

AGENDA

Development Control Committee

Friday, 24 June 2022 AT 10:00

In the Cathedral Room, Civic Centre, Carlisle, CA3 8QG

APOLOGIES FOR ABSENCE

To receive apologies for absence and notification of substitutions.

DECLARATIONS OF INTEREST

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

PUBLIC AND PRESS

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

MINUTES OF PREVIOUS MEETINGS

5 - 18

To approve the minutes of the meetings held on 13 May, 22 June and 22 June 2022 (site visits).

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

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

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| | <u>Explanatory Notes</u> | 19 - 24 |
| 1. | <u>Application - 19/0244 - Land at field 3486, Monkhill Road, Moorhouse, Carlisle</u> | 25 - 84 |
| 2. | <u>Application - 21/1143 - Land adjacent to Meadow Cottage, Tarraby, Carlisle, CA3 0JS</u> | 85 - 118 |
| 3. | <u>Application - 22/0087 - Firbank Farm Buildings, Firbank, Westlinton, CA6 6AQ</u> | 119 - 138 |
| 4. | <u>Application - 22/0088 - Firbank Farm, Firbank, Westlinton, CA6 6AQ</u> | 139 - 152 |
| 5. | <u>Application - 22/0078 - Bridge End Inn, Bridge End, Dalston, Carlisle, CA5 7BH</u> | 153 - 174 |
| | <u>SCHEDULE B - DECISIONS TAKEN BY OTHER AUTHORITIES</u> | 175 - 196 |

PART B

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

-NIL-

Members of the Development Control Committee

Conservative – Mrs Bowman, Christian, Mrs Finlayson, Meller, Morton, Shepherd, Lishman (sub), McKerrell (sub), Mrs Mitchell (sub)

Labour – Alcroft, Mrs Glendinning, Southward, Wills, Birks (sub), Brown (sub), Whalen (sub)

Independent - Tinnion

Independent and Liberal Democrat - Bomford, Allison (sub)

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

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



Development Control Committee

Date: Friday, 13 May 2022

Time: 10:00

Venue: Cathedral Room

Present: Councillor Ruth Alcroft, Councillor Lisa Brown, Councillor Nigel Christian, Councillor John Collier, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Keith Meller, Councillor David Morton, Councillor David Shepherd, Councillor Christopher Southward, Councillor Raymond Tinnion
Councillor Mrs Linda Mitchell (for Councillor Mrs Marilyn Bowman)

Also Present: Councillor Wills (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 21/0744 – Land at Currock Yard, Off South Western Terrace, Carlisle, CA2 4AY.

Councillor Higgs (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 22/0093 – Croft Villa, Wetheral, Carlisle, CA4 8JQ.

Officers: Corporate Director Economic Development
Head of Development Management
Head of Legal and Democratic Services
Principal Planning Officer
Planning Officer x 2
Mr Barnard, Cumbria County Council

DC.38/22 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Mrs Bowman.

DC.39/22 DECLARATIONS OF INTEREST

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

Councillor Meller declared an interest in respect of application 22/0223 – Noble Garth, Hayton, Brampton, CA8 9HR. The interest related to objectors being known to him.

Councillor Tinnion declared an interest in respect of application 22/0093 – Croft Villa, Wetheral, Carlisle, CA4 8JQ. The interest related to objectors being known to him.

DC.40/22 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.41/22 AGENDA

RESOLVED - That items A.1 (6) and A.1(7) be considered together.

DC.42/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED 1) – That the Chair sign the minutes of the meetings held on 23 February (site visits) and 25 February 2022.

2) That the minutes of the meetings held on 8 April and 11 May (site visits) 2022 be approved.

DC.44/22 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Head of Legal and Democratic Services set out the process for those Members of the public who had registered a Right to Speak at the Committee.

DC.45/22 CONTROL OF DEVELOPMENT AND ADVERTISING

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

1. Application - 21/0744 - Land at Currock Yard, Off South Western Terrace, Carlisle, CA2 4AY

Residential development and associated infrastructure comprising 92no. dwellings, new public open space, communal car park and new access into the site.

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 11 May 2022. Slides were displayed on screen showing: location plan; block plan; proposed site access plan; elevation plans; proposed 3D views; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that:

- 1) Authority to Issue be given to the Corporate Director of Economic Development subject to the completion of a S106 Agreement to secure:
 - a) the provision of 18 of the units as affordable;
 - b) the provision of 4 bungalows on the site;
 - c) an off-site open space contribution of £34,511 for the upgrading and maintenance of open space at Jubilee Road;

- d) a financial contribution of £19,593 to support the off-site improvement of existing sports pitches;
- e) the maintenance of the informal open space and play area within the site by the developer;
- f) a financial contribution of £403,024 to Cumbria County Council towards secondary school places;
- g) a financial contribution of £6,000 to Cumbria County Council for the monitoring of the Travel Plan;
- h) the management arrangements of the proposed parking area;
- i) any financial contributions/management/maintenance that might be required to deal with the issue of nutrient neutrality.

2) If the legal agreement were not to be signed, authority be given to the Corporate Director of Economic Development.

Councillor Wills (Ward Member) addressed the Committee in the following terms: the main concern regarding the application was the speed and flow of traffic at the junction between South Western Terrace and Currock Road, therefore he requested the installation of traffic calming measures such as speed restrictive signage on the approaches to the junction and a visual speed table; retaining aspects of the site's heritage as a former railway was important and may be done through the installation of plaques or statues; residents of South Western Terrace with health issues ought to be issued with residents parking permits close to their dwelling.

Mr Barker (Agent) responded in the following terms: parking reservations for specific needs would be considered, as would the implementation of traffic calming measures; ideas to mark the site's former railway heritage could be developed.

Mr Barnard (Cumbria County Council) welcomed the Ward Member's comments and the Agent's agreement to look into the matters raised.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- During the processing of the 2010 application access arrangements were extensively considered, with the exception of the access proposed in the current scheme, all others were found to have insurmountable issues that precluded their use. Emergency Vehicle Access and pedestrian access would be provided to Adelphi Terrace in addition to the principal access / egress on to South Western Terrace;
- When the site was operational for railway operations all vehicular access / egress had been via South Western Terrace. Following the cessation of that use extensive clearance of the site had been carried out with all materials being removed from the site via South Western Terrace, there was no record of any noise complaints from residents in the area;

- As set out in bullet point 1 of Condition 35 the developer was required to undertake a Road Condition Survey at South Western Terrace, the condition further stipulated that, in the event of any damage to the road during the construction phase, the developer was responsible for any repairs;
- The existing sub-station within the site would be retained, however the pump house where it was located would be removed as it was in poor structural condition, consideration may be given to the retention of its facade;
- The purpose of the proposed lay-bys was to provide additional parking;
- The Highway Authority had agreed to look at potential traffic calming;
- Condition 21 required the submission and approval of a Construction Management Plan, Condition 14 restricted the hours of construction at the site;
- The dispensation given by government to the construction industry in response to the Covid 19 pandemic had finished;
- Condition 16 required the developer to install a trespass proof fence to prevent access to the existing railway line, prior to occupation of the development;
- The S106 agreement would set out the provisions of the residential parking scheme to be implemented on South Western Terrace;
- The affordable housing provision would be spread throughout the development;
- The details of the provision of health and other services was considered by the Council during its adoption process for its existing Local Plan, the timing of the delivery of those services was a matter for the service providers;
- The installation of hedging on the bund adjacent to the railway line, prior to construction could be considered as Network Rail were keen for it to be implemented quickly.

Paragraphs 6.38 and 6.39 of the report set out potential future considerations regarding the provision of a bus-only bridge towards the southern end of the site, connecting the St Cuthbert's Garden Village and the city centre. A Member asked why the report stated that no weight should be given to the matter? He appreciated that currently no plans for the bridge had been developed, however, the proposal was in keeping with Local Plan policy IP 2 – Transport and Development; the Member indicated that he would like to impose a condition requiring the developer and Highway Authority to further discuss the matter.

The Principal Planning Officer responded that as no plans had been produced it was difficult to give weight to the matter, nor had any consultation taken place.

The Member appreciated the Officer's response and understood that the lack of plans made it a difficult issue for the developer to address, however, he felt it was important that the issue be explored further.

The Head of Development Management added that the bus-only bridge was currently a concept being investigated, and reiterated comments on the difficulty of giving material consideration to a matter that did not have definitive proposals and had not been consulted upon. The concept would be further evolved and would not be lost.

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

RESOLVED: 1) That Authority to Issue be given to the Corporate Director of Economic Development subject to the completion of a S106 Agreement to secure:

- a) the provision of 18 of the units as affordable;
- b) the provision of 4 bungalows on the site;
- c) an off-site open space contribution of £34,511 for the upgrading and maintenance of open space at Jubilee Road;
- d) a financial contribution of £19,593 to support the off-site improvement of existing sports pitches;
- e) the maintenance of the informal open space and play area within the site by the developer;
- f) a financial contribution of £403,024 to Cumbria County Council towards secondary school places;
- g) a financial contribution of £6,000 to Cumbria County Council for the monitoring of the Travel Plan;
- h) the management arrangements of the proposed parking area;
- i) any financial contributions/management/maintenance that might be required to deal with the issue of nutrient neutrality.

2) That should the legal agreement not be signed, authority be given to the Corporate Director of Economic Development to refuse the application.

Councillor Brown having left her seat during part of the discussion on the item of business did not participate in the vote on the application.

2. Application - 21/0507 - Land to the west of Castletown Farm, Redhills, Rockcliffe, Carlisle, CA6 4BL

Proposal: Change of Use of Land for the siting of 5no. pods and 6no. cabins.

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

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

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- A Speed Survey and Access Appraisal had been submitted to the Highway Authority as part of the application process. The Speed Survey had shown an average speed of 16mph which the achievable visibility splay was more than sufficient for, passing places were only requested when deemed necessary;
- The adjacent riverside walk would not impact the development;
- A Habitat Regulation Assessment had been conducted which Natural England made no objection to, a family of crested newts were known to be present at the site and a condition had been imposed to ensure their protection.

Members discussed the issue of Biodiversity Net Gain, and the likely impacts and processes associated with it.

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 on the Schedule of Decisions attached to these minutes.

3. Application - 22/0078 - Bridge End Inn, Bridge End, Dalston, Carlisle, CA5 7BH

Proposal: Change of Use of garage to dual use consisting of staff accommodation and Holiday let to be used in association with the Bridge End Public House (Revised Application).

The Chair advised that the item had been withdrawn from discussion.

RESOLVED: That the item be withdrawn from discussion.

4. Application - 22/0093 - Croft Villa, Wetheral, Carlisle, CA4 8JQ

Proposal: Erection of a single storey detached garage/gym building.

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 11 May 2022. Slides were displayed on screen showing: location plan; block plan; elevation and floor plans; and, photographs of the site, an explanation of which was provided for the benefit of Members.

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

Councillor Higgs (Ward Member) addressed the Committee in the following terms: the revised plan was an improvement on the original but a number of issues remained relating to over-bearance and amenity; the submitted plans were inaccurate as they did not show a rear extension at 13 Goosegarth which extended 3.6m beyond the rear wall shown on the plans; the primary window of the garden room of the extension was look directly on to the end of the proposed structure which was only 4.8m away; the main window of 12 Goosegarth was only 7.65m away from the proposed structure, such a distance was not complaint with the Council's Achieving Well Designed Housing Supplementary Planning Document nor Planning Policy Statement 12; there was ample room in the application site for the proposed building to be relocated; the proposed structure was too high, at 1.4m higher than the existing hedge and running parallel to the entire boundary with 12 Goosegarth; the properties on Goosegarth that were adjacent to the site did not overlook the area of the proposed structure; the former trees and planting at the application site had been removed which impacted on the privacy of the site, a boundary hedge had been planted but was thin in place, with work being undertaken to address the issue; the details in the report relating to the previous pig sheds at the site was incorrect – one had not been visible to the properties on Goosegarth, the other had a roof the protruded 0.5m above the boundary wall but had not been the full length of the wall; the report failed to consider the cumulative impact of permitted development in the area, particularly in relation to 11 Goosegarth; approving the application in the context of other recent development would create over-bearance at 11 Goosegarth.

Mr Greig (on behalf of the Applicant) responded in the following terms: the revised plan had reduced the height of the proposed structure by 0.5m and moved it 1.7m away from the boundary; in response to written representations to the application, Mr Greig made the following comments: the suggestion that a flat roof be used was not an effective design solution as it would make the structure appear too squat; the building was not a precursor to further development as there was not sufficient scope to put anything on the roof space; the proposed design complimented the existing dwelling as such there were no grounds to justify refusing the scheme on design grounds; the proposal would not lead to a loss of light at the adjacent properties on Goosegarth as due to their orientation and the floor level of the proposed structure; the 12m minimum separation distance was only applicable when buildings were on the same floor level; the application would not lead to a loss of privacy at adjacent properties as the proposed building would not have windows on those elevations; the 1.4m of protruding roof was not over dominant; in terms of cumulative impact, the permitted developments had instigated change in the area, but that did not amount to sufficient grounds to justify refusal due to impact on residential amenity.

A Member commented that he accepted the Officer's recommendation, he asked why the applicant did not lower either the roof height or floor level to minimise the visual impact of the proposal.

The Planning Officer advised that the applicant wished the proposed scheme to be determined as presented.

In response to comments from a Member regarding the erected boundary wall, the Planning Officer advised that the matter was subject of another planning application.

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 on the Schedule of Decisions attached to these minutes.

5. Application - 22/0223 - Noble Garth, Hayton, Brampton, CA8 9HR

Proposal: Change of Use of property from dwelling to holiday let.

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

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

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- The restriction of large groups wishing to use the facility to same sex couple was a condition operators of such premises often applied and was aimed at hen-do / stag night groupings;
- The access rights were connected to the property not an individual, the applicant had sought legal advice which they considered confirmed their right of access; the matter was a civil one and out with the planning process;
- Permission in respect of application 21/1083 had removed a restrictive condition to allow the applicant unfettered use of the dwelling to rent the property for holiday use for a maximum of 90 days per year, approval of the current proposal would enable the applicant to let the dwelling for holiday use year round.

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 on the Schedule of Decisions attached to these minutes.

6. Application - 20/0525 - Burgh House, Burgh by Sands, Carlisle, CA5 6AN

Proposal: Erection of two storey side extension to provide living room on ground floor with en-suite bathroom above.

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7. Application - 20/0526 - Burgh House, Burgh by Sands, Carlisle, CA5 6AN

Proposal: Erection of two storey side extension to provide living room on ground floor with en-suite bathroom above (LBC).

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

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

Ms Lightfoot (on behalf of the applicant) addressed the Committee in the following terms: the principal concern in relation to the application was the impact of the proposal on the Listed Building, with all other matters being deemed acceptable; the Council's Heritage Officer had expressed concerns that the design of the scheme would create an unsymmetrical appearance, however, the existing hedge at the site which demarcated the separate dwellings was not central and therefore the existing appearance of Burgh House was not symmetrical; during the application process, the applicant had offered to participate in a joint commission of an independent third party opinion, but that had not been taken up; English Heritage had been asked to provide a second opinion of the application and its response confirmed no objection to the proposal; the applicant had sought the views of Townscape, a specialist heritage consultant on the proposal, its view was that application respected key design principles of scale, function, form, mass and materials of the existing building, as such the proposal would have a low impact on the Listed Building.

Ms Lightfoot considered that, prior to determining the application, a site visit would be beneficial for the Committee.

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

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

The Committee adjourned at 11:44am and reconvened at 12:03pm.

8. Application - 21/0981 - Gateway 44 Retail Park, Parkhouse Road, Carlisle

Proposal: Variation of Conditions 2 (Approved Documents); 4 (Amalgamation of units) & 5 (A1 Retail Restrictions) of previously approved permission 18/0693

(Erection of Retail Floorspace (A1) and drive thru (A3/A5) associated works including access)

The Head of Development Management submitted the report on the application. Slides were displayed on screen showing: proposed site plan, proposed elevations, and photographs of the site, an explanation of which was provided for the benefit of Members.

The application sought to vary planning conditions imposed on the original decision (18/0693) which permitted the development of a retail park at junction 44 off the roundabout at Parkhouse Road and the A689. The original application was for bulky goods thus the assessments accompanying it only considered the sale of larger items. Following construction of the development, a number of units had remained empty. The currently proposed scheme was for the occupation of units 3, 4 and 5 by a discount retailer offering a wider range of products.

Given that the application was for a variation of existing conditions, it was only that matter the Committee needed to appraise in its determination of the proposal. The principal matters regarding the proposed scheme were the Sequential Test and Impact Assessment, as referenced in the National Planning Policy Framework (NPPF). Issues relating to those matters were detailed in the report and assessed as acceptable.

During the production of the report concerns were identified in relation to the proposed conditions: that on their own they were not sufficient to ensure the end user would be a discount retailer. Accordingly, condition 6 was prepared to limit the user, by imposition of a personal condition, to Home Bargains who was referenced in the assessment.

On the day preceding the Committee meeting the Council received a further objection letter from CMS on behalf of Carlisle Shopping Centre Limited, which the Head of Development Management read out in full, as below, for the benefit of Members.

“As you are aware, we act on behalf of Carlisle Shopping Centre Limited (**“CSCL”**), who leases and operates the Lanes Shopping Centre in Carlisle City Centre. CSCL previously objected to the Application in a letter from this firm to yourself dated 5 November 2021 (the **“Objection”**). CSCL was not informed of the intention for the Application to be taken to Carlisle City Council’s (the **“Council”**) planning committee tomorrow (13 May 2022) and only learnt that the Application was being taken to committee by chance. Given the obvious interest of CSCL in the Application it is surprising that the Council did not inform us or our client of the imminent committee meeting. CSCL has now seen the committee report that has been prepared in respect of the Application (the **“Committee Report”**). The Committee Report acknowledges the Objection and attempts to address the deficiencies in the application of the sequential test to the Application which were highlighted to the Council in the Objection. We interpret the Committee Report as proposing that a personal condition should be included in the permission. The proposed personal condition reads as follows:

“The occupation of Units 3-5 shall be limited to Home Bargains discount retailer and shall not transfer to any other retailer (discount or otherwise) without written consent of the local planning authority.”

In our view the imposition of a personal condition in the present circumstances would be unlawful and would fail to meet the test for the imposition of such conditions in the PPG. If, notwithstanding our observations above, the Application is granted on the basis of the Committee Report, we put the Council on notice that CSCL is likely to seek to challenge that decision by way of an application for judicial review. Please make the Council's planning committee aware of this further objection and the deficiencies in the Committee Report before a decision is made on the Application."

In essence, the Head of Development Management concurred that the use of personal conditions in planning should be avoided. Following the publication of the report, further work was carried out in relation to the proposed conditions with a view to limiting occupancy and removing the need for a personal condition to be imposed. Members were made aware of the additional work relating to the conditions via the circulation of an addendum to the main report, copies of which were also published on the Council's website. The Head of Development Management reiterated the following aspects of the addendum:

- Amendments had been made to the proposed conditions to remove the need for the personal condition, therefore the following changes were proposed:

Paragraph 6.15 change to the last sentence which currently read:

"To ensure that this is the case it would be appropriate to impose a planning condition which is personal to the intended operator as referred to in the documents."

Replace with -

"To ensure that this is the case it would be appropriate to impose a planning condition which restricts the sale of goods to reflect the discount operator practices. This is now proposed in a new condition 5 which limits the area for the type of goods sold."

Replace paragraph 6.17

6.17 In this case the area for catchment which relates to the sequential test for a discount operator includes the two local centres of Kingstown and Scotland Road (Stanwix). There are only a small number of vacant units at the time of this application and the centres are small with no vacant sites that could be developed. The proposed floorspace could not be accommodated in those centres and therefore no sequentially preferable location is available within the sequential test area of search. As no alternative sites are available the sequential approach has been satisfied and passed.

Replace paragraph 6.19

6.19 Policy EC6 of the local plan echoes the National Planning Practice Guidance and requires the submission of an impact assessment where the threshold would be breached.

Insert additional paragraph for the general approach regarding impact assessments.

6.20A The NPPF sets out two aspects to impact tests which include the impact of the proposal on existing investment in the catchment area of the proposal and then the

impact of the proposal on vitality and viability on the town centre and including the wider catchment area. In considering this application an impact assessment has included therefore an assessment of the impact on the two local centres of Kingstown and Stanwix as well as the wider impact on the City Centre and the allocated District Centre in the Local Plan which is a planned centre. The proposal is a change of condition to vary the type of good sold and therefore in undertaking that impact assessment consideration has to be given to the existing consent and the fact that trading as bulky goods creates its own impact which has already been taken into account when the original permission was granted. It is therefore the additional trade diversion from existing operations which needs to be taken into account to ensure that there are no significant adverse impacts as set out in the NPPF.

Revision to Conditions:

Proposed Conditions 5 and 6 are removed;

Condition 4 to be amended.

New proposed Conditions 4 and 5 to read as follows:

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the retail floorspace hereby approved shall not be used for the sale of goods other than those within the following categories: DIY and/or garden centre goods and associated equipment; furniture and furnishings; kitchens; carpets; floor coverings and tiles and associated equipment; camping; boating and caravanning goods; motor vehicle and cycle goods and associated equipment; and electrical goods. Goods falling outside this range may be sold only where they form an ancillary part of the operation of any of the proposed stores and shall be limited to no more than 10% of the internal floorspace.

Reason: In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with the NPPF and Policy EC6 of the Carlisle District Local Plan 2015-2030.

5. In addition, and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the ground floor areas of Units 3 – 5 are also permitted to be used for the sale of the following goods:

- *health and beauty products, medicines, baby products – up to 15% of the floorspace*
- *household products – up to 15%*
- *toys and games – up to 10%*
- *pet food, ornaments and seasonal products – up to 20%*
- *food and drink – up to 30%*
- *Clothing & footwear – up to 10%*

Reason: In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the

potential trading effects upon the City Centre Shopping Area in accord with the NPPF and Policy EC6 of the Carlisle District Local Plan 2015-2030.

In conclusion, the Head of Development Management recommended that the application be approved subject to the conditions detailed in the report, and the amendments set out above.

The Committee then gave consideration to the application.

A Member sought confirmation that the Committee were being asked if they accepted the findings of the Sequential Test and Impact Assessment as correct.

The Head of Development Management confirmed that was the case.

The Member then asked the following questions: Sequential Test – what evidence had been provided that there was no suitable space in the city centre for the proposed scheme; the proposal was for a discount foodstore, had the Impact Assessment evaluated the impact against all types of city centre uses or had it focussed on discount stores?

The Head of Development Management responded that the Sequential Test had not considered the catchment area of the city centre. The city centre discount stores and St Nicholas retail area and retail areas in the west of the city drew on local catchment area, Parkhouse where the application site was located did exclude the city centre in the Sequential Test.

The application sought permission for the creation of another discount retailer, not a replacement store, that type of retail offering had a smaller catchment area than a department store, with customers being prepared to drive, on average, five minutes to such a facility.

The Impact Assessment concluded that the proposal would not have an impact on the viability of the city centre as the centre had a broader offering of operations and uses than those at Parkhouse which principally offered bulky goods. It had considered the impact on the proposal across all uses and offerings in the city centre, not just other discount stores.

The Member asked what evidence there was in relation to the type of development proposed having a five minute drive catchment area?

The Head of Development Management stated that the evidence was anecdotal rather than research based and noted that customer loyalty was not considered to be strong with discount stores. The issues had been looked at in Planning Inspectorate Appeals, but there was not a substantial corpus of information on the matter and no data specific to Carlisle was available.

Another Member asked whether the range of goods the application would retail was an issue?

The Head of Development Management indicated that the type of store at the location was an issue that had been raised and considered. The original permission for the wider retail development restricted trade, through planning condition, to bulky goods and associated item. As retail operations evolved over time, applications were received for permission to sell ancillary items.

A Member asked what steps the objector was likely to take were the application to be approved.

The Head of Development Management advised that the option of Judicial Review was open to the objector who make take such a step with a view to protecting their own business interest. The report and circulated addendum set out the legal advice Officers had considered in respect of the application, whether the objector decided to instigate legal action was a matter for them.

In response to a question from a Member regarding whether the objector's business partner had been consulted on whether legal action ought to be taken, the Head of Legal and Democratic Services confirmed they were aware of the position and had a view on the matter.

A Member noted that the existing occupiers of units in the vicinity of the application site had taken premises on the basis that they were designed principally for the sale of bulky goods. In his view such operations would have a lower level of footfall than the proposed discount store; the higher level of footfall the proposed scheme would attract meant its customers would be the main users of the existing car park which may deter potential customers from visiting the existing retailers. The Member asked whether the existing users would pay a lower level of business rates than that of the proposed scheme?

The Head of Development Management explained that levels of business rates were not a planning matter but were set according to a predefined ratio. Regarding parking provision, the Highway Authority had been consulted on the application and had not raised any concerns or objection to the proposal.

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 on the Schedule of Decision attached to these minutes.

DC.46/22 Schedule B - Applications determined by other authorities

RESOLVED - That the content of the report be noted.

The Meeting ended at: 12:35

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

24th June 2022

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

- Consultee responses and representations to each application;
<http://publicaccess.carlisle.gov.uk/online-applications/>
- Cumbria Landscape Character Guidance and Toolkit
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981 <http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)
http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm
- Equality Act 2010
http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf
- Manual For Streets 2007
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf
- Condition 2 of each application details the relevant application documents

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

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

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

Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 09/06/2022 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 24/06/2022.

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. | 19/0244 A | Land at field 3486, Monkhill Road, Moorhouse, Carlisle | BP |
| 02. | 21/1143 A | Land adjacent to Meadow Cottage, Tarraby, Carlisle, CA3 0JS | SD |
| 03. | 22/0087 A | Firbank Farm Buildings, Firbank, Westlinton, CA6 6AQ | AC |
| 04. | 22/0088 A | Firbank Farm, Firbank, Westlinton, CA6 6AQ | AC |
| 05. | 22/0078 A | Bridge End Inn, Bridge End, Dalston, Carlisle, CA5 7BH | SD |
| 06. | 19/0871 B | Land North of Holme Meadow, Cumwhinton, Carlisle, CA4 8DR | CH |
| 07. | 20/0681 B | Chalk Lodge, Cumdivock, Dalston, Carlisle, CA5 7JL | SD |
| 08. | 20/0692 B | Land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT | CH |
| 09. | 21/9108 B | Land between Junction 42 of M6 & Newby West Roundabout (Junction of A595 & A689 CNDR) to South of Brisco, Durdar & Cummersdale Villages, Carlisle | CH |

SCHEDULE A

Applications to be
determined by the
City Council.

SCHEDULE A

SCHEDULE A: Applications with Recommendation

19/0244

Item No: 01

Date of Committee: 24/06/2022

Appn Ref No:
19/0244

Applicant:
Citadel Estates Ltd

Parish:
Burgh-by-Sands

Agent:
Sam Greig Planning

Ward:
Dalston & Burgh

Location: Land at field 3486, Monkhill Road, Moorhouse, Carlisle

Proposal: Erection Of 14no. Dwellings

Date of Receipt:
22/03/2019 11:00:46

Statutory Expiry Date
21/06/2019 11:00:46

26 Week Determination
06/12/2021

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is approved subject to legal agreement. If the legal agreement is not completed within a reasonable time, then Authority to Issue is requested to Corporate Director of Economic Development to refuse the application. The Section 106 Agreement to consist of the following obligation:
- a) the provision of on-site intermediate 2no. two bedroom dwelling (Plots 6 and 7) for low cost homes ownership at 30% discounted rate of market value.

2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the adjacent listed buildings and their settings
- 2.3 Scale and design of the dwellings
- 2.4 Affordable housing provision
- 2.5 Education provision
- 2.6 Impact of the proposal on archaeology
- 2.7 Impact of the proposal on the living conditions of neighbouring residents
- 2.8 Impact of the proposal on highway safety
- 2.9 Proposed methods for foul and surface water drainage
- 2.10 Impact of the proposal on trees and hedgerows

- 2.11 Impact of the proposal on biodiversity
- 2.12 Other matters

3. Application Details

The Site

- 3.1 The application site, equating to approximately 0.8 hectares, is located in the centre of Moorhouse to the north east of the junction of Monkhill Road with the B5307 county highway. The application site is bounded to the south and west by residential properties with agricultural fields to the north and east together with a children's play area to the south east.

Background

- 3.2 The application site has a varied planning history as highlighted in section 7 of this report. The most relevant planning history determined against planning policies in the current local plan are summarised below.
- 3.3 In 2016, Members of the Development Control Committee granted outline planning permission for the erection of nine dwellings at its meeting on the 8th July 2016. The decision, following the expiration of the consultation period, was subsequently issued on the 13th July 2016 (application reference 16/0387).
- 3.4 In 2019, Members of the Development Control Committee granted planning permission for the erection of 9no. dwellings (reserved matters pursuant to outline application 16/0387) (application reference 19/0535).
- 3.5 In 2020, an application to discharge conditions 6 (foul & surface water); 7 (surface drainage scheme); 8 (surface water drainage system); 9 (surface water management plan); 10 (groundwater levels investigation report) and 11 (infiltration tests) of previously approved application 16/0387 was approved (application 20/0135).
- 3.6 In 2021, an application for the removal of hedgerows to facilitate the future development of the residential allocation was refused (application reference 21/0001/HDG).
- 3.7 Also in 2021, an application to discharge of conditions 5 (archaeological work); 13 (highway details); 14 (ramp details); 18 (access during construction); 20 (tree & hedgerow protection); 21 (method statement for root protection areas) & 27 (boundary treatments) of previously approved application 16/0387 was approved (application reference 21/0611).
- 3.8 The development for 9no. dwellings subject of outline and reserved matters applications (application references 16/0387 and 19/0535 respectively) were lawfully implemented on the 7th September 2021 by virtue of Section 56 (d) of the Town and Country Planning Act 1990 i.e. any operation in the course of laying out or constructing a road or part of a road.

The Proposal

- 3.9 As some Members may recall, this application was first presented to Members at the Development Control Committee on the 19th July 2019. The proposal, at that time, before Members sought full planning permission for 17no. dwellings which consisted of a mix of dwelling types, sizes and tenures. Vehicular access to the proposed development would have been taken from Monkhill Road with the proposed dwellings arranged around internal access roads. A feature stone wall was to be constructed to frame the entrance to the site with the existing hedgerows enclosing the application site retained except for the section required to widen the proposed vehicular access of the site.
- 3.10 Members at that time gave consideration of the proposal with the discussions primarily centring on: the recommended imposition of pre-commencement conditions in respect of surface water drainage; scale and design; impact on biodiversity; identification of any archaeological findings; and clarification on the listing details for nearby listed buildings. Members resolved that determination of the application be deferred in order that the Officer's report be updated on a number of issues along with additional information in relation to the proposed drainage and design, and that a further report be submitted to a future meeting of the Committee. Following the deferral of the application by Members in July 2019, the application remained current with no additional or revised details submitted.
- 3.11 In October 2020; however, the scheme was subsequently revised by the applicant. The revised scheme reduced the number of dwellings from 17no. to 14no. which again included a mix of dwelling types, sizes and tenures. The layout sought permission for a shared vehicular access to serve Plots 2, 4, 5, 6, 7, 8, 9 and 10 taken from Monkhill Road. Plots 1, 2, 13 and 14 were proposed to be served by their own individual access again onto Monkhill Road. Plots 11 and 12 would be served by individual accesses onto the B5307 county highway. The existing roadside hedges along the eastern and southern boundaries were to be removed and replaced with 1.2 metre high dry stone walls with another dry stone wall framing either side of the main entrance into the development. The existing northern and southern hedgerows would be retained with native hedgerows delineating each of the plots. Trees of varying species and maturity were also proposed to be planted within the proposed development.
- 3.12 This application was due to be presented to Members of the Development Control Committee at its meeting in February 2021 but was withdrawn from discussion. The application report was withdrawn from discussion at the meeting to consider issues raised relating to various aspects of the report's content and be reported at a future meeting of the committee.
- 3.13 The scheme before Members is in respect of further revised details received in May and June 2021 together with a revised Drainage Strategy received March 2022. The revised proposals still seek full planning permission for the erection of fourteen dwellings consisting of a mix of dwelling types, sizes and

tenures consisting of:

Plots 1, 2, 4, 5 and 10 - 'The Grasmoor (2)' detached bungalow with attached garage. The dimensions of the proposed dwelling would have a maximum length (including the attached garage) of 12.589 metres by a maximum width (including the sunroom) of 14.380 metres with a ridge height of 5.9 metres. The accommodation would comprise of a lounge, dining/kitchen, sunroom, hall, 1no. ensuite bedroom, 1no. bedroom and garage.

Plots 1 and 4 would be finished in a scraped texture render with Plots 2, 5 and 10 finished in facing brickwork with feature string course/zipper courses to corners and rear/gable window heads. The rendered properties would have red colour natural stone cills, heads and mullions as would the front windows of the brick finished properties. All plots would have timber/render detailing to the front gable elevations and have dark grey interlocking slate appearance roofs. Windows would be anthracite wood grain effect uPVC with leaded lights to upper window panels in the front elevation of the dwellings with a hardwood timber front door. The garage door would be a one piece up and over timber door.

Plots 3 and 13 - 'The Pillar (4)' detached bungalow with a detached single garage. The dimensions of the proposed dwelling would have a maximum length (including the sunroom) of 15.965 metres by a maximum width of 12.477 metres with a ridge height of 5.9 metres. The accommodation would comprise of a lounge, dining/kitchen, sunroom, bathroom, utility, hall, 1no. ensuite bedroom, 2no. bedrooms and garage.

The proposed dwellings would be finished in facing bricks with feature string course/zipper courses to corners and rear/gable window heads. The front windows would have red colour natural stone cills, heads and mullions. Both plots would have timber/render detailing to the front gable elevations and have dark grey interlocking slate appearance roofs. Windows would be anthracite wood grain effect uPVC with leaded lights to upper window panels in the front elevation of the dwellings with a hardwood timber front door. The garage door would be a one piece up and over timber door.

Plots 6 and 7 - 'The Grisdale' two storey semi-detached dwellings. The dimensions of the proposed semi-detached dwellings would have a maximum length of 8.6 metres by a maximum width (excluding the porches) of 9 metres with a ridge height of 7.8 metres. The accommodation of each of the dwellings would comprise of a lounge/dining, kitchen and w.c. with 2no. bedrooms and bathroom above.

The proposed dwellings would be finished in a facing brickwork, red natural stone cills, headers, timber porch with a dark grey interlocking slate appearance roof. Windows would be anthracite wood grain effect uPVC with a hardwood timber front door.

Plots 8, 9, 11. 12 and 14 - 'The Pillar (2)' detached bungalow with attached garage. The dimensions of the proposed dwelling would have a maximum length of 12.590 metres by a maximum width (including the sunroom) of

15.852 metres with a ridge height of 5.9 metres. The accommodation would comprise of a lounge, dining/kitchen, sunroom, utility, bathroom, hall, 1no. ensuite bedroom, 2no. bedrooms and garage.

Plots 8, 11 and 12 would be finished in a scraped texture render with Plots 9 and 14 finished in facing brickwork with feature string course/zipper courses to corners and rear/gable window heads. The rendered properties would have red colour natural stone cills, heads and mullions as would the front windows of the brick finished properties. All plots would have timber/render detailing to the front gable elevations and have dark grey interlocking slate appearance roofs. Windows would be anthracite wood grain effect uPVC with leaded lights to upper window panels in the front elevation of the dwellings with a hardwood timber front door. The garage door would be a one piece up and over timber door.

- 3.14 Vehicular access to the proposed development would be taken from Monkhill Road with the proposed dwellings arranged around internal access roads. All dwellings would be served by in-curtilage parking spaces and garages with the exception of Plots 6 and 7 which would have 2no. parking spaces adjacent to the dwellings.
- 3.15 A feature stone wall would be constructed to frame the entrance to the site with specimen trees (Cut leaf Common Alder) planted either side of the entrance. A further 14 trees of varying species and maturity would also be planted within the development site. The existing hedgerows enclosing the application site would be retained except for the proposed vehicular access/exit to the site. The submitted landscaping schedule also includes the planting of nature hedgerows to separate the proposed dwellings.

4. Summary of Representations

- 4.1 This application was initially advertised by the direct notification of sixteen neighbouring properties and the posting of site and press notices. In response to the originally submitted scheme and the subsequent revisions, the occupiers of 29 neighbouring properties have raised objections.
- 4.2 The representations have been reproduced in full for Members, however, in summary the issues raised are:
 - 1. the original application sought outline planning permission for 9 dwellings this application is for 17;
 - 2. inappropriate increase in the size of the village which has limited service provision;
 - 3. unacceptable overdevelopment of the site;
 - 4. the submitted drainage statement refers to the 2016 outline planning application for 9 dwellings;
 - 5. potential to exacerbate existing surface water drainage issues within the vicinity due to high water table;
 - 6. reiterate statement in respect of surface water drainage included in Appendix One of the local plan;

7. questions the contents of the revised drainage report;
8. the rights of riparian owners should not be ignored;
9. potential to exacerbate existing foul drainage issues;
10. positive that there is 3no. affordable units within the scheme; however, most are large, detached dwellings on relatively small plots;
11. there is no public transport serving the village, therefore, development would increase reliance on private vehicles;
12. detrimental impact on highway safety;
13. construction vehicle parking;
14. detrimental impact on archaeological remains;
15. loss of privacy;
16. potential light pollution on adjacent dwellings from car headlights entering or leaving the site;
17. potential noise pollution during development phase;
18. trees within the site have already been felled;
19. the existing unmanaged hedge surrounding the site is dangerous to users of the adjacent pavement;
20. loss of a valuable green space within village;
21. loss of a view;
22. an earlier application determined under the previous local plan was rejected;
23. questions accuracy of details within the submitted Heritage Statement;
24. lack of school places within the locality;
25. potential increase in surface water from the development may structurally damage adjacent properties;
26. removal of hedges along Moorhouse Road and Monkhill Road would detrimentally changes the nature and character of the surrounding area;
27. removal of hedges would lead to loss of privacy for surrounding properties;
28. removal of hedgerow would have a detrimental impact on the setting of nearby heritage assets;
29. proposal contrary to Policy GI6 (Trees and Hedgerows) of the Carlisle District Local Plan 2015-2030;
30. questions if hedgerows are protected by the Hedgerow Regulations;
31. removal of hedgerow unnecessary to facilitate widening of footpath;
32. detrimental impact on biodiversity from loss of hedgerows;
33. contrary to previous approval which included conditions retaining hedgerows enclosing site;
34. no detailed surface water drainage details to serve the proposed development has been received;
35. increase in housing numbers contrary to previous approval;
36. detrimental impact on the living conditions of neighbouring residents;
37. question location of the affordable units;
38. questions adequacy of parking provision to serve the scheme;
39. electric vehicle charging points should be provided within the development;
40. succession of applications causing unnecessary stress to local residents;
41. disruption within village from building works.
42. question adequacy of existing watercourse to accommodate development;
43. question details of submitted drainage strategy.

4.3 The Ward Councillor, Councillor Allison, has also made representations which have also been reproduced in full for Members. In summary the issues raised are:

1. DC Committee deferred application for 17 units. The parish council accept 9no. dwellings but strongly objection to 14no,. units which is an increase of 56% increase above the outline permission;
2. increased density requires removal of hedgerows to provide access which is contrary to Policy GI6 of the local plan;
3. removal of hedgerow would have a detrimental impact on heritage assets. character of the village and biodiversity;
4. existing hedgerow and verge has been allowed to encroach on footpath;
5. detrimental impact on highway safety and increase in vehicular accesses;
6. potential to exacerbate surface water flooding
7. suggests alternative layout.

4.4 Representations from the Council for the Protection of Rural England (Friends of the Lake District) have also been received. The most recent has been reproduced below:

The CPRE Previously objected to 19/0244 and to 21/0001/HDG based on concerns relating to the removal of the hedgerows at this site. This included concerns about the impacts of this on landscape, biodiversity, and local character as well as the relationship between the proposed removal and the previously clear and long-standing position of the City Council of retaining these hedgerows.

As such, the CPRE very much welcome the fact that the hedgerows are now proposed to be retained and, if the application is approved, it is imperative that this is secured by condition.

Retaining the hedge, equates to an avoidance of harm/loss in relation to the hedge and so other measures will be needed across the site to ensure the development meets the requirement in the NPPF and the forthcoming Environment Bill for biodiversity net gain. These should also be conditioned in any approval.

It follows that a reduced number of houses, in line with the previous proposal may be necessary to enable appropriate net gain to be achieved as the building of the additional 5 houses is at the expense of space that was to be gardens and other green space. A reduced number would also better reflect what the local plan says about the site page 246 R 12:. a modest increase of 10 houses over the plan period is considered acceptable for the size and scale of the village and in turn, better respect village character.

The CPRE withdraw its objection on grounds relating to the loss of the hedgerow. However, remain aware of a number of outstanding issues of concern to the local community, sharing in particular those relating to biodiversity and the impact of this scale of development on the settlement character of Moorhouse.

5. Summary of Consultation Responses

As detailed in the report this application has been subject of several revisions and upon which the statutory consultees have responded accordingly. Members can view these consultations on the council's website; however, the most recent consultation responses to the current proposals from statutory consultees have been reproduced below:

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

Highway Authority Response - no further comments subject to the response dated 12 October 2021. The October response outlined that within the previous Highways Authority (HA) response to this application (29 July 2021) a number of concerns were raised with regards to the layout of the proposed development and an apparent narrowing of the carriageway of Monkhill Road. The applicant has confirmed that the current site plan proposed is drawing number 18/07/937 with the position and visibility splays unchanged from those which were approved as part of the reserved matters application 19/0535. The site plan illustrates a singular access point for the 14no. dwellings onto Monkhill Road with the internal access carriageway to remain in private ownership and maintained by a management company. It is noted that the pre-commencement conditions associated with the reserved matters application have been discharged through the planning application 20/0135 and 21/0611. As the layout and access into the development site have been previously agreed, the HA have no objections with regards to the layout proposed as part of the current application.

An issue also previously raised was with regards to the consideration for bin collection points for plots 3 to 7 and 11 to 14. The applicant has considered this point and confirmed that refuse vehicles can enter and leave the site in a forwards gear. This enables the refuse vehicles to be within 15 metres of all of the dwellings which is acceptable to the HA.

In light of the above, the HA have no objections with regards to the approval of planning permission subject to the imposition of conditions being applied to any approval granted when the LLFA objections have been resolved. The conditions would require the submission of further details in respect highway construction; visibility splays; provision of ramps; and the submission of a construction phase management plan.

Lead Local Flood Authority Response - in the LLFAs last response to the application, the LLFA requested more details regarding the drainage required for development of 14no. properties. The LLFA have now been supplied with a revised drainage scheme that seeks to discharge to the connected ordinary watercourse in Monkhill Road. The planned discharge rate of 2.5l/s is less than the greenfield runoff rate (QBar) for the development site of 4.5l/s. The lessening of discharge is welcomed and is seen as a betterment to the current discharge already flowing from the development site. Within the new drainage details there is also now treatment of the surface water before discharge to the adjacent watercourse providing a two-stage treatment of the water before entry to the watercourse. The applicant is utilising permeable

paving for the storage of surface water which provides adequate treatment of surface water from residential properties and roads.

There has been some doubt that the land being developed is not connected to the culvert across Monkhill Road. The LLFA has looked at details sent by the developer and has also carried out further inspections of the culverted watercourse and the LLFA can conclude that the site does have direct drainage connections feeding the culvert below Monkhill Road.

It is also noted that as a result of the development the existing system below Monkhill Road is to be upgraded to a 225mm diameter pipe which will remove the further restrictions found within the existing stone culvert not previously picked up. The renewal of the culvert will help to reduce the risk of flooding to the Monkhill Road area. The revised drainage now includes exceedance routes. The LLFA have scrutinised the exceedance routes and are content that the flow routes will not result in flooding to properties and that any exceedance is contained within channels towards the existing drainage infrastructure on Monkhill Road.

The LLFA can confirm that the LLFA has no objections with regards to the approval of planning permission;

Burgh-by-Sands Parish Council: - uphold its previous objections and comments.

Drainage

As previously stated, the drainage system is already overloaded and struggles to cope due to lack of maintenance especially in heavy rain. This will be worsened by this addition of 14 houses.

Although the current drainage report states that the area is not at risk of flooding it contradicts the documents that have been submitted previously from the Flood and Development Department and reports from residents who have highlighted that there are existing drainage and flooding issues that occur regularly at Moorhouse Village, especially with heavy rainfall.

Moorhouse already has a serious flooding problem which has never been addressed.

The Parish Council remain concerned that the proposed drainage plans and recent drainage strategy would not alleviate any of the existing flood and drainage problems: Approval of the development, would in fact contribute to more problems, especially in light of the climate change projections that the Drainage Strategy present: 'future climate changes presented factors...will lead to increased and new risks of flooding within the lifetime of the planned developments'

As stated previously, the Parish Council recognise that although Formal Drainage Plans have been submitted to the Planning Authority, they need to be closely monitored particularly during this process. There are photographs and video footage available showing existing problems over the last few years.

The Drainage Strategy and previous Drainage Plan will not mitigate the negative impact of a greater flood risk outside the development boundary as it will drain into Great Hill Beck. This at present regularly floods gardens and land to the north behind those properties adjacent to The Royal Oak Pub.

This beck is not a viable watercourse and we continue to suggest that United Utilities and Planning Officers meet for a site visit with the residents and owners of these properties to see if Great Hill beck can be made into a viable and maintained watercourse if this drainage strategy is to be accepted. As noted in our previous observation, 'the highway drains are not owned by them.' Prior to any discharge to this point the necessary third part agreements will need to be gained.

The Site

This site is in the Historic heart of the village and 14 dwellings will have a negative impact on a small site that does not preserve or enhance the adjoining conservation area. This proposed development should be in sympathy with the density and physical characteristics of the area. Any new development needs to reflect the character of the local area.

