



AGENDA

Development Control Committee

Friday, 24 February 2023 AT 10:00

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

APOLOGIES FOR ABSENCE

To receive apologies for absence and notification of substitutions.

DECLARATIONS OF INTEREST

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

PUBLIC AND PRESS

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

MINUTES OF PREVIOUS MEETING

5 - 10

To approve the minutes of the meeting held on 20 January 2023.
(Copy minutes herewith)

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.

<u>Explanatory Notes</u>	11 -
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1.	<u>Application - 22/0403 - Deerview adjacent to Ghyll Bank Caravan Site,</u>	17 -
	<u>Low Harker, Harker, Carlisle, CA6 4DH</u>	30

2.	<u>Application - 22/0902 - Land at High Harker Farm, Harker, Carlisle, CA6</u>	31 -
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<u>Schedule B - Applications determined by other authorities</u>	45 -
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PART B

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

-NIL-

Members of the Development Control Committee

Conservative – Mrs Bowman, Christian, Collier, Mrs Finlayson, Meller, Morton (Chair), Md Ellis-Williams (sub), McKerrell (sub), Mrs Mitchell (sub)

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

Independent - Tinnion (Vice Chair)

Independent and Liberal Democrat - Bomford, Allison (sub)

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

Development Control Committee

Date: Friday, 20 January 2023

Time: 10:00

Venue: Cathedral Room

Present: Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor John Collier, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Keith Meller, Councillor David Morton, Councillor Christopher Southward, Councillor Raymond Tinnion, Councillor Christopher Wills

Officers: Corporate Director of Governance and Regulatory Services
Corporate Director of Economic Development
Head of Development Management
Principal Planning Officer
Planning Officer (x3)
Mr Barnard, Cumbria County Council

DC.004/23 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Ruth Alcroft and Councillor Jeffrey Bomford.

DC.005/23 DECLARATIONS OF INTEREST

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

- Councillor Collier declared an interest in respect of application 22/0820 – Land at field 3486, Monkhill Road, Moorhouse, Carlisle. The interest related to his previous submission of an objection to the application.
- Councillor Morton declared an interest in respect of application 22/0820 – Land at field 3486, Monkhill Road, Moorhouse, Carlisle. The interest related to objectors being known to him.

DC.006/23 PUBLIC AND PRESS

RESOLVED - It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

DC.007/23 MINUTES OF PREVIOUS MEETINGS

RESOLVED - 1) That the Chair sign the minutes of the meetings held on 28 October, 7 December (site visits) and 9 December 2022.

2) To approve the minutes of the meeting held on 18 January 2023 (site visits).

DC.008/23 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Corporate Director of Governance and Regulatory Services set out the process for those Members of the public who had registered a Right to Speak at the Committee.

DC.009/23 CONTROL OF DEVELOPMENT AND ADVERTISING

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

1. Application - 21/0351 - Land At Morton Bounded By Wigton Road, Peter Lane And Dalston Road, Carlisle, Cumbria

Proposal: Erection of 722no. dwellings & public open space (Reserved Matters Application pursuant to Outline Approval 09/0413)

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 18 January 2023. Slides were displayed on screen showing: location plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended:

- 1) That Authority to Issue be given to the Corporate Director of Economic Development to issue approval subject to the completion of a Section 106 Agreement to secure:
 - a) a financial contribution of £85,000 towards the provision of a children's play area on site;
 - b) a financial contribution of £35,000 towards the provision of a fitness trail on site;
 - c) a financial contribution of £150,000 towards the provision of a multi-use games area (MUGA) on site;
 - d) a financial contribution of £446,787 towards the provision of grass and/or artificial sports pitches and associated changing facilities which are accessible to residents of the development;over and above the existing S106 requirements as outlined in paragraph 3.9 of the report; and, ensure the provision of a satisfactory nutrient neutral development to mitigate the impact of phosphates pollution from this development on the River Eden SAC.
- 2) That if the S106 not be completed or a satisfactory nutrient neutrality scheme not be provided, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

Mr Eales (Objector on his own behalf and on behalf of Mr Veale and Ms Wiggins) objected to the application in the following terms: Condition 3 of Outline Approval (09/0413) required all Reserved Matters be based on the design and layout principles set out within the approved Parameter Plans (Plan 3 related to residential density); Parameter Plan 3 created two housing density areas within the site – Low To Medium Density (20 – 45 dwellings/ha) and Higher Density Areas (of over 45 dwellings); approved application 16/0200 determined the phasing plan and densities of the various areas; the current application was supported by plans illustrating densities within the site wherein some areas had been combined thus masking significant variations with the agreed levels, and deviation from the densities agreed in Parameter Plan 3; the proposals in relation to the scale, design and materials in the portion of the site adjacent to Cloverfield were not in accordance with Local Plan policy SP 6 – securing good design, principle 1, as the new development would not be in keeping with the existing dwellings; the access proposals in the current application were not in line with Parameter Plan 1 (Approval 09/0413) as the number of access points had been reduced from 5 to 3, and locations had been amended, the potential impact on the residents of Grange Drive which would be used by construction traffic for a considerable period of time was not in compliance with principle 7 of policy SP 6. Mr Eales displayed slides on screen showing: plan of the applications site; Parameter 3 Plan; Phasing Plan, Phase 2 (Application 16/0220); comparison of density figures, proposed development adjacent to Amberwood / Cloverfield; Parameter Plan.

Mr Challis (Objector on his own behalf and on behalf of Mr Graham) objected to the application in the following terms: the Outline Approval 09/0413 had stipulated 5 access / egress points on to the development, the current application had reduced the number to 3; the initially approved 5 would be more appropriate for the scale of the development and should be reinstated; the use of Grange Drive as the main access for construction traffic was not compatible with Local Plan policy SP 6 as it would have an impact on residential amenity for a prolonged period of time, and was not in accord with principle 6 of the policy which encouraged streets to function as social spaces; Grange Drive did not meet the street

typologies of the Design and Access Statement, thus the construction traffic proposal and was not compliant with Local Plan policy IP 2 Transport and Development principle 6 which required HGV traffic be deterred from using residential streets; the Speckled Wood development, which was under the ownership of the applicant utilised discreet accesses for construction traffic through the implementation of various phases of development, residents of Amberfield and Cloverfield should be afforded the same respect and privacy and plans should be developed to provide access routes across the proposed development with discreet access to each character area; prior to any further development the existing speed humps on Grange Drive should be replaced by the raised block traffic calming as per previously approved plans to reduce noise nuisance; failure to address the foregoing matters would breach both planning policy and Article 8 of the European Convention on Human Rights.

Ms Graham (Applicant) responded in the following terms: the current application sought to deliver the final phases of a district centre development which had been approved a decade ago and encompassed a number of complex matters; Persimmon took ownership of the site three years ago and had generated a scheme that comprised a mixture of house types and materials used providing a range of options within a sustainable development; the Cloverfield development was unique in that the affordable housing provision it was required to provide had been delivered off site, such a delivery was no longer supported by planning policy; the current proposals were largely in line with the Outline approval, there were variances in density but those differences were not as extreme as the initial approval allowed for i.e. the delivery of four storey apartment blocks which were no longer supported by Council policy; the green space to be provided by the Section 106 would be designed, adopted and maintained by the Council; no Statutory Consultee had objected to the proposal.

Ms Graham confirmed that it was the intention when commencing the phase one construction to use Grange Drive as the construction access route. However, the applicant was agreeable to altering that to Peter Lane and for that detail to be included in the Construction Management Plan so that they may be held accountable on the matter.

The Committee then gave consideration to the application.

In response to Members' questions Officers confirmed:

- A Reserved Matters application should relate to the granted Outline permission;
- Outline Approval 09/0413 (Parameter Plan 3) set the following density ranges – low to medium = 20 – 45 dwellings/ha – high = 46+ dwellings, the proximity of the ranges meant that the density provided in some adjacent areas were very close, but still in line with the Parameter Plan;
- Whilst no grass verge was provided, Grange Drive still met the requirements in terms of road width to be the means of access for construction traffic;
- the area where the existing Cloverfield development abutted the application site with different density levels encompassed a section which contained three dwellings, as such the variance was not considered to be significant;
- the traffic calming measures to be implemented on Grange Drive would be determined via Section 38 agreement;
- the formula used to calculate the Section 106 contribution in respect of school places was based on the per pupil amount agreed as part of the 2010 approval, but was index linked;
- planning obligations from other developments would be required to realise sufficient funding to deliver a school.

Members and Officers discussed in detail: the proposals in relation to the vehicular access; construction traffic access; the closing up at one end of Peter Lane; and the relationship and impact of the Carlisle Southern Link Road on the development. A Member considered that conditions should be added requiring construction traffic access be made via Peter Lane as soon as possible.

A Member moved the Officer's recommendation.

The Chair considered that exhaustive debate had taken place on the application yet

Members remained unclear on the access and egress and the impact of the Carlisle Southern Link Road. On that basis he proposed the determination of the application be deferred. The Committee indicated its assent.

RESOLVED - That determination of the application be deferred in order to consider the transport implications of the proposed development in relation to the Carlisle Southern Link Road and Peter Lane.

2. Application - 22/0820 - Land at field 3486, Monkhill Road, Moorhouse, Carlisle

Proposal: Variation of Condition 2 (Approved Documents) of previously approved application 19/0244 (Erection of 14no. dwellings) to revise the house types and external materials.

Councillors Collier and Morton, having declared an interest in the matter of business removed themselves from their seats and took no part in the discussion nor determination of the application. In the absence of Councillor Morton, Councillor Tinnion assumed the Chair of the meeting.

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 18 January 2023. Slides were displayed on screen showing: location and, photographs of the site, an explanation of which was provided for the benefit of Members.

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

The Committee then gave consideration to the application.

In response to Members' questions the Planning Officer confirmed: the ridge heights of the dwellings and the drainage system for the development would remain as per the permission granted in respect of application 19/0244.

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

RESOLVED - That the application be approved subject to the imposition of relevant conditions as detailed in the Schedule of Decisions attached to these minutes.

Councillors Collier and Morton resumed their seats.

3. Application - 22/0698 - Land between Kingmoor Park Central and North, Dukes Drive, Kingmoor Park North, Carlisle

Proposal: Demolition of existing buildings and the development of a new employment site of up to 102,194 (1.1m sqft) B8/B2 floorspace (including ancillary integral office space (Use Class E(g)), including car parking, internal estate roads and associated works including means of access (Outline).

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 18 January 2023. Slides were displayed on screen showing: location plan; and photographs of the site, an explanation of which was provided for the benefit of Members.

During the Committee's site visit, the Parish Council representative in attendance at the meeting had raised a number of concerns in relation to the future access to the existing Public Right of Way around the perimeter and through the common land. The Planning Officer had raised the issue with the agent, who had confirmed that there would be no changes to the access, a small diversion would be implemented along the east side of the land.

Following the publication of the report a Ward Member had raised a number of issues with

the Planning Officer, which he summarised for the benefit of Members and provided the following responses:

- the planning application for the Crindledyke development was undetermined. It was proposed that the properties would be close to the western boundary of the site, separated by the existing solar farm. A series of conditions had been suggested by colleagues in Environment Health (including in relation to noise) and were reproduced within the report;
- the scope of the S106 had been agreed with Cumbria County Council as such, it was not considered that there was any provision for requesting additional contributions;
- the access arrangements were considered as part of the current application. The issue of connectivity between the A689 and Crindledyke was considered in 2009 with earlier applications for development at Crindledyke and was dismissed. All the traffic modelling had been undertaken on the basis of the access arrangements and was deemed acceptable;
- the Lead Local Flood Authority had accepted the drainage arrangements based on the application at the time of submission those were nonetheless, subject to conditions requiring the agreement of appropriate drainage schemes; the Environment Agency had not raised any objection to the proposal;
- the issue of Biodiversity Net Gain was ongoing and Officers were working towards a positive net gain.

Additionally, written representations had been received from both Kingmoor Parish Council and an objector following the publication of the report. The Planning Officer summarised the issues raised therein for the benefit of Members.

The Planning Officer recommended that:

1) Authority to Issue be given to the Corporate Director of Economic Development to issue approval subject to the completion of an appropriate Section 106 Agreement regarding the payment of:

- a) £60,000 for surface and drainage improvements to the public bridleway (number 120006);
- b) £5,000 for improved drainage to the public footpath (number 109007);
- c) £2,000 for the upgrading of public right of way signage;
- d) £10,000 for improvements to Kingmoor south bridges; £117,250 for improvements to the Parkhouse roundabout signalisation scheme;
- e) £6,600 to fund the monitoring of the Travel Plan.

2) If the legal agreement not be signed that authority be given to the Corporate Director of Economic Development to refuse the application.

3) That delegated authority be given to the Corporate Director of Economic Development to negotiate a solution to the issue of Biodiversity Net Gain.

The Committee then gave consideration to the application.

In response to Members' questions Officers confirmed:

- That a Travel Plan had been submitted with the Outline application;
- The use of photo voltaic cells was encouraged in planning policy, the layout of the panels was anticipated to be included in any future Reserved Matters application;
- the references by the Parish Council to comments made by both Natural England and the Environment Agency in their responses to the consultation on the application: neither of the Statutory Consultees had objected to the proposal;
- requests by Statutory Consultees for additional information was acceptable as the application sought Outline rather than full Planning Permission.

In response to a question from a Member seeking clarification on Biodiversity Net Gain, Officers set out the issues of moving towards the implementation of the matter which was yet to be fully incorporated into the National Planning Policy Framework.

With reference to the monitoring of the Travel Plan, a Member noted that the application sought Outline Permission, he felt it was important that a condition requiring the submission of a Travel Plan as part of any future application be imposed. The Officer undertook to

incorporate the condition

A Member moved the Officer's recommendation along with the imposition of an additional condition requiring, in respect of any subsequent application, the submission of a Travel Plan for approval by the Local Planning Authority. The proposal was seconded and it was:

RESOLVED - 1) Authority to Issue be given to the Corporate Director of Economic Development to issue approval subject to the completion of an appropriate Section 106 Agreement regarding the payment of:

- a) £60,000 for surface and drainage improvements to the public bridleway (number 120006);
- b) £5,000 for improved drainage to the public footpath (number 109007);
- c) £2,000 for the upgrading of public right of way signage;
- d) £10,000 for improvements to Kingmoor south bridges; £117,250 for improvements to the Parkhouse roundabout signalisation scheme;
- e) £6,600 to fund the monitoring of the Travel Plan.

2) If the legal agreement not be signed that authority be given to the Corporate Director of Economic Development to refuse the application.

3) That delegated authority be given to the Corporate Director of Economic Development to negotiate a solution to the issue of Biodiversity Net Gain.

4. Application - 22/0034 TPO - (Plots 6 & 8) Land at Lansdowne Close, Carlisle, CA3 9HN

Proposal: Felling of 1no. Ash Tree, Crown Raising by 10% canopy volume to 1no. Oak and 1no. Ash Tree.

The Head of Development Management advised that the application had been withdrawn in order to allow further consultation to take place following the submission of revised proposals.

RESOLVED - That the application be withdrawn from discussion.

DC.010/23 SCHEDULE B - APPLICATIONS DETERMINED BY OTHER AUTHORITIES

RESOLVED - That the report be noted.

