

AGENDA

Development Control Committee

Friday, 08 June 2018 AT 10:00

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

Apologies for Absence

To receive apologies for absence and notification of substitutions

Declarations of Interest

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

Public and Press

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

Minutes of previous meetings

5 - 22

To approve the minutes of the meetings held on 27 April 2018 and 6 June 2018 (site visits meeting)

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

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

Explanatory Notes	23 - 28
Item 01 - 17/0361 Home Farm, Farlam, Brampton, CA8 1LA	29 - 50
Item 02 - 18/0214 - Land to the west of The Glebe, Rectory Road, Castle Carrock, Brampton, CA8 9LZ	51 - 76
Item 03 - 18/0283 - Hazeldean, Orton Grange, Carlisle, CA5 6LA	77 - 84
Item 04 - 17/1097 - Land opposite Crossgates Cottages and Park Terrace, Crossgates Road, Hallbankgate	85 - 98
Item 05 - 17/1066 - Plot 3 (Fallows End), Land to rear of Elmfield, Townhead, Hayton, Brampton, Cumbria, CA8 9AE	99 - 112
Item 06 - 18/0070 - Land adjacent Westwood, Heads Nook, Brampton, Cumbria, CA8 9AE	113 - 128

Item 07 - 180131 - Former White Quey Inn, Stoneraise, Durdar, Carlisle, CA5 7AT	129 - 152
Item 08 - 18/0101 - Sundown Cottage, Burgh by Sands, Carlisle, CA5 6AX	153 - 172
Item 09 - 18/0153 - NWF Agriculture Ltd, Woodside Road, Sandysike Industrial Estate, Carlisle, CA6 5SR	173 - 184
Item 10 - 18/0290 - Croftfield, Aglionby, Carlisle, CA4 8AQ	185 - 192
Item 11 - 18/0207 - Moat Villa, Moat Street, Brampton, CA8 1UJ	193 - 200
Schedule B	201 - 206
A.2 APPLICATION FOR WORKS TO A TREE PROTECTED BY A TREE PRESERVATION ORDER	207 - 218

The Corporate Director of Economic Development to submit a report which considers an application for works to a tree protected by a Tree Preservation Order.

(Copy report ED.19/18 herewith)

PART B

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

B.1 QUARTERLY REPORT ON PLANNING ENFORCEMENT REPORT

- Information relating to any individual;

Members of the Development Control Committee

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

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

Independent - Tinnion, Paton (sub)

Enquiries, requests for reports, background papers etc to:

Jacqui Issatt, Committee Clerk (01228) 817557 or
jacqui.issatt@carlisle.gov.uk

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 27 APRIL 2018 AT 10.00 AM

PRESENT: Councillors Mrs Warwick (Chairman), Bloxham, Mrs Bradley, Christian, Collier (as substitute for Councillor Shepherd), Earp, Glendinning, McDonald, Mrs Parsons, Sidgwick S (as substitute for Councillor McDevitt), Sidgwick T, and Tinnion.

OFFICERS: Corporate Director of Governance and Regulatory Services (until 11:40am)
Corporate Director of Economic Development (from 11:05am)
Development Manager
Legal Services Manager (from 11:53am)
Principal Planning Officer
Planning Officer x 3

ALSO

PRESENT: Councillor Bainbridge in his capacity as (Ward Member) attended the meeting having registered a Right to Speak in respect of applications - 18/0104 & 18/0105 – Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY.

Councillor Allison in his capacity as (Ward Member) attended the meeting having registered a Right to Speak in respect of application – 18/0131 – Former White Quey Inn, Stoneraise, Durdar, Carlisle, CA5 7AT.

DC.29/18 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor McDevitt and Councillor Shepherd.

DC.30/18 DECLARATIONS OF INTEREST

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

Councillor Tinnion declared a Registerable Interest in respect of application 18/0218 – Carlton, Brier Lonning, Hayton, Brampton, CA8 9HN. The interest related to objectors being known to him.

Councillor S Sidgwick declared an interest in respect application 18/0127 – Four Oaks Hotel, Cargo, Carlisle, CA6 4AW. The interest related to the perception of pre-determination through his knowing objectors.

Councillor T Sidgwick declared an interest in respect application 18/0127 – Four Oaks Hotel, Cargo, Carlisle, CA6 4AW. The interest related to the perception of pre-determination through her knowing objectors.

Councillor Mrs Bradley declared an interest in respect of applications 18/0104 & 18/0105 – Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY. The interest related to her undertaking discussions with the Carlisle Waverley Viaduct Trust, as Economy, Enterprise and Housing Portfolio Holder.

Councillor Christian declared an interest in respect of application 18/0043 – Land to the rear of Gladsmuir, Broomfallen Road, Scotby, Carlisle, CA4 8DG. The interest related to his living near the application site.

Councillor Earp declared an interest in respect of the following applications:

- 18/0104 & 18/0105 – Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY.
The interest related to supporters being known to him.
- 18/0237 – Land north of Thornedge, Station Road, Cumwhinton. The interest related to his being a member of Wetheral Parish Council.
- 18/0043 – Land to the rear of Gladsmuir, Broomfallen Road, Scotby, Carlisle, CA4 8DG.
The interest related to his being a member of Wetheral Parish Council.

DC.31/18 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.32/18 MINUTES OF PREVIOUS MEETING

RESOLVED – 1) That the minutes of the meetings held on 9 February 2018 and 14 March be signed by the Chairman.

2) That the minutes of the meetings held on 16 March 2018 and 25 April 2018 (site visits meeting) be approved.

DC.33/18 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

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

DC.34/18 AGENDA

RESOLVED (1) That items A.1(1) application 18/0104 - Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY and A.1(2) application 18/0104 - Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY be considered together

(2) That item A.1(10) - Former White Quey Inn, Stoneraise, Durdar, Carlisle, CA5 7AT (Application 18/0131) be considered following item A.1(5).

DC.35/18 CONTROL OF DEVELOPMENT AND ADVERTISING

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

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

- 1) **Construction of new footpath across Waverley Viaduct, linking existing footpaths on the Newtown (South Side) of the River Eden with the existing footpath 109080 on the Etterby (North) side via a new flights of steps; installation of waterproof membrane and new handrails and guarding the consolidation of remaining stone parapets; installation of motor cycle barrier at the southern end of the bridge (Revised Application) Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY (Application 18/0104) &**
- 2) **Construction of new footpath across Waverley Viaduct, linking existing footpaths on the Newtown (South Side) of the River Eden with the existing footpath 109080 on the Etterby (North) side via a new flights of steps; installation of waterproof membrane and new handrails and guarding the**

consolidation of remaining stone parapets; installation of motor cycle barrier at the southern end of the bridge; railway ballast to be removed and largely relocated after installation of the waterproofing and drainage; new self-binding limestone path to be established along central-line of Bridge (Revised Application) Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY (Application 18/0105).

Councillor Mrs Bradley having declared an interest in the item of business removed herself from her seat and took no part in the discussion nor determination of the application.

The Principal Planning Officer submitted the report on the applications and outlined the planning history of the site. The current application proposed the creation of a 3m wide footpath across the Viaduct with the retention of the parapet with the exception of a length of very poor walling on the west side which was to be removed and new black railings would be erected behind them.

The proposal included new steps to create access from the northern end of the Viaduct to the ground below which would be formed into the slope of the embankment. A new 25m long footpath would need to be created from the bottom of the steps to connect with the existing public footpath (109080) which ran along the northern side of the River Eden. A Public Footpath Creation Agreement and/or a Footpath Creation Order under the Highways Act was required to enable the development, however, the Principal Planning Officer noted that was a separate process which did not form part of the application. The Principal Planning Officer explained that consultees had raised concerns regarding the impact of the proposal on existing footpaths, and advised that separate legislation, outwith planning was in place to deal with such issues.

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

In the event of the application being approved, the Secretary of State would retain ownership of the Viaduct, with the Waverley Viaduct Trust being responsible for the maintenance of the footpath, railings, steps and any signage. The Waverley Viaduct Trust had secured a grant of £100,000 from the Railway Heritage Fund to help fund the proposed works.

The Principal Planning Officer considered that the proposal would improve the public footpath network by linking two existing national walking routes in the district thereby improving access to the countryside for large numbers of people and the links between the north and south side of the city. The improvement of connectivity across the district and increasing access to the countryside were identified as priorities in the adopted Carlisle and District Local Plan 2015 - 30 (Local Plan), therefore the application was supported in policy terms.

An objection had been received from the owner of the land on the north side of the Viaduct who did not wish the Viaduct to be re-opened and public access increased in the area. The objector was concerned about the impact of the proposal on his farming business, due to increased livestock worrying, dog fouling, litter, nuisance behaviour, vandalism and the risk of livestock injury and escape.

The Principal Planning Officer stated that whilst those concerns were noted, he considered opening up the Viaduct to increased public use should reduce problems of anti-social behaviour on the north side of the river. The view was shared by the Police Crime Prevention Design Advisor who, in his response to the consultation on the application, had stated that he has no objections to the proposal and was of the view that formalising the route would generate legitimate activity, thereby improving casual supervision of the area. The Police Crime

Prevention Design Advisor had further stated that opening the route would assist the work of the Neighbourhood Policing Team in their patrolling activities.

The Council's Heritage Officer had been consulted on the application, and had indicated support for the proposal, which he considered would bring the Listed Viaduct back into use thus securing its future maintenance whilst having limited impact on the structure. Furthermore, the approval of the scheme would also lead to the removal of the existing steel barriers which detract from the Listed structure.

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

Ms Jackson (on behalf of Mr Lambert - Objector) spoke against the application in the following terms: the proposed scheme would allow the anti-social and nuisance behaviour and vandalism which had taken place when access across the Viaduct had previously been permitted to occur again; the proposal was contrary to Local Plan policy SP 6 – Securing Good Design, as it would have a detrimental impact on Mr Lambert's farming activity by increasing incidences of livestock worrying, dog fouling on farm land and increased littering; the proposal was contrary to Local Plan policy CM4 – Planning Out Crime, as it was unlikely that the self-policing of the area would effectively deter anti-social behaviour and vandalism.

Councillor Bainbridge (Ward Member and on behalf of Kingmoor Parish Council) addressed the Committee, noting that there had been problems for residents accessing application details via the Council's website planning pages. Councillor Bainbridge advised that the Parish Council considered the amended footpath drawing WV19a did not illustrate the actual line of Footpath 109080, but rather the current diversion of the path being used following flooding in the area in December 2015. He questioned whether the Environment Agency was aware of the inaccuracy and had they been so, whether it would have affected their response to the consultation on the application.

Furthermore, following the 2015 flooding, the northern side of the riverbank had been shortlisted as a potential area for the incorporation of additional flood resilience/defence measures to help protect the city. On that basis, Councillor Bainbridge expressed surprise that the Environment Agency had not objected to the proposal, given that in future works may need to be undertaken that had the potential to affect the layout to the riverbank and therefore the proposed access arrangement to the Viaduct. He recommended that the Committee seek a definitive answer on the issue before determining the application.

Councillor Bainbridge stated that the residents of Stainton Village had significant concerns regarding the re-opening of the Viaduct, and noted that the issue had been the primary concern of those who had objected to the application, he questioned the Officer's assertion that the area would become self-policing.

With reference to paragraph 6.25 of the report, Councillor Bainbridge questioned how the maintenance of the Viaduct would be funded, particularly in the event that the Waverley Viaduct Trust ceased to exist. The County Council's Access Officer had also raised the issue in their consultation response. It was Councillor Bainbridge's view that the Committee should seek to ascertain how maintenance would be managed, prior to their determination of the application. He further considered that the Committee should question where the remaining £225,000 to fund the construction of the scheme was to be secured from.

In relation to the proposed construction vehicle access arrangements, Councillor Bainbridge noted that at the northern side of the river there were two potential access points: one of which was too narrow, and the other was on land owned by an objector to the proposal and therefore

unlikely to permit such use. Councillor Bainbridge expressed concern that the Council would fund the cost of the Public Footpath Creation Order, which in his view meant that the authority would effectively become a partner in the scheme with the Waverley Viaduct Trust

In conclusion, Councillor Bainbridge asked the Members to consider the issues he had outlined and either defer determination of the application until such time as they were resolved, or to refuse permission.

Mr Crichton (Applicant) responded that the proposed scheme would offer vital pedestrian and cycling connectivity between the south and north of the city which would enable residents to benefit from; greater access to the countryside; the heritage assets on both sides of the river (for example, the course of a Roman wall and the Carlisle Navigation Canal); reduced car journeys; improvements in health, and increased economic growth due to greater tourism.

In respect of the financial concerns expressed, Mr Crichton stated that the principal purpose of the Carlisle Waverley Viaduct Trust was the raising of the capital needed to realise the scheme and the establishment of a fund for future maintenance. He explained that, were the application to be approved, the Viaduct structure would remain in the ownership and responsibility of Highways England (on behalf of the Secretary of State), whilst the Trust's maintenance responsibilities would relate to the proposed path, steps, guarding and signage. He stressed that local tax payers would not incur any financial burden from the scheme, and further advised that the Trust would pay for the relevant Orders relating to footpaths accessing the Viaduct.

Regarding concerns expressed about anti-social behaviour increasing as a result of the scheme, Mr Crichton stated that the Trust believed that increasing legitimate use of the Viaduct would reduce the likelihood of the problem occurring and noted that the Police Crime Prevention Advisor shared the view. Mr Crichton considered it significant that 68 letters of support had been submitted in respect of the application, with only 2 letters of objection having been received.

The Committee then gave consideration to the application.

A Member commented that he was a supporter of public footpaths, however he was concerned that approving the scheme may create an increase in vandalism and anti-social behaviour. He asked: which two existing footpath routes the proposed scheme would join up and how many people were expected to use the proposed footpath and; whether it was intended to provide bins for the disposal of dog foul.

The Principal Planning Officer advised that the proposed scheme would create a link between the Hadrian's Wall Trail and the Cumbrian Way, use of both of which was increasing. Whilst he did not have figures projecting the use of the proposed Viaduct path, he explained that a key benefit of the scheme was the provision of access to the countryside for residents. The provision of dog bins was a matter that could be considered.

The Member asked whether a record of the number of incidences of anti-social behaviour which had occurred before the Viaduct had been closed were available.

The Principal Planning Officer stated that figures for previous incidences of anti-social behaviour were not available. However, he had undertaken discussion with the Police Crime Prevention Adviser who was supportive of the proposal.

With reference to Kingmoor Nature Reserve, another Member noted that the area had a large number of footpaths, including those used for access, and it was his view that were the proposed scheme to be maintained to such a standard, that anti-social behaviour was unlikely

to occur. In relation to Engine Lonning, the proposed access point from the southern side of the river, he asked how it was intended that the area would be maintained.

The Principal Planning Officer explained that the existing footpaths within Engine Lonning had hard surfaces, therefore significant maintenance issues were not anticipated. In relation to the connection between Engine Lonning and the Viaduct, it was possible that work would be required, a Construction Management Plan detailing how the construction phase would be managed was required to be submitted to the Local Planning Authority for approval. The Principal Planning Officer further noted that Engine Lonning was in the ownership of the Council and that the authority would undertake discussions with the Carlisle Waverley Viaduct Trust regarding the maintenance of the area.

In response, a number of Members expressed concerns that details of how the proposed scheme would be maintained had not been submitted with the application. The Principal Planning Officer undertook to impose an additional condition requiring the applicant to submit, for approval, to the Local Planning Authority, details of maintenance arrangements.

The Member sought clarification as to the organisation which would meet the costs of the necessary Footpath Order(s).

The Principal Planning Officer responded that he understood that the cost of the Order(s) would be the responsibility of the Carlisle Waverley Viaduct Trust.

A Member asked whether the proposed scheme provided for the reinstatement of the missing parts of the parapet wall of the Viaduct.

The Principal Planning Officer stated that the proposal did not include the reinstatement of the parapet wall which would remain in its current form with railings being installed behind thus preventing access to the parapet. The Council's Heritage Officer supported the proposal not to reinstate the parapet on the grounds that obtaining matching coloured stone would be difficult, and that the loss of the parapet was an aspect of the Viaduct's history.

Several Members expressed disappointment that the Viaduct structure was not to be fully restored by the proposed scheme. A Member questioned whether, given that the structure was Listed, that it was feasible not to restore it.

The Principal Planning Officer stated that the Viaduct was Listed in 1994, and it was possible that the parts of the parapet now missing from the structure had been missing when the Viaduct was Listed. He reiterated that the Council's Heritage Officer was keen that the parapet wall remained in its current state for the reasons indicated in the report and outlined above.

The Development Manager added that the Council had been in discussion with the British Rail Board (Residuary) Limited and its successor, Highways England regarding the structure, and that several reports on the matter had been present to the Committee in preceding years. As a Listed Building, the Viaduct had an ongoing maintenance programme, funded by Highways England as owner of the structure on behalf of the Secretary of State. He indicated that Officers may undertake discussions with Highways England regarding the reinstatement of the parapet, but such action would be out with the application before Members.

A Member sought further detail on the proposed railings.

The Principal Planning Officer displayed the elevation plans on screen which illustrated that the proposed railings would be constructed with black painted, galvanised metal and would be spread out along the length of the area.

A Member moved the Officer's recommendations, along with the imposition of an additional condition requiring the submission of details of maintenance for the proposed scheme be submitted to the Local Planning Authority for approval, which was seconded. Following voting it was:

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

Councillor Mrs Bradley resumed her seat.

3) Demolition of former cinema building and Change of Use to car park for use the 'The Halston', Contract and Public (Part Retrospective Application) not in compliance with conditions 2,3, and 7 imposed by planning permission 13/0867 for changes to the car park layout and extension of temporary use, Former Lonsdale Cinema, Warwick Road, Carlisle, CA1 1DN (Application 18/0133).

The Planning Officer submitted the report on the application which had been the subject of the site visit by the Committee on 25 April 2018. A further letter from an interested party had been received on Wednesday which raised the following points:

- Paragraphs 3.7 – 3.9 of the Report:- request clarification as to where the information came from to form the conclusions set out therein i.e. did the information come from the applicant (in which case had it been substantiated or merely taken on face value) or was it supplied direct from Cumbria County Council as the Local Highways Authority?
- Paragraph 3.7:- acknowledged in open correspondence by Cumbria County Council that Barton's Place is an un-adopted Highway. An Enforcement Notice had been served and the un-adopted Highway reopened. Whilst an application had been made for a Traffic Regulation Order (TRO), on behalf of the adjoining land owner, it was successfully demonstrated to the County Council that they were unable to make the same, as it was outside their statutory powers. We have seen no evidence that the applicant is seeking to challenge this position or that the TRO is ongoing. If any weight was given to such claims, then we would ask that it be substantiated, as on our reading of the Committee Report it appears that significant weight had been given to the same as justification for the extension of the temporary planning permission for such a long period.
- Paragraph 3.9:- we would pose the same questions, as once again, we have seen no evidence of either a challenge, nor indeed any grounds for the same. Our primary concern is that Members have the relevant facts upon which to base their decision, as an extension of 5 years to the temporary permission would appear to be excessive for the resolution of matters which we feel, subject to the contrary being shown, have already been resolved.

In response, comments have been received on behalf of the applicant which read:

- The position as stated within the aforementioned paragraphs of the report and had been provided by the applicant, but were confirmed by Cumbria County Council's Chartered Legal Executive.
- Para 3.7 – it was Cumbria County Council's assessment that Barton's Place was an un-adopted highway, the applicant was not prepared to disclose its legal position in respect of this point.

- The applicant was waiting for Cumbria County Council to progress the TRO process, hence why the barrier had been removed. The applicant was pressing Cumbria County Council to progress the TRO process.
- In respect of timescales, the applicant had been informed the TRO would potentially take 18-24 months to resolve. Not until the TRO had been approved, and was without challenge, would the applicant expend monies on a revised scheme, pursue planning application etc, and thereafter engage contractors for the delivery of the scheme, which was why the 5 year extension of the temporary permission has been requested.

Slides were displayed on screen showing; existing layout plan, proposed variation plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer considered it had been demonstrated that there were circumstances which allowed Members to positively view the changes to the scheme. The timeframes for the implementation of the building adjacent to the Warwick Road frontage had been altered as a result of circumstances out with the planning system, and those of the applicant, and therefore were reason enough therefore to be considered exceptional circumstances. As such, the increase in the temporary period for a further five years was considered to represent sufficient time, given the legal issues needing resolution, together with commencement of the redevelopment scheme.

In the view of the Planning Officer, the physical alterations to the layout and boundary treatment would not adversely affect the character or appearance of the Conservation Area or any nearby Listed Buildings. Moreover, no highway issues had been raised and the scheme would be no less sustainable than the development had previously been granted permission. The continued use of the car park would not be detrimental to the occupiers of neighbouring premises.

Notwithstanding the background to the application, in conclusion, the Planning Officer outlined that the application was compliant with the relevant planning policies on its own merits and recommended that the application be approved, subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

A Member asked what would happen to the site, were the application to be refused.

The Planning Officer advised that in such a situation the current use would cease which may lead to the site becoming derelict which was likely to have a greater detrimental impact on the Conservation Area.

Another Member asked whether the applicant intended to change the appearance of the site's frontage along Warwick road, as he considered that its current form was not conducive to the surrounding area.

The Planning Officer understood that it had always been the applicant's intention to address the issue, but given the circumstances which had necessitated the application before Members, they had yet to deal with the matter. He undertook to discuss the matter with the applicant.

A Member expressed the view that the existing car park was well designed particularly in terms of materials used and maintenance. She considered the application to be a reasonable request given the circumstances beyond their control, and that they should be afforded the opportunity to implement the scheme for which they had originally applied for, and been granted permission.

Another Member was concerned about the amount of time the County Council had indicated would be needed for the resolution of the Traffic Regulation Orders.

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

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

4) Erection of 4No. Single Storey Dwellings (Revised Application), Land North of Thornedge, Station Road, Cumwhinton (Application 18/0237)

The Principal Planning Officer submitted the report on the application, he outlined the planning history of the site and reminded Members that the two previous applications for Planning Permission had been refused due to the proposal not being well related to existing dwellings or the form of settlement and were therefore an intrusion into open countryside.

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

The scheme before Members comprised relocation of the proposed dwellings such that they would be sited directly to the north of the existing dwellings. Additionally, the eastern section of the site would form an orchard, with a copse being planted along the eastern and south boundaries, the Section 106 legal agreement would ensure that they were retained in perpetuity. Furthermore, the legal agreement would also include the provision of an affordable dwelling within the scheme.

The Principal Planning Officer advised that, following an updated response to the consultation, condition 8 of the proposed permission was to be amended to remove reference to footpaths and would read as follows:

"The dwellings shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and has been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority."

Given the above, the Principal Planning Officer considered that the proposed scheme was better related to the existing settlement than previous applications had been and on that basis he recommended that Authority to Issue be given to the Corporate Director of Economic Development to issue approval of the application, subject to the conditions detailed in the report and subject to a legal agreement to secure:

- a. One of the dwellings being made available at a 30% discount;
- b. The provision and retention, in perpetuity of the orchard and copse.

The Committee then gave consideration to the application.

Members sought clarification regarding the ownership and future maintenance of the orchard and copse.

The Principal Planning Officer explained that the orchard would comprise part of proposed plot B and that future occupiers of the property would be responsible for the ongoing maintenance. It was understood that a management company would be responsible for management of the copse which was to be accessible for maintenance purposes. The Section 106 Agreement would ensure the retention of both the copse and orchard in perpetuity.

In response to a question from a Member on the timing of the planting of the copse and orchard, the Principal Planning Officer drew the Committee's attention to condition 4 which set out the relevant details.

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

RESOLVED: That Authority to Issue be given to the Corporate Director of Economic Development to issue approval of the application, subject to the conditions detailed in the report and subject to a legal agreement to secure:

- a. One of the dwellings being made available at a 30% discount;
- b. The provision and retention, in perpetuity of the orchard and copse.

5) Erection of 3No. Dwellings (Outline), Land to the rear of Gladsmuir, Broomfallen Road, Scotby, Carlisle, CA4 8DG (Application 18/0043)

The Planning Officer submitted the report on the application which had been the subject of the site visit by the Committee on 25 April 2018.

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

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

The Committee then gave consideration to the application.

A Member noted that during periods of rainfall gravel debris from the access road washed on to the highway and into the drain which became blocked, he asked what impact the proposal would have on the surface water drainage from the access lane.

The Planning Officer noted that the proposal included the provision of a 5 metre bituminous surface at the bottom of the access lane to prevent the accumulation of debris on to the highway, therefore the scheme was considered to afford a betterment to the current situation.

The Member requested that a condition be included into the permission requiring that a maintenance scheme for the management of surface water be implemented.

The Planning Officer undertook to incorporate the condition into the permission.

Several Members expressed concern in relation to the visibility splay for vehicles exiting the access lane, and the narrowness of the access lane which they considered was insufficient for allowing two vehicles to pass each other safely.

The Planning Officer advised that the visibility splay when exiting the access lane was 4.1 metres. Moreover, following receipt of the initial response of the Highway Authority to the consultation on the application, she had requested that Officers from the organisation conduct a site visit. The site visit had been undertaken during a period of wet weather, thereby enabling the Officers to assess the impact of rainfall in generating debris which cascaded onto the highway. Therefore the Highway Authority was very aware of the site, and had not raised objections to the proposal.

A number of Members remained concerned regarding the proposed access and egress arrangements, and sought clarification as to whether it was feasible to request the Highway Authority carry out a further site visit, given the concerns raised by Members.

The Development Manager reminded Members that the Highway Authority was the Statutory Consultee for highways matters relating to planning applications, therefore he cautioned Members against refusing permission on the basis of the visibility splays. The applicant had the right to appeal a refusal of permission, and such a stance would be difficult to support without the agreement of the Highway Authority.

In relation to concerns regarding the need for provision of a passing place on the access road, the Development Manager advised that were the Committee minded to do so, it was able to impose a condition requiring that the provision be made. However, he noted that the lane was a private road, however, the applicant was able to appeal such a condition. The Committee indicated that it wished the condition to be imposed.

A Member expressed concern about parking of construction traffic given narrowness of the access lane.

The Planning Officer undertook to add a condition to the permission requiring the provision of a compound within the site for construction vehicles to park.

A Member asked whether, to prevent overdevelopment, it was possible to limit the number of dwellings at the site to 3. The Committee indicated its support for the proposal.

The Planning Officer undertook to impose a condition limiting the number of permitted dwellings at the site to 3.

With reference to paragraph 6.19 of the report, a Member sought clarification as to whether the applicant owned the land that the wheelie bin had been sited on.

The Planning Officer explained that the particular area of highway referred to in the paragraph was not owned by anyone, and that a suitable location for a bin stored needed to be agreed.

A Member moved the Officer's recommendation along with the imposition of additional conditions relating to: a maintenance scheme for the surface water drainage system; the provision of a passing place on the access road to the site; the installation of a compound for the parking of construction traffic and; limiting the number of dwellings at the development to three. The proposal was seconded, and following voting it was:

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

The Committee adjourned at 11:40am and reconvened at 11:53am

- 6) Conversion of Existing Building to form 2no. dwellings, together with the erection of 3no. dwellings within the grounds of the property (Reserved Matters Application Pursuant to Outline Approval 17/0499), Former White Quey Inn, Stoneraise, Durdar, Carlisle, CA5 7AT (Application 18/0131).**

The Development Manager submitted the report on the application which sought permission for the Reserved Matters further to the granting of Outline Planning Consent at the White Quey by the Committee in August 2017. The Outline application established the principle of 5 dwellings on the site comprising 3 new build and the conversion of the remaining building into two units.

Whilst it was generally accepted that the site was in need of development as it had become an eyesore, concerns had been raised particularly in relation to the scale of Plots 2 and 3. The outline application was accompanied by an Indicative Layout albeit that All Matters were Reserved.

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

The current scheme proposed increased landscaping on the site with the plots at the rear being subservient to the frontage. As landscaping was a Reserved Matter the indicative layout had provided a potential solution for the site's development, however, the matter had not been fixed at the Outline Stage and therefore was open to amendment. The proposed dwellings were large however since the original submission ridge lines have been reduced and additional landscaping introduced.

Objectors had also raised concerns in relation drainage and the applicant had been asked to submit further details, however those had not been forthcoming. Therefore, the Development Manager advised that the conditions which related to the Outline Permission for the site were not able to be discharged and remained in force.

In conclusion, the Development Manager recommended that the application be approved, subject to the conditions detailed in the report.

Ms Robson (on behalf of Ms Bell Macdonald, Ms Wilkinson, Mrs Harman and Mrs Oldman – Objectors) spoke against the application in the following terms;

Drainage: details of the drainage systems for the proposed development had not been submitted, which was contrary to Local Plan policy IP6 - Foul Water Drainage on Development Sites. The application site was in an area of countryside where farmers operated the Higher Level Stewardship Scheme, without details of the system, Members were not able to judge whether drainage from the site would impact adjacent land or watercourse(s) in the vicinity of the site. Ms Robson noted that the Environment Agency had imposed a condition on a nearby development requiring the package treatment plan to be 10 metres away from the nearest watercourse, she hoped that such an arrangement would be imposed on proposed development.

Scale and design: the scale and design of the proposed dwellings had been considered by the Officer only in the context of application site, not its wider landscape, such an approach had led to the permitting of inappropriately scaled developments in the area of the site. Ms Robson stated that it was important for Members to consider the degree of increase in the dwellings from those indicated at the Outline stage to those currently proposed, as in her view, it was important in determining whether the proposed dwellings would create a greater adverse impact on the appearance and character of the area than the existing complex.

In relation to design, Ms Robson reminded the Committee that at the Outline application stage stated that *"... views into the site from the road would only be fleeting when passing the site. Appropriate consideration to the position of the dwellings to the rear of the site at the Reserved Matters stage could ensure that these dwellings themselves are not directly visible when passing the vehicular entrance to the site."* In the Outline application, the then applicant had indicated that the site would have extensive landscaping, thereby creating a woodland setting for the houses and filtering views of the development from the highway, which was in line with the Cumbria Landscape and Character Guidance and Toolkit. She recognised that the

Indicative Layout submitted with the Outline application, had only been indicative, but she felt that the layout had given assurances which had led to the granting of Outline Permission. In addition, it was important that the design of the dwellings were not an urban style format.

Ms Robson believed that the principal consideration in relation to the proposed scheme was how the site was able to be developed without creating a negative impact on the character of the area, or creating a precedent for encroachment into the countryside at sites which had not been earmarked for development in either the Strategic Housing Land Availability Assessment or the adopted Local Plan.

Ms Robson considered that the Development Manager had supported his recommendation for approving the application by referring to Paragraph 6.5 of the National Planning Policy Framework (NPPF) which set out the presumption in favour of sustainable development which was a golden thread in both the plan making and decision making processes. Ms Robson noted that the NPPF continued “... *proposed development that accords with the an up to date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.*”

Moreover, the Local Plan allowed for the conversion of structurally sound, redundant or disused buildings provided that the development generated an enhancement of the immediate setting of the building. The report acknowledged that the dwellings as proposed were significantly larger, and the Officer had considered that the site was able to accommodate dwelling of the scale proposed without being over developed.

In conclusion, Ms Robson advised that objectors to the proposed scheme wished to see the site developed as it was currently an eyesore, but they were concerned that the development which replaced it was acceptable.

Councillor Allison (Ward Member) addressed the Committee noting that there was widespread support for the proposed scheme in the local area, and that the restoration of the building was long overdue.

In relation to objectors' concerns that the proposed dwellings imported urban design characteristic and therefore were not in keeping with the local rural vernacular, Councillor Allison considered that there was a variety of development styles in the surrounding area, he displayed slides on screen illustrating a number of different property types in the vicinity of the application site. Regarding the requirement that the building to the rear of the site be subservient to the frontage, Councillor Allison considered that such a stipulation may make the development unviable.

Councillor Allison explained that he had raised concerns with the case officer regarding the potential future conversion of the proposed garage to a dwelling in future; where such a conversion to take place would it set a precedent for development on adjacent land; was the site deemed an exception site such to prevent similar development. He was pleased to advise the Committee that he had received reassurance on all counts. With regards to the drainage arrangements, they had been conditioned as part of the Outline Consent and remained to be discharged. He urged Members to grant permission to the scheme.

The Committee then gave consideration to the application.

A Member was not satisfied that details of drainage methods had not been submitted with the application.

The Development Manager advised that drainage had been addressed as part of the Outline application and was subject to conditions which were required to be discharged prior to commencement of construction works. Failure, by the applicant to discharge the conditions could result in enforcement action being taken.

With reference to paragraph 6.9 of the report, a Member noted that therein, the Officer had indicated that the proposed landscaping was considered to be an enhancement of the scheme. The Member considered that landscaping was an important aspect of the scheme, however, the Officer's view was not shared by a number of those who had objected to the scheme, he sought clarification as to whether the matter was able to be reconsidered by the applicant. He further asked whether proposed plot 1 was able to be relocated further into the site to help it blend in better.

Regarding the issue of landscaping, the Development Manager advised that the proposed scheme was considered to have met the requirements of condition 1. He suggested that were the Committee not to consider the proposed landscaping scheme to be acceptable, that Members give consideration to requiring the applicant to submit further details of the scheme.

In relation to plot 1, the Development Manager reminded Members, that the Committee had approved the layout at the Outline stage. Were Members minded to modify the location of the plot, he advised the Committee to defer determination of the application so that Officers may discuss the issue with the applicant.

A Member considered that the site in its current form was an eyesore and in need of development, in her opinion the design of the proposed dwellings was in keeping with the traditional vernacular architecture. She felt that the Committee was fully cognisant of the need for the scheme to be financially viable, and indicated her support for deferral of the application in order that Members' concerns be addressed.

Responding to a question from a Member regarding bird and bat surveys at the site, the Development Manager advised that the surveys had not been deemed necessary and therefore had not been carried out. The Member requested that, in the event that the application was deferred, that the surveys be undertaken.

A Member moved that determination of the application be deferred in order to give further consideration to on site drainage, landscaping, layout of plot 1 and bats/birds, and to await a further report on the application at a future meeting of the Committee. The proposal seconded, and following voting it was:

RESOLVED: That determination of the application be deferred in order to give further consideration to on site drainage, landscaping, layout of plot 1 and bats/birds, and to await a further report on the application at a future meeting of the Committee.

7) Erection of 1no. Agricultural Workers Dwelling (Outline), Home Farm, Farlam, Brampton CA8 1LA (Application 17/0361)

A Member moved that determination of the application be deferred in order for the Committee to undertake a site visit, which was seconded, and following voting it was:

RESOLVED: That determination of the application be deferred in order for the Committee to undertake a site visit and that a further report be submitted to a future meeting of the Committee.

8) Erection of 2No. Dwellings; Erection of first floor extension side extension to Carlton, Carlton, Brier Lonning, Hayton, Brampton, CA8 9HN (Application 18/0218).

Councillor Tinnion having declared an interest in the item of business removed himself from his seat and took no part in the discussion nor determination of the application.

The Planning Officer submitted the report on the application which had been the subject of the site visit by the Committee on 25 April 2018.

Slides were displayed on screen showing; site plan; existing house plans and elevations; proposed houses plans and elevations, and photographs of the site, an explanation of which was provided for the benefit of Members.

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

A Member indicated that he was minded to support the application, he sought clarification on the colour and layout of the proposed boarding.

The Planning Officer advised that a condition had been included in the consent requiring details of material to be submitted the Local Planning Authority for approval.

Responding to a question from a Member regarding surface water drainage affecting the adjacent agricultural land, the Planning Officer explained that details of the system had yet to be submitted. A condition had been included in the consent requiring the submission of details to the Local Planning Authority for approval, whereupon the proposed system would be considered through the hierarchy of consenting bodies, as set out in the National Planning Policy Framework.

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

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

Councillor Tinnion resumed his seat.

9) Formation of hardstanding; erection of proposed agricultural shed, Land opposite Crossgates Cottages and Park Terrace, Crossgates, Hallbankgate (Application 17/1097).

A Member moved that determination of the application be deferred in order for the Committee to undertake a site visit, which was seconded, and following voting it was:

RESOLVED: That determination of the application be deferred in order for the Committee to undertake a site visit and that a further report be submitted to a future meeting of the Committee.

10) Change of Use from Public House and associated residential accommodation to 1no. dwelling, Four Oaks Hotel, Cargo, Carlisle, CA6 4AW (Application 18/0127).

Councillors T and S Sidgwick having declared an interest in the item of business removed themselves from their seats and took no part in the discussion nor determination of the application.

The Planning Officer submitted the report on the application which sought permission for the change of use from a Public House to a residential dwelling.

The Planning Officer advised that a representation from Cargo Community Limited was received on Wednesday. The community group was formed in order to register the premises as an Asset of Community Value on the Council's Community Asset Register.

The Planning Officer summarised for the benefit of Members, the issue raised in the correspondence, as follows:

- Historically the Four Oaks had been the place to go for a meal or drink, and the group hoped to make the Four Oaks into the hub of the village, encouraging both locals and others to frequent the pub because of the range of facilities it proposed to offer;
- There were over 40 successful community run public houses in England and Cargo Community Limited believed they could join that group;
- The public house would provide a welcoming place to enable different generations to come together increasing tolerance, understanding and building a notion that the community cares for its members;
- The group was disappointed that, to date, it had not been successful in purchasing the public house, and that the owner had sold the property at a significantly higher price than their valuation;
- They felt strongly that the property was the only hope of any kind of community hub.

The correspondence had also been accompanied by a timeline of the actions taken to date by the community group in order to try and purchase the property, which the Planning Officer summarised for the benefit of Members.

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

The Committee then gave consideration to the application.

A Member noted that Assets of Community Value were material planning considerations, he asked whether the Cargo Community Limited group were looking for further time to raise additional monies to increase their offer for the premises.

The Planning Officer advised that the community group had not indicated their intentions, the group had not submitted any further offers on the premises since 2017 and had not contacted the vendor's estate agent.

Several Members expressed disappointment that the public house had closed. A Member noted that the business had closed in 2013, and that the current owner was entitled to sell the property to whom they wished.

A Member noted that the proposed dwelling would have eight bedrooms but only 2 car parking spaces, he sought confirmation that the Highway Authority was satisfied with the proposal.

The Planning Officer confirmed that the Highway Authority had not objected to proposals.

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

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

Councillors S and T Sidgwick resumed their seat.

DC.36/18 CHANGES TO AFFORDABLE PROVISION AT LANSDOWNE CLOSE

The Principal Planning Officer submitted report ED.16/18 which detailed proposals to amend the Section 106 Legal Agreement in relation to affordable housing provision at Lansdowne Close. He outlined the planning history of the site which had culminated in permission being given for 19 dwellings at the site, subject to a Section 106 Legal Agreement which included the provision of two, four bed houses being made available to MENCAP at a 30% discounted rate and two being offered as affordable discounted sale dwellings on the open market.

Further to the Committee's determination of the application, MENCAP had advised the Council that they required only one affordable four bed dwelling. On the basis that the affordable housing provider had requested the change to the legal agreement, the Principal Planning Officer was minded to approve the request. In order that the level of affordable housing provision from the development continued, it was proposed that one of the four-bed MENCAP dwellings be replaced with an additional three-bed discount sale affordable dwelling and a £27,000 contribution from the developer towards affordable housing.

In conclusion, the Principal Planning Officer recommended that the affordable housing contribution for the permission granted in respect of application 17/0093 – Land at Lansdowne Close be amended as follows: one dwelling be made available to MENCAP at a discounted rate; three dwellings being made available at a 30% discount and; a cash payment of £27,000 towards the provision of affordable housing.

A Member asked whether the legal agreement required the funding of play area.

The Principal Planning Officer confirmed that a contribution towards a play area was included in the legal agreement.

RESOLVED That the affordable housing contribution for the permission granted in respect of application 17/0093 – Land at Lansdowne Close be amended as follows: one dwelling be made available to MENCAP at a discounted rate; three dwellings being made available at a 30% discount and; a cash payment of £27,000 towards the provision of affordable housing.

[The meeting closed at 13:06]

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

8th June 2018

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

- Consultee responses and representations to each application;

<http://publicaccess.carlisle.gov.uk/online-applications/>

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the

25/05/2018 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 08/06/2018.

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

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	<u>17/0361</u> A	Home Farm, Farlam, Brampton, CA8 1LA	<u>RJM</u>
02.	<u>18/0214</u>	Land to the west of The Glebe, Rectory Road, Castle Carrock, Brampton, CA8 9LZ	<u>SD</u>
03.	<u>18/0283</u> A	Hazeldean, Orton Grange, Carlisle, CA5 6LA	<u>BP</u>
04.	<u>17/1097</u> A	Land opposite Crossgates Cottages and Park Terrace, Crossgates Road, Hallbankgate	<u>SO</u>
05.	<u>17/1066</u>	Plot 3 (Fallows End), Land to rear of Elmfield, Townhead, Hayton, Brampton, CA8 9JF	<u>JMT</u>
06.	<u>18/0070</u>	Land adjacent Westwood, Heads Nook, Brampton, Cumbria, CA8 9AE	<u>BP</u>
07.	<u>18/0131</u> A	Former White Quey Inn, Stoneraise, Durdar, Carlisle, CA5 7AT	<u>CH</u>
08.	<u>18/0101</u> A	Sundown Cottage, Burgh by Sands, Carlisle, CA5 6AX	<u>SO</u>
09.	<u>18/0153</u> A	NWF Agriculture Ltd, Woodside Road, Sandysike Industrial Estate, Carlisle, CA6 5SR	<u>RJM</u>
10.	<u>18/0290</u> A	Croftfield, Aglionby, Carlisle, CA4 8AQ	<u>BP</u>
11.	<u>18/0207</u>	Moat Villa, Moat Street, Brampton, CA8 1UJ	<u>SD</u>
12.	<u>17/0802</u> B	Land adjacent 12 The Whins, Heads Nook, Brampton, CA8 9AL	<u>SD</u>

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

17/0361

Item No: 01

Date of Committee: 08/06/2018

Appn Ref No:
17/0361

Applicant:
Mrs Jane Thomson

Parish:
Farlam

Agent:
Robson & Liddle (Rural)
Ltd

Ward:
Irthing

Location: Home Farm, Farlam, Brampton, CA8 1LA

Proposal: Erection Of 1no. Agricultural Workers Dwelling (Outline)

Date of Receipt:
12/06/2017

Statutory Expiry Date
07/08/2017

26 Week Determination
16/04/2018

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 And Design Is Acceptable
- 2.3 Impact On The Character And Appearance Of The Area
- 2.4 The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties
- 2.5 Highway Issues
- 2.6 Foul And Surface Water Drainage
- 2.7 Impact Of The Proposal On Biodiversity

3. Application Details

The Site

- 3.1 The application was deferred at the previous meeting of the Development Control Committee in order that Members could undertake a site visit.

- 3.2 Home Farm is situated at the northern fringe of the village of Farlam. The 0.09 hectare parcel of land is currently in agricultural use and comprises of a large portal framed building together with the storage of agricultural equipment.
- 3.3 The site is surrounded by open countryside to the north and west with the built form of Farlam to the south and east with residential properties in close proximity. The land is accessed via a private access track leading into the southern corner of the site that is taken from the C1032 Talkin to Kirkhouse road. A public footpath (number 115027) links the private access to Talkin Tarn.
- 3.4 The land itself slopes up steeply from the south and is visible from the village when approaching from the south. The site is bounded by hedging along its eastern and western boundaries.

Background

- 3.5 The accompanying Planning Appraisal provides some context for the application and states:

“Maurice and Jane Thomson own and operate a farming business at Home Farm, Farlam. They farm predominantly calves, sheep and pigs.

Messers Thomson have been involved in agriculture for many years. The history of the site is that, as well as the farming, they used to own Inisfree Kennels & Cattery but wanted to leave the industry so they sold the business, which they could not do without selling the house as the regulations for boarding kennels necessitate being resident 24/7. Without taking advice on the matter they thought that having the adjacent farm business would mean they could invest their sale proceeds into converting the traditional barn on their land. Attempts were made to apply for permission but without success.

Given the period of time since the kennels were sold, and the applicants had to operate the farming business (reducing livestock numbers to be able to cope), they have since rebuilt numbers and continue to do so. They now need to reside on site once again.

The proposal is for an agricultural workers dwelling to be located on the holding for Maurice and Jane as both work on the holding. The dwelling type would be a log cabin. The buildings on site are all used for agriculture.”

- 3.6 An application was submitted under the prior notification procedure for the change of use of a barn to a dwelling was refused in 2014 for the following reason:

“The proposed change of use of this building to a dwellinghouse is not permitted development as the proposal fails to comply with the requirements of Class MB, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as the applicant has

failed to demonstrate that i) the building is an "agricultural building" within Class MB (a) and ii) that the building was used for an agricultural use on the 20th March 2013, which is contrary to MB.1(a). As such, the proposal does not therefore fall to be considered under the Prior Notification Procedure."

- 3.7 A revised application was submitted later in 2014 for the change of use of a barn to a dwelling was refused in 2015 for the following reason:

"The proposed change of use of this building to a dwellinghouse is not permitted development as the proposal fails to comply with the requirements of Class MB, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as the applicant has failed to demonstrate that the building was used solely for an agricultural use on the 20th March 2013, which is contrary to MB.1(a). As such, the proposal does not therefore fall to be considered under the Prior Notification Procedure."

The Proposal

- 3.8 This application is for outline planning permission for the erection of one detached agricultural workers dwelling to be occupied by a farm worker. An agricultural appraisal has been submitted with the application which provides details of the current agricultural operation.
- 3.9 The application has been submitted for outline permission only with all matters reserved for subsequent approval. The supporting documents state that the building would be a log cabin with the existing vehicular access utilised to access to the property.

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, one letter of objection has been received and the main issues raised are summarised as follows:
1. an objection is made to the erection of a dwelling on this green field site. Although the owner is clearly a keen small holder this should not be sufficient justification to allow construction of a dwelling on a green field site. A previous attempt to convert a barn into a dwelling was declined approximately 2 years previous to this application;
 2. a log cabin is completely inappropriate structure for the village and location.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection.

It is noted that the existing access is substandard and does not comply with

normal standards. There is however no proof of this access not working in a safe manner i.e. no records of any accidents in the area of the access. Considering the very minor increase of the use of this access the Highway Authority could only encourage the applicant to improve this access but would not seek to refuse this application;

Farlam Parish Council: - there is insufficient detail in the application as to whether there is a need for the log cabin.

Policy HO6 states that where there is an essential need for a rural worker to live at or near their place of work, and evidence is provided to demonstrate need for a full time worker to be available at all times for the enterprise to function properly, provided that:

- a) *the business is established, has been profitable for at least one year, is currently financially sound, and has a clear prospect of remaining so;*
- b) *the housing need cannot be met by other housing nearby; and*
- c) *the house would be appropriate in terms of size, scale & design for its location.*

There is no evidence that the business is established, financially sound etc.

There is other available housing nearby.

There is no detail on the proposed log cabin eg size etc. but members felt that a log cabin was inappropriate for the area.

On the application form it says that advice was given for a temporary building to be erected for the owners to live on site but the application does not state that the log cabin is temporary

Residents of Farlam passed the following concerns to Councillor Marsh. It was agreed that these be passed to the planning authority:-

- since 1995, the housing in Farlam has almost quadrupled. There is no need for further housing;
- the access to the site is not safe;
- the application is outside the development area of the village;
- there are other housing plots available within the village that already have planning permission (3 are across the road from this site);
- that the planning authority look at the history of applications submitted for this particular site and take this into consideration.

Local Environment, Waste Services: - 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 Development Plan for the purposes of the determination of this application comprise Policies SP2, SP6, HO2, HO6, IP3, IP4, IP6, CC5, CM5, GI3, GI5 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. Section 66 of the Planning (Listed Building and Conservation Areas) is also a material planning consideration.
- 6.3 The requirements of the public sector equality duty under Section 149 of the Equality Act 2010; and the "Guidelines for Public Transport In Developments" (1999) and "Reducing Mobility Handicaps" (1991) both prepared by the Chartered Institution of Highways & Transport CIHT) are also material considerations. Section 149(1) of the Equality Act 2010 establishes a duty to have due regard to three identified needs in the delivery of public services and the exercise of public powers, namely:
- a) to eliminate discrimination, harassment, victimisation etc.;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.4 The relevant protected characteristics include age, gender, disability and race.
- 6.5 At a national level, other material considerations include the National Planning Policy Framework, March 2012 (the Framework/ NPPF), Planning Practice Guidance (April 2014) and the Natural Environment and Rural Communities Act (2006).
- 6.6 Paragraph 14 of the NPPF highlights the presumption in favour of sustainable development which is referred to as "a golden thread". For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:
1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
 2. specific policies in this Framework indicate development should be restricted.
- 6.7 Paragraph 17 of the NPPF identifies 12 core planning principles including taking account of the different roles and character of different areas; supporting the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reduce pollution; and conserve heritage assets.
- 6.8 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.

6.9 The proposal raises the following planning issues.

1. Whether The Principle Of Residential Development Is Acceptable

6.10 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.

6.11 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*.

6.12 Outline planning permission has previously been granted for the erection of three dwellings on land to the north of Inisfree, to the north-east of the application site. In the assessment of the principle of this development, the report states:

"When assessing the application against the foregoing policies, it is acknowledged that the site is located on the edge of Farlam village however it is well contained within existing landscape features as there is substantial landscaping surrounding the eastern boundary of the site. The site is physically connected to the village as it forms part of the land connected to Inisfree which is currently used for Kennels and there are also buildings on the opposite side of the road, although sparsely located. In such circumstances it is not considered that the proposal would lead to an unacceptable intrusion into open countryside.

Furthermore although Farlam village has limited services as it just has a church it is located in close proximity to Hallbankgate which has a higher range of services (school, public house, village hall, garage etc). In such circumstances the application site is considered to be in a sustainable location for housing development. The principle of the proposal is therefore acceptable."

6.13 It is therefore evident that the council has accepted the principle of open market housing in the village. Similarly, the site subject to this application is curtailed by the topography of the land and buildings to the north and the principle of development is also considered to be acceptable.

6.14 If members do not agree with the above assessment then Policy HO6 of the local plan is applicable. This policy allows for the principle of a dwelling in the rural area where there are special circumstances including where there is an essential need.

6.15 This policy is consistent with the NPPF which requires that development

proposals are adequately justified. Paragraph 55 states:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- the exceptional quality or innovative nature of the design of the dwelling.”*

6.16 The applicant has submitted a Planning Appraisal which outlines the farming enterprise. The business currently is a farming system that combines beef, lamb and pork production with a small number of poultry. The farm comprises of approximately:

- 121 breeding ewes which lamb in the Spring with their lambs being sold off the holding from late summer onwards. There are currently 50 lambs still on the holding;
- 32 calves which are bought at a week old and retained on the holding for between 3 and 12 months. There are proposals to increase numbers to around 80;
- 4 tups;
- 2 highland cows with calves;
- 4 Gloucester Old Spot breeding sows;
- 35 young pigs being reared for pork.

6.17 The applicants occupy 10.5 hectares (26 acres) of land at Home Farm. In addition the applicant occupies up to 20 ha [50 acres] of land at Scotby near Carlisle. The applicant has occupied this land for about 5 years but does not hold a tenancy or license on it.

6.18 Officers instructed an independent consult to assess the proposal and in concluding the report, it is stated that:

- there is a clearly established *existing* functional need in relation to the above landholdings.
- the labour requirement of the farming enterprises on this farming unit has been calculated and can advise that there is a total existing calculated labour requirement of approaching 1 full time worker. This will increase to 1 full time worker if and when calf numbers are increased to the proposed 80;
- this agricultural unit has been established for in excess of 3 years, is financially sound and has a clear prospect of remaining so;
- 1 full time worker, actively involved in the management of the unit should

be resident on or immediately adjacent to it to meet the existing functional need;

- there is currently no domestic accommodation on this holding;
- the Council may wish to consider if suitable and available accommodation can be achieved from the properties currently on the market opposite the applicant's land holdings;
- if the Council is minded to approve this application then consideration should be given to tie the ownership and occupation of the 26 acres to that of the new dwelling to ensure it remains available in the future.

6.19 The penultimate point in the report which refers to properties currently on the market relates to Inisfree but has been discounted as being too large and expensive. The land to the north of Inisfree is also for sale and benefits from planning permission for the erection of three dwellings. This has also been discounted as being too expensive once a plot purchase and all associated build costs and clearance costs are taken into consideration.

6.20 The response from the Parish Council together with the occupier of a neighbouring property questions the need for the dwelling in light of the financial viability of the business. It is not apparent on what information this conclusion was drawn; however, Officers have sought the advice of an independent consultant whose conclusions confirm that there is a need for a dwelling and that the business is financially sound.

6.21 From the information contained within the application details, the applicants used to live in the village directly opposite the land which they farm. This property was sold approximately 8 years ago. Whilst permission was sought to convert a barn on their land to a dwelling and was refused on two separate occasions, this application was submitted under a separate application process where neither the principle of new-build housing or the needs of the applicant were required to be considered but moreover, it was established that the building could not be converted under the prior notification procedure as it could not be established that the building had previously been used for agricultural purposes. Had this been demonstrated, approval could have been granted and the building converted to an unfettered dwelling. As such, this history should carry no weight in the determination of this application.

6.22 The principle of residential development has previously been accepted by the council in Farlam, most recently through application 16/0609 on land to the north of Inisfree. This issue with open market housing on this site is a matter for consideration; however, notwithstanding this, the principle of residential development for a rural worker is acceptable. Members may wish to consider whether the location of residential development is acceptable per se which if this is the case, it may not be reasonable to impose a restrictive occupancy condition or tie the land to the dwelling as suggested by the council's consultant.

6.23 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 And Design Is Acceptable

- 6.24 Policies seek to ensure that development proposals are appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.25 When assessing the character of the area, it is evident there are a variety of properties of differing ages and styles within the immediate vicinity but predominantly on the approach to the site from the south, they are two storey in height and of either stone or render construction under a slate roof. Inisfree, which is directly opposite and to the east of the site, is a large single storey rendered bungalow under a slate roof.
- 6.26 As previously highlighted the application seeks outline planning permission with all matters reserved. The details of any building would therefore be considered on their merits during any subsequent application. Accordingly, this would ensure that the scale and massing of the proposed dwellings would appear comparable to the existing properties within the immediate vicinity and would not result in a discordant feature within the area as a whole.

3. Impact Of The Proposed On The Character And Appearance Of The Area

- 6.27 Planning policies seek to ensure that proposals for development in the rural area conserve and enhance the special features and diversity of the different landscape character areas. Development proposals are expected to incorporate high standards of design including regard to siting, scale and landscaping which respect and, where possible, should enhance the distinctive character of the landscape.
- 6.28 Again, the application seeks outline planning permission only and any detailed scheme would have to be mindful of the potential impact on the character and appearance of the area. The application site is well-related to the field boundaries and existing buildings within the site. On this basis, it is not considered that the proposal would be detrimental to the character or appearance of the area.

4. The Impact Of The Development On The Character And Setting Of The Grade II Listed Building

- 6.29 Paragraph 6 of the NPPF states that:

“The purpose of the planning system is to contribute to the achievement of sustainable development”.

- 6.30 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 9). Planning should always seek to secure high quality design and should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations as stated in paragraph 17 of the NPPF.
- 6.31 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).
- 6.32 Paragraph 133 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 134, 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.
- 6.33 Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.34 Lowtown Farm is a Grade II listed building located approximately 30 metres to the east of the application site. The building is a 2 storey detached farmhouse property with symmetrical detail to the fenestration of the front elevation.
- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.35 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.36 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

- 6.37 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 132). However, in paragraph 134, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.38 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.39 The application seeks outline planning permission only and it is considered that in respect of the impact on the listed building, the principle of residential development would be acceptable with the further details being considered separately at the time of any subsequent application. In this context, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

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

- 6.40 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.
- 6.41 The building is located opposite residential properties to the south and east of the application site. The main aspect of these properties face south-west and north-east and not, therefore, directly over the application site that is further to the north-west.
- 6.42 Given the width of the plot there is sufficient land to allow the building to be positioned at the reserved matters application stage so that the living conditions of the occupiers of this property would not be adversely affected by the development.

6. Highway Issues

- 6.43 The dwelling would be located adjacent to a single width access track. Cumbria County Council as the Highway Authority has raised no objection to the application but has advised that the access does not meet the standards for a dwelling and that the applicant could be encouraged to undertake improvements. Given that the proposed level of use together with the fact that this is a private access road that is used by vehicles to enter the site, it would be unreasonable to impose a condition requiring the access to be improved. As such, the proposal does not raise any highway issues.

