

AGENDA

Development Control Committee

Friday, 30 April 2021 AT 10:00

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

Item Title

Session 1

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 - 14

To note that Council, at its meeting of 27 April 2021, received and adopted the minutes of the Development Control Committee meetings held on 17 February (site visits) and 19 February 2021. The Chair will sign the minutes at the first practicable opportunity.
[Copy minutes in Minute Book 47(6)].

To approve the minutes of the meetings held on 26 March and 28 April 2021 (site visit).

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

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

<u>Explanatory Notes</u>	15 - 20
<u>Item 01 - 21/0038 - Land to the rear of Hallcroft, Monkhill, Carlisle, CA5 6DB</u>	21 - 40
<u>Item 02 - 20/0834 - Rose Cottage, Uppertown, Kirklington, Carlisle, CA6 6BD</u>	41 - 60
<u>Item 03 - 21/0095 - Roseville Terrace, Edward Street, Carlisle</u>	61 - 72
<u>Item 04 - 21/0182 - Land to the west of The Glebe, Rectory Road, Castle Carrock, Brampton, CA8 9LZ</u>	73 - 92
<u>Item 05 - 21/0677 - Carwinley Mill House, Carwinley, Longtown, Carlisle, CA6 5PE</u>	93 - 120

<u>Item 06 - 21/0076 - 17 Maltmill House, Bridge Lane, Caldewgate, Carlisle, CA2 5SR</u>	121 - 136
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Item Title

Session 2

<u>Item 07 - 20/0477 - Land to the north east of, Windsor Way (Tarraby View), Carlisle</u>	137 - 164
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A.2 <u>TPO 310 LAND WEST OF TANGLEWOOD, CUMWHINTON</u>	165 - 182
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The Corporate Director of Economic Development to submit a report that considers the confirmation of Tree Preservation Order 301 - Land West of Tanglewood, Cumwhinton, in light of representations received to the making of the Order.
(Copy report ED.14/21 herewith).

A.3 <u>TPO 311 LAND NORTH OF TANGLEWOOD, CUMWHINTON</u>	183 - 194
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The Corporate Director of Economic Development to submit a report that considers the confirmation of Tree Preservation Order 311 - Land North of Tanglewood, Cumwhinton, in light of representations received to the making of the Order.
(Copy report ED.15/21 herewith)

PART B

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

B.1 QUARTERLY REPORT ON PLANNING ENFORCEMENT

- Information relating to any individual;

Members of the Development Control Committee

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

Labour – Alcroft, Birks, Mrs Glendinning (Vice Chair), Miss Whalen, Patrick (sub), Dr Tickner (sub)

Independent - Tinnion (Chair), Paton (sub)

Item Title

Enquiries, requests for reports, background papers etc to:

Jacqui Issatt, Committee Clerk - jacqui.issatt@carlisle.gov.uk

To register a Right to Speak at the meeting please contact :
DCRTS@carlisle.gov.uk

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 26 MARCH 2021 AT 10.00 AM

PRESENT: Councillor Tinnion (Chair), Councillors Alcroft, Birks, Christian, Finlayson, Meller, Morton, Nedved, Shepherd and Whalen.

ALSO

PRESENT: Councillor Allison (Ward Member) (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 20/0695 – Sundown Cottage, Burgh by Sands, Carlisle, CA5 6AX.

OFFICERS: Corporate Director of Economic Development
Development Manager
Legal Services Manager
Principal Planning Officer
Planning Officer x 3

DC.025/21 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Glendinning.

DC.026/21 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 21/0072 – 53/53a Scotland Road, Carlisle, CA3 9HT. The interest related to the applicant being known to her. Councillor Whalen indicated that she would not take part in the discussion nor determination of the application.

Councillor Christian declared an interest in respect of application 21/0079 – Land adjacent to The Lodge, Bitts Park, Dacre Road, Carlisle, CA3 8UZ. The interest related to predetermination through participation in discussions and decision making relating to the site, in his capacity as a member of the Council's Executive.

DC.027/21 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.028/21 MINUTES OF PREVIOUS MEETINGS

RESOLVED 1) - That it be noted that Council at its meeting of 2 March 2021 received and adopted the minutes of the meetings held on 2 December (site visits) 2020, 4 December 2020, 6 January (site visits) 2021 and 8 January 2021.

2) That the minutes of the meetings held on 19 February and 24 March (site visits) 2021 be approved.

DC.029/21 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.030/21 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 Temporary Hub of container units interlinked to provide low key food and drink outlets, Land adjacent to The Lodge, Bitts Park, Dacre Road, Carlisle, CA3 8UZ (Application 21/0079).

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

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: site plan; site massing and layout plan; general floor plan and elevations; artists impression plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

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:

- The development would not preclude the future development of The Lodge and would provide a test bed for a variety of business types and indicate possible areas of use for The Lodge in the future;
- A Manager would be based at the site and would have responsibility for ensuring the area within and around the scheme remained tidy.

Following concerns expressed by Members, the Principal Planning Officer undertook to liaise with the applicant regarding pedestrian access signage and street lighting provision.

In response to concerns from a Member that the artwork added to the external elevations of the units be appropriate to the setting of Carlisle Castle, the Corporate Director of Economic Development suggested that a condition be added to the permission delegating authority to herself to approve the artwork. The Committee indicated its agreement.

A Member moved the Officer's recommendations along with the imposition of an additional condition requiring the artwork added to the external elevations of the units be approved by the Corporate Director of Economic Development; and, that the Principal Planning Officer undertook to liaise with the applicant regarding pedestrian access signage and street lighting provision. The proposal was seconded and following voting it was:

RESOLVED: 1) That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes, along with the

imposition of an additional condition requiring the artwork added to the external elevations of the units be approved by the Corporate Director of Economic Development.

2) That the Principal Planning Officer undertook to liaise with the applicant regarding pedestrian access signage and street lighting provision.

2. Erection of detached annex, Sundown, Burgh by Sands, Carlisle, CA5 6AX (Application 20/0695)

The Planning Officer submitted the report on the application which had been the subject of a virtual site visit by the Committee on 24 March 2021. Slides were displayed on screen showing: site plan; existing block plan; proposed block plan; proposed floor and roof plans; elevation plans; and, photographs of the site, an explanation of which was provided for the benefit of Members.

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

Councillor Allison (Ward Member) addressed the Committee in the following terms: the proposed development of the site had morphed over time, with an initial proposal being for a garage to the scheme now before the Committee; the site plan included on page 46 of the Main Schedule did not show the extension/sun lounge of the adjacent property which the proposed annex would face; the applicant would be able to erect a two metre fence along the boundary with the adjacent property without the need for planning permission which would effectively make the scheme a back land development; the application form stated that the proposed annex was "... almost exclusively for family use..." that statement was ambiguous and may allow for the annex to be used as a holiday let thus setting a precedent for future development; the conditions in the permissions may not be enforceable in the event of the sale of the site.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- In comparison to the previously approved garage's ridge height was one metre higher, the eaves would be 0.7 metre larger and the overall footprint was 9.68 metres larger, however, the ground level would be reduced by 0.5 metres;
- Condition 3 in the permission stipulated that occupation of the annex would be by relatives or dependants of Sundown and that no part of it may be sold off, let or otherwise disposed of. The condition was enforceable and were the Local Planning Authority notified of a breach investigation and enforcement processed would be undertaken;
- The proposed annex exceeded the minimum separation distances from the adjacent dwelling, set out in the Council Achieving Well Designed Housing Supplementary Planning Document;
- The proposed annex may slightly reduce the amount of sunlight received at the adjacent property, however the matter was not sufficient basis to refuse the application;
- In relation to the existing outbuilding at the site the Planning Officer confirmed that within a Conservation Area, an outbuilding of 115 sqm may be removed without requiring Planning Permission;
- Were the current application be approved it would supersede the earlier permission for the construction of a garage at the site;
- The application did not include provision of solar panels on the roof;
- The proposed flue would be sited on the eastern side of the annex facing the garden. The Council's Environmental Health Team had not raised any concerns in relation to the

application, the installation of the flue would have to be compliant with the relevant regulations.

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

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

3. Proposed rear extension to provide annexe accommodation comprising living room & W.C. on ground floor with 2no. bedrooms & 1no. bathroom above (Revised Application), Rose Cottage, Uppertown, Kirklington, Carlisle, CA6 6BD (Application 20/0834)

The Planning Officer submitted the report on the application which had been the subject of a virtual site visit by the Committee on 24 March 2021. Slides were displayed on screen showing: site location plan; proposed block plan; existing ground floor plan; existing elevation plan; proposed floor plans; previously approved elevation plans; revised proposed elevation plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be refused for the reasons set out in the report.

Ms Waugh (Applicant) addressed the Committee in the following terms: the proposed rear extension with a traditional pitched roof, amounting to 25% of the footprint of the existing dwelling was not over-dominant; the Officer's suggestion of a truncated ridge was out of keeping with the form of the existing dwelling nor the character of the area; the modern material used in a flat roof construction had the potential to cause significant technical issues when attempting to fix it to the existing roof, such a design would also limit space for ventilation and insulation and was less able to withstand extreme rain events; the proposed design was in-keeping with the form and design of the existing dwelling and would create a formed transition from the original roof to the extension and remain in harmony with the adjacent buildings; the proposed extension was neither prominent nor overbearing and its location in the lower corner of the garden effectively made it infill development; it would not be visible from the frontage of the property and the visual impact on surrounding buildings would be limited due to the existing landscaping; the report described the adjacent property as single storey when it was a one and a half storey building; no objections to the application had been submitted; other properties in the area had extensions with roofs higher than the main dwelling, an example being a property which overlooked the application site, it was essential that decision making was consistent and fair; the Officer's recommendation was subjective and unreasonable.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- There had been no objections submitted in relation to the application;
- The proposed extension would not be subservient as it would be taller than the existing dwelling;
- The examples given by the Applicant of other development in the hamlet were assessed under Local Plan policy H0 2 – Windfall Housing Development, as they were either a new dwelling or an application to increase the size of an existing dwelling, the current application was assessed against policy HO 8 – House Extensions.

A Member commented that in viewing the application he saw no issue other than the matter of subservience, he did not consider that sufficient grounds to refuse the application. Accordingly, he moved that the application be approved, the proposal was seconded.

With reference to the existing and proposed elevation plans, a Member stated the drawings were confusing as they seemed to include a structure that was not part of the application.

Another Member commented that the issue of subservience was a matter of interpretation and requested guidance on how that matter was to be weighed against other planning considerations.

The Development Manager responded that subservience was the principal issue of concern in the Officer's assessment of the application in the context of Local Plan policy HO 8. The application site was a single storey cottage positioned on a corner and the proposal was to create a one and a half to two storey extension to the rear that would create a natural conflict greater than if it were in another location. Members needed to consider the specific elements of the site and the proposal which would have the greatest visual impact at the side elevation rather than the front.

The applicant had emphasised the issue of the use of a traditional roof structure within the hamlet, as per their proposed form. The issue of subservience was clearly set out in the report which was to be weighed against the matter of the use of a traditional structure. The Development Manager advised Members that they needed to consider the balance of those two issues and to which they gave greater weight in determining the application.

A Member moved the Officer's recommendation, the proposal was seconded.

A Member commented that he did not feel he had sufficient information to determine the application, particularly given the detail provided in the elevation plans.

The Corporate Director of Economic Development expressed concern that Members may not feel they had enough detail relating to the proposal to determine the application. She suggested that Members consider deferring the application in order for additional information and images to be provided to understand the potential impact of the proposal in its setting/context.

The Member welcomed the suggestion. The proposals to approve and refuse the application were withdrawn.

A Member proposed that the application be deferred in order for additional information and images to be provided to understand the potential impact of the proposal in its setting/context, and that a further report on the application be submitted to a future meeting of the Committee. The proposal was seconded and, following voting it was:

RESOLVED: That determination of the application be deferred in order for additional information and images to be provided to understand the potential impact of the proposal in its setting/context.

4. Variation of Condition 8 (opening Times) of previously approved permission 19/0630 (Change of Use from A1 (Retail) to A5 (Hot Food Takeaway); Installation of new shopfront and insertion of side window to extend afternoon opening time from 16.30 to 16.00, 53/53a Scotland Road, Carlisle, CA3 9HT (Application 21/0072).

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

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location plan and photographs of the site, an explanation of which was provided for the benefit of Members. The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The original application (19/0630) had specified a 16:30hrs opening time accordingly condition 8 of the permission had stipulated that time. The operator had been trading from 16:00hrs which was a breach of that condition, as was normal practice, the operator had been given the option of complying with the condition or to seek a variation, hence the current application before Members;
- A number of representations had been received in relation to issues such as parking, noise and odour all of which were out with the planning process. Those concerns had either been directed to the relevant service or the person raising an issue had been signposted to the appropriate team.

A number of Members expressed concerns that the breach of the condition and the current application may lead to further extension of the opening hours.

The Planning Officer responded that an application for an earlier opening time e.g. 15:30hrs would, as with all applications, be assessed on its merits, Members were required to consider the proposal before them.

A Member commented that it was important that applicants adhered to all conditions stipulated in a planning permission, given the recent breach he felt it was important that rigorous policing of the premise be undertaken in order to ensure compliance.

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

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

5. Erection of two storey side extension to provide office and kitchen/diner on ground floor with 3no. bedrooms (1no. ensuite) above (Part Retrospective), 1 Langdale Avenue, Carlisle, CA2 5QG (Application 21/0048).

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location plan; proposed block plan; proposed elevation plans; proposed floor plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

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

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

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

6. Erection of rear extension and internal alteration to form 7no. flats; erection of mews block to rear to provide 2no. dwellings with associated parking, 104 London Road, Carlisle, CA1 2PE (Application 20/0693).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location plans; existing site plan; existing floor plans; existing elevation plans; proposed block plan; proposed floor plans; proposed elevation plans; 3D drawing of proposed development, and photographs of the site, an explanation of which was provided for the benefit of Members.

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

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The Highway Authority's initial response to the application had been to recommend refusal on the following grounds –
 - Surface Water Drainage – it had subsequently confirmed that condition 4 of the permission which required the submission of details of system to be installed be approved by the Local Planning Authority prior to commencement of the development was satisfactory;
 - On site turning facilities – this matter related to the issue of refuse collection vehicle. The Highway Authority was of the view that vehicles would not be able to enter the site. Under the site's previous lawful use as a public house, refuse collections had taken place by a private operator, the proposed scheme would not prevent such collections being carried out where the application to be approved;
 - Off street parking / effect on local traffic conditions and public safety / impact on sustainable travel – Those concerns were connected to the Highway Authority's position that 15 car parking spaces should be provided at the site rather than 11; The Planning Officer's view was that each dwelling within the development would be provided with its own car parking space with the additional spaces for visitor parking, a cycle rack was also to be provided at the site enabling future occupiers to choose differing modes of transport;
Existing parking restrictions on the highway network in the vicinity of the site meant that approving the scheme would not cause traffic to be displaced.
The site was located within walking distance of the city centre / Botcherby South and their associated services, and was served by existing bus routes;
In assessing the application the Officer had considered the balance between the re-use of the building and highway safety impact, she judged that the benefits of the proposed scheme outweighed the impacts to highway safety. The balance of those issues was also a factor in Members determination of the application;

- If the applicant wished to provide additional parking for the scheme it was a matter for them to pursue with providers in the locality;
- The proposed scheme had also been subject of a Listed Building Consent (LBC) application which had been approved under Delegated Powers. The approval of LBC did not preclude the Committee's consideration of the current application, were any amendment required to the LBC a new application would be required to be submitted;
- The access would remain as existing and its form had been approved by the Highway Authority in 2017;
- An Environmental Noise Impact Assessment had not been submitted with the application. There were a number of operational businesses in the vicinity of the site and existing residential properties, no noise complaints had been received. Were the scheme to be approved, the dwellings would need to comply with the relevant Building Control Standards in relation to insulation which would mitigate noise impact.

A Member requested that provision of ducting for electric vehicle charging points in the car park area be included in the permission. The Planning Officer undertook to impose a condition in the permission.

A Member moved the Officer's recommendations along with the imposition of an additional condition requiring the provision of ducting for electric vehicle charging points in the car park area. The proposal was seconded and following voting it was:

RESOLVED: That applications be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes along with the imposition of an additional condition requiring the provision of ducting for electric vehicle charging points in the car park area.

7. Remediation works to prepare site for future development, Caldew Riverside (Lower Viaduct) Remediation Works, Carlisle (Application 21/0049).

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location plan and photographs of the site, an explanation of which was provided for the benefit of Members.

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.

A Member noted that the report did not set out the number of excavation vehicle movements from the site nor the operation times of the site.

The Principal Planning Officer explained that the extent of the remediation work required at the site would not be known until initial investigation works had been completed, as such the number of excavation vehicle movements was not currently known. The site had formerly operated as a car park, therefore the Highway Authority had not, in its response to the application expressed concerns regarding the number of vehicle movements.

The Corporate Director of Economic Development suggested that the Committee consider delegating authority to herself to implement a Traffic Management Plan for the site in conjunction with the Highway Authority. The Member indicated his agreement.

In terms of the hours of operation of the site, a condition restricting those was able to be imposed on the permission, however, the Principal Planning Officer noted that there were no residential properties in the vicinity of the site who would be impacted by the works in terms of noise.

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

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

2) That, when the extent of the remediation works required was known, the Corporate Director of Economic Development, in conjunction with the Highway Authority, implement a Traffic Management Plan for the site.

SCHEDULE B

The Development Manager submitted the report which detailed other planning decisions taken within the district.

RESOLVED – That the report be noted.

DC.031/21 COMMITTEE COMMENTS

A Member wished to place on record the Committee's exceptional thanks to the Officers from the Development Management and Democratic Services teams who had taken part in the delivery of the Committee's virtual meetings which in his view had been excellent and he was extremely proud of all those involved.

The Chair endorsed the Member's comments and further thanked the Committee members for their participation in and conduct at the virtual meetings.

[The meeting closed at 12:37pm]

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

30th April 2021

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

20/0834 - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

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

planning issue when formulating their decision or observations on a proposal.

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

This Schedule of Applications contains reports produced by the Department up to the 19/04/2021 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 30/04/2021.

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.	21/0038 A	Land to the rear of Hallcroft, Monkhill, Carlisle, CA5 6DB	RJM
02.	20/0834 A	Rose Cottage, Uppertown, Kirklington, Carlisle, CA6 6BD	LT
03.	21/0095 A	Roseville Terrace, Edward Street, Carlisle	BP
04.	21/0182 A	Land to the west of The Glebe, Rectory Road, Castle Carrock, Brampton, CA8 9LZ	SD
05.	20/0677 A	Carwinley Mill House, Carwinley, Longtown, Carlisle, CA6 5PE	JHH
06.	21/0076 A	17 Maltmill House, Bridge Lane, Caldewgate, Carlisle, CA2 5SR	RJM
07.	20/0477 A	Land to the north east of, Windsor Way (Tarraby View), Carlisle	CH

SCHEDULE A

Applications to be
determined by the
City Council.

SCHEDULE A

SCHEDULE A: Applications with Recommendation

21/0038

Item No: 01

Date of Committee: 30/04/2021

Appn Ref No:
21/0038

Applicant:
East Brownrigg Ltd

Parish:
Beaumont

Agent:
Concept Architectural
Design Ltd

Ward:
Dalston & Burgh

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

Proposal: Erection Of 7no. Dwellings (Reserved Matters Application Pursuant To Outline Permission 18/0994)

Date of Receipt:
24/02/2021

Statutory Expiry Date
21/04/2021

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of Residential Development Is Acceptable
- 2.2 Whether The Scale, Design Is Acceptable
- 2.3 The Impact Of The Development On Hadrian's Wall Buffer Zone
- 2.4 The Impact Of The Development On The Character And Setting Of The Grade II Listed Buildings
- 2.5 The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties
- 2.6 Highway And Access Issues
- 2.7 Foul and Surface Water Drainage
- 2.8 Impact Of The Proposal On Biodiversity

3. Application Details

The Site

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

Background

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

The Proposal

- 3.5 The current application seeks reserved matters approval for the erection of seven dwellings on the site following the grant of outline planning permission. All other matters remain subject to the planning conditions attached to the outline planning permission and the matters under consideration as part of this application are limited to the layout, scale, appearance, access and landscaping.
- 3.6 The submitted layout plan shows the development utilising the existing access into the site. A central access road would be constructed centrally through the site which would serve the properties. The development would comprise of four two storey detached houses with double integral garages along the northern boundary; adjacent to the southern boundary would be a single storey bungalow; and adjacent to the eastern boundary would be a further two detached two storey houses with double integral garages.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 43 of residential properties. In response, ten letters of objection have been received and the main issues raised are summarised as follow:
1. the site lies within a world heritage site and a scheduled monument any new development, other than on established farmsteads or previously developed land is not permitted. The case and need for housing to be built on such a site has not been established by the local authority;

2. the proposed site access off Monkhill Road is inadequate for the size of the proposed development. The local authority needs to advise how this site access hazard will be overcome as part of the development. The noise and vehicle movement impact on the two neighbouring properties, Hall Croft and Gracelands will be severely detrimental to the value of both properties. The increased vehicle movements will be both hazardous and affect the adjoining property owner's quiet enjoyment;
3. the site lies at the highest point in Monkhill village and will be clearly seen from the surrounding area. This is further compounded, with the proposal to build 6 houses out of the 7 plots development;
4. an archaeological survey of the proposed site is absent together with a proposed site level drawing;
5. there is an absence of any safe guards in terms of construction methodology, disruption mitigation measures and timescale for the construction of the development;
6. there is no demand for additional housing in Monkhill and the site does not form part of the local plan;
7. Two storey houses are not in keeping with the character of the area;
8. the development will result in construction over septic tanks and other infrastructure on the land;
9. the development could affect water pressure, wildlife, privacy and noise.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following response has been received;

Local Highways Authority

The lengthy site history is noted with previous applications 06/1035, 13/0728, 15/0284 and 18/0994. The details submitted are unchanged from the previous, therefore all previous recommendations remain.

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

Lead Local Flood Authority (LLFA)

The (LLFA) has no records of minor surface water flooding to the site and the Environment Agency surface water maps do not indicate that the site is in an area of risk. The Planning Statement states surface water to soakaway and foul to package treatment.

Conclusion

The previous recommendations remain unchanged;

Cumbria Wildlife Trust: - no response received;

Local Environment - Environmental Protection: - no response received;

Historic England - North West Office: - no comment;

Local Environment, Waste Services: - no objection;

Natural England: - no objection;

Beaumont Parish Council: - the parish council supported the residents' objections.

A road traffic accident occurred as a vehicle was turning out of the junction.

Data has been obtained by the speed indicator device sited in Monkhill opposite the Drivers Rest over three months last summer. Over this period, 118399 vehicles travelled through Monkhill from the Carlisle direction and 686 were travelling at more than 50 mph and two at more than 70 mph. The Parish Council believe that this is a very dangerous junction. The visibility for exiting from this junction is simply not adequate for family-sized vehicles pulling out onto the main road and despite repeated requests for assistance by the Parish Council it has not proved possible for the traffic to be slowed.

On 27th November 2020 a vehicle pulled out of the lane scraped the fence and knocked over the lamp post.

Large vehicles regularly enter and exit the lane. A potential 14 extra vehicles using this junction every morning and evening will make the situation worse.

The wall belonging to the house at the corner has been damaged three times by vehicles trying to turn into the lane.

The situation regarding the access for maintenance of pipes and septic tanks belonging to the houses adjacent to the proposed development has not been resolved. There are currently 4 septic tanks with associated pipework in the field and two of the owners of properties that will be affected by this development have clearly said that they do not want to be part of a shared sewage treatment system which serves 11 houses. Despite the fact that the presence of underground infrastructure would not normally be a barrier to a site being built upon, we believe that this is not a "normal" situation. The Parish Council understand that a developer, Monkhill Developments Ltd, now has a financial interest in the property, nevertheless the existing right of access to the land still applies and is mentioned in the Title to the property.

The right of unimpeded access for 80 years to the septic tank and associated pipework granted to occupiers of neighbouring properties and their successors by the previous owners (and their successors in title to this land) in April 2004 has not been shown to be encompassed within this proposal. The drainage pipes from the septic tank run across the entire field. Although an "access corridor" to the septic tank has been suggested, the Parish Council does not see how 7 properties can be built on this site without

impinging on this right of access to both the septic tank and its associated inlet and outlet pipes.

Historically damage has been caused to the pipework caused by plant driven across the field. The sheer weight of any construction plant is likely to damage the pipework and any tarmac surface will make access to the pipework for future repair or replacement both expensive and disruptive for potential owners of new houses.

Although the parish council understand that exercise of this Deed of Grant may be a civil matter, and would need to be enforced by a court of law, the Parish Council cannot support a proposal which clearly transgresses parishioner's legal rights;

United Utilities: - 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 Development Plan for the purposes of the determination of this application comprise Policies SP1, SP2, SP6, HO2, IP2, IP3, IP4, IP6, CC5, CM5, HE1, HE3, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 are of particular relevance. The City Council's Supplementary Planning Document 'Achieving Well Designed Housing' (SPD) is also a material planning consideration. The proposal raises the following planning issues.

1. Whether The Principle Of Residential Development Is Acceptable

- 6.3 The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.4 Outline planning permission was granted for development of this site for housing. Members will note the objections received in respect of this application, many of which refer to the principle of development being unacceptable and that the junction with the Carlisle to Burgh-by-Sands road is unsuitable for additional vehicles.
- 6.5 Members are reminded that the outline planning permission remains extant. This application seeks to address the reserved matters comprising of the layout, scale, appearance, access and landscaping. As such, the application must be considered in accordance with these matters alone and the issues raised are discussed in the following paragraphs.

2. Whether The Scale And Design Is Acceptable

- 6.6 Paragraphs 124 to 132 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 127 outlines that:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 6.7 It is further appropriate to be mindful of the requirements in paragraph 130 of the NPPF which states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

- 6.8 Policy SP6 of the local plan requires that development proposals demonstrate a good standard of sustainable design that responds to local context taking account of established street patterns, making use of appropriate materials and detailing, and reinforcing local architectural features to promote and respect local character and distinctiveness. Specific to householder proposals, Policy HO8 of the local plan requires that extensions and alterations be designed to relate to and complement the existing building in

scale, design, form and materials which maintain the established character and pattern of the street scene resulting in a positive addition.

- 6.9 In addition to the planning policies, development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The SPD provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking. Any subsequent scheme would have to be mindful and have regard to the distances outlined in the SPD i. e. 12 metres between primary windows and blank gables and 21 metres between primary windows.

- 6.10 The City Council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:

"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (para. 5. 44) While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances. " (para. 5. 45)

- 6.11 The development would be set within the site to the rear of existing buildings and would not, therefore, occupy a prominent location within the village. The properties themselves would be of modern appearance but there is an eclectic mix of house styles in the village ranging from historic buildings through to modern, new- built properties. The buildings proposed as part of this application would therefore not be uncharacteristic of other properties in the locality.
- 6.12 The development achieves adequate amenity space within around the properties and the development as a whole with appropriate car parking provision. The scheme would be compliant with the requirements of the SPD and as such, the scale, design and impact on the character and appearance of the area would be appropriate.

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

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

- 6.14 On the basis of the details submitted, Historic England has not raised any objection.

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

- 6.15 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

Impact Of The Proposal On The Character And Setting of the Grade II Listed Buildings

- 6.16 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.17 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.18 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.19 The Drovers Rest Inn and The Old Mill are both Grade II listed buildings and are located approximately 70 metres to the north and 20 metres to the west respectively.
- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.20 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA). The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings

evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

- 6.21 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 194). However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.22 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.23 The development would be separated from the listed buildings by other non-listed intervening buildings and given the physical relationship, would not be read in the same context. As such, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

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

- 6.24 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusive.
- 6.25 Earlier in this report, reference is made to the SPD which is again relevant in consideration of this issue. Furthermore, criterion 7 of Policy SP6 of the local plan requires that proposals ensure that there is no adverse effect on residential amenity or result in unacceptable conditions for future users and occupiers of the development.
- 6.26 The buildings would be arranged around the central access road with the rear elevations facing the neighbouring properties. The rear of the properties along the northern boundary would be compliant with the minimum distances in the SPD. The outline planning permission remain subject to a condition requiring the agreement of finished floor levels which would also have to demonstrate that the building are constructed to a suitable height in relation to the neighbouring properties.
- 6.27 Given the orientation of the application site with adjacent properties, it is not considered that the living conditions of the occupiers of the remaining properties would suffer from losses in privacy or daylight and sunlight or

unacceptable levels of noise or disturbance due to the siting, scale and design of the property the development would not be over-dominant that merit the refusal of permission.

- 6.28 On this basis, the development would not conflict either the local plan policies or the council's SPD which requires a minimum distance of 21 metres between primary facing windows.

6. Highway And Access Issues

- 6.29 The site is served by an existing vehicular access. Cumbria County Council, as the Highway Authority has raised no objection to the application which is subject to the previous highway conditions which requires the access to be constructed and drained to the appropriate standard; an area reserved for the parking of vehicles engaged in the construction process; and provisions of appropriate visibility splays.
- 6.30 This is a reserved matters application following the grant of outline planning permission to which the Highway Authority raised no objection. In light of the previous Highway Authority's comments, together with fact that the access is existing, it would be unreasonable to refuse the application on this basis.

7. Foul and Surface Water Drainage

- 6.31 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. These matters are subject to conditions relating to the outline application and will therefore be considered as part of a separate application.
- 6.32 Some of the objections received make reference to septic tank and infrastructure that is under the site and crosses the land and that development of the site would impede further access and maintenance contrary to already established way leaves and legal judgements.
- 6.33 The outline application was subject to condition 16 which states:
- “Any subsequent application for Reserved Matters shall take account of existing underground infrastructure on the site and the layout shall take account of such to avoid inhibiting future access for maintenance and repair by the relevant entitled party.”*
- 6.34 The layout plans shows an access corridor for the occupiers of Gracelands and Bush Bank to service the septic tanks. In terms of additional infrastructure which crosses the site, the applicant has confirmed that he is aware of the potential for these services. He has stated that legal searches undertaken through his solicitor confirm that there is a drainage corridor which crosses the site and he has further clarified that the development has taken account of this. Notwithstanding this, any requirement to comply with an existing way leave or legal judgement would be a civil matter.

8. Impact Of The Proposal On Biodiversity

- 6.35 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, cc.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.36 The City Council's GIS layer did identify the potential for protected species to be present on the site or within the immediate vicinity. Given that the proposal involves a small piece of agricultural land, adjacent to existing buildings, it is unlikely that the proposal would affect any species identified; however, an informative should be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

Conclusion

- 6.37 In overall terms, the principle of residential development has been established through the grant of the outline planning permission which remains extant. This application purely relates to the reserved matters which comprise the layout, scale, appearance, access and landscaping.
- 6.38 The scale and design would be appropriate to the site and would not result in an adverse impact on the wider character or appearance of the area. Similarly, the development would be acceptable in terms of the Hadrian's Wall World Heritage Site Buffer Zone.
- 6.39 The submitted plans take account of the highway issues and the living conditions of the occupiers of the neighbouring properties would not be prejudiced. The setting of any listed building would not be affected.
- 6.40 The development remains subject to 15 other planning conditions which seeks to further control the development, for example, through appropriate construction hours, highway detail, use of appropriate materials, finished floor levels, foul and surface water drainage etc.
- 6.41 In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

7. Planning History

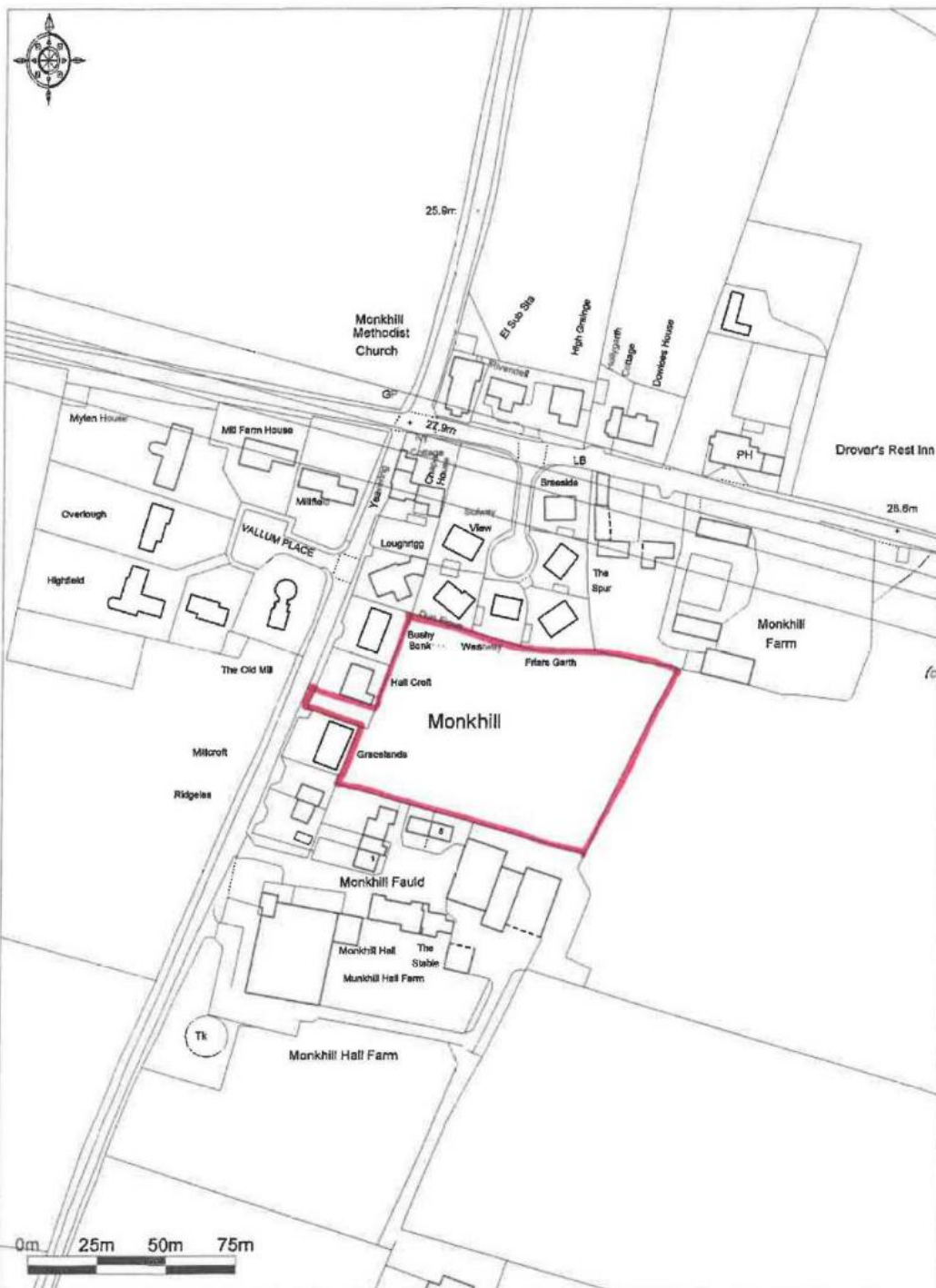
- 7.1 An application for outline planning permission was submitted in 2006 for the erection of 12 dwellings but was withdrawn prior to determination.

