

AGENDA

Development Control Committee

Friday, 22 May 2020 AT 10:00

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

Virtual Meeting - Link to view

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

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

Register of Attendance and Declarations of Interest

A roll call of persons in attendance will be taken and Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Appointment of Chair

To appoint a Chair of the Committee for the 2020/21 Municipal Year.

Appointment of Vice-Chair

To appoint a Vice-Chair of the Committee for the 2020/21 Municipal Year.

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Public and Press

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

Minutes of Previous Meetings

5 - 12

To approve the minutes of the meeting held on 24 April 2020.
(Copy minutes herewith).

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

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

Explanatory Notes

**13 -
18**

Item 01 - 19/0748 - Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle

**19 -
48**

Item 02 - 19/0493 - Land to Rear of 44 Scotby Road, Scotby, Carlisle, CA4 8BD

**49 -
72**

Item 03 - 19/0936 124 Scotland Road/2A Beechwood Avenue, Carlisle, CA3 9BU

**73 -
100**

Item 04 - 20/0091 - Land north of Rockcliffe School, Rockcliffe, Carlisle,
CA6 4AH

101 -
118

PART B

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

-NIL-

Members of the Development Control Committee

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

Labour – Birks, Brown, Mrs Glendinning, Patrick, Rodgerson, Alcroft (sub), Mrs Bradley (sub), Glover (sub)

Independent - Tinnion, Paton (sub)

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 Committee contact -
DCRTS@carlisle.gov.uk

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 24 APRIL 2020 AT 10.00 AM

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

OFFICERS: Corporate Director of Economic Development
Development Manager
Legal Services Manager
Principal Planning Officer
Planning Officer x 2

DC.023/20 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillors Patrick and Tarbitt.

DC.024/20 DECLARATIONS OF INTEREST

No declarations of interest were submitted.

Item A.1(1) application 19/0748 – Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle had previously been considered by the Committee at its meeting of 14 February 2020. Councillors Alcroft, Brown and Meller indicated that they had not been present at that meeting, therefore they would not take part in the discussion nor determination of the application.

DC.025/20 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.026/20 MINUTES OF PREVIOUS MEETINGS

RESOLVED 1) That it be noted that Council, at its meeting of 3 March 2020 had received and adopted the minutes of the Development Control Committee meetings held on 7 January (site visits) and 10 January 2020.

2) That the minutes of the meeting held on 14 February 2020 be approved.

DC.027/20 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

RESOLVED – That it be noted that no Rights to Speak had been registered for the meeting.

DC.028/20 CONTROL OF DEVELOPMENT AND ADVERTISING

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

1. Erection of 45no. dwellings (Outline), Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle (Application 19/0748).

The Principal Planning Officer submitted the report on the application which had been considered and deferred by the Committee at its 14 February 2020 meeting.

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

Regarding the Committee's reasons for deferring the matter the Principal Planning Officer advised:

- The applicant had agreed to provide a pedestrian footpath from the site, past the adjacent electricity substation and on to Hurley Road, this was in addition to the footpath provision along the frontage of the site next to the highway;
- Land Registry records did not identify the owner of the land around the electricity substation. The area has been used by the public for a number of years and the applicant had proposed applying to the Highway Authority to designate the land formally as a public right of way. This is a lengthy process and it would not be appropriate to delay issuing permission until it is concluded. The applicant would also seek to contact the landowner to resolve the issue privately;
- The inclusion of the footpath as part of the scheme had been addressed by the addition of a pre-commencement condition in the permission. It required details of the footpath to be submitted and approved by the Local Planning Authority prior to its installation and prior to the commencement of development;
- Traffic Calming measures – The scheme proposed the extension of the 30mph speed limit on the highway adjacent to the site along with the addition of a gateway feature. The Highway Authority had stated further traffic calming measures were not necessary;
- Crossing points on the A69 – as four were already in existence, it was not felt that the scale of the development required any further be added;
- Validity of traffic survey – the Highway Authority had indicated that it did not consider there was a significant change in traffic volume since the original survey in 2013 and that the highway network had enough capacity to absorb the additional vehicle movements created by the proposed development.

In conclusion, the Principal Planning Officer recommended:

1) That the application be approved, subject to the completion of a Section 106 Legal Agreement to secure:

- a) the provision of 30% of the units as Affordable;
- b) a financial contribution of £171,878 to be paid to Cumbria County Council towards the provision of secondary places;
- c) a financial contribution of £38,000 to be paid to Cumbria County Council towards secondary school transport;
- d) financial contribution of £8,505 to upgrade existing off-site sports pitches;
- e) the maintenance of open space within the site by the developer;
- f) a financial contribution of £5,500 to enable the 30mph speed limit to be extended and village gateway signage and road marking to be introduced.

2) That should the Legal Agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the application.

With reference to the additional footpath the applicant had undertaken to provide, Members asked: would the footpath be made up to an adoptable standard and; who would be responsible for its maintenance.

The Principal Planning Officer advised that details in respect of that footpath were to be submitted to the Local Planning Authority for approval prior to its construction and would include matters such as construction, width and lighting. The Highway Authority would be responsible for

maintaining the footpath and that its construction, to an acceptable standard, was required prior to the construction of the development.

In relation to the footpath proposed for the frontage of the site, adjacent to the highway, a Member sought clarification on the width of the footpath.

The Principal Planning Officer advised that condition 17 of the permission required the details of the footpath to be agreed by the Local Planning Authority, prior to construction.

Referring to page 29 of the Main Schedule, a Member commented that the inclusion of a footpath adjacent to the highway would require the carriageway width to be reduced, she also noted that users of Lucy's allotments parked on the road, further reducing its width. The kissing gate from which the path would be accessed was directly opposite the parking for the allotments and a bend in the road, she expressed concerns for the safety of those using the path.

The Principal Planning Officer stated that the extension of the 30mph speed limit area past the site and the inclusion of the gateway feature would serve to slow traffic down.

A number of Members indicated that they remained concerned about the pedestrian linkages from the proposed development and did not consider that the extension of the 30mph speed limit restriction area, nor the traffic calming measures were sufficient to make for safe pedestrian access and egress from the site. On those grounds they indicated that they did not feel able to approve the application.

The Corporate Director appreciated Members' concerns, however, she felt the work undertaken by the Principal Planning Officer and the applicant to secure an additional footpath from the site, following the Committee's previous deferral of the application had addressed those matters. The application was for Outline Permission, therefore a Reserved Matters application would be submitted to the Committee in future. Given that the Highway Authority had not objected to the proposal, refusing the application on such matters would be difficult to justify in the event of an appeal.

The Development Manager stated that the Council had worked with the Highway Authority for a long time on the application site, from its being allocated for housing development in the Carlisle District Local Plan 2015 – 30 to the current application. He was confident that traffic issues at the site were able to be sufficiently mitigated to make the development acceptable.

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

Clarification was sought by a Member on open space provision at the development, specifically whether there was scope for a play area within the site.

The Principal Planning Officer responded that the layout plan submitted with the current application did not define an open space area. However, that plan was indicative and given the provision of an additional footpath would need to be amended. The applicant had confirmed their willingness to provide such an area on site, but in the event of that not being realisable would make a contribution towards provision at Downagate Community Centre.

Turning to the issue of flooding, it was noted that an event had occurred whereby the highway adjacent to the site had been flooded to a depth of 0.5-0.6m. The Warwick Bridge area was known to experience flooding issues, a Member asked what could be done to minimise flood risk relating to the proposed scheme.

The Principal Planning Officer understood that the flood event alluded to had occurred in during the severe Storm Desmond flood in 2015. Currently the site was a field, the proposed development would necessitate the installation of drainage systems at the site which would lead to a betterment of the current situation by reducing the level of surface water run-off on to the highway.

The Chairman noted that the Officer's recommendation had been moved and seconded.

The Legal Services Manager confirmed that the Officer's recommendation had been properly moved and seconded. However, it was evident from the discussion that a majority of Members were not minded to approve the application, but that no counter proposal had been formally moved.

A Member moved that determination of the application be deferred in order to allow further consideration to be given to the proposed footpath/ pedestrian linkages to the site and potential flooding from the site. The proposal was seconded.

The Member who had moved the Officer's recommendation indicated that they rescinded that proposal.

The Chairman put the proposal to defer the application to the vote and it was:

RESOLVED: That determination of the application be deferred in order to allow further consideration to be given to the proposed footpath/ pedestrian linkages to the site and potential flooding from the site, and to await a further report on the application at a future meeting of the Committee.

2. Variation of Condition 1 (Approved Documents) of previously approved application 19/0863 (Demolition of Caravan Shop, Change of Use of Land as extension to caravan site for the siting of 7No. 'Log Cabin' style static caravans for holiday use) to relocate and change the design of unit 1 (Retrospective), Orton Grange Park, Grange Park Road, Orton Grange (Application 19/0909).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; Approved Site Plan for application 09/0302; Approved Plans and Elevations for application 09/0302; site plan; proposed floor and elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning history of the site was summarised by the Planning Officer covering the 2009 Planning Consent; Discharge of Conditions application 2010, and the 2015 Variation of Condition application. The current application sought permission to vary Condition 1 be re-siting the proposed dwelling 5.2m closer to the site entrance, the proposed dwelling was of the same scale and footprint as that previously permitted, but was of a different design and boundary treatment.

Unit 1 had been constructed, therefore the applicant was retrospective. The boundary fence between the application site and the adjacent property was 0.2m higher than the original permission and prevented overlooking by either property. The Planning Officer noted that the fence was visible from Hillcroft, she advised Members when considering the matter that it was important to differentiate between what was visible and what was prominent and oppressive.

The Planning Officer's view was that the fence, as constructed, was only marginally higher than that which already had permission and therefore was not oppressive. She further noted that,

over time the fence would weather and its visual impact would reduce. As the fence was located at the northern aspect overlooking Hillcroft it would not lead to a loss of light in that property.

In conclusion, 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.

A number of Members commented that they considered the fence between the application site and the adjacent Hillcroft dwelling was not satisfactory in terms of its visual appearance. It was recognised that the increased height was 0.2m and were the current application to be refused the applicant was able to construct the fence in accordance with the previous permission.

In response to a request from Members that the applicant be requested to provide some screening of the fence for the residents of Hillcroft, the Planning Officer undertook to raise the matter informally.

In response to questions from Members, the Planning Officer confirmed:

- That developers had 3 years from receiving Planning Permission to implement a development. Once works had commenced there was no time limit for completing a development;
- The Surface Water Drainage Scheme as approved would be implemented as the current application sought only to vary Condition 1;
- The Council's planning policies relating to minimum separation distances between windows, related only to primary windows and/or gable ends. There was no set distance for the separation of secondary windows;
- The design of Plot 1 was different to those indicated in the plans for the original 2009 permission, but it was in fact more in keeping with the existing dwellings at the site.

With reference to Carlisle District Local Plan (Local Plan) Policy CM 5 – Environmental and Amenity Protection, a Member asked whether the written representations received which had raised concerns in relation to electricity supply, water supply, sewage concerns, indicated that the proposed scheme was not compliant with the policy.

The Planning Officer responded that a number of issues detailed in the representations were civil matters and were not able to be addressed through the Planning System.

The retrospective nature of the application was a significant concern for a majority of the Committee.

The Legal Services Manager reminded Members that retrospective applications may be required for a variety of reasons and that such applications were permitted under planning legislation. Furthermore, the retrospective submission of an application was not a justifiable ground for refusing permission, Members must determine the application based on the merits of the proposal.

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

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

3. Erection of 1no. dwelling, Cumrenton Farm, Irthington, Carlisle (Application 20/0002).

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

The Planning Officer advised Members that the key consideration in determining the application was the acceptability of the proposed development, noting that the Parish Council had raised the matter in their objection to the scheme.

Proposals for development in rural location such as the application site were ordinarily considered unacceptable unless judged to meet specific criteria set out in Paragraph 79 of the National Planning Policy Framework (NPPF). In the case of the application before Members, the Planning Officer explained that permission had previously been granted at the site for the conversion of a barn to a dwelling: the current proposal was in lieu of that development.

Condition 5 required the demolition of the existing barn, thereby preventing its development in the future. Therefore, approval of the application would not increase the number of dwellings at the site. Moreover, it was the Planning Officer's view that the proposed scheme was acceptable in terms of scale and design and would afford a betterment of the site which was in proximity to Hadrian's Wall. On that basis, he recommended the application for approval, subject to the imposition of conditions set out in the report.

The Committee then gave consideration to the application.

A Member commented that, in her view, the conversion of the existing barn at the site was not feasible due to its open nature and noted that the Committee had lately refused an application for a similar development in another rural area in the district.

The Planning Officer advised that in its approving the application to demolish and convert the existing barn at the site, the Council had accepted that the conversion was achievable, he reminded the Committee that the current application was in lieu of that development. The application at a different site alluded to by the Member had been determined in relation to its particular circumstances.

Another Member sought clarification of the Council's fallback position, he noted that the dwelling proposed in the current application differed from the existing barn at the site in terms of footprint, he asked how different it was permissible for the existing and proposed structures to be.

The Planning Officer responded that the proposed scheme provided for a cohesive form of development with new access, and landscaping at the site. In terms of the fallback position, there were no requirements in terms of scale, footprint or siting of the newly proposed dwelling to conform with those aspects of the previously approved development.

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

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

DC.029/20 SCHEDULE B

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

RESOLVED – That the report be noted.

DC.030/20 CHAIRMAN'S COMMENTS

The Chairman thanked the Members and Officers for their preparation for and participation in Carlisle City Council's first online meeting.

[The meeting closed at 11:47pm]

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

22 May 2020

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

<http://publicaccess.carlisle.gov.uk/online-applications/>

- Cumbria Landscape Character Guidance and Toolkit
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981
<http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)
http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm
- 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 –

19/0936 - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

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

If you are in doubt about any of the information or background material referred to in the

Schedule you should contact the Development Management Team of the Planning Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 07/05/2020 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 22/05/2020.

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

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
1.	19/0748 A	Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle	SD
2.	19/0493 A	Land to Rear of 44 Scotby Road, Scotby, Carlisle, CA4 8BD	CH
3.	19/0936 A	124 Scotland Road/2A Beechwood Avenue, Carlisle, CA3 9BU	JHH
4.	20/0091 A	Land north of Rockcliffe School, Rockcliffe, Carlisle, CA6 4AH	SD

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

19/0748

Item No: 01

Date of Committee: 22/05/2020

Appn Ref No:
19/0748

Applicant:
Womble Bond Dickinson

Parish:
Hayton

Agent:
WYG Engineering Limited

Ward:
Wetheral & Corby

Location: Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle

Proposal: Erection Of 45no. Dwellings (Outline)

Date of Receipt:
24/09/2019 16:00:53

Statutory Expiry Date
24/12/2019 16:00:53

26 Week Determination
07/09/2020

REPORT

Case Officer: Stephen Daniel

The application was deferred at the Development Control Committee meeting on the 24th April 2020 in order to allow further consideration to be given to the proposed footpath/ pedestrian linkages to the site and potential flooding from the site.

The site is allocated for housing in the adopted Local Plan and the details, including the access along Little Corby Road, the issues of the potential pedestrian link and flooding, were all considered through the Local Plan Examination process. Indeed, Storm Desmond, took place before the Examination, and therefore all those matters were considered at that time and were considered acceptable.

The suitability of the site was also considered during the determination of application 16/0318, which was an outline application for residential development on this site and some adjoining land which was refused in February 2017, with a subsequent appeal being dismissed. During the determination of this application, the City Council commissioned an independent highway assessment (by Modal Group Ltd) which considered whether the application site (Local Plan Housing Allocation R17) could be served by an access from Little Corby Road. This considered that it is feasible for up to 45 dwellings from the application site to be served from an access onto Little Corby Road. It was suggested that the developer should consider formalising the pedestrian route between Little Corby Road and Hurley Road (via the kissing gate).

During the consideration of the appeal, the Inspector considered the deliverability of the application site for housing and commented that:

"From observations made during both the site visits, I accept that Little Corby Road

is narrow in places and currently does not have suitable provision for pedestrians. However, no substantive evidence has been submitted which leads me to doubt the validity of the findings of the Council's transportation and highways report. I therefore consider that site R17 is currently deliverable, subject to the required highway improvements".

The access is proposed to be within a relocated 30mph zone which is to be extended to the north of the development site on Little Corby Road. This would also entail a gateway feature into Little Corby to restrict vehicle speeds as they enter into Little Corby. As the speed limit would change to 30mph the visibility splay requirements would be 2.4m x 60m.

The applicant has commissioned speed surveys. The visibility splays are designed with the benefit of this data and the proposed visibility splays are far greater than are required (120m to the north and 86m to the south).

The width of the Little Corby Road would not be reduced and the application site would be used to provide a footpath adjacent to the existing road that would link the site entrance to the kissing gate on Little Corby Road. A condition has been added to the permission which requires the construction details of the road/ footway to be submitted to the LPA for approval.

A further condition has been added to the permission to ensure that, prior to the commencement of development, a footpath is provided from the edge of the site to Hurley Road, the details of which would need to be agreed by the local planning authority.

In relation to flood risk, the applicant has submitted a detailed Drainage Strategy and Flood Risk Assessment with the application, and these have demonstrated that the development would not increase levels of flooding - if anything it would reduce it due to the improved drainage on site. The uplift in water retention on site to allow for climate change has been introduced since Storm Desmond to ensure additional water storage and improved drainage reduces the impact of water flow from this site.

The Lead Local Authority has raised no objections to the proposal subject to the imposition of conditions which require the submission of : a surface water drainage scheme; a sustainable drainage management and maintenance plan; and a construction surface water management plan all of which would need to be agreed by the LPA.

The addendum of the 24th April and the previous report of the 14th February follow.

The application was previously deferred at the Development Control Committee meeting on the 14th February 2020 in order to allow further consideration to be given to: the provision of pedestrian linkages (including lighting) from the site to Hurley Road; the introduction of speed reduction measures; and the crossing arrangements of the A69.

Further discussions have taken place with the applicant about the provision of a footpath from the south-east corner of the site to Hurley Road (via the grass area that adjoins the sub-station that lies between 15 and 17 Hurley Road). Since the

committee meeting land searches have confirmed that ENW only own the substation area and the remaining site, being unregistered, is likely to remain in the ownership of the original developer. Given that the grass area has been used as a Public Right of Way (PROW) for a number of years, the applicant has proposed that they apply to the Highway Authority (under Section 31 of the Highways Act) to get the route recognised as a PROW. Once this has happened, the Highway Authority could then use powers under Section 26 of the Highways Act to upgrade the surface of the footpath (which the applicant would pay for). However, this process is likely to take a number of years and it wouldn't be appropriate to await the outcome before granting planning permission. The applicant could also approach the landowner directly in order to speed up the process. A condition has been added to the permission to ensure that, prior to the commencement of development, a footpath is provided from the site to Hurley Road, the details of which would need to be agreed by the local planning authority.

In relation to speed reduction measures, the existing 30mph zone would be extended to the north of the development site. This would entail a gateway feature into Little Corby to restrict vehicle speeds as they approach the site from the north (Newby East). The section of road between the proposed access and The Otter is narrow, with reduced visibility, and this reduces vehicle speeds to an acceptable level. On this basis, the Highway Authority does not consider that additional traffic calming measures would be necessary on the road to the south of the site.

The application site, which is for 45 dwellings, lies 420m from the nearest part of the A69. There are currently four crossing points over the A69 (a pelican crossing and three pedestrian refuges) together with a school crossing patrol at school start and finish times. The scale of the development would not justify a further crossing point over the A69, which is already well served by existing pedestrian crossings.

1. Recommendation

1.1 It is recommended

(1) that this application is approved with conditions and subject to the completion of a S106 legal agreement to secure:

- a) the provision of 30% of the units as affordable;
- b) a financial contribution of £171,878 to be paid to Cumbria County Council towards the provision of secondary school places;
- c) a financial contribution of £38,000 to be paid to Cumbria County Council towards secondary school transport;
- d) financial contribution of £8,505 to upgrade existing off-site sports pitches;
- e) the maintenance of the open space within the site by the developer;
- f) a financial contribution of £5,500 to enable the 30mph speed limit to be extended and village gateway signage and road markings to be introduced.

(2) that should the Legal Agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

2. Main Issues

- 2.1 Whether The Proposal Is Consistent With The Development Plan
- 2.2 Whether The Scale And Design Would Be Acceptable
- 2.3 Impact On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Impact On The Adjacent Listed Building
- 2.5 Highway Matters
- 2.6 Biodiversity
- 2.7 Archaeology
- 2.8 Affordable Housing
- 2.9 Education
- 2.10 Open Space Provision
- 2.11 Foul And Surface Water Drainage

3. Application Details

The Site

- 3.1 The application site is a parcel of agricultural land that covers an area of 1.55ha. The site is open in character with hedgerows and trees demarcating the northern and western site boundaries. The southern site boundary consists of modern fencing which forms the rear boundaries of residential properties.
- 3.2 The site is bounded to the north by Little Corby Hall Farm, which is Grade II Listed; to the east by agricultural land; to the south by residential development on Hurley Road; and to the west by Little Corby Road, beyond which lie some allotments and the River Eden.

Background

- 3.3 In February 2017, an outline application for residential development on this site and some adjoining land was refused (16/0318). A subsequent appeal was dismissed. This application site covered an area of 5.62ha and proposed to take access from the A69. The indicative layout plan that was submitted with the application showed 89 dwellings.

The Proposal

- 3.4 The proposal is seeking outline planning permission for residential development with all matters, except access, reserved for subsequent approval.
- 3.5 The indicative layout plan that has been submitted with the application shows 45 dwellings - 23 detached units and 22 semi-detached units positioned off a central spine road, which equates to 28 dwellings per hectare.
- 3.6 The indicative plans shows an area of open space being created to the front of the site adjacent to Little Corby Road and this contains a Sustainable Drainage System, some landscaping and seating areas. Dwellings are

shown fronting onto Little Corby Road. New tree planting is shown around the periphery of the site. Some hedgerows are shown within the site to create wildlife corridors.

- 3.7 The dwellings would be served via a new access from Little Corby Road. A new footpath would be created in the highway verge to connect the new access road to the kissing gate to the south of the site from where access can be gained to Hurley Road (via a grass bank).

4. Summary of Representations

- 4.1 The application has been advertised by means of site and press notices as well as notification letters sent to 27 neighbouring properties. In response, 31 letters of objection and 2 letters of support have been received.

