

# AGENDA

## Development Control Committee

Friday, 17 July 2020 AT 10:00

**This meeting will be a virtual meeting and therefore will not take place in a physical location.**

### **Virtual Meeting - Link to View**

This meeting will be a virtual meeting and therefore will not take place at a physical location following guidelines set out in Section 78 of the Coronavirus Act 2020.

[To view the meeting online click this link](#)

### **Register of Attendance and Declarations of Interest**

A roll call of persons in attendance will be taken and 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.

### **Apologies for Absence**

To receive apologies for absence and notification of substitutions.

### **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 - 12**

To note that Council, at its meeting of 14 July 2020, received and adopted the minutes of the Development Control Committee meetings held on 11 February (site visits), 14 February; 24 April, 22 May, and 5 June 2020. The Chair will sign the minutes at the first practicable opportunity.

[Copy minutes in Minute Books 46(6) and 47(1)]

To approve the minutes of the meeting held on 19 June 2020  
(Copy Minutes herewith).

## **PART A**

**To be considered when the Public and Press are present**

### **A.1 CONTROL OF DEVELOPMENT AND ADVERTISING**

To consider applications for:

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

## **Explanatory Notes**

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**Item 01 - 20/0309 - Green Meadows Country Park, Blackford, Carlisle, CA6  
4EA**

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**Item 02 - 20/0226 - Dobcross Hall, Gaitsgill, Dalston, Carlisle, CA5 7AW**

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**Item 03 - 20/0058 - School House, Moat Street, Brampton, CA8 1UJ**

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## **Schedule B**

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### **A.2 UPDATE ON CHANGES TO PLANNING LEGISLATION (TO DEAL WITH RELEASE FROM COVID-19 LOCKDOWN)**

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The Corporate Director of Economic Development to submit a report which summarises the changes to planning legislation coming into force to support local businesses as they adapt to ease the release of lockdown post Covid 19. (Copy report ED.27/20 herewith).

## **PART B**

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

-NIL-

### **Members of the Development Control Committee**

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

**Labour** – Birks, Brown, Mrs Glendinning (Vice Chair), Patrick, Rodgerson, Alcroft (sub), Glover (sub), Miss Whalen (sub)

**Independent** - Tinnion (Chair), Paton (sub)

Enquiries, requests for reports, background papers etc to:

Jacqui Issatt, Committee Clerk - [jacqui.issatt@carlisle.gov.uk](mailto:jacqui.issatt@carlisle.gov.uk)

To register a Right to Speak at the Committee contact -  
DCRTS@carlisle.gov.uk



## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 19 JUNE 2020 AT 10.00 AM**

**PRESENT:** Councillor Tinnion (Chair), Councillors Alcroft (as substitute for Councillor Brown), Birks, Christian, Finlayson (as substitute for Councillor Collier), Glendinning, Meller (as substitute for Councillor Tarbitt), Morton, Nedved, Shepherd and Whalen (as substitute for Councillor Patrick).

**ALSO**

**PRESENT:** Councillor Allison (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of Application 19/0869 – Cumbria Wildflowers, The Stables, Great Orton, Carlisle, CA5 6NA.

**OFFICERS:** Corporate Director of Economic Development  
Development Manager  
Legal Services Manager  
Principal Planning Officer  
Planning Officer x 2  
Mr Allan – Flood Development Officer, Cumbria County Council

### **DC.048/20 APOLOGIES FOR ABSENCE**

Apologies for absence was submitted on behalf of Councillors Brown, Collier, Patrick, Rodgeron and Tarbitt.

### **DC.049/20 DECLARATIONS OF INTEREST**

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

Councillor Whalen declared an interest in respect of application 19/0869 - Cumbria Wildflowers, The Stables, Great Orton, Carlisle, CA5 6NA. The interest related to a director of Cumbria Wildflowers being known to her.

Item A.1(1) application 20/0091 – Land north of Rockcliffe School, Rockcliffe, Carlisle, CA6 4AH had been considered by the Committee at its meeting of 22 May 2020. Councillors Alcroft and Finlayson indicated that they had not been present at that meeting, therefore they would not take part in the discussion nor determination of the application.

### **DC.050/20 PUBLIC AND PRESS**

**RESOLVED** – That the Agenda be agreed as circulated.

### **DC.051/20 MINUTES OF PREVIOUS MEETINGS**

**RESOLVED** 1) That the minutes of the meetings held on 22 May, 5 June and 17 July 2020 (virtual site visits) be approved.

### **DC.051/20 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Legal Services Manager set out the process for those Members of the public who had registered a Right to Speak at the Committee.

## **DC.051/20 CONTROL OF DEVELOPMENT AND ADVERTISING**

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

### **1. Erection of 5no. dwellings (Reserved Matters Application Pursuant to Outline Approval 16/1038), Land north of Rockcliffe School, Rockcliffe, Carlisle, CA6 4AH (Application 20/0091).**

The Principal Planning Officer submitted the report on the application which had been subject of a virtual site visit by the Committee on 17 June 2020.

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

The proposed development would be served by access from the C1016, as per the Outline Permission which had included a condition requiring the road to be widened to 5.5m in the vicinity of the site and visibility splays of 70m in both directions to be provided. The Highway Authority had no objections to the proposed access

In response to the consultation on the application, concerns about flooding and drainage had been raised by objectors and the Parish Council, the Principal Planning Officer advised Members that those matters did not form part of the application before them. Conditions had been added to the Outline Permission requiring details of surface water drainage to be agreed with the Local Planning Authority, those conditions had recently been discharged.

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

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- That the inclusion of chimneys within the proposed dwellings was not sufficient reason to refuse the application;
- A condition had been included in the permission requiring the road be widened to 5.50m;
- The widening of the road precluded the provision of a footpath from the development site;
- There was an existing speed restriction of 30mph on the highway adjacent to the school;
- The submitted Landscaping Plan showed the retention of the existing trees at the site;
- The trees at the site were not currently subject of a Tree Preservation Order.

A number of Members raised concerns about the proposed access, particularly for pedestrians and the proposed route to the school. They asked whether it was possible for additional traffic calming measures and a “walking bus” be considered.

Mr Allan (Cumbria County Council) advised that the proposal satisfied all necessary safety requirement in terms of access.

The Chairman asked Mr Allan to discuss with Officers at the Highway Authority, Members suggestions in relation to additional traffic calming measures. Mr Allan undertook to do so.

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

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

**2. Erection of detached dwelling and garage together with associated access and landscaping, Land to the rear of 28 Beech Grove, Houghton, Carlisle, CA3 0NU (Application 20/0081).**

The Planning Officer submitted the report in the application. Members' attention was drawn to section 1 of the report, the Planning Officer confirmed that the recommendation was to approve the application, subject to the implementation of conditions. Slides were displayed on screen showing: site location and block plan; elevation and floor plans; section plans and photographs of the site, an explanation of which was provided for the benefit of Members.

A condition had been included in the permission requiring the use of tree barriers in the construction phase to protect the existing trees and hedgerows at the site. The Planning Officer recommended that the application be approved, subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The use of a covenant in respect of the shared access arrangements was a civil matter and was not dealt with as part of the planning process;
- The Parish Council had raised concerns in relation to vehicles used during the construction phase of the development. Condition 5 of the permission required the submission of a Construction Phase Traffic Management Plan, to the Local Planning Authority for approval, prior to the commencement of development at the site.

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

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

**3. Removal of conditions of previously approved permission 90/1152 (Conditions 10, 11, 12, 16); 92/0219 (Conditions 7, 8, 9, 12); 92/0733 (Conditions 7, 8, 9, 11); 99/0313 (Condition 6); 01/0075 ((Condition 6); and 15/04718 (Condition 5) relating to hours of operation; restricting the movement of operation of vehicles or plant within and to and from the sawmill; restricting the despatch of timber or by-products from the site and deliveries of timber; and restricting the maintenance, repair, servicing, replacement or re-fitting works to plant equipment or vehicles, BSW Sawmills, Cargo, Carlisle, CA6 4BA (Application 19/0556).**

The Principal Planning Officer advised that the application had been withdrawn from discussion in order to allow a meeting to be held with Officers from the Council's Environmental Health team and the applicant's noise consultant to discuss the submitted noise report, the need for further noise reports and potential conditions.

RESOLVED: That it be noted that the application was withdrawn from discussion.

- 4. Use of former stable building and erection of extension to provide storage facilities; reconfiguration of staff and visitor parking facilities; retention and extension of administration building; siting of polytunnel; erection of potting shed; erection of tray filling building; Change of Use from meadow to hardstanding; installation of standalone solar panels; erection of additional greenhouse (Part Retrospective), Cumbria Wildflowers, The Stables, Great Orton, Carlisle, CA5 6NA (Application 19/0869).**

*Councillor Whalen, having declared an interest in the item of business, took no part in the discussion nor determination of the application.*

The Planning Officer submitted the report in the application which had been the subject of a virtual site visit by the Committee on 17 June 2020.

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

A number of detailed objections had been received and it was evident that the operations conducted on the land had an impact on the amenity of the occupiers of the neighbouring property and that approval of the current application may exacerbate any existing issues.

The Planning Officer stated that Members needed to be mindful of the fall-back position which was a material consideration in the determination of the application. Focusing on the extended area to the rear of Stonerigg, if the application were refused the approved boundary would have to be reinstated, reducing the area to that of the extant planning permission. The extension to the storage building would not be permitted; however, the applicant would be at liberty to use land unencumbered except if it resulted in any Statutory Nuisance that may be enforceable under separate legislation.

In addition to the standard planning conditions, two further conditions were recommended to protect the amenity of the neighbouring residents which was a betterment to the existing situation where there were no such restrictions. The applicant has recently highlighted that the condition restricting the times when the land can be used was too restrictive particularly during times when hay was to be collected. The Planning Officer indicated that Members may wish to bear that in mind and there was potential for further debate following the applicant's submission.

The Planning Officer advised that condition 4 be amended to be consistent with the annotation on the plan with the Seed Building should be amended to read 'Seed Store'. In the same condition, there was a typographical error with the drawing number which should read 6NA 06 not 05. The same references in the following two conditions also required revision for the same reasons.

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

Mr C McTurk (Objector, on his own behalf and on behalf of Ms McTurk, Mr Cook and Mr I McTurk) objected to the application on the following grounds:

- The loss of residential amenity at Stonerigg as a result of:
  - o the use of heavy plant machinery operating and being stored at the site, that machinery was the property of a different company than the applicant;
  - o the storage of piles of timber (up to 160 tonnes) and it's chipping by machinery adjacent to the boundary with Stonerigg;
- A significant portion of the application was retrospective;



- The need to keep doors and windows at Stonerigg closed to prevent dust and particles from entering;
- Children unable to use outside spaces due to the operation of heavy plant machinery;
- The scale and positioning of the operations on the site were inappropriate and visually intrusive;
- The proposed shed was imposing and would have a negative impact on Stonerigg;
- Prior to visits by the Planning Officer and the taking of footage at the site for the Committee's virtual site visit, the applicant cleared the plant machinery from the hardstanding area. Therefore, an accurate depiction of the use of the site has not been given;
- The conditions proposed within the report were not sufficient to adequately protect the residential amenity of Stonerigg. It was requested that the following conditions be added to the permission, should it be granted:
  - o No heavy plant machinery should be allowed to operate on the area of hardstanding or the land behind or around Stonerigg;
  - o No logs to be stored on the area of hard standing or the land behind or around Stonerigg;
  - o Chipping to be undertaken at the furthest point from Stonerigg (as recommended by Environmental Health, the furthest point being at the other side of the existing poly-tunnels or further down that field);
  - o Operating hours should be restricted to an 8am start.
- The proposed lean-to storage behind Stonerigg was intrusive and should not be permitted.

Slides were displayed on screen showing: photographs of operations at the site; the area of meadow which had been converted to hardstanding; videos showing wood-chipping activity and plant machinery being used at the site, an explanation of which was provided for the benefit of Members.

Mr Lightfoot (Objector) objected to the application on grounds of the impact on the residential amenity of Stonerigg. He further expressed concerns that the structure put in place to prevent vehicles contacting the boundary fence between the application site and Stonerigg was not sufficient.

Councillor Allison (Ward Member) objected to the application on the following grounds:

- The impact on the living conditions of the residents of Stonerigg in terms of:
  - o The safety of operations being carried out at the application site; the impact of noise and particles containing Dioxins and Furans being conveyed into the curtilage of Stonerigg

Councillor Allison noted that the application was governed by Paragraph 182 of the National Planning Policy Framework (NPPF) which related to existing businesses, in this case the Cumbria Wildflowers (CWF) operation. He asserted that Companies House filed accounts showed that Open Space had invested heavily in capital equipment and paid CWF £16,000 to rent land on the application site. Councillor Allison was not aware that Open Space had Planning Permission to operate from the site for the purposes of servicing of heavy industrial scale machinery.

Slides were displayed on screen showing: the meadow area as was and following its conversion to hardstanding and storing machinery; the re-profiling of road verges at the application site; the storage of machinery and logs for chipping at the site; diggers at the application site abutting the boundary with Stonerigg; the burning of commercial waste at the application site.

Councillor Allison requested that the Committee defer determination of the application in order for the Open Space operations at the site to be clarified. In the event of the Committee being minded to approve the application he requested that an additional condition be incorporated into the permission to preclude any other type of operation without a formal application for Planning Permission.

Mr Rook (Applicant) responded in the following terms:

- The scale of the development was modest with new structures being installed in areas where other already existed, mostly well away from Stonerigg;
- The proposal sought to:
  - o bring up to date the revised locations of features within the site which already had planning permission; increase the efficiency of the CWF operation and would not alter the existing operation of the site.
- The photographic and pictorial submissions of objectors showing the use of heavy plant machinery was not recent and related to necessary construction and demolition activities formerly undertaken on the site;
- Activities carried out at the site were not unsafe.

In respect of comments about the use of the land for operations by Open Space, Mr Rook stated that their equipment had been used during the construction and demolition activities carried out at the site. He went on to describe the storage of that equipment at sites other than that subject of the application. Moreover, he asserted that the rear area of the application site would not be used as long-term storage for of plant and equipment for OpenSpace which amount to about 25 items of plant. Having those items on site would conflict with the legitimate Cumbria Wildflower operations, would be detrimental to the site and get in the way of the nursery.

Turning to the matter of proposed planning conditions, Mr Rook objected to the condition restricting the hours of operation at the site. CWF currently operated under extant Planning Permission which imposed no such restriction. Furthermore, the proposed condition was unreasonable as it prevented work after 6pm which may interfere with hay collection activities, it was also feasible that access to the fields would be needed on Sundays. He noted that local farmers were able to work late on their land, therefore imposing such a condition on the application was unreasonable, and, in Mr Rook's view, ought to be removed from the permission.

Approving the application would assist an existing business and its employees, CWF had applied for grant funding for new machinery, which was dependant on securing Planning Permission. Mr Rook asked the Committee to support the application.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The 2013 Planning Permission granted at the site did not limit the use of the land to a particular user, nor was it reasonable to limit the use of the site to a named company;
- The Local Planning Authority had not been notified of the former construction and demolition works that had taken place at the site. The Planning Officer advised that there were no ongoing works requiring plant machinery taking place at the site at the time of his visits;
- Condition 4 which restricted the operating hours at the site contained the standard timings, it was a matter for Members to determine whether they deemed them appropriate;
- Burning of waste was dealt with under Environmental Health not Planning Legislation, no complaint had been submitted to the Council on that matter;
- A complaint about the use of the site had led to enforcement action being taken which had resulted in the current application to regularise the activities at the site;

- Were the current application to be refused the applicant was able use the site under the conditions of the extant Planning Permission;
- The use of a woodchipper at the site did not constitute a change of use as the machine was there on a temporary basis.

A number of Members sought clarification about the use of the site by Open Space.

The Legal Services Manager reminded Members that issues relating to Statutory Nuisances and civil matters were not planning considerations, therefore should not be a factor in the Committee's determination. The Officer's report set out the relevant NPPF guidance for the proposal, she advised it was not permissible to condition who used the land, Members' role was to consider the type of land use and whether that was appropriate and policy compliant. Were Members minded to refuse the application it would need to be based on relevant planning policy.

The Committee expressed serious concerns that the conditions contained in the permission were not sufficient to adequately protect the residential amenity of Stonerigg, particularly conditions 4, 5 and 6.

In response, the Corporate Director advised that Members were able to defer the application in order for the conditions to be reviewed.

A Member moved that the application be deferred in order to allow Officers the opportunity to review the suggested Planning Conditions and to await a further report on the application to be submitted to a future meeting of the Committee.

**RESOLVED:** That the application be deferred in order to allow Officers the opportunity to review the suggested Planning Conditions and to await a further report on the application to be submitted to a future meeting of the Committee.

[The meeting closed at 12:05pm]



# **Development Control Committee Main Schedule**

## **Schedule of Applications for Planning Permission**

17<sup>th</sup> July 2020

## 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. 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](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](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](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 02/07/2020 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 17/07/2020.