Although there are a mixture of 2,3 and a 4 bedroomed bungalow with some Affordable Housing, these Bungalows will appeal to a more mature buyer in a village with only two buses a day and no shops or Village Hall to provide social interaction.

Highway considerations

Two dwellings directly exiting onto the busy B5307 will have restricted vision to the right as well as 4 bungalows exiting onto the narrow Monkhill Rd plus 8 from the main entrance/exit to the site. There is potential for parking on the roadside and emerging vehicles will be a hazard to all traffic and pedestrians, particularly KS3 children gathering to be bussed to school and younger children and parents/carers accessing the Playground. Although this development will be within a 30mph limited area there have been recorded accidents from vehicles emerging onto the B5307 as the road is so narrow that it is almost impossible the turn out whilst keeping to the nearside of the road. This creates a hazard considering the amount of speeding traffic. Access to Bungalows 11 and 12 will create a further hazard for Pedestrians and school children.

Hedge bordering the B5307

The previously approved development retained and enhanced the hedge to the height of 1.8m. There are wildlife issues with this being removed as it is a recorded habitat for a variety of wildlife. This hedge contributes positively to this area and has Historic value. To replace this with a wall would be intrusive as the hedge with no entrances and exits would blend into the Green space of the adjoining Common Land.

Friends of the Lake District consultation stated that it is imperative that the hedgerow is to be retained and secured by condition. Retaining the hedge, equates to an avoidance of harm/loss in relation to the hedge and so other measures will be needed across the site to ensure the development meets the requirement in the NPPF and the forthcoming Environment Bill for biodiversity net gain. These should also be conditioned in any approval. The hedge has not been maintained by the Developer and therefore has become overgrown, endangering pedestrians. With careful management, this could be saved as the removal of the hedge will also have an impact on drainage of the site and the width of the foot way doubled therefore making it safe for pedestrians and children alike.

Due to the lack of maintenance, by the developer, the hedge continues to be overgrown: Repeated requests have been ignored by the Parish Council and Highways.

Our Officer has confirmed that Cumbria County Council have attempted to address the situation at Moorhouse by serving enforcement letters to the landowner. As these have not been complied with the case has been referred to Legal Services who are able to serve a notice on the landowner to cut the hedge.

It has been decided that our legal team are going to serve a section 154 notice upon the owners for cutting back the hedge next week. (Highways.

04.03.2022)

Yet, the hedge still remains uncut.

Street Lighting

Darkness is characteristic of rural areas and so we continue to ask that any lighting within the site be discreet.

References

Burgh by Sands Design Statement pg 11

- Style of new developments should be related to the Locality and setting
- Style and Materials should be in keeping with the existing traditional Buildings and character of the surrounding area.

Wall and Plot Boundaries pg 12

- Existing hedgerows and trees should be incorporated within new developments wherever possible
- New property boundaries in keeping with locally natural materials (indigenous hedging plants)

Carlisle District Plan;

Cumbria County Council - (Archaeological Services): can confirm that the submitted archaeological evaluation report is adequate. The results of the evaluation show that there is a low likelihood of significant archaeological assets being disturbed by the construction of the proposed development, therefore, do not request further archaeological work on the site. The condition previously recommended is no longer necessary;

Local Environment - Waste Services: - no objections;

Historic England: do not wish to offer any comments;

Cumbria County Council - (Education): - no change to previous response. This being that the County Council's Planning Obligation Policy Document (POPD), sets out that contributions towards the provision of education capacity would only normally be sought from development that will result in a net increase of 15 or more dwellings in settlements like Moorhouse which are not a key service centre. As set out below, whilst there are some circumstances where we may see a capacity contribution for schemes that are below the threshold where there is a bespoke issue, this is not considered to be one of those cases.

Based on the dwelling-led pupil yield calculation set out in the POPD, this development proposal is estimated to yield 3 school children (2no. primary age and 1no. secondary age). As previously set out, these numbers are considered to be negligible. Furthermore, it is noted that a large proportion of the dwellings proposed are bungalows and are therefore likely to attract a smaller number of family forming households than your average housing

development. It is considered that there is sufficient flexibility within the admissions system for any children that may be yielded by this development to be accommodated within local schools.

Following on to the Planning Officers enquiry in respect of the capacity of the local schools, can confirm several children from Carlisle town school areas have chosen Burgh by Sands, as they do several of the more rural schools around Carlisle. The school is operating at just below its capacity of 105, as is Kirkbampton School in the locality;

United Utilities: - following a review of the submitted Drainage Strategy, can confirm the proposals are acceptable in principle to United Utilities, therefore, should planning permission be granted request the imposition of a condition. The recommended condition seeks to ensure that the drainage for the development is undertaken in accordance with the submitted Drainage Strategy prepared by R G Parkins. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP2, SP6, SP7, HO1, HO4, IP3, IP4, IP6, CC5, CM4, CM5, HE2, HE3, 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', 'Affordable and Specialist Housing', 'Burgh-By-Sands Parish Design Guide' and 'Trees and Development Sites' are also material planning considerations. Historic England has also produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' which is a further material planning consideration.
- 6.3 The proposal raises the following planning issues:

1. Principle Of Development

- 6.4 Paragraph 11 of the NPPF outlines that: *"at the heart of the NPPF is a presumption in favour of sustainable development"*. In respect of the delivery of a sufficient supply of homes paragraph 60 of the NPPF highlights that: *"to support the Government's objective of significantly boosting the supply of*

homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and the needs of groups of specific housing requirements are addressed and that land with permission is developed without unnecessary delay". Paragraph 69 of the NPPF expands by stating that: "small and medium sized sites can make an important contribution to meet the housing requirement of an area and are often built-out relatively quickly ...". To maintain supply and delivery of new housing paragraph 74 of the NPPF details that local authorities should: "identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies ...".

- 6.5 The aims of the NPPF is reiterated in Policies SP2 (Strategic Growth and Distribution) and HO1 (Housing Strategy and Delivery) of the local plan. Policy SP2 of the local plan outlines that sufficient land will be identified to accommodate 9,606 net new homes between 2013 and 2030 including a minimum annualised average of: 478 net new homes between 2013 and 2020; and 626 net new homes between 2020 and 2030 (adjusted to have regard to delivery in the 2013-2020 period). Policy HO1 highlights that planning permission will be granted for housing proposals that will: *"deliver the allocation set out in this Policy and contribute towards achieving the Plan's housing target ... in bringing forward allocations, developers will need to demonstrate that their proposals contribute to the overall mix of dwelling types, sizes and tenures which help meet identified local housing need and the development of mixed and sustainable communities"*.
- 6.6 The principle of development of the site for housing has been established as it is identified under Policy HO1 of the local plan as Allocated Site 'R12 - land east of Monkhill Road'. Sites identified under this policy seek to ensure delivery of allocated sites with an overall mix of dwelling types, sizes and tenures in order to contribute to achieving the Plan's housing target.
- 6.7 By way of background, outline planning permission and reserved matters approval for the erection of 9no. dwellings were granted by Members of the Development Control Committee in July 2016 and October 2019 respectively (application references 16/0387 and 19/0535). As highlighted earlier in the report, these permissions were lawfully implemented on the 7th September 2021 by virtue of Section 56 (d) of the Town and Country Planning Act 1990 i.e. any operation in the course of laying out or constructing a road or part of a road.
- 6.8 The revised proposal before Members seeks full planning permission for the erection of 14no. dwellings which exceeds the ten dwellings outlined within Policy HO1 and Appendix 1. However, as Members will be aware, the yield figure is indicative only with the aim of the site profile details outlined within Appendix 1 to provide identification together with some of the main issues associated with allocated sites. Furthermore, the external amenity space and parking provision reflects that of the existing properties which front onto Monkhill Road. To put this into context, the development site would have a density of 17.5 dwellings per hectare whilst the properties opposite, 1 to 6 Monkhill Road, have a density of 27.34 dwellings per hectare.

- 6.9 In overall terms, the application site is in the centre of Moorhouse flanked by existing residential properties to the south and west, is well-related to the form of the village and would not encroach into open countryside. The village has a limited level of services or facilities i.e. a public house and a children's play area; however the village is part of a cluster of villages including Thurstonfield, Monkhill, Great Orton, Burgh by Sands and Kirkbampton (the last village is in Allerdale District). The latter three of which have primary schools, the development of this allocated site within Moorhouse could help sustain services in this village cluster, in line with paragraph 79 of the NPPF.
- 6.10 In light of the foregoing and given that the application site has an implemented permission for the erection of 9 no. dwellings, the application supports the strategies contained within the NPPF and the local plan. Accordingly, the principle of housing on this site is deemed acceptable.

2. Impact Of The Proposal On The Adjacent Listed Buildings And Their Settings

- 6.11 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. The section states that:
- "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 6.12 Members, therefore, must give considerable importance and weight to the desirability of preserving the adjacent listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.13 Protecting and enhancing the historic environment is also an important component of the National Planning Policy Frameworks drive to achieve sustainable development. Paragraph 189 highlights that: *"heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations"*.
- 6.14 Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the

impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 6.15 In considering potential impacts on heritage assets, paragraph 200 of the NPPF seeks to ensure that: "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ...".
- 6.16 The aims of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF are reiterated at a local level. Policies SP7 and HE3 of the local plan seeking to ensure that listed buildings and their settings are preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweigh the harm.
- 6.17 In light of the foregoing it is considered that Members need to have cognizance of: a) the significance of the listed buildings, Fairfield and Hall Farm, and their contribution made to that significance by their settings; and then assess b) the effect of the proposal on the listed buildings and their settings (inclusive of their significance and on the appreciation of that significance).
- a) the significance of the listed buildings and the contribution made by their settings
- 6.18 The southern boundary of the application site, separated by the county highway, is located approximately 20 metres north of Fairfield and 33 metres north west of Hall Farm. By way of background, listed buildings within England which are categorised as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of listed buildings are Grade I. Grade II* listed buildings are particularly important buildings of more than special interest, 5.8% of listed buildings are Grade II*. The final tier of listed buildings are Grade II listed buildings are of special interest; 91.7% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner. Historic England's website details that: "surprisingly the total number of listed buildings is not known, as one single entry on the National Heritage List for England (NHLE) can sometimes cover a number of individual units, such as a row of terraced houses. However, we estimate that there are around 500,000 listed buildings on the NHLE".
- 6.19 When considering any listed buildings in the context of planning applications the local planning authority refer to the National Heritage List for England (NHLE) which is provided and maintained by Historic England. Should there be any changes to the list entries in terms of revisions or removal/additions, then these are confirmed by Historic England. A large scale exercise was undertaken in the 1980s when a significant number of buildings were added to the list. Both of the listed buildings were listed by Historic England (formerly English Heritage) as Grade II Listed Buildings on 19th September 1984. The official listing details taken from Historic England's website for

Fairfield and Hall Farm (List Entry Numbers 1040026 and 1087461 respectively) are as follows:

Fairfield - *"House. Late C18. Painted rendered walls, graduated green slate roof, C19 end brick chimney stacks. 2 storeys, 3 bays, flanking single-storey 2-bay extension to left, single bay to right. 6-panel door in plain painted stone surround. Sash windows with glazing bars, 2-pane sash window over entrance, all in plain painted stone surrounds"*.

Hall Farm - *"Farmhouse. Late C17 with C19 alterations. Whitewashed rendered clay walls, graduated Welsh slate roof with lower courses of sandstone slates, ridge brick chimney stacks. 2 storeys, 7 bays. 2 C20 doors in plain painted stone surrounds; 2- and 3- casement windows in C19 plain painted stone surrounds; 2 first floor Yorkshire sash windows on extreme right are probably in original painted surrounds"*.

- 6.20 Historic England acknowledges that: *"with over 400,000 entries on the National Heritage List for England many of which are over 20 years old, we realise that there may be a number of minor errors ..."*. Historic England in respect of describing the limitations of the list entry and how much weight should be attached to actual list descriptions highlights that: *"the answer will depend on the description in question, but in general the entry should not be relied upon for a detailed assigning of special interest. The description may be a useful starting point for understanding the claims to special interest, but it will not be the last word. Originally, list entries were brief and intended to help with identification. In recent decades, particularly since the start of post-war listing, greater efforts have been made to explain the history of a building and to outline its claims to special interest. Modern List entries (since around 2005) are thus fuller than earlier ones, and it is fair to say that the more recent the description, the more helpful it is likely to be"*.
- 6.21 The NHLE describes the grade II listed building direction opposite the application site, Fairfield, as: "late 18th Century". The accuracy of Historic England's listing description has previously been questioned by a third party and the reliance of the council upon the listing detail.
- 6.22 The accuracy of the NHLE, in the case of Fairfield, due to later research on clay dabbin buildings found in the publication 'The building of the clay dabbins of the Solway Plain' undertaken by Nina Jennings considers the property to be 17th century. Clay Dabbin buildings are of a diminishing resource in the Solway Plain and Nina Jennings is notable in her work on identifying the remaining buildings in the area.
- 6.23 Without the endorsement of Historic England in terms of the description of the listed building it would be difficult to confirm the significance of the claims that the listed building description is incorrect. It should however be noted that the work of Nina Jennings is a material consideration and has been referenced by conservation experts in the area who deal with clay dabbin buildings. Nina Jennings publication is also referenced within the submitted Heritage Impact Assessment.

- 6.24 As such, it is appropriate that the clay dabbin references as well as the NHLE descriptive listing is also considered when assessing the impact on Fairfield and its setting. The overall appearance of Fairfield is that of a typical local Georgian dwelling with rendered walls and slate roof with small sliding sash windows. The dwelling is set back within its plot, partially screened from the roadside by tall hedging, beyond which are lawned gardens.
- 6.25 Hall Farm is a late 17th Century farmhouse with adjoining barn and 19th Century alterations. Its appearance is that of a Cumbria longhouse with rendered clay dabbin walls with sandstone verges/slate roof. The single or paired small window openings are either casement or sliding sash with stone surrounds. A 1.5 metre stone wall fronts the highway with an intervening concrete forecourt separating the boundary wall from the dwelling.
- 6.26 In respect of the NHLE description, HE advised the local planning authority that on the 23rd January of this year an application to amend the listing entry of Fairfield had been received. Further correspondence received from HE by the local planning authority in March 2022 outlining that following an initial desk-based assessment of the application it intended to take this forward for a full assessment of the property. HE highlighting that it was aware of the planning proposal and as they do not affect the building directly it would not be treating the undertaking of the full assessment as a priority case.
- 6.27 On the 4th April, the council were notified by HE that it was aiming to commence its full assessment of Fairfield within the next month or so and would be preparing its advice for the Secretary of State for Digital, Culture, Media and Sport in due course; however, the full assessment process could take upwards of 6 months to prepare. A third party has subsequently notified the council that HE was scheduled to visit Fairfield on the 31st May 2022.
- 6.28 When assessing the significance of the listed buildings and their contribution made by their setting taking into account the available evidence, the listed buildings are visually important features within the street scene; however, they are discretely housed within their plots, Fairfield behind tall hedging and lawned gardens and Hall Farm, to the south west of the application site, behind a 1.5 metre high stone wall and concrete forecourt. In such a context, neither Fairfield nor Hall Farm, rely on the aspect of space afforded by the application site. The settings of the listed buildings have also evolved over the years by the introduction of modern street furniture, pedestrian footways and relatively recent development within the immediate vicinity. As such, views of both listed buildings are localised and are read in the context of the street scene when travelling through the village.
- b) the effect of the proposed development on the listed buildings and their settings
- 6.29 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 need to be given to the desirability of preserving the adjacent listed buildings and their settings when assessing this

application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).

- 6.30 As highlighted earlier in the report, when considering potential impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 199 of NPPF). Paragraph 200 of the NPPF outlining that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ..."*. Paragraph 202 expanding by stating that: *"where a proposed development would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
- 6.31 Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
- 6.32 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: *"the surroundings in which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 6.33 The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking. The TSHA stating that: *"all heritage assets have significance, some of which have particular significance and are designated. The contribution made by their setting to their significance also varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of the change. It can also depend on the location of the asset: an elevated or overlooked location; a riverbank, coastal or island location; or a location within an extensive tract of flat land may increase the sensitivity of the setting (i.e. the capacity of the setting to accommodate change without harm to the heritage asset's significance) or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis"*.
- 6.34 As highlighted earlier in the report, the application site is identified under

Policy HO1 of the local plan as Allocated Site 'R12: Land east of Monkhill Road, Moorhouse'. The Heritage Assessment for the site undertaken and contained in Appendix 1 of the local plan outlines: *"Grade II listed building (Fairfield) opposite southern boundary of the site. Any development on this site will be expected to minimise any adverse impact on the listed building and its setting. Prehistoric remains survive adjacent to the site. An archaeological desk-based assessment and field evaluation will be required at the planning stage"*.

- 6.35 As Members will be aware, the local plan has evolved through extensive research and consultations with the relevant statutory consultees including Historic England. The Inspector during the examination of the local plan was fully aware of all the allocated sites and their main constraints; however, did not see fit to remove the application site from the list of allocated sites. Historic England did not raise any objections or comment during the local plan process in respect of this allocated site.
- 6.36 When entering Moorhouse from the east, there is no vernacular with a mix of single and two storey dwellings many of which are of relatively modern appearance. In this part of Moorhouse, dwellings on the southern side of the B5307 are set back from the county highway, many partially screened by high hedges, within their own defined plots with former agricultural buildings forward of the building line fronting onto the pavement. The properties on the northern side of the county highway are predominantly closer to or front onto the pavement. Two grade II listed buildings, Fairfield and Hall Farm, are of significant visual importance in this part of Moorhouse. Two relatively recently constructed dwellings, Peterdale and The Gables are located to the west and north west of Fairfield respectively. The western extent of Moorhouse; however, has a more traditional character and form with buildings either directly fronting the road or separated by low stone walls. The traditional character is further emphasised as this part of Moorhouse has a large cluster of listed buildings. There are also several detached dwellings of non-traditional construction within the immediate vicinity.
- 6.37 This assessment is further supported in the Burgh-By-Sands Design Statement which states: *"... the village as a whole lacks the visual cohesion of some of the other villages within the parish, largely on account of the presence of a busy public road, a good deal of modern infill development and the intermittent nature of the visual links provided by walls, hedgerows and associated tree groups"*.
- 6.38 Historic England has been consulted on the revised proposals and advise that it does not wish to offer any comments on the application. Furthermore, as outlined earlier in the report in respect of the potential revision of the NHLE listing entry for Fairfield, HE has outlined that it was aware of the planning proposal and consider that the building would not be directly affected.
- 6.39 The council's Urban Design/Conservation has recently provided his comments on this current proposal who considers that: *"... the proposed house types, density of the scheme and relationship to Moorhouse Road are*

markedly retrograde from the outline approval for the site and fail to preserve the setting of the listed building ... the application as it stands constitutes a low level of less than substantial harm whose public benefits namely the provision of housing on a site benefitting from previous consents could equally be delivered in a less damaging manner. The application fails to preserve the setting of the nearby listed building and is contrary to the objectives of Local Plan Policy HE3 'Listed Buildings'. The scheme does not clearly reflect the requirements of Local Plan Policy SP6. My advice is that the application be refused in its present form and a scheme reflective of the outline permission be brought forward".

- 6.40 The assessment of the application by the council's Urban Designer/Conservation Officer acknowledges that: *"the application as it stands constitutes a low level of less than substantial harm whose public benefits namely the provision of housing on a site benefitting from previous consents could equally be delivered in a less damaging manner"*. Suggesting that the scheme should be reflective of the outline permission (application reference 16/0387). The views of the Urban Designer/Conservation Officer are acknowledged; however, the design of the dwellings before Members broadly reflect that of the reserved matters approval for the application site, albeit now for 14 dwellings, which was granted by Members of the Development Control Committee in October 2019 (application reference 19/0535). Furthermore, in respect of the setting of the listed buildings, the scheme now proposes single storey dwellings closest to the heritage assets as opposed to 1.5 storey properties in the case of the reserved matters approval or two storey dwellings in the outline approval. Moreover, any perceived visual impact on the character or settings of the heritage assets would be mitigated by the retention of the hedgerows surrounding the application site with the exception of the vehicular access.
- 6.41 Objections have been raised by third parties to the proposal as they consider it would have an adverse impact on the character and settings the adjacent heritage assets by virtue of the scale, design, layout, and lack of details in respect of surface water drainage. A further issue raised was that the application site being formerly tied by ownership to Fairfield and was sold for agricultural use at some time in the 19th century. The third party is of the opinion that the field significantly enhances the setting of Fairfield and that Fairfield's visual attractive aspect will be eliminated by the proposed development. The parish council in its most recent representation of objection outlines that: *"the site is in the historic heart of the village and 14 dwellings will have a negative impact on a small site that does not preserve or enhance the adjoining conservation area"*. Reference to the adjoining 'conservation area' it is assumed is a drafting error and should read: *"does not preserve or enhance the adjoining heritage assets" as Moorhouse has no designated conservation area"*.
- 6.42 Moorhouse was identified in the Carlisle District Local Plan (adopted September 1997) as a potential future conservation area; however, subsequent local plans (2001-2016) and the current local plan do not make specific reference to Moorhouse. As Members are aware, the application must be assessed under current planning policy. Furthermore,

Burgh-By-Sands Parish Design Statement (adopted November 2003) omitted the application site, Monkhill Road and properties located in the eastern extent of Moorhouse from the recommended conservation area. The Design Statement outlining that: *"the village possesses some good surviving examples of traditional buildings, of which 15 are listed as being of architectural or historic interest. These range from a restored late 17th century cruck cottage with thatched roof at the western end of the village to the nearby mid-18th century Moorhouse Hall with its painted stucco walls and raised painted quoins. It is considered that this grouping of buildings with their associated tree groups at the western end of the village, including some sensitive 20th century infill development at 'The Courtyard', possess a sufficient degree of visual unity to form the basis of a conservation area"*.

- 6.43 When assessing the proposal, the proposed application site is located within an area of Moorhouse which has no particular vernacular and has a mix of single and two storey dwellings many of which are of relatively modern appearance. In this part of Moorhouse, dwellings on the southern side of the B5307 are set back from the county highway, many partially screened by high hedges including Fairfield, within their own defined plots with former agricultural buildings forward of the building line fronting onto the pavement. The properties on the northern side of the county highway are predominantly closer to or front onto the pavement. Most of the dwellings would be of single storey construction with the semi-detached two storey dwellings located adjacent to the northern eastern boundaries of the application site. The design and materials of the single storey properties reflecting those of the single storey dwellings of the implemented permission for 9no. dwellings (application reference 19/0535). Furthermore, the proposed development, although located on the northern side of the county highway, would also retain most of the existing hedgerows which surround the site except for the section to provide access for the proposed development. Should Members approve the application, a condition is recommended which would seek to retain the hedgerows at a height of 1.6 metres, except for the vehicular access, when measured from the existing ground level and that they be enriched through the planting of a double rows of native hedgerow plants in gaps exceeding 250mm.
- 6.44 In overall terms, the retention of the hedgerow and that the development would largely consist of bungalows would mitigate for any perceived potential impact on the adjacent listed buildings and their settings with the detailing and overall appearance reflecting others within this part of Moorhouse. Accordingly, the proposal will have a less than substantial harm to the significance of the heritage assets and their settings and would not compete or dominate the listed buildings or their settings to detract from their importance.
- 6.45 In accordance with the objectives of NPPF, PPG, Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant local planning policies, this less than substantial harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use.

- 6.46 In the context of the foregoing, the benefits of the proposal would: a) contribute to achieving the council's housing targets through the development of an allocated housing site; b) provide 2no. on-site affordable units within the development site; c) provide 12no. bungalows providing an opportunity to provide accommodation for those people looking to 'down size' while freeing up family accommodation for younger households; and d) provide an opportunity for Moorhouse and the surrounding villages which have more service provision the opportunity to grow and thrive.
- 6.47 Accordingly, the benefits of the proposal clearly outweigh any perceived harm to the listed buildings and their settings.

3. Scale And Design Of The Dwellings

- 6.48 Achieving well-designed places is a key aim of the NPPF. Paragraph 126 outlining that: *"the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.
- 6.49 Paragraph 130 of the NPPF expands by stating that: "planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".
- 6.50 High quality design is also a key thrust of the local plan's strategic overarching strategy. Policy SP6 of the local plan seeking to ensure that proposals respond to the local context taking account of established street patterns, making use of appropriate materials and detailing, and reinforcing local architectural features to promote and respect local character and distinctiveness.
- 6.51 Specific to Moorhouse is the SPD 'Burgh-By-Sands Parish Design Statement'

(adopted November 2003). The policies identified within Appendix 1 of the Design Statement relate to the 1997 local plan have been superseded by the Carlisle District Local Plan 2015-2030. Elements of the Design Statement, particularly those that relate to design principles do, however, still carry some weight. The parish council in its consultation response also references the SPD.

6.52 In respect of new buildings the Design Statement seeks to ensure that:

- there should be a consistent theme and /or style within new development which is related to the locality and setting
- new development should generally be single or two storey in height
- building styles and materials should be in keeping with the local vernacular and reflect and respect the nearby colours, textures, materials, shapes, styles and proportions of existing traditional buildings and the character of the surrounding area
- where garden walls and outbuildings are present in new development, these should utilise the same materials as the main building
- local distinctive features, such as date-stones, decorative brickwork and gate posts, might be used to enhance new buildings.

6.53 The Design Statement, in respect of walls and plot boundaries seek to ensure that:

- existing hedgerows and trees should be incorporated within new developments, wherever possible
- new property boundaries should be in keeping with the locality, preferably using local natural materials (indigenous hedging plants, stone, brick etc) rather than timber fencing

6.54 The parish council, ward councillor and third parties also raise objections to the proposal. The full contents of these representations have been made available to Members. In summary, the objections appear to centre on: increase in numbers and overdevelopment of site; detrimental impact on the character of the village; and increase in the number of dwellings within the village.

6.55 When assessing the character of this part of Moorhouse, it is evident that there is no particular vernacular and that there are a variety of properties of differing ages and styles within the immediate vicinity. The Burgh-By-Sands Parish Design Statement reiterating this assessment by stating: "*... the village as a whole lacks the visual cohesion of some of the other villages within the parish, largely on account of the presence of a busy public road, a good deal of modern infill development and the intermittent nature of the visual links provided by walls, hedgerows and associated tree groups*". As outlined above in paragraphs 6.46 and 6.47, the Design Statement seeking to ensure that new development respects and harmonises with its environs. Ensuring that new property boundaries are in keeping with the locality preferably using natural materials and incorporating existing hedgerows and trees wherever possible.

- 6.56 The application site is identified within the local plan as an allocated housing site and has an implemented permission for the erection of 9no. dwellings, therefore, are material planning considerations in respect of this application. Nevertheless, the application must be considered on its own merits.
- 6.57 Prior to the publication of the NPPF in 2012, policy direction and policy regarding density was contained in Planning Policy Guidance 3 (PPG3). This required a minimum density of 30 dwellings per hectare. Paragraph 125 of the NPPF advocating the use of area-based character assessments, design guides and codes and masterplans which can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decision avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 6.58 The council during the preparation of the local plan did not include minimum or maximum densities for allocated housing sites. In respect of this allocated site, Appendix 1 of the local plan states: *“a modest increase of 10 houses over the plan period is considered acceptable for the size and scale of the village”*. The Planning Policy Team has advised that the starting point of the indicative yield was based on the minimum density used in PPG3 and is intended to be an indicative yield only and should not be used as a minimum or maximum yield as each development has to be assessed on its own merits taking into account the optimal use of the potential of each site.
- 6.59 The application before Members seeks full planning permission for the erection of 14no. dwellings which would result in a housing density of 17.50 houses per hectare. To put this into context, the properties opposite, numbers 1 to 6 Monkhill Road, have a density of 27.34 dwellings per hectare. Most of the dwellings would be of single storey construction except for the semi-detached two storey dwellings located adjacent to the north eastern boundaries of the site. The design and materials of the single storey properties reflecting those of the approved single storey dwellings of the implemented permission. The proposed dwellings with the development site would also achieve adequate external space and parking provision to serve each of the dwellings. Native species hedgerows would delineate the plots with specimen trees of varying species and maturity planted throughout the development.
- 6.60 The housing density of the scheme would be lower than that of other developments within this part of Moorhouse. The proposed scale, design, and palette of materials of the proposed dwellings would respect and reflect the existing properties within this part of Moorhouse. Furthermore, adequate external space and parking provision to serve each of the dwellings would be achieved. The Agent has advised that the proposed dwellings would be heated by air source heat pumps. No details have been provided; therefore, a condition is recommend requiring the location and size of the units. The single storey dwellings within the development together with the provision of 2no. on-site affordable housing units would also respond to housing needs in the Strategic Housing Market Assessment.

- 6.61 In overall terms, the proposal would respond to the local context and would not be disproportionate or obtrusive within the street scene. Accordingly, the proposal accords with the objectives of the NPPF, local plan policies and SPDs.

4. Affordable Housing Provision

- 6.62 The application site is identified in the local plan as being within Affordable Housing Zone B. As such Policy HO4 of the local plan is relevant and require all sites of eleven units or over to provide 20% of the units as affordable housing. Policy HO4 of the local plan stipulates that the affordable housing provision should be 50% affordable/ social rent (usually through a Housing Association) and 50% intermediate housing (usually discounted sale at a 30% discount from market value through the Council's Low-Cost Housing Register).
- 6.63 The City Council's Housing Development Officer has been consulted and confirms that: *"the applicant's Affordable Housing Statement offers to provide 2 no. 2-bed semi-detached houses for affordable housing (plots 6 and 7). This equates to the 20% affordable housing requirement in Affordable Housing Zone B (rounded down to the nearest whole unit). The council would usually look for 50% of the affordable units to be for social/ affordable rent, but that wouldn't be practical here, as the Housing Associations would not be interested in acquiring a single unit, so this would be considered acceptable. The affordable units have a gross internal area of 64.6 m², which more or less complies with the recommended affordable space standard for a 2-bed house of 65 m², included in the Council's Affordable and Specialist Housing Supplementary Planning Document. The applicant's affordable housing proposals are therefore considered acceptable and in accordance with local plan policy HO4 Affordable Housing"*.
- 6.64 The provision of on-site intermediate 2no. two-bedroom dwelling (Plots 6 and 7) for low cost homes ownership at 30% discounted rate of market value, should Members approve the application, would be secured by a Section 106 Agreement.

5. Education Provision

- 6.65 Policy CM2 of the local plan highlights that to assist in the delivery of additional school places, where required, to meet the needs of development, contributions will be sought. In terms of primary school provision, Cumbria County Council, as Education Authority, advises that the County Council's Planning Obligation Policy Document (POPD), sets out that contributions towards the provision of education capacity would only normally be sought from development that will result in a net increase of 15 or more dwellings in settlements like Moorhouse which are not a key service centre. As set out below, whilst there are some circumstances where we may see a capacity contribution for schemes that are below the threshold where there is a bespoke issue, this is not considered to be one of those cases.

- 6.66 Based on the dwelling-led pupil yield calculation set out in POPD, this development proposal is estimated to yield 3 school children (2no. primary age and 1no. secondary age). As previously set out, these numbers are negligible. Furthermore, it is noted that most of the dwellings proposed are bungalows, therefore, likely to attract a smaller number of family forming households than your average housing development. As such, it is considered that there is sufficient flexibility within the admissions system for any children that may be yielded by this development to be accommodated within local schools.
- 6.67 A third party and the Headteacher of Burgh-By-Sands School has subsequently questioned the ability of the catchment school's ability to offer places to potential children who may occupy the proposed dwellings. Considering these concerns, the further views of Cumbria County Council, as Education Authority, has been sought.
- 6.68 The Education Authority, as Statutory Consultee has reiterated its original response in that it had applied its POPD and were unable to justify any requests for contributions towards education provision from the developer. The Education Authority outlining that the Government expects that school expansion as a result of housing development is to be funded through developer contributions, as stated previously, housing development in the area is insufficient to justify that. Basic Need funding (to cover large changes to birth rates in an area) is now virtually non-existent and the Education Authority no longer have the funds to cover the cost of addition classrooms where birth rates have remained relatively steady. The table below shows the Office of National Statistics birth figures for the schools catchment area.

| | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 | 2023/24 | 2024/25 | 2025/26 |
|-------------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| ONS live birth related to YR intake | 8 | 8 | 13 | 7 | 9 | 7 | 8 | 8 | 9 |

Several children from Carlisle city school areas have chosen Burgh-by Sands, as they do several of the more rural schools around Carlisle. The school is operating at just below its capacity of 105, as is Kirkbampton School in the locality.

- 6.69 The views of the third party and Headteacher are respected; however, considering the views of the Education Authority, as Statutory Consultee, it would be unreasonable to request a contribution to school places or to refuse consent due to alleged lack of school places.

6. Impact Of The Proposal On Archaeology

- 6.70 Cumbria County Council's Historic Environment Officer originally requested the imposition of a condition, should Members approve the application, requiring an archaeological investigation be undertaken prior to commencement of any development. This was because records indicated

that the site lies in an area of some archaeological potential. The application site is located in the centre of Moorhouse which has medieval origins, with documentary records of it dating to the mid-15th century. Furthermore, several cropmark complexes indicative of Iron Age and Romano-British settlements and agricultural practices are located around the village, including in the field immediately north of the application site. As such, there was potential for the site to contain buried archaeological assets and that would be disturbed by the construction of the proposed development.

- 6.71 In respect of an earlier approval for the erection of 9no. dwellings within the application site, condition 5 attached to application reference 16/0387 required the applicant to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation. The aforementioned condition was broken down into 3 components with the first component submitted to and discharged by the local planning authority through the submission of a written scheme of investigation for an archaeological evaluation. The condition, however; could only be discharged in part as components ii) and iii) of the condition were instructive and required further on-site investigations to inform whether any further archaeological work would be required (application reference 21/0611). Further archaeological investigations have now subsequently been undertaken within the site to satisfy the remaining components of condition 5 attached to planning reference 16/0387. Cumbria County Council's Historic Environment Officer has been consulted on the additional information and has confirmed that: *"The results of the evaluation show that there is a low likelihood of significant archaeological assets being disturbed by the construction of the proposed development and so I do not request further archaeological work on the site"*.
- 6.72 In respect of the application before Members, the Historic Environment Officer has confirmed that there is now no requirement for the imposition of a condition requiring an archaeological investigation to be undertaken prior to commencement of any development, should Members approve the application.

7. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Residents

- 6.73 Development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. The living conditions of the occupiers of adjacent residential properties should not be adversely affected by proposed developments. This is echoed and reinforced in local plan policies and SPDs, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.
- 6.74 The City Council's SPD 'Achieving Well Designed Housing' outlines where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be

allowed between primary facing windows (12 metres between any wall of a building and a primary window). The layout of the proposed development is such that the proposed dwellings have been so orientated to achieve the minimum distances outlined in the SPD.

- 6.75 Objections have been raised to the development citing loss of privacy, noise and disturbance during construction works and car headlights illuminating properties directly opposite the proposed development. The proposal satisfies the minimum distances as outlined in the council's SPD 'Achieving Well Designed Housing' in respect of loss of privacy. Given that there is an existing streetlight on Monkhill Road, the proposal should not exacerbate the current situation to warrant a refusal of the application on this basis.
- 6.76 In overall terms, given the location of the application site in relation to neighbouring residential properties, the proposal would not have a detrimental impact on the living conditions of the occupiers of those properties based on unacceptable loss of light, overlooking or over dominance. Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition is suggested which would limit construction hours.

8. Impact Of The Proposal On Highway Safety

- 6.77 The application site would be served by a vehicular access taken from Monkhill Road. Cumbria County Council, as Highways Authority, has been consulted and raise no objections to the proposal as the layout and access into the development site has been previously agreed. Furthermore, refuse vehicles can enter and leave the site in a forward gear. This enables the refuse vehicles to be within 15 metres of all the dwellings which is acceptable to the Highways Authority. The Highway Authority recommends that the current application be subject to the imposition of a series of conditions in respect of: highway construction; visibility splays; provision of ramps; and the submission of a construction phase management plan. Third parties and the parish council have raised objections in respect of highway safety; however, in light of the comments received from the Highways Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.

9. Proposed Methods For Foul And Surface Water Drainage

- 6.78 Paragraph 167 of the NPPF outlines that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that development proposals incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. In respect of surface water drainage the PPG detailing a hierarchy of drainage options which aims to discharge surface water run off as high up the hierarchy of drainage options as reasonably practicable (paragraph 080 Reference ID: 7-080-20150323 of PPG). These being:
- into the ground (infiltration)
 - to a surface water body
 - to a surface water sewer, highway drain, or other drainage system

- to a combined sewer
- 6.79 The aims of the NPPF and PPG are reiterated within policies of the local plan to ensure adequate provision for the disposal of foul and surface water facilities is achievable prior to commencement of any development. Policy IP6 of the local plan outlines that in respect of the disposal of foul drainage the first presumption will be for new development to drain to the public sewerage system. Where alternative on-site treatment systems are proposed, it is for the developer to demonstrate that connection to the public sewerage system is not possible in terms of cost and/or practicality and provide details of the responsibility and means of operation and management of the system for its lifetime to ensure the risk to the environment is low. Policy CC5 of the local plan prioritising the use of sustainable surface water drainage systems through the hierarchy of drainage options detailed in the PPG based on evidence of an assessment of site conditions.
- 6.80 As such, there is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development. The submitted documents illustrating that foul drainage from the proposed dwelling would enter the mains sewer with surface water attenuated prior to entering a watercourse.
- 6.81 The parish council, ward councillor and third parties have raised objections in respect of the proposed methods for the disposal of foul and surface water. Both United Utilities (UU) and Cumbria County Council, as the Lead Flood Authority (LLFA), have been consulted as statutory drainage consultees. UU as statutory consultee for foul drainage raise no objections to the proposed method for the disposal of foul drainage from the development site subject to compliance with the submitted revised Drainage Strategy which was received in March 2022.
- 6.82 In respect of surface water drainage, both UU and the LLFA required the submission of further details in order to ascertain that the development could be adequately served by an appropriate surface water drainage scheme and that there would be no adverse impacts from the development out with the application site. It should also be noted that with regards to third party objections the need for a surface water drainage scheme is also necessary to avoid impacts on neighbouring properties.
- 6.83 The proposed methods for the disposal of surface water from the application site has been the subject of protracted discussions and the receipt of revised/additional information since its receipt in 2019. In summary and by way of background, in October 2021, the LLFA acknowledged that the proposed method for surface water drainage together with the maximum discharge rate for this current application remained unchanged from that previously agreed and discharged for an earlier approval on the site for the erection of 9 dwellings (application reference 20/0135). Subsequently; however, a number of flooding events had been noted downstream of application site together within the highway at the location of the new access which resulted in the LLFA reviewing the previously agreed design and assumptions. Accordingly, the LLFA concluded that insufficient information

has been submitted to the local planning authority to be able to recommend the application for approval. The LLFA requested further information be provided in respect of: camera survey extending into the site; treatment of surface water for internal roads; contributing areas plan; maximum discharge rate into the culverted ordinary watercourse; update to drainage calculations; attenuation provided on site; and details of exceedance routes with levels.

- 6.84 In January of this year, a further consultation response was received from the LLFA which highlighted that despite no further surface water drainage details being submitted to address its October response, the LLFA had undertaken further investigations. These investigations centred on the highway system and pipework which conveys the water from the highway system within Monkhill Road. The LLFA found 2no. locations where the watercourse was compromised which would contribute to the flooding in the area. It went on to explain that whilst the LLFA would deal with the obstructions, which are the responsibility of riparian land owners, it would not be acceptable for any further discharges from the current development or previously approved planning permission to enter the highways system as it would increase flood risk in the area contrary to the objectives of the NPPF.
- 6.85 Accordingly, in respect of the application currently before Members the LLFA recommended refusal of the application; however, the LLFA were willing to reconsider surface water drainage discharge proposals which clearly illustrate that it would not lead to flood risk elsewhere. As highlighted earlier in the report, the proposed surface water drainage scheme for 9no dwellings, previously approved within the application site, had been accepted by the LLFA and discharged under planning reference 20/0135. The proposed method for the surface water drainage scheme has been approved under planning legislation; however, it would also require Ordinary Watercourse Consent which is out with the planning process. The LLFA advised that Ordinary Watercourse Consent would not be issued for the consented 9no. dwellings without first satisfying the LLFA that the development would not have a detrimental impact on surface water flooding downstream.
- 6.86 In March, a revised Drainage Strategy was submitted and upon which the LLFA has been consulted. The Drainage Strategy outlines that the disposal of surface water from the proposed development has been assessed in line with the hierarchy of drainage options which aims to discharge surface water run off as high up the hierarchy of drainage options as reasonably practicable (paragraph 080 Reference ID: 7-080-20150323 of PPG). These being:
- into the ground (infiltration)
 - to a surface water body
 - to a surface water sewer, highway drain, or other drainage system
 - to a combined sewer
- 6.87 The report details that infiltration testing of the site confirmed that soakaways are not a viable option due to ground conditions within the application site. The Drainage Strategy goes on to outline that land drainage from the site currently connects directly to the culverted watercourse located under Monkhill Road which ultimately discharges to an open channel located to the

west of the village. The revised surface water drainage strategy for the development includes a combination of differing SuDS components to ensure that off-site discharge is significantly reduced and treated compared to the existing greenfield conditions. These include 3no. geocellular storage tanks located within the application site together with the use of permeable block paving for all roads and driveways throughout the proposed development. An existing stone culvert under Monkhill Road is also to be replaced with an upgraded pipe.

- 6.88 The consultation response from Cumbria County Council, as Lead Local Flood Authority, in respect of the revised Drainage Strategy outlines that the revised drainage scheme seeks to discharge to the connected ordinary watercourse in Monkhill Road. The planned discharge rate of 2.5l/s is less than the greenfield runoff rate (QBar) for the development site of 4.5l/s. The lessening of discharge is welcomed and is seen as a betterment to the current discharge already flowing from the development site. Within the new drainage details there is also now treatment of the surface water before discharge to the adjacent watercourse providing a two-stage treatment of the water before entry to the watercourse. The applicant is also utilising permeable paving for the storage of surface water which provides adequate treatment of surface water from residential properties and roads.
- 6.89 The parish council and third parties have questioned whether the application site is connected to the culvert across Monkhill Road. The LLFA has examined details provided by the developer and has also undertaken further inspections of the culverted watercourse. The LLFA concludes that the site does have direct drainage connections feeding the culvert below Monkhill Road. The LLFA also finds that as a result of the development the existing system below Monkhill Road is to be upgraded to a 225mm diameter pipe which will remove the further restrictions found within the existing stone culvert not previously known. The renewal of the culvert will also help to reduce the risk of flooding to the Monkhill Road area. The revised drainage now includes exceedance routes. The LLFA have scrutinised the exceedance routes and are content that the flow routes will not result in flooding to properties and that any exceedance is contained within channels towards the existing drainage infrastructure on Monkhill Road. The LLFA now confirms that it has no objections with regards to the approval of planning permission. The development would still require Ordinary Watercourse Consent which falls out with the planning process.
- 6.90 The concerns of the parish council and third parties are respected; however, in light of the views of the statutory consultees it would be difficult to substantiate a refusal of the application on foul or surface water drainage grounds.

10. Impact Of The Proposal On Trees And Hedgerows

- 6.91 Paragraph 131 of the NPPF outlines that; *“trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to*

incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible ... “.

- 6.92 Policy GI6 of the local plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees and hedges. This aim is further reiterated in Policy SP6 of the local plan which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing landscaping.
- 6.93 The City Council's SPD 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.94 The proposed site plan illustrates the retention of most of the existing hedgerows around the application site except for the widened access/exit point. Further landscaping would also be undertaken within the development site. To protect existing hedgerows during construction works a condition is recommended which would ensure that tree and hedge protection barriers are erected prior to the commencement of any works and remain in situ during construction works. A further condition is also recommended which would require the existing hedgerows along the northern, southern, eastern and western boundaries, with the exception of the vehicular access, to be maintained at a height of no less than 1.6 metres when measured from the existing ground level and that any existing gaps within these hedgerows are reinforced by a double row of new native hedgerow plants. This would mitigate for any perceived visual impact of the proposed development from the heritage assets and avoid potential overlooking of the children's play area and help to settle the development into the streetscene. In overall terms, existing and proposed landscaping would help to soften and blend the development into the landscape.

11. Impact Of The Proposal On Biodiversity

- 6.95 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 it is unlikely that the proposed development would harm protected species or their habitat. A desk study was included within the scope of a Hedgerow Ecological Assessment Report (HEA) undertaken in respect of a previous revision to the development. The HEA assessed the habitats in the locality and the presence of protected species/species of

conservation note from within a 1 kilometre radius of the site. No protected or notable species were observed on site, although detailed survey work for protected/notable species was not undertaken. A depression in the ground, which could possibly be a (blocked) historic badger hole, was found near the eastern hedgerow, and birds nests were observed in the hedgerows.

- 6.96 In respect of the application before Members and as highlighted in paragraph 6.94 above, the proposed site plan illustrates the retention of most of the existing hedgerows around the application site with the exception of the widened access/exist point. Further landscaping would also be undertaken within the development site. Conditions are also recommended which would also protect the existing hedgerows during construction works, maintain them at a height of 1.6 metres and that any gaps are reinforced by double rows of native hedgerow plants. To further protect biodiversity and breeding birds, informatives are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

12. Other Matters

- 6.97 Reference has been made to a previous refusal on the site (application reference 02/0691). As Members are aware, planning policy is not static and that things change both at a local and a national level. The 2002 application was assessed under the policy of the time and was not considered to be acceptable. This was, however; almost 20 years ago.
- 6.98 The parish council in its early observations outlined that the development would overlook an existing children's play park. There are existing properties and a public telephone box that have views of the play park. In respect of the development site, views of the park would be partially obscured due to the existing hedgerow which is to be retained and the orientation of the proposed dwellings.
- 6.99 A further issue raised is the potential loss of view resulting from the development of the application site. As Members are aware, the loss of a view is not a material planning consideration.
- 6.100 Structural damage to existing properties from surface water run-off from the application site is another issue raised. The LLFA has following the receipt of a revised Drainage Strategy subsequently confirmed the planned discharge rate from the proposed development site would result in a betterment to the current discharge already flowing from the development site and are content that the development will not result in flooding to properties.
- 6.101 Third parties have also raised concerns about the number of revisions to the proposed scheme. The concerns of third parties are noted; however, each application must be determined on its own merits against the most recently submitted details.
- 6.102 The requirement to provide electric car charging points to the proposed

dwelling, where possible, has been included by way of a condition.

