

AGENDA

Development Control Committee

Friday, 07 June 2019 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 - 24

To note that Council, at its meeting of 30 April 2019, received and adopted the minutes of the Development Control Committee held on 13 February 2019 (site visits), 15 February 2019, 20 March 2019 (site visits) and 22 March 2019. The Chairman will sign the minutes.
[Copy minutes in Minute Book 45(6)].

To approve the minutes of the meetings held on 26 April 2019 and 5 June 2019 (site visits).

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

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

Explanatory Notes	25 - 30
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Item 01 - 18/1132 - Field to the South of Raughton Head School, Raughton Head, Carlisle, CA5 7DD	31 - 58
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Item 02 - 18/0990 - Land to rear of Braefoot, Lanercost Road, Brampton, CA8 1EN	59 - 98
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Item 03 - 18/1044 - Land at Rookery Park (South of Alders Edge), Scotby, Carlisle CA4 8EH	99 - 160
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Item 04 - 18/0587 - Field adjacent Low Mill Barn, Low Mill, Dalston, Carlisle, CA5 7JU	161 - 168
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Item 05 - 19/0247 - Land at Greymoorhill, Kingstown Road, Kingstown, Carlisle	169 - 242
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Item 06 - 18/1083 - Land Adjacent to Wood Cottage, St Lawrence Lane, Burgh By Sands, Carlisle CA5 6BS	243 - 258
Item 07 - 18/1106 - Land to rear of 5-8 Sewell Place, Carlisle, CA2 4QR	259 - 272
Item 08 - 19/0101 - Land opposite Pine Grove, Walton, Brampton, CA8 2JW	273 - 292
Item 09 - 19/0235 - Civic Centre, Rickergate, Carlisle, CA3 8QG	293 - 320
Item 10 - 19/0234 - Civic Centre, Rickergate, Carlisle, CA3 8QG	321 - 348
Schedule B	349 - 372
A.2 TPO 302 LAND TO THE NORTH OF TARN LODGE FARM, HEADS NOOK, BRAMPTON	373 - 386

The Corporate Director of Economic Development to submit a report which considers the confirmation of Tree Preservation Order 302 - Land to the north of Tarn Lodge Farm, Heads Nook, Brampton in light of representations received following the making of the Order.

(Copy report ED.23/19 herewith).

PART B

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

-NIL-

Members of the Development Control Committee

Conservative – Christian, Collier, Morton, Nedved, Shepherd, Tarbitt, Mrs Bowman (sub), Mrs Finlayson (sub), Meller (sub)

Labour – Mrs Atkinson, Birks, Brown, Mrs Glendinning, Patrick, Alcroft (sub), Mrs Bradley (sub), Rodgerson (sub)

Independent - Tinnion, Paton (sub)

Enquiries, requests for reports, background papers etc to:

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

Minutes of Previous Meetings

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 26 APRIL 2019 AT 10.00 AM

PRESENT: Councillor T Sidgwick (Chairman), Councillors Mrs Birks (as substitute for Councillor Mrs Glendinning), Bloxham (until 2:10pm), Christian, Earp, Graham (until 3:07pm), McDonald, Ms Quilter (until 12:40pm - as substitute for Councillor Brown), Shepherd, and Mrs Warwick.

ALSO

PRESENT: Councillor J Mallinson (Ward Member) attended the meeting having registered a Right to Speak in respect of:

- Application 18/0499 – Newtown House, Blackford, Carlisle, CA6 4ET and;
- Item A.2 – Briar Lea Park, Longtown – Gleeson Homes Development.

Mr Allan – Flood and Development Officer, Cumbria County Council
Mr Lawton (Environment Agency)

OFFICERS: Corporate Director of Governance and Regulatory Services
Corporate Director of Economic Development
Development Manager
Principal Planning Officer
Planning Officer x 3

DC.036/19 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Brown and Mrs Glendinning.

DC.037/19 DECLARATIONS OF INTEREST

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

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

- 18/0499 – Newtown House, Blackford, Carlisle, CA6 4ET. The interest related to the applicant's son being known to him.
- 18/0990 – Land to the rear of Braefoot, Lanercost Road, Brampton, CA8 1EN. The interest related to the applicant being known to him.

Councillor Shepherd declared in interest in respect of application 18/1037 – Former Brampton Infant School Lunch Hall, Moat Street, Brampton, CA8 1UJ. The interest related to objectors being known to him.

DC.038/19 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.039/19 MINUTES OF PREVIOUS MEETINGS

RESOLVED - That the minutes of the meetings held on 22 March 2019 and 24 April 2019 (site visits) be approved.

DC.040/19 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Corporate Director of Governance and Regulatory Service 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.041/19 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) Change Of Use of Land and Buildings to for Concrete Product manufacturing premises to roofing business including the siting of a scaffold rack, erection of a car port and store together with the formation of a vehicle wash bay (Part Retrospective), Newtown House, Blackford, Carlisle, CA6 4ET (Application 18/0499).**

The Planning Officer submitted the report on the application and reminded the Committee that a site visit had been undertaken on 20 March 2019.

The Planning Officer reported that an additional letter of support had been received from an occupier of a neighbouring property. The application sought planning permission to change the use of the existing building from a commercial premise to use for the storage of plant and equipment associated with the applicant's roofing business. The Planning Officer advised that the nature of the application had changed therefore, the of the proposal description should be amended to read "retrospective" instead of "part retrospective". In overall terms the principle of the reuse and erection of additional buildings on the site was considered acceptable, and the development would not adversely affect the character or appearance of the area.

The proposed use had the potential to impact on the living conditions of the occupiers of neighbouring properties through increased noise and disturbance. Consequently, the applicant had undertaken a Noise Assessment which had been reproduced in the schedule. The Planning Officer drew Member's attention to paragraphs 2.1.4 and 5.2.4 therein.

The Noise Assessment concluded that the use of the site, albeit subject to planning conditions, was acceptable and would not be detrimental to the occupiers of the neighbouring properties. The Planning Officer advised that whilst being mindful that the report did not insist that a fence be constructed, Members ought to give consideration to the issue.

Slides were displayed on screen showing: Block Plan; Floor Plan; Proposed Elevations; Proposed Scaffolding Rack Plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The proposed continued use would not result in significant levels of vehicle movements that would be detrimental to the surrounding highway network and as such, the Highway Authority raised no objection to the application.

In conclusion, the Planning Officer considered that all aspects of the proposals were compliant with the objectives of the relevant national and local planning policies. Accordingly, he

recommended that the application be approved subject to the imposition of conditions including the rewording of condition 5 to omit the reference to points A and B in the Noise Report.

Mr Addison (Objector – speaking on behalf of Mr Roberts and himself) spoke against the application in the following terms: the locating of a scaffolding business in a residential area was inappropriate; the constructed car port should be removed; the Noise Assessment submitted by the applicant did not accurately represent the level of noise generated by the loading and unloading of scaffolding poles; the proposal amounted to large scale commercial development in a rural area; an unauthorised bungalow had been constructed within the site, the use of which ought to be restricted to the applicant's roofing company; a separate scaffolding company operated from the site, it should be required to submit an application for its commercial use of the site.

Mrs Hedley (Applicant) responded in the following terms: the site had a long history of commercial use, and had a rateable value; the proposed scheme would allow for the storage of equipment associated with the scaffolding business, no works were to be carried out there; two Noise Assessments had been carried out and the locating of the scaffolding in the car port had been suggested by one of the consultants as a way of reducing noise; the request to allow weekend operation at the site was to enable the company to fulfil contracts at sites where weekday access was not permissible; the main unloading times were in the morning and the end of the working day; staff working late did not return their vehicles to the site.

In relation to written objections referencing the provision of forty car parking spaces within the site, Mrs Hedley noted that the Planning Permission application form requested that information. However, it was not intended that the site would provide this level of car parking facilities.

Councillor J Mallinson (Ward Member) addressed Members and noted that he had attended the Committee's site visit. He felt that the type of business proposed by the application was not suitable for a rural residential area due to the noise levels created by loading and unloading of scaffolding poles. In the event that the Committee was minded to approve the application, he requested that conditions be imposed to: require the applicant to construct an acoustic barrier to mitigate noise and; that the hours of operation at the site be restricted to Monday to Friday.

The Committee then gave consideration to the application.

A Member sought clarification as to whether the applicant for the scheme comprised one or two companies.

The Planning Officer explained that the applicant's details as submitted was Hedley's Roofing, he reminded Members that in determining the application their principal consideration was the proposed land use.

Another Member asked whether companies other than the applicant's operating at site would be subject to the same restraints on hours of operation. He further suggested that the applicant be required to keep a log of emergency works carried out which would be available for inspection by the Council's Planning/Landscape Compliance and Enforcement Officer.

The Planning Officer responded that the report proposed a number of conditions to limit the use of the site, and drew the Committee's attention to condition 3, which Members were able to add to or amend as they deemed necessary.

In terms of the number of businesses at the site, there was no evidence to indicate that any other than the applicant's were operating from the location. Should the Committee judge the

issue to be a matter of concern, the Planning Officer suggested that consideration be given to whether the proposed conditions were sufficient to prevent intensification at the site.

Regarding the suggestion that the applicant be required to maintain a log of emergency works undertaken, the Planning Officer considered that such a document would, in effect, afford the applicant mitigation against enforcement action.

Responding to comments from a Member that condition 2 restricted the use of the site to Hedley's Roofing, the Corporate Director of Governance and Regulatory Services advised that: currently the condition was personal and to an individual. He stated that the condition must correctly reflect the applicant, which he understood was the scaffolding company, resultantly, the condition may require re-wording.

During the Committee's consideration of the submitted Noise Assessments, the following issues were raised:

- the original Noise Assessment noted that local wind conditions were variable and not considered;
- Obtrusive facets of noise – LA Max stated that no environmental guidelines other than for night time, and therefore was not addressed;
- No evidence of noise produced by the previous occupier of the site;
- Was the location of the noise monitoring equipment known to the Officer, applicant and neighbours;
- Page 66 of the Schedule listed noises at the site, but did not include scaffolding un/loading;
- In the event of permission being given the following condition be imposed:
 - No unloading/loading of scaffolding from 12pm on Saturdays – 7:30am on Mondays;
 - The installation of an acoustic barrier.

In response the Planning Officer advised:

- That the location of the noise monitoring equipment was shown on page 50 of the Schedule. Whilst he had not been party to the assessment process, it was likely that the applicant would have been aware of the siting of the equipment;
- Page 56 of the Schedule set out vehicle movements recorded during the Noise Assessment, Appendix D of that report tied in with the times in the statement and were commented upon in the report.

A Member noted that page 73 of the Schedule contained comments from the Noise Consultant, but felt that the matter had been left to the Committee to determine.

The Chairman directed the Committee to consider the Officer's recommendation.

A Member proposed that the application be approved subject to the conditions detailed in the report and:

- a) The imposition of a condition restricting the unloading/loading of scaffolding between 12:00pm on Saturdays to 7:30am on Mondays;
- b) The imposition of a condition requiring the construction of an acoustic barrier;
- c) The re-wording of condition 2 to refer to the company using the site not the individual applicant

The proposal was seconded and put to the vote, but was not carried.

The Corporate Director of Governance and Regulatory Services noted that the Committee had discussed matters relating to noise, following which a number of additional conditions had been proposed to make the scheme acceptable. Given that the Officer's recommendation and additional conditions had not been agreed Members, needed to explain why the proposal was not acceptable.

A Member stated that she remained concerned about the impact of noise affecting residents in neighbouring properties, particularly during weekends, and the noise assessments had not provided sufficient information for her to effectively determine the matter.

The Planning Officer drew the Committee's attention to page 57 of the Schedule which detailed the Assessment Results and stated that the proposal would impact on the noise experienced at neighbouring properties, but that the impact would not be significantly adverse.

With reference to the earlier motion which had suggested additional conditions regarding hours of operation and the construction of an acoustic barrier, the Planning Officer suggested that Members consider whether those conditions were sufficient to address the issue.

Another Member commented that she was unclear about the number of businesses using the site.

The Planning Officer reminded that Committee that its principal concern in determining the application was to consider the proposed land use. Moreover, the conditions of the permission and the buildings at the site were self-limiting.

The Committee adjourned from 11:04am to 11:14am

The Corporate Director of Economic Development advised those present that during the adjournment a number of Members who had not been satisfied with the Officer's recommendation had considered the proposal in the context of the Carlisle District Local Plan 2015 – 30 ("Local Plan") with a view to identifying an appropriate planning policy basis for their determination of the application.

A Member stated that he fully understood the noise issue and that it was clear from the submitted assessments that the matters were able to be addressed subject to the imposition of appropriate conditions. Accordingly, he did not consider the matter sufficient to refuse permission. He moved that the application be approved subject to the conditions detailed in the report and:

- a) The imposition of a condition restricting the unloading/loading of scaffolding between 12:00pm on Saturdays to 7:30am on Mondays;
- b) The imposition of a condition requiring the construction of an acoustic barrier;
- c) The re-wording of condition 2 to refer to the company using the site not the individual applicant

The proposal was seconded.

In response to a question from a Member regarding the location of the acoustic barrier, the Planning Officer advised that the condition would require the applicant to submit details of the structure to the Local Planning Authority for approval. Consultation with the Council's Environmental Health team would be carried out to ensure that the structure was appropriate.

The Chairman noted that the following proposal had been put forward and seconded: to approve the application subject to the conditions detailed in the report and:

- a) The imposition of a condition restricting the unloading/loading of scaffolding between 12:00pm on Saturdays to 7:30am on Mondays;
- b) The imposition of a condition requiring the construction of an acoustic barrier;
- c) The re-wording of condition 2 to refer to the company using the site not the individual applicant

The matter was put to the vote 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.

2) Demolition of agricultural outbuildings; Erection of 1no. dwelling with access from Lanercost Road, together with additional landscaping, Land to the rear of Braefoot, Lanercost Road, Brampton, CA8 1EN (Application 18/0990).

The Planning Officer submitted the report on the application which been the subject of a site visit by the Committee on 24 April 2019.

Slides were displayed on screen showing: Existing Site Plan; Proposed Site Plan; Proposed Floor Plans; Proposed Elevation Plans; Brampton Conservation Area Map, and photographs of the site, an explanation of which was provided for the benefit of Members.

During the Committee's the site visit a Member had asked for clarification of the extent of Brampton Conservation Area, The Planning Officer confirmed that the application site was located wholly within the Conservation Area

Further to the production of the report two additional letters of objection from the same property have been received and were reproduced in the Supplementary Schedule. A further 31 objections from residential properties in and around Brampton had been received following publication of the Supplementary Schedule. The objections covered a number of matters which the Planning Officer summarised. A letter of objection had also been received from Councillor Mitchelson, Ward Member, which the Planning Officer read out for the benefit of Members. Furthermore, the Planning Officer stated that she was also aware that an objection letter had been circulated directly to Members.

The additional objections received raised similar matters to those already summarised in paragraphs 4.1- 4.3 of the report, as such, they were considered to have already been addressed.

Regarding the objector's comments in relation to asbestos at the site, the Planning Officer advised there was no evidence to confirm that asbestos was present in the existing roofing structure. Were it to be found, the applicant would have to comply with the relevant health and safety regulations in relation to any removal.

In terms of the Planning Inspectorate Appeals cited by objectors, the Planning Officer displayed a plan on screen which illustrated for Members the extent of the sites of the previous Appeals. She noted that both of those applications were for Outline Planning Permission for housing and that they encompassed a much larger area and were set further into the field. As such the previous planning refusals on the site were not directly comparable to the application currently before Members.

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

A Member commented that a significant amount of objections to the application had been submitted following the production of the report, whilst he appreciated that the Officer had summarised the central issues raised, he felt it was appropriate for the Committee to be able to read the objections in full. On that basis, he recommended that determination of the application be deferred.

Another Member supported deferral and further requested that the previous Planning Inspectorate Appeals Decisions be provided to the Committee.

The Development Manager acknowledged that a large volume of correspondence had been received following the publication of the report. He suggested that in order to prevent the issue arising again that Members consider closing the consultation on the application, as of the date of the meeting, to prevent a repeat of the current situation from recurring.

A Member responded that the consultations on applications to be presented to Committee should end prior to the report deadline. He felt it was imperative that Members were able to consider all correspondence relating to applications, and in the interests of openness and transparency that the public was able to view all the information that the Committee were to consider.

A Member moved that:

- 1) That the determination of the application be deferred in order to enable Members to view in full: all correspondence relating to the application and the previous Planning Inspectorate Appeal Decisions for the site, and that a further report on the application be submitted to a future meeting of the Committee;
- 2) That the consultation on the application close on 26 April 2019;
- 3) That Officers investigate imposing a deadline on the consultation of applications for Planning Permission to be submitted to the Development Control Committee prior to the deadline for Officers submitting their reports for publication.

The proposal was seconded whereupon the Chairman put it to the vote, and it was:

RESOLVED:

- 1) That the determination of the application be deferred in order to enable Members to view in full: all correspondence relating to the application and the previous Planning Inspectorate Appeal Decisions for the site, and that a further report on the application be submitted to a future meeting of the Committee;
 - 2) That the consultation on the application close on 26 April 2019;
 - 3) That Officers investigate imposing a deadline on the consultation of applications for Planning Permission to be submitted to the Development Control Committee prior to the deadline for Officers submitting their reports for publication.
- 3) Carlisle Phase 1 Flood Risk Management Scheme, consisting of new and raised flood defences at Melbourne Park and associated land raising at the entrance to Tesco Supermarket at the junction with the A69 Warwick Road, Land at Warwick Road, Melbourne Park & Tesco, Carlisle (Application 19/0149).**

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 24 April 2019.

Slides were displayed on screen showing: Site Location Plan: General Arrangement Plan; Western Embankment Sections, and photographs of the site, an explanation of which was provided for the benefit of Members.

The proposal sought to deliver new and improved flood defences to a standard of protection above the level of a Storm Desmond event. Following hydraulic modelling of various options and a subsequent economic analysis a scheme comprising a combination of increasing the height and length of existing defences in Melbourne Park and at the Tesco supermarket entrance had been developed.

All access ramps and paths within the site would be regraded to take account of the new levels of the flood defences. New tarmac footpaths would be provided adjacent to the flood embankments. The defences would be integrated into the park and would not affect existing sports facilities or play areas. The report made reference to a range of levels of defences, the tallest being up to 1.6m high. The Principal Planning Officer explained that they would be in particular sections adjacent to the existing flood defences which were being raised. The indicated levels were taken from the existing ground levels.

A Habitats Regulations Assessment had been undertaken by the applicant which concluded that with necessary mitigation the proposal would not have an adverse impact on the River Eden Special Area of Conservation which was hydrologically connected to the River Petteril

Concerns had been raised about the impact of the proposal on the flooding further upstream. A Flood Risk Assessment had been submitted with the application, which included hydraulic modelling that illustrated the scheme would have minimal impact on flood risk elsewhere in the district.

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

Mr Kelsall (Objector – Carlisle Flood Action Group) addressed the Committee in the following terms: Carlisle Flood Action Group agreed that flood defence work in the location of the site was needed. Two principal concerns were identified with the proposed scheme: the level of protection may be too low and, the role of Botcherby Bridge in flood events had not been adequately addressed. Mr Kelsall requested that four further conditions be added to the permission, as set out below:

- The Botcherby Bridge is shown to provide at least the same level of protection as the rest of the scheme;
- The proposal to upgrade the strength of Botcherby Bridge be supplied to show its fitness as a flood defence within the scheme and adequate safety margin – independently verified;
- That the landscaping scheme show how the central channel of the River Petteril can be kept clear in order that it can run fast, early in storm event;
- The hydraulic modelling be independently verified.

Mr Kelsall considered that Botcherby Bridge was fundamental to the future effectiveness of the proposed scheme. With reference to paragraph 6.70 of the report, it was noted that the Environment Agency had indicated it did not consider that the parapet of the bridge required to be raised. Mr Kelsall stated that the bridge parapet including copings was 230mm lower than the flood wall protection proposed by the scheme, he provided an analysis of likely flow rates that the bridge would be able to withstand. Mr Kelsall displayed slides on screen showing: Botcherby Bridge and a variety of restrictions relating to the structure; application drawing no. 54, and site location plan.

Mr Mounsey (Applicant) responded in the following terms: the proposed scheme provided for £6.6 million of flood defence infrastructure in Carlisle that would enhance the 2005 scheme and provide further protection to 1,200 homes and 107 other properties; the increased protection meant that in a flood event of the magnitude of Storm Desmond those properties would not flood; the proposed scheme was the first of four planned phases across the city; the scheme proposed other benefits in relation to recreational facilities, wildlife features and a refurbished car park on Borland Avenue.

Mr Mounsey stated that in addition to the work proposed in the scheme, the Environment Agency would also undertake other flood defence associated works that were outwith the planning permission process, such as gravel management. Were the application to be given permission work would commence in summer 2019 and it was expected to be completed in summer 2020.

The Committee then gave consideration to the application.

Regarding the raised levels proposed by the scheme, a Member noted that such alterations would affect the walkways within the site which were used by pushchair users, he asked whether increased gradients were required.

The Principal Planning Officer advised that the walkways within the site would be amended, but that use by people with pushchairs would be considered as part of the design.

A Member commented that in determining the application, the Committee's central concern was the proposed land use, rather than the technical specification of the scheme. He further noted that the Environment Agency was both the applicant and a Statutory Consultee, and sought clarification as to what mechanisms the agency had in place to challenge its own processes and designs to ensure that the proposed scheme was appropriate.

Mr Lawton (Environment Agency) explained that the Environment Agency processes for challenging its design proposals were inbuilt and ongoing. The design of the proposed scheme had been undertaken by independent consultants and reviewed by engineers. Within the organisation there were separate teams dealing with the submission of planning applications and assessing schemes to ensure they were technically appropriate.

The Member sought confirmation that the Officer was satisfied that the proposed scheme had undergone sufficient challenge.

Mr Lawton reiterated that external challenge was essential in the development of schemes and that had taken place in respect of the application currently before the Committee.

A Member broadly welcomed the application but expressed concerns that the scheme may increase flood risk in other parts of the district.

Mr Lawton noted that the matter had been raised in the consultation on the application, he stated that the proposed scheme would not impact the flood risk of other areas in the district due to the variability of ground levels. He considered that the scheme would afford an increased level of protection from flooding to many properties.

A number of Members expressed concern that the scheme did not encompass works to Botcherby Bridge.

Mr Lawton explained that works to Botcherby Bridge were currently at the design phase, and once plans were fully developed, consultation would be undertaken with the Council and any necessary planning applications submitted.

A Member noted that in its response to the consultation on the application, the Council's Green Spaces Team had suggested bank gradients of 1:2.5. In the scheme before the Committee there were a variety of bank gradients, some of which were steeper than those put forward by the Green Spaces Team, he sought clarification as to who would be responsible for those areas.

Mr Lawton advised that, in line with the Environment Agency's national policy, it would assume responsibility for those areas of bank where the Council considered the gradient too steep for its machinery.

The Principal Planning Officer added that an agreement would be drawn up between the Council and the Environment Agency which stipulate the areas of responsibility for each organisation in respect of management and maintenance.

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 side and single storey rear extension to provide office, utility, WC and kitchen on the ground floor with 1no. bedroom and bathroom above (Revised Application) 8 Knowe Park Avenue, Carlisle, CA3 9EJ (Application 19/0018).

The Planning Officer submitted the report on the application which been the subject of a site visit by the Committee on 24 April 2019.

Slides were displayed on screen showing: Location Plan; Existing Block Plan; Existing Floor Plans; Existing Elevation Plans; Previously Approved Plans and photographs of the site, an explanation of which was provided for the benefit of Members.

In July 2018 the Committee had granted Full Planning Permission for the erection of a two storey side extension (attached to the southern side of the property) and a single storey rear extension to provide a kitchen, utility, WC and office on the ground floor with extended bedroom and bathroom above (application 18/0396). As stated in the committee report work had commenced on site following the previous approval, after which it transpired that the works undertaken were not in accordance with the approved plans. The current application had been submitted to regularise those works.

The Planning Officer detailed the main changes between the development permitted under the Planning Consent and the as built extension of the property as follows:

1. The walls of the two-storey side extension set back 0.34 of a metre from the front elevation as opposed to 0.5 of a metre;
2. Additional number of quoins, insertion of window surrounds and a down pipe on the front elevation of the proposed side extension;
3. Removal of quoins on the side elevation of the two-storey side extension and removal of the first floor bathroom window;

4. Guttering and roof on the side elevation of the two-storey side extension stepped in to reduce over hang;
5. Removal of quoins on the rear elevation of the existing property and proposed rear extensions;
6. Alterations to the design and size of opening of the first-floor bathroom window on the rear elevation;
7. Single storey rear extension to be 0.5 of a metre longer in length with a roof overhang of 0.5 metres;
8. Removal of 3no.sky lights on the single storey rear extension, installation of an additional french window and alterations to the design of the ground floor kitchen window;
9. Installation of down pipes on the rear elevation; and,
10. Installation of a flue on the single storey rear extension to serve a new boiler.

The principle of a two-storey side and rear extension had previously been assessed and considered acceptable under application 18/0396. The changes proposed in the current application were appropriate in terms of scale and design, and would not have a detrimental impact on the character/appearance of the surrounding area nor the living conditions of occupiers in neighbouring properties. In conclusion, the Planning Officer recommended that the application be approved, subject to the imposition of the conditions detailed in the report.

Ms Ballantyne (Objector on behalf of Mr Ion) spoke against the application in the following terms: the property has been stripped of its original characteristics and was not in keeping with the vernacular style; the gap between no.s 8 and 10 Knowe Park Avenue was so narrow that it contravened Policy HO 8 of the Local Plan; the narrowness of the gap meant that the quality of the render work on the wall was poor; soffits had not been included as per the Approved Plans; the extension was over-bearing. Ms Ballantyne displayed a number of photographs of the constructed extension on screen.

Mr Pietruszka (Applicant) responded: that he had been advised by his architect to build the extension around the existing dwelling; the gap between no.s 8 and 10 Knowe Park Avenue was sufficient for the rendering work to be carried out, however, the neighbouring property had refused access on to the land; the flue pipe had been relocated due to the boiler being replaced with a larger unit.

The Committee then gave consideration to the application.

In response to comments from a Member regarding the number of retrospective planning applications and making an example of those who submitted them, the Corporate Director of Governance and Regulatory Services reminded the Committee that retrospective applications were permitted in law. In terms of determining the application, he instructed Members to apply the same principles as used when judging a new application.

A Member asked whether the gap between no.s 8 and 10 Knowe Park Avenue was sufficient to allow for maintenance to take place.

The Planning Officer explained that she did not have the precise dimensions of the gap however, it was a civil matter dealt with under the Party Wall Act.

Responding to concerns expressed by a Member regarding the location of the flue, the Planning Officer advised that the Council's Building Control team had indicated that the location was acceptable.

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.

*The Committee adjourned at 12:40pm and reconvened at 1:20pm
Councillor Ms Quilter left the meeting at 12:40pm.*

5) Conversion of former Brampton Infant School Lunch Hall to 1no. dwelling with partial demolition and reconstruction of frontage to form Off Street Parking (Part Retrospective), Former Brampton Infant School Lunch Hall, Moat Street, Brampton, CA8 1JU (Application 18/1037).

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

The Planning Officer submitted the report on the application which been the subject of a site visit by the Committee on 24 April 2019.

Slides were displayed on screen showing: Site Location Plan; Elevation Plans; Floor Plans; Proposed Site Plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer drew Members' attention to two original plans that had erroneously been included in the Schedule on pages 169 and 172, updated versions were shown on screen.

The application sought to convert an empty, disused building into a three bedroomed dwelling with associated off-street parking. Work had commenced at the site prior to the submission of an application for permission, resultantly there was a retrospective element to the proposal. Following the publication of the report, the Planning Officer had been notified that reconstruction works to the frontage of the property were being undertaken: accordingly, two formal Temporary Stop Notices were served on 10th April to halt any further building works taking place.

Given that construction works had commenced, the Planning Officer advised that proposed condition 3 in relation to cement-free lime mortar was no longer applicable. Furthermore, the applicant had confirmed that the new frontage was bedded and pointed in cement free lime mortar graded at NHL 3.5, which the Council's Heritage Officer confirmed was acceptable.

The Planning Officer explained that the application site was on a narrow street, where a number of properties did not have any designated parking area, therefore, on-street parking was used. As a consequence, vehicles using the street were required to navigate it at a very slow speed.

In the vicinity of the application site there was a rear access point to the local school: its use was occasional with the gates at the access only being unlocked between 8am – 9am and 3pm – 4pm during term times. Consequently, the Planning Officer was of the view that that section of Moat Street adjacent to the application site would have a very low level of both pedestrian and traffic movement.

In conclusion the Planning Officer stated that the proposal would bring back a vacant building back into use, and the rebuilt frontage would remedy the issue of the plant growth from the building thereby enhancing the amenity value and overall appearance of the building. Given the local circumstances, it was not considered that the proposal would have a detrimental impact upon highways safety. On that basis the Planning Officer considered that the proposal fully

complied with both national and local policies and he recommended that the application be approved subject to the conditions detailed in the report, with the exclusion of condition 3.

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.

Councillor Shepherd resumed his seat.

6) Erection of a 16,000 bird poultry unit and packing area with 2no. feed hoppers. Desoglin, West Hall, Brampton, CA8 2BP (Application 18/0620).

The Planning Officer submitted the report on the application which been the subject of a site visit by the Committee on 24 April 2019.

Slides were displayed on screen showing: Site Location Plans; Block Plan; Floor Plan; Proposed Elevations; Tree Plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer noted that in order to realise the access to the proposed poultry units, a number of trees from the Spotleybank Plantation were required to be removed, she indicated to the Committee which trees this would comprise with the aid of the Tree Plan displayed on screen.

In conclusion, 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 the birds would be dealt with under the Fallen Stock Scheme, which he had studied, but found little reference to poultry.

The Planning Officer confirmed that was the formal scheme under which such livestock were dealt with.

In response to a question from a Member regarding the use of gases and waste materials from the birds being used for biomass energy production, the Planning Officer undertook to discuss the matter with the applicant.

Clarification was sought by a Member on the width of the proposed access road.

The Planning Officer advised that condition 4 required the standard width of three metres.

Another Member asked whether the proposed access road required a passing place.

Mr Allan (Cumbria County Council) advised that as the main users of the proposed access would be those involved with the operation of the site, it was not deemed a passing place was necessary as there would not be a flow of two-way traffic.

Responding to a further question from a Member regarding the need for a junction to be installed at the entrance of the access road, Mr Allan advised that it was anticipated that the

road would be used by two HGVs every fourteen months. Such a level of usage was able to be accommodated by the existing highway layout.

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.

DC.042/19 SCHEDULE B

RESOLVED - That the applications referred to under the Schedule of Applications under B be noted.

DC.043/19 BRIAR LEA PARK, LONGTOWN – GLEESON HOMES DEVELOPMENT

The Principal Planning Officer submitted report ED.19/19 – Briar Lea Park, Longtown – Gleeson Homes Development, which had been subject of a site visit by the Committee on 24 April 2019. Following the site visit, a further letter on the matter had been received from Arthuret Parish Council which was read out for the benefit of Members.

Planning Consent for the development was granted in December 2017, following the Committee's determination of the proposal where approval for the scheme had been given, subject to the completion of a Section 106 Legal Agreement in July 2017.

A central aspect of Members' consideration of the scheme had been surface water drainage, due to flooding issues on Old Road. The Committee agreed that all surface water would discharge into a watercourse on the opposite side of the A6071 thereby creating a significant improvement on the then current situation. The approved plans included an engineering layout showing the Finished Floor Levels of the properties would be up to 1.2m higher than those of neighbouring properties

In June 2018, an application was received for the discharge of the surface water drainage conditions. The plans submitted at that time showed the following increase in Finished Floor Levels: between 2.5cm and 22.5cm along Old Road and, 15.0cm to 82.5cm to the rear of Briar Lea Court. The Principal Planning Officer advised that the dwellings were currently being constructed in accordance with the Finished Floor Levels indicated in the discharge of conditions application. Accordingly, he considered that the applicant needed to submit a Section 73 application to regularise the work.

The applicant had taken legal advice which stated that the Finished Floor Levels were not fixed by the Engineering Layout approved under the original planning application because those were "indicative only". Consequently, the applicant understood that there was scope for amendment with the Finished Floor Levels being finalised through the discharging of the drainage conditions and that those later drawings would show the approved Finished Floor Levels. On the basis of the legal advice received, the applicant indicated it did not intend to submit a revised application.

The Principal Planning Officer advised Members that consideration needed to be given to whether the development that was currently being constructed with the increased Finished Floor Levels was acceptable. Were the Committee to judge the as built development to be unacceptable, the Council may consider taking Enforcement Action against the developer.

The amendment in the construction from the approved drawing was a response to comments from United Utilities who required the drainage outfall from the development to be 300mm higher than the water level in the watercourse and reed bed. The Finished Floor Levels were increased in order to ensure positive drainage back to the adopted foul and surface water drainage networks adjacent to the A6071.

Lowering the Finished Floor Levels would cause clashes between the private surface and foul drainage networks hence the levels at which they have been set. The adopted drainage networks have been set to slackest gradients allowed and to minimal cover to allow for positive draining gravity networks. The Principal Planning Officer advised that a gravity fed solution was favoured over the use of pumps, which were liable to failure which may lead to flooding of the surrounding area.

A number of objectors along Old Road, who live in bungalows, have raised concerns about the Finished Floor Levels and the height of the dwellings, and the impact that had on their privacy and light. The Council's Supplementary Planning Document on Achieving Well Designed Housing specified a minimum separation distance of 21m between primary facing windows.

Slides were displayed on screen which illustrated the relationship between the existing and proposed dwellings on both Old Road and Briar Lea Court. For the benefit of Members, the Principal Planning Officer indicated the separation distances between dwellings and variances in ridge heights.

The Principal Planning Officer advised that the gradient of some of the gardens sloping down to the boundary with the dwellings on Briar Lea Court would be steeper than previously approved due to the increased finished floor levels of the dwellings. The Lead Local Flood Authority had stipulated that a filter drain should be installed along that boundary, the applicant had agreed to undertake the work.

Whilst the Principal Planning Officer acknowledged that the as constructed Finished Floor Levels of the dwellings were higher than those approved in the original planning application, he considered them to be acceptable. Consequently, he was of the opinion that it would not be expedient to take enforcement action on the matter.

A number of other matters had been raised by local residents, which were outlined in the report, pertaining to issues that had been approved under the original Consent, whilst others related to ongoing site management issues.

In conclusion, the Principal Planning Officer recommended that no enforcement action be taken in relation to the finished floor levels and that Officers continue to monitor the development.

Councillor Bloxham left the meeting.

Mr Snowden (Objector) addressed the Committee in the following terms: the development had led to a loss of privacy at his dwelling; the height of the constructed dwellings was not suitable; the proposed gravel drives would create debris on the highway; neighbouring properties had not been advised of the increased Finished Floor Levels which had created the increased height of the dwellings; why had the site not been drained prior to the commencement of construction as it would have negated the need for increased levels; he requested evidence that United Utilities had required the Finished Floor Levels to be raised.

Mr Armstrong (Objector) addressed the Committee in the following terms: he farmed the land to the east of the development site and noted that plot 40 was 14 inches from the centre of his

hedge, he questioned how it was meant to be maintained going forward; surface water from the development would drain on to his land, but no consultation on the matter had been carried out with him.

Mr Vallely (Objector) addressed the Committee in the following terms: why had the Council not taken enforcement action against a development that had not been built in accordance with the Approved Plans; the increased levels meant that the neighbouring properties on Old Road had no privacy within or outside their dwellings; the drainage scheme would exacerbate existing flood problems experienced by a number of properties on Old Road.

Mr Vallely recalled an incidence where the developer had been required to force access into the foul drainage system under Old Road in order to facilitate surface water discharge from the development site. He further described a number of incidences where he felt the management of the site and conduct of the staff thereon had not been acceptable.

Councillor J Mallinson (Ward Member) addressed the Committee in the following terms: Members observed at their site visit the imposing nature of the tallest dwelling in the development on existing neighbouring properties; the increased Finished Floor Levels made for a significant different development to that which had been given permission; the increased levels meant a steeper gradient on the drives, the proposed gravel covering was liable to displace on to the highway; existing residents remained unpersuaded of the effectiveness of the proposed drainage system.

Councillor J Mallinson detailed incidences where he felt the management of the site and conduct of the staff thereon had not been acceptable

Mr Wright (Applicant) responded in the following terms: the drainage plan submitted in June 2017 was “indicative only” and required to be approved by United Utilities and the Lead Local Flood Authority as Statutory Consultees; in June 2018 the finalised drainage plan which met all the stipulated requirements was submitted to the Local Planning Authority and the Statutory Consultees; the June 2018 document contained the finalised finished floor levels; there was no need for a Section 73 application to be submitted as no breach of planning had occurred; he questioned whether the Council wished to take legal action as a result of an increased in Finished Floor Levels of 22.5cm.

Regarding issues raised about the impact of the works, Mr Wright stated that the construction phase of a development made it difficult to be a good neighbour to residents in existing properties. He acknowledged that relations with neighbours could be improved and undertook to circulate information to neighbouring residents to advise them of how the development was to be progressed and provide contact details, so issues could be raised as required.

The Committee then gave consideration to the report.

A Member welcomed the developer’s offer for improving day to day relations with neighbouring residents. He considered that the report was unusual in that it required the Committee not to determine an application against policy, but whether or not Enforcement Action was necessary. The Member outlined the following issues and questions:

- Whether regularisation of development not built in accordance with the Approved Plans was necessary;
- Was the work carried out unauthorised;
- Did a condition relating to drainage implicitly provide developers with a mechanism to amend floor plans without reference back to the Committee;
- What strength in law did the phrase “indicative only” have;

The Corporate Director of Governance and Regulatory Services responded that the nature of the report was rare. Given that determination of the matters therein may be a pre-cursor to litigation, the consideration of the report in public was also unusual but had been progressed as such to allow Members to consider local views on the issue.

It was noted that the developer had put forward their legal position in their representation to the Committee. The Corporate Director of Governance and Regulatory Services recommended to Members that should they require legal advice in relation to matters detailed in the report, the rest of the discussion be conducted in private.

A Member moved that the public and press be excluded from the meeting, the proposal was seconded.

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minute) of Part 5 of Schedule 12A of the 1972 Local Government Act.

Members assessed in depth the matters raised in the report and potential mechanisms for those to be addressed. The Corporate Director of Governance and Regulatory Services provided legal advice as required to the Committee.

Councillor Graham left the meeting.

In response to a request from a Member that a permeable bound surface be used on the drives as opposed to gravel, the Principal Planning Officer undertook to take the matter up with the developer.

A Member moved the Officer's recommendation, and that the Principal Planning Officer discuss with the developer the use of a permeable bound surface as opposed to gravel on the driveways.

RESOLVED – 1) That no enforcement action be taken in relation to the Finished Floor Levels.

2) That Officers continue to monitor the development at Briar Lea Park, Longtown.

3) That the Principal Planning Officer discuss with the developer the use of a permeable bound surface as opposed to gravel on the driveways.

DC.044/19 STANDING ORDERS

During consideration of the above item, 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.045/19 QUARTERLY REPORT ON PLANNING ENFORCEMENT

The Planning/Landscape Compliance and Enforcement Officer submitted report ED.20/19 – Quarterly Report on Planning Enforcement which set out details of a number of enforcement case being dealt with by the Council and analysis of quarterly and annual figures. She provided a verbal update on progress regarding several of the cases therein.

The Committee gave consideration to a number of enforcement cases set out in the report.

A number of Members thanked the Officer for her work, particularly in relation to longstanding enforcement cases, and noted that the work would on occasion be challenging.

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

RESOLVED - That the content of the report be noted.

The Committee returned to public session.

DC.046/19 RIGHT TO SPEAK POLICY FOR DEVELOPMENT CONTROL COMMITTEE

The Development Manager submitted the Right to Speak Policy for Development Control Committee (ED.04/19) which set out a revised Right To Speak policy for operation in relation to Development Control Committee. The revised policy followed on from the workshop held with members of the Committee and would replace the current 2-sided A4 leaflet, thereby expanding on the Council's existing practices with updated information to make the process more transparent.

Following the workshop one matter remained outstanding: the right of Parish Councils to be able to address Members during the Committee's Site Visits. The Development Manager reminded Members that under the current policy Parish Councils were invited to attend site meetings to observe the procedure. They may address matters through their Ward Member or the Vice-Chairman, and also had the opportunity to formally address the Committee at its meeting. Against that background, the new policy as drafted retained the existing practice however, it provided for an extension of Parish Council's allotted time to speak at Committee meeting from the current 5 minutes to 10 minutes.

Members were asked to note that the site visits were not a public meeting and were not a vehicle for debating the application. Their purpose was to be fact finding visits for members of the Committee and did not substitute the meeting. Site visits were not carried out for every application, nor was every site visit in a parished area attended by the local Parish Council, with some Parishes using their local Ward Member to raise issues.

The Development Manager directed Members to consider whether or not they wished to see changes to the current practice and if so, what form those changes should take. There was no standard national practice and policies were determined individually by each Local Planning Authority.

The Development Manager recommended that the Right To Speak Policy For Development Control Committee be referred to the Executive for adoption.

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

RESOLVED – That the Right To Speak Policy For Development Control Committee be referred to the Executive for adoption.

DC.047/19 COMMITTEE COMMENTS

Local government elections were to be held on 2 May 2019, at which a number of members of the Committee were retiring from the Council. The Chairman and Councillors Earp and Mrs

Parsons addressed the Committee reflecting on their experience as members thereon, they thanked the Officers for their work in support of the Committee.

[The meeting closed at 3:35pm]

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

7th June 2019

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

18/1044 - <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 24/05/2019 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 07/06/2019.

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

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	18/1132 A	Field to the South of Raughton Head School, Raughton Head, Carlisle, CA5 7DD	SD
02.	18/0990 A	Land to rear of Braefoot, Lanercost Road, Brampton, CA8 1EN	SO
03.	18/1044 A	Land at Rookery Park (South of Alders Edge), Scotby, Carlisle CA4 8EH	CH
04.	18/0587 A	Field adjacent Low Mill Barn, Low Mill, Dalston, Carlisle, CA5 7JU	BP
05.	19/0247 A	Land at Greymoorhill, Kingstown Road, Kingstown, Carlisle	SD
06.	18/1083 A	Land Adjacent to Wood Cottage, St Lawrence Lane, Burgh By Sands, Carlisle CA5 6BS	AC
07.	18/1106 A	Land to rear of 5-8 Sewell Place, Carlisle, CA2 4QR	SO
08.	19/0101 A	Land opposite Pine Grove, Walton, Brampton, CA8 2JW	RJM
09.	19/0235 A	Civic Centre, Rickergate, Carlisle, CA3 8QG	SD
10.	19/0234 A	Civic Centre, Rickergate, Carlisle, CA3 8QG	SD
11.	19/9003 B	Newlaithes Infant School, Langrigg Road, Carlisle, CA2 6DX	RJM
12.	17/0857 B	Pennine View, Sandy Lane, Broadwath, Heads Nook, Brampton, CA8 9BQ	RJM
13.	18/0144 B	Ireby Gate, Lambley Bank, Scotby, Carlisle, CA4 8BX	SO
14.	18/0601 B	Land to rear of Orchard House, North End, Burgh by Sands, Carlisle, CA5 6BD	BP

SCHEDULE *A*

SCHEDULE *A*

SCHEDULE A: Applications with Recommendation

18/1132

Item No: 01

Date of Committee: 07/06/2019

Appn Ref No:
18/1132

Applicant:
Parish Homes Limited

Parish:
Dalston

Agent:
Gray Associates Limited

Ward:
Dalston & Burgh

Location: Field to the South of Raughton Head School, Raughton Head, Carlisle, CA5 7DD

Proposal: Erection Of 5no. Dwellings

Date of Receipt:
18/12/2018 16:01:05

Statutory Expiry Date
12/02/2019 16:01:05

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Impact Of The Proposal On Landscape Character
- 2.3 Whether The Scale And Design Of The Dwellings Would Be Acceptable
- 2.4 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Highway Issues
- 2.6 Drainage Issues
- 2.7 Impact On Biodiversity

3. Application Details

The Site

- 3.1 The application site, which covers an area of 0.73Ha, is a field that lies directly to the south of adjacent to Raughton Head School. A hedgerow, with a large grass verge adjacent, runs along the eastern site boundary and

this contains a field gate which provides access to the field. A large oak tree lies within the hedgerow towards the southern end of the site. The site falls away from the road.

- 3.2 The main road through Raughton Head runs along the eastern site boundary, beyond which lie residential properties. The School House adjoins the site to the south. Fields lie to the west and north of the site, with Haithwaite Farm, which sits at a lower level than the site, lying to the north west. The nearest farm buildings are 50m from the edge of the site.

Background

- 3.3 The application as originally submitted showed five large detached dwellings, three with five bedrooms and two with four bedrooms. The dwellings were shown as being constructed of natural buff sandstone and off white textured render.

The Proposal

- 3.4 The current proposal shows three detached dwellings and a pair of semi-detached properties. Two detached dwellings (Plots 1 & 2) would front on to the road that runs along the eastern site boundary and these would sit behind the existing hedge which is to be retained. The other three dwellings (Plots 3 to 5) would lie to the rear of these properties to create a courtyard effect.
- 3.5 Plot 1 would be part two-storey and part single-storey property. The ground floor would contain a lounge, kitchen/ dining area, an en-suite bedroom and a utility room, with the first floor containing three bedroom and a bathroom. An attached single garage would adjoin the rear of the dwelling. A small monopitch porch would be attached to the front elevation, with a chimney being added to the roof. The dwelling would be constructed predominately of red sandstone, with the garage and adjacent utility and hall being finished in wet dash render, under slate roofs. Windows would be green/ grey PVCu, with the floor to ceiling glazing being powder coated aluminium. Rainwater goods would be seamless black powder coated aluminium.
- 3.6 Plot 2 would be a two-storey property which would have a single garage attached to the rear of the property. The ground floor would contain a lounge, kitchen/ dining area, a study, a utility room and a WC, with the first floor containing four bedrooms (one en-suite) and a bathroom. An open oak framed porch with a pitched slate roof would be attached to the front elevation, with chimneys being added to both ends of the roof. The dwelling would be constructed of red sandstone, with the garage being finished in wet dash render, under slate roofs. Windows and rainwater goods would be as for Plot 1.
- 3.7 Plot 3 would be a two-storey property which would have an attached single garage. The ground floor would contain a lounge, kitchen/ dining area/ sunroom, a study, a utility room and a WC, with the first floor containing four bedrooms (two en-suite) and a bathroom. An open oak framed porch with a

pitched slate roof would be attached to the front elevation, with a chimney being added to the roof. The rear elevation would contain large amounts of glazing, including a section that would run through from ground floor to first level which would contain a small area of timber boarding. A monopitch slate roof on an oak frame would adjoin part of the rear elevation. The dwelling would be constructed of red sandstone, with the garage being finished in wet dash render, under slate roofs. Windows and rainwater goods would be as for Plot 1.

- 3.8 Plots 4 and 5 would be two-storey semi-detached properties. The ground floor would contain a lounge, kitchen/ dining area, a utility room and a WC, with the first floor containing three bedrooms and a bathroom. The front elevation would contain a rendered two-storey projecting gable which would be adjoined by a single-storey rendered porch to serve Plot 5 and an open oak framed porch to serve Plot 4, which would have a monopitch slate roof. The remainder of the front elevation would be constructed of red sandstone. The rear elevation would contain two two-storey projecting gables which would be constructed of red sandstone, with the area between being finished in render. The roof would be constructed of slate. Windows and rainwater goods would be as for Plot 1.
- 3.9 The dwellings would be accessed via a new tarmac road that would contain a turning head. Within each plot the parking and turning areas would be tegular type setts. Patios and paths would be constructed from sandstone flags.
- 3.10 Foul water for each property would be discharged to its own package treatment plant and then into to the attenuated field drainage system. Surface water would be directed into an attenuated soakaway and field drainage system.
- 3.11 The existing hedgerow along the eastern site boundary would be retained with the existing field gate being infilled with hedgerow. Three small trees and five medium height trees would be provided within the site to provide interest around the dwellings and to provide rural character.
- 3.12 Part of the site to the north that lies to the rear of the school and a large part of the southern end of the site would be left undeveloped and would be used as a paddock, meadow or orchard.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and notification letters sent to eight neighbouring properties. In response, 28 letters of objections have been received. A letter has also been received from Cllr Trevor Allison.
- 4.2 The letters of objection make the following points:

Scale & Design

- the hamlet has 15 households and an additional 5 households is a disproportionately large increase;
- proposal will occupy an extensive area in relation to the remainder of the village;
- CABE consider that the settlement is so small that even moderate new development would have a significant impact and change the character of the hamlet;
- houses would be out of keeping with the rest of the hamlet;
- all of the houses in the hamlet are of different designs in terms of size, finish and alignment - the proposed designs are not sufficiently diverse and their uniformity will cause them to stand out as a suburban housing estate;
- the design and size of the dwellings are not in keeping with the hamlet;
- the development should reflect the style of surrounding buildings - red sandstone, sandstone, river cobbles, painted and textured renders;
- the scale, design and location do not mirror the character, function and form of the village;
- 5 large detached houses is not a development of an appropriate scale for its location and does not reflect local character and distinctiveness;
- the proposed dwellings are very imposing in respect of their size, material and finishes and are not suitable for a hamlet with open aspects;
- 4 and 5 bedroom houses are unsuitable and will not meet the needs of local people - there needs to be an offering of balanced housing stock;
- out of 14 houses in the hamlet 13 have 4 bedrooms or more - there is no requirement for more large houses;
- the development of 5 large houses in very small plots is at odds visually and aesthetically with the existing properties;
- existing houses are individual older properties dating from the 17th century spaced along the road in good sized plots;
- proposal would be contrary to Policy HO2 of the Local Plan - development would not be appropriate to the scale, form, function and character of the village;
- proposal would bring suburbia to the countryside;
- scheme needs to be designed to fit seamlessly with the character and nature of Raughton Head and its surroundings;
- the landscaping needs to blend in with the area and boundaries should be hedging and sandstone walls and not 6ft timber fences which are not in keeping with the village's rural character;
- red sandstone is the local masonry finish;
- as outlined in the Parish Plan there is a need for additional homes in small sympathetic developments which are affordable - this will future proof the hamlet with a broad range of residents and provide sustainability for the school;
- would support a more sensitive development of fewer houses which are more affordable;
- the market values of the dwellings will be out of reach of those whom they should be targeted towards;
- development makes no provision for affordable housing;
- question the affordability of the houses for couples with young children who could use the school;
- smaller 2 or 3 bedroom houses that are in reach of young couple are

required;

Traffic/ Highway Issues

- there will be an increased amount of traffic on the narrow road into the hamlet which is already busy with farm traffic and tankers that use it;
- the road though the hamlet is single track due to school and church parking;
- the bridge over the River Caldew is single file and the extra five houses will mean a substantial number of extra vehicles using it;
- the extra traffic would have an adverse impact on the single track bridge which provides access to Dalston - this is already under heavy pressure from current traffic and has been damaged;
- the proposed entrance to the site is a major safety issue for children arriving and leaving the school;
- the access is directly next to a busy primary school where most of the pupils arrive and leave by car;
- the location of the access is in a completely inappropriate, even dangerous place in terms of proximity to the school and poor visibility - egress from the development will be blind to the right;
- school pick up and drop off will be a problem when the development is finished;
- school parking is a problem and causes congestion outside the school;
- the increased activity on the road will cause an accident;
- the visibility splays become irrelevant when parents park for drop off and pick up - no parking chevrons are to be put outside the school which will push cars further along the road increasing risk;
- once construction works start parking at the school will be dangerous;
- access could be relocated to the road leading passed The School House;

Drainage Issues

- Raughton Head does not have a mains foul drainage system;
- the proposed disposal of water by soakaways is totally inadequate - the surface water needs to be piped off site into the surface water sewer - if this is not done severe flooding will occur at neighbouring properties;
- the increased hardstanding coupled with the outflow from the new treatment plant will be beyond the capacity of any soakaway;
- the clean water from the sewage treatment plants cannot be disposed of via soakaways and needs to be piped off site into the surface water sewer;
- due to the sloping nature of the site, a pumping station will probably be needed to remove all the surface water from the site;
- the soil is predominantly clay and the current drainage is a problem and does not percolate away - new development will increase this problem;
- any development could increase the flash flooding that is currently experienced by residents of Haythwaite Lane;
- proposal would greatly increase the risk of flooding at The School House, which sits at a lower level than the site;
- there is a strong possibility that effluent could leech into the River Caldew and contaminate it;
- an existing main water supply pipe crosses the field and a new main water service would need to be installed before work commences on site;

- the road drains cannot cope in periods of heavy rain - developing one of the fields on the downhill side will exacerbate the problem;

Residential Amenity/ Impact On School

- proposal will de-value neighbouring properties;
- proposal will block out views from neighbouring properties;
- privacy of the school play area and the residents of The Old School House will be compromised;
- dwellings will overlook the school and children playing;
- construction would cause disruption;
- proposal would overshadow neighbouring gardens;
- there will be a significant increase in noise and air pollution from additional vehicles;
- there will be a significant amount of artificial light which will spoil the view of the night sky;
- noise, dust and dirt during construction would adversely affect the school;
- construction traffic will present a danger to children at the school;
- during construction and on completion of the development there will be increased air pollution which the children at the school will be exposed to;

Biodiversity

- there is an approximately 100 year old great oak tree opposite the proposed entrance and any excavation work could undermine the tree's root system and make it unstable - could be a safety issue for the school;
- the large oak trees on the roadside by the school are all approximately 100 years old and add to the quality of life in Raughton Head;
- there is a large oak tree along the western edge of the field which is not shown on the site plan - an attenuation tank is shown bisecting the root system of this tree which will cause irreparable damage;
- proposal would have an adverse ecological impact;
- adverse impact on the habitat and safe corridor of hedgehogs;
- worry how the proposal will affect local wildlife, especially birdlife that nests in the hedges;

Other Matters

- proposal is contrary to Dalston Neighbourhood Plan Policies H2, H3 and H4 or Carlisle Local Plan G1 and HO2;
- proposal is contrary to the Dalston Housing Needs Survey 2013;
- proposal will have an adverse impact on the landscape;
- mains water pressure is not good and would be affected by the development;
- a full health and safety risk assessment should be undertaken;

4.3 Cllr Trevor Allison has raised the following points:

- a number of the twenty seven written submissions accept that some sympathetic development in the hamlet is needed but it is the scale and style that is inappropriate in this setting;
- the applicant is prepared to amend the plans and replace two of the detached units with a single semi-detached property, change the sandstone from buff to the local red, amend the style of the properties with quoins,

selective rendering and other features. He would make provision for some parking off the road. This willingness to adapt is welcome, but does it meet the requirements of the Dalston Neighbourhood Plan (DNP)?;

- Dalston Parish Council's submission is based on the recently adopted DNP now incorporated into the CDLP 2015-2030 and their submission should form the basis of your consideration of this application. Not to do so would undermine the credibility of the DNP project.
- provision was made for some development at Raughton Head, but they consider this application is inconsistent with the policies and objectives of the DNP and recommend refusal in its present form. It is doubtful whether the above changes are sufficient to meet that requirement;
- the Highway and the Flood Authorities also reject the application on the grounds of insufficient supporting evidence. It is reasonable to assume that these technical issues will be addressed.
- note that the city council waste collection and environmental departments have no objection;
- this site in the centre of the village has quite exceptional views. Even an acceptable development will impact on that. But this applies to many greenfield developments in rural areas. Spoiling a resident's view is not a legitimate objection, but it reinforces the need for the development to be sympathetic in scale and style with the local environs. The applicant has demonstrated this in a small development at The Green in Dalston, which raised many favourable comments;
- it has been suggested that a courtyard effect would be more acceptable than an urban mini estate. I can cite examples very attractive local examples - this would be a challenge here as these examples were based around an existing building(s) and not a greenfield site;
- highways stipulate a 90m visibility splay concerned about parking on the road. The distance from the access to just round the bend is 64m. I counted six cars of the staff on the tarmac apron area at the school, with one on the verge at the north end of the school. At the end of the school day there was a minibus on the apron were an additional seven cars at the North end and six at the South end. The latter obscure the sight-line for oncoming traffic from the south;
- with the imminent provision of zig-zags along the frontage of the school, parking on the road will become more of an issue. I could envisage parking inside the new development as a source of civil dispute. Highways recommend provision be made at the North end of the development for off road parking alongside the school. This could perhaps also allay some concerns expressed about the development overlooking the school playground;
- each application is considered on its merits. I noted on the application document that this 0.5 hectare site could accommodate up to nine houses. Five units do not require an affordable provision, which could be in the form of a financial contribution elsewhere. Five is well below the capacity of the site but a number of respondents have commented that this is a luxury development with no provision for first time buyers;
- this is concern that this application of five units could be followed by a second application to fill the remainder of the site. Some clarification on this would be helpful;
- given the applicant's willingness to adapt, (within commercial viability

limits) and the need for compliance with the Dalston Neighbourhood Plan I will review this in the light of the eventual recommendations and reserve the right to speak at committee;

- note that the parish council has already requested a site visit and concurs with this.

4.4 Following the receipt of revised plans, 15 letters of objection have been received, which raised the following concerns:

- most of the initial concerns have not been addressed re access, traffic, drainage, lighting etc;
- amendments do not go far enough to address the genuine concerns that have been raised;
- proposal offers no significant improvement to the last application;
- note that two houses have now been altered to a pair of smaller semi-detached properties, there is no indication that these will be specifically affordable;
- size of the dwellings are still too big;
- design not in keeping with existing buildings and the density and number of units are too high;
- proposal is still disproportionate in size, lacks any sensitivity of design and would represent an urban estate within the heart of a most attractive hamlet, totally alien and unsympathetic in this settlement;
- proposal will be a blot on the landscape with its 6ft fences and two-storey modern brick buildings ;
- a sympathetic development could easily be achieved if the planning of the past was adhered to but the current amended application still totally ignores local views;
- no provision has been made for residents who may want to downsize but stay in the immediate area;
- need is for low cost homes for young families, as required by the DNP;
- the change in style and facing materials in the revised application is welcome. However, this plan remains a housing estate of five large, expensive properties in a hamlet of fewer than twenty properties;
- proposal of five 'executive style' homes would be alien in character to the rural hamlet;
- a courtyard type development of smaller houses would be more in keeping with the surroundings;
- mix of finishes is not diverse enough to reflect those of the surrounding area;
- there is no local need for the dwellings;
- after condensing the design closer, there are now two parcels of land left which will obviously be marked for future planning thereby increasing the size of the estate and in turn the hamlet even more;
- clarification should be sought regarding future proposals for the remaining area of the site not currently included for development;
- proposal should not leave undeveloped areas with no apparent use;
- responsibility / ownership of the unused spaces, to ensure they do not become overgrown and 'untidy';
- with the proposed development of St Cuthbert's Garden Village only a few miles away, it seems completely unnecessary to allow a housing estate to be

built in a tiny, rural hamlet - there are plenty of other previously- allocated rural sites identified in the Carlisle District Local Plan 2015- 2030;

- concerns about the location of the access, which is in an inappropriate and dangerous place, remain;
- highway concerns have not been addressed;
- the extra parking allocated for use by the school does little to address the safety issues around the school;
- the Carlisle District Local Plan 2015-2030 is extremely comprehensive and I would argue that the proposed development still does not meet the requirements (Policy HO2) of the plan;
- H4 of the DNP Design of new housing estates states 'demonstrate views towards fells are not significantly adversely affected'. Proposal would affect the views of the fells;
- proposal is still contrary to the Dalston Parish Neighbourhood Plan.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions (visibility splays; surfacing of the access; provision of access/ turning facilities prior to any building works commencing/ the dwellings being occupied);

Dalston Parish Council: - Dalston Parish Neighbourhood Plan (DNP) supports the principle of development in Raughton Head provided that the application complies with the integrity of the settlement. The size of the proposed dwellings are larger than those envisaged in the NP for this settlement. There is a requirement for small number of starter homes and retirement homes of one to three bedrooms. Suitable starter homes for families who will support the school will be ideal in this location. The proposed house are likely to be of a size and price which would exclude families with young children.

Does not object in principle to development on this site provided the policies in the NP are adhered to.

The application is not in accordance with DNP strategic objectives 1, 3 and 4

1. Development should be of an appropriate scale for its location and reflect local character and distinctiveness

3. New housing development should be appropriate in scale, form, function and character

4. Meet diverse housing needs for all by meeting the changing demographics and social requirements

The application is not in accordance with DNP-SNP1 Strategic Policies Development Principles 1 and 3

1. Development should reflect the unique distinctiveness of the particular settlement

3. New buildings must be constructed to a quality design and of materials which are sympathetic to the character of the surrounding environment

The existing houses are all unique and individual in style - the proposed development has 5 houses of similar style and construction

The application is not in accordance with DNP-H2 Windfall Housing Development

New housing will be supported where the scale, design and location respects

the form, function and character of the settlement and does not have a significant adverse visual impact

Development in Raughton Head is supported in the Rural Masterplan.

Evidence from residents suggests that there is a need to low cost housing for young families. The latest housing needs survey shows that there is a need for 22 bungalows within the Parish - this need has not changed.

The application is not in accordance with DNP-H4 Design of New Housing
Proposals should reflect the height, scale, massing and density of surrounding buildings.

The proposed development will look out of place with the surrounding buildings.

The application is not in accordance with DNP-E4 Local Green Spaces

An area in Raughton Head is designated as Local Green Space (Raughton Head - Old Drovers Route) where new development is ruled out other than in very special circumstances

This development will impact on the Local Green Space which is cherished by the community.

The Parish Council is concerned about the proposed entrance so close to the school and consequential traffic is badly sited

Potential runoff from the site has not been adequately considered

Given that highways and the local flood consultees recommend that the application is refused on the grounds of traffic and road related issues, as well as runoff and general drainage, the Parish Council would ask that the application is withdrawn and a revised application be submitted which more closely satisfies local residents who are not unwilling to see some development on this site and the statutory consultees.

Following receipt of the amended plans the Parish Council has submitted a revised response:

- the amended submission has not changed significantly enough to comply with the DNP which has been approved by Carlisle City Council;
- safety concerns of the access being so close to the school have not been addressed;
- there will only be 4 extra parking spaces created;
- whilst an attenuation crate is being installed to alleviate the greenfield run-off rates the residents still have concerns about the drainage and water discharge;
- views remain as in the previous response:
- application is not in accordance with the latest Housing Needs Survey and Rural Masterplan - there is no need for 3 detached dwellings of this size - the identified need is for affordable 3-bedroom properties for young families which is important to retain the primary school;
- proposal is not in accordance with DNP Strategic Objectives 1, 3, & 4; SP1 Strategic Policies 1 & 3; H2 Windfall Housing Development; & H4 Design of New Housing - the size of the dwellings are still too large and the design is not in keeping with the character of the hamlet;
- whilst the size of 2 dwellings are smaller and the changes of materials has made improvements, the development still looks like an executive estate and is out of character within a rural environment;
- any new development should respect the unique and individual style of the hamlet;

- whilst the Parish Council are in favour of some development in Raughton Head it does not support this application;

Local Environment - Environmental Protection: - no objections in principle, subject to conditions in relation to noise, dust and unexpected contamination;

Local Environment, Waste Services: - no objections to layout of vehicular access;

United Utilities: - does not provide waste water services in this area.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the NPPF, Policies SP1, SP2, SP6, HO2, IP2, IP3, IP4, IP6, CC5, CM4, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 and the Dalston Neighbourhood Plan 2015-2030 (DNP). The council's Supplementary Planning Document (SPD) "Achieving Well Designed Housing" and the Cumbria Landscape Character Guidance and Toolkit are also material considerations.
- 6.3 The proposal raises the following planning issues:
 1. Whether The Proposal Is Acceptable In Principle
- 6.4 The proposed development would be sited in Raughton Head which contains a primary school and a church. Residents of Raughton Head can access services in Dalston, which contains a secondary school, a number of shops, an industrial estate and a range of other services.
- 6.5 Policy DNP-H2 (Windfall Housing Development) supports new housing in Raughton Head where the scale, design and location of the proposal respects the form, function and character of the settlement and does not have a significant adverse landscape impact.
- 6.6 Subject to the meeting the criteria set out in the Policy DNP-H2 of the DNP, the proposal to site a small residential development within Raughton Head would be acceptable in principle.
 2. Impact Of The Proposal On Landscape Character
- 6.7 Criterion 3 of Policy HO2 states that "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”.

- 6.8 Paragraph 5.16 of the supporting text to Policy HO2 states that “Development is more likely to be acceptable on sites that are physically contained by existing landscape features such as hedges, trees, woodland or topography, physically and visibly connected to the village, and do not adversely impact on wider views into or out of a village”.
- 6.9 The policy assessment in this respect is therefore twofold; whether the site is physically well contained and whether the proposal would adversely impact on wider views.
- 6.10 Although the area has no statutory landscape designation, the Cumbria Landscape Character Guidance and Toolkit outlines that the area is characterised as intermediate farmland (Type 6). The key characteristics are described as transitional farmland between the lowland and upland landscapes; extensive areas of improved pasture with some arable farming; planned villages with greens displaying topographical and archaeological evidence of their medieval origins; in parts the landscape is dissected by the deeply incised or open river valleys; wooded valleys and ghylls; and sandstone and limestone vernacular. The vision for the area seeks to restore and enhance the landscape. Development will be sited to respect local character, settlement patterns and will be designed to have an appropriate scale and to use vernacular materials.
- 6.11 The site is currently a field that lies directly to the south of Raughton Head school and to the north of The School House. The main road through Raughton Head runs along the eastern site boundary beyond which lies residential development. The dwellings would be sited at the northern end of the site and would be well related to existing development within the hamlet. Two dwellings would front onto the road and these would be constructed of red sandstone with slate roofs. The other three dwellings would be located to the rear to form a courtyard arrangement which would be more in keeping with the rural character of the area.
- 6.12 The site is adjoined by a roadside hedge to the east and this contains a large oak tree towards the southern end. The hedge and tree would be retained, with additional trees and hedges being planted within the development to enhance the rural character of the development.
- 6.13 Whilst part of the site would be developed for housing, a large area to the south would be left undeveloped, together with a smaller area to the north and this would retain the open character of a large section of the field and allow views of the wider area. Whilst some long distance views out of the village would be affected, given the scale of the development and the large area of the site left undeveloped, this would not be significant.
- 6.14 In light of the above, the proposal would not have an adverse impact on the rural character of the area.

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

- 6.15 Policy HO2 of the adopted Local Plan requires the scale and design of new housing developments to be appropriate to the scale, form, function and character of the existing settlement. On the edge of settlements site should be well contained within existing landscape features, be physically connected and integrate well with the settlement and not lead to an unacceptable intrusion into the open countryside.
- 6.16 Policies in the DNP require new housing to be appropriate in scale, form, function and character and to reflect the unique distinctiveness of the particular settlement it is located in. New buildings must be constructed to a quality design and of materials which are sympathetic to the character of the surrounding environment and reflect the height, scale, massing and density of surrounding buildings.
- 6.17 The DNP states that in Raughton Head, new housing will be supported where the scale, design and location of the proposal respects the form, function and character of the settlement and does not have a significant adverse landscape impact. Development in Raughton Head is supported in the Rural Masterplan evidence base with restrictions outlined in the Carlisle District Local Plan Policies G1 and HO2. There is a school and a church and evidence from residents that there is a need for low cost housing for young families.
- 6.18 The revised plans show three detached four bedroom dwellings and a pair of semi-detached three-bedroom properties. Two detached dwellings (Plots 1 & 2) would front on to the road that runs along the eastern site boundary and these would sit behind the existing hedge which is to be retained. The other three dwellings (Plots 3 to 5) would lie to the rear of these properties to create a courtyard effect.
- 6.19 Plot 1 would be part two-storey and part single-storey dwelling, with an attached single garage adjoining the rear of the dwelling. A small monopitch porch would be attached to the front elevation, with a chimney being added to the roof. The dwelling would be constructed predominately of red sandstone, with the garage and adjacent utility and hall being finished in wet dash render, under slate roofs.
- 6.20 Plot 2 would be a two-storey property which would have a single garage attached to the rear. An open oak framed porch with a pitched slate roof would be attached to the front elevation, with chimneys being added to both ends of the roof. The dwelling would be constructed of red sandstone, with the garage being finished in wet dash render, under slate roofs.
- 6.21 Plot 3 would be a two-storey property which would have an attached single garage. An open oak framed porch with a pitched slate roof would be attached to the front elevation, with a chimney being added to the roof. The rear elevation would contain large amounts of glazing, including a section

that would run through from ground floor to first level which would contain a small area of timber boarding. A monopitch slate roof on an oak frame would adjoin part of the rear elevation. The dwelling would be constructed of red sandstone, with the garage being finished in wet dash render, under slate roofs.

- 6.22 Plots 4 and 5 would be two-storey semi-detached properties. The front elevation would contain a rendered two-storey projecting gable which would be adjoined by a single-storey rendered porch to serve Plot 5 and an open oak framed porch to serve Plot 4, which would have a monopitch slate roof. The remainder of the front elevation would be constructed of red sandstone. The rear elevation would contain two two-storey projecting gables which would be constructed of red sandstone, with the area between being finished in render. The roof would be constructed of slate.
- 6.23 Windows would be green/ grey PVCu, with the floor to ceiling glazing being powder coated aluminium. Rainwater goods would be seamless black powder coated aluminium.
- 6.24 The dwellings would be accessed via a new tarmac road that would contain a turning head. Within each plot the parking and turnings areas would be tegular type setts. Patios and paths would be constructed from sandstone flags.
- 6.25 The existing hedgerow along the eastern site boundary would be retained with the existing field gate being infilled with hedgerow. Three small trees and five medium height trees would be provided within the site to provide interest around the dwellings and to provide rural character.
- 6.26 Part of the site to the north that lies to the rear of the school and a large part of the southern end of the site would be left undeveloped and would be used as a paddock, meadow or orchard.
- 6.27 The Parish Council and a number of objectors have raised concerns about the size of the development and the scale and design of the dwellings. It is acknowledged that a development of five dwellings would significantly increase the number of dwellings in Raughton Head. However, a development of five dwellings arranged in a courtyard form located adjacent to the school is considered to be acceptable and would allow a range of house sizes to be provided and the scheme to be commercially viable. Three of the dwellings would be four-bedroom properties, with two being three bedroom all of which could be occupied as family homes.
- 6.28 Objectors have requested the provision of affordable housing but this would only be required for a development of six or more dwellings and the provision of five dwellings is considered to be the maximum that would be acceptable in Raughton Head.
- 6.29 The application as originally submitted showed five large detached dwellings, three with five bedrooms and two with four bedrooms. The dwellings were shown as being constructed of natural buff sandstone and off white textured

render. The revised plans reduce the size of the dwellings and provide two three-bedroom semi-detached properties. The dwellings would now be constructed predominantly of red sandstone which is prominent in Raughton Head, with wet dash render, which is also present in the hamlet, also being used. The roofs would be slate to reflect the main roofing material in the hamlet. The dwellings have been designed so that they would all be different.

6.30 The dwellings would be arranged in a courtyard form. The existing hedgerow along the eastern site boundary would be retained, with new hedges and trees being planted within the development to reflect the rural character of the area. A large part of the site would be left undeveloped and this could be used as a paddock or planted as an orchard.

6.31 It is considered that the scale and design of the proposed development would be acceptable and would comply with the policies in the Carlisle District Local Plan and the DNP.

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

6.32 The nearest neighbouring property (Raughton Head House) would be located over 35m away from the Plot 2, with Alpine Cottage being located approximately 50m away from Plot 1. The School House which would lie to the south of the development would be over 90m away from Plot 3.

6.33 Concerns have been raised about the dwellings overlooking the school. Plot 1 would have a single bedroom window in the north elevation which would face the side elevation of the school building at a distance of approximately 23m. Plot 5 would have a side elevation facing towards the land to the rear of the school building but this would not contain any windows. The part of the site that lies directly to the rear of the school would be left undeveloped.

5. Highway Issues

6.34 A new 4.8m wide road would serve the development and this would have a 2m footway to one side. A turning area would be provided within the site. The proposal is also seeking to provide four additional car parking spaces.

6.35 A number of objectors and the Parish Council have raised concerns about the location of the proposed access adjacent to the school and the impact of the extra traffic on Raughton Head and the surrounding road network.

6.36 The Local Highway Authority has been consulted on the application. It has raised no objections to the proposal subject to the imposition of conditions. These require the provision of 60m visibility splays in both directions and the vehicular access and turning requirements to be constructed prior to the dwellings being occupied. A condition also requires the construction of the access and turning requirements prior to work starting on site so that construction traffic can park and turn clear of the highway.

6. Drainage Issues

- 6.37 A number of objectors and the Parish Council have raised concerns about foul and surface water drainage and the increased flood risk that the development would cause.
- 6.38 Foul water for each property would be discharged to its own package treatment plant and then into to the attenuated field drainage system. Surface water would be directed into an attenuated soakaway and field drainage system.
- 6.39 The Lead Local Flood Authority has been consulted on the application. In accordance with the Cumbria Development Design Guide 2017 a valid soakaway test has been conducted for the development site in accordance with the BRE 365 method to determine if infiltration is a valid method of surface water disposal. This is to comply with the drainage options hierarchy stated within the Cumbria Development Design Guide 2017. The results of this test have been submitted to the Lead Local Flood Authority for comment and it is agreed that infiltration is a viable method for the disposal of surface water providing a high level overflow is also located within the development.
- 6.40 Detailed micro drainage calculations have also been submitted and these prove that the designed soakaways can accommodate a 1 in 100 year plus 40% to account for climate change storm event without increasing flood risk. This is acceptable to the Lead Local Flood Authority. With regards to the high level overflow, the applicant has submitted a plan showing the existing drainage tile dimensions, location (within the site) and direction of flow. The tile discharges to the ditch / culvert in the verge of the road to the north (Haythwaite Lane) and then head downhill to the west. The drain is 70 x 100 x 300mm sections which are to be utilised through the natural contours of the development site in the event of the soakaways reaching capacity. This is acceptable to the Lead Local Flood Authority.
- 6.41 The Lead Local Flood Authority, therefore, has no objections to the proposal as the developer has demonstrated that the development would not increase flood risk on site, or downstream of the works.

7. Impact Of The Proposal On Biodiversity

- 6.42 The existing field which is grazed grassland is of low ecological value. The erection of dwellings on the site, with front and rear gardens and the planting of additional trees and hedgerows is likely to enhance the biodiversity value of the site.

8. Other Matters

- 6.43 The Parish Council has raised concerns that the application is not in accordance with DNP-E4 Local Green Spaces. An area in Raughton Head is designated as Local Green Space (Raughton Head - Old Drovers Route) where new development is ruled out other than in very special circumstances. This land lies on the opposite side of the road to the proposed development. Whilst the development would impact on views out

of the village from a section of this green space this is not considered to be sufficient grounds to refuse the application.

Conclusion

- 6.44 In overall terms, the proposal would be acceptable in principle. The scale and design of the dwellings would be acceptable and the proposal would not have an adverse impact on landscape character. The proposed dwellings would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties or on biodiversity. The proposed access and foul and surface water drainage would be acceptable, subject to the imposition of conditions. In all aspects, the proposal is considered to be compliant with the objectives of the relevant adopted Local Plan policies and the Dalston Neighbourhood Plan.

7. Planning History

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

8. Recommendation: Grant Permission

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

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

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

1. the submitted planning application form received 18th December 2018;
2. the Location Plan (drawing ref D.07) received 18th December 2018;
3. the Site Plan (drawing ref D.06c) received 21st May 2019;
4. Block Plan (drawing ref D.09) received 21st May 2019;
5. the Plot 1 - Floor Plans and Elevations (drawing ref D.01b) received 21st May 2019;
6. the Plot 2 - Floor Plans and Elevations (drawing ref D.02b) received 21st May 2019;
7. the Plot 3 - Floor Plans and Elevations (drawing ref D.03b) received 21st May 2019;
8. the Plots 4 & 5 - Floor Plans and Elevations (drawing ref D.04b) received 21st May 2019;
9. the Supporting Document (18.04.19) received 24th April 2019;
10. the Drainage Strategy (10.01.19) received 10th January 2019;
11. the Micro Drainage Summary of Results (10.01.19) received 10th January 2019;

12. the Micro Drainage ICP SUDS mean Annual Flood (28.09.18) received 10th January 2019;
13. the Notice of Decision; and
14. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure that the external appearance of the building is acceptable in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

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

6. For the duration of the development works, existing trees and hedgerows shall be protected by a suitable barrier, the position of which shall be indicated on a plan and agreed in writing by the Local Planning Authority before development works commence. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

7. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site, together with the

timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

Reason: In order to enhance the habitat for wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure that the character and attractive appearance of the building is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policies HE7 and SP6 of the Carlisle District Local Plan 2015-2030.

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

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

10. The development shall not commence until visibility splays providing clear visibility of 60 metres in both directions measured back by 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 as Drawing. No. D.06c. 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 and to support Local Transport Plan Policies LD7 & LD8.

11. The surfacing of the access road shall extend for at least 10m inside the site, as measured from the highway boundary prior to the dwellings being occupied and shall be carried out in accordance with details of construction which have been approved by the Local Planning Authority as shown on Drawing No D.06c. The access road shall be constructed in accordance with a specification approved by the Local Planning Authority.

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

12. 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.

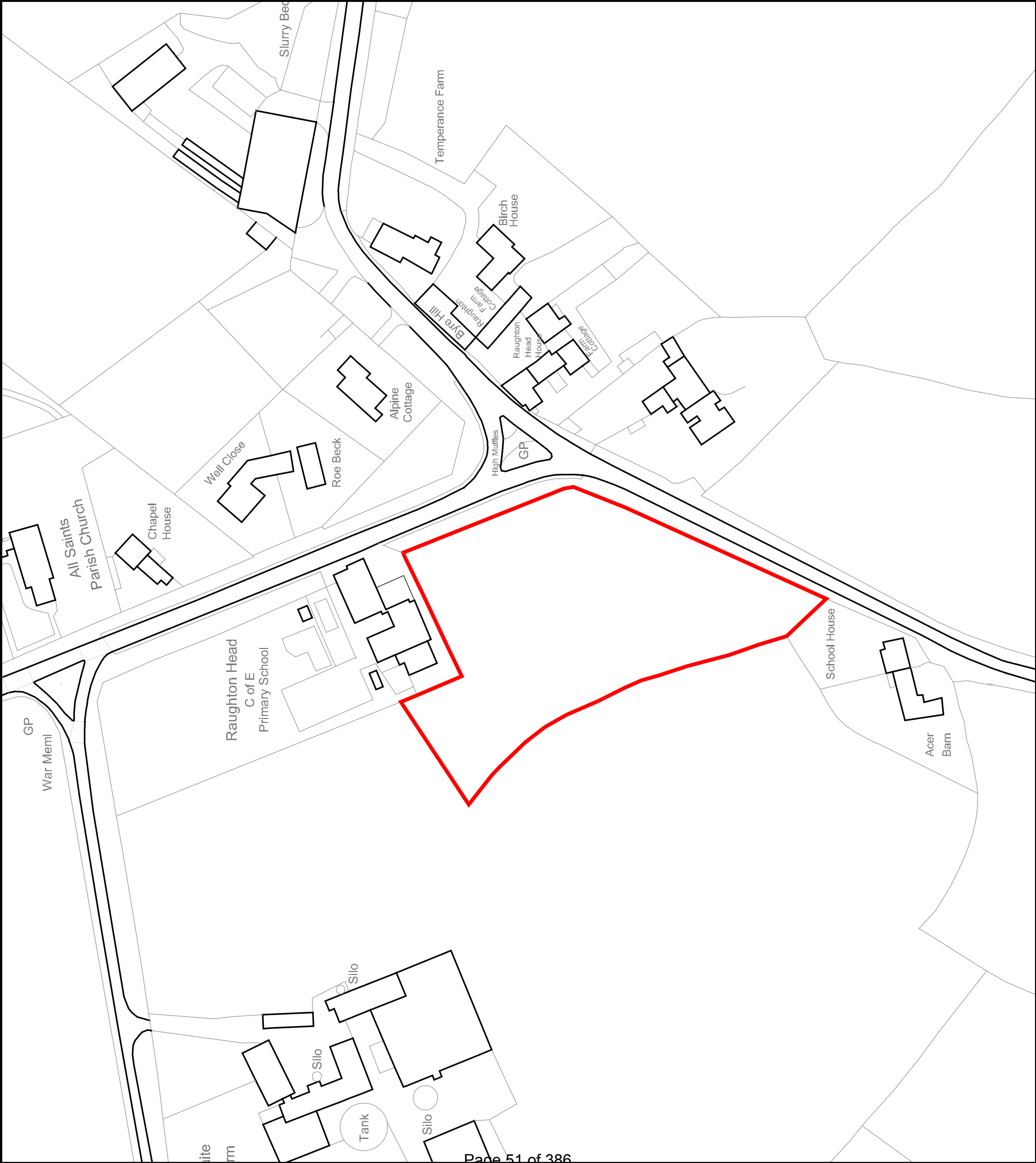
Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 & LD8.

14. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional 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 work is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

15. Prior to the commencement of development, the applicant shall submit a Construction Management Plan (CMP) for approval in writing by the Local Planning Authority. The development shall then be undertaken in strict accordance with the CMP.

Reason: To ensure the proposal does not have an adverse impact on the occupiers of adjacent properties, including the school, during construction works.



Location Plan (1:1,250)



Revision Status			Initials
Rev	Date	Amendments	

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Drawing

Title:	Location Plan
Scheme:	Development Adjacent Raughton Head School
Scale:	1:1,250
Date:	17.12.2018
Dwg No.:	D.07
Drawn:	D Gray

A3

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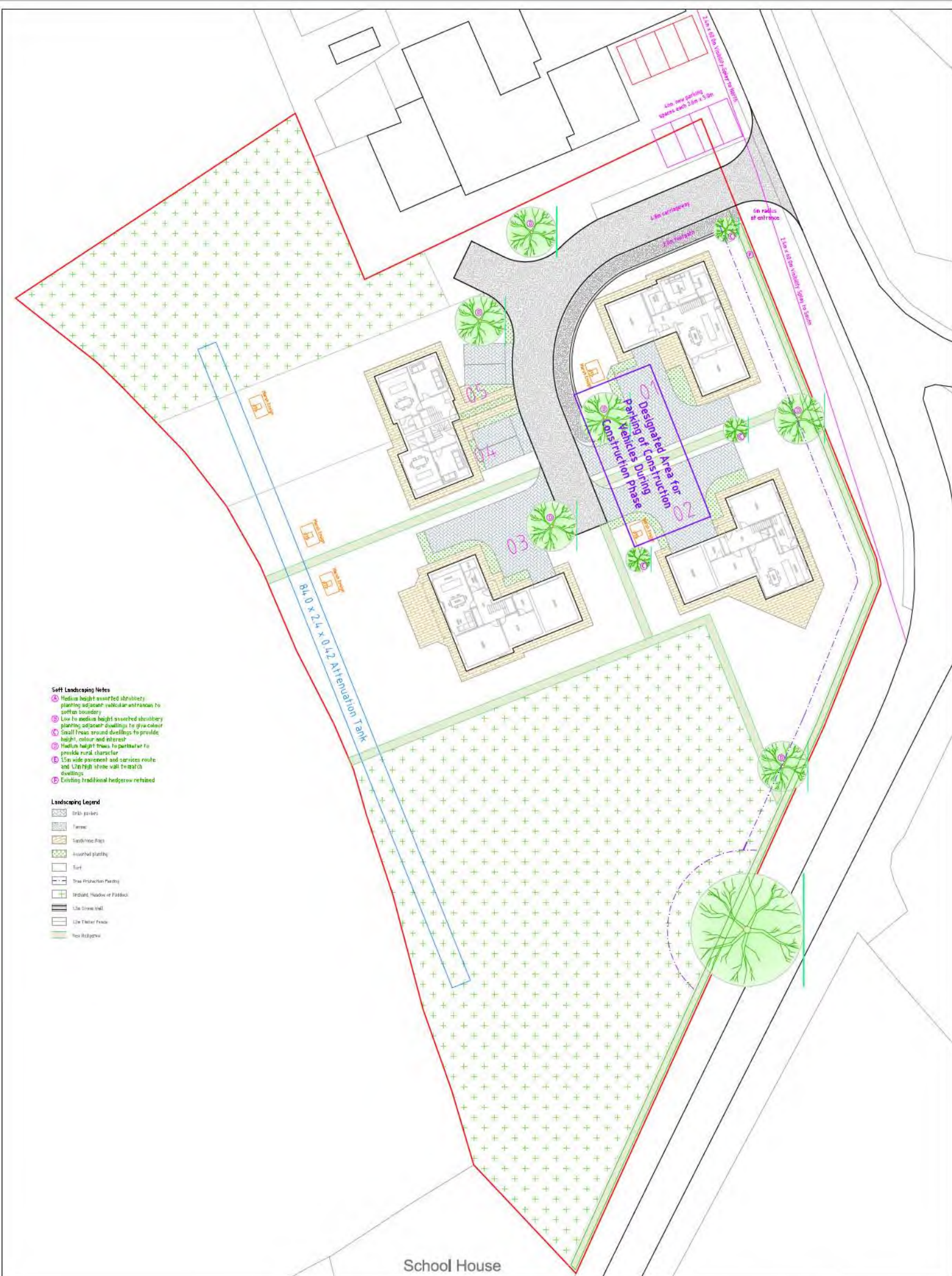
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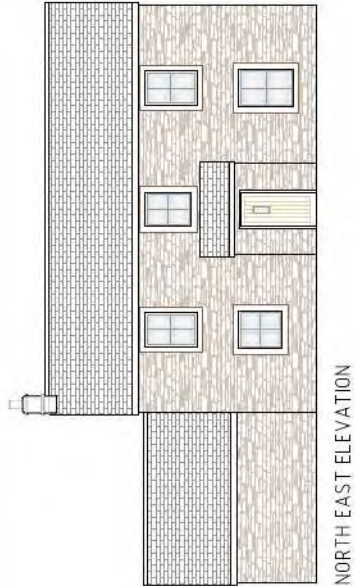
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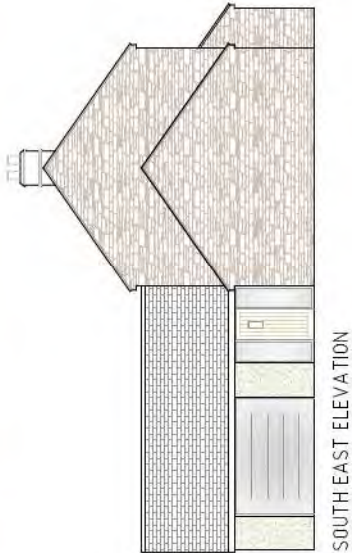
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Scheme: Development Adjacent Raughton Head School
Scale: 1:500
Date: 20.05.19
Dwg No.: D.09
Drawn: D Gray



School House



NORTH EAST ELEVATION



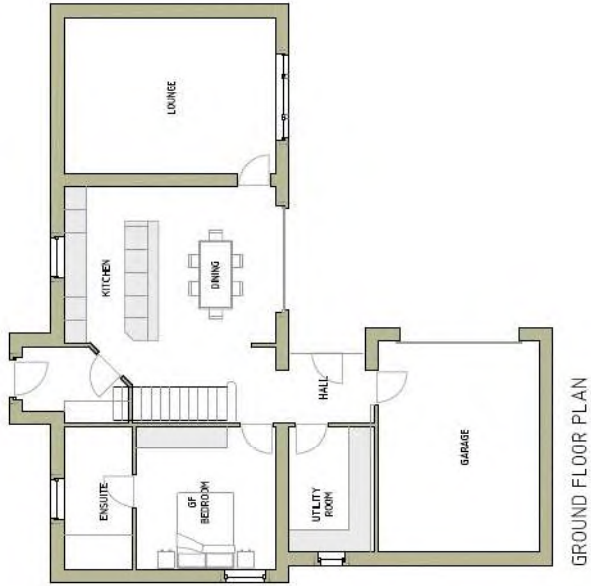
SOUTH EAST ELEVATION



SOUTH WEST ELEVATION



NORTH WEST ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

- Finishes Legend**
- Stone
 - Render
 - Slate roof



LINEAR SCALE 1:100

Revision Status
Rev Date Amendments
Initials

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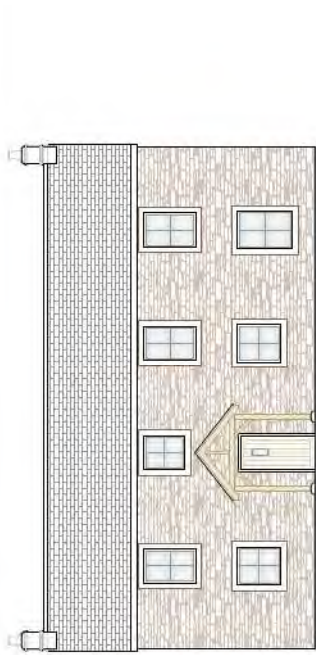
Client
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Drawing
Title: Plot 1 - Floor Plans and Elevations
Scheme: Development Adjacent Raughton Head School
Scale: 1:100
Date: 20.05.19
Dwg No: 0.01b
Drawn: D Gray

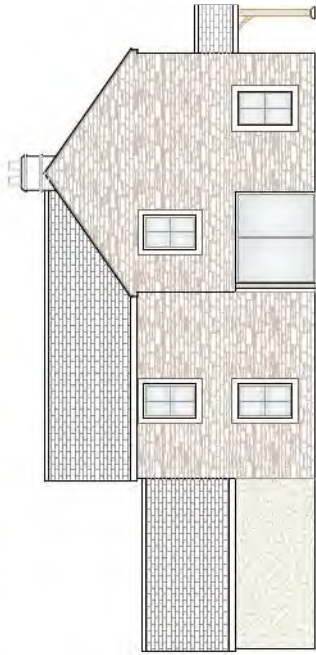
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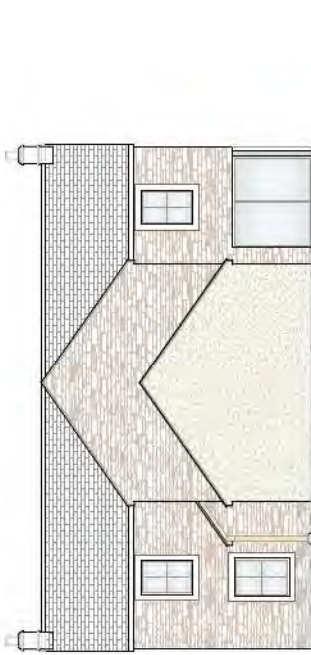
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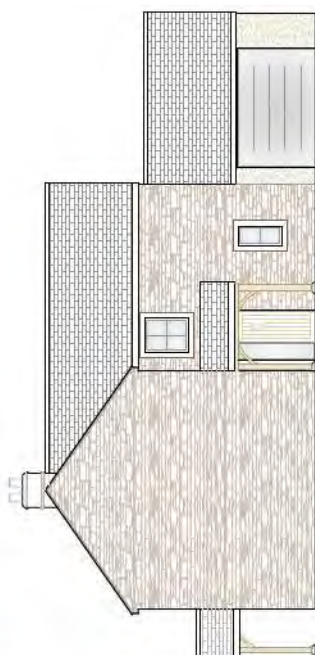
NORTH EAST ELEVATION



SOUTH EAST ELEVATION



SOUTH WEST ELEVATION



NORTH WEST ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Finishes Legend

Stone	Stone
Render	Render
State roof	State roof



LINEAR SCALE 1:100

Revision Status
Rev. Date
Amendments
Initials

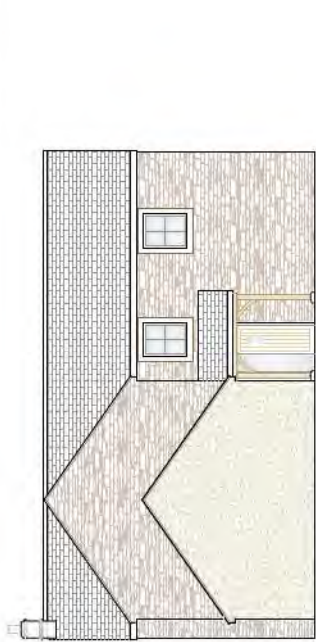
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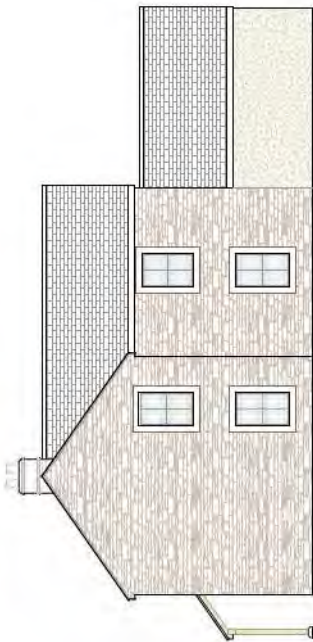
Drawing
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Scheme: Development Adjacent Raughston Head School
Scale: 1:100
Date: 20.05.19
Dwg No: D 02b
Drawn: D Gray

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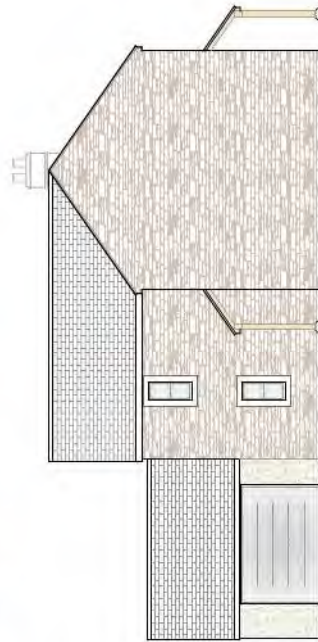
NORTH EAST ELEVATION



SOUTH EAST ELEVATION



SOUTH WEST ELEVATION



NORTH WEST ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Finishes Legend

	Stone
	Render
	Slate roof
	Timber boarding



LINEAR SCALE 1:100

Revision Status	Rev	Date	Amendment	Initials
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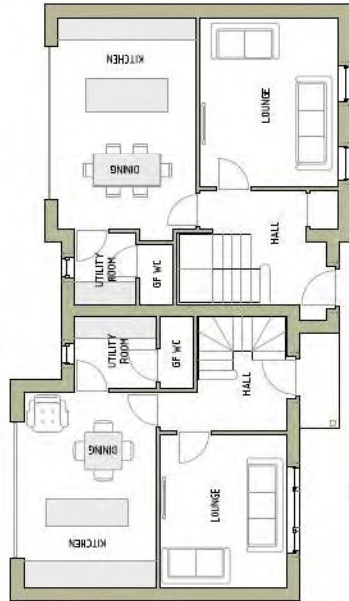
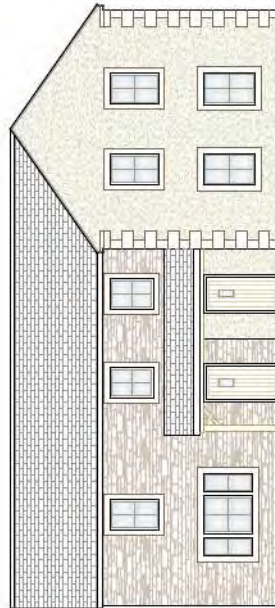
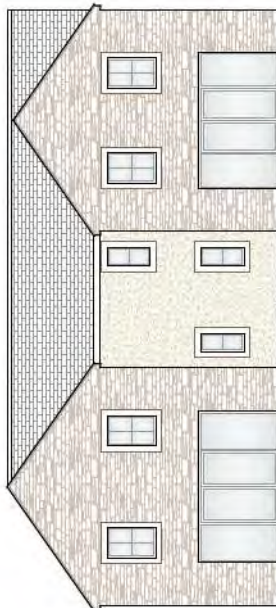
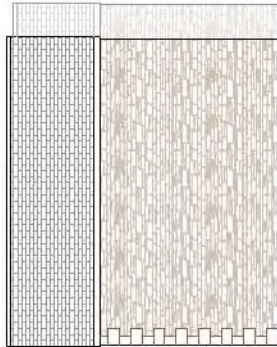
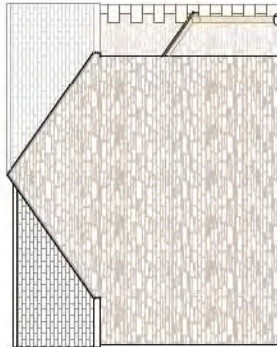
Client
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Drawing
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Scheme: Development Adjacent Raughton Head School
Scale: 1:100
Date: 20.05.19
Dwg No: D 03a
Drawn: D Gray

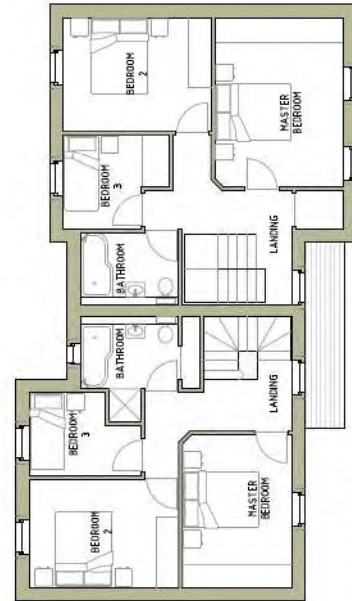
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PLOTS 4 & 5



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Finishes Legend

	Stone
	Render
	Slate roof



LINEAR SCALE 1:100

Revision Status
Rev Date Amendments
Initials

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Drawing

Title: Plans 4 & 5 - Floor Plans and Elevations

Scheme: Development Adjacent Raughton Head School

Scale: 1:100

Date: 20.05.19

Dwg No: D-04b

Drawn: D Gray

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SCHEDULE A: Applications with Recommendation

18/0990

Item No: 02

Date of Committee: 07/06/2019

Appn Ref No:
18/0990

Applicant:
Mr Allen

Parish:
Brampton

Agent:
Hyde Harrington

Ward:
Brampton & Fellside

Location: Land to rear of Braefoot, Lanercost Road, Brampton, CA8 1EN

Proposal: Demolition Of Agricultural Outbuildings; Erection Of 1no. Dwelling
Together With Additional Landscaping

Date of Receipt:
05/11/2018

Statutory Expiry Date
31/12/2018

26 Week Determination
07/06/2019

REPORT

Case Officer: Suzanne Osborne

Members resolved to defer consideration of the proposal at the 26th April 2019 meeting in order to allow members to have sight of the additional objections received after the preparation of the committee report as well as a copy of the previous appeal decision on the site and to await a further report on the application at a future meeting of the Committee. Members also resolved to formally close the consultation period.

Copies of the additional 31 objections received since the supplementary schedule was published for the 26th April meeting have been contained in the third party schedule as well as a copy of the objection from a Local Ward Member. A copy of the previous appeal decision is also contained within the officer report.

The third party objections cover a number of matters which are summarised as follows:

1. Would like site to remain as farmland;
2. Visual impact of the development including the sites prominent hillside position and impact upon the character and appearance of the Sands, Brampton Conservation Area and the landscape;
3. No need for the development;
4. Approval would create a precedent for further development on the hillside;
5. Previous applications on the hillside have been refused due to hillside being a prominent and high valued landscape;

6. Nothing has changed since previous planning appeals on the land;
7. Impact of the proposal on adjacent Listed Buildings;
8. Proposal will tower above adjacent residential properties;
9. Impact upon privacy of neighbouring properties;
10. Parish Council have objected;
11. Strategic housing assessment of 2014 identified area as unsuitable for housing;
12. The Mote is a scheduled ancient monument and ridge area has archaeological relevance;
13. Impact upon adjacent public footpath including safety of users and potential damage;
14. Dwelling out of character with houses that surround the Sands;
15. Impact upon biodiversity and ancient hedgerows;
16. Impact upon the Ash Tree covered by a Tree Preservation Order;
17. Development is within a gas pipeline safeguarding area;
18. Accuracy of plans;
19. Impact upon localised flooding;
20. Access involves taking down a wall; and
21. Impact upon tourism.

The objection from the Ward Member is summarised as follows:

- Planning permission has been refused on two previous occasions because "the area is very prominent and high value landscape which is inappropriate for housing development";
- Area is part of Brampton Conservation Area and the proposal would be an inappropriate encroachment of the Conservation Area;
- Detract from visual appeal of the area both to local residents and to visitors entering Brampton from the east;
- Out of character with neighbouring properties two of which are listed buildings;
- Brampton Conservation Area Appraisal states "this area is considered to be of national importance archaeologically as well as being significant visually and a recreational site";
- Obstructive to the view to the Mote and through to the Ridge;
- Size and scale will affect the landscape setting off The Sands with a house which will tower over other houses below it and because of the height above will affect the privacy of those properties; and
- Concern that development will create a precedence for future development of the area.

The additional objections received raise similar objections to those already summarised in paragraphs 4.1-4.3 of the committee report. The issues raised are therefore already addressed within paragraphs 6.1-6.70 of the committee report.

In terms of the comments made relation to asbestos there is no evidence to confirm that asbestos is present in the roofing however if it is, the applicant would have to comply with the relevant health and safety regulations in relation to any removal.

Members should be aware that one additional representation has been received from a third party following the committee meeting of the 26th April 2019. This representation has however not been reported to Members as the consultation period on the application has formally closed.

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

ORIGINAL COMMITTEE REPORT 26/04/2019 FOLLOWS:

1. Recommendation

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

2. Main Issues

- 2.1 The principle of development;
- 2.2 Whether the scale and design of the dwelling is acceptable and impact upon the landscape character of the area;
- 2.3 Impact upon Brampton Conservation Area
- 2.4 Impact upon the setting of Grade II Listed Buildings;
- 2.5 Impact of the proposal on the living conditions of neighbouring residents;
- 2.6 Impact of the proposal on highway safety and public footpath 105002;
- 2.7 Whether the methods of disposal of foul and surface water are appropriate;
- 2.8 Impact of the proposal on trees and hedgerows;
- 2.9 Impact upon biodiversity;
- 2.10 Other matters.

3. Application Details

The Site

- 3.1 The application relates to land to the rear of Braefoot, Lanercost Road, Brampton. The site occupies a parcel of land that measures approximately 0.14 hectares in area and is currently in agricultural use with two single storey agricultural buildings (one constructed from brick walls with a curved cement sheeted roof and one constructed from stone with a corrugated roof) located to the western side of the site.

- 3.2 The land rises noticeably from The Swartle/Lanercost Road at the south-eastern side of the site towards Brampton Ridge to the north-west. To the south there are a combination of single and two storey properties (namely The Hayloft, Ridge Valley, Braefoot and Shiloh), which are situated in a linear formation along The Swartle. The majority of the application site is mainly situated behind Ridge Valley and Braefoot however part of the site extends down between the side elevations of Ridge Valley and Braefoot . The application site is currently served by two field access gates, one which crosses in front of the principle elevation of Ridge Valley to the south and the other which is situated off an access lane/public footpath No.105002 which runs parallel to the western boundary of the application site towards the top of the ridge.
- 3.3 There is a two storey Grade II Listed dwelling to the south- west (Mote Cottage) which is located on the opposite side of public footpath 105002. The land to the north and east comprises of agricultural fields however further up the ridge approximately 126 metres to the north-west there are three residential properties known as Moat Cottage, Dambreezy and Nearinuff. Beyond the agricultural field to the east is a two storey Grade II Listed dwelling known as Ridge House.
- 3.4 The site falls within Brampton Conservation Area. An Ash Tree which is situated towards the front of the site, on the parcel of land between Ridge Valley and Braefoot, is also covered by Tree Preservation Order 297.

The Proposal

- 3.5 The application seeks full planning permission to demolish the existing agricultural buildings and erect 1no. dwelling which will have a split level design and will be partially built into the existing landscape. The majority of the accommodation (kitchen/dining room, hall, utility, WC, en-suite master bedroom and lounge) will be provided on the ground floor however three bedrooms and a bathroom will located on the lower ground floor. The submitted drawings illustrate that the dwelling will be "L" shaped with the main part of the dwelling aligned to follow the footprint of the existing brick built agricultural building with a single storey 6.5 metre projection to the east. The dwelling will be constructed from a mixture of sandstone (colour pink/buff/grey coursed in a random rubble pattern) and cedar boarded walls (colour light grey/green) under a natural slate roof. Windows/screens and doors are to be composite aluminium/timber units coloured grey/green. Rainwater goods are to be finished in aluminium/zinc colour.
- 3.7 The proposal seeks to utilise the existing site access from public footpath 105002 located to the west of the site. A new 3.2 metre wide timber gated access will be formed at the location of the field access with 1.8 metre high stone walls either side. Incurtilage parking and turning spaces will be provided within the site as well as a garden area. The proposed boundary treatment for the curtilage of the property will be post and wire fencing with a hedgerow comprising of native species.

- 3.8 Members should be aware that the application as first submitted sought to form a new access from The Swartle however the access arrangements were changed to that outlined in paragraph 3.7 above due to objections raised by the highway authority in relation to visibility splays.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice, press notice and by means of notification letters sent to 8 neighbouring properties. During the consultation period 6 letters of objection and 2 comments have been received.
- 4.2 The letters of objection cover a number of matters and are summarised as follows:
1. queries regarding level of consultation undertaken;
 2. impact upon TPO 297;
 3. impact upon public footpath no.105002 which runs along the western boundary of the site including damage/ health and safety issues arising from construction traffic;
 4. footpath 105002 is unadopted and used by occupiers of four dwellings as the sole access to their properties and who are responsible for the upkeep;
 5. the access track leads to a dead end and any obstruction/closure would severely inconvenience neighbouring residents and users of the footpath as there are no possible diversions;
 6. area is considered to be of national importance archaeologically;
 7. archaeologist was required to be on site during the laying of a new electric supply at the top of the footpath;
 8. impact upon Brampton Conservation Area and landscape character/visual appearance of the area particularly as site is elevated;
 9. development does not comply with the conditions set out in the Brampton Conservation Area Appraisal/Management Plan;
 10. design of dwelling not in keeping with surroundings;
 11. impact upon an ancient hedge located along the western side of the site;
 12. removal of any part of the hedge and creation of any hard standing areas will exacerbate sand/silt material that is washed down the steep track during heavy rainfall;
 13. the development will have windows that will look out onto the lane to the west;
 14. poor visibility from access track onto Lanercost Road;
 15. applications 84/0725 and 92/0924 were rejected on the site ;
 16. existing agricultural buildings are unattractive but indicate the agricultural heritage of Lanercost Road and are part of the former Sands Farm (now Ridge Valley/Hayloft);
 17. agricultural land is used for livestock grazing, buildings have previously been used for livestock shelter;
 18. photos of how the building will set in the landscape are deceptive as building will be higher than the existing roof lines of Ridge Valley and Braefoot, the images are more than 10 years old and include double

- imaging;
- 19. application does not mention Ridge House which is a Grade II Listed Georgian property or the properties to the north of the site;
- 20. inclusion of full length windows/doors are not in-character with surrounding properties;
- 21. site is part of an open field and is not well contained;
- 22. adverse impacts upon Braefoot and Ridge Valley in terms of overlooking, lack of privacy and loss of private amenity;
- 23. additional screen planting in front of 1.2 metre high boundary to Braefoot would affect private amenity;
- 24. application is not single storey it is split level;
- 25. increased flood risk from proposed building and hard standings;
- 26. potential structural damage to retaining walls of neighbouring properties;
- 27. queries regarding the position of what will happen to the existing access gate to the field and the neglected gate?
- 28. impact upon ecology;
- 29. proposal may create a precedent for future development in the field;
- 30. development would not comply with Policies HO2, HO6, HO12, HE3, HE7 and GI3 of the Carlisle District Local Plan 2015-2030;
- 31. impact upon settings of Listed Buildings;
- 32. no public benefit to be gained by the proposal;
- 33. query how an 'area for turning' is to be constructed in a field before there is any area for turning;
- 34. would like assurances that construction traffic will not go further up the track.

4.3 The letters of comment are summarised as follows:

- 1. would like to see field kept as agricultural land;
- 2. there is already access to the building which has been used in the days of Sands Farm;
- 3. there are already enough outlets in the vicinity of Lanercost Road;
- 4. families utilise the public footpath up to the ridge;
- 5. development will create a precedent for more buildings; and
- 6. visual impact upon the area.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection subject to the imposition of one condition ensuring that access and parking/turning requirements are met before building works commence. Standing advice received in relation to the public footpath to the west of the site and the use of soakaways.

Brampton Parish Council: - application would have an adverse visual impact on the character of the local area- contrary to Policy HE7 - Conservation Areas of the Carlisle District Local Plan 2015-2030. The application would not maintain or enhance the local area and would have a detrimental effect on nearby properties- contrary to Policy HO12 - Other uses in primary Residential Areas of the Carlisle District Local Plan 2015-2030.

Northern Gas Networks: - no objection, standing advice received;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: - no objection subject to one condition, standing advice received regarding water and united utility assets;

Conservation Area Advisory Committee: content with general principle; concern over clarity of access impact - tree is shown as both retained on one drawing and to be felled on another; and, some concern over elevated overlooking of neighbouring house. Recommendation is no comment.

Historic Environment Officer (Cumbria County Council) - application does not raise any archaeological issues. It is too far from The Mote to affect it and the likelihood that currently unknown remains will be impacted is very small. Do not object to the application or have any comments to make.

Footpath Officer (Cumbria County Council) - public footpath 105002 follows the access road to the west of the development area and must not be altered or obstructed before or after the development has been completed, if the path is to be temporarily obstructed then a formal temporary closure will be required there is a 14 week lead in time for this process.

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, HO2, IP3, IP4, IP6, CC5, CM5, HE3, HE7, GI1, GI3, GI5 and GI6 of the Carlisle District Local Plan 2015-2030 (CDLP).
- 6.3 Other material considerations are Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the Cumbria Landscape Character Guidance and Toolkit (adopted March 2011) together with Supplementary Planning Documents (SPD) adopted by the City Council, 'Achieving Well Designed Housing' and 'Trees and Development'.
- 6.4 The proposal raises the following planning issues:

1. The Principle of Development

- 6.5 Paragraph 10 of the NPPF outlines that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 68 of the NPPF confirms that small and medium sized sites can make an important

contribution to meeting the housing requirement of an area and to promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.

- 6.6 The aims of the NPPF are reiterated in Policy HO2 (Windfall Housing Development) of the local plan which makes provision for windfall housing development 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 namely scale, design, ensuring that the proposal is compatible with adjacent land users, enhances/maintains the vitality of rural communities, and, if on the edge of a settlement ensuring that the development is well integrated and does not lead to an unacceptable intrusion into the open countryside
- 6.7 The proposal seeks full planning permission for the demolition of existing agricultural buildings and erection of 1 no. dwelling on land to the north of Ridge Valley, The Swartle, Brampton.
- 6.8 Brampton is identified as a District Centre in the Carlisle District Local Plan due to its high range of services. The application site is therefore considered to be a sustainable location for new housing development. Although the site lies within a field to the north of the properties along The Swartle it is appreciated that the application seeks to replace the existing agricultural buildings (one which is already visible within the existing street scene) and will be set into the landscape with the backdrop of the ridge behind. In such circumstances it is considered that the site is already integrated with the existing settlement and would not lead to an unacceptable intrusion into the open countryside. The proposal is, therefore, acceptable in principle.

2. Whether The Scale And Design Of The Dwelling Is Acceptable And Impact Upon The Landscape Character Of The Area

- 6.9 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and, optimise the potential of the site to accommodate and sustain the appropriate mix of development. Paragraph 130 of the NPPF states that 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Paragraph 131 goes on to confirm that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard

of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 6.10 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. Policy HO2 (Windfall Housing Development) of the CDLP seeks to ensure that the scale and design of new housing development is appropriate to the scale, form, function and character of the existing settlement.
- 6.11 In terms of landscape character it is acknowledged that the site is identified as being located within sub category 7C - Sandy Knolls and Ridges of the Cumbria Landscape Character and Toolkit. The key characteristics of this landscape is regular knolls and ridges, land cover is generally pasture, irregular field patterns, and, significant amounts of woodland cover in the form of hanging woods, coniferous plantations and semi-natural woods. The vision is to conserve and enhance the landscape with the guidelines for development being to conserve and protect historic villages and hamlets and ensure all new development reflects the scale and character of the existing settlement, and, to encourage additional planting to soften and screen existing large scale or eyesore developments.
- 6.12 As stated in paragraph 3.1 of this report the application site is presently occupied by two single storey agricultural buildings, one which is constructed from brick with a curved cement sheeted roof and the other constructed from stone with a corrugated roof. The brick built building is rectangular in shape and is orientated south-east to north-west. As the land rises from The Swartle towards the north-west the existing brick built agricultural building is a visible feature from a number of viewpoints. The stone agricultural building is located further down the western side of the site and is not as visible within the landscape as it is at a lower level and located immediately behind the rear garden of Ridge Valley.
- 6.13 It is proposed to demolish both existing agricultural buildings and erect 1no. dwelling which will have a split level design and will be partially built into the existing landscape. The majority of the accommodation will be provided on the ground floor however three bedrooms and a bathroom will be located on the lower ground floor. The submitted drawings illustrate that the dwelling will be "L" shaped with the main part of the dwelling aligned to follow the footprint of the existing agricultural brick buildings (which are to be demolished) with a single storey 6.5 metre projection to the east. The dwelling will be constructed from a mixture of sandstone (colour pink/buff/grey coursed in a random rubble pattern) and cedar boarded walls (colour light grey/green) under a natural slate roof. Windows/screens and doors are to be composite aluminium/timber units coloured grey/green. Rainwater goods are to be finished in aluminium/zinc colour.
- 6.14 When assessing the foregoing it is appreciated that there are a variety of house types situated along the northern side of The Swartle. The dwellings

closest to the application site range from older two storey terraced or detached properties constructed from stone walls under a slate roof to more modern single storey detached bungalows constructed from brick. The dwellings are mainly located in a linear formation facing towards The Swartle with the exception of Mote Cottage which is set back by approximately 34 metres. When one travels further along The Swartle to the east the house types become more varied comprising of a detached dormer bungalow and two storey detached rendered properties as well as two storey terraced dwellings with a third floor in the roof space.

- 6.15 The typography of the application site is varied with the land rising steeply from The Swartle at the south-eastern side of the site towards Brampton Ridge to the north-west. There are dwellings that are located towards the top of the ridge which are also visible within the landscape.

- 6.16 The main part of the proposed dwelling will be aligned to follow the footprint of the existing brick agricultural buildings and will be mainly constructed from traditional materials - stone walls under a slate roof. This element of the proposal will also incorporate fenestration details which retain barn like features as well as traditional features such as stone mullions, headers and cills. This element of the proposal will be compatible with the more older stone properties located within the immediate vicinity. The proposed single storey off shoot to the east will however be constructed from more contemporary materials (cedar boarded walls with fully glazed windows) however these light weight materials will be complementary to the traditional design of the split level element of the dwelling. In such circumstances the materials of the proposed development are considered to be appropriate to the context of the application site.

- 6.17 It is appreciated that the application site is located in a prominent location due to the typography of the landscape which rises towards the north west. The proposed dwelling will be noticeably visible within the landscape however it is appreciated that the two storey gable of the dwelling on the south-east elevation will only be 300mm higher than the highest part of the existing agricultural buildings that it is replacing and the dwelling has been designed to align with the footprint of the existing agricultural buildings and to be built into the existing landscape . Although the dwelling will have a 6.5 metre projection to the east this projection will be set back approximately 11.85 metres from the two storey gable and will be constructed from relatively light weight materials which will soften the built form of the development. The dwelling (which will have a ridge height higher than the existing dwellings located along The Swartle due to the typography of the landscape and will have a greater mass than the existing agricultural buildings) will be viewed within the context of the existing two storey and single storey dwellings located towards the front of the site, Mote Cottage to the left which is also set back a considerable distance from the road as well as the rising landscape behind and the woodland on the western side of the public footpath. In such circumstances it is considered that the proposal would not result in an obtrusive development that would unacceptably affect the character/appearance of the existing street scene or the landscape character of the area. The scale and design of the dwelling itself is therefore

acceptable.

- 6.18 The submitted plans illustrate that the proposed treatment for the curtilage of the property will be post and wire fencing with a hedgerow comprising of native species. This low level boundary treatment is considered to be in keeping with the character of the area and will have a minimal visual impact. The size of the proposed curtilage is comparable to the dwelling proposed with an appropriately sized garden and parking area. Hard standings within the site are to comprising of gravel and permeable paving which are also sympathetic materials.
- 6.19 The proposed timber access gate and 1.8 metre high walling will also be in keeping with the immediate surroundings and will correspond with materials within the locality.

3. Impact Upon Brampton Conservation Area

- 6.20 The application site is located within Brampton Conservation Area. As highlighted earlier in the report, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG and Policy HE7 (Conservation Areas) of the Local Plan are relevant.
- 6.21 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*".
- 6.22 The aims of the 1990 Act is reiterated in both the NPPF, PPG and policies within the Local Plan. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 of the NPPF goes onto state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 195 states that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss or if 4 criteria apply (i.e. the nature of the asset prevents all reasonable uses of the site, no viable use of the asset can be found in the medium term, conservation by grant funding is not possible, and, the harm/loss is outweighed by the benefit of bringing the site back into use).
- 6.23 Paragraph 196 of the NPPF confirms that where a development will lead to less than substantial harm to the significance of a designated asset, this harm

should be outweighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 200 of the NPPF states that LPA's should look for opportunities for new developments within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset should be treated favourably. Paragraph 201 highlights that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of a Conservation Area should be treated as substantial harm or less than substantial harm taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

- 6.24 Policy HE7 (Conservation Area) of the Local Plan advises that proposals within Conservation Areas should preserve or enhance the special character and appearance of the conservation area and its setting. Specifically proposals should: harmonise with their surroundings; be sympathetic to the characteristics of the conservation area; preserve or enhance features which contribute positively to the areas character/appearance; not have an unacceptable impact upon historic street patterns, boundaries, roof scape, skyline and setting including protecting important views into and out of conservation areas; not other than a last resort result in demolition and redevelopment behind retained facades; where possible draw on a local palette of materials; retain individual features of interest; and not generate a significant increase in traffic movements.

- 6.25 Brampton Conservation Area was originally designated in 1973. Following the agreement in 2003 to extend the original Brampton Conservation Area, an appraisal of the areas surrounding Brampton's town centre was the subject of an exhibition and following public meetings the responses were evaluated which resulted in the conservation area being extended.

- 6.26 The application site was not included within the 1973 Conservation Area boundary but is within the 2003 extension to the Conservation Area. With reference to The Mote, Ridgevale Terrace and The Sands, the appraisal element of the document states:

"The Mote is a scheduled ancient monument where a defensive site is believed to have been constructed in the 12th century. The ridge itself is also a significant landscape feature running north eastwards towards Lanercost. This area is considered to be of national importance archaeologically as well as being highly significant visually and as a recreational site. Around the foot of the Mote is a mixture of housing development; detached, semi-detached and terraced. Ridgevale terrace is particularly prominent. Two large triangular open areas known as The Sands separate the other residential areas, The Sands Cottages and the Wilson Memorial homes. There is also some 20th century detached housing along the A6071.

A number of buildings in this area have town scape significance and looking down The Sands is Warren House Farm. The agricultural land below it forms a well designated backdrop and is of significant landscape value.

Key issues:

- *Development sites should have carefully set out design briefs to ensure it does no harm to the character of the conservation area*
- *Significant open spaces in the landscape should be protected from future development*
- *Significant local buildings should be considered for inclusion on a local list"*

- 6.27 Although the appraisal identifies that the open spaces in the landscape should be protected from future development it does not preclude development *per se*. Under the requirements of the NPPF, a "*balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*" In this instance, the application site already has agricultural buildings in situ with the brick built agricultural buildings being a visible feature within the landscape from a number of viewpoints due to the topography of the landscape which rises from The Sands towards the Ridge. It could be argued that the building does not have a particularly positive impact upon the character/appearance of the Conservation Area as it is constructed from a low grade brick and has a curved cement sheeted roof. As previously stated within this report the application proposes to demolish all the existing agricultural buildings on the site and replace them with a split level dwelling which follows the main footprint of the brick built agricultural buildings with an extension to the east. The main issue therefore is whether the proposed development continues to preserve or enhance the character and appearance of Brampton Conservation Area.
- 6.28 The Conservation Area Advisory Committee (CAAC) were consulted on the original plans submitted for the application and confirmed that they were content with the general principle of development. They did highlight that they had concern over clarity of the access impact as the TPO tree was shown as both retained on one drawing and to be felled on another. They also raised some concern over elevated overlooking of neighbouring house with the overall recommendation of no comment. Since CAAC comments were received the drawings have been updated to show the TPO tree retained with access to the site via an existing field gate from public footpath No.105002. The first floor window on the gable has also been reduced in size. (Impacts upon the residential amenity of neighbouring properties are however discussed in paragraphs 6.46-6.51 of this report).
- 6.29 The City Council's Heritage Officer has been consulted on the development and has confirmed that the site is in a setting of substantial significance as it is located in close proximity to the scheduled monument 'The Mote', Grade II Listed Buildings at Mote Cottage and Ridge House, a Grade II Listed Howard Memorial Shelter, and, key town scape/local list buildings 1-3 Earl Grey Cottages, The Hayloft and Ridge Valley. The Heritage Officer is of the opinion that the submitted heritage statement does not clearly illustrate the significance of the assets or convincingly assesses the impacts on these. In this context, paragraph 189 of the NPPF confirms that heritage assessments

need to be proportionate to the development proposed and if any shortcomings are identified, it is up to the City Council to make a balanced judgment when making an assessment of the impact upon heritage assets.

