

# AGENDA

## Development Control Committee

**Friday, 19 February 2021 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 using Microsoft Teams and therefore will not take place at a physical location following guidelines set out in Section 78 of the Coronavirus Act 2020.

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

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

### **Apologies for Absence**

To receive apologies for absence and notification of substitutions

### **Public and Press**

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

### **Minutes of Previous Meetings**

**5 - 18**

To approve the minutes of the meetings held on 8 January and 17 February 2021 (site visits).

## **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.

<b><u>Explanatory Notes</u></b>	<b>19 - 24</b>
<b><u>Item 01 - 19/0244 - Land at field 3486, Monkhill Road, Moorhouse, Carlisle</u></b>	<b>25 - 76</b>
<b><u>Item 02 - 20/0088 - Land to the north of Station View, Station Road, Cumwhinton, Carlisle, CA4 8DJ</u></b>	<b>77 - 94</b>
<b><u>Item 03 - 20/0388 - Land to Rear of The Hollies, Thurstonfield, Carlisle, CA5 6HD</u></b>	<b>95 - 118</b>
<b><u>Item 04 - 20/0867 - Paton House, 9 Victoria Viaduct, Carlisle, CA3 8AN</u></b>	<b>119 - 136</b>
<b><u>Item 05 - 20/0844 - Land adjacent Carwinley, Durdar Road, Carlisle, CA2 4SB</u></b>	<b>137 - 150</b>
<b><u>Item 06 - 20/0692 - Land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT</u></b>	<b>151 - 176</b>

**PART B**

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

**-NIL-**

**Members of the Development Control Committee**

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

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

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

Enquiries, requests for reports, background papers etc to:

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

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





**DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 8 JANUARY 2021 AT 10.00 AM**

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

**OFFICERS:** Corporate Director of Economic Development  
Development Manager  
Legal Services Manager  
Principal Planning Officer  
Planning Officer x 3  
Mr Allan – Flood Development Officer, Cumbria County Council

**ALSO**

**PRESENT:** Councillor J Mallinson (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 20/0580 – Low Meadow, Kirklington, Carlisle, CA6 6BT.

Councillor Betton (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 19/0840 – Land off Warwick Road, Carlisle.

Councillor Paton (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 19/0840 – Land off Warwick Road, Carlisle.

**DC.004/21 APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

**DC.005/21 DECLARATIONS OF INTEREST**

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

Councillor Tinnion declared an interest in respect of application 20/0580 – Low Meadow, Kirklington, Carlisle, CA6 6BT. The interest related to supporters being known to him.

Councillor Christian declared an interest in respect of application 20/0709 – Land to the rear of Broomfallen Road, Scotby, Carlisle, CA4 8DE. The interest related to objectors being known to him. Councillor Christian indicated he would not take part in the discussion nor determination of the item.

**DC.006/21 PUBLIC AND PRESS**

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

**DC.007/21 MINUTES OF PREVIOUS MEETINGS**

**RESOLVED** – 1) That it be noted that Council, at its meeting of 5 January 2021, received the minutes of the meetings held on 7 October, 9 October and 6 November 2020.

2) That the minutes of the meetings held on 4 December 2020 and 6 January 2021 (site visits) be approved.

## **DC.008/21 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

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

## **DC.009/21 CONTROL OF DEVELOPMENT AND ADVERTISING**

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

### **1. Erection of agricultural workers dwelling, Low Meadow, Kirklington, Carlisle, CA6 6BT (Application 20/0580).**

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

The Principal Planning Officer advised that the report contained an error in the reason for refusal, it stated "full timber worker" but should read full time worker.

In the last week it had come to light that the applicant was in paid employment in a job that was not related to agriculture: the agricultural assessment undertaken was on the basis that agriculture was the applicant's sole employment, but this was not the case.

The site was located in open countryside where there was a presumption against development unless there was a proven need to be in the location specified, such as where there was an essential need for a rural worker to live at or near their place of work, and evidence was provided to demonstrate a need for a full time worker to be available at all times for the business to function properly, provided that a) the business was established, had been profitable for a least a year, was currently financially sound and had a clear prospect of remaining so, b) housing cannot be met by other housing nearby and c) the house was appropriate in size, design etc for its location.

The business had operated since 2002 with the applicant living off site and travelling to it as required. In the vicinity of the site was a bungalow owned by the applicant's parents, it was unclear whether the bungalow was related to the business.

As stated in the report the application was accompanied by an agricultural appraisal undertaken by the applicant's agent. The Council commissioned an independent land agent to assess the information provided. All Members had received a full copy of the assessment in the third party schedule as it contained sensitive financial information relating to the business. The independent land agent stated that there was a functional need for the dwelling with the intensity of need only being in relation to the period when suckler cows and breeding ewes were giving birth.

The Principal Planning Officer summarised the independent land agent's assessment of profit made by the business which concluded that the enterprise could not support a living wage of a full-time worker or even the labour requirement of 0.6-0.7 of a worker as calculated by the land

agent. The Principal Planning Officer was aware that the applicant was in paid employment and farming was not the applicant's only source of income. Members were required to have regard to the financial position of a business and confidence that an enterprise would remain viable in the future. It was clear that there has been little significant expansion of the land holdings or on the steading in the last 18 years. The agent had provided figures in relation to repairs undertaken however, that comprised merely general repairs and maintenance associated with a farm steading. The financial information provided clearly demonstrated that the business would not be able to support a full time worker or even the current labour requirement of 0.6-0.7 of a worker or the cost of the dwelling. In such circumstance there was no confidence that the enterprise is viable now or would be in the future.

The land agent had not gone on to assess whether there were other dwellings in the locality that the applicant could live in since the financial test and labour requirement had not been met. Members were advised that the current practices had taken place for a significant period of time and there was a static caravan on site which may be used by the applicant.

In conclusion, the Principal Planning Officer recommended that the application be refused permission as the proposal did not meet the requirements of the relevant planning policies as a full time worker was not needed and there was no confidence in the viability of the business.

Councillor J Mallinson (Ward Member) addressed the Committee in the following terms: the large number of representations made in support of the application demonstrated the local community's support for the proposal; the applicant had been in sole control of the business for three years; the applicant had taken on other employment as a means of augmenting his income, his employer was aware and accepted that his farming business was his priority; the need to be on site full time, particularly during birthing times was a matter of practicality and animal welfare; the farm currently supported a commercial stock of cattle and sheep, which the applicant intended to develop further adding to the sustainability of the business; farmers were encouraged to diversify their businesses in order to increase sustainability.

