

AGENDA

Development Control Committee

Friday, 22 March 2019 AT 10:00

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

Apologies for Absence

To receive apologies for absence and notification of substitutions

Declarations of Interest

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

Public and Press

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

Minutes of Previous Meetings

5 - 18

To note that Council, at its meeting of 5 March 2019, received and adopted the minutes of the Development Control Committee on 21 November 2018 (site visits), 23 November 2018, 9 January 2019 (site visits meeting) and 11 January 2019. The Chairman will sign the minutes. [Copy minutes in Minute Book 45(5)].

To approve the minutes of the meeting held on 15 February 2019 and 20 March 2019 (site visits meeting).

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

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

Explanatory Notes **19 - 24**

Item 01 180499 Newtown House, Blackford, Carlisle, CA6 4ET **25 - 72**

**Item 02 181088 Land Adjacent to King Edwards Fauld, Burgh
By Sands, Carlisle, CA5 6AR** **73 - 118**

**Item 03 180994 Land to the rear of Hallcroft, Monkhill, Carlisle,
CA5 6DB** **119 - 138**

**Item 04 190100 5 Kirkandrews Moat, Longtown, Carlisle, CA6
5PH** **139 - 146**

**Item 05 190010 Land adjacent to Scotby Acres, Broomfallen
Road, Scotby, Carlisle, CA4 8DE** **147 - 154**

**Item 06 180891 Houghton Hall Garden Centre, Houghton,
Carlisle, CA4 4JB**

155 - 174

Schedule B

175 - 212

PART B

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

-NIL-

Members of the Development Control Committee

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

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

Independent - Tinnion, Paton (sub)

Enquiries, requests for reports, background papers etc to:

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

Minutes of Previous Meetings

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 15 FEBRUARY 2019 AT 10.00 AM

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

ALSO

PRESENT: Councillor Betton attended the meeting having registered a right to speak in respect of application – 18/0899 – Land to the South East of Durranshill Road, adjacent Barley Edge, Carlisle, CA1 2SZ.

Mr Allan – Flood and Development Officer, Cumbria County Council

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

DC.016/19 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bloxham, Brown and Mrs Parsons.

DC.017/19 DECLARATIONS OF INTEREST

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

Councillor Earp declared an interest in respect of application 18/1059 – Land at Haithwaite Land End, Penton, Carlisle, CA6 5QB. The interest related to objectors being known to him.

Councillor Graham declared an interest in respect of application 18/0928 – Land adjacent Meadow Cottage, Tarraby, Carlisle, CA3 0JS. The interest related to the applicant being known to him.

DC.018/19 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.019/19 MINUTES OF PREVIOUS MEETINGS

RESOLVED – 1) That the minutes of the meetings held on 11 January 2019 and 13 February 2019 (site visits meeting) be approved.

DC.020/19 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

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

DC.021/19 CONTROL OF DEVELOPMENT AND ADVERTISING

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

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

1) Change Of Use of byre and sunroom to enable the keeping of up to 100no. rescue cats (Part Retrospective), Kershope Lodge, Kershope Foot, Penton, Carlisle, CA6 5QL (Application 18/0766).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 13 February 2019. The application sought Planning Permission for the use of the byre attached to the property to be used to accommodate cats. The building had been converted to provide an internal living area, storage, food and washing area together with an enclosed external area constructed with a timber framed and wire mesh structure.

To the rear of the property, it was proposed to convert the existing conservatory to provide a second internal living area that would also be extended with a timber framed and wire mesh structure.

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

The applicant intended to relocate the existing rescued cats to the property but did not plan to continue with her charity therefore, the principle of the change of use of the building was acceptable. The proposed physical alterations were considered to be of an appropriate scale and appearance that would not be obtrusive within the context of the character and appearance of the area.

Given the physical relationship of the property with neighbouring dwellings together with the intended use, the proposal would not adversely affect the residential amenity of the occupiers of neighbouring properties.

The Planning Officer advised that from 1st January 2020, waste discharged directly to a river or stream from a septic tank must be updated to take in a small sewage treatment plant or make some other arrangements. The applicant was aware of this requirement and had confirmed that the upgrading of the septic tank was within her schedule of works and would be completed in accordance with the required deadline.

No highway or biodiversity issues were raised by the application and in all aspects the proposal was considered to be compliant with the objectives of the relevant Carlisle District Local Plan 2015 – 30 (Local Plan) policies. Accordingly, the Planning Officer recommended that the application be approved, subject to the imposition of the conditions detailed in the report.

The Committee then gave consideration to the application.

A Member expressed strong reservations about approving the application due to his concerns regarding the management of waste from the site. He referred to paragraph 4.3 of the report which summarised correspondence received since the Committee's deferral of the application at its January 2019 meeting, noting that waste arrangements were described as "yet to be

finalised” and concerns that the existing septic tank was not working properly. He questioned whether the application was compliant with Local Plan policy CM 5 – Environmental Amenity and Protection and whether the septic tank could be made up to standard prior to the new legislation coming into force in 2020.

The Planning Officer confirmed that the arrangements for waste disposal (Condition 5) were yet to be finalised, he suggested that the Condition be reworded to require submission to and approval by the Local Planning Authority of the waste disposal scheme. The Member agreed the proposal.

With regards to the faulty operation of the existing septic tank, the Planning Officer noted that the comments had been made by objectors to the scheme, but that no evidence to substantiate the claim had been provided. He advised that such matters were dealt with under separate regulatory regime. In terms of requiring the applicant to upgrade the system prior to the enactment of new legislation in 2020, the Planning Officer did not consider it reasonable to impose such a requirement on the Consent. He reminded Members that the applicant was aware of the new legislation and had included works to bring the system up to standard by the required date.

Another Member noted that the new legislation regarding septic tanks had been publicised for some time and that property owners selling dwellings with septic tanks had from 2015 been required to provide waste disposal equipment which would comply with the 2020 legislation.

Mr Allan advised that the Environment Agency were the appropriate regulatory body dealing with septic tanks. He was not able to comment on the details of an individual property sale about which he had no information.

A Member who had worked for many years as a veterinary surgeon sought clarification on the following matters:

- Floor covering – was it be stone flags or wall to wall seamless linoleum to assist in the washing out of the area;
- Ventilation – what system was proposed;
- Animal isolation unit – was one included in the proposal for the housing of sick animals?

The Planning Officer appreciated the Member’s comments and noted that the proposed scheme was not a common arrangement. He reminded the Committee that in determining the proposal its main considerations related to the proposed land use. He confirmed that the applicant proposed a wall to wall seamless linoleum floor covering for the byre and it was expected that the arrangement would be used throughout the scheme.

The applicant had many years’ experience of homing cats, details of ventilation and isolation unit(s) had not been submitted as part of the application, however, the Planning Officer undertook to discuss those issues with her to make her aware of the Committee’s concerns.

Another Member asked who was responsible for monitoring the number of cats at the site.

The Planning Officer explained that the number of cats at the site was limited by Planning Condition, were any reports of a breach received, the appropriate investigatory work would be undertaken.

Responding to a further question from the Member about whether the applicant would take additional cats in the event that they were brought to the site, the Planning Officer explained that the applicant had stated that she did not wish to home any further cats.

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

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

2) Erection of 2no. detached dwellings, Land adjacent to Meadow Cottage, Tarraby, Carlisle, CA3 0JS (Application 18/0928)

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 13 February 2019.

Further to the publication of the report an additional four letters of representation had been received, one of which had been included in the Supplementary Schedule. The Planning Officer summarised, for the benefit of Members, the main points of the remaining three representations.

The Council's Conservation Area Advisory Committee had considered the proposal at its meeting of 11 December 2018. The minutes meeting recorded two bullet points of discussion as follows:

- Consider density, building form, layout and impact on the Conservation Area to be acceptable.
- Suggestion that native tree planting and hedgerow strengthening is clarified.

Notwithstanding, these points of discussion the Committee's formal resolution was to recommend that no comment be made on the application. In the interests of openness, the Planning Officer noted that the Applicant's Agent was the Chairman of the Conservation Area Advisory Committee, however, it was understood that he had stepped out of the meeting at the point where the Committee made its recommendation.

Slides were displayed on screen showing; the applicant's location plan; location plan and Conservation Area Boundary; proposed layout plan; proposed elevation plans; aerial photographs of the settlement from 2003 and 2018, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer explained that the proposed properties would be set back approximately 15m from the highway and orientated on an alignment that was at odds with the prevailing pattern of development which followed Tarraby Lane with properties fronting the highway. The proposed scheme straddled the Conservation Area however, both dwellings constructed almost entirely outside of the Conservation Area boundary thus extending the built form into the undeveloped countryside setting of the Tarraby Conservation Area which framed the village and added to its character and visual quality.

In respect of Conservation Areas, the Planning Officer stated that there was no objection in principle to new development, subject to suitably designed schemes which took into account local character and complemented existing patterns of development. The current proposal would extend the built form of the village into the adjacent countryside and therefore beyond the Conservation Area boundary which the Planning Officer considered would result in a harmful erosion of the setting of the Conservation Area compromising views into, through and out of that designated area.

The National Planning Policy Framework was clear that Heritage Assets such as Conservation Areas were irreplaceable and therefore great weight was given to their preservation. Any harm

to Heritage Assets or their settings required clear and convincing justification and had to be balanced against any public benefits offered by the proposal. Such an approach was consistent with the statutory duty set out at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which instructs Local Planning Authorities to pay special attention to the preservation or enhancement of Conservation Areas.

In terms of design, the palette of material indicated was considered appropriate to the character of the village. However, the introduction of architectural details such as dormer windows, a corbelled projecting dormer and two storey projecting bay windows were considered inappropriate detailing as they were not found in the existing settlement.

The design, layout and orientation of the proposed dwellings being set back from the highway and at odds with the established tight knit settlement pattern was considered to result in a harmful intrusion into the undeveloped countryside and therefore contrary to Local Plan policies HO 2 – Windfall Housing Development and SP 6 – Securing Good Design.

The applicant's agent and those in support of the proposal had referenced two other housing developments within the village in justification of the current proposal: Paddock Cottage – Application 14/0483 and, Land adjacent to Wendsleydale – Application 15/0179.

It was the Planning Officer's view that those two examples were not comparable to the current application site, he reminded Members that planning proposals must be considered on their own individual planning merits with regard to any site-specific constraints or other material considerations. The key planning considerations pertaining to the application were the design, layout and relationship of the proposal with the existing built form of Tarraby and the resulting effect on the character and appearance of the Conservation Area and its undeveloped setting.

If approved, the proposal would result in the addition of two new homes, the Planning Officer stated that did not amount to any significant public benefits which would outweigh the harm to the Conservation Area and its setting. The proposal was therefore contrary to Local Plan policies SP 6 – Securing Good Design, SP 7 – Valuing Our Heritage and Cultural Identity and HE 7 – Conservation Areas, which sought to provide protection to Conservation Areas and the historic environment. Furthermore, the Council's Heritage Officer agreed with this assessment and objected to the development.

Overall, the Planning Officer considered that the proposal would have a detrimental impact on the character and appearance of the area and was therefore contrary to paragraph 127 of the NPPF which requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Accordingly, the Planning Officer viewed that the proposal was in conflict with both local and national planning policies and he recommended that the application be refused for the detailed reasons set out in Section 8 of the report.

Mr Kelsall (Agent) addressed the Committee and displayed slides on screen showing: Land Registry Field Plans; location plan; site plan; aerial photographs of the settlement; elevation plans, and artist's impression of the current and proposed views of the existing settlement.

Mr Kelsall asserted that the application site was formed from a garden area associated with an existing property, consequently, it was not an area of open countryside, and as such the proposed scheme was compliant with Paragraph 78 of the National Planning Policy Framework and Local Plan policy SP 1 – Sustainable Development. He outlined the development history of the dwellings adjacent to the application site.

In terms of layout and character, Mr Kelsall noted that the constructed form of Tarraby was that of a series of dwellings built around courtyards and that the current proposal was in-keeping with that form.

With respect to design features such as dormer roofs, Mr Kelsall noted that there were already examples of such forms in the existing settlement. Turning to the matter of scale, Mr Kelsall advised that the previously approved Wendsleydale was 9.4m in height were as the proposed dwellings were only 7.1m in height.

The Committee then gave consideration to the application.

A Member commented that he understood the Officer's primary justifications for refusing the application were that approving the application would cause harm to the view of the Conservation Area and that the design was not in-keeping with the existing settlement. He stated that during the site visit he had observed a number of different types and designs of dwellings in the vicinity to the site. Furthermore, regarding the Officer's contention that the proposed scheme would harm views into and from the Conservation Area, he considered that approving the application would offer an improvement of the views as it would soften the view of The Paddocks. He asked how harm was to be assessed in a Planning context and, how the area of boundary of the Conservation Area had been defined.

The Development Manager explained that in terms of a Conservation Area, the core principle to consider when assessing development was that an application for development should seek to preserve or enhance the area, not make it worse. The issue of harm was therefore subjective and a matter for Members to determine.

The Tarraby Conservation Area had been created in 1969, the Development Manager noted that the original reports detailing its purpose were no longer available. The area reflected the setting of the settlement and in particular its hedgerows which the designation sought to protect.

The Planning Officer added that, following a contextual analysis he considered that there was an element of harm in the design of the proposed scheme in that it did not mirror the densely packed form of the existing settlement. He referred Members to paragraph 6.15 of his report for a full discussion of the matter.

The Member responded that the boundary of the Conservation Area appeared to be outwith the application site, therefore, development was permitted to take place. He further considered that the policy justifications put forward by the Officer were equally grounds for approving the scheme.

With reference to aerial photograph reproduced on page 68 of the Main Schedule, a Member noted that at the top left of the picture, there were two enclosed areas which he considered, similar to the application site which were deemed to be garden. Looking at the village as a whole he felt that the proposed dwellings were in line with the adjacent dwellings in The Paddocks. Moreover, he did not agree that the design was out of keeping with that already existing in the Conservation Area.

The Member moved that the application be granted permission on the grounds that the proposal was compliant with Local Plan policies SP6, HO 2 and HE 7

The Planning Officer responded that Local Plan policy HO 3 referred to development in garden areas, an assessment of the application under that policy was contained in paragraph 6.63 of the report, and concluded that the proposed scheme was not deemed compliant with that policy.

A Member agreed with the view that the proposed scheme would enhance the area, as it would clear up an untidy section of the settlement. The development would be largely outside the Conservation Area, and in his view was not an intrusion into the open countryside. He seconded the proposal that the application be approved.

The Development Manager advised that were the Committee to approve the application, Officers would draw up a Consent based on standard planning conditions.

The Chairman noted that a proposal to grant permission to the application had been moved and seconded, she put the matter to the vote and it was:

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

Councillor Graham abstained from the vote.

The Committee adjourned at 11:04am and reconvened at 11:17am.

3) Change Of Use from agricultural use to overspill car park for staff and customers, Land at Haithwaite Lane End, Penton, Carlisle, CA6 5QB (Application 18/1059)

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 13 February 2019.

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

The Principal Planning Officer advised that the existing car park had 19 spaces which was not large enough for the facility which had 9 hotel rooms, a restaurant with 60 covers and employed 20 staff. A staff car park had been created to the rear of Haithwaite Cottage for which a retrospective application had been submitted: that application was withdrawn, due to highway safety issues and the facility was to be removed.

The current application, as originally submitted requested permission for 58 spaces, but was subsequently amended to 31 spaces including 2 electric charging points. Consequently, the frontage of the facility was reduced from 90m to 45m.

The Principal Planning Officer acknowledged that there would be a localised landscape impact, but that would be mitigated by re-planting of hedgerow outside the visibility splays and further landscaping. Given land ownership issues, the proposed scheme was considered the most suitable location for the car park. Therefore, the application was recommended for approval, subject to the imposition of the conditions detailed in the report.

The Committee then gave consideration to the application.

Members expressed their support for the proposal and indicated that they were minded to approve the scheme. However, given the location of the site close to the brow of a hill, it was felt that the installation of signage along the highway advising road users of the car park was necessary.

Mr Allan (Cumbria County Council) explained that the Highway Authority had assessed the proposal and concluded that signage was not necessary due to the visibility splays, grass verge and tarmac entrance. He undertook to look at the matter again.

A Member responded that he felt signage was necessary to notify other road users of the car park, particularly those approaching the facility from the other side of the hill.

The Corporate Director of Economic Development undertook to write to Cumbria County Council to request the installation of road signage.

A Member expressed concern that in order to access the Penton Bridge Inn, users of the car park would be required to walk along the edge of the highway, he asked whether it was possible for a footpath to be included between the access point at the car park and the access point to the Inn?

The Principal Planning Officer responded that the car park design included a pedestrian access opposite the access point for the Inn, therefore he felt that users of the facility would take that route. He further noted that it was not usual to require a footpath where grass verge and hedgerow were already in place.

Turning to the issue of lighting, a Member felt that the proposed two metre high columns were not in-keeping with the surroundings, he asked whether consideration could be given to either only using the lights when the facility was in use or installing lit bollards instead.

In response, the Corporate Director of Economic Development advised that Officers would undertake discussions with the applicant regarding appropriate lighting.

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

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

2) That the Corporate Director of Economic Development write to Cumbria County Council to request the signage be installed on the road in the vicinity of the site advising road users of the car park.

4) Erection of 15no. Dwellings with associated infrastructure and landscaping; amendment to turning head adjacent to plots 122 and 142 on Previously Approved Permission 17/0669, Land to the South East of Durranhill Road, adjacent, Barley Edge, Carlisle, CA1 2SZ (Application 18/0899).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 13 February 2019. The proposed development was a mix of 12 detached properties and three terraced properties that would be affordable dwellings. The development would be served by a shared vehicular and pedestrian access with boundary fencing and a landscaped bund immediately to the east of the properties.

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

In terms of the Swept Path Analysis and the footpath referenced in paragraph 6.37 of the report, the Planning Officer recommended that condition 4 be amended to require that a Swept Path Analysis be used to support the layout the carriageways.

The current application site represented a logical and sustainable extension of Carlisle which was reflected in its allocation for residential development under Policy HO1 – Housing Strategy and Development of the Local Plan.

On the matter of design the Planning Officer considered that the proposal would reinforce existing connections; provide a mix of dwelling types and tenures that suited local requirements; sought to create a distinctive character with well-defined and legible streets/ spaces; had streets designed to encourage low vehicle speeds; provide sufficient and well integrated resident and visitor parking; had clearly defined public and private spaces; there was adequate external storage space for bins and recycling as well as cycles; and adequate/effective open space.

Sufficient off-street parking would be provided within the site and the buildings would not adversely affect the living conditions of the occupiers of neighbouring properties. Planning conditions would ensure that in the short-term period of construction, the residents would be adequately protected from the works, as far as reasonably practicable.

The supporting documents accompanying the application effectively addressed matters relating to contamination, trees and hedgerows, surface water and ecology was also be addressed through the imposition of relevant conditions.

The Planning Officer considered that the proposal would neither be detrimental to the character of the area nor the living conditions of neighbouring residents. On that basis, the Planning Officer recommended:

- a) That Authority to Issue approval subject to the completion of an appropriate Section 106 Agreement regarding the provision of affordable housing (two shared ownership and one affordable rent) and the payment of £4,425 for the open space contribution.
- b) That should the legal agreement not be completed within a reasonable time, delegated authority be given to the Corporate Director of Economic Development to refuse the application.
- c) That Condition 4 be amended to require that a Swept Path Analysis be used to support the layout the carriageways.

Councillor Betton (Councillor) objected to the application in the following terms: Durranshill Road was an extremely busy and dangerous road with insufficient pavement provision for pedestrians; the existing traffic calming measure on the road did not adequately address highway safety issues; HGVs used Durranshill Road, despite there being a ban in place; the infrastructure required to support the development was not in place; the proposed drainage was not acceptable; the proposal was not compliant with Local Plan policies IP 1- Delivering Infrastructure and CM 3 – Sustaining Community Facilities and Services.

Councillor Betton displayed slides on screen showing: a bullet point of the history of Durranshill Road 2009 – to date; extracts from Local Plan policies IP 1 and CM 2 and, examples of the poor traffic and pedestrian safety of Durranshill Road and associated pavements.

Mr Hutchinson (Agent) responded that the application site had been designated an allocation site for housing during the process of the Council adopting of its Local Plan, as site U18. The primacy of Local Plan was enshrined in law under Section 38(6) of The Planning and Compulsory Purchase Act 1990, as such there was no in principle objection to development of the site.

In March 2018 the Committee granted permission for the erection of 198 dwellings on adjacent land (Application 17/0669), the current application had been deliberately designed to include open space along the eastern boundary parallel with the M6. The road layout, access, and drainage were approved under application 17/0669 in the knowledge that development would take place at site U18. Consequently, neither the Highway Authority nor the Lead Local Flood Authority had not objected to the proposed scheme.

Furthermore, under application 17/0669, contributions had been made to Cumbria County Council to make highway improvements including: cycle network; bus stops on Montgomery Road and Durranhill Road and, footpath links including pedestrian crossings. The pedestrian crossing would be provided when the trigger point of 50 houses had been constructed. The developer was not to be blamed for the inappropriate use of Durranhill Road by HGVs.

The proposal represented sustainable development consistent with the Council's Local Plan and fulfilled the associated economic, social and environmental roles identified in the National Planning Policy Framework.

The Committee then gave consideration to the application.

Several Members expressed concern regarding the impact on the safety of the highway network and the mitigation measures employed to address them in relation to application 17/0669. Additionally, a number of Members were dissatisfied that the development was recommended for approval without what they regarded as the necessary infrastructure in place to support the scheme.

Mr Allan (Cumbria County Council) advised that the Highway Authority, when assessing application 17/0669, had been aware that the current application site had received an allocation for housing as part of the Local Plan, for up to 20 dwellings, and had taken it into account when requesting the imposition of conditions on the previous application.

The Planning Officer added that due to a number of road works occurring in the area at the present time it was unlikely that current traffic surveys would produce valid results. He noted that further traffic calming measures were to be installed at the bottom of Durranhill Road once the 50th house on the adjacent development was constructed.

A Member asked, given the objector's comments about the adequacy of existing traffic calming measures, whether those mechanisms were deemed to be successful.

Mr Allan responded that the photographs shown by the objector represented a snapshot in time, given the roadworks being undertaken nearby on the highway network may not be demonstrative of normal traffic flow or behaviour. Moreover, it was difficult to assess the overall impact of the measures until the second phase at the bottom of the hill had been installed.

In response to a Member's question about HGV's using Durranhill Road being associated with the construction of development on adjacent land, the Corporate Director of Economic Development undertook to write to Cumbria County Council to seek clarification on the matter.

A Member who represented the Ward in which the application site was located requested that the Open Space contribution be allocated within the Ward.

The Planning Officer advised that the allocation of Open Space contributions were approved in consultation with the Council's Green Spaces Team.

A Member requested that a condition be imposed restricting the use of deciduous trees near the railway line.

The Development Manager explained that the matter would be addressed as part of the landscaping scheme, he further noted that the restriction of deciduous trees was ordinarily requested as a standard condition by Network Rail.

A Member considered that the Committee needed to be consistent in the granting of Planning Permission and noted that there were many examples of developments permitted in the countryside where footpaths were not provided. The proposed scheme amounted to a 7.6% increase in the total number of new dwellings when combined with the adjacent Taylor Wimpey development, which in his view would not seriously affect the conditions on the surrounding highway network.

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

RESOLVED: - 1) That Authority to Issue approval subject to the completion of an appropriate Section 106 Agreement regarding the provision of affordable housing (two shared ownership and one affordable rent) and the payment of £4,425 for the open space contribution.

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

3) That Condition 4 be reworded to require that a Swept Path Analysis be used to support the layout the carriageways.

4) That the Corporate Director of Economic Development write to Cumbria County Council raising Members' concern regarding the use of Durranhill Road by HGVs.

5) Erection of 1no. Detached Dwelling (Plot 4) (Revised Application), Land between Wetheral Methodist Church and Redcroft, Wetheral, Carlisle (Application 18/1058).

The Planning Officer submitted the report on the application noting that the site had previously been previously granted Outline Planning Permission in 2014. The current application related to plot 4 which was at the easternmost side of the site and which already had a Reserved Matters application for a two storey dwelling approved.

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

The Planning Officer explained that foul drainage would be dealt with by means of a new treatment plant with the outflow discharging into a tributary of Pow Maughan Beck. The surface water drainage would have an attenuated flow into the roadside ditch alongside Scotby Road. These drainage methods have already been approved under the Reserved Matters application for the site.

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

A Member sought clarification that the waste treatment plant proposed in the current application was the same as in the preceding applications.

The Planning Officer confirmed that the waste treatment plant was as per previous applications.

The Member commented that over time, due to operation, the treatment plant would cease to be compliant with the General Binding Rules.

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

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

6) Erection of 1no. Dwelling (Outline) Land to the rear of Croft House, Thurstonfield, Carlisle, CA5 6HE (Application 18/1020).

The Planning Officer submitted the report on the application which sought Outline Planning Permission for the erection of one detached dwelling with All Matters Reserved except for the means of access which would utilise the existing vehicular entrance between the two adjacent properties.

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

The site was located on the edge of Thurstonfield for which two previous planning permissions have been granted. The application was supported by the NPPF and the Local Plan and as such, the principle of development remained acceptable. Additionally, the scale and design were considered appropriate to the site and would not result in an adverse impact on the character or appearance of the area.

The submitted plans took account of the highway issues and the living conditions of the occupiers of the neighbouring properties would not be prejudiced subject to the imposition of conditions. The means of foul and surface water drainage were able to be suitably addressed through the imposition of planning conditions.

In overall terms, the proposal was considered to be compliant with the objectives of the relevant Local Plan policies and the NPPF. Accordingly, the Planning Officer recommended that the application be approved, subject to the imposition of the conditions detailed in the report.

A Member commented that the Parish Council objected to the proposal and had requested that a site visit be undertaken.

Another Member noted that the Committee had visited the site on two previous occasions, he therefore felt that a site visit would be of little benefit to Members.

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

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

DC.022/19 SCHEDULE B

The Development Manager submitted the Schedule B report.

A Member sought clarification that Officers had taken part in the consultation on the application.

The Development Manager confirmed that Officers had submitted comments in respect of the application, which had been determined by another authority.

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

DC.013/19 QUARTERLY REPORT ON PLANNING ENFORCEMENT

The Planning/Landscape Compliance and Enforcement Officer submitted report ED.05/19 – Quarterly Report on Planning Enforcement which set out details of a number of enforcement case being dealt with by the Council and analysis of quarterly and annual figures. She provided a verbal update on progress regarding several of the cases therein.

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

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

A Member moved the Officer's recommendation, and that the Officer be thanked for her work which was seconded, and following voting it was:

RESOLVED – 1) That the content of the report be noted.

2) That the Planning/Landscapes Compliance and Enforcement Officer be thanked for her work.

[The meeting closed at 12:40pm]

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

22nd March 2019

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 08/03/2019 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 22/03/2019.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

18/0499

Item No: 01

Date of Committee: 22/03/2019

Appn Ref No:
18/0499

Applicant:
Hedleys Roofing

Parish:
Westlinton

Agent:

Ward:
Longtown & Rockcliffe

Location: Newtown House, Blackford, Carlisle, CA6 4ET

Proposal: Change Of Use Of Land And Buildings From Concrete Product Manufacturing Premises To Roofing Business Including The Siting Of A Scaffold Rack, Erection Of A Car Port And Store Together With The Formation Of A Vehicle Wash Bay (Part Retrospective)

Date of Receipt:
29/06/2018

Statutory Expiry Date
24/08/2018

26 Week Determination
25/03/2019

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
- 2.2 Scale, Design And Impact On The Character And Appearance Of The Surrounding Area
- 2.3 The Impact On The Living Conditions Of The Occupiers Of The Neighbouring Properties
- 2.4 Highway And Access Issues

3. Application Details

The Site

- 3.1 Newtown House is located centrally within the village of Blackford. The house is a two storey detached property set back from the adjacent County highway. A driveway passes the west gable of the property that leads to an

area of hard standing. Adjacent to and further north of this, is a large detached portal framed building. In turn this is surrounded by more hard standing.

- 3.2 Adjacent to the northern boundary and to the rear of the large building is a detached structure that is used for the storage of scaffold poles. There is a detached office building that leads to a paddock area that forms the eastern boundary. To the west is a boundary fence and hedgerow that separates the site from the neighbouring property. Adjacent to this boundary is a detached car port and storage area.

The Proposal

- 3.3 This application seeks planning permission to change the use of the existing building from a commercial premise involved in the production of flags and garden ornaments together with the storage of materials for their production to a use for the storage of plant and equipment associated with the applicant's roofing business.
- 3.4 Additionally, a free-standing scaffold rack has been constructed adjacent to the northern boundary. Adjacent to the western boundary a detached mono-pitched building that is used partially as a car port and in part for the storage of scaffold batons.
- 3.5 The scaffold rack measures 6.23 metres by 6.23 metres with an overall height of 2.37 metres and is, itself, constructed from scaffold poles. The building described as a car port measures 5.8 metres in width with an overhang to the front taking the overall width to 7.3 metres. The length of the building measures 20.15 metres. The building has a mono pitched roof with the lower height being adjacent to the boundary of the neighbouring property and measuring 2.5 metres increasing to 4.624 metres in height at the front of the building. The structure has been constructed from anthracite coloured profile sheets.
- 3.6 A hard standing area has been formed adjacent to the northern gable of the previously existing building that is used for the washing of vehicles with the use of a steam pressure washer.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of six of the neighbouring properties. In response, two letters of objection have been received and the main issues raised are summarised as follows:
1. when the site was used as by a construction company there were no issues;
 2. since 2017 when the applicant purchased the site, there have been repeated complaints to the applicant about noise;
 3. there are noise issues from the 7 day a week use of the site which

- impacts on residential amenity;
4. the reference to other local businesses in the applicant's supporting statement is irrelevant as they have no bearing on the village or the application. Residents have no faith in the applicant's claim that work will only be undertaken on Sundays in an emergency;
 5. Scaffolding Solutions Ltd is a separate business and the application is therefore misleading;
 6. the car port will be used to store scaffold material and is therefore not a car port;
 7. there are considerable vehicle movements from contractors to the site;
 8. isolation switches were removed from vehicles until late in the complaints process;
 9. the stated legal advice relating to the purchase and the fact that the site could be used unrestricted as a commercial premises is questioned;
 10. the application form states at Q7 that no waste will be generated which is not true;
 11. the main building has been clad since the applicants moved in which should form part of the application;
 12. the development involves the expansion of the hardcore to provide 40 car parking spaces;
 13. the surface water drainage drains to a watercourse yet the application form states the site is not within 20 metres of a watercourse. There was no surface water drainage before metalling of the yard area was undertaken;
 14. it is questioned whether any contamination of the yard area has occurred as a result of the removal of the asbestos sheets from the building;
 15. a tree has been removed from the rear of the site;
 16. washing of vehicles takes place on the site which results in trade effluent, a matter which the applicant has declared as not applicable;
 17. there should be some restriction of the unapproved office building;
 18. the proposal involves the change of use of non-residential floor space to which the applicant has ticked 'no' on the application form;
 19. the applicant has stated that the business employees 16 persons yet there is parking within the site for 40 cars. There should be a limit on the number of employees/ contractors;
 20. there should be no extension to the hours of operation approved by the planning permission granted in 2000;
 21. there are objections to the scaffolding business which is inappropriate in the rural area resulting in increased noise levels and should be relocated to an industrial estate;
 22. asbestos has been removed from the site and the use itself involves the storage of materials/ fuels/ gas cylinders etc. which are controlled by the COSHH regulations;
 23. the use of the site is visible from the adjacent highway and adverts are displayed which have been fixed to neighbouring properties and for which no consent has been granted.

- 4.2 Following the further consultation in respect of the Noise Impact Report, one letter of objection has been received and the issues raised are summarised as follows:

1. the application has generated one letter of positive comment but this was made by the then occupiers of Hazelwood House who at the time of making this remark were in the final stages of selling their property which has now sold and is therefore no longer valid as the makers are no longer resident in the village;
2. a sound monitor was located in the front drive of Newtown house but it is noted there is no reference to recordings at that point in the report. No sound recordings have been taken in the driveway of Newtown House which abuts a neighbouring property and it therefore it would have been appropriate to monitor sound at this point as all vehicles entering and leaving the site can only do so by using this driveway. The location of sound recording point B monitors only the impact of noise on my neighbours house as at this point a solid wooden fence with a mature coniferous hedge some two and a half metres high behind acts as a sound buffer to the neighbouring rear garden and again, noise levels should have been taken from the driveway;
3. these activity noise levels have been recorded by the applicant and form the baseline for their commercial activities on this site. Thus in the event of this application being approved and increased noise levels are experienced, if sound specialists were employed to record noise activity from Newtown house and that proved to be well above those of their recordings then the applicants would then be in breach of planning permission?;
4. the proposal seeks to extend the operating hours in excess of those of the previous use. As vehicular traffic passes immediately adjacent to a neighbouring property, this will cause noise and nuisance disturbing the rural amenity. It is noteworthy to mention that on Saturday 29th September between 1400 and 1600 five commercial trucks and vans entered and left the site, four of which were scaffolding trucks. Whilst there is no objection to commercial activities on this site these should remain within the previously approved hours.

4.3 Further consultations have been undertaken following the receipt of the latest Noise Assessment (report number HR/BF/001) but no representations have been received at the time of writing this report.

5. Summary of Consultation Responses

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

Highway Authority

The access taken from the U1074 Highway maintainable at public expense road to the private site. No parking provisions have been provided.

Bearing in mind the previous use of the premises, existing access is acceptable in connection with the proposed use and therefore the Highway Authority has no objection to the proposal.

Lead Local Flood Authority (LLFA)

The LLFA surface water map show no flooding to the site and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk;

Westlinton Parish Council: - provided that the hours are kept to those stated and the neighbours are satisfied, the parish council has no objection;

Local Environment - Environmental Protection: - the Noise Assessment HR/BF/001 has been received in light of the BS 4142 :2014 which depicts the current context operationally for the site and following a further site visit and the recommendations in the report are accepted based on the current operation of the site and not to operate at weekends and particularly Sundays (para 1.2.6 refers except in an emergency).

If the planning application is approved with conditions the provision of a purpose built noise barrier delineated with a green line on the Figure 3 on page 17 of the report should suffice to address the main noise sources on the boundary of this site;

Natural England: - no response received;

Eskdalemuir Seismic Recording Station: - no response received;

National Air Traffic Services: - no response received.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP1, SP2, SP6, EC11, IP2, IP3, CC5, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 are also relevant.
- 6.3 The proposal raises the following planning issues.

1. Whether The Principle Of Development Is Acceptable

- 6.4 Paragraph 83 of the NPPF provides guidance for promoting a prosperous rural economy and states that:

"Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed*

- new buildings;*
 - b) the development and diversification of agricultural and other land-based rural businesses;*
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*
- 6.5 The NPPF advocates a flexible approach to the consideration of businesses within the rural area and recognises that what might be considered conventional locations are not suitable or appropriate for development and that locations not served by public transport, which may not be considered “sustainable” for example may be appropriate. The NPPF continues in paragraph 84 that:
- “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*
- 6.6 The aforementioned advice is reflected in Policies SP2 and EC11 of the local plan. Policy SP2 seeks to promote sustainable development through concentrating development in the urban area then Key and Local Service Centres. Outside of these locations, in the remote rural area, new development has to be assessed against the need to be in the location specified or is required to sustain existing businesses.
- 6.7 Policy EC11 highlights that there is a need to strengthen the economy in rural areas, thereby, helping the countryside to diversify, flourish and sustain itself. The policy sets out the criteria against which proposals will be assessed the main factors being compatibility of the proposed use with the surrounding operations, scale, landscape impact, highway capacity including access and parking arrangements.
- 6.8 From the planning history Members will note that the main building in the site was granted planning permission for the manufacture of concrete items and this remains its lawful use. The council has previously accepted a commercial use on the site, albeit subject to conditions in terms of hours of use, only being used by the occupier of Newtown House etc.
- 6.9 It is recognised that the nature of the previous use was different as was the fact that it was confined to the building; however, the current proposal must also be considered on its merits. The use of the site and the proposed buildings and structure are specific to the location insofar as it is central within

the applicant's land ownership, occupies previously developed land and relates to the continued management and facilities operated as part of the applicant's business.

- 6.10 The majority of the use remains confined to the large building within the site and this is no different to the previous use. The difference with the current application being the use by the scaffolding business and the siting of an external structure partly use for the storage of scaffolding materials and garage together with the siting of a storage rack for scaffold poles.
- 6.11 By the nature of the applicant's roofing business, the use of scaffold equipment is an integral part of the business. Whilst it is reasonable to say that most small-scale roofing companies would contract the scaffold from another company, the applicant considers it more economical and efficient to contract the scaffold from his own site for small-scale work, although the scaffold company is under a separate company name. The associated issues raised by this, and indeed the overall use, are discussed later in this report but there is a clear relationship between the two elements.
- 6.12 In the context of the foregoing policy advice, the proposal would help provide economic viability for an existing business. Accordingly, subject to the imposition of relevant conditions including that the use of the site shall only be operated by the occupier of Newtown House, the principle of development is acceptable.

2. Scale, Design And Impact On The Character And Appearance Of The Surrounding Area

- 6.13 Development should also be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape.
- 6.14 The gable of the large building is visible from the public highway with views between Newtown House and Waverley House. The remainder of the development is to the rear of the site from which there are no public vantage points.
- 6.15 The car port structure is located adjacent to the western boundary which delineates the curtilage of Palumic House. The boundary itself comprises of an established hedgerow which varies in height but adjacent to the car port is approximately 300mm higher than the eaves of the building which measure 2.5 metres. The scaffold rack is approximately 6 metres further east and 16 metres from the western boundary. Although the roof of the car port is visible from the first floor windows of the neighbouring property, both the car port and scaffold rack are proportionate structures in scale that are well related to the other commercial buildings within the site.
- 6.16 The site is not within an Area of Outstanding Natural Beauty and there are no other designated landscape characteristics applicable for the site. Based on

the foregoing assessment and given the context of the neighbouring built environment and the location, it is considered that the proposal is neither obtrusive nor disproportionate. The proposal does not adversely affect the character or appearance of the area.

3. The Impact On The Living Conditions Of The Occupiers Of The Neighbouring Properties

- 6.17 There are residential properties either side of the application site. In the objections that have been received against the application, the dominant area of concern relates to overall impact on the amenity of occupiers of residential properties primarily from the nature and level of use leading to unacceptable levels of noise and disturbance.
- 6.18 As stated earlier in this report, the previous use related to uses within the main building and the hours of use were controlled by means of a condition. Although the majority of the use of the site would continue to take place within the building, consistent with the previous use, there are additional structures within the site and Members must also consider the nature of the overall use. This includes potential noise from the applicant's plant and machinery being manoeuvred within the site, vehicles entering and leaving the premises, as well as the movement of equipment. The use of the site does have the potential to adversely affect the living conditions of neighbouring occupiers.
- 6.19 Members will note that a significant proportion of the issues raised by the objectors relate to the impact of the use of the site on their amenity through noise, disturbance, vehicle movements etc.
- 6.20 Officers consulted Environmental Health Officers who initially made comment in respect of the extended hours of use from the previously approved hours but without reference to the overall use of the site and requested additional information from the applicant in the form of a noise impact report. The applicant engaged the services of a noise consultant. This consultant undertook a monitoring exercise of noise from the site on 24th, 28th and 31st August and 4th, 5th, 6th, and 11th September 2018 at two locations within the site.
- 6.21 The Environmental Health Officer, in commenting on the submitted report, stated that whilst efforts had been taken to address some of the issues, the report was not submitted in accordance with the BS4142 by a member of the Institute of Acoustics.
- 6.22 The applicant has subsequently commissioned a different noise consultant who has submitted a Noise Assessment, a copy of which is reproduced following this report. The report concludes that:
- A noise assessment has been carried out for a change of use at Newtown House, Blackford, Carlisle.
 - The assessment has included measurement of the background noise climate both during the daytime and night time at a position considered

equivalent to the closest residential premises to the site over a 24-hour period. The existing noise climate was found to be influenced mainly by distant road traffic on the M6.

- Measurement of the specific sound sources has been undertaken and calculations have been carried out to predict the rating level at the nearest potentially sensitive dwelling.
- The worst case rating level during the day was determined to be 2dB above the daytime background sound level at the façade of Palumic House and up to 8dB above the daytime sound level at the boundary of the amenity garden with Hedleys Roofing. Therefore, the activities at Hedleys Roofing, according to the methodology in BS4142:2014 have the potential for adverse impact in the amenity garden with a lesser impact at the property itself, depending on the context. However, given the context of the Hedleys Roofing within site previously used for industrial (construction) purposes with similar sound sources it is considered that the impact is decreased.
- Internal noise levels have also been considered at the nearest residential property and in the event that windows are opened for ventilation or cooling purposes, internal noise levels would be reduced by 10 – 15 dB(A). Subsequent internal noise levels of <35dB LAeq are expected which therefore meets the guidance criteria contained within BS8233 and the WHO Guidelines.
- Consideration may however, be given to erecting an acoustic fence along the western boundary if deemed necessary. However, the results of the assessment suggests that the noise levels are not likely to change the behaviour of local residents, particularly as they occur for short periods (up to 90 minutes) twice a day and there are no night time activities.
- This report has been compiled from the results of noise measurements undertaken in February 2019 and the levels measured are considered to be representative of the prevailing noise climate.

- 6.23 Members will note from Section 5 of this report that the council's Environmental Health Officer has raised no objection subject to the development being undertaken in accordance with the conclusion of the Noise Assessment. Accordingly, a condition is imposed to this effect.
- 6.24 In terms of working on Sundays, the applicant has secured contracts which necessitate working in buildings in pedestrianised areas and normally inaccessible locations during the working week. As such, this requires some movement of plant and vehicles to allow the work to be undertaken on Sundays. In addition, the applicant may be asked to respond to damage to buildings as a result of severe weather conditions. Given this working practice, together with the fact that the Noise Assessment has not identified any issue, the principle of some working on Sunday is acceptable.
- 6.25 Given the nature of the use together with the distance from the residential properties, it would be acceptable during the hours stated but it would be reasonable to impose a condition restricting the hours of use to those stated on the application form and thereby safeguarding the living conditions of the occupiers of neighbouring properties.

4. Highway And Access Issues

- 6.26 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway.
- 6.27 There is a large amount of hardstanding within the site which provides more than adequate parking facilities. Cumbria County Council as the Highway Authority has confirmed that the given the context of the site and its previous use, the proposal does not raise any highway issues.
- 6.28 In terms of the vehicle movements, the Noise Assessment also takes account of this through the noise readings that were obtained on the site. It would be unreasonable to restrict the amount of vehicle movements given the details of the Noise Assessment and the Highway Authority response.
- 6.29 The parking requirements can be adequately met within the site and the proposal would not result in unacceptable levels of additional traffic such that it would be detrimental to the adjacent highway network. As such, the use would not give rise to a significant increase in traffic over and above the existing use of the overall site and is acceptable in highway terms.

5. Other Matters

- 6.30 Reference is made to a tree having been removed from the site. There is no Tree Preservation Order on the site which is not within a consideration area and as such, no consent was required for its removal.
- 6.31 It is uncertain whether there was any asbestos on the site but if there were, this would have had to have been removed under strict conditions in accordance with separate legislation.
- 6.32 The objectors make reference to the fact that the application should include an “unapproved” building within the site. This was erected in 2011 by the previous owner of the site. The development and use of the building is beyond any enforceable period even if this were deemed to be expedient to pursue.
- 6.33 The applicant is aware of the issue over the signage but this is a private matter between the relevant parties involved.

Conclusion

- 6.34 In overall terms the principle of the reuse and erection of additional buildings on the site is acceptable. The development would not adversely affect the character or appearance of the area.
- 6.35 The proposed use has the potential to impact on the living conditions of the occupiers of neighbouring properties through increased noise and disturbance. The applicant has undertaken a Noise Assessment which concludes that the use of the site, albeit subject to planning conditions, is

acceptable and would not be detrimental to the occupiers of the neighbouring properties.

- 6.36 The continued use would not result in significant levels of vehicle movements that would be detrimental to the surrounding highway network and as such, the Highway Authority has raised no objection.
- 6.37 In all aspects the proposals would be compliant with the objectives of the relevant national and local planning policies.

7. Planning History

- 7.1 In 2000, planning permission was granted for the change of use of sheds to be used for the production of flags and garden ornaments and storage of materials for their production.
- 7.2 Planning permission was granted in 2004 for the erection of a single storey extension to provide a living room, study and utility room.
- 7.3 Later in 2004, an application was submitted for the erection of an extension to provide a living room, study, utility and balcony area but was withdrawn.
- 7.4 In 2006, planning permission was granted for the erection of a two storey extension to provide extra living accommodation and a porch.

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 22nd June 2018;
 2. the Location Plan received 29th June 2018;
 3. the Block Plan received 29th June 2018 (Drawing no. HCB/0618/2A);
 4. the Ground Floor Plan of Existing Storage Building received 29th June 2018);
 5. the Proposed Erection Of Car Port/ Store, Vehicle Wash and Scaffold Rack received 22nd June 2018 (Drawing no. HCB/0618/2);
 6. the Proposed Scaffold Rack received 22nd June 2018 (Drawing no. HCB/0618/3);
 7. the Noise Impact Report received 6th March 2019;
 8. the Notice of Decision;
 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. This permission shall not be exercised by any person other than Mr N Hedley whilst resident at the property (Newtown House).

Reason: But for the special circumstances of the applicant permission would not be forthcoming and in order to safeguard the amenity of the character of the locality in accordance with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

3. The premises shall be used as a roofers yard with ancillary storage and for no other purpose including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality occupiers in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

4. The use of the premises hereby permitted shall not commence before 07.30 hours or remain in operation after 18.00 hours on Mondays to Fridays; before 08.00 hours or remain in operation after 17.00 hours on Saturdays; and before 09.00 hours or remain in operation after 15.00 hours on Sundays or Bank Holidays.

Reason: To prevent disturbance to the occupiers of neighbouring properties in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

5. There shall be no powered plant or vehicles permitted to access or work within the area between the storage shed and the western boundary between measuring points A and B shown in the Noise Impact Report.

Reason: To prevent disturbance to the occupiers of neighbouring properties in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

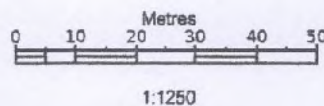
6. The height of goods and materials to be stored outwith any building or structure on the site shall not exceed 1.8 metres above ground level.

Reason: To prevent disturbance to the occupiers of neighbouring properties in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.



Produced 11 Jun 2018 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



Newtown House, Newtown, Blackford,
Carlisle
CA6 4ET

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Centre coordinates: 338922 562547

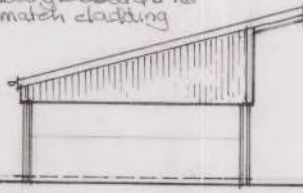
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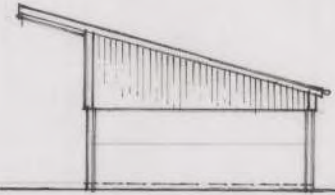
18/0499

Anthracite grey steel corrugated cladding to roof, part side + ends.
2 Metres high smooth concrete panels to ends + low side of car port.

Barge boards to match cladding



END ELEVATION



END ELEVATION

High side of car port to be open.

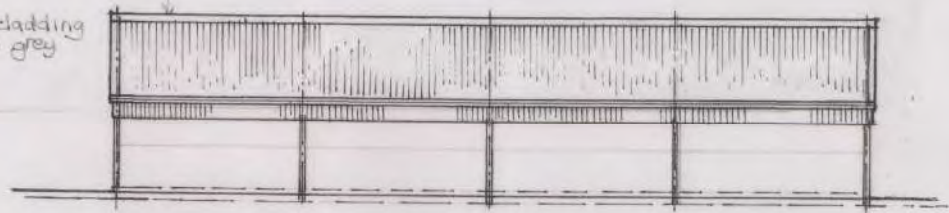
steel trim to match cladding



SIDE ELEVATION (FRONT)

slating edge to match cladding

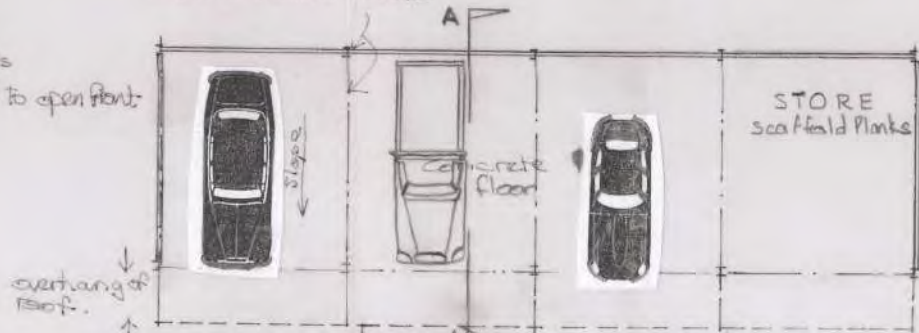
Anthracite Grey steel corrugated cladding to roof + vertical return to smooth grey concrete panels 2 metres high.



