

## 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.

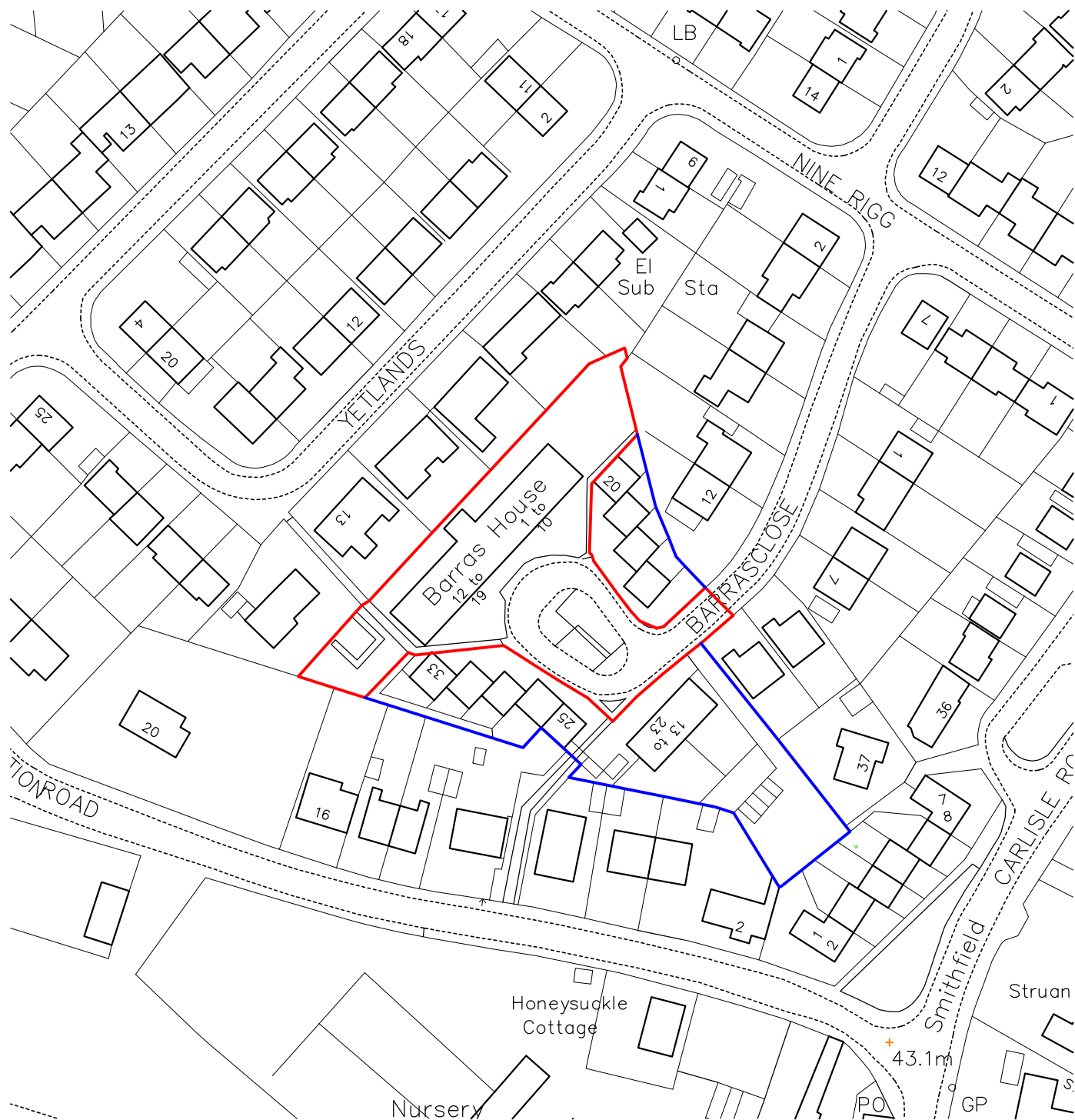
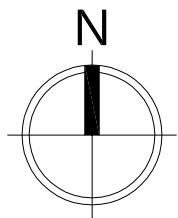
**Reason:** In order to ensure that the works do not adversely affect the habitat of protected species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