Ms Jones (Agent) spoke in support of the application in the following terms:

- the siting of the proposed building enabled it to be constructed on previously developed land and would, as acknowledged by the Officer, improve the area;
- The Councils Land Agent had suggested that the farm should have sufficient funds to pay for the dwelling, however, there was no planning policy either national or local requiring that. Most agricultural workers dwellings were financed either through savings or loans, this site should be no different;
- The figures within the Agricultural Appraisal were taken from SAC: The Farm Management Handbook 2019/2020 and thus were correct;
- Varying levels of livestock across a year was normal farming practice (lower in winter / higher in summer). The existing business operated on a semi-intensive system;
- The 2013 Appeal was not relevant to the current application as after that time the Council had adopted a new Carlisle District Local Plan, and changes had been made to the National Planning Policy Framework (NPPF);
- The National Planning Practice Guidance (NPPG) and Local Plan policy HO 6 required the farm to be financially viable and remain so, however, they did not specify the extent of the profitability. The accounts demonstrated the business was viable. The farm had undergone several improvements details of which had been provided. Less improvements would be required in the future, and stocking levels were increasing therefore, the farm would remain viable and increase in profitability;

- In accordance with policy HO 6 there was an essential need when taking account of the annual livestock figures, the business was established and profitable thus the proposal complied with Policy HO6, NPPF and NPPG.

Mr Smith (Applicant) spoke in support of the application in the following terms:

- Not being resident at the farm meant undertaking daily visits to provide care for the stock. In times when stock was birthing young, there were significant safety concerns in the event of an emergency situation occurring;
- Profits were continually reinvested in the business to improve facilities and increase stock. Approving the development would allow further increase in stock levels as care and welfare could be provided more readily and safely;
- Mr Smith summarised his immediate family connections to the area and the expectation of a succession plan for the business. He also identified caring responsibilities he undertook at a property in the vicinity of the site;
- No objections had been submitted to the application, 25 representations in support of the proposal had been submitted.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Policy HO 6 allowed for development in the open countryside on the basis of essential need, as shown in the independent land agent's assessment, the need for a full time worker at the site had not been demonstrated. Furthermore, the scale of the business was not sufficient to support the cost of the development;
- The applicant had successfully operated the business whilst not being resident at the site;
- Members may consider granting permission for a temporary structure at the site until such time as the business had been developed to a scale where it would support a full time worker and the cost of a dwelling;
- Given the applicant's other employment, it was difficult to envisage compliance with a condition permitting occupancy of the proposed dwelling related to agricultural work.

A number of Members were supportive of the application. They considered that: Policy HO 6 allowed for employment other than farming to be undertaken; Paragraphs 78, 79 and 85 of the NPPF supported the growth and expansion of rural businesses; Paragraph 79 of the NPPF set out a number of criteria which the application complied with, furthermore it did not define essential need as requiring a full time worker; the proposal was compliant with Local Plan policy SP 2 – Strategic Growth and Distribution; Policy HO 6 set out acceptable areas of work which was broader than farming, thus the Officer's interpretation of the policy had been overly narrow; fluctuating stock levels at a holding was normal farming practice; the independent land agent's assessment of there being need for a 0.6-0.7 worker only, did not preclude the need, especially in times of animal birthing, to be on site 24 hours per day for the sake of animal and worker welfare; refusing the proposal would make it more difficult for the applicant to expand the business.

The Development Manager acknowledged the significant support for the application indicated by Members. He reiterated the rationale for the Officer's recommendation in policy terms and noted that, were Members minded to go against the recommendation, clear reasoning would need to be set out. Moreover, given the recommendation, the imposition of conditions had not been discussed with the applicant/agent, were permission to be given, it was suggested that the Committee delegate authority to the Corporate Director of Economic Development to identify and include standard planning conditions.

On the basis of the reasons set out above, a Member moved that:

- a) the application be approved;
- b) the Corporate Director of Economic Development identify and incorporate into the permission relevant conditions to control the development of the site.

The proposal was seconded and following voting it was:

RESOLVED: 1) The application be approved.

2) That the Corporate Director of Economic Development identify and incorporate into the permission relevant conditions to control the development of the site.

3) That the relevant conditions be indicated on the Schedule of Decision attached to these minutes.

*The Committee adjourned at 11:22am and reconvened at 11:35am.*

*Councillor Morton left the meeting at 11:22am*

**2. Variation of Condition 2 (Approved Documents) and Condition 8 (Landscaping Scheme) of previously approved application 20/0309 (Change of Use of land to provide extension to existing caravan park) to amend the approved layout, Green Meadows Country Park, Blackford, Carlisle, CA6 4EA (Application 20/0600)**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location plan; proposed site block plan (approved layout); proposed block plan (revised) and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer summarised the planning history of the site, including justification of the removal of conditions in respect to drainage associated with previously granted permissions. Members' attention was drawn to conditions 6 and 8 (detailed in the Main Schedule) which restricted the use of the site under the current proposal to residential use.

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.

In response to questions from Members, Officers confirmed:

- Westlinton Parish Council had not provided specific details as to which application it referred to in its submission, however, application 19/0670 had sought the removal of condition 7 (planning approval 19/0360). That condition had required a new biodisc foul drainage system to serve the increased number of holiday units approved to be fully operational prior to the occupation of the 11<sup>th</sup> static holiday unit unless otherwise agreed in writing by the Local Planning Authority. Later that year, a subsequent application (19/0670), was received for the removal of that condition. Supporting evidence submitted with the application consisted of detailed reports from a civil engineer and an accredited specialist installer of wastewater systems. The information was examined by the Council's Building Control Development Manager who was satisfied that the existing foul drainage system serving the caravan site had adequate capacity for the additional holiday units. The Committee had subsequently granted approval of the application at its meeting in January 2020;

- Cumbria County Council, as Lead Local Flood Authority, had been consulted and subject to the imposition of a pre-commencement condition requiring the submission of a surface water drainage scheme raise no objections to the application;
- The Highway Authority was investigating an issue relating to surface water discharge on to the highway in the vicinity of the owner's property and from there on to the A7. Although the discharge was believed to arise from a source out with the owner's control e.g. not on land within their ownership, the investigation was ongoing. Furthermore, it was understood that repair works had been undertaken to highways drains in the area.

A Member noted that concerns had been raised with him regarding alleged breach of conditions restricting the use of the site for temporary/holiday stay only.

The Planning Officer confirmed that she was aware of the issue and advised that an investigation was currently being conducted. In the event of a breach of planning permission being identified, the Council would enact relevant enforcement action.

The Legal Services Manager advised Members that the investigation of compliance with previously permitted development was not a material consideration in the determination of the current application, which was to be assessed on its own merits.

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

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

*Councillor Morton re-joined the meeting.*

### **3. Demolition of existing sawmill building; erection of contractors' office/storage unit, The Old Sawmill, Linstock, Carlisle, CA6 4PY (Application 20/0326)**

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

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.

