

SCHEDULE A: Applications with Recommendation

20/0677

Item No: 05

Date of Committee: 30/04/2021

Appn Ref No:
20/0677

Applicant:
Mr Musson

Parish:
Arthuret

Agent:
Aditus Architectural
Services Limited

Ward:
Longtown & the Border

Location: Carwinley Mill House, Carwinley, Longtown, Carlisle, CA6 5PE

Proposal: Erection Of Building For Use As A Function Room In Support Of Self-Catering Holiday Lets; Erection Of A Timber-Framed Shelter For Wedding Ceremonies (Part Retrospective)

Date of Receipt:
08/10/2020

Statutory Expiry Date
03/12/2020

26 Week Determination

REPORT

Case Officer: John Hiscox

1. Recommendation

- 1.1 It is recommended that the application is approved, subject to conditions.

2. Main Issues

- 2.1 Whether the principle of erecting a wedding venue building and gazebo is acceptable in this location;
- 2.2 Whether the design and appearance of the building and gazebo would be acceptable in terms of potential visual impacts relating to the public realm;
- 2.3 Whether the development would be acceptable in terms of its relationship with Carwinley Mill, a Grade II listed building;
- 2.4 Whether the development would be acceptable in terms of its impacts on highway safety;
- 2.5 Whether the development would be acceptable in terms of impacts on residential amenity of nearby residents;
- 2.6 Impacts on the water resource;
- 2.7 Flood risk associated with the development.

3. Application Details

The Site

- 3.1 The application site is located in a rural location a little under 3 miles to the north-east of Longtown, just off the Netherby Road which eventually leads to Penton. It is situated at Carwinley, a dispersed hamlet a little to the south of Kirkandrews Moat. The site is reached by turning off the Netherby Road in a westerly direction just after Hogknowe Bridge onto the public road that leads on to Lowmoat and Highmoat. The site is situated not far along this lane on the east side of Carwinley Burn, a tributary of the River Esk.
- 3.2 The site is situated within the land area belonging to Carwinley Mill House, a substantial Grade II listed building in semi-ornate grounds in between two separate detached dwellings known as Carwinley Cottage (lying to the east of Carwinley Mill House) and Carwinley Mill lying to the west. The site is situated at the north-east end of an extended curtilage/garden/orchard area serving the subject building, therefore it is geographically to the north of Carwinley Cottage.
- 3.3 In addition to the main house, the property already has a range of up to six authorised units of holiday accommodation (see planning history) and various ponds and ancillary structures.
- 3.4 It may be noted that the site is situated close to where the boundaries of two Parishes meet - the site is actually within Arthuret Parish (south-east of the watercourse); Kirkandrews Parish is situated on the other side of the watercourse, to the north-west of the application site/property.

Background

- 3.5 There are two related components under consideration in this application. Members may wish to note that the gazebo element had been substantially constructed at the time of the case officer site visit in October 2020.
- 3.6 The application has a degree of reliance on the availability of the Graham Arms Hotel, in Longtown, to provide additional accommodation for guests over and above the accommodation available on the application site (i.e. the range of units available as tourism accommodation at Carwinley Mill). This matter is given coverage in information supporting the application.

The Proposal

- 3.7 The proposed development, overall, is intended to facilitate wedding events being held at Carwinley Mill, by providing a ceremonial gazebo adjacent to a purpose-built function building. It is intended to be complementary to the existing 'offer' at Carwinley Mill (Romantic Retreat) which extends to a range of small units of tourism accommodation in and around the main building.
- 3.8 The proposed gazebo and building would be sited north-east of the main mill building, on ground adjacent to the Carwinley Burn watercourse and sited in between two approved small caravan units on fairly level ground.

Gazebo:

- 3.9 This structure was substantially built by the time of the planning site visit in October 2020.
- 3.10 It is open-sided, square in plan covering an area of 6m x 6m approximately, with a 3-sectioned metal (profiled) roof supported on timber columns. The roof structure is partially supported by further timber crossmembers. The maximum height of the structure is 3.4m (central cap).
- 3.11 The covered space underneath the roof structure would be laid out with a ceremonial dais, and a central 'processional route' lane with seating either side.

Function building:

- 3.12 This would be a venue building with a main apex-roofed section and a secondary lean-to section. The main ridge would be 5.3m above ground level, height to eaves on the main section would be 3.8m. The monopitch section on the south-east side of the building would tuck under the main eaves; its own eaves would be 2.1m in height. Overall dimensions would be 13.5m x 14m approximately. It would be clad externally with vertical timber boarding (walls) and profiled metal sheeting (roof), although the roofs would include polycarbonate sections to light the rooms within. The front (facing north-east) would contain the principal access to the building, set within glazed screening. A secondary door to the monopitched section would be installed in the north-east elevation just to the left of the glazed screen area. A single access (fire) door is proposed in the north-west elevation (facing towards the watercourse).
- 3.13 The main (open) room within the building would have a timber central floor area; two corner storage cupboards are shown in the floor plan. The monopitched section of the building would contain toilets, a cleaner's store and a wash-up room. This section would be accessed internally via a single door.
- 3.14 The gazebo and function building would be connected via a platform and path laid out with Indian stone flags.
- 3.15 The new development would be linked into existing drainage systems present on the site.

4. Summary of Representations

- 4.1 The application was originally advertised by way of a site notice and letters sent to four properties. Two of the notified properties are in the ownership of the current applicant and are not dwellings as such - they are letting units for holidaying purposes.
- 4.2 In response to advertisement of the application, there have been thirteen

letters of support submitted, and one letter of objection.

4.3 The issues of relevance to planning raised in the objection are as follows:

- (i) development would give rise to noise issues with additional usage of site;
- (ii) uncertainty about finishing time (11pm) - cannot be assured/enforced;
- (iii) additional vehicle movement potentially generated due to uncertainty about where guests would stay (for example, if Graham Arms is full);

4.4 The issues of relevance to planning raised in the letters of support are as follows:

- (i) location is highly suitable for development of a wedding venue;
- (ii) development would help sustain/support other local businesses;
- (iii) jobs created in relation to the development;
- (iv) enhances trade and tourism locally;
- (v) need for this type of economic development in locally and nationwide;
- (vi) minimal traffic and noise impact associated with the development;
- (vii) scale and nature of development appropriate for this location;
- (viii) economic development enhancement should be weighed favourably against likely development impacts/disruption, which would be in keeping with the locality;
- (ix) operations of development including vehicle movements and guest numbers would be of an appropriate scale;
- (x) development would be in-keeping with, and enhance existing facilities at the site.

5. Summary of Consultation Responses

Environment Agency:

(27.10.20) - Objects because Flood Risk Assessment relates to an earlier, different development - needs development specific FRA; provides information about standing advice on flood risk; advises on separate consents/permits required from Environment Agency;

(15.2.21) - Previous objection relating to flood risk withdrawn; provides information about standing advice on flood risk; advises on separate consents/permits required from Environment Agency.

Cumbria Constabulary:

(15.2.21 & 16.10.20) - No observations or comments.

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

(9.11.20) - Additional information required before final response can be issued, relating to drainage and parking (Transport Form/Questionnaire provided);

(24.3.21) - No objection based on all revised information available.

