

# AGENDA

## Development Control Committee

**Friday, 24 August 2018 AT 10:00**

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

### **Apologies for Absence**

To receive apologies for absence and notification of substitutions

### **Declarations of Interest**

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

### **Public and Press**

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

### **Minutes of Previous Meetings**

**5 - 22**

To approve the minute of the meetings held on 20 July 2018 and 22 August 2018 (site visits meeting).

## **PART A**

**To be considered when the Public and Press are present**

### **A.1 CONTROL OF DEVELOPMENT AND ADVERTISING**

To consider applications for:

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

<b>Explanatory Notes</b>	<b>23 - 28</b>
<b>Item 01 - 18/0421 - Barras House, Barras Close, Dalston, Carlisle, CA5 7NT</b>	<b>29 - 56</b>
<b>Item 02 - 18/0359 - Unit 11, Old Brewery Yard, Craw Hall, Brampton, CA8 1TR</b>	<b>57 - 72</b>
<b>Item 03 - 18/0506 - Land to the rear of 46 Broomfallen Road, Scotby, Carlisle, CA4 8DE</b>	<b>73 - 96</b>
<b>Item 04 - 18/0361 - Land adjacent to Hawklemass, Irthington, Carlisle, CA6 4NN</b>	<b>97 - 112</b>
<b>Item 05 - 18/0497 - Mount Pleasant, Heads Nook, Brampton, CA8 9EH</b>	<b>113 - 128</b>

**Item 06 - 18/0192 - Land adj Fir Ends School, Skitby Road, 129 - 138**  
**Smithfield, Carlisle, CA6 6DL**

**Schedule B 139 - 148**

## **PART B**

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

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

- Information relating to any individual;

Enquiries, requests for reports, background papers etc to:

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

#### **Members of the Development Control Committee**

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

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

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





# Minutes of Previous Meetings

## DEVELOPMENT CONTROL COMMITTEE

FRIDAY 20 JULY 2018 AT 10.00 AM

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

**ALSO**

**PRESENT:** Councillor Collier in his capacity as Ward Member attending the meeting having registered a Right to Speak in respect of application 18/0101 – Sundown Cottage, Burgh by Sands

Councillor Allison in his capacity as Ward Member attending the meeting having registered a Right to Speak in respect of application 18/0421 – Barras House, Barras Close, Dalston, Carlisle, CA5 7NT

Helen Renyard, Cumbria County Council

**OFFICERS:** Corporate Director of Governance and Regulatory Services  
Corporate Director of Economic Development  
Development Manager  
Principal Planning Officer  
Planning Officer x 3  
Assistant Planning Officer  
Landscape Compliance and Enforcement Officer  
Housing Development Officer

### **DC.69/18 APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

### **DC.70/18 MINUTE'S SILENCE**

The Chairman reported the death of Councillor Hugh McDevitt with sadness, noting his valuable contribution to the Council since his election in 1995. Members stood for a minute's silence as a mark of respect to the memory of Councillor McDevitt.

### **DC.71/18 DECLARATIONS OF INTEREST**

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

Councillor Earp declared a personal interest in respect of the following applications:

- 18/0070 – Land adjacent Westwood, Heads Nook, Brampton, Cumbria, CA8 9AE. The interest related to objectors being known to him.
- 18/0290 – Croftfield, Aglionby, Carlisle, CA4 8AQ. The interest related to objectors being known to him.
- 18/0337 – Land at the South of Croft Villa, Wetheral, Carlisle, CA4 8JQ. The interest related to objectors being known to him.
- 18/0435 – Land adjacent Fell View, Parkett Hill, Scotby, Carlisle, CA4 8BZ. The interest related to the applicant and objectors being known to him. Councillor Earp took no part in the consideration of this item.
- 18/0555 – Land adjacent to Garth Cottage, Wetheral pasture, Carlisle, CA4 8HR. The interest related to the applicant and objectors being known to him.

Councillor Christian declared a personal interest in respect of the following application:

- 18/0435 – Land adjacent Fell View, Parkett Hill, Scotby, Carlisle, CA4 8BZ. The interest related to the residents being known to him. Councillor Christian took no part in the consideration of this item.

Councillor S Sidgwick declared an interest in respect of the following application:

- 18/0300 – 2 Silloth Street, Carlisle, CA2 5UR. The interest related to the fact that he was the Ward Member for the area.

Councillor Mrs Glendinning declared an interest in respect of the following application:

- 18/0300 – 2 Silloth Street, Carlisle, CA2 5UR. The interest related to the fact that she was the Ward Member for the area.

Councillor Tinnion declared an interest in respect of the following application:

- 17/0169 – Former J and W watt Ltd, Goods Yard, London Road, Carlisle, CA1 2NF. The interest related to the fact that the objector was a City Councillor and known to him.

## **DC.72/18 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

## **DC.73/18 MINUTES OF PREVIOUS MEETING**

RESOLVED – 1) That the minutes of the meetings held on 16 March, 25 April (site visits meeting) and 27 April 2018 be signed by the Chairman.

2) That the minutes of the meetings held on 8 June and 17 July 2018 be approved.

## **DC.74/18 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

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

## **DC.75 /18 CONTROL OF DEVELOPMENT AND ADVERTISING**

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

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

### **1) Erection of 1no. Dwelling (Outline), Land adjacent, Westwood, Heads Nook, Brampton, Cumbria, CA8 9AE (Application 18/0070).**

The Planning Officer submitted the report on the application which had been the subject of a site visit in June.

Slides were displayed on screen showing an aerial view of the application site which illustrated its relationship with the village, the public footpath, the wooded area to the west of the application site, adjacent properties and the indicative block plan; and photographs of the site, an explanation of which was provided for the benefit of Members.

Consideration of the application had been deferred from the June meeting to allow for the receipt of an ecological survey. The ecological survey had been compiled by OpenSpace

Ecology, the findings of which had been summarised within the Addendum to the Main Schedule.

The Planning Officer recommended that the application be approved, subject to the imposition of conditions detailed in the report, including a further condition which would ensure protection and enhancement of biodiversity of the site both during and after construction.

The Committee then gave consideration to the application.

A Member sought clarification with regard to the two ecological surveys which had been undertaken and asked which one the Council had used. The Planning Officer clarified that the survey contained within the Schedule had been compiled by a local resident and there was no dispute that the species listed in the report were present, however, the Council would use the survey conducted by the specialist in ecology which identified any species which would require special protection. The Development Manager added that although both reports were valuable, there was a hierarchy of legislation that had to be applied to the protection of species and Officers had to consider the national regulations so no harm came to designated species and to minimise the impact of the development to the area.

In response to Members' questions the Planning Officer clarified the following points:

- The suggested condition following the ecology report would ensure no adverse impact on a European Protected Species or their habitat in accordance with Policy G13 of the Carlisle District Local Plan 2015-2030.
- Conditions had been included to protect retained trees together with the submission of a landscaping scheme which would also mitigate for any loss orchard trees and improve biodiversity within the application site.
- There was a hierarchy for the disposal of foul and surface water drainage which was:
  1. Into the ground water
  2. Perculation
  3. Water course
  4. Mains drainage

A Member moved the refusal of the application. The Site Visit had shown Members the existing properties and the surrounding area. He felt that the proposed development did not comply with HO3 and SP6 of the Carlisle District Local Plan in respect of the local character and scale of the building and would be a substantial property next to existing bungalows. He had concerns with regard to the unadopted nature of the access and the single lane track and footpath.

The Planning Officer reminded the Committee that the drawings were indicative and the conditions on the application had restricted the development to one dwelling of 1.5 storey construction.

A Member commented that he understood it was an indicative planning application but he would have preferred to have seen more details of the proposed development.

The Corporate Director of Economic Development confirmed that the application was for outline planning permission and the comments from the Committee would help the applicant in moving to the next stage of the application.

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

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

2) That any future Reserved Matter application be submitted to the Committee for determination.

**2) Erection of garage to front elevation (Retrospective), 10 Dacre Road, Brampton CA8 1BJ (Application 17/1081).**

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 17 July 2018.

Slides were displayed on screen showing the location plan; block plan; and photographs of the site, an explanation of which was provided for the benefit of Members. The Principal Planning Officer acknowledged that the front elevation was set back a minimum of 11m from the adjacent footpath and the garage sat at a lower level than the adjacent lane. However, it was considered that the scale of the garage and its location to the front of the dwelling had an adverse impact on the dwelling and the street scene and the Principal Planning Officer recommended that the application be refused permission

Mr Pennington (on behalf of Brampton Parish Council) supported the application in the following terms:

- the Parish Council had viewed the work and had felt that the owner had undertaken a high level of work which blended in with the house.
- it was rare for representatives of Brampton Parish Council to attend the Committee but on this occasion they had felt strongly that a very good job had been carried out.
- a number of people within Brampton felt that the work the applicant had done had improved the area and had improved the impact of on street parking and the access to the lane at the side of the house.

Mr Wray (applicant) addressed the Committee and apologised for his lack of understanding of planning requirements. He supported his application in the following terms:

- he had thought that he would not need planning permission and the development was a permitted development. He regretted getting this wrong and had respect for the planning system.
- he had looked at other options for the garage but, due to surrounding levels and the lack of space, there had been no alternative.
- he had taken advice from the Carlisle Local Plan on the size of a garage and made his slightly bigger to allow for refuse and recycling storage.
- the garage had been built for the safety of his wife who worked unsociable hours and his vehicle.
- the garage reduced on street parking, increased visibility for the adjoining lane, had space for refuse and recycling, the build is of a high standard with acceptable materials and did not overlook other properties, the work on the front of the house had been commended by neighbours and was fully supported by Brampton Parish Council.
- he disagreed with the report with regard to the scale of the garage and its location at the front of the property.
- he asked the Committee to take into account the proposed development opposite his property for 140 new houses and the impact that the development would have on the street scene.

The Committee then gave consideration to the application.

A Member commented that the Site Visit had been particularly useful and agreed that the garage had changed the aspect of the dwelling. He asked if approval of the garage would result in setting a precedence for the area.

The Principal Planning Officer responded that the recommendation for refusal had been based on the interpretation of the planning policy and that interpretation would not change. He acknowledged that the site was fairly unique given the size of the front garden and it was adjacent to a lane which was higher than the garden.

A Member supported the comments of the Parish Council and felt that the work undertaken had been of a very high standard and moved that the application be approved, which was seconded, and:

RESOLVED: That the application be approved.

- 3) Part Retrospective Planning Permission for the Change of Use of Paddock Area to provide additional garden and parking area together with erection of a detached garage without compliance with condition 2 (Approved Documents) and Condition 5 (Boundary Hedgerow) Imposed by Planning Permission 16/1054 for the internal fence adjustment from 1.8m to 2.6m high close boarded fencing and the retention of the western, eastern, and southern hedgerow boundaries to be retained at a height of not less than 2.6 metres in height in lieu of 2 metres, Croftfield, Aglionby, Carlisle, CA4 8AQ (Application 18/0290).**

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 17 July 2018.

Slides were displayed on screen showing the drawings approved under planning permission 16/1054, 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 imposition of conditions detailed in the report.

The Committee then gave consideration to the application. Members queried how the fence would be maintained and who would monitor the height of the hedge and fence in the future. The Development Manager clarified that the maintenance of the fence was a matter for the applicant. With regard to the enforcement of the hedge and fence height he clarified that the application was for the retention of the fence and hedge no less than 2.6m and there was no maximum height for hedges in an area such as this. Monitoring would be carried out by Officers as they used the road and passed the site.

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

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

- 4) Erection of two storey restaurant with drive-through, car park, landscaping and appropriate works. Installation of 2no. Customer Order Display Units and canopies, outdoor play area, gas and electricity kiosks, CO<sub>2</sub> remote fill point, retaining wall and stabilisation and repair works to Grade II Listed London Road NER Goods Station, Former J and Watt Ltd, Goods Yards, London Road, Carlisle, CA1 2NF (Application 17/0619).**

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 17 July 2018.

Slides were displayed on screen showing the location plan, the site plan, proposed elevations and floor plans and the listed building elevations, window and landscaping; and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer reported that the final signed copy of the Unilateral Planning Obligation (UPO) had not been received in advance of the meeting, however, the final draft of the proposed UPO had been seen and would secure the necessary works to the Listed Building as detailed in the report. As a result the officer recommendation had been revised.

The Planning Officer highlighted some minor errors in the report which would be corrected should the application be approved:

- Page 99 with respect of the wording in conditions 25 and 26. The reference to condition 21 in the text of the conditions should be a reference to condition 24
- Page 100 conditions 27 and 28 the references to condition 23 ought to be reference to condition 26.

The Committee then gave consideration to the application.

A Member was concerned that the signed UPO had not been received and felt that the Committee should have the responsibility for approving the application and securing the preservation of the Listed Building.

The Planning Officer reassured Members that the UPO was in the process in being signed by all of the parties involved and would be completed by 24 July. Details of the agreement were included in the report.

A Member highlighted condition 6 and commented that 00.00 hours was not a legal term and should be corrected in the conditions.

In response to questions the Planning Officer confirmed the following:

- Network Rail had been consulted on the application and the Planning Officer had worked closely with them to address their concerns, as a result conditions had been included in the application to ensure the development met Network Rail's standards;
- there was no identified end user for the Listed Building but it was hoped that the phase 1 refurbishment would encourage an end user to come forward;
- only the Goods Office Building to the front of the listed building would be refurbished as part of the proposal;
- the rear of the building fell within the responsibility of the owner and they would have to maintain it;
- both the front and the back of the building was listed in its entirety;
- the CO2 remote fill point allowed the CO2 used within the premises for carbonated drinks to be filled up away from the day to day running of the restaurant;
- the submitted Management and Crime Prevention Statement had been considered unsatisfactory and therefore a condition was proposed to require the applicant to submit a further site specific report to detail specific security measures and steps to reduce the potential for crime and/or anti-social behaviour

Ms Renyard, Cumbria County Council, addressed Members' concerns regarding the number of parking spaces for a restaurant of this size. She explained that the proposed number of spaces was in accordance with standards set out in the Cumbria Design Guide 2017. It had been submitted that restaurants of a similar size required 22 & 26 spaces on a Friday and Saturday evening and more spaces had been provided for the application.

A Member commented that the new opening and closing hours were much more suitable and she hoped that the development would encourage redevelopment in this area of the City; she moved the Officer's recommendation, which was seconded, and was:

RESOLVED: With the agreed corrections to conditions 25, 26, 27 and 28:

1) That authority to be given to the Corporate Director of Economic Development to issue approval for the proposal subject to the receipt of a satisfactorily completed Unilateral Undertaking to secure the proposed scheme of works to the Listed Building.

(2) If the Unilateral Undertaking is not satisfactorily completed, authority be given to the Corporate Director of Economic Development to issue refusal of the proposal.

*The meeting adjourned for a short break at 11.26am and reconvened at 11.36am.*

**5) Erection of 7no. 4 bedroomed detached dwellings, 2no. 3 bedroomed detached single storey dwellings and associated access (Outline), Land at the South of Croft Villa, Wetheral, Carlisle, CA4 8JQ (Application 18/0337).**

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 17 July 2018.

Slides were displayed on screen showing the site location plan and the relationship with the built form of Wetheral; a larger version of the indicative drawing; and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer explained that since the preparation of the report the applicant had an Ecological Scoping Survey undertaken by Hesketh Ecology. The report concluded that there would be no risk of the proposed works impacting on international, domestic or locally designated sites and the proposed works would have no significant impact in respect of legally protected species and other mammals; subject to compliance with the recommended mitigation measures. In light of the findings, should Members approve the application a further condition was recommended that would ensure that any development was undertaken in strict compliance with the mitigation measures detailed within the submitted ecological survey.

The Committee then gave consideration to the application.

Members were concerned that the access road for the development was narrow and that it may be difficult for emergency vehicles and refuse vehicles to access the development. They also had concerns that the parking space at the front of the development would not be used and visitors would park on the road exasperating access issues.

The Planning Officer confirmed that the Highway Authority had been consulted and had raised no objections. She reminded the Committee that the application was indicative and access would be considered at a later stage, however the road was 4.8m wide and two vehicles would be able to pass each other.

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

RESOLVED: 1) That the application be approved, subject to the completion of a Section 106 Legal Agreement consisting of the following obligation:

a) a financial contribution of £108,550.20 towards an off-site contribution to affordable housing.

2) That should the Legal Agreement not be completed within a reasonable time, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

**6) Erection of 3no. Dwellings (Outline), Land to the east of Wellbeck, Newtown, Carlisle, CA6 4PF (Application 18/0486).**

The Principal Planning Officer submitted the report on the application.

Slides were displayed on screen showing the location plan, indicative layout plan and proposed access; 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 imposition of the conditions detailed in the report.

The Committee then gave consideration to the application.

A Member had viewed the site on the internet and seen it had been prone to flooding; he questioned the Lead Local Flood Authority's lack of objection and asked how the water would be removed. The Principal Planning Officer clarified that there would be conditions on the application to deal with surface water drainage, the final details would be determined through the application.

A Member felt strongly that the development of villages should include some consideration to the road infrastructure and how it could be developed to accommodate the increase in traffic.

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

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

**7) Erection of 2no. detached single storey dwellings, land adjacent to Fell View, Parkett Hill, Scotby, Carlisle, CA4 8BZ (Application 18/0435).**

*Having declared a personal interest in the matter, Councillor Christian and Councillor Earp moved to the back of the room and took no part in the consideration of the matter.*

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 17 July 2018.

Slides were displayed on screen showing the site location plan and the relationship with the built form of Scotby, an aerial view of the application site, and a larger version of the drawing; and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer reported that during the site visit the Committee had questioned the consultation with Network Rail. Network Rail had been consulted and confirmed that it had no objection in principle subject to the imposition of an informative. The informative would require further details to be submitted direct to Network Rail in respect of drainage, fencing, Risk Assessment and Method Statement etc.

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

The Committee then gave consideration to the application.



A Member noted that a resident had objected to the development as they would have preferred 2 houses built which reflected the housing in the vicinity and the Planning Officer clarified that the application was for two single story dwellings to meet the need of the area, in addition there was a dormer bungalow at the opposite end of the street and the development would 'book-end' Parkett Hill.

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

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

*Councillor Christian and Councillor Earp returned to the meeting.*

**8) Erection of two storey rear extension to provide a kitchen/diner on ground floor with bathroom, bedroom and balcony above together with the erection of a detached garage, Sundown Cottage, Burgh by Sands, Carlisle, CA5 6AX (Application 18/0101).**

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 17 July 2018.

Slides were displayed on screen showing the existing block plan, proposed plan, proposed floor plan elevations; 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 imposition of conditions detailed in the report.

Councillor Collier (Ward Member and representing Burgh by Sands Parish Council and objectors)

He began with a statement on behalf of an objector which related to the following:

- Policy SP6 –the materials and detailing were inappropriate given the basic construction of the property and the adjacent properties
  - the scale of the development was incongruous and not effectively integrated within the current construction and the building would cease to be a cottage
  - the proposal was not a sympathetic extension and was not in keeping with the vernacular architecture on which the original cottage was based
  - the proposal would have a detrimental impact on the properties immediately adjacent to the site
- Policy HO8 – the proposal failed entirely, it would be inappropriate on all counts: scale, design, form and the proposed materials
  - it was not visually subservient to the main building
  - the design would directly overlook adjacent and other properties
  - it was incongruous to the current pattern of the street scene and would dominate other properties
  - the proposal would have a negative impact on the character of the area and adversely affect the street scene

Councillor Collier then addressed the parish Council's objections which covered the following:

- the application had been discussed at the Parish Council meeting and it was unanimously opposed.
- there was concern regarding the safety of the balcony glass and the risk to neighbouring properties and if the balcony was necessary.

Councillor Collier closed by requesting refusal of the application.

Mr Nicholson (Applicant) addressed the Committee in support of the application on the following terms:

- he wanted the back of the property to look as good as the front of the property did.
- the proposals were sympathetic and the same pallet of materials would be used.
- the design had changed numerous times on the recommendation from the Planning Officer.
- the plans were in keeping with the cottage.
- he wanted to preserve the cottage and was willing to spend the money required to do so.

The Planning Officer drew the Committee's attention to condition 4 of the recommendation which stated that the glazing on the balcony had to be obscure and Building Regulations would ensure the use of safety glass.

The Committee then gave consideration to the application.

A Member asked if the Parish Council's concerns regarding the burden the increase in foul water would have on a system which could not cope had been addressed. The Planning Officer responded that Untied Utilities had not raised any objections during the consultation period to the proposed connection to the existing system.

On the Site Visit Members noted that the side of the property was tiled in slate and queried whether or not this would be retained as it was in poor condition. The Planning Officer agreed that the slate needed to be addressed and would be looked at as part of the renovation to the cottage.

In response to a further question the Planning Officer confirmed that the planned weather boarding had been removed, the development scaled back and some of the property would be covered in reclaimed brick.

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

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

- 9) Erection of 5no. Detached Dwellings (Reserved Matters Application Pursuant to Outline Approval 17/0969): Discharge of Conditions 2 (Reserved Matters); 6 (Construction of Access); 9 (Parking During Construction); 9 (Surface Water Drainage Scheme); 10 (Construction Surface Water Management Plan); 11 (Foul Drainage); 14 (Floor and Ridge Levels); 15 (Materials); 16 (Boundary Treatments); 17 (Hard Surface Details); 18 (Soft Landscape Works); 19 (Tree/Hedge Protection Barriers); 20 (Bat and Breeding Bird Survey); and 21 (Underground Service Ducts) of previously approved application 17/0969, Land adjacent to Garth Cottage, Wetheral Pastures, Carlisle, CA4 8HR (Application 18/0555).**

The Planning Officer submitted the report on the application.

The Planning Officer drew attention to some errors in the report and clarified them as follows:

- Plot 1 – the maximum length of the proposed dwelling on Plot 1 excluding veranda and porch was 18.8metres;
- Plot 3 – the maximum width of Plot 3 excluding veranda and porch was 12.9 metres;
- Plot 4 – the dimensions for the proposed dwelling was 21.7 metres long excluding external chimney by 12.3metres wide excluding veranda and porch with a maximum height of 9.47 metres;

- Plot 5 - the proposed dimensions were 19.4 metres long excluding veranda and porch by 15.3 meters wide.

Slides were displayed on screen showing the site location, a larger version of the drawings, proposed landscaping including the four retained Oak Trees subject to Tree Preservation Order TPO 291; and photographs of the site, an explanation of which was provided for the benefit of Members.

Since the preparation of the report consultation responses had been received from United Utilities and Wetheral Parish Council together with four representations of objections from third parties, the responses were summarised below:

- United Utilities did not wish to comment on the proposed method for disposal of foul drainage as treated effluent would discharge into highway drains.
- Wetheral Parish Council objected to the development under planning policies SP6 and HO2 as the scale and design of the proposed development was inappropriate to the scale, form, function and character of the existing settlement.
- The third party representations objections outlined that the proposal was contrary to policies SP6 and HO2 of the Local Plan as the scale and design did not mirror those dwellings immediately opposite the development site. The proposed dwelling should be bungalows or dormer bungalows; the views of the community had not been taken into account; Wetheral Pasture had no local services, impact on highway safety, the proposal did not include the provision of a footpath, the size of dwellings and cost would preclude occupation by lower-income families and first time buyers, questions about landscaping scheme and maintenance of landscaping, works to trees subject of TPO 291 and questions regarding the qualifications of the author of the bat survey.

The majority of the objections raised by third parties have been discussed within the main body of the report; however, the Planning Officer expanded on a number of the issues raised by third parties.

The objectors requested that the proposed dwellings should be bungalows or dormer bungalows in lieu of the proposed two storey dwellings. The views of the objectors were respected; however, as outlined in paragraphs 6.11 and 6.12 of the report Wetheral Pastures had a range of differing dwelling styles and ages many of which were substantial dwellings set within large domestic curtilages. The retention of the four roadside Oak trees, the majority of the existing roadside hedge, the topography of the site together with proposed landscaping would also help to soften and blend the proposed dwellings into the streetscene. Furthermore, the properties would not only meet but were well in excess of the minimum separation distances between primary windows, thereby, mitigating any perceived detrimental impact in respect of unacceptable overlooking or over-dominance.

In respect of the provision of affordable housing and that the size of the dwellings would preclude low-income families and first time buyers from purchasing any of the dwellings, Wetheral Pasture was identified in the Local Plan as being within Housing Zone A. Within Zone A only sites of six units or over are required to provide 30% of units as affordable. The application site sought permission for five dwellings.

A further issue raised was that the development would not be served by a footpath linking Wetheral Pastures to Cumwhinton or Wetheral. This issue was explored during the determination of the outline application; however, Cumbria County Council, as Highway Authority, did not consider a footpath necessary. Members would also be aware a Traffic Regulation Order was subject of the Section 106 Agreement which would reduce the speed limit within Wetheral Pasture from its current national speed limit to 30mph.

An objector had also questioned the qualifications of the author of the submitted Bat Survey. The Planning Officer confirmed that the author of the survey was a Natural England licensed Bat Surveyor and a member of the Cumberland Bat Group.

In respect of the maintenance of the landscaping scheme; the copse to the south of the application site was subject to a Section 106 Agreement and would be maintained by a management company. The remainder of the landscaping scheme is covered by a standard condition that required any plants that died or became diseased to be replaced by species of similar size.

The proposal also included works to the four Oak trees subject of TPO 291. The City Council's Landscape Officer had verbally confirmed that there was no objection to the works as they related to standard arboricultural practices.

The Planning Officer recommended that Authority to Issue be given to the Corporate Director of Economic Development to approve the application subject to the expiration of the consultation period, with no new issue being raised not already within the report or presentation.

Mrs Roberts (Objector) objected to the application in the following terms:

- section 6.9 of the report and 6.11, the comments made by Wetheral Parish Council and the plan included in the first page of the original application had made the application sound reasonable and considerate of people who would be affected.
- six new houses had been built Wetheral Pasture and along C1038, none of which conformed to conditions SP6 or HO2. They were all bigger than anything else along the road and not to the scale or form of the settlement as it was then.
- the proposed properties had ridge heights of 8.8m and three of 9.75m which would not be in keeping with the hamlet of Wetheral Pasture.
- the buildings would have a significant impact on the area and did not mirror the scale of the properties opposite which were bungalows and dormer bungalows and all of which sit below the level of the road.
- outline planning permission had been granted but the height of the designs contravened policies HO2 and SP6 and so the application should be rejected.
- the dwellings needed to be bungalows or dormer bungalows, the heights of which should be 5.5m to 6m and 6.5m to 7m respectively.
- No account whatsoever had been taken of the views of residents.
- The plans provided houses similar to the six new properties at Wetheral Pasture but that did not mean that more of the same was required. She asked Members not to allow the development which would compound the problem and to preserve the character of the Pastures by insisting on bungalows on the site.

Mr Hutchinson (Agent) supported the application in the following terms:

- application 17/696 included the approved Design and Access Statement which intended for the proposal to create a development that was sympathetic in location, form, layout and scale.
- the scale limited to five houses to reflect the density of the development in the area as stipulated by condition imposed in the outline permission.
- the illustrative plan showed 5 two story detached houses with one and half storey elements to the garden which had been carried over into the layout for the reserved matters applications with the houses set back further to protect the trees subject of the TPO.
- the proposed houses had separation distances of between 37 to 42m which far exceeded the guideline distance of 21m.
- the existing trees subject of the TPO would be safeguarded.
- there would be significant additional planting including a copse.
- the living conditions of neighbouring residents would be safeguarded.
- introduction of a 30mph speed restriction to the benefit of all residents.

- the application represented sustainable development that was not only consistent with the illustrative material that accompanied the outline permission but also the policies of the Development Plan and fulfilled the economic, environmental and social roles identified in the National Planning Policy Framework.

The Committee then gave consideration to the application.

Members asked for clarity with regard to the use of a package treatment plant instead of a direct connection to the main sewer. They asked about the maintenance of the attenuation chamber and the size of the chamber.

In response the Planning Officer clarified that the applicant had opted for the package treatment plant before discharging into the existing surface water network to minimise the potential disruption to residents and companies due to road closure during any potential connection. She added that the road would have to be completely closed to meet health and safety requirements as the sewer connection was in the middle of the road. She explained that United Utilities had no objections to this method. In respect of the proposed method for the disposal of surface water, the Lead Local Flood Authority had not raised any objections to the surface water scheme; however, she agreed that a condition ensuring the maintenance of the attenuation chamber could be added.

In response to a further question the Planning Officer confirmed that the hours of working on the development were subject to a condition added to the application.

A Member moved the Officer's recommendation, which was seconded, and following voting (in which Councillor Bloxham abstained from voting) it was:

RESOLVED: 1) That a condition be added to the application which required a maintenance scheme for the attenuation chamber which included regular inspections at intervals of no longer than six months.

2) That Authority to Issue be given to the Corporate Director of Economic Development to approve the application subject to the expiration of the consultation period, with no new issues being raised not already within the report.

*The meeting adjourned for lunch at 12.45pm and reconvened at 1.30pm*

**10) Erection of two storey side and single storey rear extension to provide office, utility, WC and kitchen on ground floor with 1no. bedroom and bathroom above, 8 Knowe Park Avenue, Carlisle, CA3 9EJ (Application 18/0396).**

The Planning Officer submitted the report on the application

Slides were displayed on screen showing the existing block plan, floor plans and elevations along with the proposed floor plans, elevations and block 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.

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

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

**11) Erection of 5no. Dwellings (Reserved Matters application Pursuant to Outline Approval 15/0082, Land to the rear of Highfield, North End, Burgh by Sands, Carlisle, CA5 6BD (Application 18/0296).**

The Planning Officer submitted the report on the application. She clarified that the application sought full planning permission for the erection of 5 dwellings, not a reserved matters application as stated within description of the proposal within the report.

Slides were displayed on screen showing the location plan, a larger version of the drawing; 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 imposition of conditions detailed in the report.

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

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

**DC.76/18 STANDING ORDERS**

During consideration of the above item it was noted that the meeting had been in progress for 3 hours and it was moved, seconded and **RESOLVED** that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

**DC.77/18 CONTROL OF DEVELOPMENT AND ADVERTISING**

**12) Change of Use from 19no. sheltered housing units to 2no. flats and 7no. houses; demolition of single storey rear offshoot; window and door replacements; external alterations to provide 5no. new entrance points and re-rendering of elevations; provision of private gardens to the rear and 8no. additional car parking spaces and no. bin stores to the front, Barras House, Barras Close, Dalston, CA5 7NT (Application 18/0421).**

The Planning Officer submitted the report on the application.

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

The Planning Officer reported that since the preparation of the report further correspondence had been received from Dalston Parish Council regarding the affordable housing statement submitted. In summary the Parish Council:

- pointed out that the statement only referred to one of the local criteria being met for affordable housing allocation and it should say two;
- the Parish Council wanted to be informed when a property became available not just when it was available to be advertised on the Cumbria Choice system.

The affordable housing statement had therefore been updated to reflect the two points.

The Parish Council also raised concern regarding references to disposal of the units in the affordable housing statement and they maintained that the affordable housing should be ensured by a S106 agreement rather than by condition. The City Council had advised the Parish that references to disposal in the affordable housing statement would also appear in a S106 as this was standard wording. The properties would remain affordable subject to the tenant having any statutory right to purchase the property. The applicant had confirmed that Dalston Parish was exempt from the Right to Acquire scheme (which allowed Housing Association tenants to buy their homes) as it was a designated protected area, due to its rural status.

The Right to Buy scheme was currently only applicable to those Riverside tenants who were Council tenants at the point of the stock transfer in December 2002, who have a 'Preserved Right to Buy'. Since the scheme would also be subject to a local connection criteria, only a very limited number of tenants may still have the Preserved Right to Buy. The Council's Housing Development Officer had also confirmed that Dalston Parish was a designated protected area in respect of shared ownership properties which was unlikely to be an issue on this application as the units were all intended for affordable rents.

Regarding the requested S.106 agreement it was important to note that the scheme would provide 100% affordable social rented properties by a registered housing provider and standard practice by the Council for 100% affordable schemes through registered providers of affordable housing was to secure this by way of condition to ensure that the properties operated in accordance with an affordable housing statement. There was no requirement for a S106 as there were no other planning obligations and the condition proposed was enforceable.

A further objection had also been received from an occupier of a property on Nine Rigg. In summary the objector believed that that some of the land that Barras House was constructed on belonged to the Jackson Estate and was only constructed on the understanding that they could only be used for accommodation for the elderly. The top end of Nine Rigg had serious parking problems from the schools and any increase in vehicles from nearby streets would cause more problems. Carlisle desperately needed accommodation for the elderly and the development should not be approved.

Ms Byers (on behalf of Dalston Parish Council) addressed the Committee on the following terms:

- the Parish Council was not against the proposal to convert Barras House into individual affordable rented accommodation for the benefit of parishioners and their families in perpetuity.
- there were major concerns by local residents regarding the parking arrangements, and solutions had been suggested.
- Policy DNP – H3 of the Dalston Parish Neighbourhood Plan, which concerned tenure and who it was offered to, was being relaxed by not having a S.106 agreement.
- to meet the requirements of parishioners the affordable, rented accommodation, would remain a parish asset in perpetuity.
- the only way to protect the development in perpetuity was to insist on a S.106 agreement as specified as a 'must' in the Dalston Parish Neighbourhood Plan, Policy DNP-H3.
- disappointment that the first contentious issue to challenge a policy in the Dalston Parish Neighbourhood Plan had been made by Carlisle City Council Planning Department who had given considerable assistance to the making of the Plan and helped draft the policies.
- they respectfully suggested that the application was deferred until the parking issues were resolved to the satisfaction of the adjacent residents and a S.106 agreement was tendered

Councillor Allison (Ward Member) addressed the Committee on the following terms:

- there was regret that the application was not for a sheltered accommodation.

- the building would not fall into a state of dereliction, with vandalism and antisocial behaviour as in the last two years.
- written suggestions had been sent to Riverside on aspects of the application
  - Security in perpetuity of their affordable status and potential for disposal through a S.106 agreement, he had been assured that the conditions for approval gave the same level of security as a formal S.106 agreement.
- he was content regarding the status of the units in relation to Right to Buy and Right to Acquire
- the reduction in the units despite Riverside having gave an assurance that any previous tenants would be offered accommodation in the new building, presumably on similar terms as before.
- rent levels and facilities appropriate for the elderly.
- suggestion to 'build for life'
- issues with overlooking other properties
- parking was a very contentious issue and the number of spaces needed to be increased

Councillor Allison supported the application but asked that it be deferred to allow for a site visit so that the Committee was better able to assess what was needed.

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

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

### **13) Replacement of windows (LBC), 40 Scotland Road, CA3 9DF (Application 18/0355).**

The Planning Officer submitted the report on the application

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

The Planning Officer reported that the application sought listed building consent for the replacement of timber windows and doors with a combination of timber double glazed windows/PVC-u windows and doors together with some secondary double glazing. Since the preparation of the report discussions had been ongoing with the applicant to resolve the Council's objections in respect of the use of timber double glazed windows to the front elevation. The applicant had been unable to provide the required sectional drawings in time for the meeting, however, they were willing to accept a condition if the timber slim line double glazed windows were approved.

The use of PVC-u windows and doors in the remainder of the property remained unacceptable. The applicant had provided a number of references, which had been included in the supplementary papers, which the Council remained of the opinion that they were exceptions as each application was considered on its own merits and officers were consistent in the advice they gave in respect of replacement windows and doors in all listed buildings.

The Planning Officer recommended a split decision to approve the use of timber slim-line double glazed sliding sash windows on the front elevation subject to the imposition of a condition which required the submission of section of the windows. The use of PVC-u windows and doors to be refused.

Mr Hutchinson read out a statement on behalf of Mrs Richardson (applicant). The statement covered the following points:



- photographs of the damaged existing timber framed windows were displayed, alongside photos of black mould and condensation that had occurred in the house due to the lack of ventilation which affected the family, especially Mrs Richardson's child.
- the application had been carefully considered prior to its submission.
- examples of approved decisions, appeal decisions and five examples of where Listed Building Consent had been given for the use of heritage style UPVC windows in Carlisle recently had been circulated to Members.
- Heritage Rehau style UPVC windows had also been extensively approved throughout the City's Conservation areas.
- the proposal involved the use of hand-made double glazed timber windows on the front, to match the existing design and those already approved in the neighbouring house.
- matching heritage UPVC window frames and doors on the back, which is not overlooked or visible from any public vantage point. This approach recognised the significance of the listed building when viewed from Scotland Road.
- the wooden frames of the existing windows and doors were rotten so any historic fabric had already been lost.
- the proposal would safeguard the historic fabric of the remainder of the house which was at risk and this was confirmed by a joiner's report.
- the applicants were a young family who wanted to invest in their house to make it fit and healthy.
- similar applications had been approved in the City, in the District and at a national level.
- it would enhance the appearance of the building and the terrace on a main route into the City; give rise to significant health and wellbeing benefits and enable the house to become a home.

The Committee then gave consideration to the application.

In response to Members questions the Planning Officer clarified the following:

- Composite and UPVC were similar products;
- Heritage Rehau was a style of UPVC;
- The applicants were required to submit a drawing of the sections of the windows to ensure that the frames of the windows were slim-line; however, those sections had not yet been received and this was the reason for the split decision
- UPVC in listed buildings had not been acceptable. The details provided to Members of other applications had all been timber double glazed with the exception of one listing that occurred with UPVC in place or UPVC was not in the main body of the property. Other examples of UPVC in listed properties had been already been or were due to be replaced with timber.
- There was case law for and against UPVC in heritage assets, however the guidance which had been approved by Members stated that it was unacceptable;
- The applicants had potentially asked for UPVC as it was cheaper, was easier to maintain and lasted longer

A Member moved the Officer's recommendation for a split decision, which was seconded, and it was:

RESOLVED: 1. That the use of wooden double-glazed windows be approved to the front of the property subject to the imposition of a condition requiring the submission of section of the windows;

2) That the use of composite windows and doors to the rear of the property be refused.