- 6.30 The Heritage Officer is concerned that the indicative visuals provided are not entirely reflective of the current context of the site and therefore underestimate the prominence of the development within the Conservation Area. He considers that the scheme of a two storey dwelling with a side extension makes the overall width double that of the existing brick structure and maintains that a single storey dwelling which encompasses existing buildings on site with a modest extension would be more appropriate. In matters of detail he would welcome consideration of a reduction in the height of the building to no more than the existing ridge height; concern of the loss of the frontage wall to provide the access; and, suggested that a less intrusive access could be achieved via the existing access to the west. The Heritage Officer originally raised concerns over the volume of the development and that the proposal would set a precedent for additional parallel development behind the bungalows Braefoot and Shiloh. In response to amendments to the proposed access (now via the public footpath to the west) and changes to the elevations (inclusion of more traditional barn like features and use of drive-in rise and fall brackets) the Heritage Officer has confirmed that he is content that these alterations make the development more acceptable.
- 6.31 With reference to the Heritage Officer's comments it is appreciated that the indicative visuals are not entirely reflective of how the development would appear in the landscape however the application has been assessed on the basis of the scaled drawings provided.
- 6.32 In terms of the overall scale and design of the development and the impact of the development on the character/appearance of Brampton Conservation Area this is a subjective matter with the CAAC confirming no objection to the development. As previously outlined in paragraphs 6.9-6.19 the application site is located in a prominent location due to the typography of the landscape which rises towards the north west. The dwelling will be noticeably visible within the landscape however it is appreciated that the two storey gable of the dwelling on the south-east elevation will only be 300mm higher than the highest part of the existing agricultural buildings that it is replacing and the dwelling has been designed to align with the footprint of the existing agricultural buildings and to be built into the existing landscape . Although the dwelling will have a 6.5 metre projection to the east this projection will be set back approximately 11.85 metres from the two storey gable and will be constructed from relatively light weight materials which will soften the built form of the development. The materials of the remainder of the property will correspond with the materials of properties within the immediate vicinity with the dwelling incorporating traditional and barn like features. The proposed dwelling (which will have a ridge height higher than the existing dwellings located along The Swartle due to the typography of the landscape and will have a greater mass than the agricultural building) will be viewed within the context of the existing two storey and single storey dwellings located towards the front of the site, Mote Cottage to the left which is also set back a considerable distance from the road as well as the rising landscape behind

and the woodland on the western side of the public footpath. In such circumstances it is considered that the proposal would not result in an obtrusive development that would unacceptably affect the character/appearance of Brampton Conservation Area.

6.33 As stated in paragraphs 6.18- 6.19 above the proposed treatment for the curtilage of the property is considered to be in keeping with the character of the area and will have a minimal visual impact. The size of the proposed curtilage is comparable to the dwelling proposed with an appropriately sized garden and parking area. Hard standings within the site are to comprise of gravel and permeable paving which are also sympathetic materials. In order to protect the character and appearance of the Conservation Area it is recommended that relevant conditions are imposed within the decision notice, should Members approve the application, requesting samples of all proposed materials, and, removing permitted development rights for boundary treatments, outbuildings, hard standings as well as extensions/alterations to the dwelling.

6.34 In light of the foregoing assessment it is considered that the proposal would not have a detrimental impact on the character or appearance of Brampton Conservation Area.

4. Impact Upon The Setting Of Grade II Listed Buildings

6.35 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.

6.36 Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).

6.37 The NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to a designated heritage asset. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy HE3 (Listed Buildings) of the Local Plan also indicates that listed buildings and their settings will be preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.

a) the significance of the heritage asset and the contribution made by its

setting

- 6.38 The nearest Listed Buildings are located at Mote Cottage and Ridge House which are Grade II Listed and situated approximately 21 metres to the south-west and 56 metres to the east of the proposed dwelling. There is also a Grade II Listed Howard Memorial Shelter located on the open space at The Swartle over 70 metres from the proposed dwelling. By way of background there are over 374,000 listed buildings within England which are categorised as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II* Buildings are particularly important buildings of more than special interest, 5.5% of listed buildings are Grade II*. The final tier of Listed Buildings are Grade II buildings which are nationally important and of special interest.

- 6.39 Mote Cottage was listed by Historic England (formerly English Heritage) as Grade II in 1984. The listing details are as follows:

House. Circa 1870, as estate house for the Howards of Naworth. Dressed calciferous sandstone with bands of red sandstone; green slate roof with decorative ridge tiles, coped gables, stone chimney stacks. 2 storeys, 3 bays. Half-plank oak doors, have side lights and mullioned fanlight, with moulded surround and pointed arch, shaped hood-mould: flanked by 2 projecting canted bay windows, which are right is carried up to gabled dormer, with cross-mullioned windows: left transomed window has pointed head with gabled dormer above: all leaded casements.

- 6.40 Ridge House was listed by Historic England (formally English Heritage) as Grade II in 1957. The listing details are as follows:

House formerly inn. Dated 1835 over entrance. Red sandstone ashlar with plain cornice, slate roof with lead hips, rendered chimney stacks. 2 storeys, 3 bays. 6-panel door with glazed fanlight and pilastered surround, has prostyle Tuscan porch with moulded entablature and cornice. Sash windows with glazing bars with plain stone surrounds. Blind window to south-west wall has painted glazing bars. In 1847, this was the ridge House Inn (Mannix & Whellan Directory).

- 6.41 The Howard Memorial Shelter was listed by Historic England (formally English Heritage) as Grade II in 1984. The listing details are as follows:

Memorial shelter. Circa 1930, inscribed TO GEORGE JAMES HOWARD 9TH EARL OF CARLISLE, 1843-1911, AND TO ROSALIND FRANCES, HIS WIFE, 1845-1921. Snecked calciferous sandstone ashlar, stone slate roof. Octagonal single storey building with partly open sides. Squared columns are carried on inside to form vaulted roof, with central circular column. Oak lintels and open timber roof. Floor has stepped flagged surround with small herringbone brickwork inside. Stone seats around central column and along inside of filled arches, with internal inscription stone.

b) the effect of the proposed development on the setting of the Grade II

Listed Buildings

- 6.42 The proposed dwelling will be located approximately 25 metres to the north-east of Mote Cottage. There is an intervening access road/public footpath between the application site and the listed building as well as high vegetation within the existing roadside verge. The proposed dwelling will be set back from the front elevation of Mote Cottage and given the scale and design of the proposal which is acceptable in terms of the context of the surrounding area (as discussed in paragraphs 6.9-6.19) and the separation distances involved it is not considered that the proposed development would have an adverse impact upon the setting of this Grade II Listed Building.
- 6.43 The dwelling will be located approximately 56 metres to the west of Ridge House. It was evident from the Officer site visit that Ridge House is located at a lower level to the application site with its western boundary covered in dense mature landscaping. The dwelling will be set back from the front elevation of Ridge House. Given the scale and design of the proposal which is acceptable in terms of the context of the surrounding area and the separation distances involved it is not considered that the proposed development would have an adverse impact upon the setting of Ridge House.
- 6.44 The dwelling will be located over 70 metres from the Grade II Listed War Memorial on The Swartle. As stated in paragraphs 6.9-6.19 the application is acceptable in terms of scale and design as well as its location within the landscape. In such circumstances and given the separation distances involved it is not considered that the proposed development would have an adverse impact upon the setting of the Grade II Listed War Memorial.
- 6.45 The Council's Heritage Officer has been consulted on the development and has not raised any further comments other than those outlined in paragraphs 6.29-6.30 with regard to the impact upon the settings of neighbouring listed buildings.

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

- 6.46 The relevant planning policies seek to ensure that 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.
- 6.47 To the south of the site there are a combination of single and two storey properties (namely The Hayloft, Ridge Valley, Braefoot and Shiloh), which are situated in a linear formation along The Swartle. There is also a two storey dwelling to the south-west (Mote Cottage). The land to the north and east comprises of agricultural fields however further up the ridge approximately 126 metres to the north-west there are three residential properties known as

Moat Cottage, Dambreezy and Nearinuff. Beyond the agricultural field to the east is a two storey dwelling known as Ridge House.

- 6.48 The dwelling has been orientated and designed so that the majority of the primary windows face east into the application site. There is one primary window on the north elevation however this faces directly towards the agricultural fields located beyond the application site. All of the windows on the west elevation are either secondary windows serving the kitchen/diner or windows serving non habitable rooms such as the en-suite, utility, or stairwell.
- 6.49 There are a limited number of windows on the south elevation of the dwelling which comprise of a ground floor bathroom window and a first floor dining room window on the gable as well as full height glazed windows serving the lounge within the eastern projection. The bathroom window is not considered to be a primary window as it does not serve a habitable room. It is also appreciated that the lounge and dining room are also served by larger windows on the east elevation of the dwelling. Concerns have been raised in respect of loss of privacy from the windows on the south elevation. It is acknowledged that the first floor window serving the dining room has been positioned so that it primarily looks down the gap between Ridge Valley and Braefoot. The window will be off-set from the primary windows of neighbouring properties and will be located in excess of 27 metres from the two storey elevation of Ridge Valley and over 23 metres from the rear elevation of Braefoot. The full height windows serving the lounge will be off-set from the primary windows of Ridge Valley and over 35 metres from the rear elevation of Braefoot. In such circumstances and given the differences in levels between the proposed dwellings, and, the existing boundary treatment it is not considered that the windows in the southern elevations of the development would cause sufficient overlooking to neighbouring properties to warrant refusal of the application on this basis.
- 6.50 Whilst the proposed dwelling will be located on higher land to the properties located along The Swartle and will be a visible feature it is appreciated that the proposed dwelling will be built into the existing landscape and all the distances between the existing and proposed dwellings would greatly exceed the minimum separation distances (21m between facing principal windows) set out in the Council's Supplementary Planning Document "Achieving Well Designed Housing". In such circumstances and given the orientation of the application site and positioning /design of the proposed dwelling it is not considered that the proposed dwelling would have a sufficient adverse impact upon the living conditions of any neighbouring dwellings in terms of overlooking, over dominance or loss of light to warrant refusal of the application on this basis.
- 6.51 To further protect the residential amenity of the occupiers of neighbouring properties a condition is recommended that would restrict construction hours.

6. Impact Of The Proposal On Highway Safety And Public Footpath 105002

- 6.52 The application site is currently served by two field access gates, one which

crosses in front of the principle elevation of Ridge Valley and the other which is situated off the access lane which runs parallel to the western boundary of the application site. It is appreciated that public footpath No.105002 follows the access road to the west of the application site. A number of objectors have raised concerns of the impact upon users of the public footpath/access road including potential damage/obstruction particularly during development works.

- 6.53 The proposal seeks to utilise an existing vehicular access from the western boundary via public footpath 105002. Incurtilage parking and turning spaces will be provided within the site.
- 6.54 Cumbria County Council, as Highways Authority, has been consulted and has raised no objections subject to the imposition of one condition ensuring that the access and parking/turning requirements are met before building works commence. The Footpath Officer for Cumbria County Council has also been consulted on the development and has raised no objections. The Footpath Officer and Highway Authority have however advised that the public footpath should not be obstructed before or after the development has been completed. Advice has been received regarding any temporary obstructions. Accordingly and subject to the imposition of relevant conditions/advisory notes the development will not cause an adverse impact upon highway safety or have a detrimental impact upon Public Footpath 105002.
- 6.55 Concerns from users of the public footpath are noted particularly those from the occupiers of the residential properties located further up the ridge who have sole access to their dwellings via the public footpath. Any damage or obstruction to the public footpath during or after development works would be a civil matter. In order to protect the living conditions of these residents it is suggested, that if Members are minded to approve the application, that a further condition is imposed within the Decision Notice ensuring that a plan showing a location for a construction compound is submitted and approved prior to any site works commencing (including demolition).

7. Whether The Methods of Disposal of Foul And Surface Water Are Appropriate

- 6.56 In order to protect against pollution, Policies IP6 and CC5 of the CDLP seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. Foul water is proposed to be discharged to mains drainage with surface water to a soakaway.
- 6.57 The principles of these drainage methods are acceptable to the United Utilities and the Lead Local Flood Authority however a relevant condition has been included within the Decision Notice requesting full details of the proposed drainage methods.

8. Impact Of The Proposal On Trees And Hedgerows

- 6.58 The mature ash tree located within the application site, between Ridge Valley and Braefoot, is subject to Tree Preservation Order 297. The submitted block

plan illustrates that this tree is to remain however the block plan suggests that foul drainage from the site will be located underneath the canopy.

- 6.59 The block plan illustrates that during construction the area around the tree will be fenced off in accordance with BS 5837. Drains and services taken through the tree root protection area will have the ground excavated with an "air spade" to prevent damage to the roots. Any exposed roots will be avoided with the direction of the services amended.
- 6.60 Subject to adherence to the above methods outlined in paragraphs 6.59 above there should be no adverse impact upon TPO No.297.
- 6.61 It is noted that one of the objectors has alleged that the hedgerow that runs parallel to the western boundary of the site is an ancient hedgerow and has raised concerns regarding the impact of the development on this hedgerow. It was evident from the Officer site visit that the hedgerow is not continuous as it has large gaps. The hedgerow is also located within the access verge on the other side of the post and wire fencing which delineates the site boundary. Although the proposal seeks to remove an existing tree/shrub located to the rear of the existing brick agricultural buildings this has no significant landscape value. The existing hedgerow trees will remain as they are located out with the application site and subject to tree/hedgerow protection barriers being in situ during development works (which can be secured by condition) there should be no adverse impact upon the existing hedgerow.

9. Impact Upon Biodiversity

- 6.62 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, and given that the application site has previously been used for pasture, it is unlikely that the proposed development would harm protected species or their habitat. The biodiversity of the site will be enhanced by the planting of native hedgerows. 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.

10. Other Matters

- 6.63 An objector has alleged that the site is of high archaeological importance. The available planning records illustrate that the site is not located on the site of any ancient monuments. Nor is the site with the buffer zone of Hadrian's Wall World Heritage Site. The Case Officer has however contacted the Historic Environment Officer (HEO) for Cumbria County Council who has confirmed that the application does not raise any archaeological issues. The application site is considered to be too far from The Mote to affect it and the likelihood that currently unknown remains will be impacted is very small. The HEO therefore does not object to the application or has any comments to make.

- 6.64 Reference has been to previous planning refusals 84/0725 and 92/0924. Both of these applications sought outline planning permission for dwellings located up the whole of the eastern side of public footpath 105002. These applications are not directly comparable to the current application as the application sites for 84/0725 and 92/0924 encompassed a much larger area with the indicative layout showing dwellings set further into the field. The location and scale and design of the dwelling proposed is acceptable as explained in paragraphs 6.5-6.62 of this report.
- 6.65 Objectors have alleged that the approval of the application may create a precedent for further development. Every application is however dealt with on its own merits.
- 6.66 Objectors have raised concerns that the development will exacerbate existing flooding issues. As stated in paragraph 6.57 the principles of the drainage methods are acceptable to the United Utilities and the Lead Local Flood Authority however a relevant condition has been included within the Decision Notice requesting full details of the proposed drainage methods. Subject to suitable drainage methods the proposal should not exacerbate any flooding issues.
- 6.67 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".
- 6.68 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.
- 6.69 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

- 6.70 On balance the principle of the development of the site for housing is

acceptable as the application site is already well related to the built form of Brampton and is within a sustainable location. The scale and design of the development is considered to be appropriate to the context of the surrounding area and the development would therefore not have a harmful impact upon the existing street scene, the character/appearance of Brampton Conservation Area or the setting of nearby Grade II Listed Buildings . The proposed development will also 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, biodiversity or trees including the ash tree covered by TPO 297. Overall, the proposal is compliant with the objectives of the relevant Development Plan and approval is recommended.

7. Planning History

- 7.1 In 1984 outline planning permission was refused at land to the rear of Braefoot and Shiloh for the erection of 3no.dwellings (reference 84/0725);
- 7.2 In 1993 outline planning permission was refused and also dismissed at appeal for the development of 4 detached dwellings and a public car park for 5 vehicles (reference 92/0924).

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 2nd January 2019;
 - 2. the site location plan received 1st November 2018 (Drawing No.117-139-01);
 - 3. the proposed block plan received 18th March 2019 (Drawing No.117-139-02 Rev J);
 - 4. the proposed floor plans received 18th March 2019 (Drawing No.117-139-03 Rev E);
 - 5. the proposed north-east and south-east elevations received 5th April 2019 (Drawing No.117-139-04 Rev G);
 - 6. the proposed north-west and south-west elevations received 5th April 2019 (Drawing No.117-139-05 Rev F);
 - 7. the tree survey schedule received 6th December 2018;
 - 8. the Notice of Decision; and
 - 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to the commencement of any development, a surface water drainage scheme, including a sustainable drainage management and maintenance plan for the lifetime of the development, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall then be installed in accordance with the approved details.

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

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030, and, to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

4. Prior to the commencement of any development full details of the proposed foul drainage methods shall be submitted to and approved in writing by the local planning authority. The foul drainage shall then be installed in accordance with the approved details.

Reason: To ensure that adequate drainage facilities are available.

5. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority prior to the first use on site. The dwelling shall then be constructed in accordance with the approved details.

Reason: To ensure the works harmonise as closely as possible with the character and appearance of the surrounding area in accordance with Policies SP6, HE7 and GI1 of the Carlisle District Local Plan 2015-2030.

6. Samples or full details of all hard surface materials to be used shall be submitted to and approved in writing by the local planning authority prior to the first use on site. The hard surfaces shall then be constructed in accordance with the approved details.

Reason: To ensure the works harmonise as closely as possible with the character and appearance of the surrounding area in accordance with Policies SP6, HE7 and GI1 of the Carlisle

District Local Plan 2015-2030.

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

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policies SP6, H02 and GI6 of the Carlisle District Local Plan 2015-2030.

8. Before any development takes place on site (including demolition of existing buildings), 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 to road users. To support Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling unit to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure that the character and attractive appearance of the building is not harmed by inappropriate alterations and/or

extensions and that any additions which may subsequently be proposed satisfy the objectives of Policies H08, SP6, HE3, HE7 and GI3 of the Carlisle District Local Plan 2015-2030.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected within any part of the site (other than those shown in any plans which form part of this application), without the approval of the local planning authority.

Reason: To ensure that any form of enclosure is carried out in a co-ordinated manner in accordance with Policies SP6, HE3, HE7, HO8 and GI1 of the Carlisle District Local Plan 2015-2030.

12. No work associated with the construction of the residential units 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 CM5 of the Carlisle District Local Plan 2015-2030.

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

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030.

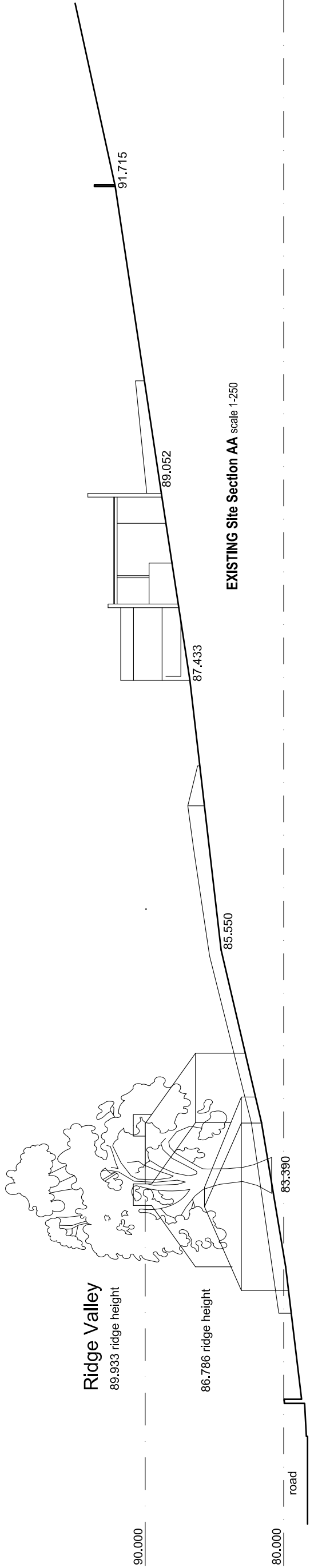
14. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained on the western side of the site at the extent of the Root Protection Area as calculated 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.

15. For the duration of the development works the existing Ash Tree (covered by Tree Preservation Order 297) shall be protected by a suitable barrier as


indicated on Drawing No.117-139-02 Rev J, before development works commence. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means. Any drains or services taken through the root protection area should be excavated with an air spade to prevent damage to roots. Any exposed visible roots unearthed shall be avoided with any direction of services amended to suit.

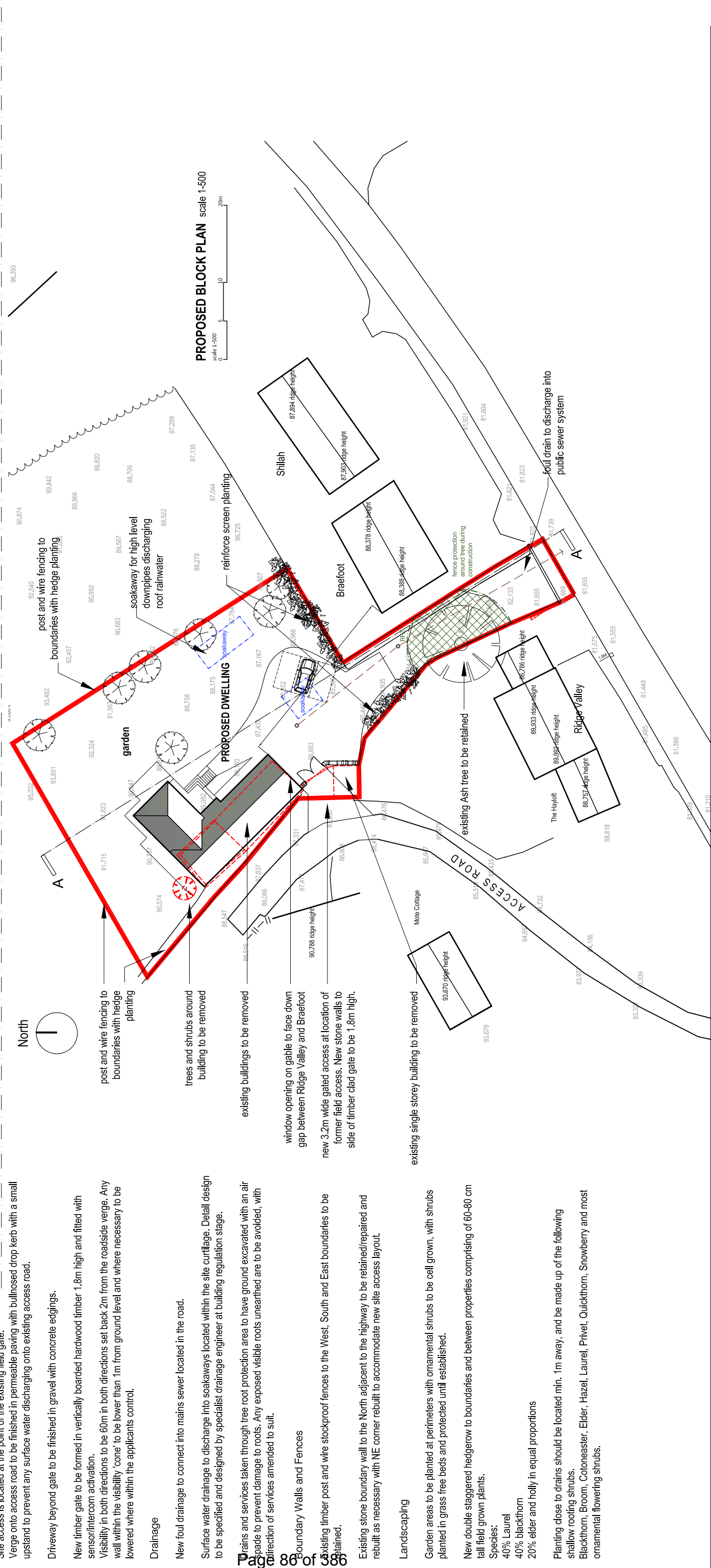
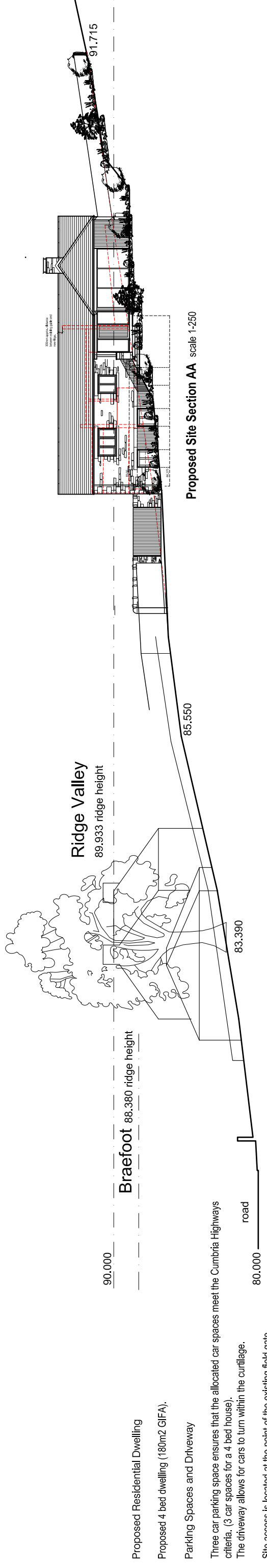
Reason: To protect TPO 297 in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.



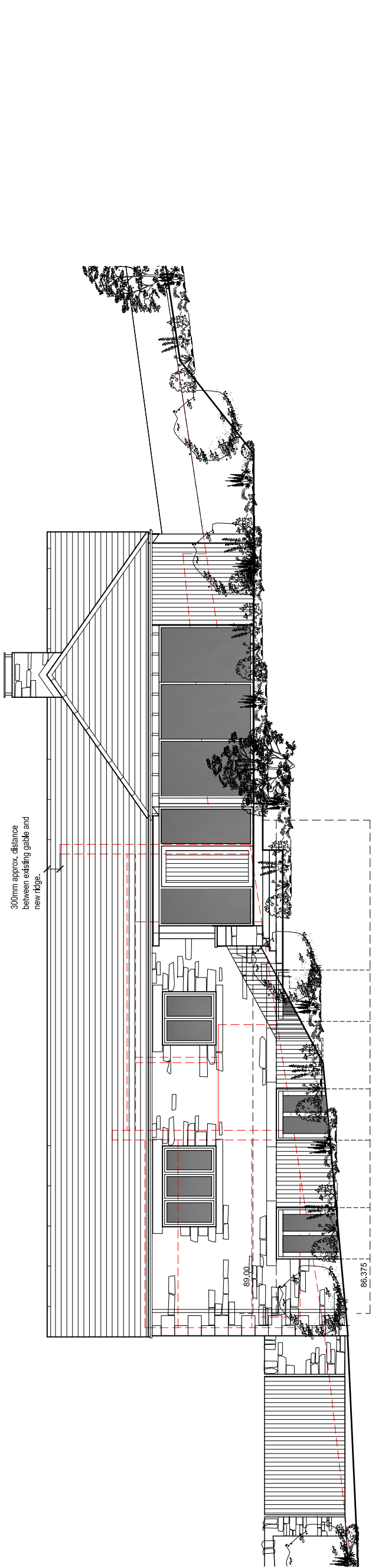
EXISTING BLOCK PLAN scale 1:500

LOCATION PLAN scale 1:2500

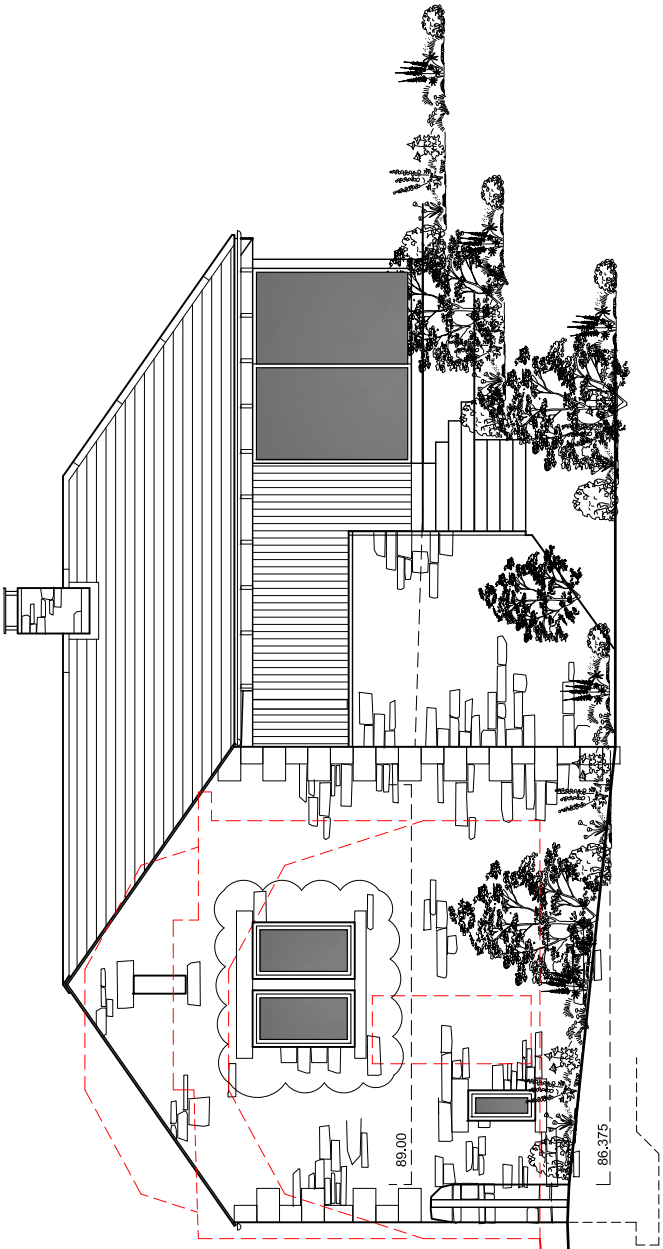
DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS COPYRIGHT©	revisions	<div>Graham K Norman CHARTERED PRACTICE</div> <div>UNIT 4 MERESIDE GREENBANK ROAD EDEN BUSINESS PARK PENRITH, CUMBRIA, CA11 9FB 01768 868274 mail@grahamknorman.co.uk www.grahamknorman.co.uk</div> <div></div>	drawing title	AS EXISTING BLOCK PLAN AND LOCATION PLAN			date 31-11-17	disc GS	scale 1-2500@A3 1-500@A3 1-2500@A3	rev				
				PROPOSED DWELLING										
				SITE NORTH OF RIDGE VALLEY, BRAMPTON										
				MR R ALLEN						client	works		117-139-01	



Graham K Norman Architect CHARTERED PRACTICE UNIT 4 MERESIDE GREENBANK ROAD EDEN BUSINESS PARK PENRITH, CUMBRIA, CA11 9FB 01768 868274 mail@grahamknorman.co.uk www.grahamknorman.co.uk		AS PROPOSED BLOCK PLAN AND SECTION drawing file		31-11-17 date GS dr	1-250@A3 1-500@A3 scale
DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS COPYRIGHT©		PROPOSED DWELLING SITE NORTH OF RIDGE VALLEY, BRAMPTON		117-139-02 J	rev
revisions		AS PROPOSED BLOCK PLAN AND SECTION		drawing file	
A	07-03-18	Site plan and section updated following layout changes to house. GS		31-11-17	
B	24-04-18	Site section updated, ridge height lowered. GS		1-250@A3	
C	23-10-18	Ash tree to be retained, root protection measures annotated, soakaway measure updated. GS		1-500@A3	
D	34-10-18	Root protection area shown. GS		scale	
E	13-12-18	Drainage note amended. ALN		31-11-17	
F	03-01-19	Visibility splays amended. WJJC		1-250@A3	
G	28-01-19	Amendments to new boundary treatments, notation for site entrance and treatment of existing wall. GS		1-500@A3	
H	06-02-19	Drive finish changed to gravel with first 10m finished in permeable blocks. GS		scale	
I	06-03-19	Visibility splay note added, boundary treatment changed. GS		31-11-17	
J	13-03-19	Vehicle access point changed to location of existing field gate. GS		1-250@A3	



North East Elevation scale 1-100



South East Elevation scale 1-100

Walls

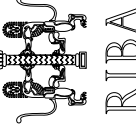
- Stone walls to be finished in sandstone, colour-pink/buff/grey in coursed random rubble pattern with joints pointed with a lime mortar.
- Timber clad walls to be finished in cedar boarding, with translucent external woodstain (retaining visual woodgrain), colour light grey/green.
- Lintels and sills in stone finished walls to be finished in cut stone with plain mouldings. Windows and doors elsewhere and in areas of weatherboarding to have aluminium cills and head profiles colour coded with windows/doors etc.

Windows, screens and doors

- Composite aluminium/timber units, colour- grey/green.

Roofs

- Roofs to be finished in natural slate, colour- grey/blue and finished with an artificial sandstone ridge and hip tiles. Eaves on stone clad areas to be finished flush with wall face with gutters supported on rise and fall brackets. Eaves elsewhere to project beyond the wall to form open spar feet in the cottage eaves style.
- Verges to stone gables to be finished with a small slate overhang and pointed onto a slate undercloak. Verges to North West gable where roof project beyond timber cladding finished with a timber bargeboard, stained to match boarding.

DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS COPYRIGHT©	revisions A 07-03-18 B 24-04-18 C 19-06-18 D 20-02-19 E 06-03-19 F 13-03-19	Changes to SE and NE elevations. GS Ridge level lowered, amendments to layout and fenestration. GS South East gable window reduced in size, North East elevation window increased in size. GS South East gable window reduce to two bays. GS Boundary Treatment amended. GS Vehicle entrance locate relocated to position of existing field gate- garage omitted. GS	G	04-04-19	Roof and wall notes amended. GS	Graham K Norman Architect CHARTERED PRACTICE UNIT 4 MERESIDE GREENBANK ROAD EDEN BUSINESS PARK PENRITH, CUMBRIA, CA11 9FB 01768 868274 mail@grahamknorman.co.uk www.grahamknorman.co.uk		AS PROPOSED NE+SE ELEVATIONS PROPOSED DWELLING SITE NORTH OF RIDGE VALLEY, BRAMPTON MR R ALLEN	07-11-17 date GS drawing file of scale 117-139-04 client 1 rev	1-100@A3



Existing View from the open green space adjacent

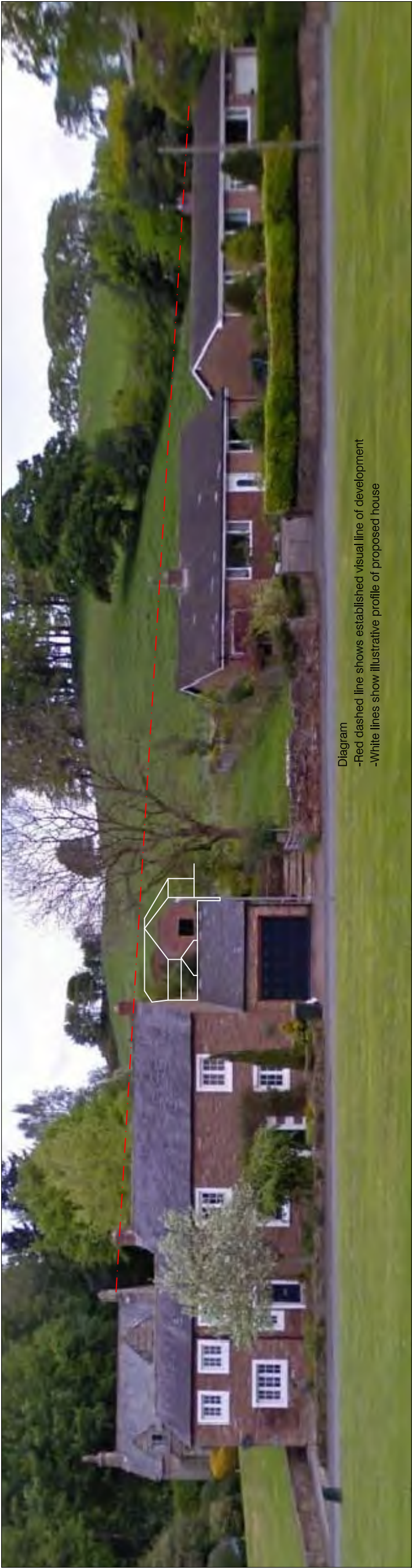
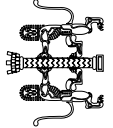


Diagram
-Red dashed line shows established visual line of development
-White lines show illustrative profile of proposed house

Proposed view from the open green space adjacent

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				117-139-07	
				A	



View looking across green space from the South East over the 2 bungalows (Braefoot and Shillah) view taken from google maps




View looking across green space from the South East over the 2 bungalows (Braefoot and Shilah) view now showing proposed dwelling view taken from google maps

revisions

Graham K Norman Architect
CHARTERED PRACTICE

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RIBA

AS PROPOSED
ADDITIONAL ILLUSTRATIVE VIEWS

PROPOSED DWELLING
SITE NORTH OF RIDGE VALLEY, BRAMPTON

MR R ALLEN

drawing title works client
date GS ur scale N/A @ A3
04-02-19
fig no.
rev.

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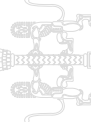
View from the open green space adjacent (In Summer, existing retained tree masks out the site and existing building behind)



View looking across to Mote Cottage from the open green space showing indicative profile of new dwelling



View looking across to Mote Cottage from the open green space

DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS COPYRIGHT©	revisions A 24-04-18 Illustration amended, GS	<div>Graham K Norman Architect CHARTERED PRACTICE UNIT 4 MERESIDE GREENBANK ROAD EDEN BUSINESS PARK PENRITH, CUMBRIA, CA11 9FB 01768 868274 mail@grahamknorman.co.uk www.grahamknorman.co.uk</div> <div> RIBA</div>	AS PROPOSED ADDITIONAL ILLUSTRATIVE VIEWS		28-01-19 date GS disc	N/A@A3 scale
			PROPOSED DWELLING SITE NORTH OF RIDGE VALLEY, BRAMPTON		117-139-08 dgn. no.	
			drawing title	words	client	rev

4. The application is in outline with all matters except the siting of the dwellings and the means of access to them being reserved for subsequent approval. The dwellings would have stepped floor levels to follow the contours of the site. They would be served by 2 new paired access points onto the existing track, where passing places would be provided. The application includes a small car park at the southern end of the site to enable visitors and walkers to make use of the footpaths in the area. The Appellant owns further land to the north east of the site. Subject to planning permission he is prepared to re-instate and extend the woodland on the upper part of the Ridge and improve the footpath system. A community woodland grant scheme agreed with the Forestry Commission is submitted in support of this commitment, and a draft unilateral obligation is also offered.

5. The statutory development plan for the area comprises the Cumbria and Lake District Joint Structure Plan as approved in 1987. Relevant to this case are; Policy H5 which states that new residential development should normally be concentrated in towns and other large settlements; Policy H7 which sets out the criteria for assessing new development and expects local plans to determine the scale appropriate to each settlement; Policy H8 which seeks to prevent housing development in the countryside except for agriculture and forestry workers; Policy C1 which seeks to prevent all development in the countryside unless it is essential to agriculture or forestry or provides important social or economic benefits; Policy C3 which safeguards areas of great landscape value; and Policy C21 which seeks to protect open spaces which contribute to the quality of the built environment. It seems to me that, so far as this case is concerned, the policies in the replacement Structure Plan, currently on deposit following the report on the examination in public, will effectively continue the thrust of established policy.

6. The Carlisle Rural Area Local Plan was close to adoption at the time of the hearing, and its contents should therefore be given appropriate weight in my decision. Proposal E3 presumes against development within areas of local landscape significance; Proposal E34 recognises the need to protect open spaces which contribute to the character of a settlement; Proposal H2 allows new housing development within the primary residential areas subject to satisfactory access and other safeguards for amenity; and Proposal H4 allows for housing development outside the primary residential areas subject to it meeting specific criteria.

7. Although the whole of the Brampton area is included within a wider Area of Great Landscape Value in the Structure Plan, the area to the north east of Brampton, including The Mote, Brampton Ridge and the appeal site, is specifically identified in the Local Plan as an area of local landscape significance. The Mote and its immediate environs is identified as a primary leisure area. The appeal site is not included in a primary residential area. The centre of

Brampton is designated as a Conservation Area, and although this excludes the appeal site, the Conservation Area extends up to the south western boundary of the appeal site to include The Mote and the dwellings adjoining the southern end of the appeal site. I therefore regard the effect of the appeal proposals on the character and appearance of the Brampton Conservation Area as a material consideration.

8. The Council considers that the appeal site is in a sensitive and prominent location in an area of special landscape significance, occupying the south facing slopes of a ridge which is a visually dominant landmark. It is concerned about the effect of the proposal on the views of The Mote from within the town, and upon the character and appearance of the Conservation Area. It takes the view that the combined weight of the relevant policies in the Structure and Local Plans is firmly against the appeal proposals. It does not consider that the re-instatement of the woodland or the extension of the public footpath system would justify the irreparable harm to the appearance of the countryside or the character of Brampton which would be the result of the appeal development. It argues that although some planting may be desirable, it is not necessary on such a large scale, and none of the land is disfigured or despoiled to the extent that otherwise inappropriate development could be justified.

9. The case for the appellant is that the appeal site is contained within the visual limits of the town, and that its sympathetic development would relate well to the scale and location of existing buildings. He considers that the scheme would not intrude into the open countryside, and would have little impact on the surrounding landscape. You argue that the development would not conflict with either Structure or Local Plan policies. You take the view that the landscape and footpath improvements offered would bring significant community benefits, as well as enhancing the view of Brampton Ridge from the town and the character and appearance of the Conservation Area. You point out that the planting scheme has the support and funding of the Forestry Commission, and would be carried out by the East Cumbria Countryside Project. Finally the appellant has offered to commit himself to the overall scheme by way of either a unilateral undertaking or a formal agreement with the Council.

10. The Parish Council, Friends of the Lake District, the local Civic Trust and the Brampton Action Group all add their support to the Council's decision. They point out that the site is outside the area allocated for development, and consider that the development would be visually intrusive in a particularly prominent and attractive landscape, as well as being seriously damaging to the character and appearance of the Conservation Area. Local residents also have fears that the development would result in loss of amenity and create a precedent for further fringe development.

11. It seems to me that the general thrust of established policy, both at local and national level, militates against the appeal proposal. I see no conflict in applying both Policies H5 and H7 to housing development at Brampton, they seem to me to be complimentary in their effect; clearly development is not to be concentrated at the expense of the character of such settlements. Nor can the need to concentrate development in the larger towns like Brampton be taken to override policies which seek to protect areas of special landscape value or important open spaces within or adjoining those towns. The housing policies are all qualified to respect environmental and amenity considerations. The appeal site is not within a primary residential area, and it does not, in my opinion, meet all the requirements of Proposal H4 of the Local Plan. I consider that it is appropriate to regard the appeal site as being outside the built up framework of Brampton, and therefore subject to assessment in relation to those policies which seek to protect the open countryside.

12. I consider that housing development on the appeal site would be conspicuously out of place against the very high quality of the landscape on the north east side of Brampton. The view of Brampton Ridge and The Mote is a prominent feature from extensive areas within and outside the town, and the erection of a row of houses up the hillside between them would be seriously damaging to these views. I consider also that this hillside provides an important setting for the Conservation Area, and should be protected as an important area of open space. The development would not be entirely screened by the tree planting scheme, which in any event would take a very long time to establish. You seek to draw a parallel between the appeal scheme and the development around Jock's Hill which was allowed on appeal, but I see no similarity. Jock's Hill is a much smaller and less prominent feature located within the built up area of the town, already surrounded by older residential development when the permission was granted.

13. I fully accept the need for the improvement and management of the woodland areas on Brampton Ridge, this is evident from the fact that the Forestry Commission is prepared to encourage and fund it, and from the activities of the Woodland Trust. Also I can appreciate local interest in improving the footpath system of the area, and the advantage of off-street parking space. However neither Forestry Commission funding nor the development of a new footpath system is conditional upon allowing new residential development to take place. Whilst I appreciate that these improvements would involve land in the appellant's ownership, and would need considerable involvement on his part, I do not consider that his cooperation justifies granting planning permission which would be in direct conflict with established planning policy, and so damaging to the character of both the Conservation Area and the countryside around Brampton.

14. I have considered all the other matters which have been raised in the written representations in this case, but none of them carry sufficient weight to override my conclusion that the appeal proposal should be resisted. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

R G HAGUE DiTP MRTPI
Inspector

SCHEDULE A: Applications with Recommendation

18/1044

Item No: 03

Date of Committee: 07/06/2019

Appn Ref No:
18/1044

Applicant:
Gladman Developments
Ltd

Parish:
Wetheral

Agent:

Ward:
Wetheral & Corby

Location: Land at Rookery Park (South of Alders Edge), Scotby, Carlisle CA4 8EH

Proposal: Erection Of Up To 90no. Dwellings, Public Open Space, Landscaping
And Sustainable Drainage System (SuDS) And Vehicular Access Point
From The Scotby To Wetheral Road (Outline)

Date of Receipt:
20/11/2018 16:01:01

Statutory Expiry Date
19/02/2019 16:01:01

26 Week Determination

REPORT

Case Officer: Christopher Hardman

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 The Layout, Scale, Appearance And Landscaping
- 2.3 Impact On Landscape
- 2.4 Whether The Proposal Would Adversely Affect The Amenity Of The
Occupiers Of Neighbouring Properties
- 2.5 Highway Issues And Accessibility
- 2.6 Flood Risk And Foul and Surface Water Drainage
- 2.7 Archaeology
- 2.8 Affordable Housing, Education and Recreation Provision
- 2.9 The Effect Of The Proposal On Nature Conservation Interests(trees and
hedgerows)
- 2.10 Other Matters

3. Application Details

The Site

- 3.1 This application relates to 5.41 hectares of an agricultural field on the edge of Scotby village. The northern boundary fronts onto the Scotby-Wetheral Road with the recently developer Alders Edge housing fronting the roadside. Residential properties adjoin the site to the west with part of the village green to the north-western corner of the site and a copse of trees to the south western corner. To the east are residential properties separating the site from Pow Maughan beck. To the south is a continuation of further agricultural field leading to a strong treelines/hedgerow boundary.
- 3.2 The land fronting the road to the north is relatively flat with a gentle slope downwards to the east. The land rises suddenly to the south part way through the site with just over 11metres difference between the lowest and highest points of the site.

The Proposal

- 3.3 This application is seeking outline planning permission including access for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from the unnamed Scotby to Wetheral road. Matters such as appearance, landscaping, layout and scale are reserved for a later application. An indicative layout of the site has been submitted which indicates that the housing development will form the northern part of the site. The net area to be developed is 2.72 hectares. The submitted layout is summarised in the Design & Access Statement which highlights:
- the scheme has been developed embracing the twelve Building For Life criteria developed by CABI and the HBF;
 - the site is located on the eastern edge of Scotby close to the centre of the village;
 - the development will provide for a broad mix of dwellings and house types offering a mix from first time homes to larger family homes with an average net density of 33dph;
 - Main areas of open space will be focused along the north western and southern areas of the site including footpaths, areas of amenity and meadow grassland and belts of native woodland planting;
 - An attenuation basin will be provided within the green infrastructure;
 - The illustrative masterplan provides an example of the detailed design stage setting out the key urban design principles that the development will seek to adopt;
 - A main street provides the primary route through the site ensuring connectivity to the village. There will be secondary streets and green lanes forming a hierarchy of streets;
 - There will be two key character areas to create a sense of place and legibility of the site, a main street and green frontage;
 - Landmark features and focal buildings will enhance the layout and increase legibility;
 - Detailed block and street layout will be arranged to comprise a series of attractive views and vistas;

- Traditional building materials will be used to reflect local reference examples and relate to local character.

3.4 In addition to the submitted plans, the application is accompanied by:

- an Archaeology and Built Heritage Assessment;
- an Arboricultural Assessment;
- a Design and Access Statement;
- a Landscape and Visual Assessment;
- an Ecological Assessment;
- a Flood Risk Assessment;
- a Foul Drainage Statement;
- a Landscape and Visual Impact Assessment;
- a Travel Plan;
- a Planning Statement;
- a Noise Report;
- An Air Quality Screening Report;
- a Statement of Community Involvement;
- a Socio-economic Sustainability Statement.

4. Summary of Representations

4.1 Notification of this application was sent to 54 Neighbouring properties along with the posting of a site notice and press notice. In response 195 letters of objection and a petition have been submitted raising the following points:

Contrary to the agreed local plan for development in Scotby

The plot in question has already been discarded as potential development land.

To call this a 'windfall' development is contrary to the concept. Windfall

developments are loosely defined as infill developments which do not impact the nature of the existing community.

90 properties in Scotby cannot be described as a windfall - it will dramatically change the nature of the centre of the village and infringes on the rural aspect of that part of the village

Scotby " village " does not require another 90 houses to be built. The school is oversubscribed with an accident waiting to happen with traffic & the pub is closed with no interest of application to take over.

Scotby is a rural village with green belt surrounding it - the approval of this application will not only spoil the landscape but will also open the floodgates for further applications in the surrounding fields.

There is no demand for 90 houses when they are building approx over 400 houses in a 3 mile radius (the old dairy site at botcherby, meadow brook at Durranhill, Scotby road and Wetheral)

Cannot feasibly see how this application can be justified. Scotby and the surrounding areas are already congested with traffic with works on Warwick road and the upgrade to businesses at Rosehill this situation will only get worse without the added pressure of potentially another 400 cars on the road.

The village already has plenty of new builds recently built and already planned. Some of which are still currently not sold and this has been the case for a few months.

A new build estate will spoil the wonderful views that are visible from the village green.

The school is already over subscribed and with new builds already being built in

Whether this will further over burden the school.

I am aware that this area of land has already been discarded as a suitable area of land for new builds. There are plans for a garden village to the south of the city and any other plans for new builds should be planned for there.

Scotby does not need any more new build estates.

This proposed development is planned on stunning unspoilt Cumbrian countryside, that forms the beautiful rural aspect of Scotby Village. The stunning view from the village green has been enjoyed by generations.

I cannot understand why when there are multiple brown field sites that have already been earmarked for development in and around Carlisle that it is necessary to look to destroy our beautiful countryside.

Carlisle is full of disused housing that needs brought back into use and with areas such as the Garden Village planned where are all of the people to fill these developments going to come from...

If we continue to endlessly develop the villages we will lose the character of rural Carlisle.

A practical issue is that the roads around the school are already dangerous at pick up and drop off times and an increase in residents will only exasperate this problem.

I see no need to destroy more rural land when there is an over-supply of housing in Carlisle. Villages can't be ruined, families who live there suffer, children / schools / parents are under more pressure and wildlife is destroyed

It will negatively impact on what is still a working, homely rural village. The centre of the village has but one, quite outstanding, clear view to the Pennines. The village has seen substantial growth necessary to keep the village viable. Much of the development has been 'in fill' and in many cases has been more than acceptable, indeed many builds have enhanced the general appearance of the village. Over the past few years it seems that developers see the village as a cash cow, to be milked to the point of destruction. This proposed development fails to meet any criteria as to need or local wishes. This development falls out with the 'local plan' and will probably negatively impact the proposed 'Garden Village' plans.

This development would irrevocably destroy the landscape view from the centre of Scotby village. It is the only open view from the heart of the village and has been enjoyed by generations. Its removal would rip the heart out of Scotby. The city planners discounted this site just four years ago. This opportunistic application is not in the council's well thought out five-year plan and is not required for housing need. Scotby already has a number of applications approved on brownfield sites which are due to be built fairly soon. Residents in the Park Road area of Scotby say they cannot cope with an expansion of the village school as the road is already so dangerous at drop off and pick up times. Residents say there have been a number of recent near accidents.

The site is in countryside which bats use for foraging and there is a red squirrel sign just a few yards from the proposed site, so on nature grounds it is also an unacceptable site.

Already overcrowded village, not enough schools and would spoil the green belt land/views which is not supposed to be built on. We are going to have no countryside left

This development would cause significant traffic and parking problems in the village. Scotby, together with neighbouring villages, is being subjected to excessive development by companies seeking to build high-end properties rather than affordable housing.

It would result in considerable loss of amenity (green space) for the village and increase the risks from more cars at a junction which is already busy. There is also no room for more children at the village school.

The site has been "discounted" for housing purposes in the Carlisle City Council Strategic Housing Land Availability Assessment because of its "unacceptable landscape impact". It also falls outside the council's District Local Plan 2015-2030.

The site on open countryside forms a much-loved village view, enjoyed by generations. It is the last open countryside view available from the village green and the centre of the village, giving the village its unique rural character. This would be lost forever.

The connection between the village green and the site is a green "lung" which is certainly an important community amenity and forms a pastoral landscape that deserves to be conserved.

Unlike the nearby Alders Edge estate this is not a brownfield site.

It is unnecessary over-development in a village with sufficient housing already earmarked. There is a lack of infrastructure to cope with what would be a major expansion of the housing footprint.

Residents are worried about the impact of extra traffic both at a busy junction nearby and in the already quite dangerous Park Road area by the village school which is overrun at peak times.

Scotby has grown way beyond its origins in recent years and is in danger of becoming a small town without the facilities to cope, which is why the council's considerate Local Plan ought to be adhered to.

The school is full to capacity

Traffic congestion (most families have 2 or more cars)

The local area medical facilities are also full to capacity.

The people that buy these houses are not village people, they do not support the church, the village hall, the shop or the pub which is now closed.

We want to remain a village..... our village is a pleasant at this moment in time and long may it remain so

Why don't these people build in their own area and leave our countryside alone.

We already have an incomplete building site which was also strongly objected to and ignored and still remains an eye sore plus another one in the pipeline which was objected to by residents and again ignored.

It's said it's affordable house housing.....no just profit

It is notable that Gladman documents keep making reference to national guidelines.

These are averages applied to the national delivery of housing stock and do not take account of local or regional demand. National averages are skewed by the demands of the South East and Midlands and as such the North West is not required to meet the national figure. Carlisle already has a significant unemployment problem largely I suspect as result of inadequate opportunity. Adding a further 93 (Gladman figure) to the pool would not enhance the local economy by £2.513 million (Gladman figure).

We frequently hear that Scotby primary school is already over-subscribed. The addition of potential pupils from the Meadowbrook estate (also part of Scotby) as well as the other planned developments in North and South Scotby only exacerbate the matter.

For Gladman to suggest that the school is within easy walking distance is derisory.

Yes for an adult it is, but for primary school children in today's society I regret not - though I would wish that they could safely walk to school.

It should be noted that comments received on the Gladman 'consultation' are singularly vehemently against; the City Council must take full account of local feeling on this proposal

This is an area of outstanding beauty in the village of Scotby. There are other developments in Scotby providing new housing

This application is from an organisation that is notorious for it's pursuance of windfall developments. They have no connection with the local community or a desire to enhance village facilities and amenities. Their sole purpose is for profit not benefit. Scotby and the surrounding area is already short of primary educational places and a development such as this, on top of planning permissions already granted, is merely going to exacerbate this acute shortage. Traffic through the centre of the village towards the A69 is already becoming a cause for concern and a development on this scale will only make this situation worse. The road from Scotby to Wetheral

onto which this development will feed is at a point where the road is narrow and already services the Alders Edge development along with traffic from Wetheral to Carlisle; this application will make this issue considerably worse. Outline permission for a substantial development has already been given at the west end of Scotby Road adjacent to Hillhead, which will also add to this problem. The parcel of land associated with this application has already been dismissed in the local housing development plan as being unnecessary. Therefore it begs the question as to what basis an application such as this should be granted, particularly in view of the proposed development at the Hillhead end of Scotby Road. Planning permissions currently granted in the Scotby area are already presumed to meet the immediate and future housing needs. It is also well documented that the Carlisle area is suffering from overdevelopment and that housing supply, now and in the near future, will exceed demand - along with killing the resale housing market. The proposed garden village, should it go ahead, will surely supply all Carlisle and districts new housing needs for the near future and at least retain the satellite village characteristic so typical of this area. Scotby is already extending such that it will, before long, be merely absorbed into the sprawling urbanisation of Carlisle and no longer be a village. Amenities within Scotby are barely adequate as it is, with only: a shop / post office,; a pub that is now closed; a primary school that is full; a well used village hall; a C of E church; a much reduced bus service and no medical or dentist practices. Will this proposed development improve this? - I very much doubt that it will. The parcel of land associated with this application sits very adjacent to the centre of the village and as such adds a stunning view and landscape to the village, enjoyed and appreciated by all villagers. Granting permission for this application will take this away forever and give no benefit in return. All references to a national housing shortage do not apply to this area or for that matter this county. Jobs are what this area / county needs and a planning application such as this is certainly not going to improve that need. The City Council and planning department ought to think long and hard at the level of housing that they are allowing in this area and ask themselves what benefit this is bringing; whether the current infrastructure can cope and where are the jobs that are going to support that growth. The majority of Carlisle residents, I am sure, are baffled as to the justification for this rate of growth I have seen and experienced first hand on Lambley Bank the extensive infilling of all of the spare areas of land. This small increase in house numbers has lead to noticeably increased traffic levels on the street.

It is blatantly obvious that the school and road infrastructure are already overcapacity.

I most strongly object to this application which will put excessive strain on the school, road network and diminish the character of the village.

The provision of 90 houses will have an unacceptable impact on the village. Little thought has been given to the mix of properties. Gladman has failed to commit in their Application Document as to the proposed mix of dwellings which is surprising. In addition this site has already been "discounted" for housing purposes in the Carlisle City Council Strategic Housing Land Availability Assessment because of its "unacceptable landscape impact". Further more the development falls outside District Local Plan 2015 -2030. It therefore contradicts the City Councils pre planning initiatives and therefore can see no reason why it should receive serious consideration?

I think that any development of this number of dwellings, should take into account the needs of the village and not that of the profits of the developer. The further provision of more 4/5 bed Executive homes, while perhaps producing the greater return for the developer fails to guarantee the sustainability and continuity of the village community.

Of paramount importance should be access to suitable schooling. I believe Scotby School cannot continue to be extended on such an add hoc basis, as the village housing stock is increased. I feel the County Council urgently needs to audit

available Primary School places in the area. Current and future development either planned or in the pipeline must be considered as a priority when determining the need for school places.

Too much effort is put into new housing, whilst ignoring the associated infrastructure required to support such a development. As a regular user of the Wetheral/Scotby Road the width of road where access to the new housing is anticipated, is far from adequate (see below). The recent addition of the 40 plus houses at Alders Edge has already resulted in the narrowing the road to accommodate a footpath, and the addition of parked cars on the road as overflow parking to the Alders Edge estate. I believe this presents additional pressures on the existing highway and increased safety concerns.

This 90 dwelling proposal is totally out of character and would be a blot on the landscape.

At this stage no consideration has been taken of real impact on the village and existing habitants views .

The impact of a further 90 dwellings could not be absorbed on an already stretched infrastructure, notably traffic volume and schooling

We do not need this project in our village because it's already under tremendous pressure with previous developments! The village can't cope with it either the school and the roads!

This would ruin our village completely!

One development hasn't even finished and another will start in the future! Enough is enough! No more new developments in Scotby! We will go as far as we can to stop this and any future plan!!!

I wish to object, in the strongest possible terms, to the proposed development of yet another green field site which would be lost forever from agricultural use.

I believe this site to be unsuitable for the following reasons:-

1.The access is from a busy road which has been narrowed by the recent Alders Edge development, and a further hazard is created by visitors to these new houses parking on the road.

2.Is there a demand for more houses in Scotby? The development on Scotby road appears to have halted, are these houses selling?

3.The school is oversubscribed already and the demand is likely to increase with the houses being built on Park Road/Scotby Road.

4.I am led to believe that the local medical services are also at capacity.

5. Where are all the people coming from to occupy the houses currently being built in the Carlisle area? Also where are the jobs?

6.Why has construction stopped at the Crindledyke estate, surely all the developments currently being built should be completed before any further planning applications are considered.

Why build more houses in Scotby

School is full

Traffic congestion

I want to remain a village

There are currently approx 150 houses planned in Scotby already

I understand there is plans for The Garden Village

Enough is enough

This application is a blatant attempt to frustrate the neighbourhood plan that is in the process of being developed by Wetheral Parish Council.

It should be also noted the land in question does NOT appear to be in any Council documents with respect to building up to 2030

I strongly object to this build. 90 houses is a significant number. That is potentially 360 people and another 180 children based on a perfect 2.4 family. It is also potentially another 180 cars.

The school is at capacity and will not cope with this. You would need to build a new school.

The road is a small B road. It would not cope with traffic lights and this amount of traffic. It is busy enough. And currently dangerous with people driving too fast down it already. It needs speed cameras and slowing structures to make it safe. It would not cope with an extra 180 cars. Full stop.

The village shop is beautiful and small and can't support this demand.

I was told there would be no further development on this land as it was a "garden village" and previous applications had been rejected. It will be a massive disruption to have a new build estate. If this happens it will devalue our property. If this goes ahead I want a payment from the developers to the value of my house. I will not be able to sell it at the same price.

There is not enough structural or personal support in the NHS to provide care for another 360 people. Surely you must read the papers. The NCUH trust requires improvement according to the CQC. How can we EVER improve when new builds and developments flood our capacity and demand, causing longer waits for the current population and delayed treatment. It's an impossible demand.

It's a small area for 90 houses. Yet, it's a beautiful part of the landscape in a village setting, that is important to our village.

There have been numerous proposals that have been approved in and around Scotby recently, which involve a disproportionate amount of new housing compared to the existing housing within Scotby village. These proposed additional houses at Rookery Park would not only destroy the view from the village green but would also put a further burden on an already over stretched village school.

With regard to safety, the C1038 road between Scotby and Wetheral is already quite dangerous, having already been made narrower to accommodate the new dwellings at Alders Edge, and their occupiers parking on the road. If Rookery Park were to be developed this would further compound the safety aspect, with more traffic turning onto this road. As a cyclist, since Alders Edge was completed, I have almost been knocked off my bike twice due to parked cars and impatient motorists.

Furthermore, with regard to the increased traffic, particularly at school times Park Road is already horrendous and I can only assume that it is a matter of time before a child is seriously injured.

I would also like you to consider the Scotby road exit onto the A69. This junction is a multi car pile up waiting to happen, and additional traffic resulting from the new dwellings to be built not just in Scotby, but also Wetheral who also use this junction, will only increase this risk.

In view of the proposed new garden village to the South of Carlisle, should these developments not be directed to that area.

I strongly object to the creeping development of housing around Scotby and other villages within the parish of Wetheral. In particular, the proposal of 90 dwellings is out of all proportion to the scale of the village, local facilities and housing needs, especially in view of the 10,000-house new garden village.

This development should be viewed as part of the overall development strategy for the area, with local requirements and views given priority. It must be considered unnecessary and undesirable.

All planning applications have to be determined in accordance with the Development Plan Under this Local Plan this land at the centre of the village has been discarded from the plan for very specific reasons. If this Development is passed what's the point of having a Local Plan 2015-2030 which has been formulated, if it is then ignored.

I object in principle to the proposed development at Rookery Park.

A major concern I have is the adverse impact this development would have on the very essence of the village of Scotby. A major community asset is the stunning open view from the heart of the village looking out towards the south east fells. This lovely view is often remarked on by visitors to Scotby and instils a feeling of well-being amongst the community. Any development on this site would destroy irrevocably the sense of Scotby being a village.

Indeed, the area in question was identified as offering important and significant views out of the village in the City Planners Scotby Appraisal plan in January 1983. This planning document is now defunct but the issue remains valid with the local plan for Scotby in 2015 where the City Planners state that this site should be discounted for development because of its "unacceptable landscape impact". Any development of this scale is inappropriate for a village of this size. It is double the size of Alders Edge, the largest single development in Scotby to date. There are already a number of approvals for significant housing developments elsewhere in Scotby that have either not been started or have slowed down for whatever reason. In any event Scotby's contribution to meeting future housing needs exceeds that which should reasonably be demanded from a village of this size. Clearly this proposal would have a detrimental effect on the character of the village. Scotby School is at capacity and over the years has expanded to meet growth in pupil numbers. It seems unlikely that the school can expand any further. The Wetheral to Scotby road does not offer a suitable access for this site. The carriageway fronting this proposed development was narrowed to allow for a footway when the Alders Edge development took place. At that time in response to members raising road safety concerns the view offered by the developer to the planning committee was that vehicles would not park on the carriageway. This assertion has been proven to be incorrect. Vehicles are frequently parked during the day and overnight causing difficulties for normal traffic flow. Traffic flows off the proposed development would exacerbate this situation. Please also note that horses, cyclists and walkers frequently exercise on this route. Please note that land drainage is a definite issue on this site. When Alders Edge was built I commented to the site supervisor that I was surprised that the house foundations were frequently under water. He advised me not to worry because the vapour barrier would prevent any damp problems arising from standing water under occupied houses. The developers report does recognise that infiltration based drainage is unsuitable for this site and to my knowledge the mains drainage infrastructure will not cope with the additional burden of run off from this site. A further concern I have is regarding the legal status of the play park and trim trail in the proposed public open space to the south side of the proposed development. The layout of the secondary roads terminating at this public open space appears to me to lend themselves to offering mission creep. By this I mean that once this development is complete and a few years pass could there be an application to develop additional housing on this open space? The legal status of the proposed public open space needs to be made clear.

In conclusion I reiterate my objection in principle to any form of development on this land because of its importance to the well being of the whole community.

I object to this application for a number of reasons.

1. The proposed site has been considered and discounted due to its "Unacceptable landscape impact" by the City Planners when preparing the Local Plan for Scotby.
2. The proposal is far too large and high density for the local area.
3. The development would have a detrimental effect on the character of Scotby.
4. The proposed access to the existing road is unsuitable due to lack of appropriate sight lines, particularly considering the anticipated volume of traffic.
5. There is insufficient capacity in the local school which is over subscribed and already has access difficulties at drop off and pickup times. The walking route to the school is unsuitable for smaller children due to the number and type of crossings.
6. The Drainage Report highlights the lack of capacity in the existing system for this development.

We strongly object to the building of 90 new homes.

The Scotby to Wetheral road cannot support the amount of cars and delivery vans that would increase significantly, this could be potentially another 180 cars on these village roads.

This road is already very dangerous with speeding motorists throughout the day and

night.

Local children will be unable to walk to school safely. The school road is already severely congested, with increased traffic this is just an accident waiting to happen. Scotby will cease to be a village, it will merely be part of Carlisle, the community feel will be lost completely.

This development will have a detrimental effect on the local wildlife, bats are a common sight at dusk, foxes, owls, pheasants and squirrels have been sighted, also the rare Yellowhammer.

Scotby does not need this development

Scotby has absorbed a higher proportion of new housing in recent years than most villages near here. The centre still retains the feel of a traditional Cumbrian village. The proposed addition of 90 houses would spoil the view from that centre and the approach to the village from Wetheral. There is no evidence of need for additional housing development in the Carlisle City Council area. The population is increasing by, at most, 300 a year and the Office for National Statistics projects no overall increase in the coming decade. Yet more than 500 houses - a record high - are being built each year, causing the second-hand housing market to stagnate. This figure is well in excess of the Government guidelines. Instead of continually expanding existing villages it would make more sense to create a new model village close to Carlisle Airport which is a flat area above the flood plain well served by public transport. It could provide, say, 1,500 houses over 10 years and satisfy the desire of people to live in the country without spoiling the feel of existing villages. Developers could be required to create a cycleway to Carlisle and provide a school and other village facilities. Village schools like Scotby's are full to capacity as a result of the new houses built over recent decades. The Council and Government need to appreciate that Cumbria with its static population is very different from growing population of the South and South-East of England. The number of jobs is not rising and may well fall. The Moorside Nuclear Power Station looks unlikely to materialize and anyway that would be 45 miles from Carlisle. This was the sole significant growth of employment to which Carlisle City Council's consultants could point to justify the creation of St. Cuthbert's garden village. Please reject this application which has no merit but much to displease.

Developers try and impose unnecessary housing in areas which do not require more homes, where the character of the area would be altered and where every local school is oversubscribed.

The policy of reusing brownfield sites should be upheld because then they can rejuvenate an area instead of over populating small communities.

Scotby is a nice village. That has been changing recently with all these new builds getting accepted. So you not think there has been enough new builds to happen in one area.

A quarter of the people who live in Scotby have that field as their view from there house. Which is beautiful and you can see for miles. How ugly things could change. Where are all these family's kids going to go which school?? Scotby is already really over loaded. 44 children taken in last year. And loads disappointed. I really highly think Scotby has had enough of this. Time to build somewhere else. Houses are not selling. The housing market is destroyed. Too many new builds.

I object to this proposal on the following grounds:

1) it will have an adverse impact on the visual amenity of the adjacent areas of Scotby village centre and village green. Building in this location cannot be screened from the village green which is at a higher level looking down onto it. The open views from the centre over this land taking in the farmland beyond and the distant hills are a significant feature defining the rural character of the village.

2) The land in question is low lying and poorly drained wet meadowland which is a habitat of a type that is locally and nationally scarce, and likely to have significant wildlife value. Its development would represent a potential loss to the wildlife and ecology of the area. Has any investigation of the existing wildlife and ecology been

carried out by the applicant?

3) This site is reported to have archaeological significance. Has any investigation of this been carried out by the applicant?

We do not want any more housing project in our village! Already overcrowded!

The school and the road can't cope with more people and cars!

We don't want to live in a town!!!

We would like our village preserved as a village and to be a privilege to live here!

Don't let to ruin our village!!!

Our answer is no no no to this project!!!!!!!

The provision of an additional 90 homes (on top of permissions already granted for Scotby) will have an unacceptable impact on the village by seriously damaging its rural character with the incursion of the development into the countryside.

As a regular user of the Scotby Wetheral road, the width of the road where the access to the development is anticipated is completely unsuitable. Increased traffic, many more pedestrians will be walking along an already overused road where two wide width vehicles are unable to pass without one mounting the pavement and where overflow parking from Alders Edge regularly causes obstructions to road users and pedestrians. Its an accident waiting to happen.

The amenities and infrastructure within the village are both limited and stretched to capacity. There is little evidence that the Gladman proposal will address issues such as the school that is already oversubscribed, the roads heavily overused and the drainage in the village is at full capacity.

This site has already been "discarded" for housing purposes in the Carlisle City Council "Strategic Housing Land Availability Assessment" because of its unacceptable "Landscape Impact". Furthermore, the proposal falls outside the District Local Plan 2015-2030.

It appears very evident to me that this planning application by Gladman Land who are notorious in its pursuance of so called "windfall" developments are prepared to ride roughshod over the Carlisle Local City Planning to force this application through at all costs.

I most strongly object to this planning application being approved and sincerely hope Carlisle City Council will reject this opportunistic threat which would seriously damage Scotby Village

I'm at a loss with this application when your plan for the St Cuthberts garden village is, as I understand it the way forward for increased housing with a matched infrastructure to meet said village . Surely the council would want this to be their primary plan especially as funding has been sort from central Government with regard to the southern link road which dovetails with the proposed new garden village and not dilute this plan any further.

Scotby village is already at "busting point" and traffic congestion furthermore this application makes no reference to how public transport, local amenities and schooling will be addressed with yet another 270 plus persons in what is already an overcrowded village. I also note that there is no reference to the type of housing planned, is it to be affordable for the masses or executive 4 /5 bedroom homes that the majority can not afford! I fail to see any benefits for any residents within Scotby other than the landowners and the land promoters.

Also we still have plenty of "brownfield areas" which can be built on, so again I fail to see the logic of this application.

I strongly object on these grounds:

1 The truly beautiful view from the centre of Scotby Village across to the fells would be spoilt and the character of the village changed for the worse.

2 The development of these houses is not required as sufficient new housing is already planned for by the Council.

3. My property has been blighted by major construction projects for more than 3 years since Story Homes began work on the Alders Edge development. This was then followed by United Utilities' still ongoing works. The residents of this part of

Scotby deserve some respite from this kind of disruption.

I strongly object to the proposed development. The primary reason is that this is agricultural land and forms a key part of the rural aspect of the village. Despite the fact that this site has already been "discarded" for housing purposes in the Carlisle City Council "Strategic Housing Land Availability Assessment" because of its unacceptable "Landscape Impact. Gladman insists on trying to push their application for planning through. Furthermore, I believe the proposal falls outside the District Local Plan 2015-2030.

Those of us who choose to live in this area do so precisely because of that rural aspect and if this land were to be given up for housing, where would these developers look to next?

There are, however, several other key reasons to block planning for this development. The pressure on the local roads would be totally unacceptable. They were never designed to accommodate the massive amount of additional traffic 90 houses would create, let alone what it would do to local drainage, which is already under strain.

Notwithstanding the financial concession that will apparently be offered to Schools and Doctors in the Parish to compensate them for the additional pressures that Gladman acknowledge this development would bring, both these local facilities are already over capacity and the idea that this would offer Scotby anything extra is ludicrous. Surely the greed of one or two farmers or their families and this development company cannot be allowed to totally ruin our way of life? Once one development is passed on agricultural land, others will follow as the precedent will have been set. This is a VILLAGE, not a new 'garden town' and the people that choose to live here do so because of that fact and the way of life it offers.

Surely the massive development 'Meadowbrook' just up the road with more than double the number of houses, will already be putting additional strain on the above mentioned facilities and roads, as I believe it falls within the Scotby parish? This is in addition to the recently built housing estate 'Alder's Edge' in the village centre and those now currently in build on pockets of land in and around the village.

What possible excuse can these developers have to deliberately ruin this section of rural landscape? How many empty houses are there already in Carlisle and districts? They cannot use the need for housing as a feasible reason - where would these people work; is there a massive demand for additional housing in this area that cannot be met by those already under construction? Also, if every house had 2 or more vehicles, which is quite likely, the additional pollution and congestion on the small village roads would be damaging to the environment and the villages residents and children.

This development will NOT 'benefit' the village of Scotby, but ruin it.

This housing development is outside the 'local plan'. That alone should be enough to stop it, but there are many other reasons. The are that they are proposing to build 90 houses is a beautiful part of Scotby. There is even a bench on the green that faces that part of the village for people to admire the view. Scotby has had three new housing developments recently so the village has played its part in making sure new houses are built. Why another one? The local school is over-subscribed and the roads around Scotby are very narrow. 90 more houses and families will be too much for the infrastructure of Scotby to handle.

I object to this planning application on three counts

- increased risk of flooding to existing properties;
- pressure on existing schools and medical services locally: and
- destroying a beautiful view and integral part of Scotby.

During the last floods in 2015, the Pow Maughan stream rose to the very top of its banks, threatening to flood the Pow Maughan Court development, where I live. The stream, surface water and water coming up through the drains are all of concern. The existing run offs from up-stream and the newer Alderley Edge housing, have already increased the threat to the housing in the Pow Maughan Court development

which lies at the bottom of the hill/immediately across the stream from the area of proposed development, and further building could only add to this. These risks have already been highlighted in the planning application and water reports for Alderley Edge homes, and it would be a dereliction of duty for the Council to add to this now. Whatever developers install by way of water absorption areas, they cannot stop individuals subsequently paving their land, which would only put existing homes at greater risk of floods. I do not think it reasonable for the Council to put existing home owners at risk.

Local resources: the local primary school is already very full, with no room to expand - except upwards.... and the housing developers offer to add a play area! Not what I think as the essential for 90 new homes.

Scotby is an ancient village, currently with a fantastic view across to the fells from the centre of the village. The proposed housing will destroy this essential and important element of the village,. The development for housing is not within the existing plans for development in the Carlisle area and such 'nibbling away' of the environment, is neither necessary nor in the interests of Carlisle residents as a whole.

I object to this application due to the possibility of the danger of flooding with the extra water draining into the beck from yet another development during the floods of 2015 the property's at pow maughan court came within a few inches of being flooded and another episode of heavy rain plus run of into the beck from another development could well tip the balance and city council should not gamble against this happening.

The primary school in scotby is full the local surgery is overloaded.

The road is narrow where the entrance is proposed the site is one of the few green areas in the village not already developed the applicants are offering to provide a children's playground as a benefit there is a great playground in scotby village there is not a housing shortage in the area and this development will not be a positive benefit to anybody other than the landowner and developers

I very strongly OBJECT to loss of amenity in Scotby Village by this application.

The proposal would have significant adverse impact upon the open landscape in regard to the scale, form, function and character of Scotby Village.

There is no exceptional special need for dwellings in this location; or other particular circumstances justifying such a departure from the local plan.

All planning applications have to be determined in accordance with the Development Plan. As part of the examination process for the Development Plan proposed housing sites were assessed by following a Strategic Housing Land Availability Assessment (SHLAA) process, alongside an assessment of alternative sites and in regard to Sustainability Appraisal principles.

It is noted that no additional housing allocation sites were included by the Inspector conducting the Local Plan examination.

This proposal site SC14 Land at Towhead Farm (which Gladman Land have chosen to name Rookery Park) was discarded, with the comment "The landscape impact of development here would be unacceptable.

The site is therefore not considered suitable for development. This site is so prominent that it would be highly unlikely that a design could be put forward that would reduce its impact to acceptable levels.

Also, despite its close proximity to Scotby, the site is in an area that has a distinctly rural, and out-of-village feel that further renders it unsuitable for development."

No change in SHLAA status.

Under our Local Plan this land at the centre of the village (SC14) has been discarded for very specific reasons as stated in the SHLAA 2014 Consultation Responses.

To diverge from the Local Plan strategy without adequate justification would be to undermine its aims.

The proposal is contrary to and would prejudice the deliverability of the policies

contained in the Carlisle District Local Plan 2015-2030 (the Local Plan was adopted in November 2016).

Local Plan Policy HO1 Housing Strategy and Delivery.

It can be demonstrated that there is a supply of specific deliverable sites sufficient to provide a five year housing land supply within Scotby Village and the Parish.

This proposal should be thrown out as the land does not come under HO1 and it can neither be considered as a windfall site.

Local Plan Policy HO2 Windfall Housing Development.

"the development must NOT prejudice the delivery of the spatial strategy of the Local Plan and

Sect 3/and does not lead to an unacceptable intrusion into the open countryside.

Sect 5.16/ and do not adversely impact on wider views into or out of a village.

Local people should have the sole say in any plans for their area, not an unconnected business whose prime objective is to make money without any consideration for the community.

The proposed development is outside the development envelope and there are developable sites within the envelope. Also the development will change the character of the village and destroy the open aspects which frame it.

Often use the walks that are in and around the village, taking in the spectacular views across the fields. I have already seen several houses and estates going up in Scotby without objection. When will it stop ? I object to our villages becoming towns and ruining the countryside. The roads in the area are already congested with no proper footpaths, which makes it difficult for ramblers when we have to walk in the road between Scotby and Wetheral. This field in question has migrating birds like Housemartins feeding and nesting on the houses around it. Their numbers are already in decline. Has any of the above been taken into consideration. I doubt it. Councillors please think what you are doing to YOUR environment and safety of ramblers before committing to approving what will be a disastrous consequence of your actions. When its gone it's gone forever.

There is already significant development in and around Carlisle including the St Cuthbert's Garden village. There is surely no justification for additional building on the scale proposed in Scotby, or for that matter elsewhere in the area.

The site is a very valuable and treasured visual amenity of the village of Scotby with stunning views across the fields with the Pennine range in the background. There is a long standing bench set up on the village green specifically to enable people, visitors and locals, to enjoy the beautiful view. The development would permanently destroy this important feature of the village.

The local school is already stretched to take on new pupils and the development would increase demand further.

Scotby and Park Road in particular, where the school is located, is used as a route in and out of Carlisle. I have serious concerns about the negative road safety consequences of increasing the size of the village by such a scale.

I can think of no positive aspect of this proposal, other than financial - for the landowners and developer - but there are significant negative consequences for the residents of the village and those who pass through on a regular or one off basis.

The land is simply not suitable for development of any kind now or in future.

The site has been rejected by Carlisle City Council 'Strategic Housing Land Availability Assessment' owing to it's unacceptable 'Landscape Impact' furthermore it falls outside the District Local Plan.

The proposal will have a detrimental impact on village character of Scotby.

The proposed access road will be unsuitable considering the anticipated increase in the volume of traffic and lack of appropriate sight lines.

There is insufficient capacity at the local school and the school has significant access difficulties on the roads surrounding it.

This development will increase this traffic problem.

The drainage system has a lack of capacity for more housing development.

If this proposal is passed what was the point of the City Council developing and passing a Local Plan 2015-2030. It was a waste of public money and a pointless exercise if they now support the proposed plan by Gladman Developments. The views over to the mountains are breathtaking on any clear morning whatever time of year, and would clearly be compromised by a new housing estate being built. I believe that the proposed building area has already been dismissed once before, so why would anyone revisit that land when this is common knowledge?

As for schooling the extra children who would presumably live in such a development (Could we safely assume two to every household which would make a total of 180) where would they continue their education? Not in Scotby that is for sure, so that would mean Carlisle, or possibly Brampton.

How disruptive would all the extra buses passing through the Village be.

How dangerous would it be having all those children walking about on the roads in the summer, never mind the Winter.

There are inappropriately 900 empty homes in Carlisle so why try to erect estates wherever they can for nothing more than financial gain?

The proposed siting of the development is particularly ill-considered: it is on a greenfield site used by many villagers and tourists for recreation and walking dogs. Building here would both diminish the striking view into the centre of the village and from the village over the fields. The development would be prominent from most angles within the village centre and would certainly change the tranquil nature of this historic village.

Whilst walking my dog on the proposed development site, I frequently encounter rabbits, deer, pheasant, owls and bats. Surely maintaining this natural habitat should take preference over the commercial gain of this notorious developer.

I am a frequent visitor to Scotby and often ramble around the many footpaths and lanes looking across the fells. It would be a shame if the council planners ignored the objections and allowed a developer to ruin the area to line his pockets.

Apart from this I'd like the planners to look at the speech given by Sir David Attenborough

The developer seeks to desecrate the character at the heart of Scotby. This site provides an unspoilt open window to the wonderful rural view across to the Pennines. It has already been discounted as a potential development site in 2014 because of the detrimental impact it would have on the character of the village. Why would it be reconsidered now?

Once lost, it can never be regained.

Scotby already has more than its fair share of new development with another 2 sites earmarked in the local housing plan: Broomfallen Road with a proposal for 28 and Hillhead with 40. Dixon Homes already have 19 houses in the first phase and have sold only 4 to date. The second phase will add another 23 properties. Meadowbrook, next door to Scotby and within the parish boundary will provide a further 198 homes. The pressure on an already oversubscribed school is unimaginable without even taking into account the nightmare that Park road is at school times.

Carlisle has almost 1,000 empty homes according to the latest figures provided by the city council, but housing chiefs claim they are mounting a "strong response" to the crisis.

I'd be interested in hearing about this "strong response" and why it hasn't negated the need to desecrate a village to line the pockets of rapacious developers.

A site has already been earmarked to the South of Carlisle to provide homes for another 10,000. If the reality of this is pie in the sky then why not simply reduce the size to a capacity which is actually needed in this city?

My understanding that this "garden" village was meant to reduce the pressure on villages of becoming overdeveloped?

Surely the planners of CCC are not so myopic that they're unable to see that to give a go ahead on this development would make a mockery of their credulity.

Not only would this be an eyesore to the village, but a completely unnecessary build.

The village does not require this amount of new housing. It would seriously affect the school, the roads, and the quality of life for those currently living within the village. No planning permission should be given until a full archaeological survey is undertaken. Plus this is next to an important Quaker burial ground. In addition there are plenty of other houses being built in the immediate area. Surely by the time the houses on Cumwhinton Road, Garlands estate and addition to Barley Edge are complete and fully occupied the new Saint Cuthbert garden village will be starting. Also there is Portland Place ripe for conversion to housing stock, plus the numerous houses for sale in Carlisle. We do not need another ninety at scotby

Too much housing would spoil the character of the village! Already too many new houses built in Scotby and the village can't cope with it!

If it continues soon it will be a suburb of Carlisle!

Don't let this happen!

Our village is growing at a rapid and uncontrollable rate. In fact it is on the verge of completely losing the village feel, atmosphere and beauty that the people living here moved here for.

We are losing our countryside views, wildlife & community spirit. Lambley Bank alone has almost doubled in the amount of houses in the past 6 years!

Scotby is a village in itself NOT an extension of Carlisle, Wetheral or Cumwinton!

We have already had major estates built in our village - enough is enough!!!!

The proposed development is unnecessary and will ruin the village feel of scotby. I have witnessed the increase in traffic and congestion on and around the roads in the village. The local school is heavily oversubscribed. There are houses which remain unsold in a nearby much smaller new build development.

In addition to this, the beautiful view across to the northern Pennines is at risk of being ruined forever.

Common land is not for building on - its belongs to the villagers of scotby.

There is enough brown field sites to be built on before wasting good land

Access and egress to the proposed site is on to a "country Lane" which does not have capacity to carry more traffic generated by 90 new households. Additionally the local school is already oversubscribed and does not have capacity to expand and accommodate additional children. Furthermore there is already extensive new building work ongoing in the neighbourhood and demand for further development is questionable.

This development will completely change the nature of the village as well as take away a valued green space and much admired view. The village has been subjected to extensive disruption recently and this development would lead to so much more. I would ask the relevant bodies to reconsider and reject this proposal

This large development will be sited in the only open space left which gives views to the open countryside and hills of the NorthPennines. Once lost it can never be regained. The local school is already full and the road through the village is already very busy and narrow. We and my neighbours have to park on the road as we have no driveway and it is like a bottle neck with wing mirrors having been broken off in the past. Parking is already at capacity during church and village hall times. There will be no benefit to the village in any capacity except perhaps a very small increase for the village shop. This one very small benefit is heavily outweighed by the many negatives.

If extra housing is needed surely this can be accommodated by the proposed Garden Village development which will cater for thousands.

This is not infill or brown field housing, please do not allow it to go ahead

Due to the poor infrastructure including school, accessibility, current road infrastructure, it should not be allowed.

We should protect the remaining land of the village as many of the residents moved to scotby for a peaceful living, good accessibility and schooling moreover the scenic beauty. It is the legitimate expectation of every resident of this village.

I would like to express my strong objection for a number of reasons

Housing

The population of Carlisle & District has only increased by 6452 people since 2001 (101,940 in 2001 & an estimated 108,400 in 2010).

This works out at 370 people per year on average.

At present there are over 20 housing projects being built around Carlisle City.

These account for thousands of houses, some of which have been built Clover Fields 800+; Kingmoor 1000+; The Coppice Estate 189; Durranhill extension 19; to name but four totalling over 2000.

There are proposals for 480 houses between Wigton Road & Orton Road, 81 in North Scotby,

As the average household contains 2.5 persons this would require the population to increase by 2500 per 1000 houses built.

All these projects, existing or proposed are well over 3000 houses which would require a population growth of 7000 to 10,000 in the next few years.

There is no precedent for this as the population has only grown by 900 since the 2011 census.

Traffic & Transport

At present traffic flows through Scotby are extremely high.

Many residents of Wetheral & Cumwhinton, who commute to Carlisle drive through Scotby to avoid 11 sets of traffic lights on the London Road axis.

By driving through Scotby & using the Park Road "rat run" they can emerge on Warwick Road via Botcherby & have only 4 sets of lights to encounter.

More houses mean more traffic along a narrow road where the local Primary School is located.

This proposal would add up to an additional 180 vehicles.

The proposed estate would have its access on the North side adjacent to Alder's Edge.

This road is too narrow as it stands & roadside parked vehicles already inhibit traffic flows along the Wetheral road axis.

Flood & Drainage

The proposed estate of 90 houses would be located on rising ground which slopes down to the Wetheral road which is very low lying at this point.

The green field as it stands can easily absorb current rainfall but the vastly increased runoff from such a large development would greatly increase the threat of flooding to the houses in the lower part of Alder's Edge.

A major item of national news on the BBC outlined the greatly increased levels of rainfall facilitated by higher global temperatures.

There is no way of knowing if the proposed "water basins" will be able to contain this.

The much vaunted Carlisle flood defences constructed after the first major floods of this century proved to be totally inadequate for the second inundation.

Education

At present Scotby Junior & Infant School has a capacity of 266 pupils & has an actual total of 270.

It has been operating at well over this for years.

At present it has 270 on roll but in 2012 it had 279.

At present there are 480 children aged 0-17 years old in the village but significantly 314 of these are 0-9 years old.

Gladman Land's vague promise of "some financial assistance where needed" does not even begin to address this.

A major development of 90 houses can only greatly increase pressure on the school.

The present population of the village is an estimated 2371 & the 480 children aged 0-17 years old constitute approximately 20% of this.

By the same proportions 90 houses would produce 225 people with 45 being between the ages of 0-17 years old 30 of which would be in the 0-9 age group.

The school could not possibly cope with this & the result would be overlarge classes in overcrowded conditions, much to the detriment of every child within the school.

Urban Sprawl

Housing development in rural villages can have many effects, some positive & some negative.

In the case of Scotby, large scale developments would merely lead to it becoming an outer suburb of Carlisle & losing its character.

It lies far too close to the existing city boundary.

The housing developments at the Garlands & Durranhill are pushing the boundary ever closer to the M6 & to the village of Scotby itself.

So much so that the new 'Meadowbrook' estate has come under the Parish Ward. It was always planning policy to try & avoid this scenario until regulations became more "relaxed".

The character of the Village

The Carlisle District Masterplanning document of January 2013 has the following to say about Scotby

"The architectural character of the ancient core is strong & fairly cohesive."

This has been largely maintained as the more recent Alder's Edge is tucked away behind Scotby Steadings & trees.

However the proposed development of "Rookery Park" would totally destroy this character as it is on rising ground & would totally overshadow this ancient core to the detriment of the settlement

Scotby is very much a linear village in 3 parts.

The core within the railway lines, the South along Broomfallen Road & the North along Scotby Road & Park Road.

Historically suburbanisation has occurred largely to the North leaving the core & the South largely intact.

This proposal would totally destroy this well managed policy.

Consequently, I do hope you will reject this housing proposal on the grounds laid out above.

I strongly object to these plans. The erecting of so many new houses in this small village would entirely ruin its rural, peaceful character. It would also destroy this green field site as is not in keeping with the surrounding landscape. Also there is no demand or need for such housing development in this village.

The surrounding country lanes are also inadequate for the increase in traffic that would ensue which in turn would cause health and safety issues, not to mention the noise pollution.

Unacceptable landscape impact as highlighted by Local Planners as per Local Plan for Scotby.

Increase in volume of traffic to existing road and proposed site entrance. Historically most 3 bedroomed houses now have 2 cars per property. A vast increase in traffic through the village, in particular Park Road where the road is narrow, houses the school and already difficult at certain times of day.

This site sits outside the local district plan and has already been rejected by Carlisle City Council with the comment "The landscape impact of a development here would be unacceptable"

Scotby has already been subjected to substantial development with approval already gained for even more houses still yet to be built, the addition of a further 90 houses would have a considerable impact on the scale and character of the village.

The school is already bursting at the seams and the traffic congestion a nightmare during the start and finishing times of the school. A development of this size would only add to this congestion and have a detrimental impact on the village and the life of its residents.

This development does not fall within the local plan policy HO1 Windfall Housing Development.

Page 98 of the plan states " the development must not prejudice the delivery of the

spatial strategy of the local plan and sec3/ does not lead to an unacceptable intrusion into the open countryside.

Sec 5.16 and does not adversely impact on the wider views into or out of a village. This development should be refused to preserve the character of Scotby as a village and not set a precedence for even further development turning a beautiful village into a full blown town.

The Council has already confirmed at August 2018 that it can demonstrate a 5 year housing land supply and has also recently won Government support to go ahead with a "garden village" development of 10,000 houses only 10 minutes or so from Scotby.

This suggests that there are ample opportunities to meet identified needs without requiring Scotby to accommodate further significant development amounting to 100% more than that allocated to it in the Local Plan.

Such a development would have an unacceptable impacts on the landscape character and settlement character, including the setting of Scotby and clearly conflict with relevant local plans as mentioned previously

There is enough houses being built in the area plus the number of properties for sale we don't need any more

The proposed site further detracts from Scotby feeling like a village. The school facilities (parking) are already ridiculous and this would further compound the problem. There are already other sites with planning in Scotby and adding to this is unnecessary.

There are other site is scotby that cannot sell the houses. It would make no sense starting another site. Also school parking is bad enough as it is, with more vehicles it would become a nightmare to park

The village of Scotby has already seen new development of around 100 dwellings in recent years, which certainly fulfills any requirements under the Carlisle Local Plan 2015. A further development of over 90 homes would nearly double that.

The location of this proposed development has already been 'discarded' by Carlisle City Council in the Local Plan preparation process when the Strategic Housing Land Availability Assessment found it would have "unacceptable landscape impact". So why is it being considered again?

A development of this scale in such a small rural community is going to have a severe impact in terms of extra traffic, pollution and congestion, and will completely change the character of the village. It is unfair to impose this on the existing residents for the financial gain of property developers and should not be given planning permission under any circumstances.

Scotby village was and has been a "typical English village" and the proposed development would transform Scotby village in to a not so glorious housing estate. Over the years development in Scotby has been intense , made by vandals, or by their other name, "developers" ,who have no interest other than making money at the expense of our village. When I hear developers saying " its all in the name of progress" and "its all for the benefit of the village" I could scream at the their arrogance.

I don't normally spend my time objecting but feel this is a huge step too far !!!!

Surely the fact that application has already been rejected by Carlisle City Council with the comment "The landscape impact of a development here would be unacceptable" should mean this proposed development would not go ahead?

The stunning view from the village centre across the fields to the fells beyond will be lost forever.

This land has been considered previously for development and discarded because of its unacceptable landscape impact. Furthermore, the proposal falls outside the District Local Plan.

This land is home to many forms of wildlife and there has been a huge shift, I think among people in general about the concern there should be about natural habitats. The effect that speculative developers and builders are having on the natural world

is profound and having a great damaging effect.

Carlisle City Planners must oppose this development and stop the loss of this natural beauty once and for all.

- The proposal to construct up to 90 dwellings will overlook multiple properties; this will lead to a loss of privacy and will certainly impact on the peaceful enjoyment of many Scotby residents, homes and gardens.
- The building proposal will be visually overbearing. It is an inappropriate design for this part of the village, and is unacceptable intrusion into the open countryside.
- Such a large construction proposal would be totally out of keeping with the neighbouring properties, which are mainly smaller cottage style houses, private detached dwellings single story buildings.
- The parking proposal indicates just one place per property which is significantly less than modern households require and doesn't allow for visitor parking. This will cause noise, pollution and dust at all times of the day and night.
- Wetheral Road is already a busy rural road; this additional concentration of traffic and inevitable roadside parking will cause traffic problems and create a safety hazard for pedestrians and other motorists.
- Scotby village highway infrastructure is not designed or suitable for the inevitable increase in traffic. Furthermore; the location of both railway lines, existing properties and narrow roads does not allow for realistic expansion.
- There are already multiple new housing developments underway within the parish that exceed the District Local Plan 2015-2030.
- The local primary school is already oversubscribed and could not support additional children that would come from this development.
- There are multiple 'brownfield' sites available between Carlisle, Scotby & surrounding area that must be considered by the council prior to destruction of rural village based greenfield sites.

Park Rd. Scotby is impassable currently at school opening & closing times as all local residents are aware.

With the present developments at Scotby Rd. (Story Homes) & the current development underway (Taylor Wimpey) at the Southern end of Park rd. there will be total gridlock.

Until the road problem is addressed & the lack of school places the area cannot handle additional residential properties.

This application flies in the face of every proposal requiring responsible house building within Carlisle and the surrounding area and yet the City officials are willing to put in place 90 households that may see their homes sink into the land which was deemed unsuitable for house building on only 4 years ago.

The view will be taken away in a beautiful area voted upon by saving the Council 85k ish should the developer object.

The new houses will increase the car population in the village which is already severely disruptive, causing the already maniac traffic in the area to increase. It will have a significant negative impact on the character of the village.

It will ruin the visual impact from the village green across the fields to the fells beyond.

Any development on this land will lead into an acceptable intrusion into open country side.

This land has already been considered and discarded for the reasons I have stated so city planners must stick to their word and reject this proposal.

Should planning permission be granted at this location then the proposed development will at an instant remove a corner of farmland essential for maintaining Scotby's rural character.

Scotby has grown as a long narrow village and yet this further development now threatens the only viewpoint afforded over open countryside to the North Pennines. As a consequence this is not only a highly cherished feature at the heart of the village but one which provides a physical and abstract 'gateway' into the countryside

beyond.

Recent and rapid developments in Scotby and surrounding villages has lead to an increase in traffic, which at peak times can be continuous. This situation can only be exacerbated by further development for which local infrastructure (schools and amenity land) is already stretched.

I object to this planning application on the grounds of maintaining the landscape characteristics of the village and its scale in order to help prevent Scotby from simply becoming another suburb of Carlisle

This site has already been rejected by the Council as unsuitable for development because of its unacceptable landscape impact. Historic and recently approved developments are already ruining the village by converting it into a housing estate which places unacceptable strain on the existing infrastructure and particularly the educational provision in Scotby.

The wider question is how much more housing does Carlisle need? Where is the employment? where are the schools? where are the local shops? Added to which there are already substantial developments going on in nearby villages such as Cumwhinton and Wetheral.

Most importantly it would seem that approving this application would destroy any prospect of the strategically well-thought out plan to construct a garden village and relief road to the south of Carlisle being approved by Government.

Far too large a development in what is the only open aspect from the centre of the village

1. The erection of this development will put further pressure on Scotby primary school which is already over subscribed.
2. The development would increase the traffic congestion through the village. This is already a problem on school road during peak times.
3. If we continue to allow such housing developments to be built the villages of Scotby, Wetheral & Cumwhinton will eventually join up and just become another suburb of Carlisle.
4. This development could also change the traditional character of Scotby village. It could become more of a dormitory village with people having to travel quite large distances to seek employment.
5. The development is also very close to the conservation area in Scotby village linked to the Carlisle to Settle railway.
6. It could also significantly devalue the houses which would look over the development. In particular the properties on the village green.
7. The proposed entrance to the development would also appear to be a problem. The Wetheral to Scotby road is already a busy commuter route & this entrance does not appear to have very good visibility. It is sited on a hill which is close to a corner & a T-junction.

I am objecting to this development on the basis of the unsuitability of the site and the unacceptability of the landscape impact of the development.

This land has been discarded within the SHLAA that led to the adoption of the local plan - it is not part of policy HO1.

The land should not be considered under policy HO2 as "Windfall" as it has been considered under SHLAA and discarded on the grounds of " potential landscape impact grounds". " Encroachment into open countryside; prominent site that could detract from the open character of this part of Scotby"

1. It is legal requirement of the National Planning Guidelines that if an application does not meet the requirements of the Local Plan, which this clearly does not, then it must be refused. There are no ifs, no buts - it must be refused.

2The applicant as far as I am aware has made no effort whatsoever to assess the possible archaeological assets of an identified sensitive site contrary to the requirements of your own planning guidelines.

3There already exist ample opportunities including the 'garden village' to meet all identified housing need without requiring historic villages, such as Scotby to accept

developments that are totally inappropriate in size, nature and scale to the historic village setting.

4 One must seriously question if the village infrastructure can cope with this large scale development especially with regard to Education. It clearly cannot be a case of a Section 106 to provide say an additional classroom when the school site is already so congested that some staff have to park on what is already a narrow road with limited pavements that must at times put the safety of children at risk.

This speculative development must be rejected.

There has been another planning application for about 90 houses between Hill Head and the A69 behind Scotby Road, I understand this was recently turned down. This land is within the area proposed by the council in 2014, (the land at Rookery Park is not within the council plan) where planning permission would be looked on favourably. I do expect this planning application will ultimately be agreed. On this premise, if the application for the Land at Rookery Park were to be approved, this would mean 180 new builds in a village where that number would almost double the size of the village. For this to take place in possibly a 12 month period would cause havoc at both ends of the village.

I also think the road from Scotby to Wetheral where it passes Rookery Park is very narrow, which has been exacerbated by the new estate at Alders Edge, with cars parked on the roadside, it will be even worse if you add the numbers of cars coming in and out of an estate of 90 houses opposite.

I object to the proposed development for the centre of Scotby Village. It will take away the rural aspect of the village - the traffic through the village will increase, the access to the development is in a very dangerous spot, the school will not be able to cope. There is already a development for 90 houses proposed for the other end of the village and more proposed development on Broomfallen Road. The village of Scotby will be no more - it will just turn into a suburb of Carlisle.

Gladman say it recognises its responsibility to respect the character of the village - in which case they should withdraw their application!

1. The effect of the development on the character of the neighbourhood. As others have stated this development will permanently destroy the most treasured view in the village. I would also like to point out that the Landscape and Visual Appraisal document submitted with this application contains many photographs of the views in the area, none of which show the view across the fields and to the fells which most fear losing. This is intentional and dishonest.

2. The effect on Scotby School. The Statement of Community Involvement (Para 3.2.1) states that there are currently eight spaces at Scotby School. Not only does this confirm that the school cannot cope with this development it also shows that the school can not cope with the ongoing developments which will be complete before this one starts.

3. The effect on the Ecology. The Ecology Appraisal confirms extensive bat activity at the location. Any development will disturb this and is therefore illegal. There is also no mention of having tested Pow Maughan for white clawed crayfish, a requirement for development within the River Eden catchment area.

4. The impact on road safety. The Transport Assessment has used incorrect site descriptions, measurements and traffic survey data to reach the conclusion that the development will not have an impact on the local road network. I have the following comments on the Transport Assessment:

Paragraph 3.3.1 - TA States road width of 5.5m is incorrect. Actual measured width is 4.6m. This is important as 5.5m is the recommended minimum width in the Cumbria Design Guide. TA states road along site frontage is 60mph, this is incorrect as road is 30mph

3.3.2 - TA states no footway in northern verge - there is a footway which was constructed as part of the Alders Edge development in 2014

3.3.2 - TA states no street lighting along this road - street lighting installed as part of Alders Edge development

3.5.8 - TA states traffic loops were installed 16-22 May. I have a photo showing them in place on 3 June. 3 June was the last Sunday of half term when traffic flows are significantly lower. The report states that the raw data from the counters is available on request. I requested this from Gladman on 30 November but have not had a response.

3.5.10 - TA incorrectly states speed limit is 60mph when it is 30mph. This is important as the author then explains how the traffic counter recorded speeds of 33.1 and 37.7 are 'encouraging from a safety perspective'; obviously the reverse of this is true. In accordance with the Cumbria Design Guide a Primary Street where speed limits are over 37mph should be designed in accordance with the Design Manual for Roads and Bridges. The Developer has ignored this and designed to lesser specification making Paragraphs 4.2.5 - 4.2.12 meaningless.

4.2.3 - TA states distance of 80m when actual is 60m. Significant difference with regards to design requirements.

4.2.12 - Incorrect speed limit quoted again.

6.2 - Incorrect if false ATC dates

6.3.1 - Four other developments in Scotby not considered making the rest of this section meaningless.

Appendix C - Alders Edge not included in these vehicle movement figures therefore conflicts between two developments on opposite sides of the road have not been considered.

I believe this provides the technical evidence that the development will adversely effect highway safety and the convenience of road users.

This site was previously considered for planning and discounted for all the right reasons, Scotby has been developed with in fill development over many years.

There are two sites earmarked for development that would not destroy the character of the village.

I therefore strongly object to this application that would only be for the of benefit to the developer and land owner, and very much detriment to the village of Scotby.

I would like to strongly object to this planning application.

The proposal falls outside the District Local Plan.

The traffic from 90 houses through the centre of the village will cause safety problems.

There are already many new homes being built nearby i.e. "Meadowbrook".

The beautiful rural aspect will be lost forever.

Scotby has had its fair share of development over recent years; with more sites due to break ground imminently (Broomfallen Rd) and Hillhead to the North, not to mention numerous other sites currently under development within the local Parish.

The local infrastructure is already at full capacity with limited amenities as is.

The school is also over-subscribed and there is a very limited bus service.

The village access roads are busy and over used far in excess of what they were designed for. In particular I refer to Park Road; a road so busy from school and village access traffic that some friends of ours recently withdrew interest on a property purchase there and completed on a sale in Warwick Bridge instead.

Can I ask what amendments and financial grants for the school/educational facilities in Scotby will be confirmed should Gladman's proposal be accepted and the village population increase? I welcome the Council to consider the strain on Scotby Village School should a) the annual pupil intake increase, and b) should the school catchment area expand

My peers and I, are in our mid/late twenty's, graduates and in full time employment, and agree that we are completely disinterested in purchasing property on a new build estate (toy town) for the following reasons

- * They are expensive first homes
- * Property uniformity with no historical or design character
- * No existing next door neighbour community
- * Lack of space for future home improvement/extensions and landscaping

* 'Ring road dependency'

Carlisle City Council ought to think very carefully at the level of housing they are allowing in the Scotby area and ask themselves what benefits it brings.

Do not allow this application to proceed

The development on the edge of the village would materially change the character of the village and is totally disproportionate to the village, and is contrary to the "local plan" Scotby Primary School and any other primary school within two miles are all over subscribed as they are.

There are many "brownfield" sites available within the present city limits that should be developed before even more "greenfield" sites are developed.

The Planning Application by Gladman to build 90 houses on land at Townhead Farm/Rookery Park falls outside, and is not part of policy HO1.

Neither should this land be considered under policy HO2 as "windfall" development as it has already been discarded by the City Council: - quote

"Encroachment into open countryside: prominent site that could detract from the open character of this part of Scotby" (SHLAA)

Further, this proposed development is inappropriate in size (90 dwellings and possible future mission creep), nature and scale for this historic village. Already there has been an increase of 350 plus dwellings and proposed dwellings in a village of a mere 500 dwellings. It is clear to all who live here that the village infrastructure is failing to cope with this increased demand.

In conclusion this planning application does not meet the requirements of the Local Plan (2015-2030) and, for this reason, and those outlined above, I trust that the City Council will reject it unanimously.

Housing estate that big in the centre of the village would ruin the village. Not necessary and not in keeping with the local plan

The Carlisle plan clearly indicates this land was never meant to be built on and previous attempt have proven that this land is not suitable.

When we moved to our property (directly beside the site of the application) we were told all of the surrounding land was green belt and would not be developed. Less than 3 years later Story homes successfully got permission to build over 40 homes on our front doorstep. In time we came around to the idea of having neighbours so close, even though 40 houses seemed a huge amount for the size of the land. Now to see another proposal on more discounted land, is shocking and surely the council can not even consider this development as suitable for the village. Where will it end if this site is given permission? The villages of Scotby, Wetheral and Cumwhiton will soon merge together to make a town if these developers are allowed to continue ! Our property is directly next to the proposed sight and the proposed pumping station. How unsightly will this station be? Will it come with a smell?? with a noise?? and the proposed "pond" next to it... how secure will this be?? will children be able to get near and so will it be a danger to them? will it flood? The beck that runs beside our house does flood and often can rise over our garden, if this "pond" were to over flow where will this water go?? Into my house?? Into the current drainage system which already is pushed to its limit in the village??

The village school is full to bursting with this years intake of 44 children being the highest it has been for a number of years. If the school was required to extend to meet the demand of new children in the village where would they build?? would they build out to the front so that the reception children lose their out door play area? Or would they extend to the side so that the infant children lose their playground? or perhaps they would extend around the back so the sports field would disappear or the wooded area where children take many classes in the summer would have to go?? The traffic at school drop off and pick up times is horrendous and every dangerous, to up numbers at the school would increase these problems. Yes people can walk to the school but many parents drop off their children on their way to work so walking is not an option.

The traffic flow on the road to the front of our property and the proposed sight is fluid

and this is a very fast road even though the speed limit is low. I think a traffic survey would need to be carried out when the road is in full use as I believe surveys have previously taken place in school holidays and even when the road between Wetheral and Scotby was closed for a number of weeks earlier this year.

These are all general concerns of the people of the village not just us as neighbours to the site. We have many personal concerns but I find these irrelevant at this stage and the fact that Carlisle plan clearly indicates this land was never meant to be built on should be enough to ensure the council declines this application.

The planned new development would lead to further overcrowding on the roads. It is already very busy and becoming increasingly dangerous for elderly residents to cross the roads safely. The T junction in the middle of the village is already very congested at peak times and any further development will only add to the possibility of accidents involving both pedestrians and vehicles at this point.

There is also major congestion past the school at drop off and pick up times, and as a result any increase in traffic volumes will only worsen this potentially dangerous situation.

There is already sufficient planned new housing for the village on more suitable sites.

The school is already up to capacity and would not be able to handle the potentially large number of new children coming to live in Scotby as a result of the proposed new development

I am aware that numerous people oppose this planning application, which includes a large amount of names on a petition, and even support from the Member of Parliament for Carlisle, John Stevenson MP, and I oppose this plan for the same reasons.

There is a plan in place which includes planning applications within Scotby already, as well as the garden village in nearby Wreay. These are part of a plan that was set in stone that was agreed. This planning application is not accounted for within the plan.

There is no benefit in my opinion for this proposal to be accepted, the village is already over subscribed without the agreed developments being completed yet, this application is for 90 dwellings which is a huge amount. This would, in my opinion, ruin and spoil the village. We have a school that is too small to accommodate this development, there are already children from Wetheral, Botcherby, Aglionby and other near by areas attending Scotby School because they don't have a school of their own and this already causes traffic congestion which I think is dangerous because there are insufficient facilities & parking for parents to drop off/collect their children from school. This is only going to get worse if this application is approved. I have no idea where all of the people would come from to fill all of these houses, if approved, but surely support to the plan should be primary focus, after all why create a plan which details the forthcoming few years if we are not going to stick to it? If approved this would show a lack of confidence for me and other members of the public in Carlisle City Council's intentions.

I strongly believe that a firm decision declining this proposal should be made to stay true to its values in its policies and plans.

1. Traffic flow - the access to and from the site is very narrow at the proposed exit and at the bottom of a shallow hill and will lead to congestion not only at the junction in the middle of the village, but add to the already crowded Park Road especially at school times and further traffic pulling out onto the A69.

2. Sewage and water flow - The sewage is already having to be pumped up the hill into the main system and we understand it is already over capacity and a further 90 homes will add to the problem.

3. Insufficient infrastructure - the school is already over crowded and are children really going to walk from the site assuming they can get into the school? I have been aware of parents who only live within 200 - 300 yards who drive their children to school. If they can't get in to the school then they will have to be driven to other

schools adding to the traffic problem.

4. Support to local business. There are very few local businesses and the supposed extra support we would suggest is illusory.

5. Unacceptable Landscape Impact - we understand the area was discounted by the planners as being unacceptable for development when considering the local plan in 2015 and nothing has changed.

1. Development has already been discarded for the local Scotby plan in 2015,

2. Would overload an already stretched infrastructure.

3. Inappropriate for such a small village,

4. Would change the character of the village.

5. Access is too tight and dangerous.

6. Children crossing this busier road would be put at increased risk.

7. Drainage would have to be greatly increased at significant extra cost.

1. Notwithstanding the applicant's submissions to the contrary, the proposal is outside many of the provisions of the Local Plan 2015 to 2030, and not sufficient justification has been advanced to warrant departing from that Plan. For example, it is contrary to each of the five elements in Policy HO2: its scale is inappropriate to the scale, form, function and character of Scotby; it is not necessary to enhance or maintain the vitality of the rural community; it is on the edge of the existing settlement but is not well contained within existing landscape features, physically connected or integrates with Scotby and does lead to an unacceptable intrusion into open countryside; although there are services in the village they have been stretched to breaking point by existing developments and those proposed on allocated land; it is certainly not compatible with adjacent land users. The applicant's suggestion that the three last points in this Policy are complied with "due to the location of the proposal in the centre of Scotby" is risible and conflicts with other statements that the site lies in the open countryside. It is not in the centre of the Village; it is in the open countryside. That said, the impact upon the centre of Scotby (for example, the views from the village green) will be significant especially over the wide and long distance views to the Pennines. It follows that the proposal is also contrary to Policy SP1 in that it does not "accord with the policies in the Local Plan" and, is contrary to Policy SP2 to the effect that development in rural settlements must be of "an appropriate scale and nature", "commensurate with their setting" and "enable rural communities to thrive".

2. Contrary to the applicant's submissions there is a five-year supply of deliverable housing sites in Carlisle.

3. Related to the above, in a transparent attempt to pressurise the local planning authority, the applicant relies upon national policies and statistics that are of little relevance to the village of Scotby: for example, "there is a housing crisis in this country" (2.1.1).

4. The proposed development would have an unacceptable impact on the landscape. Even the applicant accepts that noting, "As with any greenfield site, the development will introduce changes to the area and some urbanising effects..."

5. The proposal would give rise to significant overdevelopment. Land to accommodate some 800 new dwellings has been allocated/permissions granted in East Carlisle, 350 in Wetheral Parish and approximately 215 in Scotby.

6. The proposed junction of the site access with the narrow public highway is inherently dangerous as is evident from the proposal for the highly unusual priority access to the site.

7. Contrary to the dismissive submissions of the applicant, the land is of significant archaeological importance.

8. The asserted benefits are of doubtful relevance or accuracy. To the extent that they are benefits, such benefit would arise from any equivalent proposal for development of land allocated in the Local Plan without needing to despoil what the applicant admits is a site that "lies in open countryside" (6.1.7). The principal benefit is, of course, a huge financial benefit for the applicant.

9. The applicant asserts that there has been a consultation with "the local community". There has not. The exercise undertaken was purely 'box ticking'. Apart from three neutral comments every comment was one of opposition, which the applicant has totally ignored; worse, it has wrongly asserted that some of the comments were positive in nature.

It is contrary to policies contained in the Local Plan 2015-2030, which was adopted in November 2016 and is therefore still very current. Additionally, the Plan and the allocations contained in it were considered by an independent planning inspector who was satisfied that they were the right allocations for the Village and that no additional or alternative sites were required.

In accordance with the Plan permission has been granted for 45 dwellings at Alders Edge and 42 dwellings at The Plains, and for numerous other sites that accommodate from 1 to 3 (Parkett Hill) and 4 (The Grange) dwellings. In addition, the site to the south of the Village on Broomfallen Road has permission for 28 dwellings and the land to the north, known as "off Hillhead", is identified as having a "yield" of 90 homes. These are the sites that were chosen by the City Council as the preferred sites for development in the Village taking into account recent development, the capacity of local services and infrastructure, the form and layout of the Village and comments received during the consultation process.

The principle of 'windfall' development is acknowledged but the Council's policy is that such must be proportionate to the scale and role of Scotby and must not risk the delivery and viability of sites such as the above that have been allocated. This proposal for 90 dwellings is contrary to this policy. In particular, it has been said that if permission is granted for this site, that "off Hillhead" will no longer be viable and will not proceed.

More generally, there is an abundant supply of housing land within Carlisle District; well beyond the requirement of National planning policy. As is apparent from its up-to-date Local Plan, the City Council can demonstrate a five-year supply of housing land comprising both a number of deliverable allocations and a wide range of planning approvals. As such there is no pressure or obligation to consider sites such as that proposed in this application, which would not be in conformity with the Plan Windfall Policy

An aspect of the Windfall Policy is that development of a proposed site "will not prejudice the delivery of the spatial strategy of the Local Plan". Additionally if the site is on the edge of the settlement (as is this application site) it must be "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. The proposed development is significantly at odds with this statement of policy, the justification for which includes that a proposed windfall site should "not adversely impact on wider views into or out of a village. Housing development on the land in question will be contrary to that justification principle: it will destroy the view of the Pennines from the heart of the Village. It will also adversely affect the setting and character of this part of Scotby.

Additionally, the site is a large, open area that comprises open countryside and its development would amount to an unacceptable intrusion, which the policies in the Local Plan seek to resist.

An important consideration is that this proposed site has not been overlooked in previous assessments of land suitable for development. Indeed, it was specifically considered in the SHLAA as recently as 2014, the outcome of which was that it was categorised as "Discarded" due to "Unacceptable landscape impact". If the site would have had "Unacceptable landscape impact" four years ago, it must continue to have the same impact now.

This is important as it is said that the SHLAA "aims to identify all suitable sites with the potential to meet housing requirements up to and beyond the 15 year plan period".

As a member of Friends of the Lake District, I endorse the points raised in their letter

to you dated 7/12/18 objecting on the grounds of impact on the landscape etc. This is also the reason given by SHLAA 2014 not to include this land in the District Local Plan 2015-2030.

I must reiterate all that has been said regarding the horrendous and dangerous traffic problems as children are dropped off between 8.30 am - 9 am and picked up 3 pm to 3.30 pm. Another 90 houses would probably mean another 180 cars trying to come along Park Road at these times. I urge the planners to come along at these times and see the congestion for themselves and be reminded that young children's lives are at risk here.

1. the area in question has been deemed unsuitable by Carlisle city council
 - 2 insufficient infrastructure to support the development especially as the school is already oversubscribed and the village is often highly congested
 3. It would change the character of Scotby village
 4. Access point is narrow and dangerous, particularly for pedestrians
 5. It has not accounted for safe access to school and public amenities
 6. Drainage from new houses would be a major issue as the system is already over capacity. To improve this would have a huge financial implication to local authorities
- Land has already been deemed not suitable by the Council
Roads are very busy already and it is far too close to a congested junction .
School is already oversubscribed

New entrance far too close to the junction where cars are continually parked for the Post office and Bus stop

The rural village cannot support such a large increase in population - there is insufficient infrastructure

Visually it's destroying the rural feel and visual impact of the village.

a) The land was considered and rejected from inclusion in land suitable for dense development when Carlisle City Council completed the Strategic Housing Land Available Assessment in 2014 and hence the proposal should not be considered again.

b) The proposals remain inconsistent with Policy H1/DP1 as:

(i) The site is not well related to the landscape of the area and intrudes on open countryside.

(ii) The scale of the proposed development is not well related to the scale, form and character of the existing settlement.

(iii) The layout of the site, and the design of the buildings, is not well related to the existing property in the village.

c) Traffic access onto the main road which is very narrow and visibility difficult due to the bend and with road safety issues for children.

d) Flood risk for drains overflowing in heavy rain.

e) The local school full.

f) There are numerous unsold houses and new developments in the area and we do not need anymore.

An eyesore on our neighbourhood.

In support of affected family members and friends, I object to the proposed development.

Not only will it ruin the visual landscape of the village I am also concerned about the increased amount of traffic and noise pollution it will create.

Living opposite the planned site I purchased my property due to the peaceful location, SMALL village feel and beautiful views of the countryside. I feel this planning is robbing us of our existing homes which we love and appreciate.

It is common knowledge that this application falls outside of the Carlisle District Local Plan 2015-2030 and that the site was recently discounted from the SHLAA as having an unacceptable impact on the landscape...nothing has changed. This application also clearly does not comply with policies SP2, HO2 and GI1 and is a gross contradiction to the St Cuthbert's Garden Village Plan for 10,000 new homes only 10 minutes away. Furthermore, content within the Transport Assessment

provided by Gladman is false: Paragraph 3.3.1 The road width is in fact 4.6m not 5.5 as stated - note 5.5m is the recommended minimum width in the Cumbria Design Guide. The speed limit is 30mph not 60mph. 3.3.2 There is adequate street lighting and footways which were input in 2014 during the construction of Alders Edge. 3.5.8 Claims that the traffic loops were fitted 16-22 May 2018 are false. These were in place during the June 2018 half term holiday meaning a false reading has been provided not incorporating typical commuter vehicles and school traffic

I am concerned about the impact that 90 more houses will have on education too. Scotby school cannot cope with these additional admissions so what will this mean, will you force children to move elsewhere to accommodate these newcomers? The school cannot physically extend due to its location and there is already no suitable parking which a huge issue. More housing is only going to exasperate this and the danger posed by the amount of traffic along Park road during peak school drop-off/pick-up times.

The road in front of my house is effectively going to become a through road for a ridiculous amount of traffic and the noise pollution is not something I wish to put up with or have my children grow up around.

Yet more unnecessary and unaffordable housing destroying the beautiful countryside.

I don't like the idea of it being next to my friends house as it will decrease the value. We strongly object to this proposal of yet again more houses in the village of Scotby - which should be allowed to remain as a 'village'. We have noticed the increase of traffic on Scotby Road to the point some days it's like another lane on the motorway! To build another 90 houses in Scotby would be a huge safety hazard due to even more traffic on this village road putting local residents at risk. Please listen to the residents of Scotby and stop this ridiculous planning application being approved - I reiterate, Scotby is a village and should remain a village

I wish to strongly object to the application to build 90 houses at Rookery Park, Scotby.

The site was discounted from the SHLAA as having an unacceptable impact on the landscape and it is outside the Local plan 2015-30 so surely this is not up for alteration at this stage.

The narrow road between this site and Alders Edge would not be adequate to take the Wetheral commuter traffic and school traffic to Park Road if 90 houses are added to the equation.

Scotby school is already over subscribed and the traffic chaos on Park Road is already unsuitable without any further additions.

One of Scotby's many appealing charms is it's scenic beauty. Unfortunately, if enacted, this proposal would gravely alter the character of the village and blight it's allure by spoiling one of it's focal vistas.