Local Environment - Environmental Protection (Env Health):

(8.4.21) - No objection but advises that the operation strategy/management plan should be referenced in planning conditions.

Arthuret Parish Council:

(23.11.20) - Supports the application.

Kirkandrews Parish Council:

(10.11.20) - Objects to the application on grounds of (i) local road network not suitable for additional traffic; (ii) parking not adequately described in application; (iii) development would generate noise nuisance (additional hours and music); (iv) flood risk assessment does not relate to actual development - flood risk issues occurring in locality.

United Utilities:

(15.10.20) - No objection raised; provides advice relating to matters of drainage, water supply and UU assets.

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 proposed development requires to be assessed against the 'NPPF' National Planning Policy Framework (2019) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.4 below.
- 6.3 The main issues, as listed earlier in the report, are as follows:
 - (i) Whether the principle of erecting a wedding venue building and gazebo is acceptable in this location;
 - (ii) Whether the design and appearance of the building and gazebo would be acceptable in terms of potential visual impacts relating to the public realm;
 - (iii) Whether the development would be acceptable in terms of its relationship with Carwinley Mill, a Grade II listed building;
 - (iv) Whether the development would be acceptable in terms of its impacts on highway safety;
 - (v) Whether the development would be acceptable in terms of impacts on residential amenity of nearby residents;
 - (vi) Proposed drainage and impacts on the water resource;
 - (vii) Flood risk associated with the development.

- 6.4 Taking into consideration the range and nature of matters for consideration, the following Policies of the aforementioned Local Plan are of relevance to this application:

Policy SP 1 - Sustainable Development
Policy SP 2 - Strategic Growth and Distribution
Policy SP 6 - Securing Good Design
Policy HE 3 - Listed Buildings
Policy CC 5 - Surface Water Management and Sustainable Drainage
Policy CC 4 - Flood Risk and Development
Policy EC 9 - Arts, Culture, Tourism and Leisure Development
Policy EC 11 - Rural Diversification
Policy IP 2 - Transport and Development
Policy IP 3 - Parking Provision
Policy IP 6 - Foul Water Drainage on Development Sites
Policy CM 5 - Environmental and Amenity Protection

Applicants' Supporting Information:

Design and access statement (Revision B - March 2021)

- 6.5 This document has been updated to reflect the scheme now under consideration, which has been significantly revised since the application was received. The main function/venue building has been rotated through 90 degrees so that its principal/entrance elevation now faces north-east instead of south-east.
- 6.6 Highlights from this Statement are as follows:
- describes the nature of the site and its current operations, advising that *"our clients market the site on the basis of the closeness of nature, the quietness of the location and the sensitive manner in which the developments are placed in the landscape"* and *"our clients wish to expand the offering on the site so that whole family groups can hire the site for events, celebrations, weddings and similar and wish to provide 2no. additional buildings in support of this"*;
 - describes the building as a 'function barn' and advises that both it, and the gazebo, are designed to accommodate a maximum of 32 people;
 - advises that in addition to the gazebo, a room in the applicants' existing house would be nominated for signing the register/ taking vows when the weather is inclement;
 - states that the building will be characterised by functional agricultural/ industrial design externally;
 - describes in detail the layout and intentions of use/functions within the main building and the gazebo (NB - the document discusses the main entrance of the function building facing onto a green area - this is out

of date following rotation of the building through 90 degrees);

- a series of photographs show the application site and surroundings (NB - these photos are out of date and do not reflect that the gazebo had been substantially erected at the time of the case officer site visit in October 2020);
- provides commentary on transportation and booking arrangements, stating: *"In addition to accommodation available on site, the clients propose to make an arrangement with The Graham Arms Hotel or other operators in nearby Longtown to provide 'overspill' accommodation. As there is no public transport available to this site, our clients propose retaining a local taxi firm or the hotel itself to provide transport (mini-coach or similar) to take additional guests back to their accommodation at the end of an event/ evening. The intention is to prevent excess numbers of vehicles arriving and departing at any one time and maintain the low-key nature of the area and the venue."*
- advises that the whole park would be, by condition, hired out as one booking when events are organised in order to avoid the risk of disturbing other guests;
- explains that the function building has been changed in terms of construction materials to increase soundproofing, and has been rotated by 90 degrees to reduce potential disturbance to neighbouring residents.

Operation strategy/management plan (Revision D - March 2021):

6.7 This updated document provides advice about how the development is intended to operate under the stewardship of the applicants. A summary of the matters given coverage is as follows:

- describes the current natural, rural and peaceful nature of the site, and the intentions of the applicants not to deviate from that culture - the development would extend and maintain that culture (business model is based on this approach);
- explains that the development would predominantly be booked as part of a block booking along with the on-site accommodation;
- describes likely numbers (maximum) of attendees and where they would stay, with a maximum of 10 persons staying on site in the tourism accommodation already present; and up to 30 guests staying in separate accommodation elsewhere (for example, at the Graham Arms Hotel in Longtown);
- describes likely vehicle movements of guests including local taxi firm offering 8-seater minibus shuttles to bring guests to and from the venue;

- discusses nature of catering and likely movements of staff attending, which includes contract with local Butchers';
- describes the time window within which events would take place - between 10am and 11pm (with 11pm a strict end time);
- describes the intentions regarding music - pre-recorded music through sound system and occasional live music; provides further commentary about noise management and the conclusions of the noise report, along with explanation that the main building has been rotated to ensure potential noise nuisance is minimised and would not exceed acceptable background levels;
- concludes by stating that: *"The clients undertake to write into any terms and conditions for guests booking the venue any conditions/restrictions to be discussed and agreed with the Carlisle City Council Planning Department in order to guarantee the site continues to be used in a manner that does not bring unacceptable disruption or disturbance to the local area and residents"*.

Environmental Noise Survey (Noise Assessment) by E2 Consultants, received on 28 January 2021:

6.8 This was requested by the case officer further to dialogue with the Council's Environmental Health Officer and reflects the potential for noise to occur which could affect nearby residential receptors. It assesses and concludes as follows:

- identified 3 no. potentially affected residential receptors - The Watermill, Carwinley Cottage and Carwinley Mill;
- assesses current background noise in respect of each of the receptors;
- calculates potential noise emanating from development based on similar venue with music playing from a professional set-up;
- states time of day of recorded background noise and length of recording time at each of the residential receptors assessed;
- describes the weather when the recordings were taken and the generally constant nature of the noise measurements;
- provides the following advice in relation of construction of the venue building: (i) create a lobby in which the guests have to enter / leave. This should have multiple sets of doors so that as the external doors are opened, internal doors have a high chance of being closed. This would help mitigate the breakout of noise of guests entering and existing the building during the usage hours of the venue; and (ii) construct the building with a timber frame with dense external block walling;

- concludes that none of the predicted noise levels at the dwellings are over that of the background noise levels;
- mentions that the client has also written up a noise management plan for the site outlining measures for transport of guests to and from the site along with catering and accommodation.