**14) Change of Use of property from residential institution (Class C2) to large Houses of Multiple Occupation (HMOs) (Sui Generis) (Revised Application), Carrenmore, 2018 Warwick Road, Carlisle, CA1 1LH (Application 18/0358).**

The Planning Officer submitted the report on the application

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

The Planning Officer reported that there would not be an increase in the number of occupants of the property and as such, it was considered that the proposal would not lead to an intensification of use of the property. Several neighbours had commented and the issues raised included noise, insufficient parking and additional issues with the drainage system. All of the issues had been considered during the assessment of the application and had been addressed in the report.

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

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

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

**15) Conversion of existing building to provide 12no. 1 bedroomed apartments; installation of 2no. dormers to side of roof. 2 Silloth Street, Carlisle, CA2 5UR (Application 18/0300).**

The Planning Officer submitted the report on the application.

Slides were displayed on screen showing the existing floor plans, the proposed floor plans and elevations and a 3D image of the proposed development; 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 imposition of conditions detailed in the report.

The Committee then gave consideration to the application. The Committee asked for condition 7 to be amended to afford protection to the neighbouring property during the construction stage.

A Member moved the Officer's recommendation which the change to condition 7, which was seconded, and it was:

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

[The meeting closed at 2.27pm]

# **Development Control Committee Main Schedule**

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

24<sup>th</sup> August 2018

## The Schedule of Applications

This schedule is set out in five parts:

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

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

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

- Consultee responses and representations to each application;  
<http://publicaccess.carlisle.gov.uk/online-applications/>
- Cumbria Landscape Character Guidance and Toolkit  
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)  
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981  
<http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010  
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)  
[http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)
- Equality Act 2010  
[http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)
- Manual For Streets 2007  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/341513/pdfmanforstreets.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf)

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

18/0359 - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

18/0192 - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

The officer recommendations made in respect of applications included in the Schedule are intended to focus debate and discussions on the planning issues engendered and to guide Members to a decision based on the relevant planning considerations. The recommendations should not therefore be interpreted as an

intention to restrict the Committee's discretion to attach greater weight to any planning issue when formulating their decision or observations on a proposal.

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

This Schedule of Applications contains reports produced by the Department up to the 10/08/2018 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 24/08/2018.

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

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Applications Entered on Development Control Committee Schedule

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Item No. No.	Application Number/ Schedule	Location	Case Officer
01.	<u>18/0421</u> A	Barras House, Barras Close, Dalston, Carlisle CA5 7NT	<u>SO</u>
02.	<u>18/0359</u> A	Unit 11, Old Brewery Yard, Craw Hall, Brampton, CA8 1TR	<u>RJM</u>
03.	<u>18/0506</u> A	Land to the rear of 46 Broomfallen Road, Scotby, Carlisle, CA4 8DE	<u>BP</u>
04.	<u>18/0361</u> A	Land adjacent to Hawklemass, Irthington, Carlisle, CA6 4NN	<u>CH</u>
05.	<u>18/0497</u> A	Mount Pleasant, Heads Nook, Brampton, CA8 9EH	<u>SO</u>
06.	<u>18/0192</u> A	Land adj Fir Ends School, Skitby Road, Smithfield, Carlisle, CA6 6DL	<u>CH</u>
07.	<u>18/9003</u> B	Land to rear of The Courts, Bush Brow, Carlisle, CA3 8NA	<u>CH</u>

SCHEDULE A

SCHEDULE A



## SCHEDULE A: Applications with Recommendation

18/0421

Item No: 01

Date of Committee: 24/08/2018

**Appn Ref No:**  
18/0421

**Applicant:**  
Riverside

**Parish:**  
Dalston

**Agent:**  
Storm Tempest

**Ward:**  
Dalston

**Location:** Barras House, Barras Close, Dalston, Carlisle CA5 7NT

**Proposal:** Change Of Use From 19no. Sheltered Housing Units To 2no. Flats And 7no. Houses; Demolition Of Single Storey Rear Offshoot; Window And Door Replacements; External Alterations To Provide 5no. New Entrance Points And Re-Rendering Of Elevations; Provision Of Private Gardens To The Rear And 8no. Additional Car Parking Spaces And 8no. Bin Stores To The Front

**Date of Receipt:**  
15/05/2018

**Statutory Expiry Date**  
10/07/2018

**26 Week Determination**  
24/08/2018

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### REPORT

**Case Officer:** Suzanne Osborne

Members will recall that since writing the planning committee report further correspondence was received from Dalston Parish Council regarding the affordable housing statement submitted and the Case Officer provided a verbal update on this in the last committee meeting on the 20th July 2018. In summary the Parish Council pointed out that the statement only referred to one of the local criteria being met for affordable housing allocation and it should say two and the Parish wanted to be informed when a property becomes available not just when it is available to be advertised on the Cumbria Choice system. The affordable housing statement was therefore updated to reflect these two points.

The Parish Council also raised concern regarding references to disposal of the units in the affordable housing statement and maintained that the affordable housing should be ensured by a S106 agreement rather than by condition. The City Council advised the Parish that references to disposal in the affordable housing statement would also appear in a S106 as this is standard wording. The properties would remain affordable subject to the tenant having any statutory right to-purchase the property. The applicant confirmed that Dalston Parish is exempt from the Right to Acquire scheme (which allows Housing Association tenants to buy their homes) as it is a designated protected area, due to its rural status. The Right to Buy scheme is

currently only applicable to those Riverside tenants who were Council tenants at the point of the stock transfer in December 2002, who have a 'Preserved Right to Buy'. Since the scheme would also be subject to a local connection criteria, only a very limited number of tenants might still have the Preserved Right to Buy. The Council's Housing Development Officer has also confirmed that Dalston Parish is a designated protected area in respect of shared ownership properties (meaning shared owners can only purchase a maximum of 80% of the property); although this is unlikely to be an issue on this application as the units are all intended for affordable rental.

In terms of Dalston Parish Councils point that the affordable housing on site should be dealt with via s106 opposed to a condition Members will recall that the scheme is providing 100% affordable social rented properties by a registered housing provider and standard practice by the Council for 100% affordable schemes through registered providers of affordable housing is to secure this by way of condition to ensure that the properties operate in accordance with an affordable housing statement. There is no requirement for a S106 as there are no other planning obligations and the condition proposed is enforceable.

A further objection was also received from an occupier of a property on Nine Rigg since writing the report. In summary the objector believes that some of the land that Barras House is constructed on belongs to the Jackson Estate and was on constructed on the understanding that they could only be used for accommodation for the elderly. The top end of Nine Rigg has serious parking problems from the schools and any increase in vehicles from nearby streets will cause more problems. Carlisle desperately needs accommodation for the elderly and the development should not be approved.

Members resolved to defer consideration of the proposal at the meeting of the Development Control Committee on the 20th July 2018 in order to undertake a site visit.

Since the application was deferred an additional parking plan has been submitted by the applicant which illustrates the provision of a further three parking bays on the southern side of Barras Close in front of the three storey block of flats. The Highway Authority has been consulted on this plan and has raised an objection to the 3 additional parking bays as they are close to the road junction and would therefore have a detrimental impact on highway safety. At the time of preparing this report no additional representations from any other consultees or neighbours have been received in relation to the additional parking plan.

As the Highway Authority has objected to the suggested three additional parking bays the applicant has decided to omit this plan from the proposal and proceed on the basis of the plans presented to Members at the meeting on the 20th July 2018 which was (and still is) acceptable to Highways as outlined in paragraphs 6.31-6.36 of this report.

There is nothing further to add to the report and the application is still recommended for approval.

## **1. Recommendation**

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

## **2. Main Issues**

- 2.1 The principle of development;
- 2.2 Tenure of housing to be provided;
- 2.3 Whether the scale and design of the proposed alterations are acceptable and impact upon the existing street scene;
- 2.4 Impact upon the living conditions of neighbouring properties;
- 2.5 Impact upon highway safety;
- 2.6 Drainage;
- 2.7 Impact upon biodiversity and trees;
- 2.8 Access;
- 2.9 Crime prevention;
- 2.10 Other matters.

## **3. Application Details**

### **The Site**

- 3.1 Barras House is a large two storey former sheltered housing unit situated at the top of the turning circle at Barras Close in Dalston. The property (which currently comprises 19no. 1 bedroom flats and communal areas) is constructed from brick/rendered walls under a tiled roof. The surroundings are wholly residential with single storey properties located in a staggered formation either side of the turning circle to Barras Close as well as single storey detached bungalows to the rear of the site at Yetlands.
- 3.2 The property has a secure garden area to the rear of the site as well as shared amenity space either side. A parking space for disabled persons is located towards the front of the property as well as 10 parking spaces in the middle of the turning circle. On the opposite side of the turning circle there is a three storey block of flats also within the ownership of the applicant.
- 3.3 The property has been vacant since the 27th November 2015 and at the time of the Officer site visit a number of the windows in the property had been boarded up.

## **The Proposal**

- 3.4 The application seeks full planning permission for the change of use of the property from 19no.sheltered housing units to 2no.flats and 7no.houses; demolition of an existing single storey rear off-shoot; window and door replacements; external alterations to provide 5no.entrance points; re-rendering of elevations; provision of private gardens to the rear; 7 no. additional car parking spaces (one of which will be for disabled persons) and 9no. bin stores to the front of the property.
- 3.5 The submitted plans illustrate that the proposed flats will be located on the south-western side of the building (one at ground floor and the other at first floor level) and will have 1no. bedroom, shower room, kitchen/lounge. The dwelling houses will occupy the remainder of the building and will comprise 5no. 2 bedroom properties and 2no.3 bedroom properties. Each property will have a kitchen and lounge to the ground floor with bedrooms and a bathroom to the first floor. Every unit will be accessed via new doors on the front elevation and will have private amenity space to the rear of the site consisting of a gravel and flagged area. The open areas either side of the building will be retained as designated amenity space which will be maintained and owned by the applicant (Riverside).
- 3.6 Timber canopies are proposed for each new entrance door on the front elevation of the building which will house individual bin stores. The submitted plans illustrate that existing openings will be utilised however new uPVC windows and composite entrance doors will be installed.
- 3.7 6 no. additional car parking bays are proposed to the front of the site (one of which will replace an existing parking space for disabled persons) as well as two additional car parking bays (one of which will be allocated for disabled persons) next to the existing car parking area in the middle of the turning circle. The parking bays will be constructed from permeable paving and in order to provide the car parking area 3no.mature trees will be removed.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 33 neighbouring properties. During the consultation period 10 objections and 1 comment have been received. A representation has also been made from the Ward Councillor (Cllr Trevor Allison).
- 4.2 The letters of objection are summarised as follows:
1. Inadequate parking provision for Barras House and existing properties;
  2. Highway safety concerns from lack of parking facilities;
  3. Existing disabled parking space will be removed will another one be provided?

4. Allegations about who can use and who is using existing disabled parking bay;
5. Allegations that existing parking spaces are also used by non residents;
6. Is space left for wheelchair ramps in front of houses if required?
7. Loss of trees and impact upon biodiversity and character of the area;
8. Additional noise and traffic from conversion to family sized homes;
9. Suggestions as to how parking spaces within the area could be improved;
10. In favour of tree removal due to vehicle damage from tree sap and bird fouling;
11. Queries regarding construction traffic, storage of materials etc;
12. Housing Needs survey confirms that accommodation for the elderly is an important need in the Parish;
13. Dalston Parish Plan removes the possibility of replacing accommodation for the elderly;
14. Barras House was a vibrant hub for the elderly of the parish;
15. Application does not contribute to what was lost;
16. Under the impression that Barras House was sheltered accommodation predominantly for the elderly;
17. Loss of privacy from upstairs flat;
18. Concerns regarding change of occupants of the building and losses of privacy;
19. Concerns regarding anti-social behaviour from the designated amenity space;
20. There are parking issues in and around Barras Close especially at school drop off and pick up times;
21. Redevelopment would preclude the use by the elderly and change the ambiance of the area;
22. Proposal would reduce elderly accommodation rather than increase it;
23. Barras House has become an eyesore and target for vandals so it is in best interest for area to be demolished/renovated however too many properties are being squeezed into a small space;
24. Parking area to the rear of the three storey flats is not designated for flats 13-23 and residents have never parked there.
25. Area to rear of flats is occupied by six garages rented to different occupiers and access to them cannot be blocked.

#### 4.3 The comment received is summarised as follows:

1. There are no designated parking areas at the back of Smithfield it is access to rear entrances of houses and 4no. garages owned by Riverside;
2. Car Park in Barras Close was a piece of green 30 years ago and was made into a car park for residents of the flats, staff and visitors of Barras House;
3. Bungalows were built for elderly people who had no cars but are now let to younger people which has created the parking problem;
4. Car Park on Barras Close is a public car park opposed to a private car park.

#### 4.4 The representation from the Ward Councillor is summarised as follows:

1. Riverside gave an understanding to previous tenants that they could return to the refurbished accommodation;
2. An important aspect in the neighbourhood plan is that locals or those with a recognised attachment to the parish/village would be given first option;
3. The rear of Barras House overlooks properties at Yetlands at a distance of approximately 14 metres;
4. Support refurbishment of Barras House subject to issues/concerns raised by residents being addressed;
5. Provision of only two flats for the elderly is disappointing;
6. Number of units for over 55s should be increased and units should incorporate lifetime features;
7. Elderly should not be excluded on affordable grounds,
8. Should be a flexible letting policy;
9. Inadequate car parking provision;
10. Parish Councils suggestion of solving parking issues by demolishing a property would require a 3 metre access lane which maybe unacceptable to neighbouring properties and would reduce the net number of flats;
11. It would be unreasonable to limit parking at Smithfield to accommodate the Barras House project.
12. Have suggested an 8 additional car parking spaces to Riverside for consideration making 16 in total which would be adequate for the development;
13. Parking spaces to adoptable standards is expensive. Might be scope for similar parking schemes such as those off Stockwell Road;
14. Concern from objectors regarding loss of tranquility and privacy from property changing from sheltered units to single occupancy ;
15. Assumed given concerns that site visit will be made prior to the committee meeting;
16. Wish to request the right to speak

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection subject to the imposition of two conditions regarding details of vehicle crossings over the highway and restricting use of site prior to access and car parking areas being constructed. Advice received regarding permits for works within the highway;

**Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention):** - no objection advice received regarding crime prevention;

**Dalston Parish Council:** - serious concerns regarding lack of additional car parking spaces being provided as part of the proposed change from elderly persons flats (many of whose occupants did not have motor cars) to a 2/3 bedroomed housing development where every property is likely to have a car and some perhaps two.

With this in mind one suggestion which the Parish Council would like considered is concerning the large amenity space at the right hand/east side of the building. If Number 20 Barras Close was demolished vehicular access

to that space would be possible and the area could be made into a designated car park for the residents of Barras House meaning that the pressure on the existing parking in Barras Close from the occupants of the development would be substantially reduced.

The Parish Council also noted that the occupants of the six flats opposite Barras House tended to park in front of the flats rather than using the car parking area to the rear of the property which has been provided specifically for these flats. It was suggested that these flats and Barras House were in the same ownership so it should be possible for some action to be taken to ensure that better use was made of the parking area behind the flats and thereby help with the overall parking in the Barras Close area.

The PC would also like residents of the village where possible to have priority when the finished properties become available to rent. Some involvement with the PC regarding this at the time would be greatly appreciated;

**Northern Gas Networks:** - no objection, standing advice received regarding apparatus that maybe within the area;

**Local Environment, Waste Services:** - no objection.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP1, SP2, SP6, H02, H04, IP3, IP4, IP5, IP6, CC5, CM4, CM5, GI3 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. Other material planning considerations are the Dalston Parish Neighbourhood Plan (DPNP) 2015-2030, and, the Council's Supplementary Planning Documents on Achieving Well Designed Housing (AWDH), Carlisle Affordable and Specialist Housing (CAASH), Designing Out Crime (DOC) and Trees and Development (TAD).
- 6.3 The proposal raises the following planning issues:

#### **1. The Principle Of Development**

- 6.4 Paragraph 14 of the NPPF outlines that "at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". For decision taking this means approving development proposals that accord with the development plan without delay.

- 6.5 In accordance with the NPPF it is therefore necessary for the principle of residential development to be considered in the context of the presumption in favour of sustainable development unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.
- 6.6 Policy H02 "Windfall Housing Development" allows for windfall housing development within or on the edge of villages within the rural area providing that 1) the scale and design of the development is appropriate to the scale, form, function and character of the existing settlement, 2) the development will enhance/maintain the vitality of the rural community, 3) on the edge of settlements the site is well contained within existing landscape features, is physically connected and integrates with the settlement and does not lead to an unacceptable intrusion into open countryside, 3) in the rural area there are services in the village where housing is proposed or there is good access to one or more other villages with services and 4) the proposal is compatible with adjacent land users.
- 6.7 One of the strategic objectives of the Dalston Parish Neighbourhood Plan is to ensure that new housing development in Dalston Village is built within the Defined Development Boundary (DDB) and is both proportionate and appropriate for the village. Policy DNP-SP1 (Sustainable Development) supports the conversion of redundant buildings to a range of appropriate uses including housing, and, Policy DNP-H1 (Dalston Village Defined Development Boundary) confirms that within Dalston Village new housing within the proposed Defined Development Boundary (DDB) will be supported.
- 6.8 When assessing the application against the foregoing policies it is acknowledged that the application relates to Barras House, a large two storey property situated within Dalston village which currently comprises 19 self-contained flats with shared gardens and communal areas including a lounge, laundry and kitchen on the ground floor. The building was formally used as a sheltered housing scheme however the building has been vacant since November 2015.
- 6.9 The proposal seeks to refurbish and remodel the existing building to create 2 self contained general needs flats and 7no. general needs houses (all social rented) with private garden areas to the rear.
- 6.10 Dalston is identified as a District Centre in the CDLP due to its high number of services and Barras House is situated within the Defined Development Boundary for the village. The site is therefore deemed a sustainable location for housing development and the proposal would therefore help to support the existing services provided within Dalston village. The principle of the development is therefore acceptable.

## **2. Tenure Of Housing To Be Provided**

- 6.11 Concerns have been raised during the consultation period that the proposal is to be used for general needs social housing as opposed to sheltered housing



for the elderly however the available planning records indicate that there was no planning conditions imposed on previous permissions for this site restricting the use of the building as a sheltered housing scheme for over 55s only. In such circumstances the building, as it currently stands, could be occupied by any persons including a different range of tenures. It would therefore be unreasonable to refuse the application on the basis of the proposed tenure or type of occupants.

- 6.12 The Council's Housing Officer has been consulted on the application and has confirmed that the SHMA (Strategic Housing Market Assessment) from September 2014 identifies the need for 26 new affordable units per annum in Carlisle Rural West Housing Market Area 70% of this need being for social or affordable rented dwellings. The conversion will deliver 100% social/affordable rented housing and would therefore be meeting an identified need. The mix of the 9 unit development would also be meeting the housing requirements of a range of households including families as the SHMA identified that 70% of the housing need was for 1-2 bed units and 30% for 3/3+ units. The mix of 2no.1 bed apartments, 5no.2 bed houses and 2no.3 bed houses would therefore meet the needs by property size identified in the SHMA. Accordingly the Housing Officer has raised no objections to the proposal.
- 6.13 It is appreciated that Policy DNP - H3 (Affordable Homes for Local People) of the Dalston Parish Neighbourhood Plan (DPNP) seeks to ensure that all affordable housing is legally bound through a Section 106 Agreement to offer affordable housing to people with a strong local connection to the Neighbourhood Plan area for a period of not less than one calendar month from the date at which it becomes available for occupation, before extending the offer to people from outside the plan area. When affordable housing becomes available the registered provider must inform the Dalston Parish Council so that it can be advertised locally.
- 6.14 An Affordable Housing Statement has been provided by the applicant which confirms that the scheme will be delivering 100% affordable housing by a Registered Housing Provider of affordable housing through the conversion of an existing social housing scheme that will provide affordable homes for local people in accordance with the criteria of Policy H3 of the DPNP. Although Policy H3 of the DPNP suggests that affordable housing should be legally bound through a Section 106 it is however considered in this instance (where a scheme is for 100% affordable housing by a Registered Provider of Affordable Housing) that the imposition of an appropriately worded planning condition would achieve the same aims. The Council's Housing Officer is happy with this approach and a relevant condition has therefore been included within the Draft Decision Notice.

### **3. Whether The Scale And Design Of The Proposed Alterations Are Acceptable And Impact Upon The Existing Street Scene**

- 6.15 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making

places better for people. The NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF also indicates that planning decisions should not attempt to impose architectural styles or particular tastes. It is however proper to promote or reinforce local distinctiveness.

- 6.16 The relevant design policies of the CDLP seek to ensure that proposals respond to the local context in terms of height, scale and massing and by using appropriate materials and detailing. Local landscape character should be respected and development should be fully integrated into its surroundings.
- 6.17 Policy DNP-SP1 (Sustainable Development) of the DPNP states that all new building and conversions must be constructed to a quality of design and of materials which are sympathetic to the character of the surrounding environment. Policy DNP-H4 (Design of New Housing) of the DPNP confirms that new development proposals must be of a high quality design and preserve or enhance local distinctiveness. Proposals should 1) demonstrate any loss or reduction of spaces between buildings will not have a significant adverse effect on streetscape or the character of the settlement as a whole; 2) demonstrate views towards the fells are not significantly adversely affected; 3) reflect the height, scale, massing and density of surrounding buildings; and 4) not result in light spillage beyond the site boundaries.
- 6.18 The proposal seeks a number of external alterations to accommodate the new internal layout to create 2no. flats and 7no.dwellings. The external alterations include the demolition of a single storey off-shoot to the rear elevation, removal of all external stores, rendering over some of the existing exposed brick work and re-rendering over all existing render (comprising a range of different colours), removal of an accessible parking bay and creation of 6 parking bays to the front of the building, creation of two additional bays in the car park (one of which will be for disabled persons), new entrance doors to the front and back of the building, blocking up of existing entrance doors, all windows to be replaced with new uPVC windows, and, the inclusion of private rear gardens.
- 6.19 Barras House was built in the 1970s and is of its time. The proposed physical alterations to the building, although more contemporary, would be sympathetic to the design of the existing building and would improve its visual appearance within the existing street scene. Barras House is prominently located at the top of the turning circle on Barras Close and it is considered that the proposed alterations would improve the focal point of the building including the character/appearance of the surrounding area.
- 6.20 The housing scheme is well laid out with some of the dwellings overlooking one another thereby creating a degree of natural surveillance. The distinction between public and private spaces are clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring.
- 6.21 The dwellings will have private amenity spaces which are comparable to the size of the units that they serve, thereby ensuring that the development does

not appear cramped or overdeveloped. The communal gardens to the sides of the property will be retained which would provide sufficient amenity space for existing and proposed residents.

- 6.22 Bin stores will be located to the front of each property underneath the proposed door canopies which are acceptable to the City Councils Waste Services team. The alterations to the existing car parking facilities are acceptable in terms of design as they correspond with the existing layout of the estate. The impact upon existing highway conditions and trees/landscaping are however discussed in paragraphs 6.31-6.36 and 6.39-6.43.
- 6.23 In overall terms the proposed conversion will complement the vernacular of surrounding properties and will bring a vacant building back into use which will be a visual improvement to the surrounding area. The scale and design is therefore acceptable.

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

- 6.24 Policy SP6 (Securing Good Design) of the CDLP seeks to ensure that development proposals should have no adverse effect on the residential amenity of existing areas or adjacent land uses, or result in unacceptable conditions for future users and occupiers of the development. Policy H02 (Windfall housing Developments) of the CDLP also confirms that proposals should be compatible with adjacent land users.
- 6.25 The City Council's Achieving Well Designed Housing SPD also outlines in paragraph 5.40 that the respect for personal privacy is essential in determining the layout of new housing. Protection of privacy relates to views to and from the street, to outdoor space and views between rooms within separate dwellings. Consideration should be given to the relationship between existing neighbouring uses and any new development as well as within the development site. The topography of a site can play an important part of helping to avoid the perceived intrusion of private space. Whilst paragraph 5.44 highlights that in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window).
- 6.26 The proposed alterations to the front (east elevation) and side (north-east and south-west) elevations of the building make use of existing openings in such circumstances it is not considered that the proposal would cause any increased overlooking to any of the existing properties on Barras Close and to the south-west of the site over and above what currently exists.
- 6.27 The alterations to the rear elevation will also make use of existing openings within the building. Two existing first floor windows and a significant number of ground floor windows in the rear elevation are to be removed as part of the proposal. One additional first floor window is proposed however this will serve a stairwell which is not a habitable room. In such circumstances it is not considered that the occupants of the dwellings to the rear of the site would experience any additional overlooking over and above what currently exists.

- 6.28 As the proposal includes no new buildings (except the porch canopies on the front elevation) it is not considered that any of the occupants of the neighbouring properties would experience an adverse impact upon their living conditions in terms of loss of light or over dominance as a result of the proposal.
- 6.29 In relation to the above the existing properties surrounding the site will not experience an adverse impact upon their living conditions in terms of overlooking, loss of light or overlooking over and above that currently experienced.
- 6.30 It is recognised that the proposal would lead to increases in noise and disturbance from the site being reused however, when viewed in the context of the existing neighbouring uses and the nature of the proposed development, this is not considered to be of a scale or form that merits the refusal of permission. In order to protect the living conditions of existing residents during site works a condition regarding construction hours has been included.

## **5. Impact Upon Highway Safety**

- 6.31 A number of third parties have objected to the application on the grounds that the existing and proposed parking facilities are inadequate for the existing residents surrounding the site and occupiers of the proposed development.
- 6.32 The County Council Development Design Guide (adopted November 2017) suggests the following parking standards for housing developments: for 1 bedroom developments 1.5 parking spaces per unit, for 2 bedroom developments 2 spaces per unit, for 3/4 bedroom dwellings 2.5 spaces per unit, 1 visitor space for every 5 units and 1 disabled parking space for every 10 grouped units. These parking standards are however guidance and impacts of development should be assessed on a site by site basis in the context of the Development Plan, site specific considerations and other material considerations. Developments may prove acceptable without offering parking levels as indicated in the Development Design Guide, or prove unacceptable despite offering parking levels equal to or greater than those indicated, depending on the circumstances.
- 6.33 As previously stated earlier in this report there are currently 10 parking spaces located in the middle of the turning circle to Barras Close and one parking space for disabled persons to the front of Barras House. The car parking spaces are undesignated but appear to serve Barras House (which is currently unoccupied but comprises of 19 no.1 bedroom flats) and the 9 bungalows which surround the turning circle at Barras Close which have no incutillage parking. It is also been alleged that occupants of the three storey flats to the south-east of Barras Close also use the existing car parking area however it is appreciated that there is also an informal hard standing and garages to the rear of the three storey flats which are also within the ownership of the applicant.
- 6.34 The proposal will remove the existing disabled parking bay to the front of

Barras House and create 6 new parking spaces. An additional two parking bays will be constructed adjacent to the existing parking area in the middle of the turning circle one of which will be a disabled bay. The proposal would therefore create an increase of 7 additional parking spaces.

- 6.35 The relevant Highway Authority has been consulted on the development and has confirmed no objection to the proposal on the basis that the proposed dwellings would generate less parking demand than the existing 19no.1 bedroom flats and that the extra parking provision will be adequate. The Highway Authority has however requested the imposition of two conditions regarding a specification to be submitted to and approved by the Local Planning Authority of the vehicular crossing over the footway including the lowering of kerbs, and, that the use is not commenced until the access and parking requirements have been constructed.
- 6.36 Given that the proposal is providing a housing scheme that would generate less parking requirements than the existing 19no. 1.bedroom flats (which could be occupied by any persons), the creation of 7 additional car parking spaces, the location of the site within the middle of Dalston Village where there is access to a number of transport modes (including bus and rail) and that there is no objection from the statutory consultee it is not considered that the proposal would have a detrimental impact upon highway safety to warrant refusal of the application on these grounds. The level of parking provision and impact on the highway is therefore considered acceptable.

## **6. Drainage**

- 6.37 In order to protect against pollution, Policies IP6 and CC5 of the Local Plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The submitted documents highlight that foul and surface water would be disposed of via existing mains drainage.
- 6.38 United Utilities has not made any representations to the application during the consultation period therefore it is assumed that there are no objections to the application utilising the existing mains drainage system. The Lead Local Flood Authority has also raised no objections. In such circumstances the drainage methods proposed are acceptable.

## **7. Impact Upon Biodiversity And Trees**

- 6.39 The Council's GIS Layer indicates that the site has a range of species to be present within the area. Three existing trees (2 Birch and a Maple) will be removed to provide two additional parking bays within the middle of the turning area to Barras Close and a small amount of grassed area will be lost to the front of Barras House to create additional parking bays.
- 6.40 The trees which are to be removed have been identified in a tree survey as category A and B grading. These trees are not covered by a Tree Preservation Order however they do contribute to the visual amenity of the area. It is evident however that the canopies of the trees overhang the

existing car parking area and one objector has alleged that cars have been damaged from tree sap and bird fouling. The application seeks to retain an existing tree to the south-east of the car parking area and to compensate for the loss of the three trees the applicant has agreed to plant additional trees in the designated amenity space to the side of Barras House.

- 6.41 Although the removal of three of the trees adjacent to the existing car parking area and the loss of part of the grassed area to the front of Barras House will have an adverse impact upon the visual amenity of the area the benefits of additional car parking spaces in the area for existing residents and occupants of the proposed dwellings coupled with replacement tree planting would outweigh the loss.
- 6.42 The application is accompanied by a Bat Survey which considers that the building has a low suitability to support bat roosts and the habitats surrounding the site are of low to moderate suitability for bats roosting, foraging and commuting. No evidence of bat or bird nesting was found within the building however a number of mitigation and roost enhancement measures are proposed such as a precautionary method statement and installation of bats boxes on each gable end of the building.
- 6.43 Subject to the tree removal being undertaken outside of the Breeding Bird Season and the mitigation measures outlined in the Bat Survey being adhered to there should be no adverse impact upon any protected species or their habitat. Additional planting in the designated amenity space and installation of bat boxes would provide bio-diversity enhancement. Relevant conditions regarding a landscaping scheme and adherence to the mitigation measures proposed in the bat survey have therefore been included as well as an informative note regarding the applicants duties under the Wildlife and Countryside Act which includes no tree removal during the bird breeding season.

## **8. Access**

- 6.44 The proposal will provide 1no. parking space for use by disabled persons within Barras Close, albeit in a different position to the existing. The proposed housing is for general needs however the applicant has confirmed that design considerations have been made so that the building could be adapted at a later date if required. The property located on the right hand side of the block has space to fit a level access shower room/careers bedroom or a ground floor bedroom. Furthermore three of the staircases are of sufficient size to fit stair lifts if required. The Council's Access Officer has been consulted on the development and has raised no objections. In such circumstances there is no policy conflict.

## **9. Crime Prevention**

- 6.45 The proposal which will bring the site back into use would act as deterrent to vandalism. As discussed in paragraph 6.20 the dwellings are well laid out with some of them overlooking one another thereby creating a degree of natural surveillance. The distinction between public and private spaces are clearly

defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring. The Crime Prevention Officer (CPO) for Cumbria Constabulary has been consulted on the development and has provided advice regarding Crime Prevention which the applicants have acknowledged and included within their design. The development therefore complies with Policy CM4 of the CDLP.

## **10. Other Matters**

6.46 Dalston Parish Council has suggested that No.20 Barras Close is demolished to provide additional parking areas. The demolition of this property to create additional parking for residents would unbalance the design of the staggered properties situated round the turning circle. As stated in paragraphs 6.35-6.36 above the Highway Authority has no objection to the proposal and the parking provision proposed is acceptable therefore it is not considered necessary to demolish No.20 Barras Close or to provide additional parking on grassed areas as suggested by some objectors.

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

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

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

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

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

6.49 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

## **Conclusion**

6.50 On balance the principle of the conversion is acceptable as the site will bring an existing vacant building within a sustainable location back into use. The scale and design of the proposed alterations are appropriate to the site and will be a visual improvement to the surrounding area. The proposed development will not have a detrimental impact upon the living conditions of the occupiers of any residential properties nor will the proposal have an

adverse impact upon highway safety or biodiversity. Overall, the proposal is compliant with the objectives of the relevant Development Plan and Neighbourhood Plan Policies and approval is recommended.

## **7. Planning History**

- 7.1 The most recent and relevant planning history is as follows:
- 7.2 In 2016 an application was submitted seeking full planning permission for reconfiguration of building into 14no.self contained flats; replacement of windows and doors; installation of 5no.new entrance points and re-rendering of elevations; creation of private gardens; 7no.additional car parking spaces and erection of 2no.bin stores to front elevation (reference 16/0644). The application was however withdrawn prior to determination.
- 7.3 In 2010 full planning permission was granted for the construction of a disabled parking area (reference 10/1029);
- 7.4 In 2009 full planning permission was granted for change of use from wardens house to 2no.residential flats with support (reference 09/1100);
- 7.5 In 1990 full planning permission was granted for reduction of ADP unit from 25 flats to 16 self contained flats and 1no.wardens house with new boiler house and extended kitchen (reference 90/0973).

## **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 18th May 2018;
  2. the site location plan received 10th May 2018 (Drawing No.P07);
  3. the proposed block plan received 5th July 2018 (Drawing No.06 Rev A);
  4. the proposed ground floor plans received 10th May 2018 (Drawing No.P01);
  5. the proposed first floor plans received 19th June 2018 (Drawing No.02 Rev B);
  6. the proposed west (rear) and side (north) elevations received 10th May 2018 (Drawing No.P04);
  7. the proposed east (front) and side (south) elevations received 10th May 2018 (Drawing No.P03);
  8. the details of the proposed block paving received 10th May 2018 and



- email received 19th June 2018 confirming the colour;
9. the details of the proposed fencing received 19th June 2018 (Drawing No.12);
  10. the bat survey received 10th May 2018;
  11. the details of the bat boxes received 10th May 2018;
  12. the details of the flag paving received 4th July 2018;
  13. the affordable housing statement received 13th July 2018;
  14. the Notice of Decision; and
  15. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

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

4. The development shall be landscaped in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority which shall indicate the proposed types, species planting heights and planting densities of all trees and shrubs to be planted together with the heights and profiles of any proposed earth modelling. The scheme shall be implemented during the planting season following the completion of the development hereby approved and any trees or shrubs which die, become diseased or are lopped, topped, uprooted or wilfully destroyed within the following five years shall be replaced by appropriate nursery stock.

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

5. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use 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 provision when the development is brought into use. To support Local Transport Plan Policies LD5 and LD7.

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

**Reason:** To prevent disturbance to nearby occupants in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan

2015-2030.

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

Site investigations should follow the guidance in BS10175.

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

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

8. 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.

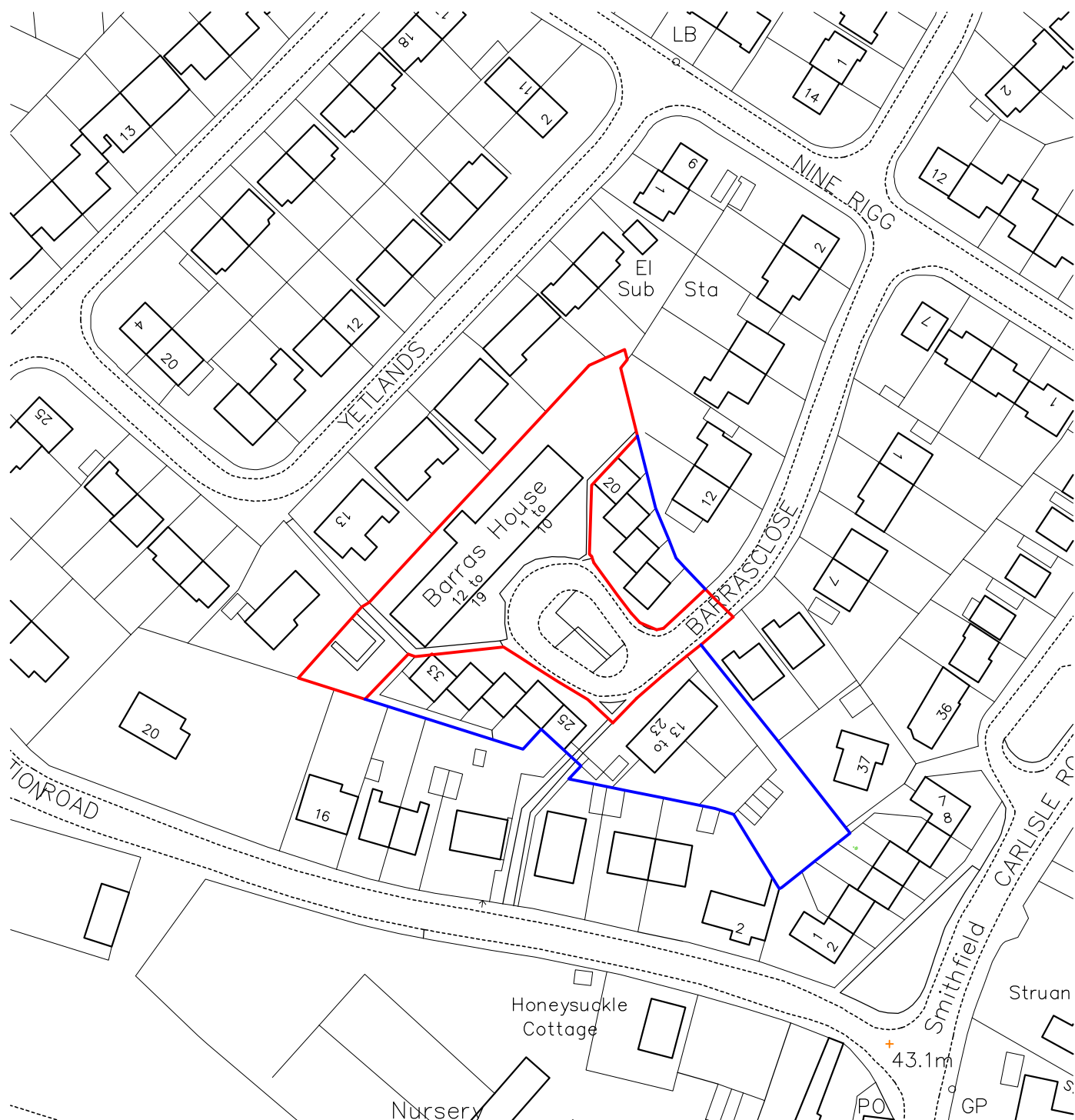
9. The development hereby approved shall be undertaken in accordance with the Mitigation Strategy outlined in Section H.2 of the Bat Survey produced by E3 Ecology received 10th May 2018.