7. Foul and Surface Water Drainage

- 6.44 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, provides no details in relation to foul drainage but confirms that the surface water would be to a sustainable drainage system.
- 6.45 The principle of the means of disposal of the surface water is acceptable but as no details have been provided in respect of either system, conditions are included within the decision notice requiring the submission and agreement of further details including a management and maintenance scheme for the soakaway in accordance with the NPPF.

8. Impact Of The Proposal On Biodiversity

- 6.46 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.
- 6.47 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 has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

Conclusion

- 6.48 In overall terms, the proposed has been submitted on the basis that the occupancy would be for a rural worker. The principle of a dwelling on this basis is acceptable and would meet the functional need identified for the farm.
- 6.49 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.
- 6.50 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.

- 6.51 The means of foul and surface water drainage can be suitably addressed through the imposition of planning conditions.
- 6.52 In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

7. Planning History

- 7.1 Planning permission was granted in 2016 for the erection of an agricultural building for housing and feeding livestock.

8. Recommendation: Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
- i) the expiration of 3 years from the date of the grant of this permission, or
 - ii) the expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

- 1. the Planning Application Form received 2nd May 2017;
- 2. the Location Plan received 12th June 2017 (Plan no. 1);
- 3. the Access point received 2nd May 2017 (Plan no. 2);
- 4. the Desk Top Study received 12th June 2017;
- 5. the Agricultural Planning Appraisal Report received 12th June 2017;
- 6. the Notice of Decision;
- 7. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

4. The occupation of the dwelling hereby approved shall be limited to persons solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or dependants of such persons residing with him or her, or a widow or widower of such a person.

Reason: The unrestricted use of the dwelling would be contrary to the provisions of the National Planning Policy Framework and Policy HO2 of the Carlisle District Local Plan 2015-2030 which seek to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

5. No development shall commence until 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.

6. No development shall commence until 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 HO2 and CM5 of the Carlisle District Local Plan 2015-2030.

7. 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 shall be submitted to and approved in writing by the local planning authority.

The surface water system shall demonstrate that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 30 % to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc). The scheme must also confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the surface water public sewer, the pass

forward flow rate to the surface water public sewer must be restricted to 5l/s for any storm event.

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.

8. 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:
- arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - a. 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 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.

9. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.

Reason: To prevent pollution of the water environment in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

10. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted. All works comprised in the approved details of means of enclosure and boundary treatment shall be carried out contemporaneously with the completion (i.e. by the plastering out) and completed prior to the occupation of each dwelling hereby permitted.

Reason: To ensure that the work is undertaken in a co-ordinated manner that safeguards the appearance and security of the area in accordance with Policies HO2 and CM5 of the Carlisle District Local Plan 2015-2030.

11. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, 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.

12. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared to reduce the potential for crime in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

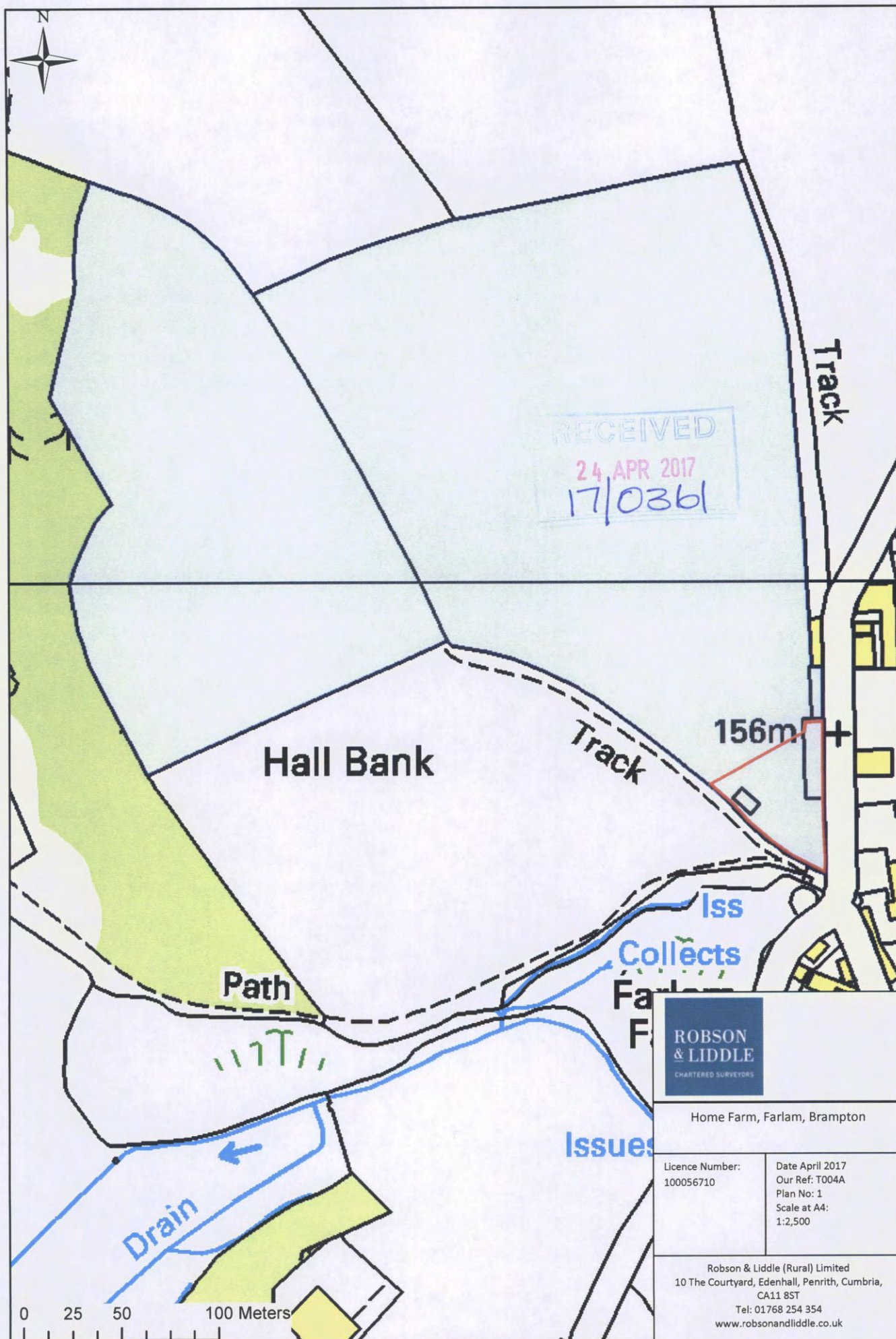
14. Before any development takes place, a plan shall be submitted to and approved in writing by the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access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

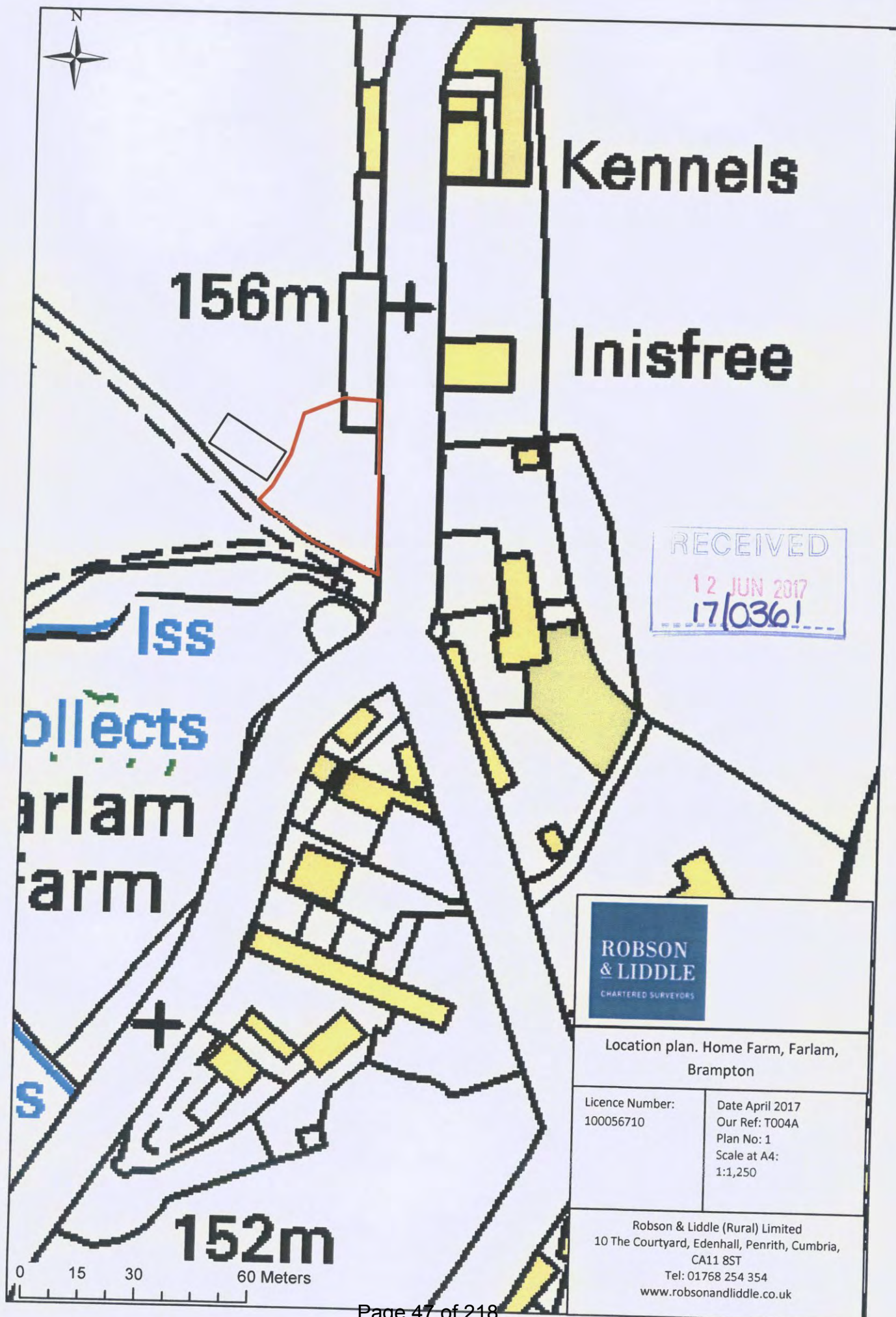
Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users in accordance with Policies HO2 and SP6 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policy LD8.

15. 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 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 hedges to be retained on site in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.









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SCHEDULE A: Applications with Recommendation

18/0214

Item No: 02

Date of Committee: 08/06/2018

Appn Ref No:
18/0214

Applicant:
Carlisle Diocesan Board of Finance

Parish:
Castle Carrock

Agent:
PFK Planning

Ward:
Great Corby & Geltsdale

Location: Land to the west of The Glebe, Rectory Road, Castle Carrock, Brampton, CA8 9LZ

Proposal: Erection Of Dwellings (Outline) (Revised Application)

Date of Receipt:
07/03/2018 23:02:42

Statutory Expiry Date
02/05/2018 23:02:42

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that “authority to issue” the approval is given subject to the completion of a S106 agreement to secure two of the dwellings on site being made available at a 30% discount.
- 1.2 That should the Legal Agreement not be completed, delegated authority 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 Impact Of The Proposal On The North Pennines AONB
- 2.3 Whether The Scale And Design Would Be Acceptable
- 2.4 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Highway Matters
- 2.6 Foul And Surface Water Drainage
- 2.7 Biodiversity
- 2.8 Affordable Housing
- 2.9 Other Matters

3. Application Details

The Site

- 3.1 The application site, which measures 0.40 hectares, forms part of an undeveloped agricultural field which lies within the North Pennines Area of Outstanding Natural Beauty (AONB). Estate railings and a hedge, which sit on a bank, form the northern site boundary, beyond which lies a grass verge and Rectory Road (B6413). Residential properties lie on the northern side of Rectory Road and these face the site.
- 3.2 The application site is adjoined by the remaining parts of the agricultural field to the south and west. The land to the south rises uphill away from the site and a residential property (The Heights) sits on the top of the slope. Residential properties at The Glebe adjoin the site to the east.

The Proposal

- 3.3 The proposal is seeking outline planning permission for the erection of up to eight dwellings including two affordable units on the site. Approval is being sought for the proposed access, with the layout, scale, appearance and landscaping being reserved for subsequent approval.
- 3.4 The indicative layout plan that has been submitted with the application shows access being provided from Rectory Road. The new access road is shown running along the front of the site parallel to Rectory Road, in a similar arrangement to The Glebe. The estate railings along the northern site boundary would be retained, as would the majority of the hedge, with only a small section being removed to provide access.
- 3.5 The plan shows four pairs of semi-detached dwellings, with two of the dwellings being shown as affordable units. The rear boundaries of the dwellings would tie in with the rear boundaries of the dwellings at The Glebe.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and notification letters sent to forty-four neighbouring properties. In response 53 letters of objection have been received from 38 households. The letters of objection raise the following issues:

Impact on the North Pennines AONB/ Character Of The Area

- Castle Carrock is within the North Pennines AONB – Local Authorities must make sure that all decisions have regard to the purpose of conserving and enhancing the natural beauty of AONBs;
- AONBs are protected so that no development will be permitted which

would adversely affect the visual, conservation, historic or geological quality of the area – this development would do precisely that;

- building on the site would not protect the land or conserve or enhance its natural beauty;
- difficult to see how the development would protect the special character of the landscape when it will obliterate views of the fellside as you enter the village;
- development in AONBs should be in the public interest;
- the development would negatively impact on the AONB rather than enhance it as required;
- the development will take away the vista of the North Pennines as you enter the village;
- the openness of the Glebe field provides glorious views to the fells which define the character of the village;
- the site is on the edge of the North Pennines and this should make development a non-starter;
- fell villages like Castle Carrock have a specific character that cannot withstand urbanisation – once urbanised their character is lost forever;
- the Glebe field is a highly valued asset in the village;
- a beautiful entrance to the village would be spoilt;
- the field is key in connecting the village to the expanse of fell land beyond its boundaries;
- building houses on a greenfield in the AONB shouldn't be allowed;
- the development will ruin the character of the village which is extremely sensitive to further development;
- the proposal will create an everlasting change to the environment and the unique character of the village;
- the proposal would introduce an urbanising change which would detrimentally impact upon the functional and visual association between the historic core of the village and its undeveloped countryside setting;
- the site is higher than the rest of the village;
- the character of the village is being eroded;
- more housing developments will dilute the village's special character;

- extra dwellings risks adversely affecting the character of the small close knit community;
- need to preserve the village from development;
- the field is one of the last green spaces within the village boundary;
- the removal of a 3m stretch of historic hedge in an AONB will change the boundary of the village;
- at-least 10m of hedge would need to be removed to make space for the entrance which would significantly change the character of the entrance to the village;
- proposal is contrary to Policy GI2 (AONB) - would not conserve or enhance the natural beauty of the area;
- Policy GI2 suggests that the Council should follow recommendations from the AONB;
- AONB Partnership objected to the previous application (16/0771) on this site;
- the character of the area will be irreversibly altered regardless of the materials chosen and the style of houses built;

Principle/ Scale of Development

- Castle Carrock is not designated as a sustainable area for housing in the Local Plan;
- the proposed site is not listed in the 10-year Housing Allocations in the Local Plan - Brampton has an indicative yield of 450 houses, which includes over 135 affordable houses and housing should be focussed here;
- the proposal is contrary to 4 of the criteria of Policy HO2 Windfall Housing;
- facilities in the village are limited – bus service is infrequent, the Post Office only opens one afternoon per week and the school is very small with not enough space to accommodate an influx of children;
- 35 new houses have been built in Castle Carrock in the last 10 years which is a huge amount for a village of only 110 homes and there is a current planning permission for 8 new houses in the grounds of Gelt Hall;
- question the need for more houses in the village – a recent housing development took several years for some of the houses to be sold;

- Castle Carrock doesn't need more houses - the demand for housing is low; Castle Carrock is low;
- the development is not appropriate or necessary in a small village like Castle Carrock;
- given this is such a small village it has had its fair share of new dwellings;
- this will end up being a massive development which the community cannot sustain;
- once this site is established as development land the rest of the field might get developed;
- future development should be focussed on those areas identified by the Council as suitable for larger scale development where transport and supporting services can be accessed readily;
- the proposed site isn't brownfield;
- Castle Carrock is in Affordable Housing Viability Zone A, which requires at least 30% of the development to be affordable. The proposal does not meet this criteria and therefore should be rejected;
- the presumption in favour of sustainable development, in accordance with other policies in the NPPF, does not apply to an AONB;
- the proposed development will not contribute to building or improving the village economy, will not have a significant social impact and will not help to protect and enhance the natural environment of the village, therefore its sustainability is questionable;
- it has not been demonstrated how the development will enhance or maintain the vitality of the community;
- not against housing development in Castle Carrock but do not want it on this site;

Highway Matters

- Rectory Road is already busy with parked cars on both sides of the road in the evenings and at weekends, making the road single file. More cars entering the road from the development will be dangerous for both cars and pedestrians;
- Rectory Road is busy with parked cars and people have to walk in the road;
- further traffic coming onto Rectory Road from the development site will

add danger to children and residents trying to access their own parking;

- future residents of the development will end up parking in Rectory Road;
- there is a very limited bus service (mid-morning twice weekly) and this will mean more cars in the village and commuting into and out of the village;
- new residents will be required to travel to amenities, increasing traffic through the village;
- it is likely that each of the dwellings will have at-least two cars which will increase transport in a rural area;
- the proposed entrance is prohibitively close to a 90 degree bend onto a road that is already used for on road parking;
- proposal will increase the risk of accidents - extra traffic will enter Rectory Road near a dangerous bend where vehicles are entering the village at speed;
- farm machinery and large tankers going to the water works use Rectory Road as do horses and cyclists;
- construction traffic will create a danger on the already busy roads through the village;
- the provision of visibility splays will remove the capability of residents to park on the south side of Rectory Road;

Drainage Issues

- there is a huge problem with the drainage system in Castle Carrock which is insufficient to manage all the waste and water;
- there is a problem with waste services overflowing in the village – there is no capacity for any more waste or water;
- the City Council, the Environment Agency and United Utilities have confirmed that drainage and sewerage are already at capacity;
- the village had a survey in 2008 (Jacobs Report) which stated that the services in the village were not big enough to cope with all the houses – since then 30 new houses have been built;
- the 'Making Space for Water Group' of which the City Council is a partner identified the village is very susceptible to surface water flooding due to under capacity infrastructure;
- the village suffers flooding during periods of heavy rain – flooding currently occurs down Rectory Road and in the centre of the village;

- the land currently soaks up some rain water and building on the site will increase drainage problems;
- the surface water drains were upgraded in 2016 - the upgraded system is now fit for purpose for the properties it currently serves but would not cope with further properties;
- the newly improved drainage system is not a complete success - with ponding still occurring due to a build up of silt in the new pipework;
- the proposed development will replace permeable soil with impermeable hard surfaces, causing rapid run-off of surface water. Additionally, construction and quiescent operations will add extra silt and building debris to the existing surface water systems, reducing flow capacity of the existing infrastructure;
- in order to avoid any increased risk of surface water flooding to the centre of the village, all surface water from the site would need to be diverted to the west of the development and not add to the volume at the centre of the village;
- flooding will become commonplace in times of adverse weather conditions which is happening more regularly;

Impact on Residential Amenity

- the development site sits at a lot higher level than the houses opposite and this would adversely affect the privacy of the occupiers of these dwellings;
- development will lead to overlooking of the dwellings opposite;
- light pollution from car lights leaving the access road would adversely affect the dwellings opposite;

Biodiversity

- the site is a haven for wildlife – any development would affect the plants and wildlife which inhabit the site;
- a barn owl, bats and deer have been spotted on the site;
- the natural ecosystem may be severely disrupted;
- disturbance to the field will destroy this habitat and it will take several years before wildlife returns;
- the historic hedging must be preserved;
- the hedges would not be retained but would be removed by home

owners;

Other

- approval of this application will expose residents to a further application for the Glebe land in the near future;
- the outline planning permission might be changed and a larger number of houses developed on the site and the hedges and railings might be removed;
- the proposal is not noticeably different from the previous application on this site which was withdrawn;
- the already overloaded infrastructure won't cope with more development;
- the houses are unlikely to be affordable to local people;
- proposal should be for affordable housing for local people to buy not rent as proposed;
- property developments of this kind often end up with second home buyers buying the homes and the objectives of building new houses isn't achieved;
- the area will be lost forever;
- the village has seen significant development over the last few years but services have continued to decline;
- proposal is more about financial gain for the church rather than caring for the welfare and future of the village;
- Castle Carrock Parish Council undertook a survey with every household in the parish (Rural Master Plan) to identify housing sites in the village and areas which people wanted to remain undeveloped. This site was not an area desirable for development. This application makes a mockery of the survey;
- this site was considered the least suitable for development by villagers;
- the local community are overwhelmingly opposed to the proposal;
- views of the community have not been taken into account;
- local opinion clearly has no influence on planning proposals and carries no weight;
- the negative impacts of the proposal greatly outweigh the possible positive outcomes;

- the proposal is contrary to planning policies HO1 (Housing Strategy); SP2 (Strategic Growth and Distribution); CC5 (Surface Water Management); HO2 (Windfall Housing); HO4 (Affordable Housing); IP2 (Transport and Development); GI2 (Areas of Outstanding Natural Beauty); SP1 (Sustainable Development).

5. Summary of Consultation Responses

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

Castle Carrock Parish Council: - objects to the application for the following reasons:

- the field is an open space and clearly neither a developed nor brownfield site. If the proposal is approved, the view here will be of houses and other features of a built environment, not field and fellside. The City Council surely wants to protect the natural characteristics that make the North Pennine landscape unique and important for supporting tourism and recreation?;
- this land, particularly when approaching the village from the west, is an open space with unparalleled views through to the Pennine fellside (which should be protected by the AONB) and it has been used both agriculturally and recreationally by the local community for many years;
- the Parish Council has consulted residents about where development would and would not be acceptable - the results identified this field as an area not suitable for development;
- the development is not sustainable in terms of Para 7 of the NPPF as there is no evidence of the development supporting growth, providing housing which is really affordable (for instance starter homes, or shared equity). Neither does the proposal satisfy any environmental function – quite the reverse;
- this application is windfall in an area with poor services and not in the areas identified in the Authority's Local Plan;
- the application is also contrary to Para 17 of the NPPF - it does not recognise and support the local character, beauty of the countryside nor does it provide evidence of how it will support the rural community;
- the proposal doesn't accord with Para 14 of the NPPF - the development will contribute nothing to the strategic housing needs of the District and the applicant ignores adverse impacts rather than acknowledging them and offering mitigation;
- two homes classified as 'affordable' does not constitute a 'wide choice of high quality homes' and as the application is outline no detail of the buildings and design is provided, therefore the applicant cannot refer to the quality of the construction;
- section 11 of the NPPF recognises the need to protect the natural environment and establishes the steps planning authorities should take to afford appropriate protection to natural landscape and AONB;
- need to protect the District's natural open space and landscape from non-strategic development;
- the applicant lists the most relevant local and national planning policies in support of the application, however, this is a highly selective list and we urge the City Council's officers and members to review all relevant policies when considering this application;

- proposal is contrary to Policy SP1 of the adopted Local Plan;
- this development is purely windfall and does nothing to address the strategic aims of housing allocation in terms of quantity or location;
- Policy SP2 of the Local Plan identifies the strategic sites and their locations and none are in Castle Carrock Parish;
- this is windfall and Policy SP2 Strategic Growth and Distribution is therefore not relevant. It is worth noting comments made by Claire Sherratt (HM Planning Inspectorate) that the Draft Local Plan placed an over reliance on windfall housing and more should be done to ensure strategic allocations can be delivered. Urge City Councillors and Planning Officers to consider the strategic housing aims for the District (identified in SP3) and reject this speculative application;
- the application fails to satisfy any of the provisions in SP5, Strategic Connectivity - it does not assist the locality nor does it assist the City Council in supporting connectivity, use of public transport and resulting carbon reduction targets;
- Policy HO 1 relates to strategic allocations – this is speculative and does not provide a real mix of dwellings, nor has the applicant demonstrated local housing needs;
- no evidence has been provided to support the application in terms of how the development will support or enhance the local community as required by criterion 2 of Policy HO2. Over the last 10 to 15 years there have been many housing developments in this parish, and during this time the community has lost many services - post office, shop, pub, and bus services. It cannot therefore be said to be sustainable and supporting of local services;
- the proposal would create an intrusion into open countryside, contrary to criterion 3 of Policy HO2
- Policy HO 2 – the applicant fails to provide evidence of how the proposal will “enhance or maintain the vitality of” the community and the applicant has not worked “closely with those directly affected by their proposals”
- the primary focus of Para 14 of the NPPF is on satisfying strategic housing need, not speculative windfall and the focus ought to be the permanent loss of amenity that this proposal would bring;
- the application refers to Local Plan Policies IP6, CC4, CC5 in relation to foul drainage, surface water management and flood risk but omits any hint of how this amount of development will impact these issues and what mitigation measures may be considered;
- urge Councillors and Planning Officers to consider recent applications affecting the Parish, the comment from this Parish Council and the outcome of these applications;
- the Parish Council has sought to support, wherever possible, applications which are sympathetic to the locality and needs, and have not opposed new development in general;
- urge the Planning Officer and Councillors to reject this application which will irreversibly damage the locality and fail to address strategic needs of the District. This would amount to a failure for Castle Carrock and a failure for the District as a whole;

Cumbria Constabulary - North Area Community Safety Unit: - provided advice on crime prevention measures. Future application should comply with Policy CM4 of the Local Plan;

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions (construction details and provision of access and parking area; provision of visibility splays; parking for construction vehicles; submission of Construction Phase Traffic Management Plan; details of surface water drainage scheme);

Local Environment - Environmental Protection: - no objections, subject to conditions (to control noise, dust, vibration, hours of work, unsuspected contamination, air quality);

North Pennines AONB Partnership: -

- Section 85 of the Countryside and Rights of Way Act (2000) places a duty on local authorities and other public bodies to have 'due regard to the purpose of AONB designation (the conservation and enhancement of natural beauty) in the discharging of their functions'. Therefore, in order to approve this application and to be fulfilling this statutory duty under S.85 of CROW, Carlisle City Council must be convinced that they have shown due regard to the AONB designation, and the impact of this proposal upon it;
- the National Planning Policy Framework (NPPF) paragraph 115 states that "great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty." Therefore in coming to a decision, the interests of protecting this nationally important landscape will be seen as a paramount consideration.
- The North Pennines AONB Building Design Guide produced in 2010 by the North Pennines AONB Partnership in association with its five local authority partners, forms part of the framework against which such applications should be determined. This document has specific chapters concerning new building, sustainable construction and landscape to aid developers in bringing forward appropriate proposals within the AONB. The guidelines seek to minimise negative impacts on the landscape, important habitats and species of the AONB, whilst supporting appropriate, sustainable development;
- the primary assertion of the guidance is that new building in the AONB should relate to the established character of the area in which it is to be located;
- the outline application differs to that made previously, though it does still concern development that would if permitted extend the current settlement boundary into greenfield. It will therefore be necessary to weight the need for this development against relevant policy in relation to the AONB designation and the loss of part of the open field that characterises this part of the village;
- acknowledge that the existing 'Estate Bar' style fence would be retained;
- whilst the primary test of acceptability should be at the centre of determination of this matter, wonder if there has been a dialogue with the village community regarding potential for safeguarding any part of the fields as community assets?;

United Utilities: - no objections, subject to conditions (details of surface water drainage scheme and sustainable drainage management and maintenance plan).

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are Policies SP1, SP2, SP6, HO2, HO4, IP2, IP3, IP4, IP6, CC5, CM4, GI2, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 and the council's Supplementary Planning Document (SPD) "Achieving Well Designed Housing".
- 6.3 The requirements of the public sector equality duty under Section 149 of the Equality Act 2010; and the "Guidelines for Public Transport In Developments" (1999) and "Reducing Mobility Handicaps" (1991) both prepared by the Chartered Institution of Highways & Transport CIHT) are also material considerations. Section 149(1) of the Equality Act 2010 establishes a duty to have due regard to three identified needs in the delivery of public services and the exercise of public powers, namely:
- a) to eliminate discrimination, harassment, victimisation etc;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.4 The relevant protected characteristics include age, gender, disability and race.
- 6.5 At a national level, other material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), Planning Practice Guidance (April 2014 as updated), the Community Infrastructure Levy Regulations 2010 (as amended), and the Natural Environment and Rural Communities Act (2006).
- 6.6 The NPPF identifies 3 dimensions for the planning system to perform under sustainable development, namely, an economic role, a social role and an environmental role.
- 6.7 Paragraph 14 of the NPPF highlights the presumption in favour of sustainable development which is referred to as "a golden thread". For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
 - specific policies in this Framework indicate development should be restricted.

- 6.8 Paragraph 17 of the NPPF identifies 12 core planning principles including taking account of the different roles and character of different areas; supporting the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reduce pollution; and conserve heritage assets.
- 6.9 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.
- 6.10 The proposal raises the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 6.11 The main issue to establish in the consideration of this application is the principle of development. Policy SP1 of the adopted Local Plan states that when considering development proposals the City Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. Policy SP2 of the adopted Local Plan states that within the District's rural settlements, development opportunities of an appropriate scale and nature, which are commensurate with their setting, will be harnessed to positively contribute to increasing the prosperity of the rural economy and to enable rural communities to thrive.
- 6.12 A number of objectors and the Parish Council consider that the site is not in a sustainable location and state that the site has not been allocated for housing. The Local Plan, however, doesn't allocate small housing sites, such as the application site, which should be assessed against the Council's Windfall Housing Policy HO2.
- 6.13 Policy HO2 states windfall housing will be acceptable within the rural area provided that a number of criteria are met which include that there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services; and the proposal is compatible with adjacent land users.
- 6.14 Castle Carrock contains a primary school, a public house, a village hall and a church. The site lies immediately adjacent to, and opposite, existing residential development. The location of the site is, therefore, considered to be well related to existing development. In light of the above, the proposal would be acceptable in principle.
2. Impact Of The Proposal On The North Pennines AONB/ Character Of The Area

- 6.15 The site lies within the North Pennines AONB. Para 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Policy GI2 (AONBs) of the adopted Local Plan states that development proposals within the North Pennines AONB must conserve and enhance the natural beauty of the area. Development in AONBs will be expected to protect the special characteristics and landscape quality of the area to ensure that the scale, siting and design of the proposal is appropriate to the landscape setting. The Parish Council and a number of objectors consider the proposal would have an adverse impact on the AONB.
- 6.16 The North Pennines AONB Partnership has been consulted on the application and has not objected. It has stated that it will be necessary to weigh the need for this development against relevant policy in relation to the AONB designation and the loss of part of the open field that characterises this part of the village.
- 6.17 The proposal would provide up to eight dwellings directly on the edge of the village. The village contains a school, a public house, a village hall and a church and the provision of extra dwellings within the village would help to support these services. The Council has housing targets which it needs to achieve and windfall housing sites make a significant contribution to the meeting the housing needs within the District. The provision of up to eight dwellings on this site would make a contribution to the housing targets.
- 6.18 Whilst the site is located within a field, residential development lies directly across the road from the site and adjoins the site to east. The land to the rear rises uphill away from the site and a residential property is located at the top of the slope. The application has been revised to reduce the scale of the development and the western part of the field that lies adjacent to the B6413 has been removed from the application site and would be retained as undeveloped land. The majority of the hedge and the estate railings that lie adjacent to Rectory Road and which contribute to the character of the area would be retained.
- 6.19 A number of objectors have made reference to the loss of views to the North Pennines if this development goes ahead. The loss of individual views of the AONB is not, however, relevant but consideration does need to be given to how the proposal would impact on the character of the AONB.
- 6.20 The Landscape Character Toolkit identifies that the site lies on the boundary between two Landscape Character Types, Sub Type 7c Sandy Knolls and Ridges and Sub Type 11a Foothills. The development would not adversely affect the landscape character of these areas, given that it would be well related to the existing built form of the village and would be contained by the land to the rear which rises uphill away from the site.
- 6.21 The North Pennines AONB Partnership has confirmed that it is not objecting to the current application, which is an improvement on the previously

submitted application on this site. The current proposal minimises the loss of the hedge and retains the estate railings. The design of the dwellings, the boundary treatment and the landscaping, which will be dealt with through a subsequent Reserved Matters application, will be crucial to ensuring that the rural character of the area is retained. The North Pennines AONB Partnership, whilst not objecting to the current application, has confirmed that it would not sanction any further development in this area.

- 6.22 In light of the above, on balance it is considered that the proposal, which would be small in scale and which would be well related to existing residential development, would not harm the landscape quality of the area.

3. Whether The Scale And Design Of The Dwellings Would Be Acceptable

- 6.23 These matters are reserved for subsequent approval and do not form part of this application. The illustrative layout plan that has been submitted with the application shows four pairs of semi-detached dwellings, which would reflect the dwellings that lie on the opposite side of Rectory Road to the application site. As the layout reflects the local character, a condition has been added to permission to restrict the number of dwellings on the site to eight.

- 6.24 Regard would be had to the North Pennines AONB Partnership's Building Design Guide when any future application on this site is considered. The North Pennines AONB Partnership would also be consulted on any subsequent application on this site and would comment on the proposed design of the dwellings and any landscaping.

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

- 6.25 The indicative layout plan shows the access road to the front of the site with the dwellings set behind. The front elevation of dwellings shown would be approximately 40m away from the front elevations of the dwellings on Rectory Road that face the site.
- 6.26 The dwelling on The Glebe that would lie directly to the east of the site has a conservatory attached to the western elevation which would face the site and a window at first floor level on the western gable. Suitable boundary treatment and the positioning of the dwellings on the application site would ensure that the proposal would not have an adverse impact on the occupiers of this dwelling.
- 6.27 It is, therefore, clear that dwellings could be accommodated on this site without having an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.
- 6.28 Objectors living in Rectory Road have raised concerns about the impact of headlights from cars exiting the site. Whilst there might be some impact at certain times of the day at certain times of the year, this would be limited

given the size of the development and would not be sufficient enough to warrant refusal of the application.

5. Highway Matters

- 6.29 The proposal is seeking permission for the creation of a new access from Rectory Road. The submitted plans show a 4.8m wide road with 1.8m footways on both sides. The plans show that visibility splays of 71m to the west and 81m to the east could be provided.
- 6.30 The Local Highways Authority has been consulted on the application and has raised no objections to the proposals subject to imposition of a number of conditions. These would cover: the submission of construction details of the proposed access and parking areas; the provision of visibility splays; the provision of the access and parking areas prior to occupation; the submission of details of construction parking; and the submission of a Construction Phase Traffic Management Plan.

6. Foul And Surface Water Drainage

- 6.31 The Lead Local Flood Authority (LLFA) surface water maps show minor flooding to the B6413 road south of the site that indicate 0.1 per cent (1 in 1000) chance of occurring each year and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk.
- 6.32 The Lead Local Flood Authority has been consulted on the application. It has raised no objections to the proposals subject to the imposition of conditions. These would require the submission of details of the proposed surface water drainage scheme inclusive of how the scheme would be managed after completion and the submission of details of measures to prevent surface water discharging onto the highway public highway.
- 6.33 The applicant would need to undertake detailed invasive ground investigation such as trial pits which would need to be carried out to BRE 365 standards. The applicant would also need to provide calculations to determine if the site is suitable to undertake infiltration techniques and details showing that any proposed attenuation structure etc has the adequate capacity to deal with the volume of water running off the additional impermeable areas. If infiltration is not suitable for the proposed development then the applicant would need to provide detailed assessment, to account for a 1 in 100 year plus 40% storm event, a discharge equivalent to greenfield runoff for the site, discharge location and exceedance routes for the drainage.
- 6.34 United Utilities has confirmed that it has no objections to the proposal subject to the imposition of conditions which require the foul and surface water to be drained on a separate system and a surface water drainage scheme to be submitted for approval in writing by the Local Planning Authority.

7. Biodiversity

- 6.35 The application site forms part of a field which is of low ecological value. The majority of the hedge that runs along the northern site boundary would be retained. A landscaping condition has been attached to the permission and this would ensure that additional hedgerows are planted on the site. The additional planting, together with the creation of gardens for each of the dwellings, would have a positive impact on biodiversity.

8. Affordable Housing

- 6.36 The site lies within Affordable Housing Zone A which requires the provision of 30% of dwellings as affordable (on sites of six dwellings and over). The Council's Affordable and Specialist Housing SPD (Feb 2018) states that on-site affordable housing contributions will be rounded down to the nearest whole unit. There is, therefore, a requirement to provide two affordable dwellings or an equivalent commuted sum.
- 6.37 It is not a requirement for the affordable housing to be provided on site. The applicant, however, wants the site to positively contribute towards local needs and two affordable units would, therefore, be provided on the site. The Council's Housing Officer has been consulted on the application and has confirmed that he has no objections to the proposal.

9. Other Matters

- 6.38 Environmental Health Officers have requested the provision of electric charging points within the development. Given the size of the development this is not considered to be reasonable. However, the provision of electricity supplies within garages would allow electric cars to be charged overnight.

Conclusion

- 6.39 The proposal would be acceptable in principle and the impact of the proposal on the North Pennines AONB would be acceptable. The scale and design of the dwellings would be addressed through a Reserved Matters application. The indicative layout plan illustrates that eight dwellings could be located on the application site without having an adverse impact on the living conditions of the occupiers of any neighbouring properties. The proposed access and foul and surface water drainage would be acceptable, subject to the imposition of conditions. The proposal would not have an adverse impact on biodiversity. Affordable housing would be provided within the proposed development, with two dwellings being made available at a 30% discount. The proposal is, therefore, recommended for approval subject to the completion of a S106 Agreement.
- 6.40 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 two of the dwellings on site being made available at a 30% discount.

7. Planning History

- 7.1 In October 2016, an outline application for the erection of dwellings on this site was withdrawn prior to determination (16/0771).

8. Recommendation: Grant Subject to S106 Agreement

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- i) the expiration of 3 years from the date of the grant of this permission, or
- ii) the expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the layout, scale, appearance and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the Local Planning Authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. The approved documents for this Outline Permission comprise:

- 1. the submitted planning application form, received 7th March 2018;
- 2. Planning/ Design & Access Statement, received 7th March 2018;
- 3. Contamination Statement, received 7th March 2018;
- 4. Location Plan, received 7th March 2018;
- 5. Proposed Access Junction, received 7th March 2018;
- 6. the Notice of Decision; and
- 7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority prior to their first use on site.

Reason: To ensure the design of the dwellings is appropriate to the area and to ensure compliance with Policies GI2 and SP6 of the Carlisle District Local Plan 2015-2030.

5. 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 Policies GI2 and SP6 of the Carlisle District Local Plan 2015-2030.

6. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the design and materials to be used are appropriate and to ensure compliance with Policies GI2 and SP6 of the Carlisle District Local Plan 2015-2030.

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

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

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

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

The development shall be completed 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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policies GI2 and SP6 of the Carlisle District Local Plan 2015-2030.

10. Prior to the commencement of development, the applicant shall submit details of hedgerow protection fencing to be installed on the site for approval in writing by the Local Planning Authority. This fencing shall be erected prior to the commencement of development and shall remain in place until the works are completed.

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

11. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings 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 overcomes any problems associated with the topography of the area and that it meets the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

12. 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.

13. The access drive, parking areas etc shall be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

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

14. The development shall not commence until visibility splays providing clear visibility of 70metres measured along the nearside channel lines of the public

road from a position 2.4metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05metres, have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be permitted to grow so as to obstruct the visibility splays.

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

15. Full details of the surface water drainage system 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 operational thereafter.

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

16. No dwelling shall be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 & LD8.

17. The whole of the vehicular access area bounded by the carriageway edge and the highway boundary shall be constructed and drained to the specification of the Local Highways Authority.

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

18. 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 work is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

19. Development shall not be begun until a Construction Phase Traffic

Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, 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;

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

20. 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.

21. 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.

22. 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.

23. No construction work associated with the development hereby approved

shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 16.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

24. Prior to the commencement of development, the applicant shall submit a Construction Environmental Management Plan (CEMP) for approval in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the details contained within the CEMP.

Reason: In order to protect the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

25. A maximum of eight dwellings shall be erected on the application site.

Reason: To ensure that the proposal does not have an adverse impact on the North Pennines AONB and to ensure compliance with Policy GI2 of the Carlisle District Local Plan 2015-2030.

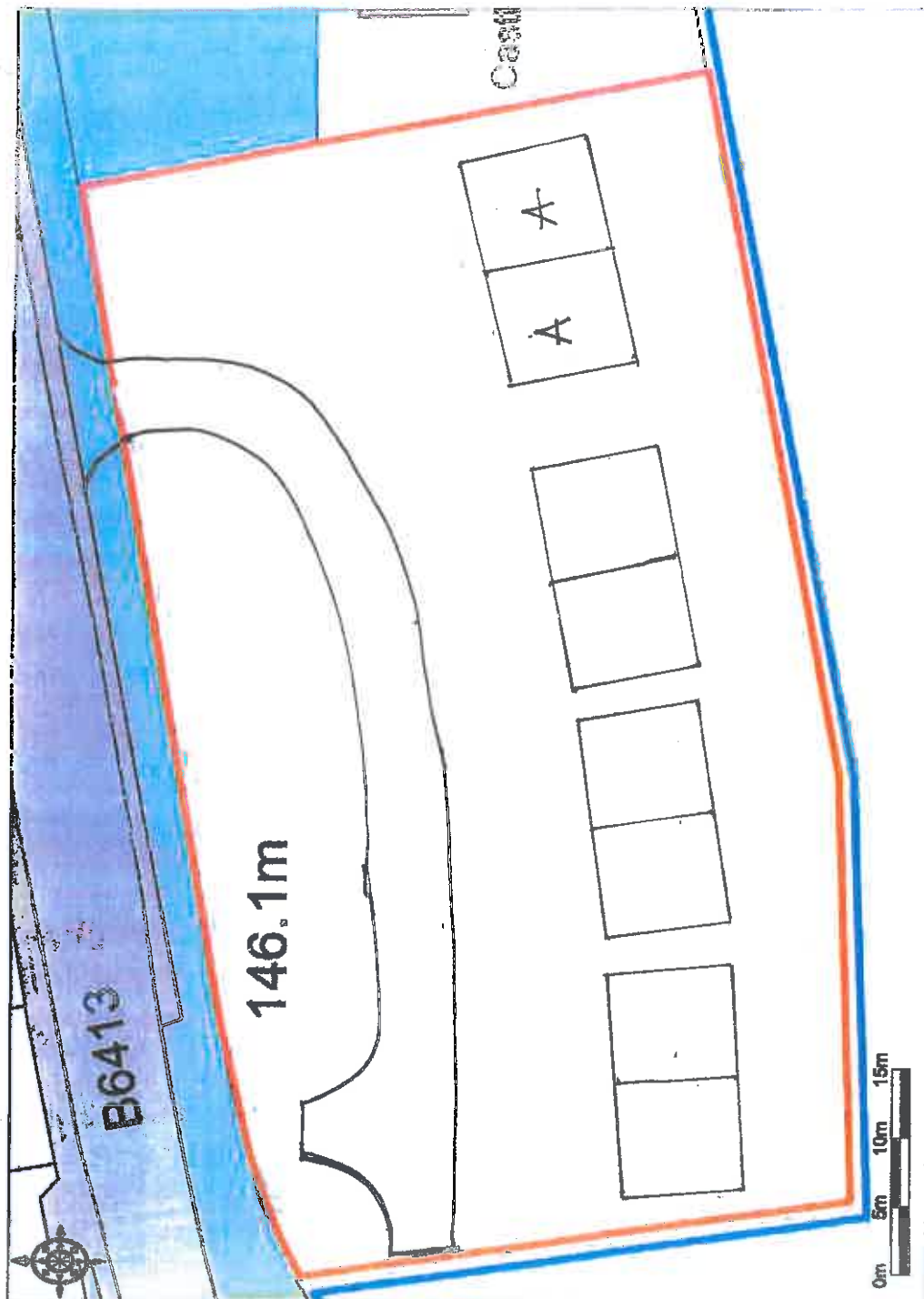
CASTLE CARROCK
Outline Application for up to 8 Dwellings



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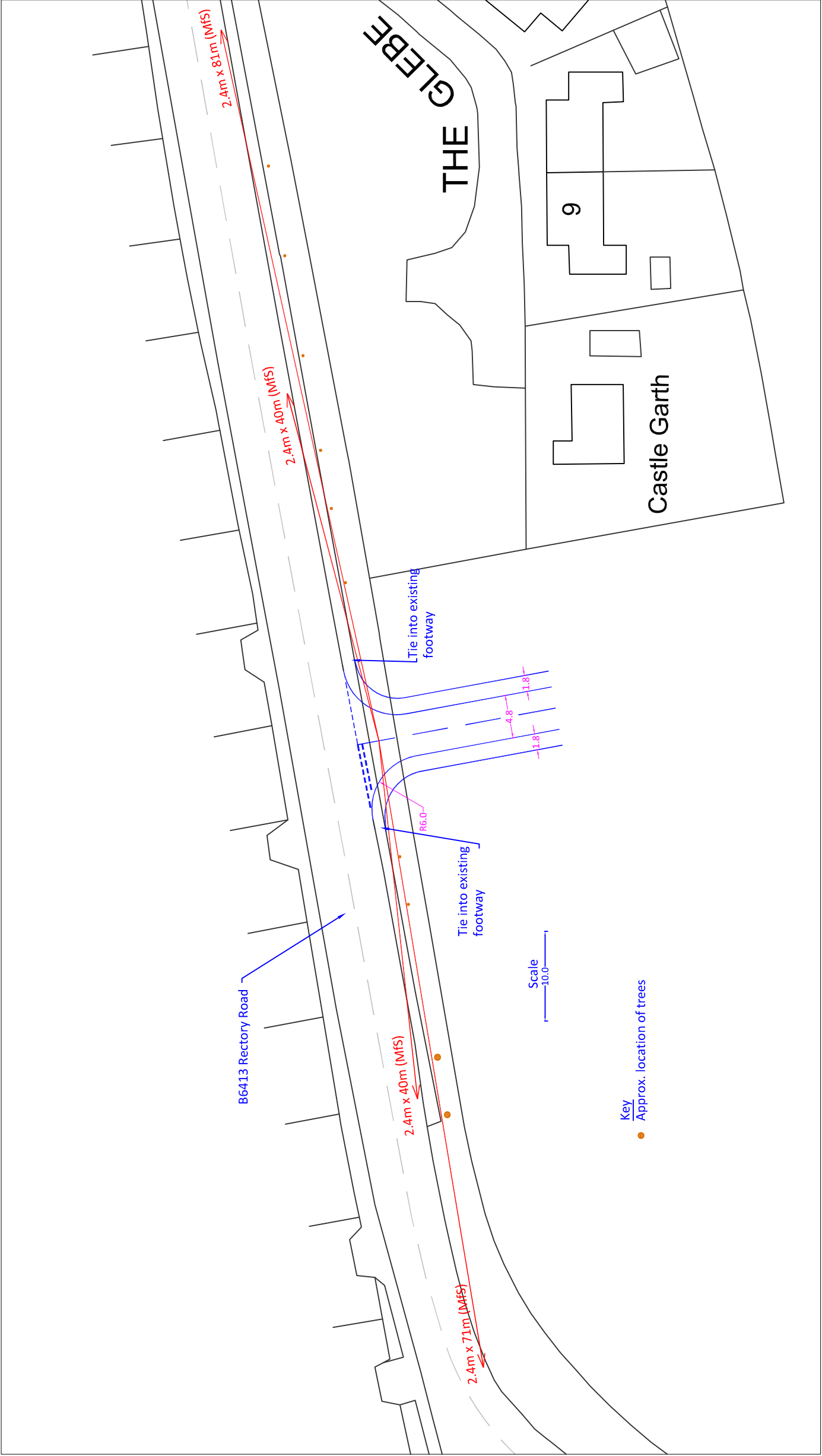
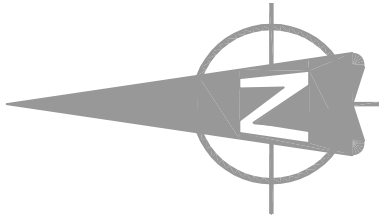
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1:500@A4
PFK Planning



REV	DESCRIPTION	BY	CHK	APP	DATE
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Client:

PFK PLANNING



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Project:

RECTORY ROAD, CASTLE CURROCK

Drawing Title:

PROPOSED SITE ACCESS JUNCTION

Scale @	A3	Drawn	Date	Checked	Date	Approved	Date
1:500	GW	11.11.13	NB	11.11.13	NB	11.11.13	
Project No.	Office	Type	Drawing No.	Revision			
A082606	91	18	C001	-			

SCHEDULE A: Applications with Recommendation

18/0283

Item No: 03

Date of Committee: 08/06/2018

Appn Ref No:
18/0283

Applicant:
Mr Addis

Parish:
Dalston

Agent:
Burnetts

Ward:
Dalston

Location: Hazeldean, Orton Grange, Carlisle, CA5 6LA

Proposal: Change Of Use From Guest House (Use Class C1) To Dwellinghouse (Use Class C3)

Date of Receipt:
03/04/2018

Statutory Expiry Date
29/05/2018

26 Week Determination
11/06/2018

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Impact of the proposal on the living conditions of the occupiers of neighbouring properties
- 2.3 Safety and fear of crime and anti-social behaviour
- 2.4 Impact of the proposal on highway safety
- 2.5 Other matters

3. Application Details

The Site

- 3.1 Hazeldene is a substantial detached dwelling located within extensive grounds at Orton Grange. The property's southern, western and eastern boundaries are flanked by residential properties with the A595 county highway adjacent to its northern boundary.

The Proposal

- 3.2 The application seeks permission for the change of use from a guest house (Use Class C1) to a dwellinghouse (Use Class C3).

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of seven neighbouring properties and the post of a Site Notice. In response, seventeen representations of objection has been received. A further three were received; however, although signed no address was given.
- 4.2 The representations identifies the following issues:
1. understand the proposed purchaser is a limited company;
 2. the property will be occupied by disturbed children between the ages of 8 to 18 plus;
 3. development will impact on the living conditions of the occupiers of neighbouring retirement park through unacceptable noise and disturbance;
 4. questions suitability of location for such an occupancy due to proximity to highway;
 5. no local facilities for children to access.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections;
Dalston Parish Council: - 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) and Policies SP6 and GI3 of the Carlisle District Local Plan 2015-2030 are relevant.
- 6.3 The proposals raise the following planning issues:

1. Whether The Principle Of Development Is Acceptable

- 6.4 Schedule Part C of The Town and Country (Use Classes) Order 1987 (as amended) categorises the following uses as falling into Use Class C1 (Hotels): hotel; boarding or guest house; or as a hostel where, in each case, no significant element of care is provided. Use Class C3 (Dwellinghouses) identifies dwellinghouses (whether or not as a sole or main residence) as: (a) use by a single person or by people to be regarded as forming a single family; (b) not more than six residents living together as a single household where care is provided for residents; and (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within C4 (house in multiple occupation)).
- 6.5 The application seeks permission for the change of use from a guest house (Use Class C1) to a dwelling house (Use Class C3). By way of background, available planning records indicate that in 1993 (application reference 93/0741) full planning permission was granted for the change of use of Hazeldene from a private dwelling to guest house. The existing and proposed floor plans illustrate that the premises currently has 7no. bedrooms, therefore, should Members approve the application a condition is recommended that no more than 6no. rooms should be occupied as bedrooms, thereby, further controlling it's use to that of a dwellinghouse.
- 6.6 Given the application now seeks to revert back to its original use and given that the application site is within an area which is predominantly residential, the principle of development is acceptable subject to the imposition of the recommended condition.

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

- 6.7 The submitted documents indicate that the premises would provide independent residential child care services and would function as a single dwelling house under Use Class C3(b) i.e. not more than six residents living together as a single household where care is provided for residents. The occupiers of neighbouring properties have raised objections to the proposal, one of which centres on the impact of the proposal through unacceptable noise generation. Given that the proposal is for the change of use from a guest house to a dwellinghouse, irrespective of the occupancy of the dwellinghouse, the proposal is unlikely to generate such an intensification of unacceptable noise disturbance sufficient to warrant a refusal of the application. In the event that a statutory noise nuisance is experienced by the occupiers of neighbouring residential properties then this would be dealt with under environmental health legislation.

3. Safety and the Fear of Crime and Anti-social Behaviour

- 6.8 Objection numbers 1 and 2 raised by third parties highlight that; *"1. It is understood that the proposed purchaser is a limited company"* and *"(2) the property will be occupied by disturbed children between the years of 8 to 18 plus"*. No supporting explanation for the foregoing objections have been

provided; however, it appears to allude to the occupiers of residential properties perceived feeling of being unsafe and uncomfortable within their own homes and locality.

- 6.9 In terms of this issue, a judgement has to be made as to the weight to be given to the opposition to this change of use, generated by the fear of crime and anti-social behaviour that could result if the premises is occupied as a dwellinghouse occupied by not more than six residents living together as a single household where care is provided for residents.
- 6.10 Paragraph 69 of the NPPF highlights that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It expands by outlining that: *"planning policies and decisions should aim to achieve places which promote 'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"*. This policy statement and planning case law confirms that people's perceptions, and in this case, the fear of crime or anti-social behaviour is capable of being a material planning consideration but what needs to be considered is the weight to be attached to this matter in this case and whether this is sufficient to justify refusing the proposed change of use. This requires an assessment of the concerns actually experienced, not a subjective and paternalistic view. In order to justify refusal of a planning application therefore, there needs to be some reasonable evidential basis for that fear.
- 6.11 In making this assessment it is necessary to firstly understand the nature of the proposed service. The Agent has provided additional supporting information as to how the dwellinghouse would operate. This additional information details that:
- "Active Ark Limited replicate normal family life for children and young adults in need of care. The age range of the occupants would be between 11 and 18 years old. Sometimes Ofsted will permit as an exception children on either side of this range. Children in their early teens are most common.*
- With regards to how the property functions: there is a manager at the property during the day for between three and five days in any week though this can change subject to occupancy levels. Alongside the manager are the carer's who live and sleep in the house alongside the children - similar to a normal family house. Where possible, the children will attend school or where they are unable to attend school they will enter onto a program of out of school learning. Older children may undertake work experience to help them towards independent living. While the children are at school/out of the house the carer's will undertake typical domestic chores, fill out paperwork etc"*
- 6.12 Whilst the assumed fear of crime and anti-social behaviour expressed by objectors to the proposal is understandable, these fears and perceptions must be considered in the context of the information provided by the applicant. Based on the information supplied, there is no evidence to suggest that residents would be at greater risk from crime and anti-social behaviour if the proposed change of use were to be permitted. It is considered then that

only limited weight can be given to these fears as they cannot be substantiated. Refusal of permission on this basis would be therefore be unreasonable and unjustified.

4. Impact Of The Proposal On Highway Safety

- 6.13 A further issue raised by third parties is highway safety due to the proximity of the property to the A595 county highway. Hazeldene is a large detached property set back from the A595 with adequate in-curtilage parking and turning provision. Cumbria County Council, as Highway Authority, has been consulted and raise no objections from a highway perspective as the proposal would not have a material affect on existing highway conditions.

5. Other Matters

- 6.14 Third parties have also questioned the suitability of the premises for its proposed use citing its location and accessibility to services. As highlighted earlier in the report, the application is for the change of use from a guest house to a dwellinghouse, irrespective of the occupancy of the dwellinghouse, in an area which is predominantly residential. It should also be noted that within Orton Grange there is a range of services including a food hall, cafe and hairdressers together with bus stops providing public transport access to Wigton and Carlisle. In such as context, the lack of access to facilities is not sufficient to warrant a refusal of the application.

Conclusion

- 6.15 The application seeks permission for the change of use from a guest house (Use Class C1) to a dwellinghouse (Use Class C3) in a predominantly residential area, therefore, the principle is acceptable. Objections have been received from third parties in respect of: potential to generate unacceptable noise disturbance, safety and fear of crime and anti-social behaviour; however, these issues cannot be substantiated. Accordingly, refusal of permission on this basis would be therefore be unreasonable and unjustified. The Highway Authority has also raised no objections to the proposal as it is unlikely to have a material affect on existing highway conditions.
- 6.16 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF, PPG and relevant local plan policies. Accordingly, the application is recommended for approval.