BACK ELEVATION AS PROPOSED

2 Metres high concrete panels
Concrete floor with slight fall to open front

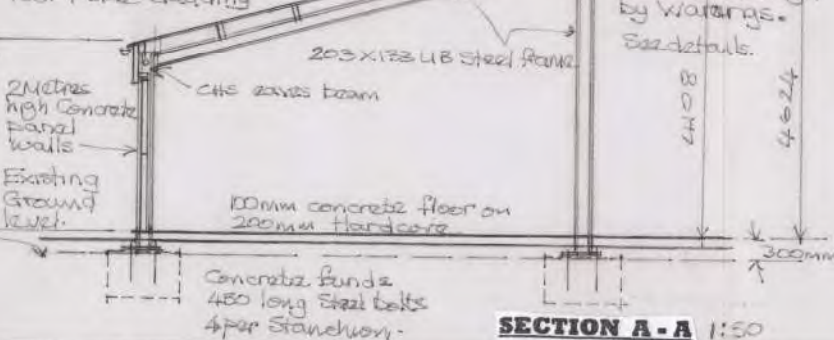
203x133 UB steel frame



GROUND FLOOR PLAN AS PROPOSED

225x75 Timber purlins @ 1500mm Max. centres

Anthracite Grey steel corr. roof + side cladding

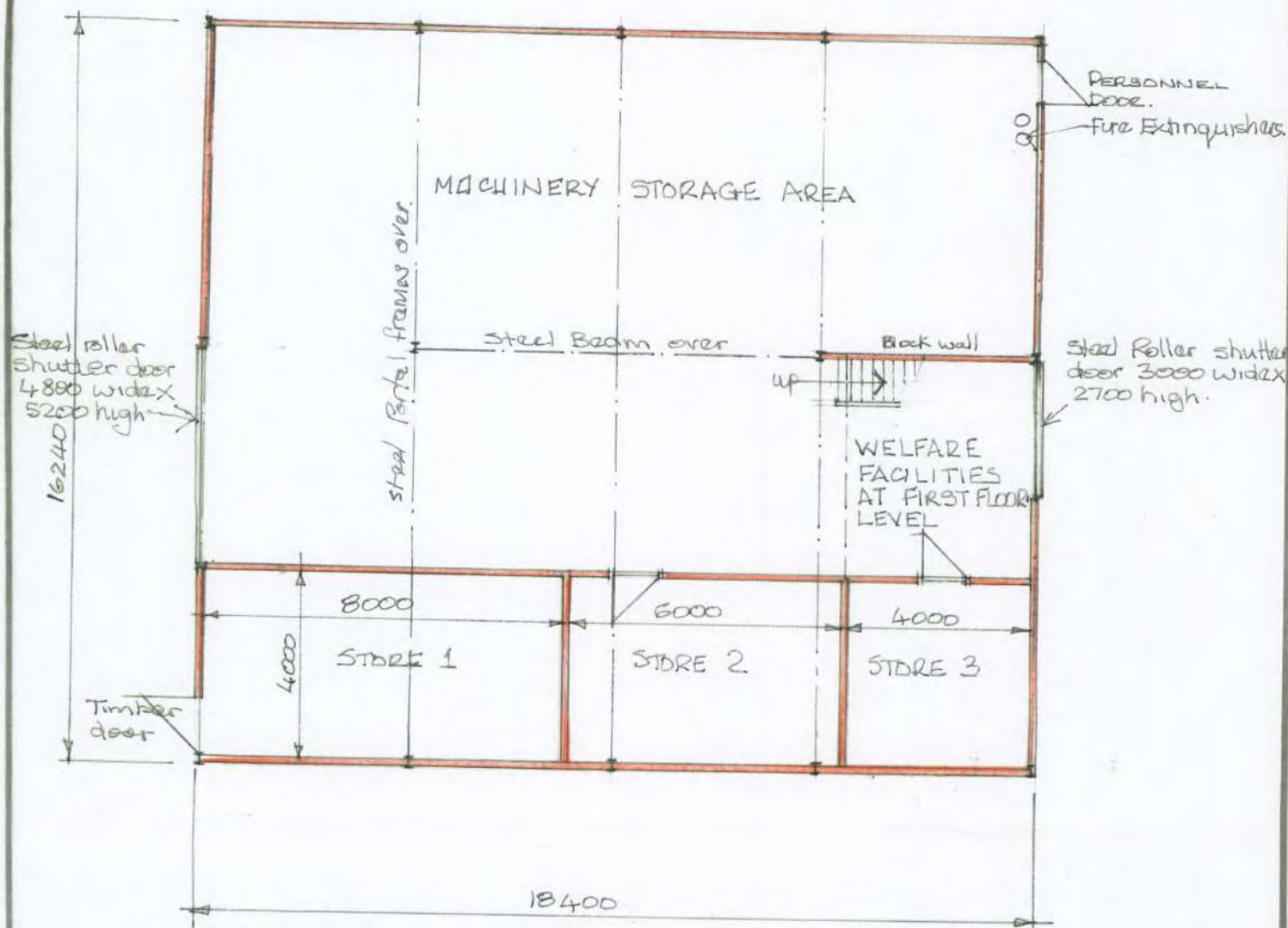


SECTION A - A 1:50

RECEIVED
27 JUN 2018
18/0499

NEWTOWN HOUSE

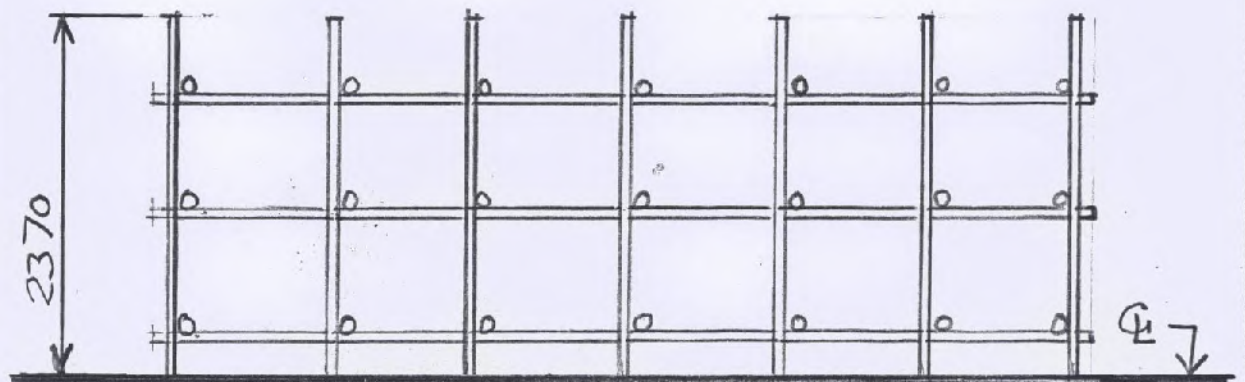
PROPOSED ERECTION OF
CARPORT/STORE, VEHICLE
WASH AND SCAFFOLD RACK
AT NEWTOWN HOUSE
NEWTOWN, BLACKFORD
NR. CARLISLE
FOR HEDLEY ROOFING.
SCALE 1:50 & 1:100 DATE JUNE 2018
DRAWING NO. HCB/0618/2



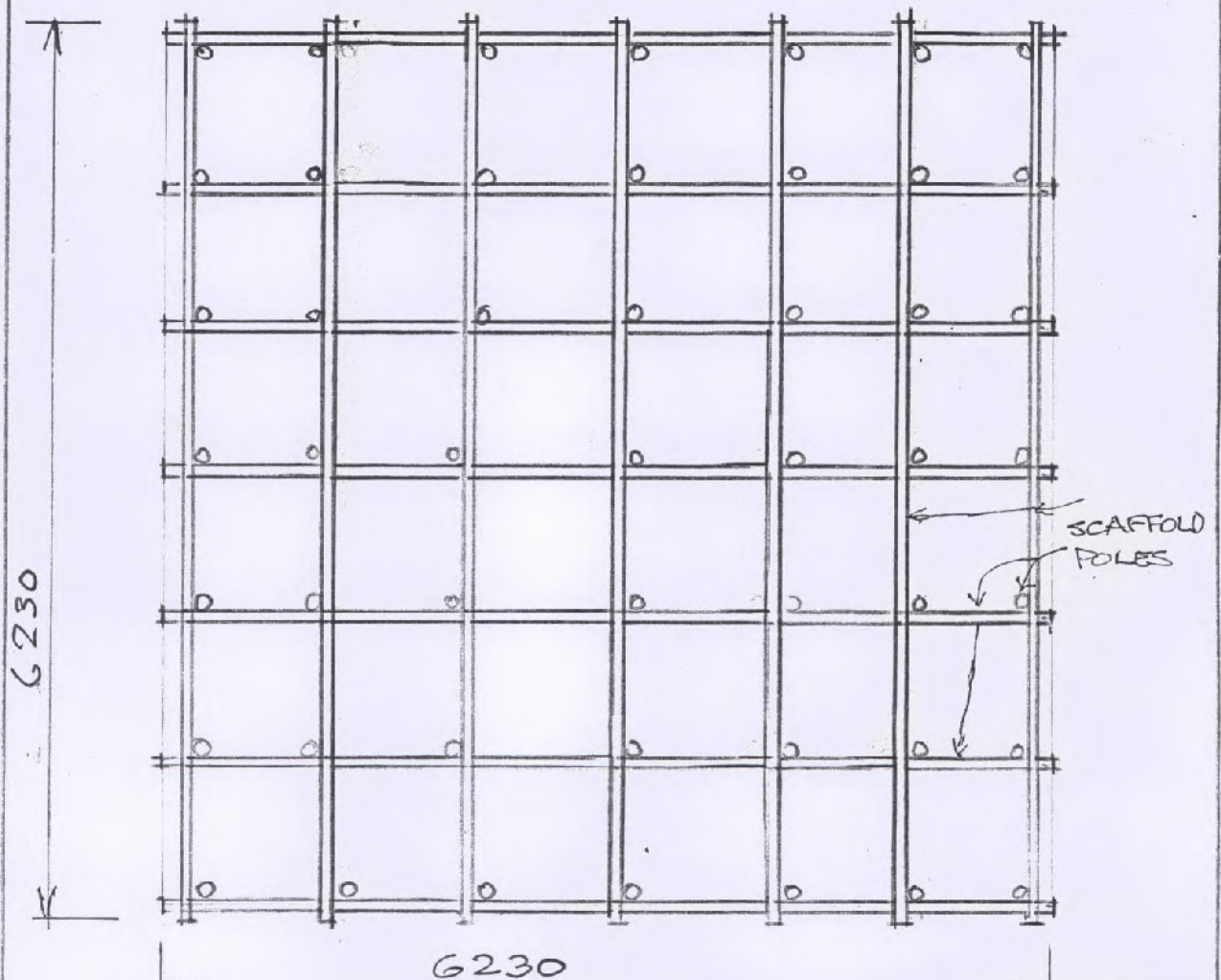
Exterior Walls Steel corr. insulated sheeting with Concrete block below.
 Interior partitions - Timber studwork clad both sides with plywood.
 Floor Concrete.



GROUND FLOOR PLAN OF
 EXISTING STORAGE BUILDING
 AT NEWTOWN HOUSE NEXTOWN
 BLACKFORD, CARLISLE

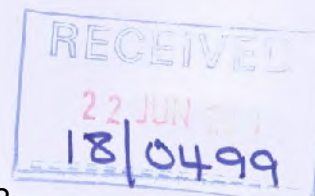


TYPICAL ELEVATION



PLAN

PROPOSED SCAFFOLD RACK
 SCALE 1:50
 DRAWING NO. HCB0618/3



HEDLEYS ROOFING

Newtown House, Blackford, Carlisle CA6 4ET

Noise Assessment

Report No.

HR/BF/001

Author

Louise M Alderson MIOA

Checked/Approved

Date of issue

05 March 2019

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APPENDICES

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1 INTRODUCTION

1.1 Context

- 1.1.1 Hedleys Roofing instructed L A Environmental Ltd to undertake a noise impact assessment for a change of use of land from concrete product manufacturing premises to roofing business including the siting of a scaffold rack, erection of a car port and store together with the formation of a vehicle wash bay at Newtown House, Blackford Carlisle CA6 4ET.
- 1.1.2 An initial noise assessment was submitted in September 2018 by Noise Insulation & Measurements Services (NIMS) Report no 180917. However, the outcome and conclusions to the report were not accepted by the Council's Environmental Health Officer. Following a discussion with Scott Burns, Regulatory Services Manager of Carlisle City Council this report and assessment has been carried out in accordance with the procedures given in BS4142: 2014 "Methods for rating and assessing industrial and commercial sound".
- 1.1.3 In order to address some of the concerns raised, further noise monitoring has been carried out at the site to determine the background and specific noise levels from Hedley Roofing activities over a 24 hour period from 10:00 hours on Thursday 21 February 2019 and determine the likely impact on the surrounding noise climate at the nearest sensitive properties to the site in accordance with the procedures detailed in BS4142:2014.

1.2 Site location and description of activities

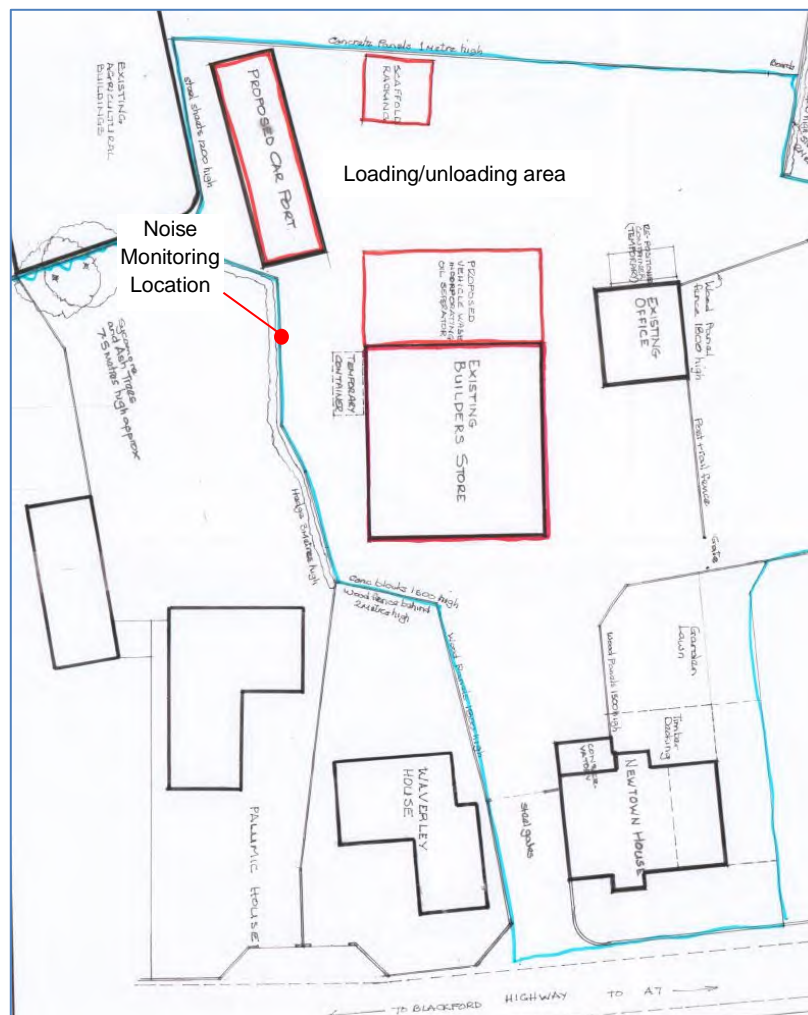
- 1.2.1 The site is located to the north of Newtown House on land previously used by the previous owner, Mr Hudson Gray of S&H Construction, from which to run his construction business from.
- 1.2.2 Hedleys Roofing have operated on the site since September 2016. The nearest residential dwellings bound the site to the east (Hazelwood House and Beechwood House) and west (Waverley House and Palumic House).
- 1.2.3 Figure 1 overleaf shows the site and neighbouring dwellings.

Figure 1: Site Location



- 1.2.4 The site is predominantly used as a storage facility for roofing and scaffolding materials as all practical work is carried out at remote client premises. Working materials are delivered directly to the client's site (for efficiency and convenience), whenever possible, with the site at Newtown House used for storage of vehicles, plant, scaffolding components and a limited quantity of emergency or essential maintenance materials.
- 1.2.5 In respect of the planning application the operational hours are as follows:
- 07:30 - 18:00 Monday to Friday
 - 08:00 - 17:00 Saturdays
 - 09:00 - 15:00 Sundays and Bank Holidays
- 1.2.6 It is not the intention of Hedleys Roofing to operate at weekends and particularly not on Sundays. However, on occasion, it is necessary when there is an emergency following a storm for instance or when required to work out of office hours, i.e. working in city centre locations when access to buildings/businesses is more convenient to Hedleys Roofing Clients.

- ### Figure 2: Site Plan & Noise Monitoring Location



2 NOISE GUIDELINES & STANDARDS

2.1 BS 4142: 2014 Methods for rating and assessing industrial and commercial sound

- 2.1.1 BS 4142:2014 describes methods for rating and assessing sound of an industrial and/or commercial nature and is used to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident.
- 2.1.2 The procedure is based on comparing the measured or predicted noise level from the source in question immediately outside a dwelling with the "background sound level" (L_{A90}) that would otherwise exist in the absence of the specific noise. The "rating level" is derived by adding any feature corrections that are considered necessary, due to certain characteristics of the noise to the "specific sound level".
- 2.1.3 The monitoring duration should reflect the range of background sound levels for the period being assessed. In practice there is no "single" background sound level as this is a fluctuating parameter.
- 2.1.4 The "specific sound level" is the equivalent continuous A-weighted sound pressure level (L_{Aeq}) of the noise associated with the site in question, at the assessment position, over a time period specified in the standard. The assessment position must be outside the dwelling or other noise sensitive building affected by the noise and the measurements must be representative of the specific sound and the background sound level.
- 2.1.5 Certain acoustic features can increase the significance of impact over that expected from a basic comparison between the specific sound level and the background sound level. Where such features are present at the assessment location a character correction is added to the specific sound level to obtain the rating level and this can be approached in 3 ways:
- Subjective method
 - Objective method for tonality
 - Reference method
- 2.1.6 The significance of sound of an industrial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs. Therefore, it is essential to place the sound in context.
- 2.1.7 Essentially there is a sliding scale of 0 to +6dB for tonality which the standard *"can be converted to a penalty of 2 dB for a tone which is just perceptible at the noise receptor, 4 dB where it is clearly perceptible, and 6 dB where it is highly perceptible"*.

- 2.1.8 For impulsivity, the standard states that *"A correction of up to +9 dB can be applied for sound that is highly impulsive, considering both the rapidity of the change in sound level and the overall change in sound level. Subjectively, this can be converted to a penalty of 3 dB for impulsivity which is just perceptible at the noise receptor, 6 dB where it is clearly perceptible, and 9 dB where it is highly perceptible"*.
- 2.1.9 Other sound characteristics are also considered and if features are present in the noise which are readily distinctive against the residual acoustic environment then a 3dB penalty can be applied.
- 2.1.10 Section 11 of BS4142 states to subtract the measured background sound level from the rating level and consider the following:
- Typically the greater this difference, the greater the magnitude of the impact.
 - A difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on the context.
 - A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context.
 - The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.
- 2.1.11 Adverse impacts include, but are not limited to, annoyance and sleep disturbance. Not all adverse impact will lead to complaints and not every complaint is proof of an adverse impact.
- 2.1.12 The specific sound should be evaluated over an appropriate reference time interval. For daytime (07:00 – 23:00) the reference time interval is 1 hour and for night time (23:00 – 07:00) it is 15 minutes. The shorter reference time intervals at night means that short duration sounds with an on time of less than 1 hour can lead to a greater specific sound level when determined over the reference time interval during the night than when determined during the day.
- 2.1.13 The scope of the standard describes methods for rating and assessing sound from industrial and manufacturing processes; sound from fixed installations; sound from the loading and unloading of goods and materials and sound from mobile plant and vehicles that are an intrinsic part of the overall sound emanating from premises, such as forklift trucks.
- 2.1.14 BS4142 states that *"Sound of an industrial and/or commercial nature does not include sound from the passage of vehicles on public roads and railway systems"*
- 2.1.15 Therefore, the assessment only applies to noise generated by activities within the site boundary.

2.2 BS8233:2014 and WHO 1999 Guidance Levels

- 2.2.1 BS8233:2014 '*Guidance on sound insulation and noise reduction for buildings*' defines a range of ambient noise levels for design criteria, such that suitable conditions are achieved in certain internal and external environments.
- 2.2.2 BS8233 refers to the World Health Organisation research and recommendations when defining acceptable and upper guidance noise levels within gardens during the day, and within habitable rooms in dwellings during the day and night time periods. The noise levels that normally satisfy these criteria for most people are defined in Table 1.

| Table 1: Summary of BS8233 guidance noise levels | | | |
|---|------------------|------------------------|--|
| Activity | Location | 07:00 to 23:00 | 23:00 to 07:00 |
| Resting | Living rooms | 35 dB $L_{Aeq,16hour}$ | -- |
| Relaxing | Gardens | 55 dB $L_{Aeq,16hour}$ | -- |
| Dining | Dining room/area | 40 dB $L_{Aeq,16hour}$ | -- |
| Sleeping (daytime resting) | Bedroom | 35 dB $L_{Aeq,16hour}$ | 30 dB $L_{Aeq,8hour}$ 45dB L_{Amax} |

- 2.2.3 BS8233 provides figures for external amenity spaces. In external areas used for amenity space, such as gardens and patios, it is desirable that external noise levels do not exceed 50dB $L_{Aeq,T}$, with an upper guideline value of 55 $L_{Aeq,T}$.
- 2.2.4 BS8233 indicates that regular individual noise events can cause sleep disturbance and suggests that guideline values should be considered in terms of SEL or L_{Amax} , but does not provide recommended values. The WHO recommends that within bedrooms L_{Amax} figures in excess of 45dBA associated with individual noise events should be minimised to 10 to 15 occurrences per night to minimise sleep disturbance.

3 SURVEY DETAILS

3.1 Instrumentation and weather conditions

- 3.1.1 The equipment used in the background noise survey was a CK:247 Invictus Portable Noise Monitor with communication for remote download and alerts. Statistical values, L_{A10} , L_{A90} etc and third octave bands, together with time history logging and audio recordings were gathered throughout the survey period.
- 3.1.2 Equipment is fully compliant with that specified as Type 1 in British Standard BS EN61672 - 1: 2003: "Electroacoustics. Sound level meters Specifications" and are detailed in Appendix B.
- 3.1.3 Equipment has also been calibrated to a traceable standard by UKAS-accredited laboratory within the 24 months preceding the survey.
- 3.1.4 The sound level meter was mounted on a tripod with the microphone 1.4m above the immediate ground level and positioned at least 3.5m from any reflecting surface, other than the ground.

- 3.1.5 A windshield was fitted over the microphone at all times during the survey periods to reduce the effects of any wind induced noise.
- 3.1.6 Weather conditions on Thursday 21 February were dry with a gentle to moderate westerly breeze with gusts up to 8m/s. The daytime temperature reached 9°C and it was mostly cloudy.
- 3.1.7 On Friday 22 February 2019 winds had dropped to a light south westerly breeze less than 2m/s. The temperature reached 12°C and it was fair with no precipitation.
- 3.1.8 Full details of the meteorological conditions during the 24 hour period are shown in Appendix C.

3.2 Noise measurement procedure

- 3.2.1 The noise climate was measured over a consecutive period between 10:30 on Thursday 21 February to 10:00 on Friday 22 February 2019 on the western boundary of the site adjacent to the amenity garden of Palumic House.
- 3.2.2 The guidance detailed in BS4142 states that:

“In using the background sound level in the method for rating and assessing industrial and commercial sound it is important to ensure that values are reliable and suitably represent both the particular circumstances and periods of interest. For this purpose, the objective is not simply to ascertain a lowest measured background sound level, but rather to quantify what is typical during particular time periods”.

- 3.2.3 The values obtained during the survey period from 21 – 22 February 2019 are considered to be reliable and suitably represent the particular circumstances and periods of interest and are considered to be typical of the background sound levels at the nearest noise sensitive properties.
- 3.2.4 Specific noise levels were measured on the boundary with Palumic House during periods of typical operation between approximately 15:30 – 17:00 on 21 February 2019 and 07:30 and 09:00 on 22 February 2019. Specific noise levels were determined during morning and afternoon activities which included employees arriving/leaving in cars, vehicles idling and departing from the site and plant manoeuvring.

3.3 Noise monitoring location

- 3.3.1 Noise monitoring was carried out on the western boundary of the site at the location shown in Figure 1 and Photograph 1. The microphone was positioned at a distance of approximately 22m from the rear façade of Palumic House and is considered representative of the noise climate within the amenity garden of the nearest residential dwelling to the loading/unloading area at Hedleys Roofing.

Photograph 1: Noise Monitoring Location

- 3.3.2 Noise levels at the façade of the property will be lower than measured at the site boundary due to distance correction. For every doubling of distance, the noise from a point source will reduce by 6dB(A), according to the inverse square law. Therefore measurements taken 10m from a source will be reduced by 6dB(A) at a distance of 20m from the source.

4 NOISE MONITORING RESULTS

4.1 Background sound level

- 4.1.1 Full details of the monitoring results from the survey are provided in Appendix D and are summarised in Table 2 below.

| Table 2: Average Background noise survey results 21 – 22 February 2019 | | | | |
|---|---------------|------------------|-------------------|--------------------|
| Period | Time | L _{Aeq} | L _{AF90} | L _{AFmax} |
| Daytime | 07:00 – 18:00 | 51 | 49 | 73 |

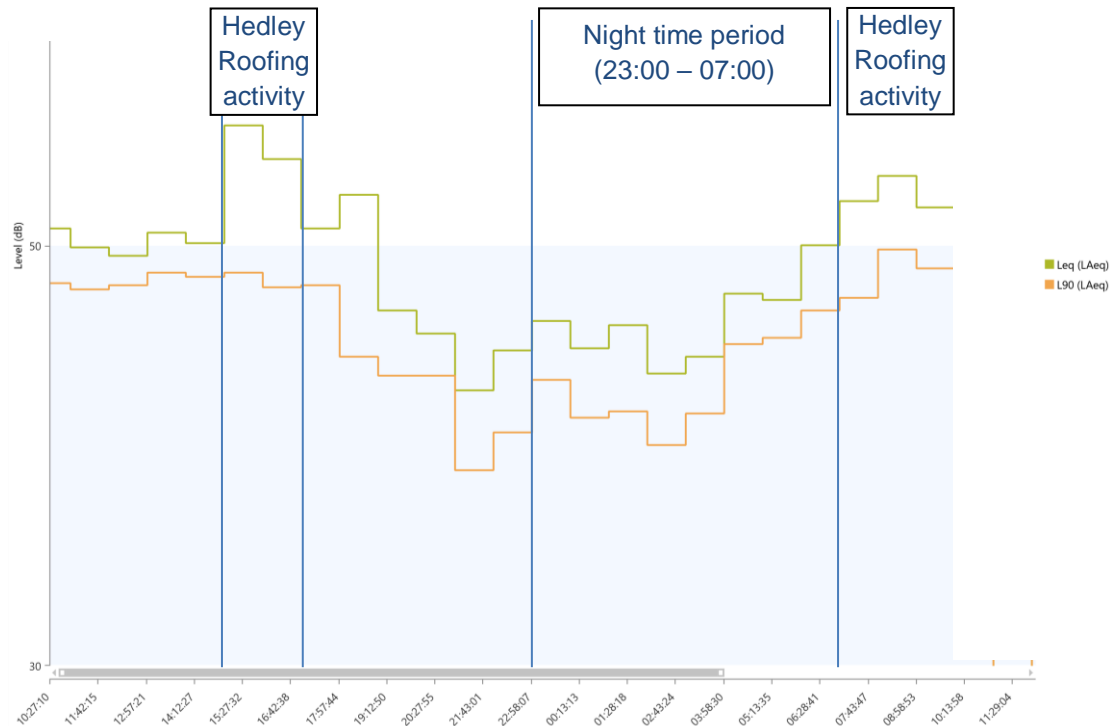
- 4.1.2 The main contributing noise source was from distant road traffic on the M6, which due to the prevailing westerly wind was the dominant noise source at the monitoring location.
- 4.1.3 The background noise level was recorded as being 49dB_{LA90,T} throughout the operational period of Hedleys Roofing in the absence of specific noise sources.
- 4.1.4 The full results (in Appendix D) demonstrate that the background noise climate is fairly constant as it is influenced by constant distant road traffic on the M6.

4.1.5 Maximum noise levels up to 73dBLA_{max} were recorded during a period when there was no activity at Hedleys Roofing. It is likely that this was caused by extraneous activity off site, or birdsong near to the microphone.

4.1.6 The average existing LA_{eq} value (residual sound) was 51dBLA_{eq,T}.

4.1.7 Graph 1 shows the hourly noise values (LA_{eq} and LA₉₀) over the full measurement period.

Graph 1: Hourly average LA_{eq} and LA₉₀ noise levels



4.1.8 As demonstrated in the graph, background noise levels are lowest between approximately 20:00 hours and begin to rise again from 04:00 hours and reflects the period when road traffic flows on the M6 are likely to be reduced.

4.1.9 Birdsong also impacts on the measured levels and contributes to the increase in background (LA₉₀) levels during the dawn chorus.

4.2 Specific sound level

4.2.1 The methodology in BS4142 suggests that where possible the specific sound level should be determined by measurement of the ambient sound level and the residual sound level at the assessment location.

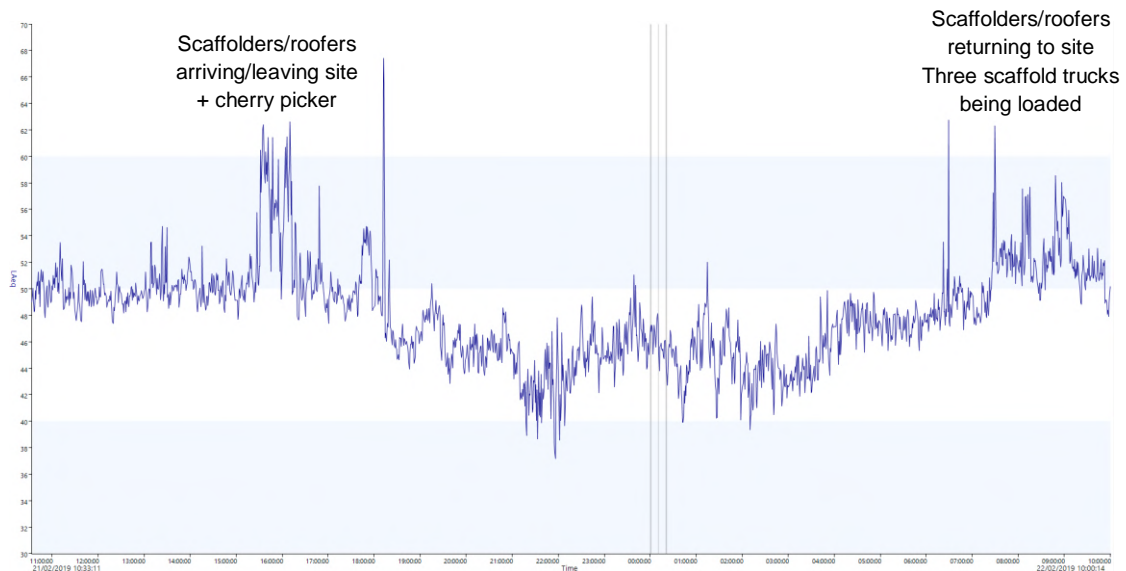
4.2.2 Measurement of the specific sound was carried out at the boundary with the nearest potentially sensitive amenity garden to the operations at Hedleys Roofing.

4.2.3 The specific sound should be evaluated over an appropriate reference time interval, T

- a) 1 h during the day: and
- b) 15 min during the night

- 4.2.4 For the purposes of this assessment, daytime is typically between 07:00h and 23:00h and accordingly night-time is between 23:00h and 07:00h. As there is no activity at Hedleys Roofing during the night time period, only daytime hours have been considered in the assessment.
- 4.2.5 As stated within the scope of BS4142 sound of an industrial and/or commercial nature does not include sound from the passage of vehicles on public roads. Therefore, the assessment only applies to noise generated by activities within the site boundary.
- 4.2.6 In the afternoon of 21 February 2019 there were three trucks in the yard, loading starting at 3.29pm x 2 trucks (4 men), at 4.05 one truck moved out of the way to allow the third truck near the racks to load, loading finished at 4.24 pm, scaffold was moved continuously between 3.29pm and 4.24pm
- 4.2.7 During the morning of Friday 22 February, scaffolders and roofing employees began arriving at the site from 07:30. In total, during the morning of monitoring three employees cars arrived and three vans left the site, which is typical of normal activities. In addition to this a tile had fallen from the roof of Newtown House overnight and the cherry picker was removed from the store building and manoeuvred towards the dwelling to replace the tile. This activity was audible on the audio download from the monitoring equipment.
- 4.2.8 The specific noise level during this period was determined at the boundary of the site nearest to Palumic House.
- 4.2.9 Measurements were carried out on the boundary whilst normal activity was taking place and the noise measurement results are summarised in Table 3 with the noise profile shown below.

| Table 3: Site boundary with Palumic House dB(A) 21 – 22 February 2019 | | | |
|--|------------------|-------------------|--------------------|
| Period | L _{Aeq} | L _{AF90} | L _{AFmax} |
| 07:30 – 08:30 | 53 | 50 | 75 |
| 15:30 – 16:30 | 56 | 49 | 82 |



4.2.10 Throughout the measurement of specific noise, activity within the site was audible and included vehicles manoeuvring in the yard, cars and vans arriving and leaving. Full details of all the specific noise events are shown in Appendix D together with frequency analysis data.

4.2.11 The (worst case) ambient sound level is 5dB(A) (56 – 51) above the residual sound level between 15:30 – 16:30. A correction is therefore required to determine the contribution of specific noise only. This is presented in Table 4.

4.2.12 A further correction is required to determine the noise level at the façade of Palumic House based on the formula:

$$SPL_2 = SPL_1 - 20 \log (r_2/r_1)$$

Where SPL_2 = noise level at façade of Palumic House
 SPL_1 = 56dB(A) at measurement location (r_1)
 r_2 = 30 from noise source to Palumic House
 r_1 = 10m from noise source to assessment location

4.2.13 The reduction in noise level is calculated to be 6dB(A) based on the above.

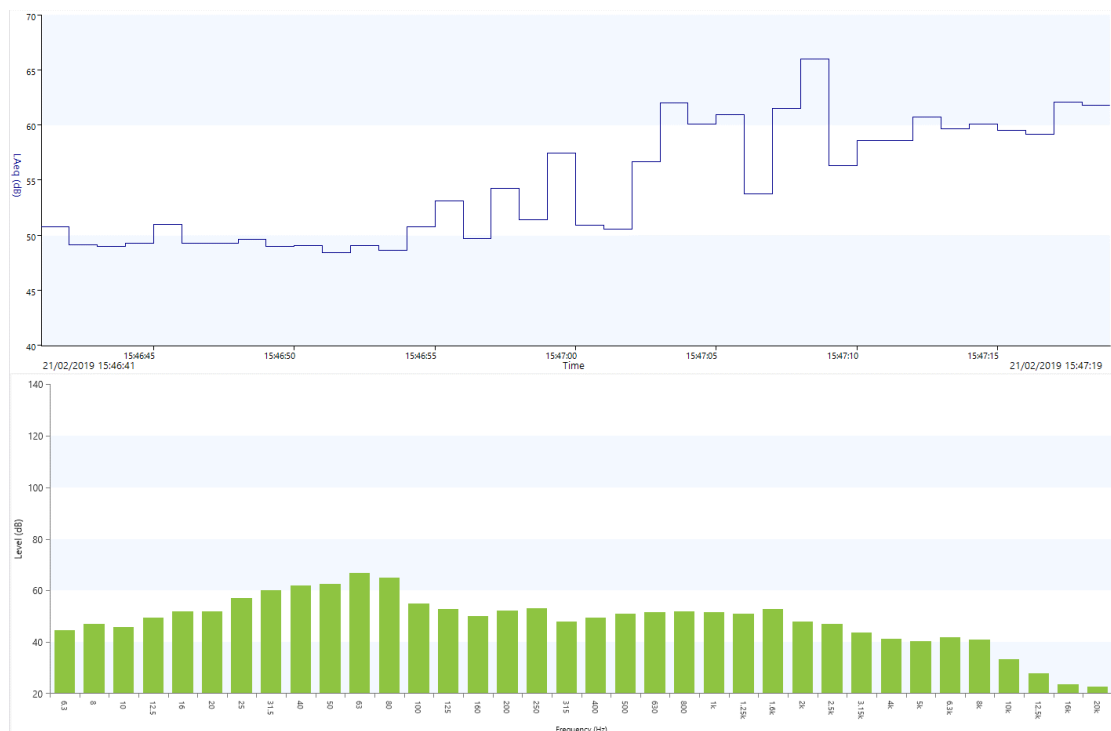
5 BS4142 ASSESSMENT

5.1 Rating level

5.1.1 If the noise source under consideration contains certain acoustic features then these can increase the likelihood of adverse impact over that expected from a simple comparison between the specific noise level and the background noise level. If this is considered to be the case then a correction should be applied in accordance with BS4142:2014.

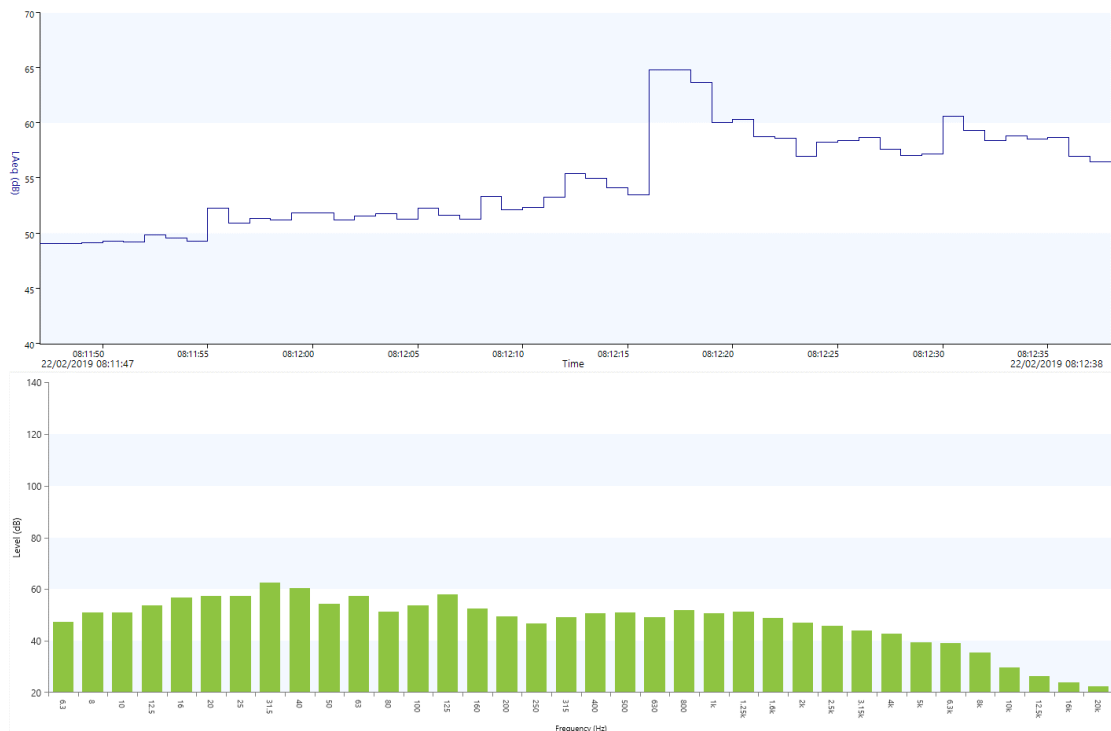
5.1.2 Third octave band frequency data was carried out throughout the measurement period to determine whether the specific noise contained any distinctly tonal notes. Full results are shown in Appendix D with a sample shown in Graph 2.

Graph 2: Third Octave band frequency analysis during vehicle manoeuvring in yard area



5.1.3 The noise level during this period was 61dB(A) with a duration of just 8 seconds.

Graph 3: Third Octave band frequency analysis of cherry picker starting up and manoeuvring out of shed



5.1.4 The noise level during this period was 60dB(A) over a duration of 21 seconds.

5.1.5 There are no identifiable prominent tones during vehicles leaving the site or vehicles manoeuvring. However, it is considered that the specific sound of loading and unloading scaffolding features characteristics that otherwise are readily distinctive against the residual acoustic environment and a penalty of 3dB has been applied to the specific noise level.

5.2 Background sound level

5.2.1 Noise levels were measured at a position considered representative of the background noise climate at the nearest potentially sensitive property to the site access. There was no activity within the proposed depot during the measurement of background noise and therefore the background noise climate was representative of the existing noise climate in the vicinity of the nearest potentially noise sensitive properties.

5.2.2 The most commonly used percentile level is the LA90,T, which is the 90th percentile level and is the level exceeded for 90 per cent of the time, T. It is higher than the Lmin and has been adopted as a good indicator of the “background” noise level. The noise climate was influenced mainly by distant road traffic noise and birdsong during the survey period in February 2019. The results of the survey were presented in Table 2 and demonstrated that the average background noise climate in the area (in the absence of specific noise) was as follows:

- Daytime (07:30 – 18:00) = 49 dBLA90

- 5.2.3 It is considered that these levels are representative of the average background noise climate in the area and gives a clear indication of the underlying noise level, or the level that is almost always there in between intermittent noisy events. This is not expected to alter significantly across the site or at neighbouring dwellings. Therefore, measured levels are also considered representative of noise climate to the rear of properties to the east of Newtown House.
- 5.2.4 BS4142:2014 advises that the measurement period should be long enough to obtain a representative sample of the background level. It is considered that 24 hour data is representative.
- 5.2.5 There is no activity anticipated at the site at night time (as defined as between 23:00 – 07:00).

5.3 Results

- 5.3.1 The significance of sound of an industrial nature depends upon the margin by which the rating level exceeds the existing background noise climate and the context in which the sound occurs.
- 5.3.2 An assessment of the impact is carried out following the procedure detailed in Table 4 at the nearest noise sensitive receptor.

| Table 4: Assessment Results – Daytime | | | |
|--|---------------|---------------|---|
| | 07:30 – 08:30 | 15:30 – 16:30 | Commentary |
| Ambient Sound Level $L_{Aeq,T}$ | 53 | 56 | <i>The ambient sound level is a measure of the residual sound and the specific sound when present. This was measured at the western site boundary with Palumic House</i> |
| Residual Sound Level dBL_{Aeq} | 51 | 51 | <i>This is the ambient sound remaining at the assessment location when the specific sound source is suppressed to such a degree that it does not contribute to the ambient sound.</i> |
| Measured background Sound Level dBL_{A90} | 49 | 49 | <i>Measured at the assessment location in the absence of the specific sound.</i> |
| Reference time period | 1 hour | 1 hour | <i>Assessment is through the day (0700 – 1900)</i> |
| Specific Noise Level at boundary $L_{Aeq, 1hr}$ | 53 | 54* | <i>*Correction to ambient level is 2dB(A) as a result of the residual sound, using formula : $L_s = 10\lg(10^{L_{A/10}} - 10^{L_{r/10}})$</i> |
| Specific Noise Level at façade of Palumic House $L_{Aeq, 1hr}$ | 47 | 48 | <i>Correction for distance to Palumic House, using formula: $SPL_2 = SPL_1 - 20\lg(r_2/r_1) = 6dB(A)$</i> |
| Acoustic feature correction | 3 | 3 | <i>Noise from the specific source is assumed to contain distinctive characteristics that are distinguishable against the residual acoustic environment</i> |
| Rating level | 50 | 51 | <i>The rating level is 3 dB higher than the specific noise as a result of the acoustic feature correction.</i> |
| Background level dB $L_{A90, T}$ | 49 | 49 | |
| Excess of rating level over background level dB(A) | +1 | +2 | |

5.4 Assessment results

- 5.4.1 An assessment of the impact of the specific sound is gained by subtracting the measured background sound level from the rating level and the assessment method in Section 11 of BS4142 states that, typically, the greater this difference, the greater the magnitude of impact.
- 5.4.2 The predicted rating level from the activity at Hedleys Roofing for a period of one hour in the morning has been demonstrated to be above the existing background sound level by up to 1dB(A) and by 2dB(A) during a one hour period in the afternoon at the façade of Palumic House. The significance of the rating level is not considered to have an adverse impact or significant adverse impact on occupiers of the nearest residential dwelling.
- 5.4.3 If residents were using their amenity space in the rear garden of Palumic House then noise levels are likely to be up to 6dB(A) higher which would be an indication that activities have the potential to have an adverse impact on the noise climate, but not a significant adverse impact. However, this impact must very much be considered in the context of the existing noise climate and previous use of the site which was previously used by a construction company with similar working hours.

5.5 Uncertainty

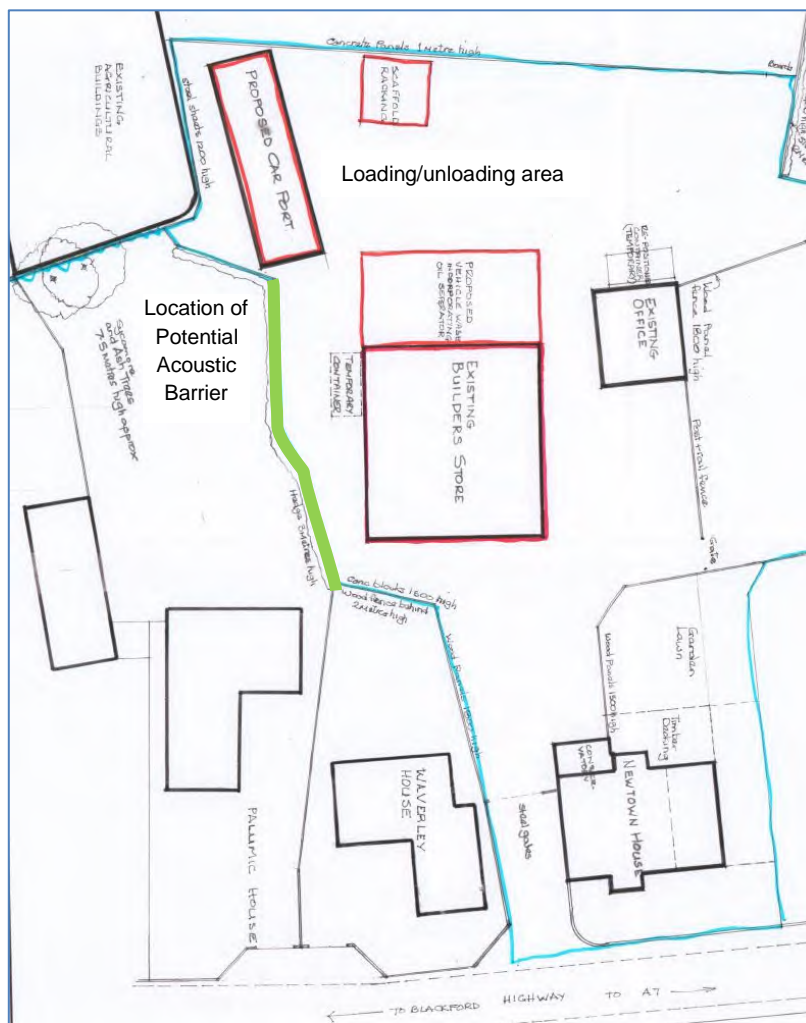
- 5.5.1 The level of uncertainty in the measured data and associated calculations have been considered where the level of uncertainty could affect the conclusions. Confidence in the measured background values is high as the measurements were carried out over a 24 hour period during favourable weather conditions (no rain or high winds) at a position considered equivalent to the amenity garden of the nearest potentially noise sensitive dwelling and therefore the level of uncertainty is low.
- 5.5.2 There is also a low uncertainty in the calculations as the specific sound level used in the calculations was measured directly at the assessment location and measurement of the source noise under appropriate working conditions.
- 5.5.3 A correction for additional distance to the façade of the closest dwelling has been applied which demonstrates that there is less likelihood that the specific sound source will have an adverse or significant adverse impact. However, a worst-case situation would be when residents are within their rear amenity garden within close proximity to the boundary of Newtown House. It has been demonstrated that the rating level could be up to 8dB(A) over the background sound level and is above the threshold where there is an indication of an adverse impact.
- 5.5.4 The uncertainty lies therefore as to the position of the assessment location and whether this is within the garden near to the boundary with Hedleys Roofing or at the façade of the property itself.