Flood Risk Assessment (Kingmoor Consulting, November 2020):

- 6.9 This is a site/development specific assessment, required because the site is within Flood Zone 2 (Environment Agency information) which, for the purposes of this report, relate to land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%);
- 6.10 The report concludes that : (1) It is understood that the initial flood risk assessment placed the site within a Flood Zone 2. These records are based on topographic records for the site and do not consider any modelled data associated with surface flooding or watercourse flows. (2) The site has not historically experienced flooding and due to the topography of the site and adjacent to the Carwinley Burn, this prevents flooding occurring on the site. (3) The adoption of SuDS best practice on site will maximise the storage of water on site with the use of SUDS principals.

Transport Form (Aditus Architecture, 24.11.20):

- 6.11 This form was completed on request from Cumbria County Council, as highway safety consultee. It is intended to provide additional information relating to predicted transport movements associated with the development. The following information from within the form is relevant:
- total number of vehicle movements per day is estimated to be 35, although this is the average number per day based on most movements occurring at the weekend;
 - peak times for vehicular movements are anticipated to be mid morning, mid afternoon and late evening;
 - in section 3 "Transport Impacts", the applicant states: *"the current use of the site includes up to ten guests staying in five self-catering units daily plus the residents of the house. In addition, cleaning and maintenance staff attend the site on a daily basis and as required for emergency issues. The majority of these journeys are by private car with a smaller number of journeys by guests via a taxi. The proposal will add an additional 20-30 guests, two bar staff, two caterers and one additional cleaner visit per day during a two day weekend with them all vacating the site by 11pm. The applicant will by booking policy prohibit the additional guests using private cars and instead provide a taxi/mini-bus service to keep vehicle movements to a minimum. The impact is predicted to be minimal."*

- in section 4 "Measures to Influence Travel", the applicant states: *"the site is marketed upon its rural location and appeal to walkers and cyclists who may be resident on the site in existing accommodation. To influence/minimise travel to and from site, especially by car, the applicants have arranged to provide a mini-bus service to other nearby accommodation and will make it a strict condition of booking an event that this service be used. Non-residents will not be allowed to access site by car except in special circumstances and by prior arrangement. There is spare capacity in the visitor parking area for these exceptions. Signing up to the ethos of the site - a location of quiet, rural tranquility - will be a condition of any party booking an event."*

Consideration of Development Proposals:

- (i) Whether the principle of erecting a wedding venue building and gazebo is acceptable in this location:
- 6.12 Carwinley hamlet is tiny in terms of dwellings present, but is augmented by the 5 or 6 units of accommodation dotted around the grounds of Carwinley Mill House. It is accessed via good rural roads until the turn off from the C1001 road onto the U1009 unclassified county road. The U1009 is narrow and has a noticeable downhill gradient from not far beyond the Old Post Cottage (located where the C1001 and the U1009 meet) - it drops to the point where Carwinley Mill and Watermill are accessed, rising slightly again in a north-westerly direction before it crosses Carwinley Burn via Carwinley Low Bridge, providing access to Low Moat and High Moat. It is a 'no-through-road'.
- 6.13 It is far enough away from all significant settlements not to be burdened by light or noise pollution at present, and clearly benefits in terms of its rural, tranquil, waterside setting to have provided the basis for a successful rural business to develop. The current proposal represents a further phase of development which seeks to harmonise with, and further take advantage of, the nature of the setting.
- 6.14 Rural wedding and event venues have been seen more frequently in the past couple of decades, providing a proportionate and alternative facility in many cases, and increasing the visitor 'offer'. They are seemingly financially viable and attractive if run successfully - Hidden River Cabins near Penton is hailed as a success by many and hosts a good number of events in normal (non-Covid) times. As a form of rural diversification and rural economic development, such facilities/venues can be seen as positive assets with links to other local businesses benefiting from related economic activity: the likes of caterers, hotels, taxi firms, guests houses and hostelrys.
- 6.15 The question of whether Carwinley is a suitable place to locate such a venue will depend on a number of factors, including:
- (i) scale of the development proposed in relation to the settlement/location;
 - (ii) presence of sensitive receptors nearby;
 - (iii) whether the venue can be operated so as to render potential impacts

acceptable;

If these factors are reflected, accommodated and potentially mitigated in the development proposals, there should be no reason why the principle cannot be accepted. This approach is consistent with Policy SP 1 and the NPPF.

- 6.16 Whether the principle of development would be accepted, therefore, would necessarily depend on the details of the specific scheme in this particular location. In other words, would this be the right development in the right place? This approach is consistent with Policy SP 2, specifically Criteria 7 and 8, and also with Policy EC 9, in particular Criteria 1.

(ii) Whether the design and appearance of the building and gazebo would be acceptable in terms of potential visual impacts relating to the public realm:

- 6.17 Although the building and gazebo could be glimpsed in passing, they would largely be screened by topography, vegetation and other buildings. The actual stature and dimensions of the building and structure are relatively diminutive by comparison to the dominant, imposing and screening Carwinley Mill House and its associated landscaping, buildings and structures within and adjacent to the curtilage. The relative seclusion of the locality means that it is a 'go-to' location rather than a 'go-through' location, and in that context it would be difficult to find any overriding issues relating to design, materials or the scale of the buildings including their single-storey profiles. They would be complementary to the existing locale, in these respects, and would enable the development to accord with Policies SP 6, EC 9 and EC 11 of the Local Plan.

(iii) Whether the development would be acceptable in terms of its relationship with Carwinley Mill, a Grade II listed building:

- 6.18 Furthermore, having regard to the design, materials and scale of the building and structure, and the aforementioned characteristics and location of Carwinley Mill House and its landscaping, their placement as proposed would not visually relate to the Grade II listed house or its special setting in any significant way. There are already a range of secondary structures and buildings present and utilised in association with the principal building. Although the development would add to this range of secondary items, it would not detract from the dominance of the main house, largely because it is located well away from the site frontage and is well screened in relation to the public realm. The development would therefore be consistent with Policies SP 6 and HE 3 of the Local Plan, in this context.

(iv) Whether the development would be acceptable in terms of its impacts on highway safety:

- 6.19 The increase in traffic movement has been scrutinised by Cumbria County Council, as highway safety specialist, and has been found not to promote any overriding concerns. Detailed information has been provided in relation to this issue, in particular within the Transport Form completed by the applicants, further to the request of this specialist consultee.

6.20 There is a short stretch of narrow road from which all traffic would approach the site between the C1001 and the U1009; any increase of use of this road would increase conflict if traffic going one way meets traffic going the other way. However, the likely increase in traffic is not considered to represent a substantially different scenario, and in any event the nature of the site is such that if it were to be opened up with a formal car park for all visitors (which is clearly not the intention), the very essence of it would change and this would not be conducive to the development of the tranquil, peaceful ethos portrayed by the applicants. Maintaining the current level of accommodation on site and providing only very limited parking for exceptional visitors and a small number of staff would help to limit movement to and from the site. In turn, that would go some way to ensuring that the ethos is maintained.

6.21 With this appraisal in mind, the planning service agrees with Cumbria County Council and accepts that the development would not be prejudicial to highway safety. The application is therefore in accord with Policies IP 2, IP 3 and EC 11 of the Local Plan.

(v) Whether the development would be acceptable in terms of impacts on residential amenity of nearby residents:

6.22 The potential impacts on the private amenity of neighbours stem mainly from three things: noise, light and traffic movement.