- 6.103 Third parties have also refused access onto third party land in order to undertake repairs to the culverted watercourse and to take surface water from the proposed development site. This issue falls out with planning legislation and is subject to Ordinary Watercourse Consent administered by the LLFA. Nevertheless, by way of background, the LLFA has advised that the application site has a watercourse within it (Main drain) that connects to the watercourse below the highway. The drainage that conveys it across the highway is highway maintained and the LLFA accepts that they are riparian owners; however, the watercourse beyond the highway extents is conveyed through private pipework and ditches but is still a watercourse.
- 6.104 As such, the LLFA has advised that the riparian landowners downstream of the development site are obliged to take the water from the land being developed as it already enters the watercourse at the highway. Furthermore, the extra drainage being discharged from this current proposal would be a betterment as its change of use would reduce the rate of surface water emanating from the land. The LLFA has confirmed that the current condition of the watercourse is of concern and that the LLFA will be refusing Ordinary Watercourse Consent for drainage changes until such time that the downstream watercourse issues are resolved.

Conclusion

- 6.105 The application site is an allocated site identified under Policy HO1 of the local plan and has the benefit of an implemented planning permission for the erection of 9no. dwellings. The proposed application site is located within an area of Moorhouse which has no particular vernacular with a mix of single and two storey dwellings many of which are of relatively modern appearance. The housing density of the scheme would be lower than that of other developments within this part of Moorhouse. The proposed development would provide 12no. bungalows together with 2no. two storey semi-detached dwellings which respond to the scale and form of existing properties within Moorhouse. The single storey dwellings within the development together with the provision of 2no. on-site affordable housing units would also respond to housing needs in the Strategic Housing Market Assessment. The proposed palette of materials would also respect and reflect those of the existing properties within Moorhouse together with those approved under the implemented application. The retention and reinforcement of most of the existing hedgerows surrounding the application site together with proposed hard and soft landscaping within the site would also help to soften and blend the proposed dwellings into the street scene. Furthermore, the proposed development would also achieve adequate external space and parking provision to serve each of the proposed dwellings. As such the proposal would respond to the local context and would not be disproportionate or obtrusive within the street scene.
- 6.106 The application would have a less than substantial harm to the significance of the heritage assets and their settings. In line with the objectives of NPPF, PPG, Section 66 (1) of the Planning (Listed Building and Conservation Areas)

Act 1990 and relevant local planning policies, this less than substantial harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use. In such a context, the benefits of the proposal would: a) contribute to achieving the council's housing targets through the development of an allocated housing site; b) provide 2no. on-site affordable units within the development site; c) provide 12no. bungalows providing an opportunity to provide accommodation for those people looking to 'down size' while freeing up family accommodation for younger households; and d) provide an opportunity for Moorhouse and the surrounding villages which have more service provision the opportunity to grow and thrive.

- 6.107 Given the location of the application site in relation to neighbouring residential properties, the proposal would not have a detrimental impact on the living conditions of the occupiers of those properties on the basis of loss of light, overlooking or over dominance. Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition imposed within the outline approval restricts construction hours.
- 6.108 The proposed development would not have a detrimental impact on archaeology. Subject to satisfying pre-commencement conditions, the proposal will not have a detrimental impact on highway safety. The proposed development would also be served by adequate foul and surface water drainage systems.
- 6.109 In overall terms, the proposal is considered to be compliant under the provisions of the National Planning Policy Framework, the Planning Practice Guidance, Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant policies of the Carlisle District Local Plan 2015-2030 and relevant Supplementary Planning Documents.
- 6.110 The application is therefore recommended for approval subject to the completion of a legal agreement. If the legal agreement is not completed within a reasonable time, then Authority to Issue is requested to Corporate Director of Economic Development to refuse the application. The Section 106 Agreement to consist of the following obligation:
- a) the provision of on-site intermediate 2no. 2 bedroom dwellings (Plots 6 and 7) for low cost homes ownership at 30% discounted rate of market value.

7. Planning History

- 7.1 In 1965, planning permission was refused for erection of dwellinghouses (BA4199).
- 7.2 In 1973, planning permission was refused for residential development (BA7805).
- 7.3 In 2003, full planning permission was granted for erection of 8no. detached

dwelling and provision of open space (application reference 02/0691).

- 7.4 In 2016, outline planning permission was granted for erection of 9no. dwellings (application reference 16/0387).
- 7.5 In 2019, planning permission was granted for erection of 9no. dwellings (reserved matters pursuant to outline application 16/0387) (application reference 19/0535).
- 7.6 In 2020, an application to discharge conditions 6 (foul & surface water); 7 (surface drainage scheme); 8 (surface water drainage system); 9 (surface water management plan); 10 (groundwater levels investigation report) and 11 (infiltration tests) of previously approved application 16/0387 was approved (application 20/0135).
- 7.7 In 2021, an application for the removal of hedgerows to facilitate the future development of the residential allocation was refused (application reference 21/0001/HDG).
- 7.8 Also in 2021, an application to discharge of conditions 5 (archaeological work); 13 (highway details); 14 (ramp details); 18 (access during construction); 20 (tree & hedgerow protection); 21 (method statement for root protection areas) & 27 (boundary treatments) of previously approved application 16/0387 was approved (application reference 21/0611).

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 5th May 2021;
 2. the Heritage Impact Assessment (Report 283 (Revised) Updated 4th May 2021) received 5th May 2021;
 3. the Contaminated Land Statement received 21st March 2019;
 4. the Affordable Housing Statement received 9th October 2021;
 5. the Drainage Strategy received 11th March 2022 (Ref: K39163.DS/001);
 6. the External Materials Schedule received 5th May 2021 (Ref: 18/07/937 - EMS/3);
 7. the Dwelling Type Schedule received 5th May 2021 (Ref: 18/07/937 - DS);
 8. Landscaping Schedule received 5th May 2021;
 9. the location plan received 21st March 2019 (Drawing No. 18/07/937 -

- 01);
10. the proposed site plan received 5th May 2021 (Drawing No. 18/07/937 - 08f);
11. the Grisdale Elevations (Brick) received 5th May 2021 (Drawing No. 18/06/931 - Grisdale);
12. the Grisdale Floor Plans received 5th May 2021 (Drawing No. 18/06/931 - Grisdale);
13. the Grasmoor (2) Elevations (Brick) (LH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Grasmoor (2) (LH Garage) Rev A);
14. the Grasmoor (2) Floor Plan (LH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Grasmoor (2) (LH Garage) Rev D);
15. the Grasmoor (2) Elevations (Brick) (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Grasmoor (2) (RH Garage));
16. the Grasmoor (2) Elevations (Render) (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Grasmoor (2) (RH Garage));
17. the Grasmoor (2) Floor Plan (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Grasmoor (2) (RH Garage));
18. the Pillar (2) Elevations (Brick) (LH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (2) (LH Garage) Rev A);
19. the Pillar (2) Floor Plan (LH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (2) Rev D);
20. the Pillar (2) Elevations (Brick) (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (2) (RH Garage));
21. the Pillar (2) Elevations (Render) (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (2) (RH Garage));
22. the Pillar (2) Floor Plan (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (2) (RH Garage));
23. the Pillar (4) Elevation (Brick) (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (4) (RH Garage));
24. the Pillar (4) Floor Plan (RH Garage) received 5th May 2021 (Drawing No. 18/06/931 - Pillar (4) (RH Garage));
25. the Notice of Decision; and
26. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

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

Reason: To ensure a minimum standard of construction in the interests of highway safety in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

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

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

- details of proposed crossings of the highway verge
- 1. retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development
- 2. retained areas for the storage of materials
- 3. cleaning of site entrances and adjacent public highway
- 4. details of proposed wheel washing facilities for vehicles leaving the site
- 5. the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway
- 6. construction vehicle routing
- 7. construction hours
- 8. implementation of noise mitigation measures i.e. storage/unloading of aggregates away from sensitive receptors, use of white noise reversing alarms where possible
- 9. provision and use of water suppression equipment
- 10. covering of 'dusty' materials

Reason: To protect the living conditions of the occupiers of the adjacent residential properties in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

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

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

6. Before development commences a scheme of tree and hedge protection of those trees and hedges to be retained (as illustrated on Drawing Number 18/07/937 - 08f) shall be submitted to and approved in writing by the local planning authority. The scheme shall show the position and type of barriers to be installed. The barriers shall be erected before development commences and retained for the duration of the development.

Reason: To protect trees and hedges during development works in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

7. Within the tree protection fencing approved by Condition 6:

- 11. No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
- 1. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root

protection area.

2. No alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority.
3. No materials or vehicles shall be stored or parked within the fenced off area.
4. No alterations to the natural/existing ground level shall occur.
5. No excavations will be carried out within the fenced off area.
6. The tree and hedge protection fencing must be maintained to the satisfaction of the Local Planning Authority at all times until completion of the development.

Reason: To protect trees and hedges during development works in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

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

Reason: To ensure that a satisfactory landscaping scheme is implemented and maintained, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI 6 of the Carlisle District Local Plan 2015-2030.

9. Notwithstanding any description of the boiler details on the submitted drawings, details and location of the air source heat pumps prior to their use as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in strict accordance with the approved details.

Reason: Satisfactory details of the air source heat pumps have not yet been provided, therefore further information is necessary to ensure that air source heat pumps to be used are acceptable visually in accordance with Policies SP6 of the Carlisle District Local Plan 2015-2030.

10. The development shall not commence until visibility splays as illustrated on drawing no. 18/07/937 - 08f) have been provided at the junction of the access roads with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay

which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

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

Reason: To ensure a satisfactory means of foul and surface water disposal and in accordance with Policies IP6 and CC5 of the Carlisle Local Plan 2015-2030.

12. The existing hedgerows to be retained to the northern, southern, eastern and western boundaries of the site, with the exception of the vehicular access, as indicated on Drawing Number 18/07/937 - 08f) shall be retained at a height of not less than 1.6 metres as measured from the existing ground level. The existing hedgerows shall be enriched through the planting of a double row of staggered hawthorn plants in gaps exceeding 250mm. All planting shall be carried out in the first planting season following the occupation of the ninth dwelling and maintained thereafter to the satisfaction of the council. Any 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.

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

13. The drainage for the development hereby approved, shall be carried out in strict accordance with principles set out in the Drainage Strategy (Reference K39163:DS/001) prepared by R G Parkins. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to the occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory drainage system, to prevent undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies IP6, CC4 and CC5 of the Carlisle District Local Plan 2015-2030.

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

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

15. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason: To ensure that the access roads are defined and laid out at an early stage in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

16. No dwelling 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.

Reason: To ensure a minimum standard of access provision when the development is brought into use in accordance with Policies IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

17. 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.

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

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

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

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.

| | | | |
|---|------|----------|---------|
| No. | Date | Revision | Initial |
| <h1>ALPHA DESIGN</h1> <p>Architectural Services Member of the Chartered Institute of Architectural Technologists</p> <p>Tel: 01900 829199 email: info@alpha-design.co.uk</p> | | | |
| <p>Project</p> <p>FIELD 3486, MONKHILL ROAD, MOORHOUSE, CARLISLE</p> <p>Client</p> <p>CITADEL HOMES (CUMBRIA) LTD.</p> <p>Drawing</p> <p>LOCATION PLAN</p> <p>Scale 1:2500 @ A3 Drawn GB</p> <p>Checked Date DEC. 2018</p> | | | |
| <p>Drawing No.</p> <p>18/07/937 - 01</p> | | | |
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| Job No. | Date | Number | Notes |
| | | | |

ALPHA DESIGN
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 No. 1000 NORTH 10TH STREET, SUITE 100, DENVER, CO 80202

PROJECT
 FIELD 3466,
 NORTH-OLD ROAD,
 MOORHOUSE,
 CARLSLE

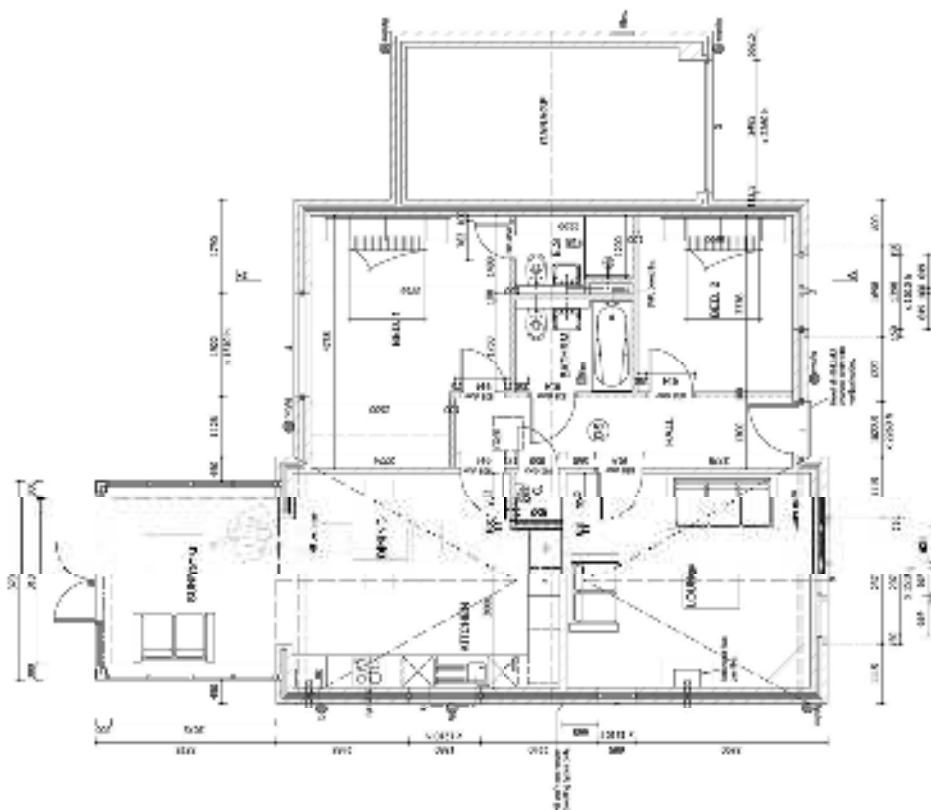
CLIENT
 CITIGUS: HOMES (CUMBRIA) LTD.

Drawing
EXISTING SITE PLAN

Scale: 1:2500 A1 Units: UK
 Created Date: 2007-08-06

Drawing No.
 200707-02

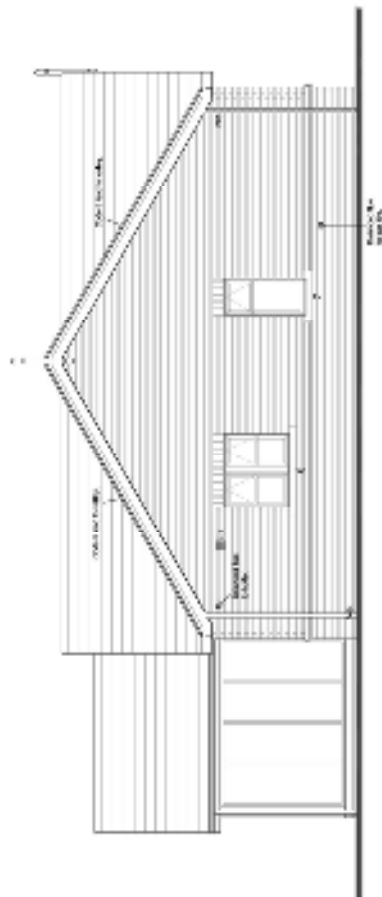
This drawing is valid for 12 months from the date of issue. It is not to be used for any other purpose without the written consent of the author. The author is not responsible for any errors or omissions in this drawing. The user of this drawing is advised to check the accuracy of the information contained herein before using it for any purpose.



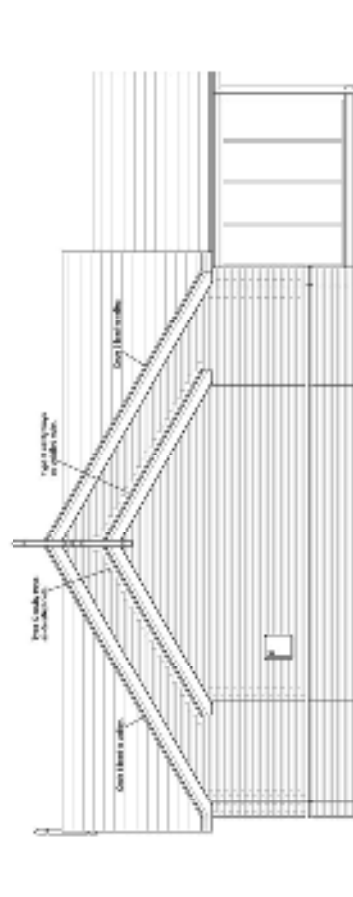
GRASMOOR (2) 2-BED FLOOR PLAN (RH GARAGE)

TOTAL G.L.A. - 91.5sqm
1122 sq.ft.
plus garage @ 15.0 sqm
1272 sq.ft.

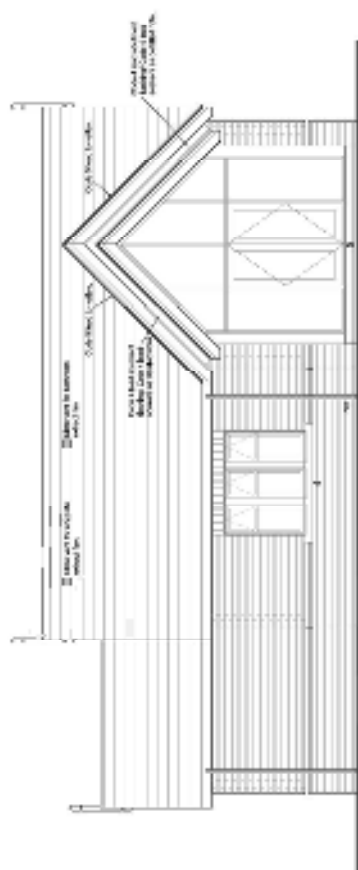
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|---|------|-----------|-------|
| Rev. | Date | Revisions | Notes |
| | | | |
| ALPHA DESIGN A & B Ltd 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 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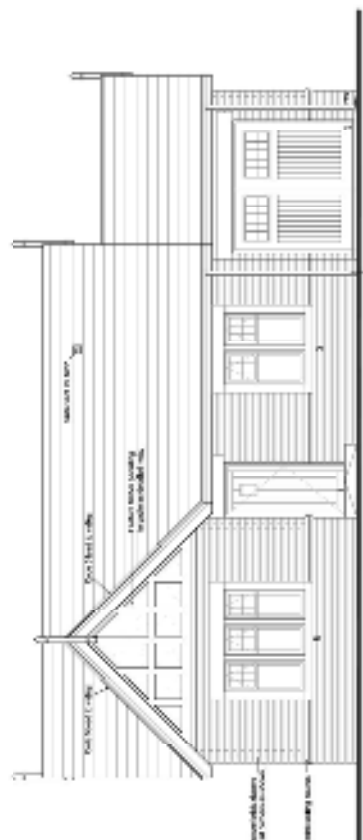
SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION

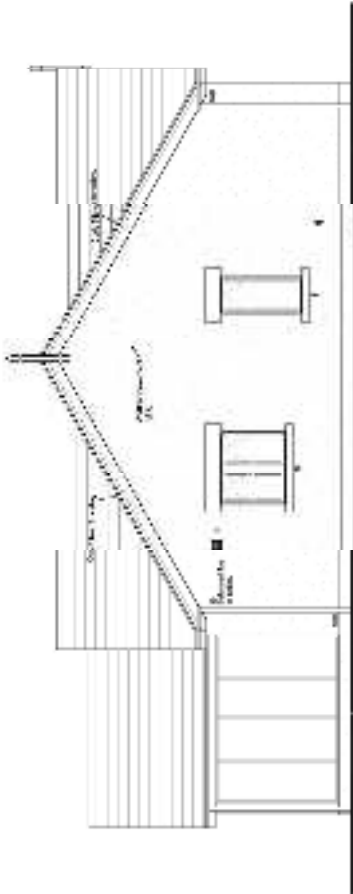


FRONT ELEVATION

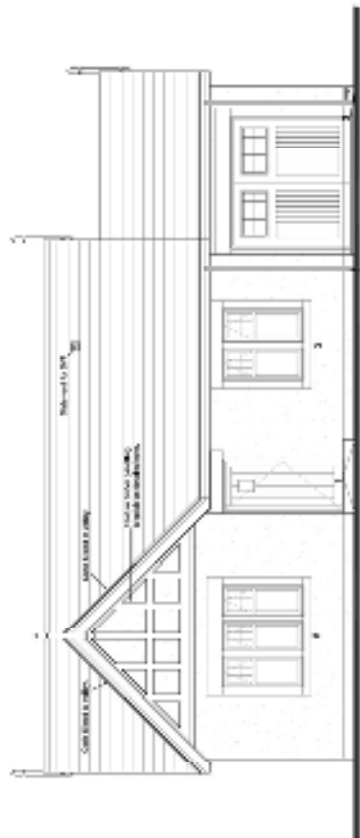
| Project Information | |
|---|---|
| Project Name | STANDARD DWELLING TYPES |
| Client | CITADEL HOMES (COLUMBIA) LTD. |
| Project No. | THE GLENHOLM (2) - BLENKINS (BIRCH) (TH GLENHOLM) |
| Scale | 1:100 (1/4" = 1'-0") |
| Drawn By | DR. J. J. J. |
| Checked By | DR. J. J. J. |
| Notes | |
| 1. This drawing was prepared in accordance with the requirements of the Building Regulations and the Building Act 1984. | |
| 2. The drawings are not to be used for any other purpose without the written consent of the architect. | |



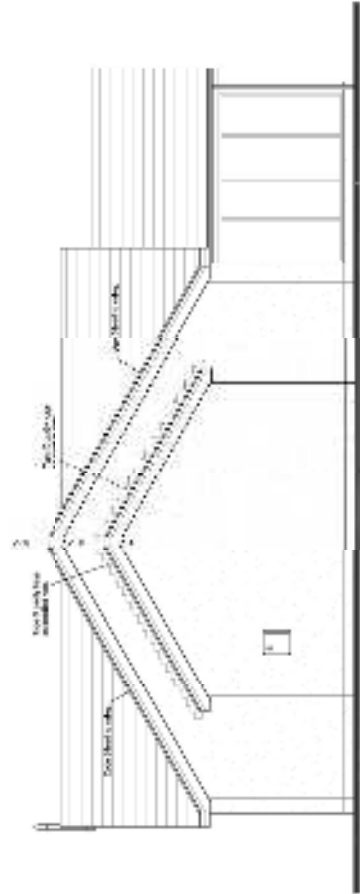
REAR ELEVATION



SIDE ELEVATION



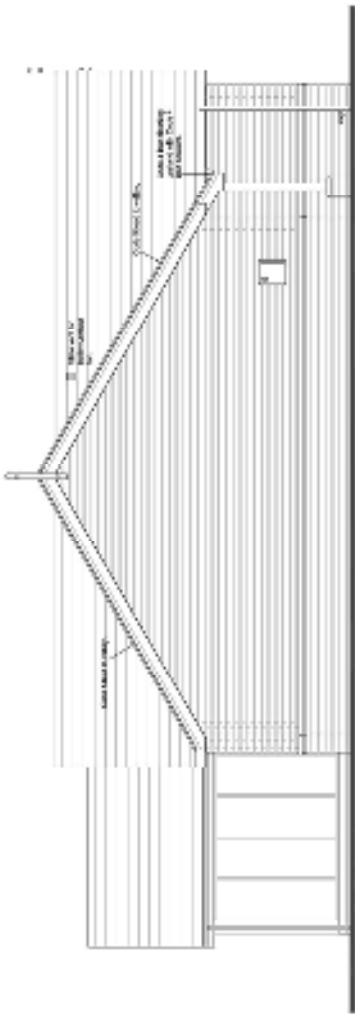
FRONT ELEVATION



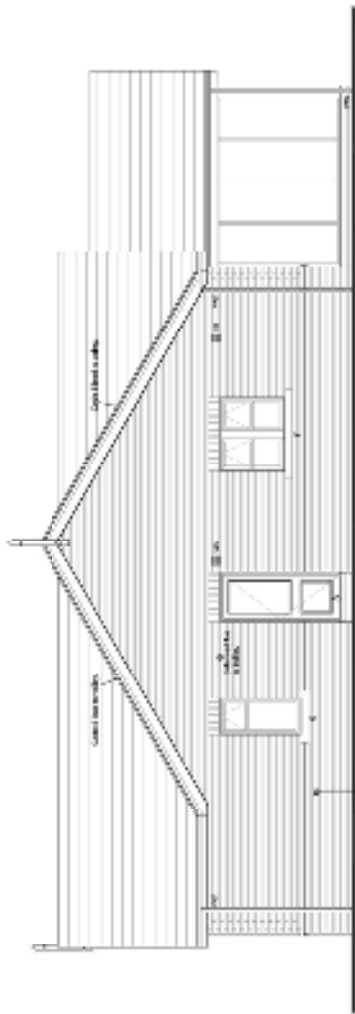
SIDE ELEVATION

| Project Information | |
|--|--|
| Project Name | THE GLASSHOOD (2) - ELEVATIONS |
| Client | CITADEL HOMES (QUEBEC) LTD. |
| Architect | STANLEY GARDEN LENS TYPE |
| Location | 10000 RUE DE LA SERRAVALLE, QUEBEC, QUEBEC |
| Scale | 1/8" = 1'-0" |
| Sheet | 1 of 1 |
| Drawn By | 10/10/2021 |
| Checked By | 10/10/2021 |
| This drawing was created in accordance with the requirements of the National Building Code of Canada and the Quebec Building Code. It is intended for use as a guide only and does not constitute a contract. The user is responsible for ensuring that the drawing is used in accordance with the applicable codes and standards. | |

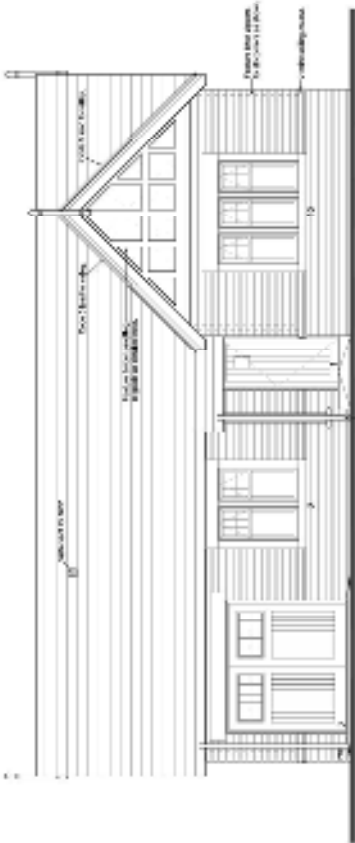
| | |
|--|--|
| <p>Alpha Design Ltd 10000 Highway 100, Unit 100 Richmond, BC V6V 2G9 Tel: 604-273-1234 Fax: 604-273-1235 Email: info@alphadesign.ca Website: www.alphadesign.ca</p> | |
| <p>Project: STANDARD DWELLING TYPES Client: CITADEL HOMES (COLUMBIA) LTD. Drawing No: 20-001-001-001 Date: 10/10/2020 Scale: 1/8" = 1'-0"</p> | |
| <p>Revision: 1 Description: 1000 sq. ft. detached house with 2 bedrooms and 2 bathrooms. The house features a gabled roof, a front porch, and a rear deck. The exterior is finished with horizontal siding and the interior is finished with carpet and baseboards.</p> | |



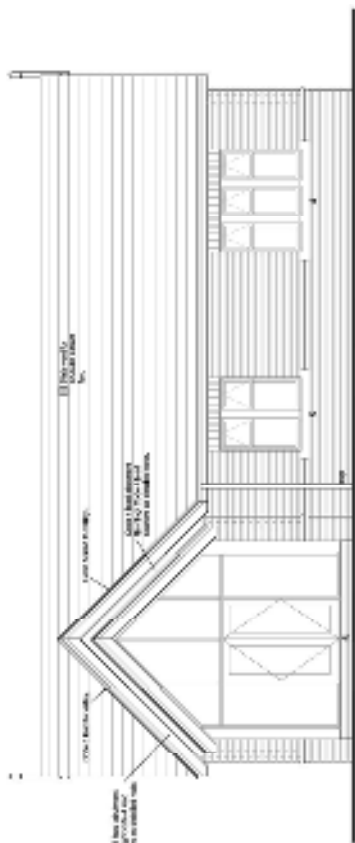
SIDE ELEVATION



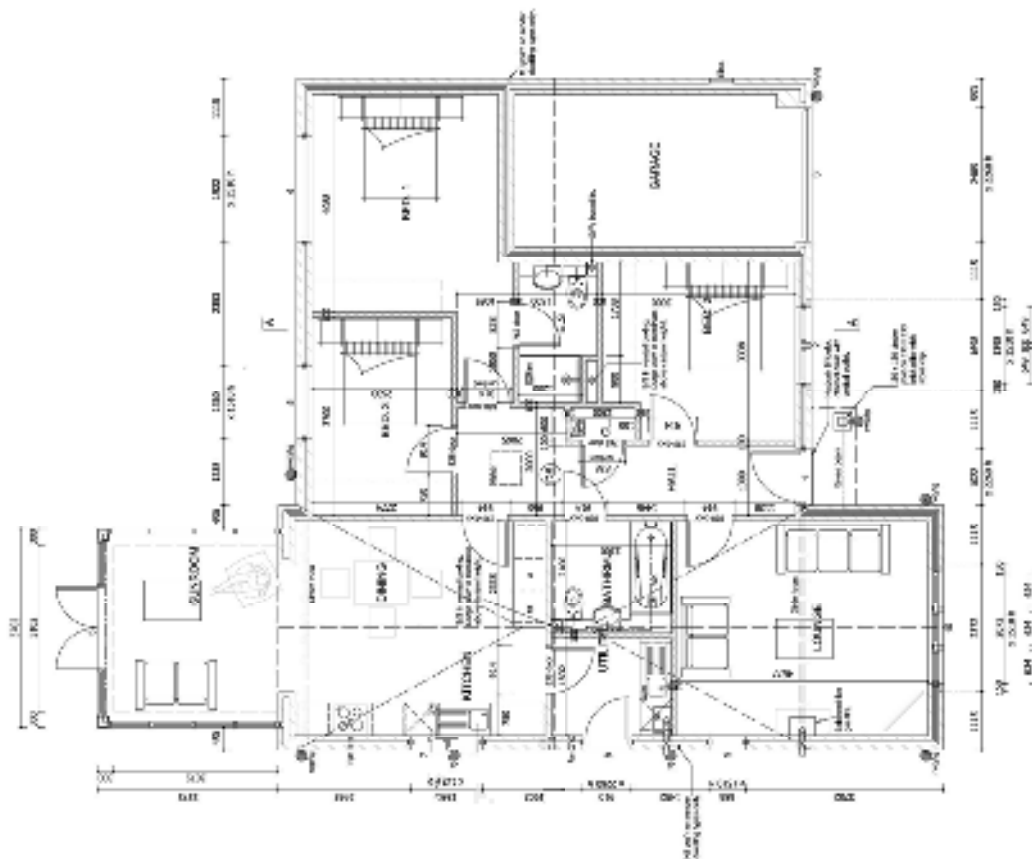
SIDE ELEVATION



FRONT ELEVATION



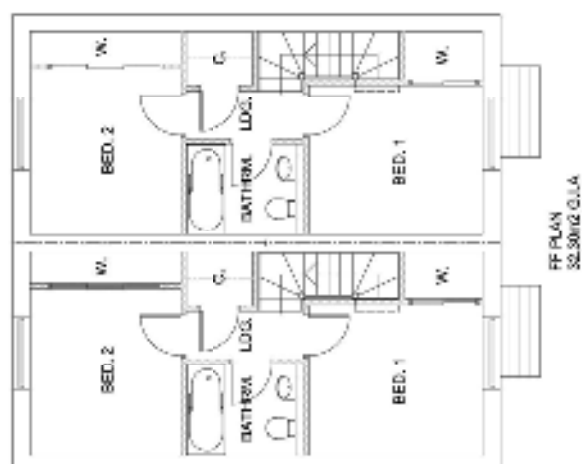
REAR ELEVATION



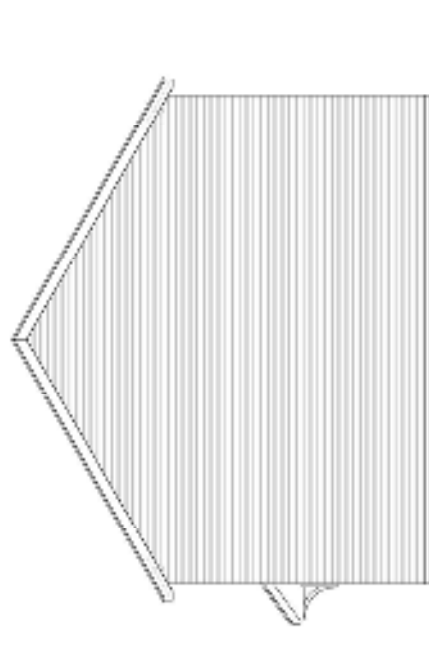
PILLAR (2) 3-BED FLOOR PLAN (RH GARAGE)

TOTAL G.L.A. - 1,114.48sq ft
1,232 sq ft.
plus garage @ 15.08sq ft.
162 sq ft.

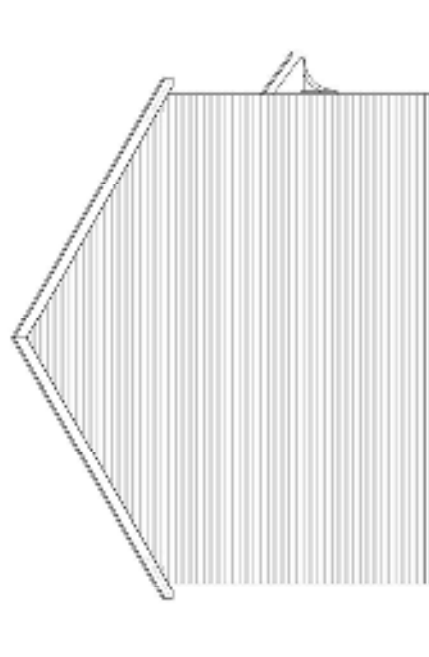
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| Job No. | Drawn | Revised | Job Title |
| <h2 style="text-align: center;">ALPHA DESIGN</h2> <p style="text-align: center;">Architectural Firm 123 Main Street, Suite 100 New York, NY 10001 Tel: (212) 555-1234</p> | | | |
| <h3 style="text-align: center;">STANDARD DWELLING TYPES</h3> | | | |
| <p>Client: CITIZEN HOMES (CINCINNATI) LTD.</p> | | | |
| <p>Drawing:</p> | | | |
| <p style="text-align: center;">THE GRISDALE - FLOOR PLANS</p> | | | |
| <p>Scale: 1/8" = 1'-0"</p> | | <p>Units: US</p> | |
| <p>Standard</p> | | <p>Date: 08/15/2024</p> | |
| <p>Drawing No.: 2000-001 - 001-001-0</p> | | | |
| <p>This drawing is prepared in accordance with the latest edition of the International Building Code (IBC) and the applicable local building codes. It is intended for use as a guide only and does not constitute a contract. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable laws and regulations.</p> | | | |



SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

| | | | |
|---|-----------------|----------|---------|
| Qty. | Desc. | Quantity | Price |
| <h2>ALPHA DESIGN</h2> <p>As a leader in the new generation of "luxury" homes at As a leader in the new generation of "luxury" homes at</p> <p>NO. 1000 N. 1000 N. 1000 N. 1000 N.</p> | | | |
| <h3>STANDARD DWELLING TYPES</h3> | | | |
| <p>Client: _____</p> <p>CITIZEN HOMES (LUNBURG) LTD.</p> | | | |
| <p>Design: _____</p> <p>THE GRISDALE - BLENKTONS (BROOK)</p> | | | |
| 5/10 | 1200 N. 1000 N. | 1000 N. | 1000 N. |
| Standard | Order | Order | Order |
| <p>Design No. _____</p> <p>2000 N. 1000 N.</p> | | | |
| <p>For details and design in 1000 N. 1000 N. and 1000 N. As a leader in the new generation of "luxury" homes at As a leader in the new generation of "luxury" homes at</p> <p>NO. 1000 N. 1000 N. 1000 N. 1000 N.</p> | | | |

SCHEDULE A: Applications with Recommendation

21/1143

Item No: 02

Date of Committee: 24/06/2022

Appn Ref No:
21/1143

Applicant:
D Routledge

Parish:
Stanwix Rural

Agent:
Summit Town Planning

Ward:
Stanwix & Houghton

Location: Land adjacent to Meadow Cottage, Tarraby, Carlisle, CA3 0JS

Proposal: Erection Of 4no. Dwellings And Associated Works

Date of Receipt:
14/12/2021 16:01:45

Statutory Expiry Date
08/02/2022 16:01:45

26 Week Determination
11/04/2022

REPORT

Case Officer: Stephen Daniel

This application was deferred at the April 2022 meeting due to Members raising concerns about the validity of the data in the submitted traffic survey and requesting further information be submitted on the traffic report.

Highway Matters

A new Automatic Traffic Count (ATC) report has been submitted. The new ATC report is based on a survey which was carried out between 25 April and 01 May 2022. A video camera was used to record vehicle movements between the start of the survey until the evening of Thursday 28 April. The ATC data was cross referenced with the available video data and this uncovered a minor anomaly whereby each time two bicycles went past (trailing one another in close proximity), the machine thought that it was a four-axle vehicle. The Highways Authority were consulted on the new ATC and asked for bicycles to be removed from the survey to ensure that the vehicles speeds were not distorted by the inclusion of bicycles.

An objector has raised the following concerns about the ATC report:

- the report states that the site speed limit is 30mph but the road is subject to the national speed limit;
- given the low volumes of traffic recorded is the summary a true reflection of the 85%ile;
- is it not appropriate to use the full data set?

The Parish Council has also raised the following concerns about the ATC Report:

- the lack of street lighting indicates that the U1170 Tarraby Lane is unrestricted and has a speed limit of 60mph;

- the Automatic Traffic Counter was positioned to record only those vehicles passing beyond the ATC. Only 4 dwellings lie beyond this point so the total traffic volume of Tarraby Lane is not recorded. This provides an incomplete and, therefore, misleading dataset as the hamlet contains a further 24 dwellings which also rely on access to Tarraby Lane and which are visited by a variety of vehicle types. As Tarraby Lane is a cul-de-sac a more appropriate site would be between the Near Boot Inn and 'Wensleydale'. This would enable the recording of every vehicle entering and leaving the hamlet and thus provide a comprehensive and meaningful count;
- the counting period included a Bank Holiday when traffic volume would be lighter than normal;
- the Parish Council considers the data provided in the ATC Report to be flawed and unreliable as a means of informing the decision-making process, it therefore strongly recommends a further, fully comprehensive, count inclusive of all traffic using Tarraby Lane.

The Highways Authority has considered the above comments.

- if the MfS2 calculations are done for the fastest 85%ile speeds recorded for a single day (22.1mph) then the splay should have been 28.07m. The splays conditioned are, therefore, considered robust and are in fact a slight overestimation of the stopping distances needed;
- the condition on visibility splays should be changed from 32m north bound and 36m south bound to 32m to the south and 36m to the north. The direction of travel of cars on the lane is the opposite from the direction you will look at when exiting the site (i.e. is you see a car travelling north bound then you will be looking south to see it coming);
- the statement in the survey that it is a 30mph road is incorrect - however, the survey was done to ascertain the 85%ile speeds of vehicles close to the proposed access(es). It was not a survey conducted to consider the capacity of the lane. The statement on the current limit, therefore, is immaterial and the location of it was acceptable;
- as it was not a capacity survey, content that it included a bank holiday. This will in most cases (on that day) generate less vehicles, but the speeds of them will normally be slightly higher than on a "normal" day.

In light of the above, the ATC is considered to be acceptable and condition 8 (visibility splays) has been amended in line with the comments from the Highways Authority (i.e. visibility splays providing clear visibility of 32 metres to the south bound and 36m to the north).

On the 24th May, the appeal decision for land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby was issued (a full copy is contained within Schedule B). The appeal was allowed and outline planning permission was granted with condition 4 being changed to restrict the number of dwellings that could be built on the site to not more than four. The Inspector noted that:

- the traffic generated by 4 dwellings (each additional dwelling is predicted to add a further 5 to 6 vehicle movements per day) would not be a significantly high volume in the context of the lightly trafficked no through road;
- there is little substantive evidence that the additional vehicles generated by 4 rather than 2 new dwellings would compromise highway safety;
- there is little evidence that the village or the approach suffers from significant

congestion or highway safety issues;
- construction traffic associated with the proposal for 4 dwellings would have the potential to adversely impact highway safety.

The Inspector's findings are consistent with those of the Highways Authority, which has raised no objections to this application subject to the imposition of conditions. A new condition requiring the applicant to submit a Construction Traffic Management Plan prior to commencing work on site has been added to the permission.

Nutrient Neutrality

Alongside other local planning authorities, Carlisle City Council has received a letter dated 16th March 2022 from Natural England about nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). The letter advised that new development within the catchment of these habitats comprising overnight accommodation (which includes new dwellings) can cause adverse impacts to nutrient pollution.

Local authorities have been advised that planning applications and plans in affected areas should be carefully considered and mitigation should be used to ensure there are no adverse effects to meet the requirements of the Conservation of Species and Habitats Regulations 2017. Whilst the council assesses the implications of these matters, it cannot lawfully conclude that development within the catchment of the River Eden SAC will not have an adverse effect. Therefore, until these matters are resolved, the council will not be able to grant planning permission for developments comprising overnight accommodation (including new dwellings) within the affected catchments. This application cannot, therefore, be approved until this issue is resolved.

Updated Recommendation:

It is recommended that authority to issue approval be given to the Corporate Director of Economic Development subject to conditions and a satisfactory solution to deal with nutrient neutrality.

The original report follows:

1. Recommendation

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

2. Main Issues

- 2.1 Principle Of The Development
- 2.2 Layout, Scale And Design
- 2.3 Impact on The Tarraby Conservation Area
- 2.4 Impact On Residential Amenity
- 2.5 Impact On Listed Buildings
- 2.6 Impact On Hadrian's Wall World Heritage Site
- 2.7 Highway Matters

- 2.8 Drainage Issues
- 2.9 Biodiversity
- 2.10 Contaminated Land

3. Application Details

The Site

- 3.1 The application relates to an irregular parcel of land to the immediate northeast of Meadow Cottage which is located on the edge of the village of Tarraby. The site extends to approx. 0.34ha and is largely bound by mature hedgerows, with some sections of 1.8m high close boarded fence. A track leading from the adjacent public highway provides access to the site and to the rear of Meadow Cottage.
- 3.2 The site, along with Meadow Cottage, is located on the eastern side of the public highway and forms the last property in the village on this side of the lane, beyond which is undeveloped countryside.
- 3.3 Meadow Cottage is a two-storey traditional brick built cottage fronting the highway along Tarraby Lane. Its domestic garden area is laid out primarily to the side (north) of the property with areas of hardstanding providing parking to its rear.
- 3.4 The area is framed by the surrounding rural landscape to the north and east with residential properties located along the highway to the west and the heart of the village located to the immediate south.
- 3.5 The westernmost part of the site, including Meadow Cottage and its garden area, fall within the Tarraby Conservation Area. The entirety of the site falls within the Buffer Zone of the Hadrian's Wall World Heritage Site.

Background

- 3.6 In March 2019, planning permission was granted for the erection of two detached dwellings on the application site (18/0928). Although two-storey in height, the proposed properties incorporated bedrooms within the roof space and therefore dormer roof features were proposed as part of the overall design along with two-storey bay windows and projecting gable features with stone detailing. The properties were to be laid out facing each other, with one to the north of the access road and one to the south. Materials included red heritage brick and buff sandstone to the elevations, Welsh blue slate to the roofs and white painted timber framed casement windows. The north-east corner of the site was retained as a paddock. Vehicular and pedestrian access was to be via the existing access track off Tarraby Lane which was to be widened via the removal of a single Ash Tree in order to meet highway requirements.
- 3.7 In April 2020, planning permission was granted for the erection of a detached garage on the site for use by the occupiers of Meadow View

The Proposal

- 3.8 The site would be accessed from Tarraby Lane, with the access running through the centre of the site. Plot 1 and its detached garage and Plot 2 would occupy the northern part of the site, with the detached garage to Plot 2, Plots 3 and 4 (which have detached garages to the rear of the properties) and a new garage for Meadow Garage being located on the southern part of the site.
- 3.9 Plot 1 would have a two-storey projecting gable to the front and this would be adjoined by an open porch. A large two-storey section would project out from the rear of the dwelling and this would be glazed to the ground floor with a balcony above. The two-storey section would contain two bedrooms (one en-suite), with a further bedroom and a bathroom being provided in the roofspace of the remainder of the dwelling. The ground floor would contain a dining area/ sunroom, a lounge, a bedroom and a utility room. A detached double garage, with an attached single car port, would be located to the rear of the dwelling.
- 3.10 Plot 2 would have a two-storey projecting gable to the front and this would be adjoined by a catslide roof. The front elevation would also contain a pitched roof dormer window at eaves level. The rear elevation would contain a two-storey projecting gable, which would be adjoined by a projecting balcony. This would be adjoined by bi-fold door beyond which would lie a single-storey section, which would be adjoined by a chimney. The two-storey section of the dwelling would contain two bedrooms, with two further bedrooms and two bathrooms being provided within the roofspace of the remainder of the dwelling. The ground floor would contain an open plan lounge/ kitchen/ dining area, a living room, a family room, a utility and a w.c. A detached double garage would be located to the front of the dwelling.
- 3.11 Plots 3 and 4 would be one-a-half-storey properties. The ground floor of the dwellings would contain a lounge, kitchen, two bedrooms and a bathroom. An en-suite bedroom would also be provided in the roofspace this would be served by rooflights and a windows in the gables which would serve the staircase and bathroom. Detached single garages would be provided to the rear of the dwellings, with two parking spaces being provided in front of these.
- 3.12 The dwellings would be largely constructed of brick, with small elements of render on each of the dwellings, under slate roofs. The garages would be constructed of brick under slate roofs.
- 3.13 A detached single garage with an attached covered storage area, would also be provided within the site for use by the occupiers of Meadow Cottage. This would be finished in render under a slate roof.