- 7.2 Outline planning permission was granted in 2014 for the erection of 7 dwellings, including 2 affordable units and the change of use of agricultural land to domestic garden to serve the property known as 'Hallcroft'.
- 7.3 In 2019, outline planning permission was granted for the erection of 7no. dwellings (outline/renewal of previously approved permission 15/0284).

8. Recommendation: Grant Permission

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 1 and 2 attached to the outline planning consent to develop the site granted under reference 18/0994.
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the Planning Application Form received 18th January 2021;
 2. the Site Location Plan received 18th January 2021;
 3. the Site Layout Plan received 2nd March 2021 (Drawing no. CA-272-06);
 4. the Plot 1 & 2 (Plot 2 Handed) received 18th January 2021 (Drawing no. CA-272-01 Rev A);
 5. the Plot 3 received 18th January 2021 (Drawing no. CA-272-02 Rev A);
 6. the Plot 4 & 6 (Plot 6 Handed) received 18th January 2021 (Drawing no. CA-272-03 Rev A);
 7. the Plot 5 received 18th January 2021 (Drawing no. CA-272-04 Rev A);
 8. the Plot 7 received 18th January 2021 (Drawing no. CA-272-05 Rev A);
 9. the Notice of Decision;
 10. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.





TEL: 818.641.1113 EMAIL: conceptdesign@concept.com

PROJECT
 PROPOSED DEVELOPMENT AT
 WOODHILL
 CARLSLE

Drawing Title
 SITE LAYOUT PLAN

Client
 W. LEWIS

Drawing No.
 CA-272-06

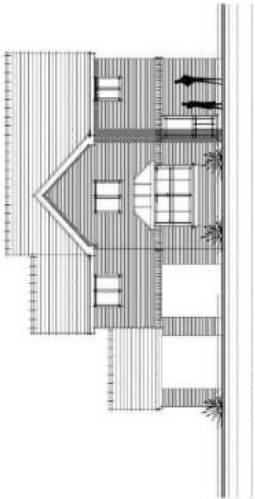
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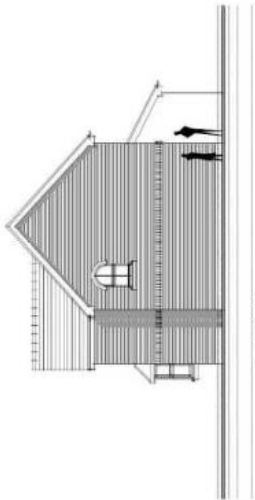
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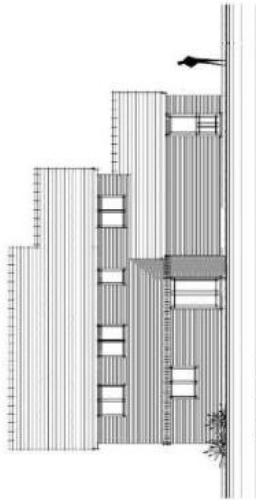
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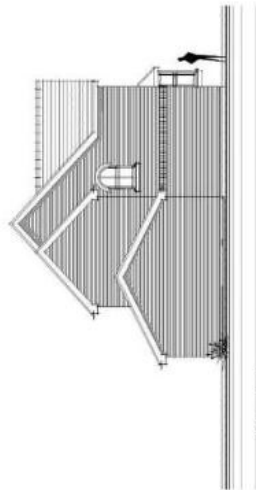
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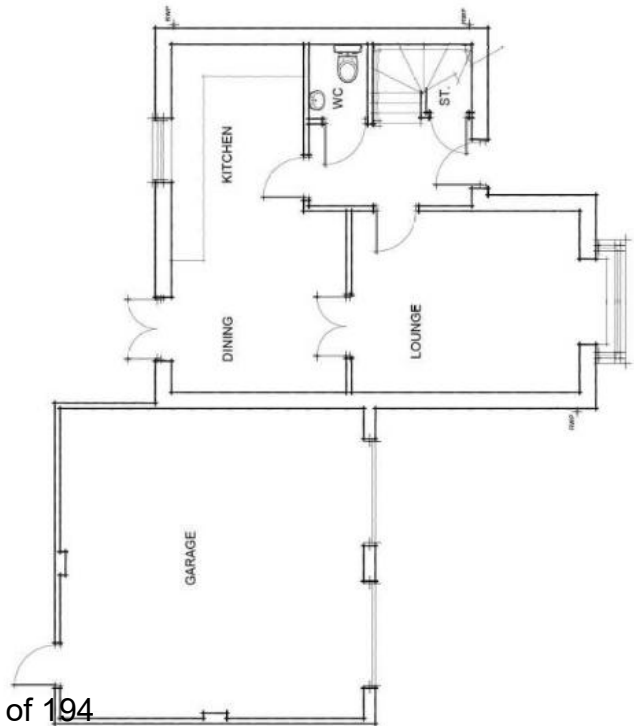
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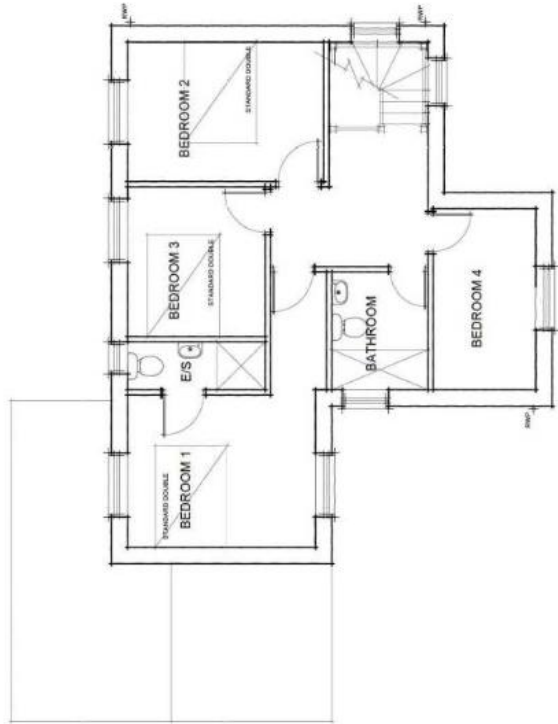
REAR
ELEVATION



SIDE
ELEVATION



GROUND FLOOR



FIRST FLOOR



PROPOSED DEVELOPMENT AT
MOSKILL
CARLSLE

Plot 1 & 2 (Plot 2 Handed)

Client
W. LEWIS

Drawing No.
CA-272-01

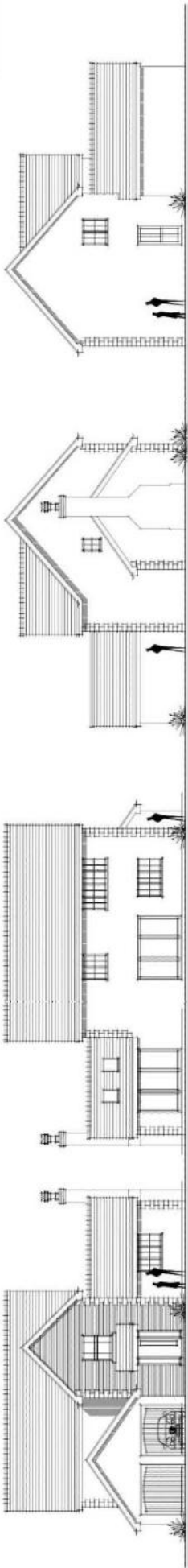
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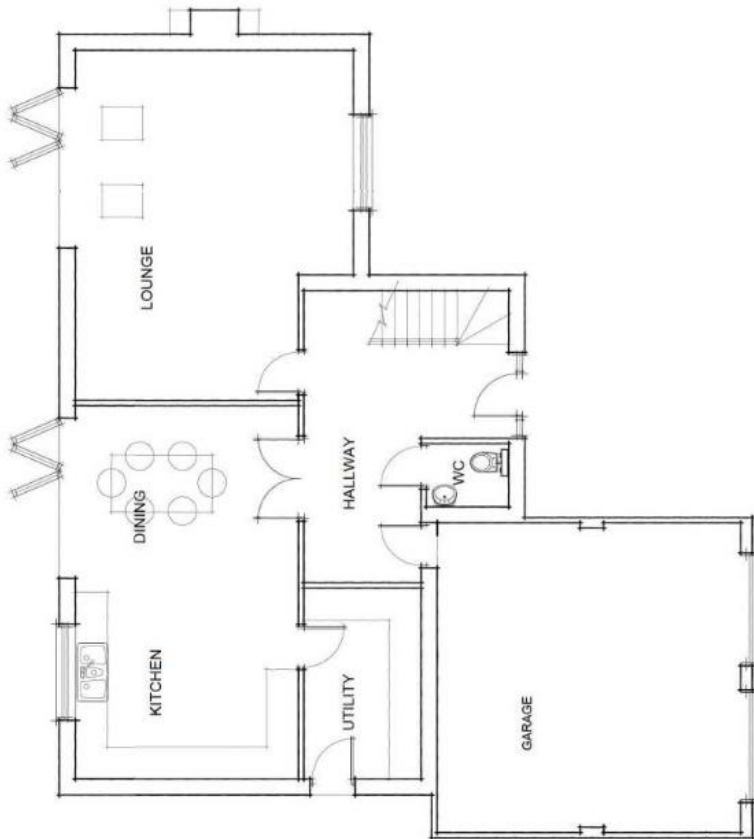
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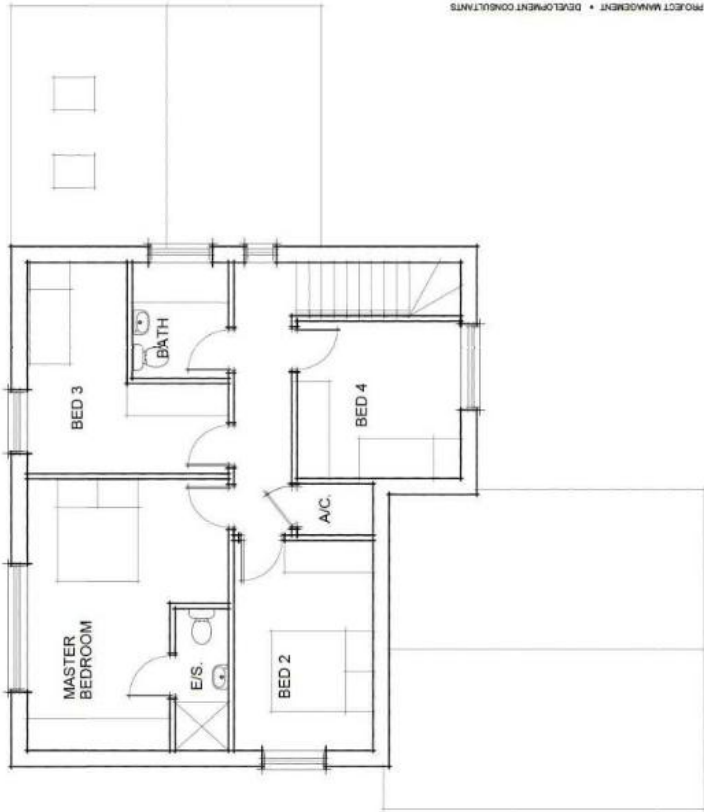
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FRONT ELEVATION REAR ELEVATION SIDE ELEVATION SIDE ELEVATION SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR

TEL: 01204 431513
EMAIL: conceptdesign@btconnect.com

Project
PROPOSED DEVELOPMENT A1
MONKHILL
CARLISLE

Drawing Title
PLOT 3

Client
W. LEWIS

Drawing No.
CA-272-02

Scale
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Revision
A

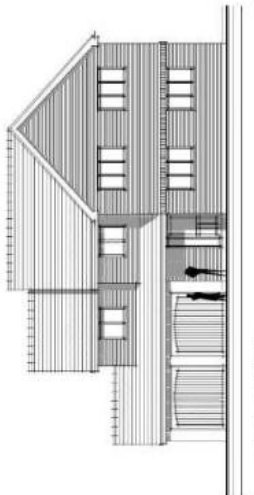
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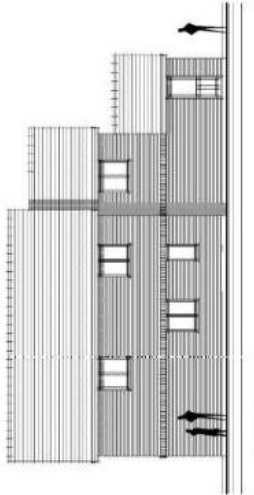
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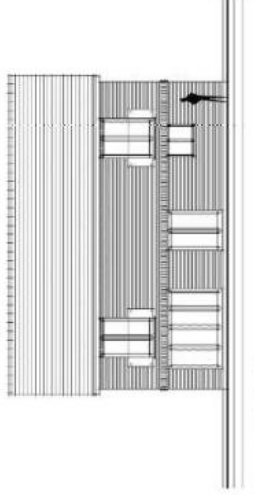
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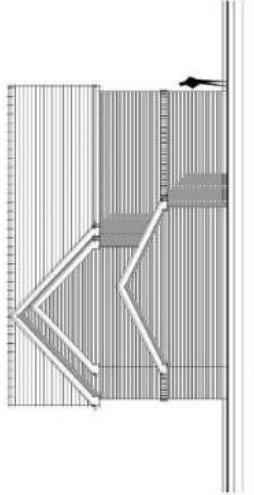
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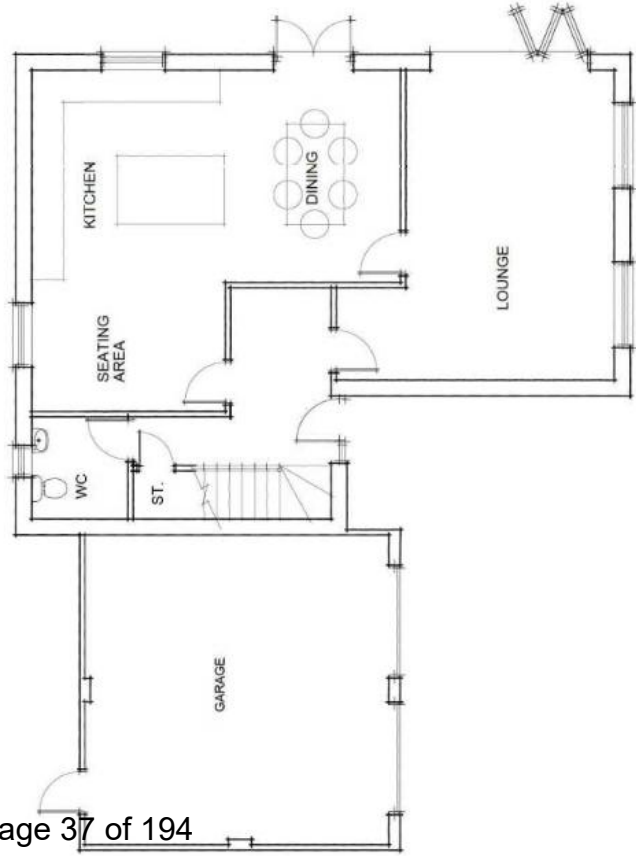
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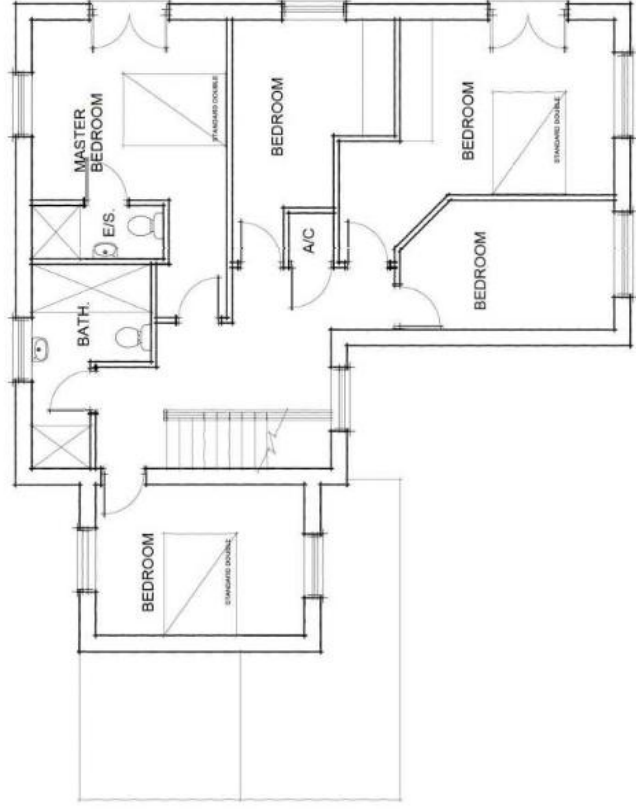
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SIDE
ELEVATION



GROUND FLOOR



FIRST FLOOR



PROPOSED DEVELOPMENT AT
MONKSHILL
CARLISLE

Plot 4 & 6 (Plot 6 Handed)

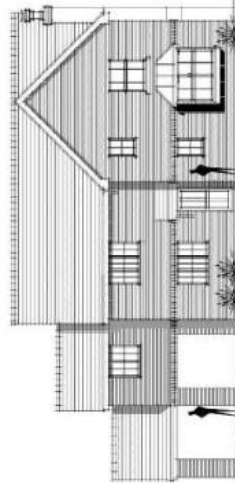
W. LEWIS

CA-272-03

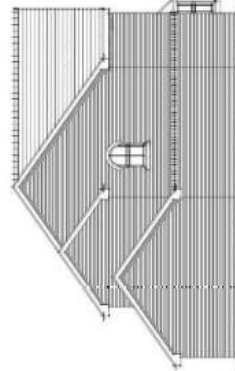
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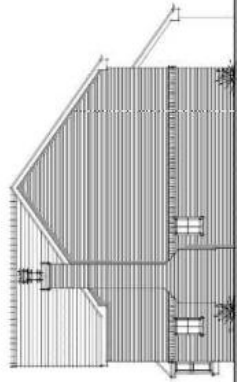
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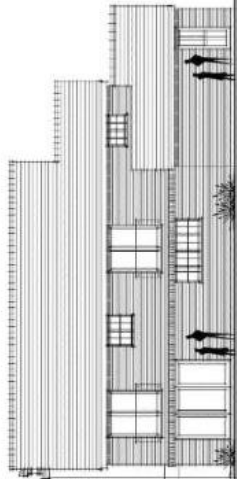
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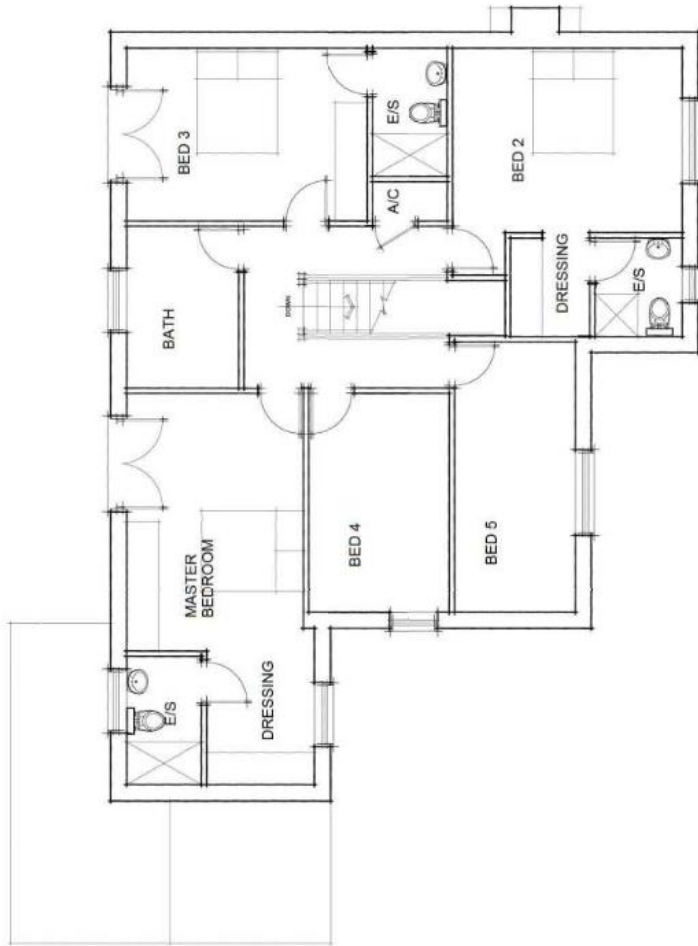
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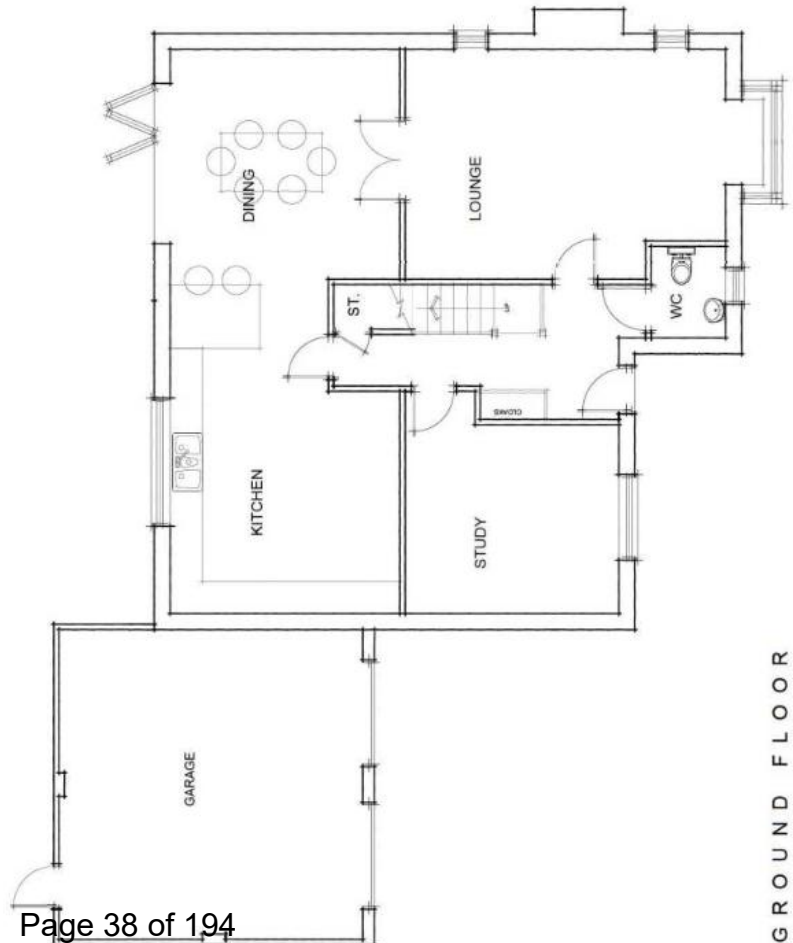
SIDE ELEVATION



REAR ELEVATION



FIRST FLOOR



GROUND FLOOR

TEL: 01384 470113
EMAIL: concept.design@outlook.com

PROJECT:
PROPOSED DEVELOPMENT AT
MONKHILL
CARLISLE

DRAWING TITLE:
PLOT 5

CLIENT:
W. LEWIS

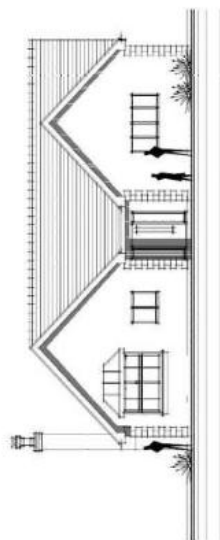
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CA-272-04

REVISION:
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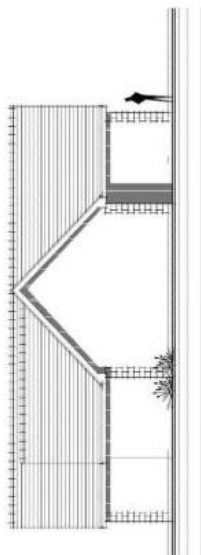
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AUG'20

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SG

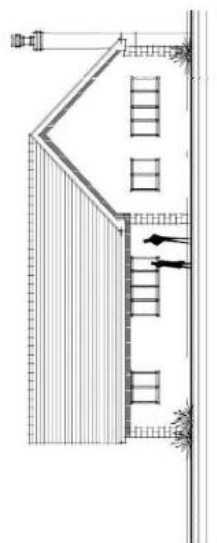
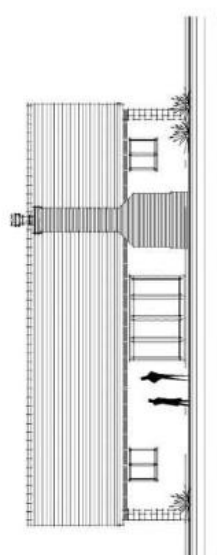
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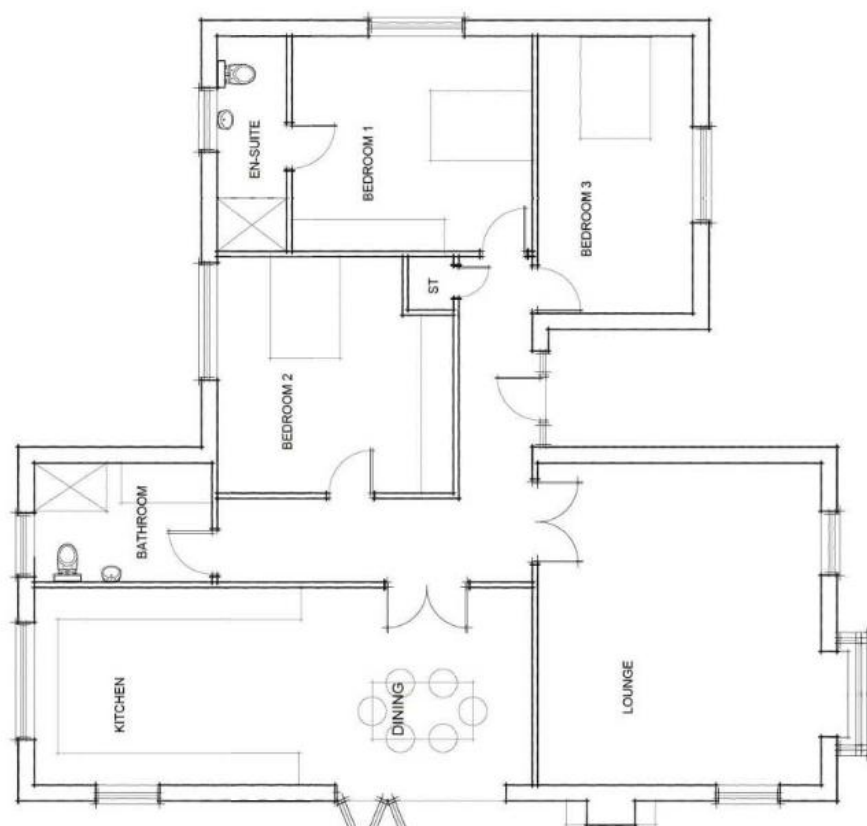
FRONT
ELEVATION



SIDE EVALUATION

SIDE
ELEVATION

RELEVATION



FLOOR PLAN

SCHEDULE A: Applications with Recommendation

20/0834

Item No: 02

Date of Committee: 30/04/2021

Appn Ref No:
20/0834

Applicant:
Mr & Mrs JG & A Waugh

Parish:
Hethersgill

Agent:
G R Stephen

Ward:
Longtown & the Border

Location: Rose Cottage, Uppertown, Kirklington, Carlisle, CA6 6BD

Proposal: Proposed Rear Extension To Provide Annexe Accommodation
Comprising Living Room & W.C. On Ground Floor With 2no. Bedrooms
& 1no. Bathroom Above (Revised Application)

Date of Receipt:
03/12/2020

Statutory Expiry Date
28/01/2021

26 Week Determination
11/02/2021

REPORT

Case Officer: Leigh Thompson

REPORT UPDATE

Members deferred this application at the Development Control Committee on the Friday 26th March 2021 and resolved that the application be deferred in order for additional information and images to be provided to understand the potential impact of the proposal in its setting/context. Since consideration of the item the applicant has submitted amended proposed elevations. The four amended plans (North, East, South and Western elevations) have been submitted in colour and now show the proposals at Rose Cottage with the property to the north, Uppertown Farm, removed from the background so that the plans allow for a more focussed view of the proposals without the confusion of background buildings. This was a point which members had previously suggested would be useful for them in order to allow the proposals to be viewed more clearly within the context of the original Cottage.

Members will be presented with additional images of the site and its surroundings at the meeting.

The application is recommended for refusal.

ORIGINAL REPORT OF 26 MARCH 2021 FOLLOWS:

1. Recommendation

1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents;
- 2.2 Whether The Proposal Is Appropriate To The Dwelling And Impact Upon The Existing Street Scene;
- 2.3 Highway Impacts;
- 2.4 Impact Upon Biodiversity; and
- 2.5 Other Matters.

3. Application Details

The Site

- 3.1 The application relates to Rose Cottage, a single storey detached property located within Uppertown. The dwelling constructed from a mix of sandstone and brick, a pitched slate roof, a mix of brown and white UPVC windows and doors.
- 3.2 The dwelling is located within a small cluster of properties made up of a mix of two and 1.5 storey detached, and single storey semi detached properties. Rose Cottage is situated at a T junction, with Uppertown Farm and its associated outbuildings to the north, and 1 Uppertown Cottages to the east, as its immediate neighbours. A small cluster of properties comprising of Bramley Dene, Bramley Cottage, Bramley Mews and Uppertown Court lie on the opposite side of the road to the south of the application site.

Background

- 3.3 In 2020 Planning Permission was granted for the erection of a two Storey Rear Extension To Provide Annexe Accommodation Comprising of Living Room & W.C. On Ground Floor With 2no. Bedrooms & 1no. Bathroom Above (Reference No.20/0374). The submitted plans illustrated two existing rear single storey flat roof extensions, of which the southernmost was to be left as is.
- 3.4 The submitted plans for application 20/0374 showed that the proposed extension was to project 7.5m in length by 5.9m in depth from the original rear elevation of the cottage and would be constructed from render and slate to match the original roof of the Cottage.

The Proposal

- 3.5 The application seeks full planning permission for a Two Storey Rear Extension To Provide Annexe Accommodation Comprising of Living Room & W.C. On Ground Floor With 2no. Bedrooms & 1no. Bathroom Above (Revised Application). The submitted plans illustrate that the proposed extension will be constructed from render and materials to match the existing dwelling. The extension will include no windows upon the northern elevations

apart from one rooflight to serve the proposed landing. The main elevation would be orientated to the south, facing into the rear garden of the application site.

- 3.6 Members should be aware that when the original application was first submitted (Reference No.20/0374) the application sought approval for the extensions ridge height to be higher than that of the original Cottage. Permission was granted following amendments to reduce the initial ridge height so that it was in line with the original cottage. This revised application now seeks approval for the previously refused ridge height.

4. Summary of Representations

- 4.1 This application has been advertised by means of notification letters sent to six neighbouring properties. During the consultation period there have been no representations made.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): -
No objections;
Hethersgill Parish Council: - No representations.

6. Officer's Report

Assessment

- 6.1 Section 70 (2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP6, HO8 & GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. The 'Achieving Well Designed Housing' Supplementary Planning Document, adopted by the Council, and the Dalston Parish Neighbourhood Plan 2015-2030 are also material planning considerations.
- 6.3 The proposals raise the following planning issues:
- 1. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**
- 6.4 Rose Cottage is a corner plot situated at a T junction, with a small garden area adjacent to the road surrounding the western front and southern side elevations. The western, and a portion of the southern, boundary treatment comprises of a low stone wall. Uppertown Farm lies to the north of the site with its associated outbuildings immediately adjacent to the sites northern

boundary. No.1 Uppertown Cottages lie to the east, separated by the applicants large rear garden which contains a large southern facing garage and associated outbuildings. A small cluster of properties comprising of Bramley Dene, Bramley Cottage, Bramley Mews and Uppertown Court lie to the south of the application site. The rest of the boundary treatment along the southern edge of the application site comprises of a relatively low hedgerow which leaves the rear of the site completely exposed and in full view from the aforementioned properties to the south of the site. Overall, there is a variety of surrounding properties which include two storey, 1.5 storey and single storey detached and semi-detached properties.

- 6.5 The proposed extension would be situated upon the eastern rear elevation of the existing dwelling. All proposed windows and doors would be situated upon the southern facing elevation, bar one rooflight which would be located upon the northern facing roof slope to serve the proposed landing. A total of three dormer windows would be inserted upon the southern facing roof slope to serve the proposed 2no. bedrooms and 1no. bathroom. The proposed dormers would meet the required distances set out within the Council's Supplementary Planning Document, 'Achieving Well Designed Housing', in order to respect privacy between neighbouring properties. Upon the southern ground floor elevation of the extension, a relocated entrance door and patio doors would serve the proposed lounge. There would be no windows or doors upon the eastern side elevation.
- 6.6 Given the position of the proposed rear extension in relation to neighbouring residential properties, the proposals will not have a detrimental impact on the living conditions of adjoining occupiers on the basis of loss of light, overlooking or over dominance.

2. Whether The Proposal Is Appropriate To The Dwelling

- 6.7 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF confirms that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. It goes on to confirm that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The NPPF also indicates that planning decisions should not attempt to impose architectural styles or particular tastes. It is however proper to promote or reinforce local distinctiveness.
- 6.8 The relevant design policies of the CDLP seek to ensure that proposals respond to the local context in terms of height, scale and massing and by using appropriate materials and detailing. Local landscape character should be respected and development should be fully integrated into its

surroundings.