Noise:

6.23 Carwinley hamlet is very quiet and tranquil. Residents within the cluster are presently not subjected to any abnormal disturbances during peaceful periods. The peace and tranquility is clearly very important to the applicants as it is on this culture that the success of the business has been built. Equally, this peace and tranquility exists for residents in nearby dwellings. The Watermill and Carwinley Cottage are close to the site and have been given due attention within the aforementioned noise assessment. The noise assessment concludes that neither property would experience an increase in noise over background noise levels.

6.24 Noise nuisance cannot be pinned down exactly, when it depends on variable inputs. The results of the noise assessment give comfort to a great extent, along with the clear intentions of the current applicants to undertake their own actions to minimise noise disturbance. However, variables can include things such as:

- unanticipated vehicle noise from noisier than average vehicles visiting the site, especially on exit as they change through gears to get up the incline in the access road;
- impromptu shouting, chatter, singing and laughter from attendees as they gather, or as they move between buildings or to and from their drop-off vehicles;
- music noise emanating abnormally (unintentional) as a result of high or low pitch tones, bass or drums, especially if amplified, and potentially

- when all doors to the venue building are open (for example, in very warm weather);
 - the perception of affected residents about what constitutes a noise nuisance and what is acceptable (or tolerable);
 - the frequency and duration of perceived noise nuisances occurring, and the incremental sense of annoyance if such noise nuisances are ongoing or regular/expected;
 - the influence that the direction and strength of the wind can have on actual, or perceived noise arisings.
- 6.25 One clear difficulty in assessing whether noise management will be successful at a venue that may give rise to such issues is that a condition requiring the local planning authority to monitor or act when a nuisance is occurring can be more difficult to enforce, because there is a strong likelihood that perceived problems would occur outside normal working hours i.e. evenings and weekends. This means that there would need to be an expectation, based on a demonstrably robust strategy, that if noise issues were to arise, they would necessarily be dealt with at source, by the site operators.
- 6.26 Thereby, a significant element of risk is introduced, because even if the current operators were to manage such nuisances very well and minimise issues arising, there is no guarantee that, over time, such control would be maintained, especially if the site and its activities were to be passed on to a different party, with a different ethos or a different interpretation of what comprises peace and tranquility.
- 6.27 For developments to be compliant with Policy CM 5 'Environmental and Amenity Protection', they must not result in unacceptable levels of noise pollution that cannot be satisfactorily mitigated. The applicants recognise that measures must be put in place to mitigate, as evidenced in the operation strategy/management plan submitted. Noise nuisance is a potential issue, but the strategy/plan contains proposals to mitigate including a sensible strict end time of 11pm.
- 6.28 If the application is successful, it will have to be acknowledged that there is an element of risk associated with it in terms of noise becoming a potential issue, although it would be fair to say that the applicants have not ignored this and have clear mitigation/management intentions in that regard.
- 6.29 In its own right and as a singular issue, potential noise nuisance, notwithstanding the findings of the Noise Assessment, could stand out as a matter that cannot be fully addressed and mitigated through planning control. Whether or not this would be such an influential factor as to render the application unsupportable will be discussed in a broader context later in this report.

Light:

- 6.30 Unlike with the noise aspect of the development, there is no 'light assessment' submitted with the application. Inevitably, the site and surroundings would

require to be lit when events are in progress for people moving between buildings or moving to and from their transport, in non-daylight hours.

- 6.31 Light pollution is a significant concern where it changes the environment of a place; and it has a similar role to play in terms of keeping the premises tranquil and peaceful as does noise, but light pollution does not tend to impinge of the hearing senses so it is likely to be a case of whether the development causes an unacceptable level of light pollution to occur that is perceived to be problematic to nearby residents. Light pollution can easily compromise the tranquility of a place.
- 6.32 The principal concern here is that light pollution could impact adversely on the private amenity and enjoyment of nearby residents at Carwinley Cottage. It is clearly not an issue for residents within The Watermill, who have written in support (in detail) of the application.
- 6.33 Light from the development would potentially be visible from the curtilage environs of Carwinley Cottage. It may also be noticeable at a very low level from within habitable rooms. However, potential impacts during hours of darkness are likely to be acceptable, in part because of the separation between the site and this residence; in part because the site is considerably lower than Carwinley Cottage; and in part because there are many mature trees and other vegetation in between the site and Carwinley Cottage - foliage, stems and branches would act as mitigation and would help to offset perceived light transfer/spillage outwards from the development.
- 6.34 Finishing all events at a strict ending time of 11pm would, in theory, mean that the site would return to darkness at around that time - again, taking into consideration that people will be staying in accommodation within the site (close to the gazebo and function building) there is a strong likelihood that the applicants would want to ensure that the sense of peace and tranquility is quickly restored at the conclusion of events.
- 6.35 Potential light pollution is to some extent another variable, and its effects cannot be predicted with 100% accuracy. However, it is considered unlikely that it would become an overriding concern if it is properly dealt with. This, again taking into consideration the applicants' approach, culture and ethos, can to some extent be expected but cannot be relied upon fully, especially if the site is transferred to another party in future with different interpretations of what is adequate mitigation to suit its own ethos.
- 6.36 Like potential noise pollution, potential light pollution is a matter that would have to be factored in, when the overall planning balance is appraised. However, it is less likely to be as much of an influencing factor as noise, in the context of this application and having regard to the separation, topography and vegetation mentioned earlier in this section.

Traffic movement:

- 6.37 The main concern relating to traffic movement is that it could generate a combination of light and noise pollution which is perceived as a nuisance to

residents, in particular those within Carwinley Cottage who would witness passing headlights and rear lights at various times of the day more so than they currently do, and who will inevitably be aware of vehicle noise as cars (including taxis), minibuses and occasional vans move along the public road (U1009).

- 6.38 The perceived effects could be exacerbated by the situation of the site and Carwinley Cottage, because vehicles would potentially be moving through gears on approach to, but more so on leaving the site. This could be perceived as a repetitive and progressive nuisance, in part because there would be an anticipation, or an expectation that on certain days, at certain times, there would likely be pre-arranged shuttling of guests to and from Carwinley Mill, plus movements of staff; and that within a successful operational day at the wedding venue, there would be a time at which disturbance begins (for example, when 'set-up' begins) and a time when it eventually finishes (for example, when all ceremonies and celebrations have finished by 11pm, and all visitors including staff have departed or have returned to their accommodation either on or off the site).
- 6.39 Additional vehicular movements, and their impacts on the private amenity and quiet enjoyment of Carwinley Mill promote a significant consideration because it could be noticeable, and become a potential ongoing annoyance to residents. Again, whether this would be an overriding planning issue will be reflected in the overall planning balance.
- 6.40 It may be noted that the effects of traffic movement may also be experienced by residents of the Old Post Cottage mentioned earlier and situated where the C1001 meets the U1009. However, given how close this residence is to the C1001 it would be highly unlikely that residents would experience a 'stepchange' in terms of traffic movement in a similar way to residents of Carwinley Cottage, because Carwinley Cottage is so much further away from that busier classified road.