4. Summary of Representations

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to eleven neighbouring properties. In response, 4 letters of objections have been received which raise the following issues:

Impact On Tarraby Conservation Area

- who is the developer kidding with talk of a courtyard? This is no courtyard, it is a cul-de-sac - this cul-de-sac of homes would not look out of place in the Storey Homes development at Eden Gate, Houghton. The architects must do better;
- as it stands, the Conservation Area has three former Georgian farmsteads within it, where linked buildings sit opposite one another at right angles around a cobbled yard. Those yards are at Tarraby Farm, Beeches Farm/Clydesdale Stud and The Thorn / Thorn Farm. These yards bear no resemblance to the proposal and there are no other yards in the immediate vicinity;
- ironically, since Tarraby became a Conservation Area in 1969 it has been much spoiled by development that detracted rather than enhanced. Just look at the neighbouring homes around Meadow Cottage. Carvina, a modern looking bungalow was built around 1971. Red Nook Cottage was renovated in a modern style around the same time and its thatch was removed (admittedly the thatch was in a dilapidated state and was covered in sheets of corrugated metal). Aren't Planners only meant to allow planning applications that enhance a Conservation Area? Let Carvina and Red Nook Cottage be a lesson in how not to enhance a Conservation Area and apply that lesson to this application;
- in the Heritage Statement it states there is no overall building style in Tarraby. Regrettably that may be true these days because of poor scrutiny in the planning process, but up until the mid 20th century, it did have a building style of large brick built Georgian farmhouses and their associated outbuildings, together with white washed cottages. Just because there is a mix of styles now does not excuse poor architectural design that we see in this proposal. What house in Tarraby has dormer windows? None of them. What house in Tarraby has a first floor balcony? None of them;
- historically, the site was part of a large field that was pasture for the dairy herd of The Thorn. The field went right up to the farmyard of The Thorn until the 1990's when part of the field was purchased by the owners of Carvina and Meadow Cottage. Until then, the old field hedgerow was just about up to the kitchen windows of both Carvina and Meadow Cottage;
- recently, owners of properties along a field behind Whiteclosegate have been purchasing part of the field and extending their gardens. This process involves a planning application to change the use of the field from agricultural to domestic. I don't ever remember Carvina or Meadow Cottage making similar applications in the 1990's. If they had, it would have given the City Council an opportunity to consider extending the boundary of the Conservation Area to include the new garden land, thereby making this application wholly within the Conservation Area. Can this be considered now by the Council?;
- essentially, this planning application is on a green field site. Aren't green fields around a Conservation Area an enhancing feature in themselves, and

building on them would be a detraction?;

Highway Matters

- greatly concerned by the subsequent increase in traffic and the effect on the many pedestrians that use the lane, should the development go ahead;
- planning application 18/0928 (for two dwellings on this site) was actually recommended for refusal by the Planning Officer but sadly he was overruled. Let's hope permission is denied this time because it is now worse than ever, in that there are four houses planned instead of two, so twice the traffic than was anticipated in 18/0928;
- can Tarraby's unclassified road really take any more traffic when pedestrian use has soared since 18/0928 was given permission?;
- there is the possibility of the proposed dwellings having 8 vehicles or more;
- where will visitors park? - there is no extra parking within the development or outside the development;
- would like assurances that all vehicles will exit the development in a forward gear to ensure road safety;
- need regular cleaning of road surface to ensure road safety and minimal disruption;
- this proposal coupled with a possible approval for four further dwellings down Tarraby Lane adj to Shortdale Cottage (20/0692) will adversely impact residents living both in the vicinity of the site and in Tarraby;
- the current plan does not provide any indication of the vehicle access/ egress/ parking / turning space for Meadow Cottage;
- there is no indication of the proposed on-site parking arrangements of the site operatives' vehicles or proposal for dealing with delivery lorries, including turning areas and on-site material lay down areas;
- question the feasibility of lorries, refuse vehicles and fire engines using the proposed entrance and turning round on site;
- object to the Transport Assessment (TA) which asserts that the Highways Authority is allowing a reduction in visibility splays at the site entrance which is potentially dangerous;
- Tarraby Lane is an un-restricted single lane carriageway with a speed limit of 60mph, with no street lighting or designated footpaths - it has blind bends and is barely able to cope with the weekly visits by the Local Authority service vehicles;
- modern farm vehicles/machinery struggles to remain on the carriageway when gaining access to fields down the lane;
- a number of residents have no off-street parking, which reduces the width of the carriageway;
- the TA fails to consider the impact of the increase in traffic throughout the whole length of Tarraby Lane - the lane up to the junction with Houghton Road is effectively single carriageway with no designated footpath, street lighting or vehicle passing places;
- there are two large family dwellings and the public house car park entrance situated close to the junction with Houghton Road and planning permission has been granted for a further large family dwelling adjacent to Wensleydale, which would have its own access onto the lane;
- the TA has not considered the Persimmon development of 300 dwellings at the end of the lane - those residents now have pedestrian and cycle access on to Tarraby Lane to visit the Near Boot public house and the petrol station/

convenience store on Brampton Road;

- Tarraby Lane now provides access to an established amenity enjoyed by young families, cyclists and walkers from a wider area to enter the nearby Wildlife Trust site;
- there is no footpath provision along the length of Tarraby Lane so additional vehicles increase safety issues for cyclists, pedestrians and dog walkers;
- vehicles often park on the verges in the area;
- an objector has enclosed a letter from Cumbria Police which was sent to all residents of Tarraby in 2012 - this highlighted the number of complaints the police had received in relation to the manner of driving through Tarraby of which some incidents had resulted in near misses;

Drainage Matters

- the Drainage Report makes no mention of the fact that an important drain for Tarraby Farm, Nos. 1-4 Tarraby Mews and Paddock Cottage is on the proposed site. The drain will be 200 years old and takes rainfall away from the farmyard through the site, through the original garden of Meadow Cottage, under the road, through the garden of Red Nook Cottage and then through the field behind. Where it then goes downhill towards Stanwix and joins the gutter network in the next field. The drain was indicated in the plans for Paddock Cottage (14/0483) and needs to be plotted on this proposal too. The drain should not be disturbed by any proposed work;
- the drainage would discharge to the existing surface water drainage in the road just outside the site. The existing road gullies and below ground surface water drainage discharges to a minor water course/ field ditch some distance away to the west - this drain serves Meadow Cottage, the proposed development, but also paved areas, the carriageway and all other properties in Tarraby and is regularly overloaded and needs to be addressed. Flooding regularly occurs in this area.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections subject to conditions (highway construction details; surfacing of access road; provision of visibility splays; surface water drainage scheme; Construction Surface Water Management Plan; condition and capacity survey of culverted watercourse downstream of the surface water discharge point to include any improvement that are required);

Historic England - North West Office: - does not wish to comment;

United Utilities: - foul water should drain to the public sewer with surface water draining in the most sustainable way;

Waste Services: - waste/ recycling containers would need to be brought to the end for emptying so space should be made for these;

Stanwix Rural Parish Council: - approved planning application reference 18/0928 proposed the construction of 2 large 4 bedroom, 2 storey dwellings. Strong objections were submitted by Parish Council and the application was recommended for refusal due to the adverse impact on the conservation area. Unusually, members of the Development Control Committee entirely disregarded the Planning Officer's reasoned advice and recommendation, and approved the application on 15 February 2019.

Application 20/0161, approved 15 April 2020, proposed to retrieve an area from the site approved above in order to build a large free-standing garage to lie within the curtilage of Meadow Cottage. In this application the longitudinal axis of the proposed garage is to be aligned in a northeast/southwest orientation. Garage G4 on the Site Plan is the only garage not related to a plot number and is therefore assumed to show a 90 degree re-alignment of the garage approved under Appn Ref 20/0161.

The Parish Council believes this and the amendment to the site boundary, should properly be addressed through a formal application to amend Condition 2 of the permission in respect of Appn Ref 20/0161, rather than via approval of an obscure reference included in the current application.

12 parking spaces are proposed and that this constitutes a difference of 12 spaces. This indicates an expected increase of 12 domestic vehicles accessing and exiting the proposed development, in addition to those of visitors and service vehicles and, of course any traffic associated with the existing Meadow Cottage.

In addition to this permanent increase, construction traffic would also be required to enter and exit the site, an operation incapable of being mitigated by visibility splays and the provision of on-site parking and turning areas.

All these vehicle movements would occur at a restricted point in Tarraby Lane that is also prone to flooding.

The Parish Council considers the DS is inadequate and that the proposal significantly increases the probability of localised flooding in Tarraby Lane, to the detriment of neighbouring properties.

The site abuts the northern boundary of Tarraby Conservation Area, designated in 1969 - the oldest, smallest and most vulnerable rural conservation area in Carlisle. Meadow Cottage, its curtilage and thus the site access do, however, lie within the Conservation Area.

Viewed objectively, the proposed development is patently incapable of maintaining the conservation area, or its setting, in its original or existing state. Nor can it be considered, even remotely, to enhance, intensify, increase, or further improve the quality, value, or extent of the Conservation Area.

It is the Parish Council's view that the proposal:

- Is contrary to Policy HE7 of the Local Plan;
- would have a major detrimental impact upon the character and setting of the conservation area.
- constitutes a wholly inappropriate and unacceptable over intensification of use of the site;
- would increase the incidence of localised flooding, to the detriment of neighbouring residential amenity;
- generate an increase in vehicle movements to an unacceptable level in a particularly restricted part of a narrow lane used by growing numbers of pedestrians, equestrians and cyclists.

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 SP1, SP2, SP6, SP7, HO2, HE1, HE3, HE7, IP2, IP3, IP6, CC4, CC5, GI3 and CM4 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Document Achieving Well Designed Housing is also a material planning consideration.
- 6.3 The proposal raises the following planning issues.
1. Principle Of The Development
- 6.4 Planning permission has previously been granted for the erection of two dwellings on this site. The principle of residential development on this site has, therefore, been established by this earlier permission.
2. Layout, Scale And Design
- 6.5 The site would be accessed from Tarraby Lane, with the access running through the centre of the site. Plot 1 and its detached garage and Plot 2 would occupy the northern part of the site, with the detached garage to Plot 2, Plots 3 and 4 (which have detached garages to the rear of the properties) and a new garage for Meadow Cottage being located on the southern part of the site.
- 6.6 Plot 1 would have a two-storey projecting gable to the front and this would be adjoined by an open porch. A large two-storey section would project out from the rear of the dwelling and this would be glazed to the ground floor with a balcony above. The two-storey section would contain two bedrooms (one en-suite), with a further bedroom and a bathroom being provided in the roofspace of the remainder of the dwelling. The ground floor would contain a dining area/ sunroom, a lounge, a bedroom and a utility room. A detached double garage, with an attached single car port, would be located to the rear of the dwelling.
- 6.7 Plot 2 would have a two-storey projecting gable to the front and this would be adjoined by a catslide roof. The front elevation would also contain a pitched roof dormer window at eaves level. The rear elevation would contain a two-story projecting gable, which would be adjoined by a projecting balcony. This would be adjoined by bi-fold door beyond which would lie a single -storey section, which would have a chimney attached. The two-storey section of the dwelling would contain two bedrooms, with two further bedrooms and two bathrooms being provided within the roofspace of the remainder of the dwelling. The ground floor would contain an open plan lounge/ kitchen/ dining area, a living room, a family room, a utility and a w.c. A detached double garage would be located to the front of the dwelling.
- 6.8 Plots 3 and 4 would be one-a-half-storey properties. The ground floor of the dwellings would contain a lounge, kitchen, two bedrooms and a bathroom.

An en-suite bedroom would also be provided in the roofspace and this would be served by rooflights and windows in the gables which would serve the staircase and bathroom. Detached single garages would be provided to the rear of the dwellings, with two parking spaces being provided in front of these.

- 6.9 The dwellings would be largely constructed of brick, with small elements of render on each of the dwellings, under slate roofs. The garages would be constructed of brick under slate roofs.
- 6.10 A detached single garage with an attached covered storage area, would also be provided within the site for use by the occupiers of Meadow Cottage. This would be finished in render under a slate roof.
- 6.11 In light of the above, the layout, scale and design of the proposed dwellings are considered to be acceptable.

3. Impact on The Tarraby Conservation Area

- 6.12 The site lies adjacent to the Tarraby 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".
- 6.13 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.14 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.15 The Conservation Area boundary incorporates the western part of the site alongside Tarraby Lane. It extends out of the village along Tarraby Lane incorporating a narrow band of land on each side of the highway. It includes all the buildings of Tarraby and some historic paddocks enclosures and field boundaries which add to its traditional village character.
- 6.16 The application for two dwellings on this site that was approved by committee in March 2019 was recommended for refusal by officers due to concerns that the development would "introduce a built form of development within the rural setting of the Tarraby Conservation Area that would harmfully erode its rural character and diminish views into, through and out of the designated area. The design, layout and orientation of the proposed

dwellings would be at odds with the historical character and appearance of the Conservation Area and as such the proposal would not preserve or enhance the Conservation Area".

- 6.17 The previous approval was for two large detached dwellings which had side elevations facing Tarraby Lane. Whilst this proposal is for four dwellings, Plot 1 would be orientated to face the lane. Plot 2 would be sited in the north eastern corner of the site to the east of Plots 1, 3 and 4 and would be partly screened by these dwellings. Plot 2 would also be orientated to face the lane. Whilst plots 3 and 4 would have gables facing the road, these dwellings would occupy the same position as one of the dwellings in the previous approval. The proposed garage for Meadow View would be located adjacent the garage to Plot 4 and this would replace a garage that was granted planning permission on this site in April 2020. The presence of landscaping and existing dwellings on the roadside would help to screen the proposed dwellings from the conservation area.
- 6.18 In light of the above, given the previous permission for two dwellings on the site which is currently being implemented, it is considered that the proposal would not have an adverse impact on the Tarraby Conservation Area but would have a neutral impact.

4. Impact On Residential Amenity

- 6.19 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 Policy SP6 of the Local Plan which seeks to ensure that development does not result in adverse impacts to the living conditions of existing residents and future occupants. To this end, policies set out a number of criteria which are aimed at ensuring that adequate privacy and outlook are provided for the occupants of new dwellings and maintained for the occupants of existing dwellings that adjoin development sites. Such criteria are set out in the Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing'. The SPD requires that in order to demonstrate acceptable levels of privacy and outlook a minimum of distance of 21m between facing primary windows and 12m between such windows and a blank elevation is achieved.
- 6.20 In this case, the layout and orientation of the proposed development is such that the proposal would not adversely impact on the residential amenity of any neighbouring residents, including those at Meadow Cottage and Paddock Cottage. Whilst there would be one bedroom window in the upper floor of the side elevation of Plot 2, the window in the side elevation of Paddock Cottage, which would be 10.5m away, serves a bathroom and is obscure glazed. Paddock Cottage also has some lounge windows in the side elevation facing Plot 2 but these would be further away and are secondary windows (with the main windows being in the rear elevation) and given the layout would not lead to overlooking of the lounge. The proposed balconies on Plots 1 and 2 would face fields, with the balcony on Plot 1 having privacy screens, on that on Plot 2 being screened by the pitched roof of a

single-storey extension.

- 6.21 Overall it is considered that the proposed development, due to its design and layout, would not amount to any unacceptable impacts on the residential amenity of neighbouring properties as it would not result in any significant loss of light, over shadowing or visual intrusion. In addition, the proposal would not result in any unacceptable overbearing effects or loss of privacy to neighbouring residents and would maintain an acceptable level of outlook for existing and future occupiers.
- 6.22 Accordingly, the proposed development does not give rise to any concerns regarding residential amenity.

5. Impact On Listed Buildings

- 6.23 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 6.24 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.
- 6.25 Tarraby Farm, The Thorn and The Beeches are Grade II Listed Buildings located to the south and east of the application site, however, due to the orientation of the site, the distance to the designated heritage assets and the intervening built environment and landscaping, the proposal is unlikely to have an appreciable impact upon the setting of these buildings. Consequently, it is considered that the proposal would not result in any adverse impacts to the designated heritage assets or their settings.

6. Impact On Hadrian's Wall World Heritage Site

- 6.26 The site is located within the buffer zone of the Hadrian's Wall Roman Frontier World Heritage Site where policies SP7 and HE1 of the CDLP require that proposals for development be assessed against their impact on the outstanding universal value of the World Heritage Site (WHS) including consideration of views into and out of the WHS, with a presumption in favour of preserving the fabric, integrity and authenticity of the site. In addition, the area around the Roman frontier adds further significance to the World Heritage Site by allowing an appreciation of the siting of the Roman Frontier in relation to local topography, something which is crucial in understanding historical Roman military planning and land use.
- 6.27 Given the location of the application site within the Buffer Zone of the World

Heritage Site, Historic England has been consulted over the proposal but does not wish to submit any comments.

- 6.28 Given that the proposed layout, scale and design are acceptable, the proposal would not have an adverse impact on the Hadrian's Wall Buffer Zone.

7. Highway Matters

- 6.29 Policies IP2 and IP3 of the CDLP require all development proposals to be assessed against their impact on the transport network and to ensure adequate levels of parking provision.
- 6.30 Access is proposed by an existing vehicular access directly off Tarraby Lane that would be improved to provide adequate visibility splays. This is the same access that was approved in the previous application for two dwellings on this site.
- 6.31 The Local Highways Authority has been consulted on the application and confirms that there would be no significant effect on existing highway conditions and that an appropriate level of off-street parking has been provided. It offers no objection to the proposal on the basis that, should planning permission be granted, conditions could be attached to secure the required visibility splays and associated standards for the improved vehicular access.
- 6.32 The Parish Council and objectors have expressed concerns that the proposal would result in increased traffic movements on Tarraby Lane to the detriment of other road users. Officers acknowledge that the development of four properties at this location would increase vehicular and pedestrian movements, however, it is considered that this increase would be not be significant and would not compromise highway safety. This small increase in traffic would not in this case amount to a reason to refuse planning permission.
- 6.33 Accordingly, it is considered that the proposed development would not have an unacceptable impact on highway capacity, highway safety or parking provision.

8. Drainage Issues

- 6.34 In order to protect against pollution, local plan policies IP6 and CC5 seek to ensure that development proposals have adequate provision for the disposal of foul and surface water.
- 6.35 The site naturally drains to the western boundary which is formed by the U1170 Tarraby Lane. It would appear that the site eventually drains into the network of ditches and drains which discharge to the Gosling Syke, eventually entering the River Eden at Rickerby Park. There appears to be no formal land drainage present on the site.

- 6.36 It is proposed that a new foul drainage system should be discharged to a new packaged treatment plant suitable for the capacity of the development. It is proposed to discharge the surface water on the site to the existing drain located to the western boundary of the site currently servicing Meadow Cottage. This eventually discharges to the larger Gosling Syke catchment. The flows from the site should be attenuated and discharged at greenfield runoff rates to the drain, mimicking the natural discharge arrangements from the site.
- 6.37 The Parish Council and objectors have raised concerns about flooding from this site, with flooding regularly occurring on the road outside the site. The development of the site and the attenuation and discharge at greenfield runoff rates should provide betterment to the current situation in the wider community. The submitted FRA considers that flooding around Meadow Cottage would reduce by 2/3rds [based on 1 in 100 Y + 40% Climate Change] as a consequence of development and the storage of surface water runoff on the site.
- 6.38 The Lead Local Flood Authority (LLFA) has been consulted on the application. Following the receipt of a FRA, a CCTV survey of the existing outfall and additional information on the proposed drainage including confirmation that works to repair the highway outfall and to clean out any siltation is to be undertaken at the applicant's expense and prior to any construction being undertaken on site, the LLFA has confirmed that it has no objections to the proposal subject to the imposition of a conditions (surface water drainage scheme; Construction Surface Water Management Plan; condition and capacity survey of culverted watercourse downstream of the surface water discharge point to include any improvement that are required).
- 6.39 Similarly, United Utilities has no objections in principle to the proposed methods of foul and surface water drainage subject to conditions to secure further details.
- 6.40 In this regard, subject to conditions, the proposed drainage arrangements would be acceptable.

9. Biodiversity

- 6.41 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.

- 6.42 The Council's GIS System 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 be development of a small area of agricultural land it is unlikely that any protected species or their habitats would be affected, however, to ensure this is the case, an informative note could be included with the decision notice should planning permission be granted.

10. Contaminated Land

- 6.43 The NPPF requires the planning system to address issues associated with the development of known or suspected contaminated land or ground instability. Accordingly, the development of contaminated or potentially unstable land is a material planning consideration and the actual or possible presence of contamination or instability and the associated risks must be established and appropriately mitigated through the planning system. In addition, a site assessment for contaminated land is required where the proposed use would be particularly vulnerable or sensitive to the presence of contamination.
- 6.44 As the proposal relates to the development of an agricultural field it is unlikely that the land would be contaminated. To support this assumption the applicant has provided a Preliminary Risk Assessment (PRA) for Land Contamination. This desktop risk assessment confirms the historical use of the site as agricultural land lying outside of the built up area of the village and therefore there is no reason to conclude that the land could be contaminated. Accordingly, the proposal raises no concerns with regard to ground conditions and would not pose a risk to future users of the site.

Conclusion

- 6.45 The proposed development would be acceptable in principle. The proposal would not have any unacceptable impacts with regard to residential amenity, highway safety, drainage matters, ecology or land contamination and it would not result in harm to the conservation area, nearby listed buildings or the appreciation of the Hardian's Wall WHS. In all aspects, the proposal is considered to be compliant with the relevant policies in the adopted Local Plan.

7. Planning History

- 7.1 In March 2019, planning permission was granted for the erection of 2 no. detached dwellings on land to the rear of Meadow View (18/0928).
- 7.2 In July 2019 a discharge of conditions application was approved for the discharge of conditions 4 (landscaping scheme); 7 (parking of construction vehicles) & 14 (surface water drainage scheme) of previously approved permission 18/0928 (19/0379).
- 7.3 In April 2020 a variation of condition application was approved for the variation of condition 2 (approved documents) of previously approved

permission 18/0928 (erection of 2no. detached dwellings) to modify red line site boundary in south west corner (20/0160).

- 7.4 In April 2020, planning permission was granted for the erection of a detached garage (20/0161).

8. Recommendation: Granted Subject to Nutrient Resolution

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 15th Dec 2021;
2. Location Plan (Dwg T001/LP), received 15th Dec 2021;
3. Site Layout (Dwg T001/SL1/A Rev A), received 10th March 2022;
4. Plot 1 - Elevations (Dwg T001/P1/PE), received 15th Dec 2021;
5. Plot 1 - Floor Plans (Dwg T001/P1/PP), received 15th Dec 2021;
6. Plot 2 - Elevations (Dwg T001/P2/PE), received 15th Dec 2021;
7. Plot 2 - Floor Plans (Dwg T001/P2/PP), received 15th Dec 2021;
8. Plots 3 & 4 - Elevations (Dwg T001/P3-4/PE), received 15th Dec 2021;
9. Plots 3 & 4 - Floor Plans (Dwg T001/P3-4/PP), received 15th Dec 2021;
10. Plot 1 - Garage - Floor Plan & Elevations (Dwg T001/P1/G), received 15th Dec 2021;
11. Plot 2 - Garage - Floor Plan & Elevations (Dwg T001/P2/G), received 15th Dec 2021;
12. Plots 3 & 4 - Garage - Floor Plan & Elevations (Dwg T001/P3&P4/G), received 15th Dec 2021;
13. Garage 4 (for Meadow Cottage) - Floor Plan & Elevations (Dwg T001/MC/G4), received 15th Dec 2021;
14. Parking & Turning Plan (Dwg T001/PT), received 10th March 2022;
15. Construction Management Plan (Dwg T001/CMP), received 10th March 2022;
16. Planning Statement and Design & Access Statement, received 15th

Dec 2021;

17. Heritage Statement including Design & Access Statement, received 15th Dec 2021;
18. Flood Risk Assessment, received 10th March 2022;
19. Land Contamination Report, received 15th Dec 2021;
20. Geotechnical Investigations, received 15th Dec 2021;
21. Drainage Report, received 15th Dec 2021;
22. Site Entrance & Emergency Vehicle Access, received 15th Dec 2021;
23. Construction Management Plan, received 15th Dec 2021;
24. the Notice of Decision;
25. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Notwithstanding any description of materials in the application hereby approved, no external materials for the development shall be used on site until samples of all external materials have been submitted for approval by the Local Planning Authority. The development shall then be undertaken in strict accordance with these details.

Reason: To ensure that the materials are suitable and do not have an adverse effect on the character and appearance of the surrounding area and conservation area in accordance with policies SP6, SP7 and HE7 of the Carlisle District Local Plan 2015-2030 and the associated requirements of the National Planning Policy Framework.

4. Other than the alterations to the highway access, no further development shall commence until details of hard and soft landscaped works has been submitted to, and approved in writing by, the Local Planning Authority. 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 Local Planning Authority; 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.

Reason: To ensure a satisfactory landscaping scheme is implemented to fulfil the requirements of policy SP6 and HE7 of the Carlisle District Local Plan 2015-2030.

5. Notwithstanding the details shown on the approved plans, full details of the siting, height, design, materials and finish to be used for all boundary

treatments throughout the site shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be undertaken in strict accordance with these details.

Reason: To ensure that the appearance of the area is not compromised by a lack of satisfactory screening in accordance with policy SP6 and HE7 of the Carlisle District Local Plan 2015-2030.

6. 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. The facilities are therefore required to comply with Cumbria Local Transport Plan policy LD8 and policies IP2 and SP6 of the Carlisle District Local Plan 2015-2030.

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

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

8. The development shall not commence until visibility splays providing clear visibility of 32m to the south bound and 36m to the north measured 2m down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any such Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splays which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety in accordance with Local Transport Plan Policies LD7 & LD8.

9. The surfacing of the access road serving the new dwellings shall extend for at least 10 metres inside the site, as measured from the highway boundary prior to the dwellings being occupied and in accordance with details of construction which have been submitted to and approved by the Local Planning Authority. The access road shall be constructed in accordance with the specification approved by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policies IP2, IP3 and SP6 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5, LD7 and LD8.

10. The new dwellings shall not be occupied until the access and parking arrangements have been fully constructed and made available in accordance with the approved details. The access and parking arrangements shall be retained and capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access and parking provision for the development in accordance with Policies IP2, IP3 and SP6 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5, LD7 and LD8.

11. Foul and surface waters from the development, hereby approved, shall be drained on separate systems with surface water draining in the most sustainable way.

Reason: To ensure that adequate drainage facilities are available and to ensure compliance with Policies IP6 and CC5 of the Carlisle District Local Plan 2015-2030.

12. Other than the alterations to the highway access, no further development shall commence until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

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

The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated 9 March 2022 proposing surface water discharging to the highway drain.

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

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

13. No development shall commence until a Construction Surface Water Management Plan has been agreed in writing with the Local Planning Authority.

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

14. Prior to the commencement of any development, a condition and capacity survey of the culverted watercourse (or piped drainage system) downstream of the surface water discharge point shall be provided to the Local Planning Authority. The information provided should also include mitigation measures where it is deemed the improvements are required.

Reason: To promote sustainable development, secure proper drainage and to manage the risk

15. All external works associated with the implementation of the development, including deliveries to the site, shall be carried out only between the hours of 0730 hours and 1800 hours on Mondays to Fridays inclusive, 0800 hours and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenity of neighbouring residential occupiers in accordance with policy SP6 of the Carlisle District Local Plan 2015-2030.

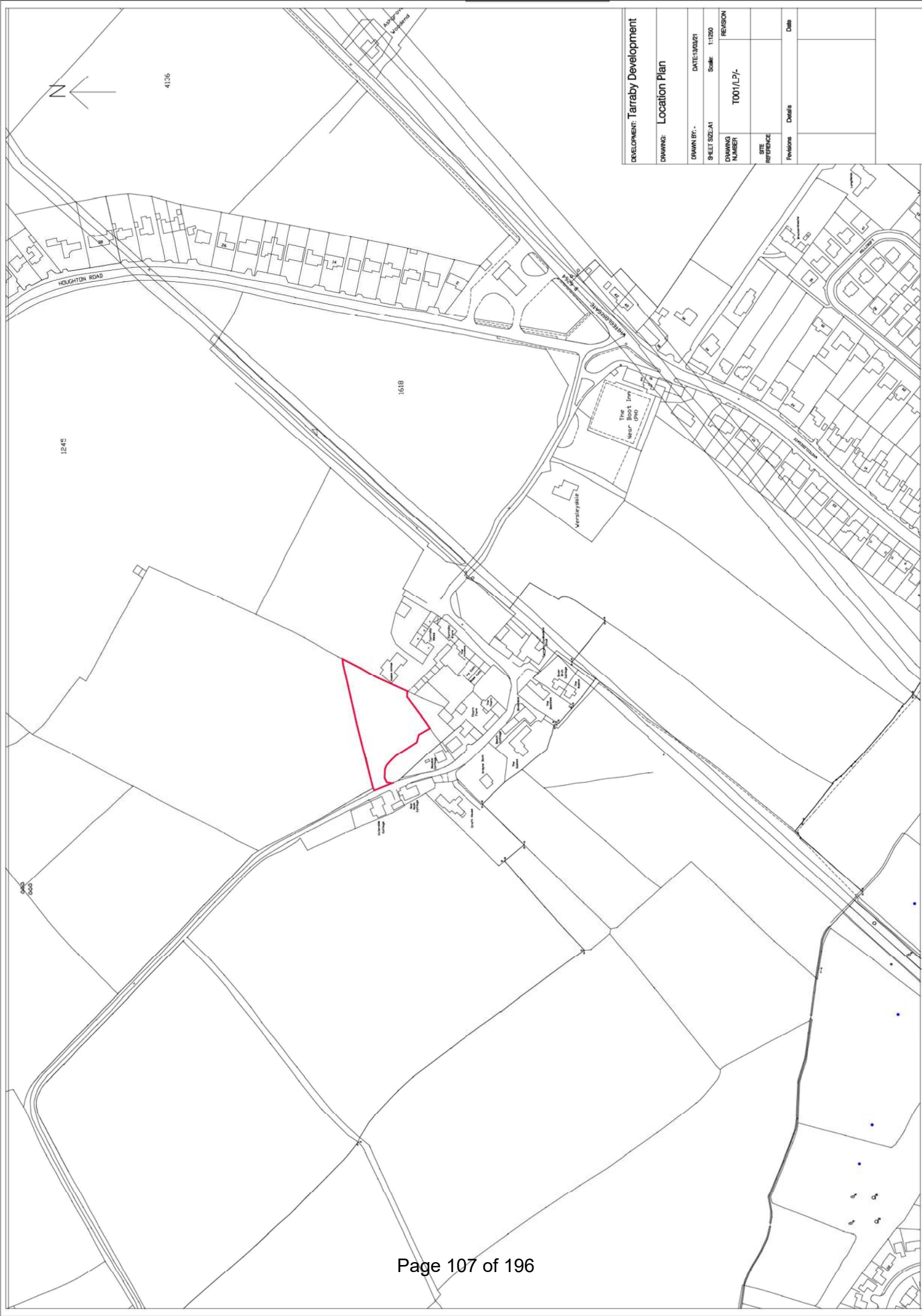
16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary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

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

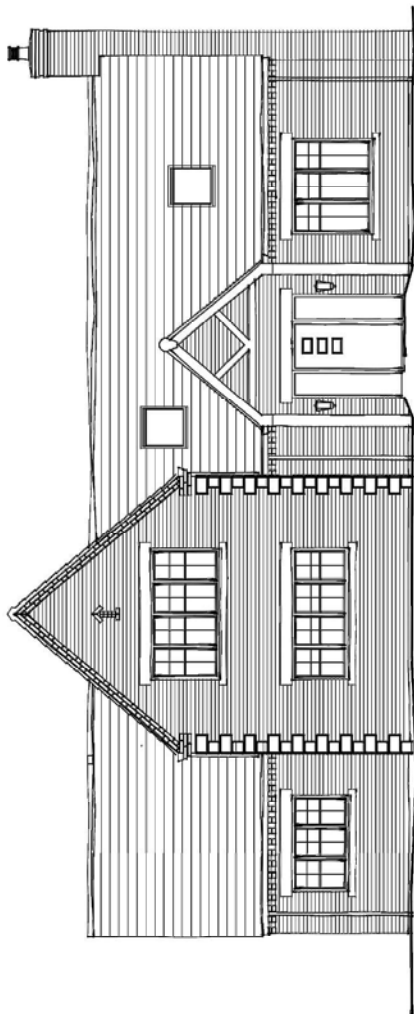
Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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

17. Development shall not commence 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:
- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - Details of proposed crossings of the highway verge;
 - Retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
 - Cleaning of site entrances and the adjacent public highway;
 - Details of proposed wheel washing facilities;
 - The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - Construction vehicle routing;
 - The management of junctions to and crossings of the public highway and other public rights of way/footway

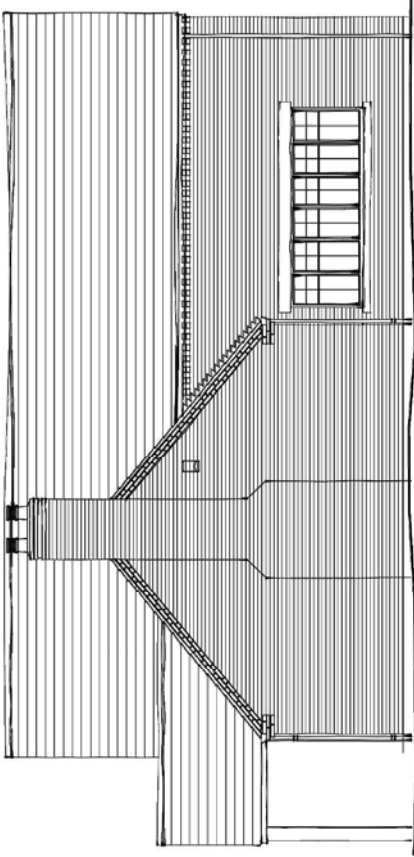
Reason: In the interests of highway safety



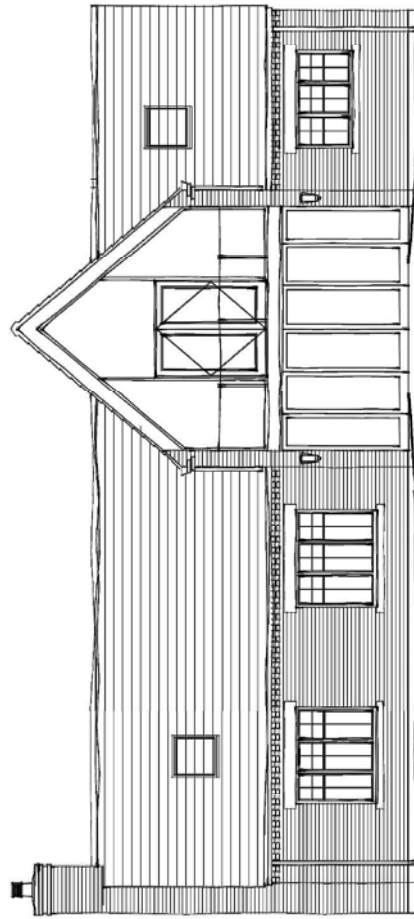
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| Revisions | Details | Date | |
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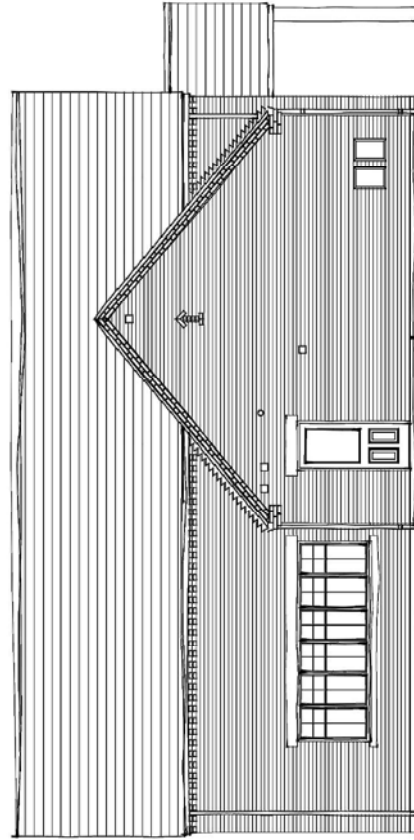
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

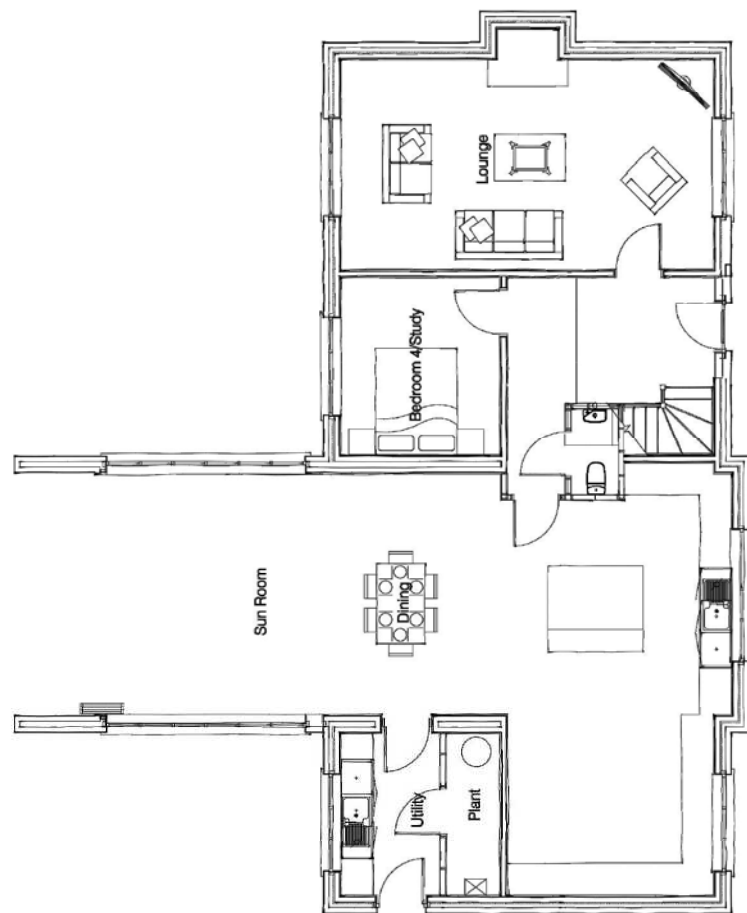
HOUSE TYPE

Plot 1

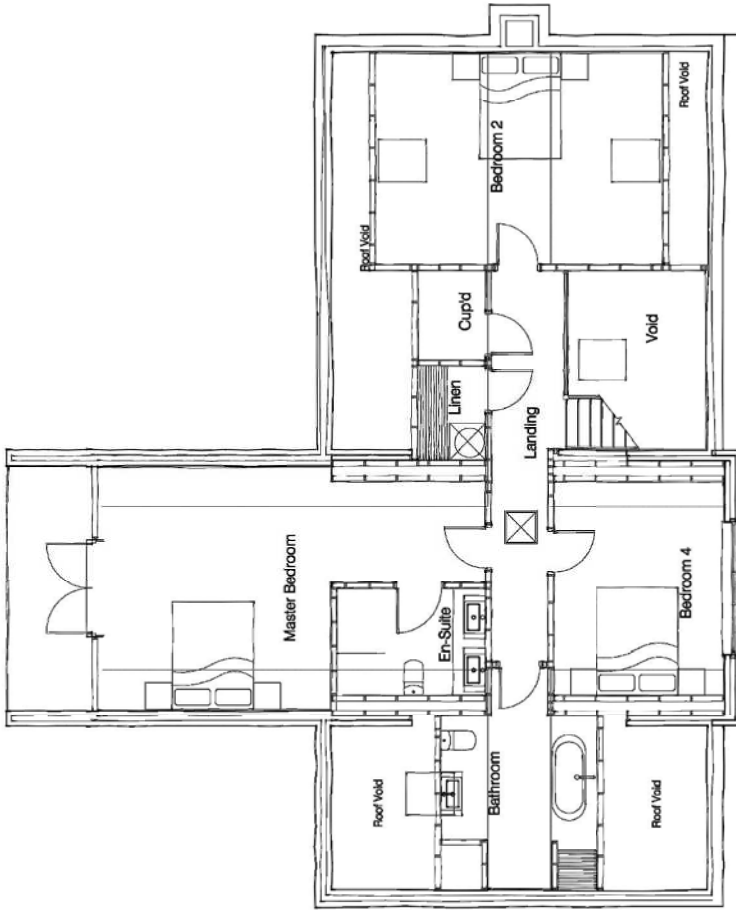
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Elevations 1

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Ground floor plan



First Floor Plan

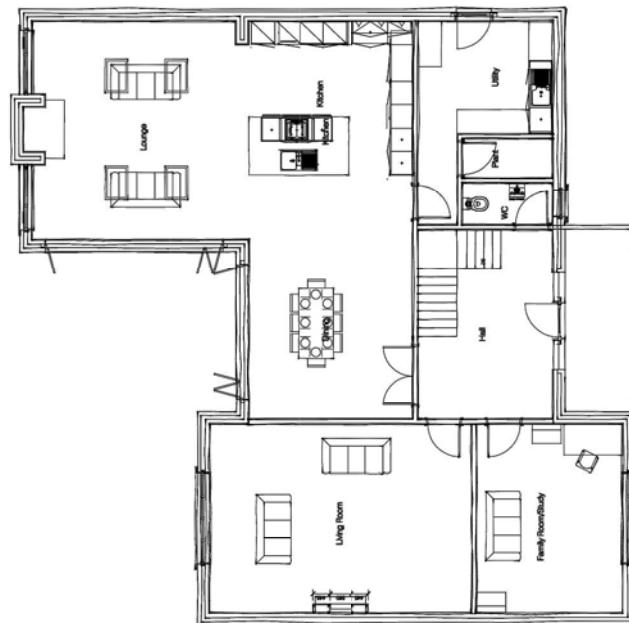
HOUSE TYPE

Plot 1

DRAWING

Planning Plans

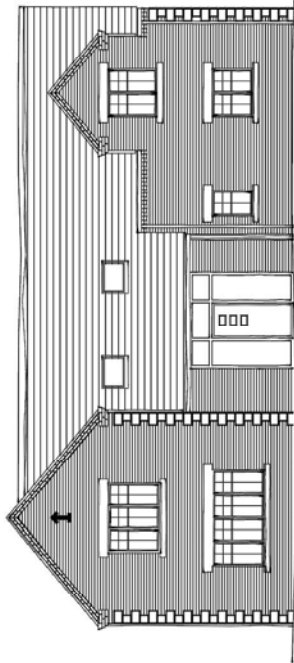
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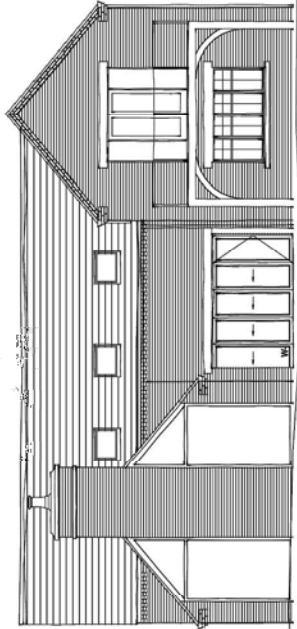
Ground Floor Plan