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



## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	20/0309 A	Green Meadows Country Park, Blackford, Carlisle, CA6 4EA	BP
02.	20/0226 A	Dobcross Hall, Gaitsgill, Dalston, Carlisle, CA5 7AW	JHH
03.	20/0058 A	School House, Moat Street, Brampton, CA8 1UJ	CH
04.	19/0572 B	8-10 Bank Street, Longtown, Carlisle, CA6 5PS	SD
05.	20/9003 B	Rockcliffe C of E Primary School, Rockcliffe, Carlisle, CA6 4AA	SO

SCHEDULE *A*

SCHEDULE *A*

## SCHEDULE A: Applications with Recommendation

20/0309

Item No: 01

Date of Committee: 17/07/2020

**Appn Ref No:**  
20/0309

**Applicant:**  
Mr Patrick Lee

**Parish:**  
Westlinton

**Agent:**  
Sam Greig Planning

**Ward:**  
Longtown & the Border

**Location:** Green Meadows Country Park, Blackford, Carlisle, CA6 4EA

**Proposal:** Change Of Use Of Land To Provide Extension To Existing Caravan Park

**Date of Receipt:**  
20/05/2020

**Statutory Expiry Date**  
15/07/2020

**26 Week Determination**

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### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on landscape character
- 2.3 Whether the scale and design of the proposal is acceptable
- 2.4 Impact of the proposal on the living conditions of the occupiers of neighbouring properties
- 2.5 Proposed drainage methods
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on biodiversity
- 2.8 Other matters

#### 3. Application Details

##### The Site

- 3.1 The built form of Blackford is that of dispersed residential properties, farms and a plant hire business arranged around the highway network. Blackford

Church of England School and St John the Baptist Church are located to the west of the A7 Carlisle to Longtown trunk road.

- 3.2 The application site, Green Meadows Country Park, is located to the east of the A7 with vehicular access to the site via a 200 metre driveway from the U1074 county highway. Green Meadows is primarily a holiday caravan park, however; there are also 15 permanent residential units within the site together with a managers bungalow.

## **Background**

- 3.3 The site has a long planning history which has been reproduced for Members in Section 7. The most recent application was for the variation of condition 1 (approved documents) of previously approved application 19/0670 to amend the approved site layout plan to provide flexibility in relation to the siting of the 15 permanent residential units (application 20/0186).
- 3.4 Conditions, amongst others, attached to application 20/0186 and previous applications specifically restricts the total number of static units to be stationed on the site at any one time to not more than 44no. (inclusive of the 15no. permanent residential units) with the total number of tent pitches/touring pitches not exceeding 20no. and 27no. respectively.
- 3.5 A further condition restricts the occupancy of the static holiday units, touring caravan pitches and tent pitches solely for holiday use only with the exception of 15no. permanent residential units.

## **The Proposal**

- 3.6 The application seeks full planning permission for the change of use of an adjoining parcel of land to the west of Green Meadows Country Park to provide an extension to the caravan park. Equating to approximately 1.75 hectares the submitted block plan illustrates 25no. static holiday stances arranged along the application site's northern, southern and west boundaries. Three separate informal areas would accommodate 27no. touring caravan pitches and / or 20 tent pitches. The existing northern hedgerow would be reinforced with Holly and Beech whips with 11no. Wild Cherry trees planted within the proposed extended caravan park itself. Two large water features would also be formed within the proposed extension.
- 3.7 Internal access roads, utilising the existing driveway from the U1074 county highway, would be formed within the application site. Foul drainage from the proposed 25no. holiday static units would be connected to an additional package treatment plant located adjacent to the existing package treatment plant within the existing caravan park close to the wardens bungalow.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of fourteen

neighbouring properties and the posting of a site notice. In response, one anonymous email of objection raising similar points to those raised by the parish council has been received. Following normal procedure, a request was made by the Planning Department to provide the name and address of the author of the anonymous email, however; at the time of preparing the report no response has been forthcoming. As such, the authenticity of the email cannot be verified.

## **5. Summary of Consultation Responses**

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - the layout details shown on the submitted plan are considered satisfactory from a highway perspective, therefore, there is no highway objection to the proposed development.

In respect of surface water drainage, the Lead Local Flood Authority (LLFA) have records of minor surface water flooding to the site and onto both A7 and C1009 roads which indicate a 0.1 percent (1 in 1000) chance of occurring each year and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk.

Should the application be approved the creation of the water features may require ordinary watercourse consent application. Surface water and foul drainage should be provided, however; only details of the foul drainage have been provided. Surface water drainage should not be greater than the already existing. If installing a soakaway the LLFA would advise not to be positioned in close proximity to the highway and should be at least 5 metres away from the highway and property. As such, recommend the imposition of a pre-commencement condition requiring the submission of a surface water drainage scheme;

**Westlinton Parish Council:** - cannot support this application for the following reasons:

1. an additional 25 static caravans to the 37 already given permission for would almost overwhelm the housing existing in the parish and change the whole feel of this rural community. On the plans it says they are holiday homes but no mention of HOLIDAY is made on the main sign on the A7;
2. allowing for 2 cars per pitch will substantially affect the flow of traffic onto A7 at a junction that has had to be altered radically because of accidents and deaths. Also the new entrance for the Hill could impact on this;
3. the existing surface water system is inadequate for the present volume (water flowing out of the house drive and across A7 after rain) without increasing the volume by additional 25 pitches plus tourer's and tents. New treatment plant is mentioned but indication is not given where it will be sited and which water course it will discharge into.

Certain conditions were put onto original application and some have since been removed. It is felt that if they were deemed necessary at the start, they should have been adhered to before any further development was

implemented.

**Local Environment - Environmental Protection:** - no objections, however; if planning permission was granted the site license would need to be amended to reflect the additional pitches.

**Cumbria Constabulary - North Area Community Safety Unit:** - 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 Planning Practice Guidance (PPG), and Policies SP2, SP6, EC9, EC10, EC11, IP2, IP6, CC5, CM5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The City Council's Supplementary Planning Document 'Trees and Development' is also material planning consideration. The Cumbria Landscape Character Guidance and Toolkit (March 2001) is a further material consideration.

6.3 The proposal raises the following planning issues:

#### **1. Principle Of Development Is Acceptable**

6.4 Paragraph 7 of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 8 and 9 explaining that achieving sustainable development means that the planning systems has three overarching objectives: economic, social and environmental. All of which are interdependent and need to be pursued in mutually supportive ways. Economic growth can secure higher social and environmental standards with planning decisions playing an active role in guiding development towards solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

6.5 To support a prosperous rural economy, paragraph 83 outlines 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 Paragraph 84 recognises 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 The aforementioned paragraphs of the NPPF are reiterated in Policies EC9, EC10 and EC11 of the local plan all of which seek to support sustainable rural tourism and leisure developments where they respect the character of the countryside and where identified needs are not met by existing facilities in rural services centres. Specifically in relation to caravan, camping and chalet sites, Policy EC10 of the local plan highlights that proposals for the development of caravan sites and the extension of caravan sites will be supported subject to compliance with the criteria identified within the policy.
- 6.8 The application seeks full planning permission for the change of use of land to provide extension to existing caravan park at Green Meadows Country Park, Blackford. As highlighted earlier in the report, the existing site currently has permission for the siting of 44no. static units (inclusive of the 15no. permanent residential units), 20no. tent pitches and 27no. touring caravan pitches.
- 6.9 The proposal would be an expansion of an existing sustainable rural tourism business and would ensure the continued viability of the enterprise; the application site is well related to the existing caravan site with additional landscaping proposed to minimise any perceived visual impact; adequate access/parking provision can also be achieved; and the application site is not located within a flood risk area. Accordingly, the proposal accords with the objectives of the NPPF and relevant local plan policies.

## **2. Impact Of Proposal On Landscape Character**

- 6.10 The Cumbria Landscape Character Guidance and Toolkit (March 2001) (CLCGT) describes the character of different landscape types across the county and provides guidance to help maintain their distinctiveness. The CLCGT identifies that the application site falls within the Cumbria Landscape Character Sub-Type 5b "Low Farmland". The toolkit advises that key characteristics of this landscape are: undulating and rolling topography; intensely farmed agricultural pasture; hedges, hedgerow trees; and fences bound fields and criss cross up and over the rolling landscape.
- 6.11 The supporting guidance in respect of access and recreational development outlines that: *"small scale sensitive farm based tourism/recreational businesses should be well sited close to or within existing farm buildings and*

*appropriate landscaping should be included to integrate new facilities into the landscape".* In such a context, the application site would be screened from public viewpoints by existing and reinforced hedgerows with further planting within the application site itself. Accordingly, the proposal is unlikely to have a significant detrimental impact on the character of the area.

### **3. Whether The Scale and Design Of The Proposal Is Acceptable**

- 6.12 As highlighted earlier in the report, Policy EC10 of the local plan supports the extension of existing caravan sites subject to satisfying relevant criteria including: the siting, scale and appearance of caravan sites do not have an unacceptable adverse impact on the character of the local landscape; and that the site is contained within existing landscape features and if necessary, and appropriate is supplemented with additional landscaping.
- 6.13 The application seeks permission to extend into an adjoining parcel of land to the west of the caravan park equating to approximately 1.75 hectares. This is a relatively large extension, however; the application site is enclosed by existing mature hedgerows with further landscaping proposed. The landscape proposals include the reinforcing of the existing hedgerows with holly and beech whips together with the planting of Wild Cherry trees within the application site itself. Two large water features would also be formed within the application site. Furthermore, the permanent static holiday stances would be arranged around the outer peripheries of the application site with the remainder of the site providing informal areas for tents and / or touring caravans. A condition is also recommended which would restrict the size of the static holiday units together with the spacing of the static holiday units
- 6.14 The scale and design of the proposed extension is acceptable and in overall terms the proposal accords with the objectives of Policy EC10 of the local plan.

### **4. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.15 The nearest residential properties, excluding those 15 residential units within Green Meadows Caravan Park, are located approximately over 150 metres to the north west and south west. Given the existing use of the site and the distance from the development, the proposal is unlikely to have a significant impact on the living conditions of occupiers of neighbouring properties through intensification of use or unacceptable noise and disturbance.

### **5. Proposed Drainage Methods**

- 6.16 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development and that development proposal do not have an adverse impact on the environment. The submitted documents illustrating that foul drainage from the proposed development would be to a package treatment plant with surface water disposed of via an existing watercourse.



- 6.17 In respect of the disposal of surface water drainage, the Lead Local Flood Authority (LLFA), raises no objections but recommends the imposition of a pre-commencement condition requiring the submission of a surface water drainage scheme to serve the proposed extension. It also highlights that the proposed water features within the application site may require permission under its legislation. If Members approve the application, compliance with the recommended condition would require the submission of a further application upon which the LLFA, as statutory consultee, would be consulted. Should the additional details prove unsatisfactory the development would stall as a result. An informative is also recommended to be included within the decision notice, drawing the applicant's attention to the requirement to comply with LLFA legislation in respect of the proposed water features.
- 6.18 The submitted details illustrate that foul drainage from the proposed development would enter a new package treatment plant prior to its outfall entering a watercourse. Foul drainage methods for caravan sites falls outside the remit of the city council's Building Control Section. Nevertheless, to ensure that the proposed foul drainage system could adequately process the foul water from the increased number of caravans and tents the expertise of building control has been called upon during the processing of this application. The city council's Building Control's Business Development Manager has reviewed the submitted information and has requested clarification on a number of minor issues. Accordingly, should Members approve the application, a further pre-commencement condition is recommended ensuring the submission of a foul drainage scheme to serve the proposed development. The subsequent details of which would be assessed by the council's Building Control Section and if these details prove unsatisfactory the development would stall as a result.
- 6.19 Subject to compliance with the recommended conditions in respect of foul and surface water drainage the proposal drainage methods are acceptable and accord with the objectives of the NPPF, PPG and relevant local plan policies.

## **6. Impact Of The Proposal On Highway Safety**

- 6.20 Policies EC10 and EC11 of the local plan seek to ensure that development proposals should normally be accessible by public transport, walking and cycling. However; for some developments in the rural area this may not be possible. In these cases new development should be able to demonstrate that adequate access/parking is available and that proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.
- 6.21 Access to the proposed extended caravan park would be via an existing vehicular access from the U1074 county highway. Westlinton Parish Council has raised objections to the proposal on highway safety grounds resulting from increased vehicular movements from the caravan park on the surrounding highway network. It is inevitable that there would be some increase in traffic to and from the caravan park as a result of the proposal,

however; Cumbria County, as Highway Authority, raise no objections to the proposal. The concerns of the parish council are respected, however; given the views of the Highway Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.

## **7. Impact Of The Proposal On Biodiversity**

- 6.22 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat. Furthermore, the proposal includes a landscaping scheme together with the formation of two water features within the site, thereby, providing an opportunity for net biodiversity gain. To protect biodiversity and breeding birds during any construction works, informatives are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

## **8. Other Matters**

- 6.23 The parish council has raised concerns to surface water from the site flowing onto the adjacent highway network. This issue was also raised during the determination of another application for the caravan park (application reference 19/0670). The Agent at that time provided photographic evidence illustrating that the water was originating from an overgrown roadside ditch to the north of the entrance to the bungalow of Green Meadows. This information was subsequently forwarded to Cumbria County Council, as Highway Authority, for its attention. In respect of this current application, Cumbria County Council raises no objections to the proposal but does highlight that their records indicate minor surface water flooding to the site and onto both the A7 and C1009 county highways which indicate a 0.1 percent (1 in 1000) chance of occurring each year and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk.
- 6.24 A further issue raised by the parish council was that the proposed development would overwhelm the existing housing provision within the parish and cites that the signage for the Green Meadows County Park makes no mention of holiday homes. This proposal seeks permission for an extension to an existing caravan park. Should Members approve the application, conditions are recommended which would restrict the occupancy of the application site to that of holiday use only with no permanent residential occupancy.
- 6.25 The final paragraph of the parish council's consultation response outlines: *"certain conditions were put onto original application and some have since been removed. It is felt that if they were deemed necessary at the start, they should have been adhered to before any further development was implemented"*. No specific details have been provided, however; Members will be aware that Condition 7 of the original permission relating to foul drainage was removed earlier this year in consultation with the relevant

regulatory bodies as it was deemed unnecessary (application reference 19/0670).

## **Conclusion**

- 6.26 In overall terms, the principle of development is acceptable. The location, scale and design of the development is appropriate to the character of the area with adequate access/parking achievable and would not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network. Any perceived visual impact from public viewpoints would be mitigated through the reinforcement of the existing hedgerows with further planting proposed within the application site. Given the existing use of the site together with the distance from those residential properties out with the site it is unlikely that the development would have a significant detrimental impact on the living conditions of the occupiers of those properties through intensification of use or unacceptable noise and disturbance. Compliance with pre-commencement conditions in respect of foul and surface water drainage schemes would ensure adequate drainage facilities to serve the proposed development. Enhanced planting and the formation of water features also would provide an opportunity for net biodiversity gain.
- 6.27 Accordingly, the proposals accords with the objectives of the NPPF, PPG and relevant local plan policies and the application is recommended for approval.

## **7. Planning History**

- 7.1 In 1984, full planning permission was granted for renewal of temporary permission for siting of 15 residential caravans (application reference 84/0826).
- 7.2 In 2016, full planning permission was granted for proposed reconfiguration of existing caravan park to allow siting of 37no. holiday static units (inclusive of 15no. residential units), 27no. touring pitches and 20no. tent pitches including associated landscaping (application reference 16/0625).
- 7.3 In 2017, an application for the variation of condition 2 of previously approved permission 16/0625 to revise location and details of package treatment plant was granted (application reference 17/0075).
- 7.4 Also in 2017, full planning permission was refused for variation of conditions 3 (the total number of permanent residential units to be stationed on the site at any one time shall not exceed 37no. plus 27no. touring caravan pitches and 20no. tent pitches) and condition 5 (the touring caravan pitches and tent pitches shall be used solely for holiday use and shall not be occupied as permanent accommodation) of previously approved planning permission 16/0625 (application reference 17/0094). A subsequent appeal was dismissed.
- 7.5 In 2018, advertisement consent was granted for a non-illuminated freestanding sign (application reference 18/0522).

- 7.6 Also in 2018, a variation of condition application was granted for reconfiguration of existing caravan park without compliance with conditions 2 & 3 imposed by planning permission 17/0075 to enable one of the approved holiday caravans to be occupied as a permanent residential unit following removal of unit 6 and the siting of a show holiday caravan (application reference 18/1139).
- 7.7 In 2019, a variation of condition application was granted for reconfiguration of existing caravan park without compliance with conditions 2 & 3 imposed by planning permission 18/1139 to secure flexibility regarding the size and position of the holiday caravans to be accommodated on the caravan park; to make modifications to the alignment of the northern extent of the eastern boundary of the site and to increase the approved number of holiday caravans from 21 units to 29 units (application reference 19/0360).
- 7.8 Earlier this year, an application for the removal of condition 7 of previously approved application 19/0360 for the requirement to install a package treatment plant to facilitate the increased number of pitches was approved (application reference 19/0670).
- 7.9 Again this year, an application for the variation of condition 1 (approved documents) of previously approved application 19/0670 to amend the approved site layout plan to provide flexibility in relation to the siting of the 15 permanent residential units was approved (application 20/0186).

## **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 13th May 2020;
  2. the site location plan received 13th May 2020 (Drawing No. GMCC/SLP 1 Rev A);
  3. the proposed block plan received 21st May 2020 (Drawing No. GMCC/PHASE 2 / SBP2 Rev B);
  4. the proposed site block plan received 13th May 2020 (Drawing No. GMCC/PHASE 2 /SBP2 Rev A);
  5. the Notice of Decision;
  6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Prior to the commencement of any development, a surface water drainage scheme, 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.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk, of flooding and pollution in accordance with the National Planning Policy Framework and Policies CC4, CC5 and CM5 of the Carlisle District Local Plan 2015-2030.