- 4.2 The letters of objection raise the following issues:

Principle/ Need for the Development

- the development is not required in the village as the local infrastructure cannot support any further development;
- the doctors in the village is already at capacity and it is difficult to get appointments;
- is there enough capacity in the school and doctors?
- the vast majority of facilities (school, GP, shops, cafe, community centre, churches) lie on the south side of the A69 - the application would give an excessive imbalance to the dwellings and facilities ratio;
- there is only one pelican crossing in the village to the reach most of the facilities on the south side of the A69 - other crossing points take the form of central islands upon which pedestrians are vulnerable;
- future development should be to the south of Corby Hill garage;
- there is land and buildings awaiting development on the other side of the A69 which would access services and amenities far easier and safer with footpaths already in place;
- is there a demand for these houses? - there are already hundreds being built along the M6 and St.Cuthberts Garden Village will bring another 10,000;
- we should be looking to improve and occupy empty properties in Carlisle before we build new ones;
- the site is not on the current area plan for very good reasons;

Highway Issues

- any further development in the village would cause more traffic problems and possible accidents;
- development will cause unnecessary traffic generation;
- the road is increasingly used as an alternative route to Warwick Road which has constant road works;
- the roads are terrible and in desperate need of repair without adding more traffic;
- the road cannot take an entrance into the proposed site as the quality of the road is poor;
- there are bends and dips in the road in the vicinity of the site;
- the proposed site entrance is directly opposite the allotments and gardeners' cars are frequently on the roadside adding to the danger in this area;

- the quoted lines of the sight from the access are actually insufficient for clear views especially on a narrow 60mph stretch of road;
- the road from the site towards Little Corby, a short distance from the proposed access, includes a dip with a virtual blind bend;
- there have been at-least 8 traffic accidents on the section of road from Little Corby Hall Farm to the road dip in the last 20 years;
- most drivers exceed the speed limit on the road passed the site;
- most dwellings have 2 cars, some will have 4 - then add visitors and delivery vehicles;
- concerned about extra traffic on Little Corby Road - there is no white line, no traffic calming measures and the corner passed the Otter pub is too narrow;
- the road from the Otter pub to the site is not wide enough and there is no footpath;
- by the Otter pub there is barely room for 2 cars to pass;
- the narrow road with no pavement won't be able to serve another 90 cars at busy commuting times when it is already busy;
- the road has a lot of agricultural vehicles and the width of tractor doesn't allow much room for a car to pass;
- the suggestion that the narrowness of the road would lead to traffic calming is nonsense;
- there is no mention in the transport study of the impact of cars turning off Little Corby Road up to the traffic lights in Corby Hill - this narrow road is already awkward to use due to the limited visibility of cars travelling down Little Corby Road;
- the minor road that runs up passed the Otter pub is a nightmare now - traffic turning left up the hill has to do so blind and if they meet oncoming traffic they then have to reverse back on to the road which is extremely dangerous;
- the road narrows by the Otter and there is no footpath;
- the right turn at the bottom of the hill by the Otter public house is already problematic when vehicles are approaching from Newby East;
- the road survey mentioned in the application seems to have been done in 2013 - this is not a reflection of the traffic that uses the road now;
- the extra vehicles from this development have been drastically under estimated in the traffic survey;
- anticipate that 45 dwellings would mean an estimated 90 to 135 vehicles (based on an approximate average number of vehicles per household) - this does not include visitors, deliveries or trades people;
- parking is already a problem for local services;
- in 2015 the water levels on the road from the site towards the Otter pub were between 0.5m and 0.6m in depth and a car that tried to get through had to be removed;
- when the road floods near the Otter it also floods at Newby East bridge which would make access to the site difficult if not impossible;
- the A69 leading through the village regularly floods next to Downagate - this is near the entrance into Little Corby Road which will be the main access to the site;
- the proposal will increase traffic at the busy junction of Little Corby Road and the A69 where the school crossing patrol stands and increase delays at this junction;
- on completion of the Warwick Mill development it is likely that parked cars will be left on both sides of the road by visitors;
- the road from Little Corby to Newby East has become a rat run;
- it is already difficult to safely exit the driveways of properties on Little Corby Road;
- there is a very narrow traffic lighted bridge towards Newby East which would have to accommodate the extra cars;

- the bridge over the River Irthing to Newby East is unsuitable for large vehicles;
- the road has a weight limit meaning all construction traffic would have to travel through the village on a narrow road;
- if the application is approved the developers must be required to put traffic calming measures in place;
- traffic calming, street lighting and an extension to the 30mph limit zone would surely all have to be implemented;
- there will not be a suitable and safe access to or from the site for pedestrians - the road is not wide enough to accommodate a safe footpath and there is no lighting;
- provision of a suitable footway would present engineering difficulties but would be essential;
- there is not footpath at present from the kissing gate to Hurley Road and if one was created this would not be used as people will take the shortest route which would be to walk along the road which has no footpath and poor visibility;
- walking on the road would be very dangerous for parents with prams and young children;
- the existing pedestrian access is a steep grass bank which is mainly used by dog walkers and allotment holders;
- pedestrian access to Hurley Road is up a steep and muddy bank which is unlit and often slippery - it is unusable for 9 months of the year owing to deep mud on top of clay;
- even if the footpath from the kissing gate to Hurley Road was upgraded to tarmac it would be lethal in winter due to the gradient;
- a lot of cyclists use the route as it's on a national cycle route (Hadrian's Cycle Path);
- parking for most of existing facilities in the village is already very limited;
- construction traffic will cause damage to the roads and will increase congestion and highway safety issues;
- building on this land has been rejected several times - last year it was refused by the Secretary of State on the grounds of highway issues as no suitable access could be established onto the A69 or Little Corby Road;

Drainage/ Flood Risk

- the flood risk to the highway at the proposed site has been understated - the road was impassable in 2 locations in the 2015 floods - this is likely to happen again;
- the drainage in the roads and on the site is poor which is going to cause problems to the houses around the site and on the development;
- the drainage system on Hurley Road already struggles to cope with severe wet weather with water backing up towards houses - will this development worsen the situation for Hurley Road residents?;
- gardens on Hurley Road often flood so more houses is going to cause more flooding;
- the whole village drains cannot cope now - there is often flooding along the A69 heading towards Carlisle and Brampton;
- the site is a large field that sloped down to the road so it is very likely that flooding will occur on the road because of the development;
- drainage is already a concern and would be worsened by these proposals;
- flooding of roads has recently occurred at new developments in Scotby and Houghton because the ground that soaks up rain water has been built on;

Residential Amenity

- negative impact on amenity of neighbours and the community due to overlooking and loss of privacy, noise, disturbance and nuisance;
- existing residents would have to endure several years of noise and disturbance including at weekends - this would seriously affect quality of life;
- proposed planting along the boundary with Hurley Road properties is too close - as the trees mature they would encroach on existing properties;
- large trees on the boundary will overshadow existing gardens;
- loss of privacy due to houses being built close to the rear of existing dwellings on Hurley Road - this will lead to overlooking and have a negative impact on standard of living for existing occupiers;
- the occupiers of existing dwellings have a right to quiet enjoyment of their gardens and this would be lost;
- the plans show a pedestrian access from the development through to Hurley Road
- paths between properties reduce privacy, weaken home security by allowing covert movement of offenders on foot and as a result increase the risk of crime and antisocial behaviour;

Biodiversity/ Greenfield Site

- the site is a field regularly and annually visited by a host of wild mammals and birds, including deer and bats;
- there are newts and barn owls on the land/ in the fields
- detrimental impact on wildlife;
- trees on the site will take 50 years to grow to the size shown on the plan - for many years there will be no mature trees;
- proposals will lead to the loss of greenfield agricultural land - we need green spaces and the loss of natural landscape is a rising concern;
- the land is a greenfield site never having been built on - new development should wherever possible be on brownfield sites;
- the northern quadrant of the development encroaches onto an existing environmental buffer zone between nearby woodland and existing housing;
- we should be preserving farmland to grow our own food;

4.3 The letters of support make the following points:

- proposal will give a much needed boost to the village - there will be extra custom for the shops and extra pupils for the school;
- any traffic issues can be addressed through traffic calming measures;
- not all of the vehicles will be leaving the site at the same time;
- adequate drainage should help solve the flooding issues;
- young people need housing - smaller, affordable units would be a plus
- support the proposal providing road safety and surface water flooding are well cared for and there is a sensible upgrading and enhanced capacity of essential local services;
- there will eventually be a by-pass for Little Corby and this needs to be taken into account in all Little Corby housing development planning;
- this application is the first of several important positive planning steps for Little Corby.

5. Summary of Consultation Responses

Cumbria County Council - (Archaeological Services): - no objections,

subject to conditions (programme of archaeological work);

Cumbria County Council - Development Management: - using a population led model it is estimated that the development would yield 16 children - 9 primary and 7 secondary. There are sufficient places available in Warwick Bridge School to accommodate the primary pupil yield. None of the secondary schools (including the catchment school of William Howard) can accommodate the additional children generated by this development. An education contribution of £171,878 (7*£24,554) is sought. A secondary school transport contribution of £38,000 is also required (£40 per day * 190 days * 5 years);

Northern Gas Networks: - no objections;

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions (highway construction details; details of vehicular and pedestrian access; details of parking and turning; Construction Phase Plan; Surface Water Drainage Scheme; Construction Surface Water Management Plan; condition and capacity survey of culverted watercourse downstream of the surface water discharge point);

Local Environment - Environmental Protection: - no comments received;

Local Environment, Waste Services: - will comment further at the Reserved Matters stage;

Health & Wellbeing: - there is a deficit of open space provision on this proposal. A figure for the amount of open space hasn't been provided and there appears to be limited open space on the development as the sustainable drainage (swale) is described as open space when this cannot be counted as usable open space. The target is 3.6Ha/1,000 population and therefore the target open space for a development of this scale would be 0.49 Ha based on an occupancy of 135 people. Ideally more useable open space should be provided on site, however a contribution to upgrade the open space could be provided in lieu of some of the on-site open space. The contribution required cannot be calculated without further information, but would be up to £8,437.50.

A contribution of £35,250 for improving existing play facilities at Downagate Community Centre should be. Alternatively, an equipped play area could be provided on site as long as it is set within a suitable amount of open space.

There is no provision for sports pitches on site and no scope to do this. A contribution of £8,505 should be made to upgrade existing off-site sports and recreation provision within the district.

The developer will be required to ensure appropriate measures are put in place for the management of any new open space provided through this development.

Natural England: - no objections, subject to appropriate mitigation secured by condition (Construction Environment Management Plan; Surface Water Drainage Plan);

Hayton Parish Council: - object to the application for the following reasons: accessibility on foot - the developer proposes to construct a new footway along the public highway to link with the existing pedestrian route leading to Hurley Road. Hayton Parish Council do not believe this will be viable. The "existing pedestrian route" is not an official one. The County Council will not adopt a footpath unless the land on which it lies is able to be dedicated to it. A public right of way will need to be created and the developer is not aware of this. An unofficial path does not secure a long-term pedestrian route; any footpath constructed across the existing green space area will be steeper than 12% which is the maximum acceptable gradient for wheelchair users. As such the footpath will be unsuitable for disabled persons and for mothers with prams/pushchairs. It will also be liable to be slippery in winter conditions; should the footpath be constructed and adopted it is unlikely to be used by mothers taking their children to Warwick Bridge School due to the steepness and the extra walking distance. They will be at great risk when walking along a section of road which is totally unsuitable; residents of the proposed development walking to and from the Otter Inn will not use the footpath. Consequently, they will be at great risk when walking along a section of road which is totally unsuitable - this is one of the rare locations where the Highways Authority has deemed it necessary to erect "Pedestrians In The Road" warning signs;

Vehicular access - visibility splay requirements should be based on Design Manual for Roads and Bridges standards and not Manual for Street standards especially visibility to the right;

Additional vehicular information - the minimum width of carriageway for normal traffic including HGV's and tractors (some as wide as 3.5m) should be 6.75m and not 4.8m as stated by the developer. The 120m of country road past the Otter Inn which only measures 5.0m width is also on a sharp bend which along with the kerb shyness effect effectively reduces the 5m available width considerably. Does not consider that the length of road can accommodate two way traffic, even car traffic. Any material increase in traffic will create congestion, traffic delays and cause drivers to speed following any delay;

Vehicle trip generation - do not believe that generated traffic should be assessed using the Trip Rate Information Computer System (TRICS). This may work for urban areas but does not reflect the generated traffic in rural areas. 45 houses with at least 2 cars per house will generate at least 60 vehicle movements during the commuter hours of 0800-0900. This is considerably more than the 21 calculated using TRICS. As such the proposed development traffic generated is significant when taking into account the capacity of the country road. There will be a traffic conflict as the road narrows of 157 vehicles meeting 82 vehicles during commuter hours. In an ideal situation where it is clear who has right of way delays may be "less than 4.2 seconds per vehicle". This will not be the case here especially as the

road narrows and adjoins the sharp turn onto the Otter Inn hill and consequential backing up of traffic.

Any increases to traffic (to access services all located on the other side of A69 or the A69 itself) using the Otter Inn hill will exacerbate a perennial traffic problem that has not been solved by the introduction of inappropriate priority signs;

Flooding at the low point on county road - before any development is permitted a long-term solution must be achieved to prevent any likelihood of flooding occurring at this low point. There must never be any chance of Newby East Bridge being closed at the same time as flooding at this location. The developer states that any ponding on Little Corby Road would not be expected to prevent safe access to/from site. A photograph sent in by a member of the public showing flood depths of up to 500m is not the Parish Council's understanding of "ponding which would allow safe access to/from the development".

Cumbria Constabulary: - acknowledge that the application is outline and the layout is indicative only. Request to be consulted on any future applications to ascertain how the proposals comply with Policy CM4 of the Local Plan;

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

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, SP6, SP8, HO1, HE3, GI1, GI3, GI4, GI6, CM2, CM4, CC5, IP2, IP3, IP6 and IP8 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Documents Achieving Well Designed Housing and Trees and Development are also material planning considerations.
- 6.3 The proposal raises the following planning issues.
 1. Whether The Proposal Is Consistent With The Development Plan
- 6.4 The application site (1.55ha) is allocated for housing (R17 - Warwick Bridge/ Little Corby North) in the adopted Carlisle District Local Plan 2015-2030. An indicative yield of 45 dwellings is identified for this site. The proposal to develop the site for residential development is, therefore, acceptable in principle.

- 6.5 The previously refused application covered an area of 5.62ha and extended significantly beyond allocated site R17. Whilst development of the allocated R17 site is acceptable in principle, the additional proposed development included in the previous application, which fell outside of the allocation, was not considered to be acceptable.

2. Whether The Scale And Design Would Be Acceptable

- 6.6 The layout and design of the dwellings are reserved for subsequent approval and do not form part of this application. The indicative plans that accompany the application show development of 45 dwellings which is consistent with the Local Plan allocation.

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

- 6.7 A number of existing dwellings on Hurley Road adjoin the site and the occupiers of a number of these properties have raised concerns about the impact of the proposed development on their residential amenity. These issues would be considered at the Reserved Matters stage, when the location, heights, orientation and the design of the dwellings would be determined.

- 6.8 It is, however, clear that dwellings could be accommodated on this site without having an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

4. Impact On The Adjacent Listed Building

- 6.9 Little Corby Hall, that lies to the north of the site, is an early 18th Century Grade II Listed Building. The building currently enjoys an open agricultural setting.

- 6.10 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising their powers in respect of listed buildings. The aforementioned section states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 6.11 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) a 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.

- 6.12 Policy HE3 (Listed Buildings) of the adopted Local Plan states that listed buildings and their settings will be preserved and enhanced. Any new development within the setting of a listed building should preserve or enhance the building's character and its setting.
- 6.13 A field separates the application site from the Grade II Listed Little Corby Hall. The nearest dwelling on the indicative layout plan would be approximately 70m from Little Corby Hall. Additional trees could be planted on the northern site boundary to help to screen the development from Little Corby Hall. In light of the above, the proposal would not have an adverse setting of the listed Little Corby Hall.

5. Highway Matters

- 6.14 The Parish Council and a number of objectors have raised concerns about the impact that the development of 45 dwellings on this site would have on the existing highway network in the vicinity of the site. They have also raised concerns about the proposed new vehicular access onto Little Corby Road and the proposed pedestrian access.
- 6.15 The site is allocated for housing (with an indicative yield of 45 dwellings) in the adopted Local Plan. The Highways Authority had an input into the housing allocations in the Local Plan and they were consulted on the sites prior to them being allocated. Any sites that were deemed to be unsuitable for residential development for highway reasons were not allocated as housing sites.
- 6.16 The City Council commissioned an independent highway assessment (by Modal Group Ltd) of the previous application on this and the adjoining site, which proposed access onto the A69. This assessment also considered whether the Local Plan Housing Allocation (R17) could be served by an access from Little Corby Road.
- 6.17 In relation to the Local Plan Housing Allocation R17 the Modal Report considered that:
- between a potential site access and the junction adjacent to the Otter Public House, Little Corby Road is sub-standard with no footways and reduced carriageway widths as well as poor forward visibility. In addition, the side road at the junction is also substandard at this point with restricted road widths and poor junction visibility;
 - any development onto Little Corby Road at this point should be restricted to the Local Plan recommendation of 45 dwellings. This is in the interest of highway safety, and in particular pedestrian safety;
 - it is feasible for up to 45 dwellings from the proposed development site to be served from an access onto Little Corby Road;
 - suggest that the developer should consider formalising the pedestrian route between Little Corby Road (near to the speed limit signage) and Hurley Road.

- 6.18 County Highways has been consulted on the application. It notes that the application is for 45 dwellings on an allocated site to the north of Little Corby which is to be accessed from Little Corby Road and is mindful of the lengthy history and the various transport studies conducted for this allocated site.
- 6.19 The access, as shown within the illustrative masterplan and revised submitted layouts, is proposed to be within a relocated 30mph zone which is to be extended to the north of the development site on Little Corby Road. This would also entail a gateway feature into Little Corby to restrict vehicle speeds as they enter into Little Corby as this is a known issue at this location. As the speed limit would change to 30mph the visibility splay requirements would change to 2.4m x 60m which would be achievable at this location as shown by the submitted visibility splays as part of the Transport Assessment.
- 6.20 The major issue with the current proposals are the pedestrian linkages into Little Corby from the development site. The Highways Authority recommends that the applicant should provide a footway from the site access to a point past the current village signage posts. There should also be a link footway to the current kissing gate and improved street lighting. This element should be conditioned.
- 6.21 Therefore, to conclude the Highways Authority, considering the site history, the independent transport report, the recent appeal decision and the information provided by the applicant for this application, has no objections to the proposed development subject to conditions and a Section 106 agreement that funding of £5,500 would be put in place to enable the County Council to extend the 30mph speed limit and introduce village gateway signage and road markings (indicatively shown on drawing A112972-P001 Rev B).
- 6.22 Hayton Parish Council has raised a number of highway issues, which have been considered by the Highways Authority. In relation to accessibility on foot, the Inspector at the Local Plan Inquiry considered the site accessible and allowed it to be allocated in the local plan and the same applied to the inspector at the planning appeal for the larger site. Hayton Parish Council is correct, this permissive path has been in place for many years and maintained by Carlisle City Council. A route over this area is, therefore, available and usable. No path will be created over this piece of land, it will remain as is. The road network in Little Corby is not atypical of many villages in Cumbria which contain narrow roads without footpaths.
- 6.23 The Design Manual for Roads and Bridges is a design tool used to design new trunk roads. The Highways Authority is content that Manual for Street standards are used as the site will be subject to a 30mph. This will be true as long as the 85%ile speeds are below 37mph. The Transport Assessment satisfactorily considers the road widths in the vicinity of the site and traffic generation. TRICS is an industry tool and widely used. Sites are picked from this programme that are similar to the application site and this element was considered during the allocation of the site.

6. Biodiversity

- 6.24 An Ecological Impact Assessment has been submitted with the application. Habitats on site consist of mature trees and hedgerows around the boundary and improved grassland within the field. The habitats range from low to local ecological value. The site has the potential to support nesting birds, foraging or commuting badger, roosting, foraging or commuting bats, brown hare and hedgehog.
- 6.25 It is likely that habitats of low to local ecological value would be lost as a result of the development. Without mitigation, the development might lead to negative impacts upon roosting bats, nesting birds and foraging badger. The Ecological Impact Assessment suggests a number of mitigation measures which should be incorporated into the final design to minimise the impacts of the development. These include retention and protection of mature broadleaf trees; retention and enhancement of the majority of the hedgerows; additional trees, shrub and bulb planting; use of a flowering lawn mixture in gardens; installation of ten double crevice bat boxes and creating roosting opportunities within buildings; and covering trenches and excavations overnight or providing a means of escape for wildlife.
- 6.26 The mitigation measures outlined above, which can be secured by condition, would ensure that the proposal does not have an adverse impact on biodiversity.
- 6.27 Natural England has been consulted on the application. It notes that the site is approximately 20m from the River Eden SAC/ SSSI and considers that without appropriate mitigation the application would have an adverse impact on the integrity of the SAC and damage or destroy the interest features for which the SSSI has been notified.
- 6.28 In order to mitigate these adverse effects and make development acceptable, conditions should be added to any consent to ensure that the applicants submit a Construction Environment Management Plan and a Surface Water Drainage Plan for approval in writing by the LPA. Natural England also notes that the Ecological Assessment concludes a negative impact upon local biodiversity and recommends mitigation measures to avoid and limit this impact. It notes that the City Council has a duty to have regard to conserving biodiversity as part of the decision making process.
- 6.29 Given the proximity of the site to the River Eden & Tributaries SSSI/ SAC, the City Council commissioned an Assessment of the Likely Significant Effect (ALSE) when the previous application was submitted. The proposed development would be confined to the land to the north of Hurley Road and would be approximately 17m to the east of the River Eden SSSI and approximately 40m to the south west of the River Irthing SSSI. Therefore, direct impacts on the River Eden & Tributaries SSSI are not anticipated. The production and implementation of an agreed Construction Environmental Management Plan (CEMP) and the use of appropriate mitigation measures should ensure that there is no impact on turbidity, siltation or toxicity/ pollution on the River Eden & Tributaries SSSI.

- 6.30 To further minimise any impacts upon breeding birds, any trees and scrub removal should be carried out between September and February to avoid the bird breeding season. If this is not possible, a check for birds nests by a suitably experienced ecologist should be carried out to ensure nesting birds are not present. A condition has been added to the permission to cover this issue.
- 6.31 In light of the above, it is not anticipated that the proposed development would have an adverse impact on biodiversity, including the interest features of the River Eden & Tributaries SSSI/ SAC.

7. Archaeology

- 6.32 An Archaeological Desk Based Assessment was submitted with the application and following a request from the County Archaeologist an Archaeological Geophysical Survey of the site has been undertaken. This identifies a small number of features of potential archaeological interest surviving within the site. These are considered to be of local significance and they would be disturbed by the construction of the proposed development.
- 6.33 In light of the above, the County Archaeologist has recommended that an archaeological evaluation and where necessary a scheme of archaeological recording of the site should be undertaken in advance of development. This work could be secured through the inclusion of a condition.

8. Affordable Housing

- 6.34 Local Plan Policy HO 4 requires 30% affordable housing on sites in Affordable Housing Zone A which encompasses Little Corby, and stipulates that the affordable housing provision should be 50% affordable/ social rent (usually through a Housing Association) and 50% intermediate housing (usually discounted sale at a 30% discount from market value through the Council's Low Cost Housing Register).
- 6.35 In accordance with Policy HO 4, based on a 45 scheme, the requirement would therefore be 30% affordable housing (50% for affordable/ social rent & 50% intermediate housing).
- 6.36 The provision of affordable housing would be secured through a S106 Agreement and the exact details (tenure and mix) would be resolved at the Reserved Matters stage.

9. Education

- 6.37 Using a population-led model, as no dwelling mix has been provided at this stage, a development of 45 dwellings is estimated to yield 16 children: 9 primary and 7 secondary.
- 6.38 The catchment schools for this development are Warwick Bridge (0.6 miles) and William Howard Secondary Academy (4.6 miles). The next nearest

schools are Hayton Primary (2.2 miles) and Central Academy for secondary (4.7 miles), both of which are over the walking threshold.

- 6.39 There are sufficient places available in the catchment school of Warwick Bridge to accommodate the primary pupil yield from this development, therefore no primary education contribution is required.
- 6.40 When all housing developments are taken in to account none of the secondary schools in the Carlisle area, including the catchment school of William Howard can accommodate the additional children this proposed development will yield. Therefore an education contribution of £171,878 (7 x £24,554) is sought. The £24,554 figure is the £18,188 figure with indexation applied to bring the figure up to current prices. The contribution would be used to provide additional places at William Howard School.
- 6.41 It is anticipated that there will be sufficient spaces for the primary aged children at the catchment school Warwick Bridge, which is within the statutory walking distance. Subject to the remedial footpath measures being secured as outlined in highways response it is considered that the route will be safe, therefore no contribution for primary school transport is sought.
- 6.42 The nearest secondary schools are all over the statutory walking distance of 3 miles, therefore a secondary school transport contribution is required. Based on a vehicle up to 8 seats at £40 per day which is the mid-point in the procurement category for 0-9 miles. For secondary school transport a 5 year contribution is required, therefore based on 190 day school year the calculation is £40 x 190 days x 5 years = £38,000

10. Open Space Provision

- 6.43 Policy SP8 of the adopted Local Plan states that conditions, legal agreements and developer contributions will be sought to secure new or enhanced green infrastructure provision on, or associated with, new development. Developers will be expected to provide some aspects of green infrastructure within developments, ensuring that, where possible, they integrate with wider green infrastructure networks. The exact design of the green infrastructure within the development would be determined at the Reserved Matters stage
- 6.44 Policy GI4 (Public Open Space) requires new housing developments of more than 20 dwellings to include informal space for play and general recreational or amenity use on site according to the size of the proposed development.
- 6.45 The indicative plan that accompanies the application shows an area of informal open space at the eastern end of the site, adjacent to Little Corby Road. The Health and Wellbeing Team has been consulted on the application and notes that there is a deficit of open space provision on this proposal. A figure for the amount of open space hasn't been provided and there appears to be limited open space on the development as the sustainable drainage (Swale) is described as open space but this cannot be counted as usable open space. The target is 3.6Ha/1,000 population and therefore the target open space for a development of this scale would be 0.49 Ha based on an occupancy of 135 people. Ideally more useable open space

should be provided on site, however a contribution to the upgrade of open space could be provided in lieu of some of the on-site open space. The contribution required cannot be calculated without further information, but would be up to £8,437.50. The level of on-site open space will be considered during the Reserved Matters application. If a suitable amount of usable open space is not provided on the site the S106 will need to be varied to increase the financial contribution payable to the City Council. The developer would need to maintain this open space and this could be secured through a Section 106 Agreement.