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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Client: RIVERSIDE CUMBRIA

Project: BARRAS HOUSE

Drawing: LOCATION PLAN

Job Ref: 3024-04-16

Drawing No: P07

Rev:

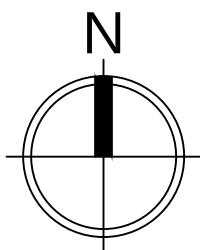
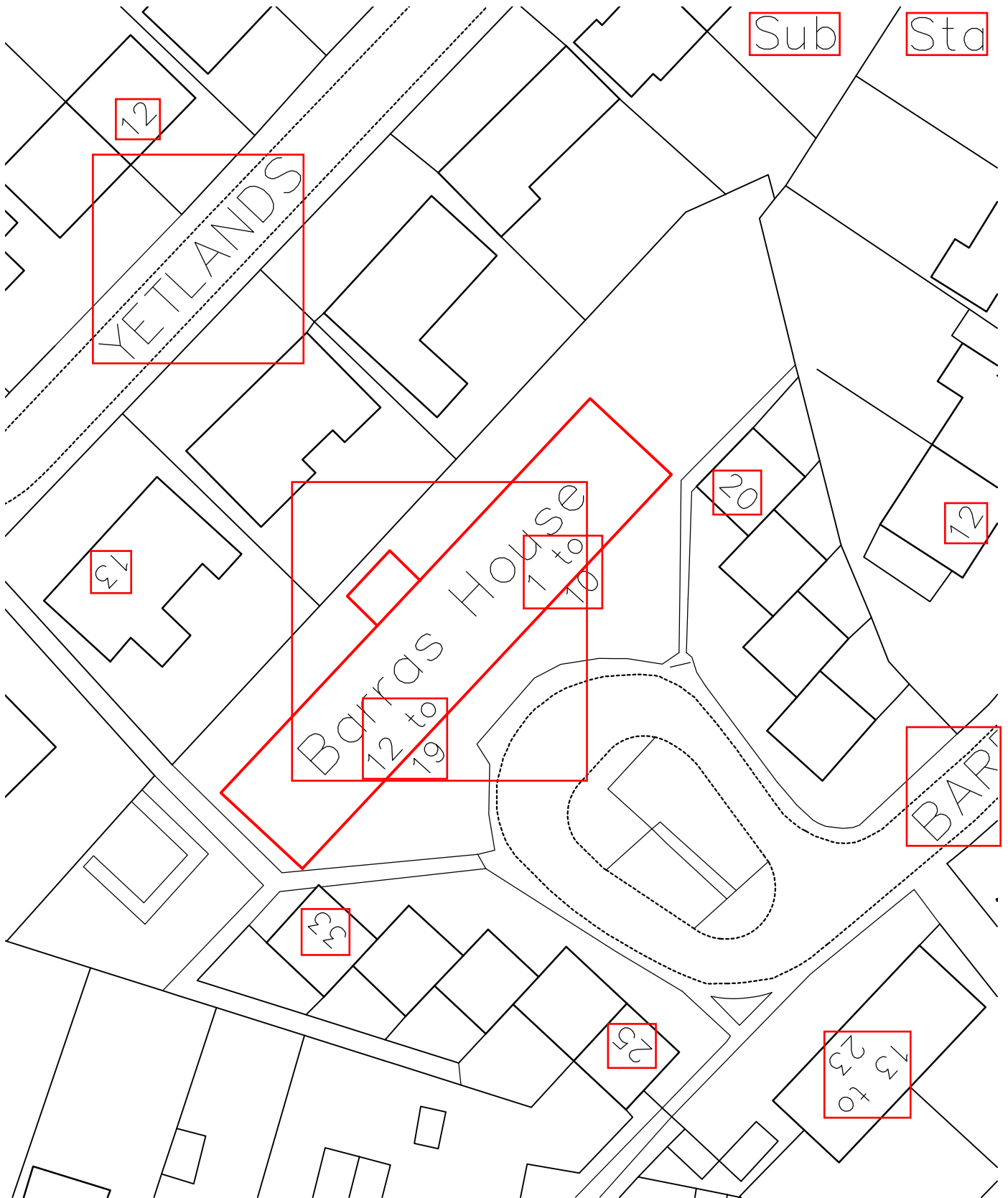
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Date: JULY 16