Responding to a question from a Member regarding the restriction the use of the proposed building to office and storage, the Planning Officer advised that condition had been imposed to prevent noise disturbance to nearby residential properties.

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

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

**4. Erection of 1no. dwelling, Land to the rear of 46 Broomfallen Road, Scotby, Carlisle, CA4 8DE (Application 20/0709).**

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

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

No details had been provided in respect of the proposed surface water drainage and the Lead Local Flood Authority raised no objections subject to the imposition of a pre-commencement condition ensuring the submission of a surface water drainage scheme to serve this plot. Should these details provide unsatisfactory then the development would stall as a result. In respect of the remaining site all the pre-commencement conditions in respect of surface water had been satisfied.

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

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The bund installed at Plot 1 had only been necessary during the construction phase due to the impact of the ground works affecting surface water management in that area. The bund was not needed to manage surface water post construction and had been removed;
- Further to the production of the report the Lead Local Flood Authority had undertaken an investigation into flooding which had occurred at the rear of 44 Broomfallen Road. It had concluded that the development had not increased flood risk at that property. Therefore, the requirement to install a filter drain at the rear of that property was no longer deemed necessary;
- The drainage infrastructure installed at Plot 4 would divert water from the rear of 44 Broomfallen Road and Plot 1 to a central area within the application site. The Lead Local Flood Authority were satisfied with the drainage proposal set out in the application.

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

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

**5. Erection of 3no. dwellings (Outline), Site adjacent to Sandy Hill, Faugh, Heads Nook, Brampton, CA8 9EG (Application 20/0669)**

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

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

In response to questions from Members, Officers confirmed:

- the existing structures on the site were agricultural buildings;
- mitigation of noise impacts from the adjacent sand pit would be considered as part of any future Reserved Matters application.

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

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

#### **DC.010/21 MODIFICATION OF S106 PLANNING OBLIGATION – AFFORDABLE HOUSING CONTRIBUTION – LAND AT CARLISLE ROAD, BRAMPTON**

The Planning Officer submitted the report which sets out the position regarding S106 contributions relating to affordable housing following an independent viability assessment of the site. The item was deferred, from the December 2020 meeting of the Committee, to seek further clarification in respect of the developer's profit from the scheme. In addition, Members requested that additional training be provided in respect of viability of affordable housing provision.

With regard to the level of profit that may reasonably be achieved from a development, this was discussed in Section 2 of the report and paragraphs 2.3 to 2.7. The council's Supplementary Planning Documents together with planning appeal decisions clarify that a level of 17% was considered to be a reasonable return.

In respect of the training, Officers were in the process of organising and would proceed as soon as a mutually convenient date was arranged with the Council's consultant who advised on viability matters.

The Planning Officer recommended that the S106 legal agreements for applications 17/0869 and 19/0340 should be revised for the following contribution:

- for delivery of 22 affordable units (20.75% of the overall scheme);
- a tenure mix of 12 discounted sale units – 6 no. 2 bed Bailey houses (plots 26-29 & 43-44) and 6 no. 3 bed Fraser houses (plots 24-25; 41-42 & 53-54) and 10 no. affordable rent units - 6 no. 2 bed Bailey houses (plots 49-52 & 68-69) and 4 no. 3 bed Fraser houses (plots 45-48). Discounted sale units will be sold at 70% of market value to customers on the Council's Low-Cost Home Ownership register. Affordable/ social rent units will transfer to a Registered Provider/ Social Landlord based on 50% of market value.

A Member thanked the Officer for the report, noting he had supported the deferral of the item at its previous consideration. He considered it important that Members were satisfied that the proposed variation to the legal agreement, allowed for an appropriate level of developer profit whilst also retaining the greatest proportion of affordable housing at the development without compromising its viability. He felt the report had given Members sufficient clarity on those issues.

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

RESOLVED: 1) That the S106 legal agreements for applications 17/0869 and 19/0340 should be revised for the following contribution:

- for delivery of 22 affordable units (20.75% of the overall scheme);
- a tenure mix of 12 discounted sale units – 6 no. 2 bed Bailey houses (plots 26-29 & 43-44) and 6 no. 3 bed Fraser houses (plots 24-25; 41-42 & 53-54) and 10 no. affordable rent units



- 6 no. 2 bed Bailey houses (plots 49-52 & 68-69) and 4 no. 3 bed Fraser houses (plots 45-48). Discounted sale units will be sold at 70% of market value to customers on the Council's Low-Cost Home Ownership register. Affordable/ social rent units will transfer to a Registered Provider/ Social Landlord based on 50% of market value.

*The meeting adjourned at 12:44pm and reconvened at 2:00pm*

## **DC.011/21 CONTROL OF DEVELOPMENT AND ADVERTISING**

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

### **6. Erection of discount food store with car parking and landscaping, Land off Warwick Road, Carlisle (Application 19/084).**

The Development Manager submitted the report on the application which had been subject to a virtual site visit by the Committee on 6 January 2021. Slides were displayed on screen showing the location plan; proposed site layout plan; aerial photograph illustrating red line boundary of the site, sewer infrastructure location, culvert location, and bus stop locations; Access arrangement plan and, photographs of the site, an explanation of which was provided for the benefit of Members.

Although the proposal sought Outline Permission the applicant and agent had worked with the relevant authorities to address concerns relating to impact on flood risk in order that the application could be considered with some assurances. A further Reserved Matters application to deal with those matters would still be required with conditions addressing the requirement for further information even though it was proposed that conditions include the relevant flood risk assessment and junction proposal as part of the current application.

The application included an indicative layout which assisted in the understanding of the proposal and whilst not a fixed arrangement, as layout was a Reserved Matter, it included a standard proposed small retail store for a discount operator (Lidl) set at the back of the site with car parking and access in front. There were some constraints within the site which dictated the potential to change the layout in particular underground infrastructure which cannot be built over.

At the virtual site visit Members asked for clarification on some matters of local infrastructure relating to the site. Using an aerial photograph, the Development Manager detailed the red line boundary of the application site in the context of the wider field which showed that land to the west and rear of the site do not form part of the proposal and would remain undeveloped. Moreover, the siting of sewerage infrastructure was illustrated along with the location of a culvert that discharged into Durranhill Beck and had formed part of the investigative works referred to in the Flood Risk Assessment and by the Lead Local Flood Authority.

During the virtual site visit a Ward Member raised concerns about existing access arrangements to other properties. A Stage 1 Road Safety Audit had considered the proposed new access in the context of the proposed development however; as part of a subsequent application a stage 2 Road Safety Audit would be required which would highlight those local issues in need of consideration, although there were currently no significant changes to the kerb line which would affect existing arrangements.