- 6.9 Policy HO8 of the CDLP which refers to household extensions also seeks to ensure that the design of an extension should respond to the characteristics of the specific site as well as the distinctiveness of the wider setting. Policy HO8 specifically states that house extensions/alterations should be designed to: 1) relate to and complement the existing building in scale, design, form and materials; 2) be visually subservient to the main building; 3) ensure there is no loss of amenity to surrounding properties by overlooking, overbearing nature of the proposal, or increase in on street car parking caused by the loss of an existing garage or off street parking space; 4) ensure adequate natural light within the building, garden or other outdoor amenity space; 5) maintain the established character/pattern of the street scene and be a positive addition; and, 6) retain gaps between buildings where they are characteristic of the area and contribute to the street scene.
- 6.10 The Achieving Well Designed Housing SPD also echoes the requirements of Policy HO8 of the CDLP by seeking to ensure that extensions are of an appropriate scale and do not dominate the original dwelling.
- 6.11 It is appreciated that planning permission has previously been granted under application reference 20/0347 for an identical scheme, comprising of a Rear Extension To Provide Annexe Accommodation Comprising Living Room & W.C. On Ground Floor With 2no. Bedrooms & 1no. Bathroom Above. However, the extension approved under application 20/0347 was considered to be a subservient addition to the existing dwelling as the extensions ridge height was in line, and would not over dominate the host dwelling.
- 6.12 Rose Cottage currently has two single storey, flat roof rear extensions which provide the occupants with a bathroom, kitchen and additional room. The proposals would extend the existing bathroom to come in line with the existing kitchen, and provide additional annexe accommodation which would include a lounge and WC upon the ground floor, and 2no. bedrooms and a bathroom upon the first floor. The proposals would measure 7.5m in length by 5.9m in depth.
- 6.13 The proposed materials of the extension would include a render finish with slate roof tiles to match that of the existing dwelling. Accordingly, the proposals would complement the existing dwelling in terms of design and materials to be used.
- 6.14 The proposals would be 1.5 storey high, comprising of a pitched roof which would extend above the original ridge height of the main dwelling. The proposed ridge height was previously refused within the original application (Reference No. 20/0347) and further amended to come in line with the existing ridge height of Rose Cottage in order to comply with relevant policies. The proposed ridge height within this revised application would create an extension that would not appear subservient to the main dwelling and would ultimately overdominate the existing Cottage. Therefore, the scale and height of the proposals are not comparable to the existing property as they would over dominate. The proposals would not be compliant with Policy HO8

(Criteria 2) of the Carlisle District Local Plan 2015-2030 which states that house extensions and alterations should 'be visually subservient to the main dwelling', alongside para 5.57 of the Council's 2011 Supplementary Planning Document 'Achieving Well Designed Housing' which states that 'extensions should be clearly subordinate to the original dwelling'.

- 6.15 In such circumstances the proposed extension will dominate the original cottage and would result in an obtrusive development that would be inappropriate to the character of the existing dwelling. With that, the visual and physical dominance of the extension would be overpowering, inappropriate and unacceptable. The proposals would therefore not appear subordinate and would therefore be contrary to the objectives of criterion 1 of Policy SP6 of the CDLP, criteria 1 and 2 of Policy HO8 of the CDLP together with the objectives of Carlisle City Council's Supplementary Planning Document 'Achieving Well Designed Housing'.

3. Impact Of The Proposal On Highway Safety

- 6.16 The proposals would be located within a large rear garden space of the property and would not result in a loss of garage or parking spaces. The Highway Authority has been consulted on the development and has raised no objections to the proposal. In such circumstances the development will not have an adverse impact upon highway safety.

4. Impact Of The Proposal On Biodiversity

- 6.17 The Council's GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. As the proposed development seeks permission to extend an existing dwelling with minimum disturbance to vegetation, it is unlikely that the development would harm a protected species or their habitat. It is suggested that if the application is approved an informative should be included within the Decision Notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

5. Other Matters

- 6.18 Within correspondence between the agent and case officer, the agent has cited two examples of applications recently approved that they believe to be of a similar nature to the proposals at Rose Cottage. These examples include application No.20/0662 - Demolition of existing house and erection of 1no. dwelling at The Cottage, Lees Hill, Brampton, CA8 2BB and application No.20/0208 - Conversion Of Garage, Workshop, Utility And Store To Form 3 Bedroomed Dwelling Including Raising Of Roof To Provide First Floor Accommodation at Midcroft, Burgh By Sands, Carlisle, CA5 6AX.
- 6.19 Application No.20/0662 was to demolish the existing property and the erection 1no. dwelling. Applications seeking to erect new dwellings would be assessed against the relevant housing policies such as policy HO2 with the Carlisle District Local Plan 2015-2030. The cited application No.20/0208, approved for

the conversion of an existing garage, workshop, utility and store to form 3 bedroomed dwelling, would also be assessed against policy HO2. The proposals at Rose Cottage seek to extend the original dwelling which would be assessed against policy HO8 which relates to house extensions, rather than policy HO2.

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

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

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

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

- 6.21 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need.

- 6.22 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

- 6.23 In overall terms, the proposed rear extension by virtue of its overall scale and relationship with the original dwelling would not appear subservient. The development is therefore contrary to the objectives of criterion 1 of Policy SP6 of the CDLP, criteria 1 and 2 of Policy HO8 of the CDLP, together with the objectives of Carlisle City Council's Supplementary Planning Document 'Achieving Well Designed Housing'.
- 6.24 There have been no highway or biodiversity issues are raised with the application.
- 6.25 It is therefore recommended that the application be refused.

7. Planning History

- 7.1 In 2020 planning permission was granted for Proposed Rear Extension To Provide Annexe Accommodation Comprising Living Room & W.C. On Ground Floor With 2no. Bedrooms & 1no. Bathroom Above (Reference No.20/0347).

8. Recommendation: Refuse Permission

1. **Reason:** The proposed extension would dominate the original cottage and would result in an obtrusive development that would be inappropriate to the character of the existing dwelling. With that, the visual and physical dominance of the extension would be overpowering, inappropriate and unacceptable. The proposals would therefore not appear subordinate and would therefore be contrary to the objectives of criterion 1 of Policy SP6 of the Carlisle District Local Plan 2015-2030, criteria 1 and 2 of Policy HO8 of the Carlisle District Local Plan 2015-2030 together with the objectives of Carlisle City Council's Supplementary Planning Document 'Achieving Well Designed Housing'.
-

VISUAL SCALE 1:100 @ A3

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Notes

Revision

No. Description Date

1. Initial design 27/11/2020

2. Revised design 27/11/2020

3. Revised design 27/11/2020

4. Revised design 27/11/2020

5. Revised design 27/11/2020

6. Revised design 27/11/2020

7. Revised design 27/11/2020

8. Revised design 27/11/2020

9. Revised design 27/11/2020

10. Revised design 27/11/2020

Issue 03/12/2020 15:02:20

G.R. Stephen

Architectural and Construction Services

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George Stephen

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Job: 2020 013 Scale: A3 1:100

Date: Issue Date Revision: A

Drawing Title

Ground Floor

as Proposed

Client: Mr J G Waugh & Ms A Waugh

Project: Rose Cottage

Uppertown, Kirklington

CARLISLE, CAG 6BD

Drawn By: George

Version: Planning

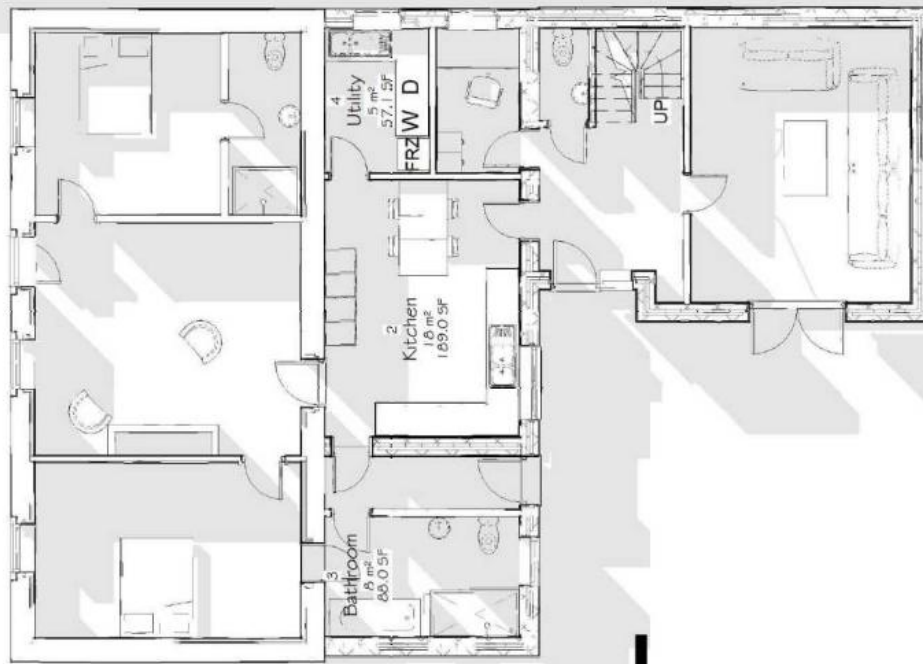
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Neighbouring property

Neighbouring property

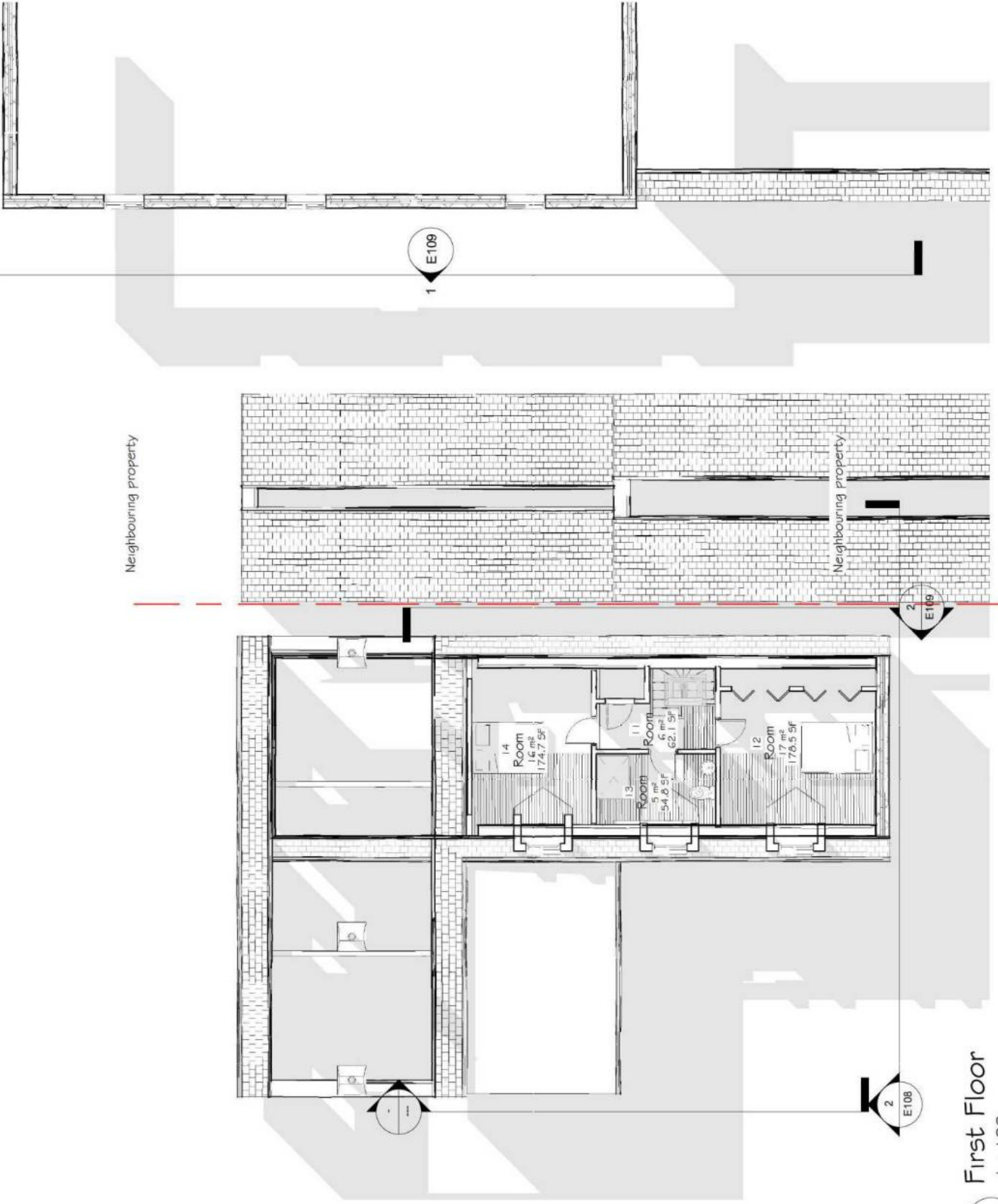
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VISUAL SCALE 1:100 @ A3



Ground Floor

1:100



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Notes

Revision	No.	Description	Date
A	1	First Floor amendments as client comment	27/11/2020

Issue 03/12/2020 15:00:31

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Job: 2020 013 Scale: A3 1:100
Date: Issue Date Revision: A

Drawing Title
First Floor
as Proposed

Client: Mr J G Waugh & Ms A
Project: Waugh

Rose Cottage
Uppertown, Kirklington
CARLISLE, CA9 6BD

Drawn By: George
Version: Planning
Drawing no: E103 A

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Notes

Revision

No.	Description	Date
A	Revised amended further to planning other comments	20/07/2020
B	Further Roof amendments as client comment	27/11/2020

Issue

07/04/2021 09:41:19

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2020 013 Scale: A3 1:100

Date: Issue Date Revision: B

Drawing Title

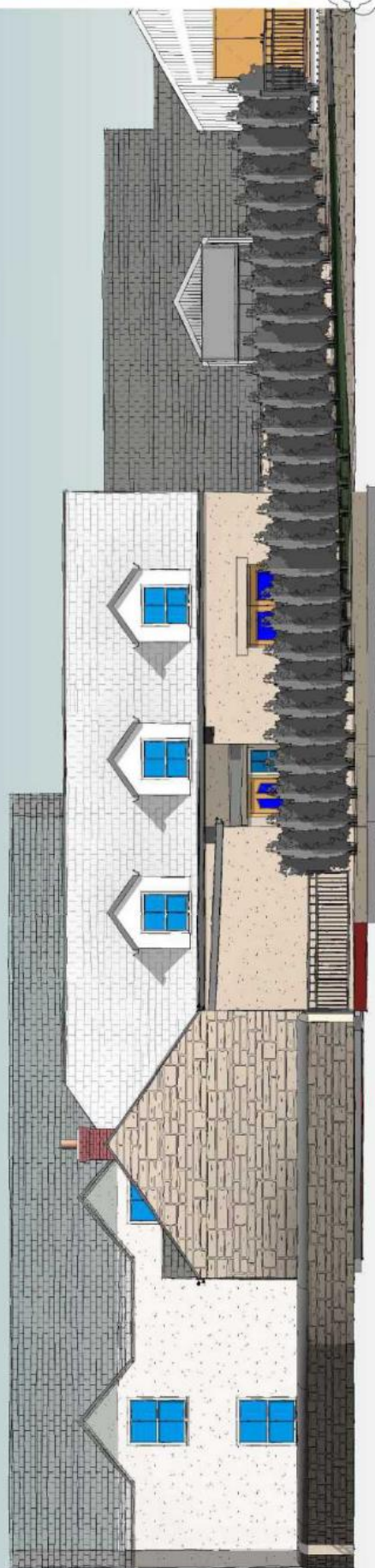
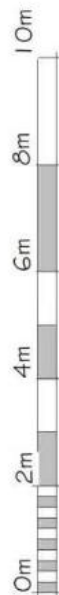
Elevations South
as Proposed

Client: Mr J G Waugh & Ms A
Project: Waugh

Rose Cottage
Uppertown, Kirklington
CARLISLE, CAG 6BD

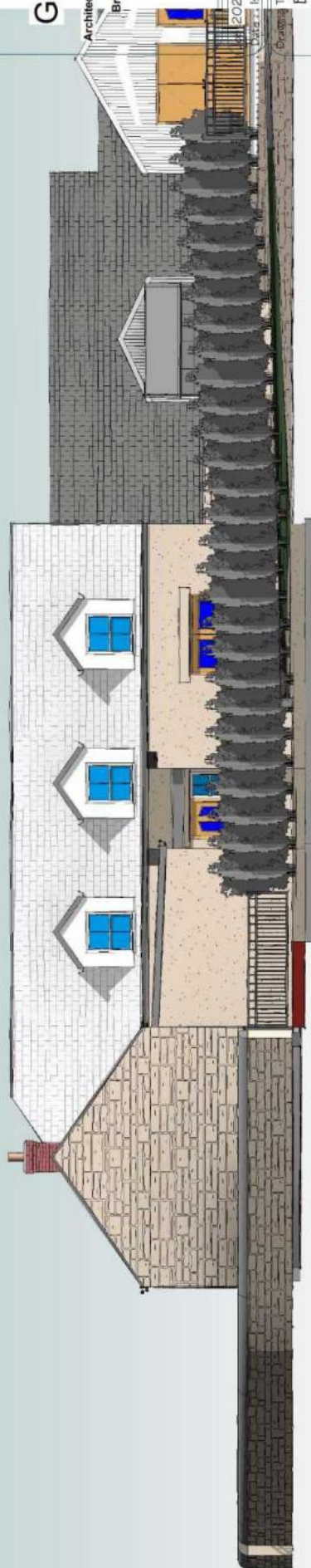
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Version: Planning

VISUAL SCALE 1:100 @ A3



2 South Side Elevation

1:100



1 South Side Elevation (Building behind removed)

1:100

SCHEDULE A: Applications with Recommendation

21/0095

Item No: 03

Date of Committee: 30/04/2021

Appn Ref No:
21/0095

Applicant:
Mr Stamper

Parish:
Carlisle

Agent:
CONCEPT

Ward:
Cathedral & Castle

Location: Roseville Terrace, Edward Street, Carlisle

Proposal: Erection Of 2no. Dwellings

Date of Receipt:
04/02/2021

Statutory Expiry Date
01/04/2021

26 Week Determination
03/05/2021

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Principle of development
- 2.2 Whether the scale and design of the dwellings is acceptable
- 2.3 Impact of the proposal on the living conditions of neighbouring residents
- 2.4 Proposed method for foul and surface water drainage
- 2.5 Impact of the proposal on highway safety
- 2.6 Impact of the proposal on biodiversity
- 2.7 Other matters

3. Application Details

The Site

- 3.1 The application site is located on the northern side of Edward Street in an area identified in the local plan as a 'Primary Residential Area'.
- 3.2 The Elim Free Church and numbers 1 and 2 Roseville Terrace are located to the north with Brook Street Primary School to the east.

Background

- 3.3 The application site was formerly occupied by two terraced properties known as numbers 3 and 4 Roseville Terrace. In September 2006, full planning permission was granted for the demolition of 2no structurally unstable terraced properties and the erection of 4no flats (revised proposal) (application reference 06/0910).
- 3.4 A subsequent revised planning application for the addition of roof windows in Flat 3 was approved in 2008 (application reference 08/0133). Available records indicate that the development has commenced by the demolition of the dwellings and the excavation of foundations.

The Proposal

- 3.5 The proposal seeks full planning permission for the erection of 2no. dwellings. The submitted drawings illustrate that the accommodation would comprise of a communal living/kitchen/dining area; hallway; and 1no. en-suite bedroom on the ground floor with 3no. ensuite bedrooms above. The paved areas to the front of the dwellings would be enclosed by a brick wall and railings. The rear external yard areas, enclosed by 1.8 metre high boundary walls, would also provide secure cycle and bin storage.
- 3.6 The proposed dwellings would adjoin number 2 Roseville Terrace and have the same ridge line. The proposed front elevations would be finished in facing brickwork with the rear and side elevation finished in render. The roofs would be natural slates.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of twenty-one neighbouring properties and the posting of a site notice. In response, one representation of support has been received.
- 4.2 The representation identifies the following issues:
1. broadly support any development which will improve the environment of local residents. The Local Authority have previously looked to support the school in the purchase and development of this land, which did not proceed, and so other good use of this site is to be supported;
 2. proposal is for student accommodation, aware that the University of Cumbria is close to Edward Street and that there is a general need for student accommodation. However, would ask whether the council have assessed which there is the greater need for, family accommodation or student accommodation?
 3. potential of significant impact of noise and disturbance for the resident immediately adjacent to the development and recommend the imposition

of a construction hours condition;

4. proposed site is immediately adjacent to a School and request that a condition is imposed to ensure that construction workers are mindful of their conduct during construction

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - note the site history with previous 06/0623, 06/0910 and 08/0133. The Highway Authority have to look at this as a fresh application, no parking provisions have been provided and the Highway Authority would expect for 4 bedroom property 2 spaces, therefore, 4 in total. The details submitted do not meet the Highway Authority's current requirement. The U148 has Traffic Regulation Order in place with disc parking only, if the application were to be approved the applicant should be made aware no more residents permits will be issued;

Northern Gas Networks: - no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact Northern Gas Networks directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable;

United Utilities: - no objections subject to the imposition of two conditions. The conditions to seek to ensure the submission of a surface water drainage scheme and that foul and surface water are drained on separate systems.

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, HO2, HO3, IP3, IP4, IP6, CC4, CC5 and GI3 of the Carlisle District Local Plan 2015-2030. A further material consideration is the Supplementary Planning Document (SPD) adopted by the City Council, 'Achieving Well Designed Housing'.

1. Principle of Development

- 6.3 *"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development"* (paragraph 10).
- 6.4 The aims of the NPPF is reiterated in Policy HO2 of the local plan which

outlines that new housing development other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and in the rural area provided that the development would not prejudice the delivery of the spatial strategy of the local plan and be focussed in sustainable locations subject to satisfying five criteria.

- 6.5 The application site was formerly occupied by two structurally unstable terraced properties and is located within Carlisle, therefore, the sustainability of the application site is not in question. Furthermore, the erection of two dwellings would not prejudice the delivery of the spatial strategy of the local plan. As such, the principle of residential development is acceptable. Whether the development of the application site complies with other relevant local plan policies will be discussed in detail in the relevant sections below.

2. Whether The Scale And Design Of The Dwellings Are Acceptable

- 6.6 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale, massing and established street patterns and by making use of appropriate materials and detailing.
- 6.7 When assessing the vernacular of the area, it is evident that the majority of the housing stock within the immediate vicinity are terraced properties. By way of background, two terraced properties on the application site were demolished due to their structural instability and permission granted for 4no flats (application reference 06/0910). A subsequent revised planning application for the addition of roof windows in Flat 3 was approved in 2008 (application reference 08/0133). Available records indicate that the development was commenced by the demolition of the dwellings and the excavation of foundations for the flats.
- 6.8 The current scheme, however; now seeks to replicate the housing stock within the area through the erection of 2no. terraced properties. The proposed dwellings would be attached to number 2 Roseville Terrace and follow the same ridge line. The front elevation, set back from the pavement by an enclosed paved area, would be finished in facing brick with the side and rear elevations finished in textured render. The rear external amenity space would be enclosed by 1.8 metre high rendered walls and provide bin and secure cycle storage.
- 6.9 The scale and design of the dwellings are appropriate to neighbouring properties. The proposed dwellings would be constructed from materials which will harmonise with its neighbours and employ similar detailing. In overall terms, the proposal would utilise a currently vacant development site with the proposed dwellings complementing the vernacular of the surrounding area, therefore, would not form a discordant feature within the street scene.

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

- 6.10 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Criterion of Policy SP6 seeking to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's SPD 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved. However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply.
- 6.11 The proposed front elevations of the dwellings would follow those of the neighbouring properties numbers 1 and 2 Roseville Terrace. The distance between the existing properties on Edward Street and the proposed primary windows of the dwellings would be less than that stated in the SPD (approximately 18 metres as opposed to 21 metres); however, the SPD makes it clear that if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply.
- 6.12 In respect of the proposed first floor windows in the rear elevations and those in the rear elevations of existing properties on Howe Street, the separation distance would be approximately 17 metres. These distances replicate the distances of those of the adjoining properties, numbers 1 and 2 Roseville Terrace, to the properties on Howe Street.
- 6.13 Concerns have been expressed about the potential for unacceptable noise and disturbance during construction works. The Agent has submitted a Planning Statement which would form part of the approved documents should members approve the application. This document details construction operations and how construction workers would be expected to conduct themselves. To further safeguard the living conditions of the occupiers of neighbouring properties a condition is also recommended that would restrict construction working hours.
- 6.14 In overall terms, taking into consideration the scale and position of the proposed application site in relation to neighbouring properties, it is unlikely that the living conditions of the occupiers of the surrounding properties will be compromised through loss of light, loss of privacy, over dominance or unacceptable noise and disturbance.

4. Proposed Method Of Foul And Surface Water Drainage

- 6.15 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. The submitted documents illustrating that the foul and surface water would enter the existing mains drainage

system.

- 6.16 Cumbria County Council, as Lead Local Flood Authority, and United Utilities raise no objections subject to the imposition of conditions. The recommended conditions would ensure that foul and surface water drainage are drained on separate systems together with pre-commencement conditions requiring the submission of foul and surface water drainage schemes. These details would then be subject of further consultations with the relevant statutory consultees. Should the additional details prove to be unacceptable, it may be that the residential development would stall as a result.

5. Impact Of The Proposal On Highway Safety

- 6.17 As previously outlined in the report, the vernacular of the area is one of terraced properties. As such, parking is primarily provided 'on-street' and controlled by residents parking schemes. Cumbria County Council, as Highway Authority, has been consulted and objects to the proposal on the following basis:

"note the site history with previous 06/0623, 06/0910 and 08/0133. The Highway Authority have to look at this as a fresh application, no parking provisions have been provided and the Highway Authority would expect for 4 bedroom property 2 spaces, therefore, 4 in total. The details submitted do not meet the Highway Authority's current requirement. The U148 has Traffic Regulation Order in place with disc parking only, if the application were to be approved the applicant should be made aware no more residents permits will be issued".

- 6.18 In respect of the lack of parking to serve the proposed dwellings, members should be mindful that the proposed dwellings would occupy the site of two now demolished terraced dwellings which it is assumed would have once been eligible for residents parking permits. The application site is located close to a range of local amenities, the university campus, public transport and is within walking distance of the city centre. Furthermore, secure cycle provision would be provided within the enclosed rear yard areas of the properties. Accordingly, members must determine if the lack of parking provision to serve the dwellings is so significant to warrant a refusal of the application on this basis.

6. Impact Of The Proposal On Biodiversity

- 6.19 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; however, an informative is recommended, should Members approve the application, that if a protected species is found all work must cease immediately and the local planning authority informed.

7. Other Matters

- 6.20 A further issue raised is the need for student accommodation as opposed to family accommodation. As members are aware each application is dealt with on its own merits. In this case, the applicant is proposing the dwellings to be occupied as student accommodation; however, the properties could still be occupied as family accommodation.

Conclusion

- 6.21 The principle of development is acceptable. The scale and design of the dwellings would be appropriate to the site and would not result in an adverse impact on the character or appearance of the street scene. In the context of the site, the amenity of the occupiers of the neighbouring property would not be adversely affected. Subject to satisfying pre-commencement conditions, adequate provision would be made for foul and surface water drainage. Although there is no dedicated parking provision, the site is close to local amenities, public transport routes and within walking distance of the city centre.
- 6.22 In overall terms, the proposal is considered to be compliant with the objectives of the NPPF, PPG, relevant local plan policies and SPD, therefore, the application is recommended for approval.

7. Planning History

- 7.1 In 2006, full planning permission for demolition of 2 no. structurally unstable terraced properties and their replacement with 5no. flats and associated parking was refused (application reference 06/0623). An appeal against the decision was subsequently dismissed by the Planning Inspectorate in July 2006.
- 7.2 Also in 2006, full planning permission for the demolition of 2no structurally unstable terraced properties and erection of 4no flats (revised proposal) was approved (application reference 06/0910).
- 7.3 In 2008, full planning permission was granted for proposed roof windows to 1no. flat (revision to flat 3 approved under 06/0910) (application reference 08/0133).

8. Recommendation: Grant Permission

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 2nd February 2021;
2. the Planning Statement received 13th April 2021;
3. the Contamination Statement received 4th February 2021;
4. the as existing/proposed plans, elevations & section A-A received 13th April 2021 (Drawing No. 21-02-01 Rev C);
5. the block plan received 2nd February 2021 (Drawing No. 21-02-02);
6. the location plan received 2nd February 2021 (Drawing No. 21-02-03);
7. the Notice of Decision;
8. 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 Policy CC5 of the Carlisle District Local Plan 2015-2030.

4. No development approved by this permission shall be commenced until a scheme for the provision of foul water drainage works has been approved in writing by the local planning authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of foul water disposal and in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies IP6, CC4, CC5 and CM5 of the Carlisle District Local Plan 2015-2030.

6. No work associated with the construction of the development hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with

Policy CM5 of the Carlisle District Local Plan 2015-2030.

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

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

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

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

3 4 Roseville Terrace, Edward Street, Carlisle, Cumbria, CA1 2JD



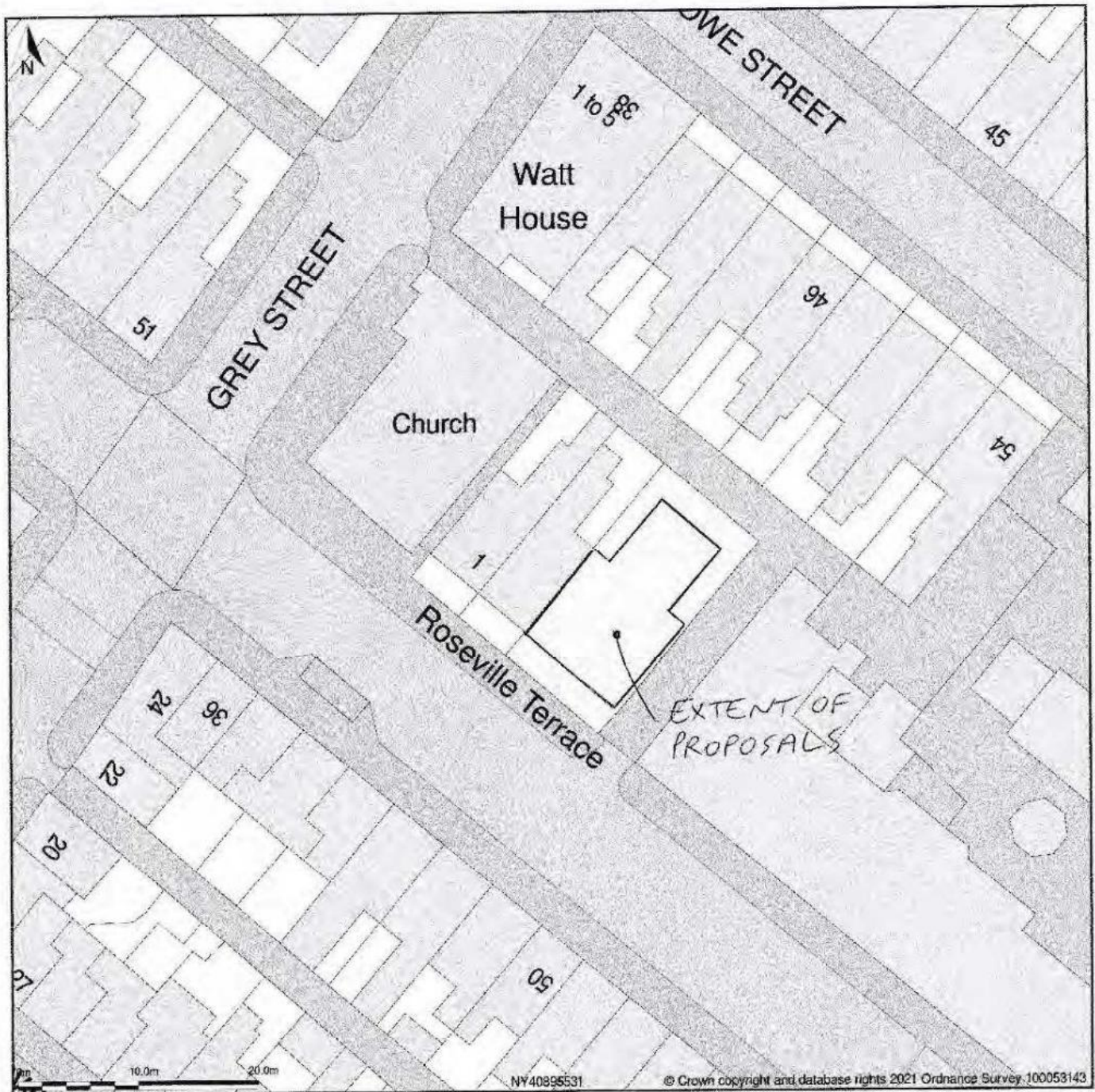
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21-02-03
LOCATION PLAN

3 4 Roseville Terrace, Edward Street, Carlisle, Cumbria, CA1 2JD

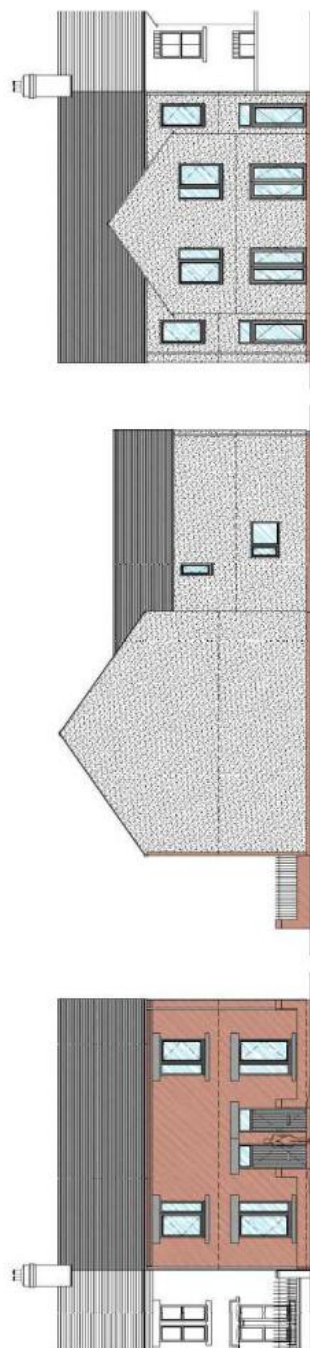


Block Plan shows area bounded by: 340851.97, 555268.01 340941.97, 555358.01 (at a scale of 1:500), OSGridRef: NY40895531. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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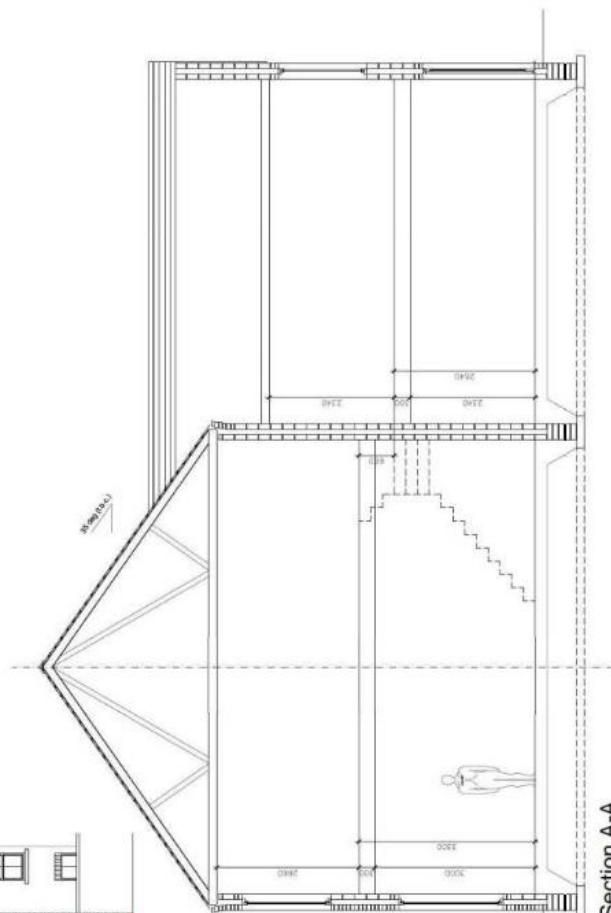
21-02-02
BLOCK PLAN