4. Notwithstanding the submitted foul drainage details contained in the HiPAF Packaged Treatments Plants document together with foul drainage details annotated on drawing numbers GMCC / PHASE 2 / SBP2 Rev A and GMCC / PHASE 2 / SBP2 Rev B full details of a foul drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development. Thereafter, the development shall be undertaken in strict accordance with the approved details.

**Reason:** To ensure that the development is served by an adequate method for the disposal of foul drainage in accordance with Policies IP6 and CM5 of the Carlisle District Local Plan 2015-2030.

5. The total number of static units to be stationed within the application site at any one time shall not exceed 25no. The total number of tent pitches/touring pitches shall not exceed 20no. and 27no. respectively.

**Reason:** For the avoidance of doubt.

6. The static holiday units, touring caravan pitches and tent pitches shall be used solely for holiday use and shall not be occupied as permanent accommodation.

**Reason:** To ensure that the approved static units, touring caravans and tents are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

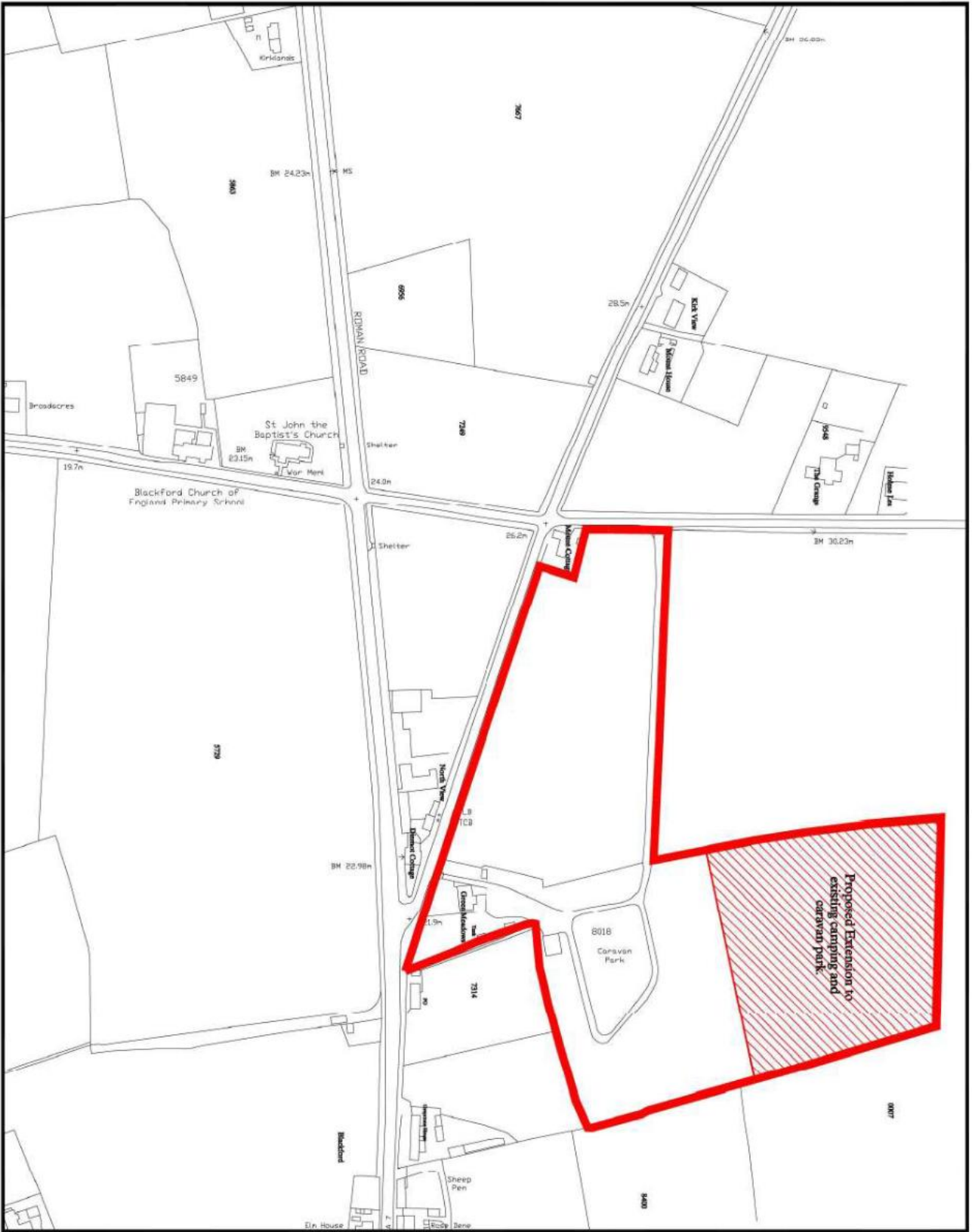
7. The static holiday units shall not exceed 12.2 metres by 6.1 metres in size or be positioned closer than 6 metres from one another unless otherwise agreed in writing by the local planning authority.

**Reason:** For the avoidance of doubt.

8. The landscaping scheme hereby approved shall not be carried out otherwise than in complete accordance with the details as illustrated on drawing no. GMCC / PHASE 2 / SBP2 Rev A received 13th May 2020. The landscaping works shall be carried out in the first planting and seeding season following the occupation of the first static holiday unit 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 GI6 of the Carlisle District Local Plan 2015-2030.

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Rev.	Date	Description
A	12 / 05 / 20	Original Issue



# SITE LOCATION PLAN

Drawn By	S.G
Scale	1:2500 @ A3
Date	12th May 2020
Drawing No	GMCC / SLP 1 Rev A



EXISTING SITE BLOCK PLAN

Green Meadows Country Park, Blackford, Carlisle, Cumbria, CA6 4EA.

Drawn By	G.T
Scale	1:500 @ A2
Date	12th May 2020
Drawing No	GMCC / PHASE 2 / SBP1
Rev	Rev B

B	19 / 05 / 20	Drawing resized A2 @ Scale 1:500
A	12 / 05 / 20	Amended
Rev.	Date	Description



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EXISTING SITE BLOCK PLAN

Green Meadows Country Park, Blackford, Carlisle, Cumbria, CA6 4EA.

Drawn By	G.T
Scale	1:1000 @ A3
Date	12th May 2020
Drawing No	GMCC / PHASE 2 / SBP1
Rev	Rev A

Rev.	Date	Description
A	12 / 05 / 20	Amended

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PROPOSED SITE BLOCK PLAN					
			Green Meadows Country Park, Blackford, Carlisle, Cumbria, CA6 4EA.	Drawn By	G.T
				Scale	1:1000 @ A3
				Date	12th May 2020
				Drawing No	GMCC / PHASE 2 / SBP2
				Rev.	Rev A
A	12.05 / 20	Amended			
		Date			
		Description			

## SCHEDULE A: Applications with Recommendation

20/0226

Item No: 02

Date of Committee: 17/07/2020

**Appn Ref No:**  
20/0226

**Applicant:**  
Mr Holliday

**Parish:**  
Dalston

**Agent:**  
Edwin Thompson

**Ward:**  
Dalston & Burgh

**Location:** Dobcross Hall, Gaitsgill, Dalston, Carlisle, CA5 7AW

**Proposal:** Formation Of Slurry Lagoon

**Date of Receipt:**  
02/04/2020 16:01:39

**Statutory Expiry Date**  
28/05/2020 16:01:39

**26 Week Determination**

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### REPORT

**Case Officer:** John Hiscox

#### 1. Recommendation

- 1.1 It is recommended that this application is approved subject to conditions and appropriate advisory notes.

#### 2. Main Issues

- 2.1 Whether the proposals would be prejudicial to the private amenity of residents;  
2.2 Whether the proposals would be prejudicial to public amenity and safety;  
2.3 Whether landscape and visual impacts would be acceptable;  
2.4 Whether the proposed development would be harmful to biodiversity;  
2.5 Other matters raised in objection;  
2.6 Any other matters.

#### 3. Application Details

##### The Site:

- 3.1 The site is located right at the southern end of the Carlisle District area, at the point where the District meets Eden District, adjacent to a lane which marks the line along which the Districts meet. The nearest settlement is Stockdalewath which lies around 1.3km (0.85m) west south-west at its

nearest point.

- 3.2 The site lies within the Dalston Parish boundary. On the opposite side of the road in Eden District is the parish of Skelton. Information submitted with the application shows part of the farm to be located within Skelton parish.
- 3.3 The site is situated close to the eastern boundary of a large field, just inside the field entrance which is in the north-east corner where the field meets a substantial area of plantation woodland known as Warren Plantation.
- 3.4 In terms of the field itself within which the development is proposed, the area is the highest part of the field as it drops away gently towards the main farmstead (westerly). The area identified for development is describable as a plateau, albeit not a substantial one.
- 3.5 At the time of the case officer site visit in April 2020, the field was grassed in its entirety but is likely to have been converted to meadow from previous arable uses.
- 3.6 The site location is separated from the public road by a substantial native hedgerow containing several individual mature trees clearly retained on purpose. There is a ditch and verge also between the hedge and the metalled surface of the road.
- 3.7 It may be noted that Warren Plantation (north of site) does not form part of the owner's land holding; neither does Lalbuss Plantation to the east, although the farm does include one parcel of land bounded by Lalbuss Plantation and the public road.

**Background:**

- 3.8 The farm consists of holdings as identified in mapping provided with the application, covering an area of 216 hectares. The holdings include the farmsteads at Dobcross Hall (within Carlisle District) and Beacon Hill (within Eden District).
- 3.9 The holdings extend westwards towards the village of Stockdalewath; indeed, an individual parcel of land adjoins the village.
- 3.10 The proposals reflect an ambition to site the slurry store central to the farm area as depicted in the submissions, to enable the slurry to be spread via an umbilical system, which is in effect a large hose attached to a tractor which pumps the slurry out onto the land.
- 3.11 It may be noted that both farmsteads at Dobcross Hall and Beacon Hill already have slurry storage facilities which are operational.

## **The Proposal:**

- 3.12 A new clay-lined slurry lagoon with a capacity of 4 million gallons would be built adjacent to the edge of the field, but within (and not impacting upon) the roadside hedge and verge. The development area would occupy approximately 40% of the length of the field adjacent to the roadside.
- 3.13 The overall dimensions for the lagoon would be 94m x 50m (floor), with each containing bank being approximately 5m in width so that the upper outer edge of the lagoon would be 104m x 60m.
- 3.14 The dimensions taken from the outer edges of the banks would add approximately 10m in each direction, bringing the overall site length and width (not including any peripheral areas for parking., turning etc) to 124m x 80m.
- 3.15 It may be noted that there is no detailed site layout plan showing the precise layout of the lagoon with dimensions.
- 3.16 The depth of the lagoon is identified in planning drawings to be 3m throughout i.e. the depth of the storage area contained by the lower and upper edges of the surrounding bank.
- 3.17 The entire compound would be surrounded by security fencing being 1.3m high in between 1.5m high posts, each section of fence typically having a span of 2.75m (measured to the centre of the supporting posts either side); although, it may be noted that the applicant has indicated that a higher fence up to 1.85m could be installed if required for security/safety purposes.
- 3.18 The proposed lagoon is intended to provide storage in addition to existing facilities because there is currently inadequate capacity and because of likely future increase in livestock levels.
- 3.19 The proposed lagoon would store only slurry created within the farm and would not store any imported material.
- 3.20 The lagoon is intended to enable winter storage to reduce the frequency of spreading (i.e. it is currently throughout the year) and to enable this to be done after each first cut of silage in summer.
- 3.21 The slurry would be pumped up to the lagoon via temporary piping laid over the fields, from the main steading(s).

## **4. Summary of Representations**

- 4.1 The application was advertised by means of a site notice.
- 4.2 A total of 6 no. objections, representing 6 households and/or other properties have objected to the application. A summary of the grounds for objection is as follows:
- (i) potential pollution of watercourses arising from run-off from the development (e.g. leaks, spillages, overspill), especially with rainfall increasing every winter;
  - (ii) knock-on effect from pollution mentioned in (i) on properties in the event of repeated flooding (within Stockdalewath village);
  - (iii) impact on biodiversity as deer and other wildlife could drown in the lagoon, despite the fencing;
  - (iv) potential harm to red squirrels and otters;
  - (v) increase in fly infestation impacts on Stockdalewath due to location of village downwind and downhill from lagoon, taking into consideration the size and location of the lagoon and no cover/lid; health hazard arising;
  - (vi) potential odour impacts on residents of Stockdalewath;
  - (vii) development too large and too close to residents and pub at Stockdalewath and Broadfield (Crown Inn);
  - (viii) potential adverse impacts on tourism facilities in the locality (odour, flies);
  - (iix) no map outlining the applicants land holding boundary or information confirming its extent;
  - (ix) information provided does not enable adequate consideration of whether the development would be excessive in terms of the farm holding's requirements;
  - (x) no design/risk/safety or environmental statements accompany the proposal with which to assess the structural suitability or impact on the surrounding environment;
  - (xi) because the planning application contains no Risk Assessment, Method Statement or Maintenance Covenants, it should be deemed incomplete;
  - (xii) dimensions differ in the design statement and profile diagrams (108x64m vs 104x60m) - no explanation is provided why;
  - (xiii) application not clear about levels as they do not appear to take into account gradients and commensurate bank construction levels;
  - (xiv) concerns relating to (xiii) in terms of understanding potential volume of slurry that would be released if the embankment were ever to fail;
  - (xv) unclear as to whether safety fencing is proposed on top of or adjacent to embankments;
  - (xvi) adverse landscape and visual impacts due to siting and scale of the development in popular walkers' locale and in landscape type sensitive to large scale agricultural development;
  - (xvii) no supporting information to demonstrate consideration of alternative proposals such as re-development at existing farmsteadings where slurry storage currently exist;
  - (xviii) lack of clarity as to how umbilical distribution system would work, therefore unable to fully appreciate associated potential environmental risks;
  - (xxiv) lack of information relating to potential impact on water resource, which may be linked to from earthworks close to development location;
  - (xxv) absence of adequate information to enable complete understanding of how risks would be managed in terms of failures at the site, given that it is remote



- from the farm;
- (xxvi) in the context of items (iix) to (xxv) listed above, the proposals conflict with Policies SP6, EC12, CC5 and GI1 of the Carlisle District Local Plan 2015-2030.
- 4.3 A letter and accompanying information have been received from the local Ward Councillor, advising of no objection and providing the following observations:
- 4.4 *"To address the concerns expressed about flies, smell and potential river pollution, I have studied carefully the documents in the application. Without compromising current social distancing, I followed this up by adapting my daily exercise routine, cycling twice to Dobcross Hall farm and to the development site. Attached are photos with explanatory notes.*
- 4.5 *I have also consulted by phone with two local farms operating slurry lagoons. A pig farm at Muncastle has several thousand pigs, with a large capacity clay lined lagoon. There are five bungalows within a few hundred metres. They have no issues with flies or smell. A cattle farm at Burthwaite has a concrete lined lagoon of 1.5M gallons capacity which they installed approximately 4 years ago. It is in close proximity to the hamlet. Apparently this resolved the previous odour issues from spreading slurry at unsuitable times. They are both open top lagoons but I understand that they may be required to install some sort of cover in 2021. One option is a floating cover of polystyrene spheres. There have been no issues of overflowing, which I note is a concern.*
- 4.6 *It seems that the local Thackwood clay is highly impermeable and in demand for lagoons*
- 4.7 *The location is well screened and remote*
- 4.8 *The development site is not an NVZ classification, which suggests low risk of seepage into watercourses (in this case the Roe).*
- 4.9 *It provides the elements of an NVZ classification by avoiding spreading on wet consolidated land and applies the slurry directly onto the land.*
- 4.10 *Independent of the figures quoted in the documentation, my own assessment from the OS maps from the development site, as the crow flies:*
- |                                       |               |
|---------------------------------------|---------------|
| <i>Mobile Homes site at Crown Inn</i> | <i>1.13Km</i> |
| <i>Nearest House at Skiprigg</i>      | <i>1.13Km</i> |
| <i>To Stockdalewath bridge</i>        | <i>1.46Km</i> |
- 4.11 *The Church Commissioners are aware of this application on their land.*
- 4.12 *(Conclusion): on the basis of the above, I have no objection and see it as an improvement on the present system. This is subject to clarification on whether the impending requirement for surface cover by some means will apply now or in the future."*

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - No objection; no conditions recommended.

**Dalston Parish Council:** - No objection.

**Local Environment - Environmental Protection :** - No objection; includes information that may be conveyed through Advisory Notes if planning permission is granted.

**Environment Agency:** - No objection; includes information that may be conveyed through Advisory Notes if planning permission is granted.