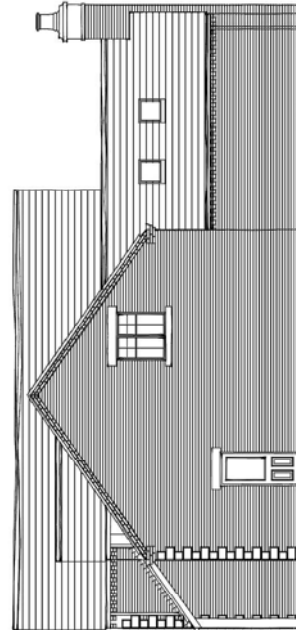
First Floor Plan



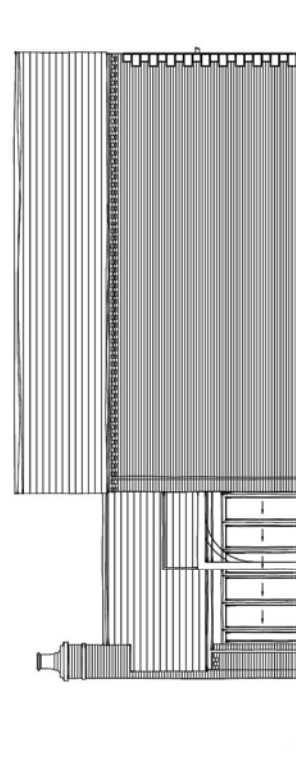
Front Elevation



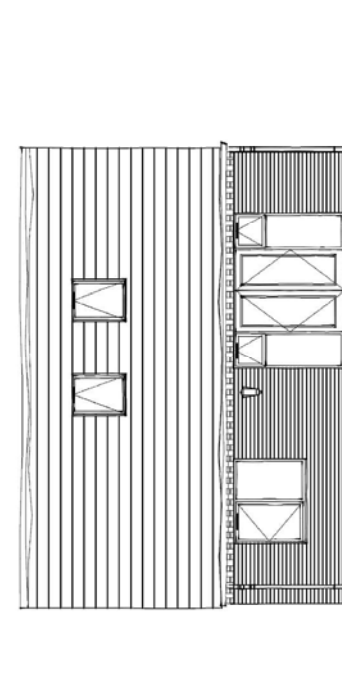
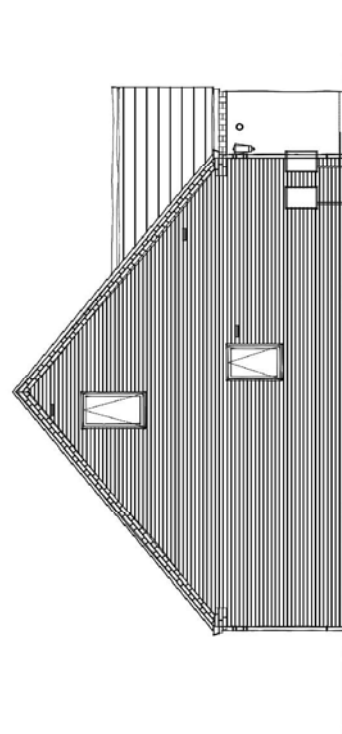
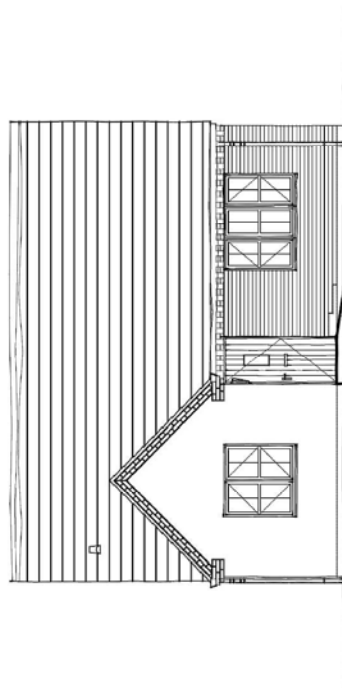
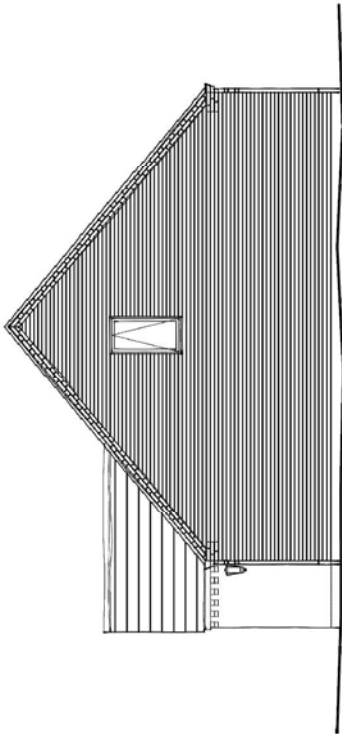
Rear Elevation



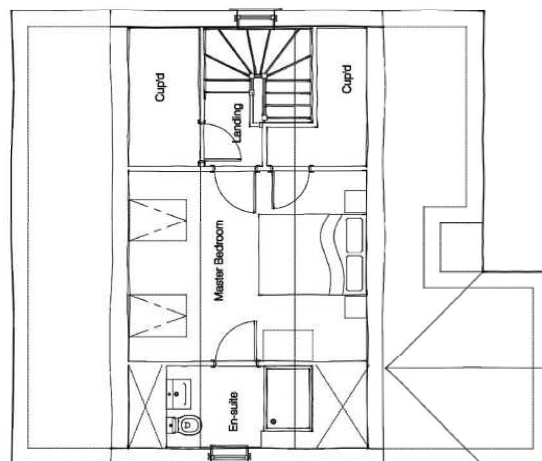
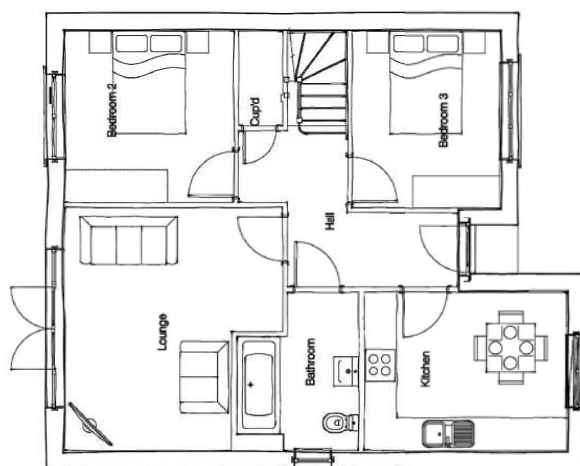
Side Elevation



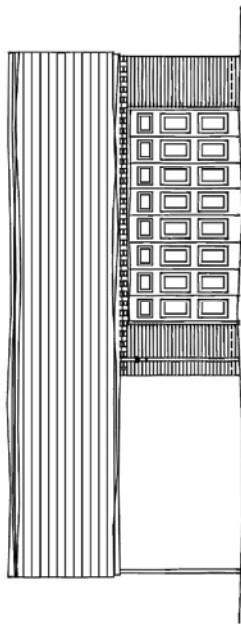
Side Elevation



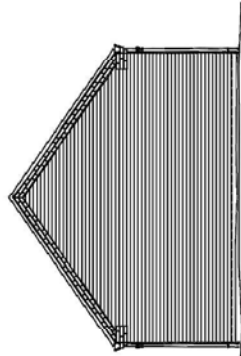
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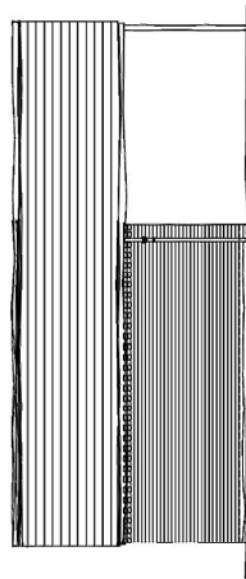
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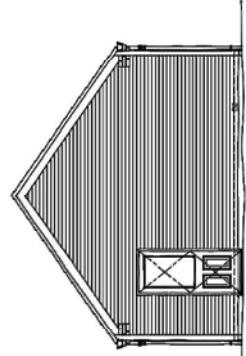
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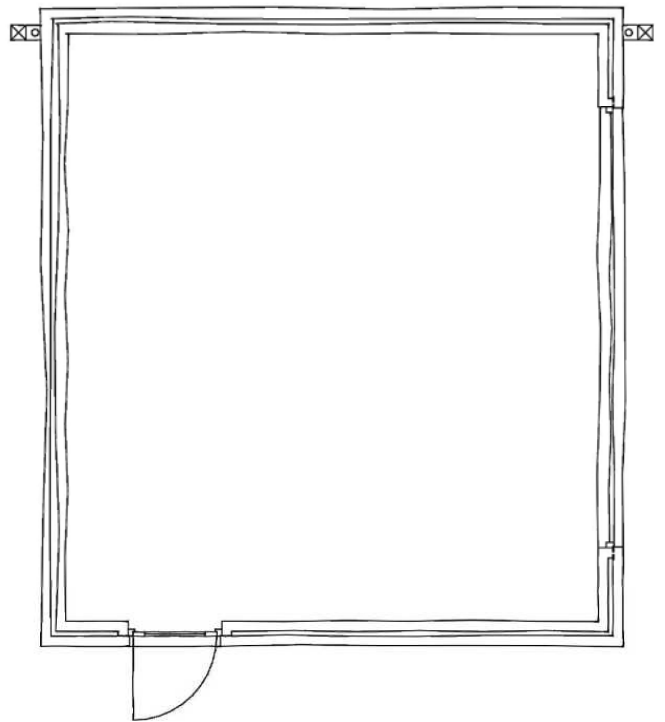
Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan

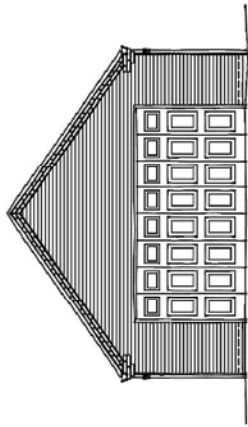
Plot 1

Garage

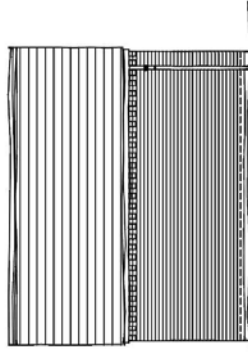
Plot 1

Garage

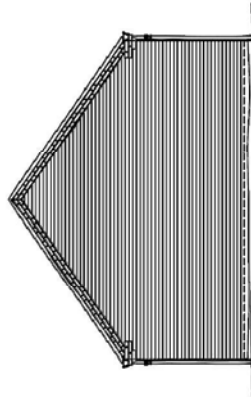
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| --- | T001/P1/G | --- |
| Revisions | | |



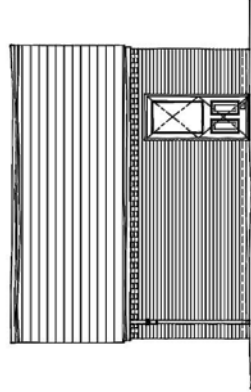
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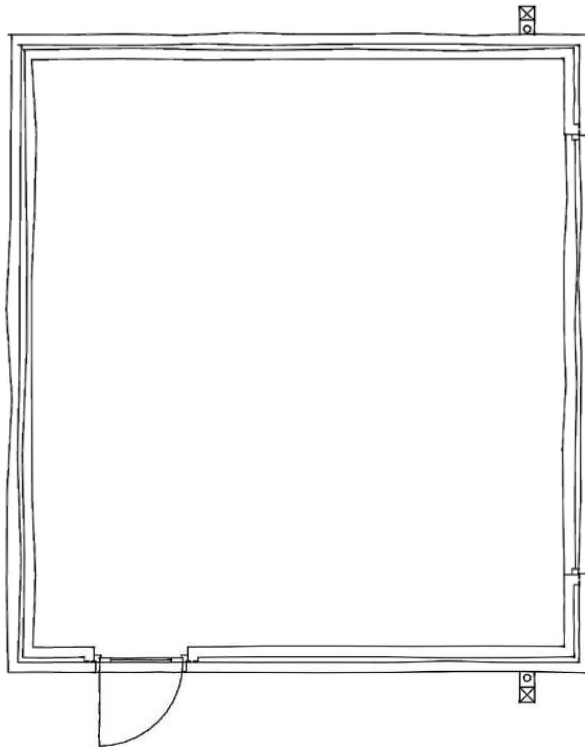
Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan

HOUSE TYPE

Plot 2

DRAWING

Garage

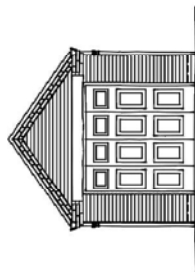
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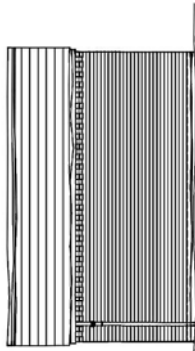
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REVISION

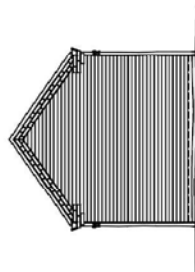
INVOICE



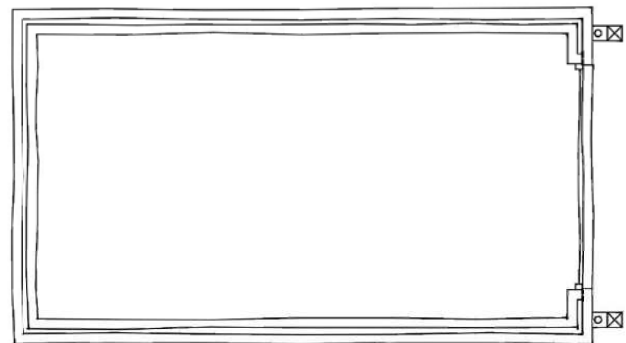
Front Elevation



Side Elevation



Rear Elevation



Ground Floor Plan

HOUSE TYPE

Plot 3 & 4

DATE

Garage

DRAWN BY

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BLK & CORR NO

1001/P3&4/G

REVISION

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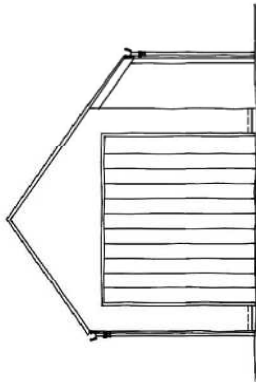
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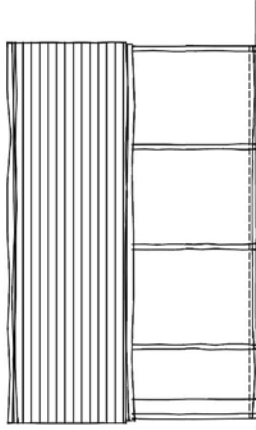
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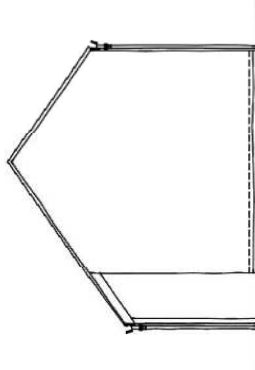
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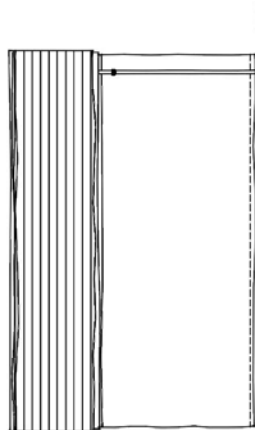
Front Elevation



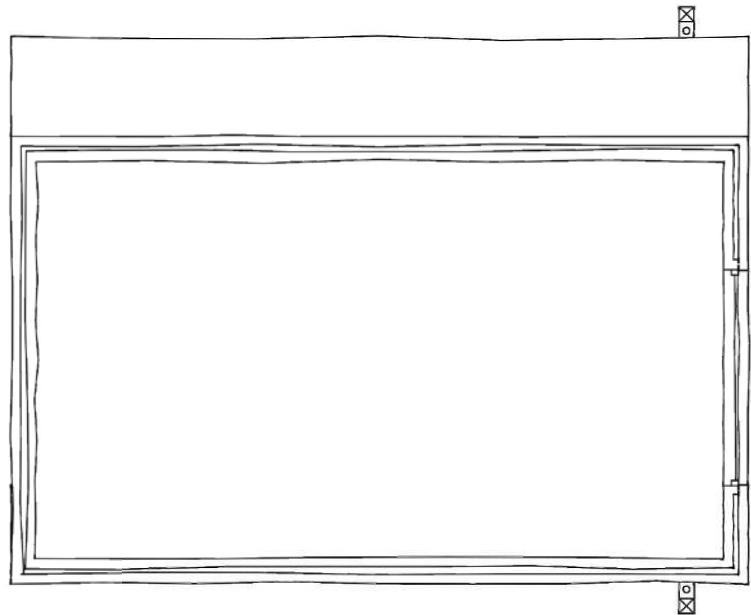
Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan

HOUSE TYPE

Garage 4

DRAWING

Garage

| | | |
|-------------|----------------|--------------|
| DRAWN BY | DATE | 27/06/21 |
| CHECKED BY | SCALE | 1:50 & 1:100 |
| FILE NUMBER | DRAWING NUMBER | REVISION |
| | T001/MC/G4 | — |
| Revisions | | |

SCHEDULE A: Applications with Recommendation

22/0087

Item No: 03

Date of Committee: 24/06/2022

Appn Ref No:
22/0087

Applicant:
Mr Iain Morrison

Parish:
Westlinton

Agent:
Harraby Green Associates

Ward:
Longtown & the Border

Location: Firbank Farm Buildings, Firbank, Westlinton, CA6 6AQ

Proposal: Amendment To Scheme Approved Under Application 20/0471 (Erection Of Replacement Agricultural Building Together With Construction Of New Access Track) (Retrospective Permission); And The Siting Of A Silo

Date of Receipt:
09/02/2022

Statutory Expiry Date
06/04/2022

26 Week Determination
27/06/2022

REPORT

Case Officer: Alanzon Chan

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of The Development Is Acceptable
- 2.2 Whether The Scale And Design Are Acceptable, And Impact Upon The Landscape Character Of The Area
- 2.3 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Upon The Setting Of A Grade II Listed Building
- 2.5 Impact Of The Proposal On Biodiversity
- 2.6 Other Matters

3. Application Details

The Site

- 3.1 The application site, Firbank farm, is located approximately 150 metres to the

north of the C1022 road, 1.3 kilometres to the west of Westlinton, 175 metres to the northeast of a residential property known as East Lodge, and 120 metres to the south of the River Lyne.

- 3.2 Approximately 30m to the southeast boundary of the application site is a property, known as Firbank, which was originally a farmhouse associated to Firbank Farm and was listed grade II on 16 January 1984. Firbank (the former farmhouse) and Firbank Farm were owned by the same owner up until 2000 when the farm owner sold Firbank as a separate domestic dwelling.
- 3.3 Firbank Farm has remained a working farm to this date, albeit under new ownership.

Background

- 3.4 In 2020, planning permission (20/0471) was granted for the removal of an agricultural building and the erection of a replacement agricultural building together with the construction of a new access track. Under planning permission (21/0692), conditions 3 (Surface Water Discharge); 4 (Surface Water Drainage Scheme) & 6 (Construction Traffic Management Plan) of previously approved application 20/0471 have been successfully discharged.

The Proposal

- 3.5 The application seeks planning permission for amendments to the replacement agricultural building approved under application 20/0471 and the relocation of a silo. Since the amendments to the replacement agricultural building had already taken place, the application is made in part-retrospect.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice, press notice and by means of a notification letter sent to one neighbouring property. During the consultation period, an objection has been received.
- 4.2 The objections are summarised as follows:
1. the unauthorised opening to the South of the building causes significant planning harm as a result of heavy farm vehicle traffic flow, which leads to intolerable disturbance to the residential amenity.
 2. the agricultural noise includes loud, bellowing cattle of increasing size, including bull beef animals, at all times of the day and night, a straw blower, numerous tractors, lorries, vans, a tractor generator, and a JCB digger equipped with a high frequency reverse warning horn, all being used for hours on end, very close to Firbank, repeatedly passing to and fro in front of their courtyard garden gates.
 3. the proximity of the farm vehicle traffic moving to the agricultural building's unlawful south opening results in significant odour and

exposure to fumes from the diesel tractors. These fumes fill the courtyard and the adjacent domestic buildings.

4. high intensity lights mounted on such vehicles shining into the courtyard garden and through the windows to the rear of the adjacent dwelling.

5. it can be seen from drawing number 2251-A -10 submitted with application 22/0087 that there is no concrete panel in the centre section of the southern elevation. This exacerbates the disturbance.

6. the area of Yorkshire boarding planks above this open base section have been cut, as if in preparation for its opening up at some future point, possibly immediately following any decision to approve the submitted application.

7. the as built dimensions of the replacement shed are 13m x 27.5m as opposed to 12 x 25m as authorised. This gives a floor area of 357.5m² as opposed to 300m². The shed that was demolished and replaced had a footprint of approximately 180m². The increased size of the replacement agricultural shed in such close proximity to the boundary with Firbank, housing numerous cattle where none were previously kept at all, has a demonstrable adverse impact on the residential amenity of the occupiers due to much increased levels of heavy agricultural vehicle movements, noise, dust, vibration and noxious fumes and odours.

8. the use of Yorkshire boarding on the south and east elevations does not prevent escape of dust, straw, noise and odours. In particular, when straw is being spread for bedding Firbank is showered with dust and fragments of straw. Barley dust and straw are known allergens and injurious to the health of the neighbouring residents.

9. the increased dimensions of the agricultural building in excess of those authorised by the original consent 20/0471 have resulted in the apex of the replacement agricultural shed being higher, which has an adverse effect on Firbank.

10. objects to the new position of the silo as it will be visible from Firbank over the roof line. If the silo were to be sited in line with the central bay of the replacement shed, it would not be readily visible over the roof line, this mitigation would reduce any harm to Firbank.

11. unauthorised change of use of the former sheep pen area from an area for the occasional mustering of sheep on an otherwise unused area of grass to use for parking and storage of substantial quantities of rusting agricultural machinery, equipment and materials. The basis of their objection is that this change of use will cause very significant harm to the setting of Firbank. Frequent movements on this area also generate substantial amounts of noise, fumes and vibration directly next to Firbank. The process of removing the sheep pens without authorisation resulted in vibrations known to have caused damage to Firbank, including loosening of lime mortar. Any work which causes vibrations is likely to cause further damage to Firbank.

12. the new access track along a route not authorised by consent 20/0471 is also associated with an access radius of curvature that admits very large, heavy vehicles onto the site. This puts at risk of damage the domestic site's drainage lines and soakaways issuing into the field area traversed by the unauthorised track and makes access to them for maintenance and to exercise rights of extension more costly and difficult.

The track also emerges into an area directly opposite a domestic orchard gate which has been blocked for almost a year as a result of poor management of equipment storage at the farm site. Construction on parcel no 0003 (Ordnance Survey 1:2500 c1974) is also in breach of covenant and contributes to an overall detrimental change to the character of the setting as a result of the increasingly wide area of green space being covered with stone chips and large areas of concrete.

5. Summary of Consultation Responses

Westlinton Parish Council: No comments received

Local Environment - Environmental Protection: 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 relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP6, EC12, CM5, CC5, IP6, HE3, IP3, GI1 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. Section 66 of the Planning (Listed Building) Act 1990 (LBA) is also a material planning consideration.

The proposal raises the following planning issues:

1. Whether The Principle Of The Development Is Acceptable

- 6.3 At the heart of the NPPF is a presumption in favour of sustainable development. In order to promote a prosperous rural economy, paragraph 84 of the NPPF states that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses.
- 6.4 Meanwhile, 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.

- 6.5 It is noted that the principle of the development to demolish an existing agricultural building on the site and erect a replacement agricultural building had already been established and was considered acceptable under application 20/0471. Whether the amendments to the replacement agricultural building are acceptable will be assessed under the subsequent sections of this report.
- 6.6 As for the principle of relocating a silo away from a courtyard building of Firbank (the former farmhouse) and to the north of the replacement agricultural building, it is noted that the current silo was erected without the benefit of a planning permission. Nevertheless, given the silo will be for agricultural purposes and that the proposed relocation of the silo will facilitate the operation of the existing farming business, the principle of the siting of a silo within Firbank Farm is considered acceptable, subject to the criteria of the aforementioned policies are met.

2. Whether The Scale And Design Are Acceptable, And Impact Upon The Landscape Character Of The Area

- 6.7 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and optimise the potential of the site to accommodate and sustain the appropriate mix of development. Paragraph 134 of the NPPF states that permission should be refused for development of poor design.
- 6.8 Policy EC12 of the CDLP which specifically relates to agricultural buildings seeks to ensure that buildings relating to agricultural development are sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening. The scale and form of the proposed building or structure should relate to an existing group of buildings, unless otherwise justified, with the design and materials reflective of the overall character of the area.
- 6.9 The objectives of Policy EC12 are also reflected in the relevant design policy of the CDLP (Policy SP6) which seeks to ensure that proposals respond to the local context in terms of height, scale and massing and by using appropriate materials and detailing. Local landscape character should be respected and development should be fully integrated into its surroundings. Policy G11 of the CDLP also aims to protect landscapes from excessive, harmful and inappropriate development.
- 6.10 The siting of the replacement agricultural building has already been established under planning permission 20/0471; given that the replacement agricultural building is sited immediately adjacent to the existing farm buildings within Firbank Farm, it is considered that it is well related to the existing built form of the farm steading.

- 6.11 Under permission 20/0471, the approved replacement agricultural building would have had a width of 12m and a depth of 25m. Conversely, the replacement agricultural building as built measures 13m in width and 27.5m in depth. The maximum height of the replacement agricultural building would be 6.4m which is same as the one approved under 20/0471. Whilst it is noted that the replacement agricultural building as built is 1m wider and 2.5m deeper than the previously approved, it is considered that the replacement agricultural building remains well integrated with the existing farm buildings. Although there are openings on all elevations of the replacement agricultural building, its scale, design and materials used for the replacement agricultural building remain appropriate and sympathetic to the overall character of the area. As such, it is not considered that the amendments to the replacement agricultural building have an adverse impact upon the landscape character of the area.
- 6.12 In terms of the silo, an objection was received regarding that the silo can be seen from over the roofline. It is noted that the silo has a maximum width of 2.4m and height of 5.77m. The height of the silo is lower than the ridge of the adjacent replacement agricultural building. Furthermore, the silo will be seen in the context of the surrounding agricultural buildings. CDLP Policy EC12 states that the siting of agricultural building/structure could have a considerable impact on the surrounding landscape and, where possible, should be integrated with the existing agricultural buildings, surrounding landscape and farmstead as a whole. Given that the silo is proposed to be relocated to the north of the replacement agricultural building, it will be well related to the surrounding buildings and will be sufficiently screened by the existing agricultural buildings on site. Where public views are afforded, the development will be seen in the context of existing agricultural buildings. In light of the above, it is considered that the overall scale of the silo is acceptable, and the proposed relocation of the silo will not have an unacceptable impact upon the landscape character of the area.

3. Impact On The Living Conditions Of Neighbouring Properties

- 6.13 An objection to the application was received regarding the increased size of the replacement agricultural building and being in such close proximity to the boundary of Firbank (the former farmhouse), along with the use of Yorkshire boarding on the south and east elevations, and having openings on all elevations of the replacement agricultural building, leading to an unacceptable impact upon the residential amenity of the area, primarily due to increased levels of heavy agricultural vehicle movements, noise, dust, vibration and odour.
- 6.14 It is noted that Firbank (the former farmhouse) is located approximately 30m from the replacement agricultural building. Whilst it is appreciated that the footprint of the replacement agricultural building built (13mx27.5m) is larger than that approved under planning permission 20/0471 (12mx25m), it is not considered that the increased footprint of 57.5m² of the replacement agricultural building would result in a significant enough intensification of farm activities on the land in so that to warrant refusal of the application on the

grounds of increased noise/disturbance/odour to the living conditions of the occupiers of the neighbouring property.

- 6.15 In terms of issues regarding noise nuisance, this matter has been raised with the ongoing works relating to application 20/0471. The Council's Environmental Health department have carried out two separate noise assessments on site in July 2021 and November 2021. Both assessments were carried out over a 4-day period to give as accurate as possible indication of the expected level of noise caused by farming activities at the replacement agricultural building and Firbank Farm as a whole. The assessment results concluded that the noise levels recorded on site were considered to be normal for the regular use of farmland, and the noise generated by the Farm does not amount to a statutory nuisance. Consequently, it is not considered that the current use of the farm has led to such a degree of noise that would warrant the refusal of the application or require the imposition of any restrictions on the existing use of the land as a farm.
- 6.16 With regard to the concerns over dust, straw and odours due to the use of Yorkshire boarding on the south and east elevations, and the openings on all elevations of the replacement agricultural building, it is noted that the original agricultural building also had openings on several elevations including the south elevation. It is also noted that Yorkshire boarding is a standard material used amongst agricultural buildings. The Council's Environmental Health department have undertaken their assessments and have confirmed that the level of farming activities on site is not considered to be excessive to an extent which would amount to statutory nuisance. There are no existing planning restrictions on use of the farm yard for machinery or livestock from other buildings on the farm.
- 6.17 It is crucial to note that Firbank Farm has existed for a significant number of years. Firbank Farm has been a well-established farm steading even before the former farmhouse, Firbank, was sold as a separate domestic dwelling in 2000. Despite the replacement agricultural building having a larger footprint than the previously approved (under 20/0471), it is not considered that the current footprint of the replacement agricultural building will lead to an intensification of use so great as to warrant the refusal of this application. The replacement agricultural building has brought the farm steading up to modern standards with the proposed design in accordance with good animal husbandry. Moreover, the Council's Environmental Health department have undertaken thorough assessments of the site, and have raised no concerns about the level of usage nor any resulting noise, debris or odours that would amount to a statutory nuisance that would require further action. It is therefore not considered that the proposal has resulted in demonstrable adverse impact upon the residential amenity of the area. Consequently, it is not considered that it will be reasonable to impose restrictions to restrict farming activities at an active working farm when the current level of farming activities is considered acceptable.
- 6.18 The scale and design of the agricultural building and silo in question are appropriate to the site. Given the positioning of the development in relation to

the primary windows of Firbank and intervening buildings, it is not considered that the amendments to the replacement agricultural building or the siting of the silo would have an adverse impact upon the living conditions of the neighbouring property in terms of loss of light, overlooking or over dominance.

4. Impact Upon The Setting Of A Grade II Listed Building

- 6.19 Firbank (the former farmhouse) was listed grade II on 16 January 1984, with the following description:

'Farmhouse. Early C19. Flemish bond brickwork with cream headers, graduated slate roofs, gutter modillions, brick chimney stacks. 2 storeys, 3 bays, and flanking single storey wings with hipped roofs. C20 6-panel door and glazed fanlight, has pilaster strip surround and moulded cornice. Sash windows with glazing bars have flat brick arches and stone sills.'

- 6.20 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 6.21 Meanwhile, CDLP Policy HE3 highlights that development within the locality of a listed building should preserve or enhance its character and setting and be sympathetic in scale, character and materials. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- 6.22 It has been established under planning permission 20/0471 that the replacement agricultural building would not have a detrimental impact upon the setting of the listed building. Although the replacement agricultural building built has a larger footprint than the one approved under 20/0471, the scale and design of the replacement agricultural building remains acceptable. Likewise, it is also considered that the scale and design of the silo are acceptable. Whilst it is acknowledged that the proposal will slightly alter the appearance of the steading, but the overall visual impact would be limited and very localised. In general, the characteristic features of the steading are retained, and it is not envisaged that the amendments to the replacement agricultural building approved under application 20/0471 and the siting of the silo would have a detrimental impact upon the setting of the grade II listed building. The Council's Heritage Officer was consulted and has raised no objections to the application.

5. Impact Of The Proposal On Biodiversity

- 6.23 Given the scale and nature of the proposal, it is unlikely that the development would harm any protected species or their habitat. However, it is recommended that an Informative is to be included within the Decision Notice ensuring that if a protected species is found, all work must cease immediately and the Local Planning Authority informed.

6. Other Matters

- 6.24 The objectors have expressed that should this application be approved, it will present a clear inconsistency between the approval of this retrospective application versus the original planning permission 20/0471. In response to this, Members are advised that each application must be assessed on its own merits. In this instance, the amendments of the replacement agricultural building and the siting of the silo are assessed, the recommendation has been made based on the assessment.
- 6.25 The objector has raised that there has been an unauthorised change of use of the former sheep pen area to an area for parking and storage of substantial quantities of rusting agricultural machinery, equipment and materials. It is noted that permission is not required in this instance as there has been no change of use that would constitute as a 'development'. Nevertheless, the works in relation to the demolition of the sheep pen area is not within the scope of this application and hence, it has not be included as part of the assessment of this application.
- 6.26. Another concerns was raised that the applicant have not adhered to the construction traffic management plan submitted under application 21/0692. When these concerns were notified the Council's enforcement officer visited the site and pursued those issues with the applicants to ensure conditions were complied with.
- 6.27 The objector has also raised issues regarding the breaches of covenants, these are however civil matters which cannot be dealt with through planning legislation.

Conclusion

- 6.28 The amendments to the replacement agricultural building and the siting of the silo are acceptable. Although the footprint of the replacement agricultural building is larger than that previously approved under 20/0471, and has more openings, the scale and design of the replacement agricultural building remain well related to the surrounding agricultural buildings. The landscape character of the area will not be adversely affected by the amendments to the replacement agricultural building nor the siting of the silo. In addition, it is not considered that the proposal would result in a significant enough intensification of farm activities on the land in so that to warrant refusal of the application on the grounds of increased noise/disturbance/odour to the living conditions of the occupiers of the neighbouring property. This is reaffirmed by the findings of the Council's Environmental Health department's assessments, which confirm that the level of farming activities on site does not amount to a statutory nuisance that would require further action.

- 6.29 Overall, the application is considered to be in full accordance with both local and national planning policies. Therefore, it is recommended that this application is approved with conditions.

7. Planning History

- 7.1 The following planning history relates to the assessment of this planning application:

Planning histories relate to Firbank Farm:

In 2001, a discharge of condition application was granted for the Discharge Of Conditions 3 (Surface Water Discharge); 4 (Surface Water Drainage Scheme) & 6 (Construction Traffic Management Plan) Of Previously Approved Application 20/0471. (Reference no. 21/0692), and

In 2020, full planning permission was approved for removal of agricultural building and erection of replacement together with construction of new access track. (Reference no. 20/0471)

Planning histories relate to the dwelling and outbuildings at Firbank (the former farmhouse), adjacent to the applicant site:

In 2021, full planning permission was granted for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room & storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access (Reference no. 21/0120);

In 2021, a listed building consent was granted for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room & storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access (LBC) (Reference no. 21/0121);

In 2019 a discharge of condition application was granted for the discharge of condition 3 (construction details) of previously approved permission 18/0258 (Reference 19/0314);

In 2018 full planning permission was granted for the alterations to existing boundary walls and gates (Reference no.18/0257);

In 2018 listed building consent was granted for the alterations to existing boundary walls and gates together with blocking up of openings within outbuilding (LBC) (Reference no.18/0258);

In 2004 listed building consent was granted for the erection of a wall with arched doorway and creation of arched opening through outbuildings to paddock (LBC) (Reference no.04/0859);

In 2004 full planning permission was granted for the erection of partition wall, creation of archway opening through existing outbuildings and landscaping of farmyard (Reference no.04/0860); and

In 2000 listed building consent was granted for internal alterations to dwelling comprising of the replacement of 3no. fireplaces and removal of 2no. partition walls to kitchen and bathroom; alteration to attached byre to form additional living accommodation and alterations to barns to form utility room and garage (LBC) (Reference no.00/0804).

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 8 Feb 2022;
2. the location plan (dwg no. 2251-A-01A), received 18 Feb 2022;
3. the proposed block plan (dwg no. 2251-A-04A), received 18 Feb 2022;
4. the proposed site plan (dwg no. 2251-A-05), received 8 Feb 2022;
5. the silo plan (dwg no. 2251-A-11), received 8 Feb 2022;
6. the revised floor and elevations plan for the agricultural building (dwg no. 2251-B-10 Rev A), received 9 Jun 2022;
7. the heritage, design and access statement, received 8 Feb 2022;
8. the Notice of Decision;
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and

Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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



| | | |
|-------------|---|------------|
| Revisions | A - See comments provided (drawing not amended) | 16.02.2019 |
| Client | Ian Morrison & Vol Brown | |
| Project | Replacement of Agricultural Building & Silo | |
| | Ribok | |
| | Westfuton | |
| | Castle | |
| | On 6 MG | |
| Drawing | Location Plan | |
| Drawing No. | 2251-A-01A | |
| Scale | 1:25000(A1) | |
| Date | Jan 2022 | |

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FIR BANK

KEY:

Extent of development site

Extent of other site ownership



| | | |
|-------------|--|------------------------|
| Revisions | A - Site ownership amended | 18.02.22 PM |
| Client | Ian Morrison & Val Brown | |
| Project | Replacement Agricultural Building & Silo Firbank Westlinton Carlisle CA6 6AQ | |
| Drawing | Block Plan As Existing | |
| Drawing No. | 2251-A-02A | |
| | Scale 1:1250@ A3 | Drawn OK Date Jan 2022 |

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FIRBANK

KEY:

Extent of development site

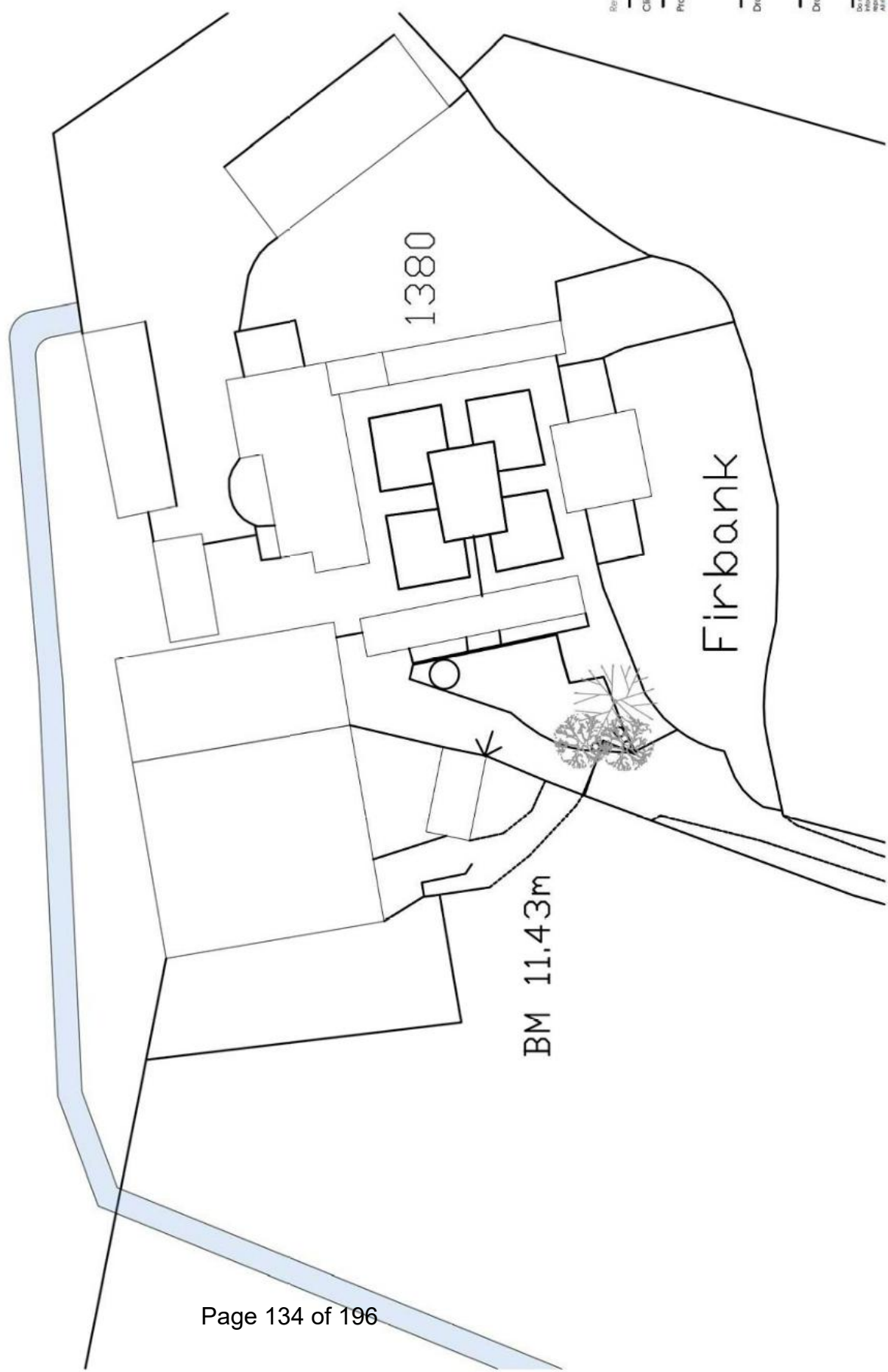
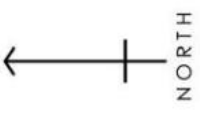
Extent of other site ownership

NORTH



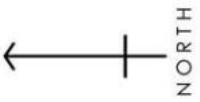
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|-------------|--|-------------|
| Revisions | A - Site ownership amended | 18.02.22 PM |
| Client | Ian Morrison & Val Brown | |
| Project | Replacement Agricultural Building & Silo Firbank Westlinton Carlisle CA6 6AQ | |
| Drawing | Block Plan As Proposed | |
| Drawing No. | 2251-A-04A | |
| Scale | 1:1250@ A3 | Drawn OK |
| Date | Jan 2022 | |

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| Revisions | - Jan 22 Drawing set up for discussion purposes. GC | | |
| Client | Ian Morrison & Val Brown | | |
| Project | Replacement of Agricultural Building & Silo | | |
| | Firbank | | |
| | Westlinston | | |
| | Canfield | | |
| | CA6 6AQ | | |
| Drawing | Site Plan | | |
| | As existing | | |
| Drawing No. | 2251-A-03 | Date | Jan 2022 |
| | Scale 1:500@ A3 | Drawn OK | |

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Relocated feed silo

Agricultural Building

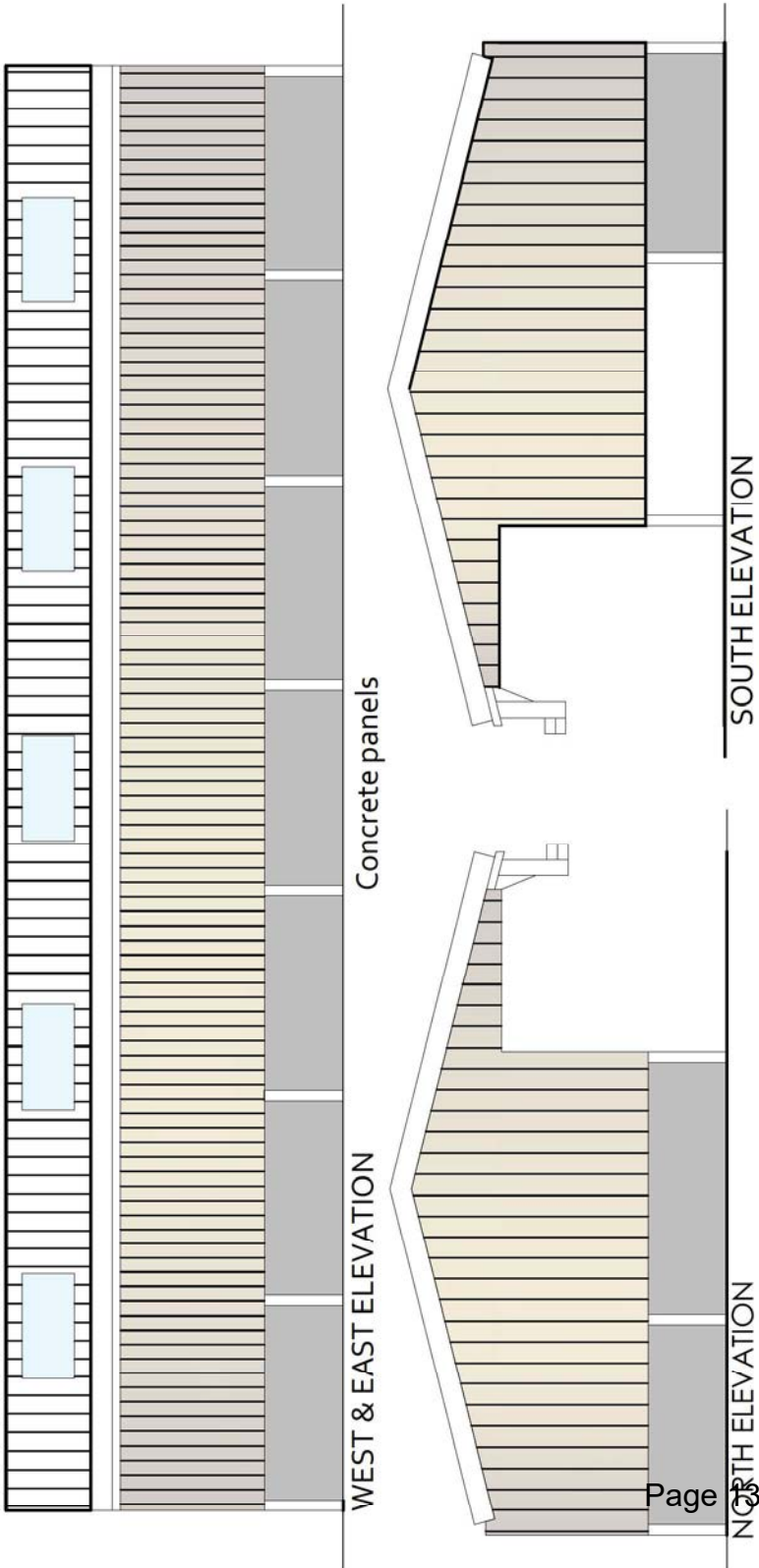
1380
Firbank

BM 11.43m



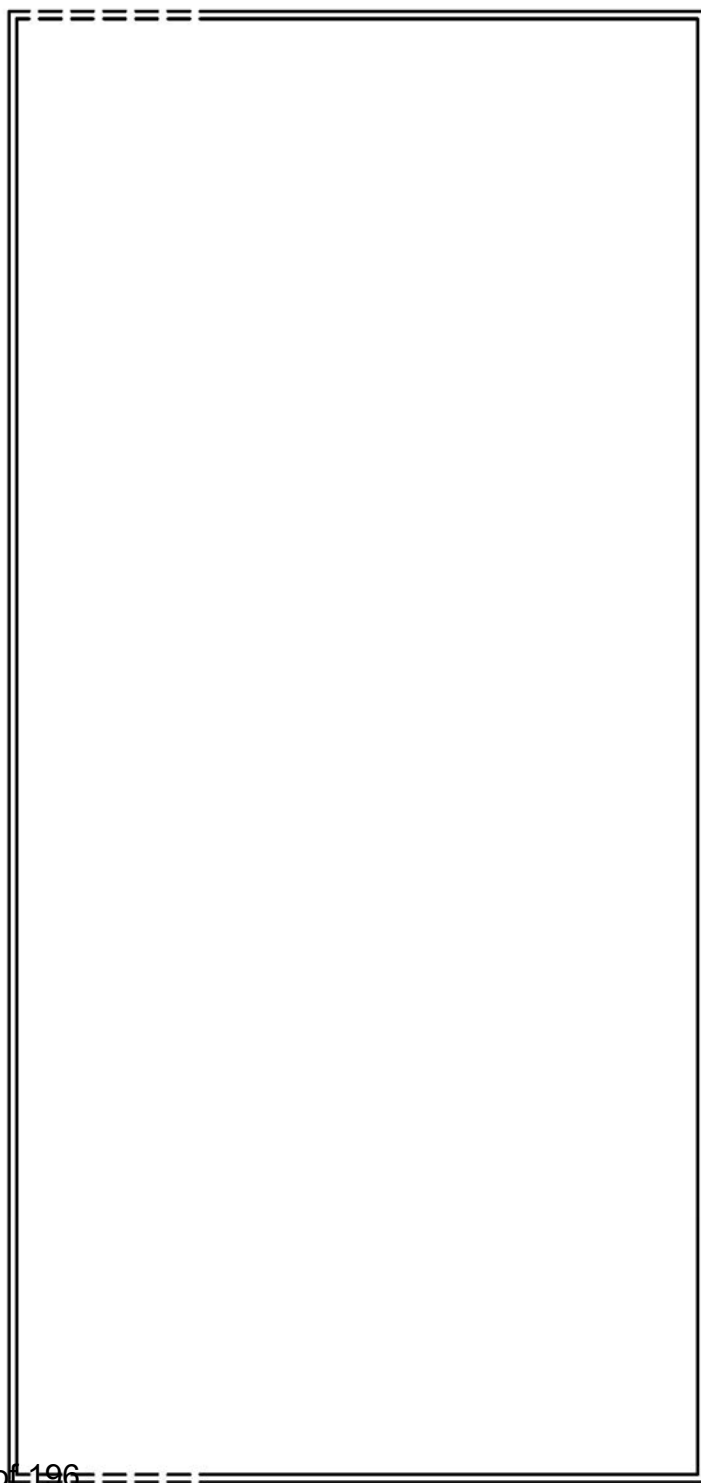
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|-------------|---|-------|----------|
| Revisions | - Jan 22 Drawing set up for discussion purposes. GC | | |
| Client | Ian Morrison & Val Brown | | |
| Project | Replacement of Agricultural Building & Silo | | |
| | Firbank Westlinton Carfisle CA6 6AQ | | |
| Drawing | Site Plan | | |
| | As proposed | | |
| Drawing No. | 2251-A-05 | Date | Jan 2022 |
| | Scale 1:500@ A3 | Drawn | OK |