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

10. The dwellings hereby approved shall be let in accordance with the details contained within the Affordable Housing Statement, produced by The Riverside Group Ltd and received 13th July 2018.

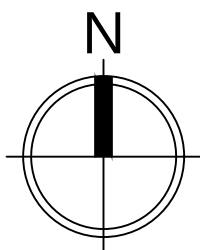
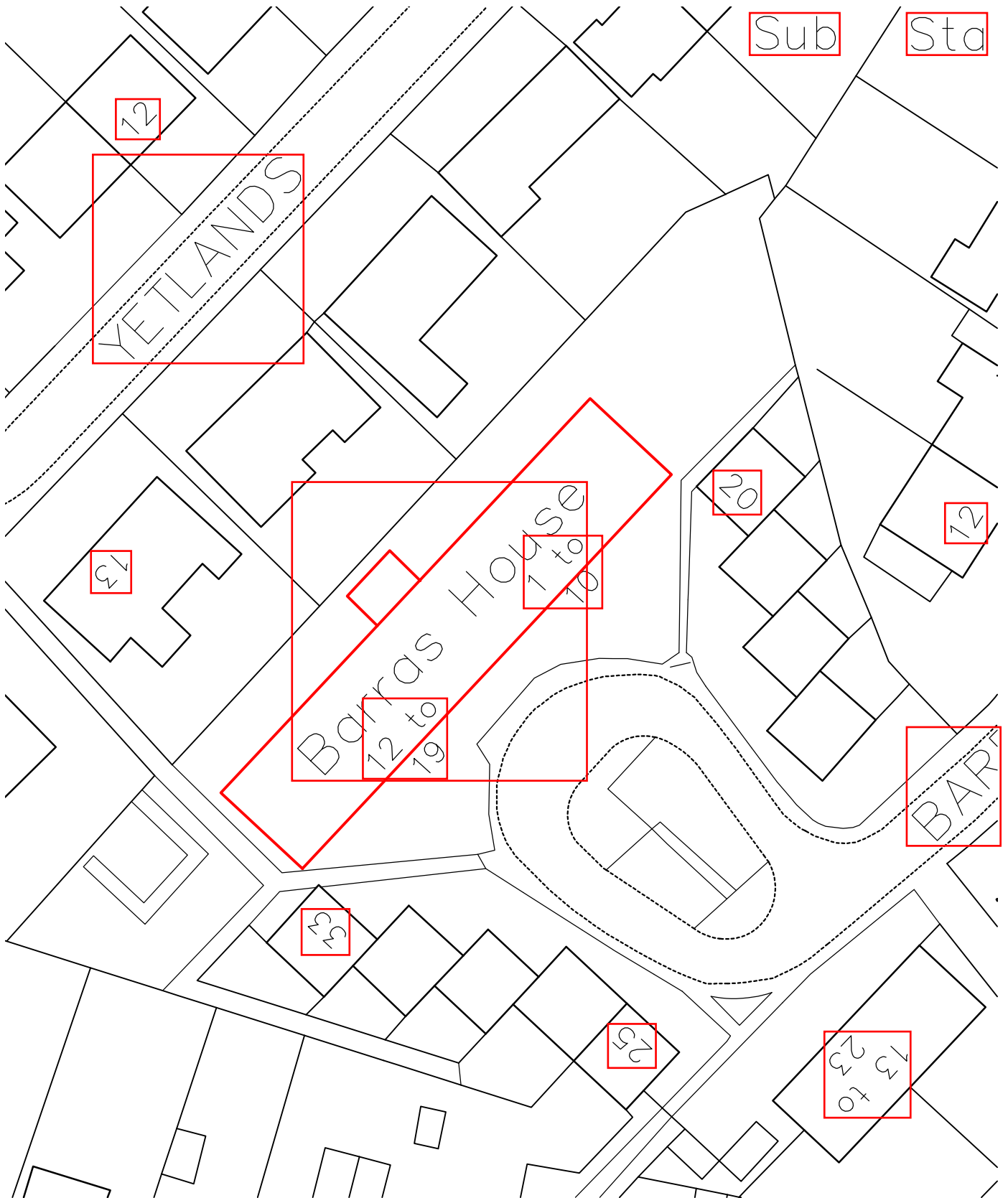
**Reason:** To ensure that the dwellings remain affordable in perpetuity, in accordance with Policy H04 of the Carlisle District Local Plan 2015-2030 and Policy DNP-H3 of the Dalston Neighbourhood Parish Plan 2015-2030.





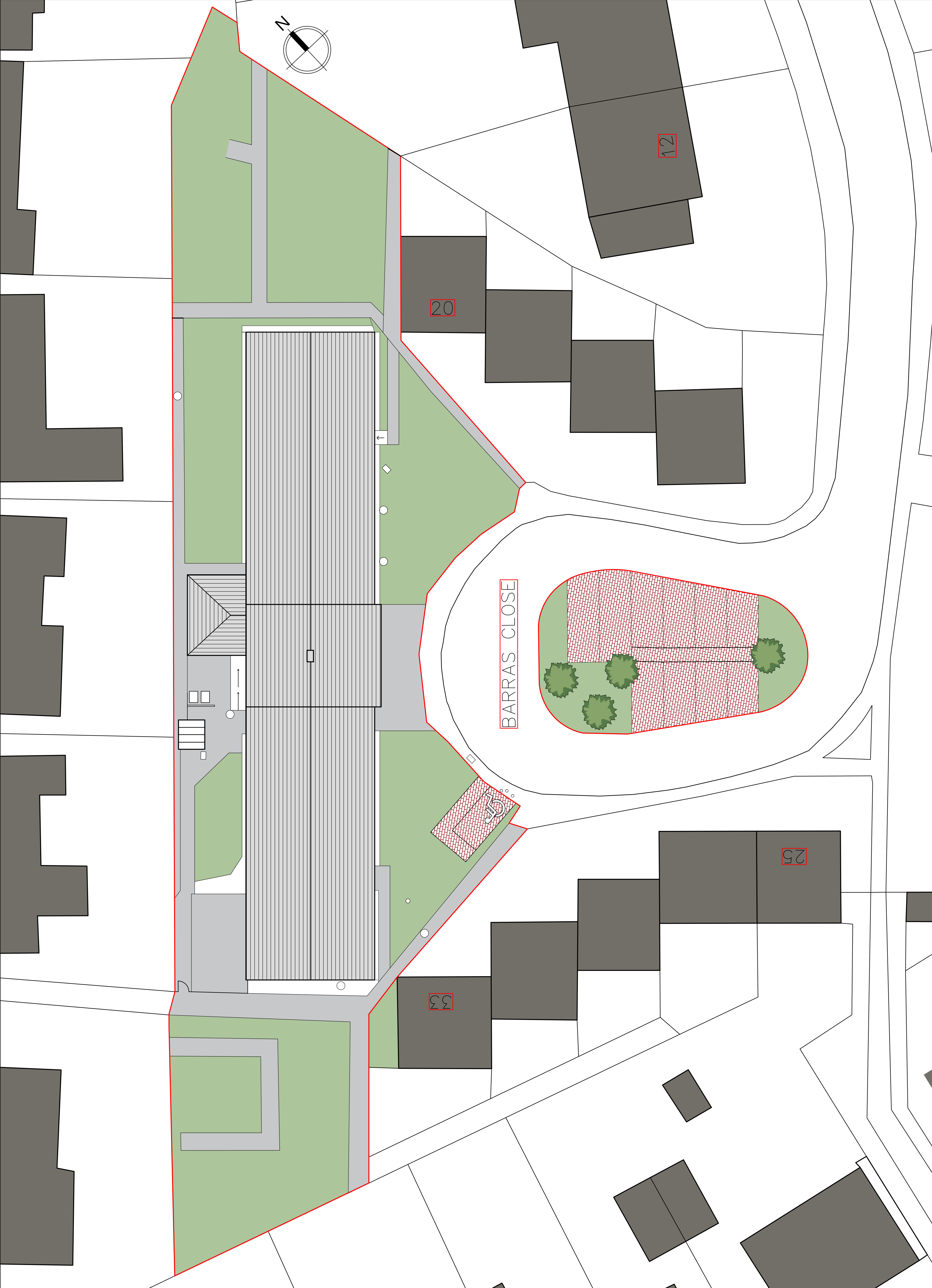
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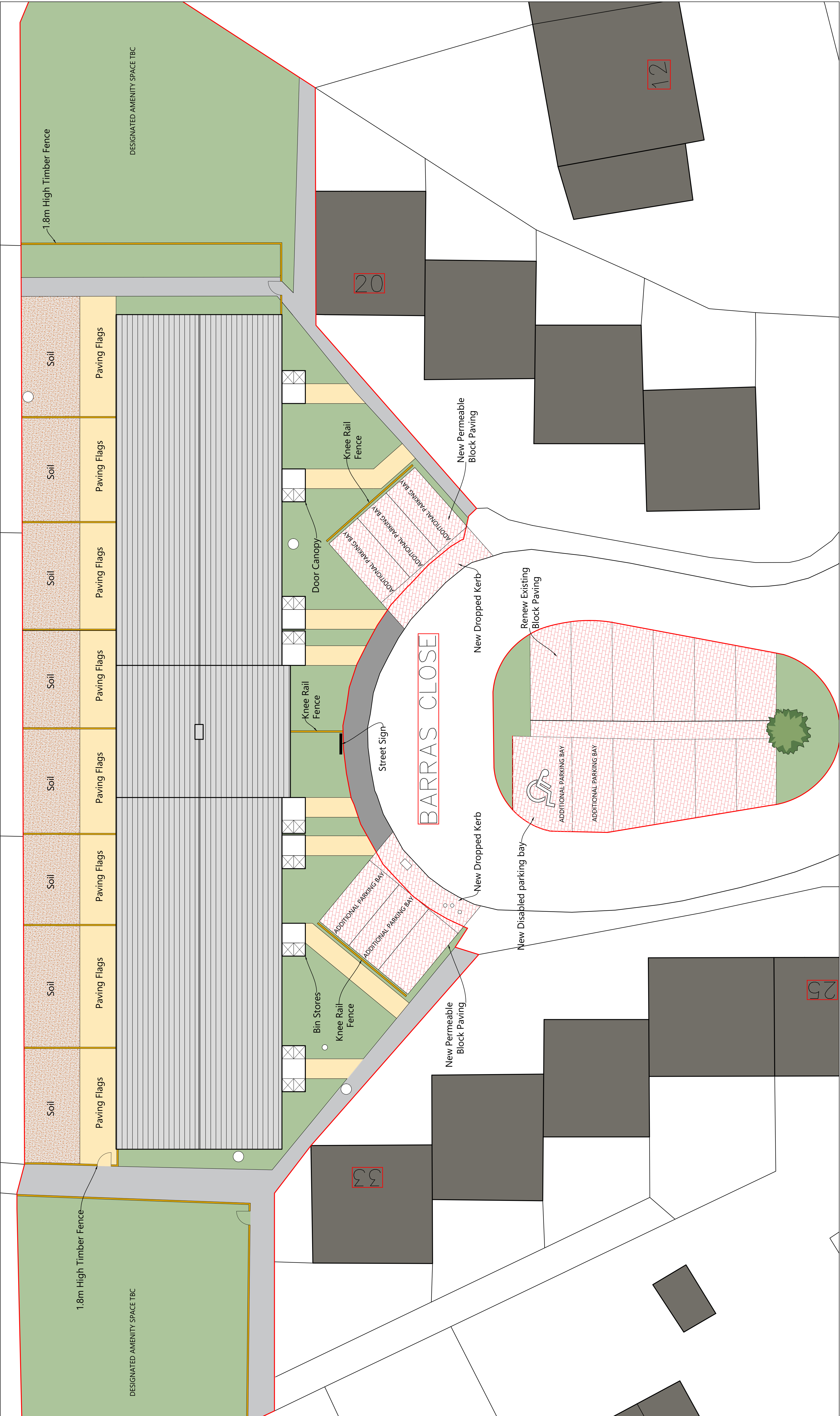


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Project: BARRAS HOUSE  
Drawing: SITE PLAN  
Job Ref: 3024-04-16 Drawing No: P08 Rev:  
Scale: 1:500@A4 Drawn: AS Checked: RR Date: MAY 18









KEY

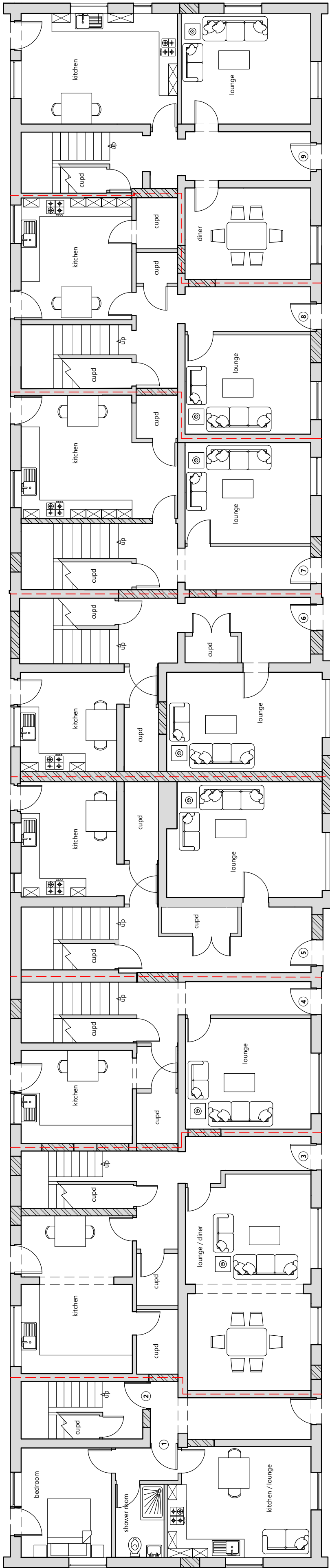
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- EXISTING MACADAM
- MACADAM
- EXISTING BLOCK PAVING
- PEARMEABLE PAVING
- EXISTING PAVING FLAGS
- PAVING FLAGS
- TOP SOIL
- BIN STORE

Client: RIVERSIDE CUMBRIA  
Project: BARRAS HOUSE REFURBISHMENT  
Drawing: PROPOSED BLOCK SITE PLAN  
Job Ref: 3330/05-17  
Scale: 1:150@A1

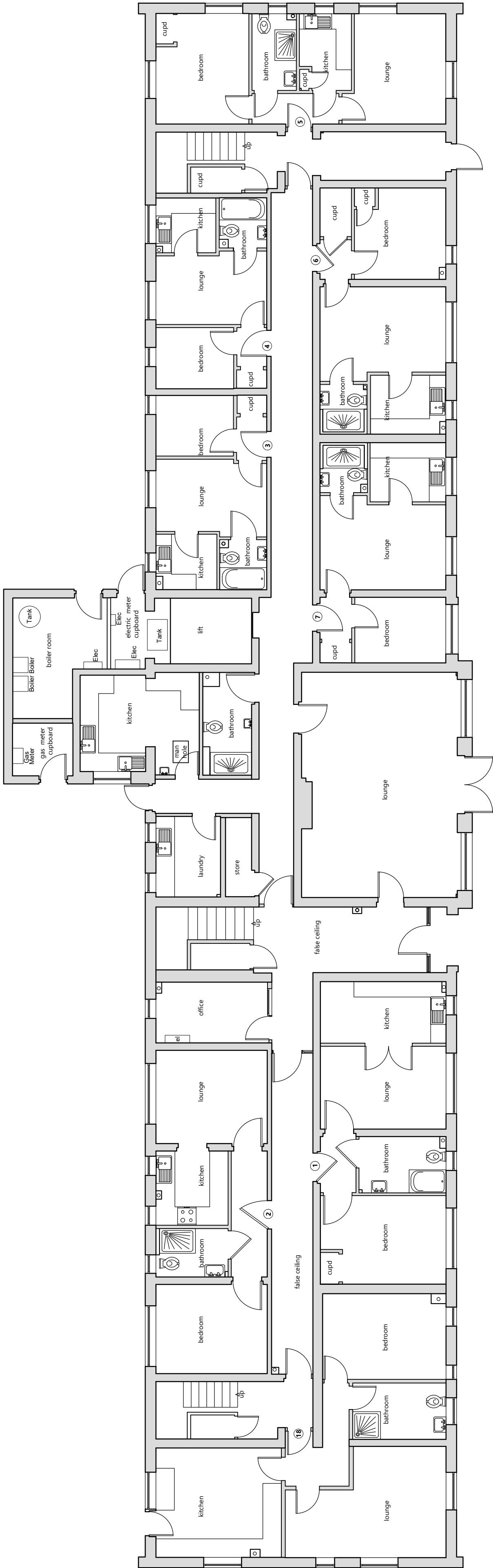
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Rev: A  
Date: APRIL 18





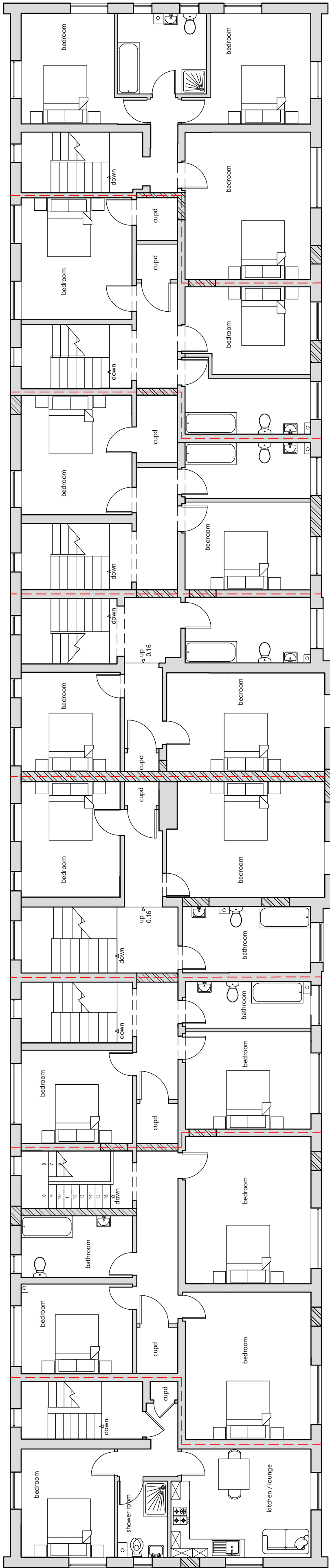


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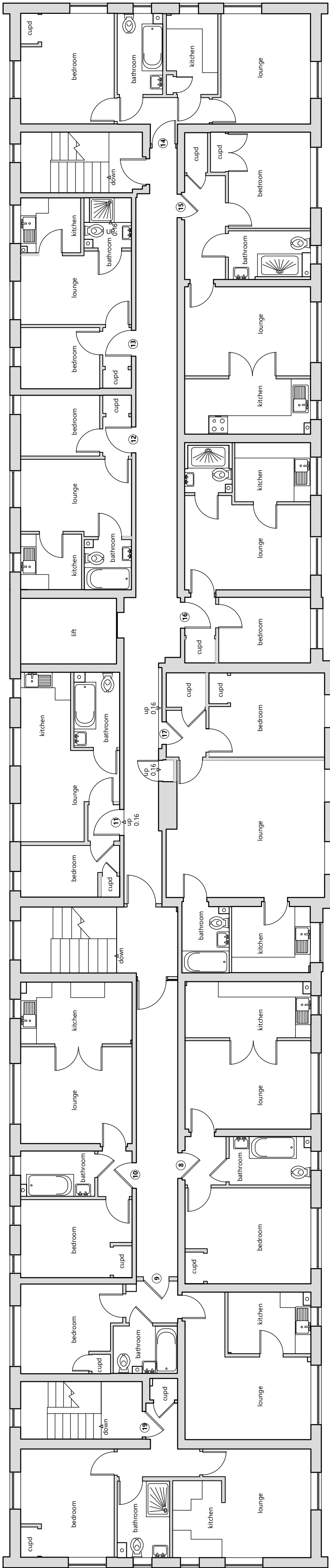


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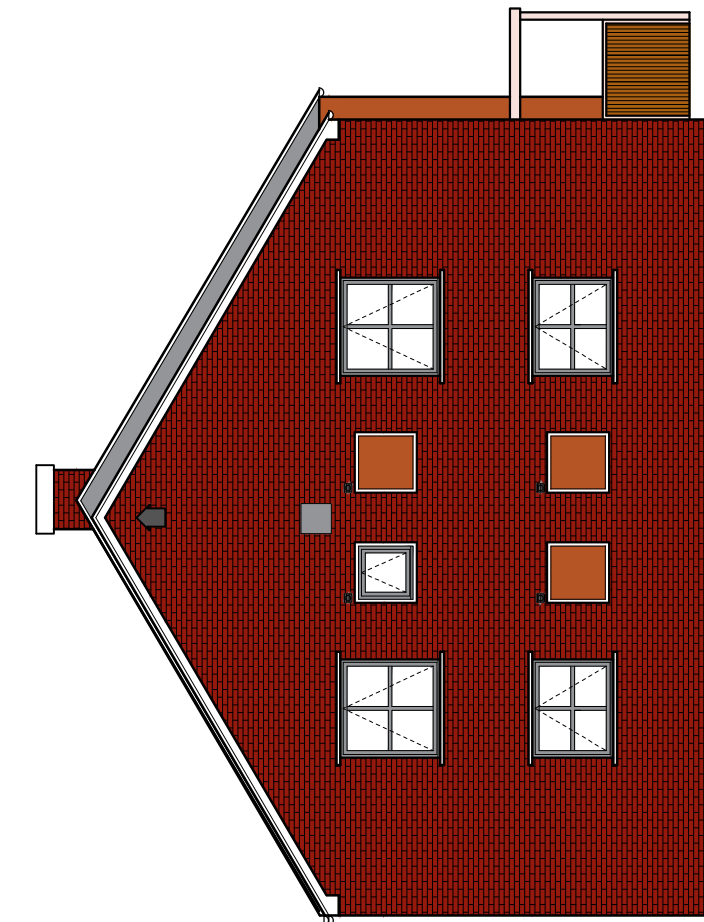




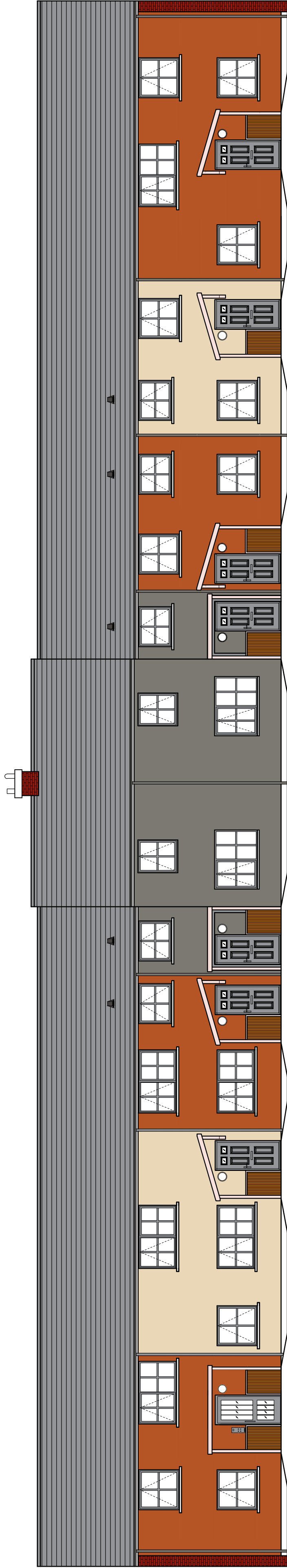
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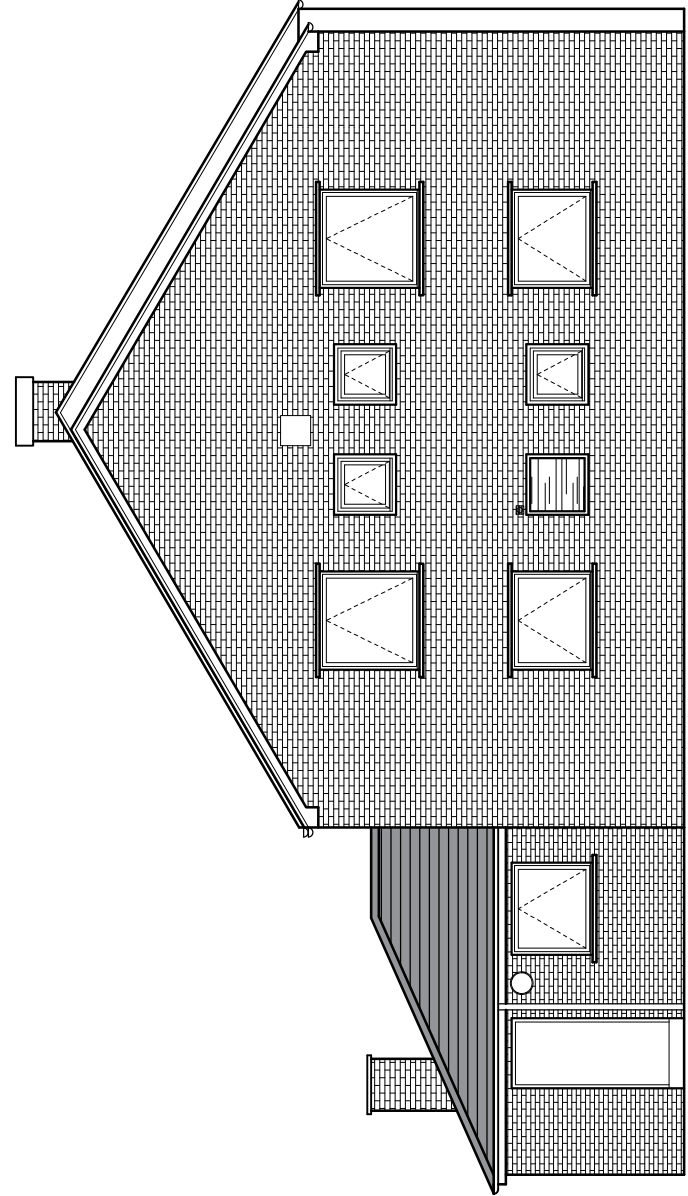
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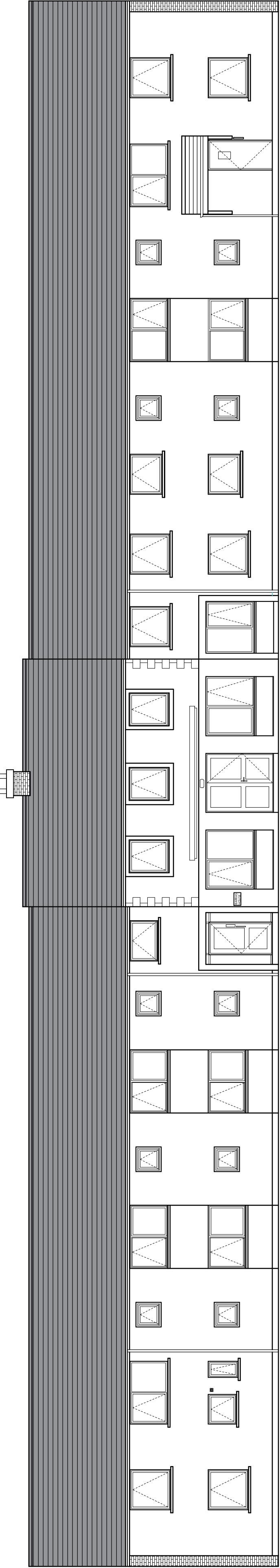
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PROPOSED - EAST (FRONT) ELEVATION



EXISTING - SOUTH (SIDE) ELEVATION



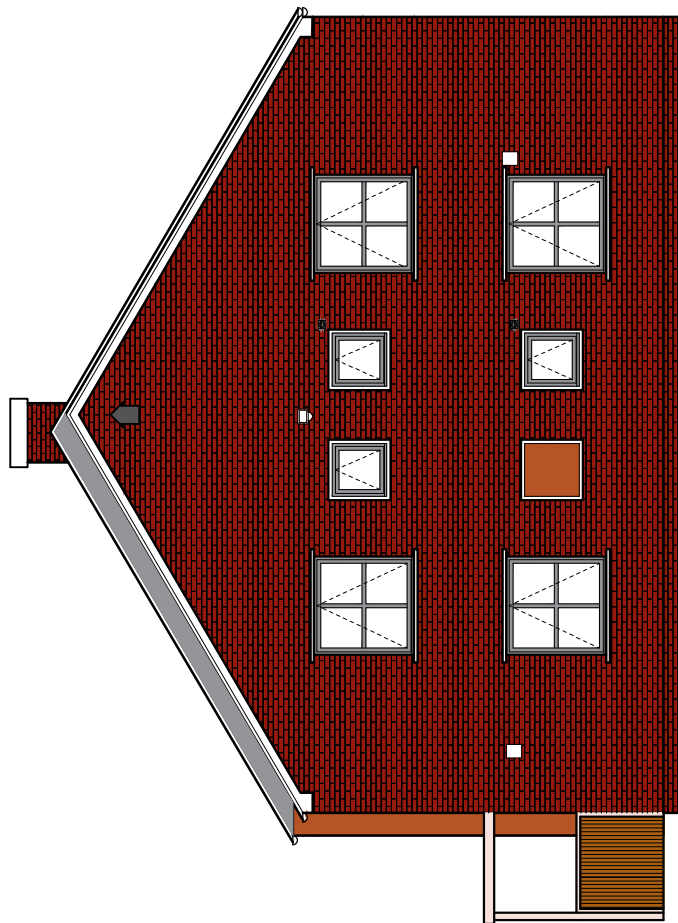
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WETHERBY RENDER COLOUR KEY

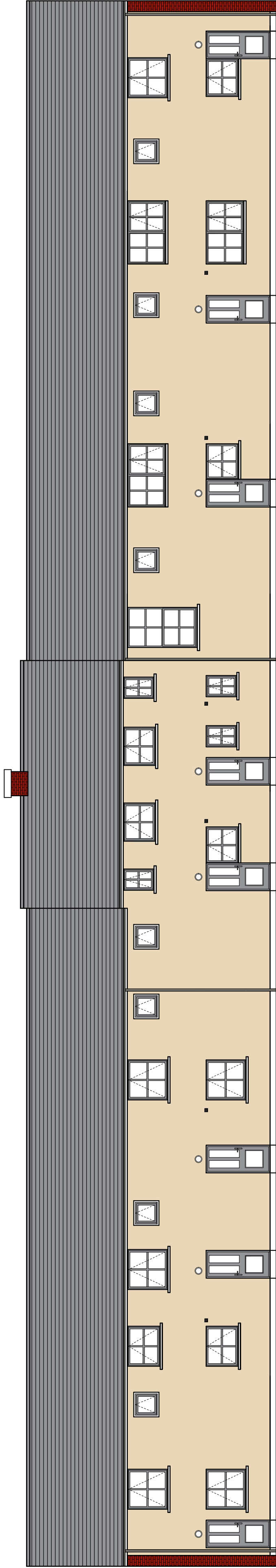
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- 1010Y20R
- 3060Y60R

Client:	RIVERSIDE CUMBRIA
Project:	BARRAS HOUSE REFURBISHMENT
Drawing:	SOUTH & EAST ELEVATIONS
Job Ref:	2979-01-16
Scale:	1:100@A1
Drawn:	AS
Checked:	RR
Rev:	
Date:	APRIL 18

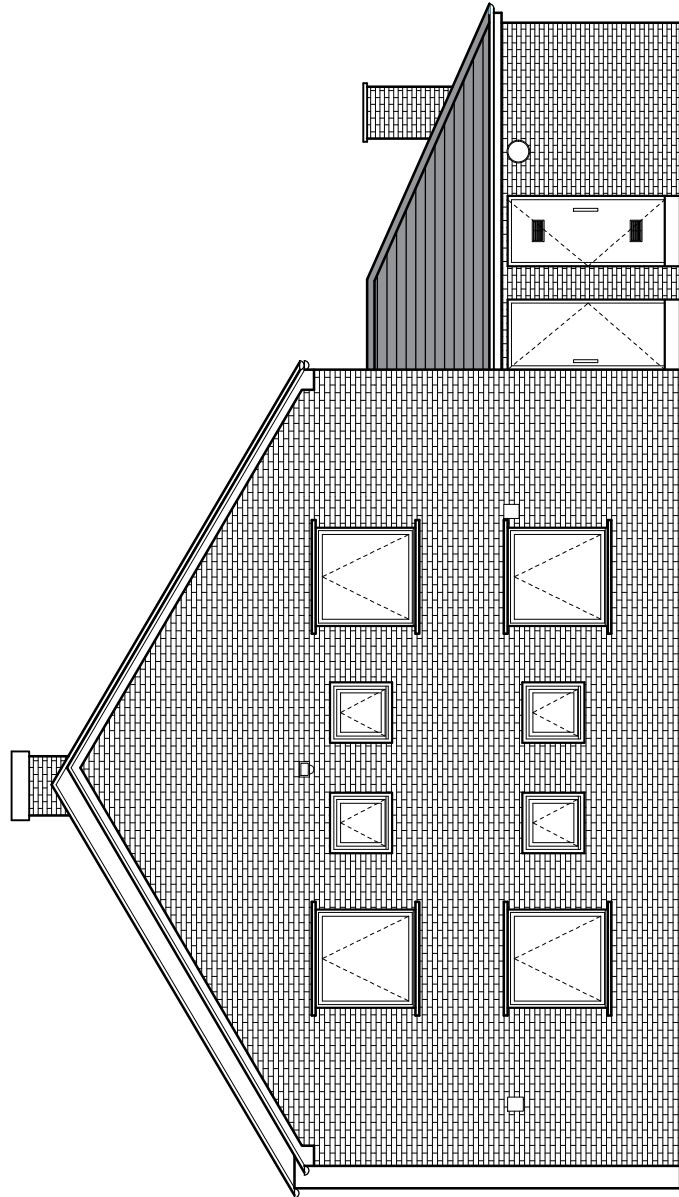




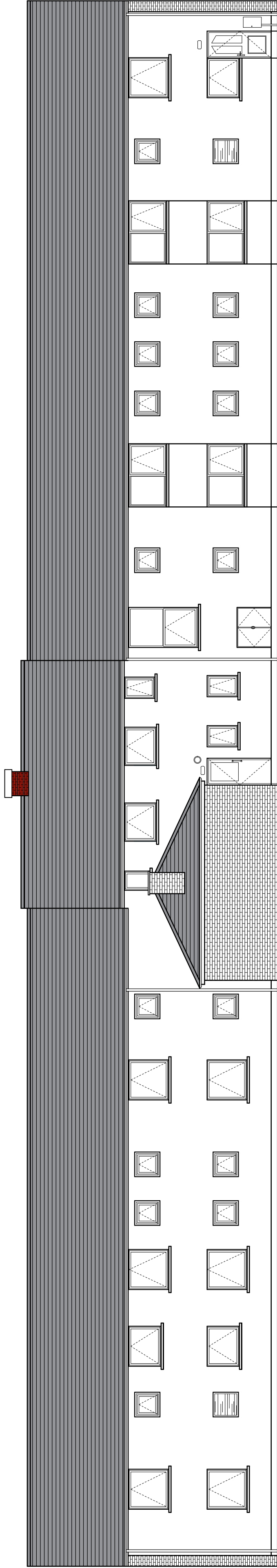
PROPOSED - NORTH (SIDE) ELEVATION



PROPOSED - WEST (REAR) ELEVATION



EXISTING - NORTH (SIDE) ELEVATION



EXISTING - WEST (REAR) ELEVATION

WETHERBY RENDER COLOUR KEY

- 5502Y
- 1010Y20R
- 3060Y60R

Client:	RIVERSIDE CUMBRIA
Project:	BARRAS HOUSE REFURBISHMENT
Drawing:	NORTH & WEST ELEVATIONS
Job Ref:	2979-01-16
Scale:	1:100@A1
Drawn:	AS
Checked:	RR
Date:	APRIL 18





## SCHEDULE A: Applications with Recommendation

18/0359

Item No: 02

Date of Committee: 24/08/2018

**Appn Ref No:**  
18/0359

**Applicant:**  
Lowther Used Furniture

**Parish:**  
Brampton

**Agent:**

**Ward:**  
Brampton

**Location:** Unit 11, Old Brewery Yard, Craw Hall, Brampton, CA8 1TR

**Proposal:** Change of Use Of Former Gym to Warehouse/Retail Shop  
(Retrospective/Revised Application)

**Date of Receipt:**  
17/05/2018

**Statutory Expiry Date**  
12/07/2018

**26 Week Determination**  
31/08/2018

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

- 1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Highway And Parking Issues
- 2.3 The Impact On The Occupiers Of Neighbouring Premises
- 2.4 The Impact Of The Proposal On The Brampton Conservation Area
- 2.5 Whether The Proposal Would Affect Developed Land In Floodplains

#### 3. Application Details

##### The Site

- 3.1 Old Brewery Yard is located to the south-east of the centre of Brampton adjacent to Craw Hall. The buildings accommodate a series of small commercial and industrial units together with Brampton Parish Council's office.
- 3.2 From the roadside frontage on Craw Hall, the building varies in height from

single and two storey and is constructed from stone under a slate roof. The footprint of the building extends adjacent with Millfield to the south-east and then returns parallel with the rear of the properties along Millfield resulting in a u-shaped building.

- 3.3 Adjacent to the north-west corner of the building is a vehicular junction with the County highway. This access leads to the rear of the building and a courtyard area where the height of the building varies between two and three storeys and in which there are additional units at ground floor level. The courtyard provides access and parking for tenants and visitors to these units.
- 3.4 Unit 11 is located in the south-east corner of the building, adjacent to the junction of Craw Hall and Millfield and is accessed from Craw Hall. It is approximately 400 metres to the south-east of the centre of Brampton. The building is within the Brampton Conservation Area.