DC.011/23 TPO 320 - LAND AT FIRBANK, WESTLINTON, CA6 6AQ

The Planning Officer submitted report ED.03/23 which considered the confirmation of Tree Preservation Order 320 - land at Firbank, Westlinton, CA6 6AQ following representations received to the making of the Order.

The Planning Officer recommended that Tree Preservation Order 320 - Land at Firbank, Westlinton, CA6 6AQ be confirmed.

The summarised objections reproduced within the report made reference to 'the now quashed planning consent' a Member asked for clarification on the matter.

Officers advised that the consent given in respect of application 22/0087 had been quashed, without a contested court hearing, as a result of the assessment of impact the proposal would have. The Council was in the process of redetermining the matter.

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

RESOLVED - That Tree Preservation Order 320 - Land at Firbank, Westlinton, CA6 6AQ be confirmed.

The Meeting ended at: 12:28

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

24th February 2023

The Schedule of Applications

This schedule is set out in five parts:

SCHEDULE A – Applications to be determined by the City Council. This schedule contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. Officer recommendations are made, and the Committee's decisions must be based upon, the provisions of the Development Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004

<http://www.legislation.gov.uk/ukpga/2004/5/contents> unless material considerations indicate otherwise.

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

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

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

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

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

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

Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 09/02/2023 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 24/02/2023.

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.	22/0403 A	Deerview adjacent to Ghyll Bank Caravan Site, Low Harker, Harker, Carlisle, CA6 4DH	SD
02.	22/0902 A	Land at High Harker Farm, Harker, Carlisle, CA6 4DS	RJM
03.	21/0299 B	South View, The Green, Houghton, Carlisle, CA3 0LN	RJM
04.	21/1137 B	Rose Cottage, Laversdale Lane End, Irthington, Carlisle, CA6 4PS	SD
05.	22/0307 B	30 Lismore Street, Carlisle, CA1 2AH	SO
06.	22/0711 B	101 Kingstown Road, Carlisle, CA3 0AL	BP
07.	21/9003 B	Fox Group Ltd, Plot 8, Townfoot Industrial Estate, Brampton	RJM
08.	22/9007 B	Former St Edmund Church, St Edmunds Park, Carlisle, CA2 6TS	SD

SCHEDULE A

Applications to be
determined by the
City Council.

SCHEDULE A

SCHEDULE A: Applications with Recommendation

22/0403

Item No: 01

Date of Committee: 24/02/2023

Appn Ref No:
22/0403

Applicant:
Mr M Johnstone

Parish:
Rockcliffe

Agent:
Mat Design

Ward:
Longtown & the Border

Location: Deerview adjacent to Ghyll Bank Caravan Site, Low Harker, Harker, Carlisle, CA6 4DH

Proposal: Change Of Use Of Land To Residential For Single Family Gypsy & Traveller Group Comprising 1no. Static Caravan, 1no. Touring Caravan, 1no. Dayroom, 1no. Storage Shed, Formation Of Area Of Hard Standing & Erection Of Boundary Wall & Installation Of Septic Tank (Part Retrospective)

Date of Receipt:
17/05/2022

Statutory Expiry Date
12/07/2022

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

1.1 It is recommended that:

1) Authority to Issue be given to the Corporate Director of Economic development to approve the application, subject to the imposition of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.

2) In the event of the issue of nutrient neutrality not being resolved, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

2. Main Issues

- 2.1 Whether The Proposal Would Be Acceptable In Principle
- 2.2 Whether The Scale And Design Would Be Acceptable
- 2.3 Highway Matters
- 2.4 Drainage
- 2.5 Biodiversity
- 2.6 Nutrient Neutrality

3. Application Details

The Site

- 3.1 The site, which measures approximately 0.05Ha, is surfaced in permeable gravel and is enclosed by a brick wall. An access has been provided from the front of the site onto the adjacent road. The operational development described in the application is retrospective (hard standing, boundary wall, septic tank and access).
- 3.2 The site is bounded to the east by Ghyll Bank Caravan Park (Gypsy & Traveller site) and to the south and west by open land. The land to the west and south is allocated for permanent residential traveller provision and for traveller transit provision.

Background

- 3.3 In March 2010, an application for the change of use to caravan site with associated works (new access, hard standing, brick wall, amenity block, landscaping and septic tank) for single gypsy family (partly retrospective) was refused (08/0754). There were two reasons for refusal which are set out below:

1. There is no proven general need for additional Gypsy sites in the area and the applicant's circumstances appear to be such that it cannot be concluded that a move from his current site is essential on the grounds put forward. The site of the proposed development is located within an area of sporadic development unrelated to any existing settlement. In this location the proposal would be unduly conspicuous, consolidating the existing development to the detriment of the rural character of the area. The proposal would thus be contrary to Policy H14 of the Carlisle and District Local Plan 2001-2016 which seeks to ensure proposals for Gypsies and Travellers stem from an identified need and ensure that there would be no adverse impact on the local landscape.

2. In the absence of adequate information to the contrary regarding the applicant's proposed means of foul drainage to serve the proposed residential accommodation, together with lack of information with regard to the associated disposal of surface water, it is considered that the proposal will result in an increased risk of pollution to ground and surface waters contrary to Policies CP11 and CP12 of the Carlisle District Local Plan 2001-2016.

The Proposal

- 3.4 This proposal is seeking part retrospective planning permission for the change of use of land to residential for a single family gypsy and traveller group comprising 1no. static caravan, 1no. touring caravan, 1no. dayroom, 1no. storage shed, formation of area of hard standing and erection of

boundary wall and installation of septic tank.

- 3.5 The submitted site plan shows a static caravan being sited near to the front of the site, with a store to the rear. Two car parking spaces would be located beyond the store, with a day room and touring caravan being shown to the rear of the site. The site plan also shows a bin store near to the roadside and a septic tank centrally located within the site. The day room would measure 6m by 2.15m and would have a pitched roof, which would measure 2.96m to the ridge. The store would measure 2.47m by 2.05m and it would have a monopitch roof, which would have a maximum height of 2.60m. Both buildings would be constructed of brick under tiled roofs.
- 3.6 The applicant and his family are seeking planning permission for settled site accommodation that would provide suitable accommodation (static & trailer caravans), which would be in the interests of the children and the family's well-being.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and 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 County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions (provision of visibility splays; details of construction access);

Local Environment - Environmental Protection: - no comments received;

Rockcliffe Parish Council: - this is a retrospective planning application for a development that has partly been built on land that is not designated for that purpose. There is already a provision for Travellers accommodation on the adjacent site and several sites around Carlisle and therefore we don't see a proven need to effectively spill out onto a Green Field Site in a very haphazard and irregular manner. Allowing this to happen would create a dangerous precedent. What is there to stop anyone building such a development in any field they like and then apply for retrospective planning permission? The proposal is very visible from the road with no attempt to provide screening. Crucially the same planning application was made back in 2008 (15/08/08 ref 08/0754) and was refused by the Planning Department then. We cannot see that anything has changed and we ask that the Planning Department are consistent in their approach and again refuse this application.

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), Planning Policy for Traveller Sites (PPTS) (which must be read in conjunction with the NPPF), National Planning Practice Guidance and the Cumbria Gypsy and Traveller Needs Assessment (GTAA) Final Report January 2022 together with Policies SP2, SP6, HO11, IP3, IP6, CC5, CM5, GI1 and GI3 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposal raises the following planning issues:
1. Whether The Proposal Would Be Acceptable In Principle
- 6.4 Specific advice on Traveller sites is contained in PPTS which seeks, amongst other things, to create sustainable communities where Gypsies have fair access to suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure. It advises that local plans must identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets. Locally set targets are contained within Policy HO11 of the local plan which draws upon the most up to date evidence on need in the form of the GTAA.
- 6.5 Policy HO11 of the local plan requires that where there is an identified need the city council will consider the provision of Gypsy and Traveller sites and that they will be acceptable providing that they meet a number of detailed criteria. Importantly Policy HO11 must be read in conjunction with Policy SP2 which sets out a settlement hierarchy as a means of securing sustainable development. This approach accords entirely with the NPPF and should therefore continue to be afforded full weight in the decision making process. Policy SP2 identifies that *"outside of the locations specified (i.e. in open countryside) development will be assessed against the need to be in the location specified"*.
- 6.6 The recently published GTAA covers all authorities in Cumbria and paragraph 1.2 describes its purpose:
- "The GTAA provides a credible evidence base which can be used toward the preparation and implementation of Local Plan policies and provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the 15 year period up to 2035, as required by the PPTS, and 2040 to meet Local Plan Periods. The outcomes of this study supersede the need figures of any previous Gypsy, Traveller and Travelling Showpeople accommodation needs assessment completed in the study area."*
- 6.7 In summary, page 64 of the report concludes the need for 33 pitches in Carlisle up to 2040 (with a possible further 6 pitches depending on whether they satisfy the planning definition). The report sets out a number of

approaches, bearing in mind that the total need is up to 2040 but that there is also some immediate need within the next 5 years. The approaches suggested in the report include additional touring caravans on existing sites; sites occupied by larger extended family groups; or, vacant pitches on larger commercial sites. Paragraph 9.48 recommends that need is met through new pitch allocations and intensification or expansion of existing sites. It also recommends that consideration could also be given to granting planning permission for unauthorised sites.

- 6.8 In order to deal with the identified need, the report recommends a Pitch Delivery Assessment is undertaken to determine what proportion of the identified need can be met through intensification, reconfiguration of changes to planning conditions on existing sites. This work is currently underway.
- 6.9 This application is supported by a Planning Statement which confirms that the applicant and his family are gypsies and travellers, as defined in Annex 1 of the 2015 PPTS. Namely, they are persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily.
- 6.10 The site is located immediately adjacent to an existing Gypsy and Traveller site at Ghyll Bank and a field that has been allocated for nine permanent residential Gypsy and Traveller pitches and up to fifteen transit pitches.
- 6.11 Given the need for additional pitches for Gypsies and Travellers in Carlisle District and given the location of this site adjacent to an existing Traveller site and an area that is allocated for additional permanent Gypsy and Traveller sites, the proposal would be acceptable in principle.

2. Whether The Scale And Design Would Be Acceptable

- 6.12 The proposal is seeking planning permission for a single family Gypsy & Traveller pitch on a site that is 0.05 Ha in area. The site is currently surfaced in permeable gravel and is enclosed by a brick wall. An access has been provided from the front of the site onto the adjacent road.
- 6.13 The submitted site plan shows a static caravan being sited near to the front of the site, with a store to the rear. Two car parking spaces would be located beyond the store, with a day room and touring caravan being shown to the rear of the site. The site plan also shows a bin store near to the roadside and a septic tank centrally located within the site. The day room would measure 6m by 2.15m and would have a pitched roof, which would measure 2.96m to the ridge. The store would measure 2.47m by 2.05m and it would have a monopitch roof, which would have a maximum height of 2.60m. Both buildings would be constructed of brick under tiled roofs. The applicant would be happy to assist in providing planting and landscaping to the site which would help to further integrate this site into local landscape.
- 6.14 In light of the above, the scale and design of the proposals are considered to

be acceptable.

3. Highway Matters

- 6.15 The Highways Authority initially raised some concerns about the proposed access to the site and whether suitable visibility splays could be provided. The applicant commissioned a speed survey and has submitted a visibility plan which shows suitable visibility being provided.
- 6.16 Following the submission of the additional information, the Highways Authority has confirmed that it has no objections to the proposal subject to the imposition of conditions (provision of visibility splays; construction and drainage details of the access).

4. Drainage

- 6.17 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.
- 6.18 Site sewerage is provided by way of a 2,800 litre Balmoral Septic Tank, which was installed on site by A1 drains on in July 2008. A percolation test was carried out at the time of installation. The Balmoral Septic Tank Specification is CE Approved to BSEN 12566-1 and designed in accordance with British Standard Code BS6297.
- 6.19 The site has been surfaced with permeable gravel, which has been in place since at least April 2009. There have been no site surface water collection points, nor any spillage of surface water from the site over that time. Given the nature of the proposed development, there would be no increase in surface water run off from the site.
- 6.20 Given the size of the development, under the Building Act and current Building Regs the static caravan and touring caravan are not classed as 'buildings', whilst the day room, given its size and method of construction, would be exempt from the Building Regulations. A site licence would be required from Environmental Health and the Environment Agency would check the drainage is acceptable.

5. Biodiversity

- 6.21 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 180 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.

- 6.22 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.
- 6.23 The site is currently surfaced in gravel and has low amenity value. The provision of some landscaping along the site boundary (which can be secured by condition) would provide some biodiversity enhancement to the site.

6. Nutrient Neutrality

- 6.24 Alongside other local planning authorities, Carlisle City Council has received a letter dated 16th March 2022 from Natural England about nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). The letter advised that new development within the catchment of these habitats comprising overnight accommodation (which includes new dwellings) can cause adverse impacts to nutrient pollution.
- 6.25 Local authorities have been advised that planning applications and plans in affected areas should be carefully considered and mitigation should be used to ensure there are no adverse effects to meet the requirements of the Conservation of Species and Habitats Regulations 2017. Whilst the council assesses the implications of these matters, it cannot lawfully conclude that development within the catchment of the River Eden SAC will not have an adverse effect. Therefore, until these matters are resolved, the council will not be able to grant planning permission for developments comprising overnight accommodation (including new dwellings) within the affected catchments. Whilst it is acknowledged that septic tank was installed on this site in 2008, this has not been used and the current proposal would increase the nutrient loading from the site. This application cannot, therefore, be approved until this issue is resolved.

Conclusion

- 6.26 In overall terms, whilst it is noted that the adjacent site and land within the locality have been developed to provide pitches for accommodation by Gypsies and Travellers, there is still a further need identified in the most recent and up-date GTAA for more pitches up until 2040. As such, the principle of development would be acceptable. The scale and design of the proposal would be acceptable and the proposal would not have an adverse impact on highway safety or on biodiversity. The proposed drainage has been

installed but given that it has not been used the proposal cannot be approved until the nutrient neutrality issue has been resolved.

- 6.27 It is recommended that authority to issue approval of the application is granted with conditions subject to the issue of nutrient neutrality being resolved.

7. Planning History

- 4.1 In March 2010, an application for the change of use to caravan site with associated works (new access, hard standing, brick wall, amenity block, landscaping and septic tank) for single gypsy family (partly retrospective) was refused (08/0754).

8. Recommendation: Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the Planning Application Form, received 16th May 2022;
 2. the Site Location Plan (Dwg 1), received 16th May 2022;
 3. Existing & Proposed Site Plans - Day Room, Store, Wall & Septic Tank Details (Dwg 2), received 17th May 2022;
 4. Proposed Site Plan (Dwg 3), received 3rd May 2022;
 5. Proposed Site Plan with Visibility Splay (Dwg 4 Rev A), received 16th January 2023;
 6. Design & Access Statement, received 17th May 2022;
 7. Details of Septic Tank (Dwg 15-010-002 Rev 03), received 17th May 2022;
 8. Septic Tank Installation Letter, received 17th May 2022;
 9. Traffic Survey, received 7th December 2022;
 10. the Notice of Decision;
 11. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

2. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of the Planning Policy for Traveller Sites published in August 2015 (or any subsequent version).

