original planning statement fails to provide clear and convincing justification for the harm which the introduction of modern payment machines and signage into what is the key view of the Priory will cause to its setting. The location of the payment machines and signage will also increase the risk of impacting harmfully on buried archaeological remains. The location is one of greater archaeological sensitivity and potential than the location originally proposed and scheduled monument consent will be required.
- 6.28 The Council's Heritage Officer (HO) has reiterated the importance of this highly sensitive historic site, has raised concerns regarding the scale, volume and necessity of all the works and the level of information submitted, in particular the Heritage Officer has requested photo montages of the grouped development to fully determine the impacts. In summary the HO concludes that the development causes less than substantial harm to the setting of the heritage assets without any clear public benefit and should be refused.
- 6.29 Although the ticket machines will have a small footprint they do have a utilitarian design. The siting of the proposed payment machines and single 2 metre high timber poles associated with proposed signage within the Priory car park will be visible and distinctive features within the streetscene particularly from the west where there are key iconic views of the Priory from the existing listed gatehouse located adjacent to the C1025. The infrastructure proposed would be conspicuous in the foreground of the setting of the Grade I listed church and priory and would therefore appear as visual clutter which would significantly harm the setting of the adjacent listed

buildings of which the development would be viewed against. The proposed single timber pole associated with a proposed sign located at the entrance to access to the Priory in a field immediately behind a timber post and rail fence, in close proximity to the C1025 would stand out as an unduly prominent and incongruous feature due to its height, solidity and proximity to the road with no significant soft landscaping behind to assimilate into its rural setting. The timber post associated with a sign would therefore appear as visual clutter harming the character and appearance of the area and the setting of the Grade I listed gateway arch which is located in close proximity.

- 6.30 The timber pole sign and ANPR camera located on the opposite side of the road to the entrance to The Priory would be situated in a field behind an existing hedgerow. There is already street furniture on the opposite side of the road including a sign post, bin, parish notice board, post box and timber pole bus stop sign which would help assimilate the development into its immediate setting. Furthermore the development would be partially obscured by the existing hedgerow and would be viewed in the context of other vertical man made structures in the field namely the electric poles which traverse across the site. In such circumstances it is not considered that the proposed timber pole sign with an ANPR camera would cause significant harm to the character/appearance of the surrounding area or the setting of the listed buildings to warrant refusal of the application on this basis.
- 6.31 Whilst the applicant has cited that there will be economic benefits of the payment machines for the wider estate as the proceeds will enable the estate to fund improvements and maintenance of the wider Lanercost/Naworth Estate it is not considered that the public benefits of the common maintenance derived from the proposed development would reasonably outweigh the harm to the setting of the listed buildings caused by the proposed payment machines and poles associated with signage serving the Priory car park as the proposals will appear as stand alone utilitarian features detracting from the setting of the Grade I Listed Buildings which are to be afforded the highest protection.

3. Impact Upon Hadrian's Wall World Heritage Site Buffer Zone And Scheduled Ancient Monuments

- 6.32 Policy HE1 of the Local Plan seeks to protect the World Heritage Site Buffer Zone from developments which would have an adverse impact on its character/and or setting. Furthermore Policy HE2 states that development will not be permitted where it would cause substantial harm to the significance of a scheduled monument, or other non-designated site or assets of archaeological interest, or their setting.
- 6.33 Historic England has been consulted on the proposal and has not raised any objections with regard to the impact upon Hadrian's Wall Buffer Zone. As stated within paragraph 6.27 HE has confirmed that Scheduled Monument consent would be required for the pole signs and payment machines within the Priory car park.

4. Impact Upon The Living Conditions Of Neighbouring Residents

- 6.34 Given the location of the development in relation to non-associated neighbouring properties it is not considered that the proposed development would have an adverse impact upon the living conditions of any of the occupiers of neighbouring properties in terms of loss of light, over looking or over dominance to warrant refusal of the application on this basis.

5. Highway Impacts

- 6.35 The proposed development has received a significant number of objections regarding the proposed installation of payment machines and associated signage and cameras. Representations raise strong objections to the principle of paying for parking especially for those attending church or visiting the graveyard, the impact of paying for parking on associated businesses/events taking place within the grounds and safety concerns with the increase of pedestrians and drivers utilising roadside verges outside of the site to avoid parking charges.
- 6.36 The change in management to include charging does not amount to a material change in the use of the land and therefore is not a matter that can be considered when determining whether the full planning application for the installation of the payment machines, timber poles and cameras is acceptable or not.
- 6.37 Although the installation of payment machines may have an impact upon parking preferences the structures themselves would not require a reduction in the number of parking spaces to accommodate the development. As the number of parking spaces would remain unchanged and readily available for use, the development would be considered appropriate having regard to parking. If people were to park on the public highway and cause an obstruction this would be a separate matter which would be under the control of Cumbria County Council as the relevant Highway Authority.
- 6.38 The Highway Authority has been consulted on the development and has not raised any subject to the imposition of one condition ensuring no advertisements are sited to obscure any road traffic signs. Advice has been received regarding highway permits. The condition suggested by the Highway Authority is only relevant however to the associated advertisement application 21/0393.

6. Impact Upon Flood Risk

- 6.39 The car park serving the Tea Rooms car park is located within flood zone 2. Given the scale and nature of the development proposed it is not considered that the development would exacerbate flood risk at the site.

7. Impact Upon Biodiversity And Existing Trees/Hedgerows

- 6.40 The majority of the proposed development will be situated over existing hard surfaced areas with the exception of the pole mounted camera and the pole

signs at the entrance to the car parks which will be located over grassed areas which are regularly cut therefore the proposal should not have adverse impact upon any protected species or their habitat. The proposal does not include any tree/hedgerow removal there should be no adverse impact upon existing trees, hedgerows or biodiversity.

Other matters

- 6.41 A significant number of objectors have raised concerns regarding the principle of charging for parking especially for those attending church or visiting the graveyard. This issue is however not a planning matter that can be considered.

Conclusion

- 6.42 As stated above, the Council cannot control whether the landowner can charge for use of the car parks serving the Tea Rooms and the Priory it is for the Council to consider the suitability of the structures in this location and the impact resulting.
- 6.43 As a result of its acceptable scale and form within the car park context the proposed development serving the Tea Rooms would not cause harm to the sites historic setting, would not have an adverse impact upon the visual and residential amenities of the area nor would the proposal cause harm to the living conditions of any occupiers of neighbouring properties, highway safety, biodiversity, trees/hedgerows, flooding, the setting of Hadrian's Wall World Heritage Site or Scheduled Ancient Monuments.
- 6.44 Given the location of the timber pole and ANPR camera on the opposite side of the road to the entrance to the Priory in relation to existing landscape and man made features it is not considered that this part of the development would cause significant harm to the character/appearance of the surrounding area or the setting of adjacent listed buildings to warrant refusal of the application on this basis. Nor would this element of the proposal cause harm to the living conditions of any occupiers of neighbouring properties, highway safety, biodiversity, trees/hedgerows, flooding, the setting of Hadrian's Wall World Heritage Site or Scheduled Ancient Monuments.
- 6.45 The proposed pole signs and payment machines serving the Priory car park would however be visible and distinctive features within the streetscene particularly from the west where there are key iconic views of the Priory church from the existing listed gatehouse located adjacent to the C1025. The infrastructure proposed would be conspicuous in the foreground of the setting of the Grade I listed Priory church and would therefore appear as visual clutter which would significantly harm the setting of the adjacent listed buildings of which the development would be viewed against. The proposed single timber pole associated with a proposed sign located at the entrance to access to the Priory in a field immediately behind a timber post and rail fence, in close proximity to the C1025 would also stand out as an unduly prominent and incongruous feature due to its height, solidity and proximity to the road

with no significant soft landscaping behind to assimilate into its rural setting. The timber post associated with a sign would therefore appear as visual clutter harming the character and appearance of the area and the setting of the Grade I listed gateway arch which is located in close proximity. The proposed development serving the Priory car park would therefore result in substantial harm to the setting of the Grade I Listed Buildings which are to be afforded the highest protection and this harm would significantly and demonstrably outweigh any public benefits (as discussed in paragraph 6.31 of this report). This element of the proposal is therefore considered to be contrary to the objectives of paragraphs 130, 193 and 195 of the NPPF together with criteria 1-4 of Policy SP6 and Policy HE3 of the Carlisle District Local Plan 2015-2030.

- 6.46 In relation to the above it is therefore recommended that Members issue a split decision on the application and approve the payment machines, wall mounted ANPR camera and timber poles associated with signage at the Tea Rooms car park and refuse the development associated with the Priory car park for the reasons outlined in paragraph 6.45.

7. Planning History

- 7.1 In 2021 an application was submitted seeking Advertisement Consent for the display of non illuminated signage associated with payment machines and ANPR cameras (reference 21/0393). At the time of preparing this report application 21/0393 was undetermined;
- 7.2 In 2014 Advertisement Consent was granted for display of non illuminated low level lecturn type freestanding interpretation panel (reference 14/0551); and
- 7.3 There is a also a varied planning history relating to the redevelopment of the former agricultural buildings to the South-West of the site (where the Tea Rooms are now located).

8. Recommendation: Part Approval/Refusal

. Approval of pole signs, CCTV and meters associated with the Tea Rooms and CCTV pole for the Priory

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 Full Planning Permission which comprise:

1. the submitted Planning Application Form received 26th April 2021 (in relation to the development serving Naworth Tea Rooms and the camera pole serving Naworth Priory car park only);
2. the Naworth Tea Rooms Site Location Plan received 26th April 2021 (Drawing No.129686-02-01);
3. the Naworth Tea Rooms Proposed Site Plan received 5th July 2021 (Drawing No. 129197-01-03 Rev B);
4. the Naworth Tea Rooms Payment Machine Elevations received 26th April 2021 (Drawing No. 129686-02-06);
5. the Naworth Tea Room Sign Elevations received 7th July 2021 (Drawing No.129686-02-04 Rev A);
6. the Photograph of The Camera Position At Naworth Tea Rooms received 21st June 2021;
7. the Camera Elevations for Naworth Tea Room received 26th April 2021 (Drawing No.129686-02-05);
8. the Naworth Priory Car Park Site Location Plan received 26th April 2021 (Drawing No.129686-01-01, excluding the pole signs and payment machines);
9. the Naworth Priory Car Park Proposed Site Plan received 5th July 2021 (Drawing No. 129686-01-03 Rev B excluding the pole signs and payment machines);
10. the Naworth Priory Camera Pole Elevations received 26th April 2021 (Drawing No.129686-01-06);
11. the Naworth Priory Camera Elevations received 26th April 2021 (Drawing No.129686-01-05);
12. the Notice of Decision;
13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. **Refusal of pole signs and meters associated with the Priory**

3. **Reason:** The proposed pole signs and payment machines serving the Priory car park would be visible and distinctive features within the street scene particularly from the west where there are key iconic views of The Priory church from the existing listed gatehouse located adjacent to the C1025. The infrastructure proposed would be conspicuous in the foreground of the setting of the Grade I listed Priory Church and would therefore appear as visual clutter which would significantly harm the setting of

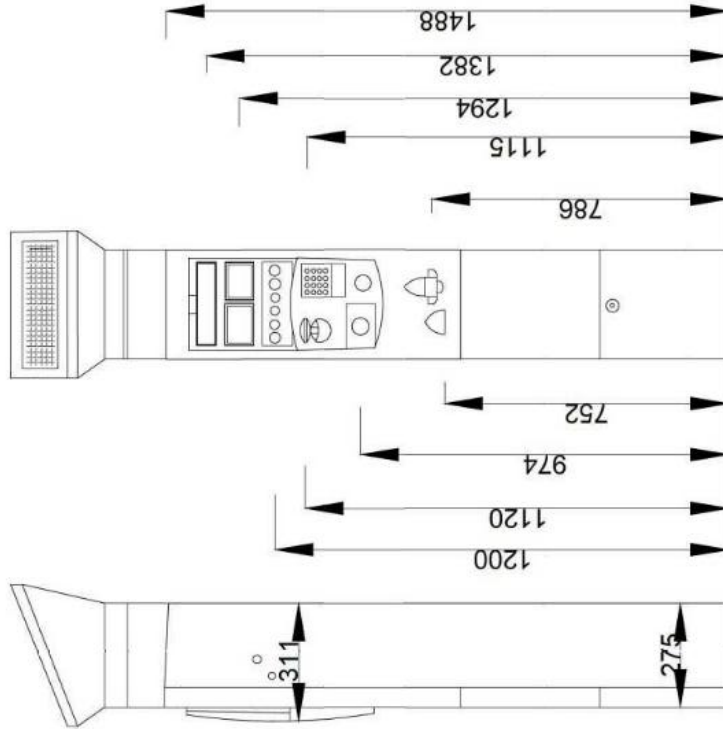
the adjacent Listed Buildings of which the development would be viewed against. The proposed single timber pole associated with a proposed sign located at the vehicular entrance to the Priory in a field immediately behind a timber post and rail fence, in close proximity to the C1025 would also stand out as an unduly prominent and incongruous feature due to its height, solidity and proximity to the road with no significant soft landscaping behind to assimilate into its rural setting. The timber post associated with a sign would therefore appear as visual clutter harming the character and appearance of the area and the setting of the Grade I listed gateway arch which is located in close proximity. The proposals will therefore result in substantial harm to the setting of the Grade I Listed Buildings which are to be afforded the highest protection and this harm would significantly and demonstrably outweigh any perceived public benefits of the scheme. In such circumstances the proposed pole signs and payment machines serving The Priory Car Park would be contrary to the objectives of paragraphs 130, 193 and 195 of the NPPF together with criteria 1-4 of Policy SP6 and Policy HE3 of the Carlisle District Local Plan 2015-2030.



THIS DRAWING IS PROTECTED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN ANY FORM OR BY ANY MEANS FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION OF FIDUR GERMAN LLP. CHARTERED SURVEYORS.

FIDUR GERMAN LLP IS A LIMITED LIABILITY PARTNERSHIP
REGISTERED IN ENGLAND AND WALES. REGISTERED NUMBER: 0017154
REPRODUCED USING ORDNANCE SURVEY DATA. CROWN COPYRIGHT.
ALL RIGHTS RESERVED. LICENCE NUMBER: 100066207





Rev.	Date.	Revision Details.
-	-	-
-	-	-
-	-	-
-	-	-



Fisher German LLP, 4 Vicars Lane
 Chester, Cheshire, CH1 1QU
 Tel: 01244 315954 Fax: 01244 409660

Client:	Initial Parking Limited
Project:	Lanercost Tea Room, Abbey Farm, Lanercost, Brampton, CA8 2HQ
Title:	Payment Machine Elevations

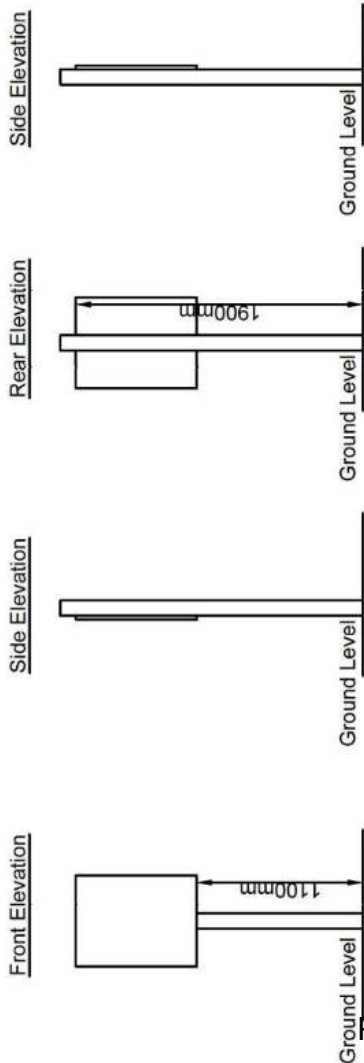
Scale:	1:20 @ A4		
Date:	April 2021		
Drawn:	KT	Checked:	NC
Dwg No:	129686-02-06		

THIS DRAWING IS PROTECTED BY COPYRIGHT. IT MAY NOT BE REPRODUCED OR
ANY FORM OR BY ANY MEANS FOR ANY PURPOSE WITHOUT WRITTEN
CONSENT OF THE COPYRIGHT OWNER.

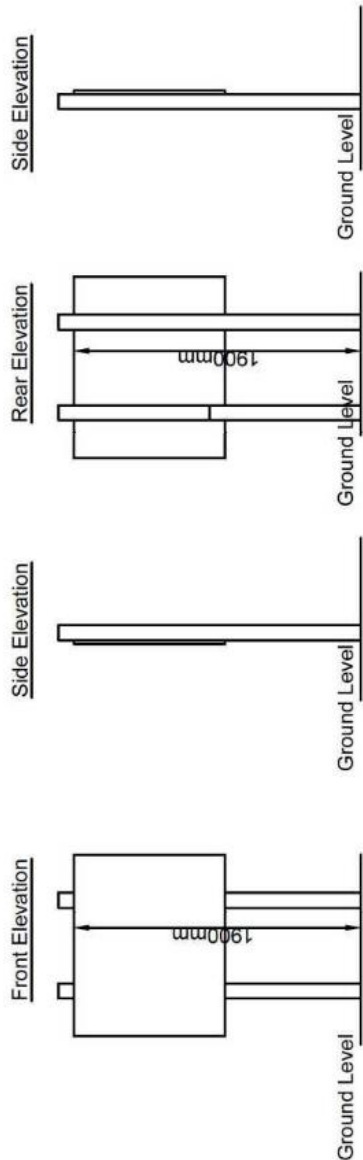
REGISTERED TRADEMARK OF THE
REGISTERED DESIGNER IS A REGISTERED TRADEMARK. COPYRIGHT
REPRODUCED UNDER LICENSE. SUPPLY DATA. DRAWN: COPYRIGHT
ALL RIGHTS RESERVED. IT IS THE PROPERTY OF THE DESIGNER.

THIS DRAWING IS PROTECTED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN ANY FORM OR BY ANY MEANS FOR ANY PURPOSES WITHOUT WRITTEN PERMISSION OF FISHER GERMAN LLP. ANY UNAUTHORIZED REPRODUCTION OF THIS DRAWING IS A CRIMINAL OFFENCE UNDER THE COPYRIGHT ACT 1988. REGISTERED IN ENGLAND AND WALES. REGISTERED NUMBER: 04377564. REPRODUCED USING ORDNANCE SURVEY DATA. ORDNANCE COPYRIGHT. ALL RIGHTS RESERVED. LICENCE NUMBER: 10000007

Sign with pole



Double posted sign



A	July 2021	Height reduction
	Rev	Date
		Revision Details



FISHER GERMAN

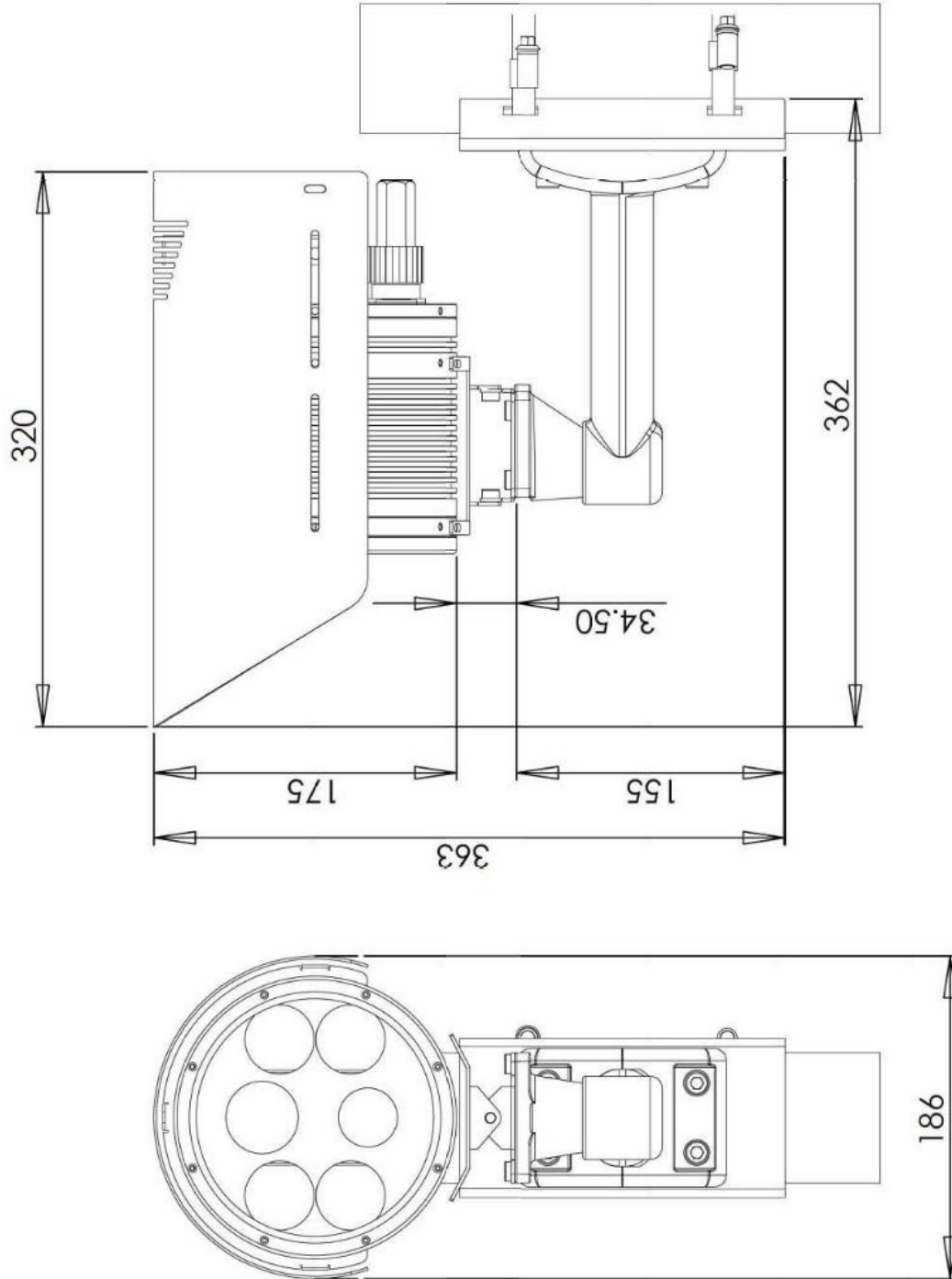
Fisher German LLP, 4 Vicars Lane
Chester, Cheshire, CH1 1QU
fax: 01244 315954 tel: 01244 409660

Client:	Initial Parking Ltd
Project:	Lanercost Tea Room, Abbey Farm, Lanercost, Brampton, CA8 2HQ
Title:	Sign Elevations

Scale:	1:50 @ A4
Date:	April 2021
Drawn:	KT
Checked:	NB
Dwg No:	129686-02-04

THIS DRAWING IS UNREGISTERED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN ANY FORM OR BY ANY MEANS FOR ANY PURPOSE WITHOUT THE WRITTEN PERMISSION OF FISHER GERMAN LLP. CHARTERED SURVEYORS.
THIS DRAWING IS UNREGISTERED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN ANY FORM OR BY ANY MEANS FOR ANY PURPOSE WITHOUT THE WRITTEN PERMISSION OF FISHER GERMAN LLP. CHARTERED SURVEYORS.
REPRODUCED USING ORIGINATE BRADY DATA. CROWN COPYRIGHT.
ALL RIGHTS RESERVED. LICENCE NUMBER: 1000637





NOTE: Dimensions and drawings taken from MAV systems Ltd.

Rev	Date	Revision Details

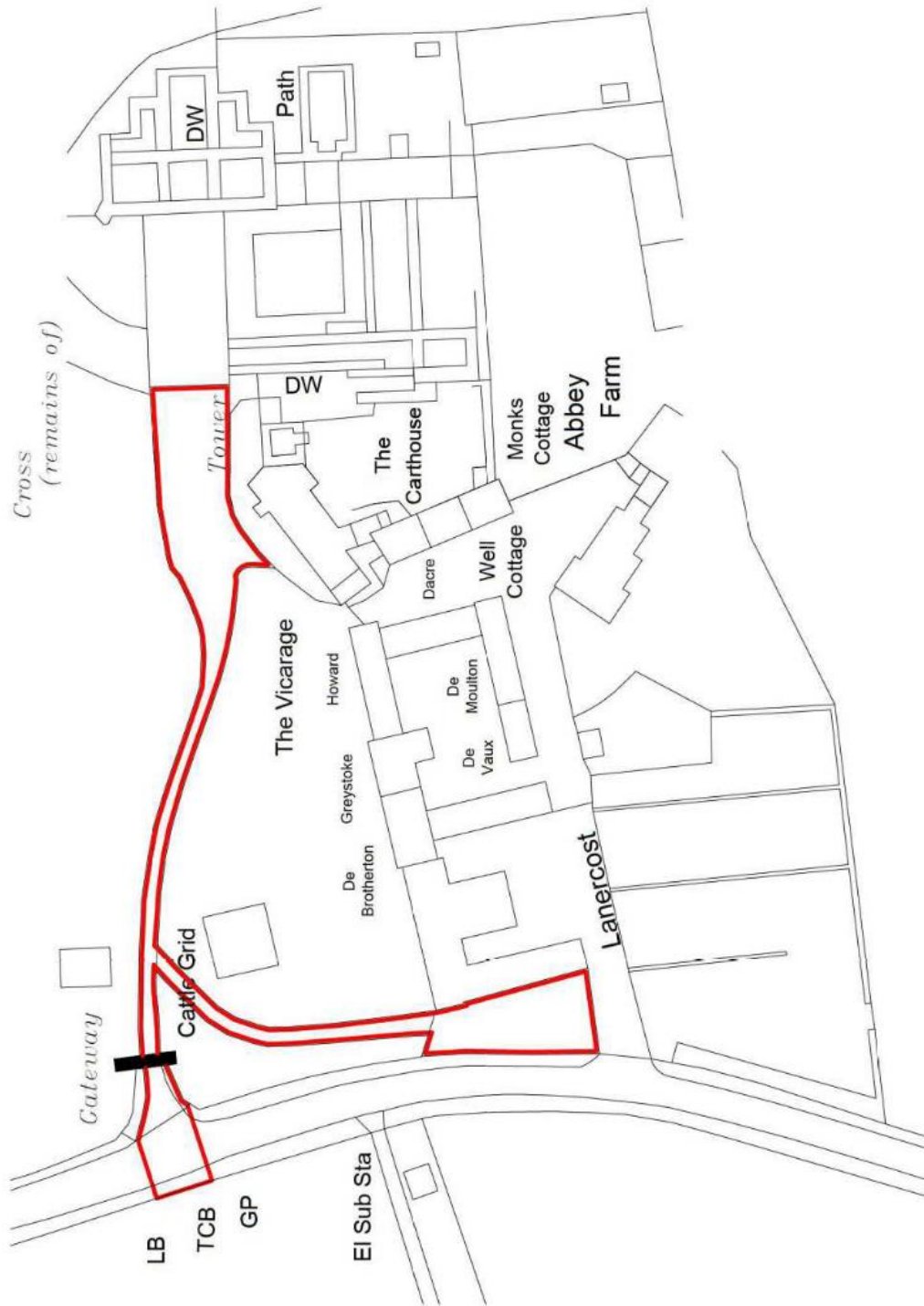


Fisher German LLP, 4 Vicars Lane
Chester, Cheshire, CH1 1QU
fax: 01244 315954 tel: 01244 409400

Client:	Initial Parking Limited
Project:	Lanercost Tea Room, Abbey Farm, Lanercost, Brampton, CA8 2HQ
Title:	Camera Elevations

Scale:	1:4 @ A4
Date:	April 2021
Drawn:	KT
Checked:	NC
Dwg No:	129686-02-05

THIS DRAWING IS PROTECTED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF FISHER GERMAN LLP. FISHER GERMAN LLP IS A LIMITED LIABILITY PARTNERSHIP. REGISTERED IN ENGLAND AND WALES. REGISTERED NUMBER: 0047154. REPRESENTED BY FISHER GERMAN LLP. ALL RIGHTS RESERVED. 12/2020 (REVISED)



Rev.	Date:	Revision Details:



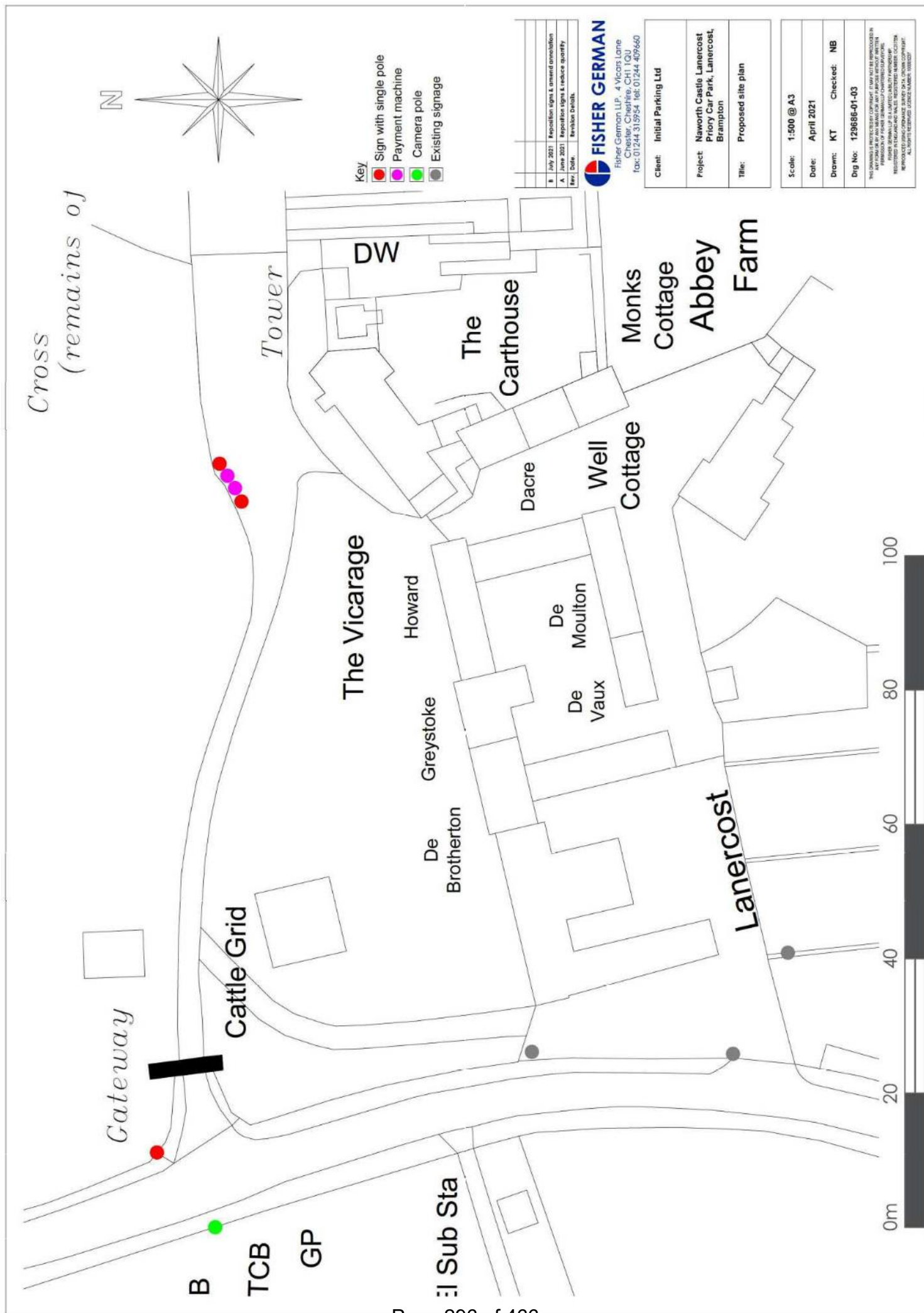
Fisher German LLP, 4 Vicars Lane
Chester, Cheshire, CH1 1QU
fax: 01244 315954 tel: 01244 409660

Client:	Initial Parking Ltd
Project:	Naworth Castle Lanercost Priory Car Park, Lanercost, Brampton
Title:	Location Plan

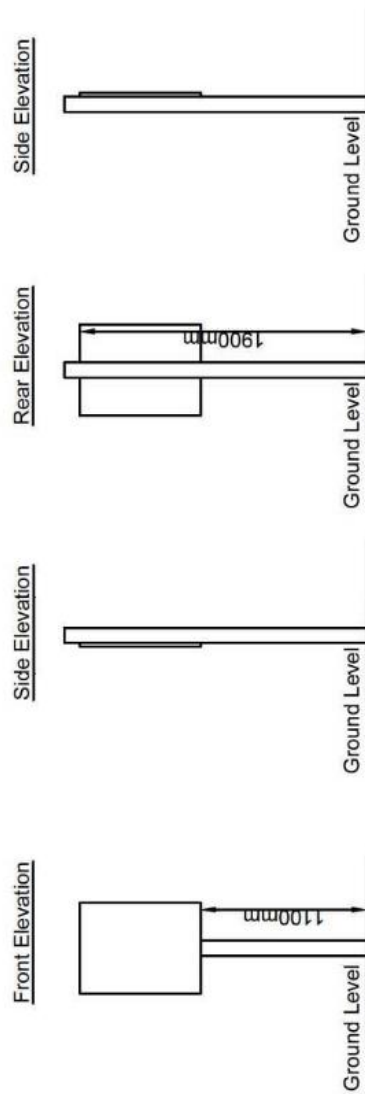
Scale:	1:1250 @ A4
Date:	April 2021
Drawn:	KT
Checked:	NB
Dwg No:	129686-01-01

THIS DRAWING IS PROTECTED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF FISHER GERMAN LLP. FISHER GERMAN LLP IS A LIMITED LIABILITY PARTNERSHIP. REGISTERED IN ENGLAND AND WALES. REGISTERED NUMBER: 0617504. REPRESENTED BY FISHER GERMAN LLP. ALL RIGHTS RESERVED. LICENCE NUMBER: 10000207





Sign with single pole



Rev	Date	Height reduction	Revision Details
A	July 2021		

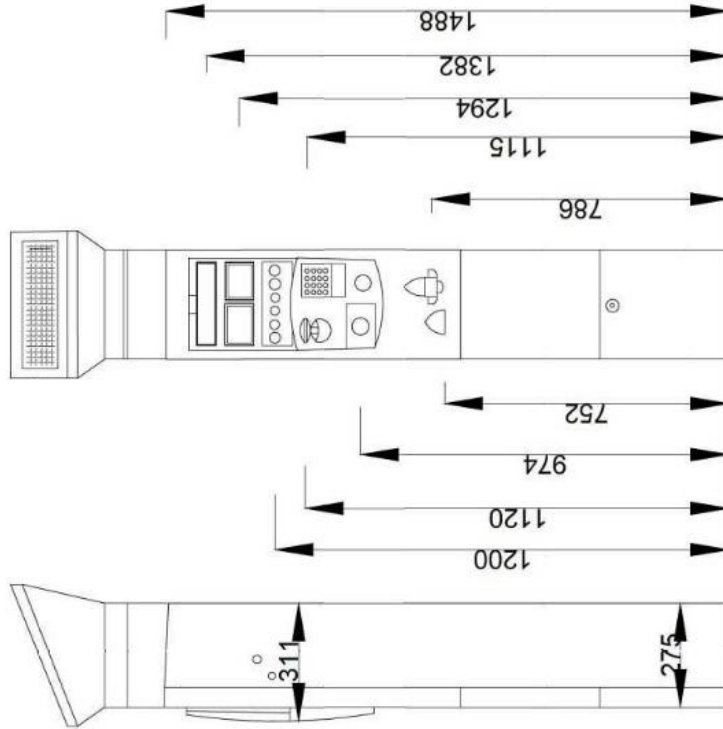


Fisher German LLP, 4 Vicars Lane
 Chester, Cheshire, CH1 1QU
 fax: 01244 315954 tel: 01244 409660

Client:	Initial Parking Ltd
Project:	Naworth Castle Lanercost Priory Car Park, Lanercost, Brampton
Title:	Sign Elevations

Scale:	1:50 @ A4
Date:	April 2021
Drawn:	KT
Checked:	NB
Dwg No:	129686-01-04

THIS DRAWING IS UNREGISTERED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN ANY FORM OR BY ANY MEANS FOR ANY PURPOSE WITHOUT THE WRITTEN PERMISSION OF FISHER GERMAN LLP. CHARTERED SURVEYORS.
 THIS DRAWING IS UNREGISTERED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN ANY FORM OR BY ANY MEANS FOR ANY PURPOSE WITHOUT THE WRITTEN PERMISSION OF FISHER GERMAN LLP. CHARTERED SURVEYORS.
 REPRODUCED USING ORDNANCE SURVEY DATA. CROWN COPYRIGHT.
 ALL RIGHTS RESERVED. LICENCE NUMBER: 1000637



Rev	Date	Revision Details
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

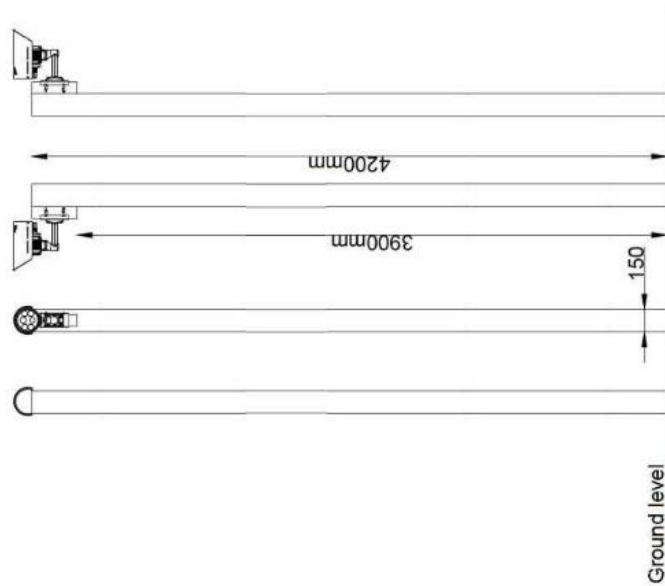


Fisher German LLP, 4 Vicars Lane
 Chester, Cheshire, CH1 1QU
 Fax: 01244 315954 Tel: 01244 409660

Client:	Initial Parking Limited
Project:	Naworth Castle Lanercost Priory Car Park, Lanercost, Brampton
Title:	Payment Machine Elevations

Scale:	1:20 @ A4
Date:	April 2021
Drawn:	KT
Checked:	NC
Dwg No:	129686-01-07

THIS DRAWING IS PROTECTED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN
 ANY FORM OR BY ANY MEANS FOR ANY PURPOSE WITHOUT WRITTEN
 PERMISSION OF FISHER GERMAN LLP. ANY UNAUTHORIZED REPRODUCTION
 OF THIS DRAWING IS A CRIMINAL OFFENCE UNDER THE COPYRIGHT, DESIGNS
 AND PATENTS ACT 1988. THIS DRAWING IS THE PROPERTY OF FISHER GERMAN
 REGISTERED IN ENGLAND AND WALES. REGISTERED NUMBER: 04377564.
 REPRODUCED USING ORDNANCE SURVEY DATA. CROWN COPYRIGHT.
 ALL RIGHTS RESERVED. LICENCE NUMBER: 10000007



Rev.	Date:	Revision Details:

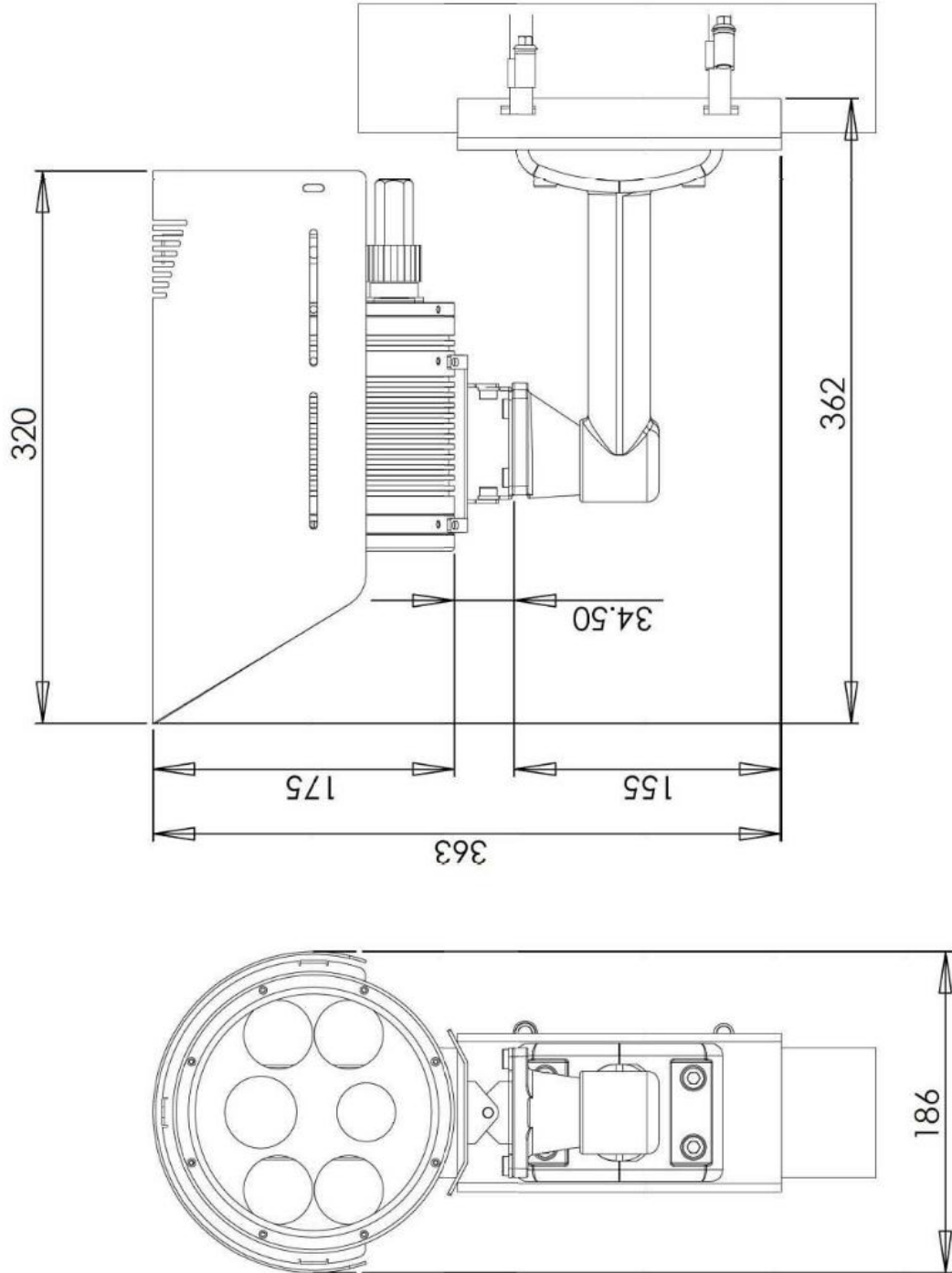


Fisher German LLP, 4 Vicars Lane
Chester, Cheshire, CH1 1QU
fax: 01244 315954 tel: 01244 409660

Client:	Initial Parking Limited
Project:	Naworth Castle Lanercost Priory Car Park, Lanercost, Brampton
Title:	Camera Pole Elevations

Scale:	1:50 @ A4
Date:	April 2021
Drawn:	KT
Checked:	NC
Drp No:	129686-01-06

NOTE: Dimensions and drawings of cameras taken from MAV systems Ltd.



NOTE: Dimensions and drawings taken from MAV systems Ltd.

Rev	Date	Revision Details



Fisher German LLP, 4 Vicars Lane
Chester, Cheshire, CH1 1QU
fax: 01244 315954 tel: 01244 409400

Client:	Initial Parking Limited
Project:	Naworth Castle Lanercost Priory Car Park, Lanercost, Brampton
Title:	Camera Elevations

Scale:	1:4 @ A4		
Date:	April 2021		
Drawn:	KT	Checked:	NC
Dwg No:	129686-01-05		

THIS DRAWING IS PROTECTED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF FISHER GERMAN LLP. FISHER GERMAN LLP IS A LIMITED LIABILITY PARTNERSHIP. REGISTERED IN ENGLAND AND WALES. REGISTERED NUMBER: 0047554. REPRESENTED BY FISHER GERMAN LLP. FISHER GERMAN LLP IS A LIMITED LIABILITY PARTNERSHIP. ALL RIGHTS RESERVED. 129686-01-05 (04/2021)

Our ref: NB/121/129686

Date: 21st June 2021

Addendum to applications 21/0392 and 21/0393, Car Parks at Lanercost Priory & Tea Rooms, Lanercost, Brampton, CA8 2HQ.

This short statement has been submitted as an addendum to the existing planning statement submitted in April 2021. The purpose of this addendum is to inform the amendments made to the proposed plans and provide additional information relating to the signage and payment machines.

Amendments

The revised plans submitted (drawing no's: 129686-01-03 and 129197-01-03) comprise of both proposed site plans for the Tea Room Car Park and Priory Car Park.

The proposed signage and payment machines have been moved into the car park at the Tea Rooms. This is now close to an existing hedge to detract from negatively impacting visually as you enter the car park and are screened from the roadside too (shown on drawing no: 129197-01-03). The number of signs have been reduced.

At the Priority Car Park, the proposed signage and payment machines have been moved closer to just as you enter the car park (shown on drawing no: 129686-01-03). This is to enable immediate access to these machines, and to enable access for all, given the original proposal was some distance away and in turn felt segregated from the car park. This in turn ensure the car park is compliant with the Public Sector Equality Duty by Equality Act 2010. The proposed site plan identifies the new proposed location, this location shall have minimal impact on the Grade II Listed heritage assets and ensures as you enter the car park up the driveway that views of these assets remain unspoilt. Similarly, to the Tea Rooms the number of signs has been reduced.

Signage, Pay and Display Machines and ANPR Cameras

The car park intends to run to the standards of the British Parking Association (BPA), and therefore has to be compliant to the standards and requirements set out in their Code of Practice. This means there is a minimum amount of signage which is required on site to inform visitors how the car park operates in terms of tariffs, terms and conditions, parking instructions and the ANPR camera to name some.

Two pay and display machines are located within each car park. There is a requirement for two in the event one machines breaks down. Given the ANPR camera photographs each vehicle as they enter and exit the car park, its important the user pays the tariff to avoid a parking fine at a later date. Therefore, payment machines need to operate at all times.

The car park operator recognises the importance of reducing additional services and infrastructure being brought and used through the site, and the importance of reducing electricity usage. Therefore, all payment machines operating on these two sites are solar powered. The machines store energy within batteries so operation can continue during hours of darkness and on days which daylight may not be so clear. Recognition is given to sourcing a machine which has a minimal environmental impact.

Signage has been reduced on both sites; however, the number of signage poles now is the absolute minimum to comply with BPA standards.

The car parking operator works with the landowner to create bespoke signage with the wider estate in mind and create signage which is in-keeping with the area and not to detract from the important heritage assets.

The car parking operator works with many landowners who have car parks within important historical locations which are in turn sensitive areas, very similar to locations like Lanercost. These have been approved elsewhere across the UK and have provided some signage visuals which have been created for the recently approved Lowther Castle & Gardens Car Park. This car park is located within a Grade II Registered Park and Gardens with an abundance of Grade Listed Heritage assets surrounding this parking area.



Figure 1. Example of visuals which are designed closely with Lowther Estate.

Included below (figure 2) is a photograph of the type of signage used and sited on an approved operational car park.



Figure 2. Photograph of signage in situ at Engine Yard Car Park at Belvoir Castle.

These colours and design are bespoke to the Belvoir Estate to minimise any negative impact and blend into the surroundings, using the estates colours (which noted both figure 1 and 2, the colours are the same as their website branding too). As previously mentioned the applicant works in sensitive locations frequently.

Supporting Economic Statement

Submitted alongside this addendum and revised plans is a Supporting Economic Statement. This statement outlines the economic and community benefits of having the proposed operational car park approved and in place. The benefit of having additional income to support not only this site but the wider Estate.

The report discusses the landowners reasoning for having a managed operation on the site, and how the costs associated with maintaining car parks which are free to the public means money is not being spent on other important elements on the Estate. It is not unusual for places of historic importance to charge for car parking. All these sites have the appropriate signage and infrastructure in place.

Should you require any further information, please do not hesitate to contact me using the details below.

Nia Borseý MPlan (Hons) MRTPI
For and on behalf of Fisher German LLP



SCHEDULE A: Applications with Recommendation

21/0393

Item No: 10

Date of Committee: 23/07/2021

Appn Ref No:
21/0393

Applicant:
Initial Parking Limited

Parish:
Burtholme

Agent:
Fisher German LLP

Ward:
Brampton & Fellside

Location: Car Parks at Lanercost Priory & Tearooms, Lanercost, Brampton, CA8 2HQ

Proposal: Display Of Non Illuminated Signage Associated With Payment Machines And ANPR Cameras

Date of Receipt:
28/04/2021

Statutory Expiry Date
23/06/2021

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

- 1.1 It is recommended that Members issue a split decision on the application and approve the signs for Naworth Tea Rooms, subject to conditions, and refuse the signs for the Priory car park.

2. Main Issues

- 2.1 Impact upon amenity;
2.2 Impact upon public safety; and
2.3 Other matters.