- 6.46 The plans do not show an equipped play area on-site and there is no space for one to be provided in the current layout. The submitted layout is, however, indicative only and following discussions with the developer and the Health and Wellbeing Team it has been agreed that a condition should be added to the permission which requires the provision of an equipped play area on the site (the details of which would need to be agreed with the LPA). If any future developer decides that they don't want to provide an equipped play area on the site, an alternative would be to provide a financial contribution to improve the existing play facilities at Downagate and this would need to be secured through a S106 Agreement.
- 6.47 There is no provision for sports pitches on site and no scope to do this. A contribution of £8,505 should, therefore, be made to upgrade existing off-site sports and recreation provision within the district.

11. Foul And Surface Water Drainage

- 6.48 A Flood Risk and Drainage Assessment has been submitted with the application. This confirms that the site is at low risk of flooding from rivers, surface water, sewers, overland flows, groundwater, and reservoir failure. There is a small area at risk of flooding from surface water in Little Corby Road to the south of the site but the expected depths of flooding would not prevent safe access or egress to or from the site.
- 6.49 It is proposed to either infiltrate surface water runoff into the underlying ground or alternatively the runoff will be discharged to the River Eden or the existing United Utilities surface water sewer at a rate of 3.5 l/s. It is proposed to provide a SuDS management train including permeable pavements and swale in order to make sure that no flooding takes place during any rainfall event up to and including the 1 in 100 year plus a 40% allowance for climate change. It is expected that foul flows will be discharged to the existing combined sewer that flows through the site.
- 6.50 The Flood Risk Assessment makes the following recommendations:
- subject to the completion of the site investigation and associated infiltration testing, a detailed drainage design based on the results of the infiltration testing should be provided and it is anticipated that this would be submitted as part of the discharge of the future planning condition.
 - Finished Floor Levels of the new buildings should be set at 150mm above the adjacent ground level to ensure that in the event of exceedance events causing overland flows within the development, no flooding of the properties

would occur.

- a ground investigation including site specific infiltration testing in accordance with BRE Digest 365 guidelines would be undertaken to confirm the viability of infiltration systems.
- the final site layout and refined drainage design should seek to maximise the use of SuDS techniques as outlined within this assessment and informed by the site-specific infiltration test results.
- a drainage survey would be undertaken to confirm the invert level of the existing combined sewer flowing through the site;
- on completion, a regular inspection & maintenance regime would be provided to the future owners and tenants based on the as-built information together with details of who would be responsible for the inspection and maintenance of the proposed SuDS and drainage components;
- where the final site layout conflicts with the existing UU foul sewer, then the sewer would require diversion under a Section 185 agreement and a 6m wide easement zone should be provided along the diverted sewer route.

- 6.51 The Lead Local Flood Authority has been consulted on the application. It is agreed that the development site is at low risk for river and surface water flooding with no instances of either types of flooding being recorded. It is noted that flooding has occurred to the east on Hurley Road from surface water runoff from the neighbouring fields and a culverted watercourse which potentially flows along the northern boundaries of Hurley Road and into this development site. The applicant would need to investigate this culvert for its exact location and determine if it crosses over into the development site.
- 6.52 The Cumbria Development Design Guide states that the applicant must work through the hierarchy of drainage options. The first option to be explored is discharge of surface water via infiltration. Three infiltration tests have been undertaken for the development site with the results stating that infiltration is a possibility for the site. Therefore it is a requirement that the development discharges surface water via this method and provides suitable attenuation in order that no flooding occurs on site during a 1 in 100 year plus 40% to account for climate change storm event. Detailed calculations are required to be submitted by the applicant along with a full drainage schematic at a later stage of the planning process to be examined by the LLFA. It is noted within the current draft drainage schematic that it is proposed to discharge into the River Eden 65m to the west of the site. As stated previously infiltration is possible and is to be the discharge method for surface water.
- 6.53 Therefore, to conclude the applicant has worked through the drainage hierarchy and has proven that surface water can be discharged via infiltration and that the site is of low flood risk. Further detailed designs and calculations are required but these can be provided at a later stage of the planning process. As a result the LLFA has no objections with regards to the approval of planning permission subject to conditions.
- 6.54 United Utilities has been consulted on the application and has no objections to the proposal subject to conditions.

Conclusion

- 6.55 The site is allocated for housing in the adopted Local Plan and the proposal is, therefore, acceptable in principle. The scale, layout and design of the development and the impact of the proposal on the living conditions of the occupiers of neighbouring properties and Listed Buildings would be determined at the Reserved Matters stage. Subject to the proposed conditions and a S106 agreement it is considered that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, biodiversity, existing trees, education, open space or archaeology. The proposal is, therefore, recommended for approval subject to the completion of a S106 Agreement.
- 6.56 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 agreement to secure:
- a) the provision of 30% of the units as affordable;
 - b) a financial contribution of £171,878 to be paid to Cumbria County Council towards the provision of secondary school places;
 - c) a financial contribution of £38,000 to be paid to Cumbria County Council towards secondary school transport;
 - d) financial contribution of £8,505 to upgrade existing off-site sports pitches;
 - e) the maintenance of the open space within the site by the developer;
 - f) a financial contribution of £5,500 to enable the 30mph speed limit to be extended and village gateway signage and road markings to be introduced.

If the Legal Agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

7. Planning History

- 7.1 In February 2017 an outline application for residential development on this site and some adjoining land was refused (16/0318). A subsequent appeal was dismissed.

8. Recommendation: Grant Subject to S106 Agreement

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

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

and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the layout, scale, appearance and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the Local Planning Authority.

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

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

1. the submitted planning application form received 24th September 2019;
2. the Site Location Plan (drawing ref 02) received 24th September 2019;
3. the Existing Site Plan (drawing ref 09) received 24th September 2019;
4. the Site in Context (drawing ref 03) received 24th September 2019;
5. the Illustrative Layout Plan (drawing ref 08) received 24th September 2019;
6. the Phase 1: Desk Top Study Report received 24th September 2019;
7. the Transport Assessment (ref A112972) received 24th September 2019;
8. the Flood Risk & Drainage Assessment (ref A110975) received 24th September 2019;
9. the Ecological Impact Assessment (ref N19073E) received 24th September 2019;
10. the Heritage Impact Assessment (March 2019) received 24th September 2019;
11. the Planning Statement, Design & Access Statement and Statement of Community Involvement (ref A110975) received 24th September 2019;
12. the Notice of Decision; and
13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be undertaken in strict accordance with the approved details.

Reason: To ensure the design and materials to be used are appropriate and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the commencement of development, the applicant shall submit details of tree and hedgerow protection fencing to be installed on the site for approval in writing by the Local Planning Authority. This fencing shall be erected prior to the commencement of development and shall remain in

place until the works are completed.

Reason: To ensure that the existing hedgerow is protected in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

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

Reason: To protect features of recognised nature conservation importance, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

7. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site (together with the timing of these works) have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

Reason: In order to enhance the habitat for wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

8. Prior to the occupation of each dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle District.

Reason: In accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

9. 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 ensure adequate provision of infrastructure and to accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

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

Site investigations should follow the guidance in BS10175.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 16.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

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

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

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

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

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

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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

15. No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

16. Prior to the commencement of any development, a condition and capacity survey of the culverted watercourse (or piped drainage system) downstream of the surface water discharge point shall be provided to the Local Planning Authority. The information provided should also include mitigation measures where it is deemed the improvements are required.

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

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

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

18. No development shall commence until detailed drawings showing the development and means of access both by vehicular and non-vehicular means there to have been submitted to the Local Planning Authority for approval. Any such approved means of access shall be completed in accordance with the approved details before the development is occupied (this shall include details of the footway linking to the kissing gate as well as the installation of additional street lighting columns linking the site access to the existing system of street lighting).

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

19. Details showing the provision within the site for the parking, turning and

loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure a minimum standard of parking provision is made within the site for vehicles visiting the site and to support Local Transport Plan Policies LD7 & LD8.

20. Development shall not commence until a Construction Phase Plan has been submitted to and approved in writing by the local planning authority. The CPP shall include details of:

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- Details of proposed crossings of the highway verge;
- Retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- Surface water management details during the construction phase

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

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

This written scheme will include the following components:

- i) An archaeological evaluation;
- i) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;
- i) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a

post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

22. Prior to the commencement of development, the applicant shall submit a Construction Environmental Management Plan (CEMP) for approval in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the details contained within the CEMP.

Reason: In order to protect the River Eden SAC/ SSSI in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

23. The proposed open space and children's play area shall be laid out and provided with items of equipment at the expense of the developer in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any work on site and the shall be completed in accordance with an agreed programme for its implementation. The scheme shall identify the intended location of that open space and related play area within the development site and the intended programme for its provision within the overall development phasing.

Reason: In order to secure a satisfactory standard of development and to make proper provision for the recreational needs of the area in accord with Policies GI4 and SP6 of the Carlisle District Local Plan 2015-2030.

24. No development shall be commenced until details of a footpath from the edge of the application site up to Hurley Road, including location, design, materials and lighting, have been provided to and approved in writing by the local planning authority. Such approved footpath must be constructed in accordance with the approved details and made available for use before the development is commenced

Reason: To ensure that pedestrian links are provided to the application site in the interests of highway safety.



Key

Site boundary

Plan based on mapping from Emapsite;
license no. 0100031573



R 01	04.07.2019	little block corrected
R 00	26.05.2019	original drawing
revision	date	notes

drawing number

02

drawing name

Site location plan

project

Housing at Hurley Road, Little Corby

client

Lucy Adamski and Rebecca Smithson

Eden Environment Ltd
www.edenenvironment.com



Key

Site boundary

Note

This image is not to a specific scale

A/C	04.37.2019	360.103.8 304.85000 Image copyright
R/E	20.05.2019	Original Drawing
Revision		Notes

drawing number

03

drawing name

Site in context

project

Housing at Hurley Road, Little Corby

client

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SCHEDULE A: Applications with Recommendation

19/0493

Item No: 02

Date of Committee: 22/05/2020

Appn Ref No:
19/0493

Applicant:
Carlisle Estates

Parish:
Wetheral

Agent:
PFK Planning

Ward:
Wetheral & Corby

Location: Land to Rear of 44 Scotby Road, Scotby, Carlisle, CA4 8BD

Proposal: Erection Of 4no. Dwellings

Date of Receipt:
08/07/2019

Statutory Expiry Date
02/09/2019

26 Week Determination

REPORT

Case Officer: Christopher Hardman

At the meeting of Development Control Committee on the 10th January, Members deferred this application as there was some debate regarding whether the extent and scale of development proposed meant that the development was encroaching into open countryside. Members asked that during the deferral the applicant reconsider the proposed scheme, in particular highlighting that the larger house proposed as Plot 4 was a contributing factor in their debate about the site's relationship to surrounding land.

As a consequence of deferral, the applicant has made some changes to the layout of the proposed scheme and in particular redesigned Plot 4 so that it's scale and position is more in line with the other three plots. The house style is now similar and it's position has been moved to the end of the service/access road so that it closes off the development. There will remain a large garden area for this plot and it is proposed that this comprises a formal garden but also an informal area towards the beck. With the use of planting of trees and landscaping the informal part of the site will have a less urban feel and relate more to the countryside areas around.

Following submission of the revised drawings a further consultation was undertaken. One additional response was received from Wetheral Parish Council which reaffirms their earlier objection listing the following grounds:

- a) According to Policy SP6 (Securing Good Design) of the Local Plan 2015-2030, most notably the use of zinc roofs, which is not in keeping with surrounding buildings. The committee suggests replacing the zinc with photovoltaic tiles.
- b) House 4 is still an extension into open countryside, contrary to Policy HO2 Criteria 1 and 3 and Policy HO3 Criteria 1 and 3.
- c) There is no hammerhead or other turning area at the end of the cul-de-sac, which

will result in any large vehicle being unable to turn around.

d) The distance between property 4 and the entrance to the road is excessive, meaning occupants will have difficulty getting refuse bins to the collection point.

e) The Design & Access Statement claims this is a brownfield site. It is not shown as such on the aerial photos. The site was used as a garden/paddock for many years

The Parish Council's concerns have been addressed in the original report, however, in relation to point b) the reducing of the scale of Plot 4 and its relocation within the site seeks to limit the extent to which the development extends into the countryside and with the use of informal tree planting and landscaping will reinforce the countryside feel around the edge of the settlement.

The application is recommended for approval subject to revisions to Condition 2 listing the approved documents to include the revised documentation. References to Plot 4 have not been revised in the original report so that Members are able to compare the proposals.

The original committee report from the 10th January 2020 follows:

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 Whether the scale, design and layout of the proposed development is acceptable in the context of the surrounding area
- 2.3 Whether the impact of the development on the living conditions/amenity of neighbouring residents is acceptable
- 2.4 The proposed methods for the disposal of foul and surface water
- 2.5 The impact of the proposal on highway safety and parking
- 2.6 The impact on trees and hedgerows
- 2.7 Matters relating to contamination
- 2.8 Impact on biodiversity
- 2.9 Other matters

3. Application Details

The Site

- 3.1 The application relates to a narrow strip of land to the side and rear of No.44 Scotby Road, Scotby, Carlisle. To the immediate side and rear of No.44 Scotby Road the site forms residential curtilage associated with this two storey semi-detached house. Adjacent to the north is No.46 Scotby Road, to the south is a range of converted agricultural buildings, and to the west is the public highway along Scotby Road. Open countryside lies beyond the north eastern boundary of the site. The site extends to approx. 0.2ha and can be characterised as an overgrown area of domestic garden. The wider surrounding area is characterised by the village of Scotby to the west, north

and southwest and open countryside to the east and southeast.

Background

- 3.2 The site has recently been the subject of an Outline application 18/0275 for residential development with approval sought only for access and all other matters reserved which was granted permission on 10th August 2018.

The Proposal

- 3.3 This application seeks full planning permission for the erection of 4 dwellings to the rear of 44 Scotby Road. The application is accompanied by a Planning Statement, Design Statement, Pre-development Arboricultural Report and contamination statement.

4. Summary of Representations

- 4.1 The application has been publicised by means of a Site Notice and neighbour notifications to eight neighbouring properties. As a consequence, 6 representations from 5 properties have been received. The representations are all objections to the proposed development and raise the following issues:

- There has been over development in the parish of Wetheral
- This is another back garden development
- Building is going on behind the existing property and this seems to be taking advantage of existing permissions
- Services in the area are already over stretched
- More green space will be permanently lost for surplus housing in Scotby village
- The main wall of my house forms the boundary between the 2 properties and I believe the additional traffic could have a detrimental effect on this wall.

The level of the land adjacent to my property has been raised resulting in excess water running onto my property.

The land on which the houses are to be built is a green space and always has been.

The entrance to the properties is not designed or wide enough to accommodate the traffic which 4 properties will generate.

- This planning application speaks of not impinging on others dwellings/ residents, nor creating a cramped development, and of enhancing the local community and not having taken down trees that affect the skyline - I disagree on all those issues.

The road that is planned, will run alongside the garden of an existing dwelling that is not anywhere mentioned in the application.

- The proposed development will have a significant impact on their peace and quiet.

Numerous trees have been taken out from the development site, and more will in this proposed development.

- Removal of further trees will definitely change the feel of the area for existing neighbours.

Permission for one property was sought originally to continue to fit in with

the linear arrangements of the village.

- This development will generate a cramped development for existing neighbours.

The village of Scotby has masses of development already underway and planned, and further housing will detract rather than enhance the village.

- Within Carlisle, there is huge amounts of new housing already planned
- It is wrong to increase the density of housing in an infill manner.

Previous planning permission for this plot was only approved for 1 house - which of the city's planning regulations/ legislations have since changed to allow the construction of 4 properties on this site?

The plans show parking spaces for numerous cars (15+). This will dramatically increase noise and light pollution for all neighbouring properties.

The increase in number of cars accessing/leaving the property will increase the traffic slowing outside the property, impacting the traffic flow and directly impacting all neighbouring properties.

It is not clear what will happen to existing trees in boundary between 44 and 48 Scotby Road. The plot at 44 used to have numerous trees, of considerable age on the site, which have been removed. The ecology supported previously by the plot has been dramatically changed, and is proposed to be further changed.

The houses proposed in plots 1 to 3 are not in keeping with the character of Scotby road, (zinc roof, photovoltaic). The character of houses on Scotby road are linear gardens extending from the road, maintained as open green family spaces.

Invasion of Privacy. The upper floor of Plot 1 will directly over look garden at 46 and into extension of 48. Plots 2 and 3 will directly overlook garden at 46 and into rear garden and rear windows of 48. It is also unclear what will be the impact of the change of the view from 48 to 44, it will certainly obscure the current view from 48 to the south.

- Car light pollution from vehicles exiting from new development onto Scotby Road which could be a privacy problem.
- Originally an outline planning application for only one house was approved, so it is surprising that now a new application is proposing four houses on the same site.
- This seems like an inappropriate scheme in terms of density in what is a garden site and completely out of keeping with the rest of Scotby Road's garden landscapes.

The design and building materials are out of keeping with the rest of Scotby Road. Although emphasis is placed on accommodation being theoretically designed to enable residents to live on the ground floor, a second storey increases the height of the houses to a greater height than the existing buildings at 44 and 46, Scotby Road. It therefore obscures the view of existing houses and clearly does not blend into the local landscape. Other developments in the area have utilised an existing agricultural access, but the access to this proposed development is to be a new construction, extending along the full boundary hedge of 46, Scotby Road. The design statement highlights the need to reduce 'car dominance', but car parking spaces have been allocated of around 15 cars. Additionally this extra traffic will result in headlights reflecting directly into the downstairs and upstairs of neighbouring properties.

The landscape of the site has already changed, with a number of trees and wild flowers no longer present, and the ecological balance for wildlife, which previously thrived on the site, under threat.

The feel of the linear plan of gardens on Scotby Road should be maintained as all of the existing properties have long, well-maintained gardens, which are extensively used as family outdoor spaces

- Refurbishment of the existing house has resulted in a number of problems including land clearance using JCB's up to 7pm on a Saturday night. Also subjected to an intense and prolonged level of noise as trees were felled.
- Demolition of a shed and garage left our property devoid of any 'windbreak', while the demolition of the existing extension and re-building of a new extension exposed us to high levels of noise, dust and debris, so we were unable to open windows or sit outside for a considerable number of weeks. Additionally, bricklayers on the site worked beyond the regulated hours and scaffolders even attempted to erect scaffolding on a Sunday morning. Had to ask them to work to regulated hours.
- We were also concerned about the increased volume of parking outside 44, Scotby Road instead of on-site.
- Extremely concerned about the scale and size of the proposed development and its effect given our previous experience.
- The regulation of working hours hopefully will be taken into account when deliberating the application in order that such problems do not occur in the future.
- Here we go again, more houses and still no more school places available or thought to the infrastructure of the village.
If it wasn't for the M6 we would be a suburb of Carlisle.

4.2 Following re-consultation on revised proposals the additional issues were raised:

- The new 'gateway' to 44, Scotby Road, is now set at a 45 degree angle from the adjoining boundary wall which forms part of a shared access road to the proposed housing development. The original driveway ran parallel to the side of the property but as the front garden has now been converted into car parking spaces, all vehicles' headlights will be projected directly towards the front bay window of 46, Scotby Road.

I refer you back to the outline planning application 18/0275 for the erection of one dwelling. A comprehensive report was compiled highlighting the need to respect and conserve the trees and hedgerows in order to protect the habitats of birds and animals which are a part of the garden site and the open landscape beyond. Erecting close boarded fencing along all the boundaries is not consistent with previous planning assessment of the site and would certainly block the free movement of the existing wildlife.

5. Summary of Consultation Responses

Cumbria County Council: -

The Highway Authority and Lead Local Flood Authority have no objections to this proposal subject to the conditions relating to surface water drainage system; prevention of surface water draining onto the highway; construction surface water management plan and construction of estate road. It should also be noted that any works within the highway must be agreed with the

Highway Authority.

Wetheral Parish Council: Objection – The committee objects on the following grounds:

- a) According to Policy SP6 (Securing good designs) of the Local Plan 2015-2030, most notably the use of zinc roofs, which is not in keeping with surrounding buildings.
- b) The large property at the end of the cul-de-sac is an extension into open countryside, contrary to Policy HO 2 Criteria 1 and 3 and Policy HO 3 Criteria 1 and 3.
- c) The current proposal has the access road on the north of the site, which will result in headlights, from cars exiting the development after dark, shining into the rear windows of no.44 Scotby Road. The road should be relocated to the south side of the site which will also result in the photovoltaic roof cells and rear gardens getting more light as opposed to the high hedge along the southern boundary.
- d) There is no hammerhead or other turning area at the end of the cul-de-sac, which will result in any large vehicle being unable to turn around.
- e) The green recycling and black refuse bins from the large property will need to be taken 150-200 yards uphill to the collection point, which is unacceptable.
- f) The committee has concerns that both the surface water and foul drainage water (via bio-disc) are being discharged into the Powmaughan beck, as main sewerage is available along Scotby Road.
- g) There are a number of inaccuracies contained within the developer and architect's statements i.e. referring to the site as a brownfield site – see aerial photographs which show a small paddock.
- h) The committee requests a site visit.

Local Environment, Waste Services: - No objection. The applicant has provided space at the road end for waste containers, which is helpful as we would not be able to access the site.

Northern Gas Networks: - No objections

Local Environment - Environmental Protection: - No objection however considers that there is need to control impacts on neighbouring properties from noise, vibration and dust through conditions. Conditions should also cover the potential finding of any on-site contamination. Air quality and transport should be considered such as the need for incorporating facilities for car charging and other ultra-low emission vehicles.

United Utilities: - No objection subject to condition requiring surface water drainage strategy.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. In this case, the relevant local policies are SP1, SP2, SP6, HO2, HO3, IP2, IP3, IP6, CM5, GI3, GI6 and CC5 of the Carlisle District Local Plan 2015-2030. The Council's adopted Supplementary Planning Document:

'Achieving Well Designed Housing' (the Housing SPD) is also a material consideration. The National Planning Policy Framework (NPPF), maintains the supremacy of development plan policies in the consideration of all proposals for development. The NPPF and PPG are also a material planning consideration in the determination of all planning applications.

1. Whether the principle of development is acceptable

6.2 The National Planning Policy Framework (NPPF) along with Carlisle District Local Plan 2015-2030 (CDLP) policy SP1 requires development proposals to be considered in the context of a presumption in favour of sustainable development in order to secure development that improves the economic, social and environmental conditions of the district.

6.3 This approach is consistent with policy HO2 of the CDLP which is permissible of windfall housing development within or on the edge of villages within the rural area of the district provided that:

- 1. the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;*
- 2. the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed;*
- 3. on the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside;*
- 4. in the rural area there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and*
- 5. the proposal is compatible with adjacent land users.*

6.4 When assessing the proposal against the criteria of policy HO2, the application represents a residential development within the residential curtilage of an existing dwelling within the village of Scotby. Scotby has a range of services including a public house, school, shop with post office and café, and a village hall. The site is located in the built up area of the settlement and is therefore considered to be an infill site in a sustainable location with good transport links into Carlisle via public transport.

6.5 The principle of development can therefore be supported by the NPPF and Local Plan Policies. The granting of outline permission for development of this site also recently established the principle of developing the site. On this basis it would be appropriate to then turn to matters of detail as this is an application for full planning permission.

2. Whether the scale, design and layout of the proposed development is acceptable in the context of the surrounding area

6.6 Planning policies require that development proposals offer a good standard of sustainable design that responds to, and is respectful of, the existing

character and distinctiveness of the local area. Development must incorporate high standards of design including appropriate siting, scale, materials and landscaping which respect and, where possible, enhance the distinctive character of the existing built environment or rural area. This approach is affirmed by CDLP policy SP6 which requires that development proposals should also harmonise with surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.

