SCHEDULE A: Applications with Recommendation

17/0119

Item No: 10 Date of Committee: 21/04/2017

Appn Ref No:Applicant:Parish:17/0119Citadel Estates LtdBrampton

Agent: Ward: Sandy Johnston Architect Brampton

Location: Former Tarn End House Hotel, Talkin, Carlisle, CA8 1LS

Proposal: Conversion, Alteration And Extensions To Former Hotel To Provide

12no. Residential Units; Incorporating Landscaping And Parking

(Revised Application)

Date of Receipt: Statutory Expiry Date 26 Week Determination

16/02/2017 18/05/2017 17/08/2017

REPORT Case Officer: Christopher Hardman

1. Recommendation

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

2. Main Issues

- 2.1 The effect of the proposed development on the former Tarn End Hotel.
- 2.2 The suitability of the site for residential development.
- 2.3 Whether the amount and type of proposed development is justified having regard to the status and condition of the former Tarn End Hotel.
- 2.4 Affordable housing.
- 2.5 Ecology.
- 2.6 The balancing exercise.
- 2.7 Other Matters

3. Application Details

The Site

3.1 The former Tarn End House Hotel is prominently located on the southern side of the Brampton/Talkin road with a northern frontage facing Talkin Tarn.

The Tarn is a country park and designated Wildlife Site with a public footpath around its perimeter inclusive of part of the Hotel's grounds. To the north of the Tarn there is an Ancient Woodland. Under the Cumbria Landscape Character Guidance and Toolkit (2011) the site falls within the Cumbria Landscape Character Type 7c: Sandy Knolls & Ridges. The North Pennines AONB lies over a kilometre to the south and east. There are six individual oak trees and a group of six oak trees within the site subject of Tree Preservation Order number 242.

3.2 The former Hotel, is primarily two storeys in height and constructed externally with sandstone walls. The roof slates have been removed and replaced by a visqueen type sheeting which is in poor condition. The existing property has an "E" shaped layout and comprised a kitchen, wc facilities, bar, dining room, lounge, garage, four store rooms and two bedrooms at ground floor level. Attached to which there is a barn which provided additional storage. The first floor had seven bedrooms and a staff room.

Background

- In 2006, under application 06/0693, full planning permission was given to convert the hotel and outbuildings to provide 8 holiday units. In 2009, under applications 09/0534 and 09/0902 the discharge of conditions 7 (safeguarding bats and barn owls), 10 (barn owl nesting box) and 13 (foul drainage) imposed under 06/0693 were granted.
- 3.4 In October 2009, under application 09/0719, planning permission was refused for the conversion and extension of the hotel premises to create 15 dwellings.
- In June 2010, under application 10/0577, permission was granted under section 73 of the Town and Country Planning Act 1990 (as amended) for the removal of various conditions relating to the restriction to holiday use of the accommodation attached to the 2006 permission. At the time of processing application 10/0577, the applicant submitted a Viability Report prepared by Edwin Thompson LLP that concluded: the use for 8 general residential units is viable; the development could have been delivered in the market at the time; and the development would have returned an acceptable commercial profit. However, based on the currently available information, it is not considered that the planning permission granted under 10/0577 has lawfully commenced.
- 3.6 Members should also be aware that in February 2010 English Heritage/Historic England (HE) decided not to list the property. This was because any claims to special interest for the premises (although a landmark building within the local area and having a close association with a cherished natural beauty spot) had been seriously compromised. HE considered its architectural quality to be limited and it did not compare favourably with other intact examples. The HE Advice Report (dated 10th February 2010) explaining that internally the former hotel "has been gutted and walls stripped back to the original stonework; a staircase, some original doors and four

- fireplaces remain. The agricultural ranges have undergone similar stripping out although one of the ranges retains the partial remains of a mid-C20 milking parlour."
- 3.7 In 2016 Members considered application 16/0062 for Conversion Of Former Hotel To Provide 6No. 2 Bedroom Apartments And Re-Configuration Of Redundant Outbuildings To Form 12No. 2 Bed Apartments Including 4No. New Build Apartments; Altered Vehicular Access And Parking Arrangements with Associated Landscaping. This application was refused and the applicant lodged an appeal with the Planning Inspectorate. The Planning Inspectorate upheld the Committee decision and dismissed the appeal on the basis that the moderate benefits of the scheme would not outweigh the loss of significance of the non-designated heritage asset or the harm to the character and appearance of the area. In addition the Inspector found that the development would not contribute to a sustainable pattern of development and would fail to meet the local and national policy objectives of promoting sustainability.

The Proposal

- 3.8 The current application seeks full permission for the "conversion, alteration and extension to the former hotel to provide 12no. residential units incorporating landscaping and parking".
- 3.9 In addition to the submitted forms and plans the application comprises: a Design and Access Statement; an Architectural Review; Viability Statement; Landscape and Visual Assessment; Highways appraisals; Structural report; an updated ecology survey regarding bats and barn owl; an arboricultural report; and a note on the Foul Drainage Proposal.
- 3.10 The submitted Design & Access Statement explains, amongst other things, that:
 - the current owner/applicant bought the property from the County Council following the grant of planning permission in 2006;
 - the recent appeal was dismissed as the Inspector concluded the proposed design did not retain the character of the barns and would result in unacceptable loss of significance of the existing building, as a result the design did not fulfil the special circumstances where development in unsustainable locations can be accepted, the proposal would result in an unsustainable pattern of development;
 - the site nestles within a dramatic local landscape:
 - the former Talkin Tarn Hotel is a valued landmark feature of this cherished local scene;
 - the buildings are recognised as a Non-designated Heritage Asset that has a significant impact on its setting within the Country Park and wider area:
 - it is important that the East and West barns are retained, converted and preserved for future generations;
 - any new scheme has to retain the character of both the hotel and the barns:

- there are two distinct elements in the design preserving the heritage value as a whole, the traditional vernacular character of Cumbrian barns and the more formal vernacular of the former 18th Century rural hotel;
- the hotel building will be retained, repaired and converted to form four dwellings;
- East and West facing barns are to be retained and converted into 3 and 4 dwellings respectively;
- the single storey link between the hotel and the barn will be retained, converted and extended to form a single dwelling;
- the single storey barn in the middle wing is to be demolished along with a small section of two-storey building behind it;
- in the place of the demolished barn a courtyard is created;
- 12 parking spaces are provided within the courtyard with a further 18 spaces on the opposite side of the road;
- private gardens will be provided with a communal garden in the existing gardens;
- this proposal now conforms to the special circumstances required by NPPF paragraph 55;
- the re-application includes the environmental benefits acknowledged by the Inspector and goes further to include the benefit of retaining the existing buildings;
- these measures will improve the visitor experience for those making use of the footpath;
- the overall scheme results in a moderate/major beneficial effect on the landscape character of the site and immediate locality;
- there are significant structural failings in the buildings and the costs
 of works are significant however the Inspector decided that retention
 of the building was important and this has been respected in this
 application;
- It has previously been accepted that affordable housing is not appropriate in this location;
- the proposal responds to the concern of the Inspector and the Council and provides a solution that will be a significant benefit to the immediate area, the public who enjoy the local park and the AONB;
- the solution represents preservation of the heritage of the building whilst restoring and preserving communal gardens.
- It will secure the future of this non-designated heritage asset and lead to enhancement of the immediate setting of the building.
- 3.11 The Structural Inspection report (dated May 2013 with photo inspection Sept 2016) prepared by Bill Munro Consulting Ltd concludes that:
 - the property was found to be in a very poor structural condition and only the original two storey stone section at the north side of the site appeared to have been originally constructed for residential type use:
 - significant structural repairs and alterations will be required in order to bring the property up to a standard suitable for the proposed residential use;
 - significant deterioration and wet rot attack of the roof was noted