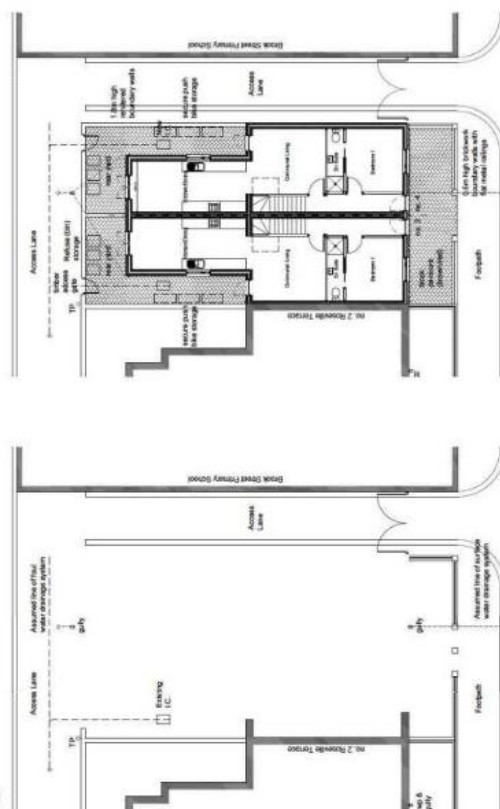
Rear (Access Lane) Elevation

Side Elevation

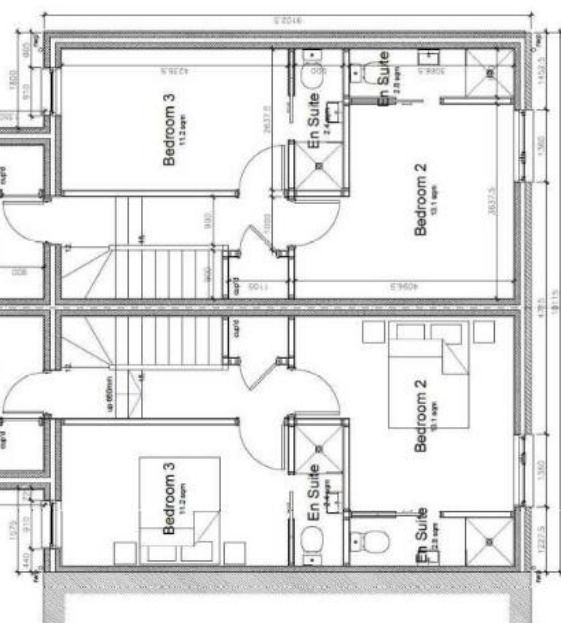
Front (Roseville Terrace) Elevation



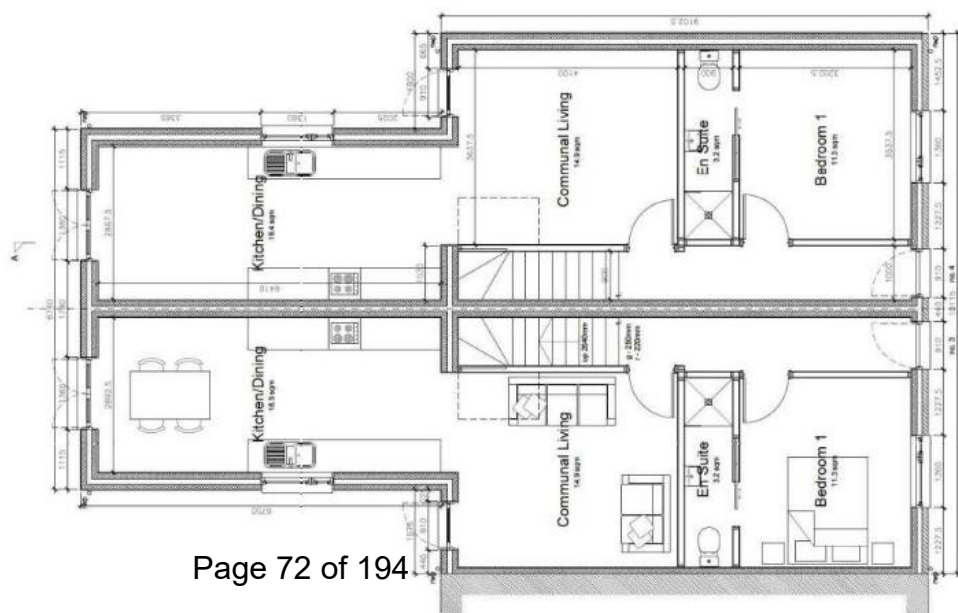
Section A-A



Existing Site Plan



First Floor Plan



Ground Floor Plan

Proposed Site Plan

SCHEDULE A: Applications with Recommendation

21/0182

Item No: 04

Date of Committee: 30/04/2021

Appn Ref No:
21/0182

Applicant:
Wannop Developments

Parish:
Castle Carrock

Agent:
Roger Lee Planning Ltd

Ward:
Brampton & Fellside

Location: Land to the west of The Glebe, Rectory Road, Castle Carrock, Brampton, CA8 9LZ

Proposal: Erection Of 8no. Dwellings (Reserved Matters Application Pursuant To Outline Approval 18/0214)

Date of Receipt:
01/03/2021 16:00:45

Statutory Expiry Date
28/04/2021

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

1.1 It is recommended that this application is approved.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Layout, Scale And Appearance Of The Dwellings Would Be Acceptable
- 2.3 Impact Of The Proposals On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Landscaping Proposal
- 2.5 Highway Matters
- 2.6 Drainage Issues
- 2.7 Other Matters

3. Application Details

The Site

3.1 The application site, which measures 0.40 hectares, forms part of an

undeveloped agricultural field which lies within the North Pennines Area of Outstanding Natural Beauty (AONB). Estate railings and a hedge, which sit on a bank, form the northern site boundary, beyond which lies a grass verge and Rectory Road (B6413). Residential properties lie on the northern side of Rectory Road and these face the site.

- 3.2 The application site is adjoined by the remaining parts of the agricultural field to the south and west. The land to the south rises uphill away from the site and a residential property (The Heights) sits on the top of the slope. Residential properties at The Glebe adjoin the site to the east.

Background

- 3.3 In July 2019, an outline application for the erection of dwellings on this site (revised application) was approved following the completion of a S106 Agreement to secure the provision of two affordable dwellings on the site. The application was approved at the Development Control Committee meeting in June 2018 (subject to the completion of a S106 Agreement), following a member site visit.
- 3.4 The approval included the proposed access, with the layout, scale, appearance and landscaping being reserved for subsequent approval. The approved access is from Rectory Road. The indicative layout plan showed the access road running along the front of the site parallel to Rectory Road, in a similar arrangement to The Glebe. The estate railings along the northern site boundary were shown as being retained as was the majority of the hedge, with only a small section being removed to provide the access.
- 3.5 The indicative plan showed four pairs of semi-detached dwellings, with two of the dwellings being shown as affordable units. The rear boundaries of the dwellings would tie in with the rear boundaries of the dwellings at The Glebe.

The Proposal

- 3.6 This is a Reserved Matters application which is seeking approval for eight dwellings. Three different house types are proposed (two detached and six semi-detached) with a mix of two, three and four-bed units being provided. Plots 3 to 8 would have detached garages.
- 3.7 The dwellings would be of a two-storey design, with plots 1 and 2 finished in an off-white render and with the other six plots constructed of natural stone. The application makes reference to buff stone and fibre cement roof slates.
- 3.8 Properties would be set back into the site, with a service road to the front in between the plots and the public highway. The scheme includes two affordable units (plots 1 and 2) in accordance with the terms of the outline permission.
- 3.9 The development would be served by one single point of access towards the eastern end of the site frontage, in accordance with the approved

access granted at outline stage. A turning area would be provided at the eastern end of the site in front of plots 1 to 4 and this would link to a private access drive, which would run to the front of plots 5 to 8. Each dwelling would have two parking (with six of the plots also having a single garage) with an additional eighth visitor parking spaces being provided towards the front of the site (six adjacent to the private drive and two in the north-east corner of the site).

- 3.10 Each dwelling would have private garden areas to the rear separated by native hedging, with a 1m high post and wire fence and a 1.8m high timber close boarded fence being provided along the eastern site boundary, adjacent to The Glebe. A new native hedge would be planted to form the rear boundary, with a 1m high post and rail fence in place whilst the hedging matures. A new native hedge would also be planted at the western end of the site, adjacent to Rectory Road to tie in with the retained hedge. Tree planting and ornamental shrub planting would also take place at various locations within the site.
- 3.11 Integral bat and bird boxes would be incorporated into the dwellings to provide roosting and nesting opportunities. Hedgehog access holes would be incorporated into the base of the close boarded fencing to allow permeability to gardens.
- 3.12 The following changes have been made to the application since it was submitted:
- footprint of dwellings across Rectory Road added with distances between the dwellings and the proposed plots also added;
 - rooflights amended to two at the front and two at the rear. To compensate for the loss of natural light from reducing the number of rooflights two small gable windows have been added to serve the landing areas to the first floor on the detached house type;
 - vehicle tracking details have been submitted to show an HGV turning within the site;
 - note added to the site layout drawing to confirm that the bin collection point won't be used as a bin store;
 - an amended landscape scheme has now been submitted to show more native species;
 - materials to be dealt with under the discharge of conditions application..

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and notification letters sent to 72 neighbouring properties. In response, 31 letters of objection have been received from 24 households. The letters of objections raise the following issues:

Scale and Design

- these mews style 3-storey houses are not in keeping with the village location and would best fit in a town environment;

- contravenes GI2 (AONB) - 3-storey designs are not in keeping with the surrounding area and the ridge heights appear much higher than the adjacent dwellings;
- the design of these three storey buildings, packed tightly together, constructed of non-traditional materials (fibre cement roof slates and reconstituted stone) represents a degree and scale of urbanisation completely inappropriate for the character of the village and the landscape;
- disappointingly the house designs are out of place and uninspiring - modern, 3 storey townhouses which could be anywhere and absolutely do not "respond to the local context" of Castle Carrock, neither "reinforce local architectural features" nor "promote and respect local character and distinctiveness" as required by SP6 and GI2;
- this fellside village is primarily built of grey or soft red local stone and has a traditional Eden Valley architecture. Castle Carrock is within the North Pennines AONB. Surely a sympathetic design here is not only possible but desirable, especially as the development will dominate the approach to the village;
- the development is placed on the gateway to the village and gives a strong impression of what the village is and being greeted by this style of town house would not be the rural village impression we should give;
- the Rural Masterplanning document (August 2013) notes that the overall character of the village extremely sensitive to further development and it is unlikely that multiple similar buildings would be at all compatible;
- disappointing more thought hasn't been giving to the design rather than how much profit can be made by the maximising number of bedrooms for profit;
- nothing about the design is inspirational, exceptional or remotely fitting for a rural village in the AONB;
- only two of the proposed dwellings are to be rendered with the remaining six to be stone which is not in keeping with surrounding existing dwellings;
- the outline planning permission was for 3 dwellings and this application is for 8 - a 267% increase;
- there is a stark difference in the finish of the affordable housing - would hope in a small development all the properties should look the same;
- the affordable housing looks far more in keeping with its neighbouring properties on the existing Glebe housing line;
- these houses will sit higher than all the other properties and will tower over the properties on Rectory Road as the plot sits far higher up already;
- design gives no thought to the privacy of the residents on Rectory Road, having 24 windows towering above them - it will most definitely give the feeling of being over looked and will make residents feel like they have a real loss of privacy;
- Plot 1 will have a side window which will look directly into one of the bedrooms of the neighbouring property which will lead to an unacceptable invasion of privacy;
- houses include windows in the roof which is not in keeping with existing dwellings;
- concern over light pollution from the 30 velux windows - the village is in an area of AONB which is noted for its dark skies - the village has worked hard towards supporting this and just recently all the street lights were changed to LED downlights, reducing pollution to the night sky;
- no design efficiency measures are incorporated into the dwellings, such as solar panels and car charging points
- there are no green features in the design, for example, solar panels, ground or air source heating, electric car charging points, permeable parking areas and paths and there is not enough planting of greenery;
- the green omissions are out of kilter with the Council's Climate Change Strategy

and do not support the Cumbria net zero by 2037 target or the NPPF (development should mitigate and adapt to climate change);

- it is apparent that the approach taken by the applicant is one of simply achieving Building Regulations contrary to the ethos of a climate emergency or indeed LP Policy CC3;
- each house has a chimney and presumably a fireplace - this is surprising given current concerns about the burning of solid fuels and air pollution;
- the dwellings should be bungalows;
- the design would not be acceptable to the local community;
- why does the boundary hedge only go part of the way around the development? - think the developer is hoping to use this as a phased development;
- the existing house next to the development site, whose bedroom window would be directly looked into, would suffer a loss of privacy;
- should be doing everything we can to move towards a low carbon economy and designs which do not create problems for the community, with avoidable pollution from heating systems and car use and the risk of surface water from the impermeable roadway and other surfaces overloading the village combined sewers;

Landscaping

- landscaping efforts are minimalist for a housing development in the North Pennines AONB - would like to see significantly more landscaping and planting for visual screening and habitat creation;
- is there a guarantee from the council that the landscaping will be completed when the building work is finished?;
- the landscaping plans will look very suitable in an urban supermarket car park, but in this situation, it would be preferable to see more native species suited to wildlife and plants which will thrive in this area - many of those listed will not survive here;
- will the hedgerow surrounding the properties be behind a permanent fencing structure? What guarantees are there that the property owners will maintain the hedgerows and not remove them and replace with a wooden fence because hedge cutting is a chore;
- once the development is completed who will be responsible for maintaining the plants and shrubs?

Highway Issues

- access/ egress is onto a road with cars parked along one side, causing congestion and increased risk of accidents;
- access is onto a busy road with a lot of heavy traffic with cars parked all the way up Rectory Road - it's an accident waiting to happen
- the blind bend and parked cars opposite will cause visibility problems;
- the service road for this new development shows no turning area for delivery vehicles - reversing onto Rectory Road from this site is potentially leading to an increase in vehicle collisions;
- vehicles such as those for refuse collection, deliveries etc will need to reverse either onto Rectory Road, or reverse into the new development from Rectory Road - both scenarios raise safety concerns;
- concerned about the short distance between the entrance to The Glebe and the proposed new entrance;
- in the outline permission the proposed entrance was meant to be opposite 6 & 7;

Drainage Issues

- concern over the history of drainage problems in the village - there have been huge problems of houses flooding in the centre of the village and extra surface water running off the development will definitely cause even bigger problems;
- the village already has a problem with surface water flooding;
- there is a high risk flood area for ground surface water and this is going to make matters worse;
- there are no surface water runoff details;
- the houses will access the sewage network with no upgrade to the capacity of the local treatment works;
- the application lacks the information and detail required to demonstrate that the development will not worsen drainage/ flooding issues in the village;
- the proposal cannot demonstrate that it will not result in unacceptable flood risk or drainage problems, nor does it provide evidence that a sustainable surface water management system will be utilised. Thus it is contrary to LP Policy CC4 and CC5;

Other Matters

- who will maintain the common areas, parking, access road, hedging and tree planting? Are the common areas to be adopted?;
- the village has no shop and so these houses will increase car journeys on local roads and increase carbon and pollution;
- would be fitting if some additional publicly accessible land was made available to the village to compensate for the intrusion and damage brought about by the permission;
- if the application is approved unamended the City Council will have confirmed its commitment to supporting non-strategic windfall housing rather than policies relating to climate change, carbon reduction and sustainability;
- can the council clarify why there is a farm gate from this development into the field? - there has never been access to the field from Rectory Road and to put one in now seems unnecessary;
- during the early preparation of the sale of this land, there was discussion between Carlisle Diocese and Carlisle City Council that the two affordable houses would be built in collaboration with a housing association. What has happened to this agreement and what assurances are that the two smaller properties will be realistically affordable to local people and not on the open market affordable only to out of area investors who will use them as holiday lets?;
- the site currently has green netting over the hedge where the access road will be. This is presumably to prevent any birds nesting, reinforcing the fact that wildlife will be negatively affected by this development.
- proposal is contrary to Policies SP6, GI1, GI2 and CC3 of the Local Plan, the NPPF and Local Environment (Climate Change) Strategy.

5. Summary of Consultation Responses

North Pennines AONB Partnership: - the development needs to show regard to its setting in a rural village with established character within a protected landscape. The extent of use of native species is not sufficiently advised by local habitats. There are opportunities to introduce more non-hybrid species of trees such as oak, rowan and silver birch. Additionally, the hedgerow mix should take a cue from those adjacent to, surrounding and traditional for the location, typically, non-hybrid hawthorn and blackthorn, with some bird cherry, elder, dog rose, hazel and holly. Consideration should be made to establishing the common grass areas with

an appropriate native wildflower meadow mix and a greater abundance of native and non-native nectar rich plants to clearly demonstrate net gain for biodiversity, which might not be fully achieved with the existing plan. Swift and House martin boxes might also be considered as is becoming best practice in housing developments elsewhere.

The following further comments were submitted following contact from a local resident: I have been contacted regarding the inclusion of three storey townhouse designs in the proposal, raising a question to consider regarding the overall dominance of them given the height of the land. Similarly, concerns of light spillage from roof light windows. Also there was concern raised regarding the lack of sustainability built in to the proposal. These matters will similarly need considering against policy and the specific AONB guidance documents. Overall, it will be necessary (given that outline permission was granted) to aim for a development here that accommodates as seamlessly as possible into the settlement and references the positive local vernacular styles.

The following further comments were received on 16th April: as discussed, we have no objection to the overall design of the development assuming material choice is conditioned and reflects the local vernacular. I understand you are satisfied over the acceptability of building height for this location. The changes to the landscaping scheme are welcomed in relation to measures for wildlife (hedgehog highways, bird nest boxes) and the introduction of a more native and nectar rich planting scheme, especially hedgerows and the shrub list.

Castle Carrock Parish Council: - whilst there appears to be an attempt to site the proposed dwellings in line with the existing houses on the Glebe, the three-storey design is not in keeping with these existing properties, nor any others in this specific part of the village. Additionally, several residents of Rectory Road have raised concerns about being overlooked from the upper floor windows. The upper-most floor of the proposed dwellings have the majority of their windows on their northerly aspect and because of the relative levels between the proposed dwellings and those on Rectory Road existing properties are overlooked and as such suffer a loss of privacy . Not only does this cause concern about existing properties being overlooked, but because these windows are positioned within the pitch of the roof this design will also be a significant source of light pollution. The site is within the North Pennines AoNB which is noted for its Dark Skies - and this design cannot be in accordance with LP Policy GI1.

- assume that the properties themselves will have separate drainage systems and assume SW will be drained to soak-away(s) on site. Would like to see effort being applied to over-design of SUDS features installed to deal with SW as they require maintenance and can lose effectiveness over the longer-term. What provision for long-term maintenance will there be? There is little information to show that this development will comply with LP Policies CC4 and CC5. Castle Carrock has a history of localised flooding from SW as well as combined sewers and this has not been resolved, only mitigated in the short term through jetting maintenance. Concerned that the roads, parking areas and footpaths for this development may end up adding to this

problem. There appears to be a rather ample supply of parking facilities on the site which in itself avoids/alleviates parking issues on Rectory Road, but all of these spaces are impermeable hard-surfaces which may drain to SUDS compliant systems, but better that a large proportion of the paved areas were permeable/semi-permeable system so their drainage systems are less likely to suffer from overloading and surcharge.

- it is noted that City Council passed a climate emergency motion in 2019, but there is little or nothing in this application to aid the Council's carbon footprint reduction target. Design features to achieve a reduced carbon footprint are sadly lacking – energy efficiency measures are few and there is no proposed means for charging of electric vehicles. Nor is solar or other renewable energy being proposed. Also, the design does nothing to address the problem of light pollution specifically from the number, size and inclination of roof lights and is therefore at odds with the recent and welcomed initiative to change streetlights to avoid this very problem. The omission of such features is out of kilter with the Council's Local Environment (Climate Change) Strategy, Objective 2 vis: Reducing energy consumption and emissions from homes and businesses in Carlisle and tackling fuel poverty, by promoting energy efficiency measures, sustainable construction, renewable energy sources and behaviour change.

Should the City Council permit this application unamended, it will have, in effect confirmed that it is more committed to supporting non-strategic windfall housing than its Local Plan policies related to *strategic housing provision*, climate change, carbon reduction as well as the sustainability policies contained within the Authority's Local Plan as well as being enshrined in the national policy of Chapter 14 of the NPPF and its own LP Policy CC3. Likewise, there is little detail on the use of grey-water collection and usage.

- landscaping efforts are 'minimalist' for a housing development within the North Pennines AoNB. Would like to see significantly more landscaping and planting not only for visual screening but to attempt to make the development align with the Authority's LP policies contained within Chapter 10. Any such landscaping should be aimed at habitat creation and not merely compensation for lost hedgerow and open space. It not be fitting that some additional publicly accessible land was made available to the village to compensate for the intrusion and damage brought about by the City Council consenting the earlier outline application on this site. Would like to understand what maintenance provisions there are for any of the landscaping proposals associated with this development and which individuals and organisations will be responsible for, and finance the continued upkeep of such areas.

- several people have noted the stark difference in surface finishes to the buildings designated as 'affordable homes' compared with the larger properties in the development and that rather than this being a 'design feature', it merely emphasises a different size and standard of accommodation.

- the Planning Statement quotes widely from the NPPF but does not adhere to it, vis: Paragraph 7 advises that the purpose of the planning system is to contribute to the achievement of sustainable development, with the objective of sustainable development being to meet the needs of the present without compromising the ability of future generations to meet their own needs, and

Paragraph 8, planning role should (have) an environmental role – contributing to protecting, and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. Simple provisions to bring this about have been omitted from the proposal.

- the Parish Council would like to record that it has established a working group specifically aimed at trying to do what we can to aid carbon-reduction and perhaps it is this which causes us to question the inadequate design features displayed by this application, but we would be interested in engaging with the City Council (and applicant) in support this aim and the aims of the NPPF Para 152. And generally, in terms of NPPF Para 128.

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to the conditions imposed as part of the planning approval 18/0214 being applied to any consent you may wish to grant. Following the receipt of additional/ revised drawings - a refuse vehicle can enter and leave the site in a forwards gear without damaging any highway infrastructure. It is noted that the turning area and access are to remain unadopted. This is therefore acceptable to the Highways Authority.

Local Environment, Waste Services: - there is no turning head for waste collection vehicles to access the site;

Cumbria Constabulary - North Area Community Safety Unit: - provided recommendations to the applicant to reduce opportunities for crime.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are Policies SP1, SP2, SP6, HO2, HO4, IP2, IP3, IP4, IP6, CC5, CM4, GI2, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Document (SPD) "Achieving Well Designed Housing" and the North Pennines AONB Building Design Guide are also material considerations.
- 6.3 The proposal raises the following planning issues.
1. Whether The Proposal Is Acceptable In Principle
- 6.4 Outline planning permission has previously been granted for the erection of dwellings on this site. The indicative layout plan showed eight dwellings on the site and a condition was attached to the outline permission which

restricts the maximum number of dwellings that can be erected on the site to eight. In light of the above, the proposal to erect eight dwellings on the site would be acceptable in principle.

2. Whether The Layout, Scale And Appearance Of The Dwellings Would Be Acceptable

- 6.5 The layout of the development proposes eight dwellings (including two affordable dwellings on Plots 1 and 2), as envisaged at the outline stage and would follow the form of the adjacent development at The Glebe, with properties set back into the site, with a service road to the front in between the plots and the public highway. The development would contain a variety of house types and would provide a suitable density level which would fit comfortably into the general character and grain of the existing established housing in the village.
- 6.6 The dwellings would be of a two-storey design, with plots 1 and 2, which would be affordable dwellings, being finished in an off-white render finish, with the other six plots being constructed of natural stone.
- 6.7 The development would be served by one single point of access towards the eastern end of the site frontage, in accordance with the approved access granted at outline stage. A turning area (which would be suitable for bin lorries) would be provided at the eastern end of the site in front of plots 1 to 4 and this would link to a private access drive, which would run to the front of plots 5 to 8. Two parking spaces per dwelling would be provided (with six of the dwellings also having a single garage). An additional eight visitor parking spaces would also be provided towards the front of the site. A bin storage area would be provided adjacent to the turning area. This would only be used only bin collection days, with bins being stored at the dwellings.
- 6.8 Each dwelling would have private garden areas to the rear separated by native hedging, with a 1m high post and wire fence and a 1.8m high timber close boarded fence being provided along the eastern site boundary, adjacent to The Glebe. A new native hedge would be planted to form the rear boundary with a 1m high post and rail fence in place whilst the hedging matures. A new native hedge would also be planted at the eastern end of the site, adjacent to Rectory Road to tie in with the retained hedge. Tree planting and ornamental shrub planting would also take place at various locations within the site. Integral bat and bird boxes would be incorporated into the dwellings to provide roosting and nesting opportunities.
- 6.9 A number of objectors and the Parish Council have raised concerns about the scale of the dwellings, which they consider to be three-storey properties. The dwellings would actually be two-storey dwellings, with six of the properties having a bedroom in the roofspace which would be served by rooflights. The dwellings would have a ridge height of 8.8m which is considered to be acceptable for a two-storey dwelling. The ridge heights of the dwellings at The Glebe, which adjoins the site to the east, would be 0.87m lower than those of the proposed dwellings.

- 6.10 The inclusion of a number of rooflights in six of the dwellings has been questioned by objectors and concerns have been raised about how this would impact on dark skies. The dwellings would lie opposite and adjacent to existing dwellings on the edge of the village. The rooflights would serve a single en-suite bedroom and it is not considered that light spillage from a bedroom would be significant. It should be noted that rooflights can be added to properties without the need for planning permission.
- 6.11 Objectors have also raised concerns about the proposed materials. Plots 1 and 2 would be finished in off-white render, as would the three sets of double garage that would serve plots 3 to 8. The dwellings opposite the site on Rectory Road are finished in render, with the properties on The Glebe being white painted brick.
- 6.12 The dwellings on plots 3 to 8 would be constructed of stone. The plans as originally submitted made reference to a buff stone and fibre cement roof slates but these references have been removed from the plans. The exact stone and slate would be determined through a discharge of conditions application. Castle Carrock contains a number of stone properties, with the majority of these being a grey stone, but red sandstone and mixed stone properties (at Sid's Field) are also present within the village. Slate is prevalent throughout the village, with the properties opposite the site on Rectory Road having slate roofs.
- 6.13 Objectors have questioned why the affordable units would be finished in render, whilst the open market dwellings would be constructed of stone. Constructing the affordable units (which are to be sold at 30% below the market price) of block and render would help to keep the costs of these dwellings down and this would make them more affordable.
- 6.14 A number of objectors and the Parish Council have raised concerns about the lack of green features in the design, for example, solar panels, ground or air source heating, electric car charging points, permeable parking areas and paths. Whilst green features are encouraged there is no policy requirement to provide them and they are not required by Building Regulations. Six of the dwellings have garages which would have electric sockets which would allow the charging of vehicles over night. Prospective purchasers might request the inclusion of green features within the properties which the developer could add during the construction process. Once the dwellings are occupied green features could be added to the properties (for example, the addition of solar panels would not require planning permission).
- 6.15 Concerns have also been raised about the provision of chimneys on six of the dwellings. Chimneys are a traditional feature and enhance the design of the dwellings. It should be noted that wood burners and flues (subject to height restrictions) can be added to dwellings without the need for planning permission.
- 6.16 The AONB Partnership has confirmed that it has no objections to the design of the dwellings. Any stone should reflect that prevalent in the village and slate roofs would be preferable.

6.17 In light of the above, the layout, scale and appearance of the proposed dwellings would be acceptable.

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

6.18 The layout has been informed by the requirement to provide sufficient window to window distances between the proposed dwellings and existing dwellings in the vicinity of the site. Properties are, therefore, set back into the site to address this with a service road to the front in between the plots and the public highway. The distances from the front elevations of the proposed dwellings to the front elevations of the dwellings on Rectory Road would be a minimum of 39m. The Council's SPD on Achieving Well Designed Housing only recommends a separation distance of 21m between primary facing windows.

6.19 Concerns have been raised about overlooking from the proposed rooflights. The angle of the rooflights would limit overlooking of the properties on Rectory Road and given that the rooflights would be a over 41m from the front elevations of the dwellings on Rectory Road this is not considered to be an issue. Due to the concerns of residents the developer has agreed to amend the plans to replace the four rooflights originally shown in the front roofslopes facing Rectory Road to two rooflights. To compensate for this two rooflights would be added to the rear facing roofslope (instead of the one originally shown).

6.20 Castle Garth, The Glebe adjoins the site to the east and this dwelling has a bedroom window in the side elevation that faces the site. This would be 10m away from Plot 1, which is set back further than Castle Garth. Whilst the SPD recommends a 12m separation distance between primary windows and blank gables, a separation distance of 10m is considered to be sufficient in this instance, given the relationship of the dwellings to each other. This dwelling also has a conservatory attached to the side but suitable boundary treatment would prevent overlooking of this (a 1.8m high timber close boarded fence would be erected on the boundary between Plot 1 and Castle Garth).

6.21 In light of the above, the proposed layout, scale and appearance of the dwellings would not have an unacceptable adverse impact on the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance that would warrant refusal of the applications.

4. Landscaping Proposals

6.22 The majority of the existing hedgerow along Rectory Road would be retained, with a small section being removed to provide the new access. A new native hedgerow would be planted at the western end of the northern site boundary adjacent to Rectory Road. A new native hedgerow would also be planted along the southern site boundary, with new hedgerows being planted between the plots. The hedgerows on the northern and southern site

boundaries would be predominantly hawthorn, maple and hazel to reflect hedgerows in the area.

- 6.22 Five new trees would be planted to the front of the dwellings, with seven being planted on the southern boundary. Species planted would include field maple, mountain ash/ rowan and silver birch. Shrubs would also be planted at various locations to the front of the dwellings.
- 6.23 Objectors and the Parish Council consider the proposed landscaping to be minimalist for a site within the AONB. The planting of extensive areas of new hedgerow, the planting of eleven new trees and the provision of areas of shrub planting is, however, considered to be proportionate for a housing development of eight dwellings.
- 6.24 The AONB Partnership raised concerns about the extent of the use of native species in its initial comments. It noted that there are opportunities to introduce more non-hybrid species of trees such as oak, rowan and silver birch and the hedgerow mix should take a cue from those adjacent to, surrounding and traditional for the location, typically, non-hybrid hawthorn and blackthorn, with some bird cherry, elder, dog rose, hazel and holly.
- 6.25 The developer has taken these comments on board and amended the landscaping scheme to include more native species. The AONB Partnership has confirmed that the changes to the landscaping scheme are welcomed in relation to measures for wildlife (hedgehog highways, bird nest boxes) and the introduction of a more native and nectar rich planting scheme, especially the proposed hedgerows and shrubs.
- 6.26 In light of the above, the proposed landscaping scheme would be acceptable.

5. Highway issues

- 6.27 The outline application approved the access to the site, with visibility splays of 2.4m x 81m to the east and 71m to the west being provided. Therefore the issues associated with the access into the development are not being revisited in this application.
- 6.28 The Highways Authority can, however, comment on the proposed layout of the development. The applicant has stated that two car parking spaces would be provided per dwelling with an additional eight visitor spaces being provided within the curtilage of the development. The Highways Authority has assessed the car parking provision in line with the requirements of the Cumbria Development Design Guide and can confirm that the provision would be acceptable.
- 6.29 The Highways Authority has reviewed the proposed layout of the development and the current design is not to adoptable standards, therefore, the Highways Authority would not adopt the internal carriageways within the development. However, the internal road and footway construction would still be built to an adoptable standard.

- 6.30 The applicant has submitted drawings to illustrate that a refuse vehicle can enter and leave the site in a forwards gear without damaging any highway infrastructure. This is, therefore, acceptable to the Highways Authority.
- 6.31 The Highways Authority, therefore, has no objections to the proposed development, subject to the internal carriageway / footway not being adopted and the conditions imposed as part of the outline planning approval being satisfactorily discharged.

6. Drainage Issues

- 6.32 A number of objectors and the Parish Council have raised concerns about the proposed drainage from this site. This issue was raised during the determination of the outline application and conditions were added to the outline permission which require the submission of surface water drainage details to be approved by the local planning authority. These details would need to be submitted and agreed prior to any works commencing on site.

7. Other Matters

- 6.33 A number of other conditions on the outline application would still need to be discharged. These include: samples or full details of materials; details of hard and soft landscaping; details of boundary treatment; details of surface water drainage; details of hedgerow protection measures; heights of existing levels and proposed finished floor levels; details of wildlife enhancement measures; construction details of the access and parking areas; plans to show parking for construction vehicles; the submission of a Construction Phase Traffic Management Plan; and the submission of a Construction Environmental Management Plan.

Conclusion

- 6.34 The proposal would be acceptable in principle. The layout, scale and appearance of the dwellings would be acceptable and they would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. The proposed landscaping details would be acceptable as would the proposed access and parking arrangements. Drainage would be considered through a future discharge of conditions application. In all aspects, the proposals are considered to be compliant with the objectives of the relevant adopted Local Plan policies.

7. Planning History

- 7.1 In October 2016, an outline application for the erection of dwellings on this site was withdrawn prior to determination (16/0771).
- 7.2 In July 2019, an outline application for the erection of dwellings on this site

(revised application) was approved.