- 6.7 In addition to Policy SP6 the proposed development is within an existing residential garden and consideration should also be given to Policy HO3 - Housing in Residential Gardens. Policy HO3 states that proposals for housing within existing residential gardens will be permitted providing that the proposal is of a scale, design and siting that would not result in a cramped form of development that would be out of character with the surrounding area and that a safe and attractive garden area, which reflects that predominant in the area, can be created for both the proposed new house and the existing house.
- 6.8 The policies above are consistent with the general themes of the NPPF however it should also be noted that the NPPF at paragraph 131 states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 6.9 The planning history for the site approved an outline application with layout and scale reserved for a later application however as details were not known a condition was imposed which restricted the proposed development to one dwelling. The officer's report stated the following reason "the site forms a long narrow strip of land extending east from its frontage with Scotby Road. The site has a width of 14m between the side of the existing property and the boundary to the south. Given these physical constraints, it is considered that for any residential development to comply with Policy HO3 the scale and siting of the residential development ought to be restricted to a single dwelling appropriately sited to maintain the linear character of the settlement and to avoid a cramped form of development. Furthermore, restricting the development to a single dwelling will ensure that a safe and attractive garden area, which would reflect those existing in the area, can be provided for the existing and proposed properties. This can be achieved by the imposition of a planning condition to ensure an appropriate scale and design of development is put forward at the reserved matters stage".
- 6.10 The proposed development is therefore at odds with the suggested imposition of one dwelling on the site. In addition, the previous application was outline and there were no details to assess the potential impacts. This proposal therefore provides a proposed layout and form of the development which can be assessed against the relevant policies and the Achieving Well Designed Housing SPD and consider whether such a restriction was necessary.
- 6.11 The site is a vacant cleared rear and side garden which contained overgrown

vegetation, derelict garden sheds, greenhouses and some general building rubbish. The main house (no. 44 Scotby Road) has been extended and renovated whilst the application for the rear of the property is under consideration. The site is long and thin falling away gradually from the roadside but steeper at the second half, down to the beck and tree belt near the far eastern boundary. The proposal consists of a low density linear layout with the fourth house acting as a stop barrier at the end of a gently curving shared surface access road.

- 6.12 There were a number of design parameters the architect was tasked with to provide a form of development which would fit the site and its context as follows:
- To develop the client preferences for family homes in a contemporary but energy efficient simple style.
 - To ensure development work and appearance respected the existing landscaping and village character.
 - To introduce a character to the site with a degree of site specific features.
 - To follow contouring, softer curves and to respect boundary features.
 - To ensure that access and layout has little if no impact upon the privacy of the adjoining houses and in return to help to retain enclosure patterns.
 - To preserve character and reduce car dominance.
 - To follow orientation and enclosure principles.
 - To meet local demands of build quality and aspirations in a way that normal estate layouts density cannot do.
 - To ensure the houses were of a high level quality finish both internally and externally but not to overdevelop the site.
- 6.13 There is an existing site entrance with more than adequate visibility in both directions, with the actual boundary set well back from the roadside (see section on highway impacts). In practice the traffic flows reasonably well within the 30mph limits and with no recorded history of accidents or congestion. Visibility is good from the existing site entrance and measurements easily give 45 metres to the northern and southern approaches in either direction. This formed the basis of setting the vehicle entrance / exit point on the same, existing site entrance. By positioning the access gateposts back into the site it gives sufficient buffer zones to the footpath edge. The bin store can also be set immediately next to the access gateposts for ease, and behind a low brick wall.
- 6.14 To preserve a degree of privacy to the semi-detached house alongside, a low brick wall was originally proposed and dense boundary planting will soften the access road as it curves around to the northern edge of the site. This leaves site plots for houses in the correct orientation, along the southern boundaries. Following objections to the original application the boundary treatment has been changed to a 1.2m close boarded fence which reduces any intervisibility between the two sites up to a point where the existing hedgerow forms the remainder of the boundary to plot 4.
- 6.15 Visitors parking will be communal and set to the side to keep to economical site costs, giving each house a sufficient enclosed garden with private gated

access to the footpath. This improves casual foot traffic and is beneficial to security. It is important in house design to distinguish between public, semi-public and private space. The first three houses laid out in a relaxed form of terracing with each house separated by a car port and pergola against a garden wall. In accordance with principles of energy efficient design, the garden wall forms the private inner garden to each house, all facing south and west with a small garden store, greenhouse and electrical charge point. Garages are no longer a priority in house design, with a covered car port providing a suitable screen. The south western elevations of these first three houses carry principle glazing and passive wall build up, with open light wells and double height spaces behind. The northern and north eastern elevations carry less glazing but with an increased thermal mass to balance the internals. The target is to produce an “A” rated extreme low energy operating house type using orientation, glazing specifications and thermal mass in wall construction. All houses will have solar PV composite zinc roofs to supplement the passive principles and to balance the high thermal mass. Windows are all triple glazed composite units to reduce heat loss but to encourage heat gain. The houses do not need heavy introduction of electrical “add ons” with the associated pay back periods, apart from the low cost PV panel system, relying instead upon building methods and a simpler living style.

- 6.16 The fourth end house has been set with the entrance facing west then stepping down the slope into lower ground floor living and bedroom spaces. This minimizes any excavation on site. The aspect of this house is towards the tree belt and beck further down the slope. It is noted that the Parish Council have referred to plot 4 being considered an extension of the site. The land falls to the rear of the plot and therefore all of the plots are lower than the 44/46 Scotby Road. In terms of visual impact, the site is well contained within existing landscape features with the beck to the rear of the site providing for a natural stop to the development form. Whilst comments have been raised in regards to the linear nature of Scotby, it can be seen that the village does expand and contract along its length. This will become more pronounced once the allocations for the village are built out. The built form of the village is one which is there are a number of built environment features which are formed off the main route through the village. Therefore whilst the settlement runs in a linear fashion around the main routes through which results in an elongated form rather than a more compact form, the development form within this application is not an alien form to the settlement but rather one which can be seen throughout the settlement in different locations.
- 6.17 All houses have a minimum of two parking spaces, (with sufficient visitor parking) personal bin-stores integral to each house with a general bin store by the site entrance. The road frontage will have a low brick wall with brick piers to mark the entrance along the site boundary, with a protected footpath link between front and back up to the shared surface. All boundary vegetation will remain and will be supplemented with infill planting where thinned out or in need of upgrading. Additional planting strips with form a softer buffer between parking bays and the end house. The house layouts incorporate previous Parker Morris standards and Levitt Bernstein principles, often

neglected or dismissed, but extremely important in good house design. These allow for easier circulation, extended family or retirement options to ensure longevity in use and flexibility. Each house type has been designed to maximise location, orientation and privacy with an added benefit of a gabled outlook to the road elevation.

6.18 A choice of off white, soft coloured render, integrated glass and timber insets, grey zinc roofs and low brick walling will help to add to the overall character, together with sensible hardy planting. Finishes on elevations are deliberately simple.

6.19 The Government's National Design Guide (NDG) is a material consideration and seeks to improve the design of new developments. The guidance considers ten characteristics of development which include context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. Several of the objections to this application have noted that the form of development proposed is at odds with the existing frontage development along Scotby Road. The proposals and policies above present a consistent message about local form of development yet allowing for innovation. When considering this proposal the design represents a challenge to the existing form. The NDG offers guidance on this matter at paragraph 58 which states:

"Where the scale or density of new development is very different to the existing place, it may be more appropriate to create a new identity rather than to scale up the character of an existing place in its context. New character may also arise from a response to how today's lifestyles could evolve in the future, or to the proposed method of development and construction."

It is clear that this proposal has been purposely designed to future living requirements, more sustainable living and the use of modern materials. The layout of the site by its setting back from the main streetscene, sloping site away from the frontage means that any glimpsed views of the development would not present a jarring image when the new style of housing is viewed in the context of the existing form.

6.20 On balance, the modern form can be accommodated within the built form of Scotby and whilst utilising a large garden and associated land, it remains within the overall form of the village without compromising the existing vernacular in this part of Scotby.

3 Whether the impact of the development on the living conditions/amenity of neighbouring residents is acceptable

6.21 The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by CDLP policies HO3 and SP6 which seek to ensure that development does not result in unacceptable adverse impacts to the living conditions of future or existing occupiers. Accordingly, policies require acceptable levels of privacy, outlook, and general amenity are maintained and/or provided.

- 6.22 When considering the initial outline proposal for this site's development one of the concerns was whether the development of more than one dwelling would give rise to unacceptable levels of noise and disturbance generated through residents accessing dwellings, located to the rear of the site. This would likely affect the occupiers of No.44 and the properties immediately adjacent. The proposed new plots are off-set from the main dwelling through layout design thus avoiding the need for minimum distance separation and the provision of a 1m wall would mean that impact from vehicular movements within the site would be reduced. The layout of the plots avoids direct intervisibility between primary rooms by designing the primary windows on each of the western and southern elevations. The separation between the plots does not meet the expected 12m separation to a blank gable however the gradient of the land means that the proposed new dwellings would be lower than the adjoining plot. The design has also included a 1.2m close boarded fence to ensure that privacy in the rear garden of the adjoining property is not compromised. The orientation of the properties are such that primary windows face away from the neighbouring semi-detached property.
- 6.23 Given the proximity to neighbouring residential properties, the construction of any residential development is likely to result in noise and disturbance to neighbouring residents and this has been evident whilst undertaking renovation of the existing house. To address this a planning condition can be imposed to restrict the hours of construction to protect the living conditions of existing residents during the construction phase.
- 6.24 Subject to conditions, the proposal would comply with policies HO3 and SP6 of the CDLP and the associated provisions of the NPPF.

4. The proposed methods for the disposal of foul and surface water

- 6.25 To protect against pollution and surface water flooding, CDLP policies IP6 and CC5 seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. This provides a clear policy requirement to ensure that sufficient capacity exists, prior to the commencement of any development, to accommodate the drainage needs of any new residential development.
- 6.26 The application form specifies that foul drainage will be to a package treatment plant and surface water to a sustainable drainage system. The outflow from both these systems will go towards Pow Maughan Beck. In principle the form of drainage would be acceptable and there is no requirement to make the drainage be pumped towards the main sewers along Scotby Road. United Utilities has commented that in terms of surface water drainage, sustainable methods should first be investigated and with regards to foul drainage, if they are to be adopted they need to be to UU technical specification. They do not require connection to their apparatus. Whilst the Parish Council has raised concerns, it is not reasonable to require drainage to be pumped to Scotby Road. It would however be appropriate in accordance with advice from the Lead Local Flood Authority (LLFA) and UU to secure the drainage details prior to the commencement of any development on site.

5. The impact of the proposal on highway safety and parking

- 6.27 Policies IP2 and IP3 of the CDLP require all development proposals to be assessed against their impact on the transport network and to ensure adequate levels of parking provision. The policy impetus being to maintain highway safety and ensure good access to development sites via all modes of transport.
- 6.28 Vehicular and pedestrian access is proposed to be taken directly from Scotby Road and therefore the applicant's agent has provided a plan to demonstrate an adequate visibility splay in each direction from the proposed access point.
- 6.29 The Local Highways Authority has been consulted over the proposed development and has confirmed that the proposal would not have a material effect on existing highway conditions and raises no objection to the access or parking arrangements as proposed.
- 6.30 Objections have highlighted the potential impact on the dwellings opposite the access point however the scheme has been designed to ensure that vehicles will only face directly to the road for a short distance by curving the access road to the rear of Number 44. This will minimise the potential impact on other properties.
- 6.31 Accordingly, subject to conditions, the proposed development would not have an unacceptable impact on highway capacity, highway safety or parking provision. The proposal therefore complies with policies IP2 and IP3 of the CDLP and the requirements of the NPPF.

6. The impact on trees and hedgerows

- 6.32 Policy GI6 of the local plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute to a locality, and/or are of specific natural or historic value. In respect of new development, proposals which would result in the unacceptable or unjustified loss of existing trees or hedges or which do not allow for the successful integration of existing trees or hedges will be resisted.
- 6.33 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing trees and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting, it is important that these issues are considered at the very start of the planning process.
- 6.34 The application site has several trees and hedges both within and along its boundary. Allegedly a number of these have been removed prior to the

application being submitted or works that have taken place during renovation have impacted on the existing hedgerow and some garden trees. The trees and hedgerows were not specifically protected and the Arboricultural Impact Assessment which accompanies the application identifies that the trees provide a moderate landscape and amenity value. Revisions to the scheme by the introduction of a new 1.2m fence to protect privacy will have to be carefully erected to ensure that the existing hedgerow is retained which will then retain the more natural boundary for the adjoining property. Additional planting is proposed within the site to enhance tree cover and replace anything lost from existing works.

- 6.35 It is therefore considered that landscaping matters can be adequately dealt with by specific conditions relating to a planting scheme and maintenance.

7. Matters relating to contamination

- 6.36 The NPPF requires the planning system to address issues associated with the development of known or suspected contaminated land. Accordingly, the development of contaminated land is a material planning consideration and the actual or possible presence of contamination and the associated risks must be established and appropriately mitigated through the planning system. Environmental Health has been consulted on the application and whilst raising no objections have suggested that a condition to ensure that if any contamination is found during works it is dealt with in the appropriate manner.

8. Impact on biodiversity

- 6.37 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, it is unlikely that the proposed development would harm protected species or their habitat. To further protect biodiversity and breeding birds, informatives are recommended within the decision notice drawing the applicants attention to their legal responsibilities under wildlife conservation and environmental legislation.

9 Other Matters

- 6.38 Several provisions of the above Act 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 regularise any breach of planning control;
Article 8 recognises the "Right To Respect for Private and Family Life";
- 6.39 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;

- 6.40 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

- 6.41 Having assessed the application against the relevant policies contained within both the local and national planning policy frameworks, it is considered that, subject to conditions, the proposal represents a sustainable form of development that would not result in any unacceptable impacts. The principle of development of this site has been established by a previous permission and on balance the scale, form and layout is acceptable. Subject to further details principally relating to landscaping and drainage the proposals conform with policies in the development plan and NPPF.
- 6.42 It is therefore recommended that planning permission be granted subject to conditions.

7. Planning History

- 7.1 Outline application 18/0275 for residential development with approval sought only for access and all other matters reserved was granted permission on the 10th August 2018.

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 19th June 2019;
2. the Block and Location Plans (Dwg 2019-139-25D Rev D) received 23rd January 2020;
3. the Entrance Junction (Dwg 2019-139-22) received 19th June 2019;
4. the Ground Floor Plots 1-3 (Dwg 2019-139-23B Rev B) received 23rd January 2020;
5. the First Floor Plots (Dwg 2019-139-21C Rev C) received 23rd January 2020;
6. the House Type 2 (Plot 4) (Dwg 2019-139-24A Rev A) received 23rd

- January 2020;
7. the Long Section and Hard Surface Details (Dwg 2019-139-20A Rev A) received 23rd January 2020;
 8. the Planning Statement 23rd January 2020;
 9. the Design Statement 19th June 2019;
 10. the Pre-development Arboricultural Report 5th July 2019;
 11. the Contamination Statement 8th July 2019;
 12. the Notice of Decision; and
 13. 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 development, details of the proposed hard surface finishes to all external areas shall be submitted for approval in writing by the Local Planning Authority. The approved scheme shall then be implemented in accordance with these details.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the design and materials to be used are appropriate and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the commencement of development, the applicant shall submit a Construction Management Plan for approval in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the details contained within the Construction Management Plan.

Reason: In order to protect the amenity of local residents.

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

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Plan Policies S3 and LD9.

7. No dwellings shall be occupied until the estate road including footways to

serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason: In the interests of highway safety

8. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: To ensure a satisfactory means of surface water disposal in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

9. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the local planning authority for approval prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and to minimise potential hazards.

10. No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of the watercourse running through the site.

11. Before development is started details shall be submitted to and approved by the local planning authority showing the proposed measures for the retention of all existing hedgerows and specifying the stage in the development by which these measures are to be completed.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible in accord with Policy GI6 of the Carlisle District Local Plan 2015-2030.

12. The development shall be landscaped in accordance with details to be submitted to and approved by the local planning authority and shall include details of the proposed type and species of all planted material including particulars of the proposed heights and planting densities.

Reason: To ensure that a satisfactory landscaping scheme is prepared. and to ensure compliance with Policy H16 of the Carlisle District Local Plan

13. All planting, seeding or turfing comprised in the approved details of

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

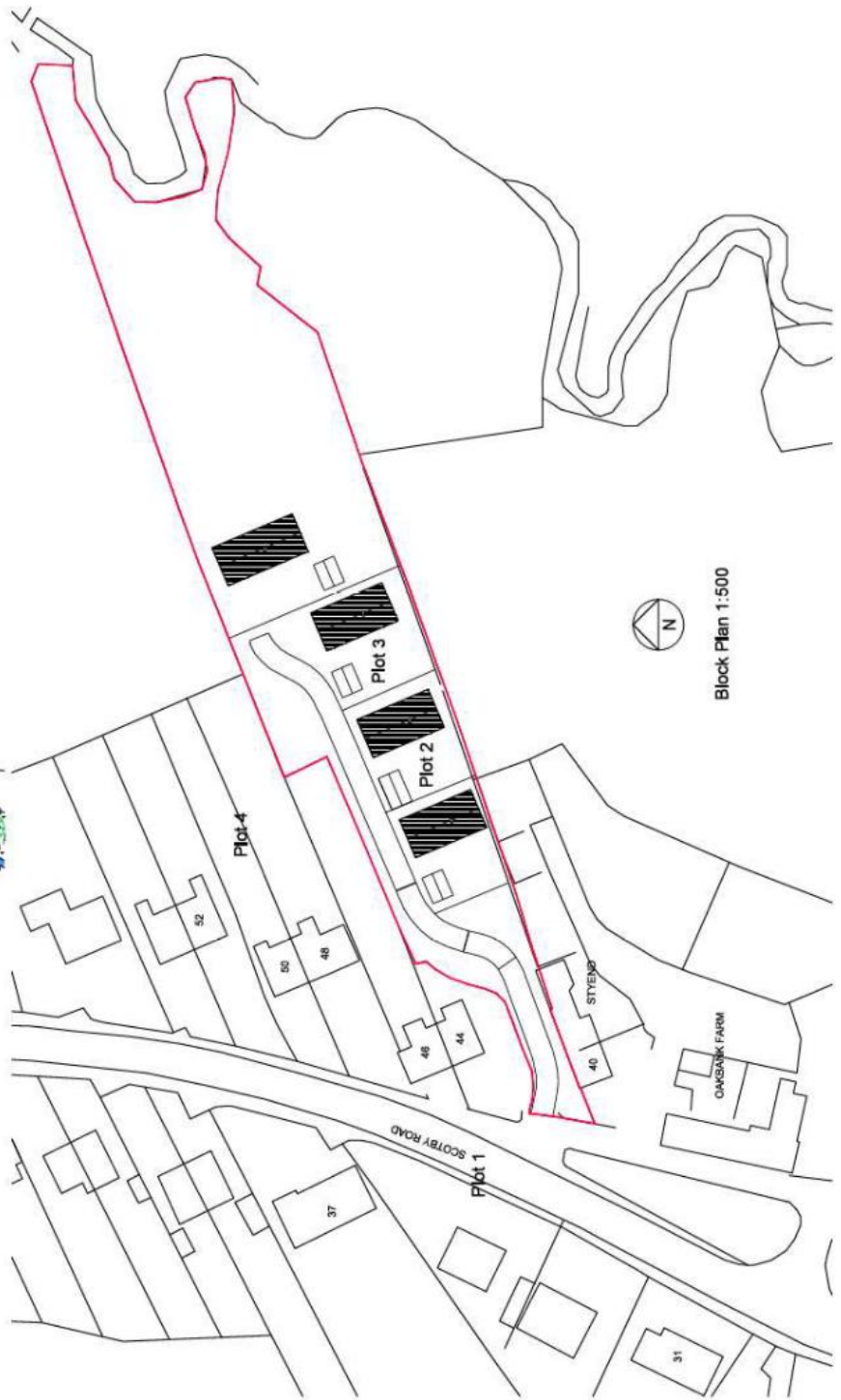
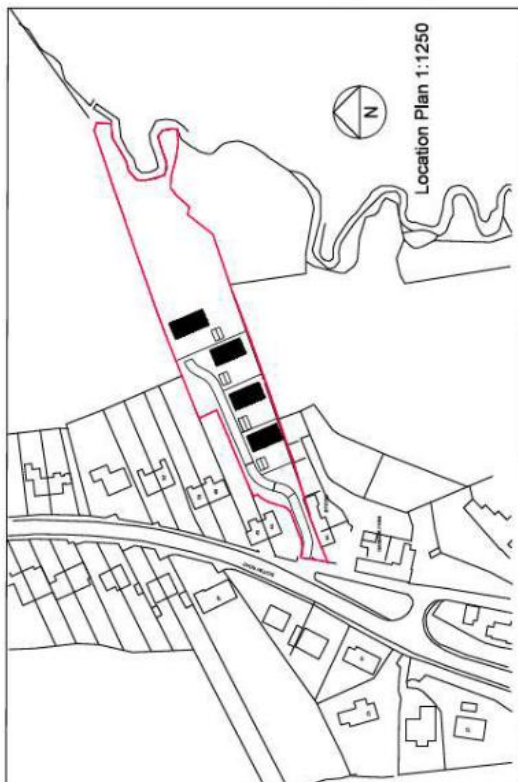
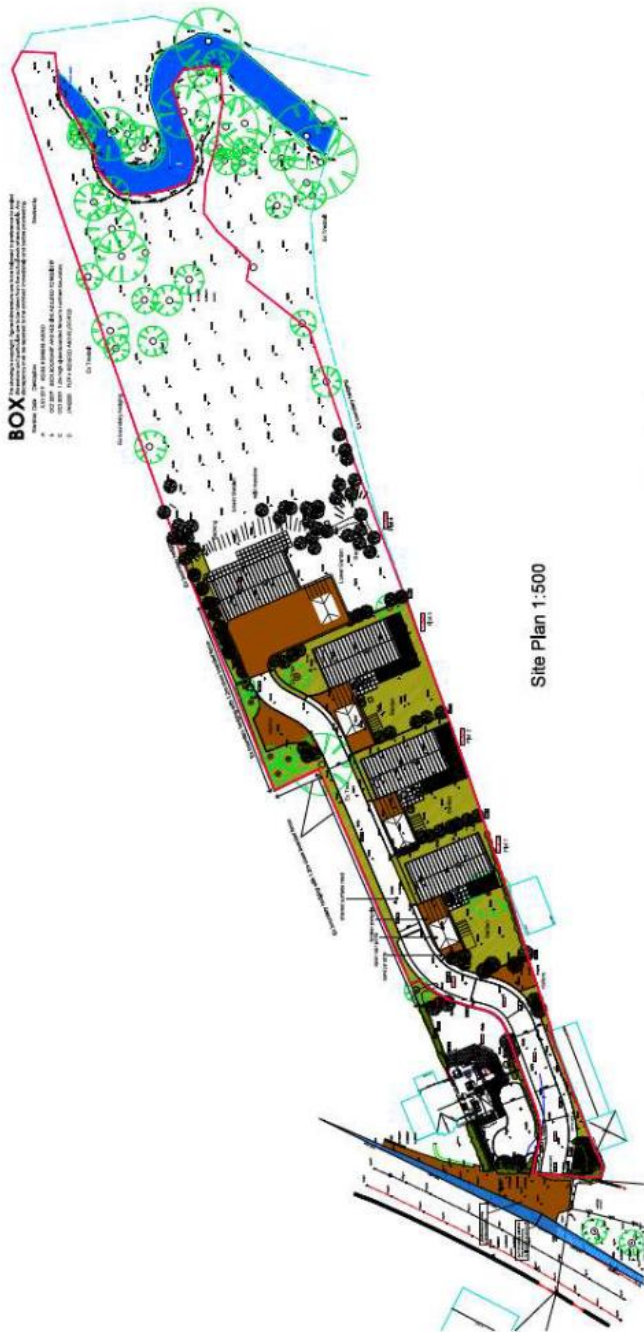
Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with the objectives of Policy *[insert as appropriate i.e. E9 for housing and E19 if other development] of the Carlisle District Local Plan.