(vi) Proposed drainage and impacts on the water resource:

- 6.41 The site benefits from an existing drainage arrangement, consisting of a sewage treatment plant for foul water, with surface water generally going to soakaway into the ground. The surrounding ground is generally laid to grass and permeable, therefore a very limited amount of ground is covered by existing development/uses in the vicinity. The introduction of the gazebo and function building would cover over ground that is currently permeable, therefore it is necessary to be able to understand what impacts this would have on surface water management/dispersal. This is particularly important with the site being so close to Carwinley Burn, and with treated water going into the Burn.
- 6.42 The proposed development is clearly shown to connect into an existing system in terms of foul water from the function building - how this would be arranged is shown in the submitted drawings.
- 6.43 Consultation responses from United Utilities and Cumbria County Council do

not identify any problems with the principle of connecting into an existing system, but caution is prescribed because there is not, as yet, certainty relating to the capacity of the existing foul water system to take the additional discharges generated.

- 6.44 It may, therefore, be necessary to require further details via a suitable (standard) planning condition, to enable the proposed drainage arrangement to be better understood. At the time of writing of this report, a request has been made to the architect asking for clarification, and potentially further information in respect of drainage, but in the light of the comments of both specialist consultees, drainage is not an overriding outstanding concern, and as such the application can accord with Policies IP 6 and CC 5 of the Local Plan, in this context.

(vii) Flood risk associated with the development:

- 6.45 The site is within Flood Zone 2 and is very close to Carwinley Burn. It was therefore necessary for potential flood risk to be assessed properly in relation, specifically, to this development. An appropriate Flood Risk Assessment (FRA) has been provided, and has been considered in detail by the Environment Agency. The consultee initially objected because the original FRA was not specific to the development. The objection has now been fully withdrawn, leaving only standard advice to be taken account of, in the light of the relevant FRA.
- 6.46 Although Carwinley Burn does give rise to flood risk designations, with the watercourse itself being Flood Zone 3 and ground immediately adjacent being Flood Zone 2, in reality the site is high above the watercourse and is understood not to be at significant risk of flooding. Taking into consideration the nature of this development, which does not contain any habitable accommodation, it would be appropriate and adequate to ensure that the applicants or future site operators adhere to their own flood risk strategy, if they deem it to be necessary.
- 6.47 It can be assumed that the owners/applicants already consider the proximity of the watercourse in their operations, because habitable accommodation arising from earlier planning permissions is similarly close to the riparian area.
- 6.48 In respect of flooding, the application is therefore in accord with Policy CC 4 of the Local Plan.

Conclusions:

- 6.49 The application would give rise to new development that would support rural economic development, not only at the site and to the benefit of the operators, but also in a wider context, with users potentially having a modest, but significant positive impact on other local businesses. It would give rise to employment opportunities and diversify the 'offer' of services available within the District. It would enable an existing business to expand and diversify within the confines of its own grounds.

- 6.50 The submitted information describes a development that: (i) would be acceptable in terms of landscape and visual impacts (ii) which would not promote overriding concerns relating to highway safety, and (iii) which could be accommodated in terms of its relationship with the water resource and flood risk. The scale of the building and structure are appropriate to the locale, having regard to the primacy/dominance of Carwinley Mill, the presence of other buildings and structures, and the topographical setting.
- 6.51 As reflected earlier in the report, there are concerns about how the implementation of the development would impact on the quiet, tranquil nature of Carwinley and its immediate environs. It is very likely that the introduction of the function building and gazebo would cause the site to operate more busily and more often as a place where a greater number of people gather, bearing in mind that the maximum number of people staying on site (other than the applicants/owners) is currently around 10, possibly 12, and although this would not change as a result of the development, the number of people regularly attending events at the site would potentially increase fourfold, or at least threefold. With minibuses shuttling non-resident event guests to and from the site, movements would inevitably change from the current scenarios and would increase.
- 6.52 Weddings and similar events are not known to be quiet affairs, generally speaking. Celebrations involving eating, drinking, dancing, singing/music, people communicating, children playing, vehicles coming and going and celebratory events have a tendency to include both short and long periods when noise will increase due to activities taking place. It is noted that the overall site includes what would likely become a central 'green' that attendees would use when the weather allows, as there is no realistic likelihood of everybody staying in the function building for the entire duration of every event. People would also likely gather in and around the gazebo instead of being within the function building if they want fresh air, a quieter place to communicate or potentially to smoke. Despite the best intentions of the applicants, who have provided a good level of information to enable potential disturbances to be assessed (as has appropriately been discussed in detail in this report) there will inevitably be an increase in disturbance, be it actual or perceived, for persons living nearby, as a result of the increased/new activities that would take place. Although there is no objection submitted from the occupiers of the property most likely to be impacted by the development (Carwinley Cottage) it is clear that change would be experienced. Information submitted with, and in response to the application all points towards this not being of such magnitude that it would automatically lead to an objection; but nevertheless, potential and perceived effects of nuisance are a very important consideration in this instance.
- 6.53 This means that the planning balance, and therefore whether or not the application can be supported, depends on whether the positive aspects of the development would outweigh the negative aspects. In other words, would the potential rural economic development benefits and employment opportunities created, along with an increase in the rural tourism/leisure offer and the absence of any overriding objections from specialist consultees outweigh the potential nuisance arising from noise, light and traffic movement. The

objection of the Kirkandrews Parish Council is also of relevance as it relates to some extent to these matters.

- 6.54 Local Plan Policy SP 1 and the National Planning Policy Framework both require local planning authorities to do everything they can to guide applicants towards positive planning recommendations, although if an application is fundamentally at odds with specific policies and if overriding concerns cannot be addressed or mitigated, applications will tend to be refused.
- 6.55 In this case, the applicant has presented supplementary information that has enabled the potential effects of noise to be assessed; has demonstrated that flood risk is not an overriding concern; has provided information about how the site would be managed to ensure activities/events are kept to a specific range of hours, after which activities are intended to cease; and has changed the development to reduce potential noise impacts by (i) rotating the function building through 90 degrees so that its doors would open towards the gazebo, and not towards Carwinley Cottage; and (ii) upgrading the construction of the building to increase its soundproofing qualities. The applicants are also in agreement to the imposition of a condition, if planning permission is granted, to provide a noise monitoring scheme. These have all been helpful in addressing concerns identified by consultees and the planning service during the lifetime of the application.
- 6.56 Having regard to all the information available, to the number and nature of representations received, to the content of all consultation responses and in looking at the pros and cons associated with the development, there is not an overriding reason why support cannot be offered, because the likely detrimental effects on private residential amenity associated with a single residence do not outweigh the wider economic, employment, tourism and leisure benefits that would arise. For these reasons, the application would accord, in the overall planning balance, with Policies SP 2, SP 6, EC 11, EC 9 and CM 5 of the Local Plan.
- 6.57 It is therefore recommended that planning permission is granted subject to a range of appropriate conditions, which would essentially include reference to adherence to the site operation strategy/management plan submitted by the applicants and which would require noise to be monitored in an agreed manner so that it could easily be investigated in the case of any complaints received. Although inclusion of these items would not be likely to overcome every individual concern about nuisance arising, especially perceived nuisance and the 'variable' occurrences mentioned earlier in this report, it would to a great extent require the site operators to regulate and monitor on-site activity in such a way that it does not become a serious, repeated or regular issue.
- 6.58 It may be noted that consideration has been given to the recommendation being based on a 'personal' planning permission, so that in the event of the site/development being sold or transferred to a subsequent operator, a further planning permission would have to be obtained. This would have the effect that, although the ethos and management approach of the current applicants

may be adequate to enable the development to be implemented and operated in accordance with the terms stated, any doubts about future operators' intentions could be further examined/re-visited. However, this would seem to be a disproportionate and unreasonable imposition that would have the potential to be challenged successfully, because any such personal permission must to a great extent be at the behest/agreement of the applicants and be justified to resolve a specific concern. The recommendation to support this application is not based on personal circumstances, but is based on the details contained within the submissions which would be included in the standard condition identifying approved documents, thereby to be transferred to new operators, as they would remain in place if the development continues to operate in accord with this permission.