- throughout the property;
- repairs to the head of the stone walls at the wall plate position will be required where they have been damaged by moisture and movement of the roof structure;
- the rainwater/storm water and foul water drainage will require overhauling;
- the load bearing walls need to be under-pinned;
- areas of the stonework structure where movement was noted should be either re-built or remedial measures introduced;
- vegetation growing on the face of the stonework is removed;
- the existing first floor structure damaged by water penetration should be replaced; and
- trees in close proximity to the building should be removed to prevent any further damage.
- 3.12 The Landscape and Visual Assessment (LVA) prepared by Crestwood Environmental Ltd points out that the landscape character of the site and locality broadly complies with published assessments and note the dilapidated nature of the former hotel building and overgrown nature of the site are currently detracting elements in the local landscape. The visual envelope of the site is very restricted due to the undulating landform and is therefore restricted to a short stretch of the unclassified road passing the site and public footpath. Medium range views are available from parts of the footpath around the Tarn and some longer range views from within the AONB. The proposed development comprises a total footprint approximately the same, preserving the heritage of the building and restoring/preserving the communal gardens.
- 3.13 The design of the external space follows a number of key principles including respecting the historic framework of the landscape, retaining valuable mature trees and hedgerows, working with existing ground levels, separating private and public realm, sensitively accommodating car parking requirements and delivering ecological enhancement.
- 3.14 Overall, the LVA considers that the proposed scheme would result in a Moderate/Major beneficial effect on the landscape character of the site and immediate locality that is Significant. The impact on visual amenity from public locations would range from Moderate/Major beneficial and Significant to Negligible. It is therefore assessed that the landscape in the vicinity of the site has the capacity to accommodate the scale of development proposed with beneficial effects on surrounding visual amenity.
- 3.15 The Daytime Roost Inspection Survey for Bats and Barn Owl (November 2015) prepared by OpenSpace found seven active bat roosts present, namely four soprano pipistrelle bat roosts within gable and dormer wall tops; two common pipistrelle bat roosts along a dormer wall top and within a crevice in the southeast barn; and a myotis bat roost within a gap in the stonework at an internal barn wall. All of the roosts are considered to be transient roosts used by individual/low numbers of bats. Bats were using the site to roost, forage, commute, and for social activity. The site has a high value for bats.

- 3.16 The OpenSpace Survey also found barn owl droppings present within the northern section to the southeast barn and a very old pellet. There are some clear flight lines from the buildings to the surrounding habitat but the suitability of the buildings and immediately adjacent land is not presently considered prime for barn owl. The buildings are considered to be low/negligible value to the local barn owl population. Evidence of nesting birds (such as swallow, blackbird, robin, wren and jackdaw) was observed throughout the buildings.
- 3.17 The OpenSpace Survey recognises that retention of the bat roosts would be difficult/ impossible given the design of the proposal. OpenSpace therefore recommend that a mitigation strategy (including timing constraints, a working methodology, provision of replacement bat roosts, and a lighting scheme), is undertaken to reduce the risk of harm to individual bats. No mitigation for barn owl is considered necessary but replacement bird boxes are recommended.
- 3.18 The arboricultural report prepared by Christians Environmental (March 2016) notes that a group of trees will be removed and replaced by a new hedge to allow for a car park; and an oak tree (subject of TPO no. 242) will also be removed and replaced by three semi mature specimen trees.
- 3.19 The Foul Drainage Proposal note confirms that the proposal is to have separate foul and surface water drainage systems.

4. Summary of Representations

- 4.1 The application has been advertised by way of a site notice and also in the local press. To date there have been 3 objections and 1 comment. The objections are based on the following grounds:
 - Whilst something has to happen, the current proposals lead to overdevelopment/overuse of the site (the objector refers to his comments on application 16/0062 works should be restricted due to bats; lack of certainty over how many mature trees will be catered for; the density is too high; and, the site is perhaps best suited to single occupancy)
 - The habitat needs to be preserved and the surveys to support the use of the site appear flawed
 - Parking/use of the road raise serious concerns, the use of the bus link is nigh on impossible
 - This proposal is not suitable for this prestigious site
 - Not enough parking for 12 units as most families will have 2 vehicles
 - A new Barn and Owl survey is required
 - The existing septic tank is in the field belonging to the city council, having a soakaway could drain into the stream along the bottom of the field or the tarn itself.
 - The grass verge belongs to the county council highways so timber bollards along the verge should not be part of this application
 - Long term neglect of this building, coupled with deliberate actions such as

removal of roof slates has led to the building being structurally unsound, to argue the scheme is to protect some form of heritage asset is misleading as it requires substantial demolition and rebuild.

- Had the first permission for holiday lets been implemented the building could have been saved
- An application for 12 new build properties in the countryside would not be eligible for permission and this is what this proposal is albeit in another guise

4.2 The comment makes the following observations:

- Good to see something done to bring the building back into use
- Perhaps consideration could be given to making the parking and access a proper tarmac area for locals to mitigate for the loss of the car park on the opposite side
- Traffic survey does not record any accidents but there have been several incidents over the last 35+ years which are probably unrecorded
- Would the proposal allow the new residents access to boating on the tarn as the hotel had rights for four rowing boats

5. Summary of Consultation Responses

Natural England - relating to protected species, biodiversity & landscape: - No objection.

Local Environment, Waste Services: - No objection. Would require two "Eurobins" on a fortnightly collection for this size of development. Cumbria County Council - (Highway Authority - Footpaths): - Public Footpath 105033 follows an alignment close to the shoreline of the lake, and is enclosed by a fence through the grounds of the Hotel, there is also a linking path from the main road to the west side of the hotel linking to the shoreline path. If the path is to be temporarily obstructed during the development then a temporary closure of the path will be required.

The Ramblers: - No response received.

Brampton Parish Council: - Understood that the hotel was to be sold for business use and not residential. Disappointed that the owner has let such a significant local asset fall into disrepair. Concerns that the public and LPA would rather have some sort of development rather than nothing. Should remain as some sort of business use.

The proposed development does not contribute towards a sustainable pattern of development, it would harm the character and appearance of the area and does not fulfil the criteria for new housing in the open countryside. Conflicts with policies H06 and SP2 (parts 7 & 8)

Concerned that the proposed bollards on the verge are an obstruction to users of the highway. Is the proposed development of the car park opposite the hotel going to be on what is known as highway waste? If it is not owned by the developer than the highways authority should assert its duty and protect the rights of the public.

Cumbria Constabulary - North Area Community Safety Unit: - It is evident that crime prevention measures have been considered as part of the design of the development. Welcomes measures relating to boundary treatments, landscaping, natural surveillance, waste bin management and provides additional comments relating to exterior door and window compliance and

exterior lighting.

Cumbria County Council - (Archaeological Services): - The agricultural buildings are considered to be heritage assets of local historic and architectural significance. In the event consent is granted a Level 2 Survey should be undertaken (wording of condition provided).

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

Local Environment - Environmental Protection: - No objections.

6. Officer's Report

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. At a local level, the development plan comprises the Carlisle District Local Plan 2015-2030 (CDLP 2015-2030).
- 6.2 Policies of the CDLP (2015-2030) of relevance are: SP1, SP2, SP6, SP7, HO2, HO4, HO6, IP3, IP5, IP6, IP8, CC5, CM4, CM5, HE6, GI3, and GI6.
- 6.3 Policy SP2 (Strategic Growth and Distribution), states 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).
- 6.4 Policy HO2 ("Windfall Housing Development") states that new housing development on sites other than those allocated will be acceptable within Carlisle, Brampton, Longtown and villages within the rural area provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan and compliance with a number of criteria.
- 6.5 Policy HO4 requires all sites within Zone A of 6 units or over to provide 30% of the units as affordable housing.
- 6.6 Policy HO6 (Other Housing in the Open Countryside) explains that new housing in the open countryside will be allowed subject to a number of special circumstances including the conversion of structurally sound redundant or disused buildings providing that the development would:
 - a) lead to an enhancement of the immediate setting of the building; and
 - b) be able to access the road network without the need to construct access tracks which would have an unacceptable impact on the landscape.
- 6.7 Under Policy HE6 (Locally Important Heritage Assets) development that would remove, harm or undermine the significance of a locally listed asset, or its contribution to the character of the area, will only be permitted where robust evidence can demonstrate that the public benefits of the development

would clearly outweigh the harm.

- At a national level, other material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), Planning Practice Guidance (April 2014), the Natural Environment and Rural Communities Act (2006), and the Community Infrastructure Levy Regulations 2010. Historic England/English Heritage (HE) has also provided guidance in the form of "Enabling Development and the Conservation of Significant Places", and "Conservation Principles, Policies and Guidance".
- 6.9 Paragraph 6 of the NPPF confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 7 identifies the three dimensions to sustainable development: economic; social; and environmental. Paragraph 14 of the Framework highlights the presumption in favour of sustainable development which is referred to as "a golden thread". For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
 - specific policies in this Framework indicate development should be restricted.
- 6.10 Paragraph 17 of the Framework identifies 12 core planning principles such as the encouragement of the reuse of existing resources, including conversion of existing buildings; contribute to conserving and enhancing the natural environment; encourage the effective use of land that has previously been developed; conserve heritage assets in a manner appropriate to their significance; and take account of and support local strategies to improve health, social and cultural wellbeing for all.
- 6.11 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application in accordance with paragraph 118 of the NPPF. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.
- 6.12 Section 12 of the Framework deals with conserving and enhancing the historic environment. Paragraph 130 explains that where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- 6.13 The effect of an application on the significance of a non-designated heritage

asset should be taken into account. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 135 of the NPPF).