I therefore object to the proposal on these grounds and on the additional grounds that the village already suffers from high volumes of traffic, evidence has been shown that the area is of archaeological significance, there are many unoccupied houses currently in Carlisle and principally... this is green belt land.

The presence of grazing animals provides the village with an invaluable serenity, a natural beauty worthy of our protection.

There is insufficient justification to ignore the wishes and numerous objections held by the village's many residence, human and otherwise :)

Will change the character of a small village once implemented, will the buildings match the existing ones? I doubt it. Also the disruption to the residents whilst works are ongoing would be horrible. I would suggest finding somewhere else to build.

The very nature of the village does not justify the proposed development , the local amenities will not cope and traffic would be horrendous if all the houses did sell, a lot of people run 2 cars, and where are the children going to be schooled

I would like to object to this proposal as there are too many houses both existing and under construction in the village as it is. More houses are not needed. The village

cannot support any more traffic. Parking is a problem all ready with people using the few facilities we have now in the centre of the village and the access to this proposed development is on a very bad corner.

Scotby used to have 11 farms in & around the village. Now there is about 4 left.

Far too much greenfield land has been developed on, & the character of the village has changed immensely!

If it wasn't for the M6 it would be swallowed up by the City!

The facilities can't take more housing, & too much building has already taken place!

I strongly object to any more development!

This piece of land was considered and rejected from inclusion in land suitable for dense development when Carlisle City Council undertook the Strategic Housing Land Available Assessment in 2014 and so it I should not be considered again.

The proposals remain inconsistent with Policy H1/DP1 as:

(i) The site is not well related to the landscape of the area and intrudes on open countryside.

(ii) The scale of the proposed development is not well related to the scale, form and character of the existing settlement.

(iii) The layout of the site, and the design of the buildings, is not well related to the existing property in the village.

Traffic access onto the main road which is very narrow and visibility difficult due to the bend and with road safety issues for children.

Flood risk for drains overflowing in heavy rain.

The local school is full and even if there were more places, Park Road is already an accident waiting to happen at school drop off and pick up times with parents apparently unable to walk their children from a distance much closer than the proposed development. They will certainly not walk from further. Cars will be parked on Scotby Road increasing the danger to both road users and school children.

There are numerous unsold houses and new developments in the area and we do not need anymore.

This would completely ruin what is a lovely, peaceful, green village

I object.

Where I live in Aglionby had a beautiful view, lovely field at the back of my long 120' garden and a few year ago Carlisle city council gave planning permission for three new homes in the field. We didn't object one bit. The homes were built. The final two went up for sale in April 2016. They are still up for sale and have always been empty.

For this reason I put to you, are these new homes truely necessary in Scotby?

Hasn't Scotby been punished enough with the buildings of new homes, extension of their village? Villages are beautiful and a way of life that we all buy into. To extend them with more homes over and over is detrimental to every person who has already bought there. We are not being pretentious and we absolutely welcome our new neighbours, but please please please hear us when we say we do want to keep our villages as villages.

Allow these people to build a new village somewhere, not extend our current villages anymore. Especially when homes are not selling as they used to.

It is an eyesore looking into these two new homes behind me that have stood empty since being built. They have no heating on inside them, they will be riddled with damp already. Don't get me wrong I see the bigger picture, what difference to a village does 2/3 new homes make, so we didn't object. We've since had more homes built further down the village again we didn't object. This has got to stop somewhere though. Surely the city council can see, we only want to keep our villages as villages? Is that wrong of us?

Scotby is a nice place to live, it is a village that I and many other people would aspire to live in. Why then you might ask would I wish to complain when someone wants to build houses that I might want to live in. The answer is surely that it is the future of Scotby which is now at risk.

The City has a development plan which takes into account resources and need. I would contend that this plan is designed to meet the future needs of the City and its inhabitants, not the financial advantage of a development company. If the City adheres to its plan then we can be reasonably assured that resources and need are balanced. If not we will open the floodgates to other "unplanned" developments and the chaotic use of scarce resources.

I object. So many new houses in the area, not required. Ruining a rural village. Scotby does not have the infrastructure to support this unnecessary number of houses. Not a single person in the village or surrounding area is in favour of this planning application and Gladman are ruining the morale of a beautiful idyllic village. Seems to be an entirely unnecessary development that will ruin beauty of the area for the locals. There are plenty of other locations where such a housing development would be more fitting

Spend much of my day sitting looking over this attractive and important field where development is proposed. Ask members of the committee to refuse this application in accordance with your local plan

4.2 Of the 195 objections, 54 came from outwith the local area raising the following concerns:

- This application is utter nonsense.
Why apply for building in the middle of the Village that will be a direct impact on the residence and destroy the only view from the village green.
The school is already well over populated from surrounding areas that have been added and will not sustain anymore pupils or traffic. Park road around school time is a disaster waiting to happen! More houses without the correct plans in place are ludicrous.
We should not let an outside national companies build in our local towns for quick cash. This should be local firms where the money will go back into the community and create local jobs
- Ruin views. Landscape and housing prices will fall
- Our country side needs to be protected. It will have a detrimental affect on the local wildlife.
- Development has already been discarded for the local Scotby plan in 2015, Would overload an already stretched infrastructure.
Inappropriate for such a small village,
Would change the character of the village .
Access is too tight and dangerous.
Children crossing this busier road would be put at increased risk.
Drainage would have to be greatly increased at significant extra cost.
- Such a beautiful area of land should not be destroyed. There are habitats and animals that should be displaced nor the lovely scenery marred.
- Too much development already.
- This is a beautiful area and building houses there would ruin it.
- Land is ours not for this horrible development
- Countryside in Wetheral/Scotby/Cumwhinton is being ruined by unnecessary new build homes
- it's obstructing locals and we should leave nature how it is!
- Beautiful area, shouldn't be spoiled with yet more houses

4.3 The objection from the local councillor raises the following points:

As a resident of the parish and as city councillor for the ward in which Scotby is situated, I wish to put on record my strong objection to this proposal. I have looked at every comment (almost 40 at the time of writing) on the planning portal and I can find no support from anyone who lives in the parish. In addition, many residents have contacted me to make clear their opposition. First, the background to this application should be considered. It is outside the Local Plan, so this is a windfall application. The site was discounted from the SHLAA as having an unacceptable impact on the landscape. Any development, however carefully designed, causes irreversible damage to the landscape. Development should only be permitted therefore if there is an overriding need for the 90 houses it proposes. In this case, it cannot be argued that there is an overriding need. Carlisle has, we are reliably informed, over 1000 properties standing empty. The council confirms that it is keeping up with the annual target for new homes advocated by the Local Plan and can demonstrate a 5-year housing land supply. Within a few years, development is planned to start on 10,000 houses in the Garden Village project. Permission exists for over 100 new homes in Scotby village, and 400 within a 2-mile radius.

Then the application itself should be scrutinised. As is eloquently argued in the submission by the CPRE, this contravenes multiple planning policies. Policy SP2 requires development in rural settlements to be 'of an appropriate scale and nature' and 'commensurate with their setting' and to 'enable rural communities to thrive.' As many comments on the portal have already stated, this application would lead to overdevelopment of the village and place undue pressure on the local infrastructure, so it fails to comply with SP2. It fails to comply with Policy HO2 also, as it is not 'appropriate to the scale, form function and character of the existing settlement', it will not 'enhance or maintain the vitality of the rural community within the settlement where the housing is proposed', it is not 'well contained within existing landscape features', it does not 'integrate with the settlement', but it does lead to 'an unacceptable intrusion into open countryside'. As the CPRE submission argues very clearly, this application achieves the opposite of the guidelines laid down in Policy GI1, which requires that 'all landscapes...will be protected from excessive, harmful or inappropriate development'.

In summary, therefore, the development proposed by this application fails to comply with Policies SP2, HO2 and GI1. It is unwanted and there is no need for it. I trust that the Authority will deny the application.

4.4 The letters of support raise the following points:

- I see the potential for 90 new homes in a desirable village location as a good thing for Carlisle. Many years of building in the city has used up pretty much all of the available land and Scotby is only 3 miles from the city centre. It also has a good school which is a plus for families. Scotby and the surrounding villages have a lot of available space for building houses however infrastructure and roads would need to be improved. Carlisle city can't really expand anymore without overflowing to the surrounding villages which is why I support this potential development.
- I'm happy for the developer to build the housing.
- I'm in favour of these new houses.

- What a terrific idea. Just make it three times bigger

5. Summary of Consultation Responses

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

Local Highway Authority comments

The applicant has provided a Transport Assessment, Travel Plan and proposed access strategy drawing to demonstrate how the site will be served in view of transport and travel. In summary the Local Highway Authority consider prior to planning permission being granted it is considered that further amendments and clarification should be provided regarding the emergency access, committed development (17/0896), junction modelling outputs for A69 / Scotby road / Holme Lane and the isodistance maps. Following the submission of further information a number of conditions should be attached to any permission if granted (covering standard of highway works, visibility splays, sub-base construction, lowering of kerbs, travel plan monitoring, construction management plan and a contribution of £6,600 towards travel plan monitoring).

Lead Local Flood Authority Comments

As part of the submission the applicant has provided a Flood Risk Assessment (FRA) and soakaway test to assess how the development will impact on flood risk in the area.

In summary the Lead Local Flood Authority consider before any planning permission is granted then further details on water levels and ground water flood risk are given further consideration. In addition to this details on agreement between 3rd party land owners and amendment of the red line boundary are required. This information is still required however suggest a condition should permission be granted (surface water drainage scheme)

Archaeology comments

Our records indicate that the site lies within an area of high archaeological potential. The Scotby area was a focus of prehistoric activity which has been revealed through several archaeological investigations in the village. Aerial photographs show numerous cropmark complexes indicative of prehistoric settlement and agricultural activity in the vicinity of the site, including in the field adjacent to the site where remains of prehistoric field systems and a roundhouse survive. Roman finds have also been recovered from a number of locations in Scotby. It is considered that there is a high potential for archaeological assets to survive buried within the proposed development site and that these would be disturbed by the construction ground works. Following further details through a geophysical survey I therefore recommend that, in the event planning consent is granted, the site is subject to further archaeological investigation and recording in advance of development. I advise that this work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent

Education comments

As outlined in the County Council's Planning Obligation Policy a population-led model has been used as no dwelling mix has been provided at

this stage it estimated to yield 31 children: 18 primary and 13 secondary pupils for the schools.

The site is in the catchment areas of Scotby CE School (0.65 mile) for primary education and Central Academy (2.71 miles) for secondary education. The next nearest primary school to the proposed development is St Cuthbert's Catholic School (2.12 miles) but is not within the statutory walking distance. The next nearest secondary school is Newman Catholic School (2.71 miles) which is currently relocated to another site in Carlisle due to flood damage, and Trinity School (2.98 miles).

Currently there is one development affecting the primary catchment school used for this assessment and there are thirty seven for the secondary schools.

Primary

There are 5 spaces available in the catchment school of Scotby CE School. However, after other developments in the area are taken in to consideration there are insufficient spaces to accommodate the pupil yield of 18 from this development. It is considered that taking into account existing loyalty trends the next school that parents are likely to send their children to is Cumwhinton Primary School, and a scheme has been identified for expansion at the school. This is considered the best solution to provide capacity in the east of Carlisle as this is where the impact will be from developments in Cumwhinton, Scotby and Wetheral will be. A multiplier of £16,258 has been used which is the £12,051 multiplier identified in the County Council Planning Obligations Policy (2018) index linked using the BCIS All in Tender Price Indexation. A multiplier of £16,258 has been used which is the £12,051 multiplier identified in the County Council Planning Obligations Policy (2018) index linked using the BCIS All in Tender Price Indexation.

Therefore, an education contribution of £292,644 ($18 \times £16,258$) is required. A multiplier of £16,258 has been used which is the £12,051 multiplier identified in the County Council Planning Obligations Policy (2018) index linked using the BCIS All in Tender Price Indexation.

Secondary

When considering the effect on pupil numbers from known levels of housing development across Carlisle, it is considered that there will be insufficient places available in Central Academy to accommodate the secondary pupil yield from this development.

The approach to seeking contributions for secondary school provision has been accepted at the recent planning appeal APP/E0915/W/17/3179674: Land at Harker Industrial Estate, CA6 4RF. Therefore an education contribution of £324,090 ($13 \times £24,930$) is required.

A multiplier of £24,930 has been used which is the £18,188 multiplier identified in the County Council Planning Obligations Policy (2018) index linked using the BCIS All in Tender Price Indexation.

School Transport

Primary

Taking into account there are no primary school within the statutory walking distance of 2 miles along a safe route a contribution is required.

We have priced for a suitable vehicle based at £140 per day. For primary school, a ten-year contribution is required.

Based on a 190 day school year, the calculation is therefore:

$£140 \times 190 \text{ days} \times 10 \text{ years} = £266,000$

Secondary

Subject to the contribution being provided for secondary school capacity no contribution will be sought for secondary school transport.

Northern Gas Networks: - No objections

Wetheral Parish Council, Wetheral Community Centre: -

(i) 18/1044 Land at Rookery Park, (South of Alders Edge) Scotby
Erection of up to 90 dwellings, public open space, landscaping and SuDS.

Outline

Resolved – Objection

(i) Previous assessment of land suitability. The land was considered in the Strategic Housing Land Availability Assessment of 2014. The proposed site was discarded due to “unacceptable landscape impact”. For this reason, it was not included for allocation in the Local Plan.

(ii) Policy H02, Windfall policy. “On the edge of settlements, it must be well contained within existing landscape features, is physically connected, and integrates with the settlement and does not lead to unacceptable intrusion into open countryside”.

a. The development is not appropriate to the scale, form, function and character of the existing settlement.

b. It will not enhance or maintain the vitality of the rural community.

c. It is not well contained within the existing landscape features.

d. It does not integrate with the settlement.

e. It does lead to an unacceptable intrusion into the open countryside.

(iii) Policy SP2 states that development in the rural settlement must be of “an appropriate scale and nature, commensurate with their setting, and enable rural communities to thrive”.

Development in Scotby has already exceeded the housing allocation; Alders Edge 45, Broomfallen Rd 28, The Plains 42, plus a number of small developments (allocated 109). A further 90 homes would mean the village has to accommodate 199 new dwellings, 100% more than is indicated in the Local Plan.

(iv) The cumulative effect of the developments within the Scotby area must be taken into consideration. An additional 198 new homes at Durrhill will place additional pressure on the infrastructure, services and schools, giving a total of approximately 400 new homes.

(v) Policy HE2. The site lies within an area of “high archaeological potential” as stated by Historic England. There is not, as stated in the planning application, merely “a moderate amount of evidence.”

(vi) The application refers to national guidelines. These do not take into account the local or regional variations in economic growth. The development would not enhance the local economy by £2.513 million as stated.

(vii) Policy H01 - this application is contrary to the policy. Carlisle City Council can demonstrate a 5-year supply of deliverable housing, therefore there should be no obligation to consider the development.

(viii) Access - the width of the road has already resulted in the narrowing of the road to accommodate a footpath, with additional cars parked on the road as an overflow to Alders Edge. This would add pressure on the existing highway and would increase safety concerns.

Local Environment, Waste Services: -

I have concerns about the layout of the side roads as currently indicated. However, as the application is only outline at this stage, I will await the reserved matters for the final layout.

Cumbria County Council - (Archaeological Services): - See County Response

Local Environment - Environmental Protection: - No objections subject to conditions dealing with noise and vibration, dust, contamination and air quality.

Green Spaces: - The proposal includes a very generous amount of public open space, significantly more than would be required to comply with the local plan. I therefore welcome this aspect of the proposal. I also welcome the on-site provision of play facilities and the 'trim-trail' which will contribute to the Council's objectives in terms of health and wellbeing of residents. I would like, if possible, to see more detail of this aspect in terms of the design and content of the play area and the trim trail. I do, however, have some misgivings about the layout. It would improve the design if the public open space could be relocated towards the road frontage rather than being hidden away at the back of the houses. In this way it becomes a central feature of the village and is much more accessible. With the generous amount of green space included in the proposal, it may be possible to create new habitats for wildlife using native wildflowers and shrubs, helping to support bees and other pollinating insects. This need not be a costly option and can have significant benefits. I would anticipate that the on-site SUDS would create habitats for aquatic and semi-aquatic species and would be accessible to visitors. While the development does not have any direct connections with the rights of way network, any opportunities for creating safe access routes should be explored.

Natural England: - No objection based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

Planning - Access Officer: - There are no objections to the above application at this time.

Cumbria Constabulary - North Area Community Safety Unit: - No objections subject to detailed design incorporating crime prevention measures.

Council for Protection of Rural England/Friends of the Lake District: - Friends of the Lake District (FLD) welcome the opportunity to comment on the above application. We are the only charity wholly dedicated to protecting the landscape and natural environment of Cumbria and the Lake District. Friends of the Lake District object to the above application on the grounds of impacts on landscape and settlement character and overdevelopment.

The Carlisle Local Plan states that there is a requirement of 478(net) new

homes per year between 2013 and 2020. This amounts to a total of 3346 new homes. It also states at para. 3.13 that 30% of housing growth will take place in rural settlements. 30% of 3346 is 1003.8. The Local Plan states that there are 'many' rural settlements(para. 3.29). Even if 'many' meant as few as 10, this would mean that each settlement, on average, would be expected to accommodate slightly over 100 each between 2013 and 2020. Scotby has already exceed this with permissions for housing on sites allocated in the 2015 Local Plan alone amounting to 109 new dwellings. Whilst recognising that the figures are not intended to result in precise targets for each settlement, and that many rural settlements are more remote from Carlisle or have fewer services and facilities than Scotby, a further 90 houses would mean that the village had accommodated 199 new dwellings, almost twice as many as indicated in the Local Plan.

The Local Plan states at policy SP2 that development in rural settlements must be of a 'an appropriate scale and nature', 'commensurate with their setting' and 'enable rural communities to thrive'.

To expect Scotby to accommodate almost 100% more new housing than indicated in the Local Plan cannot be described as appropriate in scale. A development that severs a valued village green's physical and visual connectivity with the countryside beyond is not commensurate with the village's setting. To thrive, communities of all kinds require many aspects to be taken into account beyond economic gains; health and wellbeing, and a sense of community, place and history are all important. By compromising, as described above, the village green that plays a key role in these factors, this proposal will not enable Scotby to thrive in these ways.

Policy HO2 applies to windfall sites such as this proposal. It states that '[w]ithin rural settlements applicants will be expected to demonstrate how the proposed development will enhance or maintain the vitality of rural communities'. Again, Scotby has already accommodated it's fair share of new development and to allow further development of the scale proposed that is not supported by the community will not enhance or maintain the vitality of the village. The proposal also fails to meet the requirements of points 1, 2 and 3 of HO2. The proposed development:

- is not 'appropriate to the scale, form, function and character of the existing settlement'
- will not 'enhance or maintain the vitality of the rural community within the settlement where the housing is proposed'
- is not 'well contained within existing landscape features', does not integrate with the settlement, and does lead to an unacceptable intrusion into open countryside.

Policy GI1 states that '[a]ll landscapes are valued for their intrinsic character and will be protected from excessive, harmful or inappropriate development' and that '[p]roposals for development will be assessed against the criteria presented within the Cumbria Landscape Character Guidance and Toolkit'. Scotby lies within character type 5 Lowland and sub-type 5b, low farmland. Within this sub-type, the Toolkit states that the 'traditional feel of villages and farms can provide a sense of stepping back in time in places and is sensitive

to unsympathetic village expansion' and that '[v]iews can be wide and long distance to the Fells and sea and have an expansive feeling'. This proposal would compromise both these characteristics, which are very relevant in the case of Scotby and this site in particular, with its historic character and views across and from the village green out to the North Pennines.

Amongst the guidelines in the Toolkit for this sub-type are '[e]nsure new development respects the historic form and scale of villages', '[e]ncourage...stronger definition of gateway entrances and exits' and 'enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside'. Again, this proposal would achieve the opposite of these guidelines as it would result in overdevelopment and would wholly compromise both the existing strong link between village and countryside (provided by the physical and visual link between the village green and the site) and the sense of entering the village centre, which has already been somewhat compromised by the Alders Edge development. Carlisle City Council themselves discounted this site from further consideration in the Local Plan preparation process when the Strategic Housing Land Availability Assessment found it would have an '[u]nacceptable landscape impact'.

The Council confirmed at April 2018 that it can demonstrate a 5 year housing land supply and has also recently won Government support to go ahead with a 'garden village' development of 10,000 houses only ten minutes from Scotby. This suggests that there are ample opportunities to meet identified needs without requiring historic villages such as Scotby to accommodate significant development amounting to 100% more than that allocated to it in the Local Plan. Particularly where this would have unacceptable impacts on landscape character and settlement character, including the setting of Scotby and clearly conflict with relevant local plan policies as set out above.

United Utilities: - No objection subject to conditions regarding surface water disposal and connectivity to the main drains.

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 proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is the Policies SP1, SP2, SP6, SP8, SP9, HO1, HO2, HO4, IP1, IP2, IP3, IP4, IP5, IP6, IP8, CC3, CC4, CC5, CM2, CM4, CM5, GI1, GI3, GI4 and GI6 of The Carlisle District Local Plan 2015-2030 and the council's Supplementary Planning Documents (SPD) "Achieving Well Design Housing" and "Trees and Development" are also material planning considerations.
- 6.3 The requirements of the public sector equality duty under Section 149 of the

Equality Act 2010; and the "Guidelines for Public Transport In Developments" (1999) and "Reducing Mobility Handicaps" (1991) both prepared by the Chartered Institution of Highways & Transport CIHT) are also material considerations. Section 149(1) of the Equality Act 2010 establishes a duty to have due regard to three identified needs in the delivery of public services and the exercise of public powers, namely:

- a) to eliminate discrimination, harassment, victimisation etc;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.4 The relevant protected characteristics include age, gender, disability and race.

6.5 At a national level, other material considerations include the National Planning Policy Framework, February 2019 (the Framework/NPPF), Planning Practice Guidance (April 2014 as updated), the Community Infrastructure Levy Regulations 2010 (as amended), and the Natural Environment and Rural Communities Act (2006).

6.6 The NPPF identifies 3 objectives for the planning system to perform under sustainable development, namely, an economic role, a social role and an environmental role.

6.7 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; or where there are no relevant development plan policies or the policies are out of date, grant permission unless:

- the policies of the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; 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.

6.8 Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. This is reflected in paragraph 175 of The NPPF that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused.

6.9 The proposal raises the following planning issues:

1. The Principle Of Development

6.10 Paragraph 12 of the NPPF states:

“The presumption in favour of sustainable development does not change the status of the development plan as a starting point for decision making..... Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

6.11 Carlisle District Local Plan 2015-30 was adopted by the City Council on the 8th November 2016 and whilst there have been two updates of the National Planning Policy Framework since that time it remains an up-to-date Development Plan for the purposes of making planning decisions.

6.12 Policy SP1 (Sustainable Development) follows the principles established in the NPPF and forms the basis for which sustainable development is then interpreted through the Local Plan policies.

6.13 Policy SP2 (Strategic Growth and Distribution), states that sufficient land will be identified to accommodate 9,606 net new homes between 2013 and 2030 including a minimum annualised average of:

- 478 net new homes between 2013 and 2020; and
- 626 net new homes between 2020 and 2030 (adjusted to have regard to delivery in the 2013-2020 period).

It goes on to state that approximately 70% of the growth will be focussed on the urban area of Carlisle, with approximately 30% in the rural area. Specific sites have been identified within the Plan, alongside an allowance for windfall developments, to accommodate the majority of growth required. Strategic Policy SP 2 (8) states that within the open countryside development will be assessed against the need to be in the location specified.

6.14 The site of this application is not an allocated site for residential development under Policy HO1 in the local plan. It is however worth noting that other sites have been allocated within the village of Scotby to help deliver the Local Plan targets above namely:

R15 – Land north of Hill Head, east of Scotby Road (indicative yield 90)
R16 – Land at Broomfallen Road (indicative yield 28)

6.15 In determining which sites to bring forward to allocations within the Local Plan an exercise was undertaken known as the Strategic Housing Land Availability Assessment (SHLAA). This process considered a number of sites throughout the district in order to formulate a deliverable Local Plan strategy by assessing the potential constraints to development and impacts on infrastructure. This assessment led to a number of sites being allocated for housing alongside the significant strategy to development south of Carlisle in what is now referred to as the St Cuthbert's Garden Village area.

6.16 Specifically in relation to this proposed site the SHLAA process considered a larger area under reference SC14 – Land at Townhead Farm. The December 2014 update of the assessment determined that the site should be discounted due to the unacceptable landscape impact and the site was therefore not allocated. The non-allocation of a site in a Local Plan does not

prevent applications from being made on that site and each application has to be treated on its merits. It provides a contextual reference and as the site is not allocated it now falls to consideration under separate policy in the Local Plan namely, HO2 (Windfall Housing Development).

6.17 Policy HO2 states that:

“New housing development on sites other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and villages within the rural area provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan and:

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

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;

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 in the open 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 villages with services, or to the larger settlements of Carlisle, Brampton or Longtown; and

5 the proposal is compliant with adjacent land users

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

Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.”

6.18 With regards to Policy HO2, the location of the site on the edge of Scotby conforms to the general intent of the policy however it must conform to the overall spatial strategy and satisfy the criteria within the policy.

6.19 In terms of the spatial strategy, Policy HO1 makes provision for allocations of housing development within Scotby. Site R15 has an outstanding planning application submitted which is currently undergoing reconsideration by the applicant following consideration by the Council's Development Control Committee. Site R16 has planning permission and work has now commenced on site. It is therefore early in the plan process and the release of this site may prejudice the delivery of Site R15 but would not prejudice the delivery of Site R16. The spatial strategy of the plan did however allow for windfall sites to come forward with an overall allowance in the region of 100 dwellings per annum. This application is less than the envisaged windfall level for the district however other sites have also come forward in recent years within Scotby providing further windfall permissions. Many of the objectors to the application raise concerns that with the other applications off Scotby Road and the Alders Edge development, Scotby has had more than its fair share of housing.

- 6.20 In reviewing that position and the impact on the spatial strategy, a large site coming forward may have a significant impact but it is unlikely to be sufficient to prejudice the overall spatial strategy of the plan provided that the development is limited. Policy HO2 does not have a limit on the scale of individual or cumulative windfall sites however in the case of Scotby and some other settlements surrounding Carlisle it is clear to see that the pressure for development puts an uneven strain on infrastructure.

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

- 6.21 Scotby is a linear village which historically grew up around the two railway lines and has expanded both northwards towards the A69 and south along Broomfallen Road. This site expands the historic central part of Scotby extending the village eastwards. The scale of the expansion is contained and mirrors that of the frontage for the Alders Edge development however such a large scale expansion into a field can be considered to be counter to the natural linear evolution of the settlement.
- 6.22 Criterion 1 of the policy is concerned with the scale and design of the proposed development being appropriate to the scale, form, function and character of the existing settlement. Whilst HO2 does not prescribe a size threshold for windfall, the addition of 90 dwellings is significant in terms of scale for this central section of the village. In addition, a windfall development of this size is in essence a departure from the 'Plan led' approach, and undermines confidence in the Local Plan as being the document which gives the public and developers certainty about what development is going to happen and where. Indeed, national guidance states that the Local Plan should make clear what is intended to happen in the area over the life of the plan, where and when this will occur, and how it will be delivered.

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;

- 6.23 The scale of this application is similar to allocation of site R15 and therefore it could be argued that the scale of such a site has an established context for the village. It should be noted however, that this application is additional to those existing allocations for housing and therefore will increase the village by a further 90 houses. This scale combined with other developments in the village is considered to be out-of-scale with the settlement and will put significant pressure on the rural community it seeks to integrate with. For services such as a village shop, any increase in housing would help to maintain the viability and it is therefore difficult to determine that such development would be detrimental to the community it serves. In this instance however, it is clear that there is no additional capacity at the primary school. The other housing sites and allocations already progressing will put pressure on the local school but have been accepted as part of the Local Plan process and measures in place to deal with the infrastructure. The overall catchment, including from development on allocated sites on the edge of

Carlisle, means that this further application will not enhance or maintain the vitality of the village but add to existing pressures.

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 in the open countryside;

6.24 This application site is on the edge of Scotby but well related by being close to the centre of the village. The site is part of a larger field and the proposal therefore includes landscaping which would contain the development. It is physically connected by its siting on the Wetheral-Scotby road opposite the recent Alders Edge development and a short walk to local services. Many objectors consider that the location of this proposal, close to the area used as the village green removes one of the only opportunities to link directly to the surrounding countryside from within the centre of the village. The agricultural field is integral to linking the village directly to the surrounding countryside and significant views out of the settlement.

6.25 For sites on the edge of villages, criterion 3 of the policy requires that sites are well contained within existing landscape features, physically connected to and integrate with the settlement, and do not lead to an unacceptable intrusion into the open countryside. The perception of the site is, as outlined above, that of open countryside, and there are no landscape features which would lead to the site being described as integrating with the village. The open views across the site to the North Pennines also make it difficult to justify describing the site as being well contained within existing landscape features. This is discussed further in the Landscape section of this report however the application site poses 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 villages with services, or to the larger settlements of Carlisle, Brampton or Longtown; and

6.26 Scotby has a number of services including school, church, village hall and shop. This level of services would suggest that there are sufficient services where the housing is proposed. Concerns have been raised regarding the ability of those services to accommodate the development, particularly in relation to the primary school. This latter point is discussed further in the Education section of this report. Scotby is also close to Carlisle and therefore a higher level of services can be accessed. In principle this criterion of the policy can be achieved subject to details regarding education provision.

5 the proposal is compliant with adjacent land users

6.27 Adjacent land uses are residential in nature or open countryside. Whilst further details of design and layout will be required, the ability to site residential development adjacent to those other uses does not compromise the occupiers of that land. Concerns have been raised regarding property

prices and individual views however these are not planning matters as long as the distances with the Council's SPD can be achieved. Concerns have also been raised about the impact of the development on traffic particularly in relation to the Wetheral-Scotby road and the parking of vehicles in relation to Alders Edge development. This latter point is discussed further in the highways/access section of this report.

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

- 6.28 This has been considered in paragraph 6.23 above.

Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community."

- 6.29 Prior to the application being submitted the agents had carried out a consultation with local residents and attempted to engage with the Parish Council particularly over any needs that could be met with this development. The response of the locals has however been opposed to this development and therefore it has not been possible to fully engage in this process. The responses to consultation on this application has also indicated strong opposition to the development with little, if any constructive responses as to how the design of the development may evolve. This part of Policy HO2 should not be used as a reason for refusing this application due to the endeavours of the applicants.
- 6.30 The application site is located in a sustainable location where there are a range of services accessible from the site however the development of this site will put pressure on existing services/infrastructure and the form and scale of such a proposal will not enhance the settlement with which it seeks to integrate.
- 6.31 The applicant refers in their planning statement to the potential for the Council not to be able to provide a five-year supply of housing. The Council maintains that it does have a sufficient supply of housing coming forward and therefore this application should be considered on its own merits. Nevertheless, even if it were to be proven that there was not a five year supply of housing this does not provide for granting permission on sites that are considered to be unsustainable due to their impacts.
- 6.32 In the context of Policy HO2 the principle of housing on this site is deemed not to be acceptable and permission should be refused.

2. The Layout, Scale, Appearance And Landscaping

- 6.33 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of street

scape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing. Development of this site could have a significant impact on the character of the area unless it is sympathetically designed.

- 6.34 This application is an Outline application with all matters reserved except access. The application is accompanied by a design and access statement as well as indicative masterplan. Both these documents indicate the potential layout of housing and the design influences which could be incorporated at the reserved matters stage. As all these matters are reserved for a later application the requirements to comply with policies could be conditioned to ensure that the final scheme would be of a high quality and integrate well with the local context.

3. Impact On Landscape

- 6.35 The application has been accompanied by the Design and Access Statement which incorporates a section regarding landscape character and a response to the context of the landscape in evolving the illustrative masterplan for the site.
- 6.36 It is noted that the landscape around Scotby is not within a designated landscape nevertheless the local landscape is important in determining whether or not development proposals can be assimilated into existing areas particularly where these seek to develop around the edge of settlements. Many concerns have been raised by the public in connection to this site and the context of the SHLAA when the site was discounted for development due to the impact on the landscape. Members of the public also noted that there are clear views across this site towards the North Pennines AONB.
- 6.37 It is therefore important to consider this context when assessing the potential landscape impact of this development. In the adopted Local Plan Policy G11 – Landscapes seeks to value all landscapes for their intrinsic character and protect them from excessive, harmful or inappropriate development. The core principle of the policy is that all landscapes matter, not just those that form part of national designations. The policy requires proposals for development to be assessed against the criteria presented within the Cumbria Landscape Character Guidance and Toolkit with regard to the particular area's key characteristics, local distinctiveness and capacity for change. The site lies within landscape sub type 5b, low farmland. The key characteristics include:
- Undulating and rolling topography;
 - Patchy areas of woodland;
 - Large rectangular fields;
 - Hedges, hedgerow trees and fences bound fields and criss-cross up and over the rolling landscape.
- 6.38 Sensitive characteristics or features include the traditional feel of villages being sensitive to unsympathetic village expansion, whilst the character is

described as large scale and open, with wide and long-distance views to the fells.

- 6.39 Whilst Policy GI1 does not mean that development which incurs changes to landscapes should be resisted; rather that new development should be appropriate to its surroundings and be suitably accommodated within the landscape.
- 6.40 This site lies outside the build edge of the settlement of Scotby, although it is physically connected to it along its western and northern boundaries. When viewing the site from the T junction of the road to Wetheral with the main road through Scotby, there are wide views across the whole site to the trees around the Pow Maughan beck and beyond as far as the North Pennines AONB. This is typical of landscape sub-type 5b. The roadside hedge reinforces the sense of leaving the village and moving into the open countryside. This open aspect is also visible from along the Scotby Road, across the small green area and through the gaps between and around the properties named as Holly Bush and Greenside.
- 6.41 Development of the scale proposed on this site would erode this open nature, and be harmful to the landscape, contrary to Policy GI1 and it is considered that the application should be refused on this basis.

4. Whether The Proposal Would Adversely Affect The Amenity Of The Occupiers Of Neighbouring Properties

- 6.42 When considering proposals for development it is important to consider the impacts that any development may have on existing occupiers of neighbouring properties. Planning does not protect the right to a view, it does however ensure that privacy remains important.
- 6.43 The city council's SPD "Achieving Well Designed Housing", on the matter of privacy, states that:
- "Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). 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. (para. 5.44) While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances." (para. 5.45)*
- 6.44 Moreover, criterion 7 of Policy SP6 of the local plan requires that proposals ensure that there is no adverse effect on residential amenity or result in unacceptable conditions for future users and occupiers of the development.
- 6.45 As such, it is considered that the main issues revolve around the impacts on the occupiers of the proposed dwellings as well as the existing neighbours concerning not only potential losses in privacy but also such matters as

whether any element would be oppressive; cause losses in daylight/visible sky; and/or cause overshadowing/losses in sunlight.

- 6.46 This application is in outline form with matters relating to layout and scale reserved for a future application. These will primarily impact on neighbouring properties and therefore at this stage, providing that conditions are used to ensure compliance with the relevant policies there would be no conflict in relation to residential amenity.

5. Highway Issues and Accessibility

- 6.47 It should be noted that although this application is Outline with some matters reserved, access is not a reserved matter and therefore approving this application will also approve the proposed access arrangement for the site. The land currently has a farm access gate at the north western corner of the site on the Wetheral-Scotby road.
- 6.48 The application submitted a transport assessment (TA) and travel plan as part of the application. It is proposed to continue to provide access to the main road through the development at the north western corner of the site with footways and visibility splays being able to be provided from land within the ownership of the applicant. The access road will be 5.5m wide with a 2m footway either side. This complies with the required highway standards. The main road will form the highest element of a hierarchy of road provision within the site. A proposed emergency/pedestrian/cycle access is also indicated to the east of the main access.
- 6.49 A number of residents have raised concerns about the impact on the Wetheral-Scotby road, nearby junction and further afield in Scotby.
- 6.50 The County Council as highway authority considered the proposed access and considered that further amendments and clarification should be provided regarding the emergency access, committed development (17/0896), junction modelling outputs for A69 / Scotby Road / Holme Lane and the isodistance maps.
- 6.51 The applicant has provided additional information by revising their drawing and updating the modelling and TEMPRO growth factors and highlight that the junctions will still run with capacity. They conclude that the findings of the original TA remain valid in that the local highway network and proposed site access will operate with spare capacity and will be able to accommodate the traffic likely to be generated by the development.
- 6.52 Following the submission of further information the highway authority recommends that a number of conditions should be attached to any permission if granted (covering standard of highway works, visibility splays, sub-base construction, lowering of kerbs, travel plan monitoring, construction management plan and a contribution of £6,600 towards travel plan monitoring).
- 6.53 In accordance with Paragraph 109 of the NPPF the development will not have

a “severe” impact or result in an unacceptable impact on highway safety and should not therefore be refused on transport grounds.

6. Flood Risk And Foul and Surface Water Drainage

- 6.54 The submitted Flood Risk Assessment (FRA) concludes that there is low risk of flooding from fluvial sources with a probability of 1 in 1000 in any one year (<0.1%). The proposed development is classified as ‘more vulnerable’ and is located within Flood Zone 1, therefore the development is suitable within this flood zone in accordance with the NPPF. There are no water bodies or watercourse systems which present a source of risk to the development with the site being elevated above the adjacent watercourse, Pow Maughan.
- 6.55 Ground conditions will not be suitable for surface water infiltration based drainage. It is therefore proposed to connect surface water drainage to Pow Maughan to the north east. The proposed piped drainage system will be designed to contain flows from a minimum of 1:30 year event and will discharge into an attenuation basin located within the north east boundary of the site via a flow control structure.
- 6.56 The overall drainage system will be put forwards for adoption via a Section 104 agreement with United Utilities. United Utilities has not raised any objections subject to the imposition of conditions dealing with finished floor levels and details of the connection point.
- 6.57 The County Council as Lead Local Flood Authority (LLFA) note that a traditional piped based scheme is proposed via an attenuation basin to Pow Maughan. In principle, subject to suitable design this may be an adequate means of surface water disposal. However, it is noted that the discharge pipe will need to cross 3rd party land and this connection is not included within the red line boundary of the site plan. Therefore, confirmation that an agreement has been made with the adjoining landowner and a revised red line boundary should be provided prior to planning permission being granted.
- 6.58 The LLFA further comments that it is also noted within the FRA that initial greenfield runoff rates have been assessed, however, it should be noted that these may need to be revised subject to any layout of the proposed development to be submitted at reserved matters. It should also be noted that any details submitted at reserved matters in relation to the drainage design should include the most recent allowances for urban creep and climate change (should be the government’s upper end allowance unless evidence is provided to determine that this can be reduced – currently 40%). The details on the drainage of the development should also include details on exceedance routes, future maintenance etc.
- 6.59 The County Council (LLFA) has updated their response and whilst some information is still required they suggest a condition should permission be granted (surface water drainage scheme).

7. Archaeology

- 6.60 The applicant has submitted an archaeology and built heritage assessment as part of the planning application. The report concludes that overall there is a moderate amount of evidence for earlier prehistoric activity in the wider study area, including the cropmarks of a Neolithic cursus-like feature and Bronze Age ring ditches. A Bronze Age cemetery was also recorded to the north of the site. There is no recorded evidence of earlier prehistoric activity within or in close proximity to the site, and the potential for unrecorded remains of this date is considered to be low.
- 6.61 Numerous cropmarks of potential Iron Age or Roman date have been recorded in the study area, and although the overall spread of cropmarks suggest that the activity was focused away from the site, a couple of linear cropmarks potentially extend in a northern direction towards the site. Other cropmarks have been identified in the study area which have been interpreted as Iron Age and Romano-British date, including roundhouses and a temporary camp. The potential for unrecorded remains of Iron Age or Roman date within the southeastern area of the site is considered to be moderate, although there is no current evidence to suggest such remains are of a significance to preclude development. The potential for significant unrecorded remains of Iron Age or Roman date within the remainder of the site is considered to be low. There is no evidence for medieval settlement features or finds within the site, and there is scarce evidence for finds and features of medieval date within the study area, aside from the Anglo-Saxon coin hoard. A potential field system within the site of probably medieval date was identified during an aerial photograph review of the site. Ridge and furrow earthworks of possible medieval date are recorded on the LiDAR imagery within the site, in a broadly northeast to south-west orientation. The potential for remains of archaeological significance of medieval date within the site is considered to be moderate, although there is no current evidence to suggest that such remains are of a significance to preclude development.
- 6.62 The land within the site was utilised at the time of the Tithe Apportionment Map of 1842 as a mixture of arable land, meadow, waste land and orchard. The former fields of the site were then consolidated as an area of parkland associated with Rookery Park during the latter half of the 19th century, before again reverting to agricultural land in the early to mid-20th century, which has continued into the 21st century. A former building within the site, illustrated on the Tithe Map and described as *Croft and Tan Yard*, was demolished in the late 19th century. Any potential below-ground remains of this building are not considered to be of heritage interest.
- 6.63 Numerous buildings and railways were constructed in the post-medieval to modern landscape at Scotby. The potential for significant post-medieval and modern archaeological remains within the site is considered to be low.
- 6.64 The County Council's Historic Environment Officer raised concerns and requested further survey work be undertaken. The applicant commissioned a geophysical survey of the site. The results show a small number of geophysical anomalies of potential archaeological interest on the site. Furthermore, there is the potential for buried archaeological assets of a similar nature to the Iron Age remains in the adjacent field to survive on the

site that would not necessarily be identified by the geophysical survey. Also, remains of a small complex of buildings shown on early historic maps and which have disappeared by the mid-19th century may also survive on site. Any assets that do survive are considered to be of local significance and will be disturbed by the construction of the proposed development.

- 6.65 He recommends that the site is subject to further archaeological investigation and recording in advance of development. This work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent.
- 6.66 On that basis archaeological matters can be dealt with by way of a planning condition should the application be approved.

8. Affordable Housing, Education And Recreational Provision

- 6.67 On the matter of planning obligations Policy IP8 of the local plan makes clear that new development will be expected to provide infrastructure improvements which are directly related to and necessary to make the development acceptable.
- 6.68 In relation to affordable housing the council's Housing Development Officer has confirmed that a 30% affordable housing contribution would be required in accordance with Policy HO4 of the local plan. The applicant has confirmed that the proposed housing will comply with the policy albeit that the details of such provision are reserved for a later application. As a consequence it would be essential that should the application be approved, a legal agreement (S106) is drawn up to ensure that provision.
- 6.69 Policy CM2 (Educational Needs) explains that to assist in the delivery of additional school places, where required, to meet the needs of development, contributions will be sought. In terms of primary school provision, Cumbria County Council has advised that there are limited places available in the catchment of Scotby Primary School which is therefore effectively full and that an education contribution of £292,644 is required to provide capacity at either Scotby Primary School or the nearest school where capacity can be provided to mitigate the impact of the proposed development.
- 6.70 In terms of secondary school provision, Cumbria County Council has advised that it is considered that there will be insufficient places available in Central Academy to accommodate the secondary pupil yield from this development, therefore an education contribution of £324,090 is required to mitigate the impact of the development.
- 6.71 In terms of school transport provision, subject to the above contribution being provided there are no primary schools within the statutory walking distance of 2 miles along a safe route a contribution is required of £266,000. No contribution is sought in relation to secondary school transport.
- 6.72 The applicant questioned the details of the requirements and further clarification has been provided by the County Council.

Primary Contribution

- 6.73 When assessing the impact that a planning application will have on primary schools the County Council considers it is only appropriate to take into account schools within a suitable walking distance. Therefore for primary schools we only take into account schools that are within 2 miles, this aligns with the Department for Education (DfE) guidance entitled 'Home to School Travel and Transport' and the County Councils 'Home to School' Transport Policy. This approach has been accepted by all the planning authorities in Cumbria and the Planning Inspectorate in relation to a number of appeals. It is therefore not considered appropriate to consider the capacity in schools noted in the attachment other than Scotby CofE School.
- 6.74 The County Council has undertaken feasibility work at Scotby CofE School which established that it would not be feasible to expand. Therefore as previously stated it is considered that taking into account existing loyalty trends the next school that parents are likely to send their children to is Cumwhinton Primary School, and a scheme has been identified for expansion at the school. This is considered the best solution to provide capacity in the east of Carlisle as this is where the impact will be from developments in Cumwhinton, Scotby and Wetheral.

Primary School Transport

- 6.75 When assessing the need for a Primary School Transport contribution the County Council takes into account schools that are within 2 miles on a safe walking route which broadly aligns with Department for Education (DfE) guidance entitled 'Home to School Travel and Transport' and the County Councils 'Home to School' Transport Policy, the contribution that has been sought is therefore considered to be appropriate. This approach has been accepted by all the planning authorities in Cumbria and the Planning Inspectorate in relation to a number of appeals.
- 6.76 For primary schools, a ten year period is required reflecting the time period General Practitioner Register (GPR) information and current school roll information is available. This means that there is ten years' worth of existing primary school pupils from the data and there are seven cohorts in school and three pre-school cohorts. If the same logic is applied to a development there will be ten years' worth of new pupils, who will need to be transported. It is assumed the yield is a constant and a development that produces a yield of twenty pupils will always have twenty pupils living within it so, for the entire ten year period, it is considered transport will be needed those twenty pupils.
- 6.77 Many local residents have raised concerns about the ability for the primary school in Scotby to accommodate children from the development. Whilst this is noted, the County Council consider the context in the wider provision of school places. The provision above indicates the standard practice in dealing with development proposals involving the potential to generate a number of school places. Whilst the concerns are noted, in planning terms the above provision would meet the planning policy requirements. The applicant has

indicated that they will make the required provision and a S106 legal agreement will be required to put this provision in place should the application be approved.

- 6.78 Policy GI4 states that new housing developments of more than 20 dwellings will be required to include informal space for play and general recreational or amenity use on site according to the size of the proposal. On smaller housing sites, where on site provision is not appropriate the developer may be required to make commuted payments towards the upgrade of open space provision in the locality, especially if a deficit has been identified.
- 6.79 The applicant proposes a new play area as part of this development alongside a number of landscape enhancements. These areas will all require provision and maintenance and the Green Spaces team have indicated a number of specific requirements in relation to the details. Whilst acceptable in principle they will require a S106 legal agreement to put in place the necessary measures to make them acceptable and continue through to reserved matters stage.

9. The Effect Of The Proposed On Nature Conservation Interests

- 6.80 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the development of residential dwellings on greenfield land. As such it is inevitable that there will be some impact upon local wildlife.
- 6.81 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application in accordance with paragraph 118 of the NPPF. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.
- 6.82 Policy GI3 of the local plan seeks to ensure the protection and, where possible, enhancement of biodiversity assets across the District. These policies are consistent with Section 15 of the Framework.
- 6.83 The Ecological Assessment provided the following summary:

- As outlined in the Ecological Desk Study report (January 2018), it is unlikely that the proposals will result in impacts to sites designated for their nature conservation interest.
- The site is of limited botanical and ecological value, owing to the predominance of poor semi improved grassland and marshy grassland (soft rush) habitats.
- One hedgerow was not considered to be important under the wildlife and landscape criteria of the Hedgerow Regulations 1997, but it was considered to be a Habitat of Principal Importance.
- Badgers, reptiles and great crested newts were not recorded and were considered not to be a constraint to development.
- Red squirrel may be present adjacent to the site. The proposed woodland belts and landscape buffer planting will provide foraging and commuting opportunities for this species which are not currently available.
- Bat activity surveys were undertaken in spring, summer and autumn comprising static bat detectors and transect surveys. Overall the bat activity was concentrated along the boundaries and adjacent off-site gardens. It is expected that the newly created greenspace outlined in the proposals will enhance the site's suitability for bats.
- The report identifies a number of potential ecological enhancements

6.84 Based on this information, the Assessment includes the following enhancements:

- The site is currently of limited botanical and ecological value, owing to the predominance of poor semi-improved grassland and marshy grassland (mainly soft rush), with some tall ruderal (mainly nettles) also present.
- The proposed Green Infrastructure, woodland belt planting, and provision of a SUDS attenuation basin will result in greater biodiversity on site than is currently present and provide enhanced foraging, commuting and breeding opportunities for various groups of species, including bats, red squirrels, and birds.
- In line with NPPF (2018), it is recommended that the development of the site results in a gain in value for wildlife by incorporating biodiversity in and around the development via the use of ecological enhancement measures. In addition to the recommendations with respect to individual species and habitats outlined above, opportunities exist within the scheme for general biodiversity enhancements to be undertaken. The following are recommended for this specific site:
 - Areas of informal grassland should seek to use a herb-rich mix suitable for the local area, with any more formal areas using a flowering lawn mix as an alternative to a standard rye grass mix. New habitat creation proposals should aim to increase the diversity of habitats present and provide structural diversity, with scrub, woodland and grassland areas. Any garden planting proposed at the outset should also use native species of value to wildlife. Suitable small tree species for inclusion in garden planting schemes include field maple, silver birch and holly. All informal areas of planting should use native species and be subject to sympathetic management and a management plan to promote their conservation value.
 - Soft landscaping using native and ecologically valuable species would enhance the site, avoid using non-native species with overly complex

flower structure or those of an invasive nature such as cotoneasters;.

- An ecological management plan should be devised and adhered to for all retained and created habitats in order for them to maintain existing value and/or realise enhanced value, making sure that management is appropriate and ongoing for the life of the development.
- Creating dark corridors along retained boundary features will be important to maintain and enhance value for bats as sources for invertebrate prey and commuting and dispersal routes through the landscape. Care should be taken to avoid artificially lighting these habitats or any newly planted hedgerows.
- Small gaps could be left under or in the corners of garden fences to permit access for wildlife such as hedgehog;
- A variety of types of bat and bird boxes could be installed on new buildings adjacent to retained and created open space and on retained trees to increase availability of roosting and nesting sites.
- Deadwood piles could be created in areas of retained open space to provide a habitat niche for amphibians and small mammals as well as deadwood for invertebrates such as saproxylic beetles; and
- Sustainable drainage should be designed to provide optimal habitat for wildlife as well as serving drainage functions, for example attenuation and storage ponds designed to hold water all year round and to have edge habitat with marginal vegetation.

6.85 In response, Natural England has not raised any objections. Although a number of local residents have referred to wildlife species being present the detailed survey work has evaluated a range of species. On the basis of the foregoing, it is considered that the proposal is consistent with Policy GI3 of the local plan subject to the imposition of conditions that include a requirement to provide the identified enhancements as identified above.

10. Other Matters

6.86 With regard to waste disposal, Waste Services had some concerns however on the basis that the detailed layout is yet to be provided they have not objected at this stage.

6.87 Some members of the public have raised concerns about the impact on residential values however these are not a planning matter and cannot be taken into account when considering planning applications.

Conclusion

6.88 This is an outline application to establish the principle of development. Access is included at this stage however appearance, landscaping, layout and scale are reserved for a later application.

6.89 Policy HO2 seeks to ensure that the scale and design of any windfall development is appropriate to the scale, form, function and character of the existing settlement. Following the Officer's assessment of the submitted application against the Local Plan and any other material considerations, the current application site represents an intrusion into the countryside contrary to

Policy HO2 of the Local Plan and is out of character with the form of Scotby village. The proposed development therefore conflicts with the principle of windfall development as defined by the Local Plan. As this conflicts with the principle of windfall development and intrudes into open countryside Policy SP8 requires justification for the proposal however no overriding need has been demonstrated to indicate why this development should take place. This is contrary to Strategic Policy SP8 of the Local Plan. Furthermore, development proposed in this location has a negative impact on open nature of the local landscape character contrary to Policy GI1 of the Local Plan.

- 6.90 On other matters such as highways, access, drainage, biodiversity, archaeology, affordable housing, education and recreation the outstanding policy concerns can be dealt with through planning conditions or through the provisions within a S106 legal agreement to make them acceptable.
- 6.91 When considering the planning balance of the issues above, there are fundamental concerns about the principle of development which override the detailed elements that can be dealt with through reserved matters and therefore the recommendation is to refuse the application.

7. Planning History

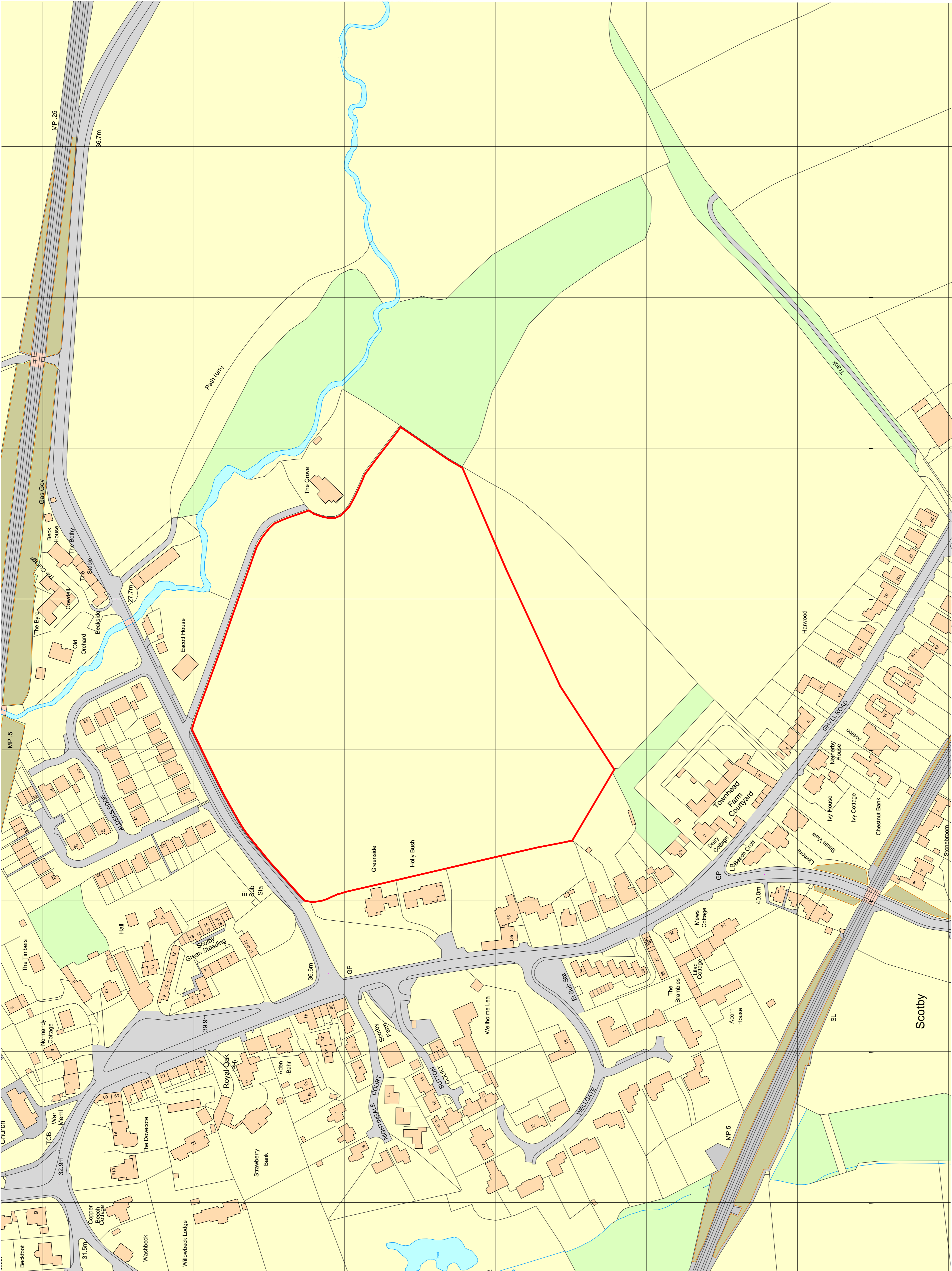
- 7.1 There is no relevant planning application history.

8. Recommendation: Refuse Permission

1. **Reason:** Policy HO2 (Windfall Housing Development) of the Carlisle District Local Plan 2015-2030 seeks to ensure that the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement. The scale of the proposed development would not be appropriate to the scale and character of Scotby. At present the majority of housing is located in a linear form and this development would extend the historic core to the east. In addition, the policy seeks to ensure that sites are well contained within existing landscape features, physically connected to and integrate with the settlement, and does not lead to an unacceptable intrusion into the open countryside. The perception of this site is one of open countryside and not well contained or integrated into the village. The proposal would, therefore, be contrary to Criteria 1, and 3 of Policy HO2 (Windfall Housing Development) of the Carlisle District Local Plan 2015-2030.
2. **Reason:** Criterion 8 of Policy SP2 (Strategic Growth and Distribution) states that within the open countryside development will be assessed against the need to be in the location specified. The applicant has failed to demonstrate an overriding need for the additional housing to be sited in this location.

3. **Reason:** The application site has been considered throughout the Local Plan process, including the Strategic Housing Land Availability Assessment process, from the inception of the Local Plan. It has been considered against alternative sites and against the Sustainability Appraisal principles. This culminated in the site being omitted from the Local Plan. The site was specifically excluded due to its landscape impact. Policy GI1 of the Local Plan seeks to ensure that development should be appropriate to its surroundings and suitably accommodated within the landscape. When viewing the site from the central section of the village the landscape is typical of the Landscape Character Guidance sub-type 5b. The open nature of this landscape would be eroded by the development and would be harmful contrary to Policy GI1 (Landscape) of Carlisle District Local Plan 2015-2030.
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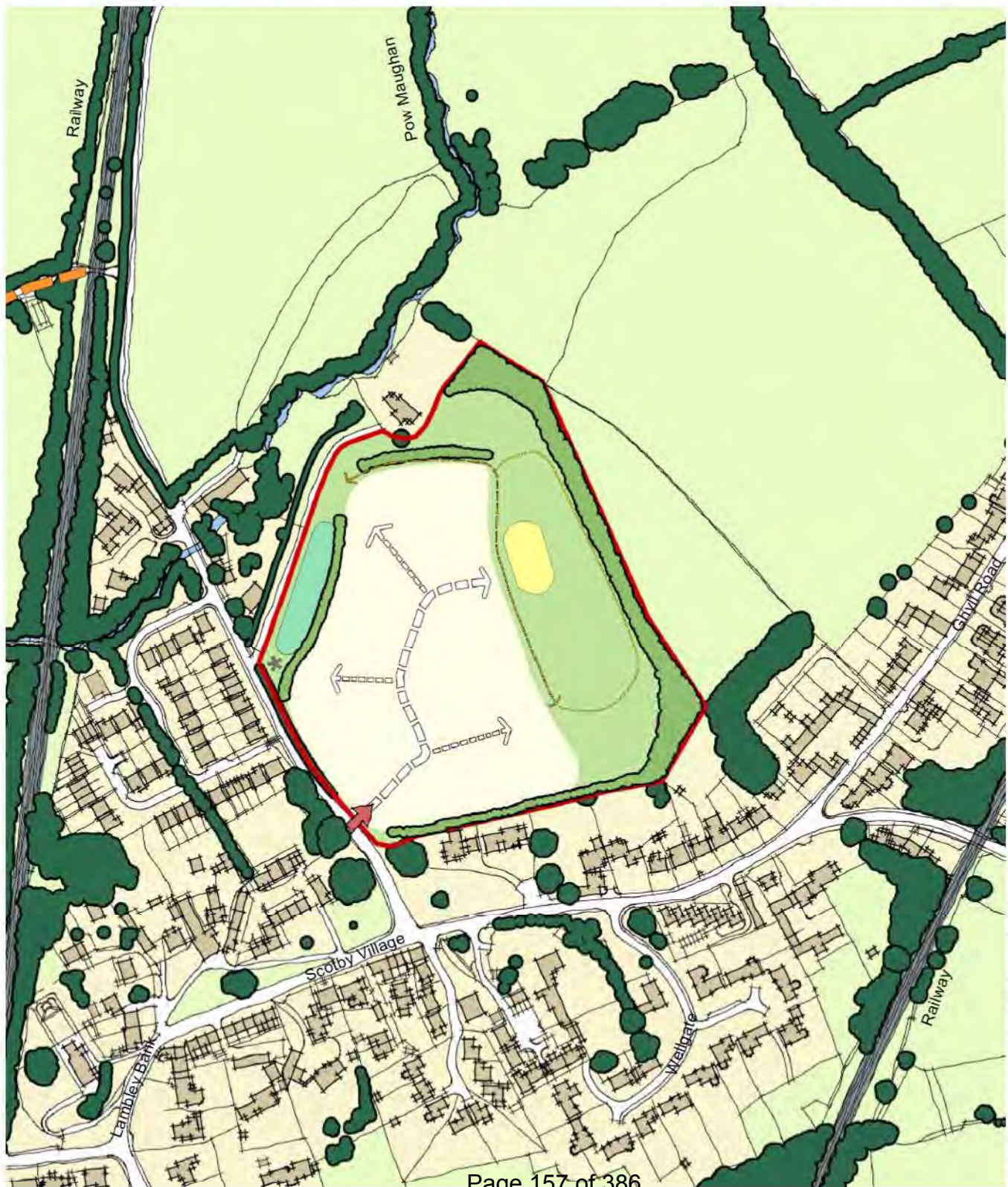
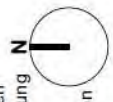
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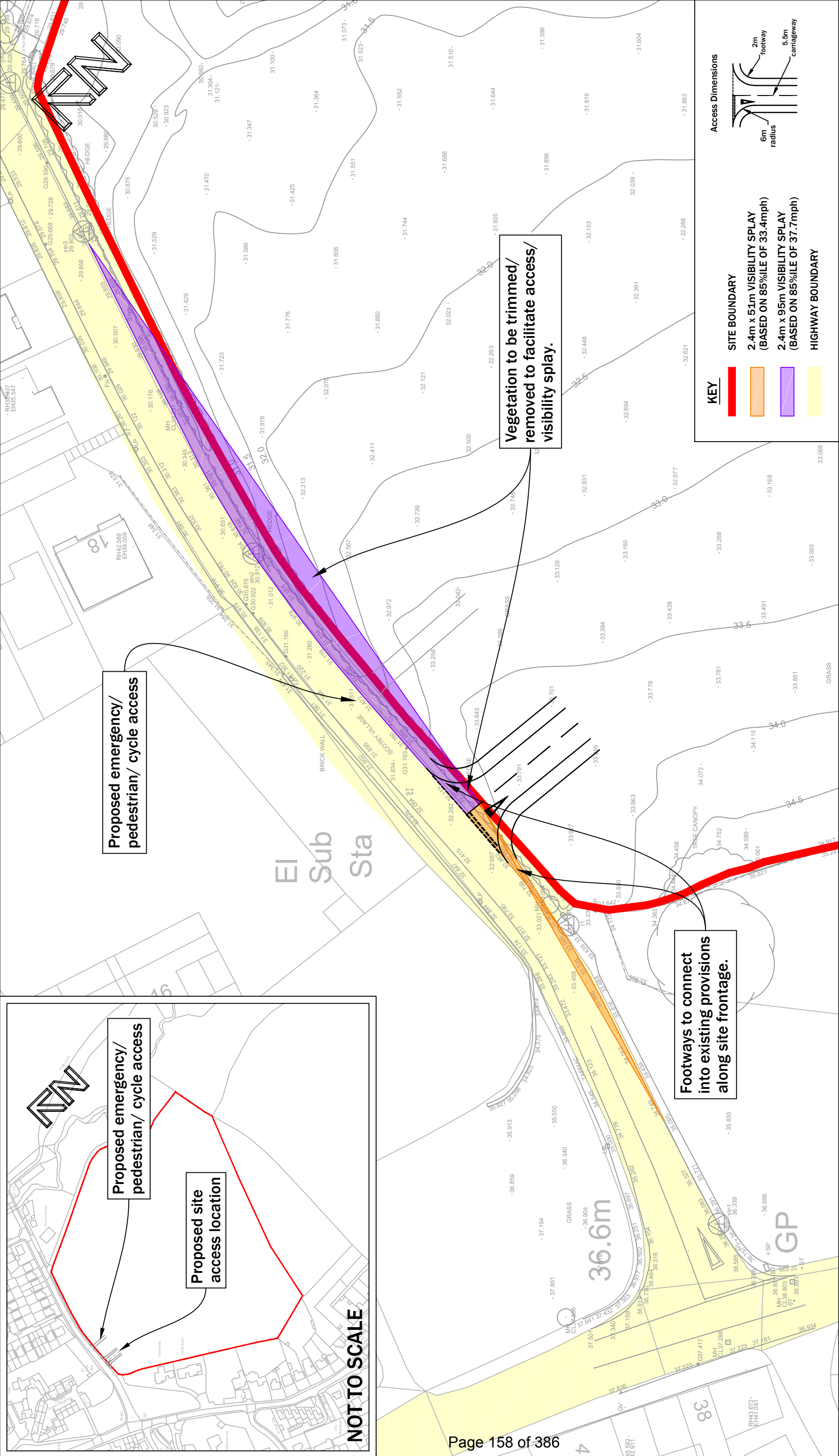
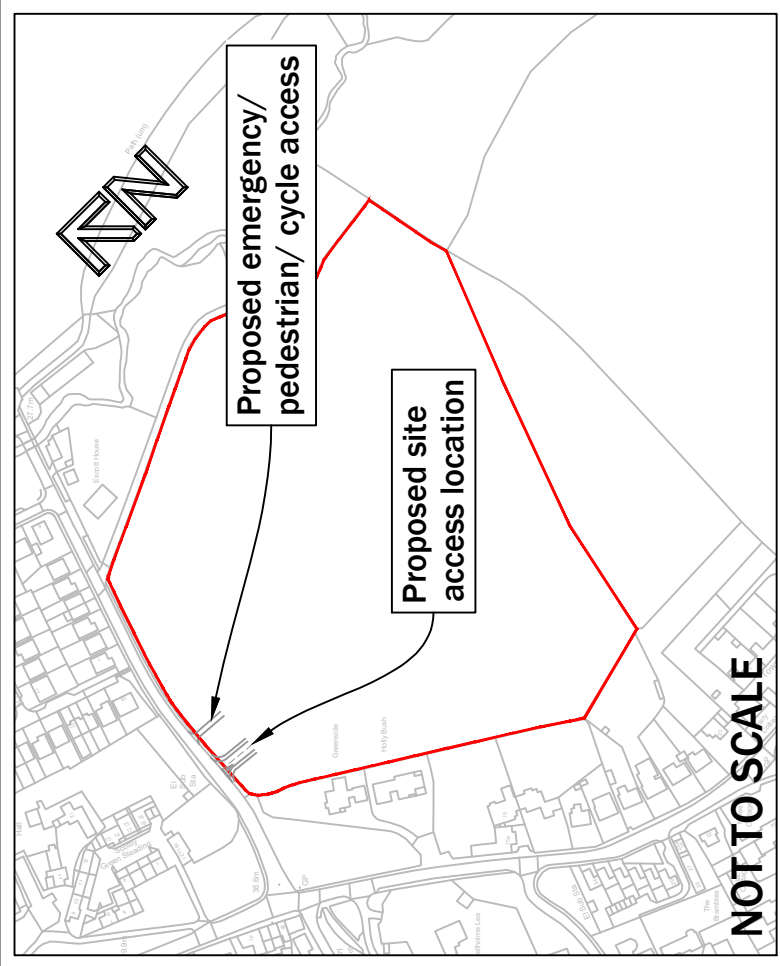



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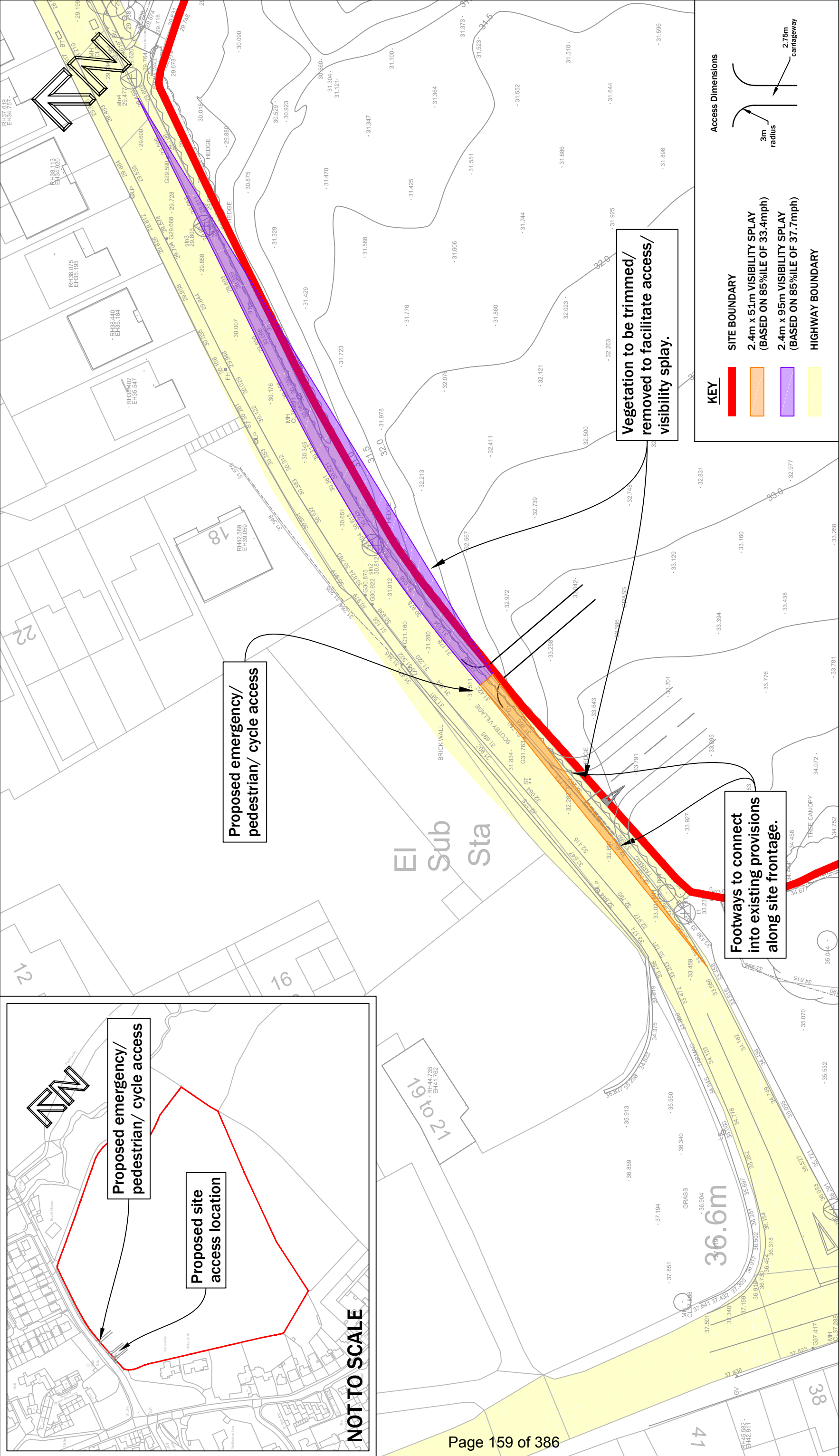
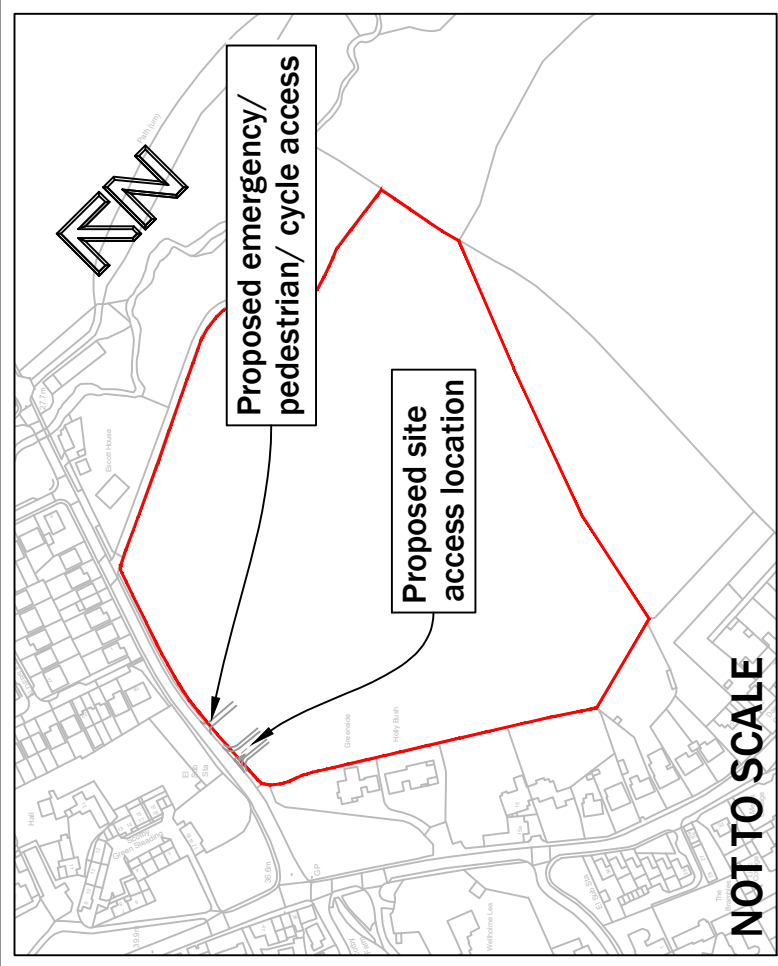
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-  Site Boundary 5.41Ha
-  Existing Development
-  Existing Hedgerow/Treebelt
-  Existing Trees
-  Pow Maughan (River)
-  Existing Public Right of Way
-  Proposed Residential Development: 2.72Ha (Up to 90 dwellings at an average of 33dph)
-  Potential Site Access
-  Indicative Main Street
-  Indicative Secondary Roads and Lanes
-  Indicative SuDS Attenuation Basin Location
-  Proposed Footpaths
-  Proposed Trim Trail/Nature Track
-  Proposed Childrens Play Area
-  Proposed woodland belts and Landscape buffer planting
-  Proposed Green Infrastructure (c2.69Ha) includes: natural & semi natural green space, green corridors, amenity green space, provision for children and young people and SuDS basins
-  Pumping Station - Indicative Location





<div><div>9 Hurricane Court Liverpool International Business Park Estuary Boulevard Liverpool L24 8RL www.primetp.co.uk 0151 728 1860</div></div>				<div><div>PRELIMINARY</div><div>Title</div></div>				<div><div>LAND AT ROOKERY PARK, SCOTBY, CARLISLE</div><div>Drawing No</div></div>																							
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D	20.03.19	AM	EMERGENCY/ PED/ CYCLE ACCESS MOVED																												
C	07.01.19	VB	EMERGENCY/ PED/ CYCLE ACCESS ADDED																												
B	24.10.18	VB	SITE BOUNDARY UPDATED																												
A	02.07.18	VB	TOPO ADDED & VISIBILITY UPDATED TO SPEED SURVEYS																												
Rev	Date	By	Revision notes																												
				<div>1:500 @A3</div>				<div>Issue date 21 MAR 2019</div>																							
								<div>P18036-001D</div>																							



<div><div><div><div>9 Hurricane Court Liverpool International Business Park Estuary Boulevard Liverpool L24 8RL www.primetp.co.uk 0151 728 1860</div></div></div></div>	<div><div>PRELIMINARY</div><div>Status</div></div>				<div><div>Project</div><div>LAND AT ROOKERY PARK, SCOTBY, CARLISLE</div></div>	<div><div>Drawn by</div><div>AM</div></div>	<div><div>Issue date</div><div>21 MAR 2019</div></div>
	<div><div>Revision notes</div><div>By</div><div>Date</div><div>Rev</div></div>	<div><div>Title</div><div>PROPOSED ACCESS STRATEGY</div></div>	<div><div>Scale(s)</div><div>1:500 @A3</div></div>	<div><div>Drawing No</div><div>P18036-002</div></div>			

SCHEDULE A: Applications with Recommendation

18/0587

Item No: 04

Date of Committee: 07/06/2019

Appn Ref No:
18/0587

Applicant:
Mr D Blunt

Parish:
Dalston

Agent:

Ward:
Dalston & Burgh

Location: Field adjacent Low Mill Barn, Low Mill, Dalston, Carlisle, CA5 7JU

Proposal: Erection Of Agricultural Machinery/Storage And Livestock Building (Part Retrospective)

Date of Receipt:
06/08/2018

Statutory Expiry Date
01/10/2018

26 Week Determination
31/05/2019

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Principle of development
- 2.2 Whether the scale, form and siting of the building is acceptable
- 2.3 Impact of the proposal on the living conditions of occupiers of neighbouring properties
- 2.4 Impact of the proposal on the floodplain
- 2.5 Proposed method for the disposal of surface water drainage
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on biodiversity
- 2.8 Other matters

3. Application Details

The Site

- 3.1 The application site is located to the west of a barn conversion, known as Low Mill Barn, located in a small hamlet to the north west of Nestle Factory,

Dalston. Access to the hamlet is via a side road off the main Dalston to Carlisle road across an unmanned railway crossing.

The Proposal

- 3.2 The application seeks full planning permission for the erection of an agricultural machinery/storage and livestock building. The submitted drawings illustrate that the building would be 12.154 metres long by 12 metres wide with a maximum height of 4.150 metres. The proposed building would be clad in green metal profile sheets.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of the occupiers of nine neighbouring properties and the posting of a Site Notice. No verbal or written representations have been made during the consultation period.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections subject to informatives to ensure that: public footpath number 114050 is not obstructed during or after completion of the development; and advising the applicant to contact Cumbria County Council's Flood Risk Management Team to ascertain if permission is required under its legislation in respect of connection/work involving the adjacent watercourse;

Dalston Parish Council: - requests a site visit be undertaken due to concerns regarding effluent disposal;

United Utilities: - following receipt of revised drawing, UU do not require additional information with regards to the rising main; however, request the imposition of a condition to ensure that surface water drainage is completed in accordance with the submitted drawing;

Environment Agency: - no objections subject to imposition of a condition ensuring the building is for agricultural use only.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP6, EC12, CC4, CC5, CM5, GI1 and GI3 of the Carlisle District Local Plan 2015-2030. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) is also a material planning consideration.

6.3 The proposal raises the following planning issues:

1. Principle Of Development

- 6.4 Policy EC12 of the local plan outlines that proposals for new agricultural buildings and structures will be permitted provided that: the building is sited where practical to integrate with existing agricultural buildings and/or take advantage of the contours of the land and any natural screening; the scale and form of the proposed structure relates to an existing group of buildings unless otherwise justified; the design and materials used reflect the overall character of the area; and the proposal would not have an unacceptable impact on any adjacent land uses.
- 6.5 The proposal is for the erection of an agricultural machinery/storage and livestock building to the west of Low Mill Barn within the hamlet of Low Mill. A representative for the applicant, who resides in the adjacent Low Mill Barn, has explained that the proposed use of the building is for the storage of a tractor, trailer, pick-up truck and numerous hand tools. It is also the applicant's intention to purchase ewes in lamb over the autumn, therefore, the proposed building would also house lambing pens and fodder storage areas.
- 6.6 Although the field subject of this application is unrelated to an existing farm steading it is immediately adjacent to the applicant's dwelling. Furthermore, it is evident from the applicant's supporting statement that the proposed building is intended to be used for agricultural machinery/storage and livestock. The applicant has provided sufficient justification for the erection of an agricultural building in a field currently used for agricultural purposes. Other issues arising from the proposal will be discussed in more detail below.

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

- 6.7 As previously outlined in paragraph 6.4 above, Policy EC12 of the local plan requires that agricultural buildings and other farm structures relating to agricultural development are sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening. This aim is reiterated in Policy GI1 of the local plan which seeks to ensure that proposals for development in the rural area conserve and enhance the special features and diversity of the different landscape character areas. Development proposals are expected to incorporate high standards of design including regard to siting, scale and landscaping which respect and, where possible, should enhance the distinctive character of the landscape.
- 6.8 The Cumbria Landscape Character Guidance and Toolkit (March 2001) identifies that the site falls within the Cumbria Landscape Character Sub-Type 5b 'Low Farmland'. The toolkit advises that key characteristics of this landscape are: 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; hedges, hedgerow trees and fences bound fields and criss

cross up and over the rolling landscape. Guidelines for development such as farm buildings is to reduce the impact of new farm buildings by locating them in non-prominent locations.

- 6.9 When assessing the application against the foregoing, the building would be sited in an agricultural field adjacent to the applicant's dwelling, Low Mill Barn. Any perceived visual impact from public viewpoints would be mitigated as it would be partially obscured from public viewpoints by a grassed bund. Furthermore, it would also be viewed in the context of other buildings within Low Mill, many of which are large former mill buildings, albeit now in residential use.
- 6.10 The scale of the proposed agricultural building is commensurate to the size of the field in which it is located. The design and proposed materials for the building is typical to other agricultural buildings within the area and would not result in a visually discordant feature within the area. In overall terms the scale, form and siting of the building is deemed acceptable.

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

- 6.11 The proposed building would be located over 40 metres from the nearest dwellings not in the ownership/control of the applicant. Given the position of the proposed building within the rural area and in relation to neighbouring residential properties, the proposal will not have a detrimental impact on the living conditions of adjoining occupiers on the basis of loss of light, over dominance or unacceptable nuisance arising from unacceptable levels of noise or odour. To ensure inappropriate use of the building and to further protect the living conditions of residential properties a condition is recommended restricting the use of the building to agricultural purposes only. Should any noise or odour issues arise in the future this would be dealt with under Environmental Health legislation.

4. Impact Of The Proposal On The Floodplain

- 6.12 The application site is located within Flood Zones 2 and 3 of the Environment Agency's Flood Map and was accompanied by a Flood Risk Assessment. The Environment Agency (EA) has been consulted and raise no objection as it classes the proposed development as non-habitable agricultural development in Flood Zones 2/3, therefore, is identified as less vulnerable development in relation to the PPG and Table 2: Flood Risk Vulnerability Classification. The EA does however; recommend the imposition of a condition ensuring that the building is for agricultural use only.

5. Proposed Method For The Disposal Of Surface Water Drainage

- 6.13 There is a clear policy requirement to provide adequate provision for surface water facilities to ensure that sufficient capacity exists prior to commencement of any development. The submitted drawings illustrate surface water from the building would be connected to an existing surface water drain. Cumbria County Council, as Lead Local Flood Authority, and

United Utilities have been consulted. The Lead Local Flood Authority raise no objection subject to the imposition of an informative. The informative would be included within the decision notice, should Members approve the application, drawing the applicants attention to the need to comply with legislation enforced by the Lead Local Flood Authority.

- 6.14 United Utilities, following receipt of revised drawings illustrating the relocation of the proposed building, also raise no objections to the proposal subject to the imposition of a condition. This condition would ensure that the surface water drainage does not drain directly or indirectly into the public sewer.

6. Impact Of The Proposal On Highway Safety

- 6.15 Access to the proposed development would utilise an existing access. Cumbria County Council, as Highway Authority, has been consulted and raise no objections subject to the imposition of an informative which would ensure that the adjacent public rights of way remain unaffected during and after completion of the development.

7. Impact Of The Proposal On Biodiversity

- 6.16 The Councils GIS Layer has identified that the site has the potential for several key species to be present. As the proposed development would be located on an area currently used for agricultural purposes, the development would not harm a protected species or their habitat. However, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

8. Other Matters

- 6.17 The Parish Council has raised concerns in respect of the disposal of effluent from the building. This issue has been raised with the applicant who has advised that the disposal of bedding from any livestock housed within the building would be that of standard agricultural practices i.e. stored then dispersed over adjacent land.

Conclusion

- 6.18 In conclusion, the principle of the development is acceptable and the proposal is of a scale and design which is suitable in relation to the surrounding landscape. Given the positioning of the agricultural building in relation to residential properties, the proposal would not be overbearing or create an adverse impact upon existing living conditions.
- 6.19 In overall terms, it is held that the proposal does not conflict with current policies of the Development Plan, therefore, it is recommended that the application be approved.

7. Planning History

7.1 There is no relevant planning history.

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 27th July 2018;
2. the Flood Risk Assessment received 12th July 2018;
3. the Elevations/Floors/Sec/Notes received 5th April 2019 (Drawing No. 027-30/PR SL;-BP-EL-FL);
4. the Notice of Decision; and
5. any such variation as may subsequently be approved in writing by the Local Planning Authority.

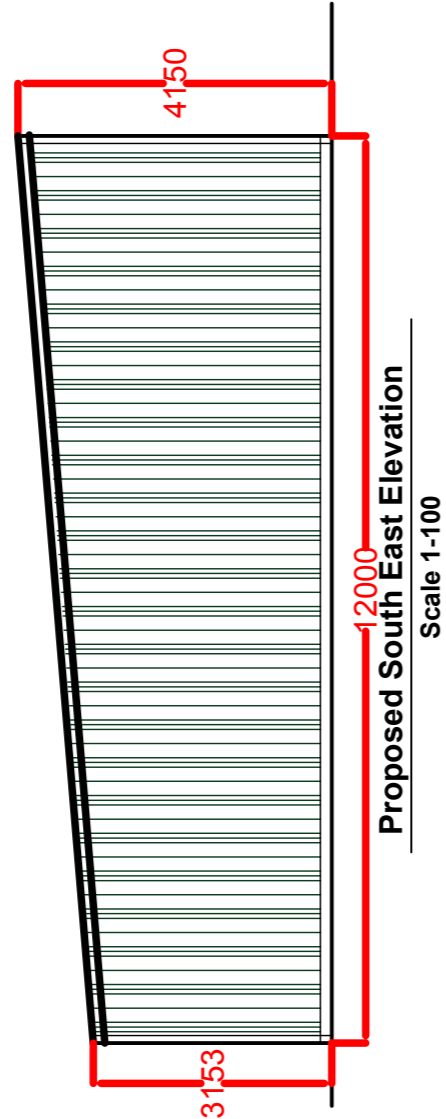
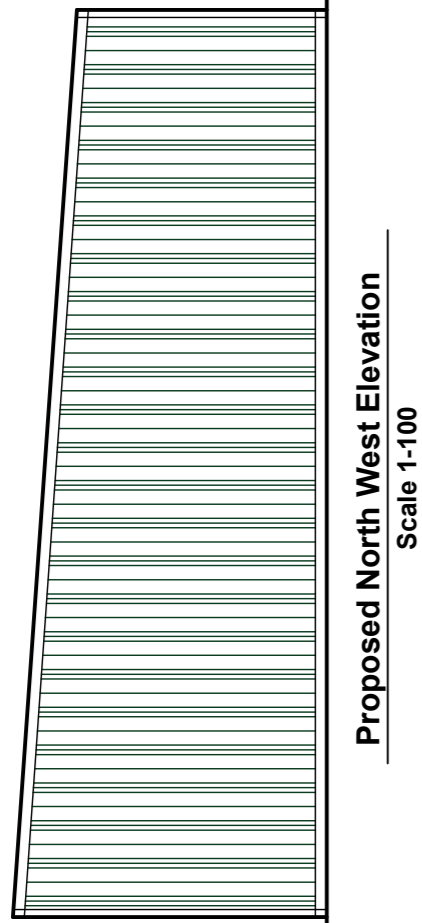
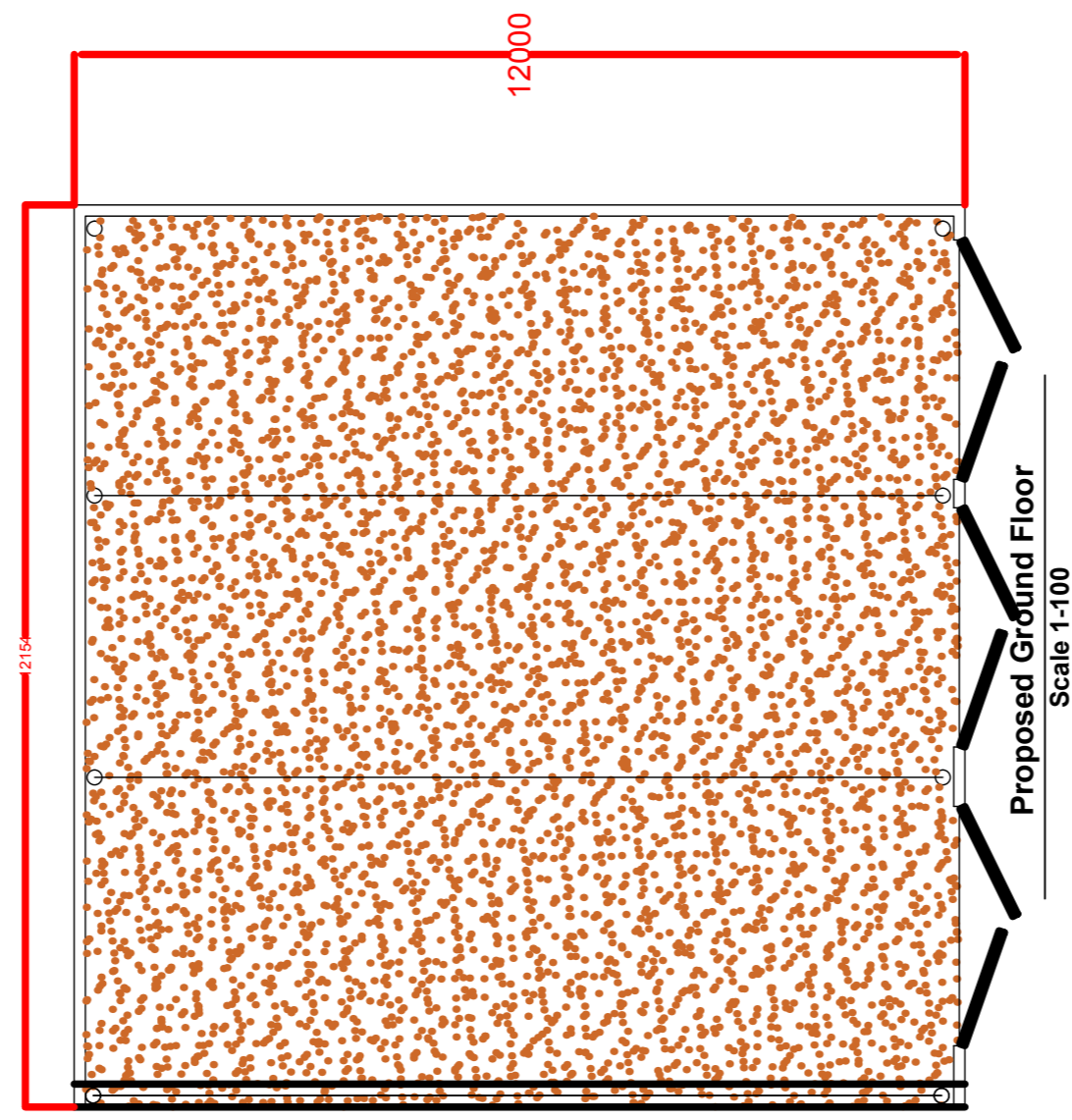
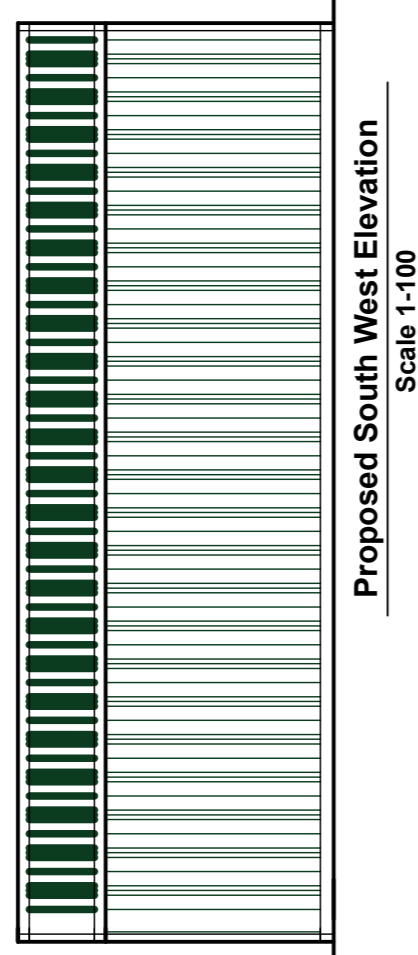
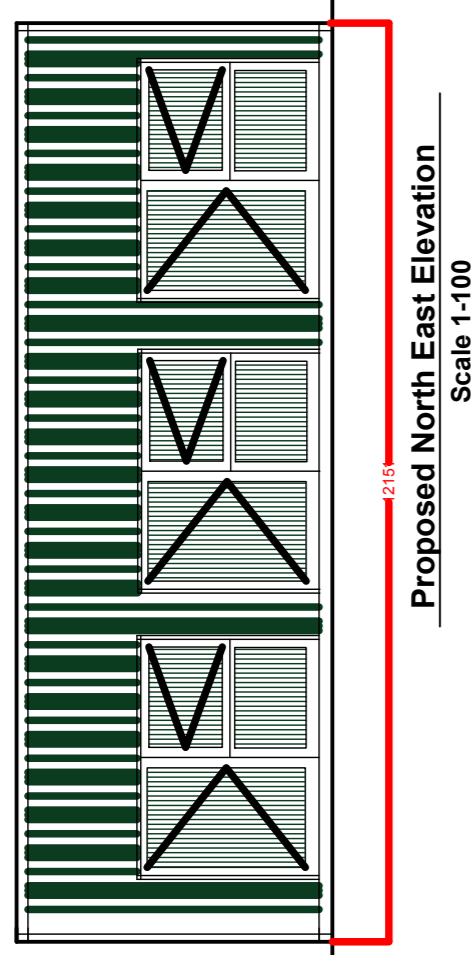
Reason: To define the permission.

3. The drainage for the development hereby approved shall be carried out in accordance with the principles set out in the submitted plan of Elevations/Floors/Sec/Notes ref: 027-30/PR SL-BP-EL-FL Revision E received 5th April 2019 proposing surface water discharging into watercourse. No surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies CC4 and CC5 of the Carlisle District Local Plan 2015-2030.

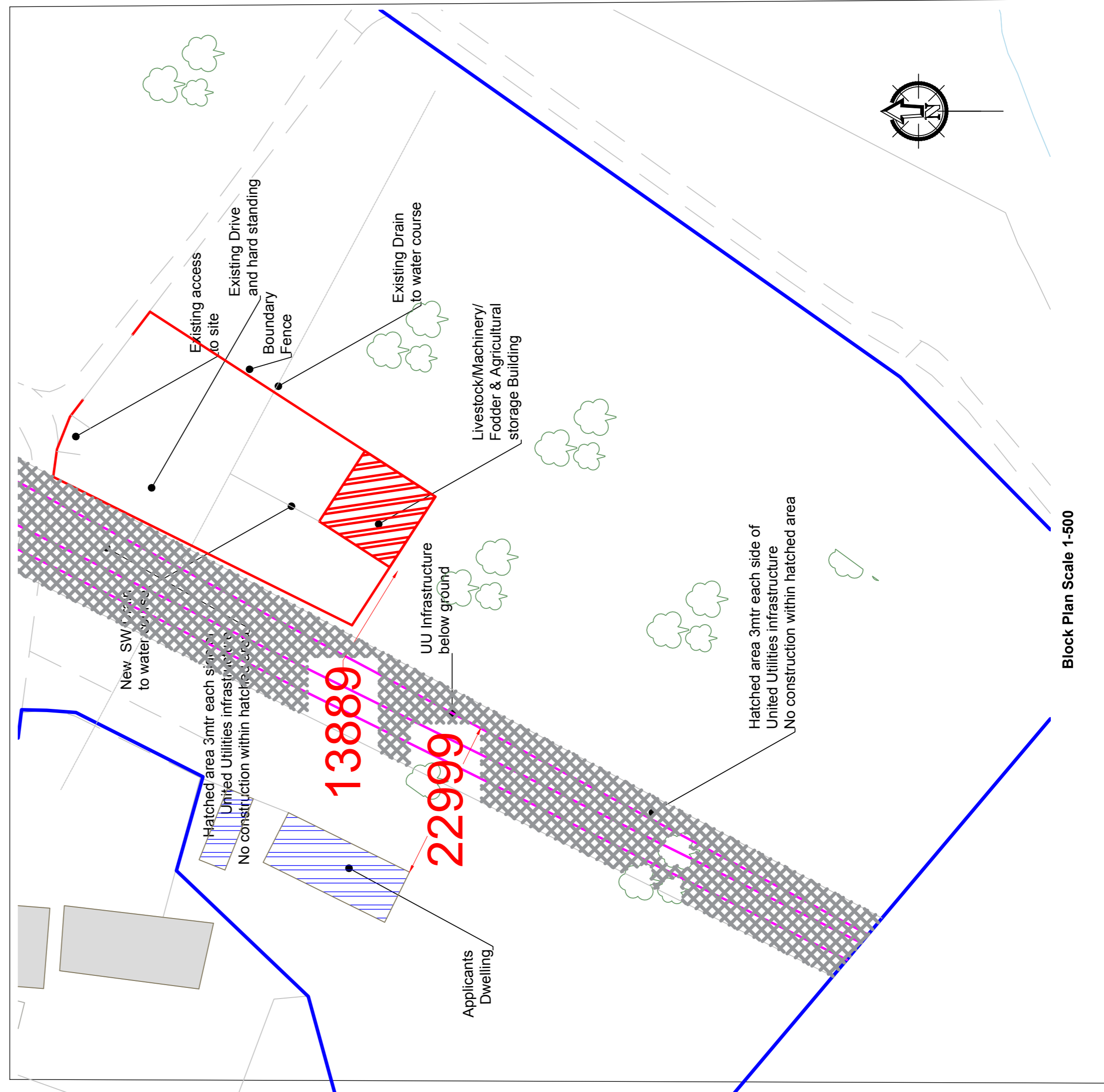
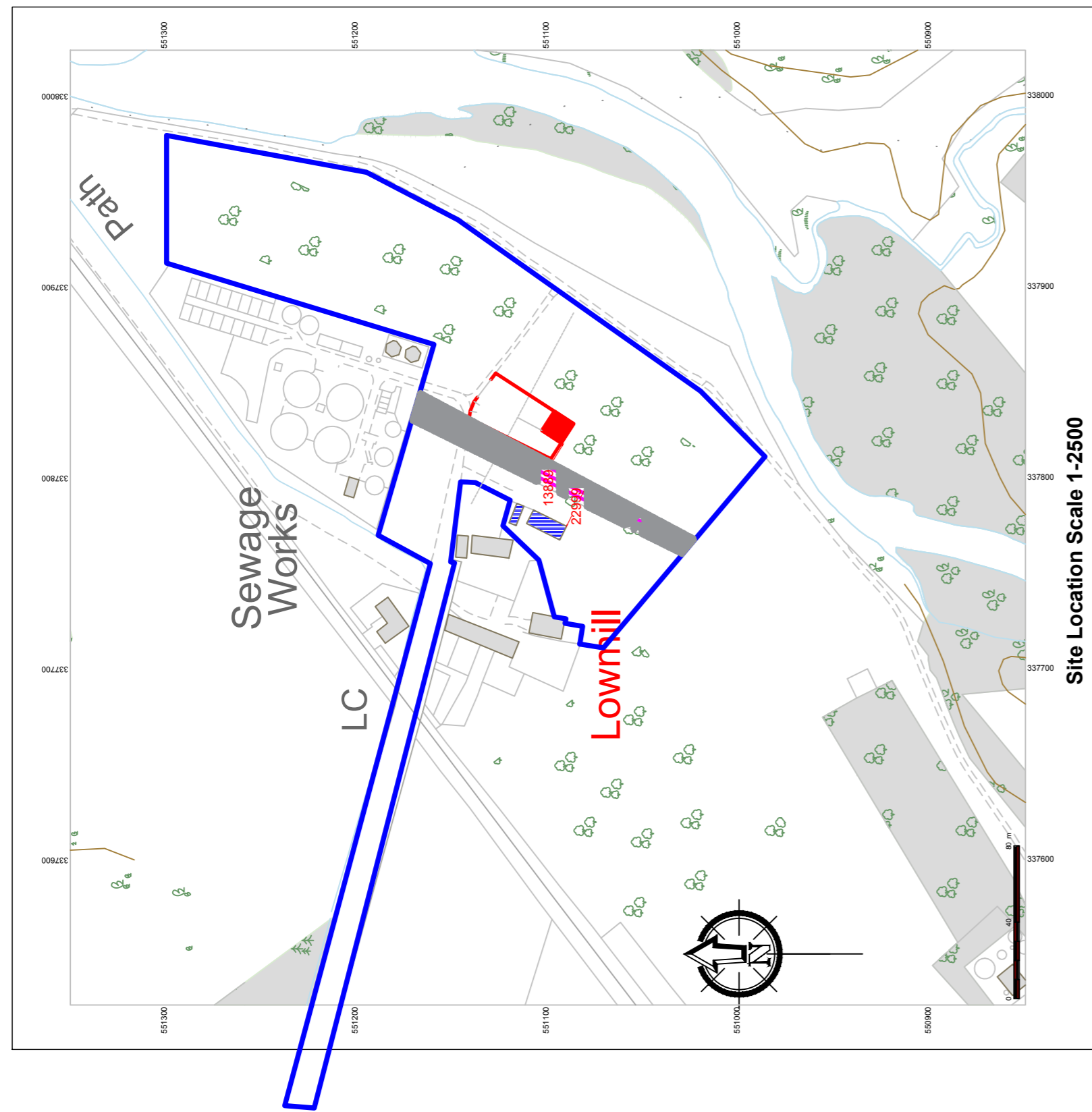
4. The building hereby permitted shall only be used for agricultural purposes as defined by Section 336 of the Town & Country Planning Act 1990 and for no other purpose without the prior permission of the local planning authority.

Reason: To ensure that said building is used only for agricultural purposes in the interests of the amenity of local residents and in accordance with Policies SP6, EC12 and CM5 of the Carlisle District Local Plan 2015-2030.



Notes

- Walls and roof to be clad in green metal profile cladding
- Rainwater goods to be black Upvc connected to water course
- Doors to be clad in sheeting to match walls
- Access gate as existing shown on plan
- New floor level of shed to be above known flood risk (see attached)
- All animal waste to be dispersed over adjacent land as it accumulates to prevent odours and insect infestation



SCHEDULE A: Applications with Recommendation

19/0247

Item No: 05

Date of Committee: 07/06/2019

Appn Ref No:
19/0247

Applicant:
Story Homes Limited

Parish:
Kingmoor

Agent:

Ward:
Multiple Wards

Location: Land at Greymoorhill, Kingstown Road, Kingstown, Carlisle

Proposal: Erection Of 25no. Dwellings (Revision Of Previously Approved Permission 17/0480 To Increase The Number Of Dwellings From 17no. To 25no.)

Date of Receipt:
26/03/2019

Statutory Expiry Date
25/06/2019

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions and subject to the completion of a Deed of Variation to the original S106 legal agreement.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Layout, Scale And Appearance Would Be Acceptable
- 2.3 Provision Of Affordable Housing
- 2.4 Highway Matters
- 2.5 Drainage Matters
- 2.6 Other Matters

3. Application Details

The Site

- 3.1 The site covers an area of approximately 7.58 hectares and was formerly in agricultural use. Planning permission has been granted for residential

development on this site and these dwellings are currently under construction, with those to the front of the site having been completed.

- 3.2 The site forms part of the wider housing site, with the land to the north, south and west forming part of the Story development. The land to the east is allocated for housing in the Carlisle District Local Plan 2015-2030. An application for the erection of 200 dwellings on this land has been submitted by Gleeson Homes and is currently awaiting determination.

Background

- 3.3 In September 2015, outline planning permission was granted for residential development on the site, with all matters (except access) reserved for subsequent approval. The indicative plans that were submitted with the outline application showed one hundred and ninety dwellings within the site.

The Proposal

- 3.4 This proposal is seeking to increase the density of a distinct phase within the approved development from 17 dwellings to 25 dwellings. The developer has updated and rationalized its core house types, largely in response to customers demands, and this has allowed for a revised layout to be created.
- 3.5 The specific amendments are as follows:
- Plots 87-91 would be changed from 5 detached dwellings to six detached dwellings and a pair of semi-detached properties;
 - Plots 78-84 would be changed for four detached dwellings and a terrace of three properties to five detached dwellings and two pairs of semi-detached properties;
 - Plots 64-65 would be altered from two detached dwellings to one detached dwelling and a pair of semi-detached properties;
 - Plot 57 would be changed from a detached dwelling to a pair of semi-detached properties which would be affordable dwellings (discounted sale);
 - Plots 55-56 would be changed from a pair of semi-detached properties to a terrace of three dwellings.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices and a notification letter sent to the developers of the adjacent land. No representations have been received.

5. Summary of Consultation Responses

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

Kingmoor Parish Council: - does not wish to comment;

Stanwix Rural Parish Council: - A Section 106 Agreement appears to originate in respect of Outline Appn 14/0761, which required:

- the provision of 30% of the units as affordable;
- a financial contribution of £56,020 to support the off-site improvement of existing sports fields (£35,910 represents provision and £20,110 for 10 years maintenance);
- the maintenance of the informal open space within the site by the developer;
- a financial contribution in the range of £496,432-£633,346 to Cumbria County Council towards education provision;
- a financial contribution of £25,000 for the improvement of California Way and the linking PROW network.

The increased number of dwellings therefore requires an uplift of the above financial contributions, pro rata. It would also require an increase in the number of affordable homes.

The application specifies a location in the vicinity of the SUDS pond, close to the site's shared boundary with the site of registered Appn 18/1142, for 200 dwellings. The Parish Council is of the opinion that should Appn 18/1142 also be approved then the area will reach over saturation, the consequences being excessive loading of the already overburdened local educational capacity and highway network.

As a result, although the application is for only 8 further units, the Parish Council believes the proposal constitutes over intensification and must be refused.

Should, however, consent be granted then the Parish Council would strongly urge that conditions be imposed to secure pro rata contributions based upon those required in respect of Appn Ref 14/0761 i.e.

- provision of the maximum possible number of affordable units;
- a financial contribution to support off-site improvements of existing sports/amenity areas including for 10 years maintenance;
- the maintenance of the informal open space within the site by the developer;
- a financial contribution to Cumbria County Council towards education provision;
- a financial contribution for the improvement/maintenance of California Way and the linking PROW network.

The Parish Council strongly recommends that these conditions be treated by the LPA as non-negotiable;

Cumbria Constabulary - North Area Community Safety Unit: - there are various locations where surveillance opportunities are compromised and consequently may be exploited for crime or anti-social activity. With regard to

this revision, the access road and spaces adjacent to the Pump Station and Sub Station (between Units 226 and 227) will be unsupervised and the Site Layout drawing suggests an unobserved approach into this space from the adjacent Gleeson development.

The landscape layout depicts strong definition of front curtilages to Units 217 – 236. There should be no reason why this tactic cannot be deployed for Units 203 – 216;

Cumbria County Council (Education Department): - the additional units will generate an additional two primary aged pupils, therefore as in line with multiplier defined in the the existing S106 Agreement an additional £29,000 is sought;

Environment Agency: - no comments received;

Local Environment - Waste Services: - no comments received;

Highways England: - no objections;

United Utilities: - no objections, subject to conditions.

6. Officer's Report

Assessment

6.1 The relevant planning policies against which the application is required to be assessed are Policies SP1, SP6, HO4, IP1, IP3, IP3, IP6, IP8, CC5, CM4, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The National Planning Policy Framework (NPPF) and the Supplementary Planning Document (SPD) "Achieving Well Designed Housing" are also of relevance. The proposal raises the following planning issues.

1. Whether The Proposal Is Acceptable In Principle

6.2 This proposal is seeking to amend a previously approved housing layout to increase the density of a particular section from 17 dwellings to 25 dwellings. The principle of residential development on the site has been established by the earlier permission.

2. Whether The Layout, Scale And Appearance Would Be Acceptable

6.3 The approved plans for plots 87-91 show five detached dwellings, two of which have detached garages. This proposal is seeking to substitute these five dwellings for six detached dwellings and a pair of semi-detached properties.

6.4 Plots 78-84 are currently shown as four detached dwellings and a terrace of three properties. This proposal is seeking to amend these to five detached dwellings and two pairs of semi-detached properties.

6.5 Plots 64-65 would be changed from two detached properties to one detached property and a pair of semi-detached properties, with Plots 55-56

being changed from a pair of semi-detached properties to a terrace of three dwellings, which have rooms in the roof served by dormer windows. The detached dwelling on Plot 57 would be changed to a pair of semi-detached properties and these would be designated as affordable dwellings (discounted sale).

- 6.6 The Council's Urban Design/ Conservation Officer considers that the changes increase the density around the SUDS pond to an unacceptable degree, with detached houses being too close together, with the quality of the elevations also being significantly eroded. He considers that if a denser form of development is required this should be achieved by the creation of streetscape compromising continuous frontages designed with the input from urban design advisors. He considers that the current proposals are contrary to Local Plan Policies HO2 and SP6 and the NPPF and should be refused.
- 6.7 Stanwix Parish Council considers that although the application is only for a further eight dwellings it should be refused as it, in combination with this site for 172 dwellings and the adjoining site for 200 dwellings constitutes over intensification.
- 6.8 The proposal would increase the number of dwellings across the site from 172 to 180, which equates to a 4.65% increase. The site density has been increased with larger units with detached garages being replaced by some smaller units which would be closer together. The approved plans have a density of 22.7 dwellings per hectare across the site. The revised plans would increase the density to 23.7 dwellings per hectare across the whole site which is still low and is considered to be acceptable.
- 6.9 The proposed amended scheme would still provide a range of house types including three-bedroom semi-detached properties, four bedroom semi-detached properties and four and five bedroom detached properties. A terrace of three dwellings would also be provided.
- 6.10 The dwellings would be constructed of predominantly brick, with some dwellings having sections of sandstone and render to add visual interest. The dwellings would incorporate a range of features including two-storey projecting gables, bay windows, single-storey front and rear extensions, porches and pitched roof dormer windows.
- 6.11 The Crime Prevention Officer has raised concerns about land adjacent to the pump station being unsupervised. The layout of this area has not changed since the previous approval. This area would be overlooked from the adjacent site once this is developed with an area of open space being provided to the rear of the pump station. Concerns have also be raised about the lack of strong definition for some front curtilages. Open plan estates with no front boundaries are common throughout the district.
- 6.12 In light of the above, the layout, scale and design of the proposed dwellings would be acceptable.

3. Affordable Housing

- 6.13 The proposal is seeking to increase the overall number of dwellings on the site from 172 to 180. The application site falls within Affordable Housing Zone B (as designated in Local Plan Policy HO 4) which requires 20% on-site affordable housing on schemes of 11 or more units (50% for social/affordable rent & 50% intermediate low cost home ownership).
- 6.14 Under the current planning approval, the development would provide 34 affordable homes which equates to 20% affordable housing provision across the site in accordance with adopted local plan policy. The increase to 180 dwellings would require an affordable housing contribution of 36 dwellings, an increase of two affordable units.
- 6.15 The proposal identifies that a pair of semi-detached three-bedroom properties would be affordable units available at 30% below the market value and these would be secured by varying the original S106 Agreement.

4. Highway Matters

- 6.16 A Transport Assessment was submitted with the original outline application for 190 dwellings. This concluded that the proposed development would have a negligible impact on the local highway network. This revised application is seeking to increase the number of dwellings on the site from 172 to 180. As this is still below the threshold of the housing units (190) tested in 2015 this conclusion is still applicable. The Local Highway Authority has confirmed that it agrees with this conclusion.

5. Drainage Matters

- 6.17 The previously approved surface and foul water drainage strategy has been developed in consultation with the Lead Local Flood Authority (LLFA) and United Utilities. The SUDS pond would attenuate and treat water flow from the site. The supporting information that has been submitted with the application considers that the small increase in the number of dwellings would not increase flood risk elsewhere and would create a betterment on existing greenfield runoff rates factoring in an allowance for climate change. Foul water would enter the Kingstown Industrial Estate sewers which have the required capacity.
- 6.18 The LLFA has been consulted on the application. Taking into account the Flood Risk Assessment and drainage information submitted for the previous application the LLFA has confirmed that it has no objections to the proposal.

6. Other Matters

- 6.19 Stanwix Parish has raised concerns about the additional eight dwellings now proposed, given that permission already exists for 172 dwellings on this site and there is a current application for 200 dwellings on the adjacent site. It is concerned that the area will reach over saturation, the consequences being excessive loading of the already overburdened local educational capacity and highway network.

- 6.20 The Transport Assessment has concluded that the development of this application would have a negligible impact on the local highway network. In relation to education, Cumbria County Council considers that the additional units would generate an additional two primary aged pupils. Therefore, as in line with multiplier defined in the existing S106 Agreement, an additional £29,000 is sought and this would be secured through a Deed of Variation to the original S106.
- 6.21 Stanxiw Parish Council has stated that the increased number of units requires a pro rata uplift of the financial contributions secured through the original S106. Two extra affordable units are being provided as required by planing policy. The previously approved financial contributions for off-site improvements to existing sport fields and improvements to California Way should be uplifted by 4.65% to reflect the increased number of units now proposed. The S106 Agreement will need to be varied to accommodate these changes.

Conclusion

- 6.22 The proposal would be acceptable in principle. The layout, scale and design of the dwellings would be acceptable. The proposal would provide two additional affordable dwellings which would be secured through a S106 Agreement, with other S106 contributions being uplifted accordingly. The increase in the number of dwellings would not impact on the previously approved road layout or drainage. In all aspects, the proposal is considered to be compliant with the relevant policies in the adopted Local Plan.

7. Planning History

- 7.1 In September 2015, outline planning permission was granted for residential development of up to 190no. dwellings; with access from Kingstown Road (14/0761).
- 7.2 In October 2017, a Reserved Matters application for the erection of 172no. dwellings was approved (17/0480).
- 7.3 In December 2017, an application for Advertisement Consent for the display of 6no. flags, 3no. sales sign boards and sales hoarding was approved (17/0846).
- 7.4 In October 2018, planning permission was granted for the erection of 172no. dwellings (approval of Reserved Matters pursuant to outline permission 14/0761) without compliance with condition 2 imposed by planning permission 17/0480 to allow amendments to boundary treatments (18/0765).

8. Recommendation: Grant Subject to S106 Agreement

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 25th March 2019;
2. the Location Plan (drawing ref SL022.90.9.LP2) received 25th March 2019;
3. the Detail Layout (drawing ref SL022.90.9.DL2 Rev J) received 15th May 2019;
4. the Wilson (A) House Type Plans received 25th March 2019;
5. the Spencer (A) House Type Plans received 25th March 2019;
6. the Sanderson (A) House Type Plans received 25th March 2019;
7. the Masterton (A) House Type Plans received 25th March 2019;
8. the Boundary Details received 25th March 2019;
9. the Hewson (A) House Type Plans received 25th March 2019;
10. the Garage Booklet received 25th March 2019;
11. the Emmerson (A) House Type Plans received 25th March 2019;
12. the Charlton (A) House Type Plans received 25th March 2019;
13. the Kingston v2.5 House Type Plans received 25th March 2019;
14. the Boundary Treatments (drawing ref SL022.90.9.BTL2 Rev F) received 15th May 2019;
15. the Landscape Plan (drawing ref SHGH-WW-01 Rev N) received 15th May 2019;
16. the Habitat Enhancement and Timings Plan (drawing ref 11472.H1 Rev 05) received 15th May 2019;
17. the Refuse Management (drawing ref SL022.90.9.DL2RM Rev B) received 15th May 2019;
18. the Hard Surfaces (drawing ref SL022.90.9.HS2 Rev F) received 15th May 2019;
19. the Elevation Treatments (drawing ref SL022.90.9.ELT2 Rev C) received 15th May 2019;
20. the Construction Management and Traffic Management Plan (drawing ref SL022.90.9.CTMP Rev C) received 15th May 2019;
21. the Plot Works Sheet 1 (drawing ref C-GA-101 Rev C7) received 15th May 2019;
22. the Plot Works Sheet 2 (drawing ref C-GA-102 Rev C8) received 15th May 2019;
23. the Plot Works Sheet 3 (drawing ref C-GA-103 Rev C7) received 15th May 2019;
24. the Proposed Drainage Strategy (drawing ref C-GA-401 Rev C12) received 15th May 2019;
25. the Proposed Drainage Arrangement Sheet 1 (drawing ref C-GA-402 Rev C6) received 25th March 2019;
26. the Proposed Drainage Arrangement Sheet 2 (drawing ref C-GA-403 Rev C10) received 25th March 2019;

27. the Proposed Drainage Arrangement Sheet 3 (drawing ref C-GA-404 Rev C7) received 25th March 2019;
28. the Proposed Drainage Arrangement Sheet 4 (drawing ref C-GA-405 Rev C7) received 25th March 2019;
29. the Arboricultural Impact Assessment and Method Assessment (AIA & AMS) March 2019 received 25th March 2019;
30. the Transport Assessment March 2019 received 25th March 2019;
31. the Explanatory Hole Log received 25th March 2019;
32. the Schedule of Finishes received 25th March 2019;
33. the Micro Drainage Results received 25th March 2019;
34. the Air Quality Note (22nd March 2019) received 25th March 2019;
35. the Supporting Planning Statement received 25th March 2019;
36. the Phase 2: Ground Investigation Report received 25th March 2019;
37. the Notice of Decision; and
38. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

Reason: To ensure a satisfactory external appearance for the completed development in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. The proposed hard and soft landscape works shall be in strict accordance with the details shown on the Landscape Plan (Dwg No. SHGH-WW-01 Rev N, received 15th May 2019) and the Hard Surfaces Plan (Dwg No. SL022.90.9.HS2 Rev F, received 15th May 2019). These works shall be carried out as approved prior to the occupation of the respective dwellings or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. The proposed boundary treatments shall be in strict accordance with the details contained on the Boundary Treatments Plan (Dwg No. SL022.90.9.BTL2 Rev F, received 15th May 2019).

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

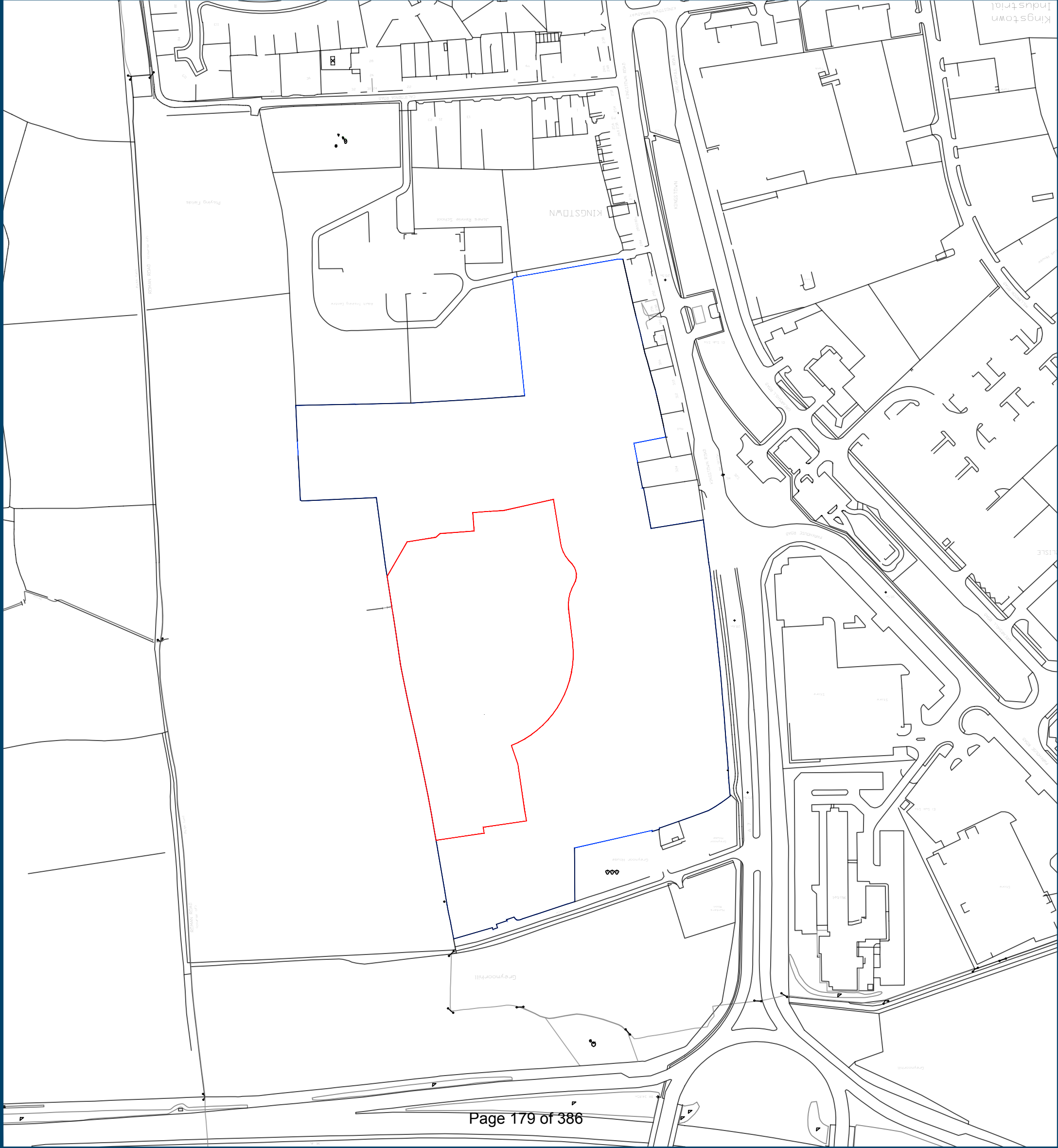
6. Foul and surface water shall be drained on separate systems.