## **Background**

- 3.5 The use of the premises commenced on 2nd February 2017 and an application for retrospective planning permission to change the use of the former gym to a warehouse/ retail shop was submitted in June 2017. Following lengthy discussions between Officers and the Highway Authority, the application was subsequently withdrawn by the applicant in 2018. Enforcement action was commenced but has not been continued as a result of the submission of the revised application for planning permission.

## **The Proposal**

- 3.6 Planning permission is sought for a change of use of the building from a gym to a warehouse/ retail shop. The applicant currently operates a used furniture and antiques business. No external changes are proposed as part of this application.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 12 of the neighbouring premises. In response, three letters of objection have been received, two from the occupiers of a neighbouring premises and one from a planning consultant on behalf of these two neighbours. The issues raised are summarised as follows:
  - 1. some of the information provided on the application form is either misleading, confusing or factually incorrect. Part 3 describes the application as a change of use from a Gym to Warehouse /Retail and that this use has already started. Part 18 states 75 sq m are used for retail purposes, yet nothing is shown allocated for warehousing;
  - 2. the answer given to Part 8 implies that the applicant is related to a Member or Officer of the Council, although the nature of that relationship is not stated as it should be;
  - 3. there remains with this revised application a great deal of contradiction

with regards to the number and location of parking spaces serving the development. This has not been helped by the lack of accurate plans and therefore a local surveyor has produced an accurate site plan on behalf of the objectors;

4. the Ownership Certificate has been completed indicating that the applicant either owns the Unit or has a leasehold interest with at least 7 years to run. The entire complex is owned by an overseas management company, with local agents and that leases here are generally for 2 or 3 years and not 7 or more, all of which indicates that Certificate B should have been completed. This is particularly important as it is noted that the applicants are showing parking spaces allegedly available exclusively to them that are situated some 200 m from their unit and by using spaces that are apparently allocated to other business at the site in their respective leases. Clearly this aspect requires urgent clarification to establish whether or not the application is in fact legally valid;
5. the Old Brewery Yard industrial site is identified in the Local Plan Policies Map as a Primary Employment Area. Policy EC2 restricts uses within these areas to B1, B2 and B8 uses. Condition 3 of the original planning permission relating to the sub-division of the Old Brewery site into 11 units (Ref: 94/0310) also restricts the use to B1 and B8 uses;
6. the reality of the use is that it is a retail unit open to visiting members of the public with a very small element of warehousing. The use is not ancillary in nature, is not of a proportionate scale and the introduction does not aid the overall attractiveness or sustainability of the employment area. The proposal is, therefore, clearly contrary to Policy EC2 of the Development Plan and the application should be refused on these grounds alone;
7. Policy EC6 requires development proposals for new retail and main town centre uses should, in the first instance, be directed towards defined centres, and for comparison retailing proposals the defined Primary Shopping areas within these centres. Brampton is a Defined Centre with a defined Primary Shopping Area. The application site is not within the Primary Shopping Area, so the application is in conflict with this policy;
8. even if the site was within the primary shopping area of Brampton, Policy EC5 indicates that proposals for retail development will be acceptable providing that ... appropriate access, parking and security arrangements can be achieved. Policy IP3 also states requires the provision of a minimum number of parking spaces per new dwelling/ m2 of floor space;
9. in this case, there is clearly inadequate parking for the applied-for use and no provision is made to encourage alternative means of travel;
10. the business provides a useful service to its customers but it is simply in the wrong place and there other more appropriate units available on the Townfoot Industrial Estate;
11. the use has been operating without authorization since February 2017. The extremely limited parking available for the former gym means that customers of the furniture shop park on the forecourt of Winged Heart Stained Glass, or on the road, obstructing access to the forecourt. This is interfering with the efficient working of the business with delivery drivers / outworkers unable to pick up or drop off their stained glass products. Because the nature of the retail use involves the sale of mainly heavy and bulky goods, virtually all shoppers arrive in vehicles;



12. one or two parking spaces are clearly insufficient for the applied-for use and the forecourt area is too small to accommodate most cars/ vans and, in any event, which is usually unavailable for parking as it is used for display purposes. If cars are parked end on to the building, they force pedestrians, particularly those with pushchairs or wheelchairs, onto the carriageway of the busy road;
13. recent parking problems have resulted in a proposal from Cumbria Highways to use double yellow lines to restrict on-street parking at the junction of Millfield and Craw Hall. Whilst this is welcome in terms of road safety, the restrictions are likely to exacerbate problems experienced by neighbouring premises by further reducing local on-street parking and putting additional pressures on the parking spaces outside of their units;
14. the former gym use did not cause as many problems because users mainly attended in the evenings when other businesses are not operating;
15. the applicants have shown car parking spaces within the rear courtyard of the complex. It is understood that these spaces are included in the leases of the businesses around the courtyard for their use and there is no evidence provided by the applicant to show that he has any right to claim that his customers can freely use them, or that such parking if allowed would not affect the parking requirements of the other business users;
16. even if such parking were to be allowed its practicality is questioned. The business at Unit 11 is a furniture store and the rear courtyard parking area is some 200 m away. It is unrealistic to expect shoppers to carry their often heavy furniture purchases this far, and so it is highly predictable that they are likely to revert to picking up from the front doors of the unit thereby introducing additional traffic exacerbating the unsatisfactory highway situation;
17. as well as currently operating without planning permission, the current use is operating in breach of three of the conditions imposed upon the original planning permission for the site (94/0310) which restricts the use to purposes falling within use classes B1 and B8; prevents the outdoor storage or display for sale of goods and materials; and limits the hours of use of the units;
18. the application should be refused being contrary to Policies EC2, EC6 and IP3 of the Carlisle District Local Plan 2015-2030 and to continue with the previously agreed planning enforcement action to require the early cessation of the use.

## 5. Summary of Consultation Responses

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

### *Highway Authority*

The Highway Authority have been in discussions with the applicant since the original planning application (17/0549). It was stated throughout the consultation that the parking requirement for an individual shop is 8 car parking spaces, 1 disabled space, 1 motorcycle and 2 pedal cycle spaces. This requirement was calculated on a gross internal floor space of 225m<sup>2</sup>.



This is in contradiction to the application form that states 75m<sup>2</sup>. These parking requirements were to be provided by the applicant both in front and in the courtyard to the rear.

Discussions took place with the applicant to determine if the applicant could provide these parking requirements within the courtyard to the rear of the Old Brewery. In principle this is accepted by the Highways Authority; however a written agreement is required from the landlord that Unit 11 may use the rear yard for car parking or this element should be conditioned.

Within the revised parking plan as submitted on the 28th June 2018 there is enough room for 15 car parking spaces within the courtyard with a dimension of 2.4m x 4.8m. Eight of these spaces are to be allocated towards the Old Brewery which would leave a provision of 7 for the remaining businesses. The application has therefore shown that they can provide the required number of car parking spaces. This is acceptable from a highway point of view. The waiting restrictions proposed at the junction of Millfield and Craw Hall will also improve the road safety at this location.

In light of the above the Highway Authority has no objection to this application. It is however accepted that this parking allocation to a single user could have a real detrimental impact on the neighbouring business. This is however a planning matter and not for this authority to comment on further. The Highway Authority recommend the imposition of a condition requiring the provision and retention of eight parking spaces.

#### *Lead Local Flood Authority Response*

The Lead Local Flood Authority has no objection to the proposal as it is considered that it will not affect flood risk on site or downstream of the development;

Brampton Parish Council: - the parish council will only agree to a retail application on condition that the applicant can prove that he has been allocated all the designated spaces shown in the rear of the Brewery Yard;

Planning - Access Officer: - no objection.

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

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP2, EC2, EC5, EC6, IP3, CC4, CM5 and HE7 of the Carlisle District Local Plan 2015-2030 are also relevant. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the Cumbria Development Design Guide 2017 are also

material planning considerations.

6.3 The proposal raises the following planning issues.

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

6.4 Paragraph 8 of the NPPF outlines that there are three dimensions to sustainable development: economic, social and environmental all of which give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

6.5 Paragraph 11 of the NPPF highlights the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.6 The land is designated as being Primary Employment Land and as such policies allow for the redevelopment and expansion of employment sites subject to the consideration of the relevant policy criteria, namely that: the use of the site is applicable; and that the residential amenity of the occupiers of any neighbouring properties and parking and transport issues are not adversely prejudiced.

6.7 Development should also be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape.

6.8 Paragraph 89 of the NPPF requires impact assessments to be completed on retail proposals over 2,5000 square metres if there is no locally set threshold.

6.9 The NPPF advises in paragraph 85 that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation by:

- defining a network and hierarchy of town centres and promote their long-term vitality and viability;
- defining the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations;
- retaining and enhancing existing markets and, where appropriate, re-introduce or create new ones;
- allocating a range of suitable sites in town centres to meet the scale and type of development likely to be needed;
- where suitable and viable town centre sites are not available for main town

- centre uses, allocating appropriate edge of centre sites that are well connected to the town centre; and
- recognising that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

6.10 In paragraph 86, the NPPF confirms that:

*“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”*

6.11 It therefore follows in paragraph 90 that:

*“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.”*

6.12 The proposed development is predominantly retail with ancillary storage facility to the rear of the premises and is therefore defined in the NPPF as a “main town centre use”. The guidance confirms that when edge and out of centre proposals are considered, preference should be given to accessible sites. In accordance with paragraph 86 of the NPPF a sequential test is therefore required.

6.13 Policy EC6 of the local plan echoes the national planning policy guidance and requires the submission of a sequential test for sites and premises outside defined centres.

6.14 The site is approximately 400 metres south-east from the centre of Brampton. Whilst the principle of the reuse of the building may be acceptable, no sequential test accompanies the application and therefore an appropriate assessment of a retail use in this location cannot be undertaken. The applicant is aware of this requirement but has thus far opted to attempt to address the parking and highway issues which are discussed in the following paragraphs of this report. Nevertheless, in the absence of a sequential test, the proposal fails to meet to the planning policy requirements of both the NPPF and the local plan.

## **2. Highway And Parking Issues**

6.15 The frontage of the building is adjacent to Craw Hall, along with the neighbouring buildings. A small area exists in front of these premises and is demarked by block paving, adjacent to the footpath and then the road. These parking areas are narrow and taper in front of Unit 11. To the rear, due to the change in topography, the building is occupied by other users in the lower floors of the building which are served by parking facilities within a courtyard arrangement.

- 6.16 Cumbria County Council as the Highway Authority has advised that the use would generate the need for eight car parking spaces, one disabled space, one motorcycle and two pedal cycle spaces. It was suggested by the Highway Authority that these parking requirements could be provided within the courtyard provided that this arrangement is not to the detriment of other business users in the vicinity.
- 6.17 The Highway Authority further requested that a written agreement be provided from the landlord that occupier of Unit 11 may use the rear yard in perpetuity for car parking and that the provision for Unit 11 would not affect the parking requirements for other business users.
- 6.18 Within the current application the plans submitted illustrate that one parking spaces for disabled persons would be provided in front of and parallel to the premises along Craw Hall. A further 15 spaces would be provided within the courtyard that would accommodate customers visiting the premises subject to the application together with tenants and visitors of the other units. On this basis, subject to the submitted plan being implemented, the Highway Authority has raised no objection.
- 6.19 Officers have concerns that the submitted parking layout plan is unachievable and therefore cannot be implemented. For example, where four spaces are shown in the east of the courtyard, only three spaces can be physically achieved. In addition, the two to the south are proposed where a tenant stores his machinery. The three spaces further along are shown in a narrow area of paving where there is an external fire escape. As such, although an attempt has been made to demonstrate that the parking spaces can be made available to the rear, these are not physically achievable. The plan fails to take account of the layout, physical obstacles such as the presence of an external metal fire escape and existing access requirements to the units.
- 6.20 The objector has commissioned a survey of the site which shows that only nine spaces can be achieved which reflects the conclusion of Officers. It therefore follows that whilst the Highway Authority has no objection to the application provided that the parking plan can be implemented, if it cannot be implemented, then the proposal raises highway and parking issues.
- 6.21 Correspondence submitted by the applicant from his landlord confirms that the footprint of the building is subject to the lease with the area to the front (adjacent to Craw Hall) permitted for parking. When commenting on the land within the courtyard subject to the parking layout plan, the landlord states:
- “Extract 2 shows our overall ownership edge blue. As with all of the occupiers at this estate parking at the front of the estate is limited so we have no objection in principle to their visitors parking within the “Courtyard Area” (being the area where Old Brewery Yard is written on the plan) on a temporary basis providing of course that this does not interfere with the use and operation of those occupiers that are located within the Courtyard.”*
- 6.22 This statement has two implications in the consideration of this application.

Firstly, the landlord makes reference to being accepting of the principle on a “*temporary*” basis and secondly, it is only acceptable provided that the arrangement does not affect other tenants and visitors to the site.

- 6.23 Officers are concerned that if customers of the premises subject to this application park in the courtyard, which it has already been stated is limited due to existing parking requirements and the physical layout and restrictions of the courtyard, this may then displace existing tenants and visitors thus resulting in parking issues elsewhere. As such, it is less than certain that the landlord is supportive of the scheme as required by the Highway Authority.
- 6.24 The use has the potential to generate additional vehicle movements and parking requirements. A number of Officers have passed the site since the business has been trading and witnessed up to 5 vehicles parked indiscriminately at the front of the premises across the parking area, footpath and highway. In practical terms, it is difficult to conclude whether patrons of the business would, in fact, park in the courtyard, walk to the premises and then walk back to the courtyard. In any event, vehicles may still have to park on the front to load any large items purchased.
- 6.25 In overall terms, the submitted plan shows a parking layout which is, in reality, unachievable. As such, the development fails to provide adequate access and parking facilities and is therefore contrary to both national and local planning policies.

### **3. The Impact On The Occupiers Of Neighbouring Premises**

- 6.26 Planning policies require that development proposals do not adversely affect the amenity of occupiers of neighbouring premises or properties. The proposed use, based on its own merits as a retail unit, subject to the trading hours proposed on the application form of 9am until 5pm Mondays to Saturdays and 11am until 4pm on Sundays and Bank Holidays would not in itself give rise to any loss of amenity to neighbouring occupiers, subject to the imposition of appropriate conditions.
- 6.27 The issues arising from the parking situation are discussed in the preceding paragraphs.

### **4. Impact Of The Proposal On The Brampton Conservation Area**

- 6.28 The application site is located within the Brampton Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG, Policy HE7 of the local plan are relevant.
- 6.29 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".*

- 6.30 The aim of the 1990 Act is reiterated in the NPPF, PPG and policies within the local plan. Policies HE6 and HE7 of the local plan advise that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.31 The proposal involves the reuse of the existing building with no external alterations and as such, it is not considered that the character or setting of the conservation area would be adversely affected should planning permission be granted for this development.

## **5. Whether The Proposal Would Affect Developed Land In Floodplains**

- 6.32 Old Brewery Yard is located within Flood Zone 2 and 3 of the Environment Agency's Flood Map. No external or internal alterations are proposed, therefore, the proposed change of use of the premises would not affect the floodplain. No issues are therefore raised in respect of the objectives of Policy CC5 of the local plan.

## **Conclusion**

- 6.33 In overall terms, the premises is allocated as being within a Primary Employment Area. Whilst alternative uses may be acceptable, as evidenced by the planning permission granted for the building for the change of use to a gym, such uses must be compliant with planning policies and in particular, given that the proposed use is a main town centre use, must be supported by a sequential test. No sequential test has been submitted in respect of this application.
- 6.34 The use of the premises results in additional traffic and parking demands which would need to satisfy the criteria outlined in the Cumbria Development Design Guide. Whilst parking is shown within the courtyard, this is neither achievable, realistic or supported by the landlord who advocates a temporary use provided that it does not prejudice other users.
- 6.35 In light of this report, it is considered that the application is contrary to both national and local planning policies and Members are recommended to refuse the application.

## **7. Planning History**

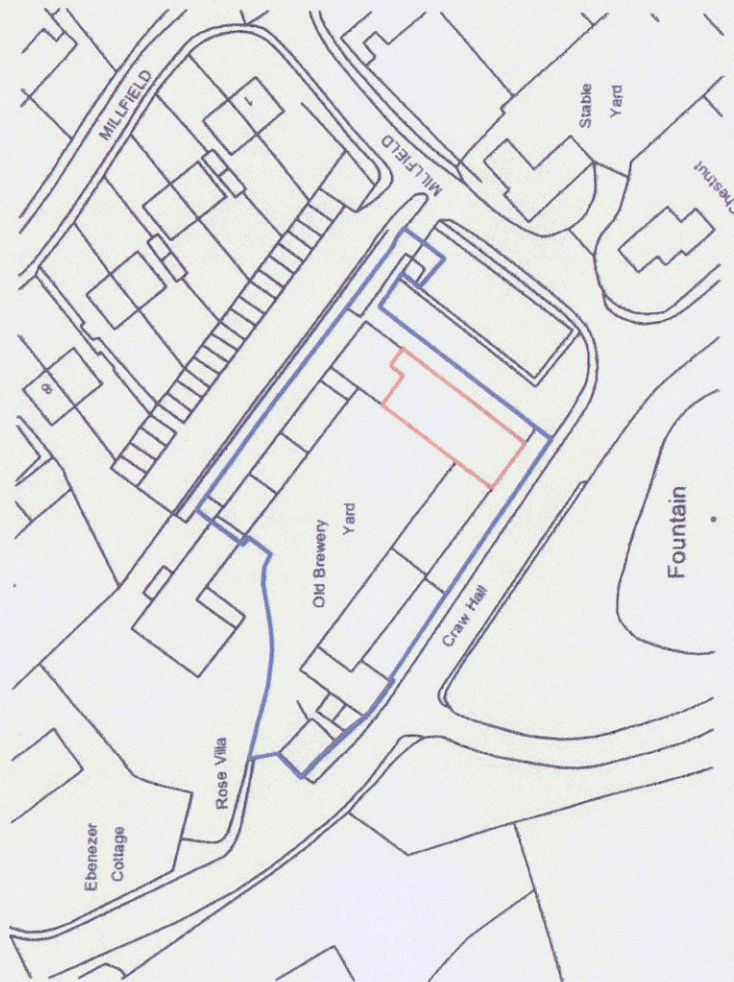
- 7.1 Planning permission was granted in 1994 for the subdivision of existing buildings into 11 light industrial letting units.
- 7.2 Planning permission was granted in 1996 for the change of use of the building from a gymnasium (Use Class D2) to business (Use Class B1/ B2/ B8).
- 7.3 In 2012, retrospective planning permission was granted for the change of use to a gymnasium (Use Class D2).

- 7.4 An application for retrospective planning permission was submitted in 2017 for the change of use of former gym to a warehouse/ retail shop but was withdrawn in 2018.

## **8. Recommendation: Refuse Permission**

1. **Reason:** The proposal is for a retail unit with ancillary warehousing which is defined in the National Planning Policy Framework as a “main town centre use”. The site is outside a Defined Centre and as such, a sequential test is required to ensure that main town centre uses are located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) consideration can be given to out of centre locations. The proposal is therefore contrary to Paragraph 86 of the National Planning Policy Framework and Policy EC6 (Retail and Main Town Centre Uses Outside Defined Centres) of the Carlisle District Local Plan 2015-2030.
  2. **Reason:** The proposal requires the provision of eight car parking spaces, one disabled space, one motorcycle and one pedal cycle spaces. The application fails to adequately demonstrate that appropriate levels of parking provision can be satisfactorily achieved and is likely to result in the displacement of other tenants and visitors to the neighbouring premises. As such, the proposal is contrary to Paragraph 102 of the National Planning Policy Framework, Appendix A of the Cumbria Development Design Guide 2017 and Policy IP3 (Parking Provision) of the Carlisle District Local Plan 2015-2030.
-





Location Plan  
Scale 1:1250

RECEIVED  
27 APR 2018  
2018/0359

RECEIVED  
20 JUL 2017  
17/0349

Notes:

Rev	Date	Revision Description	Initials

Purpose of Drawing:

Planning

Client Name:

Dunedin

Project Name & Address:

Unit 11

First Floor

Old Brewery Yard

Craw Hall

Brampton

CAB 1TR

Drawing Title:

Location Plan

Drawing Ref: CAW/

Drawing No: 100PL

Revision No: 1

Date: 28.7.16

Scale: 1:1250 @ A4

Drawn By: CAW

Checked By: CAW

**CSQ Consult**  
BUILDING SURVEYORS & PROJECT MANAGERS

CSQ Consult  
Suite 7B

1 Carnahan Place

Edinburgh

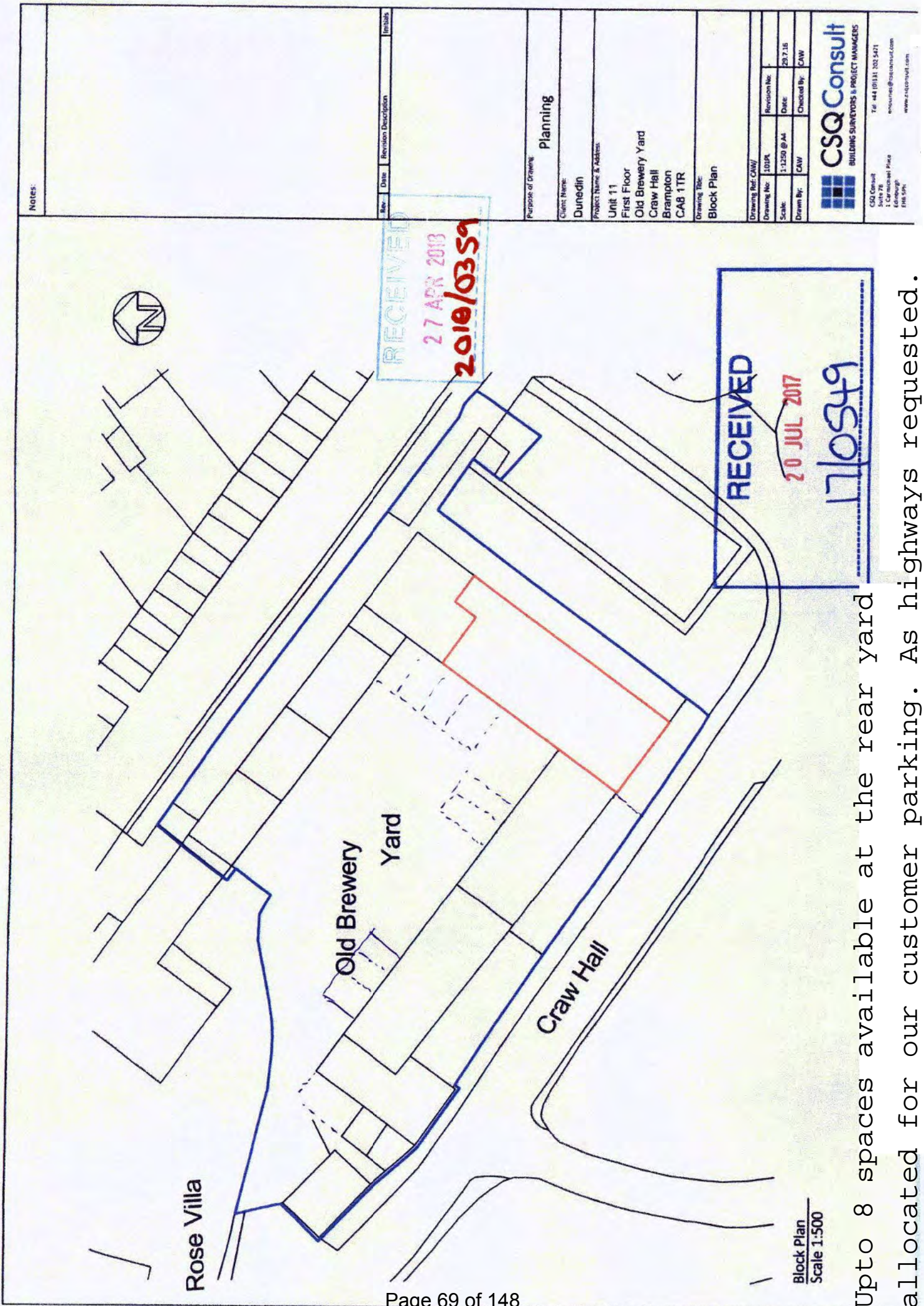
EH6 5PH

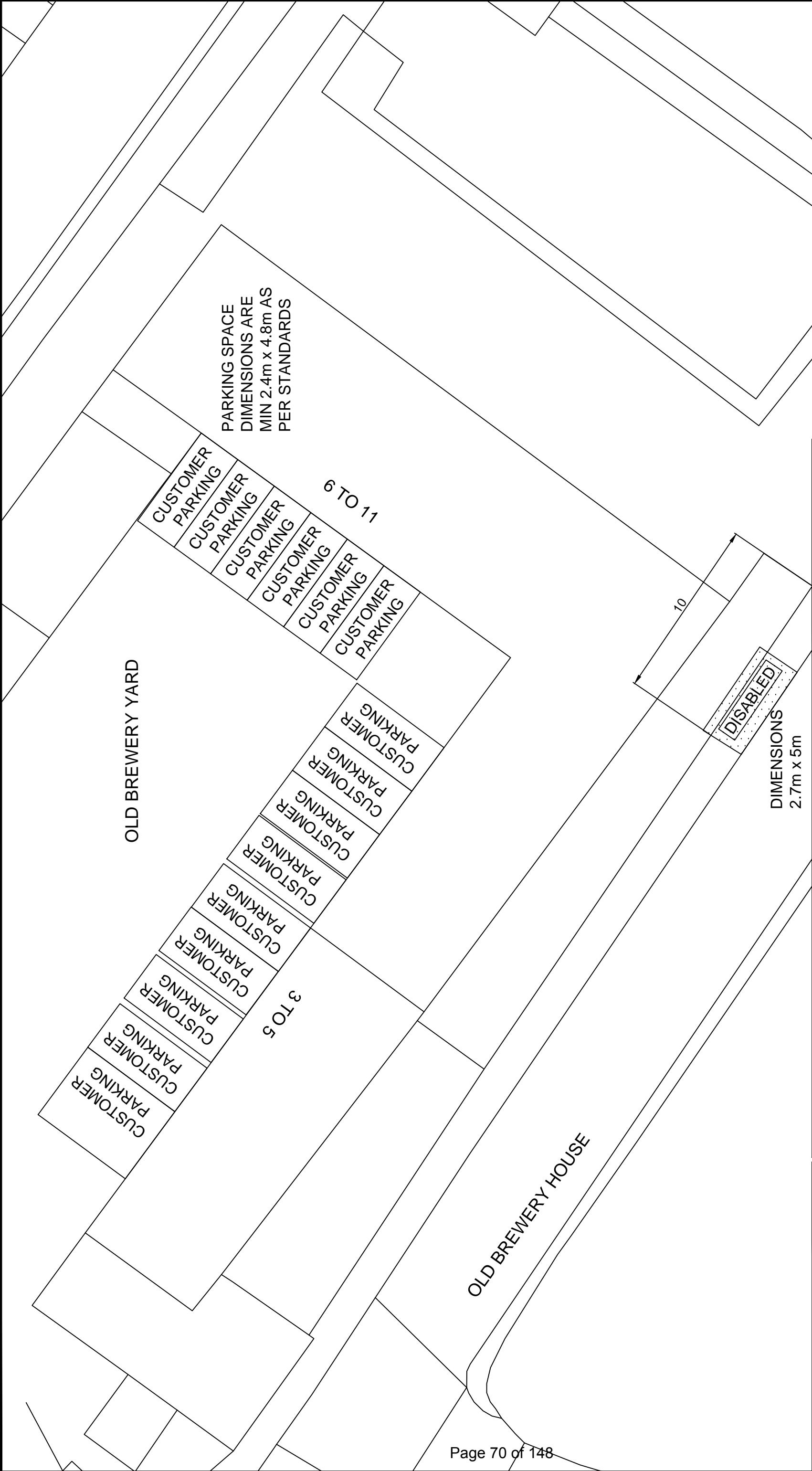
Tel: +44 (0)131 203 5471

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www.csqconsult.com



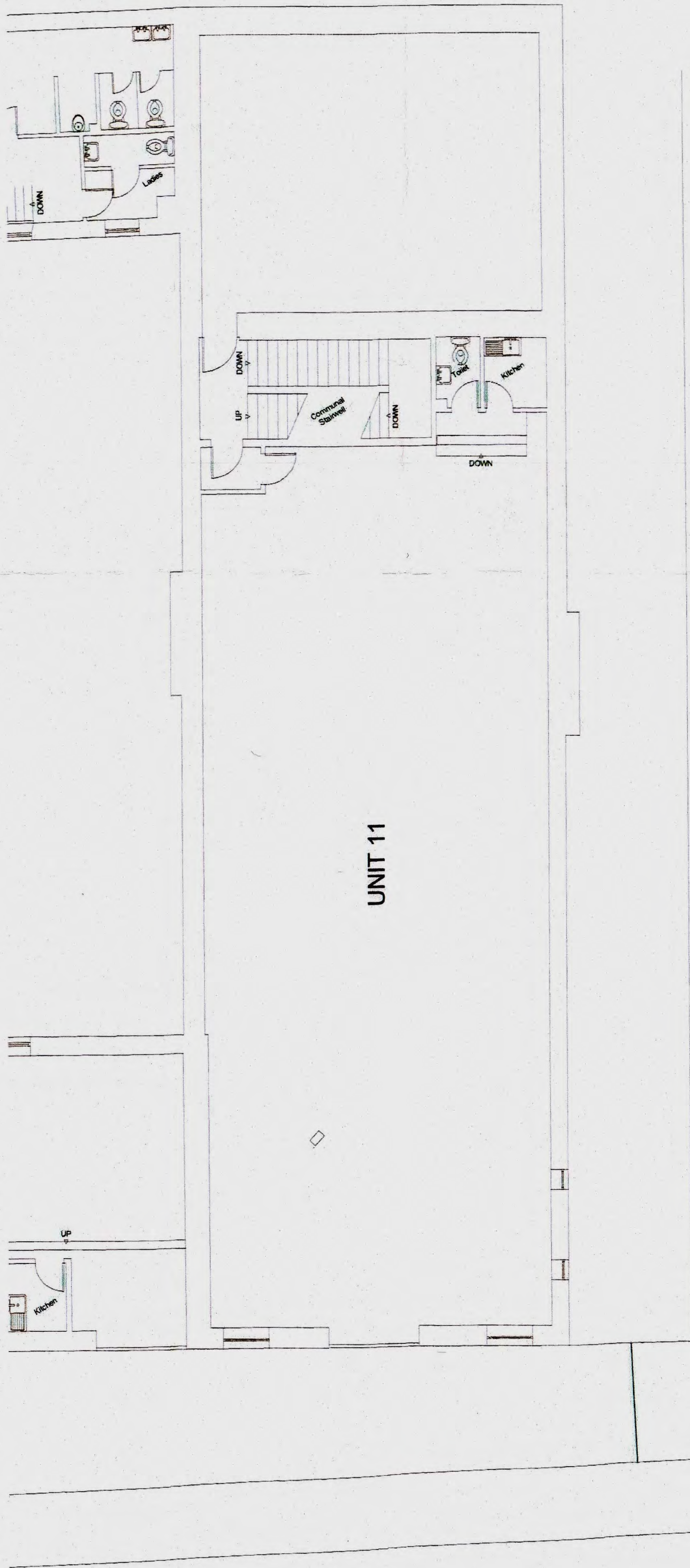




CLIENT LOWTHER FURNITURE 11 OLD BREWERY YARD, CRAW HALL, BRAMPTON. CA8 1TR	SCHEME NAME LOWTHER FURNITURE - PARKING LAYOUT	
AGENT CHETNA REAY CONSTRUCTION RISK CONSULTANTS LTD WEST MAINS, THE GREEN, HOUGHTON CA3 0NF	DRAWING TITLE PROPOSED PARKING FOR FLOOD AND DEVELOPMENT MANAGEMENT	
	DRAWN : ***	SCALE : 1:200
	DESIGN : ***	DIMENSIONS : m
	CHKD : ***	ORIG DWG SIZE: A3
	APPD : ***	PRELIMINARY DRAWING
	DATE : ***	EXTERNAL ISSUE
	SUITABILITY: S2	AS-BUILT
	FOR INFORMATION	
	DRAWING STATUS	DRAWING NUMBER
	WORK IN PROGRESS	PROJECT
	PRELIMINARY DRAWING	ORIGINATOR
	EXTERNAL ISSUE	VOLUME
	AS-BUILT	REVISION
	LOCATION	TYPE
	ROLE	NUMBER
	C #	SCHEME REFERENCE No.



Notes:



Existing and Proposed Floor Plans (unchanged)  
Scale 1:100



Rev	Date	Revision Description	Initials
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Proposed Floor Plans

### Planning

Client Name:

Dunedin

Project Name & Address:

Unit 11  
First Floor  
Old Brewery Yard  
Craw Hall  
Brampton  
CA8 1TR

Drawing Title:

Existing and Proposed Floor Plans

Drawing Ref: CAW

Drawing No: 102PL

Revision No:

Scale: 1:100 @ A2

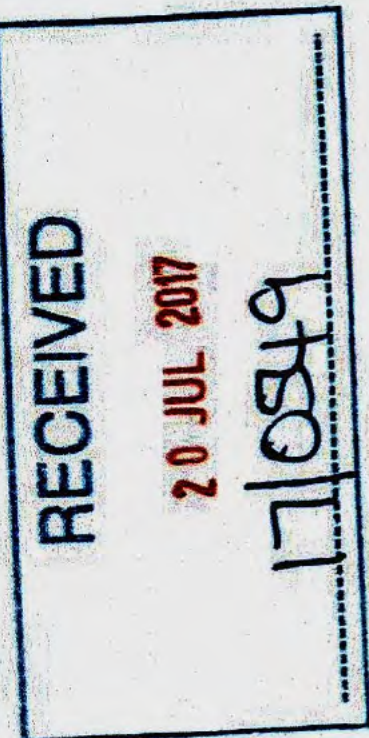
Date: 29.7.16

Drawn By: CAW

Checked By: CAW



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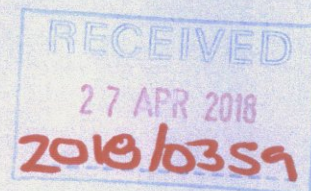
## Heritage Statement

The building is unlisted, it is believed to be built in 1783.

We have no intention to change anything structural inside or outside.

We have parking bays on the front of the building for 2/3 cars at any one time, we unload the van on the front of the premises then move the van elsewhere so the parking is free for customers.

We have 2 potted fir trees (as pictured) either side of our doors purely for decoration to draw the eye to our business for passing trade, these do not obstruct the customer parking.



These were the pictures from our last planning, trees etc are now removed for ease of customer parking. Also no furniture is displayed on the shop front except for loading and unloading times.



## SCHEDULE A: Applications with Recommendation

18/0506

Item No: 03

Date of Committee: 24/08/2018

**Appn Ref No:**  
18/0506

**Applicant:**  
Simpsons Builders

**Parish:**  
Wetheral

**Agent:**  
PFK Planning

**Ward:**  
Wetheral

**Location:** Land to the rear of 46 Broomfallen Road, Scotby, Carlisle, CA4 8DE

**Proposal:** Demolition Of Lean To At 46 Broomfallen Road And Erection Of 5no. Dwellings With Associated Infrastructure

**Date of Receipt:**  
05/06/2018 11:01:01

**Statutory Expiry Date**  
31/07/2018 11:01:01

**26 Week Determination**  
31/10/2018

### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Impact of the proposal on the character of the area
- 2.3 Whether the scale and design of the dwellings are acceptable
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Provision of affordable housing
- 2.6 Impact of the proposal on highway safety
- 2.7 Whether the method for the disposal of foul and surface water are appropriate
- 2.8 Impact of the proposal on biodiversity
- 2.9 Impact of the proposal on existing trees and hedgerows
- 2.10 Impact of the proposal on archaeology
- 2.11 Crime prevention, safety and fear of crime
- 2.12 Other Matters

#### 3. Application Details

## **The Site**

- 3.1 Number 46 Broomfallen Road is a large detached property set within an extensive curtilage. The application site, equating to approximately 0.36 hectares, comprises of part of the rear garden of 46 Broomfallen Road together with a small section of the paddock immediately to the east of the rear garden. A large detached garage/workshop and summer house are currently located within the application site.
- 3.2 The northern boundary of the application is delineated by a post and wire fence beyond which lie a group of trees. The rear domestic curtilages of numbers 44 to 52 Broomfallen Road, two storey detached and semi-detached properties, form the site's western boundaries which consist of a combination of fencing, hedgerows, shrubs and trees; however, the rear boundary of 46 Broomfallen is currently devoid of a rear boundary. A post and wire fence runs along the eastern boundary with a hedgerow along its southern boundary. The topography of the application site is such that the land slopes from east to west.

## **Background**

- 3.3 In 2014, Members of the Development Control Committee granted outline planning permission with all matters reserved, subject to the completion of a Section 106 Agreement (application reference 13/0950). The Section 106 Agreement, requiring a contribution towards off-site affordable housing, was subsequently entered into and the decision notice issued on the 12th November 2014.
- 3.4 In 2017, an application for the erection Of 3no. dwellings (renewal of outline permission granted under reference 13/0950) was approved under delegated powers (application reference 17/0617). This application again sought outline planning permission with all matters reserved; however, it was assessed against policies within the current adopted local plan. Policy HO4 of the local plan identifies that the site is located within Zone A which requires a contribution towards affordable housing for all sites of six units and over. The proposal fell below the aforementioned threshold, therefore, a contribution towards affordable housing was not required.