8. Recommendation: Grant Permission

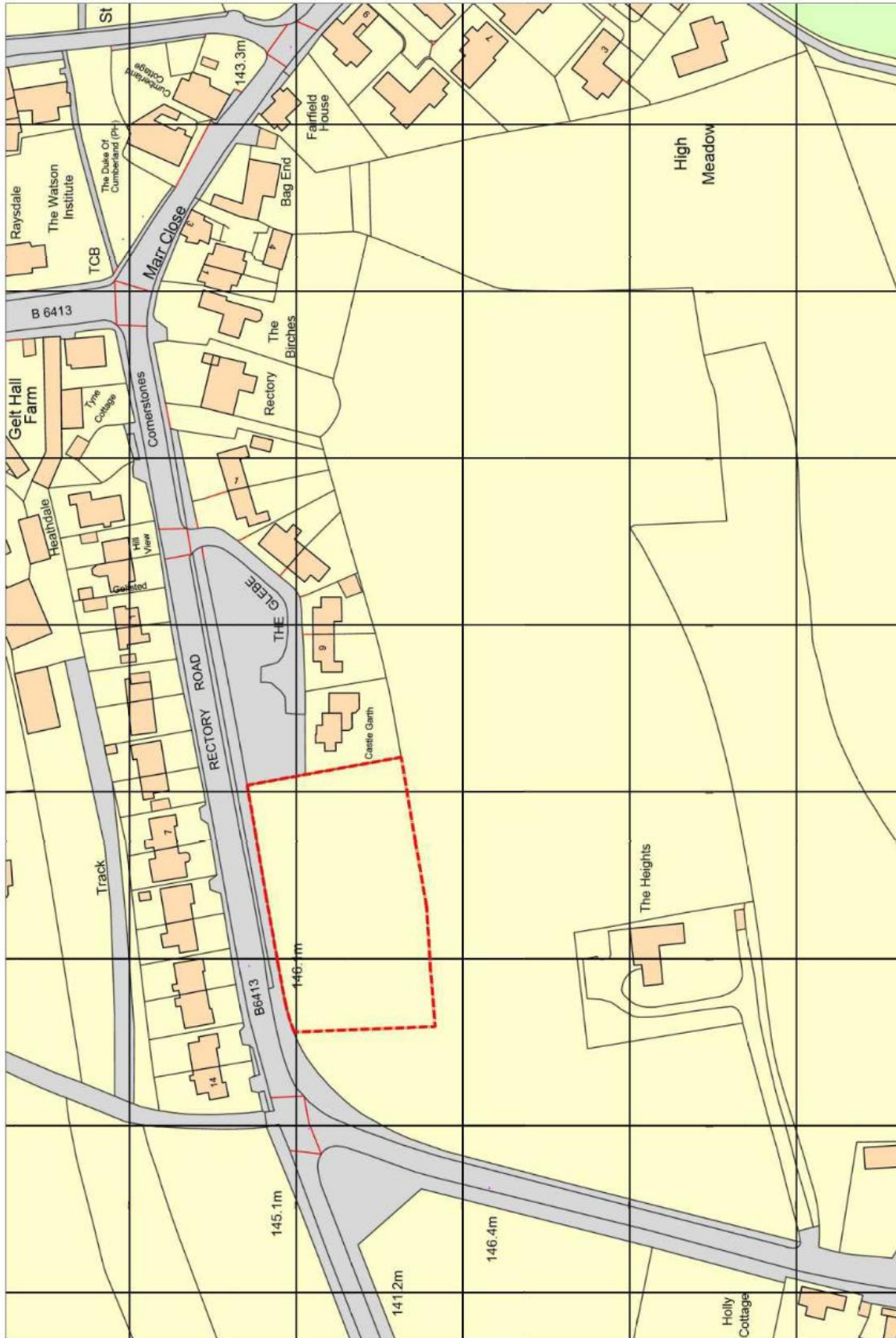
1. The development shall be undertaken in strict accordance with the approved documents for this Reserved Matters application which comprise:
 1. the submitted planning application form, received 1st March 2021;
 2. Location Plan (Dwg. 1625-100), received 1st March 2021;
 3. Proposed Site Plan & Sections (Dwg. 1625-101 Rev E), received 14th April 2021;
 4. House Types (Floor Plans & Elevations) (Dwg. 1625-102 Rev F), received 14th April 2021;
 5. Landscape Masterplan (Dwg. R/2428/1B, received 14th April 2021;
 6. Landscape Details (Dwg. R/2428/2A, received 14th April 2021;
 7. Vehicle Tracking (Dwg. DR-C-0101 Rev P2), received 14th April 2021;
 8. Planning Statement, received 1st March 2021;
 9. the Notice of Decision;
 10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by condition 2 attached to the outline planning consent to develop the site.
-

CASTLE CARRACK, BRAMPTON, CARLISLE

NOTES
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE
BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL
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CLIENT	WANNOP DEVELOPMENTS
PROJECT	CASTLE CARRACK, BRAMPTON, CARLISLE

TITLE	LOCATION PLAN
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DRAWING NO.	1625-100	REVISION	-
SCALE	1:1250	# A3	DATE DEC '20
DRAWN BY	JC	CHECKED BY	-

PURPOSE OF ISSUE	<input checked="" type="radio"/> PLANNING <input type="radio"/> COMMENT <input type="radio"/> BUILDING REGS <input type="radio"/> INFORMATION <input type="radio"/> TENDER <input type="radio"/> CONSTRUCTION
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NOTES

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RECTORY ROAD, CASTLE CARROCK

HOUSE TYPE A - PLOTS 1 & 2



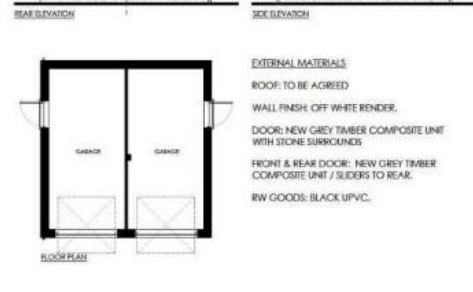
EXTERNAL MATERIALS

ROOF: TO BE AGREED
WALL FINISH: TO BE AGREED
WINDOW SURROUNDS: STONE TO CABLES
WINDOWS/DOORS: NEW GREY TIMBER COMPOSITE UNIT - GLASS DOUBLE GLAZED AS STANDARD
FRONT & REAR DOOR: NEW GREY TIMBER COMPOSITE UNIT / SLIDERS TO REAR
RW GOODS: BLACK UPVC

HT A - FLOOR PLAN AREAS

GROUND FLOOR PLAN - 36.33M² / 391FT²
FIRST FLOOR PLAN - 36.33M² / 391FT²
TOTAL GROSS - 72.70M² / 783FT²

HOUSE TYPE A - PLOTS 3 TO 8



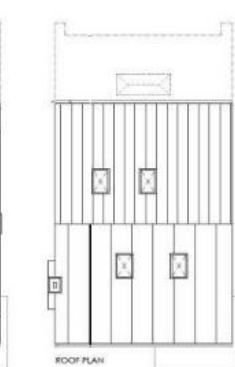
EXTERNAL MATERIALS

ROOF: TO BE AGREED
WALL FINISH: OFF WHITE RENDER
DOOR: NEW GREY TIMBER COMPOSITE UNIT WITH STONE SURROUNDS
FRONT & REAR DOOR: NEW GREY TIMBER COMPOSITE UNIT / SLIDERS TO REAR
RW GOODS: BLACK UPVC

HOUSE TYPE BD-Y, UNLATCHED - PLOTS 2 & 8

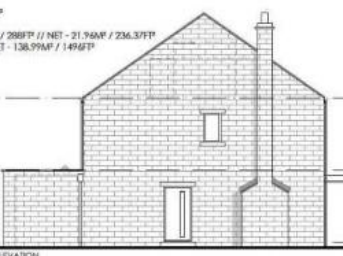
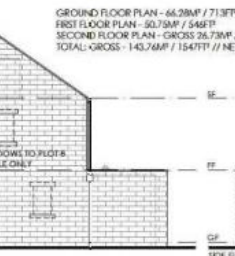


HOUSE TYPE BD FIRST FLOOR ROOM IN ROOM OPTION

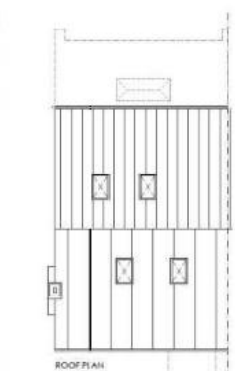


HT BD - FLOOR PLAN AREAS

GROUND FLOOR PLAN - 66.29M² / 713FT²
FIRST FLOOR PLAN - 50.79M² / 548FT²
SECOND FLOOR PLAN - GROSS 25.73M² / 278FT² // NET - 21.76M² / 236.3FT²
TOTAL GROSS - 143.74M² / 1547FT² // NET - 138.99M² / 1496FT²



HOUSE TYPE BS SEMI DETACHED - PLOTS 4 & 7

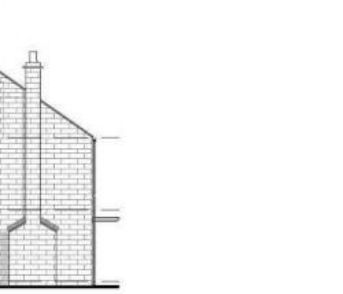


EXTERNAL MATERIALS

ROOF: TO BE AGREED
WALL FINISH: TO BE AGREED
WINDOW SURROUNDS: STONE TO CABLES
WINDOWS/DOORS: NEW GREY TIMBER COMPOSITE UNIT - GLASS DOUBLE GLAZED AS STANDARD
FRONT & REAR DOOR: NEW GREY TIMBER COMPOSITE UNIT / SLIDERS TO REAR
RW GOODS: BLACK UPVC

HT BS - FLOOR PLAN AREAS

GROUND FLOOR PLAN - 66.85M²
FIRST FLOOR PLAN - 50.79M²
SECOND FLOOR PLAN - NET - 24.19M² / GROSS 29.17
TOTAL NET - 141.79M² / GROSS - 146.77M²



NOTES
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REV DESCRIPTION BY CHECK DATE
A UPDATED EXTERNAL MATERIALS CHECKED MC JC 13.04.21
B UPDATED VGLR WINDOW LOCATIONS & SIZES MC JC 13.04.21
C REMOVED ROOF FILLING & CHIMNEYS ON PLOTS 4 & 7 MC JC 18.02.21
D FIRST FLOOR LAYOUT UPDATED MC JC 14.12.20
E ELEVATION STYLE UPDATED MC JC 09.12.20
F ELEVATION STYLE UPDATED MC JC 13.11.20

CLIENT

WANNOP DEVELOPMENTS

PROJECT RECTORY ROAD, CASTLE CARROCK

TITLE HOUSE TYPES BS - BD - AA

DRAWING NO. 1425-102 REVISION F

SCALE 1:100 DATE 27.08.20

DRAWN BY BC CHECKED BY JC

PURPOSE OF ISSUE

PLANNING BUILDING REGS TENDER

CONSENT INFORMATION CONSTRUCTION

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SCHEDULE A: Applications with Recommendation

20/0677

Item No: 05

Date of Committee: 30/04/2021

Appn Ref No:
20/0677

Applicant:
Mr Musson

Parish:
Arthuret

Agent:
Aditus Architectural
Services Limited

Ward:
Longtown & the Border

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

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

Date of Receipt:
08/10/2020

Statutory Expiry Date
03/12/2020

26 Week Determination

REPORT

Case Officer: John Hiscox

1. Recommendation

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

2. Main Issues

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

3. Application Details

The Site

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

Background

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

The Proposal

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

Gazebo:

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

Function building:

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

4. Summary of Representations

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

letters of support submitted, and one letter of objection.

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

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

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

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

5. Summary of Consultation Responses

Environment Agency:

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

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

Cumbria Constabulary:

(15.2.21 & 16.10.20) - No observations or comments.

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

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

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

Local Environment - Environmental Protection (Env Health):

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

Arthuret Parish Council:

(23.11.20) - Supports the application.

Kirkandrews Parish Council:

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

United Utilities:

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

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- 6.2 The proposed development requires to be assessed against the 'NPPF' National Planning Policy Framework (2019) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.4 below.
- 6.3 The main issues, as listed earlier in the report, are as follows:
 - (i) Whether the principle of erecting a wedding venue building and gazebo is acceptable in this location;
 - (ii) Whether the design and appearance of the building and gazebo would be acceptable in terms of potential visual impacts relating to the public realm;
 - (iii) Whether the development would be acceptable in terms of its relationship with Carwinley Mill, a Grade II listed building;
 - (iv) Whether the development would be acceptable in terms of its impacts on highway safety;
 - (v) Whether the development would be acceptable in terms of impacts on residential amenity of nearby residents;
 - (vi) Proposed drainage and impacts on the water resource;
 - (vii) Flood risk associated with the development.

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

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

Applicants' Supporting Information:

Design and access statement (Revision B - March 2021)

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

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

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

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

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

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

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

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

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

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

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

Flood Risk Assessment (Kingmoor Consulting, November 2020):

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

Transport Form (Aditus Architecture, 24.11.20):

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

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

Consideration of Development Proposals:

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

acceptable;

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

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

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

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

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

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

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

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

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

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

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

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

Noise:

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

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

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

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

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

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

Traffic movement:

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

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

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

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

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

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

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

(vii) Flood risk associated with the development:

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

Conclusions:

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

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

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

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

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

7. Planning History

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

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

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

8. Recommendation: Grant Permission

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

Reason: To define the permission.

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

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

development is occupied or brought into use.

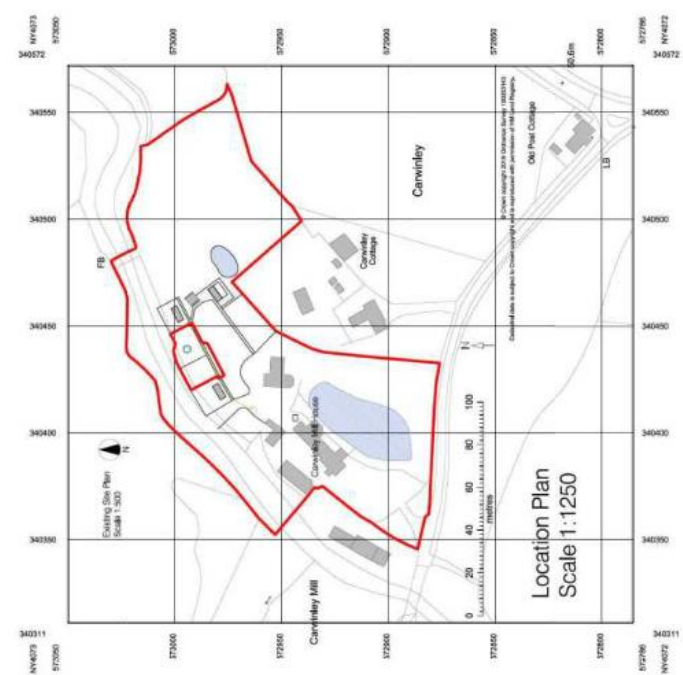
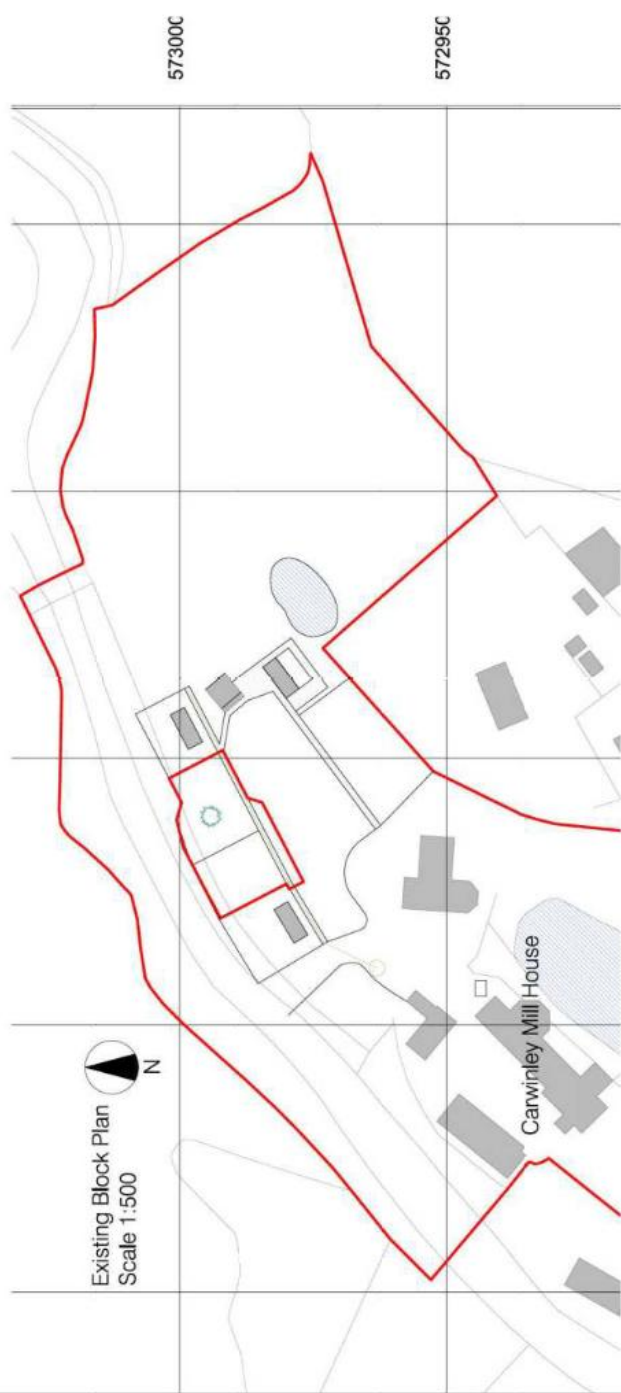
Reason: To ensure that all drainage matters are appropriately provided for in a sustainable manner, in accordance with Policies IP 6 and CC 5 of the Carlisle District Local Plan 2015-2030.

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

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

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Revision	Date	Description
1	11/10/20	Issue for planning application
2	11/10/20	Issue for planning application



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ADITUS
ARCHITECTURAL SERVICES

Planning Application

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

Location Plan, Existing and Proposed Block Plans

Drawn	Date	Checked	Project
11/10/20	11/10/20	11/10/20	2019-05B

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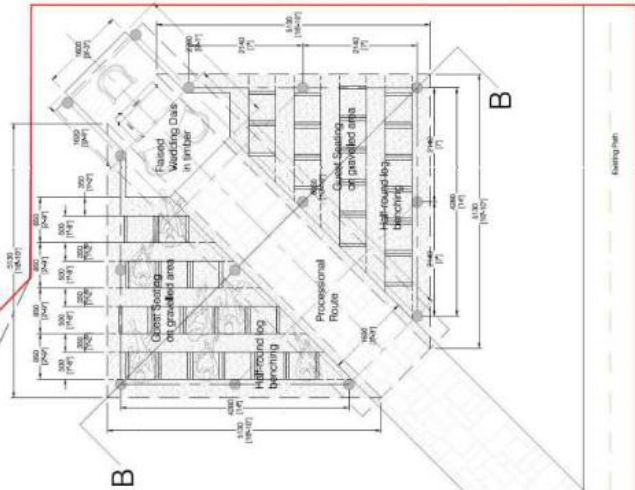


A1 Drawing Sheet

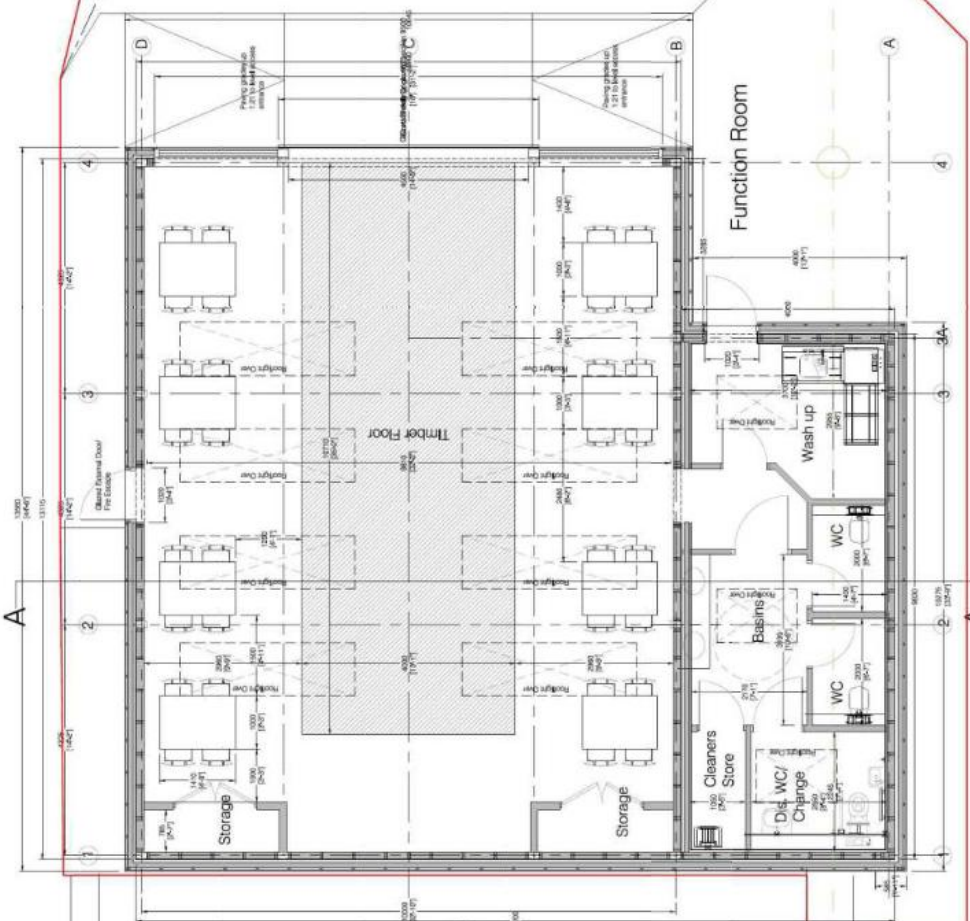
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Revision	Date	Description
1	11/10/19	Initial design
2	11/10/19	Revised design
3	11/10/19	Revised design
4	11/10/19	Revised design
5	11/10/19	Revised design
6	11/10/19	Revised design
7	11/10/19	Revised design
8	11/10/19	Revised design
9	11/10/19	Revised design
10	11/10/19	Revised design

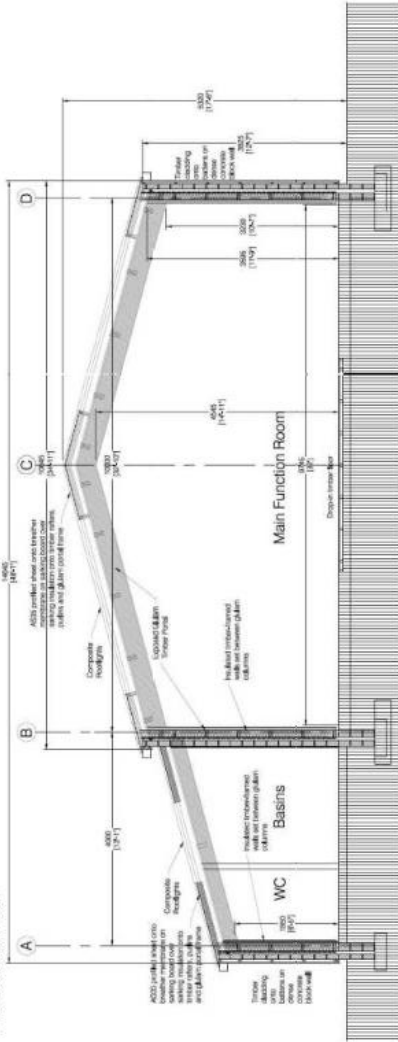
Wedding Gazebo



Function Room



Proposed Plan



Section A-A
Scale 1:50

Section A-A
Scale 1:50



Planning Submission

Project
Cawley Mill House - Free Standing Function Room & Gazebo, for Trevor and Danielle Musson
Proposed Plans and Sections

Date	Drawn	Checked	Scale
11/10/19	AD	AD	2019:03E

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All Drawing Sheet

2018 Carwinley Mill House – Carwinley Romantic Retreat

Proposed Operating Strategy for New Free-Standing Function Room_revD

Introduction

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

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

Proposals

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

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

Guests:

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

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

Transport Arrangements for Guests:

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

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

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

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

Catering & Bar Services:

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

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

Event Duration:

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

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

Music:

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

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

Other Restrictions/ Conditions:

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

Aditus Architectural Services Ltd
March 2021

SCHEDULE A: Applications with Recommendation

21/0076

Item No: 06

Date of Committee: 30/04/2021

Appn Ref No:
21/0076

Applicant:
iCAN Health and Fitness
CIC

Parish:

Agent:
Unwin Jones Partnership

Ward:
Cathedral & Castle

Location: 17 Maltmill House, Bridge Lane, Caldewgate, Carlisle, CA2 5SR

Proposal: Change Of Use Of Former Flat To Specialist Support Gym Together
With Alteration From Window To Door (Part Retrospective)

Date of Receipt:
29/01/2021 11:00:45

Statutory Expiry Date
26/03/2021 11:00:45

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle of Development Is Acceptable
- 2.2 Scale And Design
- 2.3 The Impact Of The Development On Heritage Assets
- 2.4 The Effect On The Living Conditions Of Occupiers Of Neighbouring Premises
- 2.5 Potential For Crime, Disorder And Anti-Social Behaviour
- 2.6 Highway Issues
- 2.7 Development Within The Flood Zone

3. Application Details

The Site

- 3.1 Maltmill House comprises a one of a group of five buildings of which 'old Brewery Residences', 'Tun House' and 'Maltmill House' are Grade II Listed

Buildings.

- 3.2 The site is located in the Caldewgate area of Carlisle to the north of Bridge Street with good access to the city centre, transport links and public car parks. The site is bound to the north by Caldew Maltings, to the east by the River Caldew beyond which is Devonshire Walk public car park and Carlisle City Centre Conservation Area, to the south by Castle Way and to the west by the Little Caldew watercourse.

Background

- 3.3 The buildings previously housed The Carlisle Old Brewery company until its closure in 1987. There then followed a period of internal demolition and strip out. The building was listed in 1987.
- 3.4 In 1993 the site was substantially redeveloped to form the Northumbria University Halls of Residence. Impact Housing Association acquired the site from the then Northumbria University in November 2014. The buildings have been occupied as student residence until September 2016 and have been vacant since.
- 3.5 The student numbers in Carlisle were anticipated to increase and planning applications were approved in Denton Holme on Denton Street and Norfolk Street accordingly. However, the demand for student accommodation did not meet the expectation and take up of student accommodation stagnated. Occupation numbers reduced by two thirds at the Old Brewery since 2012 and this prompted Impact Housing Association to review their options. Feasibility studies concluded that conversion to affordable housing was the most practical and sustainable option.
- 3.6 The site is also located in Flood Zone 3 and was flooded in 2005 and again in 2015. However, the site is within an area benefiting from flood defences.

The Proposal

- 3.7 This application seeks full planning permission for the change of use of part of the ground floor of Maltmill from that of a student flat to a specialist support gym.
- 3.8 Minor works are proposed to the listed building which will be minimized to accommodate the gym and associated facilities and will incorporate flood resilience measures. In order to facilitate the change of use, some alterations are proposed to the building, which in summary comprise of:
- the floor will be overlaid and insulated;
 - stud partitions will be erected forming an office, changing area and toilets;
 - the area will be rewired, drainage altered and new gas and electricity supplies installed;
 - externally the only visible change will be the alteration of a window opening to form a door within the courtyard.

- 3.9 Two additional car parking spaces are to be provided within the overall site.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of 41 of the neighbouring properties. In response, no representations have been received against the planning application; however, two representations were received during the consultation process for the listed building consent application with that application number being quoted; however, the issues raised relate to the planning application and are summarised as follows:

1. the fact that the former brewery is being redeveloped in a positive manner by providing accommodation and gym facilities is welcomed; however, due to the fact there is inadequate parking provision problems may arise in Caldew Maltings and the surrounding area;
2. presently, the gym is closed due to lockdown, but the car is full to capacity, presumably by the residents in the newly refurbished Brewmasters' and Maltmill House. When the gym is open there will be a problem of inadequate parking, which no doubt will be exacerbated when the remaining buildings are renovated. So there is a glaring need for more on-site and off-site parking. This should be a condition incorporated into any successful application;
3. the current restriction of through traffic from the former brewery into Caldew Maltings should be maintained as a condition of a successful application;
4. part of the building is listed but was neglected by the previous owner. Previous storms have resulted in the downspouts on the river frontage being damaged which have not been repaired thus causing deterioration to the fabric of the building, and there is a satellite dish which was erected, presumably without permission;
5. this seems to me to be a second retrospective application, in that certain works seem to have been carried out before seeking permission;
6. the changes to the occupation of the development are only partly complete, yet the parking spaces are already close to full occupancy. It is suggested that a provision for more parking should be a condition of any future changes. Additionally, the current restriction of through traffic from the former brewery into Caldew Maltings should be maintained as a condition of a successful application.

5. Summary of Consultation Responses

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

Local Highways Authority

I note previous application 20/0445, this application has minor changes to the layout. It has been confirmed that there is no proposal to open the emergency

access gates for two way access to Caldew Maltings. Almost like for like development, this will not have severe impact to the highway.

Lead Local Flood Authority (LLFA)

The LLFA has records of minor surface water flooding within the redline boundary west of the site which indicate a 0.1 percent (1 in 1000) chance of occurring each year and the Environment Agency surface water maps indicate that the site is within flood zone 2 and 3, you may wish to consult with the Environment Agency in relation to flood risk assessment.

Conclusion

It is confirmed that the Highway Authority and LLFA has no objection to the proposed development as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere;

Planning - Access Officer: - no objection.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP1, SP2, SP6, SP9, EC6, EC9, IP2, IP3, CC4, CM4, CM5, HE3 and HE7 of the Carlisle District Local Plan 2015-2030 are also relevant. The council's Supplementary Planning Document (SPD) "Designing Out Crime" is also a material planning consideration. The proposal raises the following planning issues.

1. Whether The Principle of Development Is Acceptable

- 6.3 Within the NPPF there is a presumption in favour of sustainable development. Paragraph 7 requires that:
- "The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs."*
- 6.4 Paragraph 8 continues and identifies that to achieve sustainable development there are three overarching objectives. Paragraph 10 states *"so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11)."*

- 6.5 Policy EC6 of the local plan reflects the hierarchical approach of retail and main town centre uses for the district in Policy EC2 which is itself consistent with the Framework which seeks to protect vitality and viability of existing centres and also provides for new centres within strategic sites across the district.
- 6.6 The site is approximately 0.58 kilometres (0.36 miles) south-west of the city centre and 95 metres west of the city centre boundary in a direct line. Under the NPPF, the leisure uses are considered to be 'main town centre' uses and 'edge of centre' locations require a Sequential Test; however, this proposal is an extension of an existing leisure use for which a Sequential test was undertaken as part of that separate planning application. No such test is therefore required for this application.
- 6.7 The overall site comprises 6 individual buildings which the Supporting Statement which accompanies the application states the overall floorspace is 5903 sqm. The statement outlines that the proposal would occupy 133sqm, which equates to 50% of the ground floor of Maltmill. Planning permission was granted for the other 50% of the building last year for gymnasium operated by a not-for-profit community interest organisation. The gymnasium focuses on focusing on exercise, wellbeing and fitness mainly by breaking down fitness barriers. It is a specialist gym catering for clientele with a variety of special needs that cannot be accommodated in large mainstream commercial gyms. The statement continues that as such, the class sizes are minimal, typically 5-6 at a time; sessions are limited by booking; footfall is considered to be modest; the facilities are not open fully 'all day'; classes are timetabled at intermittent periods through the day.
- 6.8 The proposal would be an extension to these existing facilities and it is stated will provide complimentary services focused around rehabilitation by improving mental and physical wellbeing.
- 6.9 The principle of development is considered to be compliant with the objectives of the NPPF, NPPG and policies of the local plan and the principle of development is acceptable. The remaining issues raised by the proposed development are addressed in the following paragraphs.

2. Scale And Design

- 6.10 The NPPF promotes the use of good design with paragraph 127 and the sentiments are repeated in paragraph 130. Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.11 The proposal involves alterations to the building which in the majority are

internal. The only external change involves the formation of a door opening in the rear elevation. In the context of the proposal, the external alteration would not be visible from the streetscene. The scale and use of the building would be appropriate to the character and appearance of the property and would not appear obtrusive within the wider character of the area and the proposal would be compliant with policies in this regard.

3. The Impact Of The Development On Heritage Assets

3.a The Listed Building

- 6.12 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

Impact Of The Proposal On The Character And Setting of the Grade II Listed Buildings

- 6.13 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.14 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.15 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.16 Maltmill House is a large detached Grade II listed building and forms part of a cohesive group of buildings that comprise the Old Brewery.
- ii) the effect of the proposed development on the settings of the Grade II listed building
- 6.17 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets'

(TSHA).

- 6.18 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.19 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 194). However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.20 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.21 The proposal is to convert the space for use as a specialist support gym. The internal walls were stripped as part of flood resilience works by Impact Housing Association and at this point the shell needs to be fitted out. Minor alterations are required:
- the floor will be overlaid and insulated;
 - stud partitions will be erected forming an office, changing area and toilets;
 - the area will be rewired, drainage altered and new gas and electricity supplies installed;
 - externally, a window opening will be altered to form a door opening within the courtyard.
- 6.22 The listing description for the buildings acknowledges that "*little remains of the buildings' original interior*". The development comprises alterations to the interior of the building that could be reserved at a later date should that be required and is therefore considered to be a 'light touch' to the conversion of the building. The addition of the door in the materials proposed is part of the flood reliance measures. As such, the works to facilitate the change of use of the building are minimal and it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

3b. Impact Of The Proposal On The City Centre Conservation Area

- 6.23 The application site is adjacent to the City Centre Conservation Area whose boundary flanks the east bank of the River Caldeu. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG,

Policy HE7 of the local plan are relevant.

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

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

- 6.25 The aim of the 1990 Act is reiterated in the NPPF, PPG and policies within the local plan. Policies HE6 and HE7 of the local plan advise that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.26 Under the requirements of the NPPF, a *"balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 6.27 The reuse of the building would not affect the setting of the conservation area and only one minor external alteration to the rear of the building in the form of the installation of a door in lieu of a window is proposed. On this basis, the proposal would preserve the character and appearance of the conservation area and would not prejudice important views into or out of the conservation area and is acceptable.

4. The Effect on the Living Conditions of Occupiers of Neighbouring Premises

- 6.28 There are residential properties and a commercial business in the vicinity of the application site. As well as the potential for crime and disorder, which is discussed in the following section of this report, the proposal has the potential to impact on the amenity of the occupiers of neighbouring premises from the use of the site. This includes noise from the proposed plant and equipment, as well as from patrons leaving the premises during hours of the day and night when ambient noise levels are relatively low.
- 6.29 The hours of use would be between 8am and 8pm on Mondays to Fridays; 8am and 6pm on Sundays; and 9am and 12 noon on Sundays and Bank Holidays. The hours approved for the adjacent building are between 8am and 7.45pm on Mondays to Saturdays and 10am until 11.30am on Sundays. The proposed hours are therefore broadly consistent with the existing use and are acceptable.
- 6.30 Given the scale of the use together with the orientation of the neighbouring properties, intervening buildings and proposed hours of use, it is unlikely that the proposal would have an unacceptable impact on the amenity of neighbouring residential or commercial buildings.

5. Potential For Crime, Disorder And Anti-Social Behaviour

- 6.31 Planning policies require that *“new development should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime. Proposals should be designed with the following principles in mind in order to create secure environments which deter crime...”*
- 6.32 The proposal involves the reuse of part of an existing building. Given the existing layout of the site and the restricted access to the rear, together with the small-scale use of the building, the development is unlikely to give rise to any issues of crime or anti-social behaviour. The applicant is advised to contact Cumbria Constabulary for further advice in respect of measures which could be incorporated within the building together with management procedures to further reduce this potential. This is in the form of an advisory note within the decision notice. On this basis, the proposal would not therefore be contrary to Policy CM4 of the local plan.