Following publication of the report, additional support for the store had been received by email and anonymous phone call from local residents. The Development Manager was also aware that Members had been provided with some information from the applicant reflecting the proposals, the pre-application consultation and the work undertaken to get the application before Members. Furthermore, Members had been circulated a response and additional email from another retailer operating in the city. It acknowledged there was no issue with competition however, it questioned whether the format of the store was significantly different from other supermarkets as the store's operation had evolved. The Development Manager stated that there were no planning conditions on any existing stores which limited the price range of goods being sold.

In the context of the report and the above presentation, the application was deemed to be acceptable in principle. The Development Manager assured Members that the recommendation had been difficult to make when balancing the local issues in the Warwick Road area.

On the basis of the report and that no significant further issues have arisen since the publication of the report, the Development Manager recommended that:

- a) The application be approved with conditions, subject to the completion of a Section 106 Agreement to secure a travel plan monitoring contribution of £6,000;
- b) Should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

Mr Nash (Objector) spoke against the application in the following terms: there was another site available in the immediate area of the site which would be better suited to the development; the response to the applicant's public consultation on the proposals was small; approving the proposal may lead to job losses at local Post Offices; the proposed traffic junction had not been fully considered; traffic density flows were taken at a time when traffic restrictions were in place on Warwick Road; the response from the Environment Agency was not sufficient; the bus services listed in the report were incorrect.

Councillor Betton (Ward Member) addressed the Committee in the following terms: he had received comments in support and objection to the proposal from residents; the development had the potential to negatively impact the effectiveness of nearby flood defences; the site was a flood basin. Councillor Betton displayed on screen showing: a summary of residents' views in relation to the application; pictures illustrating the impact of high river levels near the site in 2019; pictures of drainage infrastructure in the vicinity of the site, an explanation of which was provided for the benefit of Members.

Councillor Paton (Ward Member) addressed the Committee in the following terms: he was not opposed to the development of the site, but felt that the constraints of the site meant that either the store should be constructed on stilts or another site ought to be used for the development; nearby residents would prefer the site to remain a flood plain. Councillor Paton requested that the application be deferred or another consultation on the proposal be carried out

Mr Baines (Agent) responded in the following terms:

- The site was mapped by the Environment Agency as being within Flood Zone 3a and was not within an area of functional floodplain. The site also benefitted from flood defences, the location of which were summarised for Members. It was noted that a recent planning application for a site in a similar context with regard to flood risk had previously been approved by Committee. Proposals for work at the Sands Centre were approved in 2018 for that site, which was located in Flood Zone 3a and which benefitted from flood defences;

- Following flooding in 2015, the scale of which exceeded the design standard of installed local flood defences, options were developed to increase the standard of protection afforded by defences in the Warwick Road area. Those options had been developed as part of the Carlisle Flood Risk Management Scheme;
- The risk of flooding at the site primarily related to potential fluvial flooding from the River Petteril, River Eden, Old Eden and Durranhill Beck however, when the local flood defences were taken into consideration, the probability of flooding at the site for fluvial events was considered to be low;
- Mitigation measures were included in the design in order to protect the development and to ensure that the proposals did not increase the risk of flooding at the site or for off-site areas. Mr Baines provided a summary of the proposed mitigation measures;
- At the request of Cumbria County Council, a CCTV survey of the surface water sewer which would receive drainage from the site had also been undertaken. It confirmed that the sewer was in good condition from the site to the outfall on Durranhill Beck;
- The Flood Risk Assessment demonstrated that the proposed development was in line with planning policy relating to flood risk. The Environment Agency had confirmed it was satisfied the proposals would not be subject to unacceptable levels of flood risk and that flooding of the scheme would not occur unless the defences were over topped or breached. They were also satisfied that that the scheme will not exacerbate flood risk elsewhere.

Mr Huteson (Agent) responded in the following terms:

- In regard to Retail Planning Considerations, Officers had concluded that the principle of retail development was acceptable as the scheme would not give rise to any significant adverse impacts on designated retail centres;
- The Highway Authority was fully satisfied that the proposal was acceptable in highways terms and provided appropriate access, parking and delivery provision, and that it would not impact adversely on the highway network;
- The proposal would introduce a new signalised junction which had been agreed with the Cumbria County Council. A Stage 1 Road Safety Audit and detailed junction modelling had been carried out on the design of the proposed signal junction including the B&B driveway, which concluded that there were no safety concerns and that the new junction would provide a betterment to the highway network
- In regard to Sustainable Travel:
  - It had been demonstrated that the proposed site was served by public transport with bus stops located along Warwick Road and Victoria Road within easy walking distance. The 74, 75, 76 and 31 and 685 bus services were able to be accessed from these bus stops providing 7 services per hour;
  - the proposed development provided pedestrian access from Warwick Road directly to the site and cycle parking facilities close to the store's entrance;
  - the development would introduce 2 Rapid electric vehicle charging points;
  - a Travel Plan had been prepared to encourage staff and visitors to travel by sustainable travel modes to minimise the need to travel by single car occupancy; and, if required, Lidl could provide a free to use taxi phone in the store;
  - The applicant was also aware of some concerns about the match day parking due to the proximity to the stadium ground. To address this, an adequate car park management plan would be provided in those events;
- There was significant public support for the proposals. Prior to the submission of the application a significant public consultation was carried out. Over 300 replies were received, with 60% of respondents supporting the proposals. The application had received 47 letters of support from local residents versus 35 objections;

- The proposed development would deliver a number of tangible benefits to the local area – provision of a local, discount shopping choice for the Botcherby residents, allowing local population to shop more sustainably; creation of 40 new full and part-time jobs, a multi-million pound investment into the local economy;
- A comprehensive landscaping scheme (to be agreed at the Reserved Matters stage) would improve the visual amenity of the site including new tree planting thus enhancing and developing local biodiversity.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The site was not a flood plain, but its capacity to store water during a heavy rain event was recognised;
- The pictures shown by Councillor Betton illustrating the high water event in 2019 showed drainage infrastructure connected to the river Petteril, whereas the drainage from the proposed scheme would discharge into Durranhill Beck. However, following an investigation by the Environment Agency and the Lead Local Flood Authority into the causes of that flood event, faults had been identified with the infrastructure, the appropriate measures would be taken to repair the infrastructure. The Officer had delayed his assessment of the application until the investigation had been complete so its findings may be considered in terms of their potential impact on the proposed scheme;
- The surface water drainage plan would need to make provision for a storm event of a magnitude that would result in the existing flood defences being over topped;
- The applicant had conducted a full camera survey of the drainage infrastructure the proposed scheme would utilise and it was found to be in good working order. Moreover, the drainage proposals meet agreed national standards and provided sustainable drainage features including permeable tarmac which would allow surface water to drain into infiltration tanks installed underneath the car park;
- The proposed infiltration tanks would act as mitigation for the loss of the water storage capacity of the site, the discharge rates from the tanks would equal greenfield runoff rate. Therefore, all drainage requirements were met by the proposal;
- Cycle access to the site would be considered as part of any Reserved Matters application;
- The area of the proposed car park was currently lower than that of the adjacent highway, the level of the car park would be considered during the assessment of a Reserved Matters application;
- The submitted Retail Impact Survey concluded the development would have a minor impact on other stores in the area;
- A series of traffic modelling exercises had been carried out, the Highway Authority had determined the impact of the proposal was acceptable, therefore it had not submitted an objection;
- The location of sewerage infrastructure under the site placed constraints on the layout of the scheme but did not preclude the development from taking place;
- In considering planning contributions to be imposed on the permission the Officer had liaised with the Environment Agency to identify whether a contribution to its flood defence work in the city was required. Currently a contribution to those works was not needed. It was not possible to include a speculative request in a formal legal agreement (Section 106), but the matter would be reappraised during the consideration of a Reserved Matters application.