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

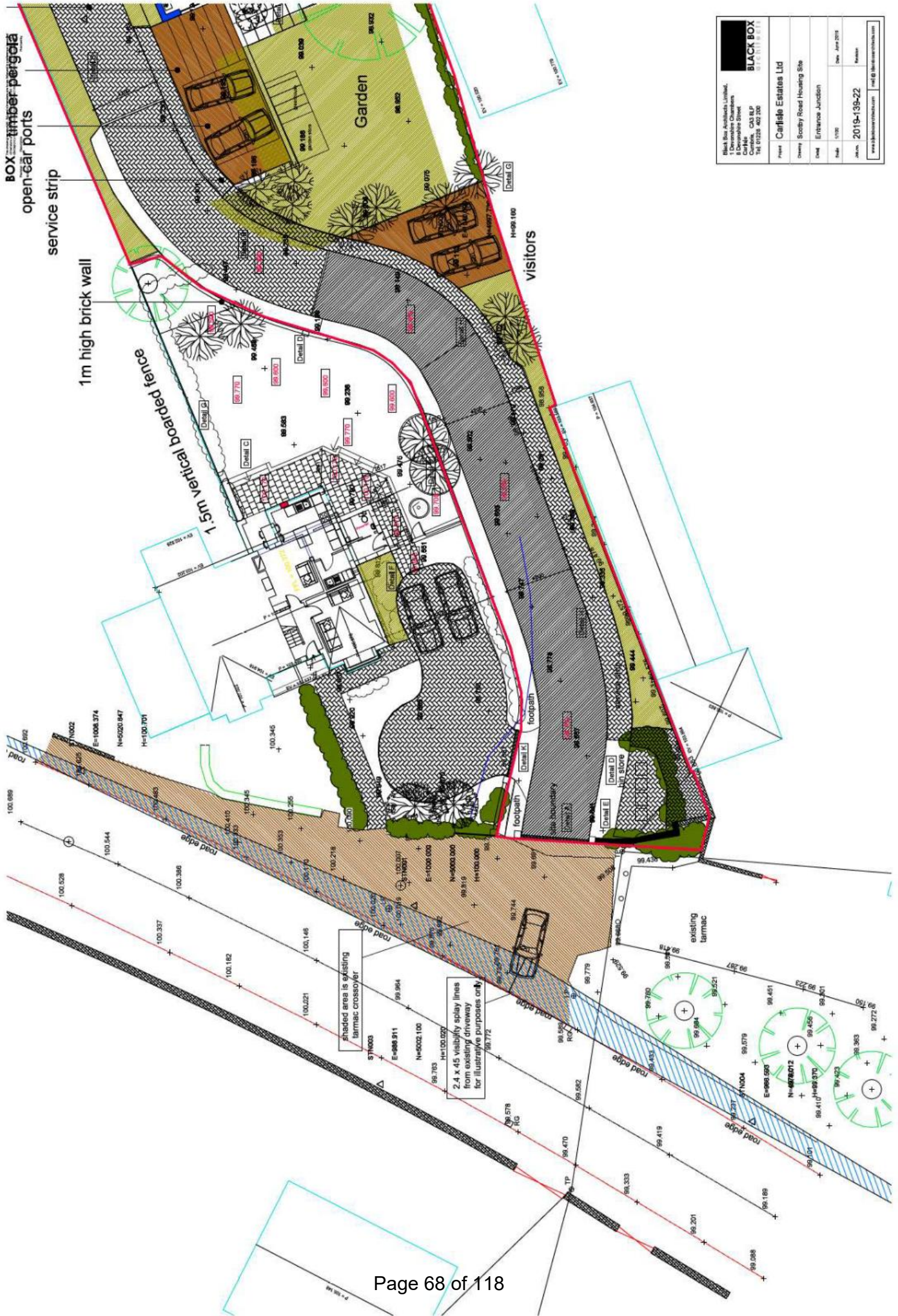
Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Site investigations should follow the guidance in BS10175. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

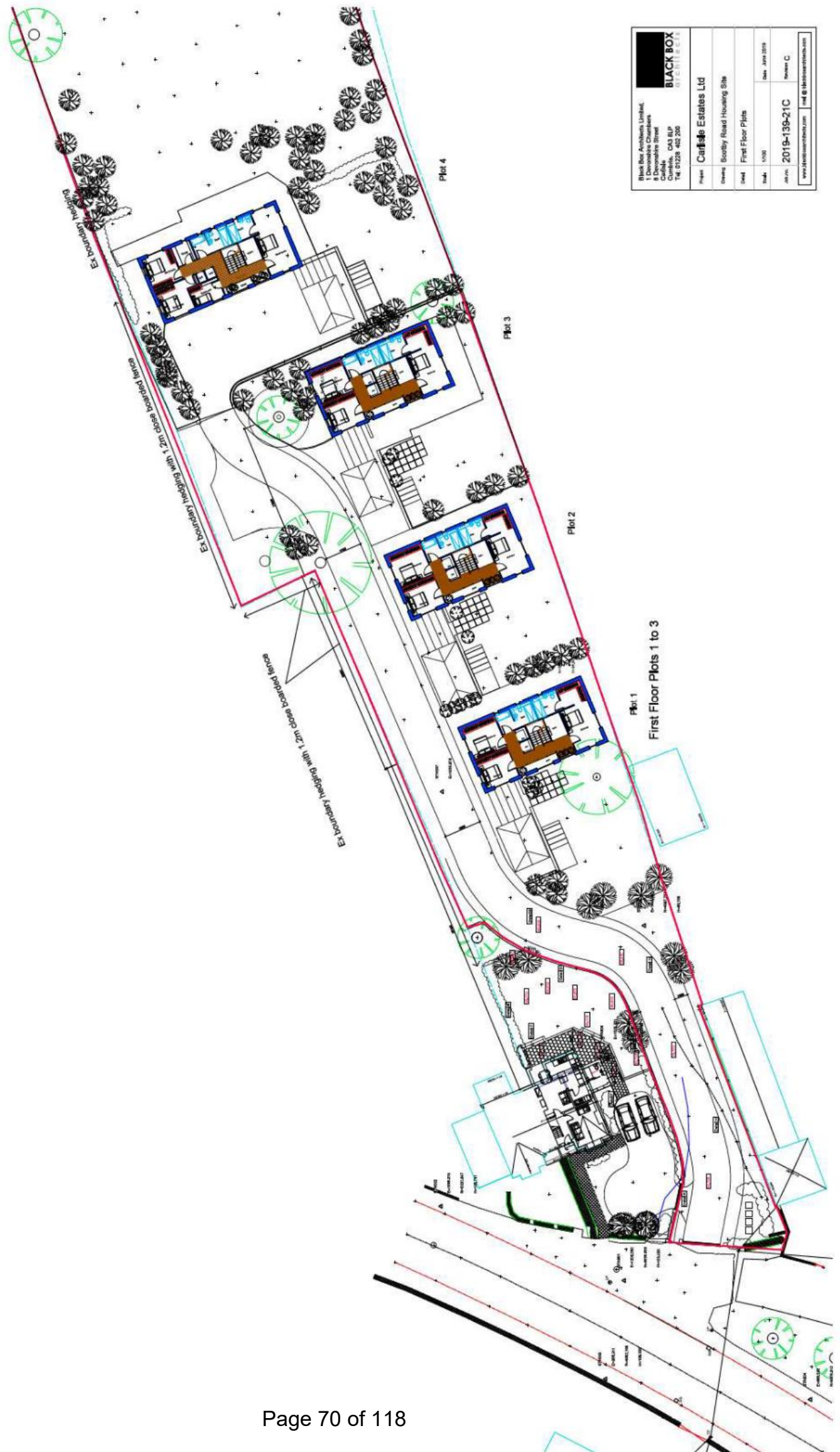
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.



BLACK BOX ARCHITECTS Black Box Architects Limited 1 Devonshire Chambers 15 Devonshire Street Carlisle, Cumbria, CA3 8LP Tel: 01228 402 200 www.blackboxarchitects.com	
Project	Carlisle Estates Ltd
Items	Scotby Road Housing Site
Detail	Block and Location Plans
Date	15/01/2020
Rev	2019-139-25 D
Rev	2019-139-25 D
Rev	2019-139-25 D



BLACK BOX BLACK BOX Architects Limited, 1 Devonshire Chambers, 8 Devonshire Street, Carlisle, Cumbria, CA3 8LP, Tel: 01228 402 200	
Project	Carlisle Estates Ltd
Owner	Scotty Road Housing Site
Used	Enterprise Junction
Scale	1:100
Date	June 2018
Ref No.	2019-139-22
Revision	
www.blackboxarchitects.com Tel: 01228 402 200	



SCHEDULE A: Applications with Recommendation

19/0936

Item No: 03

Date of Committee: 22/05/2020

Appn Ref No:
19/0936

Applicant:
Mr H Kocaturkmen

Parish:
Carlisle

Agent:
PFK Land and
Development

Ward:
Stanwix & Houghton

Location: 124 Scotland Road/2A Beechwood Avenue, Carlisle, CA3 9BU

Proposal: Change Of Use From Retail (Class A1) To Hot Food Takeaway (Class A5)

Date of Receipt:
11/12/2019

Statutory Expiry Date
05/02/2020

26 Week Determination

REPORT

Case Officer: John Hiscox

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether the proposals would be prejudicial to the private amenity of residents;
- 2.2 Whether the proposals would be prejudicial to public amenity and safety;
- 2.3 Whether the new use would be compatible with other uses in the locality; and
- 2.4 Whether the development would be prejudicial to healthy living.

3. Application Details

The Site:

- 3.1 The property address is 124 Scotland Road/2A Beechwood Avenue, which comprises a ground floor shop last occupied by the Bargain Booze chain and a separate first floor flat, plus associated external areas including a detached single garage. Bargain Booze ceased trading and withdrew from the shop

approximately 18 months ago, and all visible external signage relating to the business has been removed. The flat is still currently occupied, has a separate entrance from the side, and a garden area with its own gated access but no on-site parking. A fence divides the side/rear garden so that part appears to be allocated to the flat, and part appears to have been retained to provide an area associated informally with the shop.

- 3.2 The rear house wall at ground floor level (behind the shop's storage/backroom) contains double escape/fire doors that open onto the garden/yard. A single garage, in secure but tired condition, appears to relate to the shop use as it is within the area excluded from the garden area serving the flat, although its use in connection with the overall property is unclear. Fences within and surrounding the premises tend to be 1.8m high post and (vertical) plan in nature with a concrete plinth. These replaced a number of substantial privet hedgerows which were present in 2009, when the shop was occupied as 'Simply Drinks'
- 3.3 The front elevation contains a shopfront on the left which projects from the original wall of what would have been the house. Its flat front includes a roller-shutter security screen which is always down at this point in time while the shop is empty. The upper floor frontage windows are domestic in nature, whereas the right hand ground floor window (lower section of a bay/bow window) has been covered over with permanent boarding so that it does not function as a window. The last occupants used it to mount advertisements and it appears presently to be used for ad hoc fly-posting.
- 3.4 The elevation that faces onto Beechwood Avenue presently contains the side window of the added shopfront, but it is covered over with advertisements/transfers. Within the shop, behind this side window, was the staff/till area of the shop in its last operative mode.
- 3.5 The property not a listed building and is not within a heritage setting. It is a prominent corner building that is likely to have been a single dwelling until after 1967 when planning permission appears to have been granted for its alteration/subdivision. Its side elevation is onto Beechwood Avenue Road and its frontage onto Scotland Road. The shop is accessed via the front entrance only.
- 3.6 In front of the shop is an open, hardsurfaced (paver) area which once would have been the garden to the house. Its existence is now incidental to the use of the premises; it is not a parking area and is not cordoned off in anyway from the public pavement. A British Telecom kiosk, street sign and rubbish bin are located in the area between the pavement (on the Beechwood Avenue side) and the frontage. There are a number of low bollards on the corner of the junction of the two roads, but these are not within the site.
- 3.7 To the south of the property is a 30-40 year old detached bungalow (122

Scotland Road) within its own curtilage. A fence and substantial privet hedgerow separate the front garden of this dwelling from the frontage serving the application building. The south gable wall of the application building is within 8 feet of the gable wall of the bungalow, which contains two windows (at least one of these may serve a garage). The privet hedgerow continues alongside the gable wall of the application building. In between the two buildings is a path from the front to the back of the house. 122 Scotland Road enjoys a private garden to the rear; between this garden and the yard/garden currently seeming to serve the shop, is more of the privet hedge, which is tall and substantial at this point.

- 3.8 To the east beyond the garage is 2 Beechwood Avenue one of a pair of semi-detached houses. Its boundary is in close proximity to the application site. Planning permission exists to extend 2 Beechwood Avenue over an existing garage on the side of the dwelling nearest to the application site. From the garden of this house there are views to the upper section of the application building (rear windows of the flat). Upper windows of this house look towards the garden/yard area serving the flat and shop over the top of the existing garage. The garage of the application site and that of this house almost touch where eaves and side wall meet.
- 3.9 On the opposite side of Scotland Road are pairs of semi-detached dwellings; similarly these are present on the opposite side of Beechwood Avenue; beyond 2 Beechwood Avenue and 122 Scotland Road further along those streets.
- 3.10 The application building is the only (partially) substantive non-residential premises in the locality, the nearest others being the Morrison's superstore further north along Scotland Road, and the modern block containing the bookmakers, vets and Sainsbury's Local where the Stanwix local centre begins. The application building is roughly midway between these two sites.
- 3.11 The site is within the Primary Residential Area as defined within the Carlisle District Local Plan 2015-2030 (Policy HO12).
- 3.12 The site frontage is not currently used as a parking area associated with the unit; no drop kerbs exist.

Background:

- 3.13 The applicant represents The Dalston Fryer, a local business with fish and chip shops in Dalston (The Dalston Fryer) and in west Carlisle in the area of Newtown and Raffles (Dante's on Shady Grove Road).
- 3.14 It may be noted that, notwithstanding the specific proposals in the name of an applicant which operates takeaways at present, if the application is successful it could be taken on by any A5 operator, as long as said others

complied with relevant regulations/legislation.

- 3.15 The current proposals have been adjusted since the application was submitted, with the frontage hardsurfaced area in front of the shop no longer proposed for vehicle parking.

The Proposal:

- 3.16 The current use of the shop premises is A1 of the Use Classes Order (retail). The application proposes to change the use of the shop premises to a hot food takeaway establishment, which falls under Use Class A5. Alterations to the building are generally limited, according to the submitted drawings, to re-use of the existing ground floor shopspace. The proposed ground floor plan identifies a frying, serving, waiting and display space in the actual shop area, with a preparation, storage and w/c in the rear area beyond a single door central to the floor. The existing internal shop floorspace is to be adapted to accommodate the new use. Submitted drawings show the proposed layout of the takeaway.
- 3.17 The application was originally submitted firmly on the basis that parking for the unit would be partially on-site (off-street), utilising the frontage. No layout plans for the parking area were provided with the original submissions, resulting in a written request by the case officer for a vehicle parking and turning plan to be provided.
- 3.18 The applicants changed the proposal in this regard, subsequent to this request, opting not to include the frontage area for user parking, instead opting for all parking to be on-street as per the current situation. This represented a significant shift in approach, which led to the application being re-advertised with new neighbour/objector letters and a second site notice being posted to allow contributors to consider the revised scheme. All previous consultees were re-consulted.
- 3.19 The applicant has specified opening hours as being from 1100-2300 hrs daily.
- 3.20 The applicant has indicated that an odour control system would be installed in the manner installed on other premises i.e. The Dalston Fryer. However, only generic information has been provided to date in response to a request for further detail in this regard. There are no site specific proposals, meaning that it is not known where on the building, either internally or externally, any apparatus would be installed.
- 3.21 On 10 February 2020, a supporting letter (relevant to paragraph 3.18 above) was submitted on behalf of the applicants by PFK consultants. The intention of the document was to address matters raised in representations and consultation responses submitted up to that date. A summary of the issues

discussed in the document is as follows:

- * the Policy context of the proposal in relation to the Carlisle District Local Plan 2015-2030 is discussed, in particular with regard to Policies EC8 (Food and Drink)
- * the appropriateness of the proposals in the context of potential anti-social behaviour
- * how the development is considered not to give rise to overriding road safety concerns, taking into consideration nature of existing and proposed use, potential other uses, opportunities available in the locality and the positions of Cumbria County Council as highway safety specialist consultee, and Carlisle City Council's Access Officer in relation to the safety of pavement users
- * how the development would bring back into use a vacant commercial unit, with an appropriate alternative use to the current A1 use.

4. Summary of Representations

- 4.1 The planning application has been advertised by way of site notices and notification to neighbours.
- 4.2 In addition to the original consultation/advertisement, letters were sent on 10 February 2020 to all neighbours and contributors, along with relevant consultees, in relation to supplementary information received which changed the proposals by omitting the parking proposal for the frontage. The supplementary information was also intended to respond to matters arising in representations submitted by the public.
- 4.3 A total of 57 letters of representation have been received up to the date of writing this report during the week commencing 2 March 2020. These represent a total of 42 households, as several contributors submitted more than one letter of representation.
- 4.4 A petition has been received in opposition to the proposals, with 69 signatories all from households within Stanwix/Belah/Etterby. The signatories oppose the proposals on the following grounds:
 - (i) additional traffic impacts on local residential amenity
 - (ii) additional traffic causing road/pedestrian safety impacts
 - (iii) potential littering issues associated with use
 - (iv) potential anti-social behaviour associated with use
 - (v) potential odour and noise issues associated with use, especially having regard to long opening hours
 - (vi) use incompatible with residential area

- (vii) plenty of other takeaways within walking distance

4.5 A summary of the relevant matters raised in objection to the proposal is as follows:

- (i) Lack of clarity in relation to where odour control/extraction apparatus would be installed; generic information only received but no site-specific proposals so no understanding of its potential effects/impacts including those upon residential amenity
- (ii) No information provided relating to mitigation measures in the event of odour control/ventilation systems failing (temporarily)
- (iii) No guarantee that odour control systems would successfully eliminate odours - even well-run fish and chip shops create odour
- (iv) Lack of information relating to drainage, to ensure public sewer is not blocked or constricted
- (v) No noise impact assessment submitted to support the application, despite potential noise impacts from business and customers, which would have the potential to impact negatively on residential amenity of residents
- (vi) Concern relating to litter management (including discarded food waste)
- (vii) Potential for anti-social behaviour, noise and disruption to nearby residents (gathering point for people) generated by development
- (viii) Development would promote increased levels of danger to road users including pedestrians (level and nature of traffic promoted including staff, deliveries and customers)
- (ix) Concern that the Cumbria County Council responses do not adequately address matters relating to road/pedestrian safety (including safety of less ambulant users as identified within the consultation response of the Carlisle City Council Access Officer) and that views expressed within responses do not appear to have been qualified/evidenced; responses appear to be at odds with previous recommendation for former Spar shop (19/0630) and 103-105 Kingstown Road (17/0873)
- (x) On-street staff and customer parking plus deliveries (including outward via home deliveries) would potentially cause road/pedestrian safety impacts and impact negatively on residential amenity with congestion in the locality and blocking of private accesses
- (xi) Delivery vehicles parking partially on pavement have damaged pavement making it dangerous - this would continue/worsen
- (xii) Nature of use is such that customers would be likely to park for longer than in relation to A1 retail use, worse at certain times of day (peak times for persons wishing to purchase meals)
- (xiii) Supporting information underestimates likely number and nature of visitors at peak times, thereby not recognising full implications in terms of impacts
- (xiv) Local road network under pressure presently and inadequate to respond to additional pressures caused through new use
- (xv) Beechwood Avenue is also used as a local bus route - additional concern relating to relationship of future business/use with use of the

- road network
- (xvi) Local pavement/road network safety concerns extend to parent/children users as people walking to school
- (xvii) Concern that additional traffic/congestion could prevent emergency vehicles getting through via Beechwood Avenue if needed
- (xviii) Use of frontage for parking would potentially cause road/pedestrian safety dangers (no details provided to show how this would work)*
- (xix) Use of frontage for parking inadequate to serve shop and flat above*
- (xx) Inability to supervise/manage usage of frontage area and/or on-street usage for parking/turning*
- (xxi) Frontage is not currently available as a parking area for the premises (contrary to position stated on applicants' behalf) and has not been used for this historically*
- (xxii) Lack of information relating to deliveries and waste collection vehicles

*NB - PROPOSALS CHANGED SO THAT FRONTAGE AREA IS NOT INCLUDED FOR ANY PARKING IN FEBRUARY 2020

- (xxiii) Application site is within a predominantly residential area and not within a parade of shops; application introduces a virgin use into an immediate locality where currently there are no commensurate takeaways
- (xxiv) A5 takeaway use is significantly different to A1 retail use in terms of the Use Classes Order, hence the need to obtain planning permission for the change of use; Applicants' planning statement attempts to underplay magnitude of the proposed change
- (xxv) Revised Planning Statement does not adequately address concerns raised in previous representations
- (xxvi) Stanwix area already well provided with various takeaway and food retail outlets serving local need - additional takeaway adds to sense of proliferation in Stanwix area (saturation mentioned)
- (xxvii) Amount of takeaways in Stanwix is harming the environmental quality ('kerb appeal') of the local area
- (xxviii) Premises not considered to be linked to local centre at Stanwix (contrary to position stated on applicants' behalf); and not linked to local centre at Kingstown - falls in an area outside both local centres; therefore Policy EC5 of the Local Plan does not apply
- (xxvix) Other future uses such as residential or other businesses would be more compatible with locality
- (xxx) Proposed long opening hours from morning to late evening are inappropriate to this predominantly residential area (impacts on residential amenity)
- (xxxi) Proposed opening hours are longer than those stated for Bargain Booze, thereby extending periods of disruption in terms of additional traffic and parking impacts previously experienced when Bargain Booze was open.
- (xxxii) Bargain Booze opening hours were in reality often opening at 12 noon and closing at 2100 hrs most nights.
- (xxxiii) Proposed opening hours inconsistent with previous planning

permissions (19/0630 and 17/0873) and with terms imposed on applicants' other premises in Dalston

(xxxiv) Proposed use not compatible with Local Plan policy SP9 'Healthy and Thriving Communities' due to increased provision of fast food (and increased opportunities to purchase it, especially for young people) and commensurate adverse effects on peoples' health

(xxxv) Proposed use not compatible with Policy EC8 'Food and Drink' or HO12 'Other Uses in Primary Residential Areas' for example due to concentration elsewhere providing focus for anti-social behaviour

(xxxvi) No guarantee that business would provide jobs for local people

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - No objection.

Cumbria Constabulary - North Area Community Safety Unit: - No objection

Local Environment - Environmental Protection: - No objection - technical advice provided.

Planning - Access Officer: - Concerns relating to impact of development on safety of pavement users.

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 policies against which the application is required to be assessed are the NPPF and Policies SP1, SP6, SP9, EC7, EC8, IP2, IP3, CM4, CM5 and HO12 of the Carlisle District Local Plan 2015-2030.

6.3 The proposal raises the following planning issues:

1. Whether the proposals would be prejudicial to the private amenity of residents;
2. Whether the proposals would be prejudicial to public amenity and safety;
3. Whether the new use would be compatible with other uses in the locality; and
4. Whether the development would be prejudicial to healthy living.

Whether the proposals would be prejudicial to the private amenity of residents:

6.4 Local Plan Policies SP6 'Securing Good Design', EC8 'Food and Drink', CM5 'Environmental and Amenity Protection' and HO12 'Other Uses in Primary Residential Areas' are of particular relevance to the proposal, in that they

seek to ensure that the developments would be acceptable in terms of their relationship with existing uses. All refer specifically to making sure new uses are not prejudicial to existing uses.

- 6.5 Care must be taken in the context of these policies when considering change of use from Use Class A1 to Use Class A5. Significant differences arise with the introduction of an A5 use that would be much less likely to be experienced in a retail or related use. For example, it is more likely that odour control would be required due to the potential smells emanating from the cooking of foods including the aroma of the food itself and the hot oils used in frying.
- 6.6 It is also likely that rather than a constant or periodic drip-feed of customers, there would be more intense periods around traditional mealtimes, especially in the early evening. If the business is successful, it is possible (as with other businesses in the city such as Fontana's in London Road, and The Fryery in Newtown Road) that customers will be prepared to queue for their meals. It is anticipated that users will either pre-order and collect, turn up on spec and order, or order by email/phone to have their meal delivered (e.g. 'Just Eat').