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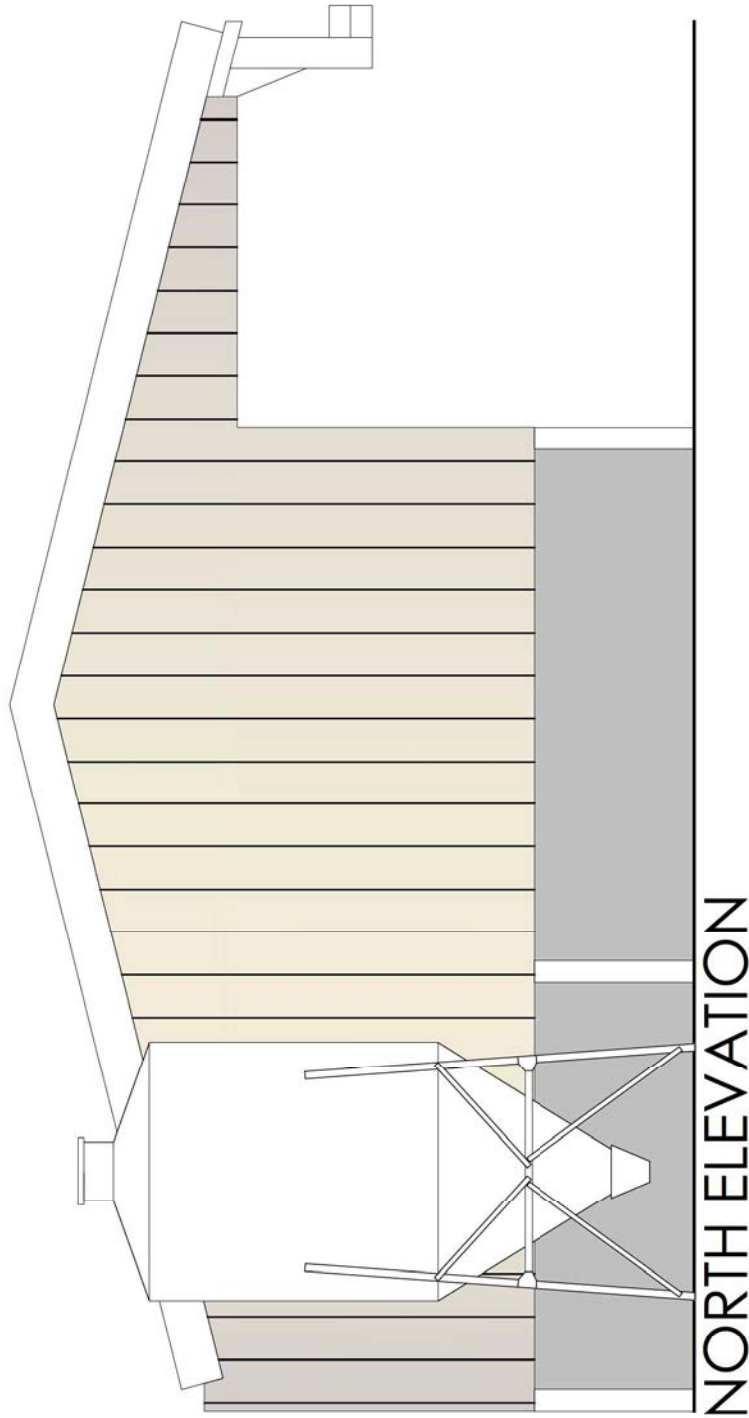
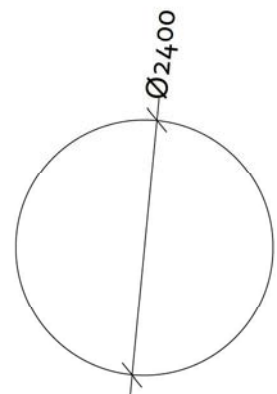
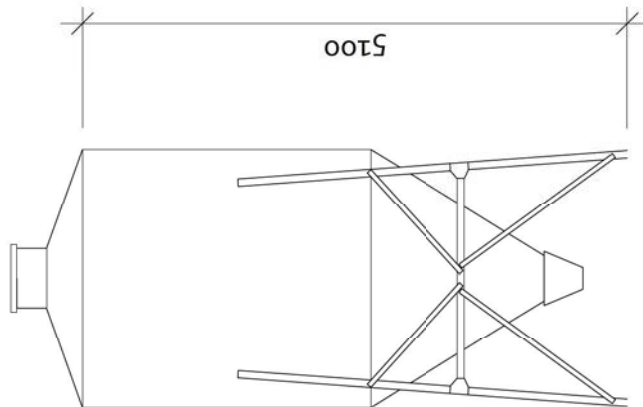


| Revisions | |
|-------------|--|
| Client | Ian Morrison & Val Brown |
| Project | Replacement of Agricultural Building & Silo |
| | Firbank Westlinion Carlisle CA6 6AQ |
| Drawing | Agricultural Building Floor Plan & Elevations |
| Drawing No. | 2251-A-10 |
| Scale | 1:100@ A3 |
| Drawn | OK |
| Date | Jan 2022 |

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FLOOR PLAN



Revisions

| | |
|---------|---|
| Client | Ian Morrison & Val Brown |
| Project | Replacement of Agricultural Building & Silo Firbank Westlinton Carlisle CA6 6AQ |
| Drawing | Silo Plan |

Drawing No. 2251-A-11

Scale 1:50@ A3

Drawn OK

Date

Jan 2022

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SCHEDULE A: Applications with Recommendation

22/0088

Item No: 04

Date of Committee: 24/06/2022

Appn Ref No:
22/0088

Applicant:
Mr Iain Morrison

Parish:
Westlinton

Agent:
Harraby Green Associates

Ward:
Longtown & the Border

Location: Firbank Farm, Firbank, Westlinton, CA6 6AQ

Proposal: Retrospective Permission To Extend Track Approved Under Application 20/0471; Re-Surface Existing Drive; And Form/Replace Areas Of Hardstanding

Date of Receipt:
09/02/2022

Statutory Expiry Date
06/04/2022

26 Week Determination

REPORT

Case Officer: Alanzon Chan

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of The Development Is Acceptable
- 2.2 Impact Of The Proposal Upon The Landscape Character Of The Area
- 2.3 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Upon The Setting Of A Grade II Listed Building
- 2.5 Impact Of The Proposal On Highway Safety
- 2.6 Issues Regarding Surface Water Drainage
- 2.7 Impact Of The Proposal On Biodiversity
- 2.8 Other Matters

3. Application Details

The Site

- 3.1 The application site, Firbank farm, is located approximately 150 metres to the

north of the C1022 road, 1.3 kilometres to the west of Westlinton, 175 metres to the northeast of a residential property known as East Lodge, and 120 metres to the south of the River Lyne.

3.2 Approximately 30m to the southeast boundary of the application site is a property, known as Firbank, which was originally a farmhouse associated to Firbank Farm and was listed grade II on 16 January 1984. Firbank (the former farmhouse) and Firbank Farm were owned by the same owner up until 2000 when the farm owner sold Firbank as a separate domestic dwelling.

3.3 Firbank Farm has remained a working farm to this date, albeit under new ownership.

Background

3.4 In 2020, planning permission (20/0471) was granted for the removal of an agricultural building and the erection of a replacement agricultural building together with the construction of a new access track. Under planning permission (21/0692), conditions 3 (Surface Water Discharge); 4 (Surface Water Drainage Scheme) & 6 (Construction Traffic Management Plan) of previously approved application 20/0471 have been successfully discharged.

The Proposal

3.5 The application seeks planning permission to extend the farm access track approved under application 20/0471, re-surface a section of an existing drive; and form/replace areas of hardstanding. Since the access track has already been extended, this application is made in part-retrospect.

3.6 The extended section of the access track has been surfaced in crushed aggregate sub-base, which matches the material for the access track that was approved under application 20/0471. The applicant proposes to form two new areas of hardstanding immediately to the north of the farm buildings and to surface a section of the drive to the south of the replacement agricultural building in concrete. As part of the proposal, the applicant also proposes to repair and level an area of hardstanding which would run through the farm steading leading to the extended track, and to surface the existing external storage area to the immediate west of the courtyard building with chippings.

4. Summary of Representations

4.1 This application has been advertised by the display of a site notice, press notice and by means of a notification letter sent to one neighbouring property. During the consultation period, an objection has been received.

4.2 The objections are summarised as follow:

1. objects to the resurfacing of area to the west of Firbank's courtyard

buildings with chippings on the basis that this is incompatible with the setting of this grade II listed heritage asset. The choice of materials is of poor design and completely out of character with Firbank and harms the setting. There is a brick lined well, which is a listed feature in this area which must be safe-guarded from harm.

2. The area between Firbank outbuildings and the listed former dairy parlour used to include original sheep pens, until their unauthorised demolition in 2021, and represented an expanse of area under grass connecting two heritage assets dating back to 1800. Stone chippings hard up to the wall of Firbank, bounded to the west by a further concreted surface will be grossly insensitive to that character and will involve the covering over of an original well, in favour of stone chips, concrete and a jumble of parked up rusting equipment and vehicles.

3. object to the proposal to resurface the track and expand the hardstanding area to the west of the courtyard buildings and to the east of the old milking parlour with concrete. The area to be concreted should be limited to the existing footprint of the track, retaining the grassed area, to ensure that the setting of Firbank is not harmed. Concrete is an unsuitable material, being out of character with the existing materials. Any increase in the area of hardstanding will increase surface water run-off, for which there is no proposal at all for improved drainage provision. Heavy vehicle movements should be kept away from Firbank to avoid harm to the setting in the form of noise, fumes and vibration and injurious disturbance to the residents' peaceful enjoyment of their home; and

4. The area of concrete which is in the area hatched black on Plan A is in good condition and does not need to be disturbed. Any disturbance will most certainly result in severe vibrations which will harm the foundations and structure of Firbank. Firbank have drainage rights through this area and any damage to the drains will most likely result in flooding of their property. The levels of noise, vibration and property damage that resulted from use of a concrete picker during unauthorised sheep pen demolition provided ample illustration of the damage likely to result from breaking up concrete in this area or along the west wall of Firbank courtyard buildings in the area purportedly ear marked for stone chippings.

5. The intended use of this area is for the storage of agricultural vehicles. The parking of heavy vehicles close to Firbank risks damage to the listed structures.

6. It is clear that farm vehicle traffic is already a major area of concern and is a material consideration in the determination of these application. For this reason, the Council is requested to require and consult on a construction traffic management plan for the duration of any construction period.

5. Summary of Consultation Responses

Westlinton Parish Council: No comments received

Local Environment - Environmental Protection: No objection

Cumbria County Council (Highways Authority and Lead Local Flood Authority): 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 relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP6, CM5, CC5, IP6, HE3, IP3, GI1 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. Section 66 of the Planning (Listed Building) Act 1990 (LBA) is also a material planning consideration.

The proposal raises the following planning issues:

1. Whether The Principle Of The Development Is Acceptable

- 6.3 At the heart of the NPPF is a presumption in favour of sustainable development. In order to promote a prosperous rural economy, paragraph 84 of the NPPF states that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses.
- 6.4 It is noted that the principle of the development to construct a new access track has already been established and was considered acceptable under application 20/0471. As such, the assessment of this application will solely focus on whether the extension of the farm track, creation of areas of hardstanding and resurfacing of the drive would be acceptable. Whilst the provision and replacement of a private way and hard surface would normally be classed as permitted development under Schedule 2, Part 6, Class B (d&e) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), since the development would be carried out within 5 metres of the boundary of the agricultural unit, permission is required in this instance.
- 6.5 Nevertheless, the extension to the farm track, the forming of areas of hardstanding and the repair and levelling of an existing area of hardstanding would facilitate the day-to-day operation of an established agricultural farm. Therefore, it is considered that the principle of the development is acceptable.

2. Impact Of The Proposal Upon The Landscape Character Of The Area

- 6.6 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and optimise the potential of the site to accommodate and

sustain the appropriate mix of development. Paragraph 134 of the NPPF states that permission should be refused for development of poor design.

- 6.7 CDLP Policy SP6 also seeks to ensure that proposals respond to the local context by using appropriate materials. Local landscape character should be respected and development should be fully integrated into its surroundings. Policy GI1 of the CDLP also aims to protect landscapes from excessive, harmful and inappropriate development.
- 6.8 The extended section of the access track has been surfaced in crushed aggregate sub-base, which matches the material for the access track that was approved under application 20/0471. Taking into consideration the materials, scale and location of the extended track, it is not considered that it will have an adverse impact upon the landscape character of the area. Likewise, given the proposed areas of hardstanding, and the area where the applicant proposes to resurface and repair would all be within the farm steading and well-related to existing farm buildings, any impact would be localised. Overall, it is not considered that the proposal will have a detrimental impact upon the wider landscape character of the area.
- 6.9 It is noted that there are a few Lime trees located close to the area to the west of the courtyard buildings where the applicant proposes to resurface. According to the submitted heritage, design and access statement, the existing Lime trees will be retained and no trees will be harm as a result of the proposal. Accordingly, it is considered that the development will not have a material impact on the landscape or amenity of the area.

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

- 6.10 Taking into consideration the nature of the proposal, it is not considered that the creation or resurfacing of areas of hardstanding would have any long-term negative impact upon the living conditions of neighbouring residents. The Council's Environmental Health department has confirmed that they have no objections to the application.
- 6.11 Whilst it is acknowledged that construction works could sometimes cause short-term disturbance to the living conditions of nearby residents, to minimise this, Members are advised that a condition regarding construction hours is to be imposed within the decision notice.

4. Impact Upon The Setting Of A Grade II Listed Building

- 6.12 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 6.13 Meanwhile, CDLP Policy HE3 highlights that development within the locality of a listed building should preserve or enhance its character and setting and be sympathetic in scale, character and materials. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.

- 6.14 Firbank (the former farmhouse) was listed grade II on 16 January 1984, with the following description:

'Farmhouse. Early C19. Flemish bond brickwork with cream headers, graduated slate roofs, gutter modillions, brick chimney stacks. 2 storeys, 3 bays, and flanking single storey wings with hipped roofs. C20 6-panel door and glazed fanlight, has pilaster strip surround and moulded cornice. Sash windows with glazing bars have flat brick arches and stone sills.'

Firbank (the former farmhouse) forms a noticeable architectural feature from the road with the use of the associated courtyard buildings (stables, byres, cart shed and threshing barn), and the courtyard itself, having evolved from an agricultural use to one that is now as a garden ancillary to the house.

- 6.15 An objection was raised the resurfacing of area to the west of Firbank's courtyard buildings with chippings and the creation of areas of hard standing with concrete will harm the setting of the listed building. The Council's Heritage Officer was consulted and has confirmed that the use of chipping and concrete will have no detrimental impact upon the setting of the listed building. The proposed works will have no direct or physical impact whatsoever on the historic fabric of the farmhouse, courtyard buildings, nor the courtyard itself. The proposal would not result in any change to the important inter-relationship of the farmhouse to the courtyard buildings and courtyard either. In light of this, it is not considered that the proposal will have any detrimental impact upon the setting of the listed building.

5. Impact Of The Proposal On Highway Safety

- 6.16 Given the nature of the proposal, it is not envisaged that the proposal will have any detrimental impact upon the existing highways condition or highway safety. Cumbria County Council as the Highways Authority has confirmed that they have no objection to the application.

6. Issues Regarding Surface Water Drainage

- 6.17 An objection was raised that any increase in the area of hardstanding will increase surface water run-off. The being said, taking into consideration that the extent of additional hardstanding proposed, and that the application site is not located within a flood zone, it is not envisaged that the proposal will lead to substantial surface water run-off that would be of concern. Cumbria County Council, as the Lead Local Flood Authority, was consulted and they have raised no objection to the proposal.

7. Impact Of The Proposal On Biodiversity

- 6.18 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

- 6.19 The objector raised that the formation/replacement of areas of hardstanding will result in severe vibrations which will harm the foundations and structure of Firbank, and any damage to the drains will result in flooding of the property. Construction work may involve the use of equipment causing vibration and in this instance the amount of concrete hardstanding which is levelled and compacted is limited where it is close to the outbuildings of the listed property and areas of chippings are being used which will have a lesser impact. It is noted that there have been many applications for the reconcreting of farmyards including those containing listed buildings. Farms are required to ensure conditions for livestock and drainage meet the required standards and this has involved the upgrading of hard surfaces. Whilst vibration may occur it is not usually of a severe nature to cause damage to buildings and drains however where these works abutt another property Party Wall Act provisions would deal with boundary matters and the owners would be advised to photographically record their buildings before and after works as this is a civil matter.

Conclusion

- 6.20 Having regard to all planning policies and material considerations, it is considered that the proposal would have minimal impact upon the amenity of the area. The proposal will not result in any significant adverse impact upon the surrounding landscape, living conditions of any nearby residents or the setting of listed building. Overall, the application is considered to be in full accordance with both local and national planning policies. Therefore, it is recommended that this application is approved with conditions.

7. Planning History

- 7.1 The following planning history relates to the assessment of this planning application:

Planning histories relate to Firbank Farm:

In 2001, a discharge of condition application was granted for the Discharge Of Conditions 3 (Surface Water Discharge); 4 (Surface Water Drainage Scheme) & 6 (Construction Traffic Management Plan) Of Previously

Approved Application 20/0471. (Reference no. 21/0692), and

In 2020, full planning permission was approved for removal of agricultural building and erection of replacement together with construction of new access track. (Reference no. 20/0471)

Planning histories relate to the dwelling and outbuildings at Firbank (the former farmhouse), adjacent to the applicant site:

In 2021, full planning permission was granted for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room & storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access (Reference no. 21/0120);

In 2021, a listed building consent was granted for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room & storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access (LBC) (Reference no. 21/0121);

In 2019 a discharge of condition application was granted for the discharge of condition 3 (construction details) of previously approved permission 18/0258 (Reference 19/0314);

In 2018 full planning permission was granted for the alterations to existing boundary walls and gates (Reference no.18/0257);

In 2018 listed building consent was granted for the alterations to existing boundary walls and gates together with blocking up of openings within outbuilding (LBC) (Reference no.18/0258);

In 2004 listed building consent was granted for the erection of a wall with arched doorway and creation of arched opening through outbuildings to paddock (LBC) (Reference no.04/0859);

In 2004 full planning permission was granted for the erection of partition wall, creation of archway opening through existing outbuildings and landscaping of farmyard (Reference no.04/0860); and

In 2000 listed building consent was granted for internal alterations to dwelling

comprising of the replacement of 3no. fireplaces and removal of 2no. partition walls to kitchen and bathroom; alteration to attached byre to form additional living accommodation and alterations to barns to form utility room and garage (LBC) (Reference no.00/0804).

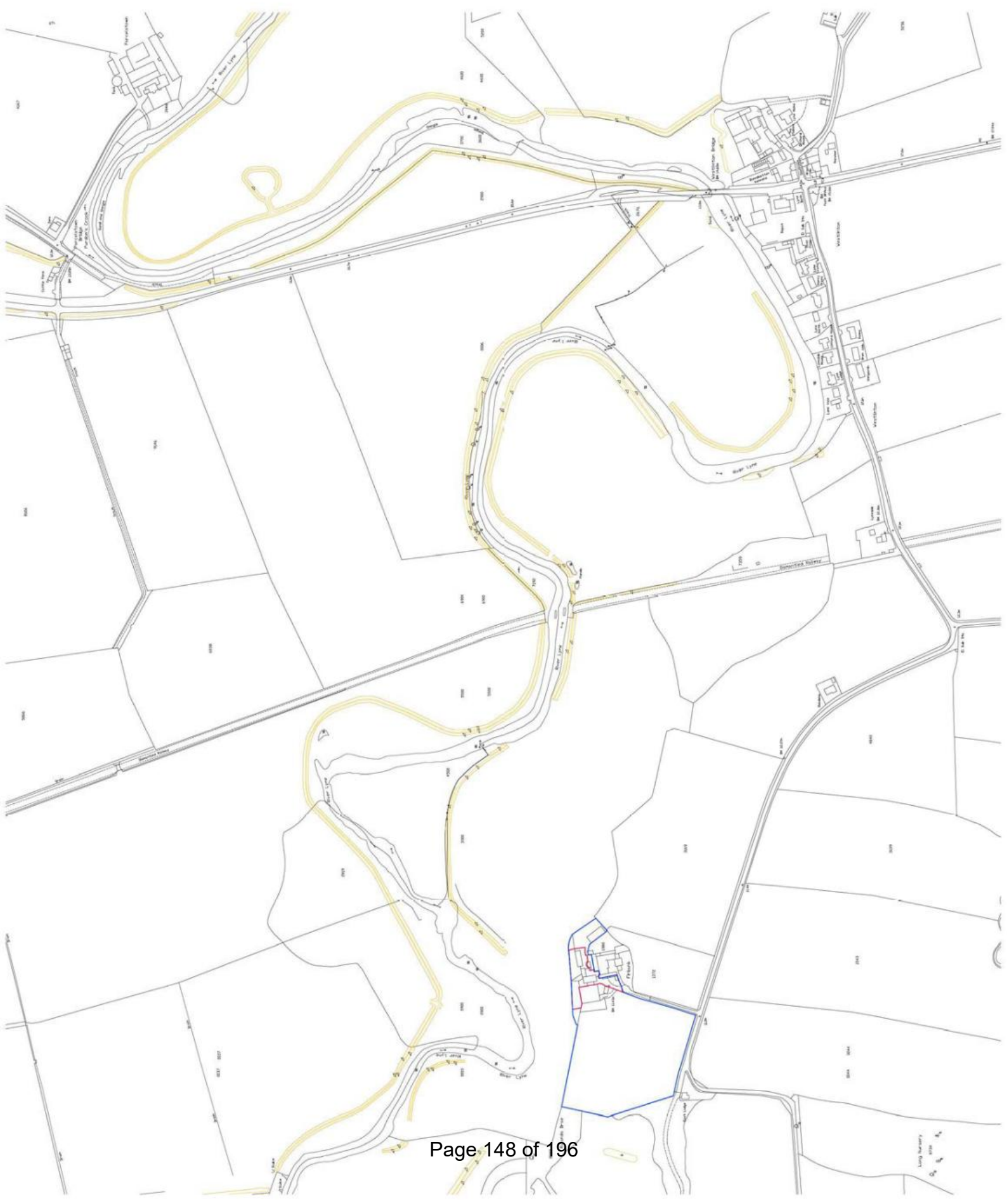
8. Recommendation: Grant Permission

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 8 Feb 2022;
 2. the location plan (dwg no. 2251-B-01A), received 18 Feb 2022;
 3. the proposed site plan (dwg no. 225-B-05), received 8 Feb 2022;
 4. the proposed block plan (dwg no. 225-B-04A), received 8 Feb 2022;
 5. the Heritage, Design and Access Statement (including Tree Protection), received 8 Feb 2022;
 6. the Notice of Decision;
 7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

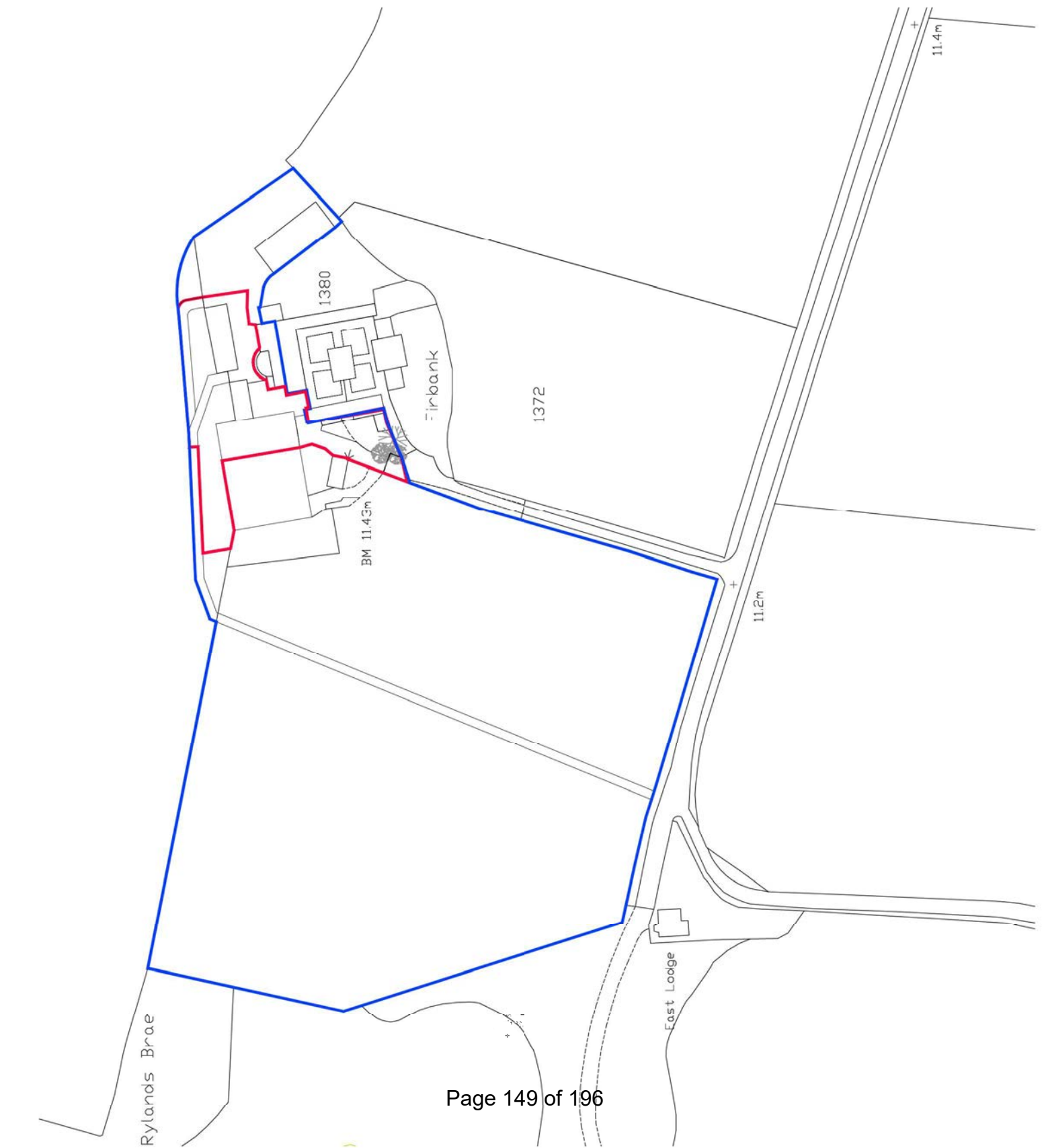
Reason: To define the permission.

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

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



| | | | | | | | | | | |
|-------------|--------------------------|--|--|---------|--|--------------|-------|----|------|----------|
| Revisions | A. See comments attached | | | Scale | 1:25000 (A1) | 1:25000 (A3) | Drawn | GC | Date | Jan 2022 |
| Client | Ian Morrison & Val Brown | | | Project | Revised access track, drive and area of hard standing | | | | | |
| | | | | | Hillcrest Hillcrest Hillcrest Coastline Cell 640 | | | | | |
| Drawing | Location Plan | | | | | | | | | |
| Drawing No. | 2251-B-01A | | | | | | | | | |
| Scale | 1:25000 (A1) | | | | | | | | | |
| Scale | 1:25000 (A3) | | | | | | | | | |
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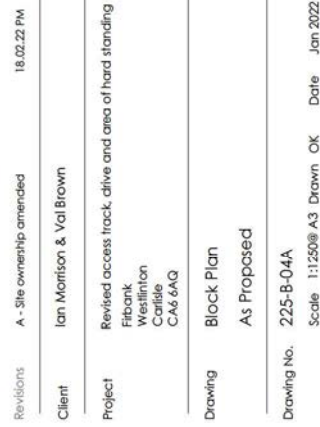
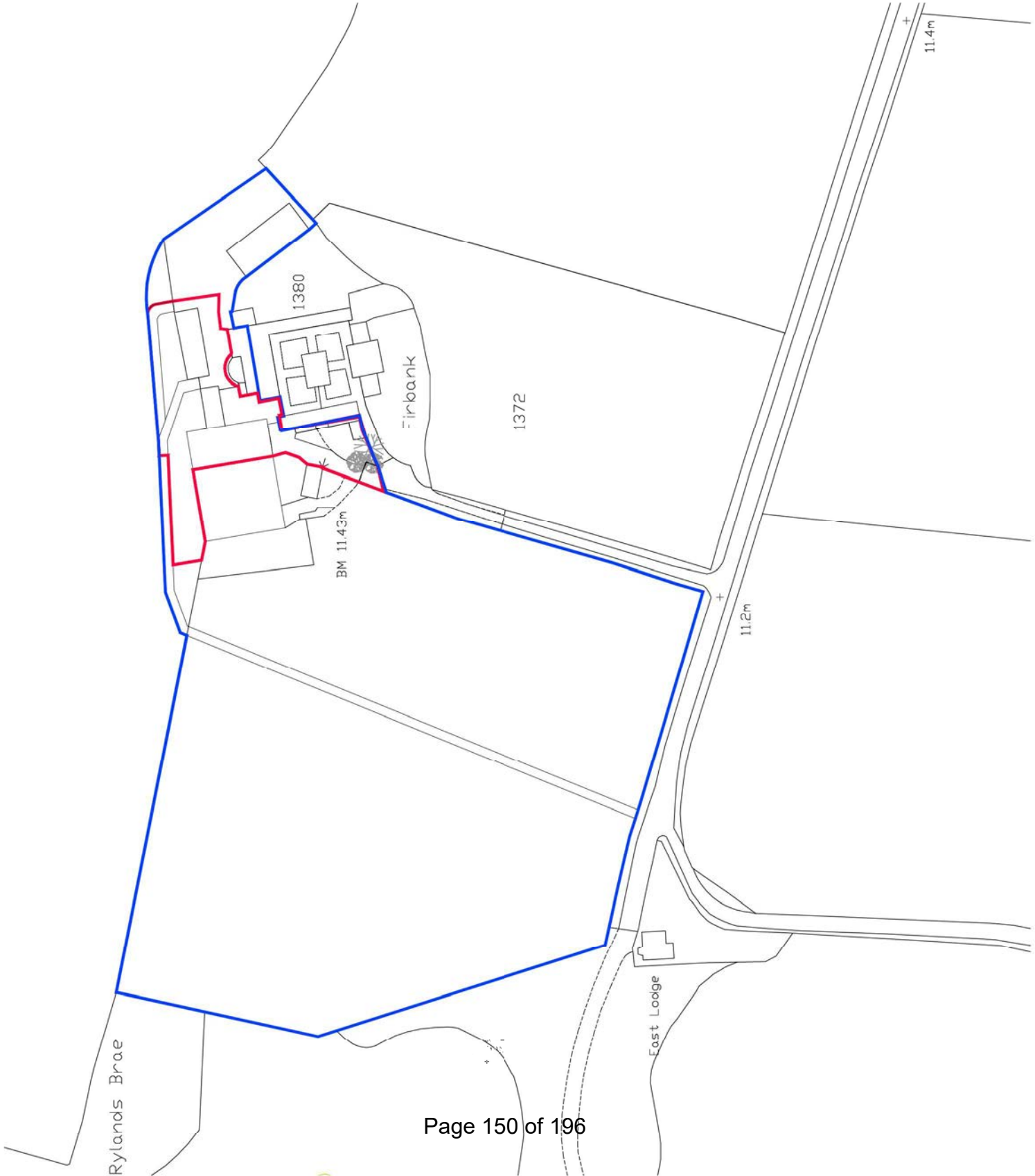
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|-------------|---|-------------|
| Revisions | A - Site ownership amended | 18.02.22 PM |
| Client | Ian Morrison & Val Brown | |
| Project | Revised access track, drive and area of hard standing | |
| | Firbank | |
| | Westlinton | |
| | Carlisle | |
| | CA6 6AQ | |
| Drawing | Block Plan | |
| | As Existing | |
| Drawing No. | 225-B-02A | |
| | Scale 1:1250@ A3 | Drawn OK |
| | Date | Jan 2022 |

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FIR BANK

KEY:

- Extent of development site
- Extent of other site ownership



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FIR BANK

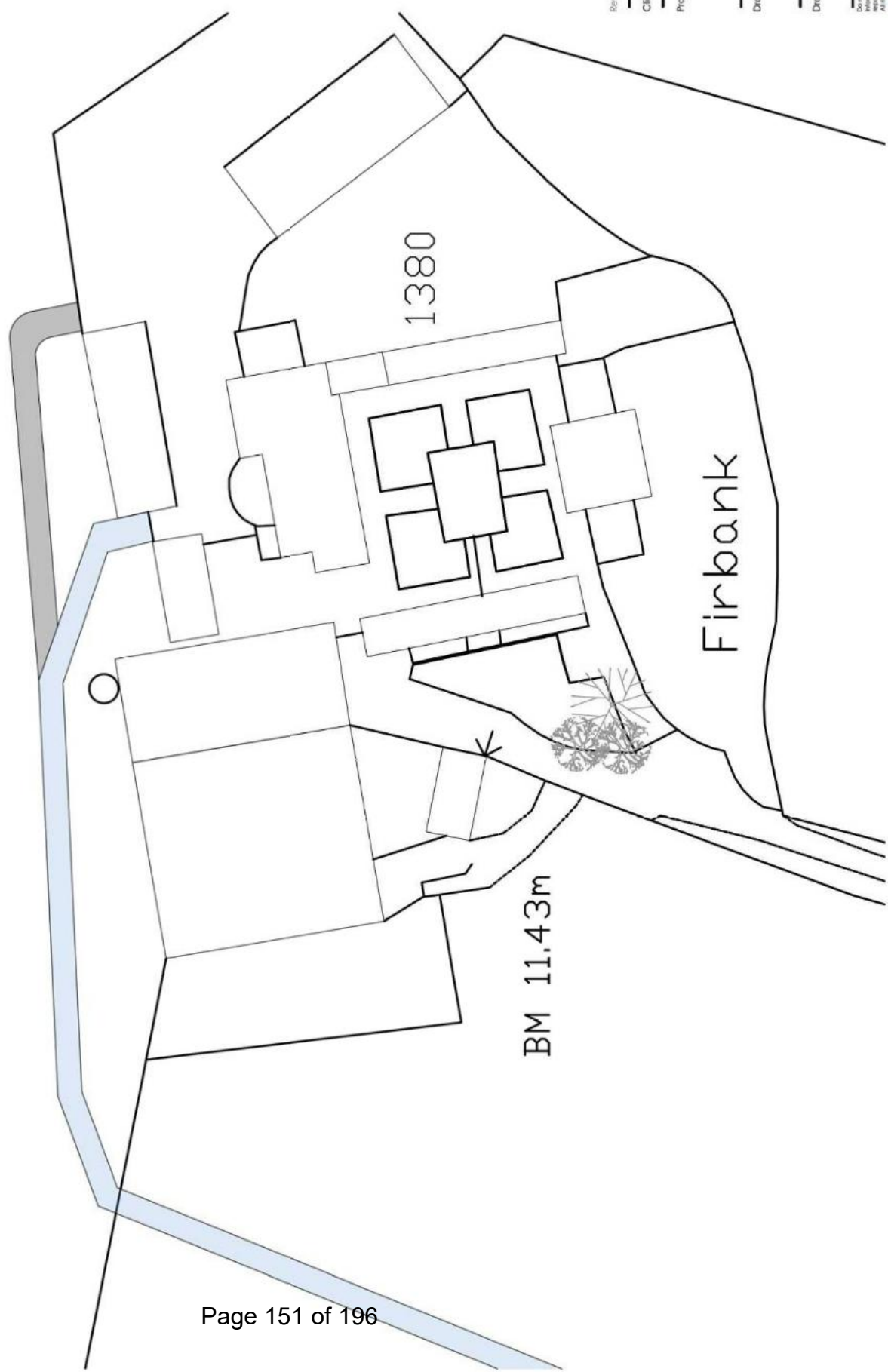
KEY:

Extent of development site

Extent of other site ownership

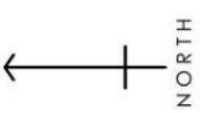
NORTH

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| | |
|-------------|---|
| Revisions | - Jan 22 Drawing set up for discussion purposes. GC |
| Client | Ian Morrison & Val Brown |
| Project | Revised access track, drive and area of hard standing |
| | Firbank |
| | Westlinton |
| | Carfisle |
| | CA6 6AQ |
| Drawing | Site Plan |
| | As existing |
| Drawing No. | 225-B-03 |
| Scale | 1:500@ A3 |
| Drawn | OK |
| Date | Jan 2022 |

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Repair and leveling of
existing hard-standing
areas

Access track as proposed

Access track approved
under application 20/471

Hardstanding
access

1380
Firbank

BM 11.43m

Concrete

Surface with chippings



Revisions

| | |
|-------------|--|
| Client | Ian Morrison & Val Brown |
| Project | Revised access track, drive and area of hard standing Firbank Westlinton Canisla CA6 6AQ |
| Drawing | Site Plan As proposed |
| Drawing No. | 225-B-05 |
| Scale | 1:500@ A3 |
| Drawn | OK |
| Date | Jan 2022 |

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SCHEDULE A: Applications with Recommendation

22/0078

Item No: 05

Date of Committee: 24/06/2022

Appn Ref No:
22/0078

Applicant:
Mr Brown

Parish:
Dalston

Agent:
Sam Greig Planning Ltd

Ward:
Dalston & Burgh

Location: Bridge End Inn, Bridge End, Dalston, Carlisle, CA5 7BH

Proposal: Change Of Use Of Garage To Dual Use Consisting Of Staff Accommodation & Holiday Let To Be Used In Association With The Bridge End Public House (Revised Application)

Date of Receipt:
07/02/2022

Statutory Expiry Date
04/04/2022

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that authority to issue approval is given to the Corporate Director of Economic Development subject to conditions and a satisfactory solution to deal with nutrient neutrality.

2. Main Issues

- 2.1 Whether The Proposal Would Be Acceptable In Principle
- 2.2 Impact Of The Proposal On Listed Buildings
- 2.3 Impact Of The Proposal On The Dalston Conservation Area
- 2.4 Impact Upon The Occupiers Of Surrounding Residential Properties
- 2.5 Highway Matters
- 2.6 Drainage Matters
- 2.7 Nutrient Neutrality

3. Application Details

The Site

- 3.1 The application site contains a garage building that is conditioned to be

used for private and domestic purposes. The front and side elevations of the garage are finished in render, with the rear elevation being blockwork, under a slate roof. The north elevation, which faces the public house, has a door and window at ground floor level and a door at first floor level, with the south elevation having one window at ground floor level and one at first floor level. The rear elevations contains two windows and a door (which are not authorised). The windows and the door are brown upvc, although the approved plans show timber windows and doors.

- 3.2 A hedge separates the garage from the adjacent public house beer garden, with an electricity sub-station being located between the side elevation of the garage and the hedge. A timber fence is located on the rear boundary. An area of compacted gravel lies to the front of the garage, with a low wall and fence running along the front boundary.
- 3.3 A residential property (Martindale) adjoins the site to the rear (west), with the public house adjoining the site to the north. A residential property (Smithy Cottage) and a commercial garage (formerly Ben Hodgsons) lie to the east of the site, with a residential property (Caldew Bank) lying to the south.

Background

- 3.4 In February 2015, full planning permission and Listed Building Consent were granted for the change of use of part of the beer garden attached to the Bridge End Inn to a car parking area for management and staff together with the erection of a detached domestic garage (application references 15/0008 and 15/0009). The garage was to have a width of 9.5 metres, a length of 6.05 metres, an eaves height of 2.5 metres and a ridge height of 4.25 metres. The garage was to be constructed from smooth rendered walls with stone quoins and sills under a slate roof. All windows and doors were to be constructed from timber with rain water goods consisting of cast aluminium. Timber lintels were also proposed above the garage doors.
- 3.5 Under applications 15/1086 and 15/1087 planning permission and Listed Building Consent were refused for a revised garage design. In comparison to applications 15/0008 and 15/0009, the revised garage had a larger footprint than previously approved (74.52m² compared to 57.47m²) and the eaves and ridge height have also significantly increased (by 1.1 metres and 1.74 metres respectively) in order to accommodate a room within the roof space. The materials used in the windows, doors and rainwater goods were proposed to be PVCu as opposed to timber; the main garage doors were proposed to be roller shutters with the timber lintels originally approved removed.
- 3.6 In August 2016 a revised application was approved (application references 16/0448 and 16/0449). The revised design to the garage incorporated a first floor storage deck with the external finishes including: cast aluminium gutters; stone heads and sills; vertical boarded timber facing doors; timber windows; off white roughcast render; stone quoins; and natural grey slates on the roof.

The Proposal

- 3.7 The proposal is seeking planning permission to change the use of the garage to a dual use consisting of staff accommodation and a holiday let both of which would be associated with the adjacent Bridge End Public House.
- 3.8 The garage doors in the front elevation would be changed to large windows, with the section beneath being finished in render to match the existing building. Two new pitched roof dormer windows would be added to the front elevation. The dormer cheeks and head of the dormer window would be finished in render under a slate roof to match the existing building, with stained timber casement windows and a new rooflight would be added to the rear roofslope. All of the existing windows and doors would be changed from brown upvc to stained 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 six neighbouring properties. In response three letters of objection (from 2 households) have been received which make the following points:
- the existing building is not built in accordance with the previous permission granted for a single residential garage - it exceeds the size permitted and contains windows and doors which were not approved;
 - 2 windows and doors abut the boundary of a neighbouring property;
 - no enforcement action has been taken in respect of the flagrant breach;
 - the structure and intended use overshadow the neighbouring property and overlook the garden and dwelling and have an adverse impact on privacy;
 - the plot is unsuitable for a domestic dwelling/ residential occupation whether as a home, staff accommodation or a holiday let;
 - the trees in the neighbouring property have already been devastated by the development;
 - long established trees have been destroyed and replaced with a low quality fence;
 - concerned that any resident might want the remaining long established trees and hedge to be removed;
 - planning would not consent previously to 3 windows in the rear of the building - 2 windows and a door have been installed in the rear of the building in breach of the permission;
 - there has been an application to reduce the size of a sycamore tree in order to make the plot more suitable for the intended use;
 - the garden to the rear is home to a host of wildlife;
 - the turn into the new development is an extremely dangerous one at the base of a hill and on a blind bend - astounded that there has not been an objection from Highways;
 - the highway being a double bend corner and a busy junction is dangerous enough for people who know it, but for people on holiday it will be

precarious, especially when EVs & bicycles and silent travel is taken into account;

- highway safety is seriously compromised by traffic entering and leaving the proposed development, which is just off public parking outside the Inn;
- this is an issue which will be exacerbated by occasional users not used to the blind access points on the bends on the B5299;
- the parking outside the pub is public despite signs being there to indicate something else;
- in 2006 the law was changed to include 'light nuisance' as a statutory nuisance under the Environmental Protection Act 1990 - security lights should provide the minimum level of illumination necessary to light a property, without causing neighbours or passers by a nuisance;
- re-location of the car sales at the garage opposite the pub led to the unauthorised floodlights (which are a genuine problem and abuse of the above);
- both the pub and the garage at Bridge End are below the windows of Caldew Bank, meaning that any light pollution (external and skylights) enters living rooms and bedrooms. Currently the pub has little to no activity after 2200hrs, but a holiday let and/or staff living, means that there will/ could be disturbance throughout the night;
- external lights from the pub are causing light pollution - the light needs to be directed onto the ground around the pub;
- the lighting around the Bridge End Inn, has a night time visual impact on highway safety, and is a distraction to seeing road users;
- the proposed development to a more residential use will create more light pollution which in turn makes access onto the B5299 more dangerous, because it's difficult to see who/ which users are on the road especially when/ if the unauthorised floodlights at the garage are on;
- light from the dormer window and front windows will spill out into the front windows of neighbouring properties unless the light spill is seriously controlled;
- noise and disturbance from the comings and goings of staff after hours or holiday lets will seriously affect the amenity of sleep in neighbouring properties;
- bearing in mind the coming FHS (Future Homes Standard) 2025, will the roof height have to be altered?;
- will the building meet FHS 2025 with non hazardous materials;
- parking shown on the plan seems to block access to the electricity sub station - is this something that should always be left clear for emergency access?