**Forestry Commission:** - No response.

**Eden District Council:** - No response.

**Skelton Parish Council:** - No response.

## 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 National Planning Policy Framework (2019) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.5 below.
- 6.3 The main issues, as listed earlier in the report, are as follows:
1. Whether the proposals would be prejudicial to the private amenity of residents;
  2. Whether the proposals would be prejudicial to public amenity and safety;
  3. Whether landscape and visual impacts would be acceptable;
  4. Whether the proposed development would be harmful to biodiversity;
  5. Other matters raised in objection;
  6. Any other matters
- 6.4 It is noted that, in an objection to the application submitted on behalf of a local resident, it is suggested that the application is not adequately supported in terms of the information provided. The Development Manager is not in agreement with this suggestion and is satisfied that the application is adequately supported to enable a recommendation to be made.
- 6.5 The most pertinent policies from with the Local Plan would be;
- SP1: 'Sustainable Development'  
SP6: 'Securing Good Design'  
SP9: 'Healthy and Thriving Communities'  
EC12: 'Agricultural Buildings'



CM5: 'Environmental and Amenity Protection'  
GI 1: 'Landscapes'  
IP2: 'Transport and Development'  
GI 3: 'Biodiversity and Geodiversity'

- 6.6 The proposed development would also give rise to issues relating to surface water management and potential impacts on Trees and Hedgerows. Therefore, in addition to those policies listed in 6.5 above, the following Policies would also be of relevance to the proposals:

CC5: 'Surface Water Management and Sustainable Drainage Systems'  
GI 6: 'Trees and Hedgerows'

Private Amenity:

- 6.7 Matters raised in objection identify potential adverse impacts on private amenity arising from odour and insect nuisance. These issues are relevant in the context of Policies SP6, SP9, EC12 and CM5.

*Odour:*

- 6.8 The size and location of the lagoon, and its open nature, have promoted concerns from residents about odours being carried on the wind from the lagoon, resulting in harm to private amenity enjoyed by residents at their dwellings, especially in the village of Stockdalewath.
- 6.9 The applicant has pointed out that the existing slurry lagoon at Dobcross Hall is nearer to Stockdalewath than the lagoon now proposed; however, it must be noted that the lagoon at Dobcross Hall is markedly smaller at 950,000 gallons as opposed to the proposed lagoon at 4 million gallons.
- 6.10 The applicant has pointed out in response to this issue that the applicants would be mixing a product called “Epizym Slurry Bugs” into the slurry prior to it being pumped up to the lagoon. The applicants also advise that this product is added into the existing slurry facilities at Dobcross and is proven to reduce both odour and flies as well as making its nutrients more available to the plants.
- 6.11 The applicant also advises that when the slurry is spread by the “Cord System” it is spread with a dribble bar so the slurry is placed on the ground rather than being spread into the air, which reduces smell but also means the plant receives all the nutrients.
- 6.12 The applicant advises that siting of the lagoon is approximately 910m away from the nearest dwelling not occupied by the applicants, and is approximately 1500m as the crow flies away from the village of Stockdalewath, approximately 400m further away than the current slurry facilities at Dobcross Hall.
- 6.13 Lastly, the applicant advises that it should also be noted that there are a further four farms located around the village of Stockdalewath which have

outdoor slurry handling facilities.

- 6.14 In respect of the point made at paragraph 6.12 it is adjudged by the case officer that the actual distance from the site to the nearest dwelling is nearer to 1300m, as the crow flies.
- 6.15 It may be noted that potential odour arising from the development has not been identified by the Environmental Health Officer as a matter requiring further consideration.
- 6.16 It may also be noted that there must be a level of tolerance in the presence of farm odours if the sources are located reasonably distant from settlements and in relation to genuine agricultural operations on long established agricultural units.
- 6.17 Most important, however, is the aforementioned separation from Stockdalewath village, which would be mitigative even if odours are carried on the wind, as their effects would not be intense, and would not introduce a 'new' odour with a number of existing facilities being present in closer proximity. By the time odours reach the village, if the wind is blowing in such a way that it does carry odours (which is likely at times), potential effects would dissipate.
- 6.18 In this regard, it may be concluded that any additional odours arising from the development would not give rise to overriding planning concerns and would be compatible with the agricultural nature of the locality. Residents would not be subjected to unacceptable levels of odour as a result of placement/proximity and thereby private residential amenity is adjudged not to be prejudiced in any substantive way.
- 6.19 The development, therefore, in respect of odour impacts, is not in conflict with the Policies mentioned in paragraph 6.7 above.

*Insect Nuisance:*

- 6.20 The concerns raised in objection are submitted in a similar context of the concerns relating to potential odour impacts, in that the nature and location of the development would promote the risk of nuisance being caused to nearby residents.
- 6.21 The applicant referred to a product called "Epizym Slurry Bugs" which would be mixed with the slurry before it enters the lagoon. As well as reducing odour, the applicant advises that it reduces flies.
- 6.22 It may be noted that potential insect nuisance arising from the development has not been identified by the Environmental Health Officer as a matter requiring further consideration.
- 6.23 Similarly to any potential effects caused by odour arising from the development, it is considered that the substantial distance between the development and the nearest dwellings not within the applicants' ownership is

adequate to provide mitigation through distance; however, there is no overriding concern about the nature of the development which, as long as it is managed in accordance with licences and permits required to be obtained and complied with via the Environment Agency, will enable measures to be put in place to minimise risk.

- 6.24 The development, therefore, is considered not to conflict with the aforementioned Policies mentioned in paragraph 6.7 above.

Public Amenity and Safety:

- 6.25 Matters raised in objection identify potential adverse impacts on public amenity arising from potential pollution (of the water resource) and from the potential danger of the installation in terms of falling into the uncovered slurry. The proposed development also requires to be assessed in the light of potential highway safety impacts. These issues are relevant in the context of Policies SP6, EC12 and IP2.

*Pollution:*

- 6.26 The proposed development entails an open-topped lagoon which, although is relatively shallow compared to, say, a cylindrical storage container as often seen within farm complexes, has a far greater footprint so that it would be able to hold 4 million gallons of slurry.
- 6.27 The construction, and therefore physical integrity depends on the use of soil embankments and a clay base to contain the slurry. If the local materials are not adequate, it would be necessary to import them or to use synthetic lining for the structure as set out in the initial consultation response of the Environment Agency. This type of structure is purpose designed to function appropriately if the physical conditions are correct and can enable pollution prevention to be successfully implemented. The underlying soil is understood to be clay, which is the type of lining that limits permeability and enables the slurry to be contained.
- 6.28 In practical terms, it is valid to question what measures would be in place to ensure that failure events such as overtopping (for example, in the light of extreme rainfall), leakage/spillage/seepage (for example, if any part of the structure were to fail to contain the slurry) may be mitigated.
- 6.29 Due to the potential pollution arising, the development, as advised by the applicant, is required under The Water Resources (Control of Pollution)(Silage, Slurry and Agricultural Fuel Oil)(England)(SSAFO) Regulations 2010 and Amended 2013, the structure must be designed to have a lifespan of 20 years and the walls and base must withstand the wall loadings set out in British Standard 5502-50:1993+A2:2010. The applicant confirms that the submitted plans comply with the above Regulations, which must be adhered to over and above any conditions of planning permission, if granted.
- 6.30 The applicant confirms that as part of the development a 'freeboard' of

750mm is required. This freeboard must be maintained at all times and will remove any risk of the lagoon overflowing. The freeboard is the unoccupied upper volume of the lagoon.

- 6.31 The applicant further confirms that, prior to the construction of the lagoon it is a requirement that notification is made to the Environment Agency; and that is likely that during construction that the Environment Agency may carry out a site inspection to ensure the lagoon is being constructed correctly.
- 6.32 In its initial response, the Environment Agency provides advice in this respect as follows:

*"Any proposals for earth-banked slurry lagoons will require an impermeable clay base to a minimum depth of one metre. To ensure compliance with SSAFO, applicants will need to provide us with details of percolation tests to demonstrate that the ground conditions at the base of the lagoon are appropriate. Where percolation tests show that the soil or underlying ground is not suitable, it will be necessary to use a synthetic material or import impermeable soils to act as a liner for the lagoon. The earth banked walls will also need sampling as sufficient clay soils (not less than 20% and no more than 30% clay content) are required to make the banks stable. The lagoon should be sited sufficiently far away from any watercourses and land drains."*

- 6.33 The lagoon would require to be properly constructed and managed in accordance with the limitations imposed through Regulations operated by the Environment Agency. The Agency is the controlling body whose main concern is pollution prevention. It is therefore considered, with relevant Regulations in place and required to be adhered to, there would be no planning concerns which would otherwise conflict with the Agency's objectives and responsibilities.
- 6.34 The absence of an objection from the Environment Agency is reiterated, which is of the utmost significance in the light of it being the body which would control pollution through Regulations it operates.
- 6.35 In the light of this information, and the position of the specialist consultee (which the Development Manager accords with), the proposals would not be in conflict with Policies EC12 and SP6 of the Local Plan.

*Security/Safety:*

- 6.36 The site would generally be unmanned and unsupervised most of the time. It is therefore possible that it could be accessed by people wanting to view what is within the structure, especially as the locality is frequented by (informal) pedestrians/walkers.
- 6.37 The applicant has confirmed that a security fence would be erected around the entire site. In the original Design and Access Statement, the applicant stated that: *"the site will be fully fenced with a security fence which will meet the standards set by the Health and Safety Executive, in addition two large security gates will be installed which will remain locked when the lagoon is not*

*in use. Other safety features which will be installed are several tyre ladders at points around the lagoon so in the event something did fall into the lagoon they have a point of escape."*

- 6.38 The elevational drawings submitted with the application identify that the fence would be placed on the embankment, as opposed to the existing ground level surrounding it.
- 6.39 Further, the applicant has indicated a willingness to erect a fence with a height of 1.85m as opposed to the initial 1.3m high fence proposed, to increase security and safety. In the event of planning permission being granted, it is likely that a condition would be imposed requiring the higher fence to fully ensure the compound cannot easily be accessed by passers-by.
- 6.40 The measures proposed are considered to be adequate in terms of the safety of the site and ensure that the development would not be prejudicial to human safety in any way that makes it conflict with Policies SP6 or EC12.

*Highway Safety:*

- 6.41 The development would use an existing enlarged field access (enlarged and with new gate installed prior to site visit) for construction and general post-construction vehicular access.
- 6.42 The gated access is located in a safe location with good visibility; the proposals have not attracted adverse comment from Cumbria County Council as highway safety specialist, which has advised that the proposed development would not affect the highway.
- 6.43 There have been no objections raised specific to the potential impacts of the development currently proposed in a highway safety context. Issues of potential future usage changing, as mentioned in objections, are speculative and not relevant to consideration of the current proposal.
- 6.44 The proposals are considered not to give rise to any impacts on highway safety and are therefore in accord with Policies IP2, EC12 and SP6.

Landscape and Visual Impacts:

- 6.45 The development would be located in open countryside and would be visible from the public realm over short and long distances. It would include a safety/security fence on top of the surrounding embankments which would also give rise to visual effects. Policies SP6, EC12 and GI 1 are therefore relevant to consideration of the proposal.
- 6.46 The landscape setting is situated within the landscape described as 'Type 6: Intermediate farmland' under the Cumbria Landscape Character Guidance and Toolkit (2011). The Toolkit (2011) highlights that in the last decade there has been an increase in the number of large scale farm buildings sometimes in prominent locations; and that the introduction of newer, larger slurry tanks within these types could impact upon character. The Toolkit (2011) goes on to

recommend that new development needs to respect the scale and character of the landscape; be well related to distinctive forms; and reduce the impact of large scale new buildings (presumably also structures) by careful siting and design.

*Earth embankments:*

- 6.47 The actual embankments would project above ground on this relatively flat site (albeit with some change in levels, but not sufficient to require a full visual analysis) by around 1.5m, although this may vary across the site to a little more at the southern end. The embankment would be grassed to blend in with the surroundings by ensuring that it is generally green.
- 6.48 The embankments would be visible in the landscape setting, but with the upward projection being a maximum of around 2m and with the seeding proposed, any visual impact would not be severe.
- 6.49 There is topographical and vegetative containment offered by the presence of woodlands on the north and east sides of the site; and by the presence of the substantial, mature native hedgerow between the nearby highway and the site. In the context of the embankment, these features are highly mitigative and would limit landscape and visual impacts so that they are localised and offset.
- 6.50 There is a risk that at any stage the woodlands (which are mature plantations) could be felled with the appropriate felling licences; and, also, that the hedgerow could change or be lost over time in unforeseen or planned circumstances. However, the latter is unlikely because the land is in good stewardship and appropriate consent under the Hedgerow Regulations is likely to be required; whereas, the former may occur but with the hedgerow remaining in place, the hedgerow alone would provide strong visual mitigation in relation to the embankment.
- 6.51 In the unlikely event that the woodlands and hedgerow are all removed in time, the embankments would be visible and look mildly incongruous as man-made interventions in the landscape. However, that is such an unlikely scenario that it may be discounted and at least some certainty exists that they will continue to provide visual mitigation.

*Security fencing:*

- 6.52 The overall height of the security fencing above general ground level would be 3.35m to the top, if the offer to increase the fence height to 1.85m (from 1.3m) is taken up by the local planning authority in the event of planning permission being granted. This height includes the 1.5m of embankment upon which it would stand.
- 6.53 The agent has confirmed that uncoloured galvanised steel would be used. Arguably, in the short term it would be better as a dark green plastic-coated steel fence rather than a plain steel fence, to enable to blend a bit better with its generally green and brown surroundings. However, as the agent has

pointed out, the plastic coated fences tend to flake over time revealing the metal beneath which subsequently rusts.

- 6.54 It is accepted that a security fence is required to restrict entry by people and animals, and that any such fence should be adequate to deter entry by humans and animals such as deer.
- 6.55 In broader terms, the topography and vegetation available would be adequate to offset the landscape and visual impacts of the fence in addition to the embankment. Glimpses to the site across open countryside from the west would be strongly backdropped by the mature hedgerow and, in particular, the woodland plantations.
- 6.56 More locally, there is a likelihood that passers-by would see the upper reaches of the fence from the public road obliquely in passing. The existing hedgerow has a height of around 2m.
- 6.57 However, there would be several metres of separation between the hedgerow and the fence, meaning that visibility alongside would be diminished because most peoples' sightlines would look over the hedge in a slightly upward direction - people would not see 1.35m of fencing protruding above the hedge because they would not be looking straight across the top of the hedge unless they were extremely tall.
- 6.58 Overall, in terms of the potential landscape and visual impacts of the development, including the security fence, although noticeable they would be acceptable and not give rise to significant harm to the Intermediate Landscape within which they would be situated. Existing vegetation and topography are such that both wider and localised impacts are acceptable. In this context, the development would not be in conflict with any of Policies EC12, SP6 or GI 1.
- 6.59 It is noted that the applicants have indicated a willingness not only to let the existing hedgerow grow to a higher height to increase screening from the public road, they have also indicated a willingness to plant a hawthorn hedgerow around the development i.e. within the field. Neither action is considered to be strictly necessary because the development proposal would be acceptable in their absence; however, it may be appropriate to liaise with the applicants if either item is to be actioned, perhaps by way of an Advisory Note rather than a planning condition. Caution should be applied to any encouragement to actions that have the potential make the roadside hedgerow look like it has been left to grow abnormally tall just to hide a development.

#### Biodiversity Impacts:

- 6.60 In respect of biodiversity impacts on the water resource, these are related to the pollution control overseen by the Environment Agency and are not required to be considered separately under this heading.
- 6.61 In respect of animals potentially entering the compound and perishing in the

slurry, it is considered that the higher fence at 1.85m would reasonably deter entry although it could not guarantee that deer would not jump over into the compound area. It would be undesirable in the balance of this issue to insist on any higher fencing being erected because visual impacts would begin to arise which are disproportionate to the issue.

- 6.62 There are no matters arising in terms of biodiversity impacts which are found to be overriding, and therefore in this respect the development would be compatible with Policies EC12, SP6 and GI 3.

Other Matters Raised in Objection:

- 6.63 Although most of the matters mentioned in the objections have been addressed earlier in this assessment, there are a number of outstanding issues which may benefit from further assessment.

*Potential adverse impacts on tourism facilities in the locality (odour, flies):*

- 6.64 The development is not known to be in such proximity to any existing tourism accommodation or attractions that its placement would compromise there attractiveness or useability.
- 6.65 The proposal in terms of its nature, which is similar (although acknowledgedly larger) and surrounding land uses is considered to be acceptable and not in conflict with any such developments or uses.
- 6.66 The potential impacts in this regard would be similarly reasonable as they would be in relation to the residential amenity of residents in private dwellings. Any potential effects would be mitigated by distance, and the development being of an agricultural nature, sited logically on agricultural land and in a sensible location in relation to the overall holding(s).

*No map outlining the applicants land holding boundary or information confirming its extent:*

- 6.67 This information was provided and published in ample time for all interested parties to view. It shows the location of the proposed slurry store in relation to the extent of the farm holdings upon which its need is based.

*Dimensions differ in the design statement and profile diagrams (108x64m vs 104x60m) - no explanation is provided why:*

- 6.68 The dimensions shown in the planning drawings are 60m x 104m. It is upon these dimensions shown in the scaled drawings that the application is being considered (the agent has recently confirmed in an email that this is the correct approach).

*No supporting information to demonstrate consideration of alternative proposals such as re-development at existing farmsteadings where slurry storage currently exist:*



6.69 This type of sequential test is not required, although it is accepted that it is generally preferable for new agricultural development to be sited at or close to existing groups of buildings.

6.70 The applicant seeks to justify the proposed development in this location because it is central to the overall farm enterprise and would not prejudice future operations at/within the two farm complexes it is intended to serve.

6.71 There are no requirements within Policy EC12 in particular to preclude new agricultural developments in locations away from existing groups.

*Lack of clarity as to how umbilical distribution system would work, therefore unable to fully appreciate associated potential environmental risks:*

6.72 The applicants have provided information relating to the umbilical system early in the course of consideration of the application, describing how in effect it is a hose system attached to a tractor which then distributes it via a pump operated off the PTO (Power Take-Off) drive.