A Member moved the Officer's recommendation which was seconded. Another Member moved that the application be refused on the grounds that the site was not appropriate for the development, which was seconded.

The Chair indicated that the proposals would be put to the vote in the order that they were submitted. The proposal to accept the Officer's recommendation was put to the vote and agreed, therefore the proposal to refuse the application was not voted upon.

RESOLVED: 1) That the application be approved with conditions, subject to the completion of a Section 106 Agreement to secure a travel plan monitoring contribution of £6,000;  
2) should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

#### **DC.012/21    STANDING ORDERS**

During consideration of the above item, it was moved, seconded and RESOLVED that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

[The meeting closed at 3:43pm]



# **Development Control Committee Main Schedule**

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

**19<sup>th</sup> February 2021**

## The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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



- Consultee responses and representations to each application;  
<http://publicaccess.carlisle.gov.uk/online-applications/>
- Cumbria Landscape Character Guidance and Toolkit  
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)  
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981 <http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010  
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)  
[http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)
- Equality Act 2010  
[http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)
- Manual For Streets 2007  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/341513/pdfmanforstreets.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf)
- Condition 2 of each application details the relevant application documents

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

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

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

Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 04/02/2021 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 19/02/2021.

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

Applications Entered on Development Control Committee  
Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	<u>19/0244</u> A	Land at field 3486, Monkhill Road, Moorhouse, Carlisle	<u>BP</u>
02.	<u>20/0088</u> A	Land to the north of Station View, Station Road, Cumwhinton, Carlisle, CA4 8DJ	<u>SD</u>
03.	<u>20/0388</u> A	Land to Rear of The Hollies, Thurstonfield, Carlisle, CA5 6HD	<u>BP</u>
04.	<u>20/0867</u> A	Paton House, 9 Victoria Viaduct, Carlisle, CA3 8AN	<u>SD</u>
05.	<u>20/0844</u> A	Land adjacent Carwinley, Durdar Road, Carlisle, CA2 4SB	<u>BP</u>
06.	<u>20/0692</u> A	Land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT	<u>CH</u>
07.	<u>19/0006</u> B	3 Robins Wood, Stanwix, Carlisle, CA3 9FN	<u>SJS</u>

## SCHEDULE A

Applications to be  
determined by the  
City Council.

## SCHEDULE A

## SCHEDULE A: Applications with Recommendation

19/0244

Item No: 01

Date of Committee: 19/02/2021

**Appn Ref No:**  
19/0244

**Applicant:**  
Citadel Estates Ltd

**Parish:**  
Burgh-by-Sands

**Agent:**  
Sam Greig Planning

**Ward:**  
Dalston & Burgh

**Location:** Land at field 3486, Monkhill Road, Moorhouse, Carlisle

**Proposal:** Erection Of 14no. Dwellings

**Date of Receipt:**  
22/03/2019 11:00:46

**Statutory Expiry Date**  
21/06/2019 11:00:46

**26 Week Determination**  
22/02/2021

### REPORT

**Case Officer:** Barbara Percival

### ADDENDUM

The application was presented to Members of the Development Control Committee on the 19th July 2019 with a recommendation that the application was approved subject to a legal agreement consisting of: the provision of on-site intermediate 1no., three-bedroom dwelling (Plot 3) and 2no. two-bedroom dwellings (Plots 4 and 5) for low cost home ownership at 30% discounted rate of market value.

Following a debate, Members resolved: that the determination of the application be deferred in order that the Officer's report be updated on a number of issues along with additional information in relation to the proposed drainage and design, and that a further report be submitted to a future meeting of the Committee.

Since the deferral of this application by Members in July 2019, the application has remained current with no additional or revised details submitted. However, in October 2020 amended documents and drawings were received and upon which statutory consultees and third parties have been consulted.

The amendments to the proposal primarily centre on:

reduction in numbers of proposed dwellings from 17no. to 14no;  
amended house types;  
reduction in number of on-site affordable housing units from 3no. to 2no;  
amended site layout and vehicular access arrangements;  
removal of existing southern and western hedgerows and its replacement with dry stone walls.

These amendments have been reflected in the following report with the responses of the statutory consultees and third parties also updated.

**COMMITTEE REPORT FOLLOWS (This is based on the original report to committee but has been updated to take into account the deferral and revisions to the scheme)**

**1. Recommendation**

- 1.1 It is recommended that this application is approved subject to legal agreement. If the legal agreement is not completed within a reasonable time, then Authority to Issue is requested to Corporate Director of Economic Development to refuse the application. The Section 106 Agreement to consist of the following obligation:
- a) the provision of on-site intermediate 2no. two bedroom dwelling (Plots 6 and 7) for low cost homes ownership at 30% discounted rate of market value.

**2. Main Issues**

- 2.1 Whether the principle of development is acceptable
- 2.2 Impact of the proposal on the adjacent listed buildings and their settings
- 2.3 Whether the scale and design of the dwellings are acceptable
- 2.4 Affordable housing provision
- 2.5 Education provision
- 2.6 Impact of the proposal on archaeology
- 2.7 Impact of the proposal on the living conditions of neighbouring residents
- 2.8 Impact of the proposal on highway safety
- 2.9 Whether the proposed methods for foul and surface water drainage are acceptable
- 2.10 Impact of the proposal on trees and hedgerows
- 2.11 Impact of the proposal on biodiversity
- 2.12 Other matters

**3. Application Details**

**The Site**

- 3.1 The application site, equating to approximately 0.8 hectares, is located in the centre of Moorhouse to the south of the junction of Monkhill Road with the B5307 county highway. The application site is bounded to the south and west by residential properties with agricultural fields to the north and east together with a children's play area to the south east.