3. Application Details

The Site

- 3.1 The application relates to Lanercost Priory which is a historic site located within a rural location on the eastern side of the C1025 approximately 2.7km from the market town of Brampton. The Priory was founded c1166 for canons of the Augustinian order, and dissolved in 1537, when it passed to the Dacre family. A considerable proportion of the site of the Priory is free

of later buildings, and is scheduled as an ancient monument under the provisions of the Ancient Monuments and Archaeological Areas Act 1979 (as amended). A number of key medieval buildings, including the nave of the Priory church, a fortified tower house now used as the Vicarage, the Dacre Hall and the remains of the outer gatehouse all survive, and are listed as Grade 1. The significance of the site, as a well preserved example of a medieval monastic house, is reflected in the extent of designation of its surviving features.

- 3.2 Access to The Priory, Vicarage, Dacre Hall etc is via a private access road located to the east of the C1025 by the existing outer gatehouse. The access leads to a tarmaced area in front of the church which provides circa 40 parking spaces.
- 3.3 There are a complex of buildings next to Lanercost Priory to the south west extending up to the roadside which were subject to redevelopment in 2005. The former agricultural sandstone buildings which the Council's Heritage Officer regards as curtilage listed, are arranged around two courtyards form part of setting of the Priory. The buildings closest to the road frontage are used as Tea Rooms with the other buildings formed round the second courtyard used as holiday lets/residential use. The buildings are served by a separate access from the highway with a car park (providing circa 80 car parking spaces) located to the south. The boundaries of the car park consist of native hedgerows.
- 3.4 The land to the north of Lanercost Priory consists of the priory grounds which has a number of trees covered by Tree Preservation Orders. The remaining surrounding land is agricultural. The nearest non associated residential properties are located to the north and wrap round the corner of the C1025 with the junction of the C1029 leading from Lanercost-Garthside/Walton.

The Proposal

- 3.5 The application seeks Advertisement Consent for the erection of non-illuminated signage in association with payment machines and ANPR cameras to serve the Tea Room car park and the the Priory car park.
- 3.6 Two of the proposed double posted signs serving the Tea Rooms car park will be situated within the car park itself, tucked behind the existing hedgerow which runs parallel to the road and located either side of two proposed 1.89 metre high payment machines (which are subject of a separate application). The other single sign serving the Tea Rooms car park will be located on the right hand side of the car park entrance immediately adjacent to the existing hedgerow. The two signs within the car park will be mounted on double 2 timber poles with a maximum height of 2 metres. Each sign will be 1.2 metres wide, 1 metre in height with the lowest part of the sign 0.9 metres from ground level. The remaining sign will be mounted on a single 2 metre high timber pole and will be 0.6 metres wide, 0.8 metres in height with the lowest part of the sign 1.1 metres from ground level.

- 3.7 There are three signs also proposed to serve the Priory car park. Two of the signs (located either side of two proposed 1.89 metre high payment machines subject of a separate application) will be located just as you enter the Priory car park from the private access track on the left hand side with the remaining sign located to the west of the listed gateway behind an existing timber post and rail fence which delineates the western boundary of the grounds of the Priory. All three single signs will be mounted on single timber poles with a maximum height of 2 metres. Each sign will be 0.6 metres wide, 0.8 metres in height with the lowest part of the sign 1.1 metres from ground level.
- 3.8 The proposed signs serving both car parks will display car parking information with regard to tariff charges and parking regulations. The final colour of the signage has not been confirmed however the agent has confirmed that the car parking operator works with the landowner to create bespoke signage with the wider estate in mind. For example parking signs at an operational car park at Belvoir Castle are brown and black with the castle logo included. Similar signage approved at the Lowther Estate is also to be in the estate colours. The agent has therefore confirmed that the proposed signage is likely to include the Naworth Estate colours and emblem (red and white) and are happy to accept a planning condition in relation to this. The supporting documents accompanying the application confirms that the car park intends to run to the standards of the British Parking Association (BPA) and the proposed signage for the site is the absolute minimum to comply with the BPA standards.
- 3.9 Members should be aware that the application as first submitted included signs for both car parks in different locations and 1 metre higher in height. During consideration of the application the proposed signage has been changed to that described in paragraphs 3.6-3.7 above.

4. Summary of Representations

- 4.1 This application has been advertised by the display of 2 x site notices, a press notice and by means of notification letters sent to 27 neighbouring properties/interested parties. In response to the original consultation undertaken 9 objections (two of which are from the same property) have been received.
- 4.2 The objections received are summarised as follows:
1. Impact upon the setting and visual impact of the Grade I listed structure and scheduled monument;
 2. Application is invalid as sign will have to be submitted on land belonging to Cumbria County Council or land designated as a scheduled monument;
 3. Sign will affect sites iconic setting and a centuries old image;
 4. If the sign is to be within the boundary of the scheduled monument then a relevant application will have to be made to the Secretary of State for Digital, Culture, Media and Sport through Historic England;

5. Sign proposed is disproportional to any suggested public benefit;
6. Impossible to argue that the Priory car park is essential car parking;
7. Previous and recently removed sign by the applicant was discreetly located and did not affect the historic setting of the Priory and Gatehouse;
8. Object to the principle of parking charges;
9. Concern that charging for parking will displace parked cars onto highway verges and associated highway safety issues as a result;
10. A rural location has no need for signage and cameras;
11. Negative impact upon existing users and operators of the site as a result of car park charging;
12. Principle of charging people coming to church or visiting a graveyard is unacceptable.
13. Camera pole will be unsightly and intrusive;
14. Paid parking cannot be implemented on the Garth area unless agreed by a majority vote of the three landowners concerned;
15. Impact on human rights and personal data from the siting of a camera pole;
16. Thirlwall Parish Council object to the principle of payment machines at the Priory;
17. Query of level of consultation/notification undertaken;
18. Impact upon key views to the priory,
19. Proposal is contrary to Policies HE1, HE2, SP8, IP3, CM3, EC9 of the Carlisle District Local Plan 2015-2030;
20. Proposal will result in no public benefit;
21. Probable that the application fails to meet the Code of Practice of the British Parking Association;
22. Any illumination if required will further detract from the character of the site; and
23. Impacts of siting of payment machines 160m from the front of the church on mobility-impaired persons.

4.3 Amended plans have been received during consideration of the application relocating the payment machines and signs for the Priory and Tearooms. Reconsultation has been undertaken with all the properties originally consulted as well as with all interested parties who made representations on the original plans submitted. In response an additional objection has been received as well as 4 further objections from interested parties who originally made representations to the proposal. The objections are summarised as follows:

1. Object to charges at the Priory;
2. Proposal will displace parking to the road outside and associated highway safety concerns as a result;
3. Query whether disabled drivers/passengers would have to pay;
4. Query regarding level of consultation;
5. Impact of the proposal on the historic setting of the site and the sites iconic image from the gateway;
6. The site is unlike Belvoir Castle of which it has been compared to;
7. The main gateway is not owned by Naworth Estates;
8. Legal action will be taken if the application is granted;;
9. Proposal would render plans to improve sewage system to Dacre Hall

- impossible;
10. Paid parking would result in end of the "Craftsmen at the Priory" exhibition and fair at Dacre Hall;
 11. Suggest that the Secretary of State for Education is consulted;
 12. Development conflicts with Policies HE1, HE2 and HE3 of the Carlisle District Local Plan 2015-2030;
 13. Legibility of proposed signage; and
 14. Accuracy of the Economic Supporting Statement accompanying the application.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection subject to the imposition of one condition ensuring no advertisements are sited to obscure any road traffic signs. Advice received regarding highway permits.

Burtholme Parish Council: - raise the following objections:

1. Visual impact of the proposed signage and installation of payment machines on a scheduled monument. Parish is of the view that the pole mounted sign sited in front of the historic gateway arch leading to the Priory will significantly detract from an iconic image which has remained unchanged for well over 800 years. The 2x payment machines and 2x pole mounted signs in the car parking area directly in front of the imposing west face of the priory church represent a further desecration of this important site.

2. Displacement of parked cars as a result of parking charges. Proposals do nothing to address risk of cars being parked on adjacent roadside verges, on the private track to Haytongate, at the laybys at either ends of Lanercost Bridge and elsewhere within the Parish, all of which have the potential to cause a nuisance to residents, create congestion and endanger pedestrians and motorists alike.

3. Highway safety. The Parish remains concerns that the pole mounted sign in front of the gateway arch may result in visiting motorists stopping and/or reversing on the C1025 in order to avoid paying the proposed parking charges. In doing so, this has the potential to create a traffic hazard on an already dangerous road that is currently the subject to a proposed 30 mph speed limit.

The Parish Council has no objection to the proposal to introduce parking charges (and associated infrastructure) at the Lanercost tearooms.

Historic England - North West Office: - object to the proposed payment machines and two signs on poles located in front of the Priory church to the west as it will cause a high degree of harm to the setting of the Grade I listed church and the other highly graded listed buildings associated it. Scheduled monument consent will also be required for the installation of the proposed machines and signage.

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 local planning policies against which the application is required to be assessed are Policy SP6 and HE3 of the Carlisle District Local Plan (2015-2030). The National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBA) Act 1990 are also material considerations in the determination of this application.
- 6.3 Applications for advertisement consent can only be assessed on grounds of 'amenity' and 'public safety'. These two issues are discussed below:

1. Impact Upon Amenity

- 6.4 Paragraph 132 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisement should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 6.5 The Planning Practice Guidance confirms that "amenity" is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
- 6.6 The NPPG states that it is a matter of interpretation by the local planning authority as it applies in any particular case. In practice "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. So in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider where it is in scale and in keeping with these features. For example this might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial

or commercial area of a major city (where there are large buildings and highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

- 6.7 If the advertisement makes a noise, aural amenity would also be taken into account before express consent would be given.
- 6.8 When considering the impact on amenity it is important to note that Lanercost Priory is a very important historic site located within a rural location on the eastern side of the C1025 approximately 2.7km from the market town of Brampton. The Priory was founded c1166 for canons of the Augustinian order, and dissolved in 1537, when it passed to the Dacre family. A considerable proportion of the site of the Priory is free of later buildings, and is scheduled as an ancient monument under the provisions of the Ancient Monuments and Archaeological Areas Act 1979 (as amended). A number of key medieval buildings, including the nave of the Priory church, a fortified tower house now used as the Vicarage, the Dacre Hall and the remains of the outer gatehouse all survive, and are listed in Grade 1. Historic England state that the significance of the site, as a well preserved example of a medieval monastic house, is reflected in the extent of designation of its surviving features.
- 6.9 The complex of buildings next to Lanercost Priory to the south west extending up to the roadside were redeveloped in 2005. The former agricultural sandstone buildings, arranged around two courtyards form part of setting of the Priory and the Council's Heritage Officer considers these structures to be curtilage listed. The buildings closest to the road frontage are used as Tea Rooms with the other properties formed round the second courtyard used as holiday lets/residential use. The buildings are served by a separate access from the highway with a car park located to the south. The boundaries of the car park consist of native hedgerows.
- 6.10 The proposed advertisement consent application appears to be in two parts, the proposed advertisements serving the Tea Room car park and those serving the Priory car park.
- 6.11 Two of the proposed double posted signs serving the Tea Rooms car park will be situated within the car park itself, tucked behind the existing hedgerow which runs parallel to the road and located either side of two proposed 1.89 metre high payment machines (which are subject of a separate application). The other single sign serving the Tea Rooms car park will be located on the right hand side of the car park entrance immediately adjacent to the existing hedgerow. The two signs within the car park will be mounted on double 2 timber poles with a maximum height of 2 metres. Each sign will be 1.2 metres wide, 1 metre in height with the lowest part of the sign 0.9 metres from ground level. The remaining sign will be mounted on a single 2 metre high timber pole and will be 0.6 metres wide, 0.8 metres in height with the lowest part of the sign 1.1 metres from ground level. It is appreciated that there is an existing totem sign located on the opposite side of the car park entrance advertising the Tea Rooms and Hadrian's Wall Gateway. There is also a small pole sign on the right hand

side of the entrance advertising the car park. The submitted site plan illustrates that the small pole sign will be removed.

- 6.12 The proposed signs serving both car parks will display car parking information with regard to tariff charges and parking regulations. The final colour of the signage has not been confirmed however the agent has confirmed that the car parking operator works with the landowner to create bespoke signage with the wider estate in mind. For example parking signs at an operational car park at Belvoir Castle are brown and black with the castle logo included. Similar signage approved at the Lowther Estate is also to be in the estate colours. The agent has therefore confirmed that the proposed signage is likely to include the Naworth Estate colours and emblem (red and white) and are happy to accept a planning condition in relation to this. The supporting documents accompanying the application confirms that the car park intends to run to the standards of the British Parking Association (BPA) and the proposed signage for the site is the absolute minimum to comply with the BPA standards.
- 6.13 Historic England have been consulted on the proposal and have not raised any objections to the proposed development to serve the Tea Rooms car park. The Council's Heritage Officer (HO) has also been consulted and is content that the impact of the signage serving the tea rooms would not be unacceptable.
- 6.14 Given the positioning of the two signs within the Tea Rooms car park to the south-west of the existing buildings behind the existing hedgerow any views of the signage would be seen against the backdrop of the existing hedgerow and the very localised visual environment contained within the car park. The sign at the site entrance would also be seen against the existing hedgerow and car parking area. Whilst the final text and colour of the signs are to be finalised (which can be dealt with via the imposition of a suitably worded condition) the proposed scale of each sign is acceptable. Given the positioning of the proposed signs serving the Tea Rooms in relation to the surrounding landscape features and built context it is not considered that the proposed signs serving the Tea Rooms would have a significant adverse impact upon the public amenity of the nearby historic and cultural assets. The signs are therefore considered to be appropriate to the site's rural context and would not be intrusive.
- 6.15 There are three signs also proposed to serve the Priory car park. Two of the signs (located either side of two proposed 1.89 metre high payment machines subject of a separate application) will be located just as you enter the Priory car park from the private access track on the left hand side with the remaining sign located to the west of the listed gateway behind an existing timber post and rail fence which delineates the western boundary of the grounds of the Priory. All three single signs will be mounted on timber poles with a maximum height of 2 metres. Each sign will be 0.6 metres wide, 0.8 metres in height with the lowest part of the sign 1.1 metres from ground level.
- 6.16 As stated previously within this report The Priory is a scheduled ancient

monument and a number of key medieval buildings, including the nave of the Priory church, a fortified tower house now used as the Vicarage, the Dacre Hall and the remains of the outer gatehouse all survive, and are listed in Grade 1. The site is well preserved with the listed gateway to the west of the Priory framing the entrance drive to the priory providing an important iconic scenic feature within the street scene.

- 6.17 The siting of the proposed signage within the Priory car park will be visible and distinctive features within the street scene particularly from the west where there are key iconic views of the Priory from the existing listed gatehouse located adjacent to the C1025. The infrastructure proposed would be conspicuous in the foreground of the setting of the Grade I listed church and priory and would therefore appear as visual clutter which would significantly harm the setting of the adjacent listed buildings of which the development would be viewed against. The proposed single pole sign located at the entrance to access to the Priory in a field immediately behind a timber post and rail fence, in close proximity to the C1025 would stand out as an unduly prominent and incongruous feature due to its height, solidity and proximity to the road with no significant soft landscaping behind to assimilate into its rural setting. The sign would therefore appear as visual clutter harming the character and appearance of the area and the setting of the Grade I listed gateway arch which is located in close proximity.
- 6.18 Historic England (HE) has raised objections to the proposed payment machines and two signs on poles located in front of the Priory church to the west as HE considers that this element of the proposal will cause a high degree of harm to the setting of the Grade I listed church and the other highly graded listed buildings associated it. HE state that the view to the west of the Priory church is of great significance, which allows the visitor to appreciate both the architectural design of the church and its relationship to the other buildings of the complex. HE state that the addendum submitted to the original planning statement fails to provide clear and convincing justification for the harm which the introduction of modern payment machines and signage into what is the key view of the Priory will cause to its setting. The location of the payment machines and signage will also increase the risk of impacting harmfully on buried archaeological remains. The location is one of greater archaeological sensitivity and potential than the location originally proposed and scheduled monument consent will be required.
- 6.19 The Council's Heritage Officer (HO) has reiterated the importance of this highly sensitive historic site, has raised concerns regarding the scale, volume and necessity of all the works and the level of information submitted, in particular the Heritage Officer has requested photo montages of the grouped development to fully determine the impacts. In summary the HO concludes that the development causes less than substantial harm to the setting of the heritage assets without any clear public benefit and should be refused.
- 6.20 As stated in paragraph 6.14 the proposed signs serving the Tea Rooms are considered to be acceptable and would not have an adverse impact upon

the amenity of the surrounding area. However, the proposed three signs serving the Priory car park however would due to their height, solidity and proximity to the existing listed buildings would result in discordant features which would be highly visible within the foreground of the setting of the Grade I listed gateway and Priory church. The resulting cumulative impact of the signs would therefore be detrimental to the visual amenities of the exceptional quality of existing Grade I listed buildings affecting their appearance and character. The proposal is therefore contrary to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 132 of the National Planning Policy Framework together with criteria 1-4 of Policy SP6 and Policy HE3 of the Carlisle District Local Plan 2015-2030.

2. Impact On Public Safety

- 6.21 When considering the impacts of signage on public safety the National Planning Policy Guidance (NPPG) confirms that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take care are more likely to affect public safety. For example at junctions, roundabouts, pedestrians crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, or if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline.
- 6.22 The NPPG goes onto clarify that the main types of advertisements which may cause danger to road users are:
- a) those which incorporate moving or apparently moving elements in their display, or successive individual advertisements which do not display the whole message;
 - b) those which because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature;
 - c) those which effectively leave insufficient clearance above any part of a highway, or insufficient lateral clearance for vehicles on the carriageway (due allowance being made for the camber of the road-surface);
 - d) those externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising light emitting diode technology:
 - i. where the means of illumination is directly visible from any part of the road
 - ii. which, because of their colour, could be mistaken for, or confused with, traffic lights or any authorised signals;
 - iii. which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather; or

- iv. which are subject to frequent changes of the display.
 - e) those which incorporate moving or apparently moving elements in their display, or successive individual advertisements which do not display the whole message;
 - f) those requiring close study (such as public information panels) which are situated so that people looking at them would be insufficiently protected from passing vehicles; or those advertisements sited on narrow footpaths where they may interfere with safe passage by causing pedestrians to step into the road;
 - g) those which resemble traffic signs and therefore be subject to removal by the traffic authority;
 - h) those which embody directional or other traffic elements which need special scrutiny because of possible resemblance to, or confusion with traffic signs.
- 6.23 The proposed advertisements would not be sited on the public highway and would be located within the site itself. Three of the proposed signs will serve the proposed Tea Rooms car park, one of which will be located to the south of the vehicular entrance to the Tea Rooms car park and the other two within the car park itself behind the hedgerow which runs parallel to the C1025. Furthermore, two signs will be located just as you enter the Priory car park from the private access track on the left hand side with the remaining sign located to the west of the listed gateway behind an existing timber post and rail fence which delineates the western boundary of the grounds of the Priory.
- 6.24 The only signage visible from the public highway would be the proposed sign adjacent to the vehicular entrance to the tea rooms and the sign to the west of the listed gateway to the Priory. The majority of the other signs will either be hidden behind the existing hedgerow (the ones serving the Tea Rooms car park) or stepped back a significant distance into the site (the ones serving the Priory car park). Whilst two signs would be visible from the adjacent public highway and is likely to attract the attention of drivers travelling along the road given the scale and physical relationship with the highway, it is unlikely that the signage would cause sufficient distraction that could adversely affect highway safety.
- 6.25 The proposal has been subject to an assessment by the Highway Authority to consider any highway safety implications with Highway Officers offering no objection to the proposal subject to the imposition of one condition ensuring no advertisements are sited to obscure any road traffic signs . Accordingly, the proposals are not considered to give rise to any issues that would jeopardise highway safety.

Conclusion

- 6.26 In overall terms, none of the proposed signs will have an adverse impact upon public safety. The proposed signs serving the Tea Rooms car park due to their positioning in relation to existing landscape features and built form will not have a significant adverse impact upon the visual character of the area to warrant refusal of the application on this basis.

- 6.27 The proposed three signs serving the Priory car park would however due to their height, solidity and proximity to the existing listed buildings result in discordant features which would be highly visible within the foreground of the setting of the Grade I listed gateway and Priory church. The resulting cumulative impact of the signs would therefore be detrimental to the visual amenities of the exceptional quality of the existing Grade I listed buildings affecting their appearance and character. This element of the proposal is therefore contrary to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 132 of the National Planning Policy Framework together with criteria 1-4 of Policy SP6 and Policy HE3 of the Carlisle District Local Plan 2015-2030.
- 6.28 In relation to the above it is therefore recommended that Members issue a split decision on the application and approve the signage at the Tea Rooms car park (subject to the imposition of relevant conditions ensuring final details of the text and colour of the signage are submitted along with conditions ensuring no obstruction to highway safety) and refuse the development associated with the Priory car park for the reasons outlined in paragraph 6.27 above.

7. Planning History

- 7.1 In 2021 an application was submitted seeking Full Planning Permission for the installation of payment machines, ANPR cameras and associated structures (reference 21/0392). At the time of preparing this report application 21/0392 was undetermined;
- 7.2 In 2014 Advertisement Consent was granted for display of non illuminated low level lecturn type freestanding interpretation panel (reference 14/0551;
- 7.3 There is a also a varied planning history relating to the redevelopment of the former agricultural buildings to the South-West of the site (where the Tea Rooms are now located).

8. Recommendation: Part Approval/Refusal

. Approval of signs relating to the Tea Rooms

1. The consent now granted is limited to a period of five years from the date of this decision.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As Amended).
2. The development shall be undertaken in strict accordance with the approved

documents for this Advertisement Consent which comprise:

1. the submitted Planning Application Form received 26th April 2021 (in relation to the development serving Naworth Tea Rooms);
2. the Naworth Tea Rooms Site Location Plan received 26th April 2021 (Drawing No.129686-02-01);
3. the Naworth Tea Rooms Proposed Site Plan received 5th July 2021 (Drawing No. 129197-01-03 Rev B);
4. the Naworth Tea Room Sign Elevations received 7th July 2021 (Drawing No.129686-02-04 Rev A);
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As Amended).

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As Amended).

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As Amended).

6. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As

Amended).

7. No advertisement shall be sited or displayed so as to –
- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As Amended).

8. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military). Any signs shall be sited to ensure vertical and horizontal clearance between the sign and footway/carriageway that conforms with highway signing regulations.

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

9. Prior to the commencement of the proposed signage serving Naworth Tea Rooms hereby approved full details of the text, logos and colours of the signage should be submitted to and approved in writing by the local planning authority. The signage shall then be installed in accordance with the approved details.

Reason: In the interests of visual amenity. To support Policies SP6 and HE3 of the Carlisle District Local Plan 2015-2030.

9. **Refusal of signs relating to the Priory**

10. **Reason:** The application relates to Lanercost Priory which is a highly sensitive site as it is a scheduled ancient monument and contains a number of key medieval buildings which are Grade I listed. In this location, the proposed three signs serving the Priory car park would, due to their height, solidity and proximity to the existing Grade I listed buildings, result in discordant features which would be highly visible within the foreground of the setting of the Grade I listed gateway and Priory church. The resulting cumulative impact of the signs would therefore be detrimental to the visual amenities of the exceptional quality of the existing Grade I listed buildings affecting their appearance and character. The proposal is therefore contrary to the Town and Country Planning (Control of Advertisements) (England)

Regulations 2007, Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBA) Act 1990, paragraph 132 of the National Planning Policy Framework together with criteria 1-4 of Policy SP6 and Policy HE3 of the Carlisle District Local Plan 2015-2030.

SCHEDULE A: Applications with Recommendation

21/0448

Item No: 11

Date of Committee: 23/07/2021

Appn Ref No:
21/0448

Applicant:
Mr McGregor

Parish:
Brampton

Agent:
Ashwood Design
Associates Ltd

Ward:
Brampton & Fellside

Location: Garth House, Greenfield Lane, Brampton, CA8 1AY

Proposal: Replacement Of Existing Windows (LBC)

Date of Receipt:
06/05/2021 16:01:53

Statutory Expiry Date
01/07/2021 16:01:53

26 Week Determination
26/07/2021

REPORT

Case Officer: Stephen Daniel

1. Recommendation

1.1 It is recommended that this application is refused.

2. Main Issues

2.1 The Impact Of The Proposal On The Listed Building

3. Application Details

The Site

3.1 Garth House is a large detached Grade II Listed property which dates from the 1830s. The property sits within its own grounds and includes a detached property "Garth Cottage" and "Garth Studio" (attached to Garth House via a covered walkway) which are used as holiday accommodation. There are a number of mature trees to the front of Garth House, that are subject to Tree Preservation Orders.

3.2 The existing dwelling has 33 single glazed timber windows, which vary in size, with the largest being 1.2m in width by 3m in length. It is evident that most (if not all) of the original windows have been periodically repaired over

the years with decayed material conservatively repaired or replaced. There is evidence of decay to some window components.

- 3.3 While the windows in general appear to be original to the house and hence late-Georgian in date, some windows have been replaced in their entirety. W16 is a modern top hung top panel, bottom panel fixed “sash lookalike” window. W17, W27, W32 and W33 are more modern design sash windows with narrower width sashes and with more modern wider “late 19th Century” glazing bars and mouldings. Few window sashes operate fully due to “paint build-up” and warping/distorting, and some have broken sash cords. Some windows do not open at all therefore limiting inspection.

The Proposal

- 3.4 Following the inspection of the existing windows, the applicant has concluded that the existing windows are beyond reasonable repair. The window frames and sashes show deterioration because of water penetration with rot clearly evident. If left unattended this could eventually lead to water penetrating the interior of the property, causing further wood rot and water damage.
- 3.5 It has been concluded by the applicant that the property would benefit from new windows which he maintains would replicate the existing, so they are similar in appearance to protect the overall character of the property. It is proposed that the new windows would be manufactured using “Accoya” wood for maximum longevity and would incorporate double glazed units to improve the comfort within the property and to reduce energy wastage and emission of “greenhouse” gasses. The proposed double-glazed units would comprise two panes of 4mm glass (Planitherm Total+ outer pane) with an 8mm Krypton filled cavity between which would provide a U-value through the glass of 1.2W/m²K.
- 3.6 Consideration was given to upgrading and restoring the existing window units but it was concluded by the applicant that the thermal performance of the existing windows would not be improved significantly by draught-proofing or secondary glazing. Due to the presence of existing timber shutters, the applicant considers that the option of secondary double glazing would prove impracticable.
- 3.7 The submitted Heritage Statement notes that the proposals aim to:
- ensure a safe and secure environment.
 - promote the enhancement of the built environment using high standards of design and the careful choice of sustainable materials.
 - reduce the dwelling's carbon footprint and energy use using thermally efficient glazing.
 - provide modern living comfort without harming the character of the heritage asset.
 - maintain and secure the property through replacement of the existing windows eg by ensuring that water cannot penetrate the property and cause damage.

- 3.8 The Heritage Statement concludes that:
- there are clearly identified significant defects in the existing timber windows which if left unattended, would be detrimental to the fabric and future of the existing heritage asset.
 - the general finished appearance of the replacement units would sympathetically replicate those which currently exist whilst bringing modern benefits in terms of thermal efficiency, security, and sustainability.
 - the proposal would have a minimal influence on the character of the surrounding environment and the area sense of the place.
 - the overall minimal impact to this heritage asset is outweighed by the benefits that the sympathetic modernization and maintenance secures the buildings future and condition for future generations to enjoy.
- 3.9 The applicant has submitted some supplementary supporting information in response to concerns raised by the Council's Heritage Officer. This is summarised below:
- the proposal aims to make the building more environmentally friendly by reducing carbon emissions which would come as a result of improved thermal efficiencies of double-glazed windows. This should be considered more important than the minimal alteration to the appearance of the window units;
 - Historic England has been consulted as a statutory consultee who have confirmed in their view the council *'do not need to notify or consult us on this application under the relevant statutory provisions'*;
 - renewed draught stripping could be undertaken but this would not vastly improve the thermal performance of the window units. Although some draught stripping could be improved there are no major draught problems so changing these would be of little benefit;
 - shutters can and are closed to conserve heating, however, these are antiquated in terms of modern-day living and thus are only used during the hours of darkness. The loss of natural daylight negatively impacts upon the end user for which the dwelling was originally intended for;
 - secondary glazing is not practicable where existing shutters are to be retained. If there were no shutters, then secondary glazing may be considered but feel that these would constitute significant harm to the building fabric with minimal improved thermal efficiencies resulting in little to no public benefit;
 - thermal drapes in the main would have to be fitted to the face of the window reveal as not to interfere with the shutters. Since most of the internal radiators are on the inside of the window reveal this would mean that any drapes would hang on the wrong side of the radiators and thus increase the heat loss through the glass. Some radiators are below the actual window and not in the reveal, in these instances the drapes would sit on top of the radiators rendering the radiator inefficient. Any drapes even if fitted could only be used during the hours of darkness otherwise they would reduce the natural daylight and impact the health of the occupants;
 - from a distance, it would not be visually evident that the replacement windows were double glazed so consider this would not result in a different appearance to the building.
 - the proposed thermally efficient window systems would provide substantial public benefit by way of reducing carbon emissions, a significant public

benefit compared to the retention of a particular element of the building fabric only visible to people within the grounds of the building and a matter of feet away;

- the council's response confirms that the proposals constitute 'less than substantial' harm to the property and the proposal offers significant public benefit now and for future generations;
- the existing single glazed timber window units only have a u-value of approximately 4.8 w/m²k. The proposed double glazed timber window units would achieve a much improved 1.8w/m²k, a substantial improvement of 3.0w/m²k over the existing windows;
- the CO₂ emissions would be reduced by approximately 20% per year by using double glazing;
- the proposals are not to gain financially through cost savings on heating bills but more to play a part in the reduction of greenhouse gases and carbon emissions now and for years to come;
- the applicant accepts that the overall cost of the window replacements would not be recouped in the immediate future or even anytime within his or his children's life span as the actual cost of replacement is approximately £100,000 but leaves a legacy on the building that shows action was taken where technology and progression reasonably allow;
- Carlisle City Council Planning Application 19/0291 (Study Quiet, Rickerby)
- Replacement Of 5no. Windows With Timber Slim-Line Double Glazed Sliding Sash Windows (LBC). The above application was approved by Carlisle City Council in 2019. An objection was made by the Conservation Officer during the course of the application, but the application was approved by a delegated Officer decision. In summary, the case officer comments that *'In overall terms, the proposal would not adversely impact on the character of the listed building. The proposed alterations are designed to cause "less than substantial harm" to the heritage asset and are designed to upgrade and enhance this listed property. The proposal causes "less than substantial harm" whilst sustaining and enhancing the special historic, architectural interest of the subject site and preserving the identified elements of significance. In all aspects the proposals are considered to be compliant with the objectives of the relevant local plan policies.'* It is noted that the current planning application at Garth House is also considered to cause "less than substantial harm" in the views of the Conservation Officer. Therefore, it is considered that this application should be determined in a similar manner;
- Carlisle City Council Planning Application 20/0096 (1 Etterby Scaur, Carlisle) - Replacement of 7 single glazed windows with double glazing. The above application was approved by Carlisle City Council in 2020. It was an Officer delegated decision to approve the double glazing, with Conservation Officer support. In the summary of the delegated report, it states 'It is generally accepted, especially in the context of energy conservation, that the introduction of double-glazed windows and doors in historic buildings is likely to be agreeable, as long as proposals entail appropriately designed items.' This is also identical reasoning for the Garth House application;
- consistency should be applied in the determination of planning applications, and it is considered that this should lead to the current application being approved;
- Carlisle City Council Planning Application 19/0900 (1-5 Portland Square &

4 Alfred Street North, Carlisle) – Refurbishment and Redevelopment to provide 15no. Dwellings (LBC) . In the Heritage Statement for the above application, the redevelopment proposes the inclusion of double glazed windows in the terrace of Listed Buildings. The statement includes the following on this point *‘A central aim of the refurbishment is to improve thermal efficiency of the building and in particular the poor single glazed windows. The windows are currently in a poor condition, many of which need either extensive renovation or replacement. The replacement of the windows with new inset heritage timber sash style with double glazed units will transform the thermal performance of the building and will bring the building closer to modern efficiency targets with limited visual impact.’;*

- Eden District Council Planning Application 20/0676 (Ivy House Farm, Garrigill, Alston) - Listed Building Consent for the replacement of single glazed timber windows with double glazed units. The above application was approved by Eden District Council in 2020 by a delegated decision, approving the replacement of single glazed timber windows with sliding sash double glazing in a Listed Farmhouse building;

- Eden District Council Planning Application 20/0734 (1 Wayside Terrace, Calthwaite, Penrith) - Listed Building Consent for the replacement of doors and windows (double glazing). The above application was approved by Eden District Council in 2020 by a delegated decision, approving the replacement of single glazed timber windows with double glazing in a Listed terraced dwelling.

- Eden District Council Planning Application 21/0175 (Inglenook Cottage, Berrier Road, Greystoke, Penrith) - Listed Building Consent for the replacement of timber single glazed windows with timber double glazed. The above application was approved by Eden District Council in 2021 by a delegated decision, approving the replacement of single glazed timber windows with double glazing in a Listed residential cottage;

- the applicant is committing to bold action to tackle climate change and play their part in addressing the current climate emergency. In 2017, Garth House was fitted with a state of the art Bio mass heating system which generates sustainable heating and hot water. This investment was at a cost of over £100,000 and undertaken to reduce future energy costs as well as fulfilling the applicant's personal ambitions to be environmentally friendly. However, the efforts of producing sustainable energy are being lost through the single glazed window units.

- the works should be considered exceptional based on outweighing public benefit from the reduction of carbon emissions with less than substantial harm to the designated heritage asset.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to six neighbouring properties. No verbal or written representations have been made during the consultation period.

5. Summary of Consultation Responses

Brampton Parish Council: - support the proposal - the suggested alternative

windows were impractical; proposed quality replica window should last over 100 years; proposed windows are eco friendly;

Historic England - North West Office: - does not need to be consulted on this application.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies HE3 and SP6 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposal raises the following planning issues.
1. Impact Of The Proposal On The Listed Building
- 6.4 Garth House is a Grade II listed building and the list description states:
- House. 1830's. Red sandstone ashlar with rusticated quoins, dentilled cornice, slate roof, brick chimney stacks. 2 storeys, 3 bays. Garden front has 2 projecting canted bay windows with moulded cornice and blocking course, sashes with and without glazing bars. Entrance front of 2½ storeys, has prostyle Ionic porch, panelled door with glazed fanlight. Sash windows with glazing bars have moulded surrounds, central windows with projecting hoods on console brackets. Pedimented gable. Single storey extension to right of contemporary date.*
- 6.5 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".
- 6.6 Policy HE3 of the adopted Local Plan seeks to ensure 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 harm. The policy goes on to state that applications for works to listed buildings including alterations must have regard to "the preservation of the physical features of the building, in particular scale, proportions, character and detailing (both internally and externally) and of any windows and doorways".

- 6.7 Para 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 asset's 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 196 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". Para 191 states that "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision".
- 6.8 The Council's Heritage Officer has been consulted on the application and objects to the proposals. Garth House is a sandstone late Georgian house. It is two storeys, and 3 bays, with generally 6 over 6 sash windows to the building. The listing recognises the national significance of the building.
- 6.9 Application 89/0953 'Renovation of Windows' LBC was approved in 1989, an application which recognised the value of the existing generally original windows, but allowed for their draft stripping with a ventrolla system. The proposed works are the replacement of all existing windows to the building and their replacement with double glazed timber windows. The submitted Heritage Statement concludes that "The general finished appearance of the replacement units will sympathetically replicate those which currently exist whilst bringing modern benefits in terms of thermal efficiency, security, and sustainability". However, it is clear from the details of the application that the visual quality of the existing windows, and indeed general appearance would not be matched by the proposed units, nor would any doubled glazed unit achieve this.
- 6.10 The existing and proposed drawings shows the clear disparity between existing and proposed, with the proposed double glazing units held in place externally by timber beaded sections to the perimeter, and with 'planted on' wooden glazing bars in contrast to the projecting feather with puttied perimeter of the existing individual panes. In contrast to the individual hand made panes which give a subtle diversity of reflection and visual interest, the proposed works would be for a single large double glazed pane, with internal spacers, giving a flat and uniform appearance to the window, relieved of the interest of the original.
- 6.11 The Heritage Statement shows in several examples, notably W23, the finesse of the existing Georgian joinery, which the proposed works would eradicate and only crudely imitate. The proposed windows make no effort to

match the existing detailing, and internally fine lambs tongue mouldings are replaced with crude modern sections. No reference is made in the application to the value of existing glazing and joinery, and the substantial gulf between what is there at present in most of the windows, and the proposed general arrangement and detailing.

- 6.12 Regarding justification for the works, the Heritage Statement refers to the decay of various portions of the windows, notably cills, and the accumulation of debris in the 1989 draft proofing system. It is entirely expected that if not well maintained, cills and other exposed elements will deteriorate, and it would be entirely normal for areas such as this to be conservatively repaired through the cutting out of affected material and the scarfing in of new wood. If cills are relatively modern, these would be likely to be of less robust timber than the body of the window, and deterioration should be expected.
- 6.13 Aspects such as the painting shut of windows, significant over-painting of the glazing (W17) and rot to cills, illustrate that the windows have not been maintained to their optimum. Any assessment of the application should have regard to the NPPF Chapter 16 para 191 Which states that “Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision”.
- 6.14 The City Council has published guidance on ‘Doors and Windows in Historic Buildings – a guide for owners and occupiers for listed buildings and conservation areas’. This clearly states that windows and doors are an important part of a historic building and that their loss or compromise reduces the historical value of the building and erodes its character and significance. The guidance states on p6 that they represent a finite resource which cannot be replaced, and where even replacement to the original design will only be considered as a last resort and where they are beyond practicable repair. There is no suggestion that in a listed building double glazing would be acceptable as replacement of existing period joinery. This local guidance reflects that of Historic England (HE), which is clear that *“Historic windows of interest should be retained wherever possible using careful matching repair. Their complete replacement should be a last resort and is rarely necessary. If repair is beyond the skills of a good joiner or metal worker, an accurate copy should be made”*.
- 6.15 Further detailed advice was given in the HE publication ‘Traditional Windows – Their Care, Repair and Upgrading’ which states that *“The loss of traditional windows from our older buildings poses one of the major threats to our heritage. Traditional windows and their glazing make an important contribution to the significance of historic areas. They are an integral part of the design of older buildings and can be important artefacts in their own right, often made with great skill and ingenuity with materials of a higher quality than are generally available today. The distinctive appearance of historic hand-made glass is not easily imitated in modern glazing. Windows are particularly vulnerable elements of a building as they are relatively easily replaced or altered. Such work often has a profound affect not only on the building itself but on the appearance of street and local area.”*

- 6.16 The proposed double glazing would result in a different appearance to the building, with crudely detailed and broader glazing bars and a loss of the variation and visual interest which individual handmade panes achieve. This loss, if allowed, would constitute 'less than substantial' harm but with no outweighing public benefit that could not be achieved by other more conservative means e.g. renewal of the ventrolla draft stripping, and or the use of existing shutters in conjunction with thermal drapes . Historic fabric would be irretrievably destroyed and the value of the building diminished. Conservative repair to the windows could be carried out by an agreed method statement from a competent joiner, agreed in writing with the planning authority and need not require Listed Building Consent. Windows can be brush-sealed and secondary glazed (subject to any impacts on shutters) without requiring listed building consent.
- 6.17 The Council's Heritage Officer has been re-consulted on the additional information that the applicant has submitted in support of their proposals. He maintains his previous advice that the replacement of the period 1830s windows with double glazing of any variety (let alone the stick on glazing bars with timber trims as proposed) constitutes unacceptable harm to the listed building not outweighed by any public benefit.
- 6.18 The cases referred to by the applicant underline the damaging impacts of recent decisions, in particular to allow the loss of period windows at Portland Square, notably the replacement of multipaned Georgian sashes with top hung push out windows with applied glazing bars and at Study Quiet, Rickerby, in both instances against the Heritage Officer's professional advice. . These instances of deviation from local and national planning policy regarding the protection of historic fabric show that additional to the loss of historic material – in the form of glazing – including crown or cylinder glass – and period joinery, the material appearance of the building is adversely altered by double glazing. The reflectivity of double glazing is markedly different to single glazing, and clearly denotes machine-made material in contrast to the subtle variations of the historic product. These changes degrade the value and significance of the protected building.
- 6.19 There are a significant number of appeal decisions, supporting the retention of historic single glazed windows in listed buildings and indeed in unlisted buildings in conservation areas. More relevant examples to cite are:
- 8 Battlebrow, Appleby in Westmorland, Cumbria (Grade II building) APP/H0928/E/10/2139799 - the replacement of the existing wooden single glazed windows with wooden double glazed windows - Appeal Dismissed
 - Sparkett Mill, Hutton John, Ullswater, Penrith (Grade II building) APP/Q9495/E/11/2159045 - the replacement of 6 modern windows with painted timber double glazed units to match the existing style - Appeal Dismissed
- 6.20 It is acknowledged that the Council has allowed replacement timber double glazed windows in listed buildings. There was, however, reasoned justification for each decision and these are set out below:

- at Portland Square (19/0900) the existing windows had been subject to years of both inappropriate repair and under investment by the previous institution owner. It was considered that the replacement of the windows caused less than substantial harm to the buildings overall, with the public benefits of the scheme being the conversion of a large number of redundant listed former offices to high quality housing which will have an overall impact of increasing investment into this area of Carlisle.
- at the Study Quiet (19/0291 - replacement of 5 windows) an appeal decision had been issued which was partly allowed and which granted consent for the retention of three upvc casement windows in the rear elevation; three windows on the side had very limited public aspects; and a large rear extension had been added to the property.
- at Etterby Scaur (20/0096 - replacement of 7 windows in existing frames) the Heritage Officer did not object to the proposed replacement windows as the retention of the existing joinery, ironmongery and traditional external finish (fillets of mastic/proprietary putty) mitigated to some extent the loss of the glazing. The works had already been executed at an unknown date and the large format of the windows (being 1 over 1 large paned windows) is an entirely different scenario to the proposed replacement of multipaned Georgian windows.

- 6.21 The current proposal is not comparable to any of the above cases. It is seeking to replace 33 windows that dated from the 1830s with double glazed units. It is accepted that this would improve the energy efficiency of the property but this is not considered to override the harm that the proposal would create to the building due to the inclusion of crudely detailed and broader glazing bars and a loss of the variation and visual interest which individual handmade panes achieve. This loss would constitute 'less than substantial' harm but with no outweighing public benefit that could not be achieved by other more conservative means e.g. renewal of the ventrolla draft stripping, and or the use of existing shutters in conjunction with thermal drapes; windows can be brush-sealed and secondary glazed (subject to any impacts on shutters) without requiring listed building consent.

Conclusion

- 6.22 The proposal to replace 33 period windows that date from the 1830s with double glazed units with false applied glazing bars would have an adverse impact on the listed building..The proposal would, therefore, be contrary to Policy HE3 of the adopted Local Plan, Paragraphs 193 to 196 of the NPPF and Sections 16 and 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

7. Planning History

- 7.1 In November 1989, Listed Building Consent was granted for renovation of windows (89/0953).
- 7.2 In April 2013, planning permission was granted for the erection of 5no.

dwelling within the garden of Garth House (12/0811).

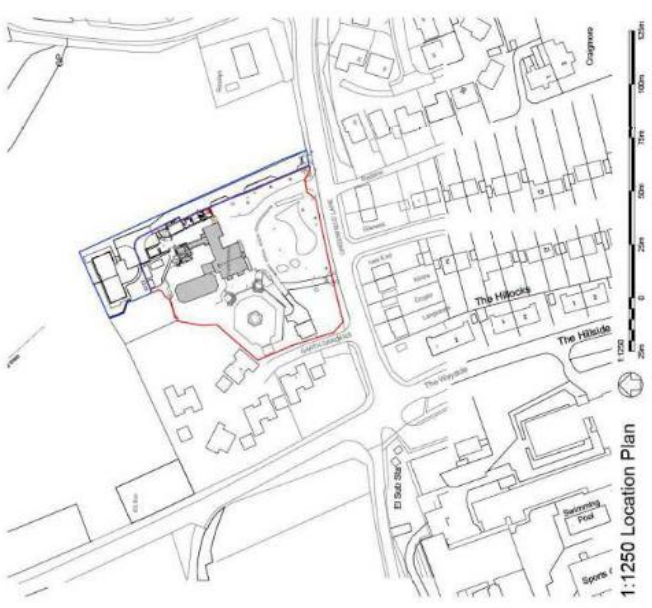
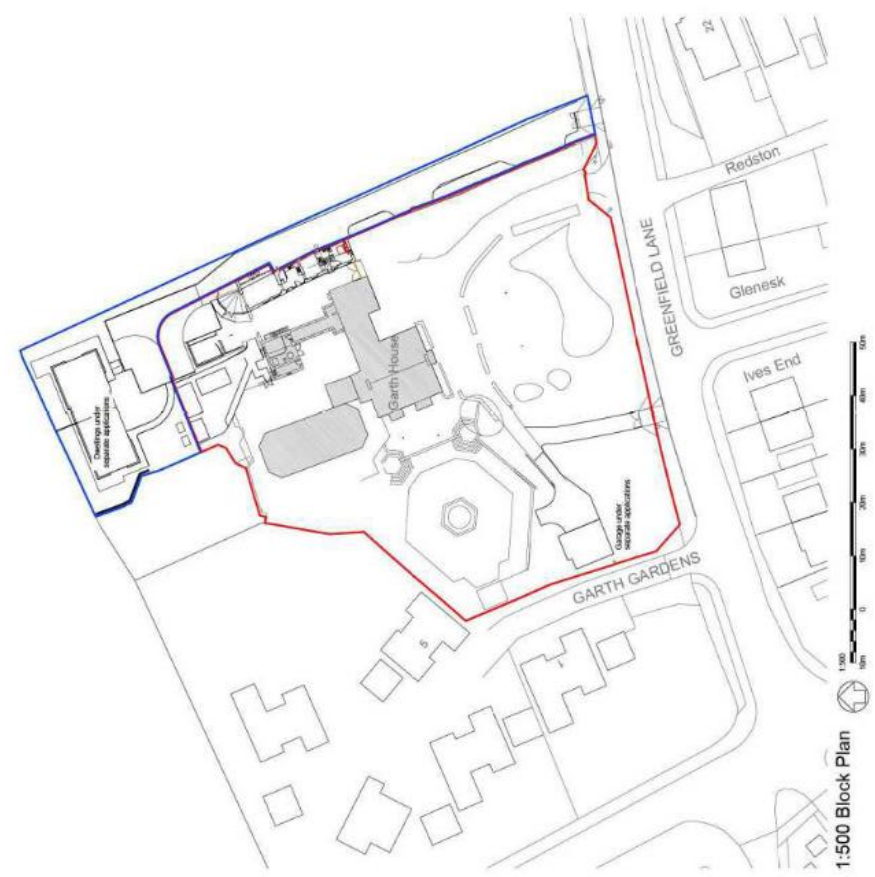
- 7.3 In September 2017, planning permission and Listed Building Consent were granted for the erection of a garden room together with internal and external alterations; formation of new vehicular/pedestrian access and installation of gates at Garth Cottage, which lies within the grounds of Garth House (17/0622 & 17/0623).
- 7.4 In October 2017, planning permission and Listed Building Consent were granted for alterations to existing coach house including installation of a biomass boiler to provide ancillary accommodation to first floor together with formation of new vehicular/pedestrian access and installation of gates (17/0757 & 17/0758).
- 7.5 In October 2018, planning permission was granted for the erection of 2 no. dwellings including garden and parking areas (18/0822). This application was varied in September 2020 (20/0499).

8. Recommendation: Refuse Permission

1. **Reason:** The proposal is seeking to replace 33 existing single glazed 1830s timber windows with timber double glazed units. The proposed double glazing would result in a markedly different appearance to the building, with crudely detailed and broader glazing bars and a loss of the variation and visual interest which individual handmade panes achieve. The proposed windows would have a single large double glazed pane, with internal spacers, giving a flat and uniform appearance to the window, relieved of the interest of the original. The loss of the original windows would constitute 'less than substantial' harm but with no outweighing public benefit that could not be achieved by other more conservative means e.g. renewal of the ventrolla draft stripping, and or the use of existing shutters in conjunction with thermal drapes; windows could be brush-sealed and secondary glazed (subject to any impacts on shutters) without requiring listed building consent. The proposal would, therefore, be contrary to Policy HE3 of the adopted Local Plan, Paragraphs 193 to 196 of the NPPF and Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.
-

NOTES AND AMENDMENTS
This drawing is copyright © Ashwood Associates and is to be used for the purpose of the design and construction of the proposed development. It is not to be used for any other purpose without the written consent of Ashwood Associates. The design is preliminary and subject to change.