- 6.14 In this context it is considered that the main issues revolve around:
 - the effect of the proposed development on the former Tarn End Hotel;
 - the suitability of the site for residential development;
 - whether the amount and type of proposed development is justified having regard to the status and condition of the former Tarn End Hotel;
 - affordable housing;
 - ecology;
 - the balancing exercise; and
 - any other matters.

1 The effect of the proposed development on the former Tarn End Hotel

- 6.15 HE in their document "Conservation Principles, Policies and Guidance" describe a range of heritage values that may be attached to places, namely:
 - an evidential value the potential of a place to yield evidence about past human activity;
 - a historical value the ways in which past people, events and aspects of life can be connected through to a place to the present;
 - an aesthetic value the ways in which people draw sensory and intellectual stimulation from a place; and
 - a communal value the meaning of a place for the people who relate to it, or for whom it figures in their collective experience or memory.
- The HE Advice Report (10.02.10) on the former Tarn End Hotel explain that 6.16 the premises date back to at least 1864 when it was a working farm. The farmstead's main range was subsequently re-fronted and converted internally to a dwelling - an 1889 date stone is incorporated into the west elevation with the crest of the Howard Earls of Carlisle. The building is thought to have become a Temperance Hotel in 1910 and remained a hotel until its closure in 2006. When assessing the property on the basis of its agricultural significance, HE considered the farm complex to be well built and displays some external detailing which helps to identify the former functions of some areas; the large barn forming the rear east range retains its agricultural character and is of some interest. Overall, although the farmstead is considered to date from the early mi-C19 the buildings have been much altered, its architectural quality is limited and it does not compare favourably with other intact examples. When assessing the buildings with regard to its use as a hotel HE consider its principal quality lies in its attractive exterior which is well composed, with varied window forms and roofline. However, the loss of the interior in its entirety meant that HE considered the former hotel

- did not to meet the criteria for listing.
- 6.17 In this context the current proposal raises a number of concerns with regard to the extent of demolition, and the nature of the new build.
- 6.18 In the previous application (16/0062), the applicant indicated that the proposal comprised a total floor area of 1,660 square metres of which only 333 square metres related to the conversion and renovation of the existing building i.e. approximately 20%.
- 6.19 Both the Members of Development Control Committee and the Planning Inspector considered that the extent of new build and the scale/massing of that new build, paid insufficient respect to the heritage values of the property and were therefore contrary to the environment role of sustainable development.
- 6.20 The applicant's architect recognised in the original scheme that the existing agricultural buildings were subservient to the main structure and this is acknowledged in the current application, they have however revised the scheme further to take into account the above consideration. As a consequence the scheme now seeks to retain more of the original structure and a more modest conversion and new build for the East and West facing wings to reflect the historic form of the group of buildings. This does result in some new build to the sides of the building and demolition of the middle barn and therefore, in line with policies HO7 and HE6 of the CDLP 2015-2030, this harm needs to be weighed against the potential public benefits of accepting such harm.
- 6.21 The Council's conservation officer welcomes the overall thrust of this new application which seeks to retain the majority of the existing complex and considers this to be a marked improvement on the previous proposal. Whilst he has some concerns about the loss of the middle block he accepts the loss of the single storey portions. He suggests some additional modifications and advises that matters relating to window details, sample panels of new stonework and repointing along with mortar specification should be the subject of conditions.

2 The suitability of the site for residential development

- 6.22 Paragraph 55 of the NPPF makes it clear that new isolated homes in the countryside should be avoided unless there are special circumstances such as: appropriate enabling development to secure the future of heritage assets; and where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 6.23 In such circumstances it is appreciated that enabling development for a former country hotel may, because of the nature of the building it is seeking to support, be located in a remote location. However, outside of those facilities at the Tarn, this is a rural area without easy access to services and facilities. The application site is not an inherently sustainable location with the proposed development largely reliant upon private transport.

- 6.24 Whilst the proposal would fulfil the economic role, concerns remain that it would not fulfil the social role of sustainable development for the purposes of paragraph 8 of the NPPF. This is because it would have little social cohesion with the existing community and it would be remote from services and facilities.
- 6.25 These matters were considered in respect of application 16/0062 and it was considered that on balance, the scale of the new build proposed at that time and loss of the original asset paid insufficient weight to the environmental role to outweigh the deficit in the social role. The proposals before members of this committee have been revised to reduce the overall number of units to 12 (previously 16) which reduces the number of properties in this isolated location, and has increased the amount of heritage asset being retained as well as reducing the scale and amount of new build to better respect the historic form.
- 6.26 The social role of sustainable development should therefore be considered in the context of this revised proposal and consider whether the revisions to the scheme have readdressed the overall sustainability of the scheme as part of the balancing exercise later in this report.

Whether the amount and type of proposed development is justified having regard to the status and condition of the former Tarn End Hotel

- 6.27 The former Tarn End Hotel is not a listed building and the City Council does not currently have an adopted "Local List" of locally important heritage assets although this is being progressed. The property, as a non-designated heritage asset, is recognised as helping to create the locally distinctive character of the area.
- 6.28 While concerns exist over the condition of the premises and the evident need for repair and maintenance to be undertaken this is also counter balanced in that the submitted structural report is dated May 2013 yet no apparent attempt appears to have subsequently been made by the applicant to effectively safeguard this heritage asset. Furthermore, the structural report has not been updated and it is more than likely that during the intervening period further deterioration has taken place.
- 6.29 The avoidance of the loss of a heritage asset does not mean any development is acceptable. Rather, securing its future by means of development requires to be assessed under paragraph 140 of the NPPF, and policy HE6 of the CDLP 2015-2030. The inspector in considering the appeal to application 16/0062 clearly considered that the application did not represent an enabling scheme for policy purposes and did not therefore fall to be assessed against Policy HO7 of the CDLP 2015-2030 and consequently Historic England guidance "Enabling Development and the Conservation of Significant Places" publication. Nevertheless the Inspector did consider that the previous scheme had a harmful impact on the significance of the non-designated heritage asset and that there may be alternative viable schemes which would have the outcome of appropriately preserving the

- asset. He was unable to conclude that application 16/0062 was the "last resort" to justify granting permission. It can be surmised that this conclusion was correct in that a revised scheme is now before Members.
- 6.30 Whilst the Inspector considered that the application did not fall to be assessed against Policy HO7 (Housing as Enabling Development) of the CDLP 2015-30, the policy aims are consistent with NPPF paragraph 140 in that it seeks development "that would secure the future conservation of a heritage asset will be acceptable providing that........it is necessary as a last resort to resolve problems arising from the inherent needs of the place; any harm caused to the significance of the heritage asset and its setting is outweighed by the public benefits of the proposal; the proportion of enabling development proposed is the minimum required to secure the long term future of the heritage asset, and this outweighs the disbenefits of departing from any other planning policies; and the new development makes a positive contribution to local character and distinctiveness."
- In underlining the word enabling it notes that the aim of the policy is in the context of enabling restoration and retention of Heritage Assets. The Inspector's conclusions clearly seek to establish a proposal that would have cognisance of the sound planning aims of preserving heritage assets in balancing the NPPF's environmental role against the development of housing in the context of paragraph 55 "isolated development in the open countryside". The main issue of enabling development which is no longer required, is the reference in the HE Enabling document (2008) that before any enabling development is considered, active marketing for a minimum period of 6 months should normally be undertaken. This matter was not explored by the Inspector and is a key feature of enabling proposals. It should not therefore be considered as part of this application.
- 6.32 The proposed scheme is a revision and now proposes that 12 units are to be developed recognising that the Non-designated Heritage Asset and its redevelopment has a significant impact on its setting within the Country Park and wider area; it is important that the East and West barns are retained, converted and preserved for future generations; any new scheme has to retain the character of both the hotel and the barns. As a consequence, there are two distinct elements in the design preserving the heritage value as a whole, the traditional vernacular character of Cumbrian barns and the more formal vernacular of the former 18th Century rural hotel. The hotel building will be retained, repaired and converted to form four dwellings; East and West facing barns are to be retained and converted into 3 and 4 dwellings respectively; the single storey link between the hotel and the barn will be retained, converted and extended to form a single dwelling; the single storey barn in the middle wing is to be demolished along with a small section of two-storey building behind it; and, in the place of the demolished barn a courtyard is created.
- 6.33 As such, this proposal is a reduction on the previous application of 16 units combined with a significant amount of new build, and now represents a more

modest proposal to secure the long term future of this asset.