**Background**

- 3.2 In 2016, Members of the Development Control Committee granted outline planning permission for the erection of nine dwellings at its meeting on the 8th July 2016. The decision, following the expiration of the consultation period, was subsequently issued on the 13th July 2016.
- 3.3 In 2019, Members of the Development Control Committee granted planning permission for the erection of 9no. dwellings (reserved matters pursuant to outline application 16/0387) (application reference 19/0535).

## **The Proposal**

- 3.4 The application seeks full planning permission for the erection fourteen dwellings. The submitted amended drawings still illustrate a mix of dwelling types, sizes and tenures consisting of:

Plots 1, 2, 5, 10 and 12 - 'The Grasmoor (2)' detached bungalow with attached garage. The dimensions of the proposed dwelling would have a maximum length (including the attached garage ) of 12.6 metres by a maximum width of 13.7 metres with a ridge height of 5.9 metres. The accommodation would comprise of a lounge, dining/kitchen, sun room, hall, 1no. ensuite bedroom and 1no. bedroom.

Plots 1 and 12 would be finish in a scraped texture finish render with Plots 2, 5 and 10 finished in facing brickwork with feature string course and zipper courses to external corners/reveals. All of the properties would have red natural stone cills and headers, timber detailing with a dark grey interlocking slate appearance roof. Windows would be anthracite wood grain effect uPVC with leaded lights to upper window panels in the front elevation of the dwelling with a hardwood timber front door. The garage door would be a one piece up and over timber door;

Plot 4 - 'The Grasmoor (2)' detached bungalow with a detached single garage. The dimensions of the proposed dwelling would have a maximum length of 9.5 metres by a maximum width of 13.7 metres with a ridge height of 5.9 metres. The accommodation would comprise of a lounge, dining/kitchen, sun room, hall, 1no. ensuite bedroom and 1no. bedroom.

The proposed dwelling and detached garage would be finish in a scraped texture finish render. The dwelling would have red natural stone cills and headers, timber detailing with a dark grey interlocking slate appearance roof. Windows would be anthracite wood grain effect uPVC with leaded lights to upper window panels in the front elevation of the dwelling with a hardwood timber front door. The detached garage door would be a one piece up and over timber door;

Plots 3, 8, 9, 11 and 14 - 'The Pillar (2)' detached bungalow with attached garage. The dimensions of the proposed dwelling would have a maximum length (including the attached garage ) of 12.6 metres by a maximum width of 15.8 metres with a ridge height of 5.9 metres. The accommodation would comprise of a lounge, utility, dining/kitchen, sun room, bathroom, hall, 1no. ensuite bedroom and 2no. bedrooms.

Plots 8 and 11 would be finish in a scraped texture finish render with Plots 3, 9 and 14 finished in facing brickwork with feature string course and zipper courses to external corners/reveals. All of the properties would have red natural stone cills and headers, timber posts for the porch with timber detailing with a dark grey interlocking slate appearance roof. Windows would be anthracite wood grain effect uPVC with leaded lights to upper window panels in the front elevation of the dwelling with a hardwood timber front door. The garage door would be a one piece up and over timber door;

Plots 6 and 7 - 'The Grisdale' two storey semi-detached dwellings. The dimensions of the proposed semi-detached dwellings would have a maximum length of 8.6 metres by a maximum width (excluding the porches) of 9.2 metres with a ridge height of 7.9 metres. The accommodation of each of the dwellings would comprise of a lounge/dining, kitchen and w.c. with 2no. bedrooms and bathroom above.

The proposed dwellings would be finished in a facing brickwork, red natural stone cills, headers, timber porch with a dark grey interlocking slate appearance roof. Windows would be anthracite wood grain effect uPVC with a hardwood timber front door;

Plot 13 - 'The Pillar (3)' detached bungalow with detached double garage. The dimensions of the proposed dwelling would have a maximum length of 12.6 metres by a maximum width of 15.7 metres with a ridge height of 5.9 metres. The accommodation would comprise of a lounge, utility, dining/kitchen, sun room, bathroom, hall, 1no. ensuite bedroom and 2no. bedrooms and 1no. study/bedroom.

The proposed dwelling would be finished in facing brickwork with feature string course and zipper courses to external corners/reveals. Red natural stone cills and headers, timber posts for the porch with timber detailing with a dark grey interlocking slate appearance roof. Windows would be anthracite wood grain effect uPVC with leaded lights to upper window panels in the front elevation of the dwelling with a hardwood timber front door. The garage door would be a one piece up and over timber door.

- 3.4 A shared vehicular access to Plots 2, 4, 5, 6, 7, 8, 9 and 10 would be taken from Monkhill Road. Plots 1, 2, 13 and 14 would be served by their own individual access again onto Monkhill Road. Plots 11 and 12 would be served by individual accesses onto the B5307 county highway. In-curtilage parking provision to serve each of the proposed dwelling would be accommodated its own curtilage. The existing roadside hedges along the eastern and southern boundaries would be removed and replaced with 1.2 metre high dry stone walls. A dry stone wall would frame either side of the main entrance into the development. The existing northern and southern hedgerows would be retained with native hedgerows delineating each of the plots. Trees of varying species and maturity would also be planted within the proposed development.



#### **4. Summary of Representations**

4.1 This application has been advertised by the direct notification of sixteen neighbouring properties and the posting of site and press notices. In response, the occupiers of sixteen neighbouring properties raised objections.

4.2 The representations identify the following issues:

1. the original application sought outline planning permission for 9 dwellings this application is for 17;
2. inappropriate increase in the size of the village which has limited service provision;
3. unacceptable overdevelopment of the site;
4. the submitted drainage statement refers to the 2016 outline planning application for 9 dwellings;
5. potential to exacerbate existing surface water drainage issues within the vicinity due to high water table;
6. potential to exacerbate existing foul drainage issues;
7. positive that there is 3no. affordable units within the scheme; however, most are large detached dwellings on relatively small plots;
8. there is no public transport serving the village, therefore, development would increase reliance on private vehicles;
9. detrimental impact on highway safety;
10. detrimental impact on archaeological remains;
11. loss of privacy;
12. potential light pollution on adjacent dwellings from car headlights entering or leaving the site;
13. potential noise pollution during development phase;
14. trees within the site have already been felled;
15. the existing unmanaged hedge surrounding the site is dangerous to users of the adjacent pavement;
16. loss of a valuable green space within village;
17. loss of a view;
18. an earlier application determined under the previous local plan was rejected;
19. questions accuracy of details within the submitted Heritage Statement;
20. lack of school places within the locality;
21. potential increase in surface water from the development may structurally damage adjacent properties.