Rev	Description	Drawn	Date
-----	-------------	-------	------

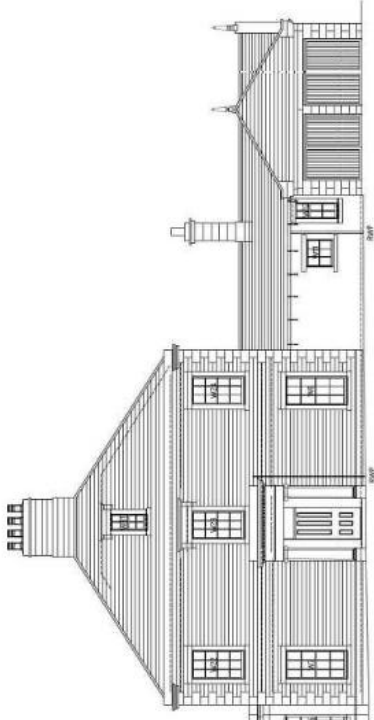


ASHWOOD
DESIGN ASSOCIATES LTD
Bridges House Business Centre, Parkhouse Road, Castle CA6 4BP
01223 502811
www.ashwoodassociates.co.uk

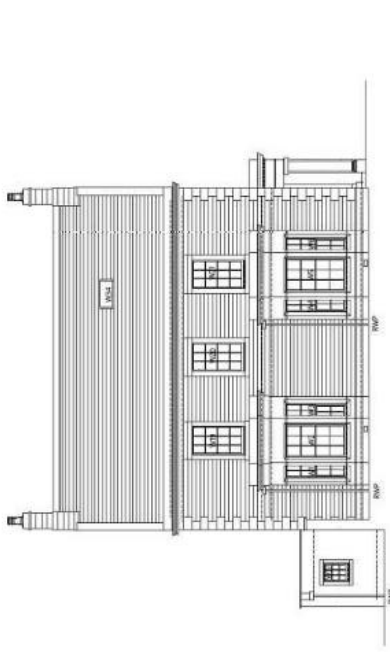
Project	Planning
Client	Mr. G. McGregor
Project	Proposed Window Replacements Garth House, Brampton
Rev	As Existing & Proposed Block and Location Plans
Scale	1:1
Noted	PM
Drawn	05/2021
Project No	1962
Sheet No	006

REVISIONS	
Rev	Description

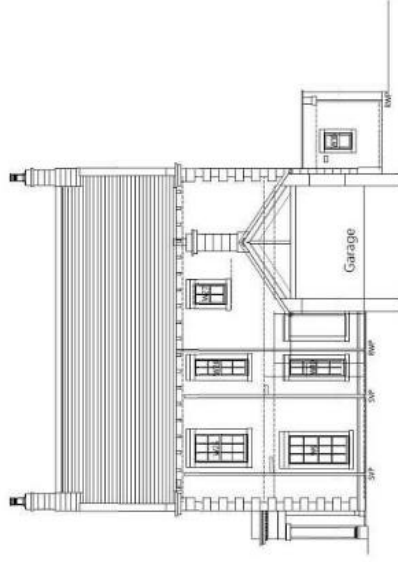
Drawn	Date



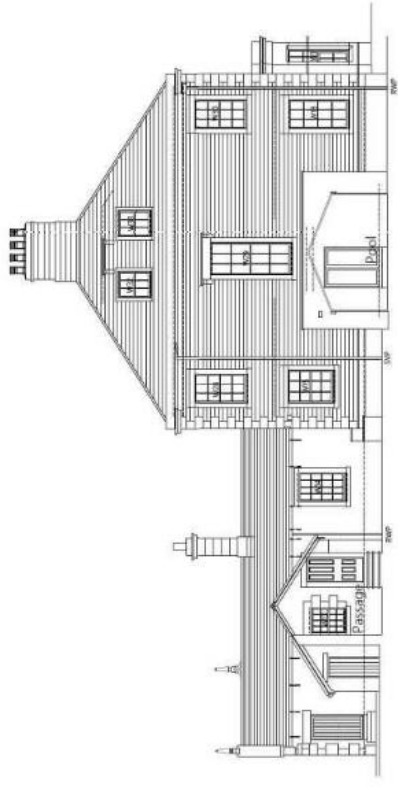
South Elevation



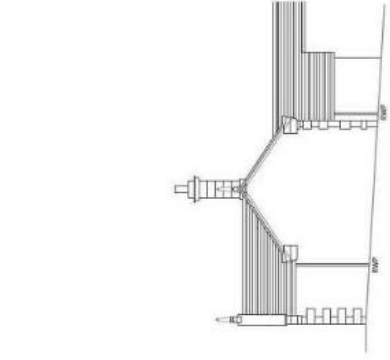
West Elevation



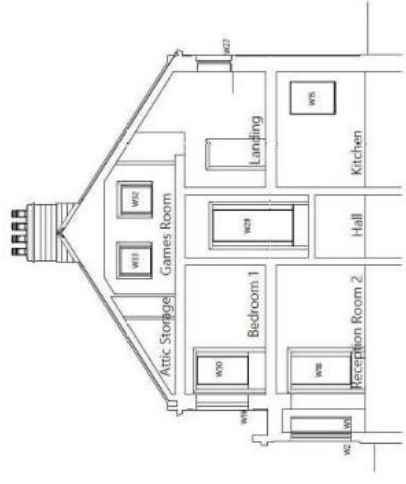
East Elevation (sectional)



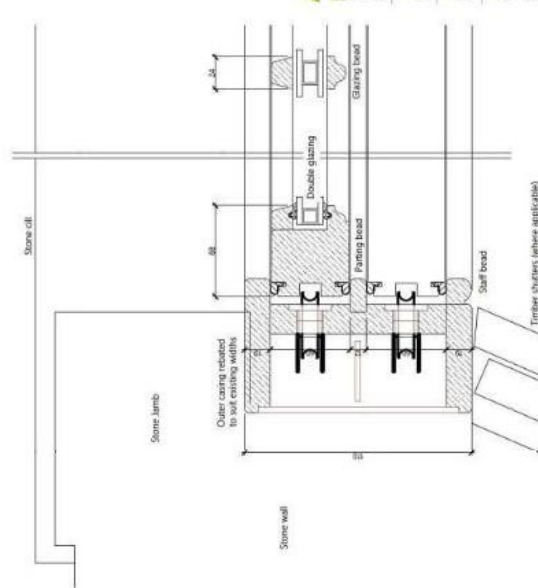
North Elevation



East Elevation

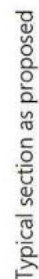


Section



Typical plan as existing

Typical plan as proposed



Typical section as existing

NOTES AND AMENDMENTS
 The drawing is copyright ©. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the schedule of materials. All dimensions are to be given in millimetres. The architect immediately and before proceeding.

REV	DESCRIPTION	DATE
1	Issue for tender	12/20



WINDOW W1 ELEVATION
1:20

WINDOW W2 ELEVATION
1:20

WINDOW W3 ELEVATION
1:20

WINDOW W4 ELEVATION
1:20

WINDOW W5 ELEVATION
1:20

WINDOW W6 ELEVATION
1:20

WINDOW W7 ELEVATION
1:20

WINDOW W8 ELEVATION
1:20

WINDOW W9 ELEVATION
1:20

WINDOW W10 ELEVATION
1:20

WINDOW W11 ELEVATION
1:20

WINDOW W12 ELEVATION
1:20

Replacement Windows
 New Windows to match existing patterns.
 Dimensions shown are indicative and subject to full site measure prior to manufacture.
 Drawings to be read in conjunction with Window Schedule.

WINDOW W13 ELEVATION
1:20

WINDOW W14 ELEVATION
1:20

WINDOW W15 ELEVATION
1:20

WINDOW W16 ELEVATION
1:20

WINDOW W17 ELEVATION
1:20

WINDOW W18 ELEVATION
1:20

ASHWOOD
 DESIGN ASSOCIATES LTD
 100, The Ashwood Centre,
 Parkhouse Road,
 Castle
 Chester
 CH1 4ET
 www.ashwooddesign.co.uk

Planning	
Client	Mr. G. McGregor
Project	Proposed Window Replacements Garth House, Brampton
As Proposed	Window Elevations
Scale	1:20
Sheet No.	A1
Sheet Size	RK
Project No.	1962
Revision	004

SCHEDULE A: Applications with Recommendation

21/0468

Item No: 12

Date of Committee: 23/07/2021

Appn Ref No:
21/0468

Applicant:
Wetheral Parish Council

Parish:
Wetheral

Agent:
NWAD

Ward:
Wetheral & Corby

Location: Wetheral Playing Fields, Wetheral, Carlisle, CA4 8HE

Proposal: Formation Of MUGA (Multi Use Games Area) Within Sports Field

Date of Receipt:
21/05/2021

Statutory Expiry Date
16/07/2021

26 Week Determination

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 is acceptable;
- 2.3 The impact on the living conditions of the occupiers of neighbouring properties;
- 2.4 Impact of the proposal on biodiversity and trees;
- 2.5 Highway impacts;
- 2.6 Crime;
- 2.7 Drainage; and
- 2.8 Other matters.

3. Application Details

The Site

- 3.1 This application relates to Wetheral Playing Fields which is located on the southern periphery of the village on the eastern side of the B6263 as you approach Wetheral from Cumwhinton. The Playing Fields, which is

approximately 2.3 hectares in area, is accessed via the B6263 and is served by a single storey rendered club house located parallel to the road as well as a tarmaced parking area immediately beyond the site access. At present there are a number of football pitches and a cricket square (grass wicket) on the field.

- 3.2 Wetheral Community Centre is located to the north of the site with fields located to the east and beyond the roads to the south and west. The site boundaries consist of hedgerows except the boundary with Wetheral Community Centre which consists of close boarded timber fencing.
- 3.3 There are no specific site constraints and the land does not have any designation in the proposal maps which accompany the Carlisle District Local Plan 2015-2030.

The Proposal

- 3.4 The application seeks Full Planning Permission for a Multi Use Games Area (MUGA) located to the east of the existing car park serving Wetheral Playing Fields. The MUGA will measure 27.4 metres in length, 15 metres in width and will be surfaced in polymeric sport surfacing (coloured green) with line markings for football, netball and basketball. The perimeters of the MUGA will be surrounded by 3 metre high green powder coated weld mesh fencing.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice and by means of a notification letter sent to one neighbouring property. During the consultation period 7 letters of objections and 6 letters of support have been received.
- 4.2 The objections cover a number of matters and are summarised as follows:
 - 1. Tenant of playing field will need to move a youth football club to play on another field;
 - 2. Tenant has used Wetheral Playing Fields for over 15 years and has had more than 1000 children enjoying the beautiful well kept outdoor space;
 - 3. Concern that MUGA will attract anti-social behaviour, litter and gangs of children;
 - 4. MUGA only likely to be used by older children to play football as not big enough to house any particular sport;
 - 5. No lighting plans for MUGA so will not be available on winter nights and will be open all the time;
 - 6. Will take up place where young children play football every week;

7. Plenty of outdoor space for everyone to be accommodated without the use of a steel concrete eyesore;
8. Impact upon landscape and house prices.
9. Impact upon existing users of the Playing Fields
10. Loss of open space and visual amenity as per Policy GI4 of the Local Plan;
11. No up to date needs assessment has been completed;
12. An astro pitch would be of more benefit;
13. Scotby MUGA is rarely used; and
14. Access to the defibrillator as fence has been heightened and gate taken away.

4.3 The letter of support cover a number of matters and are summarised as follows:

1. Fantastic to hear a MUGA being planned and built on the playing field;
2. MUGA will allow people in the local area to enjoy sport all year round;
3. MUGA will become a focal point for young people to participate in sport, improve fitness, social skills and confidence;
4. Already an issue with litter so perhaps having a more formal area for sport and recreation will lead to more care being taken and issue reduced;
5. Field is large enough to incorporate a MUGA just like Scotby and will limit travel to another village;
6. Will allow everyone to enjoy the space not just footballers and cricketers;
7. Village currently lacking a safe enjoyable space for all ages to use;
8. MUGA at Scotby rarely attracts antisocial behaviour and is an example how a park, football pitch and cricket club can work in harmony;
9. If approved it is hoped the Parish can support the Crusaders football club with a reorganisation of pitches and providing better drainage;
10. Suggest parking restrictions are lifted at the hall to accommodate families driving to the MUGA when facilities are being used by the cricket or football club.

11. Much needed facility in the village;
12. Field was gifted to the people of Wetheral for everyone to enjoy; and
13. Already children who access and enjoy the field outside of organised events and frequent litter picks completed by the people of the village to help keep the playing field safe and tidy for everyone to enjoy.

5. Summary of Consultation Responses

Wetheral Parish Council: - no response received;

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): - advice received regarding crime prevention;

Planning - Access Officer: - no objections;

Local Environment - Environmental Protection (former Comm Env Services- Env Quality): - no comment;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: - no objection, subject to the imposition of conditions requesting details of surface water drainage and ensuring foul and surface water drainage are on separate systems. Standing advice also received regarding United Utility assets.

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, SP9, EC9, CM5, GI3, GI4 and GI6 of the Carlisle District Local Plan 2015-2030. The Council's Supplementary Planning Documents (SPD) "Trees and Development" and "Designing Out Crime" are also material planning considerations.
- 6.3 The proposal raises the following planning issues:
 1. **The Principle Of Development**
- 6.4 One of the main aims of the NPPF is to promote healthy and safe communities and build a strong, competitive economy. Paragraph 8 confirms that significant weight should be placed on the need to support economic

growth and productivity, taking into account local business needs and wider opportunities for development. Paragraph 91 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction; are safe and accessible; and, enable/support healthy lifestyles. Paragraph 92 goes on to state that to provide the social, recreational and cultural facilities and services the community needs planning decisions should a) plan positively for the provision of community facilities and other local services to enhance the sustainability of communities and residential environments; b) take into account the support and delivery of local strategies to improve health, social and cultural well-being for all sections of the community; c) guard against the unnecessary loss of valued facilities and services particularly where this would reduce the communities ability to meet its day-to-day needs; d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community, and, e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

- 6.5 Paragraphs 96 and 97 of the NPPF explains that access to network of high quality open space and opportunities for sport and physical activity is important for the health and well being of communities. Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken showing a) the open space is surplus to requirements, b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the current or former use.
- 6.6 Policy SP9 (Health and Thriving Communities) enforces the objectives of the NPPF confirming that the Council will aim to ensure that all development contributes to enhanced health and wellbeing outcomes through a number of measures including high quality and inclusive environments, and, good design. Furthermore, Policy EC9 (Arts, Culture, Tourism and Leisure Development) of the CDLP states that proposals will be supported where they contribute towards the development and/or protection of the arts, cultural, tourism and leisure offer of the District and support the economy of the area. Any such planning proposals should have a scale and design compatible with character of the surrounding area; adequate access by a choice of means of transport; and, where relevant the value and significance of the attraction should not be compromised.
- 6.7 Policy GI4 (Open Space) of the CDLP states that within areas of open space, proposals that relate to and complement the existing leisure use, or would be ancillary to it (such as changing rooms for sports pitches) and are appropriate in character and scale to the surroundings, will generally be acceptable. Development that results in partial or total loss of an area of open space to non-sport or recreation uses, or would otherwise detract from the role and function an open space is valued for will not be permitted unless 1) an up-to-date needs assessment has been completed and shows a surplus of open space; 2) it can be demonstrated that there is alternative provision

nearby; 3) development of a small area of the open space would enable investment to improve the quality of the rest of the site; 4) there is a strong justifiable social or economic needs for the development and the open space is otherwise of low quality and has little community value; and, 5) statutory obligations have been fulfilled if it is proposed to dispose of statutory open space.

- 6.8 The application seeks approval for the installation of a Multi Use Games Area (MUGA) to Wetheral Playing Field. The sports field currently has a cricket square (grass wicket) and 11v11, 7v7, 5v5 and 9v9 football pitches. The applicant has confirmed that the proposed MUGA will not change the number of football pitches on the field as the pitches will be moved into different positions on the playing field. The MUGA will also be located outside of the cricket boundary. The applicant has also confirmed that the proposal for the MUGA has arisen due to Wetheral Playing Field becoming less accessible for village residents to use on a casual basis and a request from village residents for a facility for teenagers and young people to enable them to be active and take place in games and sports such as basketball, tennis, climbing etc. The village has provision for young people at Turnmire Common play area but no current recreational space for older ones.
- 6.9 The development will improve the offer of an existing community leisure facility within Wetheral and will thus help to promote healthy lifestyles of the residents within the village and wider parish. The development will not result in the loss of an area of recreational space as the football and cricket pitches will remain (albeit some of the football pitches will be relocated) with the proposal offering an accessible additional facility for recreation. The development will be ancillary to existing uses on the site and the principle of the proposal is therefore acceptable.

2. Whether The Scale And Design Is Acceptable

- 6.10 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.
- 6.11 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.
- 6.12 The scale of the development is commensurate to the size of the playing field in which the proposal is located and the design is acceptable. The proposed

materials are appropriate to the context of the site. The proposed MUGA will be located immediately adjacent to existing car park serving the play field and will be viewed in this context, the impact upon the visual amenity of the area is therefore deemed to be acceptable.

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

- 6.13 There are no neighbouring properties immediately adjacent to the application site. The closest dwellings are located approximately 81 metres to the north with Wetheral Community Centre located in between. In such circumstances the proposal will not have an adverse impact upon the living conditions of the occupiers of any residential dwellings through loss of light, overlooking or over dominance.
- 6.14 In terms of noise and disturbance the proposal is for a community leisure use which is compatible to the existing use of the site for community leisure purposes. In such circumstances the proposal is unlikely to have an adverse impact upon the living conditions of neighbouring properties over and above what takes place as existing to warrant refusal of permission on this basis.

4. Impact Of The Proposal On Biodiversity And Trees

- 6.15 The proposed development will be situated over an existing grassed area which is regularly cut therefore the proposal should not have adverse impact upon any protected species or their habitat. There is a buffer of trees delineating part of the northern boundary of the site and subject to a relevant condition imposed within the decision notice ensuring tree protection barriers are erected during construction works there should be no adverse impact upon the existing trees or biodiversity.

5. Highway Impacts

- 6.16 Wetheral Playing Fields is served by an existing car park. There are also a number of formalised parking spaces within the roadside. As the construction of the MUGA is to improve the existing facilities on the site it is not considered that the proposal would generate any additional traffic in excess of that already using the site particularly as the proposal is to meet a demand expressed by local residents who are likely to walk or cycle from the village to the site.

6. Crime

- 6.17 The Crime Prevention Officer for Cumbria Constabulary has confirmed that as the facility is to be located adjacent to the community centre and club house some casual supervision will occur whilst these buildings are occupied. Otherwise, limited surveillance may occur from passing traffic on the B6263. The applicant has confirmed that the MUGA would also have CCTV coverage from the club house and neighbouring village hall. In such circumstances it is considered that the MUGA has been sited in the best possible location on the playing fields to ensure appropriate surveillance for crime prevention.

7. Drainage

- 6.18 Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water.
- 6.19 The submitted application form indicates that surface water drainage from the development is to be disposed of via a soakaway. The principle of this drainage method is acceptable however full details of the drainage scheme is required. In such circumstances relevant conditions have been imposed within the decision notice requesting further details.

8. Other Matters

- 6.20 An objector has raised concerns that the development will impact upon house prices in the area. This is not a material planning consideration.
- 6.21 Concerns have been expressed by a number of third parties regarding the impact upon an established football team who currently use the playing fields. As stated above the number of football pitches on the site will remain although some will be relocated as a result of the development.
- 6.22 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".

- 6.23 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.
- 6.24 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

- 6.25 On balance the principle of a MUGA on Wetheral Playing Fields is acceptable as it will improve the offer of an existing community leisure facility within

Wetheral and will thus help to promote healthy lifestyles of the residents within the village and wider parish. The development will not result in the loss of an area of recreational space as the number of football and cricket pitches will remain (albeit some of the football pitches will be relocated) with the proposal offering an accessible additional facility for recreation. The scale and design is appropriate to the site and the proposal will not have a detrimental impact upon the character/appearance of the surrounding area, the living conditions of the occupiers of any residential properties, highway safety or biodiversity. Subject to the imposition of relevant planning conditions there will be no adverse impact upon existing drainage conditions or trees. Overall, the proposal is compliant with the objectives of the relevant Development Plan Policies and approval is recommended.

7. Planning History

- 7.1 The most recent and relevant planning history is as follows:
- 7.2 In 2014 a variation of condition application was granted for the variation of condition 6 (vehicular access) to allow access and egress via the B6263 of previously approved application 13/0343 (reference 14/0808);
- 7.3 In 2013 full planning permission was granted for erection of sports pavilion (reference 13/0343);
- 7.4 In 2012 full planning permission was granted for erection of sports pavilion (reference 12/0706); and
- 7.5 In 2010 full planning permission was granted for the siting of 4no. steel storage containers used as the playing fields office, changing room and stores (retrospective application, reference 10/0872).

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 11th May 2021;
 - 2. the site location plan received 11th May 2021 (Drawing No.21-217-01A);
 - 3. the proposed block plan received 11th May 2021 (Drawing

No.21-217-02A);

4. the proposed layout plan of the Multi Use Games Area received 11th May 2021;
5. the proposed elevations received 21st May 2021 (Drawing Sheets 1 of 19);
6. the supporting information received 17th June 2021;
7. the Notice of Decision;
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF, NPPG together with Policy CC5 of the Carlisle District Local Plan 2015-2030.

4. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

5. 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 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.



Neil Withington Architectural Design

SITE LOCATION PLAN - AREA 4 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 346541, 553974
Wetheral Sports Field MUGA



Supplied by Streetwise Maps Ltd www.streetwise.net
Licence No: 100047474

All information remains the property of the designer and may not be used for any purpose whatsoever, or reproduced through any medium without the written permission of the designer. No responsibility is accepted for unauthorised use. Do not scale off drawings, work from figured dimensions only and verify on site.



61.2m

+

Community Centre

Wetherall Parish Council Office


MUGA

Location of new MUGA

The Club House

B 6263

Queen Elizabeth II
Diamond Jubilee Fields

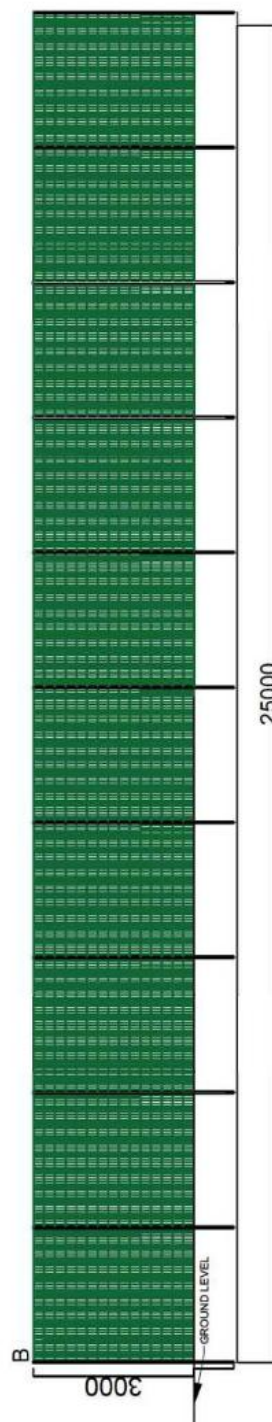
Revisions	Block Plan	Proposed New MUGA at Wetherall Sports Field for Wetherall Parish Council	May 2021 Scale: 1:500 @ A3 21-217-02A	 NWAD Neil Withington Architectural Design
Rev A - 10/05/2021 Revised Boundary				<small>T: 01225 207801 M: 07792 400000 E: neil@withingtonad.co.uk Cedar Barn, Bampton, CA8 9TY</small>





VISIT: www.safeandsoundplaygrounds.co.uk
SPEAK TO US: 01296 614448

Multi Use Games Area
Wetheral Parish Council
Scale : 1:100 @ A1 v0

KEY	
	Polymeric Spent Surfacing
	PCC Edging
	3m Championship Fencing
	Football Line Markings
	Basketball Line Markings
	Netsball Line Markings



 www.caloo.co.uk	DRAWING NO. 21 DRAWING DATE 21/05/13 DRAWING BY N. SHAN CHECKED BY N. SHAN APPROVED BY N. SHAN COUNCIL NO. 21 DRAWING NO. 21 DRAWING DATE 21/05/13 DRAWING BY N. SHAN CHECKED BY N. SHAN APPROVED BY N. SHAN COUNCIL NO. 21	TITLE: WETHERAL PARISH COUNCIL DRAWING NO. 21 DRAWING DATE 21/05/13 DRAWING BY N. SHAN CHECKED BY N. SHAN APPROVED BY N. SHAN COUNCIL NO. 21	SCALE: 1:100 REVISION NO. SHEET # OF SHEETS: 1 19 MATERIAL:	ISSUE HISTORY:
		DRAWING NO. 21 DRAWING DATE 21/05/13 DRAWING BY N. SHAN CHECKED BY N. SHAN APPROVED BY N. SHAN COUNCIL NO. 21	TITLE: WETHERAL PARISH COUNCIL DRAWING NO. 21 DRAWING DATE 21/05/13 DRAWING BY N. SHAN CHECKED BY N. SHAN APPROVED BY N. SHAN COUNCIL NO. 21	SCALE: 1:100 REVISION NO. SHEET # OF SHEETS: 1 19 MATERIAL:



Proposed MUGA Installation Wetheral Playing Field

June 2021

SCHEDULE A: Applications with Recommendation

21/0496

Item No: 13

Date of Committee: 23/07/2021

Appn Ref No:
21/0496

Applicant:
Top Dog

Parish:
Carlisle

Agent:

Ward:
Cathedral & Castle

Location: Unit 11, Willowholme Industrial Estate, Millrace Road, Willowholme, CA2 5RS

Proposal: Change Of Use From Industrial Unit To Day Care Centre For Dogs

Date of Receipt:
18/05/2021 11:00:44

Statutory Expiry Date
13/07/2021 11:00:44

26 Week Determination

REPORT

Case Officer: John Hiscox

1. Recommendation

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

2. Main Issues

- 2.1 Whether the principle of the change of use can be accepted
- 2.2 Whether the development would be prejudicial to highway safety
- 2.3 Impacts on others' amenity
- 2.4 Flood risk
- 2.5 Effects on Public Rights of Way

3. Application Details

The Site

- 3.1 The site is located well within the Willowholme Industrial Estate in the Caldewgate Area of Carlisle, west of the River Caldew. Its only access is via a double metal gate access off Millrace Road, which itself connects to Willowholme Road (the main estate service road);
- 3.2 The site includes a single freestanding building (Unit 11) and associated

ground to the north up to the boundary with Unit 22, and a strip that runs from said boundary along the west side of the building.

- 3.3 It seems that its last use may have been by a business called 'Fleet Sales' (according to a remnant advert on the access gates).
- 3.4 The 'As Existing' floor plan shows that the internal area of the building is one space with a toilet cubicle in one corner.
- 3.5 Within the gated compound is another, larger building currently not in use (Unit 10) and advertised as being available to let. There are no physical subdivisions between the two units at present. To reach Unit 11, it is necessary to walk or drive past the northern end of Unit 10, which contains a large roller-shutter door. The application does not include the area between the access gates and the site in terms of what is within the red line, so it may be assumed that entitlement to access across this ground exists.
- 3.6 The building is modest by comparison to many of the individual units on the estate and is not prominent (behind other larger structures) although it is easily viewed from the adjacent public right of way 109074 (east of the building), from which it is separated by a 2m high security fence. Between the fence and the building, whose long side is aligned with the fence, is a narrow grassed strip.
- 3.7 The site is flat and all of the yard external to the building is concreted.
- 3.8 It may be noted that the consultation response of the Cumbria County Council Public Rights of Way Officer indicates in mapping that a connecting footpath (no. 109073) exists immediately to the south of the building, which would place it within the long-established compound, in terms of its official designation. In actuality, the footpath exists but it is some distance further south on the ground (approximately 15m from the south gable end of the building). The application would not affect footpath no. 109073.
- 3.9 Immediately adjacent to the north is the compound serving Unit 22, and the unit itself, which are occupied by Harding and Redgewell (automotive repair and MOT centre).

Background

- 3.10 The Committee is asked to note that the former 'Flight Engineering' premises (Unit or Site 21) adjacent to the west of Harding and Redgewell has very recently become the new premises of 'It's A Dog's Life' doggy day care and grooming centre, further to the granting of planning permission under ref. 20/0515. It serves as the replacement premises for what was 'Bark in the Park'.
- 3.11 The application description for 20/0515 is: Change Of Use From Vehicle Repair Centre To Dog Day Care Facility.
- 3.12 It is understood that the operations were relocated from 1 Millrace Road

(further along Millrace Road, next to W M Joinery and just along from the recently renamed 'Fusion' trampoline park) which in itself benefitted from planning permission under ref. 17/0931.

- 3.13 Although Bark in the Park (now 'It's A Dog's Life') has relocated, the unit it previously occupied still effectively has its dog day care use intact.

The Proposal

- 3.14 The submitted drawings show how the site would be laid out in terms of parking - with 5 no. parallel parking spaces diagonally arranged on the west side of the building. At the northern end of this area would be a bin storage area.
- 3.15 An enclosed outdoor exercise area would be created to the north of the building, butting up to the boundary with Unit 22 (north) and footpath no. 109074 (east). It would be accessed from within the building via the existing roller-shutter door, although within the building the area inside the door would be altered so that a single pedestrian door divides the outside from the central walkway.
- 3.16 The 'As Proposed' floor plans identify that the internal layout created would include two separate exercise areas either side of a central walkway, plus storage areas, staff room, wash room, reception, toilets and a 'rest area' room.
- 3.17 An elevational drawing submitted indicates where a signboard would be located above the roller-shutter door in the north elevation. The advert is not under consideration in this application. No alterations to the external elevations are proposed other than this.

4. Summary of Representations

- 4.1 The application has been advertised by way of a site notice displayed at the site, a notice in the press and neighbour letters sent to three neighbouring properties. In response, approximately sixty representations have been received. Of these, approximately two-thirds are written in objection; approximately one-third in support.
- 4.2 The approximation of the number reflects that some representations may not be valid because they are repeated or because they do not contain adequate or valid information relating to the third party's address or relating to the application.
- 4.3 A summary of the issues of relevance raised in objection to the application is as follows:
- (i) adding another dog day care facility next to an existing facility would adversely impact on that business in terms of loss/dilution of business (impact of Covid pandemic on existing businesses cited);

- (ii) saturation of dog day care uses in the locality (up to 2 other similar facilities nearby); no need for the additional dog day care development;
- (iii) would be more appropriate to set up this business elsewhere in the town where there are no existing similar facilities;
- (iv) use of the access to serve this new use would impact on useability of access to existing, adjacent business;
- (v) potential traffic conflicts due to 'shared yard' nature of site;
- (vi) adverse impacts of increase in traffic using the area - potential increase in risk to pedestrians and road users;
- (vii) building would be introduced in a (partly) residential area
- (viii) adverse impacts of additional development on nearby public paths;
- (ix) increased noise from barking dogs (proximity to residential area).

4.4 A summary of the issues of relevance raised in support of the application is as follows:

- (i) development proposed represents positive economic development (especially important after impacts of Covid pandemic);
- (ii) brings a vacant building back into productive use;
- (iii) additional facility supports enabling front line workers to go back into the workplace;
- (iv) development would add diversity to a predominantly industrial area;
- (v) development would promote social and economic growth;
- (vi) development is in a handy location; away from residential area but within easy reach;
- (vii) planned expansion of Carlisle (i.e. St Cuthbert's Garden Village) would introduce many more homes, requiring more supportive services such as this;
- (viii) development would promote healthy competition and choice;
- (ix) development unlikely to promote danger to pedestrians and road users.

5. Summary of Consultation Responses

Carlisle City Council Environmental Health: - No objection

Cumbria County Council - (Highway Authority - Footpaths): - No objection; provides advice relating to the presence of public rights of way adjacent to the site.

The Ramblers: - No response.

Planning - Access Officer: - No objection.

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 proposed development requires to be assessed against the National Planning Policy Framework (2019) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.4 below.
- 6.3 The main issues, as listed earlier in the report, are as follows:
- (i) Whether the principle of the change of use can be accepted
 - (ii) Whether the development would be prejudicial to highway safety
 - (iii) Impacts on others' amenity
 - (iv) Flood Risk
 - (v) Effects on Public Rights of Way
- 6.4 Taking into consideration the range and nature of matters for consideration in respect of this major planning application, the following Policies of the aforementioned Local Plan are of relevance to this application:
- Policy EC 2 - Primary Employment Areas
 - Policy IP 3 - Parking Provision
 - Policy CC 4 - Flood Risk and Development
 - Policy GI 5 - Public Rights of Way
 - Policy CM 5 - Environmental and Amenity Protection
 - Policy IP 2 - Transport and Development

Applicants' Supporting Information:

Flood Plan:

- 6.5 The application is supported by a basic Flood Plan (author not stated). It reads as follows:

"Due to the area being in a flood risk zone, this plan must be followed in the event of a warning having been received to indicate an elevated risk warranting an evacuation:

All duty supervisors are signed up the Environment agency flood warning notification scheme.

- * Duty Supervisor to inform all staff of intent to initiate evacuation plan.*
- * Information cards for all present dogs to be collected.*
- * Inform all owners of situation or the next person on the emergency contact list to arrange collection immediately.*
- * For the remaining, return dogs to owners or designated alternative location.*
- * Check off all dogs and staff member to ensure all are safely evacuated."*

Supporting Statement:

- 6.6 The application is supported by a Supporting Statement, the highlights of which are as follows:

- site described as ideally located in a non-residential area with good road links, benefitting from close vicinity to countryside walks;

- describes external items and installations associated with the development (i.e. how layout would be arranged);
- describes apparent absence of contamination on the site/building;
- mentions installation of sign on building and erection of two directional signs for visitors (identified on submitted site plan);
- describes intended opening hours and phasing of arrival times along with collection service;
- discusses operation of the site and provides reasoning in relation to this;
- discusses operational ethos in terms of partners and staff training;
- describes job/trainee numbers.

Consideration of Development Proposals:

(i) Whether the principle of the change of use can be accepted:

6.7 In terms of the current Local Plan, the most pertinent Policy is considered to be EC 2 'Primary Employment Areas'. The site is firmly within the long-established industrial estate and therefore this Policy is key to consideration of whether or not the principle can be supported.

6.8 Two parts of the Policy are highly relevant to the current application. Within the first paragraph, the following text is relevant:

"Sui Generis uses may also be appropriate in Primary Employment Areas providing it can be demonstrated that employment opportunities are nevertheless being maximised and that there would be no significant adverse impacts on existing or proposed adjoining uses."

The fourth paragraph states:

"Where there is no reasonable prospect of an entire employment site remaining in continued employment use; interventions to improve the attractiveness of the site are not feasible; and its release would not impact on the wider strategy for employment land or the availability of local employment opportunities, applications for alternative uses of land or buildings will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

6.9 Turning to the National Planning Policy Framework, the following Paragraph is considered to be of most relevance, in this case and in relation to the principle of development:

Paragraph 80:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly

important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."

- 6.10 Willowholme Industrial Estate, relatively speaking, is an active and well occupied employment area. Its overarching usage was historically all general industry including storage and distribution, manufacturing, engineering, mechanics etc. Nowadays, though, the traditional thread through all of the estate has been lessened, and somewhat diluted, reflecting the changing market and the changing requirements of businesses. Some units within the overall site have been out of use for a while and are being advertised as 'to let'. Units such as that now occupied by 'It's A Dog's Life' and 'Fusion' have fully departed from the traditional B2 and B8 mainstay activities and offer Sui Generis uses within former industrial buildings, with the benefit of planning permission.
- 6.11 Carlisle City Council has already, on two occasions, indicated by granting planning permission first for Bark in the Park, and secondly for It's A Dog's Life that the introduction of what might be called a complementary use as dog day care is appropriate within Willowholme Industrial Estate. The entire estate is non-residential and so a potentially noisy employment/commercial use has been found to be relatable to other such noise generating uses and not out of keeping. The use proposed is essentially a daytime use and so noise from activities at the site during the night is highly unlikely to emanate.
- 6.12 The Committee will have noted that within several objections received, some people have opined that having a second facility in such close proximity to one that already exists and has only very recently been set up, is likely to have an adverse impact on that business. Some have also referenced the other building/site previously occupied by Bark In The Park as a third such similar use within the Estate, although the Committee should note that at present no such use is operational within that other premises, with Bark In The Park relocating to Unit 1 and rebranding itself as It's A Dog's Life.
- 6.13 Arguably, it is sensible to have a similar business located in this sub-area of the overall estate because it is already recognised that the locality is suitable and planning policy would be supportive of the principle, as tested by application 20/0515.
- 6.14 Furthermore, Unit 11 is smaller than Unit 21 (the former is around two-thirds the size of the latter) within which It's A Dog's Life is now operating and so it would not promote a dominant use whereby a newcomer could clearly have the potential to capture the lion's share of the market. It would offer choice within a competitive market, which should be viewed positively because in a growing industry it is inevitable that some businesses will thrive more so than others - the market requires this so that it can be genuine and healthy, and to make sure that businesses in rival positions rely not only on their existence, but also on the quality, robustness and futureproofing of their operations in the knowledge that competitors may create their own advantages within the market, or indeed disadvantages.

- 6.15 In addition, it is recognised that since Covid-19 gave rise to lockdowns more people, who have had to change their patterns of living and working, have taken on dogs as pets because this offers a recreational opportunity within an otherwise limited arena of recreation. At the present time, however, a degree of reversion to what is perceived as normality leading to people going back 'into the workplace' in a traditional sense has created a greater demand for supportive facilities such as dog day care centres.
- 6.16 Having regard to Policy EC 2 and the NPPF as cited above, the development would therefore accord with both national and local policy in terms of the principle, because:
- although the use is no longer within the industrial bracket, it both provides and supports employment (the latter in a wider sense);
 - it would not be reasonable or sustainable to make a case in a planning context that the introduction of a second, smaller, similar business nearby would adversely impact on the existing business simply because they would both exist - competition is a natural element of business and business development;
 - it is situated within a commercial area already established as acceptable in principle for dog day care (Sui Generis) use;
 - the intention to create the dog day care centre reflect signals emanating from the current-day market; and
 - it would be a complementary use, not an alien introduction into the overall estate, and would be proportionate in terms of its scale in relation to the estate and activities within the estate.

(ii) Whether the development would be prejudicial to highway safety

- 6.17 The development would utilise an existing shared access with another commercial unit. The access itself is well-established, is wide and is formed in a location that is appropriate to the estate and the site itself. It could be used (presently) without modification by two adjacent or separate industrial or distribution operators and has not got the hallmarks of a dangerous access.
- 6.18 'Fusion' (was 'Energi') trampoline park is unusual in that it attracts quite a lot of customers that walk from Caldewgate through the industrial estate; many of these are young people, including groups of teenagers who occasionally go to Fusion without adults. Pedestrians utilising Fusion would necessarily walk past the access for the proposed dog day care unit. Other pedestrians would be active in the locality, but perhaps less proportionately relevant if they are not customers at Fusion.
- 6.19 The Fusion/pedestrian safety scenario, though, could not logically be argued to be worsened with the alternative use proposed. It may be that at certain times of day movement of cars and vans increases at drop-off and pick-up times, but throughout the day, as an alternative to a unit in active industrial use, it would be likely to give rise to hardly any lorries or other large commercial vehicles. The unit is slightly smaller than average by comparison to many of the units within the overall estate that have the potential to generate more commercial and associated traffic.

- 6.20 Turning to the site itself, it would provide a modest parking area in the designated zone outside the unit. The designation of marked spaces is an improvement on the current situation, with the overall compound presently having no spaces for any vehicles marked out. However, there is clearly more space available within the curtilage than just the parking spaces shown in the site plan. Plus, customer vehicles are not likely to stay for long, and so although there may be peak times when the access and parking area is busiest, a pattern is likely to establish quite quickly of customers coming and going, which would be likely to settle over time as the business matures.
- 6.21 The indication within the supporting statement relating to some dogs being taken to and from the site by the site operators suggests further mitigation, and that this matter has been thought through.
- 6.22 In respect of highway safety and parking provision, therefore, the proposed use, although likely to attract a different range of traffic and in a different pattern during the day, would not exacerbate current permitted usage in any meaningful adverse way. The application is therefore in accord with Policies IP 2 and IP 3.

(iii) Impacts on others' amenity:

- 6.23 Within more than one objection, the potential for noise emanating from the site, in combination with the nearby It's A Dog's Life premises, is cited as problematic because the locality is, or is in part, a residential area.
- 6.24 The assertion that this is a residential area is incorrect. The Showmans' Guild site is 125m due east from the site with the next nearest being at Caldew Maltings, approximately 250m east south-east. Between Unit 11 and the Showmans' Guild site and Caldew Maltings, and adjacent to the application site, is the very large Stagecoach maintenance depot for buses. There are no other residential areas within a 300m radius of the site.
- 6.25 The Environmental Health service of Carlisle City Council has been consulted on this application, and has responded favourably without reference to noise, on the basis of the information submitted. Taking into consideration that the proposed use is in the middle of an industrial estate, which is inherently noisy during the daytime as this is an appropriate and intended area for noise-generating activities (within reason, and with necessary controls in place as appropriate), the Planning Service concurs with this position.
- 6.26 It is acknowledged that the additional facility will probably add to existing noise generated by It's A Dog's Life, but by virtue of the previous permissions for dog day care within the Estate, this would not be a new noise sensation and cumulative noise, given the distance between residences and the site, would not be likely to significantly, or notably increase.
- 6.27 The application, therefore, would be in accord with both Policies CM 5 and EC 2 because the new use, even cumulatively with It's A Dog's Life, would not give rise to significant impacts on residential amenity.

- 6.28 The committee may wish to note that the hours of openings are stated within the planning application form as being from 0730 hrs to 1800 hrs Monday to Saturday. The premises is not intended to open on Sundays. To ensure that these hours are followed, it would be appropriate to impose a condition describing them and limiting opening to align with them. This general approach was taken in relation to It's A Dog's Life in Unit 21.

(iv) Flood Risk:

- 6.29 The site and building is within Flood Zone 2/3, meaning that it could flood in extreme weather circumstances. The entire Estate is within this flood risk designation.
- 6.30 Although a Flood Risk Assessment has not been submitted with the application, the applicants have included a Flood Plan within the application bundle, which demonstrates an awareness that if a flood event arises, measures must be in place to ensure risk to users is minimised.
- 6.31 The premises is not currently precluded from use for industry despite the flood designations. The intended use would not be inhabited at night time and would be manned during operational hours by staff - this would be similar to any previous use within the building and site. The change from general industrial to this specific Sui Generis use, therefore, would not increase risk or prejudice to users in terms of flood risk, and is therefore compatible with Policy CC 4.

(v) Effects on Public Rights Of Way:

- 6.32 The development would be physically contained within the long established fenced compound and would not change impacts on the public footpath network. Dogs and staff may be visible and audible from the adjacent footpath network, but this would not be an adverse impact in a planning context. The application would therefore not be in conflict with Policy GI 5.

Conclusion:

- 6.33 The above assessment reflects that the proposed change of use does not give rise to any issues that would preclude support. The proposed use is compatible with the Estate and with adjacent uses, would continue to provide employment and support wider employment, and no other planning issues such as highway safety, flood risk or noise arise that present significant challenges or concerns.
- 6.34 It is therefore recommended that the application is approved because it is in accord with Policies EC 2, CM 5, IP 2, IP 3 and CC 4 of the Local Plan, and is in accord with the National Planning Policy Framework.

7. Planning History

- 7.1 This unit has no site specific planning history since 1974. As a building within the Willowholme Industrial Estate, its current accepted use is general or light industrial and/or wholesale storage and distribution. This would reflect former Use Classes B8 and B2, and to a limited extent B1. B8 and B2 still exist, whereas B1 is now incorporated into Class E 'Commercial, Business and Service'.

8. Recommendation: Grant Permission

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

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

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

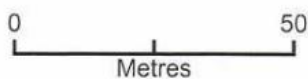
1. the submitted planning application form;
2. drawing ref. TD02 'Location Plan', received on 18 May 2021;
3. drawing ref. TD03 'Site Plan', received on 18 May 2021;
4. drawing ref. TD06 'External Area Plan', received on 18 May 2021;
5. document ref. TD08 'Flood Plan', received on 18 May 2021;
6. document ref. TD01 'Supporting Statement', received on 18 May 2021;
7. the Notice of Decision;
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The dog day care facility (Sui Generis Use) hereby approved shall not be open for business except between 0730 hours and 1800 hours from Monday to Saturday inclusive, and shall not open on Sundays or Bank Holidays. No animals shall remain on the premises outside of these times.

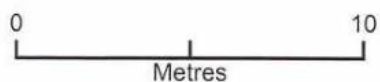
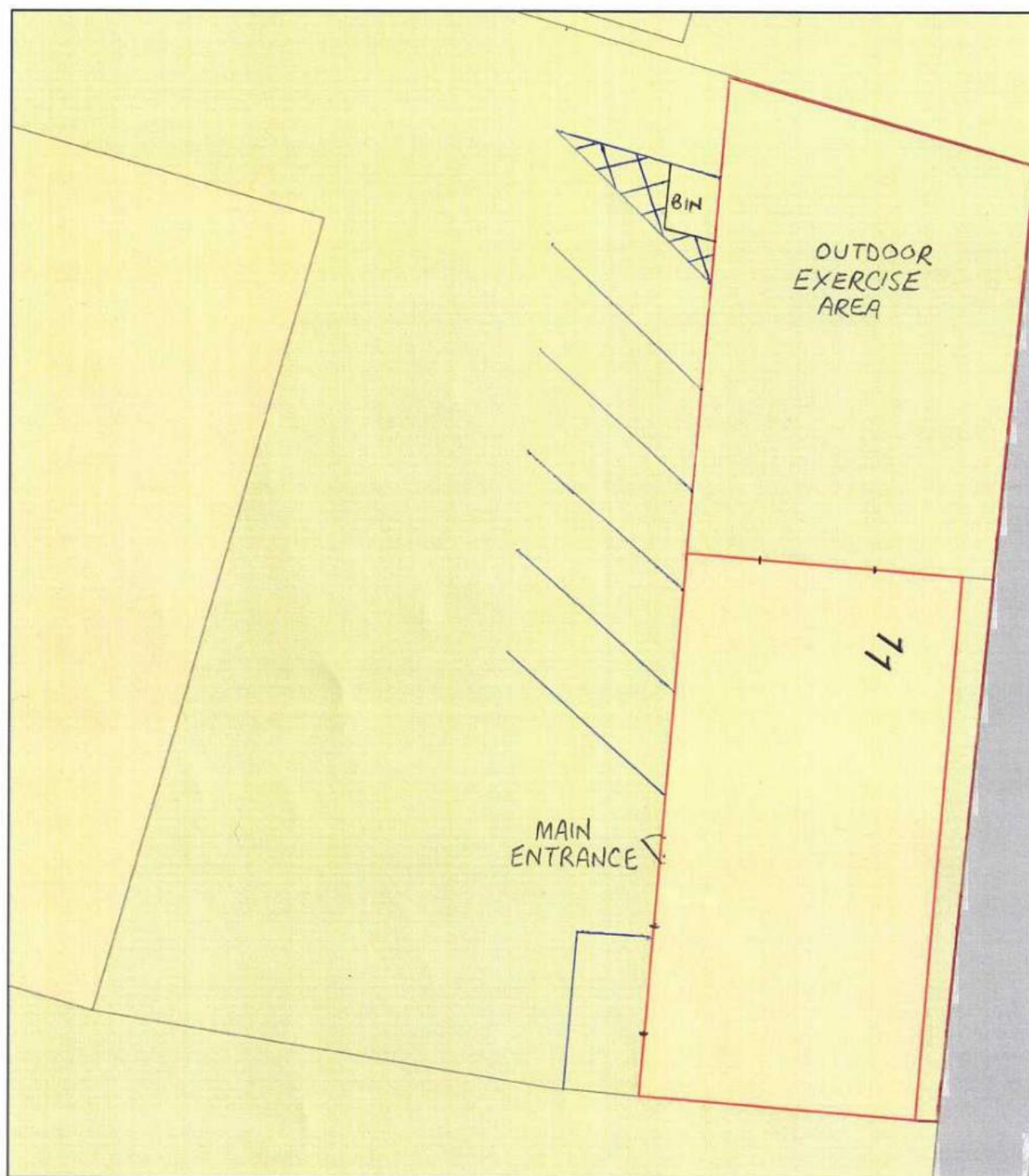
Reason: To align with the operating hours stated in the application form, in the interests of amenity and animal welfare, and in order to mitigate the risks posed by flooding to the site in accordance with Policies EC 2 and CC 4 of the Carlisle District Local Plan 2015-2030.