7. Planning History

- 7.1 In 1990, full planning permission was granted for extension to provide additional bedrooms (application reference 90/0958).
- 7.2 In 1992, full planning permission was granted for the partial demolition of existing garage and erection of double garage and porch (application reference 92/0912).

- 7.3 In 1993, full planning permission was granted for conversion of existing double garage to provide 2no. double bedrooms including construction of pitched roof (application reference 93/0696).
- 7.4 Also in 1993, full planning permission was granted for change of use from private dwelling to guest house (application reference 93/0741).
- 7.5 Again in 1993, advertisement consent was granted for the display of a timber sign (application reference 93/0921).

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 26th March 2018;
2. the site location plan received 26th March 2018;
3. the floor plans - existing and proposed received 3rd April 2018;
4. the Notice of Decision; and
5. any such variation as may subsequently be approved in writing by the Local Planning Authority.

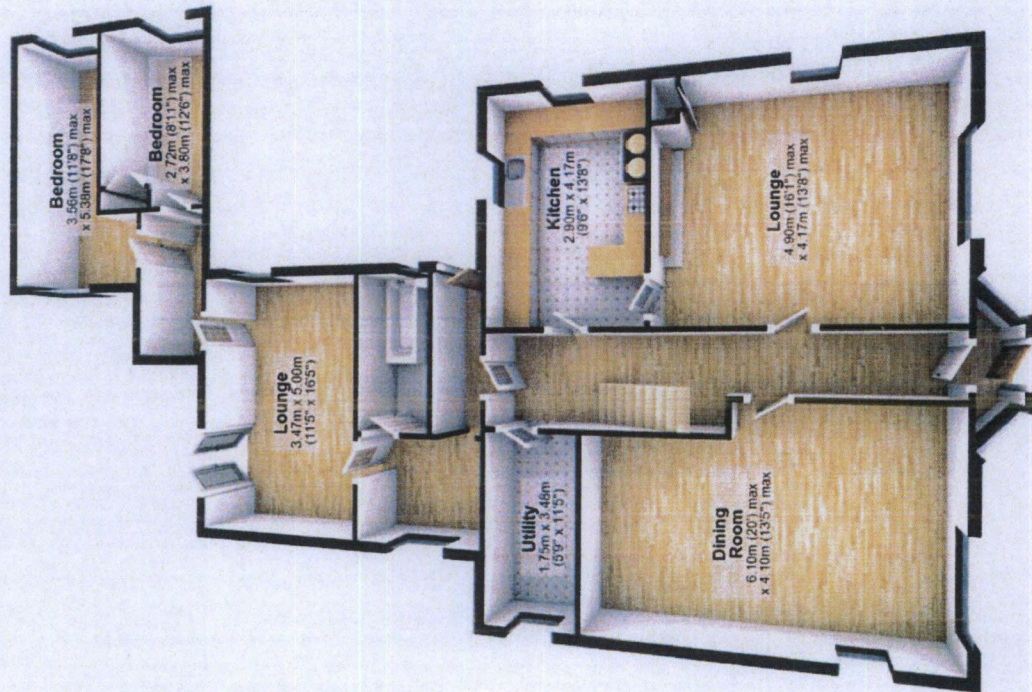
Reason: To define the permission.

3. Notwithstanding the details contained within the proposed floor plans received 3rd April 2018 not more than 6no. rooms shall be used as bedroom accommodation.

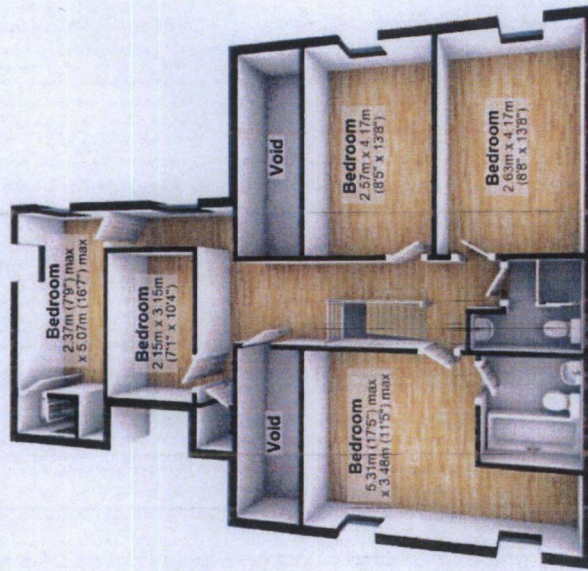
Reason: To ensure that the use remains within Use Class C3 of the Town and County Planning (Use Classes) Order 1987 (as amended).



Ground Floor



First Floor



RECEIVED

- 3 APR 2018

18/0283

FLOOR PLANS - EXISTING & PROPOSED

SCHEDULE A: Applications with Recommendation

17/1097

Item No: 04

Date of Committee: 08/06/2018

Appn Ref No:
17/1097

Applicant:
Mrs Frances Wild

Parish:
Farlam

Agent:
Mr Colin Wild

Ward:
Irthing

Location: Land opposite Crossgates Cottages and Park Terrace, Crossgates Road, Hallbankgate

Proposal: Formation Of Hardstanding; Erection Of Proposed Agricultural Shed

Date of Receipt:
10/01/2018

Statutory Expiry Date
07/03/2018

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

Members resolved to defer consideration of the proposal at the meeting of the Development Control Committee on the 27th April 2018 in order to under take a site visit.

Since the application was deferred there has been no changes to the Officers Report.

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, form and siting of the building is acceptable;
- 2.3 Impact upon the living conditions of neighbouring properties;
- 2.4 Highway impacts;
- 2.5 Impact upon Public Bridleway No.115015;
- 2.6 Impact upon biodiversity;
- 2.7 Drainage; and
- 2.8 Other matters.

3. Application Details

The Site

- 3.1 This application relates to a parcel of land approximately 0.45 hectares in area located on the southern side of Crossgates Road to the east of Hallbankgate village. The land which is rectangular in formation, runs parallel to Crossgates Road with a topography that rises west to east. The field boundaries consist of stone walling to the north and east together with post and wire fencing to the south and west.
- 3.2 Public Bridleway 115015 runs beyond the eastern boundary of the site with a bungalow (Crossgates Cottage) and a terrace of two storey properties (No.s 1-10 Park Terrace) located beyond. There is also a pair of semi-detached two storey properties (No.s 1 and 2 Crossgates Cottages) located on the northern side of Crossgates Road opposite the Public Bridleway.
- 3.3 The site is located in the open countryside within the North Pennines Area of Outstanding Natural Beauty.

Background

- 3.4 In June 2017 the City Council was informed that a green shipping container, generator and hard core had been deposited on the application site without obtaining the necessary planning consents. An enforcement case was opened and the current application that is before Members consideration is a result of the enforcement action undertaken.
- 3.5 Planning application 17/1097 as first submitted sought permission for a 3 bay agricultural shed with a footprint of 210 metres, located in the middle of the field, constructed from green box profile tin sheets. The plans have however since been amended to that outlined in paragraphs 3.6 -3.8 below.

The Proposal

- 3.6 The proposal seeks full planning permission for the formation of hard standing and the erection of an agricultural shed. The submitted plans illustrate that the proposed shed is to be located towards the north-eastern corner of the site, will have a footprint of 56m², an eaves height of 2.5 metres and a ridge height of 4 metres. The building is to be constructed from breeze block faced in natural stone with a box profile tin sheeted roof coloured green. An arched wooden door is to be located on the west elevation of the barn with a number of air vents located on the north, east and south elevations. A door will also be located on the south elevation.
- 3.7 The proposal also includes a hard core track approximately 21.9 metres in length leading from the existing access gate towards the proposed shed.
- 3.8 The applicant has submitted a supporting statement which confirms that the proposed shed will be used to store a tractor, implements, animal feed and

the occasional sheep.

4. Summary of Representations

4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 15 neighbouring properties. During the consultation period 10 representations have been received.

4.2 10 letters/emails of objection were received in response to the original plans submitted, these cover a number of matters which are summarised as follows:

1. no need for agricultural building;
2. no animals grazed on the land for several years;
3. applicant does not farm/live in the area;
4. claims from the applicant that people walk and fly tip on the land is not correct;
5. existing buildings and hard core on the site is an eye sore;
6. allegations that the applicant wants to built houses on the land and that an application has been previously turned down;
7. shed is too large for size of the land;
8. how will livestock on the field be looked after if applicant does not live in the area?
9. concern that if a shed is built it will make it easier for the applicant to apply for housing on the land at a future date;
10. loss of view from existing properties and decline in house values;
11. land is of poor quality and is only capable of carrying 2 sheep in a 12 month period;
12. impact upon the Area of Outstanding Natural Beauty and landscape character of the area;
13. materials proposed and colours do not relate to existing buildings on the terrace or at Crossgates;
14. once building is erected other livestock other than sheep (including slurry) could be in the building which is close to dwelling houses; and
15. proximity of proposal to houses.

4.3 In response to the revised plans a further 4 objections and 1 comment has been received. The objections cover a number of matters which are summarised as follows:

1. no livestock or agricultural machinery kept on the land for many years;
2. the applicant has undertaken works (porta cabin, small shed and gravel) without planning permission;
3. no need for an agricultural building on the land;
4. applicant lives far away and would therefore be unable to look after any animals/machinery;
5. applicant has tried to sell the property;
6. land should be returned to its previous condition with current structures removed as it is an AONB;
7. unable to tell what the changes are on the amended plans;

8. applicant is trying another way to get houses on the land;
9. queries regarding consultation undertaken;
10. land that comes on the market is taken by established farmers and only let on a 5-6 month tenancy;
11. concern that the land will become a small holding;
12. concern that the site will remain a mess; and
13. applicants long term objectives need to be made clear.

4.4 The comment received is summarised as follows:

1. amended plans address scale, building fabric and rationale; and
2. no further comment as long as shed remains a tractor shed and animal food store.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection subject to the imposition of one condition regarding no obstruction to Bridleway 115015. Standing advice also received regarding highway permits;

Farlam Parish Council: - no response received;

North Pennines AONB Partnership: - no response received.

6. Officer's Report

Assessment

- 6.1 Section 70 (2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP2, SP6, EC12, IP3, CC5, CM5, GI1, GI2, GI3, GI5 and GI6 of the Carlisle District Local Plan 2015-2030. The Cumbria Landscape Guidance and Toolkit (2011) and the North Pennines AONB Planning Guidelines (2011) and North Pennines AONB Building Design Guide (2011) are also material planning considerations.
- 6.3 The proposal raises the following planning issues:
 - 1. The Principle Of Development**
- 6.4 At the heart of the NPPF is a presumption in favour of sustainable development. In order to promote a prosperous rural economy paragraph 28 of the NPPF states that the development and diversification of agricultural

and other land based businesses should be supported.

- 6.5 Policy EC12 (Agricultural Buildings) of the CDLP confirms that proposals for new agricultural buildings and structures will be permitted provided that 1) the building is sited where practical to integrate with existing agricultural buildings and/or take advantage of the contours of the land and any natural screening; 2) the scale and form of the proposed structure relates to an existing group of buildings unless otherwise justified; 3) the design and materials used reflect the overall character of the area; and 4) the proposal would not have an unacceptable impact on any adjacent land uses.
- 6.6 Furthermore Policy SP2 (Strategic Growth and Distribution) states that within the District's rural settlements, development opportunities of an appropriate scale and nature, which are commensurate with their setting, will be harnessed to positively contribute to increasing the prosperity of the rural economy and to enable rural communities to thrive. Within the open countryside however development will be assessed against the need to be in the location specified.
- 6.7 The submitted supporting statement confirms that the field subject of this application is full of rushes and the applicants intend to restore the land to allow it to become a usable field for livestock. They intend to breed 5-6 pedigree Suffolk Sheep and approximately 30 Jacobs Sheep.
- 6.8 The applicants currently reside in Dumfries and have confirmed that they originally had the offer to rent 20-40 acres of land near Hallbankgate which they have now lost due to planning delays. They have however confirmed that they maybe able to rent 10 acres of land about 4 miles away from the site. The rented land has no buildings and a building is required to store a tractor, agricultural implements and animal feed to manage the application site as well as any rented land. The machinery stored is intended to be used for making hay on the application site and any rented land, transporting sheep to market, fertilising the land, drainage and maintenance of field boundaries. There is also a need to store hay and animal feed in the shed during winter emergencies such as the recent snowfall. The occasional sheep will be housed in the shed if needed.
- 6.9 Although the field subject of this application is unrelated to an existing farm steading it is evident from the applicants supporting statement that the proposed shed is intended for the storage of agricultural materials and machinery to serve the field in which it is located as well as others intended to be rented by the applicant. The applicant has provided sufficient justification for the erection of an agricultural building in a field currently used for agricultural purposes therefore the principle of development is acceptable.

2. Whether The Scale, Form and Siting Of The Building Is Acceptable

- 6.10 Policy GI1 (Landscapes) of the CDLP seeks to protect landscapes from excessive, harmful or inappropriate development. Proposals for development are to be assessed against the criteria presented within the Cumbria Landscape Character Guidance and Toolkit (CLCGT).

- 6.11 The CLCGT identifies the land subject of this application falling within sub category 11a) foothills. The vision for this landscape type is to enhance and restore. Guidelines for development such as farm buildings is to ensure that new farm buildings are integrated into the landscape by careful siting and design with redundant modern buildings removed.
- 6.12 The application site is sensitive to change as it is located within the North Pennines Area of Outstanding Natural Beauty (AONB). Policy GI2 (Areas of Outstanding Natural Beauty) of the CDLP confirms that any development proposals within the AONB must conserve or enhance the natural beauty of the areas. Development proposals must be appropriate to the landscape setting in terms of scale, siting and design.
- 6.13 The North Pennines AONB Supplementary Planning Documents on Building Design (2011) and Planning Guidelines (2011) state that isolated buildings should, where possible, take advantage of natural dips in the land or be set against a hillside to reduce visual impact. Skyline sites or sites prominent from public viewpoints should be avoided. Careful siting in relation to existing mature trees will help merge a new building into the landscape.
- 6.14 The guidance goes on to state that all new agricultural buildings should be designed to sit in with their surroundings. It is acknowledged that within the AONB there will be certain sensitive locations, such as those highly visible from public viewpoints, where the siting, design and appearance of a new farm building would have to be given considerable attention to avoid an unacceptable impact on its surroundings. It is recognised however that there may be occasion when, for functional reasons, new buildings will have to be sited in such locations. In such situations traditional materials are encouraged with particular regard to the colour/texture of alternative materials. In sensitive locations the guidance confirms that it will be necessary to clad some or all external masonry walls in natural stone.
- 6.15 As stated in paragraph 6.5 above Policy EC12 of the CDLP seeks to ensure that agricultural buildings are sited where practical to integrate with existing agricultural buildings and/or take advantage of the contours of the land any natural screening.
- 6.16 The application site is situated outwith the built form of Hallbankgate within the open countryside. Due to the typography of the land, which rises away from the village, the site is prominent with open views beyond the dwelling houses that sit at the top of the ridge towards the expansive fells. The site is a sensitive area as it is located within the North Pennines Area of Outstanding Natural Beauty therefore it is imperative that any proposals do not have an adverse impact upon the natural beauty/landscape character of the area.
- 6.17 The unauthorised structures that are on the land at present are unduly prominent within the existing street scene, due to their siting, scale, materials and design, and therefore have a harmful impact upon the landscape and the character/appearance of the AONB. The proposed development will tidy up

the land and will provide an agricultural building of a traditional design and construction.

- 6.18 The typography of the land is varied with the land rising from the village towards Park Terrace to the east. The development will be sited in the north-eastern corner of the site in close proximity to the existing stone walls which delineate the north and eastern boundaries of the site. Although the shed is intended to be sited towards the highest point of the field, with the access track running parallel to the existing stone wall boundary, this is considered to be the less intrusive location within the field as the building would be viewed within the context of the existing buildings which are located at the top of the ridge along with the landscaping located within the existing roadside verges.
- 6.19 The scale of the proposed agricultural building is commensurate to the size of the field in which it is located. The proposed use of stone and timber will correspond with the character of traditional buildings found within the AONB. The AONB Building Design SPD acknowledges that farm buildings as well as other buildings such as community halls/chapels have been found to be roofed with metal sheeting which can be visually pleasing and is part of the character of this inexpensive type of building. In such circumstances the proposed roofing materials are deemed appropriate and the proposal is considered to be in keeping with local vernacular within the AONB as the design is sympathetic to its surroundings, whilst providing a building which meets the operational needs of the land. The low roof pitch of the building reduces the overall impact of the building within the landscape furthermore the dull/matt colours proposed for the roofing materials would complement the surrounding landscape. The proposed unbound gravel located in close proximity to the existing stone walling would not be intrusive to the landscape setting.
- 6.20 In overall terms the design and scale of the shed together with the associated hard standing is deemed acceptable.

3. Impact Upon The Living Conditions Of Neighbouring Properties

- 6.21 As stated in paragraph 3.2 of this report a bungalow (Crossgates Cottage) and a terrace of two storey properties (No.s 1-10 Park Terrace) are located beyond the Public Bridleway which runs parallel to the eastern boundary of the site. There is also a pair of semi-detached two storey properties (Nos 1 and 2 Crossgates Cottages) located on the northern side of Crossgates Road opposite the Public Bridleway.
- 6.22 No.s 1 and 2 Crossgate Cottages and Nos.1-10 Park Terrace are off-set from the proposed development. Furthermore the front elevation of Crossgates Cottage faces north. This property also has no primary windows on the gable facing the application site. In such circumstances the development will not have an adverse impact upon the living conditions of the occupiers of any residential properties in terms of loss of light, over looking or over dominance.

- 6.23 With regards to visual impact of the development it is important to make a distinction between something that is visible as opposed to being prominent and oppressive. It is appreciated that right to a view is not a material planning consideration and the focus of the planning system is to regulate the use and development of land in the public interest. Whilst it is not disputed that the development would be visible from neighbouring properties it is not considered that the development causes a prominent or oppressive impact due to the building being off-set from the primary windows of neighbouring properties, coupled with the relatively low ridge, eaves height and traditional design, to warrant refusal of permission on this basis.
- 6.24 It is appreciated that at present the site is not well used due to the condition of the land. Whilst activity on the land will increase when the land is restored and livestock is reintroduced it is not considered that the use of land for agricultural purposes, and the use of an agricultural building commensurate to the size of the land, would have a significant adverse impact upon the living conditions of the occupiers of adjacent residential properties in terms of noise to warrant refusal of the application on this basis. To protect the living conditions of residential properties a condition is recommended restricting the use of the building to agricultural purposes only. Should any noise issues arise this would be dealt with under Environmental Health legislation.

4. Highway Impacts

- 6.25 The proposed building is to be located in a field that already benefits from an existing access. The relevant Highway Authority has been consulted on the proposed development and has raised no objections. As the proposal seeks to use the existing agricultural access for agricultural purposes the proposal raises no issues with regard to highway safety.

5. Impact Upon Bridleway 115015

- 6.26. As previously stated within this report Public Bridleway 115015 runs parallel to the eastern boundary of the site. As the development will take place within the existing field the proposal would not have an adverse impact upon the use of the Bridleway. The Highway Authority has been consulted on the proposal and has raised no objections subject to the imposition of one condition to ensure that there is no obstruction to the public bridleway during or after completion of site works.

6. Impact Upon Biodiversity

- 6.27 The Councils GIS Layer has identified that the site has the potential for a range of species to be present. Natural England's standing advice has been referred to and it is not considered that the siting of a shed on agricultural land currently used for grazing would harm a protected species or their habitat.

7. Drainage

- 6.28 It is proposed that surface water drainage is to be disposed of via a

soakaway. Whilst the principle of this drainage method is acceptable a condition requesting full details of the surface water drainage system, including percolation tests, is recommended.

8. Other Matters

- 6.29 Allegations have been made from objectors that the applicant intends to erect houses on the land. Members however have to deal with the application that is before them which is for an agricultural shed.
- 6.30 Objections have also been raised regarding impacts on house prices and loss of views. These are not material planning considerations.

Conclusion

- 6.31 In conclusion, the principle of the development is acceptable and the proposal is of a scale and design which is suitable in relation to the surrounding landscape. The proposal uses sympathetic materials which will not have an adverse impact upon the character/appearance of the North Pennines Area of Outstanding Natural Beauty. Given the positioning of the shed in relation to residential properties, the proposal would not be overbearing or create an adverse impact upon existing living conditions. Overall, it is held that the proposal does not conflict with current policies of the Development Plan and therefore is considered acceptable.

7. Planning History

- 7.1 There is no relevant planning history on the site.

8. Recommendation: Grant Permission

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

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

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

1. the submitted planning application form received 4th April 2018;
2. the site location plan, scale 1:2500, received 22nd March 2018;
3. the block plan received 16th March 2018;
4. the proposed site layout plan received 16th March 2018;
5. the proposed floor plans and elevations received 16th March 2018;
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. For the avoidance of doubt the shed hereby approved shall be used for agricultural purposes only.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality. In accordance with Policies SP6 and EC12 of the Carlisle District Local Plan 2015-2030.

4. Public Bridleway 115015 lies adjacent to/runs through the site, the Applicant must ensure that no interference and obstruction occurs to the footpath during, or after the completion of the site works.

Reason: To support Local Transport Plan Policy W1 and W2.

5. Should any external lighting be proposed details of the proposed external lighting scheme should be submitted and approved in writing by the Local Planning Authority prior to its erection.

Reason: To safeguard the amenities of the occupiers of residential properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building, including the hardcore road, have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. For the avoidance of doubt the whole of the building should be faced in stone.

Reason: To ensure that materials to be used are acceptable and in accord with Policies SP6, EC12 and GI2 of the Carlisle District Local Plan 2015-2030.

7. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, including percolation tests, has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy CC5 of the Carlisle District Local Plan 2015-2030.

Title number CU146950
Ordnance Survey map ref
Scale 1:2500 enlarged from
Administrative area Cumbl

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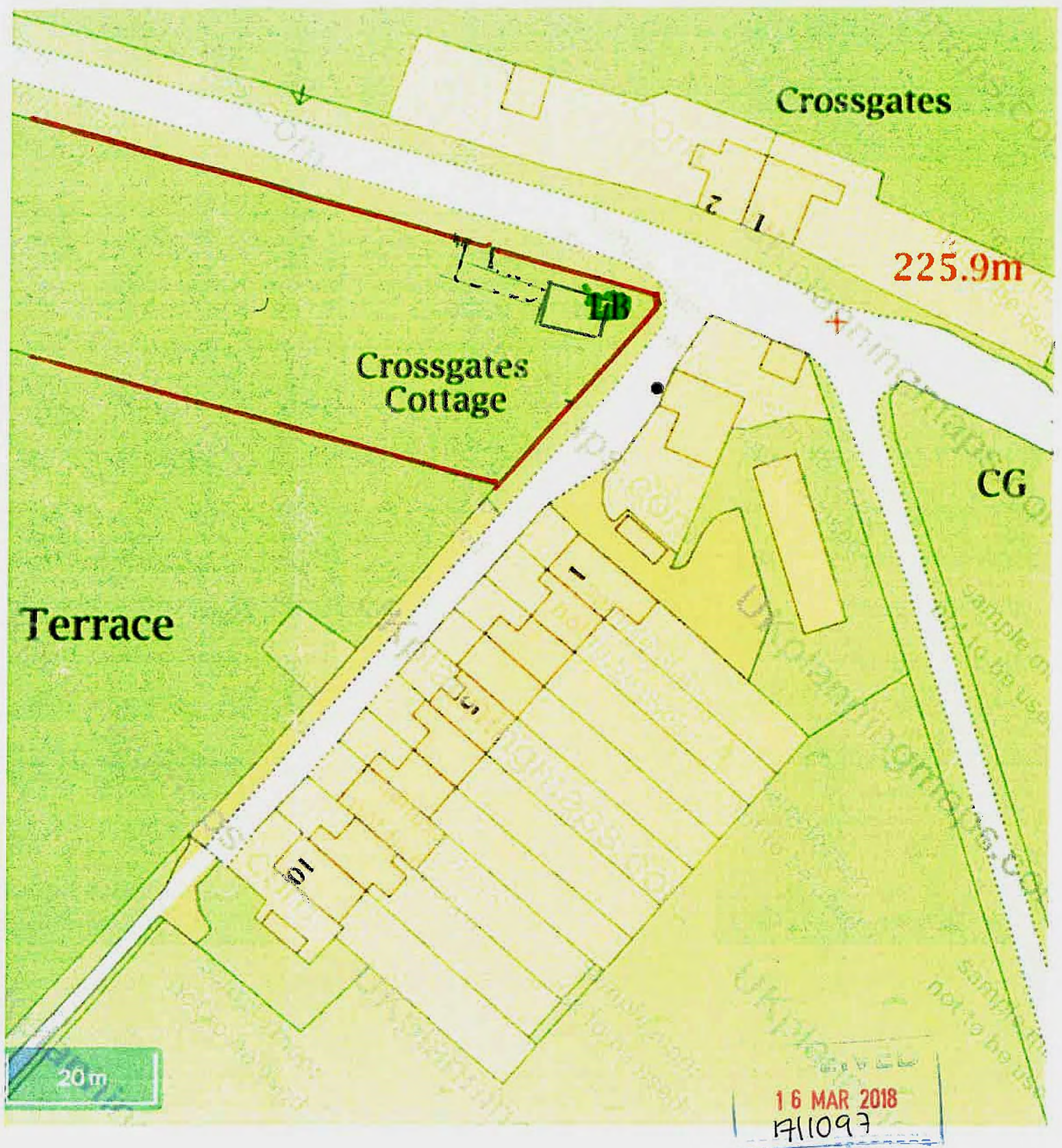
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BLOCK PLAN

PROPOSED TRACTOR SHED + BARN.

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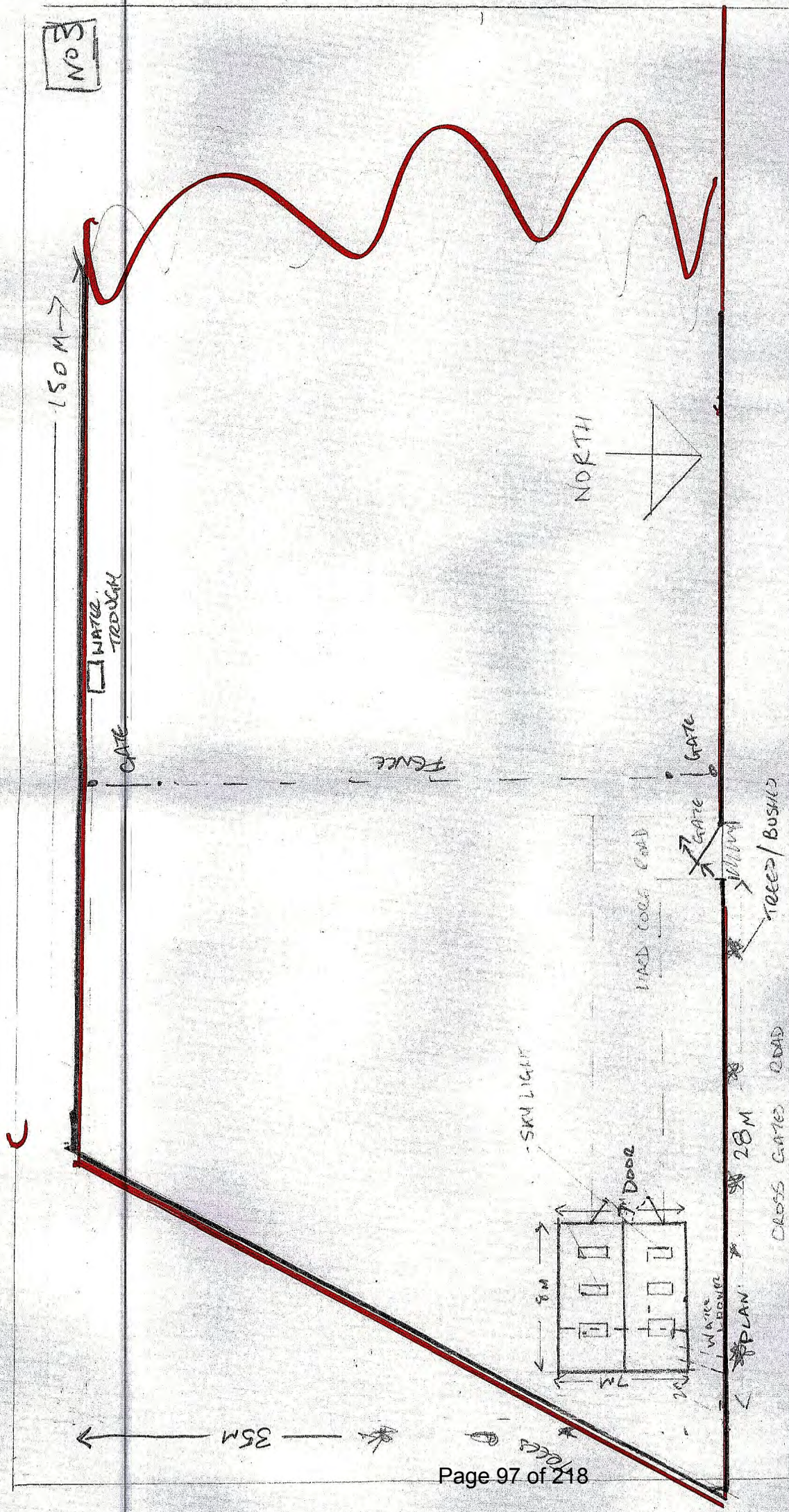
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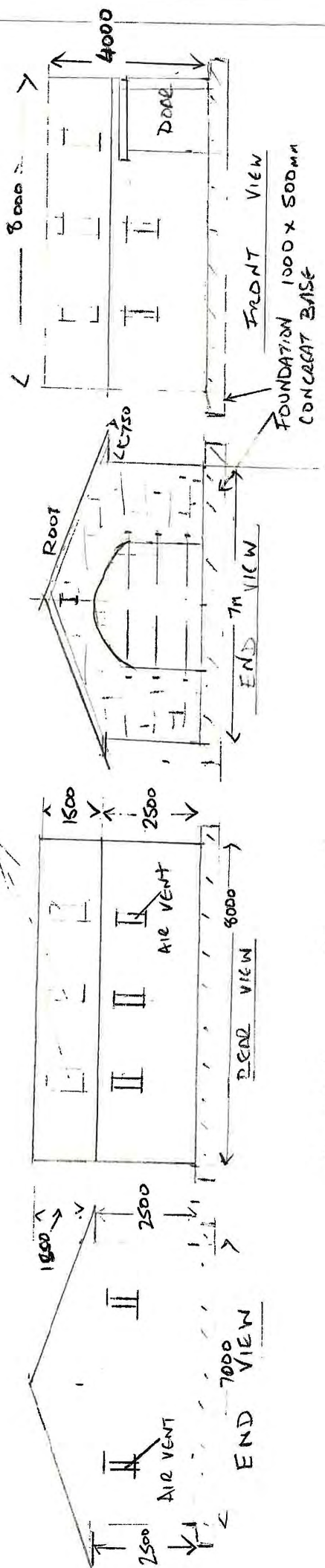
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COLIN WILD @ IRON CROFT CROSS GATES RD
HALL BARN GATE CAB2 PL



PROPOSED TRUCK SHED + BARN 7M X 8M WIDE.
NATURAL STONE WALL FACING WITH
THREE FRAME OF BRICKS 2.00M
INTERMEDIATE, WITH PICKED ROOF
WITH GREEN DE GRAY BOX PROFILE TIN SHEET
WITH SKY LIGHTS

No 3

ROOF, SKY LIGHTS



BOX PROFILE TIM SHEET
GREEN OR GRAY.
SKY LIGHTS.

100 x 50 TIMBER INTERIOR WALL OR 150 x 450mm
BREEZING WITH NATURAL STONE
WALL (EXTERNAL)

16 MAR 2018
171097

PROPOSED TRACTOR SHED
+ BARN

SCALE 1:100

PROPOSED TRACTOR SHED + BARN

COLIN WILD - IRON CREEK

DATE 12.3.18 | CROSS SECTION AD

FILE BARN GATE CABZ PL

SCHEDULE A: Applications with Recommendation

17/1066

Item No: 05

Date of Committee: 08/06/2018

Appn Ref No:
17/1066

Applicant:
Mr S Fiddler

Parish:
Hayton

Agent:

Ward:
Hayton

Location: Plot 3 (Fallows End), Land to rear of Elmfield, Townhead, Hayton, Brampton, CA8 9JF

Proposal: Erection of 3no. detached dwellings without compliance with condition 2 imposed by planning permission 16/0261 to retrospectively amend the design of the roof from a hip to full gable and other revisions to the design of Plot 3.

Date of Receipt:
22/01/2018

Statutory Expiry Date
19/03/2018

26 Week Determination

REPORT

Case Officer: Jeff Tweddle

1. Recommendation

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

2. Main Issues

- 2.1 Whether the design of the proposed development is acceptable in the context of the site and the surrounding area
- 2.2 Whether the impact of the development on the living conditions/amenity of nearby residents is acceptable
- 2.3 Other Matters

3. Application Details

The Site

- 3.1 The application relates to an area of land to the rear of Elmfield at Hayton Townhead. The site is located on the south side of the U1199 unclassified public highway on the approach into Hayton Townhead from Hayton.

- 3.2 The site has recently been developed to provide three, two storey, detached dwellings with integral garages and off-street parking. This application relates specifically to Plot 3 of the development.
- 3.3 Prior to its development, the site was a largely rectangular parcel of greenfield land bound by a traditional stone wall adjacent to the highway. To the east of the site are existing residential properties, Elmfield, Woodbine Cottage and Feathers. Beyond the site to the south is open countryside in the form of agricultural pasture land.

Background

- 3.4 The application is made pursuant to Section 73 of the Town & Country Planning Act 1990 for planning permission for development already carried out but not in compliance with conditions imposed by a previous grant of planning permission. This provision allows Local Planning Authorities (LPA) to grant 'retrospective planning permission' for development that has already been carried out and where they consider this to be acceptable in accordance with development plan policies.
- 3.5 The National Planning Practice Guidance advises that where an application made under the provisions of Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. Should this be the case, a new decision notice would be issued setting out any new and all previous conditions unless they have been fully discharged.
- 3.6 Alternatively, should a proposal made under Section 73 be considered unacceptable the LPA can issue a refusal of planning permission and the developer / applicant would have to revert back to the original grant of planning or make an alternative proposal.
- 3.7 Members should note that the principle of development cannot be re-visited when assessing this type of application.

The Proposal

- 3.8 The application seeks planning permission for the erection of three dwellings without compliance with Condition 2 imposed by planning permission 16/0261. Condition 2 includes the standard 'Plans Compliance' condition imposed to confirm the list of approved plans, drawings or other documentation that constitute the planning permission and for which the development must be carried out in complete compliance with.
- 3.9 In seeking permission to carry out development not in compliance with Condition 2 the applicant is in effect seeking to vary the planning permission to allow for revisions to the design of Plot 3 of the three house development. Accordingly, the applicant has provided a set of new proposed drawings to substitute the approved drawings for Plot 3.

- 3.10 Members will note that the development is almost complete and that the three dwellings are now occupied. The proposal therefore seeks permission retrospectively in order to remedy a breach of planning control as the property in question has not been constructed in accordance with the approved plans.
- 3.11 The proposed revisions to the design of Plot 3 are to reflect the 'as built' site conditions and include:
- i. substitution of a hipped roof to that of a full gable on the North elevation;
 - ii. the omission of stone lintels throughout the development;
 - iii. the omission of a number of stone sills replaced with brick sills;
 - iv. the omission of render throughout the development;
 - v. the repositioning and altered design of the main entrance door on the East elevation along with a repositioned and larger window at first floor level;
 - vi. the inclusion of solar panels;
 - vii. the substitution of French style doors to the ground floor of the West elevation; and,
 - viii. the omission of a large area of glazing to the apex of the South facing gable elevation.

4. Summary of Representations

- 4.1 The application has been published by means of neighbour notifications carried out in accordance with the formal procedures prescribed by the Town & Country Planning (Development Management Procedure) Order 2015. This has resulted in 20 neighbouring properties being notified of the proposed development and a Site Notice being posted at the site on 31 January 2018.
- 4.2 As a result, three objections have been received from nearby residents. The concerns put forward by these residents in their letters of objection are summarised as follows:
1. The houses on the plot and particular Plot 3 are totally out of keeping with the houses in the vicinity;
 2. The design is overpowering in size considering its proximity to the road;
 3. The full gable elevation makes Plot 3 look bigger and more intrusive into the environment and to the western aspect from Hayton;
 4. The approved design was inappropriate and object further to this revised design;
 5. The house is overbearing and the full gable exacerbates this and makes it look more out of place;
 6. A hip gable would reduce the height of the north elevation and make it more attractive;
 7. It is wrong that builder can make changes to approved plans without the Council's permission. This makes a mockery of the system and encourages people to ignore the rules of planning;
 8. The north end of Plot 3 dominates the view up and down the road, its

- aspect being particularly plain, intrusive and unattractive;
9. The whole house presents itself from all directions as an ugly block, reminiscent of a factory or prison. The hip roof would have at least given it some shape and made it marginally less blocky;
 10. This design should not have been approved in the first place;
 11. The development is incongruous, with a particularly negative visual impact on the wider rural landscape;
 12. A hip construction would soften the obtrusive block effect of this large building;
 13. The full gable is a discordant feature which only serves to exacerbate the height and mass of the new build; and
 14. The proposal amounts to planning creep.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): No objection.

Hayton Parish Council: The Parish Council object to the proposal having received correspondence from a number of Parishioners. The Parish Council objected when the 2015 application for this development was submitted on the grounds of the adverse impact the height and appearance of the proposed design would have on the locality. However the application was granted permission. They understand that in 2016 when it was being built local residents advised the Planning Authority that a full gable was being constructed instead of a hip gable. There was considerable discussion at their meeting about why no enforcement action was taken. 17/1066 is dated 11/12/17 nearly 18 months later. Their meeting decided that it wished to change its comments submitted on 14 February 2018 and advise that they object to retrospective application 17/1066 because the full gable roof as built further increases the height of the building and does not improve its appearance which from the beginning was considered to not be in keeping with its location.

6. Officer's Report

Assessment

6 Assessment of the Proposal

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF), published in March 2012, maintains the supremacy of development plan policies in the consideration of all proposals for development.
- 6.2 In this case, the relevant local policy framework, against which the proposal is considered, is the Carlisle District Local Plan 2015-2030 (the CDLP), which forms the statutory development plan for the District of Carlisle and from

which policies SP1, SP6, HO8 and CM5 are of particular relevance to this application.

- 6.3 The NPPF and the National Planning Practice Guidance (NPPG) are also material considerations in the assessment of this proposed development, as is the Council's adopted Supplementary Planning Document: 'Achieving Well Designed Housing' (the Housing SPD).

- 6.4 The proposal gives rise to the following planning issues:

1. Whether the scale and design of the proposed development is acceptable in the context of the site and the surrounding area

- 6.5 CDLP policy SP6 requires development proposals to demonstrate a good standard of sustainable design that responds to, and is respectful of, the existing character and distinctiveness of the local area. Specifically with regard to house extensions, CDLP policy HO8 requires that such proposals are designed to complement the existing building and maintain the established character and pattern of the street scene resulting in a positive edition. This policy approach is echoed by Section 7 of the NPPF which emphasises the Government's commitment to achieving high quality design of the built environment. Indeed the NPPF advises that good design is indivisible from good planning and as such should contribute positively to making places better for people.
- 6.6 With regard to the full gable elevation it is worth noting that ordinarily householders could undertake a hip to gable roof extension as permitted development not requiring planning permission from the Council, however, in this case permitted development rights have been removed from these properties by a condition imposed under planning approval 15/0876.
- 6.7 In considering the acceptability of the full gable to the northern elevation, as built, regard is had to the design and general character of properties in the surrounding area. Properties opposite the site all feature gable elevations, one of which fronts onto the highway in a similar, but albeit smaller scale, fashion to that of the proposal. Further along the road, within the core of the village of Town Head, full gable elevations are the predominant design feature of properties, many of which front the highway in a similar way to that of the proposal.
- 6.8 Given the prevalence of full gable elevations in the immediate vicinity of the site it is considered that the proposal represents an appropriate form of development that conforms to the established character of the area. Indeed the proposed full gable elevation, as built, is considered to be a more appropriate and sympathetic design feature for this rural location than a hipped roof which is often found in more suburban areas.
- 6.9 The full gable does increase the scale of the northern elevation, however, it does not increase the overall height of the property and is in proportion with the overall scale and massing of the house.

- 6.10 With regard to the other proposed revisions to the design, as set out at paragraph 3.11 of this report, it is noted that objectors raise no issue with these elements of the proposal. These revisions are considered to be minor amendments to the overall design of the scheme, however, they have undoubtedly compromised the quality of the overall design of the house. The question members must therefore consider is whether these minor amendments amount to an unacceptable design by virtue of harm to the character of the surrounding area?
- 6.11 In considering this point members should note that paragraph 60 of the NPPF advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes but rather reinforce local distinctiveness.
- 6.12 Officers consider the revisions to the pattern of fenestration do not give rise to any design issues. While the loss of glazing to the southern elevation makes for a more bland looking elevation this is not considered unacceptable. The omission of stone lintels and sills throughout the property is unfortunate as these features can add interest and replicate quality design features often found in rural locations. The substitution of render for a brick finish is considered to have a negligible impact on the overall design and the installation of solar panels are considered to be a welcome addition that are discreetly positioned on the south facing roof slopes where public views are limited.
- 6.13 Overall, while these minor revisions to the approved design have slightly eroded the quality of the finished property it is not considered that this amounts to any harm to the character or visual amenity of the surrounding area. Indeed, with regard to the full gable this is considered to be a more appropriate design feature which better reflects the site's rural context.
- 6.14 Consequently, with regard to matters of scale and design, the proposed development is compliant with policies SP6 and HO8 of the CDLP and the associated requirements of the NPPF as it would not harm the existing character or identity of the local area and complement the existing property.

2. Whether the impact of the development on the living conditions/amenity of nearby residents is acceptable

- 6.15 The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by CDLP policies SP6, HO8 and CM5 which seek to ensure that development does not result in adverse impacts to the environment, health or the amenity of future or existing occupiers. Accordingly, policies require that acceptable levels of privacy, outlook, and general amenity are maintained without resulting in any intrusive or overbearing effects.
- 6.16 Objectors in the properties opposite the site raise concerns that the full gable elevation is overbearing, overpowering and intrusive. The closest of these three neighbouring properties is Sandgate which is positioned across the road

to the northeast of Plot 3. The distance between the northern elevation of Plot 3 and the elevations of Sandgate is approx. 27m with the properties being at an oblique angle from each other.

- 6.17 Having considered the scale and positioning of the full gable elevation and its relationship and orientation to all neighbouring residential properties, it is considered that there would be no adverse impacts to the residential amenity of these, or any other, neighbouring properties.
- 6.18 Overall it is considered that the proposed development, due to its distance to and orientation with neighbouring residential properties, would not amount to an unacceptable impact on the residential amenity of neighbouring properties as it would not result in any loss of light, over shadowing or visual intrusion. The proposal would not result in any unacceptable overbearing effects or loss of privacy to neighbouring residents.
- 6.19 In this regard, the development meets the requirements set out in policies SP6, HO8 and CM5 of the CDLP and the requisite requirements of the NPPF.

3. Other matters

- 6.20 Objectors raise concern with the nature of the proposal being retrospective and take issue with the time taken for the applicant to make an application following alerting the Council to the breach of planning in June 2016.
- 6.21 It is unfortunate that the applicant has chosen to carry out development not in accordance with their approved plans, which has now resulted in this retrospective application for planning permission. However, as set out in section three of this report, there is a statutory provision that allows for applications to be submitted for 'retrospective planning permission' where works have already been carried out or completed. This can be frustrating for both local residents and for the Council to deal with but in itself cannot amount to a reason for refusing planning permission. There are sometimes legitimate reasons why amendments are required to be made to a scheme and often, where contractors are already engaged, such amendments cannot wait for the submission and determination of a planning application. Such works are always undertaken at the applicant's risk that planning permission may not be forthcoming and may result in abortive works.
- 6.22 Furthermore, it is disappointing that the applicant has taken such a long time to be forthcoming with a planning application which seeks to remedy this breach of planning control. The Council's Enforcement Officer has proactively pursued the applicant since the objectors alerted the Council to the alleged breach and this has now resulted in the submission of this application.

Conclusion

- 6.23 Overall, the proposal amounts to a revised design of Plot 3 as part of a three dwelling development on the edge of Town Head, Hayton. The revisions to the design of the house include a hip to full gable elevation, alterations to the

pattern of fenestration, substitution of render with a brick finish, the inclusion of solar panels, and the omission of stone lintels and sills.

- 6.24 The scale and design of the proposal is considered appropriate in the context of the site and is in keeping with the rural character of the surrounding locality. The proposal would not harm the visual amenity of the surrounding area or result in a discordant or incongruous form of development.
- 6.25 Given the orientation of the development and its relationship with neighbouring properties, it is not considered that the living conditions of neighbouring residents would be compromised. As such an acceptable level of residential amenity is maintained for all neighbouring properties.
- 6.26 In conclusion, having assessed the application against the relevant policies contained within both the local and national planning policy frameworks, it is considered that, subject to conditions, the proposal represents a sustainable form of development that would not result in any unacceptable impacts. The proposal is therefore recommended for member's approval.

7. Planning History

- 7.1 Outline Planning Permission was granted in January 2015 for the erection of three dwellings with some Matters Reserved (ref. 13/0455).
- 7.2 An application for Reserved Matters for the erection of three dwellings and pursuant to Outline Planning Permission 13/0455 was approved in November 2015 (ref. 15/0876).
- 7.3 Planning Permission was granted in April 2016 to vary the plans approved under application 15/0876 to allow for revisions to the design of the property proposed for Plot 2 (ref. 16/0261).
- 7.4 An application to discharge planning condition 15 (Planting Scheme) of previously approved application 13/0455 was approved in January 2017 (ref. 16/1033).

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 11 December 2017;
 - 2. the Site Location Plan submitted with application 15/0876 received 23 September 2015;
 - 3. the Proposed Site Block Plan (Drawing No. CJ/DWELL/SBP Rev A) submitted as part of application 16/0261 and received 24 March 2016 and amended, only in relation to Plot 3, by Proposed Plot 3 Ground

Floor Plan (Drawing No. SF/DWELL/PLOT 3 /GFP1 Rev B) received 16 March 2018;

4. the Proposed Plot 1 North and South Elevations (Drawing No. BM/PLOT 1/ELEV1 Rev A) submitted as part of application 15/0876 and received 23 September 2015;
5. the Proposed Plot 1 East and West Elevations (Drawing No. BM/PLOT 1/ELEV2 Rev A) submitted as part of application 15/0876 and received 23 September 2015;
6. the Proposed Plot 1 Ground Floor Plan (Drawing No. BM/PLOT 1/GFP Rev A) submitted as part of application 15/0876 and received 23 September 2015;
7. the Proposed Plot 1 First Floor Plan (Drawing No. BM/PLOT 1/FFP Rev A) submitted as part of application 15/0876 and received 23 September 2015;
8. the Proposed Plot 2 Elevations (Drawing No. CJ/DWELL/PLOT 2/ELE1 Rev A) submitted as part of application 16/0261 and received 24 March 2016;
9. the Proposed Plot 2 Floor Plans (Drawing No. CJ/DWELL/PLOT 2/FP1 Rev A) submitted as part of application 16/0261 and received 24 March 2016;
10. the Proposed Plot 3 Elevations (Drawing No. SF/DWELL/PLOT 3/ELEV Rev C) received 16 March 2018;
11. the Proposed Plot 3 Ground Floor Plan (Drawing No. SF/DWELL/PLOT 3/GFP1 Rev B) received 16 March 2018;
12. the Proposed Plot 3 First Floor Plan (Drawing No. SF/DWELL/PLOT 3/FFP1 Rev B) received 16 March 2018;
13. the Proposed Foul & Surface Water Drainage Plan (Drawing No. BM/DWELL/DRAINAGE Rev B) submitted as part of application 15/0876 and received 28 September 2015;
14. the Proposed Landscaping and Hedgerow Protection Plan (Drawing No. BM/DWELL/LAND Rev A) submitted as part of application 15/0876 and received 23 September 2015;
15. the Proposed Ground and Floor Levels Plan (Drawing No. BM/DWELL/LEVELS Rev A) submitted as part of application 15/0876 and received 23 September 2015;
16. the Proposed Surface Finishes and Parking Plan (Drawing No. BM/DWELL/PARKING Rev A) submitted as part of application 15/0876 and received 23 September 2015;

17. the Notice of Decision; and

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

Reason: In order to ensure that the development is carried out in complete accordance with the approved documents and to avoid any ambiguity as to what constitutes the permission.

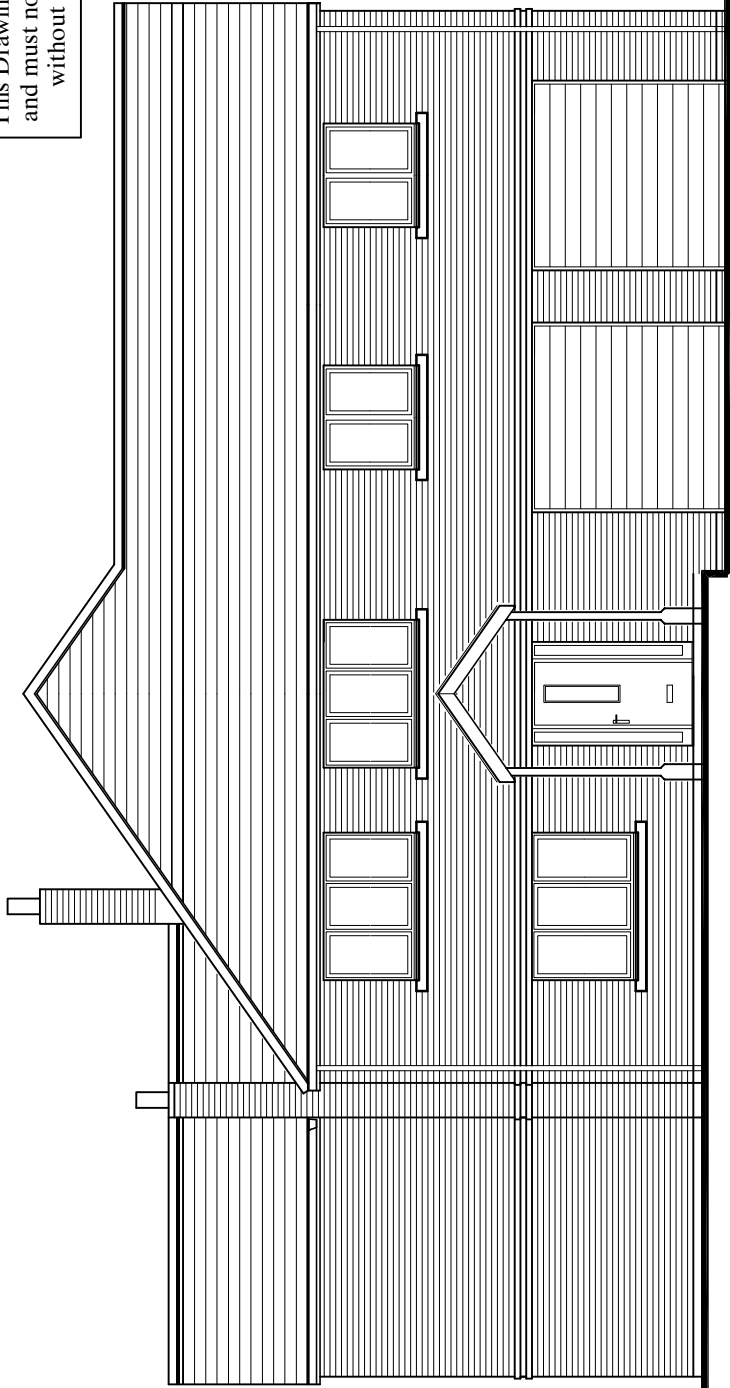
2. The Planting Scheme shall be carried out in strict accordance with the details submitted under application 16/1033 and as approved on 19 January 2017. The Planting Scheme shall be retained as such thereafter.

Reason: In order to ensure the implementation of a satisfactory landscaping scheme in accordance with policy SP6 of the Carlisle District Local Plan 2015-2030.

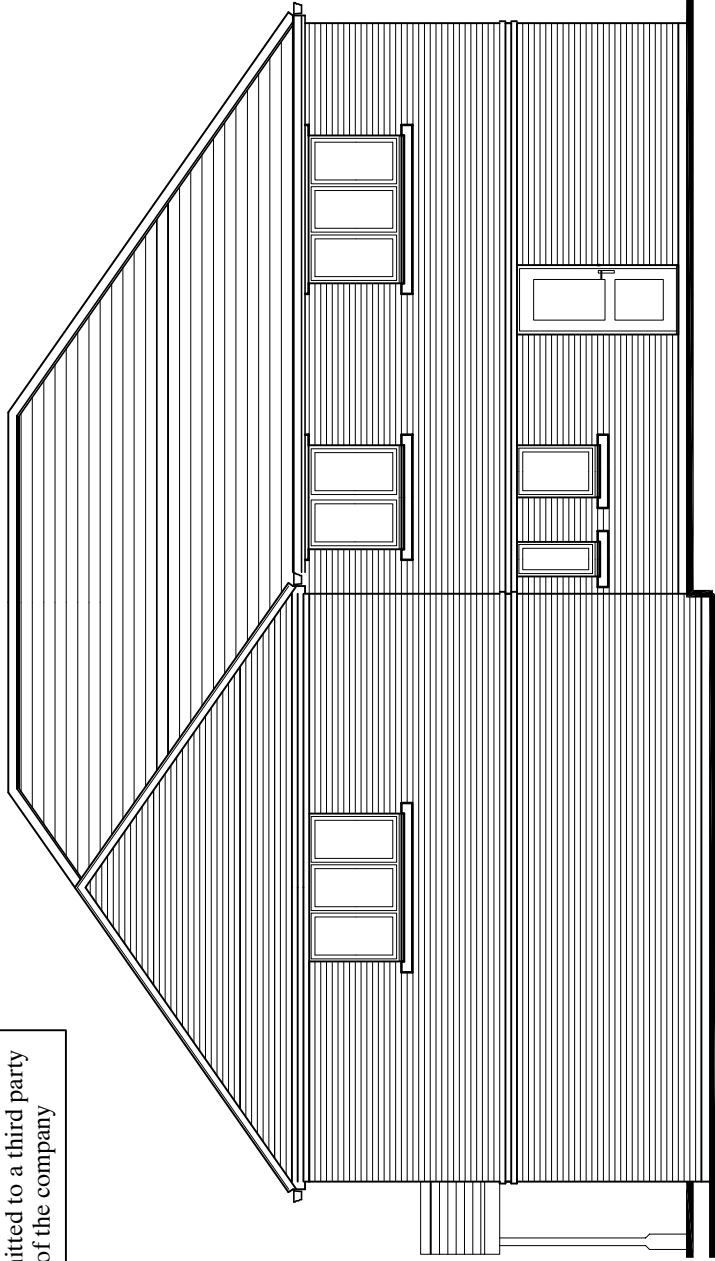
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) there shall be no enlargement or external alterations to the dwellings hereby approved in accordance with this permission, within the meaning of Schedule 2, Part 1, Classes A to E (inclusive) of the Order, without the written approval of the Local Planning Authority achieved via the submission and determination of a planning application.

Reason: To ensure that the character and attractive appearance of the building is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030.