5. Summary of Consultation Responses

Dalston Parish Council: - it was never the intention of the planning department to allow the development of a house / holiday let as part of the pub estate and strongly object to this application. If permission were to be granted, we believe in time the owners of The Bridge End Inn will submit a further application to make the garage into a dwelling which is separated from the Bridge End Inn and could be sold off on its own with no ties.

The original application 16/0448 was for a garage for vehicles associated with the

adjoining public house and the drawings showed pedestrian access and minimum windows appropriate to a private building for such purpose. As the building neared completion, it became obvious that what had been built bore little resemblance and the garage incorporated more windows than those which had been approved in the original application. There was also a question that the overall dimensions and height had been exceeded thus creating a much higher loft space than was required for a garage. Several complaints were made to the Planning Department who, following an inspection, confirmed that the building was not in accordance with the approved drawings. A second application 21/0245 was then submitted in May 2021 for the conversion of the garage to 1no. dwelling, the Parish Council strongly objected to this application, and it was subsequently withdrawn leading to the above application 22/0078 being submitted.

1. **Linkage to the public house.** This was quoted as part of the application to build a garage and permission only granted with this linkage in place. If the planning committee are minded to ignore the objections then stringent conditions should be attached to the development so that the property could not be separated from the public house.

2. **Access / Safety.** The pub car park is very often congested (not least because of cars parked belonging to the adjacent car sales business) making it difficult to exit the garage through what is used as a parking area for the pub (a section of land which is unregistered). The access onto the road is virtually sightless to the right with much of the approaching traffic travelling at 30mph plus because it is coming down a steep hill. Quite a lot of this traffic is intending to turn right towards the M6 motorway, directly opposite the public house so the drivers descending the hill are concentrating on this manoeuvre and being unsighted until the last minute, any vehicles appearing on the left-hand side will be in considerable danger. Also, vehicles following those who are indicating to turn right will automatically keep close to the left-hand edge of the road as there is room to pass standing vehicles just further on and this will put any vehicle trying to exit from the proposed site right in their path and again not visible until the very last moment. There are also two entrances into the car sale premises opposite the site entrance so that vehicles going into either of them are a further distraction to drivers coming down the hill towards a concealed exit from the proposed house site. To summarise, the sight lines at this junction are very poor, making exiting from the proposed change of use very dangerous. If for instance a transit van or similar vehicle was parked immediately to the south of the entrance of the garage, exit visibility is nil and getting onto the road is highly dangerous. An accident occurred here 4 years ago, a vehicle travelling too fast down the hill crashed into another car, luckily it was not fatal. The car was so badly damaged that it was written off. Cumbria County Council as the Local Highway Authority have also stated that the access is located very close to a sharp bend which has limited visibility.

3. **Compliance.** There are currently ongoing issues regarding the installation of plastic windows in the garage. Due to the garage being in a conservation area a stipulation of the planning approval was that the windows needed to be timber framed. The Parish Council are of the understanding that a listed building notice has been issued to the owner and that no work can commence on the garage until this has been rectified.

The Parish Council would like a site visit to take place please before a decision is made on this application;

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

objections to the proposed development as it is considered that the proposal will not have a material affect on existing highway conditions nor does it increase the flood Risk on the site or elsewhere;

Local Environment - Environmental Protection: - no objections;

Cumbria County Council - (Highway Authority - Footpaths): - Public Footpaths 109078 and 109081 follow alignments to the north and east of the proposed development area and must not be altered or obstructed before or after the development has been completed, if the footpaths are to be temporarily obstructed, then a formal temporary closure will be required.

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), Policies HO2, SP6, HE3, HE7, IP3, IP6 and CC5 of the Carlisle District Local Plan 2015-2030 and the Dalston Neighbourhood Plan 2015-2030 (DNP). The Supplementary Planning Document Achieving Well Designed Housing is also a material planning consideration as are Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.3 The proposal raises the following planning issues:
 1. Whether The Proposal Would Be Acceptable In Principle
- 6.4 Given the location of the garage, the conversion of the building into ancillary residential accommodation for use by staff from the adjacent public house or to holiday accommodation would be acceptable in principle.
- 6.5 The garage is located within Bridge End and this area lies outside the Defined Development Boundary for Dalston, as identified in the Dalston Neighbourhood Plan. Whilst the proposal to create a new dwelling in this location would be contrary to Policy DNP-H1 of the Dalston Neighbourhood Plan, the conversion of the building into ancillary accommodation for pub staff or holiday accommodation would be acceptable in principle.
 2. Impact Of The Proposal On Listed Buildings
- 6.6 The garage lies within the curtilage of the Grade II Listed Bridge End Inn. The Listing details for the Bridge End Inn are as follows:

Public house. Late C18. Painted incised stucco with flush pointed quoins on painted chamfered plinth. Graduated slate roof, rendered brick chimney stacks. 2 storeys, 3 bays. C20 door in painted stone surround. Sash windows with glazing bars in painted stone surrounds. Extension to right with C20 windows is not of interest.

- 6.7 Caldew Bank which lies to the south of the garage is also Grade II Listed. The list description for this dwelling is reproduced below:

House. Late C18 with early C19 wings. Painted stucco on painted chamfered plinth with V-jointed quoins; graduated green slate roof; ashlar chimney stacks. 2 storeys, 3 bays with flanking lower 2-storey, single-bay wings. Sash windows with glazing bars in painted stone surrounds. Side entrance to right: 6-panel door in eared architrave under triangular pediment. Tall round-headed stair window to rear.

- 6.8 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 6.9 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.

- 6.10 The garage is located in the southern portion of the curtilage associated with the Bridge End Inn and to the south of an existing electricity sub-station. When granting approval for the garage, the scale, height and massing of the building were considered to be ancillary to the Inn. Whilst the building has not been not built in accordance with the approved plans, the eaves height is only 10cm higher, the ridge height 5cm higher, whilst the width and depth are 2cm and 5cm larger respectively. It is considered that these measures are negligible and do not alter the previous conclusion that the building is ancillary to the adjacent Inn.

- 6.11 The Council's Heritage Officer has been consulted on the application. He raised concerns about the plans as originally submitted, which showed four rooflights in the front elevation of the garage and the use of upvc windows throughout. The scheme has now been revised to remove the rooflights in the front elevation and to add two new pitched roof dormer windows. The dormer cheeks and head of the dormer window would be finished in render under a slate roof to match the existing building, with stained timber casement windows and a new rooflight would be added to the rear roofslope. The garage doors in the front elevation would be changed to large stained timber windows, with the section beneath being finished in render to match the existing building. All of the existing windows and doors would be changed from brown upvc to stained timber. Following the amendments, the

Heritage Officer has confirmed that he has no objections to the proposals.

- 6.12 Conditions have been added to the permission which require details of the proposed windows and rooflights to be submitted to the local planning authority for approval and to remove permitted development rights for extensions and fences/walls.
- 6.13 Caldew Bank lies to the south of the garage on the opposite side of the B5299 and sits at a significantly higher level. The proposals would not have an adverse impact on the setting of this dwelling.
- 6.14 Subject to the imposition of conditions, the proposal would not have an adverse impact on the setting of any adjacent listed buildings.

3. Impact Of The Proposal On The Dalston Conservation Area

- 6.15 The application site lies within the Dalston 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".

- 6.16 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.17 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.18 The Council's Heritage Officer has been consulted on the application and has confirmed that he has no objections to the revised scheme. Conditions have been added to the permission which require details of the proposed windows and rooflights to be submitted to the local planning authority for approval and to remove permitted development rights for extensions and fences/walls.

4. Impact Upon The Occupiers Of Surrounding Residential Properties

- 6.19 A residential property (Martindale) lies to the rear of the building. Two windows and a door in the rear elevation of the building face the end of the garden of Martindale. There is a solid timber fence on the rear boundary with Martindale and some trees within the garden of Martindale which reduce overlooking. The majority of the garden (which is approximately 60m long) would be unaffected and the dwelling, which is 50m away from the proposed

garage would be not impacted.

- 6.20 The dwelling Caldew Bank lies to the south of the garage on the opposite side of the B5299 and sits at a significantly higher level. Smithy Cottage lies to the east of the garage on the opposite side of the B5299, is screened by existing vegetation and does not face the garage.
- 6.21 Given the location of the proposed development in relation to the nearest residential properties, it is not considered that the proposal would have an adverse impact upon the living conditions of the occupiers of any residential properties in terms of overlooking, loss of light or over dominance.

5. Highway Matters

- 6.22 The Parish Council and objectors have raised concerns about the sight lines at this junction which are very poor, making exiting from the proposed dwelling very dangerous. The garage does, however, currently has an access onto the adjacent highway and the Highway Authority has confirmed that it has no objections to the proposal.

6. Drainage Issues

- 6.23 The Lead Local Flood Authority has confirmed that it has no objections to the proposal. The foul drainage would be picked up through the Building Control process.

7. Nutrient Neutrality

- 6.24 Alongside other local planning authorities, Carlisle City Council has received a letter dated 16th March 2022 from Natural England about nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). The letter advised that new development within the catchment of these habitats comprising overnight accommodation (which includes holiday accommodation and ancillary residential accommodation) can cause adverse impacts to nutrient pollution.
- 6.25 Local authorities have been advised that planning applications and plans in affected areas should be carefully considered and mitigation should be used to ensure there are no adverse effects to meet the requirements of the Conservation of Species and Habitats Regulations 2017. Whilst the council assesses the implications of these matters, it cannot lawfully conclude that development within the catchment of the River Eden SAC will not have an adverse effect. Therefore, until these matters are resolved, the council will not be able to grant planning permission for developments comprising overnight accommodation within the affected catchments. If Members are minded to approve this application a decision cannot be issued until this matter is resolved.

Conclusion

- 6.26 In conclusion, the change of use of the garage to a dual use consisting of

staff accommodation and holiday let to be used in association with the Bridge End Public House would be acceptable in principle. The proposal would not have an adverse impact on the setting of the adjacent listed buildings or the conservation area, subject to the imposition of conditions, or on the living conditions of the occupiers of any neighbouring properties. The proposed access and drainage would be acceptable. In all aspects, the proposal is considered to be compliant with the relevant policies in the adopted Local Plan.

- 6.27 The recommendation is authority to issue approval subject to conditions and a satisfactory solution to deal with nutrient neutrality.

7. Planning History

- 7.1 In February 2015, full planning permission and Listed Building Consent were granted for the change of use of part beer garden to car parking area for management and staff; erection of detached domestic garage (revised/part retrospective applications) (15/0008 and 15/0009);
- 7.2 In January 2016, under application numbers 15/1086 and 15/1087, planning permission and Listed Building Consent were refused for a revised garage design to that consented under 15/0008 and 15/0009.
- 7.3 In August 2016, full planning permission and Listed Building Consent were granted for the erection of detached domestic garage/workshop (revised/part retrospective application) (16/0448 and 16/0449).
- 7.4 In February 2022, an application for the conversion of the garage to a dwelling was withdrawn prior to determination (21/0245).

8. Recommendation: Granted Subject to Nutrient Resolution

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.
- Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted planning application form, received 7th February 2022;
 2. Site Location Plan (Dwg IB/DWELL/SLP1 Rev B), received 7th February 2022;
 3. Proposed Site Block Plan (Dwg IB/DWELL/SBP2 Rev C), received 25th May 2022;

4. Proposed Ground Floor Plan (Dwg IB/DWELL/FP3 Rev B), received 7th February 2022;
5. Proposed First Floor Plan (Dwg IB/DWELL/FP4 Rev B), received 7th February 2022;
6. Proposed Elevations (Dwg IB/DWELL/ELEV2 Rev E), received 6th June 2022;
7. Supporting Statement & Heritage Statement, received 7th February 2022;
8. the Notice of Decision;
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The use hereby permitted shall be restricted to staff accommodation and a holiday let only both of which are to be in association with the adjacent Bridge End Public House. The building shall not be occupied as permanent residential accommodation.

Reason: The use of the building as a dwelling would not be acceptable.

4. The site manager/owner shall keep a register to monitor the occupation of the building that is the subject of this application. Any such register shall be available for inspection by the Local Planning Authority at any time when so requested and shall contain details of those persons occupying the building, their name, normal permanent address and the period of occupation of the building by them.

Reason: To ensure that the buildings is not occupied as permanent residential accommodation.

5. Prior to the occupation of the building that is the subject of this application, details of the proposed windows and rooflights to be installed shall be submitted to the local planning authority for approval. The windows shall then be installed in strict accordance with these details prior to the building being brought into use.

Reason: To ensure that the building does not have an adverse impact on the adjacent listed buildings and the conservation area, in accordance with policies HE3 and HE7 of the Carlisle District Local Plan 2015-2030.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) the following forms of development within the provisions of Part 1 to Schedule 2 of the Order shall not be undertaken without the express permission in writing of the council:

1. Extension or enlargement
2. Additions or alterations to roofs
3. Detached outbuildings
4. Porches
5. Chimneys and flues

Reason: The further extension or alteration of this building requires detailed consideration to safeguard the amenities of the surrounding area, to accord with Policies SP6, HE3 and HE7 of the Carlisle District Local Plan 2015-2030.

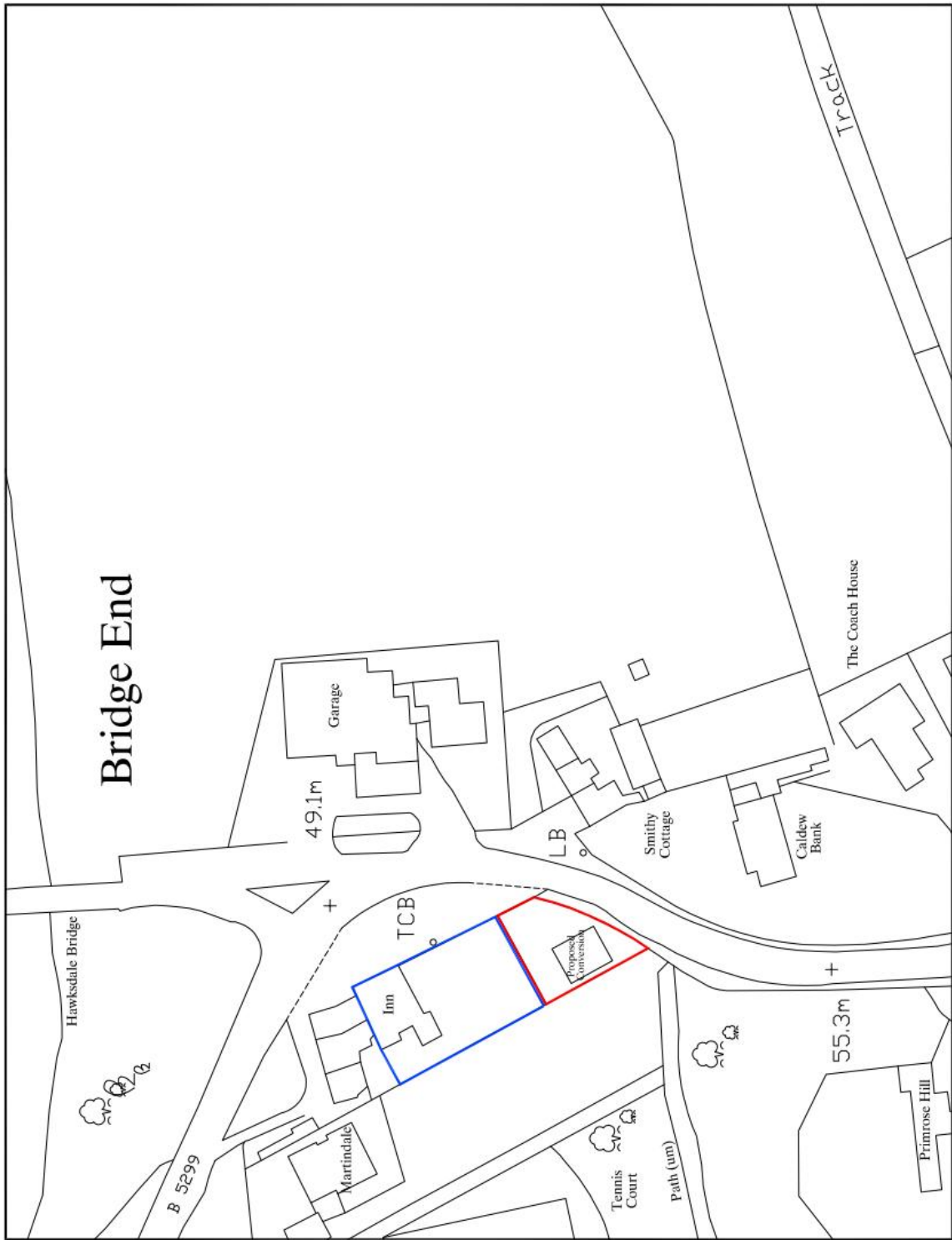
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any other Order revoking and re-enacting that Order), no walls, fences or other means of enclosure shall be erected within any part of the site without the permission in writing of the local planning authority.

Reason: To protect the character of the area in accordance with Policies HE3 and HE7 of the Carlisle District Local Plan 2015-2030.

8. 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) no windows, other than those shown on the approved plans shall at any time be placed in the rear (south west) elevation of the building without the grant of a separate planning permission from the local planning authority.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy, to accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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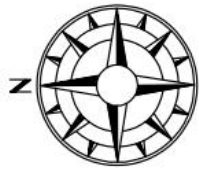
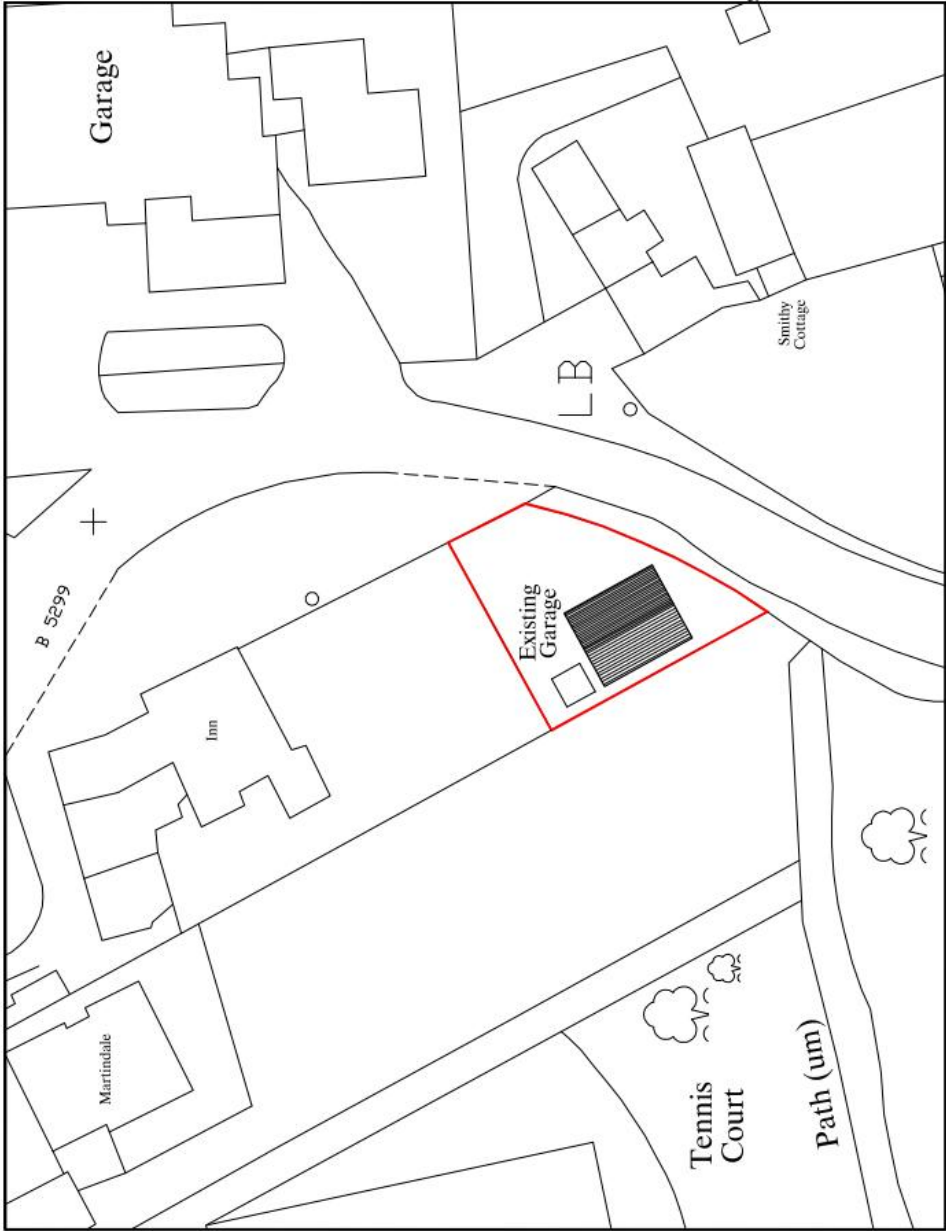
SITE LOCATION PLAN

| | | | |
|-------------------|-------|-------------------|-------|
| G.Tyler | Scale | Drawing No | Rev B |
| 1:1250 A4 | Date | IB / DWELL / SLP1 | |
| 1st February 2021 | | | |

Proposed Conversion of Existing Garage on Land Adjacent to
" The Bridge End Inn ", Dalston, Carlisle, Cumbria CA5 7BH.

| Rev. | Date | Description |
|------|--------------|----------------|
| B | 19 / 01 / 22 | Amended |
| A | 01 / 02 / 21 | Original Issue |

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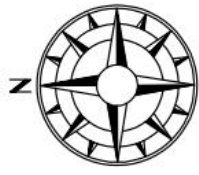
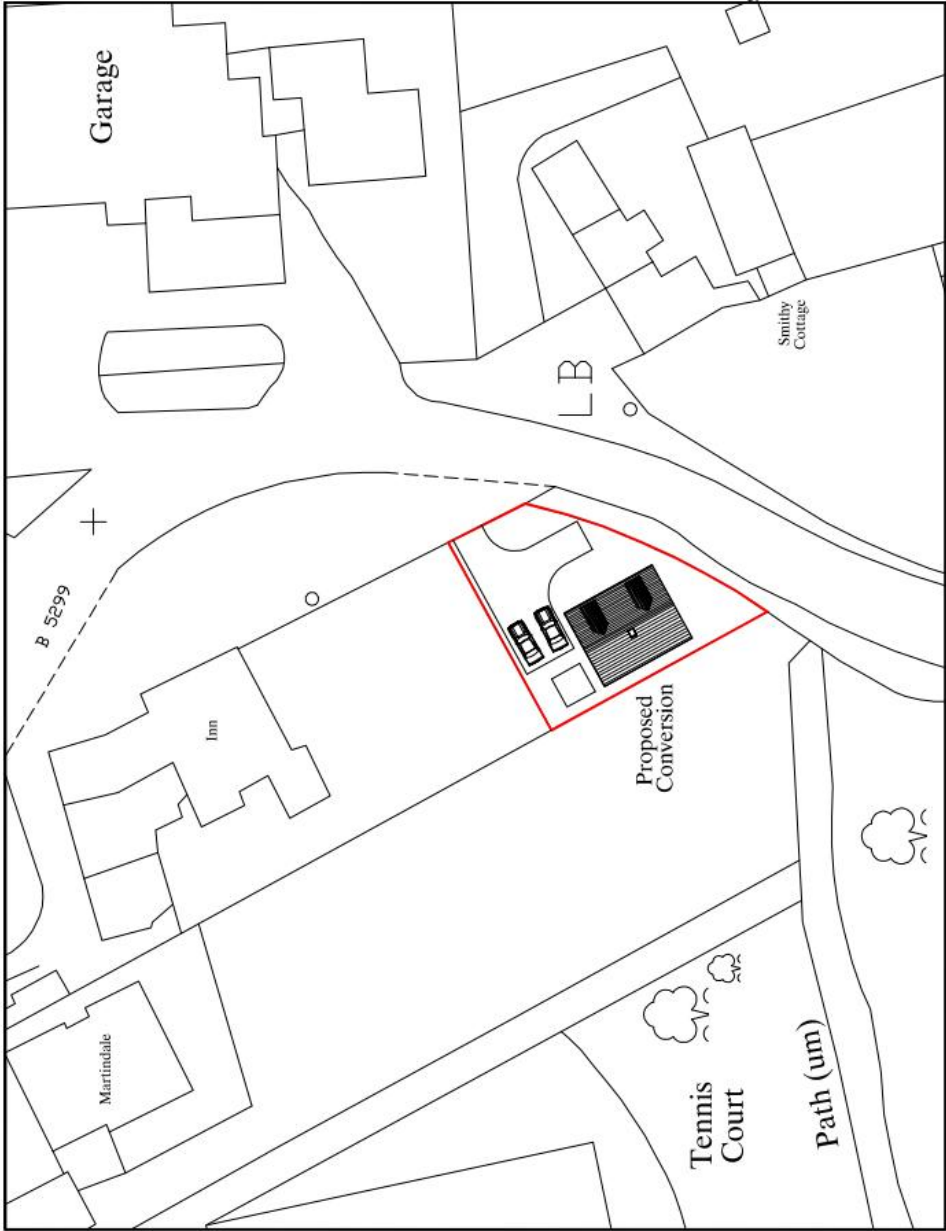
EXISTING SITE BLOCK PLAN

Proposed Conversion of Existing Garage on Land Adjacent to
"The Bridge End Inn", Dalston, Carlisle, Cumbria CA5 7BH.

| | |
|------------|-------------------|
| Scale | G. Tyler |
| Date | 1:200 A3 |
| Drawing No | 1st February 2021 |
| Rev | IB / DWELL / SBP1 |
| | Rev B |

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| B | 19 / 01 / 22 | Amended |
| A | 01 / 02 / 21 | Original Issue |
| Rev. | Date | Description |

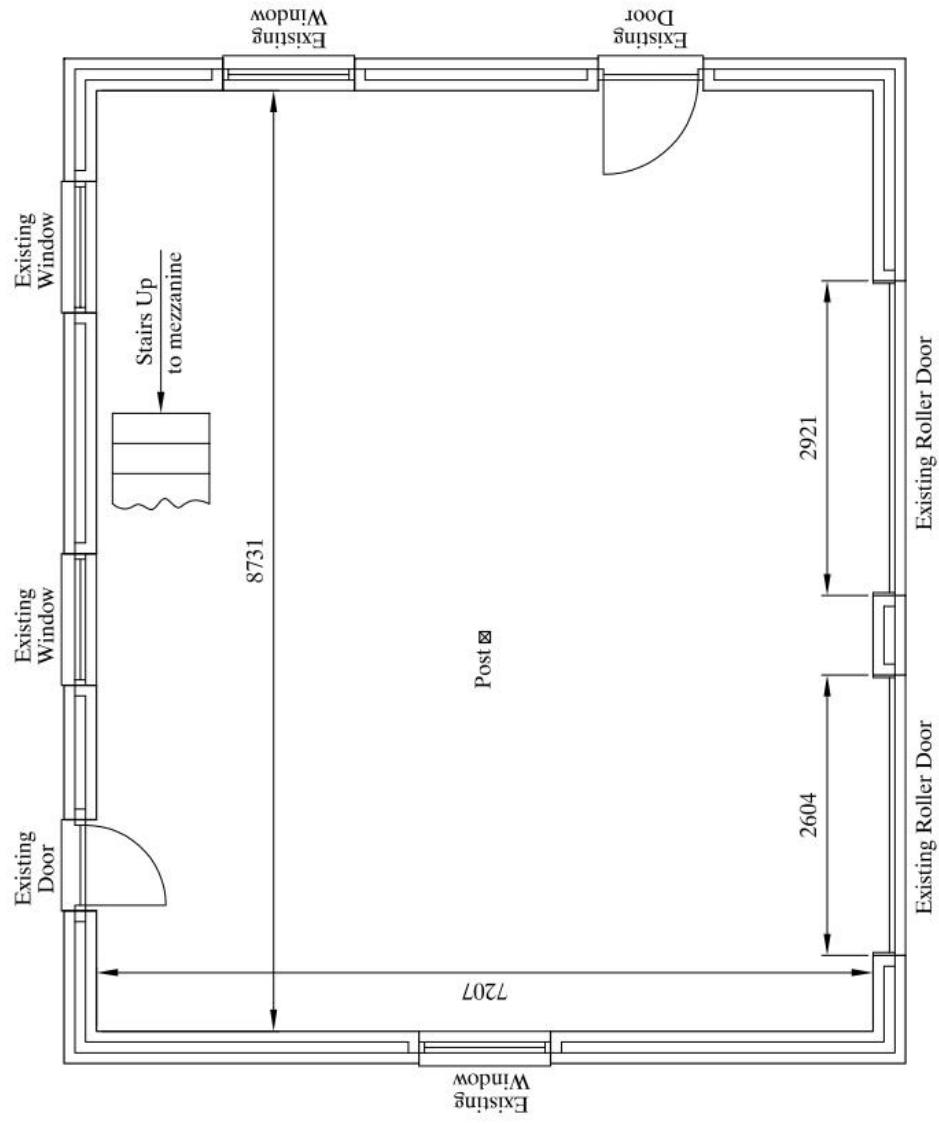
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PROPOSED SITE BLOCK PLAN

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|------|------|--------------|--|-------------------|-------|
| C | | 23 / 05 / 22 | Amended | G. Tyler | |
| B | | 19 / 01 / 22 | Amended | 1:200 A3 | |
| A | | 01 / 02 / 21 | Original Issue | 1st February 2021 | |
| Rev. | Date | Description | | Drawing No | Rev C |
| | | | Proposed Conversion of Existing Garage on Land Adjacent to "The Bridge End Inn", Dalston, Carlisle, Cumbria CA5 7BH. | | |
| | | | IB / DWELL / SBP2 | | |

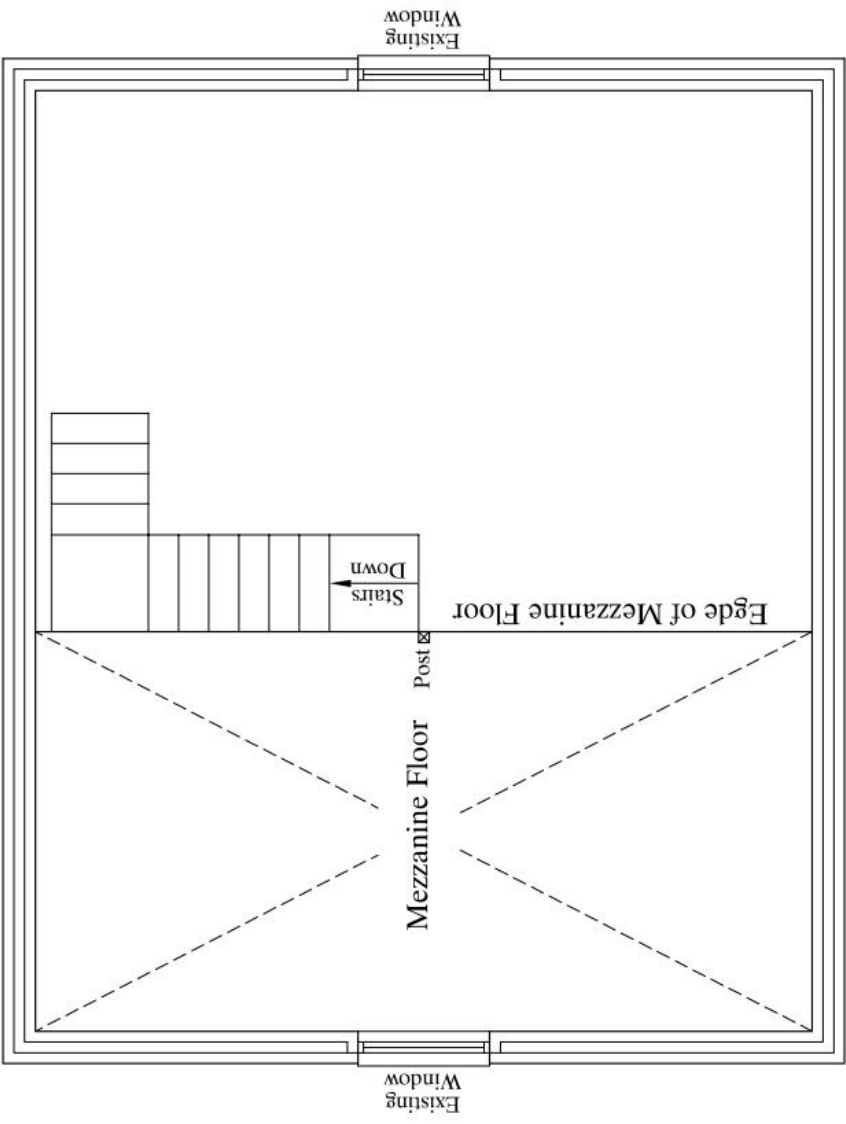
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Existing Ground Floor Plan

| | | | |
|--|----------|----------------|------------------|
| Proposed Conversion of Existing Garage on Land Adjacent to " The Bridge End Inn " , Dalston, Carlisle, Cumbria CA5 7BH. | | Drawn By | G. Tyler |
| | | Scale | 1:50 @ A3 |
| | | Date | 9th March 2021 |
| | | Drawing No | IB / DWELL / FP1 |
| | | | Rev B |
| B | 19/01/22 | Amended | |
| A | 09/03/21 | Original Issue | |
| Rev. | Date | Description | |

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Existing First Floor Plan

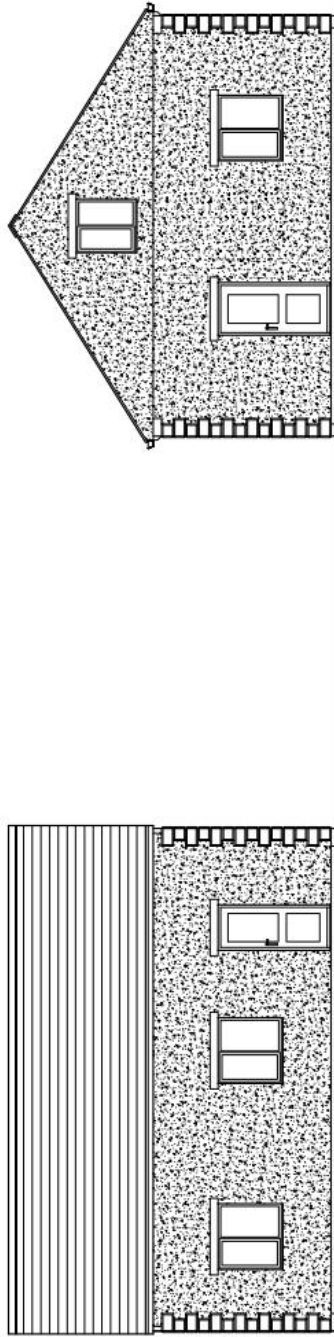
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| Rev. | B | 19/01/22 | Amended | <div>Proposed Conversion of Existing Garage on Land Adjacent to " The Bridge End Inn " , Dalston, Carlisle, Cumbria CA5 7BH.</div> | | | | Drawn By | G. Tyler |
| | A | 09/03/21 | Original Issue | | | | | Scale | 1:50 @ A3 |
| | | | Description | | | | | Date | 9th March 2021 |
| | | | | Drawing No | IB / DWELL / FP2 | Rev B | | | |

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North East Elevation

South East Elevation



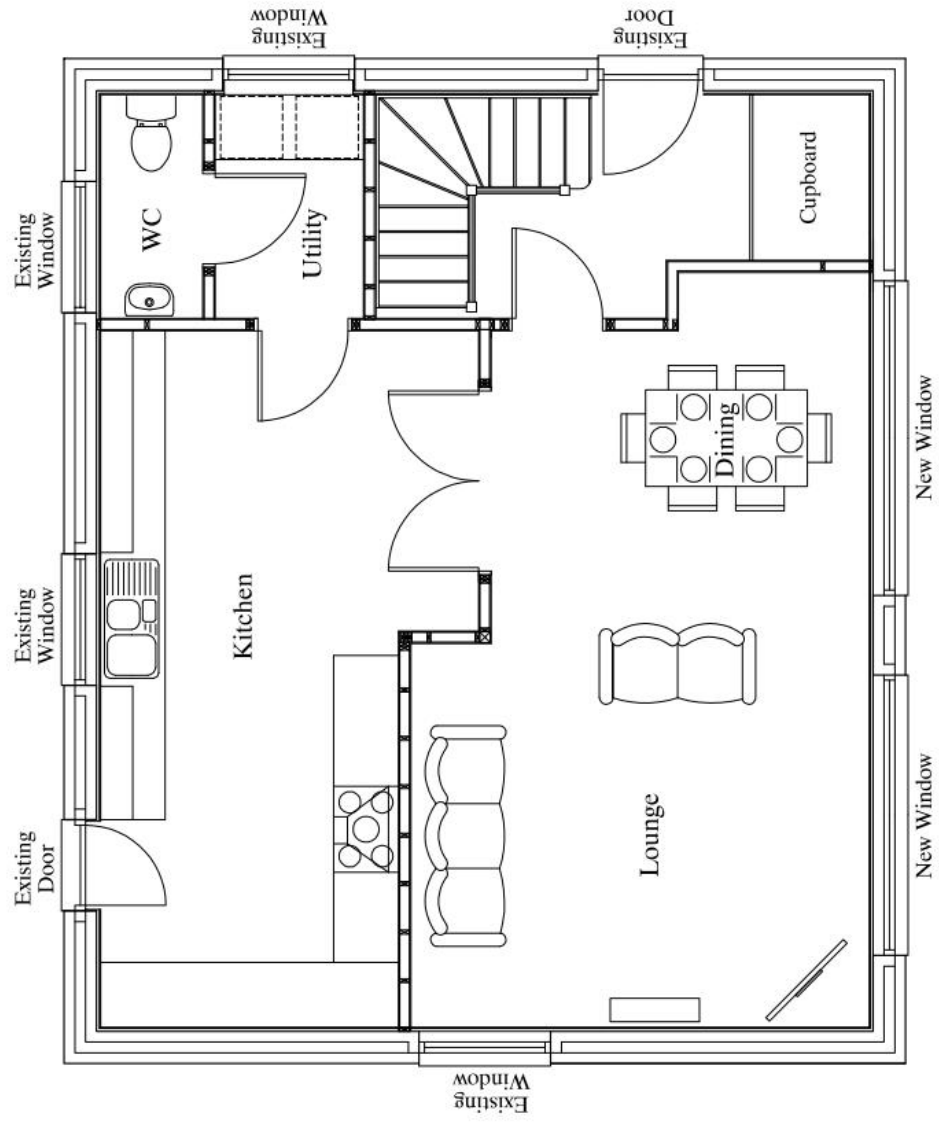
North West Elevation

South West Elevation

EXISTING ELEVATIONS

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| Proposed Conversion of Existing Garage on Land Adjacent to " The Bridge End Inn " , Dalston, Carlisle, Cumbria CA5 7BH. | | | | Drawn By | G. Tyler |
| | | | | Scale | 1:100 @ A3 |
| | | | | Date | 9th March 2021 |
| | | | | Drawing No | IB / DWELL / ELEV1 Rev B |
| B | 19/01/22 | Amended | | | |
| A | 09/03/21 | Original Issue | | | |
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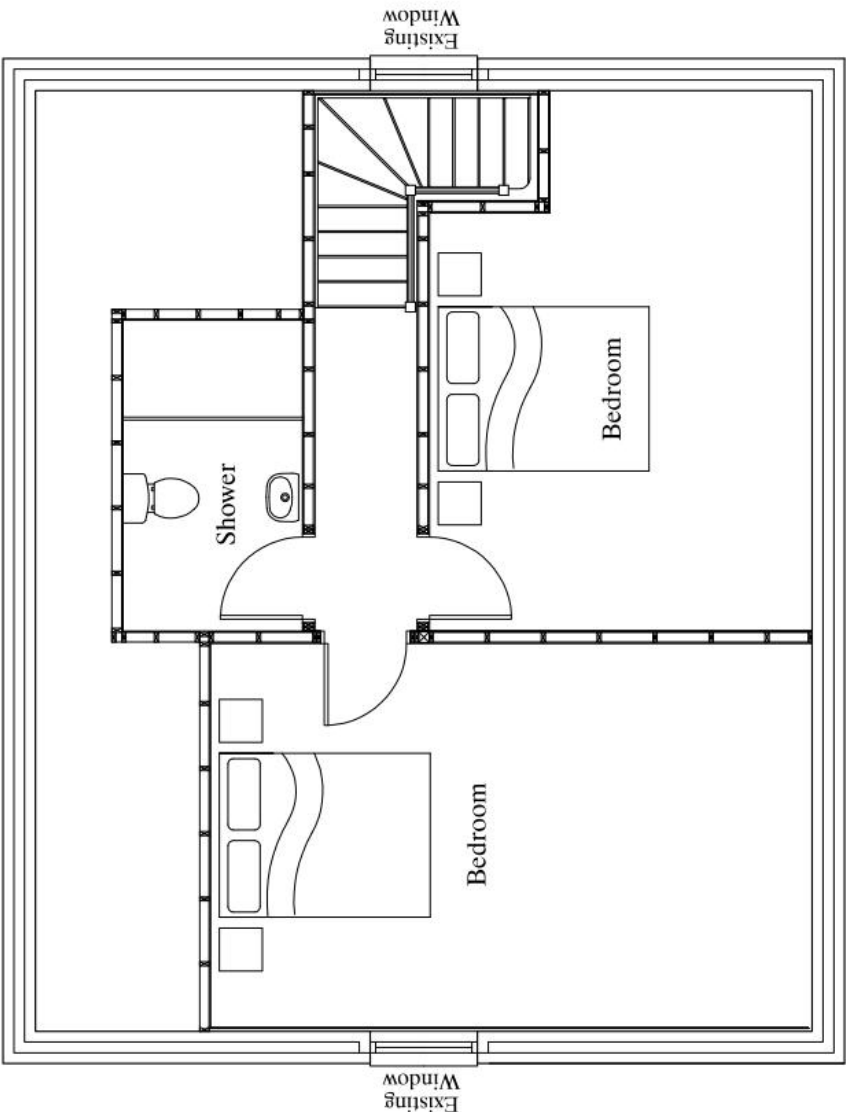
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Proposed Ground Floor Plan

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| Rev. | B | 19/01/22 | Amended | Drawing No | IB / DWELL / FP3 | Rev B |
| | A | 09/03/21 | Original Issue | | | |
| | | | Description | | | |
| Proposed Conversion of Existing Garage on Land Adjacent to " The Bridge End Inn " , Dalston, Carlisle, Cumbria CA5 7BH. | | | | Drawn By | G. Tyler | |
| | | | | Scale | 1:50 @ A3 | |
| | | | | Date | 9th March 2021 | |

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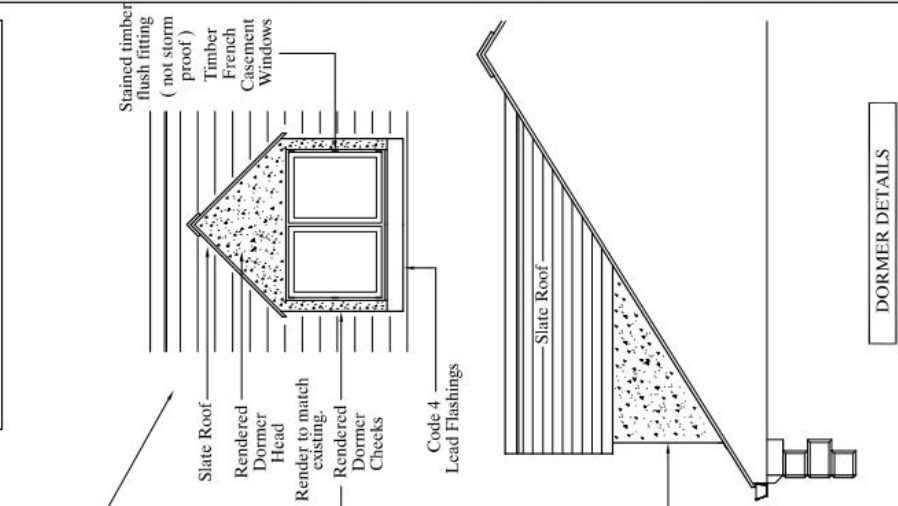


Proposed First Floor Plan

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| Rev. | B | 19/01/22 | Amended | Drawn By | G. Tyler | Drawing No | IB / DWELL / FP4 | Rev B |
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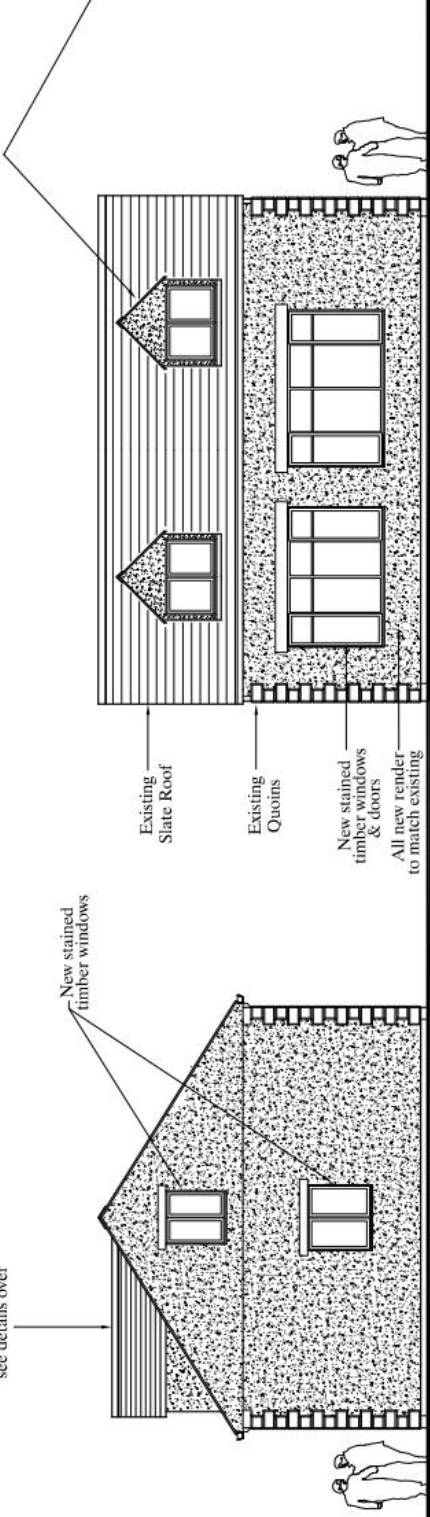
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" The Bridge End Inn " , Dalston, Carlisle, Cumbria CA5 7BH.