6 MITIGATION MEASURES

6.1 Screening

- 6.1.1 Measures can be introduced to control the source of, or limit exposure to, noise. Such measures should be proportionate and reasonable and could include providing a purpose-built barrier to screen the main noise sources.
- 6.1.2 The degree of attenuation afforded by a barrier depends on the frequency of the noise, the increase in path distance and the effect on the line of sight of the source from the receiver. Barriers have to be continuous and solid. Suitable ones include a double-skinned overlapping solid timber (at least 25mm thick), solid masonry or earth banks.
- 6.1.3 A timber barrier should have a superficial mass of at least 10 kg/m^2 . The panels should be rigidly mounted and there should be no gaps between adjacent panels of the barrier and the ground. The barrier should be designed so that no gaps develop between abutting panels through warping or shrinkage. Lightweight woven panels are not suitable as noise barriers.
- 6.1.4 There are formulae for calculating barrier effects relative to the frequency of the sound and the path difference. In general terms, if a barrier removes a source completely from the line of sight, then a reduction of 10dB is a reasonable estimate. If the source is only half obscured, then the reduction is only 5dB.
- 6.1.5 Although not entirely necessary in terms of reduction of noise received at the façade of Palumic House it may be considered by Hedleys Roofing to provide an acoustic barrier along the western boundary as shown in Figure 3 to reduce the potential for adverse impact within the amenity garden of Palumic House from loading and unloading of vehicles within the yard area.

Figure 3: Proposed location of potential acoustic barrier



7 DISCUSSION

7.1 BS4142

- 7.1.1 It is acknowledged in BS4142 that other guidance, such as BS8233, might also be considered when assessing the potential impact of new noise sources near potentially noise sensitive properties.
- 7.1.2 This assessment has indicated there is a marginal indication of adverse impact as a result of vehicles ingressing and egressing the site during the day and manoeuvring and activity within the loading and unloading area. However, this is based on an external assessment of the noise. Consideration should also be given to actual noise levels affecting residents inside their properties which is acknowledged in BS4142.
- 7.1.3 Consideration should therefore also be given to the likely internal noise levels to which residents may be exposed to.

7.2 BS8233

- 7.2.1 It should be noted that the acoustic performance of a building envelope will be reduced in the event windows are opened for ventilation or cooling purposes, which typically reduces the insulation to no more than 10 – 15dB(A). Most residents value the ability to open windows for a variety of reasons and therefore internal noise levels should be achieved in noise-sensitive rooms with windows open. A level of 35dBLAeq internally would equate to an external value of 50dBLAeq.
- 7.2.2 It has been calculated, based on distance attenuation, that the specific noise level at the façade of Palumic House does not exceed 50dB(A), as a result of worst case scaffold loading activity within the yard. Therefore, current guidance suggests that it is unlikely to change the behaviour of local residents, particularly as this occurs for a period of around 1 hour in the morning and 1 hour in the afternoon.

8 CONCLUSIONS

- 8.1.1 A noise assessment has been carried out for a change of use at Newtown House, Blackford, Carlisle.
- 8.1.2 The assessment has included measurement of the background noise climate both during the daytime and night time at a position considered equivalent to the closest residential premises to the site over a 24-hour period. The existing noise climate was found to be influenced mainly by distant road traffic on the M6.
- 8.1.3 Measurement of the specific sound sources has been undertaken and calculations have been carried out to predict the rating level at the nearest potentially sensitive dwelling.
- 8.1.4 The worst case rating level during the day was determined to be 2dB above the daytime background sound level at the façade of Palumic House and up to 8dB above the daytime sound level at the boundary of the amenity garden with Hedleys Roofing. Therefore, the activities at Hedleys Roofing, according to the methodology in BS4142:2014 have the potential for adverse impact in the amenity garden with a lesser impact at the property itself, depending on the context. However, given the context of the Hedleys Roofing within site previously used for industrial (construction) purposes with similar sound sources it is considered that the impact is decreased.
- 8.1.5 Internal noise levels have also been considered at the nearest residential property and in the event that windows are opened for ventilation or cooling purposes, internal noise levels would be reduced by 10 – 15 dB(A). Subsequent internal noise levels of <35dBLAeq are expected which therefore meets the guidance criteria contained within BS8233 and the WHO Guidelines.
- 8.1.6 Consideration may however, be given to erecting an acoustic fence along the western boundary if deemed necessary. However, the results of the assessment suggests that the noise levels are not likely to change the behaviour of local residents, particularly as they occur for short periods (up to 90 minutes) twice a day and there are no night time activities.
- 8.1.7 This report has been compiled from the results of noise measurements undertaken in February 2019 and the levels measured are considered to be representative of the prevailing noise climate.

Appendix A: Glossary of Acoustic Terminology

Decibel (dB): a unit of level derived from the logarithm of the ratio between the value of a quantity and a reference value. It is used to describe the level of many different quantities. For sound pressure level the reference quantity is 20 Pa, the threshold of normal hearing is in the region of 0 dB, and 140 dB is the threshold of pain. A change of 1 dB is only perceptible under controlled conditions.

dB(A): decibels measured on a sound level meter incorporating a frequency weighting (A weighting) which differentiates between sounds of different frequency (pitch) in a similar way to the human ear. Measurements in dB(A) broadly agree with people's assessment of loudness. A change of 3 dB(A) is the minimum perceptible under normal conditions, and a change of 10 dB(A) corresponds roughly to halving or doubling the loudness of a sound. The background noise level in a living room may be about 30 dB(A); normal conversation about 60 dB(A) at 1 metre; heavy road traffic about 80 dB(A) at 10 metres; the level near a pneumatic drill about 100 dB(A).

$L_{Aeq,T}$: the equivalent continuous sound level -the sound level of a notionally steady sound having the same energy as a fluctuating sound over a specified measurement period (T). $L_{Aeq,T}$ is used to describe many types of noise and can be measured directly with an integrating sound level meter. It is written as L_{eq} in connection with aircraft noise.

Maximum and Minimum (L_{Amax} and L_{Amin})

The simplest statistical parameters are the maximum level (L_{Amax}) and the minimum level (L_{Amin}) during the measurement period. The L_{Amax} is often used as a measure of the most obtrusive facet of the noise, even though it may only occur for a very short time and is the level of the maximum Root Mean Square reading. L_{Amin} is rarely used, but can be a useful way of identifying a constant noise amongst other intermittent noises.

Fast Time-weighting: An averaging time used in sound level meters, equivalent to 1/8 second.

Slow Time-weighting: An averaging time used in sound level meters, equivalent to 1 second.

Percentile Parameters (L_n , T)

Percentile parameters, L_n values, are useful descriptors of noise. The L_n value is the noise level exceeded for n per cent of the measurement period, which must be stated. The L_n value can be anywhere between 0 and 100. The two common ones are discussed below, but sometimes other values will be encountered.

Background Noise ($L_{A90,T}$)

The most commonly used percentile level is the $L_{A90,T}$, which is the 90th percentile level and is the level exceeded for 90 per cent of the time, T. It will be above the L_{min} and has been adopted as a good indicator of the "background" noise level. It is specified in BS 4142:2014 as the parameter to assess background noise levels. Whilst it is not the absolute lowest level measured in any of the short samples, it gives a clear indication of the underlying noise level, or the level that is almost always there in between intermittent noisy events. BS4142:2014 advises that the measurement period should be long enough to obtain a representative sample of the background level.

Level exceeded for 10% of the Time ($L_{A10,T}$)

$L_{A10,T}$ is the 10th percentile, or the level exceeded for 10 per cent of the time, and was used for road traffic noise assessments since it had been shown to give a good indication of people's subjective response to noise. Although the L_{Aeq} has largely superseded its use for traffic, $L_{A10,T}$ may still be found in acoustic reports discussing road traffic. It is still used to assess traffic noise to determine eligibility for noise-insulation grants where a road is altered or a new one proposed. The $L_{A10,T}$ can be useful in assessing the overall noise climate, for example, if the $L_{A90,T}$, $L_{A10,T}$ and $L_{Aeq,T}$ are all within a few dB, then this indicates that the noise source is fairly constant.

Ambient Sound Level

Equivalent continuous A-weighted sound pressure level of the totally encompassing sound in a given situation at a given time, usually from many sources near and far, at the assessment location over a given time interval, T.

Residual Sound

Ambient sound remaining at the assessment location when the specific sound source is suppressed to such a degree that it does not contribute to the ambient sound

Residual Sound Level

Equivalent continuous A-weighted sound pressure level of the residual sound at the assessment location over a given time interval, T

Specific Sound Level

Equivalent continuous A-weighted sound pressure level produced by the specific sound source at the assessment location over a given time interval, T

Appendix B: Noise Monitoring Equipment

| Instrumentation |
|---|
| Cirrus Research plc Instrument type: CR:247 Noise Monitoring terminal Serial number V069903 |

Appendix C: Meteorological Conditions

Thursday 21 February 2019

Daily Observations

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| Time | Temperature | Dew Point | Humidity | Wind | Wind Speed | Wind Gust | Pressure | Precip. | Precip Accum | Condition |
|----------|-------------|-----------|----------|------|------------|-----------|-----------|---------|--------------|-----------------------|
| 9:50 AM | 9 ° C | 9 ° C | 100 % | W | 37 km/h | 0 km/h | 985.0 hPa | 0.0 mm | 0.0 mm | Mist / Windy |
| 10:50 AM | 9 ° C | 9 ° C | 100 % | W | 39 km/h | 0 km/h | 986.0 hPa | 0.0 mm | 0.0 mm | Mostly Cloudy / Windy |
| 11:06 AM | 9 ° C | 9 ° C | 100 % | W | 35 km/h | 0 km/h | 986.0 hPa | 0.0 mm | 0.0 mm | Mostly Cloudy / Windy |
| 11:50 AM | 9 ° C | 9 ° C | 100 % | W | 31 km/h | 0 km/h | 987.0 hPa | 0.0 mm | 0.0 mm | Mostly Cloudy |
| 12:50 PM | 10 ° C | 9 ° C | 94 % | W | 33 km/h | 0 km/h | 987.9 hPa | 0.0 mm | 0.0 mm | Mostly Cloudy / Windy |
| 1:50 PM | 10 ° C | 9 ° C | 94 % | W | 24 km/h | 0 km/h | 987.9 hPa | 0.0 mm | 0.0 mm | Mostly Cloudy |
| 2:50 PM | 10 ° C | 8 ° C | 87 % | W | 50 km/h | 0 km/h | 987.9 hPa | 0.0 mm | 0.0 mm | Mostly Cloudy / Windy |
| 3:50 PM | 9 ° C | 8 ° C | 93 % | W | 37 km/h | 0 km/h | 988.9 hPa | 0.0 mm | 0.0 mm | Mostly Cloudy / Windy |
| 4:50 PM | 9 ° C | 7 ° C | 87 % | W | 22 km/h | 0 km/h | 988.9 hPa | 0.0 mm | 0.0 mm | Cloudy |
| 5:50 PM | 7 ° C | 6 ° C | 93 % | W | 20 km/h | 0 km/h | 989.9 hPa | 0.0 mm | 0.0 mm | Partly Cloudy |
| 6:50 PM | 7 ° C | 6 ° C | 93 % | W | 22 km/h | 0 km/h | 989.9 hPa | 0.0 mm | 0.0 mm | Fair |
| 7:50 PM | 6 ° C | 5 ° C | 93 % | W | 15 km/h | 0 km/h | 990.8 hPa | 0.0 mm | 0.0 mm | Mist |
| 8:50 PM | 5 ° C | 5 ° C | 100 % | NW | 6 km/h | 0 km/h | 991.8 hPa | 0.0 mm | 0.0 mm | Mist |
| 9:50 PM | 5 ° C | 5 ° C | 100 % | WNW | 9 km/h | 0 km/h | 991.8 hPa | 0.0 mm | 0.0 mm | Mist |
| 10:50 PM | 5 ° C | 5 ° C | 100 % | W | 9 km/h | 0 km/h | 991.8 hPa | 0.0 mm | 0.0 mm | Fair |
| 11:50 PM | 5 ° C | 4 ° C | 93 % | SW | 9 km/h | 0 km/h | 992.8 hPa | 0.0 mm | 0.0 mm | Fair |

Temp 9°C max
 Wind direction Westerly
 Wind speed Gusts up to 8m/s
 Mostly cloudy

Friday 22 February 2019

Daily Observations

..... < >

| Time | Temperature | Dew Point | Humidity | Wind | Wind Speed | Wind Gust | Pressure | Precip. | Precip Accum | Condition |
|----------|-------------|-----------|----------|------|------------|-----------|-----------|---------|--------------|---------------|
| 12:50 AM | 7 ° C | 7 ° C | 100 % | SW | 20 km/h | 0 km/h | 992.8 hPa | 0.0 mm | 0.0 mm | Mist |
| 1:50 AM | 7 ° C | 6 ° C | 93 % | SW | 26 km/h | 0 km/h | 992.8 hPa | 0.0 mm | 0.0 mm | Mist |
| 2:50 AM | 7 ° C | 5 ° C | 87 % | SW | 15 km/h | 0 km/h | 993.7 hPa | 0.0 mm | 0.0 mm | Fair |
| 3:50 AM | 6 ° C | 5 ° C | 93 % | S | 13 km/h | 0 km/h | 992.8 hPa | 0.0 mm | 0.0 mm | Fair |
| 4:50 AM | 5 ° C | 4 ° C | 93 % | SSE | 13 km/h | 0 km/h | 992.8 hPa | 0.0 mm | 0.0 mm | Fair |
| 5:50 AM | 6 ° C | 5 ° C | 93 % | SSE | 13 km/h | 0 km/h | 993.7 hPa | 0.0 mm | 0.0 mm | Fair |
| 6:50 AM | 7 ° C | 5 ° C | 87 % | SSE | 11 km/h | 0 km/h | 994.7 hPa | 0.0 mm | 0.0 mm | Partly Cloudy |
| 7:50 AM | 9 ° C | 6 ° C | 82 % | S | 13 km/h | 0 km/h | 995.6 hPa | 0.0 mm | 0.0 mm | Mostly Cloudy |
| 8:50 AM | 9 ° C | 6 ° C | 82 % | S | 6 km/h | 0 km/h | 995.6 hPa | 0.0 mm | 0.0 mm | Fair |
| 9:50 AM | 9 ° C | 7 ° C | 87 % | S | 9 km/h | 0 km/h | 996.6 hPa | 0.0 mm | 0.0 mm | Fair |
| 10:50 AM | 12 ° C | 8 ° C | 77 % | S | 20 km/h | 0 km/h | 996.6 hPa | 0.0 mm | 0.0 mm | Fair |

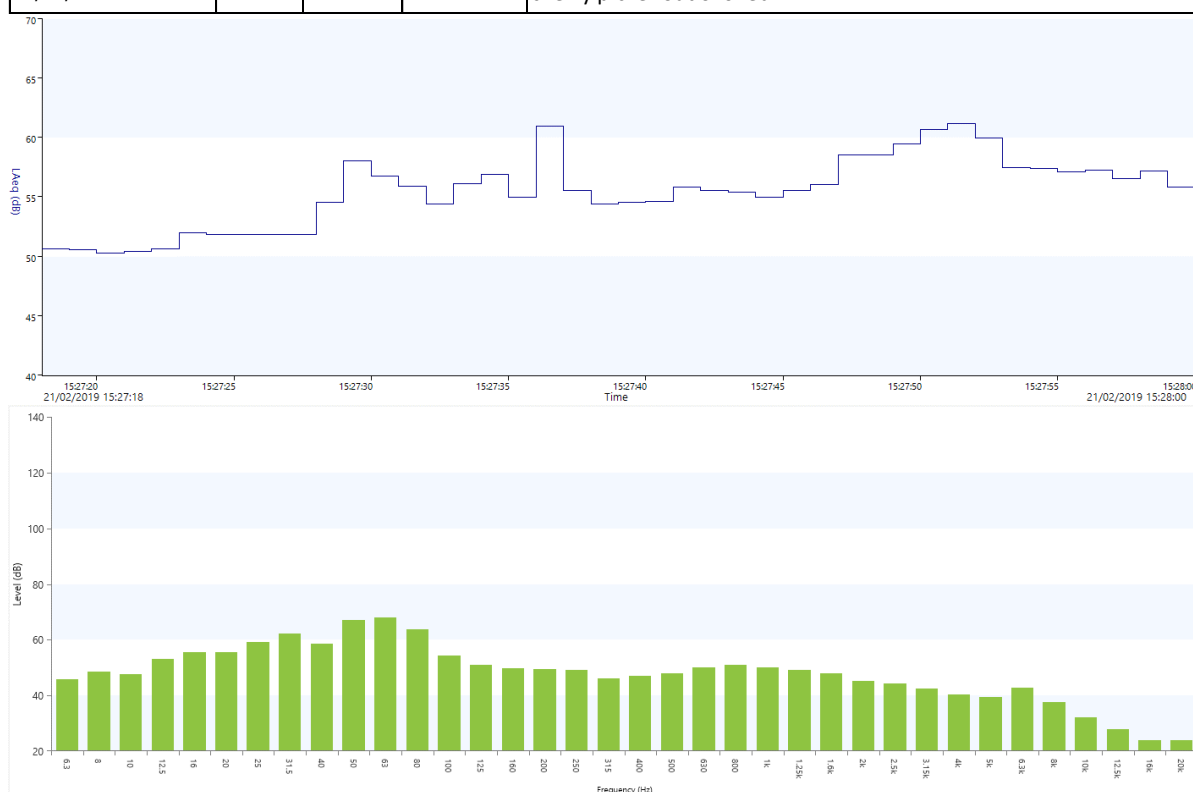
Temp 12°C max
 Wind direction SW – SSE
 Wind speed 2 – 6m/s
 Fair

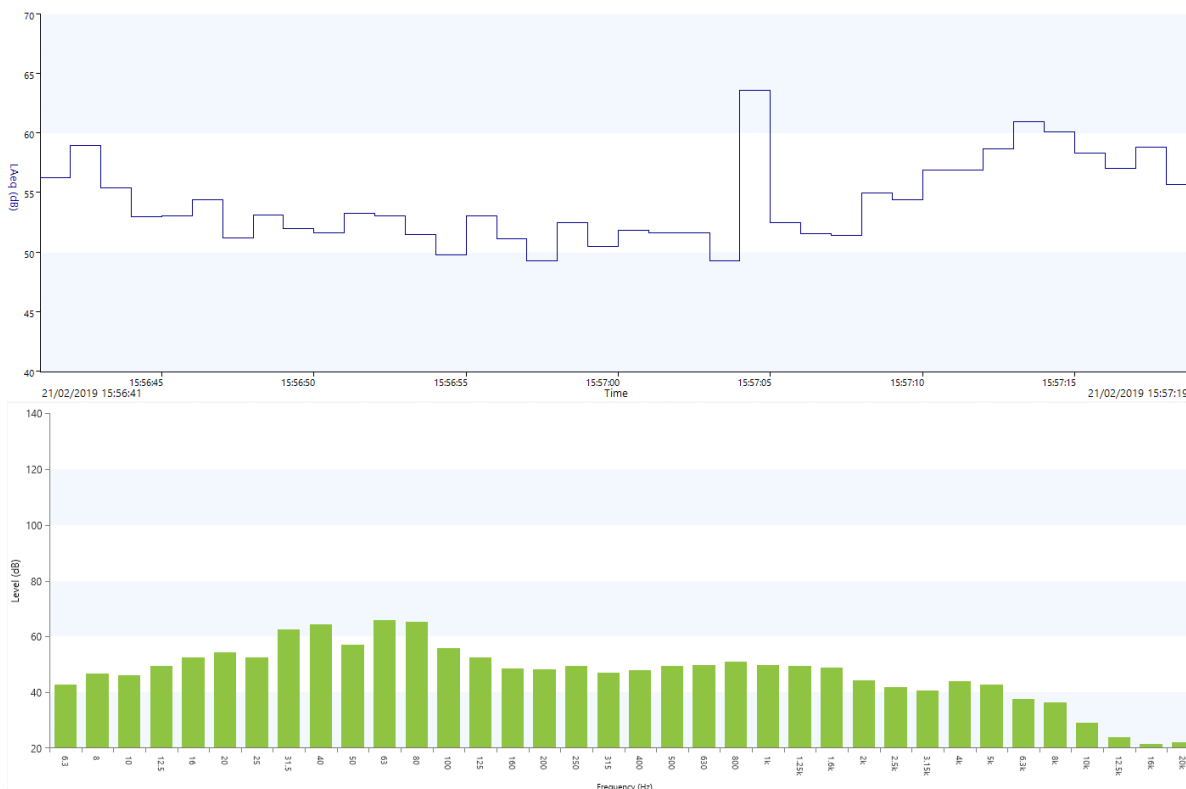
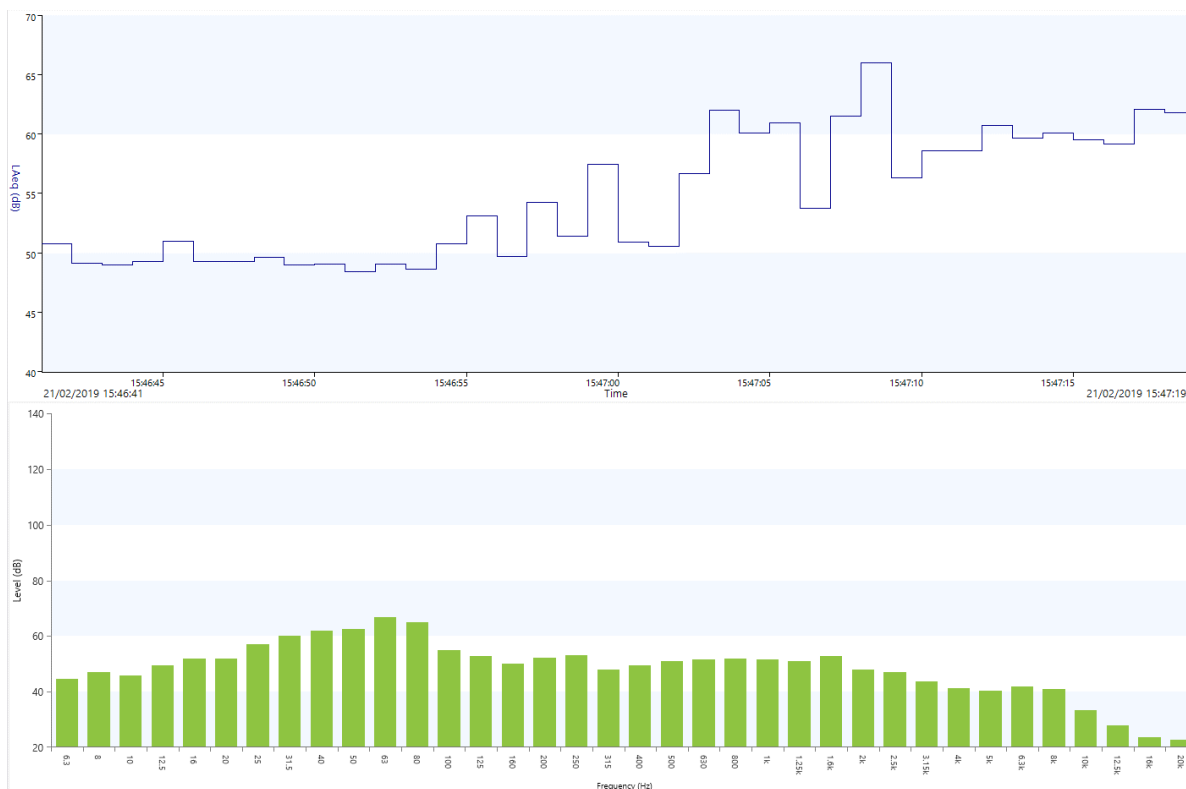
Appendix D: Noise Monitoring Results

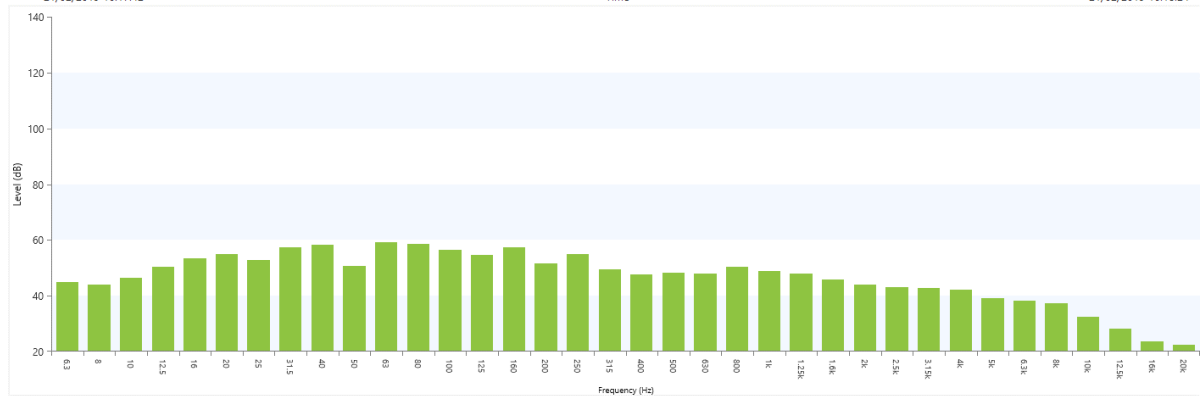
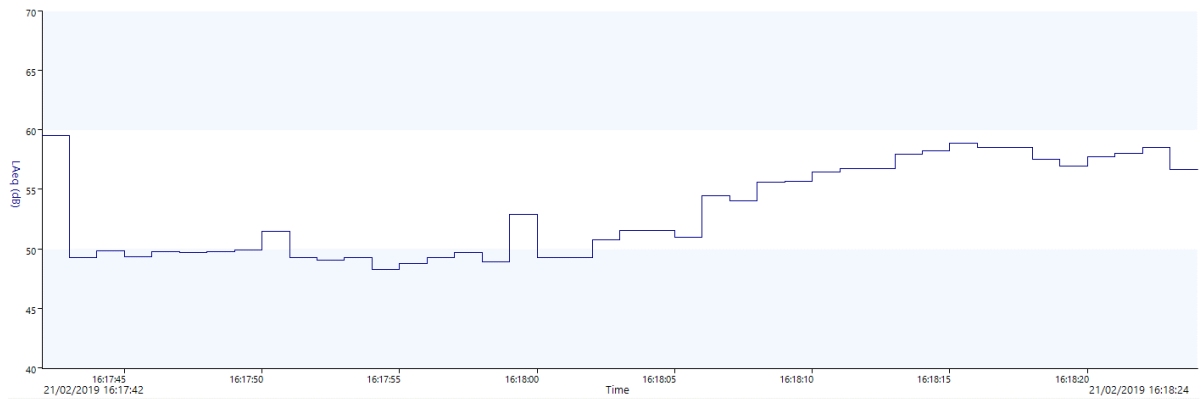
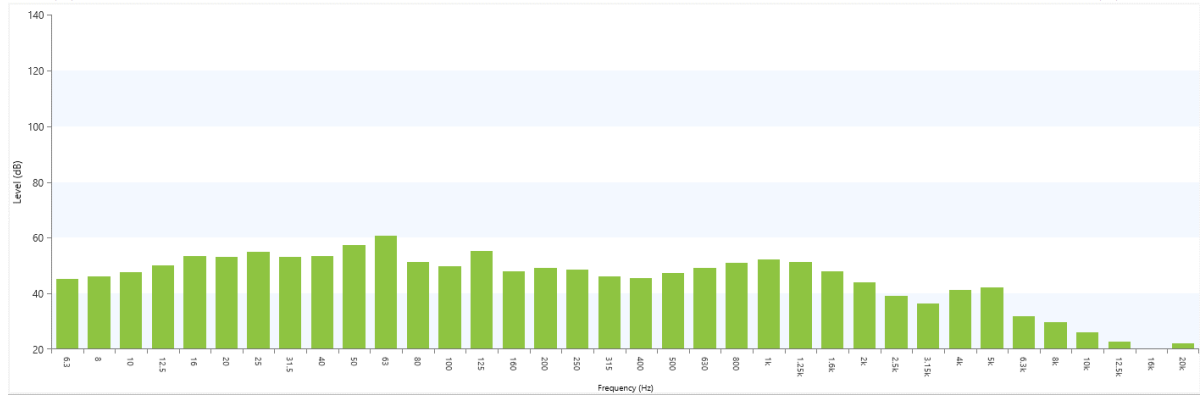
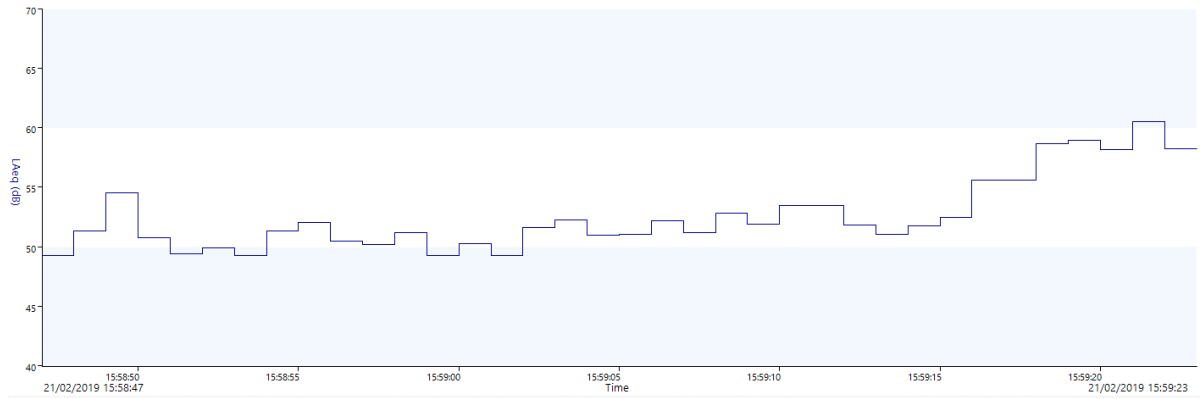
| Start Time | End Time | Duration | Leq (LAeq) | Max (LAFMax) | L90 (LAeq) |
|------------------|------------------|----------|------------|--------------|------------|
| 21/02/2019 10:30 | 21/02/2019 10:45 | 00:15:00 | 51.8 | 82.8 | 48.2 |
| 21/02/2019 10:45 | 21/02/2019 11:00 | 00:15:00 | 49.9 | 60.5 | 48.2 |
| 21/02/2019 11:00 | 21/02/2019 11:15 | 00:15:00 | 51.1 | 72.3 | 49 |
| 21/02/2019 11:15 | 21/02/2019 11:30 | 00:15:00 | 49.7 | 57.7 | 48.2 |
| 21/02/2019 11:30 | 21/02/2019 11:45 | 00:15:00 | 49.2 | 59.6 | 47.2 |
| 21/02/2019 11:45 | 21/02/2019 12:00 | 00:15:00 | 49.4 | 59.7 | 48.2 |
| 21/02/2019 12:00 | 21/02/2019 12:15 | 00:15:00 | 49.9 | 58.8 | 48.4 |
| 21/02/2019 12:15 | 21/02/2019 12:30 | 00:15:00 | 49.4 | 61.4 | 47.5 |
| 21/02/2019 12:30 | 21/02/2019 12:45 | 00:15:00 | 49.2 | 55.3 | 48 |
| 21/02/2019 12:45 | 21/02/2019 13:00 | 00:15:00 | 49.6 | 55.9 | 48.5 |
| 21/02/2019 13:00 | 21/02/2019 13:15 | 00:15:00 | 50.6 | 70.1 | 48.5 |
| 21/02/2019 13:15 | 21/02/2019 13:30 | 00:15:00 | 51 | 73.1 | 48.7 |
| 21/02/2019 13:30 | 21/02/2019 13:45 | 00:15:00 | 50.2 | 60.6 | 48.7 |
| 21/02/2019 13:45 | 21/02/2019 14:00 | 00:15:00 | 50.6 | 59.3 | 48.9 |
| 21/02/2019 14:00 | 21/02/2019 14:15 | 00:15:00 | 50.2 | 56.5 | 48.5 |
| 21/02/2019 14:15 | 21/02/2019 14:30 | 00:15:00 | 49.9 | 65.9 | 48.3 |
| 21/02/2019 14:30 | 21/02/2019 14:45 | 00:15:00 | 50.1 | 55.4 | 48.9 |
| 21/02/2019 14:45 | 21/02/2019 15:00 | 00:15:00 | 50.3 | 62.6 | 48.5 |
| 21/02/2019 15:00 | 21/02/2019 15:15 | 00:15:00 | 49.6 | 64 | 48 |
| 21/02/2019 15:15 | 21/02/2019 15:30 | 00:15:00 | 51.4 | 69.4 | 48.7 |
| 21/02/2019 15:30 | 21/02/2019 15:45 | 00:15:00 | 59.2 | 81.6 | 50.5 |
| 21/02/2019 15:45 | 21/02/2019 16:00 | 00:15:00 | 56.4 | 81.4 | 49.8 |
| 21/02/2019 16:00 | 21/02/2019 16:15 | 00:15:00 | 58.1 | 80 | 48.9 |
| 21/02/2019 16:15 | 21/02/2019 16:30 | 00:15:00 | 51 | 72.1 | 47.2 |
| 21/02/2019 16:30 | 21/02/2019 16:45 | 00:15:00 | 50.6 | 67.4 | 48.6 |
| 21/02/2019 16:45 | 21/02/2019 17:00 | 00:15:00 | 51.2 | 70.1 | 48.1 |
| 21/02/2019 17:00 | 21/02/2019 17:15 | 00:15:00 | 49.7 | 57.1 | 48.2 |
| 21/02/2019 17:15 | 21/02/2019 17:30 | 00:15:00 | 49 | 56.1 | 47.7 |
| 21/02/2019 17:30 | 21/02/2019 17:45 | 00:15:00 | 49.7 | 58.6 | 48.1 |
| 21/02/2019 17:45 | 21/02/2019 18:00 | 00:15:00 | 53.3 | 66.3 | 48.8 |
| 21/02/2019 18:00 | 21/02/2019 18:15 | 00:15:00 | 57.5 | 87.1 | 46.9 |
| 21/02/2019 18:15 | 21/02/2019 18:30 | 00:15:00 | 47.4 | 57.8 | 45.4 |
| 21/02/2019 18:30 | 21/02/2019 18:45 | 00:15:00 | 45.9 | 50.4 | 44.6 |
| 21/02/2019 18:45 | 21/02/2019 19:00 | 00:15:00 | 45.8 | 50.5 | 44.1 |
| 21/02/2019 19:00 | 21/02/2019 19:15 | 00:15:00 | 47.8 | 53.3 | 46.5 |
| 21/02/2019 19:15 | 21/02/2019 19:30 | 00:15:00 | 48 | 52.8 | 45.4 |
| 21/02/2019 19:30 | 21/02/2019 19:45 | 00:15:00 | 45.2 | 51.5 | 42.9 |
| 21/02/2019 19:45 | 21/02/2019 20:00 | 00:15:00 | 45.8 | 56.2 | 43.8 |
| 21/02/2019 20:00 | 21/02/2019 20:15 | 00:15:00 | 45.5 | 50.9 | 43.8 |
| 21/02/2019 20:15 | 21/02/2019 20:30 | 00:15:00 | 45 | 51 | 43.2 |
| 21/02/2019 20:30 | 21/02/2019 20:45 | 00:15:00 | 45.7 | 52.5 | 44.2 |
| 21/02/2019 20:45 | 21/02/2019 21:00 | 00:15:00 | 46.6 | 53.2 | 44.3 |
| 21/02/2019 21:00 | 21/02/2019 21:15 | 00:15:00 | 44.1 | 51.5 | 41.5 |
| 21/02/2019 21:15 | 21/02/2019 21:30 | 00:15:00 | 42.2 | 52.2 | 39.6 |
| 21/02/2019 21:30 | 21/02/2019 21:45 | 00:15:00 | 42.5 | 50.9 | 39.1 |
| 21/02/2019 21:45 | 21/02/2019 22:00 | 00:15:00 | 43.4 | 59.9 | 37.9 |
| 21/02/2019 22:00 | 21/02/2019 22:15 | 00:15:00 | 43 | 62.4 | 38.7 |
| 21/02/2019 22:15 | 21/02/2019 22:30 | 00:15:00 | 44.4 | 51.1 | 41.9 |
| 21/02/2019 22:30 | 21/02/2019 22:45 | 00:15:00 | 46 | 51.6 | 43.3 |
| 21/02/2019 22:45 | 21/02/2019 23:00 | 00:15:00 | 45.9 | 55.1 | 43.2 |
| 21/02/2019 23:00 | 21/02/2019 23:15 | 00:15:00 | 45.2 | 52.6 | 43.3 |
| 21/02/2019 23:15 | 21/02/2019 23:30 | 00:15:00 | 46 | 52.8 | 43.4 |
| 21/02/2019 23:30 | 21/02/2019 23:45 | 00:15:00 | 47.7 | 54.8 | 44.6 |
| 21/02/2019 23:45 | 22/02/2019 00:00 | 00:15:00 | 46.4 | 52.6 | 43.7 |
| 22/02/2019 00:00 | 22/02/2019 00:15 | 00:15:00 | 46.4 | 54 | 43.8 |
| 22/02/2019 00:15 | 22/02/2019 00:30 | 00:15:00 | 45.3 | 49.7 | 43.1 |
| 22/02/2019 00:30 | 22/02/2019 00:45 | 00:15:00 | 43.8 | 49.6 | 40.1 |
| 22/02/2019 00:45 | 22/02/2019 01:00 | 00:15:00 | 44.7 | 50 | 41.4 |
| 22/02/2019 01:00 | 22/02/2019 01:15 | 00:15:00 | 47.5 | 55.5 | 43.9 |
| 22/02/2019 01:15 | 22/02/2019 01:30 | 00:15:00 | 45.6 | 54.3 | 40.5 |
| 22/02/2019 01:30 | 22/02/2019 01:45 | 00:15:00 | 46.3 | 55.5 | 42.9 |
| 22/02/2019 01:45 | 22/02/2019 02:00 | 00:15:00 | 45.1 | 51.2 | 41.6 |
| 22/02/2019 02:00 | 22/02/2019 02:15 | 00:15:00 | 43 | 53.1 | 39.4 |
| 22/02/2019 02:15 | 22/02/2019 02:30 | 00:15:00 | 44 | 52.6 | 40.7 |
| 22/02/2019 02:30 | 22/02/2019 02:45 | 00:15:00 | 44.8 | 50.9 | 41.1 |
| 22/02/2019 02:45 | 22/02/2019 03:00 | 00:15:00 | 43.7 | 49.5 | 41.3 |
| 22/02/2019 03:00 | 22/02/2019 03:15 | 00:15:00 | 43.6 | 48 | 41.8 |
| 22/02/2019 03:15 | 22/02/2019 03:30 | 00:15:00 | 43.8 | 50.1 | 41.8 |
| 22/02/2019 03:30 | 22/02/2019 03:45 | 00:15:00 | 44.8 | 53.1 | 41.9 |
| 22/02/2019 03:45 | 22/02/2019 04:00 | 00:15:00 | 46.2 | 52.5 | 43.6 |
| 22/02/2019 04:00 | 22/02/2019 04:15 | 00:15:00 | 47.4 | 52.6 | 44.7 |
| 22/02/2019 04:15 | 22/02/2019 04:30 | 00:15:00 | 48.2 | 54.4 | 45.2 |
| 22/02/2019 04:30 | 22/02/2019 04:45 | 00:15:00 | 47.8 | 53.2 | 45.4 |
| 22/02/2019 04:45 | 22/02/2019 05:00 | 00:15:00 | 47.6 | 53 | 45.8 |
| 22/02/2019 05:00 | 22/02/2019 05:15 | 00:15:00 | 47.3 | 53.6 | 45.4 |
| 22/02/2019 05:15 | 22/02/2019 05:30 | 00:15:00 | 47.3 | 52.5 | 45.6 |
| 22/02/2019 05:30 | 22/02/2019 05:45 | 00:15:00 | 47.2 | 52.1 | 45.7 |
| 22/02/2019 05:45 | 22/02/2019 06:00 | 00:15:00 | 47.6 | 51.5 | 45.6 |
| 22/02/2019 06:00 | 22/02/2019 06:15 | 00:15:00 | 47.9 | 52.6 | 46.5 |
| 22/02/2019 06:15 | 22/02/2019 06:30 | 00:15:00 | 49.1 | 72 | 46.9 |
| 22/02/2019 06:30 | 22/02/2019 06:45 | 00:15:00 | 52.5 | 81.8 | 47.2 |
| 22/02/2019 06:45 | 22/02/2019 07:00 | 00:15:00 | 49.2 | 59.4 | 47.2 |
| 22/02/2019 07:00 | 22/02/2019 07:15 | 00:15:00 | 48.4 | 56.6 | 46.9 |
| 22/02/2019 07:15 | 22/02/2019 07:30 | 00:15:00 | 51.3 | 68.9 | 47.6 |
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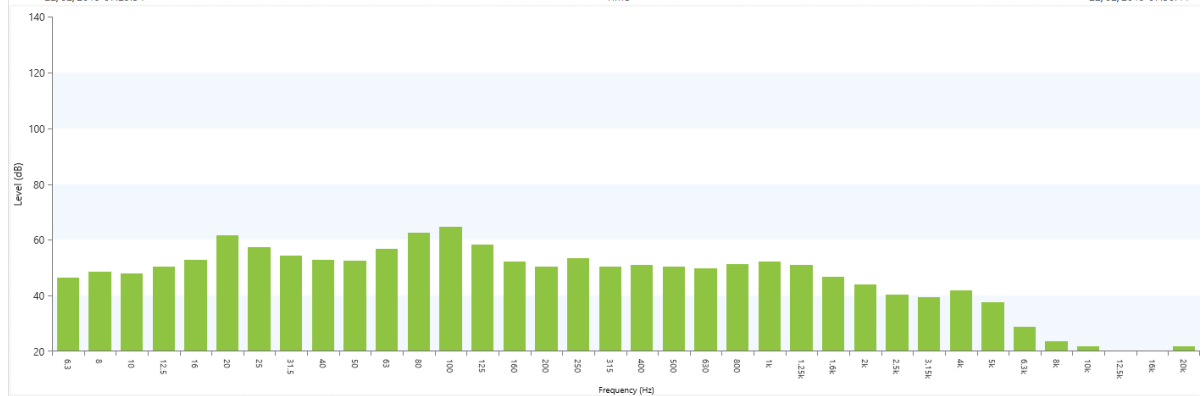
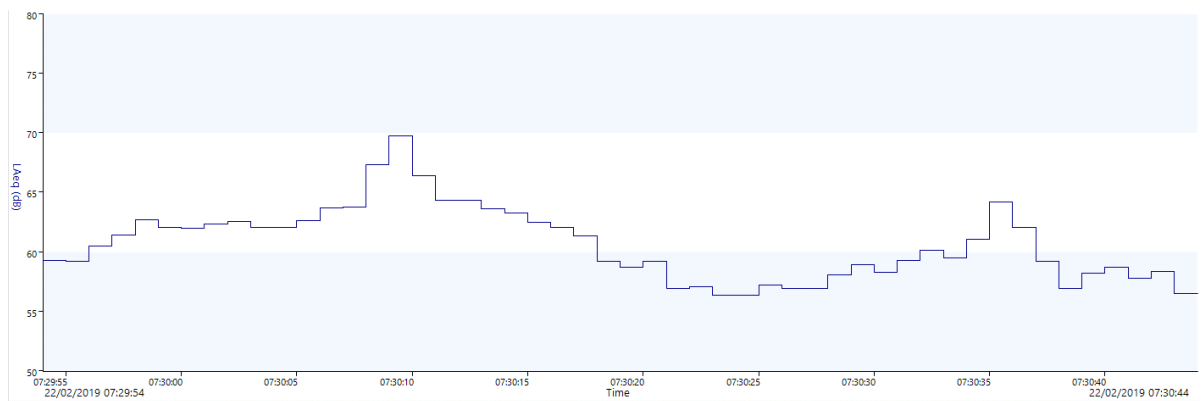
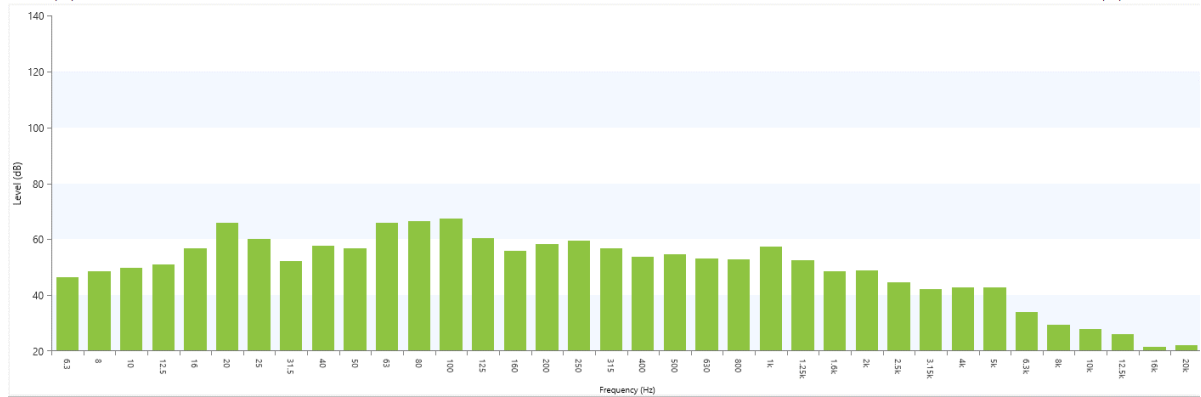
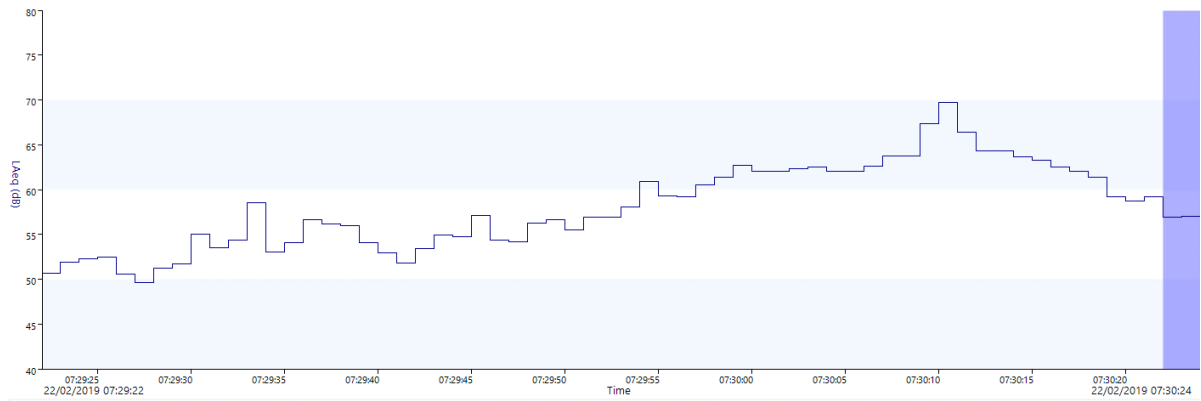
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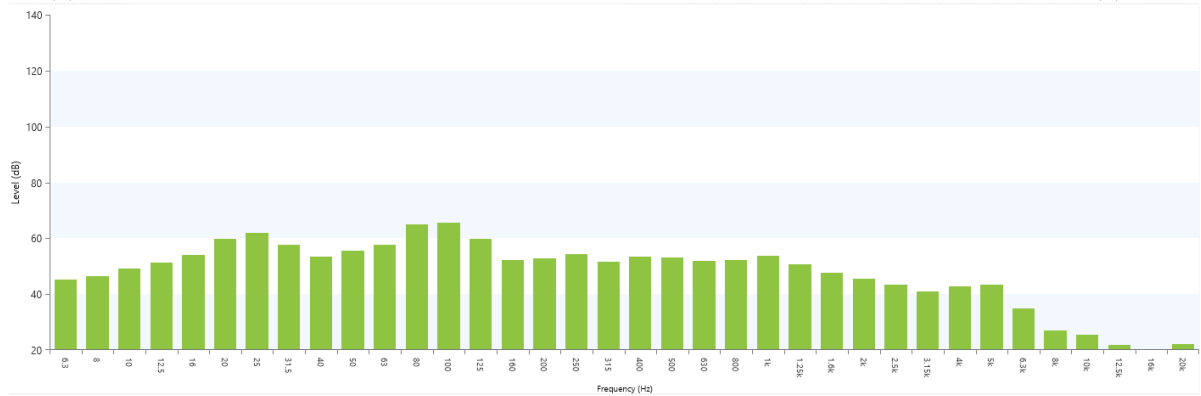
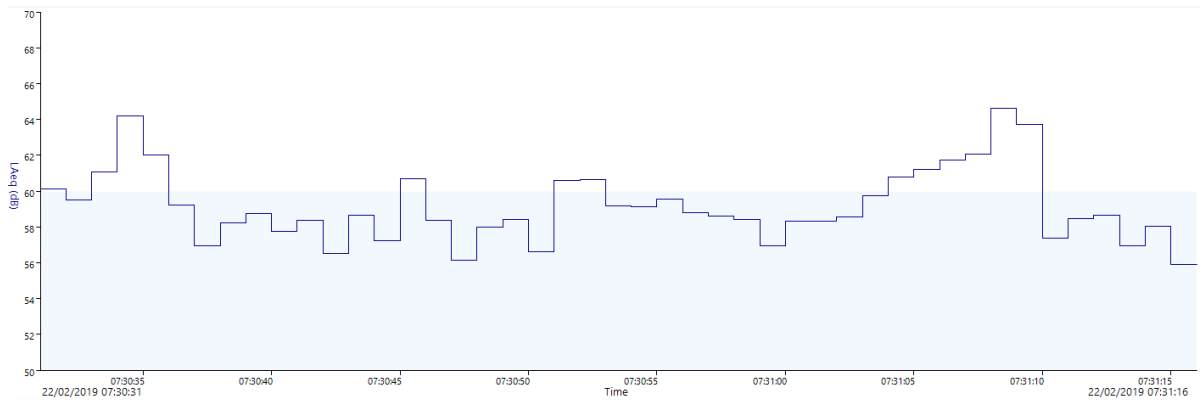
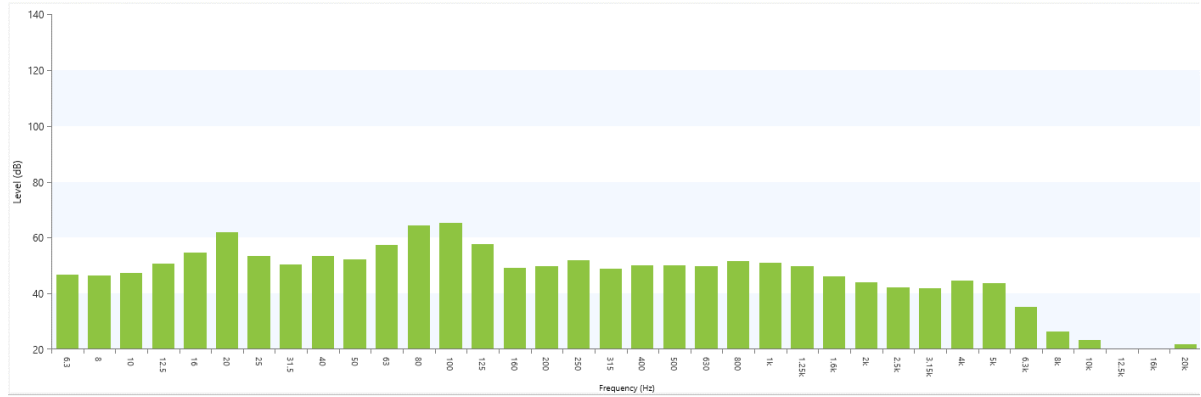
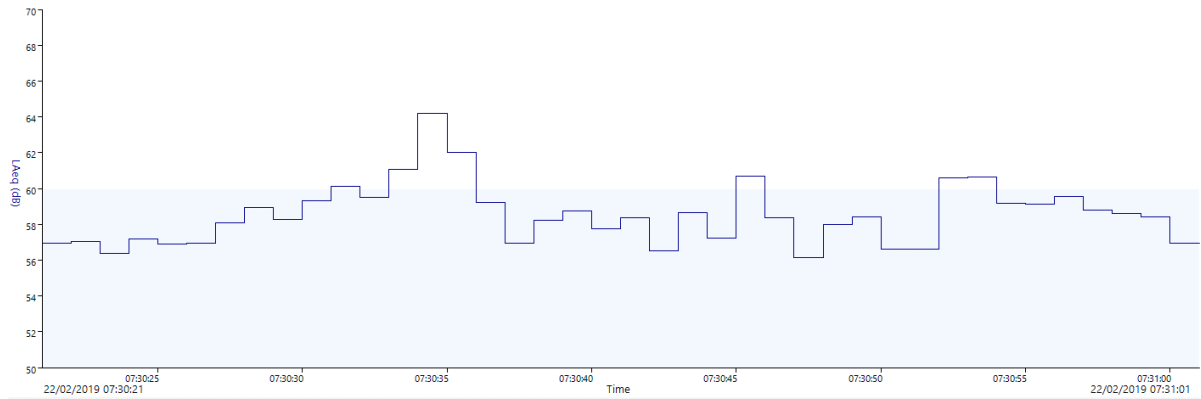
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| 21/02/2019 15:47:11 | 8 | 60.7 | 69.1 | Engine - vehicle manoeuvring + horn toot |
| 21/02/2019 15:57:11 | 8 | 58.6 | 64.1 | door slamming - Car driving away |
| 21/02/2019 15:59:17 | 6 | 58.6 | 63.1 | Birdsong - vehicle audible |
| 21/02/2019 16:18:12 | 12 | 58.0 | 60.5 | Light aircraft audible overhead - + vehicle |
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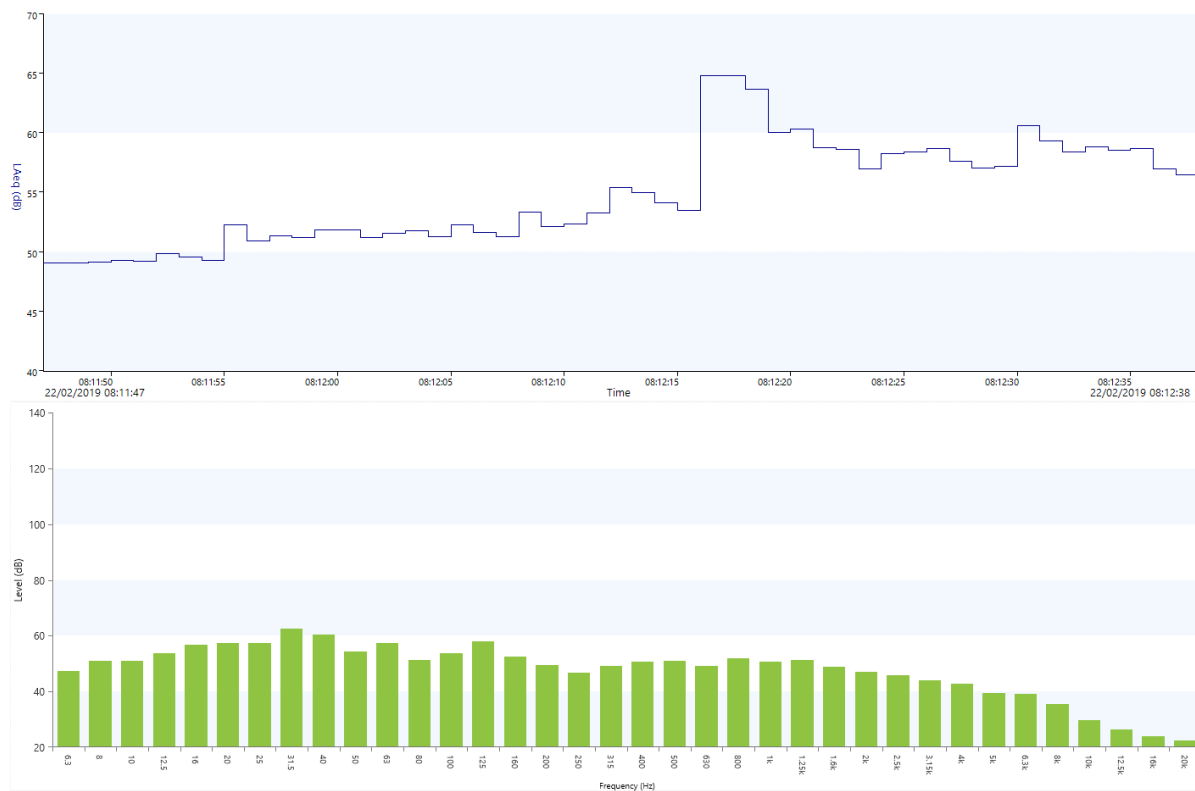