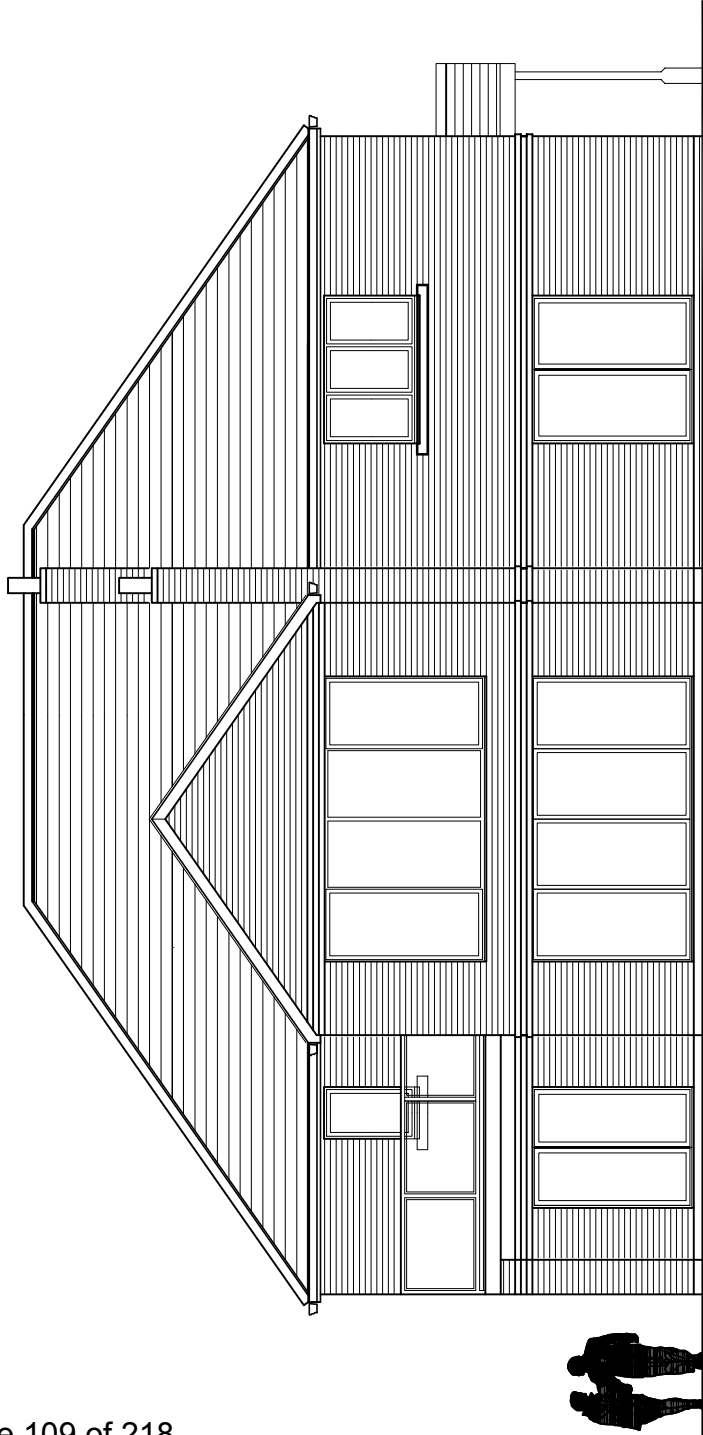
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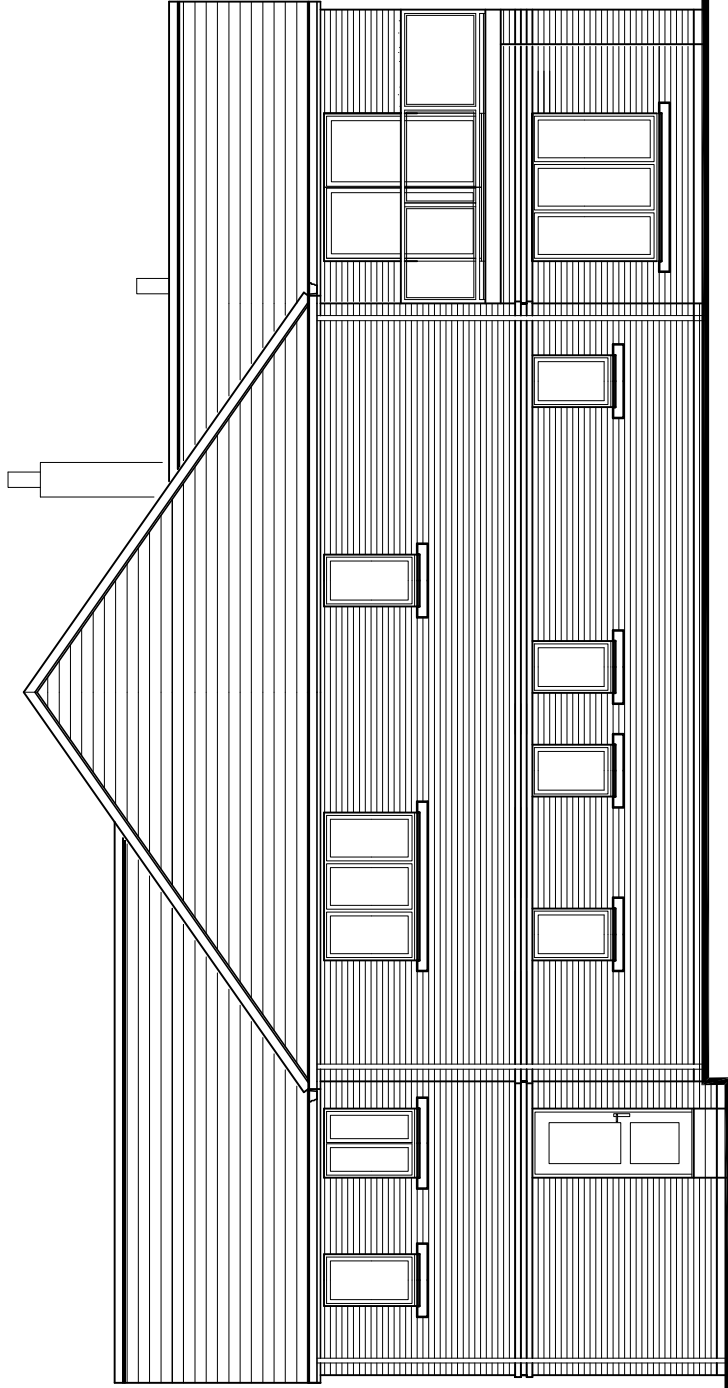
Proposed East Elevation



Proposed North Elevation



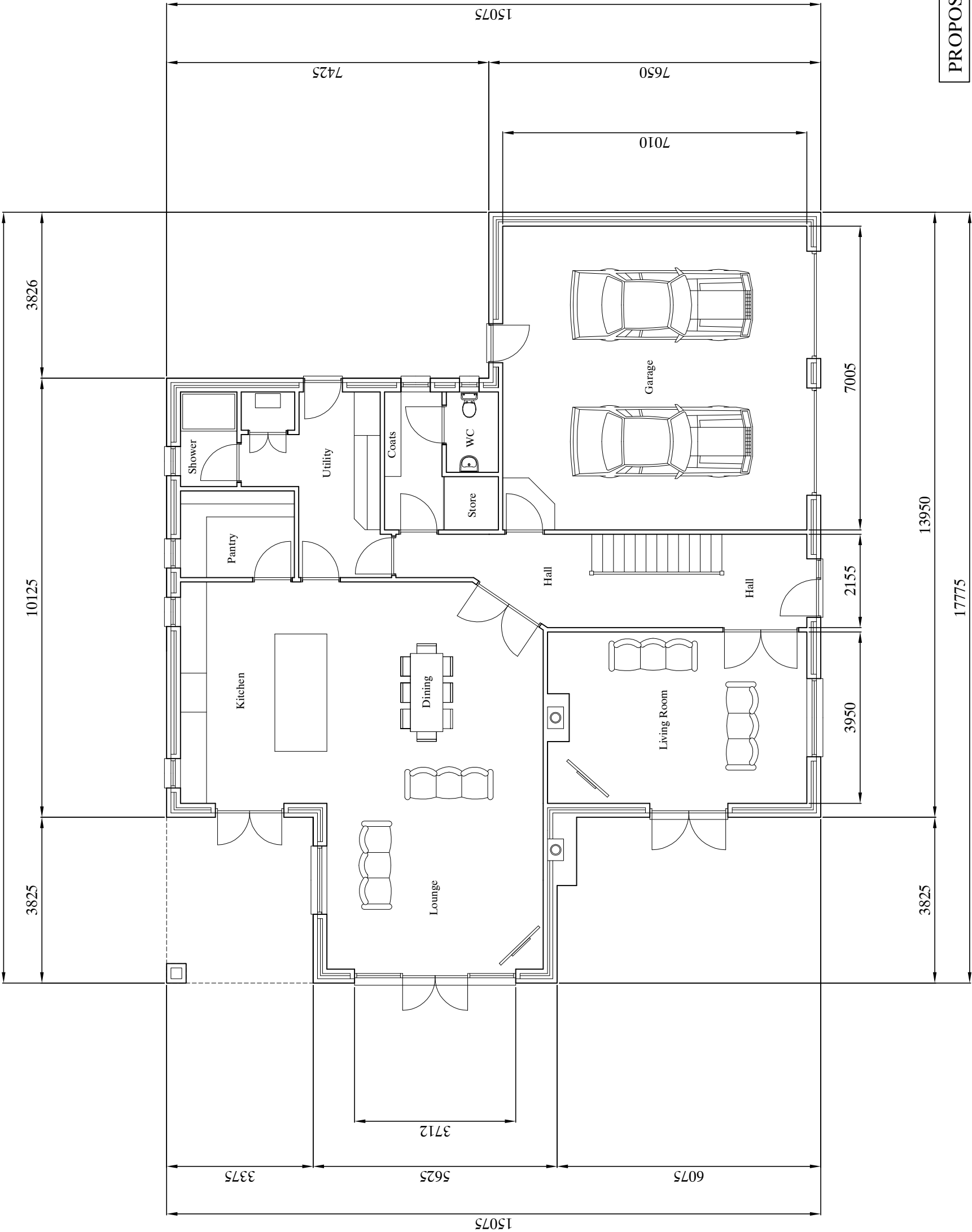
Proposed South Elevation



Proposed West Elevation

PLOT No 3

<div>Proposed New 3 No Dwellings to Land to the rear of "Elmfield", Townhead. Hayton, Carlisle, Cumbria.</div>			External Elevations as built	C	15/03/18
			Amended	B	12/11/15
			Original Issue	A	01/08/15
			Description	Rev.	Date
Drawing No			SF / DWELL / PLOT 3 / ELEV Rev C		
Drawn By		G.Tyler			
Scale		1:100			
Date		1st August 2015			

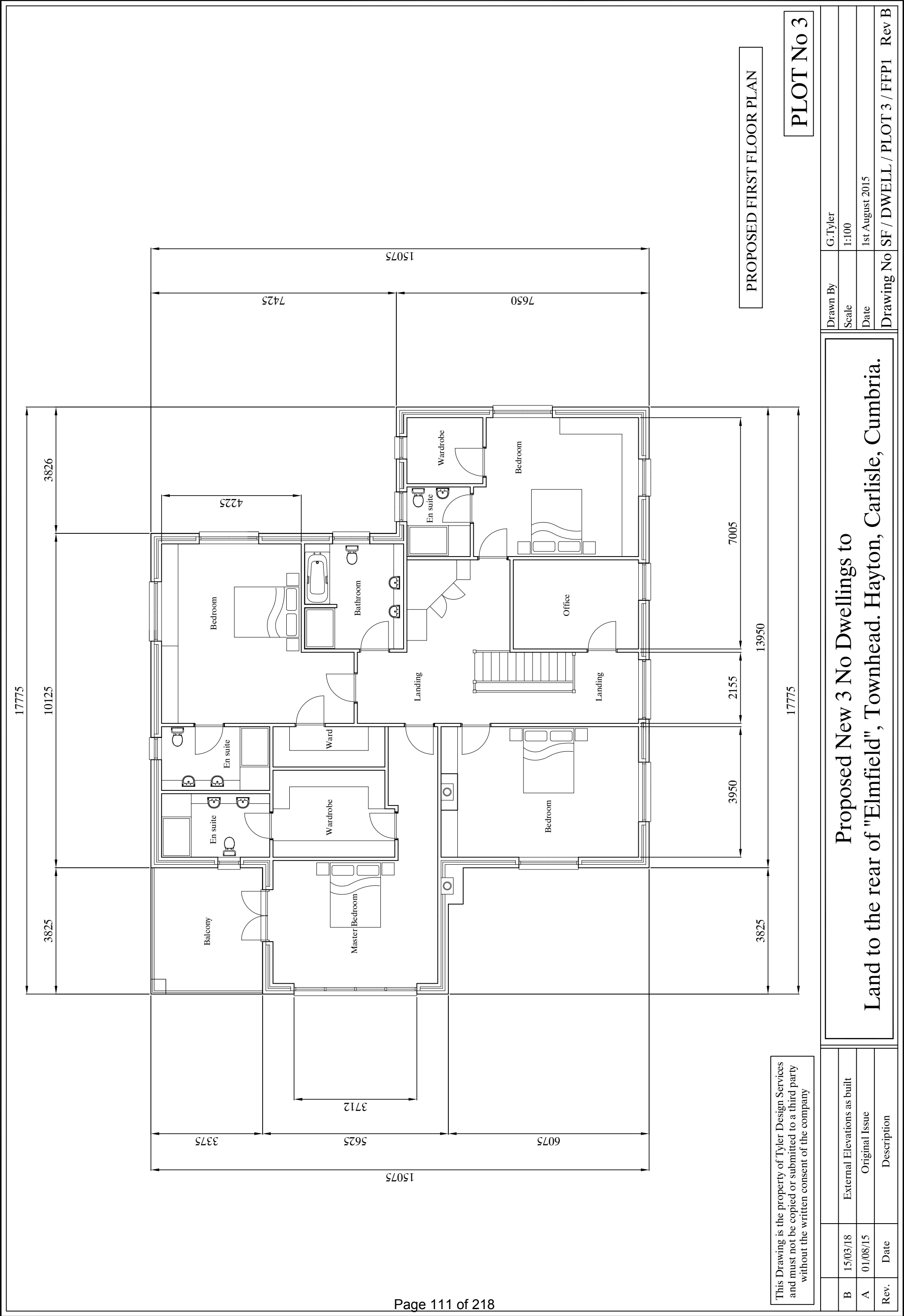


PROPOSED GROUND FLOOR PLAN

PLOT No 3

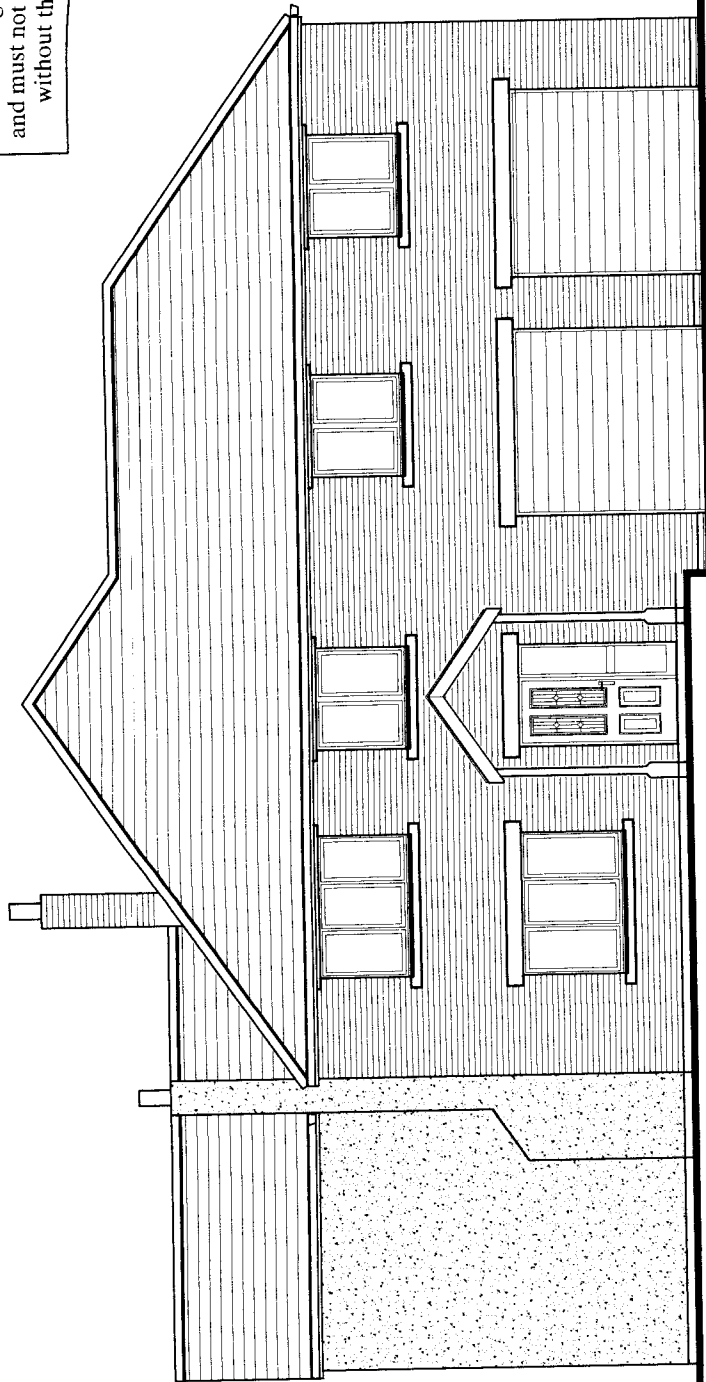
This Drawing is the property of Tyler Design Services and must not be copied or submitted to a third party without the written consent of the company

			<div>Proposed New 3 No Dwellings to Land to the rear of "Elmfield", Townhead. Hayton, Carlisle, Cumbria.</div>	Drawing No	SF / DWELL / PLOT 3 / GFP1 Rev B
Rev.	Date	Description			
A	01/08/15	Original Issue			
B	15/03/18	External Elevations as built			
				Drawn By	G.Tyler
				Scale	1:100
				Date	1st August 2015

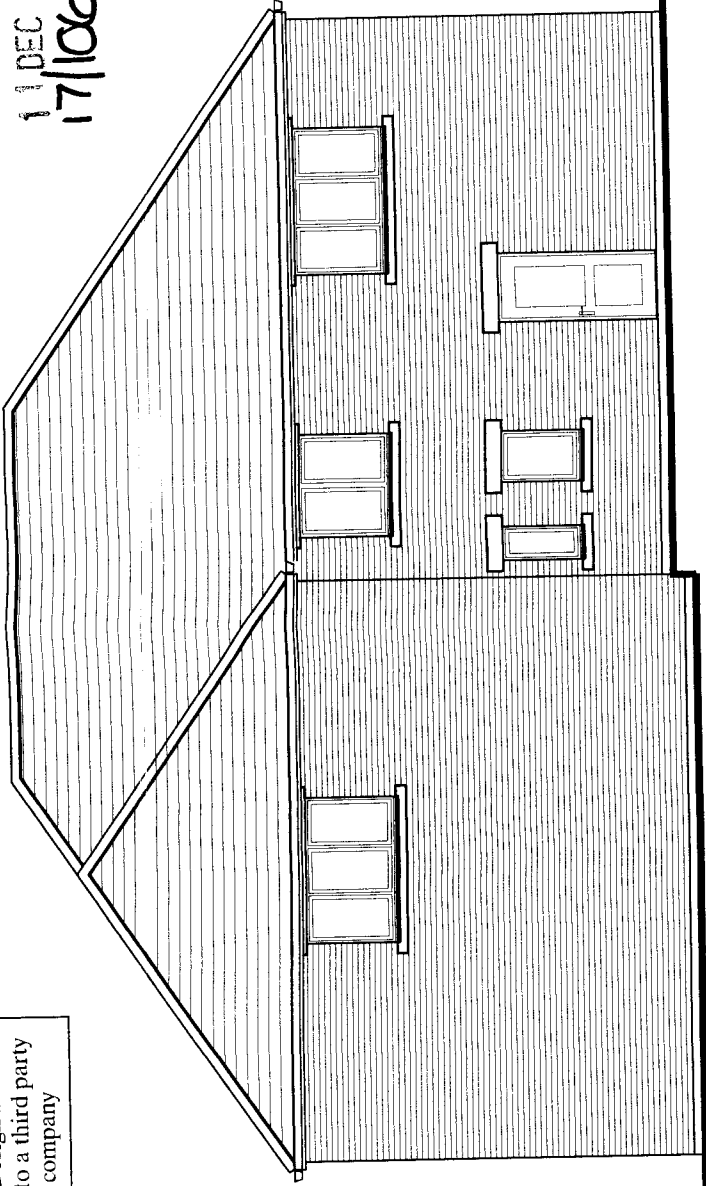


This Drawing is the property of Tyler Design Services and must not be copied or submitted to a third party without the written consent of the company

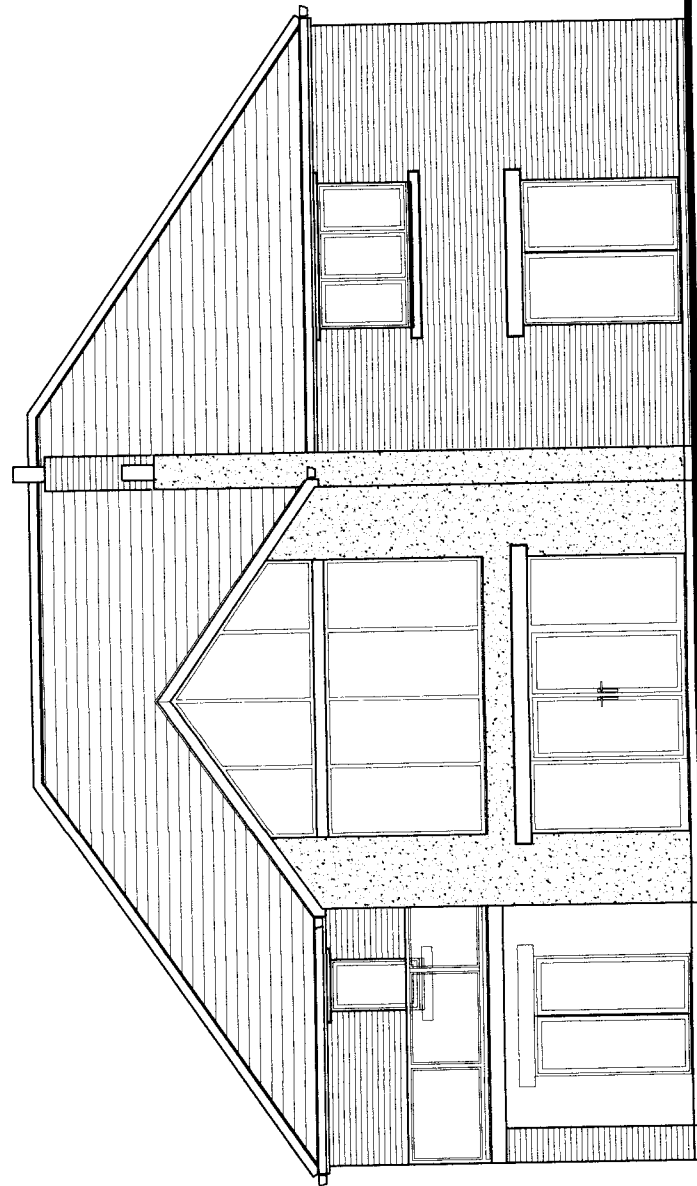
11 DEC 2017
17/1066



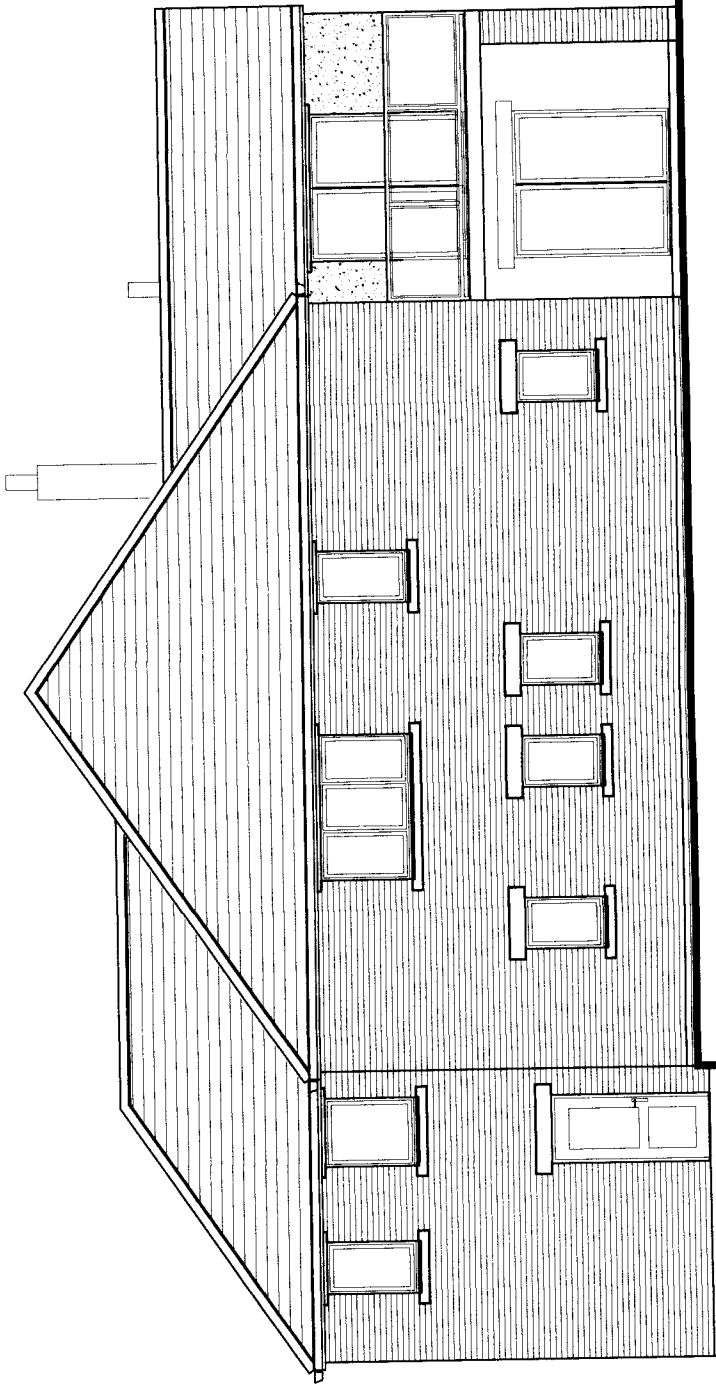
Proposed East Elevation



Proposed North Elevation



Proposed South Elevation



Proposed West Elevation

PLOT No 3

Proposed New 3 No Dwellings to "AS APPROVED"
Land to the rear of "Elmfield", Townhead. Hayton, Carlisle, Cumbria.

Drawn By G. Tyler
Scale 1:100
Date 1st August 2015
Drawing No SF / DWELL / PLOT 3 / ELEV Rev A

SCHEDULE A: Applications with Recommendation

18/0070

Item No: 06

Date of Committee: 08/06/2018

Appn Ref No:
18/0070

Applicant:
Mr Ian Little

Parish:
Wetheral

Agent:

Ward:
Great Corby & Geltsdale

Location: Land adjacent Westwood, Heads Nook, Brampton, Cumbria, CA8 9AE

Proposal: Erection Of 1no. Dwelling (Outline)

Date of Receipt:
20/03/2018

Statutory Expiry Date
15/05/2018

26 Week Determination
11/06/2018

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 character of the area
- 2.3 Whether the scale and design of the dwelling is acceptable
- 2.4 Impact on the living conditions of neighbouring properties
- 2.5 Proposed method for the disposal of foul and surface waters
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on the existing trees and hedges
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other matters

3. Application Details

The Site

- 3.1 The application site, equating to approximately to 810 square metres forms part of the domestic curtilage of Westwood, a detached dormer bungalow located within Heads Nook. The current boundaries of Westwood consist of

a combination of hedges, trees and wooden fences. Westwood is currently served by two vehicular accesses to the east and west; however, the main vehicular access appears to be to the east.

The Proposal

- 3.2 The application seeks Outline Planning Permission with All Matters Reserved namely: access, appearance, landscaping, layout and scale. This application, therefore, is to establish the principle of development only.
- 3.3 The submitted drawings, although indicative only, illustrate the siting of a detached 4 bedroom dwelling. The indicative vehicular access to serve the proposed dwelling would be adjacent to the western vehicular access of Westwood via an unadopted access track from the C1035 county highway which runs through the village.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of five neighbouring properties and the posting of a Site Notice. In response, five representations of objection have been received.
- 4.2 The representations identify the following issues:
1. questions the method of publicity;
 2. address details make reference to 'Allenwood' which is incorrect;
 3. accuracy of submitted drawings;
 4. the application site is constrained and would have a detrimental impact on neighbouring properties;
 5. questions capability of access track to accommodate additional vehicles;
 6. impact on highway safety;
 7. proposal would result in loss of trees;
 8. potential to exacerbate existing surface water problems;
 9. questions parking/turning provision to serve proposed dwelling;
 10. impact of proposal on nearby public footpaths;
 11. proposal would further destroy rural nature of Heads Nook due to other new dwellings already under construction;
 12. detrimental impact on biodiversity;
 13. contrary to Planning Inspectorate's decision;
 14. questions the need for any additional housing within Heads Nook;
 15. scale of proposed dwelling not in keeping with surrounding properties.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection to the development of this site. The proposed access is on to a 'private lane', therefore, the proposal will not have a material effect on existing highway conditions and a standard visibility splay will not be required. The development however, must not have an adverse effect for other users of the 'private lane'. As per the Cumbria Development Design Guide, 4 bedroom

properties are required to have a minimum of 2.5 spaces per unit. In respect of surface water, the LLFA surface water map show that there is no flooding and/or surface water issue in the locale. As such, the risk of surface water flooding will not be increased, therefore, have no objections from the LLFA perspective. Recommend the imposition of conditions and informatives;
Wetheral Parish Council: - objection. Concerns around site access, especially at the time of construction, due to the narrowness of the lane. The garden at Westwood is already not draining well and there is no information as to where the new plot will drain. The PC are objecting until such time as further details regarding the access and drainage are made available. Recommend a site visit by the Development Control Committee;
Local Environment, Waste Services: - no objections;
United Utilities: - no objections subject to imposition of a condition and informatives.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO2, HO3, IP3, IP4, IP6, CC5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 are relevant. The City Council's Supplementary Planning Documents 'Achieving Well Designed Housing' and 'Trees and Development' are also material planning considerations. The Cumbria Landscape Character Guidance and Toolkit (March 2001) is a further material consideration.
- 6.3 The proposal raises the following planning issues:

1. Principle of Development

- 6.4 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. 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. For example, where there are small groups of smaller settlements, development in one village may support services in a village nearby.
- 6.5 The aims of the NPPF is reiterated in Policy HO2 of the Local Plan which allows new housing development other than those allocated will be acceptable 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.

- 6.6 When assessing the application against the foregoing policies, the application site forms part of the domestic curtilage of Westwood, a dormer bungalow set within extensive grounds in Heads Nook. There are residential properties immediately to the north, south and east of the application site with an area of woodland known locally as 'The Glen' located to the west of the application site. Heads Nook itself has a village hall and village green with play equipment; however, is in close proximity to Warwick Bridge, Corby Hill and Little Corby which provides a high level of service including a school, public house, garage, church and shops.
- 6.7 In such a context, the application site forms part of the large domestic curtilage of Westwood which is physically connected, and integrates with, the settlement of Heads Nook, and would not lead to an unacceptable intrusion into open countryside. Accordingly, the application site is considered to be in a sustainable location for housing development, therefore, the principle of development is acceptable.

2. Impact Of The Proposal On The Character Of The Area

- 6.8 The Cumbria Landscape Character Guidance and Toolkit (March 2001) identifies that the site falls within the Cumbria Landscape Character Sub-Type 5c 'Rolling Lowland'. The toolkit advises that key characteristics of this landscape are: open undulating and rolling topography; lowland agricultural landscape dominated by pasture; hedges and hedgerows trees are common on lower ground and sparse on higher ground; and some scrub woodland.
- 6.9 The application site forms part of the domestic curtilage of Westwood which has residential properties immediately to the north, south and east. The residential development of the application site may have the potential to have some visual impact on the landscape character of the area. In mitigation however; it would be viewed in the overall context of the surrounding residential properties with existing and proposed landscaping minimising any perceived visual impact.

3. Whether The Scale And Design Of The Dwelling Is Acceptable

- 6.10 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in 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, massing and established street patterns and by making use of appropriate materials and detailing.
- 6.11 The application seeks outline planning permission with all matters reserved. Accordingly, access, appearance, landscaping, layout and scale are reserved

for subsequent approval and do not form part of this application and would have to be considered by a subsequent application, should Members approve this application. The submitted details however; indicate the siting of a four bedroom detached house which would gain access via a lane taken the C1035 county highway which runs through Heads Nook.

- 6.12 Third parties have raised objections as to the scale and design of the proposed dwelling. As previously highlighted, the application seeks outline planning permission with all matters reserved, therefore, the scale and design of the dwelling would be considered on its merits during any subsequent application. Notwithstanding the foregoing, conditions are recommended which would: restrict the number of dwellings to one; the proposed dwelling to be of 1.5 storey construction; and the submission of existing and proposed ground levels and the height of the proposed finished floor levels and ridge height of the proposed dwelling. Further conditions, amongst others, are also recommended which would require the submission of details in respect of materials and a landscaping scheme. Accordingly, the proposed conditions would ensure that the proposed dwelling would be of an appropriate scale and design. Furthermore, any subsequent application would have to demonstrate that the development would achieve adequate amenity space and off-street parking to serve the dwelling.

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

- 6.13 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One of the criterion of Policy SP6 being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved.
- 6.14 Neighbours have raised objections to the proposal in respect of loss of privacy due to what they cite are existing constraints within the application site. As outlined earlier in the report, the layout and scale of the proposed dwelling, amongst other matters, is reserved for subsequent approval. Accordingly, any subsequent application would have to satisfy the objectives of the relevant policies within the local plan and SPDs. Nevertheless, to further protect the living conditions of the occupiers of neighbouring properties from unacceptable noise disturbance during construction works a condition is recommended that would restrict construction hours.

5. Proposed Method For The Disposal Of Foul And Surface Water Drainage

- 6.15 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, due to the fact that only

outline planning permission is sought by this application, there is no requirement to provide comprehensive details of the method for the disposal of either surface water or foul drainage provision at this stage. Nevertheless, the application form submitted as part of the application outlines that surface water drainage would be to the mains sewer. No details in respect of foul drainage has been provided as the application form does not request such details.

- 6.16 Wetheral Parish Council and third parties have raised objections to the proposal and the potential to exacerbate existing surface water problems. Cumbria County Council, as Lead Local Flood Authority (LLFA), has been consulted and confirm that its surface water map illustrates that there is no flooding and/or surface water issues in the locale. The LLFA does; however, request the imposition of a condition requiring the submission of a drainage scheme based on the hierarchy of drainage options in the PPG. United Utilities has also been consulted and raise no objections subject to the imposition of a condition ensuring foul and surface water are drained on separate systems together with the condition previously recommended by the LLFA in respect of surface water drainage.
- 6.17 Given the lack of details in respect of drainage and to ensure that there is adequate provision for foul and surface water facilities, pre-commencement conditions are recommended which would ensure the submission of further details. These details would then be assessed by the relevant Statutory Consultees. If such details prove to be unacceptable, it may be that the residential development would stall as a result.

6. Impact Of The Proposal On Highway Safety

- 6.18 The submitted drawing indicates that the proposed dwellings would be accessed via an existing access lane from the C1035 county highway which runs through the village. Wetheral Parish Council and third parties have raised objections to the application citing the adequacy of the access track to serve the proposed dwelling both during construction and after occupation. Further objections raised centre on the impact of additional traffic on pedestrians who also utilise the access track to gain access to public footpaths within 'The Glen' woodland.
- 6.19 Cumbria County Council, as Highway Authority, has been consulted and subject to the imposition of a condition and informative, raise no objections to the proposal as the access is on to a 'private lane'. The recommended condition by the Highway Authority, requires the submission of pre-commencement details in respect of access and parking facilities to serve the proposed dwelling. The informative draws the applicant/developer attention to the presence of public footpath 138024 (west of the application site) and to ensure no interference or obstruction occurs during or after completion of the site works.
- 6.20 In light of the concerns raised by Wetheral Parish Council and third parties should Members approval of the application, a further condition is recommended which would require the submission of a construction

management plan which would require the submission of details in respect of: construction traffic parking, storage and method for the delivery of materials.

- 6.21 The views of the Parish Council and third parties are respected; however, in light of the views of the Highway Authority and the imposition of the aforementioned recommended conditions it would be difficult to substantiate a refusal of the application on highway safety grounds.

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

- 6.22 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.
- 6.23 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.
- 6.24 The application site has several mature trees and hedges both within and along its boundary. As the application seeks only to establish the principle of development, it is impossible to determine if any of the trees or hedges would be affected by the development. Nevertheless, the Arboricultural Impact Assessment which accompanied the application identifies that the trees that are of main interest within the site are a mature Birch and a mature Oak located in the in the south western and north eastern boundary respectively. Should Members approve the application, conditions are recommended which would require the submission of a landscaping scheme and the installation of tree/hedge protection barriers around any retained trees or hedges.

8. Impact Of The Proposal On Biodiversity

- 6.25 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development it is unlikely that the proposed development would not harm protected species or their habitat. To further protect biodiversity and breeding birds, informative's are recommended within the decision notice drawing the applicants attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

9. Other Matters

- 6.26 Objections have been raised to the accuracy of the submitted site location plan as two properties to the east and south, Two Hoots and Glenside respectively, have been omitted from the submitted site location plan. The submitted site location plan does; however, indicate the location of Two Hoots, the closest of the dwellings to the application site. Glenside, constructed in 2012, is located to the south of Westwood and Members will be updated as to the exact location of the dwelling during the Officers committee presentation. Furthermore, the occupiers of Glenside has been formally notified by letter of the proposed development and at the time of preparing the report have not responded.
- 6.27 A further issue raised by a third party is the accuracy of the annotated 19 metres on the submitted indicative block plan. As highlighted earlier in the report this is an indicative block plan but the extent of the application site, as indicated on the block plan, correlates to the site location plan.
- 6.28 Third parties also question the requirement for additional dwellings within Heads Nook. This is not a material planning issue as Members are aware, every application must be dealt with on its own merits and assessed against policies within the Development Plan based on the Strategic Housing Market Assessment Update (September 2014)..
- 6.29 Officers attention has also been drawn to an appeal decision which was dismissed within the former domestic curtilage of Woodend, a dwelling located to the south of the application site. By way of background, in 1990 (application reference 90/0255) an appeal was dismissed for the erection of a dwelling during which time the Inspector considered *"the proposal would have an unacceptable effect on the character and appearance of the area by eroding its rural attractiveness and by introducing a more intrusive urban element"*. As outlined earlier in the report, each application is assessed on its own merits against current planning policies. Two subsequent applications (application references 08/0232 and 09/0547) have now be approved for the erection of a dwelling , one of which was for a revised house type, within the same appeal site. Building Control records indicate that this property has been occupied since 2012 and is known as Glenside.
- 6.30 A member of the public has questioned the address of the application site as he states that the address makes reference to 'Allenwood' in its description. The relevant documents and site notices have been checked, none of which appear to make reference to Allenwood.
- 6.31 Third parties have questioned the chosen method of publicity of the application as the application did not appear in the Cumberland News under 'What They Plan'. Part 3(15) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) details how local planning authorities should publicise planning applications received by them. In respect of this particular type of application, the methods are: (a) by site display in at least one place on or near the land to

which the application relates for not less than 21 days; or (b) by serving the notice on any adjoining owner or occupier. Information must also be published on a website maintained by the local planning authority. A further non-statutory method of publicity also used the City Council is inclusion of applications in 'What they Plan' in the Cumberland News.

- 6.32 It is acknowledged that the application did not appear in the Cumberland News and despite interrogation of the local planning authority's records cannot clarify why this application did not appear within 'What They Plan'; however, as earlier highlighted this is a non-statutory method of publicity. The chosen methods for the publication of the application was the posting of a site notice on a lamp post on the eastern side of the C1035 highway, opposite the entrance to the access lane to the site to the site. The occupiers of five neighbouring properties were also directly notified by letter and the application has also been published on the City Council's web site complying with the DMPO.

Conclusion

- 6.34 The application seeks outline planning permission with all matters reserved, therefore, the application seeks only to establish to principle of development of the site.
- 6.35 Access, appearance, landscaping, layout and scale are reserved for subsequent approval and do not form part of this application; however, are subject to appropriate planning conditions and would be given careful consideration at the time of any subsequent application to ensure that the scheme would comply with the NPPF, PPG, relevant local plan policies and SPDs.
- 6.36 In overall terms, the principle of development accords with the objectives of the NPPF, PPG, the Carlisle District Local Plan 2015-2030 and SPDs. Accordingly, the proposal is, therefore, recommended for approval

7. Planning History

- 7.1 In 1989, full planning permission was granted for the erection of a replacement double garage (application reference 89/0762).

8. Recommendation: Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
 - i) the expiration of 3 years from the date of the grant of this permission, or
 - ii) the expiration of 2 years from the final approval of the reserved

matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the access, appearance, landscaping, layout and scale of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

1. the submitted planning application form received 22nd January 2018;
2. the Land Contamination Report received 20th March 2018;
3. the Arboricultural Impact Assessment received 22nd January 2018;
4. the site location plan received 22nd January 2018;
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.

4. No development shall be commenced until samples or full details of materials to be used externally on the dwelling have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. The hereby permitted development shall be carried out and completed in full accordance with the approved details

Reason: To ensure that materials to be used are acceptable in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. No development shall commence until 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 Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Before development commences, particulars of the height and materials of any new screen walls and boundary fences to be erected shall be submitted

to and approved in writing by the local planning authority and the development thereafter carried out in accordance therewith.

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

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

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

8. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.

Reason: To prevent pollution of the water environment in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies IP6 and CC5 of the Carlisle District Local Plan 2015-2030.

10. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared to reduce the potential for crime in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the

satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

12. 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 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 hedges to be retained on site in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

13. Prior to the commencement of development a Construction Management Plan shall be submitted to and agreed, in writing, by the local planning authority. This shall include details of:

- the provision of adequate land reserved for the parking of construction traffic;
- the provision of adequate land reserved for building materials;
- the proposed method for the delivery of building materials.

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

Reason: To safeguard the living conditions of neighbouring residents in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

14. The dwelling shall not be occupied until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use at all times and shall not be removed or altered without the prior consent of the local planning authority.

Reason: To ensure a minimum standard of access provision prior to the occupation of the dwelling. To support Local Transport Plan Policies: LD5, LD7.

15. Not more than one dwelling shall be erected on the site pursuant to this permission.

Reason: The local planning authority wish to control the scale of the development to avoid a cramped form of development in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

16. Notwithstanding the submitted details, the dwelling subject of this approval shall be no higher than 1.5 storeys.

Reason: In the interests of preserving the privacy and amenity of the neighbouring residents, to ensure that the development respects the scale and character of buildings in the locality and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

17. Prior to the commencement of development details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor and ridge heights of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority

Reason: In order that the approved development overcomes any problems associated with the topography of the area and the relationship of the proposed dwelling with existing dwellings in accordance with Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

18. 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.

19. No work associated with the construction of the residential unit hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and

risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

Registry
Official copy of
a plan

Title number CU213336
Ordnance Survey map reference NY4955SW
Scale 1:1250
Administrative area CUMBRIA: CARLISLE



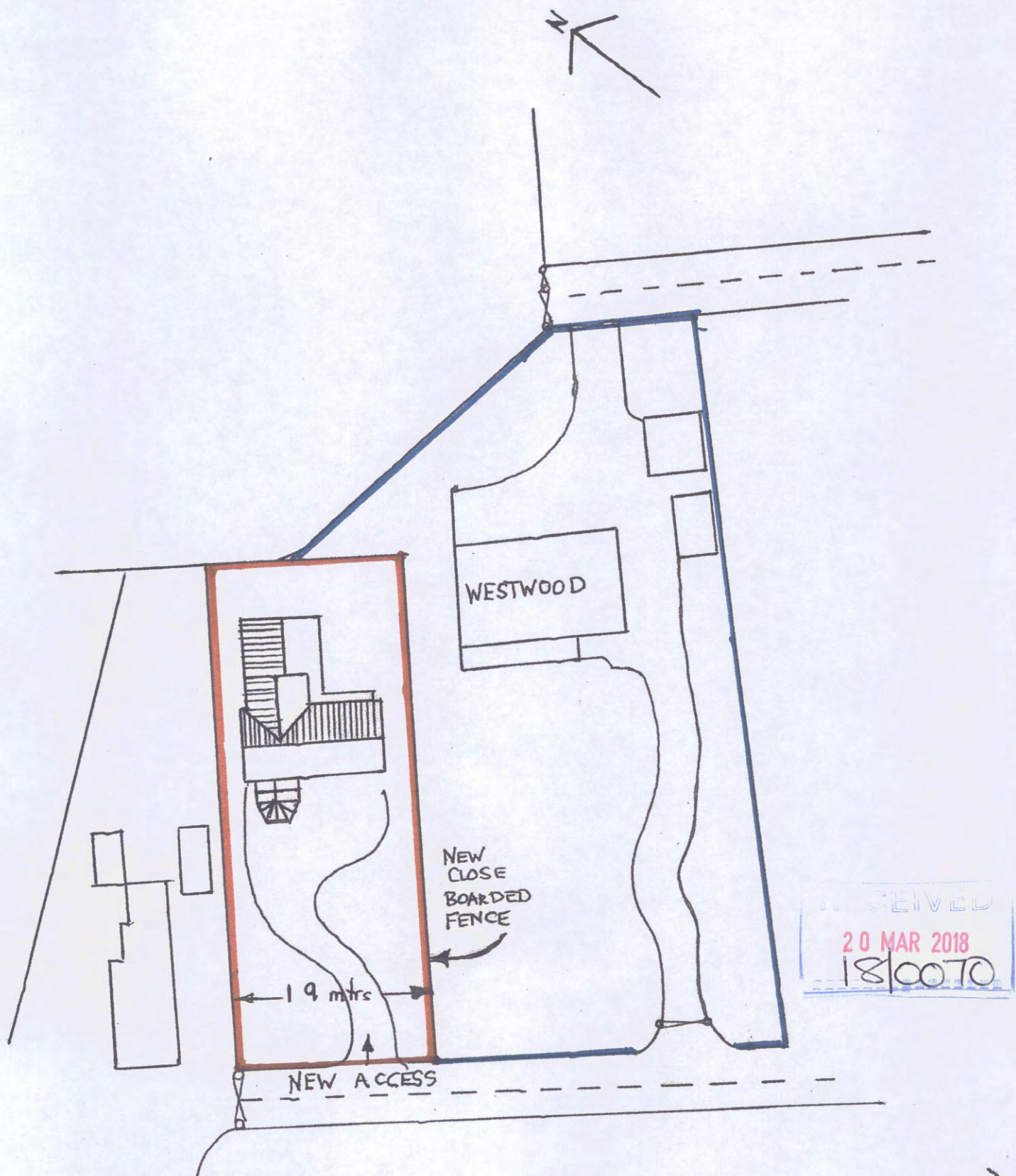
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T. 01228 494028
M. ~~0771593971~~
07734 212106

WESTWOOD
HEADSNOOK
BRAMPTON

CAB 9AE



PROPOSED BUILDING PLOT (4 Bed House)
 WESTWOOD, HEADSNOOK, CA8 9AE
 1:500
 Dwg Ref:-
 1 L A.

SCHEDULE A: Applications with Recommendation

18/0131

Item No: 07

Date of Committee: 08/06/2018

Appn Ref No:
18/0131

Applicant:
c/o Blackbox Architects

Parish:
St Cuthberts Without

Agent:
Black Box Architects
Limited

Ward:
Dalston

Location: Former White Quey Inn, Stoneraise, Durdar, Carlisle, CA5 7AT

Proposal: Conversion Of Existing Building To Form 2no. Dwellings, Together With The Erection Of 3no. Dwellings Within The Grounds Of The Property (Reserved Matters Application Pursuant To Outline Approval 17/0499)

Date of Receipt:
13/02/2018

Statutory Expiry Date
10/04/2018

26 Week Determination

REPORT

Case Officer: Christopher Hardman

UPDATE

Members deferred this application at the meeting of Development Control Committee on the 27th April 2018 in order that the applicant could consider the visual relationship of the dwelling on Plot 1 and the proposed planting along with further consideration of the proposed drainage for the site.

Following on from the meeting a revised layout was received for Plot 1 which moves the property a further 2 metres back from the road and allows for additional planting along the road frontage. This information has been the subject of a further consultation and at the time of preparing the report no further responses have been received.

The applicant has also undertaken a bat survey which, whilst finding some activity in the general area, concluded that there were limited roosting opportunities for bats in walls and the damage to the roof resulted in an unsuitable habitat. No evidence of past or current use of the building by bats for roosting or hibernating could be found.

In relation to the drainage, discussions have been held directly with the Lead Local Flood Authority (LLFA) in order to address the outstanding planning conditions on the original Outline application 17/0499. The discussions resulted in revisions to the proposed drainage in order to ensure that surface water drains at the greenfield run-off rate plus an allowance for climate change. Flow control valves will be

incorporated into the drainage system which provides a higher rate of control than the calculations require. The formal response from the LLFA is currently awaited and Members will be updated regarding whether original conditions 20, 21 and 22 (17/0499) can now be discharged. If this is the case, condition 1 of this application will require updating to reflect those conditions.

Confirmation has been provided by the applicant that a management company will be set up and responsible for general areas along with maintenance of the septic tank.

Updated drawings have been attached to this report and Condition 2 of this application has been updated to reflect the updated drawing/report submissions.

The **recommendation** is that the application is approved with conditions.

ORIGINAL COMMITTEE REPORT OF 27TH APRIL 2018 FOLLOWS:

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 Impact Of The Proposal On The Character Of The Area
- 2.3 Whether The Scale And Design Of The Dwellings Are Acceptable
- 2.4 The Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Drainage
- 2.6 Highway Issues
- 2.7 Impact On Biodiversity
- 2.8 Impact On Existing Trees

3. Application Details

The Site

- 3.1 The existing buildings on the site are the remains of a complex of stone farm buildings with slate roofs. The buildings were latterly used as a large public house, with ancillary residential accommodation to the first floor. Since permission was granted for the site's redevelopment a single storey flat roofed extension with a glazed octagonal conservatory has been demolished. There is also an extensive tarmac surfaced car park to the north and east of the site albeit that this has become overgrown whilst the site has remained vacant.
- 3.2 The pub closed in 2006. It is currently boarded up, and was the subject of break-ins and vandalism, along with demolition of the outbuildings, the building is now uninhabitable. The dilapidated state of the building and large

area of abandoned tarmac surfaced car parking has created an eyesore which has become a continuing concern for the local community. In recent months a caravan was illegally parked on the car park and abandoned. This has been removed and the new site owner has erected heras fencing around the site to increase security.

Background

- 3.3 In 2012 approval was granted for the conversion of the pub into two luxury dwellings under delegated powers (12/0548). In 2014 Members approved application 14/0120 for the change of use of The White Quey into five dwellings. The scheme included conversion of the original stone building which retained all of the existing internal and external stone walls, with infill and new external walls constructed in stone to match the existing. The roofs were to be natural slate and all windows painted timber, replacing the existing upvc and aluminium windows.
- 3.4 In 2017 Outline permission including access was granted for the conversion of the existing building to form 2 dwellings together with the erection of 3 dwellings within the grounds of the property. Matters including Appearance, Landscaping, Layout and Scale were Reserved for a later application.

The Proposal

- 3.5 This application seeks Reserved Matters approval for Appearance, Landscaping, Layout and Scale. The proposal is for five dwellings including the conversion of the existing building to two dwellings. The plot locations broadly follow those indicated on the outline application with one new build plot to the north of the White Quey and two to the rear of the site. The dwellings comprise three detached 4-bedroom units and the conversion will also provide 2 x 4-bed units. Separate garages are included as well as a centralised parking area for visitor parking. As the access will serve only 5 units the road will not be an adopted highway and will remain private. Foul drainage will be by means of a treatment plant. The proposal is accompanied by a Design Statement.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of 8 nearby premises. In response, 6 letters of objection have been received from 5 properties and the main issues raised are summarised as follows:
1. Have serious reservations as to how sewage from the proposed new properties will be dealt with, the sewage system is already at the limits of its capacity;
 2. When the White Quey was a functioning pub it was not unusual for the pipes to be blocked, resulting in effluent entering the local watercourse;
 3. Clarification as to how the sewage is going to be dealt with and who will

- be responsible for it in the future;
4. This development is situated in open countryside and will be detrimental to the visual aspect of the surrounding area;
 5. Has a flooding assessment been carried out as all the drainage appears to be routed into the adjacent stream;
 6. Given the current footprint and the fact that it is rural, I don't believe the plans are sympathetic or in keeping particularly as a garden village is planned in the local area;
 7. The latest application is yet another incremental increase in the scale of the proposed development on the White Quey site;
 8. There is no sign of the extensive landscaping to screen new houses from the road;
 9. The illustration has the appearance of an urban housing estate and is entirely inappropriate for this location in open countryside;
 10. Blatant example of developers securing by stealth, and objective that wouldn't have been entertained if it had been put forward in the initial application for change of use;
 11. Deviates significantly from the proposal for which outline planning was approved by scale and design;
 12. The proposal introduces an additional 3 footprints on the site with 9 separate buildings that traditionally only had one;
 13. NPPF glossary makes clear that it should not be assumed that the whole of the curtilage should be developed;
 14. Contrary to SP3, SP6 and HO6 the new proposal introduces inappropriate suburban design in a rural setting, large gravel drives and walls rather than trees and hedges on the periphery of the site. Outline referred to extensive tree planting and plot boundaries defined by hedgerows;
 15. Proposal no longer includes proposed extensive landscaping or woodland setting for the houses, filtering views of the development along the road;
 16. New design looks more like a suburban housing estate than a cluster of farm buildings envisaged at outline stage. Buildings at the rear were suggested to be subservient. The new design would have a significantly greater adverse impact on the character and appearance of the surrounding area than the original building on the site;
 17. The approval of the outline represented a significant departure from planning rules and approval of this further intensification would be even more inappropriate;
 18. We have seen at every past submission of planning applications a significant increase in the proposed total building footprint (300% or more), this reminds me of Rose Cottage so called extension allowed to grow to a monstrous 400% of original cottage footprint when most extensions are limited to much lower footprint growth;
 19. Much emphasis on the last application was to extensive mature tree/hedges installed to make this less prominent from the road. It is now proposed to put a wall on the roadside, well short of what was promised to gain approval and now withdrawn is this to be allowed if so it gives little assurance of the Garden Villages;
 20. Would hope restrictions imposed whereby the developer meets what was imposed on the last application. The wall around Rose Cottage is totally out of place to other walls in the hamlet.

5. Summary of Consultation Responses

Local Environment, Waste Services: - No objection in principle to the layout, need to ensure the turning area opposite plot 3 is long enough.

Cumbria County Council - (Highways & Lead Local Flood Authority): - No objection in principle subject to conditions relating to design and construction of the carriageway; surfacing of the access drive; access and turning requirements; parking of construction vehicles, surface water drainage scheme and the requirement for land drainage/ordinary watercourse consent.

St Cuthberts Without Parish Council: - Commented that they were concerned that this should not set a precedent for other development in the open countryside, however as the building is redundant and disused and in a prominent roadside position the proposed development is supported. They believe it meets the limited special circumstances and would lead to enhancement of the immediate setting. The parish council would like landscaping proposals which enhance the immediate setting to be a condition of any approval. The Parish Council would also want a condition relating to foul drainage in line with Policy IP6. There are significant concerns about the adequacy of the existing foul water treatment and drainage infrastructure and understand there was a condition imposed on an earlier permission.

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 SP6, HO6, CC5, CM5, GI3, GI6, IP2 and IP3 of the Carlisle District Local Plan 2015-2030. The City Council's Supplementary Planning Document 'Achieving Well Designed Housing' is also a material planning consideration. The Cumbria Landscape Character Guidance and Toolkit (March 2001) is a further material consideration.

6.3 The proposal raises the following planning issues:

1. Principle of Development

6.4 Paragraph 14 of the NPPF outlines that "at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". The NPPF seeks to promote sustainable development and two of the core principles seek to recognise the intrinsic character and beauty of the

countryside and encourage the effective re-use of brownfield land. This proposal seeks to convert the former White Quey along with the erection of three dwellings within the grounds of the building.