4 Affordable Housing

- 6.34 When considering the proposed off-site contribution towards affordable housing, Policy HO 4 of the CDLP 2015-2030, requires that as this site falls within Affordable Housing Zone A of the Local Plan, it would require a 30% affordable housing contribution i.e. 3.6 affordable units.
- 6.35 The applicant submitted a Viability Report in relation to application 16/0062 indicating that the provision of affordable housing as part of the development was not viable. The City Council undertook an independent viability assessment of that scheme and found that the number of units proposed was viable. It should be noted that the scheme at that time proposed only 20% retention of the original structures and a large amount of new build. In addressing the heritage concerns and revising the scheme to restore more of the original buildings with a more modest increase in new build, this has reduced the overall viability of the scheme.
- 6.36 It should be noted that any viability proposal for a development does not seek to deprive commercial operators of any profit in a scheme otherwise development would not happen. It establishes whether or not, above all development costs there is additional monies in the scheme to provide additional infrastructure to meet the needs of the area. In this context the revised scheme has reduced the amount of money available and whilst an on-site contribution would be required the isolated location of this development may not be appropriate for affordable housing units. Integrating such units in a scheme for conversion could also create challenges for the retention of the historic nature of the existing development. This would impact directly on the scheme before members in order to accommodate revised units, further compromising the viability of the scheme.
- 6.37 A revised viability statement has not been submitted with this application however the changes to the scheme have impacted on the feasibility of the scheme to deliver any affordable housing. This aside, the absence of any affordable housing has to be considered against the application when considering the balance of the compliance with sustainable development in the context of the NPPF. It should be noted that in consideration of the previous application and appeal, there was no specific refusal reason against the provision of affordable housing. The viability of the scheme was considered in the context of the proposed scheme and its acceptance on the context of the non-designated heritage asset. It is therefore considered that the non-delivery of affordable housing should not be a specific issue for refusal of the application but should be taken into account when balanacing the overall compliance of this current proposal with NPPF and Local Plan policies.

5 Ecology

6.38 Based on the submitted information it is considered that with mitigation in place, the proposal would not be detrimental to any protected species or

ecological interests.

6 The Balancing Exercise

- 6.39 There would undoubtedly be public benefits as a consequence of the proposed development. These may broadly, but not exclusively, be classified primarily as environment (with regard to landscape/visual) and economic.
- The Landscape Visual Assessment (LVA), submitted on behalf of the applicant, considers that the visual envelope of the site is very restricted to a short stretch of the road that passes the site and the public footpath that goes around the Tarn. Longer range glimpses are also available from high ground within the North Pennines AONB to the south and south-east. Overall, the LVA considers that the proposed scheme would result in a Moderate/Major beneficial effect on the landscape character of the site and immediate locality that is Significant. The impact on visual amenity from public locations would range from Moderate/Major beneficial and Significant to Negligible. It is therefore assessed that the landscape in the vicinity of the site has the capacity to accommodate the scale of development proposed with beneficial effects on surrounding visual amenity. Nevertheless, it is appreciated that there may be other schemes which would be equally beneficial on landscape/visual grounds.
- 6.41 As with most developments there would be additional benefits to the local economy in terms of the construction period, the New Homes Bonus, Council Tax income and subsequent expenditure in the local economy.
- 6.42 The current proposal reduces the extent of new build and retains a greater proportion of the existing hotel and barns, it is considered that the proposal seeks to respect the heritage values of the non-designated heritage asset and accords with the environment role of sustainable development.
- 6.43 In addition, concerns remain that the proposed development would have little social cohesion with the existing community and it would be remote from services and facilities and a lack of affordable housing. In effect, it would not fulfil the social role of sustainable development for the purposes of paragraph 8 of the NPPF. This harm to the social role of sustainable development, is however, outweighed by the economic benefits.

7 Other Matters

6.44 It should be noted that at the time of preparing this report the comments from the County Council as Highway Authority and Local Lead Flood Authority have not been received however in consideration of application 16/0062 they raised no objections to the proposal. Members will be updated on a response however as this is a broadly similar proposal in terms of highways and drainage matters accommodating less units, it is not anticipated that this would raise any new issues not previously considered.

Conclusion

- 6.45 The National Planning Policy Framework identifies the three dimensions of sustainable development, namely: the economic; the social; and the environmental.
- 6.46 The former Tarn End Hotel is not a listed building. The Historic England Advice Report (February 2010) explaining at the time of considering listing that the former hotel "has been gutted and walls stripped back to the original stonework; a staircase, some original doors and four fireplaces remain. The agricultural ranges have undergone similar stripping out although one of the ranges retains the partial remains of a mid-C20 milking parlour."

 Nevertheless, the property, as a non-designated heritage asset, is recognised as helping to create the locally distinctive character of the area.
- In June 2010, under application 10/0577, permission was granted under section 73 of the Town and Country Planning Act 1990 (as amended) for the removal of various conditions imposing a holiday use restriction on the conversion of the premises to 8 apartments. At the time of processing application 10/0577, the applicant submitted a Viability Report prepared by Edwin Thompson LLP that concluded: the use for 8 general residential units was viable; the development could have been delivered in the market at the time; and the development would have returned an acceptable commercial profit. However, based on the currently available information, it is not considered that the planning permission granted under 10/0577 has lawfully commenced.
- 6.48 Application 16/0062 sought to redevelop the Hotel and associated buildings into sixteen units comprising retention of approximately 20% of the existing building and a substantial amount of new build. This scale of development was considered unacceptable.
- 6.49 The current proposal reduces the extent of new build and retains a greater proportion of the existing hotel and barns. It is therefore considered that the proposal seeks to respect the heritage values of the non-designated heritage asset and accords with the environment role of sustainable development.
- 6.50 Whilst the proposal would fulfil the economic role (for example during construction and Council Tax Income), concerns remain that it would not fulfil the social role of sustainable development for the purposes of paragraph 8 of the NPPF. This is because it would have little social cohesion with the existing community and it would be remote from services and facilities.
- 6.51 Concerns exist over the condition of the premises and the evident need for repair and maintenance to be undertaken. The submitted structural report is dated May 2013, and despite the permission granted under 10/0577, no apparent attempt appears to have subsequently been made by the applicant to effectively safeguard this heritage asset. The absence of any affordable housing also counts against the application.
- 6.52 There are also some anomalies in the submitted details, for example some windows shown on the elevations are not detailed on the floor plan and revised drawings have been requested. These points aside, it is concluded

that the benefits of the proposal would outweigh the harm that would arise in terms of the inherent unsustainability of the site, and lack of affordable housing.

6.53 On balance the proposal is considered to be in accord with the sustainable development principles of the NPPF and CDLP 2015-2030.

7. Planning History

- 7.1 In 2006, under application 06/0693, full planning permission was given to convert the hotel and outbuildings to provide 8 holiday units.
- 7.2 In 2009, under applications 09/0534 and 09/0902 the discharge of conditions 7 (safeguarding bats and barn owls), 10 (barn owl nesting box) and 13 (foul drainage) imposed under 06/0693 were granted.
- 7.3 In October 2009, under application 09/0719, planning permission was refused for the conversion and extension of the hotel premises to create 15 dwellings.
- 7.4 In June 2010, under application 10/0577, permission was granted under section 73 of the Town and Country Planning Act 1990 (as amended) for the removal of various conditions relating to the restriction to holiday use of the accommodation attached to the 2006 permission.
- 7.5 In March 2016, under application 16/0062, permission was refused for the Conversion Of Former Hotel To Provide 6No. 2 Bedroom Apartments And Re-Configuration Of Redundant Outbuildings To Form 12No. 2 Bed Apartments Including 4No. New Build Apartments; Altered Vehicular Access And Parking Arrangements with Associated Landscaping.
- 7.6 An appeal was made to the Planning Inspectorate. The Planning Inspectorate upheld the Committee decision and dismissed the appeal in December 2016 on the grounds that the moderate benefits of the scheme would not outweigh the loss of significance of the non-designated heritage asset or the harm to the character and appearance of the area. In addition the Inspector found that the development would not contribute to a sustainable pattern of development and would fail to meet the local and national policy objectives of promoting sustainability.