SCHEDULE A: Applications with Recommendation

18/1088

Item No: 02

Date of Committee: 22/03/2019

Appn Ref No:
18/1088

Applicant:
Genesis Homes

Parish:
Burgh-by-Sands

Agent:
Genesis Homes

Ward:
Burgh

Location: Land Adjacent To King Edwards Fauld, Burgh By Sands, Carlisle, CA5 6AR

Proposal: Erection Of 24no. Dwellings And Associated Infrastructure

Date of Receipt:
11/12/2018

Statutory Expiry Date
12/03/2019

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 agreement to secure:
- a) the provision of four affordable dwellings (two for discounted sale and two for social rent);
 - b) a financial contribution of £16,600 to support the off-site improvement of open space in Burgh-by-Sands
 - c) a financial contribution of £98,216 (based on DfE multiplier of £24,554 per pupil place) to Cumbria County Council towards education provision.
- 1.2 If the Section 106 Agreement is not completed within a reasonable time, then Authority to Issue a Refusal Notice is requested to the Director of Economic Development.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale And Design Of The Dwellings Would Be Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

- 2.4 Impact Of The Proposal On The Burgh-by-Sands Conservation Area
- 2.5 Impact On Hadrian's Wall World Heritage Site
- 2.6 Drainage Issues
- 2.7 Highway Matters
- 2.8 Provision Of Affordable Housing
- 2.9 Education
- 2.10 Open Space
- 2.11 Biodiversity
- 2.12 Archaeology

3. Application Details

The Site

- 3.1 The site covers an area of approximately 1 hectare and is currently in agricultural use. Hedgerows run along the eastern and southern site boundaries and there are two existing field gates that provide access into the site, one from Amberfield and one from King Edwards Fauld.
- 3.2 The site is located on the edge of Burgh-by-Sands, immediately adjacent to the residential development of King Edwards Fauld and directly to the west of dwellings on Amberfield. Burgh-by-Sands Primary School lies approximately 40m to the south-east of the application site.
- 3.3 The site is allocated for housing in the adopted Local Plan. The site lies within the Hadrian's Wall World Heritage Site Buffer Zone and lies adjacent to the Burgh-by-Sands Conservation Area.

Background

- 3.4 An outline planning application with all matters (except access) reserved for subsequent approval was granted in June 2016. The Planning Statement that was submitted with the application referred to a development of between 20 and 25 houses. Access was shown via King Edwards Fauld.

The Proposal

- 3.5 This proposal is seeking full planning permission for the erection of 24 dwellings. Access would be taken from Amberfield which adjoins the eastern site boundary. Three two-storey dwellings would front onto Amberfield, with the side elevation of one of these adjoining Kings Edward Fauld. The side elevation of a bungalow would also face Amberfield and this would face the new access road into the development . Part of the development would also adjoin the western boundary of King Edwards Fauld.
- 3.6 The development would contain ten different house types, which would include detached and semi-detached properties ranging from two-bedroom to five-bedroom. Sixteen of the dwellings would be two-storey, seven would be bungalows and one would be two-and-a-half storey. Four of the dwellings would be affordable, with two being for discounted sale and two being for

social rent.

- 3.7 The dwellings would be constructed predominantly of brick with stone sills and heads, with some render sections under a grey slate effect tiled roof. Windows would be upvc with glazing bars, with doors being composite wood grain and rainwater goods being black upvc. The dwellings would incorporate a variety of design features to add visual interest including two-storey projecting gables, single-storey sections, bay windows and open porches. The majority of dwellings would have garages, which would either be integral, attached or detached.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to twenty-eight neighbouring properties. In response, five letters of objection have been received which make the following points:

- building 24 homes with multiple bedrooms to house families will affect the school intake which is already high - will any provisions be made for this?;
- there are already lots of children in the village not at school intake age yet whom this might affect;
- the main sewer has been prone to blockages in the past particularly at the start of Amberfield - question how the current sewer structure has capacity to serve an additional 24 family properties;
- concerns about main sewer being able to cope with the development - it has not been upgraded for 80+ years;
- is the road on Amberfield adequate to accommodate additional traffic - this is narrow running alongside the development;
- the road requires attention to a dip opposite King Edwards Fauld which will worsen with more traffic;
- traffic at school run times causes access issues for residents on Amberfield and King Edwards Fauld;
- previous traffic counts will not provide evidence on the impact of an additional 24 dwellings/ 40+ cars will make;
- loss of privacy to occupiers of dwellings on King Edwards Fauld that adjoin the site;
- increased noise levels from the development which will affect the quality of life for residents at King Edwards Fauld and Amberfield;
- Plot 17 is too close to 1 King Edwards Fauld - should be 12m between any wall of a building and a primary window (1 King Edwards Fauld has patio doors in the living room);
- there are 2 rear exit doors on Plot 17 too close to the boundary with 1 King Edwards Fauld which would increase noise and prevent the occupier from the right to live peacefully;
- the dining room rear exit door on Plot 17 should be removed;
- the ground and first floor windows on the east elevations of Plots 13, 14 & 15 should be removed;
- the 2 visitor parking spaces next to Plot 17 should be removed and replaced with shrub planting all the way down to the boundary with 1 King

Edwards Fault;

- 6 to 8 2m high evergreen trees should be planted on the boundary adjoining the back of 1 & 2 King Edwards Fault to prevent overlooking;
- no street lighting is shown on the plans - would like to query the location of street lighting to ensure it would not have an adverse impact on the occupiers of 1 to 3 King Edwards Fault;
- Burgh-by-Sands is a small village and should be kept like that.

4.2 County Councillor Trevor Allison has submitted a letter in response to the application which raises the following issues:

- parking around Burgh School is a particular issue. The road to the front of the school (U1119) is narrow. There is a history of disputes with parents parking on private property. Agricultural vehicles can be held up on the road at school opening and closing times. There is real concern for the safety of the children;
- disappointed that County Highways does not acknowledge lack of parking for the school is an issue in their response to this application. However, they do comment that the provision in the application for 54 cars is not sufficient and that it should be 62, on the grounds of the inadequacy of rural bus services and the reliance on car travel. In 1996 at a local public inquiry, Professor Whitelegg stated that each household generates 7 car journeys a day. This has never been challenged and on that basis this development will add an additional 170 car movements per day in close proximity to the school;
- given the above background it was anticipated that Highways would require some parking provision to address this problem. Indeed they have made just that suggestion in the current application for only five houses on land adjacent to Raughton Head school;
- the County Council calculate that there will be 5 primary school places generated by this development and a requirement to provide transport for 4 secondary pupils.
- due to its proximity and width of road in the estate, (assuming that it will be adopted), the parents may find it more convenient to park within the new development, and transfer the problem there;
- for the Section 106 contribution the city council Green Spaces Manager requested a sum of £25,000 for local amenities, but this was reduced to £15,000 on the grounds that this was the sum agreed at the outline planning stage. (It is disappointing that we have acceded to this lower amount since the outline planning permission has in fact lapsed). Allowing for inflation over a 3 year period this amounts to just over £16,000. This is intended for equipment on the nearby play area and to be administered by the Parish Council;
- from discussions with both the parish council, the school and residents, I suggest that provision of off road parking adjacent to the school, has a far greater amenity value for the safety and welfare of the children than additional play equipment;
- ask that Highways reconsider their recommendations made in their response as statutory consultees to include parking provision as they have done at Raughton Head. This appears to be ruled out on the development site with the provision of three additional houses. The S106 allocation should

be assigned to the parish council with the option of allocating this sum for the provision of off road parking for the school should that prove feasible;
- ask that County Highways support the Parish Council in their endeavours to identify and secure a strip of land for this purpose.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections subject to conditions (construction details of road; provision of visibility splays; provision of access road to sub base; submission of Construction Phase Traffic Management Plan; submission of surface water drainage scheme);

Local Environment, Waste Services: - no objections in principle to the layout. In the areas of the development with block paving there will need to be a shared collection point;

Natural England: - no objections;

Historic England - North West Office: - no objections;

Cumbria County Council - (Archaeological Services): - no objections, subject to conditions (programme of archaeological work);

Northern Gas Networks: - no objections;

Burgh-by-Sands Parish Council: - the range and sizes of the dwellings are good and the use of vernacular building materials is applauded. The size range of the social houses is limited. Would like to object for the following reasons:

1. size of plots - too many small gardens providing a lack of amenity for each dwelling - this contrasts with their setting in Burgh which is a very open, well spaced village;
2. school places - there is a lack of school places at Burgh school - transport to other schools for junior and all senior students needs to be considered;
3. the School Road (U1119) - the road onto which the development links is narrow which will cause congestion at peak times. Parking around the school at pick up and drop off times is a major issue/ safety concern - off road parking provision is required and the provision of single yellow lines to reduce parking and congestion might be considered. Traffic access from the cross roads in Burgh has poor visibility and does not flow freely whilst the route from Moorhouse is narrow and has 23 agricultural entrances. The proposed footpath beside the school road could be moved in order to facilitate a widening of the road by Amberfield. S106 monies should be used to purchase neighbouring land to complete the length of the footpath to the school entrance and to provide additional parking in front of the school. Egress from all properties should be onto King Edwards Field and not school road;
4. sewage and drainage - the development will double the input of the sewage system in this area. The sewer was constructed in the 1930s and the infrastructure and pipe work cannot cope with existing levels of input during peak times. This development will stress this aging system further as it does

not have capacity for holding further volume. There have been reports of pollution attributed to failures in the pipe work. Where is the surface water going to go? The site is underlain in part by an impermeable layer so it may not soak away naturally. There is already flooding in Amberfield during periods of high rain;

Local Environment - Environmental Protection: - no objections, subject to conditions (unsuspected contamination);

Planning - Access Officer: - no objections;

United Utilities: - no objections, subject to conditions (foul and surface water drainage);

Green Spaces: - requested a contribution of £16,600 to improve the existing children's play area that lies within 70m of the development boundary;

Cumbria County Council (Education Department): - requested a financial contribution of £98,216 in relation to secondary education.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are Policies SP1, SP2, SP6, HO1, HO4, HO10, HE1, HE7, IP3, IP4, IP6, CC5, GI3, GI4, GI6, CM2 and CM4 of the Carlisle District Local Plan 2015-2030 and the council's Supplementary Planning Documents (SPD) "Achieving Well Designed Housing" and "Affordable and Specialist Housing" are also material considerations.
- 6.3 The proposal raises the following planning issues:
 1. Whether The Proposal Is Acceptable In Principle
- 6.4 The site is allocated for residential development in the adopted Carlisle District Local Plan 2015-2030. The site was identified as the preferred site for housing development in Burgh-by-Sands by local residents in a Rural Master Planning exercise and was favoured by the Parish Council. Policy HO1 identifies that the site (R6) could accommodate approximately 25 dwellings.
- 6.5 In June 2016, outline planning permission was granted for residential development on this site. The Planning Statement that was submitted with the application referred to a development of between 20 and 25 houses.

- 6.6 In light of the above, the proposal would be acceptable in principle.
2. Whether The Scale And Design Of The Dwellings Would Be Acceptable
- 6.7 This proposal is seeking full planning permission for the erection of 24 dwellings. Access would be taken from Amberfield which adjoins the eastern site boundary. Three two-storey dwellings would front onto Amberfield, with the side elevation of one of these adjoining Kings Edward Fauld. The side elevation of a bungalow would also face Amberfield and this dwelling would face the new access road into the development.
- 6.8 The development would contain ten different house types as follows:
- Esk - three-bed detached bungalow - 3 in total
 - Dee - two-bed detached bungalow - 4 in total
 - Eden - four-bed detached two-storey dwelling - 3 in total
 - Gelt - three-bed two-storey semi-detached dwelling - 2 in total
 - Whillan - five-bed detached two-and-a-half storey dwelling - 1 in total
 - Lowther - four-bed detached two-storey dwelling - 3 in total
 - Derwent - three-bed detached two-storey dwelling - 3 in total
 - Ellen - four-bed detached two-storey dwelling - 1 in total
 - Caldew - two-bed semi-detached dwelling - 2 in total
 - Petterill - three-bed detached dwelling - 2 in total
- 6.9 Four of the dwellings would be affordable, with two being for discounted sale (Petterill) and two being for social rent (Caldew).
- 6.10 The dwellings would be constructed predominantly of brick with stone sills and heads, with some render sections under a grey slate effect tiled roof. Windows would be upvc with glazing bars, with doors being composite wood grain and rainwater goods being black upvc. The dwellings would incorporate a variety of design features to add visual interest including two-storey projecting gables, single-storey sections, bay windows and open porches. The majority of dwellings would have garages, which would either be integral, attached or detached.
- 6.11 A 1m high wall would be erected adjacent to Amberfield, to the rear of a 2m footpath which would be provided. Within the development 1.8m brick walls would be used to form boundaries adjacent to roads, with 1.8m vertical close boarded fencing being provided between plots and 1.2m high vertical close boarded fencing being provided on boundaries with the adjoining field.
- 6.12 A pumping station would be provided immediately to the west of the dwellings. This would be enclosed by 1.8m high vertical close boarded fencing.
- 6.13 The Council's Heritage Officer has noted that some effort has been made to positively address the access road at Amberfield, with parking pulled to the side of units 22 and 24. Unit 22 adequately articulates the corner and presents an acceptable elevation to both Amberfield and the new access. He

does, however, have some concern over the suitability of the single-storey Unit 1 to form the other corner and would prefer a two-storey, dual aspect dwelling on this Plot.

- 6.14 He has also raised concerns about the proposed roofing material. The roofscape of the scheme is critical to its successful integration into Burgh-by-Sands and a natural slate roof should be used throughout. Heavy manmade tiles and overly scaled projecting fascias and soffits are not a feature which reflects local distinctiveness.
- 6.15 The site is not within the Burgh-by-Sands Conservation Area and would not be visible from it. The proposed bungalow on Plot 1 is considered to be acceptable and would add some variety to the streetscene. The proposal is seeking to use two different brick types and some sections of render, with stone sills and heads. The roofing materials would have a thin leading edge and would be grey to give a slate effect. A condition has been added to require the applicant to submit samples of the proposed roofing materials for approval by the Local Planning Authority. Given the sites location the proposed materials are considered to be acceptable.
- 6.16 The Parish Council considers that the range and sizes of the dwellings are good and it applauds the use of vernacular building materials. It does, however, consider that there are too many small gardens which provide a lack of amenity value for each dwellings and this contrasts with their setting in Burgh-by-Sands which is a very open, well spaced village. The proposed development would provide 24 dwellings per hectare which is a relatively low density development. The size of the gardens are considered to be acceptable and some of the dwellings are set in fairly generous plots.
- 6.17 The layout of the proposed development would be acceptable. A range of house types would be used and these would incorporate a variety of design features to add visual interest. The scale and design of the proposed development would, therefore, be acceptable.

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

- 6.18 Existing residential properties on King Edwards Fauld adjoin the application site to the north east, with dwellings that front on to Amberfield facing the site.
- 6.19 The dwellings that are to be provided to the rear of King Edwards Fauld would be single-storey. The dwellings that would be nearest to King Edwards Fauld (Plots 16 and 17) have been positioned so that they would not sit directly to the rear of 1 and 2 King Edwards Fauld, which have rear elevations facing the site. Plot 15 would have a side elevation in line with the rear elevations of 2 King Edwards Fauld but this would be a single-storey and would be over 21m away. Plot 14 would lie directly to the rear of 1 King Edwards Fauld but this dwelling would be single-storey and would be over 33m away. No. 3 King Edwards Fauld has a blank side elevation facing Plot 16 with the front and rear elevations of this dwelling, which contain the main

primary windows, being unaffected.

- 6.20 The land to the rear of 1 and 2 King Edwards Fauld would form the driveway and parking area to Plot 16. A 1.2m high fence is shown on the boundary between the parking area and 1 and 2 King Edwards Fauld. The developer is happy to increase the height of the fence to 1.8m but this could have an adverse impact on the occupiers of these dwellings. It has been suggested that trees could be planted in this area. Whilst the developer is happy to do this he is concerned that the trees would cause a loss of light to 1 and 2 King Edwards Fauld. A 1.2m fence on this boundary is considered to be the most appropriate option.
- 6.21 The dwellings on Amberfield that would face the development would have front elevations over 21m away from the proposed dwellings, with the exception of 10 Amberfield. This dwelling would be a minimum of 18.5m away from the front elevation of Plot 23 and 19m from the front elevation of Plot 24. The dwelling sits at slight angle and would not directly face Plots 23 and 24 and this distance is, therefore, considered to be acceptable.
- 6.22 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

4. Impact Of Proposal On Burgh-by-Sands Conservation Area

- 6.23 The site adjoins the Burgh-by-Sands Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:

"special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".

- 6.24 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.25 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.26 The site is allocated for housing in the adopted Local Plan and residential development on the site is, therefore, acceptable in principle. The proposed layout and design of the development is considered to be acceptable.
- 6.27 There are a number of mature trees on the northern site boundary which limit public views into, and out of, the conservation area. The dwellings at

King Edwards Fauld, which adjoin the site, are a mixture of single and two-storey properties that are finished in render, under slate roofs. The dwellings at Amberfield are brick with slate roofs. The proposed dwellings would be predominately brick with some sections of render which would be acceptable given the site's context. The proposed roofing materials would be slate effect tiles and this is considered to be acceptable, given that the site is not within the conservation area and that public views into and out of the conservation area are limited.

- 6.28 In light of the above, the proposal would not have an adverse impact on the Burgh-by-Sands Conservation Area.

5. Impact On Hadrian's Wall World Heritage Site

- 6.29 The site would not be visible from the World Heritage Site but it does lie within the buffer zone.
- 6.30 Historic England has been consulted on the application and confirmed that it has no objections to the proposal on heritage grounds.

6. Drainage Issues

- 6.31 Foul drainage would be discharged to the existing adopted combined sewer located to the east of the site via a proposed foul pumping station, which is located at the western end of the development and this is acceptable to United Utilities. A cellular infiltration system would be utilised for the disposal of surface water from the dwellings and the public highways.
- 6.32 The Parish Council and objectors have raised concerns about the impact of the proposed development on the existing sewerage system in the area, which is inadequate and cannot cope with existing levels of input at peak times. The main sewer has been prone to blockages in the past, particularly at the start of Amberfield and question how the current sewer structure has capacity to serve an additional 24 family properties. There is already flooding in Amberfield during periods of heavy rain.
- 6.32 The Lead Local Flood Authority has been consulted on the application and has raised no objections to the proposal, subject to the imposition of a condition which requires the submission of a Surface Water Drainage Scheme for approval in writing by the Local Planning Authority.
- 6.33 The applicant has demonstrated that the soakaway can be located away from the pumping station structure and the final detailed design should demonstrate that the soakaway can meet the requirements of the building regulations in terms of the distance of its location from any buildings.

7. Highway Matters

- 6.34 A number of objectors have raised concerns about Amberfield, which is a narrow road and question if it would be able to accommodate the additional traffic that the development would generate.
- 6.35 The Local Highway Authority has been consulted on the application. The

applicant has now provided sufficient information to alleviate concerns in relation to visibility splays, parking provision, overhang, extension of the highway and the surface water drainage. The Local Highway Authority, therefore, has no objections to the proposal, subject to the imposition of a number of conditions.

- 6.36 The Parish Council has raised concerns about the narrowness of the Amberfield which causes congestion at peak times. It has requested that the proposed footpath beside Amberfield should be moved in order to facilitate widening of the road. The Local Highway Authority consider that the widening of a small section of Amberfield could create visibility issues.
- 6.37 The Parish Council and Cllr Trevor Allison have also raised concerns about the lack of parking at Burgh-by-Sands School which is increasing congestion in the area. It is suggested that S106 money should be used to purchase neighbouring land to provide parking for the school, with the Parish Council also wanting the footpath completed to the school entrance. Cllr Allison has suggested that the S106 money that is earmarked for upgrading the play area near to the site should be given to the Parish Council and used for the provision of off road parking for the school, should that prove feasible.
- 6.38 Any requests for S106 contributions have to be directly related to the development. Whilst 24 new dwellings are being built on land opposite the school, the development is highly unlikely to generate additional vehicle movements to the school given the close proximity of the dwellings to the school. Indeed, the development is more likely to reduce vehicle movements to the school as children from this development, who would be able to walk to the school, might displace children that are currently driven to the school. On this basis, it would not be reasonable to require the developer to fund additional parking for the school which would resolve an on going problem but not one directly related to the development.

8. Provision Of Affordable Housing

- 6.39 Policy HO4 of the adopted Local Plan requires all sites of 11 units or more (within Zone B, which includes Burgh) to provide 20% of the units as affordable housing. The application includes four affordable units (two 2-bed and two 3-bed units) two of which would be for discounted sale and two of which would be for affordable rent, which would be acceptable. The application also incorporate seven bungalows which is supported. In light of the above, the Council's Housing Development Officer has confirmed that he has no objections to the proposal subject securing a Registered Provider partner for the affordable rental units.

9. Education

- 6.40 Using the dwelling mix provided (six 2-bed, eleven 3-bed and seven 4+-bed) and the dwelling led model outlined in the County Council's Planning Obligations Policy it is estimated that a pupil yield of nine children would be generated from this development: 5 primary and 4 secondary pupils.
- 6.41 The site lies within the catchment of Burgh-by-Sand Primary School. The County Council has confirmed that there are currently five spaces available

in the school, which is sufficient space to accommodate the pupil yield from this development.

- 6.41 The catchment secondary school is Caldew School in Dalston. This school is projected to be full and the developer would, therefore, be required to provide an education contribution of £98,216 (4*£24,554). A multiplier of £24,554 has been used, which is the £18,188 multiplier identified in the County Council Planning Obligations Policy (2018) index linked using the BCIS All in Tender Price Indexation.
- 6.42 Whilst Caldew School is over the statutory walking distance there is currently capacity on existing bus services. No secondary school transport contribution is, therefore, required.

10. Open Space

- 6.43 Policy GI4 of the adopted Local Plan requires new housing developments of over 20 dwellings to include informal space for play and general recreational or amenity use on site.
- 6.44 There is an existing children's play area within 70m of the application site and the applicant is proposing to provide a financial contribution towards improvements/ maintenance of this off-site facility in lieu of making provision on site. The outline planning permission was to provide a contribution of £15,000 for this purpose. The Green Spaces Manager has agreed that a financial contribution of £16,600 would be acceptable for this application, which is based on the previous figure of £15,000 uplifted by 3.5% p.a. for inflation.

11. Biodiversity

- 6.45 The application is accompanied by an Ecological Appraisal which incorporates a Phase 1 Habitat Survey. The Ecological Appraisal found that the site is relatively poor in terms of ecological value. The field is bounded by hedgerows on its southern, western and eastern sides. The hedgerows on the southern and western boundaries are most worthy of retention, with the hedgerow on the eastern site boundary having less ecological value. The hedgerows on the southern and western boundaries of the field would be retained, with some new trees and hedgerows being planted within the site to mitigate for the loss of the hedgerow on the eastern site boundary. The introduction of gardens should have a positive impact on biodiversity.
- 6.46 Natural England has been consulted on the application and has raised no objections to the proposal. Based on the plans submitted, Natural England considers that the proposed development would not have a likely significant effect on the Upper Solway Flats & Marshes Special Protection Area or on the Upper Solway Flats & Marshes Ramsar. It also considers that the proposed development would not damage or destroy the interest features for which the Upper Solway Flats & Marshes SSSI has been notified.

12. Archaeology

- 6.47 The application site lies in an area of archaeologist interest and as a consequence the applicant has submitted an Archaeological Evaluation of the site. This confirms that Roman archaeological remains would be disturbed by the proposed development. These remains are not of national significance requiring protection through designation but are of sufficient interest to warrant the implementation of a programme of further archaeological investigation to record them prior to their disturbance. In the event planning consent is granted, a programme of archaeological work should be commissioned and undertaken at the expense of the developer and this can be secured through the inclusion of two conditions in any planning consent.

Conclusion

- 6.48 The application site is allocated for housing in the adopted Local Plan and the proposal is, therefore, acceptable in principle. The layout, scale and design of the development would be acceptable. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance or on the Burgh-by-Sands Conservation Area or the Buffer Zone of the Hadrian's Wall World Heritage Site. Subject to the proposed conditions and a S106 Agreement it is considered that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, biodiversity, archaeology, education, or open space. The level of affordable housing is acceptable. The proposal is, therefore, recommended for approval subject to the completion of a S106 Agreement.
- 6.49 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 agreement to secure:
- a) the provision of four affordable dwellings (two for discounted sale and two for social rent);
 - b) a financial contribution of £16,600 to support the off-site improvement of open space in Burgh-by-Sands
 - c) a financial contribution of £98,216 (based on DfE multiplier of £24,554 per pupil place) to Cumbria County Council towards education provision.

7. Planning History

- 7.1 In June 2016, outline planning permission was approved for residential development on this site (15/0617).

8. Recommendation: Grant Permission

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

Reason: In accordance with the provisions of Section 91 of the Town

and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form received 7th December 2018;
 2. the Site Location Plan (drawing ref P(100)001) received 7th December 2018;
 3. the Existing Site Plan (drawing ref P(000)002 Rev A) received 11th December 2018;
 4. the Proposed Site Plan (drawing ref P(100)001 Rev C) received 31st January 2019;
 5. the Proposed Site Sections & Elevations (drawing ref P(400)001) received 7th December 2018;
 6. the Esk Typical Elevations (drawing ref P(300)001 Rev A) received 7th December 2018;
 7. the Esk Typical Floors (drawing ref P(200)001) received 7th December 2018;
 8. the Dee Typical Elevations (drawing ref P(300)002 rev A) received 7th December 2018;
 9. the Dee Typical Floor Plans (drawing ref P(200)002) received 7th December 2018;
 10. the Eden Typical Elevations (drawing ref P(300)003 rev A) received 7th December 2018;
 11. the Eden Typical Floor Plans (drawing ref P(200)003) received 7th December 2018;
 12. the Gelt Typical Elevations (drawing ref P(300)004 rev A) received 7th December 2018;
 13. the Gelt Typical Floor Plans (drawing ref P(200)004) received 7th December 2018;
 14. the Whillan Typical Elevations (drawing ref P(300)006 rev B) received 7th March 2019;
 15. the Whillan Typical Floor Plans (drawing ref P(200)006 rev A) received 7th March 2019;
 16. the Caldew Typical Elevations (drawing ref P(300)010 rev A) received 7th December 2018;
 17. the Caldew Typical Floor Plans (drawing ref P(200)010) received 7th December 2018;
 18. the Petterill Typical Elevations (drawing ref P(300)012 rev A) received 7th December 2018;
 19. the Petterill Typical Floor Plans (drawing ref P(200)012) received 7th December 2018;
 20. the Lowther Typical Elevations (drawing ref P(300)018 rev C) received 11th March 2019;
 21. the Lowther Typical Floor Plans (drawing ref P(200)018 rev A) received 11th March 2019;
 22. the Derwent Typical Elevations (drawing ref P(300)019 rev A) received 7th December 2018;
 23. the Derwent Typical Floor Plans (drawing ref P(200)019) received 7th December 2018;

24. the Ellen Typical Elevations (drawing ref P(300)022 rev A) received 7th December 2018;
25. the Ellen Typical Floor Plans (drawing ref P(200)022) received 7th December 2018;
26. the Garages Typical Floor Plans & Elevations (drawing ref P(2020)050 rev A) received 7th March 2019;
27. the Proposed Boundary Treatment Plan (drawing ref P(100)003 rev C) received 31st January 2019;
28. the Proposed Boundary Treatment Details (drawing ref P(500)001) received 7th December 2018;
29. the Drainage Strategy (drawing ref 01 Issue P1) received 7th December 2018;
30. the Planting Plan (drawing ref 01 rev A) received 7th December 2018;
31. the Plant Specification & Schedules (drawing ref 02) received 7th December 2018;
32. the Proposed Affordable Housing Plan (drawing ref P(100)002 rev C) received 31st January 2019;
33. the Proposed Materials Schedule received 7th December 2018;
34. the Update to Ecological Appraisal (Oct 2018) received 7th December 2018;
35. the Phase 2: Ground Investigation Report received 7th December 2018;
36. the Section 106 Draft Heads of Terms received 7th December 2018;
37. the Traffic Survey from WYG received 7th December 2018;
38. the Planning and Affordable Housing Statement received 7th December 2018;
39. the Geo Environmental Engineering Report (GEO2018-3108) received 7th December 2018;
40. the Design and Access Statement (November 2018) received 7th December 2018;
41. the Flood Risk Assessment and Drainage Statement (1806-01) received 7th December 2018;
42. the Archaeological Evaluation - Written Scheme of Investigation (October 2014) received 7th December 2018;
43. the Notice of Decision; and
44. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Samples or full details of all materials to be used on the exterior of each dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with dwellings in the vicinity and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. The development shall be undertaken in strict accordance with the Planting Plan (Dwg No. 01 received, 7th December 2018) and the Plant Specification and Schedule (Dwg No. 02 received 7th December 2018). These works

shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

5. Foul and surface water drainage shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

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

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

The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

7. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To afford reasonable opportunity for the examination and recording of the remains of archaeological interest that survive within the site.

8. A programme of archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority (LPA) shall be carried out within one year of the date of commencement of the hereby permitted development or otherwise agreed in writing by the LPA.

Reason: To ensure that a permanent and accessible record by the public

is made of the archaeological remains that have been disturbed by the development.

9. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall constructed before the development is complete.

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

10. The development shall not commence until visibility splays providing clear visibility of 36 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

11. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason: To ensure that the access roads are defined and laid out at an early stage and to support Local Transport Plan Policies LD5, LD7 & LD8.

12. Development shall not commence until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - details of proposed crossings of the highway verge;
 - retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
 - cleaning of site entrances and the adjacent public highway;
 - details of proposed wheel washing facilities;

- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- surface water management details during the construction phase

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

13. 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.

14. Prior to the commencement of development a scheme of tree and hedgerow protection shall to be submitted to, and agreed in writing, by the Local Planning Authority, and implemented prior to commencement on site.

Within the fenced off area;

- 1 No fires shall be lit within the fenced off area or within 10 metres of the nearest point of the canopy of any retained tree or hedge.
- 2 No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
- 3 No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
- 4 No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.
- 5 No materials or vehicles shall be stored or parked within the fenced off area
- 6 No alterations to the natural/existing ground level shall occur

Reason: To protect existing trees and hedges, in accordance with Policy

CP3 of the Carlisle District Local Plan 2001-2016.

15. No clearance of vegetation shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

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

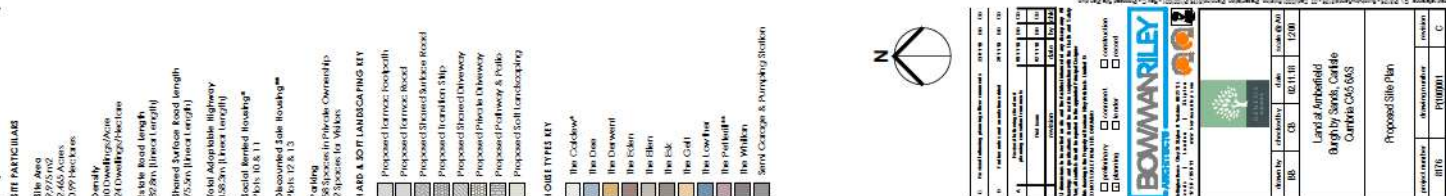
Reason: To prevent disturbance to nearby occupants.

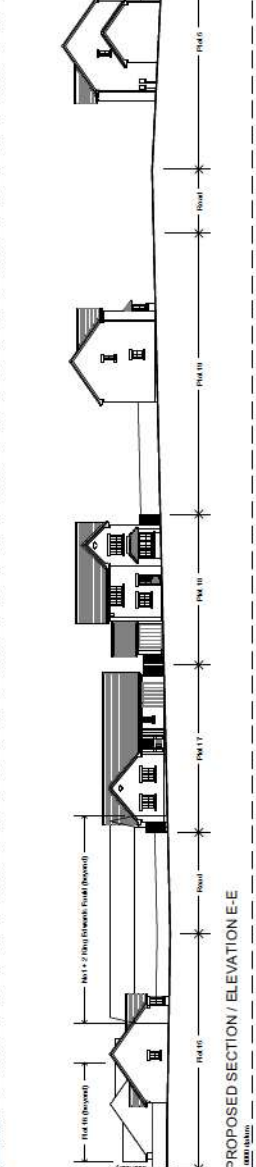
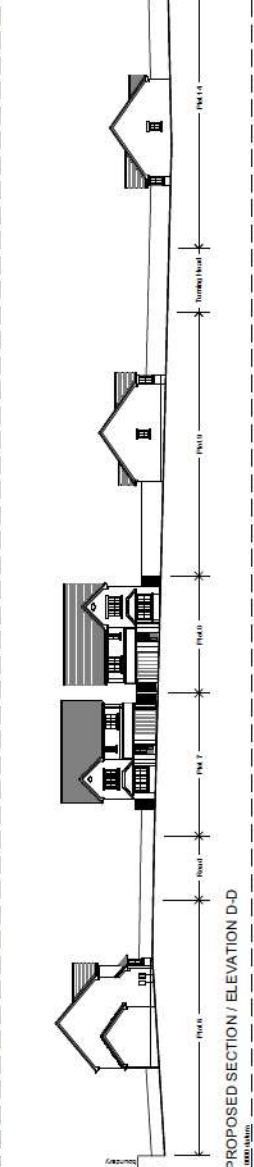
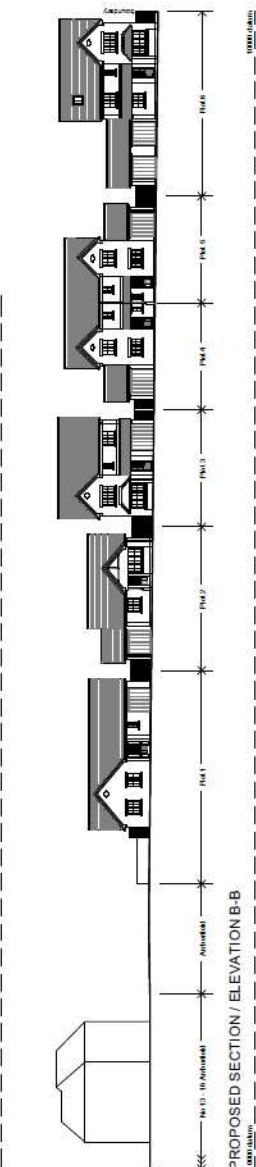
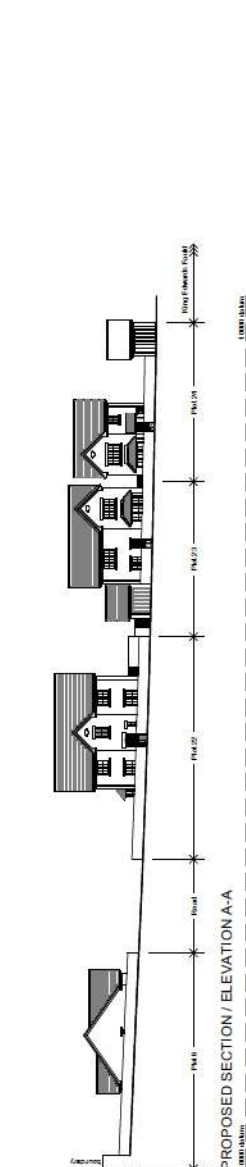
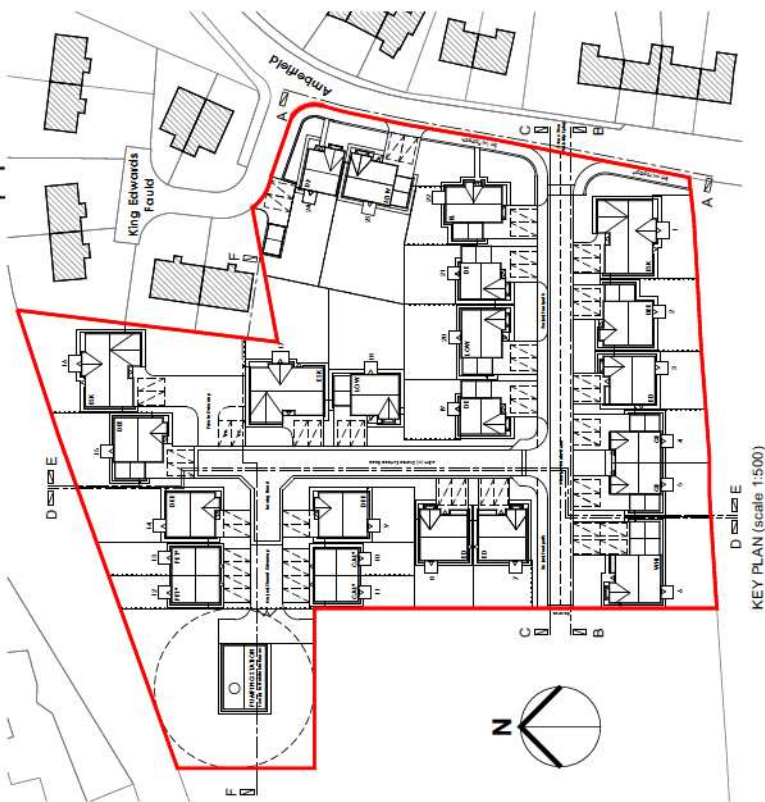
17. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

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

18. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around any retained hedgerows in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fences shall thereafter be retained at all times during construction works on the site.

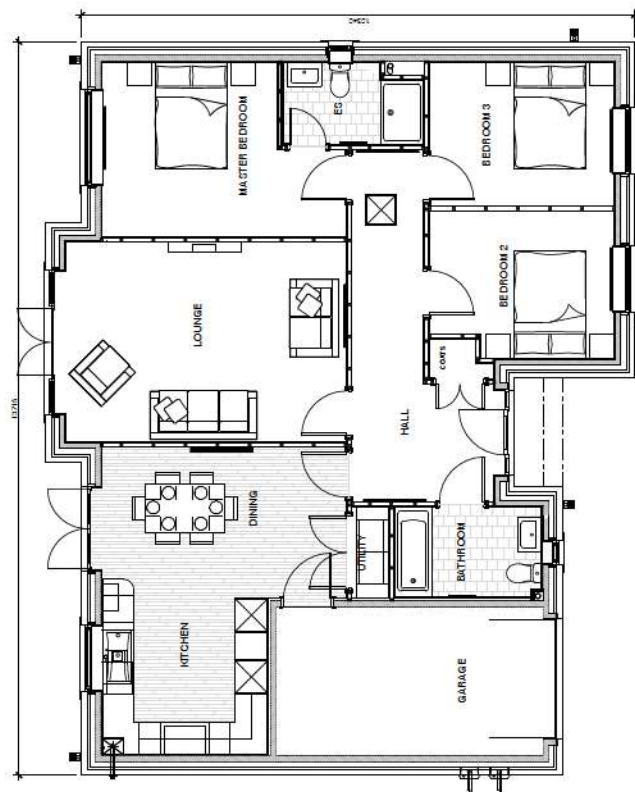
Reason: In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policy GI6 of the Carlisle District Local Plan 2015-2030.