- 6.5 The Carlisle District Local Plan 2015-30 Policy HO6 Other Housing in the Open Countryside allows conversion of structurally sound redundant or disused buildings, provided that the development would lead to an enhancement of the immediate setting of the building and be able to access the road network without unacceptable access tracks. This is in accordance with paragraph 55 of the NPPF. The proposed conversion of the building is therefore consistent with planning policy and previous permissions on the site remain policy compliant. Members considered whether the additional three dwellings could be said to meet the Local Plan and NPPF objectives when considering outline application 17/0499.
- 6.6 Outline application 17/0499 established the principle of conversion of the building to two units, the provision of an additional three dwellings within the curtilage, and was granted permission in August 2017. There has been no change in planning policy since the previous approval that would warrant refusal to the principle of the current application.

2. Impact Of The Proposal On The Character Of The Area

- 6.7 The Cumbria Landscape Character Guidance and Toolkit (March 2001) identifies that the site falls within the Lowland sub-type 5b Low Farmland. The CLCG&T explains that:

"Much of this type is intensively farmed agricultural land. The predominant land cover is pasture. This is interspersed with arable land. Fields tend to be fairly large and bounded by hedges with hedgerow trees, or replacement fences. The hedges form an interlocking matrix across the undulating land. Tree clumps, riverside and hedgerow trees are notable features. Woodland is uncommon particularly close to the coast in the west. It increases as you move inland but is often found as patchy woodland.... The settlement pattern is varied, with large and small nucleated traditional settlements intermixed with many discrete farms dispersed across the landscape. Buildings are often rendered with rich red sandstone buildings dominant along the west coast, and lighter sandstone buildings around Carlisle."

- 6.8 Concern has been raised over the precedent of allowing such development and whether this would create an issue throughout the countryside. This matter was considered at the outline application stage and as a result the number of dwellings in this location were restricted to five units across the whole site. The current reserved matters application proposes five units.
- 6.9 Objections have raised concern over the size and scale of the development in relation to the scale of the dwellings and the additional provision of garaging. The individual plots are considered in the next section of this report however in terms of impact on the character of the area the additional buildings can create a more intensive feel to the development. The outline application

provided an indicative layout as to how a development may work. As a result of the objections to this application, the applicant has increased the level of landscaping provision within the site and provided a detailed layout including additional tree planting and hedgerows to reduce the impact from public viewpoints. This increased landscaping is welcomed in order to integrate the scheme into the rural area. It should be noted that indicative layouts on outline applications are purely indicative and not binding on the reserved matters application however in this instance the landscaping of the site is an integral part to ensure impacts on the character of the area are minimised.

3. Whether The Scale And Design Of The Dwellings Are Acceptable

- 6.10 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in 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, massing and established street patterns and by making use of appropriate materials and detailing.
- 6.11 Paragraph 60 of the NPPF highlights that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.
- 6.12 The appearance of the proposed dwellings was reserved for this application and the proposals provide the following:
- 6.13 Plot 1 - This is a farmhouse style detached dwelling fronting the roadside. It will be sandstone faced to the frontage with render on other elevations. Sandstone quoins, heads and cills with a natural slate roof. The unit comprises living room, snug, kitchen, utility and study to the ground floor with 1 en-suite bedroom and 3 bedrooms plus bathroom on the first floor. A detached double garage with store is to be built to the rear of oak frame with horizontal timber boarding.
- 6.14 Plots 2 and 3 - are handed versions of the same unit comprising living room, snug, kitchen, utility and study to the ground floor with 2 en-suite bedrooms and 2 bedrooms plus bathroom on the first floor. Plot 2 has a three bay garage with store above whilst plot 3 has a two-bay garage. The dwellings will be sandstone faced to some elevations with render on other elevations. Sandstone quoins, heads and cills with a natural slate roof. The garages will be oak framed with horizontal timber boarding.
- 6.15 Plots 4 & 5 - These plots are the conversion of the remaining building. This is designed to work within the confines of the existing building with a new internal subdivision to create the two units. Plot 4 consists of ground floor

living, kitchen/dining, utility and wc/shower with 1 en-suite bedroom, 3 bedrooms plus bathroom on the first floor. Plot 5 being slightly larger, consists of living/dining, kitchen, utility, wc on the ground floor and 2 en-suite bedrooms, 2 bedrooms and bathroom on the first floor. The entrance to plot 5 will be on the northern side to reflect the previous pub entrance. Both these plots have very small frontages to the roadside and hedging is proposed along the road frontage with a stone wall entrance to the site to ensure visibility splays are retained.

- 6.16 Policies within the Local Plan seek to ensure that development proposals should be appropriate with one of the criterion of Policy SP6 being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved. The proposed development significantly exceeds these levels.
- 6.17 Close to the entrance a bin store is proposed. Waste services noted that most of the plots are accessible with a turning facility within the site however the road will remain private and as such, should they choose not to access the development, the bin store area could be utilised for waste collection.
- 6.18 When considering the original application the indicative layout proposed dwellings in accordance with plots 1, 4 and 5. With regards to plots 2 and 3 these were suggested to be subservient to the frontage of the site however this reserved matters application proposes equivalent 4 bedrooomed dwellings. In order to reduce the impact the style has been changed from a traditional looking farmhouse such as plot 1, to one with varying roof lines with frontages facing into the site towards each other. The appearance from the road frontage will therefore be increasing in scale away from the frontage with the larger dominant two-storey aspect broken up by the differing levels. Whilst these are larger than the outline envisaged and noting that appearance and scale were reserved matters, the orientation of the dwellings attempts to reduce the massing effect. Given that the plots are very large they can accommodate such a scale of dwellings without being overdeveloped. However, in order to ensure that the scale is not increased it would be pertinent to remove permitted development rights for any extensions which could increase the size of the dwellings.
- 6.19 The proposed 3-bay garage for plot 2 whilst appearing large gives the appearance of a barn like structure which would not be out of character in the rural area.
- 6.20 Whilst noting that plots 2 and 3 are larger than originally envisaged the proposed dwellings are considered to be acceptable in this location.

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

- 6.21 Due to the location of the buildings, and the distance to any neighbouring properties it is not considered that the proposal would have any impact as a result of loss of light, overlooking or overdominance.

5. Drainage

- 6.22 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. On the previous outline application for this site some neighbours raised concerns regarding the drainage of the site. The Local Lead Flood Authority requested a surface water drainage scheme based on the previous principles established on application 14/0120 to ensure the standards are met. Foul Drainage is also subject of this Reserved Matters application. A Land Drainage/Ordinary Watercourse consent will also be required as the site contains an existing drainage ditch. This application indicates both foul and surface water drainage however no details have been provided of the treatment plant. Neither does the surface water proposal indicate any attenuated flow to ensure a greenfield run-off rate prior to discharge into the drainage ditch. Accordingly, whilst the proposals indicate a general indication of a scheme the conditions on the outline application cannot be discharged until further details are provided.

6. Highway Issues

- 6.23 Access was considered at the outline application stage for this site. The existing access to the former public house is the main access road for this development with separate driveways off this road for each of the units. The Highway Authority has raised no objections to the proposal subject to the imposition of five standard highway conditions covering the standard of highway construction; surfacing of the access drive; footways within the site; construction of access and turning areas; and parking of construction vehicles. These conditions were placed on the outline application and remain in place.

7. Impact On Biodiversity

- 6.24 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.
- 6.25 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. As the

proposal would involve development on the previously developed White Quey site, the development would not harm a protected species or their habitat; however, an Informative was included on the Outline permission ensuring that if a protected species is found all work must cease immediately and the local planning authority be informed.

8. Impact On Existing Trees

- 6.26 There are a number of trees and a mature hedgerow around the site, none of which are protected by a Tree Preservation Order. This application proposes that the trees would be retained and additional landscaping incorporated within the scheme. The additional landscaping would be reflective of the local landscape character and is an integral element of making the scheme acceptable. The detailed landscaping scheme includes the provision of blackthorn/hawthorn/holly hedging with a variety of native/non-native shrubs and trees. The proposed scheme is appropriate to integrate with existing landscaping and the character of the area.

Conclusion

- 6.27 In overall terms the proposed change of use of the property to form two residential units is in accordance with the NPPF and Local Plan Policy HO6. The reserved matters application conforms with the principles established through the outline application and subject to the further details required to discharge some of the conditions on the outline the proposal is considered acceptable and complies with the NPPF and Carlisle District Local Plan 2015-30.

7. Planning History

- 7.1 Application 17/0499 for the conversion of existing building to form two dwellings, together with the erection of three dwellings within the grounds of the property (Outline) was granted permission on the 11th August 2017.
- 7.1 Application 15/0664 for the discharge of conditions 3 (Materials); 4 (Hard & Soft Landscape Works); 5 (Foul Drainage); 9 (Parking) & 11 (Construction Site Management Plan) of previously approved permission 14/0120 was granted in September 2015;
- 7.2 In 2012 a change of use from public house to 2no. dwellings, partial demolition and extension together with associated outbuildings was granted (12/0548);
- 7.3 In 2009 permission was granted for an extension to the bar/lounge area to provide play area (97/0660);
- 7.4 In 1991 Advertisement consent was given for the display of 3 elevational signs and 2 play area signs (91/0826);
- 7.5 In 1991 permission was granted for an extension to the public house and

restaurant 91/0207;

- 7.6 In 1986 permission was granted for the conversion of the existing barn to a restaurant (86/0204).

8. Recommendation: Grant Permission

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 2, 5, 6 and 11 attached to the outline planning consent (17/0499) to develop the site.
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 17-135-09) received 6th April 2018;
 3. the Block plan (dwg 17-135-10) received 6th April 2018;
 4. the Site plan (dwg 17-135-11A) received 1st May 2018;
 5. the Plot 1 Dwelling (dwg 17-135-01A Rev A) received 6th April 2018;
 6. the Plot 2 Dwelling (dwg 17-135-02A Rev A) received 6th April 2018;
 7. the Plot 3 Dwelling (dwg 17-135-03A Rev A) received 6th April 2018;
 8. the Plot 4 & 5 (dwg 17-135-05) received 6th April 2018;
 9. the Plot 4 & 5 Existing (dwg 17-135-005) received 6th April 2018;
 10. the Roadside Elevation and Planting (dwg 17-135-08A Rev A) received 1st May 2018;
 11. the design statement received 12th February 2018;
 12. the Existing Site Layout (Dwg B9822/SK01) received 22 May 2018;
 13. the Existing and Proposed Drainage Layout (Dwg B9822/01) received 22 May 2018;
 14. the Typical Drainage Details Sheet 1 (Dwg B9408/100) received 22 May 2018;
 15. the Typical Drainage Details Sheet 2 (Dwg B9408/101) received 22 May 2018;
 16. the Drainage Calculations Sheets 1-8 by Bingham Yates Ltd received 22 May 2018;
 17. the Bat Survey by Wilde Ecology dated 11th May 2018;
 18. the Notice of Decision; and
 19. any such variation as may subsequently be approved in writing by the Local Planning Authority.

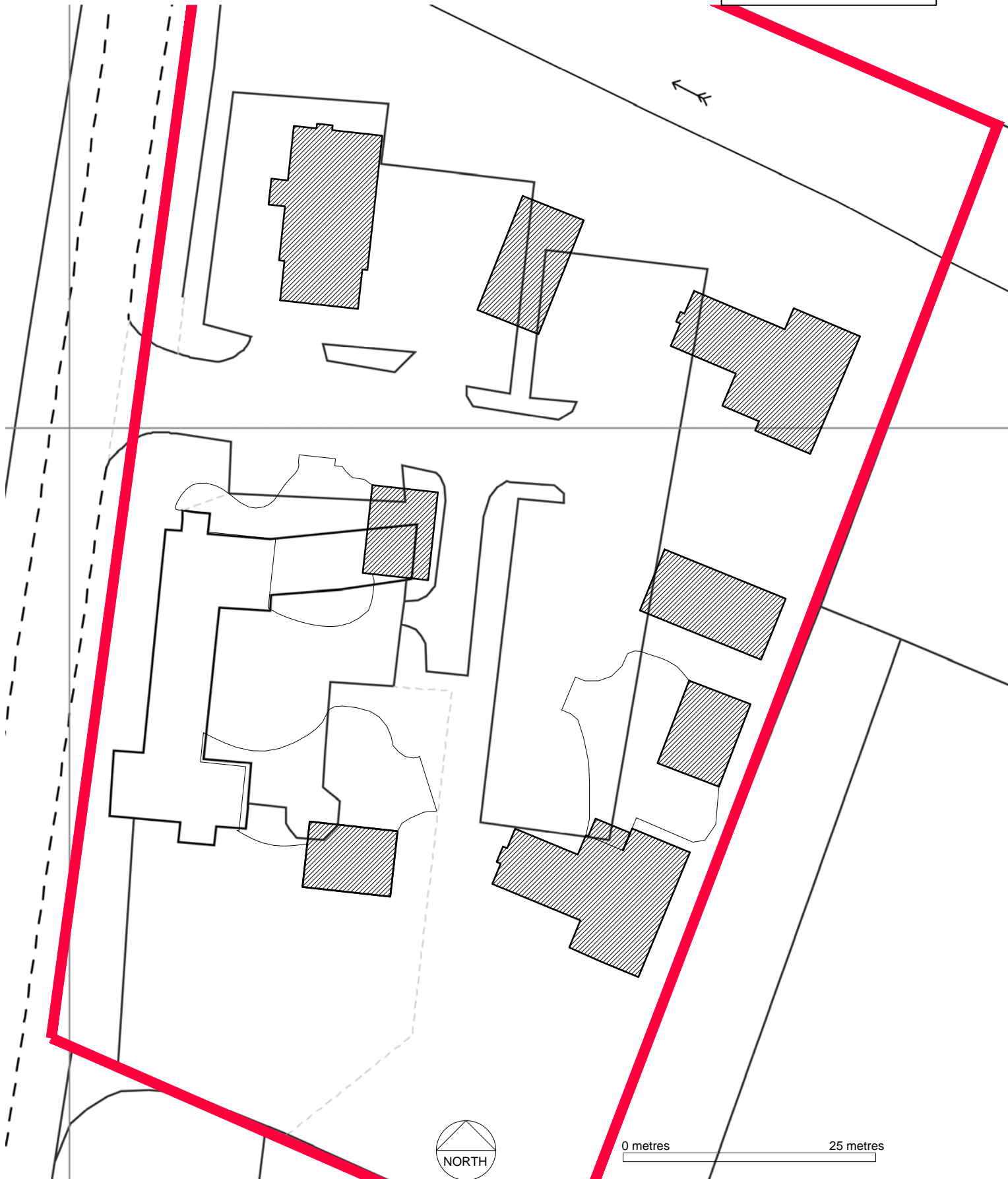
Reason: To define the permission.


3. Notwithstanding 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 units 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.

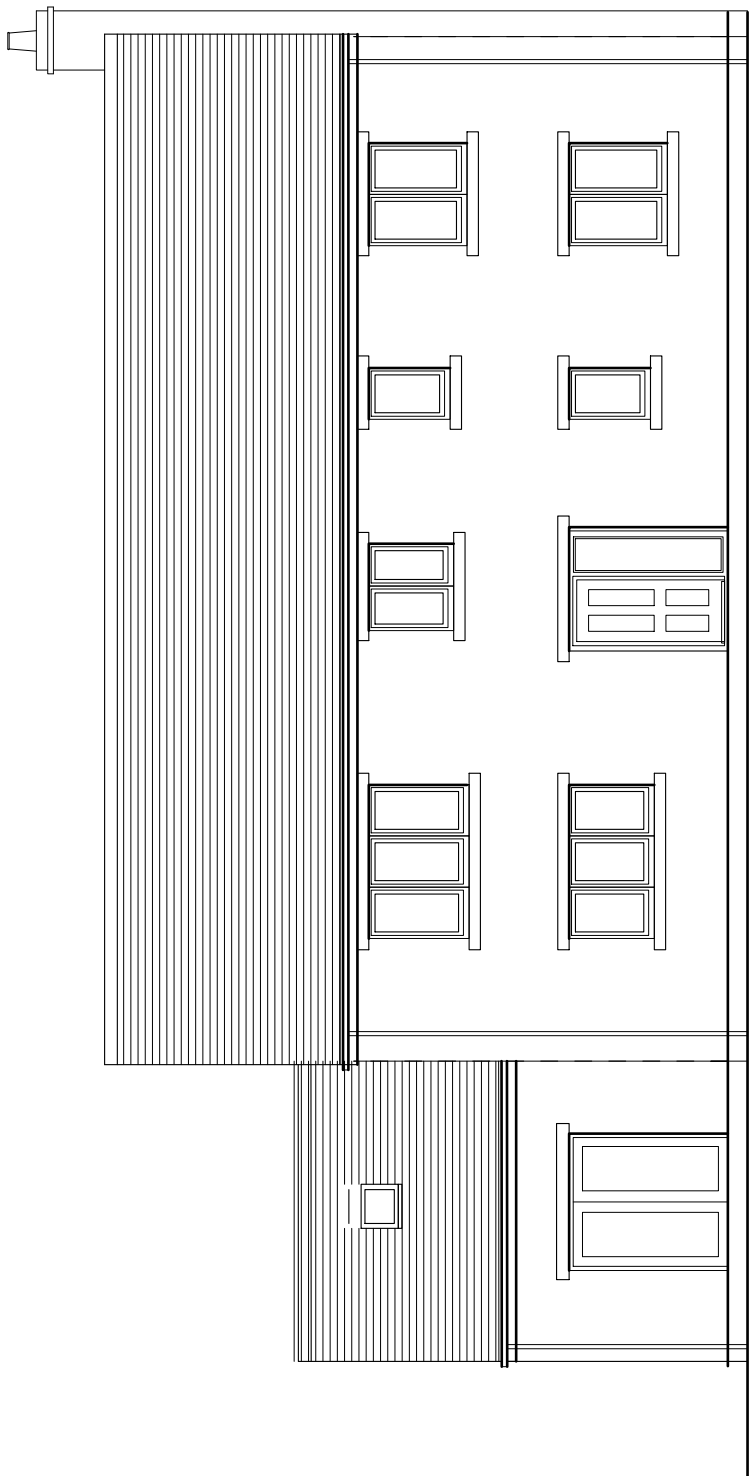
Reason: To ensure that the character and attractive appearance of the

buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policies HO6 and HO8 of the Carlisle District Local Plan 2015-2030.

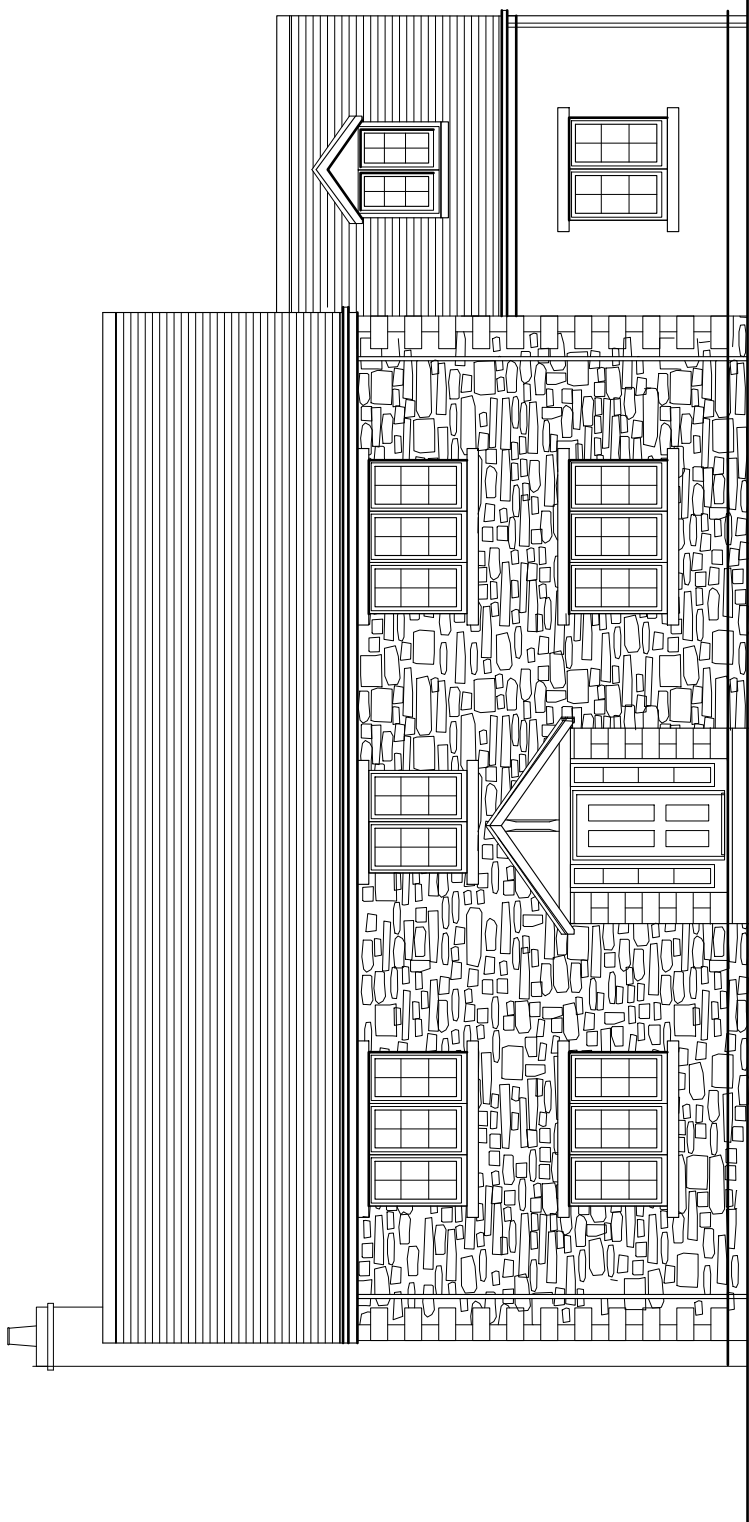




Project	White Quey Durdar			Black Box Architects Limited. 20 Devonshire Street Carlisle. Cumbria. CA3 8LP		 BLACK BOX architects
Drawing	Planning Submission	Revision	Scale	1:500		
Detail	Block Plan	Job no	Date	11 Feb-18	Tel: 01228 402 200	

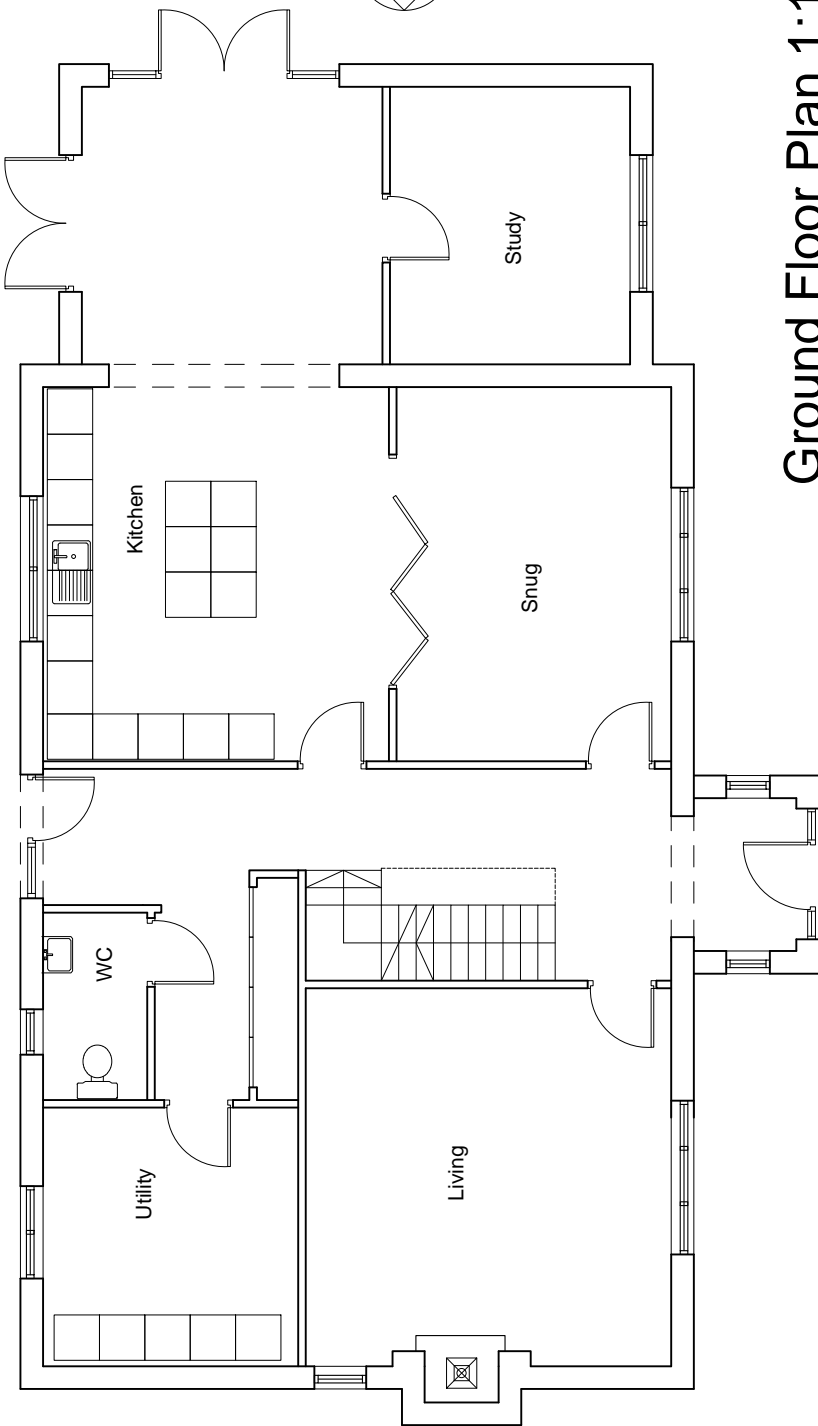


Elevation B

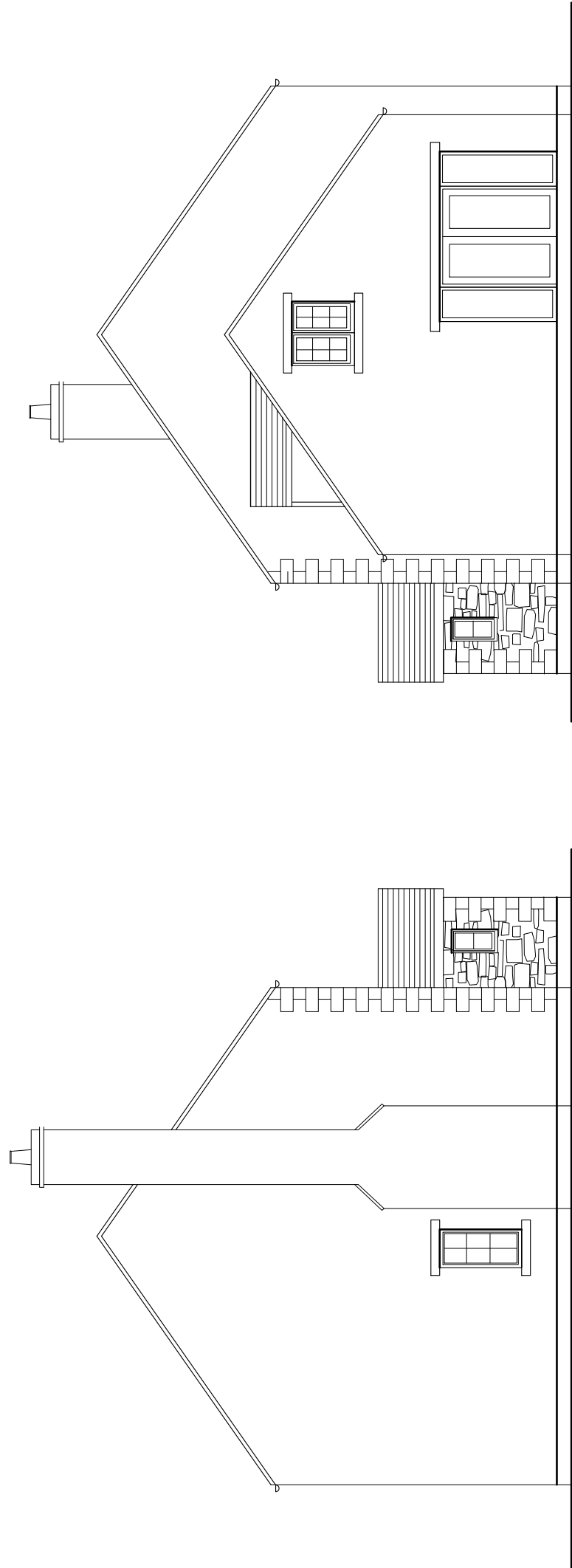


Elevation A

Elevation B



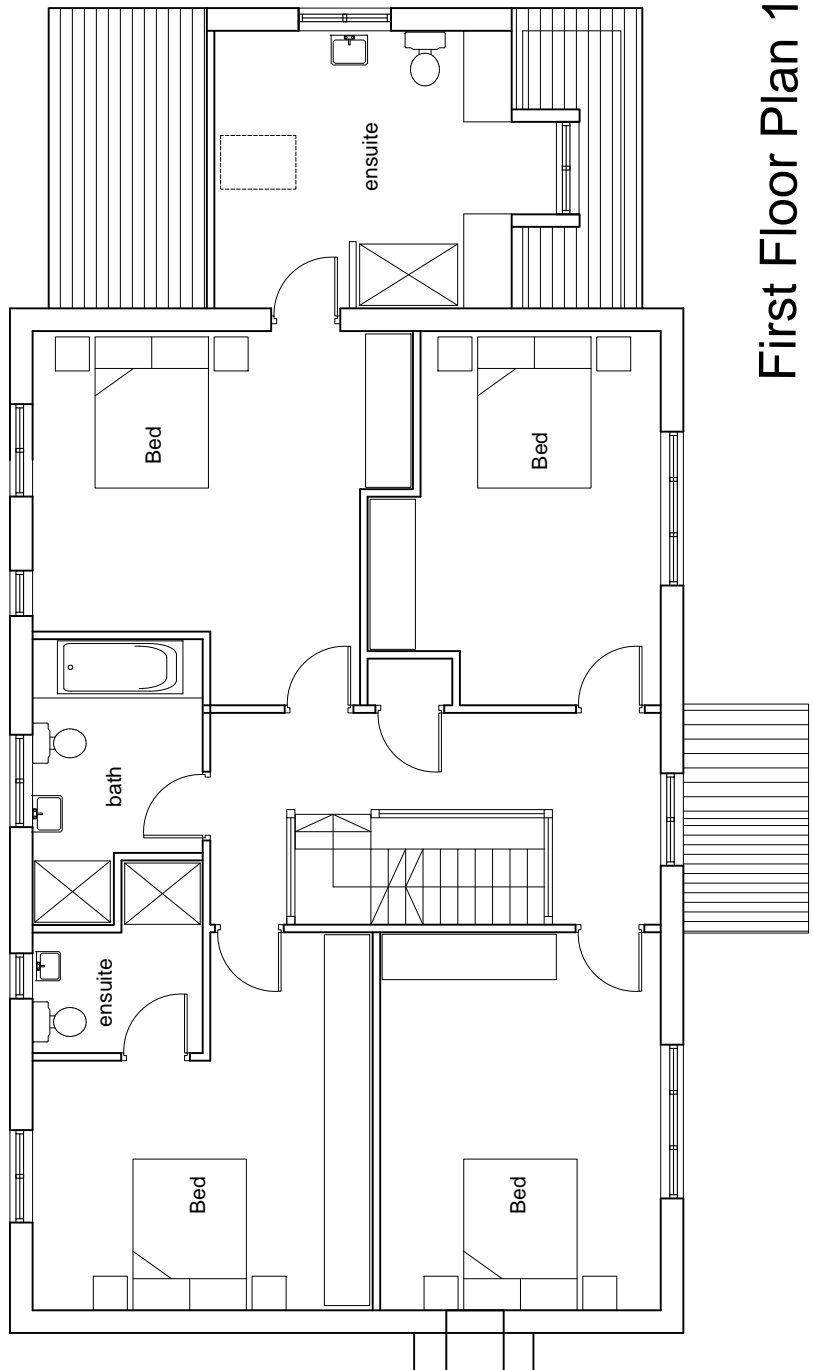
Ground Floor Plan 1:100



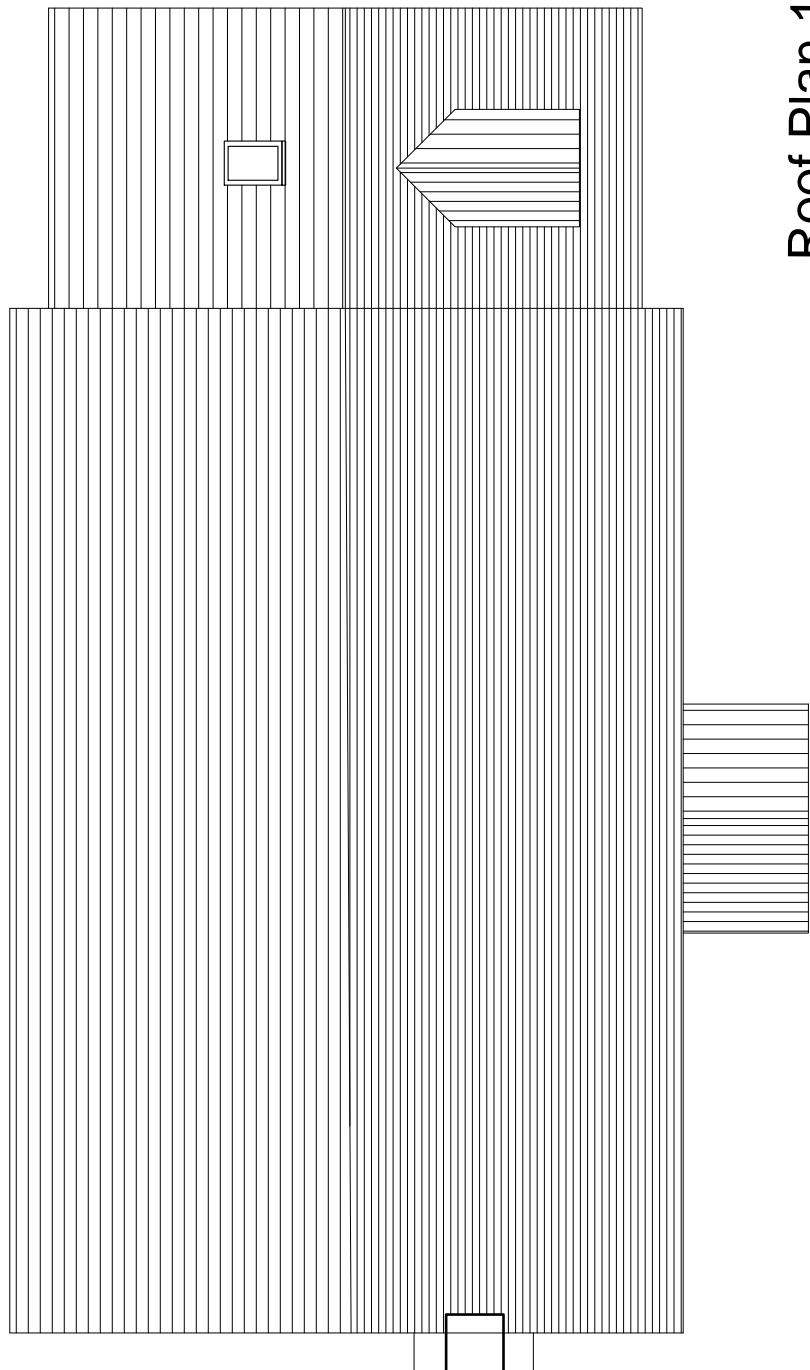
Elevation C

Materials:

- Walls: Sandstone quoins, heads and cills with sandstone facing to roadside elevation. Off white render elsewhere
- Roof: Natural Blue Grey Slate
- Doors and Windows: white UPVC Conservation profile
- Boundary fences: post and wire with hawthorn and beech hedging
- Gutters and pipes: half round black gutters and circular rwp's.




First Floor Plan 1:100

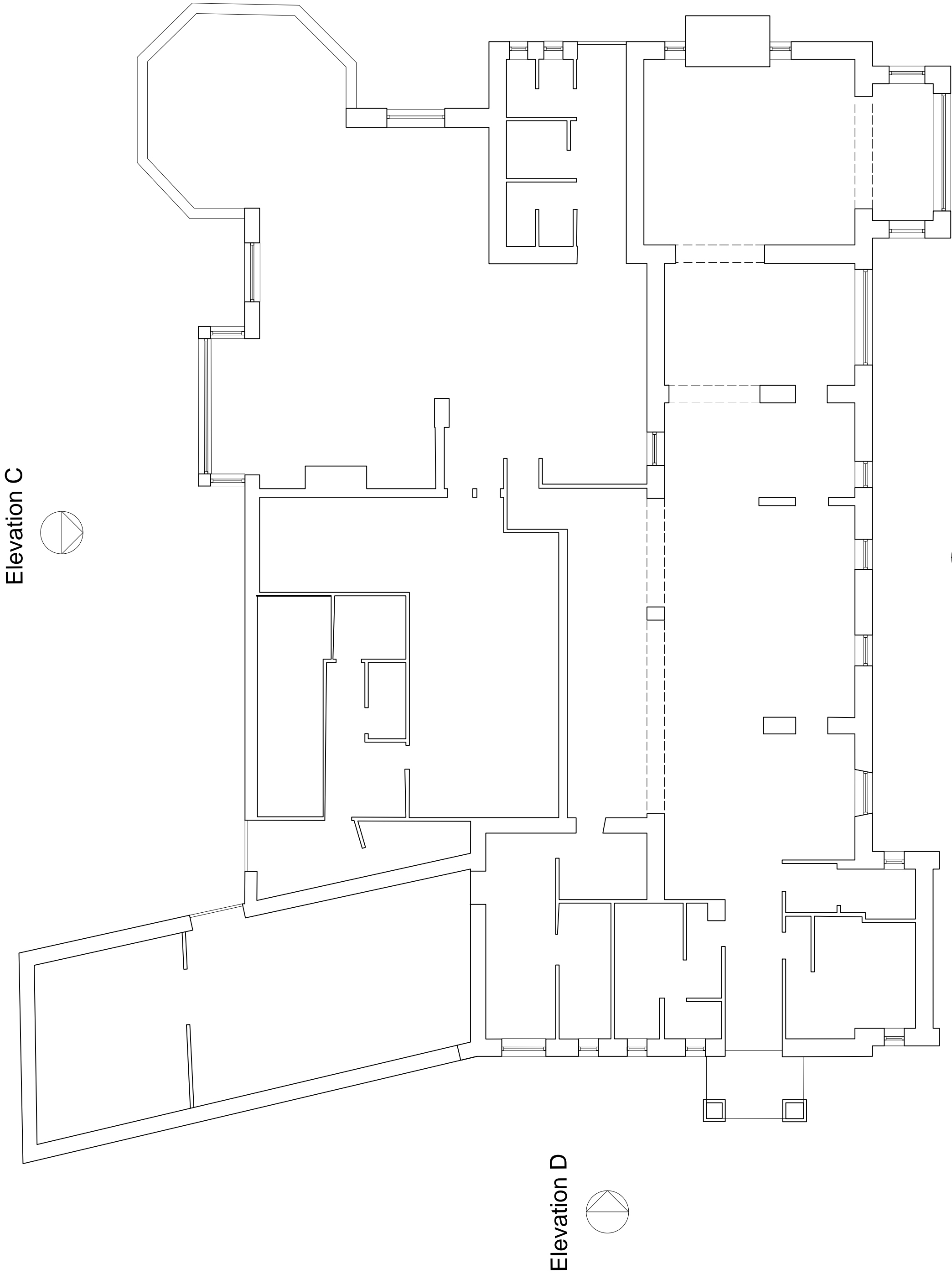


Roof Plan 1:100



Black Box Architects Limited, 20 Devenshire Street Carlisle, Cumbria, CA3 8LP Tel: 01228 402 200		 BLACK BOX architects	
Project	White Quay Durdar		
Drawing	Planning Submission		
Detail	Plot 1 Dwelling		
Scale	1:100	Date	Feb-18
Job no.	17-135-01A	Revision	A
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Detached garage 1:100

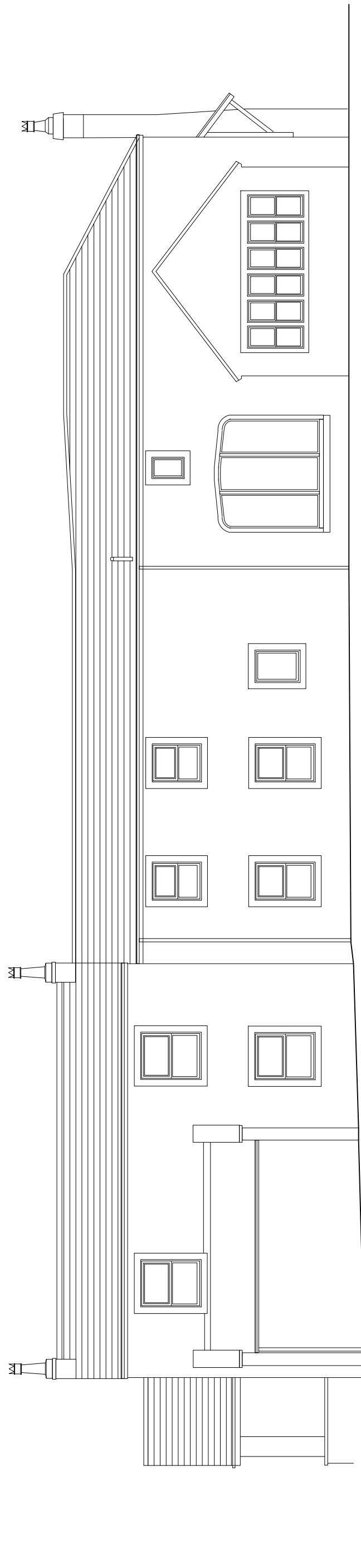


Elevation D

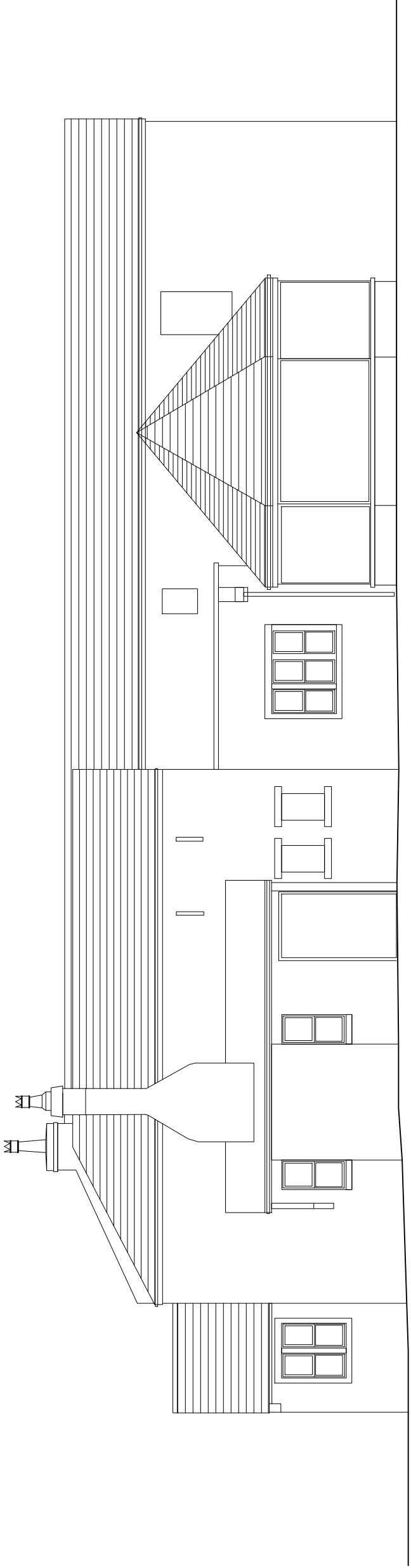
Elevation B

Elevation A

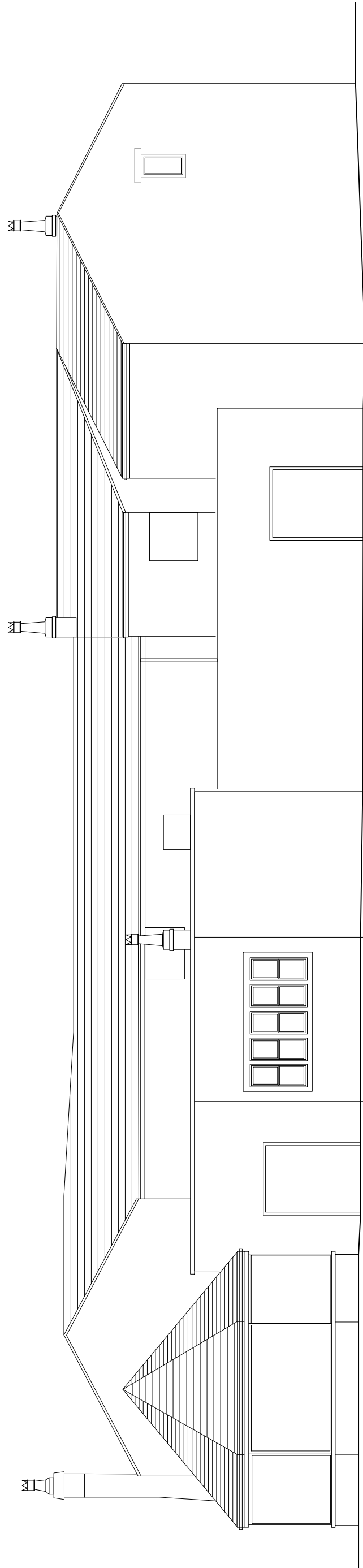
Elevations 1:100



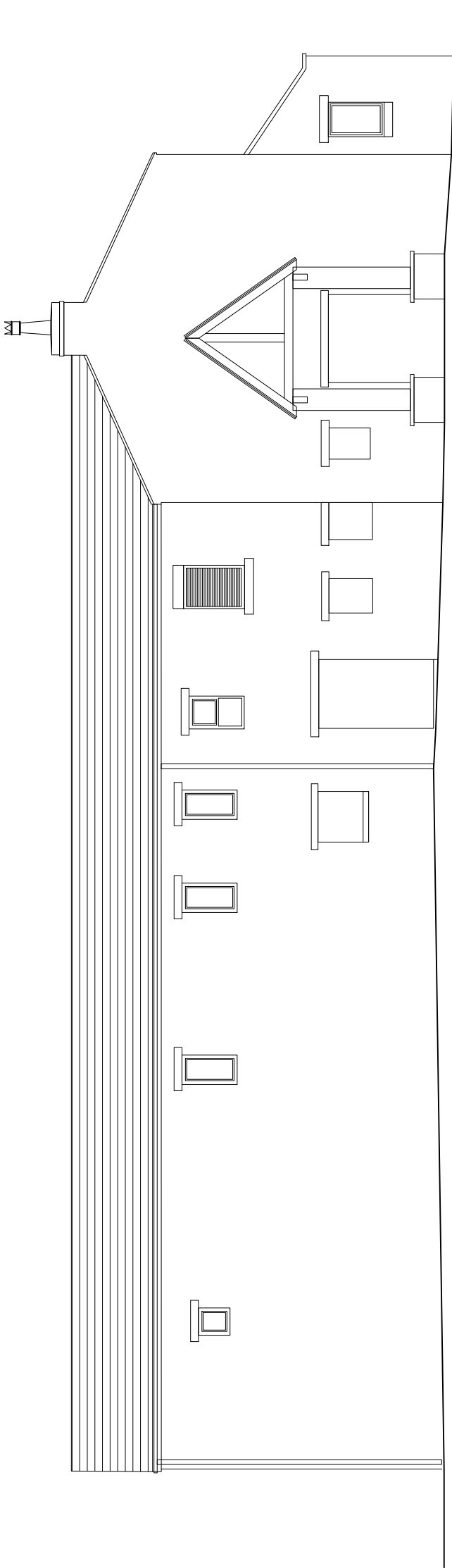
Elevation A



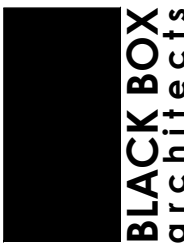
Elevation B



Elevation C



Elevation D

Black Box Architects Limited. 20 Devonshire Street Carlisle, Cumbria. CA3 8LP Tel: 01228 402 200		 BLACK BOX architects	
Project	White Quay Durdar		
Drawing	Planning Submission		
Detail	Plot 4 & 5 Existing		
Scale	1:100	Date	Feb-18
Job no.	17-135-005		
www.blackboxarchitects.com		mail @ blackboxarchitects.com	

All plants to be protected from damage by vermin, stock, mowers, strimmers, etc as necessary with spiral guards, tree guards etc.
All trees and shrubs in grass areas to have a 1m diameter circle kept weed free for a period of at least 3 years after planting.
All stakes ties guards to be checked annually, loosened as necessary and removed after 3 - 4 years when their trees are established

Plants and Maintenance:
All plant material to comply with BS 3936 and be planted in accordance with BS 4428
All shrub beds and borders to have bark mulch laid to a settled depth of at least 50cm.
Any plants which fail in the first 3 years after planting will be replaced with those of a similar size and species unless agreed otherwise with the LPA

NEW SHRUB PLANTING

pd = planting density (plants / sq m)

SPECIES	SIZE	pd
Cx cistus x corbatiensis	3L 30-40	3
Cp cistus x purpureus	3L 30-40	3
Ea escallonia "apple blossom"	3L 40-60	3
Ef euonymus fortunei "silver queen"	3L 20-30	3
HA hebe albicans	3L 20-30	4
Hc hebe "carl teschner"	3L 20-30	4
Pa potentilla "abbotswood"	3L 20-30	4
Pr potentilla fruticosa	3L 30-40	4
" katherine dykes "		
Pl Prunus Lusitanica	3L 40-60	3
Vt Viburnum tinus "Eve Price "	3L 30-40	2

Hedging:

All to be 5 to a linear metre in a staggered row. or framework, pit planted at least 25 cms away from walls or supports, supporting wires to be supplied for those marked ".
All shoots to be tied in for the first three years after planting and all ties to be checked annually, loosened or tightened / removed as necessary.

- PS Prunus Spinosa
- CM Crataegus Monogyna
- IA Ilex Aquifolium

Climbers:

- Hp Hydrangea petiolaris
- Ph Parthenocissus henryana

Wall Shrubs:

- Cv Clematis Viticella Hybrids
- Cs Chaenomeles superba Crimson and Gold
- Jo Jasminum officinalae
- Jn Jasminum nudiflorum
- Lb Lonicera Belgica
- Ld Lonicera Dropmore Scarlet
- Pc Pyracantha Red Column

New Trees:

All to be light standards, 6-8cm girth, 2.5-3m high, 1.5-1.75m clear stem, bare root or bagged. Min 5 breaks pit planted in good quality topsoil, staked with 1 no 75mm top diameter untreated timber stake to be no higher than 1/3rd of the height of the tree and tied with 1 no expandable tree tie, to be checked annually and loosened as necessary. The stake and tie to be removed when the trees are established, usually after 3-5 years.

Species:

- 1 Crataegus monogyna
- 2 Sorbus aucuparia Asplenifolia
- 3 Prunus sargentii
- 4 Prunus Padus
- 5 Betula utilis Jacquemontii
- 6 Prunus serrulata Amanogawa
- 7 Picea Pungens
- 8 Picea Amorica
- 9 Picea Abies
- 10 Juniperis Chinensis

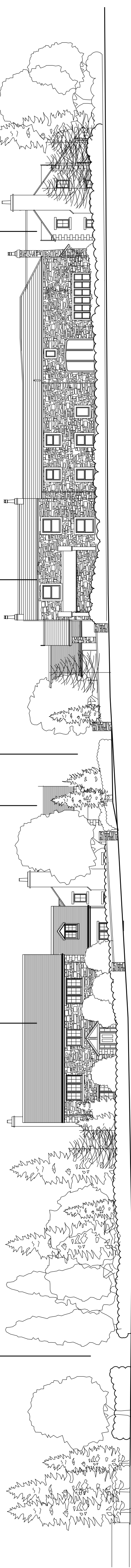
Treatment Plant Entrance

Plot 1

Plot 2 Entrance

White Quay

Plot 3



Roadside Elevation



General Landscaping
1:500

General Site Plan
1:500

Boundary Treatments:

900mm high random coursed stone wall

900mm high post and rail fence

Indicative area of native hedgrow mix

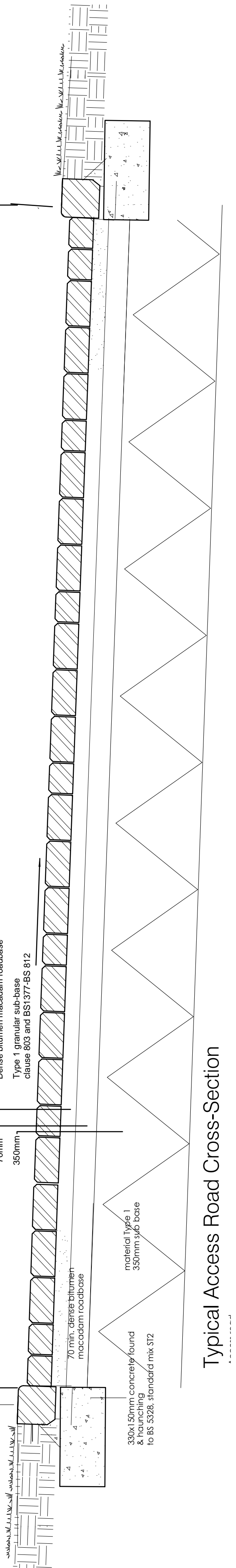
1.8m high vertical boarded timber fence

Notes:

Gravelled driveways to plots and paving to patios and paths around buildings. Including hardstanding for bins as indicated

Block Paving to access road and parking

Black Box Architects Limited. 20 Devonshire Street Canisic, Cumina, CA3 8LP Tel: 01228 402 200	BLACK BOX architects
Project	White Quay Durdar
Drawing	Planning Submission
Detail	Roadside Elevation and Planting
Scale	1:200, 500
Date	Feb-18
Job no.	17-135-08A
Revision	A
www.blackboxarchitects.com	mail @ blackboxarchitects.com



Typical Access Road Cross-Section

SCHEDULE A: Applications with Recommendation

18/0101

Item No: 08

Date of Committee: 08/06/2018

Appn Ref No:
18/0101

Applicant:
Mr Nicholson

Parish:
Burgh-by-Sands

Agent:
SLJ Projects

Ward:
Burgh

Location: Sundown Cottage, Burgh by Sands, Carlisle, CA5 6AX

Proposal: Erection Of Two Storey Rear Extension To Provide Kitchen/Diner On Ground Floor With Bathroom, Bedroom And Balcony Above Together With Erection Of Detached Garage

Date of Receipt:
08/02/2018

Statutory Expiry Date
05/04/2018

26 Week Determination
08/06/2018

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

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

2. Main Issues

- 2.1 Whether the proposal is appropriate to the dwelling and impact upon the existing street scene;
- 2.2 Impact of the proposal on the living conditions of neighbouring properties;
- 2.3 Impact upon Burgh by Sands Conservation Area;
- 2.4 Impact upon The Solway Coast Area of Outstanding Natural Beauty;
- 2.5 Impact upon Hadrian's Wall World Heritage Site
- 2.6 Highway impacts;
- 2.7 Impact upon biodiversity; and
- 2.8 Other matters.

3. Application Details

The Site

- 3.1 Sundown Cottage is a two storey semi-detached property located on the

northern side of the main road leading through Burgh by Sands village. The property is set back approximately 16.5 metres from the road and sits within a relatively large plot, approximately 1072m² in area. The dwelling is constructed from rendered walls under a slate roof with white UPVC windows. The gable to the west is however clad externally in slate tiling and at the time of the officer site visit some of the render from the front elevation had been removed with the brick work underneath exposed.

- 3.2 The surroundings to the property are wholly residential with an attached two storey property to the east "Hewitt Cottage" and three bungalows (No.s 1, 4 and 5 Beech Croft) to the west. No.1 Beech Croft is set further forward than the front elevation of Sundown Cottage however No.s 4 and 5 Beech Croft are located perpendicular to the application site with their rear elevations facing towards the garden of Sundown Cottage.
- 3.3 The site is situated within Burgh by Sands Conservation Area, the Solway Coast Area of Outstanding Natural Beauty and within the buffer zone of Hadrian's Wall World Heritage Site.