Reason: To ensure that the site is occupied by Gypsies and Travellers in accordance with Policy HO11 of the Carlisle District Local Plan 2015-2030.

3. No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than one shall be a static caravan, shall be stationed on the site at any time.

Reason: To ensure that the accommodation is proportionate to the occupiers of the site and to ensure that the character and appearance of the area is not adversely affected in accordance with Policies SP6 and HO11 of the Carlisle District Local Plan 2015-2030.

4. No commercial activities shall take place on the land, including the storage of materials.

Reason: To ensure that the character and appearance of the area is not adversely affected in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted and this shall not exceed 3.5 tonnes in weight.

Reason: To ensure that the character and appearance of the area is not adversely affected in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. A landscaping scheme shall be 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 the site 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.

7. Prior to its installation on site, details of any external lighting shall be submitted for approval in writing by the Local Planning Authority. The external lighting shall then be installed in strict accordance with these details.

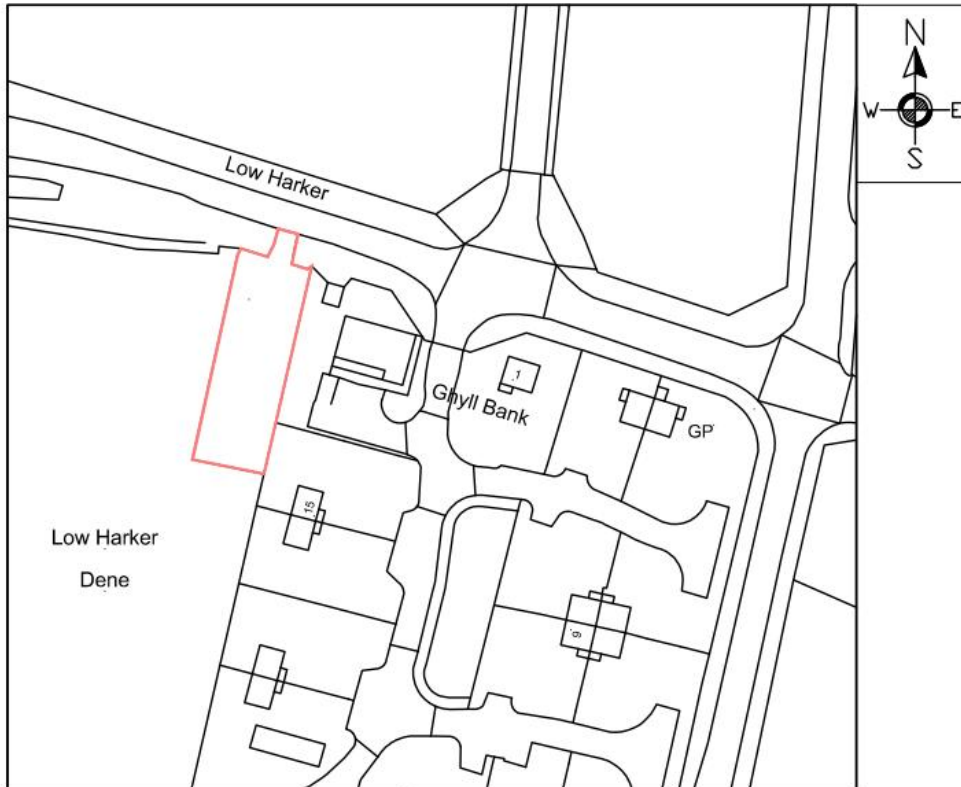
Reason: To ensure that any external lighting is appropriate to the site, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

8. The development shall not commence until visibility splays, providing clear visibility as show on the visibility splay plan (drawing no 4-A- Dec 2022) have been created. 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.

9. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority

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



1:1250



Project
CHANGE OF USE OF LAND TO FORM 1 No GYPSY & TRAVELLER PITCH ON
LANE TO THE WEST SIDE OF GHYLL BANK CARAVAN PARK, LOW HARKER,
CARLISLE, CA6 4DG

Client
MR M JOHNSTONE

Contract. No.	Dwg.No.	Revision	Scale	1:1250	@ A4
	1		By	MCC	Date
			Chkd		MAY 2022

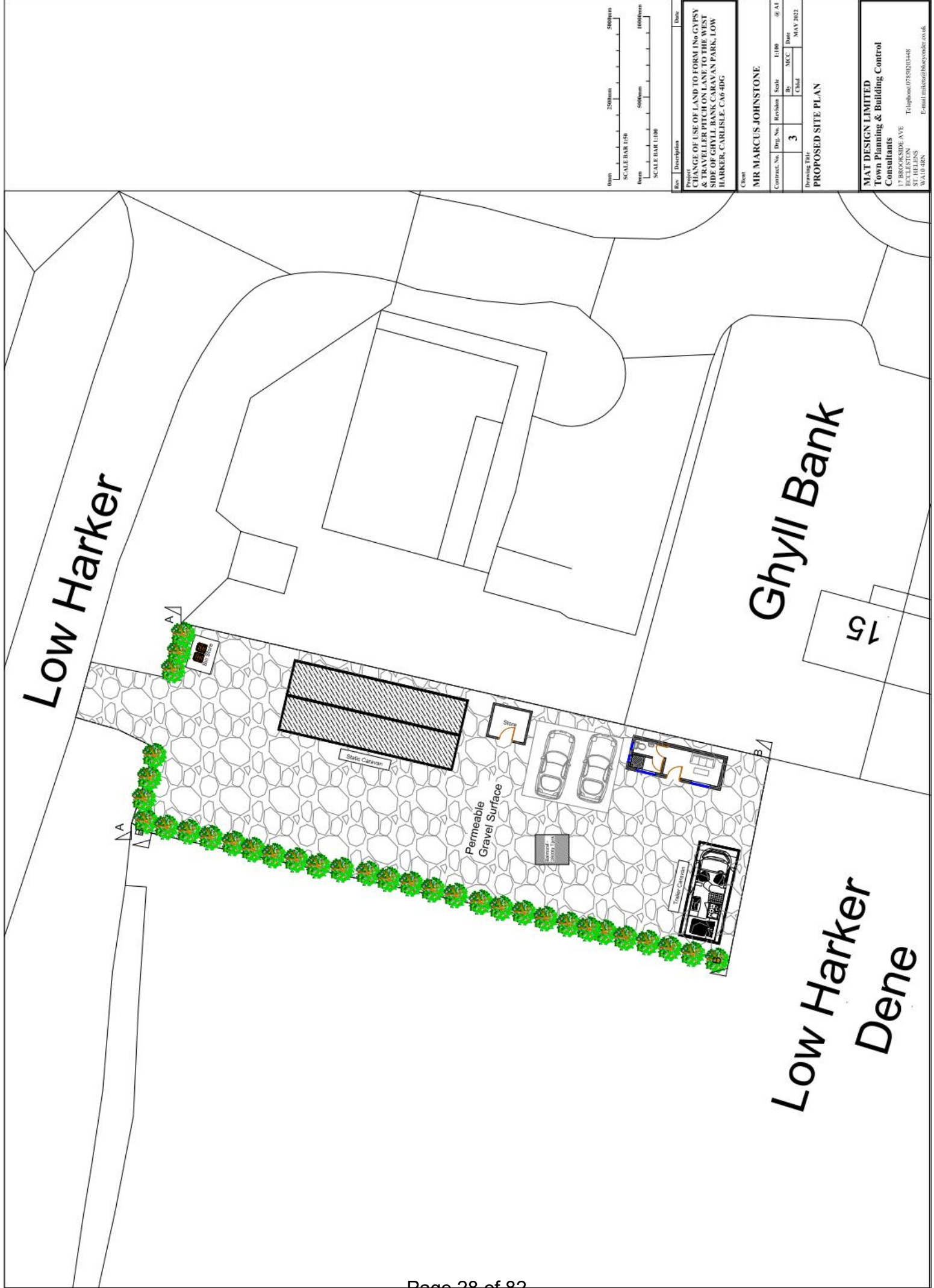
Drawing Title
SITE LOCATION PLAN

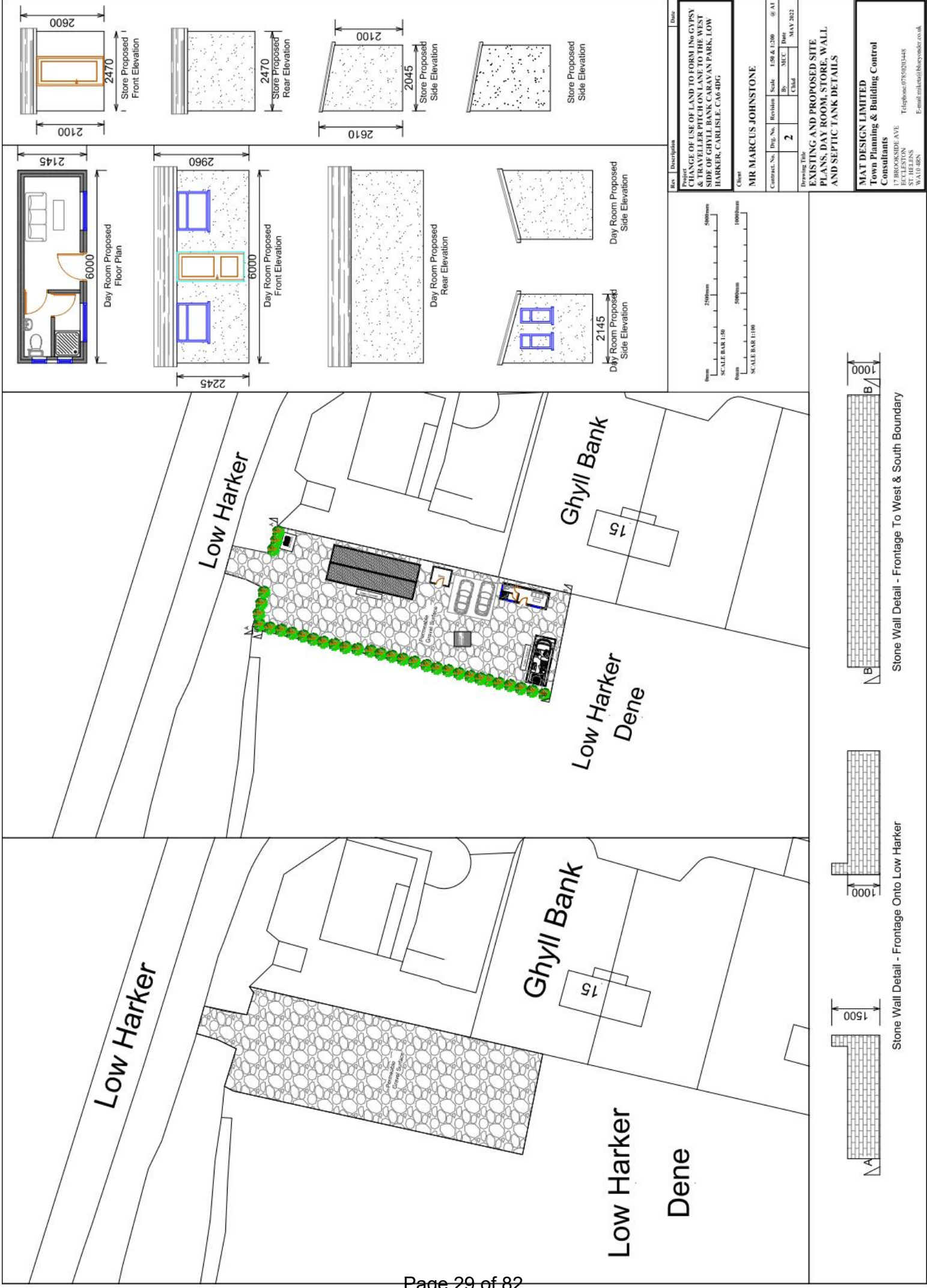
Page 27 of 82

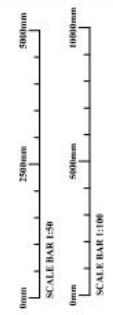
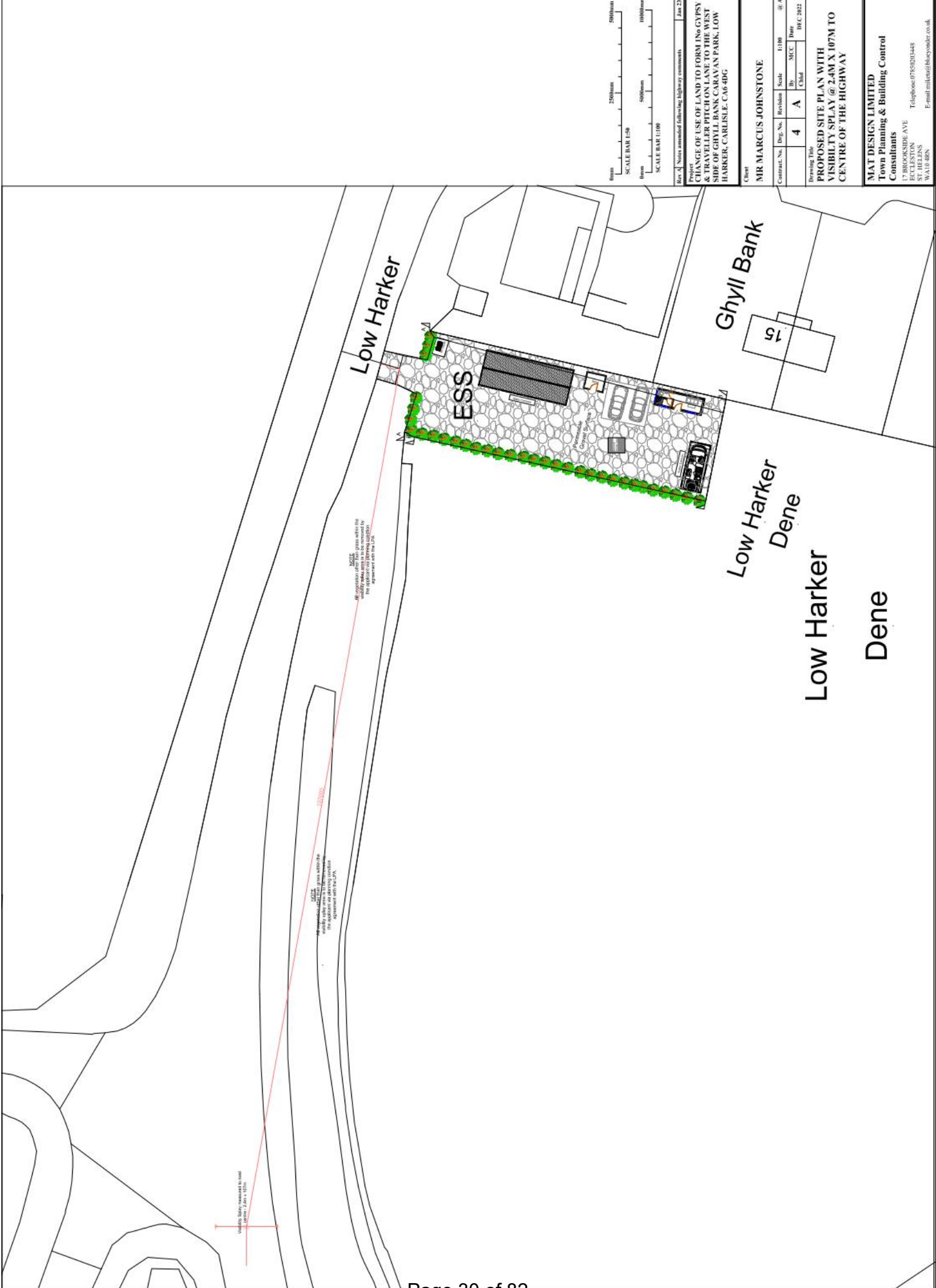
MAT Design Limited
Town Planning & Building
Control Consultants