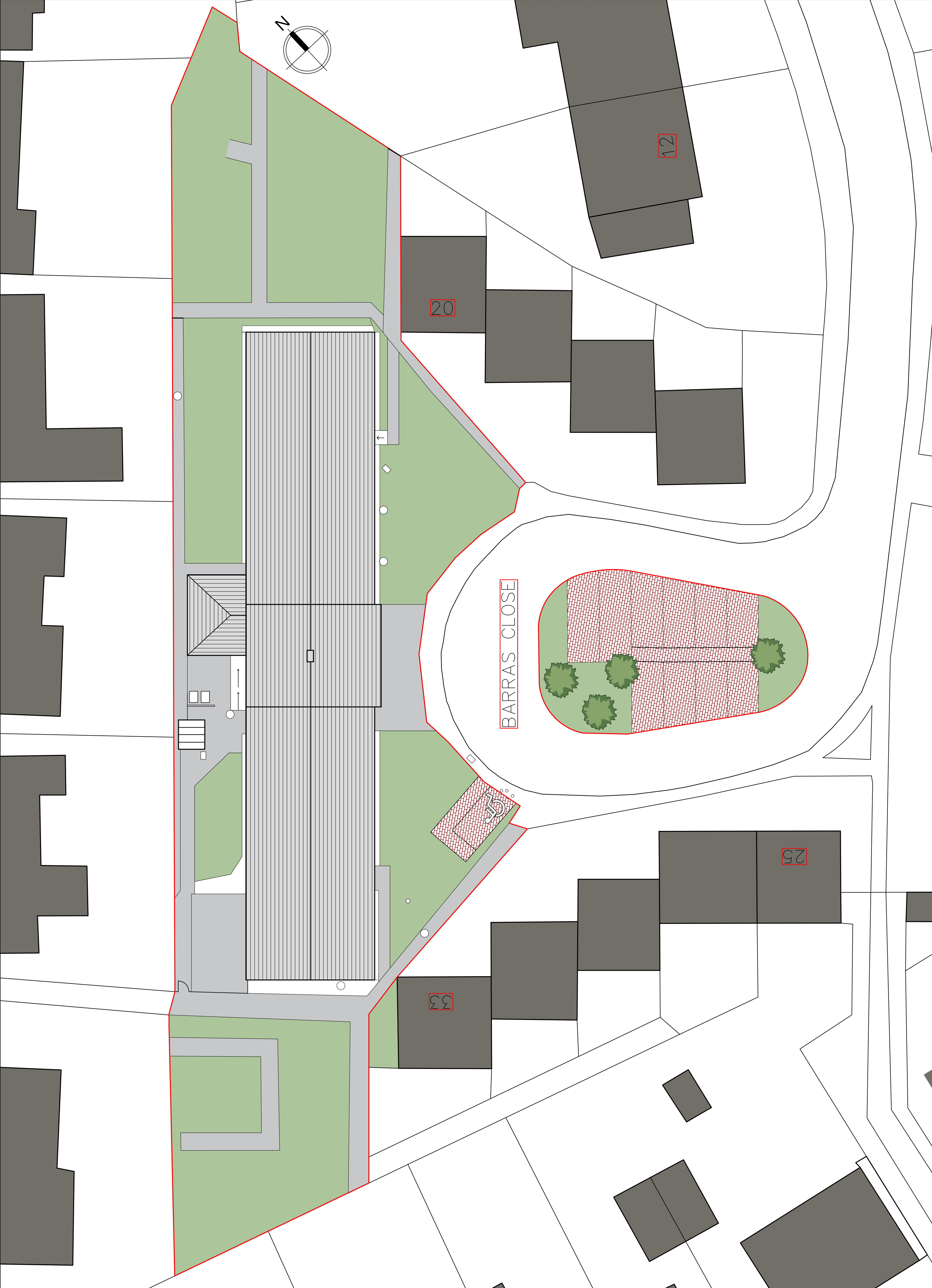
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stormtempest.com