8. Recommendation: Grant Permission

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

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

2. The development shall be undertaken in strict accordance with the approved

documents for this Planning Permission which comprise:

- 1. the submitted planning application form received 10th February 2017;
- 2. the Site Location Plan (drawing ref 2017/01) received 10th February 2017;
- 3. the Site Survey (drawing ref U058-1) received 10th February 2017;
- 4. the Site Layout & Block Plan (drawing ref 2017/02) received 19th February 2017;
- 5. the Existing Site and Ground Floor Plan (drawing ref 2) received 10th February 2017;
- 6. the Existing Elevations (drawing ref 3) received 10th February 2017;
- 7. the Existing Plan and Elevations (drawing ref 109/107/03) received 10th February 2017;
- 8. the Proposed Ground Floor Plan (drawing ref 08) received 10th February 2017;
- 9. the Proposed First Floor Plan (drawing ref 09) received 10th February 2017;
- 10. the Proposed North, South & West Elevations (drawing ref 10) received 10th February 2017;
- 11. the East & Courtyard Elevations (drawing ref 11) received 10th February 2017;
- 12. the Proposed Site Access Arrangement (drawing ref C0004 Rev C) received 10th February 2017;
- the Proposed Site Access Arrangement Swept Path Analysis (drawing ref C0005 Rev C) received 10th February 2017;
- 14. the Landscape Masterplan (drawing ref CE-TE0818-DW04a FINAL) received 10th February 2017;
- 15. the Transport Statement received 16th February 2017;
- 16. the Landscape & Visual Assessment received 10th February 2017;
- the Design & Access Statement received 10th February 2017;
- 18. the Structural Inspection Report received 16th February 2017;
- 19. the Daytime Roost Inspection Survey for Bats & Barn Owl & Activity Surveys for Bats received 10th February 2017;
- 20. the Foul Drainage Proposal received 10th February 2017;
- 21. the Arboricultural Site Report, Appraisal & Plans received 10th February 2017;
- 22. the Boundary Treatment, Lighting & other Security Measures Report received 10th February 2017;
- 23. the Notice of Decision; and
- 24. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030 are met and to ensure a satisfactory

external appearance for the completed development.

4. Notwithstanding the materials referred to in condition 4, details shall be provided of the window materials and colour and approved in writing by the Local Planning Authority prior to installation.

Reason: to ensure the windows in the new and existing building

harmonise to ensure compliance with Policy SP6 of the Carlisle

Distric Local Plan 2015-2030

5. No development shall be carried out on site until the following details have been submitted to and approved in writing by the local planning authority:

- a) the mix of lime mortar to be used on the external walls:
- b) a sample panel showing details of the pattern of stonework and use of lime mortar.

The development shall not be carried out otherwise than in accordance with the approved details.

To ensure the development is appropriate to the building in Reason:

accordance with Policy SP6 of the Carlisle District Local Plan

2015-2030

6. Prior to the carrying out of any works, the existing building affected by the proposed development shall be recorded in accordance with a Level 2 survey as described by Historic England's document "Understanding Historic Buildings: A Guide to Good Recording Practice, 2016" and moreover within 2 months of that recording work being done a digital copy of the resultant Level 2 Survey Report shall be submitted to the Local Planning Authority.

Reason: To ensure that a permanent record is made prior to the

alteration of the existing building in accordance with Policy HE6

of the Carlisle District Local Plan 2015-2030.

7. Other than those trees identified for removal on the approved plan, no tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be ensured in accordance with the Christians Environmental "BS5837 2012: Trees in relation to Design, Demolition and Construction" Report March 2016, Rev C.

Reason: The local planning authority wishes to see existing

> hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy GI6 of the

Carlisle District Local Plan 2015-2030.

8. Notwithstanding the Landscape Masterplan (CE-TE0818-DW04a - Final), the development shall be landscaped in accordance with details to be submitted to and approved by the local planning authority and shall include details of the proposed type and species of all planted material including particulars of

the proposed heights and planting densities.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

and to ensure compliance with Policy SP6 of the Carlisle

District Local Plan 2015-2030

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

Reason: To ensure that a satisfactory landscaping scheme is

implemented in accordance with the objectives of Policy SP6 of

the Carlisle District Local Plan 2015-2030.

10. Notwithstanding the submitted information, no development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage has been submitted to and approved by the local planning authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment and thus comply

with Policy IP6 of the Carlisle District Local Plan 2015-2030.

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

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

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the surface water public sewer, the pass forward flow rate to the surface water public sewer must be restricted to 5l/s

for any storm event.

Reason:

To ensure a satisfactory means of surface water disposal in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

12. Prior to being discharged into any watercourse, surface water sewer or SUDS system, all surface water drainage from parking areas shall be passed through trapped gullies with an overall capacity comparable with the site being drained.

Reason: To prevent pollution of the water environment in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

13. The development shall be carried out in accordance with the survey requirements and proposed mitigation as detailed in the submitted "Daytime Roost Inspection Survey for Bats and Barn Owl and Activity Surveys for Bats at Tarn End Hotel, Talkin".

Reason: To ensure protection of species and habitats in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

14. 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.

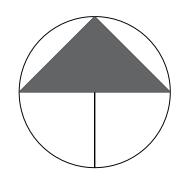
15. Prior to occupation, receptacles for the disposal/recycling of household waste shall be provided in order to ensure compliance with the Council's waste collection services (currently 2no. 1100 refuse "eurobins" for a fortnightly collection) in the bin store location as specified on drawing "Proposed Site Access Arrangement".