17 BROOKSIDE AVE
ECCLESTON
ST. HELENS
WA10 4RN

Telephone: 07850203448
E-mail: miketa@blueyonder.co.uk







Rev. A) Notes amended following highway comments. Date 23

PROPOSED CHANGE OF USE OF LAND TO FORM IN-GYPSY & TRAVELLER PITCH ON LAND TO THE WEST SIDE OF GHYLL BANK CARAVAN PARK, LOW HARKER, CARLISLE, CA6 4DG

Client: MR MARCUS JOHNSTONE

Contract No.	Drawn No.	Revised	Scale	By	Date
4	A		M.C.C.		09/07/2022

Drawing Title: PROPOSED SITE PLAN WITH VISIBILITY SPLAY @ 2.4M X 107M TO CENTRE OF THE HIGHWAY

MAT DESIGN LIMITED
Town Planning & Building Control Consultants
17 BROOKSIDE AVE
ST. HELENS
WA10 4BN
Telephone: 0759201448
E-mail: mat@matdesign.co.uk

SCHEDULE A: Applications with Recommendation

22/0902

Item No: 02

Date of Committee:

24.02.23

Appn Ref No:
22/0902

Applicant:
Mr William Wilson

Parish:
Rockcliffe

Agent:
Mr Rodney Jeremiah

Ward:
Longtown & the Border

Location: Land at High Harker Farm, Harker, Carlisle, CA6 4DS

Proposal: Removal Of Condition 12 (Connection Of New Footpath) Of Previously Approved Permission 20/0868 (Erection Of 2no. Dwellings (Revised Application))

Date of Receipt:
15/12/2022

Statutory Expiry Date
13/02/2023

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable And Whether Condition 12 Meets The Requirements Of The NPPF And The NPPG
- 2.2 Whether The Development Would Amount To Unsustainable Development And The Effect On Accessibility And Highway Safety
- 2.3 Other Matters

3. Application Details

The Site

- 3.1 The application site comprises a rectangular parcel of land immediately to the west of High Harker Farmhouse, Harker Carlisle. The site benefits from planning permission for the erection of two detached dwellings each with a detached single storey garage to the rear, which are currently being constructed on the land. The properties are served by a single entrance to

the front leading onto the Harker to Rockcliffe road. Further to the west and adjacent to the application site, are five recently constructed detached properties

Background

- 3.2 Planning permission was granted in 2015 for residential development. Various planning applications followed for the development of the land including that submitted in 2018 for the “Erection Of 5no. Detached Dwellings With Associated Access And Landscaping (Revised Application).” This was subject to condition 6 which reads:

“A 2m wide footway shall be provided that links continuously and conveniently to the nearest existing footway.

The whole of each access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

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

- 3.3 An application for the removal of conditions subsequently submitted for the removal of conditions 3 (provision of footway) and 6 (land drainage/ ordinary watercourse consent) relating to previously approved permission 16/0315 (application reference ref 16/1025). The removal of condition 6 was approved; however, the removal of condition 3 was refused as it was considered that the non-provision of a public footpath to serve the development would demonstrably hamper the choice for residents (including able bodied and disabled persons) to walk to local facilities providing a safe access to the existing public transport system and thereby involve a greater reliance on the use of private cars.
- 3.4 Subsequently, an application was submitted in 2018 under application reference 18/0980 which sought permission for the “*Erection Of 5no. Detached Dwellings With Associated Access And Landscaping Without Compliance With Condition 6 Of Previously Approved Application 18/0446 Which Will Be Varied To Remove The Requirement For The Public Footpath*”. The application was approved on 1st April 2019.
- 3.5 Planning permission was first granted for the development of this application site in 2016 when outline planning permission was granted. This permission was subject to condition 7 which required the same provision of a footpath as required by the condition for the adjacent land. This was carried through to subject applications for full planning permission with application 20/0868 being implemented and condition 12 of that application requiring the footpath. Since then, as outlined in the preceding paragraph, the condition on the adjacent land has been removed.

The Proposal

- 3.6 Planning permission is sought to remove the planning condition requiring the provision of a footway which will link continuously and conveniently to the nearest footway from the application site.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of seven properties. In response, no representations have been received.

5. Summary of Consultation Responses

Rockcliffe Parish Council: - with reference to the removal of Condition 12; connection of footpaths to an existing footpath, the applicant has stated there currently is no footpath to connect to. Rockcliffe Parish Council have, on numerous occasions stated the lack of footpaths within the parish making it difficult for pedestrians to access the parish hub i.e. community centre, church and pub. For the purpose of parity omitting the footpath would exacerbate the problem with safe pedestrian routes, not attempt to ameliorate it.

The parish is growing, the amount of vehicular traffic is increasing, the likelihood of increased commercial traffic is very real. The developer should include a footpath and terminate it where future footpaths would link to it. Someone has to make a start somewhere.

The parish council are of the opinion that all current and future developments should take into account the necessity for safe pedestrian access and egress within the parish.

To that end the parish council cannot support the application to remove condition 12 as it would send the wrong message to future developments and set a dangerous precedent;

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

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ 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 Development Plan for the purposes of the determination of this application is The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (NPPG) are material planning considerations in

the determination of this application together with the Carlisle District Local Plan 2015-2030 from which Policies SP6, SP9, HO2 and IP2 are of particular relevance. The proposal raises the following planning issues.

1. Whether The Principle Of Development Is Acceptable And Whether Condition 12 Meets The Requirements Of The NPPF And The NPPG

- 6.3 Paragraph 3 of the NPPF confirms that the policies set out in the Framework shall be taken as a whole. Paragraph 10 of the NPPF states that at the heart of framework is a presumption in favour of sustainable development. Paragraph 8 identifies the three dimensions to sustainable development: economic, social and environmental. The three roles being mutually dependent and should not be taken in isolation. The social role includes the creation of a well designed and safe built environment with accessible services. Paragraph 9 goes onto confirm that the objectives should be delivered through the application of policies in the framework; they are not criteria against which every decision can or should be judged. Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.4 Two of the key objectives of the NPPF is to promote healthy and safe communities, and, to promote sustainable transport. Paragraph 110 of the NPPF confirms that when assessing specific applications for development it should be ensured that: appropriate opportunities to promote sustainable transport modes can be or have been-taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; and, any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 111 states that development should 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.
- 6.5 Paragraph 112 of the NPPF goes onto confirm that applications for development should a) give priority first to pedestrian and cycle movements and second to facilitating access to high quality public transport, b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport, c) create places that are safe, secure and attractive, d) allow for the efficient delivery of goods and access by service and emergency vehicles, and, e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.6 Paragraph 56 of the NPPF states:
- “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear*

justification.”

- 6.7 These tests are re-iterated in the NPPG and paragraph 003 states that conditions should be kept to a minimum and only used where they satisfy the following tests:
1. necessary;
 2. relevant to planning;
 3. relevant to the development to be permitted;
 4. enforceable;
 5. precise;
 6. reasonable in all other respect.
- 6.8 The nearest footpath is approximately 100 meters to the east of the application site and the junction with the Laings of Harker entrance. The intervening frontages being mown grass verges. The furthest house to the west built under the planning permission for the adjacent land is approximately 260 metres from the footpath.
- 6.9 The application for the removal of the planning condition on the adjacent land included a supporting statement which confirmed that the surface water from the highway discharges into the highway verge and percolates into the ground. The applicant's engineer for that application identified that due to the absence of existing road gullies the proposed footpath would have to be designed to include a means of storing the surface water before it discharges via a culvert that crosses under the highway opposite the property known as "Waverley". Once the footpath has been formed and taking into account existing services located beneath the footpath, there would be insufficient space to store the run-off water to enable it to be discharged through the culvert at a controlled rate. There was no additional land available to the applicant or the Highway Authority to store surface water prior to it being discharged through the culvert. Thus taking into account the physical/technical constraints there was no practical means of enforcing the condition.
- 6.10 It was also argued that a footpath of approximately 260 metres in length placed a disproportionate financial burden on the development taking into account the low level of pedestrian footfall and the fact that pedestrians are capable of safely walking along the highway. Cumbria County Council as the Local Highways Authority supported the application and permission was granted for the removal of the condition.
- 6.11 The parish council has raised an objection on the basis that the lack of footpaths means that pedestrians are unable to access the community centres, churches and public houses. Whilst this may be the case in other locations, this is not the case for the site where there are no such community facilities. Residents would be able to conveniently access the bus stop on the A7 and the local coffee shop.
- 6.12 Outline planning permission was granted for the erection of up to 300 houses was approved by the Planning Inspectorate under application 15/0812 at Harker Industrial Estate to the west of the application site. This decision

included an additional drawing submitted at the appeal illustrating off-site highway improvement works. The requirement for their implementation is subject to a planning condition, this includes the provision of a footpath on the southern part of the county highway. Although works have not yet commenced, material weight must be afforded to this matter.

- 6.13 Given the number of dwellings and low number of pedestrians from this development, the fact that a similar condition on adjacent land has previously been removed by way of an application, and likely highway improvement works from a nearby housing site, the continued imposition of the condition is considered to be unnecessary and unreasonable in all other respects.

2. Whether The Development Would Amount To Unsustainable Development And The Effect On Accessibility And Highway Safety

- 6.14 The NPPF encourages the location of development where the need for travel will be minimised and the use of sustainable transport modes can be maximised. It goes on to explain that developments should be located and where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- 6.15 When considering walking and the current application, it is evident that the moderate range of services that are in Harker are located approximately 100 metres to the east of the application site. The bus stops which link Harker to the Carlisle and Longtown are located approximately 160 and 150 metres respectively to the east of the application site. There are currently no public footpaths linking the application site to the existing services in Harker or to the existing bus stops. In such circumstances the application site at present does not benefit from good pedestrian connectivity. It is however appreciated that the existing roadside verge is wide and is in relatively good condition and given the relatively short distance, would allow use by some pedestrians.
- 6.16 Whilst the parish raises concerns relating to potential conflicts between highway users, Cumbria County Council has previously accepted the removal of the condition requiring a footpath to serve five dwellings further from the nearest footpath. Whilst the provision of a public footpath may be desirable, based on the foregoing it is not confirmed that its removal would be unacceptable on sustainability or highway safety grounds.

3. Other Matters

- 6.17 This application has been submitted under section 73 of the Town and Country Planning Act 1990 to vary a condition associated with a planning permission.
- 6.18 Paragraph: 015 Reference ID: 17a-015-20140306 Revision date: 06 03 2014 of the Planning Policy Guidance states:

“Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the guidance for use of planning conditions.

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.”

- 6.19 The time limit condition is not relevant as the development has commenced and the remaining conditions are further reimposed with reference to details which have been discharged where appropriate.

Conclusion

- 6.20 In overall terms the principle of development on the site has been established through the grant of the previous permission. The removal of a similar condition has been accepted on the adjacent site. The assessment in this report identified the planning issues and on balance the continued imposition of this condition would fail to meet the relevant tests which a planning condition is required to satisfy and the removal of the condition is acceptable.
- 6.21 Through the imposition of conditions relating to the remaining conditions, other issues raised and considered by this development would be adequately addressed.
- 6.22 In all aspects the proposal is considered to be compliant with the objectives of the relevant local plan policies.

7. Planning History

- 7.1 Outline planning permission was granted for residential development in 2016.
- 7.2 In 2019, an application was approved for the erection of 2no. dwellings (reserved matters application pursuant to outline consent 16/0754).
- 7.3 Also in 2019, an application was submitted to discharge of conditions 8 (means of access); 10 (vehicle turning space); 11 (surface water discharge) and 14 (details of boundary treatments) of previously approved application 16/0754 but was withdrawn.
- 7.4 Planning permission was granted for the erection of 2no dwellings in 2021.
- 7.5 Later in 2021, an application was approved to discharge conditions 3 (levels); 4 (surface water drainage); 5 (foul drainage) & 6 (levels) of the

previously approved permission 20/0868.

- 7.6 Also in 2021, an application was approved to discharge conditions 7 (parking/ turning/ loading & unloading of vehicles) and 8 (materials) of the previously approved application 20/0868.
- 7.7 An application was submitted in 2021 to for erection of 2no. detached garages to serve 2no. dwellings previously approved under 20/0868 but was withdrawn.
- 7.8 In 2022, planning permission was granted for the erection of 2no. detached garages to serve 2no. dwellings previously approved under application 20/0868.
- 7.9 Earlier this year, an application was approved to discharge of conditions 9 (hard surface details); 10 (boundary treatments); 11 (landscape scheme) & 13 (infrastructure) of the previously approved application 20/0868.

8. Recommendation: Grant Permission

- 1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 - 1. the Planning Application Form received 18th December 2020 approved as part of application 20/0868 as amended by the Planning Application Form received 30th November 2022;
 - 2. the Site Location Plan received 18th December 2020 approved as part of application 20/0868;
 - 3. the Site/ Block Plan As Proposed received 23rd April 2021 (Drawing no. 4656-2) approved as part of application 20/0868;
 - 4. the Floor Plans As Proposed received 18th December 2020 (Drawing no. 4654-1) approved as part of application 20/0868;
 - 5. the Floor Plans & Typical Sections received 18th December 2020 (Drawing no. 4652-1) approved as part of application 20/0868;
 - 6. the Elevations As Proposed received 18th December 2020 (Drawing no. 4653-1) approved as part of application 20/0868;
 - 7. the Elevations As Proposed received 18th December 2020 (Drawing no. 4655-1) approved as part of application 20/0868;
 - 8. the Visibility Splays received 17th May 2021 approved as part of application 20/0868;
 - 9. the Historic Statement 18th December 2020 approved as part of application 20/0868;
 - 10. the Notice of Decision;
 - 11. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

- 2. The development hereby approved shall be undertaken in strict accordance with the ground and finished floor surface levels required by condition 3 of application 20/0868 and approved as part of application 21/0721.

Reason: In order that the approved development overcomes any problems associated with the topography of the area in accordance with Policies SP6 of the Carlisle District Local Plan 2015-2030.

3. The development hereby approved shall be undertaken in strict accordance with the surface water drainage scheme required by condition 4 of application 20/0868 and approved as part of application 21/0721.

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. The development hereby approved shall be undertaken in strict accordance with the foul drainage scheme required by condition 5 of application 20/0868 and approved as part of application 21/0721.

Reason: To prevent pollution of the water environment in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

5. The development hereby approved shall be undertaken in strict accordance with the ground and finished floor surface levels required by condition 6 of application 20/0868 and approved as part of application 21/0721.

Reason: In order that the approved development is appropriate to the topography of the site and neighbouring properties in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

6. The development hereby approved shall be undertaken in strict accordance with the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors facilities required by condition 7 of application 20/0868 and approved as part of application 21/0899.