6. Highway Issues

- 6.33 The site is served by existing vehicular accesses and the development would incorporate parking provision and turning facilities within the site. A further were provided as part of the application for the adjacent gymnasium and these would retained as part of the overall development. The applicant's Supporting Statement highlights that further and specific to this application the two additional parking spaces will be retained for dedicated drop off/pick up and parking. Furthermore, in wider terms the applicant is in discussion with various parties to fund additional parking off-site.
- 6.34 Reference is made in the objections to the fact that the existing facilities are at capacity. Parking on adjacent land is restricted as it falls within private ownership. Additionally, the nature of the use and the floorspace involved, means that class sizes are by their very nature, limited.
- 6.35 The site is well-related to the city and is accessible by alternative means of transport including cycling, walking and public transport. It is also well-related to two public car parks which are 80 and 100 metres from the building.
- 6.36 Any additional vehicle movements could be accommodated within the existing highway network and Cumbria County Council as the Local Highway Authority has raised no objection to the application. It would be appropriate however, to limit the access from the site onto Caldew Maltings through the imposition of a condition. As such, the proposal does not raise any highway issues.

7. Development Within The Flood Zone

- 6.37 The application site is located within Flood Zones 2 and 3. Planning policies adopt a hierarchical approach and direct development in the first instance to areas designated as being within Flood Zone 1. Development within Flood Zones 2, 3a and 3b (with the exception of water compatible uses in key infrastructure as defined in the NPPG) will only be acceptable where they are compliant with the NPPF where a sequential test and exception test where

applicable have been satisfied.

- 6.38 Paragraph: 066 Reference ID: 7-066-20140306 Revision date: 06 03 2014 of the NPPG advises that leisure uses are classified as less vulnerable uses. Further information in the NPPG is found in “Table 3: Flood risk vulnerability and flood zone ‘compatibility’” which clearly states that neither a Sequential or Exception Test need to be applied to minor development and changes of use, (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site).
- 6.39 A leisure use which encompasses a gymnasium, is classified as being a ‘less vulnerable’ use and within Table 3, is defined as being acceptable in Flood Zone 3a. As such, and in light of this together with the advice in the NPPF, the proposal does not raise any issues with reference to Policy CC4.

Conclusion

- 6.40 In overall terms, the proposal relates to reuse of part of a building to form a gymnasium. The NPPF and local plan policies seek to protect the vitality and viability of city and town centres by generally requiring main town centre uses to be within the town centre and only where adequately supported can these be considered in edge of centre or out of centre locations. In this instance, it is considered that the submitted Sequential Test has been applied in a robust and comprehensive manner and it can be confidently concluded that there are no sequentially preferable alternative sites and therefore, that the vitality and viability of the city centre would be preserved.
- 6.41 There is appropriate vehicular access to the site and parking within the site. The development is accessible by alternative means of transport and is acceptable in this regard, subject to the imposition of conditions.
- 6.42 The proposal is appropriate in scale and would not adversely affect any identified heritage assets or the amenity of the occupiers of neighbouring premises. National planning policies advise that leisure uses in areas of identified flood zones are acceptable. The proposal does not raise any issues with regard of crime or disorder. In all aspects, the proposal is considered to be compliant with the objectives of the NPPF, NPPG and the relevant local plan policies.

7. Planning History

- 7.1 Historically there have been several applications for planning permission for alterations to the buildings together with nearby flood defences.
- 7.2 More recently, in 2002, listed building consent was granted for the creation of link doors at ground floor and 1st floor between 14 and 16 together with additional internal alterations.
- 7.3 Planning permission was granted in 2016 for the change of use of the former halls of residence to a mix of 1, 2, and 3 bedroom affordable dwellings

(36no.) and retention of single bed wardens flat.

- 7.4 In 2020, planning permission and listed building consent were granted for a change of use from former student flat to gym with minor alterations.
- 7.5 An application is currently being considered for listed building consent for the retention of works for change of use of former flat to specialist support gym together with alteration from window to door is currently being considered under application 21/0077.

8. Recommendation: Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the Planning Application Form received 29th January 2021;
 2. the Location Plan received 29th January 2021 (Drawing no. 001);
 3. the Existing and Proposed Site Plan received 29th January 2021 (Drawing no. 102);
 4. the Existing and Proposed Floor Plans and Elevations received 29th January 2021 (Drawing no. 120);
 5. the Supporting Document for the Planning and Listed Building Applications Incorporating Design and Access Statement and Historic Buildings Impact Assessment received 9th April 2021;
 6. the Notice of Decision;
 7. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

2. The premises shall be used as a gymnasium and for no other purpose.

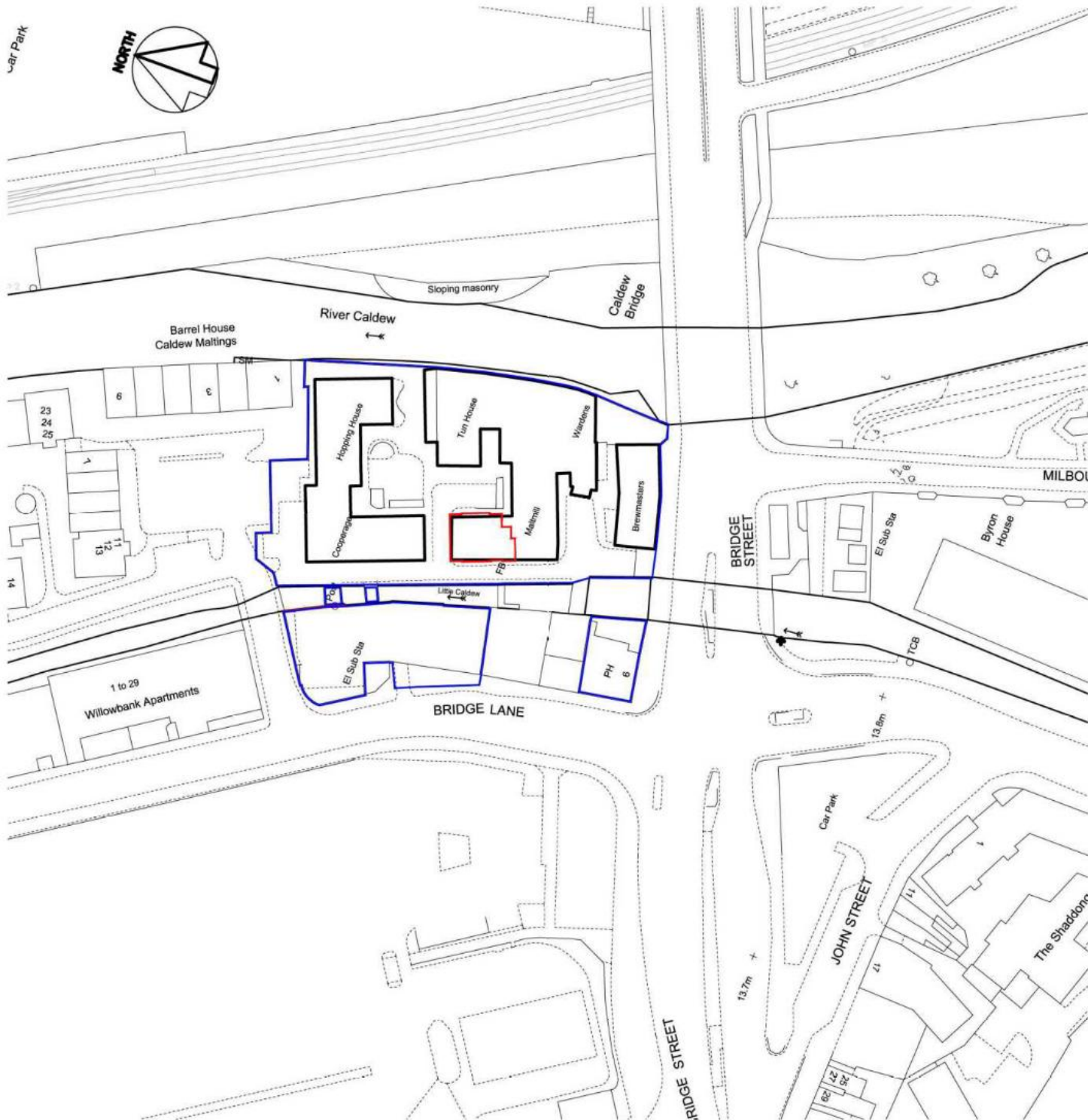
Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policies EC6 and CM5 of the Carlisle District Local Plan 2015-2030.

3. The use of the premises hereby permitted shall not commence before 08:00 hours or remain in operation after 20:00 hours on Mondays to Fridays; 08:00 and 18:00 hours on Saturdays; and 09:00 hours and 12:00 on Sundays and Bank Holidays.

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

4. The vehicular access leading from the site to Caldew Maltings shall only be used only by emergency and service vehicles and no other vehicles.

Reason: To preclude the access being used on a regular basis and to avoid any adverse impact on the surrounding highway network in accordance with Policies SP6, IP2 and IP3 of the Carlisle

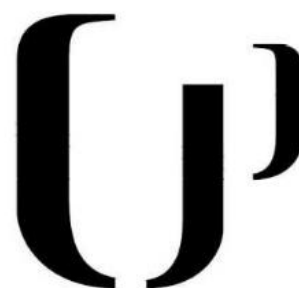


17 Maltmill House

Old Brewery, Carlisle

iCan Health and Fitness CIC

Location Plan

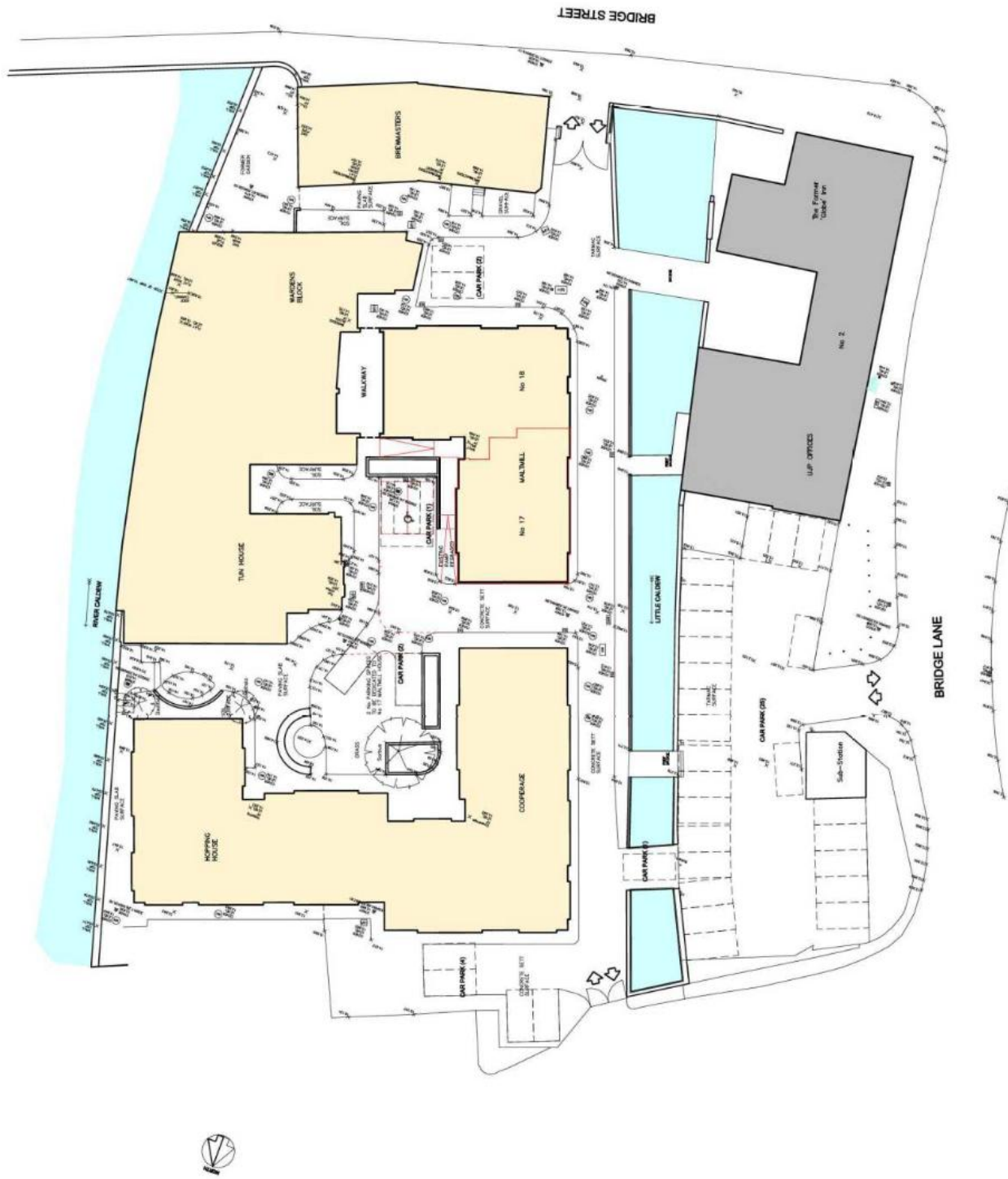


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PROJECT No: 3029b
DATE: Jan 2021 DRAWING No: 001

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17 Maltmill House
Old Brewery, Carlisle
iCan Health and Fitness CIC

Existing and Proposed
Site Plan

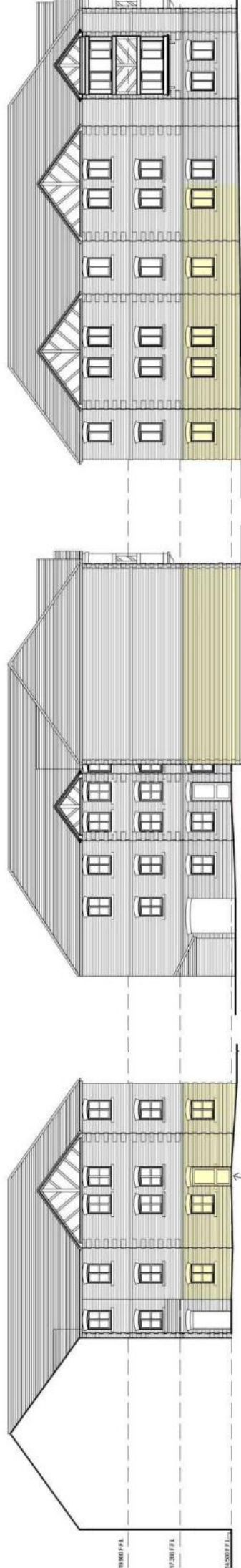
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DATE: Jan 2021
PROJECT NO: 202006
DRAWING NO: 102

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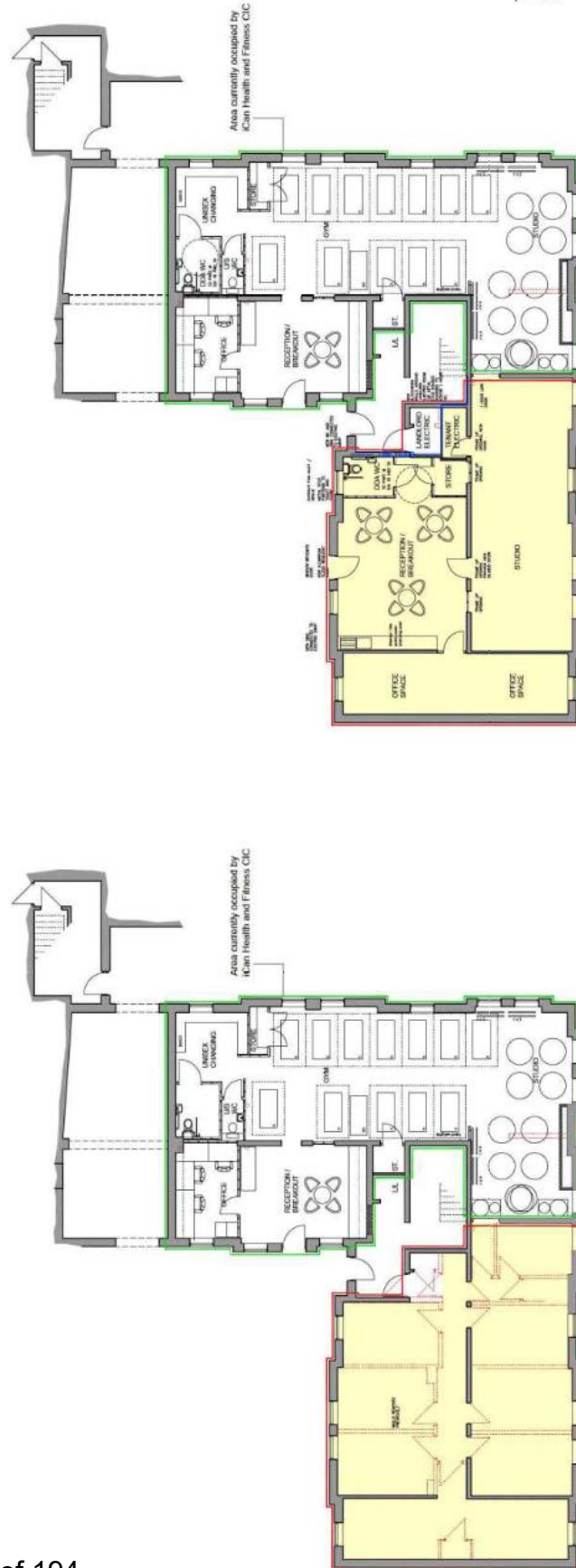
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EAST ELEVATION
1:100

NORTH ELEVATION (NO WORKS)
1:100

WEST ELEVATION (NO WORKS)
1:100



PROPOSED LAYOUT
1:100

EXISTING LAYOUT
1:100

SCHEDULE A: Applications with Recommendation

20/0477

Item No: 07

Date of Committee: 30/04/2021

Appn Ref No:
20/0477

Applicant:
Persimmon Homes
Lancashire

Parish:
Stanwix Rural

Agent:

Ward:
Multiple Wards

Location: Land to the north east of, Windsor Way (Tarraby View), Carlisle

Proposal: Erection Of 90no. Dwellings (Revision Of Previously Approved Permission 14/0778 To Increase Dwellings From 72no. To 90no. (Phase 2))

Date of Receipt:
29/07/2020

Statutory Expiry Date
29/10/2020

26 Week Determination

REPORT

Case Officer: Christopher Hardman

1. Recommendation

- 1.1 It is recommended that authority to issue an approval be given to the Corporate Director of Economic Development subject the completion of an appropriate Section 106 Agreement regarding:
- 30% of the proposed additional dwellings to be affordable of which 50% are to be rented and 50% shared ownership or discounted sale over and above those already given permission;
 - the payment of an education contribution of £14,500 per primary school pupil generated by the increased number of units (i.e. £71,316);
 - pro-rata increase in the off-site contributions towards open space; and
 - maintenance and management of on-site open space

Should the S106 not be completed, authority to refuse the application be given to the Corporate Director of Economic Development.

2. Main Issues

- 2.1 The acceptability of the application with regard to the proposed layout, scale, and appearance.
- 2.2 Whether the proposal will be detrimental to the living conditions of the

- existing neighbouring residents.
- 2.3 Whether the proposal will be detrimental to highway safety and accessibility.
 - 2.4 Whether the proposed means of foul and surface water drainage are adequate.
 - 2.5 Whether the proposal will meet the needs of affordable housing.
 - 2.6 Whether the educational needs will be met.

3. Application Details

The Site

- 3.1 This application relates to Phase 2 of the Persimmon Homes "Tarraby View" development situated between Windsor Way and Pennington Drive, north east of Wolsty Close and Drumburgh Avenue, and east of Newfield Park. California Lane forms part of the north-western boundary. Otherwise, the site is bounded to the north and east. Phase 1 of the development is located to the south of this phase.
- 3.2 The site is north of the relatively narrow brook (Gosling Sike) which divides the site into its natural phases of development. Gosling Sike is designated a main river and drains through an open channel and culvert in a south westerly direction through the neighbouring residential development along Windsor Way downstream 1.5km to the River Eden. The River Eden is designated a Site of Special Scientific Interest and a Special Area of Conservation. The site is entirely located within Flood Zone 1 (i.e. outside the extent of the 1 in 1000 year risk of flooding) but there is an awareness of existing surface water flooding problems downstream in relation to Gosling Sike. The Environment Agency has recently been undertaking works to widen the culvert and has used part of the development site to undertake its works, as well as working on neighbouring land.

Background Information

- 3.3 The site is allocated for residential development in the Carlisle District Local Plan 2015-2030 (ref U10) and has been progressing since it received permission in May 2017. As part of those proposals, a signalised junction has been provided at the junction of Windsor Way and Scotland Road as the main access route to the site, although a secondary access has also been established from Newfield Park.

The Proposal

- 3.4 This application is seeking full permission to erect additional houses at the site with an increase of 18 dwellings in addition to the 276 dwellings already granted permission. The additional dwellings require some reconfiguration of the existing approved plans. The proposed development is a mix of two storey detached, semi-detached and terraced houses. The proposals use the same house types as those already approved on Phase 1 of the development with the addition of a new Clayton Corner house type. Application 14/0778 (the original permission) was granted subject to a legal

agreement for the following measures:

- 30% of the proposed dwellings (i.e. 83 units) to be affordable of which 41 are to be rented and 42 shared ownership or discounted sale;
- the installation of the traffic control signals on Windsor Way/ Scotland Road Junction with the details submitted prior to construction starting on site and in place prior to the plastering of the 20th dwelling.
- the payment of an education contribution of £14,500 per primary school pupil generated by the development (i.e. £997,568);
- the enabling of access to the field (part of registered title number CU284260) adjacent to the south east of the development site;
- the management/maintenance of open space inclusive of the attenuation basins and environmental protection area;
- the payment of a Cycle Way Contribution of £25,000 to the provision of an offsite link between the application site and Greymoor Hill;
- the payment of a Travel Plan contribution of £6,600;
- the payment of £7,500 to cover the costs of a Traffic Regulation Order; and
- the payment of a sum regarding the off-site sports provision.

An increase of 18 units would in some instances require an uplift to the provisions of the S106 and this is set out in the report.

3.5 In addition to the submitted plans/drawings, the application is accompanied by:

- a Design and Access Statement;
- a Tree Survey Report;
- a Traffic Management Plan;
- a Transport Assessment;
- an Air Quality Assessment;
- a Phase 1 Desk Study and Phase 2 Intrusive Investigation;
- a Flood Defence Consent and United Utilities S104 Agreement;
- a Detention Basins Operation and Maintenance Plan;
- a SUDS Maintenance Schedule; and,
- a Materials Schedule.

4. Summary of Representations

4.1 This application has been advertised by the direct notification of 291 neighbouring properties. In response, 7 representations of objection and 1 comment have been received.

4.2 The objections's identify the following issues:

- the extra 18 houses will be built regardless of any objections!!!
- a lot of residents will probably not object again as they know it is pointless!
- we strongly object to these revisions.
- strongly object to any development on phase 2 Tarraby View and any amendment to it
- this has been a lovely peaceful estate, it has never been taken into

- consideration that this phase will have an impact on peoples quality of life
- our house backs onto the new housing estate where once upon a time there was sheep running about in the fields, now we are going to be overlooked by concrete buildings.
- the wildlife that habitat in the fields and along the lane will be disturbed.
- I have this spring had to have drainage put in my back garden as now the rain does not drain off since the building work began, and little wonder as the rain water has no where to drain to due to all the building work being done!!
- I strongly object to this phase 2 but more so the further 18 homes!! enough is enough
- you have destroyed natural habitat and a flood plain to boost the number of houses in the city. Carlisle is not growing fast enough (jobs, schools etc) so all it will leave is a raft of empty houses elsewhere.
- concentrate on brownfield sites and start taking the environment seriously for goodness sake.
- our house will now overlook affordable housing. whilst i understand the need for such housing it does not have to form part of the same development, build these in areas more suitable to such homes. for once please can our counsellors represent the existing homeowners of the original development as so far they have not.
- there are already too many new houses being built in Carlisle, especially north of the city. do we really need these extra houses? we are currently in the middle of a global pandemic and a resulting economic recession with greater unemployment. fewer people will be in a position to purchase these houses in the future. are we just creating debt?
- the amount of traffic that will pass through Newfield and now your adding a further 18 houses so that will probably mean approx 36 more cars as each household will have 2 or more
- all traffic and other environmental assessments are 6 years or more out of date and there have been changes in that time which need to be considered. access onto Kingstown road from the Newfield estate has already become increasingly more difficult since building began at Windsor Way. however, due to the covid 19 'lockdown' any traffic assessment will currently be abnormal and should be made at a time when traffic flows are back to where they would reasonably be when the crisis is over.
- the roads on the Newfield estate were not designed to accommodate the volume of traffic which will be created from the 72 houses in phase 2 of the development. now it is being proposed that another 18 houses and associated cars (36+ extra vehicles) be given planning consent.
- it is still our opinion that the access from Newfield Park to tarraby view, which was crucial to gaining planning consent was constructed unlawfully over unregistered private land.
- what has happened to the bollards at Newfield Drive we were told this was emergency access only?
- already the additional traffic along Windsor Way is dangerous, the speeds the cars drive past the green space and play area, past children playing and on bicycles is an accident waiting to happen. this will increase traffic further.
- why increase the number, surely Persimmon new the layout at the start of

- their development
- the approved dwellings north of the river are 786 needing an extra class of children per age group
- the number of houses goes up yet again, but where is the school?
- in this northern area of the city ,persimmon,along with Gleeson and Story,have a collective responsibility to provide a school simply because of the total number of homes they are building.
- will the day ever come when our elected councillors and the planning officers actually stop a developer doing what they like,and ensure they provide such a facility?
- the proposed school is not in a sustainable position. it does not allow pedestrian access from all local estates, on foot or by cycle. furthermore, it will surely generate unnecessary car journeys on Kingstown Road, Scotland Road and Brampton Road. from an environmental point of view, future planning must ensure that there is provision for children to walk and cycle to school.
- Until such time as the educational needs question is satisfactorily resolved the application should be held in abeyance or refused. This will have the effect of placing pressure on the County Council to be honest and truthful about what is going on and no doubt Persimmon will simultaneously apply pressure on the County Council for them to say what it intends to do over educational needs.
- The Council should consider the density of the development and whether it is prepared to endorse a breach of minimum space requirements and set a further precedent for other developments. The application should be deferred pending the receipt of a full statement from the applicant justifying the reasons to increase the number of dwellings.
- The Council and County Council should publish its intentions over a new school adjacent to the development and whether they will be able to meet the timetable set out in the section 106 Agreement. Should they fail and the timetable is not met and monies have to be returned to Persimmon I would expect resignations from those responsible in both the City Council and County Council.
- Have the contributions agreed by Persimmon been made and is that money suitably ring fenced by the County Council.
- If the contributions have not been made then the application should be stayed or refused until such time as the contributions have been paid in full with interest.
- To refuse the application on the grounds it fails to comply with Local Plan Policy HO1 in that it does not make provision for sufficient house types by failure to provide housing for the elderly.
- To defer the application on the grounds the applicant has failed to comply properly with Local Plan Policy CM5 in that it has not submitted anything to demonstrate how it intends to mitigate the negative impacts of vehicle emissions.
- To defer the application until the applicant deals with the issues raised by the Cumbria Police in relation to complying with Policy CM4.
- If it remains the Council's objective to establish 10,000 homes south of Carlisle (which I believe cannot happen for a variety of reasons) I trust the Council has identified the 20,000 or so persons who will buy or rent such properties since demand will constantly reduce as a result of other

developments in the north of the City. Should any prospective buyer or renter have children I would suggest they are educated from home since on the County Council's performance it will be many years before any new school materialises, if at all. The best plan would be to apply for permission now for a new school in that area on the basis it will take the County Council 10 years or more to get its act together. And do not let us forget that in addition to a school or schools proper arrangements need to be in place for healthcare. Would someone like to suggest where doctors will be found to support this given that the number of GPs in north Cumbria is reducing year on year and the number of GP Registrars training to be GPs is at an all time low. It takes a minimum of 10 years to train a GP. Has anyone had the sense to think any of this through?

4.3 The comment is: no objection.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - **Highways response:** Initially raised concerns over some of the details.

The planning application under consideration is in relation to the increase in the number of dwellings to be constructed as part of Phase 2 of the Persimmon Homes development at Windsor Way, Carlisle from 72 to 90. Therefore this application seeks to increase the total number of dwellings for the overall site to 294. As part of the suite of documents submitted as part of this application a revised Transport Assessment (TA) has been submitted to determine the effects on the highway network that the proposal may have. It is noted within the original TA submitted as part of the planning application 14/0778 that the transport impacts were assessed for 277 dwellings (1 more dwelling than was constructed); therefore the revised assessment assesses the additional 17 additional dwellings up to 294.

The TA submitted undertook detailed capacity assessments using a TRANSYT 15 model for the A7 corridor and Hardwicke Circus. It was stated within the report that the additional 17 dwellings proposed equate to an additional 10 vehicle movements on the weekday AM peak hour and an additional 11 movements in the weekday PM peak hour. The model also determined that the A7 junctions with Newfield Drive and Windsor Way can accommodate the additional traffic flow relating to the proposed increase in number of dwellings within the development site. The assessment concluded that the impact of the additional traffic on the highway network were small and no junctions required improvement works. The Highways Authority agree with the conclusions of the TA that the amount of traffic generated is small and does not impact upon the highway network in a detrimental way or decrease road safety within the vicinity of the development.

Car Parking Provision

The applicant is proposing to include 25 two-bedroom dwellings, 44 three-bedroom dwellings and 21 four bed dwellings within Phase 2. As such, and in accordance with the Cumbria Development Design Guide, it is expected that 176 car parking spaces are to be provided on site with dimensions of 2.4m x 5m. A revised parking layout plan has been submitted following the previous response to this application dated 5 February 2021 indicating that 176 car parking spaces are to be provided within the

development site plus a further 14 visitor parking spaces. This provision is acceptable to the Highways Authority.

Layout Clarification

An issue raised within the previous Highways Authority response was the additional length of highway at plots 273 - 280. The applicant has confirmed within the Section 38 agreement Plan for Phase 2 which sections of carriageway are to be offered for adoption. A small section of shared surface carriageway at Plots 278 – 280 is to remain private and this clarification is acceptable to the Highways Authority.

Conclusion

The above issues regarding the car parking provision and confirmation of the adopted carriageway at plots 273 – 280 were the sole issues left to be resolved by the applicant. As detailed above sufficient information has now been submitted to be able to confirm that the Highways Authority have no further objections with regards to the approval of planning permission.

LLFA response: Initially raised concerns over the discharge rates however following the submission of further information

Discharge rate

The LLFA have reviewed the further information submitted by the applicant regarding a section 104 agreement with United Utilities for the discharge of surface water into the public surface water sewer at a controlled rate of 49.8l/s. Previous LLFA comments to this application have stated that the maximum discharge rate for the site is to be 45l/s; however, following a review of this application it is noted within the FRA that the QBar rate for the site is 52l/s. In accordance with the Cumbria Development Design Guide the maximum discharge rate acceptable to the LLFA is the QBar rate. As such the proposal to discharge surface water at 49.8l/s is acceptable as it is below the QBar rate for the site. The LLFA have also reviewed the detailed Micro Drainage calculations and can confirm that sufficient attenuation is being provided on site to accommodate a 1 in 100 year plus 30% to account for climate change storm event in line with Phase 1 of the development. This is acceptable to the LLFA.

Treatment of surface water

With regards to the discharge location proposed of the public surface water sewer, the LLFA have no objections as the developer has acquired a s104 agreement with United Utilities. The principle of the drainage system has been agreed under previous applications. Therefore, the LLFA have no objections to the drainage system design.

Conclusion

Therefore, to conclude the LLFA no longer have any objections with regards to the approval of planning permission.

Local Environment, Waste Services: - No objection

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): -

I am not in favour of the formalised link from this development into Tarraby Lane (which is effectively a cul-de-sac with minimal localised traffic). It is noted that the closest dwelling, Unit 74, 'ignores' this feature by presenting a 'blank' gable towards it, so that the occupiers do not have any views across it

(Policy CM 4 3.)

Units 113, 131 and 149, being the closest dwellings to the footpath in Public Open Space present gables towards it and residents do not have views across this feature (Policy CM 4 1.)

Is there still a proposal to 'stop-up part of California Lane? (to the rear of Units 218 – 229). Despite California Lane not being a significant thoroughfare, dwellings should positively address formal routes and links to maximise surveillance opportunities across them (Policy CM 4 3.)

Otherwise, rear garden boundaries abutting California Lane should be at least 2.4m tall to defend against intrusion (as evidenced by measures exhibited at existing dwellings along this route)

Drawing 186.302 (Boundary Treatment Plan) does not indicate how many of the front garden curtilages shall be established, to clearly define public and semi-private space and promote a concept of 'ownership'. Physical treatments are more effective for this purpose. I would regard the proposed Plot divisional fences (750mm) forming some rear gardens are insufficient and should be not less than 1200mm to deter 'roaming' (Policy CM 4 2.)

My interpretation of the Street Lighting plan shows varying uniformity values of 0.15Uo, 0.17Uo and 0.19Uo around the site, which seem very low. If this site was being considered for Secured by Design certification, I would be seeking values closer to 0.40Uo and no lower than 0.25Uo at any point (Policy CM 4 4.)

The applicant has not submitted detailed information relating to exterior doors and windows. I recommend these items to be certified to PAS 24:2016 (including a pane of laminated glazing as appropriate) thereby exceeding the requirements for Building Regulations Approved Document Q approval

Cumbria County Council (Education Department): -

In relation to education it is considered that the additional units will generate an additional four primary aged pupils. Therefore a contribution is required for 4 primary places $4 \times £17,829 = £71,316$. The multiplier is £14,500 as at September 2015 and adjusted using the BCIS All-in TPI, we would also require the contribution to be provided prior to occupation of any dwellings, this approach is consistent with what has been agreed in relation to other developments in North Carlisle which include 15/0812, 14/0761 and 14/0778. It is important to note that the multiplier and timing of the contribution has been accepted by a Planning Inspector as part of an appeal decision for a development in North Carlisle – Land at Harker Industrial Estate, Low Harker Carlisle (15/0812) & (App/E0915/W/3179674).

Environment Agency (N Area (+ Waste Disp & Planning Liaison Team): -

There are no Flood Risk Objections to the Revision Of Previously Approved Permission 14/0778 To Increase Dwellings From 72no. To 90no. (Phase 2).

Cumbria County Council - (Highway Authority - Footpaths): -

The applicant should note that public footpaths 132011 and 109003 follow an alignment to the east and west boundaries of the development area and must not be altered or obstructed before or after the development has been completed. If the path is to be temporarily obstructed then a formal temporary closure will be required, there is a 14 week lead in time for this process, please contact Sandra.smith@cumbria.gov.uk for further information.

(Former Green Spaces) - Health & Wellbeing: -

If the numbers of dwellings has increased then there should be a pro rata increase in the developer contribution towards off site open space, play and sports pitches and the S106 agreement amended accordingly.

Planning - Access Officer: - No objections

Stanwix Rural Parish Council: -

In its response to consultation with regard to Appn Ref 14/0778 the Parish Council pointed out that:

“The application takes no account of the proposals for Greymoor Hill and Hadrian’s Camp and asserts that Windsor Way is the only development in this part of Carlisle.” The Parish Council notes that the Transport Statement received by the LPA on 18/07/2020, Report No. A082320/ DG1, is dated September 2014 and originally constituted part of Application Ref 14/0778. Paragraph 7.2 of the document states, of information provided in respect of accident records, *“The records cover the most recent three years of data available from the 8th August 2011 to 7th August 2014.”* The information is thus 6 years out of date. Even older is paragraph 2.6 of the document showing that the classified traffic survey to determine turning movements at the A7 Kingstown/ Windsor Way junction was undertaken on Thursday 27th June 2013 – i.e. over 7 years ago.