Proposed Top Dog Doggy Day Care Centre - Location Plan



Plan Produced for: David McKenna
Date Produced: 11 May 2021
Plan Reference Number: TQRQM21131071711749
Scale: 1:1250 @ A4

Proposed Top Dog Doggy Day Care Centre - Site Plan

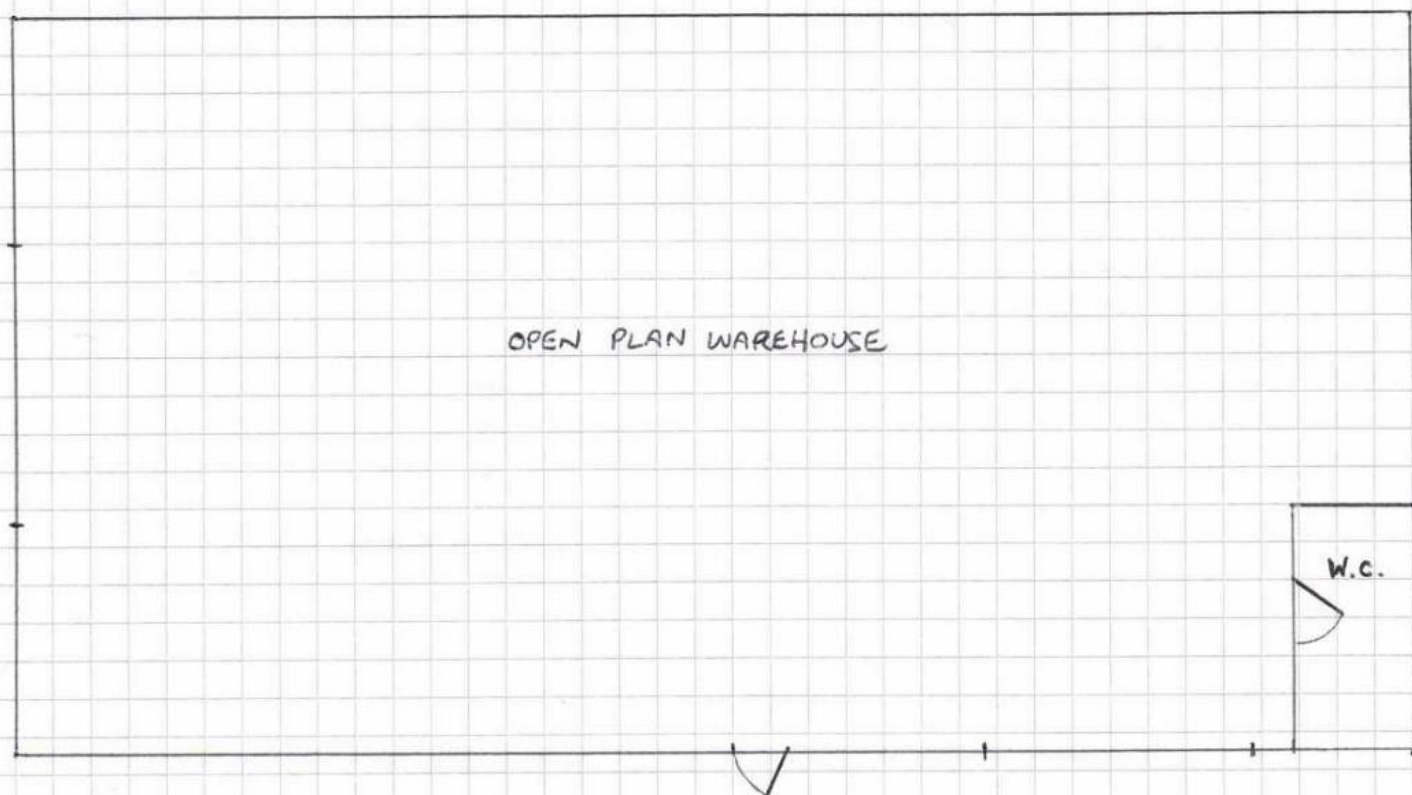


Plan Produced for: David McKenna

Date Produced: 11 May 2021

Plan Reference Number: TQRQM21131073148926

Scale: 1:200 @ A4

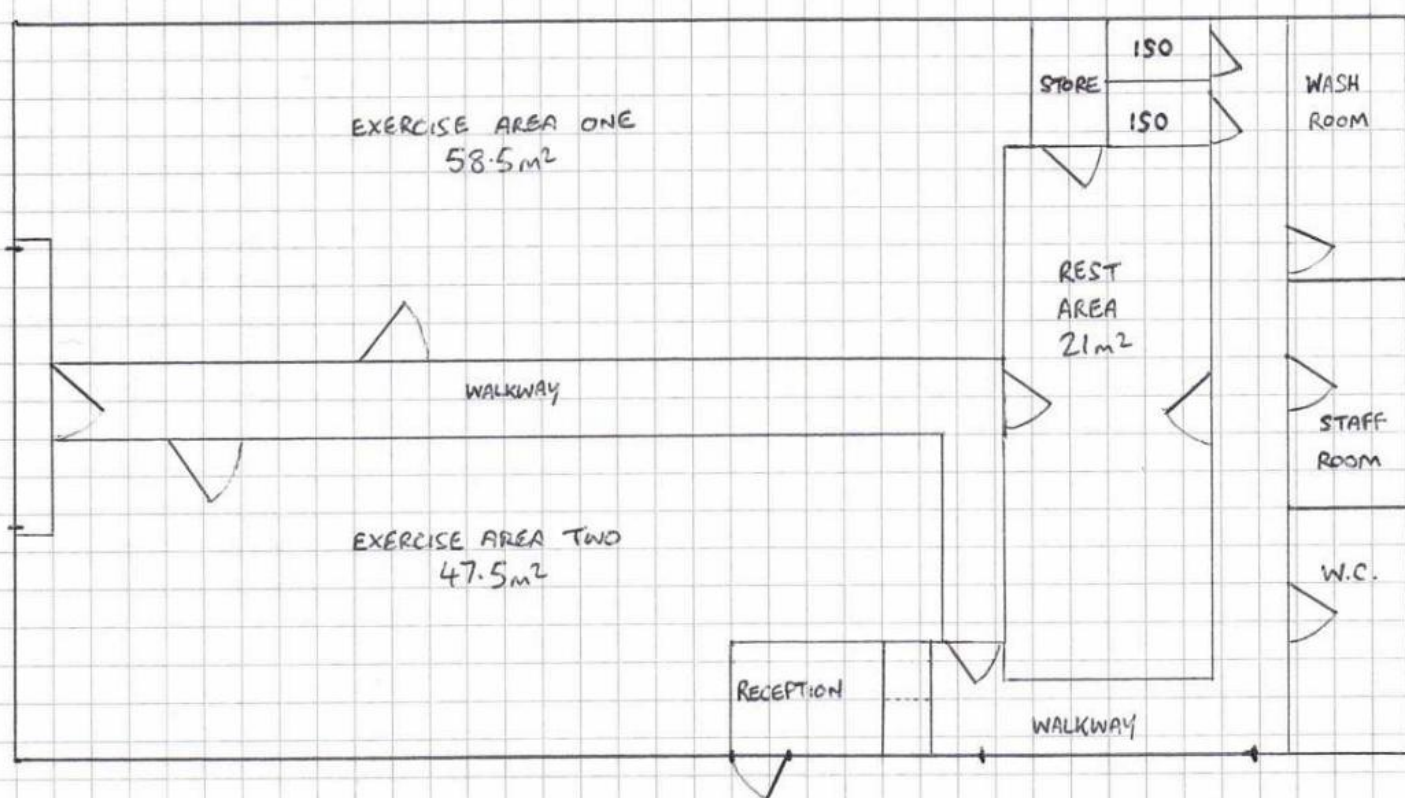


DAVID MCKENNA

11 MAY 2021

SCALE 1:100

PROPOSED TOP DOG DOGGY DAY CARE CENTRE - FLOOR PLAN (NEW)



ALL INTERNAL BOUNDARIES OF EXERCISE AREAS ARE 1200mm HIGH WASHABLE STRUCTURES EXCEPT AROUND RECEPTION/WASH ROOM/STAFF ROOM WHICH ARE 2100mm HIGH

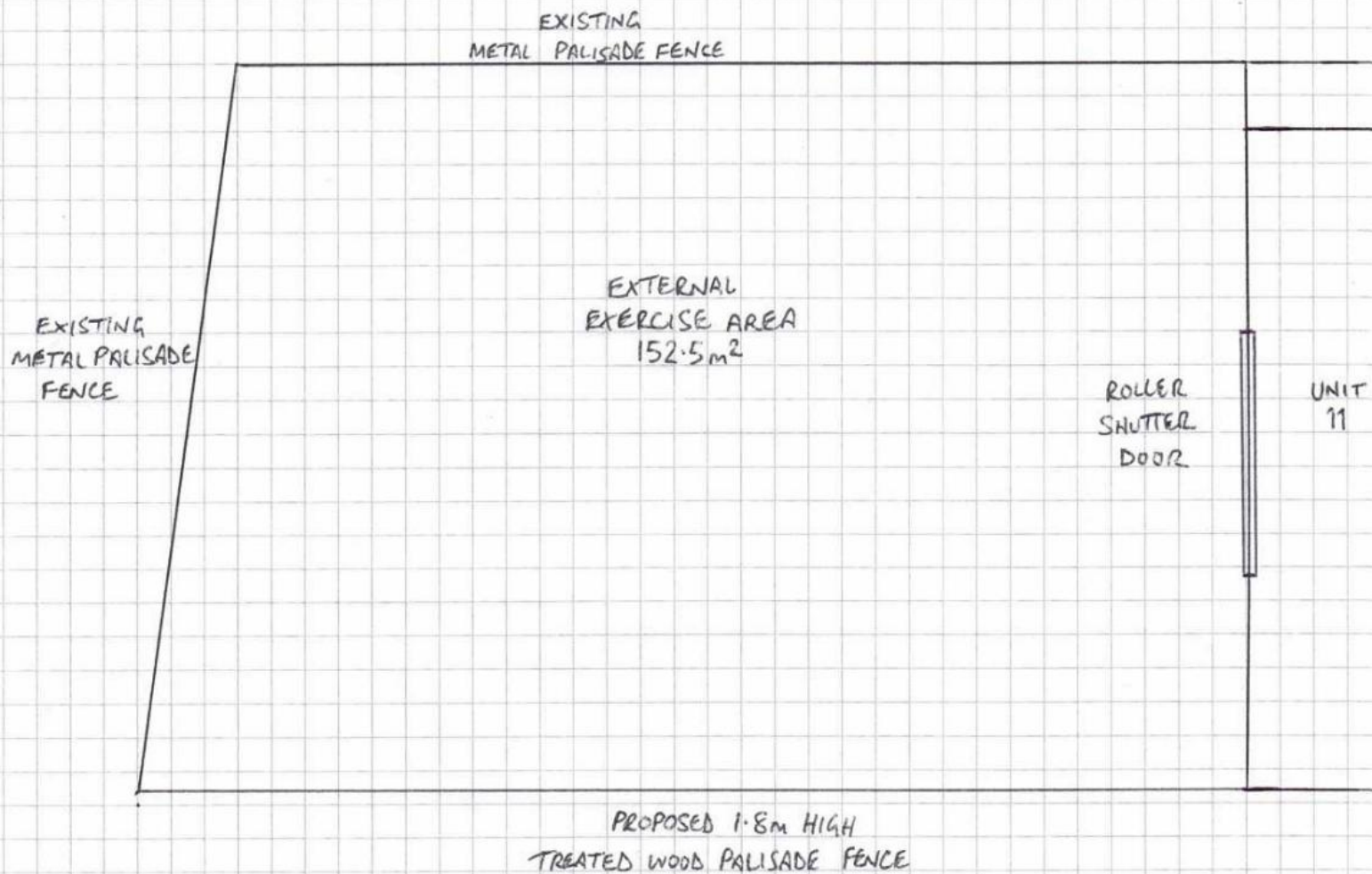
DAVID MCKENNA

11 MAY 2021

SCALE 1:100

REF: TD06

PROPOSED TOP DOG DOGGY DAY CARE CENTRE - EXTERNAL



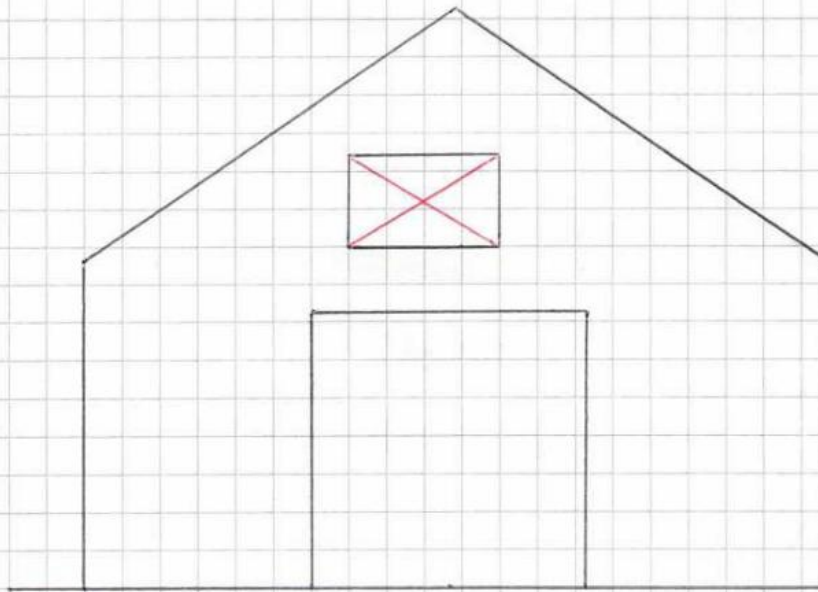
DAVID MCKENNA

11 MAY 2021

SCALE 1:100

REF: TDO7

PROPOSED TOP DOG DOGGY DAY CARE CENTRE - NORTH ELEVATION



SIGN LOCATION DESIGNATED BY RED CROSS

DAVID MCKENNA

11 MAY 2021

SCALE 1:100

SCHEDULE A: Applications with Recommendation

21/0328

Item No: 14

Date of Committee: 23/07/2021

Appn Ref No:
21/0328

Applicant:
Mr Faxon

Parish:
Brampton

Agent:
Ashton Design

Ward:
Brampton & Fellside

Location: Land adjacent Oakfield, Milton, Brampton, CA8 1HX

Proposal: Erection Of 1 No Dwelling House With Detached Garage; Access Improvements At Junction With A689; Upgrading Of Drainage Arrangements (Revised Application)

Date of Receipt:
13/04/2021

Statutory Expiry Date
08/06/2021

26 Week Determination
26/07/2021

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 Is Acceptable In Principle
- 2.2 Whether The Scale And Design Of The Proposals Would Be Acceptable
- 2.3 Impact Of The Proposal On Residential Amenity
- 2.4 Highway Matters
- 2.5 Drainage Issues
- 2.6 Impact On Listed Buildings
- 2.7 Trees and Hedgerows
- 2.8 Biodiversity

3. Application Details

The Site

- 3.1 The application site, which measures 0.14 hectares, is currently over grown with a number of trees being located around the southern and eastern

edges of the site. The site slopes uphill away from the adjacent track that runs to the south of the site, with the top of the site being approximately 3m higher than the track to the south. The track continues to the east of the site and starts to slope uphill. The site also slopes gently from west to east. There is an existing access at the western end of the site.

- 3.2 The track, which is a BOAT (byway open to all traffic), provides access to a number of dwellings and agricultural land. The track, which is surfaced in hardcore, is unadopted and is adjoined by an open watercourse for part of its length. Where the track meets the main road through the village it is adjoined by a stone wall, which restricts visibility to the east.
- 3.3 A residential property (Oakfield) adjoins the site to the west beyond which lies Moss Row, which appears to be in residential and commercial use. A further dwelling (New Inn) lies to the south of Moss Row. These buildings all sit at the same level as the track, although Oakfield does have a rear section that sits higher than the track and its garden area is elevated above the track. Numbers 15 and 16 The Village, which are Grade II Listed, lie to the west of Moss Row at the junction of the track and the A689. The land to the north of the site is in agricultural use, with a paddock lying to the south of the site on the opposite side of the track. A railway line lies to the south of the paddock.

Background

- 3.4 In November 2015, planning permission was granted for the erection of one dwelling with integral double garage; access improvements at junction with A689 (lowering of existing wall, installation of railing to top and straightening of carriageway); upgrade of drainage arrangements to access road (revised application) (15/0815). This permission was never implemented and has now expired.

The Proposal

- 3.5 The proposal is seeking to erect one dwelling and a detached garage on the site. The application form makes reference to a self-build/ custom build dwelling. The property would be one-and-a-half storey (ridge height of 7.2m) with rooms in the roofspace. The ground floor would contain a living room, dining room, kitchen, utility, conservatory, two bedrooms and a shower, with the upper floor containing three bedrooms (one en-suite) and a bathroom.
- 3.6 The front and rear elevations would have a two-storey projecting gable which would be adjoined by a pitched roof dormer window which would be sited at eaves level. The east (side) elevation would also have two pitched roof dormer windows at eaves level. A single-storey section would be attached to the western side of the dwelling and this would contain the living room and a conservatory. Solar panels would be attached to the front (south) roofslope of the single-storey section. A detached double garage would be sited to the west of the dwelling and this would sit at a lower level than the dwelling. Solar panels would also be attached to the south facing roofslope of the garage.

- 3.7 The ground floor of the dwelling and the garage would be constructed of red facing brick, with the upper floor of the dwelling be finished in self coloured render. Windows would be wood effect upvc. The roof would be finished in grey Redland Cambrian composite slate, with rainwater goods being plastic cast iron style.
- 3.8 A large parking/ turning area would be provided to the front of the garage and this would be accessed from the existing track. A small garden would be provided to the rear of the dwelling with larger gardens being provide to the front (south) and east. The existing trees that lie along the southern and eastern edges of the site would be retained.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and notification letters sent to seven neighbouring properties. In response, four letters of objection have been received which raise the following concerns:

Access

- concerned about the safety of access to the site and the damage that will inevitably be caused to the unadopted lane that would be used for this access;
- access from the lonning onto the A689 is a visibility hazard due to the incline and requirement to encroach onto the road in order to check for oncoming traffic from both sides;
- the exit on to the road in the vicinity of a busy level crossing, which include a blind corner, is not (and will not be fit with changes to the wall) for heavy wagons to pass safely - there is an immediate pinch point in the lane;
- reducing the wall will make no difference for traffic coming from the right. With only 20 metres before a rail crossing on a blind bend, delivery lorries represent a particular hazard due to size, weight and being less manoeuvrable in the tight access;
- removal of the wall adjacent to the A689 seems to make no sense at all and not sure how this will help with access. Drivers leaving the lane cannot make the turn left towards Hallbankgate in a single turn given the angle of approach. Drivers need to nudge out of the lane for visibility to see the oncoming traffic which is a bigger risk than from traffic coming from Hallbankgate. The proposal to remove the wall and replace with a timber post and wire fence will not impact the safety aspect of the lane at all;
- there are no turning points on the lonning other than residents driveways, and delivery vans already tend to existing drives which would definitely not be acceptable to lorries;
- the lonning is not a metaled surface. It has ruts and pot holes consistently created from water run off from Milton Rigg woods and is maintained solely at existing residents expense and time. Any additional vehicle access, particularly heavy plant and delivery lorries would further deteriorate the surface causing additional cost and inconvenience;
- the restricted access to the BOAT from the A689 is difficult for large vehicles - one dwelling has been struck twice by large vehicles, one of which

was a council refuse collection vehicle which no longer accesses the lane;

- the delivery of materials and plant machinery will be very difficult and we have experienced this when the applicant built the property at Oakfield. The lane is simply not designed to be able to cope with the addition of further traffic that another family home will bring;
- the lane already serves as main access to 6 properties. Access is required 24/7 and the lane is only wide enough to allow one vehicle to pass at any one time;
- the lane is in adequate repair to provide access to the existing homeowners however it is not in a fit state to allow for the repeated passage of construction traffic that would be required to remove the considerable amount of spoil from the site;
- in order for the current plan to be within the roof lines of the village then it is estimated that between 1.5m to 2.0m depth would need to be excavated from the entire site in order to provide sufficient area for the building footprint and this will require the passage of an estimated 50 to 100 wagon loads of which access via the lane at the moment is not really possible;
- the frequency of this heavy traffic in and out of the lane entrance will undoubtedly cause safety issues for the main A689 route to Alston;
- the current plans and method statements do not adequately address the removal of this spoil;
- the lane is unadopted and continually suffers from potholes. Every year it is repaired - two additional cars in the lane will only make this position worse;
- if the council were prepared to adopt the lane and make the necessary upgrades to the surface of the lane, then perhaps another family home would be tolerable, but if the lane continues to be unadopted then the burden will fall on the existing residents;
- understand that any Temporary Closure Order requires 'reasonable facilities to allow access to adjacent premises, but there is simply no other way properties at the end of the lonning could be reached;

Drainage/ Flooding

- the application states that the proposal is not within 20m of a watercourse. This is not true as the culvert and stream run directly adjacent to the property - hence the discussion on the re-siting of the existing culvert;
- the lane is subject to flooding during times of heavy rainfall - this has been exacerbated by the less than sympathetic treatment of the site in the recent past. The removal of vegetation from the site has served to significantly limit the ability of the stream to cope with the drainage water that flows from the Milton Rigg Woods area - causing the stream to silt up and block the flow of water under the site - this had to be repaired by the current residents;
- when cutting back the vegetation from the site the machinery used (large tractor with cutting gear) caused significant damage to the stream, collapsing the sides and damaging the lane and this has not been repaired - fear that on completion of the work and sale of the property there will be no obligation by current or future owner to make adequate repairs to the lane;
- additional rainwater that will run off from the proposed development will go into the beck and will increase the flooding within the lane which currently impacts two houses on the lane;
- the drains have had major issues in the past and they cannot cope with another property;

- at the point the beck reaches Moss Row it cuts across the lane by means of a concrete pipe. The pipe regularly reaches capacity and the overflowing water then fills the area between 16 The Village and Moss Row. Given that 16 The Village is at the low point on the lane the water has nowhere to go other than through the garden and then rejoining the beck;
- the capacity of the pipe will not accommodate any additional surface water from the proposed development;
- every time there is flooding (at least 6-10 times during the winter months) the surface of the lane is further eroded and the debris from the erosion ends up the garden of 16 The Village;
- there have been a number of occasions when the drains have not coped with the volume of waste - United Utilities operatives have stated that the existing drain was never designed to accommodate to volume of waste which now makes its way into the drain;
- what evaluation has been undertaken to establish whether the drain will accommodate another family home;
- when the drain does become overburdened the waste fills a 6 foot sump in the garden of 16 The Village and spills onto the lawn;
- during the construction of Oakfield which was carried out by the applicant, the drain blocked many times;
- if the council were prepared to adopt the lane and make the necessary upgrades to assist with the egress of surface water and the drainage then perhaps another family home would be tolerable, but if the lane continues to be unadopted then the burden will fall on the existing residents;

Other Issues

- residents of the lane have to bring their wheelie bins, recycling bins and garden waste to the end of the lane;
- need to maintain the roof height of the planned "cottage" within the limits of the rest of the roof heights within the village;
- the application states that there would be minimal requirement to remove material from the site.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions surface water drainage scheme; survey of existing surface water pipe; use of banksman during construction phase);

Brampton Parish Council: - has no observations to make;

Cumbria County Council - (Highway Authority - Footpaths): - Public Byway open to all traffic 105030 follows an alignment to the south side of the proposed development and must not be altered or obstructed before or after the development has been completed. The Highway authority will not allow an open Ford to be created across the Byway as this will obstruct pedestrian access, therefore a culvert will need to be installed and a temporary closure of the Byway will be required to allow for the installation;

The Ramblers: - no comments received;

United Utilities: - the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

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), Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP1, SP2, SP6, HO2, GI1, GI3, GI5, GI6, IP3, IP6 and CC5 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Document (SPD) Achieving Well Designed Housing and Trees and Development are also material considerations.
- 6.3 The proposal raises the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 6.4 In November 2015, planning permission was granted for the erection of a dwelling on this site. The site lies within Milton, which is a small village with limited services, but which lies less than 3km from the centre of Brampton. Milton is a location that is considered acceptable for some additional rural housing, due to its proximity to Brampton. The proposal is, therefore, acceptable in principle.
2. Whether The Scale And Design Of The Proposals Would Be Acceptable
- 6.5 The finished floor level of the dwelling would be approximately 3m higher than track that adjoins the site to the south but at a similar level to the track as it passes to the east of the site. The property would be one-and-a-half storey (ridge height of 7.2m) with rooms in the roofspace which would reduce its impact. The ground floor would contain a living room, dining room, kitchen, utility, conservatory, two bedrooms and a shower, with the upper floor containing three bedrooms (one en-suite) and a bathroom.
- 6.6 The front and rear elevations would have a two-storey projecting gable which would be adjoined by a pitched roof dormer window which would be sited at eaves level. A single-storey section would be attached to the western side of the dwelling and this would contain the living room and a conservatory. Solar panels would be attached to the front (south) roofslope of the single-storey section. A detached double garage would be sited to the west of the dwelling and this would sit at a lower level than the dwelling. Solar panels would also be attached to the south facing roofslope of the garage.
- 6.7 The ground floor of the dwelling and the garage would be constructed of red

facing brick, with the upper floor of the dwelling be finished in self coloured render. Windows would be wood effect upvc. The roof would be finished in grey Redland Cambrain composite slate, with rainwater goods being plastic cast iron style. The proposed materials are considered to be acceptable.

- 6.8 A large parking/ turning area would be provided to the front of the garage and this would be accessed from the existing track. A small garden would be provided to the rear of the dwelling with larger gardens being provided to the front (south) and east. The existing trees that lie along the southern and eastern edges of the site would be retained.
- 6.9 In light of the above, the scale and design of the proposed dwelling would be acceptable.

3. Impact Of The Proposal On Residential Amenity

- 6.10 Oakfield adjoins the site to the west. The proposed dwelling would have a conservatory attached to the western end of the dwelling and this would have windows in the west elevation. These would, however, be approximately 33m from the side elevation of Oakfield and 19m from the nearest part of the garden of Oakfield.
- 6.11 A double garage would be erected to the west of the dwelling near to the boundary with Oakfield but this would be approximately 20m from the nearest part of the dwelling. Whilst this might lead to overshadowing of part of the garden of Oakfield, this would not be significant given the height of the garage (ridge height 4.5m). Parts of the garden would be unaffected and given the orientation, there would be no overshadowing of the garden in the afternoon/ evening.
- 6.12 In light of the above, the proposal would not have an adverse impact on the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

4. Highway Matters

- 6.13 The previous application (15/0815) established the principle of development in this location. The proposed layout provides for adequate parking and turning facilities within the site boundary.
- 6.14 Under the previous application, the wall at the junction of the byway and the A689 was to be reduced in height, with metal fencing than added to the top of the wall. During a recent site visit by highways, measurements were taken in the presence of the consultant to determine the extent the wall to the east impacts on visibility at the junction onto the A689. It was determined that the wall to the east had little to no impact on the visibility to the east. Therefore, the Highways Authority does not now require the wall to be reduced in height.
- 6.15 During the site visit it was noted that the visibility to the west would not reach the requirements of the Cumbria Development Design Guide, however, after

further consideration of crash map data and the junction location (close to the network rail crossing where traffic will be reducing speed) it was considered for the one dwelling that the impact to the highway network is unlikely to be severe.

- 6.16 However, it was noted that the byway open to all traffic (BOAT) is narrow next to 16 The Village. Therefore, it is considered that a banksman should be available to ensure construction / delivery traffic can safely move through the narrow section and exit safely onto the A689. A condition has been added to deal with this issue.
- 6.17 The current condition of the lane has been raised by objectors. On site, whilst the road is clearly unmade, it does not appear to be in such a state of disrepair that would rule out a modest increase in use from the approval of a single new dwelling. Objectors have questioned how the unadopted lane would continue to be maintained in the event that the new dwelling is approved - presumably similar agreements can be reached with the new owner as were reached after the construction of the relatively modern Oakfield, though this would be an issue for residents to pursue outwith the planning process.
- 6.18 There are concerns that construction vehicles would damage the lane. This is, however, a civil matter, rather than a planning matter. The applicant and current residents would need to discuss this privately, though it would stand to reason that as the applicant would need to use the lane to access their dwelling, they would wish to see the lane remain usable.
- 6.19 Other concerns raised by objectors include the lack of passing places and turning space along the lane. The proposal would include space to the front that would allow for a vehicle to turn around. The Highways Authority has requested that the access and turning space are provided before work on the main dwelling commences. This has been included as a condition for the planning permission.
- 6.20 The current state of the lane is considered to be able to support an additional dwelling, provided the junction improvements are carried out before work commences on this development. A condition has been included, at the Highways Authority's request, to ensure that work to the junction wall is completed before construction of the new dwelling commences.

5. Drainage Issues

- 6.21 During the site visit the drain under the BOAT was also observed. It currently appears to be blocked. Further discussions have taken place with the County's Countryside Access Officer who has confirmed that it is satisfactory to clean the drain and ensure there are no collapses on the existing pipe under the BOAT rather than replace it.
- 6.22 During the site visit the consultants questioned who would maintain any pipe under the BOAT. It should be noted that responsibility for 'private roads' is

normally carried out by 'frontagers' ie those with land adjacent to the private road. Therefore, the developer in this particular instance would be responsible unless there is evidence to prove otherwise. As such the developer or their successor should continue to maintain the drain as part of the fabric of the private road.

- 6.23 Information was provided during the site visit that the lane downstream of the site during heavy events can become flooded. In order to reduce the possibility of increasing this flood risk the surface water should be limited to greenfield runoff rates or to a discharge not likely to impact on those located downstream. A condition has been added to deal with this issue.
- 6.24 Objectors have raised concerns about the impact of the proposed dwelling on flooding in the area. The surface water from the site would be attenuated before discharging into the adjacent watercourse and this should improve the current flooding problems.

6. Impact On Listed Buildings

- 6.25 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".

- 6.26 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.
- 6.27 Numbers 15 and 16 The Village, which lie at the junction of the byway and the A689, are Grade II Listed. The proposed dwelling would be sited over 80m from these dwellings and would be separated from them by Oakfield and Moss Row. The new dwelling would not, therefore, have an adverse impact on the setting of the listed buildings.
- 6.28 In light of the above, the proposal would not have an adverse impact on any listed buildings.

7. Trees and Hedgerows

- 6.29 An Arboricultural Statement and an Arboricultural Method Statement have been submitted with the application. The majority of the trees on the site would be retained. Two trees would be removed due to their location/condition and two replacement trees would be planted within the site.
- 6.30 The Arboricultural Method Statement provides details of the locations and

specification of the tree protection fencing which is to be erected on site prior to building works commencing. Less than 4% of the root protection areas (RPAs) of the retained trees would be effected by the development which would be acceptable. All excavation works within the RPAs would be carried out using hand tools taking care not to damage any roots.

- 6.31 In light of the above, the proposal would not have an adverse impact on the majority of the existing trees. Two replacement trees would be planted to replace the two existing trees that would be removed.

8. Biodiversity

- 6.32 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.33 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. It is not anticipated that the development would significantly harm a protected species or their habitat; however, an Informative should be included within the decision notice to ensure that if a protected species is found all work must cease immediately and the Local Planning Authority be informed.

Conclusion

- 6.34 The proposal would be acceptable in principle. The scale and design of the dwelling would be acceptable and it would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties, on listed buildings, on trees or on any protected species. The proposed access and drainage arrangements would be acceptable. In all aspects, the proposal is considered to be compliant with the relevant policies in the adopted Local Plan.

7. Planning History

- 4.1 In November 2015, planning permission was granted for the erection of 1 no. dwelling with integral double garage; access improvements at junction with A689 (lowering of existing wall, installation of railing to top and straightening of carriageway); upgrade of drainage arrangements to access road (revised application) (15/0815).

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 approved documents for this Planning Permission comprise:
 1. the submitted planning application form, received 8th April 2021;
 2. Site/ Block/ Location Plan (Dwg No. 2012/01B), received 5th July 2021;
 3. General Arrangement (Dwg No. 2012/02A), received 5th July 2021;
 4. Topographical Survey (Dwg 1), received 5th July 2021;
 5. Arboricultural Statement (Dwg 2012/03), received 8th April 2021;
 6. Design & Access Statement, received 8th April 2021;
 7. Arboricultural Method Statement, received 8th April 2021;
 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. 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 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 and to support Local Transport Policy LD8.

4. The storage of building materials and vehicles needed for construction should be kept on-site during construction works, and must not block the bridleway/right of way. Any other areas for material/vehicle storage should only be used with clear, written approval from the Local Planning Authority.

Reason: To ensure that the materials and vehicles needed for construction do not block the bridleway/right of way and are not inappropriately located elsewhere.

5. Other than those trees identified for removal on the approved plan, no tree

or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority. Prior to the commencement of any works or development on site tree protection fencing shall be installed in accordance with the details set out in the Arboricultural Method Statement (received 8th April 2021) and maintained to the satisfaction of the local authority for the duration of the development.

Within the fenced-off tree protection area:

1. No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier;
2. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area;
3. No alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority;
4. The tree and hedge protection fencing must be maintained to the satisfaction of the local planning authority at all times until completion of the development

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

6. The development shall be undertaken in strict accordance with the Arboricultural Method Statement (received 8th April 2021).

Reason: To ensure that existing trees are protected in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

7. The landscape works shall be undertaken in strict accordance with the details shown on the Arboricultural Statement (Dwg No. 2012/03, received on 8th April 2021). Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

8. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

Reason: To promote sustainable development, secure proper drainage

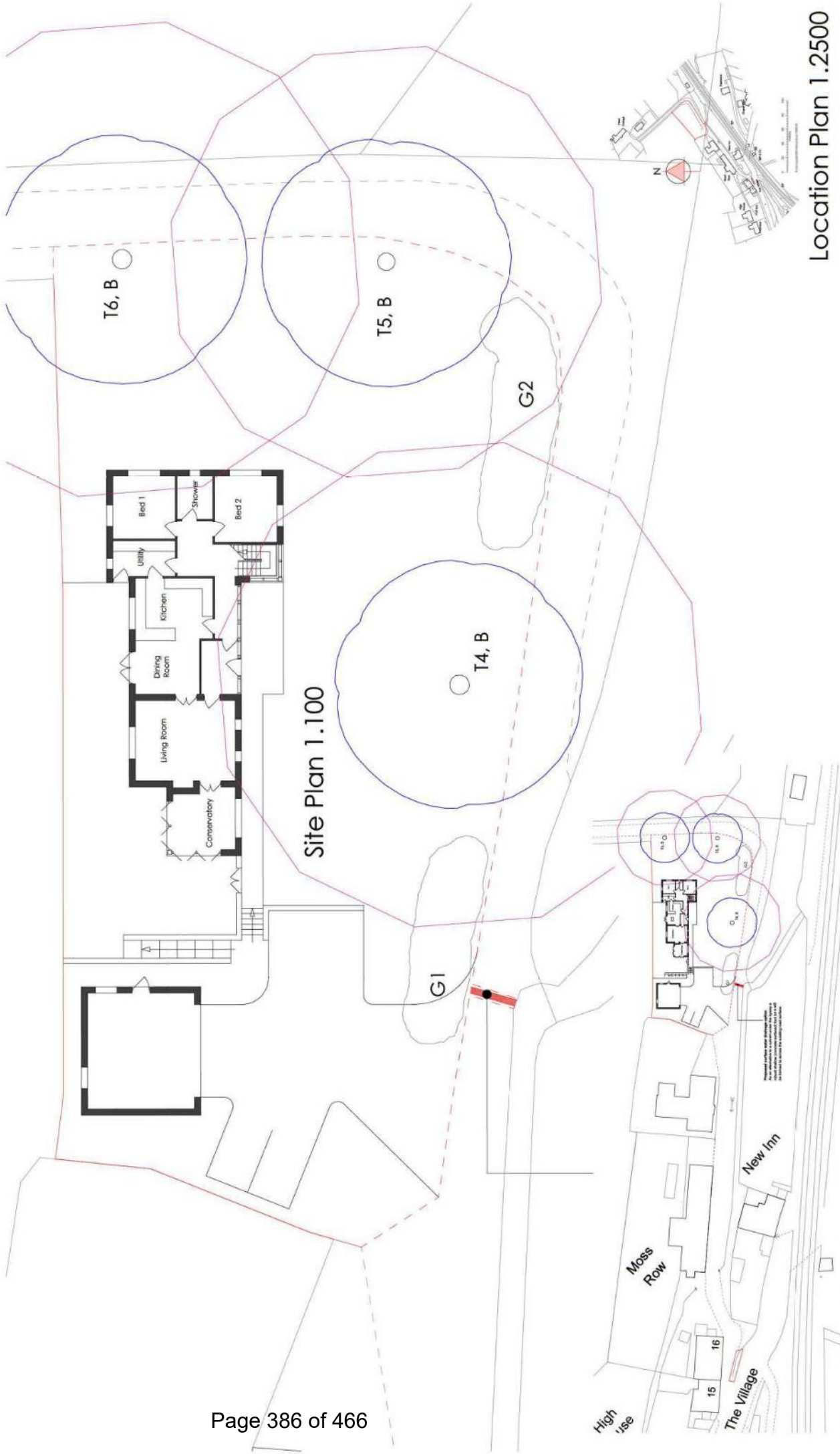
and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

9. Prior to commencement of the development, evidence of the surface water pipe running under the byway open to all traffic located at the proposed dwelling site entrance shall be provided to demonstrate it is clean and free from collapses or other obstructions.

Reason: To ensure free flow of surface water and reduce the risk of flooding and nuisance on the byway open to all.

10. A banksman shall be used for all construction / delivery traffic during the construction phase of the development for the following reasons/locations -
- ☐ traversing the narrow section of the byway open to all next to 16 The Village
 - ☐ exiting from the byway open to all onto the A689

Reason: To ensure the undertaking of the development does not adversely impact on the interests of highway and pedestrian safety.



Location Plan 1.2500

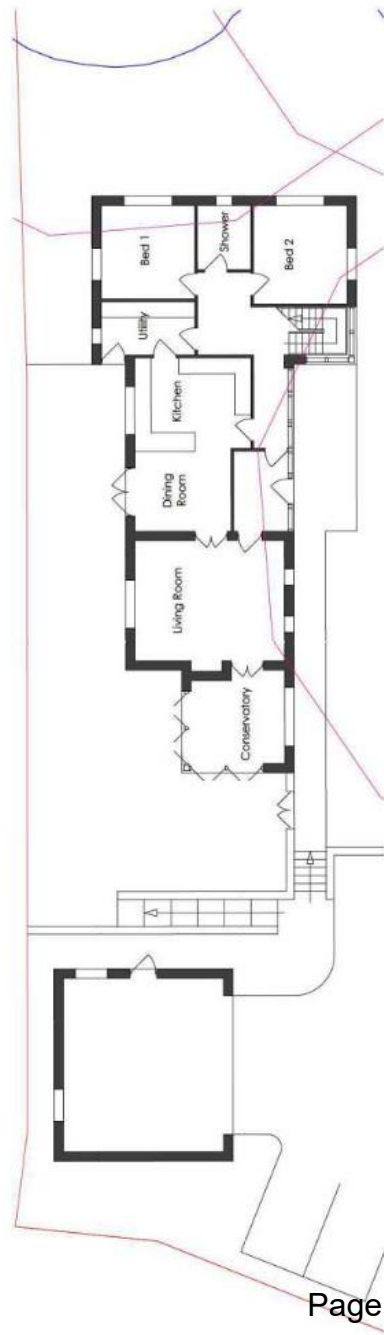


<p>The builder shall check all dimensions and levels before construction. Any variation from the original design shall be brought to the attention of the Architect. Before construction the approved drawings shall be applied before construction.</p> <p>This drawing is to be used as a guide only. It is not to be used for any other purpose without the permission of the Architect.</p>	New House	
	Land adjacent to Oakfield, Milton	
	Alan Faxon	
	Site, Block and Location Plan	
Rev A, Red Line Added to entrance wall. April 2021	1:100, 1:500, 1:2500, 1:50	2012/ 01A
	At A1	Nov 20

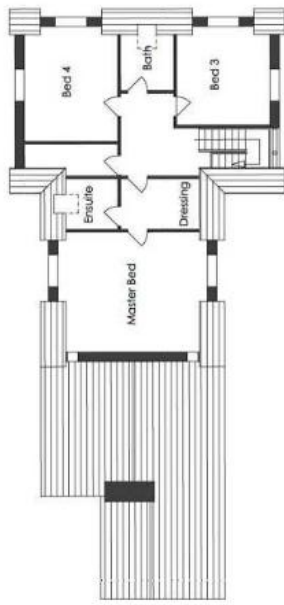


ASHTON DESIGN
 chartered architects
 01228 670067
 info@ashton.design
 www.ashton.design

Block Plan 1.500



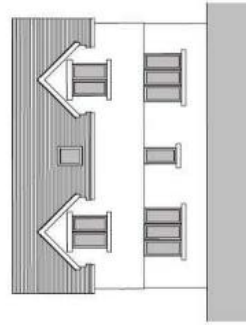
Ground Floor Plan. 1.100



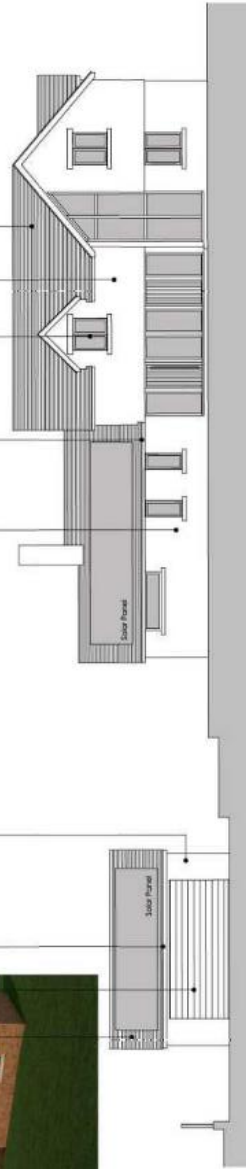
First Floor Plan 1.100



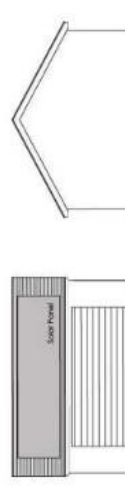
Composite Slate, grey Redland Cambrian
Self coloured render to first floor
PVC windows and doors, suggested Wood effect
Plastic cast iron style eaves and gutters
Facing Aged red facing brick



North East Elevation



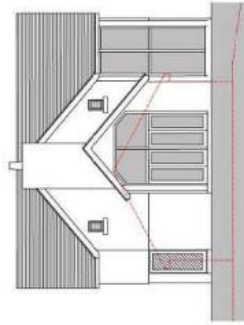
South East Elevation



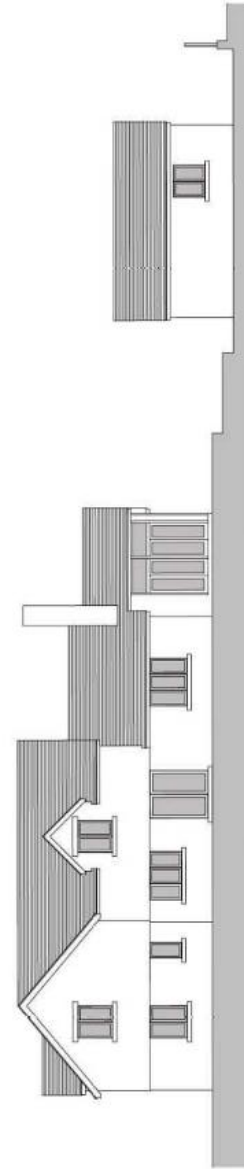
South East Elevation



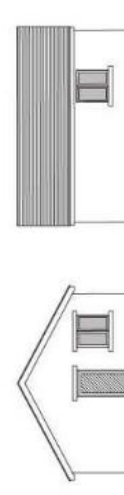
South West Elevation



South West Elevation



North West Elevation



North East Elevation



North West Elevation



The builder shall check all
dimensions and levels at all
stages of construction. Any
variations from the original
design shall be approved by the
Architect before construction
proceeds. The architect shall
be responsible for the
accuracy of the information
provided.

This drawing is to be used as a
guide only. It is not to be used
for construction without the
architect's approval.

New House
Land adjacent to Oakfield, Milton
Alan Faxon
General Arrangement
1:100
At A1
April 2021
2012/ 02


ASHTON DESIGN
chartered architects
01228 670067
info@ashton.design
www.ashton.design

SCHEDULE A: Applications with Recommendation

20/0500

Item No: 15

Date of Committee: 23/07/2021

Appn Ref No:
20/0500

Applicant:
Persimmon Homes
Lancashire

Parish:
St Cuthbert Without

Agent:

Ward:
Multiple Wards

Location: Land adjacent to Carleton Farm, London Road, Carlisle, CA1 3TY

Proposal: Erection Of 50no. Dwellings (Including 20% Affordable) With Associated Infrastructure & Open Space

Date of Receipt:
03/08/2020

Statutory Expiry Date
03/11/2020

26 Week Determination

REPORT

Case Officer: Christopher Hardman

1. Recommendation

1.1 It is recommended that “authority to issue” approval is given subject to the completion of a S106 legal agreement to secure:

- a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
- b) a financial contribution of £171,878 to Cumbria County Council towards education provision (Subject to viability);
- c) a financial contribution of £8,267.25 towards toddler/infant provision and £14,643.89 towards off-site sports provision; and
- d) the maintenance of the informal open space within the site by the developer.

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

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Layout, Scale And Design Of The Dwellings Would Be

- Acceptable
- 2.3 Impact Of The Proposal Of The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Provision Of Affordable Housing
- 2.5 Highway Matters
- 2.6 Drainage Issues
- 2.7 Open Space Provision
- 2.8 Education
- 2.9 Impact On Trees/ Hedges
- 2.10 Crime Prevention
- 2.11 Other Matters

3. Application Details

The Site

- 3.1 This site is a 1.52ha agricultural field with hedgerows surrounding the site to the north, east and west. The southern boundary has been changed recently with the widening of Sewells Lonning to accommodate two-way traffic from the A6 London Road/Carleton Road direction. To the north is residential development and to the east is the recently constructed Speckled Wood development. The site is gently sloping from the north down to the southern boundary. There are two residential properties on Carleton Road which are outside the site boundary but surrounded on three sides by the proposal.

Background

- 3.2 The site is allocated for housing in the Carlisle District Local Plan 2015-2030 (Policy H01 - Site U5) Land between Carleton Road and Cumwhinton Road.

The Proposal

- 3.3 The proposal is for a mix of 50 x 2-4 bedroomed houses including 20% affordable units. The layout is designed as an extension to the existing street character with houses located along the road frontages and an internal access road within the site and additional housing fronting that road. The mix of houses reflect those in the wider area with a mixture of detached, semi-detached and terraced properties along with bungalows as part of the affordable mix.
- 3.4 Within the site is an area of open space which incorporates the existing hedgerow separating this development from the newly constructed Speckled Wood. This area incorporates open space, landscaping and drainage attenuation and provides a buffer between the two developments. A footpath link has also been created to access the A6.

4. Summary of Representations

4.1 This application has been advertised by means of a site notice and notification letters sent to 38 neighbouring properties. In response 4 letters of objection and one letter of comment were received to the application, with a further 2 letters of objection being received following a re-consultation following the submission of amended plans. A letter of objection has been received from Councillor Trevor Allison who is the city councillor for the Dalston and Burgh ward.

4.2 The letters of objection raise the following issues:

- I have been a resident of Speckled Wood Drive for two years and have had to suffer being in the middle of a building site for that time with heavy goods vehicles being unloaded outside of my property, roads being covered in mud for days on end and site traffic running up and down all day. I finally hoped that this summer would see the end to that and the estate would be complete as all houses have been built and all but 2/3 occupied but the roads are incomplete, there is no traffic calming, the public open space is only just about progressing and has a long way to go and has now ground to a stop again, the site compound and portacabin's remain in situ although all equipment and employees apart from the site manager left the site several months ago and we are surrounded by large directional signage on nearly every lamppost through the estate. I have asked Persimmon twice for a completion date but none has been forthcoming which leads me to believe that site traffic may be routed through the existing estate particularly as an employee recently admitted that "Speckled Wood Drive would be the last to be completed" and that Persimmon will try and retain the existing site compound and portacabins. If the development is approved there must be a planning condition which prevents site traffic from entering the site other than from London Road or Sewells Lane and that any site compounds should be on the development site.
- The estate roads of the existing estate are very narrow and with residents parking on them makes it very difficult to negotiate and to add additional access to twenty five houses on the proposed development is going to make matters worse and compromise road safety on this residential estate. The proposed housing together with the 189 houses on the estate will only have two means of access and egress which will make it difficult for the emergency services to service the estate in the event of a major emergency. Therefore, consideration should be given making an additional roadway on to Sewells Lane as well as the proposed foot access.
- The existing estate has poor broadband connection despite being told when I bought the property that there was fibre to the house, Persimmon failed to inform me that there was no infrastructure to support it. I therefore request that a Community Infrastructure Levy should be applied to this development to enable that infrastructure to be put in place to cover the new estate and the existing estate.
- I have recently been consulted about making Sewells Lane two way to which I objected on the basis that with residents parking it was not wide enough to take two-way traffic. However, if the developer were to widen the whole length of Sewells Lane it would improve everybody's access to

the A6 and then the two-way scheme would work.