Reason: To ensure that vehicles can be properly and safely accommodated clear of the highway in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

7. The development hereby approved shall be undertaken in strict accordance with the external materials required by condition 8 of application 20/0868 and approved as part of application 21/0899.

Reason: In the interests of visual amenity in accordance with Policies

HO2 and CM5 of the Carlisle District Local Plan 2015-2030.

8. The development hereby approved shall be undertaken in strict accordance with the hard surface details required by condition 9 of application 20/0868 and approved as part of application 22/0813.
Reason: In the interests of visual amenity in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.
9. The development hereby approved shall be undertaken in strict accordance with the boundary details required by condition 10 of application 20/0868 and approved as part of application 21/0899.
Reason: To ensure that the appearance of the development will be in keeping with the locality and to protect visual amenity, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.
10. The development hereby approved shall be undertaken in strict accordance with the landscaping scheme required by condition 11 of application 20/0868 and approved as part of application 21/0899.
Reason: To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.
11. The development hereby approved shall be undertaken in strict accordance with the underground service ducts required by condition 13 of application 20/0868 and approved as part of application 21/0899.
Reason: To maintain the visual character of the locality in accord with Policy IP4 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 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1600 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. Prior to the occupation of each dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle district.
Reason: In accordance with Policy IP5 of the Carlisle District Local Plan 2015-2030.
14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported

in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. 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.

15. The development shall not commence until visibility splays providing clear visibility of 165 metres east and 215 metres west measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 and pedestrian safety.in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

16. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied into use.

Reason: In the interests of highway and pedestrian safety.in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

17. 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 in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

4658



High Harker Farmhouse,
High Harker,
Carlisle,
CA6 4DS

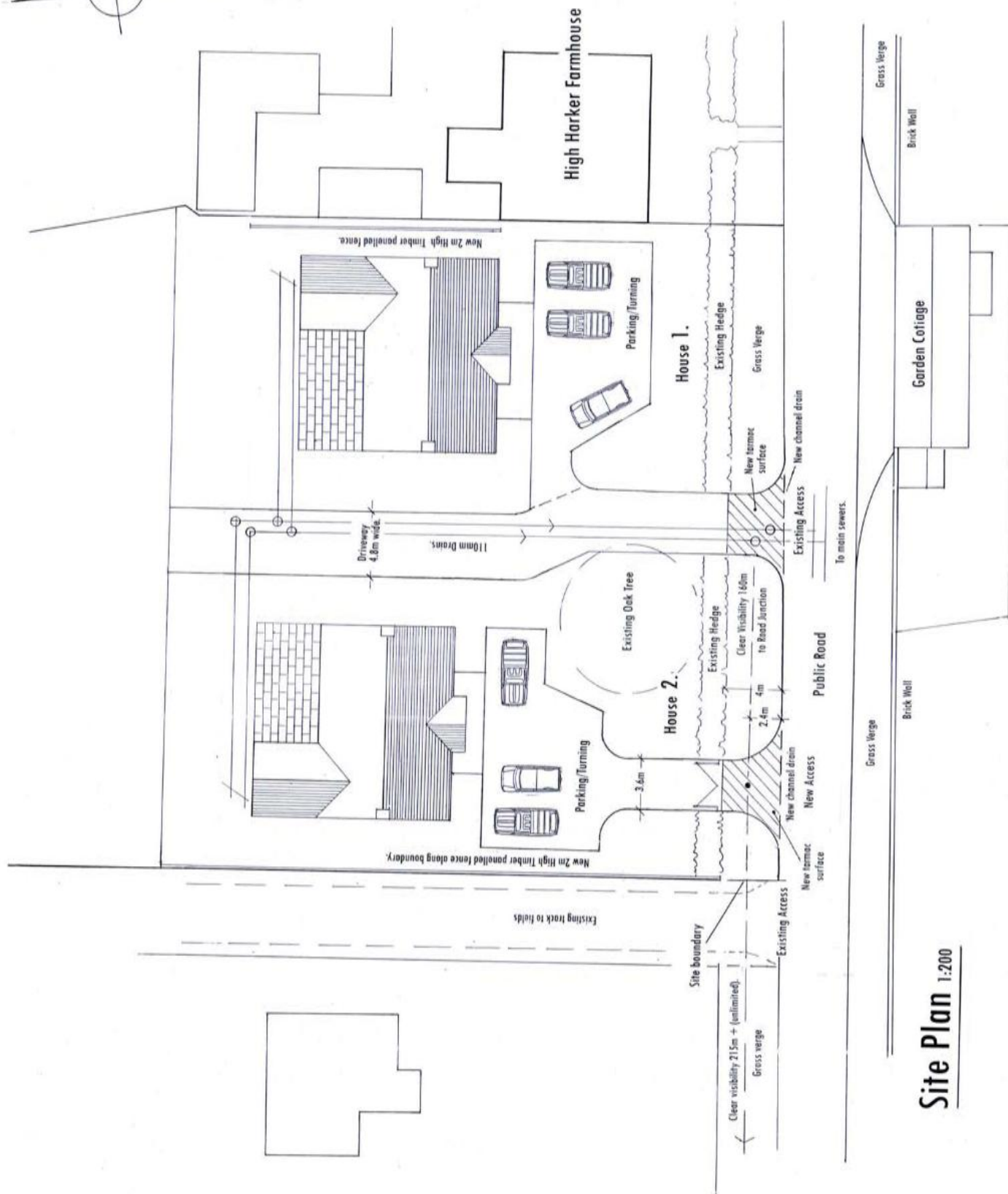
OS MasterMap 1:2500/2500/10000 scale
Wednesday, December 9, 2020, 10: 8W1-00924254
www.blackwellmapping.co.uk

1:2500 scale print at A4, Centre: 339450 E, 560869 N

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TEL: 0114 268 7658
maps.sheffield@blackwell.co.uk



The existing access will be retained to site 1 and the track into the site adapted as shown. A new access is proposed to site 2 from the public road. It will have a played entrance with tarmac surface leading to the vehicle driveway and parking area. Clear visibility from a point 2.4m from the carriageway edge is uninterrupted across a 4m wide grass verge, 160m to the east and the road junction with the A7, and unlimited to the west. All internal driveways to have a 50mm gravel surface on a compacted hard-core base.

DRAINAGE. Sewer outfalls from the houses to be routed to a new discharging chamber before connection to main sewers in the roadway. All SW drainage from roofs and hard standing surfaces piped to the main SW drain in road.

LANDSCAPING

New 2 m high screen fences to be erected along the east and western boundaries and a post and rail timber fence along the northern edge of the plots where shown.

The existing Oak tree to be retained and to be fully protected during site work.

The existing boundary hedge to be retained and new planting of a similar species to be carried out where needed after the work is completed.

All other areas of the plots are to be laid to grass.

<p>Title</p> <p>SITE at HIGH HARKER Carlisle.</p>			
<p>Project</p> <p>Proposed New Detached Houses. Sites 1 and 2.</p>			
<p>Drawing</p> <p>Site /Block Plan as Proposed.</p>			
Dwg. No.	Scale	Date	Dwg.
4656-2	1:200	8.3.2021...	5 of 5
<p>Amendments</p> <p>Dwg. Amended: 8.3.2021. To show parking area for 3 cars.</p>			
<p><i>Rodney Jeremiah</i> Architectural Services Westhead, Poulton, Carlisle, Cumbria, Cumbria, Cumbria, Cumbria Tel: 012228 571434 E-mail: rodnej@rodnejah.co.uk</p>			

SCHEDULE B

SCHEDULE B

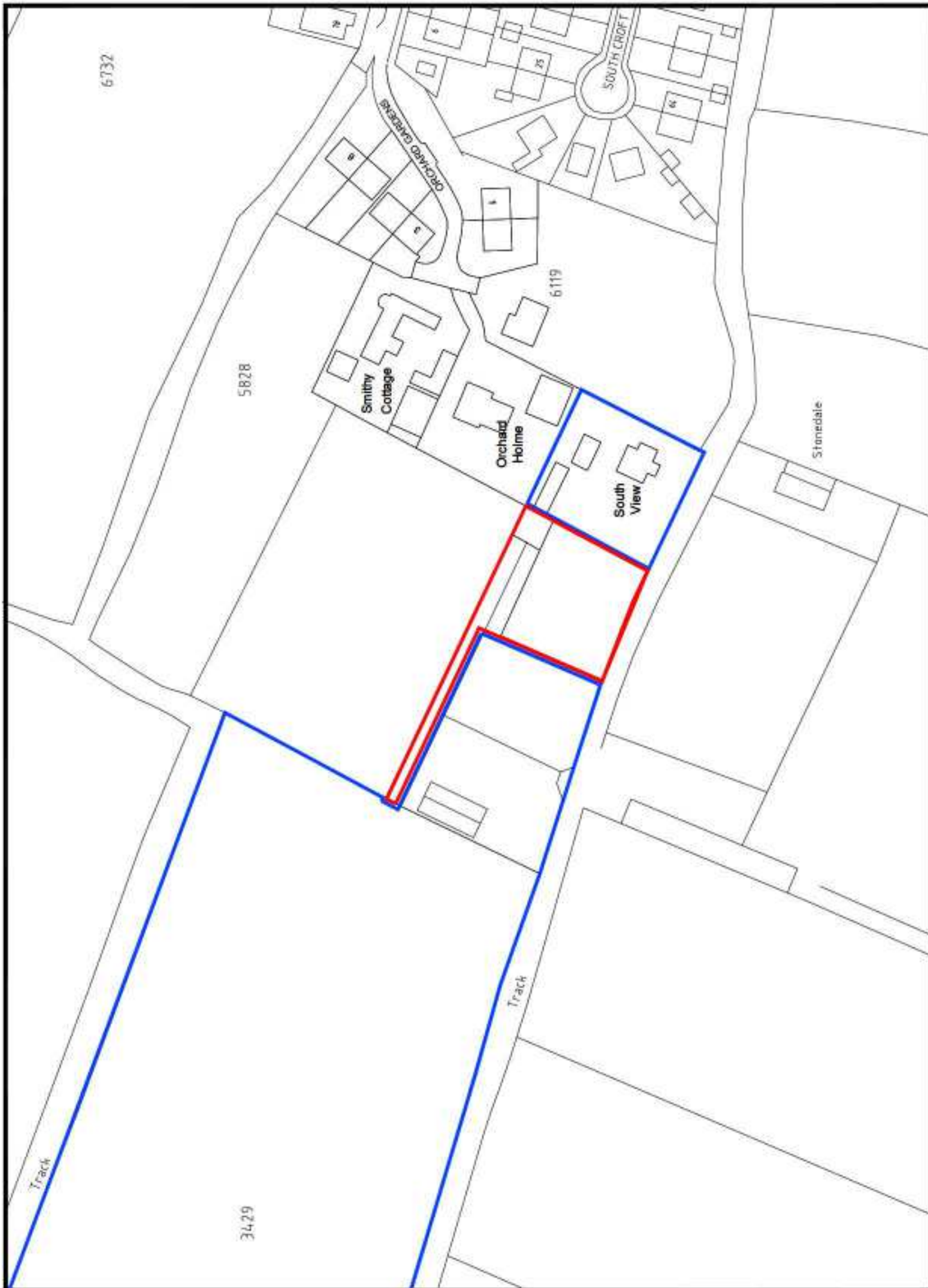
Item No: 03

Between 06/01/2023 and 09/02/2023

Appn Ref No:
21/0299**Applicant:**
Mr Rodney Lovell**Parish:**
Stanwix Rural**Date of Receipt:**
09/04/2021**Agent:**
Sam Greig Planning Ltd**Ward:**
Stanwix & Houghton**Location:**
South View, The Green, Houghton, Carlisle, CA3
0LN**Grid Reference:**
340563 559181**Proposal:** Change Of Use Of Former Equestrian Manege To Vehicle Storage Area
(Retrospective)**Amendment:**

REPORT**Case Officer:** Richard Maunsell**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Dismissed**Date:** 09/01/2023

This Drawing is the property of Tyler Design Services and must not be copied or submitted to a third party without the written consent of the company.



SITE LOCATION PLAN

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Appeal Decision

Site visit made on 30 November 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 9th January 2023

Appeal Ref: APP/E0915/W/21/3285803

Southview Farm, The Green, Houghton, Carlisle CA3 0LN

- 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 Rodney Lovell against the decision of Carlisle City Council.
 - The application Ref 21/0299, dated 28 March 2021, was refused by notice dated 6 October 2021.
 - The development proposed is described as change of use of former equestrian manège to vehicle storage area.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site was formally a riding arena and is currently being used to store vehicles and, with the exception of the proposed fence and hedge screening, the development appears to reflect the details shown on the drawings. I have therefore considered this appeal on the basis that planning permission is sought retrospectively.
3. The site is subject to enforcement action against the development and an appeal against the enforcement notice was dismissed. This appeal has been solely based on the planning application refusal.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - the appropriateness of the location of the development.

Reasons

Character and appearance

5. The appeal site is located at the north western end of the rural village of Houghton. The development consists of a vehicle storage area for the appellant's Carlisle based car sales showroom business.
6. Although there are garden areas directly behind some of the properties, the majority of the land to the rear of the appeal site consists of agricultural fields separated by lines of fencing, hedgerows and trees. There are a number of agricultural and stable buildings in the area which have some associated

vehicle parking. However, these are relatively isolated and relate to the farming and equestrian use of the land. The appeal site's former manège use is consistent with the agricultural setting.

7. Policy GI1 of the Carlisle District Local Plan 2015-2030 (Local Plan) seeks to protect landscapes from excessive, harmful or inappropriate development. Proposals for development are assessed against the criteria presented within the Cumbria Landscape Character Guidance and Toolkit (CLCG). While the appellant identifies the area as being classified as sub-type 5d 'Urban Fringe' it is however, shown as sub-type 5b 'Low Farmland' on the mapping. The key characteristics of this landscape sub-type are set out in the CLCG and the overall vision is to conserve and enhance the landscape, wildlife and minimise urban intrusions.
8. The development is well screened from the private access road and the majority of the northern public footpath by hedgerows and planting. However, it is visible from the neighbouring property, Orchard Holme, Southview Farm's garden, a short section of the public footpath and the rear agricultural fields.
9. Even though the development is a relatively small-scale operation, and not in a highly prominent position, the parked vehicles create an urban intrusion which is visually at odds with the character and appearance of the surrounding area. While an additional hedgerow and new fence are proposed along the northern boundary as screening and landscape mitigation, the landscape improvements would be modest. Development would still be visually intrusive from parts of the surrounding area and negatively impact the rural setting. It would not be a sensitive or commensurate addition to the former manège or existing landscape. The nearby agricultural building does assist in providing some screening of the development. However, this does not remove the visual discord, or the adverse effects the development creates.
10. In conclusion, the development adversely affects the character and appearance of the area and conflicts with Policy GI1 of the Local Plan which aims to protect the intrinsic character of the landscape from excessive, harmful or inappropriate development.