6.73 The agent has confirmed that there is an existing pipe under the road which would allow the umbilical hose to be placed underneath it (would not have to be laid across the public highway).

*Lack of information relating to potential impact on water resource, which may be linked to earthworks close to development location;*

6.74 This may relate to the identification of earthworks (possibly associated with underground waters) mentioned in one of the objections, and to the 'ordinary watercourse' mentioned in the consultation response(s) of Cumbria County Council.

6.75 Subsequent to receipt of further advice from the applicant and the response of Cumbria County Council that followed, this is not considered to be an outstanding matter because any such watercourse, although it may have existing in the form of a ditch or field drain, is no longer present.

6.76 The agent confirmed in a letter that: *"It has been raised that there is an existing drainage culvert which runs through the site. This is incorrect. From the edge of the lagoon structure the underground drainage culvert is approximately 145m away and therefore the construction will have no impact upon the drain."*

6.77 In a subsequent reply by Cumbria County Council, the relevant officer confirmed that although records indicate that there is definitely something there, its probably just a field drain and could well have been filled in.

Any Other Matters:

*Drainage Including Surface Water Management:*

6.78 Drainage is not considered to be a particularly influential matter in the context

of this planning report in terms of whether or not the principle is acceptable, although as identified within the consultation response of Cumbria County Council the application does not provide information about how this would be managed.

- 6.79 It would be appropriate to address outstanding matters relating to drainage management via conditions, if planning permission is granted.

## **Conclusion**

- 6.80 The proposed development of the 4 million-gallon slurry tank with its associated embankments and security fencing, in this location, is considered to be appropriate in terms of any potential impacts associated with pollution, public safety, landscape/visual, biodiversity and private amenity.
- 6.81 Its placement in relation to the public realm, having regard to the location close to the public road and central to the current farm holding is logical and would enable a more ergonomic way of storing and distributing the slurry created at the steadings.
- 6.82 The matters raised in the 6 objections to the scheme and the concerns listed by the Parish Council have been considered but are not found to be overriding and are not found to describe any issues that have either already been found to be acceptable, or would be mitigable through the imposition of appropriate conditions.
- 6.83 The development would, therefore, be consistent with all of the policies within the Carlisle District Local Plan 2015-2030 mentioned in paragraphs 6.5 and 6.6 earlier in this report, and approval is recommended subject to conditions and/or advisory notes addressing any matters which are considered not to be of such magnitude that they require to be resolved prior to the application being determined.

## **7. Planning History**

- 7.1 There is no planning history relating to the specific site;
- 7.2 The main farmstead is at Dobcross Hall, around 350m west north-west at its nearest point. There is a variety of planning history relating to the development of that steading, although none is of strict relevance to the current application;
- 7.3 It may be noted that at that steading is an existing slurry lagoon, in the northern corner of the steading area.
- 7.4 The lagoon mentioned in 7.3 does not appear to have been the subject of a planning or related application.

## **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;
2. the proposed site plan at scale 1:1250, received on 3 April 2020;
3. the proposed block plan at scale 1:500, received on 3 April 2020;
4. the location plan at scale 1:5000, received on 3 April 2020;
5. drawing no. 003 'Elevations', received on 3 April 2020;
6. drawing no. 002 'Cross-Sections', received on 3 April 2020;
7. the Dobcross Hall Farm Plan at scale 1:1000, received on 7 April 2020;
8. the letter from Edwin Thompson dated 4 May 2020, ref. MB/LS/MBGEN;
9. the letter from Edwin Thompson dated 10 May 2020, ref. MB/LS;
10. the Notice of Decision;
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The proposed security fence and gates shall be erected to a height of 1.85m and thereafter so retained, as indicated in the letter submitted by Edwin Thompson as agent for the application on 10 May 2020, unless otherwise agreed in writing by the local planning authority.

**Reason:** To deter entry by unauthorised persons or by larger mammals, in the interests of safety and protection of biodiversity, and to accord with Policies SP6, EC12 and GI 3 of the Carlisle District Local Plan 2015-2030.

4. Details relating to the following drainage matters shall be submitted to and

approved in writing by the local planning authority, and shall be implemented in full in the course of development implemented in relation to this permission:

(i) surface water drainage

(ii) foul water drainage

All measures including timing of implementation agreed in response to this condition shall be fully implemented and made operational before the development is brought into use.

**Reason:** To ensure that all drainage matters are appropriately provided for in a sustainable manner, in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

5. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies SP6 and GI 6 of the Carlisle District Local Plan 2015-2030.

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<h1>Edwin Thompson</h1> <p>Fifteen Rosehill, Montgomery Way, Carlisle, Cumbria, CA1 2RW</p>	<h1>Dobcross Hall Farm</h1>		

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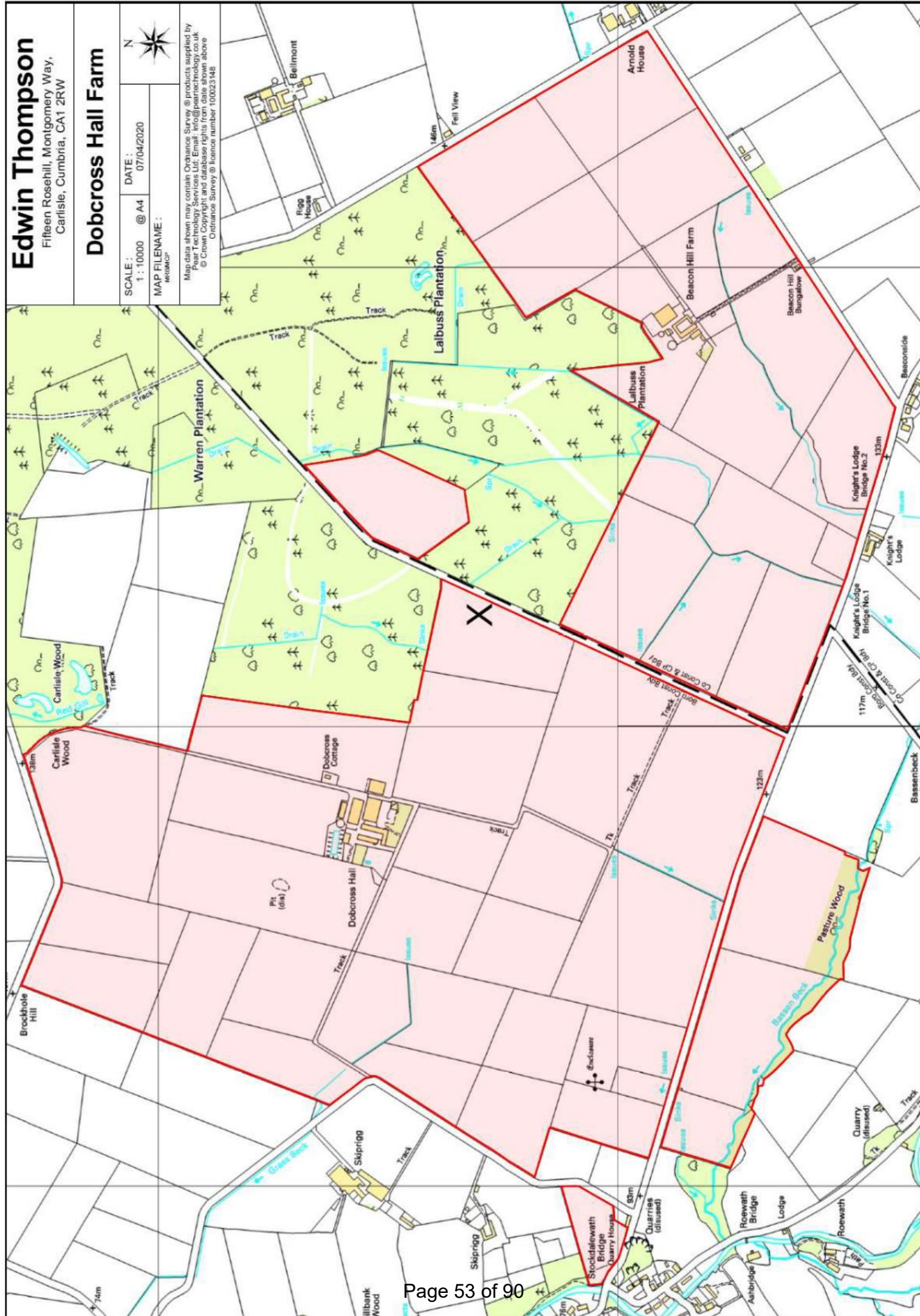
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Carlisle, Cumbria, CA1 2RW

## Dobcross Hall Farm

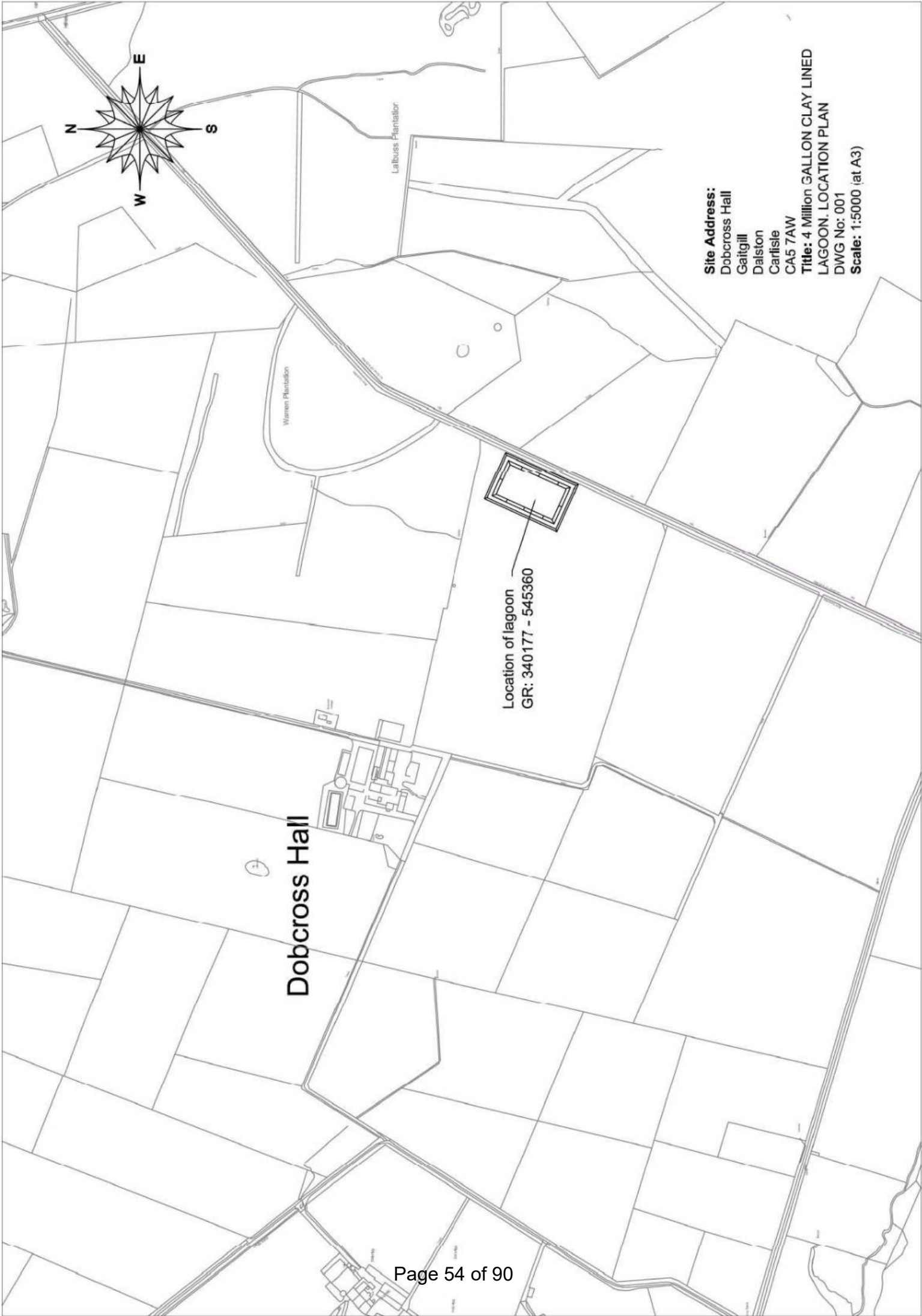
SCALE: 1 : 10000 @ A4	DATE: 07/04/2020
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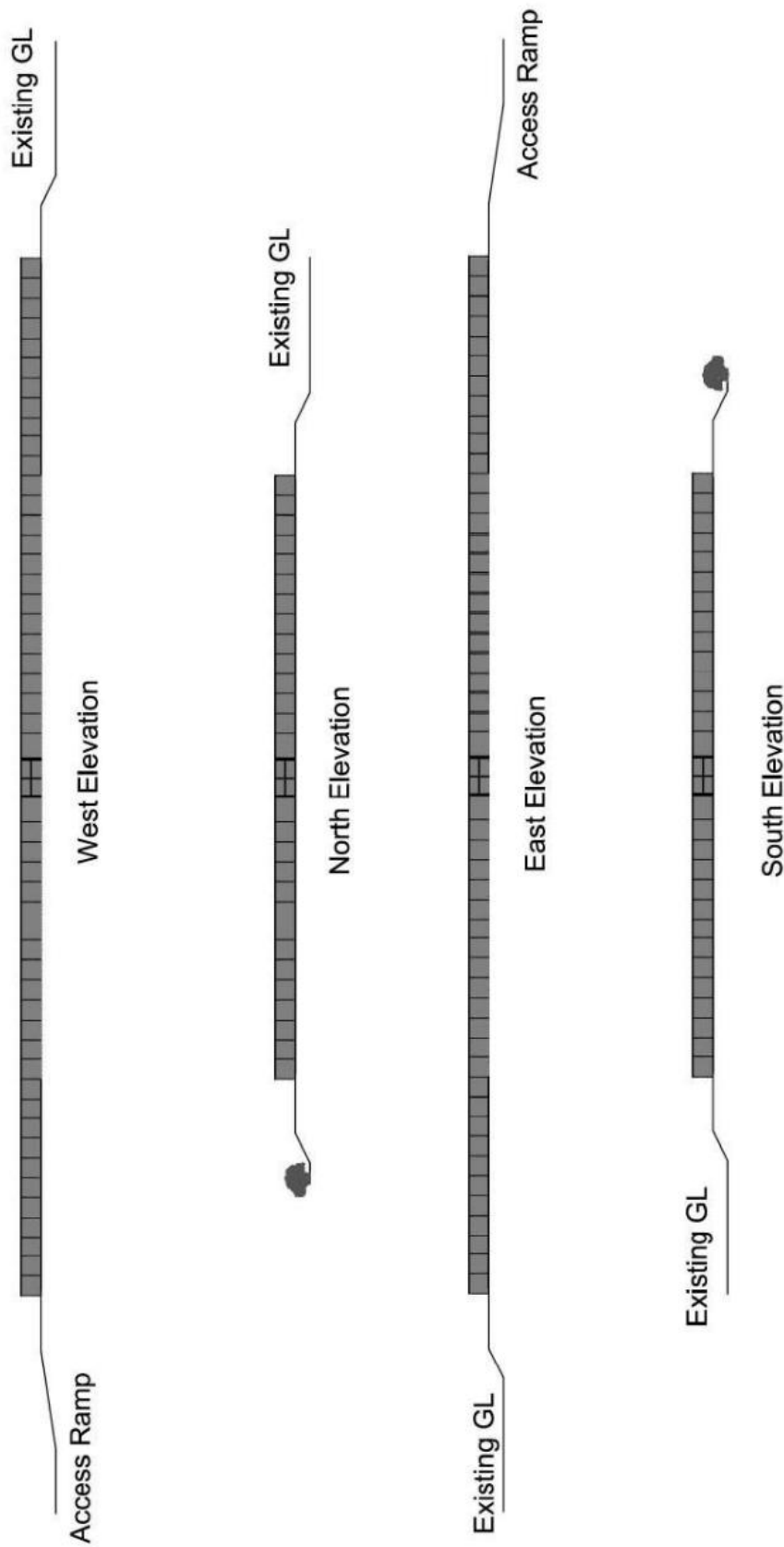


**Site Address:**

Dobcross Hall  
Gaitgill  
Dalston  
Carlisle  
CA5 7AW

**Title:** 4 Million GALLON CLAY LINED  
LAGOON. LOCATION PLAN  
DWG No: 001

**Scale:** 1:5000 (at A3)



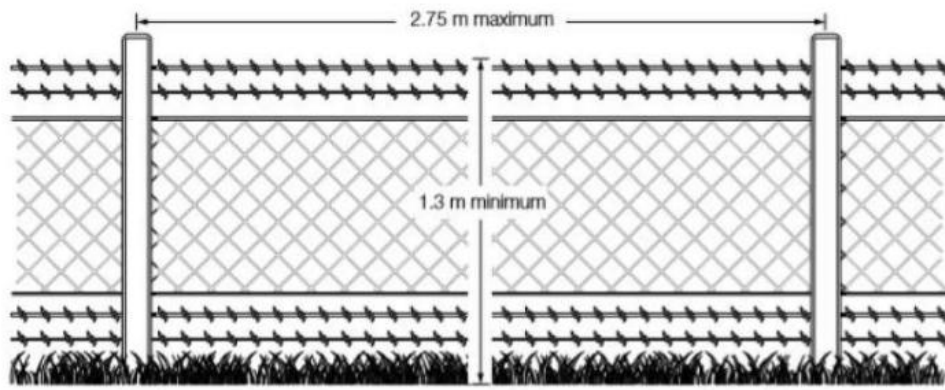
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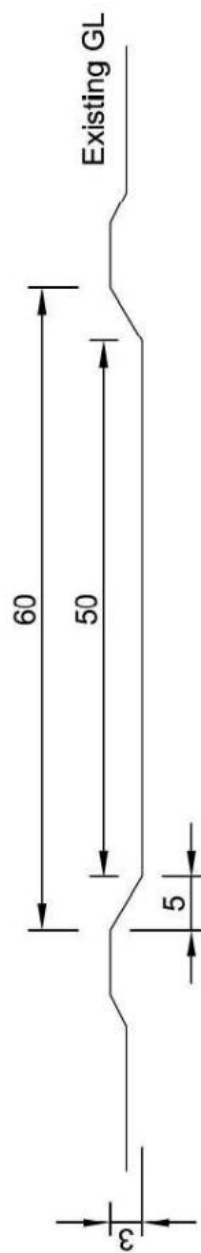
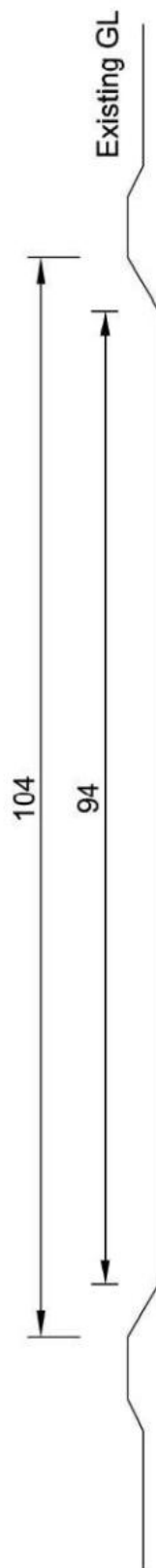
**Title:** 4 Million GALLON CLAY  
LINED LAGOON.  
ELEVATIONS

DWG No: 003

**Scale:** 1:500 (at A3)







**Site Address:**

Dobcross Hall

Gaitgill

Dalston

Carlisle

CA5 7AW

**Title:** 4 Million GALLON CLAY

LINED LAGOON.