- The drains of the existing site are frequently being attended to by various drainage contractors and any drainage from the proposed development should be into a totally separate systems as there are obviously problems with the existing system.
- I have heard a lot recently about the proposed Garden Village Project and question where this development site is in the greater scheme of things particular as a development for 160 houses has also recently been approved within a few hundred yards?
- We request that a fence be erected to protect our boundary fence and property.
- Are our drains (which are outside our boundary) going to be incorporated into the new estate drainage system? We have concerns about this causing us problems with our drainage as on the adjacent
- Speckled Wood development the drains appear to need frequent attention and the smell is appalling. On looking at background papers accompanying the application (Flood risk & drainage assessment 27072020) it states that our property and our neighbours are served by a cesspit within the proposed development. This was removed over 40 years ago and is now a sewerage drain from the 2 properties
- The field around our property does not drain well and during periods of heavy rain causes runoff to flow from the field and across our property. Building on the field is likely to increase this problem and we are concerned that unless rain water drainage is clearly planned and managed in the new development that there will be a future risk to flash flooding of our property or properties further down Carleton Road, particularly as extreme weather incidents are increasingly likely.
- Can you ensure that the hedge along the A6 (Carleton Road) will be removed at a time when birds are not nesting as this hedge is home to dozens of birds.
- Can anything be done to ensure that in windy conditions we are protected from particles of sand etc caused by construction works blowing into our properties and making it impossible to open windows and hang out washing.
- I feel there is no point objecting to the planning for the 50 new houses as they are going to get permission whatever is said as the 190 houses adjacent to them did, what I am objecting to again is the footpath that appears on the plans linking what will be all 240 homes to Mallyclose Drive. I don't understand how there has been no communication to residents of Mallyclose Drive about these plans, yet when the same footpath was proposed for the initial 190 house development there was communication, yet the house development itself was actually further away than this new proposal.
- The developer I presume chose not to proceed with the footpath initially, yet now there is going to be even more homes and people the proposal is there again. I also note there is a police comment regards the footpath. Something like this is a common gathering point and vandalism issue in other parts of the city (I can speak from experience, living in a cul-de-sac with a footpath) as it is not in view. The Council have put gates on back lanes in numerous areas which is a similar security issue to a footpath, so I hope you will also object to the footpath.

- Residents around Malliclose Drive and surrounding streets already have to put up with the streets being used as a 'rat-run' by cars to the numerous Garlands Estates yet here we are with another potential cut-through that potentially could involve people being dropped off or picked-up at a dead end. There are already numerous cars who either go straight to the top of Malliclose Drive or turn from Farbrow Road, not realising it is a dead end. Also surely there is ample points of exit and entry to these 2 new estates why do we need another?
- Just a point of comment which has also been made by a resident of Speckled Wood, planning is submitted for another 50 houses yet the top level of road appears un-finished on the current estate, with drains far higher than the tarmac, yet all houses appear finished, maybe 1 should be completed before planning is considered for another.

4.3 The letter of comment raises the following points:

- After receiving the plans from Persimmon informing us that they intend to build 50+ houses which surround, literally within touching distance of my home, no prior warning, considering our own home for over 38 years will be directly involved I think it is disgusting that there has been no contact from Persimmon or anyone involved in this process to inform us of what is going on and how it will effect us, there is only two houses (homes) that are directly involved around the planning of his estate
- Someone without prior warning has taken it upon themselves to decide that it seems we are about to become part of a large estate.
- Because of others the value of my home will now lose value, so even if we decide to move because of the decision of others we will lose out.
- If we decide to stay the plans that have been submitted have houses directly like I said within touching distance (and please do not think I am exaggerating) we will be completely surrounded both to the side and back of our garden.

4.4 The letter of objection from Cllr Trevor Allison raises the following concerns:

- The residents are greatly concerned that with the proposed layout, their kitchen window which currently has an open aspect, will face a blank side wall extending beyond their garage. The distance will be broadly in line with the temporary fence. This seriously impacts on the outlook and amenity of Millholme and will affect its value. Although Policy HO3 is intended for housing in residential gardens, the same principle must surely apply here Para 4 "There is no unacceptable loss of living conditions to surrounding properties by overlooking, loss of light, overbearing nature of the proposal...."
- The site plan, shows that the identical next door property on the North side is not affected in the same way as there is generous provision to accommodate a ROW/ footpath leading to the open space allocation for the development. The proposed arrangement which impacts severely on Millholme is unacceptable and is shown starkly on the site plan.
- The objection is not to the development as such. They are simply asking for a review of the location of the different properties fronting onto the A6. so as to share the open space more equitably between the two existing

properties.

4.5 Following the re-consultation the following issues were raised in objection:

- The siting of the footpath link from the proposed development onto Carleton Road raises a number of problems;
- It exits directly on to the main A6 southbound, just below the brow of a hill, with traffic approaching at 30mph (and often in excess of the speed limit) thus increasing the risk of danger to cyclists and pedestrians. There is also the risk of cars frequently dropping off and picking up residents and visitors at this entrance.
- The proposed pathway now runs much closer to our property and is much narrower in aspect making security, vandalism and littering a real concern as it will become a more secluded area.
- The siting of a new bus stop approximately 100 yards from the path way will cause buses to slow down and stop on an existing cycle lane, raising the danger to cyclists and other vehicles overtaking on the main A6.
- The initially proposed pedestrian access to Mallyclose Drive had fewer safety issues.
- The low permeability of the ground to the north of The Whins and Mill Holme causes flooding during heavy rain and the additional hardstanding at the planned properties numbers 1 to 8 will exacerbate the problem raising the risk of flooding to these properties. As extreme weather events are becoming more frequent, has appropriate, high volume, surface water drainage been planned to alleviate this issue?
- On the landscaping plans it indicates the planting of a tree directly next to the boundary of The Whins, which would overhang the garden quite quickly depending on tree type and also further conceal this area.
- During the proposed development, what plans have been put in place to replace the existing stock fence on the land with suitably substantial fencing to continue to protect the existing fencing around the property as this is not a party fence.
- The drainage plans indicate that the existing foul waste drain will connect property number 8 with numbers 9 to 18 to the south of our property and we are concerned how this may potentially affect the foul water drainage from The Whins which is part of this system.
- The staggered exit fencing planned for the proposed footpath would need to be within the gap between property 8 and The Whins and not on the existing pavement as this would restrict vehicle access to the property. Space is needed to safely reverse into the driveway and avoid reversing out onto the A6.

Objections remain the same as original response and raise the following further issues:-

- The application should not be approved until the existing Speckled Wood Estate is complete and the roads and drains are adopted.
- The size of the proposed garages and parking spaces are too small and are only big enough for a very small family car which will lead to indiscriminate parking through out the development as occurs on the existing estate.
- Sewell Lane although recently widened is still not wide enough for

- residents/visitors parked cars and two way traffic.
- As previously mentioned a condition must be added preventing site traffic private and commercial from using Speckled Wood Drive to access or Egress the development site.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - Initially there was insufficient information however following revised details the following response has been received:

The applicant is reminded that the proposals they have provided requires the crossing of Cumbria County Council land for a drainage connection and footway connections for dwellings facing Sewell's Lane. The applicant is advised to ensure adequate agreements are in place for this to happen. It is advised that the applicant contacts the Council's Property Services team at their earliest convenience to ensure there are no delays in the future. This is a separate requirement to the licences required to work within the highway.

Local Highway Authority (LHA) response:

Access / Visibility Splays (Sewell's Lane) - The applicant has altered the layout of the proposal in order to remove the vehicle accesses onto Sewell's Lane. The access is now obtained between

plots 30 and 35. This is acceptable. It is assumed that the hatched access indicated on plan SWC.PL01 serving properties 20-34 will remain private.

Accesses to London Road - Details of adequate visibility splays have now been provided.

Parking Provision and Turning behind Parking Spaces - The applicant has provided a new layout plan indicating parking spaces. The proposal is acceptable, and is in the appropriate places supported with 6m turning areas behind the parking bays. As the detailed design is progressed these shall be maintained.

Sewell's Lane Carriageway Improvements and Traffic Calming - The applicant has provided a speed survey which has been carried out at the north end of Sewell's Lane. However, this was not considered to be a reflection of the speeding issue along Sewell's Lane as it was too close to the junction with Cumwhinton Road. To have obtained a reflective speed the survey should have been carried out in the central area between London Road and Cumwhinton Road. In line with the Cumbria Development Design Guide and, as previously indicated, that a solid block of development along the front of Sewell's Lane now exists,

a comprehensive traffic calming scheme is required. As other elements of the highway requests have now been addressed it is considered that this element should be subject to a suitable condition.

Right-hand turning lane from London Road - As part of the recent Sewell's Lane road widening improvements a right hand lane has been provided within London Road. Therefore, this element is no longer required.

Lead Local Flood Authority (LLFA) response:

As part of the response dated 15th February 2021 the applicant was requested to provide further information regarding the proposed drainage system. The LLFA have had various discussions with the applicant regarding the site as the drainage system is proposing to discharge into an existing

system serving the Speckled Wood development.

The applicant has provided various details demonstrating that the system has been tested to see if the system can meet a 100 year plus 30% climate change and 100 year plus 40% climate change design event. In the most extreme event it is predicted that small volumes of surcharge from manholes may occur. These are in locations away from housing, however, as part of the detailed design further information on exceedance routes should be provided. As such an appropriate condition is provided below to ensure full details are provided prior to commencement on site.

Conclusion:

In summary, it is considered that the applicant has provided sufficient information to demonstrate a suitable highway and drainage network can be provided to serve the development. Education information was provided in our response dated 8th October 2020. Therefore, the LHA and LLFA have no objection to the proposal subject to the following conditions - Traffic management for Sewell Lonning; construction of roads, footpaths and cycleways; ramps; footway barriers; access road construction; construction traffic management plan; surface water drainage scheme; construction surface water management plan;

St Cuthberts Without Parish Council: -

Initially responded:

The Carlisle District Local Plan 2015-2030 states (with regard to this site U5) that the Highways advice is that the existing access/lack of visibility onto London Road will mean that there is the need for improved two way access at Sewells Lonning. The Parish Council has already raised objections with Cumbria County Council Highways Authority about their latest proposals for making a partial widening to enable a new two way system at Sewells Lonning. The Parish Council would as a minimum want widening of the full length of the Lonning (from London Road to Cumwhinton Road) The Parish Council understood that significant development in the South of Carlisle would be curtailed in light of the Garden Village and had assurances that only sites that had already been granted permission would be progressed. The Parish Council is concerned that housing development creep will undermine the strategic approach to the Garden Village Development if new planning permissions for developments at scale are granted on an ad hoc basis.

Following further consultation responded:

There is no confidence that the existing permitted development by Persimmons Homes at Speckled Wood will be completed in accordance with Planning Conditions and therefore no confidence that this proposed development will be completed in accordance with any Planning Conditions it may incur (if approved). This failure to complete at Speckled Wood also undermines the Parish Council's confidence in the power of Planning Conditions and the ability of the Planning Authority to ensure compliance. It does not bode well for the St Cuthbert Garden Village.

The development at Speckled Wood should be completed in accordance with Planning Conditions before this Planning Application is considered by the City Council.

Sewell Lane has been improved and made two way. But the planning application shows very small spaces for garages/parking spaces which leads

the Parish Council to anticipate parking of resident/visitor cars on Sewell Lane. Sewell Lane is too narrow for vehicle parking and this will become an issue for the flow of two-way traffic.

Access/egress for emergency vehicles and general traffic onto Sewell Lane is inadequate.

Designation of sud ponds as public open space is not reasonable and should be excluded from any open space provision/requirement.

Although identified for housing development within the existing Local Plan this site will be located close to the St Cuthbert Garden Village. But it is far from being in keeping with the vision for that development. The proposed housing is densely located on the site with limited green spaces. It adds to the Parish Council's concerns that the St Cuthbert Garden Village will create a sense of "us and them". Comparing this application with the first Garden Village approved development at Parklands only underlines this concern.

Northern Gas Networks: - No objection

Local Environment, Waste Services: - If this is the case, our waste collection vehicles are asked to avoid travelling over this type of surface, as it is not usually capable of supporting the weight of a fully loaded 26T vehicle and may be liable to cause damage.

- For plots 31 - 35, a waste container collection point would need to be created at the end of the block paving area (where it meets the main road), so a suitable area should be set aside for this (even if we were to travel over the paved areas, the angle of the road would prevent this in any case).

- Similarly plots 46 to 50 should be brought to the end.

- Please also ensure there is sufficient space on the pavement fronting Carleton Road for plots 9 -19 to leave their waste containers out for collection.

Local Environment - Environmental Protection: - No objections . We would request that relevant planning conditions should be put in place to protect residents both during the construction phase of this development and beyond.

Noise & vibration

Consideration should be given to limit the permitted hours of work in order to protect any nearby residents from possible statutory noise nuisance, this includes vibration. Any other appropriate noise mitigation measures should be considered, for example, the use of noise attenuation barriers, the storage/unloading of aggregates away from sensitive receptors and the use of white noise reversing alarms, where possible. These measures should aim to minimise the overall noise disturbance during the construction works.

Dust

It is necessary to protect any nearby residents or sensitive receptors from statutory nuisance being caused by dust from the site. Given that the site is located in a residential area it would be advisable to consider all appropriate mitigation measures. Vehicles carrying materials on and off site must be sheeted or otherwise contained, water suppression equipment should be present on site at all times and used when required, wheel wash facilities should be made available for vehicles leaving site and piles of dusty material should be covered or water suppression used.

Contamination.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Further guidance can be found on the Carlisle City Council website “Development of Potentially Contaminated Land and Sensitive End Uses – An Essential Guide For Developers.”

Site investigations should follow the guidance in BS10175:2011 (or updated version) “*Investigation of Potentially Contaminated Sites.- Code of Practice*”. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

Air Quality and Transport

Measures that encourage the use of zero-emission modes of transport should be included in the development proposal. The aim is to minimise future impacts on air quality. It is recommended that the developer provides at least one electric vehicle charging point per dwelling, with off street parking. The use of rapid charging points in communal parking areas should also be implemented. This recommendation is supported by the following:

Institute of Air Quality Management (IAQM)

The provision of charging points is in line with current IAQM ‘Land-Use Planning & Development Control: Planning for Air Quality’ guidance (2017). Section 5 states:

“The provision of at least 1 Electric Vehicle (EV) “fast charge” point per 10 residential dwellings and/or 1000m2 of commercial floorspace. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made”.

The National Planning Policy Framework (NPPF)

This was updated in February 2019 and concisely sets out national policies and principles on land use planning. Paragraph 105 states:

“If setting local parking standards for residential and non-residential development, policies should take into account: ...e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles”.

Paragraph 103 of the NPPF states:

“.... Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health...”.

The Carlisle District Local Plan 2015-2030

Carlisle City Council (CCC) adopted the Carlisle District Local Plan 2015-2030 in November 2016

Policy IP2 - Transport and Development:

“Sustainable Vehicle Technology: Developers will be encouraged to include

sustainable vehicle technology such as electric vehicle charging points within proposals”.

Paragraph 6.13 states: “... consideration should be afforded to increasing electric charging provision wherever appropriate and possible”.

Policy CM5 – Environment and Amenity Protection:

“The Council will only support development which would not lead to an adverse impact on the environment or health or amenity of future or existing occupiers”.

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): -

Footpath link to Carleton Road – Units 9 and 43 directly address this link. Unit 42 presents a gable towards it, therefore requesting introduction of a window (to a habitable room) to be inserted in this gable to provide additional natural surveillance towards the link.

Footpath link to Sewell Lonning – Unit 29 directly addresses this link. Unit 28 presents a gable towards it, therefore requesting introduction of a window (to a habitable room) to be inserted into this gable to provide additional natural surveillance towards this link

Discard the proposed pedestrian link to Mallyclose Drive. Presence of this link would provide an excess of routes that could aid escape (contrary to Policy CM 4 (3))

Rear/Side garden boundary treatments. No information on proposals provided. From a crime prevention perspective they must be tall and robust enough to deter intrusion. Yet must not unnecessarily obstruct surveillance views i.e. Units 20, 22 – 27 towards designated car parking spaces.

Recommend 1.8m vertical open-boarded (NOT closed-boarded) fencing for this purpose

Front garden boundary treatments (Policy CM 4 (2)) Clear and obvious definition between public and semi-private space. Physical treatments are more effective than symbolic examples, therefore recommend front curtilages be established with a continuous line of low-level, low maintenance planting.

Cumbria County Council - Development Management: - Education PRIMARY

There are insufficient places available in the catchment school of Cumwhinton to accommodate the primary yield of 10 from this development. Therefore, a contribution of £162,580 (10 x £16,258) is required. The £16,258 figure is the £12,051 figure identified in the County Council Planning Obligation Policy index linked.

SECONDARY

When considering the effect on pupil numbers from known levels of housing development across Carlisle, it is considered that there will be insufficient places available in Central Academy to accommodate the secondary pupil yield from this development. An education contribution of £171,878 (7 x £24,554) is required. The £24,554 figure is the £18,188 figure identified in the County Council Planning Obligation Policy index linked.

The above would be subject viability for the development site.

Natural England - relating to protected species, biodiversity &

landscape: - No comments

(Former Green Spaces) - Health & Wellbeing: - Request contributions for off-site provision and on-site maintenance of open space.

United Utilities: - Confirm no objection in principle subject to conditions relating to surface water drainage and that foul and surface water should be drained on separate systems.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO1, HO4, IP1, IP2, IP3, IP4, IP6, IP8, CC4, CC5, CM2, CM4, GI3, GI4 and GI6 of The Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Documents (SPD) "Achieving Well Designed Housing", "Affordable and Specialist Housing" and "Trees and Development" are also material planning considerations.
- 6.3 The proposal raises the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 6.4 The site is allocated for housing in the Carlisle District Local Plan 2015-2030 (Policy H01 - Site U5) and the proposal to erect 50 dwellings on the site would, therefore, be acceptable in principle.
- 6.5 The site was allocated as part of a larger housing allocation, the first part of which has been developed by Persimmon Homes and is known as Speckled Wood. At the time of that application coming forward this land was in separate ownership and no application was made to develop the whole allocation. Persimmon have now submitted this application as phase 2 of the Speckled Wood development. The boundaries are consistent with the allocated housing site.
- 6.6 One of objectors has stated that they were not aware of the proposals around their property however full consultation was undertaken on the Local Plan (including articles in the press, public exhibitions and information sent to every household in the District) prior to the adoption of the Local Plan.
2. Whether The Layout, Scale And Design Of The Dwellings Would Be Acceptable

- 6.7 The site covers an area of 1.48 hectares and the proposal is seeking to erect 50 dwellings on the site. This equates to a density of 34 dwellings per hectare which is consistent with other developments on the edge of the City. The adopted Local Plan gives an indicative yield of 204 dwellings for the whole site. This proposal takes the whole site to 239 units in total however this includes a small flatted development as part of the initial phase increasing numbers on the site. The local plan is indicative only and some sites will vary depending on particular constraints as detailed consideration is undertaken.
- 6.8 Two vehicular access points were proposed to the site with some properties accessed from Sewells Lonning however the recently improved junction (which utilised some land from this site) means that this is not feasible and therefore access is to be taken through the phase 1 development. In order to reduce the impact and to reflect the form of development along London Road, some properties will have direct access onto the road frontage. Access to Sewells Lonning will be pedestrian only. This is discussed further in the highways section of this report.
- 6.9 A footpath would be provided connecting the site to London Road so that pedestrians have access to other neighbouring developments and main bus routes. This is close to an existing property however it was initially linked to Mallyclose Drive but concerns over the use of an existing road led to revisions to the layout to alleviate potential access issues that the link may encourage.
- 6.10 As this site connects to the Phase 1 development a central open space has been created which includes areas for attenuation of surface water as well as retention of existing hedgerow and trees between the existing and proposed development.
- 6.11 The development would contain thirteen different house types and these would include ten affordable housing units including two bungalows. This would include a mix of 2, 3 and 4 bedroomed properties, detached, semi-detached and terraced. Brick, render and stone will be used throughout the development.
- 6.12 Objections have been raised in relation to the layout of the development with access from the Phase 1 of Speckled Wood however the proposal to reduce the number of properties accessing through the site and a direct road access to Sewells Lonning was not acceptable to the Local Highway Authority and therefore the proposal had to be revised in the interests of the operation of the revised junction.
- 6.13 In light of the above, the layout, scale and design of the proposed development would be acceptable.

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

- 6.14 The application site wraps around two residential properties and lies adjacent to residential properties on London Road and Phase 1 of Speckled Wood. With only one pedestrian access link to London Road this creates some inequity with regards to the separation distances to existing properties

especially the two properties at the centre of the development. Some revisions have been made however the proximity of housing will still create a contrast to the existing open field which surrounds them. There would be a minimum separation distance of over 21m between the proposed dwellings and the existing dwellings which is consistent with the Council's Supplementary Planning Document.

- 6.15 The separation distances within the site between proposed properties would also comply with the Council's separation distances (21m between primary facing windows and 12m between primary windows and blank gables) set out in the Council's Achieving Well Design Housing SPD.

4. Provision Of Affordable Housing

- 6.16 The proposed development is consistent with the Council's SPD by the provision of 10 units of accommodation half of which is intermediate and half affordable. There would also be the provision of bungalows within this mix of housing. To ensure that these remain affordable they would be included within a legal agreement.

5. Highway Matters

- 6.17 Initially the Local Highway Authority (County Council) (LHA) had concerns about the level of information provided in the transport assessment which required updated traffic flows for other developments since their Phase 1 of Speckled Wood and at the time the proposed improvements to Sewells Lonning which have now been completed. Further information was provided however there were still concerns about the access onto Sewells Lonning as well as detail in terms of visibility splays and parking arrangements. Some individual accesses would be considered but they were not consistent with the Design Guide requirements of the LHA and further information was required.
- 6.18 Throughout the process concerns had been raised that the improvements to Sewells Lonning had led to increased speeds and although the developer undertook a speed survey, the LHA was not convinced that the data was accurate. They have therefore sought additional traffic calming measures for Sewells Lonning to combat the concerns raised by local residents.
- 6.19 Further information was provided along with revisions to the layout and the LHA were satisfied that concerns in relation to parking areas and visibility splays, in addition some improvements had been made to the junction arrangements outside of this application. They have no objection to the proposal subject to conditions relating to traffic management for Sewell Lonning; construction of roads, footpaths and cycleways; ramps; footway barriers; access road construction; and, construction traffic management plan.

6. Drainage Issues

- 6.20 The applicant has submitted a Flood Risk Assessment and Drainage Assessment (FRA) which details the drainage principles associated with the development. The applicant has stated within the FRA that the proposed

surface water discharge is to be attenuated into the surface water sewer to the south of the site. A series of attenuation measures were proposed between the Phase 1 and Phase 2 developments.

- 6.21 The Lead Local Flood Authority considered that additional information was required to be satisfied that the appropriate flows are being considered. In addition, local residents had also raised concerns about the drainage within the fields including their own provisions. The initial proposals were not adequate to meet the requirements outlined in the NPPF and the proposed discharge rate was above the existing greenfield run-off rate. In addition, the allowance for climate change is a 40% uplift and not the proposed 30%.
- 6.22 Detailed micro drainage calculations were provided but further clarification was sought. This was subsequently provided and the LLFA now has no objection to the proposals subject to conditions (surface water drainage scheme; submission of a Construction Surface Water Management Plan). United Utilities has also raised no objections subject to conditions relating to ensure separate drainage systems.
- 6.23 Residents have raised concerns about drainage infrastructure outside their property boundaries. Essentially this becomes a civil matter should there be any issue with blockages or damage during construction however as the development provides a comprehensive scheme for surface water and foul drainage it is envisaged that some co-ordination of drainage would occur to ensure other properties are not affected by existing drainage outlets.

7. Open Space Provision

- 6.24 The proposed development includes on-site open space as central to the Phase 1 and Phase 2 development and an informal play area has already been provided on Phase 1 of the Speckled Wood development. The open space provision would also link to London Road providing a green network through the development. Persimmon operate a management company to deal with management and maintenance of open space provision. The Health and Wellbeing team (Green Spaces) have requested off-site payments as the site is not large enough for all open space provision including a play area and off-site sports provision. As there is play provision on Phase 1 of Speckled Wood this element is not required in full however this only covers junior provision and a contribution is required to upgrade infant provision at Dale End Field. There is also a requirement for off-site sports provision. Overall, subject to a legal agreement to secure financial contributions, the proposed provision is acceptable.

8. Education

- 6.25 It is estimated that the proposed development would yield 10 children of primary age (catchment of Cumwhinton School) and 7 secondary pupils (catchment of Central Academy) for the local schools. A financial contribution has therefore been requested. Persimmon Homes has not objected to payment of the required amounts however there are ongoing viability discussions to determine the final level of contribution.

- 6.26 Prior to this application being submitted, some Members of the Committee will be aware that the Homes England application near Carleton Clinic included a significant contribution towards the upgrade of Sewell Lonning. In implementing those works, some land was required from this allocated housing site in order to widen the road resulting in an abnormal cost on the development. Therefore provisions in advance of detailed proposals were made to enable the grant funded improvements of Sewells Lonning to take place within the required timescales. This does not in any way prejudice the determination of this application however it does affect land values/purchase negotiations which impact on viability.
- 6.27 The requirement for contributions towards school places is consistent with Policy CM2. Therefore, subject to negotiations with the County Council as Education Authority, a contribution of £171,878 is required for 10 primary places and 7 secondary places (12 x £17,829). This will form part of the required legal agreement. Members will be updated on this matter at the meeting.

9. Impact On Trees/ Hedges

- 6.28 The site contains a number of hedgerows which surround the area and a tree survey has been submitted with the application.
- 6.29 The majority of the hedgerow to the west of the application site separating Phase 1 and Phase 2 will be retained as will the hedgerow on the northern boundary. Due to the layout fronting London Road and continuing the form of existing development there will be a number of access points however to reflect the nature of the area replacement hedgerows will be planted to some garden frontages ensuring that visibility splays can be retained. There are limited trees in the hedgerows and therefore some tree planting is proposed particularly within the open space where larger species can be planted to increase the biodiversity of the site.
- 6.30 A concern has been raised that the planting scheme includes trees close to existing housing which will grow over their boundaries and require future maintenance by existing property owners. This only affects one tree and this can be relocated within the site or replaced by a more suitable variety of the same species to overcome this issue.
- 6.31 In light of the above, the proposal would be acceptable.

10. Crime Prevention

- 6.32 The Crime Prevention Officer (CPO) raised a number of concerns relating to matters of surveillance but in particular requested that the access to Mallyclose Drive be omitted from the proposed layout as that increases routes for escape throughout the development contrary to policy CM4. The layout has consequently been modified to remove that footpath link.
- 6.33 The CPO has also requested obvious definition of front curtilages. The development would be an open plan estate but individual property owners

would be able to define their front boundaries by planting.

11. Other Matters

- 6.34 Objectors have raised the issue about completion of Phase 1 of the Speckled Wood development. Since completing the houses the roads have not been finally surfaced and therefore handed over to the County Council for adoption. In addition, a site compound had remained on Phase 1. It is the intention of the developer to relocate the site compound and finish the road surfacing following the granting of permission to progress on Phase 2. It is not possible for the LPA to enforce completion of phase 1 before the granting of permission for Phase 2 as this would be considered unreasonable. Each individual site has to be treated on its merits. The matter has been raised with the developer and they are keen to move on, subject to permission being granted for the next phase of development. Should permission not be granted further discussion would have to take place with the developer regarding completion of the works.
- 6.35 A condition has been added to the permission which requires each dwelling to be provided with a separate 32Amp single phase electrical supply. This would allow future occupiers to incorporate an individual electric car charging point for the property.
- 6.36 A concern has also been raised with regards to broadband services on the existing development. Planning conditions require the provision of the infrastructure in relation to telephony, broadband, etc to ensure this is done during construction however we are not able to guarantee the level of provision of that service which will be the responsibility of service providers within the commercial market place.

Conclusion

- 6.37 The application site is allocated for housing in the adopted Local Plan. The layout, scale and design of the development would be acceptable and the proposal would not have an adverse impact on the living conditions of existing and future occupiers. Subject to the proposed conditions and a S106 agreement it is considered that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, trees, education, or open space. The site would provide 20% of the dwellings as affordable (in accordance with the NPPF definition) which is considered to be acceptable. The proposal is, therefore, recommended for approval subject to the completion of a S106 Agreement.
- 6.38 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 agreement to secure:
- a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
 - b) a financial contribution of £171,878 to Cumbria County Council towards education provision (Subject to viability);

- c) a financial contribution of £8,267.25 towards toddler/infant provision and £14,643.89 towards off-site sports provision; and
- d) the maintenance of the informal open space within the site by the developer.

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

7. Planning History

- 7.1 There is no direct planning application history relating to this site.
- 7.2 There is associated planning history relating to the Speckled Wood development from planning application 13/0983 onwards.

8. Recommendation: Grant Subject to S106 Agreement

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

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

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

- 1. the submitted planning application form;
- 2. the Location Plan (Dwg SWC.L01 Rev A) received 3rd August 2020;
- 3. the Planning Layout (Dwg SWC.PL01 Rev G) received 30th March 2021;
- 4. the Highways and Drainage Layout (Dwg 30433/1 Rev A) received 30th March 2021;
- 5. the A6 Carleton Road/Sewell Lonning Priority Junction Improvement (Dwg A074549-1-TTE-00-XX-DR-O-00001 Rev P01) received 30th March 2021;
- 6. the Drive Access for Plots 1-19 on A6 Carleton Road Visibility Splays (Dwg A074549-1-TTE-00-XX-DR-O-00002 Rev P01) received 30th March 2021;
- 7. the Landscape Proposals (Dwg 6298.01 Rev B) received 30th March 2021;
- 8. the Amended House Types received 30th March 2021;
- 9. the Boundary Treatment Plan (Dwg SWC.BTP.302) received 30th

March 2021;

10. the Arboricultural Impact Assessment received 27th July 2020;
11. the Archaeological Desk Based Study received 27th July 2020;
12. the Flood Risk and Drainage Assessment (and supplementary information of calculations and statement revisions) received 27th July 2020;
13. the Housing Need Statement received 27th July 2020;
14. the Preliminary Ecological Statement received 27th July 2020;
15. the Transport Statement (and Supplementary Information/note) received 27th July 2020;
16. the Notice of Decision;
17. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to their use as part of the development hereby approved, full details of all materials to be used on the exterior of the buildings, including roofs, walls, cladding, doors, windows, external frames and rainwater goods shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in strict accordance with the approved details.

Reason: To ensure the development is acceptable visually and harmonises with existing development, in accordance with Policies SP6 of the Carlisle District Local Plan 2015-2030.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within a timeframe that has first been submitted to and approved in writing by the local planning authority and maintained thereafter in accordance with maintenance measures identified in the approved landscaping scheme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and maintained, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI 6 of the Carlisle District Local Plan 2015-2030.

5. Other than those trees and hedgerows identified for removal on the

approved plan, no tree or hedgerow existing on the site shall be felled, lopped, uprooted, layered or otherwise structurally altered without the prior written consent in writing of the local planning authority. A scheme of protection, based on the advice provided within the adopted Carlisle City Council Supplementary Planning Document 'Trees and Development' relating to the retained trees and hedgerows shall be implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. The said scheme shall provide details of how protection will be afforded to the retained items prior to, during and after construction.

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

6. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated May 2020 proposing surface water discharging to a watercourse via surface water drainage system. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

7. 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.

8. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

9. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages

shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

Reason: In order that the approved development does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 215-2030.

10. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).

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

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

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

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

Reason: To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

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

Site investigations should follow the guidance in BS10175.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with

those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

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

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

15. No development shall commence until detailed drawings showing traffic management for the length of Sewell's Lane have been submitted to the Local Planning Authority for approval. The approved scheme of traffic management shall be completed in accordance with the approved details before the development is occupied.

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

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

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

17. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

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

18. Prior to commencement details of the footway barriers has be submitted to the Local Planning Authority for approval. The barriers shall be installed as approved prior to first occupation.

Reason: To ensure that pedestrians and people negotiate road junctions in relative safety and to support Local Transport Plan Policies: LD5, LD7,

LD8

19. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason: To ensure that the access roads are defined and laid out at an early stage and to support Local Transport Plan Policies: LD5, LD7, LD8

20. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

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

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

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

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

MIX SCHEDULE									
SITE AREA		Acres	Gross		Net		TOTAL SQ. FT.		
			3.645		2.603				
Hectares			1.475		1.053				
P.O.S.			Acres		0.881				
Non Dev			Acres		0.191				
Private									
HOUSE TYPE	SQ. FT.	NO	%						
Annex	638	6	15.0						
Dorbury S	811	3	7.5						
Carriway	762	7	17.5						
Buttermere S	870	4	10.0						
Glazemere	921	3	7.5						
Windermere	970	4	10.0						
Lockwood Cr	999	2	5.0						
Horseshoe	1056	4	10.0						
Eastwood	1220	4	10.0						
Carriway	1222	3	7.5						
Condition	1721	3	7.5						
		40	100	34444					
Affordable									
HOUSE TYPE	SQ. FT.	NO	%						
Annex	643	3	7.5						
Carriway	811	3	7.5						
Buttermere	1121	2	5.0						
Burgess									
		10	25.0	8224					
TOTAL		50	125.0	44872					
FOOTAGE (NET)		Per Acre	17.239						
UNITS (NET)		Per Acre	42.595						
BEDS (Private)		Per Acre	19						
		2 Bed	3 Bed	4 Bed					
		15.0	57.5	27.5					

- Affordable - Rented units
- Intermediate - Discount to market units
- Bin collection point hard standing & associated plot number
- Pedestrian dropped kerb to footway, 0.6m face

Revision	Date	Amendment
1	23.02.2021	Initial submitted to planning, with the exception of the following items: Sewell Lane and as per CDD Highway comments.
2	04.02.2021	Layout generated following comments by CDD.
3	13.02.2021	Footpath link to Sewell Lane removed.
4	27.11.2020	Additional house type Annex, submitted to NCD compliant with Annex, submitted to NCD compliant with Annex, submitted to NCD compliant with Annex.
5	20.10.2020	Additional house type Annex, submitted to NCD compliant with Annex, submitted to NCD compliant with Annex.
6	27.07.2020	General layout amendments.
7	18.12.2019	Carleton Road / Sewell Lane junction improvement as per P10 drawing.
8		

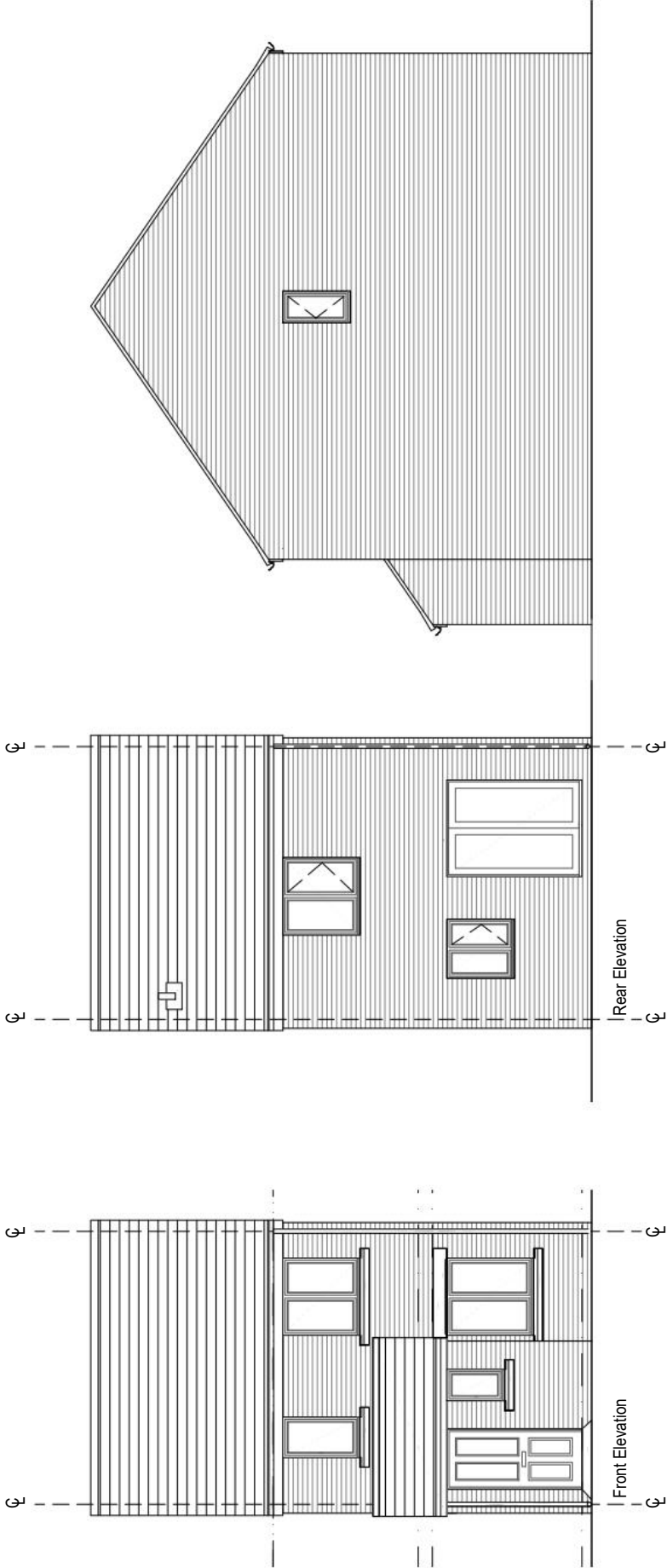
Specified Wood Extension	
Location	Carleton
Neighbouring	Home
Drawing Title	Planning Layout
Drawing Number	SWC.PL01
Revision	G
Scale	1:500
Drawn by	SDH
Checked by	SDH
Date	Dec 2019

PERSIMMON

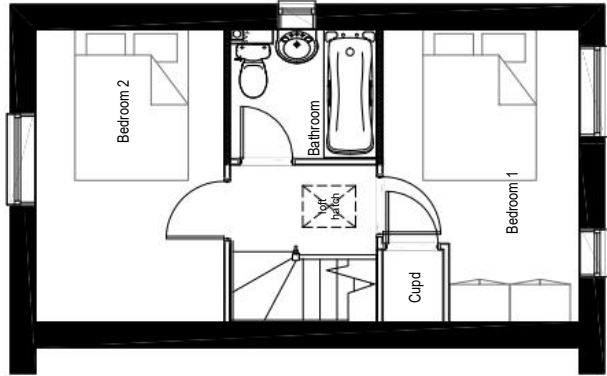
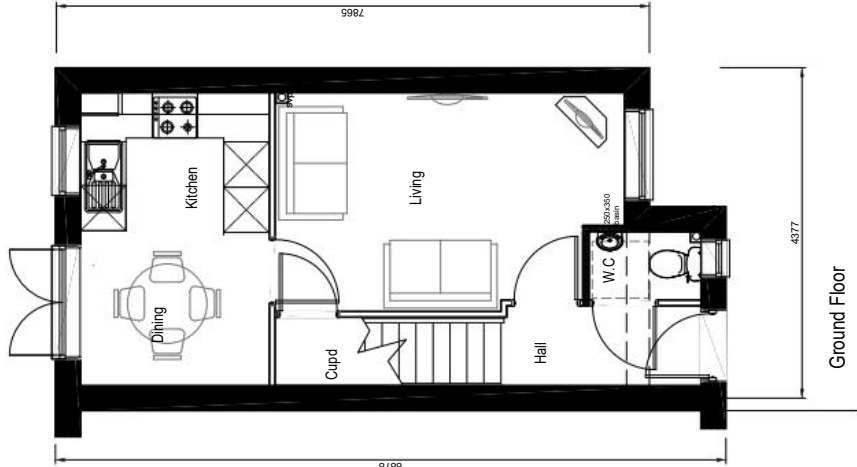
Persimmon Homes Lancashire

Production Office: 1st Floor, 100, Carleton Road, Lancashire, LA1 3SD
Tel: 01524 642 000 Fax: 01524 642 001 Web: www.persimmonhomes.com





4212



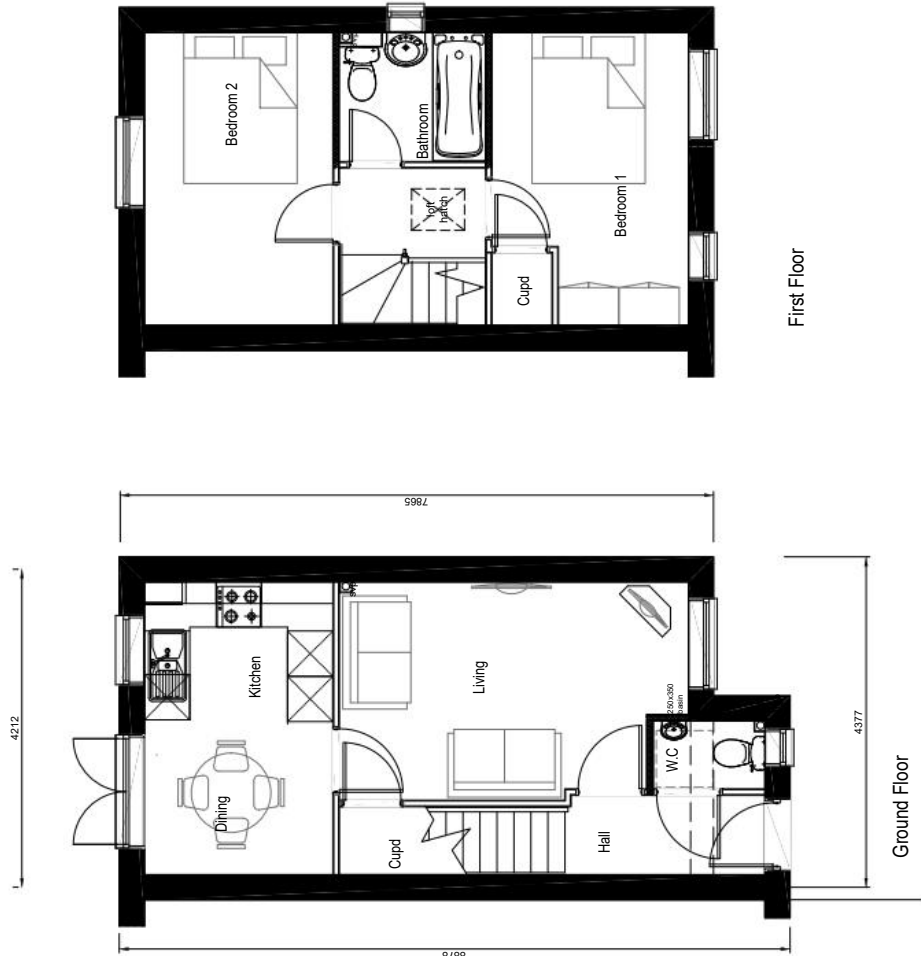
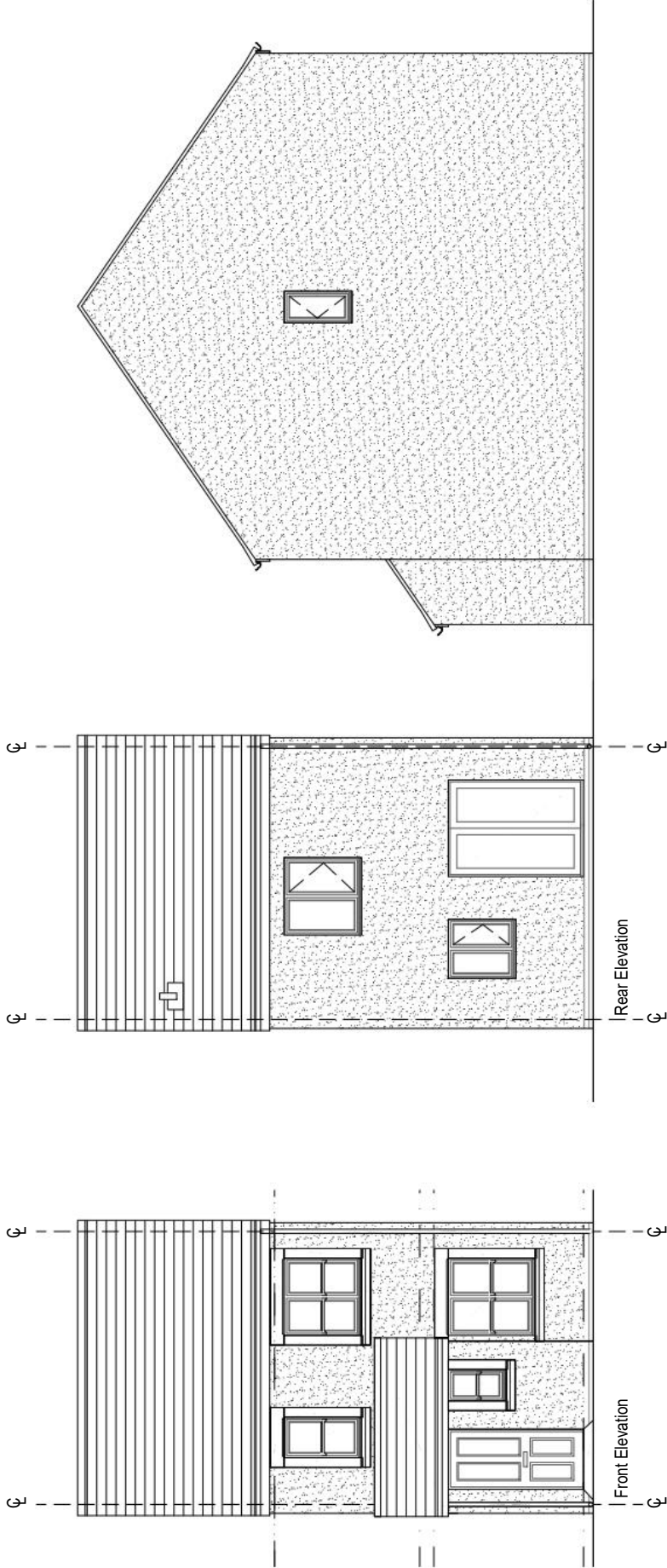
Rev. B Plot numbers updated. 24.02.21

THE ALNWICK HOUSE TYPE, Brick Elevations (Plots 32-34)

'THE ALNWICK' | PLANS AND ELEVATIONS | 2 STOREY | 2 BED | FOOTAGE: 638 | SCALE: 1:100



Persimmon Homes Lancashire
Persimmon House, Lancaster Business Park, Cotton Road, Lancaster, LA13RQ
Tel: 01 524 542 000 Fax: 01 524 542 001 Web: www.persimmonhomes.com



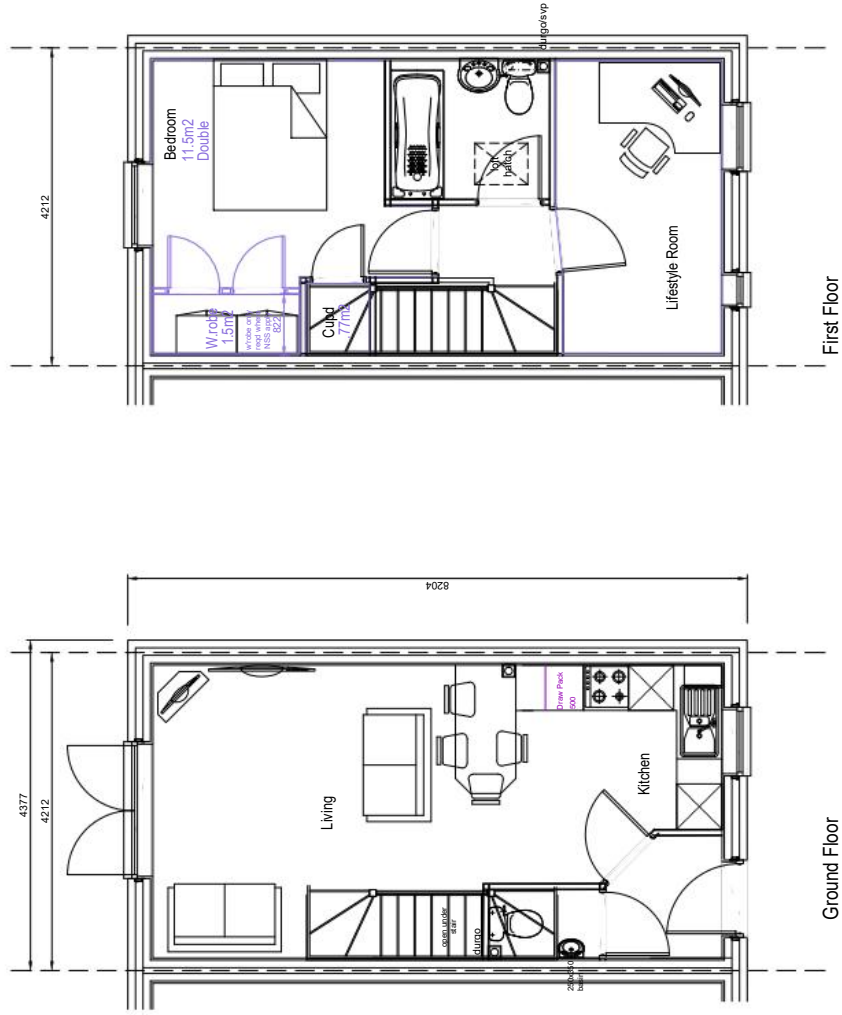
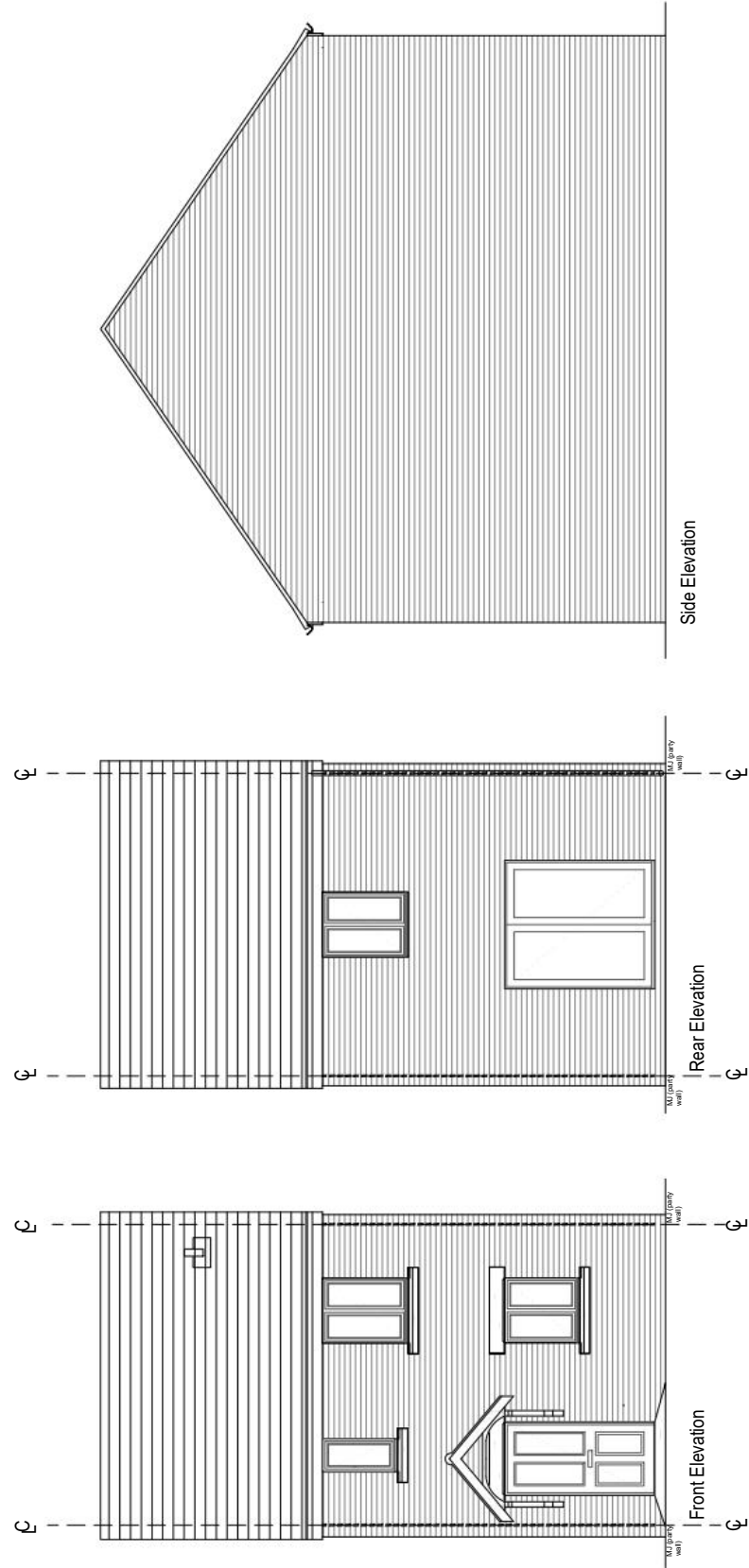
Rev. B Plot numbers updated. 22.02.21