Location

11. Criterion 7 of Policy SP2 of the Local Plan supports development, subject to it being of an appropriate scale and nature which is commensurate with its setting. It also requires that it positively contributes to increasing the prosperity of the rural economy and enable rural communities to thrive. This is supported by paragraph 81 of the National Planning Policy Framework 2021 (the Framework) which states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It further advises that significant weight should be placed on the need to support economic growth and productivity. Paragraph 84 a) of the Framework reinforces this further by stating that planning policies and decisions should enable sustainable growth and expansion of all types of businesses in rural areas.
12. While the business does not provide direct employment opportunities or economic benefits to the village, this is not a specific requirement of the policy. However, as discussed above, the development has a harmful impact upon the character and appearance of the area. This is in terms of the appropriateness

of the scale and nature of a vehicle storage area within the rural setting as discussed previously. Furthermore, substantive evidence of how the development is positively contributing to increasing the prosperity of the rural economy and enabling rural communities to thrive has not been presented. Consequently, due to the lack of evidence minimal weight is attributed to the development benefits in supporting economic growth and productivity.

13. In conclusion the development is not appropriate for its location and as such, it conflicts with criterion 7 of Policy SP2 of the Local Plan and paragraph 84 of the Framework.

Other Matters

14. While the appellant contends that the Council has considered the appeal site as being in open countryside, other than a quoted reference made in the Officer Report regarding a 2013 application, I found no evidence that the appeal site was assessed as open countryside.
15. The appellant questions the consistency of the Council's determination of similar applications. While they provide 9 Lingyclose, Dalston as an example of a similar development being permitted, this site is relatively distant from the appeal site and in a different location and setting. Details regarding its impacts on character and appearance and its contribution to the rural economy and community are also limited. Accordingly, I cannot be certain that the circumstances are the same and therefore give little weight to this example. In any event each case should be considered on its individual planning merits.
16. It has been suggested by the appellant that a number of planning conditions could be used to restrict and control the use of the development. However, these would not remove all the concerns regarding the impacts on character and appearance or address how the development complies with the policies regarding rural economy and community benefits. I therefore do not consider the use of planning conditions would make the development acceptable.
17. In relation to third party representations, I saw no evidence of issues with the storage of caravans on Stonedale Farm. The Council has not raised concerns regarding environmental pollution and fire risk or traffic issues. Based on the information provided and my site observations, I see no reason to question any of these aspects.

Conclusion

18. The development would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

J Symmons

INSPECTOR

Item No: 04

Between 06/01/2023 and 09/02/2023

Appn Ref No:

21/1137

Applicant:

Mr & Mrs Armstrong

Parish:

Irthington

Date of Receipt:

14/12/2021

Agent:

Sam Greig Planning Ltd

Ward:

Longtown & the Border

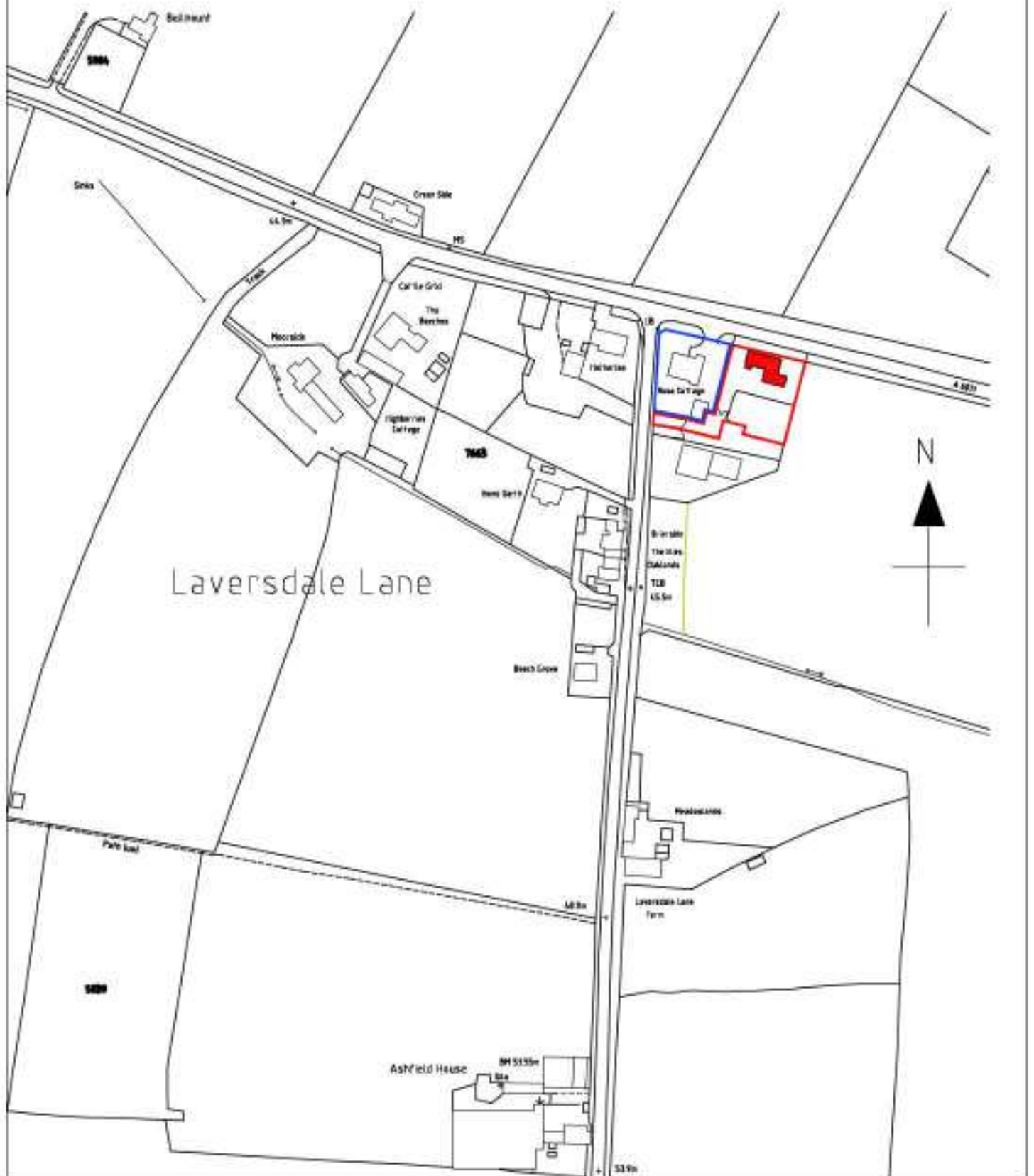
Location:Rose Cottage, Laversdale Lane End, Irthington,
Carlisle, CA6 4PS**Grid Reference:**

347894 563684

Proposal: Change Of Use Of Self Contained Annexe To A Dwelling**Amendment:**

REPORT**Case Officer:** Stephen Daniel**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Allowed with Conditions**Date:** 20/01/2023

AA DESIGN SERVICES



ROSE COTTAGE, LAVERSDALE LANE END, LAVERSDALE,
CARLISLE - CHANGE OF USE OF ANNEXE TO A DWELLING
FOR MR M. ARMSTRONG
LOCATION PLAN SCALE 1:2500

DRG NO 2015/6/2/003

Appeal Decision

Site visit made on 18 October 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2023

Appeal Ref: APP/E0915/W/22/3300088

Rose Cottage, Laversdale Lane End, Laversdale, Carlisle CA6 4PS

- 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 & Mrs Armstrong against the decision of Carlisle City Council.
 - The application Ref 21/1137, dated 9 December 2021, was refused by notice dated 8 April 2022.
 - The development proposed is the change of use of self-contained annexe to a dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of self-contained annexe to a dwelling at Rose Cottage, Laversdale Lane End, Laversdale, Carlisle CA6 4PS in accordance with the terms of the application, Ref 21/1137, dated 9 December 2021, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan, DRG NO 2015/6/2/003.

Application for Costs

2. An application for costs was made by Mr and Mrs Armstrong against Carlisle City Council. This application is the subject of a separate decision.

Main Issue

3. Whether the appeal site represents a suitable location for housing having regard to local and national planning policy.

Reasons

4. The appeal site is located adjacent to a cluster of built development in the open countryside. The site includes a detached, single storey annexe to Rose Cottage. Permission was previously granted for the erection of the self-contained annexe with a condition attached which restricted the occupation of the annexe to purposes ancillary to the residential use of Rose Cottage. Rather than seeking permission to remove this condition, a new permission is sought for a change of use to a self-contained dwelling.
5. Policy HO6 of the Carlisle District Local Plan 2015-2030 (the CDLP) sets out the circumstances in which new housing would be allowed in the open countryside. However, this policy concerns new housing. The appeal building is of a substantial size and has already got all the facilities required for day-to-day

- private domestic existence. Therefore, this proposal relates to an existing dwelling rather than a new house thus this policy is not of direct relevance to this proposal.
6. Policy SP2 of the CDLP sets out principles for strategic growth and distribution within the district. Principle 8 of this policy states that within the open countryside, development will be assessed against the need to be in the location specified.
 7. The supportive text of Policy SP2 notes that this approach is necessary to ensure that sustainable patterns of development prevail and that importantly unnecessary and unjustified encroachment into and urbanisation of the District's countryside and fine landscapes is avoided, in keeping with the objectives of national policy. As noted, the building already exists thus the proposal does not result in harm to the character or appearance of the countryside.
 8. The nub of rural housing policy is at paragraph 79 of the National Planning Policy Framework (the Framework), which places an emphasis for housing to be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
 9. The appeal site is located far from everyday shops and services. The surrounding highways are also poorly lit and lack pavements along long stretches. Traffic speed limits along them are high. As such, walking or cycling to facilities would be an unattractive option, particularly in winter months and inclement weather. Whilst future residents may support shops and services in surrounding areas, they would rely heavily on private vehicles to do so given the distances and routes involved.
 10. Therefore, the proposal would conflict with the broad aims of encouraging sustainable patterns of development as set out in Policy SP2 of the CDLP.
 11. However, the existing annexe is of a generous size and already has all the facilities required for independent day-to-day living. It has a large, separate garden area and place to park vehicles. Despite the occupancy restriction on the original permission, it seems to me that it could nevertheless realistically be occupied entirely independently from Rose Cottage, albeit by a related family. The high reliance on private vehicles to access the nearest shops and facilities would therefore be similar, regardless of whether the occupiers are related to the occupiers of Rose Cottage or not.
 12. Even if an unfettered occupation may result in more vehicle movements, as any co-dependent journeys for all manner of activities which may currently occur with the occupants of Rose Cottage would cease, I consider that any additional journeys would be very few given the size of the annexe and the ability for a family to occupy it.
 13. Therefore, although the appeal site is not well located in terms of its accessibility to local facilities and services and would likely necessitate the use of a private vehicle, the differences would be very small compared to existing

circumstances. Thus, any harm arising by virtue of additional vehicular movements by unrelated occupants would be very limited.

14. These matters weigh very significantly in the development's favour. As such, they would outweigh the proposal's conflict with Policy SP2 of the CDLP and provide sufficient justification to allow development other than in accordance with the terms of the development plan.

Other Matters

15. My attention has been drawn to decisions at Farndale although the information provided is scant. Based on what is before me however, it seems that the history and context of that example is complex and thus I am unable to fully ascertain whether the circumstances are directly comparable. Additionally, the matter as to whether a two-bedroom dwelling may be capable of being an annexe to a larger property is not the primary concern within this appeal.
16. The main parties consider that paragraph 80 d) of the Framework is of relevance to this proposal. This makes it clear that planning policies and decisions should avoid the development of isolated homes in the countryside unless the development would involve the subdivision of an existing residential building.
17. The Framework does not define what is meant by isolated, however, the courts have held that the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement and that this will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.
18. Having regard to the context of the site and the immediate locality, although the appeal site is within a rural, countryside location and is far from shops and services, it is physically close to various residential properties and a vehicle services and repairs business. Given the group of dwellings, presence of the business and the proximity of the appeal site to this cluster of built form, I consider that the immediate locality amounts to a settlement.
19. As such, the proposal would not be isolated in terms of its physical context, thus the exceptional circumstances test at paragraph 80 of the Framework is not relevant in this instance. Accordingly, the implications of the Wiltshire judgment¹ and the updated wording within the Framework, with regards to 'building' rather than 'dwelling', is not a matter for me within the context of this appeal.
20. The appeal site lies within the catchment area of the River Eden Special Area of Conservation (SAC). As the proposal is for a change of use only, and has previously been occupied, there would be no likely significant effect on the conservation objectives of the SAC, alone or in combination with other plans or projects. This is a neutral matter.

Conditions

21. The Council has suggested attaching conditions specifying the time limit and the approved plans. In the interests of certainty and proper planning, a condition specifying the time limit is necessary. The submitted plans show

¹ Wiltshire Council v SSHCLG & Mr W Howse [2020] EWHC 954 (Admin)

various alterations to the access and boundaries however permission is sought for a change of use only. Therefore, a condition specifying the plans is not necessary however I have specified the location plan in the interests of certainty.

Conclusion

22. For the above reasons, and having taken all other relevant matters into account, the material considerations in favour of the proposal justify taking a decision which is not in accordance with the development plan. Having had regard to the development plan taken as a whole and to the approach in the Framework, I therefore conclude that the appeal should be allowed.