Clientele:

- 6.7 The last use was as an off-licence which also sold cigarettes, snacks and soft drinks.
- 6.8 The clientele ranged from children buying sweets, snacks and soft drinks to adults purchasing alcohol drinks. There was a drip-feed of customers visiting the shop throughout the opening period. Many customers dropped in to purchase goods in passing, either stopping off their vehicles or walking to the shop from their homes in the local area.
- 6.9 Customers visiting in their vehicles tended to park as close as possible to the store, more often than not on Beechwood Avenue or around the corner on Lansdowne Crescent. Occasionally, customers would park on Scotland Road including drivers of larger vehicles who were disinclined to try to find a space to park off the main road.
- 6.10 It is likely that the future clientele would consist of a cross-section of all people if it serves the local community and wider environs, including people passing on the way in and out of the city on the arterial A7 route, and those who have perhaps ordered their meals on-line and are having them delivered to them in other parts of the area. Users would include those choosing to visit the premises without using a private vehicle (e.g. walking, cycling, using public transport).

Hours of Opening:

- 6.11 When it was last operated by Bargain Booze, the shop tended to open on afternoons and evenings from around noon to 9pm without a closure during that period, although actual licences entitled the premises to open at 0800 hours and close at 2200 hours every day.

- 6.12 The planning application proposes that opening hours for the A5 takeaway use would be from 1100 hours to 2300 hours on weekdays and Saturdays, and from 12 noon to 2200 hours on Sundays and Bank Holidays.
- 6.13 It is likely that visitation by customers would intensify in relation to mealtimes, in particular in late afternoons/early evenings associated with the traditional evening meal. However, depending on how future operators decide to use the premises, it is possible that there would be activity throughout the day and evening. This could arise from deliveries, customers and staff.
- 6.14 Taking into consideration the nature of the proposed use, by comparison to the previous use it is likely that more regular deliveries would be required, because the products are more perishable and therefore fresh supplies are required on a more frequent basis.
- 6.15 It is also likely that customer and staff presence, including in relation to deliveries, would potentially be quite intensive at times and less so at other times. The audience for this takeaway would vary in relation to the specific 'offer' which is not known to date and which is difficult to pinpoint because ultimately any planning permission granted could be implemented by others. However, more often than not it is the broad 'teatime' window that promotes the most intensive use of A5 premises, which would be between 1700 and 2000 hours.

Anti-Social Behaviour:

- 6.16 Objectors have raised concerns about anti-social behaviour arising from users of the takeaway hanging around, using the shop environs and nearby while they consume their food and drink, and generating noise.
- 6.17 Policy CM4 'Planning Out Crime' requires, in Criteria 1, that '*development should be laid out and buildings positioned with the intention of creating active and vibrant neighbourhoods and maximising natural surveillance opportunities*'. In this respect, the premises would provide operators with a fairly open aspect which enables regular observation of external areas looking outwards from the serving area, utilising the front and side windows. This would have the potential to act as a disincentive to persons displaying anti-social behaviour, and allow the shop operators the opportunity to manage situations relating to the shop premises.
- 6.18 With the removal of existing window transfers and panels, the quality of observation/surveillance would be improved over that which currently exists in respect of the off-licence.
- 6.19 It would not, however, enable the operators to monitor behaviour in areas nearby including the neighbouring dwelling at 122 Scotland Road, which has low frontage wall that lends itself to providing an ad hoc seat. That wall is not visible from the shop because a substantial privet hedgerow belonging to 122 Scotland Road is situated in between. No opportunity exists to improve intervisibility in this regard.

- 6.20 It may be noted that the proposed usage has not promoted an objection from the Cumbria Constabulary as consultee, which has noted information relating to managing crime in the supporting information submitted in September. Although there is no specific evidence to demonstrate that the new use would not have a negative effect on private amenity due to criminal activity and/or anti-social behaviour, it is accepted that a level of disturbance may be caused at times, because although the operators may seek to manage customer behaviour if it becomes problematic, it is unlikely that staff would be dedicated to this activity.
- 6.21 One difference between off-licences (generally) and takeaways is that patrons tend to take their drinks and snacks away with them to consume elsewhere from the former; whereas, patrons on occasion linger or find themselves a place to settle or sit close to takeaway premises, to enable them to eat their food while it is still very warm.
- 6.22 There is a level of potential for both off-licence and takeaway premises to attract customers who do not disperse swiftly; the differences in clientele are subtle, in part because in relation to the latter, the sale of alcohol is not generally involved. People who gather close to takeaways may tend to be younger e.g. teenagers, whereas those lingering at off-licences may tend to be older because of the minimum age requirement to purchase alcohol.
- 6.23 Off-licences, in the context of the A1 use class, are likely to promote a level of lingering; but less so than takeaways within the A5 use class with regard to the service/offer and the likely clientele. The proposed use would be less compatible with the prevailing residential use than even the off-licence which is within the A1 retail use class.
- Odour control:*
- 6.24 The applicants have indicated that an odour control system would be implemented, which would involve external components such as a motor and possibly a flue or flues. At this stage, however, details of such a system have not been provided and therefore it is not known how this would potentially impact upon nearby residents. Depending on choices made in relation to the fitting out of the shop, it is possible that extraction apparatus including motors and flues could be intended to be placed on any of the four elevations of the detached building. This would have the potential to significantly change circumstances for the residents of at least two homes nearby - 122 Scotland Road and 2 Beechwood Avenue.
- 6.25 In relation to 122 Scotland Road, the separation between this property and the application is minimal at 8ft and therefore placement of external apparatus with any noise or odour emanating from it would potentially adversely affect the level of comfort and enjoyment the occupiers enjoy. It is important, therefore, that details of this part of the proposal are known to enable support to be given.
- 6.26 The potential circumstances in terms of odour for the residents of 2 Beechwood Avenue is perhaps less because there is at least some separation provided by the rear garden serving the shop and flat. That is not

to say that the residents of that dwelling would not be significantly affected, but again it is impossible to tell because details of the apparatus are not clear.

- 6.27 It may be noted that the extant planning permission relating to 2 Beechwood Avenue would permit construction of additional habitable accommodation that would be nearer to the premises than the present accommodation.
- 6.28 Further afield and in the public outdoor realms, it is likely that even with efficient odour control, it would not fully cancel out odours coming from the operations. Even the most well-controlled takeaways are likely to put out some odours which may arise from the food or the cooking oils via open windows, doors and extraction installations.
- 6.29 The applicants were requested during the consideration period to provide details of odour control items but have merely provided material suggesting the types of devices that could be utilised rather than proposing a specific scheme.
- 6.30 It is noted that the City Council's Environmental Health Officer has not objected to the proposals on the grounds of potential odour nuisance.
- 6.31 It may be noted that the circumstances relating to this premises are somewhat different to those relating to 53/53A Scotland Road, the former Spar shop which now has planning permission for a similar change of use. The planning application included more precise details; the locality already had in situ a takeaway next door to the application building; the rear of the premises already housed substantial air conditioning units (visible and audible from the public realm); the proposed external items were proposed to be installed in locations whereby they would not be likely to give rise to significant adverse effects; and the distance between the rear of the application building and the nearest dwelling on Thornton Road was far greater than the minimal distance between the application building and the two nearest residences.
- 6.32 In some circumstances where similar changes of use are proposed, it is appropriate to assume that odour control measures are feasible even if the details are not known. This can lead to the imposition of appropriate planning conditions. In this set of circumstances, however, there is heightened sensitivity due to (i) the absence of any similar establishments nearby, (ii) the level of representation received which identifies the deficiencies in the proposals in this regard, (iii) the potential introduction of a new use into this otherwise residential area (as recognised by the Local Plan) and (iv) the proximity of nearby dwellings, the most sensitive of which are 2 Beechwood Avenue and 122 Scotland Road. It is in acknowledgement of these sensitivities that the applicants were asked to demonstrate how odour control would work to enable it to be clearly understood during the consideration period, it being inappropriate to deal with the matter via conditions because it is fundamental to whether or not the proposals can be supported.

Noise:

- 6.33 It is recognised that the comings and goings of users of takeaways can

promote generation of noise, for example conversation, ignition/engines running, doors shutting. For this reason, it is necessary to consider compatibility between the use and existing uses.

- 6.34 In an appeal decision ref. APP/E0915/A/12/2185843 for a proposed similar change further north along the A7 (57 Kingstown Road), the Inspector discussed the future relationship of the use with the Primary Residential Area. This relationship applies also to the current application site. 57 Kingstown Road has similarities to the application site in terms of its proximity to adjacent residences. The Inspector referred to the range of potential noise concerns listed in the previous paragraph, and found that the uses would be incompatible because the proposal *'would have a materially detrimental impact on the living conditions of nearby residents in relation to noise and disturbance'*.
- 6.35 It is accepted that the contrast caused by transition from that premises, last operated as a picture framers, to a takeaway would have been likely to be more stark than the change from an off-licence to a takeaway, particularly because the current proposal relates to opening hours which, by virtue of licences afforded to Bargain Booze were to a great extent comparable.
- 6.36 The A1 use class is for retail shops. The Bargain Booze business was compatible with the A1 use class. Its appropriateness in the residential area was therefore not able to be assessed because a planning application was not required for its transition from a corner shop to an off-licence.
- 6.37 The main differences between what was operating within the A1 use and what is proposed within the A5 use, in terms of potential noise are (1) the potential intensification of users during the 'teatime' period mentioned in paragraph 6.15 above, and the 'trickle' of customers using the off-licence; and (2) the potential for delivery vehicles to be coming and going to pick up deliveries to nearby households. The latter would be likely to project beyond the 1700-2000 hrs mealtime slot and would promote ongoing use of vehicles later than is desirable in the predominantly residential locality, and although customers of the off-licence would have been entitled to come and go to use the off-licence in terms of its issued licence, a successful takeaway would seek to extend its period of delivery activity into the last three hours from 2000 to 2300 hours (weekdays and Saturdays) and into the last two hours (Sundays and Bank Holidays) to maximise its income.
- 6.38 The potential additional, and later noise generated from the use would be incompatible with the prevailing 'quiet' residential use in all other properties nearby; the noise would be experienced most by those living in homes adjacent to areas where customers would park on the roadside. For the residents of these dwellings (in particular in the area of Beechwood Avenue closest to Scotland Road) the future situation would compromise private amenity more so than the previous and overall A1 use with an extended period of vehicles starting up, engines revving, vehicles doors shutting and conversation of customers/staff.

Littering issues:

- 6.39 It is generally known that takeaways generate litter. Packaging may be discarded irresponsibly, or may be dealt with responsibly on site or away from the premises. It is not clear from the submissions how the operators would specifically deal with potential littering issues here. Currently, one (council maintained/operated) litter bin is present on the edge of the forecourt/frontage.
- 6.40 Littering in general is a broader issue for the District. How people choose to dispose of or recycle their packaging affects the environment significantly, with evidence in many places of a build-up of discarded packaging from all sorts of purchases. Takeaways have the potential to generate quite a noticeable level and range of litter which includes bags, boxes, wrappers, cans, bottles, sachets, cups, cutlery and food waste. Generally, this is considered to be a nuisance if no strategy is in place to address littering effects.
- 6.41 It would be difficult to conclude that the new use would promote littering of an overwhelmingly adverse nature, despite there being no evidence to the contrary. To a great extent, the objections identify this as a potential issue through supposition, due to experiences with other such establishments. It is not, though, considered to be an overriding planning concern in this instance, in part having regard to the likely scale of the business within this modest premises. It is expected that at least some level of waste management would have to be implemented to enable the business to successfully run and to avoid action being taken in an Environmental Health/nuisance context.

Parking/access:

- 6.42 At times, when the premises was in operation as an off-licence, the combination of vehicles parked in association with staff, customers and with residents also parking nearby, meant that congestion would regularly become an issue. This could be exacerbated during deliveries which were understood mainly to be weekly, sometimes more frequent. This arose because the delivery vehicle tended to park as near as possible to the shop on Beechwood Avenue.
- 6.43 It is acknowledged that this, at times was prejudicial to private amenity because access into and out of nearby private properties was hindered or even blocked. Those attempting to exit their driveways onto Beechwood Avenue sometimes found it difficult to navigate safely between parked vehicles and had on occasion resorted to parking their vehicles outside their curtilages, to ensure that blockages were avoided.
- 6.44 It is also acknowledged that, should the premises be re-used for purposes within the A1 use class, including as an off-licence, this could re-surface as an issue.
- 6.45 By comparison to the last use, however, the new use would be likely to invoke visitation by a range of vehicles:

- Deliveries daily or several times per week of fish, potatoes and other foodstuffs, drinks, ingredients and sundries by van or lorry
 - Vehicles related to the pick-up of meals and other items for deliveries required in relation to telephone and internet orders e.g. car, moped
 - Cars, vans and potentially other larger vehicles picking up their own pre-ordered meals or attending on an ad hoc basis to order, wait for and take away their meals
 - Staff vehicles
- 6.46 The case officer has noted on 5-6 site visits to the locality in recent weeks that, at various times of the day including the evening and at weekends, currently the areas of pavement close to the premises (where vehicles tended to park when Bargain Booze was operational), are relatively free from parked cars, vans etc. This is likely to relate to the closure of Bargain Booze in that nobody is visiting the shop; it is noted that the flat is occupied but generally this does not seem to have given rise to nearby parking in these areas.
- 6.47 If the premises is occupied as a takeaway within the A5 use class, it is inevitable that users (including staff) would park in a range of locations, principally part-on and part-off nearby pavements in between driveways, trees and street furniture. That is the tendency in and around the locality. It is likely that some users would stop on Scotland Road rather than turning off onto Beechwood Avenue; it is also possible that drivers would attempt to park on the frontage despite there being no proposal to do this and no dropped kerbs being available. This is witnessed elsewhere, for example at Stanwix Bank where customers (and likely delivery drivers) occasionally pull up fully onto the pavement.
- 6.48 This would promote interaction between users of the premises, pedestrians and residents in a manner that would inevitably change circumstances substantially compared to the current situation of the shop being vacant; but comparison with the previous situation when it was in use as an off-licence is the overriding matter to be assessed.
- 6.49 In respect of the latter point in paragraph 6.48, if no site specific parking can be provided, users will tend to park as close as possible to the outlet if they are driving. This includes delivery drivers who will wish to get the hot food from door to door as quickly as possible.
- 6.50 All neighbours, contributors and consultees were made aware of the decision of the applicant to no longer pursue usage of the site frontage for parking associated with the new A5 use. Prior to this change to the application, the applicants were requested to provide a plan showing proposed parking and turning arrangements on this frontage area because it is essential to be able to understand how this could be successfully integrated. Instead of providing this information to illustrate how this would be implemented, the frontage was taken out of the scheme and all parking would revert to being 'on-street'.
- 6.51 In the absence of proposals identifying a potential parking/turning layout for vehicles on the site frontage (as was purported when the application was originally submitted), it is not possible to assess whether this would be

beneficial in terms of providing a level of off-street parking provision. Presently, the position of the local planning authority is that it would be very difficult due to the proximity of the area to the junction with Scotland Road, and the associated road user/pedestrian hazard that could arise with vehicles pulling on and off the area, driving over the pavement.

- 6.52 The highly likely scenario, therefore, is that all staff and customer traffic would park on the street as near to the shop as possible, causing obstruction to residents' accesses and giving rise to a potentially high level of vehicles presence over and above that associated with the previous off-licence use. This would be most evident at peak times, especially in the period concentrated around the teatime/evening meal.

Summary in relation to private amenity impacts:

- 6.53 In summary, in relation to private amenity impacts, there are certain aspects of operating an A5 use takeaway which must be mitigable. These are herein identified as:
1. Ensuring parking associated with the use does not unacceptably impact upon the private amenity of nearby residents
 2. Ensuring that potential odours from the use do not adversely affect private amenity in terms of how residents are able to satisfactorily reside in their properties
 3. Ensuring that potential noise associated with operation would be acceptable in terms of how residents are able to satisfactorily reside in their properties
 4. Demonstrate compatibility of the proposed use with the surrounding uses (which in this case, are exclusively residences).
- 6.54 The applicants have failed to provide any level of certainty relating to mitigation of potential odours from the development, despite being invited to do so. This, therefore, becomes an issue that has not been mitigated, and is so important in this context that it would not appropriately be dealt with by condition.
- 6.55 There is concern from the local planning authority that the new use would promote a level and nature of traffic that would diminish the private amenity of nearby residents, in particular because the new use would depend entirely on users parking on the street in an area which is sensitive to conflict caused by ad hoc parking. The proposed problems caused would be more intense than those related to the previous use as an off-licence and likely all other A1 uses at certain times, in particular within the teatime/evening meal period.
- 6.56 Noise generated by users, having particular regard to the hours of opening proposed, the intensified level of noise emanating from users during the evening meal period, and the comings and goings of delivery vehicles, would be likely to disturb nearby residents in a predominantly residential area unacceptably, and more so than the previous use as an off-licence and likely all other A1 uses.

- 6.57 The proposed use, having regard to these issues listed above (odour, noise, parking impacts) would therefore be incompatible with the prevailing residential character and nature of the area, which is within the Primary Residential Area as defined by the Local Plan.
- 6.58 As a result, the proposals fail to comply with the aforementioned policies SP6, HO12, EC8 and CM5.

Whether the proposals would be prejudicial to public amenity and safety:

- 6.59 In relation to this area of consideration, the most relevant policies of the Carlisle District local Plan 2015-2030 would be EC7 'Shop Fronts', EC8 'Food and Drink', IP2 'Transport and Development', IP3 'Parking Provision' and CM4 'Designing Out Crime'. These all are relevant in terms of ensuring all development is designed and delivered to safeguard users.

Impacts on road safety:

- 6.60 Although consideration of road safety may be considered alongside traffic impact on private amenity, it is necessary to provide a focus specifically on how traffic generated by the development would impact on public safety. In this respect, on the one hand there is a clear position adopted by Cumbria County Council as highway safety specialist consultee; on the other hand, local residents have identified various concerns stated in strong terms about the susceptibility of the locale, including the junction of Beechwood Avenue with Scotland Road, to road user danger.
- 6.61 Either side of the junction a number of bollards are present. There are 8 on the north side of the junction aligned with the curve and five on the south side. Textured crossing slabs exist in between bollards to alert all (including sight-deficient) users to the crossing point, which on both sides meets the road surface without a significant step. The road end is surfaced with block pavers from the edge with Scotland Road back for a distance of approximately 10m into Beechwood Avenue.
- 6.62 Vehicles using the premises tend to park part-on, part-off the pavement on both sides of Beechwood Avenue if they choose to park in this general location. In so doing it is possible to leave enough space for pedestrians to pass along the pavements, although it may hinder their passing: for example, small trucks have mirrors which are proud of the cabs that can sometimes cause a hazard; some parking does not leave quite enough space for all pavement users to easily pass.
- 6.63 Whenever vehicles park either side of Beechwood Avenue beyond the pavers and bollards, subsequent users have to navigate around the parked vehicles. Even part-on, part-off pavement parking narrows the road so that two vehicles cannot pass each other without waiting for each other to pull around the parked vehicle. This is a pinchpoint that causes users to have to manoeuvre unnaturally on approach to the junction with the main road, and when turning into Beechwood Avenue from Scotland Road.

- 6.64 Vehicles parking on Scotland Road to visit the premises, which will be an inevitable (although potentially low level) outcome of the new use being implemented, would again cause partial obstructions to road users around which they would need to navigate, in this case close to the Beechwood Avenue junction and designated pedestrian crossing in front of 122 Scotland Road. Any obstruction of Scotland Road is undesirable and a potential road safety concern, and it would not be possible for the local authority to monitor the situation if danger were to be caused.
- 6.65 With the shop not in use, pressure has been relieved on the locality, and ad hoc parking on the roadside is not a significant issue. However, as soon as the premises is brought back into use, issues previously arising will resurface. They are likely to be different because the A5 use tends to promote frequent deliveries and there will be times during the days and weeks when the number of visitors to the premises increases significantly, i.e. around main mealtimes.
- 6.66 Cumbria County Council's position is that the transition between use classes would not promote such a different set of circumstances that an objection could be sustained. When requested to compare its recommendation to the recommendation for refusal proposed for 53 Scotland Road (former Spar - planning application 19/0630), the current position was justified to some extent having regard to the difference in terms of congestion levels and parking problems between the two localities. The application premises is considered by the consultee to be in a location under less pressure from congestion.
- 6.67 It is important to note that the consultee has not formally adopted a different position, now that the frontage area is no longer proposed by the applicants for parking and turning, as stated when the application was originally submitted. The consultee provided its original response in the absence of any site layout information; having had the opportunity to look at the position again, in relation to the revised scheme omitting frontage parking, the consultee confirmed it did not have any additional comments to make.
- 6.68 The overall proposal, however, would be less favoured if the option to include the frontage area for parking and turning had been pursued.

Impacts on pedestrian safety:

- 6.69 This relates closely to considerations regarding road user safety, as the pavement network is intrinsically linked to the road network. The site includes an open frontage over which all persons are free to pass, including less ambulant users and those with wheeled support - there is no change in level between the pavement and the frontage. It provides a heavily used desire line for people walking around the corner.
- 6.70 It is acknowledged that the junction can be difficult to navigate (in vehicles) if obstructions are present as referred to above, especially where the obstruction has been caused by parked vehicles. This has the potential to

impact on the safety of pedestrians using the pavements or attempting to cross the road if visibility is impeded in two ways - if drivers cannot see the pedestrians; and if the pedestrians cannot adequately view the traffic.

- 6.71 Pedestrians using the nearby crossing would on occasion be affected, if vehicles are parked in such a way that pedestrian visibility or ability to safely access the crossing are impeded. This would be similar in respect of the aforementioned textured crossing platforms within Beechwood Avenue.
- 6.72 Although no parking is proposed formally on the frontage, it is inevitable that occasionally users would pull their vehicles up outside close to the shop building, as there are no physical barriers between the frontage and the pavements. In such instances, both by crossing the public pavement and by impeding a well established desire line, the use would put pedestrians at a disadvantage and potentially at risk.
- 6.73 It is important, again, to acknowledge Cumbria County Council's position on this, in that it does not consider the transition to give rise to any significant change in circumstances promoting a reason to object.
- 6.74 The Carlisle City Council's Access Officer has identified potential conflict between pavement parking and obstruction for a range of users: wheelchair users, ambulant disabled, Class 2 scooter users and parents with prams. This position is adopted notwithstanding intended usage of the frontage area for parking, as it relates to how people can navigate safely along the pavement network in the vicinity of the site.

Crime prevention issues:

- 6.75 The potential for anti-social behaviour has been mentioned earlier in this report, and while it is considered that the proposed use could attract such behaviour, it would not be due to the layout and design of the development. The proposals invoke an opportunity to remove all transfer and panels from existing windows, to enable intervisibility between the shop and the outside area. This would be a benefit arising in terms of enabling operators to monitor the outside area.
- 6.76 However, ultimately it would be a matter for the relevant authorities such as the police to deal with criminal acts, and with the proposals not intrinsically promoting new opportunities for crime, and with the consultation response of the Cumbria Constabulary confirming no overriding concerns, this planning matter is not considered to be a significant influencing factor.

Summary in relation to public amenity and safety:

- 6.77 In summary in relation to public amenity and safety, there is a level of concern relating to traffic impacts on road user and pedestrian safety, because there are likely to be times when the interaction of vehicles (generated by the development) with the locality causes obstruction, congestion and thereby conflict. Although the position of Cumbria County Council as specialist consultee is acknowledged, in that it accepts that any change from A1 to A5

would not give rise to an objection, the nature of usage of the premises would without doubt include different pressures than previously experienced if a high number of users congregate at mealtimes, as can be witnessed in other successful takeaways in the city. This could change the effects of the premises on driver and pedestrian safety.

- 6.78 However, although the level of change in usage may be significant, leading to periods of greater intensity than if the shop continue to be used for an A1 retail use, on balance the local authority accepts that potential impacts are not overriding and would not promote sufficient reason to refuse the application.
- 6.79 Specifically in respect of public amenity and safety, therefore, the application accords with policies EC7, EC8, IP2, IP3 and CM4 of the Local Plan.