4.3 Following the receipt of revised drawings which now illustrate a reduction in the numbers of dwellings from 17no. to 14no. Occupiers of thirteen neighbouring properties have made representations of objection in respect of the revised scheme.

4.4 The representations now raise the following issues:

1. removal of hedges along Moorhouse Road and Monkhill Road would detrimentally changes the nature and character of the surrounding area;

2. removal of hedges would lead to loss of privacy for surrounding properties;
3. removal of hedgerow would have a detrimental impact on the setting of nearby heritage assets;
4. proposal contrary to Policy GI6 (Trees and Hedgerows) of the Carlisle District Local Plan 2015-2030;
5. questions if hedgerows are protected by the Hedgerow Regulations;
6. removal of hedgerow unnecessary to facilitate widening of footpath;
7. detrimental impact on biodiversity from loss of hedgerows;
8. contrary to previous approval which included conditions retaining hedgerows enclosing site;
9. no detailed surface water drainage details to serve the proposed development has been received;
10. potential to exacerbate existing surface water drainage issues;
11. overdevelopment of the site;
12. increase in housing numbers contrary to previous approval;
13. detrimental impact on the living conditions of neighbouring residents;
14. questions location of the affordable units;
15. detrimental impact on highway safety;
16. questions adequacy of parking provision to serve the scheme;
17. electric vehicle charging points should be provided within the development;
18. there is no public transport serving the village, therefore, development would increase reliance on private vehicles;
19. succession of applications causing unnecessary stress to local residents;
20. disruption within village from building works.

4.5 The Ward Councillor, Councillor Allison, has also made two representations which have been reproduced in full. In summary the issues raised are:

1. DC Committee deferred application for 17 units. The parish council accept 9no. dwellings but strongly objection to 14no., units which is an increase of 56% increase above the outline permission;
2. increased density requires removal of hedgerows to provide access which is contrary to Policy GI6 of the local plan;
3. removal of hedgerow would have a detrimental impact on heritage assets. character of the village and biodiversity;
4. existing hedgerow and verge has been allowed to encroach on footpath;
5. detrimental impact on highway safety and increase in vehicular accesses;
6. potential to exacerbate surface water flooding
7. suggests alternative layout.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - with regards to the increase in the number of accesses onto the adopted highway; raise no objections in principal subject to the proposed access points achieving the required visibility splays. A Section 184 application under highway legislation will be required for the crossing of the footway, but this is a separate issue outside of planning. In respect of surface water drainage again several pre-commencement conditions are recommended.

Subject to receipt of satisfactory details to discharge these conditions there is no reason why surface water drainage to serve the development is not achievable. The recommended pre-commencement conditions require the submission of further details in respect of: carriageway/footpath design and construction; provision of ramps; provision of visibility splays; roads to be constructed to sub-base prior to commencement of dwellings; access gates to open inwards; timing of occupation of dwellings; submission and approval of surface water drainage scheme prior to commencement of development; confirmation that proposed surface water drainage scheme will mitigate any negative impact outside the development boundary; provision of construction surface water management plan; provision of groundwater level(s) investigation and report; and submission of infiltration test results;

**Burgh-by-Sands Parish Council:** - have the following objections and request a site visit:

strongly urge that a formal drainage plan is presented and implemented prior to any building on this site and monitored particularly during this process. There are photographs and video footage available showing existing problems over the last few years and as this present plan will only add run off from hard landscaping. The plan at present will not mitigate the negative impact on flood risk outside the development boundary.

**The Site**

This site is in the Historic heart of the village and 14 dwellings will have a negative impact on a small site that does not preserve or enhance the adjoining conservation area. This proposed development should be in sympathy with the density and physical characteristics of the area. Any new development needs to reflect the character of the local area. Although there are a mixture of 2, 3 and a 4 bedroomed bungalows with some affordable housing these bungalows will appeal to a more mature buyer in a village with only two buses a day, no shops or Village Hall to provide social interaction .

**Highway considerations**

The revised plan has 2 dwellings directly exiting onto the busy B5307 with restricted vision to the right as well as 4 bungalows exiting onto the narrow Monkhill Road plus 8 from the main entrance/exit to the site. There is potential for parking on the roadside and emerging vehicles will be a hazard to all traffic and pedestrians, particularly KS3 children gathering to be bussed to school and younger children and parents/carers accessing the playground. Although this development will be within a 30mph limited area there have been recorded accidents from vehicles emerging onto the B5307 as the road is so narrow that it is almost impossible the turn out whilst keeping to the nearside of the road. This creates a hazard considering the amount of speeding traffic. Access to bungalows 11 and 12 will create a further hazard for pedestrians and school children.

**Drainage**

Drainage system is already overloaded and struggles to cope due to lack of maintenance especially in heavy rain. This will be worsened by this addition of 14 houses.

**Hedge bordering the B5307**

The previously approved development retained and enhanced the hedge to the height of 1.8 m. There are wildlife issues with this being removed as it is a recorded habitat for a variety of wildlife. This hedge contributes positively to

this area and has historic value. To replace this with a wall would be intrusive as the hedge with no entrances and exits would blend into the green space of the adjoining Common Land. The hedge has not been maintained by the Developer as requested in the past and therefore has become overgrown. With careful management this could be saved as the removal of the hedge will have an impact on drainage of the site and the width of the foot way doubled therefore making it safe for pedestrians and children alike.

#### Street Lighting

Darkness is characteristic of rural areas and so we ask that any lighting within the site be discreet.

#### References

Burgh by Sands Design Statement: style of new developments should be related to the locality and setting. Style and materials should be in keeping with the existing traditional buildings and character of the surrounding area (pg 11); existing hedgerows and trees should be incorporated within new developments wherever possible. New property boundaries in keeping with locally natural materials (indigenous hedging plants) (pg 12)

Carlisle District Plan;

**Cumbria County Council - (Archaeological Services):** records indicate that the site lies in an area of some archaeological potential. The application site is in the centre of Moorhouse which has medieval origins, with documentary records of it dating to the mid-fifteenth century. Furthermore, several cropmark complexes are indicative of Iron Age and Romano-British settlements and agricultural practices are located around the village, including in the field immediately north of the application site. It is therefore considered that there is the potential for the site to contain buried archaeological assets and that these would be disturbed by the construction of the proposed development. Accordingly, if planning consent is granted and in line with the requirements of condition 5 attached to previous permission 16/0387, the application site should be subject to an archaeological investigation and recording in advance of any development. This work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent;

**Local Environment - Environmental Protection:** - no objections subject to the imposition of conditions in respect of: the submission of a construction method statement detailing noise, vibration and dust mitigation measures; notification of the LPA in the event of unexpected ground contamination; and provision of electric vehicle charging points per dwelling;

**Local Environment - Waste Services:** - no objections;

**United Utilities:** - following review of the letter from Julie Middleton of Fairhurst dated 31st May 2019, can confirm the drainage proposals are acceptable in principle to UU, therefore, should planning permission be granted request the imposition of two conditions to ensure that: no surface water is permitted to drain directly or indirectly into the public sewer; and that foul and surface water are drained on separate systems

No updated response has been received in respect of the proposed reduction

in dwelling numbers;

**Historic England:** do not wish to offer any comments;

**Cumbria County Council - (Education):** - the County Council's Planning Obligation Policy Document (POPD), sets out that contributions towards the provision of education capacity would only normally be sought from development that will result in a net increase of 15 or more dwellings in settlements like Moorhouse which are not a key service centre. As set out below, whilst there are some circumstances where we may see a capacity contribution for schemes that are below the threshold where there is a bespoke issue, this is not considered to be one of those cases.