CROSS SECTIONS

DWG No: 002

**Scale:** 1:500 (at A3)



## SCHEDULE A: Applications with Recommendation

20/0058

Item No: 03

Date of Committee: 17/07/2020

**Appn Ref No:**  
20/0058

**Applicant:**  
Mrs Patricia Winder

**Parish:**  
Brampton

**Agent:**  
Mr G Gill

**Ward:**  
Brampton & Fellside

**Location:** School House, Moat Street, Brampton, CA8 1UJ

**Proposal:** Variation Of Condition 2 (Approved Documents) Of Previously Approved Application 19/0042 (Erection Of Single Storey Side Extension To Provide Dining Room/Sunroom; Installation Of Double Doors To Roadside Boundary Wall To Facilitate New Vehicular Access; Rendering Of Dwelling And Roadside Boundary Wall) To Install 4-Panel Bi-Fold Doors And Rebuild Of Front Boundary Wall; Rendering Of Base Plinth Zone On Front Elevation And Rendering Of Rear Proportion Of The Property

**Date of Receipt:**  
29/01/2020

**Statutory Expiry Date**  
25/03/2020

**26 Week Determination**

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### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Whether the scale and design of the proposal is acceptable
- 2.3 Impact of the proposal on the living conditions of the occupiers of neighbouring properties
- 2.4 Impact of the proposal on Brampton Conservation Area
- 2.5 Proposed drainage methods
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on biodiversity

#### 3. Application Details

## **The Site**

- 3.1 The application site is an existing two storey period dwelling house constructed from red sandstone with a dual pitch slate roof. The property includes a short section of stone wall leading out from its northern elevation to enclose a private yard area and forms a boundary with the adjacent public highway.
- 3.2 The property is located within the Brampton Conservation Area and its frontage is designated as Key Townscape Frontage. The surrounding area is characterised by a mix of traditional stone-built properties with slate roofs. There is a limited use of painted render to some properties in the area.

## **Background**

- 3.3 Planning permission was granted for the rear extension (Application 19/0042) however modifications were made to the proposal omitting full vehicular access to the side of the property.

## **The Proposal**

- 3.4 The application seeks planning permission to extend the existing dwelling house via the development of a single storey side extension to provide an extension to the existing kitchen and create a kitchen-diner. Alteration are also proposed to the boundary wall to increase the width of the existing doorway for vehicular access.
- 3.5 The proposed extension would project approx. 4m out from the existing side elevation and have a depth of 4m. Due to the shape of the existing yard the extension would be an irregular shape/footprint. It would have a flat roof incorporating a flat roof lantern rising to an overall height of approx. 2.6m. The structure would have a block and render finish to its elevations.

## **4. Summary of Representations**

- 4.1 The application has been published by means of neighbour notifications to two neighbouring properties and the posting of a site notice.
- 4.2 A single letter of response has been received. The respondent supports the development but with a concern regarding water supply and seeks reassurance from United Utilities that there will be no impact.

## **5. Summary of Consultation Responses**

**Brampton Parish Council:** - OBJECT - members support the comments from the Highways Authority as follows-

As clear visibility of 2 metres cannot be achieved along the public highway in both directions from a point 2 metres from the carriageway edge measured

down the centre line of the driveway. Consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety

**Cumbria County Council: -  
Local Highway Authority (LHA) response:**

To conclude the Highways Authority recommends this application for refusal due to clear visibility of 2 metres cannot be achieved along the public highway in both directions from a point 2 metres from the carriageway edge measured down the centre line of the driveway. Consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. To support Local Transport Plan Policy: LD7, LD8

**Lead Local Flood Authority (LLFA) response:**

The Lead Local Flood Authority has no objections with regards to the approval of planning permission as the proposed variation of condition application will not increase flood risk on site, or downstream of the development.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), and Policies SP1, SP6, SP7, HE6, HE7, HO8, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposal raises the following planning issues:

#### **1. Principle Of Development**

- 6.4 Planning permission was granted under application 19/0042 for the extension and therefore the principle of this development has been accepted. This application looks to change those details in relation to the boundary wall of the property and the use of render. Whilst these latter aspects alter the original permission they are changes to the existing structure of the property and previous permission and therefore the principle of the development has already been established.

#### **2. Whether The Scale and Design Of The Proposal Is Acceptable**

- 6.5 The application seeks permission for a single storey side extension to provide a dining room and sunroom, the installation of double doors to the roadside

boundary wall and rendering of the base plinth and rear extension of the property. Carlisle District Local Plan (CDLP) policies SP6 and HO8 require development proposals to demonstrate a good standard of sustainable design that responds to, and is respectful of, the existing character and distinctiveness of the local area. Specifically with regard to householder development, CDLP policy HO8 requires that proposals relate to and complement the existing building in scale, design, form and materials. .

- 6.6 In this case the proposed scale and design of the development is considered appropriate in the context of the existing property. Whilst the render finish would be at odds with the host property and prevailing character of the surrounding area it is recognised that the extension and rear part of the property would not be visible in the streetscene as it would be obscured from view by the existing sandstone boundary wall. The extension would only be seen whilst the doors were temporarily open. In this context, the extension would not affect the character or appearance of the streetscene and could not therefore reasonably be considered as a discordant or incongruous form of development. The proposal also seeks to render the base plinth of the property. Whilst this is a change of material it does not affect the scale of the property and there are a number of examples in the streetscene which have rendered or painted base plinths.
- 6.7 Alterations are proposed to the sandstone boundary wall to insert double doors which would change the character of the wall and this is considered later in relation to the conservation area however the scale and overall retention of the parapet and coping of the wall would be appropriate.
- 6.8 Consequently, the proposed scale and design is considered to be acceptable as it accords with policies SP6 and HO8 of the CDLP and meets the requirements of the NPPF as it would not harm the character or identity of the existing property.

### **3. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.9 The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by CDLP policies HO8 and SP6 which seek to ensure that development does not result in adverse impacts to the living conditions of future or existing occupiers. Accordingly, policies require that acceptable levels of privacy, outlook, and general amenity are maintained.
- 6.10 Having considered the scale and positioning of the proposed extension and alterations in relation to the adjoining neighbouring residential properties it is considered that there would be no adverse impacts to the residential amenity of this or any other property.

### **4. Impact Of The Proposal On Brampton Conservation Area**

- 6.11 The application site falls within the Brampton Conservation Area and

therefore regard is had to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which highlights the statutory duty of the LPA when considering proposals for development within conservation areas and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This approach is further supported by NPPF policies and CDLP policies SP6, SP7 and HE7 of the CDLP in that together these policies require that development within conservation areas harmonise with the surrounding area, is sympathetic to the setting, scale, density and physical characteristics of the conservation area while also preserving or enhancing any features which contribute positively to the area's character or appearance.

- 6.12 Considering the extension to the dwelling, due to its positioning, behind a substantial boundary wall, it does not give rise to any concerns regarding the visual amenity or character of the conservation area.
- 6.13 In relation to the rendering of the property there are two areas proposed. The rear of the property which is not seen from public views and other properties have render in part. This would not therefore affect the character or setting of the conservation area and would therefore be acceptable. At the front of the property it is proposed to render the base plinth as continual weathering at that level is causing problems with the existing sandstone. Having regard to the streetscene it is noted that there are several examples of painted or rendered base plinths which are different to the property above. The overall impact would be minimal and would not be out of character with other properties in the street. The rendering of the base plinth would therefore be acceptable.
- 6.14 The consented application proposes minimal alterations to the boundary wall and therefore would not materially alter its character or appearance resulting in a neutral impact that does not adversely affect the character and appearance of the conservation area. This proposal differs significantly by the installation of bi-fold access doors. The Council's Heritage Officer has raised concerns that the changes to the boundary wall would alter the character of the conservation area and are unacceptable. In considering this proposal it is worth noting that whilst the property is in a conservation area and has townscape heritage value the conversion of the former school opposite has removed a proportion of the front wall to attain vehicular access. Although the wall on the opposite side of the road is longer, the proposal to insert access doors retains a top section of wall and coping ensuring that reference to the historic feature of this wall is retained.
- 6.15 There is one feature in the wall which may have contained a window or hatch at some point but is not used and there is no reciprocating feature on the internal side of the property which would tie in with this small recess. It is the Heritage Officer's consideration that this is a feature of the character of this part of the street. Members need to consider, in terms of the significance of the conservation area, whether the loss of this feature harms the character or would have a neutral effect. In considering the character of the conservation area, a character appraisal was undertaken as part of the conservation area review when it was extended in 2007. The appraisal includes:

*"Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings: 1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape; 2. the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area; 3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades; 4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided; 5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original; 6. proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity; 7. proposals which would require substantial car parking and servicing areas which cannot be provided without an adverse effect on the site and its surroundings will not be permitted. "*

- 6.16 Point 5 notes that individual features should be retained and in line with all other properties the main features of School House would not be affected by this proposal. It has not been possible to confirm the intention of the original construction and therefore the significance or importance of the small recess within this boundary wall. In the context of the overall streetscene it forms a small element and its loss does not impact on the overall character. Whilst it may be considered that its removal and replacement by access doors is not a positive enhancement of the conservation area, the loss would have a neutral impact on the conservation area.
- 6.17 The only reference to Moat Street in the character appraisal is "Moat Street is narrow and straight with a variety of sandstone unrendered houses and cottages". This makes no reference to the walls or features of those walls and in relation to render the base plinth has been considered in the context of paragraph 6.13 above and would not significantly alter the character of the conservation area.
- 6.18 Consideration has to be given to the proposed replacement and it should be noted that on the opposite side of the road the removal of the wall results in a large open access point providing direct visibility into the development. In this instance the replacement by timber bi-fold doors and the retained construction of a surrounding wall with coping feature would retain the overall character of the existing structure. The use of timber would be an



appropriate traditional material avoiding the integration of modern composite materials in the streetscene which would otherwise be out of character.

- 6.19 Accordingly, the proposal is compliant with CDLP policies SP6, SP7, HE6, and HE7 and the associated policies of the NPPF along with the statutory requirements set out at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **5. Proposed Drainage Methods**

- 6.20 The Lead Local Flood Authority has no objections with regards to the approval of planning permission as the proposed variation of condition application will not increase flood risk on site, or downstream of the development. One letter of support also included a question as to whether United Utilities were accepting of the development and its impact on services. It should be noted that the principle of development has already been accepted by the granting of a previous permission on this site and in the context of services this only seeks a small extension to an existing dwelling which by itself would not significantly increase service demand.

## **6. Impact Of The Proposal On Highway Safety**

- 6.21 The application under consideration involves the sandstone wall along the boundary of School House, Moat Street, Brampton being rebuilt with a 4 panel timber bi-fold door to allow for parking access. The Highways Authority has concerns regarding the proposed vehicular access into the dwelling. The applicant has not demonstrated that there is sufficient space to accommodate a vehicle within the curtilage of the development (2.4m x 5m) and also the pedestrian visibility of 2m x 2m has not been shown within any plans. It is deemed unlikely that the necessary visibility splays at this location can be achieved. As a consequence of this consideration, the Highways Authority recommends this application for refusal. The Parish Council has raised the same concerns considering that traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.
- 6.22 Policies IP2 and IP3 of the CDLP require all development proposals to be assessed against their impact on the transport network, to ensure adequate levels of parking provision and maintain highway safety.
- 6.23 Since application 19/0042 was granted the former Brampton Infant School and Refectory have been the subject of conversion schemes to residential use. This has resulted in new vehicular access points onto Moat Street to accommodate additional car parking in the narrow road. The access to the former infant school which is currently being converted is directly opposite School House and therefore the applicant is no longer able to park their vehicle outside his property as a result of that development otherwise it would impair manoeuvrability into the site. Whilst there is never any guarantee that people can park outside their properties, the amount of road space for parking in Moat Street is limited. It would therefore ease parking and movement if there was opportunity to remove another vehicle from the street.

- 6.24 The objection from the Highway Authority is a serious consideration but bearing in mind the previous paragraph it is worth considering this option further. School House is the last property on this side of the street and the wall links to the boundary of Brampton Junior School. As this is the last property it is unlikely that any pedestrians would be using the pavement at this point. The school gate has remained locked for some time and is very infrequently used. The proposal contains bi-fold doors which would clearly be either open for access or closed and as they lead to the rear of the property would remain closed for the majority of the time except when in use. Whilst it is acknowledged that the visibility splays cannot be attained it is questionable in this instance whether that would cause a highway safety issue.
- 6.25 The Highway Authority also raises concern that the length of the internal space is limited and combined with the extension would not achieve the necessary 5m clearance for a standard parking space. This will be a matter for the applicant to consider when determining at what point to provide off-street parking, build the extension or ensure that their vehicle is the required length however it should be made clear that it will not be acceptable to have a vehicle overhanging the highway which is covered by other legislation. Whilst this is not a planning matter it should be added as an informative to any approval to ensure that a longer vehicle is not parked over the pavement. Implementation of the entrance does mean that the permission would be extant and the applicant could build the extension at a later date.
- 6.26 The NPPF states that development should only be refused if there is an unacceptable impact on highway safety. It is considered that the proposed development would have an impact on highway safety as outlined by the Highway Authority but given the specific circumstances of this case and the location this would not be significant to refuse the application.

## **7. Impact Of The Proposal On Biodiversity**

- 6.27 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat. To protect biodiversity during any construction works an informative is recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981.

## **Conclusion**

- 6.28 In overall terms, the principle of development is acceptable. The location, scale and design of the development is appropriate to the character of the area. In terms of impact on the conservation area, there will some minor loss of existing form however the replacement proposal is considered appropriate. With regards to highway safety whilst concerns remain from the Highway Authority the mitigating circumstances of this proposal mean that the proposed variation to the original consent is acceptable.

- 6.29 Accordingly, the proposal accords with the objectives of the NPPF, PPG and relevant local plan policies and the application is recommended for approval.
- 6.30 It is therefore recommended that planning permission be granted subject to conditions.