Reason: To ensure satisfactory living conditions for future occupiers in

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



SITE LOCATION PLAN 1:1250

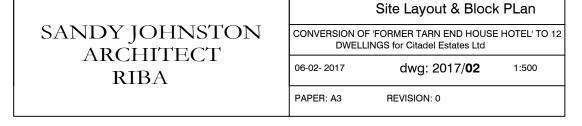


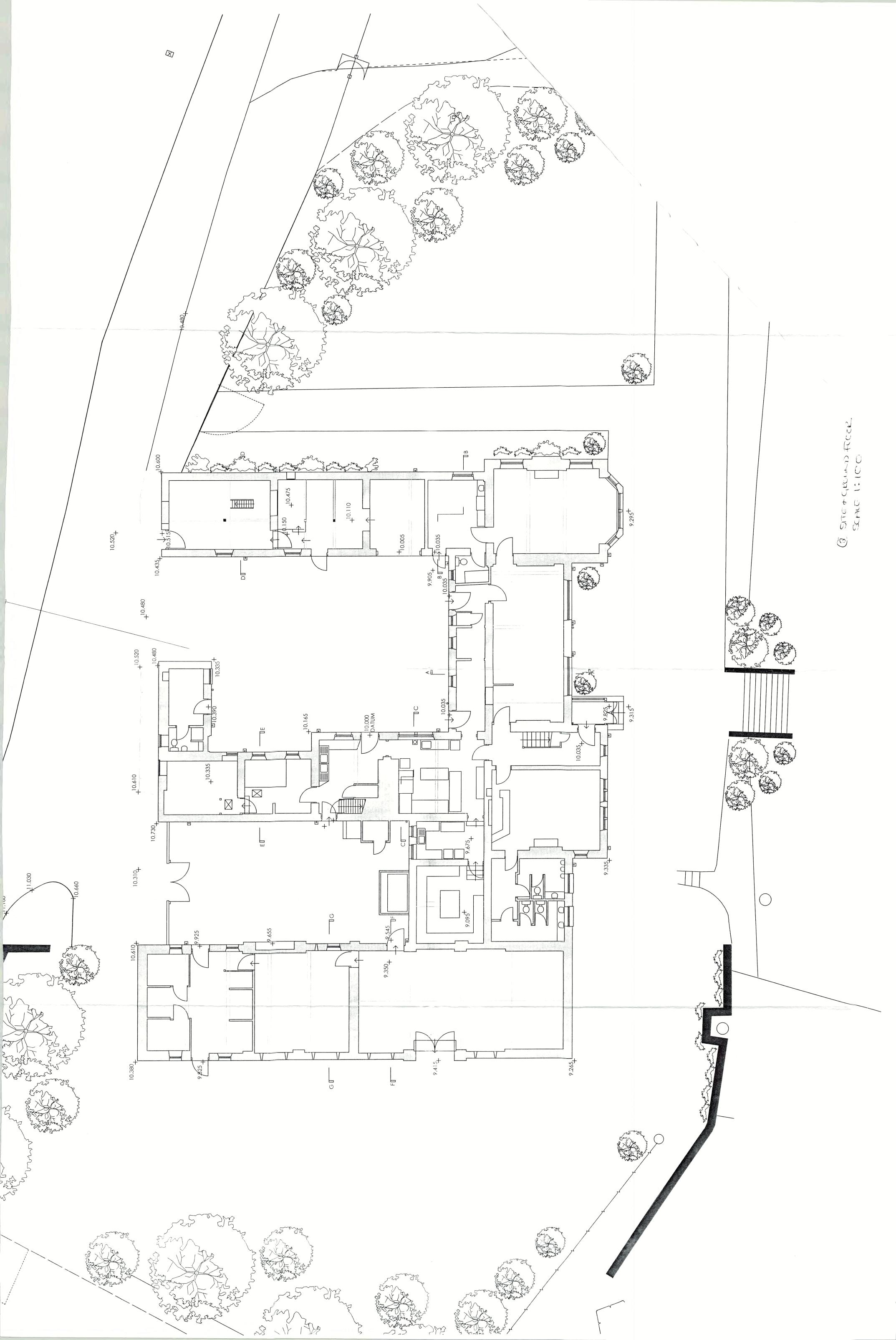
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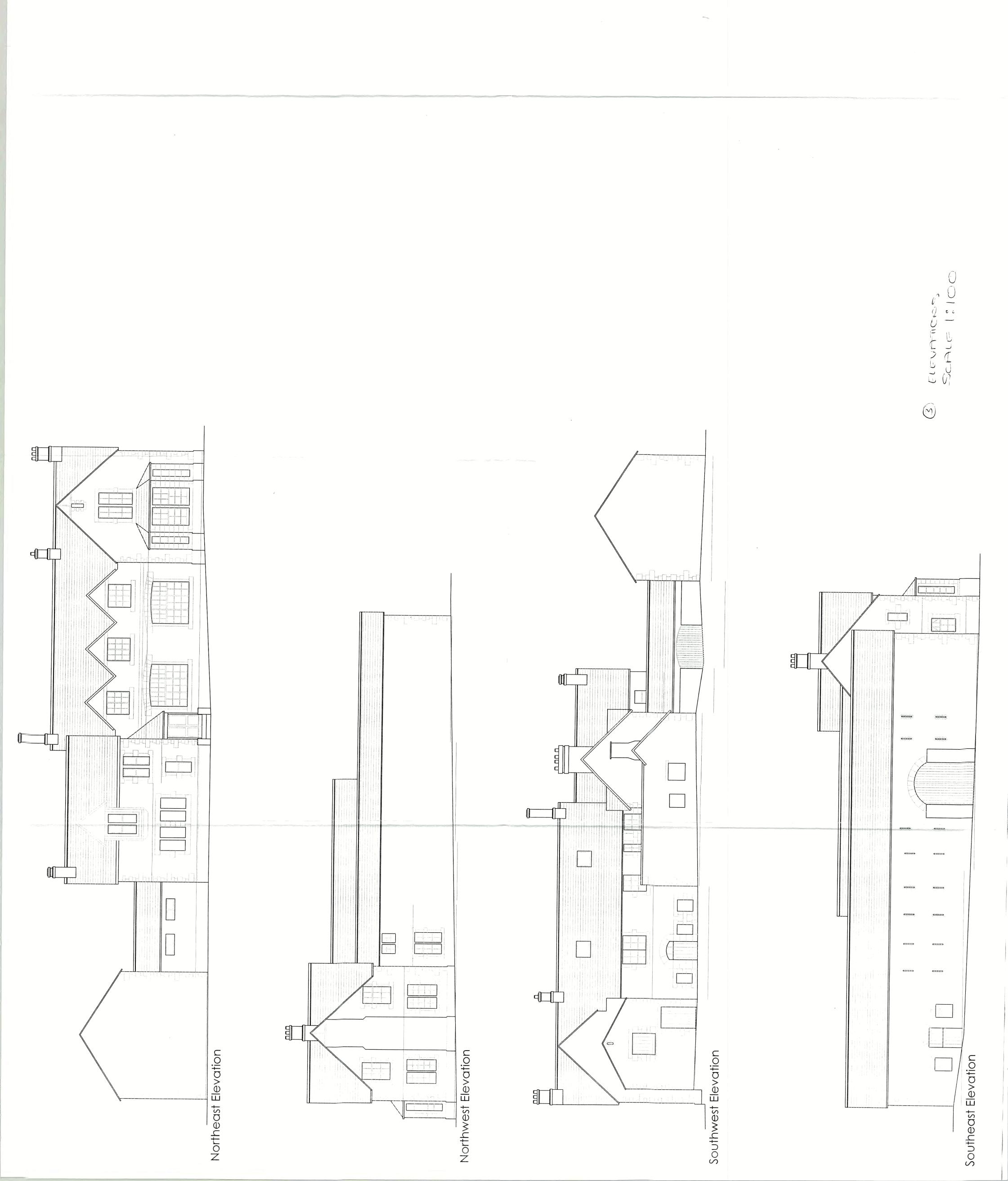
Site Location PLan		
CONVERSION OF 'FORMER TARN END HOUSE HOTEL' TO 12 DWELLINGS for Citadel Estates Ltd		
06-02- 2017	dwg: 2017/ 01	1:1250
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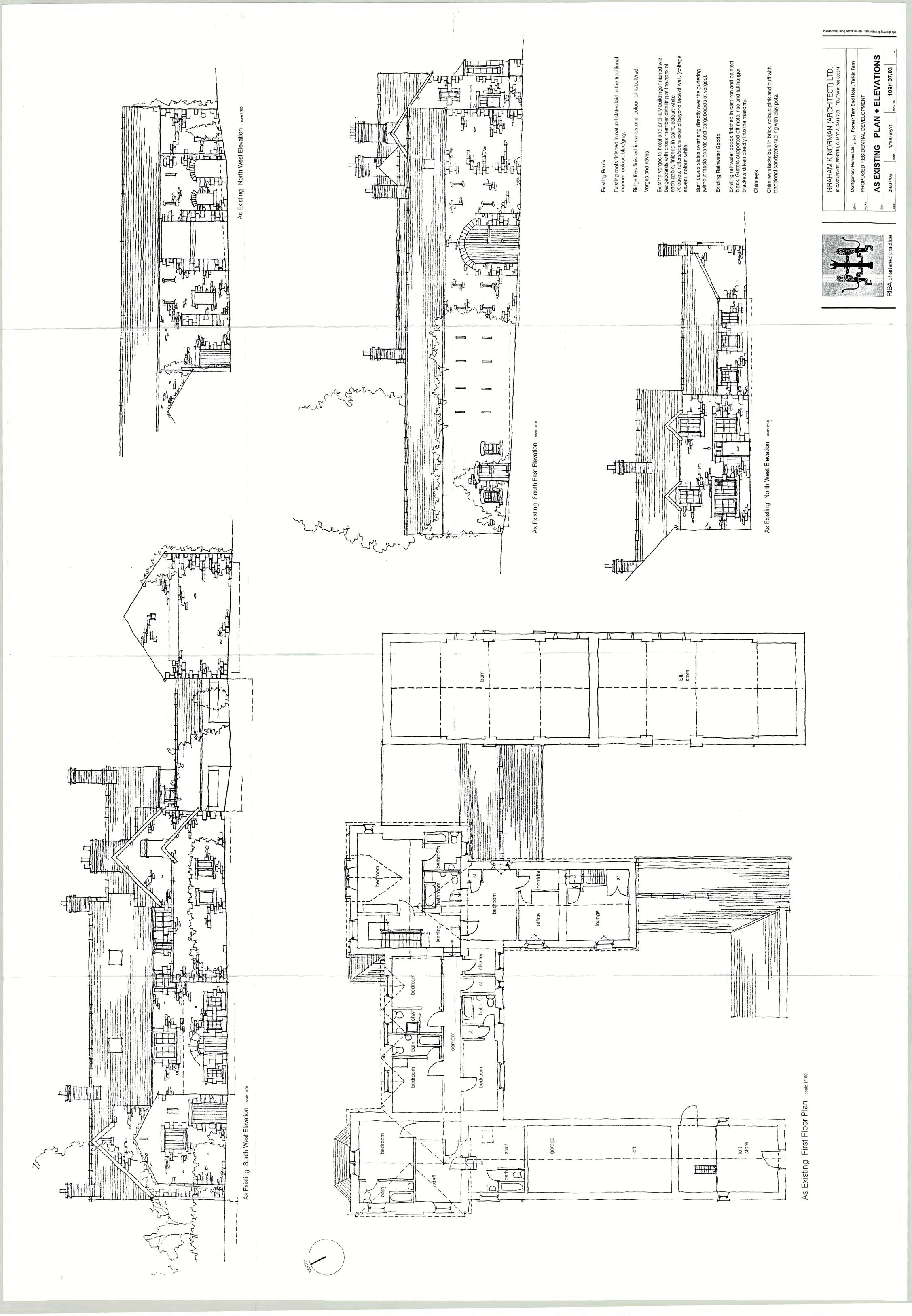