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

7. The proposed drainage shall be undertaken in accordance with the principles of the submitted Proposed Drainage Strategy, ref C-GA-401 Revision C12 and also in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. No surface water will be permitted to drain directly or indirectly into the public sewer.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.



DEVELOPMENT

Greymoorhill, Carlisle

DRAWING

Location Plan

DRAWN BY	jc	DATE	24/05/2017
CHECKED BY	-	SCALE	1:2500 @ A3
DRAWING NUMBER	SL022.90.9.LP2	REVISION	-
SITE REFERENCE	SL022		
Revisions			

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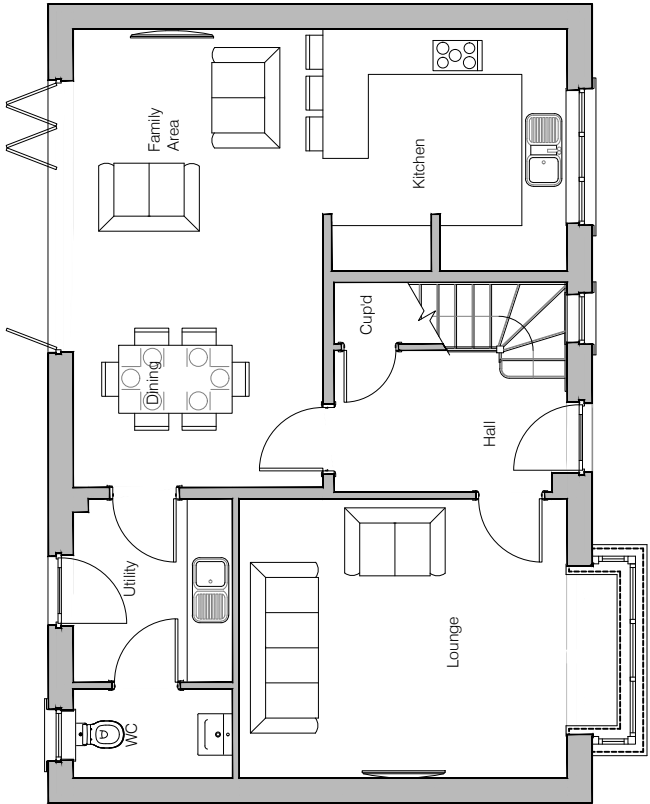
WILSON (A)

Planning Drawings

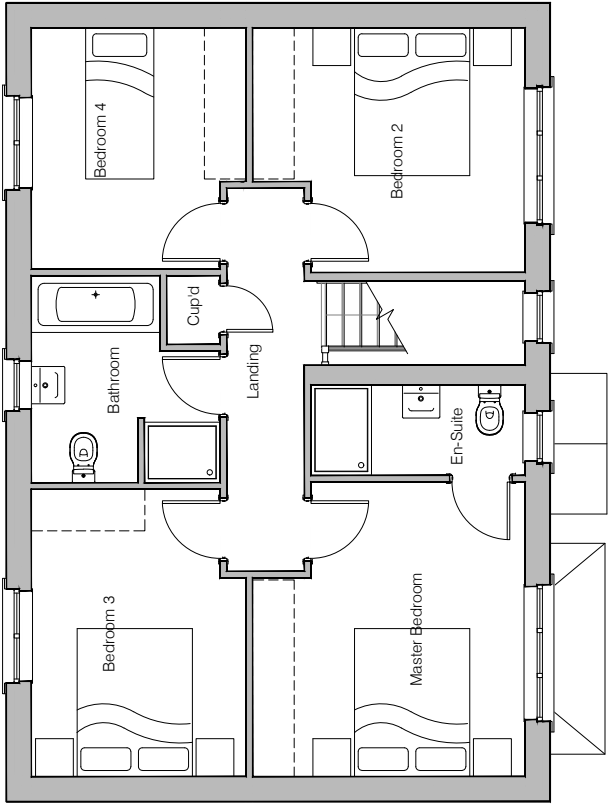
GF: 66.91 m2 (720.21 ft2)
FF: 65.50 m2 (705.04 ft2)
TOTAL: 132.41 m2 (1425.25ft2)

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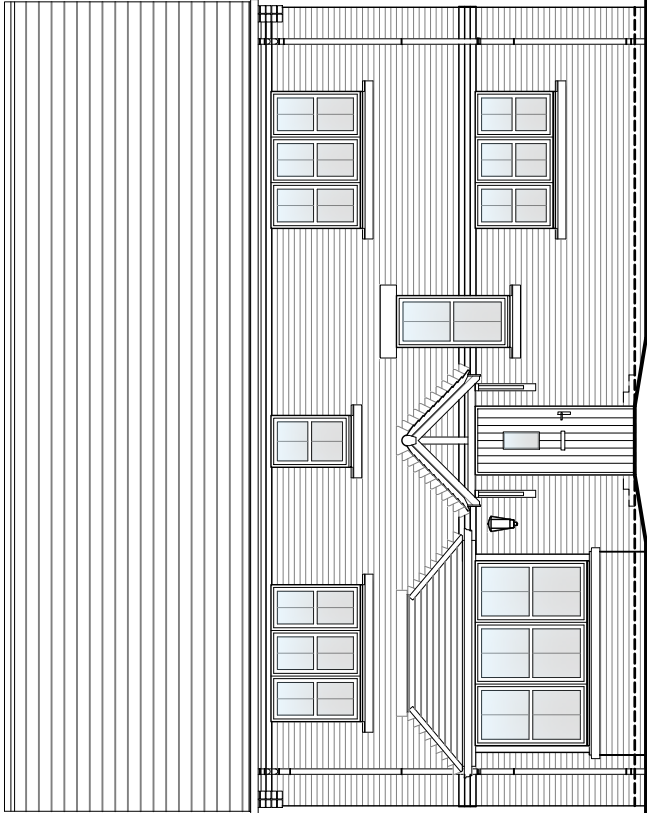
Ground Floor Layout



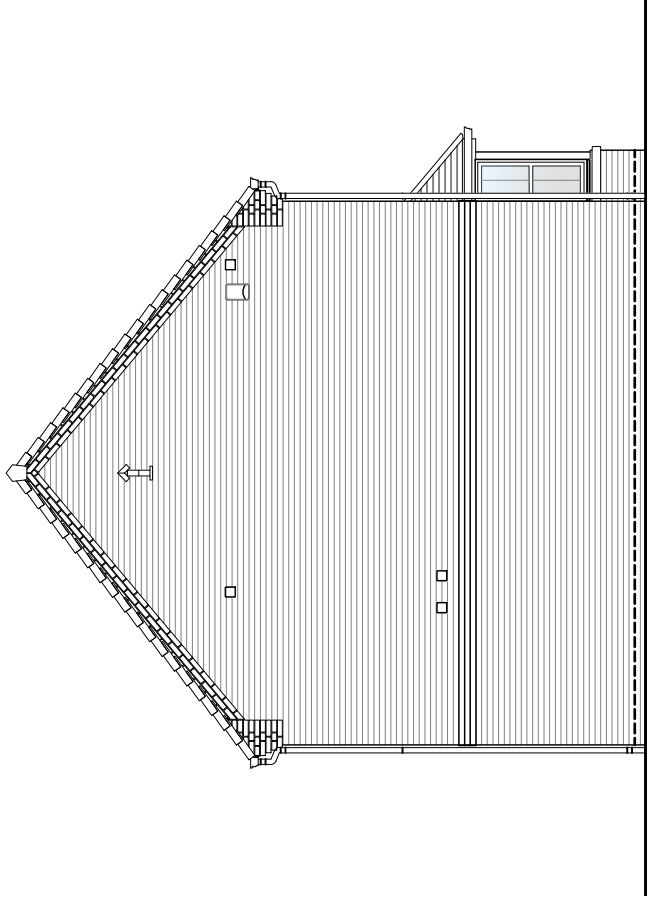
First Floor Layout



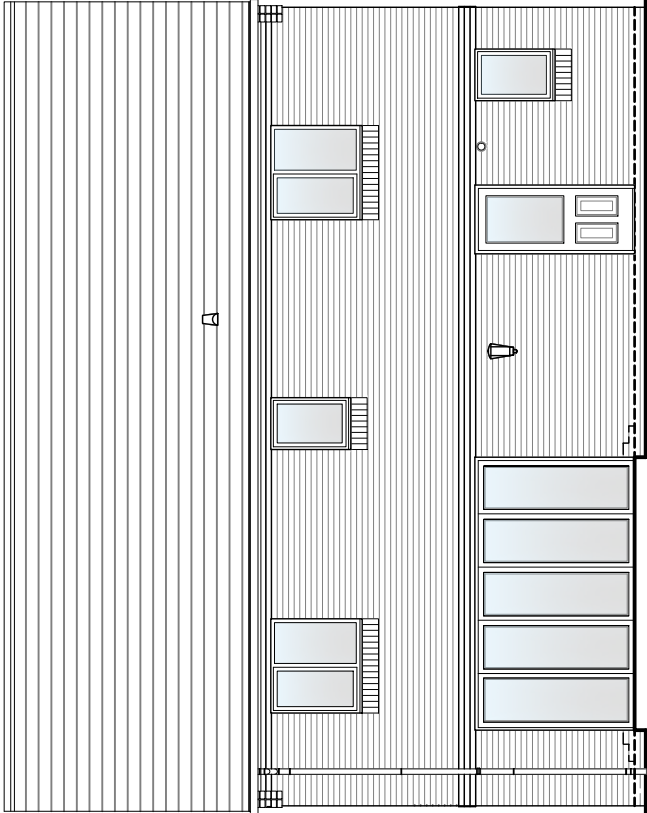
HOUSE TYPE		WILSON (A)	
DRAWING		Planning Layout 1 (Front)	
DRAWN BY	JR	DATE	01/02/19
CHECKED BY	AH, DB, CTM	SCALE	1:100@A3
DWG PACK	DRAWING NUMBER	REVISION	
A/01	WLN-PLP1	-	
Revisions		Notes	Date
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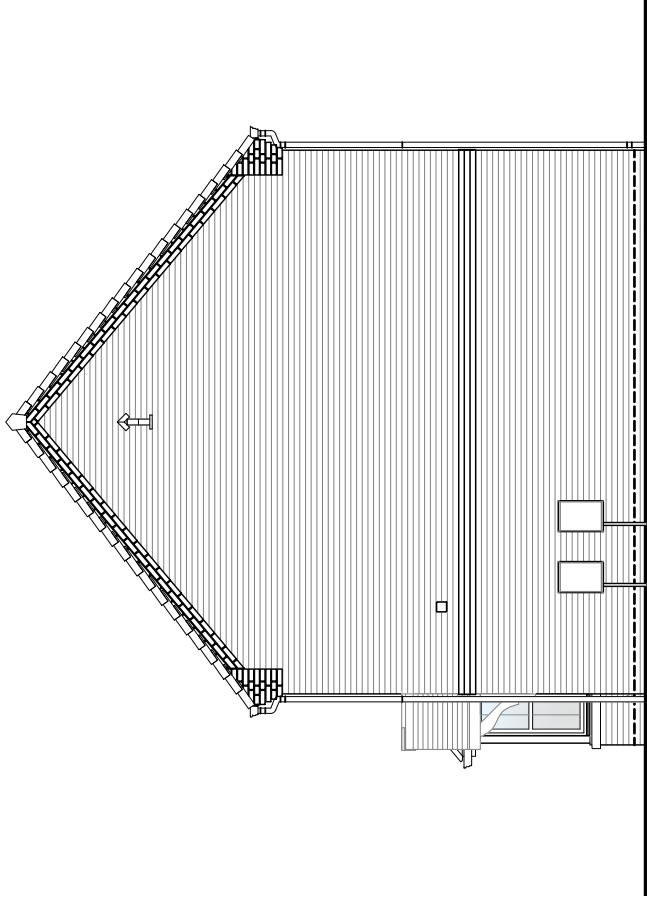
Front Elevation



Left Elevation



Rear Elevation



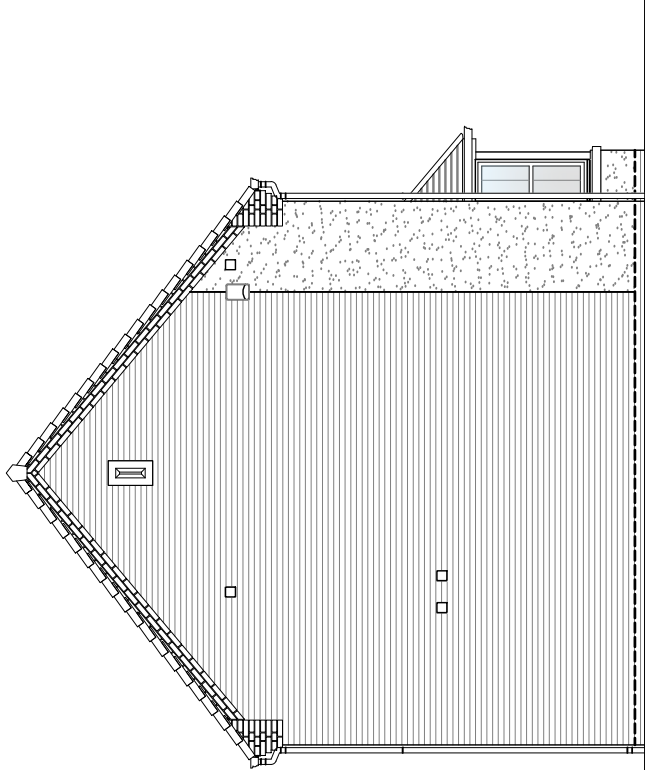
Right Elevation



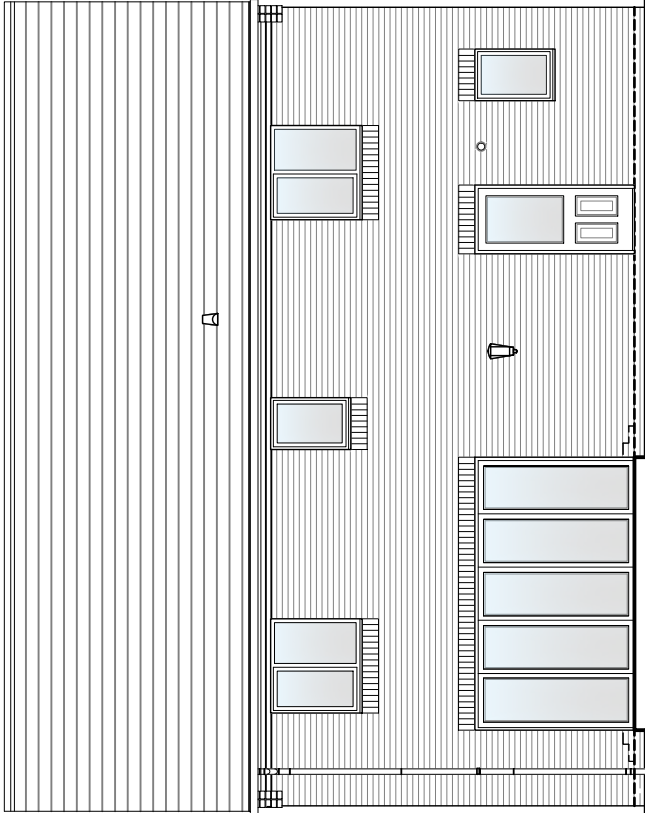
HOUSE TYPE		WILSON (A)	
DRAWING		Planning Elevation 1/1 (Front)	
DRAWN BY	JR	DATE	01/02/19
CHECKED BY	AH DB CTM	SCALE	1:100/A3
DWG PACK	DRAWING NUMBER	REVISION	
A/01	WLN-PL1/1	-	
Revisions		Notes	Date



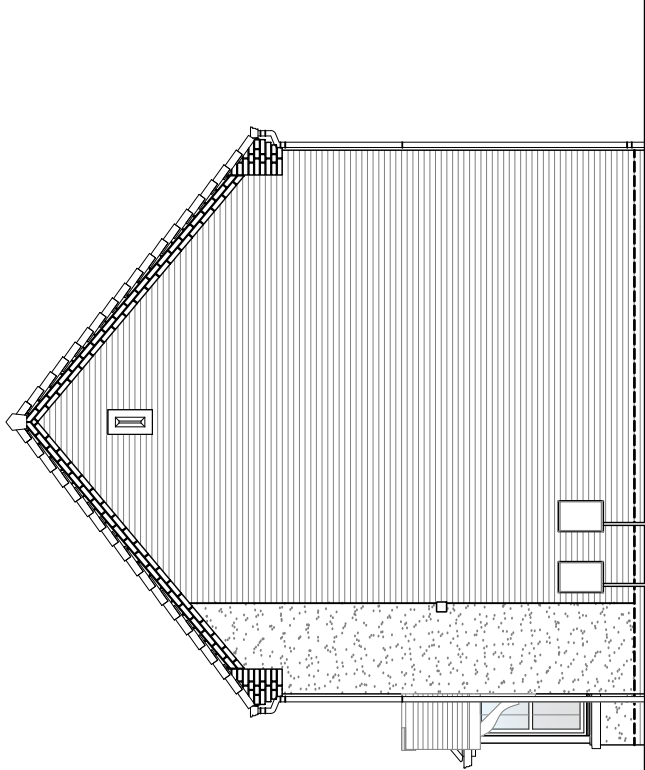
Front Elevation



Left Elevation



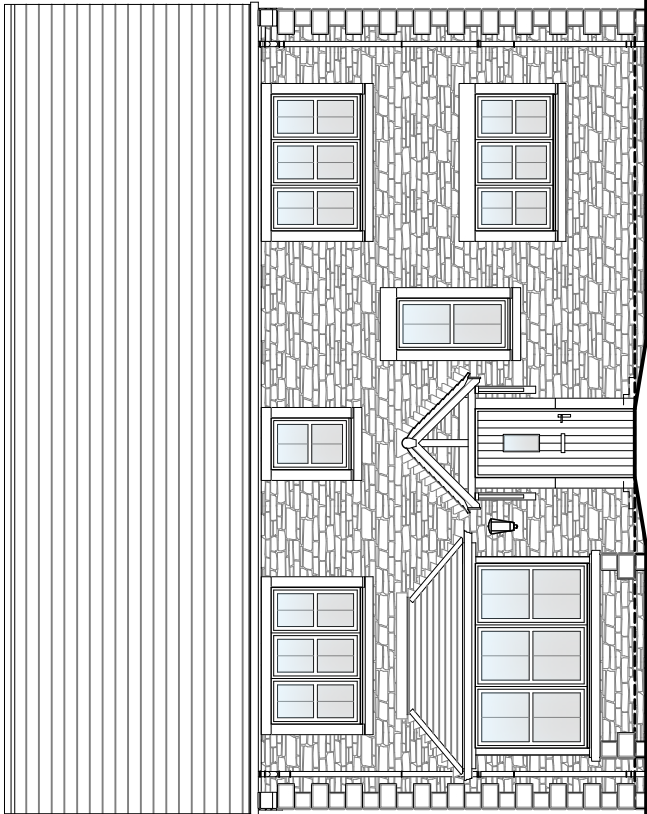
Rear Elevation



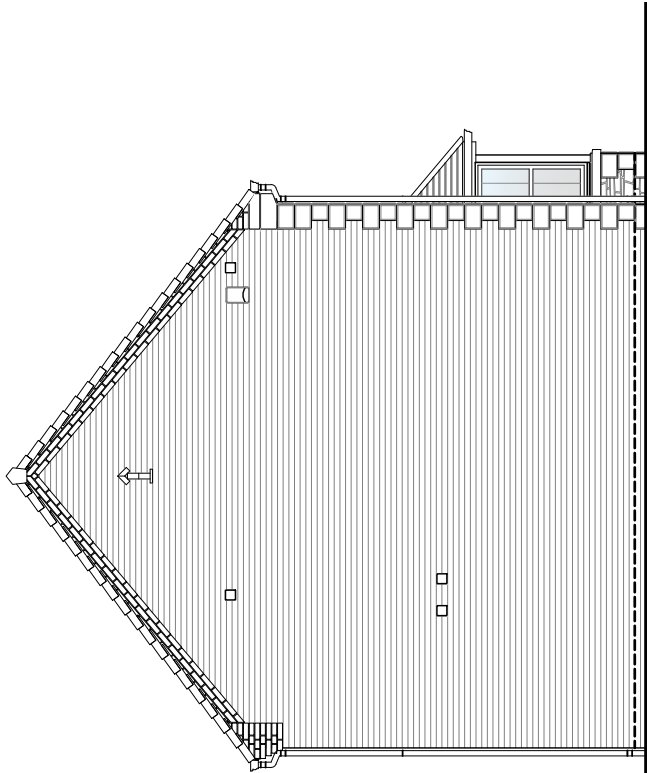
Right Elevation



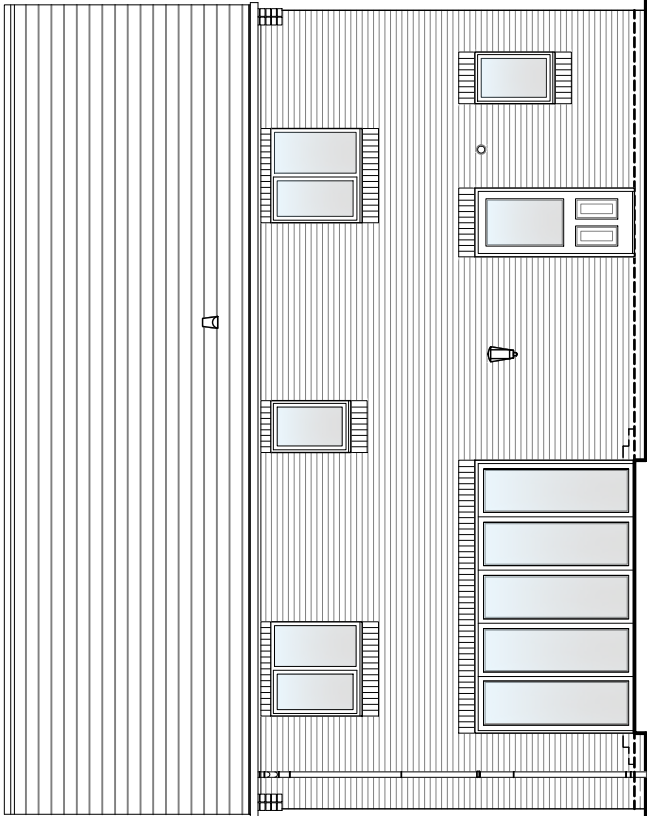
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DRAWING		Planning Elevation 1/2 (Front)			
DRAWN BY	JR	DATE	01/02/19	SCALE	1:100/A3
CHECKED BY	AH DB CTM	SCALE	1:100/A3	REVISION	
DWG PACK	WLN-PL1/2	DRAWING NUMBER	-	REVISION	
A/01	WLN-PL1/2	DRAWING NUMBER	-	REVISION	
Revisions		Notes	Date		



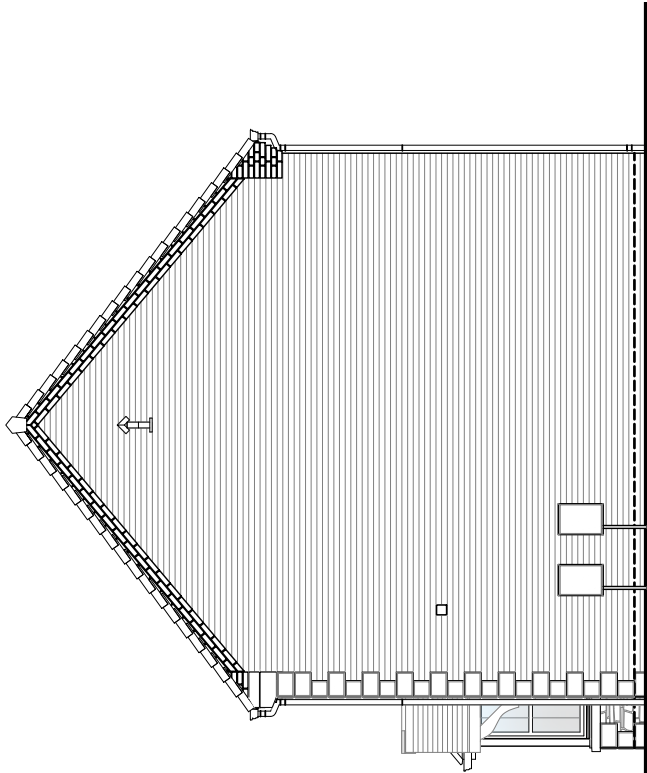
Front Elevation



Left Elevation



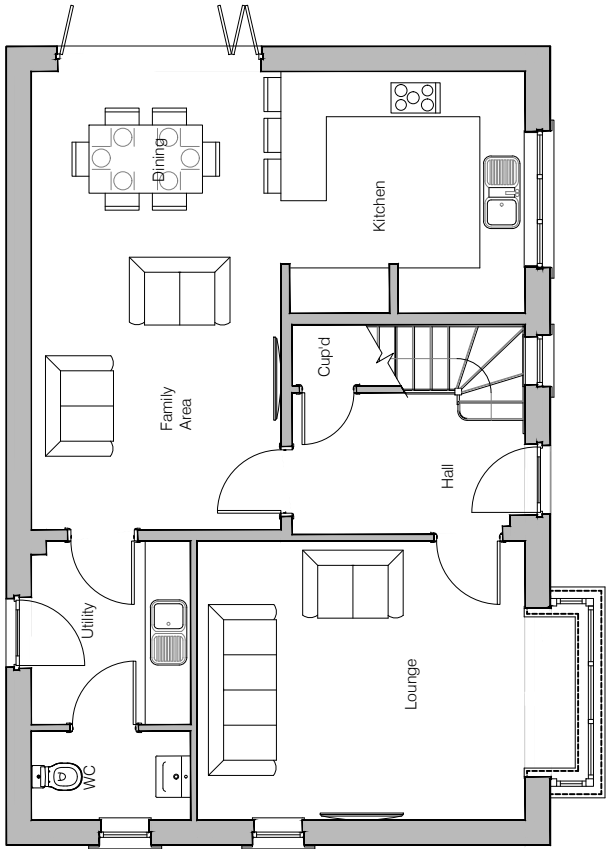
Rear Elevation



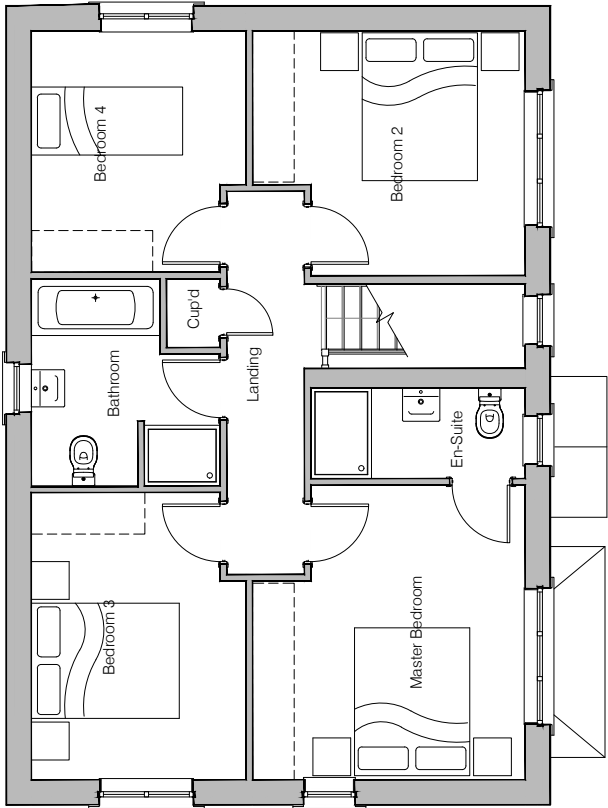
Right Elevation



HOUSE TYPE		WILSON (A)			
DRAWING		Planning Elevation 1/3 (Front)			
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CHECKED BY	AH DB CTM	SCALE	1:100(A3)	REVISION	
DWG PACK	WLN-PL1/3	DRAWING NUMBER	-	REVISION	
A/01	WLN-PL1/3	DRAWING NUMBER	-	REVISION	
Revisions		Notes	Date		



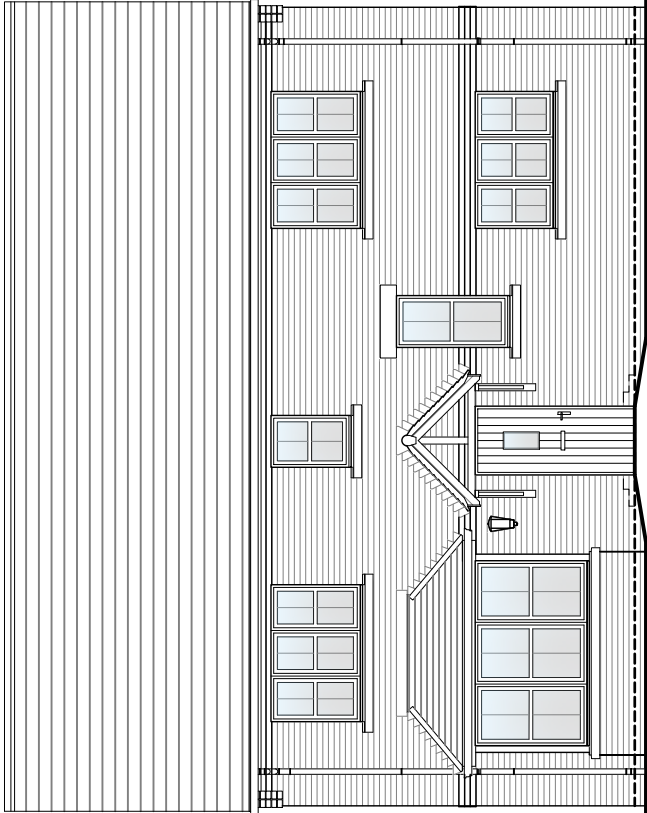
Ground Floor Layout



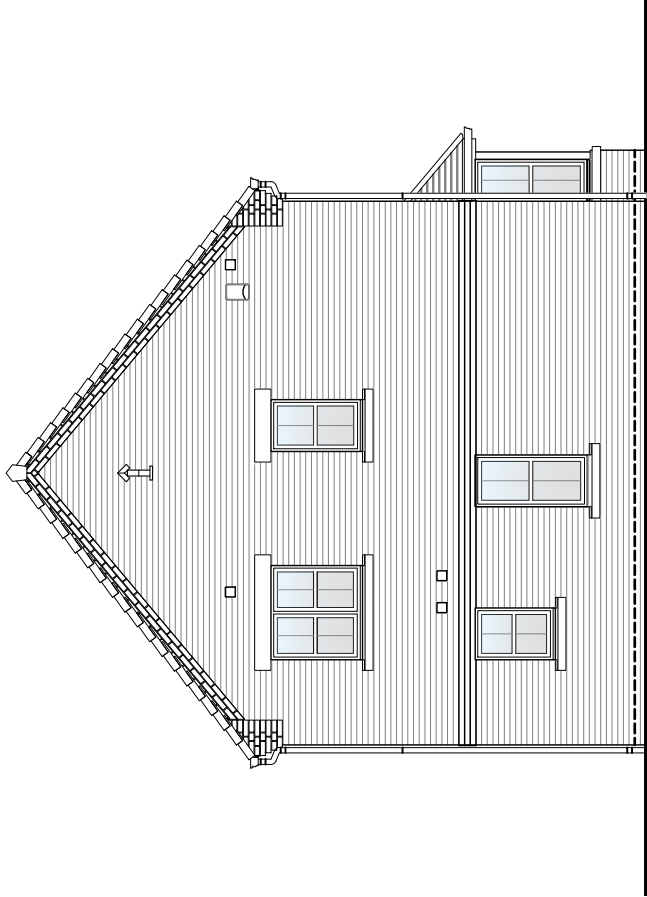
First Floor Layout



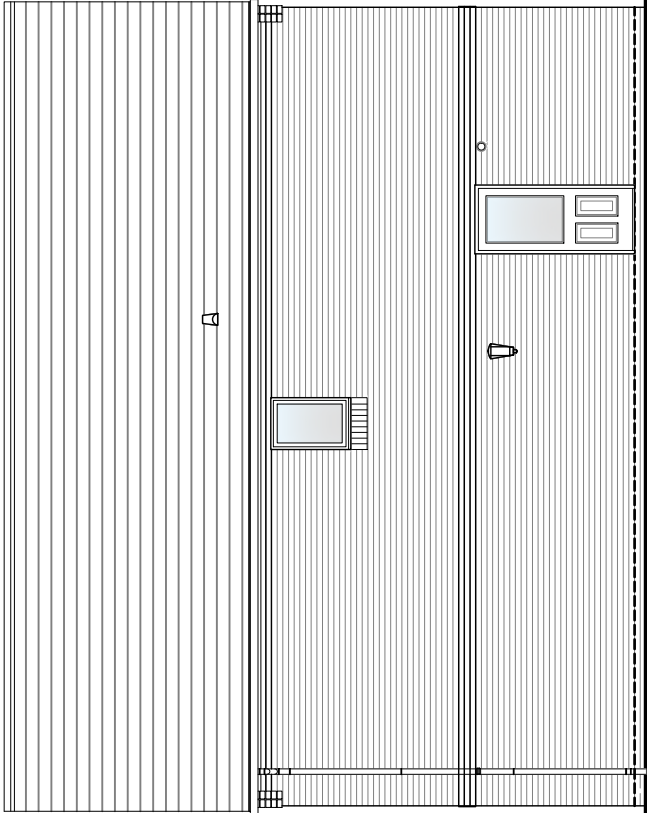
HOUSE TYPE						WILSON (A)					
DRAWING											
Planning Layout 2 (Corner)											
DRAWN BY		JR		DATE		01/02/19					
CHECKED BY		AH, DB, CTM		SCALE		1:100@A3					
DWG PACK		DRAWING NUMBER		REVISION							
A/01		WLN-PLP2		-							
Revisions		Notes		Date							
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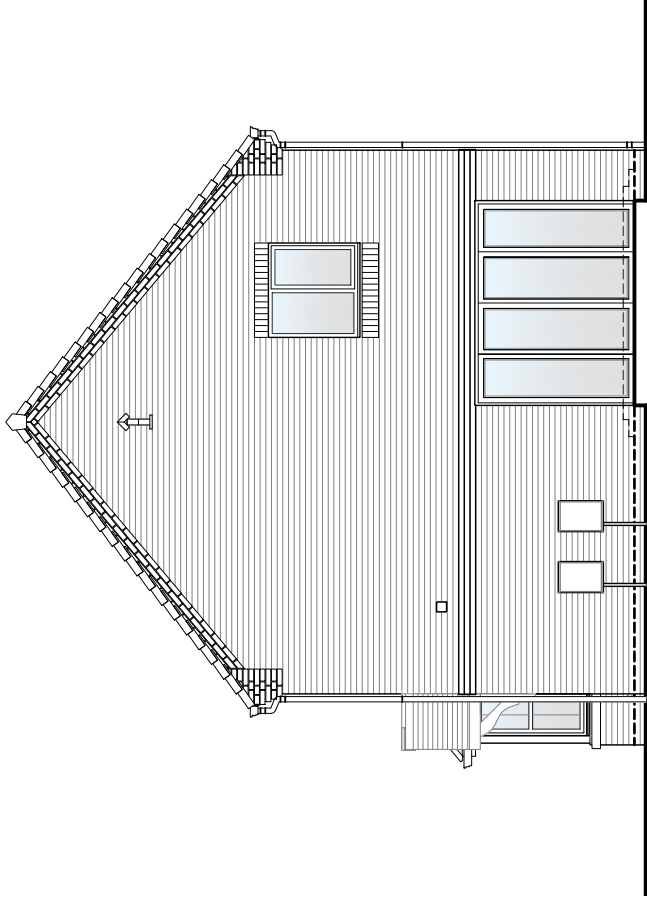
Front Elevation



Left Elevation



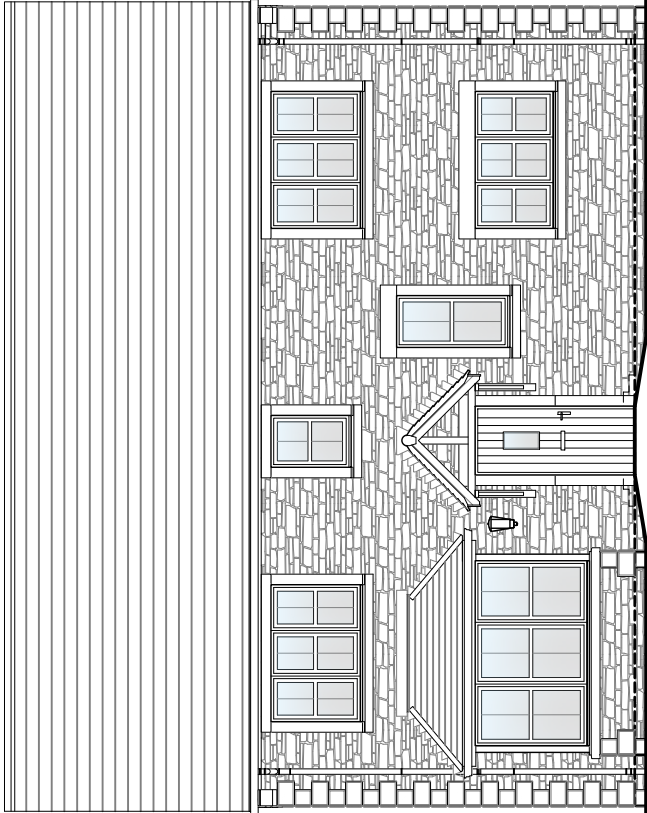
Rear Elevation



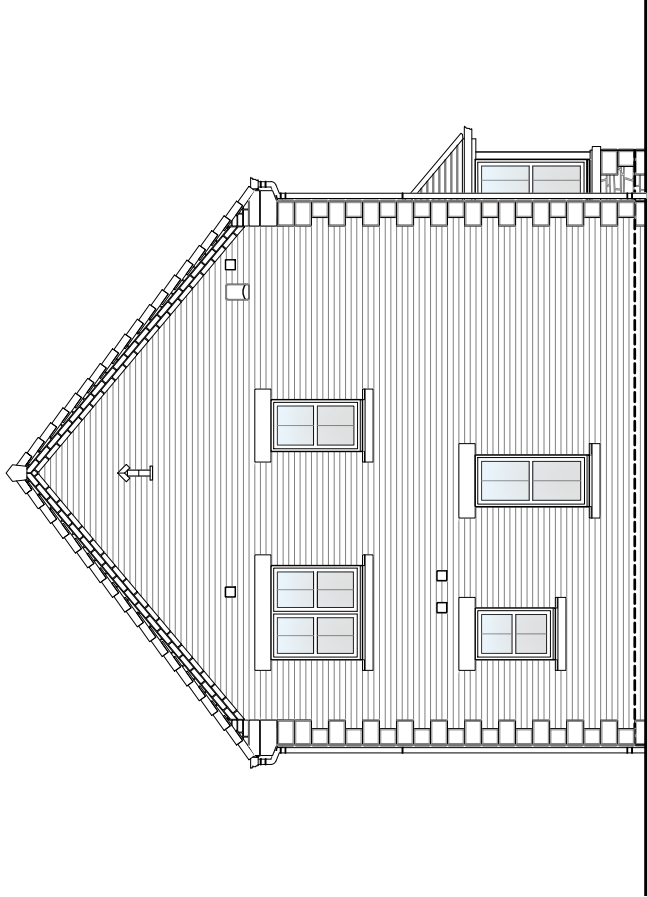
Right Elevation



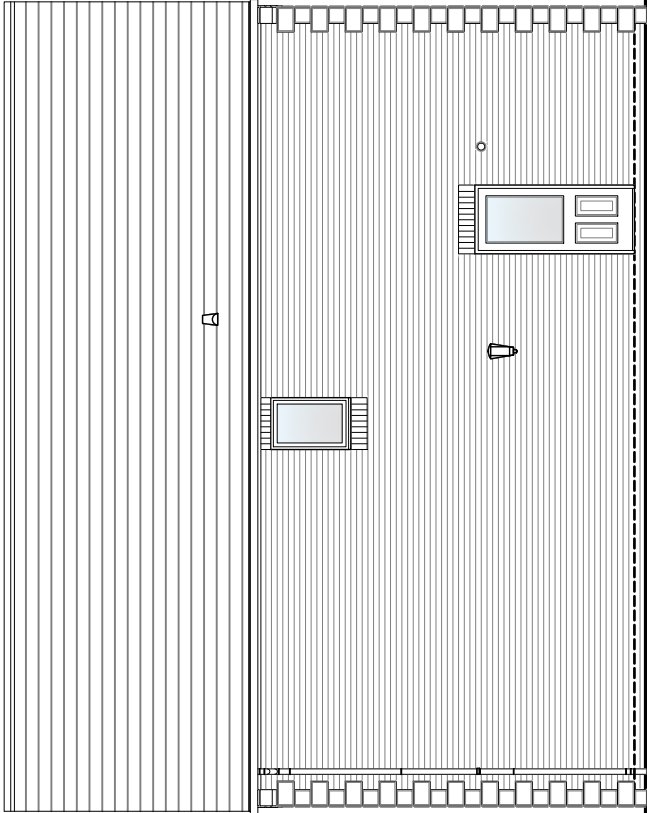
HOUSE TYPE		WILSON (A)	
DRAWING		Planning Elevation 2/1 (Corner)	
DRAWN BY	JR	DATE	01/02/19
CHECKED BY	AH DB CTM	SCALE	1:100/A3
DWG PACK	DRAWING NUMBER	REVISION	
A/01	WLN-PLE2/1	-	
Revisions		Notes	Date



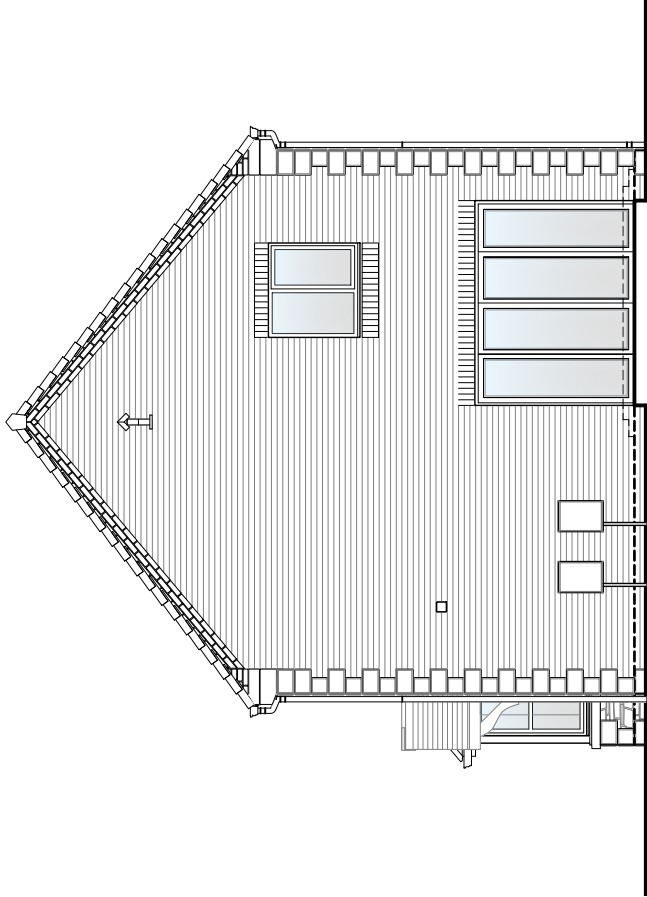
Front Elevation



Left Elevation



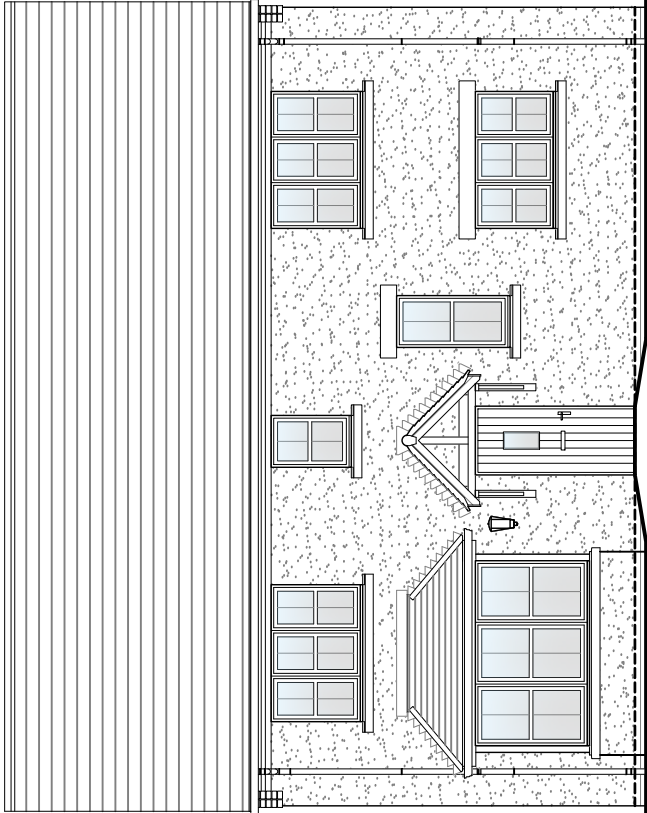
Rear Elevation



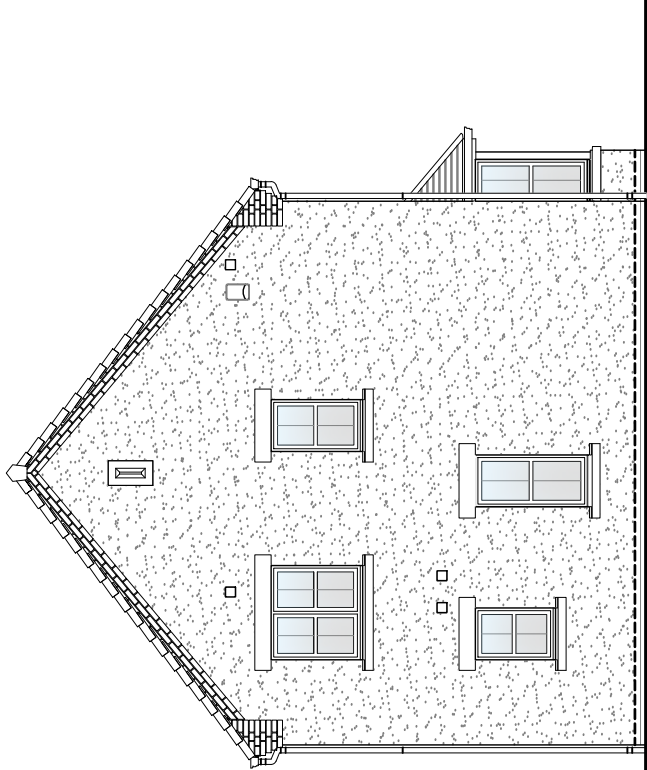
Right Elevation



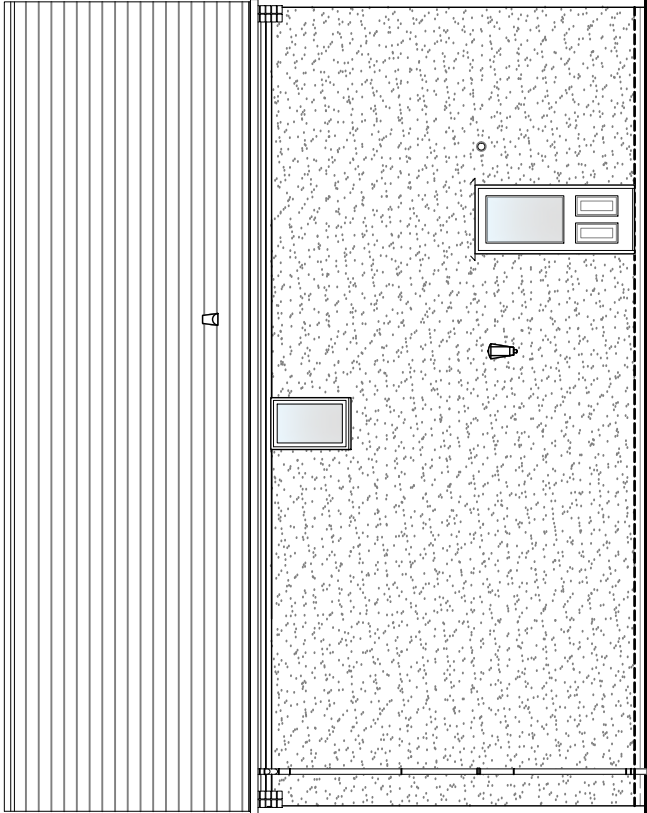
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DRAWN BY	JR	DATE	01/02/19
CHECKED BY	AH DB CTM	SCALE	1:100/A3
DWG PACK	WLN-PL2/3	DRAWING NUMBER	REVISION
A/01			-
Revisions		Notes	Date



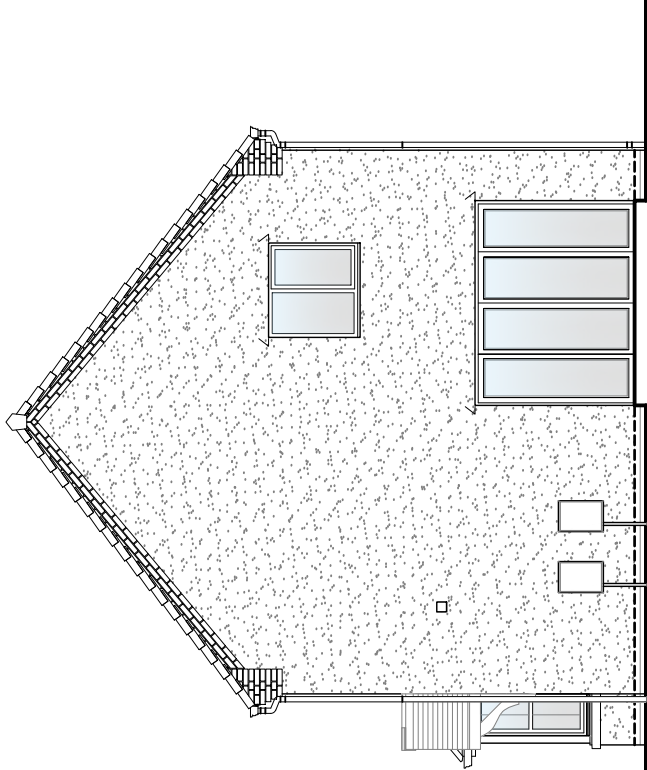
Front Elevation



Left Elevation



Rear Elevation



Right Elevation



HOUSE TYPE		WILSON (A)			
DRAWING		Planning Elevation 2/4 (Corner)			
DRAWN BY	JR	DATE	01/02/19	SCALE	1:100/A3
CHECKED BY	AH DB CTM	SCALE	1:100/A3	REVISION	
DWG PACK		DRAWING NUMBER	WLN-PLE2/4	REVISION	
A/01					
Revisions		Notes	Date		

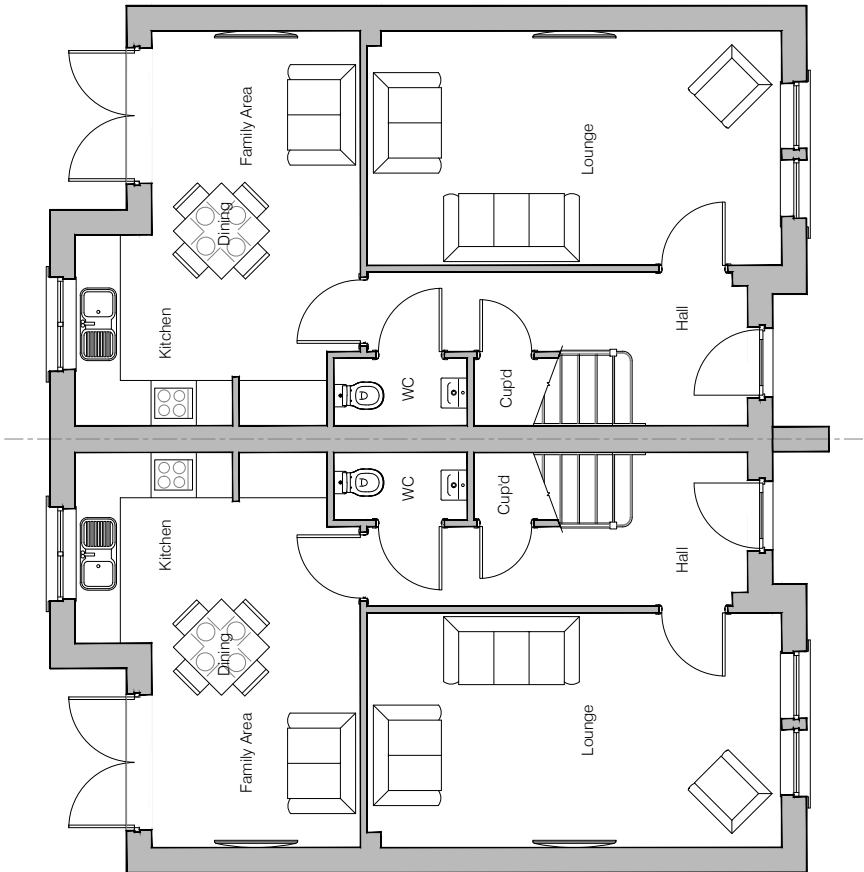


SPENCER (A)

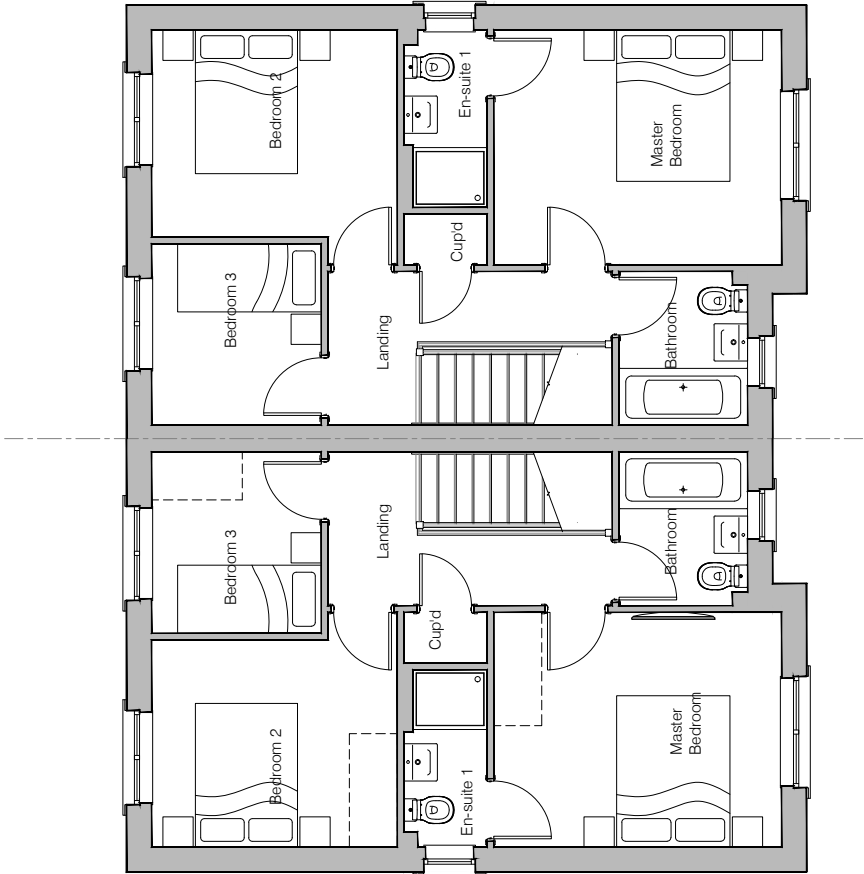
Planning Drawings

GF: 45.88 m2 (493.85 ft2)
FF: 43.27 m2 (465.75 ft2)
TOTAL: 89.15 m2 (959.60 ft2)

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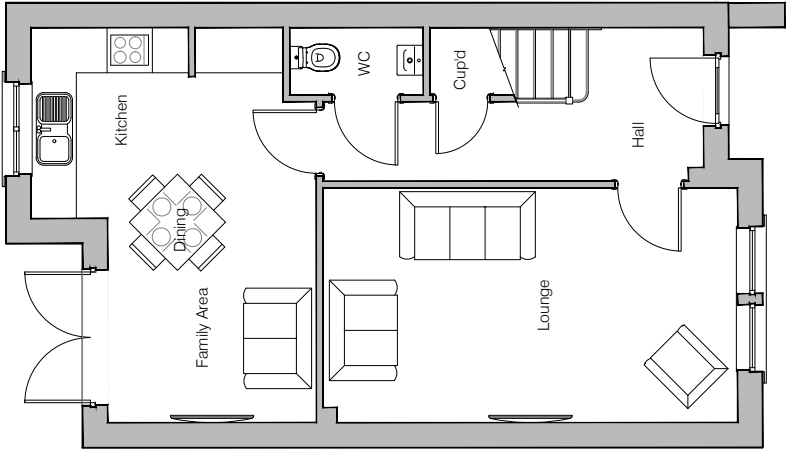
Ground Floor Layout



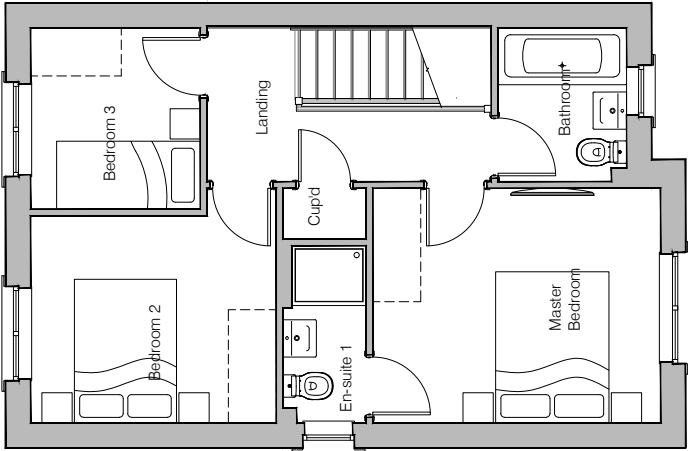
First Floor Layout



HOUSE TYPE		SPENCER (A)			
DRAWING		Planning Layout 1			
DRAWN BY	JR	DATE	01/02/19		
CHECKED BY	AH	SCALE	1:100@A3		
DWG PACK	DRAWING NUMBER		REVISION		
A/01	SPR-PLP1		-		
Revisions	Notes	Date			



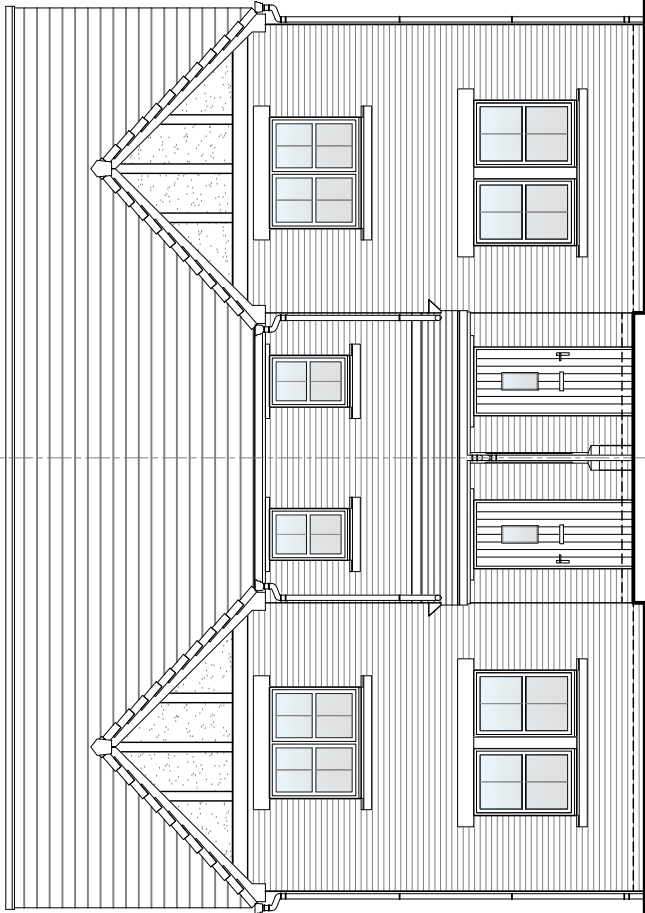
Ground Floor Layout



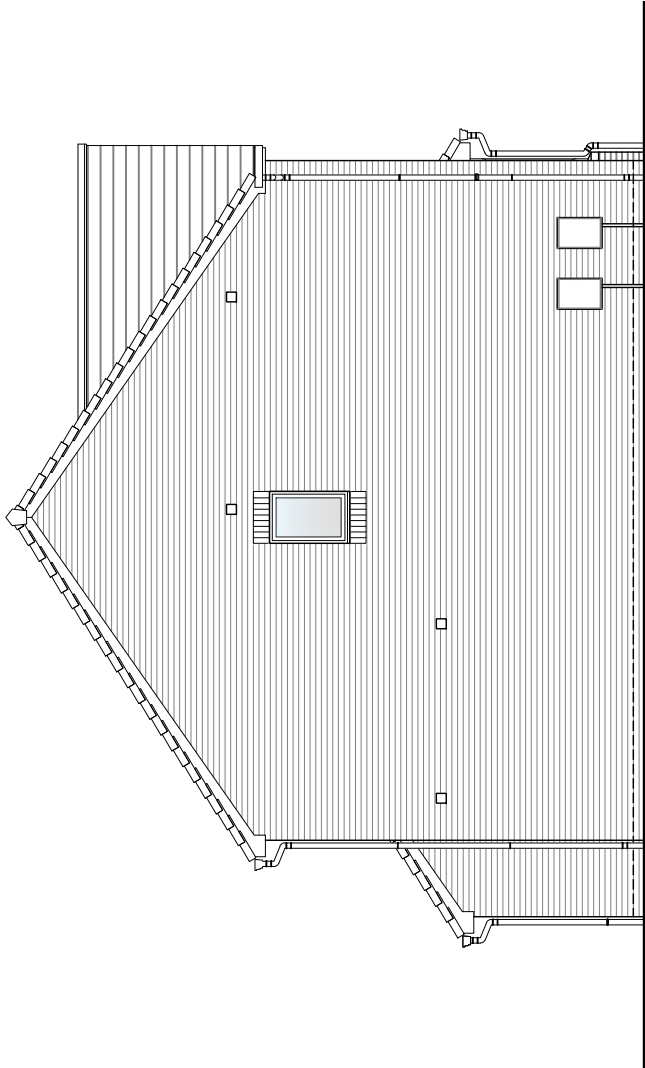
First Floor Layout



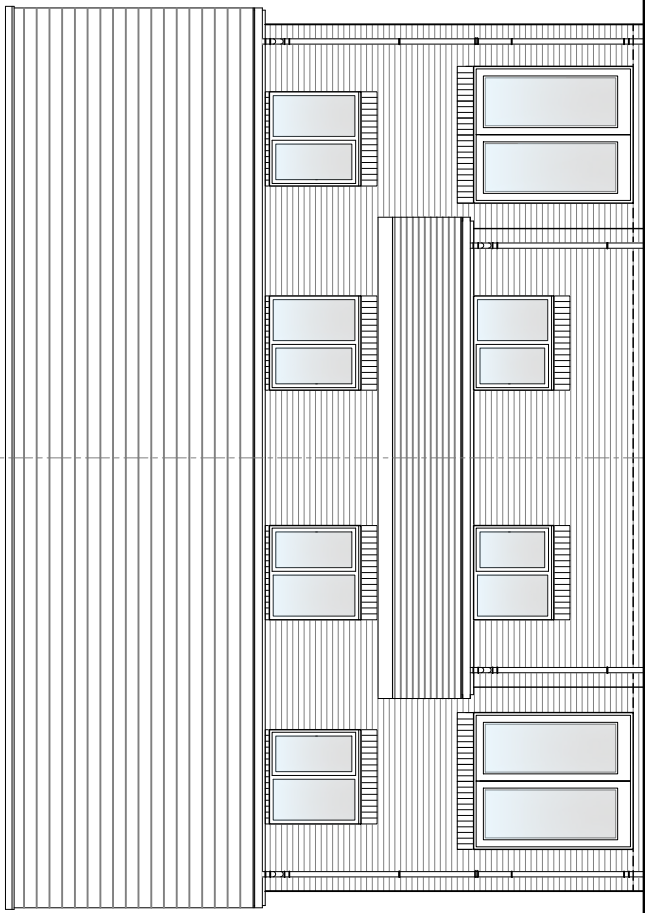
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DRAWN BY	JR	DATE	01/02/19
CHECKED BY	AH	SCALE	1:100@A3
DWG PACK	DRAWING NUMBER		REVISION
A/01	SPR-PLP2		-
Revisions		Notes	
		Date	
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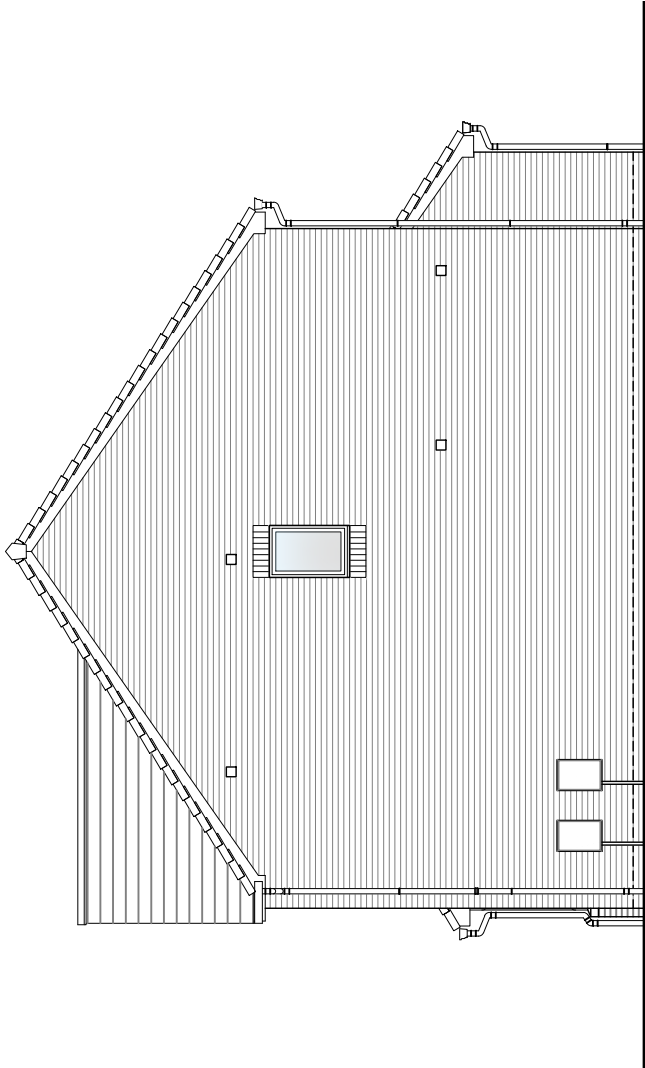
Front Elevation



Left Elevation



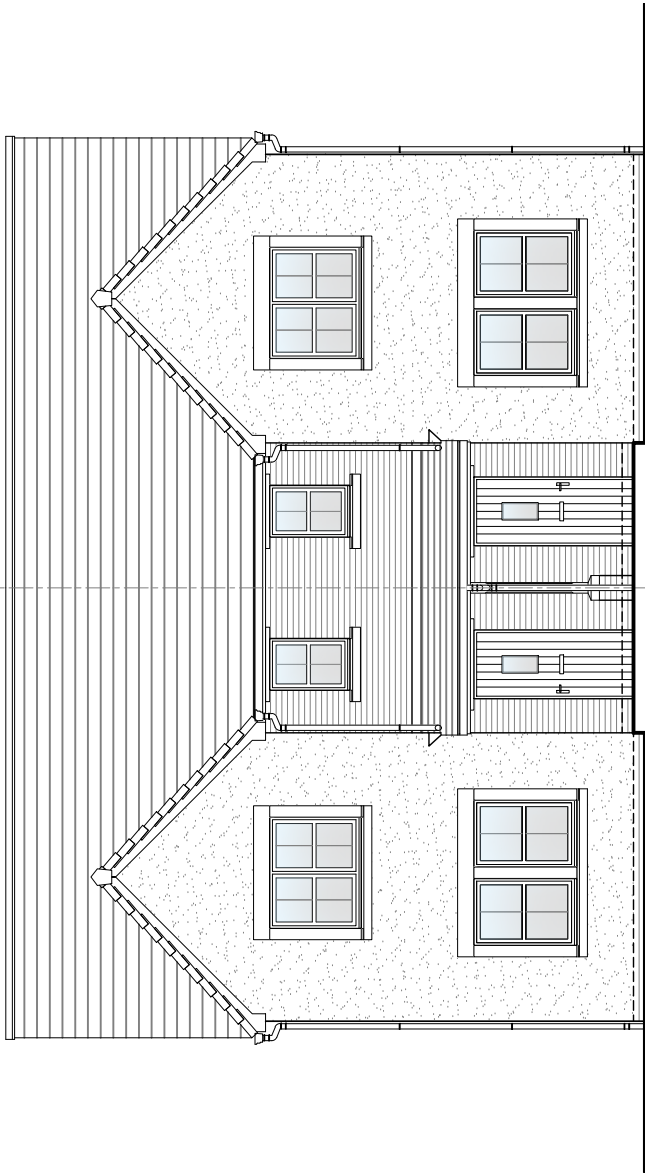
Rear Elevation



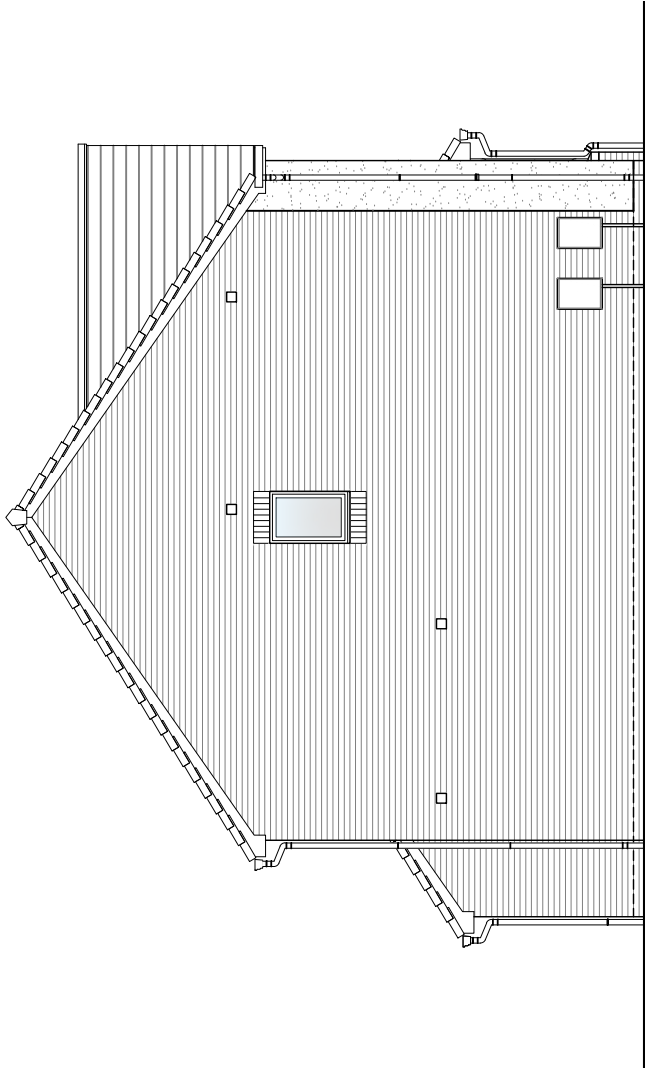
Right Elevation



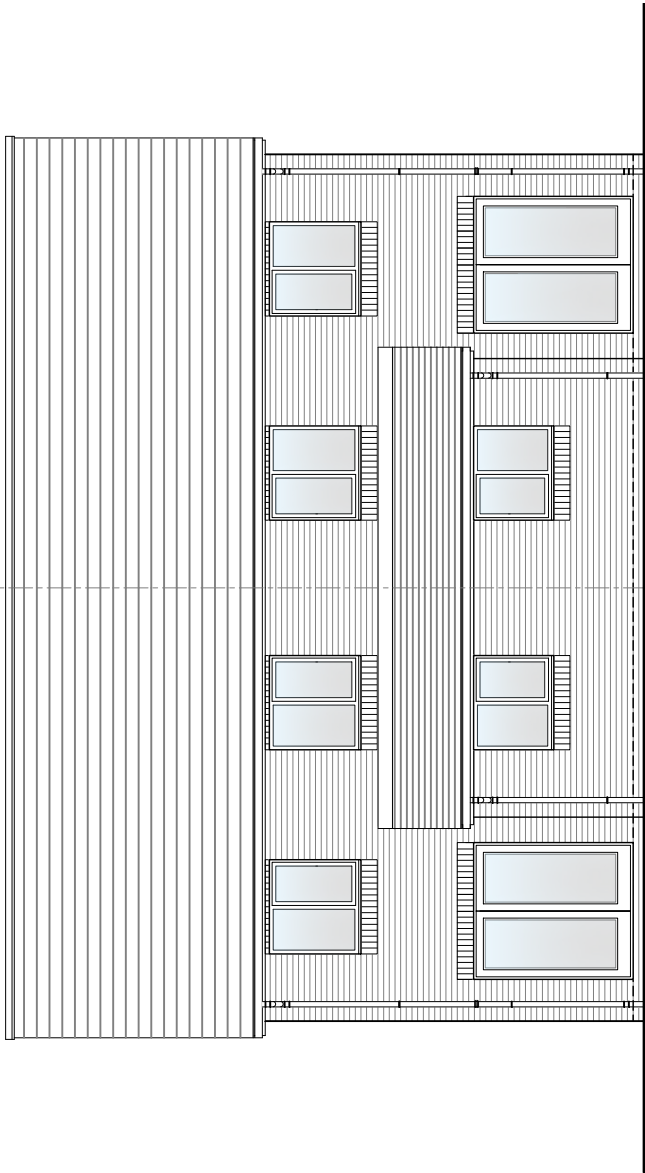
HOUSE TYPE		SPENCER (A)	
DRAWING		Planning Elevation 1/1	
DRAWN BY	JR	DATE	01/02/19
CHECKED BY	AH	SCALE	1:100/A3
DWG PACK	SPR-PLE1/1	DRAWING NUMBER	REVISION
A/01			-
Revisions		Notes	Date
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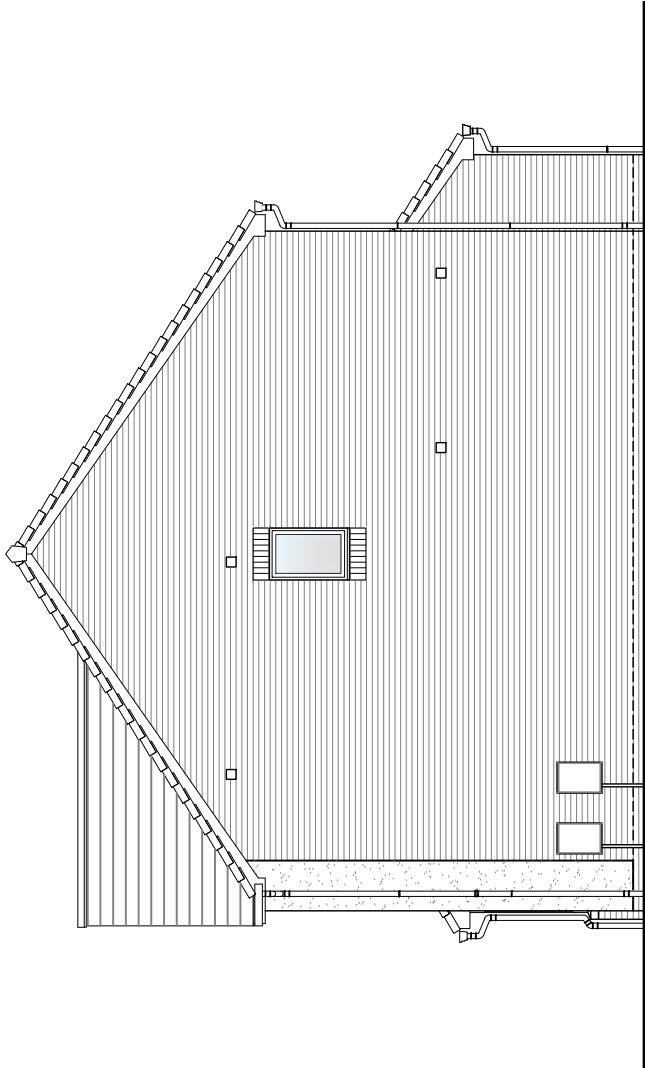
Front Elevation



Left Elevation



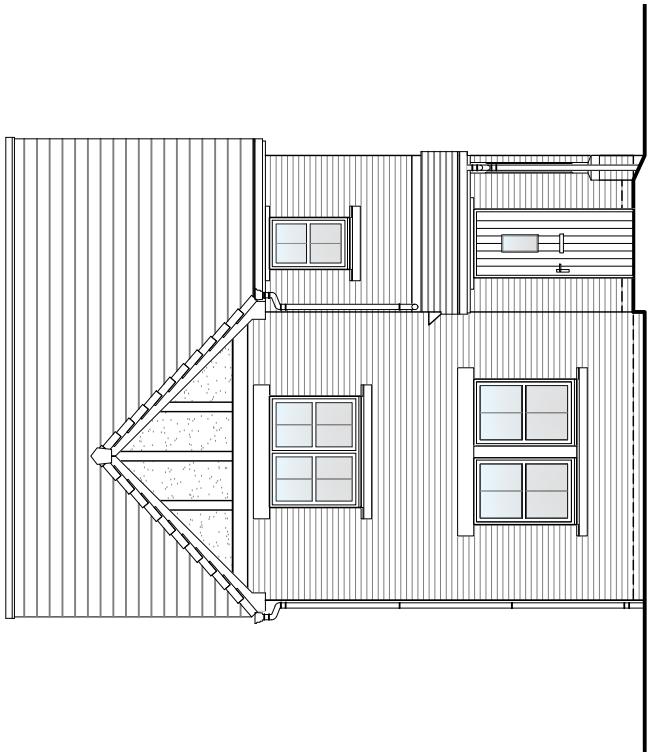
Rear Elevation



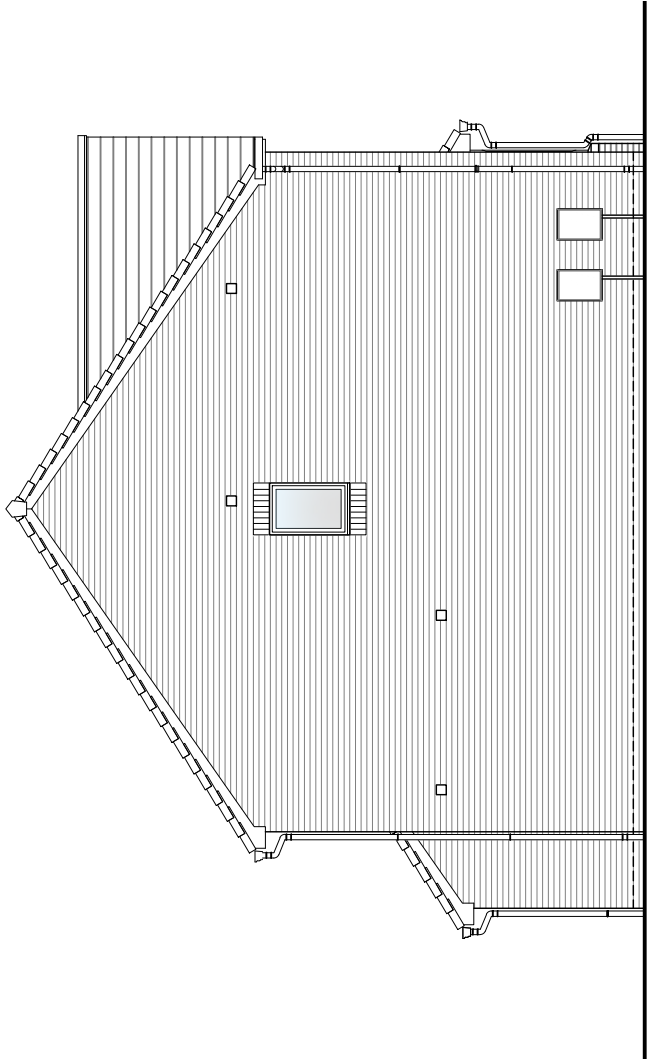
Right Elevation



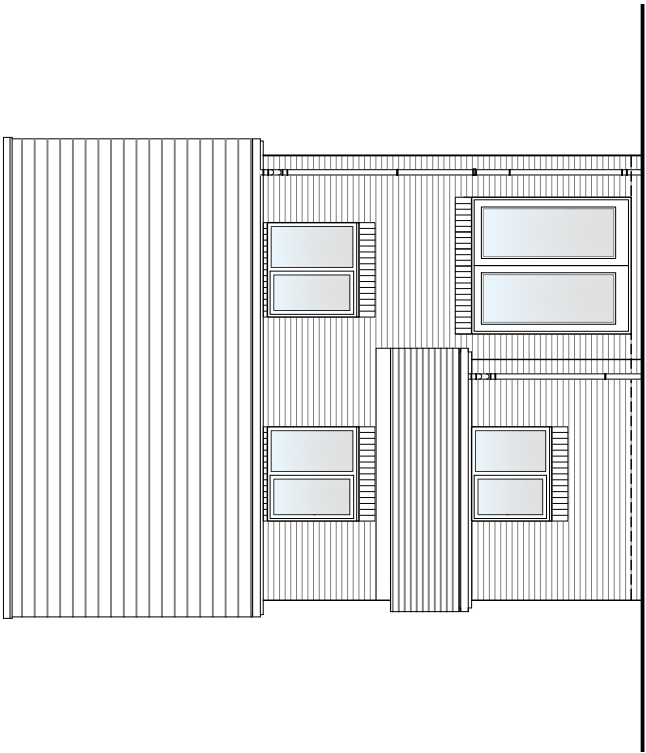
HOUSE TYPE		SPENCER (A)			
DRAWING		Planning Elevation 1/2			
DRAWN BY	JR	DATE	01/02/19		
CHECKED BY	AH	SCALE	1:100@A3		
DWG PACK	DRAWING NUMBER		REVISION		
A/01	SPR-PL1/2		-		
Revisions	Notes		Date		
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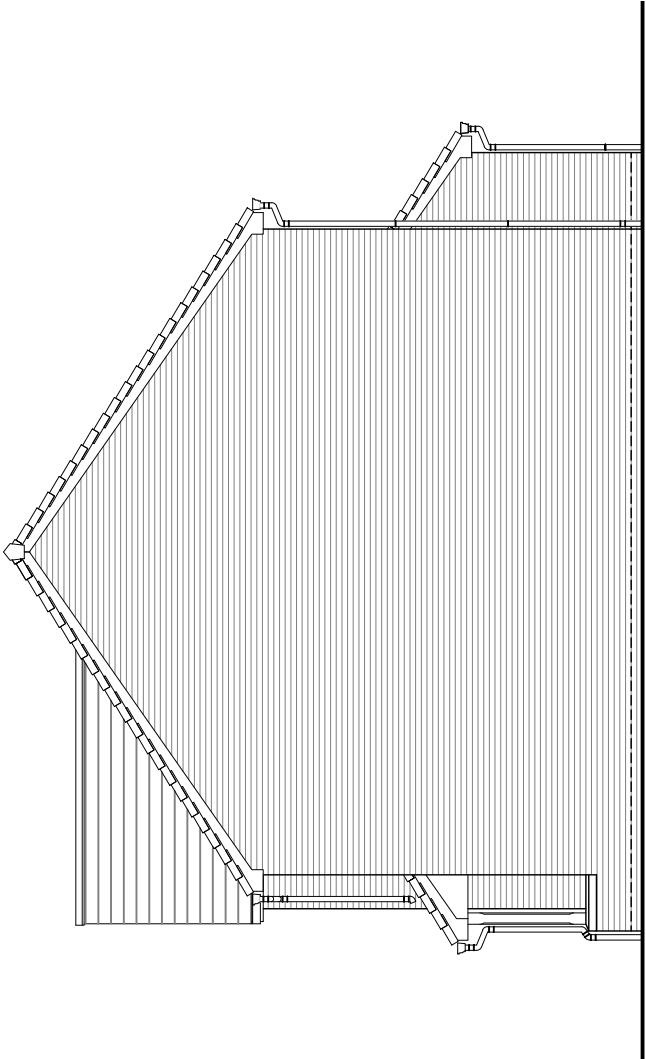
Front Elevation



Left Elevation



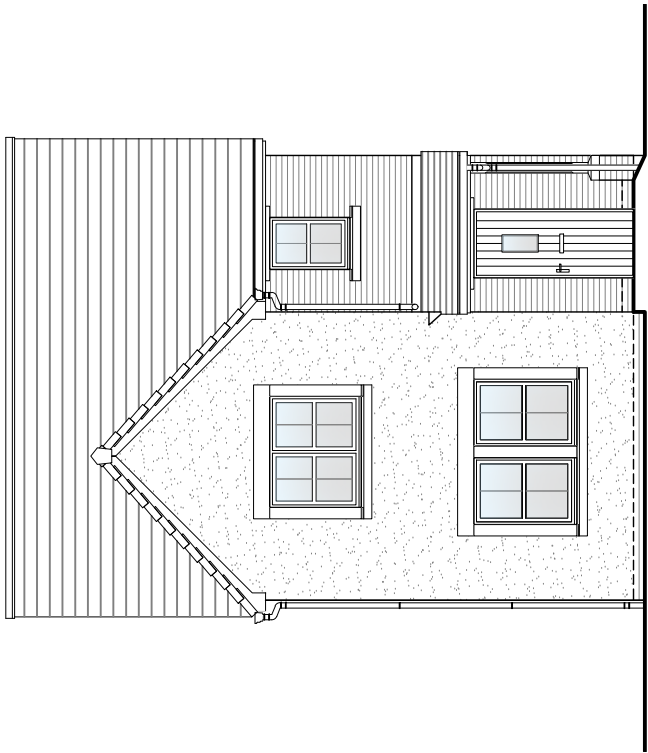
Rear Elevation



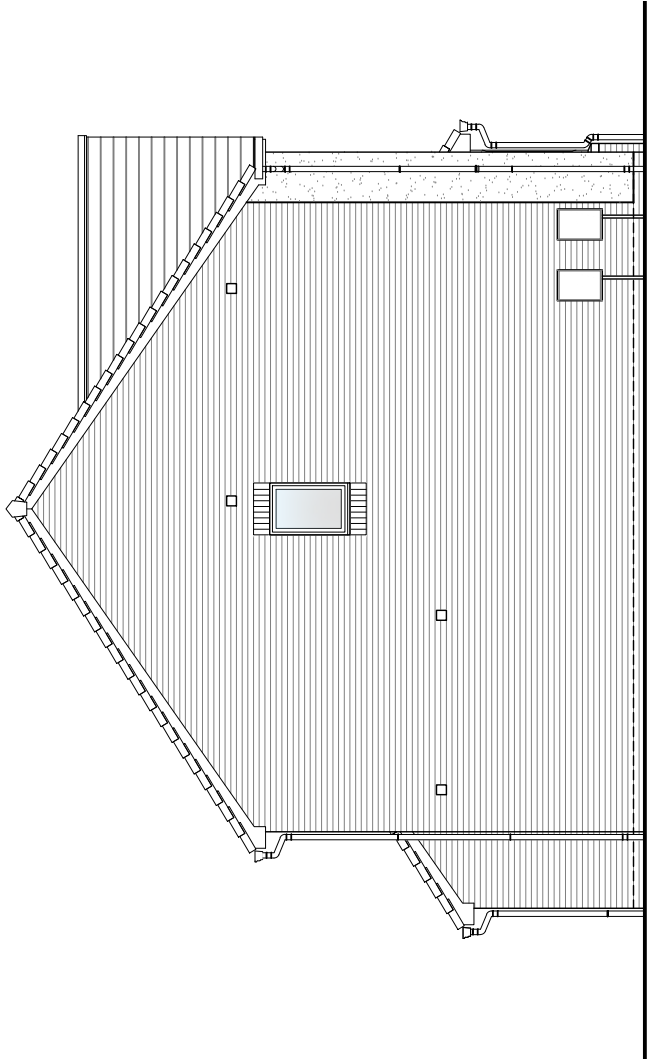
Right Elevation



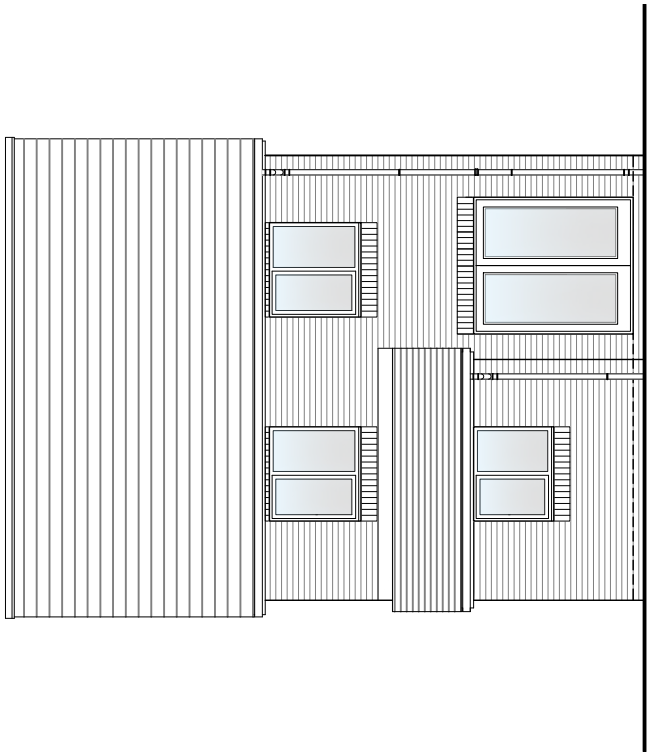
HOUSE TYPE		SPENCER (A)	
DRAWING		Planning Elevation 2/1	
DRAWN BY	JR	DATE	01/02/19
CHECKED BY	AH	SCALE	1:100/A3
DWG PACK		DRAWING NUMBER	
A/01		SPR-PLE2/1	
Revisions		Notes	Date
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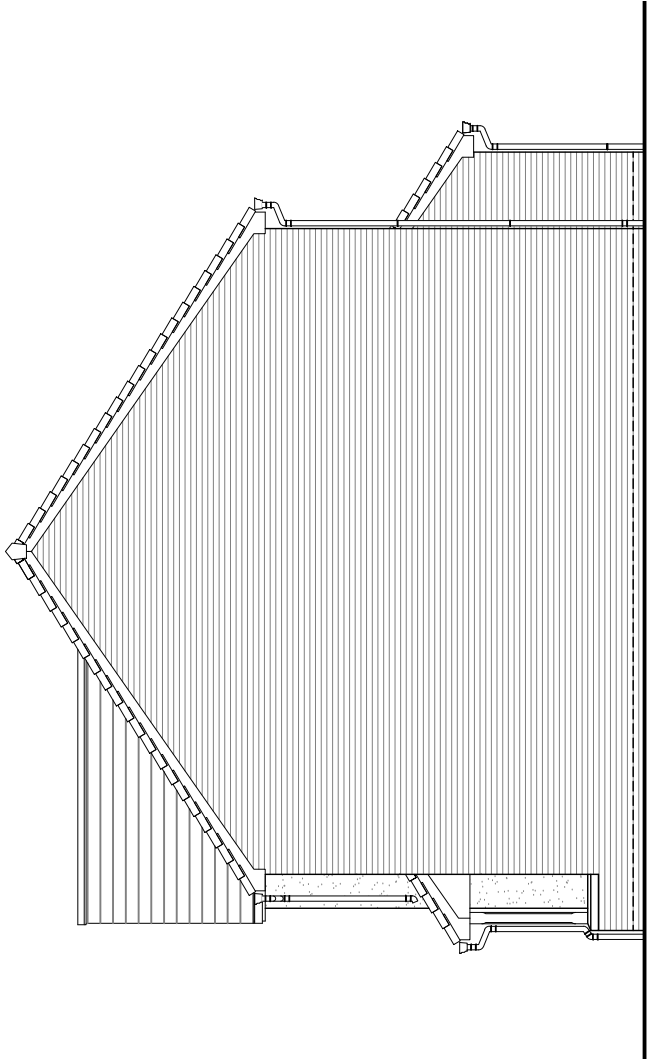
Front Elevation



Left Elevation



Rear Elevation



Right Elevation



HOUSE TYPE		SPENCER (A)	
DRAWING		Planning Elevation 2/2	
DRAWN BY	JR	DATE	01/02/19
CHECKED BY	AH	SCALE	1:100/A3
DWG PACK	SPR-PLE2/2	DRAWING NUMBER	REVISION
A/01			-
Revisions		Notes	Date
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SANDERSON (A)

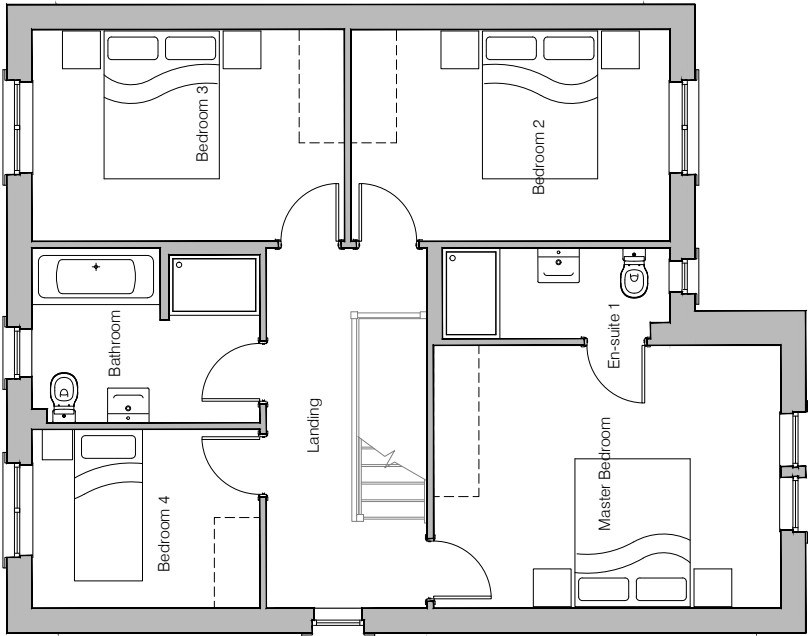
Planning Drawings

GF: 60.42 m2 (650.36 ft2)
FF: 70.78 m2 (761.87 ft2)
TOTAL: 131.20 m2 (1412.23ft2)

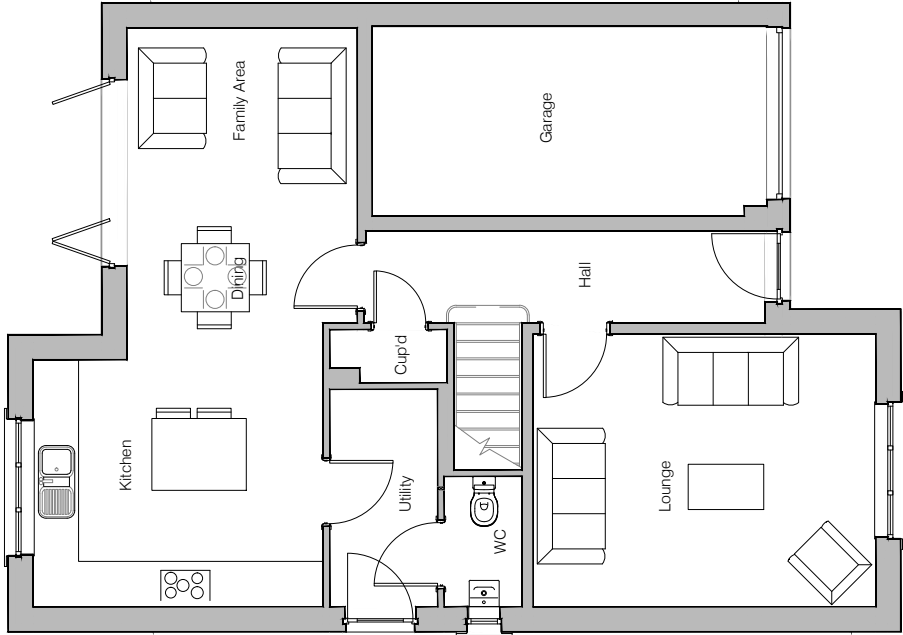
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HOUSE TYPE		SANDERSON (A)			
DRAWING		Planning Layout 1			
DRAWN BY	AB	DATE	01/02/19	SCALE	1:100/A3
CHECKED BY	AH	DRAWING NUMBER	SAN-PLP1	REVISION	-
DWG PACK	A/01	Revisions	Notes	Date	
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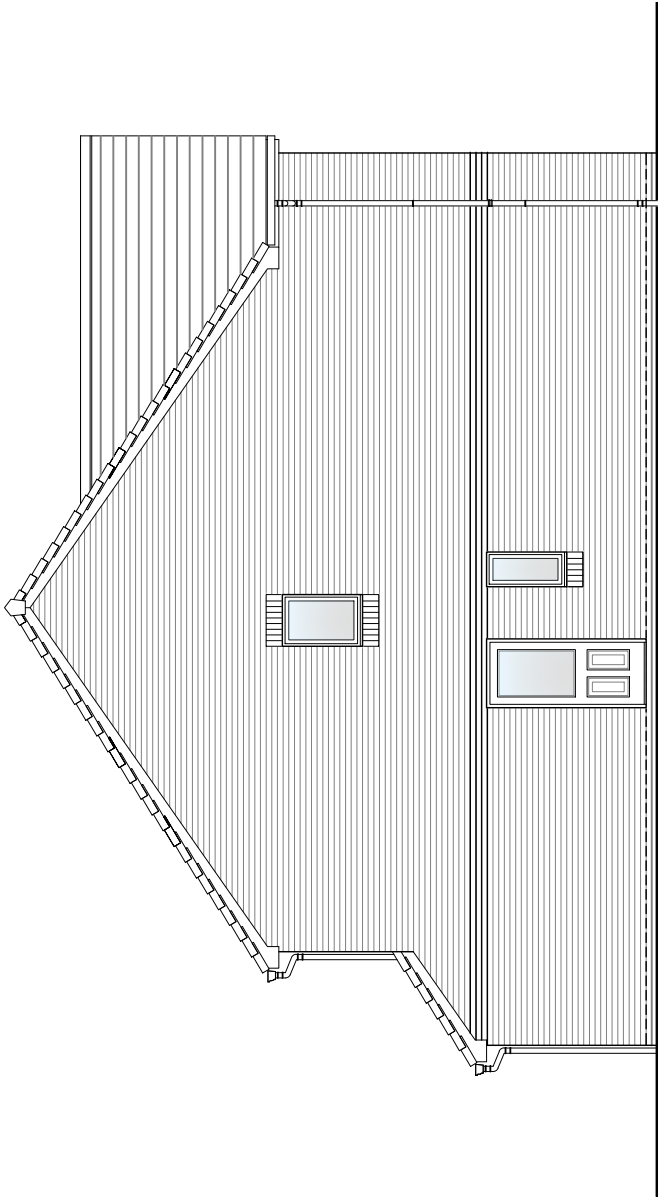
First Floor Layout



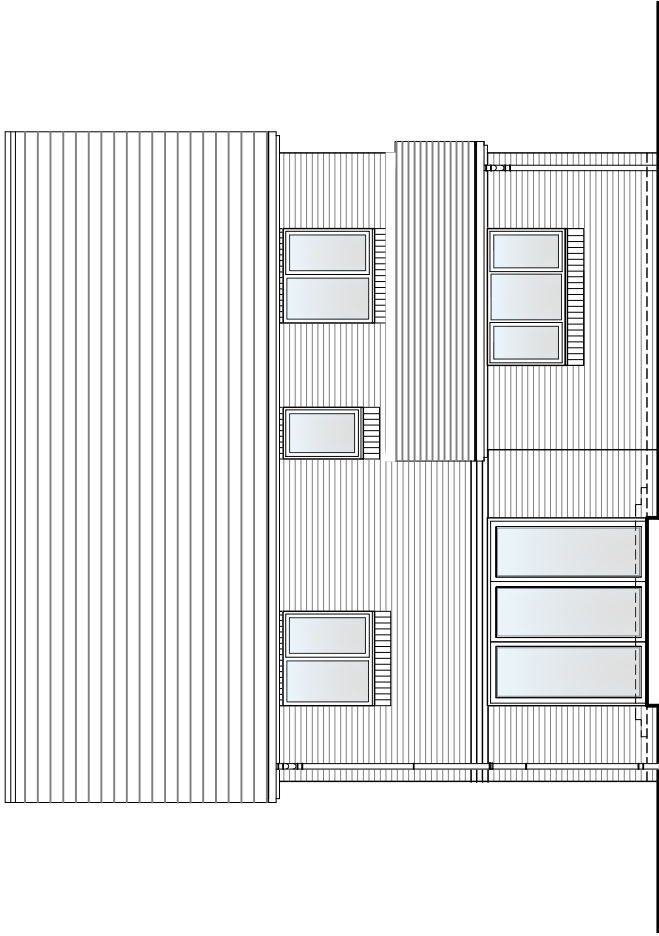
Ground Floor Layout



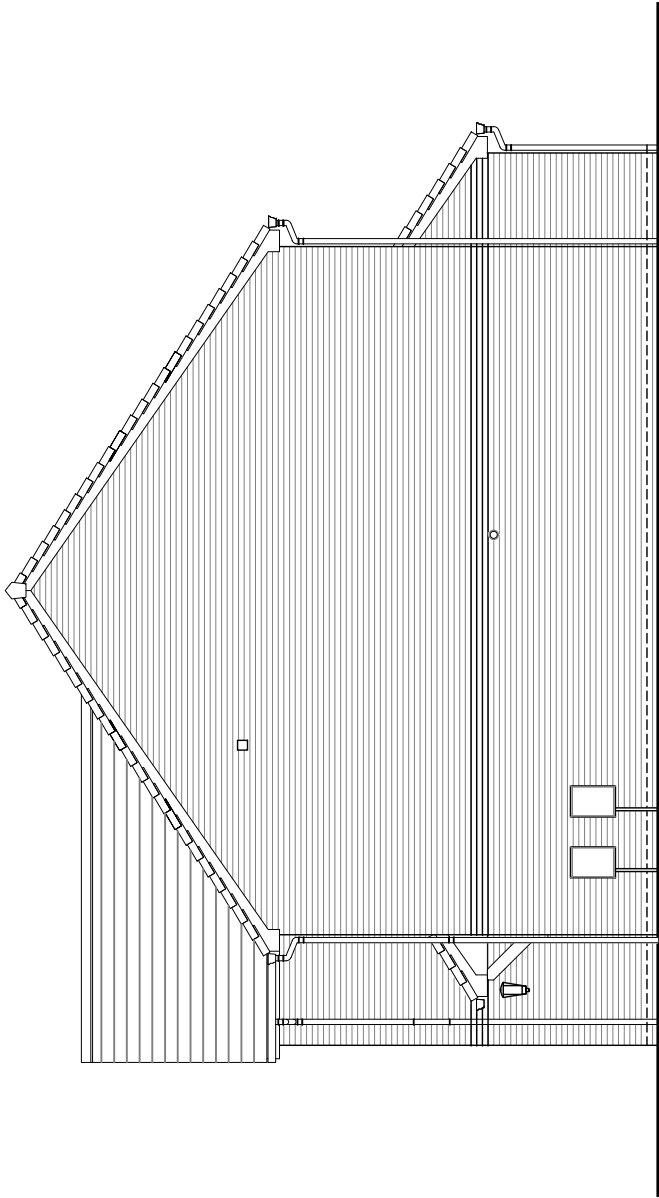
Front Elevation



Left Elevation



Rear Elevation



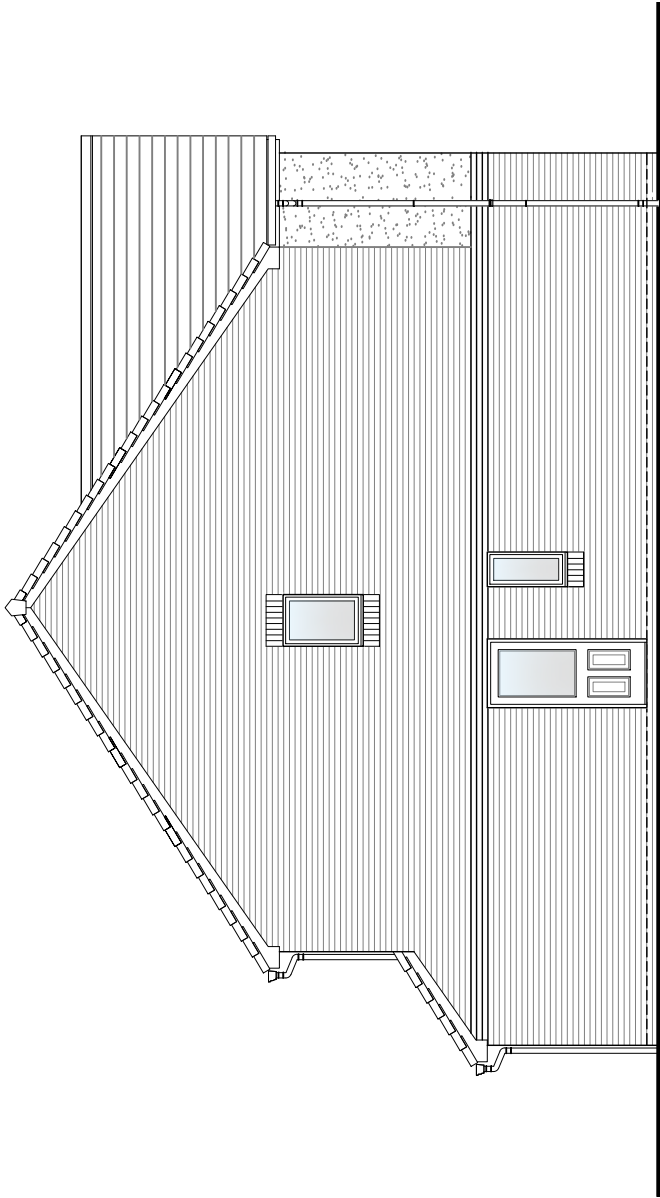
Right Elevation



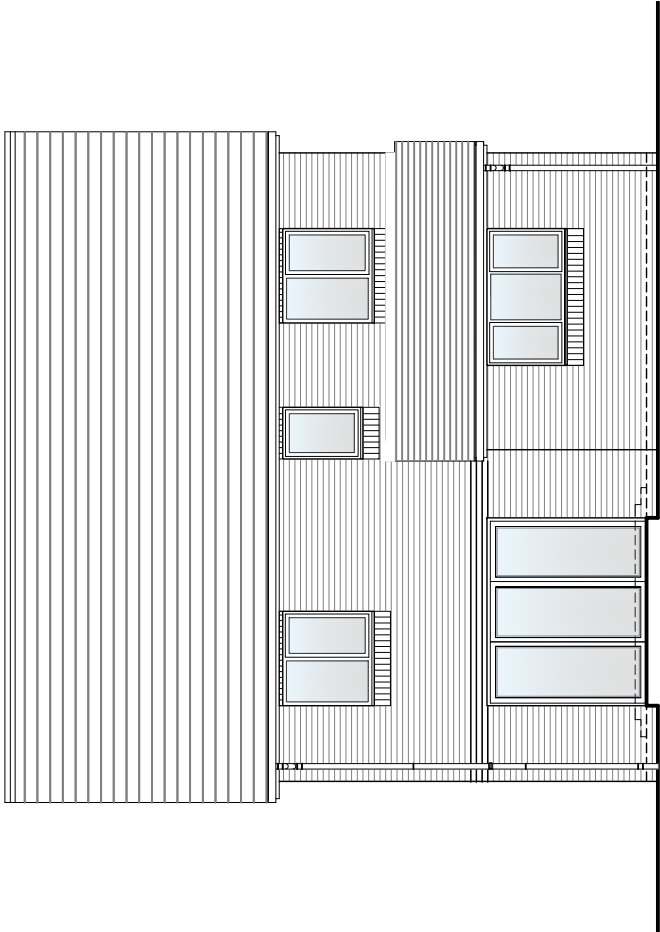
HOUSE TYPE		SANDERSON (A)			
DRAWING		Planning Elevation 1/1			
DRAWN BY	AB	DATE	01/02/19		
CHECKED BY	AH	SCALE	1:100@A3		
DWG PACK	DRAWING NUMBER		REVISION		
A/01	SAN-PL1/1		-		
Revisions	Notes	Date			
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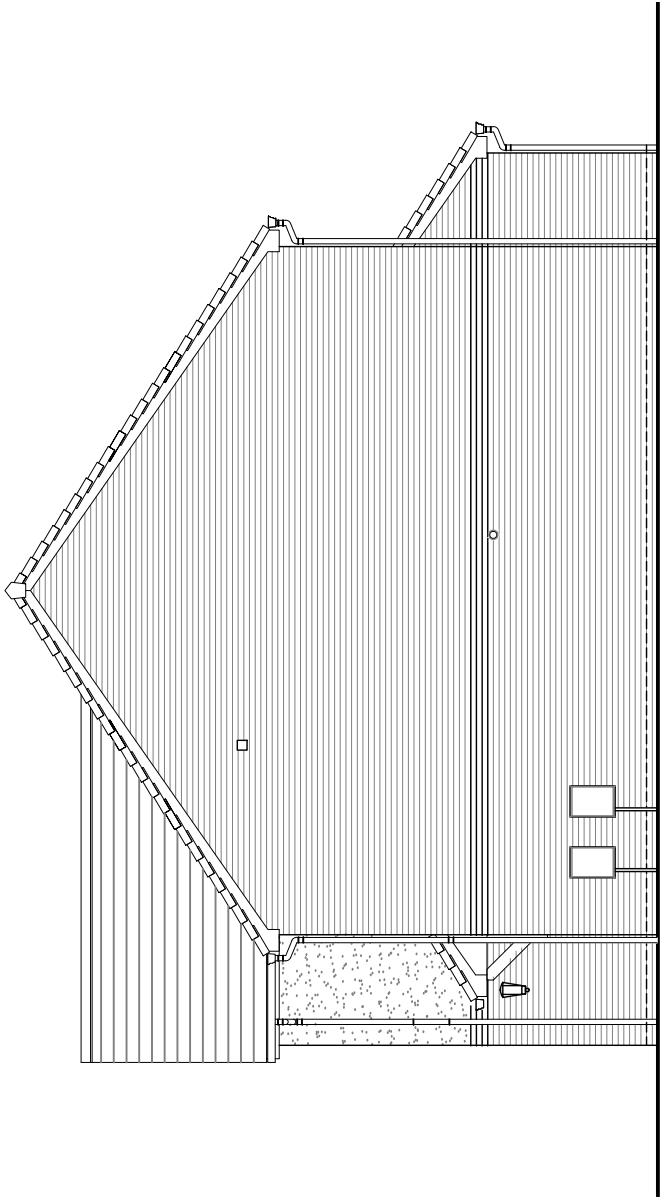
Front Elevation



Left Elevation



Rear Elevation



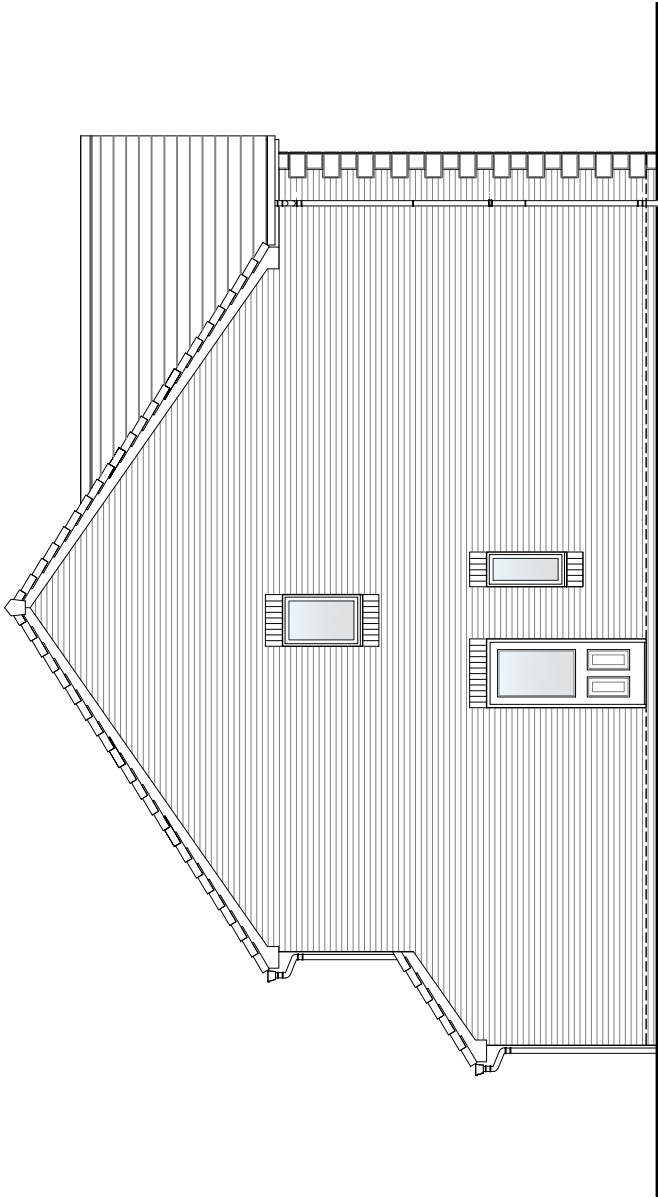
Right Elevation



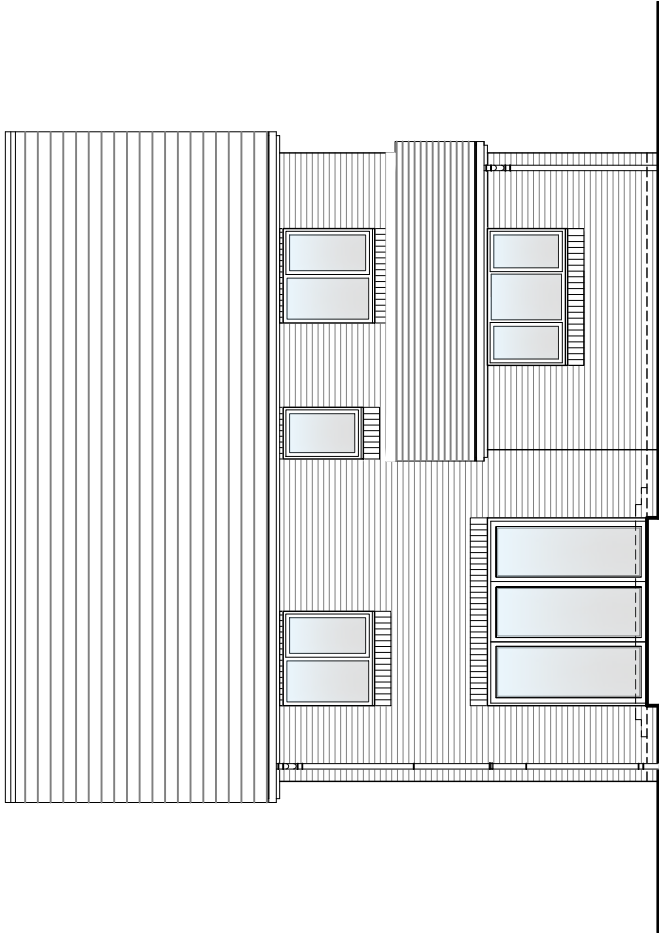
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DRAWING		Planning Elevation 1/2			
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CHECKED BY	AH	SCALE	1:100@A3		
DWG PACK	DRAWING NUMBER		REVISION		
A/01	SAN-PL1/2		-		
Revisions	Notes		Date		
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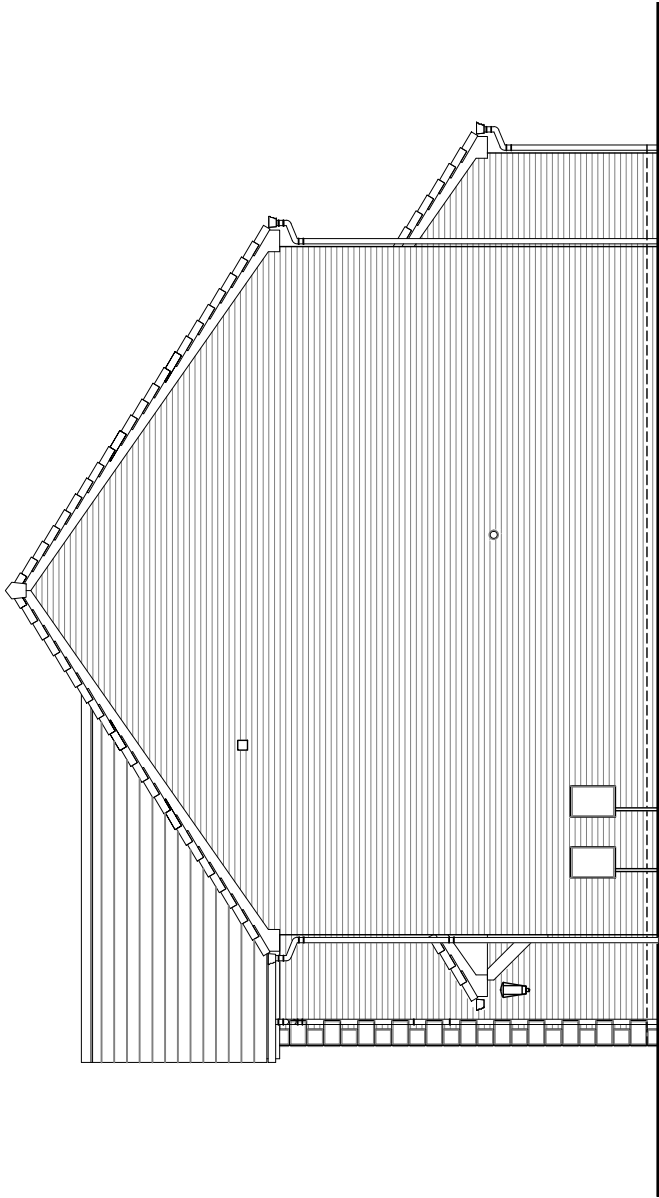
Front Elevation



Left Elevation



Rear Elevation



Right Elevation



HOUSE TYPE		SANDERSON (A)			
DRAWING		Planning Elevation 1/3			
DRAWN BY	AB	DATE	01/02/19		
CHECKED BY	AH	SCALE	1:100@A3		
DWG PACK	DRAWING NUMBER		REVISION		
A/01	SAN-PL1/3		-		
Revisions		Notes		Date	
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MASTERTON (A)

Planning Drawings

GF: 77.59 m2 (835.17 ft2)
FF: 89.91 m2 (967.78 ft2)
TOTAL: 167.5 m2 (1802.95ft2)

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Planning Layouts & Elevations

[illegible][illegible]

HOUSE TYPE

MASTERTON (A)

DRAWING

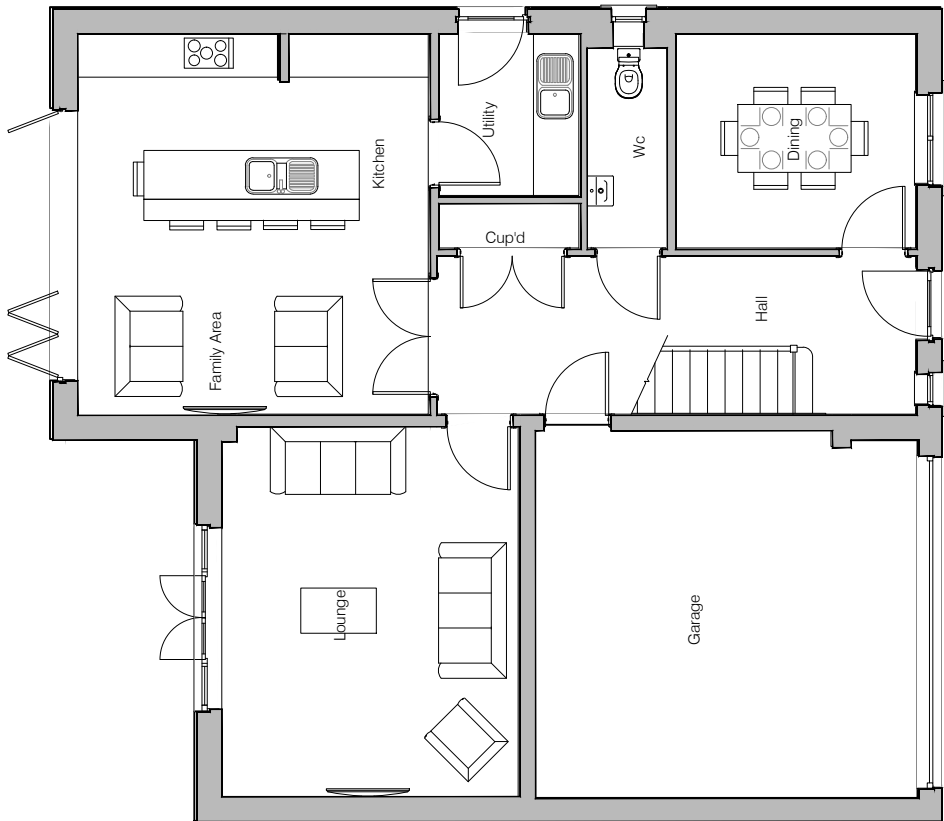
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WG PACK	DRAWING NUMBER		
A/01	MTN-P-CON		
Revisions		Notes	Date
REVISION			-