Client: RIVERSIDE CUMBRIA  
Project: BARRAS HOUSE  
Drawing: SITE PLAN  
Job Ref: 3024-04-16 Drawing No: P08 Rev:  
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**STORM TEMPEST**  
stormtempest.com



- KEY
- GRASS
  - EXISTING MACADAM
  - MACADAM
  - EXISTING BLOCK PAVING
  - PEARMEABLE PAVING
  - EXISTING PAVING FLAGS
  - PAVING FLAGS
  - BIN STORE
  - BIN STORE

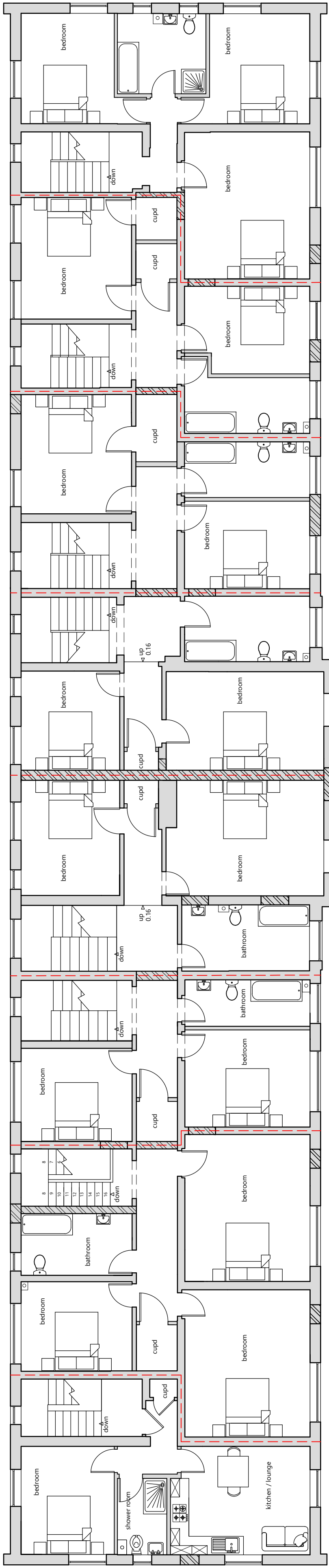




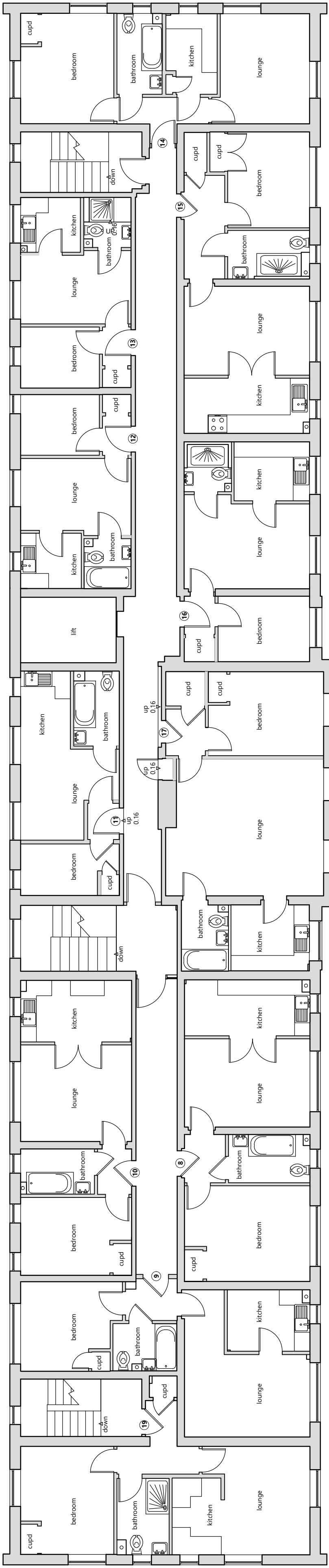




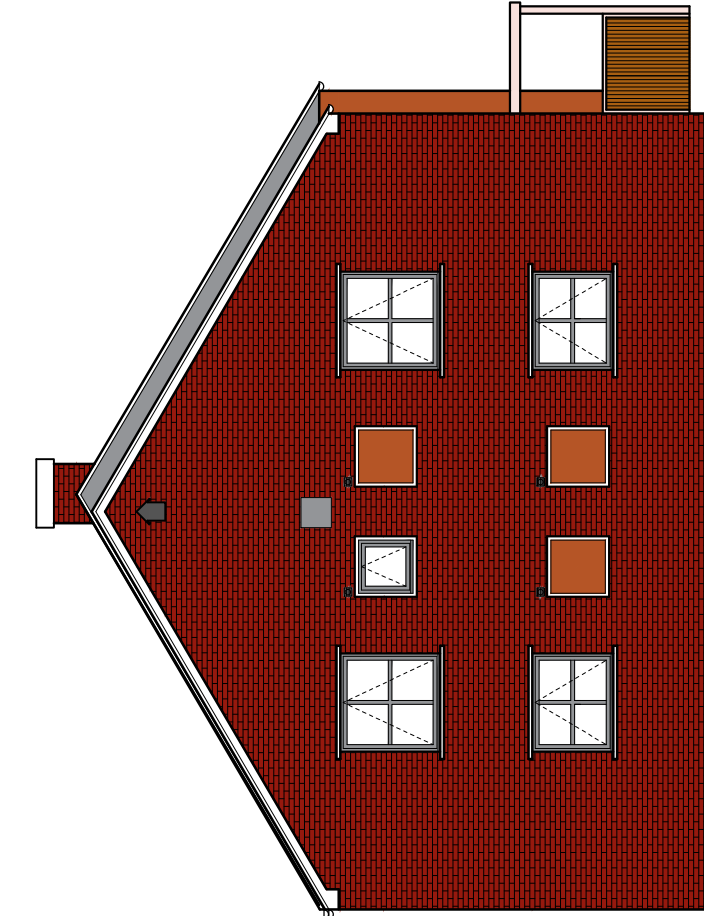




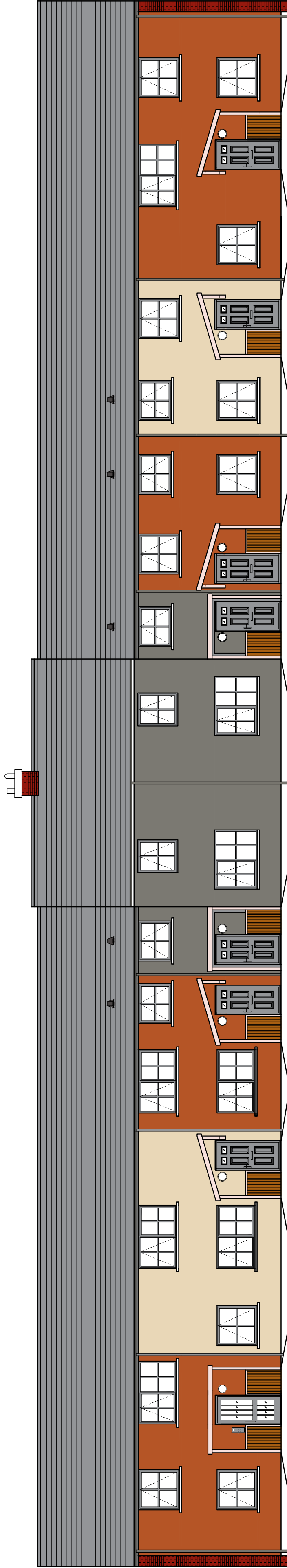