THE ESK
3 Bedroom Detached Bungalow

Area
98.6 sq m
1,061 sq ft



THE ESK
TYPICAL GROUND FLOOR PLAN
Scale 1:50 @ A1


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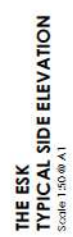

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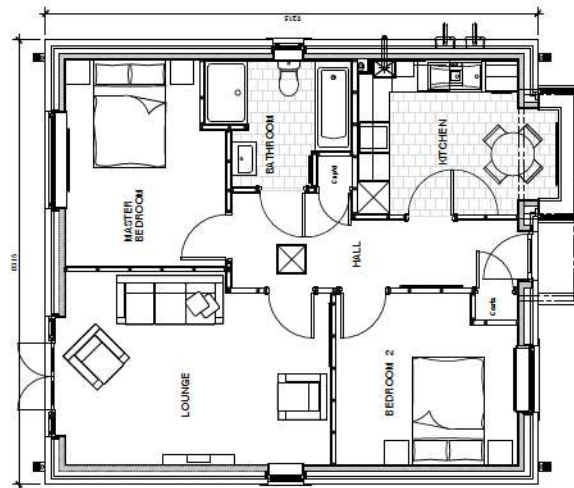
Area
28.6 sq m
1,061 sq ft

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65.5 sq m
705 sq ft



THE DEE
TYPICAL GROUND FLOOR PLAN
Scale 1:50 @ A1

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Typical Floor Plans

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| real | realistic risks |

Area
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| | |
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| 21 | Facing Brick - Weathering Face, Colour: BIC |
| 22 | Random Pile - Random Rough, Colour: BIC |
| 23 | Random Pile - Random Smooth, Colour: BIC |
| 24 | Window Cl/Board - Stone, Colour: BIC |
| 25 | Window Cl/Board - Stone, Colour: BIC |
| 26 | Front Door - Composite Wood Grain, Colour: BIC |
| 27 | Back Door - Composite Wood Grain, Colour: BIC |
| 28 | Front Door - uPVC, Colour: BIC |
| 29 | Garage Door - Aluminium, Colour: BIC |
| 30 | Windows - uPVC with Glazing Bars, Colour: BIC |
| 31 | Windows - uPVC with Glazing Bars, Colour: BIC |
| 32 | Roof Tiles - Weathering Face, Colour: BIC |
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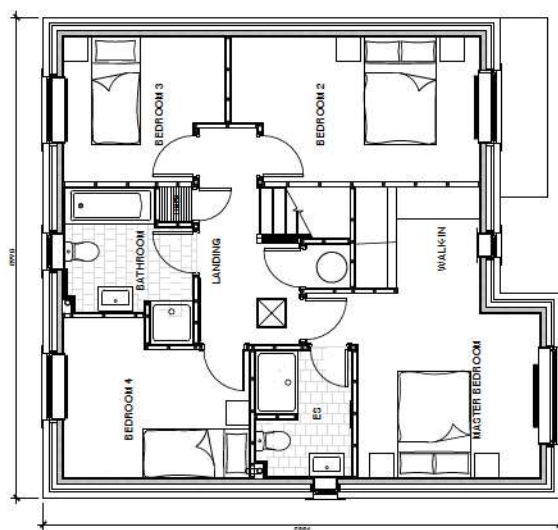
THE EDEN

4 Bedroom Detached House

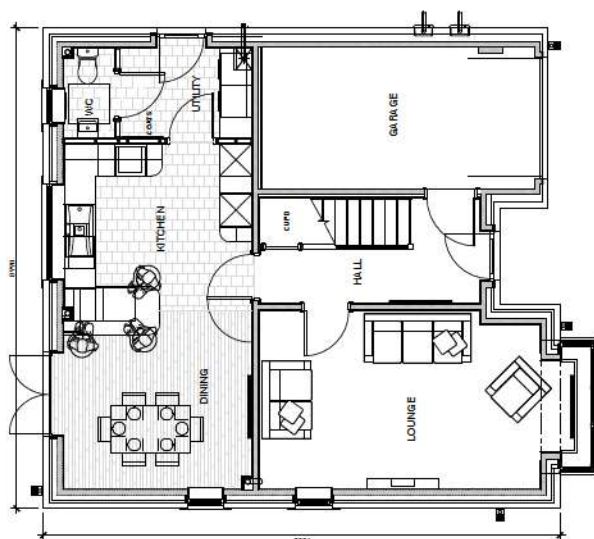
Area

124.3 sq m

1,338 sq ft



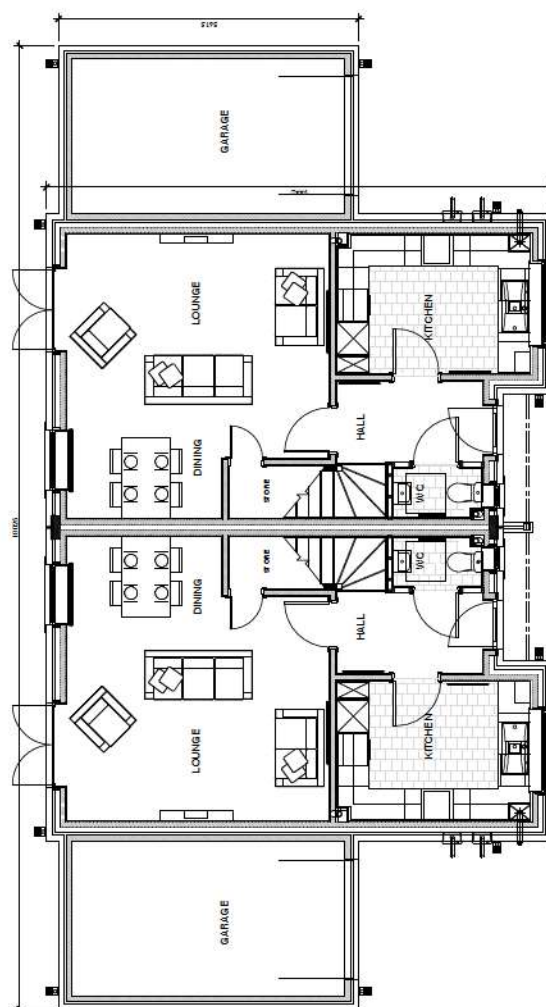
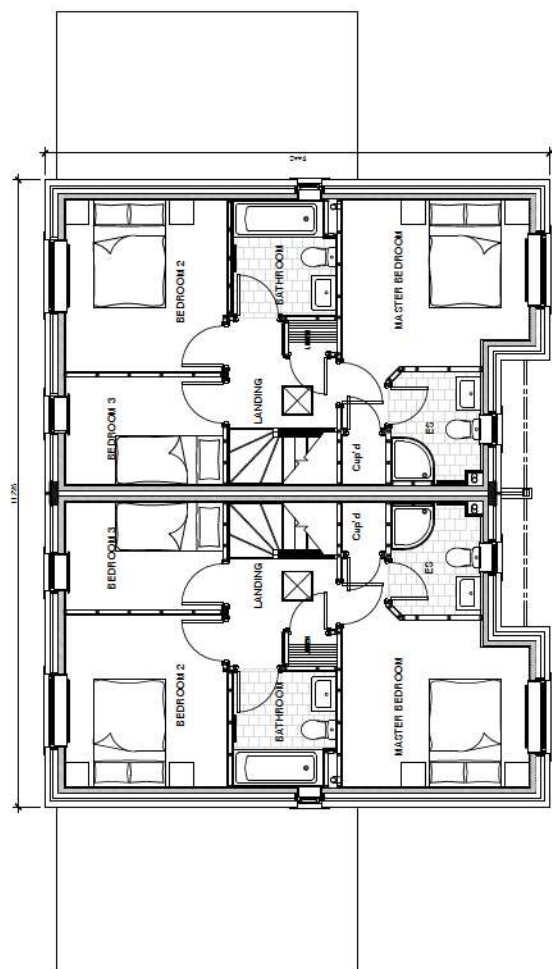
THE EDEN
TYPICAL FIRST FLOOR PLAN
Scale 1:50 @ A1



THE EDEN
TYPICAL GROUND FLOOR PLAN
Scale 1:50 @ A1

[illegible]

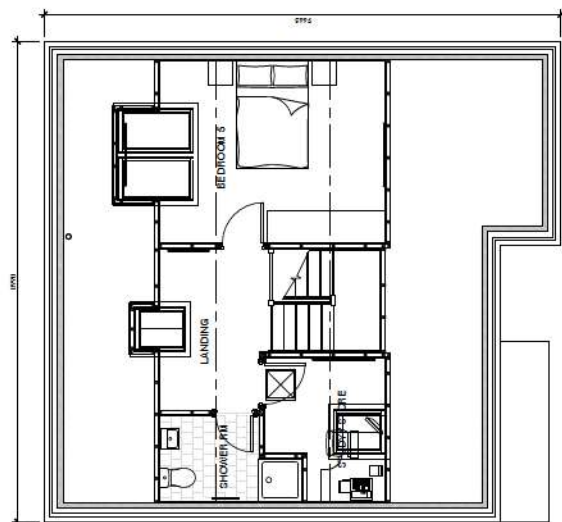




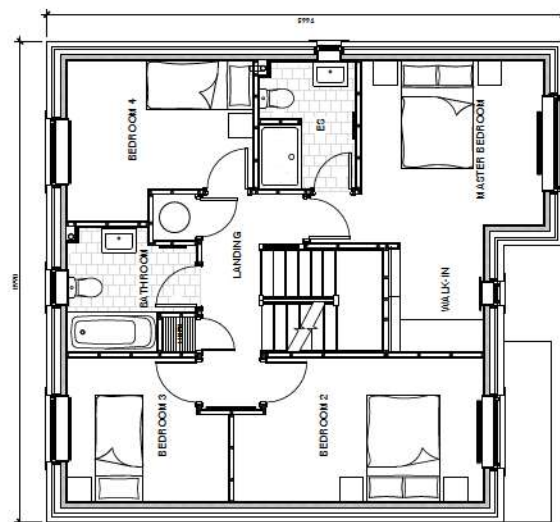
THE GELT
3 Bedroom Semi Detached House
Area
87.4 sq m
240 sq ft

[illegible]

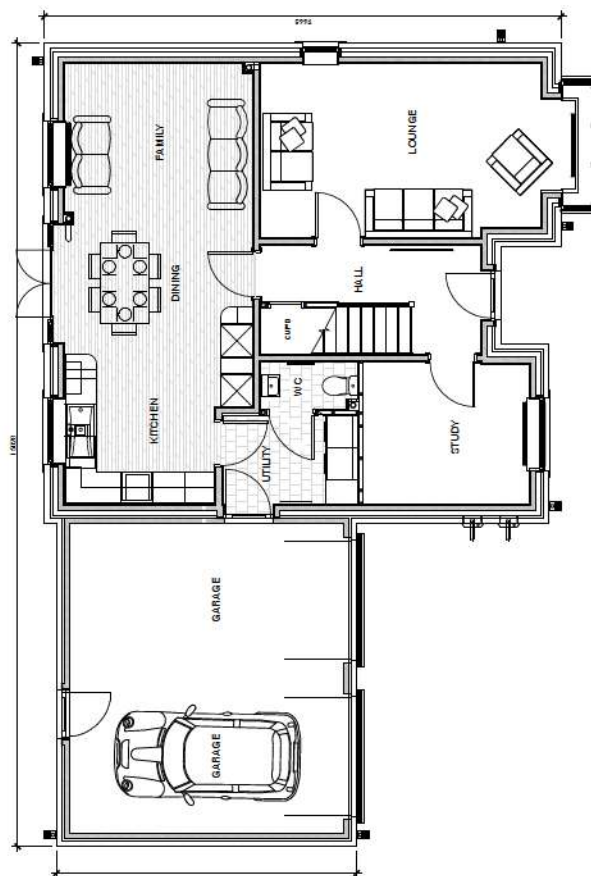
Plus 14.4 sq m / 155 sq ft of additional garage space.



THE WHILLAN
TYPICAL SECOND FLOOR PLAN
Scale 1:50 @ A1



THE WHILLAN
TYPICAL FIRST FLOOR PLAN
Scale 1:50 @ A1

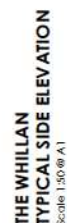


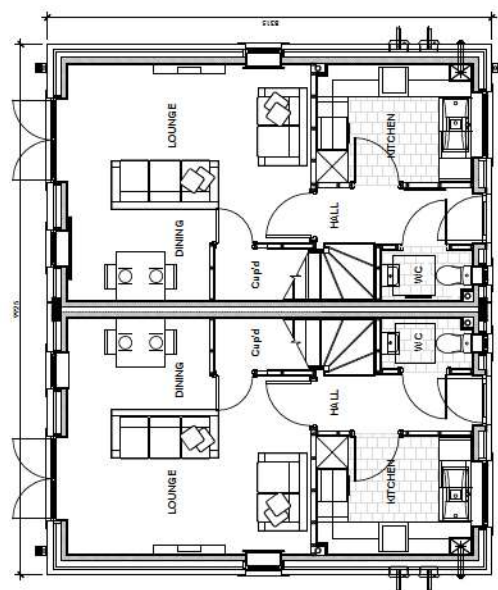
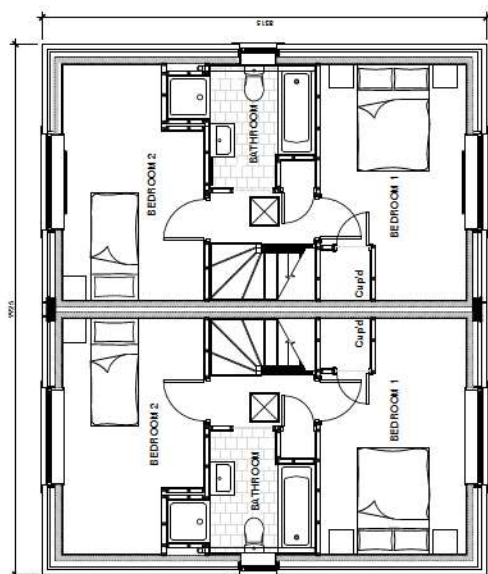
THE WHILLAN
TYPICAL GROUND FLOOR PLAN
Scale 1:50 @ A1

[illegible]

| | | | | | |
|---|---|------|----------------|--|--|
| <ul style="list-style-type: none"> * Method takes into * Period known * Per method information <p>This diagram, rate had the following health and safety risks (adding to the already have of background during the design process):</p> | <table border="1"> <tr> <td>real</td> <td>real/fake risk</td> </tr> <tr> <td></td> <td></td> </tr> </table> | real | real/fake risk | | |
| real | real/fake risk | | | | |
| | | | | | |

plus 14.4 sq m / 155 sq ft of additional garage space.

[illegible][illegible]

[illegible][illegible]

Area
89.1 sq m
958 sq ft

[illegible]

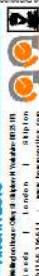
Area
121.8 sq m
1,311 sq ft




All drawings to be worked on site and the Architect informed of any discrepancy. All knowledge and specifications should be read in conjunction with the Health and Safety Plan, all details should be reported to the appointed Principal Designer.

This drawing is the Property of Bowmans Hill Architects. Landed 30

☐ preliminary ☐ comment ☐ construction
☒ planning ☐ tender ☐ record

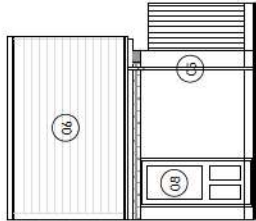


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|  | drawn by | checked by | date | scale @ A1 |
| | BB | CB | 06.11.18 | 1:50 |
| <p>Land at Amberfield Burgin by Sarons, Carlisle Cumbria CA5 6AS</p> | | | | |
| <p>The Ellen Typical Floor Plans</p> | | | | |
| project number | drawing number | revision | | |
| B176 | P/2001022 | - | | |

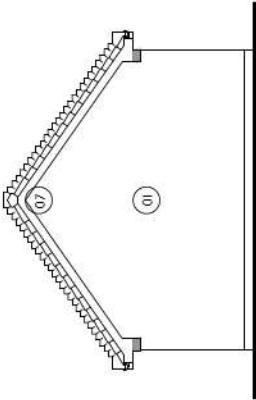


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|---|------------|
| Construction detail and quantities must adhere to the proposed construction. The proposed construction must be detailed in accordance with the relevant building regulations. The design must be detailed in accordance with the relevant building regulations. The design must be detailed in accordance with the relevant building regulations. | |
| 1 | Foundation |
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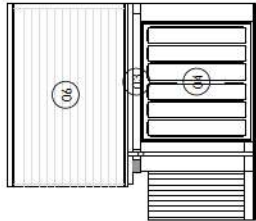
| EXTERNAL FINISHES KEY | |
|-----------------------|---|
| 01 | Footpath - Manufactured Stone, Colour: BC |
| 02 | Footpath - Manufactured Stone, Colour: BC |
| 03 | Footpath - Manufactured Stone, Colour: BC |
| 04 | Garage Door - Aluminium, Colour: BC |
| 05 | Garage Door - Aluminium, Colour: BC |
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REAR ELEVATION



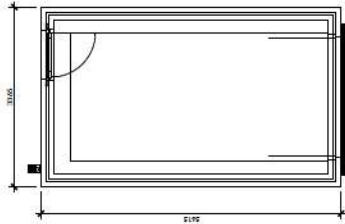
SIDE ELEVATION



FRONT ELEVATION

SINGLE ATTACHED GARAGE (14 SQ M)

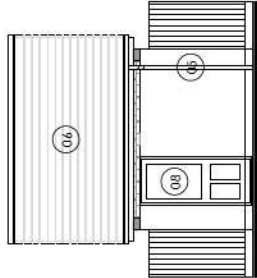
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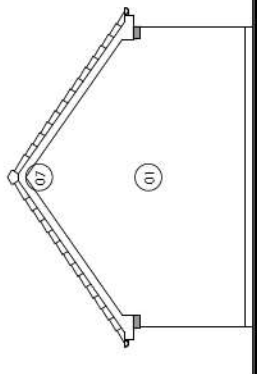
PLAN

SINGLE DETACHED GARAGE (14 SQ M)

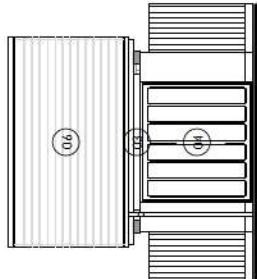
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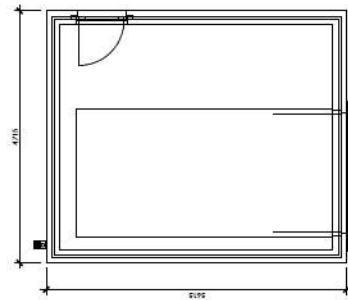
REAR ELEVATION



SIDE ELEVATION



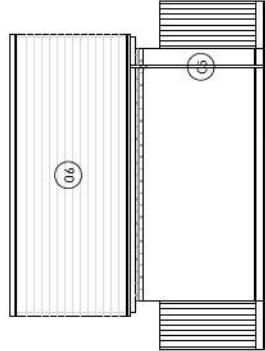
FRONT ELEVATION



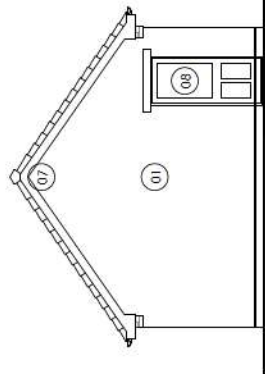
PLAN

SINGLE DETACHED GARAGE (21 SQ M)

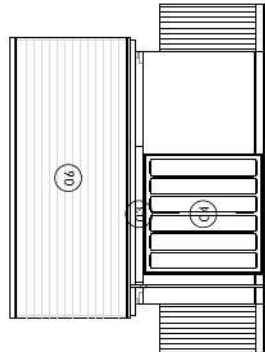
Scale: 1:50 @ A1



REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION

SINGLE DETACHED GARAGE (21 SQ M)

Scale: 1:50 @ A1

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SCHEDULE A: Applications with Recommendation

18/0994

Item No: 03

Date of Committee: 22/03/2019

Appn Ref No:
18/0994

Applicant:
Mr A Pape

Parish:
Beaumont

Agent:

Ward:
Burgh

Location: Land to the rear of Hallcroft, Monkhill, Carlisle CA5 6DB

Proposal: Erection Of 7no. Dwellings (Outline/Renewal Of Previously Approved Permission 15/0284)

Date of Receipt:
04/02/2019

Statutory Expiry Date
06/05/2019

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 Residential Development Is Acceptable
- 2.2 Whether The Provision Of Affordable Housing Is Required
- 2.3 Whether The Scale, Design And The Impact Of The Proposal On The Character And Appearance Of The Area Is Acceptable
- 2.4 The Impact Of The Development On The Character And Setting Of The Grade II Listed Building
- 2.5 The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties
- 2.6 Highway And Access Issues
- 2.7 The Impact Of The Development On Hadrian's Wall Buffer Zone
- 2.8 Impact On Existing Trees And Hedgerows
- 2.9 Foul and Surface Water Drainage
- 2.10 Impact Of The Proposal On Biodiversity
- 2.11 Other Matters

3. Application Details

The Site

- 3.1 The application seeks outline planning permission for the erection of seven dwellings. The site is located on the western side of the road leading from Monkhill to Moorhouse. To the north lies a cul-de-sac of six residential properties, to the south are agricultural buildings and dwellings and to the west are 3 bungalows. Agricultural land adjoins the site to the east.
- 3.2 The application site is currently in agricultural use and relatively level; however, the land to the north and west is at a lower level. The site is relatively open with only an established hedgerow and trees along the northern boundary. A vehicular access exists from the west between two bungalows.

Background

- 3.3 Outline planning permission was granted in 2014 for the erection of two dwellings, including two affordable units and the change of use of agricultural land to domestic garden to serve the property known as 'Hallcroft'.
- 3.4 In 2015, outline planning permission was granted which was essentially a renewal of the 2014 permission with the exception that the affordable housing contribution was to be by way of a financial contribution rather than on-site provision.

The Proposal

- 3.5 The current application seeks consent for the erection of seven dwellings on the site. All matters are reserved for subsequent approval. The indicative layout plan show that the existing vehicular entrance would be utilised with a central access road leading to a turning head.
- 3.6 The indicative layout plans shows the provision of 1 two bedroom bungalow, 3 three bedroom houses, 1 three/ four bedroom house and 2 four bedroom houses.
- 3.7 The application indicates the use of slate, stone and clay facing bricks with soakaways and a treatment plant for drainage. The boundary treatment would be a stock fence with planting of hedging and native tree species.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 32 of the neighbouring properties. In response, eight letters of objection have been received and the main issues raised are summarised as follows:
1. the road is not adequate at the cross roads to support more traffic and the access and egress is not safe with several accidents having occurred;

2. large vehicles damage the corner of the crossroads demolishing garden walls and even more heavy vehicles will make this worse;
3. a large number of houses is proposed to be built in Burgh-by-Sands which will increase the traffic flow and will create a larger problem;
4. walkers and cyclists use this road where there is no footpath or grass verge and therefore have to use the road;
5. the roads are frequently used by large agricultural vehicles which cannot judge the junction and damage walls and grass verges;
6. the houses at the junction park in the road as there are little or no parking spaces which adds to the problem;
7. the proposed driveway appears narrow and unsuitable;
8. how is it possible to build on land under which residents have their septic tanks?;
9. building over land on which there are septic tanks would not satisfy Building Regulations;
10. there is no further need for more dwellings in Monkhill with existing plots currently unsold;
11. the loss of greenfield agricultural land for the development of dwellings would be detrimental to the environment. Monkhill should be able to retain its small "hamlet" feel;
12. there are septic tanks and outfall pipes on the land which would be affected by the development. There are questions about the ability to build over them and liability once any property has been built;
13. development of this land would inhibit future access for maintenance etc. of this infrastructure;
14. the land is currently overgrown which results in weeds protruding into neighbouring gardens. There are concerns about who will maintain the land if it is developed;
15. the land slopes which results in surface water flowing onto adjacent properties;
16. Monkhill is a small hamlet of around 38 properties and already has five new builds in progress and together with the proposed seven on this site, would result in an increase of 33% which is inappropriate;
17. the building process will result in high levels of noise and disturbance which is unacceptable as is the delivery construction vehicles that will access the site;
18. there is no education capacity for the children as the schools are already oversubscribed;
19. the layout of the site is asymmetrical and a lot of the building is close to properties and away from the farm area;
20. properties are selling quite close and residents should not be made to live adjacent to vacant and unsold properties.

4.2 In addition to the objections received from residents, Cllr Allison has submitted an objection with the main issues being raised as follows:

1. highway concerns were raised as part of the previous application. At a local public inquiry several years ago, it was stated that on average, each household generates 7 car journeys per day. Given the increase in car ownership and this rural location, it is reasonable to assume that this development will generate at least 50 vehicle movements each day,

- mostly at am and pm peak periods;
- 2. in a current application for outline planning permission at Burgh-by-Sands, the Highway Authority acknowledges that the absence of regular bus service leads to an increased dependency on car transport;
- 3. the site is accessed from the U1113 which forms a cross roads with the C2042 at approximately 50 metres distance. The U1113 is narrow and visibility to the right of the junction is limited by a garden wall at the corner. This corner has been demolished on a number of occasions;
- 4. speeding through Monkhill is an issue with local residents. The parish council commissioned traffic monitoring with the device located just beyond this junction. The report showed peak period two-way traffic flows in excess of 220 vehicles per hour. This will almost certainly increase with this and the Burgh-by-Sands development;
- 5. a water supply runs across the site to at least one of the bungalows along the frontage of the road. Their respective septic tanks with way-leaves to service them are also within the site. It is understood that this has been a long-standing issue in the development of the site and remains so. Clearly, a new property cannot be built over existing services and their access rights must be respected.

5. Summary of Consultation Responses

Beaumont Parish Council: - the following comments have been received:

- 1. as part of the Parish Plan, adopted and filed in 2013, Beaumont Parish Council has, as one of its priorities, the development of affordable and manageable housing for younger and older members of the community. Planning Policy HO1 of the Local Plan states that proposals must contribute to the overall mix of dwelling types and meet identified local housing need for the development of sustainable communities. This application makes no provision for this and does not take into account the view of the community, which states that there is a need for affordable housing and manageable in this area for older and younger members of the community.
- 2. Monkhill is not an allocated rural housing development area within the local plan. i.e. a development of 10 or more houses is not appropriate in this setting. There are currently approximately 35 houses and bungalows in this small hamlet and planning permission (either full or outline) for 6 more properties. This current development proposal takes the number of new properties up to 13, an increase of 37%

Planning policy H02 of the Local Plan states that windfall housing must be of a scale and design that is appropriate to the scale, form and function and character of the existing settlement. Given the narrow access road to the site and the rural nature of this area, this proposal does not seem to be appropriate to the scale, form and function of Monkhill.

- 3. The question of drainage on the proposed site has still not been satisfactorily addressed. The application does not take into consideration

the concerns of residents living in the properties adjacent to the proposed development. These parishioners have shown the Parish Council legal documents (signed by the owners of the site) giving them the right to build septic tanks with the associated inflow and outflow pipes and the right to ongoing access to maintain them. Dwellings cannot be built on top of existing drainage from the septic tanks on this site without compromising this right. The Parish Council has previously supplied copies of legal documents and plans relating to this matter for the properties known as Bushy Bank and Gracelands, which would both be affected by this development proposal.

In addition, some guarantee is needed that if any damage is caused to the outflow pipes of these septic tanks during the building of any new properties, then the responsibility for the satisfactory repair of this damage will lie with the applicants or any future purchaser/developer;

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

Highway Authority

The previous applications 07/1154, 13/0728 and 15/0284 are notes and the comments made previously should still apply.

Lead Local Flood Authority (LLFA)

The LLFA has no records of surface water flooding to the site and the Environment Agency surface water maps do not indicate that the site is in an area of risk;

Cumbria Wildlife Trust: - no response received;

Historic England - North West Office: - no comment;

Local Environment - Environmental Protection: - no objection subject to the imposition of conditions relating to noise & vibration, dust and contamination;

Local Environment - Waste Services: - the indicative layout looks acceptable, subject to sufficient road width and length of the turning fork for our collection vehicles to access which will be confirmed at reserved matters stage;

Natural England: - no response received;

Northern Gas Networks: - no objection;

United Utilities: - no objection subject to the imposition of conditions requiring drainage on separate systems and the submission of a surface water drainage scheme.

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 At a national level, the relevant considerations include the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
- 6.3 The Development Plan for the purposes of the determination of this application comprise Policies SP1, SP2, SP6, HO2, HO4, IP2, IP3, IP4, IP6, CC5, CM5, HE1, HE3, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 are of particular relevance. Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 together with the City Council's Supplementary Planning Document 'Achieving Well Designed Housing' and 'Trees and Development' (SPDs) are also material planning considerations. The proposal raises the following planning issues.

1. Whether The Principle Of Residential Development Is Acceptable

- 6.4 The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.5 Paragraph 11 of the NPPF continues to support sustainable development stating that:

“Plans and decisions should apply a presumption in favour of sustainable development.”

- 6.6 This is reinforced in paragraph 11(c) which states that:

“approving development proposals that accord with an up-to-date development plan without delay”

- 6.7 Policy HO2 is equally transparent in its guidance relating to housing development and requires housing is provided within or on the edge of existing settlements. Critically in terms of this application, criteria 3 states:

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

- 6.8 Members will note from the history that planning permission has twice previously been granted for residential development on the site. Although the previous consent has lapsed, there has been no substantial change in planning policy that would warrant refusal of this application which in itself, in

terms of the principle of development, is considered to fully accord with both national and local planning policies.

- 6.9 The planning issues raised by the development, including the impact on the character and appearance of the area, are discussed in the following paragraphs.

2. Whether The Provision Of Affordable Housing Is Required

- 6.10 The site was previous subject to a legal agreement for secure the provision of two affordable housing units on the site. In gaining a revised planning permission in 2015, the applicant negotiated the provision of a financial sum for the off-site provision of affordable housing. No such affordable housing is proposed as part of this application and the parish council consider that this is necessary to provide a variety of housing on the site and to fulfil the objectives of the parish plan.
- 6.11 It is fundamental to note that since the previous applications were approved, the current local plan was adopted. In the local plan, the site falls within Zone B for which Policy HO4 does not require any level of affordable housing for a development of this scale. The council's Housing Development Officer has confirmed that:

"Local Plan Policy HO4 stipulates that in Affordable Housing Zone B (which encompasses the application site) there will be no requirement for affordable housing on sites of fewer than eleven units."

- 6.12 It is possible that any subsequent scheme may include some smaller starter homes which by their nature command a less-than-average market price and therefore introduce an element or more affordable housing, there is no formal requirement for the provision of any affordable housing.

3. Whether The Scale, Design And The Impact Of The Proposal On The Character And Appearance Of The Area Is Acceptable

- 6.13 Policies seek to ensure that development proposals are appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.14 As previously highlighted the application seeks outline planning permission with all matters reserved. The details of any buildings would therefore be considered on their merits during any subsequent application. Accordingly, this would ensure that the scale and massing of the proposed dwelling would appear comparable to the existing properties within the immediate vicinity and would not result in a discordant feature within the area as a whole.

- 6.15 The parish council raise concerns about the scale of the development and the percentage increase in terms of the numbers of new dwellings being built in the village. Whilst there is no reference in the current policies about allowing a specified percentage increase, the issue of scale and relationship to the form of the village is relevant; however, the site is well related to the village and is considered to be of an appropriate scale which is evidenced by the previous planning permissions that have been granted on the land.
- 6.16 On this basis, it is not considered that approval of this outline application would be prejudicial to these policy objectives or that the development would be detrimental to the character or appearance of the area.

4. The Impact Of The Development On The Character And Setting Of The Grade II Listed Building

- 6.17 Paragraph 7 of the NPPF states that:

“The purpose of the planning system is to contribute to the achievement of sustainable development”.

- 6.18 Pursuing sustainable development involves protecting and enhancing the historic environment (paragraph 8).
- 6.19 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.20 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.21 Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.22 The Drovers Rest Inn and The Old Mill are both Grade II listed buildings and are located approximately 70 metres to the north and 20 metres to the west respectively.

- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.23 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.24 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.25 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 195). However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.26 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.27 The application seeks outline planning permission with all matters reserved. The site would be separated from the listed buildings by distance and intervening buildings. As such, it is considered that the principle of the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings, albeit this would be a matter for consideration during any subsequent detailed application.

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

- 6.28 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusive.
- 6.29 The indicative layout has been designed to take account of the requirements in the Council's Supplementary Planning Documents "Achieving Well Design Housing" and is compliant with the requirement to maintain 21 metres distance between primary facing windows and 12 metres between a primary window and a blank gable. Notwithstanding this, any future layout plan would

have to remain consistent with these policy requirements.

- 6.30 The development of the land for residential purposes would not be prejudicial to the living conditions of the occupiers of the neighbouring properties. Given the orientation of the application site and the proposed buildings within it, future occupiers of the proposed properties would not suffer from an unreasonable loss of daylight or sunlight and due to the appropriate siting to be considered as part of any subsequent application, the scale and design of the properties would not be over-dominant.

6. Highway Issues

- 6.31 The indicative layout shows that the development would utilise an existing access that serves the site. Cumbria County Council as the Highway Authority has raised no objection to the application subject to the imposition of conditions.
- 6.32 The objectors maintain that there is an issue with the speed of vehicles travelling through the village and that any additional vehicles using the junction would pose a highway safety risk. No evidence of any vehicle collisions at the junction has been provided and if vehicles do travel in excess of the 30mph speed limit, then this is a matter for the relevant enforcement authority.
- 6.33 Following the receipt of the objections and in particular, those submitted by Cllr Allison, the Highway Authority has provided a further response which reads:

“The concerns raised by Cllr Allison within his letter are that the access road width of 4.5m is inadequate to accommodate a development of this scale at Monkhill and the junction of the access road and the C2042 experiences speeding vehicles. Within the previous Highways Authority response dated 20 February 2019 it was stated that the principle of an access into this development site was agreed through the planning applications 15/0284 and 13/0728; therefore no objections could be raised with regards to the current application as no significant changes have been made to the access.

It has also been stated that the conditions associated with the planning application 15/0284 are to be used in conjunction with the new application. This will ensure visibility splays providing clear visibility of 43 metres measured along the nearside channel lines of the public road from a position of 2.4 metres inset from the carriageway edge are to be constructed. The access road width of 4.5m is acceptable to the Highways Authority for a development of 7 dwellings as stated within the Cumbria Development Design Guide 2017.

The Highways Authority has noted the issues which have been raised at this location with regards to speeding vehicles and this is an enforcement issue and will be looked at separately.

Therefore to conclude, as this is an outline application, at this stage the

Highways Authority can have no objections with regards to the approval of planning permission. The applicant will have to at a later date through a full planning application demonstrate that the proposed access can achieve the necessary visibility splays, highway details within the site and parking requirements prior to any further approval from the Highways Authority.”

- 6.34 Again, the council has previously accepted the principle of development with these access arrangements and in the absence of any material change in circumstances and given the Highway Authority’s response, subject to the imposition of the remaining highway conditions, the proposal does not raise any highway issues.

7. The Impact Of The Development On Hadrian's Wall Buffer Zone

- 6.35 Although not part of the Hadrian's Wall Vallum, the site is within the buffer zone of Hadrian's Wall Military Zone World Heritage Site where policies require that proposals for development which would have an unacceptable impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this Plan, providing that the proposal reflects the scale and character of the existing group of buildings and there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.
- 6.36 On the basis of the details submitted, neither Historic England or the Historic Environment Officer at Cumbria County Council have raised any objection.

8. Impact On Existing Trees And Hedgerows

- 6.37 There are a number of trees and a mature hedgerow within the site, none of which however are protected by a Tree Preservation Order. Subject to the imposition of a condition requiring protection during construction works and the integration within a proposed landscaping scheme, the development would not be detrimental in this regard.

9. Foul and Surface Water Drainage

- 6.38 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. No details have been provided in respect of either the foul or surface water drainage arrangements and as such, conditions are included within the decision notice requiring the submission and agreement of further details including a management and maintenance scheme for the soakaway in accordance with the NPPF.
- 6.39 The objectors make reference to the septic tank and infrastructure that crosses the site and that development of the site would impede further access and maintenance contrary to already established way leaves and legal judgements. It is further stated that such development would not be acceptable under the Building Regulations.

- 6.40 The layout is indicative and any scheme would have to take account of any underground infrastructure and the requirement to comply with an existing way leave or legal judgement would be a civil matter. The council's Building Control Manager has confirmed the same that as far as the Building Regulations are concerned, the fact that there is underground infrastructure, is not in itself a barrier to development but that account of such would have to be taken at the time of any application for development on the land.

10. Impact Of The Proposal On Biodiversity

- 6.41 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application in accordance with paragraph 118 of the NPPF. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.
- 6.42 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.
- 6.43 The City Council's GIS layer did identify the potential for protected species to be present on the site or within the immediate vicinity. Given that the proposal involves a small piece of agricultural land, adjacent to existing buildings, it is unlikely that the proposal would affect any species identified; however, an informative will be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

11. Other Matters

- 6.44 Some objectors have raised the issue of the lack of education facilities in the area. There is no requirement for an education contribution to be provided as part of this development.

Conclusion

- 6.45 In overall terms, the site is well-related to the village of Monkhill for which two

previous planning permissions have been granted on this site. The application is supported by the NPPF and the development plan and as such, the principle of development remains acceptable. Additionally, the scale and design would be considered during the course of any subsequent application that would safeguard the character or appearance of the area.

- 6.46 No education contribution is required as part of this development. The submitted plans take account of the highway issues and the living conditions of the occupiers of the neighbouring properties would not be prejudiced subject to the imposition of conditions.
- 6.47 The means of foul and surface water drainage can be suitably addressed through the imposition of planning conditions. Any subsequent development would have to take account of existing underground infrastructure both through the planning and building control processes.
- 6.48 The proposal would preserve the character and setting of nearby listed buildings and existing trees and hedges would be protected by means of a condition requiring the provision of protection barriers.
- 6.49 In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

7. Planning History

- 7.1 An application for outline planning permission was submitted in 2006 for the erection of 12 dwellings but was withdrawn prior to determination.
- 7.2 Outline planning permission was granted in 2014 for the erection of 7 dwellings, including 2 affordable units and the change of use of agricultural land to domestic garden to serve the property known as 'Hallcroft'.

8. Recommendation: Grant Permission

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

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

2. Before any work is commenced, details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved in writing by the local planning authority. The details shall be accompanied by an appropriate survey to determine the route of services across the land and this survey should inform the final layout of the scheme.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 2nd November 2018;
2. the Location Plan received 2nd November 2018;
3. the Planning Statement received 1st February 2019;
4. the Tree report received 29th January 2019;
5. the Statement on Land Contamination received 29th January 2019;
4. the Notice of Decision;
5. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

4. Prior to the commencement of development, details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before any site works commence. The development shall then be undertaken in accordance with the approved details.

Reason: In order that the approved development is appropriately located within the topography of the land in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

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

The surface water system shall demonstrate that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 40 % to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc). The scheme must also confirm the design of the surface water drainage system will mitigate any negative

impact of surface water from the development on flood risk outside the development boundary.

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

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off onto adjoining land including the highway and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030, in the interests of highway safety and environmental management and to support Local Transport Plan Policies LD7 and LD8 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.

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

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

7. The shared access way shall be designed, constructed and drained to a standard suitable for adoption and in this respect full engineering details shall be submitted for written approval before work commences on site. Any works so approved shall be constructed before the development is complete.

Reason: In the interests of road safety in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5, LD7 and LD8.

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

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to

inconvenience in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030 and danger to road users and to support Local Transport Plan Policy LD8.

9. Before development commences a scheme of tree and hedge protection shall be submitted to and approved in writing by the local planning authority. The scheme shall show the position and type of barriers to be installed. The barriers shall be erected before development commences and retained for the duration of the development.

Reason: To protect trees and hedges during development works in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

10. Prior to the commencement of development hereby approved, a Method Statement detailing the type of materials and construction methods to be used in the Root Protection Areas shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: To protect the trees on and adjacent the site in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

11. Prior to the construction of any building on the site, samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure the materials are appropriate to the building and character of the area in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

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

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

13. No dwelling shall be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior

written consent of the local planning authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5, LD7 and LD8.

14. No development shall commence until visibility splays providing clear visibility of 43 metres measured along the nearside channel lines of the public road from a position of 2.4 metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05 metres, have been provided. Notwithstanding the provision 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 or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of highway safety in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD7 and LD8.

15. 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.

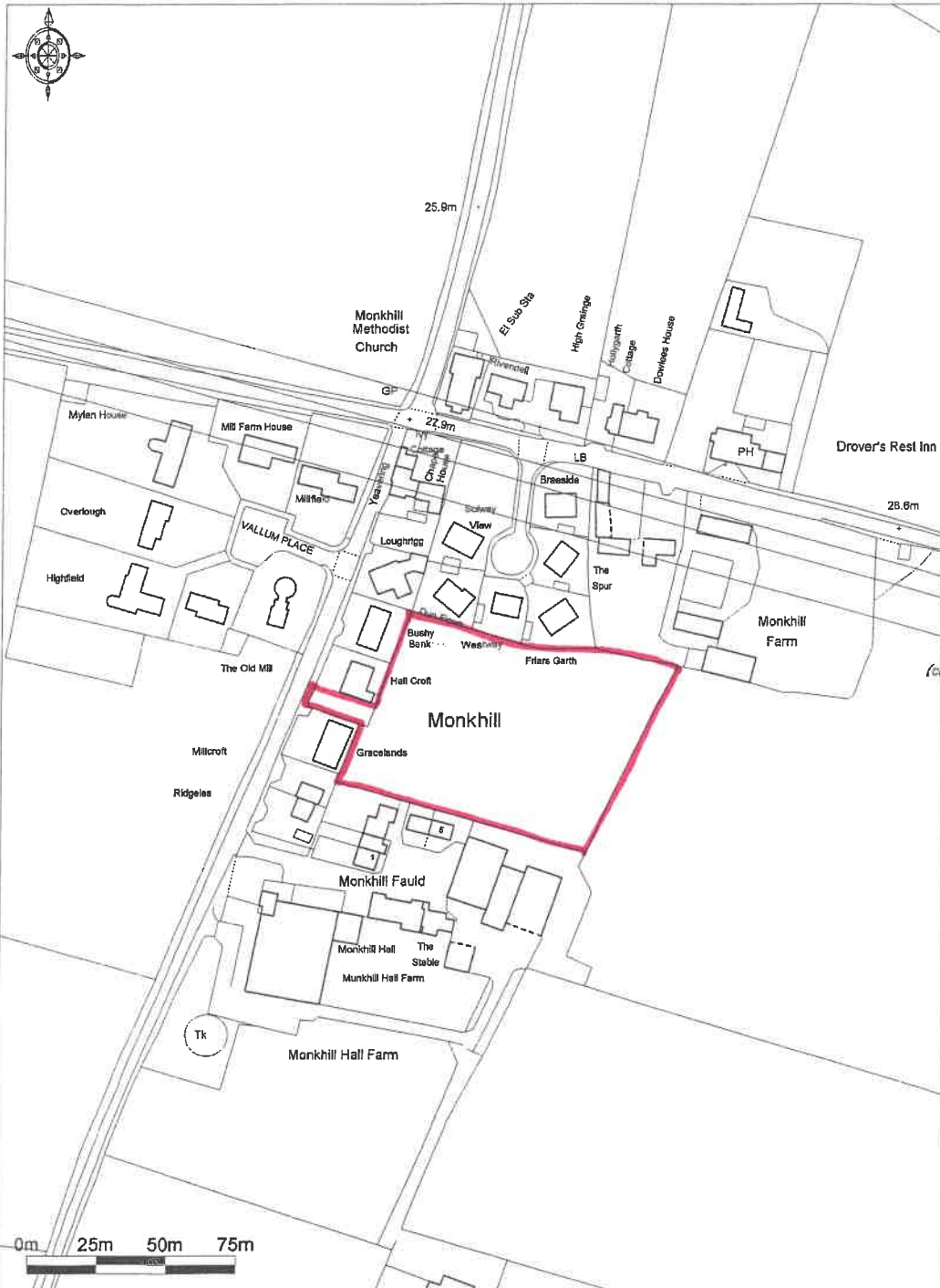
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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

16. Any subsequent application for Reserved Matters shall take account of existing underground infrastructure on the site and the layout shall take account of such to avoid inhibiting future access for maintenance and repair by the relevant entitled party.

Reason: To ensure that there is reasonable future access to the septic tanks and other underground infrastructure in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

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

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.



SCHEDULE OF ACCOMMODATION

| | |
|--------|--------------------|
| PLOT 1 | 3 Bedroom House |
| PLOT 2 | 3 Bedroom House |
| PLOT 3 | 3 Bedroom House |
| PLOT 4 | 3/4 Bedroom House |
| PLOT 5 | 4 Bedroom House |
| PLOT 6 | 4 Bedroom House |
| PLOT 7 | 2 Bedroom bungalow |

| | |
|--------------------|---------------|
| 2 Bedroom Bungalow | 1 units |
| 3 Bedroom House | 2 units |
| 4 Bedroom House | 3 units |
| | 7 total units |



PROVISIONAL LAYOUT
SCALE 1:500 @ A3

Views:ons:

A: 05:11:13 ADJUSTMENT TO LANDSCAPING
B: 20:11:13 ADJUSTMENT TO SITE LAYOUT
C: 24:03:15 ADJUSTMENT TO SITE LAYOUT

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Drawing Mr A. Pope
Indicative Layout

Scale: 1:500 @ A3 Date: 17/11/13 Drawn by: ...
Number: 1285-01C
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SCHEDULE A: Applications with Recommendation

19/0100

Item No: 04

Date of Committee: 22/03/2019

Appn Ref No:
19/0100

Applicant:
Mr & Mrs Robert & Joan
Tweddle

Parish:
Kirkandrews

Agent:

Ward:
Longtown & Rockcliffe

Location: 5 Kirkandrews Moat, Longtown, Carlisle, CA6 5PH

Proposal: Single Storey Rear Extension To Provide Sunroom

Date of Receipt:
07/02/2019

Statutory Expiry Date
04/04/2019

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

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

2. Main Issues

- 2.1 Whether the proposal is appropriate to the dwelling and impact upon the existing street scene;
2.2 Impact of the proposal on the living conditions of neighbouring residents;
2.3 Impact upon biodiversity; and
2.4 Other matters.

3. Application Details

The Site

- 3.1 Number 5 Kirkandrews Moat is a two storey semi-detached property located on the western side of the main road which leads through Kirkandrews Moat. The property is constructed from rendered walls under a tiled roof and is surrounded by two storey residential properties to the north and south.

The Proposal

- 3.2 The application seeks full planning permission for the erection of a single storey rear extension to provide a sunroom. The submitted plans illustrate that the proposed extension will be constructed from facing brick walls under a flat roof which will have a resin finish and a glass lantern. Windows and doors will be white PVCu and rainwater goods will be black to match the existing dwelling.
- 3.3 In order to provide the proposed extension an existing single storey lean to store (constructed from painted brick walls under a corrugated roof) will be demolished.

4. Summary of Representations

- 4.1 This application has been advertised by means of notification letters sent to two neighbouring properties. No verbal or written representations have been received in response to the consultation undertaken.

5. Summary of Consultation Responses

Kirkandrews Parish Council: - no observations;
Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP6, H08 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. The City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing' is also a material planning consideration in the determination of this application.
- 6.3 The proposal raises the following planning issues:

1. Whether The Proposal Is Appropriate To The Dwelling And Impact Upon The Existing Street Scene

- 6.4 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and, optimise the potential of the site to accommodate and sustain the appropriate mix of development. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Paragraph 131 goes on to confirm that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 6.5 The relevant design policies of the CDLP seek to ensure that proposals respond to the local context in terms of height, scale and massing and by using appropriate materials and detailing. Local landscape character should be respected and development should be fully integrated into its surroundings.
- 6.6 Policy H08 of the CDLP (which relates to house extensions) confirms that house extensions and alterations should be designed to complement the existing building and be visually subservient. Policy H08 goes on to state that proposals should maintain the established character and pattern of the existing street scene and be a positive addition as well as retain gaps between buildings where they are characteristic of the area and contribute to the existing street scene.
- 6.7 As the proposed extension only projects 4.05 metres from the rear elevation and is single storey in height it will appear as a subservient feature to the main dwelling. Although the rear extension has a flat roof, which incorporates a roof lantern, and will be constructed from brick it is considered that the contemporary design of the extension complements the architecture of the existing building. The proposed fenestration details will correspond with those of the main dwelling and the proposed materials would be harmonious with the overall visual appearance of the existing dwelling. Accordingly, the scale and design of the extension is acceptable.
- 6.8 Furthermore, given the location of the extension to the rear of the property there will be no adverse impact upon the existing street scene.

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

- 6.9 The City Council's SPD 'Achieving Well Designed Housing' outlines minimum distances between primary facing windows together with primary windows and

walls serving habitable rooms in order to protect against loss of amenity and privacy i.e. 21 metres between primary facing windows and 12 metres between primary windows and walls. The proposed development will be compliant with these distances and will therefore not give rise to any undue overlooking.

- 6.10 Given the positioning of the primary windows of the residential properties that surround the site in relation to the proposed extension, the proposal would also not have an adverse impact upon the living conditions of the occupiers of any neighbouring properties in terms of loss of light or over dominance.

3. Impact Upon Biodiversity

- 6.11 The Councils GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. Given the scale and nature of the proposal it is unlikely that the development would harm a protected species or their habitat.

4. Other Matters

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

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

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

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

- 6.13 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need.
- 6.14 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

- 6.15 On balance the proposed extension is appropriate in terms of scale and design to the existing dwelling and will not have a detrimental impact upon the character/appearance of the surrounding area or the living conditions of the occupiers of any residential properties. The development will also not

have an adverse impact upon biodiversity. Overall, the proposal is compliant with the objectives of the relevant Development Plan Policies and approval is recommended.

7. Planning History

- 7.1 In 2011 planning permission was granted for the erection of a two storey side extension to provide lounge and dining room on ground floor with bedroom and bathroom above (reference 11/0193).