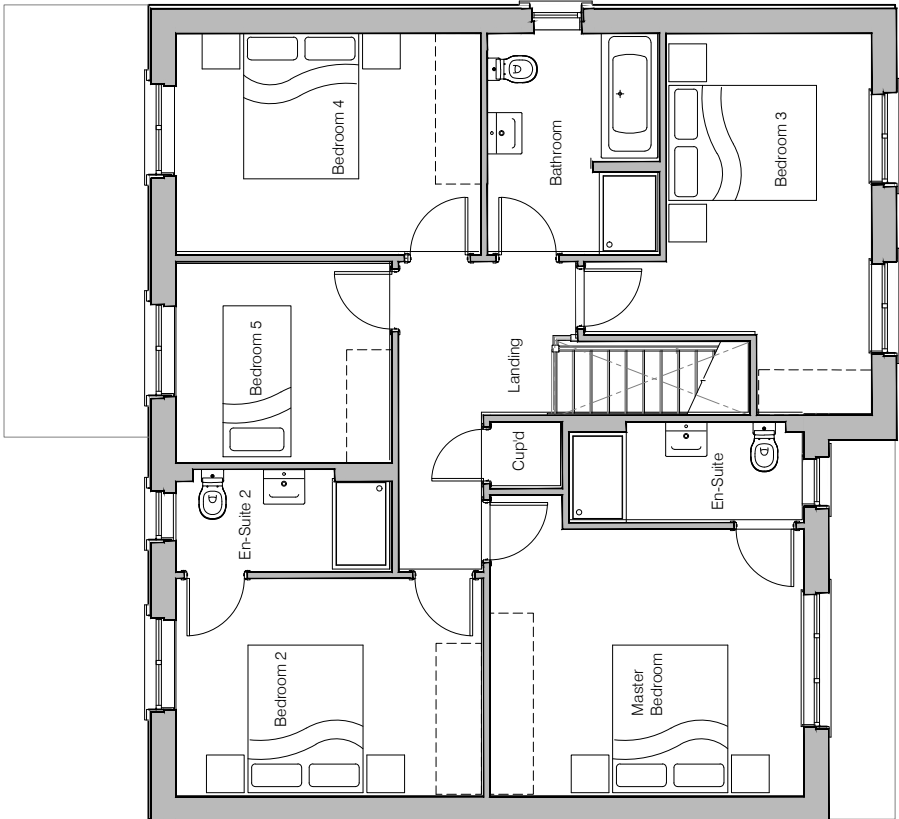
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Ground Floor Layout



First Floor Layout



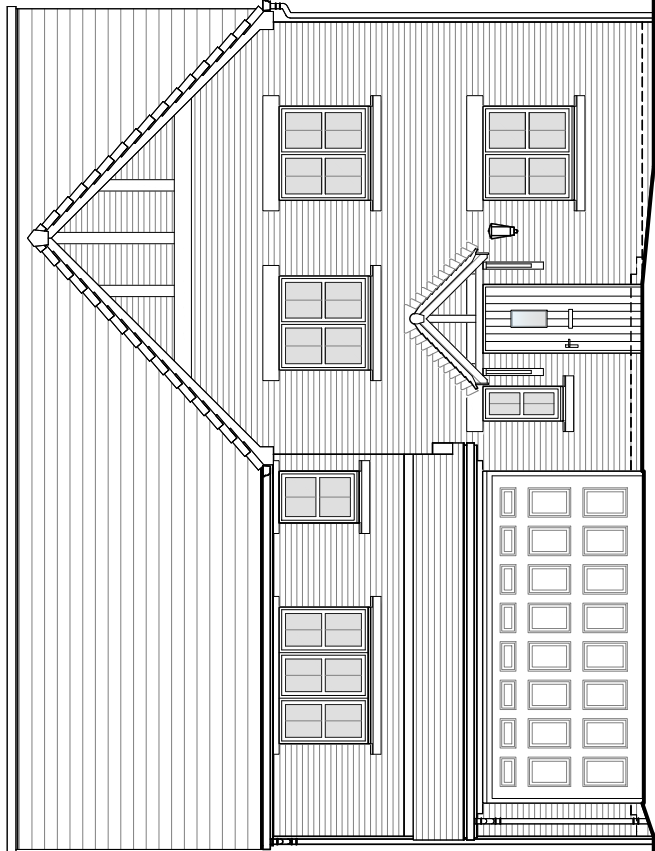
HOUSE TYPE

MASTERTON (A)

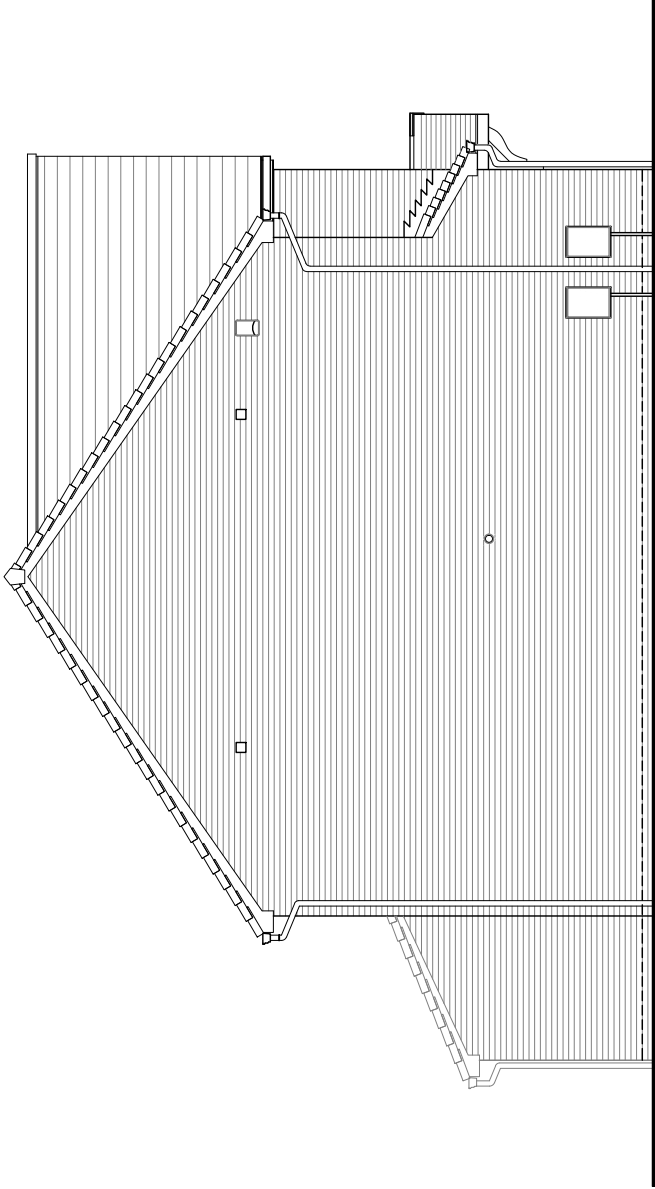
DRAWING

Planning Layout 1

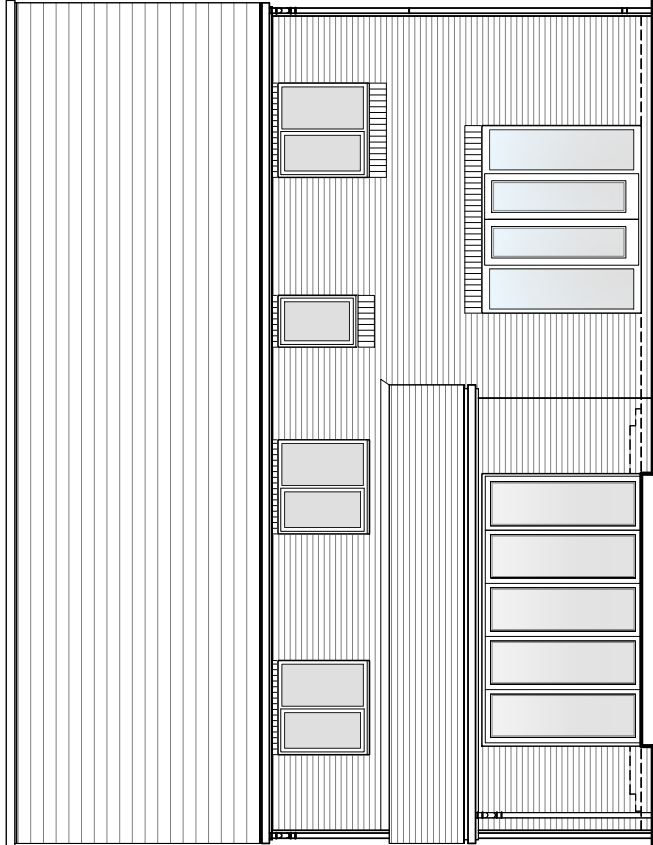
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CHECKED BY	AH	SCALE	1:100@A3
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Revisions	Notes	Date	



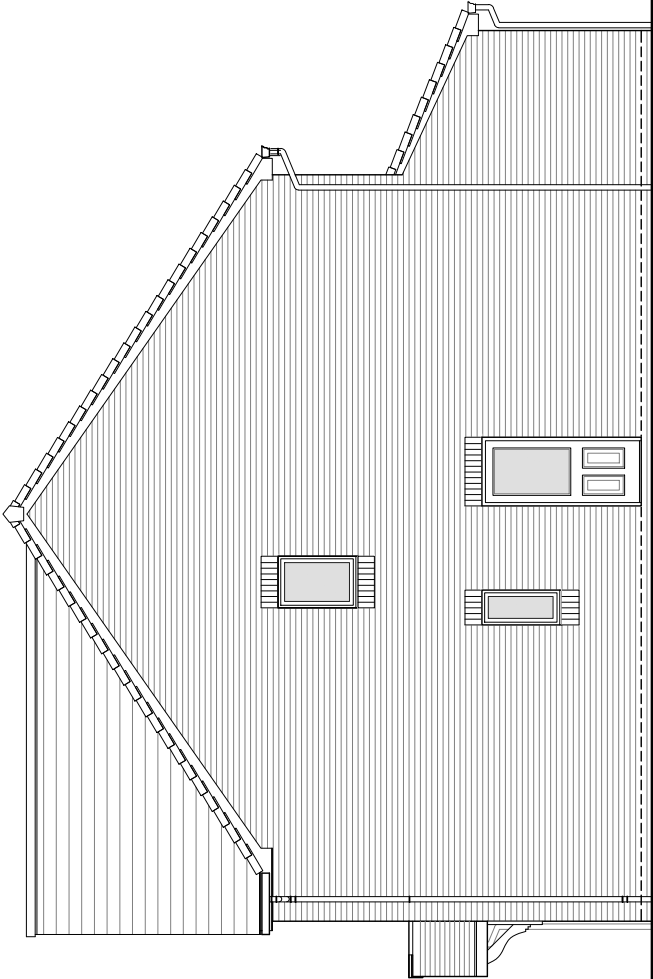
Front Elevation



Left Elevation



Rear Elevation



Right Elevation



HOUSE TYPE

MASTERTON (A)

DRAWING

Planning Elevation 1/1

DRAWN BY	JR	DATE	01-02-19
CHECKED BY	AH	SCALE	1:100@A3
DWG PACK	DRAWING NUMBER	REVISION	
A/01	MTN-PLE1/1	-	
Revisions	Notes	Date	

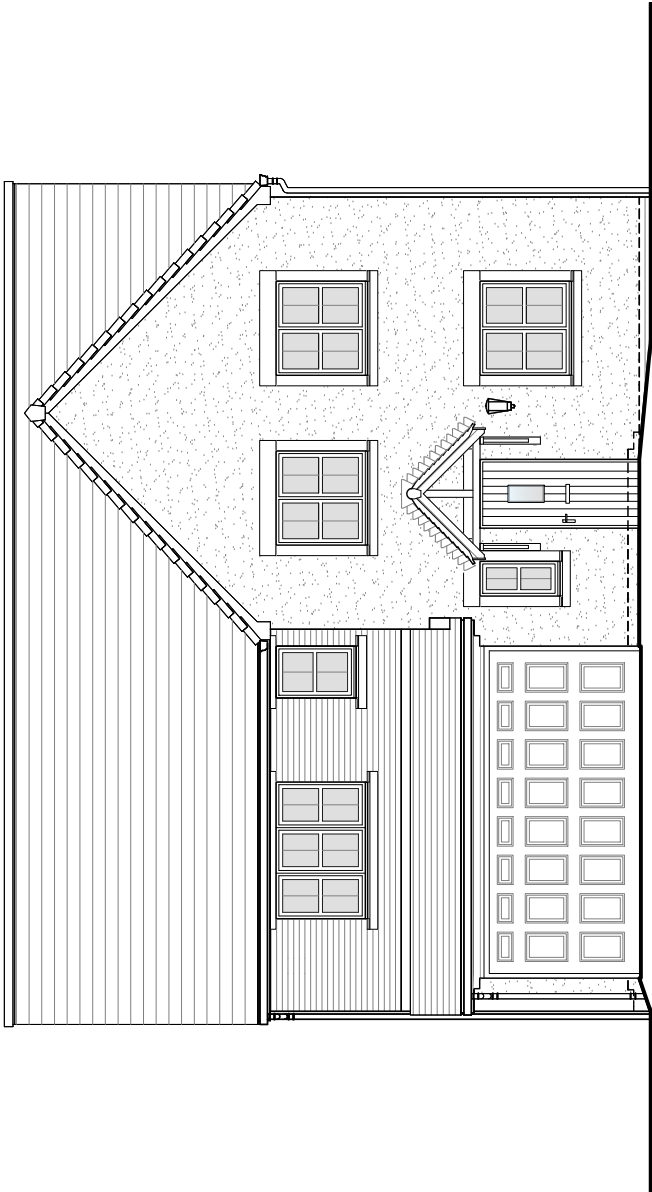
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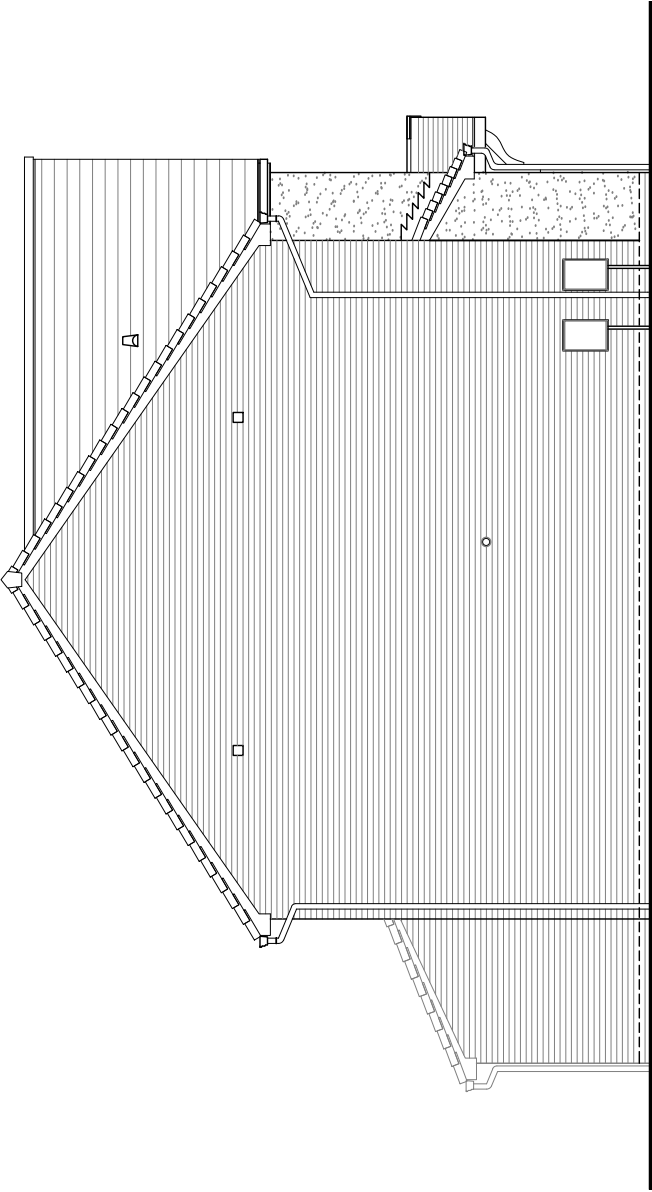
Carlisle, Cumbria, CA6 4SL

Tel 01228 404550

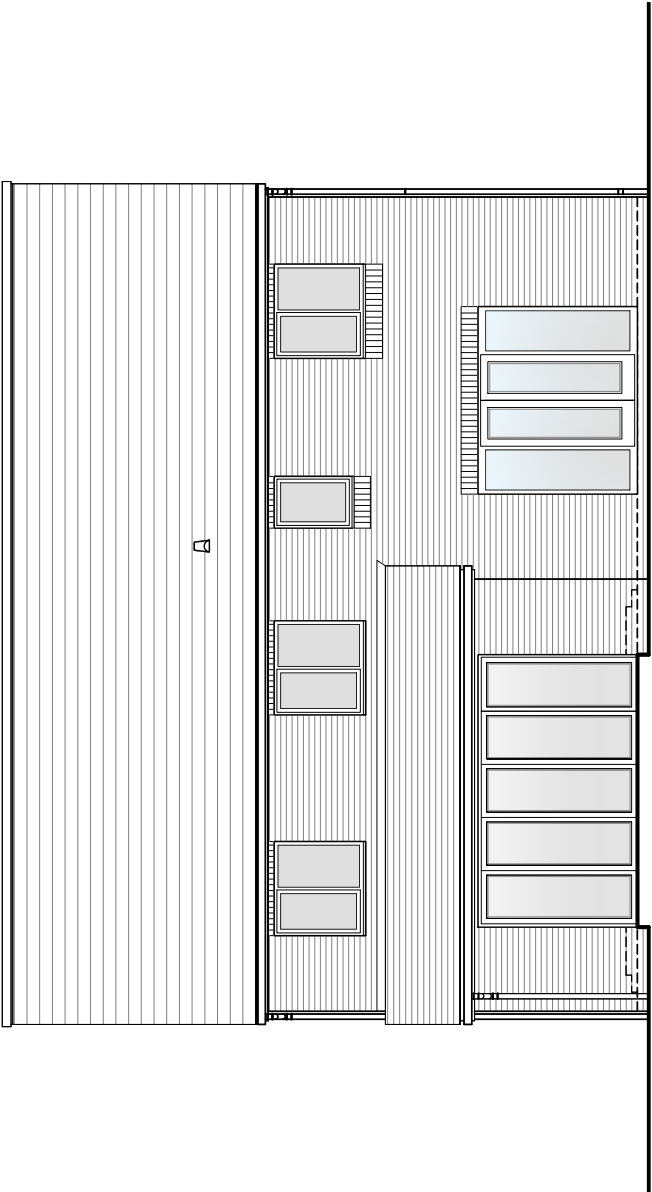
Fax 01228 404551



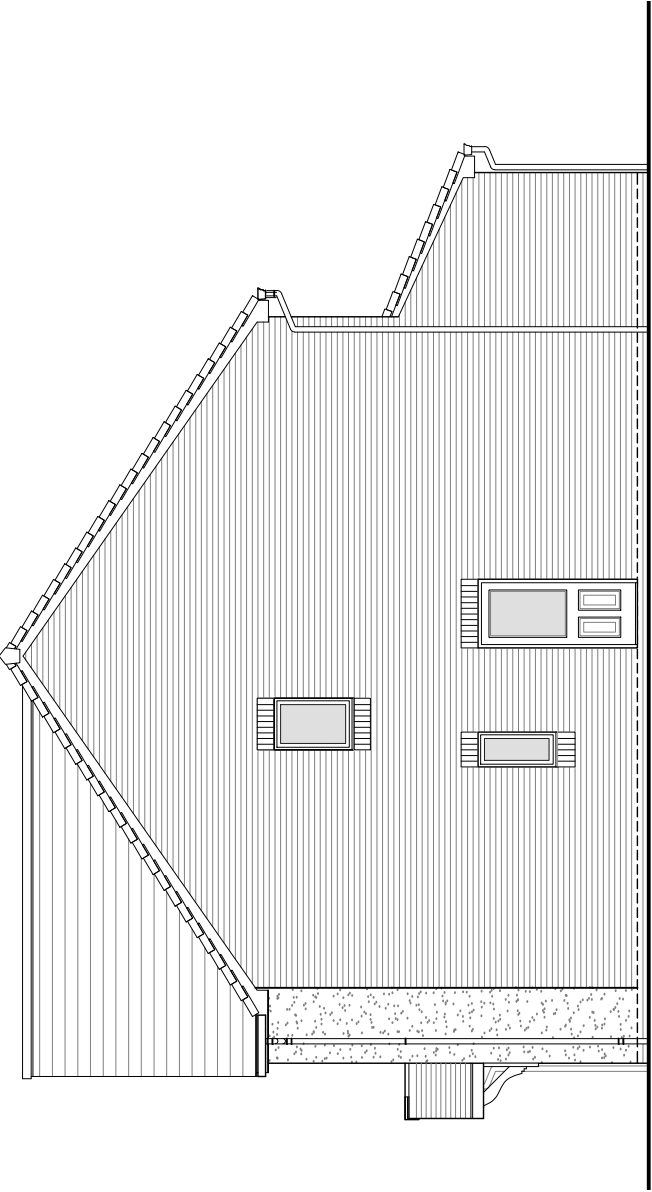
Front Elevation



Left Elevation



Rear Elevation



Right Elevation



HOUSE TYPE

MASTERTON (A)

DRAWING

Planning Elevation 1/2

DRAWN BY	JR	DATE	01-02-19
CHECKED BY	AH	SCALE	1:100@A3
DWG PACK	DRAWING NUMBER	REVISION	
A/01	MTN-PL1/2	-	
Revisions	Notes	Date	

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Standard Construction Details

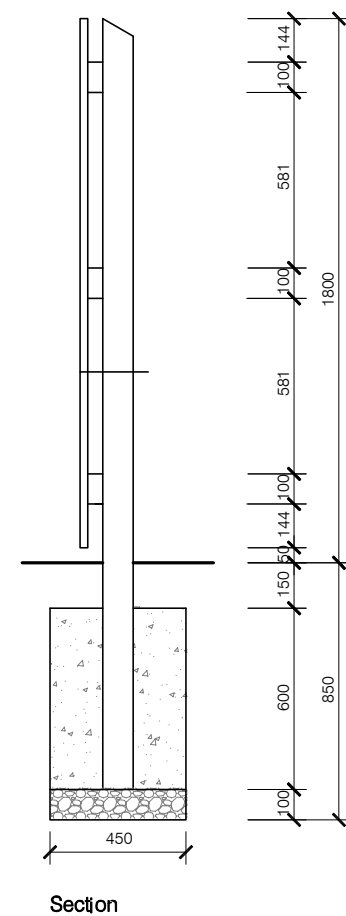
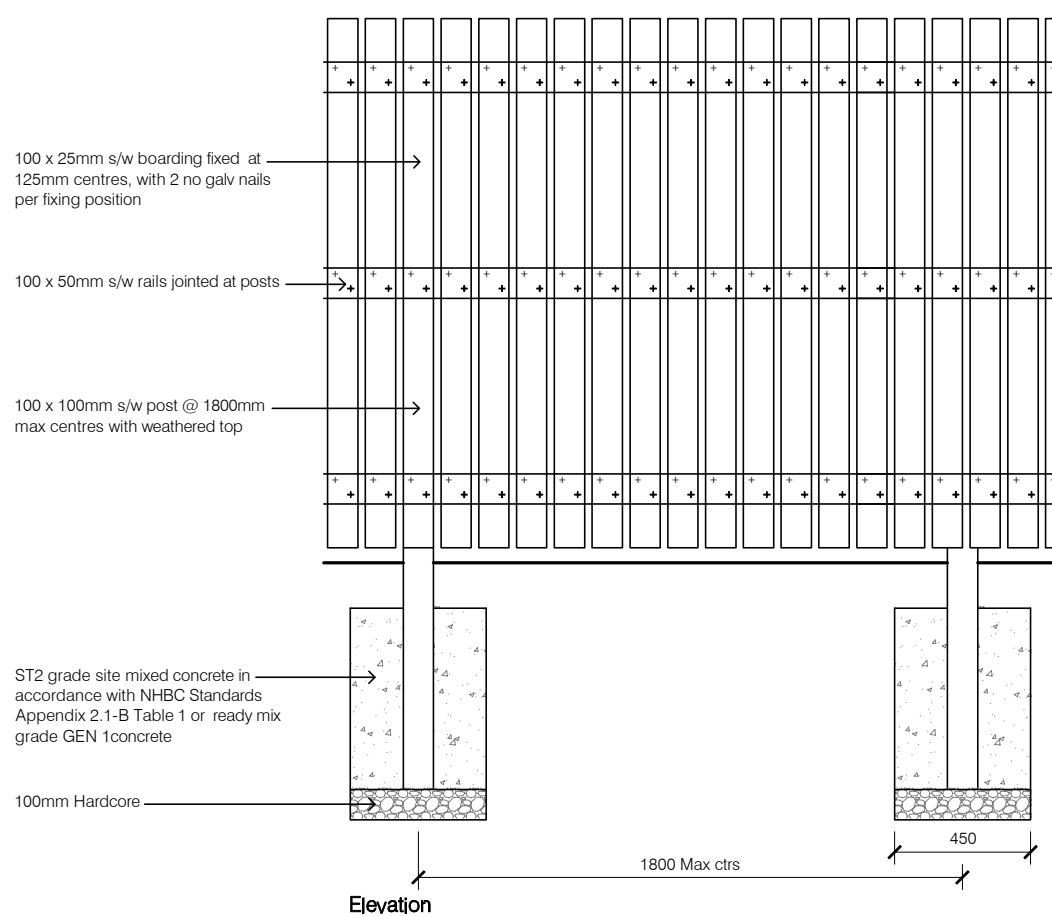
Boundary Details

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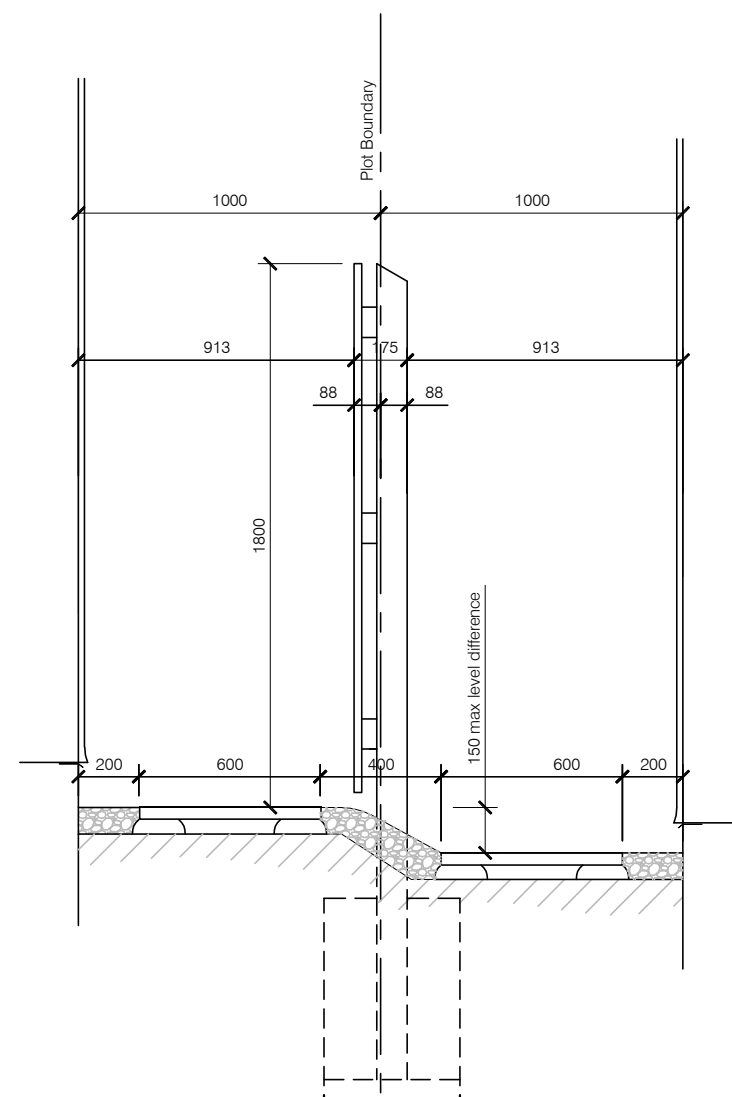
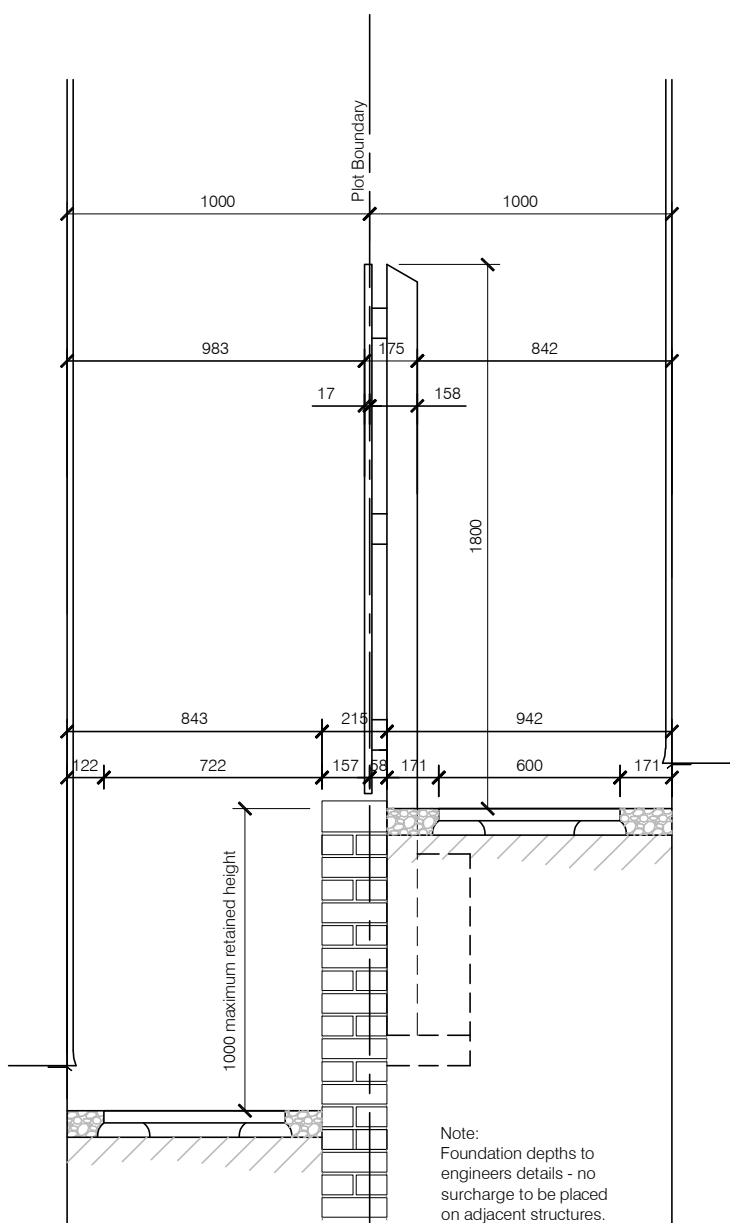
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1800mm High Open Boarded Fence



Positioning of Fencing Between Adjacent Properties
(max level difference between floor levels 1000mm).

Positioning of Fencing Between Adjacent Properties
(max level difference between floor levels 200mm).



HOUSE TYPE

Boundary Details

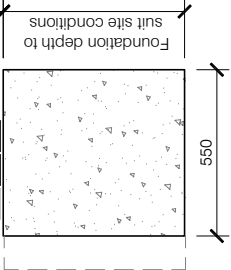
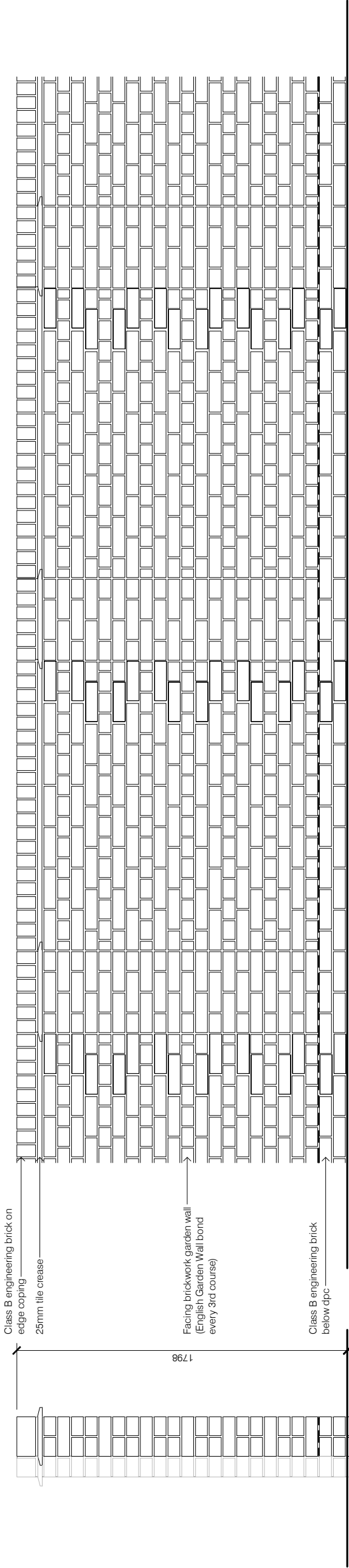
TYPICAL DETAIL

DRAWING		
1800mm High Fence		
OPEN BOARDED		
DRAWN BY	CTM	DATE
CHECKED BY	-	20/04/2012
ISSUE	DRAWING NUMBER	SCALE
(1)	BD - 03	1:25@A3
REVISION		REVISION
A		A
Additional details added positioning fencing between adjacent properties.		29-11-13

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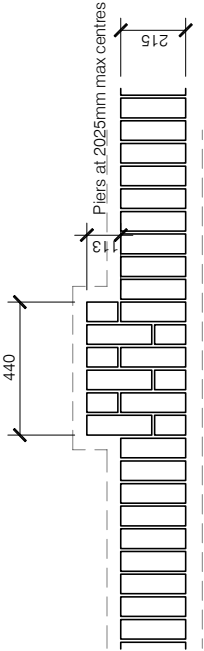
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ST2 grade site mixed concrete in accordance with NHBC Standards Appendix 2.1-B Table 1 or ready mix grade GEN 1 concrete

Section



Plan



HOUSE TYPE		Boundary Details	
DRAWING		TYPICAL DETAIL	
1798mm High Brick Wall			
DRAWN BY	CTM	DATE	2004/2012
CHECKED BY	-	SCALE	1:25@A3
ISSUE	DRAWING NUMBER	REVISION	
(1)	BD - 16	-	
Revisions			

1798mm High Brick Wall with Tile Crease

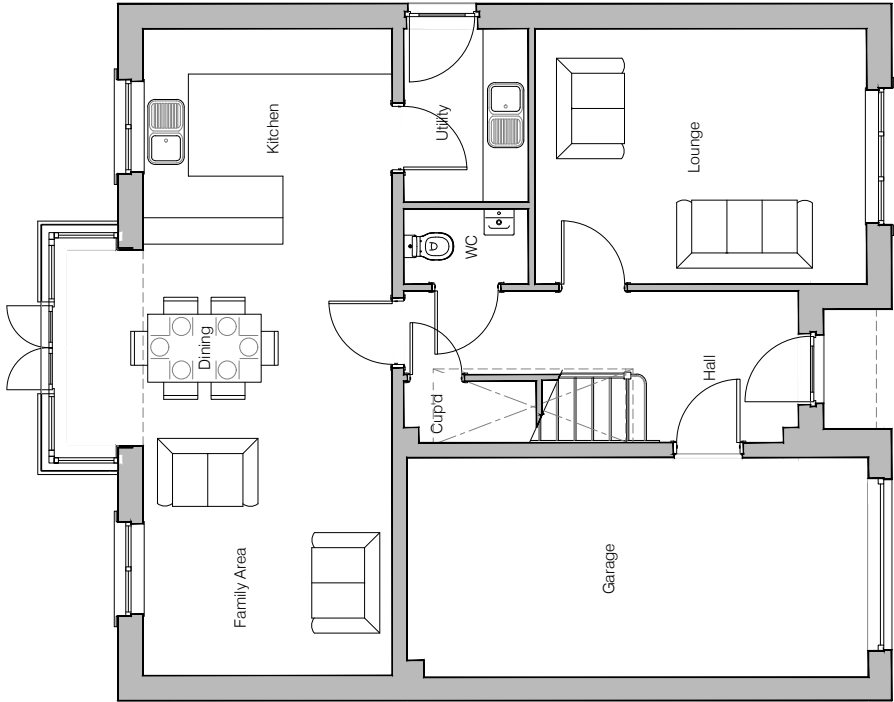


HEWSON (A)

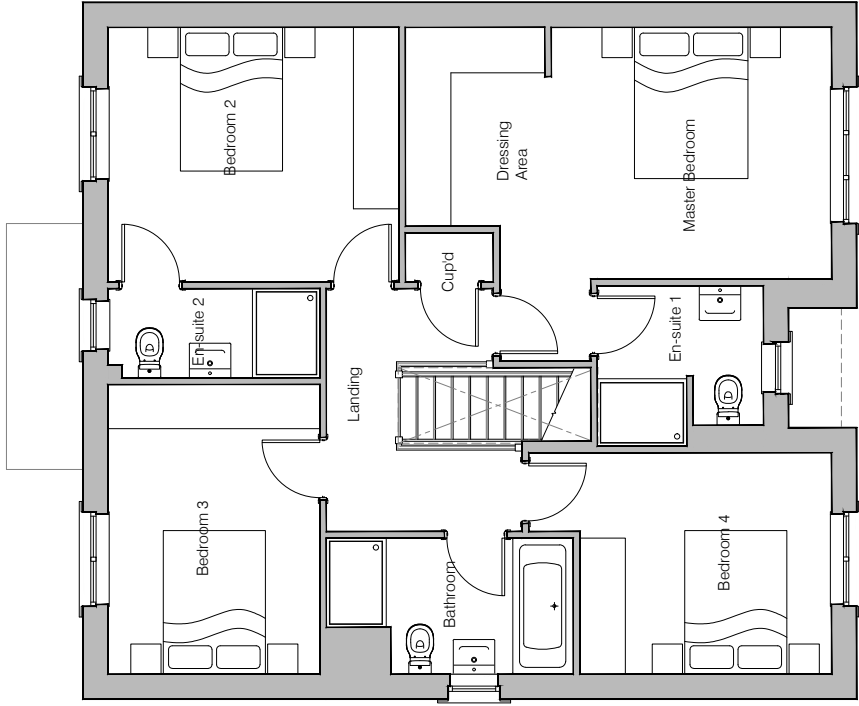
Planning Drawings

GF: 64.22 m2 (691.26 ft2)
FF: 80.78 m2 (869.51 ft2)
TOTAL: 145.00 m2 (1560.77ft2)

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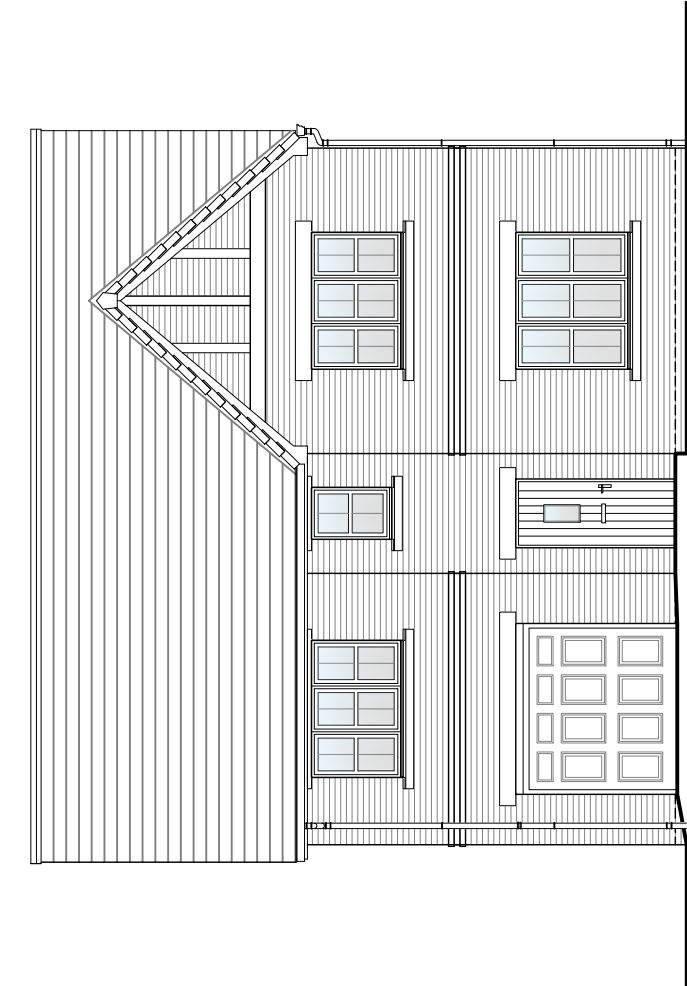
Ground Floor Layout



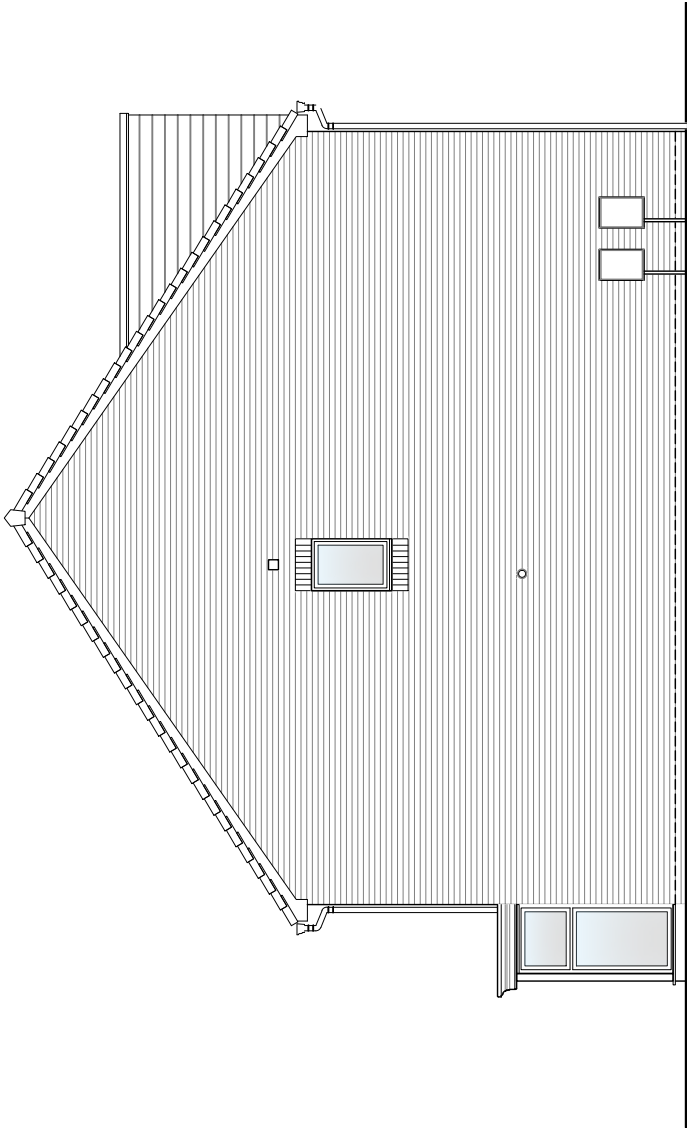
First Floor Layout



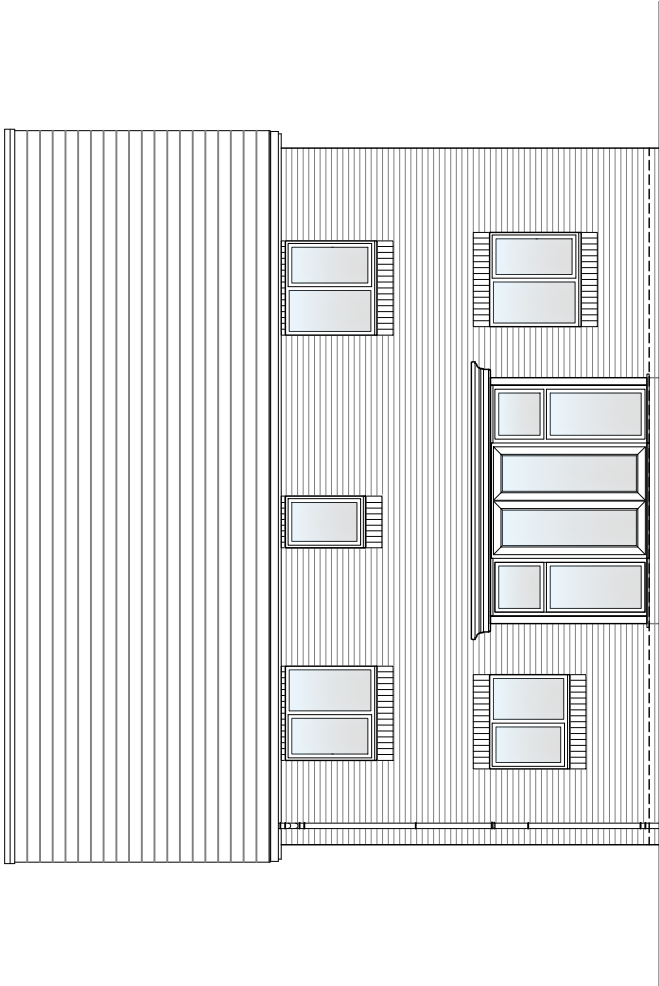
HOUSE TYPE		HEWSON (A)	
DRAWING		Planning Layout 1	
DRAWN BY	CTM	DATE	01/02/19
CHECKED BY	AH	SCALE	1:100@A3
DWG PACK	DRAWING NUMBER	REVISION	
A/01	HWN-PLP1	-	
Revisions	Notes	Date	
<div>© Story Homes. Story House, Lords Way, Kingmoor Business Park, Carlisle, Cumbria, CA6 4SL Tel 01228 404550 Fax 01228 404551</div>			



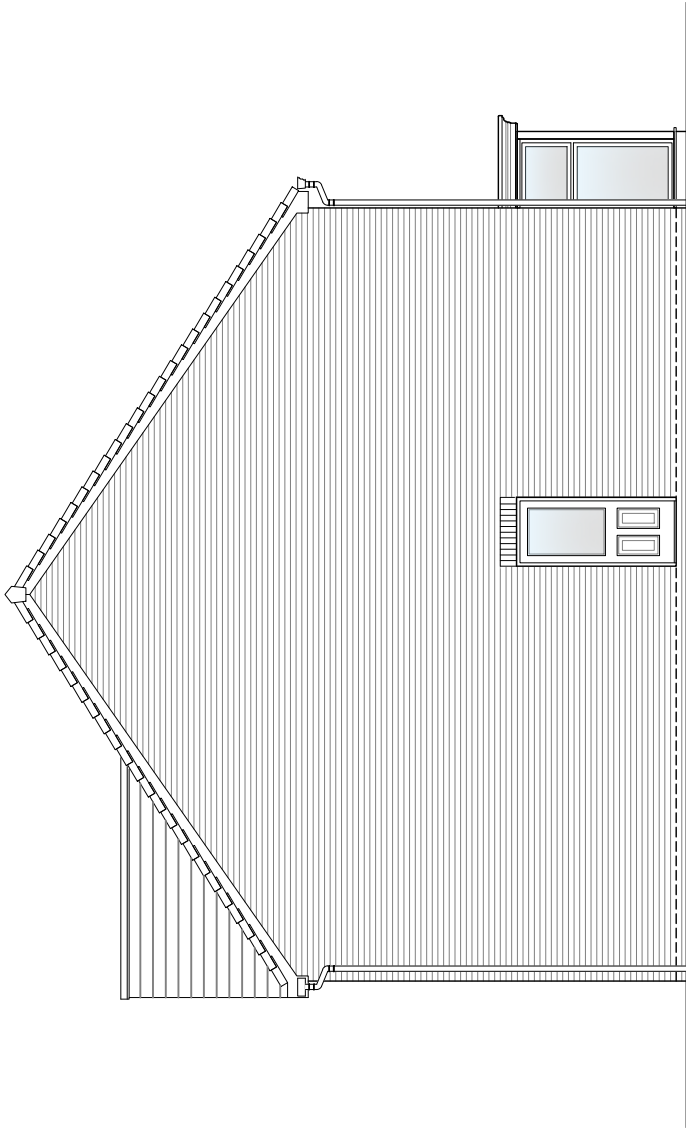
Front Elevation



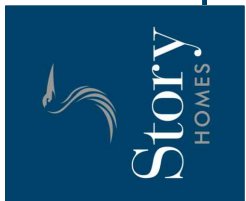
Left Elevation



Rear Elevation



Right Elevation



HOUSE TYPE

HEWSON (A)

DRAWING

Planning Elevation 1/1

DATE	01/02/19
SCALE	1:100@A3
DRAWING NUMBER	REVISION
A/01	-
Notes	Date

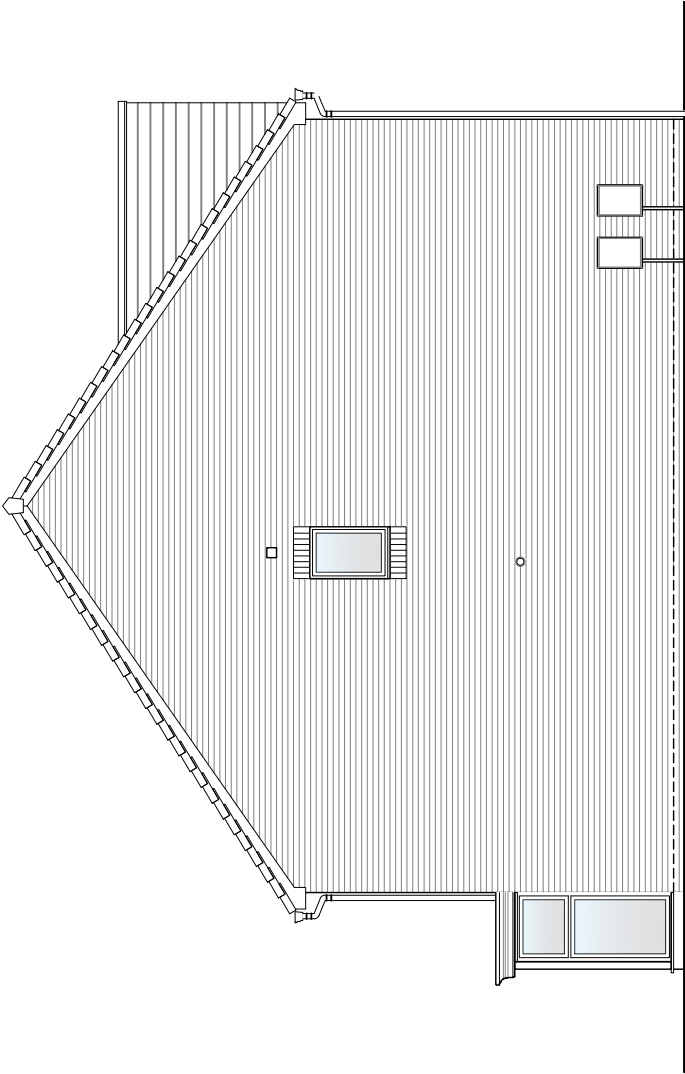
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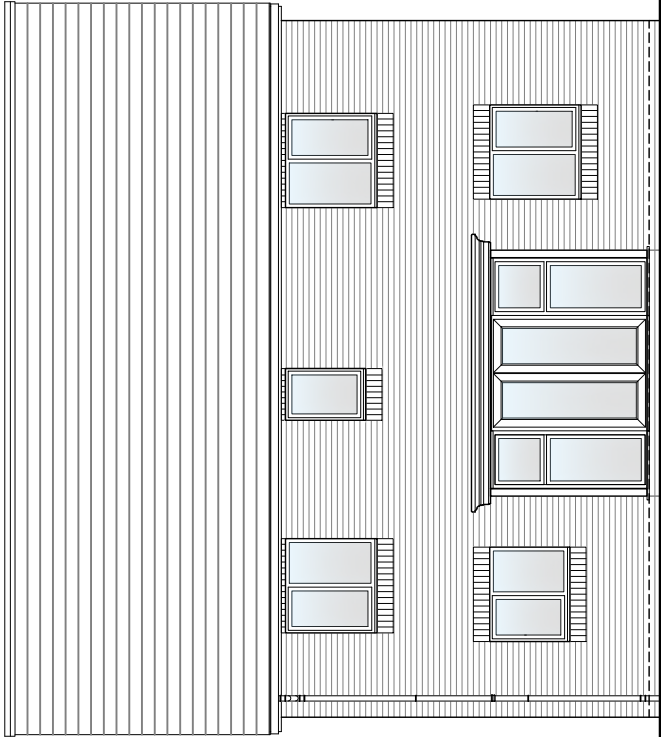
Tel 01228 404550



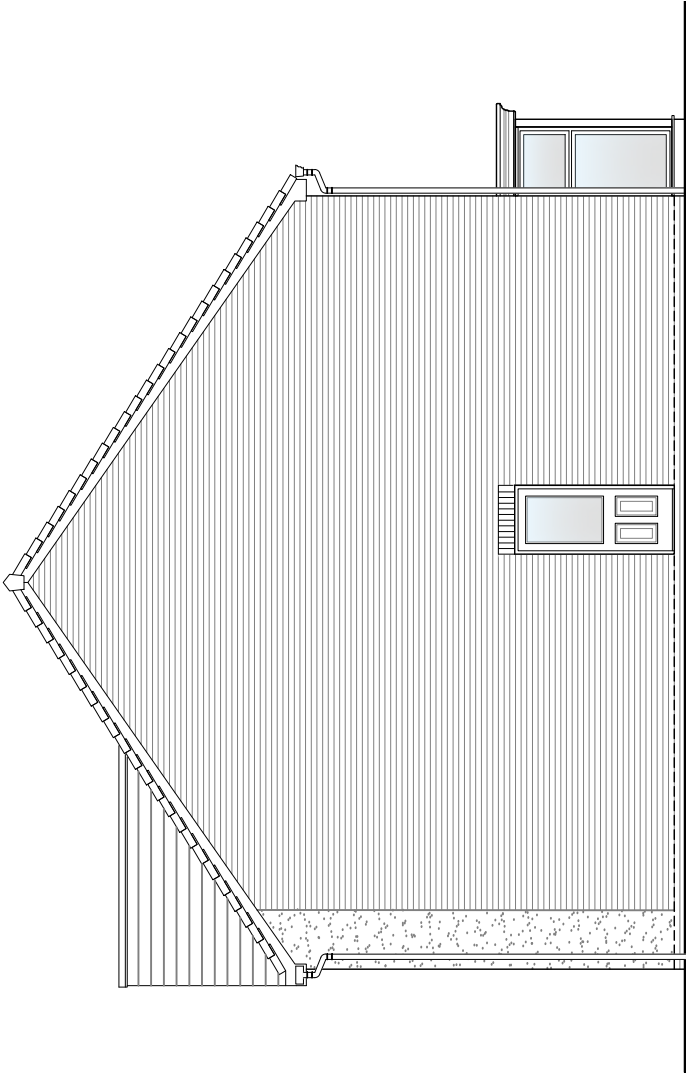
Front Elevation



Left Elevation



Rear Elevation



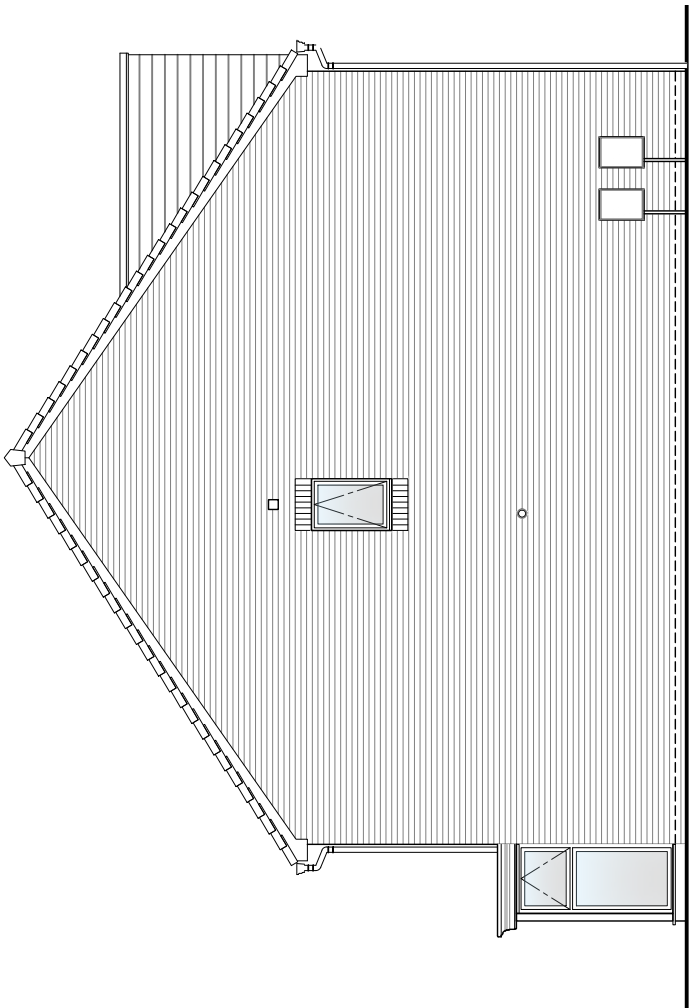
Right Elevation



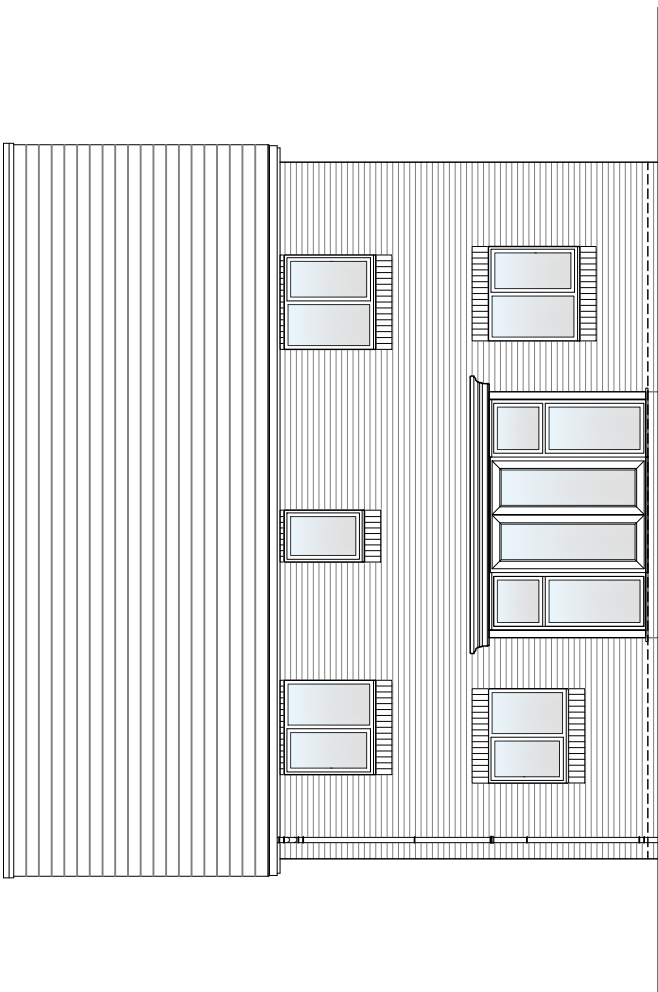
HOUSE TYPE		HEWSON (A)			
DRAWING		Planning Elevation 1/2			
DRAWN BY	CTM	DATE	01/02/19		
CHECKED BY	AH	SCALE	1:100/A3		
DWG PACK	DRAWING NUMBER		REVISION		
A/01	HWN-PL1/2		-		
Revisions	Notes	Date			
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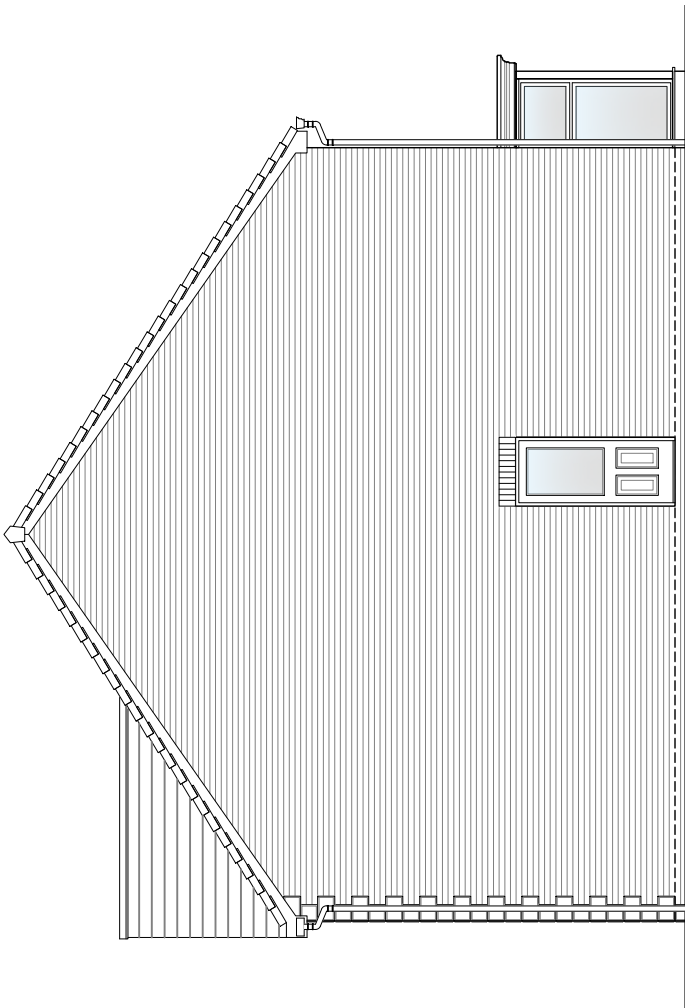
Front Elevation



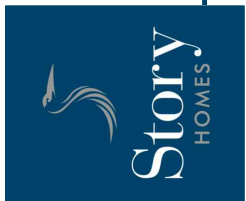
Left Elevation



Rear Elevation



Right Elevation



HOUSE TYPE

HEWSON (A)

DRAWING

Planning Elevation 1/3

DATE	01/02/21
CTM	
CHECKED BY	AH
SCALE	1:100@A3
DRAWING NUMBER	REVISION
DWG PACK	
A/01	HWN-PLE1/3
Revisions	Notes
	Date

Revisions	Notes	Date
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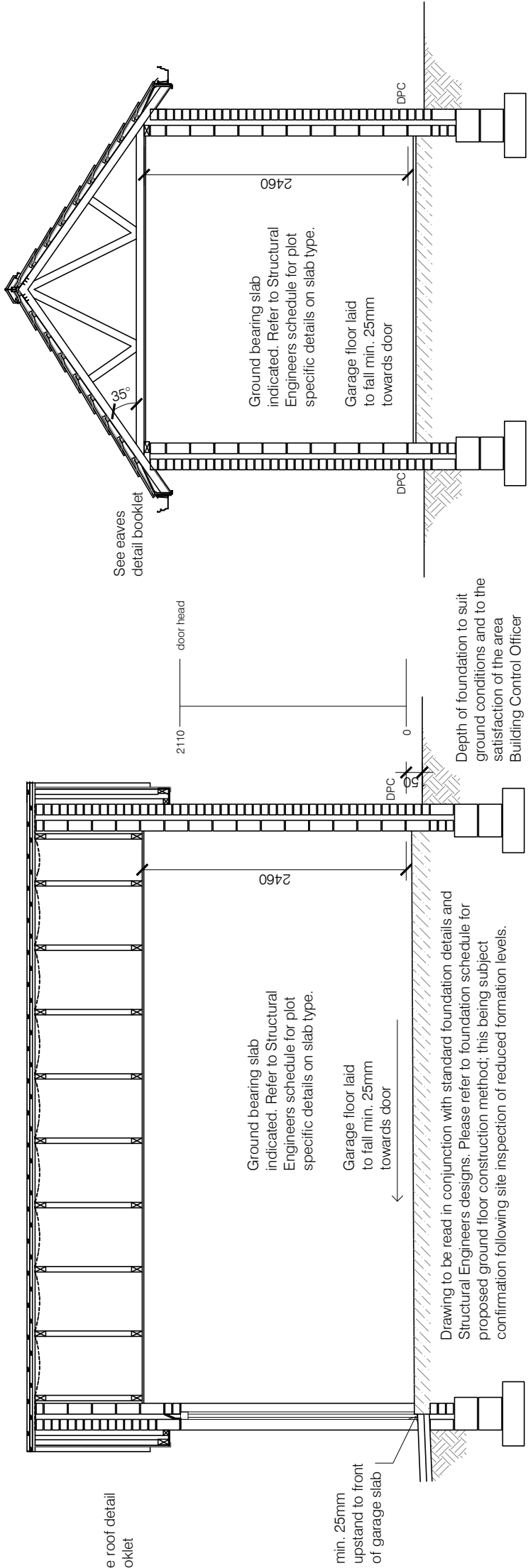
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Construction Details

Garage Booklet

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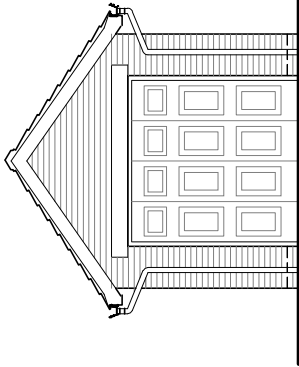


Section A-A

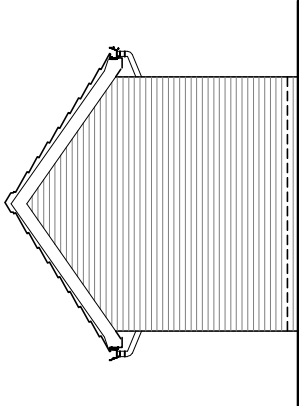
Construction Notes

- Foundations - 600x200mm concrete footing.
- External Walls - **100mm Brickwork or Stone or Rendered Blockwork outer leaf - refer to elevations.**
 - 50mm clear cavity.
 - 100mm fair faced blockwork internal leaf.
- Lintel - Keystone lintel Ref HD/K-50, length x 2850, with artstone feature lintel 215 x 100 x 2848
- Roof - 100x50mm softwood wallplate.
 - 100x38mm gable ladders.
 - 100x25mm softwood bracing.
 - 175 deep foil faced PVC barge boards - black ash colour.
 - 150 deep foil faced PVC fascia boards - black ash colour.
- Approved trusses at max 600mm centers at 35° pitch. Manufactured fixed and braced to BS 5268 Part 3 1985.
- 30x5mm galvanised MS straps @ max 2m centers over min 3 No trusses at rafter and ceiling level with solid noggins/blockings between ceiling ties/rafters and packing between the ties/rafter and wall at restraint strap positions.
- The truss design is to comply with the section 7.2-D3 of the NHBC standards and Approved Document 'A' of the Building Regulations for Dead and Imposed loading to the roof.

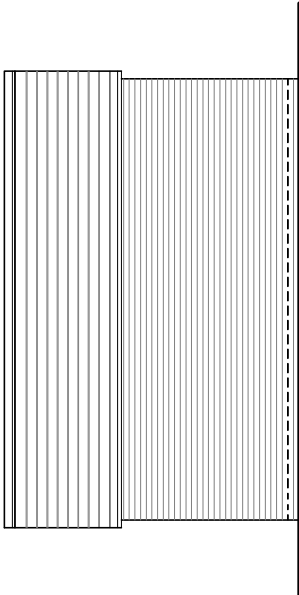
Section B-B



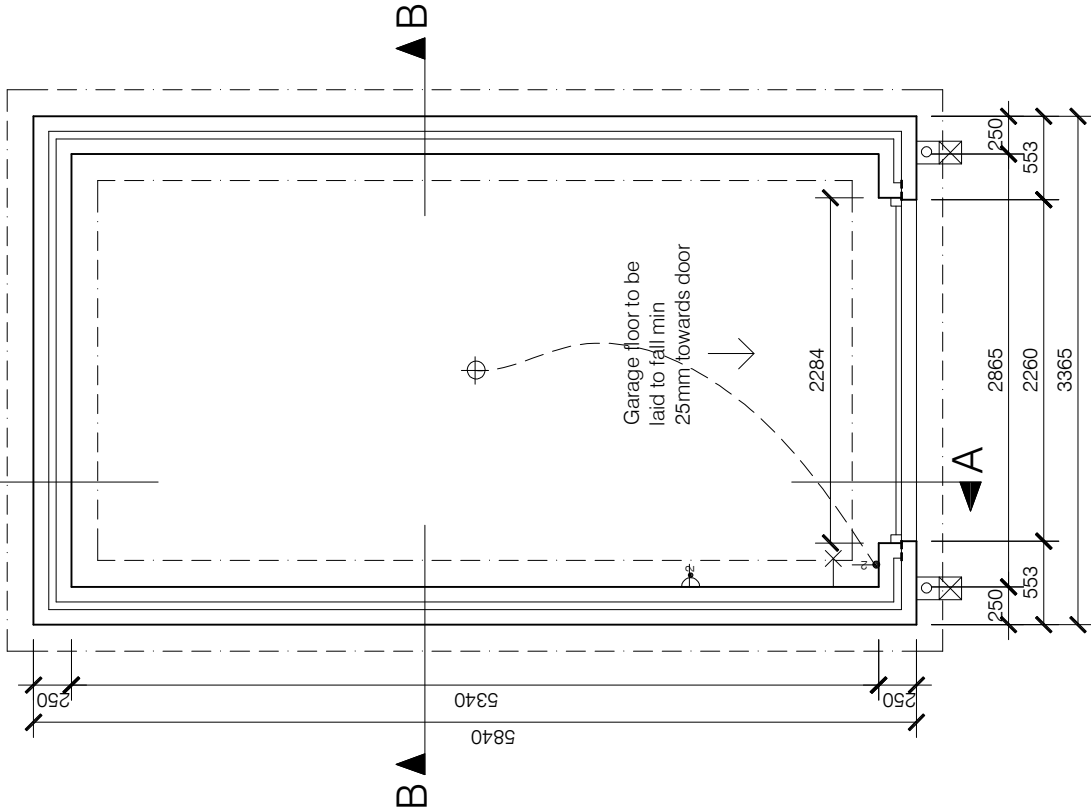
Front Elevation



Rear Elevation



Side Elevation



Ground Floor Plan



GARAGE TYPE

Single Detached Garage 1
Elevations, Plan & Section 1

DRAWN BY	CTM	DATE	2004/2012
CHECKED BY	-	SCALE	1:1000/ A3
ISSUE	DRAWING NUMBER	REVISION	
(1)	SG1 - EPS1	A	

Revisions

A

Wall plate height reduced by 75mm.

18/06/13

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EMMERSON (A)

Planning Drawings

GF: 50.14 m2 (539.70 ft2)
FF: 38.81 m2 (417.75 ft2)
SF: 31.26 m2 (336.48 ft2)
TOTAL: 119.73 m2 (1288.76 ft2)

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Planning Layouts & Elevations

[illegible][illegible]

HOUSE TYPE

EMMERSON (A)

DRAWING

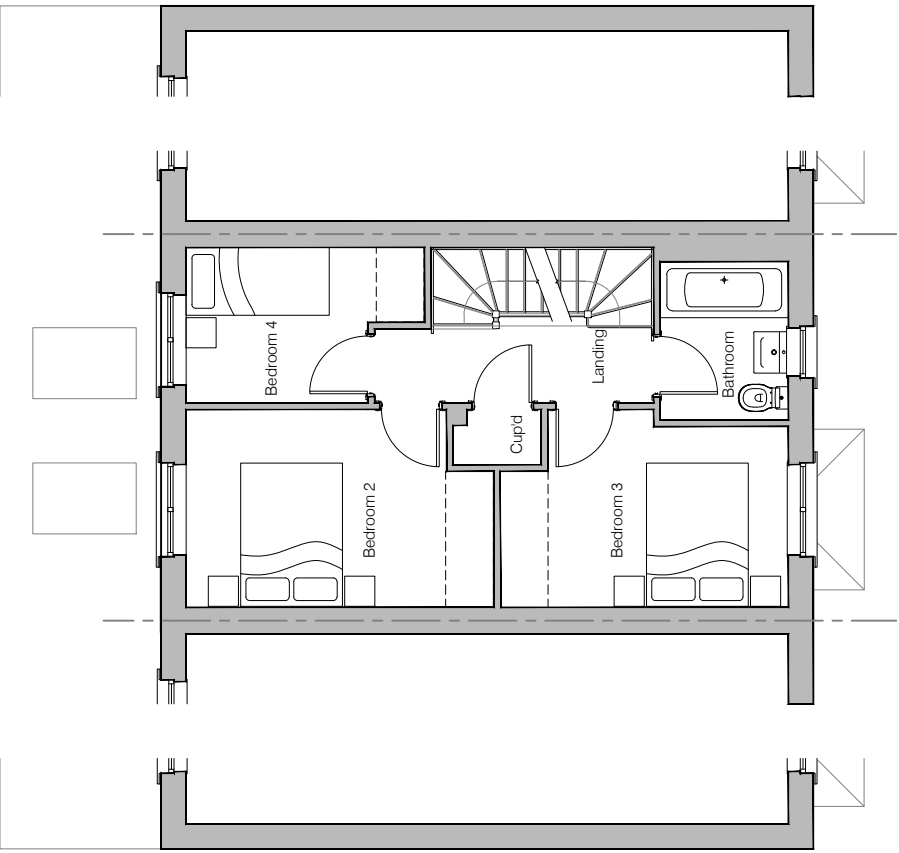
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Drawn By	LW	Date	07/02/19
Checked By	AH, JR	Scale	NTS
WG Pack	Drawing Number		Revision
A/01	EMN-P-CON		-
Revisions	Notes	Date	

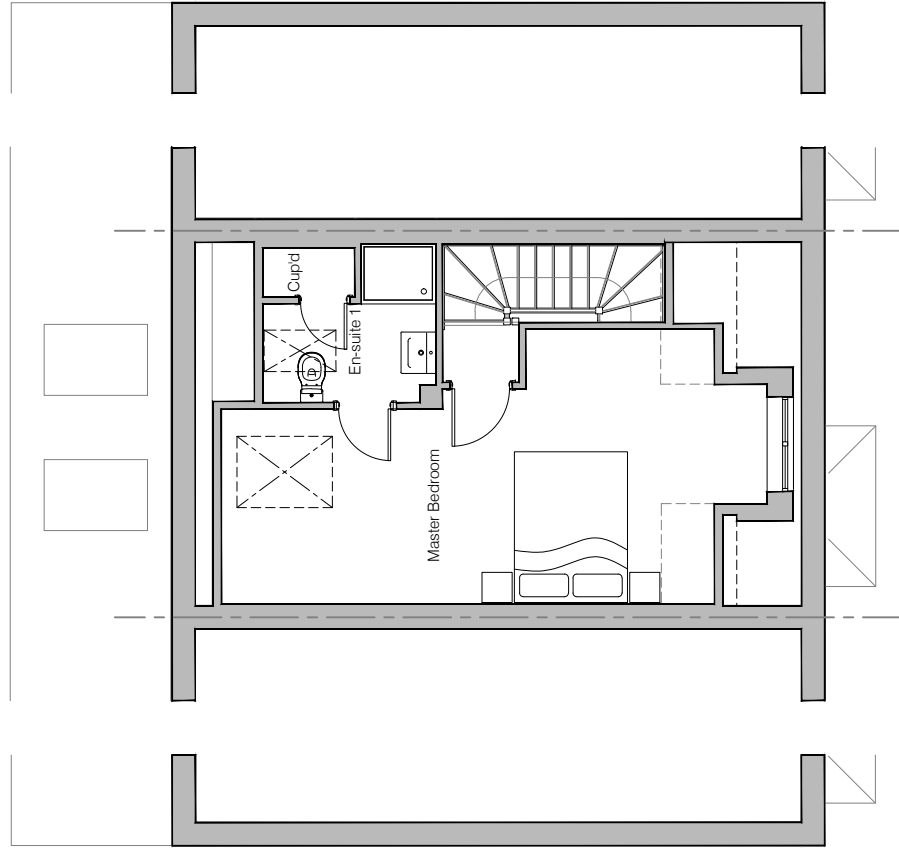
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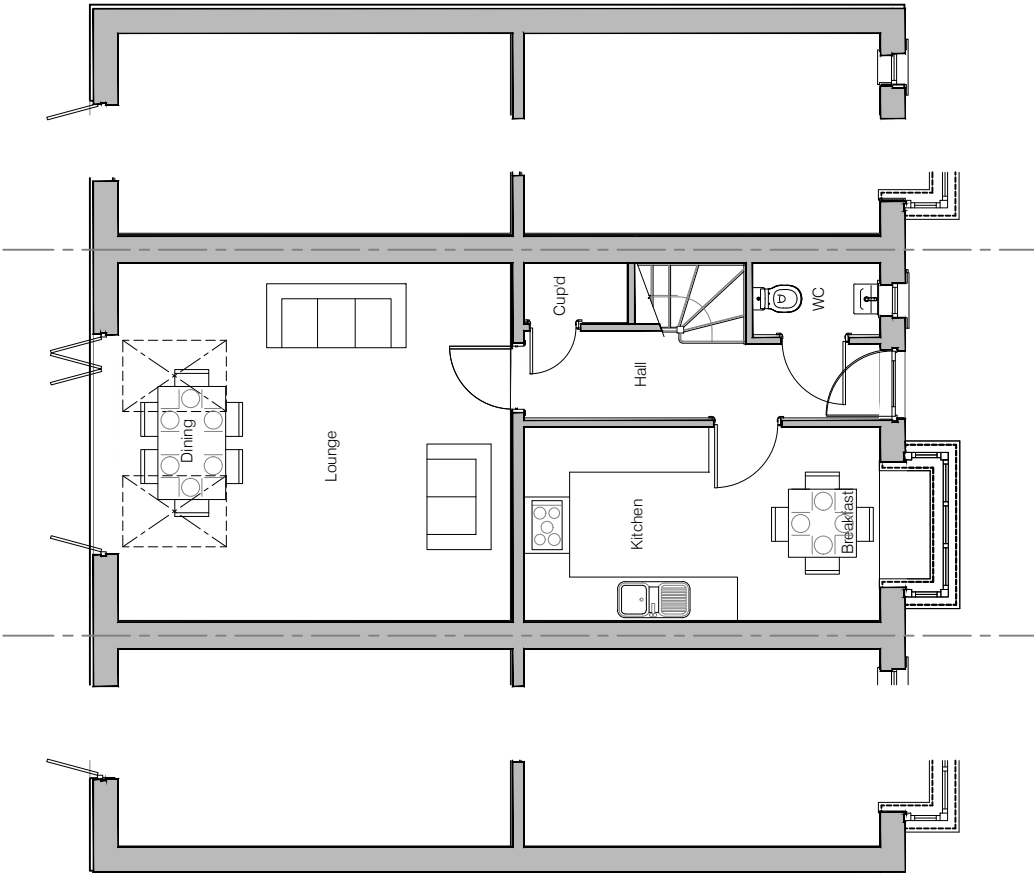
Tel 01228 404550
Carlisle, Cumbria. CA6 4SL
Fax 01228 404551



First Floor Layout



Second Floor Layout



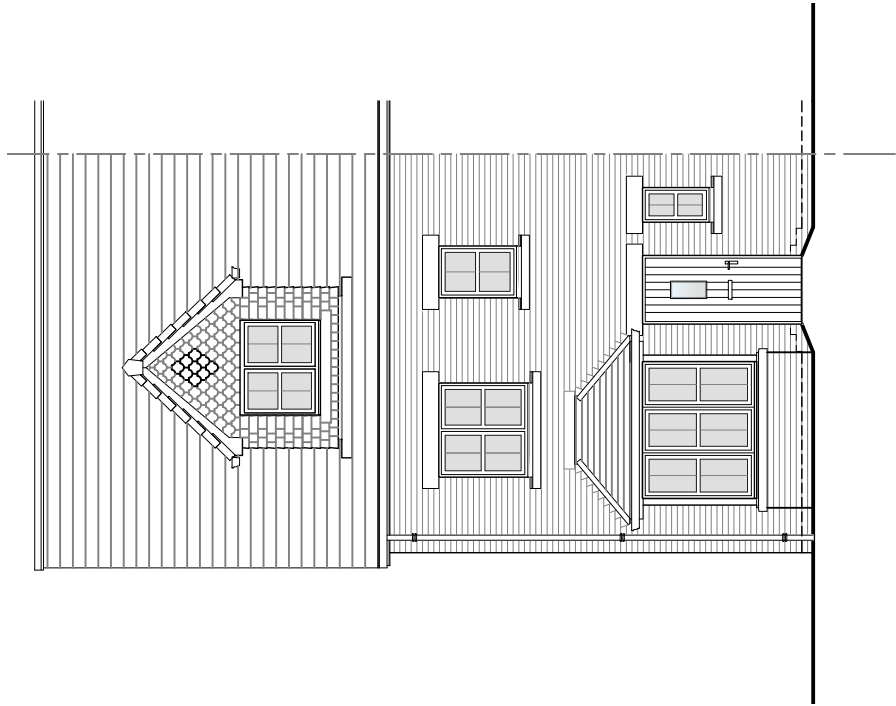
Ground Floor Layout



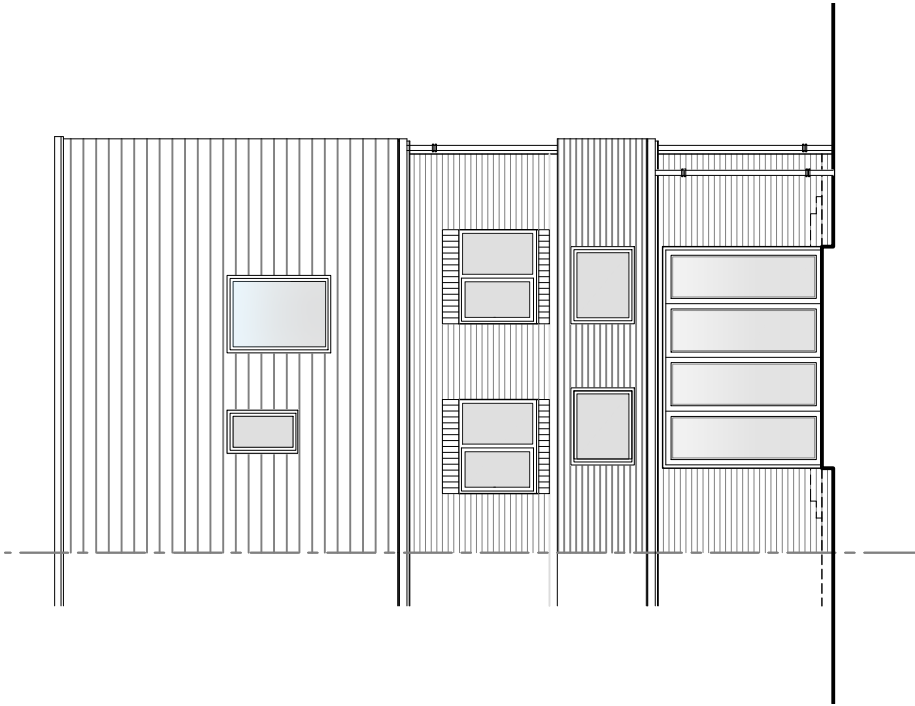
HOUSE TYPE
EMMERSON (A)

DRAWING
Planning Layout 1

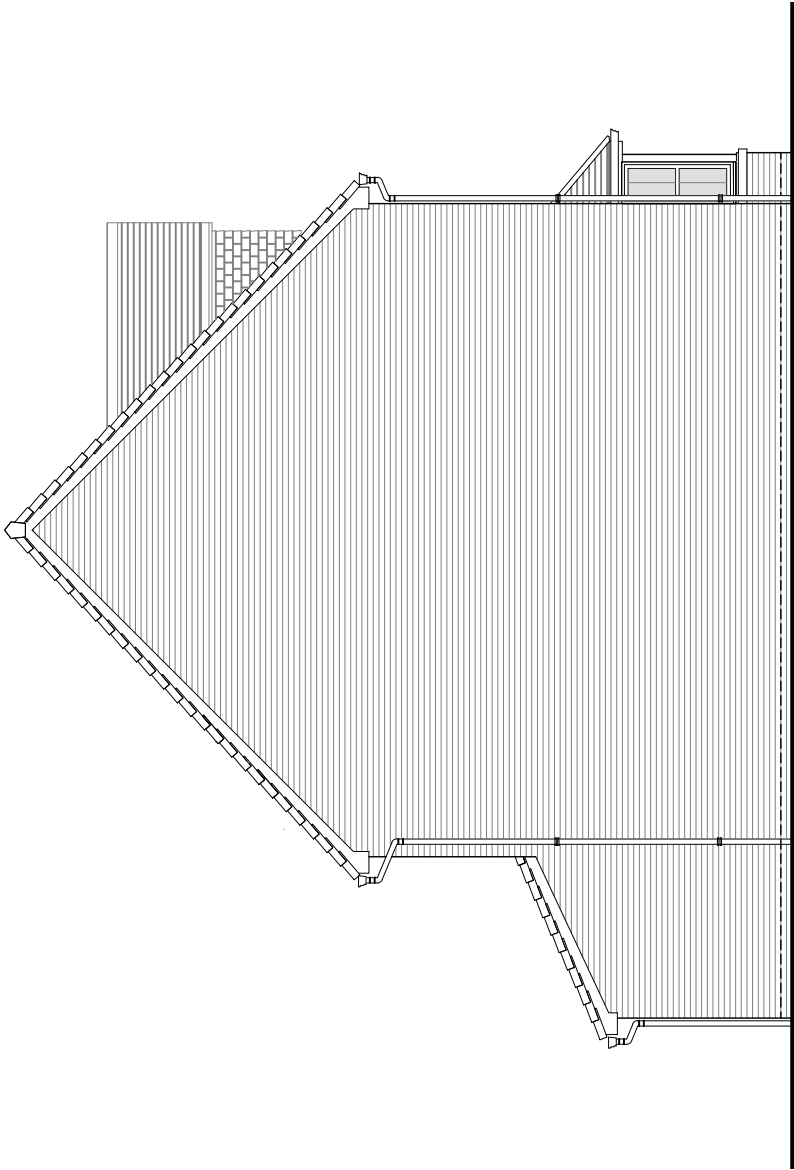
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CHECKED BY	AH-JR	SCALE	1:100@A3
DWG PACK	DRAWING NUMBER	REVISION	
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Revisions		Notes	Date



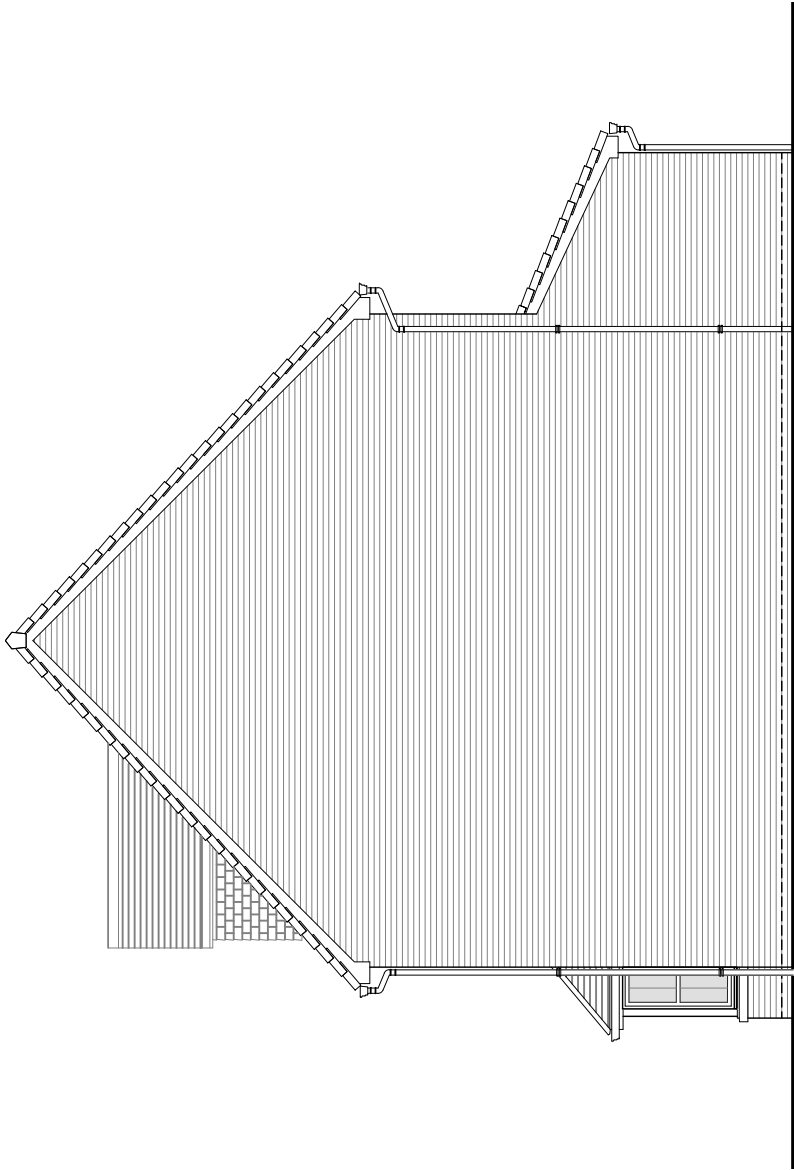
Front Elevation



Rear Elevation



Left Elevation



Right Elevation



HOUSE TYPE

EMMERSON (A)

DRAWING

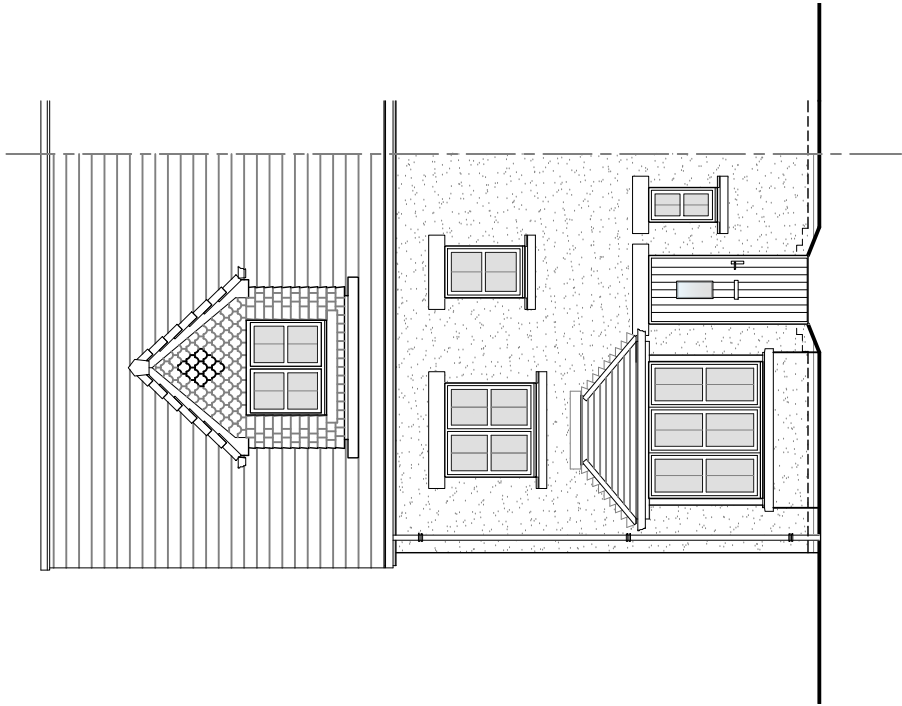
Planning Elevation 1/1

DRAWN BY	LW	DATE	07/02/19
CHECKED BY	AH-JR	SCALE	1:100@A3
DWG PACK	DRAWING NUMBER	REVISION	
A/01	EMN-PL1/1	-	
Revisions		Notes	Date

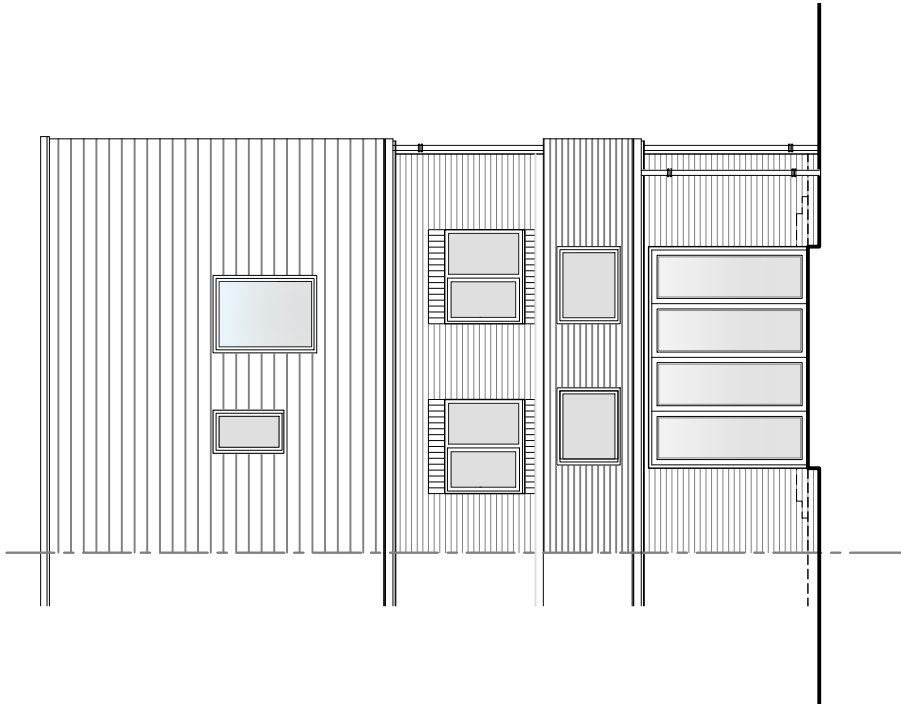
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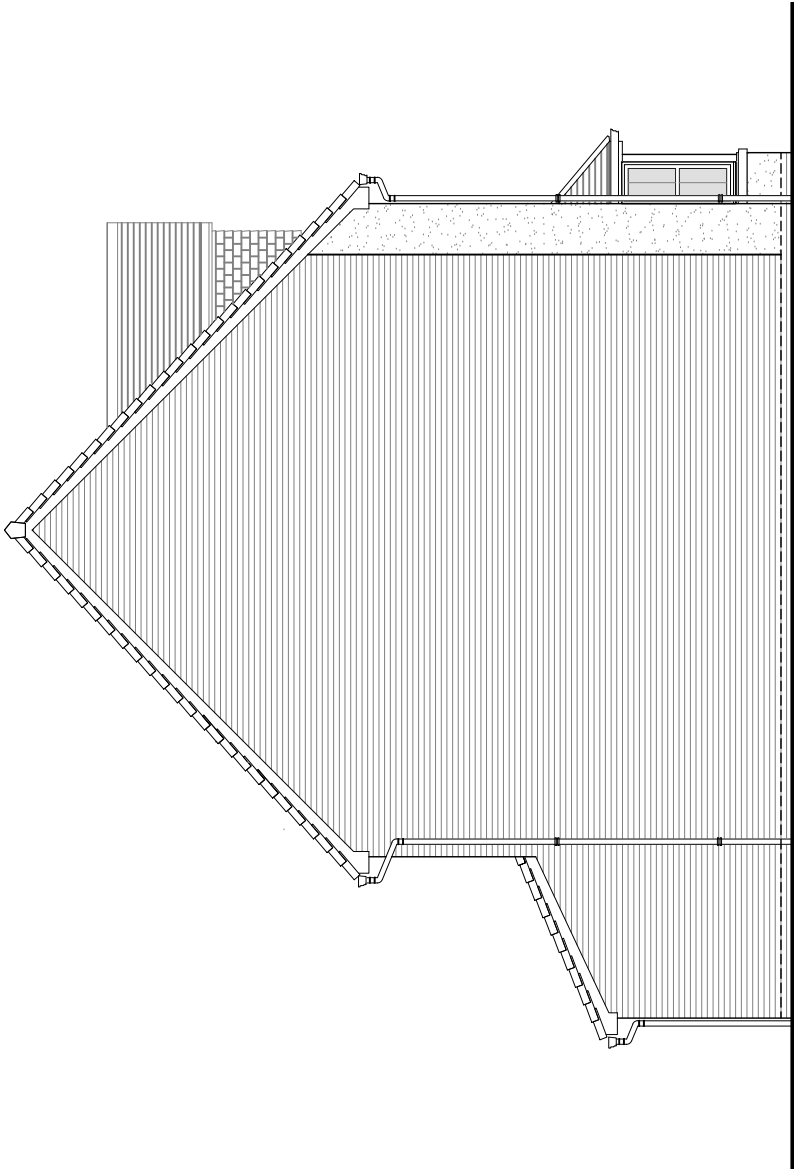
Tel 01228 404550 Fax 01228 404551



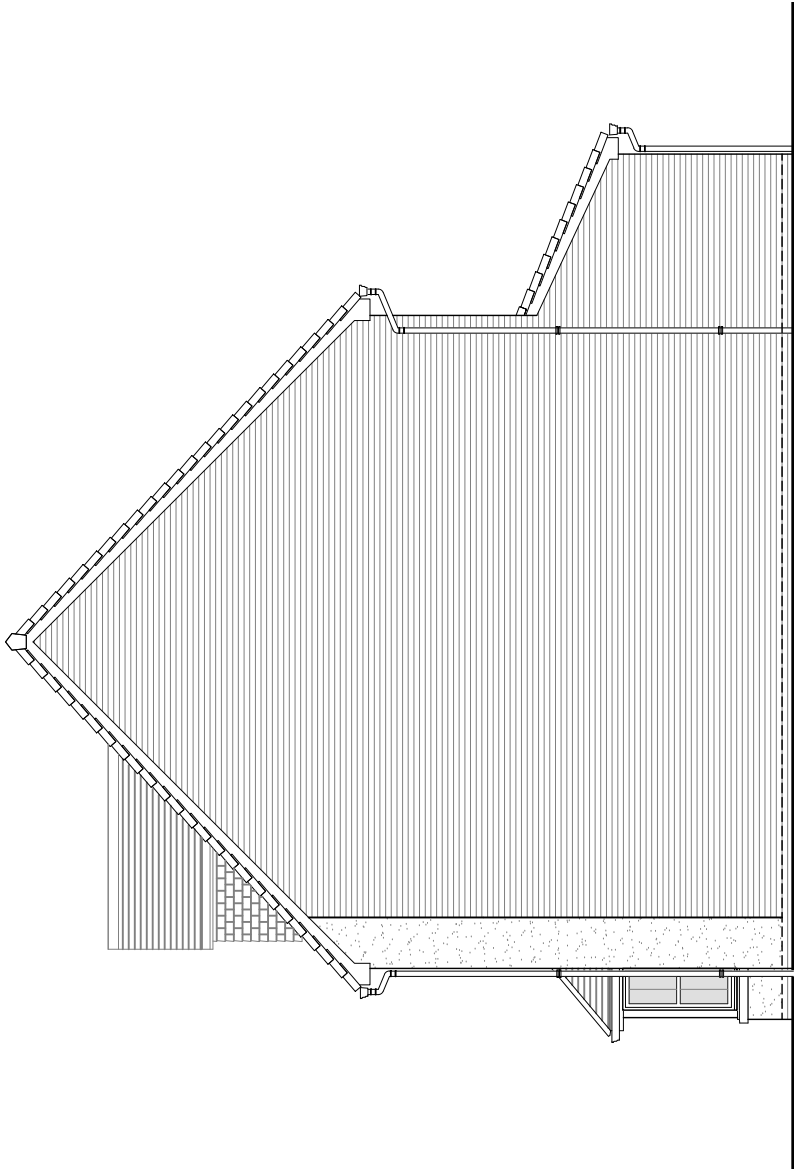
Front Elevation



Rear Elevation



Left Elevation



Right Elevation



HOUSE TYPE

EMMERSON (A)

DRAWING

Planning Elevation 1/2

DRAWN BY	LW	DATE	07/02/19
CHECKED BY	AH-JR	SCALE	1:100@A3
DWG PACK	DRAWING NUMBER	REVISION	
A/01	EMN-PL1/2	-	
Revisions	Notes	Date	

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Story House, Lords Way, Kington Business Park,

Carlisle, Cumbria, CA6 4SL

Tel 01228 404550

Fax 01228 404551

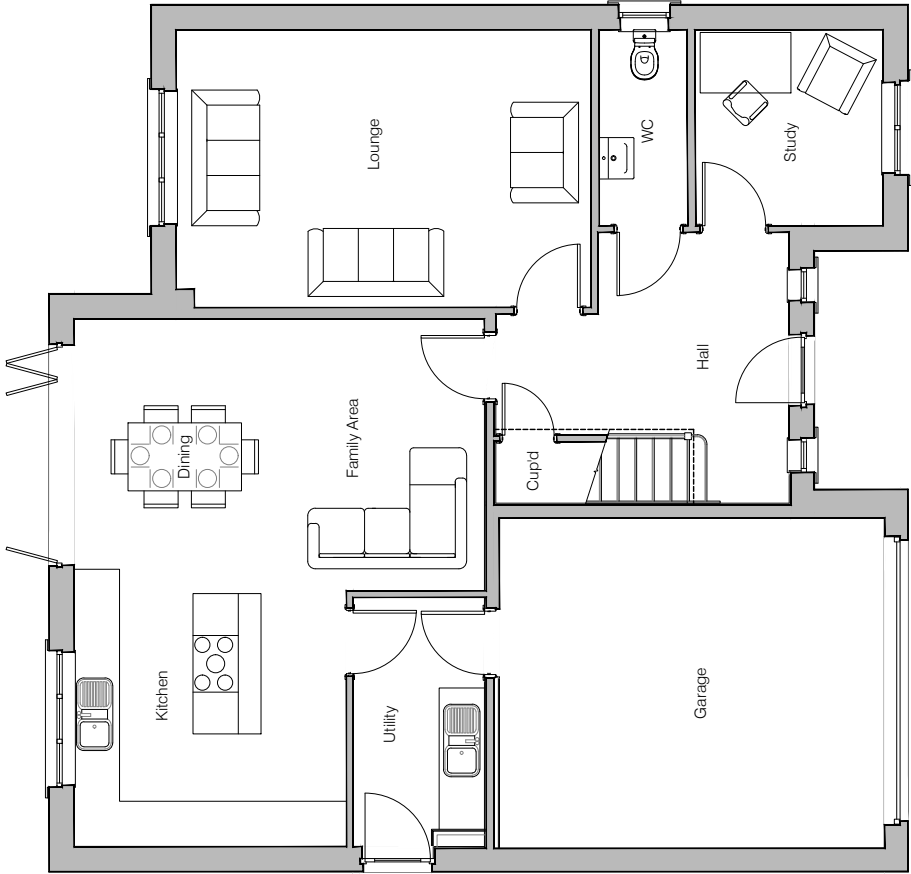


CHARLTON (A)

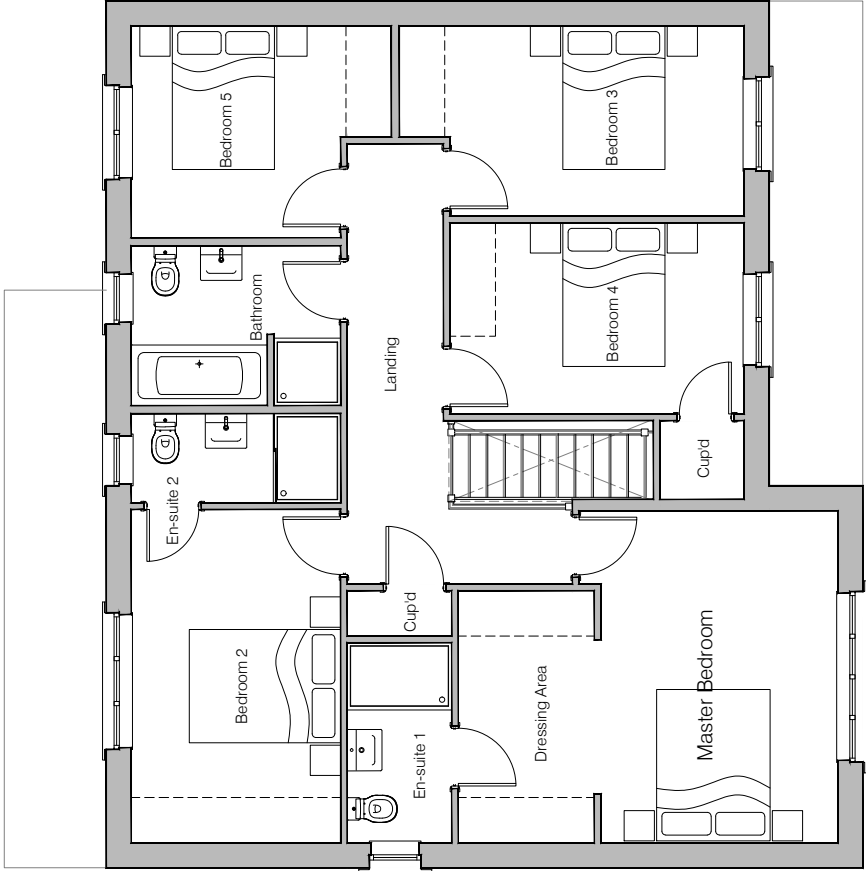
Planning Drawings

GF: 82.98 m2 (893.19 ft2)
FF: 94.02 m2 (1012.02ft2)
TOTAL: 177 m2 (1905.21ft2)

© **Story Homes.**
Story House, Lords Way, Kingmoor Business Park,
Carlisle, Cumbria. CA6 4SL.
Tel 01228 404550
Fax 01228 404551



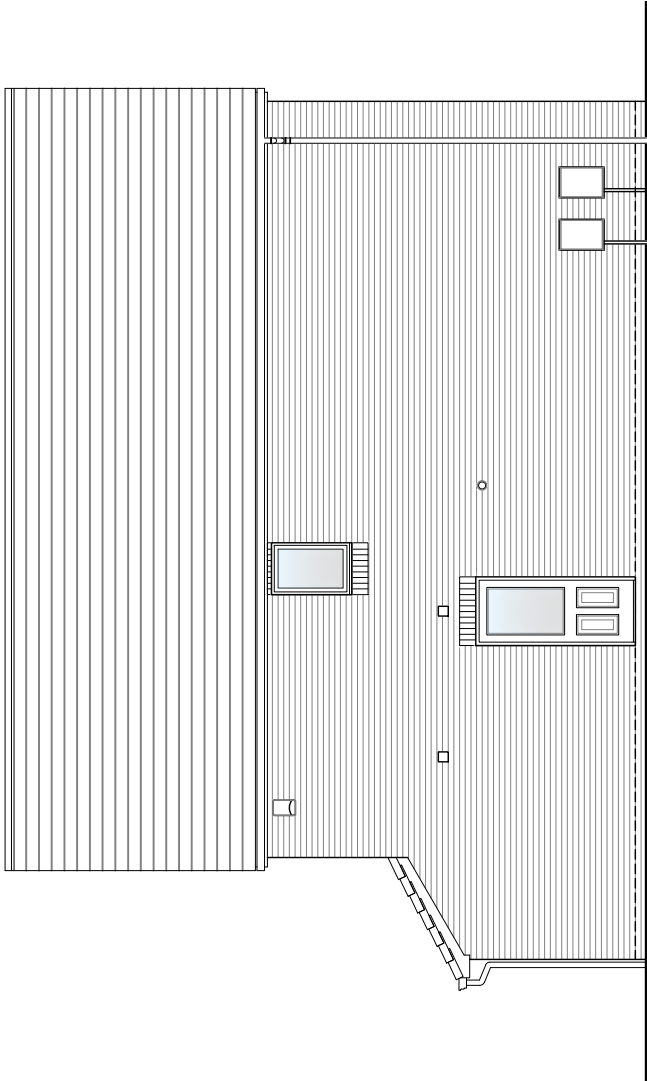
Ground Floor Layout



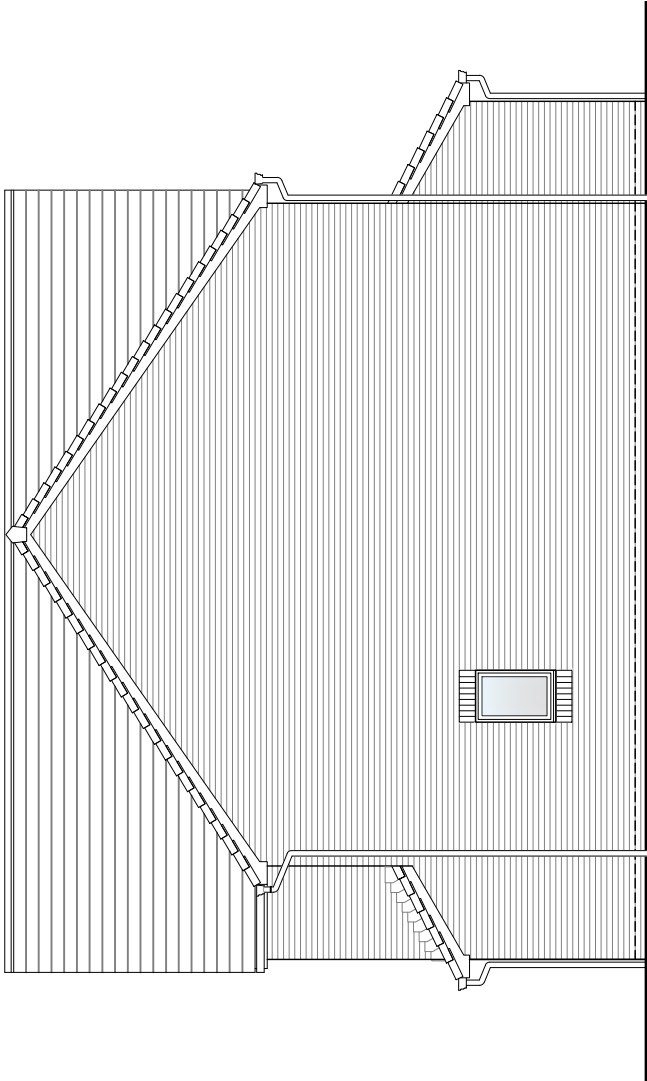
First Floor Layout



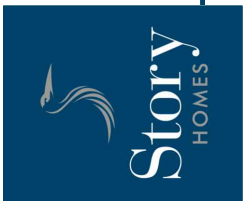
HOUSE TYPE		CHARLTON (A)	
DRAWING		Planning Layout 1	
DRAWN BY	CTM	DATE	01-02-19
CHECKED BY	AH	SCALE	1:100/A3
DWG PACK	DRAWING NUMBER	REVISION	
A/01	CRN-PLP1	-	
Revisions		Notes	Date
© Story Homes. Story House, Lords Way, Kingmoor Business Park, Carlisle, Cumbria, CA6 4SL Tel 01228 404550 Fax 01228 404551			



Left Elevation



Right Elevation



HOUSE TYPE

CHARLTON (A)

DRAWING

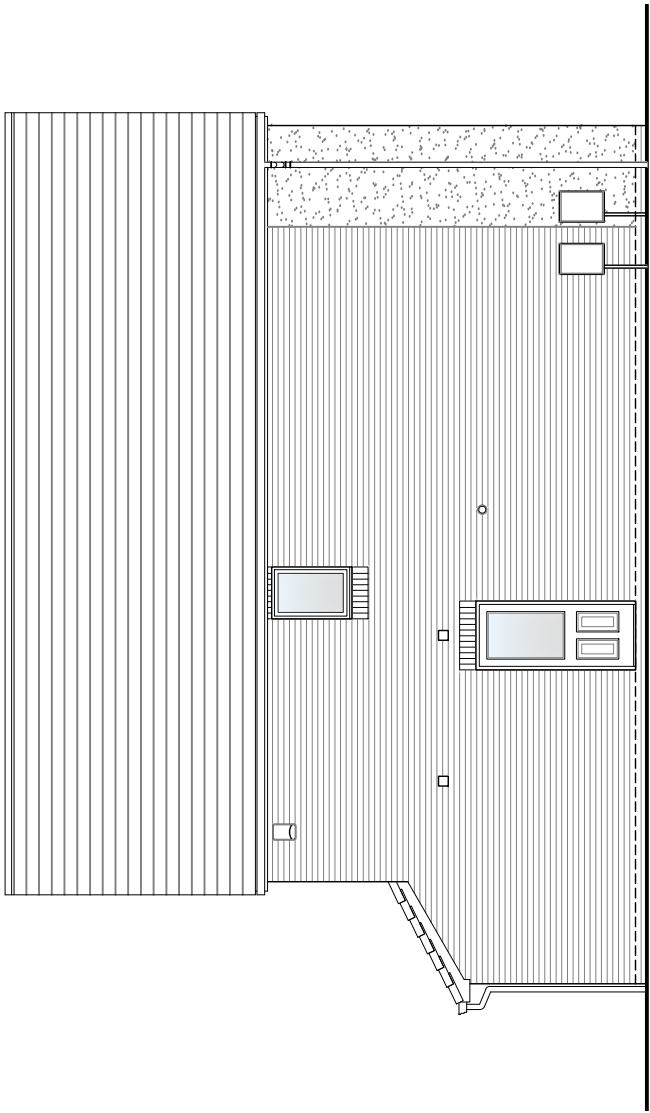
Planning Elevation 1/1

RAWIN BY	CTM	DATE	01-02-19
CHECKED BY	AH	SCALE	1:100@A3
WG PACK	DRAWING NUMBER		
A/01	CRN-PL1/1		
Revisions	Notes	Date	

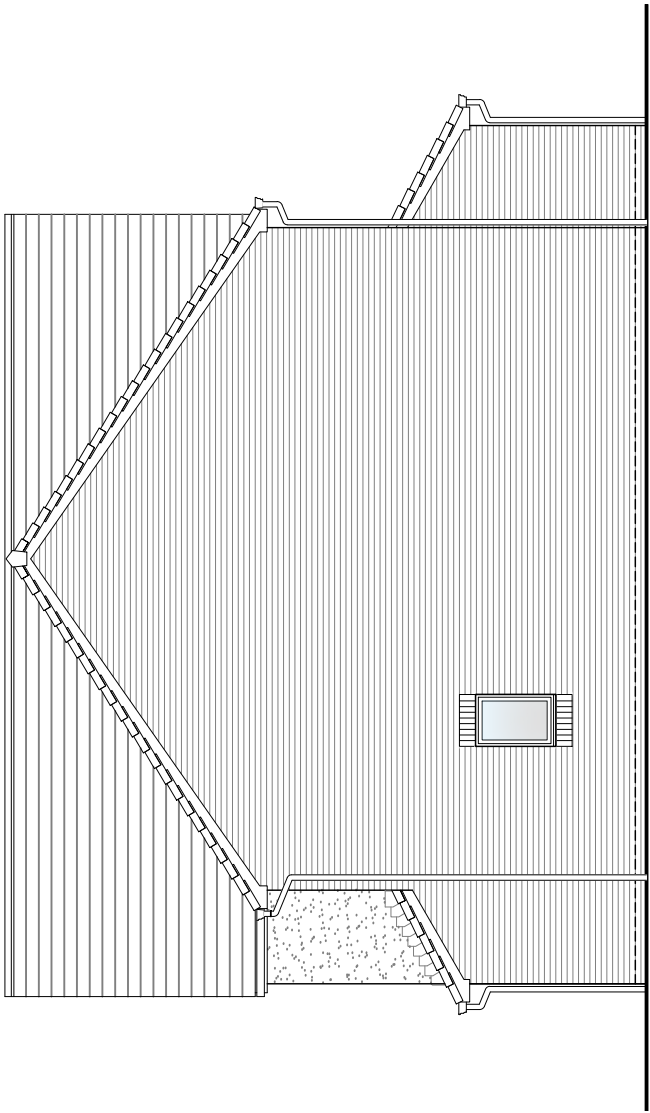
© Story Homes.