Whether the new use would be compatible with other uses in the locality:

- 6.80 Essentially, the prevailing nature of development is residential in this locality, stretching from the edge of the Stanwix 'hub' which finishes at Sainsbury's Local (Cheviot Road) to the Morrison's superstore opposite Briar Bank. This is clearly reflected by the Local Plan, which shows that the Stanwix Local Centre (Policy EC5) is based around the shop and service area south beyond Sainsbury's, and leading in the direction of the city. In the other direction, there is no local centre until Kingstown which is centred around California Road. Policy EC5 therefore does not apply to this site/building, contrary to the views contained within all supporting information.
- 6.81 The site is quite central within the Primary Residential Area (Local Plan Policy HO12), and relates to no other non-residential uses between Sainsbury's Local and Morrison's. It stands alone as a former corner shop serving the surrounding area, which is dominated by otherwise exclusively by residential development.
- 6.82 Other uses falling within the A1 Use Class are: hairdressers, travel agencies, post offices, sandwich bars, domestic hire shops, dry cleaners and funeral directors. A1 premises can be changed to other uses either temporarily or permanently as 'permitted development', such as estate agencies and financial services (Use Class A2), restaurants and cafes (Use Class A3), dwellinghouses (Use Class C3), offices and light industry appropriate in a residential area (Use Class B1).
- 6.83 Change of use to Use Class A5 from A1 requires planning permission and cannot be undertaken unless full planning permission has been obtained. This is because there is clear potential for such a change to promote incompatibility between uses, or at least for the compatibility to be properly assessed.
- 6.84 Earlier in this report, issues are discussed in relation to impacts on private amenity. The application was found not to be consistent with the relevant policies SP6, EC8, HO12 and CM5 because it would promote overriding concerns relating to noise, odour and the impacts of user parking on the

ability of residents to reside without disturbance.

- 6.85 The prevailing, and only other evident use of the wider locality is residential outwith the local centre of Stanwix up to Morrison's. There is logic to the existence of what is in effect a corner shop, although it is acknowledged that any of the aforementioned uses could be implemented as permitted development. However, the A5 use in this location is considered to be less logical than either the A1 use or any of the other uses to which it could be changed. It would be an incongruous and ill-fitting use in relation to nearby residences and the wider residential area, giving rise to impacts including noise, odour and diminished residential amenity caused by the potential level of on-street parking.
- 6.86 The proposed use is, therefore, in conflict with Policies SP6, EC8, HO12 and CM5 of the Local Plan in this specific context.

Whether the development would be prejudicial to healthy living:

- 6.87 This is a matter identified within the objections of a number of individuals who have written in, because they consider that it would introduce an additional fast food premises to the area, enticing people to potentially eat less healthily than they ought to. For that reason, it might not be compatible with Policy SP9 of the Local Plan 'Healthy and Thriving Communities'.
- 6.88 It is valid to acknowledge that some of the food provided by takeaways may not be on the very healthy side of a balanced diet. But it is essential to recognise that offering choice to consumers is logical, reasonable and influenced by the consumer market. It also has to be considered that the scale of the business is modest by comparison to other national chains providing other forms of fast food. Furthermore, takeaway outlets tend to come and go if they are not self-sustaining.
- 6.89 In relation to this issue, it is considered that the proposed use would not give rise to an unacceptable adverse impact on human health, therefore the proposal would be consistent with Policy SP9.

Conclusion:

- 6.90 The proposed change of use is considered to comply with Policies IP2, IP3 and EC8 insofar as it relates to impacts on public safety and amenity which, although significant, are not overriding. The change in nature of the use and associated traffic effects would be acceptable in this context because they would not promote prejudicial danger to road and pavement users by an unacceptable degree. This is in accord with the specialist consultation response of Cumbria County Council.
- 6.91 The resultant development would also be consistent with Policies EC7 and CM4 in that it would be compatible with crime prevention aims and has not promoted an objection from the Cumbria Constabulary as specialist consultee.

- 6.92 The development is consistent with Policy SP9 of the Local Plan in that it can not be adjudged to be prejudicial to healthy and thriving communities. It is not appropriate to deem that all takeaways are by their nature purveyors of unhealthy food and drink.
- 6.93 However, the proposed change of use is considered to conflict with Policies SP6, HO12, EC8 and CM5 because of the proposed A5 use being an unacceptable new use in this predominantly residential area, with the potential of causing an unacceptable level of adverse impact in respect of odour, noise and the ability of residents to satisfactorily occupy their dwellings due to the effects of ad hoc on-street parking.

7. Planning History

- 7.1 In 2003, planning permission was refused under ref. 02/1275 (and a subsequent appeal dismissed) for the erection of 2no illuminated free standing advertising display units;
- 7.2 In 1993, Advertisement Consent was granted under ref. 93/0220 for the installation of an internally illuminated fascia sign;
- 7.3 In 1988, Advertisement Consent was granted under ref. 88/0358 for the erection of an illuminated fascia sign;
- 7.4 In 1986, planning permission was granted under ref. 86/0544 for installation of a replacement shopfront.
- 7.5 In 1967, planning history suggests that the building was subdivided to create a shop and flat within this former dwelling, under ref. 28191.

8. Recommendation: Refuse Permission

1. **Reason:** The proposed change of use, by virtue of:
- (i) its location within an a Primary Residential Area as defined by Policy HO12 of the Carlisle District Local Plan 2015-2030;
 - (ii) its proximity to adjacent residences, in particular those at 122 Scotland Road and 2 Beechwood Avenue;
 - (iii) the cumulation of adverse impacts on private amenity arising from potential noise and odour emanating from and associated with the change of use; and
 - (iv) adverse impacts arising from the ad hoc parking of vehicles on

the roadside, on the ability of nearby residents to reside satisfactorily within their dwellings;

is incompatible with the prevailing, surrounding residential use and therefore conflicts with Policies SP6, HO12, EC8 and CM5 of the Carlisle District Local Plan 2015-2030.

Location Plan (1:1,250)



Revision Status
Rev Date Amendments

Initials

Agent

GRAY ASSOCIATES LTD

Architectural & Building Surveying Services
Moray House, The Square, Dalston, CAMLISLE CA5 7PH
M: 0793 7810096
E: david@grayassoc.co.uk T: 01228 710811
www.grayassoc.co.uk

Client

Hallitbrahim Kocaturkmen

c/o PFK

Drawing

Title: Location Plan

Scheme: Change of Use of 124 Scotland Road

Scale: 1:1,250

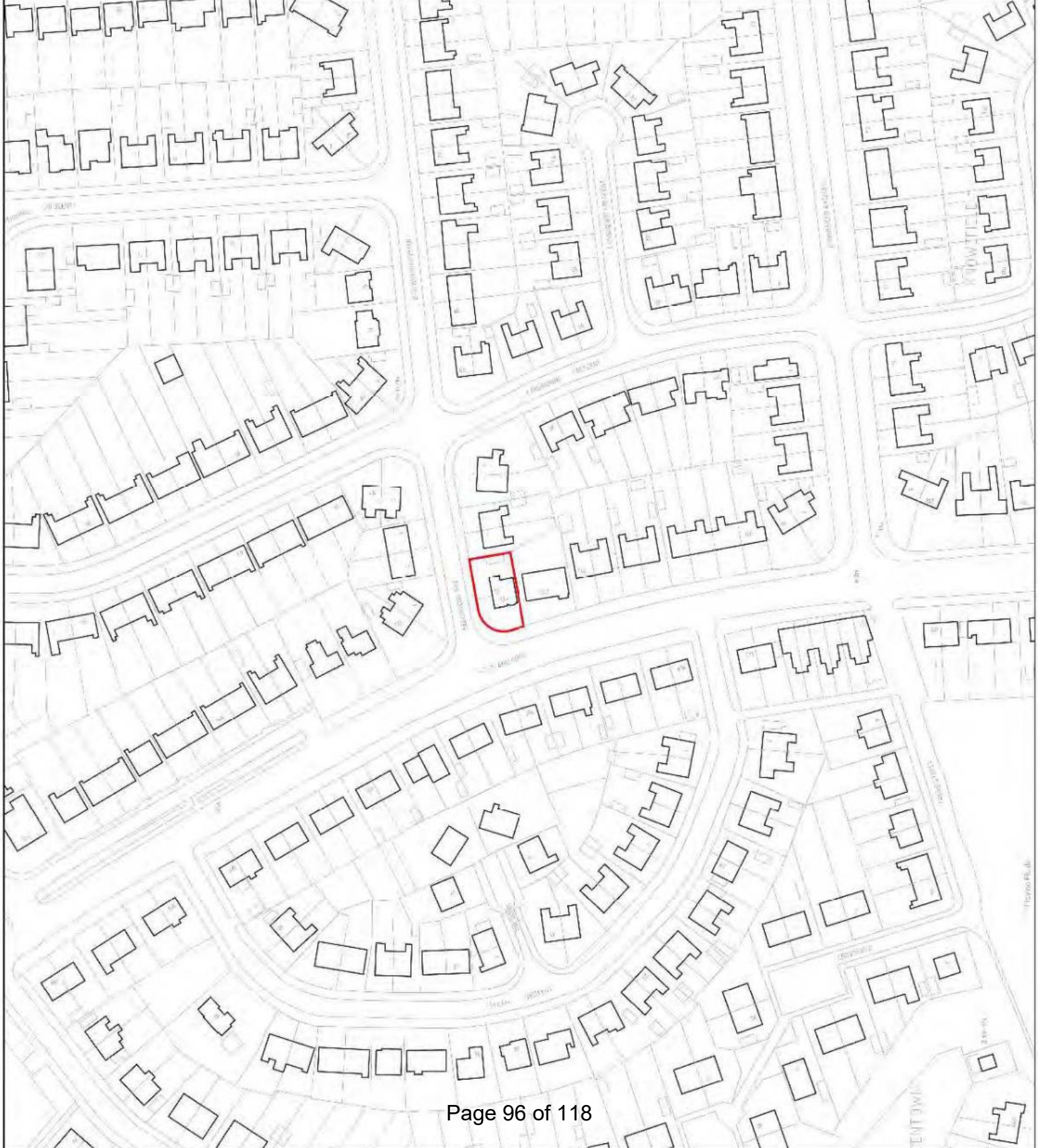
Date: July 2019

Dwg No.: C/02

Drawn: D Gray

A3

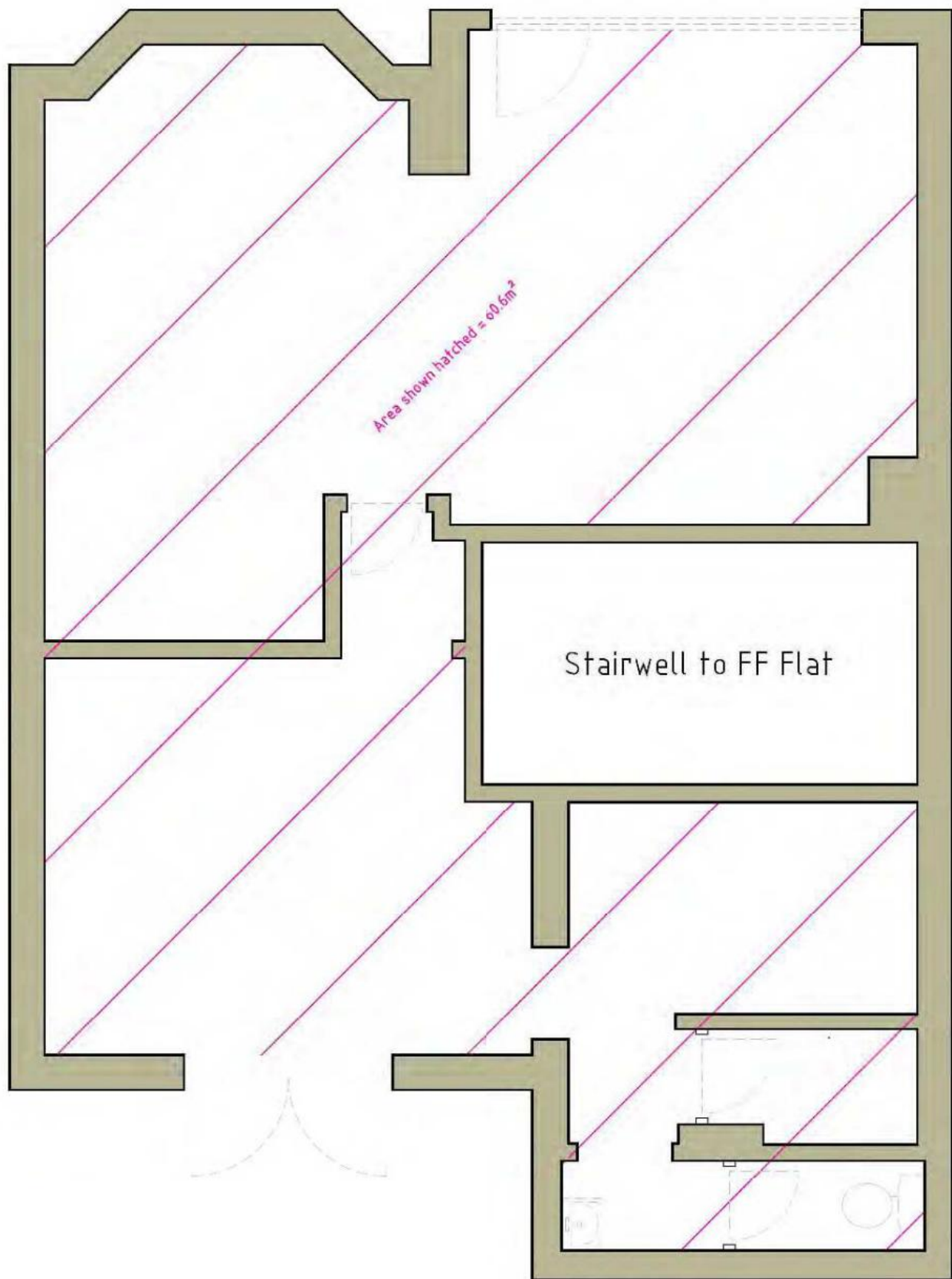
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Rev	Date	Amendments
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Environ Biol Fish (2015) 98:1191–1204





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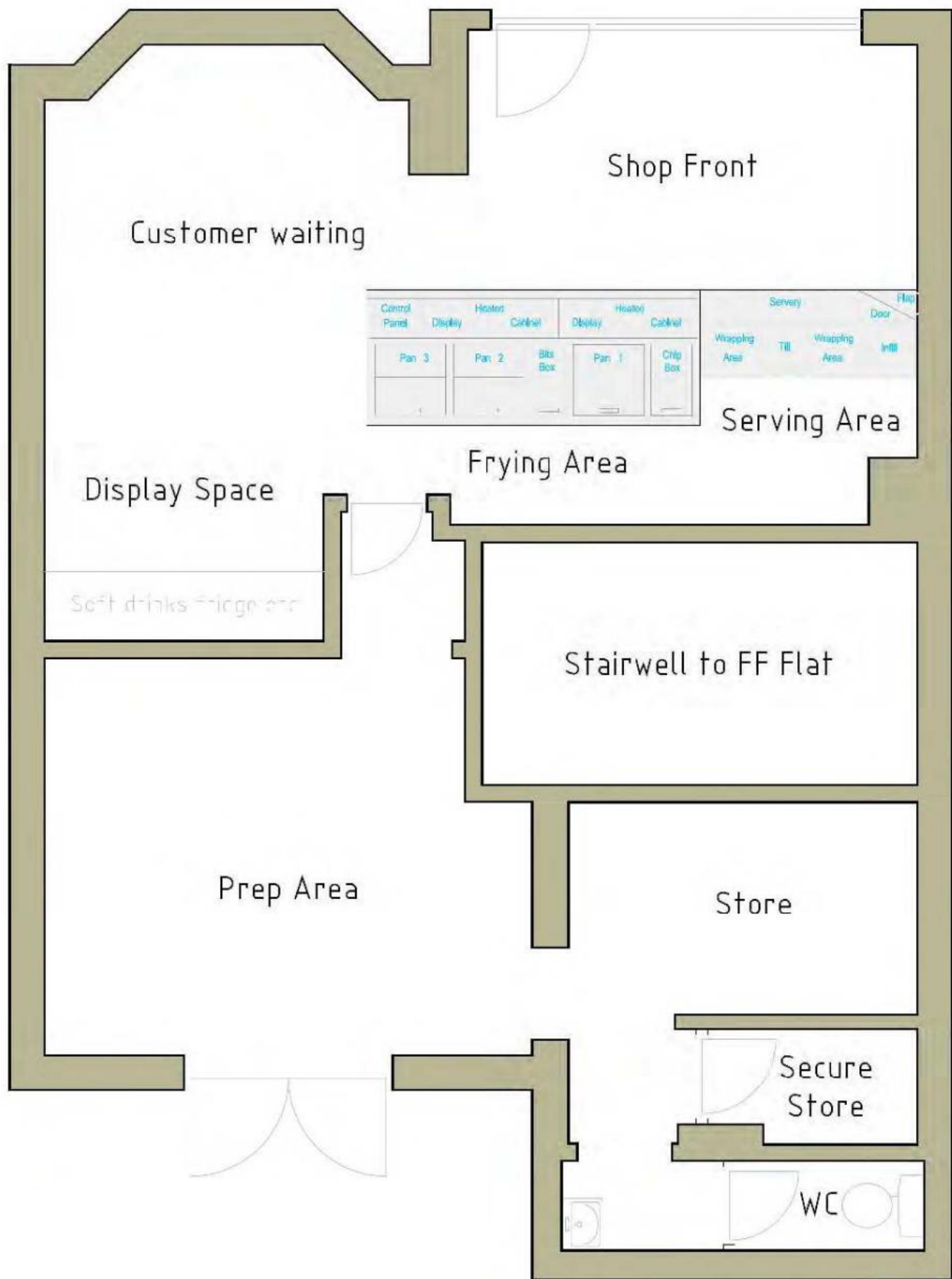
Architectural & Building Surveying Services
 Moryn House, The Square, Dalston, CARLISLE CA5 7PH
 M: 07917 810096 T: 01228 710911
 E: david@grayassoc.co.uk www.grayassoc.co.uk

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Drawing

Title: Ground Floor Plan
 Scheme: Change of Use of 124 Scotland Road
 Scale: 1:50
 Date: July 2019
 Dwg No.: D.03
 Drawn: D Gray



GRAY ASSOCIATES LTD

Architectural & Building Surveying Services
 Moryn House, The Square, Dalston, CARLISLE CA5 7PH
 M: 07917 810096 T: 01228 710911
 E: david@grayassoc.co.uk www.grayassoc.co.uk

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Drawing

Title: Proposed Ground Floor Plan
 Scheme: Change of Use of 124 Scotland Road
 Scale: 1:50
 Date: July 2019
 Dwg No.: D.05
 Drawn: D Gray

SCHEDULE A: Applications with Recommendation

20/0091

Item No: 04

Date of Committee: 22/05/2020

Appn Ref No:
20/0091

Applicant:
Cumbria County Council

Parish:
Rockcliffe

Agent:
Savills (Newcastle Office)

Ward:
Longtown & the Border

Location: Land north of Rockcliffe School, Rockcliffe, Carlisle, CA6 4AH

Proposal: Erection Of 5no. Dwellings (Reserved Matters Application Pursuant To Outline Approval 16/1038)

Date of Receipt:
11/02/2020 16:00:47

Statutory Expiry Date
07/04/2020 16:00:47

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 Layout, Scale And Appearance Of The Dwellings Would Be Acceptable
- 2.2 Whether The Proposed Access Would Be Acceptable
- 2.3 Whether The Proposed Landscaping Would Be Acceptable
- 2.4 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.5 Flooding & Drainage Issues
- 2.6 Other Matters

3. Application Details

The Site

- 3.1 The site covers an area of approximately 0.47 hectares and is currently in agricultural use. It is bounded by hedges to all four sides, with mature trees

situated along the northern, southern and western boundaries. An existing field gate provides access from the site to the adjacent road (C1016).

- 3.2 The C1016 adjoins the application site to the west, beyond which lies Ordnance Cottage. Rockcliffe Primary School adjoins the southern boundary of the site and has playing fields adjacent. Open fields adjoin the site to the north and east.

Background

- 3.3 In February 2017, outline planning permission was granted for residential development on this site, with all matters reserved for subsequent approval. The indicative layout plan, that was submitted with the application, shows five large detached dwellings set within large plots. Two of the dwellings have detached double garages, with the other three having integral garages. The indicative elevations show three two-storey dwellings and two dwellings with a two-storey gable to the front elevation and two pitched roof dormer windows in the front roofslope.
- 3.4 Access was shown via a new road that would link from the C1016 and would run along the southern side of the site, ending at a hammer head/turning area. The existing hedges and trees around the periphery of the site were shown as being retained.

The Proposal

- 3.5 This is a Reserved Matters application which is seeking approval for the layout, scale, appearance, access and landscaping of the proposed residential development that was granted outline planning permission in February 2017.
- 3.6 The proposed layout is very similar to that shown on the indicative plans that were submitted with the outline application. Five detached dwellings are proposed and these would be served by a new road that would connect to the C1016. The road would run along the southern boundary of the site and would connect to a turning head at the eastern end of the site. Four visitor parking bays would be provided on the southern site of the new access road. An area of amenity space would be provided at the western end of the site, adjacent to the C1016, and this would be enclosed by a 1.2m high timber post and rail fence, with a further area of amenity space being provided to the south of the access road.
- 3.7 Plot 1 would be a two-storey five bedroom property. The front elevation would contain two two-storey projecting gables, with the main entrance being located between these. The west elevation, which would be visible from the C1016, would contain a chimney and a number of windows to add visual interest. The dwelling would have an integral single garage and parking for further four cars within the plot. The dwelling would have gardens to the side and rear.
- 3.8 Plot 2 would be a four-bedroom property. It would have a two-storey

projecting gable to the front elevation. A single garage would be attached to the dwelling and this would have a pitched roof dormer window in the front facing roofslope. Three car parking spaces would be provided to the front of the dwelling, together with a garden area, with a larger garden being provided to the rear.

- 3.9 Plots 3 and 4 would be four-bedroom properties. The front elevations would contain a two-storey projecting gable, which would be adjoined by a pitched roof that would contain two pitched roof dormer windows. The dwellings would have an integral single garage, with three further parking spaces being provided to the front of the properties. A small garden would be provided to the front of the dwellings, with larger gardens being provided to the rear.
- 3.10 Plot 5, which would be located at the eastern end of the development, would be a two-storey five bedroom dwelling. The front elevation would contain a two-storey projecting gable and a single-storey pitched roof porch. The dwelling would have a detached double garage that would be located to the front of the dwelling, adjacent to the turning head. Four additional car parking spaces would be provided within the curtilage. The dwelling would have small garden areas to the front and eastern side, with a larger garden being provided to the rear.
- 3.11 All of the dwellings would be constructed of red multi clay facing brickwork, with artstone sills and heads, under smooth grey interlocking concrete tiled roofs. Windows would be anthracite grey UPVC, with doors being dark grey. Dormer windows would be formed from cladding panels with a smooth white render finish. Front boundaries would largely be 1.2m high brick walls, with 1.8m high close boarded fences separating the back gardens. Driveways would be constructed of permeable materials.
- 3.12 All of the existing trees along the northern and southern site boundaries would be retained. Some trees on the western site boundary would be retained, but some would need to be removed to facilitate the new access road into the development and to provide appropriate visibility splays. Small sections of beech hedgerow would be planted within the gardens of Plots 1, 2, 3 and 5, with some new Rowan trees being planted within plots 1 and 2 and within the amenity area that is being provided to the south of the access road.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and notification letters sent to 17 neighbouring properties. In response, 3 letters of objection have been received and these raise the following concerns:
- the access is extremely dangerous - would not want to be someone who knew the area and didn't object, if subsequently an accident were to occur;
 - don't think that the application should be passed due to the horrendously dangerous access issue;

- the access is not safe - it is on an already dangerous dip in the road, on a corner, next to a school - if the development is to happen another access route would need to be considered;
- those entering the site from the village side would be pulling over a blind corner;
- road users passing the entrance will be put most at risk by drivers approaching from the north pulling over at the sign of a vehicle exiting - this would possibly put them on collision course with other road users approaching from the opposite direction;
- a small development of quality houses such as this would be good for the village, and apart from the access would welcome it;
- there is an existing parking issue during school pick up and drop off- part of the application should include parking for parents;
- the applicant should not be allowed to subsequently increase the number of units;
- council need to ensure that the design of the drainage will actually work. The development has the potential to exacerbate existing problems downstream of the adjacent beck, and water should be allowed to enter this beck extremely slowly, otherwise properties downstream are likely to be flooded;
- the attenuation tank proposal is not adequate to deal with the volume of water that need to be discharged into the stream - this stream is already massively over capacity and regularly floods;
- the stream into which it is proposed to drain is already at over capacity during wet periods - a require attenuation facility is required;
- the materials proposed are out of keeping with the rest of the village;
- the developer claims to be attempting to build houses in empathy with the traditional houses in the village. However the drawings show that the developer intends to use grey concrete roof tiles. Whilst there are some houses in the village that utilise these horrible materials, all of the traditional and older houses in the village use slates. New houses in School Lane have used slates and the four bungalows currently being built in Lonning Foot are using slates - urge the council to insist that the developer uses slates for the roof and not awful grey concrete tiles;
- note that the footpath out of the development does not extend beyond the development. Given that the same body owns the site and the adjacent school, surely they could find a way to install a footpath from the development to link to the existing footpath at the school - the planners should insist on this - these appear to be family homes and children are likely to be using the route to school. It is a dangerous corner and a footpath is vital;
- need a footpath link to the entrance to the school;
- the development could lead to further residential development in the field beyond which would put more pressure on the entrance.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections;

Rockcliffe Parish Council: - any developments will have a serious reservations about the surface area due to flooding in that area and the

surrounding area; reservation to access turning right into the site; any development on the field should provide a footpath to meet the present path outside the school; consideration should be given to the roof, slate is on the surrounding properties;

Historic England - North West Office: - no comments received;

Local Environment, Waste Services: - no objection - layout looks acceptable and the applicants have shown how waste collection vehicles;

Planning - Access Officer: - no objections;

United Utilities: - previously commented on the outline application. The submitted proposed surface water drainage layout proposing surface water discharging into the ditch is acceptable in principle.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, SP6, HO2, HO4, GI3, GI6, CC5, IP3, IP6 and CM4 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Documents Achieving Well Designed Housing and Trees and Development are also material planning considerations.
- 6.3 The proposal raises the following planning issues.
 1. Whether The Layout, Scale And Appearance Of The Dwellings Would Be Acceptable
- 6.4 The proposed layout is very similar to that shown on the indicative plans that were submitted with the outline application. Five detached dwellings are proposed and these would be served by a new road that would connect to the C1016. The road would run along the southern boundary of the site and would connect to a turning head at the eastern end of the site. Four visitor parking bays would be provided on the southern site of the new access road. An area of amenity space would be provided at the western end of the site, adjacent to the C1016, and this would be enclosed by a 1.2m high timber post and rail fence, with a further area of amenity space being provided to the south of the access road.
- 6.5 Plot 1 would be a two-storey five bedroom property with a ridge height of 8m. The front elevation would contain two two-storey projecting gables, with the main entrance being located between these. The west elevation, which would be visible from the C1016, would contain a chimney and a number of windows to add visual interest. The dwelling would have an integral single garage and parking for further four cars within the plot. The dwelling would

have gardens to the side and rear.