Since approval of Appn Ref 14/0778 a further approval, dated 13 November 2019, has been granted in respect of Appn Ref 18/1142.

This more recent consent permits the erection, by Gleeson Homes, of 194 dwellings and associated infrastructure on land to North of California Road. Paragraph 5.5.2 of the Transport Assessment (VN81122, dated November 2018) in respect of Appn 18/1142 states a total provision 400 residential parking spaces, plus an additional 11 visitor spaces. This indicates up to 800 additional residential vehicle movements per day, i.e. a potential maximum of 203,000 additional vehicle movements per annum (based on 254 working days only) on Kingstown Road, many of which would, of course, use junctions on the A7 Kingstown road. Although the proposed 18 additional units constitute a fairly low proportion of the total they do however represent a probable 36 additional daily vehicle movements - i.e. 9,144 per annum, again based on 254 working days only. The submitted Traffic Assessment fails to acknowledge these, or consider their impact in any way.

The Transport Assessment was therefore obsolete even as consent for Appn 14/0778, dated 30/05/2017, was granted; and in view of more recent large scale developments off the A7 cannot now be relied upon to adequately assess the impacts even of the development phases for which it was originally intended.

In its consultation response to Appn Ref 14/0778 the Parish Council raised concerns relating to Tarraby Lane:

“Potentially Tarraby could become a thoroughfare to the development in its development and completion phases. This anxiety over traffic is caused by the developers drawings which emphasise the potential link to Tarraby Lane clearly marked out and demonstrate intent. Tarraby Lane is not suitable for vehicular traffic having access to Windsor Way, for normal, emergency or construction usage. It is a single track road, with no verges and which is used

by walkers and horse riders.”

Condition 18 of the consent granted on 30 May 2017 required: “...*the design of a permanent barrier restricting motorised access from and onto Tarraby Lane...*”

The Parish Council understands that this link, although restricted, has increased the frequency of ‘near misses’ between motor vehicles and cyclists, particularly young ones, using Tarraby Lane – the latter approaching blind/limited visibility corners without due caution.

Reserved Matters Application Ref 19/0973 proposes 4 dwellings between Shortdale and the junction of the pedestrian/cycle access with Tarraby Lane. This suggests possibly 8-12 additional private vehicles, and associated delivery and service vehicles, using Tarraby Lane in the vicinity of the junction thus further increasing the risk of accidents.

In the interests of highway safety the Parish Council recommends that the approved access be modified to allow only pedestrian use.

The Parish Council notes the comments of the Cumbria Police Crime Prevention Officer with regard to a proposed part stopping-up of California Lane. This proposal does not seem to be shown on any submitted drawing; although a temporary closure may be required to facilitate the construction of its crossing by the link to Newfield.

The Parish Council would resist any proposal to permanently close or divert any part of California Lane, PRoW 109003/PRoW 132020. The Council therefore supports the Crime Prevention Officer’s recommendation that the rear garden boundaries abutting California Lane should be at least 2.4m tall to defend against intrusion.

The Decision Notice dated 30/05/2017 in respect of Appn Ref 14/0778, for the erection of 276 dwellings, states that the planning permission is linked to a Section 106 Agreement and that:

“30% of the proposed dwellings (i.e. 83 units) to be affordable of which 41 are to be rented and 42 shared ownership or discounted sale;”

While the S106 agreement referred to above and dated 26 May 2017 states: *“Affordable Dwellings”: means together the Affordable Dwellings provided at the Site being 41 (15% of the Dwellings) Affordable Rented Dwellings and the 42 (15% of the Dwellings) Discount Sale Dwellings included in the Site and reference to “Affordable Dwelling” shall be construed accordingly;”*

Appn 20/0477 proposes 18 additional dwellings 30% of 18=5.39 therefore 5 additional affordable dwellings should be required along with a financial balance equal to the remaining 0.39% of the market value of such a dwelling. Similar additional percentage uplifts should also be required in respect of:

- The installation of the traffic control signals on Windsor Way/ Kingstown Road Junction
- the payment of an education contribution per primary school pupil generated by the additional development;
- the management/maintenance of open space inclusive of the attenuation basins and environmental protection area;
- the provision of the offsite link between the application site and Greymoor Hill;
- the payment of the Travel Plan contribution;
- the costs of the Traffic Regulation Order;
- the off-site sports provision.

The Ramblers: - No response received

6. Officer's Report

Assessment

- 6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP1, SP6, H01, H04, IP2, IP3, IP6, CC5, CM4, GI3, GI4 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. The 'Achieving Well Designed Housing' and "Trees and Development" Supplementary Planning Documents, adopted by the Council, are also material planning considerations.
- 6.3 The proposals raise the following planning issues:
- The acceptability of the application with regard to the proposed layout, scale, and appearance;
 - Whether the proposal will be detrimental to the living conditions of the existing neighbouring residents;
 - Whether the proposal will be detrimental to highway safety and accessibility;
 - Whether the proposed means of foul and surface water drainage are adequate;
 - Whether the proposal will meet the needs of affordable housing; and
 - Whether the educational needs will be met.

1. The Acceptability Of The Application With Regard To The Proposed Layout, Scale, And Appearance

- 6.4 When considering the acceptability of the application there are two aspects to consider. One is the overall increase in the number of dwellings and the second is the revised layout as a consequence. In terms of the number of dwellings, the increase is 18 houses in a 272 house development. This is less than 7% however it is acknowledged that this increase is only in Phase 2 of the development. When considering the original application it was noted that the application site was allocated in the Carlisle District Local Plan as site U10. The Local Plan does not consider detailed layouts of development but includes an indicative yield in order to plan for the distribution of housing across the district. Housing numbers will increase or decrease from that indicative yield dependent on a variety factors relative to each site. For members information however the indicative yield for this housing allocation was around 300 houses. When approving the original permission, members were advised that the density was about 37 dwellings per hectare. There are no national set density targets for development however development should

make efficient use of land. In considering the context and its location, density tends to increase nearer to the city centre (over 70 dwellings per hectare) and gradually reduce outwards. Housing developments would generally see a density of 30-40 dwellings in an urban context, greater than the traditional housing estates of the 1950s which although providing decent plot sizes are now considered inefficient in the use of land due to large greenfields being developed. The increase in density would be about 39 dwellings per hectare which would be anticipated in an urban residential setting.

- 6.5 Some objectors have raised concerns about developing on a greenfield site however the principle of this development has been established through the previous planning permission granted and the increase in numbers is now making more efficient use of the greenfield land already being developed.
- 6.6 With regard to the proposed layout, scale, and appearance, the proposed changes to phase 2 re-orientate dwellings in various parts of the site. All the house types bar one have previously been approved for phase 2. The introduction of a new house type the Clayton Corner House is an addition and would blend in with other housing on the development. Whilst there has been comments about the size of the housing, the house types referred to already has permission to be developed on this site and would continue to be developed outside the red-line boundary of the application as part of the overall mix of the development. The new Clayton Corner House is a medium sized house. The overall road layout is similar to that already approved (although the Highway Authority had concerns about road adoption) and open spaces will remain in the same locations with some of them also assisting with water attenuation.
- 6.7 The revised layout plan shows linkages with the existing Public Rights of Way. The City Council's Housing Section has not raised any objections to the proposed mix of dwelling types and tenures. One objection has raised the issue of housing for the elderly however there is no age restrictions on any of the properties, this would no doubt be a reflection on the housing being mainly two-storey. Lifetime living means that some of the properties would be able to be adapted should people wish to remain in their property when stairs become difficult although no bungalows are provided on the site. The Council's Housing Development Officer has considered this matter and concludes that as this is a re-plan of an existing extant permission it would not be practicable to retrospectively apply the Council's guidance.
- 6.8 The development continues to reflect the relatively distinctive character with well defined streets and spaces, which would be easy to navigate, have two vehicular access points, not encourage inappropriate vehicle speeds, and integrates resident and visitor parking. The layout of the proposed dwellings is such that each unit has space to accommodate refuse/recycling bins with gated access from the "rear" gardens to the road frontage for the terraced units. The additional units can be incorporated without affecting the sense of place created by the initial application.

2. Whether The Proposal Will Be Detrimental To The Living Conditions Of The Existing Neighbouring Residents

- 6.9 On the matter of privacy and overshadowing/loss of light, the Proposed Overall Site Layout Plan shows the proposed properties either having a gable end next to an existing gable end or rear wall to rear wall distances which vary from 22m (for example plot 217 and 53 Drumburgh Avenue and plots 192-195 and 25-26 Wolsty Close) to 29 m (plot 218 to 55 Drumburgh Avenue and plot 209 to 65 Drumburgh Avenue). Alterations to properties on the north western boundary of the existing development have been kept to a minimum. As such, it is considered that the current proposal is acceptable in terms of any impact on the occupiers of the neighbouring properties.

3. Whether The Proposal Will Be Detrimental To Highway Safety And Accessibility

- 6.10 When the original application 14/0778 was considered there were a number of objections in relation to access to the site namely the connection to Newfield Drive and the suitability of Windsor Way. Detailed analysis was undertaken prior to the site being allocated in the Local Plan as well as detailed studies during the course of the planning application including the Council's own independent assessment to verify the analysis undertaken.
- 6.11 This application builds on that original analysis and the data has been updated for the increase of the proposed 18 dwellings. The documents submitted include a revised Transport Assessment (TA) to determine the effects on the highway network that the proposal may have. It is noted within the original TA submitted as part of the planning application 14/0778 that the transport impacts were assessed for 277 dwellings (1 more dwelling than was constructed); therefore the revised assessment assesses the additional 17 additional dwellings up to 294.
- 6.12 The TA submitted undertook detailed capacity assessments using a TRANSYT 15 model for the A7 corridor and Hardwicke Circus. A TRANSYT model was also used for the analysis of the first application and this latest update ensures consistency in the modelling. The report states that the additional 17 dwellings proposed equate to an additional 10 vehicle movements on the weekday AM peak hour and an additional 11 movements in the weekday PM peak hour. The model also determined that the A7 junctions with Newfield Drive and Windsor Way can accommodate the additional traffic flow relating to the proposed increase in the number of dwellings within the development site. The assessment concluded that the impacts of the additional traffic on the highway network were small and no junctions required improvement works. One objector referred to Newfield Drive access as for emergency vehicles only. Whilst there was a statement in the original Transport Assessment which allowed for emergency vehicles to use the access, all the traffic modelling was based on open access, no reference to bollards was made in the TA. The only Emergency Access reference was the link to Tarraby Lane in phase 1 where bollards have been provided.
- 6.13 The Highways Authority agree with the conclusions of the TA that the amount of traffic generated is small and does not impact upon the highway network in

a detrimental way or decrease road safety within the vicinity of the development. The Highways Authority, therefore, has no objections with regards to the principal of the development to increase the numbers.

- 6.14 There were however some concerns relating to the layout and amount of parking provision which had been indicated in relation to the revisions to accommodate additional housing. There was a specific issue in relation to the additional length of highway at plots 273 - 280. The applicant has confirmed within the Section 38 agreement Plan for Phase 2 which sections of carriageway are to be offered for adoption. A small section of shared surface carriageway at Plots 278 – 280 is to remain private and this clarification is acceptable to the Highways Authority.
- 6.15 With regards to car parking provision, the applicant is proposing to include 25 two-bedroom dwellings, 44 three-bedroom dwellings and 21 four bed dwellings within Phase 2. As such, and in accordance with the Cumbria Development Design Guide, it is expected that 176 car parking spaces are to be provided on site with dimensions of 2.4m x 5m. A revised parking layout plan has been submitted indicating that 176 car parking spaces are to be provided within the development site plus a further 14 visitor parking spaces. This provision is acceptable to the Highways Authority.
- 6.16 The Highways Authority has no further objections with regards to the approval of planning permission and on this basis it is considered that there are no substantive highway grounds for the refusal of permission.

4. Whether The Proposed Means Of Foul And Surface Water Drainage Are Adequate

- 6.17 On the matter of drainage, and with particular regard to surface water and Gosling Sike, the County Council (as Lead Local Flood Authority) (LLFA) recognises that there is a history of flooding downstream of this site due to an undersized culvert. The Environment Agency has now been working to resolve this issue by widening the culvert and works have recently been ongoing to resolve this longstanding issue. In response to this application, the LLFA raised concerns about the proposed level of discharge which had set a maximum level in the earlier permission. The LLFA has commented that they have reviewed the further information submitted by the applicant regarding a section 104 agreement with United Utilities for the discharge of surface water into the public surface water sewer at a controlled rate of 49.8l/s. Previous LLFA comments to this application have stated that the maximum discharge rate for the site is to be 45l/s; however, following a review of this application it is noted within the FRA that the QBar rate for the site is 52l/s. In accordance with the Cumbria Development Design Guide, the maximum discharge rate acceptable to the LLFA is the QBar rate. As such the proposal to discharge surface water at 49.8l/s is acceptable as it is below the QBar rate for the site. The LLFA has also reviewed the detailed Micro Drainage calculations and can confirm that sufficient attenuation is being provided on site to accommodate a 1 in 100 year plus 30% to account for climate change storm event in line with Phase 1 of the development. This is acceptable to the LLFA.

- 6.18 With regards to the discharge location proposed for the public surface water sewer, the LLFA has no objections, as the developer has acquired a S104 agreement with United Utilities. The principle of the drainage system has been agreed under previous applications. Therefore, the LLFA has no objections to the drainage system design. On the basis that the proposed foul and surface water drains on separate systems, United Utilities has not raised any objection. The proposed drainage systems to accommodate the additional housing is therefore acceptable.

5. Whether The Proposal Will Meet The Needs Of Affordable Housing

- 6.19 In relation to affordable housing provision, the applicant has agreed with a policy compliant position to provide 30% of the proposed additional dwellings as affordable. This would require a S106 agreement to ensure that they remain affordable in line with the Council's policy however the proposed uplift to affordable housing would be acceptable.

6. Whether The Educational Needs Will Be Met

- 6.20 When application 14/0778 was granted permission a legal agreement was entered into for the following provisions:
- to make an education contribution of £14,500 per primary school pupil generated by the development (i.e. £997,568);
 - grant access rights from the end of Windsor Way to the field (part of registered title number CU284260) adjacent to the south east of the development site;
 - within one month of Cumbria CC serving notice that the primary school will open in the following September, an adopted highway will be completed from the end of Windsor Way to the aforementioned site boundaries; and
 - if at any point Cumbria CC confirms there is no longer a need for a primary school on the adjacent land the right of way requirement will fall away.
- 6.21 The agreement in relation to the financial contribution was made payable at the start of the development and whilst access to a potential school site has been safeguarded by the layout of the development Members are fully aware that the site has not yet been commenced. Nevertheless, this development in particular has already made a significant contribution towards new primary school provision to accommodate children from the new housing and has furthermore made provision for access through the layout of the housing site.
- 6.22 This application has no direct impact on those previous provisions however the increase in dwelling numbers does mean that an additional financial contribution is required. This will require the entering into of another S106 agreement for a financial contribution towards primary school provision. The County Council as Education Authority has advised that in relation to education it is considered that the additional units will generate an additional four primary aged pupils. Therefore a contribution is required for four primary places $4 \times £17,829 = £71,316$. The multiplier is £14,500 as at September

2015 and adjusted using the BCIS All-in TPI, and the County Council would also require the contribution to be provided prior to occupation of any dwellings, this approach is consistent with what has been agreed in relation to other developments in North Carlisle which include 15/0812, 14/0761 and 14/0778. It is important to note that the multiplier and timing of the contribution has been accepted by a Planning Inspector as part of an appeal decision for a development in North Carlisle – Land at Harker Industrial Estate, Low Harker Carlisle (15/0812) & (App/E0915/W/3179674).

- 6.23 Officers are cognisant of the Committee's consideration of a new application at Deer Park which was refused in relation to the additional pressure the development would place on education provision in the north of Carlisle. Although objections are raised to this application on the grounds that this will put pressure on the County Council, it is the developer's house building which will be directly affected as the Phase 1 of the development is complete. Whilst officers endeavour to be consistent in relation to the Committee's decisions, it is notable in this instance that this developer has already made a significant contribution towards education provision on the basis of a financial contribution and the response from the Education Authority is consistent with the earlier approach on this development. This application would only contribute an uplift for four pupils to the existing provisions. This is consistent with the decision already taken on the extant permission which is currently being developed and it is considered that the additional contribution required would have a less than significant impact on education provision albeit a necessary contribution towards additional provision.
- 6.24 On this basis the proposal is consistent with Policy CM2 to provide for Educational Needs.

7. Other Matters

- 6.25 One additional point has been raised in response to the consultation however that relates to the provision of Carlisle South and whilst raising concerns it is outside the remit of this planning application which is not in the Carlisle South area and the points raised are matters of strategic delivery of the St. Cuthbert's Garden Village.
- 6.26 The Crime Prevention Officer raises a number of observations about the development as a whole and in particular notes that in the Phase 2 replan of the layout rear garden boundaries abutting California Lane should be at least 2.4m tall to defend against intrusion (as evidenced by measures exhibited at existing dwellings along this route). It would be advisable to include a planning condition to ensure that boundary treatment reflects this requirement to avoid the subsequent need for further changes to boundary treatment which would require separate planning permission due to the suggested height.
- 6.27 Two consultees have raised concerns regarding the other S106 contributions from the original permission. In particular, a pro-rata uplift towards off site open space, play and sports pitches. This would be consistent with other revisions to layouts in other developments close by where off-site recreation

contributions are required as part of the original development. It is also noted that on-site maintenance and management would be undertaken by the developer and should also be included in the S106 agreement. Stanwix Rural Parish Council has also requested uplift to other provision within the S106 however these are fixed amounts which do not change in relation to the development and are not calculated on a per capita basis. It would therefore not be necessary to increase those contributions.

Conclusion

- 6.28 The current application to increase the housing numbers by an additional 18 units is consistent with Local Plan policies in the Carlisle District Local Plan 2015 – 2030. There are considered to be no substantive highway grounds for the refusal of permission; the Lead Local Flood Authority nor United Utilities have raised any objections; (LLFA) accepts the principles of the drainage design.
- 6.29 On the matter of design, it is considered that the proposal will reinforce existing connections; provide a mix of dwelling types and tenures that suit local requirements; has streets designed to encourage low vehicle speeds; provide sufficient and well integrated resident and visitor parking; has clearly defined public and private spaces; and there is adequate external storage space for bins and recycling as well as cycles. It is considered that the current proposal is acceptable in terms of any impact on the occupiers of the neighbouring properties.
- 6.30 On this basis the recommendation is for authority to issue an approval subject the completion of an appropriate Section 106 Agreement regarding additional contributions towards:
- 30% of the proposed additional dwellings to be affordable of which 50% are to be rented and 50% shared ownership or discounted sale;
 - the payment of an education contribution of £14,500 per primary school pupil generated by the development (i.e. £71,316);
 - pro-rata increase in the off-site contributions towards open space
 - maintenance and management of on-site open space
- 6.31 Should the S106 not be completed, authority to refuse the application be given to the Corporate Director of Economic Development

7. Planning History

- 7.1 In 2020 a non-material amendment was granted to hand plot 106 in order to avoid an electric pole cable (ref 20/0094).
- 7.2 In 2019 a non material amendment application was granted for non-material amendment of previously approved permission 14/0778 to increase widths to plots 54, 55, 57; increase drive lengths to plots 56, 57; repositioning of drive to plot 57; amendment to boundary & garage to plot 61 (reference 19/0162);
- 7.3 In 2018 full planning permission was granted for erection of electricity

substation (reference 18/0591);

- 7.4 In 2017 full planning permission was granted for erection of temporary sales cabin until June 2018 with associated works (reference 17/0702);
- 7.5 In 2017 advertisement consent was granted for display to 2no. flag poles & 1no. freestanding sign (reference 17/0703);
- 7.6 In 2017 advertisement consent was granted for retention of temporary non-illuminated free standing sales sign (reference 17/0672);
- 7.7 In 2017 a discharge of conditions application was submitted seeking the discharge of conditions 3 (Road Connection From Newfield Park Crossing California Lane - Partial); 4 (Phasing Plan); 5 (Levels - Partial For Plots 1-198 Only); 6 (Materials); 7 (Roads & Footpaths - Partial For Plots 1-198 Only); 11 (Construction Environment Management Plan); 13 (Construction Traffic Management Plan); 14; (Landscaping Scheme - Partial For Plots 1-198 Only); 18 (Open Spaces/Informal Play Areas); 21 (Underground Ducts To Enable Telephone/Broadband Services, Electricity Services & Television Services); 22 (Surface Water Drainage Strategy); 23 (Foul Water Drainage Scheme) And 25 (Water Vole Survey) Of Previously Approved Permission 14/0778 (reference 17/0638). At the time of preparing this report application 17/0638 was undetermined.
- 7.8 In 2017 a discharge of conditions application was submitted seeking the discharge of conditions 5 (archaeological evaluation) and 6 (pedestrian crossing and traffic calming measures) of previously approved planning permission 16/0032 (reference 17/0019). At the time of preparing this report application 17/0019 was undetermined.
- 7.9 In 2016 full planning permission was granted for erection of road to serve new housing estate (application 14/0778) including crossing for public footpath (reference 16/0032);
- 7.10 In 2014 full planning permission was granted subject to a legal agreement for the erection of 276no. dwellings (including 83no. affordable dwellings), associated open space and infrastructure (reference 14/0778).

8. Recommendation: Grant Subject to S106 Agreement

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 18 July 2020;
2. The Location Plan received 18 July 2020;
3. The Planning Layout Phase 2 (Drawing 186.PL02.01 Rev P) received 31 March 2021;
4. The Planning Layout Phase 2 (Drawing 186.PL02.01 Rev P Parking) received 31 March 2021;
5. The Site Layout (Drawing 186.PL.01 Rev A2) received 31 March 2021;
6. The Impermeable Area Layout (Drawing 30124-10) received 18 July 2020;
7. The Road Setting Out Layouts 1 and 2 (Drawings 30124-2-1/30124-2-2) received 18 July 2020;
8. The Longitudinal Sections (Drawings 30124-3-10, 30124-3-4, 30124-3-6, 30124-3-8, 30124-3-9) received 18 July 2020;
9. The Typical Highway Details (Drawing 30124-4) received 18 July 2020;
10. The Surface Water Manhole Scheme (Drawings 30124-5 -1, 30124-5-2, 30124-5-3, 30124-5-4, 30124-5-5, 30124-5-6, 30124-5-7) received 18 July 2020;
11. The Foul Manhole Scheme (Drawings 30124-6 -1, 30124-6-2, 30124-6-3, 30124-6-4) received 18 July 2020;
12. The Control MH Schedules (Drawings 30124-7 -1, 30124-7-2, 30124-7-3, 30124-7-4, 30124 -7-5, 30124-7-6) received 18 July 2020;
13. The Highways and Drainage Layout (Drawings 30124.1.1 G and 30124.1.2 G) received 18 July 2020;
14. The Longitudinal Sections Roads (Drawings 30124.3.1 A, 30124.3.2 A, 30124.3.3 A, 30124.3.5 A, 30124.3.7 A) received 18 July 2020;
15. The Highways and Drainage Layout (Drawing 30124-1-2 H) received 18 July 2020;
16. The Section 38 Agreement Layout and Plan (Drawing 30124-11-2A and 30124-12-2 Rev F) received 31 March 2021;
17. The Domestic Drainage (Drawings 30124-8-3, 30124-8-4, 30124-8-5, 30124-8-6, 30124-8-7) received 18 July 2020;
18. House Types Alnwick, Chedworth, Clayton Corner House, Hanbury, Hatfield, Mosley, Roseberry, Rufford received 18 July 2020;
19. The Section 104 Agreement Plan received 18 July 2020 and Layout received 31 March 2021;
20. The Hydraulic Characteristics and Detailed Specification (Drawings SHE-0100-6600-2500-6600, SHE-0114-8000-2200-8000, SHE-0164-1700-2400-1700, SHE-0266-5000-3000-5000, SHE-0272-5000-2600-5000) received 18 July 2020;
21. Air Quality Assessment received 16 July 2020;
22. The Design and Access Statement received 16 July 2020;
23. Construction Method Statement received 16 July 2020;
24. The Detention Basins Operation and Maintenance Requirements received 18 July 2020;
25. The Archaeological Evaluation Report received 18 July 2020;
26. The Habitat Survey received 18 July 2020;
27. The Phase 1 Desk Study received 16 July 2020;
28. The Phase 2 Intrusive Investigations received 18 July 2020;
29. The Surface Water Network data and surface Water Hydraulic

- Calculations received 18 July 2020 as update 31 March 2021;
30. The SUDS Maintenance and Schedule Template received 18 July 2020;
 31. The Traffic Management Plan received 18 July 2020;
 32. The Transport Assessment received 18 July 2020;
 33. The Traffic Impact Letter date 20 August 2020;
 34. The Tree Survey Report received 18 July 2020;
 35. The Materials Schedule received 11 August 2020;
 36. the Notice of Decision;
 37. any such variation as may subsequently be approved in writing by the Local Planning Authority.

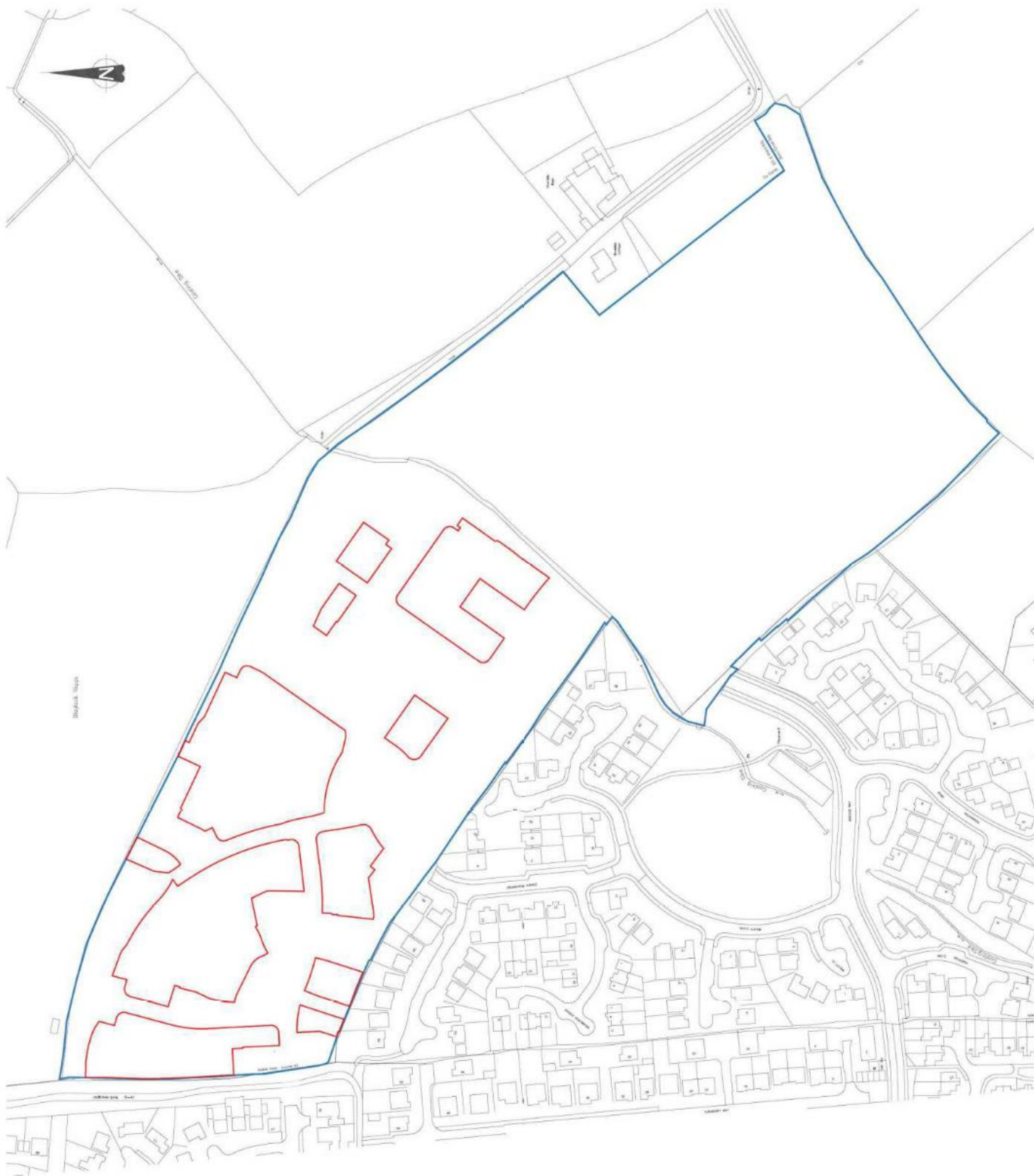
Reason: To define the permission.

3. Notwithstanding details provided of the boundary treatments, the proposed boundary treatment at the rear of the properties along California Lane shall be 2.4m in height.

Reason: To ensure the design and materials to be used are appropriate and to ensure compliance with Policy CM4 of the Carlisle District Local Plan 2015-2030.

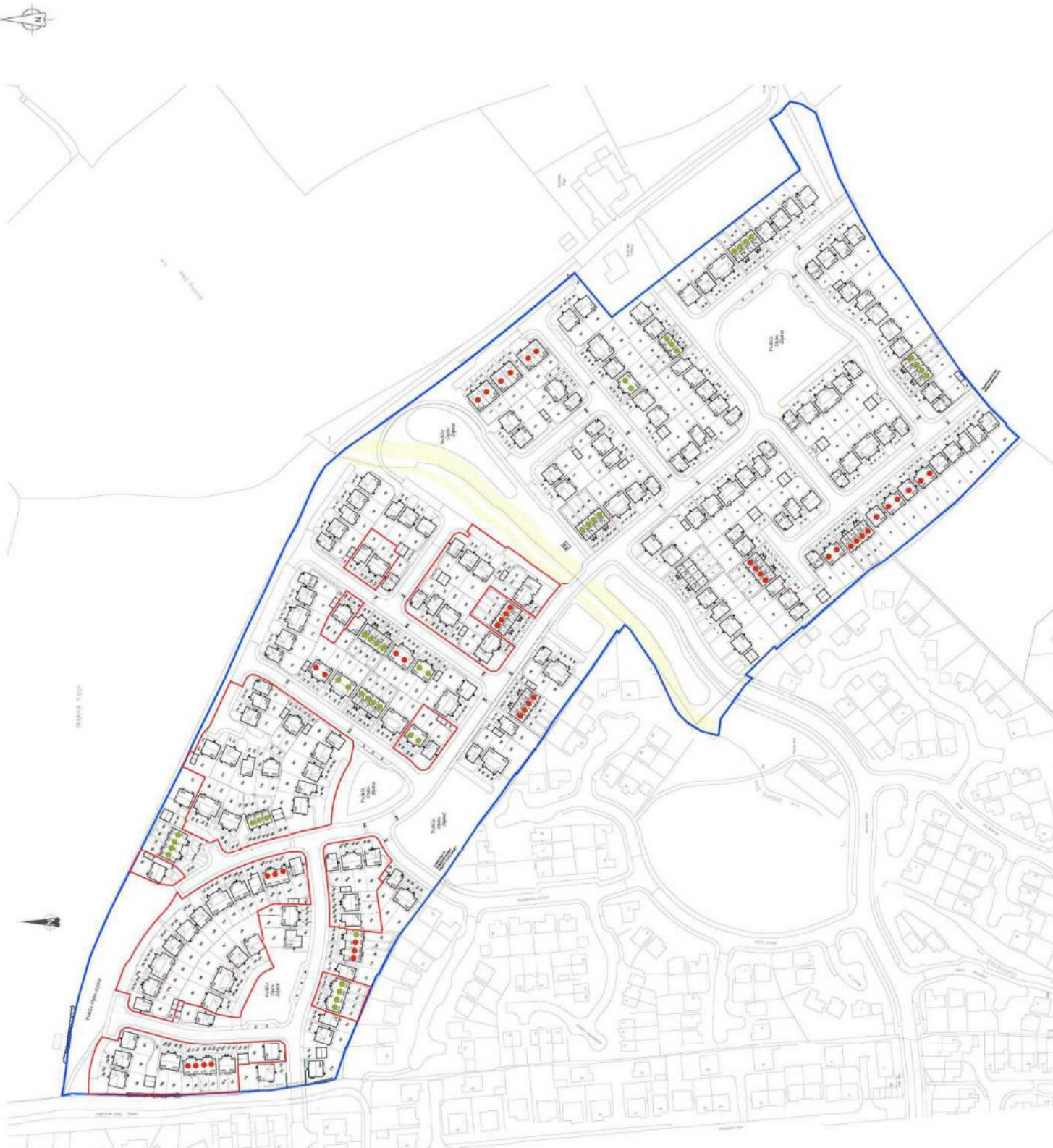
4. Foul and surface water shall be drained on separate systems.


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





Project Name	WINDSOR WAY
Location	Canby
Tract	Torrey View
Tract No.	Location Plan
Tract Name	186.LP01
Scale	1:1000
Date	JULY 2020
Drawn By	SDH
Checked By	
Reviewed By	
Approved By	





 Affordable - Rented units
44 Plots Total

 Intermediate - Discount
to market units
43 Plots Total

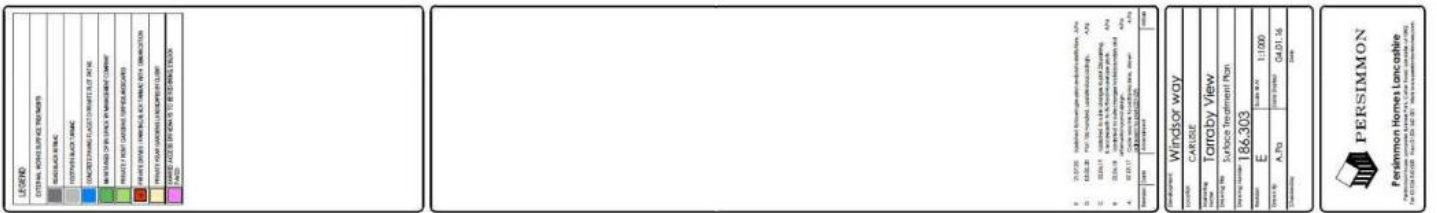
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Location	Corfield
Submitting Agency	Tarraby View
Drawing No.	Site Layout
Drawing Number	186.PLO1
Revision	A2
Drawn By	JJM
Checked By	
	Scale
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	11.09.14









PDP
 Planning & Design
 Professional Design
 10000 Wilshire Blvd, Suite 1000
 Los Angeles, CA 90024
 Tel: 310.206.1000
 Fax: 310.206.1001
 Email: info@pdp.com

Client:
 Pasadena Housing Trust/PHD

Project:
 Windsor Way, Carlsbad

Drawing title:
 Detached Landscape/Scapes
 Sheet 1 of 7

Scale:
 1"=25' @ A1

Drawn By:
 PDP

Check By:
 PDP

Date:
 February 2017

Drawing No:
 C-1042-04 Revision C

Notes:
 1. See landscape plan for details.