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Carlisle, Cumbria. CA6 4SL

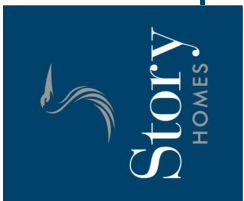
Rel 01228 404550
Fax 01228 404551



Left Elevation



Right Elevation



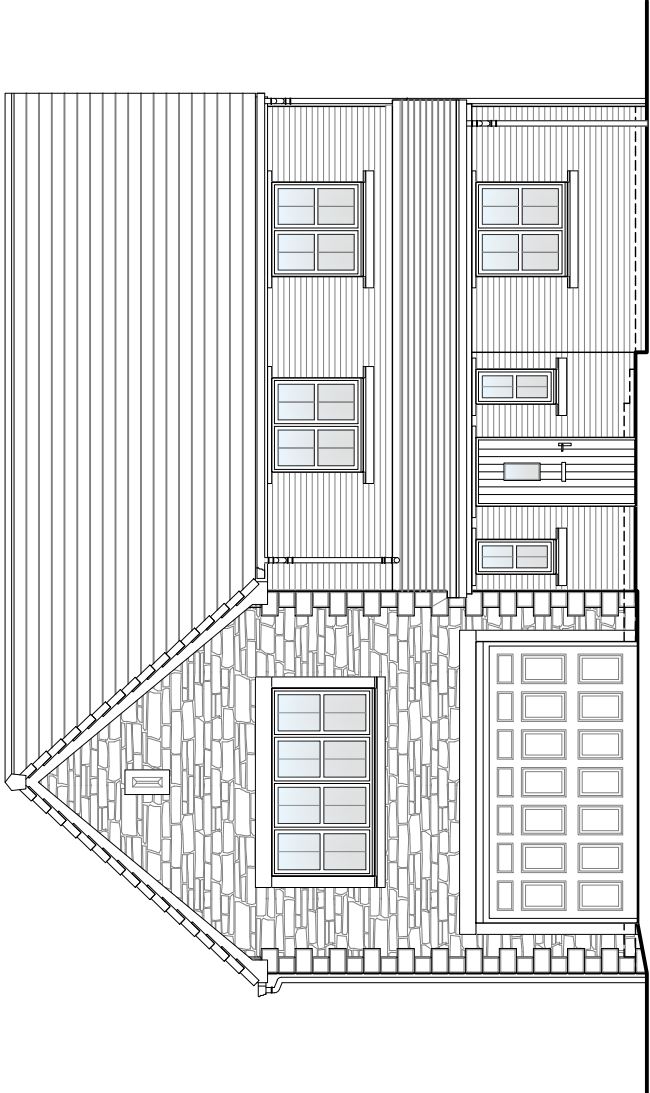
HOUSE TYPE

CHARLTON (A)

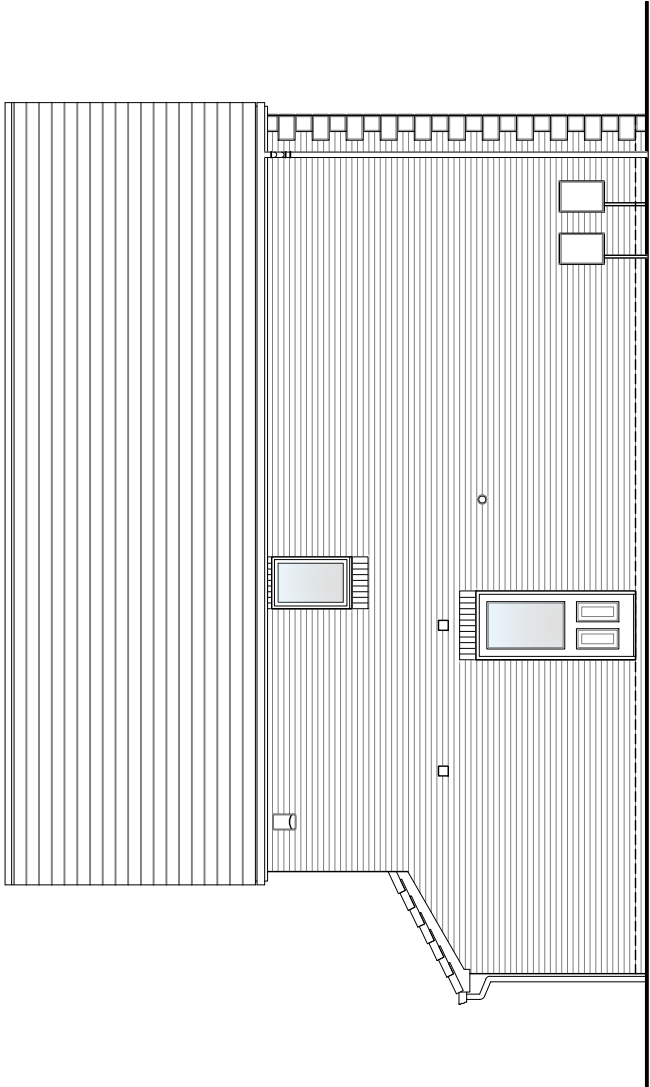
DRAWING

DATE	01-02-19
SCALE	1:100@A3
DRAWING NUMBER	REVISION
A/01	CRN-PLE1/2
Revisions	Notes
	Date

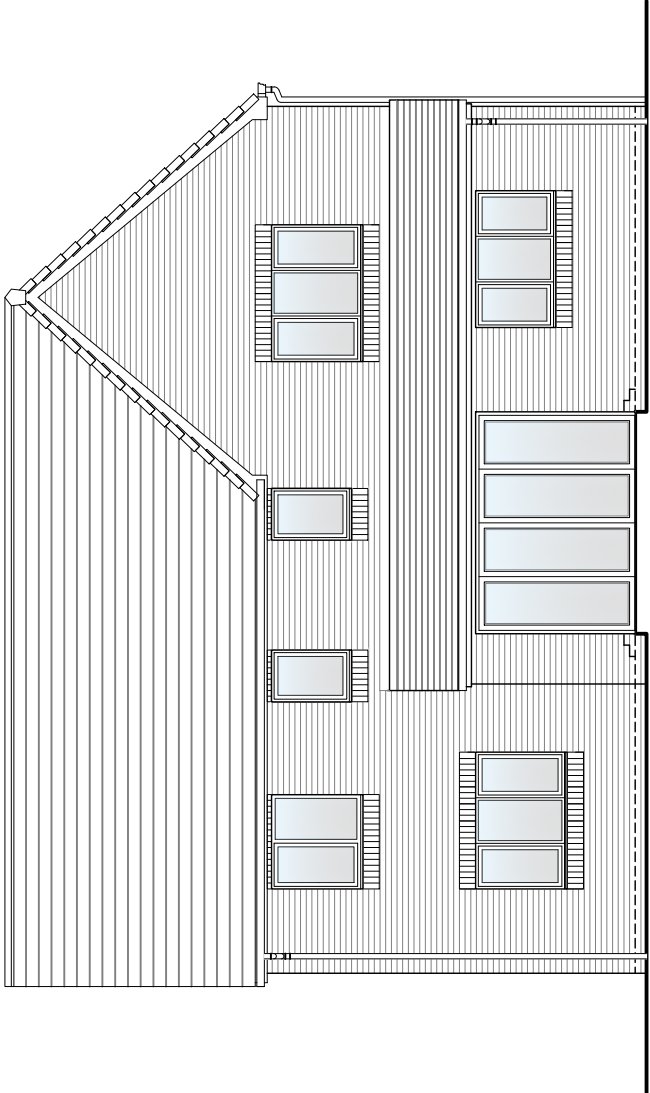
© Story Homes.
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Carlisle, Cumbria. CA6 4SL
Tel 01228 404550 **Fax 01228 404551**



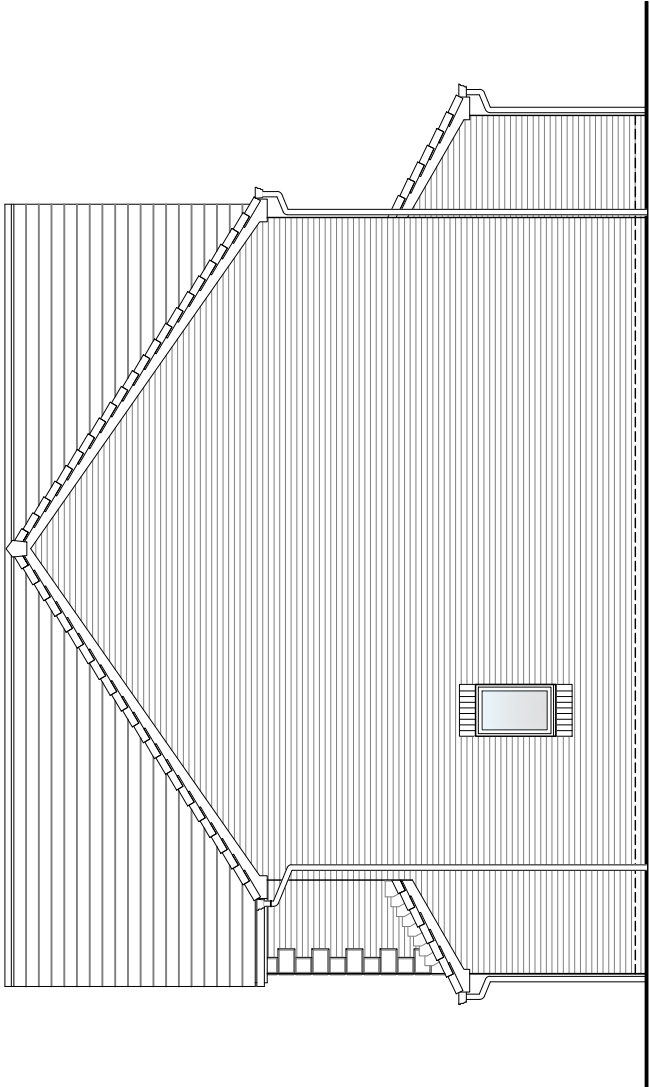
Front Elevation



Left Elevation



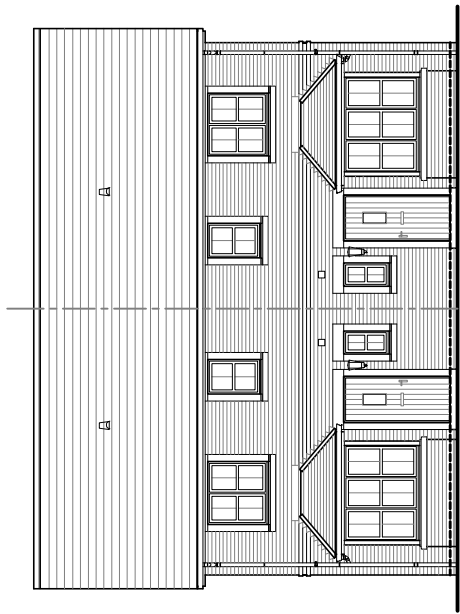
Rear Elevation



Right Elevation



HOUSE TYPE		CHARLTON (A)			
DRAWING		Planning Elevation 1/3			
DRAWN BY	CTM	DATE	01-02-19		
CHECKED BY	AH	SCALE	1:100@A3		
DWG PACK	DRAWING NUMBER	CRN-PL1/3		REVISION	
A/01				-	
Revisions	Notes	Date			
<div>© Story Homes. Story House, Lords Way, Kingmoor Business Park, Carlisle, Cumbria, CA6 4SL. Tel 01228 404550 Fax 01228 404551</div>					



House Type

The KINGSTON v2.5

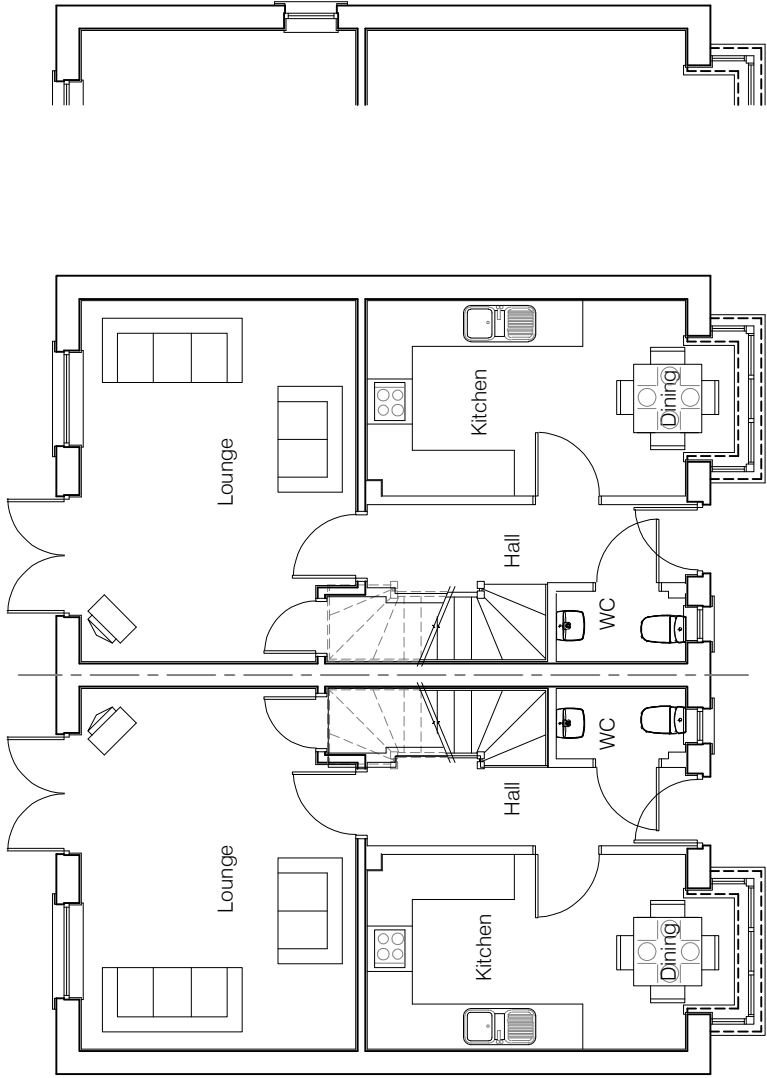
GF/FF/SF 78.63sq.m. (846.01 sq.ft.)

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Story House, Lords Way, Kingmoor Business Park, Carlisle, Cumbria. CA6 4SL.

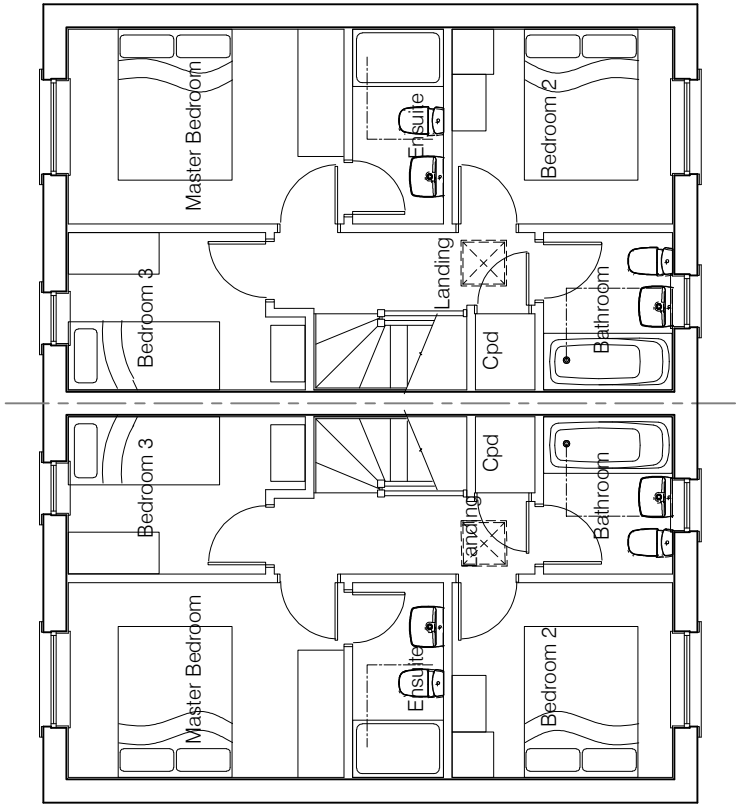
Tel 01228 404550

Fax 01228 404551



Note:
Gable window required on specific
plots only - please refer to site layout
for plot designations.

Ground Floor Plan



First Floor Plan



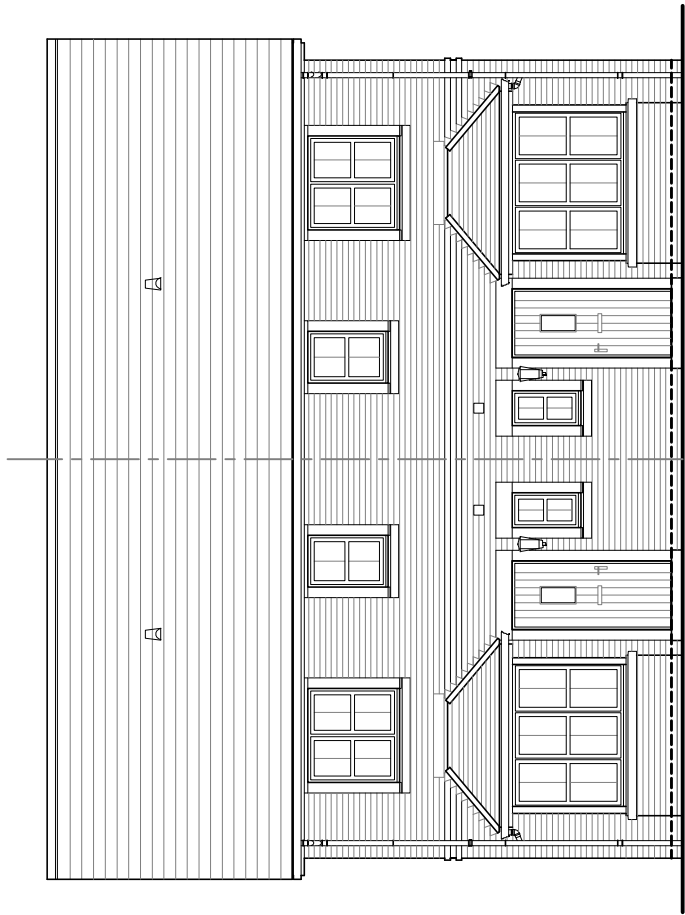
HOUSE TYPE

The KINGSTON v2.5

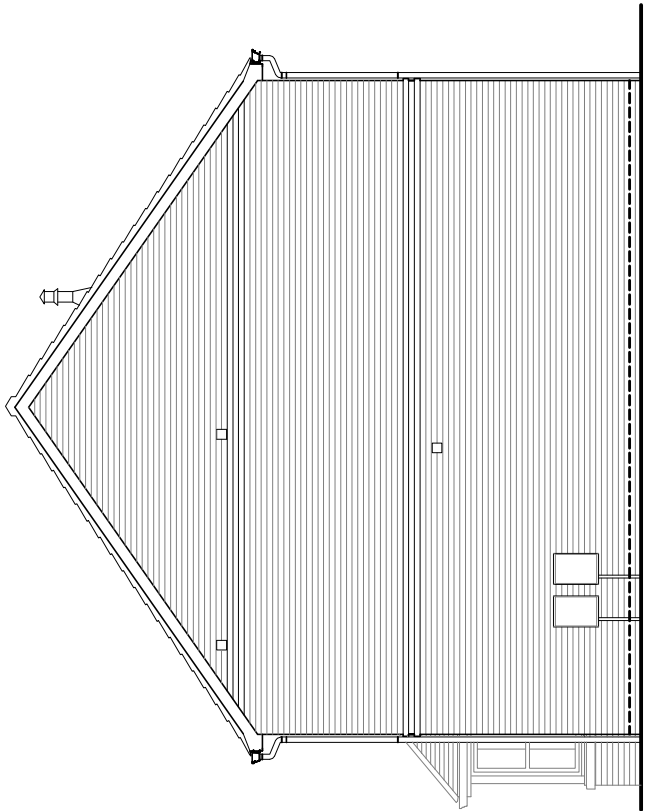
DRAWING

Planning Plans 1

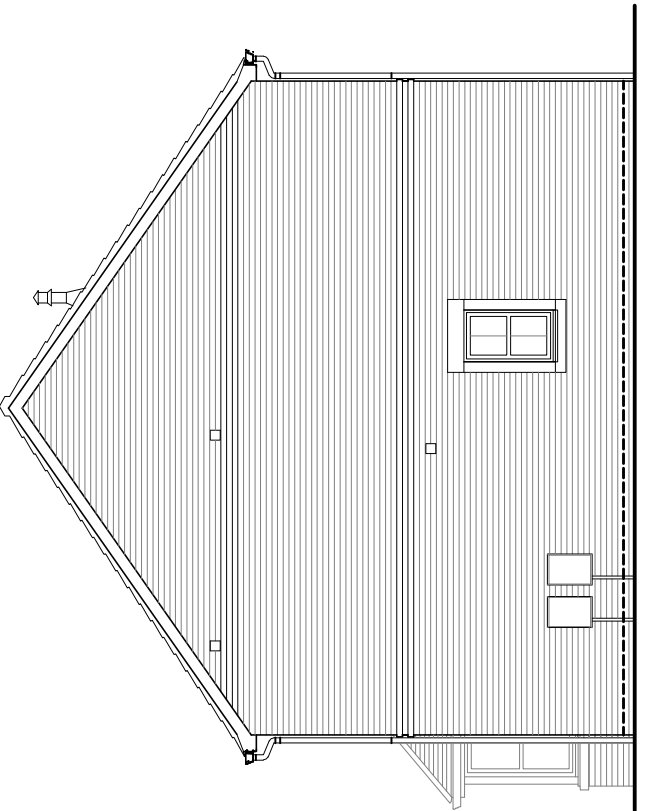
DRAWN BY	CTM	DATE	24/04/2012
CHECKED BY	-	SCALE	1:100
ISSUE	DRAWING NUMBER		REVISION
(2.5)	KIN - PLP1		-
Revisions			



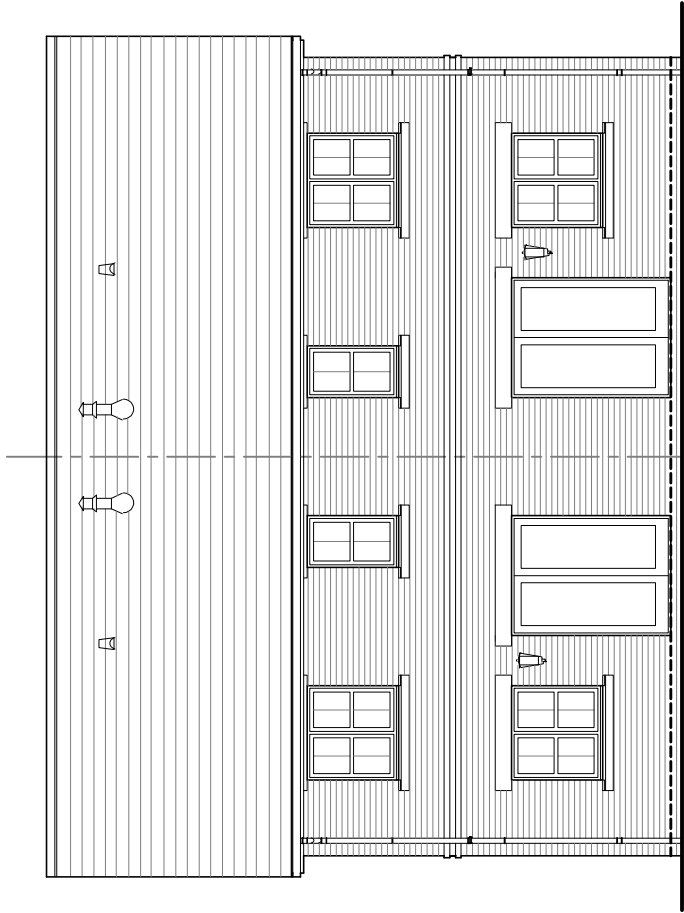
Front Elevation



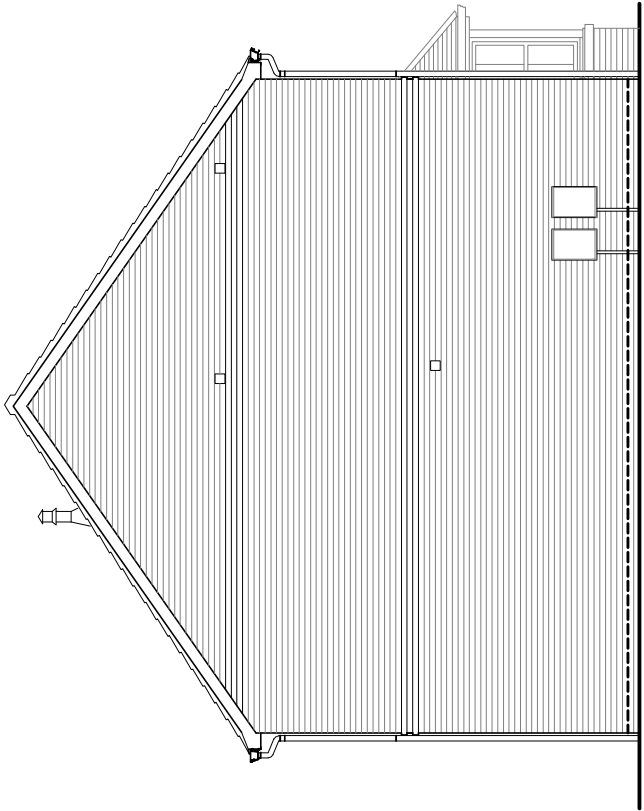
Side Elevation



Alternative Side Elevation
Indicating Feature Window.
Refer to site layout drawing for individual plot requirements.



Rear Elevation



Side Elevation



HOUSE TYPE

The KINGSTON v2.5

DRAWING

Planning Elevations 1/4

DRAWN BY	CTM	DATE	24/04/2012
CHECKED BY	-	SCALE	1:100
ISSUE	DRAWING NUMBER	REVISION	
(2.5)	KIN - PLE1/4	-	

Revisions

ROMAN ROAD
(course of)

Path (up)

Playing Fields

Legend

- Hedge
(1800mm)

Hedge
(900mm high)

Brick wall BD-16
(1800mm high)

Brick wall BD-74
(1800mm high)
IN FLEMISH BOND

Acoustic timber fence
BD-45
(2000mm high)
- Timber fence BD-03
(1800mm high)

Acoustic timber fence BD-07
(2500mm high)

1100mm Railings BD-11
(1100mm high)

0 4

Adult Training Centre

James Rennie School

KINGSTOWN

Story
HOMES

Greyneemhill, Carlisle

Boundary Treatments

KINGSTOWN

DATE	24/03/2017
SCALE	1:500 (1:1000)
PROJECT	SL022.90.9.9TL12
REVISION	SL022

1:500 (1:1000)

1:500 (1:1000)

1:500 (1:1000)

1:500 (1:1000)

1:500 (1:1000)

1:500 (1:1000)

1:500 (1:1000)

1:500 (1:1000)

1:500 (1:1000)

1:500 (1:1000)

[illegible]

CHARTERED LANDSCAPE ARCHITECTS
www.westwoodlandscape.co.uk

GREYMOORHILL

Landscape Plan

DRAWING NO: SH04-WW-01 Rev 01

DATE: 19 May 17

SCALE: 1:500 @ A3

Hedgehog Hibernation Box

Hedgehogs are in decline across the UK and are a UKBAP species. There are several records of hedgehogs within 1 km of the development.

The hibernation boxes provide a secure habitat for hedgehogs all year round for hibernation, nesting and protection.



Positioning:

The boxes should be placed at the base of retained hedgerows preferably hidden as much as possible to avoid tampering from the public.

Timing and Maintenance:

The boxes can be installed as soon as possible. The boxes should not need management however every five years the condition of the boxes should be checked and boxes replaced if condition has deteriorated significantly.

Habitat Bat Box

The Habitat Bat Box is a large solid box made of insulating concrete with an internal roof space, which can be incorporated into the fabric of a building as it is built or renovated. A variety of facings can be fitted to suit any existing brick, wood, stone or rendered finish, rendering the box unobtrusive and aesthetically pleasing.

This box is made to order and faced in brick to match the building. For certain brick types it may be necessary for you to sand your own bricks to be used on the face of the box (as required for each box); this is also recommended if you require the bricks to match your own exactly.

Positioning:

Above 2 metres, preferably 5 to 7 metres above ground. Avoid placement directly above windows, doors and wall climbing plants, thereby reducing the likelihood of predation by cats. A position near the eaves or gable apex of the property/ garage would be preferable.

Management:

The boxes should be installed into the dwellings as and when they are constructed. The boxes should not need management however every 5 years the condition of the boxes should be checked and boxes replaced if condition has deteriorated significantly.



habitat

Vivara Pro WoodStone® Starling Nest Box

The Vivara Pro WoodStone® Starling Nest Box is manufactured from WoodStone®, a mixture of concrete and BSC Certified wood fibres. The durable material is very resistant to rot and also provides increased thermal insulation and protection from predators. WoodStone® is also breathable, ensuring that the nesting chamber maintains the optimum temperature and humidity levels.



Positioning:

It should be sited on an external wall at a height of at least 2m using an aluminium nail or screw and wall plug (not included). Site near to vegetation if possible as this will provide additional protection and cover.

Management:

The boxes can be installed as soon as possible. The boxes should not need management however every 5 years the condition of the boxes should be checked and boxes replaced if condition has deteriorated significantly.

ISP Schwegler Sparrow Terrace

UK sparrow populations are falling due to habitat destruction and lack of suitable nesting spaces. Sparrows are social birds and like to nest in company. This terrace provides ideal nesting opportunities for three families. The terrace is durable, breathable and will last many decades.



It may also occasionally attract tits, redstarts and spotted flycatchers.

Positioning:

Either install on the surface of the wall using the plugs and screws provided, or install directly into the wall. At least 2m above the ground.

Management:

The boxes can be installed as soon as possible once dwellings are completed. The boxes should not need management however every 5 years the condition of the boxes should be checked and boxes replaced if condition has deteriorated significantly.



Legend

- Hedgehog Boxes
- ISP Schwegler Sparrow Terrace
- WoodStone® Starling Nest Box
- Habitat Bat Box

U R B A N
G R E E N

Jack'n House, 24 Hood Street, Manchester M4 6WX
T: 0161 397 4938 E: urbangreen-space.co.uk

Greymoorthill

Story Homes

Habitat Enhancement and Timings Plan

Scale	Drawn By	Date
NTS	MP	08/05/19
Job number	Drawing number	Revision
11 472	11472.H1	05



Rationale

A variety of bird, bat and hedgehog boxes have been recommended across the site to enhance habitats and biodiversity on site.

Habitat integrated bat boxes are sited on new properties. These boxes are proposed on different aspects to allow different roosting conditions. These integrated boxes are preferable to external boxes as they tend to have a longer lifespan.

Hedgehogs are a UKBAP species and have been recorded in the area. A series of hibernation boxes have therefore been recommended along retained hedgerows.

Starling and sparrow are UKBAP bird species and have been in decline over recent decades. The addition of boxes on new buildings will give enhancements for both species. Boxes have been sited on northern and eastern aspects to avoid excessive heat and wind. Sparrow terraces are located in groups opposite existing hedgerows to increase the chances of them being used.

SCHEDULE OF ACCOMMODATION OVERALL

Room No.	Room Type	Area (sqm)	Volume (cu m)	Notes
101	Single Room	10.0	25.0	
102	Single Room	10.0	25.0	
103	Single Room	10.0	25.0	
104	Single Room	10.0	25.0	
105	Single Room	10.0	25.0	
106	Single Room	10.0	25.0	
107	Single Room	10.0	25.0	
108	Single Room	10.0	25.0	
109	Single Room	10.0	25.0	
110	Single Room	10.0	25.0	
111	Single Room	10.0	25.0	
112	Single Room	10.0	25.0	
113	Single Room	10.0	25.0	
114	Single Room	10.0	25.0	
115	Single Room	10.0	25.0	
116	Single Room	10.0	25.0	
117	Single Room	10.0	25.0	
118	Single Room	10.0	25.0	
119	Single Room	10.0	25.0	
120	Single Room	10.0	25.0	
121	Single Room	10.0	25.0	
122	Single Room	10.0	25.0	
123	Single Room	10.0	25.0	
124	Single Room	10.0	25.0	
125	Single Room	10.0	25.0	
126	Single Room	10.0	25.0	
127	Single Room	10.0	25.0	
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137	Single Room	10.0	25.0	
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145	Single Room	10.0	25.0	
146	Single Room	10.0	25.0	
147	Single Room	10.0	25.0	
148	Single Room	10.0	25.0	
149	Single Room	10.0	25.0	
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152	Single Room	10.0	25.0	
153	Single Room	10.0	25.0	
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155	Single Room	10.0	25.0	
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164	Single Room	10.0	25.0	
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168	Single Room	10.0	25.0	
169	Single Room	10.0	25.0	
170	Single Room	10.0	25.0	
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200	Single Room	10.0	25.0	

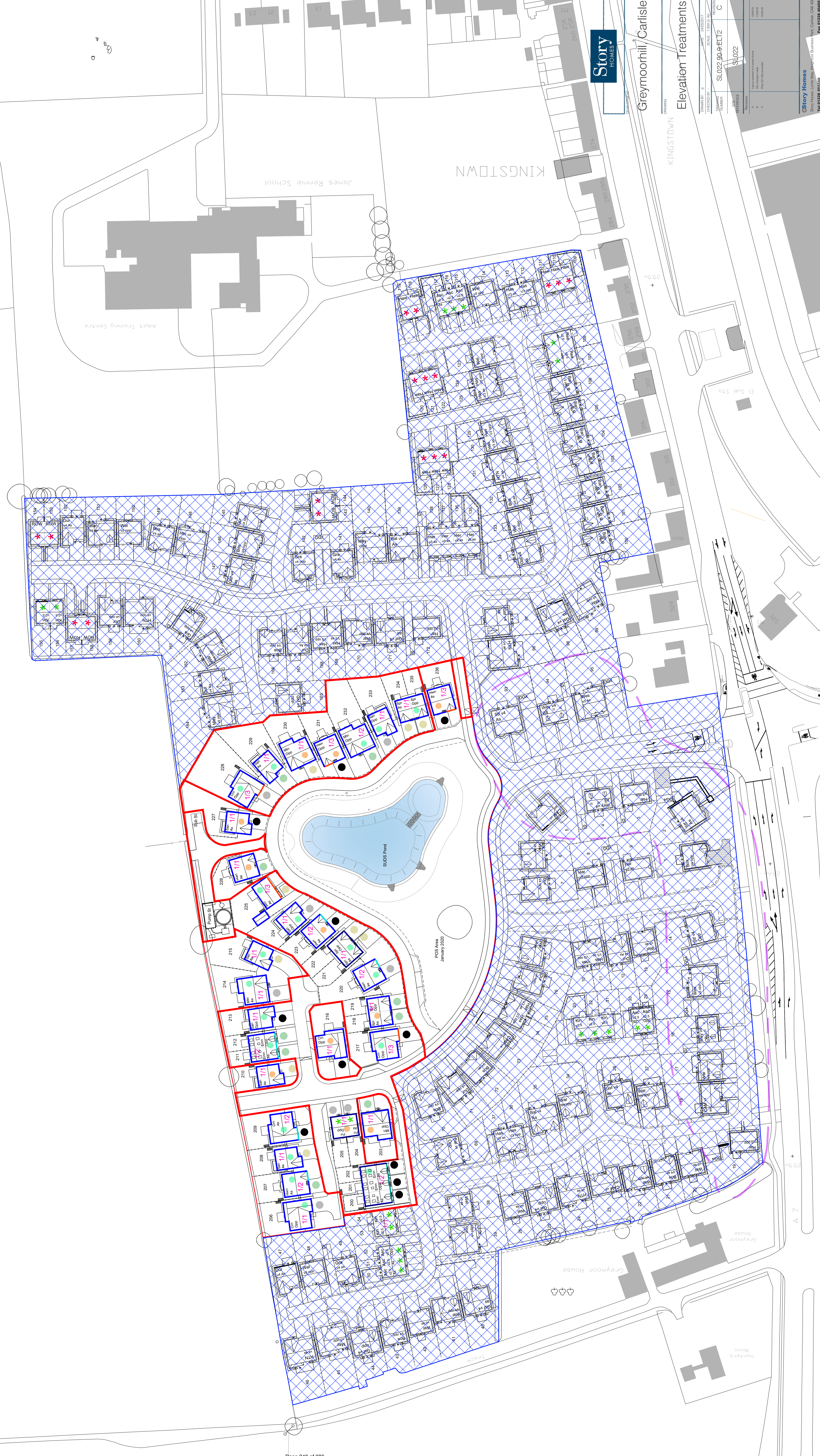
- Key
- Bin storage area
 - Bin collection point
 - Route between the storage area and collection point

- Banked Beds
- Discounted Beds

ROMAN ROAD
(course of)

KEY

- Brick
- Render
- Natural Sandstone
- Flat Tile
- Thin Edge Tile
- Charwell Green Door
- Beaumont Door
- Light Ivory Door
- Anthraxite Grey Door
- Window Grey Door



SCHEDULE A: Applications with Recommendation

18/1083

Item No: 06

Date of Committee: 07/06/2019

Appn Ref No:
18/1083

Applicant:
Haddon Construction

Parish:
Burgh-by-Sands

Agent:
Plan B Building Drawing
Limited

Ward:
Burgh (Abolished
07/05/2019)

Location: Land Adjacent to Wood Cottage, St Lawrence Lane, Burgh By Sands,
Carlisle CA5 6BS

Proposal: Erection Of 2no. Dwellings

Date of Receipt:
11/03/2019

Statutory Expiry Date
06/05/2019

26 Week Determination
10/06/2019

REPORT

Case Officer: Alanzon Chan

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of The Development Is Acceptable
- 2.2 Whether The Scale And Design Is Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Of The Proposal On Highway Safety
- 2.5 Issues Regarding Foul And Surface Water Drainage
- 2.6 Impact Of The Proposal On The Burgh-by-Sands Conservation Area
- 2.7 Impact Of The Proposal On Trees
- 2.8 Impact Of The Proposal On Biodiversity
- 2.9 Impact Of The Proposal On The Buffer Zone on the Hadrian's Wall World Heritage Site
- 2.10 Impact Of The Proposal On The Solway Coast Area Of Outstanding Natural Beauty (AONB)
- 2.11 Other Matters

3. Application Details

The Proposal

- 3.1 The proposal seeks planning permission for the erection of 2no. dwellings (1no. two-storey dwelling and 1no. bungalow).

Background Information Of The Site

- 3.2 This application site relates to a large parcel of garden land of a residential property, Wood Cottage, in Burgh by Sands. The application site is approximately 0.13 hectares in size.
- 3.3 The site is located centrally within the village of Burgh by Sands, with surrounding residential properties of varying scales and designs.
- 3.4 The application site is located within the Burgh by Sands Conservation Area, the buffer zone on Hadrian's Wall World Heritage Site and the Solway Coast Areas of Outstanding Natural Beauty (AONB).

4. Summary of Representations

- 4.1 This application has been advertised by means of a press notice, a site notice and notification letters sent to nine neighbouring properties. In response, four representations of objection have been received.
- 4.2 The representations identify the following issues:
- the proposed development will overlook the surrounding properties and will have an overbearing impact
 - the site will be overdeveloped and will result in a cramped form of development
 - the loss of trees from the previous S211 permission has made the site visible from public areas
 - the proposed development is not in keeping with the character of neighbouring properties
 - concerns that the proposal will exacerbate the existing foul and surface water problems
 - the condition attached to approved annexe of Wood Cottage should be applied to this site
 - concerns that the wildlife/endangered species within the copse will be affected by the proposal
 - properties in Burgh by Sands take a long time to be sold off, and there is no need for additional houses to be sited within Burgh by Sands

5. Summary of Consultation Responses

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

Burgh-by-Sands Parish Council: Object to the application on the grounds

of surface and sewage water drainage.

Northern Gas Networks: No objection

Historic England: No objection

Solway Coast AONB Unit: No comments received

United Utilities: No objection subject to the imposition of a condition

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), Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBA), Policies SP1, SP2, SP6, HO2, HO3, IP3, IP6, CC5, CM5, HE1, HE7, GI2, GI3 and GI6 of the Carlisle District Local Plan (2015-2030) (CDLP).
- 6.3 The Burgh-by-Sands Design Statement, which was adopted as Supplementary Planning Guidance by the City Council in November 2003, is also a material consideration in the determination of this application. This document is out of date as it refers to the old policies in the 1997 Carlisle District Local Plan, which was superseded by the previous Carlisle District Local Plan 2001-2016 in 2008. That being said, elements of the Design Statement, particularly those that relate to design principles do still carry some weight.

The proposal raises the following planning issues:

1. Whether The Principle Of The Development Is Acceptable

- 6.4 One of the main issues to establish when assessing this application is the principle of development. The NPPF and CDLP Policy SP1 require development proposals to be considered in the context of a presumption in favour of sustainable development in order to secure development that improves the economic, social and environmental conditions of the district.
- 6.5 Section 5 of the NPPF relates to the delivery of a sufficient supply of homes. Paragraph 59 of the NPPF states that:
- "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."*
- 6.6 This coincides with the objectives of the adopted CDLP Policies HO2 and

HO3. Policy HO2 makes provision for new windfall housing development within or on the edge of villages within the rural area of the district, whereas Policy HO3 makes provision for new housing development within residential gardens, provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan and will meet a number of criteria covering scale, design, location, proximity to services and the need to enhance or maintain the vitality of rural communities.

- 6.7 Burgh by Sands is a village which contains a range of local services, including a school, a church, a public house and a village hall. As such, Burgh by Sands is considered to be a sustainable location for housing development. Given that the application site is located centrally within the village of Burgh by Sands, it is considered that the proposal would comply with the criteria set out under Policy HO2 and that the application site is located within a sustainable location.
- 6.8 The principle of residential development on this site is therefore considered acceptable, subject to all other material considerations being satisfied.

2. Whether The Scale And Design Is Acceptable

- 6.9 The adopted CDLP policies require that development is appropriate, in terms of quality, to that of the surrounding area. Proposals should, therefore, incorporate high standards of design, including care in relation to siting, scale, use of materials and landscaping that respects and, where possible, enhances the distinctive character of townscape and landscape. This is particularly reflected in Policy SP6 of the CDLP which requires that development proposals should also harmonise with the surrounding buildings, respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 6.10 In terms of scale, although some objectors raised that the proposal would form a cramped development, it is noted that the application site is approximately 0.13 hectares in size and has an overall plot width of approximately 56m. It is, therefore, considered that this site would provide sufficient space for two dwellings to be sited.
- 6.11 Overall, the scale of the proposed dwellings is considered to be proportionate to the application site. The development would retain sufficient amenity space, garden areas and parking facilities for both of the proposed dwellings, as well as Wood Cottage. The size of both subdivided plots would remain comparative to the surrounding building plots in the area. In light of the above, it is considered that the proposal will not result in a cramped form of development and the scale of the proposal is considered acceptable in this instance.
- 6.12 Owing to the topography of the area, it is noted that the site is on a gradient, rising upwards from its northern to southern boundary. Given that the applicant proposes to site the two-storey dwelling on lower ground to the north and the bungalow on higher ground to the south, it is considered that the siting of the dwellings is appropriate. The height and massing of the

proposed dwellings would be sympathetic to its surroundings and any possible overbearing impact upon the surrounding properties would be minimised.

- 6.13 In terms of design, both proposed dwellings would be predominantly finished in off-white render, with the plinth finished in red rustic facing bricks. As part of the architectural feature of the dwellings, there will be a two-storey sandstone projecting gable located on the front elevation of the proposed two-storey dwelling, and a single storey sandstone projecting gable on the front elevation of the proposed bungalow.
- 6.14 Given that the design and finish of the proposed dwellings would be sympathetic with the neighbouring properties, and that similar architectural features can also found in other nearby dwellings, it is considered that the proposal is in compliance with the criteria set out in CDLP Policies HO2, HO3 and SP6, and it would not be visually intrusive.

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

- 6.15 One of the core planning principles of the NPPF is that planning has an essential role in seeking to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, local policies also seek to protect residential amenity by setting out a number of criteria by which applications for development will be assessed. These include protecting the character of the locality, ensuring satisfactory daylight, outlook and privacy for all dwellings.
- 6.16 The City Council's Supplementary Planning Document "Achieving Well Designed Housing" (SPD) states that:

"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). 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 (Paragraph 5.44). Whilst it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances." (para. 5.45)

- 6.17 Meanwhile, criterion 7 of Policy SP6 of the CDLP also requires that proposals ensure that there are no adverse effects on residential amenity or result in unacceptable conditions for future users and occupiers of the development.
- 6.18 There are several dwellings located around the application site, with the nearest residential property, Wood Cottage, sited approximately 13m to the southeast of the proposed bungalow and 23m to the southeast of the proposed two-storey dwelling. The next closest property would be Maya House, which is located approximately 25m to the east of the proposed dwellings. As for the properties, Beck House and West Garth, they are sited

approximately 30m and 60m to the west of the proposed dwellings respectively. The proposed dwellings would be orientated in a way that satisfies the minimum distances requirement as outlined in the aforementioned SPD between primary windows of the proposed dwellings and those of neighbouring residential properties.

- 6.19 Furthermore, given that part of the existing hedgerow to the northwest border of plot 1 (where the two-storey dwelling will be located) is in poor condition, the applicant proposes to replace it with a new Beech hedgerow and will keep it at a height of 1.80m in front of a timber paling fence. This will further mitigate any unacceptable overlooking or over-dominance issues upon the neighbouring properties.
- 6.20 In overall terms, taking into consideration the siting, scale and design of the proposed dwellings in relation to the neighbouring properties, it is not felt that the proposal would detrimentally affect the living conditions of the occupier(s) of any neighbouring properties on the basis of loss of light, loss of privacy or overdominance. On this basis, the development would not conflict with either the local plan policies or the council's SPD which requires a minimum distance between dwellings.
- 6.21 To safeguard the residential amenity of the area during the construction period, a condition is recommended that would restrict the construction hours.

4. Impact Of The Proposal On Highway Safety

- 6.22 The proposed dwellings would have their own in-curtilage parking area but would share the same vehicular access as Wood Cottage. Given that this is an existing vehicular access, visibility from this access is considered acceptable. The proposal will provide sufficient in-curtilage parking provision which will meet the local parking standards set out by the Highways Authority. As such, it is not felt that the proposal would have any detrimental impact on highway safety.
- 6.23 The applicant proposes to upgrade the access to feature a tarmac access way, rumble strip and a paved courtyard. The access arrangement is considered acceptable as the first 5m of the driveway will be surfaced in a bituminous or cement bound surface, with the remainder of the driveway paved in a porous material. It is considered that all three properties who share this vehicular access would benefit from this access upgrade.
- 6.24 Cumbria County Council, as the Highway Authority, were consulted on the proposed development and have raised no objection to the proposal.

5. Issues Regarding Foul And Surface Water Drainage

- 6.25 In order to protect against pollution, CDLP Policies IP6 and CC5 seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application document submitted as part of the application outlines that foul sewage would be disposed into the mains sewer whilst surface water would be discharged into a watercourse.

- 6.26 In respect of surface water drainage, Burgh by Sands Parish Council raised concerns in their response that the proposal might exacerbate the issue of overflowing of the watercourse. It is noted that direct infiltration into the ground at this location is not an option due to the saturated nature of the ground. Accordingly, in line with the SUDs hierarchy as detailed within the NPPF and NPPG, the next available option is to discharge water into a surface water body. The submitted document illustrates that surface water would enter an attenuation tank with managed outflow, to no more than 5 litres/second, prior to discharging into an unnamed watercourse to the east of the application site. As such, it is considered that the proposed means of surface water disposal is acceptable, given that it will be no worse than the existing.
- 6.27 Cumbria County Council, as the Lead Local Flood Authority (LLFA), have been consulted and have advised that their surface water maps and the Environment Agency surface water maps do not indicate that the site is within a flood risk area. Accordingly, the LLFA have raised no objections to the proposal.
- 6.28 The surface water outfall to the unnamed watercourse would require consent from the Local Flood Risk Management Team. However, this is outwith planning legislation. As such, an advisory note is recommended to be included within the decision notice to advise the applicant to apply for an Ordinary Watercourse Consent prior to the commencement of any works.
- 6.29 In respect of foul water drainage, the applicant proposes to discharge foul water through mains sewers. Several objections were received from neighbouring residents and the Burgh by Sands Parish Council, stating that the existing sewage system has already reached its maximum capacity. That being said, this issue was examined by United Utilities and they confirmed that they have no objections to the proposal of disposing foul water through the mains sewers.

6. Impact Of The Proposal On The Burgh-by-Sands Conservation Area

- 6.30 Section 16 of the NPPF relates to the conservation and enhancement of the historic environment. Paragraph 196 of the NPPF states that where a development is determined to have a less than substantial harm, it should be weighed against the public benefits of the scheme. Paragraph 197 of the NPPF relates to the effects of applications on non-designated assets. In these instances, a balanced judgement will be required having regards to the scale of any harm or loss and the significance of the heritage asset.
- 6.31 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special attention be paid to the desirability of preserving or enhancing the character or appearance of [the Conservation Area]'. This duty is also reflected in Policy HE7 of the Carlisle District Local Plan 2015-2030. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.

- 6.32 Case law (*South Lakeland District Council v Secretary of State for the Environment (1992)*) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.33 It is noted that there is a copse adjoining the northern boundary of the site. Back in 2018, permission (18/0020/S211) was granted to the owner of Wood Cottage for the removal of 10 dead/rotten trees within the copse. Some objectors raised that due to the felling of these 10 trees, the site is now visible from the public highway. Whilst it is noted that the copse is not as dense as before, according to the Council's Tree Officer, these trees were either in poor condition or dead, and as such, they did not contribute positively to the amenity of the area. In addition, the aforementioned approval did not affect any trees, hedgerow or shrubs at the boundary of the copse. As such, it is considered that the copse adjoining the northern end of the site will remain to be able to provide sufficient screening to the proposed dwellings from the highway.
- 6.34 Furthermore, the application site is surrounded by residential properties. As such, given that the scale, design and massing of the proposed dwellings are sympathetic to the surrounding properties, it is not considered that the proposal will have any detrimental impact on the character or appearance of the Burgh by Sands Conservation Area.

7. Impact Of The Proposal On Trees

- 6.35 Policy GI6 of the local plan seeks to ensure that proposals for new development provide for the protection and 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.
- 6.36 Given that the application site is located within the Burgh by Sands Conservation Area, all trees on this site are protected by virtue of the conservation area designation. The applicant has commissioned ARBMaP Ltd to undertake a Tree Survey to examine the trees within the application site.
- 6.37 Whilst the majority of the trees on site will be retained, the survey suggests to remove 4no. trees as they are in poor condition and are in danger of tree failure. The applicant has agreed to replace these trees with other suitable species. Given that these trees are in poor form, it is considered that the proposal to replace them with new trees is acceptable. Not only will this lead to a positive contribution to the visual amenity of the area, replanting new trees in this area would also enhance biodiversity of the area.
- 6.38 Taking into consideration the footprints of the proposed dwellings, it is considered that the roots of the retaining trees will unlikely be affected by the proposal. To ensure that no retaining trees will be affected by the proposal, a

pre-commencement condition is recommended to be included within the decision notice to request a scheme of root protection for those trees to be retained to be submitted to and approved in writing by the Local Planning Authority.

- 6.39 Meanwhile, a pre-commencement condition, regarding details of the replacement trees to be submitted and approved by the Local Planning Authority, is also recommended to be included within the decision notice.

8. Impact Of The Proposal On Biodiversity

- 6.40 Many objectors have made reference to the existence of biodiversity within the copse that require protecting. It is incontestable that some of the wildlife species mentioned within the objections might appear within the copse. However, taking into consideration that the application site is currently being used as a domestic, lawned garden and that the copse is generally in close proximity to other residential properties in the area, it is unlikely that the proposal will detrimentally or permanently affect any protected species in the area, especially when the copse falls outwith the application site and that the applicant intends to plant new trees to enhance biodiversity.
- 6.41 Given that the site has the potential for protected species to be present on or in the vicinity of the site, an Informative is recommended to be included within the decision notice ensuring that if a protected species is found, all work must cease immediately and the local planning authority informed.

9. Impact Of The Proposal On The Buffer Zone on the Hadrian's Wall World Heritage Site

- 6.42 Policy HE1 of the local plan states that proposed development in the buffer zone of the Wall World Heritage Site should be assessed for its impact on the site's Outstanding Universal Value and particularly on views into and out of it. Development that would result in substantial harm will be refused.
- 6.43 Taking into consideration the scale and design of the proposed dwellings, alongside that the proposed dwellings will be located amongst other residential dwellings within Burgh by Sands, it is considered that the proposal is unlikely to have a detrimental visual impact on the character or setting of the buffer zone on the World Heritage Site. Historic England was consulted and has raised no objection to the application.

10. Impact Of The Proposal On The Solway Coast Area Of Outstanding Natural Beauty (AONB)

- 6.44 The site is identified in the local plan as being within the Solway Coast AONB, as such, Policy GI2 of the local plan is relevant. Policy GI2 of the local plan outlines that developments within an AONB will be expected to protect the special characteristics and landscape quality of the areas by ensuring that: the scale, siting and design of the proposal is appropriate to the landscape setting; and, existing landscape features are incorporated in a way which preserves or enhances the character of the area when, where possible,

mitigates the effects of the development.

6.45 Proposals within the Solway Coast AONB will be expected to have regard to the Solway Coast AONB Landscape Character Assessment. The core principle of the aforementioned document is that all landscapes within the AONB are important, and whilst some may be more sensitive to change than others, the planning process should seek to protect all landscapes within the AONB from harmful development. However, this does not mean that developments which involve changes to landscapes should be resisted. New development should be appropriate to its surroundings and be suitably accommodated within the landscape.

6.46 The Solway Coast AONB Landscape and Seascape Character Assessment (2011) identifies the application site as within Lowland Landscape Character G: Undulating Coastal Farmland. Character G has been further subdivided into two types of which Landscape Character Area G2 is specific to Burgh by Sands and Beaumont. The aforementioned document characterises Landscape G2 as:

"... immediately south of Burgh Marsh and Rockcliffe Marsh in the eastern reaches of the Inner Firth. The course of Hadrian's Wall bounds the area to the north, and the area contains a number of historic settlements including Burgh-by-Sands, Beaumont and Kirkandrews-on-Eden. The landform is undulating and varied, providing areas with a sense of enclosure and intimacy that contrasts from the more open and exposure coastal edges. High hawthorn hedges mounted on banks, small areas of woodland and copses found around settlements also contribute the sense of enclosure and shelter particularly in lower areas. Views are largely contained by landform and within the sunken lanes that are lined by "kests" (mounds that form field boundaries) and hedgerow trees. Views can be gained across the Firth from some of the higher areas and towards the coastal edge and these take in the large areas of marsh and estuary that lie to the north and the Scottish coast beyond".

6.47 The document goes on to outline that one of the forces for change is *"the extension of and infill development into open area areas between the housing areas of settlements, as a result of demand for new housing"*. In respect of new development, the document identifies one of the key guidelines for managing change is to *"seek to influence future development within, and in landscapes forming the setting of, the undulating coastal farmland so that the overall character and integrity of these landscapes, key characteristics, significant and sensitive views, defining features and the reasons for designation are not significantly affected: consider siting, design and the implementation of appropriate mitigation measures to avoid or reduce adverse effects"*. Meanwhile the document also suggests new development to *'promote appropriate garden planting and other development boundary treatment promoting the use of native species, so that housing and other developed areas blend more sympathetically with the traditional vernacular.'*

6.48 When assessing the impact of the proposal on the character of the AONB, it is important to note that the application is surrounded by other residential properties, as such, given that the scale and design of the proposed dwellings

would not appear excessively incongruous with their surrounds, the proposed development would not appear visually dominant at close viewing. Further taking into consideration that the site will be sufficiently screened by the existing copse located to the northern boundary of the site, it is considered that the development and works would continue to preserve the setting and character of the Solway Coast AONB in this instance.

11. Other Matters

- 6.49 Whilst one of the objectors has quoted some of the public consultation comments from the Carlisle District Rural Masterplanning report (2013), it is noted that this report formed an important piece of the evidence base for the production of the Carlisle District Local Plan 2015-2030, and helped identify a new housing allocation in the village. It is not, however, a statutory planning document and therefore cannot be considered a material consideration when deciding upon this application.
- 6.50 Several objectors have referred to the application 15/1007, where permission was granted for the conversion of existing domestic garage of Wood Cottage to provide annex. The condition in question states that 'under no circumstances shall the applicants or their successors in title subsequently sell, let or in any way dispose of or use or permit to be used any part of the accommodation hereby approved, independently of the remainder of the overall property'. It is noted that the 'the accommodation hereby approved' mentioned within this condition refers to the converted garage. This condition is specific to this outbuilding and restricts its use to be ancillary. The condition does not extend to the whole of the garden land. As such, it is noted that this application will need to be assessed on its own merits.
- 6.51 Some objectors stated in their objections that properties in Burgh by Sands take a long time to sell. It is important to note that the Council has a statutory duty to support strong, vibrant and healthy communities, by meeting the housing needs of both present and future generations, in a high quality environment with accessible local services. As such, if the housing development is in full accordance with both local and national planning policies, the Council should view the development proposal positively.

Conclusion

- 6.52 The principle of the development is acceptable at this location. The scale and design of the proposed dwellings would be sympathetic with the surrounding buildings and appropriate to the site. The proposal satisfies the minimum distances requirement as outlined within the Council's SPD, and it is not considered that the living conditions of the occupiers of the surrounding properties would be affected on the basis of loss in privacy, loss of light, or overdominance. The means of both foul and surface water drainage is acceptable, and the proposal would not have any detrimental impact on the character of the Burgh by Sands Conservation Area, the buffer zone on Hadrian's Wall World Heritage Site and the Solway Coast AONB. The proposal is acceptable on highway terms and it will not affect any healthy trees on site. The replanting of trees will help to enhance biodiversity.

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

7. Planning History

- 7.1 The following applications are considered to be relevant to the assessment of this application:

(15/1007) Conversion Of Existing Domestic Garage To Provide Annexe. This application was approved on 17th December 2015.

(18/0020/S211) Removal Of 10 Dead/Rotten Trees And Crown Raise Of 1no. Scots Pine By 3 Metres And Crown Reduction Of 2 Metres. This S211 application was approved on 25th June 2018.

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 6 Dec 2018;
2. the Location and Block Plan (Dwg No. IR01aPL), received 23 May 2019;
3. the Proposed Floor and Elevations Plan (Dwg No. IR02PL), received 11 Dec 2018;
4. the Design, Access and Heritage Statement, received 7 Mar 2019;
5. the Desk Top Study Land Contamination Assessment, received 18 Jan 2019;
6. the BS5837 Tree Survey undertaken by ARBMaP (prepared by Andy Nicol on 6th March 2019), received 7 Mar 2019;
7. the Notice of Decision; and
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Before any development is commenced on the site, including site works of any description, a scheme of root protection for those trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented and remain in

situ for the the duration of development works. Within the fenced off areas 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.

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

4. No part of the development shall be commenced until full details of replacement trees have been submitted to and approved in writing by the Local Planning Authority. The details submitted must include:

- a) a plan showing location of the proposed replacement trees;
- b) a schedule of proposed replacement trees - indicating species and sizes at time of planting

The replacement trees shall be planted no later than the first planting season following the completion of the development. Any replacement trees which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. The new hedgerow along the boundaries of the plots as shown on the Block Plan (Dwg No. IR01aPL, received 23 May 2019) shall be comprised of native species and shall be planted no later than the first planting season following the completion of the development. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. A 2.4 metre x 2.4 metre pedestrian visibility sight splay as measured from the highway boundary (or footpath boundary), shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the

safety and convenience of users of the highway and of the access and to support Local Transport Plan Policies: LD7, LD8.

7. No work associated with the construction of the dwellings 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 CM5 of the Carlisle District Local Plan 2015-2030.

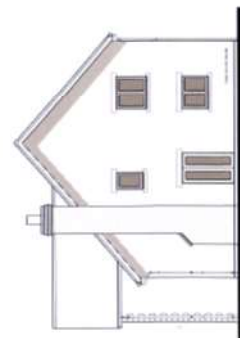
8. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

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

9. 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.

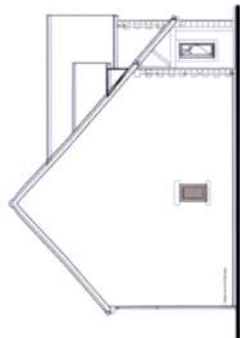
Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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



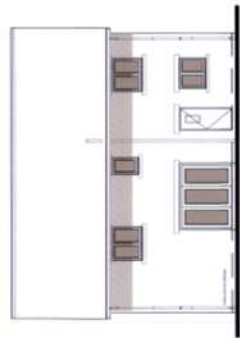
PROPOSED SIDE ELEVATION
PAGE 1



PROPOSED FRONT ELEVATION
PAGE 1



PROPOSED SIDE ELEVATION
PAGE 1



PROPOSED REAR ELEVATION
PAGE 1



PROPOSED FIRST FLOOR PLAN
PAGE 1



PROPOSED FIRST FLOOR PLAN
PAGE 1

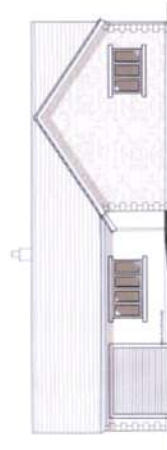


PROPOSED FIRST FLOOR PLAN
PAGE 2

NOTES: PROPOSED CONSTRUCTION
1. ALL EXTERIOR WALLS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.
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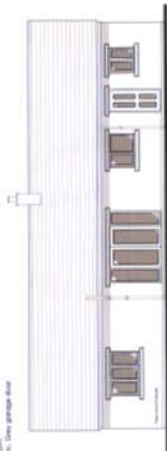
PROPOSED SIDE ELEVATION
PAGE 2



PROPOSED FRONT ELEVATION
PAGE 2



PROPOSED SIDE ELEVATION
PAGE 2



PROPOSED REAR ELEVATION
PAGE 2

Plan | Building Drawing Ltd.

161 Station Road, Colchester, Essex, CO1 1EP
01206 777777 | www.planbuildingdrawing.co.uk
PROPOSED CONSTRUCTION OF LAND ADJACENT TO 1600 COTTAGE, 87
LAWRENCE LANE, BUNCH OF WOODS, TO PROVIDE ONE THREE
BEDROOM BUNGALOW AND ONE FOUR BEDROOM HOUSE
FOR HIDDEN CONSTRUCTION.

DRAWING: PROPOSED FLOOR PLANS AND ELEVATIONS

SCALE: 1:100
DATE: 08/07/2018
DRAWN BY: NLS
CHECKED BY: NLS

RECEIVED
18/08/18

SCHEDULE A: Applications with Recommendation

18/1106

Item No: 07

Date of Committee: 07/06/2019

Appn Ref No:
18/1106

Applicant:
Mr Gearing

Parish:
Carlisle

Agent:
Robinson Drafting &
Design

Ward:
Currock & Upperby

Location: Land to rear of 5-8 Sewell Place, Carlisle, CA2 4QR

Proposal: Erection Of 1no. Dwelling

Date of Receipt:
19/12/2018

Statutory Expiry Date
13/02/2019

26 Week Determination
15/02/2019

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

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

2. Main Issues

- 2.1 The principle of development;
- 2.2 Whether the scale and design of the dwelling is acceptable and the impact on the character and appearance of the area;
- 2.3 The impact of the proposal on the living conditions of neighbouring residents;
- 2.4 Impact upon the highway network;
- 2.5 Landscaping;
- 2.6 Drainage;
- 2.7 Biodiversity;
- 2.8 Other matters.

3. Application Details

The Site

- 3.1 The application site is located on land to the rear of No. 5-8 Sewell Place. The site comprises of a rectangular parcel of land that measures

approximately 0.089 hectares in area formally used as allotments. The land is relatively flat and is wholly surrounded by two storey terraced properties with gardens that back onto the application site. Site boundaries comprise of a mixture of metal and timber fencing as well as hedgerows of various species and maturity. Access to the site is via an existing road which is positioned between No.s 4 and 5 Sewell Place.

- 3.2 The application site is currently vacant and has been cleared of various vegetative matter. The land to the north of the site (also previously used as allotments) has been granted planning permission for 1no. two storey dwelling and at the time of the officer site visit was currently under construction. The dwelling proposed under this application will share an access off Sewell Place with the previously approved dwelling to the north.

The Proposal

- 3.3 The application seeks full planning permission for the erection of 1no.detached dwelling. The submitted drawings illustrate that the proposed dwelling house will be located centrally within the plot with a driveway to the north and a patio/garden area to the south. The accommodation is to comprise of a lounge, hall, study/office, WC, utility, kitchen/dining room on the ground floor with 4 no.bedrooms (1 of which will be en-suite) and bathroom above.
- 3.4 The property will be constructed from rendered walls under a grey concrete tiled roof. Windows and doors will be anthracite UPVCdouble glazed units with rainwater goods in black UPVC.

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 16 neighbouring properties. No verbal or written representations have been received in response to the consultation undertaken.

5. Summary of Consultation Responses

Cumbria Constabulary - Community Safety Unit Liaison, North Cumbria BCU Headquarters: - no observations or comments;

Cumbria County Council - (Highways & Lead Local Flood Authority):
object to the application on the following two grounds:

The proposed access for the residential development would result in conflict of traffic movements with neighbouring properties taking into account existing boundary fences which impede visibility as well as the substandard width. Access is also further restricted by way of the designated parking area resulting in additional danger and inconvenience to all users of the highway. To support Local Transport Plan Policies LD7 and LD8.

The Local Highway Authority considers that the road(s) serving the proposed development are inadequate by reason of the following to accommodate the increase in traffic:

- a) sufficient width
- b) horizontal alignment
- c) structural stability
- d) other

To support Local Transport Plan Policies LD7 and LD8.

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: - no objection subject to the imposition of one condition ensuring that foul and surface water are drained on separate systems with surface water drained in accordance with the hierarchy of drainage options outlined in the NPPF.

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, IP2, IP3, IP4, IP6, CC5, GI3 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. Other material considerations are Supplementary Planning Documents adopted by the City Council, in particular 'Achieving Well Designed Housing' and 'Trees and Development'.
- 6.3 The proposal raises the following planning issues:

1. The Principle Of Development

- 6.4 Policy HO2 "Windfall Housing Development" recognises that new housing development will be acceptable within or on the edge of Carlisle as long as it does not prejudice the delivery of the spatial strategy of the Local Plan and subject to a number of criteria. With regards to the spatial strategy, a proposal of this scale would not prejudice other housing allocations within Carlisle coming forward and therefore its compatibility with the criteria of Policy HO2 needs to be considered.
- 6.5 The site is located within the urban area of Carlisle and is identified as being located within a primary residential area under the proposal maps which accompany the Carlisle District Local Plan. In such circumstances the principle of the proposal is acceptable. Issues such as scale/design etc are discussed below:

2. Whether The Scale And Design Of The Dwelling Is Acceptable And The Impact On The Character And Appearance Of The Area

- 6.6 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and, optimise the potential of the site to accommodate and sustain the appropriate mix of development. Paragraph 130 of the NPPF states that 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Paragraph 131 goes on to confirm that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 6.7 Policy HO2 of the CDLP seeks to ensure that new housing development is appropriate to the scale, form, function and character of the settlement. Policy SP6 "Securing Good Design" requires that development proposals should harmonise with the surrounding buildings respecting their form in relation to height, scale, massing and established street patterns, and, by making use of appropriate materials and detailing.
- 6.8 The proposed dwelling will be a two storey property constructed from rendered walls, anthracite UPVC windows and doors under a grey concrete tiled roof. A kitchen/dining room, lounge, hall, WC, utility and study/office will be provided on the ground floor with 4 bedrooms (1 of which will be an en-suite) and bathroom above.
- 6.9 The dwelling will sit on an elongated plot and will be orientated north-south. Existing hedgerows along site boundaries will be retained with new concrete post and timber panel fencing along the rear boundaries of the site as well as a brick wall across the site frontage. The proposal will provide incurtilage parking and turning with vehicular access via an existing road between Nos.4 and 5 Sewell Place.
- 6.10 The surrounding area is characterised by two storey terraced properties constructed from brick or rendered walls under slate roofs. The materials for the detached dwelling to the north of the site, currently under construction, are to comprise of brick/rendered walls under a grey tiled roof. The materials for the proposed dwelling would therefore correspond with the built form of the surrounding area.
- 6.11 Although the footprint of the dwelling would be much larger than the existing

residential properties that surround the site it is appreciated that the proposed dwelling sits on a larger plot compared to that of its neighbours. The size of the dwelling is commensurate to the size of the plot and the two storey dwelling house would not appear intrusive within the existing street scene particularly given the limited public views of the development due to the existing built form of the area.

- 6.12 Overall it is considered that the design of the dwelling is appropriate to the site and would not have a detrimental impact upon the existing street scene or the visual character of the area.

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

- 6.13 Policy SP6 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 HO2 also confirms that proposals should be compatible with adjacent land users.
- 6.14 The City Council's SPD 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).
- 6.15 The proposed layout has been configured as to achieve the minimum distances between primary windows as outlined in the City Council's SPD. In such circumstances the proposed scheme would not lead to problems associated with loss of privacy or over shadowing/loss of light.
- 6.16 It is recognised that the proposal would lead to increases in noise and disturbance from the site being brought back into use however, given the former use of the site as allotments and when viewed in the context of the neighbouring residential uses it is not considered to be of a scale or form that would warrant refusal of permission.

4. Impact Upon The Highway Network

- 6.17 Vehicular and pedestrian access to the site will be via an existing single track access road located between Nos. 4 and 5 Sewell Place situated to the north-east of the turning head to Sewell Place. Incurtilage parking and turning will be provided within the application site itself.
- 6.18 It is evident from the Officer site visit that in order to utilise the existing access

at the top of the turning head to Sewell place one would have to drive over an existing parking area located at the top of the turning head. The existing parking area is however also located in front of the access drives to No.s 5- 8 Sewell Place therefore existing residents will also have to drive over the parking area in order to access their own incurtilage parking facilities.

- 6.19 The relevant Highway Authority has been consulted on the application and has objected to the application on the basis that the proposed access for the residential development would result in conflict of traffic movements with neighbouring properties taking into account existing boundary fences which impede visibility as well as the substandard width. They are also of the opinion that the access is further restricted by way of the designated parking area resulting in additional danger and inconvenience to all users of the highway.
- 6.20 The Highway Authority also considers that the road serving the development is inadequate to accommodate the increase in traffic by reason of sufficient width, horizontal alignment and structural stability.
- 6.21 In relation to the objections raised by the Highway Authority it is noted that a previously approved application for a dwelling on the remainder of the former allotment land, to the north of the application site (reference 17/0136), was to also utilise the access road via the top of the turning head to Sewell Place. Application 17/0136 was accompanied by a Transport Statement (TS) which confirmed that Sewell Place is a single carriage way minor residential cul-de-sac with two-way directional traffic with a typical width of 7m. The road is subject to a 20mph speed limit with footways and street lighting provided along both sides of the carriage way. A number of properties within Sewell Place have informal driveway provision with further opportunities to park on street.
- 6.22 In consideration of application 17/0136 the TS went onto state that the layout of the existing access at the top of the turning head would not change and will remain as safe as the former use of this access point was by motorised vehicles and pedestrians gaining access to the allotments. The TS confirmed that there was the potential for a slight increase in vehicle movements although it is unlikely to be in excess of 2-4 movements per day for a 3 bedroomed dwelling. The TS stated that the layout of the existing access road between Nos. 4 and 5 Sewell Place is consistent with the majority of driveway accesses and the 45 degree angle of the access to the proposed development has a greater visibility splay than a standard driveway sitting perpendicular to the road with fences on either side abutting the footway.
- 6.23 The TS for application 17/0136 went onto confirm that the means of access to the dwelling house was via the existing vehicular access to the former allotments which has a right of way that is required to be maintained. The TS confirmed that there is no traffic regulation order defining the section at the top of the turning head at Sewell Place as a parking area. Access rights to the site of the former allotments should be protected at all times, this should be the case for any location which involves rights of access and car parking should not be promoted in locations where stationary vehicles would prevent access. The TS confirmed that the use of the existing access between Nos. 4

and 5 Sewell Place as a driveway for a single dwelling would be likely to create an average of 3 vehicular trips per day. The nature of Sewell Place as a residential cul-de-sac could accommodate such increases in traffic.

- 6.24 The TS concluded that in NPPF terms any effects of a proposed development in highway terms need to be severe in order for a refusal to be recommended. The TS confirmed that the level of additional traffic for the dwelling house proposed for 17/0136 would have a immaterial impact upon the users of Sewell Place as a public highway which in no means could be considered to be severe. The relevant Highway Authority agreed with the conclusions of the TS submitted for 17/0136 and planning approval was subsequently granted.
- 6.25 In relation to the above the principle of the utilisation of the existing access road between No.s 4 and 5 Sewell Place to serve a single dwelling to the north of the application site has therefore been considered acceptable under application 17/0136 and subsequent revised applications for the same site. The main issue therefore to consider under the current application is whether the proposal would lead to a substantial intensification of the use of the existing vehicular access and whether this would have an adverse impact upon highway safety. This assessment is to be made in line with paragraph 109 of the NPPF which states that *"development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"* and Policy IP2 "Transport and Development" of the CDLP which also confirms that development which will cause severe issues which cannot be mitigated will be resisted.
- 6.26 The relevant Highway Authority has stated that the proposed layout of the existing access would not allow for visibility of either the vehicle wishing to exit or enter and the addition of another dwelling utilising the access will therefore double the number of vehicles and therefore the risk. The Highway Authority has confirmed that the risk of two cars meeting on the drive itself and having to reverse is not really an issue, it is the real potential for this to happen when pedestrians are using the highway/foot way. In relation to the objections raised it is appreciated that the access via the top of the turning head to Sewell Place is existing and was previously used as a pedestrian/vehicular access to allotments. The use of the existing access to serve 1no.dwelling has been previously accepted by the Highway Authority therefore matters of the width of the access road, visibility, structural stability etc to serve 1no.dwelling have all been assessed and established as acceptable. If Members were to refuse the current application, the fall back position for the use of the application site is allotments which would generate significantly more pedestrian and vehicular movements to and from the site than the use of the site for 1no.dwelling. It is therefore not considered that the proposal would have a significant detrimental impact upon highway safety, over and above what could take place as existing, to warrant refusal of the application on this basis. A relevant condition has been imposed within the Decision Notice ensuring that the incutillage parking/turning areas are provided prior to occupation of the dwelling.

5. Landscaping

- 6.27 The submitted block plan illustrates that the boundaries of the site will be delineated by a combination of existing hedgerows and new timber fencing. These are acceptable means of boundary treatment. The submitted block plan shows that hard surfaces within the site will be kept to a minimum with the remainder left over as garden area.
- 6.28 To protect the existing hedgerows that are to remain a relevant condition has been imposed within the Decision Notice ensuring that hedgrow protection barriers are in situ during construction works.

6. Drainage

- 6.29 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.
- 6.30 It is proposed that foul and surface water is connected to mains drainage. United Utilities (UU) has been consulted on the proposed development and has raised no objection subject to the imposition of one condition ensuring that foul and surface water are drained on separate systems with surface water drained in accordance with the hierarchy of drainage options outlined in the NPPF.
- 6.31 In relation to the above it is not considered that the proposal raises any drainage issues. Relevant conditions have however been imposed within the Decision Notice requesting full details of the drainage methods proposed.

7. Biodiversity

- 6.32 The Councils GIS Layer has identified that the site has the potential for a range of species to be present. From the Officer site visit it was evident that the site does not contain any significant landscape features. In such circumstances the proposed development is unlikely to harm a protected species or their habitat. However an Informative has been included within the Decision Notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

8. Other Matters

- 6.33 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".

- 6.34 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.
- 6.35 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

- 6.36 To conclude, the principle of the development of the site for housing is acceptable as the application site is located within a primary residential area and a sustainable location. The scale and design of the dwelling is acceptable and would not have a harmful impact upon the existing street scene. The proposed development will also 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 biodiversity. Whilst the Highway Authority has objected to the application for the reasons outlined in paragraphs 6.17-6.26 it considered on balance that the proposal will not have a significant adverse impact upon highway safety over and above what could take place at present to warrant refusal of the application on this basis. Overall, the proposal is compliant with the objectives of the relevant Development Plan and approval is recommended.

7. Planning History

- 7.1 In 2016 an application was submitted seeking full planning permission for the erection of 1no.dwelling on land to the north of the site. The application was however withdrawn prior to determination (reference 16/0708).
- 7.2 In 2017 full planning permission was granted for the erection of 1no.dwelling on land to the north of the site (revised application, 17/0136);
- 7.3 In 2018 a full planning application was approved for the erection of 1no.dwelling on land to the north of the site (revised application, reference 18/0617);
- 7.4 In 2018 a discharge of conditions application was submitted for the discharge of conditions 3 (materials); 4 (hard surface finishes); 6 (floor levels); 7 (surface water drainage); 8 (foul water drainage) and 12 (surface water) of previously approved application 18/0617 (reference 18/0617).

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 12th December 2019;
2. the site location plan and block plan received 14th February 2019 (Drawing No. RDD-135-18-001 Rev D);
3. the proposed floor plans and elevations received 12th December 2018 (Drawing No. RDD-135-18-002);
4. the Notice of Decision; and
5. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling shall be submitted to and approved in writing by the local planning authority before any site works commence. The dwelling shall then be constructed in accordance with the approved details.

Reason: To ensure that the development respects the visual amenity of the area. In accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

4. Prior to the commencement of any development, a surface water drainage scheme, including a sustainable drainage management and maintenance plan for the lifetime of the development, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall then be installed in accordance with the approved details.

In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

For the avoidance of doubt surface water shall be drained on separate systems.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the

Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

5. Prior to the commencement of any development full details of the proposed foul drainage methods shall be submitted to and approved in writing by the local planning authority. The foul drainage shall then be installed in accordance with the approved details.

Reason: To ensure that adequate drainage facilities are available.

6. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 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 CM5 of the Carlisle District Local Plan 2015-2030.

7. Prior to the first use on site samples or full details of materials to be used externally on the building shall be submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. the dwelling shall then be constructed in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

8. Prior to the first use on site details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority. All hard surface materials laid shall then be constructed in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

9. 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.

10. 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.

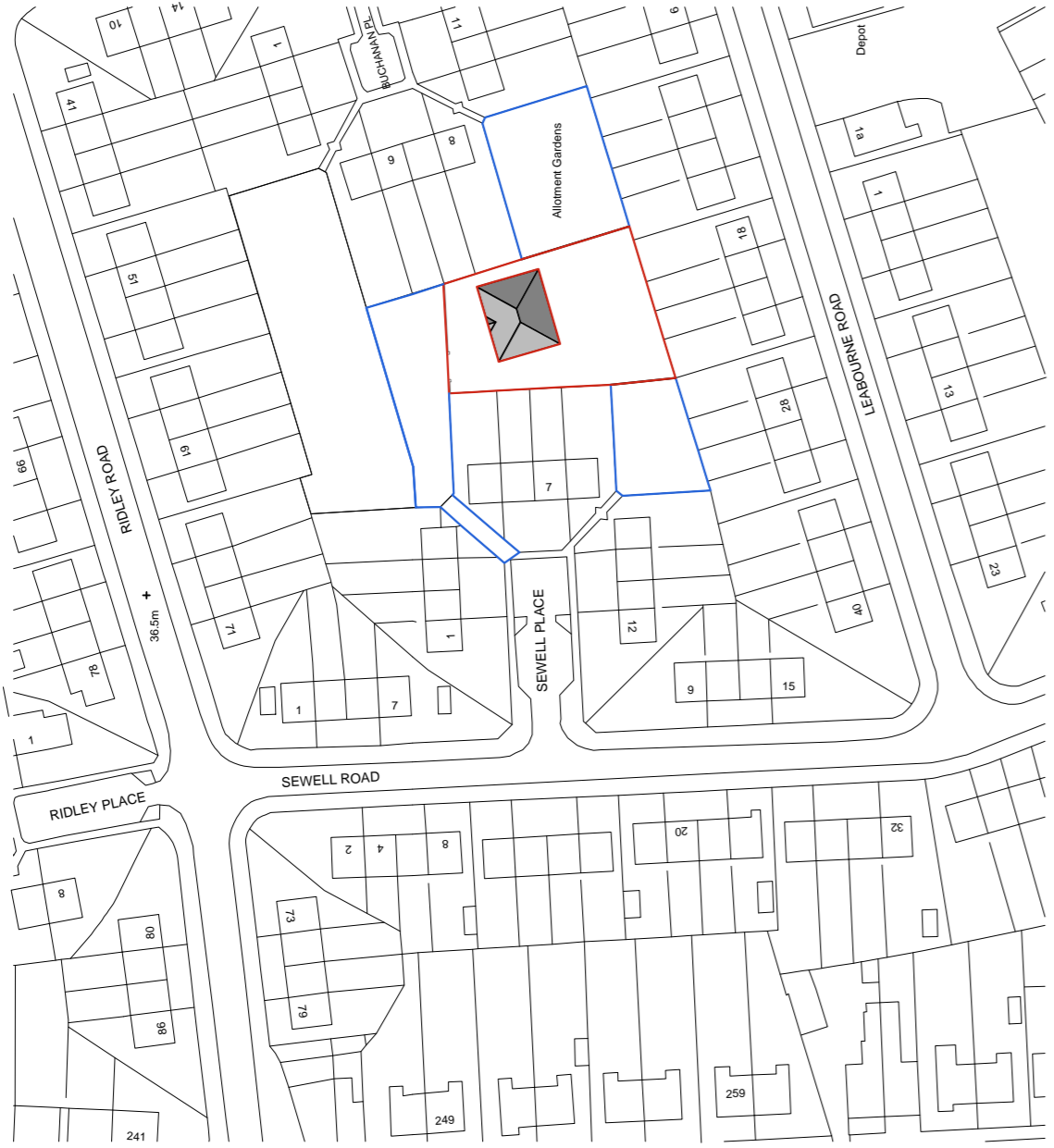
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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

11. 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: 2005 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.

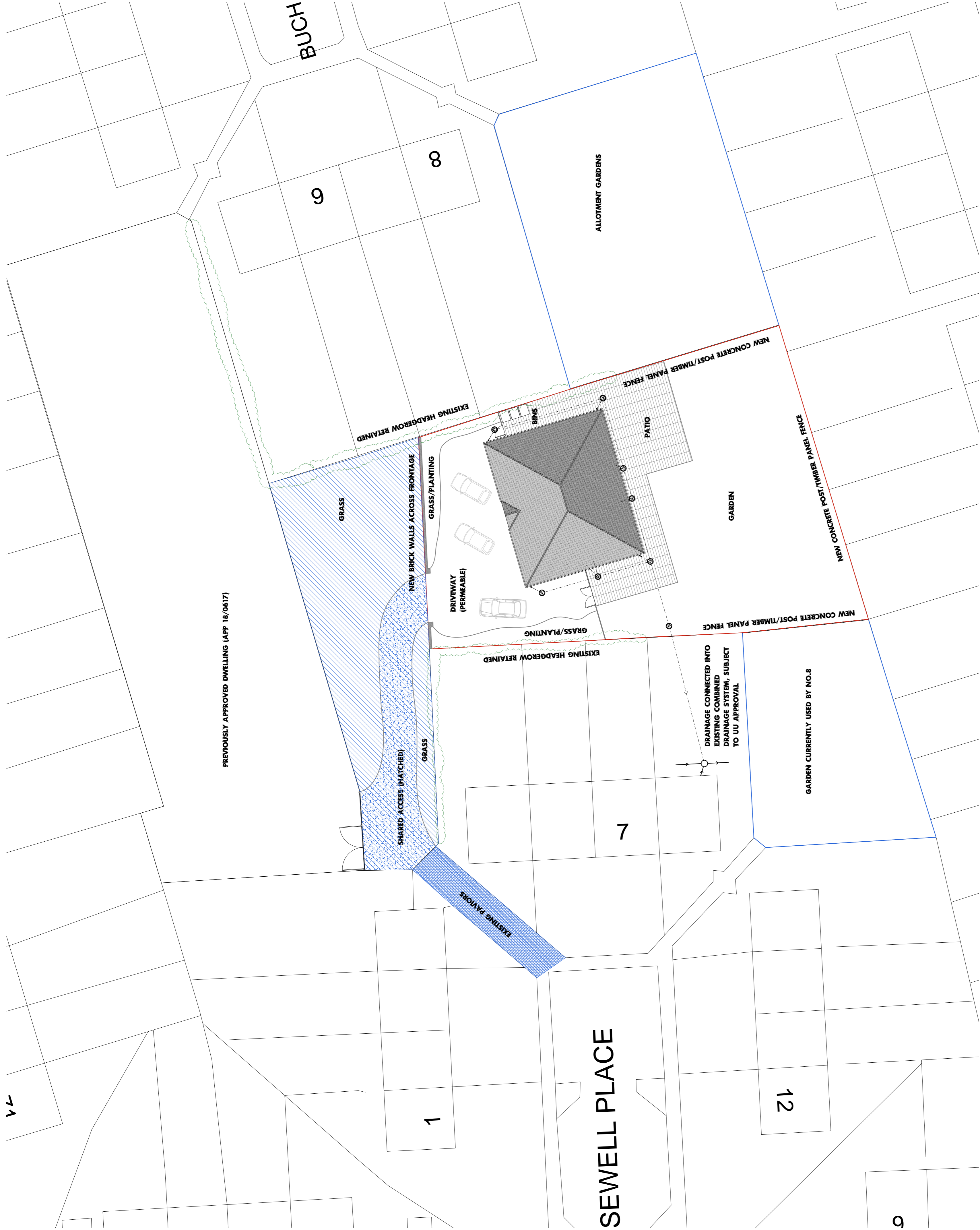
12. The development shall not be occupied until the access, turning and parking facilities have been constructed in accordance with the approved plan. The access and turning provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the local planning authority.

Reason: In the interests of highway safety. In accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.



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LOCATION PLAN 1:1250



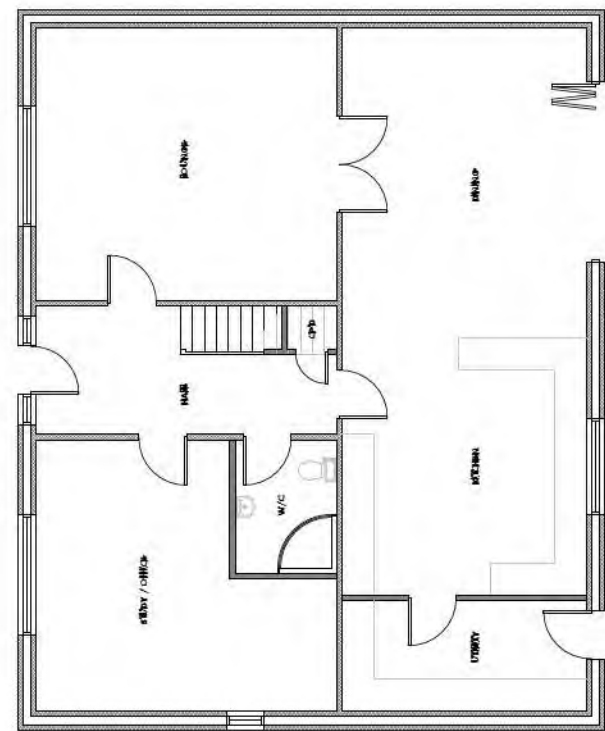
BLOCK PLAN 1:200

D - ACCESS ARRANGEMENT AMENDED - 14.02.2018
C - HARD SURFACING REDUCED, DRAINAGE DETAILS AMENDED - 10.02.2018
B - HARD SURFACING REDUCED, SURFACE WATER DRAINAGE ADDED - 23.01.2018
A - LOCATION PLAN SCALE AMENDED - 17.12.2018

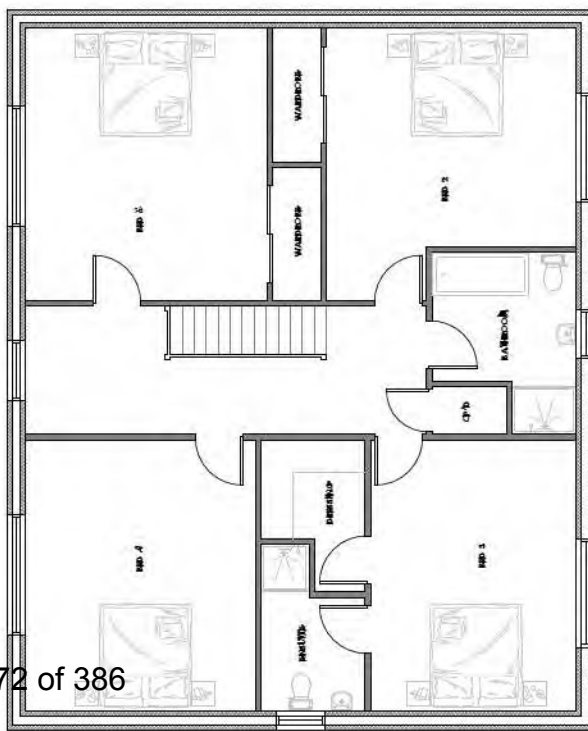
ROBINSON
DRAFTING & DESIGN
25A, BRIDGE STREET, LONGTOWN, CUMBRIA, CA5 3UB
TEL: 01228 791944
MOB: 07793286138
EMAIL: ROBINSONDRAFTINGANDDESIGN@GMAIL.COM
WEB:

LOCATION
L/A SEWELL PLACE, CARLISLE

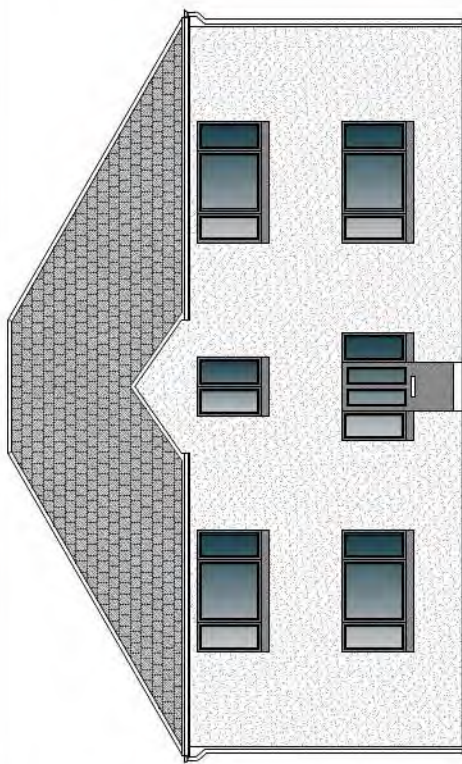
DATE	PROJECT	PROPOSED DWELLING
DEC. 2018	S. ROBINSON	PROPOSED DWELLING
JOB NUMBER	RDD-135-18	ISSUE
SCALE	AS NOTED	PLANNING
PAPER	A1	PROPOSED SITE & BLOCK PLAN
REVISION	A B C D	



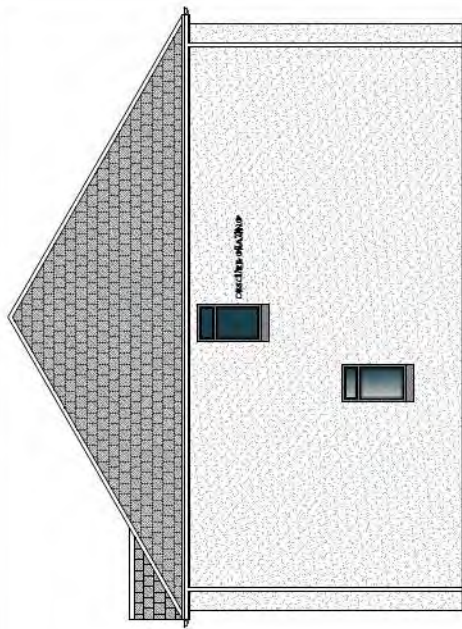
PROPOSED GROUND FLOOR PLAN 1/60



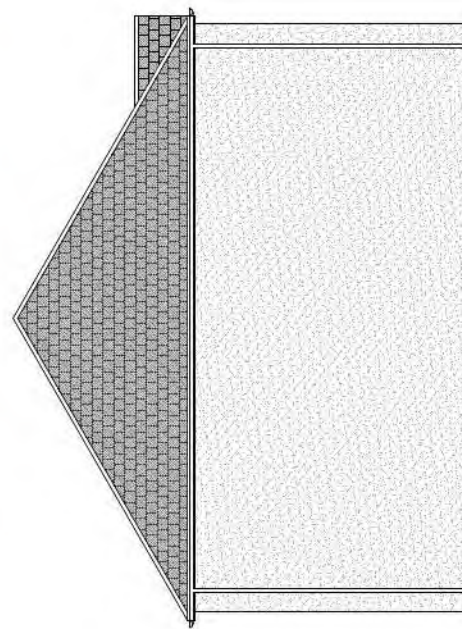
PROPOSED FIRST FLOOR PLAN 1/60



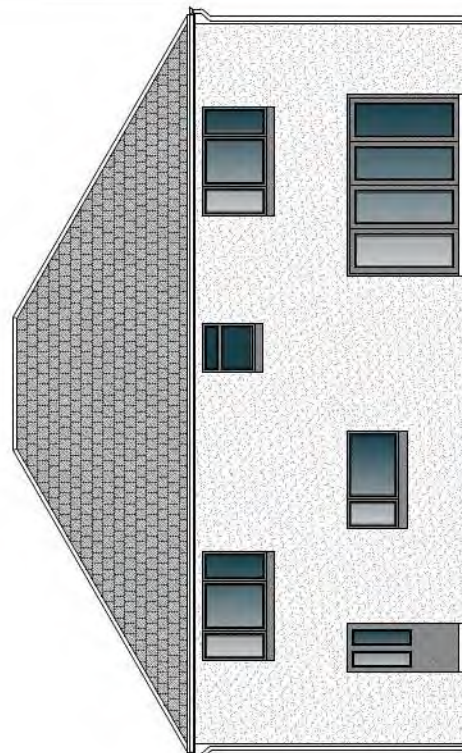
PROPOSED FRONT ELEVATION 1/60



PROPOSED SIDE ELEVATION 1/60

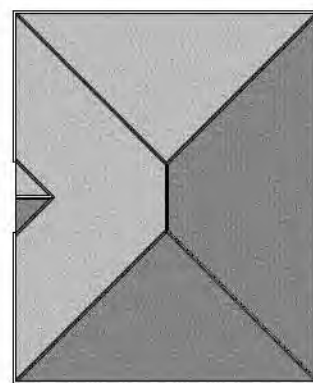


PROPOSED SIDE ELEVATION 1/60



PROPOSED REAR ELEVATION 1/60

PROPOSED FINISHES
 WALLS - PLASTER
 FLOORS - CARPET
 ROOFS - GABLE
 WINDOWS - ALUMINUM
 DOORS - ALUMINUM
 KITCHEN - ALUMINUM
 BATHROOMS - ALUMINUM
 PORCHES - ALUMINUM
 STAIRS - ALUMINUM
 BASEMENTS - ALUMINUM
 ROOFS - GABLE
 ROOFS - GABLE



PROPOSED ROOF PLAN 1/60

ROBINSON DRAFTING & DESIGN		1111 WILSON STREET, CHICAGO, ILLINOIS 60642 TEL: (773) 334-1111 WWW.ROBINSONDRAFTING.COM	
DATE	PROJECT	PROPOSED DWELLING	
DEC. 2018	S. ROBINSON	RDD-135-18-002	
BY	DATE	DATE	DATE
AS NOTED	AS NOTED	AS NOTED	AS NOTED
A1	A1	A1	A1
PROPOSED PLANS & ELEVATIONS			

SCHEDULE A: Applications with Recommendation

19/0101

Item No: 08

Date of Committee: 07/06/2019

Appn Ref No:
19/0101

Applicant:
Mr J Hore

Parish:
Burtholme

Agent:

Ward:
Irthing (Abolished
07/05/2019)

Location: Land opposite Pine Grove, Walton, Bampton, CA8 2JW

Proposal: Change Of Use Of Agricultural Land Together With Siting Of 3no. Yurts
For Holiday Accommodation Together With 3no.
Shower/Washroom/Kitchen Blocks; Improvements To Existing Access

Date of Receipt:
22/02/2019

Statutory Expiry Date
19/04/2019

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Principle Of Development
- 2.2 Whether The Scale And Design Is Acceptable
- 2.3 Impact Of The Proposal On The Character Of The Area
- 2.4 Impact Of The Proposal On Highway Safety
- 2.5 Impact On The Occupiers Of Nearby Residential Properties
- 2.6 Method For Disposal Of Foul and Surface Water
- 2.7 Impact Of The Proposal Biodiversity

3. Application Details

The Site

- 3.1 The application site comprises of a 0.17 hectare parcel of land that is currently in agricultural use. The rectangular parcel of land is located to the

south-east of Pine Grove, which is one of four properties located adjacent to the C1029 Garthside to Walton Woodhead road, 3.4 kilometres (2.11 miles) north-east of Walton. The application site lies on the opposite side of the road and is surrounded on the remaining three sides by open countryside.

- 3.2 The land slopes gently from north-west to south-east. The frontage and eastern flanks are bounded by an established hedgerow with several mature trees. The western boundary comprises of a stock fence. An existing vehicular access is located in the north-east corner of the site.

The Proposal

- 3.3 This application seeks planning permission to change the use of the land to facilitate the development for holiday accommodation. The proposal would utilise the existing vehicular access to the land. Within the site, it is further proposed to form a hardstanding area close to the entrance with a small utility building providing a toilet and shower facility adjacent to the northern boundary. Further within the site, it is proposed to site three yurts, each being 5.4 metres in diameter.
- 3.4 The existing drainage within the field would be upgraded and a soakaway formed to accommodate the grey water from the site. The existing land drains would be used to transfer the rain water runoff from the site to the existing ditch.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of three of the neighbouring properties. In response, no representations have been received.

5. Summary of Consultation Responses

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

Highway Authority

No objection subject to the imposition of planning conditions which require the access drive to be surfaced, access gates to open inwards, reduction of boundary hedge to 1.05 metres, prevention of surface water discharging onto the highway and completion of the access prior to the development being brought into use.

There are some concerns regarding the width of the C1029 that the private site joins. The Highway Authority has measured it as approximately 4.8m wide which usually is wide enough for a minor development such as this one. However it is noted that Kingwater Equestrian Centre is opposite the proposed site which will mean that the C1029 is regularly used by large vehicles, trailers and horse boxes. It would be recommended that the

applicant provides passing places on this road to safely accommodate all road users.

Any works within the Highway must be agreed with the Highway Authority.- No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team.

Lead Local Flood Authority (LLFA)

The LLFA surface water maps show that the site is very close to an area of flooding and indicates that a 0.1% (1 in 1000) chance of flooding occurring close to the site each year.

The development site is within 20m of an ordinary water course; the applicant should contact the LLFA for any of the works which may affect the ordinary watercourse for information and guidance;

Burtholme Parish Council: - no response received;

Local Environment - Environmental Protection: - on completion of the planning application, if accepted the site owner would need to apply for a Caravan Site Licence under Caravan Control and Development Act 1960 before any commercial use of the site;

Cumbria Constabulary - Community Safety Unit Liaison: - no comment.

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, EC9, EC10, EC11, IP3, CC4, CC5, CM5, HE1, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The proposal raises the following planning issues.

1. Principle Of Development

- 6.3 Within the NPPF there is a presumption in favour of sustainable development. Paragraph 7 requires that:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without

compromising the ability of future generations to meet their own needs.”

- 6.4 Paragraph 8 continues and identifies that to achieve sustainable development there are three overarching objectives. Paragraph 10 states “*so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).*”
- 6.5 The location of this type of operation in the rural area must also be justified. Policy SP2 of the local plan requires that development proposals will be assessed against their ability to promote sustainable development. Outside of the specified settlements, development proposals will be assessed against the need to be in the location specified.
- 6.6 This proposal involves the change of use of land to provide holiday accommodation. Policy EC11 of the local plan states that any new buildings within the rural area should be well related to an existing group of buildings to minimise their impact and ensure they blend satisfactorily into the landscape through suitable materials, design and siting and these matters are considered in the following paragraphs of this report.
- 6.7 Paragraph 83 of the NPPF states that:
- “Planning policies and decisions should enable:*
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
 - b) the development and diversification of agricultural and other land-based rural businesses;*
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

6.8 The Framework continues in paragraph 84 that:

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

6.9 Whilst the preferred location for new development will be in existing settlements, changes in agriculture over recent decades have 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 business and enterprise in rural areas.

- 6.10 Policy EC11 of the local plan highlights that development proposals which 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 buildings 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. These aims are reiterated in Policies EC9 and EC10 of the local plan both of which supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside.

- 6.11 Specifically in Policy EC9, it is stated that:

“Hadrian’s Wall World Heritage Site (WHS) is a major attraction for tourism and proposals for new tourism development which are sustainable and aim to promote the enjoyment and understanding of the WHS whilst meeting the above criteria will be permitted.”

- 6.12 With such applications, a balance must be struck between allowing development that is sufficiently well related but is not so close that it has an adverse impact on the character or setting of the WHS. The application site is in close proximity to Hadrian’s Wall, being approximately 2.04 kilometres (1.27 miles) to the north when travelling along the County highway.
- 6.13 Within the immediate vicinity, there is a network of public rights of way. Further to the south, is National Cycle Network – National Route 72 (Hadrian’s Cycleway) which follows the line of the Roman frontier for 280 kilometres (174 miles) from Ravenglass to South Shields.
- 6.14 The site is sufficiently well related to national and local cycleways and public rights of way and would provide a positive contribution to the facilities along the WHS. Accordingly, the principle of development is acceptable.

2. Whether The Scale And Design Is Acceptable

- 6.15 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.
- 6.16 The height of the yurts would be three metres which would be proportionate to the diameter of the structures. The shower and toilet block located adjacent to the front boundary of the site, would largely have a footprint of 2.4 metres in width by 1.04 metres extending to 2.5 metres at the highest point. The structure would be timber clad. A hard surface would be laid adjacent to the access to form a parking area and existing landscape features bounding the site would be retained.

- 6.17 The location, scale and design of the yurts would be acceptable with adequate parking and access achievable. In overall terms, the scale and design of the yurts and cabin would not form a discordant feature within the landscape. Furthermore, the use of natural materials would soften overtime, thereby, mitigating for any perceived visual impact.

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

- 6.18 The Cumbria Landscape Character Guidance and Toolkit (March 2001) identifies that the site falls within the Cumbria Landscape Character Sub-Type 6 'Intermediate Farmland'. The toolkit advises that key characteristics of this landscape are: transitional farmland between the lowland and upland landscapes; extensive areas of improved pasture with some arable farming; planned villages with greens displaying topographical and archaeological evidence of their medieval origins; in parts the landscape is dissected by the deeply incised or open river valleys; wooded valleys and ghylls; and sandstone and limestone vernacular.
- 6.19 The guidelines of the toolkit, seeks to:
- encourage farm diversification where it will benefit the landscape and economy;
 - ensure new development respects the variable scale and character of the landscape, creates focal spaces and is also well related to distinctive built forms. This should help protect and enhance historic stone built villages with distinctive nuclear or linear forms;
 - introduce appropriate roadside planting to frame long distance views of fells and estuary and improve visual awareness of the individual settlements, land uses, and cultural landmarks along each road and provide locations for stopping, viewing and picnicking.
- 6.20 The proposal seeks permission for the siting of three yurts on a gently sloping site that is at a lower level than the County highway. Whilst there would be some open views of the structures, particularly when approaching from the south-west, to a degree these would be viewed against the backdrop of the hedgerow and in the context of the residential properties and agricultural structure on the opposite side of the road. Whilst there would be public viewpoints of the development, given the scale and nature of the development, the proposal is unlikely to have a significant detrimental impact on the character of the area.

4. Impact Of The Proposal On Highway Safety

- 6.21 Although the development is well related to national and local cycle and public rights of way networks and is accessible by a variety of means of transport, account also needs to be taken and facilities provided for vehicles accessing the site. Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway.

- 6.22 Vehicular access to the site would be via a gateway from the County highway with adequate parking achievable within the site. A plan has also been provided showing the appropriate visibility splays when exiting the site.
- 6.23 Cumbria County Council as Highway Authority has responded to the revised plans and raised no objections subject the imposition of several highway conditions. In particular, a condition is recommended in relation to the applicant submitted details of a scheme preventing surface water discharging onto the highway. Whilst this is a standard condition, in relation to the circumstances of this site, the land falls down away from the highway and the site is separated by a ditch and as such, the condition is not considered to be reasonable. Instead, it has been suggested that the Highway Authority consider whether the following condition would be more appropriate:

“In the event that surface water discharges onto the highway from the development site hereby approved, details of all measures to be taken by the development to prevent continued surface water discharging onto or off the highway shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within six months of the decision and shall be maintained operational thereafter.”

- 6.24 In addition, the Highway Authority has suggested that the applicant provide a series of passing places due to the proximity of the Kingwater Equestrian Centre. This building has not been in use as an equestrian centre for a significant period of time and planning permission was granted in 2015 for its change of use to agriculture which was subsequently implemented. As such, it is not considered proportionate or reasonable to provide passing places based on this together with the nature of the proposed use. The Highway Authority has been asked for their further views which will be reported at the meeting.
- 6.25 On this basis, however, it is considered unlikely that the proposal will have a detrimental impact on highway safety and would be acceptable.

5. Impact On The Occupiers Of Nearby Residential Properties

- 6.26 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusiveness.
- 6.27 The nearest property would be approximately 26 metres to the north from the boundary of the site. Given the orientation of the application site and the proposed development within it, the neighbouring occupiers would not suffer from an unreasonable loss of daylight or sunlight and due to the siting, scale and design of the property the development would not be over-dominant.
- 6.28 The nature of the use is unlikely to give rise to issues about noise and disturbance and in this respect, the proposal is acceptable.

6. Method For Disposal Of Foul and Surface Water

- 6.29 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 supporting Impact/ Access Statement details that due to the nature of the toilet system, no foul drainage connection is required and the foul waste will be emptied manually.
- 6.30 The surface water would be dealt with by means of a soakaway and existing, albeit upgraded, field drains which flow into a watercourse. These details are acceptable in the hierarchy of drainage arrangements outlined in the NPPF and local plan policies.

7. Impact Of The Proposal Biodiversity

- 6.31 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, cc.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.32 The City Council's GIS layer did identify the potential for protected species to be present on the site or within the immediate vicinity. Given that the proposal involves minor development on a small piece of agricultural land, it is unlikely that the proposal would affect any species identified; however, an informative will be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

Conclusion

- 6.33 In overall terms, the principle of development is acceptable in this location which would continue to contribute to and strengthen the economy in rural areas by supporting the sustainable growth and expansion of all types of business and enterprises.
- 6.34 The location, scale and design of the development is appropriate to the character of the area with adequate access and parking achievable. The proposed foul and surface water drainage methods are acceptable.
- 6.35 The proposal would not adversely affect the living conditions of the occupiers of neighbouring residential properties through loss of daylight, overshadowing, loss of privacy or high levels of noise and disturbance.
- 6.36 Furthermore, no issues in respect of biodiversity are raised and in all aspects, the proposal accords with the objectives of the NPPF, PPG and relevant local plan policies.

7. Planning History

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

8. Recommendation: Grant Permission

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

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

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

1. the Planning Application Form received 6th February 2019;
2. the Site Location Plan received 20th February 2019;
3. the Block/ Site Plan received 14th May 2019;
4. the Drainage Plan received 14th May 2019;
5. the Visibility Splay received 14th May 2019;
6. the Toilet & Shower Block received 22nd February 2019;
7. the Yurt Site Burthinghurst 5.8 M received 13th May 2019;
8. the Planning Statement received 6th February 2019;
9. the Impact/ Access Statement received 6th February 2019;
10. the Access Addendum received 13th May 2019;
11. the Notice of Decision;
12. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. The premises shall be used for let holiday accommodation and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

4. The premises shall not be used as a second home by any person, nor shall it be used at any time as a sole and principal residence by any occupants.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in

accord with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

5. The manager/owner shall keep a register to monitor the occupation of the holiday unit subject of this approval. Any such register shall be available for inspection by the local planning authority at any time when so requested and shall contain details of those persons occupying the holiday unit, their name, normal permanent address and the period of occupation

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

6. 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 occupied.

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

7. Access gates, if provided, shall be erected to open inwards only away from the highway, be recessed no less than 4.5 metres as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

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

8. An existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05 metres above the carriageway level of the adjacent highway before the development is brought into use and shall not be raised to a height exceeding 1.05 metres thereafter.

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

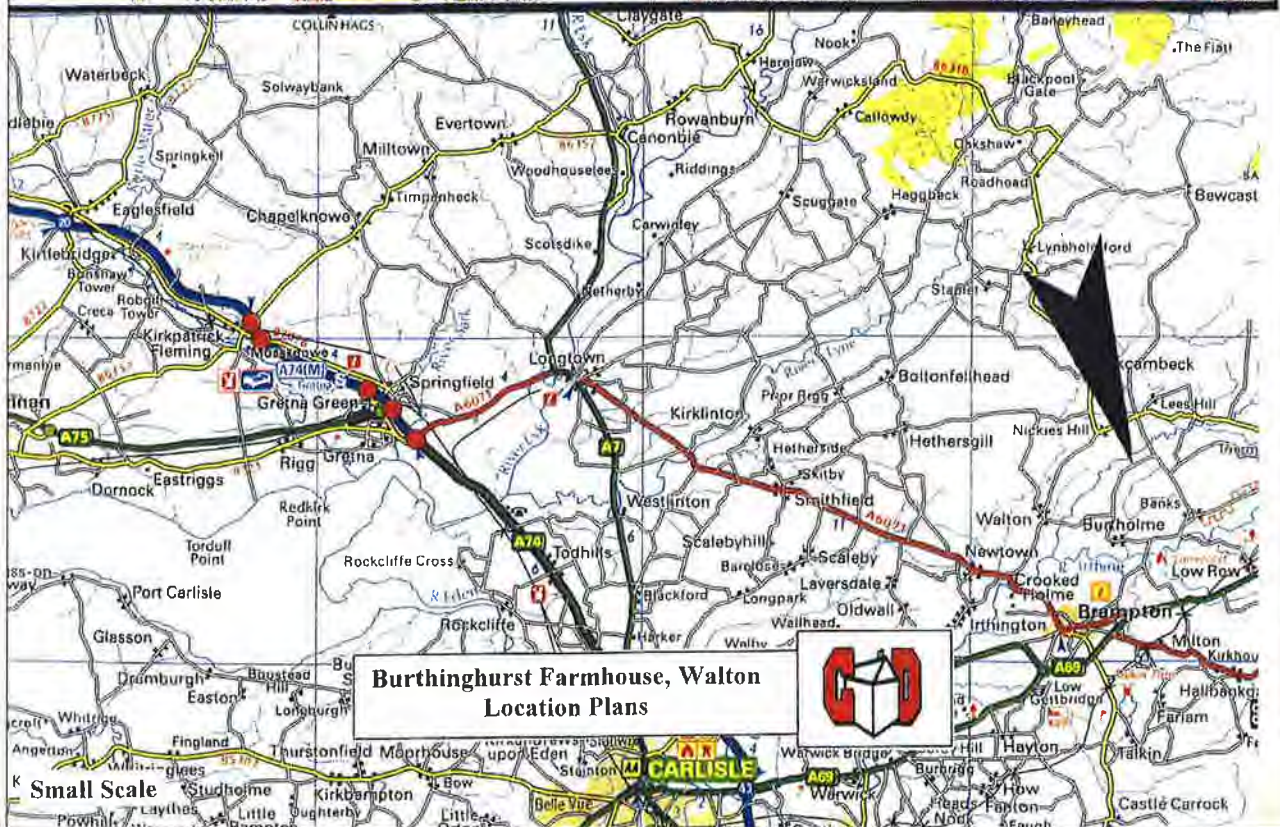
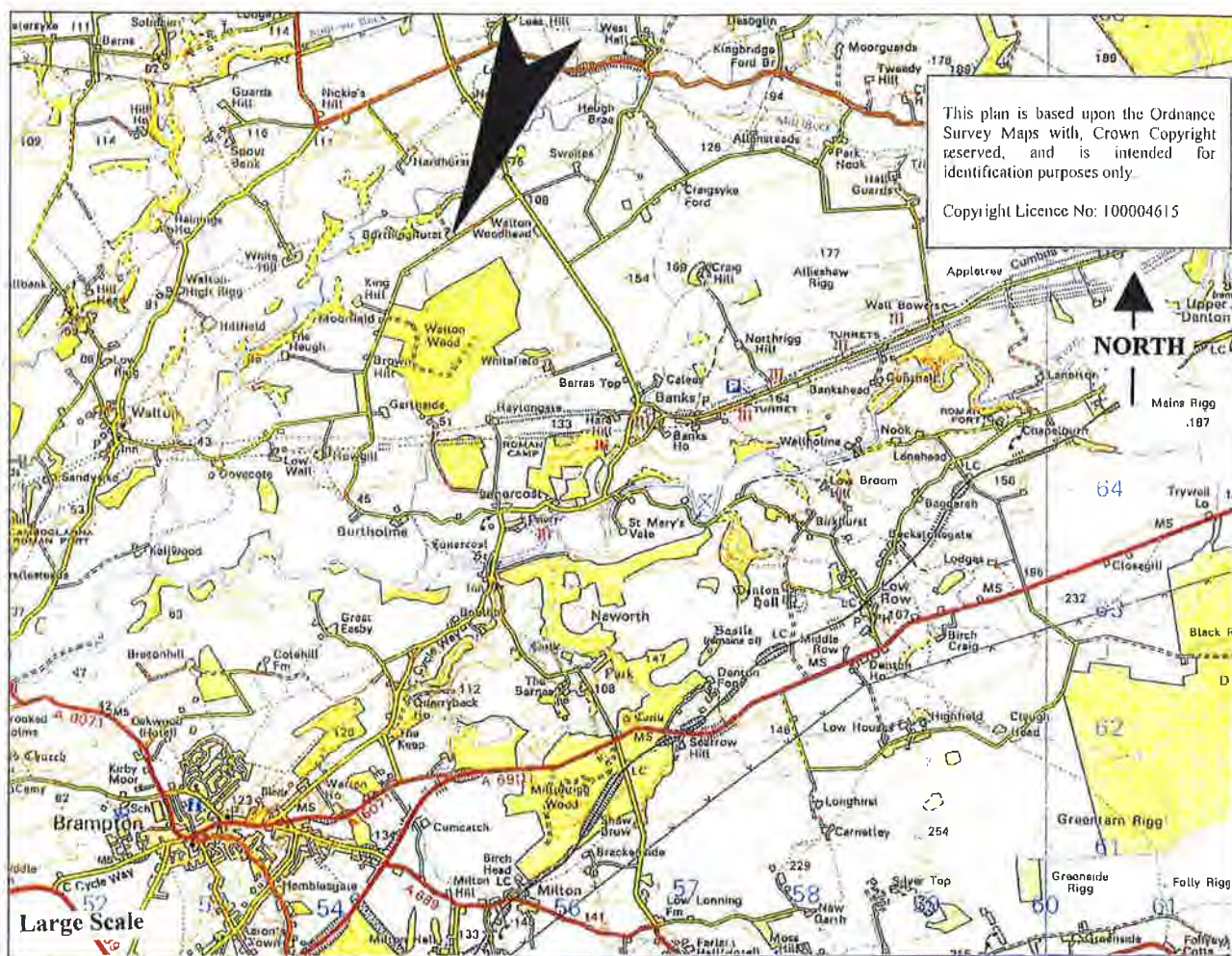
9. The development shall not be occupied until the access, turning and parking facilities have been constructed in accordance with the approved plan. The access and turning provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior written consent of the local planning authority.

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

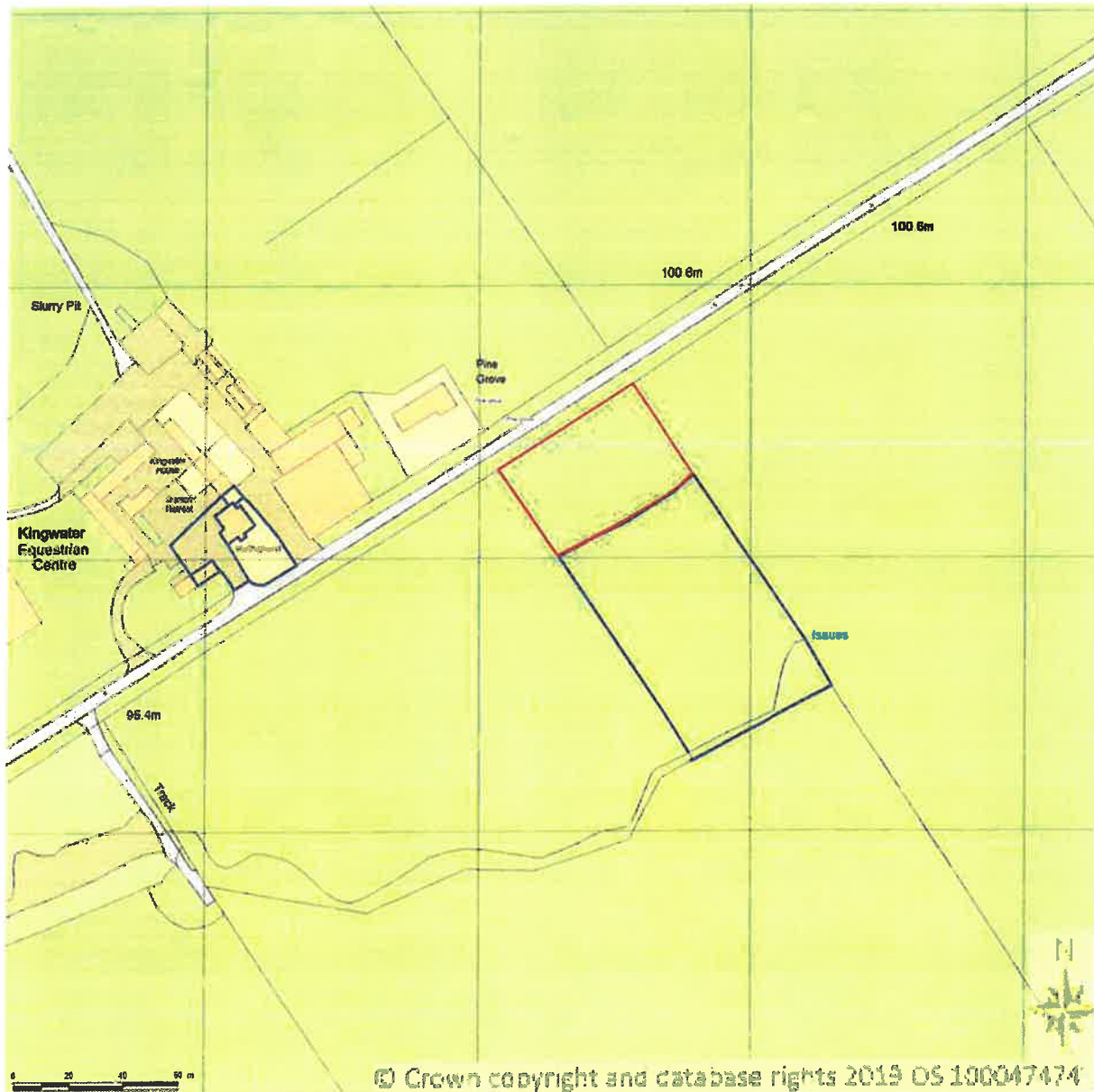
10. In the event that surface water discharges onto the highway from the

development site hereby approved, details of all measures to be taken by the development to prevent continued surface water discharging onto or off the highway shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within six months of the decision and shall be maintained operational thereafter.

Reason: In the interests of highway safety and in accordance with Policy SP6, CC5 and IP3 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5, LD7 and LD8.



SITE LOCATION PLAN
AREA 16 HA
SCALE 1:2500 on A4
CENTRE COORDINATES: 355127, 566103



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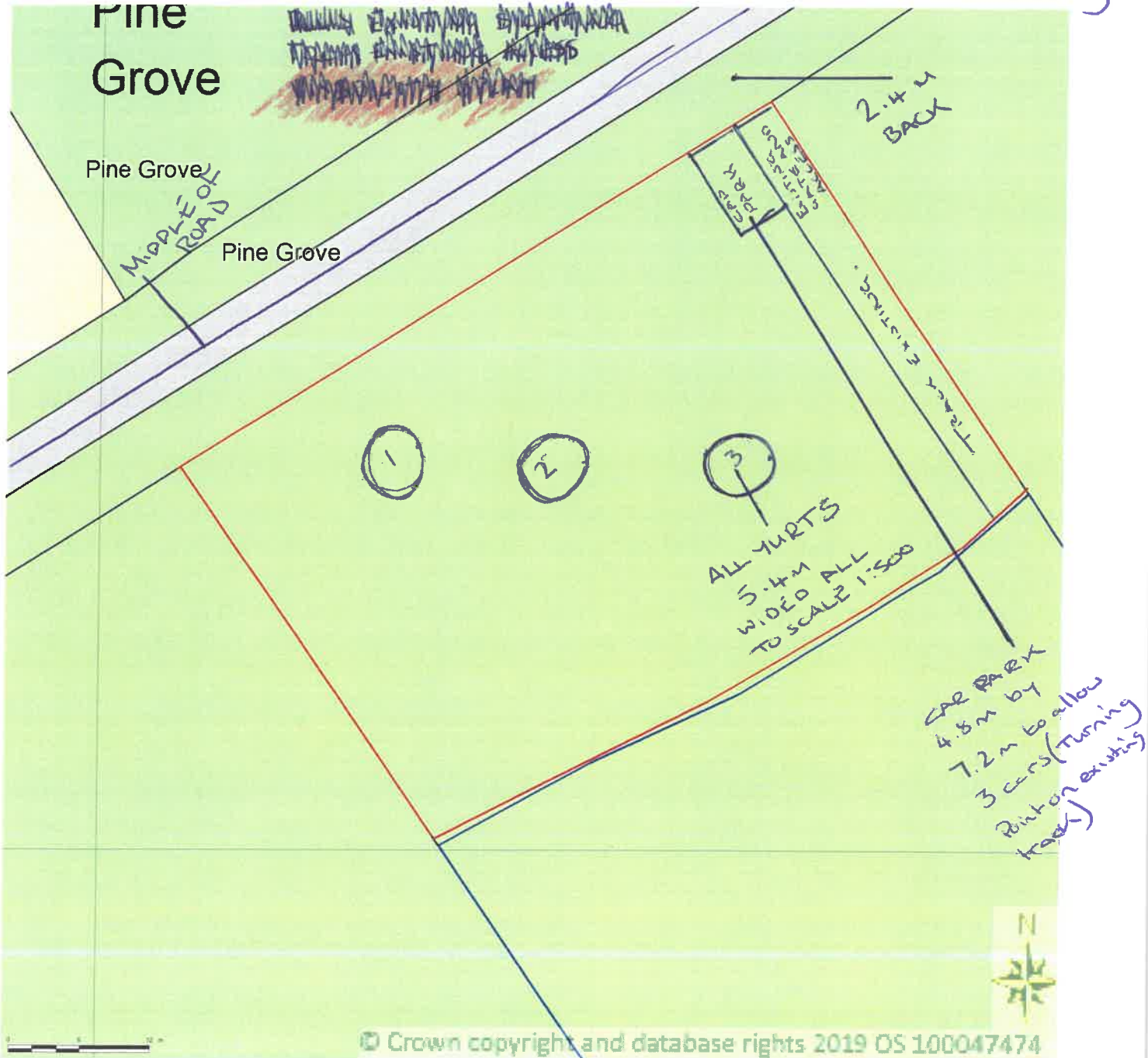
20 FEB 2019

19/01/01

BLOCK/SITE PLAN
AREA 90m x 90m
SCALE 1:500 on A4
CENTRE COORDINATES: 355137, 566127

FOR DRAINAGE SEE
DRAINAGE PLAN

AMENDED YURT POSITION (NO OTHER DETAILS AMENDED).