H Ellison

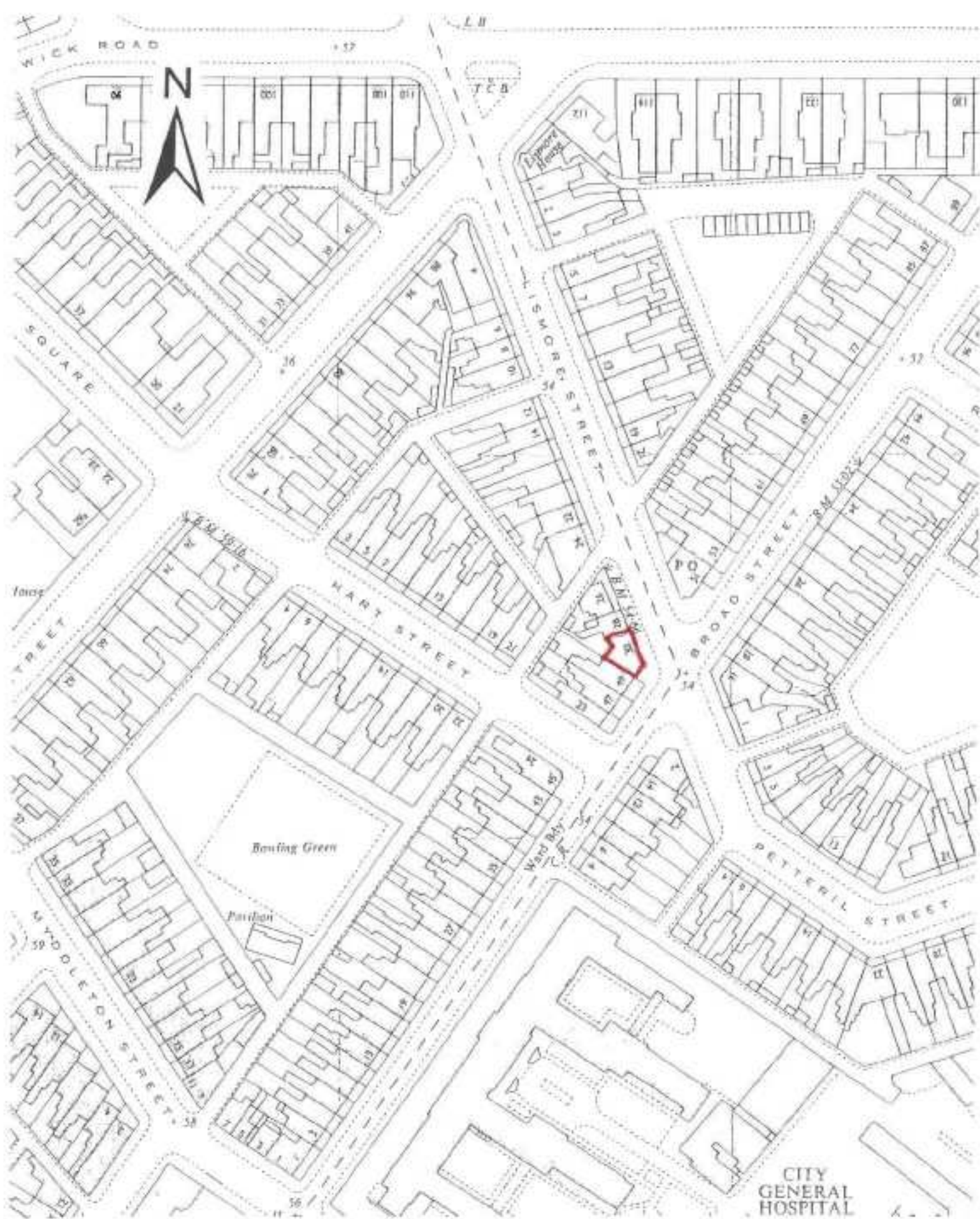
INSPECTOR

Item No: 05

Between 06/01/2023 and 09/02/2023

Appn Ref No:
22/0307**Applicant:**
Mr S Mohammed**Parish:**
Carlisle**Date of Receipt:**
12/04/2022**Agent:**
Jock Gordon Architectural
SVS Ltd**Ward:**
Cathedral & Castle**Location:**
30 Lismore Street, Carlisle, CA1 2AH**Grid Reference:**
340870 555748**Proposal:** Installation Of New Shop Front (Part Retrospective/Revised Application)
Amendment:

REPORT**Case Officer:** Suzanne Osborne**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Dismissed**Date:** 25/01/2023



PROPOSED REPLACEMENT SHOP FRONT - 30 LISMORE STREET - CARLISLE
LOCATION PLAN

DRG. NO. 3294/1

SCALE : 1-1250



Appeal Decision

Site visit made on 13 December 2022

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/E0915/W/22/3305516

30 Lismore Street, Carlisle, Cumbria CA1 2AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr S Mohammed against the decision of Carlisle City Council.
 - The application Ref 22/0307, dated 8 April 2022, was refused by notice dated 21 July 2022.
 - The development proposed is installation of shop frontage revised application.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal before me relates to a part retrospective/revised application and at my site visit I was able to see the works that have already taken place on site which do not accord with the drawings submitted as part of this appeal. I have therefore determined the appeal based on the plans the Council based its decision on.

Main Issue

3. The main issue of the appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site relates to a hot food takeaway located within a residential setting, occupying a prominent position on the corner where Lismore Street meets Broad Street. At my site visit, I observed that the area is characterised by Victorian terraces which share a uniformity of design detailing including recessed entrances with pillars either side and decorative features above as well as casement windows with headers and cills which are separated by large areas of brickwork. As a result, the area has a clear rhythm of development with an overall cohesive, traditional appearance. This contributes positively to the character and appearance of the area.
5. The submitted plans demonstrate that prior to the works that have taken place at the property, the appeal site complemented the established proportions, character, style and scale of other buildings in the area as a result of its architectural detailing. The proposed development would provide 2 large, glazed windows fronting Broad Street and Lismore Street which would comprise transom lights on the upper proportions. Such features would introduce a more modern appearance to the building which would not correspond with the

traditional architectural detailing of other buildings in the area and would appear overly prominent in comparison to other properties.

6. At my site visit, I could see the transom light arrangement within a large, glazed opening and whilst I note that the windows on site are indeed larger than that proposed and the materials and general arrangement would indeed change with the proposals, such features albeit proposed to be reduced in size would nevertheless still not be in keeping in this location and would detract from the character of the area.
7. The proposed front door onto Lismore Street would have a fanlight above with no decorative feature and would be flush with the window framing. Such features would also be at odds with the established architectural detailing of the host property prior to the works that have taken place as well as surrounding properties and would be a stark contrast to the more traditional character.
8. I note the planning history relating to the appeal site including a previous appeal for the installation of a new shop front. However, the previous appeal decision also acknowledged that the former shop front shared a uniformity of design detailing with other residential properties in the area including window sizes, cills, headers, recessed doorways and other decorative features. Although the proposed development would reduce the size of the shop front windows and would provide some architectural features similar to the surrounding properties including pilasters, cornices and stall risers, the proposed development would still introduce discordant features within the existing street scene and would lose architectural features of the property which contributed positively to the character and appearance of the area.
9. For the above reasons, I conclude that the proposed development would unacceptably harm the character and appearance of the area. As such, it would be contrary to the objectives of Policy EC7, criteria 1 and 3 of Policy SP6, and criterion 1 of Policy HO12 of the Carlisle District Local Plan which together, amongst other things, requires development to respond to the local context and the form of surrounding buildings. It would also be contrary to the objectives of Carlisle City Council's Shopfront Design Guide Supplementary Planning Document which requires shop fronts to contribute to the creation of a strong sense of place within the local context and relate in scale, proportion, materials and decorative treatment to the relevant façade of the building and, where appropriate, to adjacent buildings. The proposed development would also be contrary to chapter 12 of the National Planning Policy Framework relating to achieving well-designed places.

Other Matters

10. I note that the property is being renovated internally to bring it up to date and the new shop frontage would complete the upgrade of the premises. However, this would not be sufficient to outweigh the harm I have identified taking into account the character and appearance of the area.

Conclusion

11. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually

or in combination, that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR

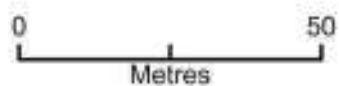
Item No: 06

Between 06/01/2023 and 09/02/2023

Appn Ref No:
22/0711**Applicant:**
Redtail Media Ltd**Parish:**
Carlisle**Date of Receipt:**
14/09/2022 10:00:15**Agent:****Ward:**
Belah & Kingmoor**Location:**
101 Kingstown Road, Carlisle, CA3 0AL**Grid Reference:**
339700 558262**Proposal:** Display Of 1no. LED Digital Sign**Amendment:**

REPORT**Case Officer:** Barbara Percival**Decision on Appeals:****Appeal Against:** Against Advert Decision**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Dismissed**Date:** 30/01/2023

Location_101 Kingstown Road, Carlisle



Plan Produced for: Redtail Media
Date Produced: 01 Jul 2022
Plan Reference Number: TQRQM22182203046029
Scale: 1:1250 @ A4

Appeal Decision

Site visit made on 24 January 2023

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 30th January 2023

Appeal Ref: APP/E0915/Z/22/3311186

101 Kingstown Road, Carlisle, Cumbria, CA3 0AL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Gavin Ferguson (Redtail Media Ltd) against the decision of Carlisle City Council.
 - The application Ref 22/0711, dated 14 September 2022, was refused by notice dated 14 November 2022.
 - The advertisement proposed is the erection of an LED digital advertising display affixed to the building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety. This is confirmed by the National Planning Policy Framework and the Planning Practice Guidance. Therefore, while I have taken into account the policies that the Council consider to be relevant to this appeal, these have not been decisive in my determination of it.

Main Issue

3. The main issue is the effect of the proposed advertisement on amenity.

Reasons

4. No 101 is a 2 storey property at the end of a terrace of traditional dwellings narrowly set back from the street with frontages enclosed by low brick walls. The appeal site gable end wall faces onto the forecourt parking area of the neighbouring commercial premises. The area is primarily residential with scattered commercial premises in the wider area including a public house, health club and supermarkets. The opposite side of the road at this point is characterised by built development set back behind landscaped areas with mature verdant planting including hedgerows and trees.
5. The proposed advertisement would be roughly 3m tall and 5m wide and it would be elevated about the ground by about 3m. It would display a series of internally illuminated static images for a duration of no less than 10 seconds each and with instantaneous transition between images.
6. The A7 Kingstown Road is a largely straight arterial route into Carlisle. Consequently, as the advertisement would be in a prominent and elevated roadside location, it would be visible in close and distant views from locations

to the north including residential areas and from vehicles travelling towards Carlisle.

7. At close range, the advertisement would be seen in the context of the immediately surrounding residential dwellings and the neighbouring single storey commercial building. The commercial building is set back from the street between residential dwellings and it is an unassuming presence in the largely residential street scene. The advertisement would be out of scale with, and it would not be assimilated by, the dwellings or the commercial premises with its modest fascia and free-standing forecourt signage.
8. From further away, the neighbouring commercial building is largely hidden from view and the advertisement would instead be seen in the context of the semi-detached, detached and terraced dwellings that line the road and the verdant mature planting on the opposite side of the road. The large contemporary advertisement would be out of keeping and incongruous in the primarily residential and leafy surroundings. The expansive frequently changing images would be conspicuous and visually obtrusive both during the day and overnight.
9. By virtue of its prominent siting, scale and its height above ground, the advertisement would be a discordant feature that would dominate the street scene. Moreover, by virtue of the change in ground levels along the A7, it would be a dominant feature on the skyline to the detriment of the townscape. The advertisement would not make a positive contribution to local character or sense of place.
10. There is advertising along the A7 including on bus shelters and free-standing hotel and traditional public house signage. These are generally modest and low level features and they are widely separated from the appeal site. They would not integrate the proposed advertisement into the area. The advertisement would also be widely separated from and it would not be seen in the visual context of large commercial buildings in the area, including the health club and supermarkets. These do not provide a justification for the advertisement.
11. The supporting information with the application refers to consented digital signage elsewhere. Except for reference numbers, some of which are incorrect, few details have been provided. However, those schemes are remote from the appeal site and none provide a visual context for the proposal. The Council states that the location of the consented signage is not directly comparable to the appeal scheme and there is little evidence to the contrary. Advertisements elsewhere in different surrounding contexts do not provide a justification for the appeal.
12. In addition to the standard conditions, the appellant suggests conditions to control illuminance in accordance with established guidance, to maintain the level of brightness relative to ambient levels, to show a black screen in the event of malfunction, and for instantaneous changeover between static images no more often than every 10 seconds. However, these measures would not overcome the visual harm arising from the prominent siting and scale of the advertisement and its unsympathetic and dominant relationship with its surroundings. The harm could not be mitigated by the imposition of conditions.
13. Therefore, I conclude that the proposed advertisement would harm the character and appearance of the area and it would harm amenity. As I have

found harm, and although not determinative, it would conflict with Policy SP6 of the Carlisle District Local Plan 2015-2030 including in relation to responding to local context and respecting local character and distinctiveness.

Conclusion

14. For the reasons set out above, I conclude that the proposed advertisement would harm amenity. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR

SCHEDULE B: Applications Determined by Other Authorities

Item No: 07

Between 06/01/2023 and 09/02/2023

Appn Ref No:
21/9003

Applicant:
Lee Hardy

Parish:
Brampton

Date of Receipt:
30/03/2022

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Brampton & Fellside

Location:
Fox Group Ltd, Plot 8, Townfoot Industrial Estate,
Brampton

Grid Reference:
351886 561209

Proposal: Change Of Use Of Unused Land On An Industrial Estate To Storage Of Vehicles, Siting Of Screening And Crushing Plant For An Inert Waste Recycling Facility, Storage Of Inert Soil And Aggregate Within Class B2; Erection Of A Vehicle Workshop And Ancillary Facilities

Amendment:

REPORT

Case Officer: Richard Maunsell

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

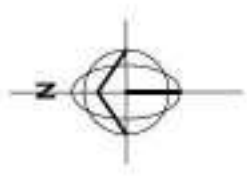
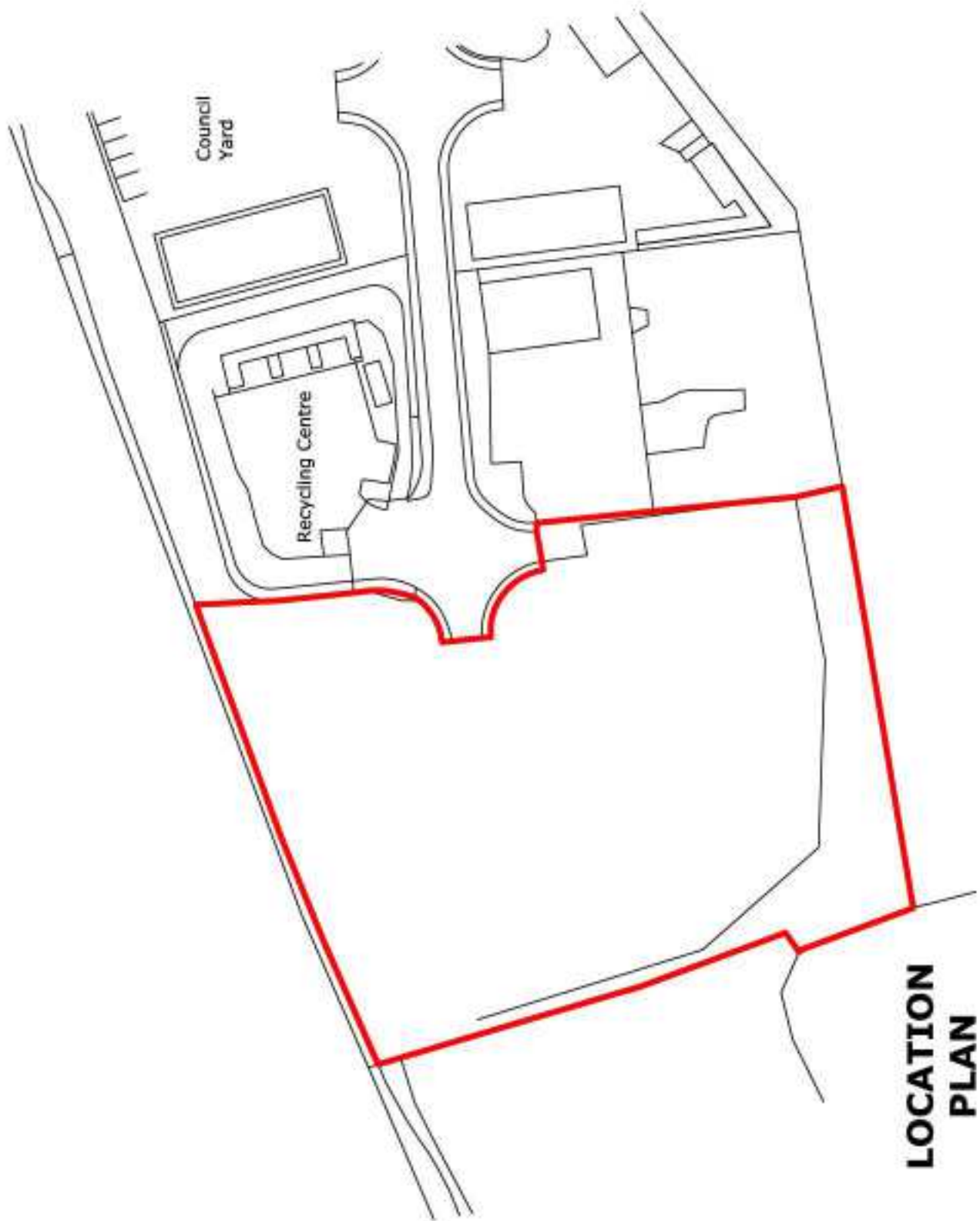
Date: 23/11/2022