## **The Proposal**

- 3.5 The site area of the previous outline application was approximately 0.26 hectares. This current application now seeks full planning permission for the erection of 5no. dwellings on land now equating to approximately 0.36 hectares.
- 3.6 The submitted drawings illustrate that the proposed dwelling would be orientated around the central access road. The measurements and accommodation provided for each property are as follows:

Plot 1 (single storey) - maximum 16.3 metres in length by a maximum width of 12.1 metres with a maximum ridge height of 5.9 metres. The

accommodation would comprise of a kitchen/family room, living room, hallway, utility, 1no. ensuite bedroom, 2no. bedrooms, bathroom and store. A detached garage to serve the proposed dwelling would be 8.4 metres long by 4.7 metres wide with a ridge height of 5.1 metres;

Plot 2 (split-level) - maximum 16.3 metres in length by a maximum width of 12.1 metres with a maximum ridge height of 8.5 metres. The ground floor accommodation would comprise of garage, ensuite office/guest bedroom, hallway, cloakroom, store utility room with living room, kitchen/family room, hallway, 1no ensuite bedroom, 2no. bedrooms, bathroom and store above;

Plot 3 (split-level) - maximum 17.2 metres in length by a maximum width of 12.1 metres with a maximum ridge height of 8.5 metres. The ground floor accommodation would comprise of garage, hallway, utility, ensuite office/guest bedroom with living room, kitchen/family room, hallway, 1no. ensuite bedroom, 3no. bedrooms and bathroom above;

Plot 4 (split-level) - maximum 17.2 metres in length by a maximum width of 12.1 metres with a maximum ridge height of 8.5 metres. The ground floor accommodation would comprise of garage, hallway, utility, ensuite office/guest bedroom with living room, kitchen/family room, hallway, 1no. ensuite bedroom, 3no. bedrooms and bathroom above;

Plot 5 - maximum 16.3 metres in length by a maximum width of 12.1 metres with a maximum ridge height of 5.9 metres. The accommodation would comprise of a kitchen/family room, living room, hallway, utility, 1no. ensuite bedroom, 2no. bedrooms, bathroom and store. A detached garage to serve the proposed dwelling would be 8.4 metres long by 4.7 metres wide with a ridge height of 5.1 metres.

- 3.7 The proposed walling materials for the dwellings are a combination of clay facing bricks, render and fibre cement weatherboarding with artstone cills, string courses and quoins. The roofs would be finished in concrete flat profile roof tiles.
- 3.8 The existing hedgerows along the northern and sections of the western boundary are to be retained. Native hedges would also form the application sites eastern and southern boundaries with further landscaping within the development site itself. Retaining walls and 1.8 metre high close boarded timber fences would delineate each of the plots.
- 3.9 Vehicular access to serve the proposed development would be from Broomfallen Road. The formation of the access road would involve: the demolition of a single storey lean-to extension on the southern gable elevation of 46 Broomfallen Road; the erection of a new boundary wall separating the shared boundary of 46 Broomfallen Road from the proposed access road; together with the formation of a bin store capable of accommodating 10 waste/recycling bins on collection day.

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

4.1 This application has been advertised by the direct notification of eight neighbouring properties and the posting of a Site Notice. In response, four representatives of objection have been received.

4.2 The representations identify the following issues:

1. increased disturbance, noise and loss of privacy from access road;
2. loss of privacy and security;
3. potential damage to adjoining boundaries;
4. questions the width of access to allow two vehicles to pass;
5. impact on highway safety;
6. questions capability of bin store to accommodate waste/recycling bins;
7. questions parking provision within the development;
8. potential impact on surface water flooding.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection to the proposal subject to the imposition of conditions in respect of: access construction; provision of visibility splays ; construction of vehicular crossing; no access to the site other than approved access; height of any highway boundary treatment; provision of access and parking prior to building works commencing; construction traffic parking and submission of surface water drainage details;

**Wetheral Parish Council:** - observations – the committee noted that it is pleasing to see bungalows being planned, as this meets the needs of the local community and reduces overlooking for existing residents. However, there are concerns regarding the access onto Broomfallen Road. The road is already narrow and access for emergency and refuse vehicles would be difficult. There is no room for vehicles to pass and this could result in vehicles reversing onto Broomfallen Road. The committees previous objections (application 13/0950) still stand;

**Local Environment - Waste Services:** - the location of the bin store near the entrance is welcome, as the turning head at the top does not look long enough to turn our vehicles in. However; please ensure it is of sufficient size, as it would need to house at least 2 bins for each property (refuse and garden waste) and recycling containers (box and 2 bags each property);

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

**Local Environment - Environmental Protection:** - no objections subject to imposition of conditions requiring the submission of a construction method statement and further details should contamination be found;

**Northern Gas Networks:** - no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact Northern Gas Networks directly to discuss their requirements in detail.

## 6. Officer's Report

### Assessment



- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO2, HO3, HO4, IP3, IP4, IP6, CC5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. Other material considerations are Supplementary Planning Documents adopted by the City Council, in particular 'Achieving Well Designed Housing' and 'Trees and Development'.

### **1. Whether the principle of development is acceptable**

- 6.3 Paragraph 11 of the NPPF outlines that: *"at the heart of the NPPF is a presumption in favour of sustainable development"*. Paragraph 78 expands by highlighting that: *"To promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby"*.
- 6.4 The aims of the NPPF is reiterated in Policy HO2 of the local plan which outlines that new housing development other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and in the rural areas provided that the development would not prejudice the delivery of the spatial strategy of the local plan and be focussed in sustainable locations subject to satisfying five criteria. The proposal seeks full planning permission for housing development within an existing residential garden, therefore, Policy HO3 of the local plan is also relevant. Policy HO3 of the local plan outlines that housing development in existing residential gardens will be permitted subject to compliance with five criteria.
- 6.5 By way of background, the principle of residential development of the application site was first established in 2014 when outline planning permission was granted by Members of the Development Control Committee (application reference 13/0950). A further application for outline planning permission was approved under delegated powers in 2017 (application reference 17/0617).
- 6.6 The application site is well contained within existing and proposed boundaries and adjoins the domestic curtilages of existing residential properties within Scotby. Scotby has a high level of services which consist of a public house, village hall, school and church. Accordingly, Scotby is considered to be a sustainable location, therefore, the principle for the development of the site for housing is still consistent with the objectives of the NPPF and Policy HO2 of the local plan.

- 6.7 In overall terms, the application site is well contained within existing landscape features, it is physically connected, and integrates with, the settlement, and would not lead to an unacceptable intrusion into open countryside. The development of 5no. dwellings is of an appropriate scale for the village to accommodate and would not be considered a threat to the delivery of the local plan's spatial strategy. Any perceived visual impact the proposal may have would be mitigated through the retention and implementation of a landscaping scheme. Compliance with other criteria within Policies HO2 and HO3 of the local plan will be discussed in the relevant sections below.
- 6.8 In light of the foregoing, the site for housing is consistent with both the NPPF and local plan, the principle of development remains acceptable.

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

- 6.9 Policy HO3 of the local plan acknowledges that gardens contribute significantly to the character and quality of housing areas within the City and also within the market towns and many villages within the rural area. Proposals for housing development in existing residential gardens will be permitted providing five criteria are met. The form and scale of any new development should respect the local character of the immediately surrounding area. In particular the scale, number of storeys and massing of new housing development should not exceed that of existing dwellings adjacent to the site. Policy SP6 of the local plan also seeks to ensure that development proposals harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.10 The application seeks the development of part of the rear garden and paddock of 46 Broomfallen Road, Scotby a detached two storey dwelling located on the eastern side of Broomfallen Road. A large detached garage/workshop and summer house currently occupy a central location within the application site.
- 6.11 The submitted drawings illustrate a development of 5no. detached dwellings consisting of 2no. single storey properties with detached garages and 3no. 'split-level' properties. It is inevitable that the erection of a new dwellings on the elevated rear garden area and paddock of 46 Broomfallen Road would have some visual impact on the character of the area. In mitigation, the existing and proposed landscaping together with the topography would help to mitigate for any perceived visual impact. The broken ridge lines and proposed palette of materials would also help to soften any perceived visual impact and would be viewed against the backdrop of the existing dwellings fronting onto Broomfallen Road. The proposal has also been so designed to achieve adequate amenity space and off-street parking to serve each of the proposed dwellings.
- 6.12 In light of the foregoing assessment, the proposal would respond to the local context and would not be disproportionate or obtrusive within the character of the streetscene.

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

- 6.13 Policies seek to ensure that development proposals are appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policies SP6 and HO3 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing, make use of appropriate materials and detailing and achieve adequate amenity space.
- 6.14 When assessing the character of the area, it is evident that there are a variety of properties of differing ages and styles within the immediate vicinity; however, the properties immediately bordering the site are of two storey construction. The topography of the land is such that the land falls from east to west.
- 6.15 The submitted Planning Statement details that: "*... this revised application has been considered in order to ensure that the proposed houses can be 'sat down' in the landscape as far as possible, also to ensure that the land can be engineered without recourse to major engineering interventions such as large retaining walls with a more gentle landscaping scheme ... the rooflines of the proposed new dwellings directly behind the existing dwellings on Broomfallen Road are not in excess of those existing two storey dwellings. In relation to the units to the rear of the site these sit approximate 1.5 metre higher, they will be separated by the houses to the front of the site and garaging and are both over 25 metres to the boundary of the site*".
- 6.16 As highlighted earlier in the report, there are a range of differing styles and ages of properties within the immediate vicinity; however, the properties bordering the site are of two storey construction. The two properties adjacent to the rear boundaries of existing properties along Broomfallen Road would be of single storey construction with the 'split-level' properties occupying the rear portion of the site. In overall terms, the scale and massing of the proposed dwellings would respond to the form of other dwellings within this part of Broomfallen Road and achieve adequate external space and in-curtilage parking provision. The proposed palette of materials would also respect and reflect those of the adjacent properties. Furthermore, the retention of existing landscaping together with proposed landscaping would also help to soften and blend the proposed dwellings into the landscape.

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

- 6.17 Development should be appropriate in terms of quality to that of the surrounding area and do not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The City Council's SPD 'Achieving Well Designed Housing' provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking i.e. 12 metres between primary windows and blank gables and 21

metres between primary windows.

- 6.18 The orientation of the dwellings, arranged around a central access road, would ensure that the minimum distances between primary windows to protect against loss of privacy as outlined in the SPD 'Achieving Well Designed Housing' would be exceeded. As highlighted earlier in the report, the two properties closest to the rear boundaries of the existing properties on Broomfallen Road would be of single storey construction with the closest 'split-level' property (Plot 2) located 26 metres from the rear boundary of 46 Broomfallen Road. Plots 3 and 4 would be located 41 metres and 38 metres respectively from the rear boundaries of the closest properties on Broomfallen Road. In respect of intensification of use, it is inevitable that any development proposals in an otherwise undeveloped area would lead to increased levels of traffic and noise; however, given that the proposal is for five dwellings it would be difficult to substantiate a refusal of the application on this basis.
- 6.19 Existing and proposed landscaping would also mitigate for any perceived impact in respect of the unacceptable loss of light, overlooking or over-dominance of neighbouring properties. In overall terms, the siting, scale and design of the development would not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of loss of privacy, loss of light or over-dominance. To further protect the residential amenity of the occupiers of neighbouring properties a condition is recommended that would restrict construction hours.

## **5. Provision Of Affordable Housing**

- 6.20 As outlined in paragraph 3.4 above the application site is located within Housing Zone A. Policy HO4 of the local plan identifies that within Housing Zone A all sites of six units and over will be required to provide 30% of the units as affordable. This proposal falls below the aforementioned threshold, therefore, a contribution towards affordable housing is not required.

## **6. Impact Of The Proposal On Highway Safety**

- 6.21 The Parish Council and several objectors have raised objections to the proposal on highway safety grounds questioning the capability of the access road to accommodate traffic entering and leaving the site, capability of the access road to accommodate emergency and service vehicles and visibility.
- 6.22 The submitted drawings illustrate that a visibility splay of 45 metres can be achieved at the entrance of the site when measured from the centre line of the proposed access. The entrance into the development would be 4.8 metre wide access extending for 10 metres into the site. This width would allow two vehicles to exit the site and one vehicle to enter the site at the same time, thereby, reducing the need for waiting traffic on the highway. The width of the remainder of the proposed access (4 metres) could also accommodate emergency vehicles.
- 6.23 Cumbria County Council, as Highways Authority, has been consulted and subject to the imposition of conditions have no objections to the proposal.

The recommended conditions require: details of the access road construction including drainage; provision of visibility splays; vehicular crossing over the footway; access drive surface; no vehicular access or egress other than approved access; height of boundary wall/fence; access/parking requirements to be met before building works commence on site; no dwelling to be occupied until vehicular access and turning requirements have been constructed; and adequate land reserved for construction vehicles.

- 6.24 The concerns of the Parish Council and third parties have been noted; however, given that the Highways Authority do not share these concerns it would be difficult to substantiate a refusal of the application on highway grounds.

## **7. Whether The Method For The Disposal Of Foul And Surface Water Are Appropriate**

- 6.25 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. In respect of surface water drainage, the submitted details outline that percolation tests have been undertaken on site and used to size individual soakaways which would serve each of the proposed dwellings. Permeable pavers to the shared surface areas would allow natural percolation into the underlying ground strata. At the junction of the access road to Broomfallen Road a drainage channel would collect surface water prior to it discharging into the existing highway drainage system.
- 6.26 Cumbria County Council, as Lead Local Flood Authority (LLFA), has been consulted and outlines that its surface water maps do not indicate that the site is of in an area of risk of flood and that the Environment Agency surface water maps do not indicate that the site is of in an area of risk. The LLFA goes on to state that the Drainage Strategy and Design, submitted as part of the application, identifies methods for the disposal of foul and surface water. In respect of surface water the proposed method is to individual soakaways. The LLFA requires that surface water drainage should not be greater than the already existing. If installing a soakaway system the LLFA advises that soakaways should be located at least 5 metres away from any highway and property. The Drainage Strategy and Design document contains calculations with the return period for the design of the soakaways for a 30 year period; however, the soakaways need to be designed for a 1 in 100 year plus 40% storm event to account for climate change events. The LLFA also requires the submission of the soakaway tests results not just the design of the soakaways. Accordingly, the submitted details in respect of surface water do not adequately demonstrate that the development would not increase the volume of water leaving the site which could potentially have a negative impact on existing developments downstream. Details of a maintenance plan should also be submitted. In light of the foregoing, the LLFA recommends the imposition of a condition requiring the submission of further details in respect of surface water drainage.
- 6.27 Foul water from the development would enter the mains sewer. The

submitted Drainage Strategy and Design document highlighting that: *"a new connection application will be made for the properties and the works will be installed in accordance with United Utilities requirements"*. United Utilities has been consulted and raise no objections subject to the imposition of a condition which would require the drainage works to be implemented in accordance with the details contained within the submitted Drainage Strategy and Design.

## **8. Impact Of The Proposal On Biodiversity**

- 6.28 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England it is unlikely that the proposed development would harm protected species or their habitat. To further protect biodiversity and breeding birds, informatics are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

## **9. Impact Of The Proposal On Existing Trees And Hedgerows**

- 6.29 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.
- 6.30 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.
- 6.31 The application was accompanied by a landscaping plan which illustrates the retention of the northern and sections of the western hedgerow boundaries together with the planting of a new native species hedge along the southern and eastern boundaries of the site. Further landscaping would also undertaken within the development site. In order 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. In overall terms, existing and proposed landscaping would help to soften and blend the development into the landscape.

## **10. Crime Prevention, Safety and the Fear of Crime**

- 6.32 Objections have been raised by third parties in respect of potential loss of security through the formation of the access road and removal of existing boundary treatments. Paragraph 127 of the NPPF seeks to outline that: *"planning policies and decisions should aim to 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"*. The aim of the NPPF is reiterated in Policy CM4 of the local plan, which seeks to ensure that all new development should make a positive contribution by creating a safe and secure environment by integrating measures for security and crime prevention and minimising the opportunity for crime.
- 6.33 Accordingly, planning policies together with planning case law confirms that people's perceptions, and in this case, the fear of crime is capable of being a material planning consideration but what needs to be considered is the weight to be attached to this matter in this case and whether this is sufficient to justify refusing the application. This requires an assessment of the concerns actually experienced, not a subjective and paternalistic view. In order to justify refusal of a planning application there needs to be some reasonable evidential basis for that fear.
- 6.34 Whilst the fear expressed by objectors to the proposal is understandable, these fears and perceptions must be considered in the context of the proposal and submitted documents. It is acknowledged that the creation of the access road to serve the proposed development would intensify activity along its shared boundaries; however, on balance, the layout of the development would afford natural surveillance opportunities from both existing and proposed dwellings. The occupier of the adjacent property could also provide increased security to their property through the erection of a boundary fence. Accordingly, there is little evidence to suggest that residents would be at greater risk from crime if the proposed development was approved. Refusal of permission on this basis would be therefore be unreasonable and unjustified.

## **11. Other Matters**

- 6.35 Third parties have questioned the capacity of the bin store to accommodate both waste and recycling bins. The submitted drawings illustrate a bin store at the entrance to the site which can accommodate 10 waste bins/recycling bins/containers during collection days. The City Council's Waste Services Division and the Highway Authority did not raise any objections to the capacity or the location of the bin store.
- 6.36 An objector has raised concerns about the accuracy of the submitted documents and the information contained therein. These drafting errors have subsequently been corrected by the Agent by the submission of revised documentation.

- 6.37 A further issue raised was the potential damage of a hedge during construction works. This is a civil matter and can not be considered a material planning consideration.

## **Conclusion**

- 6.38 In overall terms, the principle of residential development on the site is acceptable under the provisions of the NPPF and the local plan. The application site is well contained within existing landscape features, it is physically connected, and integrates with, the settlement, and would not lead to an unacceptable intrusion into open countryside. The development of 5no. dwellings is of an appropriate scale for the village to accommodate and would not be considered a threat to the delivery of the local plan spatial strategy.
- 6.39 The scale, design and massing of the proposed dwellings would be appropriate and would not have a detrimental impact on the occupiers of neighbouring properties through unacceptable overlooking, loss of light or over-dominance. Existing and proposed landscaping together with the proposed palette of materials would also help to soften and blend the proposed dwellings into the landscape, thereby, minimising any perceived visual impact.
- 6.40 No highway or drainage issues have been raised by Cumbria County Council or United Utilities as the relevant consultees. In all other aspects, the proposal is compliant with the objectives of the NPPF, PPG and relevant local plan policies. Accordingly, the application is recommended for approval.

## **7. Planning History**

- 7.1 In 2014, outline planning permission was granted for the erection of 3no. dwellings (application reference 13/0950).
- 7.2 In 2017, outline planning permission was granted for erection of 3no. dwellings (renewal of outline permission granted under reference 13/0950 (application reference 17/0617).

## **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 June 2018;
2. the Planning Statement, incorporating Design and Access Statement received 6th August 2018;
3. the Contamination Statement received 5th June 2018;
4. the Drainage Strategy and Design received 12th June 2018
5. the site location plan received 26th June 2018;
6. the site plan received 6th July 2018 (drawing No. 17042-08E);
7. the house types, plots 1, 2 and 5 received 5th June 2018 (Drawing No. 17042-09B);
8. the house types, plots 3 and 4 received 5th June 2018 (Drawing No. 17042-10B);
9. the site sections received 5th June 2018 (Drawing No. 17042-18);
10. the site location and block plans received 6th July 2018 (Drawing No. 17042-19B);
11. the landscape plan received 12th June 2018 (Drawing No. APBRS-WW-01);
12. the Notice of Decision; and
13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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

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

4. The foul drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy and Design compiled by by Kingmoor Consulting Limited dated 29 May 2018 (reference 18- 186r001). Any variation to the discharge of foul shall be agreed in writing by the local planning authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

**Reason:** To ensure a satisfactory scheme for the disposal of foul drainage in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

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

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

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG and Policy CC5 of the Carlisle District Local Plan 2015-2030.

6. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the local planning authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

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

7. The development shall not commence until visibility splays providing clear visibility of 45 metres measured back 2.4m down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

8. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the local planning authority in consultation with the Highway Authority.

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

9. The access drive shall be surfaced in bituminous or cement bound material, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 10 metres inside the site, as measured from the carriageway edge of the adjacent highway.

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

10. There shall be no vehicular access to or egress from the site other than via

the approved access, unless otherwise agreed by the local planning authority.

**Reason:** To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety. To support Local Transport Plan Policies: LD7, LD8.

11. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05 metres above the carriageway level of the adjacent highway in accordance with details submitted to the local planning authority and which have subsequently been approved before development commences and shall not be raised to a height exceeding 1.05 metres thereafter.

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

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

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

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

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

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

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

15. No dwelling shall be commenced until samples or full details of materials to be used externally on the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

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

16. No dwelling shall be commenced until samples or full details of all materials to be used on the proposed hard surface finishes to all public and private areas within the development have been approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials.

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

17. Development shall not be begun until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include details of:

- implementation of noise mitigation measures i.e. use of noise attenuation barriers, storage/unloading of aggregates away from sensitive receptors, use of white noise reversing alarms where possible
- the sheeting of all HGVs taking spoil to/from the site
- provision and use of water suppression equipment
- covering of 'dusty' materials
- wheel washing facilities for vehicles leaving the development

**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.

18. 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 dwellings.

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

19. 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 dwellings or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is

implemented and that it fulfils the objectives of Policy GI6 of the Carlisle District Local Plan 2015-2030.

20. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

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

21. No work associated with the construction of the residential unit hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

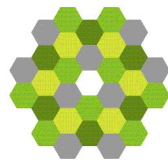
**Reason:** To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

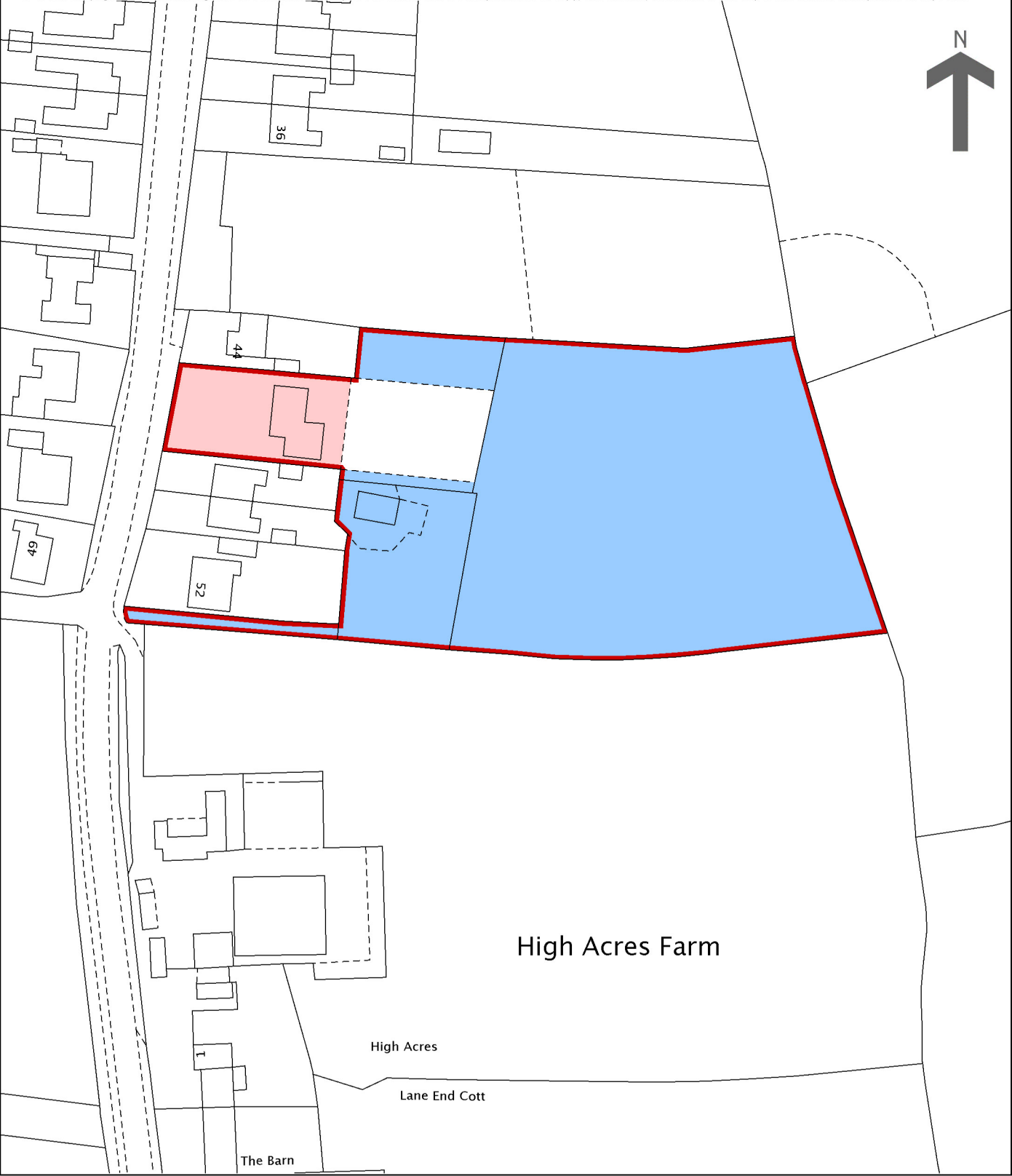
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**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.

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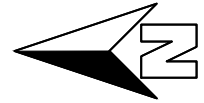
Rev.	Date	Description	Revised by
A	06/18	Site boundary amended	BG
B	07/18	Boundary to rear of No. 44 Broomfield Road corrected.	BG



PROPOSED BLOCK PLAN  
SCALE 1:500



EXISTING BLOCK PLAN  
SCALE 1:500



LOCATION PLAN  
SCALE 1:1250

PLANNING

ARCHITECTS  
PLUS

Project  
RESIDENTIAL DEVELOPMENT  
46 BROOMFALLEN ROAD, SCOTBY

Client  
SIMPSON THE BUILDERS

Drawing  
SITE LOCATION AND BLOCK PLANS

Scale	Date	Drawn	Comp. No.	Number
1:1250	05/18	BG	P03	17042-19B
1:500				



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Rev.	Date	Description	Revised by
A	03/18	General update	BG
B	03/18	General update	BG
C	03/18	Design changes	BG
D	03/18	Site boundary amended	BG
E	07/18	Boundary to rear of No. 44 Broomfield Road corrected.	BG



# PLANNING

## ARCHITECTS PLUS

Project  
RESIDENTIAL DEVELOPMENT  
46 BROOMFALLEN ROAD, SCOTBY

Client  
SIMPSON THE BUILDERS

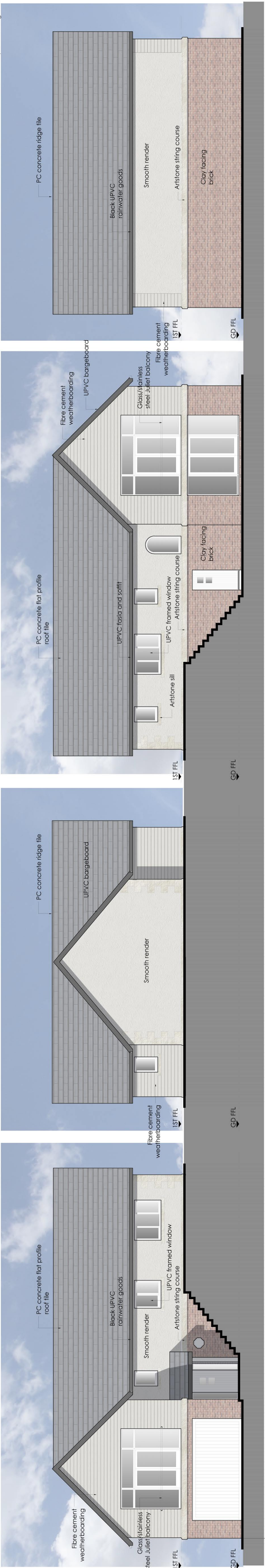
Drawing  
SITE PLAN

Scale	Date	Drawn	Comp. No.	Number
1:200	03/18	BG	P03	17042-08E



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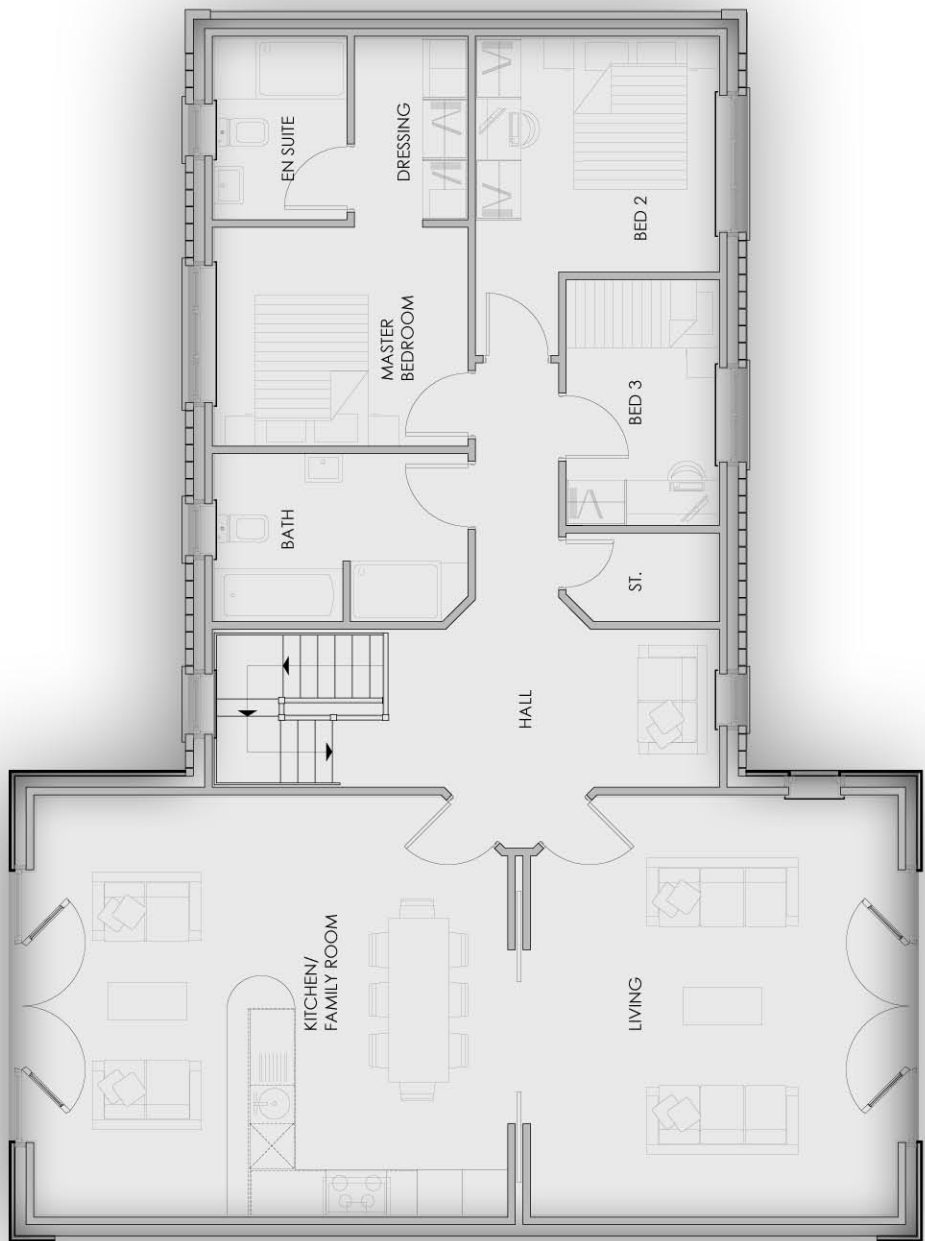
Rev.	Date	Description	Revised by
A	03/18	Elevations updated, plans altered to plot size and dims added	BG
B	03/18	Drawing stage changed	BG