## **7. Planning History**

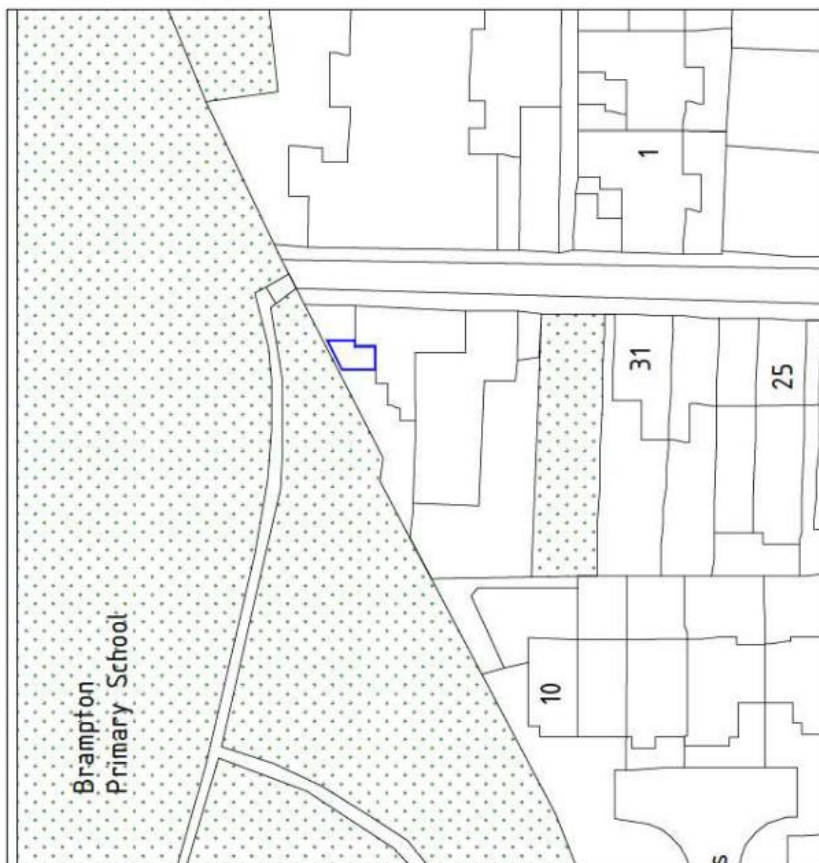
- 7.1 Application 19/0042 for the erection of single storey side extension to provide dining room/sunroom; installation of double doors to roadside boundary wall to facilitate new vehicular access; rendering of dwelling and roadside boundary wall to which this application directly relates was granted permission in April 2019.

## **8. Recommendation: Grant Permission**

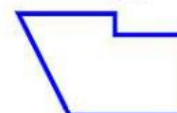
1. The development shall be begun not later than the 11th April 2022.  
  
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form received 29 January 2020;
  2. the Location Plan and Block Plan (Drawing No.106) received 21 January 2019 for application 19/0042;
  3. the Proposed Plans and Elevations (Drawing No.103 Revision C) received 29 January 2020;
  4. the Proposed Plans and Elevations (Drawing No.104 Revision A) received 29 January 2020;
  5. the Proposed 3D views (Drawing No.105 Revision C) received 29 January 2020;
  6. the Additional Details (Drawing No.110) received 29 January 2020;
  7. the list of changes received 29 January 2020;
  8. the Notice of Decision; and
  9. any such variation as may subsequently be approved in writing by the Local Planning Authority.  
**Reason:** In order to ensure that the development is carried out in complete accordance with the approved documents and to avoid any ambiguity as to what constitutes the permission.
3. The alterations to the boundary wall shall be carried out using stonework identical to that of the existing structure and materials as specified in the application.

**Reason:** To ensure the materials harmonise with the existing building and to safeguard the visual amenity and character of the area in accordance with policies SP6, HE6 and HO8 of the Carlisle District Local Plan and the associated requirements of the NPPF.


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Proposed Block Plan 1:500



Site Location Plan 1:1250

Date	Rev.	Comment
 <h1 style="text-align: center;">DPP</h1> <h2 style="text-align: center;">Domestic Property Plans</h2> <h3 style="text-align: center;">Your Property Plans Made Easy</h3> <p>           Drawing Title: Site location &amp; Proposed Block plan            Contract address: 37 Wool House, Mount Street, Birmingham, CB4 1UJ            Contract No. 360            Client: Mrs Patricia Winder            Drawing No. 106            Issue Date: 15.05.19            Revision Date:            Revision:            Any queries regarding this drawing should be in the first instance reported to Domestic Property Plans for clarification. This drawing remains strictly the property of Domestic Property Plans and should not be copied in full or in part or distributed without prior consent from Domestic Property Plans.            Domestic Property Plans are not responsible for bad workmanship or use or fitment of interior materials.         </p>		





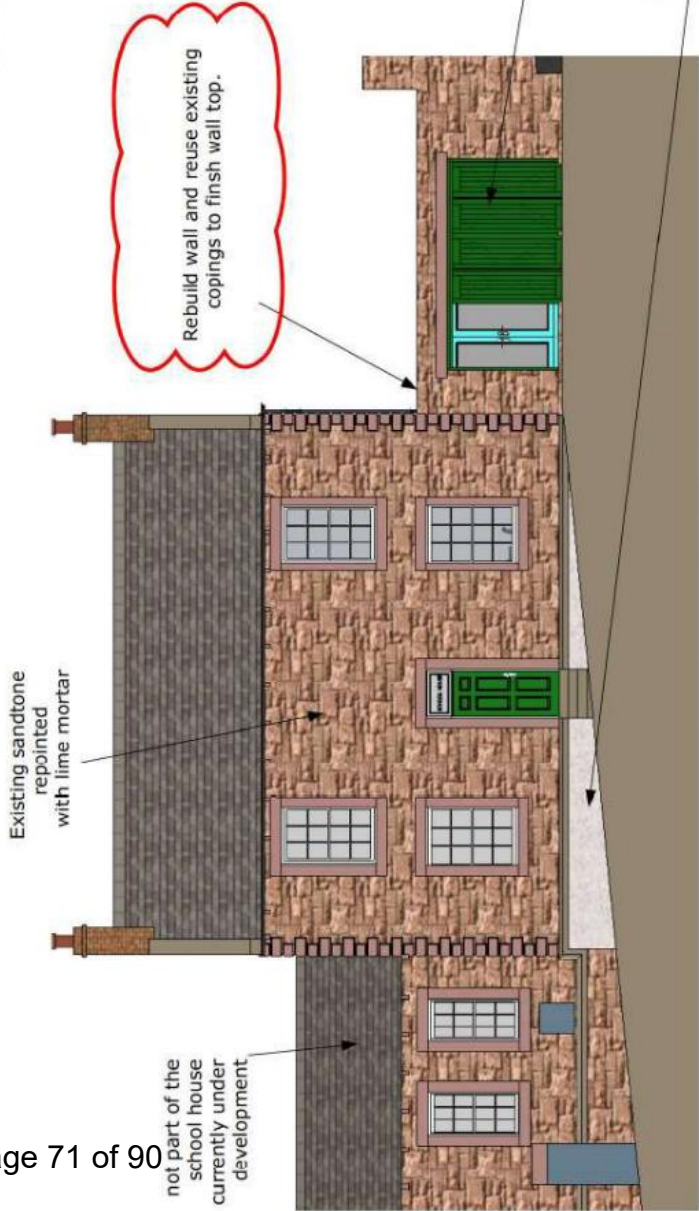




Proposed Roof Plan  
Scale 1:50



Proposed Roof Plan  
Scale 1:100



Proposed Front Elevation  
Scale 1:100

not part of the school house currently under development

Date	Rev	Comment
28.01.20	C	Drawing revised inline with planning comments
28.03.19	B	Drawing revised inline with planning comments
15.02.19	A	Render detail and notes removed boundary wall to front height reduced double access door moved over

DPP

Domestic Property Plans

Your Property Plans Made Easy

Drawing Title: Proposed Plans & Elevation

Contract Address: School House, Moat Street, Brampton, CA8 1UJ

Contract No. 190

Client: Mrs Patricia Winder

Issue date: 02.01.19

Revision No. 103

Revision date: 28.01.20

Revision: C

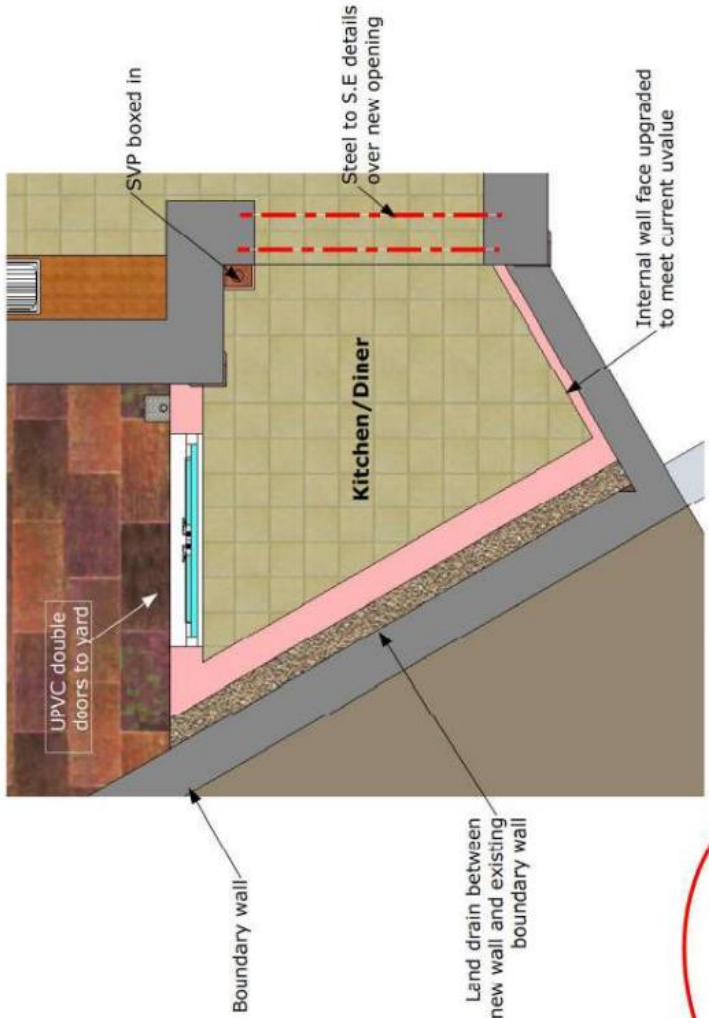
Scale @ A3 1: 100 & 50

Affirmation should be checked on site by the suitable contractor before works commence. Any queries regarding this drawing should be in the first instance reported to Domestic Property Plans for clarification. This drawing is strictly the property of Domestic Property Plans and is not to be reproduced or used for any other purpose without prior consent from Domestic Property Plans. Domestic Property Plans are not responsible for supervision of the construction to which these drawings relate and therefore disclaim any responsibility to the client or any third party claims arising from poor workmanship / inferior materials





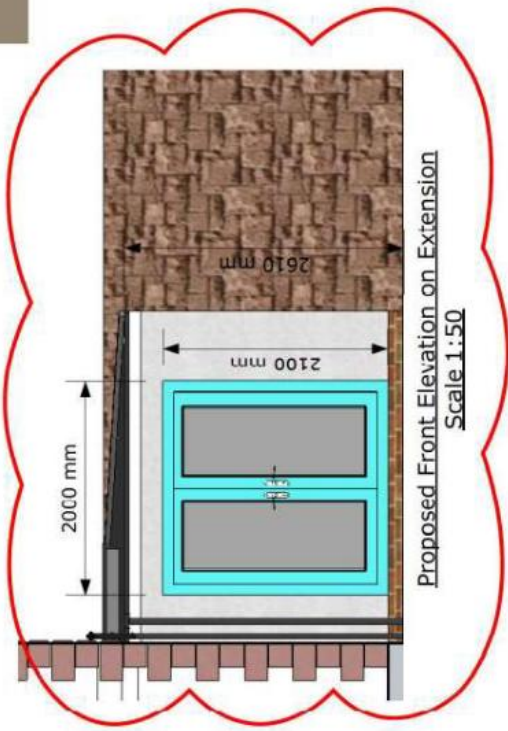
Proposed Ground Floor Plan  
Scale 1:100



Proposed Ground Floor Plan  
Scale 1:50



Proposed Side Elevation  
Scale 1:100



Proposed Front Elevation on Extension  
Scale 1:50

Planning Notes:

- 1) New walls to be block and render
- 2) New double doors light blue UPVC Double glazing
- 3) Velux roof windows 1No. 1200x900
- 4) Black gutters and downpipes to match existing
- 5) Flat roof to be felt o' membrane

Date	Rev	Comment
18.01.20	C	Drawing revised inline with planning comments
38.03.19	B	Drawing revised inline with planning comments
15.02.19	A	Render detail and notes removed boundary wall to front height reduced double access door moved over

# DPP

## Domestic Property Plans

### Your Property Plans Made Easy

Drawing Title: Proposed Plans & Elevation  
Contract Address: School House, Moat Street, Brampton, CA8 1UJ  
Contract No. 190  
Client: Mrs Patricia Winder  
Drawing No. 104  
Issue date: 02.01.19  
Revision date: 28.01.20  
Revision: A

Scale @ A3 1: 100 & 50  
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# SCHEDULE B

# SCHEDULE B

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**Item No: 04**

Between 05/06/2020 and 02/07/2020

**Appn Ref No:**  
19/0572**Applicant:**  
Postlethwaite Construction  
Ltd**Parish:**

Arthuret

**Date of Receipt:**  
24/07/2019 16:01:35**Agent:**  
Holt Planning Consultancy  
Ltd**Ward:**  
Longtown & the Border**Location:**  
8-10 Bank Street, Longtown, Carlisle, CA6 5PS**Grid Reference:**  
337842 568730**Proposal:** Demolition Of 8 & 10 Bank Street; Erection Of 2no. Terraced Dwellings;  
2no. Semi-Detached Dwellings And 1no. Detached Dwelling Access Via  
An Existing Archway (Revised Application)**Amendment:**  

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**REPORT****Case Officer:** Stephen Daniel**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Dismissed**Date:** 30/06/2020



**JABA** ARCHITECT  
BLAKE BENTLEY ARCHITECTS LIMITED  
 8-10 BANK STREET, LONGTOWN  
 1728 L100 LOCATION PLAN AT 1:1250 SCALE  
 22.08.18





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## Appeal Decision

Site visit made on 23 June 2020

**by Mr M Brooker DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 June 2020**

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**Appeal Ref: APP/E0915/W/20/3247116**

**Bank Street, Longtown, CA6 5PS Easting:337842 Northing:568730**

- 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 Graeme Postlethwaite, Postlethwaite Construction Ltd against the decision of Carlisle City Council.
  - The application Ref 19/0572, dated 22 July 2019, was refused by notice dated 18 September 2019.
  - The development proposed is described as "demolition and rebuilding of Nos. 8 - 10 Bank Street as 2No. 3-bed terraced houses. Construction of 2No. 3-bed semi-detached houses and 1No. detached 3-bed house accessed via an existing archway at No.6 Bank Street".
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters and Main Issues

2. The appellant refers to a set of amended plans, making a number of alterations in response to the reasons for refusal as detailed by the Council. The Procedural Guide: Planning Appeals – England<sup>1</sup> clearly advises that the appeal process should not be used to evolve a scheme and "if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application".
3. I note that the amended plans have not been subject to public consultation through the application process but have been seen by the Council who did not raise any objections to the submission of the plans with the appeal and while some comments were provided by third parties no specific objections were raised regarding the scheme. Therefore, having regard to the Wheatcroft<sup>2</sup> principles and in the interests of fairness and natural justice, I consider that on balance no party would be prejudiced if I considered the amended plans. Thus, my findings relate to the scheme as detailed in the amended plans.
4. The main issues are the effect of the proposed development on:
  - the character and appearance of the area including the Longtown Conservation Area (LCA).and

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<sup>1</sup> Procedural Guide: Planning Appeals – England (2019): Annexe M – Can a proposed scheme be amended?

<sup>2</sup> Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

- the living conditions of the occupiers of neighbouring residential properties, with particular regards to 6a Bank Street and the future occupiers of the proposed residential dwellings with particular regards to 8c Bank Street.

## **Reasons**

### Character and Appearance

5. The appeal site consists of 8 and 10 Bank Street, two terraced dwellings, with a large rear garden stretching down to the river that is accessed via an arch from Bank Street. The appeal scheme would result in the demolition of nos. 8 and 10 and the erection of two replacement properties fronting on to Bank Street and the erection of two semi-detached dwellings and one detached dwelling in the rear garden.
6. The LCA is based on the historic core of the village and which has an understated character due to the predominantly simple vernacular architecture. Much of the appeal site lies within the LCA. I note that the boundary shown on the Council's Longtown Conservation Area Map adopts a curious line at this point, excluding some of the rear garden of nos. 8 and 10. The parts of the appeal scheme that lie outside of the LCA nonetheless still have the potential to affect the significance of the LCA. The appeal site is in a prominent and open situation when viewed from the public space by the river and in views from within the LCA.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty for decision takers with respect to any buildings or other land in a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 193 of the National Planning Policy Framework (The Framework) states that great weight should be given to the conservation of designated heritage assets.
8. As shown on the submitted plans, the appeal scheme would appear as a dense development at odds with the open character of this part of the local area. In particular, the semi-detached properties, set towards the rear of the appeal site would occupy a prominent position, over-looking the river introducing a dense form of built development into an otherwise open area.
9. For the reasons stated above, the proposed dwellings would be incongruous and over dominant features at odds with the prevailing character and appearance of the area. The proposal thereby fails to preserve or enhance the character or appearance of the LCA, in relation to the statutory duty and would cause less than substantial harm to the significance of the designated heritage asset, in this case the LCA.
10. Paragraph 196 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, as in this case, then the harm should be weighed against the public benefits. In terms of the public benefits, the appellant states that the provision of dwellings and the appellants intention to provide private rental properties, is of "strategic importance". I give the provision of additional dwelling some weight albeit this is a development of a small scale.

11. I find that the harm arising to the LCA outweighs the public benefits that the proposal would create.
12. I therefore find that the proposal would be detrimental to the character and appearance of the area. It would also fail to preserve the character and appearance of the CA and its setting. The proposal would therefore conflict with Policy HE7 of the Carlisle District Local Plan (CDLP) due to the harm to the character and appearance of the setting of the CA.