1. Refer to landscape plan for details.

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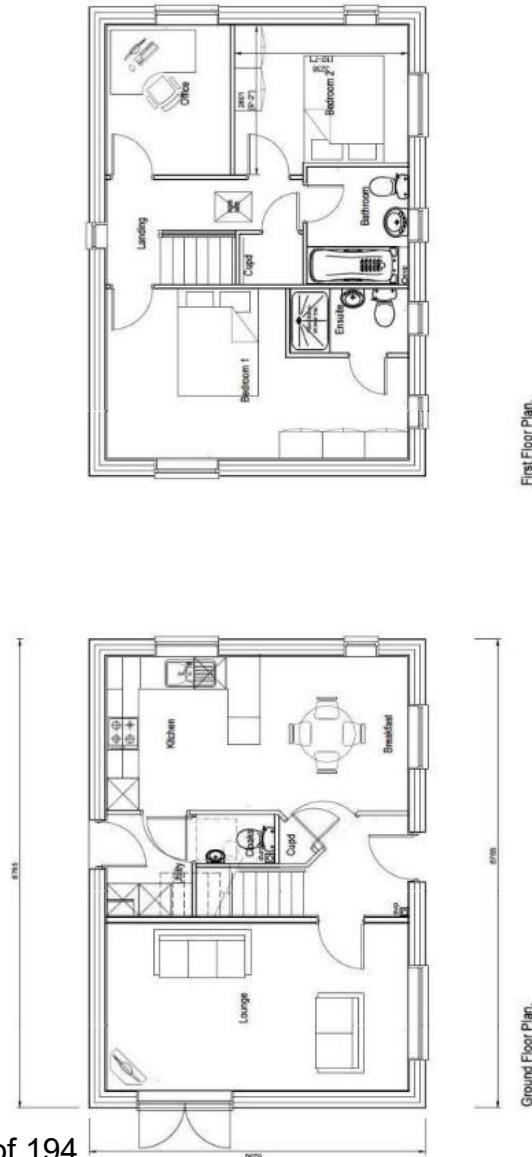
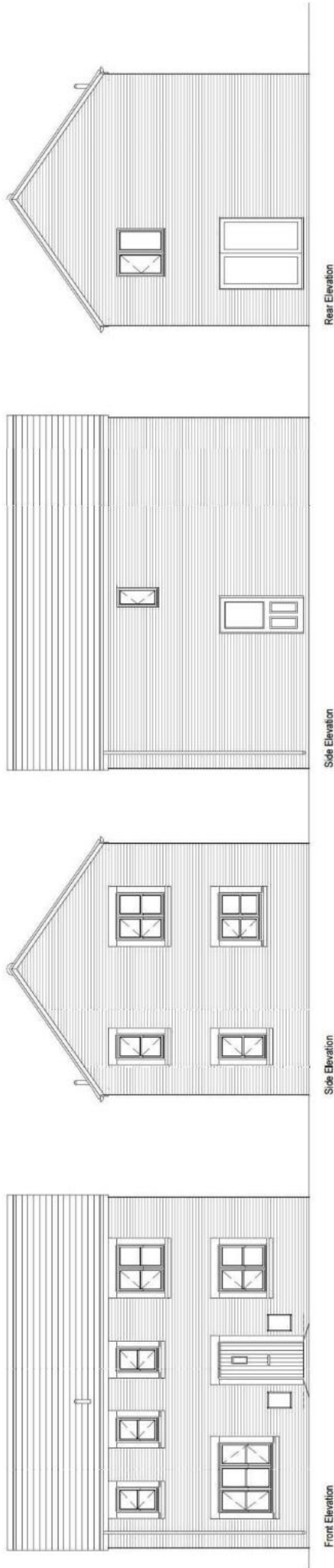
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Public Open Space

Public Open Space

[illegible]



THE CLAYTON CORNER HOUSE TYPE, WINDSOR WAY, CARLISLE

'THE CLAYTON CORNER' | PLANS AND ELEVATIONS | 2 STOREY | 3 BED | FOOTAGE:999 | SCALE: 1:100

Report to Development Control Committee

Agenda
Item:
A.2

30th April 2021

Meeting Date:

Portfolio:

Economy, Enterprise, and Housing

Key Decision:

Not Applicable:

Within Policy and
Budget Framework

Public / Private

Public

Title:

TPO 310 LAND WEST OF TANGLEWOOD, CUMWHINTON

Report of:

CORPORATE DIRECTOR OF ECONOMIC DEVELOPMENT

Report Number:

ED.14/21

Purpose / Summary:

This report considers the confirmation of Tree Preservation Order 310 on Land West of Tanglewood, Cumwhinton considering representations to the making of the tree preservation order.

Recommendations:

That Tree Preservation Order 310 be confirmed with modifications as shown in 2.4.

Tracking

Executive:	
Scrutiny:	
Council:	

1. BACKGROUND

- 1.1 The trees in question are situated on land between Cringles Farm and Tanglewood when exiting the village of Cumwhinton on the C1040 link road to the A6.
- 1.2 In September 2020, planning application 20/0602 was submitted for the siting of 3no. detached houses on this land. This application was submitted by the applicant of Cringles Farm with the land being in their ownership. This application was determined in accordance with the provisions of the Carlisle District Local Plan 2015-2030 (relevant policies SP1, SP2, SP6, HO2, HE3, G11, G13, G16, CM4, CC4, CC5, IP2, IP3, IP4 and IP6) along with the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). The Supplementary Planning Documents 'Achieving Well Designed Housing', 'Trees and Development' and 'Affordable and Specialist Housing' were also material planning considerations.
- 1.3 The application was refused on 16th December 2020, with the following conclusion:
'The site is not considered to be physically connected to the existing settlement (being separated from it by a belt of trees); it does not integrate well with the existing settlement; and it leads to an unacceptable intrusion into the open countryside. Whilst most trees on the site would be retained, six would be removed to facilitate the development. The removal of these trees, which form part of an important group which has a high amenity value, and which make a positive contribution to the locality, would have an adverse impact on landscape character. The erection of dwellings on the site, near the trees, is also likely to lead to pressure to remove some of these trees in the future. In addition, a hedge runs along the southern site boundary, adjacent to the road, and this makes a positive contribution to the rural character of the site. The removal of the part of the hedge and the creation of two new accesses would also have an adverse impact on landscape character'
'In light of the above, the proposal is considered to be contrary to Criterion 3 of Policy HO2 (Windfall Housing Development), Policy G11 (Landscapes), Policy G16 (Trees and Hedgerows) and Criterion 2 of Policy SP6 (Securing Good Design) of the adopted Carlisle District Local Plan 2015-2030'
- 1.4 Section 197 of the Town and Country Planning Act 1990 places a duty on local planning authorities to ensure, whenever it is appropriate, adequate provision is made for the preservation of trees. The local authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity.

- 1.5 Following refusal of the application, an assessment of the trees was undertaken using the Forbes-Laird Tree Evaluation Method for Preservation Orders (TEMPO) with 20 trees being identified as being suitable for protection due to their prominent size, location, public visibility and contribution to the pleasant rural character of the area.
- 1.6 A copy of the plan relating to Tree Preservation Order 310 and the statement of reasons, are attached hereto at Appendix 1

2. CONSULTATION

- 2.1 The Parish Council, owners of affected properties, and all those who were known to have an interest in the land (according to Land Registry searches) were consulted on the proposed Tree Preservation Order, in accordance with the requirements of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.2 Two letters of objection (outside of the 28-day consultation period) have been received. The letters are contained within the third-party representations.
- 2.3 The objections and our response are summarised below.
- 'The TPO has not been issued correctly': This relates to the issuing of the notification to landowners who are shown on Land Registry searches. The Local Authority do all in its power to notify interested parties of their intentions and can only do so according to the information available. The placing of a site notice covers our legal duties in this instance.
 - 'Trees 16,17,18,19,20 need to be on a separate TPO due to the landowners not being notified': A TPO can cover several landowners and the Local Authority notified landowners according to land registry records.
 - 'The original TPO lapsed': There has not been a previous TPO in place
 - 'Other trees in the area, why are they not subject to TPO?': The Local Authority would only seek to protect trees if it is expedient to do so, taking amenity value, retention span, public visibility and any threat or work to the trees that would not be in accordance with good arboricultural practice.
 - 'The TPO will hinder the management of the trees; who is liable should a tree fall into the road? the TPO might prevent property insurance if trees cannot be maintained'. A Tree Preservation Order is made to protect specific trees. The Order prevents cutting down, topping, lopping, uprooting, wilful damage, or destruction. Owners of protected trees must not carry out, or cause or permit the carrying out of any of the prohibited activities **without the written consent of the local authority**. There is a free application process that takes 8 weeks.

The responsibility for management of the trees remains with the owner, even where a tree preservation order is in place. It is important that trees are inspected regularly by the owners to ensure they remain safe and healthy. The application process is intended to encourage good tree management, which will help to maintain and enhance the amenity provided by protected trees. Arboricultural advice from competent contractors and consultants, or the authority, will help to inform tree owners of their responsibilities and options.

As with unprotected trees, owners are responsible should a tree damage other property. Owners have a duty to ensure their property is correctly insured should such damage occur.

- 'T20 located in the grounds of Rosehill be excluded from the Order due to the tree overhanging The Brambles, causing loss of light. Objector wishes to lop/top the tree'. The TPO will not prevent work being carried out on this tree. Once an application for necessary work is approved, the applicant would have two years to carry out the work to British Standards.

- 2.4 Further advice was sought from James England of GIS Solutions, who is a qualified Arboricultural Consultant and Chartered Forester. His report can be seen in Appendix 2. In summary, James recommends that all trees in the Order are protected without including T2 and T13, with recommendation to fell both. The revised plan is Appendix 3

3. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 3.1 The Local Authority is sufficiently concerned that should the Order not be confirmed, work could be undertaken to the trees that would not preserve their health and longevity. The statement of reasons is valid and appropriate in this case.

4. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 4.1 Trees are an extremely important part of our countryside that help to create a pleasant and healthy environment in which to live and work, engendering a pride in place and contributing to the City Council's Healthy City Agenda.

5. RECOMMENDATION

- 5.1 It is recommended that Tree Preservation Order 310 be confirmed with modifications to omit trees T2 and T13.

Contact Officer: Sue Stashkiw

Ext: 7175

Appendices	Appendix 1 – Tree Preservation Order 310
attached to report:	Appendix 2 – GIS Solutions Report
	Appendix 3 – Amended TPO Plan

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS:

LEGAL - The Council has responsibility for ensuring that appropriate and adequate provision is made for the preservation of trees. This means that it may make a tree preservation order where it appears expedient in the interests of amenity. In this instance, a review of the relevant trees has been conducted and officers consider that a Tree Preservation Order is necessary. Members are now being asked to consider whether that Order should be confirmed, in the light of the representations which have been made.

This Tree Preservation Order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third parties, including residents, who have made representations, have the right to a fair hearing and to this end the Committee must consider their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land, and business assets. In taking account of all material considerations, including Council policy it is considered that some rights conferred by these Articles on the residents/objectors and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is in accordance with the law and justified by being in the public interest and on the basis of the restriction on these rights posed by confirmation of the tree preservation order is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Once made, the validity of the tree preservation order cannot be challenged in any legal proceedings except by way of application to the High Court. An application must be made within six weeks from the date of the confirmation of the tree preservation order.

FINANCE – n/a

EQUALITY – n/a
INFORMATION GOVERNANCE – n/a

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

Town and Country Planning Act 1990

The City Council of Carlisle

**Land Adjacent to Tanglewood, Cumwhinton, Carlisle CA4 8LD – Tree
Preservation Order 2020 (No.310)**

The City Council of Carlisle in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Land Adjacent to Tanglewood, Cumwhinton, Carlisle CA4 8LD – Tree Preservation Order 2020 (No.310).

Interpretation

2.— (1) In this Order “the authority” means The City Council of Carlisle

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

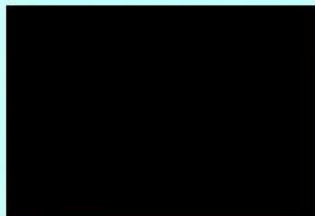
Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197

(planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 17th December 2020

The Common Seal of the City Council of Carlisle was affixed to this Order in the presence of



70343 -

S.R. Brown - Principal Clerk

CONFIRMATION OF ORDER

This Order was confirmed by The City Council of Carlisle without modification on the day of

OR

This Order was confirmed by The City Council of Carlisle, subject to the modifications indicated by , on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by The City Council of Carlisle on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by The City Council of Carlisle on the
variation order under reference number

day of by a
a copy of which is attached

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by The City Council of Carlisle on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	OS Grid Ref. 344527 552803
T2	Oak	OS Grid Ref: 344544 552797
T3	Oak	OS Grid Ref: 344550 552788
T4	Oak	OS Grid Ref: 344557 552787
T5	Oak	OS Grid Ref: 344555 552778
T6	Oak	OS Grid Ref: 344564 552792
T7	Oak	OS Grid Ref: 344563 552802
T8	Oak	OS Grid Ref: 344568 552803
T9	Oak	OS Grid Ref: 344576 552799
T10	Oak	OS Grid Ref: 344584 552802
T11	Oak	OS Grid Ref: 344575 552779
T12	Beech	OS Grid Ref: 344581 552778
T13	Oak	OS Grid Ref: 344591 552775
T14	Oak	OS Grid Ref: 344602 552773
T15	Oak	OS Grid Ref: 344611 552769
T16	Oak	OS Grid Ref: 344609 552765
T17	Oak	OS Grid Ref: 344630 552765
T18	Oak	OS Grid Ref: 344626 552779
T19	Oak	OS Grid Ref: 344598 552826
T20	Oak	OS Grid Ref: 344714 552769

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[A1]	None	

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
[G1]	None	

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[W1]	None	

STATEMENT OF REASONS

TREE PRESERVATION ORDER NO. 310

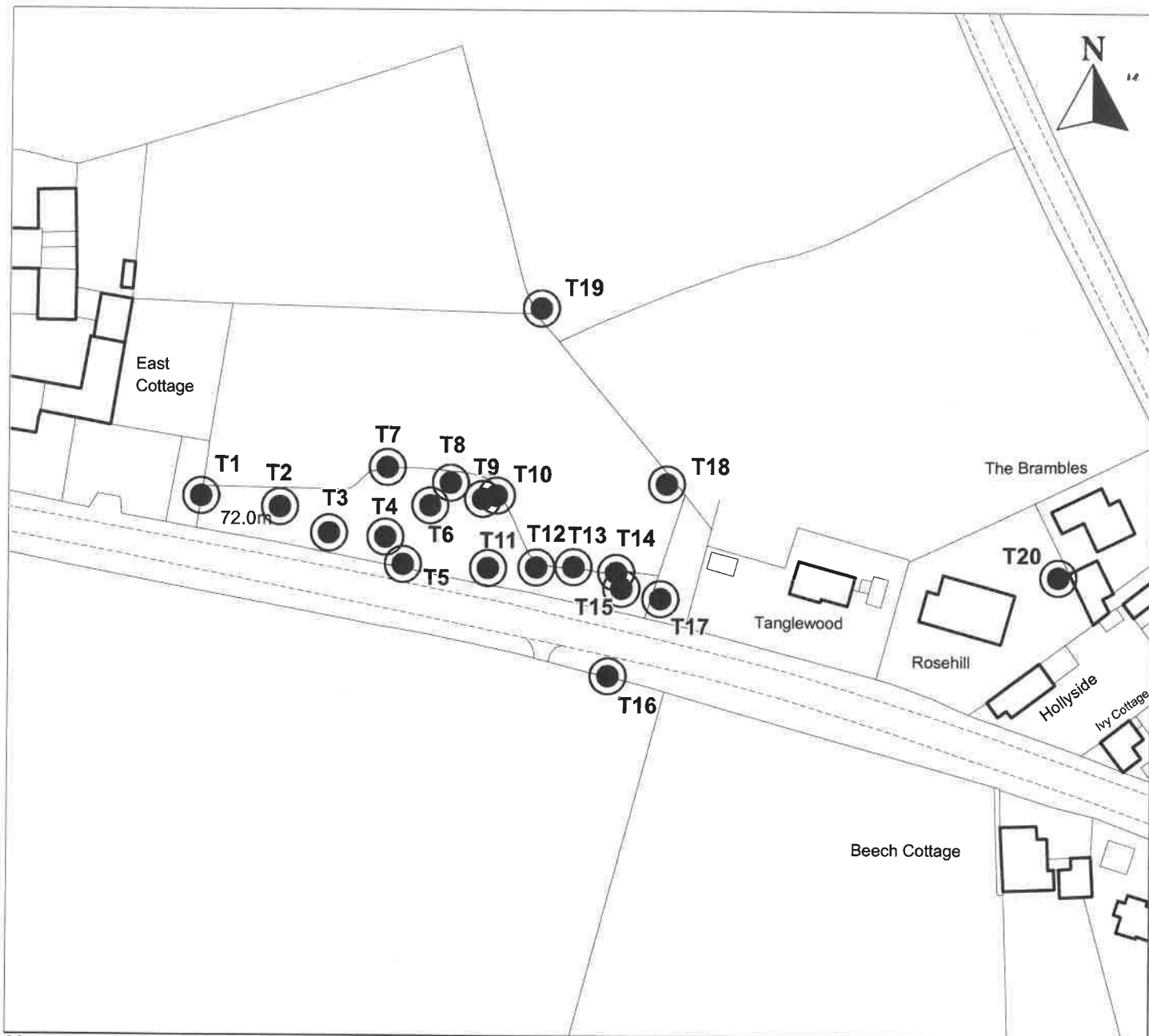
LAND ADJACENT TO TANGLEWOOD, CUMWHINTON, CARLISLE CA4 7DL

Section 197 of the Town and Country Planning Act 1990 places a duty on local planning authorities to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made for the preservation of trees. The local authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity.

The 20 trees are protected by this tree preservation order. All trees are prominent and visible to the public realm and contribute to the pleasant rural character of the area.

Due to their size, prominent location and public visibility the trees make a substantial positive contribution and visual amenity of the location.

It is considered that the most appropriate way to protect these trees for the future is by means of a tree preservation order.



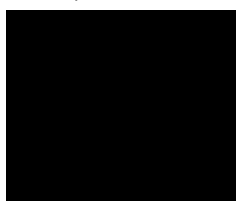
©Crown copyright and database rights 2020 Ordnance Survey LA0100024459

Act 1990 Section 198(1)

Tree Preservation Order Number 310
Land Adj. Tanglewood, Cumwhinton, CA4 8LU

Schedule of Trees

T1 - T11: Oak
 T12: Beech
 T13 - T20: Oak



Scale: 1:1250

November 2020

Economic Development
 Civic Centre
 Carlisle
 CA3 8QG

Page 176 of 194

CARLISLE
CITY COUNCIL



www.carlisle.gov.uk

Tree Assessment at Cumwhinton.

Site:

Land west of Cringles Farm, Cumwhinton

Development Proposal:

To develop the existing fields and construct three new residential dwellings. The proposal includes creating new vehicle accesses from public road. It would importantly involve removing trees to facilitate the development and constructing and running underground services through the new vehicle accesses.

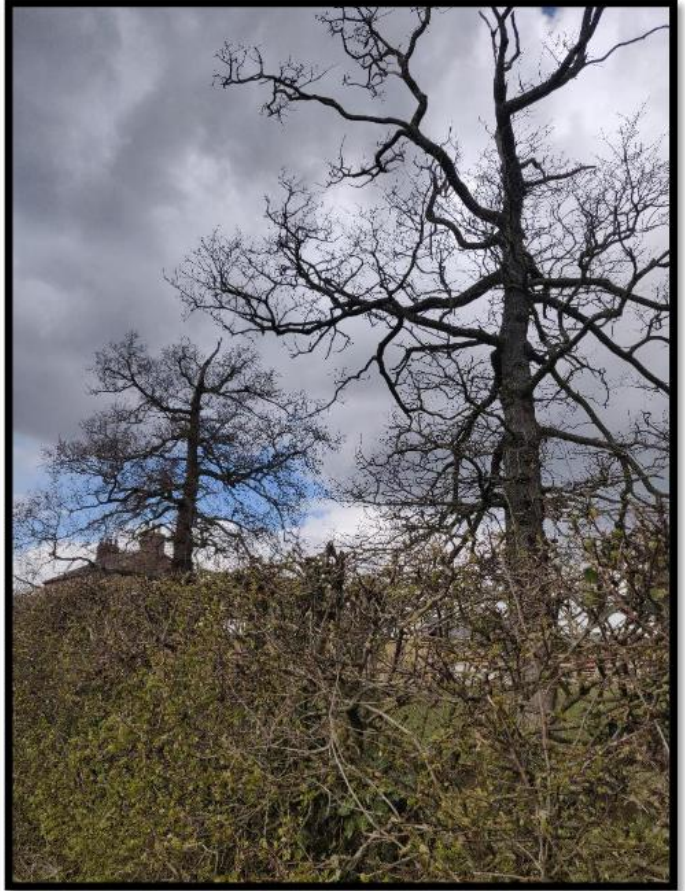
Assessment:

For completeness I have had a look from the public road at the trees. I have read all the associated documents and largely agree with the surveyor's assessments. There are several trees that would fit into to category B under BS5837:2012, which would have an expected life span of at least 20 years.

Whilst observing from the road I noted that there had been some recent tree felling as shown below. Left is looking towards Tanglewood and the right-hand picture is looking northwards towards Group 2 on Lowther Forestry tree plan.



Tree No. 1961 (left) 1962 (right) - both are oak trees and were assessed as 1961 being category C and 1962 being category U.



Tree 1961 has dieback from the top but the rest of the tree appears healthy and requires careful monitoring. Tree 1962 is in a poor condition and shows a significant amount of deadwood and should be removed.

Tree No. 1973 - beech tree would be category U as it has severe crown dieback as shown below. There was lots of deadwood noted and the tree exhibits poor vitality. The top proportion of the tree is dead and it should be felled given its close proximity to the road.



Tree No. 1974 & 1975 - oak trees that were assessed as category C as both exhibit deadwood and have minor defects.



Group G2 - A number of the trees in G2 are in poor condition with severe dieback and deadwood present. The two trees shown with the red arrow should be felled due to their poor condition.



Summary & Recommendations:

1. I would advise that Tree No's 1973, 1962 and the two trees in group 2 (As highlighted with the red arrows) could be removed.
2. The rest of the trees on the site are largely all category B trees and are worthy of protection. I would agree with the survey carried out by Lowther.
3. The proposed development of three properties doesn't fit well within the site with the group of trees. The properties will exert undue pressure on the retained trees that should be retained due to their BS5837 assessment category. Any owners are likely to want to remove these trees which as a group are important not just on the landscape but in the locality. The trees will dominate the front gardens and really the development in its current form isn't suitable for the site given the high value trees on the site and the current size of them. Even moving the properties back to the north so that they are at the back of the field edge, would have limited improvements. The driveways would still be a concern, given they would need to be constructed through the tree protection zone (TPZ).

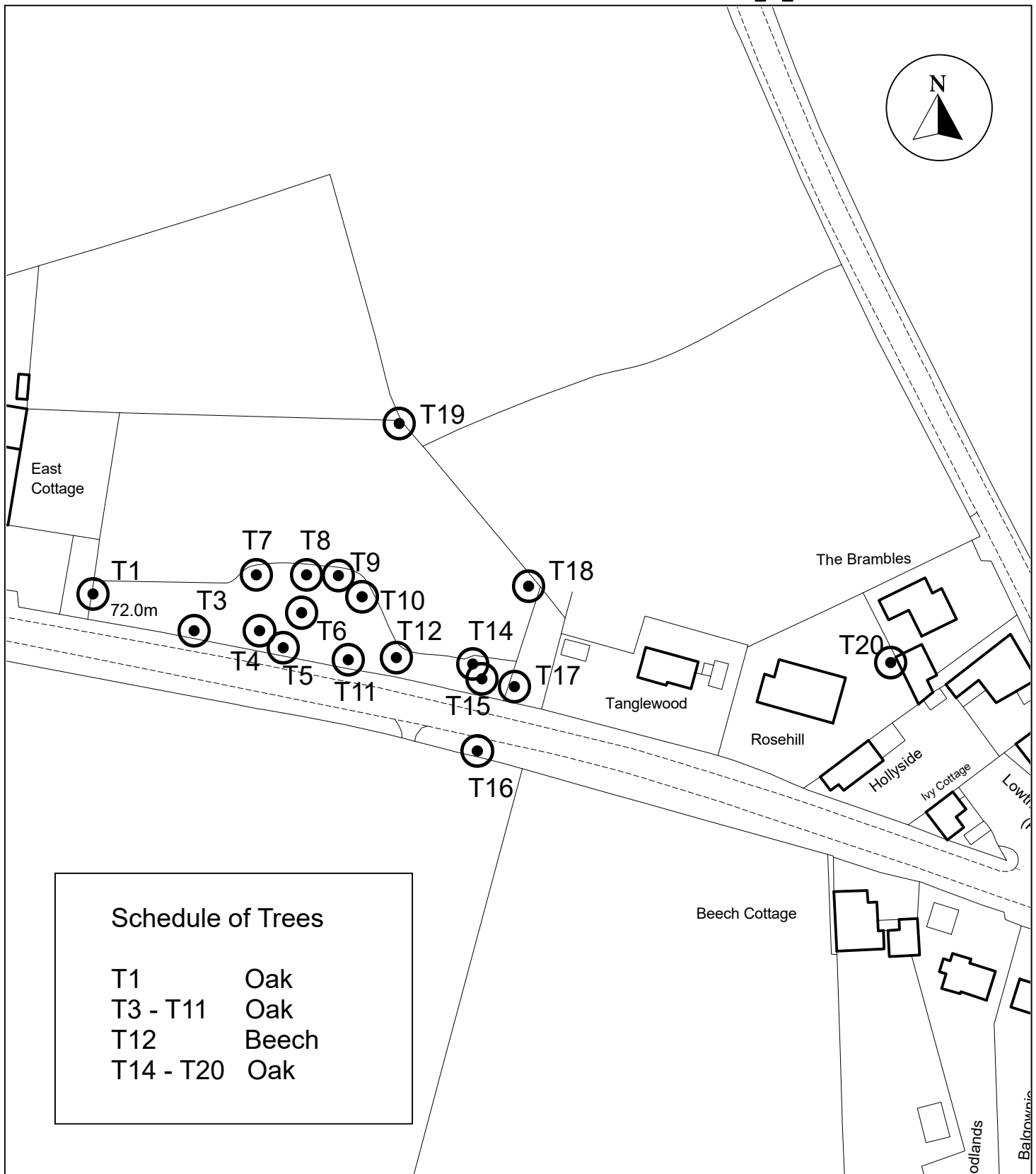
Conclusions:

I would say that based on our survey that the Tree Preservation Order is appropriate for the site but I would omit trees T2 and T13 from the order.

**James England NDF, BSc(Hons)For, MicFor,
Arboricultural Consultant & Chartered Forester**



13/04/21



Act 1990 Section 198(1)

Tree Preservation Order Number 310
Land adj. Tanglewood, Cumwhinton,
Carlisle, CA4 8LU

Scale: 1 : 1250

Date: April 2021

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 ordnance survey LA100024459

Economic Development, Civic Centre, Carlisle, CA3 8QG
 Page 182 of 194

Report to Development Control Committee

Agenda
Item:
A.3

Meeting Date: 30TH April 2021
Portfolio: Economy, Enterprise, and Housing
Key Decision: Not Applicable:
Within Policy and
Budget Framework
Public / Private Public

Title: TPO 311 LAND NORTH OF TANGLEWOOD, CUMWHINTON
Report of: CORPORATE DIRECTOR OF ECONOMIC DEVELOPMENT
Report Number: ED.15/21

Purpose / Summary:

This report considers the confirmation of Tree Preservation Order 311 on Land North of Tanglewood, Cumwhinton considering representations to the making of the woodland tree preservation order.

Recommendations:

That Tree Preservation Order 311 be confirmed.

Tracking

Executive:	
Scrutiny:	
Council:	

1. BACKGROUND

- 1.1 The woodland in question is situated on land north of Tanglewood and is accessed from the C1040 Cumwhinton to Scotby road.
- 1.2 The woodland provides an important back drop to the Lowther Arms Public House in Cumwhinton.
- 1.3 In September 2020, planning application 20/0602 was submitted for the siting of 3no. detached houses on land in the ownership of Cringles Farm, which is west of this woodland.
- 1.4 Following refusal of planning permission on 16th December 2020, the Local Authority felt it was expedient to place protection on the trees situated on this land as well as the woodland in question.
- 1.5 Section 197 of the Town and Country Planning Act 1990 places a duty on local planning authorities to ensure, whenever it is appropriate, adequate provision is made for the preservation of trees. The local authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity.
- 1.6 An assessment of the woodland was undertaken using the Forbes-Laird Tree Evaluation Method for Preservation Orders (TEMPO), identifying the woodland as being suitable for protection due to the size, location, public visibility and contribution to the pleasant rural character of the area.
- 1.7 A copy of the plan relating to Tree Preservation Order 311 and the statement of reasons, are attached hereto at Appendix 1

2. CONSULTATION

- 2.1 The Parish Council, owners of affected properties, and all those who were known to have an interest in the land (according to Land Registry searches) were consulted on the proposed Tree Preservation Order, in accordance with the requirements of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.2 Four letters of objection (outside of the 28-day consultation period) have been received. The letters are contained within the third-party representations.
- 2.3 The objections and our response are summarised below.
 - 'The TPO has not been issued correctly': This relates to the issuing of the notification to landowners who are shown on Land Registry searches. The Local

Authority do all in its power to notify interested parties of their intentions and can only do so according to the information available. The placing of a site notice covers our legal duties in this instance.

- 'The TPO will remove the landowners right to maintain the woodland which will impact on potential damage to the trees, property, residents and passing traffic'
The Order prevents cutting down, topping, lopping, uprooting, wilful damage, or destruction. Owners of protected trees must not carry out, or cause or permit the carrying out of any of the prohibited activities **without first obtaining written consent from the local authority**. There is a free application process that takes 8 weeks and will assess any proposed work in the best interests of the trees/woodland.

The responsibility for management of the trees remains with the owner, even where a tree preservation order is in place. It is important that trees are inspected regularly by the owners to ensure they remain safe and healthy. The application process is intended to encourage good tree management, which will help to maintain and enhance the amenity they provide. Arboricultural advice from competent contractors and consultants, or the authority, will help to inform tree owners of their responsibilities and options.

- 'The order is being used to stifle building development as opposed to protect the trees. Several perimeter trees require on-going attention or removal so as not to present a danger to nearby houses and the TPO will remove any swift action to do this'. Any approved planning permission will override a tree preservation order. The order will not prevent work being carried out once an application has been approved. If a tree poses an imminent danger it can be removed immediately under Town and Country Planning Regulation 14(1)(c) & (2)(b) of the 2012 and the Local Authority have a procedure in place for these instances.

3. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 3.1 The Local Authority is sufficiently concerned that should the Order not be confirmed, work could be undertaken to the trees that would not preserve their health and longevity. The statement of reasons is valid and appropriate in this case.

4. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 4.1 Woodlands are an extremely important part of our countryside that help to create a pleasant and healthy environment in which to live and work, engendering a pride in place and contributing to the City Council's Healthy City Agenda.

5. RECOMMENDATION

5.1 It is recommended that Tree Preservation Order 311 be confirmed.

Contact Officer: Sue Stashkiw

Ext: 7175

**Appendices Appendix 1 – Tree Preservation Order 311
attached to report:**

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS:

LEGAL - The Council has responsibility for ensuring that appropriate and adequate provision is made for the preservation of trees. This means that it may make a tree preservation order where it appears expedient in the interests of amenity. In this instance, a review of the relevant trees has been conducted and officers consider that a Tree Preservation Order is necessary. Members are now being asked to consider whether that Order should be confirmed, in the light of the representations which have been made.

This Tree Preservation Order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third parties, including residents, who have made representations, have the right to a fair hearing and to this end the Committee must consider their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land, and business assets. In taking account of all material considerations, including Council policy it is considered that some rights conferred by these Articles on the residents/objectors and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is in accordance with the law and justified by being in the public interest and on the basis of the restriction on these rights posed by confirmation of the tree preservation order is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Once made, the validity of the tree preservation order cannot be challenged in any legal proceedings except by way of application to the High Court. An application must be made within six weeks from the date of the confirmation of the tree preservation order.

FINANCE – n/a

EQUALITY – n/a

INFORMATION GOVERNANCE - n/a

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

Town and Country Planning Act 1990

The City Council of Carlisle

**Land North of Tanglewood, Cumwhinton, Carlisle CA4 8DL – Tree Preservation
Order 2020 (No.311)**

The City Council of Carlisle in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Land North of Tanglewood, Cumwhinton, Carlisle CA4 8DL – Tree Preservation Order 2020 (No.311).

Interpretation

2.— (1) In this Order “the authority” means The City Council of Carlisle

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197

(planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this

17th December 2020

The Common Seal of the City Council of Carlisle
was affixed to this Order in the presence of



Principles Council



70344

CONFIRMATION OF ORDER

This Order was confirmed by The City Council of Carlisle without modification
on the day of

OR

This Order was confirmed by The City Council of Carlisle, subject to the modifications
indicated by , on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by The City Council of Carlisle
on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by The City Council of Carlisle on the
variation order under reference number

day of by a
a copy of which is attached

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by The City Council of Carlisle on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[T1]		

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[A1]	None	

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
[G1]	None	

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Any trees of any species	344693 552817

STATEMENT OF REASONS

TREE PRESERVATION ORDER No. 311

LAND NORTH OF TANGLEWOOD, CUMWHINTON, CARLISLE CA4 8DL

By virtue of section 198 of the Town and Country Planning Act 1990 the local planning authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity to make provision for the protection of trees and woodlands in its area.

The guidance set out in the Department of the Environment Transport and the Regions document 'Tree Preservation Orders, A Guide to the Law and Good Practice' states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

The woodland, by virtue of its size and location is visible to the public and is a prominent feature in the landscape.

It is considered that the loss of any trees within this woodland would have a detrimental impact on the area and its enjoyment by the public.

Therefore to ensure the continuation of the visual amenity that the woodland provides, it is expedient to protect the trees by means of a Tree Preservation Order.



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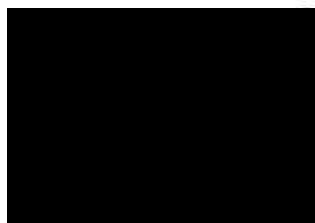
Act 1990 Section 198(1)

Tree Preservation Order Number 311
Land North of Tanglewood, Cumwhinton, CA4 8LU

Schedule of Trees

W1

All Trees of All Species



Scale: 1:1250

November 2020

Economic Development
 Civic Centre
 Carlisle
 CA3 8QG

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CARLISLE
CITY COUNCIL



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