THE ALNWICK HOUSE TYPE, Full Render (Plots 20-22)



Persimmon Homes Lancashire
Persimmon House, Lancaster Business Park, Caton Road, Lancaster, LA13RQ
Tel: 01 524 542 000 Fax: 01 524 542 001 Web: www.persimmonhomes.com

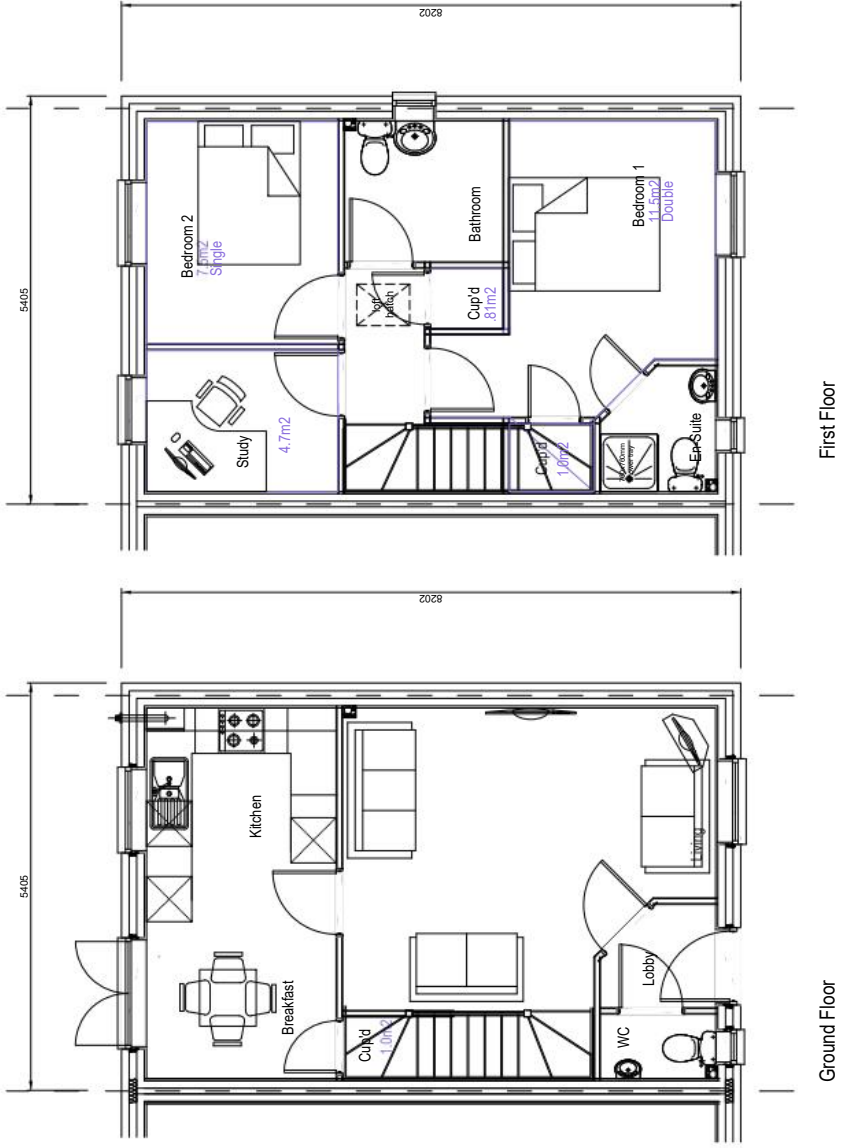
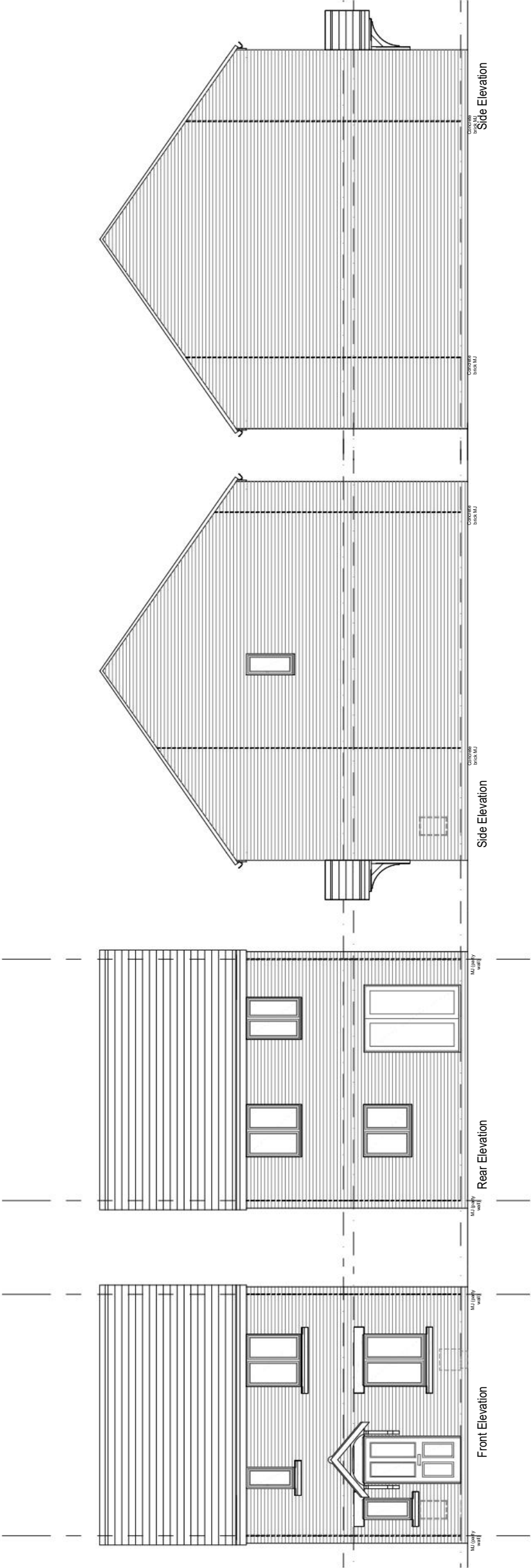
'THE ALNWICK' | PLANS AND ELEVATIONS | 2 STOREY | 2 BED | FOOTAGE: 638 | SCALE: 1:100



National Space Standard
1b 2p 59.9m²
1.8m² storage

THE ALNMOUTH HOUSE TYPE, Brick Elevations (Plots 43-45)

'THE ALNMOUTH' | PLANS AND ELEVATIONS | 2 STOREY | FOOTAGE: 643 | SCALE: 1:100



Ground Floor



First Floor

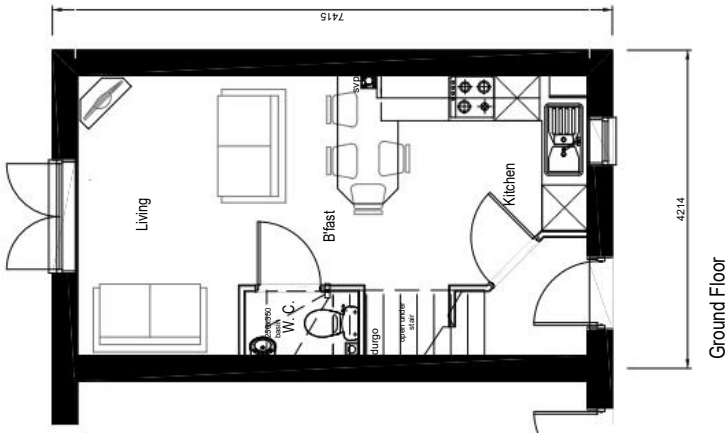
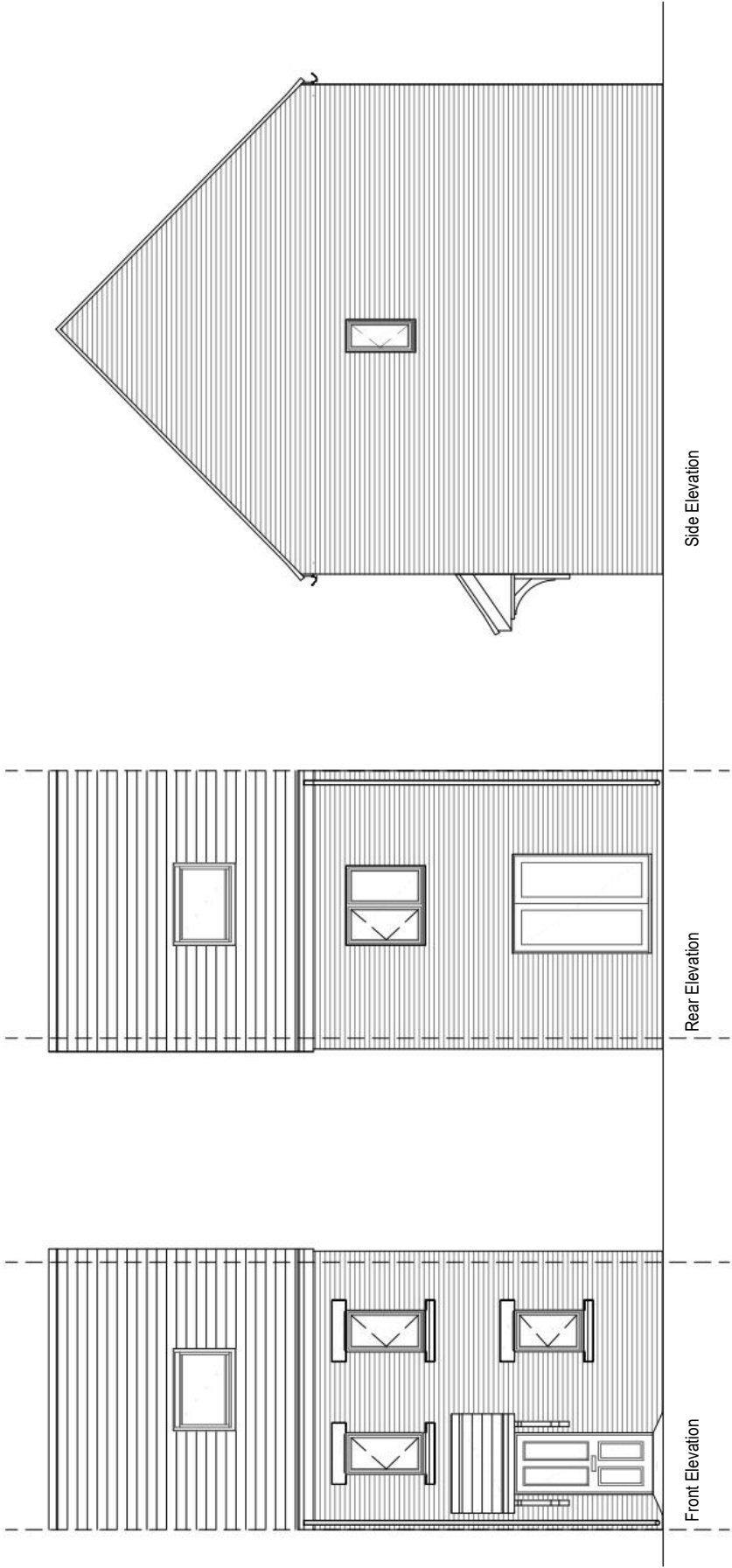
National Space
Standard 2b 3p 75.5m²
2.0m storage

THE DANBURY HOUSE TYPE, Brick Elevations (Plots 11-13, 17-18, 30, 35-36)

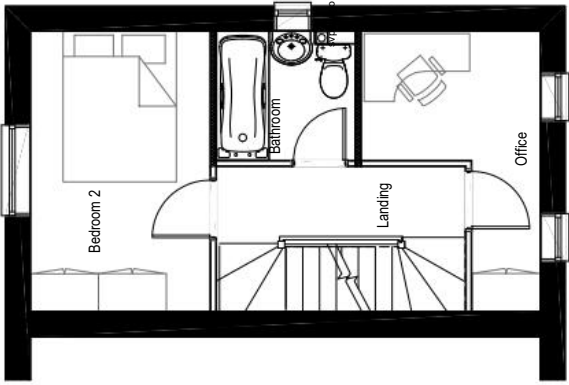


PERSIMMON

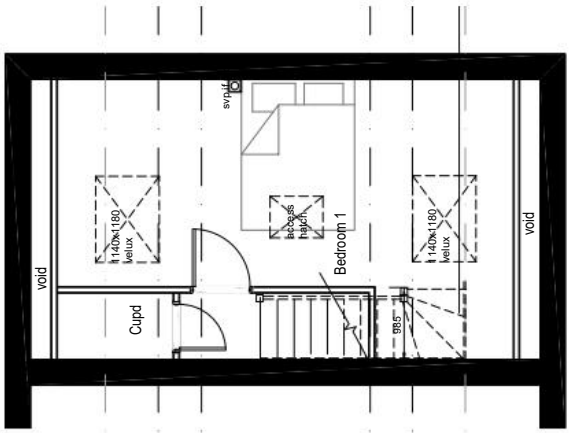
Persimmon Homes Lancashire
Persimmon House, Lancaster Business Park, Cotton Road, Lancaster, LA13RQ
Tel: 01 524 542 000 Fax: 01 524 542 001 Web: www.persimmonhomes.com



Ground Floor



First Floor



Second Floor

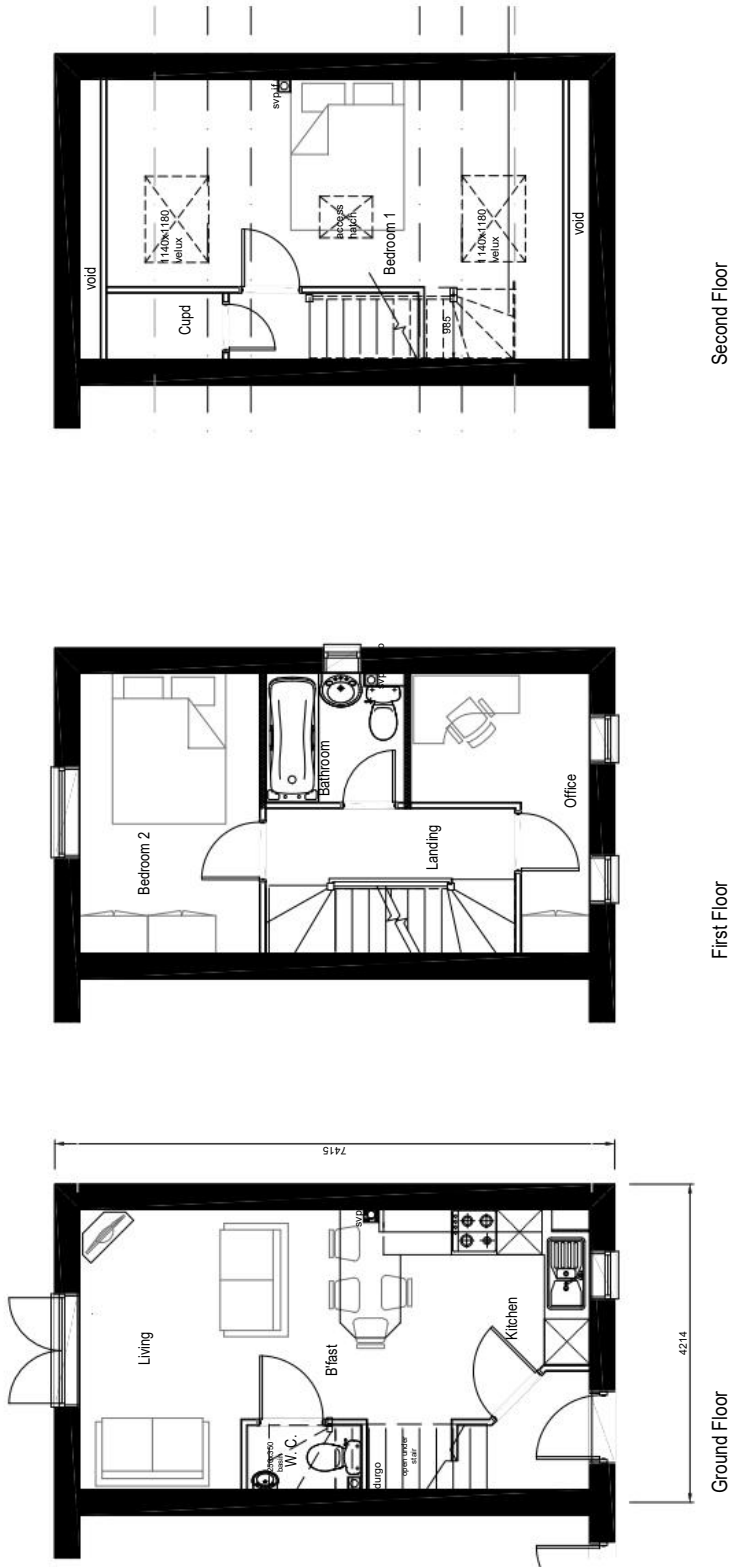
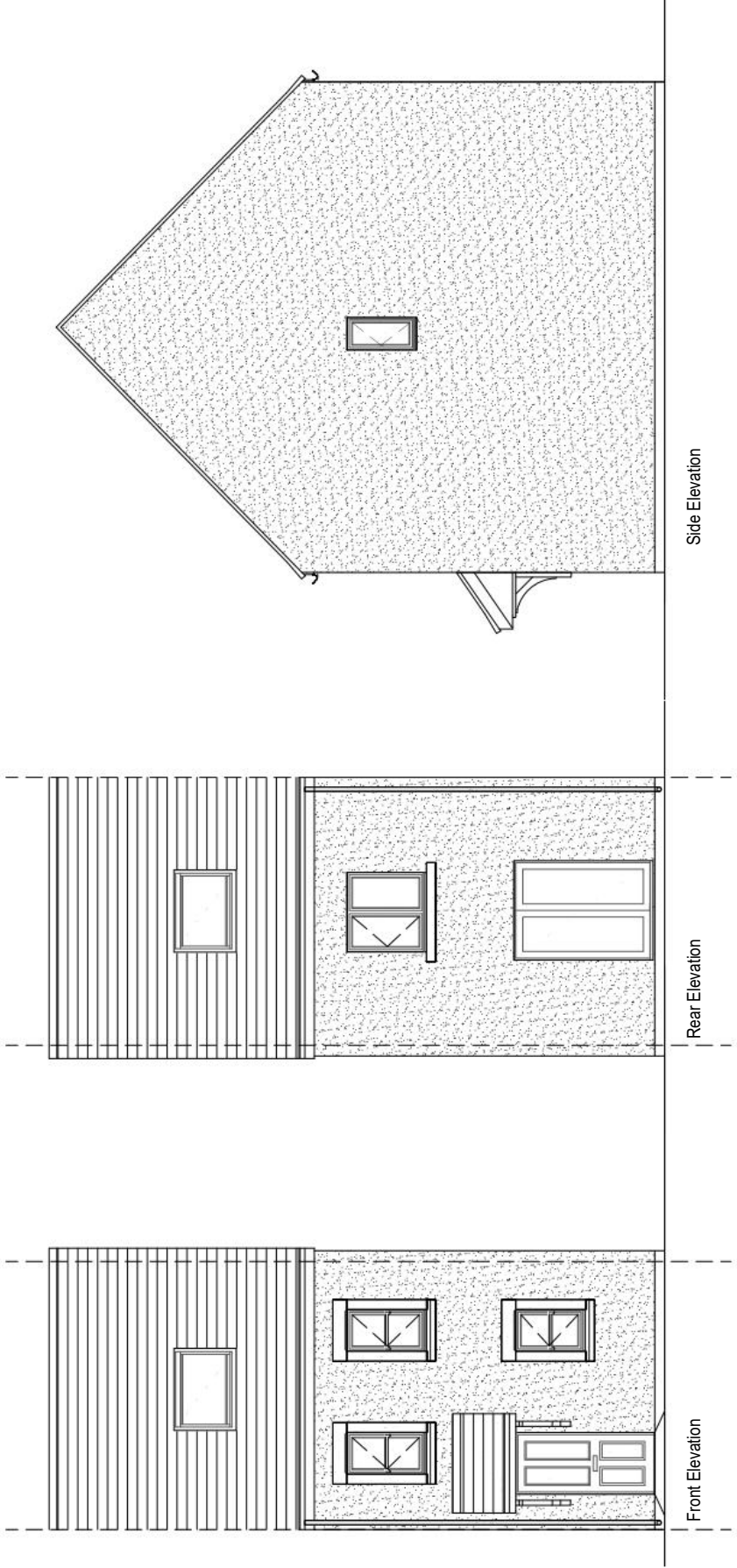
THE MOSELEY HOUSE TYPE, Brick Elevations (Plots 46-48)

'THE MOSELEY' | PLANS AND ELEVATIONS | 2.5 STOREY | 3 BED | FOOTAGE: 762 | SCALE: 1:100

Rev. A Plot numbers updated. 27.11.20



Persimmon Homes Lancashire
Persimmon House, Lancaster Business Park, Cotton Road, Lancaster, LA13RQ
Tel: 01 524 542 000 Fax: 01 524 542 001 Web: www.persimmonhomes.com



Second Floor

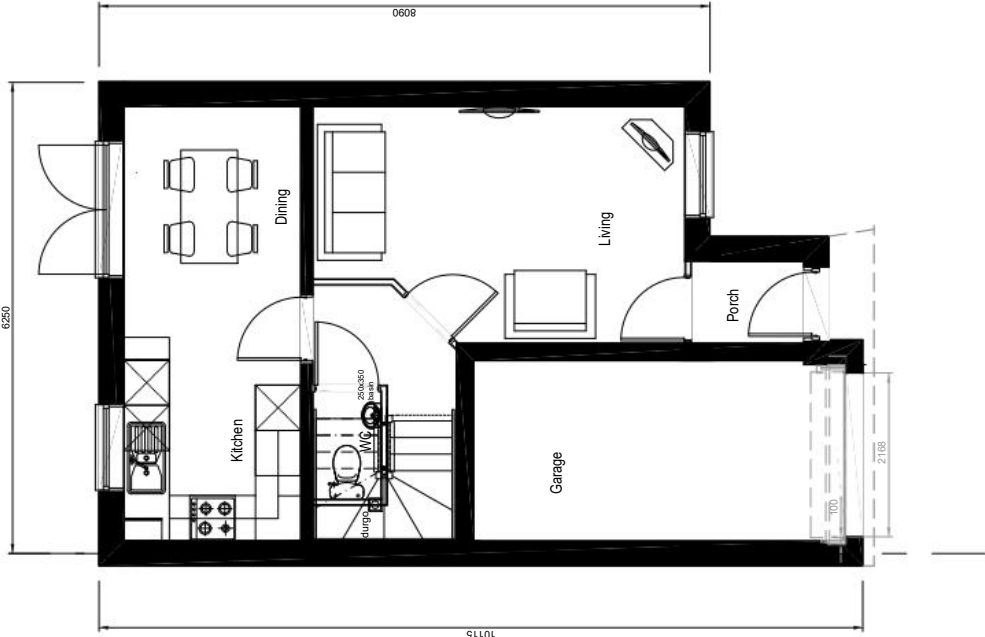
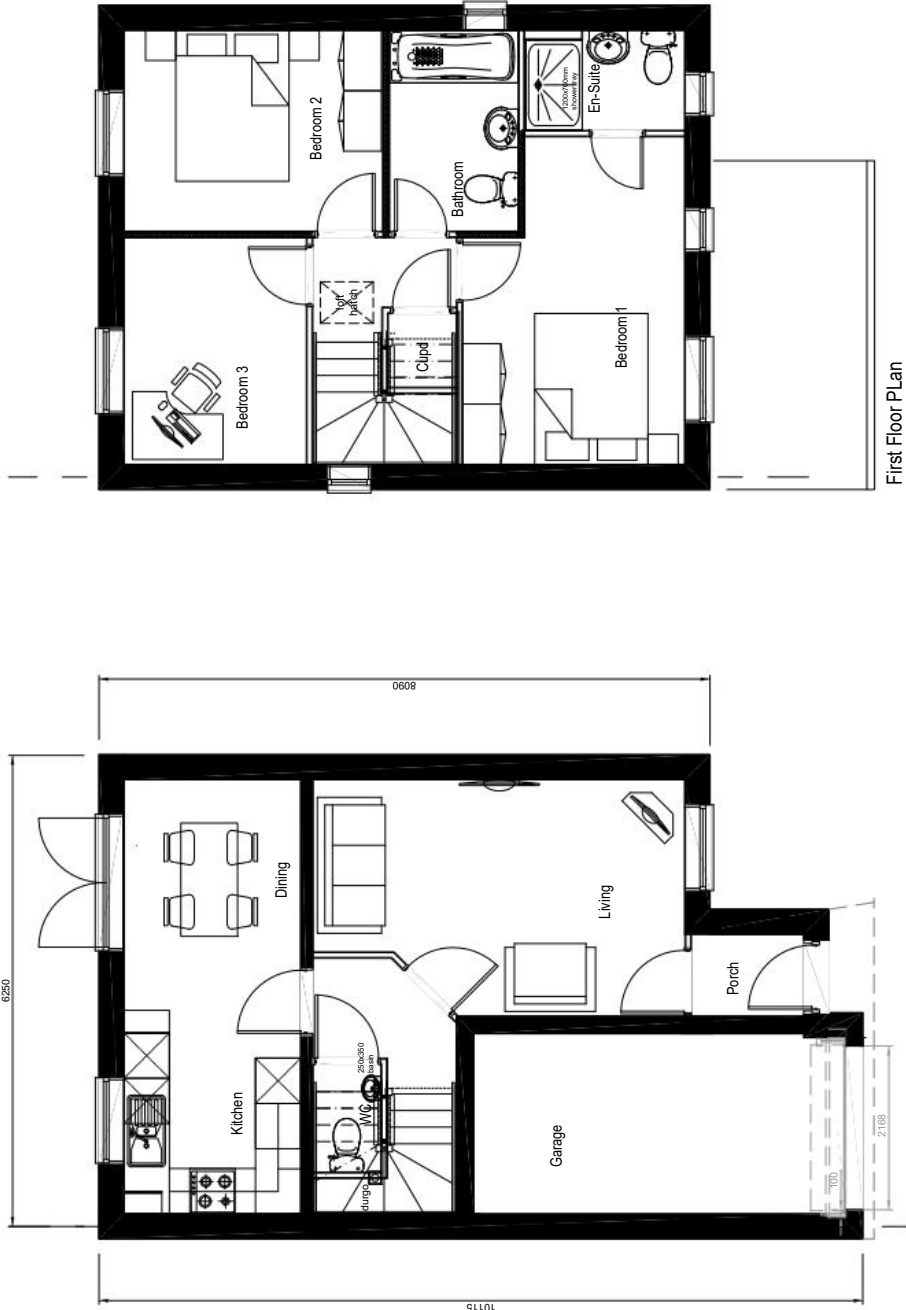
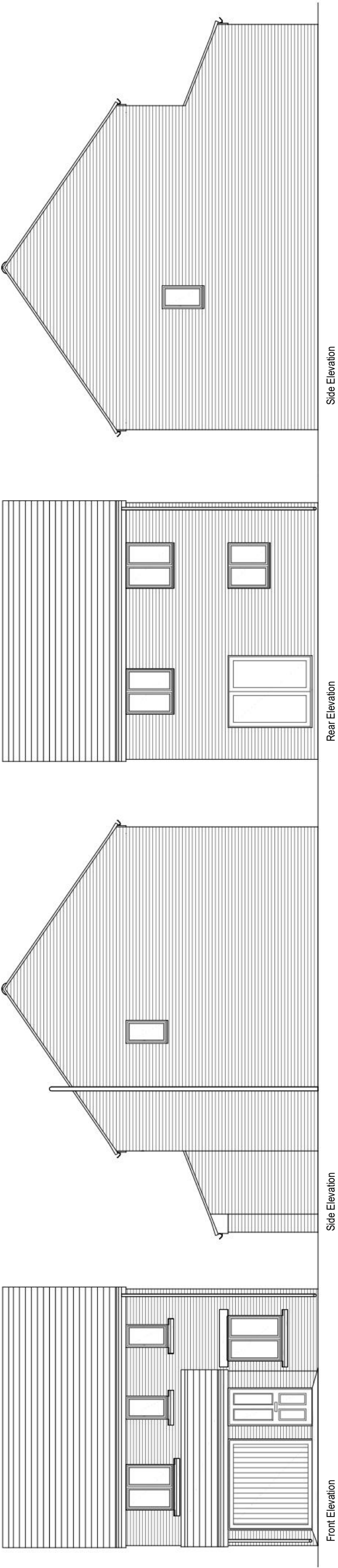
Rev. A Plot numbers updated. 27.11.20



Persimmon Homes Lancashire
Persimmon House, Lancaster Business Park, Cotton Road, Lancaster, LA13RQ
Tel: 01524 542 000 Fax: 01524 542 001 Web: www.persimmonhomes.com

THE MOSELEY HOUSE TYPE, Full Render (Plots 25-27)

'THE MOSELEY' | PLANS AND ELEVATIONS | 2.5 STOREY | 3 BED | FOOTAGE: 762 | SCALE: 1:100

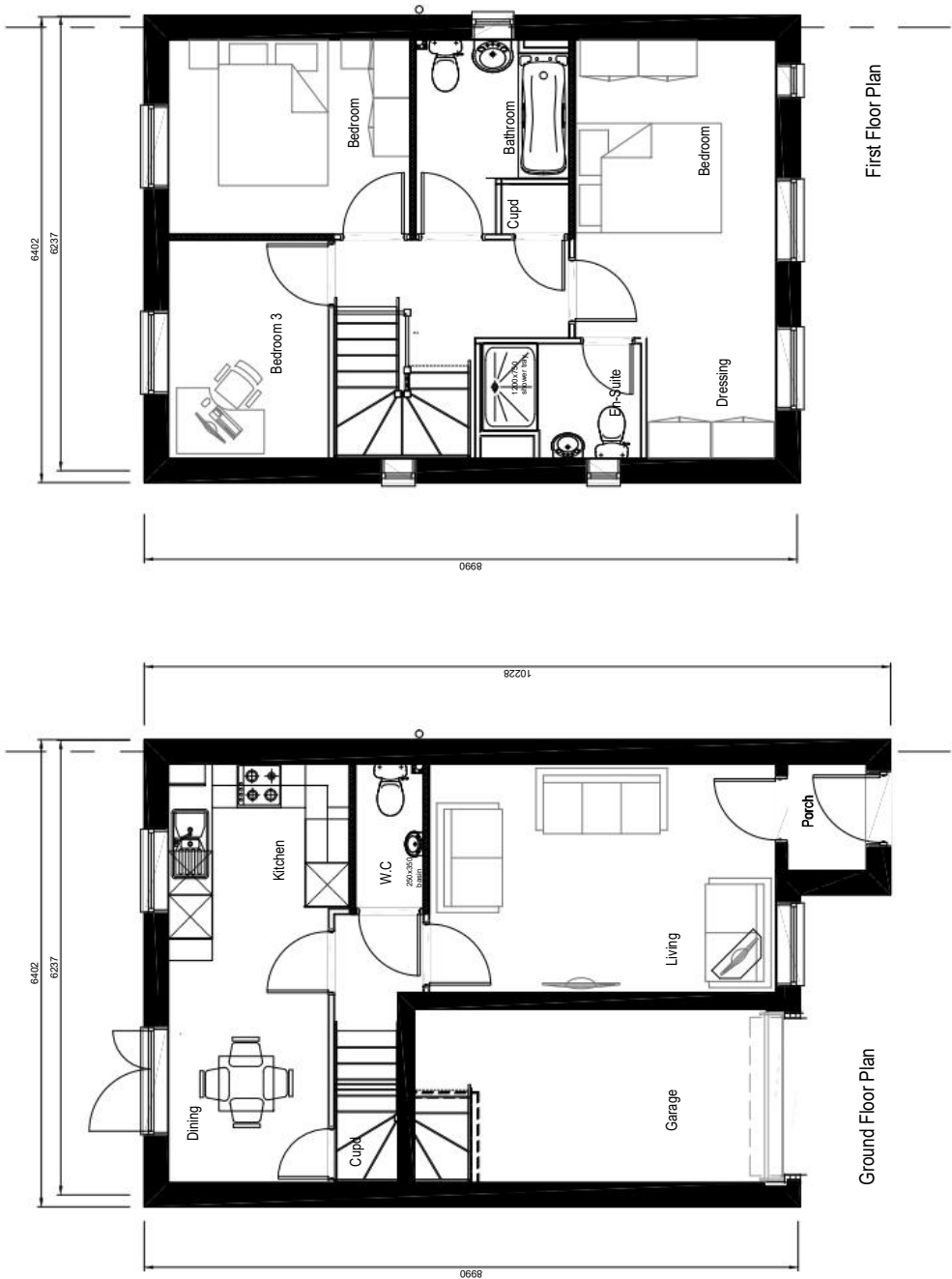
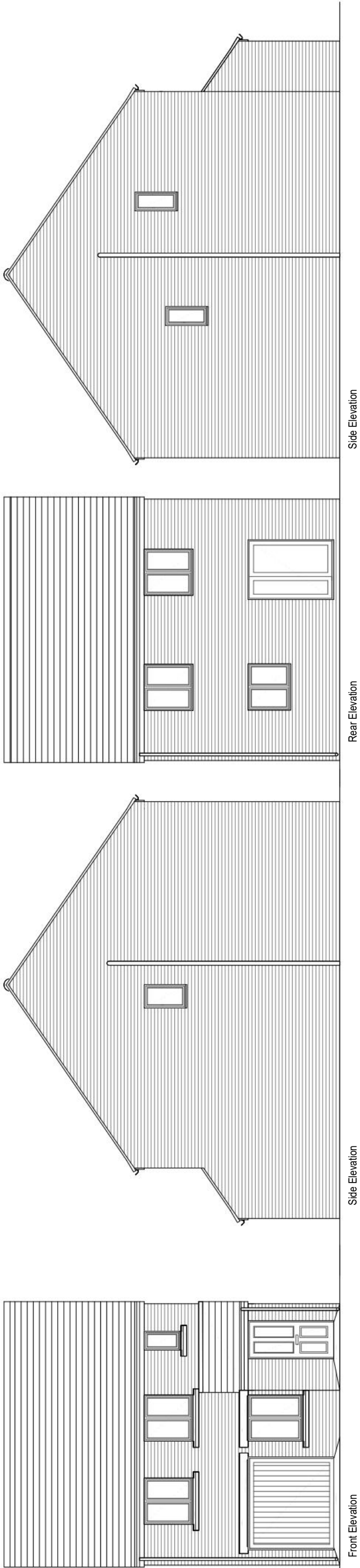


Rev. B Plot numbers updated. 24.02.21



THE BUTTERMERE HOUSE TYPE, Brick Elevations (Plots 5-6, 9-10)

'THE BUTTERMERE' | PLANS AND ELEVATIONS | 2 STOREY | 3 BED | FOOTAGE: 870 | SCALE: 1:100



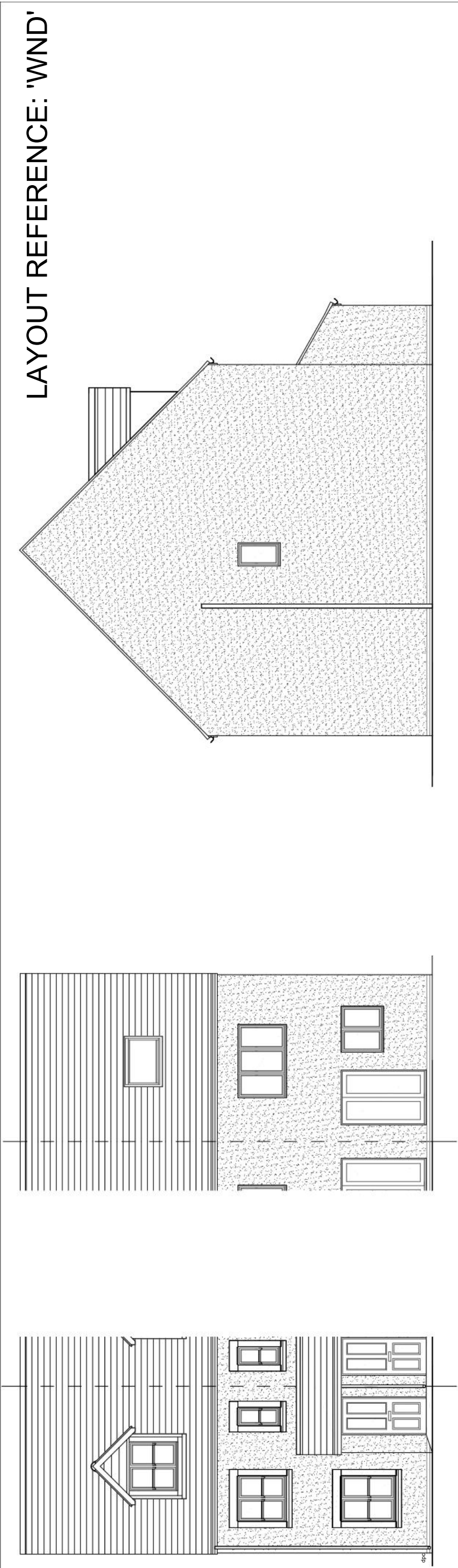
Rev. B Plot numbers updated. 24.02.21



Persimmon Homes Lancashire
Persimmon House, Lancaster Business Park, Cotton Road, Lancaster, LA13RQ
Tel: 01 524 542 000 Fax: 01 524 542 001 Web: www.persimmonhomes.com

THE GRASMERE HOUSE TYPE, Brick Elevations (Plots 3-4, 14)

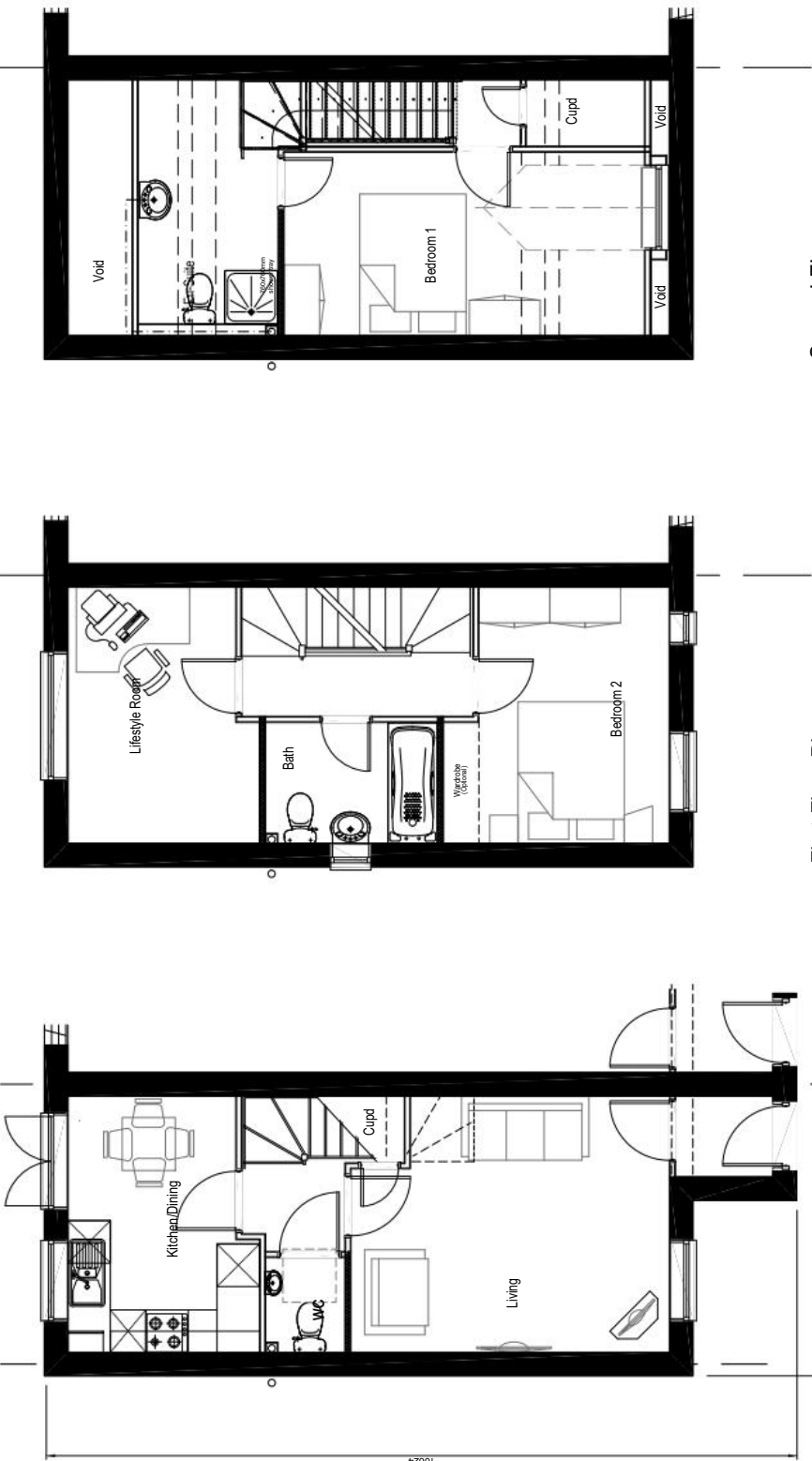
'THE GRASMERE' | PLANS AND ELEVATIONS | 2 STOREY | 3 BED | FOOTAGE: 921 | SCALE: 1:100



Side Elevation

Rear Elevation

Front Elevation



First Floor Plan

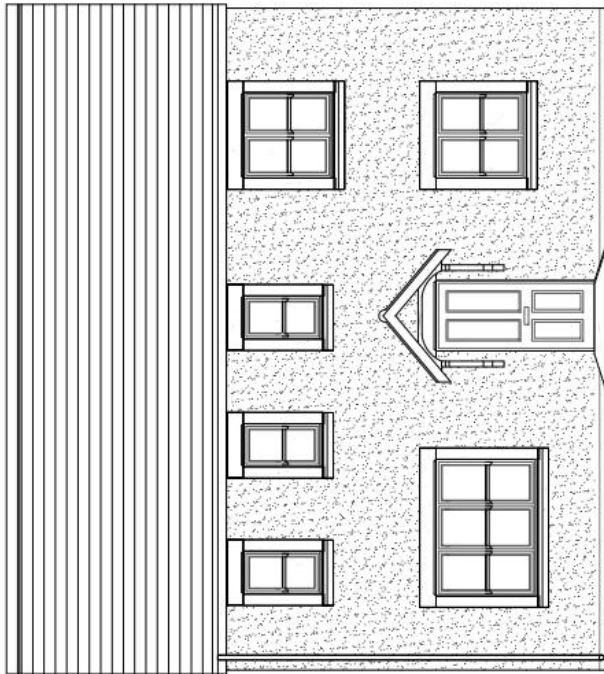
Second Floor

Ground Floor Plan

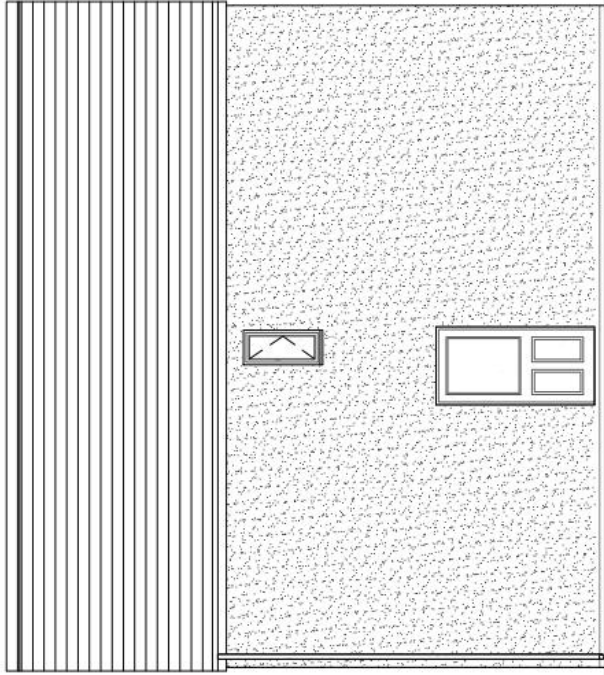
THE WINDERMERE HOUSE TYPE, Full Render (Plots 38-41)

'THE WINDERMERE' | PLANS AND ELEVATIONS | 2.5 STOREY | 3 BED | FOOTAGE: 970 | SCALE: 1:100

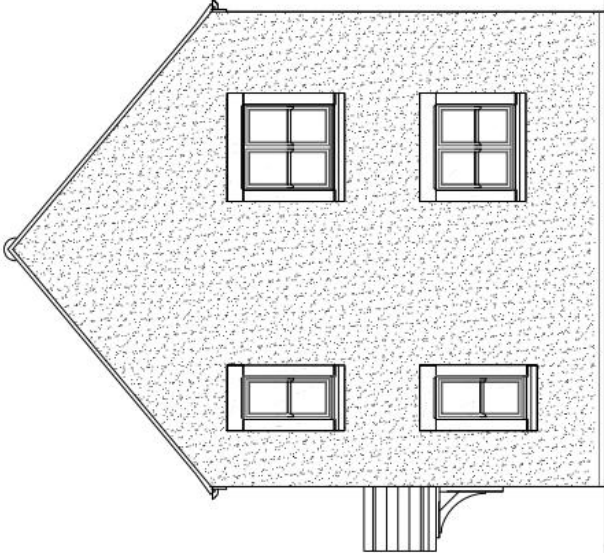
Rev. A Plot numbers updated. 27.11.20



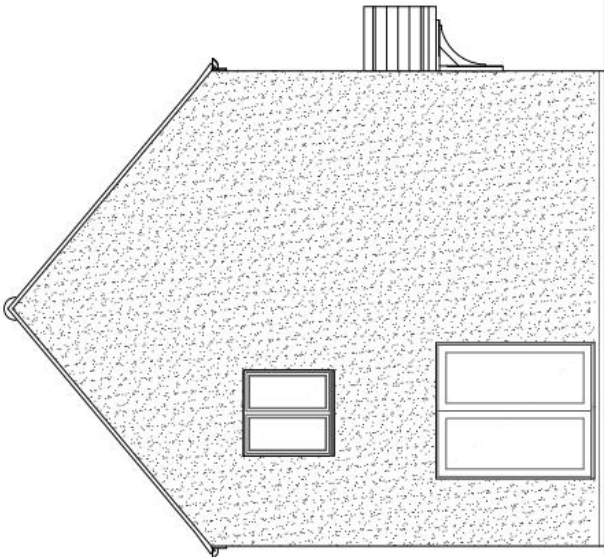
Front Elevation



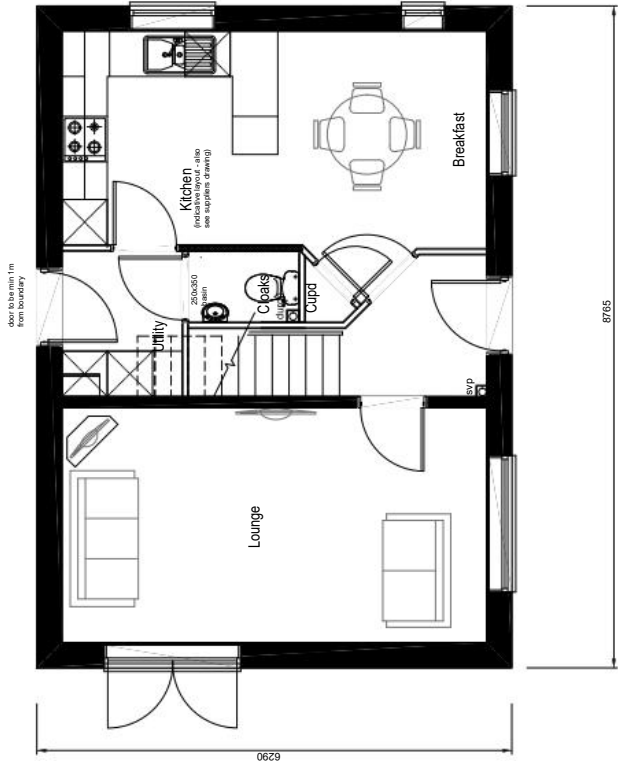
Rear Elevation



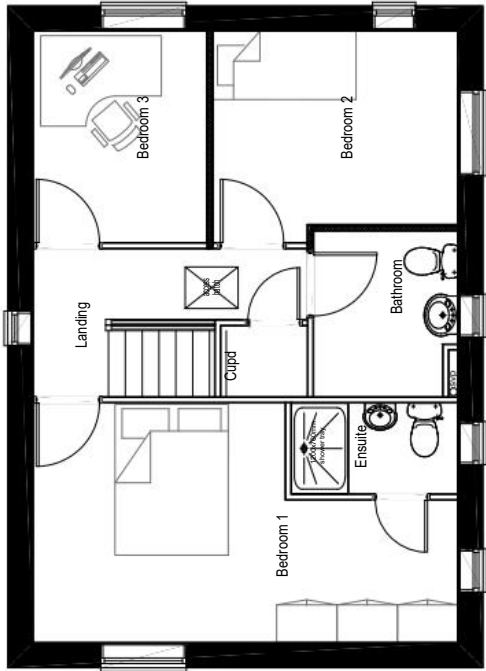
Side Elevation



Side Elevation



Ground Floor Plan.