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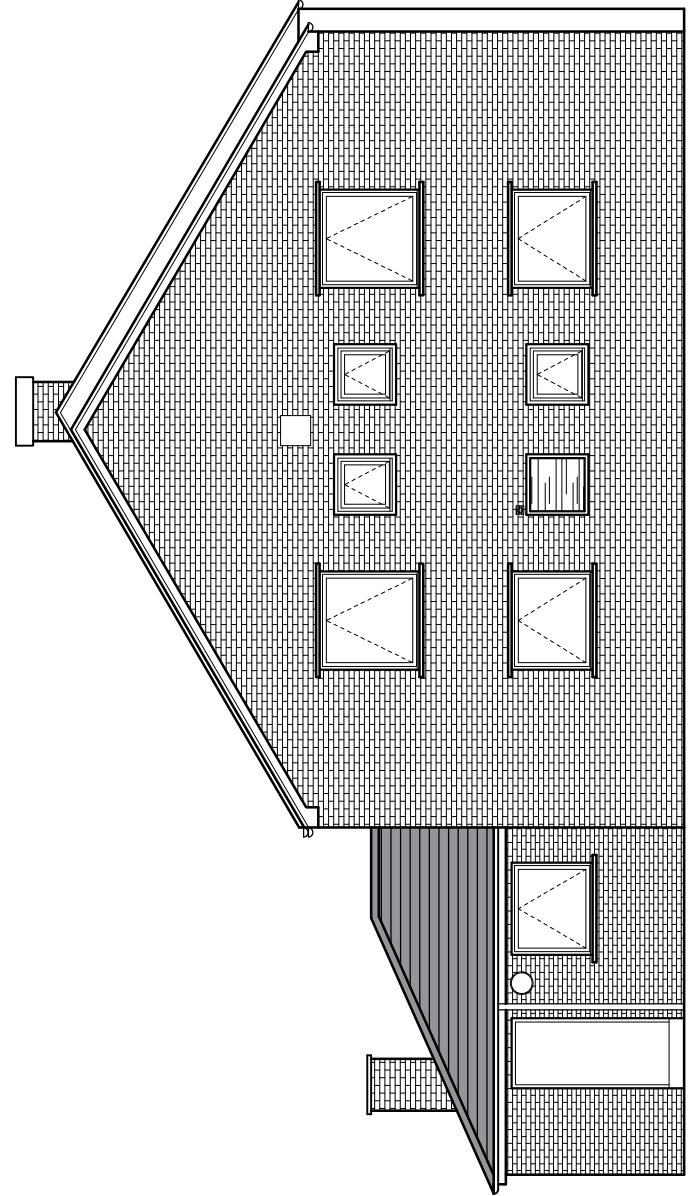
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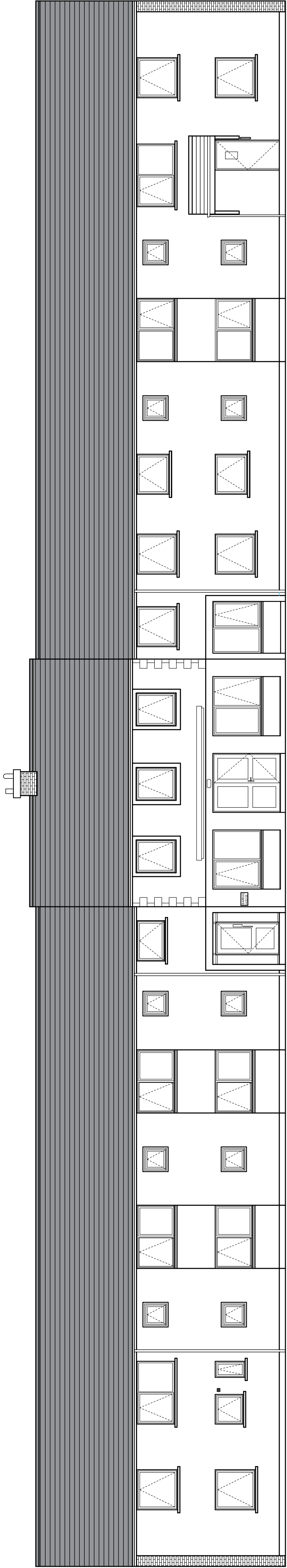
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PROPOSED - EAST (FRONT) ELEVATION