7. Planning History

- 7.1 19/0685 - Change Of Use From Residential Garden Area To Allow The Siting Of Caravans For Holiday Accommodation (Part Retrospective): Application **Approved** (Dec 2019).
- 7.2 16/0008 - Erection Of 4.no. Holiday Units (Revised Application): Application **Withdrawn** 24.2.16.
- 7.3 15/0808 - Erection of 4 no. Holiday Units: Application **Refused** 28.10.15. Relates to same site as 16/0008 and was pre-cursor to that application.
- 7.4 06/0979 - Erection of Replacement Cabin (Revised Application): Application **Approved** 19.9.06. Relates to unit to the right of The Byre. **AUTHORISES THAT UNIT.**
- 7.5 05/1372 - Erection of Replacement Cabin: Application **Approved** 3.3.06. Application effectively superseded by 06/0979.
- 7.6 05/1315 - Accommodation for Private Letting: Application **Approved** 16.1.06. Relates to the conversion unit now known as The Heronry.
- 7.7 05/0703 - Accommodation Unit for Private Letting: Application **Approved** 12.9.05. Application effectively superseded by 05/1315.
- 7.8 04/0875 - Extension to Existing Holiday Chalet to form Bedroom, Bathroom and Lounge Area: Application **Approved** 20.8.04. Relates to same unit as 06/0979 and 05/1372.
- 7.9 03/1107 & 03/1108 - Conversion of Existing Outbuildings to Letting Cottage for Fishermen: Applications (LBC & PP) **Approved**. Relates to The Byre.
- 7.10 02/1149 & 02/1164 - Refurbishment of Existing Barns: Application **Approved** 23.1.03. Relates to The Heronry.
- 7.11 02/1023 - Change of Use of Summer House to Holiday Let Chalet and

Change of Use of Agricultural Land to Domestic Garden: Application
Approved 30.12.02. Relates to same unit as 04/0875, 06/0979 and 05/1372.

- 7.12 02/0439 - Erection of Summerhouse for Storage and Leisure: Application
Approved 27.6.02. Relates to same unit as 02/1023, 04/0875, 06/0979 and 05/1372.

8. Recommendation: Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form;
 2. Drawing ref. 2018-02C 'Existing Plan', received on 8 October 2020;
 3. Drawing ref. 2018-03E 'Proposed Plans and Sections', received on 5 March 2021;
 4. Drawing ref. 2018-04E 'Proposed Elevations and Site Plan/Roof Plan', received on 5 March 2021;
 5. Drawing ref. 2018-05B 'Location Plan, Existing and Proposed Block Plans', received on 5 March 2021;
 6. Drawing ref. 2018-07A 'Overall Site Plan', received on 5 March 2021;
 7. Design and Access Statement (Aditus Architectural Services) Revision B (March 2021), received on 5 March 2021;
 8. Proposed Operating Strategy (Aditus Architectural Services) Revision D (March 2021), received on 5 March 2021;
 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.

2. Full details relating to the following drainage matters shall be submitted to and approved in writing by the local planning authority before any works, development or change of use are implemented in relation to this permission:
 - surface water drainage including the location and nature of soakaways;
 - location, specification and capacity of the sewage treatment plant into which the development will be connected;

All measures including timing of implementation agreed in response to this condition shall be fully implemented and made operational before the

development is occupied or brought into use.

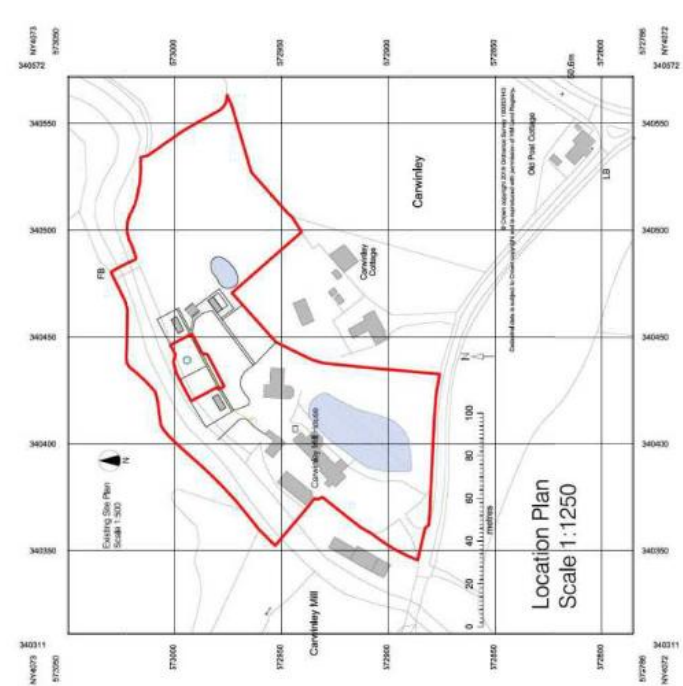
Reason: To ensure that all drainage matters are appropriately provided for in a sustainable manner, in accordance with Policies IP 6 and CC 5 of the Carlisle District Local Plan 2015-2030.

3. Noise monitoring outside of the function building shall be undertaken in accordance with a noise monitoring scheme that shall first have been submitted to, and approved in writing by the local planning authority. The monitoring shall take place during events of a nature that have been clearly described in the approved scheme, and shall include a one hour monitoring period prior to, and after each event in addition to monitoring during the event. Recorded details of the noise levels in relation to events taking place within the function building shall be retained and made available for inspection by the local authority in accordance with a timeframe and method that have been approved within the scheme, in response to this condition.

Reason: To safeguard the living conditions of the occupiers of neighbouring properties in accordance with Policies SP 6, EC 11, EC 9 and CM 5 of the Carlisle District Local Plan 2015-2030.

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Revision	Date	Description	Drawn By
1	11/10/20	Initial design and site plan	AD
2	11/10/20	Revised design and site plan	AD



ADITUS THIS SAFETY

The CDM regulations 2015 apply to all construction work carried out in Great Britain.

All persons working on the design and construction of a project must comply with the Health and Safety Regulations 2015. The design team must ensure that the design is safe and that the construction team is aware of the risks involved in the work. The design team must also ensure that the construction team is aware of the risks involved in the work.