First Floor Plan.

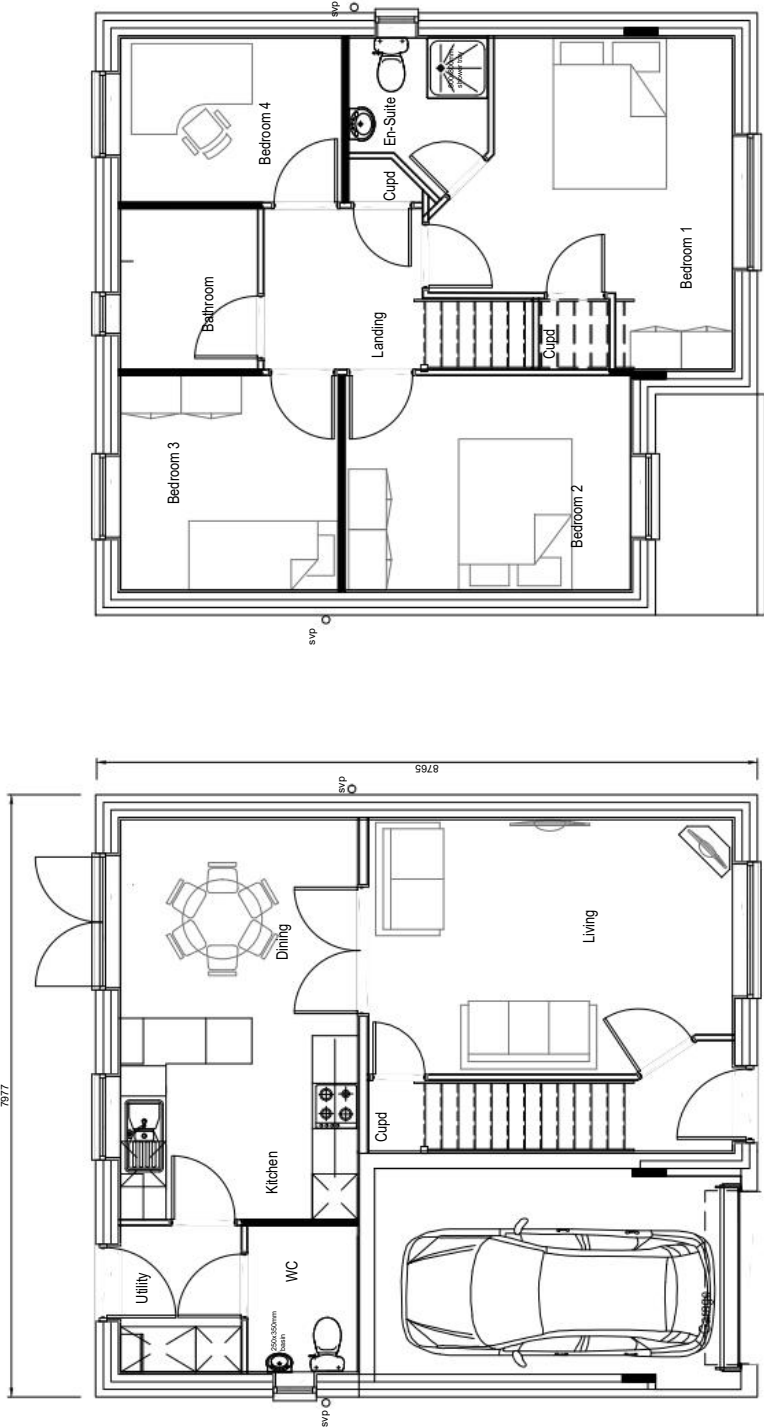
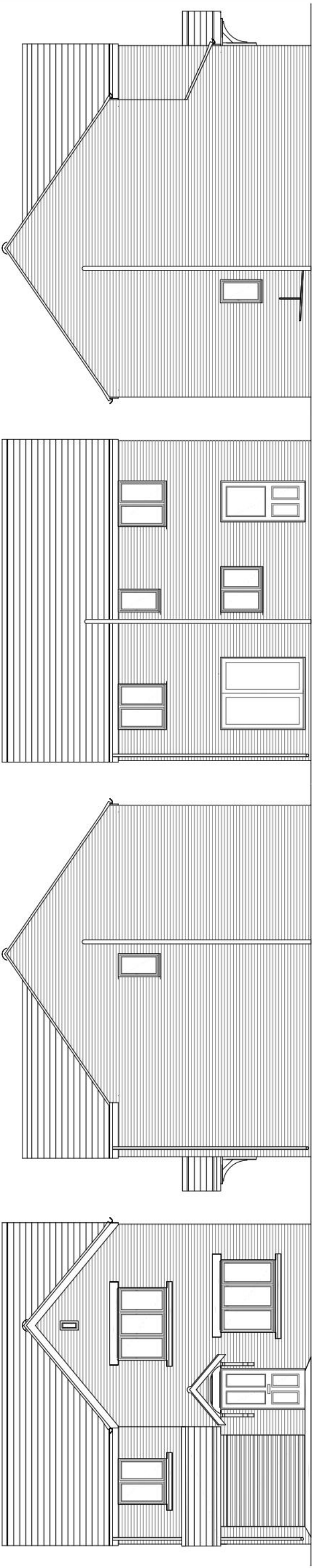
THE LOCKWOOD CORNER, Full Render (Plots 8 & 29)

'THE LOCKWOOD CORNER' | PLANS AND ELEVATIONS | 2 STOREY | 3 BED | FOOTAGE: 999 | SCALE: 1:100

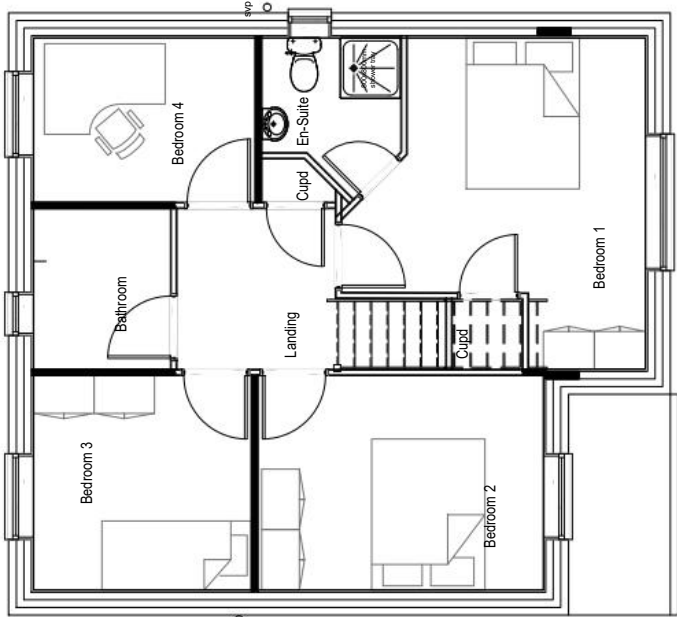
Rev. B Plot numbers updated. 24.02.21



Persimmon Homes Lancashire
Persimmon House, Lancaster Business Park, Cotton Road, Lancaster, LA13RQ
Tel: 01524 542 000 Fax: 01524 542 001 Web: www.persimmonhomes.com



Ground Floor Plan



First Floor Plan

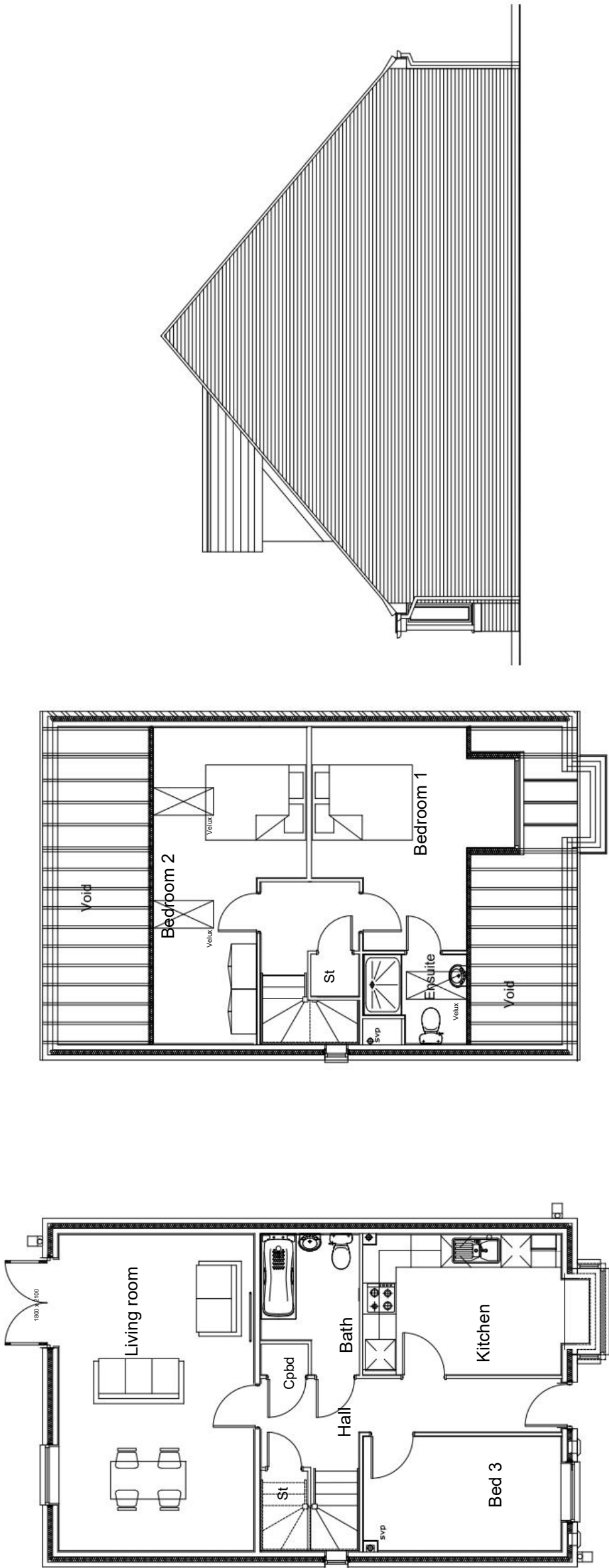
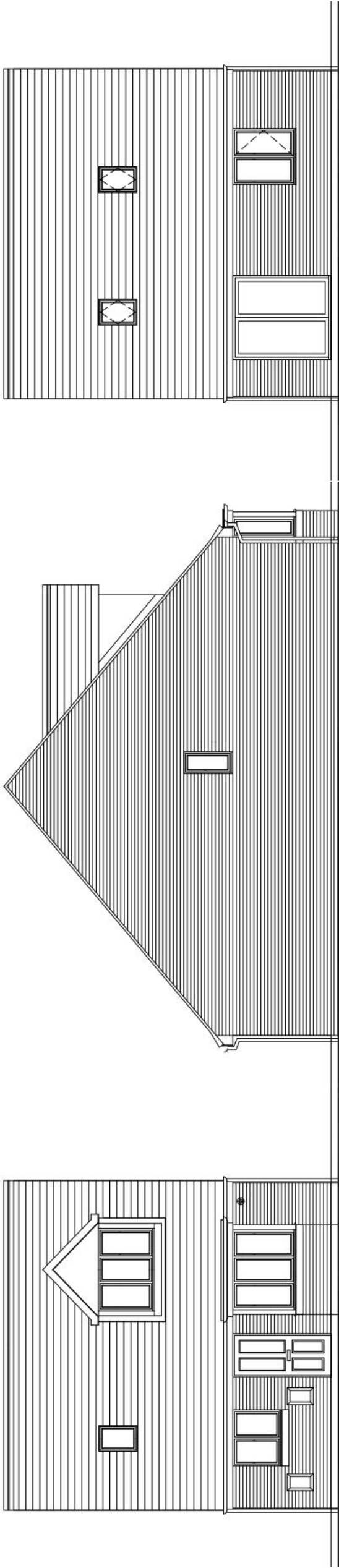
THE HORNSEA HOUSE TYPE, Brick Elevations (Plots 7, 15, 16 & 49)

'THE HORNSEA' | PLANS AND ELEVATIONS | 2 STOREY | 4 BED | FOOTAGE: 1096 | SCALE: 1:100

Rev. B Plot numbers updated. 24.02.21

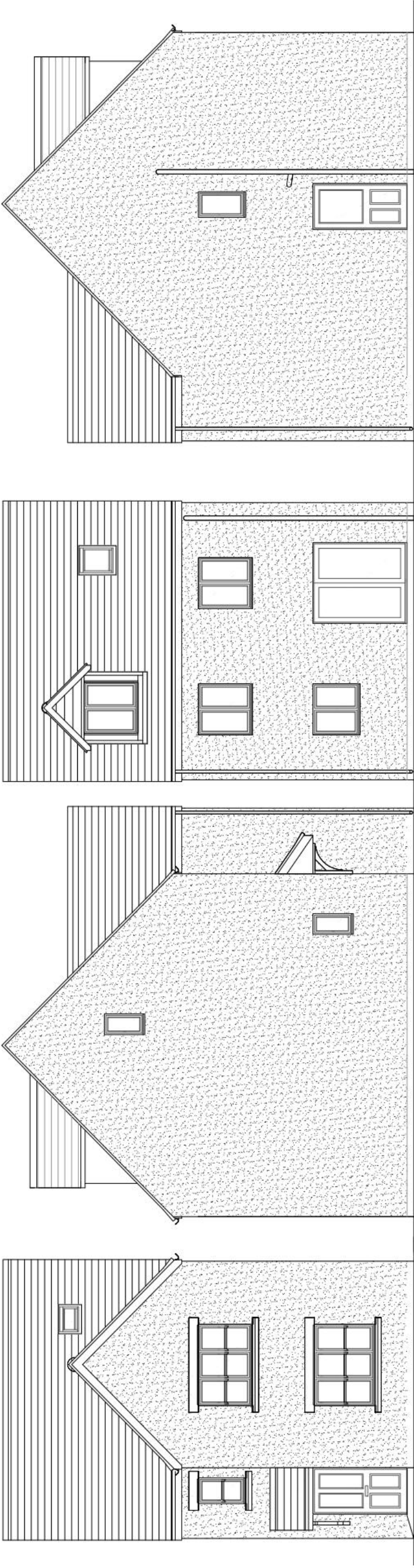


Persimmon Homes Lancashire
Persimmon House, Lancaster Business Park, Cotton Road, Lancaster, LA13RQ
Tel: 01524 542 000 Fax: 01524 542 001 Web: www.persimmonhomes.com



THE BUNGALOW, Brick Elevations (Plots 1-2)

'THE BUNGALOW' | PLANS AND ELEVATIONS | 1.5 STOREY | 3 BED | FOOTAGE: 1121 | SCALE: 1:100

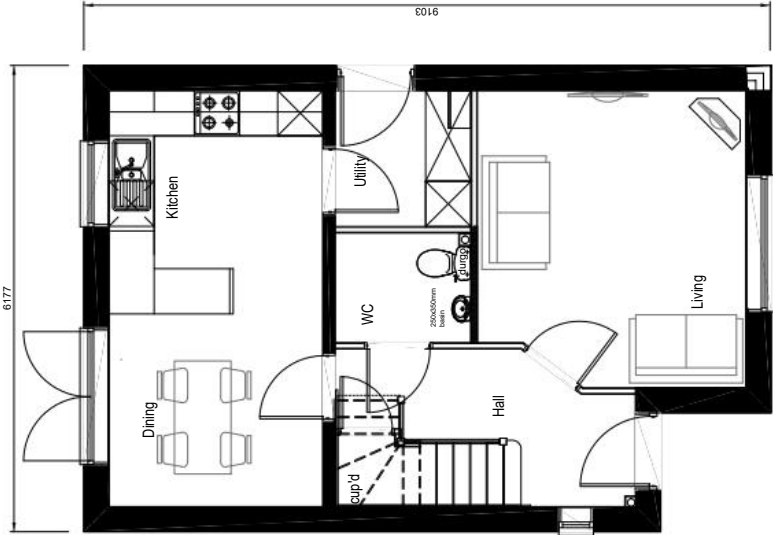


Front Elevation

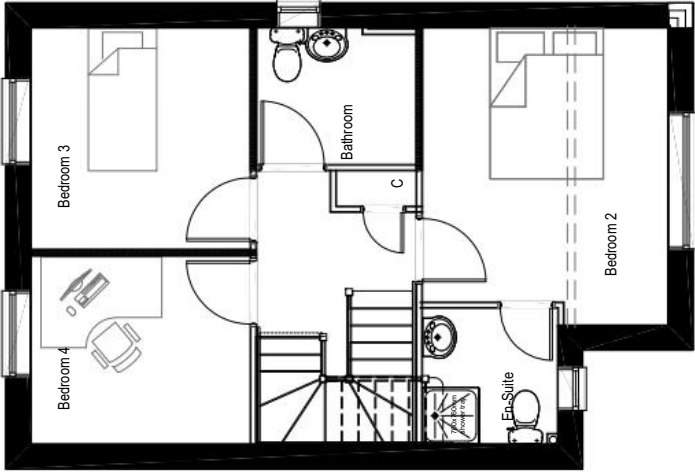
Side Elevation

Rear Elevation

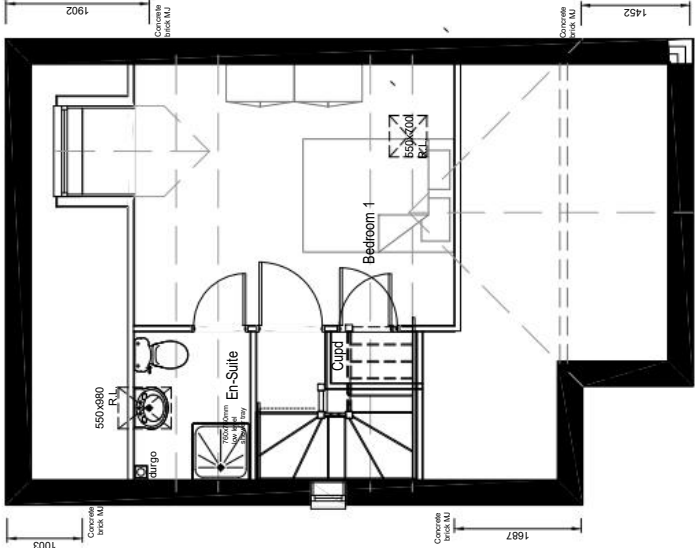
Side Elevation



Ground Floor Plan



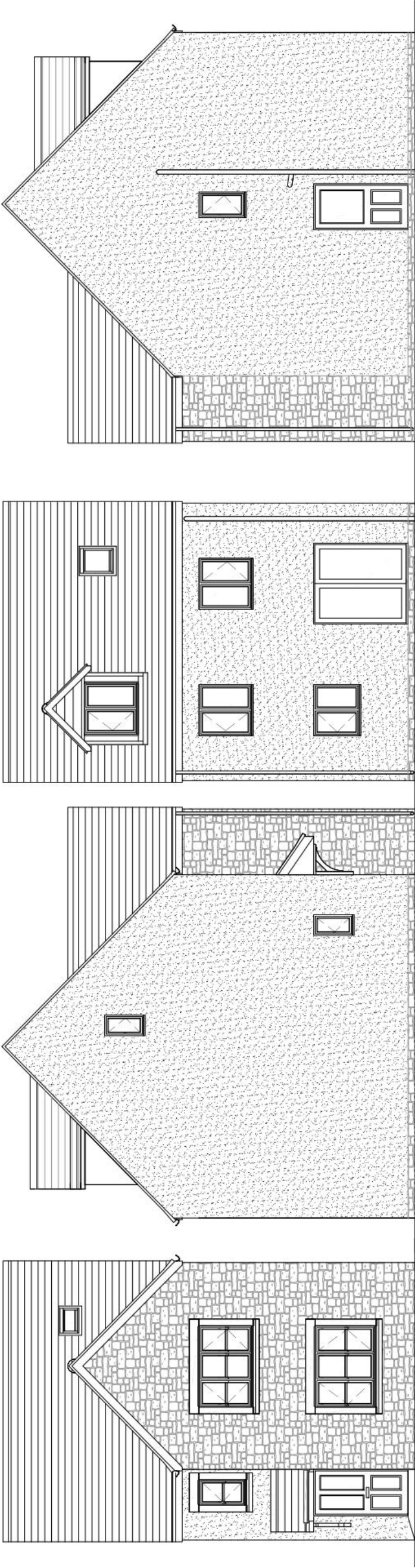
First Floor Plan



Second Floor Plan

THE EARLSWOOD HOUSE TYPE, Full Render (Plot 19, 41)

'THE EARLSWOOD' | PLANS AND ELEVATIONS | 2.5 STOREY | 4 BED | FOOTAGE: 1220 | SCALE: 1:100

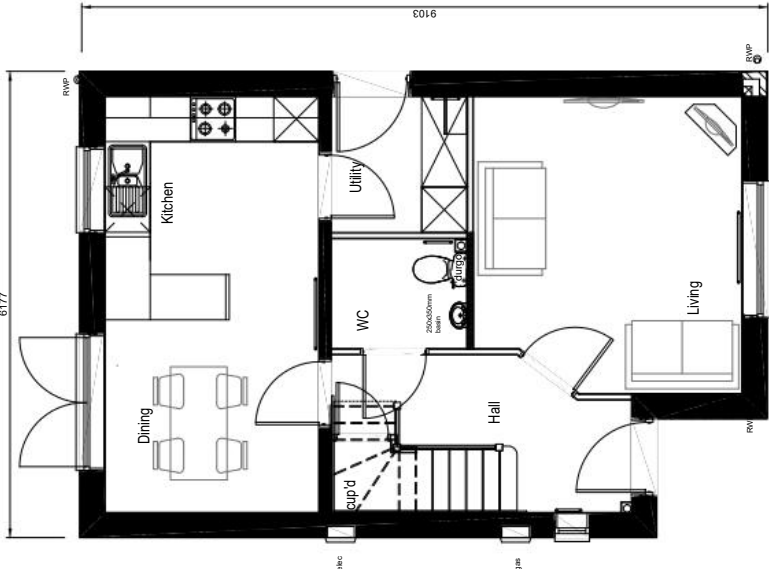


Side Elevation

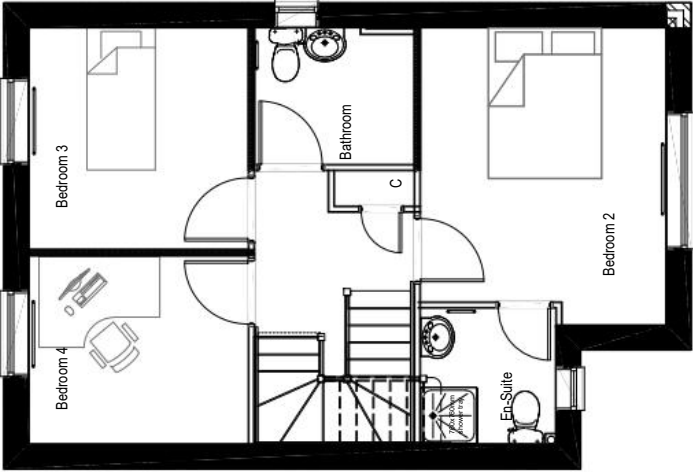
Rear Elevation

Side Elevation

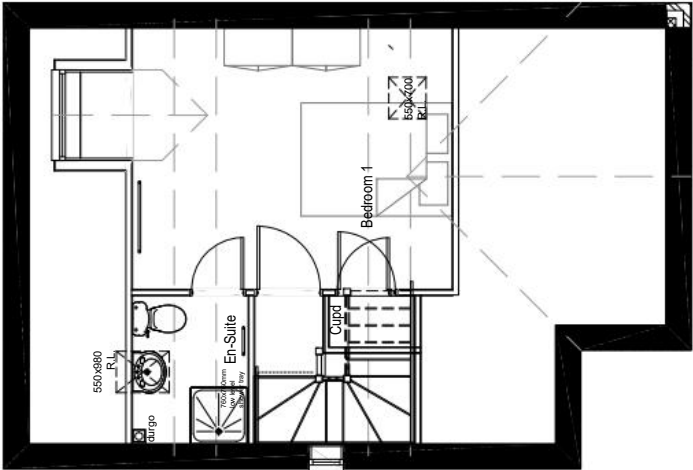
Front Elevation



Ground Floor Plan



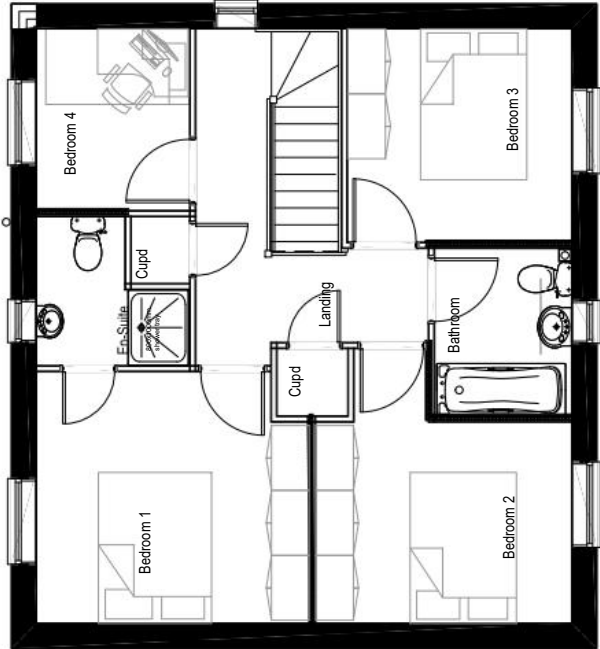
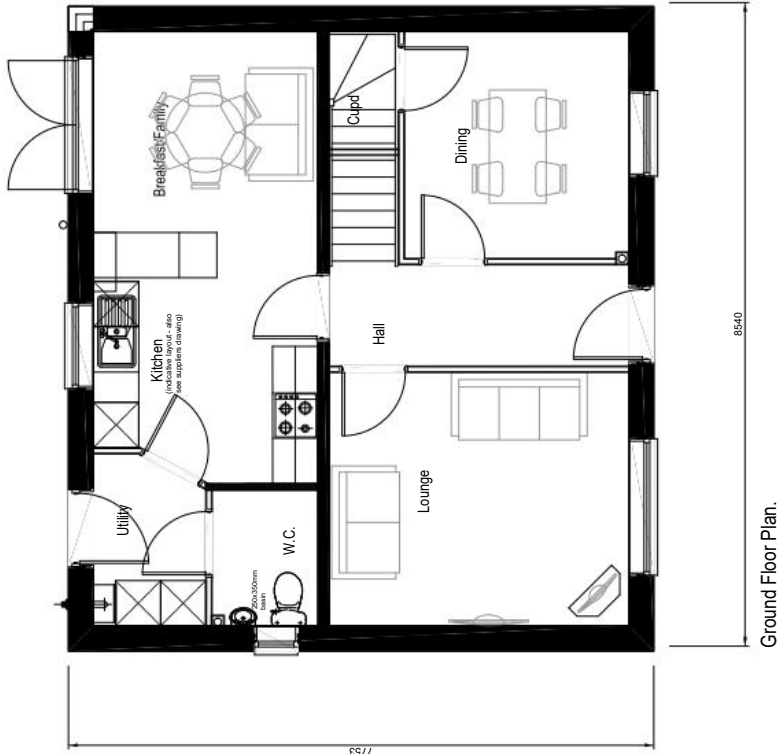
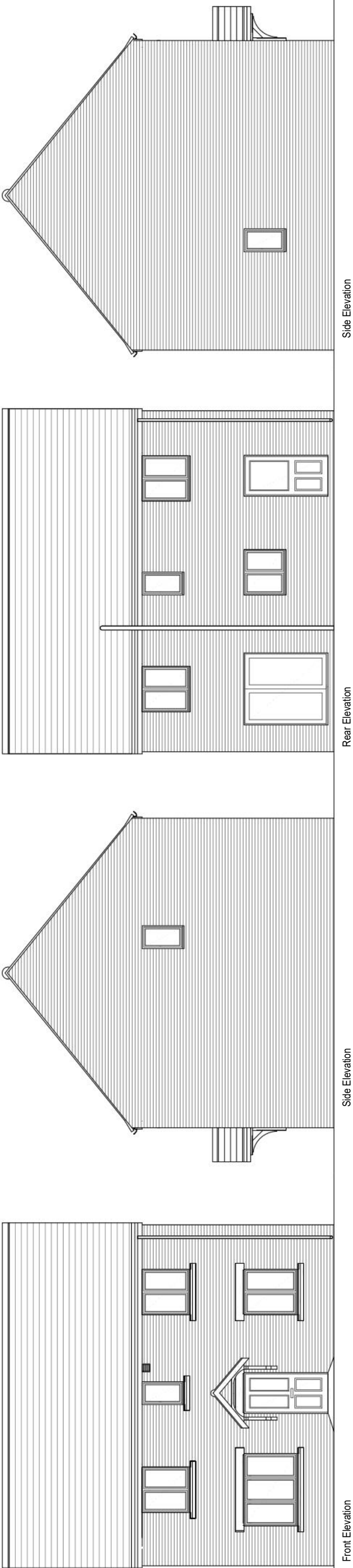
First Floor Plan



Second Floor Plan

THE EARLSWOOD HOUSE TYPE, Feature Stone Front (Plot 27)

'THE EARLSWOOD' | PLANS AND ELEVATIONS | 2.5 STOREY | 4 BED | FOOTAGE: 1220 | SCALE: 1:100



First Floor Plan.

THE CONISTON HOUSE TYPE, Brick Elevations (Plot 50)

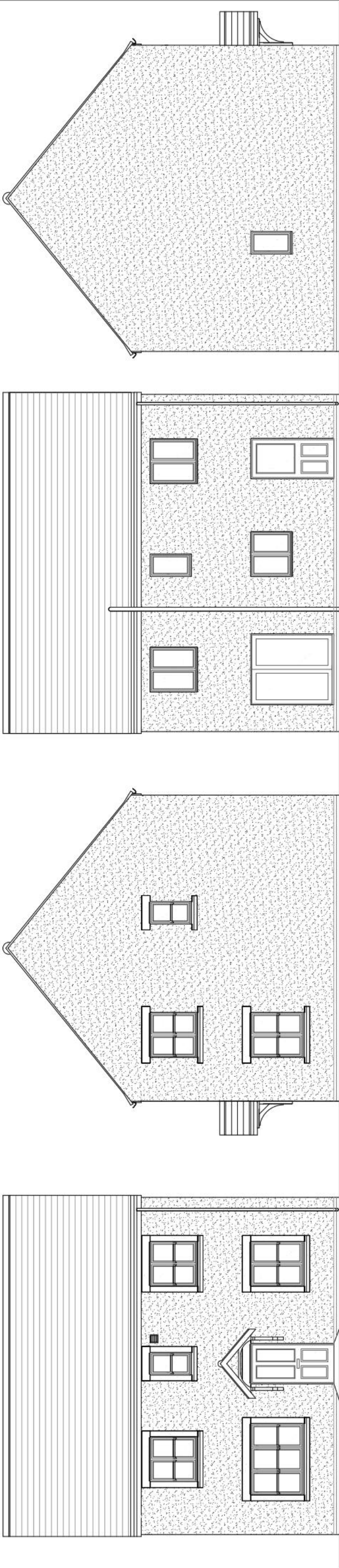
'THE CONISTON' | PLANS AND ELEVATIONS | 2 STOREY | 4 BED | FOOTAGE: 1222 | SCALE: 1:100

Rev. A Plot numbers updated. 27.11.20



Persimmon Homes Lancashire

Persimmon House, Lancaster Business Park, Caton Road, Lancaster, LA13 8Q
Tel: 01524 542 000 Fax: 01524 542 001 Web: www.persimmonhomes.com

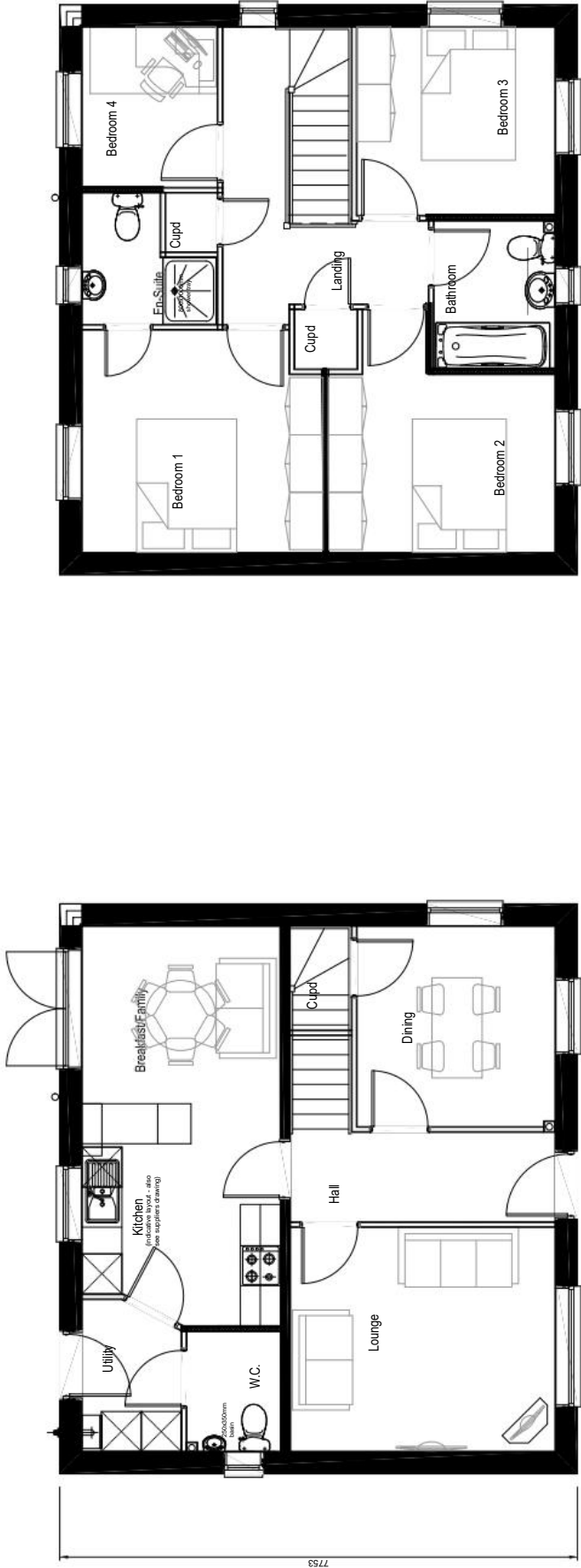


Side Elevation

Rear Elevation

Side Elevation

Front Elevation



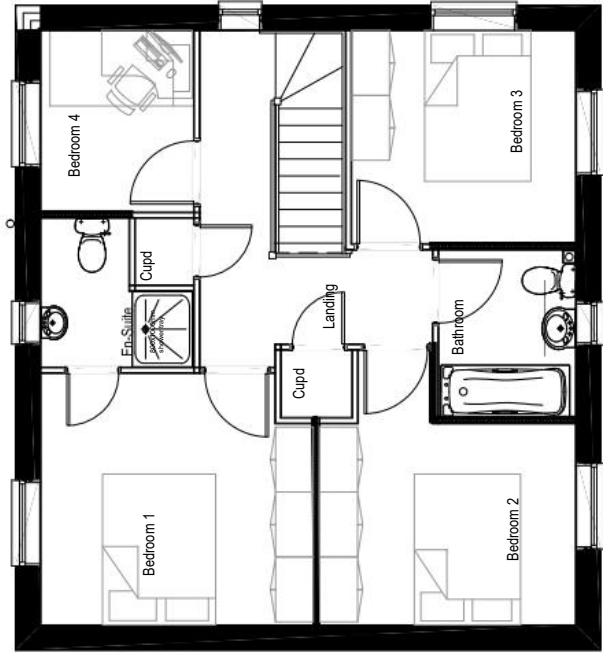
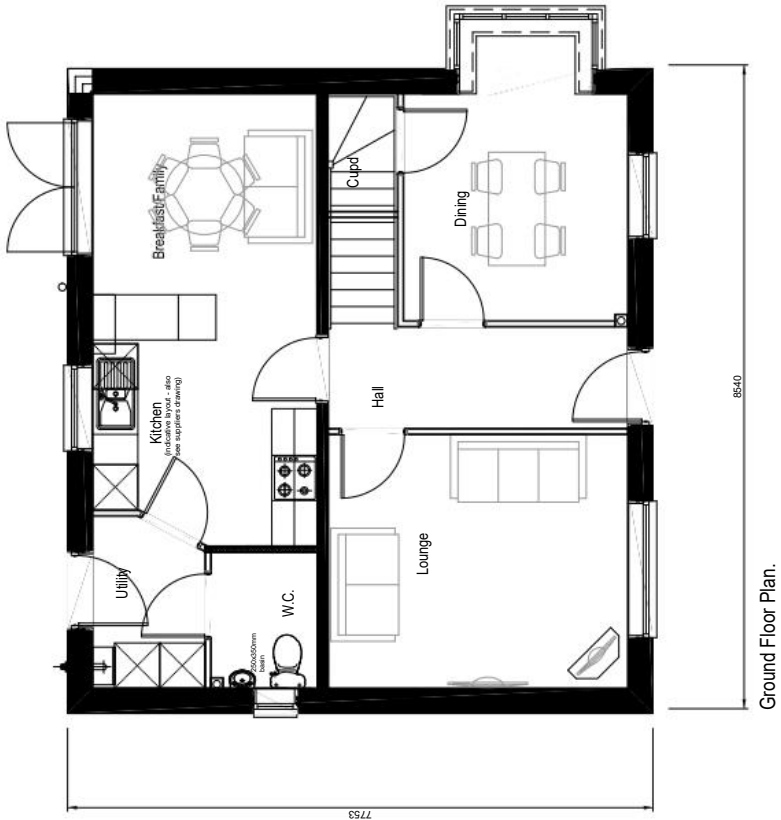
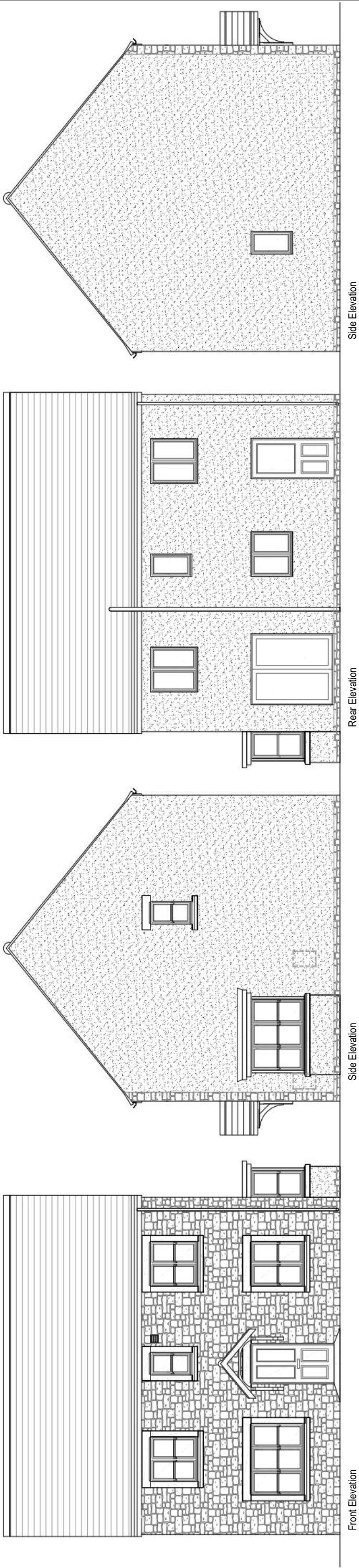
First Floor Plan.

Ground Floor Plan.

THE CONISTON CORNER HOUSE TYPE, Full Rendered Elevations (Plot 42)



Persimmon Homes Lancashire
Persimmon House, Lancaster Business Park, Cotton Road, Lancaster, LA13RQ
Tel: 01 524 542 000 Fax: 01 524 542 001 Web: www.persimmonhomes.com



Rev. A Plot number updated; amended to corner version. 27.11.20
Rev. B Amended to 'V4' corner bay. 24.02.21

THE CONISTON CORNER HOUSE TYPE, Feature Stone Front (Plot 28)

'THE CONISTON' | PLANS AND ELEVATIONS | 2 STOREY | 4 BED | FOOTAGE: 1222 | SCALE: 1:100

SCHEDULE B

**Applications
determined by other
authorities.**

SCHEDULE B

Item No: 16

Between 28/05/2021 and 08/07/2021

Appn Ref No:
19/0905**Applicant:**
Gleeson Homes**Parish:**
Carlisle**Date of Receipt:**
27/11/2019 16:01:18**Agent:**
PFK Land and
Development**Ward:**
Belah & Kingmoor**Location:**
Land at Deer Park (land between Kingmoor
Industrial Estate & Saint Pierre Avenue, Kingmoor
Road), Carlisle**Grid Reference:**
338819 557621**Proposal:** Erection Of 80no. Dwellings

REPORT**Case Officer:** Stephen Daniel**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Allowed with Conditions **Date:** 24/06/2021

A copy of the Notice of the decision of the Planning Inspectorate is printed following this report.



Appeal Decision

Site Visit made on 27 April 2021

by Mr Mark Brooker Inspector

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Appeal Ref: APP/E0915/W/21/3266806

Land at Deer Park, Carlisle CA3 9PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Gleeson Homes against the decision of Carlisle City Council.
 - The application Ref 19/0905, dated 25 November 2019, was refused by notice dated 9 December 2020.
 - The development proposed is described as the erection of 80no. dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 80no. dwellings at Land at Deer Park, Carlisle, CA3 9PS in accordance with the terms of the application, Ref 19/0905, dated 27 November 2019, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs has been made by Gleeson Homes against Carlisle City Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is whether or not the appeal scheme makes adequate education provision for future residents.

Reasons

4. Policy CM2 of the Carlisle District Local Plan (the LP) seeks, amongst other matters, contributions to assist in the delivery of additional school places required as a result of new development.
5. The first consultation response to the application from Cumbria County Council, the education provider in the area, identified that "the proposed development would yield 29 children" and thereby generate a need for 2 infant places and 10 junior places at primary level and 12 secondary school places, resulting in contributions of £213,948 and £294,648 respectively. This is not disputed by the appellant and an executed S106 obligation securing this and other contributions has been submitted in support of the appeal.
6. The Council's Statement of Case refers to a lack of progress being made regarding the provision of a primary school in north Carlisle, the expansion of secondary schools and specifically, ongoing uncertainty regarding the creation of a new school at Crindledyke as part of a phased housing development there.
7. The Council also refers to "the existing problem of a lack of school places". However, the consultation responses from Cumbria County Council clearly

identifies that “there is no current shortage of places” and I have no substantive evidence to the contrary.

8. The second consultation response from Cumbria County Council is entirely unambiguous, while referring to the provision of school place planning in respect of the Story Homes development at Crindledyke, the response states that “...the county council is entirely supportive of sustainable housing development in Carlisle, and would not expect the issue of school place planning to impact on the decision of the Planning Committee on the proposed Deer Park development”.
9. Consequently, on the basis of the evidence before me I am satisfied that the appeal scheme makes adequate education provision for future residents and is not therefore in conflict with the provisions of Policy CM2 of the LP.

Other Matters

10. Consultation with regards the planning application garnered significant public interest and objections to the appeal scheme. The objections referred to various subjects including the principle of development, trees, ecology and highways.
11. The appeal site is allocated for housing development¹ in the LP and the Officer’s report details that this has been the case for the last two iterations of the local plan. As such I am satisfied that the principle of development is acceptable.
12. I saw at the site visit that the site is verdant in character with established trees and open grassed areas, including a number of trees subject of a Tree Preservation Order. In support of the appeal the appellant has submitted a Tree Survey including Root Protection Areas and an Arboriculture Method Statement. The submitted plans show the retention of the key trees on the site with minimal felling. On the basis of the evidence before me I am satisfied that the appeal scheme will not cause unacceptable harm to the trees on the site.
13. With regards Ecology, I note objectors refer to the position of the site between two nature reserves and the existing value of the site to wildlife and local residents. An Extended Phase 1 Habitat Survey of the study area has been undertaken and that, as detailed on the Officer’s report an “Ecological Surveys & Assessments Report was undertaken in March 2020, in relation to bats, red squirrels and great crested newts” (GCN).
14. The submitted reports do not preclude the development of the site and Natural England has been consulted, raising no objection. On the basis of the evidence before me I am satisfied that the proposed development, subject to appropriately worded conditions being placed on any resulting planning permission, would not have an adverse impact on ecology.
15. A number of residents have raised highway safety issues, with particular regards to Kingsmoor Road. The application was accompanied by a Transport Statement that included amongst other matters, a review of the historical collision data which, as detailed in the Officer’s report “demonstrated that there are no existing accident blackspots in the vicinity of the site and no safety concerns related to the operation of a priority controlled junction on this section of Kingmoor Road”. Furthermore, I note that the local Highway

¹ Policy H01 - Site U16, Carlisle District Local Plan 2015-2030

Authority were consulted, and no objection was raised. Therefore, on the basis of the evidence before me I am satisfied that the appeal scheme would not harm highway safety.

Conditions

16. The Statement of Common Ground (SoCG) agreed by the parties details an extensive list of conditions to be attached to any planning permission resulting from the appeal. I have considered the suggested conditions in the context of advice set out in the Planning Practice Guidance.
17. In the interests of clarity and certainty I have included conditions regarding the life of the permission and an extensive list of approved plans agreed between the parties. In the interests of the character and appearance of the area I have included conditions requiring the submission of materials to be used in the exterior of the dwellings, the details of hard and soft landscaping and boundary treatments.
18. In the interest of the environment I have included conditions relating to foul and surface water drainage, the provision of SUDS ponds and the requirement of a management plan for such. Furthermore, in the interests of the environment and clarity I have included conditions in respect of wildlife enhancement measures, relocation of orchids, lighting and tree protection measures.
19. In the interests of the living conditions of occupiers of properties neighbouring the appeal site I have included conditions relating to the existing and proposed ground levels and hours of construction.
20. In the interest of the environment and in accordance with the SoCG I have included a condition requiring the provision of an electric vehicle charging point. To ensure the appropriate remediation of the site in the interests of the environment and future occupiers I have included relevant conditions relating to remediation schemes and the necessary work.
21. I have included a condition requiring a Construction Management Plan in the interests of the environment, highway safety and in the interests of the living conditions of the occupiers of neighbouring properties.
22. In the interests of highway safety I have included conditions relating to the standard of construction of the carriageway, footways, footpaths and cycleways, the pedestrian crossing of Kingmoor Road, pedestrian ramps at road junctions, residential driveways, visibility splays and emergency vehicle access.
23. Turning to Permitted Development (PD) rights, the SoCG agreed a condition removing key Permitted Development Rights from the approved properties. The Framework states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. The Planning Practice Guidance also advises that conditions restricting the future exercise of PD rights and conditions restricting future changes of use may not pass the test of reasonableness or necessity.
24. However, if a proposed development would only be acceptable if certain PD rights are not exercised in the future, it may be necessary and reasonable to impose a condition to withdraw those rights. While the parties have not provided any detailed substantive justification specifically for this condition the

appeal plans nonetheless show that the dwellings would occupy substantive proportions of the respective plots and that further extensions and alterations may result in harm to the living conditions of the occupiers of the host property and neighbouring properties. I have therefore included a suitably worded condition removing particular Permitted Development Rights.