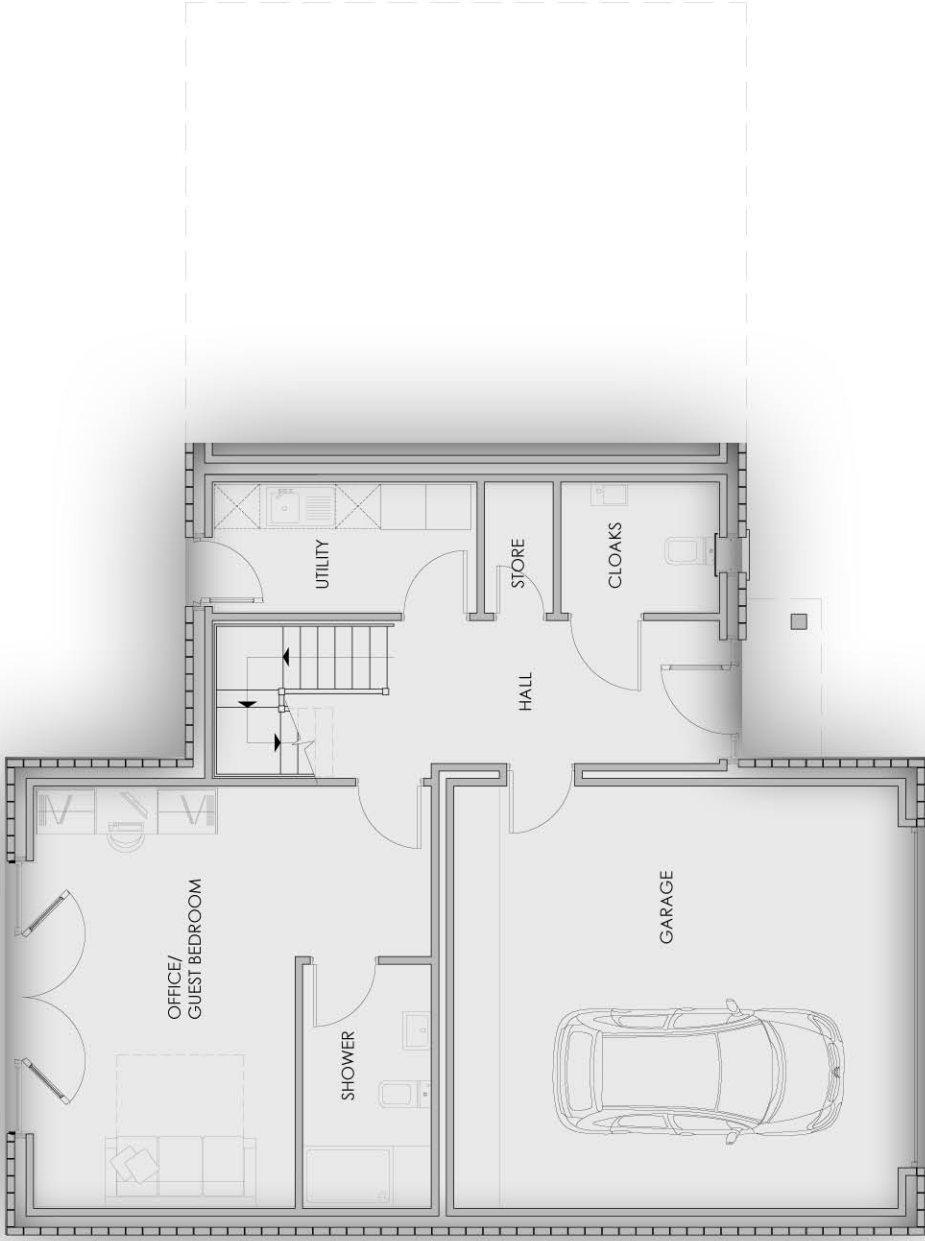
PLOT 2 FRONT ELEVATION

PLOT 2 SIDE ELEVATION

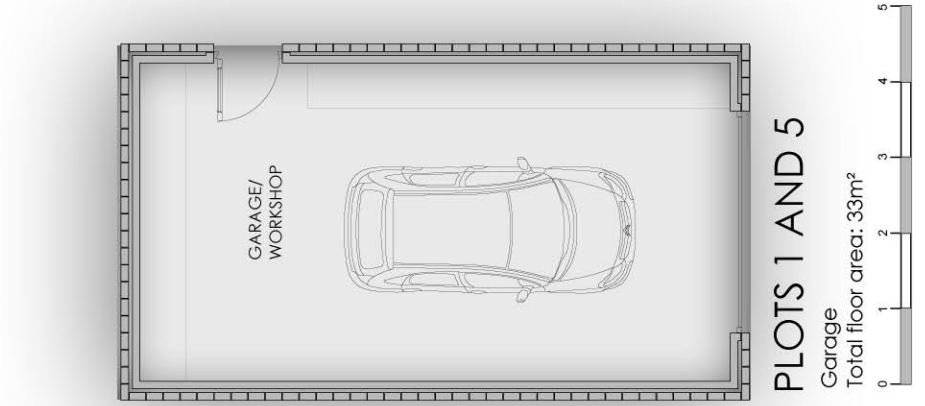
PLOT 2 REAR ELEVATION



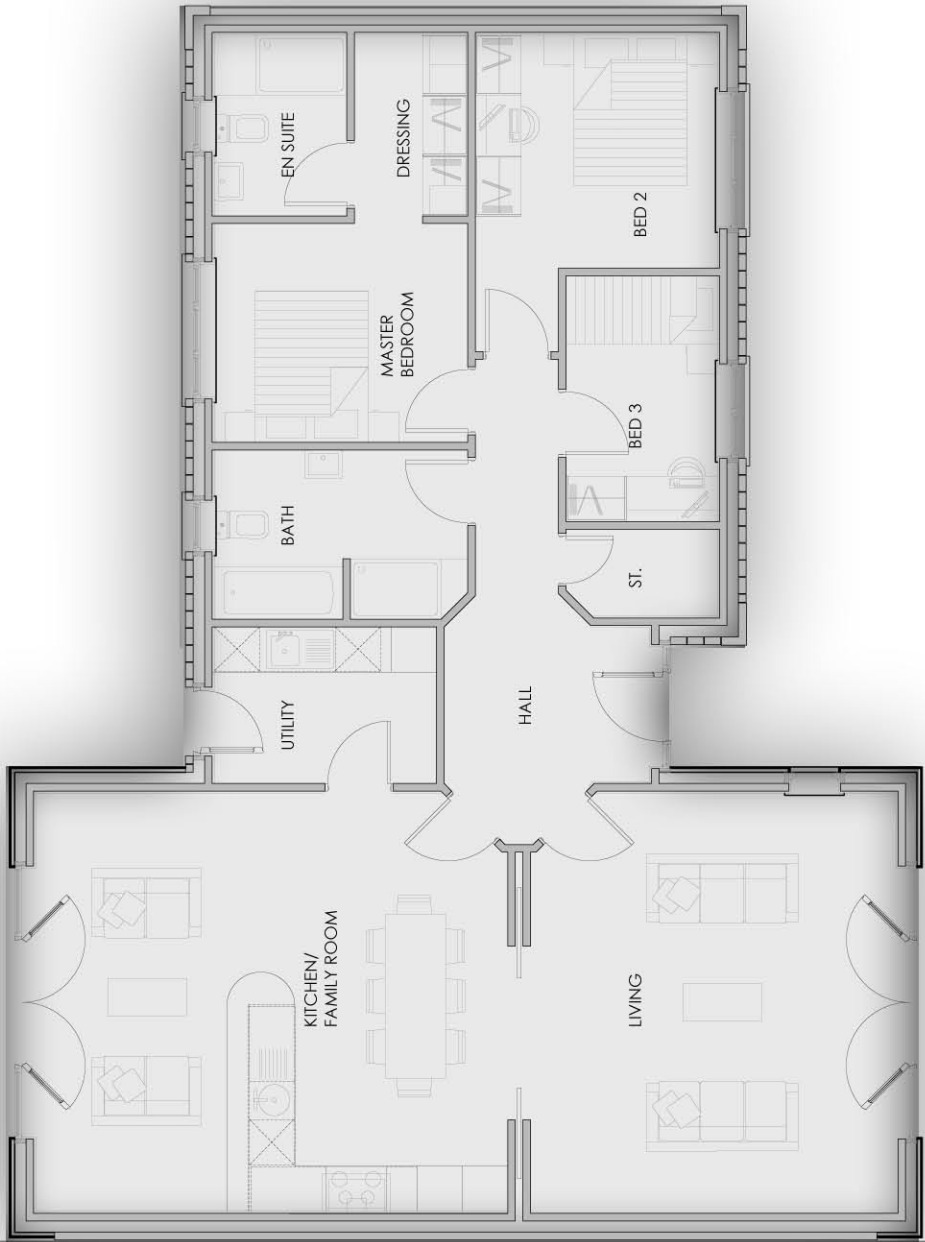
PLOT 2 FIRST



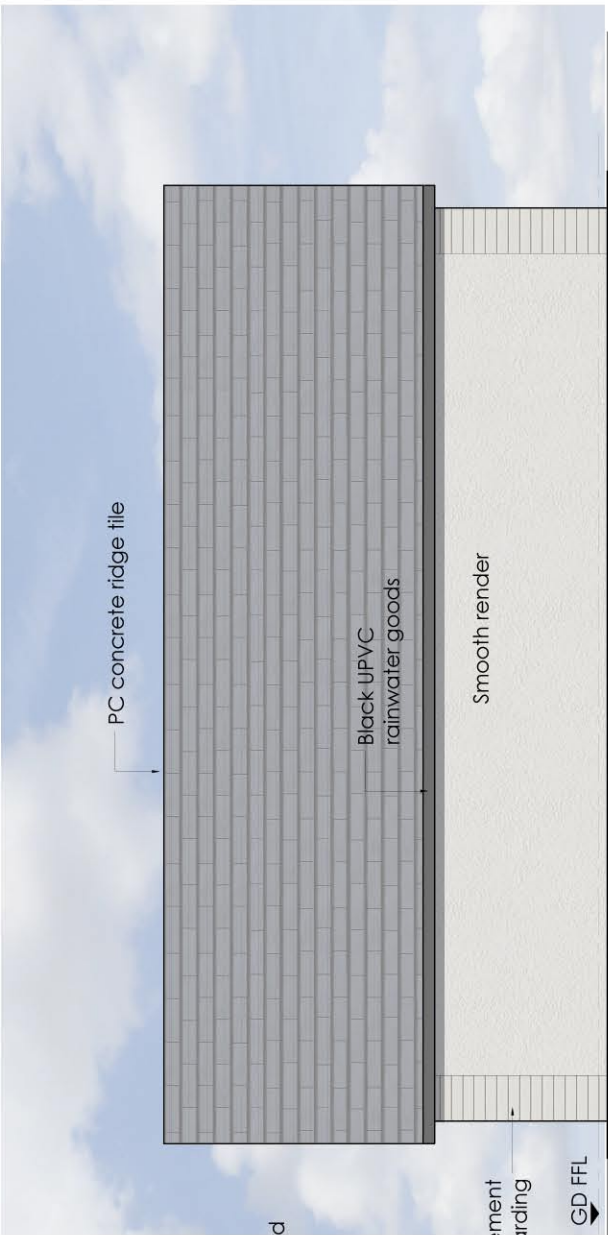
PLOT 2 GROUND



PLOTS 1 AND 5



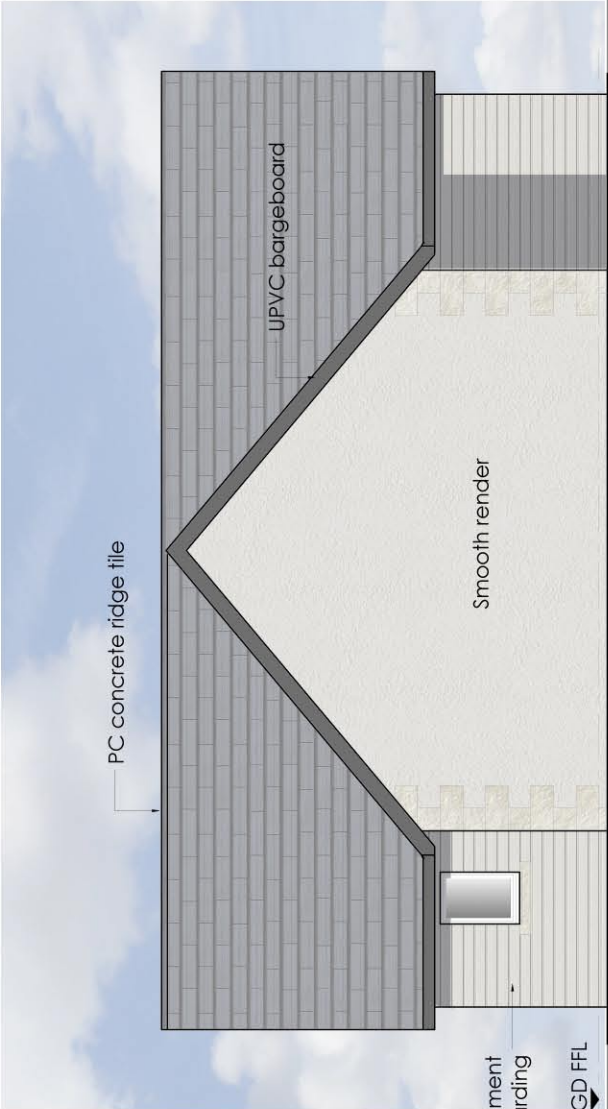
PLOTS 1 AND 5 GROUND



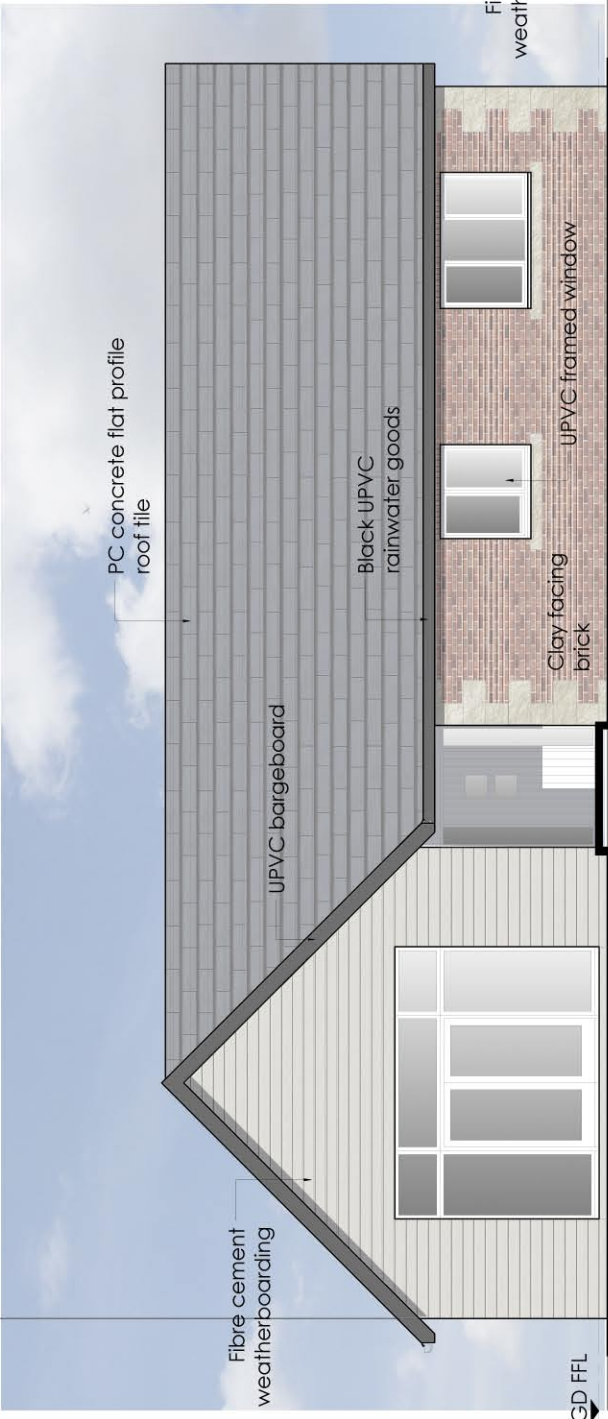
PLOTS 1 AND 5 SIDE ELEVATION



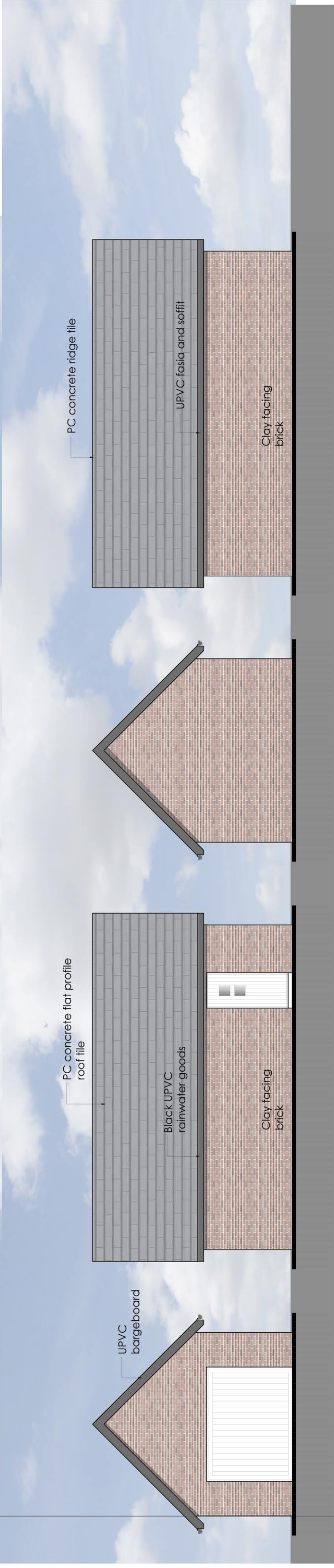
PLOTS 1 AND 5 REAR ELEVATION



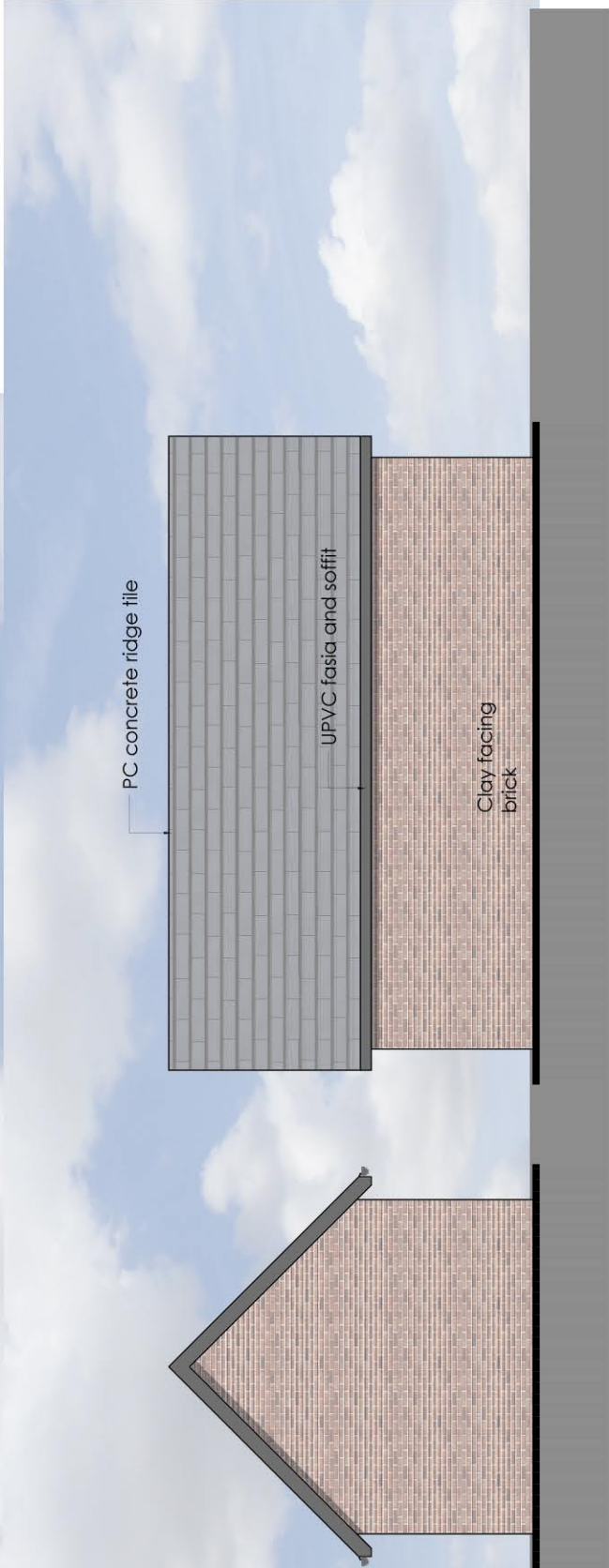
PLOTS 1 AND 5 SIDE ELEVATION



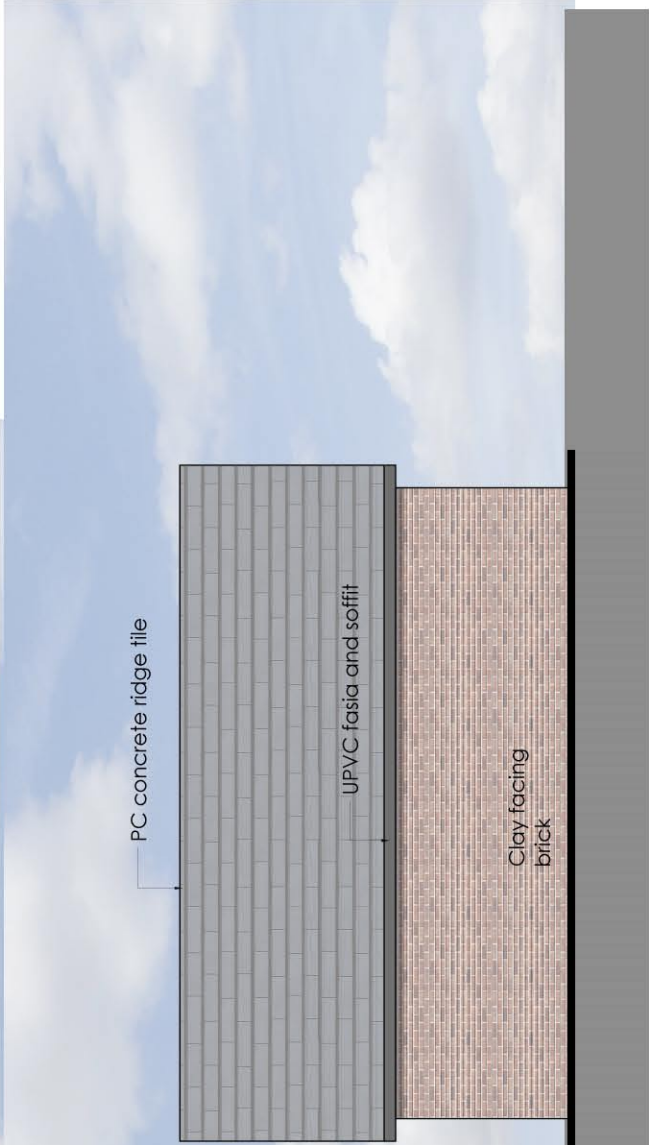
PLOTS 1 AND 5 FRONT ELEVATION



PLOTS 1 AND 5 GARAGE FRONT ELEVATION



PLOTS 1 AND 5 GARAGE REAR ELEVATION



PLOTS 1 AND 5 GARAGE SIDE ELEVATION

- NOTES:
- Walls: Clay facing brick, Through-colour render, Fibre cement weatherboarding, Concrete flat profile roof tiles
  - Windows and Doors: UPVC doors and windows, UPVC bargeboards, UPVC fascia and soffit, UPVC framed windows, UPVC bargeboards, UPVC fascia and soffit
  - Boundary Treatment: Existing site boundary hedge to be retained, New native species hedge to new boundaries, New native species hedge to be retained, New native species hedge to be retained, New native species hedge to be retained, New native species hedge to be retained
  - Surface Treatment: PC concrete permeable pavers to drives, PC concrete permeable pavers to drives, PC concrete flag to patios

## PLANNING

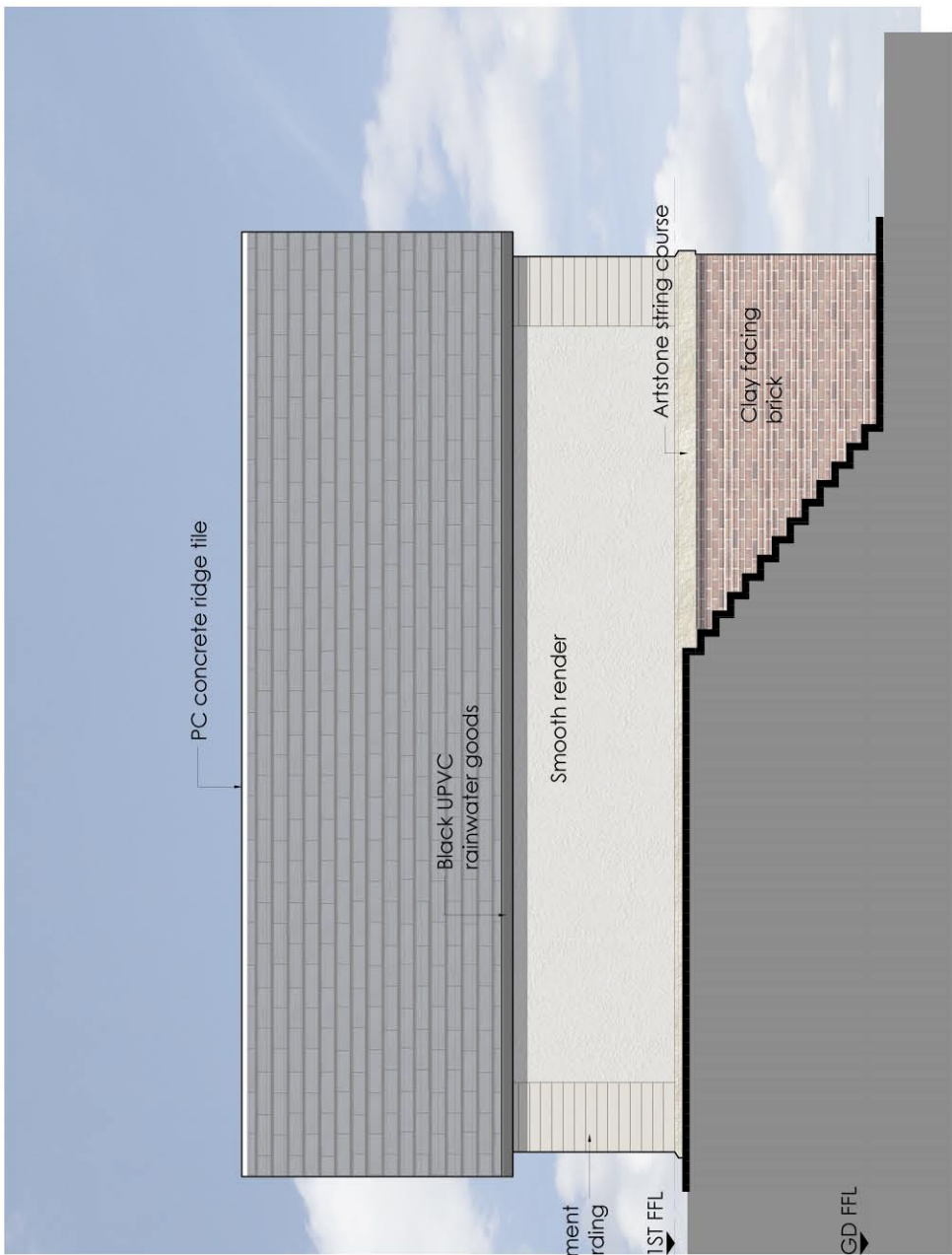
# ARCHITECTS PLUS

Project	RESIDENTIAL DEVELOPMENT
Address	46 BROOMFALLEN ROAD, SCOTBY
Client	SIMPSON THE BUILDERS
Drawing	HOUSE TYPES
Plots	PLOTS 1, 2 AND 5
Scale	1:100
Date	02/18
Drawn	BG
Camp No.	P03
Number	17042-09B

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Rev.	Date	Description	Reviewed by
A	05/18	Basic plan	BG
B	05/18	Revised plan, altered to block size and draw added	BG



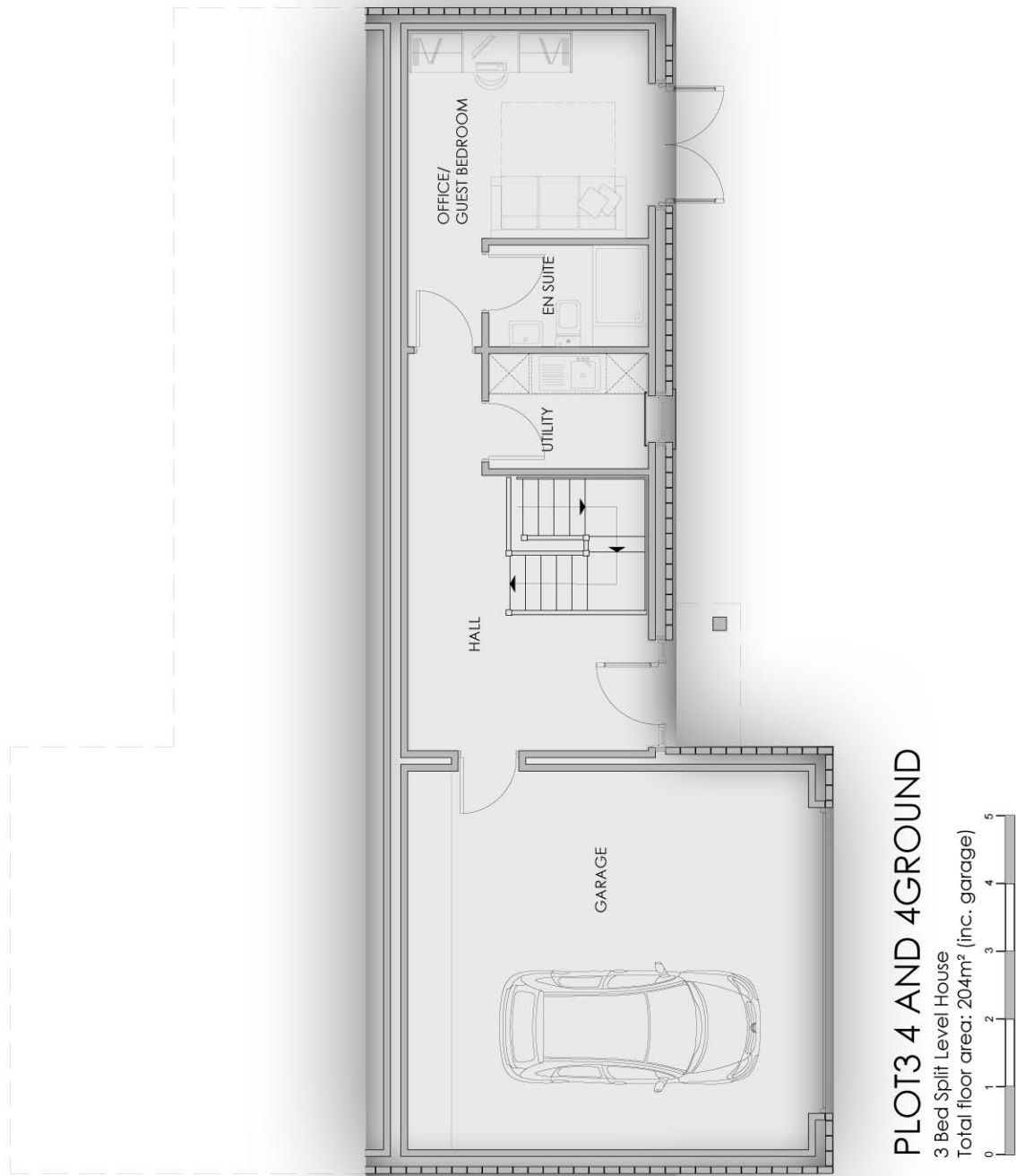
PLOTS 3 AND 4 REAR ELEVATION



PLOTS 3 AND 4 SIDE ELEVATION



PLOTS 3 AND 4 FRONT ELEVATION



PLOT3 4 AND 4GROUND

3 Bed Split Level House  
Total floor area: 204m² (inc. garage)




PLOTS 3 AND 4 FIRST

NOTES:  
**Walls**  
Clay facing brick  
Fibre cement weatherboarding  
Fire cement weatherboarding  
**Roof**  
Concrete flat profile roof tiles  
Concrete flat profile roof tiles  
UPVC rainwater goods  
UPVC rainwater goods  
**Windows and Doors**  
UPVC framed windows  
UPVC framed doors  
**Boundary Treatment**  
Existing site boundary hedge to be retained  
New boundary hedge to be retained  
Boundaries. Close boarded sw fences  
between plots.  
**Surface Treatment**  
Tarmac to access road  
Tarmac to access road  
PC concrete flags to patios

## PLANNING

# ARCHITECTS PLUS

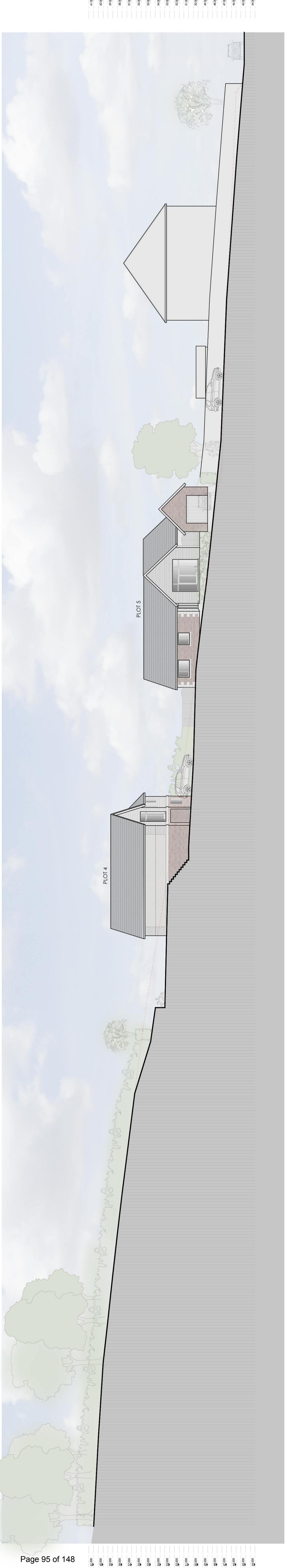
Project	RESIDENTIAL DEVELOPMENT 46 BROOMFALLEN ROAD, SCOTBY
Client	SIMPSON THE BUILDERS
Drawing	HOUSE TYPES PLOTS 3 AND 4
Scale	1:100
Date	02/18
Drawn	BG
Comp. No.	P03
Number	17042-10B
	
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Rev.	Date	Description
A	03/18	General update
B	03/18	General update

Revised by
BG
BG



# PLANNING

## ARCHITECTS PLUS

Project  
RESIDENTIAL DEVELOPMENT  
46 BROOMFALLEN ROAD, SCOTBY

Client  
SIMPSON THE BUILDERS

Drawing  
SITE SECTIONS

Scale	Date	Drawn	Comp. No.	Number
1:200	05/18	BG	P03	17042-18







## SCHEDULE A: Applications with Recommendation

18/0361

Item No: 04

Date of Committee: 24/08/2018

**Appn Ref No:**  
18/0361

**Applicant:**  
Mr & Mrs Todd

**Parish:**  
Irthington

**Agent:**  
Sam Greig Planning

**Ward:**  
Stanwix Rural

**Location:** Land adjacent to Hawklemass, Irthington, Carlisle, CA6 4NN

**Proposal:** Proposed Residential Development With Relocated Entrance To Field Widened Providing Access To The Residential Site And Field (Outline) (Revised Application)

**Date of Receipt:**  
04/06/2018

**Statutory Expiry Date**  
30/07/2018

**26 Week Determination**

---

### REPORT

**Case Officer:** Christopher Hardman

#### 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 On Living Conditions On Neighbouring Occupiers
- 2.3 Impact Upon Highway Safety
- 2.4 Drainage
- 2.5 Impact Upon Trees and Hedgerows
- 2.6 Impact On Hadrian's Wall World Heritage Buffer Zone
- 2.7 Biodiversity
- 2.8 Other Matters

#### 3. Application Details

- 3.1 This application seeks outline planning permission for residential development at Land adjacent to Hawklemass, Irthington. The proposed development is the erection of 1 dwelling with a relocated vehicle and field access and the existing barn is to be relocated to another part of the field outside the development site. This outline application includes matters of

access, landscaping, layout and scale with appearance a "reserved matter".

- 3.2 The proposal site is located to the north of the village of Irthington and immediately to the west of the junction of the road leading from Irthington to the settlement of Newtown.
- 3.3 The site is primarily green field agricultural land with a small number of existing agricultural storage buildings used for agricultural purposes. The site is currently vacant although the site was last used for grazing.
- 3.4 The site is bound to the north east by the unclassified road leading to the small settlement of Newtown; to the south east by the existing semi-detached two storey brick built dwelling known as Hawklemass; to the south west by the remainder of the agricultural land within the ownership of the Applicant; and, to the north west by the remainder of the agricultural land within the ownership of the Applicant beyond which is a stock proof fence and sporadic hedgerow facing the unclassified road.
- 3.5 The site, and surrounding land, is currently owned by the Applicant and has been within the family for over 30 years.

## **Background**

- 3.6 Application 17/0354 for Proposed Residential Development With Entrance To Field Widened Providing Access To The Residential Site And Field (Outline) was considered at the meeting of Development Control Committee on the 7th July 2017. The application was refused for the following reasons:

*The application site is on the northern edge of the village of Irthington. The form and character of the existing built form in this area of the village is predominantly linear in nature. The proposal site would be at the northern most aspect of the village and would protrude beyond the existing linear nature of the built form at an elevated position. The proposal site would therefore not be appropriate to the form and character of the existing settlement and is contrary to criterion 1 of Policy HO2 of the Carlisle District Local Plan 2015-2030.*

*The application site is on the northern edge of the village of Irthington and is located at an elevated position in the context of open aspects which does not benefit from existing landscape features to contain the proposal. Although the site would be physically adjacent to the existing built form it would appear visually detached from the village. The proposal would therefore not be well contained within existing landscape features and could be considered to intrude into the open countryside. The proposal is therefore contrary to criterion 3 of Policy HO2 of the Carlisle District Local Plan 2015-2030.*

- 3.7 It should be noted that since the outline application was considered by Members of the Development Control Committee the application has been revised to include access, landscaping, layout, and scale and revisions have been made to address the refusal reasons above. The drawings which

would form part of any approval now indicate the location of the dwelling which would be cut into the slope to reduce its impact and a relocated vehicular access to the north of the dwelling. In addition, planting is indicated to the north to frame the house in the context of the village. These changes are considered in the assessment of the application.

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

- 4.1 This application has been advertised by means of site notice and notification letters sent to four neighbouring properties. No verbal or written representations have been made during the consultation period.

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

**Cumbria County Council Highways Authority:** - No objection to development of the site. Advise that parking spaces should be provided in accordance with the Cumbria Development Design Guide 2017. In addition they advise that conditions should be placed on any permission relating to visibility splays; surfacing of the access drive; access gates shall be hung to open inwards; provision of detailed drawings of the access; a footway shall be provided; and, access/parking requirements shall be constructed in accordance with approved drawings.

**Cumbria County Council Lead Local Flood Authority:** - has no objection subject to conditions regarding prevention of surface water discharging onto the highway, and detailed design of the surface water drainage system.

**Irthington Parish Council:** - Request a site visit.

**Historic England - North West Office:** - No comments.

**Carlisle Airport:** - No response received.

**United Utilities:** - No objection subject to conditions relating to surface water drainage and that foul and surface water drain on separate systems. They also advise that a water main crosses the site and there shall be no development in close proximity to the main and that an access strip 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 Development Plan for the purpose of the determination of this application is the Carlisle District Local Plan 2015-2030 from which Policies SP1, SP2, SP6, HO1, HO2, IP3, IP4, IP5, IP6, CC5, CM5, HE1, GI3 and GI6 are of particular relevance.
- 6.3 The National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and the Supplementary Planning Document (SPD) adopted

by the City Council, 'Achieving Well Designed Housing', are also material planning considerations.

6.4 The proposal raises the following planning issues:

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

6.5 The main issue to establish in the consideration of this proposal is the principle of development.

6.6 At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 11) and paragraph 78 states that housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

6.7 In accordance with the NPPF it is therefore necessary for the principle of residential development to be considered in the context of the presumption in favour of sustainable development unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF provide a clear reason for refusing the development.

6.8 The aim of the NPPF is reiterated in Policy HO2 of the Local Plan which makes provision for new housing development on sites other than those allocated, within or on the edge of Carlisle, Brampton, Longtown, and villages within the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and subject to a number of criteria covering scale, design, location etc.

6.9 Since the previous application, this proposal includes the scale of the development (one dwelling 14m x 12.5m at its largest point, 6.35m high with a detached garage 6.5 x 6.2m) although appearance still remains a reserved matter for a later application. The impact of the proposal on the form and character of the existing settlement can be considered in some detail.

6.10 It is therefore considered the key issues in determining whether the principle of development is acceptable in this instance is whether the proposal is compliant with criterion 1 (excluding some reference to design as appearance remains a reserved matter) and criterion 3 of Policy HO2 which states that:

*(1) "...the proposed development is appropriate to the scale, form, function and character of the existing settlement;" and,*

*(3) "On the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside;"*



6.11 Paragraph 5.16 of the supporting text to Policy HO2 states:

*“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 into or out of a village.”*

6.12 The policy assessment in this respect is therefore whether the proposal would be appropriate to the scale, form, function and character of the existing settlement; and, whether the site is well contained within existing landscape features.

6.13 When assessing the proposal against the foregoing policies, the application site is located adjacent to existing residential properties and on the edge of the village of Irthington.

6.14 Irthington is located approximately 8 miles east of Carlisle and approximately 2.5 miles from Brampton which is designated as a Local Service Centre. The village benefits from local services including a primary school, church, pub and a weekly bus service. The village also benefits from a village hall and equipped area of play in the nearby settlement of Newtown which is approximately 0.5 miles to the north of the site. The principle of residential development within the village is therefore acceptable.

6.15 However, the built form in Irthington is predominantly linear in nature with the majority of dwellings broadly following the line of the C3937 highway through the village. While it is acknowledged there are buildings which stray off the existing highway, away from the linear nature, this is predominantly to the south of the highway and on the lower lying ground. In addition, the built form to the south of the highway comprises Irthington Primary School, the Grade II\* Listed Church of St Kentigern, and the Grade II Listed farmhouse, barns and courtyard, known as The Nook, all of which have historical significance.

6.16 The land adjacent to Hawklemass would sit on the northern most aspect of the village and would protrude beyond the existing linear nature of the built form. The proposal site is physically connected to the existing built form being adjacent to the garden of the property Hawklemass. It is however sited to the north of the junction and beyond the linear line, it could appear visually detached from the existing built form. In this respect, the proposal site could be considered as intruding into the open countryside. This issue arose in consideration of the outline application when all matters were reserved and there was no fixed detail in the application. This revised application has included some reserved matters and therefore the siting of the proposed dwelling is part of the consideration. In addition, the existing field access would be relocated to the north of the dwelling thus allowing the dwelling to be sited closer to the existing village form.

6.17 In addition, the land adjacent to Hawklemass sits at an elevated position compared to the existing dwellings off the C3937 highway through the village with open aspect views to the rear of the properties along the C3937. The site

can be seen when travelling west to east along the highway. In order to deal with the difference in levels this application indicates that the dwelling would be cut into the slope resulting in a ridge height only 0.57m higher than the adjacent property.

- 6.18 There are no existing landscape boundaries to the north west or south west of the proposal site. These boundaries would be exposed with open aspects and would be sited on a prominent, elevated, position. With the previous outline application, no details of landscaping were provided however with this revised application details of landscaping have been included and indicate a landscape belt to the north of the site. This would to some degree be dominant in the landscape however by the use of native species would reinforce the existing hedgerow along the road frontage. Although in the context of Policy HO2 of the Local Plan, the site is not well contained within existing landscape features, the mitigation of the proposal is to introduce a new boundary as part of the landscape context.
- 6.19 It has not been disputed that the site is located immediately adjacent to existing residential dwellings, within walking distance to the centre of Irthington and that the site has the capacity to accommodate an appropriate scale and design. The revisions since the original application now attempt to address previous concerns and through reduced height, relocation of the access and the introduction of landscaping seek to integrate the development closer to the form and character of this area of the village and its visual perception.
- 6.20 By way of context it should also be mentioned that paragraph 6.15 of the Local Plan states that "Housing will also be acceptable where it will enhance or maintain the viability of rural communities. This will need to be demonstrated by the applicant, and could include, for example, a young family moving to the village, someone wishing to work from home, people moving into the village to support other family already living there". In this instance the applicants are already resident in the village but wish to relocate and maintain their established ties to the local community. It is not intended however to restrict the development by a personal condition even though this may be a material consideration.
- 6.21 Taking into account the changes from the previous application it is considered that the principle of the proposal is acceptable.