8. Recommendation: Grant Permission

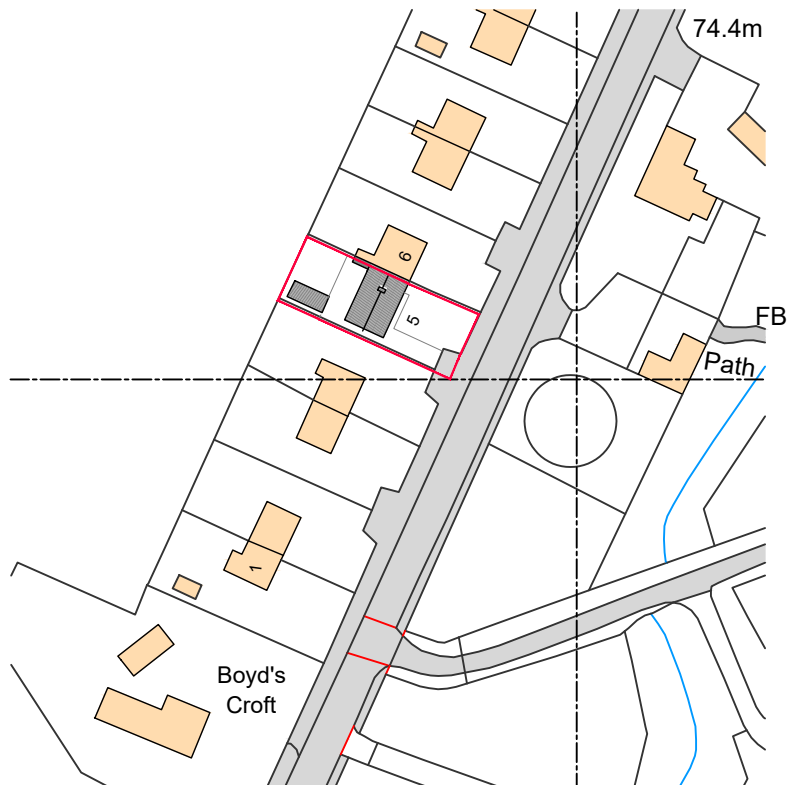
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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

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

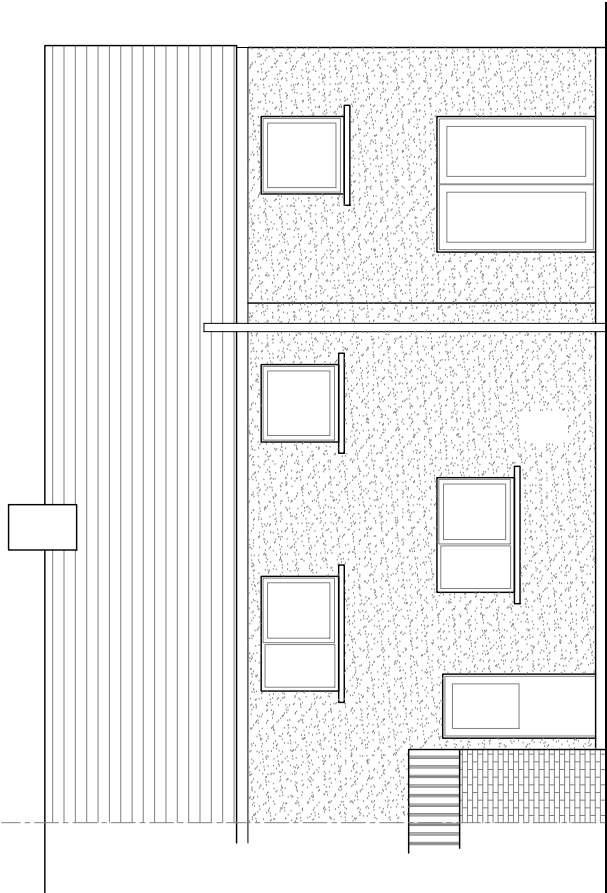
1. the submitted planning application form received 7th February 2019;
2. the site location plan received 7th February 2019 (Drawing Ref: Site Location Plan Rev A);
3. the proposed floor plans and elevations received 7th February 2019 (Drawing Ref: Proposed Plans Rev A);
4. the Notice of Decision; and
5. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

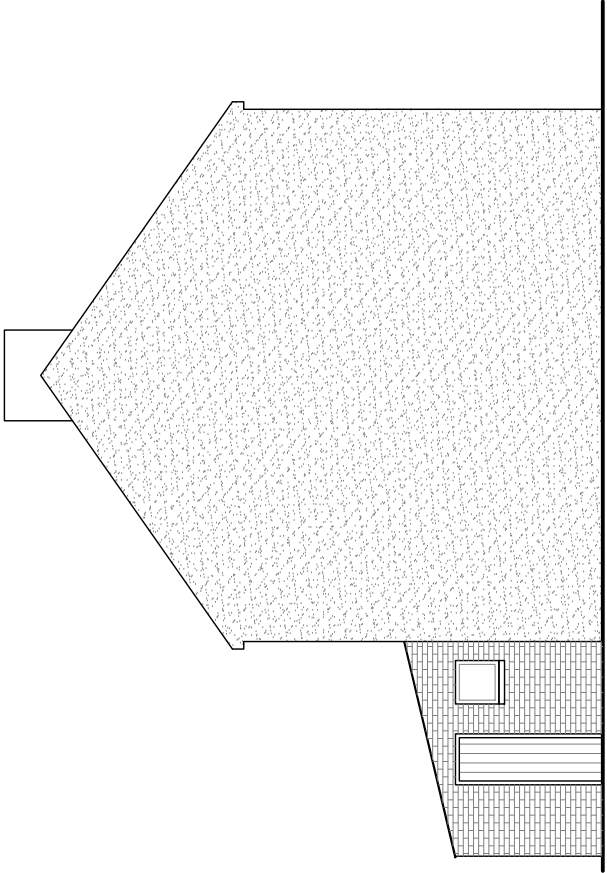


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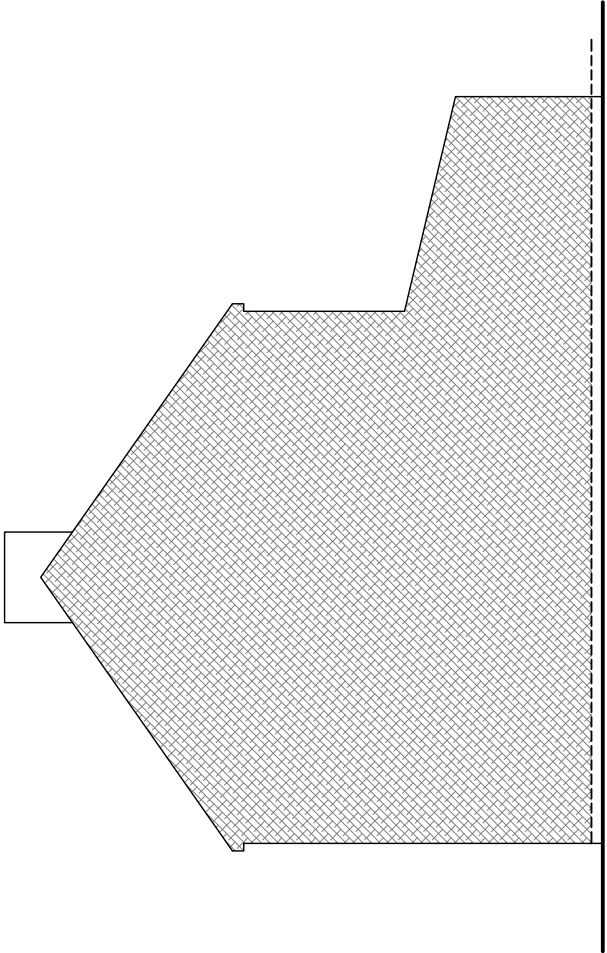
| | | |
|-------------------------|---------------|--------|
| A | Scale Amended | Dec 18 |
| Revisions | | |
| SITE ADDRESS | | |
| 5 Kirkandrews Moat | | |
| DESCRIPTION | | |
| Proposed Rear Extension | | |
| SCALE 1:1250 @ A4 | | |
| DATE 20-09-17 | | |
| DRAWING NUMBER | | |
| SITE LOCATION PLAN | | |



Rear Elevation

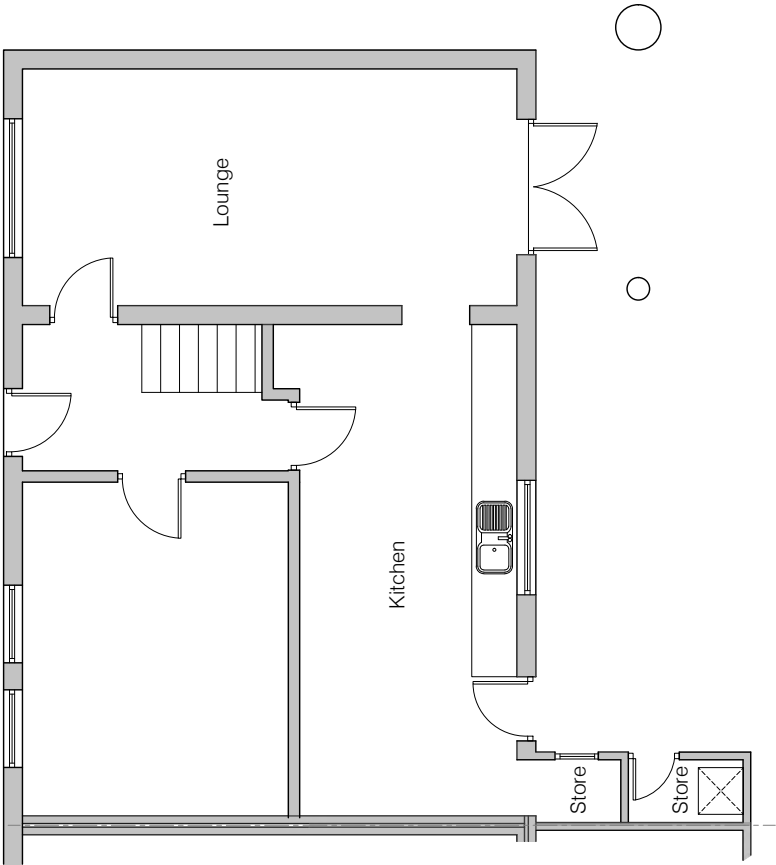


Side Elevation

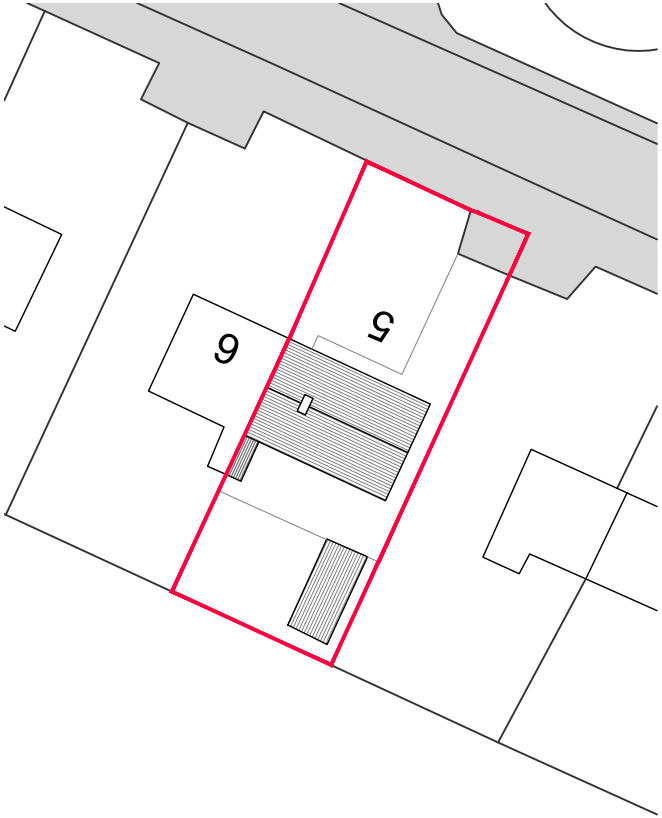


Side Elevation

- Existing Materials:
- Walls - Rendered to main dwelling, with painted brick to rear lean-to
 - Roof - Pitched roof with plain concrete tiles, with corrugated Low level roof
 - Windows - White PVCu
 - Rain water goods - Half round black.



Ground Floor Plan



Block Plan 1:500

Revisions
A Full GF Plan Shown Dec 18

SITE ADDRESS

5 Kirkandrews Moat

DESCRIPTION

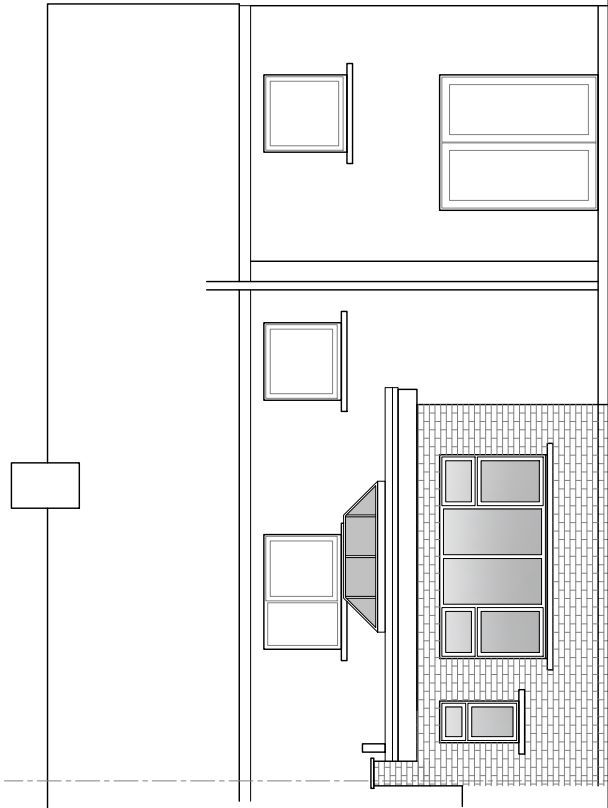
Proposed Rear Extension

SCALE 1:100 @ A3

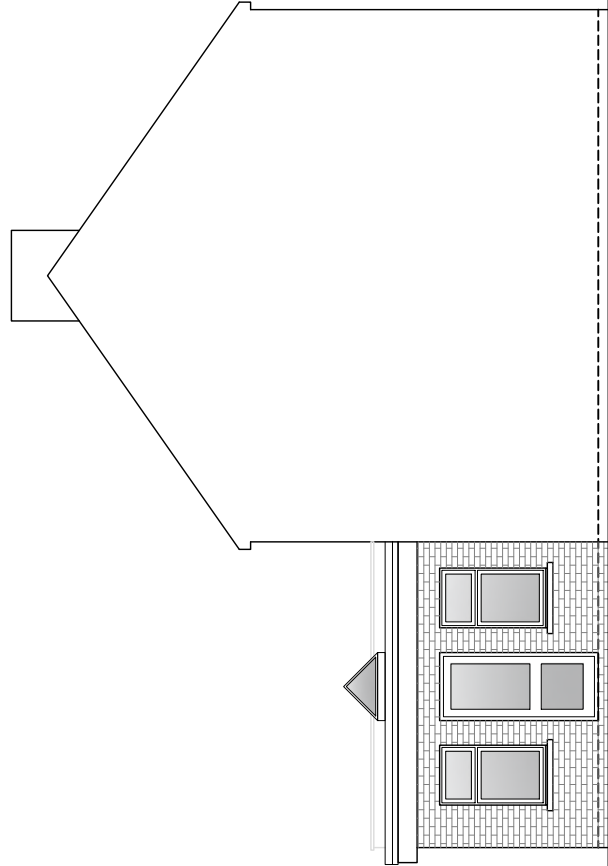
DATE 20-09-17

DRAWING NUMBER

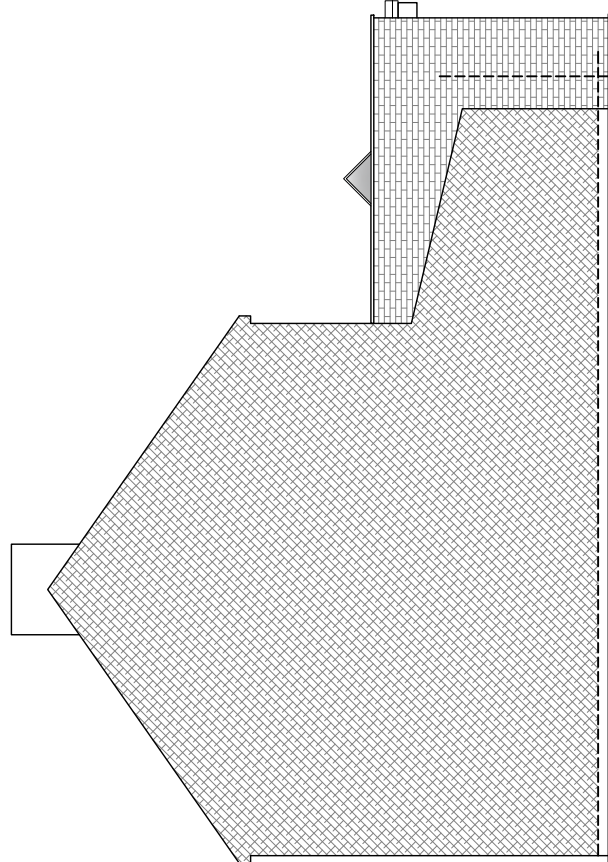
EXISTING PLANS



Rear Elevation



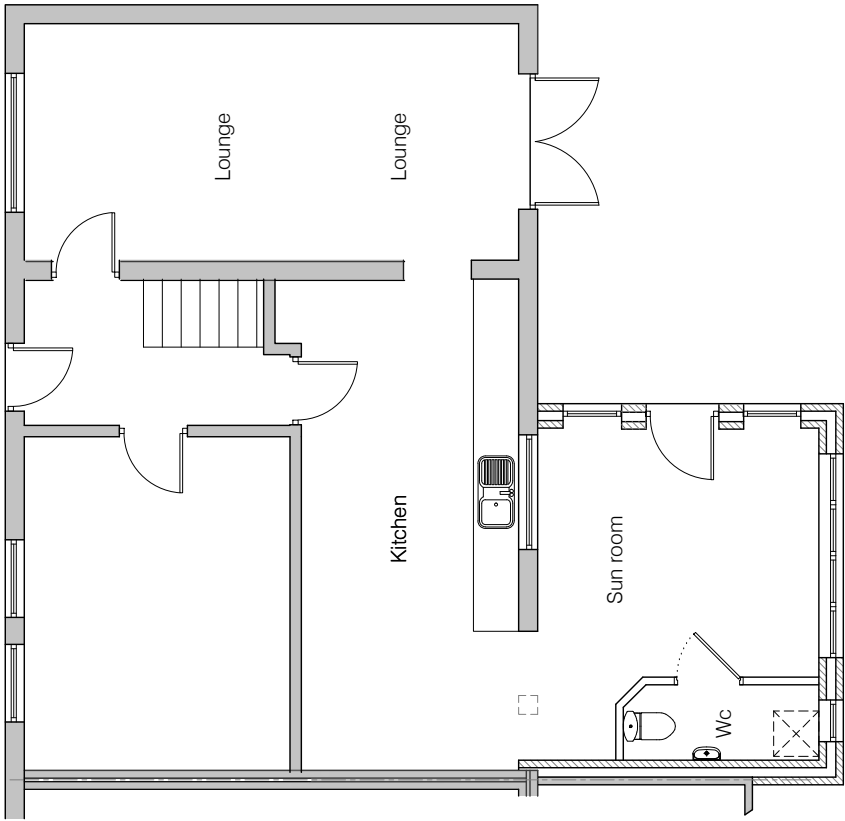
Side Elevation



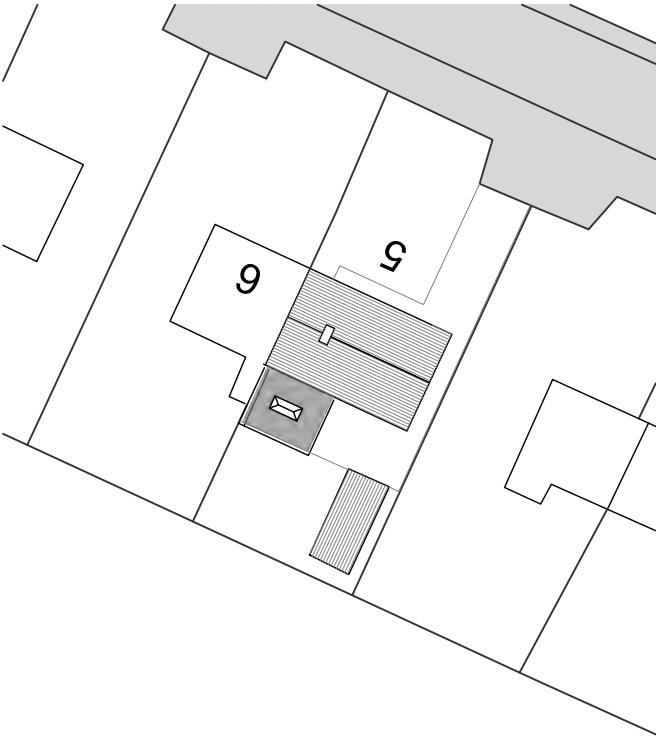
Side Elevation

Proposed Materials:

- Walls - Facing brick
- Roof - Flat roof with Resin Finish and Glass Lantern
- Windows - White PVCu to match existing
- Rain water goods - Black to match existing.



Ground Floor Plan



Block Plan 1:500

| Revisions | | Dec 18 |
|-------------------------|--------------------|--------|
| A | Full GF Plan shown | |
| SITE ADDRESS | | |
| 5 Kirkandrews Moat | | |
| DESCRIPTION | | |
| Proposed Rear Extension | | |
| SCALE 1:100 @ A3 | | |
| DRAWING NUMBER | | |
| DATE 20-09-17 | | |
| PROPOSED PLANS | | |

SCHEDULE A: Applications with Recommendation

19/0010

Item No: 05

Date of Committee: 22/03/2019

Appn Ref No:
19/0010

Applicant:
Mr Amos Price

Parish:
Wetheral

Agent:

Ward:
Wetheral

Location: Land adjacent to Scotby Acres, Broomfallen Road, Scotby, Carlisle, CA4 8DE

Proposal: Change Of Use Of Land To Mixed Use Of Agriculture And Siting Of 1No. Residential Gypsy/Travellers Pitch With 3No. Caravans (Including 1No. Static Caravan); Erection Of Amenity Building; Laying Of Hardstanding (Part Retrospective) Without Compliance With Condition 8 Imposed On Planning Permission 14/0825 To Allow The Submission For The Development And Landscape Details Of The Site And Subsequent Completion Of Development

Date of Receipt:
07/01/2019

Statutory Expiry Date
04/03/2019

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 The Variation Of The Planning Condition Is Acceptable

3. Application Details

The Site

3.1 The application site is located to the south of the village of Scotby and immediately adjacent to a Public Bridleway that leads from Broomfallen Road to the Garlands. The land is within the open countryside. The distance

between the site and the centre of the village, where services such as the pub, village hall and licensed village shop and Post Office are to be found, is approximately 1.3 kilometres.

- 3.2 The land slopes down from Broomfallen Road to the east and existing trees and hedgerows provide a degree of screening to the site. The bridleway forms the northern boundary with open countryside on the remaining sides.
- 3.3 The landform along the M6 corridor is undulating with small fields and good hedgerows and hedgerow trees. The built-up area of Carlisle is on the west side of the motorway and Scotby village on the other. The site lies in a low-lying basin in the valley of the Wash Beck and, at its nearest point, only some 60 metres east of the motorway. From the site a track leads north for about 350 metres to a junction with Broomfallen Road marking the edge of Scotby village. In the other direction the track goes over the motorway and then becomes a footpath across a field to Garlands where there are the modern buildings of the NHS Carleton Clinic and housing estates in Harraby.
- 3.4 The application site is one of six Gypsy/ Traveller pitches in this locality.

Background

- 3.5 The application for planning permission for the change of use of land to a mixed use of agriculture and siting of one residential Gypsy/ Travellers pitch with three caravans (including one static caravan); erection of amenity building; laying of hardstanding (part retrospective) was refused in 2015.
- 3.6 A subsequent appeal to the Planning Inspectorate was allowed in 2016. The permission was subject to 8 conditions and pertinent to this appeal is condition 8 which reads:

“The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 56 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- i) within 3 months of the date of this decision a scheme for: the layout of the site including the positioning of the caravans and ancillary buildings and areas of hardstanding; boundary treatments; the means of foul and surface water drainage; external lighting; landscaping including tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities, hereafter referred to as the site development scheme shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation;*
- ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;*
- iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall*

- have been approved by the Secretary of State; and*
iv) *the approved scheme shall have been carried out and completed in accordance with the approved timetable."*

- 3.7 Since planning permission has been granted, the ownership of the application site has changed and now belongs to the current applicant.

The Proposal

- 3.8 Planning permission is sought to vary the planning condition to allow the submission of details to satisfy the requirements of the planning condition.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice. In response, no representations have been received.

5. Summary of Consultation Responses

Wetheral Parish Council: - the committee does not consider that a reasonable case has been made for the site expansion. The committee understands that the applicant is already on a traveller encampment elsewhere.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP6 and HO11 of the Carlisle District Local Plan 2015-2030. The proposal raises the following planning issues.

1. Whether The Principle Of Development Is Acceptable

- 6.3 Section 73 of the Town and Country Planning Act 1990 concerns determination of application to develop land already carried out without compliance with conditions previously attached. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under S73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it.
- 6.4 The planning permission was subject to the standard condition which requires

the permission to be implemented within three years from the date of the consent which in this instance expires on 27th April 2019.

- 6.5 Wetheral Parish Council has lodged an objection on the basis that no reasonable case has been made for the site expansion. From the background information, Members should be aware that the planning permission remains extant but due to the change in circumstances, the current owner is unable comply with the requirements of condition 8 and submit an application to discharge the condition. Approval of this application would not result in an intensification or expansion of the site or result in a further extension of time for its implementation. The principle of development has already been established through the decision issued by the Planning Inspectorate. The applicant would still comply with the three year time period for implementation detailed in the first condition of the decision and condition 1 attached to this report reaffirms this. The variation of condition 8 is a technicality which would allow the subsequent submission of details to discharge the condition i.e. layout, landscaping, materials etc. The remaining conditions that control the use of the site and the amount of caravans that are eligible to be on the site remain enforceable and are subject to conditions attached to the draft decision notice.
- 6.6 The need for the applicant to be on the site is questioned, however, it has already been established in the preceding paragraph that the principle of development remains extant. The planning permission does not include a personal condition, therefore, anyone meeting the criteria of being a Gypsy or Traveller is eligible to live on the site. On this basis, the principle of the variation of the planning condition is acceptable.

Conclusion

- 6.7 In overall terms, the planning application proposes the variation of a planning condition to alter time scale to allow the submission of an application to discharge details that the details of the development which in this stance relate to the layout of the site including the positioning of the caravans and ancillary buildings and areas of hard standing; boundary treatments; the means of foul and surface water drainage; external lighting; landscaping including tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities.
- 6.8 The principle and level of the use together with the overall timeframe for implementation of the planning permission remain unaltered by this application.
- 6.9 In all aspects the report demonstrates that the proposal is compliant with the objectives of the national and local plan policies and the application is therefore recommended for approval subject to the imposition of appropriate planning conditions.

7. Planning History

- 7.1 Planning permission was refused for the change of use of land to a mixed use of agriculture and siting of one residential Gypsy/ Travellers pitch with three caravans (including one static caravan); erection of amenity building; laying of hardstanding (part retrospective) was refused in 2015. A subsequent appeal to the Planning Inspectorate was allowed in 2016.

8. Recommendation: Grant Permission

1. The development shall be begun not later than the 27th April 2019.

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

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

1. the Planning Application Form received 7th January 2019;
2. the Notice of Decision;
3. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. This permission relates solely to the land edged red on the 1:1250 site plan submitted with a letter from the agent for the appellant dated 8 April 2016 approved under application reference 16/0825.

Reason: For the avoidance of doubt.

4. Construction of the amenity building shall not commence until details of the external materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is appropriate to the character and appearance of the area in accordance with Policies SP6 and HO11 of the Carlisle District Local Plan 2015-2030.

5. 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.

Reason: The unfettered occupation of the land for residential purposes would be contrary to Policy HO11 of the Carlisle District Local Plan 2015-2030.

6. No more than three 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 development is appropriate to the character and appearance of the area in accordance with Policies SP6 and HO11 of the Carlisle District Local Plan 2015-2030.

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

Reason: To ensure that the development is appropriate to the character and appearance of the area in accordance with Policies SP6 and HO11 of the Carlisle District Local Plan 2015-2030.

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

Reason: To ensure that the development is appropriate to the character and appearance of the area in accordance with Policies SP6 and HO11 of the Carlisle District Local Plan 2015-2030.

9. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 56 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- i) prior to the expiry of the planning permission stated in condition 1 of this permission, a scheme for: the layout of the site including the positioning of the caravans and ancillary buildings and areas of hardstanding; boundary treatments; the means of foul and surface water drainage; external lighting; landscaping including tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities, hereafter referred to as the site development scheme shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation;
- ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
- iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State; and
- iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: To ensure that the development is appropriate to the character and appearance of the area in accordance with Policies SP6 and HO11 of the Carlisle District Local Plan 2015-2030.

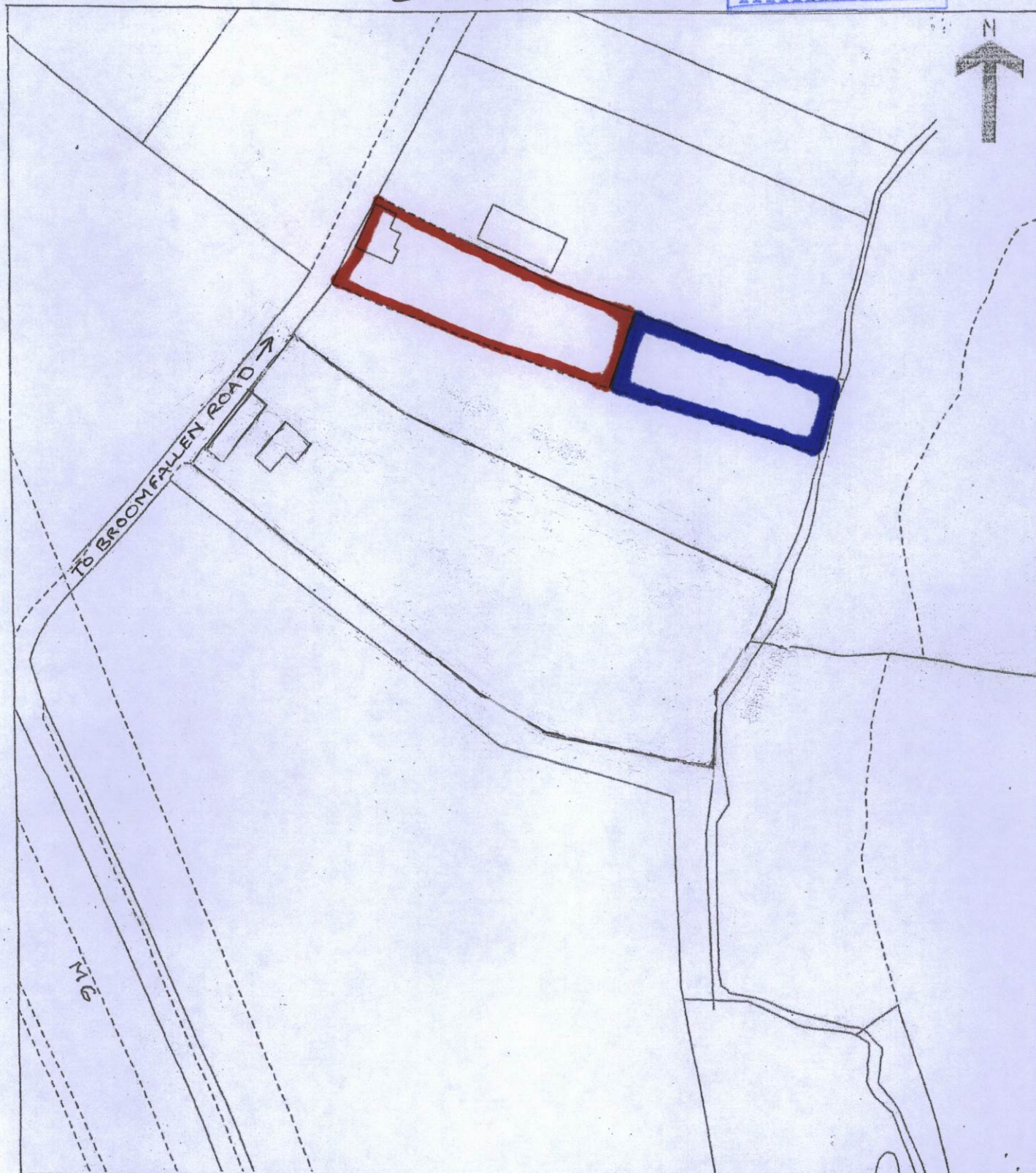
LOCATION PLAN

DWG 01

RECEIVED

24 SEP 2014

1410825



SCALE- 1: 1250

0 METRES 50

SCHEDULE A: Applications with Recommendation

18/0891

Item No: 06

Date of Committee: 22/03/2019

Appn Ref No:
18/0891

Applicant:
HACW Ltd

Parish:
Stanwix Rural

Agent:
Haydon Environmental
Consultants

Ward:
Stanwix Rural

Location: Houghton Hall Garden Centre, Houghton, Carlisle, CA6 4JB

Proposal: Siting Of Hand Car Wash And Valet Facility Including Canopy And
Portable Office Store Building (Revised Application)

Date of Receipt:
01/10/2018 23:00:44

Statutory Expiry Date
26/11/2018 23:00:44

26 Week Determination
26/02/2019

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
- 2.2 Foul Water Drainage
- 2.3 Design And Impact On The Character And Appearance Of The Area
- 2.4 The Impact Of The Development On The Character And Setting Of The Grade II Listed Building
- 2.5 The Impact Of The Development On Hadrian's Wall Buffer Zone
- 2.6 Biodiversity
- 2.7 Impact On Neighbouring Amenity
- 2.8 Highway Safety And Access

3. Application Details

The Site

3.1 Houghton Hall Garden Centre is an established garden centre located

adjacent to the A689 County highway approximately 1.6 kilometres east of Junction 44 of the M6 motorway.

- 3.2 Spread over three levels, the main level is home to gardening products, external plant areas, aquatic shop, gift shop, clothing, coffee shop and farm shop. A mezzanine floor displays garden furniture and outdoor living products whilst a basement level houses 'The World in Miniature Museum' and attractions including the Craft Shop, Hornby, Scalextric and Airfix.
- 3.3 The site is served by a large parking area to its frontage with access for servicing and deliveries to the north. A timber framed building is located adjacent to the entrance door which is used for the sale of fruit and vegetables.
- 3.4 The boundary to the site adjacent to the main road to the north comprises of a simple post and wire fence with mature trees within the grounds. The nearest residential property, Two Hands, is approximately 80 metres to the north-west of the application site.

The Proposal

- 3.5 The applicant proposes to operate a car wash and valet business from within the hardstanding area associated with the garden centre. The development would comprise of a cantilevered canopy, detached modular building that would serve as an office/ storage area and a 1.8 metre high fence along the northern boundary to separate the site from the adjacent road leading to the service/ delivery area to the rear of the garden centre.
- 3.6 The development would also include the creation of water recirculation system and water tanks, floodlighting affixed to the cabin and the demarcation of valet areas within the site. The car wash business would operate from 9am to 6pm Mondays to Saturdays and 10.30am to 4.30pm Sundays.

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 one neighbouring property. In response, no verbal or written representations have been received.

5. Summary of Consultation Responses

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

Highway Authority

The access from the A689 existing access to the private site. The layout details shown on the submitted plan are considered satisfactory from a highway perspective and therefore the Highway Authority has no objection to

the proposed development.

Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) surface water map show no flooding to the site and the Environment Agency (EA) surface water maps indicate the site is 250m west of where Flood Zone 2. These outlying areas are likely to be affected by a major flood with up to a 0.1 per cent (1 in 1000) chance of occurring each year indicate the area at risk and Flood Zone 3 a 1 per cent (1 in 100) or greater criteria of happening each year.

Stanwix Rural Parish Council: - the Parish Council remain sufficiently concerned regarding the points raised in their objection and as such, continue to object to this revised application 18/0891.

The Parish Council believes that insufficient evidence has been provided to provide the required clarification of the adequacy in removing surfactant of the filtration unit proposed. Furthermore the concerns raised regarding the storage of large scale drums of detergent on site remain and if consent is passed, the Parish Council continue to urge that conditioning be applied to ensure that a limit be placed upon the quantity of detergents etc. that may be stored on site at any time in order to mitigate the effects of leakage or malicious damage.

The Parish Council we request that the calculations for the potential effect of surfactant spillage on the attenuation pond be made publicly available for scrutiny.

Environment Agency (N Area (+ Waste Disp & Planning Liaison Team): - the proposal as submitted will require an environmental permit for the discharge to surface water, and is unlikely to be able to meet permit requirements.

Environment Agency position

The proposed development will be acceptable if the following measure(s) are implemented and secured by way of a planning condition on any planning permission.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons

The North West river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class

The proposal will require an environmental permit for the trade discharge of

foul drainage to surface water. Such a permit is likely to include numeric limits for Suspended Solids (SS) and Biological Oxygen Demand (BOD). The Environment Agency considers that the proposal as submitted would not be able to meet the likely stringent permit requirements for BOD, and an alternative system should include biological treatment to reduce the BOD.

United Utilities: - no response received;

Historic England - North West Office: - do not wish to offer any comments;

Local Environment - Environmental Protection: - no response received;

Food Hygiene: - no response received.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP1, SP2, SP6, EC11, IP2, IP3, IP6, CC5, CM5, HE1, HE3 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 is also a material planning consideration. The proposal raises the following planning issues.

1. Whether the principle of development is acceptable

- 6.3 Within the NPPF there is a presumption in favour of sustainable development. Paragraph 7 requires that:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

- 6.4 Paragraph 8 continues and identifies that to achieve sustainable development there are three overarching objectives. Paragraph 10 states “so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).”

- 6.5 Paragraph 83 of the NPPF states that:

“Planning policies and decisions should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

6.6 The Framework continues in paragraph 84 that:

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

- 6.7 There is clear guidance that the needs of businesses may extend beyond settlement boundaries may be acceptable provided that the development is sensitive to its surroundings, does not impact on the local road network and encourages the use of previously developed land.
- 6.8 The location of this type of operation in the rural area must also be justified. Policy SP2 of the local plan requires that development proposals will be assessed against their ability to promote sustainable development. Outside of the specified settlements, development proposals will be assessed against the need to be in the location specified.
- 6.9 This proposal requires the development of part of the car park to form a car wash facility. Policy EC11 of the local plan states that any new buildings within the rural area should be well related to an existing group of buildings to minimise their impact and ensure they blend satisfactorily into the landscape through suitable materials, design and siting and these matters are considered in the following paragraphs of this report.
- 6.10 The car wash would be small in scale compared to the existing use and would complement the garden centre use where visitors spend a reasonable amount of time thus allowing the vehicles to be left and cleaned. Members will be aware of the unit adjacent to the entrance that retails fruit and vegetables so it is proven that linked trips to the site can occur and the uses would be appropriate. The inclusion of a car wash within the curtilage of a garden centre is commonplace nationally and indeed such a car wash operates at Dobbies Garden Centre at Orton Grange.

- 6.11 The proposal is a commercial enterprise, located in a rural location. The proposal would offer limited social benefits by virtue of a service which is utilised by the local community, whilst job creation would also occur, an economic benefit. The stated number of jobs that would be created is two full time and six part time roles. In this regard, the proposal is considered to be of benefit to the rural economy and can be supported in principle in respect of the NPPF and Policy EC11 of the local plan.

2. Foul Water Drainage

- 6.12 Paragraph 170(e) of the NPPF states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;”*

- 6.13 In Paragraph: 016 Reference ID: 34-016-20140306 of the Waste Supply, Wastewater And Water Quality section of the PPG, it advises on assessing impacts on water quality and states:

“Where water quality has the potential to be a significant planning concern an applicant should be able to explain how the proposed development would affect a relevant water body in a river basin management plan and how they propose to mitigate the impacts. Applicants should provide sufficient information for the local planning authority to be able to identify the likely impacts on water quality. The information supplied should be proportionate to the nature and scale of development proposed and the level of concern about water quality.

Where it is likely a proposal would have a significant adverse impact on water quality then a more detailed assessment will be required. The assessment should form part of the environmental statement, if one is required because of a likely significant effect on water.

When a detailed assessment is needed, the components are likely to include:

- the likely impacts of the proposed development (including physical modifications) on water quantity and flow, river continuity and groundwater connectivity, and biological elements (flora and fauna).*
- how the proposed development will affect measures in the river basin management plan to achieve good status in water bodies*
- how it is intended the development will comply with other relevant regulatory requirements relating to the water environment (such as those relating to bathing waters, shellfish waters, freshwater fish and drinking water) bearing in mind compliance will be secured through the Environment Agency’s permitting responsibilities.”*

- 6.14 Policies IP6 and CC5 of the local plan also requires that appropriate foul and surface drainage measures are incorporated within any development.
- 6.15 The applicant proposes to install a filtration unit that captures the foul and surface water run-off, through a sludge trap and into a reservoir. The water would then be recycled and then reused at the car wash.
- 6.16 The parish council main their objection to the application raising concerns seeking further clarification about the filtration unit and that calculations for the potential effect of surfactant spillage on the attenuation pond be made available. Additionally, the parish council are concerned about the storage of large scale drums of detergent on site urging that a condition be applied to ensure that a limit be placed upon the quantity of detergents etc. that may be stored on site at any time in order to mitigate the effects of leakage or malicious damage.
- 6.17 Members will note that neither the Lead Local Flood Authority or the Environment Agency (EA) has raised an objection with the latter suggesting that a condition is imposed requiring the submission of further details. The EA has commented that:
- “The proposal will require an environmental permit for the trade discharge of foul drainage to surface water. Such a permit is likely to include numeric limits for Suspended Solids (SS) and Biological Oxygen Demand (BOD). The Environment Agency considers that the proposal as submitted would not be able to meet the likely stringent permit requirements for BOD, and an alternative system should include biological treatment to reduce the BOD.”*
- 6.18 To determine whether a permit may be granted, confirmation needs to be provided in respect of the settlement and the subsequent biological treatment of the wash water. The applicant has advised that the supplier of the filtration unit will not provide any further technical information in respect of the information required by the EA until such time as planning permission is in place which results in a stalemate.
- 6.19 The EA has confirmed in separate correspondence that the no fundamental objection is raised subject to the imposition of a condition so that they could be confident the scheme could satisfy their permit requirements. Again, no objection is raised and a condition is included with the draft decision notice requiring the submission of further details. If these details are not submitted or are inadequate, by default the development fails and cannot be implemented. The permitting process required by the EA is a separate legislative process to that of the planning application.
- 6.20 In respect of the concerns raised by the parish council in terms of the amount and storage of chemicals and detergents, it is recommended that an additional condition is imposed requiring the submission of a management plan that would detail the type, amount and method of storage of these on site.

3. Design And Impact On The Character And Appearance Of The Area

- 6.21 Adopted policies require that development is appropriate, in terms of quality, to that of the surrounding area. Proposals should, therefore, incorporate high standards of design including care in relation to siting, scale, use of materials and landscaping that respects and, where possible, enhances the distinctive character of townscape and landscape. This is reflected in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 6.22 The development would be within the context of the site and the structures would be well-related to the existing buildings. The scale, design and use of materials of the proposals are considered to be appropriate in the context of the site, its surroundings and overall character of the area and is acceptable in this regard.

4. The Impact Of The Development On The Character And Setting Of The Grade II Listed Building

- 6.23 Paragraph 7 of the NPPF states that:
- “The purpose of the planning system is to contribute to the achievement of sustainable development”.*
- 6.24 Pursuing sustainable development involves protecting and enhancing the historic environment (paragraph 8).
- 6.25 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.26 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.27 Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting

- 6.28 Houghton Hall is Grade II listed and is located approximately 130 metres to the west of the application site.
- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.29 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.30 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.31 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 195). However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.32 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.33 The site would be separated from the listed building by distance and the intervening garden centre. As such, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed building.

5. The Impact Of The Development On Hadrian's Wall Buffer Zone

- 6.34 Although not part of the Hadrian's Wall Vallum, the site is within the buffer zone of Hadrian's Wall Military Zone World Heritage Site where policies require that proposals for development which would have an unacceptable impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this plan, providing that the proposal reflects the scale and character of the existing group of buildings and there is no unacceptable adverse effect on the character and/or appearance of the

Hadrian's Wall Military Zone World Heritage Site.

- 6.35 On the basis of the details submitted, neither Historic England or the Historic Environment Officer at Cumbria County Council have raised any objection.

6. Biodiversity

- 6.36 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, &c.) 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.
- 6.37 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposed development would be located adjacent to existing buildings, situated over an area of hardstanding, it is not considered that the development would harm a protected species or their habitat. In addition, the condition requiring the submission and agreement of the drainage scheme should ensure the protection of biodiversity in nearby bodies of water. An Informative would be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

7. Impact On Neighbouring Amenity

- 6.38 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusive.
- 6.39 Two Hands lies approximately 80 metres to the south of the application site, with the curtilage boundary adjoining the site. The hours of use proposed are listed as 9am to 6pm Mondays to Saturdays, and 10.30am to 4.30pm Sundays and these hours would be conditioned as part of any approval granted.
- 6.40 Given the existing use of the site, the physical relationship of the neighbouring properties together with the proximity to the A689 and the buffer created by the proposed erection of a 1.8 metre high fence, the occupiers of the neighbouring property would not suffer from an unreasonable loss of daylight or sunlight and due to the siting, scale and design of the property the development would not be over-dominant. Moreover, the operation of the site would not result in significant levels of noise or disturbance.

8. Highway Safety And Access

- 6.41 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway and provide adequate parking facilities.
- 6.42 Cumbria County Council as the Highway Authority has assessed the application and confirmed that the use of the existing access and relationship with the car park is acceptable and therefore raise no objection. On this basis the proposal does not raise any highway issues and is acceptable.

Conclusion

- 6.43 It is considered that the principle of development is acceptable in this location and would provide limited social benefits by virtue of a service which is utilised by the local community, as well as wider job creation, an economic benefit. The proposal would not have a detrimental impact on the character or appearance of the area or the nearby listed building.
- 6.44 The site is detached from the nearby residential property and through its use and subject to the imposition of conditions, the development would not result in a nuisance to the occupiers of this property.
- 6.45 Conditions are also imposed in respect of the foul water run-off and the storage of detergents and chemicals on the site. The proposal would not raise any biodiversity or highway issues and in all aspects, the proposal is acceptable in terms of the NPPF and the development plan policies.

7. Planning History

- 7.1 Prior to the submission of the original application for the Garden Centre in 2003, there had been no previous comparable application in relation to the application site as a whole. However, in March 2003 Outline Planning Consent was refused for the erection of a single dwelling within the walled garden associated with Houghton Hall for the following reason:

"The proposed site lies in a location outside the established and defined limits of any settlement or focus of significant residential development and, if permitted, would detract from planning policies aimed at concentrating new residential development in the rural area within those settlements that fulfil a rural service role. Approval of the proposed development would thus conflict with the provisions of Policy H5 of the Carlisle District Local Plan and the associated Interim Housing Policy Statement (2002)."

- 7.2 In 2003, full planning permission was granted for the garden centre with related visitor attraction, car parking etc (application reference 03/1024).
- 7.3 In 2005, full planning permission was granted for a revised application for the above garden centre (application reference 05/0477).
- 7.4 In 2006, full planning permission was granted for the extension of retail floor

space by the installation of 650 square metres mezzanine floor (application reference 06/0247).

- 7.5 Also in 2006, advertisement consent was granted for the display of illuminated and non-illuminated signage (application reference 06/0782).
- 7.6 Again in 2006, an application for the variation of planning condition no.12, ref no 05/0477 to allow the display of garden buildings, greenhouses, gazebos, summer houses together with sales office outwith the areas identified within the planning permission was withdrawn (application reference 06/1193).
- 7.7 This application was subsequently re-submitted and refused under planning reference 07/0231.
- 7.8 Also in 2007, full planning permission was granted for the temporary siting of a marquee over external seating area (application reference 07/0925).
- 7.9 In 2011, advertisement consent was granted for replacement of existing signage at the entrance to garden centre (application reference 11/0777).
- 7.10 In 2016, full planning permission was granted for erection of timber building adjacent to entrance of garden centre for the sale of fruit and vegetables (application reference 16/0485).
- 7.11 Also 2016, an application for the creation of a hand car wash with package recycling system was withdrawn (application reference 16/0486).
- 7.12 Again in 2016, an application to discharge condition 3 (materials) attached to planning approval 16/0485 was granted (application reference 16/0896).
- 7.13 Earlier this year, an application for siting of hand car wash and valet facility including canopy and portable office store building was withdrawn (application reference 18/0363).
- 7.14 A further application for the display of 1no. non illuminated menu board sign and 1no. free standing direction sign was also withdrawn (application 18/0364).
- 7.15 There is currently an application pending a decision for the display of non-illuminated menu board sign and 1no. free standing directional sign (revised application) (application reference 18/0892).

8. Recommendation: Grant Permission

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

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

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

1. the Planning Application Form received 1st October 2018;
2. the Location Plan received 1st October 2018;
3. the Site Layout Plan received 7th March 2019;
4. the Floor Plan received 11th March 2019;
5. the Elevations received 11th March 2019;
6. the Cantilever Canopy General Arrangement received 11th March 2019;
7. the Cantilever Canopy Post Arrangement received 11th March 2019;
8. the Background Planning Statement received 1st October 2018;
9. the Notice of Decision;
10. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented in accordance with the approved details and shall not be altered unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory form of development and to prevent foul water entering nearby water courses which would result in their deterioration and inhibit their recovery in accordance with the National Planning Policy Framework, National Planning Practice Guidance and Policy IP6 of the Carlisle District Local Plan 2015-2030.

4. No construction work associated with the development hereby approved shall be carried out before 0900 hours or after 1800 hours Monday to Saturdays and 1030 hours and 1630 hours on Sundays.