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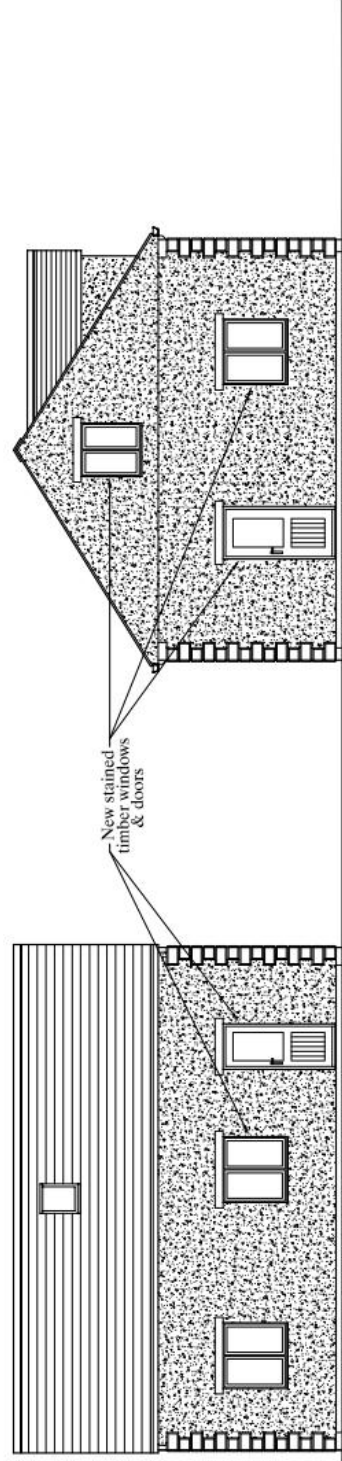


PROPOSED ELEVATIONS

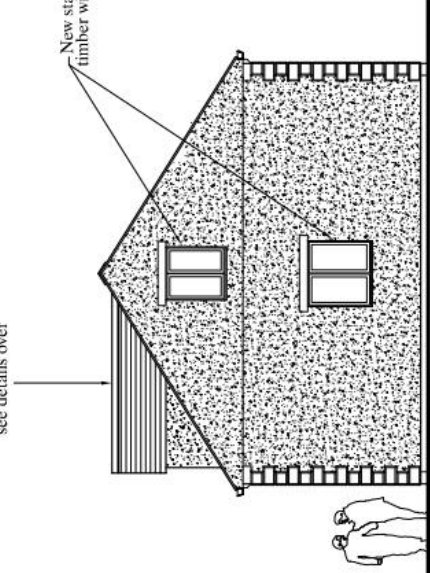
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| Drawn By | G. Tyler |
| Scale | 1:100 @ A3 |
| Date | 9th March 2021 |
| Drawing No | IB / DWELL / ELEV2 Rev E |



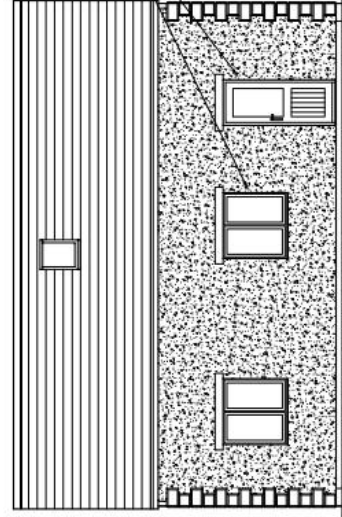
North East Elevation



North West Elevation



South East Elevation



South West Elevation

Proposed Conversion of Existing Garage to a Dwelling on Land Adjacent to
" The Bridge End Inn " , Dalston, Carlisle, Cumbria CA5 7BH.

| | | | |
|------|----------|-------------|--|
| E | 01/06/22 | Amended | |
| D | 18/05/22 | Amended | |
| C | 03/05/22 | Amended | |
| Rev. | Date | Description | |

SCHEDULE B

**Applications
determined by other
authorities.**

SCHEDULE B

Item No: 06

Between 29/04/2022 and 09/06/2022

Appn Ref No:

19/0871

Applicant:

Magnus Homes Ltd

Parish:

Wetheral

Date of Receipt:

13/11/2019 16:00:52

Agent:

Harraby Green Associates

Ward:

Wetheral & Corby

Location:Land North of Holme Meadow, Cumwhinton,
Carlisle, CA4 8DR**Grid Reference:**

344780 552906

Proposal: Erection Of 5 No. Market Dwellings; Erection Of 9 No. Self/Custom Build Dwellings; Formation Of Vehicular Access And Road; Provision Of Structural Landscaping/Planting; Formation Of Amenity Area And Provision Of Associated Infrastructure And Services (Outline)

REPORT**Case Officer:**

Christopher Hardman

Decision on Appeals:**Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Dismissed**Date:** 04/05/2022

A copy of the Notice of the decision of the Determining Authority is printed following the report.



Appeal Decision

Site visit made on 18 January 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04/05/2022

Appeal Ref: APP/E0915/W/21/3283151

Land adjacent to Holme Meadow, Cumwhinton, Carlisle CA4 8DR

- 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 Frank Lowe (Magnus Homes Ltd) against the decision of Carlisle City Council.
 - The application Ref 19/0871, dated 12 November 2019, was refused by notice dated 11 June 2021.
 - The development proposed is erection of 9 no. self / custom build dwellings and 5 no. market dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Magnus Homes Ltd against Carlisle City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would represent an unacceptable intrusion into the open countryside.

Reasons

4. Criterion 3 of Policy HO2 of the adopted Carlisle District Local Plan (CDLP) supports new housing development on the edge of settlements if the site is well contained within existing landscape features, is physically connected, and integrates with the settlement, and does not lead to an unacceptable intrusion into the open countryside. Policy HO2 does not explicitly define what would be an unacceptable intrusion into the open countryside. However, its supporting text states that development is more likely to be acceptable on sites that are physically contained by existing landscape features such as hedges, trees, woodland, or topography, physically and visibly connected to the village, and do not adversely impact on wider views in and out of the village.
5. The appeal site would be adjacent to the village in a sustainable location with facilities and services located in the village of Cumwhinton being within walking distance. It would also be physically connected to the settlement. It would to a large extent also be physically contained within existing landscape features i.e., the hedgerows. However, given the insubstantial nature of the hedgerow on the **site's boundary facing Broomfallen Road**, I do not consider the site to be physically well contained.

6. **As highlighted in the Council's officer report this boundary to the appeal site provides a 'fairly deep separation' between the site and the adjacent dwellings.** As a result, the site would be somewhat visually disconnected from the village by the row of high almost-mature trees on its boundary closest to the settlement.
7. In relation to any potential visual impact of the proposal particularly on views towards the settlement, according **to the LPA officer report, the appeal site's** outermost boundary in relation to the settlement has clusters of mature trees rather than a row of them. The submitted Landscape and Visual Assessment Statement (LVIA) also describes the landscape character of the appeal site as a grazed, grassland field with traditional hedgerows and scattered hedgerow trees. Consequently, I consider that the appeal site boundary furthest from its other boundary with the village not to be a fully effective visual barrier as evidenced by the photos from viewpoints 1 and 2 contained within the LVIA.
8. The LVIA also states that from Viewpoint 1 the change in view would be glimpsed views of the buildings through or in between existing trees and hedgerows and that the initial view would include views of the proposed buildings. Moreover, the report also states that while the magnitude of change and the sensitivity of the receptors at viewpoints 1 would be low it states that the resulting degree of significance would be slight/moderate after construction and negligible after the establishment of the proposed planting. As for Viewpoint 2 The initial view would include views of the proposed buildings and while the magnitude of change is judged to be low the sensitivity of receptors would be high with the degree of significance being moderate until the establishment of the proposed planting.
9. In addition, from both these viewpoints the LVIA states that the proposal would be mostly screened by the proposed landscaping/planting in summer months. Furthermore, according to the LVIA the proposed landscaping would also take approximately 10 years to mature and reach a height capable of screening the proposal when viewed from these locations.
10. As a result, I am not convinced that the site would be visually well contained by existing landscape features as the proposed housing would be at least partially visible from the two vantage points highlighted by the LVIA, particularly Viewpoint 2. I therefore consider that the proposal would thereby have an impact on wider views into the village when viewed from these directions particularly during winter months.
11. Consequently, while I acknowledge that the proposal would be in a sustainable location on the edge of an existing settlement and that it would be physically connected to this settlement, for the above reasons I consider that it would not be fully physically or visually contained thereby intruding on the views of the open rural landscape beyond the appeal site. As a result, in these regards, I find that the proposal would have an adverse visual impact.
12. I also note that the appeal site is not located within a designated landscape. However, this is not the same as the site and the landscape beyond it not having any visual value at all.
13. I therefore conclude that the proposed development would represent an unacceptable intrusion into the open countryside in conflict with criterion 3 of policy HO2 of the CDLP.

Other Matters

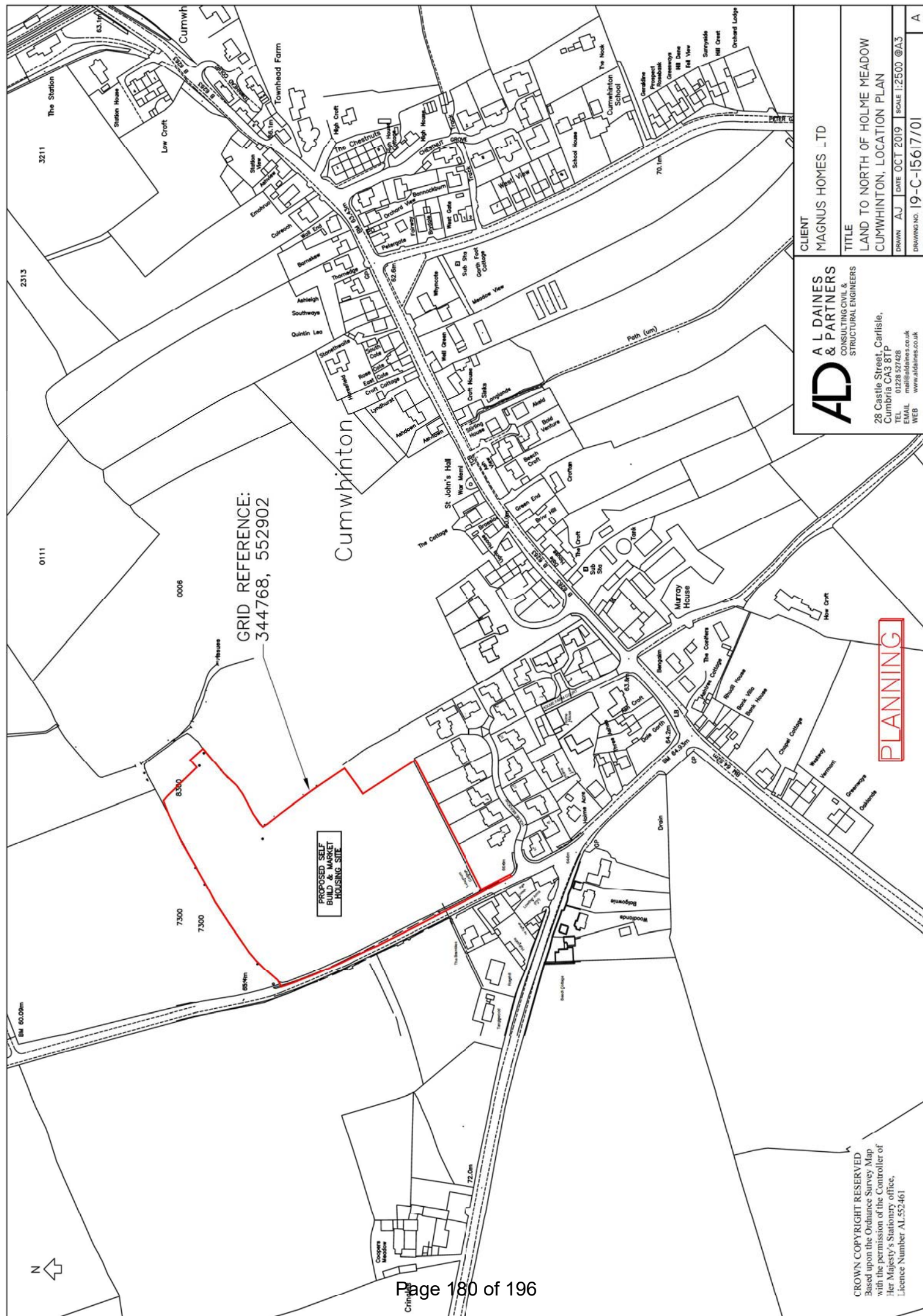
14. The appellant has submitted a draft s106 planning obligation agreement which would potentially ensure that the proposal would provide an element of self/custom-build housing to assist the Council in meeting their statutory duty in this regard. However, this is unsigned and unexecuted. As a result, I afford this matter no weight.
15. I also note that since the submission of this appeal the Council have granted planning permission for a development proposal like the appeal scheme. However, even so I have determined the appeal scheme before me on its own merits and this matter is not of sufficient weight to overcome or outweigh the harm I have identified above.

Conclusion

16. The proposal would not accord with the development plan when read as a whole. Furthermore, there are no material considerations which indicate a decision otherwise than in accordance with the development plan. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR



CLIENT
MAGNUS HOMES LTD

| TITLE | DATE | BY | REMARKS |
|--|------------|----------|------------------------------|
| 1. The first part of the report is a general introduction to the project. | 10/10/2023 | John Doe | Initial review and comments. |
| 2. The second part of the report is a detailed description of the methodology used. | 10/10/2023 | John Doe | Initial review and comments. |
| 3. The third part of the report is a detailed description of the results obtained. | 10/10/2023 | John Doe | Initial review and comments. |
| 4. The fourth part of the report is a detailed description of the conclusions drawn. | 10/10/2023 | John Doe | Initial review and comments. |
| 5. The fifth part of the report is a detailed description of the recommendations made. | 10/10/2023 | John Doe | Initial review and comments. |

LAND TO NORTH OF HOLME MEADOW
CUMWHINTON, LOCATION PLAN

| | | | | | |
|---------------------------|----|------|----------|-------|------------|
| DRAWN | AJ | DATE | OCT 2019 | SCALE | 1:2500 @A3 |
| DRAWING NO. 19-C-156/7/01 | | | | | |

ALD
A L DAINES
& PARTNERS
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STRUCTURAL ENGINEERS

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PLANNING

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Item No: 07

Between 29/04/2022 and 09/06/2022

Appn Ref No:
20/0681**Applicant:**
Bowe Dairy Farming**Parish:**
Dalston**Date of Receipt:**
04/12/2020**Agent:**
PFK**Ward:**
Dalston & Burgh**Location:**
Chalk Lodge, Cumdivock, Dalston, Carlisle, CA5
7JL**Grid Reference:**
334261 547405

Proposal: Roofing Over Of Existing Open Silage Clamp Area

REPORT**Case Officer:** Stephen Daniel**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Dismissed**Date:** 03/05/2022

A copy of the Notice of the decision of the Determining Authority is printed following the report.

Appeal Decision

Site visit made on 5 April 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/E0915/W/21/3286925

Chalk Lodge, Cumdivock, Dalston, Carlisle CA5 7JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bowe of Bowe Dairy Farming Ltd against the decision of Carlisle City Council.
 - The application Ref 20/0681, dated 23 September 2020, was refused by notice dated 30 July 2021.
 - The development is roof over existing open silage clamp area.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Works have commenced on the structure and several of the steel portal frames and associated concrete panels and roof covering are in place. Amended plans were submitted during the course of the application. The plans submitted in July 2021 reflect what the Council understood was being constructed and are what its decision was based on. The plans show the ridge height as 13.8m at the western end and around 10.86m at the eastern end due to the sloping internal ground level of the silage clamp.
3. The appellant submitted an amended plan as part of the appeal, and it is requested that I determine it on this basis. The appellant states that this amended plan reflects the height of the structure that has been constructed. It shows a structure with a height of 13.4m at the western end and 11.7m at the eastern end. Although this plan has not been subject to public consultation, the development is not so changed that to consider it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. Furthermore, the Council has considered the amended height in its appeal statement. I have therefore based my decision on this amended plan.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. Chalk Lodge is a large cattle farm located to the south of the small settlement of Cumdivock. The appeal site is an existing silage clamp area located on the edge of the farm complex. The development comprises a roof over the silage

clamp constructed from 18 steel portal frames with concrete panels in between the steel frames up to a height of around 4m. The application was accompanied by a Landscape Appraisal.

6. Policy GI 1 of the Carlisle Local Plan 2015 – 2030, adopted 2016 (the Local Plan) states that proposals will be assessed against the criteria presented within the Cumbria Landscape Character Guidance and Toolkit (the Guidance and Toolkit). According to the evidence before me, the site is within Landscape Character Type (LCT) 5a: Ridge and Valley. Distinctive characteristics of the LCT as described in the Guidance and Toolkit includes a series of ridges and valleys that rises gently towards the limestone fringes of the Lakeland Fells; well managed regular shaped medium to large pasture fields; hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations; scattered farms and linear villages are found along ridges; large scale structures are generally scarce.
7. The descriptions of the sensitive characters or features, vision, changes in the landscape and guidelines for the LCT set out in the Guidance and Toolkit highlight that ridge tops are generally sensitive to inappropriate development. Additionally, open and uninterrupted views from ridge tops to the Lakeland Fells are sensitive to large scale infrastructure development.
8. These characteristics are apparent at the site and surrounding area. The land slopes gently down from the small linear settlement of Cumdivock then upwards to the cluster of farm buildings at Chalk Lodge, which are located in a prominent location towards the edge of the ridge. There are extensive views over the landscape including to the Lakeland Fells, containing views of High Peak and Carrock Fell.
9. The structure is designed for a specific purpose, and it is therefore very large, with a floor area of around 2,558 square metres. The purpose of the structure, which relates to a large operational farm, is not inappropriate to the character of the area which is mainly of a working farmed landscape. The structure is related to the existing farmyard and buildings at Chalk Lodge. However, it is substantially higher than the existing buildings.
10. Views of the structure are relatively limited from the west, south and east due to the screening effect of the topography and vegetation. From the north, the structure is visible from Cumdivock between breaks in the roadside vegetation, and from the unclassified roads to the south from the village to the farm. As a result of its overall height and scale and its location on the ridge edge, the structure is a visually intrusive and incongruous feature when viewed from these locations.
11. The structure also obscures long distance views of the surrounding countryside from certain vantage points in the area. This includes sensitive views towards the Lakeland Fells. The structure sits below the ridgeline of the Fells and when complete, would not completely block views of them. Nevertheless, even though it is only a relatively limited number of vantage points where the structure is viewed against the backdrop of the Fells, its height and scale are such that it is unduly prominent and intrusive. Such views are already interrupted to an extent by the existing buildings at Chalk Lodge. However, the structure is substantially taller than these buildings and is therefore much more noticeable in such views. In addition, it blocks a greater expanse of the

Lakeland Fells, and as such, visually distracts from them more than the existing buildings.

12. The submitted information highlights that permission¹ has now been granted by the Council for an 11m high structure at the site. It may be the case that, in certain circumstances, the landscape and visual effects of a 13.4m high building would not be significantly different to an 11m high one, especially when viewed at a distance. However, in this case, a lower structure would reveal more of the Lakeland Fells and so would not cause the same harm to these sensitive views. In addition, a lower structure would have a more harmonious relationship with the existing buildings at the farm and so would not appear as such an incongruous feature.
13. I appreciate that the aim of the structure is to reduce water pollution by preventing rainfall from entering the silage storage area, and the benefits it provides to the farm operations and for employees. A smaller structure would involve some complexities for the operation of the farm, including potentially an increase in the number of trips by feed wagons with associated environmental and financial impacts. However, there is no substantive evidence before me to indicate that a smaller structure would prevent the farm from operating or would lead to it becoming unviable. Therefore, whilst parts of the Local Plan and the National Planning Policy Framework (the Framework) recognise that agriculture is an important part of the economy, based on the evidence before me, I am not persuaded that there is sufficient justification for siting a structure of this size within what is a sensitive landscape setting, or that the benefits outweigh the harm identified.
14. The landscape and visual impacts of the structure are mainly limited to views from the north. Nevertheless, its prominent location on the ridge edge, together with its very large scale and height, and its effect on the views to the Lakeland Fells are such that it does not respect the landscape character of the area.
15. Consequently, the development significantly harms the character and appearance of the area. As such, it conflicts with the landscape requirements of Policy GI 1 of the Local Plan, the design objectives of Policy EC 12 relating to agricultural buildings and the design principles set out in Policy SP 6, as well as the advice in the Guidance and Toolkit. The development also conflicts with the design objectives of paragraphs 84 and 130 of the Framework and its objectives for conserving and enhancing the natural environment set out in paragraph 174.

Conclusion

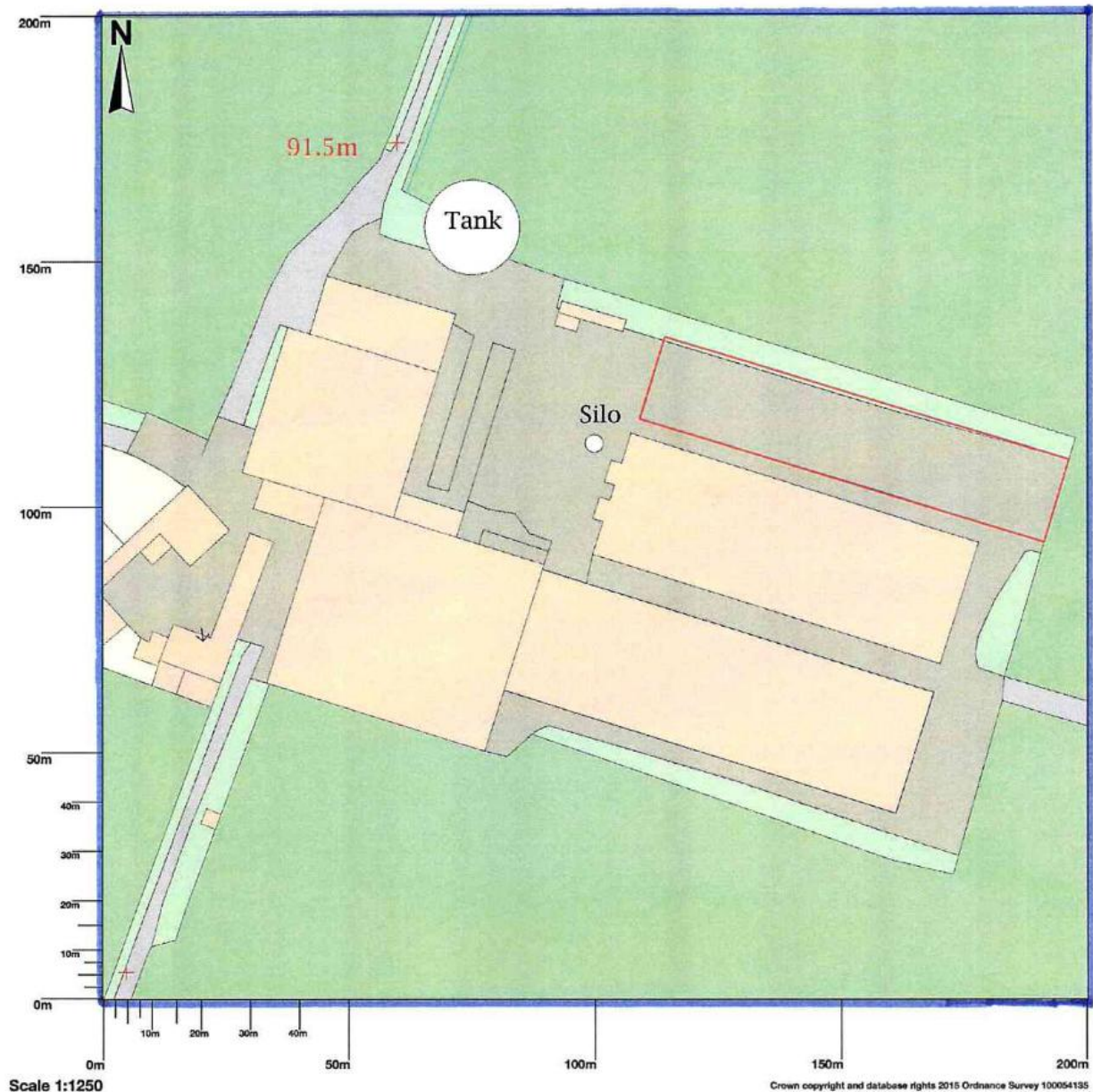
16. The development conflicts with the development plan taken as a whole, as well as the Framework. There are no material considerations worthy of sufficient weight that indicate the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR

¹ Application reference 21/0833

Chalk Lodge, Dalston, Carlisle, CA5 7JL



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Item No: 08

Between 29/04/2022 and 09/06/2022

Appn Ref No:

20/0692

Applicant:

Mr & Mrs Keith Ormiston

Parish:

Stanwix Rural

Date of Receipt:

14/10/2020

Agent:

Sam Greig Planning

Ward:

Stanwix & Houghton

Location:Land adjacent to Shortdale Cottage, Tarraby Lane,
Tarraby, Carlisle, CA3 0JT**Grid Reference:**

340376 558447

Proposal: Residential Development (Outline) (Revised Application)

REPORT**Case Officer:**

Christopher Hardman

Decision on Appeals:**Appeal Against:** Against imposition of conditions**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Allowed**Date:** 24/05/2022

A copy of the Notice of the decision of the Determining Authority is printed following the report.



Appeal Decision

Site visit made on 15 February 2022

by Sarah Manchester BSc MSc PhD MI EnvSc

an Inspector appointed by the Secretary of State

Decision date: 24 May 2022

Appeal Ref: APP/E0915/W/21/3277192

Land Adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle
CA3 0JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Keith Ormiston against the decision of Carlisle City Council.
 - The application Ref 20/0692, dated 7 October 2020, was approved on 23 February 2021 and planning permission was granted subject to condition.
 - The development permitted is residential development (outline) (Revised Application).
 - The conditions in dispute are:
 - No 4 which states: *Not more than two dwellings shall be erected on the site pursuant to this permission; and*
 - No 12 which states: *Development shall not commence 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:*
 - *Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;*
 - *Details of proposed crossings of the highway verge; · Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;*
 - *Cleaning of site entrances and the adjacent public highway;*
 - *Details of proposed wheel washing facilities;*
 - *The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;*
 - *Construction vehicle routing;*
 - *The management of junctions to and crossings of the public highway and other public rights of way/footway.*
 - The reasons given for the conditions are: *The local planning authority wish to control the scale of the development to avoid a cramped form of development and its impact on the local highway network in accordance with Policies SP6, IP1 and IP2 of the Carlisle District Local Plan 2015-2030; and In the interests of highway safety.*
-

Decision

1. The appeal is allowed and planning permission Ref 20/0692 for Residential Development (Outline) (Revised Application) at Land Adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT granted on 23 February 2021 by Carlisle City Council, is varied, by deleting condition no 4 and substituting for it the following condition:
 - 1) Not more than four dwellings shall be erected on the site pursuant to this permission.

Applications for costs

2. An application for an award of costs was made by Mr Keith Ormiston against Carlisle City Council. That application is the subject of a separate Decision.

Background and Preliminary Matters

3. Outline planning permission (ref 18/0796) was granted in October 2019 for residential development. That permission does not specify the number of dwellings, but the documents submitted with the planning application refer to 2 dwellings. A subsequent reserved matters application (ref 19/0973), which related to 4 dwellings, has not been determined.
4. The planning application subject of the appeal was granted permission subject to conditions including No 4 which restricts the number of dwellings to 2, and No 12 which requires a construction phase traffic management plan. The appeal seeks to vary these conditions.

Main Issues

5. Therefore, the main issue is whether the disputed conditions are necessary in the interests of the character and appearance of the area and highway safety, relevant to the development to be permitted and reasonable in all other respects.

Reasons

Condition No 4 – not more than 2 dwellings

6. The appeal site is an undeveloped parcel of grass land at the end of Tarraby Lane in the countryside. It is part of an allocated housing site that is currently being developed.
7. The application subject of the appeal was made in outline with details of appearance, landscaping, layout and scale reserved for consideration at a later stage. Neither the description of the development nor the planning application specifies the number of dwellings. However, the plans illustrate 4 plots and this was the basis upon which the application was considered by the Council. The appeal seeks to vary condition 4 to allow for the erection of 4 dwellings.
8. The existing development at the end of Tarraby Lane is low density and rural in character. The neighbouring new development, which can be seen from Tarraby Lane, is higher density with a more urban arrangement including roughly 8 dwellings along the rear of the appeal site. Taking into account the surrounding context, the Council officer report considers that 4 plots would be a reasonable interface. Neither the minutes of the planning committee nor the **Council's statement of case** refer to impacts on character and appearance. There is little evidence that 2 dwellings is the maximum number that could be accommodated without harm to the character and appearance of the area. Consequently, I find that a restriction on the number of dwellings to 2 is not necessary in the interests of the character and appearance of the area.
9. The reason for condition 4 also relates to impacts on the local highway network and it references Carlisle District Local Plan 2015-2030 (Adopted November 2016) (the LP) Policies SP6, IP 1 and IP 2. Among other things, Policy SP6 requires good design, including that proposals are safe and well integrated. Policy IP1 requires adequate highway capacity and achievable access to

support new development. Policy IP2, in respect of the transport network, resists development that will cause severe issues that cannot be mitigated against or that are likely to generate significant levels of transport within isolated and poorly accessible areas. Policy IP2 aims to avoid proposals that will compromise the safe or effective operation of the transport network.

10. Tarraby Lane is a narrow rural road that serves the small settlement of Tarraby and, beyond that, Shortdale Cottage and Shortdale Farm and a horse training manege. The road is constrained by buildings and boundary treatments as it passes through Tarraby, beyond which it is contained between hedgerows with soft verges and shallow ditches. There are sharp bends in the road, no footway or street lighting and passing places are limited to field gateways. There is no vehicular access beyond Shortdale Cottage, but a public right of way (FP) continues from the end of the road and other FPs link to the road between the appeal site and Tarraby. The section of road that fronts the appeal site is also a FP. At the time of my visit, during a weekday, the road between Tarraby and the appeal site was only lightly trafficked but it was well used by pedestrians.
11. The Transport Statement (WYG, 28 August 2018) in support of the earlier outline application summarises the key aspects of the road as its narrowness, sharp right angle bend between Tarraby and the site, and the highway alignment and general environment through Tarraby itself. It calculates that the field gateway passing opportunities are at roughly 135m and 175m spacing. On the basis that a typical dwelling results in 6 vehicle movements per day, the proposal at that time was predicted would result in 12 one-way trips per day and that cumulatively, taking into account the 2 existing dwellings, farm and delivery vehicles, traffic volumes would not exceed say 20 vehicles each way per day.
12. The updated evidence with the appeal (Tetrattech Technical Note 1, June 2021) indicates that the existing situation at Tarraby Lane is one of perhaps just 20-30 vehicles per day. Each proposed additional dwelling is predicted to add a further 5-6 vehicle movements per day. Clearly, the traffic generated by a total of 6 dwellings in this location would be a marked increase compared to that generated by the 2 existing dwellings. However, it would not be a significantly high volume in the context of the lightly trafficked no through road.
13. The impact on the local highway network was considered by the Council and the consultees as part of the earlier outline and reserved matters planning applications. In this regard, the position of the Highway Authority has consistently been that new residential development in this location has the potential for conflict with regard to traffic along Tarraby Lane. However, it considers that 2 passing places, as was considered adequate for 2 dwellings, would still be adequate to mitigate the increase in traffic and the adverse highway impacts arising from 4 dwellings.
14. The details of the passing places have not yet been agreed. However, the evidence indicates that these would likely be in addition to the informal field gateway passing places. Consequently, there would be increased opportunities at relatively frequent intervals for road users including vehicles, pedestrians, cyclists and horses to safely pass one another.
15. Local residents, including those with children and horses, have previously enjoyed using the lane between the appeal site and Tarraby on the basis that it has been very lightly trafficked and safe for the most vulnerable road users.

Understandably, they would prefer that there was no increase in the number of vehicles along Tarraby Lane. Nevertheless, it is an adopted highway and there is little substantive evidence that the additional vehicles generated by 4 rather than 2 new dwellings would compromise highway safety.

16. The concerns of local residents also extend to the cumulative impact of traffic through Tarraby itself and on the approach from Houghton Road. The representations highlight the public house, access to the nearby water park, and recent residential developments. They note that there has already been an increase in traffic, resulting in increased mortality of wildlife and domestic cats. In relation to Tarraby, the Council officer report notes that the nature of the road through the village, which is narrow and winding with on-street car parking in places, functions to reduce traffic speeds. Moreover, there is little evidence that the village or the approach suffers from significant congestion or highway safety issues. Hedgehogs are a conservation priority species in England but, while they are susceptible to traffic collision, there is little evidence that the proposal would contribute to a significant adverse impact on the population. While the loss of family pets due to vehicle collision is understandably upsetting, there is little evidence that this is a highway safety issue or a planning matter that weighs against the proposal.
17. Therefore, I conclude that the proposed variation of condition no 4, which would restrict the development to no more than 4 dwellings, would not result in harm to the character and appearance of the area nor would the increase in residential traffic associated with 4 rather than 2 dwellings harm highway safety. It would not conflict with the aims of LP Policies SP6, IP1 and IP2 in relation to visual amenity, highway capacity or highway safety.

Condition No 12 – construction traffic management plan (CTMP)

18. The need for a CTMP was identified by the Highway Authority in relation to the proposal for 4 residential plots. **The Council's officer report recommended** approval of the planning application subject to conditions including restricting the development to no more than 4 dwellings and requiring a CTMP. Notwithstanding the number of dwellings was restricted to 2, condition 12 requiring a CTMP was duly imposed on the permission.
19. The appellant considers that as a CTMP was not necessary in relation to the earlier approved 2 dwelling scheme, it will be similarly unnecessary in relation to the planning permission subject of the appeal which is also for 2 dwellings. Furthermore, he considers that even if permission was granted for 4 dwellings, the CTMP would still not be required. This is not because he objects to the rationale behind condition 12 and the CTMP but rather that he considers such conditions are not typically imposed on small scale developments.
20. As can be seen above, I have concluded that condition 4, which restricts the development to 2 dwellings, is not necessary. Therefore, there is no need for me to consider whether or not condition 12 is strictly necessary in connection with the outline planning approval for 2 dwellings. However, even if I had found that condition 12 was not reasonably imposed on the planning permission, it does not automatically follow that it must be similarly unnecessary in connection with the larger 4 dwelling proposal.
21. There is little evidence that construction activity associated with 4 dwellings, details of which have not been approved, would be indistinguishable from the

construction of 2 dwellings. Moreover, while CTMP may be more commonly required, and their value acknowledged, for large scale developments, I am not aware that there is a numerical or size threshold of development that determines whether or not a CTMP is necessary.

22. Tarraby Lane is a narrow road with soft verges and limited passing places. Even if the 2 new passing places were constructed prior to the commencement of development, rather than prior to the construction of the dwellings as required by condition 5, construction traffic including large HGVs transporting materials could still damage the road. Moreover, taking into account the public rights of way immediately adjacent to the appeal site, and the increased use of the road in the direction of Tarraby, measures to prevent the deposition of material on the highway appear both necessary and reasonable. Furthermore, while the site is only accessible via Taraby Lane, details of construction vehicle routing including minimising vehicle movements and controlling timings would mitigate construction phase impacts and provide certainty for local residents and vulnerable highway users.
23. I accept that some of the provisions of the CTMP appear similar to other planning conditions but, in the absence of the CTMP, the remaining conditions would not be adequate to avoid adverse construction impacts. Condition 7 relates to the prevention of surface water discharge onto the highway, with details of measures to be approved prior to the development being completed. It does not relate to the construction phase nor to the deposition of material. Condition 11 relates to land for the parking of vehicles engaged in construction operations, but it does not specifically relate to manoeuvring, loading and unloading. Condition 26 requires site provision to enable delivery vehicles to the residential properties to enter and exit in a forward manner. Therefore, it relates to the occupation phase.
24. I note the suggestion that condition 12, particularly the requirement for survey and post-construction road repairs, could have a significant impact on scheme viability. However, little evidence has been provided in relation to viability. Moreover, this suggestion in any case appears to acknowledge, rather than refute, the potential for significant damage to the road during construction.
25. Tarraby Lane is an adopted highway and the Highway Authority has a duty to maintain it, and construction vehicles would be taxed and licensed for use on the public highway. However, as this will be the case for the majority of schemes approved subject to conditions requiring CTMP, it is not clear how this would negate the need for a CTMP here. Section 59 of the Highways Act would presumably similarly apply to schemes elsewhere with and without CTMP and it is in any case a separate regime with separate legislation to planning. Irrespective of traffic volume, there is little evidence that Tarraby Lane is directly comparable to other rural roads or that similar schemes on comparable rural roads have been granted without CTMP.
26. Therefore, based on the evidence before me, I conclude that the construction traffic associated with the proposal for 4 dwellings in this location would have the potential to adversely impact highway safety. Therefore, in connection with the 4 dwelling appeal proposal, condition 12 would be necessary, relevant to the development and reasonable in all other respects.

Conclusion

27. I have found that the proposed variation to condition 4, which would restrict the development to no more than 4 dwellings, would not harm the character and appearance of the area and the domestic vehicles associated with the occupation of 4 dwellings would not compromise highway safety. However, I have found that condition 12, which requires a CTMP, would be reasonably necessary in connection with the construction of 4 dwellings in this location.
28. Therefore, I allow the appeal, deleting the disputed condition 4 and substituting it with an amended condition. However, condition 12 is necessary to make the development acceptable. Therefore, I have not deleted condition 12.

Sarah Manchester

INSPECTOR

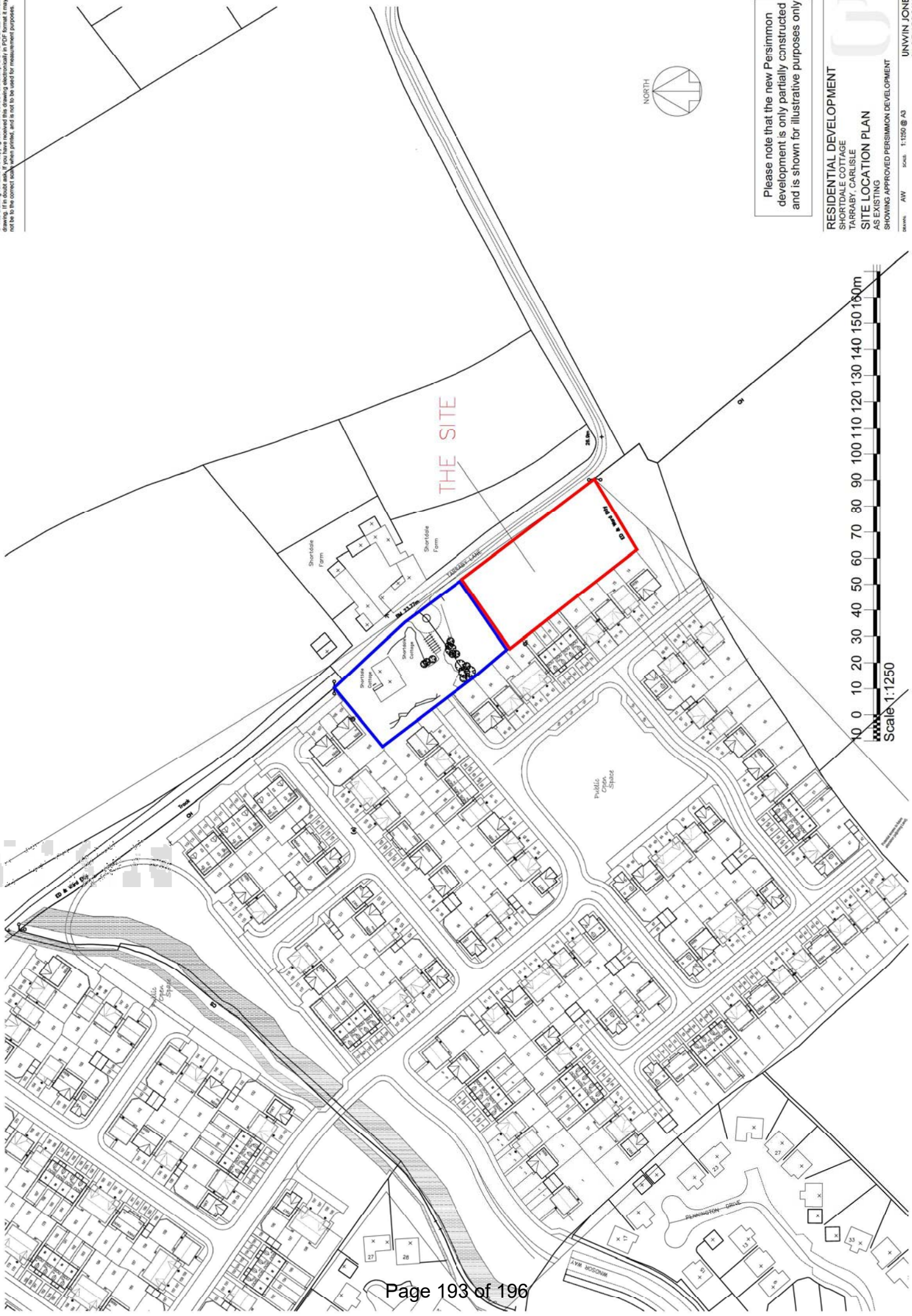
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Please note that the new Persimmon development is only partially constructed and is shown for illustrative purposes only

RESIDENTIAL DEVELOPMENT
SHORTDALE COTTAGE
TARRABY CARLISLE
SITE LOCATION PLAN
AS EXISTING
SHOWING APPROVED PERSIMMON DEVELOPMENT

UNWIN JONES
PARTNERSHIP
DRAWING No. 2396-01
SCALE 1:1250 @ A3
DATE AUG 18



Item No: 09

Between 29/04/2022 and 09/06/2022

Appn Ref No:
21/9108**Applicant:**
Cumbria County Council**Parish:**
Multiple Parishes**Date of Receipt:**
25/11/2021**Agent:**
Cumbria County Council -
Economy & Planning**Ward:**
Multiple Wards**Location:**Land between Junction 42 of M6 & Newby West
Roundabout (Junction of A595 & A689 CNDR) to
South of Brisco, Durdar & Cummersdale Villages,
Carlisle**Grid Reference:**

337346 553615

Proposal: Discharge Of Conditions 15 (Construction Traffic Management Plan); 18
(Soil & Earth Material Management Plan); 21 (Protection Of Utility
Infrastructure) & 22 (Archaeology) Of Previously Approved Permission
19/9012/CTY**REPORT****Case Officer:** Christopher Hardman**Decision of:** Cumbria County Council**Decision Type:** Grant Permission for Condition 15 only**Date:** 05/05/2022A copy of the Notice of the decision of the Determining Authority is printed following
the report.

Development Control
County Offices - Busher Walk - Kendal - LA9 4RQ
E: developmentcontrol@cumbria.gov.uk

Mr Warren Rocca
Capita
Englishgate Plaza
Carlisle
CA1 1RP

Date: 6 May 2022
Reference: 1/19/9012-C15

Dear Mr Rocca

DECISION NOTIFICATION

Planning Permission Reference No. 1/19/9012

Condition No. 15 – Construction Traffic Management Plan

Development: Creation of Carlisle Southern Link Road (CSLR).

Location: Corridor of land between Junction 42 of the M6 and the Newby West Roundabout to the south of Brisco, Durdar and Cummersdale villages, Carlisle.

I write to advise you that the details submitted in connection with condition 15 of planning permission reference No. 1/19/9012 are acceptable and are hereby approved as of 6 May 2022. I can therefore confirm that the pre-commencement of development element of condition 15 is thus hereby discharged.

For the avoidance of doubt, the information submitted and now approved are:

- C15.01: Cover Sheet - Construction Traffic Management Plan (*Document Ref. A689-CAP-LPN-ZZZ-RP-YX-0015*) – dated 24 November 2021
- C15.02: Traffic Management Plan – Stage 2 – Rev.P02 – dated/received 10 March 2022

The above listed approved documents now form part of the planning permission and should be kept alongside the original decision notice and other approved planning documents/drawings.

You are reminded that it remains the developer's responsibility to undertake the development in accordance with the above approved details for the above conditions to be discharged in full.

Yours sincerely

Richard Cryer

Richard Cryer,
Lead Officer Development Control