The Proposal

- 3.4 The application seeks full planning permission for the erection of a two storey rear extension to provide a kitchen/diner on the ground floor with bathroom, bedroom and balcony above together with erection of a detached garage. The submitted plans illustrate that an existing single storey conservatory which wraps round the north-western corner of the property will be demolished to provide the proposed development. An original section of part of the rear elevation will also be rebuilt as part of the development.
- 3.5 The proposed extension will project 6.75 metres from the original rear elevation of the property and will be constructed from reclaimed brick work under a slate roof. The balcony will have an oak frame construction with obscure glazed panels either side. The guttering on the development will be black cast iron on rise and fall brackets. All windows will be UPVC.
- 3.6 The proposed garage will be set back in the rear garden of the property with a footprint of 37.12m² and will be constructed from reclaimed brick work under a slate roof. The garage doors will be constructed from timber.
- 3.7 Members should be aware that when the application was first submitted the application sought approval for an extension which projected 9 metres from the rear elevation which included a number of first floor windows on the side elevation. The extension was to be clad in timber with a roof hipping away from the main dwelling house. The proposed garage was also to incorporate a roller shutter door. The proposed plans have however since been amended to that described in paragraphs 3.5 and 3.6 above.

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 5 neighbouring properties. During the consultation period 2 letters of objection have been received.

4.2 The letters of objection are summarised as follows:

1. Scale and design of development;
2. Materials not in keeping with dwelling or Burgh by Sands Conservation Area;
3. Potential overlooking to neighbouring properties;
4. Loss of light to Hewitt Cottage;
5. Potential health impact of soot particulates blowing towards Hewitt Cottage;
6. Development contrary to Policies SP6, HO8 and HE7 of the Carlisle District Local Plan 2015-2030;
7. Extension could be converted to a dwelling.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection, standing advice received regarding highway permits;

Burgh-by-Sands Parish Council: - object to the application on the following grounds: 1) the size of the extension is a substantial increase in the size of the property especially when viewed in profile and dominates the surrounding properties, all of which are much smaller than the proposed development; 2) the extension will overshadow the gardens at the neighbouring properties especially in the morning (properties to the west) and in the evening, properties to the east; 3) the chimney will produce particulates which when carried in the prevailing winds will impact on the surrounding houses; 4) the materials used, especially obscure glazing, is not in keeping with the vernacular styles; 5) there is lack of clarity of the plans for the outhouses; 6) with respect of the development, signage was quickly removed therefore neighbours did not know of the variations and increased time in which to object; and 7) the increased foul water created will further burden a system that cannot cope at peak time.

Historic England - North West Office: - no objections subject to the imposition of one condition regarding an archaeological watching brief;

Northern Gas Networks: - no objections, standing advice received regarding apparatus in the area;

Solway Coast AONB Unit: - no response received;

Conservation Area Advisory Committee: - comments in response to the original plans submitted - scheme should not be approved in its current form. Significant concern over mismatch design between cottage and proposed extension; concern over hipped roof - suggest fully integrating roofs with extension subservient to main house; concern over incongruity of weatherboarding - a cladding largely alien to Burgh by Sands and the general area; concern of overlooking due to extent of side windows; concern over

proportions of fenestration's - a more sympathetic fenestration would be appropriate to the conservation area; and, horizontal banding of large garage door very non-traditional - suggest redesign of garage perhaps in timber.

Cumbria Wildlife Trust - comments in response to the original plans submitted - a bat survey should be carried out prior to demolition and construction work on the site.

Cumbria County Council - (Historic Environment Officer) - do not wish to be formally consulted as comments to be made would be the same as Historic England. Standard wording for watching brief condition provided.

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), Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBA) together with Policies SP6, H08, HE1, HE7, GI2 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. The City Council's Supplementary Planning Documents (SPD) on 'Achieving Well Designed Housing' and 'Burgh by Sands Parish Design Statement' are also material planning considerations in the determination of this application.

- 6.3 The proposal raises the following planning issues:

1. Whether The Proposal Is Appropriate To The Dwelling And Impact Upon The Existing Street Scene

- 6.4 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.
- 6.5 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.

- 6.6 In respect of alterations to existing buildings The Burgh by Sands Parish Design Statement (adopted in 2003) states that extensions and alterations should employ original or sympathetic materials, components and styling to match as closely as possible with the existing building; replacement window and door designs should be considered very carefully if they are to blend with existing features - chunky stained timber or plastic frames may look out of place; and, roof extensions should reflect the pitch, shape and material of the original building.
- 6.7 Policy H08 of the CDLP (which relates to house extensions) confirms that house extensions and alterations should be designed to complement the existing building and be visually subservient. Policy H08 goes on to state that proposals should maintain the established character and pattern of the existing street scene and be a positive addition as well as retain gaps between buildings where they are characteristic of the area and contribute to the existing street scene.
- 6.8 Sundown Cottage was built in the 1740s and has had various ad-hoc extensions to the rear of the property over the years which are not particularly sympathetic to its original design. The proposed development seeks to demolish the existing extensions and erect a two storey rear extension, which although large in terms of footprint, will appear visually subservient to the existing dwelling as it will have a lower ridge height which complements the design of the host property, thereby not resulting in an unbalanced arrangement. Furthermore the materials of the extension will correspond with those of the existing dwelling. In such circumstances and given the location of the extension to the rear of the property the proposal will not appear as a visually discordant addition and will retain the visual prominence of the principle elevation of the dwelling within the existing street scene. The scale and design of the two storey extension is therefore considered acceptable.
- 6.9 The scale of the proposed garage is commensurate to the size of the plot. The external materials will match those of the main dwelling. Given the garages location towards the western boundary, set significantly back from the front elevation of the host dwelling it is not considered that the proposed garage extension would dominate the existing dwelling or form a discordant feature within the existing street scene.

2. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.10 It is acknowledged that the Parish Council and the objectors have raised concerns regarding potential overshadowing, loss of light and privacy.
- 6.11 As stated in paragraph 3.2 the surroundings to the property are wholly residential with an attached two storey property to the east "Hewitt Cottage" and three bungalows (No.s 1, 4 and 5 Beech Croft) to the west. No.1 Beech Croft is set further forward than the front elevation of Sundown Cottage however No.s 4 and 5 Beech Croft are located perpendicular to the application site with their rear elevations facing towards the garden of

Sundown Cottage.

- 6.12 The City Council's SPD 'Achieving Well Designed Housing' outlines minimum distances between primary facing windows together with primary windows and walls serving habitable rooms in order to protect against loss of amenity and privacy i.e. 21 metres between primary facing windows and 12 metres between primary windows and walls. The proposed development will be compliant with these distances and will therefore not give rise to any undue overlooking to any neighbouring dwellings.
- 6.13 With regard to potential overshadowing/loss of light it is acknowledged that the two storey property "Hewitt Cottage" located to the east has primary windows located on the ground and first floor of the rear of the property. The proposed two storey extension development will be off set from the boundary with Hewitt Cottage by approximately 5.2 metres with none of the development appearing within a 45 degree line of sight of the primary windows. The proposed garage will be located approximately 15.3 metres from the boundary of Hewitt Cottage with existing detached outbuildings intervening. In such circumstances it is not considered that the development would appear over dominant or cause a significant loss of light to the primary windows on the rear of Hewitt Cottage. Whilst the two storey extension may result in some overshadowing to the garden of Hewitt Cottage in the late afternoon/evening, given the size of the garden to Hewitt Cottage coupled with the design of the extension with a roof that slopes away from the eastern boundary it is not considered that the development would cause a significant amount of over shadowing to the garden of Hewitt Cottage to warrant refusal of the application on this basis.
- 6.14 In terms of the impacts of the proposal on the single storey properties to the west it is appreciated that the development will be located to the north-east and off set from the primary windows of No.1 Beech Croft in such circumstances the development will not have an adverse impact upon the occupiers of No.1 Beech Croft in terms of over dominance or loss of light.
- 6.15 As stated in paragraph 6.11 the rear elevations of Nos.4 and 5 Beech Croft face towards the application site. The two storey element of the proposal will be approximately 24 metres from the rear of Nos. 4 and 5 Beech Croft with the garage sited approximately 13 metres away. Given the orientation of the application site coupled with the design of the proposals (roofs which slope away from the west) and separation distances the development will not have a significant adverse impact upon the occupiers of No.4 and 5 Beech Croft in terms of over dominance to warrant refusal of permission.
- 6.16 Concerns regarding potential overlooking from the balcony are noted however the balcony will include obscure glazed panels either side. Given the positioning of neighbouring residential properties in relation to the proposed balcony any views of neighbouring properties/gardens from the balcony would be oblique. In such circumstances the balcony would not give rise to a significant degree of overlooking to neighbouring properties sufficient to warrant refusal of the application on this basis.

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

3. Impact Upon Burgh by Sands Conservation Area

- 6.18 The site is wholly located within Burgh by Sands Conservation Area. 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".

- 6.19 The aims of the 1990 Act is reiterated in both the NPPF, PPG and policies within both the adopted Local Plan. Policy EC7 of the adopted Local Plan advises that proposals should preserve or enhance their character and appearance. Any alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of the conservation area, protecting important views into and out of conservation areas.
- 6.20 The Conservation Area Advisory Committee were consulted on the original plans submitted and raised concerns regarding the scale, design and materials. The design of the extension has however significantly changed to address the concerns raised. The Heritage Officer has been consulted on the development and has raised no objections to the proposal subject to a specification of lime mortar and a sample panel of the brick work to be submitted.
- 6.21 As stated in sections 6.4-6.9 the scale and design of the proposed development is appropriate to the site. In such circumstances the development will preserve the character/appearance of Burgh by Sands Conservation Area.

4. Impact Upon The Solway Coast Area of Outstanding Natural Beauty

- 6.22 Policy GI2 (Areas of Outstanding Natural Beauty) of the CDLP confirms that any development proposals within the AONB must conserve or enhance the natural beauty of the areas. Development proposals must be appropriate to the landscape setting in terms of scale, siting and design.
- 6.23 The Solway Coast AONB has been consulted on the proposal and has not raised any objections during the consultation period. As stated in sections 6.4-6.9 the scale and design of the proposed development is appropriate to the site. In such circumstances the development will not have a detrimental impact of The Solway Coast Area of Outstanding Natural Beauty.

5. Impact Upon Hadrian's Wall World Heritage Site

- 6.24 The site is situated within the buffer zone of Hadrian's Wall World Heritage Site. Policy HE1 (Hadrian's Wall World Heritage Site) seeks to ensure that development within the buffer zone does not have an adverse impact upon key views both into and out of it. Development that would result in substantial harm will be refused.
- 6.25 Historic England has been consulted on the application and has confirmed that the site lies between the line of Hadrian's Wall to the north and Hadrian's Wall Vallum to the south. Although the proposal lies outside of the protected scheduled monument its position nevertheless places it in an area of high archaeological sensitivity. Balanced against this is the fact that undoubtedly the area has been subject of some disturbance in connection with the existing house and its associated buildings, and that it lies off the actual line of the Wall and Vallum. In such circumstances coupled with the scale of the extension and garage Historic England advise that the residual risk to the archaeology of the Roman frontier could be dealt with by means of a condition requiring an archaeological watching brief on the excavations necessary for the development.
- 6.26 Subject to the imposition of the proposed condition there would be no adverse impact upon the buffer zone of Hadrian's Wall World Heritage Site.

6. Highway Impacts

- 6.27 The proposal will result in one additional bedroom. The development includes the provision of a double garage and has a large driveway which can accommodate a significant number of incut parking spaces. In such circumstances there will be no adverse impact upon existing highway conditions. The relevant Highway Authority has been consulted on the development and has raised no objections.

7. Impact Upon Biodiversity

- 6.28 The Council's GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. Given the scale and nature of the proposal it is unlikely that the development would harm a protected species or their habitat. However, an Informative has been included within the Decision Notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

8. Other Matters

- 6.29 Objectors and the Parish Council have raised concerns regarding health impacts of potential particulates from the proposed chimney. Environmental Health have however verbally confirmed no objections to the design of the chimney. Should any problems occur this would be dealt with under Environmental Health legislation.
- 6.30 Members will note that Cumbria Wildlife Trust originally requested a bat survey in respect of an outbuilding which was proposed for demolition. The

plans have however since been amended and the outbuilding is to remain in situ therefore no bat survey is required.

- 6.31 The Parish Council has raised concerns that the increase in foul water from the development will further burden a system that cannot cope at peak time. United Utilities has not made any representations in respect of capacity of their system during the consultation period therefore it is presumed they have no concerns.

Conclusion

- 6.32 On balance the proposed development is appropriate in terms of scale and design to the existing dwelling and will not have a detrimental impact upon the character/appearance of Burgh by Sands Conservation Area, the Solway Coast Area of Outstanding Natural Beauty or the living conditions of the occupiers of any residential properties. The development will also not have an adverse impact upon highway safety or biodiversity. Subject to the imposition of a watching brief condition there will also be no adverse impact upon the buffer zone of Hadrian's Wall World Heritage Site. Overall, the proposal is compliant with the objectives of the relevant Development Plan Policies and approval is recommended.

7. Planning History

- 7.1 There is no relevant planning history on this site.

8. Recommendation: Grant Permission

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

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

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

1. the submitted planning application form received 13th February 2018;
2. the site location plan received 2nd February 2018;
3. the proposed block plan received 13th March 2018;
4. the proposed floor plans and roof plan received 28th March 2018 (Drawing No. 18/SC/003 Rev D);
5. the proposed elevations sheet 1 received 28th March 2018 (Drawing No.18/SC/004 Rev D);
6. the proposed elevations sheet 2 received 28th March 2018 (Drawing No.18/SC/005 Rev E);
7. the proposed garage plans and elevations received 28th March 2018 (Drawing No.18/SC/006 Rev C);

8. Email from agent clarifying materials for windows and doors received 8th May 2018;
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H08 of the Carlisle District Local Plan 2015-2030.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), the first floor windows on the west elevation of the proposed extension and the panels on the east and west elevation of the balcony hereby approved shall be obscure glazed (factor 3 or above) and thereafter retained as such to the satisfaction of the Local Planning Authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies H08 and SP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the commencement of development a written scheme of archaeological investigation must be submitted by the applicant and approved by the Local Planning Authority. Once approved, the scheme shall be implemented in full with an archaeological watching brief being undertaken by a qualified archaeologist. Within two months of the completion of the development, a digital copy of the archaeological report shall be furnished to the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains. In accordance with Policy HE1 of the Carlisle District Local Plan 2015-2030.

6. All new mortar used in the pointing of the building hereby approved shall be a cement- free, lime mortar, the specification of which shall be submitted to and approved by the local planning authority before any work is commenced.

Reason: To ensure the materials to be used are acceptable and in accord with Policy SP6 of the Carlisle District Local Plan

2015-2030.

7. A sample area of the proposed brickwork, including proposed bedding and pointing detail, shall be prepared and approved in writing by the Local Planning Authority prior to the continuation of any building works.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

Sundown Cottage, Road Leading From Drumburgh To Monkhill Via Burgh-by-sands, Burgh By Sands, Cumbria, CA5 6AX



Site Plan shows area bounded by: 332114.84, 558937.11 332314.84, 559137.11 (at a scale of 1:1250), OSGridRef: NY32215903. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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fence / bushes

MERSCEN

STONELEATH

HEWITT COTTAGE

LOUNGE WINDOW

BEDROOM WINDOW

FENCE

OUTBUILDINGS

EXTENSION

SUNDOWN COTTAGE

CONSERVATORY DEMOLISHED

HOLLY TREE

FRONT GARDEN

DRIVEWAY

WALL

GATE

MAIN ROAD

REAR GARDEN

MOUND

WALL

2300 APPROX

6750

2m

WALL

GATE

No. 1

No. 2

No. 3

No. 4

No. 5



West End

PROPOSED BLOCK PLAN

(REVISI)

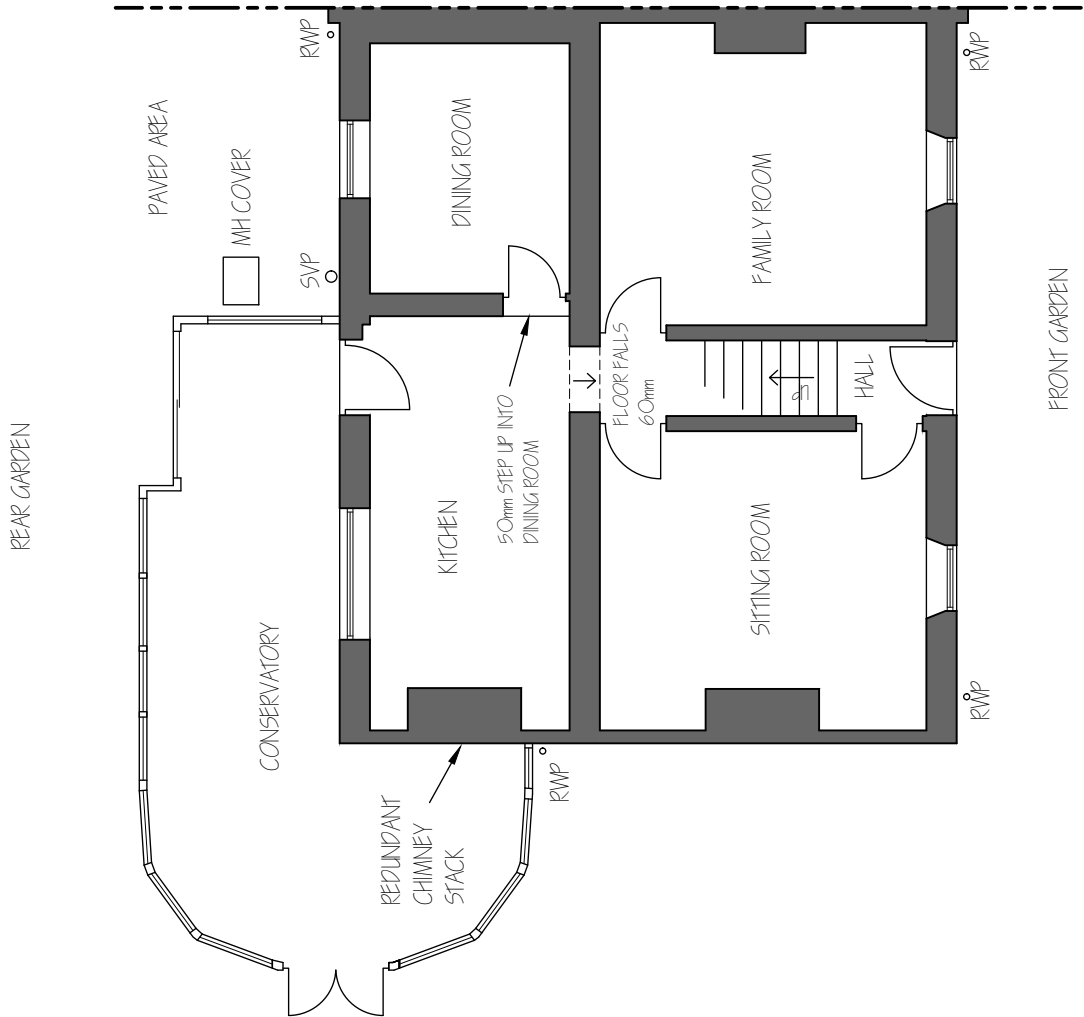
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SUNDOWN COTTAGE,
BURGH BY SANDS,
CA5 6AX

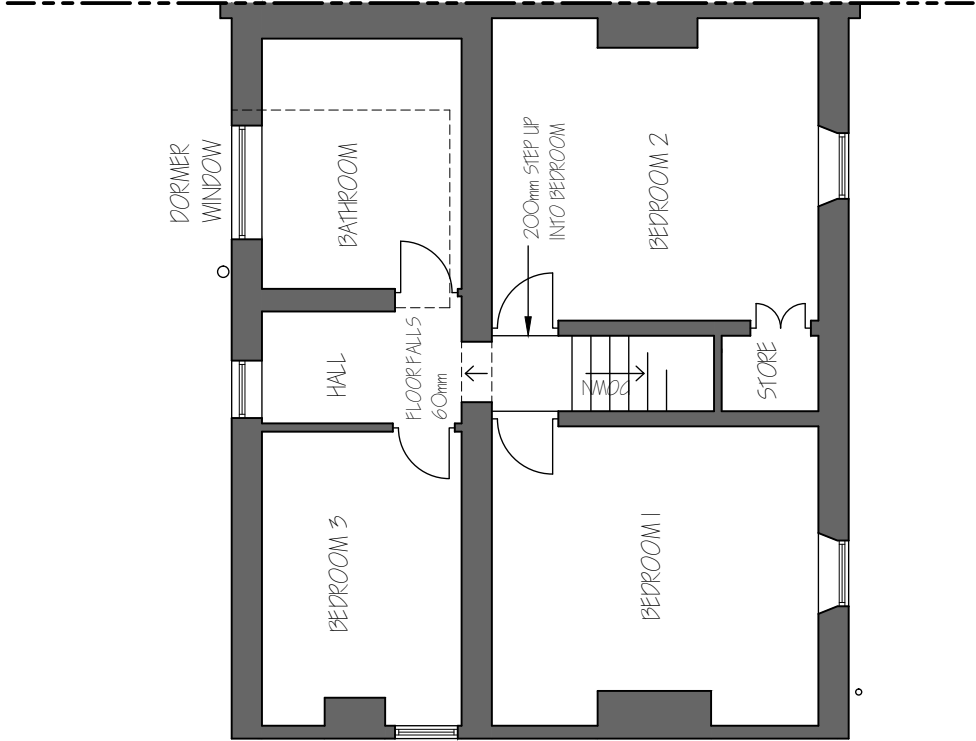


SLJ Projects Ltd

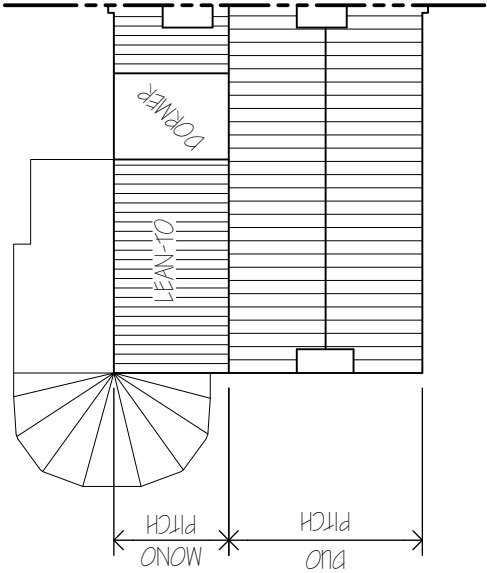
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EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN



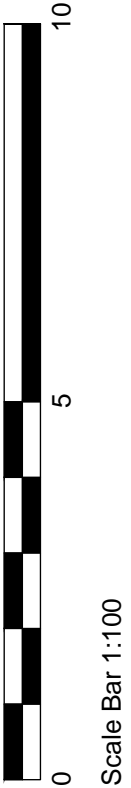
EXISTING ROOF PLAN (1:200)

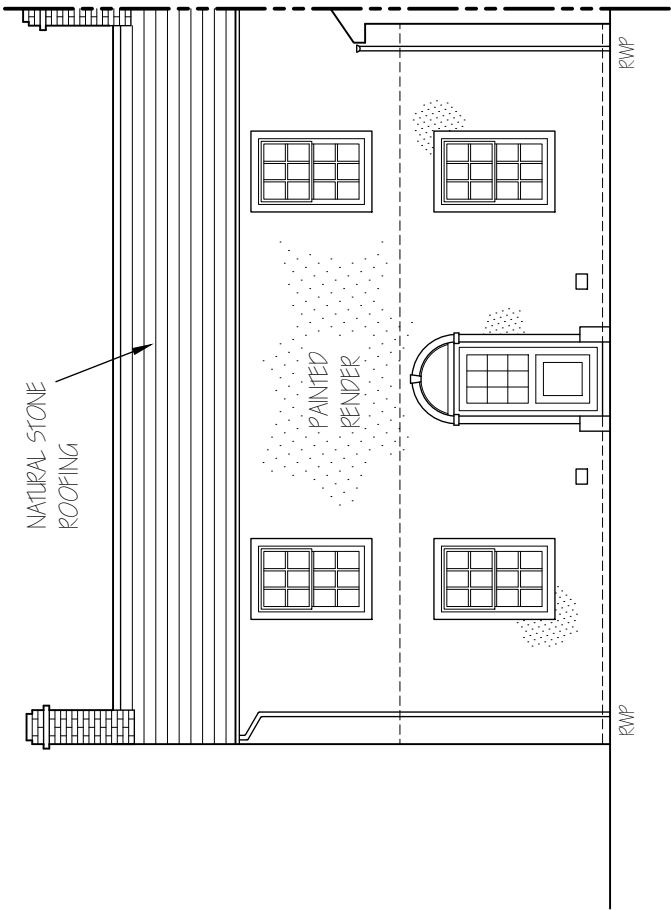
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A	01.02.18	Issued to LA	SDW



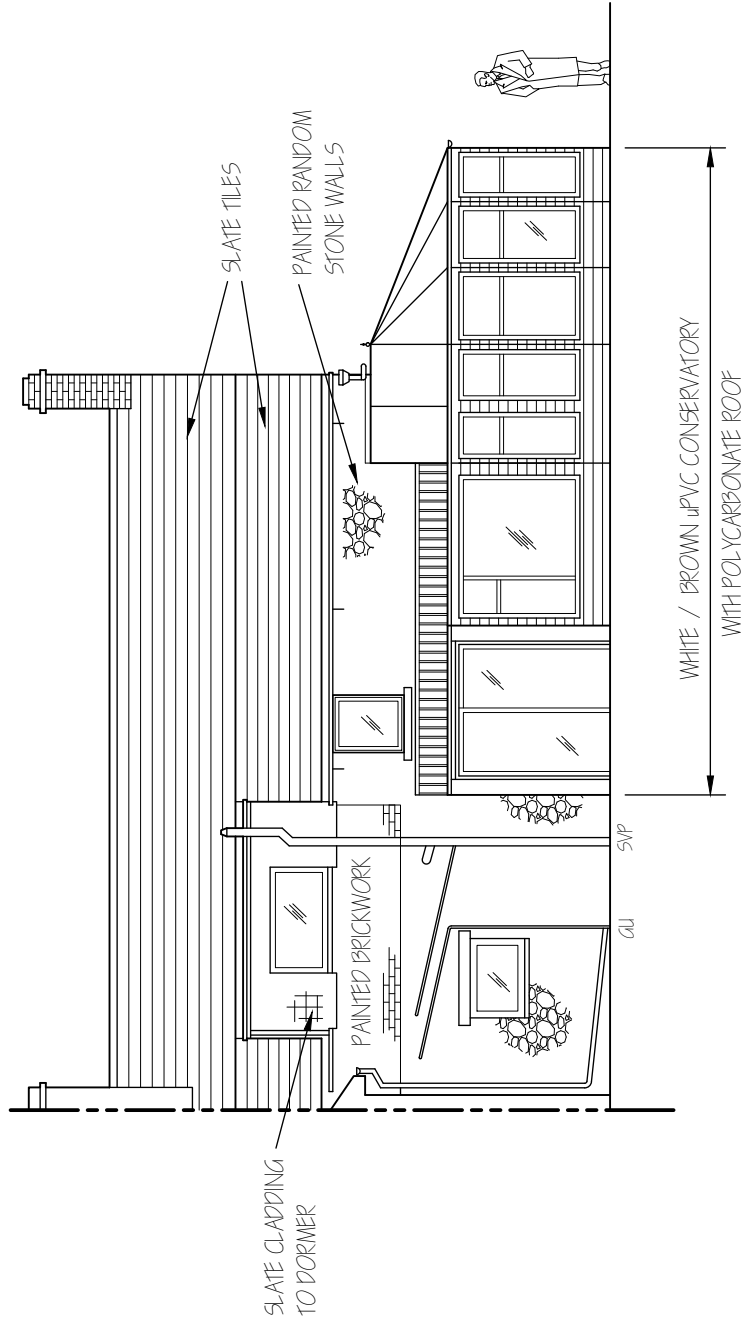
35 Barrington Meadows,
Bishop Auckland,
DL14 6NT

Client:	Mr. JONATHAN NICHOLSON		
Project:	PROPOSED REAR EXTENSION & DETACHED GARAGE TO SUNDOWN COTTAGE, BURGH BY SANDS, CA5 6AX		
Drawing Title:	EXISTING PLANS		
Scale at A3:	Drawn By:	Date:	Status:
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Drg No:	18/SC/001		Rev: B

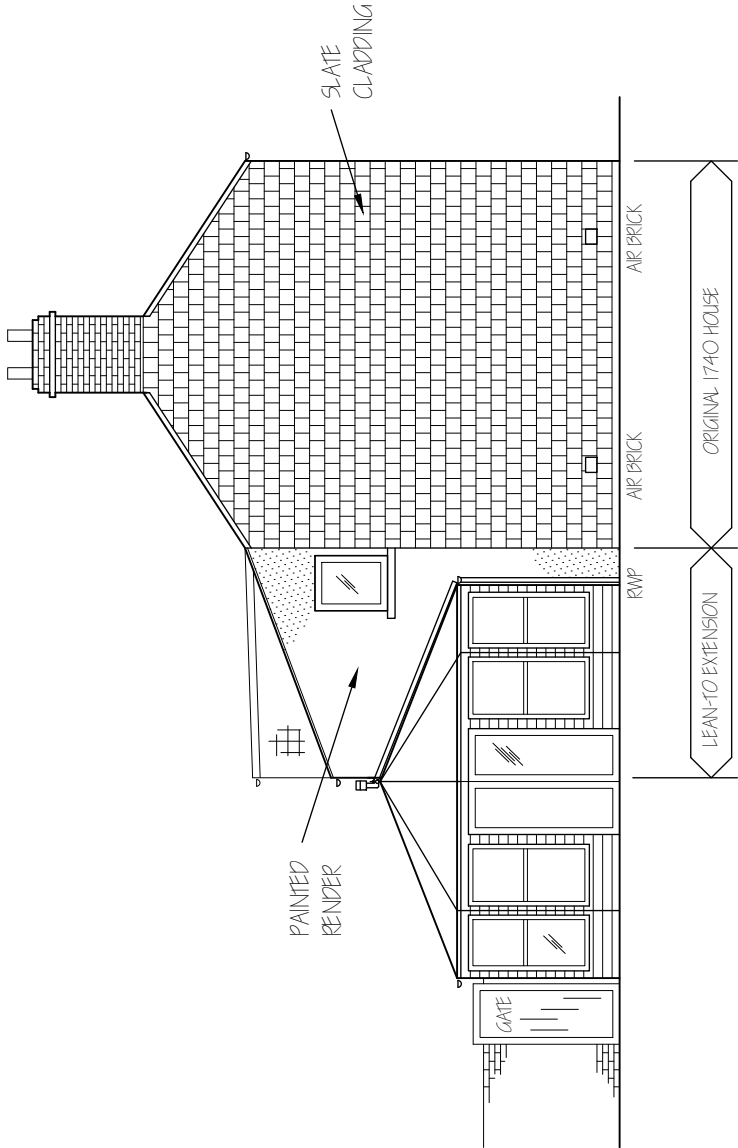




EXISTING SOUTH ELEVATION



EXISTING NORTH ELEVATION



EXISTING WEST ELEVATION

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Rev.	Date	Amendments			By

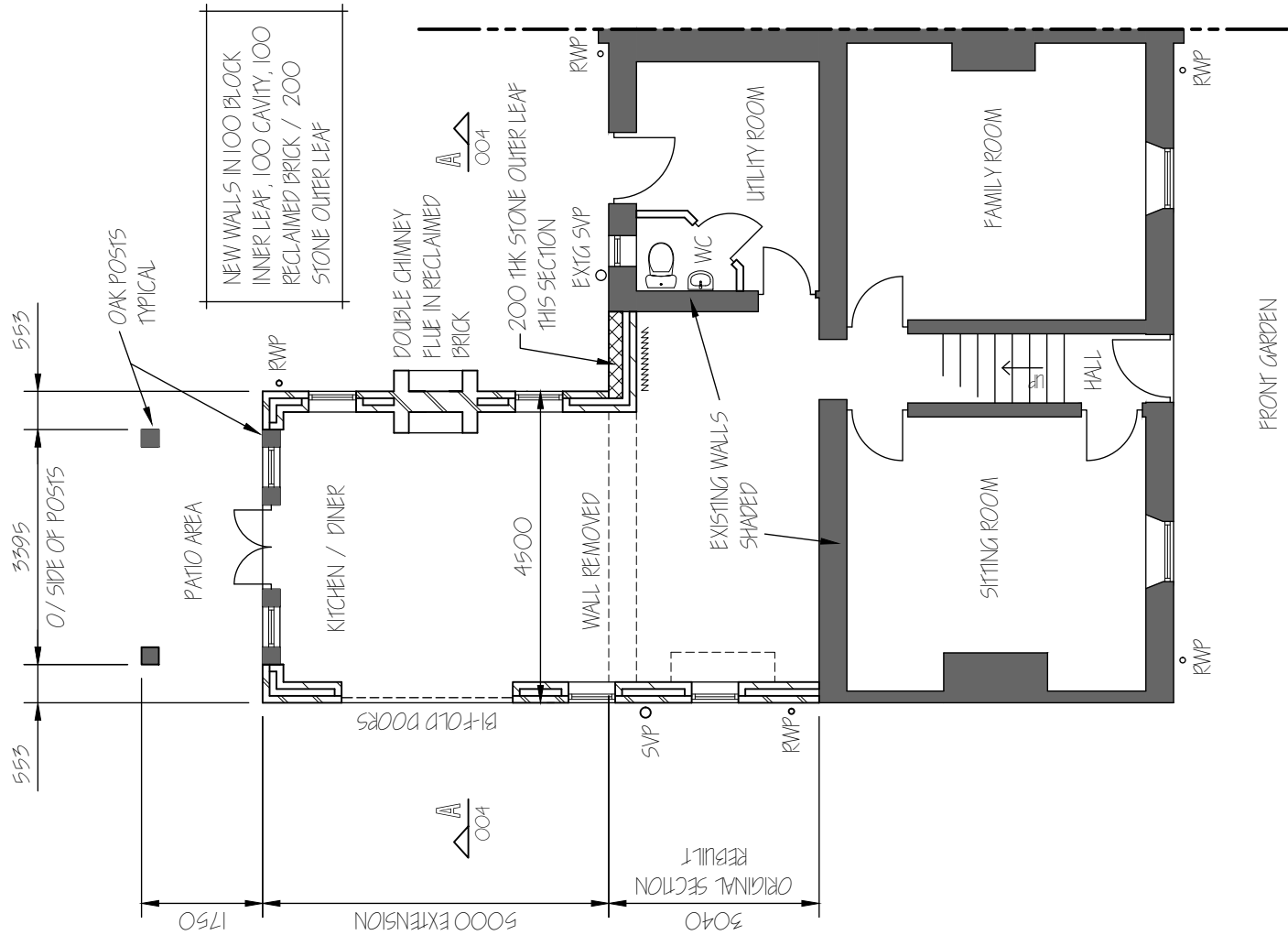


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Bishop Auckland,
DL14 6NT

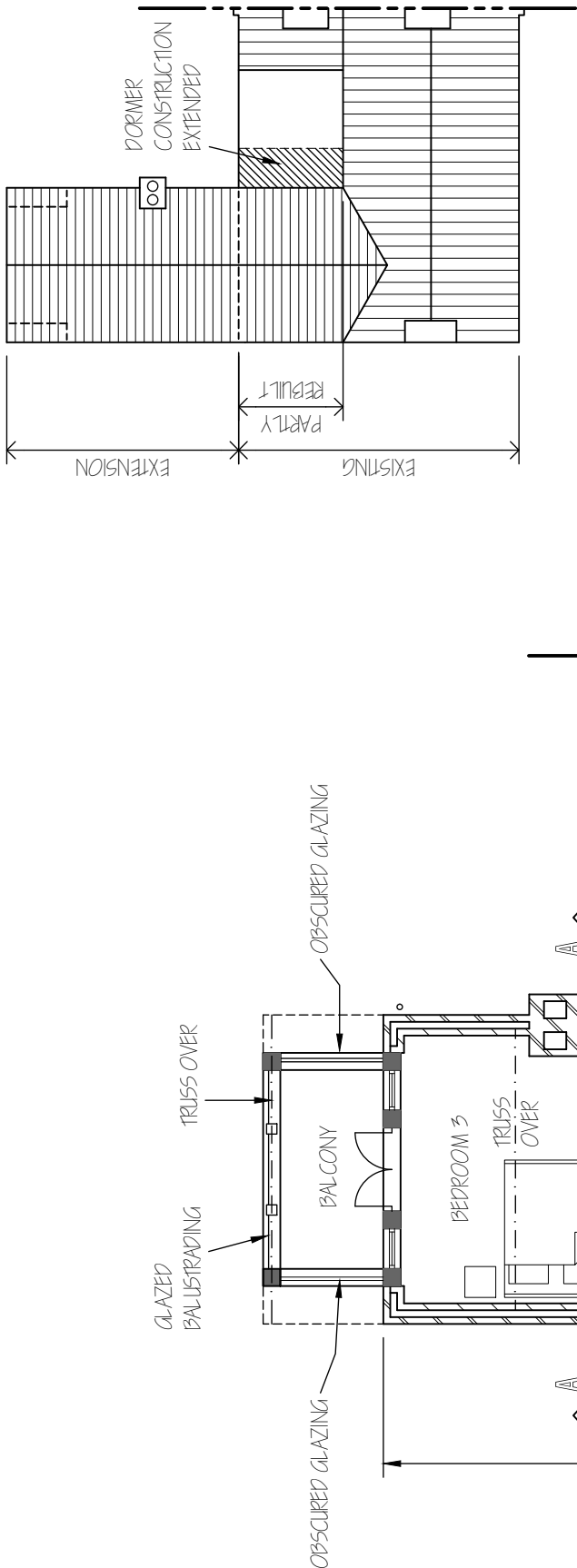
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Project:	PROPOSED REAR EXTENSION & DETACHED GARAGE TO SUNDOWN COTTAGE, BURGH BY SANDS, CA5 6AX				
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Drg No:	18/SC/002				Rev: 8



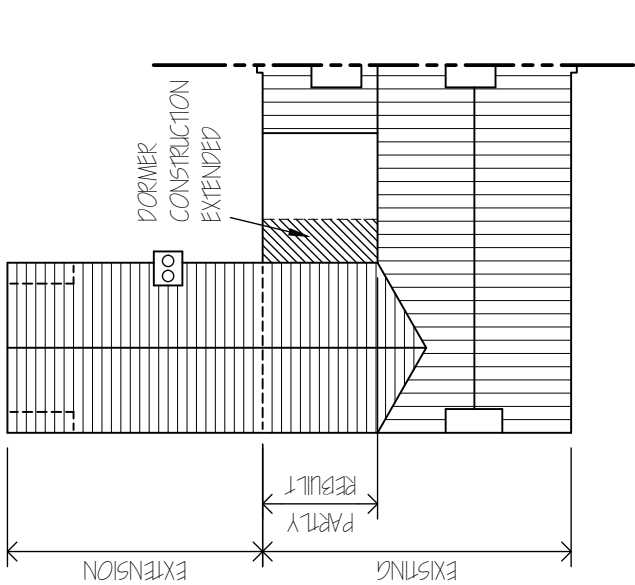
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PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED ROOF PLAN (1:200)

Rev.	Date	Amendments	By
D	28.03.18	Utility window removed, bathroom window made narrower	SDW
C	06.03.18	Revised and Re-issued to LA	SDW
B	07.03.18	Revised and Re-issued to LA	SDW
A	01.02.18	Issued to LA	SDW

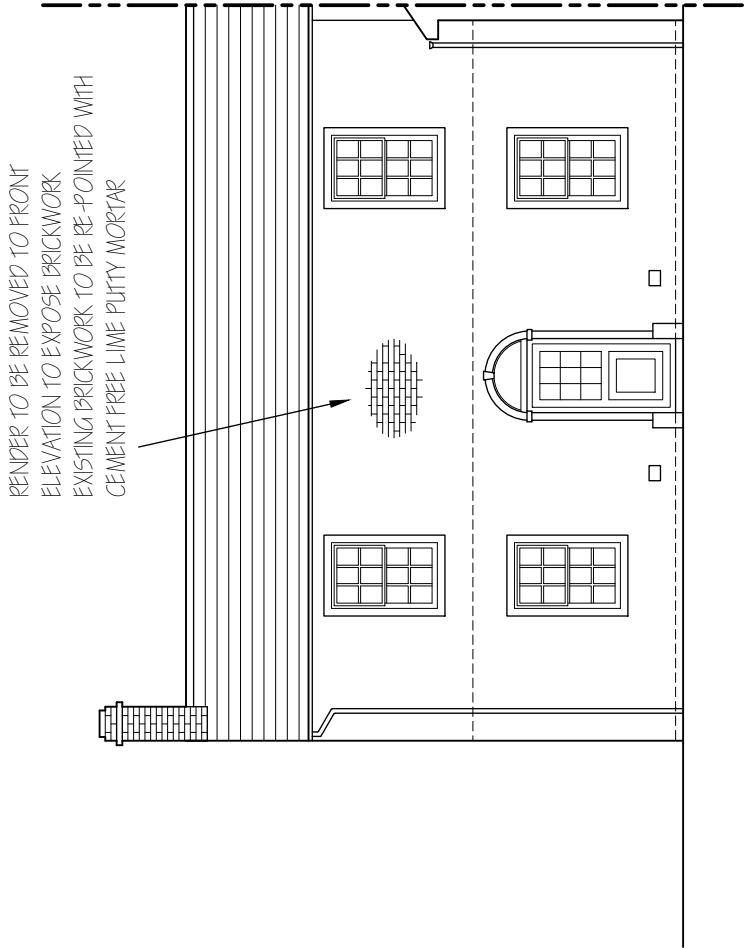


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Bishop Auckland,
DL14 6NT

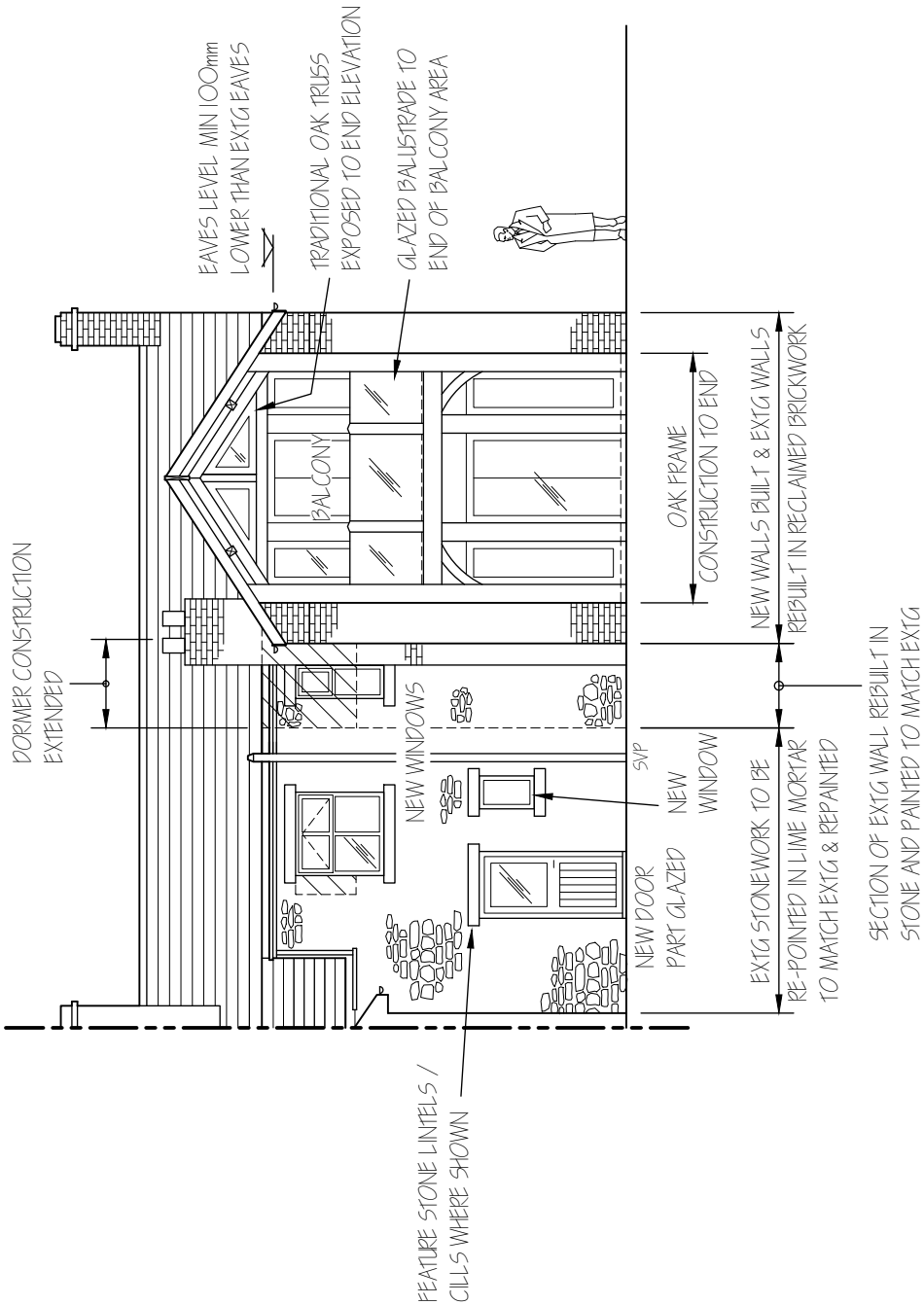
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Project:	PROPOSED REAR EXTENSION & DETACHED GARAGE TO SUNDOWN COTTAGE, BURGH BY SANDS, CA5 6AX		
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Drg No:	18/SC/003		Rev: D



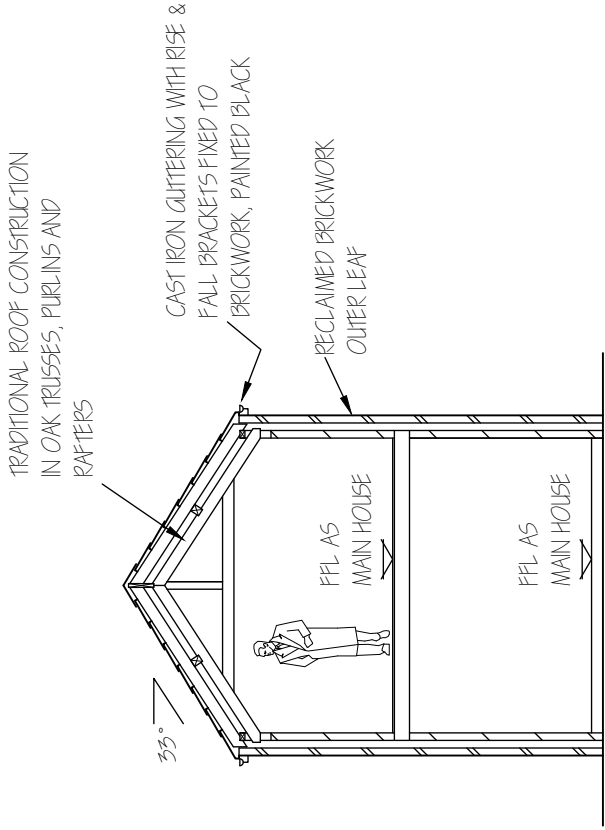
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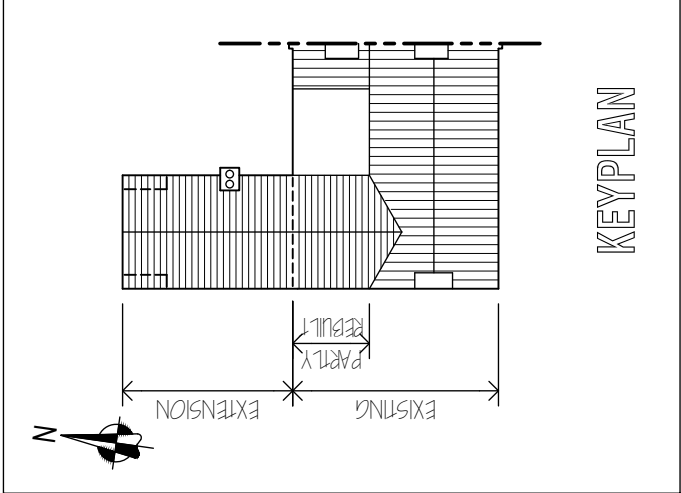
PROPOSED SOUTH ELEVATION



PROPOSED NORTH ELEVATION




PROPOSED SECTION A-A



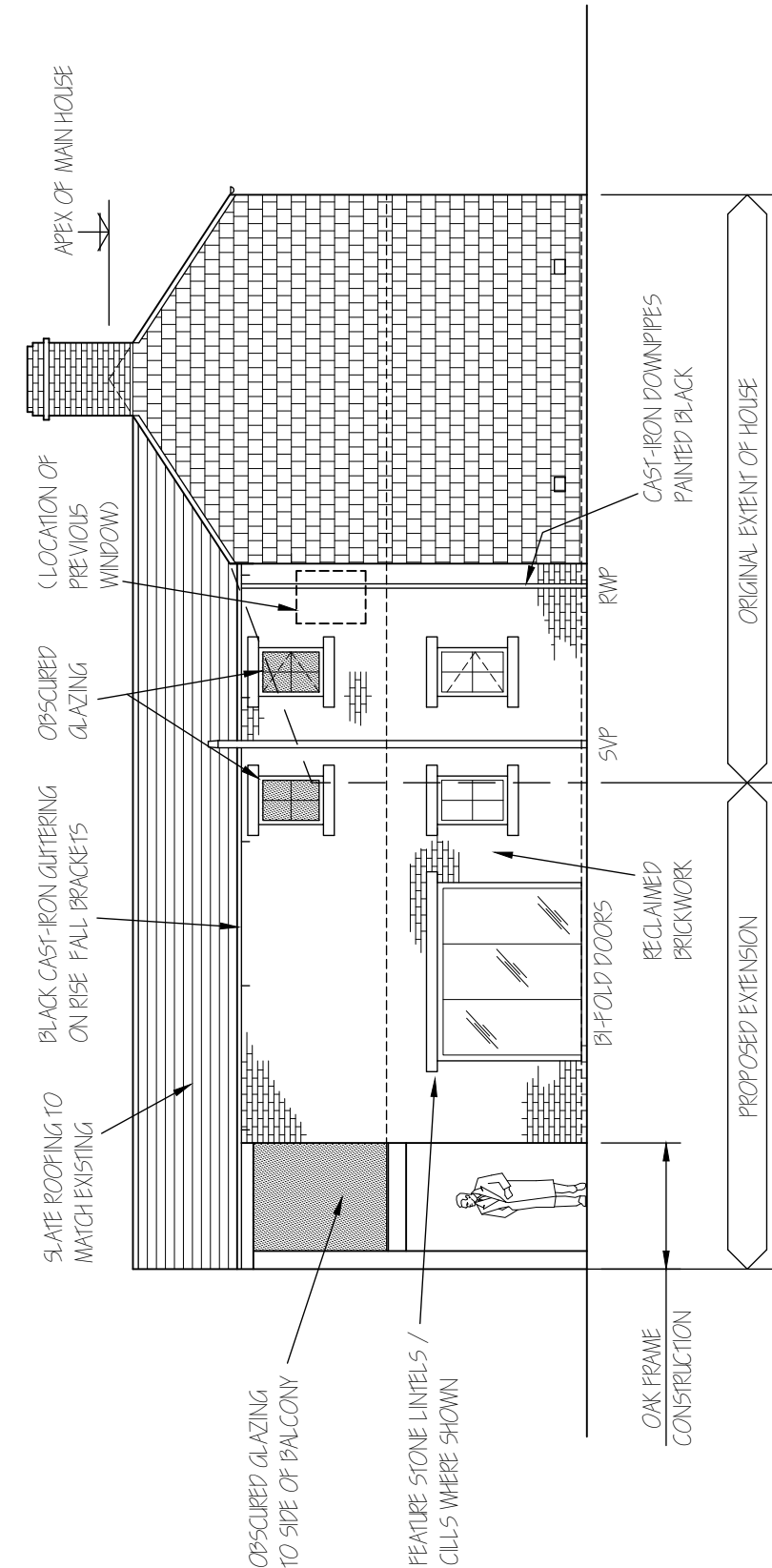
KEYPLAN

D	24.03.18	Utility window removed, bathroom window made narrower, feature stone lintels added cills added to openings, mortar spec added to extg brickwork, paint stripping note removed.	SDW
C	09.03.18	Revised & Re-issued to Local Authority	SDW
B	07.03.18	Revised & Re-issued to Local Authority	SDW
A	01.02.18	Issued to LA	SDW
Rev.	Date	Amendments	By

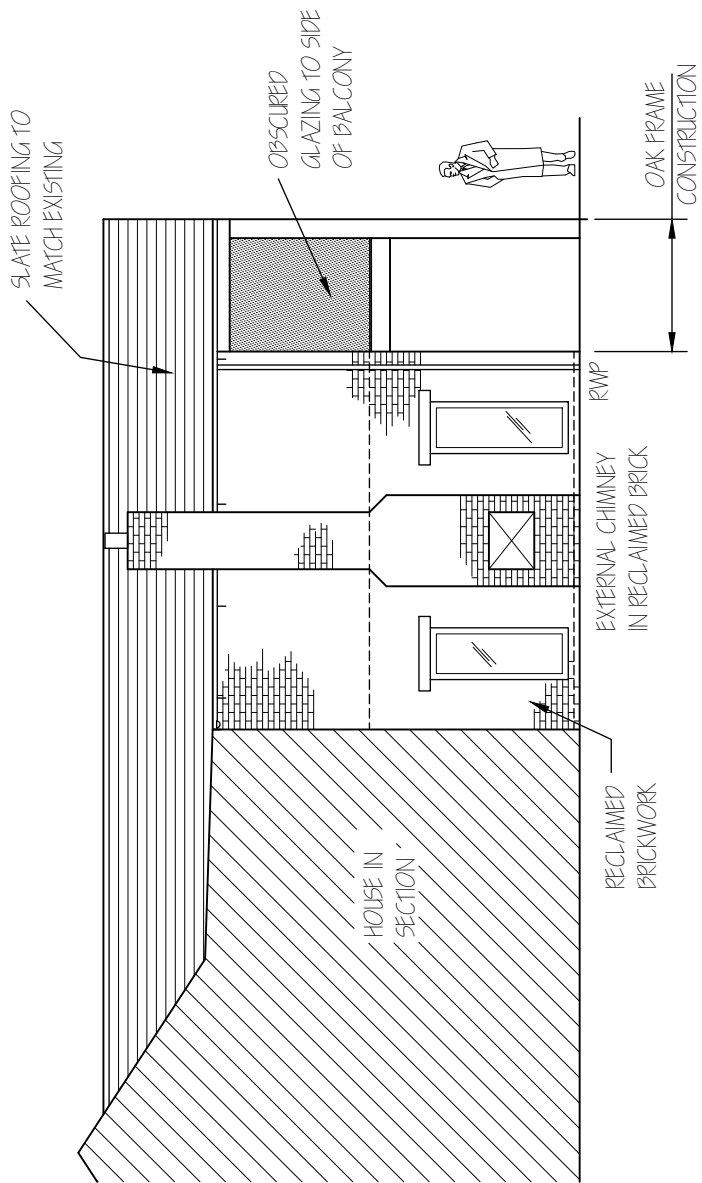


35 Barrington Meadows,
Bishop Auckland,
DL14 6NT

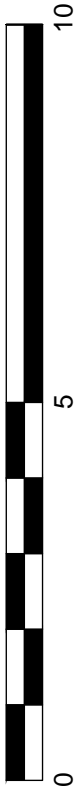
Client:	Mr. JONATHAN NICHOLSON		
Project:	PROPOSED REAR EXTENSION & DETACHED GARAGE TO SUNDOWN COTTAGE, BURGH BY SANDS, CA5 6AX		
Drawing Title:	PROPOSED ELEVATIONS SHEET 1		
Scale at A3:	1:100	Drawn By:	SDW
Date:	JAN 2018	Status:	
Drg No:	18/SC/004	Rev:	D