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

5. No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building such as to constitute a statutory nuisance.

Reason: To ensure that noise which may emanate from the development is compatible with the existing noise levels in the area and does not lead to undue disturbance to adjoining occupiers in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

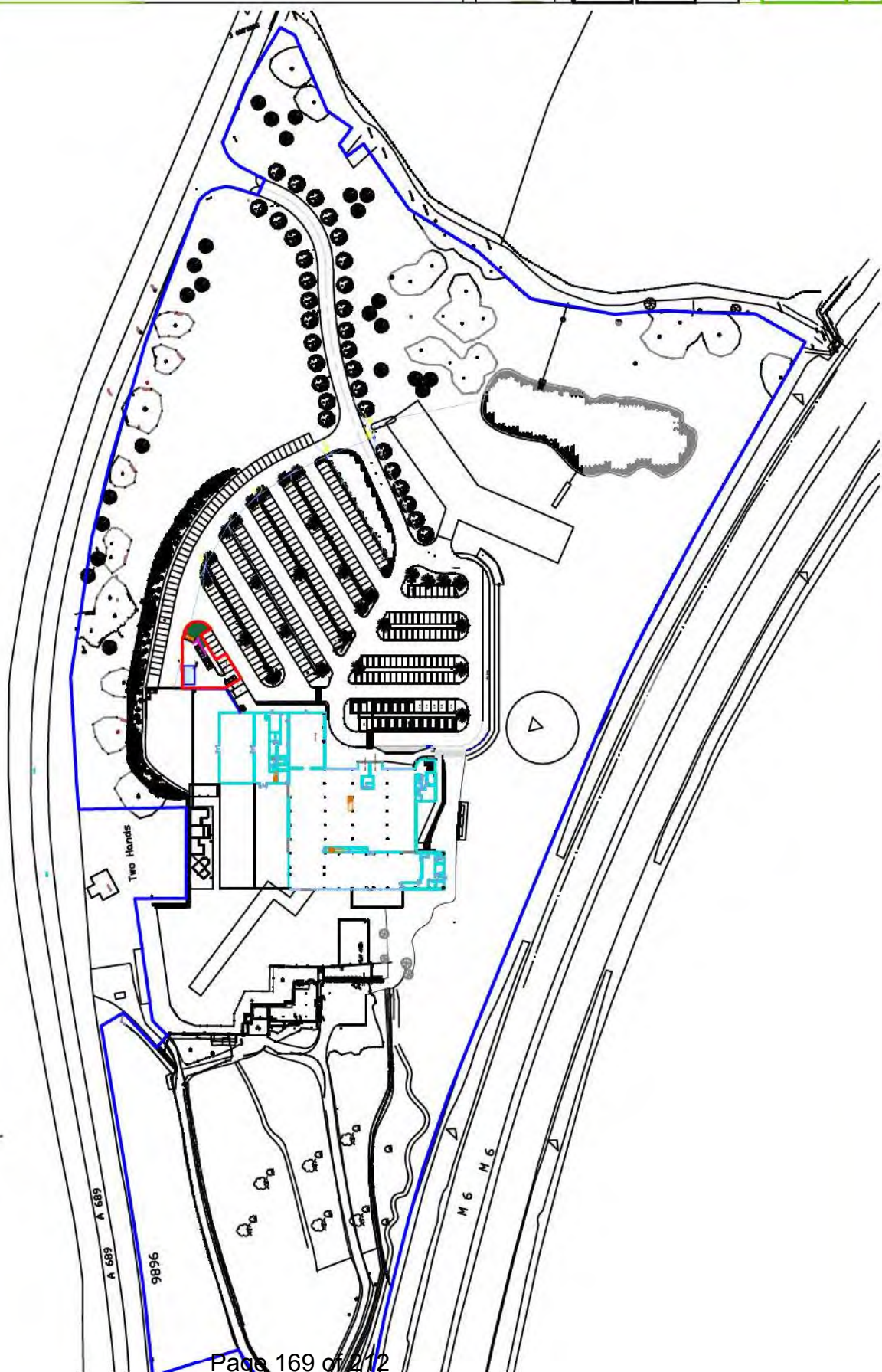
6. No pressure washers, power washers or similar motorised/ powered equipment or cleaning equipment, shall be used on site as part of the operations of the development hereby permitted.

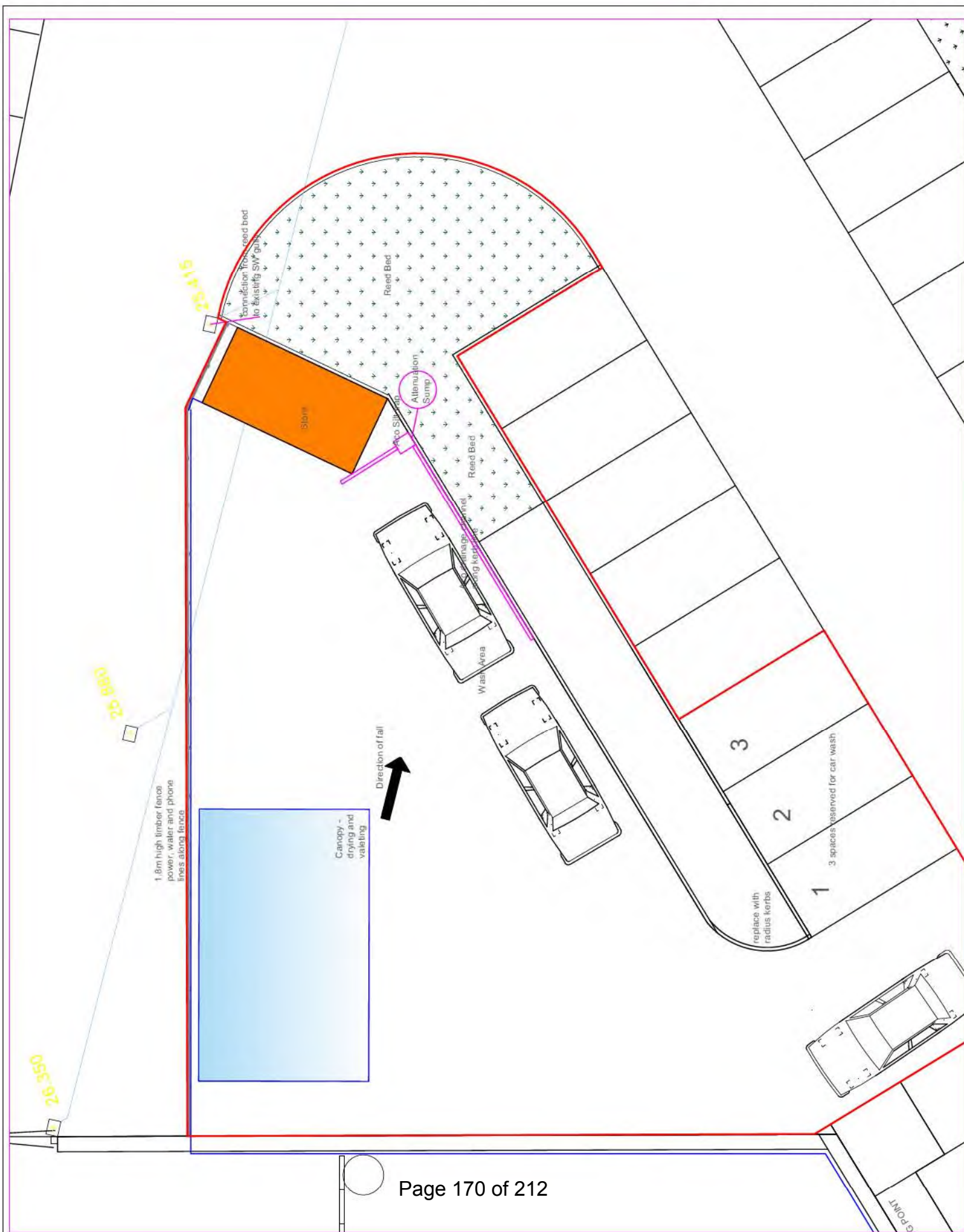
Reason: To ensure that noise which may emanate from the development is compatible with the existing noise levels in the area and does not lead to undue disturbance to adjoining occupiers in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

7. Prior to the development being brought into use, a Management Plan shall be submitted to and approved in writing by the local planning authority. The Management Plan shall provide details of the amount and type of chemicals and detergents to be stored on site together with procedures for the safe management of their storage. The development shall then be undertaken in accordance with the approved details.

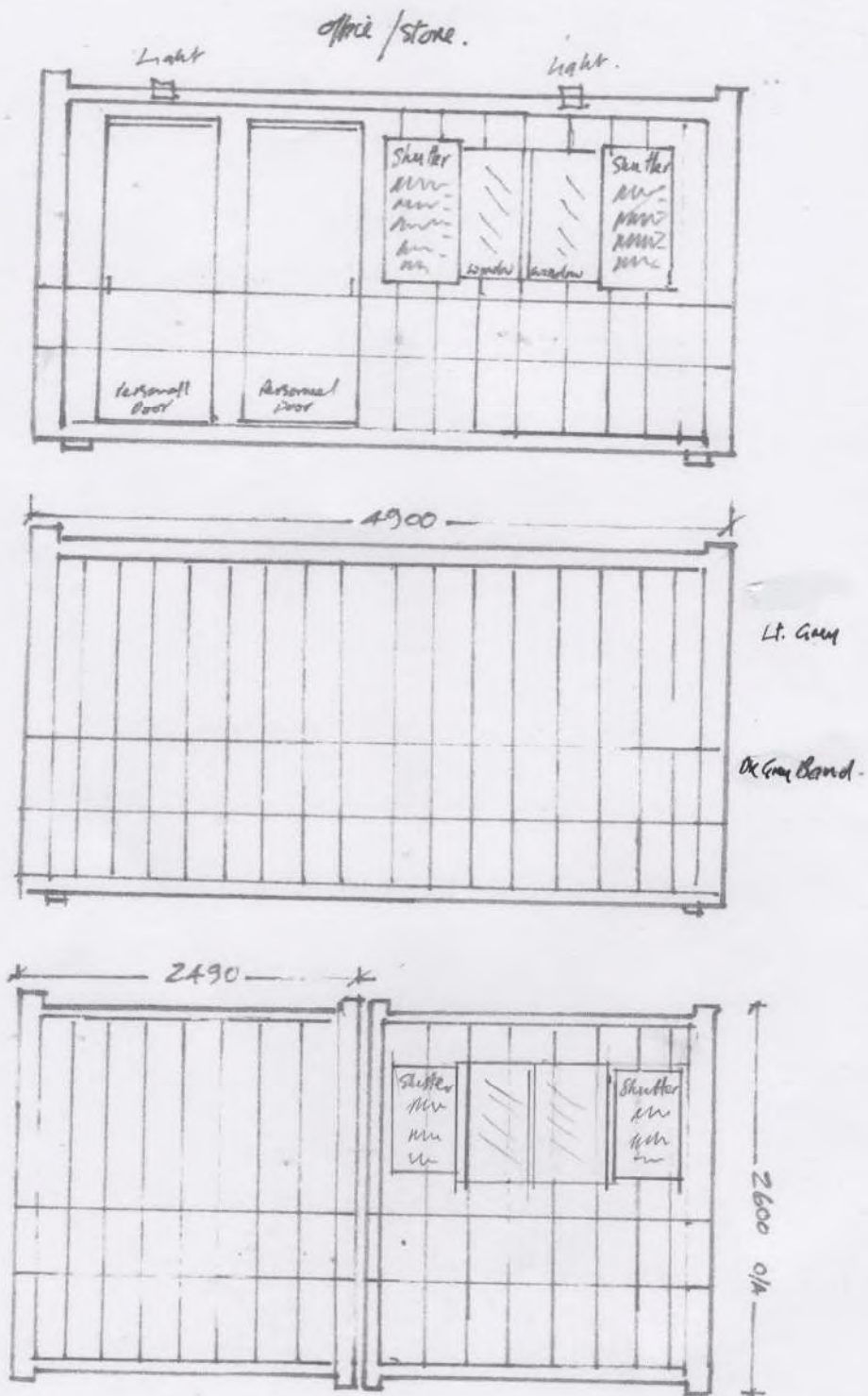
Reason: To ensure a satisfactory form of development and to protect nearby water courses in accordance with the National Planning Policy Framework, National Planning Practice Guidance and Policy IP6 of the Carlisle District Local Plan 2015-2030.

100-2528 *Region*. Advances and methods in the field and the use of the term. *Journal of the American Statistical Association*, 1994, 89, 1, 1-10. *See also* 100-2529, 100-2530, 100-2531, 100-2532, 100-2533, 100-2534, 100-2535, 100-2536, 100-2537, 100-2538, 100-2539, 100-2540, 100-2541, 100-2542, 100-2543, 100-2544, 100-2545, 100-2546, 100-2547, 100-2548, 100-2549, 100-2550, 100-2551, 100-2552, 100-2553, 100-2554, 100-2555, 100-2556, 100-2557, 100-2558, 100-2559, 100-2560, 100-2561, 100-2562, 100-2563, 100-2564, 100-2565, 100-2566, 100-2567, 100-2568, 100-2569, 100-2570, 100-2571, 100-2572, 100-2573, 100-2574, 100-2575, 100-2576, 100-2577, 100-2578, 100-2579, 100-2580, 100-2581, 100-2582, 100-2583, 100-2584, 100-2585, 100-2586, 100-2587, 100-2588, 100-2589, 100-2590, 100-2591, 100-2592, 100-2593, 100-2594, 100-2595, 100-2596, 100-2597, 100-2598, 100-2599, 100-2600, 100-2601, 100-2602, 100-2603, 100-2604, 100-2605, 100-2606, 100-2607, 100-2608, 100-2609, 100-2610, 100-2611, 100-2612, 100-2613, 100-2614, 100-2615, 100-2616, 100-2617, 100-2618, 100-2619, 100-2620, 100-2621, 100-2622, 100-2623, 100-2624, 100-2625, 100-2626, 100-2627, 100-2628, 100-2629, 100-2630, 100-2631, 100-2632, 100-2633, 100-2634, 100-2635, 100-2636, 100-2637, 100-2638, 100-2639, 100-2640, 100-2641, 100-2642, 100-2643, 100-2644, 100-2645, 100-2646, 100-2647, 100-2648, 100-2649, 100-2650, 100-2651, 100-2652, 100-2653, 100-2654, 100-2655, 100-2656, 100-2657, 100-2658, 100-2659, 100-2660, 100-2661, 100-2662, 100-2663, 100-2664, 100-2665, 100-2666, 100-2667, 100-2668, 100-2669, 100-2670, 100-2671, 100-2672, 100-2673, 100-2674, 100-2675, 100-2676, 100-2677, 100-2678, 100-2679, 100-2680, 100-2681, 100-2682, 100-2683, 100-2684, 100-2685, 100-2686, 100-2687, 100-2688, 100-2689, 100-2690, 100-2691, 100-2692, 100-2693, 100-2694, 100-2695, 100-2696, 100-2697, 100-2698, 100-2699, 100-2700, 100-2701, 100-2702, 100-2703, 100-2704, 100-2705, 100-2706, 100-2707, 100-2708, 100-2709, 100-2710, 100-2711, 100-2712, 100-2713, 100-2714, 100-2715, 100-2716, 100-2717, 100-2718, 100-2719, 100-2720, 100-2721, 100-2722, 100-2723, 100-2724, 100-2725, 100-2726, 100-2727, 100-2728, 100-2729, 100-2730, 100-2731, 100-2732, 100-2733, 100-2734, 100-2735, 100-2736, 100-2737, 100-2738, 100-2739, 100-2740, 100-2741, 100-2742, 100-2743, 100-2744, 100-2745, 100-2746, 100-2747, 100-2748, 100-2749, 100-2750, 100-2751, 100-2752, 100-2753, 100-2754, 100-2755, 100-2756, 100-2757, 100-2758, 100-2759, 100-2760, 100-2761, 100-2762, 100-2763, 100-2764, 100-2765, 100-2766, 100-2767, 100-2768, 100-2769, 100-2770, 100-2771, 100-2772, 100-2773, 100-2774, 100-2775, 100-2776, 100-2777, 100-2778, 100-2779, 100-2780, 100-2781, 100-2782, 100-2783, 100-2784, 100-2785, 100-2786, 100-2787, 100-2788, 100-2789, 100-2790, 100-2791, 100-2792, 100-2793, 100-2794, 100-2795, 100-2796, 100-2797, 100-2798, 100-2799, 100-2800, 100-2801, 100-2802, 100-2803, 100-2804, 100-2805, 100-2806, 100-2807, 100-2808, 100-2809, 100-2810, 100-2811, 100-2812, 100-2813, 100-2814, 100-2815, 100-2816, 100-2817, 100-2818, 100-2819, 100-2820, 100-2821, 100-2822, 100-2823, 100-2824, 100-2825, 100-2826, 100-2827, 100-2828, 100-2829, 100-2830, 100-2831, 100-2832, 100-2833, 100-2834, 100-2835, 100-2836, 100-2837, 100-2838, 100-2839, 100-2840, 100-2841, 100-2842, 100-2843, 100-2844, 100-2845, 100-2846, 100-2847, 100-2848, 100-2849, 100-2850, 100-2851, 100-2852, 100-2853, 100-2854, 100-2855, 100-2856, 100-2857, 100-2858, 100-2859, 100-2860, 100-2861, 100-2862, 100-2863, 100-2864, 100-2865, 100-2866, 100-2867, 100-2868, 100-2869, 100-2870, 100-2871, 100-2872, 100-2873, 100-2874, 100-2875, 100-2876, 100-2877, 100-2878, 100-2879, 100-2880, 100-2881, 100-2882, 100-2883, 100-2884, 100-2885, 100-2886, 100-2887, 100-2888, 100-2889, 100-2890, 100-2891, 100-2892, 100-2893, 100-2894, 100-2895, 100-2896, 100-2897, 100-2898, 100-2899, 100-2900, 100-2901, 100-2902, 100-2903, 100-2904, 100-2905, 100-2906, 100-2907, 100-2908, 100-2909, 100-2910, 100-2911, 100-2912, 100-2913, 100-2914, 100-2915, 100-2916, 100-2917, 100-2918, 100-2919, 100-2920, 100-2921, 100-2922, 100-2923, 100-2924, 100-2925, 100-2926, 100-2927, 100-2928, 100-2929, 100-2930, 1



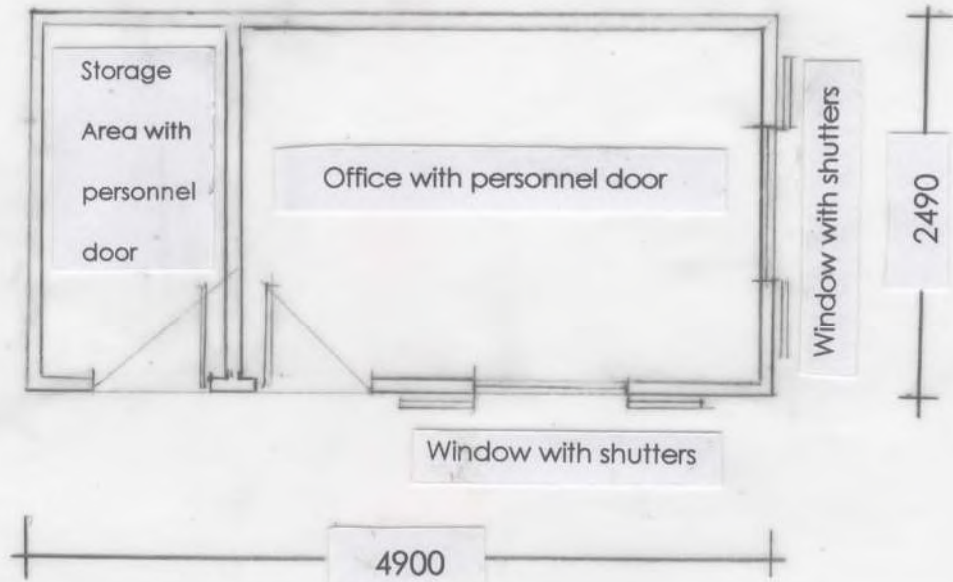
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Handy Andy Car Wash



Scale 1:50

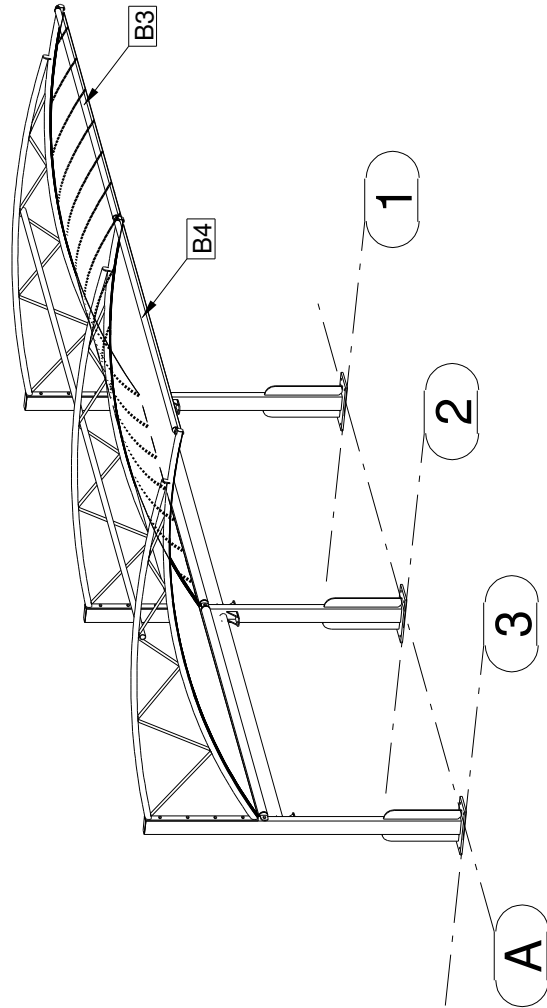
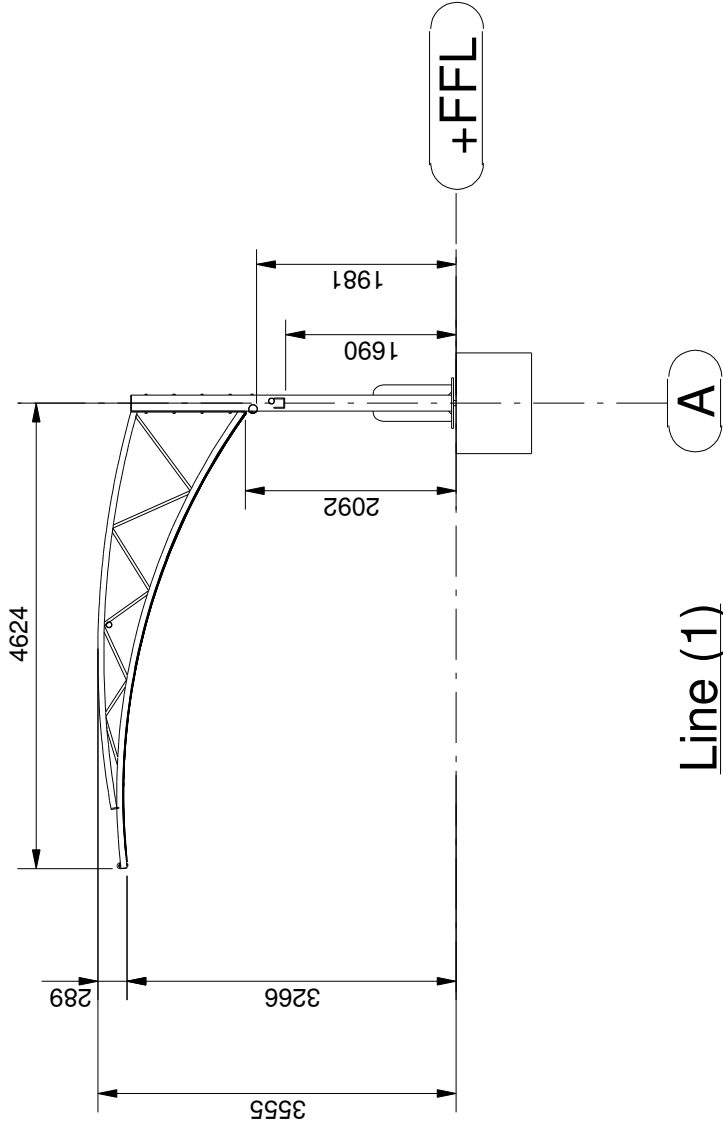
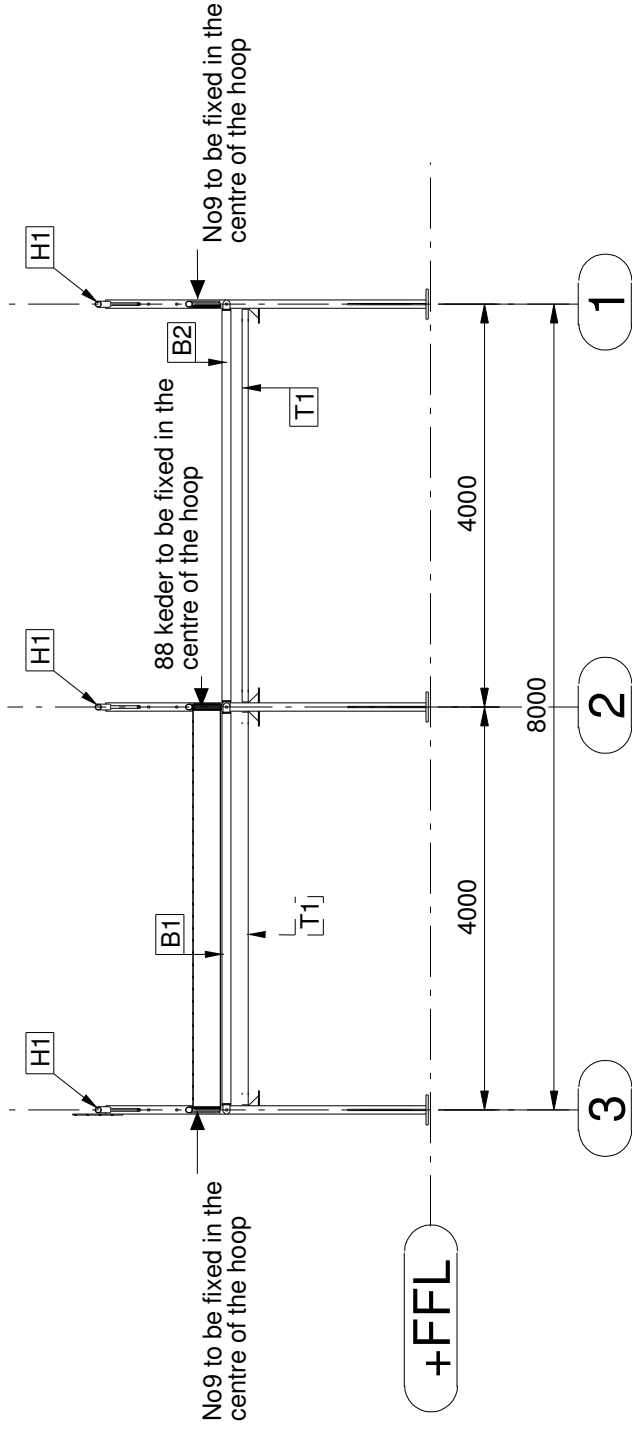
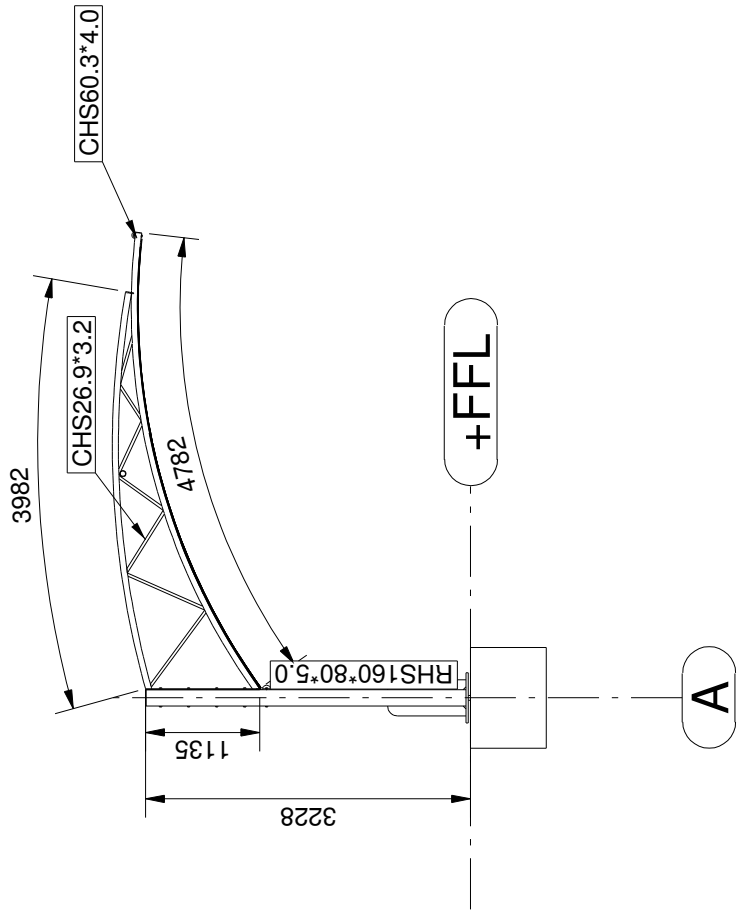
Handy Andy Car wash




Floor Plan for Office/Store

Scale 1:50

01.04.2013 v 2.



| REV MARK | REVISION DESCRIPTION | REVISION DATE |
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| <div> <div>  <p>NATIONAL STRUCTURES</p> </div> <div> <p>4 CABLE COURT</p> <p>PITTMAN WAY</p> <p>PRESTON</p> <p>PR2 9YV</p> <p>TEL: 01772 799200</p> <p>FAX: 01772 799250</p> </div> </div> | | |
| <div> <div>Client: Handy Andy Car Wash</div> <div>PROJECT: Cantilever Canopy</div> <div>TITLE: General Arrangement</div> <div>SCALE: 1:75</div> <div>DRAWN: WS</div> <div>DATE DRAWN: 16.07.2013</div> <div>CHECKED: DATE CHECKED:</div> <div>Job No: 5240</div> <div>REVISION</div> <div>DRG. No: GA1012</div> </div> | | |

Item No: 07

Between 02/02/2019 and 08/03/2019

Appn Ref No:

16/0891

Applicant:

Mr & Mrs D Broughton

Parish:

Wetheral

Date of Receipt:

11/10/2016

Agent:Heine Planning
Consultancy**Ward:**

Wetheral

Location:Oak Meadow, Broomfallen Road, Scotby, Carlisle,
CA4 8DE**Grid Reference:**

343775 554000

Proposal: Change Of Use Of Land For Mixed Use Of 1No. Gypsy Pitch For The Stationing Of Up To 3No. Caravans For Residential Occupation, With Utility Building, Hard Standing, Stable Block, Landscaping And Septic Tank; Paddock Area (Part Retrospective)

Amendment:

REPORT**Case Officer:** Richard Maunsell**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Informal Hearing**Report:****Appeal Decision:** Appeal Allowed**Date:** 04/02/2019

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

Appeal Decision

Hearing Held on 15 January 2019

Site visit made on 15 January 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2019

Appeal Ref: APP/E0915/W/18/3202754

Oak Meadow, off Broomfallen Road, Scotby CA4 8DE

- 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 and Mrs D Broughton against the decision of Carlisle City Council.
 - The application Ref 16/0891, dated 9 October 2016, was refused by notice dated 9 March 2018.
 - The development proposed is change of use of land for mixed use for keeping of horses and the stationing of up to three caravans for residential occupation, with utility building, hard standing, stable block, landscaping and septic tank (part retrospective).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of land for mixed use for keeping of horses and the stationing of up to three caravans for residential occupation, with utility building, hard standing, stable block, landscaping and septic tank (part retrospective) at Oak Meadow, off Broomfallen Road, Scotby CA4 8DE in accordance with the terms of the application, Ref: 16/0891, dated 9 October 2016, subject to the conditions in the attached schedule.

Application for costs

2. At the Hearing an application for costs was made by Mr and Mrs D Broughton against the City Council. This application is the subject of a separate Decision.

Procedural Matter

3. When the planning application was made to the Council the appellant accepted that some of the development applied for was in part retrospective. The appellants moved onto the site in July 2016. A utility building has been built, but this does not accord with the submitted plans in terms of its siting and design. The stable block and the septic tank have yet to be built. A single touring caravan is stationed on the land and leylandii have been planted and not the hawthorn mix detailed on the plans. The other development described above accords with the plans. I have considered the appeal on the basis of the submitted plans.

Main Issues

4. The main issues are: (i) the effect of the proposed access arrangements on the safety of, and the recreational experience of users of the bridleway; and (ii) whether any harm arising from the proposal would be outweighed by other considerations weighing in favour of the development, including the need for

traveller sites, the availability of sites and the personal circumstances of the proposed occupiers.

Reasons

Proposed access arrangements

The bridleway and the surrounding area

5. The appeal site is on the north-west side of a public bridleway (BW138037) that extends from Broomfallen Road about 350 metres to the north-east. This point roughly marks the extent of Scotby village, which is to the north. The bridleway continues past the site, over the M6 motorway (BW129016) to the west before extending to Cumwhinton Drive and the residential development (The Coppice) currently being built out at Garlands.
6. From its junction with Broomfallen Road the bridleway is a single unlit lane all the way to the site. The initial section serving a cattery and four dwellings, which are in the process of being constructed¹, is some 90 metres in length, and gradually descends along a rough track from the road. After this point the track turns sharply downhill in an S-bend before levelling out and crossing Wash Beck. From here until to the site the bridleway has been surfaced in spray tar and chippings. Sections of the bridleway's surface have been compacted by vehicular use. After the S-bend, the bridleway turns about 90 degrees with bridleway (BW138049) tracking to the northwest and back towards Scotby. After the turn, the bridleway is straight and wider with grass verges either side before tall mature hedgerows. The site's entrance is gated.

Adequate access to and from the site?

7. Part of the Council's case relies upon criterion 8 of Policy HO11 of the Carlisle District Local Plan (Local Plan). This states that *the site should have, or be able to provide, adequate access and turning space for large vehicles and caravans*. The Council accepted at the Hearing, following discussion around the wording of criterion 8 that they raise no issue with the bridleway's surface, and that adequate access and turning space for large vehicles and caravans could be provided to and from the site. I agree based on the evidence before me and my own observations made during my site visit.

The bridleway before July 2016

8. Historically, vehicular use of the bridleway beyond the cattery was limited to an existing gypsy pitch, a horse paddock, stables, a small holding and agricultural land. The planning permissions granted on appeal in April 2016 for four sites ('2016 appeal decisions'²) on the opposite side of the bridleway replaced some stables and smallholding uses. Furthermore, planning permission was granted for a single gypsy pitch at Washbeck Paddock³, which is to the north-east of the appeal site off the straight section of the bridleway (BW138037). However, these planning permissions did not replace the stables that once stood on the appeal site. This use involved a daily vehicle movement of two return trips.
9. It was held in the 2016 appeal decisions that the five pitches approved could potentially generate 30 to 40 separate journeys along the lane, with around 3 or 4 an hour. There would also be deliveries, a fortnightly refuse collection, postal services, tutor visits and other visitors. The movements would include

¹ Council Ref: 07/1246

² Appeal Decision Refs: APP/E0915/W/15/3127903, 3127905, 3127907 and 3130384

³ Appeal Decision Ref: APP/E0915/A/12/2182881

various vehicle types.

10. The Inspector in the 2016 appeal decisions expressed that "of greater concern is the potential conflict between traffic and walkers/horse riders on the bridleway.... There are two aspects to this: the physical risk of an accident; and the quality of the recreational experience. Both these aspects may then discourage people from using the right of way. The most dangerous part of the track is the S-bend where forward visibility is limited and there are no verges to allow vehicles and horses/pedestrians to pass easily. Children and horse riders would be particularly at risk."
11. The Highway Authority objected to the schemes subject of the 2016 appeal decisions. The Inspector concluded that the schemes would increase the tracks use significantly and cause an increase in highway dangers to users of the bridleway. As such, walking, horse riding and cycling would be a less pleasant experience. Moreover, based on the number of dwellings now using the track, the Inspector felt that those schemes were "at the very upper limit of what would be acceptable", but "the level of use proposed would not cause significant harm to the safety and the recreational experience of bridleway users."

What has changed since the 2016 appeal decisions?

12. Save for the appeal site, there have been no changes to the position or use of the cattery or the quantum of dwellings that use or could use the bridleway as an access since the 2016 appeal decisions were issued. There is no quantitative evidence before me setting out how, when and who uses the bridleway. It is therefore unclear whether the estimated number or frequency of vehicle movements set out in the 2016 appeal decisions have become a reality.
13. Nevertheless, the appellants and their family have used the bridleway since July 2016. Their current movements are two-fold. Vehicle journeys are made by Mr Broughton who, as part of his journey for work, drops off and picks up the school aged children. He also does any shopping and other errands. Mrs Broughton does drive and has access to a vehicle, but walks to the facilities and services in Scotby, including the nursery which a child currently attends. There may be occasions when additional trips are made, but in general, the appellants currently make a single return vehicular trip most days.
14. In the 2016 appeal decisions the straight section of the bridleway was referred to as being 'well maintained with a gravel surface and grass verges'. Despite this, the Council explained that shortly after the 2016 appeal decisions were issued the bridleway was re-surfaced and evened out. This was a private initiative, but it has resulted in a more uniform surface and width. The re-surfacing roughly extends from the site to the new houses being built. Three speed bumps have been installed near to Washbeck Paddock.
15. The appellants have observed the bridleway being used by dog walkers, cyclists and horse riders. Some users are regular, but from what I heard the bridleway is used intermittently by non-motorised users. Broomfallen Stables explain that they use the bridleway to exercise several horses/ponies on a daily basis as part of a six-mile route over the last five years, and continue to do so without any problems. It is their view that the bridleway is now wider with better passing places, much cleaner and less pot holed.
16. I understand that the bus service on Broomfallen Road has now been

withdrawn. A bus service on Cumwhinton Drive is short walk away, but this journey would not be attractive during the hours of darkness or inclement weather. However, the same could be said of the journey to Broomfallen Road. Lastly, around 200 new dwellings are being built out at The Coppice.

The effect of the appeal scheme

17. The Council are concerned about an intensified use of the bridleway, and the potential conflicts that this may bring with its users which include walkers, horse riders and cyclists. This view is supported by the Highway Authority. Local Plan Policy SP 6 criterion 5 requires *all components of the proposal, such as buildings, car parking, and new connections, open space and landscaping are accessible and inclusive to everyone, safe and well related to one another to ensure a scheme which is attractive and well integrated with its surroundings*. The appellants question the application of Policy SP 6, but it applies to all 'development proposals'.
18. Paragraph 109 of National Planning Policy Framework (the Framework) sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
19. Numerically the appellants' current movements would be less than the site's prior use. This does not concern the Council, albeit potential conflicts could still arise between traffic and walkers/horse riders on the bridleway. I agree. Current circumstances could well, and are likely to change in the future. It is also feasible that the appellants and their family may not always live on the site. Given this, the main parties agree that the proposal could potentially generate three to four return trips a day.
20. This number of return trips would result in an extra one to two return vehicle movements per day beyond the site's former use. This would be on top of the *very upper limit* referred to in the 2016 appeal decisions. While the proposal would increase the use of the bridleway, there would be no change to the number of sites using the bridleway which was said to have significantly exceeded the adoptable standards in the 2016 appeal decisions. Private drives are intended to be short lengths from an adoptable highway. At some 380 metres long this 'private access' track is not a short length. The illustrative widths in Manual for Streets are objective standards and not determinative.
21. The most dangerous part of the bridleway remains the S-bend where forward visibility is limited and there are limited opportunities to allow vehicles and horses/pedestrians to pass easily. Children and horse riders are mainly at risk. The appeal scheme would increase the potential risk further, especially if the bridleway was used by future occupants of The Coppice. But the risk of potential incidents here would still remain regardless of this appeal.
22. Balanced against this is the lack of any incidents. This includes the period since the appellants' occupation of the site. I did not see horses or cyclists on the bridleway during my site visit, but I saw imprints of both on the ground. The comments of Broomfallen Stables suggest that the changes made to the bridleway's surface have improved safety for them and their horses/ponies. These conditions equally apply to walkers and cyclists.
23. There are no formal passing places, but I observed vehicles and pedestrians passing one another. There are opportunities for this at the top and bottom of

the S-bend, at the junction with bridleway BW138049; along the straight section between the site and bridleway BW138049; and in front of the site and the sites on the opposite side of the track. I heard that emergency service vehicles, touring caravans and other large vehicles have used the track. Due to the width, alignment and surface of the bridleway, in tandem with three speed bumps, vehicle speeds along the bridleway are likely to be low. This would potentially change if the bridleway is widened or re-aligned to address visibility at the S-bend as suggested by the Council.

24. Overall, the merits of the appeal scheme are finely balanced. Based on the evidence presented, the width, surface, topography, alignment and use of the bridleway, leads me to consider that the modest increase in its use would mean that the proposal is just about acceptable. As a result, the proposal would not lead to an unacceptable impact on highway safety, or severe residual cumulative impacts. Also, the recreational experience of bridleway users does not appear to have been harmed by the proposal. Nor would a small uplift in vehicular movements of the scale set out cause harm.

Conclusion on this issue

25. On this issue I conclude that the level of use proposed would not cause unacceptable harm to the safety and the recreational experience of bridleway users. The proposal therefore accords with Local Plan Policies SP 6 (5) and HO11 (8) and Framework paragraph 109, which collectively, seek proposals to be accessible and inclusive to everyone, not to have unacceptable impacts on highway safety, or severe residual cumulative impacts on the road network.

Other considerations

26. Prior to the Hearing I asked the appellants to provide up-to-date information about the occupants of the site. The Council has considered the information and accepts that the appellants satisfy the planning gypsy definition set out in the PPTS. Based on the information provided to me I agree. The children living on the appeal site are dependent on the appellants. Hence, they benefit from the appellants gypsy status.

Need for and availability of gypsy sites

27. The Planning Policy for Traveller Sites (PPTS) requires that the level of local provision and need should be considered when dealing with proposals for gypsy sites. The Council is required to demonstrate a 5 year supply of permanent traveller pitches. The Cumbria Gypsy and Traveller Accommodation Assessment (GTAA), November 2013, sets out a need for 5 additional pitches in the first five years and 5 pitches for each of the next two five-year periods. Local Plan Policy HO11 adopts this requirement but adjusts it to 17 for the plan period.
28. Concerns were expressed by the appellant about the level of pitch turnover assumed within the GTAA, and the lack of monitoring undertaken by the Council since the Local Plan's adoption. These are not new concerns, and contrary to the Council's Appeal Statement, the Council accepted at the Hearing that no monitoring has taken place or is scheduled imminently. There is some merit in the appellants' criticisms, but the main parties agreed that since the GTAA planning permission for 13 permanent pitches have been granted. Thus, the Council has a five-year supply of deliverable sites to meet locally set targets. Even so, Local Plan Policy HO11 supports the provision of additional permanent residential pitches, subject to meeting a number of criteria. As the PPTS sets out the Government's aim to promote more private traveller sites, this adds moderate weight in favour of the proposal.

Personal circumstances

29. The appellants have four children of their own, and a further child, a family member now dependent on them, living with them. This child has a part-time job. Two of the appellants' children attend primary school, while another is at pre-nursery. The two children at primary school get extended educational support. The appellants are keen that their children gain an education. The security of a settled base, and a fixed address, would help encourage and maintain school attendance while maintaining their established social network. These important matters add substantial positive weight in favour of the proposal.
30. Mrs Broughton has an ongoing health condition that requires a settled base and access to healthcare facilities in the area, but also further afield. This matter lends substantial weight in support of the proposal. None of the other family members have health conditions, but the availability of a permanent base would help maintain access to healthcare facilities.
31. The appellants are worried where they would move to if I were to dismiss the appeal given that the Council would start enforcement proceedings. Several alternate sites were discussed at the Hearing. This included the site at Low Harker Dene allocated for 9 additional permanent pitches and up to 15 transit pitches. No planning application has been submitted to date for this site, and there is no indication of when one might be made. I heard anecdotal evidence about difficulties in contacting the management company who run this site, and that the site has been considered to be an example of good design, but there is no substantive evidence to contradict the appellants' view that the pitches here only cater for touring caravans and are not suitable for families.
32. The private sector rented site is at Hadrians Park has a mix of permanent and transit pitches. The appellants and their family previously lived on a transit pitch here as they were unable to obtain a permanent pitch. The appellants explained that the facilities on the transit site are poor, unsafe and the environment is not conducive to a settled social environment. No evidence was put to me to contradict the appellants view. No details of other privately owned sites were provided, except one which is only available for people over 50 years old. The Council could not, as with the Low Hawker Dene and Hadrians Park sites, confirm whether there were any pitches available.
33. Fairly the Council queried why the appellants did not seek to purchase the site with planning permission known as 'adjacent to Scotby Acres'⁴ that has recently been sold. However, there is no substantive evidence to show that the appellants knew of this transaction. Overall, there is a lack of alternative accommodation and no private family sites available for owner occupation. Thus, the only alternative open to the appellants would be to live at the roadside. This factor adds significant weight in favour of the proposal.

Other matters

34. The Council accepted in questioning that they did not have any substantive evidence to demonstrate their claim that the intensified use of the bridleway by vehicles will result in severe harm to wildlife.
35. In terms of flooding, there is no evidence of any actual flood events or a detailed assessment to support the risks stated by the Council. Much of the

⁴ Council Ref: 14/0825 and Appeal Decision Ref: APP/E0915/W/15/3130384

site is permeable and the bridleway is lined by grass verges and hedgerows which adjoin fields.

36. While an appeal has been lodged against the refusal of planning permission for a single gypsy pitch opposite Washbeck Paddock (Council Ref: 17/0388) on similar grounds there is little information before me on this scheme.

The Planning Balance

37. As set out above I have concluded that the proposal would not cause harm through the proposed access arrangements on the safety of users of the bridleway and there would be no conflict with policies of the Local Plan. In addition the benefits of the proposal relating to the lack of alternative accommodation and the personal circumstances of the appellants, in the context of providing more gypsy sites, further tips the balance in favour of the appeal. As such the balance is clearly in favour of the grant of permanent permission.
38. Reference has been made to the effect that there would be an interference with the human rights of the appellants under Article 8 of the Human Rights Act 2010 if the appeal were dismissed. As I have decided to allow the appeal, this situation would not arise. Given the appellants, the intended site occupiers, are Gypsies they have a protected characteristic for the purposes of the Public Sector Equality Duty. I have taken this into account in determining the appeal.

Conditions

39. I have had regard to the agreed list of suggested planning conditions, and the appellants comments provided at the Hearing. I have imposed a planning condition about materials to be used for the stables and the day room which are yet to be built in the interests of the character and appearance of the area.
40. As the development has already started a standard commencement condition is not necessary. In the interests of certainty, I have imposed an approved documents condition. While leylandii have been planted and they have grown, these are not native to the site's landscape and are not fully mature. Hawthorn hedgerows are detailed on the plans. To deliver these and assimilate the development into its environment, I have imposed a condition for a site development scheme, and for external lighting, foul and surface water drainage, and the siting of caravans and ancillary building.
41. Given the case advanced by the appellant, and the support provided by the other considerations, planning controls are necessary, in the interests of certainty and the character and appearance of the area, so that the proposal does not lead to unacceptable impacts. Thus, I have imposed conditions to control: the occupation of the pitch; the number and type of caravans on the pitch; to prevent commercial activities and the parking of heavy vehicles.
42. I have not imposed a condition for safe pedestrian step off points as this would not satisfy the test of being relevant to the development to be permitted given the reason for the condition relates to a pre-existing problem. I agree with the main parties that a visibility splay condition is not necessary.