- 6.6 Plot 2 would be a four-bedroom property, with a ridge height of 8m. It would have a two-storey projecting gable to the front elevation. A single garage would be attached to the dwelling and this would have a pitched roof dormer window in the front facing roofslope. Three car parking spaces would be provided to the front of the dwelling, together with a garden area, with a larger garden being provided to the rear.
- 6.7 Plots 3 and 4 would be four-bedroom properties, with ridge heights of 7.8m. The front elevations would contain a two-storey projecting gable, which would be adjoined by a pitched roof that would contain two pitched roof dormer windows. The dwellings would have an integral single garage, with three further parking spaces being provided to the front of the properties. A small garden would be provided to the front of the dwellings, with larger gardens being provided to the rear.
- 6.8 Plot 5, which would be located at the eastern end of the development, would be a two-storey five bedroom dwelling, with a ridge height of 7.8m. The front elevation would contain a two-storey projecting gable and a single-storey pitched roof porch. The dwelling would have a detached double garage that would be located to the front of the dwelling, adjacent to the turning head. Four additional car parking spaces would be provided within the curtilage. The dwelling would have small garden areas to the front and eastern side, with a larger garden being provided to the rear.
- 6.9 All of the dwellings would be constructed of red multi clay facing brickwork, with artstone sills and heads, under smooth grey interlocking concrete tiled roofs. Windows would be anthracite grey UPVC, with doors being dark grey. Dormer windows would be formed from cladding panels with a smooth white render finish. Front boundaries would largely be 1.2m high brick walls, with 1.8m high close boarded fences separating the back gardens. Driveways would be constructed of permeable materials.
- 6.10 The proposal would provide different house types, which would incorporate a range of features to provide variety and improve the visual appearance of the dwellings. The proposed materials would be acceptable, with bricks and tiles being common throughout the village. Whilst objectors and the Parish Council have raised concerns about the use of tiles, tiles with a thin leading edge would not be inappropriate. A condition is attached to the outline permission which requires samples or full details of all materials to be used on the exterior to be submitted to the LPA for approval before any work is commenced. The exact details of the proposed bricks and tiles, therefore, still need to be approved.

2. Whether The Proposed Access Would Be Acceptable

- 6.11 A number of objectors and the Parish Council have raised concerns about the proposed access to the site from the C1016. Whilst access was a Reserved Matter in the outline planning application, the principle of accessing the site from the C1016 has been established by the granting of

the outline permission.

- 6.12 The Highways Authority has been consulted on the application. The vehicular access to the proposed development is taken from the southwest of the site from the C1016. Visibility splays of 2.4m x 87m are required for this junction which have been demonstrated to be achievable within the submitted plans. The access into the development has a 6m radii with a footway either side of the junction which is 2m in width connecting into the development site. The width of the access road is 5.5m and meets the requirements set out within the Cumbria Development Design Guide.
- 6.13 With regards to the internal layout of the development site, there is a 2m footway which flows throughout the site connecting all five dwellings to the C1016. As the development comprises of five, four/ five-bedroom dwellings it is expected as part of the Cumbria Development Design Guide that three car parking spaces are provided for a four-bedroom dwelling, and four car parking spaces for a five-bedroom dwelling. Each car parking space is to be 2.6m x 5m.
- 6.14 Further to the Highways Authority's initial response, which highlighted that the Proposed Site Layout did not illustrate the number of car parking spaces available per property, the applicant has submitted a series of revised site layout plans. The car parking provision associated with all of the plots is included within the revised site layout plan and it illustrates that sufficient car parking is available within the curtilage of each plot in accordance with the Cumbria Development Design Guide.
- 6.15 Objectors and the Parish Council consider that a footpath should be provided from the site to link into the existing footpath to the front of the school. Given that the proposal is only for five dwellings, the Highways Authority does not consider that this footpath is necessary and has not requested funding for this footpath.
- 6.16 Therefore, to conclude the Local Highways Authority has no objections with regards to the approval of the Reserved Matters application.

3. Whether The Proposed Landscaping Would Be Acceptable

- 6.17 All of the existing trees along the northern and southern site boundaries would be retained, with some trees on the western site boundary being retained. Some trees along the western site boundary, adjacent to the C1016, would need to be removed to facilitate the new access road into the development and the provision of suitable visibility splays.
- 6.18 Small sections of beech hedgerow would be planted within the gardens of plots 1, 2, 3 and 5, with two Rowan trees also being planted in the front gardens of plots 1 and 2. Two further Rowan trees would also be planted in the amenity space that is to be provided to the south of the access road.
- 6.19 In light of the above, the proposed landscaping would be acceptable.

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

- 6.20 Ordnance Cottage, which fronts onto the C1016, is located to the west of the application site. Plot 1 would be the nearest dwelling to Ordnance Cottage and this would be a minimum of 35m away and would not directly face the existing dwelling. In light of the above, the proposal would not have an adverse impact on the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

5. Flooding & Drainage Issues

- 6.21 A number of objectors and the Parish Council have raised concerns that the development could increase flood risk in the village. This is a Reserved Matters application which is only dealing with layout, scale, appearance, landscaping and access. The outline permission contained a condition which required the applicant to submit details of the proposed surface water drainage scheme. These details having recently been provided (application 20/0092) and the Lead Local Flood Authority was consulted on the details. It confirmed that the proposed drainage scheme was acceptable and the drainage condition that was attached to the outline permission has, therefore, been discharged in part (the surface water drainage scheme will need to be implemented in accordance with the approved details).

6. Other Matters

- 6.22 There are a number of conditions on the outline planning permission which still need to be discharged. This will be done through a subsequent discharge of conditions application and the relevant statutory consultees will be consulted.

Conclusion

- 6.23 In conclusion, the principle of development on this site has been established by the earlier outline permission. The layout, scale, appearance, access and landscaping of the proposed development would be acceptable. The proposal would not have a adverse impact on the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects, the proposals are compliant with the objectives of the relevant adopted Local Plan policies.

7. Planning History

- 4.1 In February 2015, an outline application for residential development on this site was refused (13/0776).
- 4.2 In May 2015, outline planning permission was granted for residential development (15/0350).
- 4.3 In February 2017, an outline application was approved for residential

development (16/1038).

- 4.4 In February 2020, an application was approved for variation of condition 14 of previously approved permission 16/1038 (residential development (outline/revised application) to alter width and details of C1016 carriageway (19/0923).

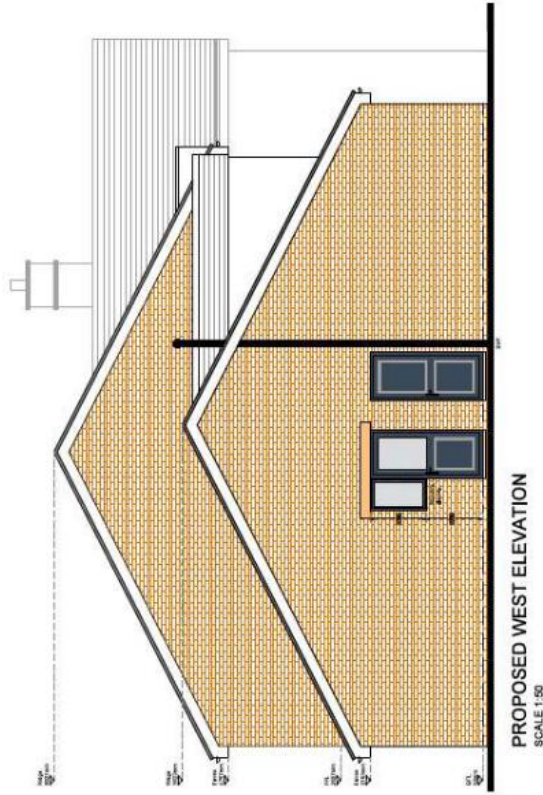
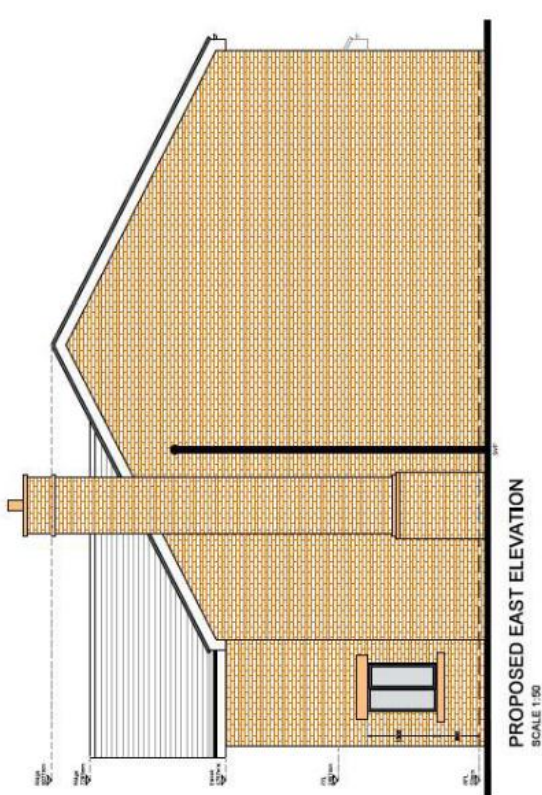
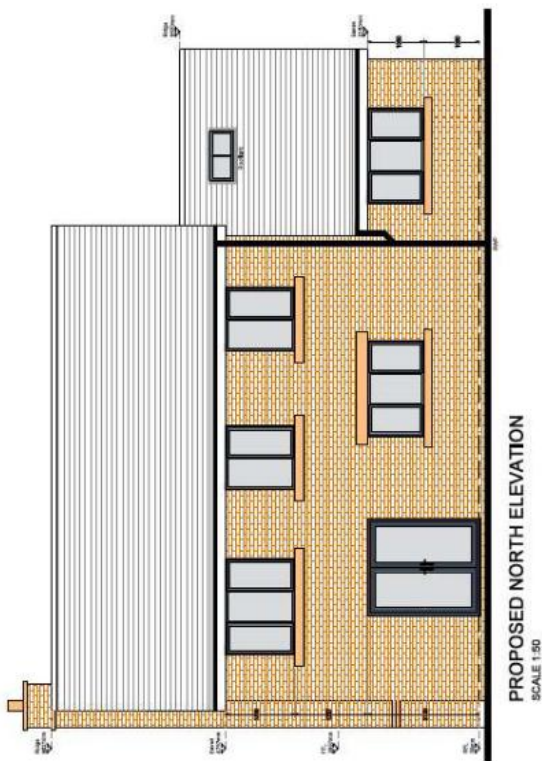
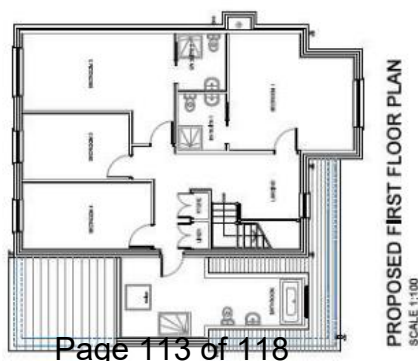
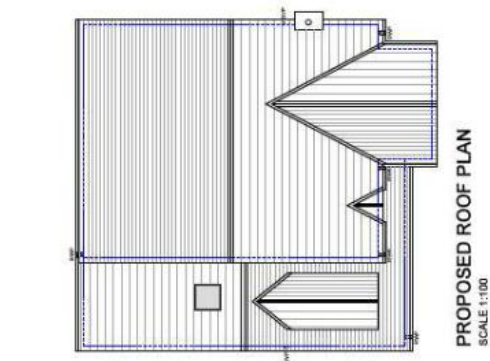
8. Recommendation: Grant Permission

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 11th February 2020;
 2. Compliance, Design and Access Statement, received 11th February 2020;
 3. Location Plan, received 11th February 2020;
 4. Proposed Site Layout (Dwg No. 448911/06 Rev A), received 16th March 2020;
 5. Proposed Plot 1 (Dwg No. 448911/01), received 16th March 2020;
 6. Proposed Plot 2 (Dwg No. 448911/02), received 11th February 2020;
 7. Proposed Plot 3 (Dwg No. 448911/03), received 11th February 2020;
 8. Proposed Plot 4 (Dwg No. 448911/04), received 11th February 2020;
 9. Proposed Plot 5 (Dwg No. 448911/05), received 11th February 2020;
 10. Proposed Double Garage (Plot 5) (Dwg No. 448911/07 Rev A), received 16th March 2020;
 11. the Notice of Decision; and
 12. 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.
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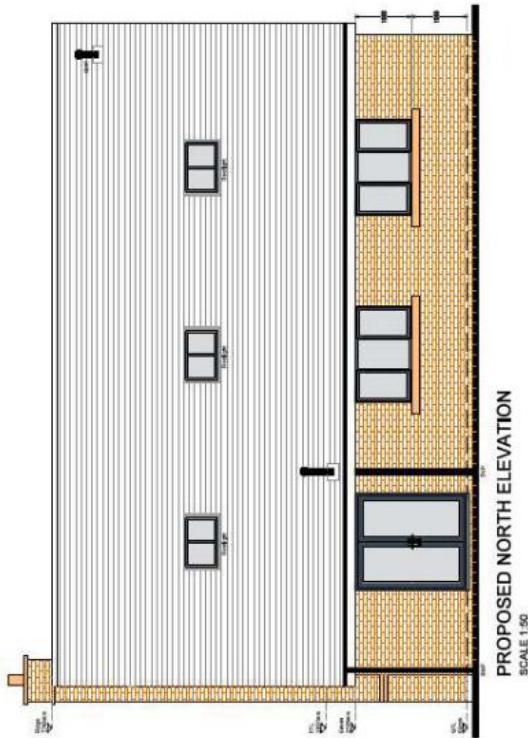
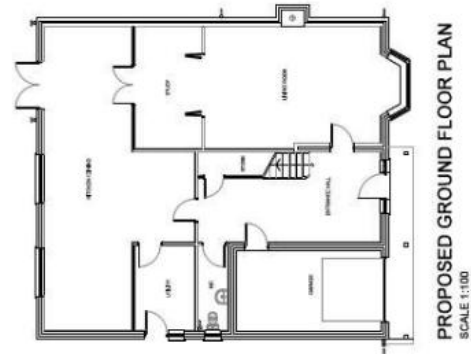
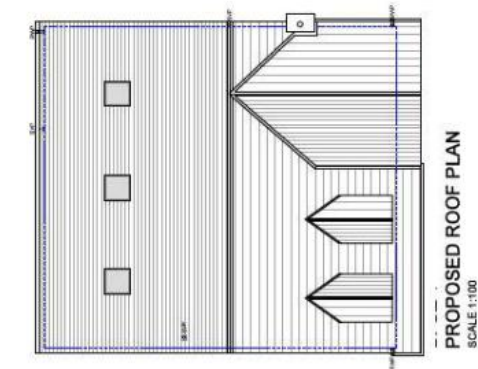




Proposed Building Materials	
<p>Roof Pitched roof covered with 40/20/20 Gutter with existing half round ridge line and 1/2" x 1/2" x 1/2" application. Lead where necessary and lead flashing. Weather stripping applied to all external doors.</p> <p>External Cladding Solid brickwork with decorative finish. (Refer to architectural drawings for material and color details.)</p> <p>Internal Cladding Solid brickwork with decorative finish. (Refer to architectural drawings for material and color details.)</p> <p>Windows 1/2" x 1/2" x 1/2" double glazed units with existing frames and leaded glass. (Refer to architectural drawings for material and color details.)</p> <p>Doors 1/2" x 1/2" x 1/2" double glazed units with existing frames and leaded glass. (Refer to architectural drawings for material and color details.)</p> <p>Chimney Solid brickwork with decorative finish. (Refer to architectural drawings for material and color details.)</p>	<p>Roof Pitched roof covered with 40/20/20 Gutter with existing half round ridge line and 1/2" x 1/2" x 1/2" application. Lead where necessary and lead flashing. Weather stripping applied to all external doors.</p> <p>External Cladding Solid brickwork with decorative finish. (Refer to architectural drawings for material and color details.)</p> <p>Internal Cladding Solid brickwork with decorative finish. (Refer to architectural drawings for material and color details.)</p> <p>Windows 1/2" x 1/2" x 1/2" double glazed units with existing frames and leaded glass. (Refer to architectural drawings for material and color details.)</p> <p>Doors 1/2" x 1/2" x 1/2" double glazed units with existing frames and leaded glass. (Refer to architectural drawings for material and color details.)</p> <p>Chimney Solid brickwork with decorative finish. (Refer to architectural drawings for material and color details.)</p>

PLOT 2	
Two Storey, 4 Bedroom House	
Internal Floor Area 220m ²	
Project Name	North of Housfield Primary School
Project Address	Plot 2, Housfield Primary School
Project Type	Planning
Project Status	RT
Project Ref	448811/02
Project Date	11/01/2024
Project Scale	1:50/1:100
Project Sheet	1 of 19





PROPOSED EAST ELEVATION
SCALE 1:50

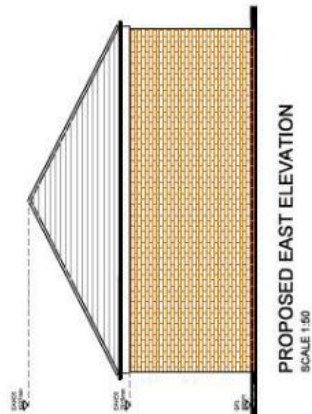
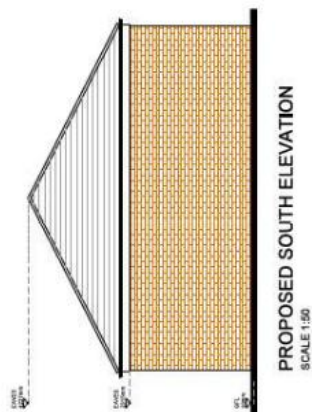
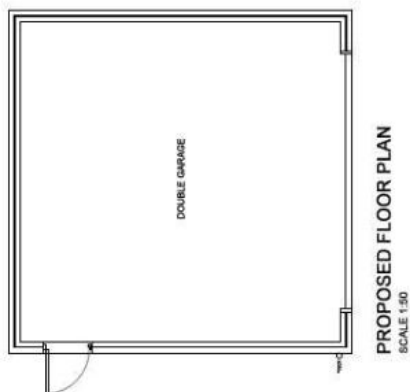
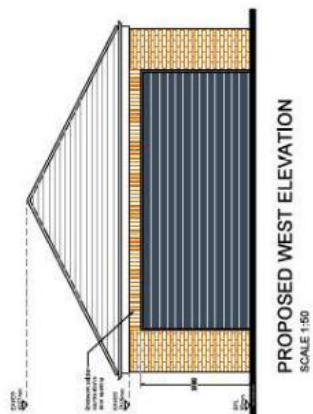
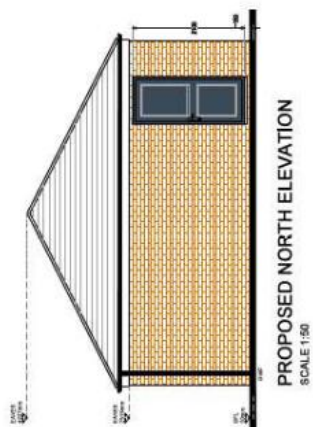
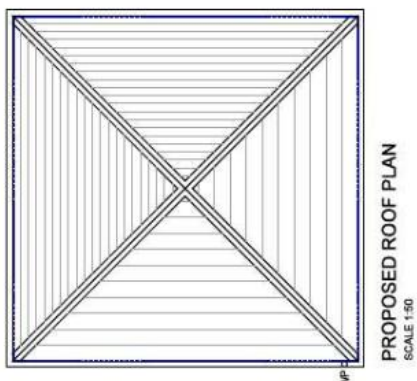


PROPOSED WEST ELEVATION
SCALE 1:50

Proposed Building Materials	
Roof Pitching concrete roof (to South) with existing half round ridge line and 1/2" by 1/2" application. Lead where necessary and lead flashing. Weather stripping applied to all external windows.	Windows UPVC double glazed casement windows (white) with double glazing. UPVC double glazed casement windows (white) with double glazing. UPVC double glazed casement windows (white) with double glazing.
External Cladding Solid brickwork and solid brickwork (white) with semi-glazed pattern and matching pattern and cladding as follows shown in plan.	Internal Cladding Solid brickwork and solid brickwork (white) with semi-glazed pattern and matching pattern and cladding as follows shown in plan.
Roofing Pitching concrete roof (to South) with existing half round ridge line and 1/2" by 1/2" application. Lead where necessary and lead flashing. Weather stripping applied to all external windows.	Roofing Pitching concrete roof (to South) with existing half round ridge line and 1/2" by 1/2" application. Lead where necessary and lead flashing. Weather stripping applied to all external windows.
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PLOT 4
Two Storey, 4 Bedroom House
Internal Floor Area 230m²

Project Name	Project Number	Project Date
North of Housfield Primary School	448811/04	11/01/2024
Plot 4, 230m ²	1:50/100BAL	11/01/2024
Cumbria County Council	1:50/100BAL	11/01/2024
1:50/100BAL	1:50/100BAL	11/01/2024



Proposed Building Materials

Research The new packaging increased the shelf life of the Little Tree Crayons with moisture and light exposure. Subsequent tests have shown decreased color change.

Environmental benefits The new packaging is made from 100% recycled paper and is 100% recyclable. The new packaging is also made from 100% recycled paper and is 100% recyclable. The new packaging is also made from 100% recycled paper and is 100% recyclable.

Cost The new packaging is made from 100% recycled paper and is 100% recyclable. The new packaging is also made from 100% recycled paper and is 100% recyclable. The new packaging is also made from 100% recycled paper and is 100% recyclable.

Conclusion The new packaging is made from 100% recycled paper and is 100% recyclable. The new packaging is also made from 100% recycled paper and is 100% recyclable. The new packaging is also made from 100% recycled paper and is 100% recyclable.

Plot 5
Detached Double Garage
Internal Floor Area 36m2

[illegible]