25. I have not included a condition relating to the provision of infrastructure for telephone services., broadband, electricity and television because I have no substantive evidence before me to suggest that such a condition is necessary. I have not included conditions relating to use of the approved vehicle access only or the provision of pedestrian footpaths and cycleways because these are ill-defined and as such fail the tests set out Planning Practice Guidance.

Conclusion

26. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Mr M Brooker

INSPECTOR

Schedule of Conditions

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1) Site Location Plan (drawing ref 1732-PL100) received 28th July 2020;
 - 2) Proposed Site Plan (drawing ref 1732-PL212 (Rev M) received 21st September 2020;
 - 3) House Type - 201 (drawing ref 201/1F) received 27th November 2019;
 - 4) House Type - 211 (drawing ref 211/1A) received 27th November 2019;
 - 5) House Type - 301 (drawing ref 301/1G) received 27th November 2019;
 - 6) House Type - 311 (drawing ref 311/1A) received 27th November 2019;
 - 7) House Type - 314 (drawing ref 314/1) received 27th November 2019;
 - 8) House Type - 315 (drawing ref 315/1A) received 27th November 2019;
 - 9) House Type - 403 (drawing ref 403/1H) received 27th November 2019;
 - 10) House Type - 337 (Elevations - Rural 13) (drawing ref 13/337-10 Rev A) received 19th August 2020;
 - 11) House Type - 337 (Floor Plans) (drawing ref 337/1) received 19th August 2020;
 - 12) House Type - 340 (Elevations - Rural 13) (drawing ref 13/340-10) received 19th August 2020;
 - 13) House Type - 340 (Floor Plans) (drawing ref 340/1) received 19th August 2020;
 - 14) House Type - 351 (Elevations - Rural 13) (drawing ref 13/351-9 Rev A) received 19th August 2020;
 - 15) House Type - 351 (Floor Plans) (drawing ref 351/1) received 19th August 2020;
 - 16) House Type - 353 (Elevations - Rural 13) (drawing ref 13/353-9 Rev A) received 19th August 2020;
 - 17) Type - 353 (Floor Plans) (drawing ref 353/1A) received 19th August 2020;
 - 18) House Type - 354 (Elevations - Rural 13) (drawing ref 13/354-10 Rev B) received 19th August 2020;
 - 19) House Type - 354 (Floor Plans) (drawing ref 354/1A) received 19th August 2020;
 - 20) House Type - 357 (Elevations - Rural 13) (drawing ref 13/357-8 Rev A) received 19th August 2020;
 - 21) House Type - 357 (Floor Plans) (drawing ref 357/1A) received 19th August 2020;
 - 22) House Type - 401 (Elevations - Rural 13) (drawing ref 13/401-9 Rev C) received 24th September 2020;
 - 23) House Type - 401 (Floor Plans) (drawing ref 401/1G) received 19th August 2020;
 - 24) House Type - 404 (Elevations - Rural 13) (drawing ref 13/404-9 Rev B) received 19th August 2020;
 - 25) House Type - 404 (Floor Plans) (drawing ref 404/1F) received 19th August 2020;
 - 26) House Type - 436 (Elevations - Rural 13) (drawing ref 13/436-10 Rev A) received 19th August 2020;
 - 27) House Type - 436 (Floor Plans) (drawing ref 436/1) received 19th August 2020;
 - 28) House Type - 450 (Elevations - Rural 13) (drawing ref 13/450-9) received 19th August 2020;
 - 29) House Type - 450 (Floor Plans) (drawing ref 450/1A) received 19th August 2020;
 - 30) Boundary Treatments - 1800mm Timber Fence Details (drawing ref 0282-SD-100 Rev D) received 27th November 2019;
 - 31) Boundary Treatments - Post and Wire Fence Details (drawing ref 0282-SD-103 Rev B) received 27th November 2019;

- 32) Standard Garages - Single (drawing ref 0282-SD700 Rev A) received 27th November 2019;
- 33) Standard Garages - Double (drawing ref 0282- SD701 Rev B) received 27th November 2019;
- 34) Landscape Plan (drawing ref WW/01 Rev A) received 18th September 2020;
- 35) Drainage Details (drawing ref 19004-D701 Rev 1) received 15th January 2020;
- 36) Proposed Engineering Layout 1 of 2 (drawing ref 19004-D001 Rev 1) received 15th January 2020;
- 37) Proposed Engineering Layout of 2 (drawing ref 19004-D002 Rev 1) received 15th January 2020;
- 38) Manhole Schedule (drawing ref 19004-D200 Rev1) received 15th January 2020;
- 39) Flood Routing Plan (drawing ref 19004-D201 Rev 1) received 15th January 2020;
- Proposed Impermeable Areas (drawing ref 19004-D202 Rev 1) received 15th January 2020;
- 40) Proposed Road Long Sections 1 of 2 (drawing ref 19004-D300 Rev 1) received 15th January 2020;
- 41) Proposed Long Sections 2 of 2 (drawing ref 19004-D301 Rev 1) received 15th January 2020;
- 42) Kerbs & Surfacing Plan (drawing ref 19004-D500 Rev 1) received 15th January 2020;
- 43) Proposed Highway Construction Details (drawing ref 19004-D700 Rev 1) received 15th January 2020;
- 44) Public Right of Way Proposed Diversion Route (drawing ref 1732-PL214 Rev G) received 21st September 2020;
- 45) Public Open Space Plan as Proposed (drawing ref 1732-PL213 Rev C) received 21st September 2020;
- 46) 3m Wide Footpath Plan as Proposed (drawing ref 1732-PL215 Rev B) received 21st September 2020;
- 47) Boundary Treatments & Enclosures Plan as Proposed (drawing ref 1732-PL216 Rev B) received 21st September 2020;
- 48) Existing Drainage Plan (drawing ref 19004-SK-002 Rev 1) received 27th November 2019;
- 49) Geoenvironmental Appraisal (Report 7049A, April 2019), received 27th November 2019;
- 50) Geotechnical Appraisal Ground Gas Monitoring Addendum received 27th November 2019;
- 51) Archaeological Desk Based Assessment (Report 303 - 20th October 2019) received 27th November 2019;
- 52) Transport Statement/Travel Plan (VN91443 - November 2019) received 27th November 2019;
- 53) Preliminary Ecological Appraisal (Pennine Ecological) received 27th November 2019;
- 54) Tree Survey Report & Plan (Iain Tavendale - 26th April 2019) received 27th November 2019;
- 55) Flood Risk Assessment and Drainage Strategy (Ae/FRADS/19004 November 2019) received 27th November 2019;
- 56) Planning Statement received 27th November 2019;
- 57) Construction Management Plan received 27th November 2019;
- 58) Economic Benefits Report received 27th November 2019;
- 59) Affordable Housing Statement received 27th November 2019;
- 60) Design and Access Statement received 27th November 2019;

- 61) Ecological Surveys & Assessment - Pennine Ecological - March 2020 Update in Relation to Bats, Red Squirrels & Great Crested Newts received 16th June 2020;
 - 62) Great Crested New Survey - Pennine Ecological received 16th June 2020;
 - 63) Appendix 1 – Extended Phase 1 Habitat Survey Plan received 15th June 2020;
 - 64) Archaeological Evaluation (Report 312 - 3rd February 2020) received 19th August 2020;
 - 65) Dusk Bat Survey Results - Pennine Ecological received 7th September 2020;
 - 66) Additional Appraisal and Inspection of Trees in Relation to Bats - Pennine Ecological received 7th September 2020;
 - 67) Schedule of Affordable Housing Units received 18th September 2020;
 - 68) Arboriculture Method Statement (Westwood) received 18th September 2020;
 - 69) Paving Details in RPA (drawing ref D/01) received 18th September 2020;
 - 70) House Type - 403 - Plot 80 variation (drawing ref 403) received 18th September 2020;
3. Samples or full details of all materials to be used on the exterior of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before their first use on site. The development shall then be undertaken in strict accordance with these details.
 4. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.
 5. Prior to the commencement of development, details of the proposed boundary treatment to be erected along the western and southern site boundaries (with the nature reserve and woodland belt) shall be submitted for approval in writing by the Local Planning Authority. The boundary treatment shall then be erected in strict accordance with these details and retained at all times thereafter.
 6. Prior to the SUDS ponds being brought into use, the applicant shall install a fence/railings around the SUDS ponds, the details of which shall have been agreed beforehand in writing by the Local Planning Authority.
 7. Foul and surface water shall be drained on separate systems.
 8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March

2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

None of the dwellings hereby approved shall be occupied until the approved surface water drainage scheme has been completed and made operational.

9. Prior to occupation of the development a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The Sustainable Drainage Management and Maintenance Plan shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

10. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.
11. Prior to the commencement of development, a method statement for the relocation of the orchids shall be agreed in writing by the LPA. The orchids shall then be relocated to the areas identified on the Landscape Plan (Dwg ref WW/01 Rev A, received 18th September 2020) in strict accordance with the method statement.
12. Prior to its installation, details of any lighting (including location and specification) to be installed on the dwellings shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.
13. Prior to the commencement of development, tree protection fencing shall be installed in accordance with details to be agreed in writing by the Local Planning Authority. The tree protection fencing shall be retained in place at all times until the construction works have been completed.
14. The development shall be undertaken in strict accordance with the Arboriculture Method Statement (dated 16th September 2020), received on 18th September 2020 and the Paving Details RPA Area Plan (Dwg No D/01), received 18th September 2020.
15. Prior to any works being undertaken to the trees located within the Kingmoor Sidings Nature Reserve which overhang the development site, details of the works shall be agreed in writing with the LPA. The

development shall then be undertaken in strict accordance with these details.

16. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.
17. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).
18. Prior to the occupation of any dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for any dwelling shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.
19. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation
20. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

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

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

The noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. Daytime noise levels are to be measured in living rooms and the night time levels to be measured in bedrooms. The rooms chosen must be orientated towards the noise sources i.e. road.

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

23. Prior to the occupation of each dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle District.
24. 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 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.
25. The carriageway, footways, footpaths and cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.
26. Details of proposed crossing of Kingmoor Road shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossing has been constructed.
27. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

28. The access drives for each property shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use.
29. Development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The CMP shall include details of:
- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - Details of proposed crossings of the highway verge;
 - Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - Cleaning of site entrances and the adjacent public highway;
 - Details of proposed wheel washing facilities;
 - The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - Construction vehicle routing;
 - The management of junctions to and crossings of the public highway and other public rights of way/footway;
 - Details of any proposed temporary access points (vehicular / pedestrian)
 - Surface water management details during the construction phase
 - details of any lighting (including location and specification) to be used on site during the construction phase
 - the proposed location and height of any soil storage areas
 - the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors
30. The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.
31. No dwelling with direct access onto Kingmoor Road shall be occupied prior to visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of its the access and the nearside channel line of the carriageway edge have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct

the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

32. The Emergency Vehicle Access shall be provided prior to the construction of the 50th dwelling hereby permitted and shall provide for clear visibility of 43 metres measured 2.4 metres down the centre of its the access and the nearside channel line of the carriageway edge have been provided. 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.

End of Schedule

Costs Decision

Site visit made on 27 April 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Costs application in relation to Appeal Ref: APP/E0915/W/21/3266806 Land at Deer Park, Carlisle CA3 9PS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Gleeson Homes for a full award of costs against Carlisle City Council.
 - The appeal was against the refusal of planning permission for the erection of 80no. dwellings.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. It is the appellants case that the Council behaved unreasonably resulting directly in them incurring unnecessary expense in the appeal process, specifically regarding substantiating the reason for refusal, reference to relevant consultation responses and Policy CM2 of the Development Plan.
4. The consultation responses from Cumbria County Council, submitted by the appellant, are clear and unambiguous. Confirming that there is no current shortage of places and the issue of school place planning is not expected to impact on the decision of the Planning committee on the proposed Deer Park development. No substantive evidence has been presented to the contrary. Furthermore, in determining the appeal it was found that the appeal scheme complied with the provisions of Policy CM2 of the development Plan.
5. As a consequence, the appellant has been faced with unnecessary delay and the expense of lodging the appeal.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that

Carlisle City Council shall pay to Gleeson Homes, the costs of the appeal proceedings described in the heading of this decision.

8. The applicant is now invited to submit to Carlisle City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Mark Brooker

INSPECTOR



© COPYRIGHT MANNING ELLIOTT PARTNERSHIP 2018.
THIS DRAWING IS THE PROPERTY OF MANNING ELLIOTT PARTNERSHIP.
IT MUST NOT BE COPIED OR REPRODUCED OR ENLARGED
TO ANYONE WITHOUT PERMISSION.
DO NOT SCALE OFF THIS DRAWING. ANY DISCREPANCIES TO BE
REPORTED TO MANNING ELLIOTT PARTNERSHIP.

REVISIONS:	
Revision	DESCRIPTION
—	00.00.00



MANNINGELLIOTT
PARTNERSHIP

Chartered Architects &
Designers

Mossburn, Suite 1
Cooper Road, Perth
Cumbria CA11 9BN

t: 01768 866 800
e: perth@manning-elliott.co.uk
w: manning-elliott.co.uk

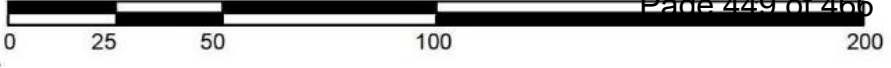
project title:
**Proposed Residential Development
Deer Park
Kingmoor Road, Carlisle**

drawing title:
Location Plan

issue stage:
PLANNING ISSUE

date:	drawn:	scale @ A3:
JUL 20	CS	1:1250

drawing number:	revision:
1732-PL100	-



Item No: 17

Between 28/05/2021 and 08/07/2021

Appn Ref No:

19/0649

Applicant:

Mr Andrew Thomson

Parish:

Irthington

Date of Receipt:

19/08/2019 08:01:32

Agent:Philip Brown Associates
Limited**Ward:**

Longtown & the Border

Location:Field 7449, Land opposite Irthing Mill, Irthington,
Carlisle**Grid Reference:**

350730 562502

Proposal: Change Of Use Of Land For Mixed Use Of 1no. Gypsy Pitch For The Stationing Of 3no. Caravans, Including 1no. Static Caravan, Amenity Building, Laying Of Hardstanding, Erection Of Fence And Access Improvements (Part Retrospective)

REPORT**Case Officer:** Stephen Daniel**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Informal Hearing**Appeal Decision:** Appeal Allowed with Conditions**Date:** 02/06/2021

A copy of the Notice of the decision of the Planning Inspectorate is printed following this report.



Appeal Decisions

Hearing Held on 13 April 2021

Site visit made on 14 April 2021

by Roy Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 June 2021

Appeal A: APP/E0915/C/20/3248752

Field 7449, 'Old Mothers Meadow', Irthington, Carlisle CA6 4NS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Andrew Thomson against an enforcement notice issued by Carlisle City Council.
- The enforcement notice was issued on 19 February 2020.
- The breach of planning control as alleged in the notice is (a) Formation of an unauthorised vehicular access; (b) Formation of an unauthorised hardstanding and fencing; and, (c) Unauthorised formation of gypsy site by the siting of 1 no. static unit, kennels, associated outbuildings and site lighting.
- The requirements of the notice are a) Return the Land back to its pre-development agricultural status by removing all elements referred to in 3 and re-instating the hedgerow and pedestrian gate.
- The period for compliance with the requirements is (a) Formation of an unauthorised vehicular access – by 31st May 2020; (b) Formation of an unauthorised hardstanding and fencing – by 31st May 2020; (c) Unauthorised formation of gypsy site by the siting of no. 1 static unit, kennels, associated outbuildings and site lighting – by 31st March 2020.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B: APP/E0915/W/20/3248748

'Old Mothers Meadow', Land opposite Irthing Mill, Irthington, Carlisle CA6 4NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Thomson against the decision of Carlisle City Council.
- The application Ref 19/0649, dated 18 August 2019, was refused by notice dated 24 January 2020.
- The development proposed is material change of use of land to use as a residential caravan site for one Gypsy family with 3 caravans, including no more than 1 static caravan/mobile home, including laying of hardstanding, erection of ancillary amenity building and access improvements.

Summary of Decision: The appeal is allowed and planning permission is granted subject to conditions set out below in the Formal Decision.

Preliminary Matters

1. It was agreed at the Hearing that the enforcement notice should include reference to the residential use of the site within the alleged breach of planning control; also that ceasing the residential use should be reflected within the requirements of the notice. The parties accepted that I could correct the notice accordingly without causing injustice.
2. The notice includes a requirement to reinstate a pedestrian gate. However at the Hearing the appellant said that no such 'pedestrian' gate was in place at the time the site became occupied. It was agreed by the parties that this point could be resolved by amending the requirement so that it referred to reinstating the gate to its previous condition before the development took place.
3. Following the Council's refusal of planning permission and the appeal being lodged, the site layout plan was altered to reflect proposed vehicular access and egress arrangements for the site and boundary landscaping proposals. The layout plan has been further altered, with highway safety in mind, following the discussion at the Hearing. I am satisfied that I am able to make my decision based on this revised plan, which I consider to be consistent with the scaling of the ordnance survey site location plan, without resulting in injustice to any of the parties.

Appeal A on ground (a) (that planning permission should be granted) and Appeal B

Main Issues

4. The main issues are (i) the effect of the development on the character and appearance of the surrounding area; (ii) highway safety; (iii) whether the site is 'away from' settlements and how local shops and services are likely to be accessed; (iv) the need for and availability of gypsy and traveller sites and (v) the personal circumstances of the appellant.

Reasons

Character and Appearance

5. The appeal site is in a quiet and attractive, rural valley location with open fields and woodland dominating the surroundings. There are, however, residential buildings on the opposite side of the road to the site, at Irthington Mill and Irthing House. The ground level rises relatively steeply towards the south west and the west.
6. The appeal site is essentially rectangular, with timber fenced boundaries, and is surfaced with loose stone. An established mature hedge runs along the outside of the eastern boundary of the site with the adjacent road. Single lines of young conifer trees have been planted on the outside of the other fences.
7. From my visit it was apparent that there are two caravans, including one static caravan, located on the site. There are also a number of outbuildings, including sheds and kennels. The proposed amenity building has not yet been constructed. External lighting has been installed at intervals around the edge of the site.

8. Close range views of the site are generally well screened from the adjacent road, due to the presence of the mature boundary hedge. However because of the increase in ground levels, the site is very prominent in longer distance views looking from the road which turns and rises to the south west; and also from a public right of way, passing through fields to the west, and which eventually connects with the village of Newtown. The appellant suggests that this public right of way is little used. There is no evidence before me to confirm whether this is the case, but the route is nevertheless a key visual receptor and even if little used at present, this may not always be the case.
9. Though I have no reason to question the quality of the static caravan as a unit for residential purposes, in its own right, it is typically rectangular in shape and relatively functional in appearance. Despite its limited scale, the functional form and uncharacteristic light colouring of the structure ensures that it stands out as an incongruous feature in relation both to its open surroundings and the darker construction materials of nearby buildings. Whilst I accept that it would be possible to subdue the presence of boundary fencing through the application of appropriate colouring, the existence of the prominent and extensive loose stone surface serves to exacerbate the visual harm, as would the addition of touring caravans and other domestic paraphernalia.
10. I have taken into account the relatively modest size of the site and that it accommodates a single pitch; that boundary fencing and the amenity building could be finished in suitably treated materials and also the presence of a brightly coloured container on the adjacent agricultural holding. However, notwithstanding these factors, I am in no doubt that the development appears stark and draws the eye. As such it results in harm to the character and appearance of the countryside.
11. I have considered whether this harm could be mitigated by landscaping measures, recognising that there is no expectation within the Planning Policy for Traveller Sites (PPTS) that sites must be adequately landscaped from the outset, and / or through controlling the precise siting of structures. However, because of the degree of visibility of the site from higher ground levels, it seems to me that despite the substantial additional landscaping measures proposed, these would take considerable time to become effective in assimilating the development; also that any benefit from discrete modifications to the siting of structures would be very limited. The visibility of the site would be exacerbated to a degree when external lighting is operational. I do not therefore concur with the appellant's point that the site is not prominent or obtrusive in the wider landscape.
12. Furthermore in order to achieve satisfactory visibility splays at the site access it would be necessary to remove a substantial length of the roadside boundary hedge. Whilst the interior of the site could continue to be substantially screened by fencing, replacement hedge planting would take time to mature, thus resulting in a visually harder and less well integrated site boundary.
13. The appellant raises the point that national policy, in the form of the PPTS, contemplates the development of such sites in rural and semi-rural settings, and that the inevitable consequence of this is that some degree of visual harm must be acceptable. I do not dispute this point and I accept that caravans are seen in the countryside, however equally this is not to say that all such development must be acceptable. I am mindful that the PPTS also recognises

that local planning authorities should have due regard to the protection of local amenity and the environment.

14. To my mind the site does not conform with undisputed guidance in the Cumbria Landscape Character Guidance and Toolkit which states that the visual impact of caravan sites should be minimised, and which seeks to conserve and enhance landscape character. I conclude that the development conflicts with criterion 5 of Policy HO 11 of the Carlisle District Local Plan 2015 – 2030 (LP) which requires sites to be well planned, to be contained within existing landscape features, or capable of being appropriately landscaped to minimise impact. I also find conflict with Policy GI 1 of the LP which requires that all landscapes should be protected for their intrinsic value.

Highway Safety

15. From my visit it was apparent that the vehicular egress arrangement at the site is currently unsatisfactory due to the boundary hedge causing very restricted visibility to the north.
16. The appellant submitted a speed survey in support of the proposal. Whilst there is no dispute regarding the speed survey methodology undertaken, or that the site access would need to be relocated northwards along the site frontage in order to ensure satisfactory visibility, the parties do not agree with regard to the detailed design standard of visibility splay required.
17. The Council's position is that the findings of the survey indicate that a visibility splay to the nearside kerb edge of 51 metres to the north and 49 metres to the south is required. The appellant says that, taking into account guidance in Manual for Streets (MfS) and Manual for Streets 2, there is scope for some flexibility in design, such that the splay does not need to strictly adhere to the kerbside edge in order to accommodate the required distances.
18. I concur with the appellant's view that in terms of visibility to the north, it would be unlikely in this location that south-bound vehicles would seek to cross the centre line of the road, because the bend in the alignment of the road would tend to make this an unsafe manoeuvre. Accordingly I am satisfied that the splay in this direction could be relaxed to the centre line of the road in accordance with the MfS.
19. Similarly given that vehicles approaching from the south would become partially visible away from the kerbside edge and would be travelling at a distance from the kerb line, I accept that this would allow for a degree of adjustment of the corresponding splay. Therefore whilst the position of the site access must be relocated in the interests of safety, a modest relaxation to the overall standard of the splay design would mean less of the boundary hedge along the site frontage needing to be removed than might otherwise be the case.
20. I am satisfied that there would be adequate space within the site for vehicles to turn and, subject to the relocation of the site access and the implementation and retention of visibility splays which could be achieved through the imposition of a planning condition, I consider that the development does not result in harm to highway safety. In this regard it would not therefore be in conflict with criterion 8 of Policy HO 11 of the LP or with the National Planning

Policy Framework (the Framework) which seek adequate access arrangements and the mitigation of any significant impacts on highway safety.

Location and Accessibility

21. The PPTS states that local planning authorities should very strictly limit new traveller site development in the open countryside that is 'away from' existing settlements or outside areas allocated in the development plan. Policy HO 11 of the LP supports the development of sites that allow for integration with, whilst not dominating, the closest settled community; that enable reasonable access to key services and facilities and in relation to which there are opportunities to gain access by public transport, walking or cycling.
22. In terms of the nearest settlement it is common ground that the appeal site is some 900 metres from the village of Irthington and around 2.5 miles from the centre of Brampton, a larger town. Irthington has a primary school, public house and church, and as such it would be necessary to travel to Brampton to reach a wider range of day to day services and facilities. There is an absence of formal footways linking the site with these settlements, no evidence provided of a convenient bus service, and it would be realistic to conclude that for safety, convenience and distance reasons there would be significant reliance on the private car in order to gain access to services and facilities.
23. However, the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Despite the likelihood of a very high degree of reliance on the private car, it seems to me that the length and duration of journeys necessary to access essential services and facilities would be relatively moderate for a rural location. I consider that this weighs significantly in favour of the conclusion that the appeal site should not be regarded as 'away from' existing settlements, and would be commensurate with the findings in previous appeal cases that have been referred to me by the appellant¹. It seems to me that this conclusion would also be consistent with the Council's own views when allowing housing in Newtown, in relation to which I have no evidence that a convenient bus service operates, and from where the need for car travel to nearby settlements would be highly likely.
24. For the aforementioned reasons I consider the site has reasonable access to key services and facilities and whilst use of sustainable means of travel to get there may be unlikely, there would nevertheless be the opportunity to do so by means of cycling or walking.
25. I am mindful that the Framework states that the development of isolated homes in the countryside should, subject to certain limited exceptions be avoided. Whilst the appeal site is physically separate from the nearest settlement of any significant size, I have concluded, in accordance with guidance in the PPTS, that the site would not be 'away from' existing settlements. Furthermore, it is situated in close proximity to two other dwellings. Opportunities for integration with the closest settled community therefore exist which, because of the limited scale of the development in this case, would not dominate or unacceptably harm that community.

¹ Refs APP/L3245/A/14/2215836; APP/R0660/W/15/3137298 & APP/J0405/C/13/2193601

26. The Council has referred in its statement to a previous appeal decision relating to a different site, and in particular to the Inspector's conclusion that the site in question was not a suitable location for gypsy and traveller accommodation². I have not been presented with full details of that case, however notwithstanding this, each case must be dealt with on its individual merits. The specific circumstances of cases will inevitably differ, and in this appeal, for example, I have found the development to be consistent with the likely travel patterns associated with new development in Newtown. It does not therefore automatically follow that the appeal site should be deemed an unsuitable location for gypsy accommodation.
27. Drawing the above considerations together I conclude that the development accords with criteria 1,2 and 3 of Policy HO 11 of the LP insofar as it seeks to achieve integration with the settled community, reasonable access to key services and facilities with the opportunities for access by public transport, walking or cycling.

Need

28. Paragraph 7(b) of the PPTS states that local planning authorities should prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan. The Council's most recent Gypsy and Traveller Accommodation Assessment (GTAA) was produced in 2013. When adjusted for the plan period (until 2030), the LP recognised a requirement for some 17 pitches.
29. The PPTS states that local planning authorities should identify a 5-year supply of specific deliverable sites. It was undisputed at the Hearing that 17 pitches have either been delivered or permitted over the plan period to date. The Council's position is that when added to a plan allocation for nine permanent residential pitches adjacent to Low Harker Dene, this amounts to a demonstrable 5-year supply of sites.
30. By contrast the appellant says that the 17-pitch requirement has been taken up within the first half of the plan period, indicating that the requirement is greater than anticipated, based on the rate of sites coming forward. He says that the local plan requires that the need for pitches should be regularly reviewed to determine the extent to which the requirement is changing and that this has not happened, as the GTAA is now some 8 years old and accordingly is out of date.
31. The Council reported that it is in the process of updating its GTAA, the production of which has understandably been delayed due to the ongoing public health emergency. Nevertheless, the fact that a review is underway seems, by its nature, to acknowledge that the existing GTAA is several years old and may possibly lead to different findings regarding need. In addition the Council was unable to satisfactorily respond to the appellant's challenges regarding the nature of assumptions underlying the rate of turnover of sites and the lack of regard for household formation rates. This, the appellant considered, was likely to suppress the true level of need identified by the GTAA.

² Ref APP/Z3825/W/17/3188057

32. Whilst the Council says that it has held discussions with the developer with regard to bringing forward the site at Low Harker Dene for permanent pitches, to date there has not been a planning application for this, and no clear indication as to when the site will be delivered. Furthermore it did not dispute the appellant's points, firstly that whilst pitches may become available at an existing site at Low Harker Dene (Ghyle Bank Park), only touring caravans could be accommodated there, and secondly that whilst a 12-pitch caravan site at Brampton may now be available for permanent occupation, this was not actually a gypsy site.
33. In addition, given the number of caravans proposed, in this case to accommodate the appellant's extended family, I have not been provided with any substantive evidence to contradict the appellant's point that in relation to two further sites at Low Harker (Hawthorns and Atchin Tan) pitches are either unavailable or otherwise unsuitable due to their restricted size.
34. It would appear that the appellant and another resident were evicted from the site where they used to live³ as a result of an on-going dispute between them. I have no reason to doubt this means that the appellant would not be able to return to live at that site. The Council has not drawn my attention to or provided further evidence of specific suitable alternative sites clearly being available, and it seems to me that there would be a high risk of the appellant being made homeless and resorting to living on the roadside in the event of the appeal failing.
35. Reference was made at the Hearing to a number of unauthorised sites being developed in the area. I do not concur with the appellant that this factor, in itself, can be said to clearly demonstrate additional need, without further information regarding the circumstances of these developments.
36. However I do agree that the existing GTAA is now a relatively aged document. Drawing the above considerations together, including the development plan requirement to regularly review need, I am unable to conclude, because of the age of the GTAA, that an up to date 5-year supply of deliverable sites exists. Moreover, I am also unable to conclude, on the basis of evidence before me, that an outstanding / unmet need for gypsy and traveller site provision does not exist. These factors, in particular that the appellant has nowhere else to go, therefore carry significant weight in the overall planning balance.

Personal Circumstances

37. The appellant has set out that he was evicted from a previous site due to a conflict issue. He has three children from a previous relationship who visit and stay with him for a number of nights per week. Apparently, the children were not permitted by their mother to visit at the previous site, due to issues of tension there. The appeal site therefore allows better opportunities for the appellant and his children to see one another.
38. It is also apparent that the appellant's present mother-in-law is in remission regarding throat cancer, also that she is experiencing mental health issues. The appellant's mother-in-law is based some six miles away and daily visits to her need to be made by the appellant's wife, who is her main carer, in order to administer essential physical care procedures. Planning permission would

³ Hadrian's Park

- enable her to move to the site, which would make it easier for the care arrangements to be administered. It would also appear that the appellant's wife has previously received treatment for cancer, and also for anxiety and depression regarding uncertainty about the site.
39. The appellant states that the site would provide a settled base, from which the necessary specialist health care required can be gained and which would enable living together as a traditional extended family group. He says that a settled base would also be in the best interests of the children, as the site would give them the best opportunity for a stable and secure family life with their father and stepmother, with opportunities for play and personal development.
40. Article 8 of the Human Rights Act 1998 states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. Article 8(2) provides that interference may be justified where it is in the interests of, amongst other things, the economic well-being of the country, which has been held to include the protection of the environment and upholding planning policies. I am also mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.
41. Furthermore in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race. I am mindful that age and disability are also relevant protected characteristics.
42. I have not been provided with documentary evidence to corroborate the aforementioned family and health circumstances. However I note that the Council do not seek to challenge the appellant's claimed personal circumstances regarding children and health issues. Furthermore the appellant is professionally represented by a prominent consultant in the field whose reputation would be at stake, and which in my view gives credibility to the various claims.
43. With regard to the appellant's children I have no reason to doubt that the presence of a settled base at which to visit their father and stepmother would be beneficial to their social development. It would appear that at present the children live a relatively short distance from the site and as such the failure of the appeal could mean that it would be more difficult to meet up in future. This consideration is, however, tempered by the fact that the appeal site does not provide a permanent base for the children, who would not themselves be at risk of homelessness in the event of the appeal failing. There would nevertheless be clear benefits to the children which attracts a moderate degree of weight in the overall planning balance.
44. I recognise that the site would enable different generations of the same family to live together. This would help to facilitate the care arrangements for the appellant's mother-in-law and would be consistent with the Traveller tradition of living in extended family groups for mutual care and support. The loss of

the appeal site would prevent such an arrangement in this location, in addition to which the existing care arrangements might become more strained or difficult to continue. This consideration therefore also attracts moderate weight.

Other Matters

45. The Council states that the intentional unauthorised nature of the development is a material consideration in line with Government policy, that should be given adverse weight. It seems to me that the appellant's unsatisfactory living conditions prior to moving to the appeal site helps to explain the urgency of relocating there. Furthermore I note that not all of the proposed development has been implemented, which so far appears to be largely focussed on securing a habitable environment. There is also some scope to carry out planting that will help to mitigate, although not completely remove, visual harm in the longer term. I am also mindful that the Act makes provision for a grant of retrospective planning permission and planning enforcement that is remedial rather than punitive. In light of these considerations I attach only very limited weight to the intentional unauthorised nature of the development.
46. I have considered the various representations from third parties. As to the appellant's gypsy status, this is not challenged by the Council. The appellant set out at the Hearing that he travels to various locations in the United Kingdom to work, normally in the spring and summer months, though his normal travel patterns had been disrupted by the ongoing pandemic. I have no reason to doubt this.
47. I have been provided with no evidence that, subject to a condition to control surface water drainage, the site would be at risk from flooding. Similarly there is no evidence to persuade me that a water and electricity supply cannot be achieved, or waste from the site managed. As to concerns regarding dog breeding, the appellant denies this has taken place. However in any event this would be covered by a planning condition that could be imposed, preventing commercial activity on the site.
48. Reference is made to the site being close to the Hadrians Wall route. However neither the Council nor Historic England have objected to the development on heritage grounds, and I see no reason to take a contrary view. I consider that the proposed planting of hedgerows and trees would satisfactorily mitigate harm to biodiversity caused by the removal of natural features undertaken to accommodate the development.
49. I have considered the argument that the grant of planning permission would set a precedent for further development and expansion on the wider site. However each application and appeal must be determined on its own individual merits and a generalised concern of this nature would not in itself justify withholding planning permission in this case.

Planning Balance

50. The development results in harm to the character and appearance of the countryside. For the above reasons I give significant weight to this consideration as a reason to resist the development. The unauthorised nature of the development, in itself, in this case attracts only very limited weight.

51. Subject to conditions, the development would cause no unacceptable harm to highway safety and would not be in a location 'away from' a settlement or too remote from services and facilities. These 'absences of harm' do not weigh in favour of the appeal.
52. However, there are considerations which support the appeal. I attach significant weight to the need for and under-supply of traveller sites in the Borough, including the lack of any available, suitable alternative site. I also attach moderate weight to the appellant's personal circumstances.
53. The balance is therefore in favour of granting planning permission. I am mindful that the forthcoming review of the GTAA, together with the possibility of the aforementioned local plan allocation coming to fruition, could potentially alter the weight to be given to need for sites, however the situation is uncertain. Therefore when considering the visual impact of the development, it seems to me that a personal planning permission would be most appropriate in this case. This would recognise the appellant's personal circumstances, allowing the appellant's present mother-in-law to move to the site as a resident dependant, and would allow the appearance of and need for the site to be re-evaluated at such a time when the appellant ceases to live there.
54. In view of the above findings I am satisfied that the development would conform with Policy SP 2 of the LP, insofar as it states that development will be assessed against the need to be in the location specified.

Conditions

55. I have had regard to the conditions suggested by the Council and the appellant. A condition confirming the approved plans is necessary in the interests of certainty. The permission is personal and accordingly a condition restricting occupation to the appellant, his wife and resident dependants is necessary. Conditions requiring the restoration of the site when occupation ceases; the site not to be sub-divided to form additional pitches; limiting the number of caravans stationed and commercial vehicles parked and preventing commercial activity on the site are all required in the interests of helping to safeguard the character and appearance of the area.
56. A condition confirming the loss of the permission unless details are submitted for approval (including a timetable for implementation) concerning foul and surface water drainage, external lighting, boundary treatment, landscaping and the site restoration is required in order to ensure the site is serviced with adequate infrastructure and to help safeguard the character and appearance of the area.
57. Conditions requiring the provision and retention of a suitable visibility splay; the closure of the existing unsuitable access; preventing loose material from being brought onto the highway and controlling the opening of access gates are required in the interests of highway safety.

Conclusion

Appeal A

58. It is clear that the description of the development in the enforcement notice is incorrect in that it should refer to the residential use of the site both in the alleged breach of planning control and the requirements. The appellant and

the local planning authority agreed at the Hearing that it was open to me to correct the allegation and requirements in the notice. I am satisfied that no injustice will be caused by this and I will therefore correct the enforcement notice in those two respects, in order to clarify the terms of the deemed application under section 177(5) of the 1990 Act as amended.

59. For the reasons given above I conclude that the appeal should succeed on ground (a) and I will grant planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as amended, which will now relate to the corrected allegation.

60. The appeal on ground (g) does not therefore need to be considered.

Appeal B

61. For the reasons given above I conclude that the appeal should be allowed.

Formal Decisions

Appeal A

62. It is directed that the enforcement notice is corrected by:

Inserting the words "for residential use" immediately after the words "gypsy site" in paragraph 3(c); and

Inserting the words "ceasing the residential use and" immediately after the words "status by" in paragraph 5(a); and

Deleting the words "pedestrian gate" in paragraph 5(a) and substituting the words "gate to their condition before the breach took place" instead.

63. Subject to these corrections the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely (a) Formation of an unauthorised vehicular access; (b) Formation of an unauthorised hardstanding and fencing; and, (c) Unauthorised formation of gypsy site for residential use by the siting of 1 no. static unit, kennels, associated outbuildings and site lighting at Field 7449, 'Old Mothers Meadow', Irthington, Carlisle CA6 4NS as shown on the plan attached to the notice and subject to the conditions below.

Appeal B

64. The appeal is allowed and planning permission is granted for material change of use of land to use as a residential caravan site for one Gypsy family with 3 caravans, including no more than 1 static caravan/mobile home, including laying of hardstanding, erection of ancillary amenity building and access improvements at 'Old Mothers Meadow', Land opposite Irthing Mill, Irthington, Carlisle CA6 4NS in accordance with the terms of the application, ref 19/0649, dated 18 August 2019, subject to the conditions below.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1. Site Location Plan, received 19th August 2019; 2. Site Layout Plan (revised following the Hearing and attached to this decision); 3. Floor Plan of Proposed Day Room, received 19th August 2019; 4. Front Elevation of Proposed Day Room, received 19th August 2019; 5. Rear Elevation of Proposed Day Room, received 19th August 2019; 6. Side Elevation of Proposed Day Room, received 19th August 2019; 7. Side Elevation of Proposed Day Room, received 19th August 2019.
- 2) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Mr Andrew Thomson and Mrs Louisa Thomson.
- 3) When the land ceases to be occupied by those named in condition 2 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 4) The development hereby approved shall remain as a single gypsy pitch and shall not be subdivided or occupied independently in any manner.
- 5) No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than one shall be a static caravan, shall be stationed on the site at any time.
- 6) No commercial activities shall take place on the land, including the storage of materials.
- 7) No more than one commercial vehicle shall be kept on the site for use by the occupiers of the caravans hereby permitted and this vehicle shall not exceed 3.5 tonnes in weight.
- 8) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within two months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) within three months of the date of this decision a scheme for the means of foul and surface water drainage of the site; external lighting; boundary treatment; landscaping including tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; and the restoration of the site in accordance with condition 3 (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation;
 - ii) if within 11 months of the date of this decision the local planning authority refuse to approve the site development scheme or fail to give a decision within the prescribed period, a valid appeal shall have been made to the Secretary of State;

- iii) if an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State;
- iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved site development scheme specified in this condition, that scheme shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 9) Within three months of the granting of this permission the new access shall have been created and visibility splays providing clear visibility of the centre line of the carriageway 51 metres to the north and of the point in the carriageway 1 metre from the nearside kerb edge 49 metres to the south, from the point 2.4 metres along the centre of the access road, back from the carriageway edge of the nearside channel line, shall have been provided at the junction of the access road with the county highway (as shown on the Site Layout Plan attached to this decision). 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 be grown which obstruct the visibility splays. The visibility splays shall be constructed before use of the new access commences. The visibility splays shall thereafter be retained.
- 10) The sealed surface of the access road shall extend for at least 10 metres, as measured from the carriageway boundary, shall be provided prior to the access being brought into use and shall be carried out in accordance with details of construction which shall have been previously approved by the local planning authority.
- 11) Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45-degree splays to each side.
- 12) Within 3 months of the granting of this permission the existing vehicular access to the site shall be permanently closed in accordance with details to be previously agreed in writing by the local planning authority.

END OF SCHEDULE OF CONDITIONS

APPEARANCES

FOR THE APPELLANT:

Philip Brown	Agent
Andrew Thomson and Louisa Thomson	Appellant and appellant's wife

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Daniel	Principal Planning Officer
Peter Allan	Flood and Development Management Officer

DOCUMENTS SUBMITTED FOLLOWING THE HEARING

1. Site Layout Plan



Plan

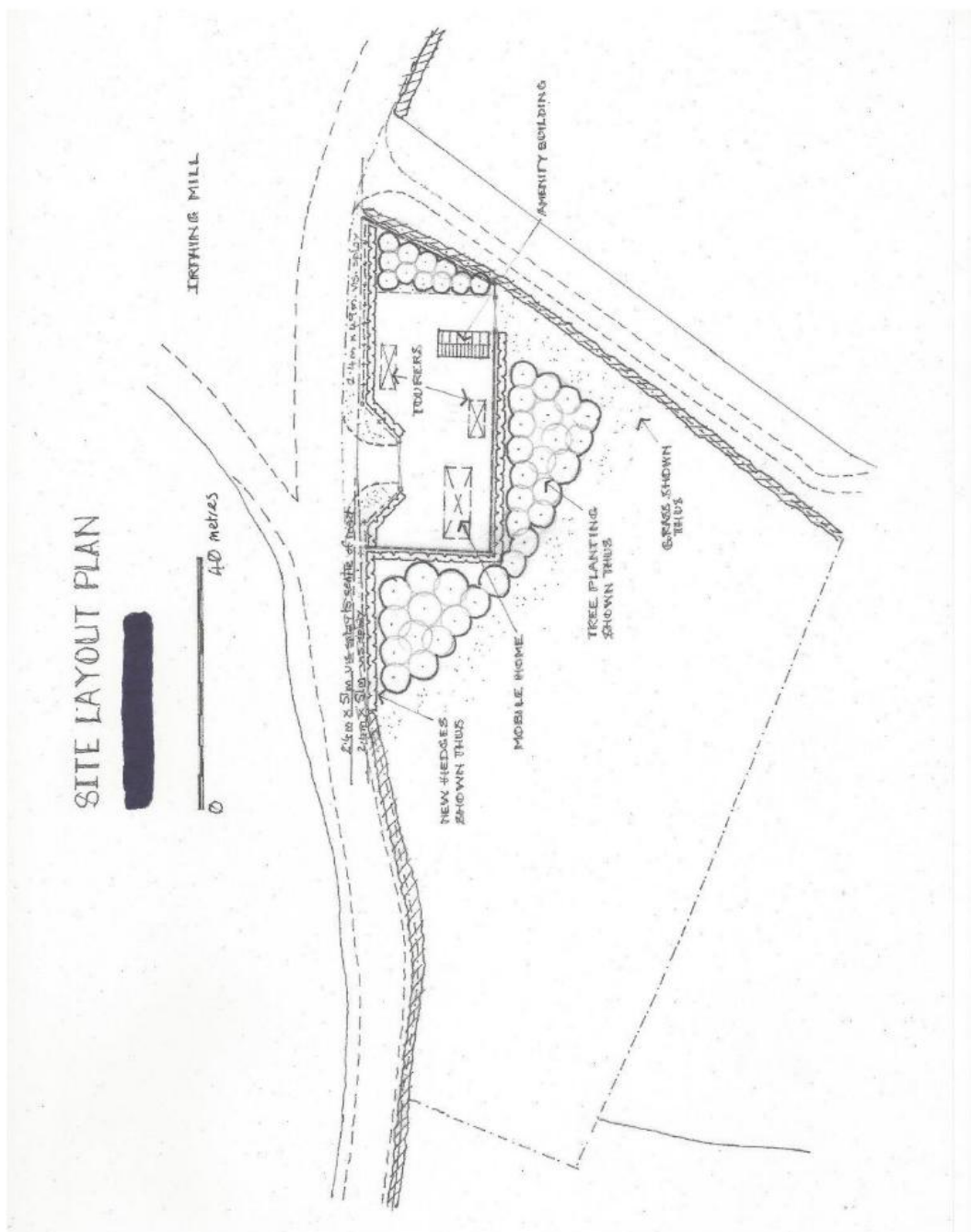
This is the plan referred to in my decision dated: 02 June 2021

by Roy Merrett Bsc(Hons) DipTP MRTPI

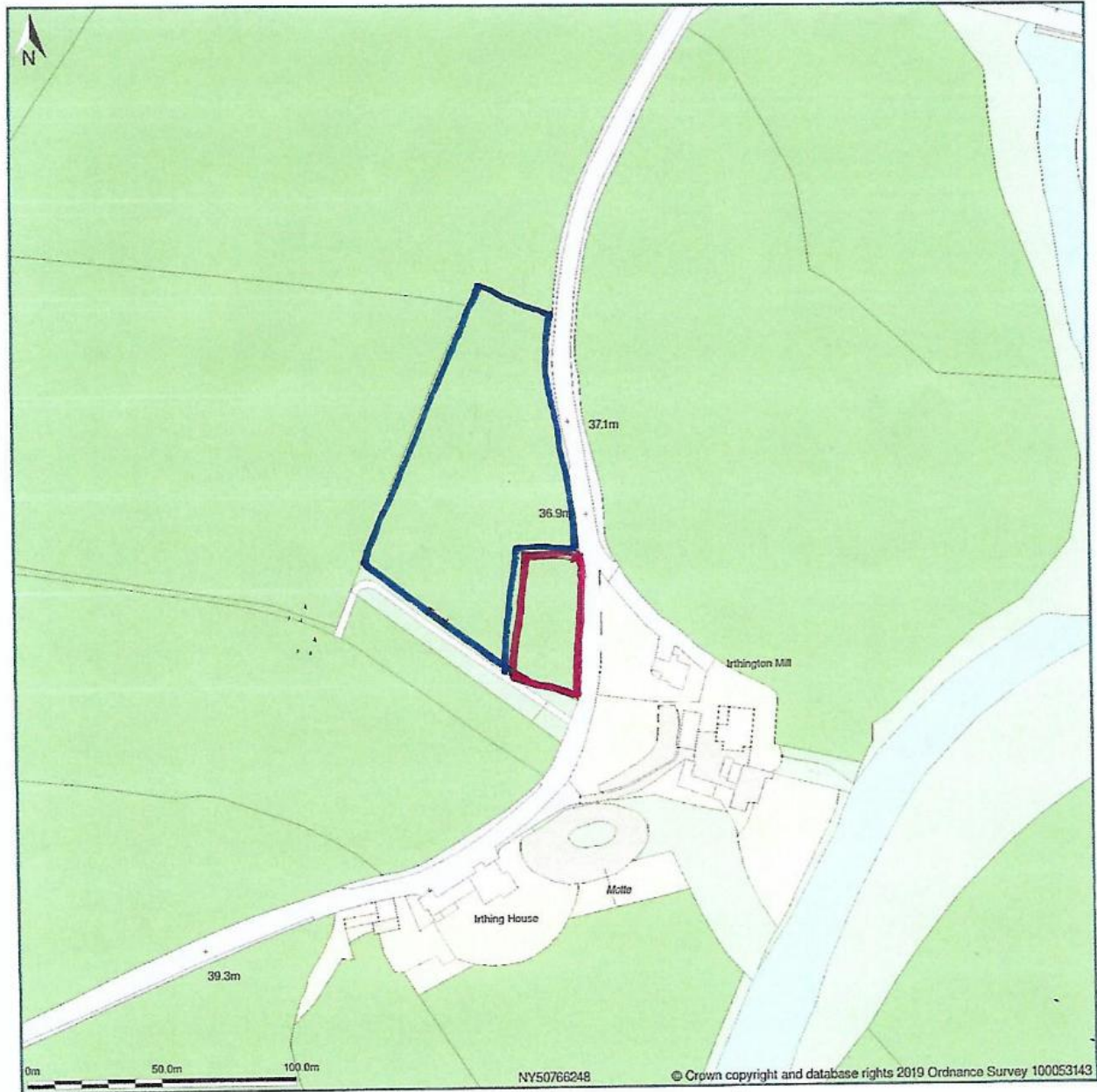
Land at: 'Old Mothers Meadow', Land opposite Irthing Mill, Irthington, Carlisle
CA6 4NS

References: APP/E0915/C/20/3248752 and APP/E0915/W/20/3248748

Scale: Not to Scale



Land west of Irthing Mill, Road Leading From Junction North Of Irthing Mill To Lane End Farm Via Irthington, Irthington, Cumbria, CA6 4NS



Site Plan shows area bounded by: 350550.16, 562282.03 350960.16, 562682.03 (at a scale of 1:2500), OSGridRef: NY50766248. 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.

Produced on 18th Aug 2019 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by www.buyaplan.co.uk a licensed Ordnance Survey partner (100053143). Unique plan reference: #00448407-9E6899

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan logo, pdf design and the www.buyaplan.co.uk website are Copyright © Pass Inc Ltd 2019