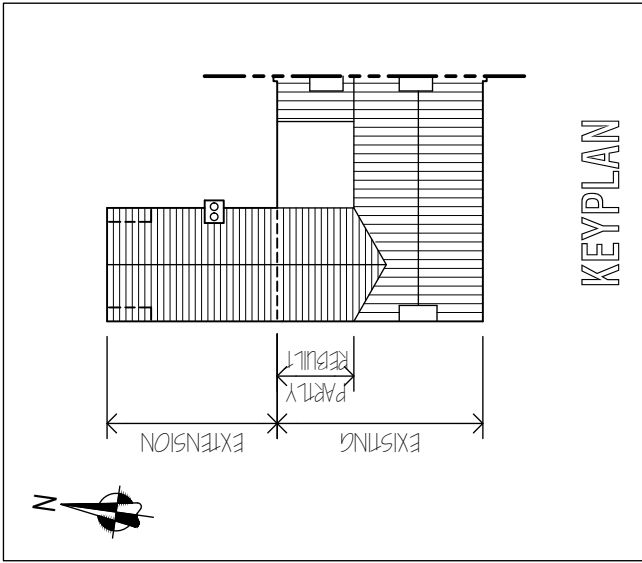
PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION



Scale Bar 1:100



E	26.06.18	Feature stone lintels and eels added to openings	SDW
D	20.03.18	Obscured glazing added to balcony sides	SDW
C	09.03.18	Revised & Re-issued to Local Authority	SDW
B	07.02.18	Revised & Re-issued to Local Authority	SDW
A	01.02.18	Issued to LA	SDW
Rev.	Date	Amendments	By



Projects Ltd

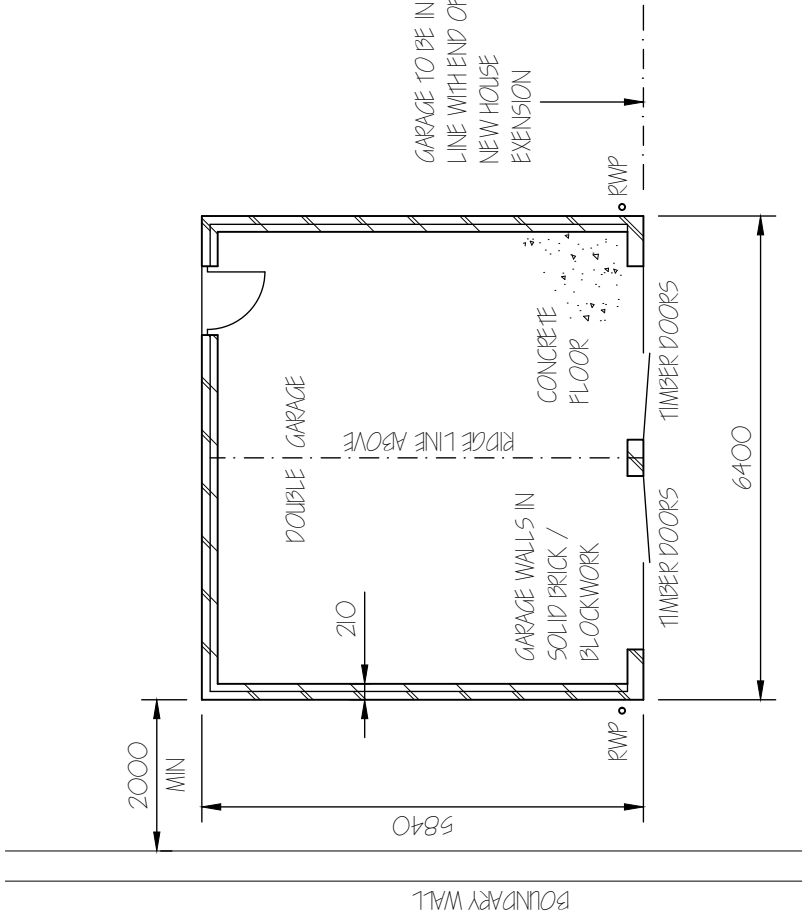
Client: **MR. JONATHAN NICHOLSON**

Project: PROPOSED REAR EXTENSION & DETACHED GARAGE TO SUNDOWN COTTAGE, BURGH BY SANDS, CA5 6AX

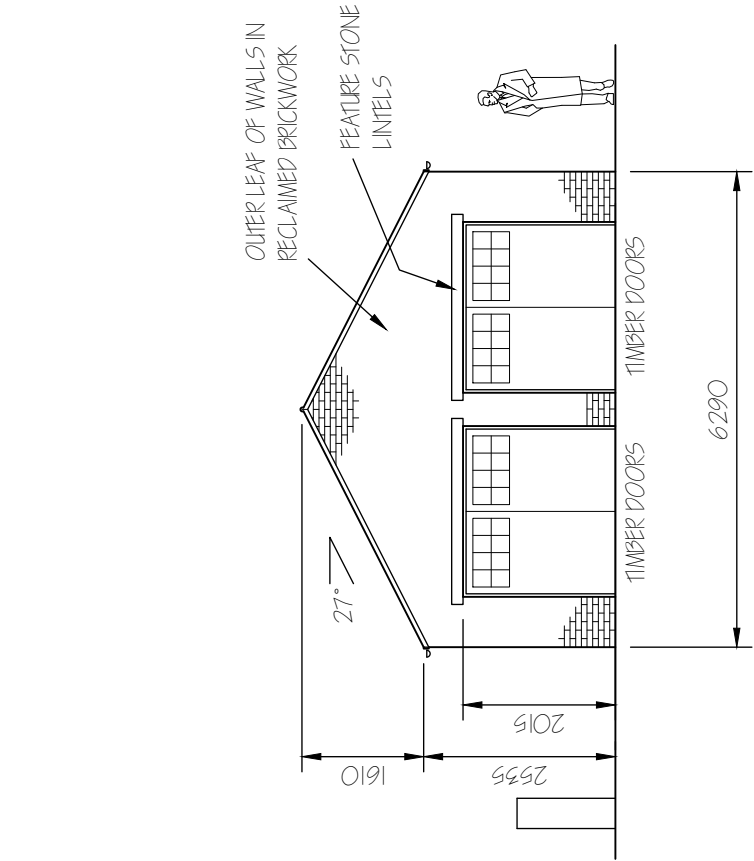
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Title: PROPOSED ELEVATIONS SHEET 2

Scale at A3: 1:100	Drawn By: SDW	Date: JAN 2018	Status:
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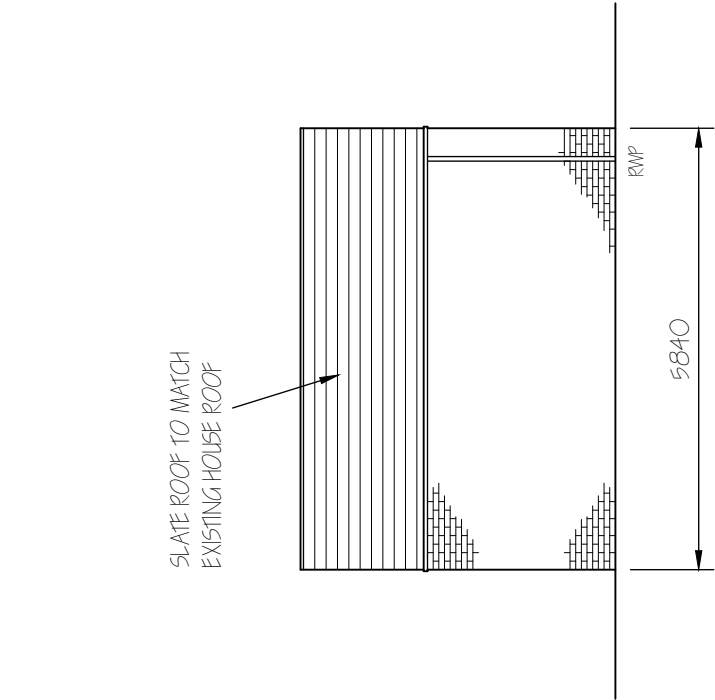
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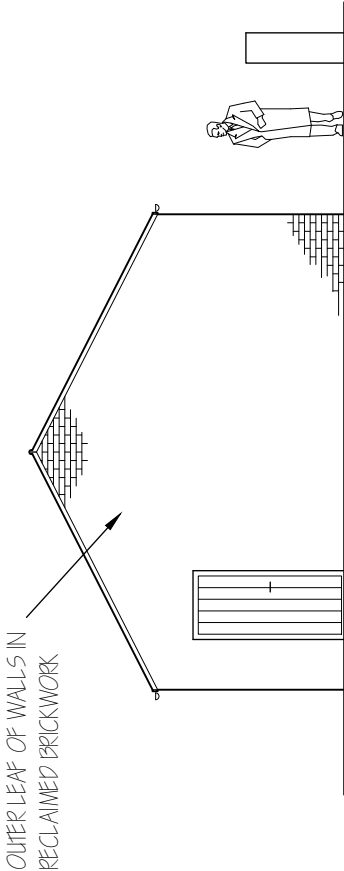
PROPOSED GROUND FLOOR PLAN



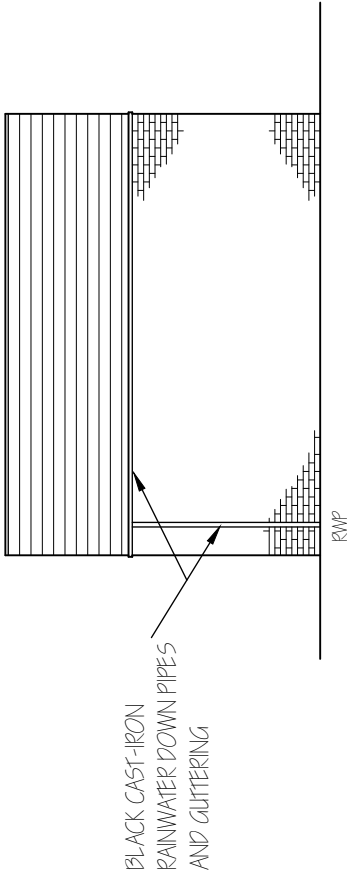
PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION

C	28.03.18	Doors altered, central pier added.	SDW
B	09.03.18	Title amended, re-issued to LA	SDW
A	01.02.18	Issued to LA	SDW
Rev.	Date	Amendments	By



35 Barrington Meadows,
Bishop Auckland,
DL14 6NT

Client:	Mr. JONATHAN NICHOLSON		
Project:	PROPOSED REAR EXTENSION & DETACHED GARAGE TO SUNDOWN COTTAGE, BURGH BY SANDS, GA5 6AX		
Drawing Title:	PROPOSED GARAGE PLANS & ELEVATIONS		
Scale at A3:	1:100	Drawn By: SDW	Date: JAN 2018
Drg No:	18/SC/006	Status: Rev: C	



Scale Bar 1:100

SCHEDULE A: Applications with Recommendation

18/0153

Item No: 09

Date of Committee: 08/06/2018

Appn Ref No:
18/0153

Applicant:
NWF Agriculture Ltd

Parish:
Arthuret

Agent:
JMI Planning

Ward:
Longtown & Rockcliffe

Location: NWF Agriculture Ltd, Woodside Road, Sandysike Industrial Estate, Carlisle, CA6 5SR

Proposal: Extension To Existing Storage Building

Date of Receipt:
16/02/2018 16:02:40

Statutory Expiry Date
13/04/2018 16:02:40

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. The Principle of Development
- 2.2 Effect On The Living Conditions Of Occupiers Of Neighbouring Residential Properties
- 2.3. Impact Upon Tree Preservation Order 226
- 2.4 Highway Matters
- 2.5 Drainage
- 2.6 Biodiversity

3. Application Details

The Site

- 3.1 NWF agriculture Ltd are located on Woodside Road, Sandysike Industrial Estate 620 metres to the west of the junction with the A7 Carlisle to Longtown road on the northern side of the U1062 road. The site was formerly operated by Jim Peet Agriculture before being acquired by the

applicant.

- 3.2 To the east, south and west of the site are other commercial uses that are designated as being within a Primary Employment Area. Generally to the north of the site is a wooded area known as Hopesike Woods that is subject to a Tree Preservation Order (TPO No. 226).
- 3.3 There are sporadically located residential properties within the vicinity of the site, the nearest being 200 metres to the west of the proposed development

Background

- 3.4 An application for planning permission for the erection of an outloading bin block is being considered separately under application 18/0145. This proposal has also attracted objections from residents and some of the issues have been copied over to this proposed development.
- 3.5 The council has received complaints from residents in relation to noise emanating 24 hours from the site. Environmental Health Officers are currently investigating this matter and are working with the applicant towards a noise reduction programme for this site. Objectors are concerned that any further development on this site would further exacerbate the existing problem.

The Proposal

- 3.6 This application seeks approval for the erection of a steel portal framed building to provide an additional storage building. The structure would form an extension to an existing building located on the southern boundary of the main part of the site.
- 3.7 The building would measure 6.25 metres in width by 20 metres in length and would be constructed over an existing area of hard standing. The building would have a mono pitched roof measuring 7.4 metres at its highest point sloping down to 5.4 metres at the rear. It is intended that the building would provide additional covered storage facilities for items that are currently stored externally within the site.
- 3.8 The building would be constructed from thick box profile plastisol coated steel sheeting coloured Juniper Green.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 33 of the neighbouring premises and properties within the vicinity. In response, four letters of objection have been received and the main issues raised are summarised as follows:

1. there has been a serious noise pollution problem with this mill since it began operation in Summer 2017. It has caused an excessive noise nuisance and has operated 24 hours day and night, 7 days a week including holidays which has resulted in considerable distress, sleep deprivation, and physical and psychological damage to several nearby residents for more than six months. Contrary to Planning Statement point 5.9, NWF has shown little consideration for residents and has failed to respond effectively to numerous requests to deal with the issue. It would be quite inappropriate to consider any further planning applications regarding this mill until NWF has demonstrated that it has dealt effectively with the current noise nuisance;
2. the scale of the proposed expansion is considerable and will no doubt cause an even higher level of noise pollution, as it entails an increase in production levels as well as the frequency of heavy traffic. There is no noise impact assessment proposed in the Planning statement and the vague claim that 'it will not give rise to an increase in noise' (5.11) is entirely unconvincing;
3. planning application points 13 and 15 contain the bland statement, not backed up by any evidence, that there are no environmental issues. In fact there are several tree preservation orders in and around this part of Hopesike Wood (TPOs 0226(4), 067) and a full environmental impact assessment needs to be carried to demonstrate there will not be environmental damage;
4. contrary to Planning Application point 2.4 there is at least one aspect of this site which is visible from the surrounding area, the storage tower erected some years ago by Jim Peet Ltd. This is well above the tree line and an ugly intrusion to an otherwise rural landscape. The Planning statement is unclear on the height of the proposed buildings except that it will be as existing ones. To fulfil 5.8 the height of any new buildings should be well below the existing tree line;
5. the committee is urged to reconsider the permission to operate 24 hours 7 days a week (this was inserted in application 2016/0241 which really concerned infrastructure). The continual noise, punctuated at times very early in the morning by explosive bangs, is probably the worst aspect of the mill's noise pollution.
6. the need to support animal feed production in this region is appreciated. However NWF have not shown themselves so far to be considerate neighbours who take their responsibilities to residents at all seriously. The Council is urged to reject this application and to require it to be resubmitted (as a new application, not a variation) when the current noise issue has been fully and comprehensively solved and when NWF has carried out independent assessments on potential noise and environmental damage which might be caused by its proposed expansion;
7. the excessive noise levels are impacting on local businesses with people on holiday in the area cutting their stay short;
8. trees have been felled along the roadside frontage.

5. Summary of Consultation Responses

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

following comments have been received:

Highways

The access taken from U1062 Highway maintainable at public expense road to the private site.

The layout details shown on the submitted plan are considered satisfactory from a highway perspective and therefore the Highway Authority has no objection to the proposed development.

Lead Local Flood Authority (LLFA)

The LLFA has records of minor surface water flooding to the north of the warehouse at the site indicate a 0.1 percent (1 in 1000) chance of occurring each year site and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk.

No drainage has been shown on the details submitted, if the applicant could show on a plan the drainage for this application. Although this is a minor development, the developer should demonstrate how they will deal with surface water discharge from the potential development site and measures taken to prevent surface water discharging onto the highway public highway or onto existing neighbouring developments. If installing a soakaway the LLFA would advise not to be positioned in close proximity to the highway which should be at least 5m away from the highway and property.

A condition is recommended for the submission of drainage details;

Arthuret Parish Council: - the parish council has no objection with the external storage but are concerned that there is potential to increase noise to extend the loading facility. The parish council are aware there is a noise issue ongoing with neighbouring properties that is currently being addressed by the city council;

Local Environment - Environmental Protection: - there are no adverse comments with respect to this storage facility adjacent to the current office accommodation. In relation to the objections received these matters are referred to the application reference 18/0145.

6. Officer's Report

Reason for recommending Delegated Power Decision

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

Practice Guidance (PPG) and Policies SP2, SP6, EC2, IP3, CC5, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 are also relevant.

- 6.3 Paragraph 14 of the NPPF highlights the presumption in favour of sustainable development which is referred to as “a golden thread”. For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:
1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
 2. specific policies in this Framework indicate development should be restricted.
- 6.4 Paragraph 17 of the NPPF identifies 12 core planning principles including taking account of the different roles and character of different areas; supporting the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reduce pollution; and conserve heritage assets.
- 6.5 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.
- 6.6 The proposal raises the following planning issues.

1. The Principle of Development

- 6.7 The site is designated as being Primary Employment Land and as such policies allow for the redevelopment and expansion of employment sites subject to the consideration of the relevant policy criteria, namely that: the use of the site is applicable; and that the residential amenity of the occupiers of any neighbouring properties and parking and transport issues are not adversely prejudiced.
- 6.8 Development should also be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape.
- 6.9 The proposal seeks an expansion of an existing and well established use. The proposal is well related to existing development within the site and the scale of the proposal is appropriate. The development does not adversely affect the character or appearance of the area.

2. Effect On The Living Conditions Of Occupiers Of Neighbouring Residential Properties

- 6.10 There are residential properties approximately 200 metres to the west of the application site. The development is well-related to the existing development and use within the site. Given the distance from these properties and the intervening buildings, the development will not adversely affect the living conditions of the occupiers by means of the siting, scale and design of the building or by virtue of loss of light, loss of privacy or over-dominance.
- 6.11 The objections to the application focus more on the issues of noise and disturbance than any of the issues discussed in the previous paragraph. To this end, as highlighted in paragraphs 3.4 and 3.5 in the Background section of this report, this is an ongoing issue currently being investigated by Environmental Health Officers who are working with the applicant to address these complaints.
- 6.12 The proposal would provide additional storage facilities within the site and importantly, would not provide any additional productions facilities which may compound any existing problem. Any complaints about noise issues from the existing facilities should and are being considered separately under environmental health legislation. The tandem application which seeks permission to construct a new loading facility (18/0145) does have the potential to generate additional noise and as such, additional information is being sought from the applicant. This is not the case for this application which is borne out in the consultation response whereby the Environmental Health Officer has raised no objection to this application. As such the additional development in the form of a storage facility on this commercial site would not intensify the use such that it would adversely affect their living conditions. To ensure that the building is not used for production purposes, it is recommended that a condition be imposed restricting its future use.

3. Impact Upon Tree Preservation Order 226

- 6.13 The site is adjacent to an Ancient Woodland and trees that are protected by Tree Preservation Order 226. Planning policies require that in order to protect and integrate existing trees and hedges within new development, proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey will be resisted.
- 6.14 The proposal involves the redevelopment and extension of an existing building in the site of an existing hard standing. The building would be to the south of the site adjacent to another commercial business with the wooded area being to the north. The proposal would not affect any trees or result in any loss and as such, the proposal does not raise any conflict with planning policies in respect of the trees adjacent to the site.

4. Highway Matters

- 6.15 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway. Furthermore, Policy IP3 of the local plan requires that there is adequate provision of parking and infrastructure within the site. The proposal does not affect existing facilities nor result in additional highway issues and is therefore acceptable.
- 6.16 A public right of way lies adjacent to the southern boundary of the site; however, the proposal is wholly within the site and would not affect the right of way.

5. Biodiversity

- 6.17 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.18 The 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. As the proposal would involve the erection of a building on previously developed land, the development would not harm a protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

6. Other Matters

- 6.19 It has been stated in the objections that some trees have been felled along the road frontage. Some trees were removed as part of a previous planning application 16/0241 to widen the access and install gate house amongst other works but these trees were adjacent to the access within the site. The application was supported by the appropriate tree reports and approved in conjunction with the advice of the Tree Officer employed by the council at that time. This application does not propose any removal of trees from the site.

Conclusion

- 6.20 In overall terms, the principle of additional development on the site is considered to be acceptable. The proposal is well related to the existing commercial operation and whilst visible, does not result in any demonstrable harm to the visual amenity of the area. The extension does not affect the living conditions of the occupiers of neighbouring properties or raise any highway issues.

- 6.21 In all aspects the proposal is considered to be compliant with the objectives of the relevant local plan policies and is therefore recommended for approval.

7. Planning History

- 4.1 In 1988, planning permission was granted for extension to animal feed store.
- 4.2 Planning permission was granted in 2003 for an extension to existing premises to provide additional storage.
- 4.3 In 2004, planning permission was granted for a warehouse extension to provide weigh bridge office, toilet facilities, training room/ canteen and small bag store, together with provision of a weigh bridge.
- 4.4 Planning permission was granted in 2005 for a new bulk bin block (animal feed storage).
- 4.5 In 2007 an application was received for the erection of a steel framed building to provide outloading facility for cattle food manufacturing operation. However this application was withdrawn prior to determination.
- 4.6 Planning permission was granted in 2008 for the erection of steel framed building to provide outloading facility for cattle food manufacturing operation.
- 4.7 In 2010, an application was approved to discharge of conditions 2 (landscaping scheme), 6 (access road) & 7 (surface water drainage) relating to planning reference 08/0895.
- 4.8 In 2016, planning permission was granted for the widening of the existing access road with gate-house; installation of 24 silos; extension to existing mill building to accommodate new processing equipment.
- 4.9 Also in 2016, planning permission was granted for the change of use from a storage area to office accommodation.
- 4.10 Planning permission was granted in 2017 for the variation of a planning condition to the previously approved consent to alter the external materials.
- 4.11 An application for planning permission has been submitted under application reference 18/0145 for the erection of a bulk outloading bin block but this is currently undetermined.

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 16th February 2018;
 2. the Proposed Location Plan and Site Plan received 16th February 2018 (Drawing no. A3434-001);
 3. the Proposed Plans and Elevations received 16th February 2018 (Drawing no. [1] 18010;
 4. the Planning Statement received 16th February 2018;
 5. the Notice of Decision;
 6. 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. Such details shall include measures to prevent surface water discharging onto the highway.

The surface water system shall demonstrate that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 30 % to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc). The scheme must also confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary.

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.

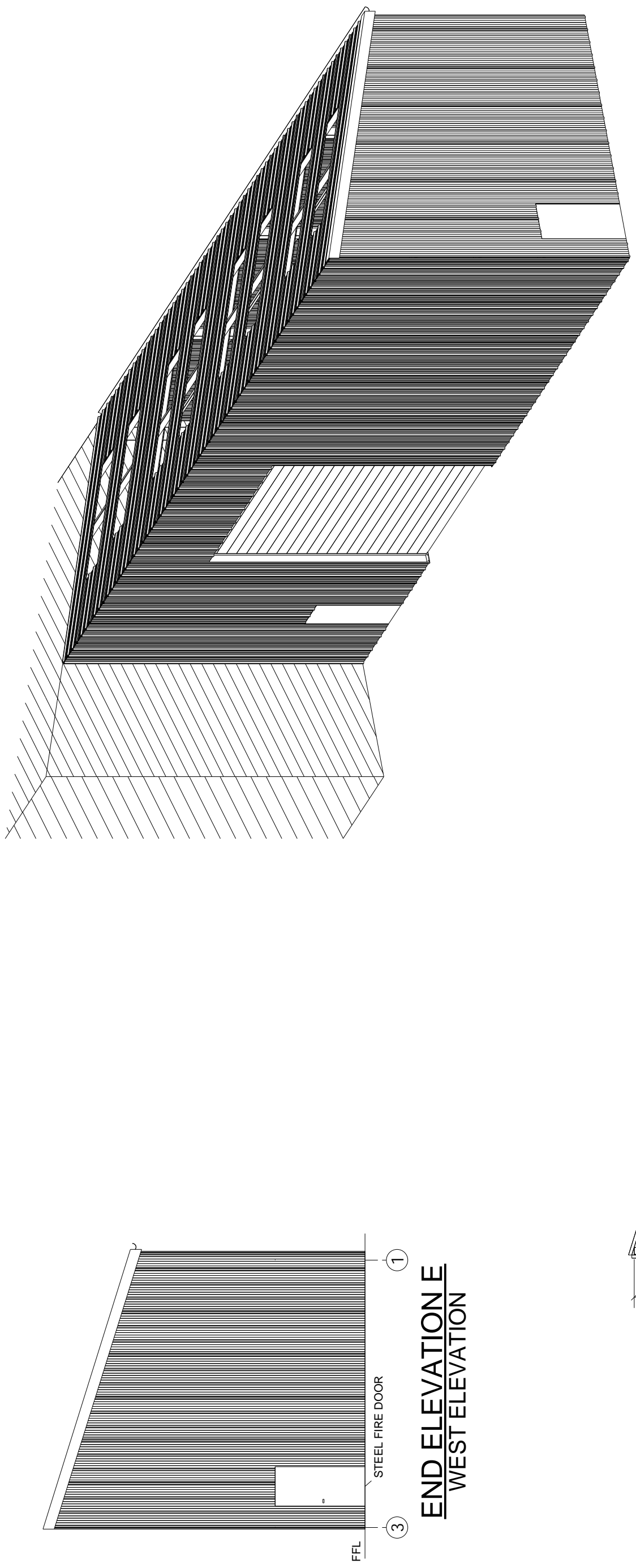
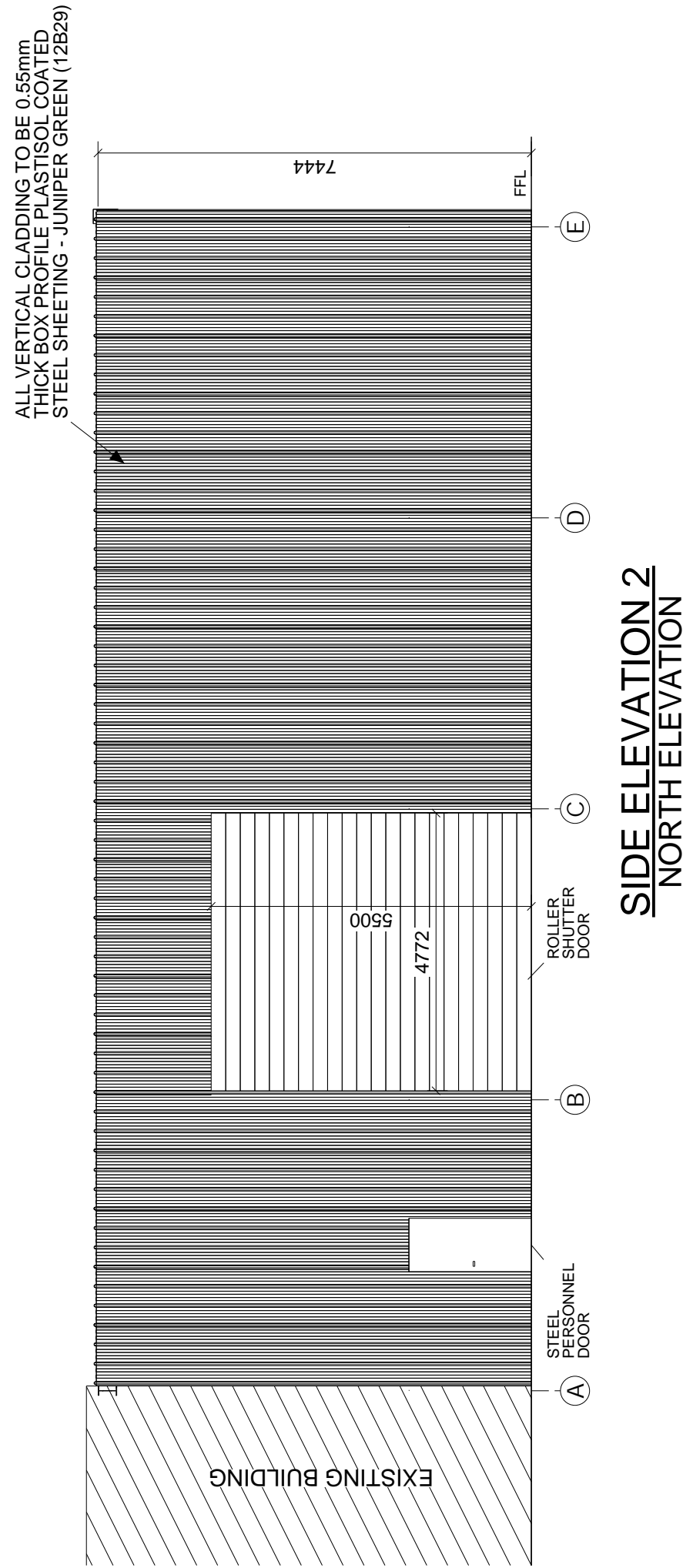
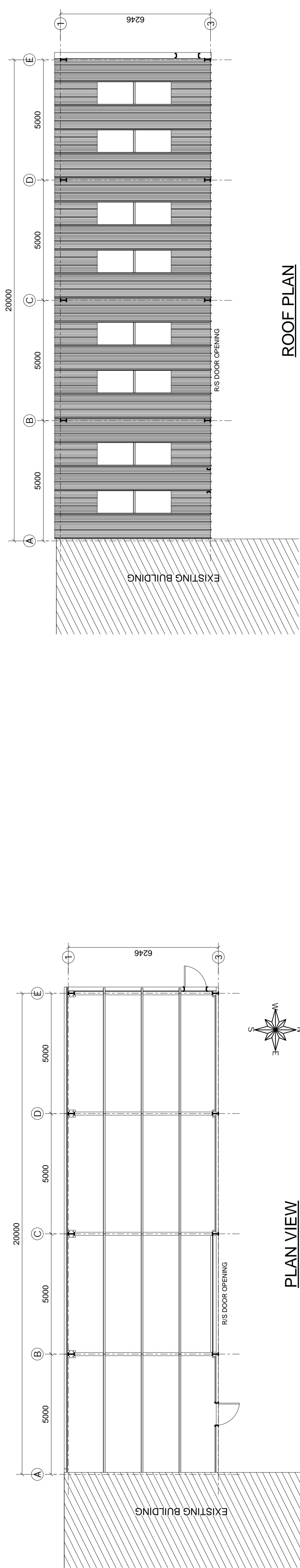
The development shall be completed, maintained and managed in accordance with the approved details.

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

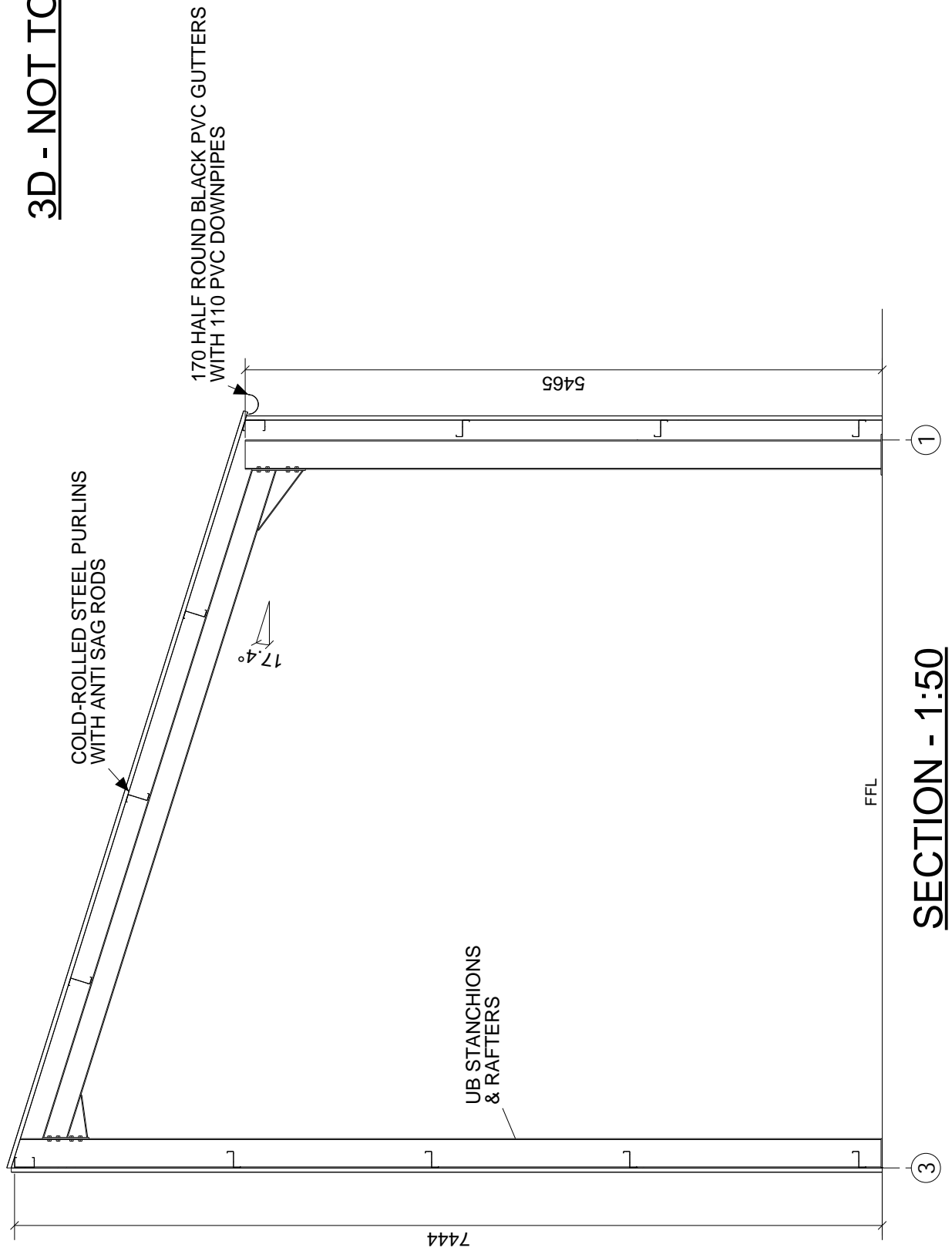
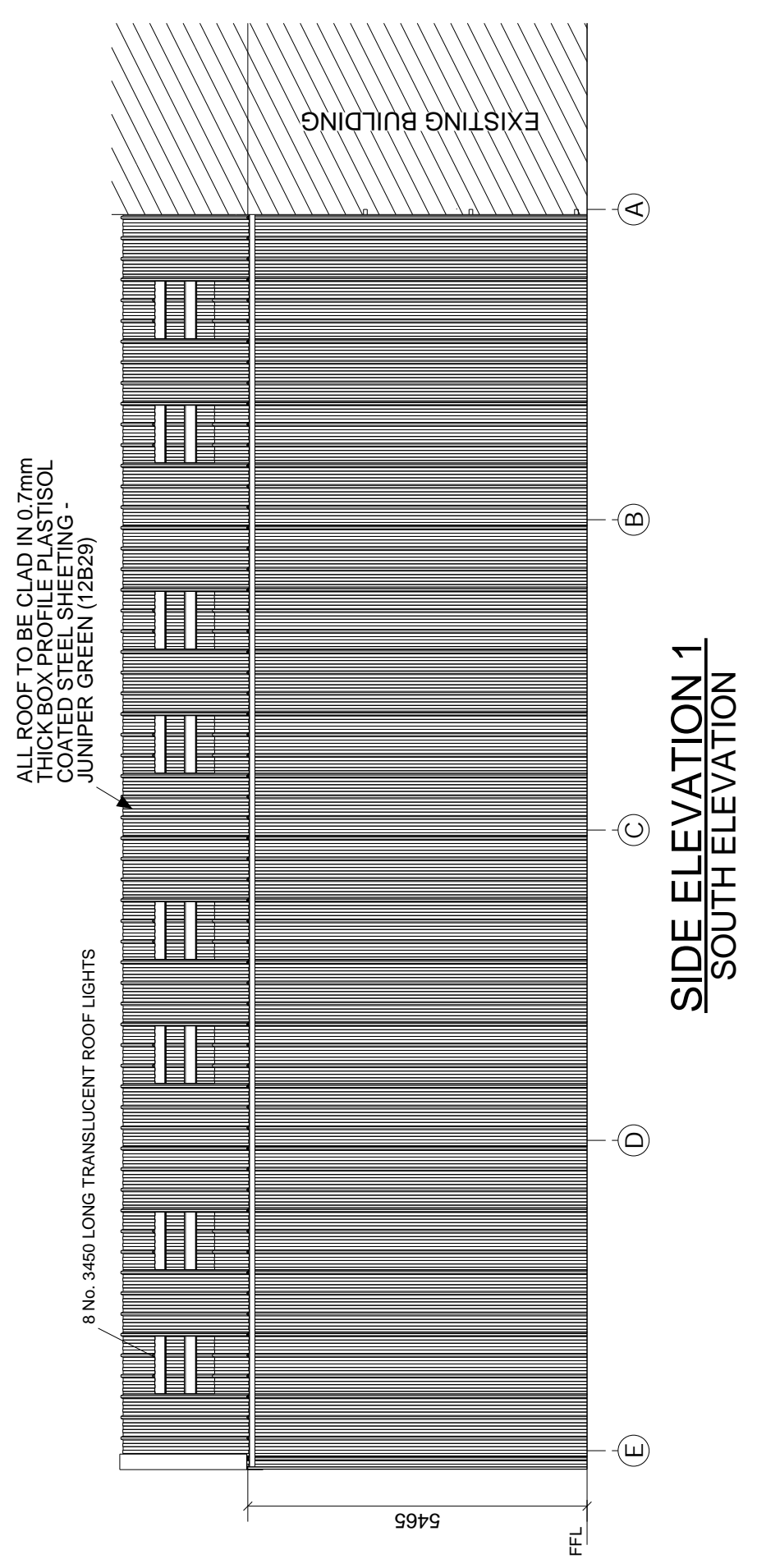
policies within the National Planning Policy Framework and National Planning Practice Guidance.

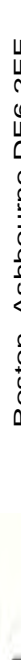
4. The building hereby approved shall be used solely and exclusively for the ancillary storage of goods and materials and shall at no time be used in any manufacturing process.

Reason: To ensure the development does not generate unacceptable levels of noise and disturbance in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.



3D - NOT TO SCALE



 De Ville & Lear Ltd CONSTRUCTIONAL ENGINEERS		Mill Lane Works Roston, Ashbourne DE6 2EE. Telephone: 01335 324302 Fax: 01335 324568 Email: info@devilleandlear.co.uk		PROPOSED EXTENSION TO STORAGE BUILDING AT SANDYSIKE MILL		Revision	Date	Drawing No. [1]
Scale	1:100 AT A1							
Drawn	TPD							
Date	25.01.2018	SANDYSIKE INDUSTRIAL ESTATE, SANDYSIKE, LONGTOWN, CUMBRIA. CA6 5SS.						18010

SCHEDULE A: Applications with Recommendation

18/0290

Item No: 10

Date of Committee: 08/06/2018

Appn Ref No:
18/0290

Applicant:
Mr S Mawbray

Parish:
Wetheral

Agent:
Tsada Building Design
Services

Ward:
Wetheral

Location: Croftfield, Aglionby, Carlisle, CA4 8AQ

Proposal: Part Retrospective Planning Permission For the Change Of Use Of Paddock Area To Provide Additional Garden and Parking Area Together With the Erection Of A Detached Garage Without Compliance With Condition 2 (Approved Documents) And Condition 5 (Boundary Hedgerow) Imposed By Planning Permission 16/1054 For The Internal Fence Adjustment From 1.8m To 2.6m High Close Boarded Fencing And The Retention Of The Western, Eastern and Southern Hedgerow Boundaries To Be Retained At A Height Of Not Less Than 2.6 Metres In Height In Lieu Of 2 Metres

Date of Receipt:
27/03/2018 16:02:50

Statutory Expiry Date
22/05/2018 16:02:50

26 Week Determination
11/06/2018

REPORT

Case Officer: Barbara Percival

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 Visual Amenity Of The Area

3. Application Details

The Site

- 3.1 The application site forms part of a former paddock to the south-east of Croftfield, a large detached bungalow located on the southern outskirts of

Aglionby. The site, immediately adjacent to the A69 Carlisle to Newcastle trunk road, is enclosed by a hedgerow (approximately 2 metres high) along its western, eastern and southern boundaries.

Background

- 3.2 In 2017, Members of the Development Control Committee granted full planning permission for part retrospective planning permission for the change of use of paddock area to provide additional garden and parking area together with the erection of a detached garage (application reference 16/1054).

The Proposal

- 3.3 This current proposal now seeks part retrospective planning permission for the change of use of paddock area to provide additional garden and parking area together with the erection of a detached garage without compliance with condition 2 (approved documents) imposed by planning permission 16/1054. The application also seeks to vary condition 5 for the retention of the western, eastern and southern boundaries of the site at a height of not less than 2.6 metres as measured from the existing ground level in lieu of 2 metres.
- 3.4 The hardstanding has been completed in accordance with the approved documents and the garage is currently under construction. This current application; however, seeks part retrospective consent for the erection of a 2.6 metre high timber close boarded perimeter fence located behind the existing hedgerows in lieu of the approved 1.8 metre high timber close boarded fence.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of three neighbouring properties and the posting of a Site Notice. In response, three representations of objection have been received; however, only two of the objectors provided their addresses.
- 4.2 The representations identifies the following issues:
1. questions the need for an additional garage;
 2. questions if the premises are being used for business purposes;
 3. questions if garage was commenced prior to granting of planning permission;
 4. use of the garage and amenity space.

5. Summary of Consultation Responses

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

Wetheral Parish Council: - objection to the proposal as the 2.6 fence will be

detrimental to the visual amenities of the local area.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP6, IP3, CC5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. A further material consideration is the City Council's Supplementary Planning Document (SPD) 'Trees and Development'.

1. Whether The Principle of Development Is Acceptable

- 6.3 Section 73A of the Town and Country Planning Act 1990 concerns determination of application to develop land already carried out without compliance with conditions previously attached. It is colloquially known as 'varying' or 'amending' conditions. Section 73A applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under S73A is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it.
- 6.4 The principle of development has been established since 2017 through the granting of planning permission (application reference 16/1054). The proposed alterations subject of this application consist of:
- increase in height of the internal perimeter fence from a 1.8 metre timber close boarded fence to 2.6 metre high timber close boarded fence
 - retention of western, eastern and southern hedgerow boundaries of the site at a height of not less than 2.6 metres as measured from the existing ground level in lieu of 2 metres
- 6.5 The permission is extant and the principle of development remains acceptable. The impact on: the living conditions of neighbouring residents; highway safety; and biodiversity are unaffected by this application. Furthermore, the proposed method for the disposal of surface water has been discharged in consultation with the Cumbria County Council, as Lead Local Flood Authority, in 2017 (application reference 17/0173). The remaining issue is discussed in the following paragraphs.

2. Impact Of The Proposal On The Character Of The Area

- 6.6 The application is before Members as Wetheral Parish Council raised

objections to the proposal as the: *"2.6 metre high fence would be detrimental to the visual amenities of the local area"*. The applicant, during the site visit, verbally confirmed to the officer that it was his intention to allow the existing hedgerows to grow higher than the minimum height of 2 metres imposed under condition 5 of application 16/1054. A revised application form has subsequently been received which now also seeks to vary condition 5 which would require the retention of the western, eastern and southern hedgerow boundaries of the site at a height of not less than 2.6 metres as measured from the existing ground level in lieu of 2 metres. At the time of preparing the report the further comments of the Parish Council are awaited and Members will be updated of their further comments.

- 6.7 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape.
- 6.8 As highlighted earlier in the report, the application seeks permission for the erection of a 2.6 metre internal timber fence and the retention of the existing boundary hedgerows at a height of 2.6 metres when measured from the existing ground level. The retention of the existing boundary hedgerows at a minimum height of 2.6 metres would assist the integration of the internal timber fence into its surroundings. In overall terms, the principle and appearance of the proposal is acceptable and would not result in any demonstrable harm to the visual amenity of the area.

3. Other Matters

- 6.9 Third parties have raised objections to the proposal; however, these objections centre on the use of the garage and amenity space. As Members are aware, each application is dealt with on its own merits. The application is for the variation of conditions 2 and 5 attached to planning approval 16/1054 only, therefore, these issues are not relevant in the determination of the application. Nevertheless, should unauthorised activities take place from the premises then this would be an enforcement matter.

Conclusion

- 6.10 In overall terms, the principle and appearance of the proposal is acceptable and would not result in any demonstrable harm to the visual amenity of the area. The variation of the conditions do not raise any planning issues in this context and in all aspects the proposals are considered to be compliant with the objectives of the national and local plan policies. Accordingly, the application is therefore recommended for approval.
- 6.11 The original planning permission continues to exist, therefore, to assist with clarity, those conditions that have not been either: discharged, part discharged; or are instructive are recommended to be repeated within the conditions as part of this planning application should Members approve the application.

7. Planning History

- 7.1 In 2013, outline planning permission was granted for the erection of a dwelling (application reference 13/0353).
- 7.2 In 2014, full planning permission was granted for erection of 1no. dwelling (application 14/0615).
- 7.3 A further application to discharge Conditions 3 (Materials); 4 (Boundary Treatment); 5 (Hard & Soft Landscape Works) And 9 (Surface Water Discharge) Of Previously Approved Application 14/0615 was granted (application reference 14/0910).
- 7.4 Also in 2015, full planning permission was granted for the erection of 1no. dwelling (revised application) (application reference 15/0089).
- 7.5 In 2017, full planning permission was granted for part retrospective planning permission for the change of use of paddock area to provide additional garden and parking area together with the erection of a detached garage (application reference 16/1054).
- 7.6 Again in 2017, an application to discharge of condition 3 (sustainable drainage scheme) of previously approved planning permission 16/1054 was granted (application reference 17/0173).

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 16th May 2018;
 - 2. the proposed storage/garage unit received 27th March 2018 (Drawing No. 53/2016/01C);
 - 3. the Notice of Decision; and
 - 4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

- 2. The drainage scheme for the site approved under planning reference 17/0173 shall be managed and maintained in accordance with the approved details.

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

- 3. The proposed development shall be used solely for private, domestic

purposes by the occupier(s) of Croftfield, Aglionby whilst resident at the premises and no trade or business shall be carried out therein or therefrom.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. The existing hedgerows to be retained to the western, eastern and southern boundaries of the site as indicated on Drawing Number 53/2016/1C received on 27th March 2018 shall be retained at a height of not less than 2.6 metres as measured from the existing ground level.

Reason: In the interests of privacy and amenity in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

SCHEDULE A: Applications with Recommendation

18/0207

Item No: 11

Date of Committee: 08/06/2018

Appn Ref No:
18/0207

Applicant:
Mr Shepherd

Parish:
Brampton

Agent:
Tsada Building Design
Services

Ward:
Brampton

Location: Moat Villa, Moat Street, Brampton, CA8 1UJ

Proposal: Erection Of Two Storey Extension To Provide Utility And En-Suite
Bedroom On Ground Floor With Study/Dayroom Above

Date of Receipt:
09/03/2018

Statutory Expiry Date
04/05/2018

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Scale And Design Would Be Acceptable
- 2.2 Impact On The Brampton Conservation Area
- 2.3 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.4 Other Matters

3. Application Details

The Site

- 3.1 Moat Villa is a detached two-storey rendered property that lies within the Brampton Conservation Area. A single-storey stone lean-to, which has a monopitch slate roof, is attached to the rear of the property and the rear boundary of this adjoins the road to the rear. The road to the rear rises uphill from west to east.

- 3.2 A parking area lies directly to the east of Moat Villa and this sits at a higher level than the dwelling. A timber fence separates the parking area from Moat Villa. A brick bungalow lies to the east of the parking area and this has a rear elevation which faces the east elevation of Moat Villa.
- 3.3 Moat Villa has a large front garden beyond which lies Spring Cottage. Moat Street adjoins the site to the west, beyond which lies 11 Moat Street, which has a front elevation facing the west elevation of Moat Villa. Residential properties also lie to the north of Moat Villa and are separated from the dwelling by a road.

The Proposal

- 3.4 The proposal is seeking planning permission to add a first floor to the existing lean-to that is attached to the rear elevation of the dwelling. The extension would have a catslide roof with dormer windows at eaves level. It would be finished in render under a slate roof, to match the existing dwelling. The dormers would contain white upvc sliding sash windows with lead cheeks and lead flat roofs. The east elevation of the extension would contain a triangular bay window at first floor level, half of which would be glazed and half of which would be solid timber.

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 five neighbouring properties. In response two letters of objection have been received.
- 4.2 The letters of objection make the following points:
- concerned about the effect on 11 Moat Street, the front of which is east facing and already gets reduced light;
 - the proposed alterations will reduce further the light into 11 Moat Street making the kitchen and living room very dark - it will make it like living in a cave;

5. Summary of Consultation Responses

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

Brampton Parish Council: - objects under Policy HO8 - the extension may cause a loss of amenity to at least one neighbouring property;

Northern Gas Networks: - no objections.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be

assessed are Policies HO8, SP6 and HE7 of the Carlisle District Local Plan 2015-2030.

The proposals raise the following planning issues:

1. Whether The Scale And Design Would Be Acceptable
- 6.2 The original plans showed two gables being provided above the lean-to and these had ridge heights of 6.1m and 6.9m (these varied due to the land rising uphill from west to east). The occupier of 11 Moat Villa objected to the proposal which he considered would lead to a loss of light to the front of his property. The Conservation Area Advisory Committee and the Council's Heritage Officer also raised concerns about the scale of the double gable and the adverse impact that this has on the existing dwelling.
- 6.3 The application has been amended to replace the two-gables with a catslide roof with dormer windows at eaves level. This has reduced the height of the extension and the width has also been reduced with a single-storey monopitch section being attached to the western elevation.
- 6.4 The extension would be finished in render under a slate roof, to match the existing dwelling. The dormer windows would contain white upvc sliding sash windows with lead cheeks and a lead flat roof. The east elevation would contain a triangular bay window at first floor level, half of which would be glazed and half of which would be solid timber.
- 6.5 The Council's Heritage Officer has been consulted on the received plans and has raised no objections to the scale and design of the extension, which is in line with his recommendations and those of the Conservation Area Advisory Committee.
- 6.6 In light of the above, the scale and design of the proposed extension would be acceptable.
2. Impact Of The Proposal On The Brampton Conservation Area
- 6.7 Section 72 (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 conservation areas. This states "*with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
- 6.8 Policy HE7 (Conservation Areas) of the adopted Local Plan requires new development within conservation areas to preserve or enhance the special character and appearance of the conservation area and its setting.
- 6.9 The proposal would add a first floor to an existing rear lean-to. This would have a catslide roof to reduce its scale and dormer windows at eaves level. The extension would be finished in render under a slate roof, to match the existing dwelling. The dormer windows would be sliding sash and would have

lead cheeks and a lead roof.

- 6.10 The area contains a range of properties which are predominantly render and stone, with a brick bungalow also adjoining Moat Villa. Slate roofs are common in the vicinity of the site. The use of render and slate is, therefore, appropriate and the Council's Heritage Officer has confirmed that he has no objections to the proposal.

- 6.11 In light of the above, the proposal would not have an adverse impact on the Brampton Conservation Area.

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

- 6.12 The occupier of 11 Moat Street has raised concerns about the impact of the originally submitted plans on his dwelling due to loss of light. The Parish Council has also objected on the basis that the extension might cause a loss of amenity to at least one neighbouring property.

- 6.12 The proposal has been revised and the height and width of the extension has been reduced and the occupier of 11 Moat Street has confirmed that he has no objections to the revised scheme. The two-storey section, which would have a maximum height of 6m, would have a side elevation 11m away from the front elevation of 11 Moat Street. Given the height of the extension, this distance is considered to be acceptable and the extension would not have an adverse impact on the living conditions of the occupiers of 11 Moat Street.

- 6.13 The ground floor window in the east elevation of the extension would be screened by an existing fence. The first floor window in the east elevation has been changed to a triangular bay window so that it does not face the rear elevation of the bungalow that lies to the east. Half of the window would be glazed and this would face The Motte, with half being infilled with timber.

- 6.14 The dormers windows would face the rear elevation of 1 Moat Terrace but these would be over 35m away.

- 6.15 The occupier of 1 Moat Terrace has raised concerns about access to the garage to the rear of the property during construction works. This is a civil matter and will need to be addressed by the applicant/ builder.

4. Other

- 6.16 The Local Highway Authority has confirmed that it has no objections to the proposal which would not have a material affect on existing highway conditions.

Conclusion

- 6.17 The scale and design of the extension would be acceptable. The extension would not have an adverse impact on the Brampton Conservation Area or on the living conditions of the occupiers of any neighbouring dwellings through loss of light, loss of privacy or over-dominance. In all aspects, the proposal is compliant with the relevant policies in the adopted Local Plan.