#### Living Conditions

13. With regards the effect of the development on the living conditions of existing and future occupiers, the Council's decision notice refers to Policy SP6 of the LP and specifically to criterion 1 and 7. While criterion 1 relates to the built form of the development such as density, scale, materials and detailing, criterion 7 relates to "residential amenity of existing areas" and "future users and occupiers". Furthermore, the Council's Achieving Well Designed Housing Supplementary Planning Document (April 2011) (the SPD) sets out various criterion and guidance to protect the living conditions of existing and future occupiers, in particular with regards to privacy.
14. The amended plans submitted with the appeal make a number of amendments in response to the Council's reason for refusal, such that the proposed development broadly complies with the separation distances set out in the SPD, with the exception of the front elevation of proposed dwelling 8c and existing dwelling 6a, that the appellant's appeal statement details is 9 metres.
15. The appellant acknowledges this "cause for concern" and I note from the submitted plans that there is the potential for future occupiers to overlook the rear garden space of that property, garden space that would be reduced as a result of the creation of car parking for the appeal scheme. Furthermore, the amended plans indicate the potential for obscure glazing to be applied to the upper floor windows of the property.
16. Nonetheless, even with the use of obscure glazing, the proposed building (No.8c) would be in close proximity to the neighbouring property, No.6a. As such, the potential for and perception of overlooking resulting in a loss of privacy for the occupiers of 6a would remain.
17. Furthermore, the proposed development would result in additional vehicle movements affecting the front and side to rear elevations of No.6a resulting in some additional noise and disturbance for the occupiers of that property.
18. Therefore, I find that the proposed development would have a detrimental impact on the living conditions of the occupiers of the existing neighbouring property contrary to Policy SP6 of the CDLP and guidance set out in the SPD, in so far as they seek to protect the living conditions of occupiers.

#### **Other Matters**

19. it is the appellant's case that, by virtue of a previously granted planning permission<sup>3</sup>, a fallback position exists whereby if the appeal scheme does not progress the alternative scheme, granting consent for two residential dwellings in the rear garden of the appeal site, will be developed.

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<sup>3</sup> 16/0994 determined 25 April 2017

20. I have not been provided with details regarding the discharge of relevant pre-commencement conditions or works carried out on site to implement the fallback planning permission, which would otherwise have lapsed. Nonetheless the fallback position is not disputed by the Council and as such on the basis of the evidence before me I find that on this basis there is greater than a theoretical possibility that the development referred to might take place.
21. However, from the plans submitted it appears that the fallback scheme would be less harmful than the appeal scheme and as such does not justify the proposal which, for the reasons detailed previously, would cause harm to living conditions and the character and appearance of the area including the LTCA.

### **Conclusion**

22. For the reasons given above I conclude that the appeal should be dismissed.

*Mark Brooker*

INSPECTOR

## SCHEDULE B: Applications Determined by Other Authorities

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**Item No: 05**

Between 05/06/2020 and 02/07/2020

**Appn Ref No:**  
20/9003

**Applicant:**  
Cumbria County Council.

**Parish:**  
Rockcliffe

**Date of Receipt:**  
28/04/2020

**Agent:**  
Cumbria County Council -  
Economy & Planning

**Ward:**  
Longtown & the Border

**Location:**  
Rockcliffe C of E Primary School, Rockcliffe,  
Carlisle, CA6 4AA

**Grid Reference:**  
335944 561896

**Proposal:** Extension Of Hard Surfaced Playground

**Amendment:**

### REPORT

**Case Officer:** Suzanne Osborne

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 04/05/2020

**Decision of:** Cumbria County Council

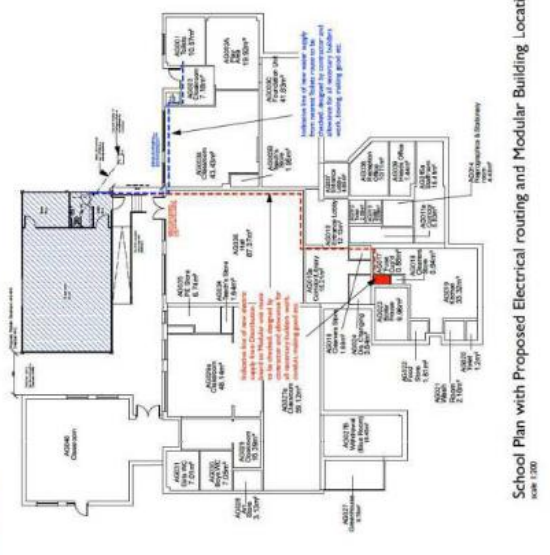
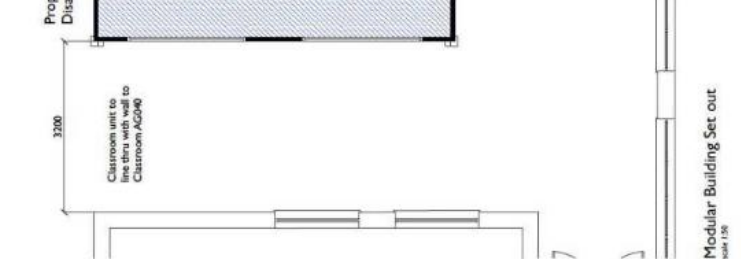
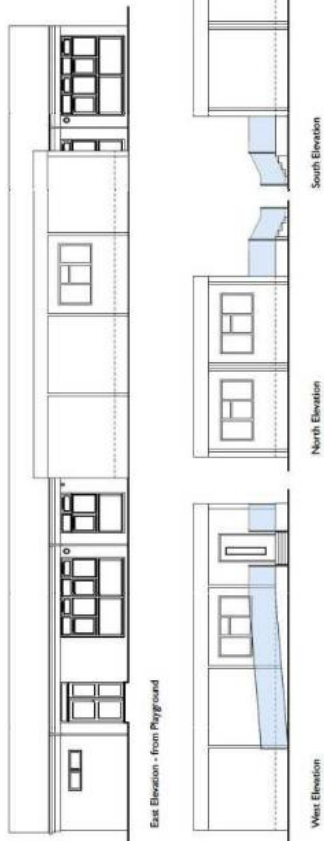
**Decision Type:** Grant Permission

**Date:** 09/06/2020

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

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1	11/10/20	Planning and Section Issue	YES
2		Comments:	21

### Cumbria County Council



**DAY CUMMINGS LIMITED**

Architects & Surveyors  
 100-102, The Quadrant  
 Colnebrook, Cumbria, CA15 1QT  
 Tel: 01100 830700  
 Fax: 01100 830701  
 email: [info@day-cummings.co.uk](mailto:info@day-cummings.co.uk)  
[www.day-cummings.co.uk](http://www.day-cummings.co.uk)

SEN Adaptations to Roadside School	
Project Name	
Modular Building and Playground Layouts	
Drawn	MDL
Scale	1:500, 200, 100, 50
Date	26/04/20
ALL INFORMATION IS PROVIDED AS A GUIDE ONLY AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES WITHOUT THE WRITTEN PERMISSION OF DAY CUMMINGS	
Drawn By	003
Check By	
Issue No	5225/07
Issue Date	003
Issue By	PI

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

**Notice of Planning Permission**

To: Cumbria County Council  
Parkhouse Building  
Kingmoor Business Park  
Carlisle  
CA6 4SJ

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 28 April 2020.

**viz: Extension of Hard Surfaced Playground**

**Rockcliffe CE Primary School, Rockcliffe, Carlisle, CA6 4AA**

Subject to due compliance with the following conditions:

**Time Limit for Implementation of Permission**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**Approved Scheme**

2. The development hereby permitted shall be carried out in accordance with the following:
  - a. The submitted Application Form – dated 21 April 2020;
  - b. Planning Statement;
  - c. Drawing No. 003 – Rev. P1 – Modular Building and Playground Layouts
  - d. Email of 20 May 2020 13:10 from the Agent (Day Cummins) re Construction Phase and Playing field Restoration;
  - e. Email of 21 May 2020 09:24 from the Agent (Day Cummins) re Construction Compound Scenarios;

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

### Construction Phase

3. Construction works shall be undertaken in accordance with the methodology specified in the Email of 20 May 2020 13:10 from the Agent unless otherwise agreed in writing with the local planning authority. After the completion of construction works, any disturbed elements of the playing field shall be reinstated in line with the details set out within the Planning Statement and the Emails of 20 May 2020 13:10 and 21 May 2020 09:24 from the Agent.

*Reason: To ensure the undertaking of the development does not adversely impact the condition of the undeveloped playing field.*

Dated 9 June 2020

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

### NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
- The policies and reasons for the approval of this application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/20/9003>
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.

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### 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.

# Report to Development Control Committee

Agenda  
Item:  
**A.2**

Meeting Date: 17<sup>th</sup> July 2020  
Portfolio: Economy, Enterprise and Housing  
Key Decision: No  
Within Policy and Budget Framework: No  
Public / Private: Public

Title: UPDATE ON CHANGES TO PLANNING LEGISLATION (TO DEAL WITH RELEASE FROM COVID-19 LOCKDOWN)  
Report of: Corporate Director of Economic Development  
Report Number: ED.27/20

## Purpose / Summary:

This report presents a summary of the changes coming into force to support local businesses as they adapt to ease the release of lockdown post Covid-19.

## Recommendations:

That Members note the contents of this report.

## Tracking

Executive:	N/A
Overview and Scrutiny:	N/A
Council:	N/A



## 1. CONSTRUCTION HOURS

- 1.1 At the 5th June 2020 meeting of this committee members received an enforcement report which included an overview of the changes to the planning system being implemented by the Government as the country comes out of the lockdown. The changes have been incremental as different sectors return however the government has now published more details.
- 1.2 This first of the intended changes was to construction hours on building sites to enable social distancing measures to be introduced. This would require longer working hours to ensure that employees could operate at a safe distance. A Written Ministerial Statement (WMS) was made by the Secretary of State in a construction update on the 13<sup>th</sup> May 2020. A reminder of that WMS is set out below:
- 1.3 It stated that *“with immediate effect, local planning authorities should take a swift and positive approach to requests from developers and site operators for greater flexibility around construction site working hours. This is to ensure that, where appropriate, planning conditions are not a barrier to allowing developers the flexibility necessary to facilitate the safe operation of construction sites”*
- 1.4 It goes on to state: *“Where only a short term or modest increase to working hours is required, local planning authorities should, having regard to the reason for the condition and to their legal obligations, not seek to undertake enforcement action.”*
- 1.5 In clarifying that position *“Requests to extend working hours should be proportionate and should not involve working on Sundays or bank holidays. However, local authorities should not refuse requests to extend working hours until 9pm, Monday to Saturday without very compelling reasons for rejection. In some cases, such as in areas without residential properties, extending working hours beyond this, including allowing 24-hour working where appropriate, may be justified. In all cases, sympathetic site management should be demonstrated to mitigate local impacts and local authorities should show best endeavours to facilitate such requests.”*
- 1.6 The Government has now provided more details and on the 25<sup>th</sup> June 2020 published draft guidance. This has currently been incorporated into the Business and Planning Bill which is currently working its way through Parliamentary procedures towards becoming an Act. It has passed through the House of Commons and at the time of writing this report and this committee meeting it will be progressing through the House of Lords.

- 1.7 The key messages in relation to construction hours include the method for applying through a formal application however no consultation or publicity for the application is required. The application should be determined within 14 calendar days. There is also no fee for this type of application.
- 1.8 If an application is approved, this will temporarily amend planning restrictions on construction working hours until 1 April 2021, unless another earlier date has been requested by the applicant or decided upon by the local planning authority, with the agreement of the applicant.
- 1.9 If the local planning authority does not determine the application within 14 days (excluding public holidays), the revised working hours are deemed to have been consented to and construction can take place in accordance with these new hours. However, the authority may wish to propose minor changes to the proposed hours. Any such changes will need to have been agreed in writing by the applicant.
- 1.10 Applicants will need to provide details of:
- the planning permission to which the application relates
  - the existing agreed construction working hours
  - details to identify the condition or approved document such as construction management plan which details the working hours
  - the proposed revised construction working hours
  - the date the revised construction working hours should take effect
  - the date on which the application is sent
  - the date on which the revised construction working hours should cease to have effect (no later than 1st April 2021)
- 1.11 To aid swift decision making, applicants should also provide:
- a short justification on why extended hours are necessary to enable safe working practices on site
  - details of their mitigation plan as set out below.
- 1.12 Note that applications can only be made online.
- 1.13 The onus is not all on the local planning authority and applicants are encouraged to provide details of mitigation plans setting out how they propose to liaise with neighbours and manage and mitigate any effects to local residents or businesses from working additional hours

- 1.14 There are limited circumstances under which an application may be refused. Careful consideration will need to be given to applications which are:
- made in relation to sites in proximity to businesses or community uses which are particularly sensitive to noise, dust and vibration – and particularly so where such uses are seeking to recover from the impacts of coronavirus and extended working hours could have a negative impact. Examples include hospitals, hospices, care homes, places of worship, broadcasting or recording studios, theatres and cinemas
  - made in relation to sites in close proximity to residential areas where the request for changing hours is likely to have a significant impact on health, taking into account the requirements of section 79 of Environmental Protection Act 1990 and the duty on local authorities to protect persons in the locality from the effects of noise under section 60(4)(d) Control of Pollution Act 1974
  - made in relation to EIA development or development which was subject to EIA screening, and where limitations were put in place to restrict the hours of construction either to reduce adverse impacts to a level which was acceptable, or where these formed the parameters of development against which harm was previously assessed (see question below)
  - made in relation to development which was subject to a Habitats Regulations Assessment and either screened out as not likely to have a significant effect on a habitats site, or subject to appropriate assessment and mitigation measures were put in in order to ensure that the development would not have an adverse effect on the integrity of a habitats site. (see question below)
  - for development adjacent to Sites of Special Scientific Interest and where mitigation measures were put in place to restrict the hours of construction.
- 1.15 Applicants may appeal refusal of permission to extend the hours but not if alternative hours are agreed.

## **2. PAVEMENT CAFES AND PUBLIC HOUSE OPERATIONS**

- 2.1 The Business and Planning Bill also contains measures for the operations of pavement cafes and public houses which are covered by licensing legislation as well as planning legislation.
- 2.2 In order to allow social distancing measures to be put in place these premises require additional seating space and are therefore turning to space immediately outside their premises. For many public houses this includes the use of beer gardens and parking areas and in the typical British weather there has been an increase in the use of Marquees. The legislation allows for extended periods for Marquees to be erected without the need for planning permission.



- 2.3 Where this includes seating or counters on the pavement this requires a licence however the Bill focuses on the need for a speedy licensing process and where a licence is granted under these temporary measures, planning permission will not be required, and the business is granted deemed consent.

### **3. FURTHER REFORMS**

- 3.1 On the 30<sup>th</sup> June the Prime Minister announced further reforms to the planning system to allow buildings and land to change use without planning permission.
- 3.2 Under the new rules, existing commercial properties, including newly vacant shops, can be converted into residential housing more easily, in a move to kick start the construction industry and speed up rebuilding. The changes include:
- More types of commercial premises having total flexibility to be repurposed through reform of the Use Classes Order. A building used for retail, for instance, would be able to be permanently used as a café or office without requiring a planning application and local authority approval including newly vacant shops. Pubs, libraries, village shops and other types of uses essential to the lifeblood of communities will not be covered by these flexibilities.
  - A wider range of commercial buildings will be allowed to change to residential use without the need for a planning application.
  - Builders will no longer need a normal planning application to demolish and rebuild vacant and redundant residential and commercial buildings if they are rebuilt as homes.
  - Property owners will be able to build additional space above their properties via a fast track approval process, subject to neighbour consultation. This process has been introduced for larger home extensions and is known as a Prior Approval system which requires a lighter touch than a full planning application.
- 3.3 It is the Government's intention that these changes, which are planned to come into effect by September through changes to the law, will both support the high street revival by allowing empty commercial properties to be quickly repurposed and reduce the pressure to build on green field land by making brownfield development easier. The Government intends that developers will still need to adhere to high standards and regulations, just without what it considers to be the unnecessary red tape.

### **4. Future Changes to the Planning System**

- 4.1 On the 30<sup>th</sup> June 2020 the Prime Minister made further announcements including what he considers to be the most radical reforms to our planning system since the

Second World War, making it easier to build better homes where people want to live.

- 4.2 As well as covering the measures outlined in Section 3 of this report, the Prime Minister also announced that work will begin to look at how land owned by the government and public sector can be managed more effectively and released so it can be put to better use. This would include home building, improving the environment, contributing to net zero goals and injecting growth opportunities into communities across the country.
- 4.3 The Government will also launch a planning Policy Paper in July setting out its plan for comprehensive reform of England's seven-decade old planning system, to introduce a new approach that works better for our modern economy and society. At the time of writing this report this paper is awaited and whilst most of the reforms may be for the Policy system of Local Plans it will have direct consequences for the Development Management and planning application/permission process. Members will be updated when more information is available.

## **5. RECOMMENDATION**

That Members note the contents of this report.

## **6. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES – not applicable**

**Contact Officer:** Chris Hardman

**Ext:** 7502

**Appendices** None  
**attached to report:**

**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

### **CORPORATE IMPLICATIONS:**

**LEGAL – included within the report**

**PROPERTY SERVICES – n/a**

**FINANCE – n/a**

**EQUALITY – n/a**

**INFORMATION GOVERNANCE – n/a**