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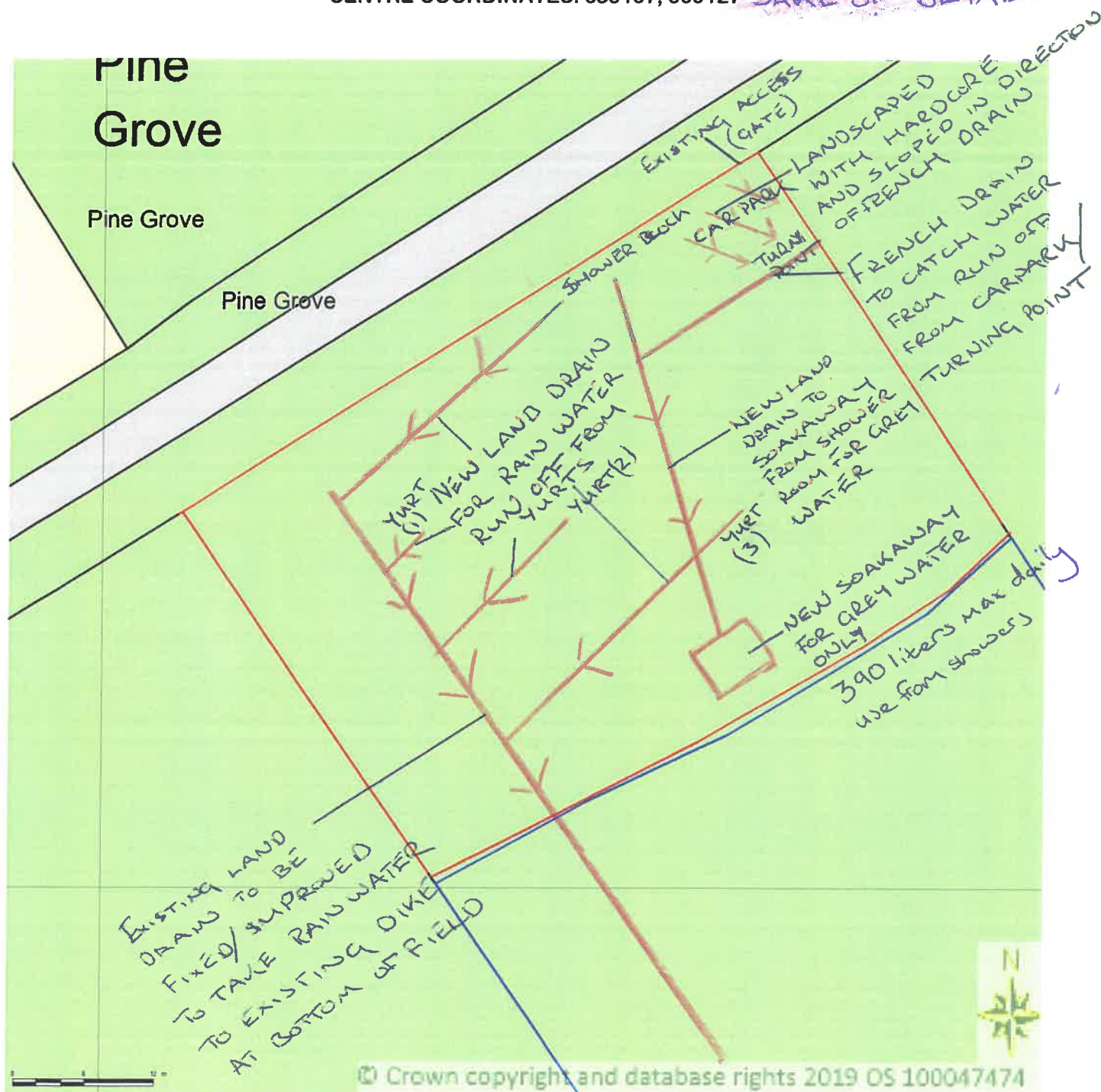
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BLOCK/SITE PLAN
AREA 90m x 90m
SCALE 1:500 on A4
CENTRE COORDINATES: 355137, 566127

DRAINAGE PLAN

NOT TO SCALE FOR

SAKE OF DETAIL



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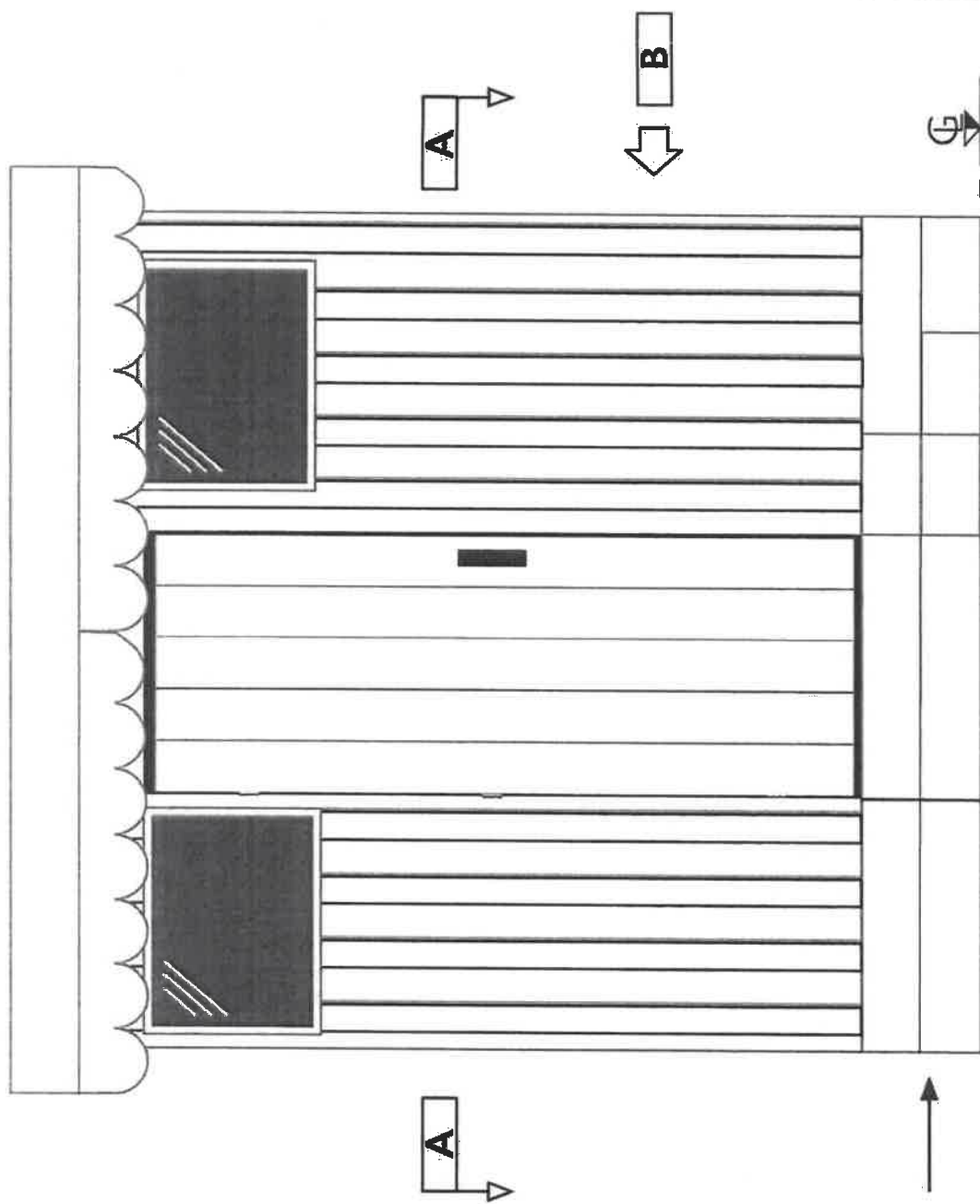
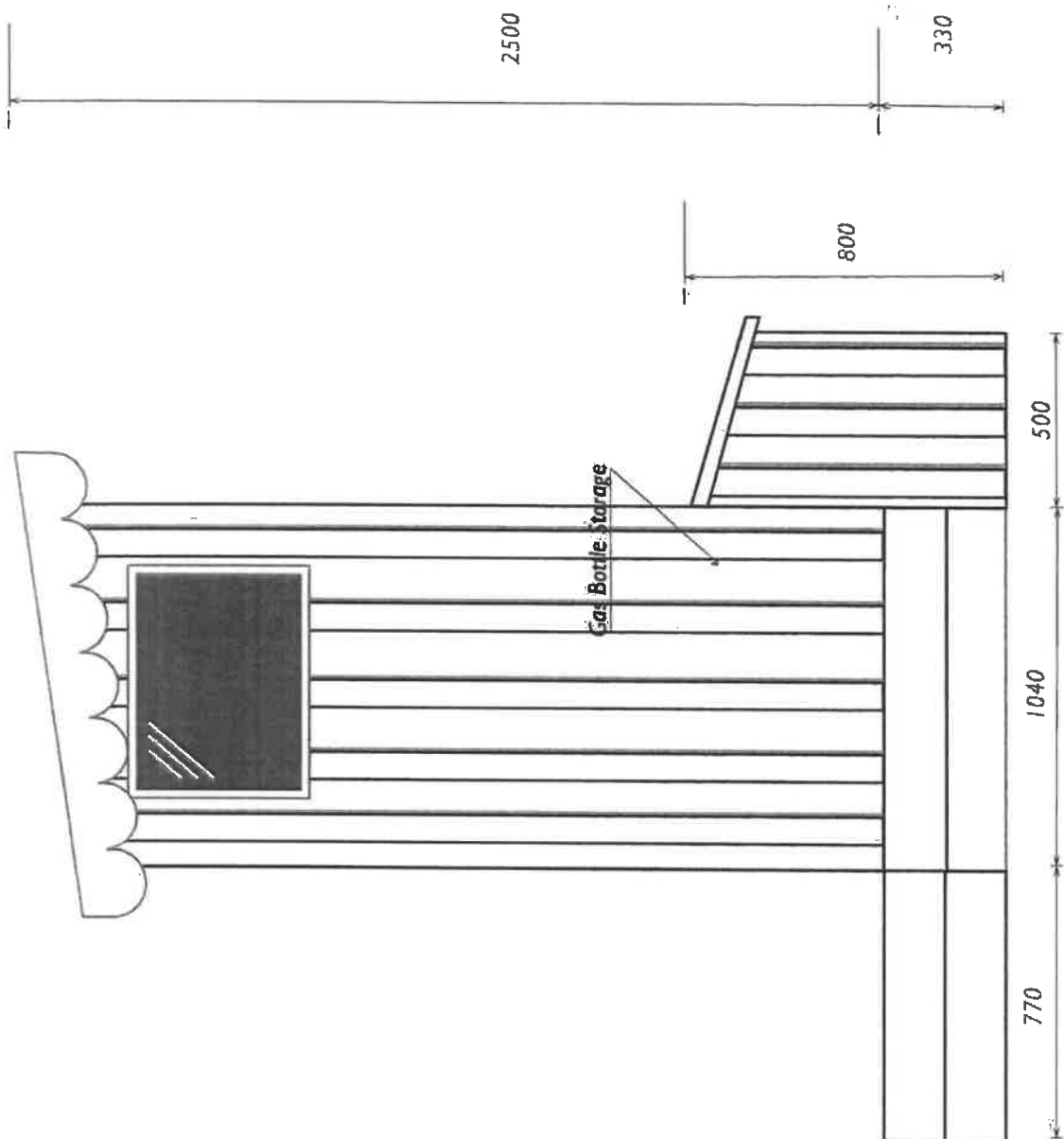
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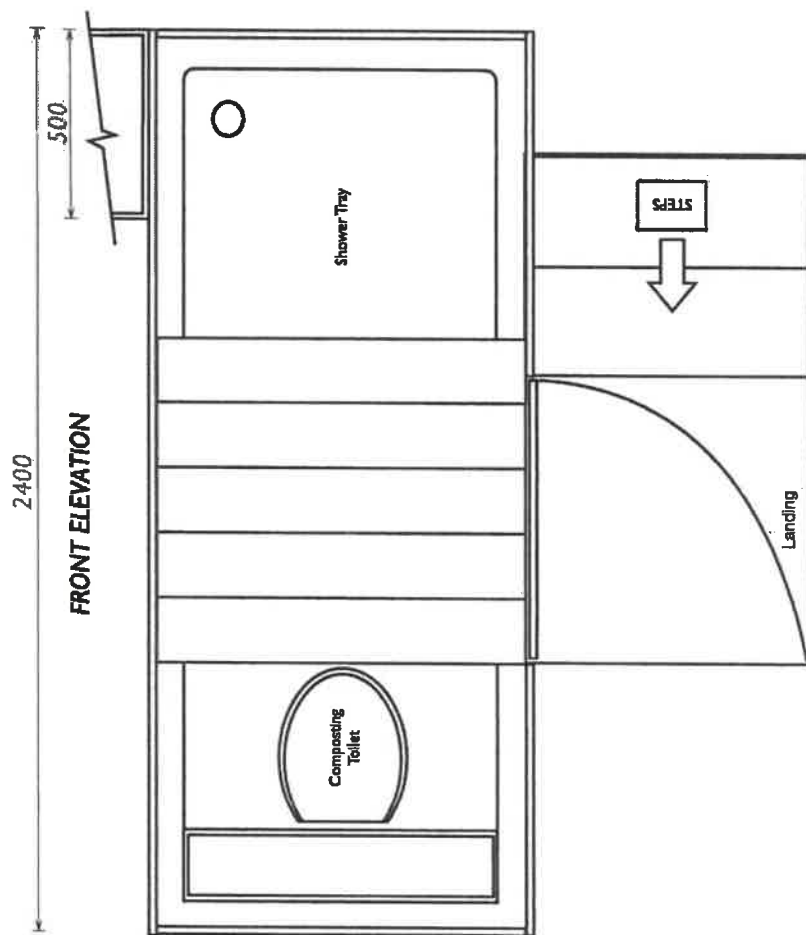
VISIBILITY SPLAY FOR
EXISTING ENTRANCE



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Access Under for
reduced height
wheelie bin



BURTHINGHURST - TOILET & SHOWER BLOCK

NOTES

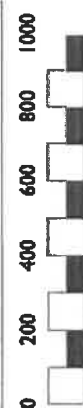
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ALL DIMENSIONS IN mm

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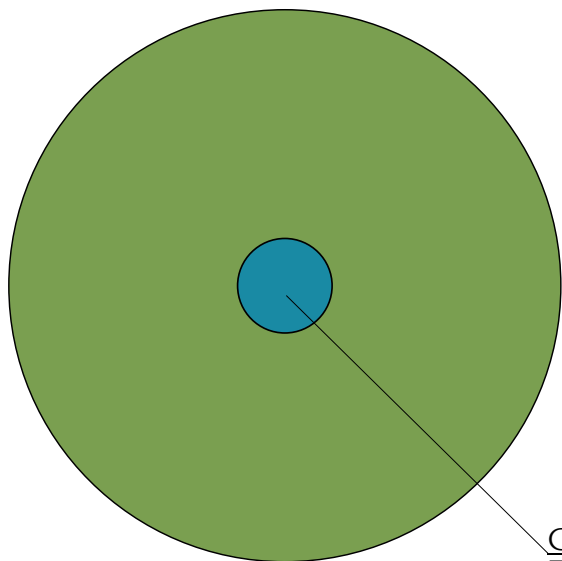
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22 FEB 2019
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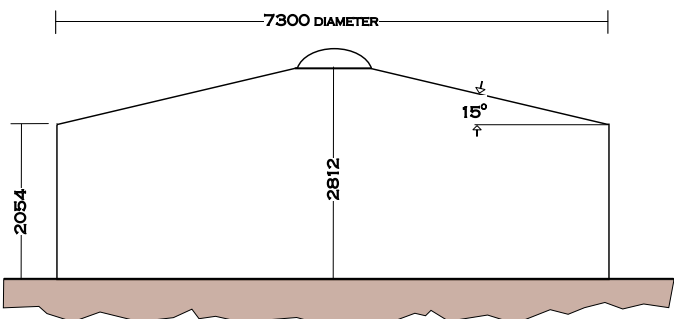
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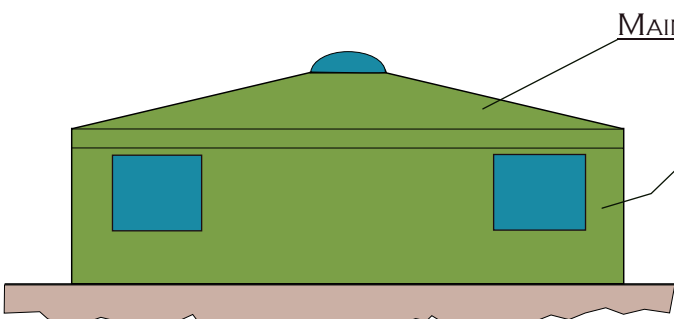


ROOF PLAN

CLEAR POLYCARBONATE
ROOF DOME



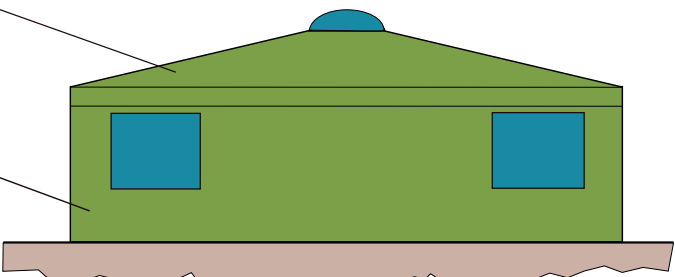
SECTION (TYP)



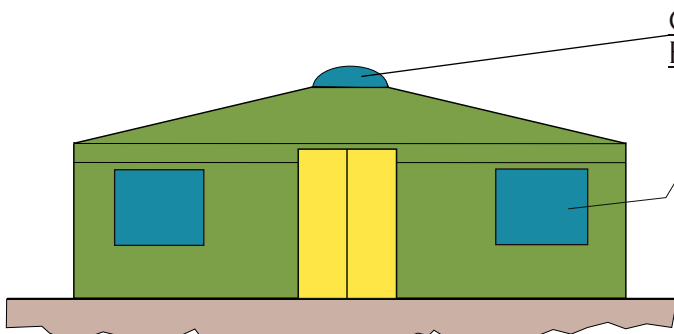
BACK ELEVATION (B)

MAIN ROOF COVERING (PVC)

WALLS (CANVAS)



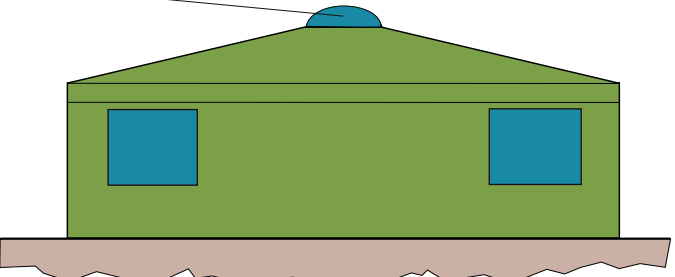
SIDE ELEVATION (L)



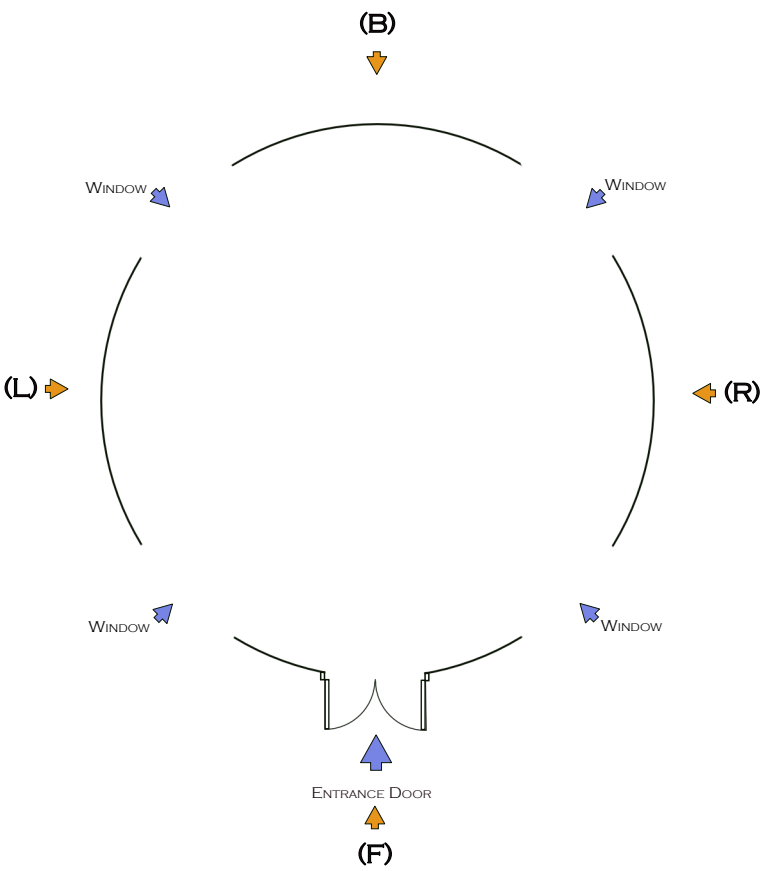
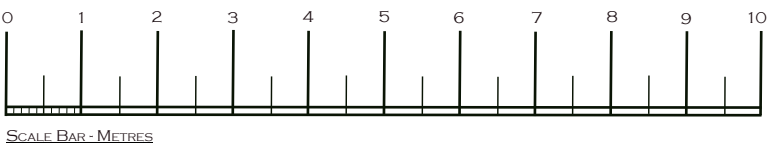
FRONT ELEVATION (F)

CLEAR POLYCARBONATE
ROOF DOME

CLEAR PVC WINDOWS



SIDE ELEVATION (R)



PLAN

**YURT SITE BURTHINGHURST
- 7.2M (24") YURT CONSTRUCTION**

NOTES:

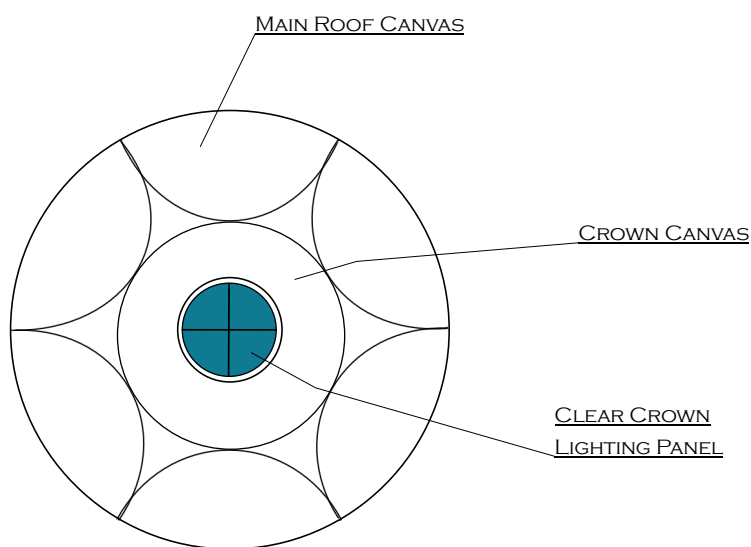
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- ALL DIMENSIONS IN MM
- PRINT SIZE A3

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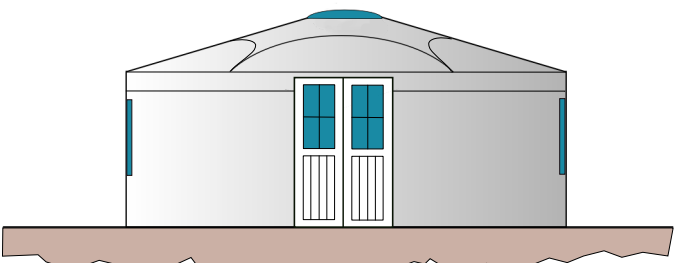
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WALL CANVAS & ROOF PVC COLOURS SHOWN ARE ILLUSTRATIVE ONLY & MAY VARY

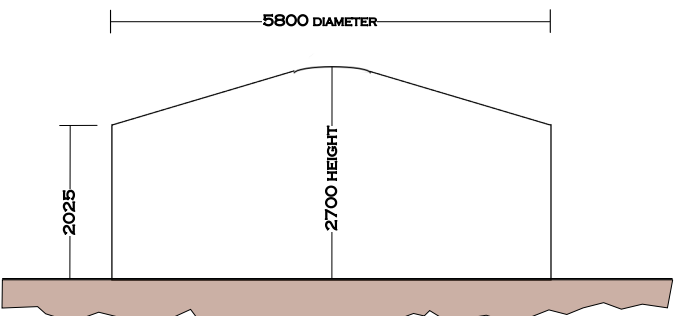
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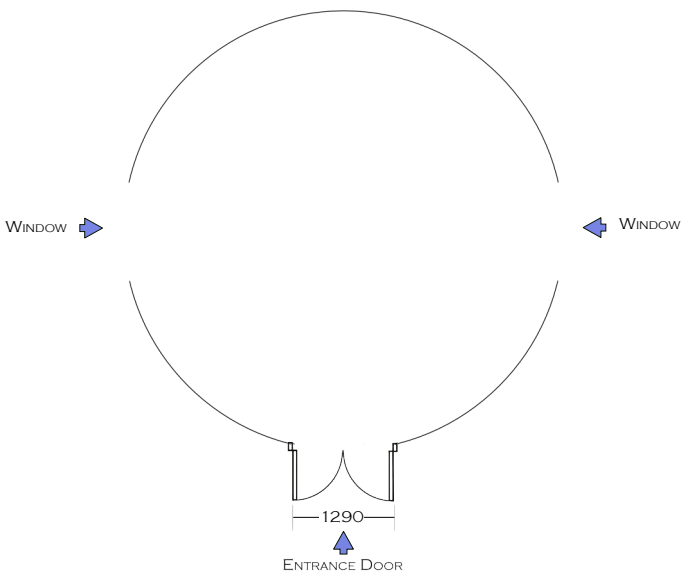
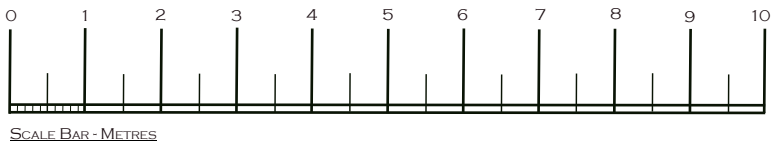
ROOF PLAN



FRONT ELEVATION (F)



SECTION (TYP)



PLAN

YURT SITE BURTHINGHURST
- 5.8M (18") YURT CONSTRUCTION

NOTES:

- DRAWING FOR PLANNING PURPOSES ONLY.
- SCALE 1:100
- ALL DIMENSIONS IN MM
- PRINT SIZE A3

SCHEDULE A: Applications with Recommendation

19/0235

Item No: 09

Date of Committee: 07/06/2019

Appn Ref No:
19/0235

Applicant:
Carlisle City Council

Parish:
Carlisle

Agent:
WYG Engineering Limited

Ward:
Cathedral & Carlisle

Location: Civic Centre, Rickergate, Carlisle, CA3 8QG

Proposal: External And Internal Alterations And Refurbishment In Connection With Flood Recovery Works

Date of Receipt:
20/03/2019

Statutory Expiry Date
15/05/2019

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 Impact Of The Proposal On The Civic Centre/ City Centre Conservation Area
- 2.2 Impact On Listed Buildings/ Non-designated Heritage Assets
- 2.3 Flood Risk
- 2.4 Designing Out Crime
- 2.5 Biodiversity

3. Application Details

The Site

- 3.1 The Civic Centre is a large modernist structure that lies within Carlisle City Centre Conservation Area. It opened in 1964 and has been the headquarters of Carlisle City Council ever since.
- 3.2 The Civic Centre comprises three main linked elements: an eleven-storey

tower; a two-storey civic suite which incorporates the main entrance; and an octagonal building (also referred to as the rotunda) which contains the Council chamber. The original scheme included the construction of a large assembly room to the south of the complex which would have formed a piazza but this was never built.

- 3.3 The architectural style of the Civic Centre is characterised by simple, plain, geometric forms. Similar to other modernist structures, the Civic Centre is characterised by the use of reinforced concrete and steel with large windows set in horizontal bands.
- 3.4 The ground floor of the building was flooded in 2015 and has been out of use ever since, with temporary portacabins being used to provide additional floor space.
- 3.5 The Civic Centre building is adjoined by a car park to the south, beyond which lies Drovers Lane and a Debenham's department store; by Rickergate to the west beyond which lies the Magistrates Court and Ristorante Adriano; by Hardwicke Circus roundabout to the north; and by Lowther Street Car Park to the east.

The Proposal

- 3.6 The application includes a series of minor alterations and refurbishments including:
- Construction of a new entrance lobby along the western elevation of the Civic Centre.
 - Public realm improvements between the western elevation of the Civic Centre and Rickergate. This will include the removal of two trees.
 - Installation of an Air Handling Unit (AHU) on the roof of the two storey civic-suite, including installation of a barriered walkway to the AHU to allow maintenance access.
 - Internal refurbishments to the ground floor.
 - Alterations of elevations, including: blocking up of the existing entrance; removal of windows and wall panels below and installation of full height windows along the western elevation; removal and filling-in of the existing fire door on the north elevation; and removal and filling-in of a pair of double doors and two windows on the eastern elevation.
- 3.7 This application is submitted in parallel to, but is distinctly separate from, another application which proposes the demolition of the octagonal rotunda element of the civic centre and an extension of the existing car park (19/0234).

4. Summary of Representations

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

5. Summary of Consultation Responses

Cumbria Constabulary - North Area Community Safety Unit: - offered some advice on security measures;

Environment Agency: - has no comments to make;

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions (Construction Phase Traffic Management Plan);

Carlisle & District Civic Trust: - it appears to have been missed that the building design was "Commended" in the 1966 National Civic Trust Awards representing the North West Region.

Proposals arose in 2014 when a consultation by the Council revealed one option under consideration was for demolition of the Civic Centre and substitution by a retail development scheme. Dis-affection was noted but also many spoke up in favour of retention of the building and its quality. Need to see whether the proposed alterations are being handled as sensitively as required to retain as much of the existing concept until such times as it becomes truly physically unusable. A City should reflect its development and history through its architecture. The air handling plant is located prominently on the roof of the current committee rooms. Exposed plant equipment is a style more akin to the hi-tech industrial architecture style of the 1990's not a classic modern movement 1960's building of the 'international style'. Such equipment requires designing into the building in a more sensitive way. Although it is true that it could easily be removed without harm to the original in future it is the visual damage it would do during the time it is in place. The location of the roof plant could be highly visible from approaches down the hill from Scotch Street and the City centre. The Heritage Statement notes that the building is a non-designated heritage asset. The value of such an asset is for local determination over the opinion and views of consultants and decision-makers from elsewhere. Paragraph 197 of the NPPF is clear – "Balanced judgements should be made when weighing applications that effect non-designated heritage assets". the Civic Trust takes the view that the Civic Centre offers at least a 'medium' level of 'significance' in the city and therefore disagree with WYG. Original features of quality should be retained along with the external completeness of all the elements of the original design.

How many other buildings in the city centre have been awarded a national commendation for design? Suggest not many so the loss or disfigurement of one that has should be firmly resisted.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP4, SP6, SP7, HE3, HE7, CC4, CC5, CM3, CM4, GI3 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. The Supplementary Planning Documents Trees and Development and Designing Out Crime are also material planning considerations.
- 6.3 The proposal raises the following planning issues.
1. Impact Of The Proposal On The Civic Centre/ City Centre Conservation Area
- 6.4 The application is accompanied by a Built Heritage Statement (HS). This considers that the Civic Centre is considered to be a non-designated heritage asset, with a low heritage value. The HS considers that the significance of the Civic Centre is considered to derive from: its association with post-war building of large modern civic centres to emphasise civic pride, identity and the progressive nature of local authorities; its competent modernist design and some internal features of interest which have been retained; and its role as an important public building within Carlisle.
- 6.5 The application site is located within the City Centre Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:
- "special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".*
- 6.6 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.7 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.8 A new entrance lobby would be added to the western elevation of the Civic Centre. This would project out 3m and would have a flat roof which would

be 4m above ground level. The lobby would have full height windows to match the remainder of the frontage and sliding glass doors on both side elevations with external walls being zinc faced.

- 6.9 The existing entrance would be infilled with a new full height aluminium window in the centre with the adjoining columns being built-up in blockwork which would be finished in an external dry dash render to match the existing building. The existing concrete ramp would be removed.
- 6.10 The existing windows and masonry panels on the two-storey element of the western elevation would be removed and be replaced by new full height aluminium windows to match those in the new entrance lobby. New fire doors would be installed to the north of the existing entrance.
- 6.11 A fire door and the associated galvanised steel staircase in the north elevation would be removed. A new polyester powder coated ventilation louvred grille would be installed at a high level, with the opening below the louvre being infilled with blockwork and rendered to match the adjacent panels. A further six louvred grilles would replace high level windows on the north elevation of the building.
- 6.12 In the east elevation two existing windows with infill panels below and pair of double doors with fan lights above would be removed with the new opening being infilled with blockwork finished in dry dash render to match the existing. Six new louvred grilles would also replace high level windows on the east elevation.
- 6.13 In the south elevation one existing window would be infilled with blockwork which would be rendered to match the infill panel below, with two high levels windows being replaced by louvred grilles. Existing windows with masonry panels below would also be replaced but on a like for like basis.
- 6.14 A new air handing unit would be added to the southern end of the roof of the two-storey section of the building. This is required to improve energy efficiency and comfort levels within the building. The unit would be supported on a steel frame and would be adjoined by an access platform for maintenance purposes. Step would provide access from the roof to the access platform. The top of the unit would sit 2.5m above the height of the roof.
- 6.15 The area to the front of the building, adjacent to Rickergate, would be enhanced. The existing flower beds and planters would be removed. Two existing cherry trees would also be removed but the Trees Survey that has been submitted with the application identifies that one of these is dying.
- 6.16 New planting beds would be provided adjacent to Rickergate and these would incorporate six trees. Three further trees would be planted adjacent to the northern end of the building. The majority of the area would be block paved and this would gradually slope up to the new entrance. New street furniture would be incorporated into the block paved area, including benches, bins, cycle stands, signage and a flagpole.

- 6.17 The HS considers the impact of the proposals on the Civic Centre and these are summarised below:
- the existing entrance doors are modern and their removal does not represent the loss of original fabric;
 - the new entrance lobby and the installation of full height ground floor windows on the western elevation would result in impact on the original design concept of the Civic Centre by introducing new elements and removing some original fabric. However, the rhythm of the structural framework and fenestration pattern would remain unchanged and the new entrance would be a more prominent, accessible and welcoming entrance;
 - the new existing concrete ramp and steel balustrade would be removed;
 - the installation of the air handling unit would lead to the introduction of a new element not in keeping with the original design of the building but this is required to improve efficiency and comfort levels within the building;
 - the removal of existing window and door openings on the north and east elevations would lead to the loss of original window openings the rhythm of the structural framework would be retained;
 - the removal of the existing fire exit on the north elevation would allow an unattractive galvanised steel staircase and landing to be removed;
 - public realm improvements to the front of the building would improve the streetscape along Rickergate and the immediate setting of the Civic Centre.
- 6.18 The HS concludes that the overall resulting negative impact on the heritage significance of the building would be low. The introduction of new elements and the loss of original fabric would be partly mitigated through improvements to the public realm along Rickergate.
- 6.19 The HS considers that the Civic Centre makes a neutral contribution to the character and appearance of the City Centre Conservation Area. Whilst it acts as a local landmark, the adjoining surface car park detracts from the character and appearance of the conservation area. The HS considers that the proposed external changes to the Civic Centre would have an overall neutral impact on the character and appearance of the conservation area. It acknowledges that the air handling unit would have negative visual impact on the conservation area, whilst the public realm improvements along Rickergate would have a positive impact.
- 6.20 The Council's Heritage Officer has been consulted on the application. He considers that the proposal is acceptable and has a neutral impact on the conservation area and the Civic Centre as a non-designated heritage asset. Consideration should be given to using more elegant cycle stands than those currently proposed, with those in Castle Street being preferred. Clarification should be sought on the proposed trees and consideration should be given to planting specimens of higher wildlife value, in particular for the benefit of pollinating insects.

- 6.21 The applicant has confirmed that it is happy to use the same cycle stands (Furnitubes Fin Cycle Stands) as used in Castle Street. A condition has been added to the permission which requires the submission of a landscaping scheme for agreement by the City Council prior to the new trees being planted.
- 6.22 The Carlisle and District Civic Trust notes that the building design was commended in the 1966 National Civic Trust Awards and considers that the building offers at least a medium level of significance in the city. The loss or disfigurement of a building which has been awarded a national commendation for design should be firmly resisted.
- 6.23 The Civic Trust has concerns about the proposed air handling plant which is located prominently on the roof. Exposed plant equipment is a style more akin to the hi-tech industrial style of the 1990s and not a classic modern movement 1960s building of the 'international' style. The location of the roof plant would be highly visible from Scotch Street and the city centre and would cause visual harm. Such equipment should be designed into the building in a more sensitive way.
- 6.24 The air handling unit is required to provide heating and cooling to the ground floor areas of the Civic Centre being refurbished following flood damage in 2015. The air handling unit needs to be located in a position relatively close to the areas being served by the same, in order to function correctly. Combined with the required size of the unit and the presence of existing photovoltaic cells located on adjacent first floor roofs, there are limited locations available for the unit. Potential options are limited to the current proposed roof top location, or at ground level to the perimeter of the building.
- 6.25 Due to the presence of the tower and external basement accesses on the north side of the building, potential external locations are limited to the areas adjacent to the south, east or west elevations. There are limited areas available away from ground floor windows, meaning the unit would have a potentially detrimental effect to both the interior and exterior of the refurbished space. In addition, if positioned at ground level, the unit would be susceptible to vandalism and a secure compound or similar would be required.
- 6.26 In addition, a significant problem with positioning the air handling unit at ground level, is the need to design a flood resilient building. There are a number of measures implemented in the design of the refurbishment, including the positioning of the air handling unit. The flooding of December 2015 reached close to the top of the ground floor windows and would have submerged the proposed air handling unit had it been in place at ground level. As a result, the air handling unit and associated components located below the level of the flooding would require replacement, with both cost and time scale implications for reinstatement works. An air handling unit located on the roof would have been unaffected by the December 2015 flooding.

- 6.27 Whilst the air handling unit would be visible, particularly in views from the edge of the City Centre, it would be seen in the context of the eleven-storey civic centre which would be prominent in any views and this would reduce the visual impact of the air handling unit.
- 6.28 In light of the above, the scale and design of the proposed works are acceptable and the proposals would not have an adverse impact on the Civic Centre or on the City Centre Conservation Area.

2. Impact On Listed Buildings/ Non-designated Heritage Assets

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

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

- 6.30 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.
- 6.31 Nos. 20-28 Scotch Street/ 1 West Tower Street and Carlisle Public Markets are Grade II Listed Buildings. The Civic Centre is visible from the front of these buildings and is considered to form part of the listed buildings wider setting (albeit only a small part of its wider setting).
- 6.32 The Carlisle and District Magistrates Court and the Old Fire Station which lie directly to the west of the Civic Centre are considered to be non-designated heritage assets. The Civic Centre is visible from the Magistrates Court and is considered to form part of its setting.
- 6.33 The Heritage Statement notes that the Civic Centre forms a small part of the wider setting of 20-28 Scotch Street/ 1 West Tower Street, Carlisle Public Markets and the Magistrate's Court. However, the views between these buildings and the Civic Centre do not contribute to understanding the significance of these buildings and, as a result, the proposed external changes to the Civic Centre would not impact negatively on their significance.
- 6.34 In light of the above, the proposals would not have an adverse impact on the setting of any listed buildings or non-designated heritage assets.

3. Flood Risk

- 6.35 The Civic Centre is located within a defended Flood Zone 3 area and in accordance with the NPPF a Flood Risk Assessment (FRA) has been submitted with the application.

- 6.36 The FRA notes that the site would be at risk of flooding from the River Eden if there were no defences. A residual risk remains in the event that the defences fail or are overtopped as occurred in December 2015. The site is at low risk of flooding from surface water, overland flows, sewers, groundwater and reservoir failure.
- 6.37 Given the site is at risk of flooding from events that exceed the standard of protection provided by the existing flood defences, it is proposed to retrofit flood mitigation and resilience measures as part of the proposed refurbishment of the building and to cease use of the basement.
- 6.38 The following resilience measures are proposed within the ground floor:
- floor to be provided with low-cost carpet as tiled floors are not appropriate;
 - suspended ceilings are to be minimised;
 - non-fire doors would be fitted on lift off hinges so they can be easily removed;
 - ground floor partitions are to be concrete blockwork for enhanced flood resistance;
 - services to the ground floor are to be run in ceiling voids and taken down to desk positions;
 - services are to be wired from plant rooms located at first floor;
 - controls to basement plant to be moved to first floor plant rooms where possible.
- 6.39 In the event of a major flooding warning being issued, the building would be allowed to flood. To achieve this, the main entrance doors would be partially opened together with any side doors and this would allow water to flow through more easily into and out of the building and ensure there is no significant build up of a water head between the inside and outside of the building.
- 6.40 These measures would ensure that in the event of any future major flooding, the building is resilient and would be able to be brought back into use in a timely manner.
- 6.41 The Lead Local Flood Authority has been consulted on the application and has confirmed that it has no objections to the application, as it is deemed that the proposals would not affect flood risk on site, or downstream of the works.

4. Designing Out Crime

- 6.42 The Crime Prevention Officer has been consulted on the application. He has suggested a number of measures that should be introduced to reduce the risk of crime. These have been forwarded onto the applicant for consideration.
- 6.43 The Crime Prevention Officer has raised the potential issue of vehicles

accessing the pedestrianised area to the front of the building. In order to reduce the risk of this happening, the street furniture proposed to the front of the building can be repositioned to restrict vehicular access. This would be undertaken in consultation with the Crime Prevention Officer.

5. Biodiversity

- 6.44 The existing flower beds and planters to the front of the building would be removed. Two existing cherry trees would also be removed but the Tree Survey that has been submitted with the application identifies that one of these trees is dying.
- 6.45 In mitigation, new planting beds would be provided adjacent to Rickergate and these would incorporate shrubs and six trees. Three further trees would be planted adjacent to the northern end of the building.
- 6.46 In light of the above, the proposal would not have an adverse impact on biodiversity and should have a positive impact given the level of planting proposed.

Conclusion

- 6.47 The scale and design of the proposed works would be acceptable and they would not have an adverse impact on the Civic Centre, the Carlisle City Centre Conservation Area, on any listed buildings, on any undesignated heritage assets, or on biodiversity. Flood resilience measures and measures to reduce the risk of crime would be introduced into the building. In all aspects, the proposals are compliant with the relevant national and local planning policies.

7. Planning History

- 7.1 Since 2010, a number of applications for roof mounted structures such as antenna, photovoltaic panels and generator equipment have been approved.
- 7.2 In February 2015, advertisement consent was granted for the display of 1no. internally illuminated LED sign (14/0914).

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 20th March 2019;
2. the Block & Location Plans (drawing ref P100) received 20th March 2019;
3. the Existing Site Plan (drawing ref E0011 Rev 01) received 20th March 2019;
4. the Existing Ground Floor Plan (drawing ref E0001 Rev 01) received 20th March 2019;
5. the Existing Roof Plan (drawing ref E0004 Rev 01) received 20th March 2019;
6. the Existing West Elevation (drawing ref E0013 Rev 01) received 20th March 2019;
7. the Existing South Elevation (drawing ref E0012 Rev 01) received 20th March 2019;
8. the Existing North Elevation (drawing ref E0015 Rev 01) received 20th March 2019;
9. the Existing East Elevation (drawing ref E0014 Rev 01) received 20th March 2019;
10. the Proposed Ground Floor Plan (drawing ref P0001 Rev 17) received 20th March 2019;
11. the Proposed First Floor Roof Plan (drawing ref P0042 Rev 07) received 20th March 2019;
12. the Proposed East Elevation (drawing ref P0040 Rev 01) received 20th March 2019;
13. the Proposed North Elevation (drawing ref P0041 Rev 01) received 20th March 2019;
14. the Proposed South Elevation (drawing ref P0038 Rev 01) received 20th March 2019;
15. the Proposed West Elevation (drawing ref P0039 Rev 01) received 20th March 2019;
16. the Tree Pit Detail (drawing ref A095945-3_DT_01 Rev T1) received 20th March 2019;
17. the Landscape General Arrangement (drawing ref A095945_LA_05 Rev T4) received 21st May 2019;
18. the Tree Survey (Project no. EES19-015 20th March 2019 version No. v1) received 25th March 2019;
19. the Built Heritage Statement (March 2019) received 20th March 2019;
20. the Flood Risk & Drainage Assessment (A095945-3 March 2019) received 20th March 2019;
21. the Flood Risk & Drainage Assessment Appendices received 20th March 2019;
22. the Planning, Design & Access Statement (March 2019) received 20th March 2019;
23. the Notice of Decision; and
24. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the

submitted application, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the objectives of Policies HE7 and SP6 of the Carlisle District Local Plan 2015-2030 are met and to ensure a satisfactory external appearance for the completed development.

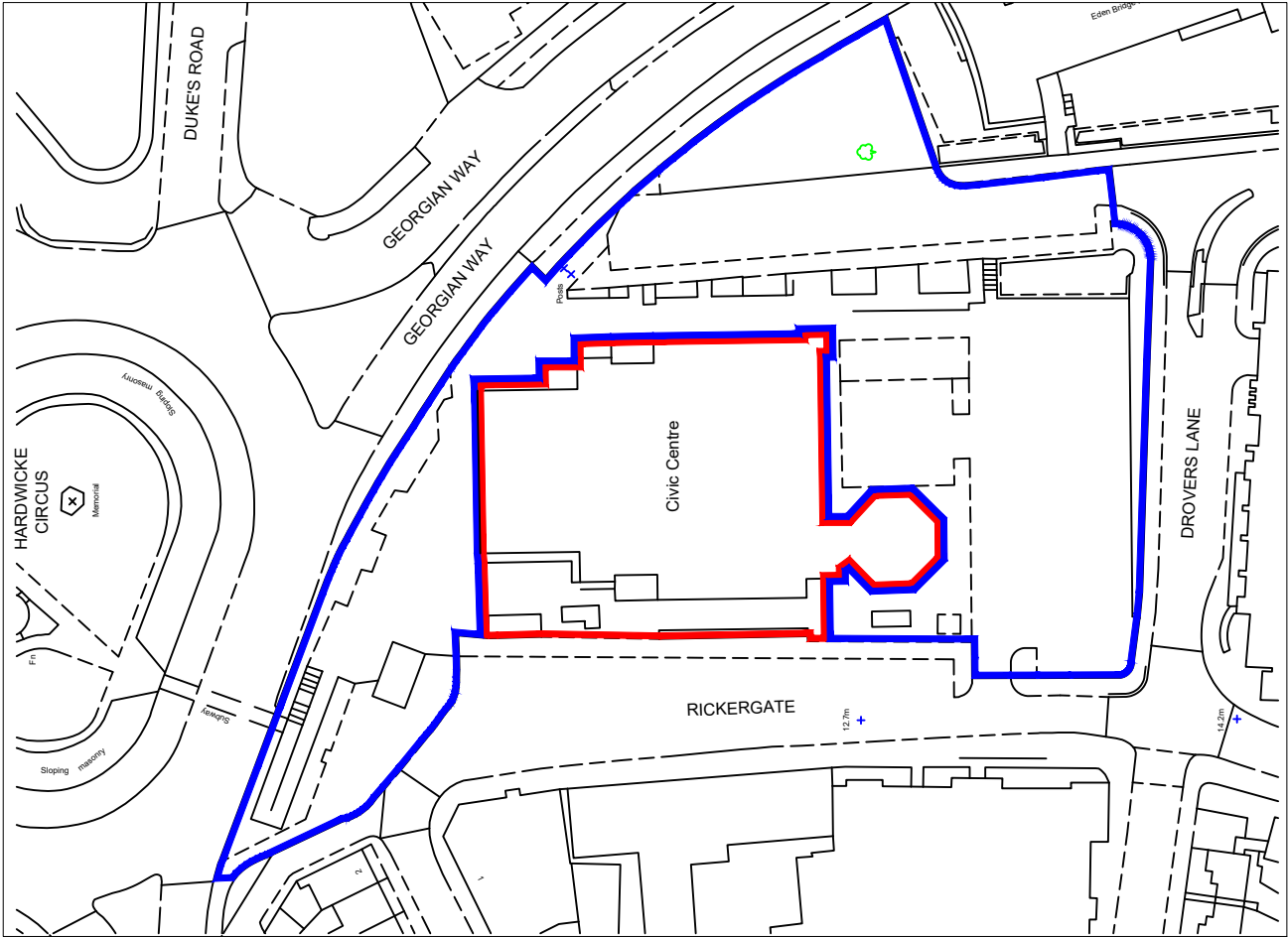
4. Prior to their planting, details of the proposed trees to be planted shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within six months of the completion of the development. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policies GI6, HE7 and SP6 of the Carlisle District Local Plan 2015-2030.

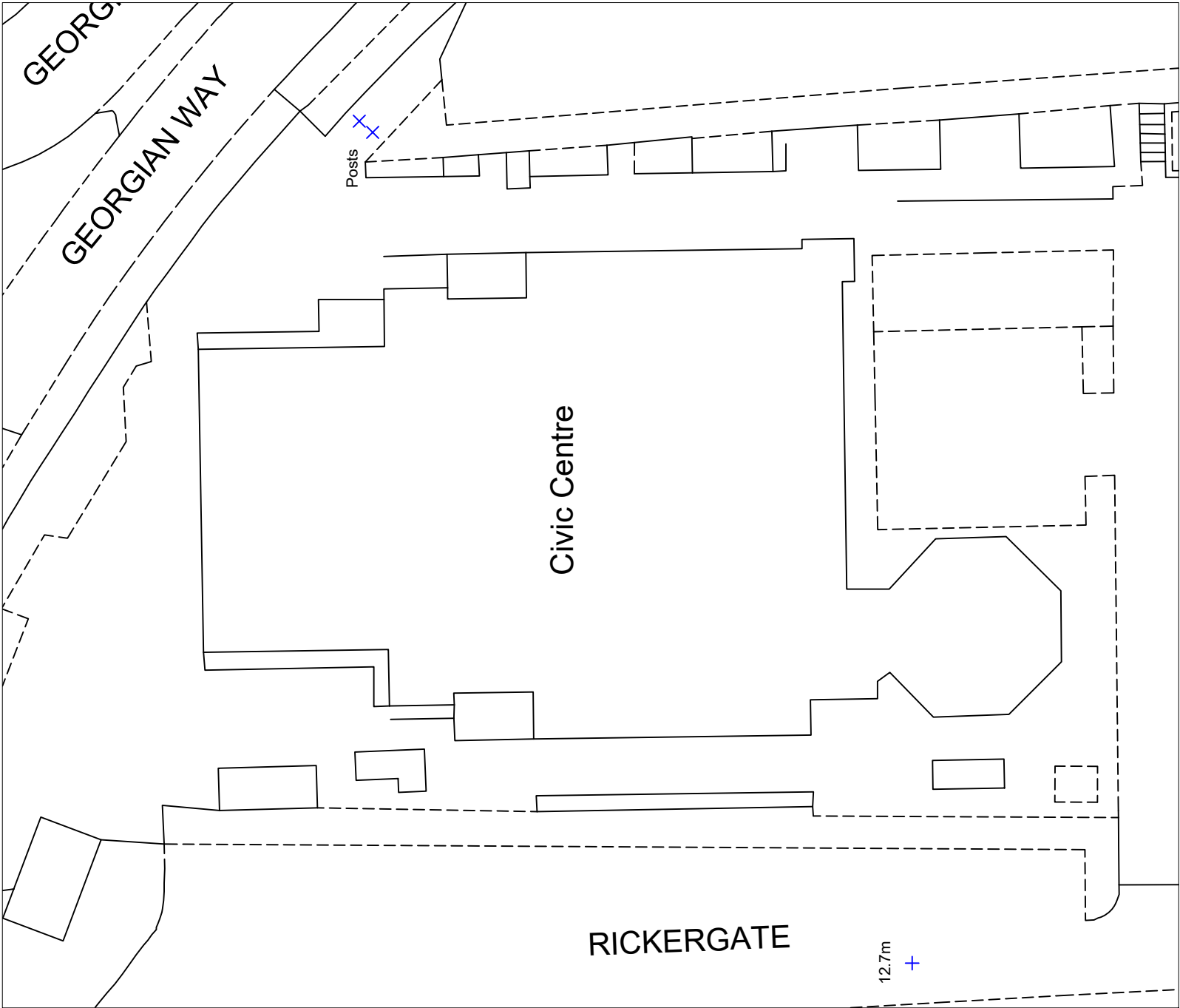
5. Development shall not commence until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - Details of proposed crossings of the highway verge;
 - Retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
 - cleaning of site entrances and the adjacent public highway;
 - Details of proposed wheel washing facilities;
 - The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - Construction vehicle routing;
 - The management of junctions to and crossings of the public highway and other public rights of way/footway;
 - Surface water management details during the construction phase

Reason: In the interest of highway safety.

NOTES:



Location Plan
Scale: 1:1250



Block Plan
Scale: 1:500



PLANNING APPLICATION

REV	PRELIMINARY ISSUE	DESCRIPTION	BY	CHK	APP	DATE
0			DB	DB	DB	08-03-19

CARLISLE
CITY COUNCIL
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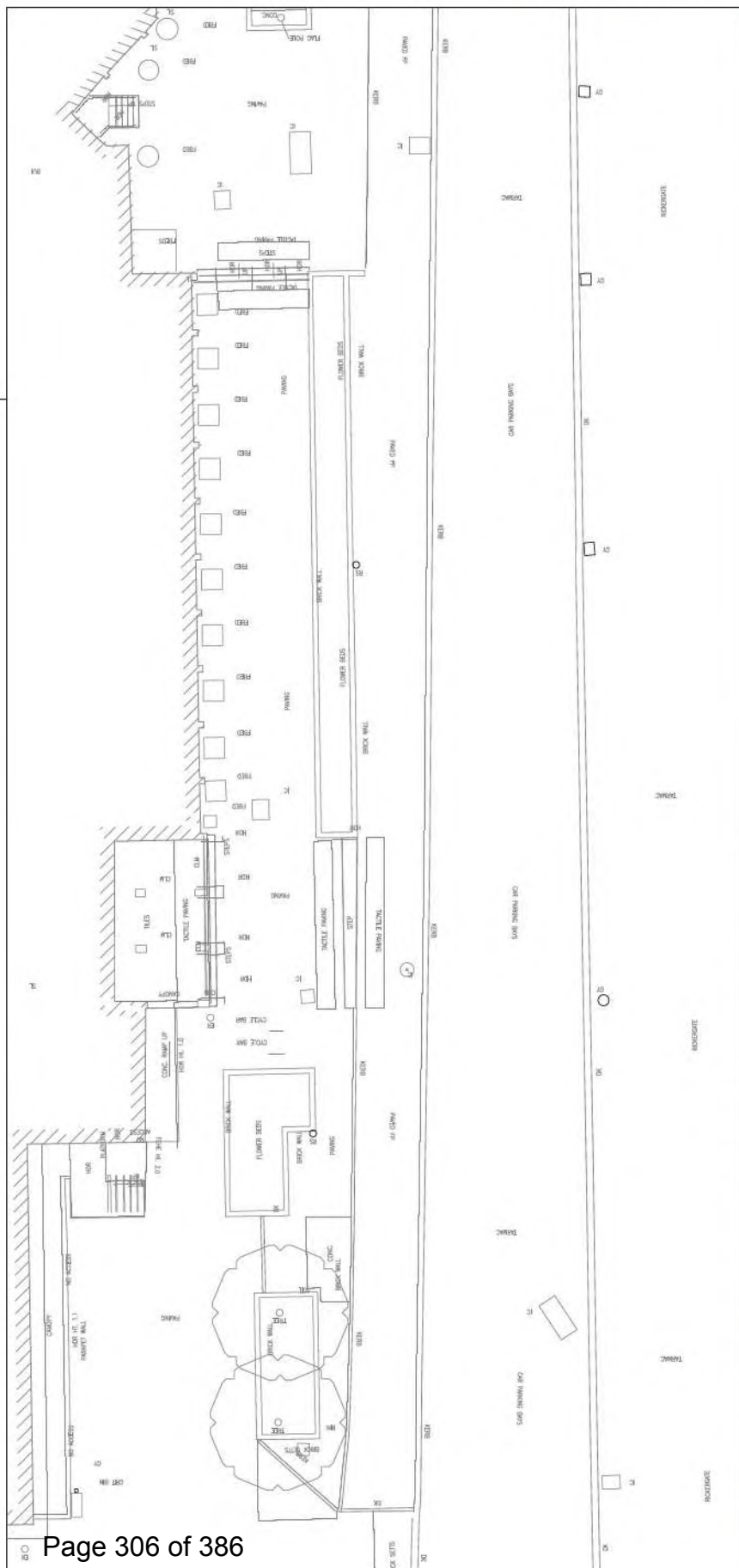
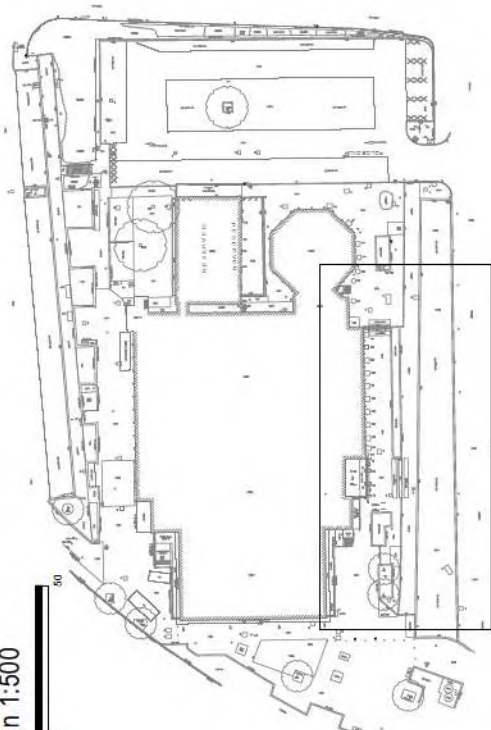
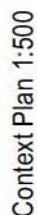
Project:

Civic Centre
Carlisle City Council
Flood Reinstatement

Drawing Title:

Block & Location Plans

Scale @	A3	Drawn	Date	Checked	Date	Approved	Date
As Marked	08.03.19	DB	08.03.19	DB	08.03.19		
Project No.	Office	Type	Drawing No.	Revision			
A095945-3		BS	P100				0



PLANNING APPLICATION

SY	Issuing Site Num	PR	OC	OC	OC	01.12.17
SV	DESCRIPTION	BY	CHK	APP		DATE

Carlisle City Council
 Civic Centre
 Carlisle
 CA3 8QG

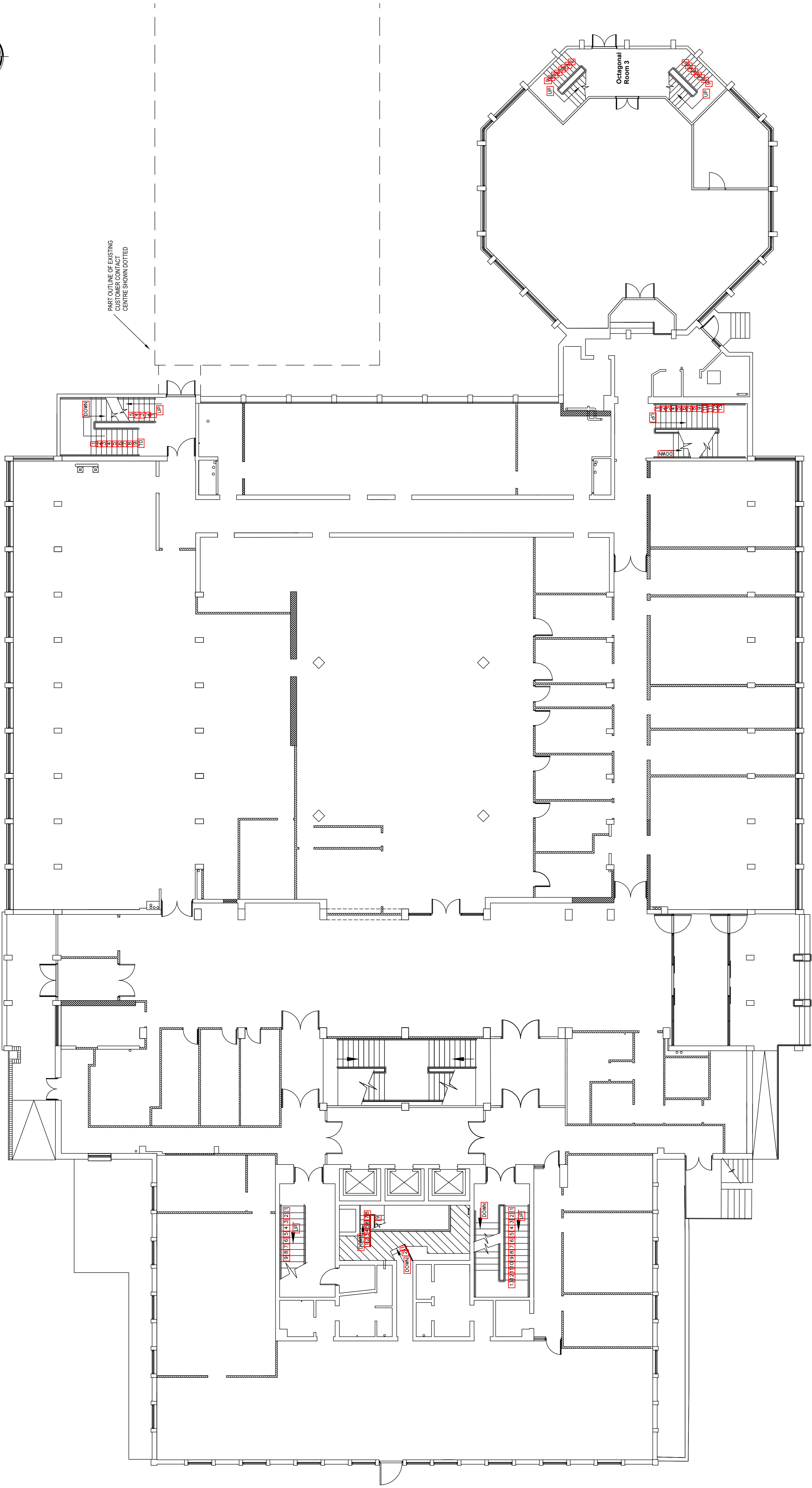
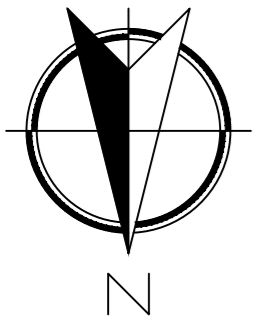


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Project:

Drawing Title: Proposed Alterations to Ridgeway Frontage as Existing Site Plan

Crate #	A)	Drawn	Date	Checked	Date	Approved	Date
As Marked		F&C	10-10-18	OC	10-10-18	OC	10-10-18
Project No.		Office Type		Quoting No.		Revision	
095945-3		2103 BS		E0011		01	



PLANNING APPLICATION

REV	DESCRIPTION	BY	CHK	APP	DATE
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Project No.	Office	Type	Drawing No.	Revision	
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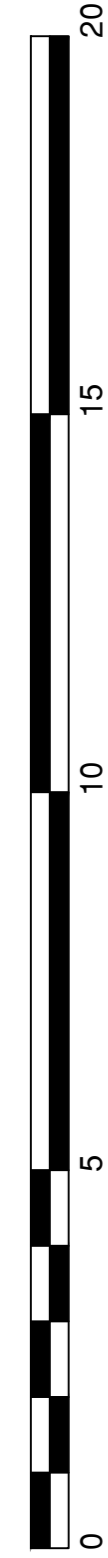
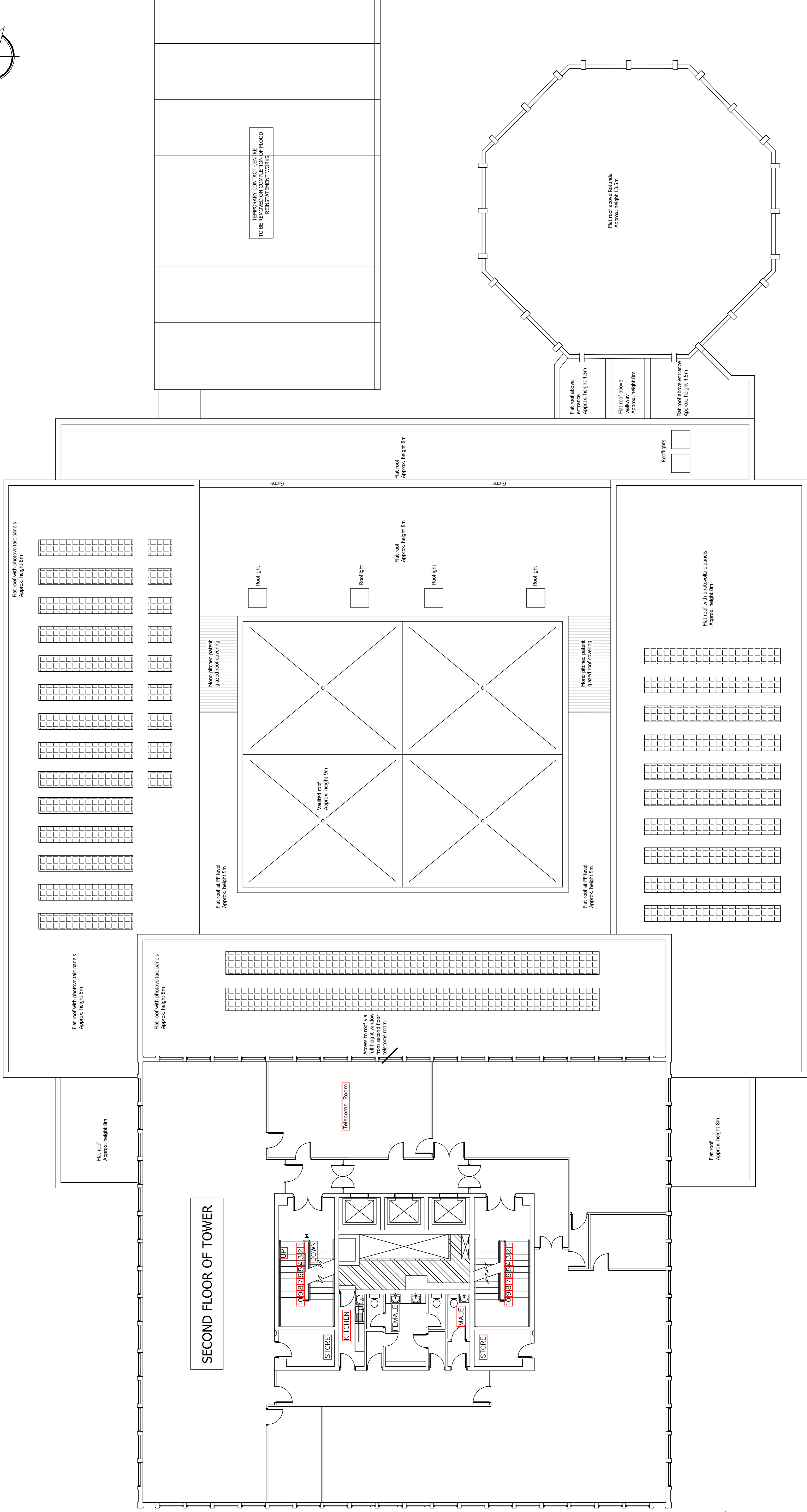
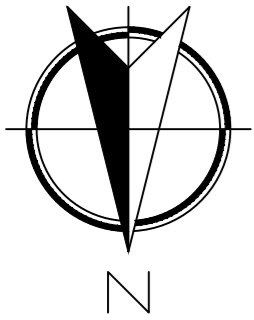
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Project:
Civic Centre
Carlisle City Council
Flood Reinstatement

Drawing Title:
Ground Floor Plan
As Existing



PLANNING APPLICATION

REV	As Existing Roof Plan				BY	CHK	APP	10.10.18	
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Project No.			Office	Type	Drawing No.		Revision		
A095945-3				BS	E0004		01		

Client:

Carlisle City Council

Carlisle City Centre

Carlisle

CA3 8QG

Project:

Civic Centre

Carlisle City Council

Flood Reinstatement

Drawing Title:

First Floor Roof Plan

As Existing

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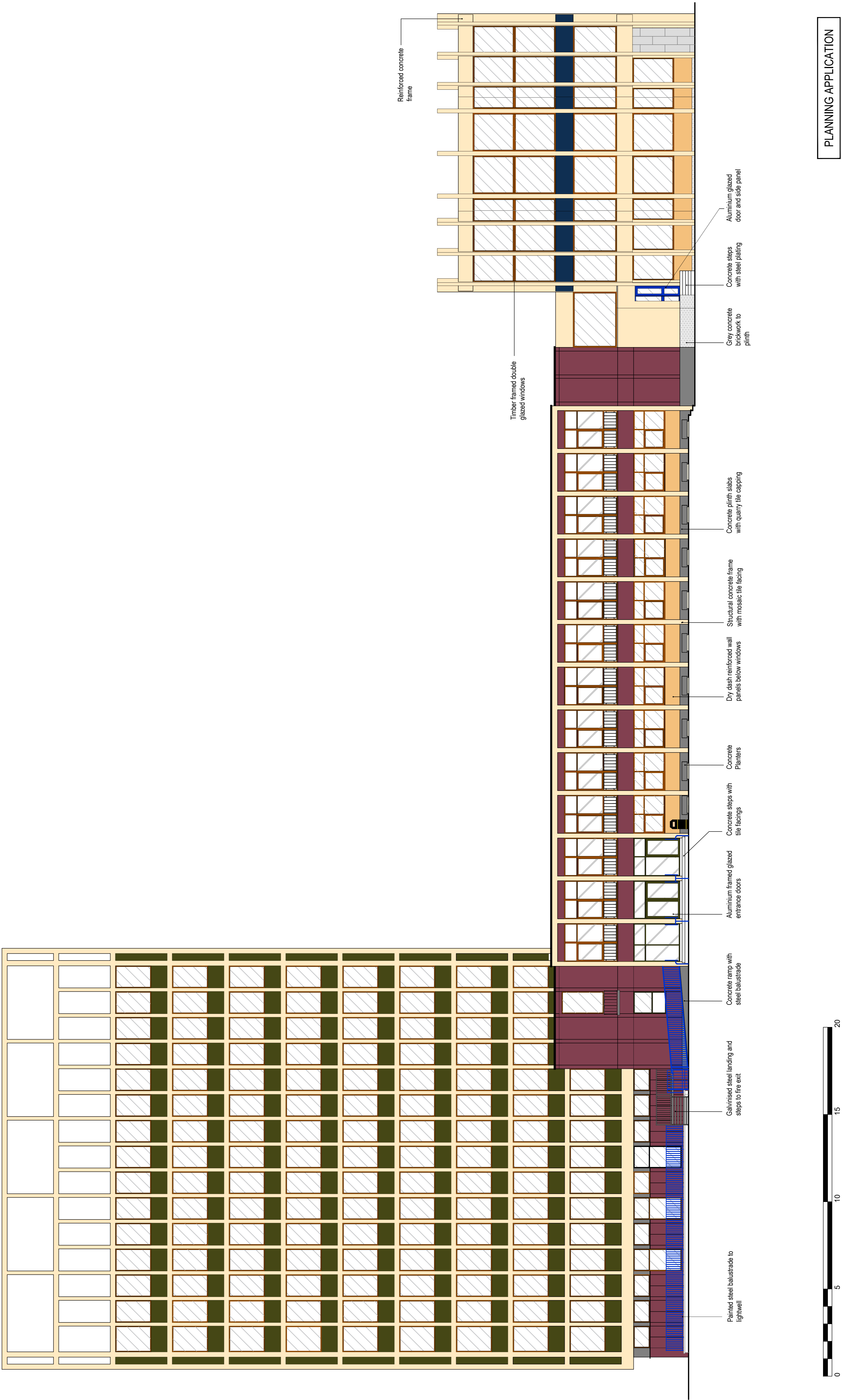
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PLANNING APPLICATION

REV	DESCRIPTION	BY	CHK	APP	DATE
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Scale @	A1	Drawn	Date	Checked	Date
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Project No.	Office	Type	Drawing No.	Revision	
A095945-3	BS		E0013		01

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Client:
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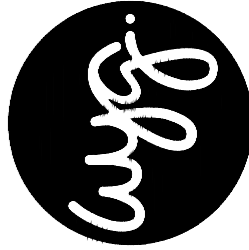
Project:
Civic Centre
Carlisle City Council
Flood Reinstatement

Drawing Title:
West Elevation
As Existing

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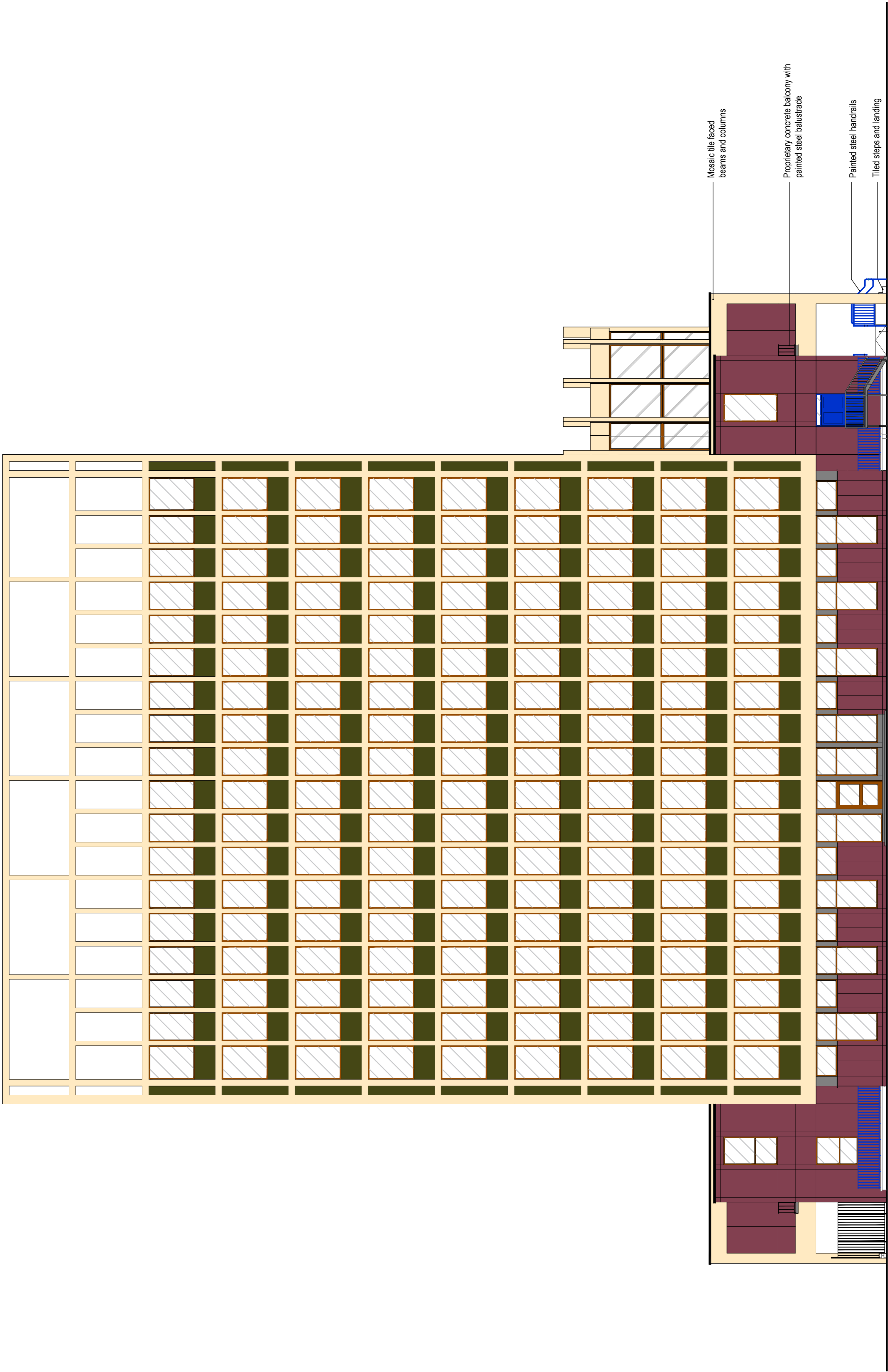
Client: Carlisle City Council
Carlisle Civic Centre
Carlisle
CA3 8QG



Project:
Civic Centre
Carlisle City Council
Flood Reinstatement

Drawing Title:
South Elevation
As Existing

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PLANNING APPLICATION

REV	As Existing North Elevation			DESCRIPTION			DATE		
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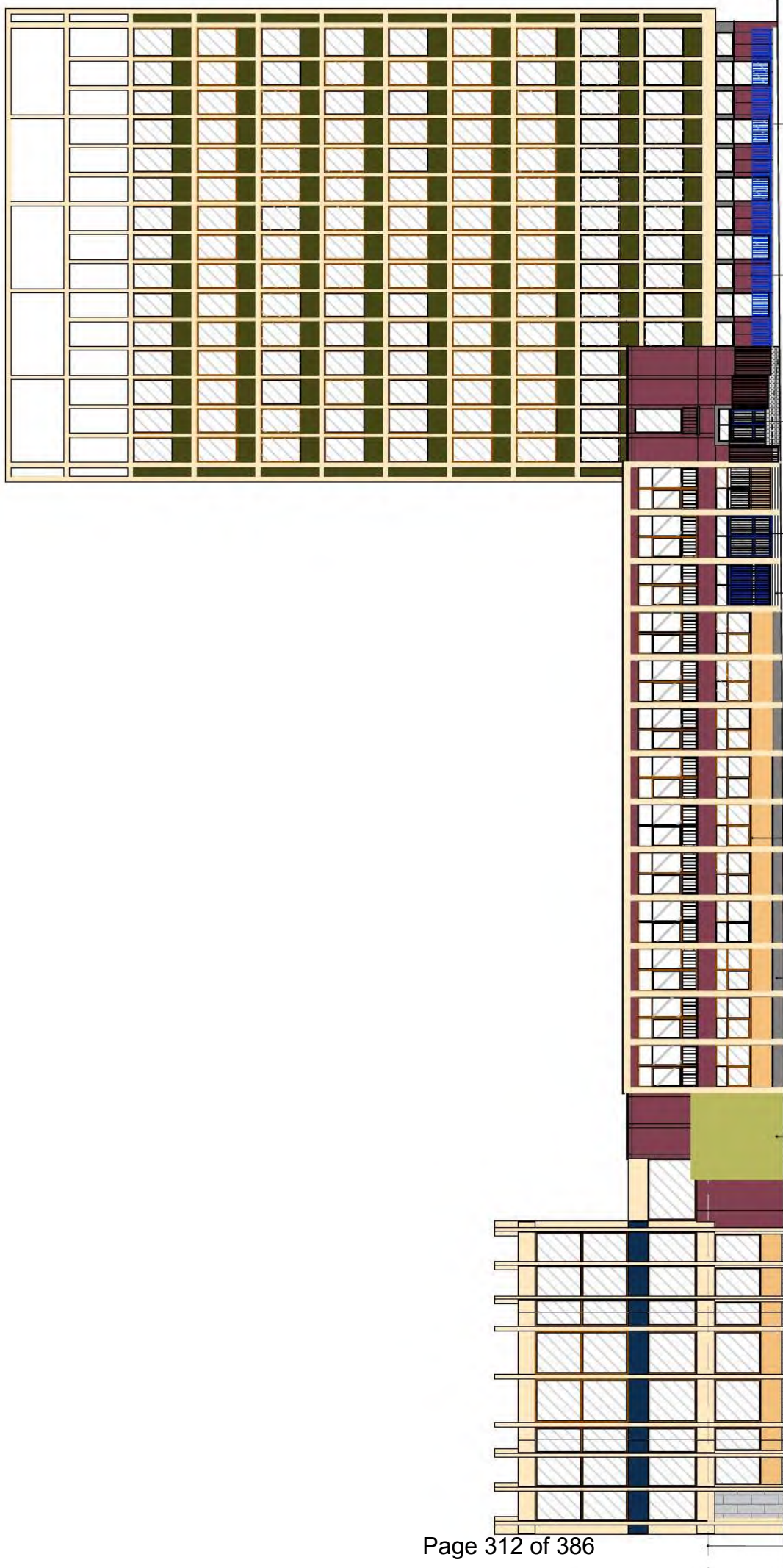
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Client:
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Project:
Civic Centre
Carlisle City Council
Flood Reinstatement

Drawing Title:
North Elevation
As Existing

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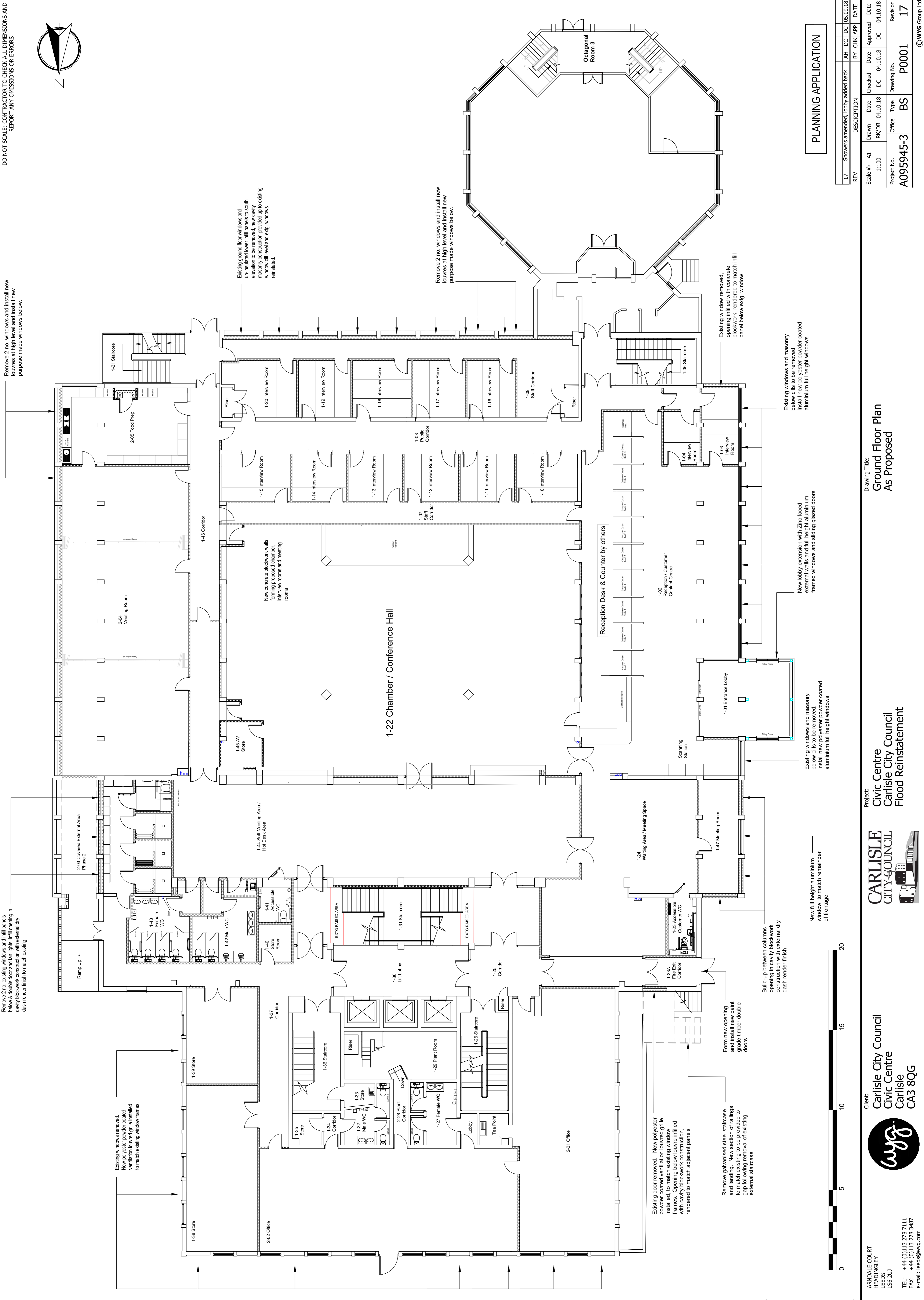
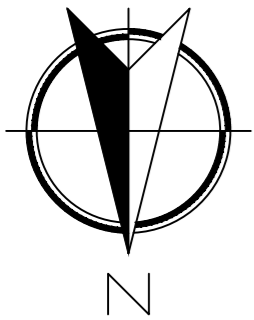
PLANNING APPLICATION

As Existing, Suit Expansion		APP	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC</
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Drawing Title:		East Elevation As Existing	
Project:		Civic Centre Carlisle City Council Flood Reinstatement	
Client:		Carlisle City Council Civic Centre Carlisle CA3 8QG	



ARCHITECT
HARRISON
LONDON
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PLANNING APPLICATION

REV	DESCRIPTION	BY	CHK	APP	DATE
17	Showers amended, lobby added back	AH	DC	DC	05.09.18
Scale @	A1	Drawn	Date	Checked	Date
1:100	RK/DB	04.10.18	DC	04.10.18	DC
Project No.	Office	Type	Drawing No.	Revision	
A095945-3	BS	P0001	17		

Drawing Title:
Ground Floor Plan
As Proposed

Project:
Civic Centre
Carlisle City Council
Flood Reinstatement



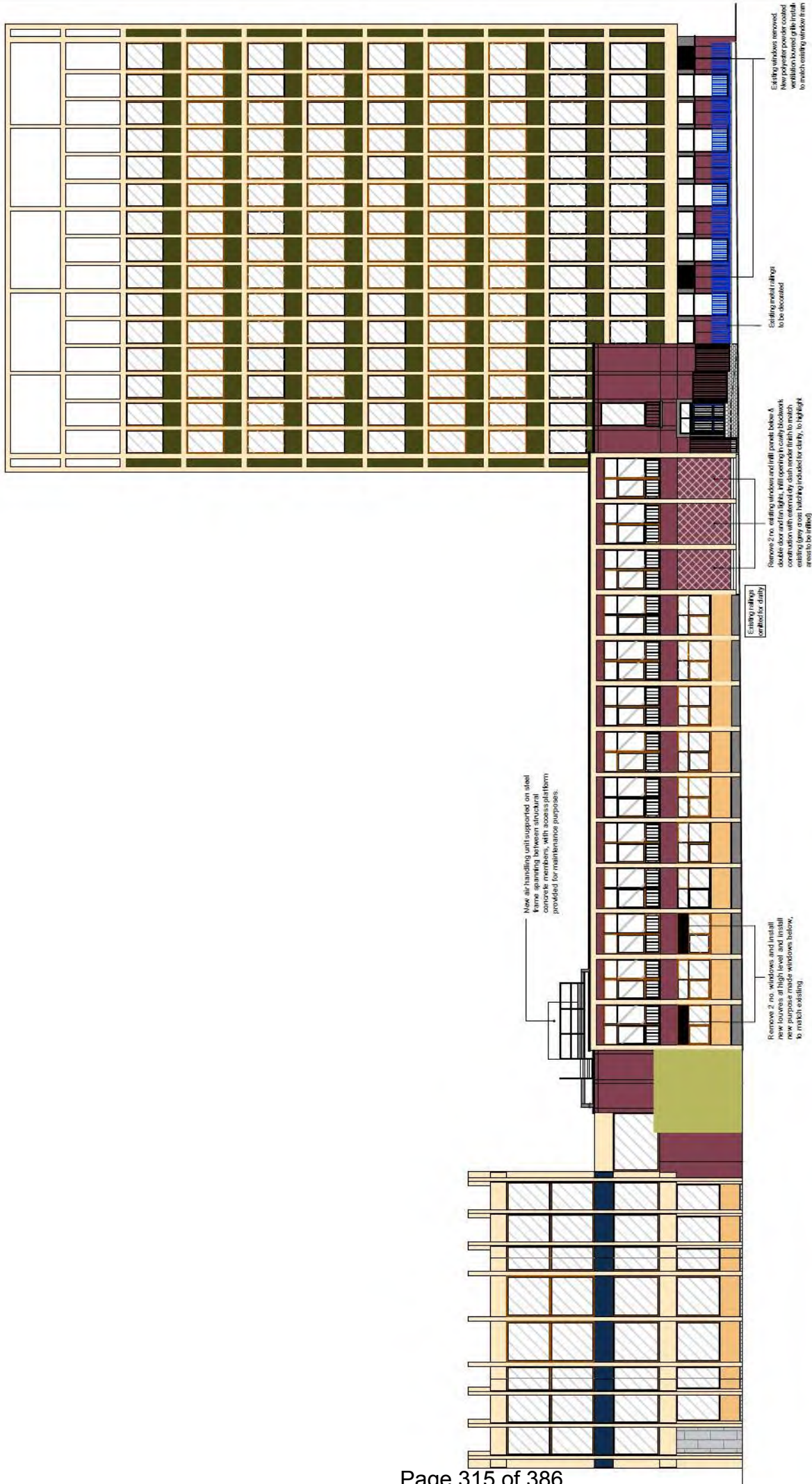
Client:
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG



ARDALE COURT
HEADINGLEY
LEEDS
LS6 2UJ
TEL: +44 (0)113 278 7111
FAX: +44 (0)113 278 3487
e-mail: leeds@wyg.com



PLANNING APPLICATION									
REV	DESCRIPTION			BY	CHK	APP	DATE		
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		AH	03.09.18	DC	03.09.18	DC	03.09.18		
Project No.	Office		Type	Drawing No.		Revision			
A095945-3			BS	P0042		01			



PLANNING APPLICATION

REV	As Issued/See Elevation	DATE	As Issued/See Elevation	DATE
1	As Issued/See Elevation	06.10.18	As Issued/See Elevation	06.10.18

DESCRIPTION	DATE	DATE	DATE
Drawn	06.10.18	Checked	06.10.18
Scale: A1	1:100	Approved	06.10.18

Project No.	Office	Type	Quantity No.	Revision
A095945-3	BS	P0040	01	01

Client: Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Project: Carlisle City Council
Carlisle City Council
Flood Reinstatement

Drawing Title: East Elevation
As Proposed

APRIL COURT
HARRISLEY
LEEDS
LS6 2JL

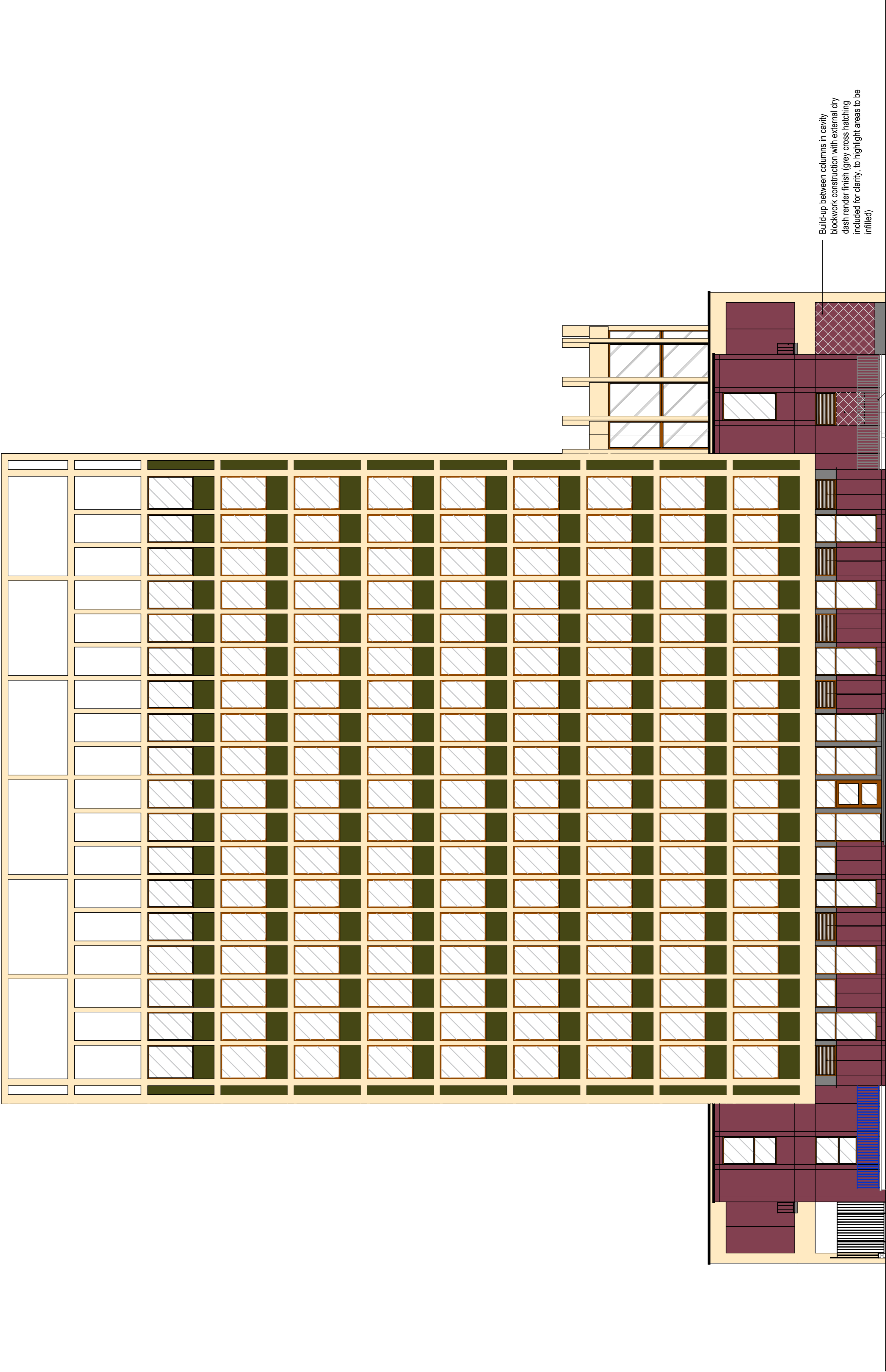
TEL: +44(0)113 276 7111
FAX: +44(0)113 276 3487
email: info@aprilcourt.co.uk

wyz

CARLISLE CITY COUNCIL

Carlisle City Council

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PLANNING APPLICATION

REV	DESCRIPTION	BY	CHK	APP	DATE
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Scale @	A1	Drawn	Date	Checked	Date
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Project No.	Office	Type	Drawing No.	Revision	
A095945-3	BS		P0041	01	

Client:

Carlisle City Council

Civic Centre

Carlisle

CA3 8QG

Project:

Civic Centre

Carlisle City Council

Flood Reinstatement

Drawing Title:

North Elevation

As Proposed

ARNDAL COURT

HEADINGLEY

LEEDS

LS6 2UJ

TEL: +44 (0)113 278 7111

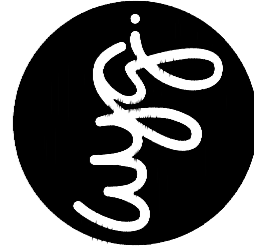
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Client: Carlisle City Council
Carlisle Civic Centre
Carlisle
CA3 8QG

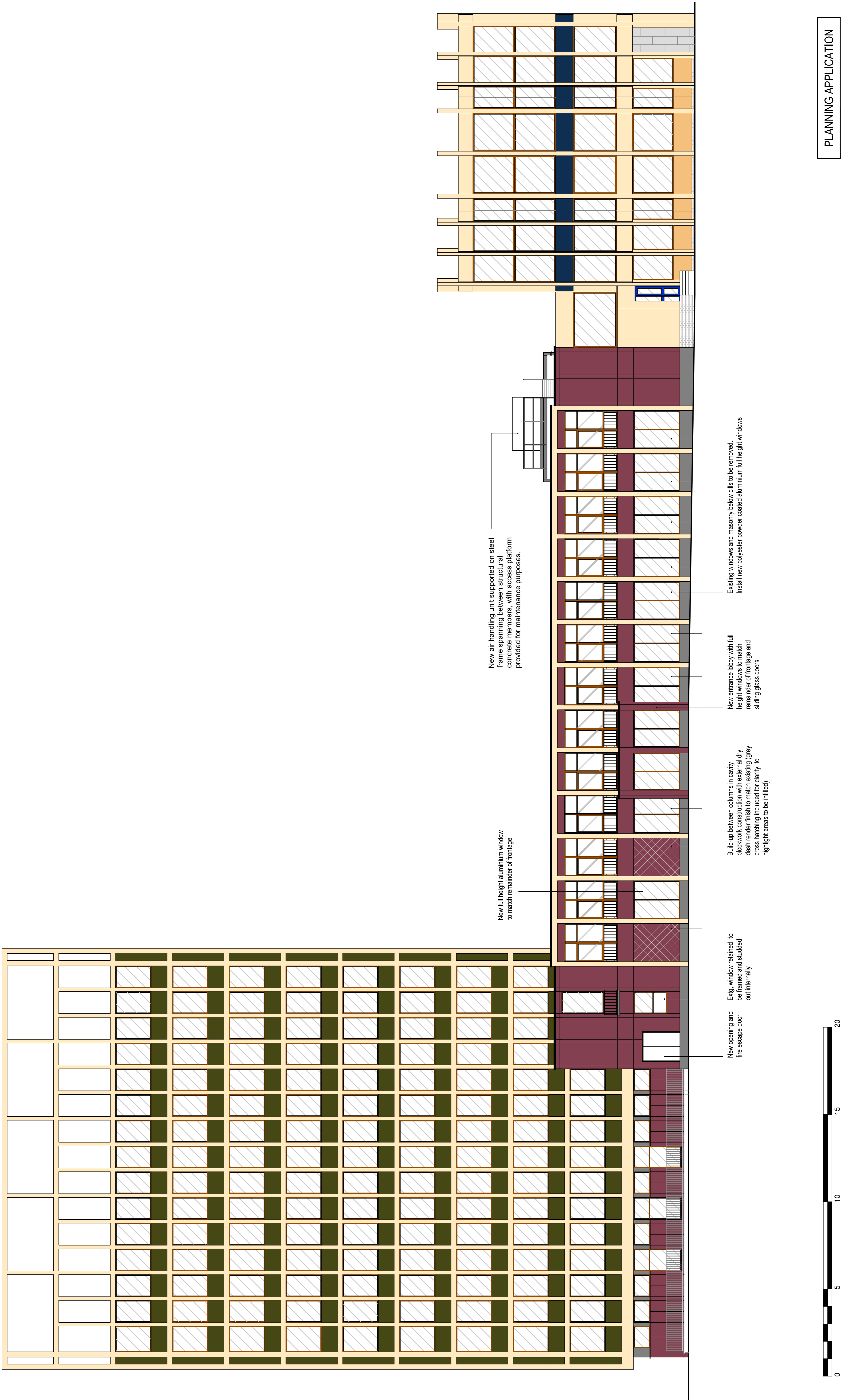


Project: Civic Centre
Carlisle City Council
Flood Reinstatement

Drawing Title:
**South Elevation
As Proposed**

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Scale	A1	Drawn	Date	Checked	Date	Approved	Date	
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Project No.	Office		Type	Drawing No.		Revision		
A095945-3	BS		BS	P0038		01		

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PLANNING APPLICATION

REV	DESCRIPTION	BY	CHK	APP	DATE
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Project No.	Office	Type	Drawing No.	Revision	
A095945-3	BS		P0039	01	

ARDALE COURT
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LEEDS
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e-mail: leeds@wyg.com

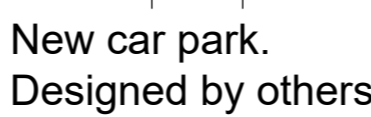
Client:
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Project:
Civic Centre
Carlisle City Council
Flood Reinstatement

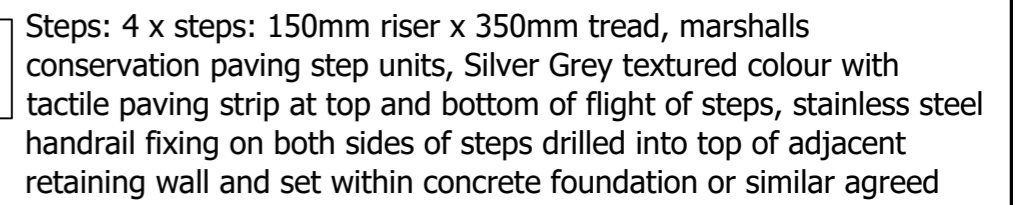
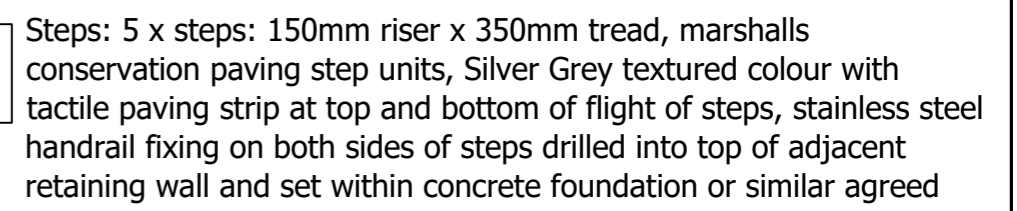
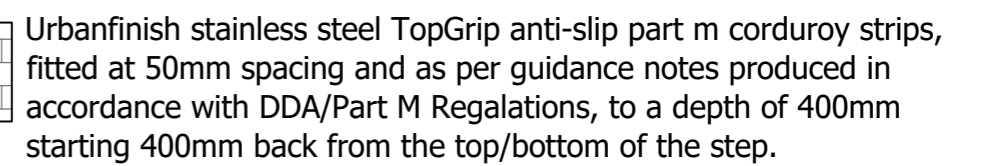
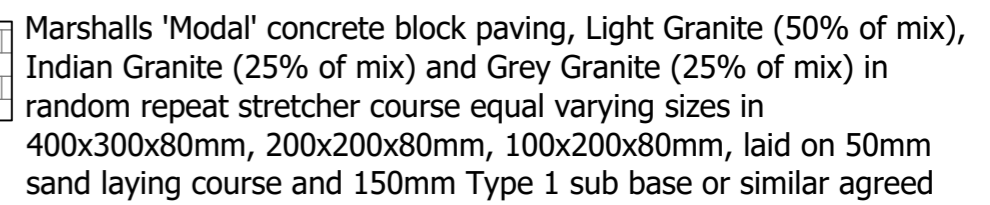
Drawing Title:
West Elevation
As Proposed



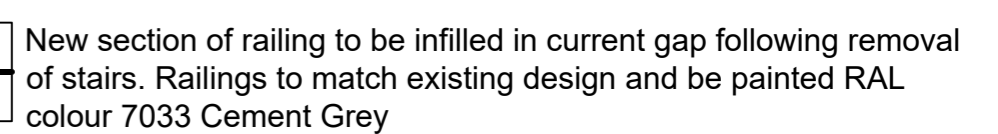
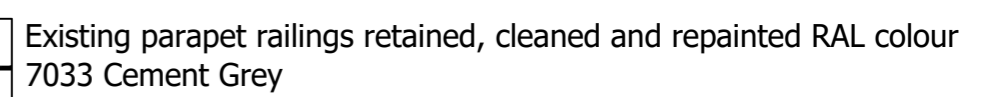
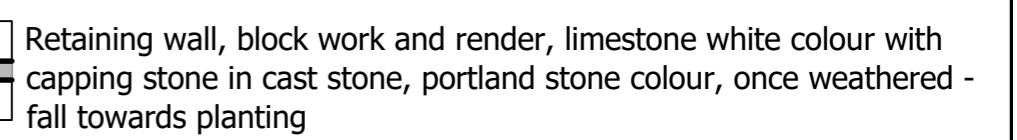
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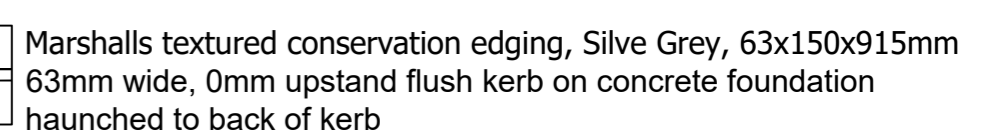
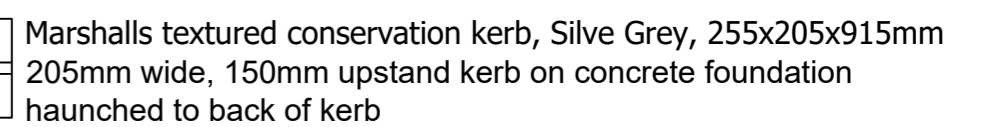
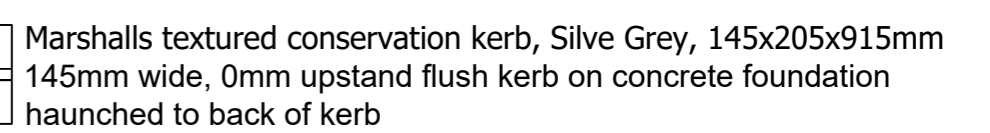
HARD LANDSCAPING



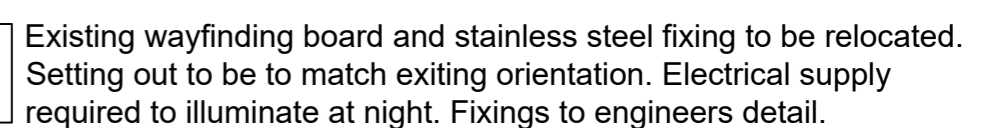
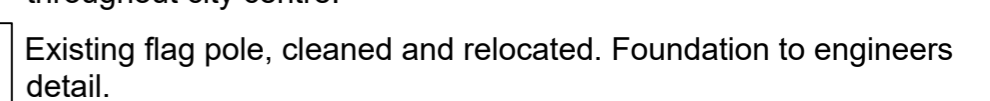
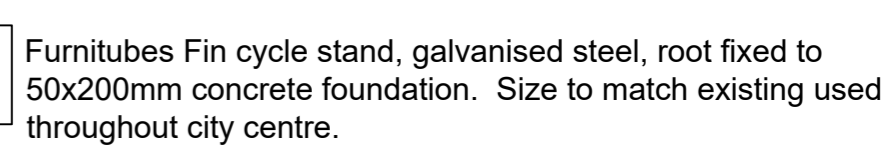
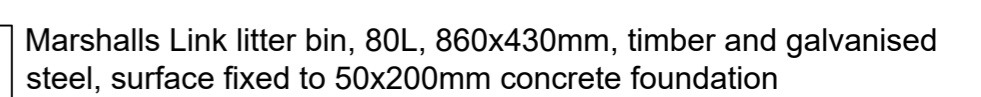
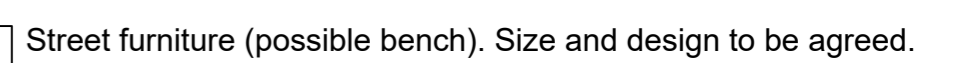
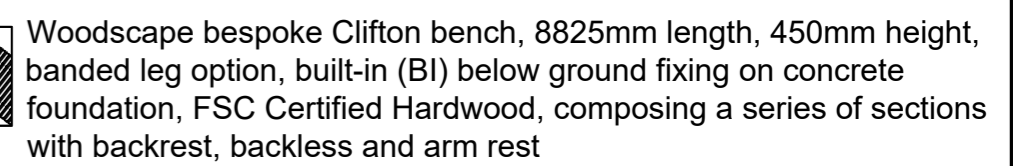
BOUNDARY TREATMENT



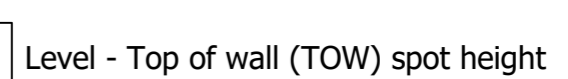
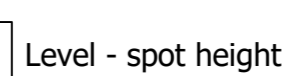
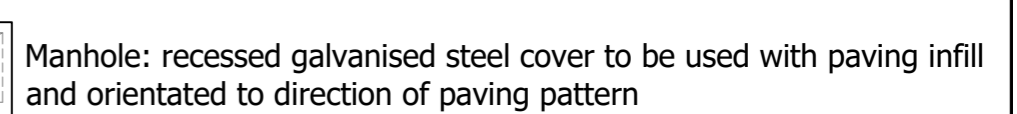
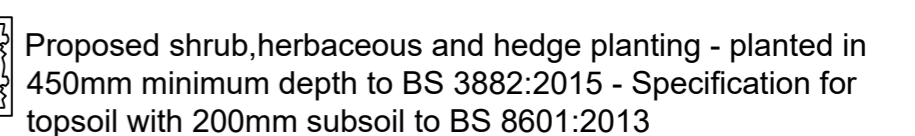
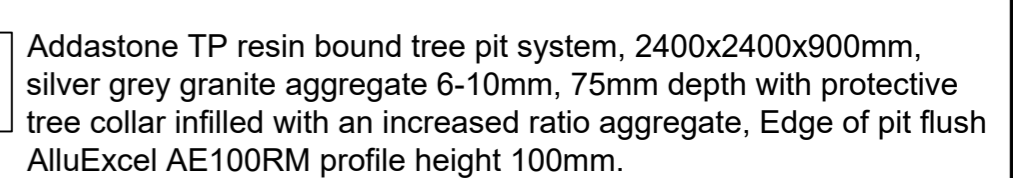
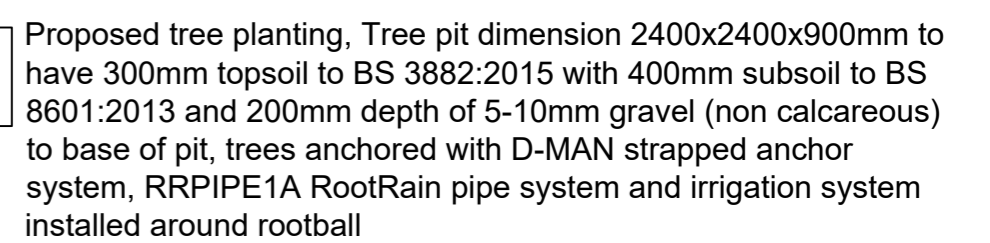
KERBS



STREET FURNITURE



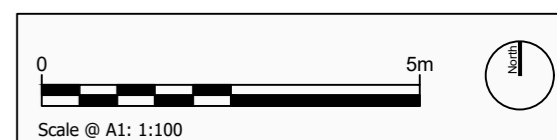
SOFT LANDSCAPING



NOTES:

- Concrete block paving to be supplied by Marshalls or similar agreed.
- Thickness of sub-base material is to be determined by strength of the sub-grade given by the California Bearing Ratio (CBR) and detailed by engineers.
- Concrete block paving units should be laid in accordance with BS 7533-3:2005 +A1 2009, Code of practice for laying precast concrete paving blocks and clay pavers for flexible pavements.
- Existing utility service covers in paved areas to be replaced with recessed covers and infilled with matching paving. Covers to be adjusted to suit on site and orientated with paving direction as directed by project engineer. Levels of covers to be raised where required to match new levels.
- For Planting Proposals refer to drawing A095945_PP_01 for details.
- For tree pit details refer to Tree Pit Drawing A095945_DT_01 for details.
- For landscape details refer to Typical Landscape Details drawing A095945_DT_02 to 05 for details.
- Refer to lighting engineers drawing A095945-3_21_E_EXT002_T1 ELECTRICAL SERVICES SITE PLAN AS PROPOSED.
- For construction details, service information, drainage details refer to engineers drawings.
- For electrical services setting out for lighting refer to electrical engineers drawings.
- Position of existing flag pole (ref. FP), wayfinding board (ref. WB) and proposed street furniture (ref. B2) to be strategically positioned for site security reasons to the north and south of the site as indicated. Final position to be agreed.
- Do not scale from this drawing.

TENDER ONLY



Project title:

Carlisle Civic Centre

Drawing title: Landscape General Arrangement

Dwg N°: A095945_LA_05 Rev:T4

Drawn: NL Checked:PB

Date: 17/05/2019

WYG, 1 Angel Court, London, EC2R 7HU
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uld@uag.com

SCHEDULE A: Applications with Recommendation

19/0234

Item No: 10

Date of Committee: 07/06/2019

Appn Ref No:
19/0234

Applicant:
Carlisle City Council

Parish:
Carlisle

Agent:
WYG Group Ltd

Ward:
Cathedral & Carlisle

Location: Civic Centre, Rickergate, Carlisle, CA3 8QG

Proposal: Demolition Of Rotunda And Extension Of Existing Car Park To Provide 40no. Additional Spaces

Date of Receipt:
20/03/2019

Statutory Expiry Date
15/05/2019

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 Impact Of The Proposal On The Civic Centre/ City Centre Conservation Area
- 2.2 Impact On Listed Buildings/ Non-designated Heritage Assets
- 2.3 Flood Risk/ Drainage
- 2.4 Designing Out Crime
- 2.5 Biodiversity
- 2.6 Other Matters

3. Application Details

The Site

- 3.1 The Civic Centre is a large modernist structure that lies within Carlisle City Centre Conservation Area. It opened in 1964 and has been the headquarters of Carlisle City Council ever since.

- 3.2 The Civic Centre comprises three main linked elements: an eleven-storey tower; a two-storey civic suite which incorporates the main entrance; and an octagonal building (also known as the rotunda) which contains the Council chamber. The rotunda is a three-storey structure comprising a basement, ground floor and first floor (with the first floor having a balcony level). The basement and ground floor are currently unoccupied following flooding in 2015. The original scheme for the Civic Centre included the construction of a large assembly room to the south of the complex which would have formed a piazza but this was never built.
- 3.3 The architectural style of the Civic Centre is characterised by simple, plain, geometric forms. Similar to other modernist structures, the Civic Centre is characterised by the use of reinforced concrete and steel with large windows set in horizontal bands. The rotunda is constructed of reinforced concrete with concrete floor slabs and a flat roof.
- 3.4 The ground floor of the building was flooded in 2015 and has been out of use ever since, with temporary portacabins being used to provide additional floor space.
- 3.5 The Civic Centre building is adjoined by a car park to the south, beyond which lies Drovers Lane and a Debenhams department store; by Rickergate to the west beyond which lies the Magistrates Court and Ristorante Adriano; by Hardwicke Circus roundabout to the north; and by Lowther Street Car Park to the east.

The Proposal

- 3.6 The application is seeking planning permission to:
- demolish the rotunda and the link to the two-storey civic suite;
 - make good and repair the south elevation of the two-storey civic suite where the link to the rotunda is proposed for removal;
 - extend the existing surface car park onto land currently occupied by the rotunda and the lawned area (which contains two trees) to the east of the portacabin. An additional forty-three car parking spaces would be provided (the portacabins are located on thirteen car parking spaces so there would be a net gain of thirty car parking spaces).
- 3.7 A Demolition Method Statement has been submitted with the application.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to three neighbouring properties. One letter of objection has been received from Cllr Bainbridge which raises the following concerns:
- disagrees with the removal of the two trees and the small lawned area for the sake of a few extra car parking places. They add a small green element

to the current site and are a small amenity area in an oasis of tarmac and concrete. To remove them would be a retrograde step - they have several years of life expectancy ahead of them and trees of this size are rare in the city centre. Would be more comfortable if they were retained. People would rather see the trees kept than 12 additional car parking spaces. An assessment should be made as to whether they are eligible for a TPO;

- motorcycle parking was established at the Civic Centre as a result of a public petition 11 years ago. The current layout makes no provision for motorcycle users - a revised layout could make some motorcycle provision;

- the assumption has been made that the rotunda is unlettable in today's market and it has been mentioned that it has been marketed through agents - but have never seen any mention of this site for let. Requested an explanation as to the precise methods used by the Council and agent to promote the site. The Council should be subject to the same rigours (if not more) of proving market demand as other applicants. The ground floor could be a potential creche/ nursery.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections subject to conditions (Construction Phase Traffic Management Plan and Surface Water Drainage Scheme);

Cumbria Constabulary - North Area Community Safety Unit: - does not consider that this development would create any appreciable crime risk. The present car park is well used and generates plenty of legitimate activity and casual supervision. The extension would be in view of the CCTV camera mounted on the Magistrates Court building. There are also some natural surveillance opportunities from the upper levels of the Civic Centre and pedestrian traffic using Drovers Lane and Lowther Street;

Northern Gas Networks: - no objections;

Environment Agency: - no objections - the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere;

Environment Agency - Environmental Crime Team: - no comments received;

Twentieth Century Society - Amenity: - no comments received;

United Utilities: - no objections subject to conditions;

Carlisle & District Civic Trust: - it appears to have been missed that the building design was "Commended" in the 1966 National Civic Trust Awards representing the North West Region. Proposals arose in 2014 when a consultation by the Council revealed one option under consideration was for demolition and substitution by a retail development scheme. Dis-affection was noted but also many spoke up in favour of retention of the building and

its quality such as Alex Kolombos, from Wells, who regarded the building as a “true beauty” with “wonderful interior spaces” and also Tilly Hemingway who went on record as saying “I think Carlisle Civic Centre is a magnificent example of mid-century modern architecture and an important piece of British design history”. It is doubtful that public opinion will have changed greatly in the last 5 years.

A City should reflect its development and history through its architecture but it is not just that good examples are retained but how they appear cared for that can send a strong message to citizen and visitor alike as to how a community sees itself.

The Trust is opposed to the partial demolition of the Civic Centre complex. Its significance as a non-designated heritage asset is far higher with the retention of the design's original concept – the main tower block or 'secretariat' the committee rooms for democratic interaction which both culminate visually and purposefully in the Council Chamber rotunda. As our working guidance suggests the completeness of a building concept is of great importance and the loss of the rotunda as the focus of the Civic statement would be significant.

We are not convinced by the flooding justification. As originally built the rotunda was elevated off the ground on stilts (more recently in filled) which, we would argue, was probably a concept that may well have been appropriate for the whole complex given its location within the Eden flood plain sitting on Robert Smirke's second 5 arch bridge of 1815 filled in during the 19 century.

Neither the Written Statement or the Heritage Statement adequately justify this damage to what may become an important survivor of the modern movement era. History always reminds us that where pride and quality are acknowledged at completion demolition without a rounded, balanced, argument often leads to regret and lost opportunity. We urge the Council to re-consider its proposals and retain the rotunda and not destroy part of this nationally commended building.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP4, SP6, SP7, HE3, HE7, CC4, CC5, CM3, CM4, GI3 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. The Supplementary Planning Documents Trees and Development and Designing Out Crime are also material planning considerations.
- 6.3 The proposal raises the following planning issues.

1. Impact Of The Proposal On The Civic Centre/ City Centre Conservation Area
- 6.4 The existing rotunda is no longer fit for purpose for use as a modern, multi-functional civic space. The design of the rotunda prevents easy access by all members of the public. The fixed circular seating arrangement does not allow for other flexible uses or conferences. The structure is not energy efficient and is uncomfortable to sit in for extended periods of time. The acoustics within the building are poor. A new multi-functional civic suite is to be provided within the Civic Centre and this would allow occupation, use and enjoyment by a large range of groups and members of the public.
- 6.5 The application is accompanied by a Built Heritage Statement (HS). An application to consider the Civic Centre for listing was made to Historic England in 2007. After considering the architectural and historic interest of the building it was concluded that the building did not meet the relevant criteria for listing. The building is, therefore, considered to be a non-designated heritage asset, with a low heritage value.
- 6.6 The structural frame of the rotunda comprises twenty-four rectangular columns, which extend through the council chamber. When the rotunda was constructed the ground floor was partially open and pedestrians could walk through the structure at ground floor level. This area, and the connecting link, have been infilled which has resulted in the loss of this permeability and the HS considers that this has partially compromised the original concept of the freestanding octagonal council chambers.
- 6.7 The rotunda contains a back-lit bas-relief in fibrous plaster by F. Trewin Copplestone which depicts elements of the city. Whilst this artwork is of interest, its artist is not renowned on a national level.
- 6.8 The original scheme for the Civic Centre included the construction of a large assembly room to the south of the complex which would have formed a piazza but this was never built. The hard landscaping to the south of the building has been removed and replaced with car parking, which has changed the immediate setting of the rotunda in particular.
- 6.9 The HS considers that overall whilst the Civic Centre has some heritage value this is considered to be low. The HS considers that the significance of the Civic Centre is considered to derive from: its association with post-war building of large modern civic centres to emphasise civic pride, identity and the progressive nature of local authorities; its competent modernist design and some internal features of interest which have been retained; and its role as an important public building within Carlisle.
- 6.10 Demolition of the rotunda would impact on the heritage significance of the Civic Centre by removing a key element of the building. However, the HS considers that the overall impact would be low. The original scheme design was never completed and the original concept of an independent free standing octagonal council chamber has already been partially compromised

through the infilling of the original ground floor beneath the council chamber and around the connecting link.

- 6.11 Prior to any demolition works taking place, a Historic Building Record would be undertaken to document the structure. This should include a photographic survey. The back-lit bas-relief would be removed from the rotunda prior to its demolition and relocated to a suitable location elsewhere within the Civic Centre where it can be seen by the general public. The south elevation would be made good and repairs would be in keeping with the character of the Civic Centre.
- 6.12 Whilst the replacement of the rotunda with an area of surface car parking would do little to improve the setting of the Civic Centre, the HS considers that the overall resulting negative impact on the heritage significance of the Civic Centre is considered to be low.
- 6.13 The application site is located within the City Centre Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:
- "special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".*
- 6.14 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.15 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.16 The HS considers that the rotunda makes a neutral contribution to the character and appearance of the City Centre Conservation Area. Whilst the Civic Centre (and rotunda in particular) is competently designed it does not form the centre piece of a well designed civic quarter but rather sits awkwardly on the periphery of the city centre. The original scheme was not fully implemented resulting in an incomplete plan form and an unbalanced architectural composition. A piazza and a large assembly hall proposed as part of the original scheme design on land currently occupied by the car park did not materialise. As a result, the rotunda is a slightly isolated element rather than forming part of the piazza as originally intended.
- 6.17 In townscape terms the rotunda acts as a landmark building mainly due to its unusual shape and detailing with its octagonal plan form and castellated roof finish. However, the rotunda fails to positively address the surrounding streetscape at ground floor level and does not provide any overlooking or

animation of the public realm. The existing surface car park makes a negative contribution to the character and appearance of the conservation area, although the trees within the car park provide some limited greenery in this part of the conservation area.