EXISTING - SOUTH (SIDE) ELEVATION



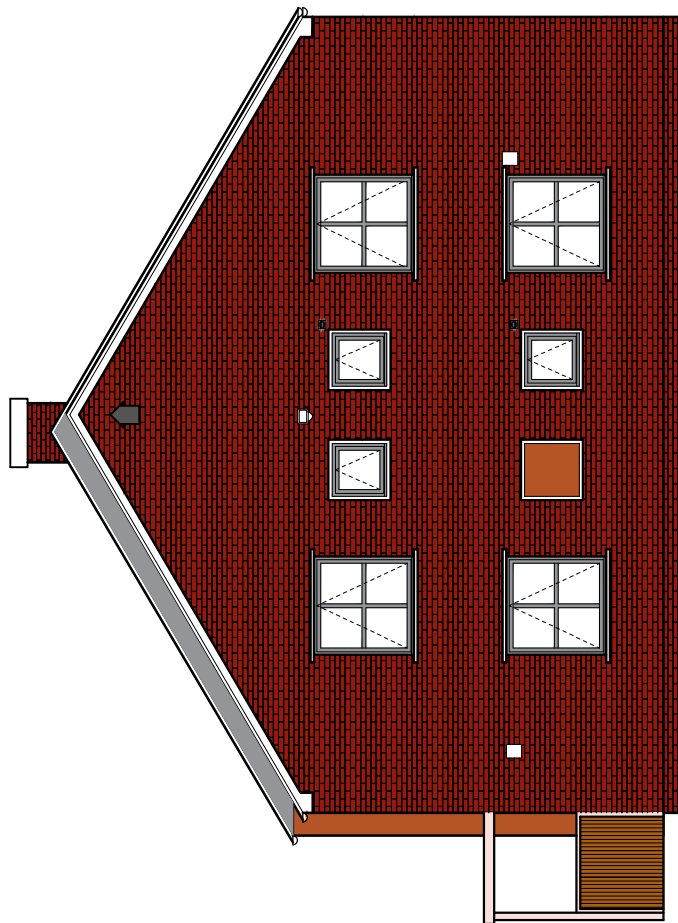
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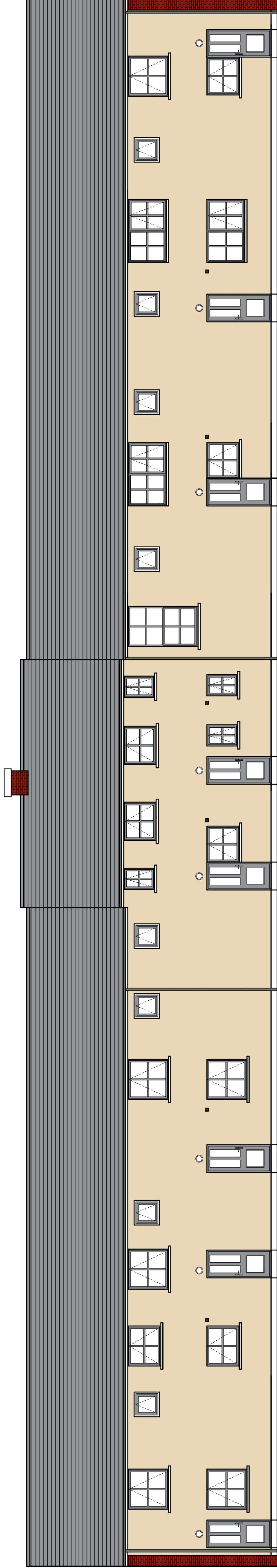
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Project:	BARRAS HOUSE REFURBISHMENT
Drawing:	SOUTH & EAST ELEVATIONS
Job Ref:	2979-01-16
Scale:	1:100@A1
Drawn:	AS
Checked:	RR
Rev:	
Date:	APRIL 18