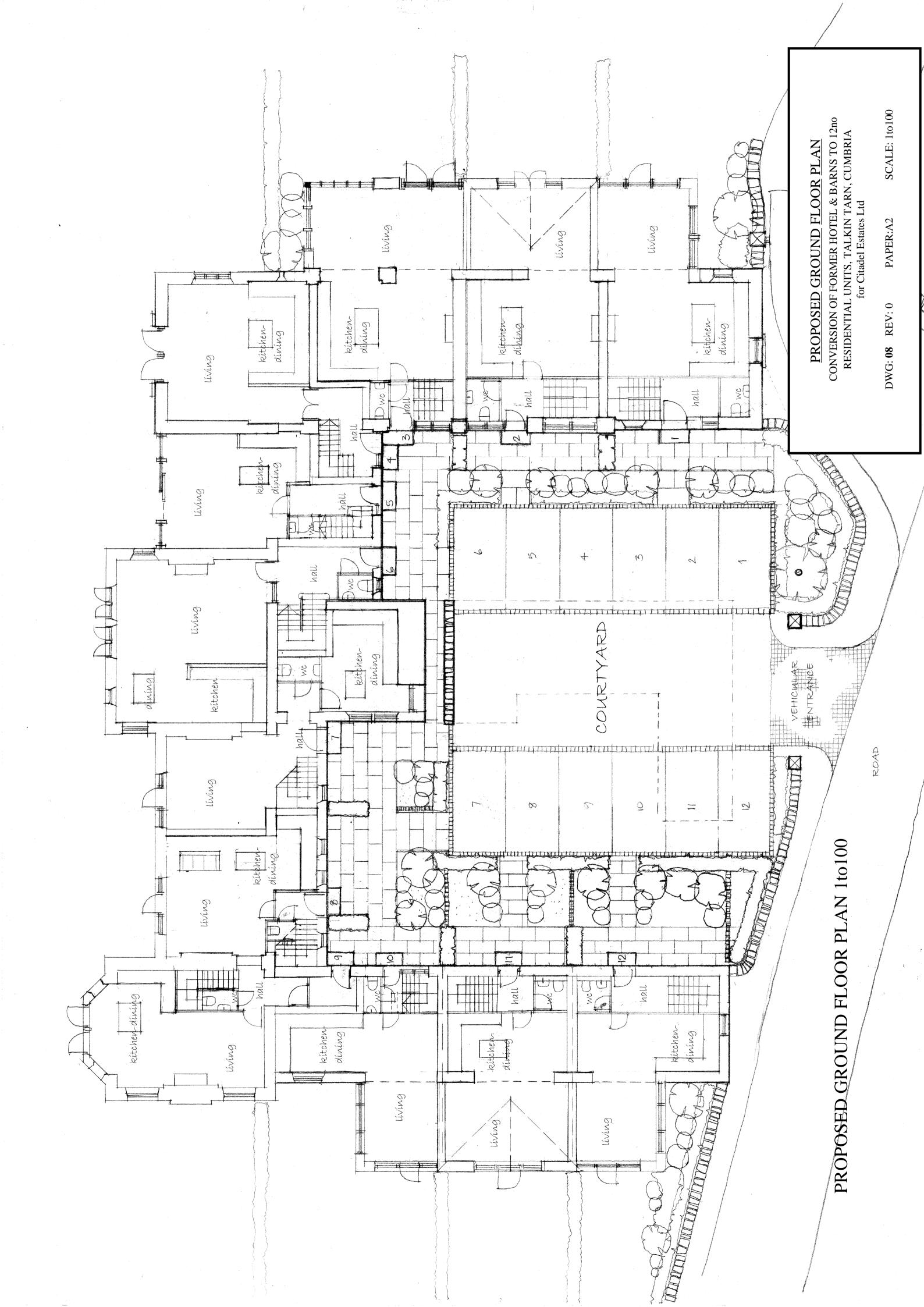


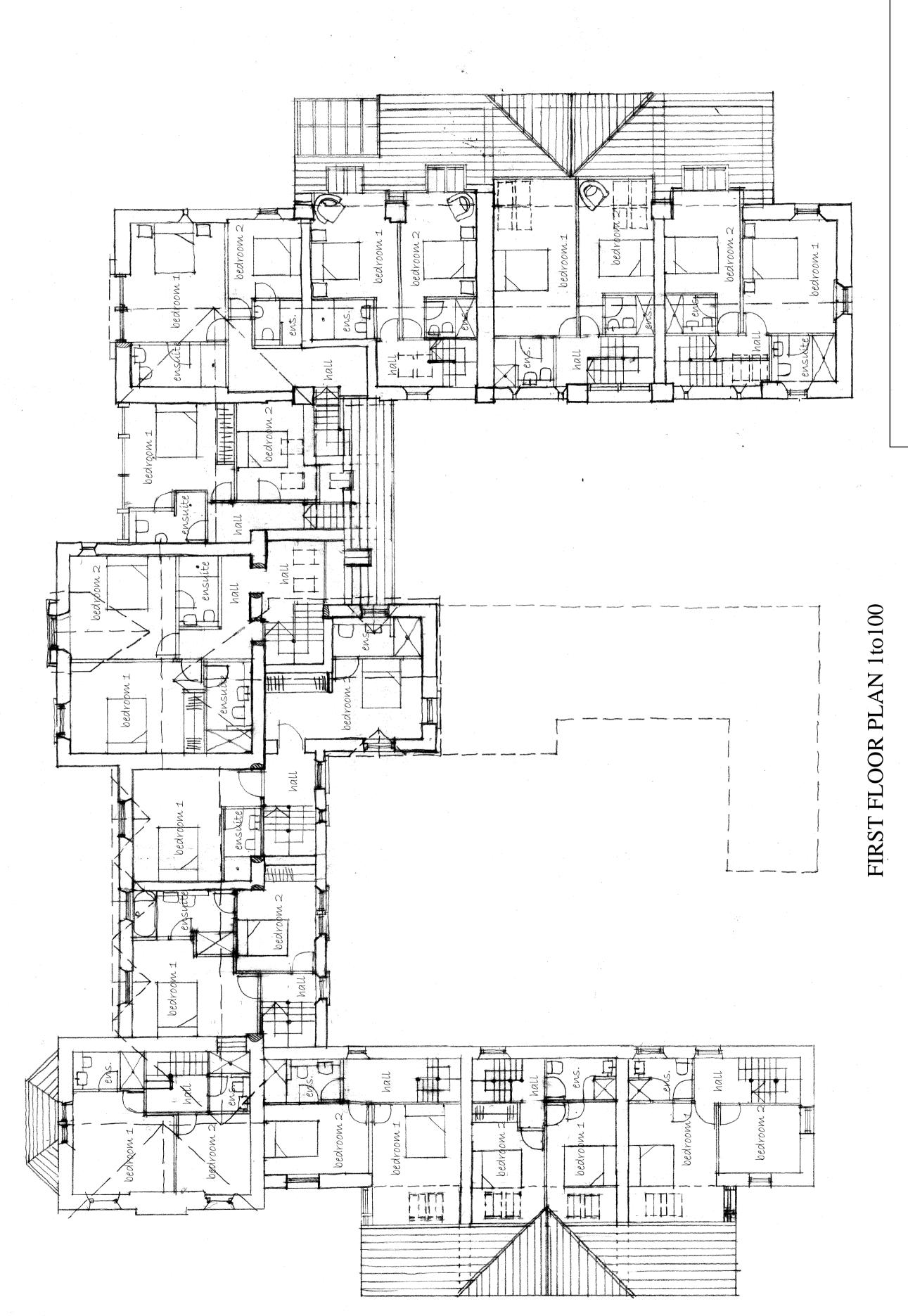












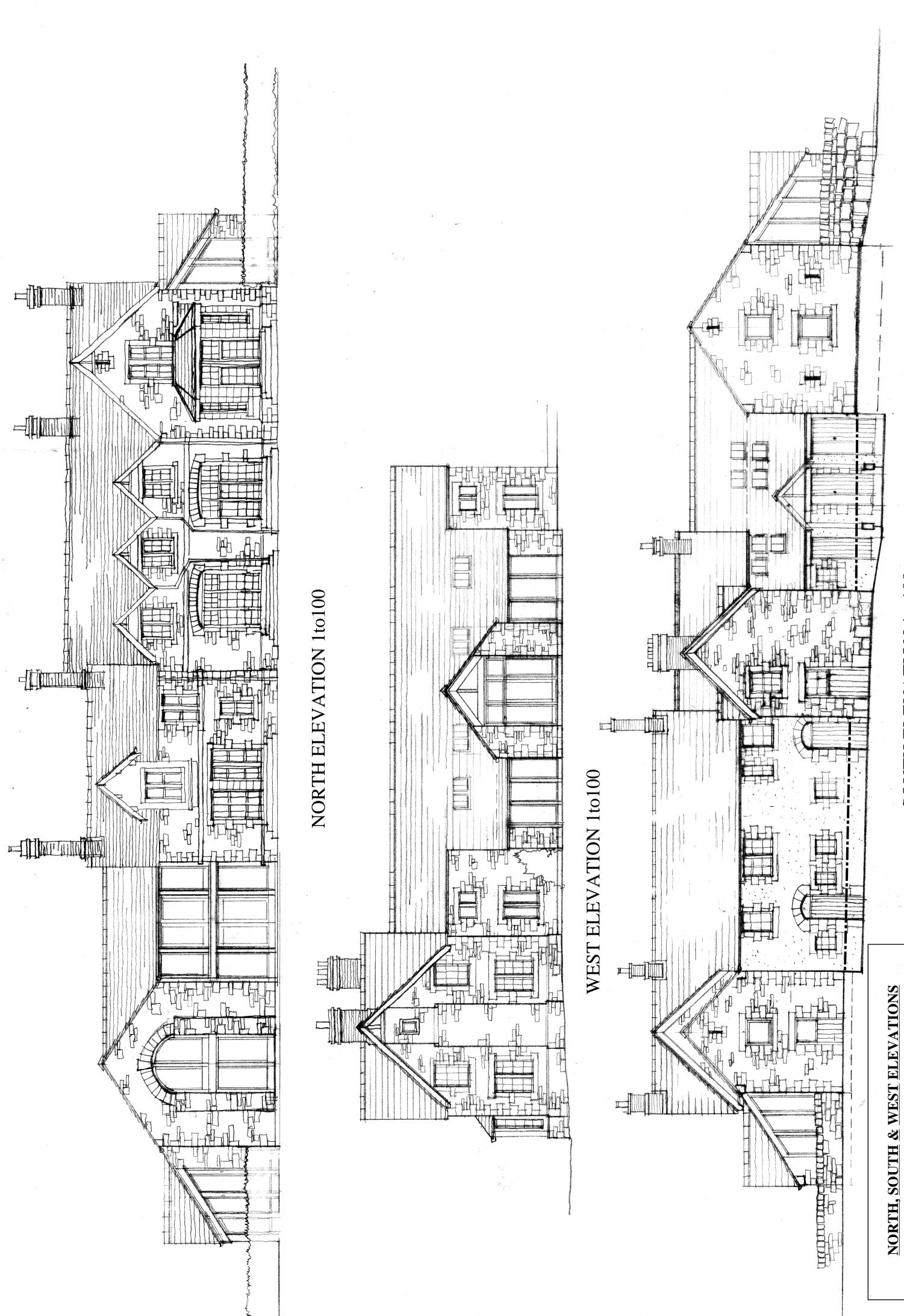
PROPOSED FIRST FLOOR PLAN

CONVERSION OF FORMER HOTEL & BARNS TO 12no RESIDENTIAL UNITS, TALKIN TARN, CUMBRIA for Citadel Estates 1td.

PAPER: A2

SCALE: 1to100

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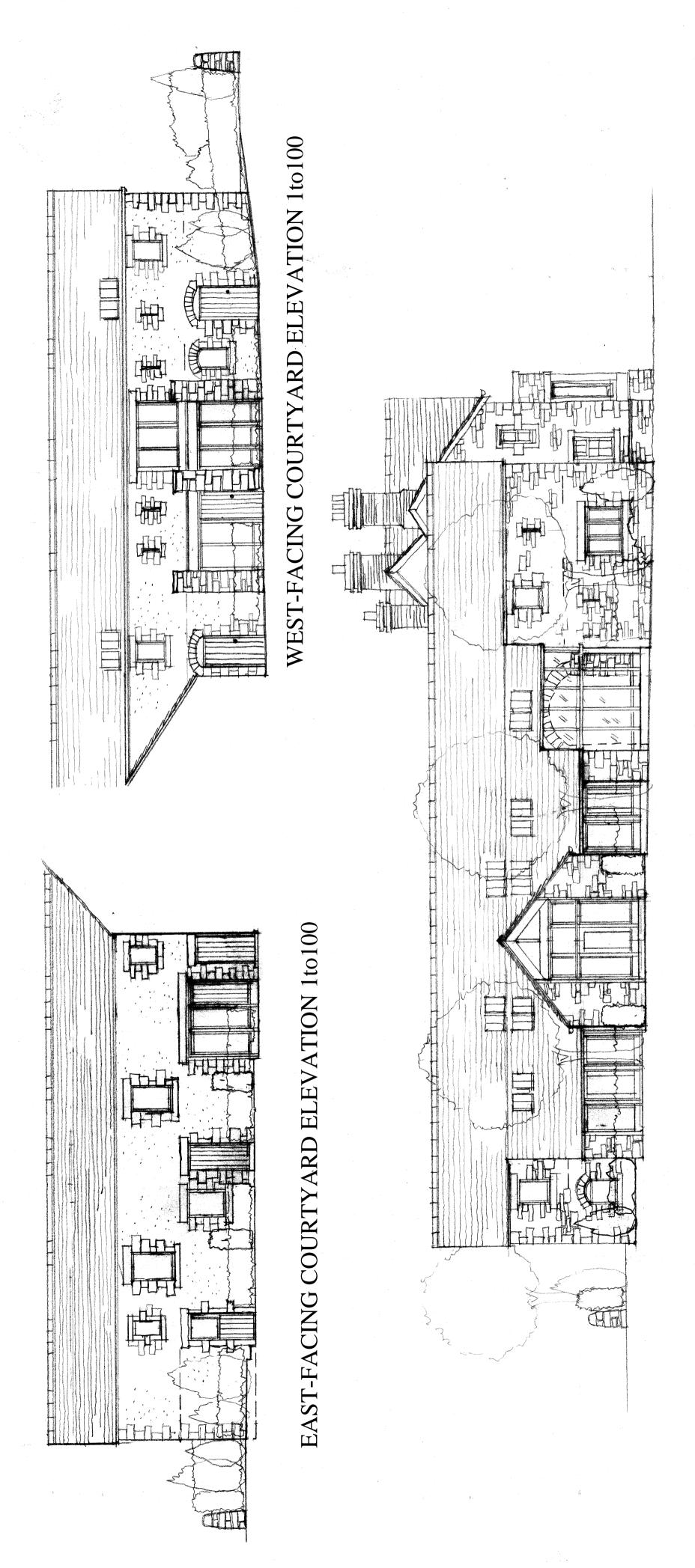


SOUTH ELEVATION 1to100

CONVERSION OF FORMER HOTEL & BARNS TO 12no
RESIDENTIAL UNITS, TALKIN TARN, CUMBRIA
for Citadel Estates Ltd

OWG: 10 REV: 0 PAPER: A2 SCALE: 1to100 DWG: 10 REV: 0

SCALE: 1to100



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EAST ELEVATION 1to100

EAST & COURTYARD ELEVATIONS
CONVERSION OF FORMER HOTEL & BARNS TO 12no
RESIDENTIAL UNITS, TALKIN TARN, CUMBRIA
for Citadel Estates Ltd

DWG: 11 REV: 0 PAPER: A2 SCALE: 1to100