## **2. Impact On Living Conditions On Neighbouring Occupiers**

- 6.22 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One of the criterion of Policies SP6 and CM5 being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's 'Achieving Well Designed Housing' SPD. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should be achieved. However, if a site is an infill, and there is a clear building line that

the infill should respect, these distances need not strictly apply.

- 6.23 Scale and layout of the proposed dwelling form part of this outline application and minimum distances can be achieved by the proposed siting of the dwelling taking into account the need to locate the dwelling so that it appears integrated into the village. Cutting the dwelling into the ground also reduces the potential for any dominance and the ridge height will be 0.57m higher than the adjacent property and off-set to the east of the existing dwelling. The proposed dwelling would therefore accord with the Council's Supplementary Planning Document.

### **3. Impact Upon Highway Safety**

- 6.24 The original application indicated access via the existing field access on to the unclassified road. This revised proposal has sought to address concerns and as a consequence of trying to integrate the dwelling into the field a new access is to be created incorporating field access and access to the dwelling. In order to incorporate the visibility splays it will be required to remove an existing hedgerow. The proposal includes the option if possible to translocate the hedgerow otherwise a new hedgerow of the same species will be provided.
- 6.25 The Highway Authority has been consulted and has raised no objection to development of the site. They do advise that parking spaces should be provided in accordance with the Cumbria Development Design Guide 2017. In addition, they advise that conditions should be placed on any permission relating to visibility splays; surfacing of the access drive; access gates shall be hung to open inwards; provision of detailed drawings of the access; a footway shall be provided; and, access/parking requirements shall be constructed in accordance with approved drawings.

### **4. Drainage**

- 6.26 As the application is in outline form full details of drainage proposals (foul and surface water) have not been included in the application. The Lead Local Flood Authority and United Utilities have not objected to the development however they do propose that if permission was to be granted a number of conditions should be imposed to ensure satisfactory drainage. These conditions ensure that sustainable drainage is considered and that foul and surface water are drained on separate systems. United Utilities has also identified that a water pipe crosses the site and restricts development in certain locations. It is located under the existing field access (and does not prevent the existing access from being used) and continues under the adjacent road. It would however be appropriate to add a planning condition to ensure protection of the pipeline.

### **5. Impact Upon Trees and Hedgerows**

- 6.27 Policy GI6 of the Local Plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute positively to a locality, and/or are of

specific natural or historic value.

- 6.28 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that not only should the design of developments 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.
- 6.29 There are no trees within the proposal site. However, there is a fragmented hedge along the north eastern boundary. In order to provide the required visibility splays it is proposed to translocate the hedgerow as part of the application. Should the hedgerow not survive a new hedgerow would be planted. In addition, tree planting and hedgerows are to be provided along the western and northern boundaries of the development providing a variety of native countryside planting as well as domestic scale trees. Although it is recognised that there will be some loss of hedgerow the mitigating planting will compensate for any loss and increase the biodiversity value of the area.

## **6. Impact On Hadrian's Wall World Heritage Buffer Zone.**

- 6.30 The site is located within the Hadrian's Wall World Heritage Buffer Zone. Proposed development within the buffer zone should be assessed for its impact on the sites outstanding universal value and particularly on views both into and out of it. Policy HE1 of the Local Plan highlights that development that would result in substantial harm will be refused.
- 6.31 Although the proposal has the potential to be visible from the World Heritage Site, it is considered the proposal would not result in substantial harm. Historic England has been consulted on the proposal and confirmed there are no comments to make on the application.

## **7. Biodiversity**

- 6.32 The Councils GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. The proposed development seeks outline planning permission for one dwelling and there will be changes to the hedgerows and levels within the site. The proposed landscape with native species would enhance the biodiversity value of the site however it is important that a condition is imposed to safeguard wildlife and any works to the hedgerows should be outwith the bird breeding season. In addition, an informative should be included within the Decision Notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority be informed.

## **8. Other Matters**

- 6.33 The Parish Council has requested a site visit to ensure that Members understand the context of the site and the proposed development.

## **Conclusion**

- 6.34 In overall terms, the proposal seeks outline planning permission for the erection of 1 dwelling with appearance as a reserved matter on Land adjacent to Hawklemass, Irthington. The layout of the site along with relocation of the entrance, the dwelling being set into the landscape and increase in landscaping ensure that the proposal is in accordance with the Local Plan, NPPF and PPG. No issues are raised in relation to the Hadrian's Wall World Heritage Buffer Zone or biodiversity.
- 6.35 The principle of the proposed development is considered to be acceptable and is therefore recommended for approval subject to a number of conditions.

## **7. Planning History**

- 7.1 Application 17/0354 Proposed Residential Development With Entrance To Field Widened Providing Access To The Residential Site And Field (Outline) was refused

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

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

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

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

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

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

- 1. the submitted planning application form received 21st May 2018;

2. the Proposed Location Plan, Block Plans and Cross Sections received 29th May 2018 (Drawing No 0.5-T-I-220217);
3. the Illustrative layout in context received 29th May 2018 (Drawing No.03);
4. the contaminated land statement received 4th June 2018;
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

4. The development shall not commence until visibility splays providing clear visibility of 113 metres by 43 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provision 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 grow within the visibility splay which obstruct the visibility splays.

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

5. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for at least 10 metres inside the site, as measured from the carriageway edge of the adjacent highway.

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

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

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

7. No development shall commence until detailed drawings showing the development and means of access thereto have been submitted to the local planning authority for approval in writing. Any such approved means of access shall be completed in accordance with the approved details before the development is occupied.

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

8. Footways shall be provided that link continuously and conveniently to the

nearest existing footway. Pedestrian access within and to and from the site shall be provided that is convenient to use.

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

9. The dwelling shall not be commenced until the access requirements have been constructed in accordance with the approved plan and the dwelling shall not be occupied until the parking requirements have been constructed in accordance with the approved plan. Any such access and parking provision shall be retained and be 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 provision when the development is brought into use and to support Local Transport Plan policies LD5 and LD7.

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

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

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 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 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.

**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 National Planning Policy Framework, Planning Policy Guidance and Policy CC5 of the Carlisle District Local Plan 2015-2030.

12. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway shall be submitted to the local planning authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the development being

completed and shall be maintained operational thereafter.

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

13. Notwithstanding the descriptions provided on Eden Environment Ltd drawing 03 a detailed landscaping scheme including species and size of trees and shrubs shall be submitted to and agreed in writing by the Local Planning Authority before building work commences. The scheme shall indicate details of proposed as well as existing plant species to be retained.

**Reason:** In accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

14. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around any retained trees and hedgerows in accordance with a scheme that has been submitted to and agreed, in writing, by the local planning authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

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

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

16. No development shall be commenced until the location and depth of the United Utilities water pipeline has been identified and confirmed by on-site survey and details of measures to be taken to protect the pipeline during and after development have been submitted to and approved in writing by the local planning authority.

**Reason:** In order to protect essential infrastructure in accordance with Policy IP1 of the Carlisle District Local Plan 2015-2030.

17. 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.

18. 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.

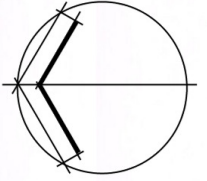
19. Prior to occupation of the dwelling the developer shall provide receptacles for the collection of waste and recycling compatible with the scheme operated by Carlisle City Council.

**Reason:** In the interests of residential amenity and environmental protection.

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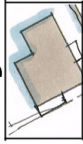


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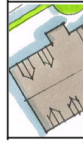
This drawing is based on plan no. 0.4 - T - I - 220217,  
prepared by JPR Building Design Ltd

revision	date	notes
R 01	27.05.2018	annotation corrected
R 00	26.05.2018	original drawing

Key



Existing buildings  
(no ridgelines shown)



Proposed house and garage  
(indicative ridgelines shown)



Existing vegetation



Proposed vegetation

Suggested plant species

HEDGEROWS

Traditional hawthorn with dog rose,  
blackthorn, elder, hazel, honeysuckle etc.  
FIELD SCALE TREES

Oak, Sycamore, Beech, Alder, Rowan

DOMESTIC SCALE TREES

Snowy Mespilus (Amelanchier), Bird Cherry,  
Crabapple, Whitebeam, White stemmed Birch  
FRUIT TREES

Local apple species, Crabapple, Plum

\* to be carefully selected to ensure  
compatible fertilisation

ORNAMENTAL HEDGE

Beech, Privet, Laurel, Holly, or a mix

ORNAMENTAL SHRUBS

Flowering currant, Magnolia, Kerria,

Eleagnus, Philadelphus

Existing hedgerow translocated back,  
or new hedgerow planted, to be behind  
the sight-line, and at same, traditional  
height as hedgerow to the north

New hedgerow planted at northern  
boundary of plot, on highest ground,  
thereby providing most effective  
screening and framing of new house.

Field scale trees at corners of  
plots to screen and provide a  
setting for the new house.

Field scale trees along western  
boundary frame the new house

Ornamental hedge softens views  
between existing and proposed  
plots. Set 0.5m back from boundary  
to allow trimming from new plot

Small group of ornamental shrubs  
to soften views between existing  
and proposed plots

Field scale trees at corners of  
plots to screen and provide a  
setting for the new house.

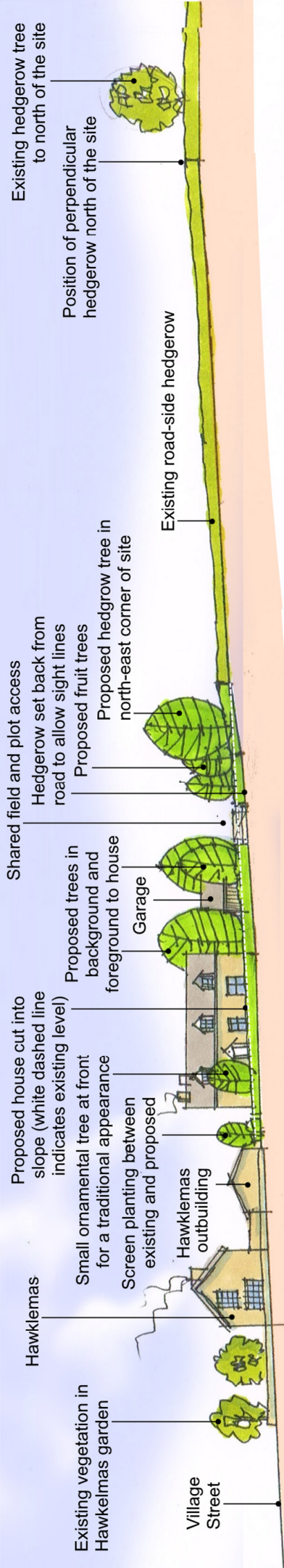
Traditional domestic scale fruit  
trees create a small orchard

Large domestic tree here  
softens views of house from  
views to the north, and with  
hedgerow, provides privacy

New or translocated hedge  
set back from sight line so  
that it can match height of  
surrounding hedgerows

Small domestic tree  
near front door for a  
traditional appearance

Garden gate



Elevation line A - A'





## SCHEDULE A: Applications with Recommendation

18/0497

Item No: 05

Date of Committee: 24/08/2018

**Appn Ref No:**  
18/0497

**Applicant:**  
Mr Heaney

**Parish:**  
Wetheral

**Agent:**

**Ward:**  
Great Corby & Geltsdale

**Location:** Mount Pleasant, Heads Nook, Brampton, CA8 9EH

**Proposal:** Change Of Use Of Part Field To Create Private Equestrian Arena/Manege Without Compliance With Condition 3 Imposed By Planning Permission 17/1108 To Allow Equestrian Tuition To Take Place

**Date of Receipt:**  
04/06/2018 08:01:08

**Statutory Expiry Date**  
30/07/2018 08:01:08

**26 Week Determination**

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### REPORT

**Case Officer:** Suzanne Osborne

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development;
- 2.2 Whether the variation of condition 3 of planning approval 17/1108 is acceptable;
- 2.3 Relevance of remaining conditions attached to full planning permission 17/1108; and
- 2.4 Other matters.

#### 3. Application Details

##### The Site

- 3.1 Mount Pleasant is a two storey detached dwelling house (constructed from rendered/stone walls under a slate roof) located within open countryside approximately 1.96km south-west of the village of Burnrigg. The property is

situated on the northern side of the U1191 road which leads from Cairnbridge to Burnrigg and has a number of outbuildings located to the north of the dwelling house which are used for agricultural/equestrian purposes including a horse arena/manege which was constructed earlier this year.

- 3.2 Access to the equestrian buildings and manege is via an unadopted access track situated to north-west of the dwellinghouse. The aforementioned track is approximately over 390 metres in length and leads from the U1191 towards three properties "Glencairn Mill, Sycamore House and Glencairn House".
- 3.3 The application site is surrounded by agricultural land to the north and east. A residential property "Cairn Garth" is located on the opposite side of the U1191 which is separated from the road by a belt of mature landscaping and trees. There is also a bungalow "Langthwaite" located on the opposite side of the unadopted access track situated to the north-west of Mount Pleasant.

## **Background**

- 3.4 On the 12th February 2018 full planning permission was granted, under application reference 17/1108, for change of use of part of the field to the rear of Mount Pleasant (north-east of the dwelling house and east of existing stables) to create a private equestrian arena/manege which was 351 square metres in area and surrounded by a 1.9 metre high post and rail fence.
- 3.5 Application 17/1108 was granted subject to a number of planning conditions one of which (condition number 3) stated:

*The equestrian arena/manege shall be used only for private use for the exercising of horses and shall at no time be used for any commercial purposes including equestrian tuition, leisure rides or equestrian events/competitions.*

*Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policies EC13 and SP6 of the Carlisle District Local Plan 2015-2030.*

## **The Proposal**

- 3.6 The current application seeks to vary condition 3 of planning approval 17/1108 to allow equestrian tuition to take place from the previously approved manege.
- 3.7 The application is accompanied by a management plan which confirms that the applicant proposes to run a small scale equestrian business. The applicant will operate as a sole trader with no additional staff. Business hours are to be between 09:30-15:00 hours Monday-Sunday with 1-2 lessons per day maximum. Lessons will be 1-2-1 and will be for a duration of 45 minutes. All lessons will be pre-arranged and staggered with clients bringing their own horses.

- 3.8 The management plan confirms that parking for individuals coming for lessons (including their horse boxes) will be within the existing stable yard to the north-east of the property. Additional parking within the curtilage of the property can also be used if required.

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

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to six neighbouring properties/interested parties. During the consultation period four objections have been received.

- 4.2 The letters of objection are summarised as follows:

1. entrance is unsafe and unsuitable for business traffic;
2. owners of a neighbouring property who have shared access that will be used for the proposed development have not been informed by the applicant;
3. queries regarding legal obligations to maintain the drive;
4. applicant has recently erected a gate across the drive which has impeded routine maintenance. This situation needs resolving before increased usage associated with the development;
5. purpose of recently erected gate is unknown assumed it is in relation to the development;
6. allegations that the applicant has told occupants of a neighbouring property that the gate is to prevent the escape of horses onto the public highway;
7. concern regarding how emergency vehicles would access neighbouring properties as a result of the gate across the access;
8. Allegations that the gate on the highway is locked by the applicant;
9. It is not clear if the applicant has the right to use the track for commercial purposes;
10. safety issues regarding escape of horses onto the highway;
11. alternatives to a gate such as a cattle grid have not been discussed with users of the access track;
12. unclear whether students will use applicants own horses or will use their own;
13. concern that horse numbers are underestimated and that full time livery will be the next stage;
14. intensification of use by business/commercial purposes will have an adverse impact upon landscape character of the area and the access track;
15. unacceptable for occupants of other residential properties who use the access to be confronted with horses, horse box and trailers;
16. concerns regarding level of consultation undertaken;
17. condition 3 in the initial application was there for a reason and should remain;
18. business would compromise neighbours and put passing road users in danger.
19. application is contrary to EC13 and SP6 of the Carlisle District Local Plan



2015-2030.

- 20. development would be more acceptable with a new access directly onto the public highway with enhanced visibility splays.
- 21. no reason for the removal of condition 3 and queries regarding the introduction of a commercial activity;
- 22. access unsuitable for clients bringing their own horses;
- 23. moving of the gate will direct untrained clients horses onto the main road;
- 24. concern that number of students and horses could increase.
- 25. amendments do not address highways concerns.

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

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

**Wetheral Parish Council:** - unclear whether clients would be bringing their own horses to the site therefore substantially increasing the traffic on the driveway which would include horse boxes and trailers. Committee wishes to draw attention to the fact that application 17/1108 was made only a few months ago, with a condition stating that the premises were not to be for commercial use. It is inappropriate to remove this condition in such a short time and with no indication as to the intended scale of the business. The previous application was granted in good faith on the balance of information provided at the time. The access is inadequate for increased vehicular and equine traffic. Although the Parish Council supports the development of local businesses in appropriate locations, in this instance the committee can see no evidence to support the removal of condition 3, 17/1108. It should be noted that a member of the planning committee has visited the site.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP1, SP2, SP6, EC11, EC13, IP2, IP3, CC5, CM5, GI1 and GI3 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposal raises the following planning issues:
  - 1. Principle of Development**
- 6.4 The principle of an equestrian arena/manege on part of the field to the north-east of Mount Pleasant was established through the granting of full

planning permission under the City Councils's Delegated Powers Scheme on the 12th February 2018 (application reference 17/1108). This application seeks only to vary condition 3 of planning approval 17/1108 to allow equestrian tuition from the manege. In such circumstances the principle of a manege on the land adjacent to Mount Pleasant and its scale and design do not form part of this application.

## **2. Whether The Variation Of Condition 3 of Planning Approval 17/1008 Is Acceptable**

- 6.5 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Paragraph 83 of the NPPF states that in order to support a prosperous rural economy planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and, enable the development and diversification of agricultural and other land-based rural businesses.
- 6.6 Policy SP2 (Strategic Growth and Distribution) of the Carlisle District Local Plan 2015-2030 (CDLP) seeks to promote sustainable development through concentrating development within existing settlements and ensuring that developments within the remote rural area are assessed against the need to be in the location specified. The revised paragraph 84 of the NPPF (adopted July 2018) recognises that there are instances where sites may have to be found beyond existing settlements and in locations not well served by public transport to serve local business and community needs. In such circumstances it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact upon local roads and exploits any opportunities to make a location more sustainable.
- 6.7 Policy EC11 (Rural Diversification) of the CDLP confirms that changes in agriculture over recent decades has resulted in a decline in farm-related jobs. As a result there is now a need to strengthen the economy in rural areas by supporting the sustainable growth and expansion of all types of businesses and enterprise in rural areas. Policy EC11 states that proposals to diversify and expand upon the range of sustainable economic activities undertaken in rural areas will be supported and encouraged both through the conversion of existing buildings and well-designed new buildings. Any new building must be well related to an existing group of buildings to minimise its impact and blend satisfactorily into the landscape through the use of suitable materials, design and siting. Policy EC11 sets out criteria against which proposals will be assessed seeking to ensure that proposals are: compatible with their existing rural setting; in keeping in terms of scale and character with the surrounding landscape and buildings; include adequate access and car parking arrangements; and not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.
- 6.8 Policy EC13 (Equestrian Development) confirms that proposals relating to the development of stables, horse riding arenas and/or riding centres will be permitted provided that: there would be no unacceptable impact upon the landscape character of the area; the building or structure is sited where

practical to integrate with existing buildings and/or take advantage of the contours of the land and any existing natural screening; the proposal will not have a detrimental impact upon surrounding land uses; the surrounding roads and bridleways are adequate and safe for the increased use by horse riders, with the roads being suitable for all users; and the scale/intensity of use is proportionate to the equestrian needs and appropriate for the site and character of the area.

- 6.9 As stated in paragraph 3.7 of this report the applicant has submitted a management plan which confirms that the applicant proposes to run a small scale equestrian business from the manege which was approved in February 2018. The applicant will operate as a sole trader with no additional staff. Business hours are to be between 09:30-15:00 hours Monday-Sunday with 1-2 lessons per day maximum. Lessons will be 1-2-1 for a duration of 45 minutes. All lessons will be pre-arranged and staggered with clients bringing their own horses. Parking for individuals coming for lessons (including horse boxes) will be within the existing yard. Additional parking within the curtilage of the property can also be used if required.
- 6.10 The proposed business will use the existing manege approved under application 17/1108 therefore there will be no adverse impact upon the surrounding area in terms of additional built development. The proposed use is a land based rural business and is therefore appropriate to its rural location.
- 6.11 It is clear from the submitted management plan that the proposed business will be relatively small scale with the applicant who resides in Mount Pleasant being a sole trader with only 1-2 clients per day during 09:30-15:00 hours. In such circumstances the few additional traffic movements per day resulting from the business would be no more noticeable than cars visiting a domestic residence albeit with horse boxes. Given the positioning of the proposed manege (where lessons will take place) in relation to neighbouring properties together with the low key operation of the proposed business it is not considered that the proposal would have a significant adverse impact on the living conditions of the occupiers of any neighbouring properties in terms of noise/disturbance to warrant refusal of the application. Conditions are however recommended, should Members approve the application, to ensure that the proposed business operates fully in accordance with the submitted management plan and no electric or amplified music/speech or equestrian events/competitions take place from the manege to protect the living conditions of the occupiers of neighbouring properties from unacceptable levels of use.
- 6.12 The Highway Authority has been consulted on the development and originally raised concerns that the application would enable the site to become a commercial business and the number of students, ponies and staff could increase once permission is granted. Highways therefore confirmed, given the rural location and nature of the highway infrastructure, that they did not consider the location acceptable for a commercial endeavour without further justification to illustrate that there will not be a detrimental impact upon the surrounding road network. Following the concerns raised by the Highway Authority the applicant submitted a management plan confirming how the

proposed business was to operate (i.e. maximum of 1-2 lessons per day during the hours of 09:30-15:00, lessons being 1-2-1 with the applicant being a sole trader and not employing any additional staff). The Highway Authority was consulted on the further information and have since removed their objection confirming that the submitted details are now acceptable from a highways perspective. Given that the Highways Authority were initially concerned about future intensification of use from the site it is considered appropriate to impose conditions ensuring that the business operates fully in accordance with the management plan, restricting the hours of operation to 09:30-15:00 hours and restricting the number of lessons to 2 per day.

- 6.13 Subject to the adherence of the conditions outlined in paragraphs 6.12 and 6.13 above it is considered that the proposed variation of condition 3 is acceptable as there would not be a significant adverse impact upon the living conditions of the occupiers of surrounding residential properties in terms of noise/disturbance or a detrimental impact upon highway safety as a result of the proposal.

### **3. Relevance Of Remaining Conditions Attached To Full Planning Permission 17/1108**

- 6.14 The original full planning permission continues to exist, therefore, the conditions attached to planning approval 17/1108 have also been repeated as part of this planning approval.

### **4. Other Matters**

- 6.15 It is appreciated that all of the objectors have raised concerns regarding a gate which the applicant has erected over the access track situated to the north-west of Mount Pleasant. Rights of access and maintenance of the track are however a civil matter and cannot be dealt with under planning legislation.
- 6.16 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:

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

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

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

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

- 6.18 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

## **Conclusion**

- 6.19 As previously stated within this report the principle, scale and design of the manege to the rear of Mount Pleasant has already been established as acceptable earlier this year through the granting of full planning permission 17/1108. The current application seeks to vary condition 3 to allow equestrian tuition to take place from the manege. The proposal is for a land based rural business which is appropriate to its remote rural location and would help to provide economic growth within the rural area. The small scale nature of the proposed business would not have a detrimental impact upon highway safety or the living conditions of the occupiers of surrounding residential properties in terms of increased noise and disturbance. In order to prohibit future intensification of the business relevant conditions are imposed regarding hours of operation, number of pupils per day, adherence to the submitted management plan, no electric/amplified music or speech from the site including no equestrian events/competitions.
- 6.20 On balance it is considered that the benefits of the proposed development (the creation of a new business to provide economic growth within the rural area) would significantly outweigh its limited adverse impact upon the living conditions of the occupiers of non-associated neighbouring properties. Accordingly the application is considered to be compliant with the criteria of the relevant Development Plan policies and is therefore recommended for approval subject to the imposition of relevant conditions.

## **7. Planning History**

- 7.1 On the 12th February 2018 Full Planning Permission was granted for change of use of part of field to create private equestrian arena/manege (reference 17/1108);
- 7.2 In 2008 an agricultural determination was granted for proposed extension to general purpose agricultural building (reference 08/0024/AGD);
- 7.3 In 1993 an agricultural determination was granted for erection of general purpose shed (reference 93/0008/AGD).

## **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 4th June 2018;
2. the block plans received 4th and 29th June 2018 showing parking arrangements;
3. the management plan received 29th June 2018;
4. the Notice of Decision; and
5. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

2. The equestrian tuition business hereby approved shall operate wholly in accordance with the management plan dated 29th June 2018.

**Reason:** To ensure that there is no intensification of use, to protect the living conditions of occupiers of neighbouring properties and to ensure no adverse impact upon existing highway conditions. In accordance with Policies SP6, EC13 and IP2 of the Carlisle District Local Plan 2015-2030.

3. The proposed equestrian tuition business hereby approved shall not be open for trading except between 09:30 hours and 15:00 hours.

**Reason:** In order to safeguard the living conditions of neighbouring residents and to ensure compliance with Policies SP6 and EC11 of the Carlisle District Local Plan 2015-2030.

4. Only one rider at any one time should be under instruction in the manege with a maximum of two lessons being undertaken in any one day.

**Reason:** The local planning authority wish to control the precise nature of the use in the interests of road safety and to safeguard the amenities of the area. In accordance with Policies SP6, EC13 and IP2 of the Carlisle District Local Plan 2015-2030.

5. No amplified music and/or electrically amplified speech shall take on the property.

**Reason:** To protect the amenities of the occupiers of residential properties. In accordance with Policies SP6, CM5 and EC13 of the Carlisle District Local Plan 2015-2030.

6. Notwithstanding the provisions of the Town and Country Planning General Development Order 2015 (as amended), or any Order revoking and re-enacting that Order, no equestrian events or competitions advertised to the general public shall take place on the property.

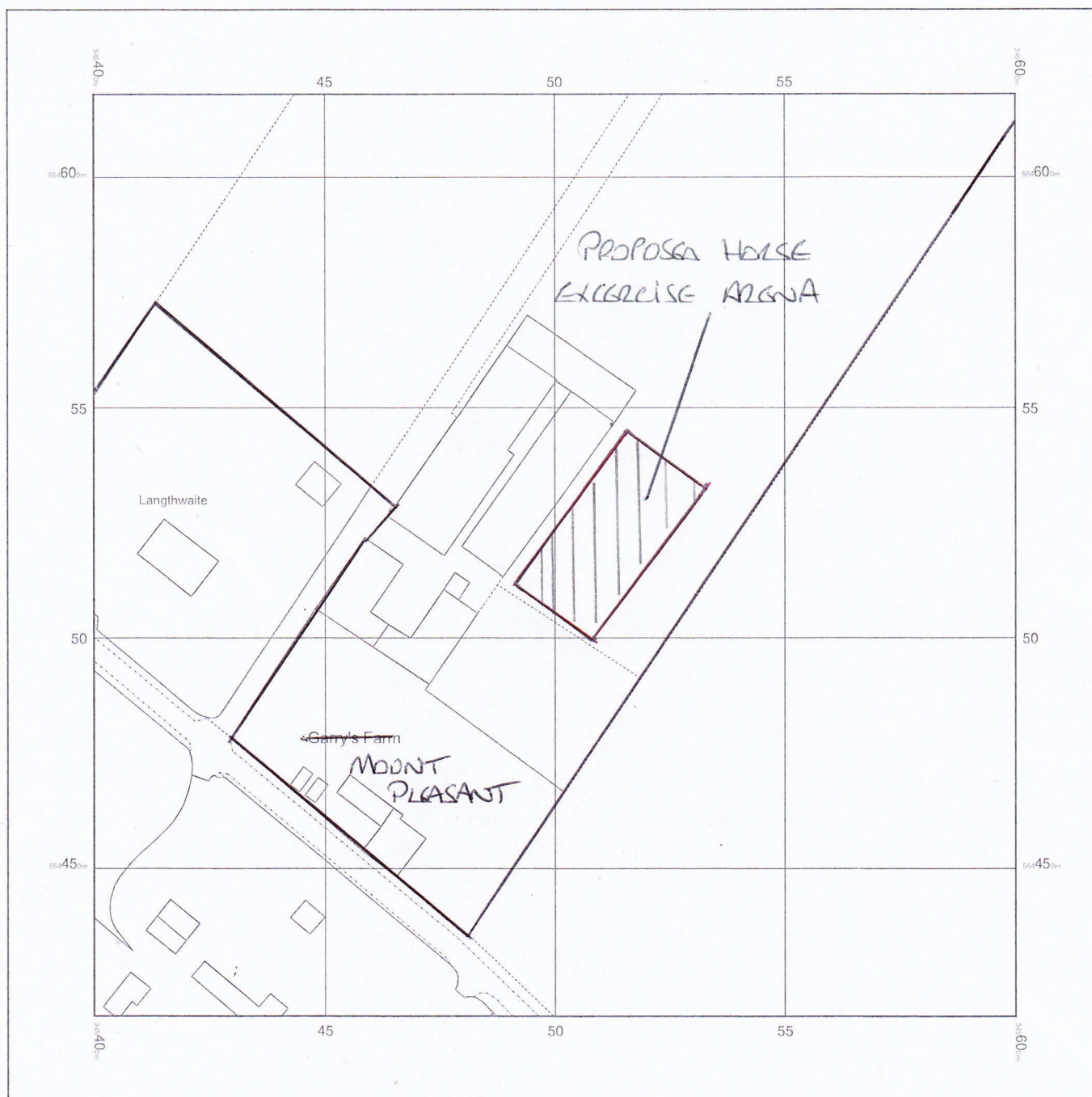
**Reason:** The local planning authority wish to control the precise nature of the use in the interests of road safety and to safeguard the amenities of the area. In accordance with Policies SP6, EC13 and IP2 of the Carlisle District Local Plan 2015-2030.

7. No floodlights shall be installed on the site without the prior written consent of the Local Planning Authority.

**Reason:** In order to safeguard the living conditions of the occupiers of the adjacent property in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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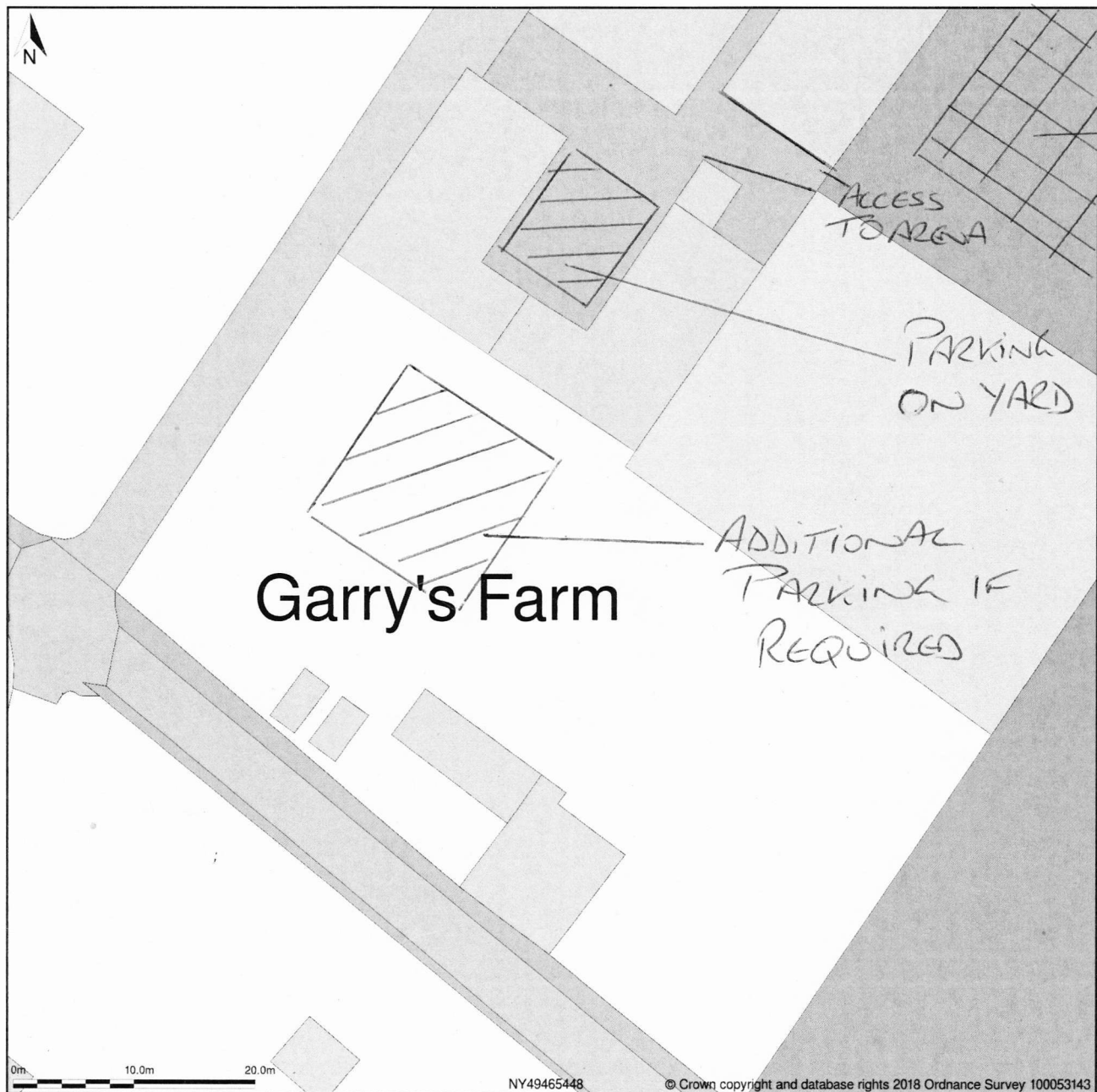


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Arena 2

Mount Pleasant, Road Leading From Burnrigg To Cairnbridge Farm, Heads Nook, Cumbria, CA8 9EH



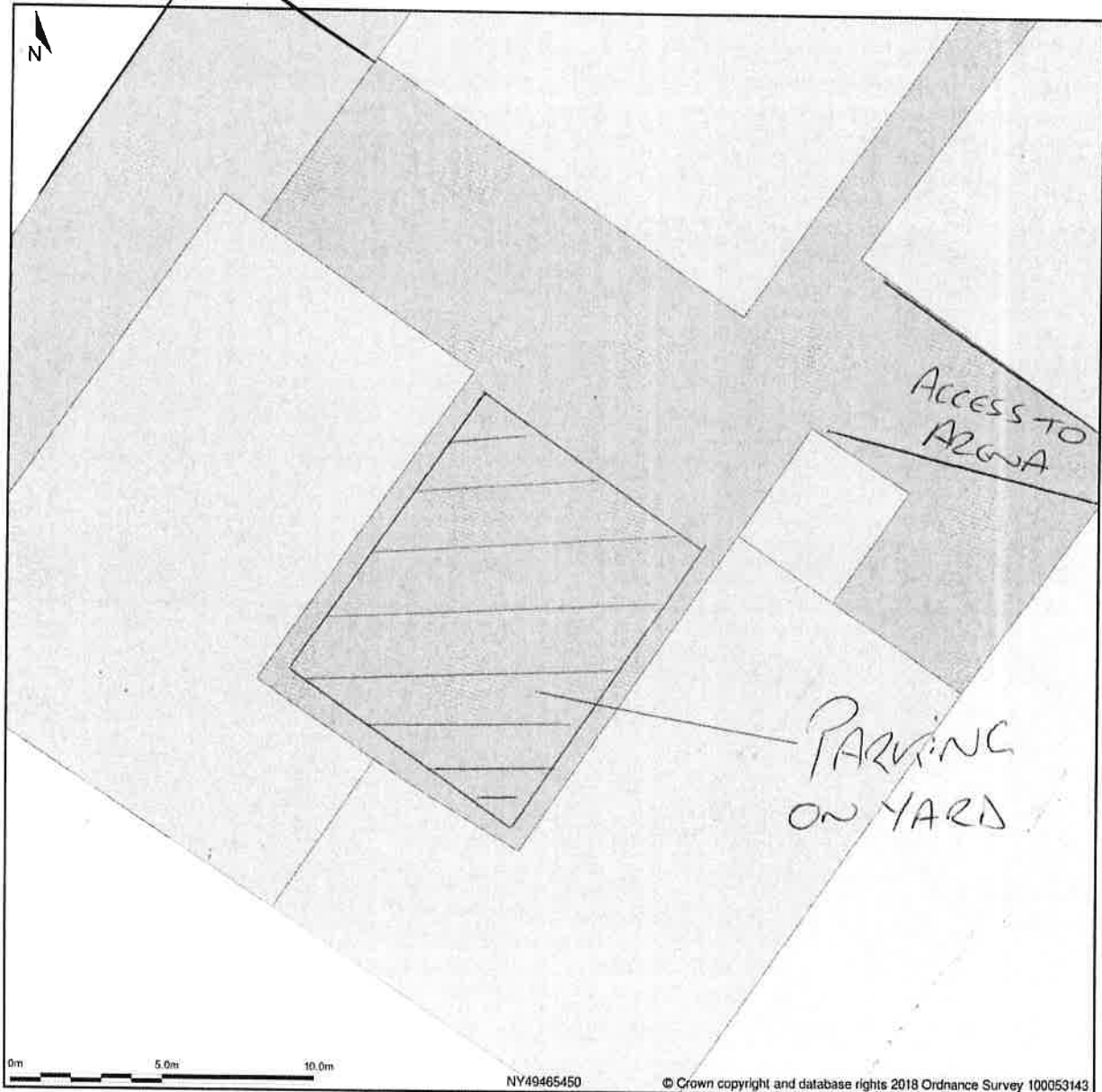
Block Plan shows area bounded by: 349420.78, 554436.74 349510.78, 554526.74 (at a scale of 1:500), OSGridRef: NY49465448. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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GATE ON TRACK.