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 30/01/2023

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



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Email: info@cfm-consultants.co.uk
Tel: 01484 851100

No.	Date	Rev.	By	Check	Notes
1	19-07-2022	1			

FOX GROUP

**Proposed Site of Operations,
Tewinfoot Industrial Estate,
Huddersfield**

Location Data	
Site No.	4806
Scale	1:1250
Date	19-07-2022
Drawing No.	A4
Project No.	FG/04906/001

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**LOCATION
PLAN**



The Town and Country Planning Act 1990

NOTICE OF PLANNING PERMISSION

To: Fox Brothers
11 Neptune Court
Whitehills Business Park
Blackpool
FY4 5LZ

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 30 March 2022.

viz: Change of use of unused land on an industrial estate to storage of vehicles, siting of screening and crushing plant for an inert waste recycling facility, storage of inert soil and aggregate within Class B2, erection of a vehicle workshop, office accommodation and ancillary facilities. (partially retrospective development)

Fox Group, Plot 8, Townfoot Industrial Estate, Brampton, CA8 1SW

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, except where modified by the conditions to this permission, in accordance with the following:
 - a. The submitted Application Form – dated 21 June 2021
 - b. Design and Access Statement – undated
 - c. Additional information - email dated 4 January 2023
 - d. Revised preliminary ecological Appraisal – dated August 2022
 - e. Revised Traffic Management Plan
 - f. Revised Noise Impact Assessment
 - g. Phase 1 Desk Study Report – March 2022
 - h. Heritage Statement – August 2022
 - i. Flood Risk Assessment and Outline Drainage Strategy, Project No: GK3596 – Revised 22 November 2022
 - j. Plans numbered and named:
 - i) Location plan – FG/04806/001
 - ii) Existing site plan – FG/04806/002
 - iii) Proposed site plan – FG/04806/011 B
 - iv) Workshop plan and elevations – FG/04806/004

- v) Proposed office ground floor plan – FG/04806/008
- vi) Proposed office first floor plan – FG/04806/009
- vii) Proposed office first floor plan – FG/04806/008
- viii) Proposed boundary treatment plan – FG/04806/012
- ix) Proposed floor plan levels – FG/04806/013
- x) Proposed office elevations – FG/04806/006
- xi) Proposed office elevations – FG/04806/007
- xii) Site unit elevations – FG/04806/005
- xiii) Drainage strategy plan – GK3596-C-001 Rev C

- k. The details or schemes approved in accordance with the conditions attached to this permission.

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

Surface Water Drainage

- 3. The surface water drainage system (incorporating SUDs features) and a maintenance schedule, as show in document Flood Risk Assessment and Outline Drainage Strategy, Project No: GK3596. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Shall be implemented prior to the development being occupied and shall be maintained thereafter in accordance with the schedule.

Reason: To promote sustainable development, securing proper drainage and to manage the risk of flooding, pollution and to ensure the surface water system continues to function as designed and that flood risk is not increased with the site or elsewhere. In accordance with Policy DC19 of the Cumbria Minerals and Waste Local Plan 2015-2030.

- 4. No further development shall commence until a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and agreed in writing with the local planning authority. The sustainable drainage management and maintenance plan shall include:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable draiange system to secure the operation of the surface waste drainage scheme throughout its lifetime.

The developmnet shall be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Biodiversity

- 5. Within six months of the date of this permission a scheme shall be submitted and approved for a small scale and site appropriate scheme of habitat

enhancement has been submitted to and approved by the Local Planning Authority.

Reason: In order to deliver Biodiversity Net Gain, this will ensure compliance with the Local Authorities statutory duty to conserve and enhance biodiversity. In accordance with Policy DC16 of the Cumbria Minerals and Waste Local Plan 2015-2030 and paragraphs 179 and 180 of National Planning Policy Framework (2021).

Operating Hours

6. No operations, including the loading, processing or transportation of waste, shall take place on site outside the hours of 07:00 to 18:00 hours Monday to Friday and 07:00 to 13:00 on Saturday with no working Sunday, Bank/Public Holidays. This condition shall not operate so as to prevent, outside these hours, the carrying out of essential maintenance to plant and machinery used on the site.

Reason: To ensure that no operations take place outside the permitted working hours in order to protect the amenity of local residents, in accordance with Policy DC2 of the Cumbria MWLP 2015-2030.

7. No screening and crushing operations, shall take place on site outside the hours of 10:00 to 16:00 hours Monday to Friday and 10:00 to 13:00 on Saturday with no working Sunday, Bank/Public Holidays. This condition shall not operate so as to prevent, outside these hours, the carrying out of essential maintenance to plant and machinery used on the site.

Reason: To ensure that no operations take place outside the permitted working hours in order to protect the amenity of local residents, in accordance with Policy DC2 of the Cumbria MWLP 2015-2030.

Noise Monitoring

8. Prior to commencement of operations a noise monitoring survey shall be undertaken from Hawk Hirst, Irthing Caravan Park and 29 Townfoot Park. The noise monitoring survey shall monitor existing noise levels and noise levels once the site is operational. Noise from approved operations at Plot 8 shall not exceed the background noise level measured from the named noise sensitive properties by more than 10dB above the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142:2014+A1:2019. The findings shall be submitted to the Waste Planning Authority.

Reason: To ensure that the development is carried out to an appropriate standard of operations from the site are adequately controlled, in accordance with Policy DC3 of the Cumbria Minerals and Waste Local Plan 2015-2030.

9. All plant, machinery and vehicles used on site shall be fitted with effective silencers and engine insulation and maintained in accordance with manufacturer's instructions so as to minimise the level of noise generated by their operation.

Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC3 of the Cumbria Minerals and Waste Local Plan 2015-2030.

10. All vehicles under the site operator's control that are fitted with reversing alarms shall use a white noise type unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC3 of the Cumbria Minerals and Waste Local Plan 2015-2030.

Highway Safety

11. All vehicles used to transport materials to and from the site via the public highway shall be sheeted or otherwise covered.

Reason: In the interest of local amenity and highway safety and to prevent release of litter on to neighbouring properties.

12. No vehicles shall leave the site in a condition that would give rise to the deposit of mud, dust or other debris on the public highway.

Reason: In the interests of highway safety.

13. All HGV's leaving the site shall turn right onto the C1046 (Junction of A689 to Town Foot Court) and connect directly onto the A689, unless travelling to local sites which cannot reasonably be accessed by that route.

Reason: To reduce the amount of heavy goods vehicles on rural roads in the vicinity of Rockcliffe village in the interest of highway safety.

Artificial Lighting

14. All artificial lighting units installed on the site shall be so sited and shielded as to be incapable of direct sight from any residential property outside the site.

Reason: To safeguard the amenity of local residents and users of Townfoot Industrial Estate..

Dust Suppression

15. The operator shall maintain on site at all times a water bowser or other dust suppression system, together with an adequate supply of water and during periods of dry weather shall spray the access road, haul roads, working areas, plant area and stockpiling areas with water to satisfactorily suppress dust in order that it does not constitute a nuisance outside the site.

Reason: To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.

Storage of Chemicals

16. Any bulk fuel or chemical storage facilities shall be suitably bunded to contain spillages and leaks. The bund volume shall be at least 110% of the capacity of

the largest storage tank. Bund walls and floor shall be impermeable to water and oil and there shall be no drain for the removal of contained liquids. Any bund contents shall be baled or pumped out under manual control and disposed of safely. All filling and distribution valves, vents and sight glasses associated with the storage tanks shall be located within the bunded area.

Reason: To prevent the pollution of any watercourse or groundwater resource in accordance with Policy DC20 the Cumbria Minerals and Waste Local Plan.

Height of Stock Piles

17. No waste or stockpiles shall be stacked or stored externally on the site to a height greater than 4 metres above the level of the ground on which they are placed.

Reason: To minimise the potential for there to be any adverse visual impact arising in accordance with Policy DC18 of the Cumbria Minerals and Waste Local Plan 2015-2030.

Informatives

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- On or within 8m of a main river (16m if tidal)
- On or within 8m of a flood defence structure or culverted main river (16m if tidal)
- On or within 16m of a sea defence
- Involving quarrying or excavation within 16m of any main river, flood defence (including a remote defence) or culvert
- In a floodplain more than 8m from the river bank, culvert or flood defence structure (16m if it is tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact out National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk

Trade Effluent consent must be applied for disposal of wash bay surface water.

Secure by Design: CCTV Scheme - This should include views of external areas around the compound and configured to be 'event driven' so that any intrusion can be signalled to the Alarm Receiving Centre promptly and an appropriate response generated. This measure minimises an offender's intention to loiter. In effect, the CCTV scheme forms part of the site intruder detection scheme (enhancing the intruder alarm protecting the buildings) and ensures disruption of a criminal act at the earliest opportunity.

Security Lighting - Uniformity of illumination is more important than intensity. The scheme should exhibit high uniformity and CRI values, which will enhance natural surveillance opportunities across the site and optimise CCTV views.

Fuel Protection - Containers should be fitted with anti-tampering and fuel level alarms (e.g. Kingspan™ or Fuelquip™)

Dated 30 January 2023

Signed: Angela Jones
Executive Director - Economy and Infrastructure
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
- The policies and reasons for the approval of this planning application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/21/9003>
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. 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.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.
5. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: [Planningportal.gov.uk/pcs](https://planningportal.gov.uk/pcs)
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

SCHEDULE B: Applications Determined by Other Authorities

Item No: 08

Between 06/01/2023 and 09/02/2023

Appn Ref No:
22/9007

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
23/11/2022

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Sandsfield & Morton West

Location:
Former St Edmund Church, St Edmunds Park,
Carlisle, CA2 6TS

Grid Reference:
337104 554935

Proposal: Extension And Alteration Of Former Church To Form Sixth Form
Campus For Pupils From James Rennie School (Revised Application To
Include New External Fire Escape, Removal Of Lift Shaft Projection And
Amended Window To Extension)

Amendment:

REPORT

Case Officer: Stephen Daniel

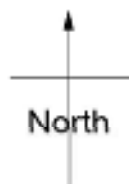
City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 30/11/2022

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 18/01/2023

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



Rev	Date	Comments	By
Client:			
Cumbria County Council			
			
DAY CUMMINS LIMITED Architects & Surveyors Lakebend Business Park Cockermouth Cumbria CA13 0QT Tel: 01900 820700 Fax: 01900 820701 email: dc@day-cummins.co.uk www.day-cummins.co.uk			
Project:			
SEND 6th Form Accommodation St Edmunds Carlisle			
Drawing Title:			
Location Plan			
Drawn:	MD	Checked:	JH
Scale:	1:250	Date:	7/7/2022
		Paper Size:	A3
<small>ALL DIMENSIONS TO BE CHECKED ON SITE DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE DIMENSIONS THIS DRAWING IS COPYRIGHT</small>			
Project No:	5713	Drawing No:	4
Rev:			1



**The Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Notice of Planning Permission

To: Cumbria County Council

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 18 November 2022.

viz: Section 73 planning application to planning permission 1/22/9004 extension including internal and external alterations to building to form a sixth form campus for pupils from James Rennie School to amend condition 2 to allow new external fire escape stair, removal of lift shaft projection and alterations to the windows in the previously approved extension.

Former St Edmund Church, St Edmunds Park, Carlisle, CA2 6TS

Subject to due compliance with the following conditions:

Approved Scheme

1. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
 - a. The submitted Application Form – dated 11 November 2022
 - b. Design and Access Statement – dated November 2022
 - c. Plans numbered and named:
 - i) Drawing No 5712 2 B – proposed plans and elevations
 - ii) Drawing No 5712 2 C – proposed plans and elevations
 - iii) Drawing No 5713 2 C – Site plan
 - iv) Drawing No 5713 4 I – Location plan

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

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

Reason: To ensure a suitable standard of crossing for pedestrian safety.

3. 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/brought into use.

Reason: In the interests of highway safety.

4. Within three months of the commencement of occupation of the school, the Travel Plan shall have been developed, to achieve modal shift away from the use of private cars to transport pupils, to transport modes that have a lesser impact on the highway network. This must include measures to be adopted to reassess the 'modes of travel'; identify safe journey routes/modes; and set targets to be used as benchmarks for the Annual Review Reports in the following four following academic years. The Full Travel Plan shall be submitted to the Local Planning Authority for their approval. Any further measures identified by the Local Planning Authority as being required, shall be implemented in full within the following 12 months and be continued until the following Annual Review, which will report on the effectiveness of the measures so provided.

Reason: To aid in the delivery of sustainable transport objectives.

5. Any artificial lighting units shall be so sited and shielded as to be incapable of direct sight from any residential property outside the site.

Reason: In the interests of local amenity and prevent light pollution.

6. No development shall commence on site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the County Planning Authority. The CTMP shall include details of:

- the construction of the site access and the creation, positioning and maintenance of associated visibility splays;
- access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;
- details of proposed crossings of the highway verge;
- retained areas for construction personnel vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- the surfacing of the access roads from the public highway into the site shall extend for a minimum of 10m;
- construction vehicle routing; the scheduling and timing of movements, routing, details of escorts for abnormal loads, temporary warning signs and banksman;
- details of how residents will be notified of large HGV movements;
- clearing of debris from the highway;
- methods to prevent noise, dust and vibration during construction works
- pre-construction road condition established by a detailed survey for accommodation works within the highway boundary, conducted with a Highway Authority representative.

Reason: To ensure the construction is carried out in accordance with the approved scheme.

7. Construction works shall only be undertaken between the hours of 08.00 to 17.00 Monday to Friday, with no construction works on Saturday, Sunday or Bank/Public Holidays. Any out of hours deliveries shall be notified to the Local Planning Authority in advance and immediate neighbours should be notified in writing of such instances.

Reason: In the interests of residential amenities of local residents.

8. No development shall commence until the Construction Exclusion Zone for the protection of trees to be retained on site has been put in place to protect the trees close to the proposed emergency stairwell.

Reason: To ensure that during the course of development the roots and trees are protected.

Informative

The applicant should be advised to contact Carlisle City Council Environmental Health Department in order to be advised with regard to legislative compliance for food hygiene and safety and to register the new facility.

If the application is approved the applicant must not commence works, or allow any person to perform works, on any part of the highway until in receipt of an appropriate Cumbria County Council Serving the people of Cumbria cumbria.gov.uk permit allowing such works. They will need to contact Streetworks Central streetworks.central@cumbria.gov.uk for the appropriate permit.

The applicant should seek to the installation of School road markings and School highway signs from the Streetworks team.

Trees on the front boundary are subject to Orton Road Tree Preservation Order No 174 2003

Dated 18 January 2023

Signed: Angela Jones
Executive Director - Economy and Infrastructure
on behalf of Cumbria County Council.

NOTES

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