6.18 The HS considers that the removal of the rotunda and its replacement with surface parking (along with changes to the existing car park, including the removal of two trees) would result in a negative impact on the character and appearance of the conservation area. However, in NPPF terms it is considered that the overall degree of harm would result in a negligible level of less than substantial harm.

6.19 The Council's Conservation and Urban Design Officer has been consulted on the application. He has concluded that:

- Historic England, in their 2008 report, conclude that the building complex does not meet the strict standards required for national significance and listing. Its merit however is clearly set out, and this is corroborated by Pevsner's assessment of the value of the building;

- The building sits within the City Centre Conservation Area, as extended in 2009. The Civic Centre is one of the more notable buildings within this extended area. Any loss of a building or part of a building of this scale will have an impact on the Conservation Area. While the loss to the Conservation Area as a whole may be less than substantial it is not negligible or neutral. The proposed car parking and the loss of trees can only be seen as not compliant with the planning policy and neither preserve nor enhance the Conservation Area.

- The removal of the octagon portion of the Civic Centre can only be described as being of substantial harm to the Civic Centre building complex which is recognised as an undesignated heritage asset.

- The scheme at present has an unacceptably damaging impact on the character and appearance of the Civic Centre building complex and constitutes substantial harm to the building. The proposed car parking will have a further detrimental impact on the Conservation Area, denuding it of its present limited tree cover and introducing an unbroken expanse of car parking. The proposals are not compliant with the need to give 'special attention to the desirability of preserving or enhancing the Conservation Area, nor to the policy considerations highlighted above – in particular HE7.

- Constructively, consideration could be given to the removal of the piloto infills to enable parking within the undercroft space (allowing for enhanced access to the building via the existing staircase and possible DDA compliant access), coupled with additional substantial tree planting to mitigate the impact of the already poor appearance of the existing car park.

6.20 The Carlisle and District Civic Trust notes that the building design was commended in the 1966 National Civic Trust Awards and considers that the building offers at least a medium level of significance in the city. The Trust

is opposed to the partial demolition of the Civic Centre complex. Its significance as a non-designated heritage asset is far higher with the retention of the design's original concept – the main tower block and committee rooms both culminate visually and purposefully in the rotunda. The completeness of a building concept is of great importance and the loss of the rotunda as the focus of the Civic statement would be significant.

- 6.21 The Trust is not convinced by the flooding justification. As originally built the rotunda was elevated off the ground on stilts (more recently infilled) which was probably a concept that may well have been appropriate for the whole complex given its location within the Eden flood plain sitting on Robert Smirke's second 5 arch bridge of 1815 filled in during the 19 century.
- 6.22 The Trust does not consider that the Written Statement or the Heritage Statement adequately justify this damage to what may become an important survivor of the modern movement era. History always reminds us that where pride and quality are acknowledged at completion, demolition without a rounded, balanced, argument often leads to regret and lost opportunity. The Trust urges the Council to re-consider its proposals and retain the rotunda and not destroy part of this nationally commended building.
- 6.23 The Civic Centre is a non-designated heritage asset. Paragraph 197 of the NPPF deals with non-designated heritage assets. It states that "in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". Paragraph 198 of the NPPF seeks to ensure that new development will proceed after the loss has occurred, whilst Paragraph 199 of the NPPF seeks to ensure that developers record any heritage assets to be lost.
- 6.24 The building suffers from poor access, poor energy efficiency and low levels of comfort and the current layout does not allow for the flexible use of the space. The building is no longer required by the Council and it has been marketed for alternative uses without success. Given the current issues with the building, significant investment would be required to reuse the building for an alternative use.
- 6.25 Whilst demolition of the rotunda would impact on the heritage significance of the Civic Centre by removing a key element of the building the loss of the rotunda is considered to be low. Prior to any demolition works taking place internal features of interest would be removed and relocated in the Civic Centre and a Historic Building Record would be undertaken to document the structure. The south elevation would be made good and repairs would be in keeping with the character of the Civic Centre.
- 6.26 The demolition of the rotunda would lead to less than substantial harm to the City Centre Conservation Area. Paragraph 196 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a non-designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would lead to the provision of an additional thirty car parking spaces which would

be located adjacent to the Civic Centre and in close proximity to the Magistrates, the Old Fire Station Entertainment venue and the City Centre which would benefit visitors using these facilities.

- 6.27 Policy HE7 (Conservation Areas) of the adopted Local Plan states that new development and/or alterations to buildings in conservation areas should preserve or enhance the special character and appearance of the conservation area and its setting.
- 6.28 Whilst it is considered that the removal of the rotunda would not have an adverse impact on the character and appearance of the conservation area, its replacement by a car park and the loss of two mature trees would have a negative impact on the conservation area. In order to overcome this, a number of additional trees would be planted on the edge of the car park, in the existing embankments and in the south-east and south-west corners of the car park and these would be secured by condition.
- 6.29 In light of the above, it is considered that the proposal would not have an adverse impact on the Civic Centre or on the City Centre Conservation Area.

2. Impact On Listed Buildings/ Non-designated Heritage Assets

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

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

- 6.31 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.
- 6.32 Nos. 20-28 Scotch Street/ 1 West Tower Street and Carlisle Public Markets are Grade II Listed Buildings. The Civic Centre (including the rotunda) is visible from the front of these buildings and is considered to form part of the listed buildings wider setting (albeit only a small part of its wider setting).
- 6.33 The Carlisle and District Magistrates Court and the Old Fire Station which lie directly to the west of the Civic Centre are considered to be non-designated heritage assets. The Civic Centre (and rotunda) is visible from the Magistrates Court and is considered to form part of its setting.
- 6.34 The Heritage Statement notes that the Civic Centre (including the rotunda) forms a small part of the wider setting of 20-28 Scotch Street/ 1 West Tower Street, Carlisle Public Markets and the Magistrate's Court. However, the views between these buildings and the Civic Centre do not contribute to understanding the significance of these buildings and, as a result, the

proposed demolition of the rotunda and the extension of the car park would not impact negatively on their significance.

- 6.35 In light of the above, the proposals would not have an adverse impact on the setting of any listed buildings or non-designated heritage assets.

3. Flood Risk/ Drainage

- 6.36 The Civic Centre is located within a defended Flood Zone 3 area and in accordance with the NPPF a Flood Risk Assessment (FRA) has been submitted with the application.
- 6.37 The FRA notes that the site would be at risk of flooding from the River Eden if there were no defences. A residual risk remains in the event that the defences fail or are overtopped as occurred in December 2015. The site is at low risk of flooding from surface water, overland flows, sewers, groundwater and reservoir failure.
- 6.38 The existing car park, that serves visitors to the Civic Centre and the city centre would be extended. No other location would be suitable to extend the car park and it is, therefore, considered that the sequential test is passed.
- 6.39 As the proposal is seeking to remove a building and no additional buildings are proposed there is no requirement to provide flood compensatory storage. The buildings and car park are served by an existing drainage system that drains into the United Utilities combined sewer in Rickergate. It is proposed to restrict runoff rates from the proposed car park extension to 3 litres per second. No modifications to the existing drainage system serving the existing car park and the building are proposed.
- 6.40 The Lead Local Flood Authority (LLFA) has been consulted on the application. The applicant has undertaken a survey of the existing drainage network associated with the rotunda and car park. The existing car park is drained via a series of gullies that discharge to the existing 450mm diameter public sewer in Rickergate which flows north into the River Eden. For the rotunda, there are two combined drains alongside the eastern and western parts of the building that discharge into the existing combined sewer in Rickergate.
- 6.41 In accordance with the drainage hierarchy stated within the Cumbria Development Design Guide 2017, the first method of surface water disposal to be explored is via infiltration. It is stated within the FRA that infiltration testing has been commissioned in order to confirm the suitability of infiltration methods within this site. In the event that these tests provide a positive result, then the drainage strategy is to be revisited to utilise infiltration techniques. However, no results have been provided by the applicant. These are required prior to any approval from the LLFA as it is currently proposed to discharge into the combined sewer on Rickergate at the same locations the previous land uses discharged to. The LLFA finds it acceptable that this information can be provided at a later date and this would be secured by condition.

4. Designing Out Crime

- 6.42 The Crime Prevention Officer has been consulted on the application. He does not consider that this development would create any appreciable crime risk. The present car park is well used and generates plenty of legitimate activity and casual supervision. The extension would be in view of existing CCTV cameras. There are also some natural surveillance opportunities from the upper levels of the Civic Centre and pedestrian traffic using Drovers Lane and Lowther Street.

5. Biodiversity

- 6.43 Two existing mature sycamore trees that lie to the east of the temporary portacabin would be removed, with a further sycamore tree that lies within the car park also being removed.
- 6.44 A Tree Survey has been submitted with the application. This identifies that the two trees adjacent to the portacabins are 25m and 32m high. One is categorised as of moderate quality and value, with the other being of moderate/ low quality. The tree within the car park is categorised as low value. The loss of the two trees adjacent to the portacabins would have a negative impact on biodiversity.
- 6.45 In order to mitigate for the loss of three trees a number of additional trees are proposed to be planted on the edge of the car park, in the existing embankments and in the south-east and south-west corners of the car park and these would be secured by condition.
- 6.46 In light of the above, the proposal would not have an adverse impact on biodiversity given the level of planting proposed.

6. Other Matters

- 6.47 The Local Highway Authority has requested further information on the number of construction vehicles entering the site per week, construction vehicle parking and a swept path analysis to ensure that all construction vehicles / HGVs can enter and leave the site in a forwards gear. This information can however be provided at a later date and a condition has been added to deal with this issue.
- 6.48 The current car park contains some motorcycle parking and the plans as originally submitted removed this provision. The plans have now been amended to provide some motorcycle parking within the car park.

Conclusion

- 6.49 The scale and design of the proposed works would be acceptable and they would not have an adverse impact on the Civic Centre, the Carlisle City Centre Conservation Area, on any listed buildings, on any undesignated heritage assets, or on biodiversity. In all aspects, the proposal is compliant

with the relevant national and local planning policies.

7. Planning History

- 7.1 Since 2010, a number of applications for roof mounted structures such as antenna, photovoltaic panels and generator equipment have been approved.
- 7.2 In February 2015, advertisement consent was granted for the display of 1no. internally illuminated LED sign (14/0914).

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 20th March 2019;
- 2. the Block & Location Plans (drawing ref P101) received 20th March 2019;
- 3. the Existing Car Park Plan (drawing ref E0011 Rev 01) received 20th March 2019;
- 4. the General Arrangement Plan (drawing ref H.01 Rev T3) received 21st May 2019;
- 5. the Existing Ground Floor Plan (drawing ref E0001 Rev 01) received 20th March 2019;
- 6. the Existing North Elevation (drawing ref E0015 Rev 01) received 20th March 2019;
- 7. the Existing East Elevation (drawing ref E0014 Rev 01) received 20th March 2019;
- 8. the Existing West Elevation (drawing ref E0013 Rev 01) received 20th March 2019;
- 9. the Existing South Elevation (drawing ref E0012 Rev 01) received 20th March 2019;
- 10. the Proposed Ground Floor Plan (drawing ref P0001 Rev 17) received 20th March 2019;
- 11. the Proposed South Elevation (drawing ref P0038 Rev 01) received 20th March 2019;
- 12. the Proposed West Elevation (drawing ref P0039 Rev 01) received 20th March 2019;
- 13. the Proposed East Elevation (drawing ref P0040 Rev 01) received 20th March 2019;
- 14. the Proposed North Elevation (drawing ref P0041 Rev 01) received 20th March 2019;

15. the Flood Risk & Drainage Assessment (A095945-3 March 2019) received 20th March 2019;
16. the Flood Risk & Drainage Assessment Appendices received 20th March 2019;
17. the Built Heritage Statement (March 2019) received 20th March 2019;
18. the Tree Survey (Project no. EES19-015 20th March 2019 version No. v1) received 25th March 2019;
19. the Planning, Design & Access Statement (March 2019) received 20th March 2019;
20. the Rotunda Demolition Method Statement (13/03/2019) received 20th March 2019;
21. the Notice of Decision; and
22. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to their planting, details of the proposed trees to be planted shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within six months of the completion of the development. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policies GI6, HE7 and SP6 of the Carlisle District Local Plan 2015-2030.

4. Prior to the carrying out of any demolition work the existing rotunda building shall be recorded in accordance with a Level 2 Survey as described by Historic England's document Understanding Historic Buildings A Guide to Good Recording Practice, 2016. Within 2 months of the commencement of construction works a digital copy of the resultant Level 2 Survey report shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration as part of the proposed development.

5. Development shall not commence until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
 - Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - Details of proposed crossings of the highway verge;
 - Retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;

- cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Surface water management details during the construction phase

Reason: In the interest of highway safety.

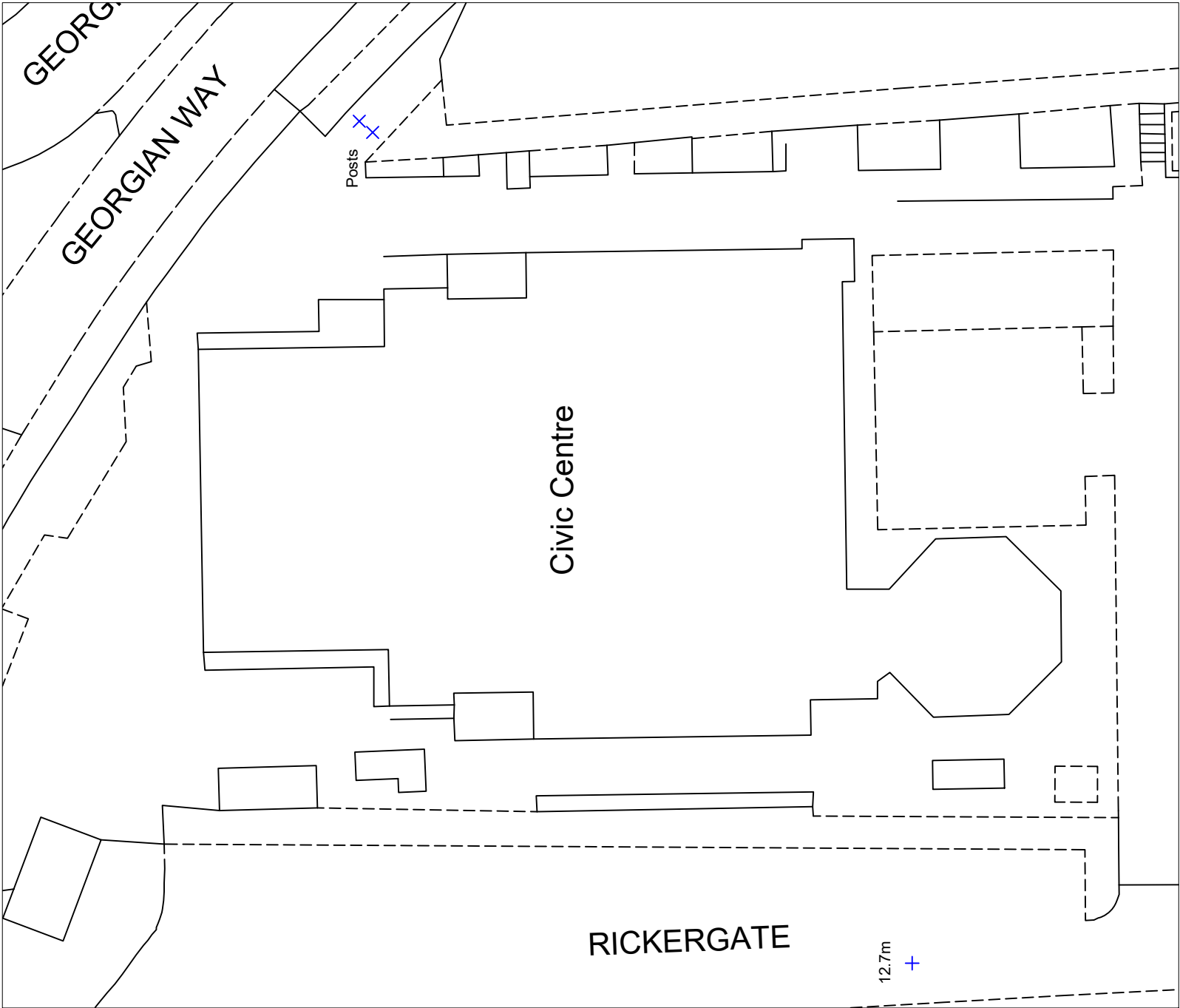
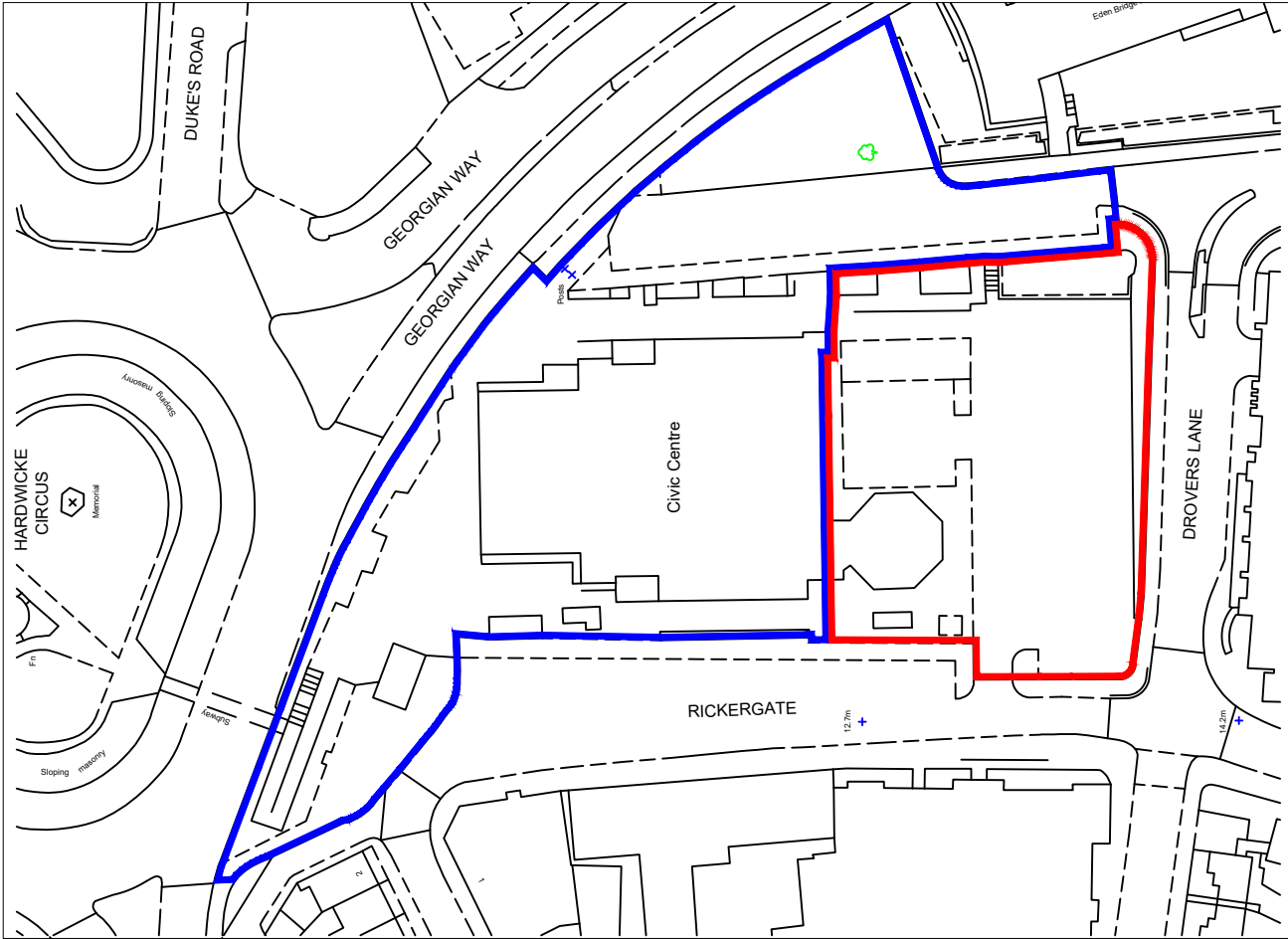
6. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted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

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

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

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

NOTES:



PLANNING APPLICATION

0	PRELIMINARY ISSUE	DB	DB	DB	08-03-19
REV	DESCRIPTION	BY	CHK	APP	DATE

Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

CARLISLE
CITY COUNCIL

ARNDALE COURT
HEADINGLEY
LEEDS
LS6 2UJ

TEL: +44 (0)113 278 7111
FAX: +44 (0)113 278 3487
e-mail: leeds@wyg.com

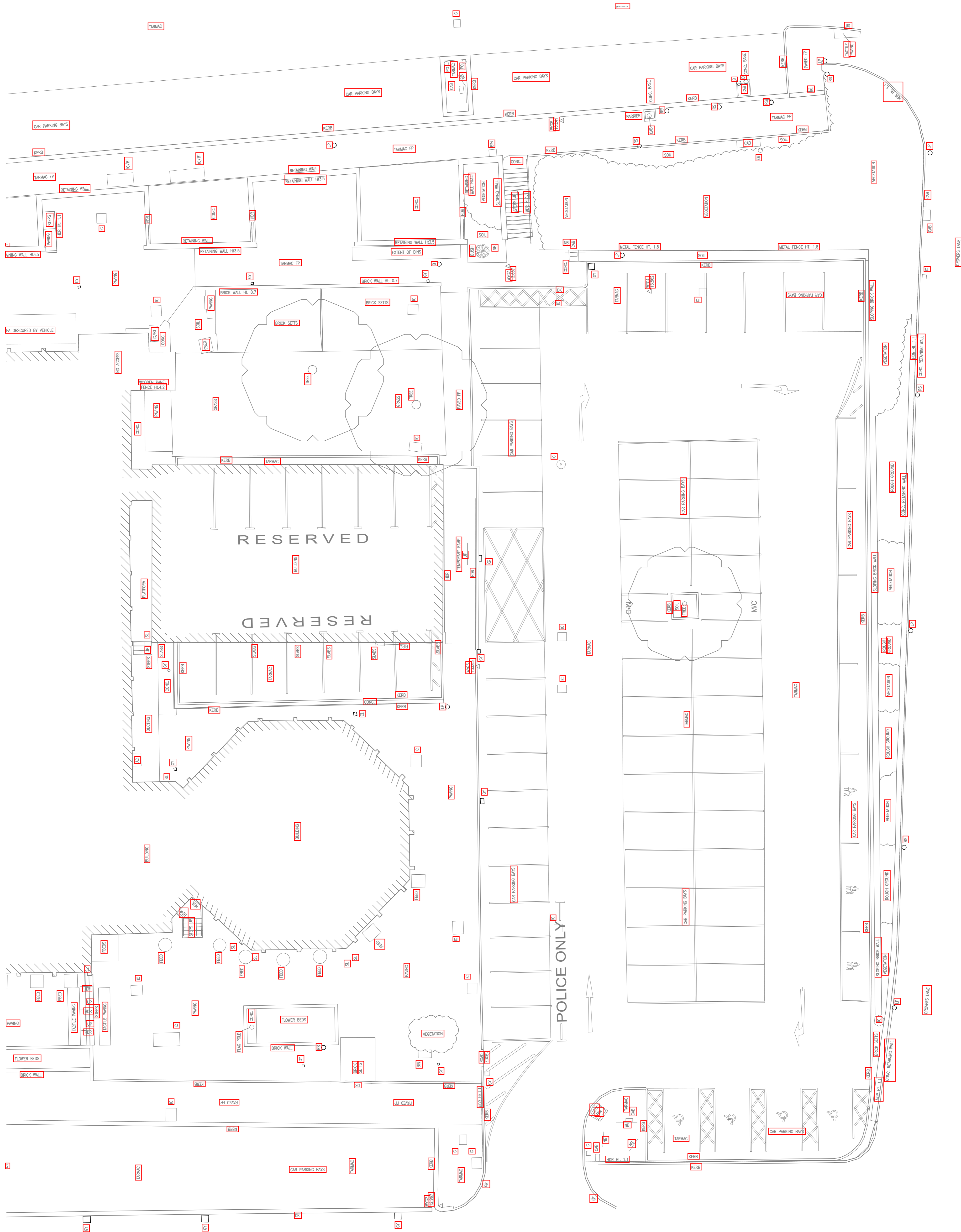
Project:

Civic Centre
Carlisle City Council
Demolition of Rotunda & Extension of Car Park

Drawing Title:
Block & Location Plans

Scale @	A3	Drawn	Date	Checked	Date	Approved	Date
As Marked	08.03.19	DB	08.03.19	DB	08.03.19		
Project No.	A095945-3	Office	Type	Drawing No.	Revision		
			BS	P101			0

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PLANNING APPLICATION

[illegible]

Carlisle City Council
Civic Centre
Carlisle
CA3 8QG



TEL: +44 (0)113 278 7111
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e-mail: leeds@wyg.com

Project:

Civic Centre
Carlisle City Council

Demolition of Rotunda & Extension of Car Park

Drawing Title:

Car Park Plan

As Existing

Scale @ A1 1:200	Drawn RK	Date 10.10.18	Checked DC	Date 10.10.18	Approved DC	Date 10.10.18
Project No. A095945-32103	Office BS	Type BS	Drawing No. E0011	Revision 01		

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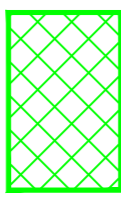


NOTES

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS AND THE SPECIFICATION.
2. TOPOGRAPHICAL SURVEY INFORMATION TAKEN FROM WYTS2002 REVISION B IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL SURVEY INFORMATION PROVIDED AND REPORT ANY ANOMALIES TO THE PROJECT MANAGER.
3. CLOSURE ARRANGEMENTS FOR THE EXISTING CAR PARK TO BE AGREED BETWEEN THE CONTRACTOR AND THE CLIENT / PROJECT MANAGER.
4. ACCESS ROUTES FROM BUILDING FIRE ESCAPES TO BE MAINTAINED AT ALL TIMES UNLESS AGREED OTHERWISE WITH THE PROJECT MANAGER.



MOTORCYCLE PARKING BAYS



PLANTED AREA, SPECIFICATION TO BE DETERMINED AT A LATER DATE



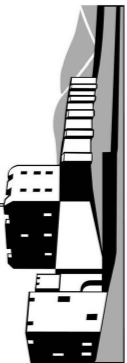
PROPOSED TREE PLANTING, REFER TO
LANDSCAPE GENERAL ARRANGEMENT DRAWING
A095945 LA 05 FOR TREE PIT DETAILS

PLANNING APPLICATION

T3	AMENDED FOLLOWING PLANNING CMTS	DB	DB	DB	20.05.19
T2	BAYS WIDENED AND LAYOUT UPDATED, NORTH FOOTWAY ADDED	KH	MB	JW	08.03.19
T1	TENDER ISSUE	MB	JW	JW	05.10.18
P1	FIRST ISSUE	MB	JW	JW	26.09.18
REV	DESCRIPTION	BY	CHK	APP	DATE

Client:

CARLISLE
CITY COUNCIL



ARNDAL COURT
HEADINGLEY
LEEDS
LS6 2UJ

TEL: +44 (0)113 278 7111
FAX: +44 (0)113 278 3487
e-mail: leeds@wyg.com

Project:

CARLISLE CIVIC CENTRE

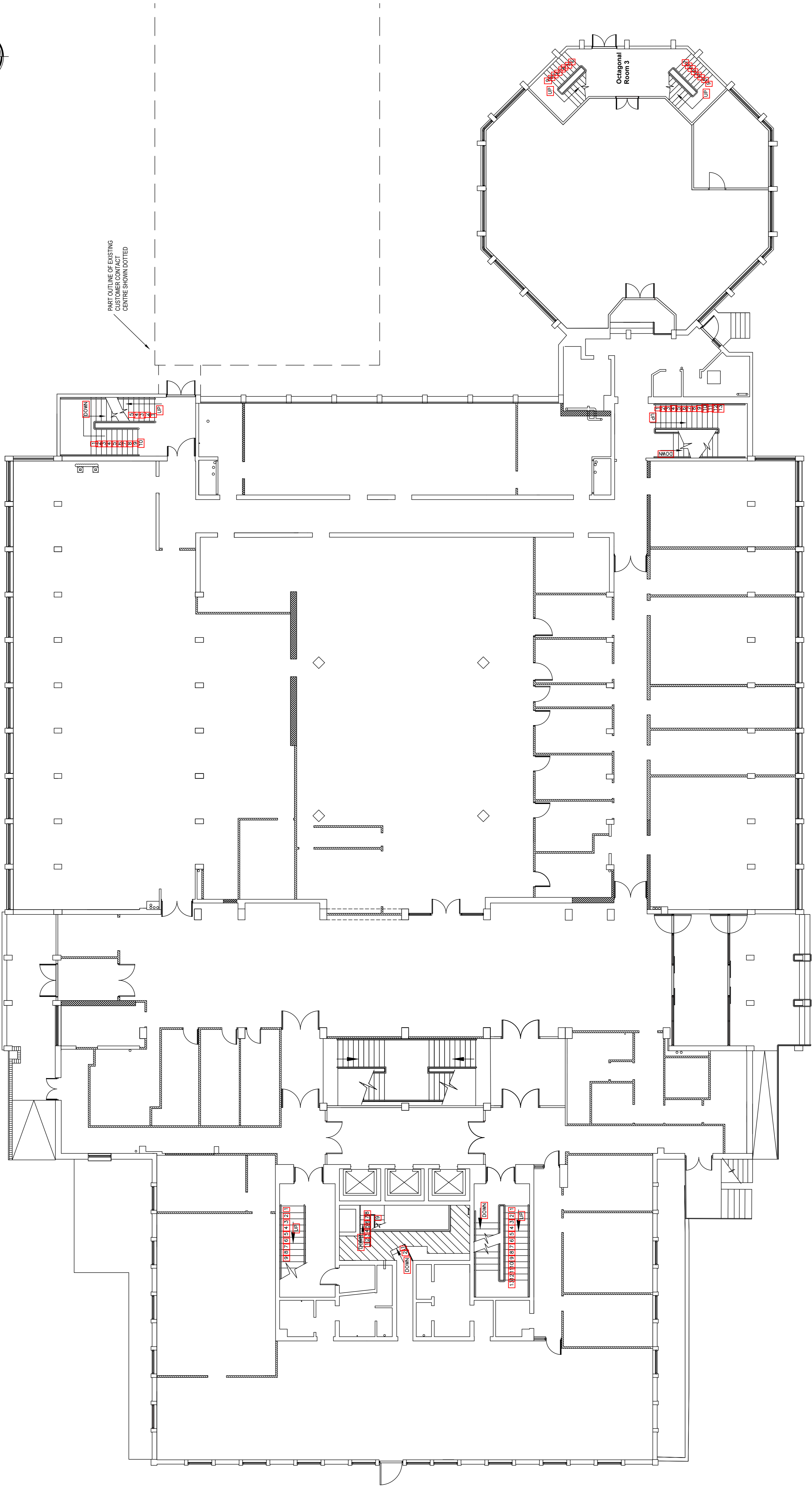
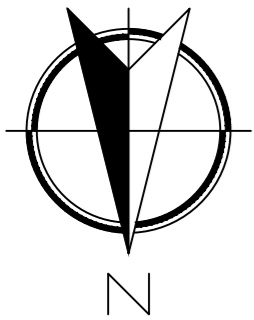
Drawing Title:

PAY AND DISPLAY CAR PARK EXTENSION GENERAL ARRANGEMENT

Scale @ A1 1:125	Drawn MB	Date 26.09.18	Checked JW	Date 26.09.18	Approved JW	Date 26.09.18
Project No. A095945-3	Office 21	Type C	Drawing No. H.01	Revision T3		

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PLANNING APPLICATION

REV	DESCRIPTION	BY	CHK	APP	DATE
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Scale @	A1	Drawn	Date	Checked	Date
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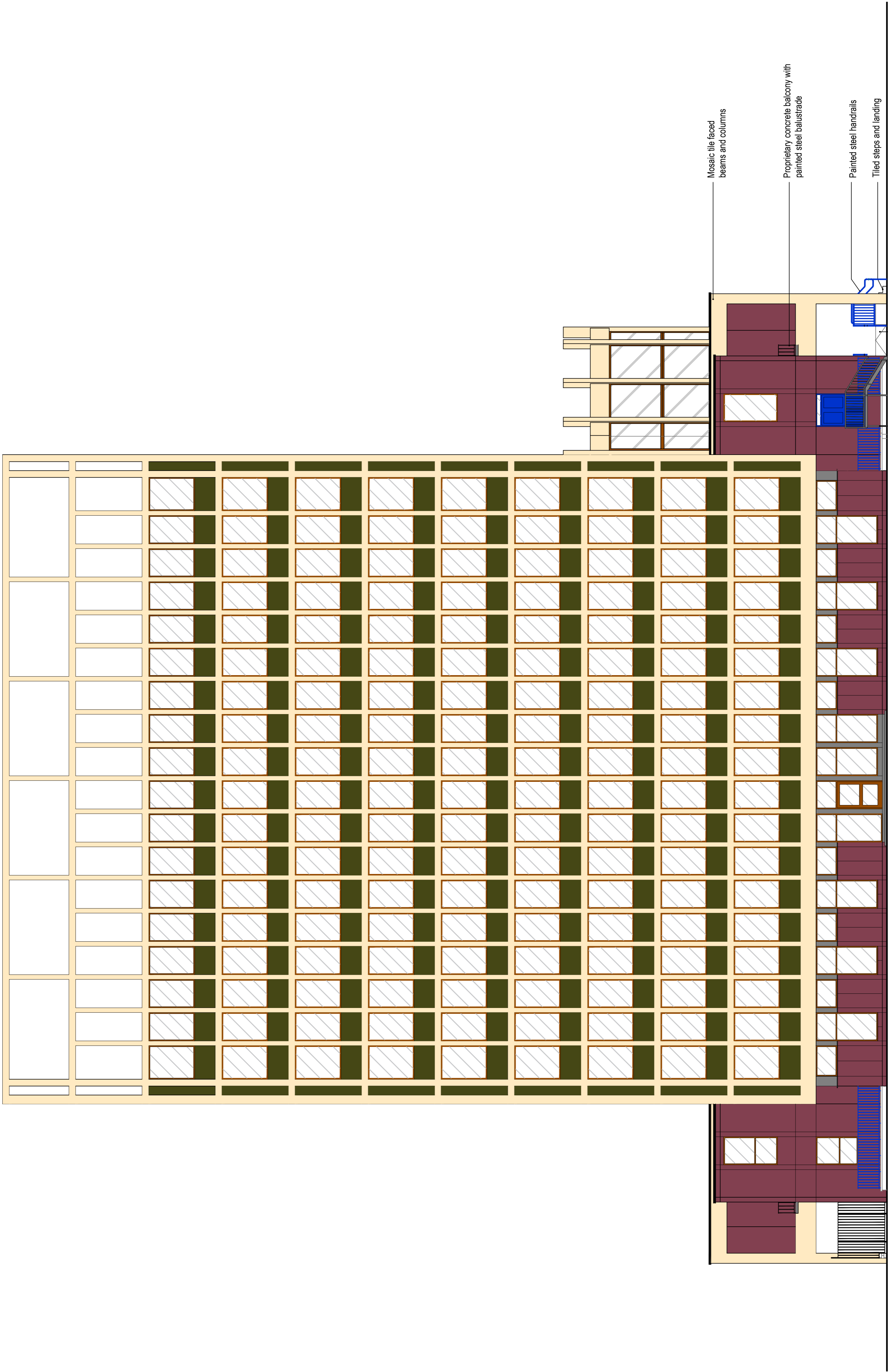
Project:
Civic Centre
Carlisle City Council
Demolition of Rotunda & Extension of Car Park



Client:
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG



ARDALE COURT
HEADINGLEY
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Galvanized steel staircase and landing

Concrete access ramp with painted steel balustrade

Mosaic tile faced beams and columns

Proprietary concrete balcony with painted steel balustrade

Painted steel handrails

Tiled steps and landing



PLANNING APPLICATION

REV	As Existing	North Elevation	AH	DC	DC	06.10.18
1						
DESCRIPTION		BY	CHK	APP	DATE	
Scale @	A1	Drawn	Date	Checked	Date	Approved
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Project No.		Office	Type	Drawing No.	Revision	
A095945-3		BS	E0015		01	

Project:
Civic Centre
Carlisle City Council
Demolition of Rotunda & Extension of Car Park



Client:
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG



ARIDALE COURT
HEADINGLEY
LEEDS
LS6 2UJ
TEL: +44 (0)113 278 7111
FAX: +44 (0)113 278 3487
e-mail: leeds@wyg.com

Drawing Title:
North Elevation
As Existing



PLANNING APPLICATION

REV	DESCRIPTION	DATE	BY	CHK	APP	DATE
1	As Existing Use Elevation	06.10.18				

Scale	Sheet	Drawn	Checked	Date	Approved	Date
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Project No.	Office	Type	Quantity No.	Revision
A095945-3	BS	E0014	01	

Client: Carlisle City Council
Carlisle Civic Centre
Carlisle
CA3 8QG

Project: Civic Centre
Carlisle City Council
Demolition of Rotunda & Extension of Car Park

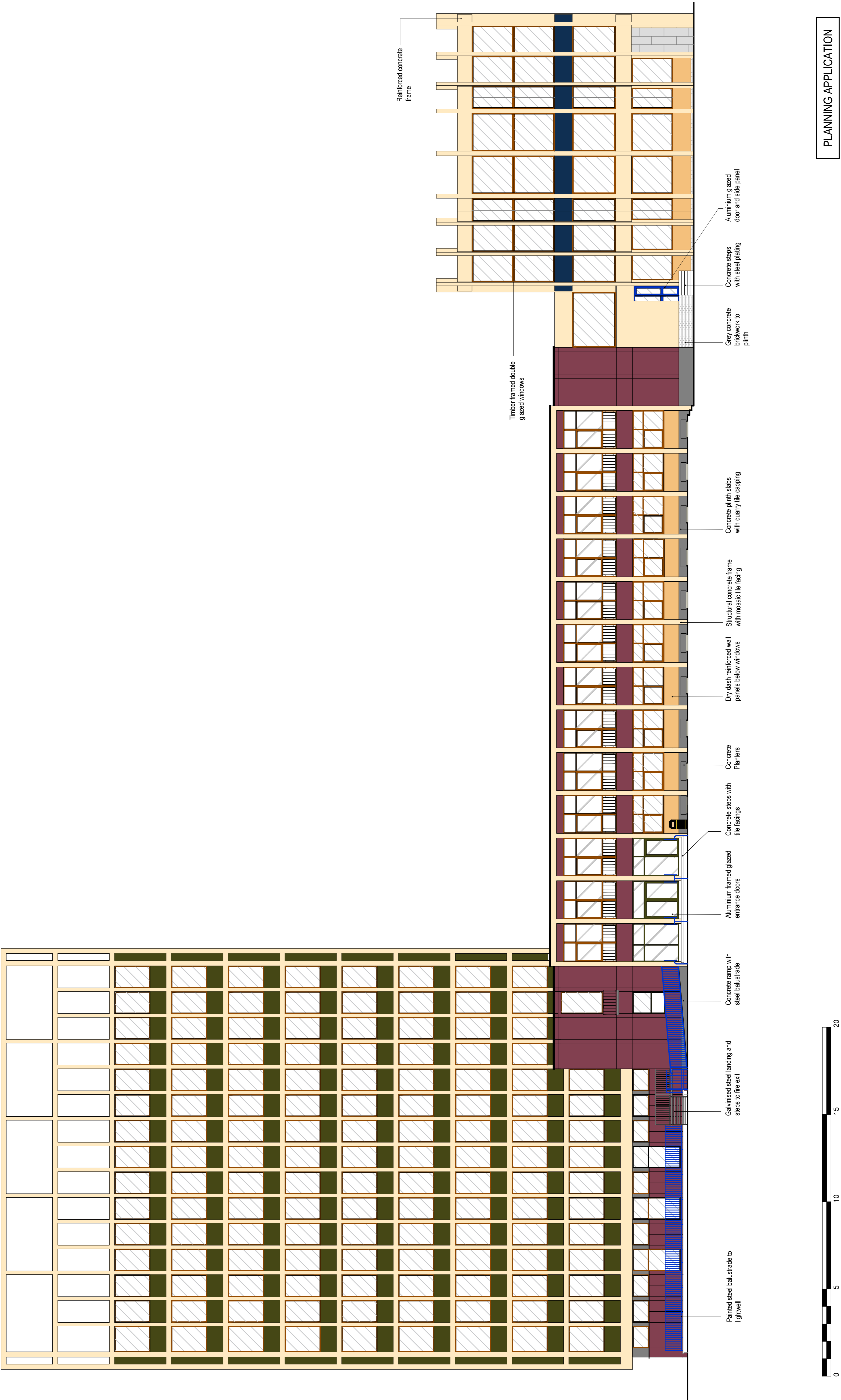
Drawing Title: East Elevation
As Existing

APRIL E COURT
HARRISLEY
LEEDS
LS6 2BJ
TEL: +44 (0)113 278 7111
FAX: +44 (0)113 278 3857
e mail: harriseap@apc.com

CARLISLE CITY COUNCIL

wyz

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PLANNING APPLICATION

REV	DESCRIPTION	BY	CHK	APP	DATE
1	As Existing West Elevation	AH	DC	DC	06.10.18
Scale @	A1	Drawn	Date	Checked	Date
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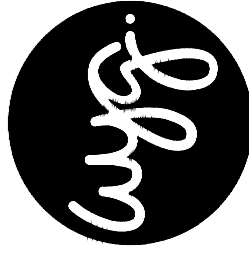
ARNDAL COURT
HEADINGLEY
LEEDS
LS6 2UJ

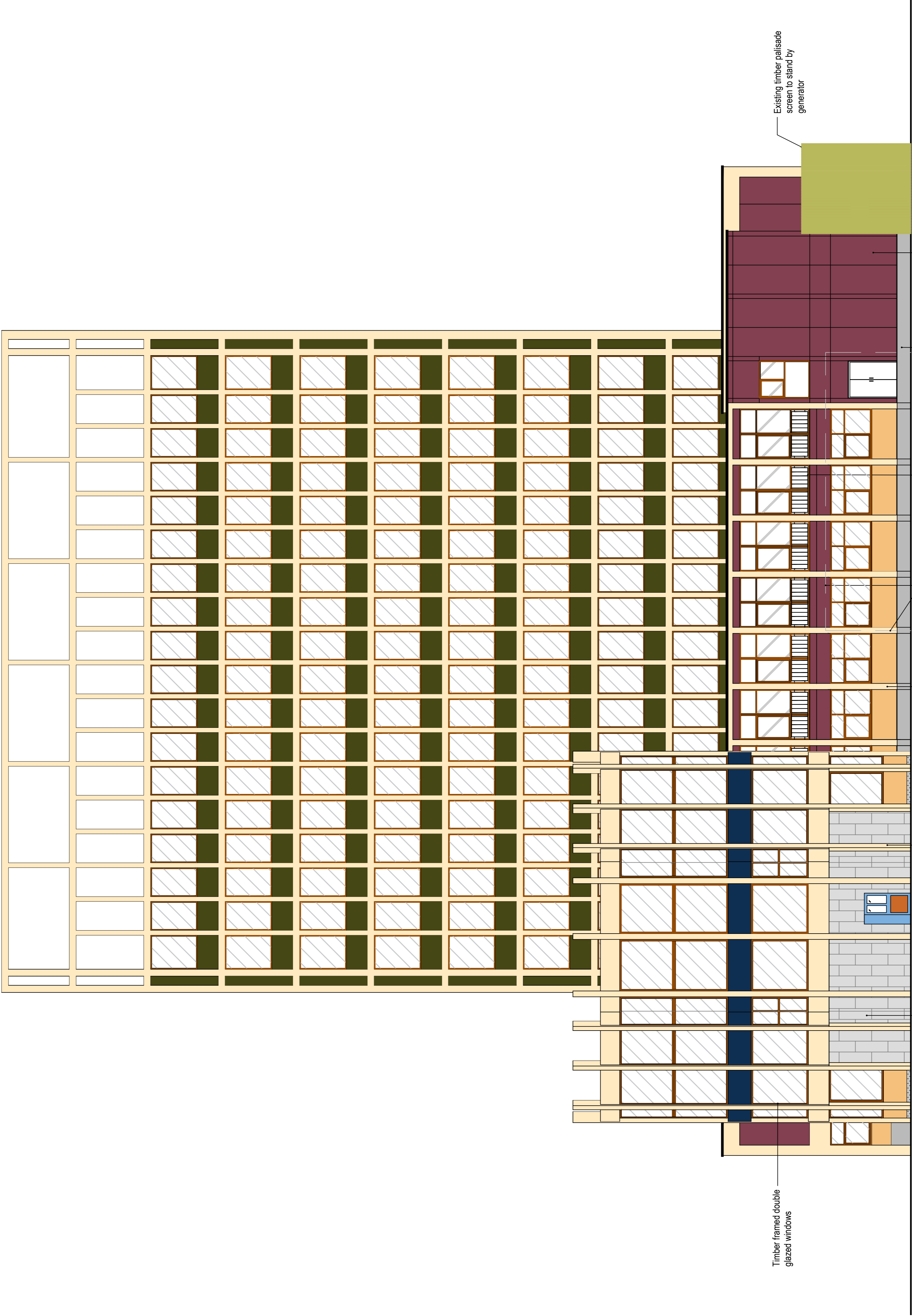
TEL: +44 (0)113 278 7111
FAX: +44 (0)113 278 3487
e-mail: leeds@wyg.com

Client:
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Project:
Civic Centre
Carlisle City Council
Demolition of Rotunda & Extension of Car Park

Drawing Title:
West Elevation
As Existing





PLANNING APPLICATION

1	As Existing South Elevation				AH	DC	06.10.18	
REV	DESCRIPTION				BY	CHK	APP	DATE
Scale @	A1	Drawn	Date	Checked	Date	Approved	Date	
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Project No.	Office	Type	Drawing No.		Revision			
A095945-3	BS	E0012			01			

ARIDALE COURT
HEADINGLEY
LEEDS
LS6 2UJ

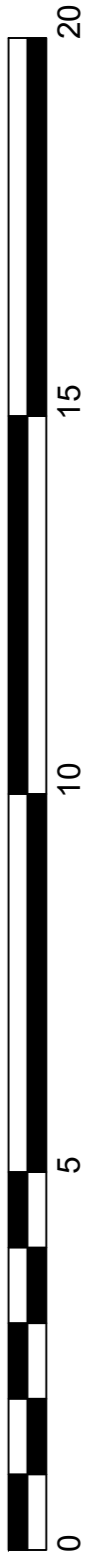
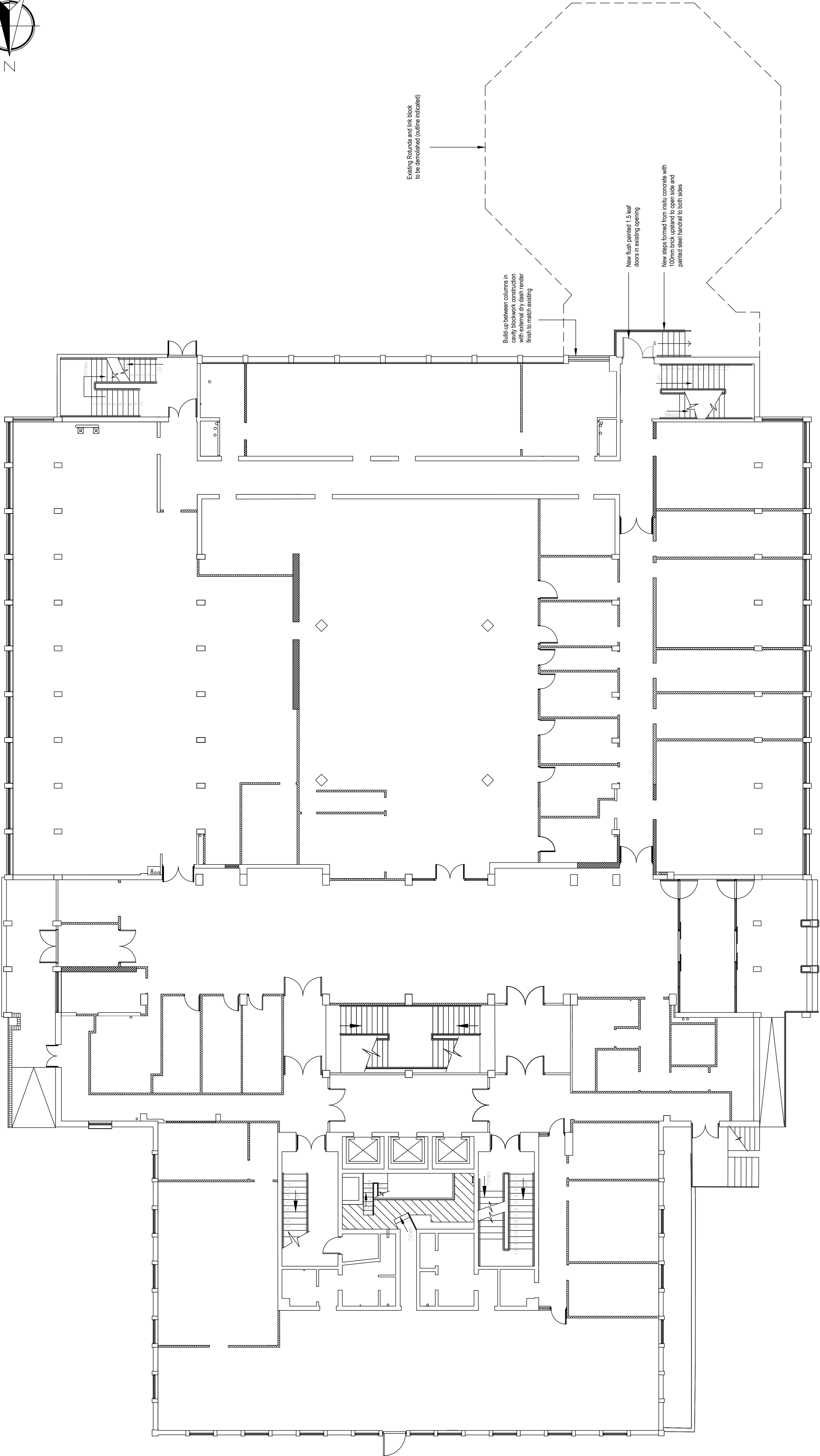
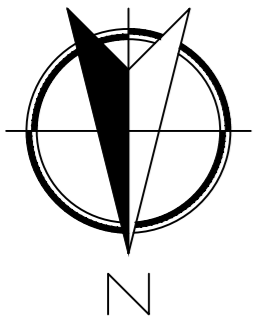
TEL: +44 (0)113 278 7111
FAX: +44 (0)113 278 3487
e-mail: leeds@wyg.com

Client:
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Project:
Civic Centre
Carlisle City Council
Demolition of Rotunda & Extension of Car Park

Drawing Title:
South Elevation
As Existing

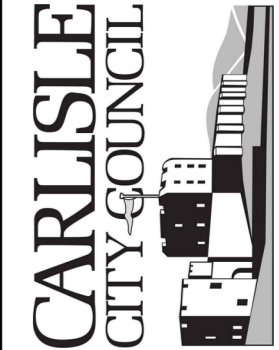
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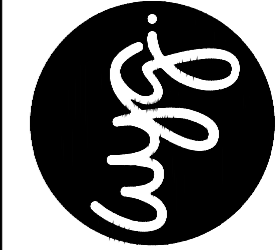
PLANNING APPLICATION

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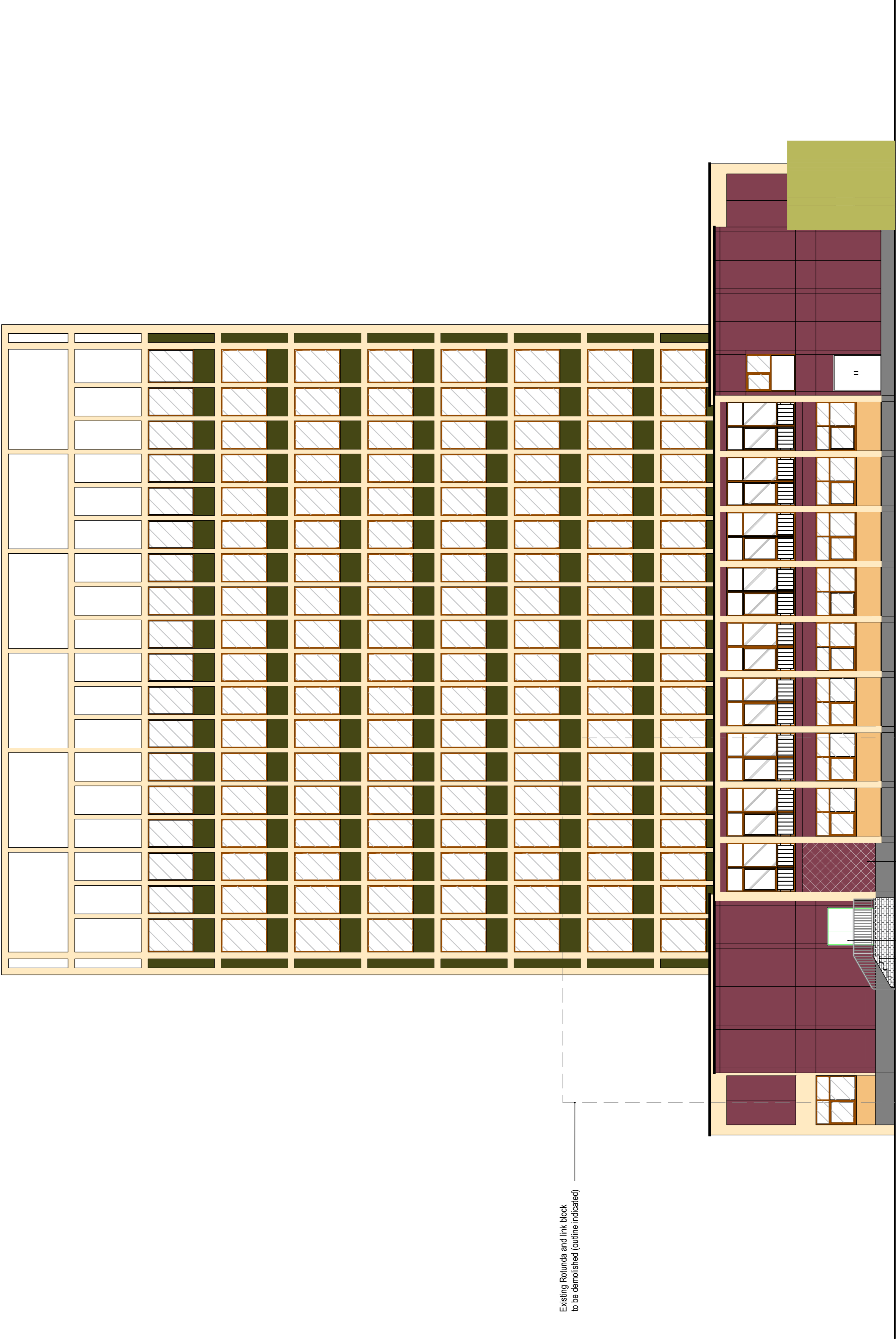
Project:
Civic Centre
Carlisle City Council
Demolition of Rotunda & Extension of Car Park



Client:
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG



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TEL: +44 (0)113 278 7111
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e-mail: leeds@wyg.com



PLANNING APPLICATION

1	As Proposed South Elevation				AH	DC	06.10.18	
REV	DESCRIPTION				BY	CHK	APP	DATE
Scale @	A1	Drawn	Date	Checked	Date	Approved	Date	
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Project No.	Office	Type	Drawing No.		Revision			
A095945-3	BS		P0038		01			

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LS6 2UJ
TEL: +44 (0)113 278 7111
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e-mail: leeds@wyg.com

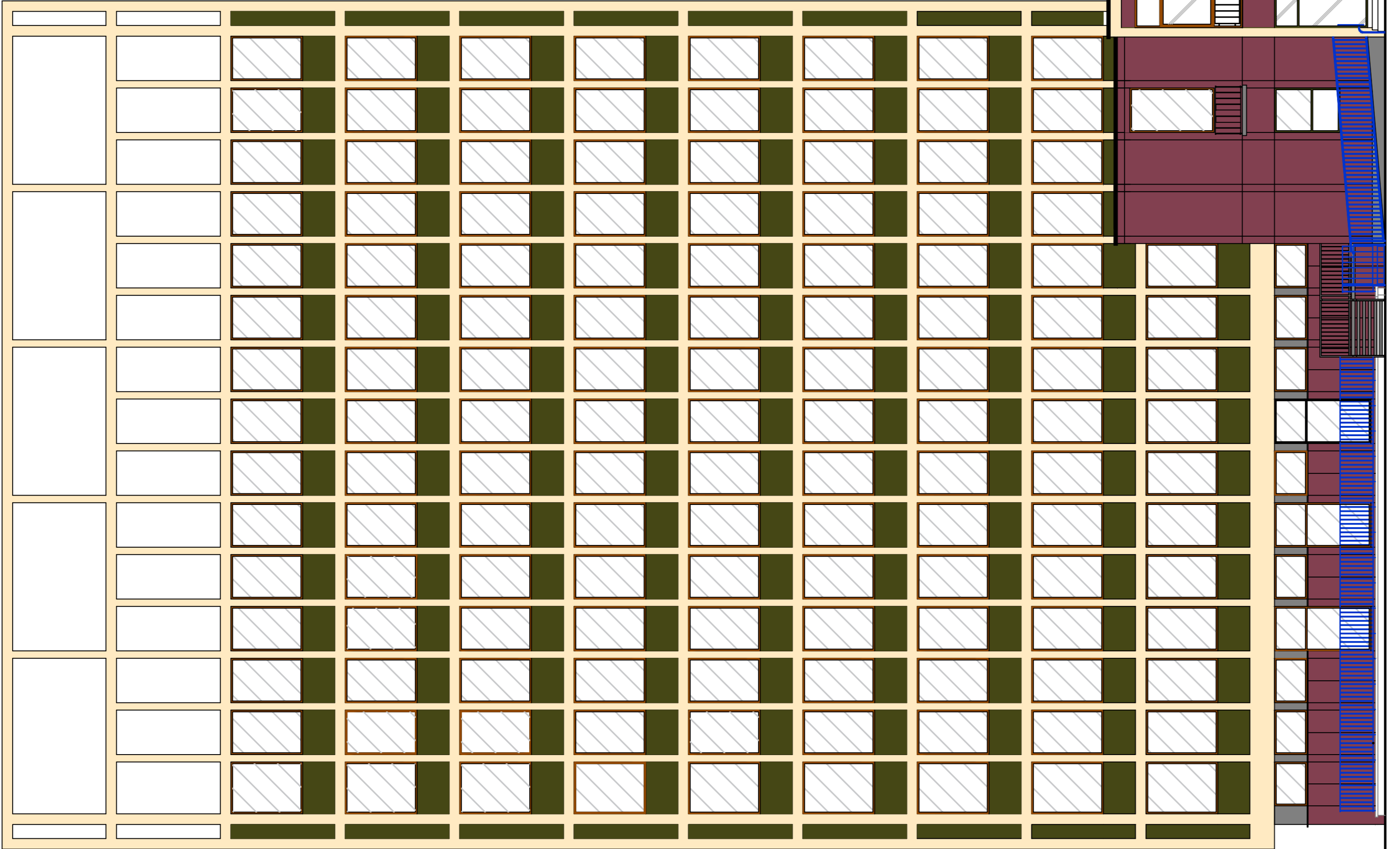
Client:
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

CARLISLE CITY COUNCIL

Project:
Civic Centre
Carlisle City Council
Demolition of Rotunda & Extension of Car Park

Drawing Title:
South Elevation
As Proposed

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Existing Rotunda and link block
to be demolished (outline indicated)

New steps formed from in situ
concrete with 100mm brick upstand
to open side and painted steel
handrail to both sides



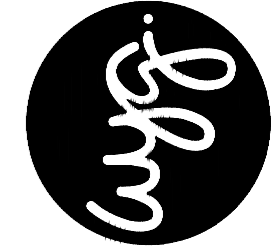
PLANNING APPLICATION

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Project No.	Office	Type	Drawing No.	Revision	Revision	Revision
A095945-3	BS	P0039	01			

Project:
Civic Centre
Carlisle City Council
Demolition of Rotunda & Extension of Car Park

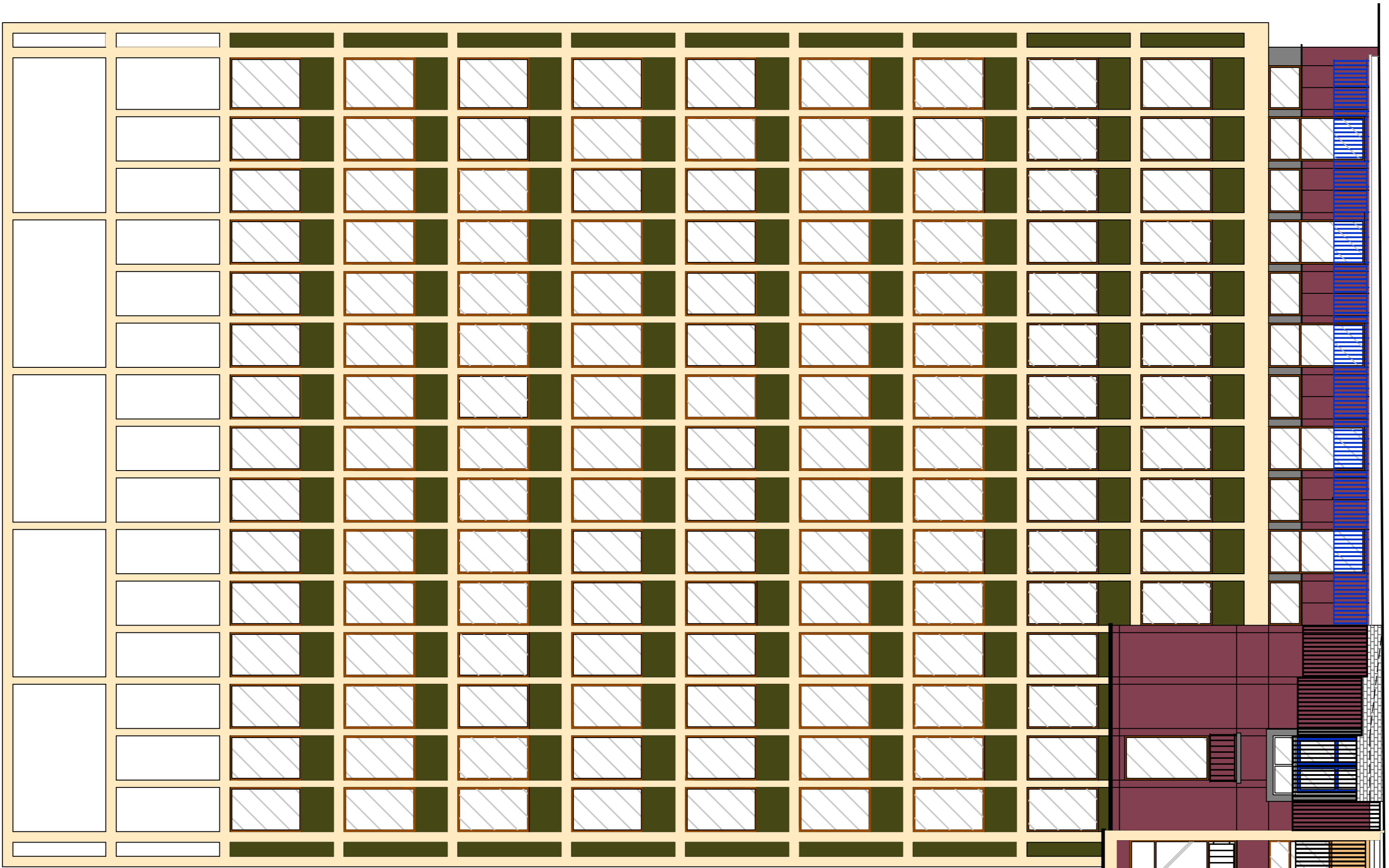


Client:
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG



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LS6 2UJ
TEL: +44 (0)113 278 7111
FAX: +44 (0)113 278 3487
e-mail: leeds@wyg.com

Drawing Title:
West Elevation
As Proposed



Existing Rotunda and link block
to be demolished (outline indicated)

New steps formed from insitu
concrete with 100mm brick upstand
to open side and painted steel
handrail to both sides

Timber screen
omitted for clarity



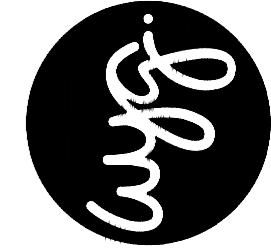
PLANNING APPLICATION

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Scale @ A1	Drawn	Date	Checked	Date	Approved	Date
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Project:
Civic Centre
Carlisle City Council
Demolition of Rotunda & Extension of Car Park

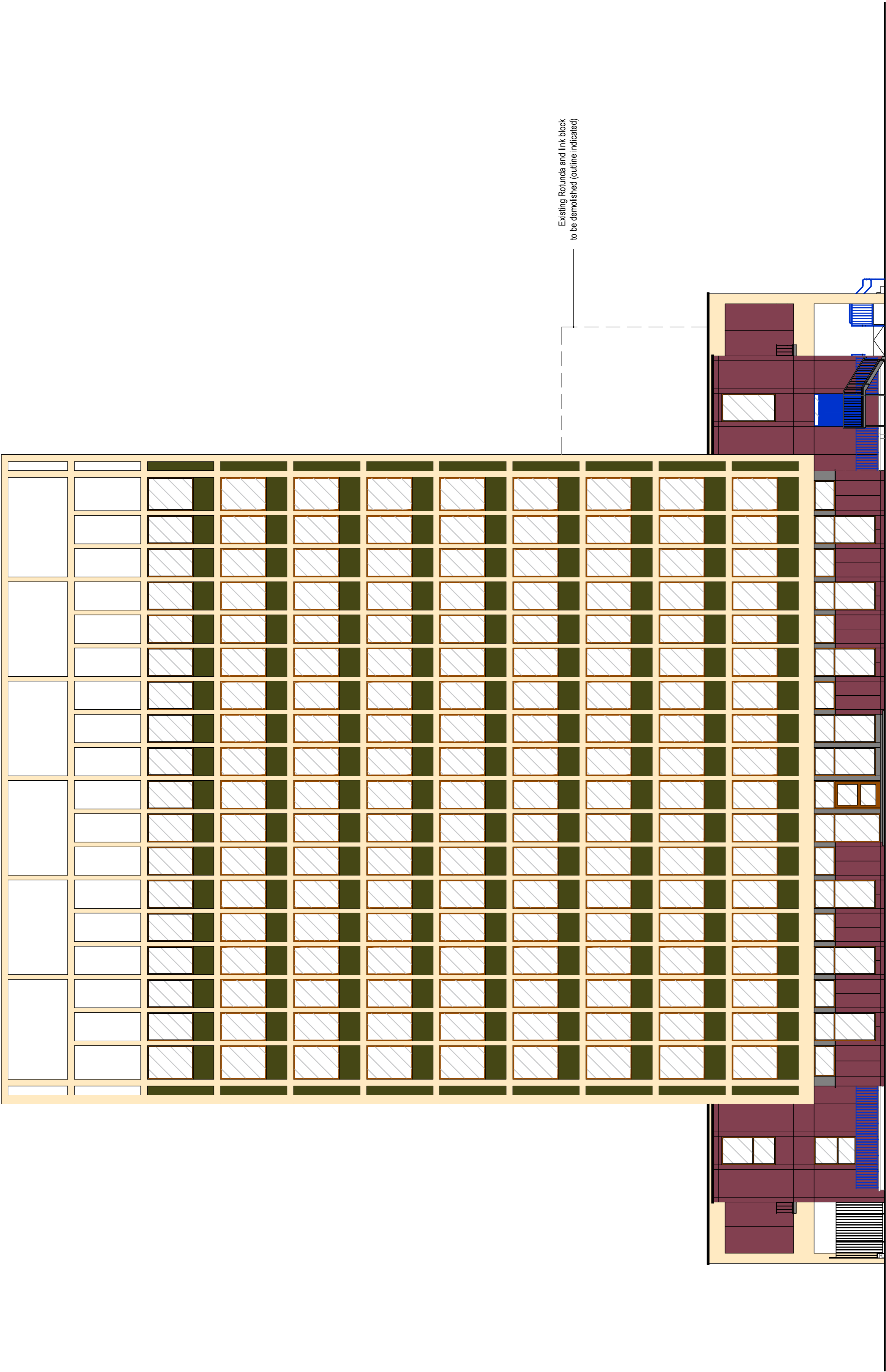


Client:
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG



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LS6 2UJ
TEL: +44 (0)113 278 7111
FAX: +44 (0)113 278 3487
e-mail: leeds@wyg.com

Drawing Title:
East Elevation
As Proposed



Existing Rotunda and link block
to be demolished (outline indicated)



PLANNING APPLICATION

REV	As Proposed	North Elevation	AH	DC	DC	06.10.18
1						
DESCRIPTION						
Drawn	Date	Checked	Date	Approved	Date	
A1	06.10.18	AH	06.10.18	DC	06.10.18	
Project No.						
A095945-3			BS	P0041	Revision	
					01	

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TEL: +44 (0)113 278 7111
FAX: +44 (0)113 278 3487
e-mail: leeds@wyg.com

Client:
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Project:
Civic Centre
Carlisle City Council
Demolition of Rotunda & Extension of Car Park

Drawing Title:
North Elevation
As Proposed

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SCHEDULE B

SCHEDULE B



**The Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Notice of Planning Permission

To: Newlaithes Infant School
Langrigg Road
Carlisle

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 3 April 2019.

viz: Erection of a 2.4 m high green profile mesh security fence to replace existing 1.8 m high timber close boarded fence.

Newlaithes Infant School, Langrigg, Road, Carlisle, CA2 6DX

Subject to due compliance with the following conditions:

Time Limit for Implementation of Permission

1. The development 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.

Approved Scheme

2. The development hereby permitted shall be carried out in accordance with the following:
 - a. The submitted Application Form – dated 25 March 2019;
 - b. Design and Access Statement – Additional Information – dated 1 May 2019;
 - c. Drawing No. JW0119aPL (Rev.A) – Existing Site Location Plan & proposed Location Plan;
 - d. Profile mesh typical fence detail specification sheet;

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

Retention of Trees and Hedgerow

3. No trees and/or hedgerow in the school grounds that are within 15m of the 2.4m high replacement fence shall be removed prior to, during or within 6 months of the erection of the replacement fence.

Reason: For the avoidance of doubt and to ensure compliance with Carlisle District Local Plan 2015-2030 policies GI6 and GI3.

INFORMATIVES

Public Right of Way: The public footpath (Public Right of Way No. 109285) which runs adjacent to the school's south-western boundary must not be altered or obstructed by the proposed fencing. This route should remain passable to all at all times during the undertaking of the fence replacement works. If access along the footpath is to be temporarily obstructed by the works to remove and replace the existing fence then a formal temporary closure to the public right of way will be required.

Hedgerow and Trees – Nesting Bird Potential: Should any pruning back of the hedgerow or trees be required for the undertaking of the works then they should ideally be undertaken outside of the bird nesting season which falls between 1 March and 31 July inclusive. If such works cannot be undertaken outside the bird nesting season, then the hedge and trees should first be checked for breeding birds by a qualified ecologist in accordance with Natural England's Guidance prior to any lowering or pruning taking place. If nesting bird presence is found, then an exclusion zone should be set up around all nests identified. No work shall be undertaken within the exclusion zone until nesting birds have been confirmed absent by a qualified ecologist. It is an offence under The Natural Environment and Rural Communities Act (NERC) 2006 to disturb or harm nesting birds.

Dated 23 May 2019

Signed: Angela Jones
Acting Executive Director - Economy and Infrastructure
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the 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: Planning.cumbria.gov.uk/Planning/Display/1/19/9003
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.

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.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.



A vertical scale bar labeled "Metres" with markings at 0, 20, 40, 60, 80, and 100.

PROPOSED SITE LOCATION PLAN
Scale 1:1250

160 Dulles Road, Oakville, Ontario, L6M 5P1.
Tel: 01228 546368 Fax: 01780 1003258 info@charlieplannedmovings.com.

drawing:	EXISTING SITE LOCATION PLAN		drawing by:		mes.
	PROPOSED LOCATION PLAN				
scale:	1:50	1:200	date:	02.01.2019	63L
					01.01.19 PL



Appeal Decision

Site visit made on 18 February 2019

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2019

Appeal Ref: APP/E0915/W/18/3201371

Pennine View, Sandy Lane, Broadwath, Heads Nook CA8 9BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Dr J Deeble against the decision of Carlisle City Council.
 - The application Ref 17/0857, dated 4 October 2017, was refused by notice dated 29 November 2017.
 - The application sought planning permission for erection of replacement dwelling (revised application) without complying with a condition attached to planning permission Ref 13/0916, dated 14 January 2014.
 - The condition in dispute is No. 8 which states that:
The Local Planning Authority shall be informed in writing upon first[sic] occupation of the dwelling hereby approved. Within 3 months of the first occupation of the dwelling hereby approved, the existing property known as 'Farndale', shown on Black Plan as Existing Drawing no. 3001/2, shall be demolished and all associated materials removed from site.
 - The reason given for the condition is:
To prevent the retention of the existing dwelling that would be contrary to Policy H1 of the Carlisle District Local Plan 2001 - 2016.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of replacement dwelling (revised application) at Pennine View, Sandy Lane, Broadwath, Heads Nook CA8 9BQ in accordance with the application Ref: 17/0857 made on 4 October 2017 without complying with condition No. 8 set out in planning permission 13/0916 dated 14 January 2014 by Carlisle City Council, but otherwise subject to the following conditions set out in the attached Schedule.

Background and Main Issue

2. Planning permission was granted in 2012¹ for the erection of a replacement dwelling. The replacement dwelling proposed in that scheme would have been sited partly on the footprint of the existing bungalow known as 'Farndale'. A subsequent proposal, granted planning permission in 2014² (the 2014 scheme), also sought permission to construct a replacement dwelling but avoided 'overlap' with the existing bungalow at Farndale.
3. The 2014 scheme was subject to a number of conditions, including the condition now the subject of this appeal. The appellant previously applied for

¹ LPA Ref No: 12/0948

² LPA Ref No: 13/0916

the removal of condition 8 of the 2014 scheme³, a proposal for which an appeal was subsequently dismissed⁴. The effect of a planning permission without condition 8, in the circumstances considered in the previous appeal, would have been that the proposal would have resulting in the creation of an additional, rather than a replacement, dwelling in close proximity to the existing dwelling.

4. However, in the current instance the appellant has requested that condition 8 of the 2014 scheme be removed and replaced with an alternative condition, an amendment to the wording of which was agreed between the parties during the course of the application, and is as follows:

Variation of condition 8 of previously approved permission 13/0916 to read as follows: The bungalow known as 'Farndale', identified on the Block Plan as 'Existing Dwelling' shall cease its independent residential use and shall be occupied solely as ancillary accommodation to the property known as 'Pennine View'. Pennine View and Farndale shall comprise a single planning unit.

5. Thus, the appellant now seeks to retain 'Farndale' as an annexe to the new main house known as 'Pennine View'. The effect of a planning permission with a condition incorporating the revised wording suggested by the appellant would be the retention of the bungalow known as 'Farndale' as ancillary accommodation to the property known as 'Pennine View'.
6. The main issues are therefore:
 - Whether or not the proposal can reasonably be considered to be ancillary accommodation for Pennine View; and
 - If it is not ancillary accommodation, whether or not the proposal as an independent dwelling would be appropriate having particular regard to (i) housing in the countryside and (ii) the living conditions of occupants of Farndale, with particular reference to privacy.

Reasons

Whether or not ancillary accommodation

7. The Council state that Farndale has a scale and appearance that is consistent with a 2-bedroom bungalow. I agree; that is what it was previously occupied as. I saw that Farndale benefitted from having two bedrooms, a living room, kitchen / dining room, bathroom and entrance hall. Although at the time of my visit to the site there was no oven / hob / cooker in place, there was evidently space for one to be accommodated within the kitchen area. The Council's conclusion in this respect is therefore a logical and accurate one having considered its internal arrangement at the time of my visit to the site. There is thus agreement between the main parties that Farndale is capable of, and has the facilities required for, independent day-to-day living.
8. However, although that may be so, a separate, independent dwelling is not what the appellant initially applied for. Rather, the proposal, expressed in the appellant's wording for a revised condition 8, quite clearly seeks to retain Farndale, not as a separate dwelling, but as a residential annex to provide ancillary accommodation to the recently built Pennine View.

³ LPA Ref No: 16/0196 – also seeking the removal of condition 13

⁴ APP/E0915/W/16/3160411

9. Although the evidence that I have been provided with of the details of how this would exist in day-to-day terms is limited, that evidence does demonstrate the intention for mutual support between the appellant and her son in the respective buildings. Whilst I have noted these personal circumstances, consideration of how ancillary accommodation would function relative to the main dwelling inevitably involves an element of the occupier's personal circumstances. In this respect, the appellant clarifies, albeit briefly, the nature of this functional relationship, being one of mutual support between the appellant and her son and his family, within the appeal submissions.
10. However, other factors also inform an assessment of the ability, or likelihood, of a building such as the retained bungalow, being occupied as ancillary accommodation. Thus, the retained Farndale would be significantly smaller in all quantifiable aspects than Pennine View. As a consequence, the living accommodation provided within it, whilst sufficiently capable of being used as independent accommodation, would be of a different nature to, and more basic in terms of the range of accommodation and smaller in scale, than that provided within Pennine View.
11. Additionally, condition 13 of the previous permission⁵ required the closing up of the existing driveway access serving Farndale. The Council have suggested a condition to this effect in relation to the current appeal, should the appeal succeed, the effect of which would be that the two buildings would share the same vehicle and pedestrian access, parking provision and turning space. Thus, the blocking up of the existing point of access serving Farndale, and the use of the access and gravelled turning / parking area in front of Pennine View, would re-enforce the impression of Farndale being ancillary to Pennine View. From that single point of access, access to both buildings would be both clear, convenient and logical.
12. The Council are concerned that both of these factors could be overcome through implementation of permitted development rights or without the need for planning permission. However, appropriately worded conditions could provide the control necessary to ensure that such factors, and the occupation of Farndale itself, ensure and reinforce the ancillary nature of the appellant's proposals. Thus, there would be no separate outdoor areas associated specifically with one or other of the buildings, rather a continuous open area laid to lawn around and between the two.
13. Pennine View benefits from a reasonably-sized detached outbuilding to one side, and slightly in front of, that dwelling. Its position and siting relative to the main building is similar to that of Farndale relative to Pennine View. The Council cite the retention of Farndale as eroding the rural and spacious character of the countryside in which the appeal site lies. However, the retention of Farndale would not compromise or erode the expansive, open and gently undulating landscaping that surrounds the existing residential curtilage, nor would it materially alter the character or nature of the somewhat sporadic pattern of development that I saw to be present along Sandy Lane.
14. I accept that there would be a reduction in openness around Pennine View within the residential plot compared to a scenario whereby Farndale was no longer present. However, I do not consider that its retention would be harmful to the character or appearance of the surrounding open countryside, which is

⁵ LPA Ref No: 13/0916

pleasantly undulating and expansive. Furthermore, although Farndale would be larger than the existing detached outbuilding, I am satisfied that further steps could be taken, secured by condition such as suggested by the appellant, to ensure that it shares a palette of materials with the main dwelling and the other detached outbuilding. Such measures would add to other outwardly visible factors such as the nature and appearance of the space around the buildings, the single point of access and the close physical relationship between Farndale and Pennine View to re-enforce the appellant's intended ancillary use and occupation of Farndale.

15. I have noted the Council's concern, given the lengthy planning history associated with the site, that it is, and has been, the appellant's long-standing intention to secure an additional separate dwelling at the appeal site. To do so would, they argue, be in conflict with local and national planning policy as the appeal site is an inappropriate location for new housing development.
16. I agree, as does the appellant in evidence, that Farndale is capable of occupation as an independent, self-contained dwelling. However, for the reasons I have set out above, I am satisfied that the bungalow known as 'Farndale' is also clearly capable of occupation providing living accommodation ancillary to the occupation of Pennine View. I have not been directed towards any Carlisle District Local Plan (CDLP) policies that preclude the principle of a residential annex and it seems that there is agreement between both main parties on this matter. CDLP policies HO6 and SP2 seek to resist unjustified encroachment into the open countryside and only permit housing in such locations where special circumstances exist. A condition to restrict occupancy of Farndale to an ancillary role relative to occupancy of Pennine View would secure such a relationship, avoid the creation of an additional dwelling (via retention) in an open countryside location and ensure that it is occupied as an ancillary residential annex.
17. Given the available evidence regarding mutual dependence and support between the appellant and her son, in terms of the sharing of meals and other domestic functions, the provision and retention of a single point of access into the site and logical links to entrances to Pennine View and Farndale annex, and the limitations imposed by the proximity of the buildings to each other, I consider such an approach to be reasonable and justified. In reaching this conclusion, I am mindful of CDLP policy HO10 and the supporting text thereto, and paragraph 5.84 suggests that appropriate locations for housing to meet specific needs need not always being in locations benefiting from local services and facilities to be sustainable in the broadest sense.
18. I have noted that both parties considered that the fallback position⁶ should be given significant weight as there is a realistic prospect of it being implemented. I have no evidence to the contrary and, whilst not decisive, this matter adds weight to my conclusions regarding the ancillary nature of Farndale.

Appropriateness

19. As I have concluded that the existing bungalow known as 'Farndale' can, with a suitably worded condition restricting occupancy to ancillary to that of Pennine View, and other conditions as described above, and set out separately below,

⁶ Class E of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

be occupied as accommodation ancillary to Pennine View, I have not considered further the matter of the building as a separate and independently occupied dwelling. That is not what the appellant initially applied for and, as such, I do find the provisions of CDLP policies SP2, HO2 or HO6 to be of relevance to the proposal as applied for, and subsequently now before me.

20. Extensive reference is made to the conclusions of the Inspector in relation to the previous appeal⁷ at this site. However, the application that led to that appeal disputed condition numbers 8 and 13 and sought their removal, the effect of which would have been the retention of Farndale as a separate, independently occupied dwelling. For the reasons I have set out above, I have considered this appeal on the basis of what was applied for, namely occupation of Farndale as a residential annex to Pennine View and ancillary thereto. Although the Council have sought to draw heavily on the conclusions of the Inspector in that instance, on the evidence I do not consider that proposal to be directly comparable and so the weight that I give those conclusions in my assessment of the current proposal are correspondingly limited.
21. The Council's second reason for refusal concerned itself with the effect of the retention of Farndale as a separated, independently occupied dwelling, on the living conditions of occupiers of both Pennine View and Farndale. This concern stemmed principally from the relationship of the first floor balcony at the rear corner of Pennine View with the outdoor space and habitable room windows at the rear of Farndale, and the effect on privacy for occupiers of both properties.
22. However, as ancillary accommodation to the occupancy of the main dwelling, there is no imperative to consider the effect of the proposal upon privacy vis-à-vis Pennine View and Farndale. Nor is there any suggestion that the retention of Farndale as accommodation ancillary to Pennine View would be harmful to the living conditions of other properties beyond the appeal site. Thus, as ancillary accommodation to Pennine View, I have not considered matters of privacy, or the provisions of CDLP policy SP6 or the Council's Supplementary Planning Document⁸ any further.

Conditions

23. Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under Section 73(a) of the Act should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Whilst I have no information before me about the status of the other conditions imposed on the original planning permission and whether or not they have been formally discharged, the Council have suggested a fresh suite of conditions in their Statement of Case. I have noted those conditions and am satisfied that the appellant has had the opportunity to consider those conditions.
24. I have considered the suggested conditions accordingly, having regard to the provisions of the Framework and Planning Practice Guidance. Where necessary I have amended conditions in the interests of precision. As per the subject of this appeal, I have adopted attached a condition restricting occupancy of the bungalow known as 'Farndale' to that of ancillary to the residential use of 'Pennine View'.

⁷ APP/E0915/W/16/3160411

⁸ 'Achieving Well Designed Housing' – Supplementary Planning Document, April 2011

25. I have omitted the Council's suggested time limit condition (No.1)⁹ as the development has already commenced but have replicated the plans condition attached to the original permission¹⁰ (and as confirmed by both parties during the course of this appeal) in order to provide certainty.

Conclusion

26. For the reasons I have set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

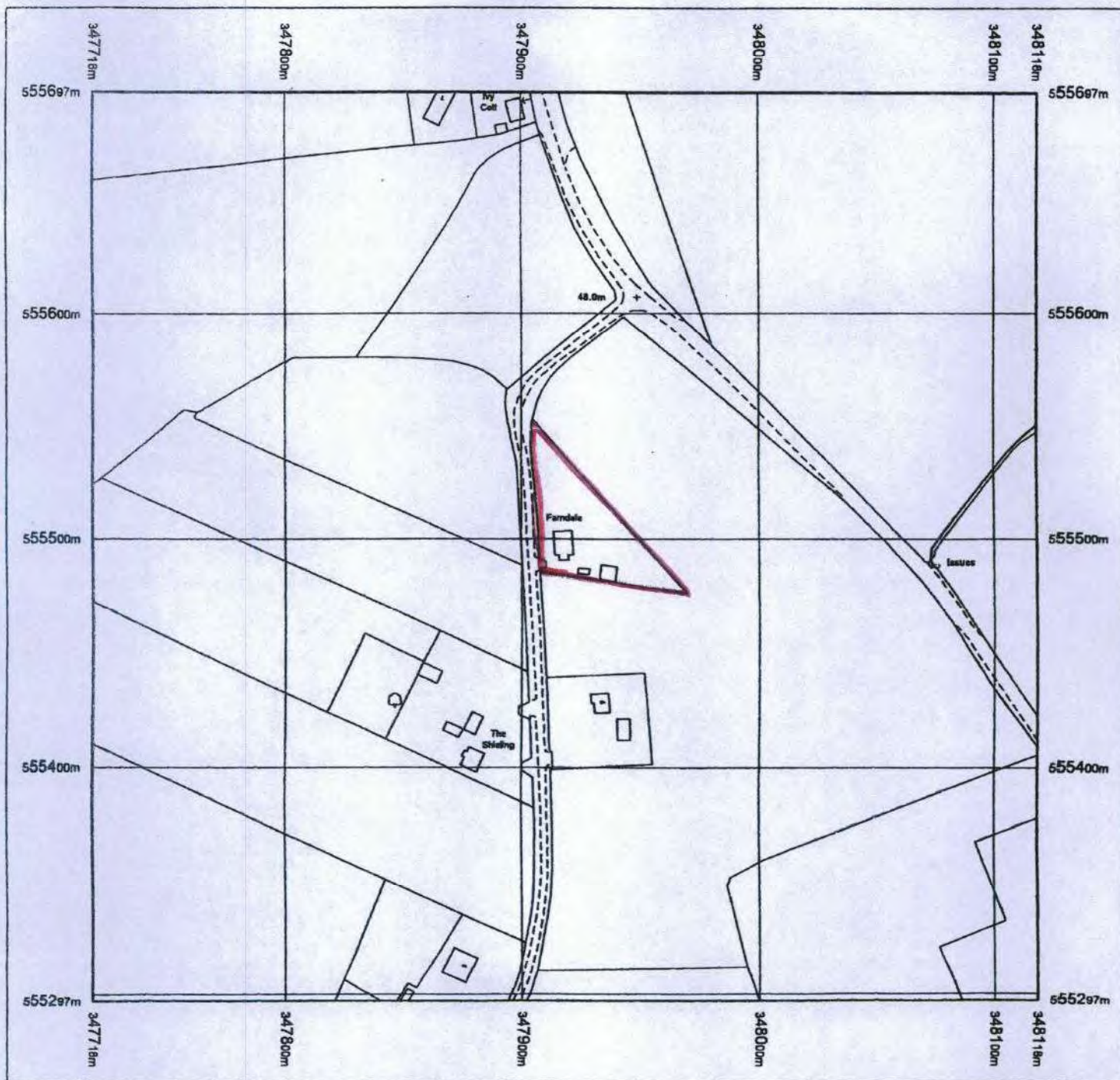
⁹ Set out at paragraph 5.1, LPA Statement of Case

¹⁰ LPA Ref No: 13/0916

Schedule of Conditions

- 1) The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the Planning Application Form received 4th October 2017;
 2. the Planning Statement received 4th October 2017;
 3. the Planning Statement Appendix received 4th October 2017;
 4. the Notice of Decision;
 5. And the following plans : Drawing no. 3001/1; Drawing no. 3001/2; Drawing no. 3001/2C; Drawing no. 3001/4; Drawing no. 3001/5; Drawing no. 3001/6; the Supportive Statement received 20th November 2013; the Stage One Desk Top Study Assessment of Likelihood Of Contamination Of Proposed Development received 20th November 2013; the Hedge Survey Schedule received 20th November 2013.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling unit to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.
- 3) The bungalow known as 'Farndale' shall cease its independent residential use and shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 'Pennine View' and shall not be sold separately or occupied as a separate dwelling.
- 4) Within 3 months from the date of this permission, the existing accesses to the highway shown on the Block Plan As Existing Drawing no. 3001/2 serving the property formerly known as Farndale, shall be permanently closed and the highway crossings and boundaries shall be reinstated in accordance with details have been submitted to and approved in writing by the local planning authority.
- 5) Visibility splays providing clear visibility of 2 metres by 45 metres measured down the centre of the access road and the nearside channel line of the major road shall be provided at the junction of the access road with the county highway in both directions. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

****end of Schedule****



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PROPOSED REPLACEMENT DWELLING - FARNDALE - SANDY LANE - HEADS NOOK

LOCATION PLAN

DRG. NO. 3001/1

SCALE : 1-2500



Appeal Decision

Site visit made on 18 March 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 03 May 2019

Appeal Ref: APP/E0915/W/18/3219607

Ireby Gate, Lambley Bank, Scotby, Carlisle, Cumbria CA4 8BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms A. Dobinson against the decision of Carlisle City Council.
 - The application ref 18/0144, dated 27 February 2018, was refused by notice dated 3 August 2018.
 - The development proposed is for the erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms A. Dobinson against Carlisle City Council. This application is the subject of a separate Decision.

Procedural matters

3. Since submission of this appeal the National Planning Policy Framework¹ (The Framework) has been revised. As the changes are minor, and do not relate to the issues within this appeal, I have had regard to the revised Framework in my decision and I am satisfied this has not prejudiced either party.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the conservation area (CA).

Reasons

5. The appeal site is within the garden of Ireby Gate which is a two-storey house which sits adjacent to, and set back from, Lambley Bank. The site is in an elevated position and the front boundary has a mature beech hedge with associated large deciduous trees. The garden has been fenced off from the host property and a small paddock area formed with an access point at one side. Within this area there is a tree and further towards the rear, a large brick-built outbuilding. The site is within the Carlisle-Settle Conservation Area which when designated was characterised by large Victorian properties in ample gardens. The area now has a more mixed housing type with several recent large contemporary styled houses including those directly opposite the appeal site. Despite this, the south eastern side of Lambley Bank, in the vicinity of the

¹ February 2019.

appeal site, has retained a more open character with detached properties in large plots.

6. As Lambley Bank sits within a CA, any development must be considered within the context of S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that I pay particular attention to the desirability of preserving or enhancing the character or appearance of the CA. The appeal site currently contributes to the openness of this side of the road as Ireby Gate itself sits relatively further back on its plot. The most obvious features from the road are the hedge and trees. It therefore makes a positive contribution to the character and appearance of the CA.
7. With respect to the character of the CA, the appellant draws my attention to other consented developments, many of which have yet to be implemented and some which have been superseded. In particular the design of the house on plot 2, within approved application reference 14/0736, is cited. The appellant contends that the design of this was almost identical to the proposal although this consent was never implemented. Although the designs do bear some similarities, the application appears to date from 2014 and since this date the Council has adopted a new local plan. As I have no knowledge of the policy framework at the time this application was determined, and because new policies have been adopted since then, I cannot draw parallels between these applications. Similarly, examples of recently constructed properties have been cited as having a greater visual impact than this proposal would. These cases are not before me and I have no further detail or knowledge of the circumstances relating to their consents. I have therefore considered this appeal, and its effect upon the CA, on its own merits.
8. The proposed property would sit towards the front of the plot with its two-storey end gable wall facing Lambley Bank. Although the hedge and trees would screen the development to some extent, due to the topography the property would sit higher than, and be visible from, the road. Harm in the CA however, is not predicated upon visibility from the public domain which in any case may change. The proposal, due to its scale and orientation in this prominent elevated position, would appear incongruous in relation to both Ireby House and the adjacent large period property, both of which are considerably set back from the road. The proposal would therefore reduce the current open and verdant appearance of this part of the CA.
9. As I saw during my site visit, some of the older properties on Lambley Bank present their gable elevations on to the road. These properties however, tend to be level with the road, rather than in an elevated position. They are also of a more traditional design having interesting features and variation in built levels on the roadside elevation. This makes them more characteristic of the CA in comparison with a stand-alone, relatively blank gable wall which would be forward of the adjacent property building lines.
10. I have considered the Council's comments that the development would be cramped, particularly due to the extant permission reference 18/0194. This permission is for a dwelling which would sit towards the rear of the site behind the building line of the outbuilding. There is no certainty that this permission would be implemented, however if it was, the combined effect of both developments would lead to a more intensive use of the site. Regardless of whether it was implemented, I consider that the appeal proposal on its own

terms would result a cramped appearance, stemming from both the prominence of its position towards the front of the plot, and the reduced openness of the site as seen from the road. Moreover, the proposal would intensify the density of development in a part of the village characterised by a more sporadic layout of buildings, which would be detrimental to its character.

11. The appellant has suggested that the building could be placed 2-3m further back and the rainwater goods and uPVC window specification changed if this would be more acceptable. The Procedural Guide to Planning Appeals² states that the appeal process should not be used to evolve a scheme and appeals should consider that which was before the Council and consultees. Although variation of windows and rainwater goods could be dealt with by a suitable condition, repositioning of the property would not be a minor amendment to the proposal and would thus be outside the scope of this appeal.
12. Paragraph 193 of The Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset such as a CA, great weight should be given to the asset's conservation. That is still so, irrespective of whether the potential harm is 'less than substantial'. The appeal site makes a positive contribution to the character and appearance of the designated heritage asset and although the proposed design uses an appropriate rendered finish and tiled roof, the design, with a gable wall feature in a prominent elevated position towards the front of the plot would harm the character and appearance of the CA. Although the harm that I have found would be 'less than substantial', in accordance with paragraph 196 of the Framework, any public benefit must be balanced against such harm. The proposal would create an additional dwelling in Scotby however, in accordance with paragraph 196 of the Framework, this benefit would not outweigh the harm to the CA.

Conclusion

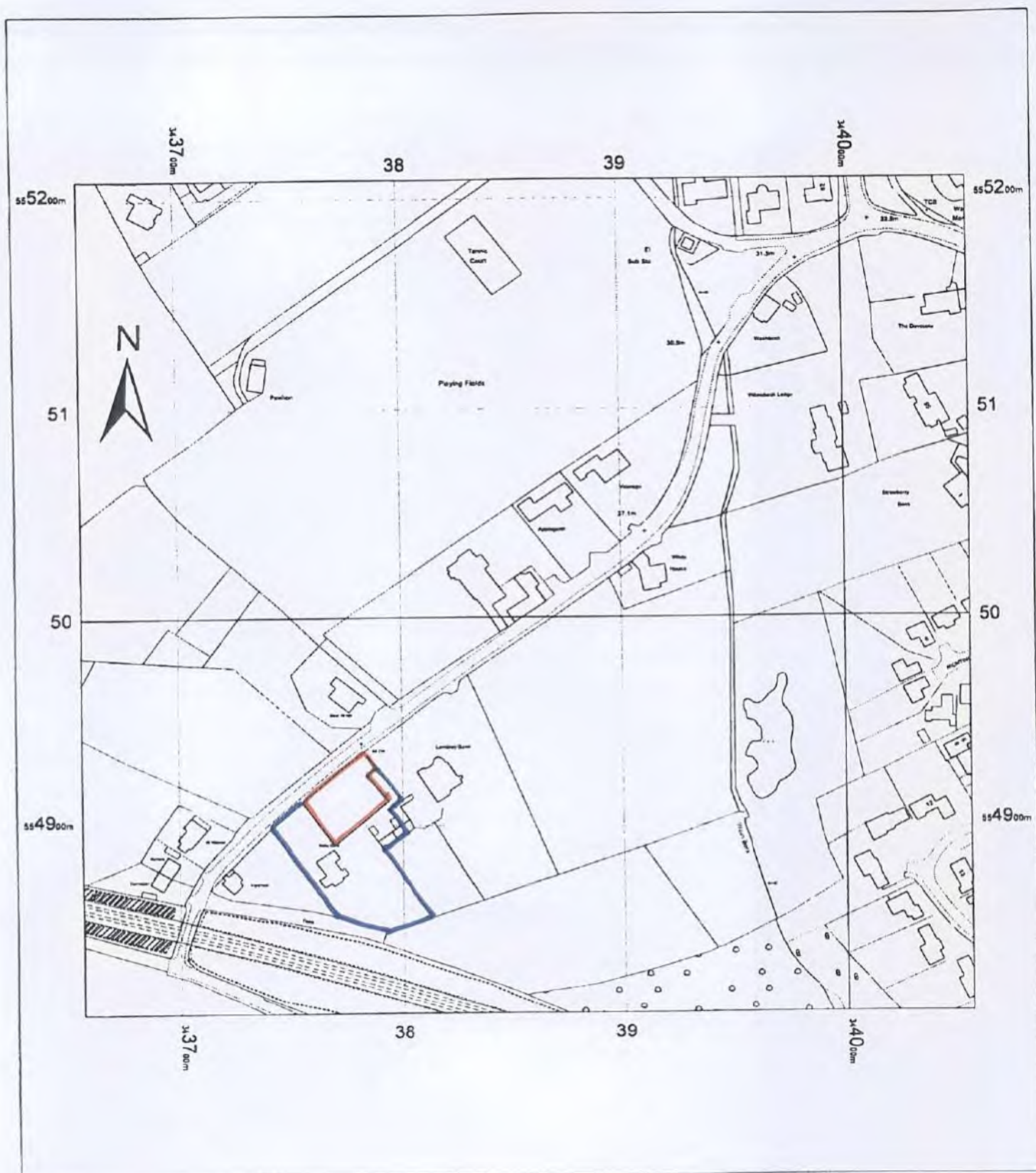
13. The principle of this development raises no concerns regarding highway safety; the effect upon neighbouring properties; ecology/biodiversity; drainage, or whether it would prevent the retention of trees and hedges. However, the setting, orientation, scale and design of the proposal would not preserve or enhance the character of the CA. It would be contrary to policy SP6, HO2, HO3 and HE7 of the Carlisle District Local Plan 2015-2030³ which in combination, and including other matters, seek that development is appropriate to the local character and historic environment regarding scale, siting and design.
14. For the reasons detailed above I dismiss the appeal.

E Symmons

INSPECTOR

² Planning Appeals - Procedural Guide, England, January 2019.

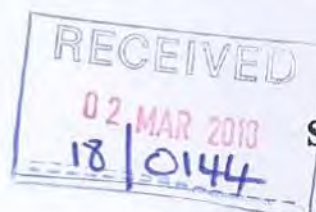
³ Adopted 8 November 2016.



PROPOSED DETACHED DWELLING - IREBY GATE - SCOTBY - CARLISLE

LOCATION PLAN

DRG. NO. 3193/1



SCALE : 1-2500



Appeal Decision

Site visit made on 7 May 2019

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 May 2019

Appeal Ref: APP/E0915/W/18/3217109

Orchard House, North End, Burgh by Sands CA5 6BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Jeff Rust against the decision of Carlisle City Council.
- The application Ref 18/0601, dated 29 June 2018, was refused by notice dated 12 October 2018.
- The development proposed is a single dwelling.

Decision

1. The appeal is allowed and planning permission is granted for a single dwelling at Orchard House, North End, Burgh by Sands CA5 6BD in accordance with the terms of the application, Ref 18/0601, dated 29 June 2018, subject to the conditions set out in the attached Schedule of Conditions.

Procedural Matters

2. I have amended the development description from that set out on the initial planning application form by omitting superfluous wording from it.
3. A neighbour¹ has objected to the proposal citing a number of policies from the 'District Wide Local Plan'. The current development plan goes by the title of the 'Carlisle District Local Plan' (CDLP), as did previous iterations of the CDLP². The Council also confirmed that the policy numbers referred to do not appear in the current (or previous) versions of the CDLP. In response to a request to confirm which document was being referred to, a copy of the current Carlisle District Local Plan was submitted.
4. From the evidence available, I am satisfied that the 'District Wide Local Plan' policies referred to by the objector are not those of the CDLP against which the application was, and is to be, assessed. I have determined the appeal accordingly.

Application for costs

5. An application for costs was made by Mr Jeff Rust against Carlisle City Council. This application is the subject of a separate Decision.

Background and Main Issue

6. The main issue is the effect of the proposed development on highway and resident safety.

¹ Mr Hendy, on behalf of residents of The Pack – letter dated 2 February 2019

² As confirmed by the Council – e-mail dated 14 March 2019

Reasons

7. The proposed dwelling would be located on a site to the rear of a small terraced development known as The Pack and a barn-yard, both of which take their access from the road referred to by the Council as the 'C2042 county highway'. The Pack comprises of a terrace of five properties through which, by way of an archway, vehicular access is taken to a turning and parking courtyard and lock-up garages at the rear. The proposed dwelling would, in turn, be accessed from an existing gateway located broadly centrally within the parking area's rear boundary.
8. Under the archway, doorways provide access to two of the five properties within the short, terraced block. The single vehicle-width alleyway continues to the rear beyond the archway at a broadly similar width, enclosed on each side by a high fence and hedge, before it opens out to the parking courtyard.
9. It was clear to me from my visit, during which I was able to drive into the courtyard, turn, and exit, thereby passing through the archway twice, that the archway access is narrow. The sense of restricted width is compounded by the enclosed nature of the archway, the boundary treatments of the adjacent rear garden and the protruding steps serving the doors on either side of the access within the archway.
10. However, the presence of the doors on either side of the archway is not hidden. The presence of the doorways, which are seen on approach from the highway and would be a familiar presence to those exiting the parking area having already passed them, serve to engender caution to those, such as myself during my visit, who are not familiar with the restricted width of the access. Thus, together with the transition to a steeper gradient beyond the archway into the parking courtyard behind, and the junction with the C2042 to the front, I have very much doubt that speeds would be anything other than low when passing through the archway and past the doorways.
11. Those who are more familiar with the existing layout at the entrance to, and into, The Pack will be fully aware of the circumstances and would thus exercise caution and limit speed accordingly. I have little reason to believe that occupiers of the proposed dwelling would exercise anything other than caution befitting the layout of the surrounding area, or otherwise chose to access or exit the proposed dwelling in a reckless manner. Nor that they would be any less likely to do so than existing occupiers of properties within The Pack.
12. I accept that there would inevitably be additional vehicle movements through The Pack development as a consequence of the proposal. However, whilst I have noted the calculations provided by both parties in this regard, these are based on assumptions and extrapolation and I have not been presented with any compelling evidence that would lead me to conclude other than that a single, three bedroomed dwelling, would not be responsible for a harmful increase in traffic movements, notwithstanding the somewhat unusual access arrangements to the rear of The Pack.
13. Turning to broader issues of pedestrian and highway safety, the Council have not questioned the existing sightlines at the junction between The Pack and the C2042. I saw that vehicles were parked on one or other side of the junction at

the time of my visits to the site³ but the road is reasonably wide, whilst pavements are also present on either side of the junction, providing adequate space for pedestrians. The C2042 highway is a side street off the main road through the village and seemed to me at the time of my visit to be reasonably quiet. I accept that farm traffic is likely to use the road, but in the context of the surrounding area of the village, I do not consider that an additional dwelling, and the vehicle movements associated with it, would materially or harmfully affect highway or pedestrian safety. Nor would it result in the level of intensification feared by the Council.

14. Policy SP6 of the Carlisle District Local Plan (CDLP) seeks to secure good design. Proposals will, it states, be assessed against a range (1 – 12) of design principles. Of those, points 5 and 7 of CDLP policy SP6 are cited specifically by the Council. Additionally, CDLP policy SP9 deals with healthy and thriving communities, again setting out a range of measures (1 – 7) which seek to enhance health and well-being outcomes. Of these, criterion 2 is specifically referred to by the Council.
15. Together, these policies seek to ensure that all components of a proposal, including car parking and connections are accessible, safe and inclusive to all, that high quality design is secured and that there is no adverse effect on residential amenities of existing area, land users or occupiers. An additional dwelling, accessed via the archway through The Pack would, the Council contend, fail to accord with CDLP policies SP6 and SP9. For the reasons I have set out, I disagree. The access to The Pack is somewhat unusual, but the proposal would not result in a level of intensification of vehicle movements that would compromise highway or pedestrian safety and I have no evidence to suggest that it does not operate currently safely. There would, I conclude, be no conflict with CDLP policies SP6 or SP9.

Other Matters

16. Local residents object to the proposal on a wider basis, including the effect of the proposal on the countryside setting, character and appearance of the surrounding area and the living conditions of occupiers of nearby properties in terms of privacy. These matters did not form part of the Council's reason for refusal and I am satisfied that these matters, either individually or cumulatively, would not be an over-riding issue or would not result in a level of harm which would justify dismissal of the appeal.
17. With particular regard to privacy the proposed dwelling would be bounded on three sides by open land, gardens and fields. To the fourth side, a barn-yard lies beyond the existing hedgerow boundary. The west facing elevation would be offset, and some distance away, from the closest properties within The Pack. Moreover, the intervening gap is populated by hedgerow, trees and a garage block.
18. As discussed above, the proposed dwelling would be accessed through archway and turning area associated with The Pack. This area already serves a number of other properties within The Pack and I am not persuaded that a proposal of the scale and nature before me would result in material harm to privacy of occupiers of nearby properties. The proposal would not interfere with or violate

³ Initial site visit carried out on 18 February 2019 but aborted as appellant wasn't present and unable to access site. Surrounding area viewed from public vantage points at this time. Second site visit carried out 7 May 2019

the rights conferred by Article 1 of the First Protocol or Article 8 of the Human Rights Act 1998.

Conditions

19. I have considered the Council's list of suggested conditions in light of advice in the Framework and Planning Practice Guidance (the Guidance). Where necessary and in the interests of precision and brevity I have amended the wording of conditions. Reference to condition numbers refers to those cited by the Council in their list of suggested conditions.
20. In addition to the time limit (1) and plans (2) conditions, which are necessary in order to provide certainty, I agree that given the archaeological potential of the site and the area around it, details of an archaeological watching brief (3) would be appropriately secured by way of condition. So too, conditions regarding adequate measures for foul and surface water drainage (4), tree protection (6), landscaping (5) and ground conditions (9), in the interests of minimising flooding, character and appearance and minimising risk to future users of the land through ground contamination, respectively.
21. I am satisfied that it would not be unreasonable to expect the construction phase of the proposal to be carried out at hours compatible with the residential environment in which the site is located. I have attached the condition (and hours) (8) suggested by the Council to this end. I have not attached the suggested infrastructure condition (7) as I do not consider it to be necessary to the development proposed. Thus, it would fail the tests of conditions set out at paragraph 55 of the Framework.
22. The appellant has suggested that a condition could be attached to ensure that construction traffic and the delivery of construction materials was taken through the appellant's grounds at Orchard House. I am satisfied however that a working hours condition would adequately protect the living conditions of neighbours during construction whilst the physical constraints presented by the archway will influence the logistics of deliveries. It may be the case that it would prove more convenient for the appellant to take access through Orchard House, but I am not persuaded of the need for a condition to secure such arrangements.

Conclusion

23. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

Schedule of Conditions

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

the Archaeological Evaluation received 29th June 2018; the Contaminated Land Desk Top Study received 29th June 2018; the Tree & Hedge Survey Schedule received 29th June 2018; the details of the foundations compiled by Bingham Yates Limited received 29th June 2018; the materials schedule received 25th September 2018; the location plan received 3rd July 2018 (Drawing No. 17035-00); the proposed plans & west elevation received 29th June 2018 (Drawing No. 17035-05); the north, east & south elevations received 29th June 2018 (Drawing No. 17035-06); the site survey received 29th June 2018 (Drawing No. 17035-07); the proposed site plans received 25th September 2018 (Drawing No. 17035-08C); and the proposed block plan received 25th September 2018 (Drawing No. 17035-09C).
3. Prior to the commencement of development, a written scheme of investigation for an archaeological watching brief must be submitted by the applicant and approved by the local planning authority. Once approved, the scheme shall be implemented in full with an archaeological watching brief being undertaken by a qualified archaeologist. Within two months of the completion of the development, two copies of the archaeological report shall be furnished to the local planning authority
4. Foul and surface water shall be drained on separate systems. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.
5. 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 dwelling 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 five 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.
6. 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.

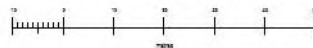
7. No work associated with the construction of the dwelling hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or public holidays).
8. In the event that contamination is found at any 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.

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revision	Rev.	Date	Description	Revised by
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Project
Proposed Dwelling on land behind
Orchard House, burgh By Sands

Drawing
LOCATION PLAN

Client
Mr & Mrs J Rust

LOCATION
ARCHITECTS
PLUS

Scale	Date	Drawn	Comp.No.	Number
1:1250@A409.17	DB	E01	17035-00	

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Report to Development Control Committee

Agenda
Item:
A2

Meeting Date: 7th June 2019
Portfolio: Economy, Enterprise and Housing
Key Decision: Not Applicable:
Within Policy and
Budget Framework
Public / Private Public

Title: TPO 302 NORTH OF TARN LODGE FARM, HEADS NOOK
BRAMPTON
Report of: CORPORATE DIRECTOR OF ECONOMIC DEVELOPMENT
Report Number: ED.23/19

Purpose / Summary:

This report considers the confirmation of Tree Preservation Order 302 North of Tarn Lodge Farm, Heads Nook Brampton in light of representations to the making of the tree preservation order.

Recommendations:

That Tree Preservation Order 302 North of Tarn Lodge Farm, Heads Nook, Brampton not be confirmed.

Tracking

Executive:	
Scrutiny:	
Council:	

1. BACKGROUND

- 1.1** In October 2018 planning application 18/0931 was made for the siting of 16no. holiday lodges and installation of waste water treatment system around the tarn north of tarn lodge, Heads Nook. During consideration of the application a number of issues were raised which were being addressed by the applicant/agent however due to the need for further ecological survey work which could not be undertaken at the time of the application, the application was withdrawn. Concerns still remained about the development and its impact on the trees and therefore as a precautionary measure a tree preservation order (TPO) was placed on the woodland.
- 1.2** Tree Preservation Order 302 is a woodland order which means that it not only protects the existing woodland trees but also any undergrowth/new growth that occurs within the area of the order. A copy of the plan relating to Tree Preservation Order 302 and the statement of reasons are attached hereto at Appendix 1.
- 1.3** One letter of objection and seven letters of support to the making of Tree Preservation Order 302 have been received including one from Friends of the Lake District (CPRE). The letters are contained within the third-party representations.
- 1.4** The objection is summarised below.
- The site is well-managed as recognised by the Forestry Commission
 - Any actions regarding tree works have been done with the best interests of the woodland at heart
 - Cannot see how the assessment has been applied in the first place
 - Intention to put in place a Forestry Commission approved management plan
 - An active shoot is operated from the area including use of the woodland
 - The shoot has been running for over 15 years and will have to be cancelled and a loss of 3.5 jobs because of the placing of this order
 - The loss of income is also causing financial distress
 - I will have to withdraw the wood and lake which are an integral part of the shoot from the 2019/20 season
 - Accusations of felling trees resulting in the TPO are unwarranted
- 1.5** The representations of support are summarised below.
- The trees are mainly mature, well established and native to the area;

- The site mainly comprising mature and veteran trees likely represents ancient woodland and is rich in biodiversity;
- Any loss or damage to the trees would be extremely detrimental to the enjoyment of the area by the public, visual amenity and unique biodiversity;
- Visually, recreationally and ecologically this is an important feature and habitat which deserves our protection and forms an important wildlife corridor linking to other woodland;
- The tarn is an area of natural beauty that sustains a wide range of plants and animals;
- The woodland is highly visible;
- The trees form a beautiful belt of greenery;
- The woodland contains many veteran trees;
- Many species highly likely to be on the site including priority and European protected species;
- Removal of woodland and trees would have a significant negative impact on the local environment and its enjoyment by the public;
- Protection would bring a degree of public benefit;
- The recent and proposed felling as part of the planning application highlights the woodland to be at risk;
- The woodland is of high amenity value due to its visibility, size and form, future potential as amenity, rarity, cultural and historic value for its relationship to nature and response to climate change;
- The woodland is prominent within the landscape. Public footpath 110006 follows the western edge of the woodland;
- The woodland surrounds a glacial depression lake, highly likely that the woodland is ancient;
- The site is within the North Pennines AONB and in the area of Fellfoot Forward Landscape Partnership Scheme;
- Within landscape type 5c as characterised perfectly by this site;
- The site and woodland originate from land that formed Castle Carrock Moor and has remained virtually unchanged;
- The tarn and woodland define the character of Tarn Lodge, the historically managed estate landscape;
- GB Routledge resided at Tarn Lodge and the majority of his specimens contributing to his work were from the Tarn Lodge estate;
- The site contains priority habitat as defined under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006;
- The site is a rarity and unspoilt natural habitat which receives minimal human intervention;

- The trees and site's location are vital to movement and biodiversity within the area;
- Amenity value and future potential as amenity is irreplaceable and worthy of preservation and protection;
- The shape of the cluster of trees is beautiful and the removal of any trees would inevitably ruin the visual impact which many enjoy;
- Removal of any trees would disrupt the ecological balance;
- During a recent visit there was a carpet of bluebells interspersed with wood sorrel and violets. These plants are supported by a humus rich soil provided by annual leaf fall;
- Woodland is always full of many songbirds;
- The woodland has an important relationship with the tarn that it surrounds;
- There is a defined boundary of trees around the tarn which are likely to be descendants of ancient trees;
- Woodland is a precious and important resource in our current battle with climate change.

- 1.6 In consideration of the representations made on this tree preservation order it has highlighted the potential conflicts between tree preservation order and woodland management.
- 1.7 Tree preservation orders are a planning tool to assist in the protection of trees where they may be under threat from development. They should be used as a last resort as good development will not require any damage or loss of trees however it can often be the case that proposed development will seek the removal of trees or impact on future residential amenity that continues to threaten the tree's survival.
- 1.8 In this case, a woodland, the responsibility for management of the woodland remains with the owner, even where a tree preservation order is in place. The responsible body for woodland management and felling of trees is the Forestry Commission. A licence is required for felling that would be of a scale to harm the integrity of the woodland.
- 1.9 Many of the issues raised by those in support of the order are relevant to any woodland and its support of biodiversity through natural growth. On that basis it could be argued that any woodland should also have a tree preservation order placed on it but that would be inappropriate and a misuse of the planning act provisions. The specific circumstances of this woodland need to be considered.

- 1.10 The Forestry Commission is therefore in a good position to consider management of woodland and in this instance has been dealing with the land owner and his arboricultural consultant and considers that the woodland is well-managed in the best interest of the woodland. Given that there are many woodlands in the district and this is one of the well-managed ones it questions the need for a tree preservation order.
- 1.11 On a site visit following the placing of the order it was noticed that one tree had fallen over and needed attention. The tree had fallen through natural processes and there had been no intention to remove it in advance of any planning application.
- 1.12 In the case of this woodland the owner provides pheasant feeding posts which were present on the officer's site visit. The need to chase the pheasants out of the woodland for any local shoot (which happen in several places within the district) means that the beaters may damage some undergrowth/saplings. Whilst this would be unintentional and as a consequence of activities undertaken in the woodland which are not to its detriment, it nevertheless would be damage.
- 1.13 With a woodland tree preservation order all the undergrowth is covered and the council has recently prosecuted a person for clearing of undergrowth in an area covered by a woodland order. It would therefore follow that the council would have to consider prosecution in this instance. It is not the intention of the landowner to commit a prosecutable offence and neither is it the intention of the council to stop activities in the woodland which do not cause harm. It is therefore clear that in this instance a woodland tree preservation order would run counter to the existing activities and management of the woodland.
- 1.14 It is possible to consider if alternative orders are appropriate. A group order or a single order can be made for certain trees within the woodland if considered necessary. This could protect certain trees which would provide maybe the most significant tree cover such as around the edges of the wood however management of such an order proves difficult as clarification is needed every time any work is undertaken in the woodland. This causes frustration and delays not only for the owner and the council but also any neighbouring parties who have interest in the wood as experienced elsewhere. It would not be good management to partially protect trees unless there was a specific threat.
- 1.15 In terms of specific threat, it then reverts back to the interest in the tree preservation order in the first instance, which was as a result of a planning application. The planning application was withdrawn due to the need for additional survey work to be

undertaken and no doubt the planning application will be resubmitted. The application was for the siting of holiday lodges within the woodland benefitting from the woodland and tarn setting. It would not therefore be in the interests of the landowner to destroy the very setting which would make the unique appeal for any lodges.

- 1.16 Lodges are in woodland and water's edge settings in many locations around the country and coexist. Revised proposals will come forward however proper planning would allow for the impact on the trees to be clearly assessed working with the management of the woodland and the Forestry Commission in order to determine whether such a scheme is feasible. Members would be involved in the determination of any such application in this woodland.
- 1.17 In this instance, the placing of a woodland tree preservation order is not appropriate, and it is recommended that the order is not confirmed.

2. CONSULTATION

- 2.1 The Parish Council, owners of affected properties, and all those who were known to have an interest in the land were consulted on the tree preservation order in accordance with the requirements of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.2 A site notice was placed adjacent to the site advising of the making of the tree preservation order, and how to object, or make representations.

3. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 3.1 Tree Preservation Order 302 North of Tarn Lodge, Heads Nook, Brampton should not be confirmed in accordance with the reasoning outlined in section 1 of this report.

4. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 4.1 Woodland helps create a pleasant and healthy environment in which to live and work and engendering a pride in place and contributing to the City Council's Healthy City Agenda.

Contact Officer: Chris Hardman

Ext: 7502

**Appendices Appendix 1 – Tree Preservation Order 302
attached to report:**

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS:

LEGAL - The validity of the tree preservation order cannot be challenged in any legal proceedings except by way of application to the High Court. An application must be made within six weeks from the date of the confirmation of the tree preservation order.

This tree preservation order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third parties, including local residents, who have made representations, have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land and business assets. In taking account of all material considerations, including Council policy it is considered that some rights conferred by these Articles on the residents/objectors and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is in accordance with the law and justified by being in the public interest and on the basis of the restriction on these rights posed by confirmation of the tree preservation order is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

FINANCE – n/a

EQUALITY – n/a

INFORMATION GOVERNANCE – n/a

TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Town and Country Planning Act 1990

The City Council of Carlisle

Land North of Tarn Lodge Farm, Heads Nook, Brampton – Tree Preservation Order 2019 (No.302)

The City Council of Carlisle in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Land North of Tarn Lodge Farm, Heads Nook, Brampton – Tree Preservation Order 2019 (No.302).

Interpretation

2.— (1) In this Order “the authority” means The City Council of Carlisle

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197

(planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 11 April 2019

The Common Seal of the City Council of Carlisle was affixed to this Order in the presence of



Handwritten signature
.....

CONFIRMATION OF ORDER

This Order was confirmed by The City Council of Carlisle without modification on the day of

OR

This Order was confirmed by The City Council of Carlisle, subject to the modifications indicated by , on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by The City Council of Carlisle on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by The City Council of Carlisle on the day of by a
variation order under reference number a copy of which is attached

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by The City Council of Carlisle on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	NONE	

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	NONE	

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
	NONE	

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Any trees of any species	353000 555000



Act 1990 Section 198(1)

Tree Preservation Order Number 302
Land to north of Tarn Lodge Farm, Heads Nook,
Brampton

Scale: 1 : 2,500

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 ordnance survey LA100024459

Date: April 2019

Economic Development, Civic Centre, Carlisle, CA3 8QG
 Page 384 of 386

STATEMENT OF REASONS

TREE PRESERVATION ORDER NO. 302

Land North of Tarn Lodge Farm, Heads Nook, Brampton

By virtue of section 198 of the Town and Country Planning Act 1990 the local planning authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity to make provision for the protection of trees and woodlands in its area.

The guidance set out in the Department of the Environment Transport and the Regions document 'Tree Preservation Orders, A Guide to the Law and Good Practice' states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

The woodland, by virtue of its size and location is visible to the public and is a prominent feature in the landscape.

It is considered that the loss of any trees within this woodland would have a detrimental impact on the area and its enjoyment by the public.

Therefore to ensure the continuation of the visual amenity that the woodland provides, it is expedient to protect the trees by means of a Tree Preservation Order.