Conclusion

43. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved documents: the planning application from; plan 1; plan 2; plan 3; plan 4; foul drainage assessment form; and supporting statement.
- 2) Construction of the stables and day room shall not commence until samples or full details of the external materials to be used for the stables and the day room have been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) The site shall not be occupied by any persons other than gypsies and travellers as defined by Annex 1 of the Planning Policy for Traveller Sites published in August 2015 or its equivalent in replacement national policy.
- 4) No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than one shall be a static caravan, shall be stationed on the site at any time.
- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) No more than one commercial vehicle shall be kept on the and for the use by the occupiers of the caravans hereby permitted and this vehicle shall not exceed 3.5 tonnes in weight.
- 7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 56 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the siting of caravans and ancillary buildings; the means of foul and surface water drainage of the site; external lighting; landscaping including tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall be carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Mrs Alison Heine
Mr and Mrs D Broughton

Planning Consultant
Appellants

FOR THE LOCAL PLANNING AUTHORITY:

Richard Maunsell
Helen Jackson
Karen Greig
Doctor Amer Halabi
Pieter Barnard

Planning Officer
Principal Planning Officer, Policy
Technical Officer
IRTP Transport Planning
Cumbria County Council

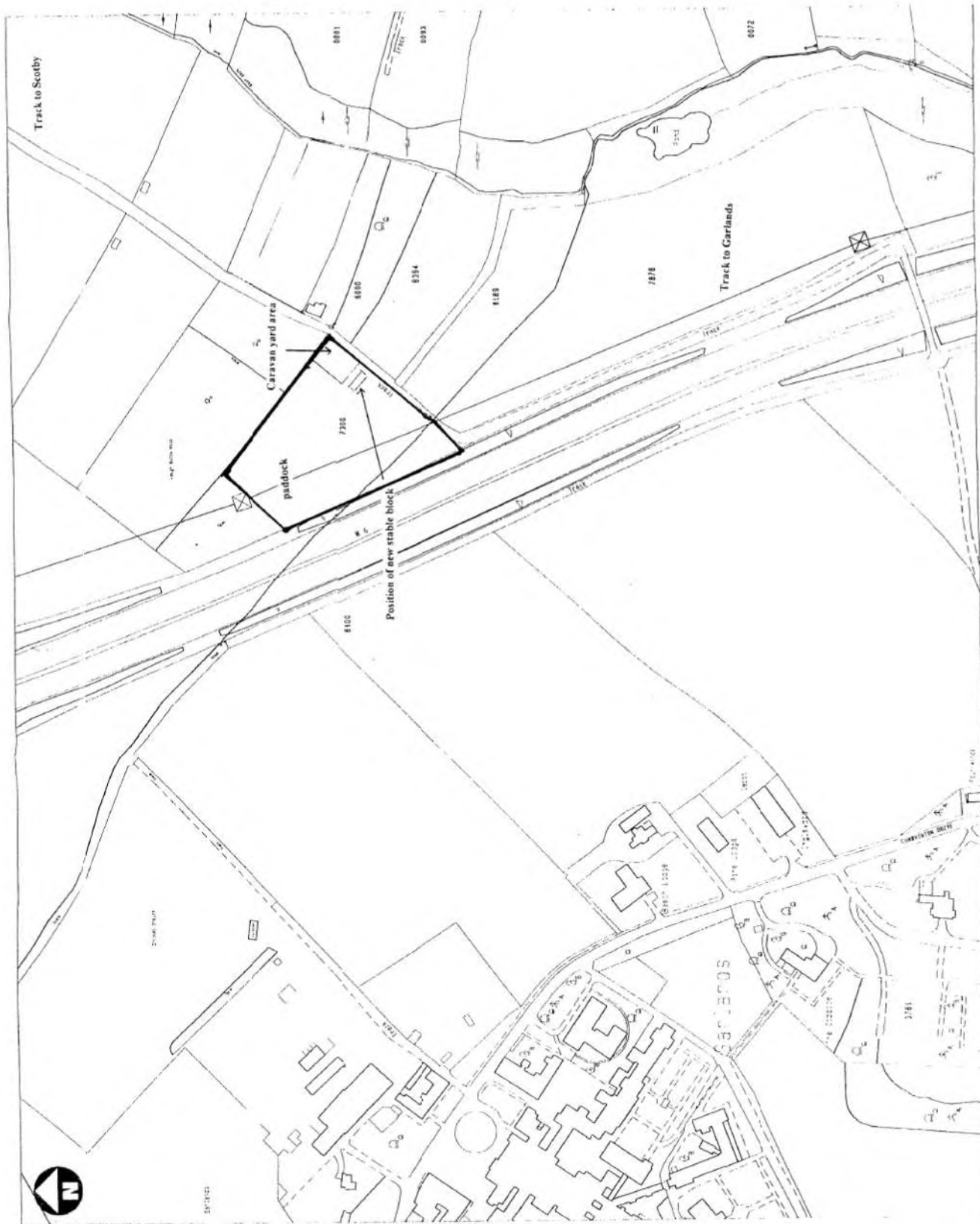
INTERESTED PERSONS:

Michelle Little
Jeff Tweddle
Vicky Forsyth

Carlisle City Council
Carlisle City Council
Washbeck Paddock

DOCUMENTS

- | | |
|------------|--|
| Document 1 | Council's response to Appellants application for an award of costs |
| Document 2 | Letter from Broomfallen Stables |
| Document 3 | Plans and aerial images of nearby planning permissions, public bridleways |
| Document 4 | Record of attendance |



16/08/91

Oak Meadow, land off Broomfallen Road, Scotby, CA4 8DE
Mr and Mrs D Broughton
Plan 1 Location Plan
Scale 1:2500 A3

LOCATION MAP
Scale 1:2500

Item No: 08

Between 02/02/2019 and 08/03/2019

Appn Ref No:
17/1066

Applicant:
Mr S Fiddler

Parish:
Hayton

Date of Receipt:
22/01/2018

Agent:
Hyde Harrington

Ward:
Hayton

Location:
Plot 3 (Fallows End), Land to rear of Elmfield,
Townhead, Hayton, Brampton, CA8 9JF

Grid Reference:
351566 557745

Proposal: Erection Of 3no. Detached Dwellings Without Compliance With
Condition 2 Imposed By Planning Permission 16/0261 To
Retrospectively Amend The Design Of The Roof From A Hip To Full
Gable And Other Revisions To The Design Of Plot 3

Amendment:

REPORT

Case Officer: Jeff Tweddle

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report:

Appeal Decision: Appeal Allowed with Conditions **Date:** 13/02/2019

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

Appeal Decision

Site visit made on 28 January 2019

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2019

Appeal Ref: APP/E0915/W/18/3209050

Plot 3 "Fallows End", Land to the Rear of Elmfield, Hayton, Brampton, Cumbria CA8 9JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Steve Fiddler against the decision of Carlisle City Council.
 - The application Ref 17/1066, dated 11 December 2017, was refused by notice dated 8 June 2018.
 - The application sought planning permission for erection of 3 no. detached dwellings without complying with a condition attached to planning permission Ref 16/0261, dated 29 April 2016.
 - The condition in dispute is No 2 which states that: The development shall be carried out in accordance with the conditions attached to the "outline and full" applications 13/0455 and 15/0876.
 - The reason given for the condition is: For the avoidance of doubt.
-

Decision

1. The appeal is allowed and planning permission is granted for 3 no. detached dwellings including Plot 3 "Fallows End", Land to the Rear of Elmfield, Hayton, Brampton, Cumbria CA8 9JF in accordance with the application Ref 17/1066 made on the 11 December 2017 without complying with condition No 2 set out in planning permission Ref 16/0261 granted on 29 April 2016 by Carlisle City Council, but otherwise subject to the conditions in the schedule attached to this Decision.

Application for costs

2. An application for costs was made by Mr Steve Fiddler against Carlisle City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the host building and the wider area.

Reasons

4. The appeal site consists of an area of land which has been granted planning permission for the development of three detached dwellings. I saw that the development of the dwellings had commenced and appeared to be substantially

complete, including the revisions to the dwelling on Plot 3 which are the subject of this appeal. I saw that Plot 3 is prominent within the streetscape as it projects forward of other dwellings within this development and is located at one of the entrances to the hamlet.

5. In comparison to the hipped roof of the extant approval, the proposed gable will increase the bulk and massing of the roof of the dwelling on this prominent elevation. The gable wall will also contrast with the roof slopes of the main roof of the dwelling. Whilst the ridge line of the gable wall is lower than that of the main dwelling, I saw that the projection of the gable beyond the slope of the hipped roof as originally proposed increases the prominence of the building when viewed along the highway and from within the site.
6. The appellant emphasises that gable walls are a common feature within the hamlet, and I saw that there are a variety of designs of dwellings in the area, a number of which include gable walls which face onto the highway. This includes dwellings on the opposite side of the road in the vicinity of the appeal site. Within that context and when viewed from within the hamlet, I consider that the proposed gable will not appear as an obtrusive or incongruous feature in the streetscape.
7. When approaching the hamlet from the west, I saw that the dwellings opposite the site were screened by trees, and that the appeal dwelling was particularly prominent as it shields views of the other dwellings on this development site. I also saw that the gable wall is prominent in views along the streetscape from within the hamlet. However, within the context of the variety of building designs in the area of the appeal site, on balance I do not consider that the increased prominence of the development at the entrance to the hamlet is of such a degree as to warrant the refusal of planning permission.
8. The Council also makes reference to a number of other revisions. I saw that the omission of stone lintels and sills diminishes the quality of the building in comparison to the detailing on the other dwellings on the site. However, I also saw that dwellings on the opposite side of the road do not have these features, and within this context the loss of the stone detailing is not unduly harmful. The omissions of an extent of glazing on one gable and rendered finishes have a neutral effect on the design of the building. The solar panels, with the exception of the smaller panels on the west elevation, are not prominent in views from the public realm and, mindful of the environmental benefits, they do not weigh against the proposal. Amendments to doors and a window are of a minor nature and do not have a material effect on the appearance of the building.
9. Drawing the above together, I conclude that the proposal will not lead to undue harm to the character or appearance of the host building or the wider area. The proposal will therefore not conflict with Policies HO8 or SP6 of the Carlisle District Local Plan 2015-2030 with regards to securing good design and house alterations. The proposal will also not conflict with the National Planning Policy Framework in respect of achieving well-designed places.

Conditions

10. I have imposed a condition requiring the development to be carried out in accordance with the approved plans and documents in the interests of certainty. A condition in relation to a planting scheme is required in the

interests of character and appearance. Exceptionally, due to the prominent location of the site at an entrance to the hamlet, a condition removing permitted development rights is required to prevent inappropriate alterations and/or extensions in the interests of character and appearance.

Conclusion

11. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be allowed.

David Cross

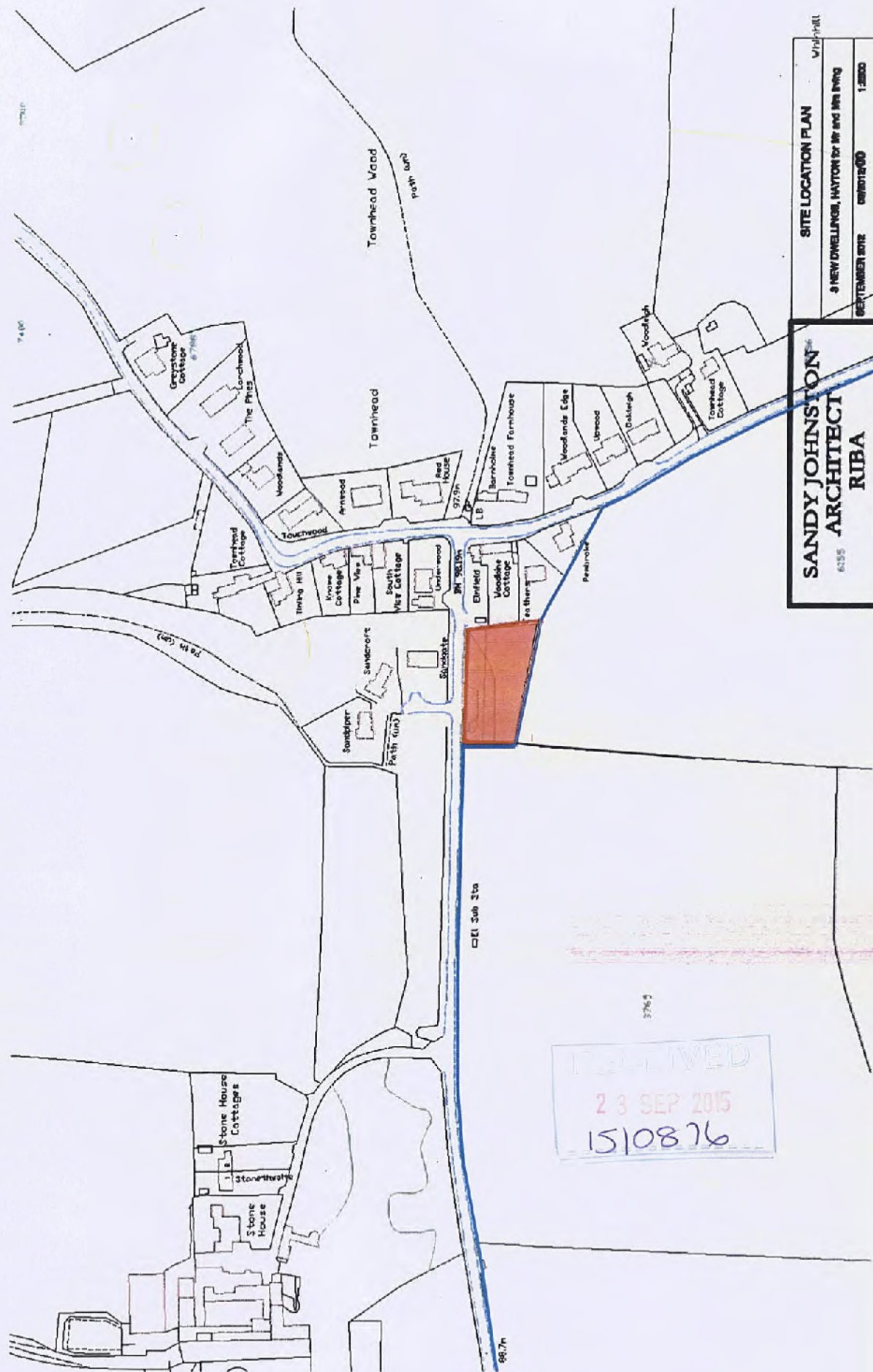
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 1. the submitted planning application form received 11 December 2017;
 2. the Site Location Plan submitted with application 15/0876 received 23 September 2015;
 3. the Proposed Site Block Plan (Drawing No. CJ/DWELL/SBP Rev A) submitted as part of application 16/0261 and received 24 March 2016 and amended, only in relation to Plot 3, by Proposed Plot 3 Ground Floor Plan (Drawing No. SF/DWELL/PLOT 3 /GFP1 Rev B) received 16 March 2018;
 4. the Proposed Plot 1 North and South Elevations (Drawing No. BM/PLOT1/ELEV1 Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 5. the Proposed Plot 1 East and West Elevations (Drawing No. BM/PLOT 1/ELEV2 Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 6. the Proposed Plot 1 Ground Floor Plan (Drawing No. BM/PLOT 1/GFP Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 7. the Proposed Plot 1 First Floor Plan (Drawing No. BM/PLOT 1/FFP Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 8. the Proposed Plot 2 Elevations (Drawing No. CJ/DWELL/PLOT 2/ELE1 Rev A) submitted as part of application 16/0261 and received 24 March 2016;
 9. the Proposed Plot 2 Floor Plans (Drawing No. CJ/DWELL/PLOT 2/FP1 Rev A) submitted as part of application 16/0261 and received 24 March 2016;
 10. the Proposed Plot 3 Elevations (Drawing No. SF/DWELL/PLOT 3/ELEV Rev E) received 4 June 2018;

11. the Proposed Plot 3 Ground Floor Plan (Drawing No. SF/DWELL/PLOT 3/GFP1 Rev B) received 16 March 2018;
 12. the Proposed Plot 3 First Floor Plan (Drawing No. SF/DWELL/PLOT 3/FFP1 Rev B) received 16 March 2018;
 13. the Proposed Foul & Surface Water Drainage Plan (Drawing No. BM/DWELL/DRAINAGE Rev B) submitted as part of application 15/0876 and received 28 September 2015;
 14. the Proposed Landscaping and Hedgerow Protection Plan (Drawing No. BM/DWELL/LAND Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 15. the Proposed Ground and Floor Levels Plan (Drawing No. BM/DWELL/LEVELS Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 16. the Proposed Surface Finishes and Parking Plan (Drawing No. BM/DWELL/PARKING Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 17. the Notice of Decision; and
 18. any such variation as may subsequently be approved in writing by the Local Planning Authority.
- 2) The Planting Scheme shall be carried out in strict accordance with the details submitted under application 16/1033 and as approved on 19 January 2017. The Planting Scheme shall be retained as such thereafter.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) there shall be no enlargement or external alterations to the dwellings hereby approved in accordance with this permission, within the meaning of Schedule 2, Part 1, Classes A to E (inclusive) of the Order, without the written approval of the Local Planning Authority achieved via the submission and determination of a planning application.

END OF SCHEDULE



| | |
|---|------------|
| SITE LOCATION PLAN | 1/10/14 |
| 3 NEW DWELLINGS, HAYTON ST NW AND NW BING | |
| SEPTEMBER 2012 | 08/01/2000 |
| | 1/2000 |

SANDY JOHNSTON
ARCHITECT
RIBA
 6155

Item No: 09

Between 02/02/2019 and 08/03/2019

Appn Ref No:
18/0055**Applicant:**
Mr Wilson**Parish:**
Rockcliffe**Date of Receipt:**
25/01/2018**Agent:**
Sam Greig Planning
(Cumbria) Ltd**Ward:**
Longtown & Rockcliffe**Location:**
Land South of Two Hoots, Harker Road Ends,
Carlisle, CA6 4HL**Grid Reference:**
337448 560961**Proposal:** Erection Of 5no. Dwellings (Outline)**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 Dismissed**Date:** 14/02/2019

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



Appeal Decision

Site visit made on 15 January 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 February 2019

Appeal Ref: APP/E0915/W/18/3213890

Land south of Two Hoots, Harker Road Ends, Carlisle CA6 4HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Wilson against the decision of Carlisle City Council.
 - The application Ref 18/0055, dated 16 January 2018, was refused by notice dated 24 April 2018.
 - The development proposed is erection of 5no. dwellings (outline).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal from the Council's decision notice for clarity.
3. Outline planning permission is sought with all matters reserved except access. I have determined the appeal on this basis.

Application for costs

4. An application for costs was made by Mr Paul Wilson against Carlisle City Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether the proposed development would be in an accessible location.

Reasons

6. The appeal site comprises of a number of paddock areas, located directly adjacent to a group of approximately 26 residential properties. Due to this number of dwellings being grouped together I consider this would amount to the group of properties being a settlement. Given the close proximity of the appeal site to the existing properties, and in line with some of the findings of the High Court¹ and Court of Appeal² Judgements in relation to the Braintree case, the appeal site is not within an isolated location.

¹ Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin).

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

7. The settlement however, in which the appeal site lies, has few services and is detached from other settlements in the area by open countryside. The future occupants of the proposal would therefore be reliant on services from other settlements. The appellant has identified the village of Rockcliffe which has services approximately 0.8 miles from the development. The Crindledyke Estate situated somewhere between 800 to 1100 metres away also has plans for a school to be built. The nearest bus stop is near the Crindledyke Estate. The routes from the site to these services are not a desirable walking or cycling route. There are no footpaths or street lighting with parts of the roads being narrow in places, making it unlikely that occupants of the proposals would walk or cycle to these services.
8. Rockcliffe village does boast a number of community facilities, including a primary school, a public house, church and community centre, along with a planned school at Crindledyke Estate. However, these are lacking in retail and employment opportunities. These opportunities will be available in settlements further away and future occupiers of the proposal are more likely to access these by the use of private motor vehicles.
9. The National Planning Policy Framework (the Framework) does indicate that development may support services in a village nearby. The Framework also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, given the above factors, the proposal would still be likely to result in the majority of journeys being by private motor vehicle, with its associated cumulative negative effects in terms of emissions and air quality. The small benefits from future occupants of the properties contributing to nearby services would not be outweighed by the reliance on motor vehicles and subsequent negative environmental effects.
10. Policy HO2 of the Carlisle District Local Plan 2015-2030 (LP) and paragraph 77 of the Framework state that housing should be located where it will enhance or maintain the vitality of rural communities. The introduction of five houses would only make a small contribution to the vitality of the surrounding settlements. Particularly given the lack of retail and employment opportunities in these surrounding settlements, future occupiers will more likely travel further to larger settlements to meet these needs. This therefore limits the weight I can attach to the economic benefits of the proposal in relation to the effect on the vitality of surrounding communities.
11. The proposed scheme would include an element of affordable homes. The Council have accepted there is a shortfall in affordable housing provision although the Council's Housing Officer does indicate that the site is not well located for the provision of affordable housing.
12. The development of affordable homes is supported through the LP policies and the Framework and would be a benefit of the proposal. However, the location of the development and detachment from settlements with adequate services, would be a particular concern for occupiers of an affordable home who may be more dependent on public transport. Therefore, in all probability, occupants would be reliant upon private car or taxis for everyday trips, which would lead to higher transport costs that would offset the lower living expenses associated with affordable housing. The adverse economic and environmental effects arising from the proposal would significantly outweigh the benefits of affordable

housing delivery. I therefore consider that the proposal would not represent sustainable development.

13. Accordingly, I find that the appeal site is not an appropriate location for housing and the proposal would not amount to sustainable development. The proposal would fail to accord with policies SP2 and HO2 of the LP and the Framework which seek to objectively assess sustainable strategic development growth.
14. I have had regard to the examples of other developments³ which have been approved. However, I do not have full details of the circumstances that led to the proposal being accepted and so cannot be sure if they present a direct parallel to the appeal proposal, including in respect of location. In any case, I have determined the appeal on its own merits.

Other matters

15. The planning statement submitted with the planning application has identified a number of benefits of the development, which include a lack of harm to biodiversity and trees. These benefits however do not outweigh the harm I have identified in the main issue.
16. Several other concerns have been raised, including in relation to the suitability of the access, surface water issues and the use of the appeal site. I have given careful consideration to these matters, some of which would be capable of being addressed at the reserved matters stage in any event, but they do not lead me to a different overall conclusion on the main issue.

Conclusion

17. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR

³ Local Planning Authority Application References 16/0140; 16/0097; and 17/0969.



LOCATION PLAN 1.1250

TSADA BUILDING DESIGN SERVICES

Croft House, Newnton Irthington, Carlisle, Cumbria, CA5 4PP
 Telephone: 01228 7911807
 Mobile: 07436801368

Job title
 Indicative Layout For Development
 Of Land To South Of Two Hoots ,
 Harker Lane End

All Plans Remain The Copyright Of Trade Building Design Services And Must Not Be Copied Without The Consent Of The Company. All Plans And Drawings Should Be Taken Carefully And Accurately. Any Alterations Must Be Reported To The Client Before Existing Materials Work Starts On The Grounds Of Work.



BLOCK PLAN 1.500

THIS LAYOUT IS A INDICATIVE PROPOSAL ONLY
 FINAL DESIGN AND LAYOUT WILL BE SUBJECT
 APPROVAL LATER

| | | | |
|----------------------------------|--|---|------------------------------|
| Drawing by W.R.Faulder | Amendments A 14/12/2016 B 15/12/2016 | Client Mr & Mrs P Wilson Two Hoots Harker Lane End Carlisle | Dwg No. 80/2017/1B |
| Date 19/12/2017 | | Scale As Shown @A2 | |

Item No: 10

Between 02/02/2019 and 08/03/2019

Appn Ref No:
18/0506**Applicant:**
Simpsons Builders**Parish:**
Wetheral**Date of Receipt:**
05/06/2018 11:01:01**Agent:**
PFK Planning**Ward:**
Wetheral**Location:**
Land to the rear of 46 Broomfallen Road, Scotby,
Carlisle, CA4 8DE**Grid Reference:**
344234 554334**Proposal:** Demolition Of Lean To At 46 Broomfallen Road And Erection Of 5no.
Dwellings With Associated Infrastructure**Amendment:**

REPORT**Case Officer:** Barbara Percival**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Dismissed**Date:** 14/02/2019

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

Appeal Decision

Site visit made on 28 January 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2019

Appeal Ref: APP/E0915/W/18/3211468

Land to the rear of 46 Broomfallen Road, Scotby CA4 8DE

- 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 Ian Simpson (Simpsons Builders) against the decision of Carlisle City Council.
 - The application Ref 18/0506, dated 5 June 2018, was refused by notice dated 24 August 2018.
 - The development proposed is demolition of lean to at 46 Broomfallen Road, and erection of 5 new dwellings and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The name of applicant given on the planning application form was simply 'Simpson' of 'Simpsons Builders' and no title was given. The appeal form has confirmed the full name of the appellant as being Mr Ian Simpson, of 'Simpsons Builders'.
3. No postcode was given for the site address on the planning application form. This has been provided on the appeal form and is included above.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether or not the proposed development would provide for acceptable living conditions for future occupiers with particular regard to refuse collection facilities.

Reasons

Character and appearance

5. The appeal site is situated towards the southern fringe of the village of Scotby. This part of the village is characterised by its rural setting with dwellings on the eastern side of Broomfallen Road set out in linear form facing the road with fields behind. Land to the rear of No 46 Broomfallen Road and its neighbours is steeply sloped and situated at a higher level to the dwellings. No 46 is a

detached two-storey dwelling and neighbouring properties are a mix of two-storey detached and semi-detached dwellings adjoining the site and bungalows opposite. The proposed development would be partly on land which previously formed part of the curtilage of No 46. This land has been merged with the field which sits to the rear of No 46 and its neighbours at Nos 44, 48, 50 and 52 Broomfallen Road.

6. The proposal would provide 5 dwellings set around a central access drive and turning head. The dwellings annotated on the drawings as '1 and 5' would be three-bedroomed bungalows with detached garages and would be positioned towards the rear boundary of existing dwellings. The dwellings indicated as '2, 3 and 4' on the drawings would be four-bedroomed split level dwellings with integral garages. The split level dwellings would utilise the slope of the land with the eastern facing elevations being single storey and the western facing elevations two-storey in height. All the proposed dwellings would have a T-shaped footprint and would benefit from their own driveways to the front as well as private garden spaces to the rear.
7. The position of the proposed bungalows on proposed plots '1 and 5' would not follow the existing linear form of development on this side of Broomfallen Road. However, they would be largely screened by the existing dwellings given their close positioning to the rear boundaries of these properties and due to the proposed roof heights which would sit substantially below those of the existing two storey dwellings. In contrast, dwellings '2, 3 and 4' would sit further away from the existing dwellings and on significantly higher land. Efforts have been made through the split level design of these dwellings to minimise their height. However, the two storey elevations with gabled concrete tiled roofs would be clearly appreciable on entering the village from the south and through the field to the north of No 44. The visual impact would be exacerbated by the massing of these dwellings seen in close relation to each other and their bulk and scale particularly to western facing elevations. Consequently, the dwellings would be prominent within the wider landscape and the departure from the linear form of development on this part of Broomfallen Road would be emphasised by their massing and elevated position. The existing and proposed planting would not sufficiently mitigate the impact on the character and appearance of the area.
8. I noted on site that residential development exists to the rear of the bungalows on the western side of Broomfallen Road. Those properties have been developed on land at a lower level to the properties on Broomfallen Road. I do not consider that development on the opposite side of the road should guide the layout and form of development on the appeal site which is situated behind a single line of properties and in a higher position within the landscape.
9. My attention has also been drawn to two extant planning permissions. Both applications relate to a smaller site adjacent to the rear boundary of existing properties. The first relates to outline permission for three dwellings, with the related indicative plan showing bungalows. The second is for full permission for two dwellings. Whilst the principle of residential development has therefore been established for part of the site, the current proposals incorporate further land and dwellings situated at a higher land level. I therefore do not consider the extant planning permissions to be directly comparable to the appeal proposal and I give this consideration little weight.

10. Overall, I find the proposal would have a detrimental impact on the character and appearance of the area by virtue of the split-level dwellings and their scale, massing and prominent position within the landscape. The proposals would therefore be contrary to Policies SP6 and Policy HO3 of the Carlisle District Local Plan 2015-2030 (the Local Plan) which amongst other things seek to ensure development responds to local context and the form of surrounding buildings in relation to density, height, scale, massing and established street patterns whilst also respecting local landscape character. Where development of residential gardens is concerned, as was previously the case with part of the appeal site, proposals should through their design, scale and siting be integrated to and in character with the surrounding built and natural environment. The proposal would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework) (2018) which aims to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

11. The proposed access to the site is via a shared drive to the side of No 46. The drive would measure approximately 70 metres in length from the boundary with the highway on Broomfallen Road to the top of the turning head which fronts the proposed split level dwellings. A shared bin collection point is proposed close to the access point off Broomfallen Road. The distance for residents to take their bins for collection would be considerable, particularly for the future occupants of the split level dwellings who would have a return walk of approximately 140 metres on a steeply sloped site.
12. Taking these factors into account, I conclude that the proposals would not provide convenient refuse collection facilities for future occupiers. This would be contrary to Policy SP6 of the Local Plan which in terms of residential amenity requires that proposals do not result in unacceptable conditions for future users and occupiers of a development. The proposal would also conflict with paragraph 127 of the Framework which requires developments to function well and provide a high standard of amenity for future users.

Other Matters

13. There is no dispute between the main parties that the site lies in an accessible location, and I have taken into account the social and economic benefits of providing five new homes within this village. However, those benefits would be limited and would not outweigh the environmental harm that I have identified above.

Conclusion

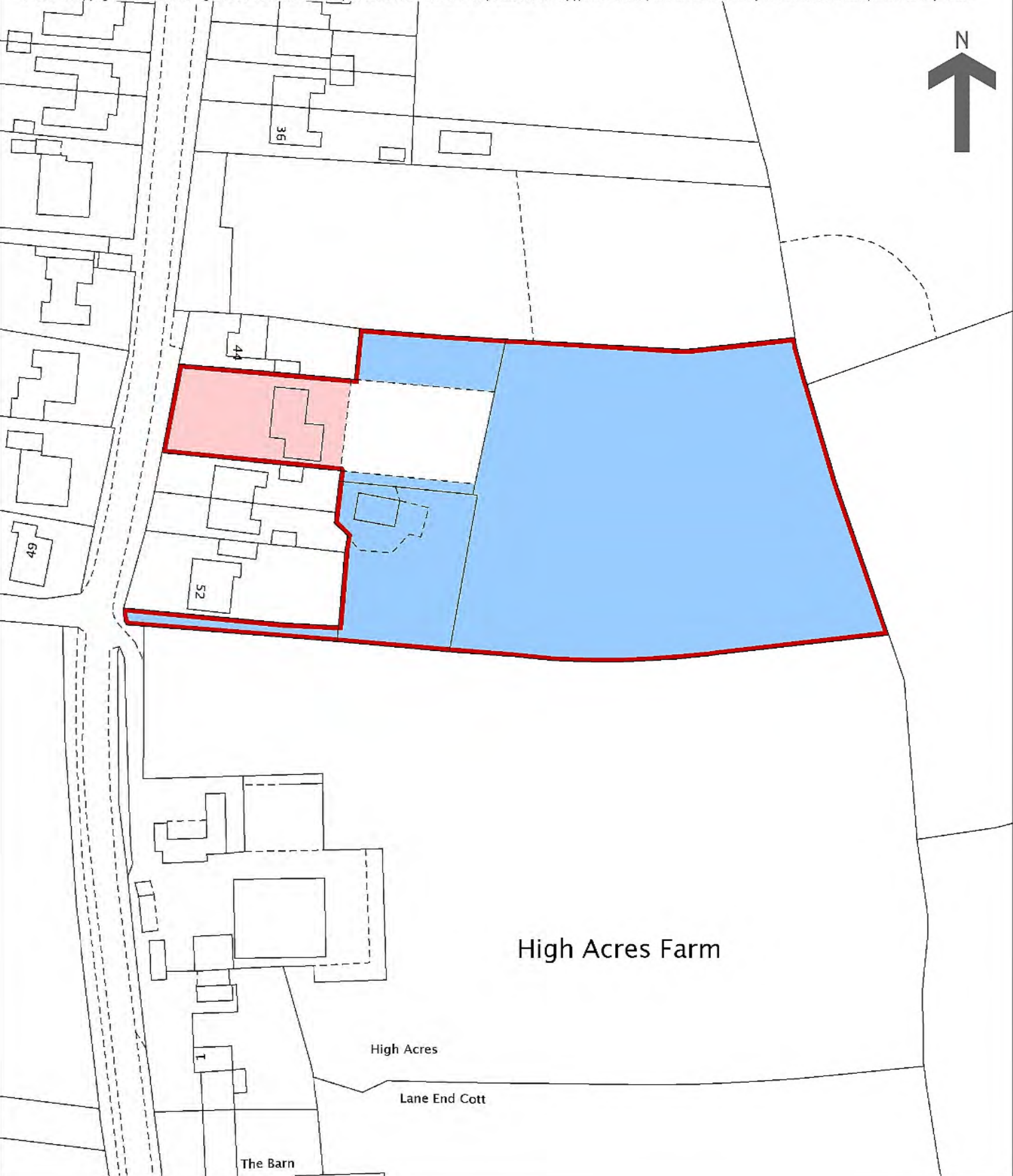
14. For the reasons set out above and having regard to all matters raised, the appeal should be dismissed.

M Russell

Inspector



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Item No: 11

Between 02/02/2019 and 08/03/2019

Appn Ref No:

18/0568

Applicant:

Mr & Mrs McKerr

Parish:

Stanwix Rural

Date of Receipt:

26/06/2018

Agent:

SRE Associates

Ward:

Stanwix Rural

Location:

14 Vestaneum, Crosby on Eden, Carlisle, CA6 4PN

Grid Reference:

344627 559643

Proposal: Erection Of Single Storey Side And Rear Extension To Provide
Kitchen/Dayroom To Rear And Utility, W.C. And Hall To Side**Amendment:**

REPORT**Case Officer:** Jeff Tweddle**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Householder Appeals**Report:****Appeal Decision:** Appeal Dismissed**Date:** 01/03/2019

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



Appeal Decision

Site visit made on 15 January 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2019

Appeal Ref: APP/E0915/D/18/3213819

14 Vestaneum, Crosby On Eden CA6 4PN

- 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 McKerr against the decision of Carlisle City Council.
 - The application Ref 18/0568, dated 25 June 2018, was refused by notice dated 21 September 2018.
 - The development proposed is described as "Proposed single storey extension to side and rear of property."
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons

3. The area is characterised by detached properties on a housing estate with the appeal site located in a cul-de-sac. The majority of the buildings are finished in brick with traditional architectural design and detailing.
4. The proposal is of contemporary design having a flat roof with the walls constructed from standing seam zinc cladding. The proposal would be an incongruous feature that would not be in keeping with the traditional appearance of the host property or surrounding buildings. It is noted that contemporary design for extensions can sometimes be supported by development plan policies and the National Planning Policy Framework. However, in this instance the proposal would not complement the existing building in design, form or materials, would be prominent within the cul-de-sac area of the housing estate and would not significantly enhance the immediate setting.
5. The Council's Achieving Well Designed Housing Supplementary Planning Document (SPD) states in section 5 that a development must have full regard to the form and character of the area. Although not a recent document the SPD is nevertheless consistent with the Framework in respect of design considerations. The form of the proposal differs significantly from the existing properties and would not relate to the local distinctiveness of the area.

6. The appellants comments regarding their choice to redesign the property and change the living space in their home is noted. My attention has been drawn to a revised application Ref: 18/0923 relating to the appeal site which has recently been granted approval by the Council. This approved scheme has a similar footprint and would achieve a comparable living space.
7. The proposal would introduce a discordant feature that would harm the character and appearance of the host property and the surrounding area. The proposal would fail to comply with policies SP6 and HO8 of the Carlisle District Local Plan and the SPD which seek development to relate to and complement existing buildings and characteristics of an area.

Conclusion

8. For the reasons set out above, I conclude that the appeal should be dismissed.

Chris Baxter

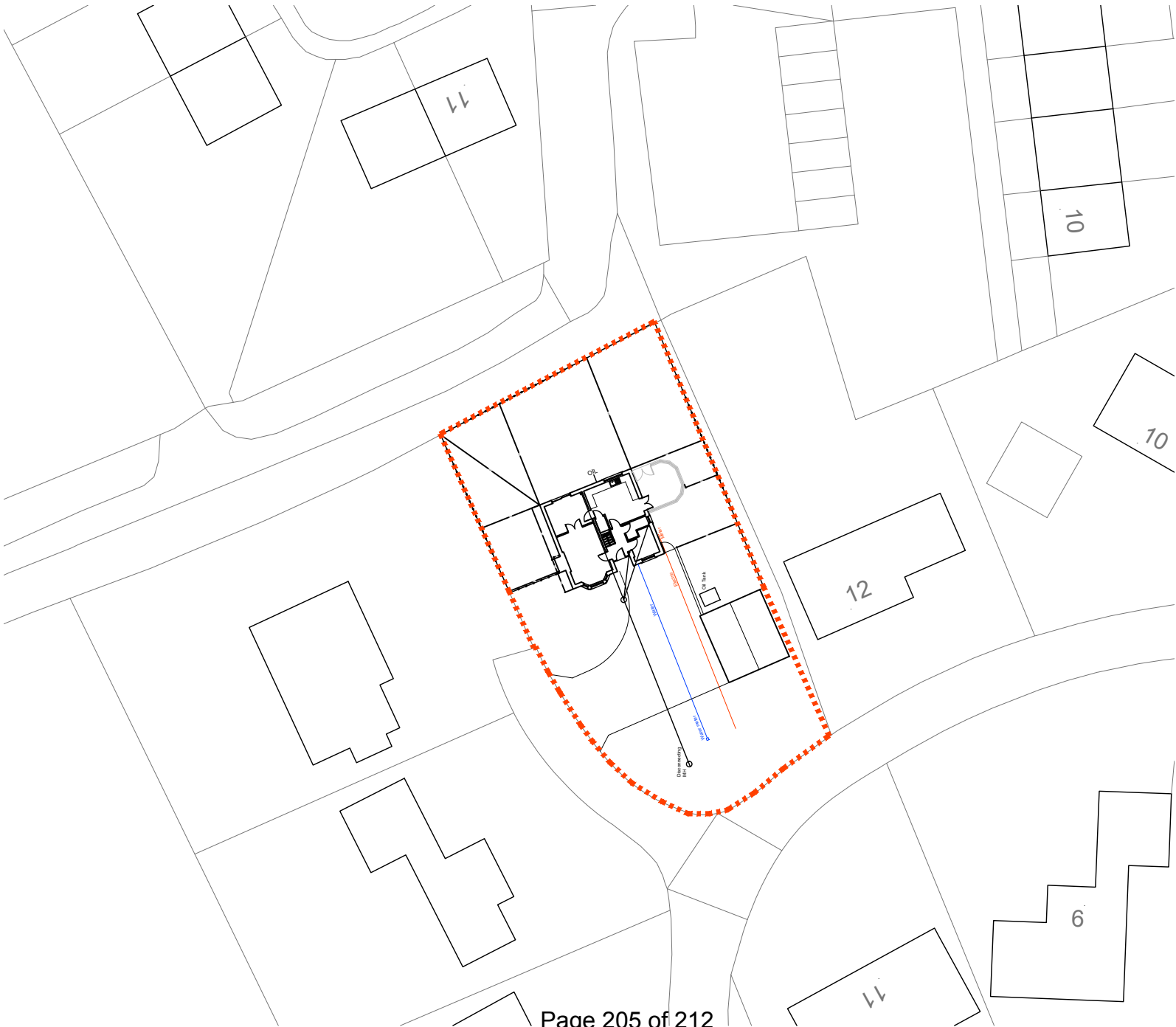
INSPECTOR

NOTES AND AMENDMENTS

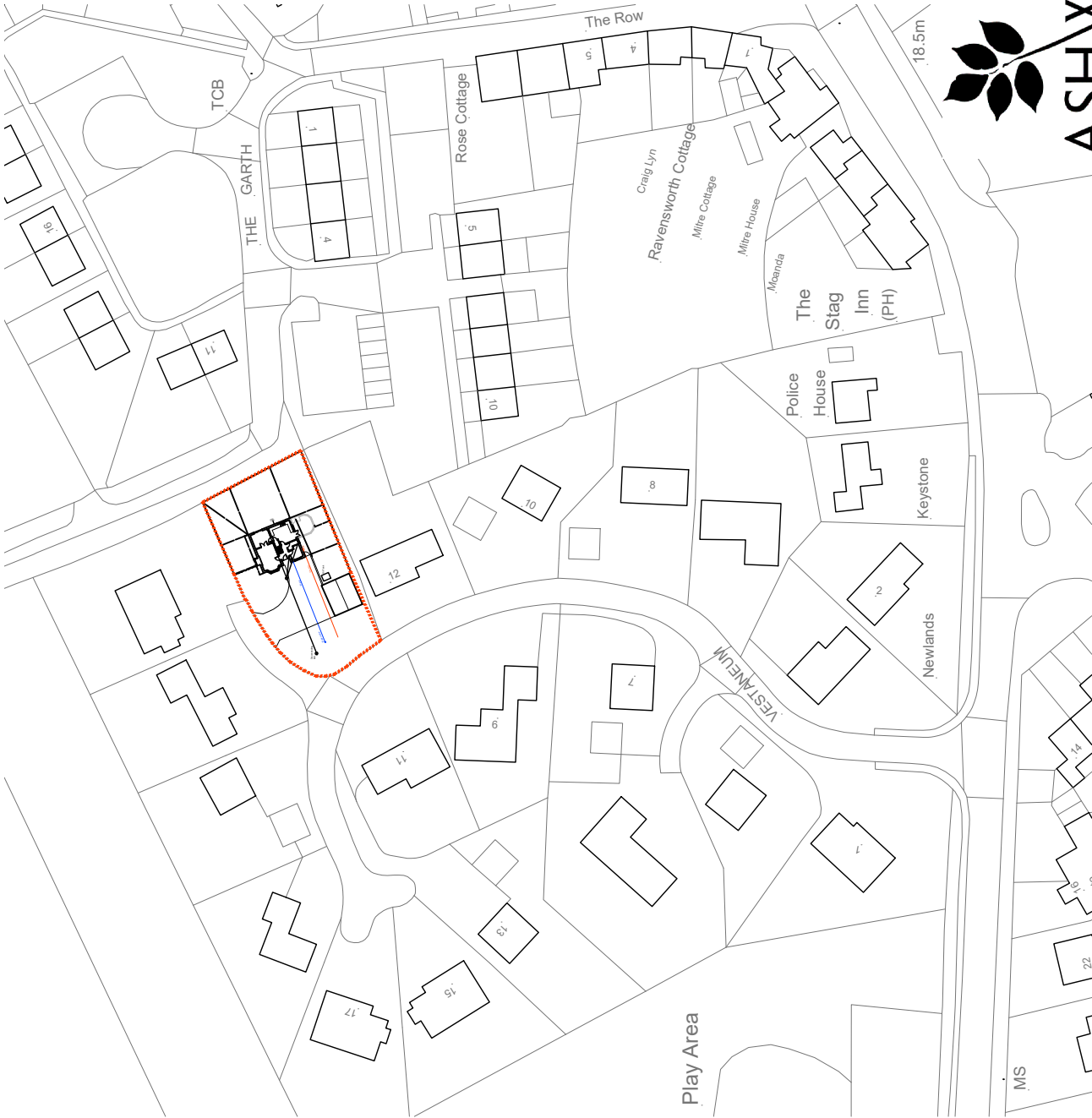
This drawing is copyright ©. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

REVISIONS

| Rev | Description | Drawn | Date |
|-----|-------------|-------|------|
|-----|-------------|-------|------|



Block Plan
1:500



Location Plan
1:1250



ASHWOOD

DESIGN ASSOCIATES LTD

12A Clifford Court, Parkhouse Business Park, Carlisle CA3 0JG
t 01228 510816 e admin@ashwooddesign.co.uk
f 01228 520861 w www.ashwooddesign.co.uk

Purpose:

Planning

Client:

Mr & Mrs McKerr

Project:

Proposed Extension & Alterations

14 Vestaneum

Crosby on Eden, CA6 4PN

Title:

As Existing

Block and Location Plans

| | | | |
|-------------|-------------|-----------|---------|
| Scale: | Sheet Size: | Drawn: | Date: |
| Noted | A3 | PM | 04/2018 |
| Project No: | Drawing No: | Revision: | |
| 1740 | 001 | - | |

SCHEDULE B: Applications Determined by Other Authorities

Item No: 12

Between 02/02/2019 and 08/03/2019

Appn Ref No:

19/9001

Applicant:

Brook Street Primary
School

Parish:

Carlisle

Date of Receipt:

22/01/2019

Agent:

Cumbria County Council -
Economy & Planning

Ward:

St Aidans

Location:

Land adjacent to Brook Street Primary School
(formerly 3 & 4 Roseville Terrace), Edward Street,
Carlisle, CA1 2JD

Grid Reference:

340902 555311

Proposal: Change Of Use To, And Construction Of, A Multi-Use Games Area And
Associated, Enabling Demolition And Structural Stabilisation Works

Amendment:

REPORT

Case Officer: Suzanne Osborne

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection

Date: 04/02/2019

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 22/02/2019

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



The Town and Country Planning Act 1990

Notice of Change of Use

To: Brook Street Primary School
Edward Street
Carlisle
Cumbria
CA1 2JB

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 21 January 2019.

viz: Change of use to and construction of a Multi-Use Games Area and associated enabling demolition and structural stabilisation works.

Land adjacent to Brook Street Primary School (formerly 3 & 4 Roseville Terrace), Edward Street, Carlisle, CA1 2JD

Subject to due compliance with the following conditions:

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 16 January 2019;
 - b. Location Plan;
 - c. Planning Statement – dated January 2019;
 - d. Structural engineer report (ref. B9506/CJW/MAB) dated 8 August 2017 and associated drawing no. B9506/01 - Existing & Proposed Plans & Elevations;
 - e. Ground Investigation Report (Report Ref. 23-24-19-1-6006/GIR1 – dated August 2008;
 - f. Drawing No. 03-12-18-1-1226-BS-031-Rev.P2 – Proposed Layout Plan;
 - g. Drawing No. 03-12-18-1-1226-BS-032-Rev.P2 – Edward Street Existing & Proposed Elevations;
 - h. Euroguard Rebound Sports Mesh Technical data sheet;
 - i. Sustainable Drainage Statement – dated 5 December 2018;

- j. Drawing No. HBS-DR-C-060 - Proposed Drainage Layout;
- k. The Construction Method Statement & Environmental Management Plan approved in accordance with condition 3.
- l. Cumbria Constabulary's Crime Prevention Design Adviser's email dated 12 February 2019 recommending arrangements for securing the MUGA gates and the type of locking devices to be utilised.

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

Pre-Commencement Conditions

Construction Method Statement & Environmental Management Plan

- 3. No development shall take place until a Construction Method Statement Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Plan(s) shall include details of:
 - a. the proposed phasing of the development in terms of the carrying out of the demolition of the outbuilding, construction of the MUGA and remediation works to No.2 Roseville Terrace;
 - b. the location, layout and site access arrangements for the temporary construction compound;
 - c. measures for maintenance of safe access to the school for staff, pupils, parents and visitors and to avoid congestion at the school's peak muster times during school term;
 - d. construction boundary fencing/security hoarding type, location and extent;
 - e. retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - f. measures to control/minimise noise, vibration and dust during construction;
 - g. the appropriate health and safety regime to be followed during site clearance and earthworks in light of the increases increased risk of exposure to soils with presence of asbestos containing material and PAHs during the development of the site;
 - h. whether any artificial lighting will be needed during construction, clearly justifying the need for this and providing details of its specification type, location and measures to ensure it will not adversely impact on residential dwellings;
 - i. the cleaning of the site entrance(s) and the adjacent public highway;
 - j. the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - k. construction vehicle routing;
 - l. the management of junctions to and crossings of the public highway and other public rights of way/footway;
 - m. surface water management details during the construction phase

The approved Statement and Plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety, local amenity and to minimise the impact of the development on residential amenity in accordance with Policy CM 5 of the Carlisle District Local Plan 2015-2030 (CDLP).

Construction Phase

Hours of Construction Operations

4. No construction or earthworks; including start-up of generators or other plant and/or machinery and deliveries of equipment and materials; shall take place outside the hours of:
08.00 am and 18.00 pm Monday to Friday
09.00 am and 13.00 pm on Saturday.

No work shall be carried out on Sundays or public and/or bank holidays.

Reason: In order to protect local residential amenity during the construction phase in accordance with CDLP Policy CM 5.

Encounters with Unsuspected Contamination

5. 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 site workers are not exposed to the unacceptable risks from contamination during construction in accordance with CDLP Policy CM 5.

Highway Cleanliness

6. During the construction phase no vehicle shall leave the site in a condition that would give rise to the deposit of mud, dust or debris on the public highway.

Reason: In the interests of highway safety.

Development Requirements

Remediation Works to No.2 Roseville Terrace

7. No use of the Multi Use Games Area hereby permitted shall take place until the remediation works to No.2 Roseville Terrace have been completed in line with the structural engineer report (ref. B9506/CJW/MAB) dated 8 August 2017 and drawing no. B9506/01 - Existing & Proposed Plans & Elevations.

Reason: To ensure the safe use of the land in accordance with CDLP Policy CM 5.

Surface Water Drainage

8. The pass forward flow rate of surface water draining from the MUGA to the public sewer system shall not exceed 2l/s for any storm event.

Reason: To secure proper drainage and to manage the risk of flooding in accordance with policy CC 5 of the CDLP.

Multi-Use Games Area - Standard of Construction

9. The Multi Use Games Area hereby permitted shall not be constructed other than in accordance with Sport England's Technical Design Guidance Note: 'Artificial Sports Surfaces for outdoor sports'.
(www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/)

Reason: To ensure the development is fit for purpose and sustainable and to accord with the National Planning Policy Framework.

Operational Restrictions

Usage Restriction

10. No use of the Multi-Use Games Area (MUGA) hereby permitted shall take place outside of school term-time. Within school term time the MUGA shall only be used between the hours of 07:30-17:00 Monday to Friday.

Reason: In order to protect local residential amenity in accordance with CDLP Policy CM 5.

Prohibition on Floodlighting

11. No floodlighting shall be installed on site or operated in association with the Multi-Use Games Area (MUGA).

Reason: In order to protect local residential amenity in accordance with CDLP Policy CM 5.

Dated 22 February 2019

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

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
- The policies and reasons for the approval of this application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/19/9001>
- 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.
- 1.



Parkhouse Building, Kingmoor Business Park
CARLISLE, Cumbria, CA6 4SJ, Tel. 01228 673030



Brook Street Primary School
Edward Street
Carlisle
CA1 2JB

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Location Plan

Drawn by: MS

Scale: 1/1250@A4

Date: 13.1.12