Mount Pleasant, Road Leading From Burnrigg To Cairnbridge Farm, Heads Nook, Cumbria, CA8 9EH



Block Plan shows area bounded by: 349451.65, 554491.97 349487.65, 554527.97 (at a scale of 1:200), OSGridRef: NY49465450. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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## 18/0497 Management Plan

Date: 29<sup>th</sup> June 2018

The change of use of part field to create Private arena/ manege without compliance with condition 3 imposed by planning permission 17/1108 to allow equestrian tuition to take place.

With regard to the above, Gillian MacDonald, joint owner, is a self employed dressage rider/trainer where most of Gillian's work is undertaken away from the home, on other people's private properties or already established equestrian centres.

The above request was to enable Gillian to perform some training for a very low number of individuals that would not be getting trained on their premises.

- **Staff**

Gillian is a sole trader and will never be employing staff.

- **Hours**

With such a low number of expected clients on-site there will not be a need for full time hours. I expect the lessons to take place between the hours of 9.30am and 3.00pm but we are only expecting 1 to 2 lessons per day at the complete maximum, hence for the hours of 9.30am to 3.00pm, Gillian will not be fully occupied. We do not expect this level to be achieved for many years to come.

- **Lessons**

The lessons will always be 1-2-1 and we anticipate the duration of a lesson to be circa 45 minutes.

Lessons are always pre-arranged by appointment. Individuals **will not** be arriving on an ad-hoc basis.

- **Horses**

Individuals will be bringing their own horses and none of our own horses will be used in the lessons.

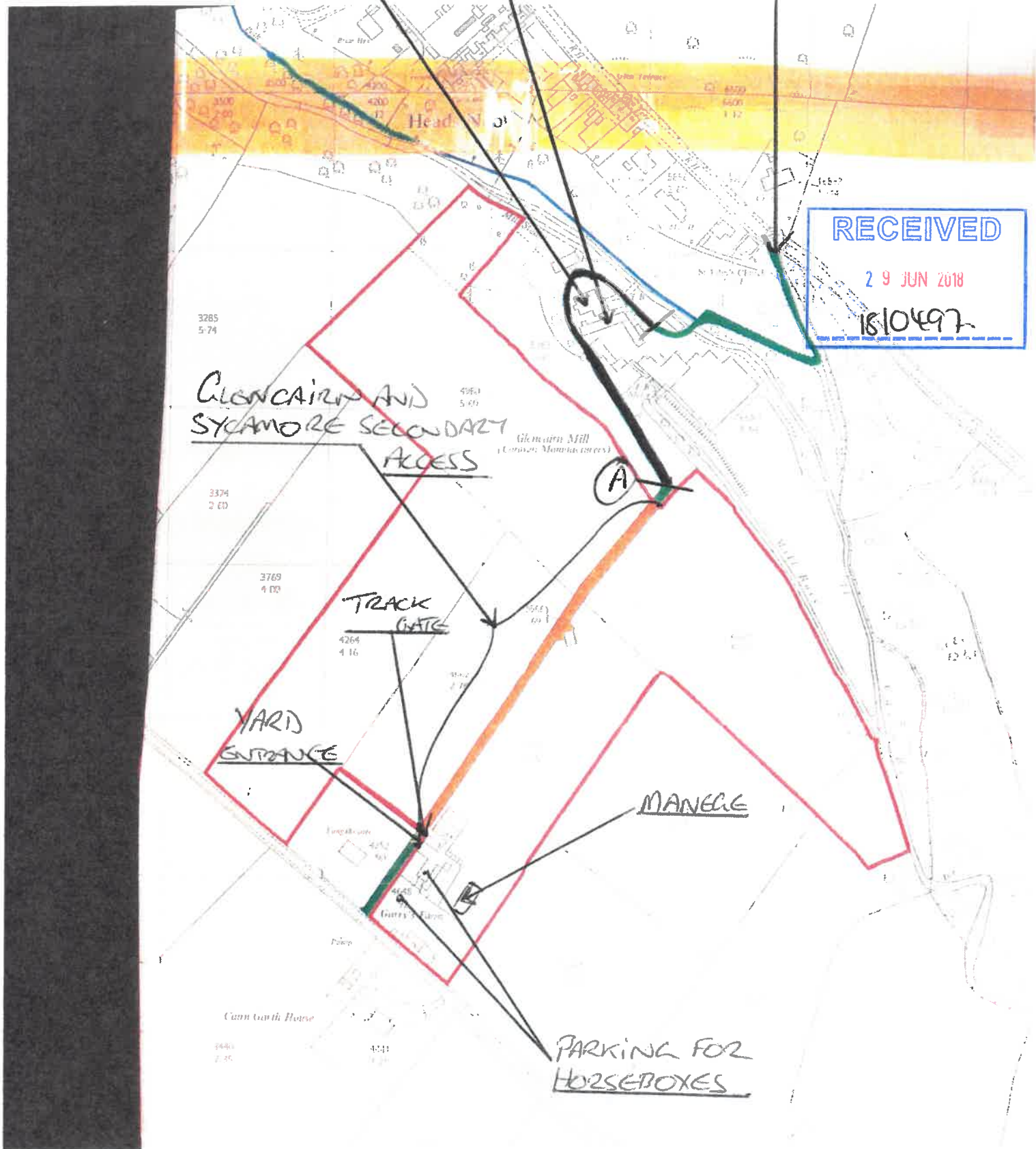
- **Horseboxes**

Horseboxes will be able to park and turn on our yard as per indicated in the block plans.

Lessons will be staggered and, as mentioned above, the number of lessons expected are to be so low, that we expect 1 horsebox at any one time, with several hours / days between each lesson.

We do not currently own our own horsebox but should one be purchased for our own private enjoyment of our own horses, it would only be leaving the property on a very seldom basis.









## SCHEDULE A: Applications with Recommendation

18/0192

Item No: 06

Date of Committee: 24/08/2018

**Appn Ref No:**  
18/0192

**Applicant:**  
Mrs A Fowler

**Parish:**  
Kirklington Middle

**Agent:**

**Ward:**  
Lyne

**Location:** Land adj Fir Ends School, Skitby Road, Smithfield, Carlisle, CA6 6DL

**Proposal:** Erection Of 5no. Dwellings And Provision Of Adjacent Public Car Park For Use By The Parish Of Kirklington (Outline)

**Date of Receipt:**  
13/03/2018

**Statutory Expiry Date**  
08/05/2018

**26 Week Determination**

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### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

- 1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Impact On Landscape Character
- 2.3 Impact On Neighbouring Properties
- 2.4 Impact On Highways And Footpaths
- 2.5 Impact On Drainage
- 2.6 Other Matters

#### 3. Application Details

##### The Site

- 3.1 The application site is part of a large agricultural field which lies to the south of Skitby Road to the east of Smithfield. The site is separated from the village by a strong hedgerow which forms a footpath around the Fir Ends Primary School boundary. The land is relatively flat with a gentle slope towards the south. There is also a strong hedgerow boundary along the

Skitby Road with a field access gate to the site. The proposed site has no visible southern or eastern boundaries delineated within the field for the car park area or proposed housing.

## **The Proposal**

- 3.2 The application seeks outline permission (with all matters reserved) for the erection of five dwellings and the provision of a public car park. As all matters are reserved there are few details however the application indicates that the proposal would provide for a public car park of about 20 spaces with a single access point onto Skitby Road. To the east of the car park would be the site for 5 dwellings again with an indicated single access point however access remains a reserved matter.

## **4. Summary of Representations**

- 4.1 Consultation has been undertaken by way of site notice, press notice and neighbour notification of 9 neighbouring properties. No responses have been received.

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

**Cumbria County Council - (Highway Authority - Footpaths):** - Public footpath 123012 follows a legal alignment through the field and must not be altered or obstructed before or after the development has been completed, the field where the legal alignment runs which is subject to the proposed development does not follow the used footpath alignment around the school boundary, as such a legal order will be required to move the alignment of the current legal route to avoid the proposed development.

**The Ramblers:** - No response received.

**Kirklington Parish Council:** - The Parish Council's position remains the same as with the submitted letter accompanying the application.

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - Local Highway Authority and the Lead Local Flood Authority has no objection to this application but would recommend that conditions are included in any consent you might grant. The conditions from the highway authority relate to provision of visibility splays; retention of boundaries lower than 1.05m within the visibility splays; surfacing of the access drives; prevention of water surcharging onto the highway; footway provision; construction details and turning space. The condition from the Lead Local Flood Authority relates to surface water drainage.

**Local Environment, Waste Services:** - No objection subject to suitable layout for waste collections at reserved matters stage should it be approved.

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** - Comments that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way, suggest conditions to support these drainage methods.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purpose of the determination of this application is the Carlisle District Local Plan 2015-2030 from which Policies SP1, SP2, SP6, HO1, HO2, HO5, IP3, IP6, CC5, CM5, GI3 and GI6 are of particular relevance.
- 6.3 The National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), the Cumbria Landscape Character Guidance and Toolkit (adopted March 2011) and the Supplementary Planning Document (SPD) adopted by the City Council, 'Achieving Well Designed Housing', are also material planning considerations.
- 6.4 The proposal raises the following planning issues:

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

- 6.5 The main issue to establish in the consideration of this outline proposal is the principle of development for both housing development and a public car park. Matters of detail are reserved for later consideration should outline planning permission be granted.
- 6.6 Para 78 of the National Planning Policy Framework (NPPF) states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. It also states that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
- 6.7 This context has changed little between the previous and recently revised NPPF and therefore the Council's Local Plan policies remain up-to-date. This application should be considered against the plan's spatial strategy in the context of Policy SP2 and housing delivery in relation to Policy HO2.
- 6.8 Policy SP2 of Carlisle District Local Plan 2015-2030 (CDLP) sets out the Strategic Growth and Distribution policy for new development. Section 1 of that policy relates to housing and based on evidence from the Strategic Housing Market Area Assessment (SHMAA) has set the growth targets. These housing targets will be delivered by approximately 30% of the housing located within the rural area. In addition, specific sites have been identified within the plan alongside an allowance for windfall development.
- 6.9 Paragraph 3.29 in support of the above policy states that "In order to support the rural economy and thriving rural communities, development proposals of

an appropriate scale and nature, which are commensurate with their setting, will be supported within the District's rural settlements". It continues "This approach will consider proposals on a case by case basis on their individual merits, and against other policies of relevance within the Local Plan".

As mentioned in paragraph 6.8 above, some sites have been identified in the Local Plan specifically for housing development. This site was raised through the Strategic Housing Land Availability Assessment (SHLAA) however as the proposal is only for five houses it fell below the threshold for consideration and no allocation has been made. The appropriate consideration for a site of this size is under Policy HO2 – Windfall Housing Development.

- 6.10 Policy HO2 recognises that housing development may be acceptable within or on the edge of villages within the rural area as long as it does not prejudice the delivery of the spatial strategy and subject to a number of criteria. With regards to the spatial strategy, a proposal of this scale would not prejudice other rural housing allocations coming forward and therefore its compatibility with the criteria needs to be considered.

*"1. the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;"*

- 6.11 Whilst matters of detail are reserved, it is clear from the site that the proposed location seeks to extend the village of Smithfield to the east and combined with the proposed car park would create a separation between the existing edge of the village and the proposed new housing. It would therefore alter the form of the compact village by a linear extension towards a small group of houses putting potential pressure for additional road frontage development to fill between the new and existing housing resulting in a change of character to the existing village.

*"2. the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed;"*

- 6.12 There are no details of the nature of the housing proposed however the scale of five dwellings could maintain the local community especially where there is a primary school should family housing be developed. The proposed car park may add further enhancement by improving an existing parking issue.

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

- 6.13 The site is not well contained within existing landscape features and breaks into a large relatively flat agricultural field with no internal demarcation of boundaries. In addition, there is a strong boundary along the existing footpath and the proposed car park would add further separation resulting in an unacceptable intrusion into the countryside.

*"4. in the rural area there are either services in the village where the housing*



*is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and"*

- 6.14 There are services within the village and there is access to either Brampton or Longtown.

*"5. the proposal is compatible with adjacent land users".*

- 6.15 Due to the nature of the outline application it is not clear how agricultural use of the remaining field would be maintained although access arrangements could be made and given the scale of the proposal there will be sufficient land retained in agricultural use to remain attractive to farm.

*"Within rural settlements applicants will be expected to demonstrate how the proposed development will enhance or maintain the vitality of rural communities."*

- 6.16 In dealing with the matter of enhancement of the vitality of the village and working with local communities, the proposed car park could be said to aid the local school and be available to the general public so that localised parking issues can be resolved
- 6.17 In consideration of Policy HO2 the proposed development does not satisfy all the criteria and whilst some elements are compatible, the proposal conflicts with parts 1 and 3 in relation to the form and character and intrusion into the open countryside. The proposal is therefore contrary to Policy HO2 of the Carlisle District Local Plan

## **2. Impact On Landscape Character**

- 6.18 The Cumbria Landscape Character Guidance and Toolkit (adopted March 2011) considers that the site lies within the lowland landscape character, specifically sub type 05b - Low Farmland which is characterised by:- undulating and rolling topography; intensely farmed agricultural pasture dominates; patchy areas of woodland provide contrast to the pasture; woodland is uncommon west towards the coast; fields are large and rectangular; and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape
- 6.19 In particular this site is located within a large field which is characteristic of the landscape and is bounded by hedgerows. It is therefore recognised that such a proposal as this will be clearly visible in the landscape and degrade the local landscape character. There are references within the guidance that when new development takes place opportunities for enhancing and strengthening green infrastructure and reinforcement of woodland belts could help reinforce landscape and biodiversity features. No such measures have been promoted as part of this application and whilst boundary treatment would come through alongside reserved matters details, this may not be sufficient to integrate the proposed development into the landscape. The proposal is therefore contrary to Policy GI1 (Landscapes) of the Carlisle

### **3. Impact On Neighbouring Properties**

- 6.20 The site is separated from adjacent housing development and the proposed car park would put an intervening use between the new housing and the primary school and footpath thereby minimising any potential conflict. There is some housing to the south and whilst the development would be visible there would no difficulty in designing a development that would meet the Council's standards in the Achieving Well-Designed Housing SPD. The proposed development would therefore have minimal impact on neighbouring properties.

### **4. Impact On Highways And Footpaths**

- 6.21 Access is a reserved matter and not considered as part of this outline application. It should be noted however that the proposal would include two access points onto the C1012 Skitby Road. One would access the car park and the other would be for the housing development. On that basis, Cumbria County Council as Highway Authority has not objected to the proposed development but would require a number of instructive planning conditions to be put in place should development be approved. These conditions include the provision of visibility splays; retention of boundaries lower than 1.05m within the visibility splays; surfacing of the access drives; prevention of water surcharging onto the highway; footway provision; construction details and turning space. In addition, conditions would be imposed on the proposed car park to ensure that spaces are sufficient for their intended use.
- 6.22 In addition, they have identified that PROW (public footpath/bridleway/byway) number 123012 lies adjacent to/runs through the site, the applicant must ensure that no obstruction to the footpath occurs. It is noted that on the Definitive Map the footpath does not follow that which is marked to the west of the site between the proposed car park and the primary school. The plotted route uses the field gate access to enter the field and aligns at a 90 degree angle to the road before crossing back to the field boundary. A formal diversion of the footpath would be needed and could be undertaken should development be approved as an alternative route is already in use.

### **5. Impact On Drainage**

- 6.23 Details of drainage are not specifically a reserved matter although do impact on the layout of the site. United Utilities and the Lead Local Flood Authority have both been consulted on the application and have raised no objections. Should the application be approved conditions would be required to ensure that foul and surface water are drained on separate systems and that the surface water is drained in the most sustainable way.

### **6. Other Matters**

- 6.24 A number of species have been identified within the vicinity of this site

however the land has been in agricultural use for many years and the wildlife value will be localised to hedgerows around the site. Other than the required access points it would be pertinent, should the application be approved, to put a condition on to protect existing hedgerows in accordance with Local Plan Policy GI6 (Trees and Hedgerows). In addition, any development should be undertaken outside the bird breeding season. An informative should also be added to any approval advising that works should cease in the event that protected species are found and measures put in place to protect the species.

- 6.25 Kirklington Parish Council were previously consulted on the proposal for a car park use and their letter to the applicant has been included in the submission documents. They have nothing further to add at this stage however they have raised questions about future maintenance of the car park. Should the application be approved a S106 Agreement would be required to put in place the transfer of the land and any maintenance arrangements necessary for the development of the car park. Options are available however further exploration of these options would have to take place during preparation of the S106 and would involve the Parish Council.

### **Conclusion**

- 6.26 This application is in Outline and therefore seeks to establish the principle of development. Matters of detail are for a later Reserved Matters application however it is clear from the considerations in the report that subject to appropriate planning conditions they would not impact on issues relating to development of the site. With regards to the principle however the proposed development of this site would impact on the form and character of Smithfield, intrude into open countryside and impact on the local landscape character. The principle of development is therefore contrary to Policies HO2 and GI1 of the Carlisle District Local Plan 2015-2030.

## **7. Planning History**

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

## **8. Recommendation: Refuse Permission**

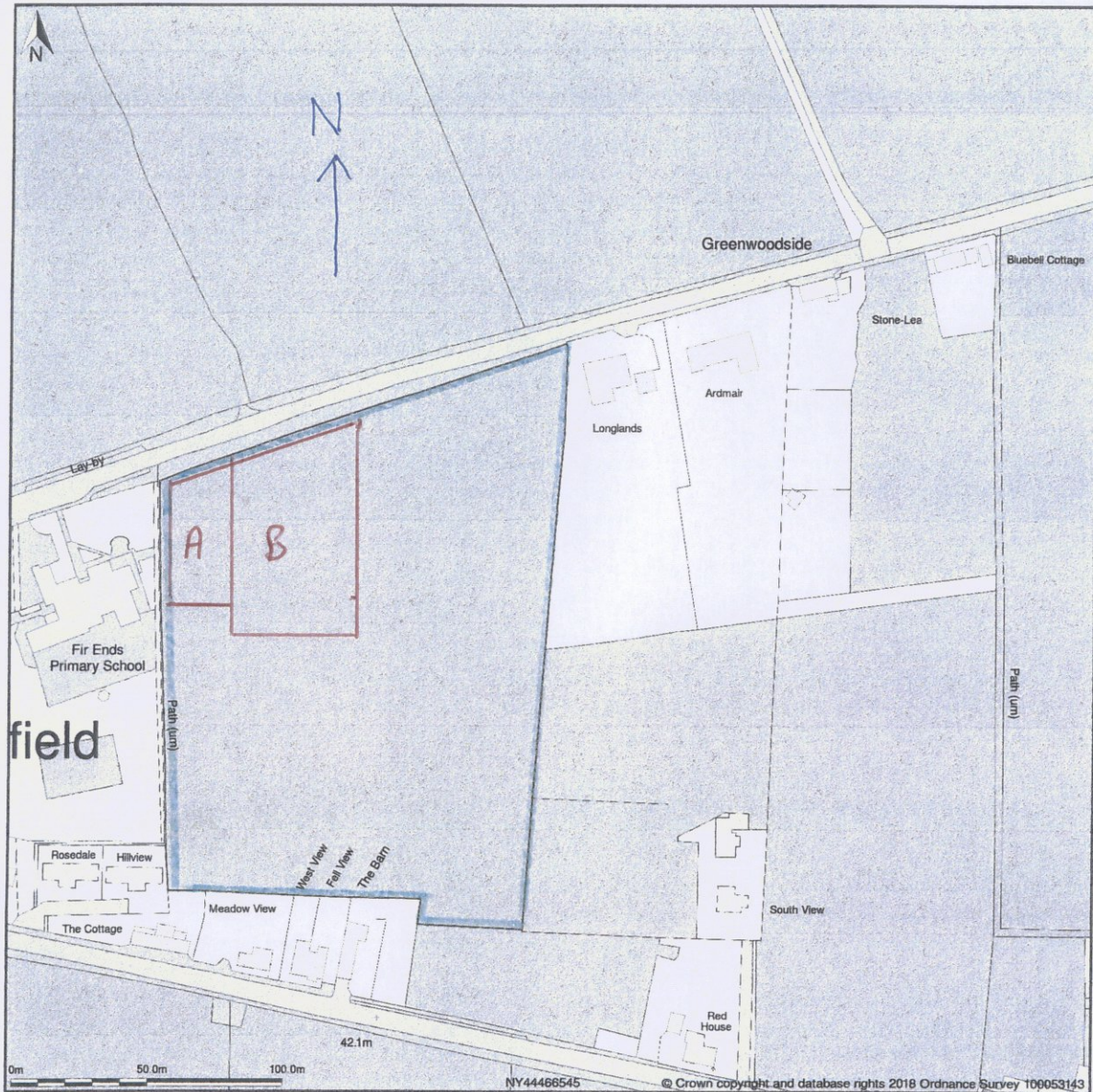
1. **Reason:** The proposed development by virtue of its location would be inappropriate to the form and character of Smithfield and lead to an unacceptable intrusion into the open countryside imposing a negative change to the local landscape character. This would be contrary to Policies HO2 and GI1 of the Carlisle District Local Plan 2015-2030 and the Cumbria Landscape Character Guidance and Toolkit (March 2011).
-







Land adjacent Fir Ends School, Skitby Road, Kirklington, Cumbria, CA6 6DL



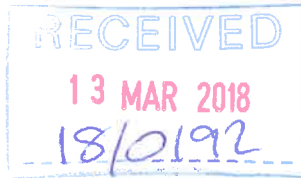
Site Plan shows area bounded by: 344260.16, 565255.47 344660.16, 565655.47 (at a scale of 1:2500), OSGridRef: NY44466545. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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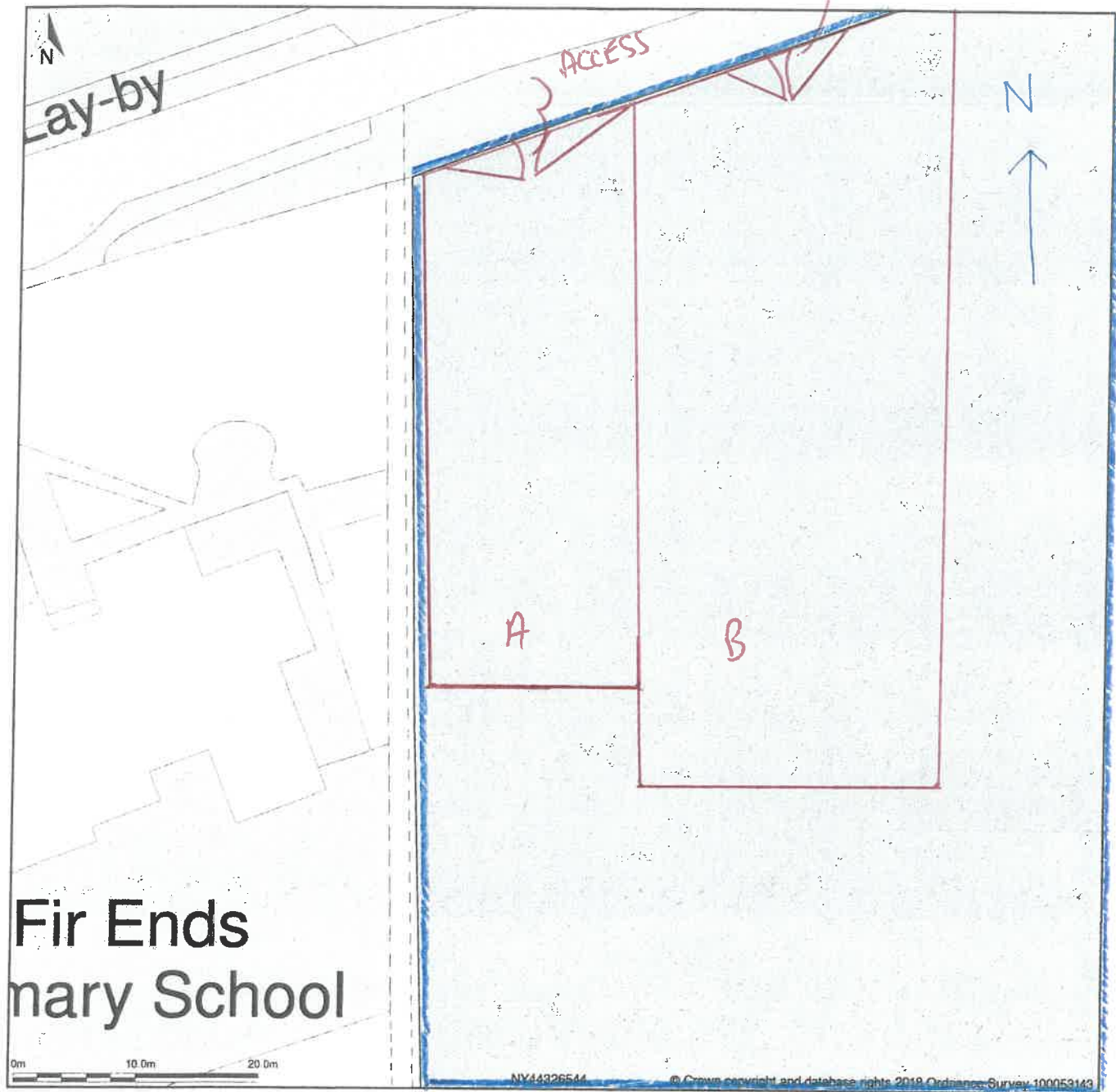
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A - CAR PARK  
B - HOUSING





Land adjacent Fir Ends School, Skitby Road, Kirklington, Cumbria, CA6 6DL



Block Plan shows area bounded by: 344282.87, 565404.78 344372.87, 565494.78 (at a scale of 1:500), OSGridRef: NY44326544. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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A - CAR PARK  
B - HOUSING

# SCHEDULE B

# SCHEDULE B

## SCHEDULE B: Applications Determined by Other Authorities

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**Item No: 07**

Between 07/07/2018 and 10/08/2018

**Appn Ref No:**

18/9003

**Applicant:**

Cumbria County Council

**Parish:**

Carlisle

**Date of Receipt:**

24/04/2018

**Agent:**

Cumbria County Council -  
Economy & Planning

**Ward:**

Currock

**Location:**

Land to rear of The Courts, Bush Brow, Carlisle,  
CA3 8NA

**Grid Reference:**

340150 555619

**Proposal:** Change Of Use To A Surface Level Car Park And Erection Of Ancillary  
Infrastructure

**Amendment:**

### REPORT

**Case Officer:** Christopher Hardman

### City Council Observations on the Proposal:

**Decision:** City Council Observation - Observations

**Date:** 18/05/2018

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 12/07/2018

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

---



## **The Town and Country Planning Act 1990**

### **Notice of Planning Permission**

To: Cumbria County Council  
Parkhouse Building  
Kingmoor Park  
Carlisle  
CA6 4SJ

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the proposal described in your application and on the plans/drawings attached thereto received on 20 April 2018.

**viz: Change of Use of to a surface level car park and erection of ancillary infrastructure**

**Land to rear of The Courts, Bush Brow, Carlisle, CA3 8NA**

Subject to due compliance with the following conditions:

#### **Time Limit for Implementation of Permission**

1. The development and use hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

#### **Temporary Time Limit for Use**

2. The public car-parking use hereby permitted shall be for a temporary period only, expiring on 11 July 2023 by which time the use shall have ceased.

*Reason: To ensure the development does not prejudice the realisation of the comprehensive rejuvenation of the Citadel Redevelopment Opportunity Area in line with Policy SP4 of the [Carlisle District Local Plan 2015-2030](#) (CDLP) which was adopted on 8 November 2016.*

*Because the scheme design does not meet the high standards required for proposals adjacent to a Grade I listed buildings, and as such, the degree of harm resulting would not be acceptable upon a permanent basis.*

#### **Approved Scheme**

3. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
  - a. Design and Access Statement – Rev.1 – dated April 2018;
  - b. Design and Access Statement Addendum – Materials, Signage, Lighting and Machinery;
  - c. Planning Statement - dated April 2018;

- d. Lighting Statement - dated April 2018;
- e. Transport Statement - Rev.02 – dated 9 May 2018;
- f. Plans named and numbered:
  - i) Location Plan - CRD-CAP-GEN-99-DR-Z-0001-Rev. P03;
  - ii) Proposed Car Park Layout (and Typical Section) - CRD-CAP-GEN-99-DR-C-0001-Rev.P05
  - iii) Proposed Drainage Strategy - CRD-CAP-HDG-99-DR-C-0001-Rev.P05;
  - iv) General Management - CRD-CAP-HGN-99-DR-C-0003-Rev.P05;
  - v) Proposed Car Park Lighting - CRD-CAP-HLG-99-DR-C-0001-Rev.P03;
- g. The details or schemes approved in accordance with the conditions attached to this permission.

*Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.*

## **PRE-COMMENCEMENT OF DEVELOPMENT CONDITIONS**

### **Structural Assessment and Report on the Retaining Walls**

4. No development shall take place until a structural survey of the retaining walls has been undertaken by an appropriately qualified civil engineer and a report on this submitted to and approved in writing by the County planning authority.

The development shall be carried out in accordance with any recommendations provided within the approved report.

*Reason: To demonstrate that the retaining wall is structurally sound so as ensure the stability and safe use of the land in line with Paragraph 109 of the National Planning Policy Framework and Policy CM5 of the CDLP.*

### **Upper Level Paving Setts and Flags Survey and Surfacing Scheme**

5. No development shall take place until a detailed survey assessing the condition of the paving setts and flags on the upper level has been undertaken and its results and a scheme for the surfacing of this area have been submitted to and approved in writing by the County planning authority. The survey shall include a plan, photographs and a written assessment of the various areas of paving/surfacing. The surfacing scheme for the upper level shall seek to retain and repair/restore areas of paved setts as far as is reasonably practical.

The upper-level of the site shall thereafter be surfaced in accordance with the approved scheme.

*Reason: So as to seek to preserve elements of surfacing that contribute to the character and appearance of the conservation area and the setting of listed buildings in accordance with policies HE3 and HE7 of the CDLP.*

### **Detailed Drainage Scheme**

6. No development shall take place until a detailed drainage scheme that is in line with the Proposed Drainage Strategy (*Drawing No. CRD-CAP-HDG-99-DR-C-0001-Rev.P05*) has been submitted to and approved in writing by the County planning authority. The scheme shall:

- a) provide full engineering details of the site's proposed drainage including detailed plans of drainage arrangements;
- b) explain how the design prevents any adverse impact upon any potential



- assets of archaeological interest or listed heritage assets;
- c) explain the measures to prevent surface water from discharging from the site onto Bush Brow;
- d) demonstrate that the drainage scheme will not increase flood risk outside the development boundary;
- e) explain how it meets the requirements of the Sustainable drainage systems: non-statutory technical standards (March 2015);
- f) provide detail of how the drainage scheme shall be maintained and managed after completion.

The development shall be carried out in accordance with the approved scheme.

The site shall not come into use until the drainage scheme has been constructed in accordance with the approved details and is operational. The development shall be completed, maintained and managed in accordance with the approved details thereafter.

*Reasons: To providing additional storage and pre-treatment of surface water so as to decrease surface water flood risk in the area and improve the quality of water discharging from the site in accordance with Policy CC5 of the CDLP. To ensure the surface water system continues to function as designed.*

*To ensure that new drainage infrastructure provided on site does not have an adverse impact upon heritage assets in line with policies HE2, HE3 and HE7 of the CDLP.*

#### **Access Road Specification**

7. No development shall take place until a detailed specification for the internal access road has been submitted to and approved by the County Planning Authority.

The access road shall thereafter be constructed in accordance with the approved specification.

*Reason: In the interests of highway safety.*

#### **Detailed Electrical Servicing Scheme**

8. No development shall take place until a detailed electrical servicing scheme has been submitted to and approved in writing by the County planning authority. The scheme shall provide full details of the route and depth of all electrical cabling on site and demonstrate that it shall not adversely impact upon any potential assets of archaeological interest, listed heritage assets or the character or appearance of the conservation area.

The development shall be carried out in accordance with the approved scheme.

*Reasons: To ensure that electrical servicing of site infrastructure does not have an adverse impact upon heritage assets in line with policies HE2, HE3 and HE7 of the CDLP.*

### **Construction Vehicle Accommodation During Construction**

9. No development shall take place until a plan or plans showing adequate land reserved for the parking, unloading and manoeuvring of vehicles engaged in construction operations on the site (i.e. clear of the highway) has been submitted to and approved in writing by the County planning authority.

Once approved the reserved land shall be kept available for their specified use as specified in the approved submission until completion of the construction works.

*Reasons: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.*

### **Construction Traffic Management Plan**

10. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the County planning authority. The CTMP shall include details of:

- a) 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;
- b) cleaning of site entrances and the adjacent public highway;
- c) The measures and the required frequency of treatment to ensure the site entrances and the adjacent public highway are kept clean and free from any debris and materials which could be deposited or tracked by vehicles exiting the site;
- d) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- e) construction vehicle routing;
- f) the management of junctions to and crossings of the public highway and other footways;
- g) surface water management details during the construction phase.

Construction works shall be carried out in accordance with the approved CTMP.

*Reasons: The carrying out of this development without the provision of the CPTM during the construction work is likely to lead to inconvenience and danger to road users.*

### **DETAILS REQUIRED TO BE AGREED PRIOR TO THEIR PROVISION**

#### **Stairway Details**

11. No stairway shall be installed on site between the two levels until details of the proposed design and materials of the stairway have been submitted to and approved in writing by the County planning authority.

The stairway shall thereafter be provided in accordance with the approved details prior to the commencement of the use of the site as a public car park.

*Reason: To ensure the lighting units are appropriate and sympathetic to the Conservation Area and setting of the nearby listed buildings in line with policies HE3 and HE7 of the CDLP.*

### **Details of Lighting Units**

12. No lighting shall be installed on site until details of the proposed design of all lighting units have been submitted to and approved in writing by the County planning authority.

The lighting shall thereafter be provided in accordance with the approved details prior to the commencement of the use of the site as a public car park.

*Reason: To ensure the lighting units are appropriate and sympathetic to the Conservation Area and setting of the nearby listed buildings in line with policies HE3 and HE7 of the CDLP.*

### **Details of Vehicle Restraints**

13. No Vehicle Restraints shall be installed on site until details of their proposed design have been submitted to and approved in writing by the County planning authority.

They shall thereafter be provided in accordance with the approved details prior to the commencement of the use of the site as a public car park.

*Reason: In the interests of the character and appearance of the Conservation Area.*

### **Details of Parking Meters and Electric Vehicle Charging Units**

14. No Parking Meters or Electric Vehicle Charging Units shall be installed on site until details of their proposed design have been submitted to and approved in writing by the County planning authority.

They shall thereafter be provided in accordance with the approved details prior to the commencement of the use of the site as a public car park.

*Reason: In the interests of the character and appearance of the Conservation Area.*

### **Details of Raised Kerb Islands**

15. No raised kerb islands shall be constructed until details of their proposed design/surfacing have been submitted to and approved in writing by the County planning authority.

They shall thereafter be provided in accordance with the approved details.

*Reason: In the interests of the character and appearance of the Conservation Area.*

## **CONSTRUCTION PHASE**

### **Construction Sequence – Construction Vehicle Accommodation**

16. The approved access and parking/turning requirements for construction traffic shall be substantially met before any other development work commences on site so that constructional traffic can park and turn clear of the highway.

*Reasons: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.*

### **Hours of Construction Operations**

17. Construction operations shall only take place except between the hours of 08.00am and 18.00pm Monday to Saturday (excluding Bank and Public Holidays). No construction operations shall be carried out on Sundays or public and/or bank holidays.

*Reason: In order to protect local amenity.*

### **Encounters with Unsuspected Contamination**

18. In the event that contamination is found on site during the construction phase it must be reported in writing within three working days to the County Planning Authority and any further construction works shall cease until such time as an investigation and risk assessment has been carried out. If the investigation and risk assessment identifies contamination a remediation scheme shall be prepared and submitted to and approved in writing by the County Planning Authority. The approved remediation shall thereafter be carried out in full.

*Reason: To ensure that site workers are not exposed to the unacceptable risks from contamination during construction.*

## **PRE-COMMENCEMENT OF USE CONDITIONS**

### **External Finish to the Retaining Walls**

19. No use of the site for public car-parking shall take place until details of the proposed external finish to the concrete retaining walls shown on the Proposed Car Park Layout Plan (*Drawing No. CRD-CAP-GEN-99-DR-C-0001-Rev.P05*) have been submitted to and approved in writing by the County planning authority.

The external finish approved shall be applied either within three months of the date of their written approval or prior to the commencement of the use, whichever is the latest.

*Reason: To soften the appearance of the concrete retaining walls in the interests of the character and appearance of the Conservation Area and visual amenity and in accordance with policy HE7 of the CDLP.*

### **Minimum Level of Surfacing to Enable Use**

20. No use of the site for public car-parking shall take place until the access road has been constructed of a bound material for an extent of at least 15m inside the site as measured from the highway boundary in accordance with the approved access road specification.

*Reason: In the interests of highway safety.*

## **OPERATIONAL REQUIREMENTS / RESTRICTIONS**

### **Access/Egress**

21. Vehicular access to and egress from the site shall only take place in line with the one-way system described within the application and shown on the plan named and numbered '*Proposed Car Park Layout - CRD-CAP-GEN-99-DR-C-0001-Rev.P05*' unless otherwise agreed by the County Planning Authority.

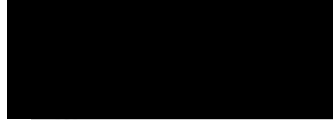
*Reason: In the interests of highway safety.*

## Access Gates

22. Access gates shall be hung and or maintained to open inwards only – i.e. away from Bush Brow.

*Reason: In the interests of highway safety.*

Dated 12 July 2018



Signed: Angela Jones  
Assistant Director of Economy & Environment  
on behalf of Cumbria County Council.

## NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
- The policies and reasons for the approval of this application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display?applicationNumber=1/18/9003>
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.

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## APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
3. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.