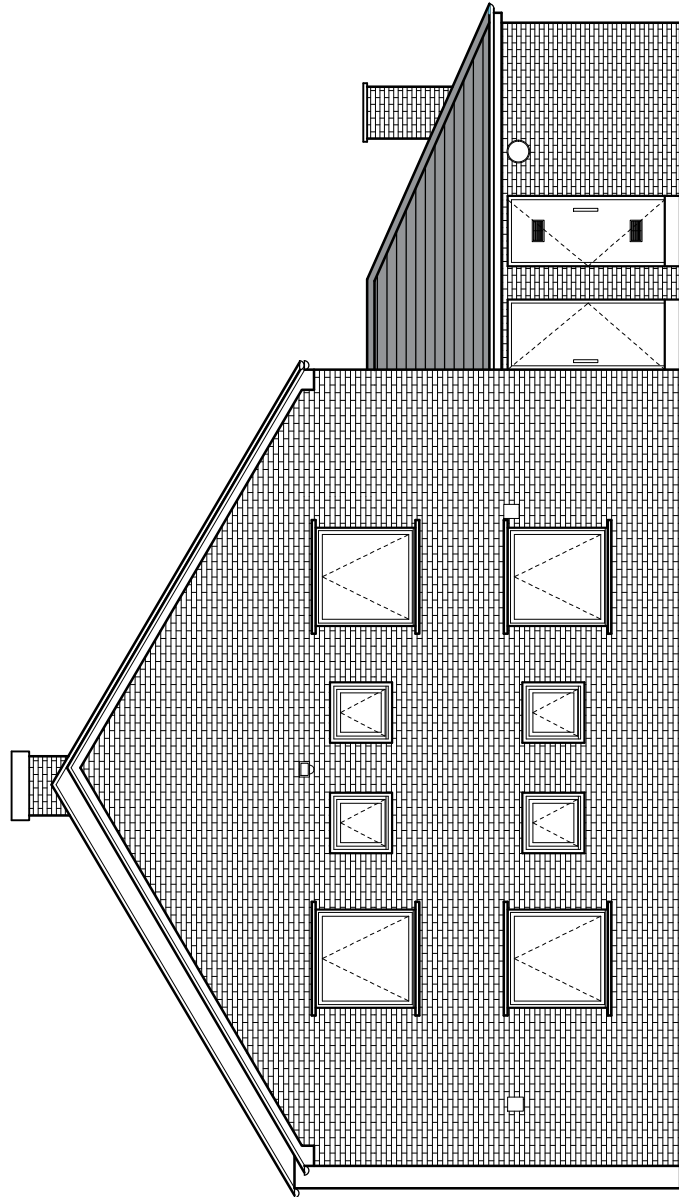




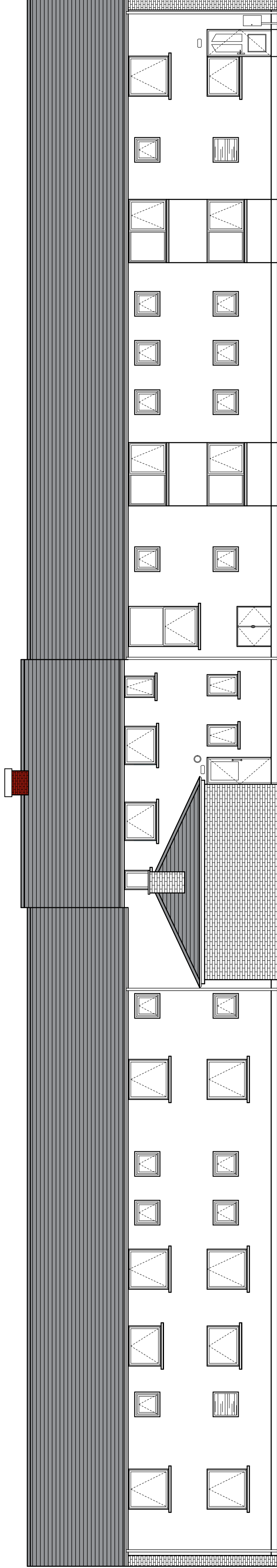
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PROPOSED - WEST (REAR) ELEVATION



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