7. Planning History

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

8. Recommendation: Grant Permission

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

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

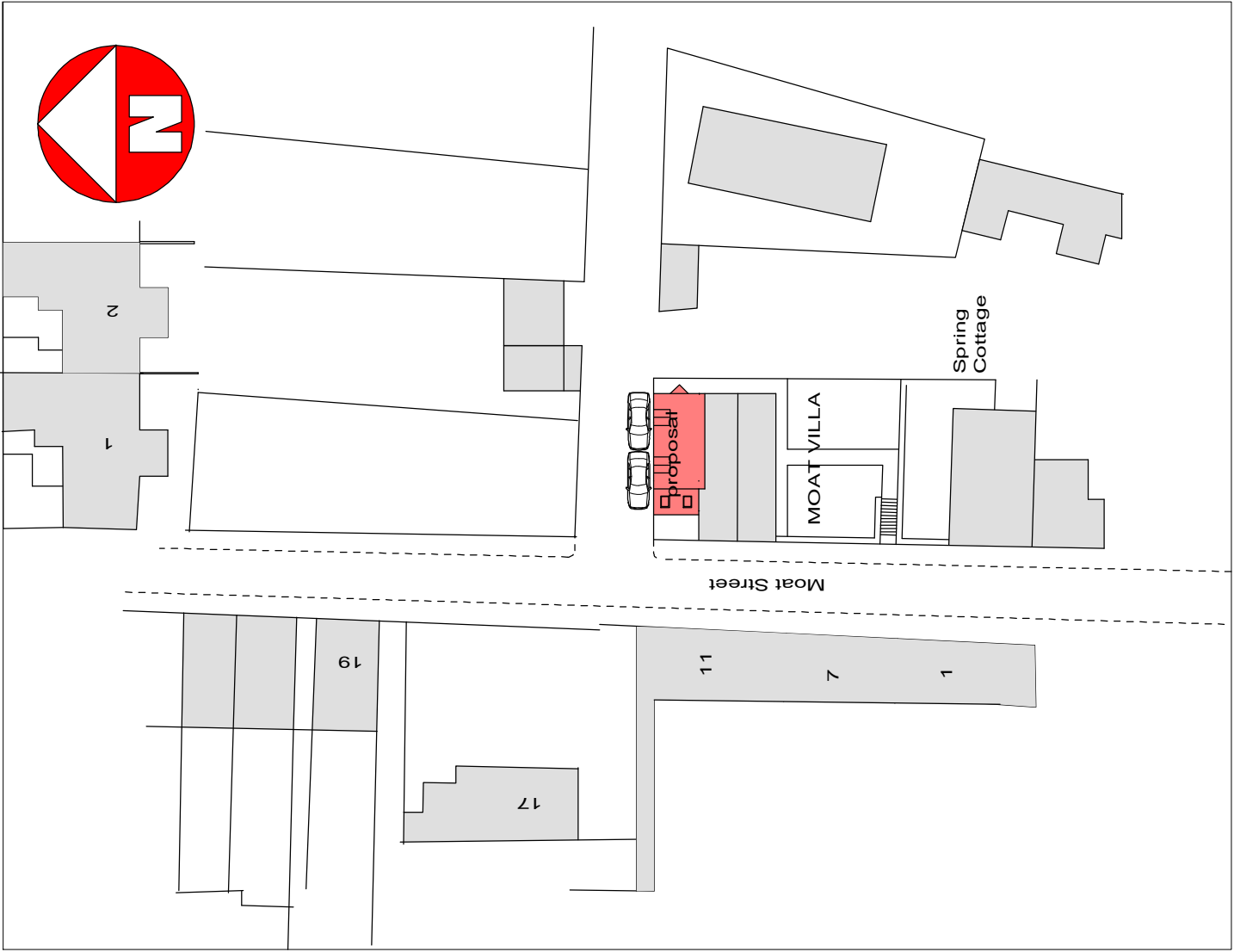
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form, received 6th March 2018;
2. Heritage Statement, received 9th March 2018;
3. Location Plan/ Block Plan/ Existing Floor Plans & Elevations, received 6th March 2018 (Dwg No. 60/2016/1);
4. Proposed Floor Plans and Elevations, received 10th May 2018 (Dwg No. 60/2016/2D);
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

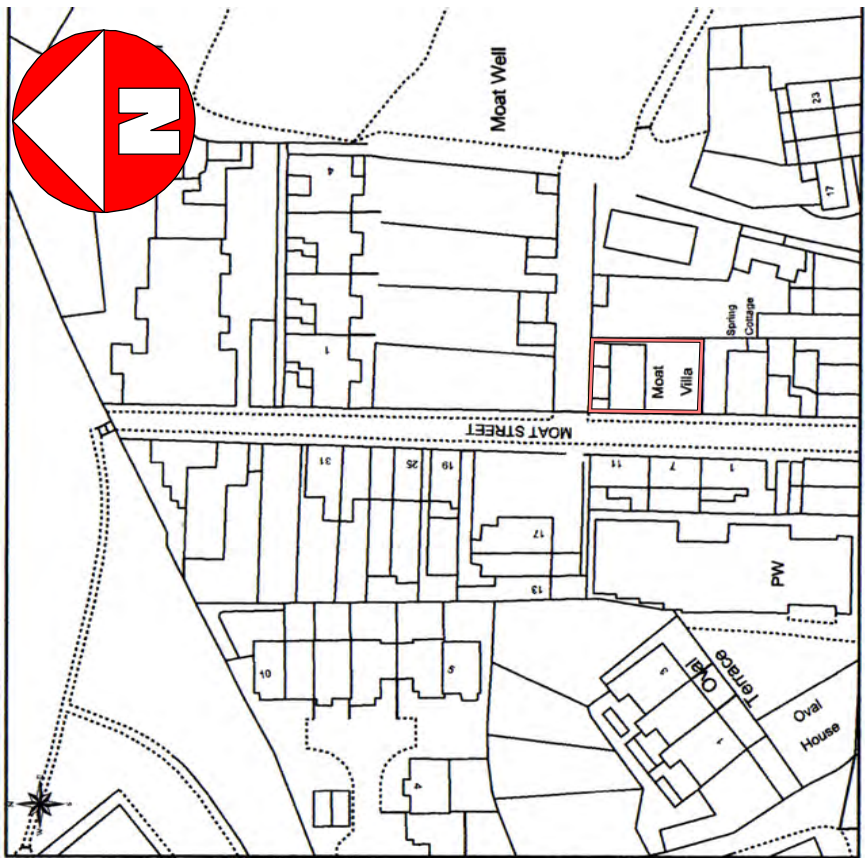
Reason: To define the permission.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the objectives of Policies LE7 and SP6 of the Carlisle District Local Plan 2015-2030 are met and to ensure a satisfactory external appearance for the completed development.



BLOCK PLAN 1.500



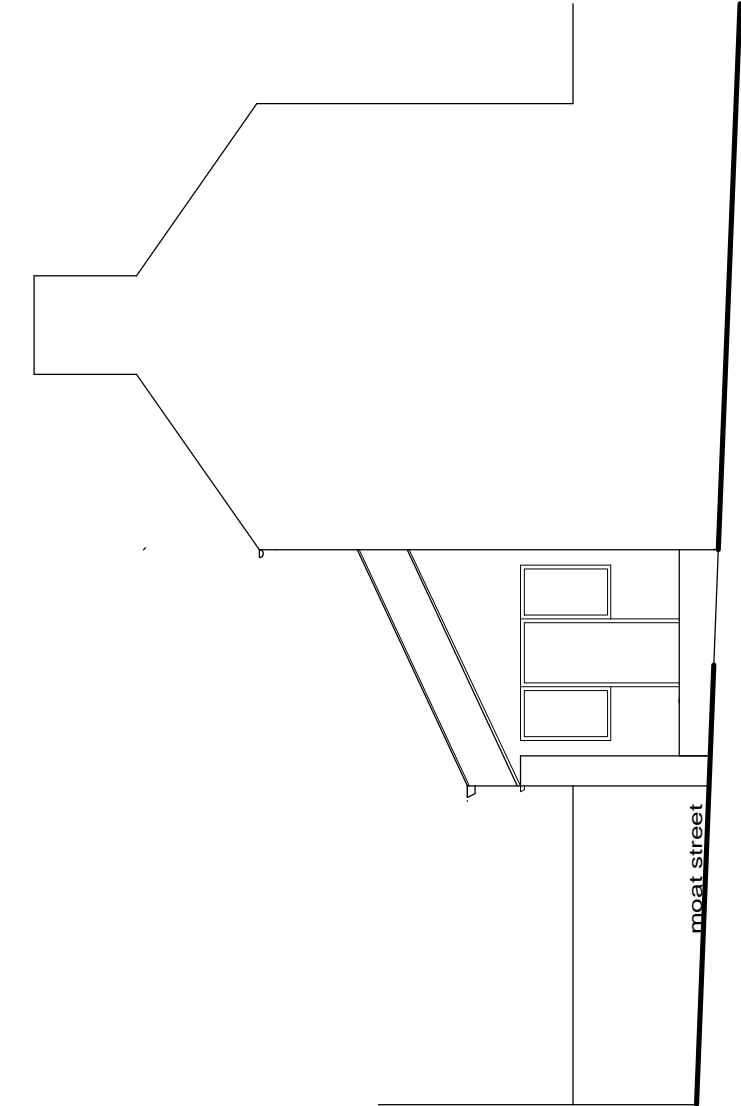
LOCATION PLAN 1.1250

TSADA BUILDING DESIGN SERVICES

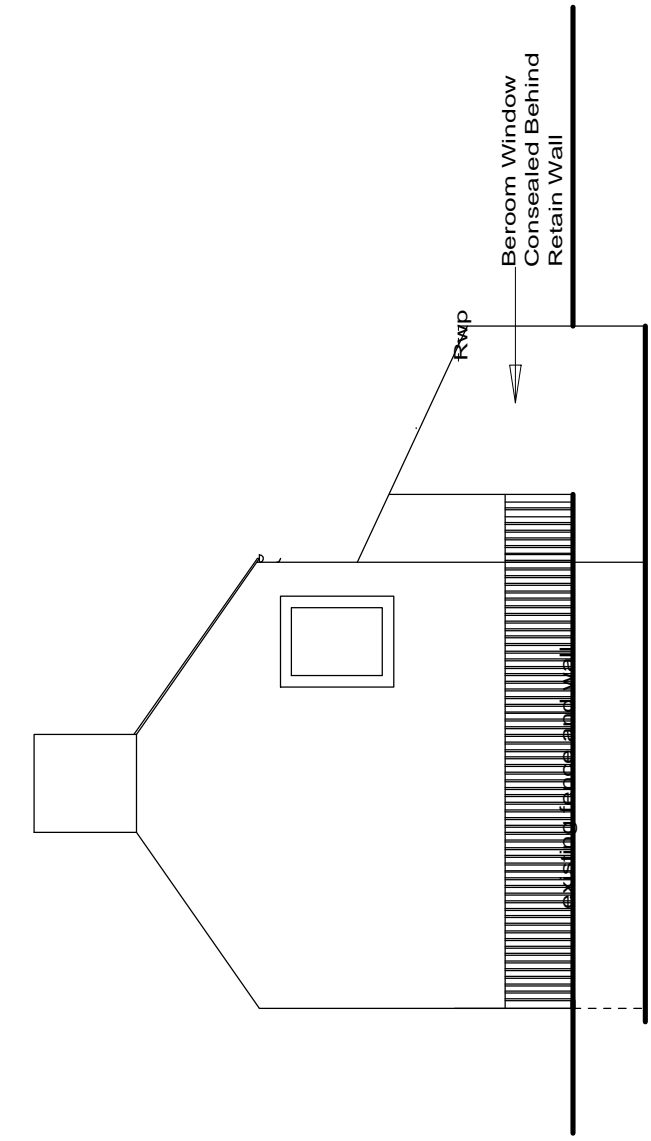
Croft House ,Newtown Irthington, Carlisle,Cumbria, CA6 4PF
Telephone: (01228) 791807
Mobile : 07436801368

Job title
As Existing Floor Plans & Elevations
Block And Location Plan
Moat Villa ,Brampton

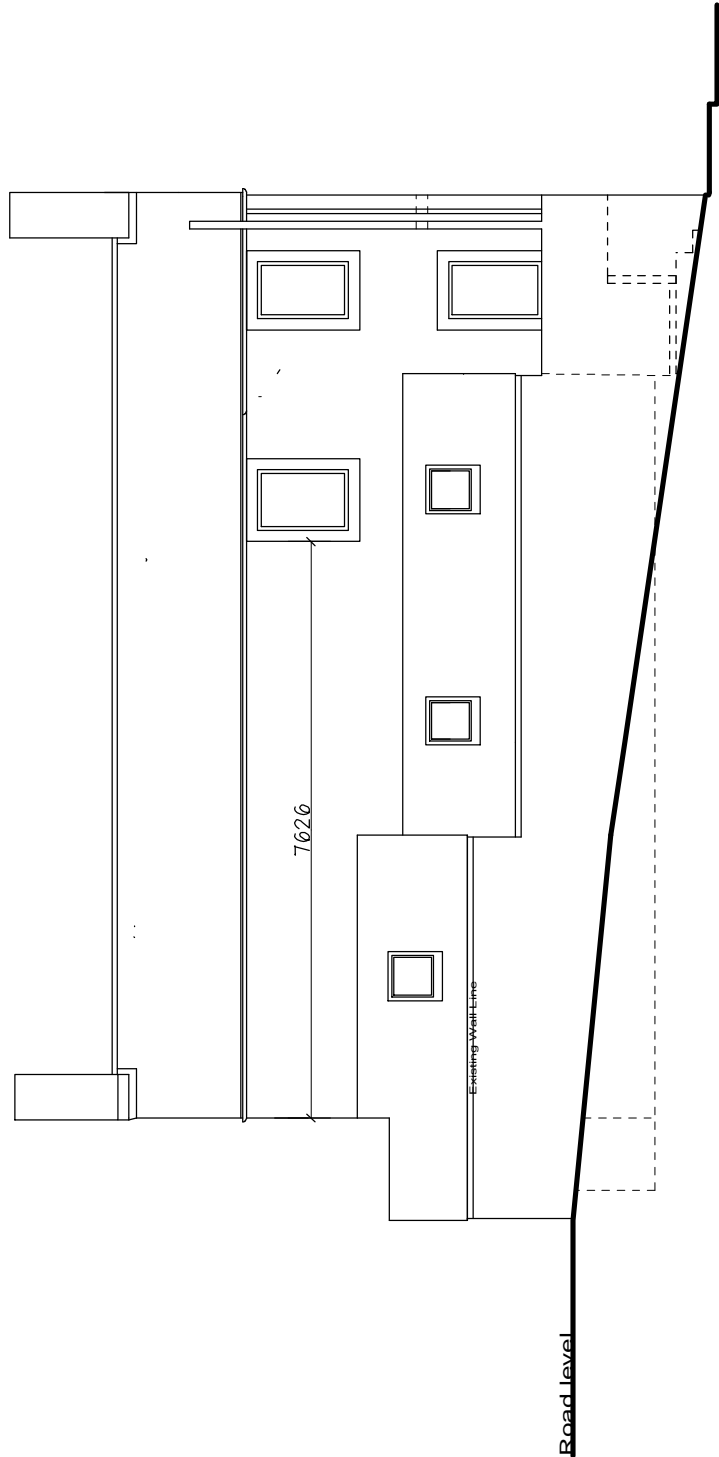
All Plans Remain The Copyright Of Tsada Building Design Services And Must Not Be Copied With Out The Consent Of The Company -
All Measurements Should Be Taken Over Scaled Dimensions. Any Discrepancies Must Be Reported To The Client Before Ordering Materials. Work Starting On The Element Of Work.



SOUTH WEST

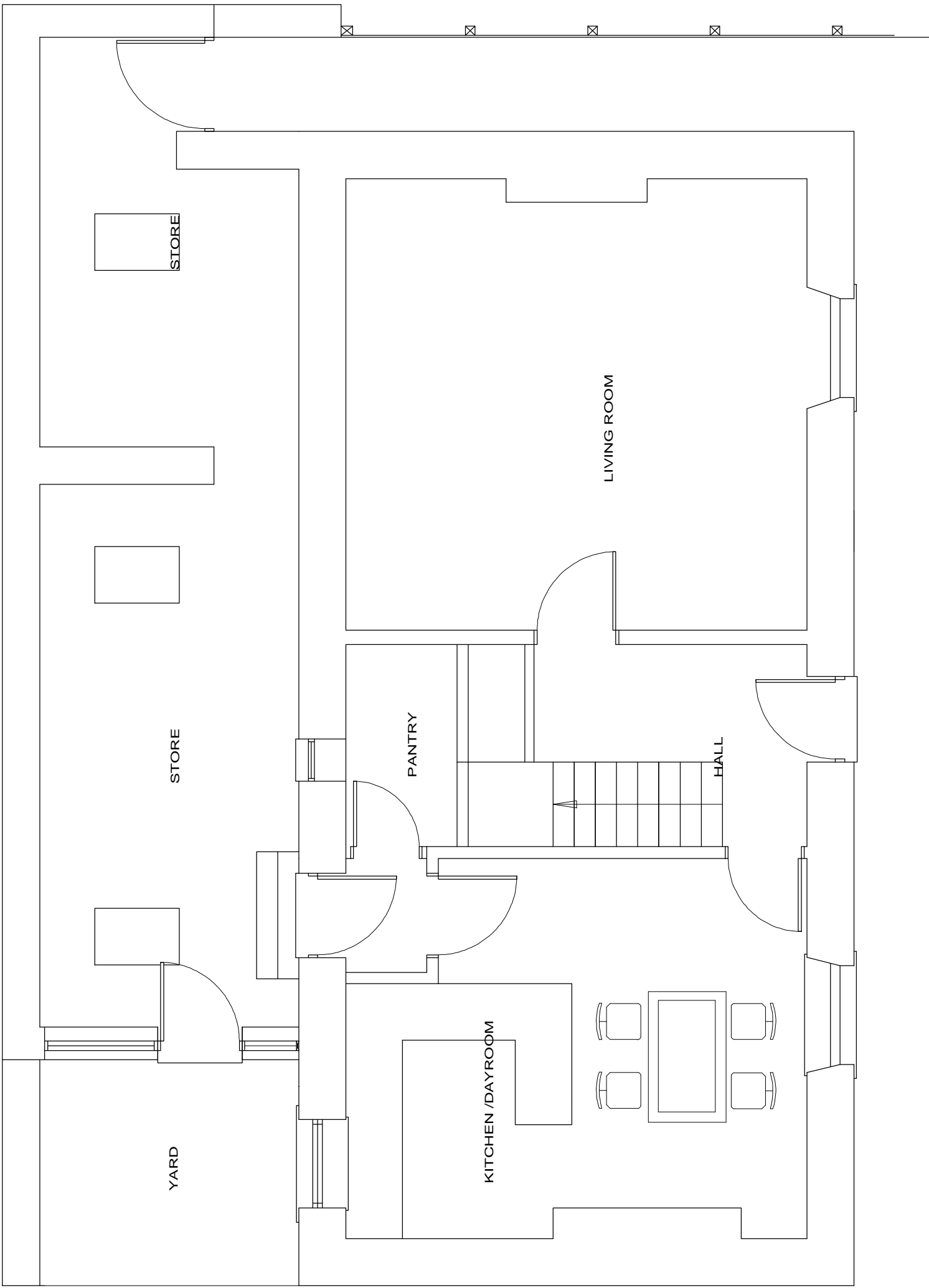


NORTH EAST



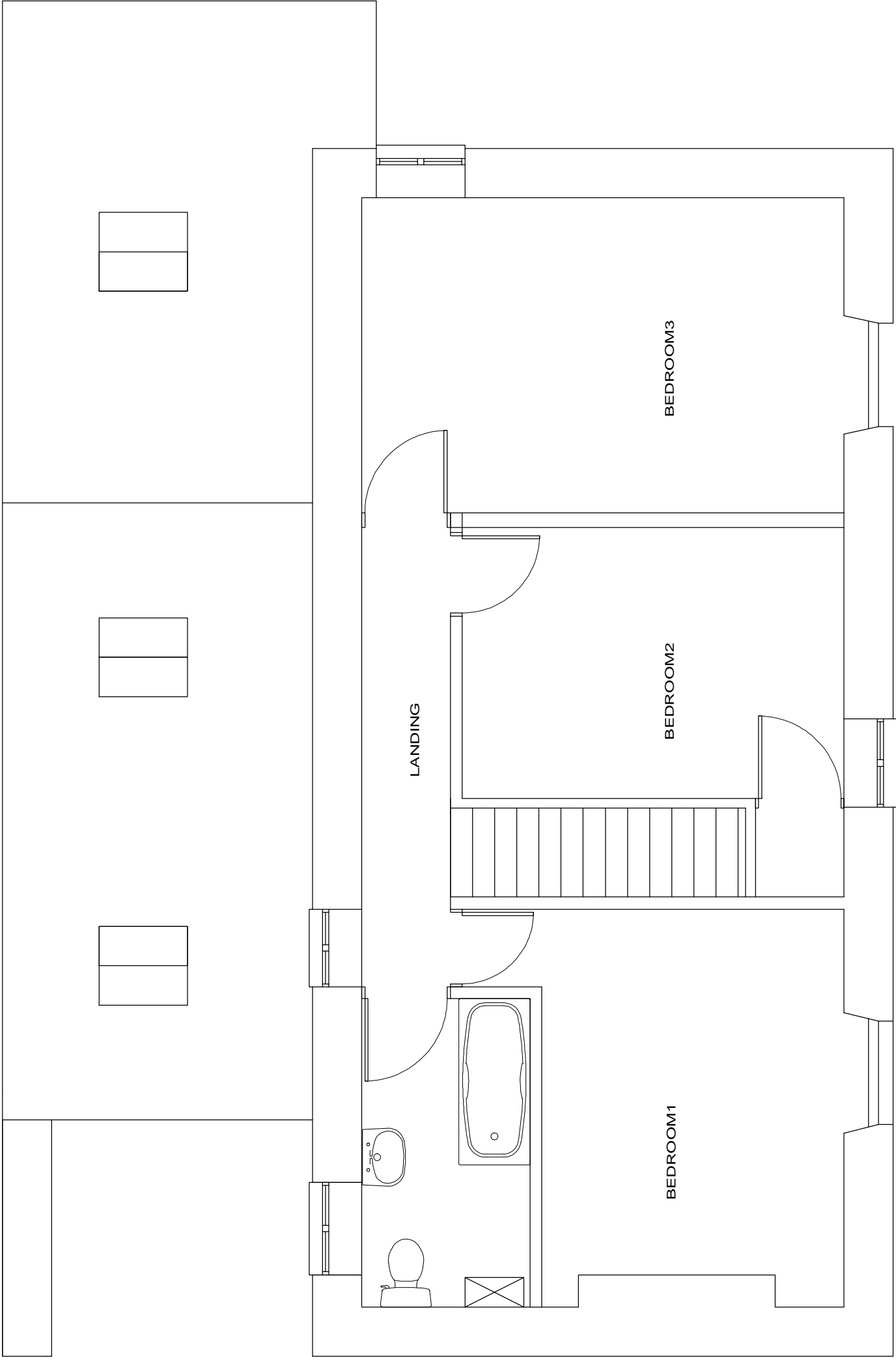
NORTH WEST

ELEVATIONS 1.100



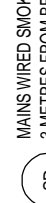
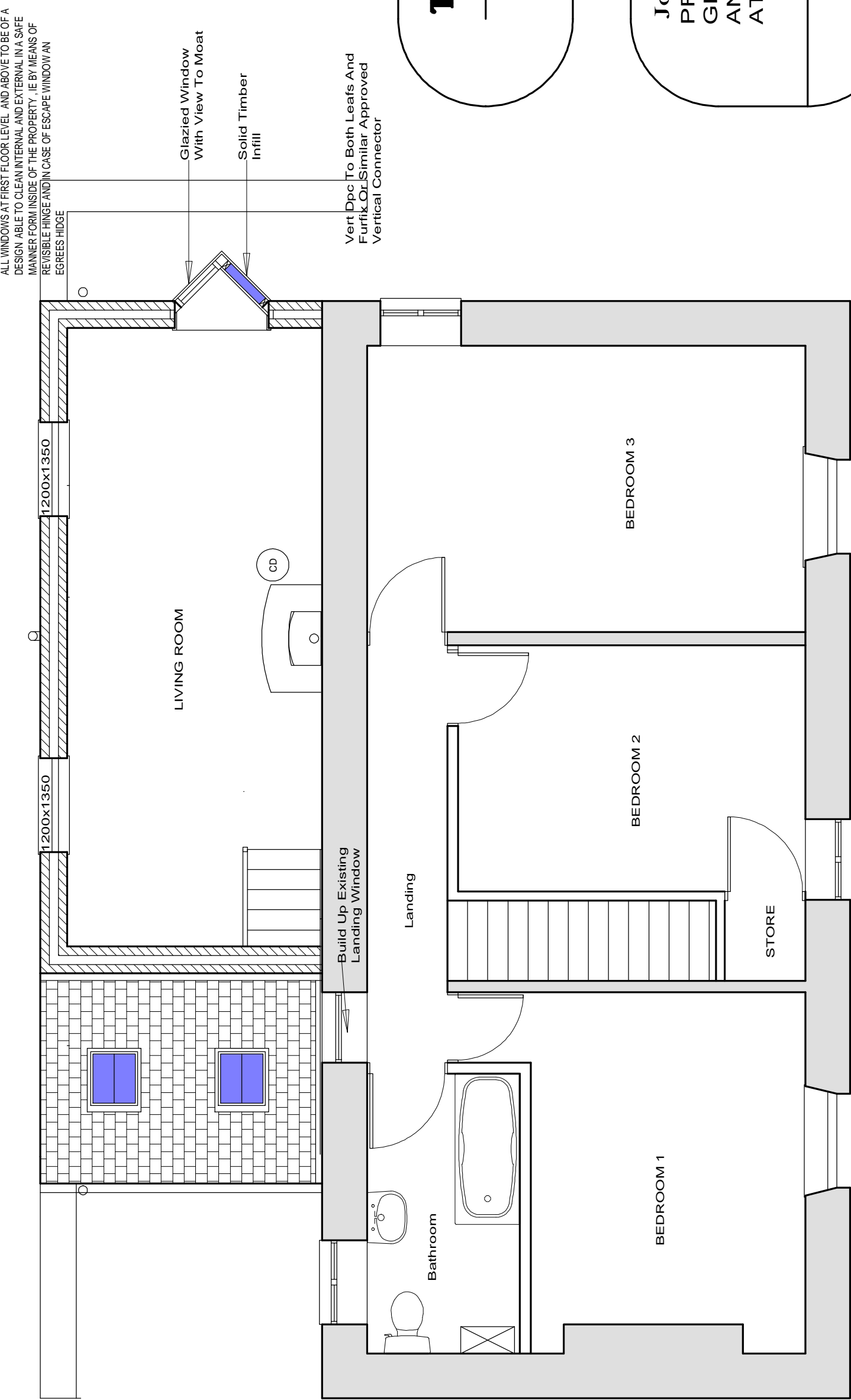
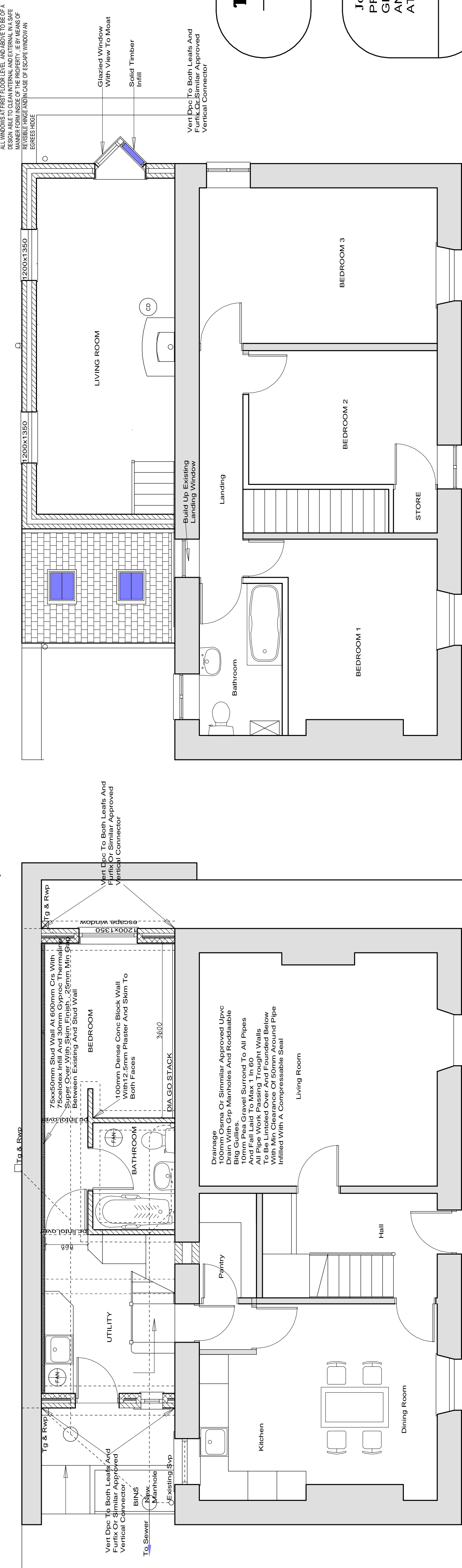
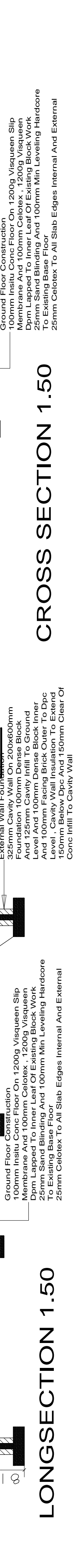
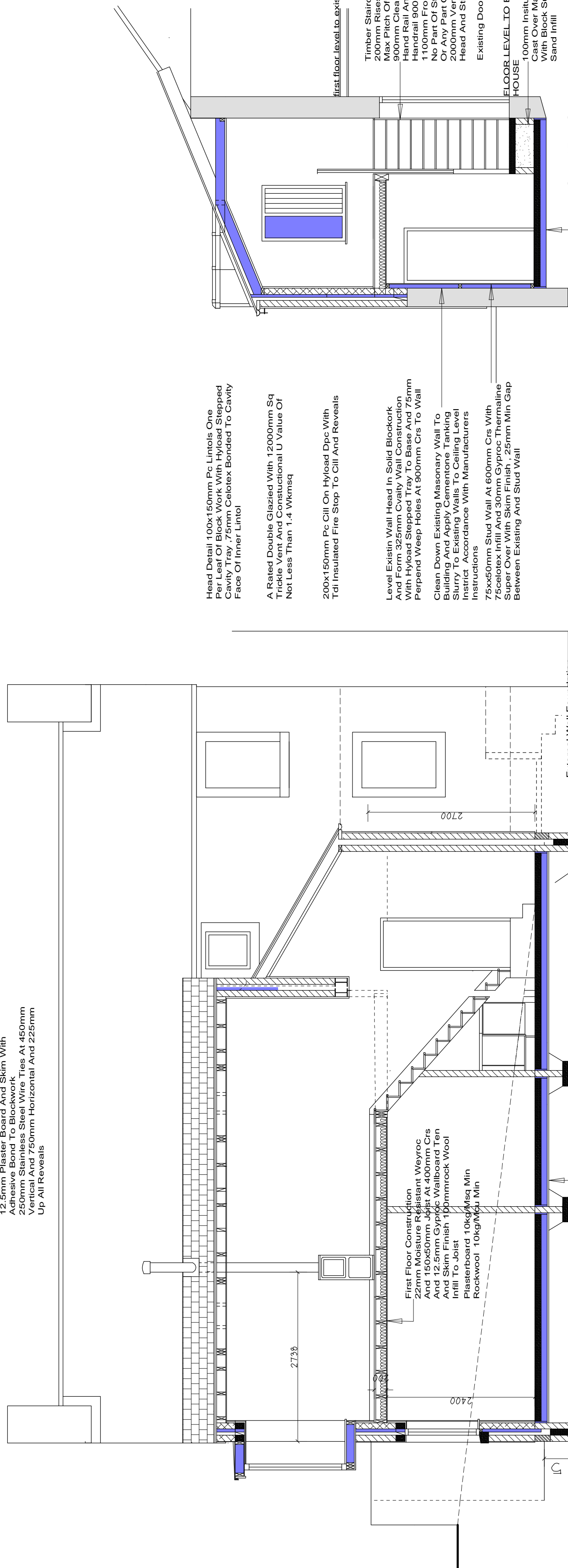
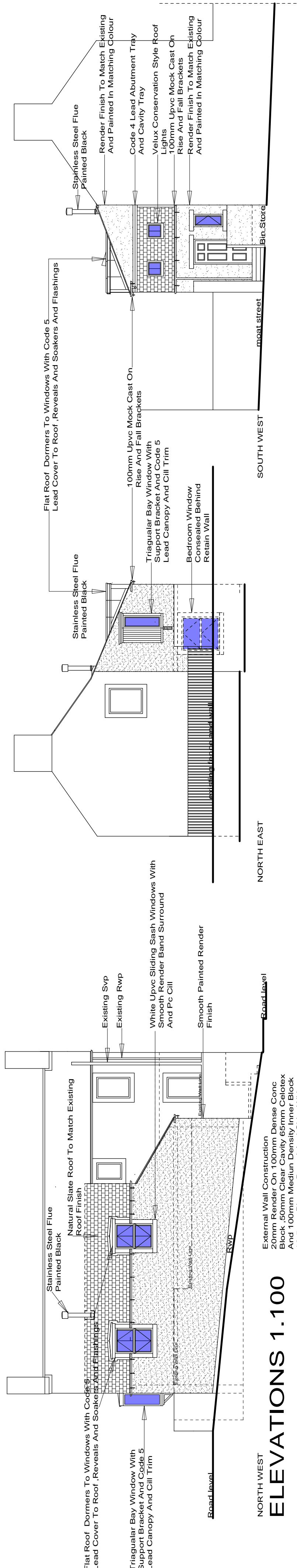
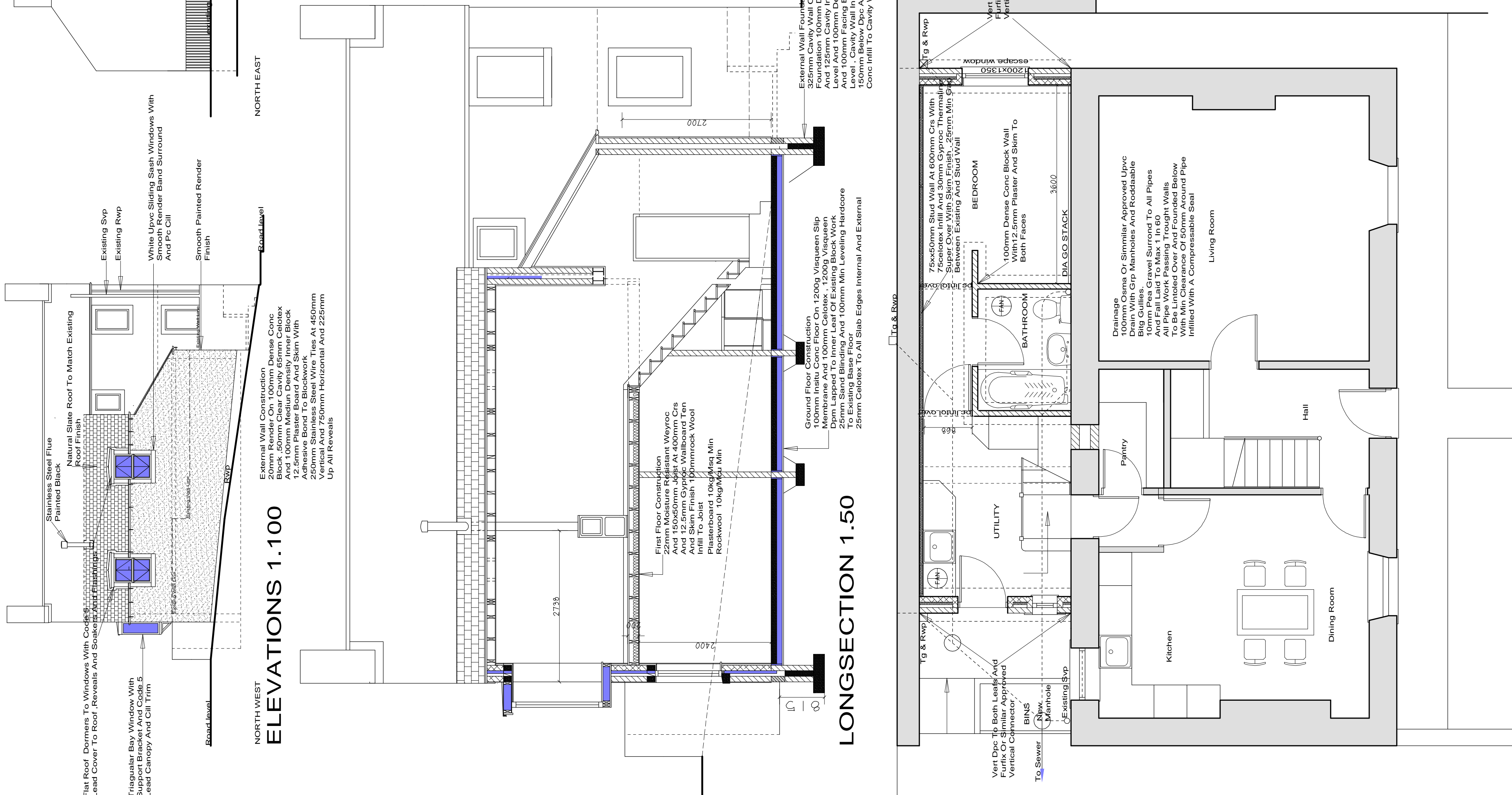
AS EXISTING GROUND FLOOR PLAN

FLOOR PLANS 1.50



AS EXISTING FIRST FLOOR PLAN

Drawing by		Amendments		Client	
W.R.FAULDER		A	23/5/2018	MR D SHEPHERD MOAT VILLA MOAT STREET BRAMPTON CA6 1UJ	
Date				Drig No.	
29/12/2016				60/2016/1a	
				Scale	
				As Shown@ A1	



TSADA BUILDING DESIGN SERVICES

Croft House ,Newtown Irthington, Carlisle,Cumbria, CA6 4PF
Telephone: (01228) 791807
Mobile : 07436801368

Job title
PROPOSED REAR EXTENSION TO FORM
GROUND FLOOR UTILITY,ENSUITE BEDROOM
AND FIRST FLOOR STUDY,DAY ROOM
AT MOAT VILLA ,BRAMPTON

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ALL WRITTEN DIMENSIONS SHOULD BE TAKEN OVER SCALED DIMENSIONS. ANY DISCREPANCIES MUST BE REPORTED TO THE CLIENT BEFORE ORDERING MATERIALS, WORK STARTING ON THAT ELEMENT OF WORK.

Drawing by W.R.FAULDER Date 29/12/2016	Amendments		Client MR D SHEPHERD 100A WINDING MOAT STREET BRAMPTON CA8 1UJ
	B	Revised Roof Design	
	C	Revised Walling	
	D	Entrance Amended & Flue Added	

SCHEDULE B

SCHEDULE B

Item No: 12

Between 14/04/2018 and 23/05/2018

Appn Ref No:
17/0802**Applicant:**
Mr D Williamson**Parish:**
Wetheral**Date of Receipt:**
22/09/2017**Agent:**
Jock Gordon Architectural
SVS Ltd**Ward:**
Great Corby & Geltsdale**Location:**Land adjacent 12 The Whins, Heads Nook,
Brampton, CA8 9AL**Grid Reference:**

349228 555159

Proposal: Erection Of 1no. Dwelling (Outline) (Revised Application)**Amendment:**

REPORT**Case Officer:** Stephen Daniel**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Dismissed**Date:** 04/05/2018

Appeal Decision

Site visit made on 17 April 2018

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2018

Appeal Ref: APP/E0915/W/17/3192682

Land adjacent to 12 The Whins, Heads Nook, Brampton, Cumbria CA8 9AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Williamson against the decision of Carlisle City Council.
 - The application Ref: 17/0802, dated 19 September 2017, was refused by notice dated 17 November 2017.
 - The development proposed is the erection of one detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The development proposal was submitted in outline with all matters except for access reserved for future approval. Whilst a block plan has been provided which shows, in addition to the proposed access route, a footprint for the proposed dwelling, siting is one of the matters reserved for future approval. I have, therefore, treated the footprint of the building shown as being for illustrative purposes only and determined the appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of the adjacent residential properties, with particular regard to noise and disturbance.

Reasons

4. Policy SP6 of the Carlisle District Local Plan 2015-2030 (the Local Plan) expects new development, amongst other matters, to ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses. The National Planning Policy Framework (the Framework) also seeks to ensure that new development is of a high design quality that results in a good standard of amenity for all existing and future occupiers of land and buildings.
5. The appeal proposal would result in a new dwelling being situated to the rear of two existing dwellings, numbers 12 and 14 The Whins, with the vehicular access passing between the two dwellings. This would involve relocating the existing boundary fence between the garden areas of these houses to create the access route.

6. I saw when I visited the site that number 12 The Whins has a ground floor window to a habitable room on the side elevation and at the rear there is a conservatory and a decking area. The neighbouring dwelling at number 14 has several windows in the side elevation that would face the proposed new access. In addition, **this dwelling's** principal outdoor space, including a raised decking area would also be located adjacent to the new access. The overall extent of this outdoor space would be slightly reduced by the repositioning of the boundary fence to create the new vehicular access.
7. The proposed access to the new dwelling would pass approximately 1 metre from the side elevation of number 12 and would result in additional vehicle movements, close to the side window and the conservatory at the rear of the house. The distance to number 14 would be slightly greater, however, a greater number of windows would be affected. Although the number of vehicle movements associated with a single dwelling would not be large, the proximity of the access to the adjacent dwellings would exacerbate any disturbance caused by passing vehicles. The proposed access point would also result in increased noise at the rear of both existing dwellings from vehicles starting and manoeuvring, vehicle doors opening and closing, the operation of vehicle audio systems and the general movements associated with residential occupation.
8. Consequently, I consider that the proximity of the proposed access to the new dwelling is such that noise and disturbance from vehicles using the access would cause substantial harm to the living conditions of the occupiers of the adjacent residential properties.
9. **I have noted the appellant's point that he** owns the properties to either side of the proposed access could make any alterations required to properties. Whilst it is suggested that the ground floor window in the side elevation of number 12 could be blocked up, this would not resolve the issue of noise to the rear of the property affecting the conservatory and rear decking area, where occupiers might reasonably expect lower noise levels.
10. It is also suggested that the proposed height of the fence to each side of the access could be increased from 1.8 metres to 2 metres. No evidence has been provided in respect of how much additional noise attenuation would be achieved by this, however, as this would not result in a significant increase in the overall height, it would not, in my judgement, be sufficient to make the proposal acceptable.
11. In addition, I observed during my site visit that the principal external space of number 14 is not large and is currently enclosed by a tall fence. The reduction in the size of this external space to accommodate the creation of the new access, combined with increasing the fence height to 2 metres would result in this external space appearing oppressively constrained. Consequently, I would **concur with the Council's position that alterations to the existing properties** would not overcome the harm that would be caused by the new access.
12. **I have also had regard to the appellant's point that an access has been created** to a new development site further up the street. I was able to see this on my site visit. Whilst this access passes close to an existing property, it passes the front elevation and as such is not directly analogous to the appeal proposal. This access would not affect accommodation at the rear of the properties that it runs between to the same extent as the appeal proposal.

13. I am mindful that the Council consider that the appeal site is in a suitable location in terms of access to shops, services and facilities and have not raised objections to the proposal on highways grounds. However, these points do not outweigh the harm that would result from the use of the proposed access.
14. I therefore conclude that the proposed development would cause harm to the living conditions of the occupiers of the adjacent residential properties with particular regard to noise and disturbance. It would conflict with the relevant requirements of Policy CP6 of the Local Plan and the Framework which seek to ensure that new development does not prejudice the living conditions of the occupiers of existing buildings.

Conclusion

15. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

Report to Development Control Committee

Agenda
Item:
A2

Meeting Date: 8th June 2018
Portfolio: Economy, Enterprise and Housing
Key Decision: Not Applicable:
Within Policy and
Budget Framework YES
Public / Private Public

Title: Application for works to a tree protected by a Tree Protection Order
Report of: Director of Economic Development
Report Number: ED/19/18

Purpose / Summary:

This report relates to an application for works to a Maple Tree located at the rear garden of 3 Lime House Gardens. The assessment has taken into account of all concerns raised by neighbouring residents. The Council has commissioned Westwood Landscape to carry out a site inspection and an independent assessment of this Maple tree, and the applicant has revised the proposal in accordance with the recommendations made within the Tree report.

Recommendations:

It is recommended that permission is granted for the proposal to reduce the crown of this Maple tree by 2m maximum; to remove a lower limb and to add topsoil to the exposed surface roots.

Tracking

Executive:	
Scrutiny:	
Council:	

1. BACKGROUND

- 1.1** On 30th October 2015, TPO 277 was confirmed by Carlisle City Council to protect a group of 3no. trees (1no. Oak, 1no. Birch and 1no. Maple) located to the rear gardens of 1 to 3 Lime House Gardens.
- 1.2** In November 2015, an application (15/0020/TPO) was submitted by the previous owner of 3 Lime House Gardens to fell the Maple tree. This application was refused by the Development Control Committee on 18th March 2016. The reason for this refusal was that the impact caused by the loss of the tree is greater than the benefits that will accrue to the applicant as a result of the tree removal.
- 1.3** This current application was submitted by the new owner of 3 Lime House Gardens and the proposal originally was for the removal of this Maple tree.
- 1.4** During the site inspection, it is the Case Officer's opinion that this Maple tree in question is in good condition. As such, it is difficult to justify the removal of a healthy, protected tree that provides a moderate to high amenity value. This was reflected to the applicant during a site meeting, who subsequently confirmed to amend the description of the proposal to reduce the crown of the tree by 2m maximum; to remove a lower limb extending eastwards to balance the crown of the tree and to add topsoil to all exposed surface roots.

2. PROPOSALS

- 2.1** The application seeks permission to reduce the crown of a Maple tree by 2m maximum to remove all peripheral deadwood; to remove a lower limb extending eastwards to rebalance the tree and to add topsoil, to a minimum depth of 50mm, to all exposed surface roots.

3. CONSULTATION

- 3.1** This application was registered as valid on 12th February 2018. The application was advertised by means of a site notice. During the initial consultation 8 letters of objection were received. The main concern raised within the objection letters is that the removal of this tree would have a detrimental impact to the overall amenity of the area.

- 3.2** Following the change in the description of the proposal, all neighbours were re-consulted and 7no. letters of objection to the revised application were received. The main issues/concerns raised are summarised as follow:
- a) the proposed crown reduction would seriously stunt its shape and damage it irreparably
 - b) The proposed crown reduction would reduce the value of the group of TPO trees
 - c) The proposed crown reduction would not significant increase the amount of light entering 3 Lime House Gardens
 - d) The Council should seek independent assessment conducted by a qualified arboriculturist to find out the best course of action to this protected Maple tree.
- 3.3** Wetheral Parish Council were also consulted on this application. They have objected to the original proposal to fell this tree and considered that the removal of certain lower branches would be sufficient to resolve the problem of light restriction. The Parish Council did not make any representations on the revised proposal.

4. Assessment

- 4.1** The Maple tree in question is located at the rear garden of 3 Lime House Gardens. It is considered that this Maple tree has a moderate to high landscape and amenity value to the area as it provides a natural landscape buffer and partial screen between properties of Lime House Gardens and the longer established properties of Jennet Croft.
- 4.2** During the initial site inspection, the tree was considered to be in reasonably good condition, apart from that the main stem of the tree has a prominent lean towards 3 Lime House Garden. The tree shows no evidence of significant defects or reduced vigour. Accordingly, the Case Officer found it difficult to justify the felling of this tree.
- 4.3** Following several discussions and a site meeting with the applicant, the applicant has decided to amend the proposal to reduce the crown of this Maple tree by 2m maximum. The main reason for the proposed crown reduction is to reduce the overall overshadowing and overbearing impact of the tree towards 3 Lime House Gardens.
- 4.4** On 26th April 2018, the Council commissioned Westwood Landscape to carry out a site inspection and an independent assessment of this Maple tree. The tree report

submitted by Westwood Landscape (Appendix B) concludes that the tree is in good condition and that there are works that could be done to safeguard the safety of the occupiers of 3 Lime House Gardens and to improve the overall health of the tree. The report has made the following recommendations:

- The tree should be retained to maintain the landscape and amenity value of the area.
- Removal of the lower limb extending eastwards with a cut close to main stem. This will balance the crown of the tree and reduce the load on the east side to alleviate pressure on the leaning main stem.
- Minor crown reduction of approximately 1m around the outer margins and certainly no more than 2m to include the removal of peripheral deadwood.
- Removal of two hanging branches which are evident in the canopy for safety reasons
- Addition on topsoil (50mm minimum depth) to exposed surface roots and re-turfing or re-seeding to lawn to ensure protection of tree roots from abrasion and mower damage and from desiccation in dry conditions.
- Monitoring of health of tree in 12 months from pruning work to assess tree condition and adaptation and advise on further action as required.
- Additional planting of trees within the garden is recommended to ensure that there is a future replacement for the Maple tree. Light foliage and small canopy trees are recommended such as *Betula* and *Prunus spp.*

4.5 The applicant has taken into account the aforementioned recommendations and agreed to further amend the description of the proposal on 4th May 2018. Wetheral Parish Council and all neighbours were re-consulted on this revised proposal on 8th May 2018. No comments have been received in relation to the latest proposal revision.

4.6 Overall, it is considered that the revised proposal would not structurally harm or significantly affect the long term health of the protected Maple tree. By reducing the overall crown size and removing a lower limb of the tree would facilitate the tree to rebalance itself, and subsequently lessen the degree of the lean and alleviate the resultant overshadowing and overbearing impact, in particular towards the first floor bedroom windows of 3 Lime House Gardens. By removing all the peripheral deadwood, it would help to safeguard the safety of the occupiers of 3 Lime House Gardens.

4.7 Several objectors mentioned in their objections that the new owners of 3 Lime House Gardens should be aware that the tree is protected by a TPO and that they

had the opportunity before completing the purchase to decide whether the presence of the Maple tree would have a detrimental effect on their enjoyment of the property. That being said, given that the applicant had revised the proposal and that the revised proposed works are considered to be in the interest of good arboricultural practice, it is not considered that the proposed works would detrimentally affect the current landscape and amenity value of the tree, but would enhance the health of the tree in the long term.

- 4.8** No tree is proposed to be felled and the proposed work will not detrimentally affect the long term health of the Maple tree in question. Whilst it is incontrovertible that the proposed work would temporarily affect the visual amenity of the area, it is felt that the impact would only be minor. Whilst several objectors argue that the proposed would reduce the value of the whole group of TPO trees, it is felt that the impact is temporary only. As such, it is not felt that the impact of the proposal on the amenity of area would be detrimental enough to warrant refusal of this application. Overall, it is considered that the extent of works proposed to the Maple trees is appropriate, as it would alleviate the tree's overbearing and overshadowing effect to 3 Lime House Gardens, without exerting any detrimental, long term, irreversible impact on the tree or the character of the surrounding area.

5. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 5.1** This Maple tree in question should be retained to maintain the landscape and amenity value of the area. However, due to the proximity of the tree and the property, this tree has some overshadowing and overbearing impact towards the property, 3 Lime House Gardens, which further exacerbated by the pronounced lean of the Maple tree towards the property.
- 5.2** Overall, it is considered that the proposal to reduce the crown by 2m maximum; to remove all peripheral deadwood; to remove a lower limb which extend eastwards and to add topsoil (50mm minimum depth) to exposed surface roots, would allow the tree to rebalance and that the proposed works are considered to be in the interest of good arboricultural practice. The proposal will not significantly nor detrimentally affect the long term health of these trees, nor would the proposal has a long term adverse impact on the character or visual amenity of the area. As such, it is suggested that this application is approved with conditions to restrict that all works are to be carried out in accordance with BS3998:2010 - Recommendation for Tree Works.

Contact Officer: Alanzon Chan

Ext: 7260

**Appendices
attached to report:**

- **Appendix A – Location Plan (Provisional landscaping Plan)**
- **Appendix B – Independent Tree Assessment Report by Westwood Landscape**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **Planning Practice Guidance Tree Preservation Orders and Trees in Conservation Areas**

CORPORATE IMPLICATIONS/RISKS:

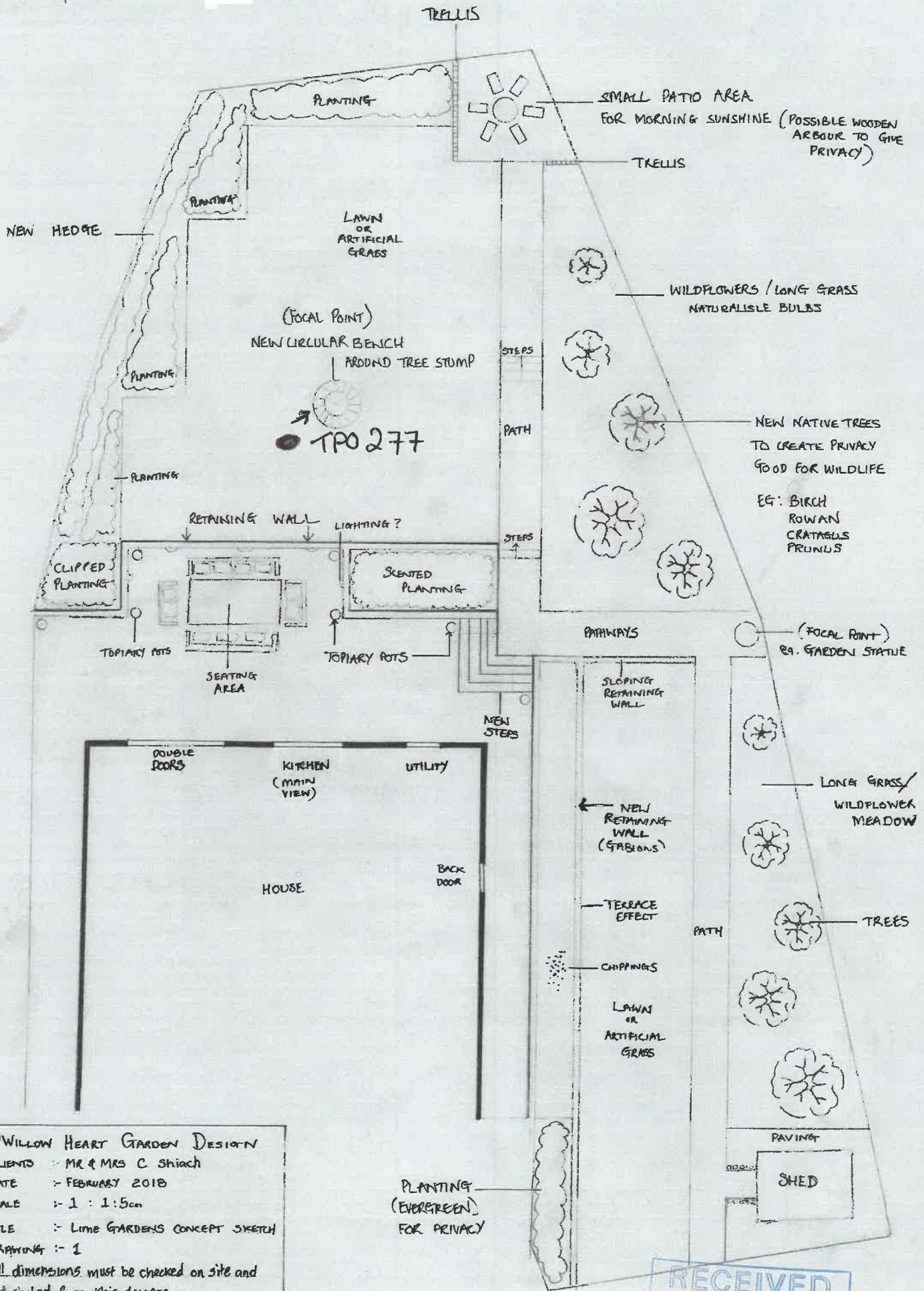
Community Services – N/A

Corporate Support and Resources – N/A

Economic Development – Contained within the report

Governance and Regulatory Services – Contained within the body of the report

TPO 277



©WILLOW HEART GARDEN DESIGN
 CLIENTS : MR & MRS C Shiach
 DATE : FEBRUARY 2018
 SCALE : 1 : 1.5cm
 TITLE : Lime GARDENS CONCEPT SKETCH
 DRAWING : 1
 All dimensions must be checked on site and
 not scaled from this drawing.

RECEIVED
 10 APR 2018
 18/0005/TPO



3 LIME HOUSE GARDENS- TREE REPORT

Introduction

Westwood Landscape were commissioned by Carlisle City Council on 26th April 2018 to carry out a site inspection and brief appraisal and recommendations for a tree which was the subject of an Application for Works to a TPO. Objections from neighbouring properties had been received from the LPA which required an independent professional assessment.

Tree Assessment

The mature Acer spp tree was inspected on 25th April 2018 by surveyor Bruce Walker, Chartered Landscape Architect with LANTRA Professional Tree Inspector Certification. The tree is situated within a close mown lawn area to the rear garden of the property and is protected with a TPO.

It is considered to contribute moderate to high landscape and amenity value to the area as it provides a natural landscape buffer and partial screen between the houses of Lime House gardens and the longer established properties of Jennet Court. It enhances the setting of several properties at Lime House Gardens and Jennet Court.

The tree is in reasonably good condition with a natural broad canopy and structurally stable although an easterly lean of the main stem towards the property 3 Lime House Gardens was noted which is exacerbated by a large lower limb which extends considerably eastwards.

A retaining wall has been erected to achieve the platform for the house at 3 Lime House Gardens which will have required the severance of minor roots of the tree around the periphery of the RPA during the construction of the property. Some roots are exposed at the surface of the lawn and minor abrasion damage is evident probable from lawn mower action.

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Photographs



Photo 1 View eastwards showing the Maple tree in the context of the house and balanced crown from this aspect.

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Photo 2 View southwards showing the existing gradient to the lawn and the easterly lean of the tree towards the property.

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Photo 3 showing the lower limb extending eastwards towards the property and the main stem lean eastwards.

Recommendations

1. The tree should be retained to maintain the landscape and amenity value of the area.
2. Removal of the lower limb extending eastwards with a cut close to main stem. This will balance the crown of the tree and reduce the load on the east side to alleviate pressure on the leaning main stem.
3. Minor crown reduction of approximately 1m around the outer margins and certainly no more than 2m to include the removal of peripheral deadwood.
4. Removal of two hanging branches which are evident in the canopy for safety reasons.

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5. Addition on topsoil (50mm minimum depth) to exposed surface roots and re-turfing or re-seeding to lawn to ensure protection of tree roots from abrasion and mower damage and from desiccation in dry conditions.
6. Monitoring of health of tree in 12 months from pruning work to assess tree condition and adaptation and advise on further action as required.
7. Additional planting of trees within the garden is recommended to ensure that there is a future replacement for the Maple tree. Light foliage and small canopy trees are recommended such as *Betula* and *Prunus spp*

The current landscape and amenity value of the tree will not be significantly reduced by the pruning recommended and the health of the tree will be maintained in the short term and enhanced in the longer term.

Bruce Walker
Chartered Landscape Architect

26th April 2018

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