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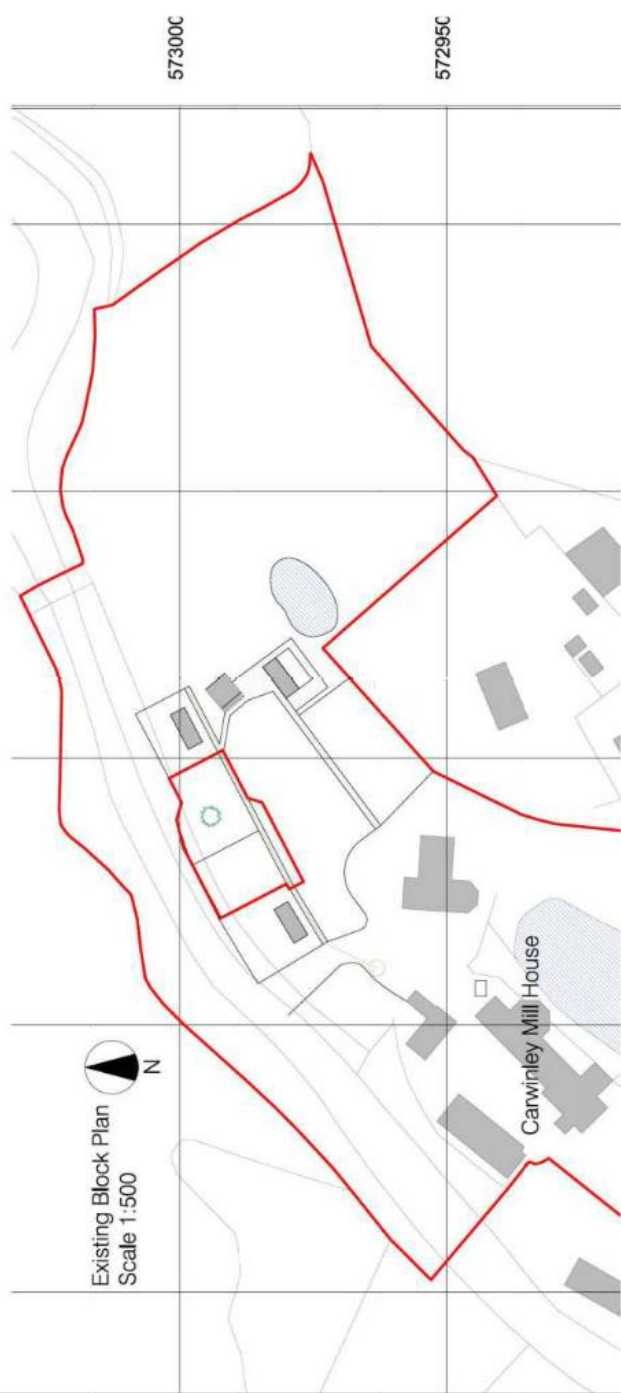
Planning Application

Project
Carwinley Mill House - Free Standing Function Room & Garage; For Trevor & Danielle Musson

Location Plan, Existing and Proposed Block Plans

Date	11/10/20
Drawn	AD
Checked	AD
Completed	20/10/20

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Stream

Caravan Plot

Proposed Gazebo

Proposed Function Room

Caravan Plot

Visitor Parking

Gravel

Visitor Parking

Holiday Accommodation

Approximate location of existing package treatment plant

Gravel

Parking

Parking

Planting

Carwinley Mill

Carwinley Mill House

Bins

Parking

Parking

Parking

Planting

Planting

Gravel

Stone Wall

Stone Wall

Planting

Stone Wall

Fountain

Planting

Pond

Planting

Planting

Gravel

Holiday Accommodation

Visitor Parking

Planting

Planting

Gravel

Grass Lawn

Vegetable Planting

Caravan Plot

Storage

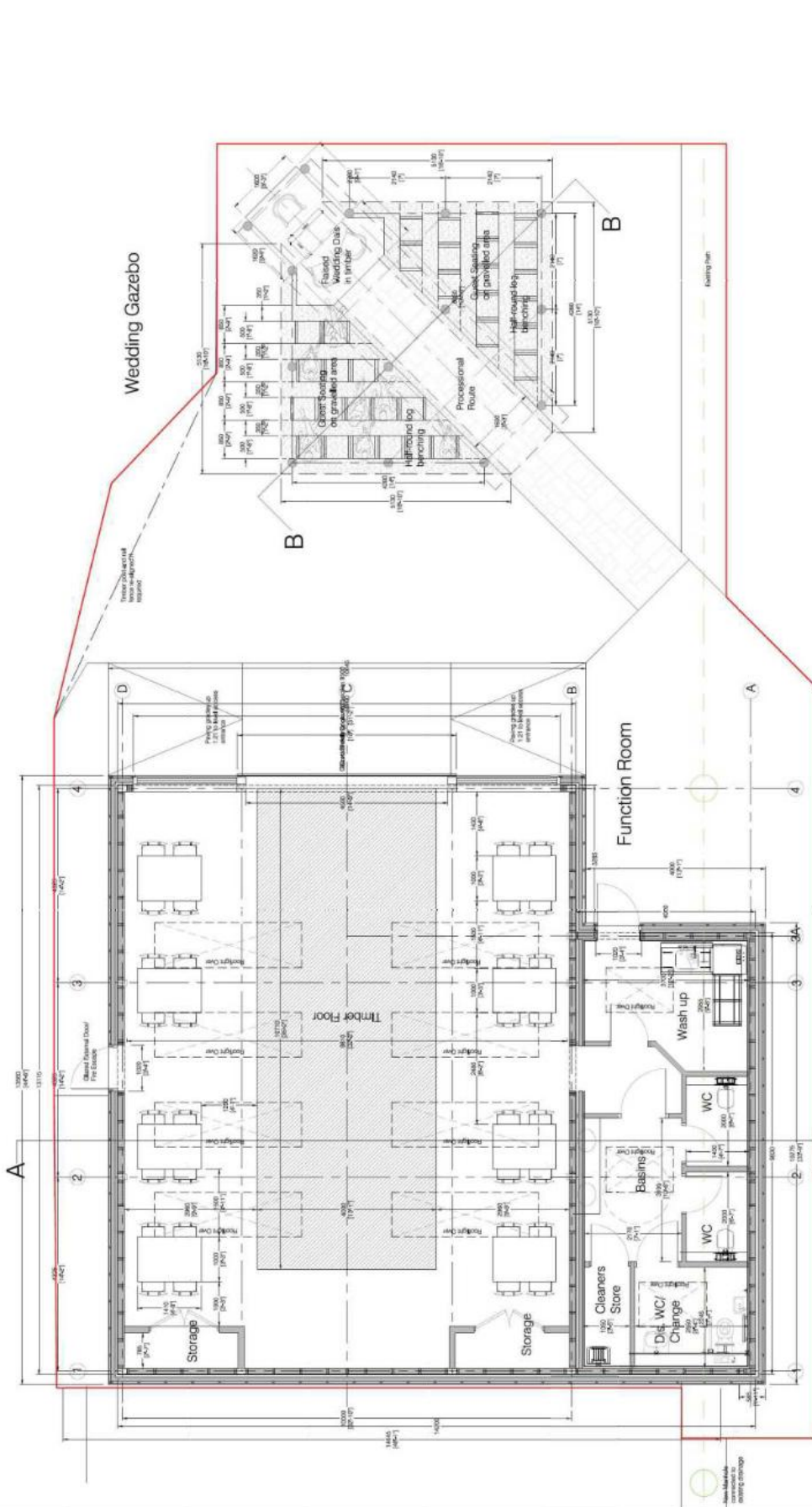
Overall Site Plan
 Scale 1:200



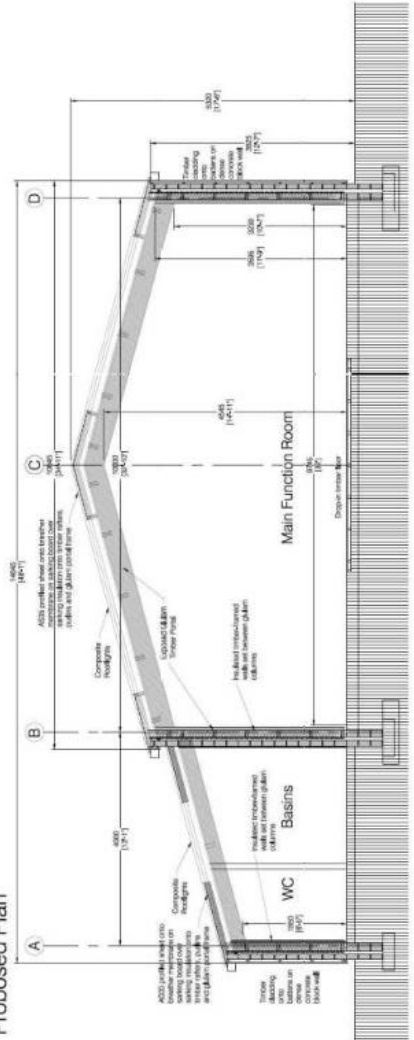
ADITUS ARCHITECTURAL SERVICES
 Planning Application
 Project:
 Carwinley Mill House - Free Standing Function Room & Gazebo; For Trevor & Danielle Musson
 Overall Site Plan
 Date: 01/01/2018
 Drawn: ADITUS
 Checked: ADITUS
 Project: 2018/7A
 ADITUS Architectural Services Ltd
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 All Drawing Sheet

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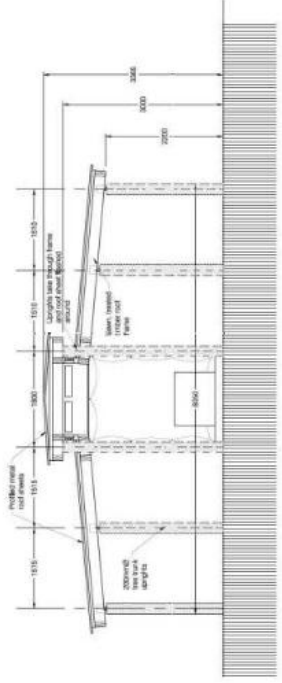
Revision	Date	Description
1	11/10/20	Initial design
2	11/10/20	Revised design
3	11/10/20	Revised design
4	11/10/20	Revised design
5	11/10/20	Revised design
6	11/10/20	Revised design
7	11/10/20	Revised design
8	11/10/20	Revised design



Proposed Plan



Section A-A
Scale 1:50



Section A-A
Scale 1:50

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2018 Carwinley Mill House – Carwinley Romantic Retreat

Proposed Operating Strategy for New Free-Standing Function Room_revD

Introduction

Our clients, Trevor and Danielle Musson have applied for planning permission to erect a free-standing function room, in the form of a barn, to use in support of Carwinley Romantic Retreat. Following discussions with our client and the planning officer, Mr John Hiscox, a brief outline of how the site is envisaged to operate is provided in the following text. The operating plan is based on how the first event, provisionally booked for May 2021, will be organized and which is intended to be the general template.

Carwinley Romantic Retreat is a holiday venue comprising of 5no. self-catering holiday lets, generally individually let to couples and is marketed on the basis of the rural/ natural setting, the individual styling of the lets themselves and the peaceful nature of the immediate surroundings and the area overall. Our clients have no intention of deviating from this successful business model and wish to integrate the new development into their plans.

Proposals

The free-standing function room and adjacent wedding gazebo will predominantly be let as part of a block booking of the whole venue and arrangements/ contracts have been made with other local businesses in support of the proposal and the strategy here identified:

Users of the venue will be expected to block-book all of the site accommodation as part of the terms and conditions and accept the other restrictions on vehicle use and event times as detailed below.

Guests:

Carwinley Romantic Retreat already can cater for up to 10 guests, with associated parking and facilities, already covered under an existing planning approval and caravan park licence. As the total capacity of the proposed function room will be 40 people seated, our clients have agreed terms with the Graham Arms Hotel in nearby Longtown to take up to 30 guests in the 16 rooms they have available.

Wedding organisers will be asked at the time of booking to confirm numbers attending and book both the venue, the on-site accommodation and the overspill, if required.

Transport Arrangements for Guests:

Our clients have agreed with local Taxi firm, Airstream Taxis, to hire their minibus (8-seater) for purposes of shuttling guests from the Graham Arms to Carwinley Romantic Retreat over the course of any booked event.

Guests resident within the venue will arrive by private car or taxi, as per the current situation.

It is therefore envisaged that a typical event will involve up to 4no. return trips of the minibus at the beginning, middle and end of a day.

Other than in special circumstances, guests coming from outside the on-site accommodation will not be allowed to bring private vehicles on site as part of the terms and conditions of the booking.

Catering & Bar Services:

Our clients have made arrangements with W Kirkup and Sons Butchers in Longtown to provide catering for events. Kirkups would send a fully staffed mobile catering unit to site to prepare meals, set up and clean up at the end; it is likely there will be 3-4 staff, travelling in the vehicle on a single trip to the site.

Our clients are currently finalising contracts with two locally-based people to act as occasional bar staff at events; the pair are brother and sister and live within walking distance of the venue – at most they would require one car journey at the beginning and end of an event.

Event Duration:

The timing of any event in the function room and wedding gazebo will be between 10am and 11pm. Overall bookings are being offered on the basis of a 2-nights package to include the Retreat and guests staying elsewhere, although it is envisaged that numbers will only peak at their maximum for the day/ evening of a wedding if taking place over a weekend.

The 11pm end time will be made a strict condition of the terms and condition of booking of the site with a deposit withheld as a penalty if this is breached.

Music:

The clients are proposing to have music played for events – there will be pre-recorded music played through a sound system and additionally live bands are hoped to be introduced, with an emphasis on acoustic or chamber music types in keeping with the low key nature of the venue.

In consultation with the acoustic consultants, E2 Consultants, the Function Room's orientation has been changed so that the doors face north east – this is to avoid a possible issue with spikes in noise levels associated with guests opening the doors whilst any music playing is ongoing. In this orientation, the adjacent residential properties will not experience any noise above acceptable background levels regardless of how the building is used and accessed. This removes the risk and any need for conditioning/ managing guests' behaviour to control this particular issue.

Other Restrictions/ Conditions:

The clients undertake to write into any terms and conditions for guests booking the venue any conditions/ restrictions to be discussed and agreed with the Carlisle City Council Planning Department in order to guarantee the site continues to be used in a manner that does not bring unacceptable disruption or disturbance to the local area and residents.

Aditus Architectural Services Ltd
March 2021