Based on the dwelling-led pupil yield calculation set out in the POPD, this development proposal is estimated to yield 3 school children (2no. primary age and 1no. secondary age). As previously set out, these numbers are considered to be negligible. Furthermore, it is noted that a large proportion of the dwellings proposed are bungalows and are therefore likely to attract a smaller number of family forming households than your average housing development. It is considered that there is sufficient flexibility within the admissions system for any children that may be yielded by this development to be accommodated within local schools.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP2, SP6, SP7, HO1, HO4, IP3, IP4, IP6, CC5, CM4, CM5, HE2, HE3, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 are relevant. The City Council's Supplementary Planning Documents 'Achieving Well Designed Housing', 'Affordable and Specialist Housing', 'Burgh-By-Sands Parish Design Guide' and 'Trees and Development Sites' are also material planning considerations. Historic England has also produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)'.
- 6.3 The proposal raises the following planning issues:
- 1. Whether The Principle Of Development Is Acceptable**
- 6.4 Paragraph 11 of the NPPF outlines that: "at the heart of the NPPF is a

presumption in favour of sustainable development". In respect of the delivery of a sufficient supply of homes paragraph 59 of the NPPF highlights that: "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and the needs of groups of specific housing requirements are addressed and that land with permission is developed without unnecessary delay". Paragraph 68 of the NPPF expands by stating that: "small and medium sized sites can make an important contribution to meet the housing requirement of an area and are often built-out relatively quickly. In order to maintain supply and delivery of new housing paragraph 73 of the NPPF details that local authorities should: "identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies ... ".

- 6.5 The aims of the NPPF is reiterated in Policies SP2 (Strategic Growth and Distribution) and HO1 (Housing Strategy and Delivery) of the local plan. Policy SP2 of the local plan outlines that sufficient land will be identified to accommodate 9,606 net new homes between 2013 and 2030 including a minimum annualised average of: 478 net new homes between 2013 and 2020; and 626 net new homes between 2020 and 2030 (adjusted to have regard to delivery in the 2013-2020 period). Policy HO1 highlights that planning permission will be granted for housing proposals that will: "deliver the allocation set out in this Policy and contribute towards achieving the Plan's housing target ... in bringing forward allocations, developers will need to demonstrate that their proposals contribute to the overall mix of dwelling types, sizes and tenures which help meet identified local housing need and the development of mixed and sustainable communities".
- 6.6 The principle of development of the site has been established as it is identified under Policy HO1 of the local plan as Allocated Site 'R12 - land east of Monkhill Road'. Sites identified under this policy seek to ensure delivery of allocated sites with an overall mix of dwelling types, sizes and tenures in order to contribute to achieving the Plan's housing target.
- 6.7 By way of background, outline planning permission and reserved matters approval for the erection of 9no. dwellings were granted by Members of the Development Control Committee in July 2016 and October 2019 respectively (application references 16/0387 and 19/0535).
- 6.8 The application before Members now seeks full planning permission for the erection of 14no. dwellings which exceeds the ten dwellings outlined within Policy HO1 and Appendix 1. However, as Members will be aware, the yield figure is indicative only with the aim of the site profile details outlined within Appendix 1 to provide identification together with some of the main issues associated with allocated sites. Furthermore, the external amenity space and parking provision reflects that of the existing properties which front onto Monkhill Road. To put this into context, the development site would have a density of 17.5 dwellings per hectare whilst the properties opposite, 1 to 6 Monkhill Road, have a density of 27.34 dwellings per hectare.

- 6.9 In overall terms, the application site is located in the centre of Moorhouse flanked by existing residential properties to the south and west, is well-related to the form of the village and would not encroach into open countryside. The village has a limited level of services or facilities i.e. a public house, a private former Quaker burial ground, two small areas of open spaces and a post box; however the village is part of a cluster of villages including Thurstonfield, Monkhill, Great Orton, Burgh by Sands and Kirkbampton (the last village is in Allerdale District). The latter three of which have primary schools, the development of this allocated site within Moorhouse could help sustain services in this village cluster, in line with paragraph 78 of the NPPF.
- 6.10 In light of the foregoing and given that the application site has an extant permission for the erection of 9no. dwellings, the application supports the strategies contained within the NPPF and the local plan. Accordingly, the principle of housing on this site is deemed acceptable.

## **2. Impact Of The Proposal On The Adjacent Listed Buildings And Their Settings**

- 6.11 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. The 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".
- 6.12 Members, therefore, must give considerable importance and weight to the desirability of preserving the adjacent listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.13 Protecting and enhancing the historic environment is also an important component of the National Planning Policy Frameworks drive to achieve sustainable development. Paragraph 184 highlights that: "heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".
- 6.14 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the

impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 6.15 In considering potential impacts on heritage assets, paragraph 194 of the NPPF detailing that: "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ...".
- 6.16 The aims of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF are reiterated at a local level. Policy HE3 of the local plan seeking to ensure that listed buildings and their settings are preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the harm.
- 6.17 In light of the foregoing it is considered that Members need to have cognizance of: a) the significance of the listed buildings, Fairfield and Hall Farm, and their contribution made to that significance by their settings; and then assess b) the effect of the proposal on the listed buildings and their settings (inclusive of their significance and on the appreciation of that significance).
- a) the significance of the listed buildings and the contribution made by their settings
- 6.18 The southern boundary of the application site, separated by the county highway, is located approximately 20 metres north of Fairfield and 33 metres north west of Hall Farm. By way of background, there are around 400,000 listed buildings within England which are categorised as Grade I, Grade II\* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II\* Buildings are particularly important buildings of more than special interest, 5.8% of listed buildings are Grade II\*. The final tier of listed buildings are Grade II listed buildings which are of special interest warranting every effort to preserve them. Over 90% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner.
- 6.19 Both of the listed buildings were listed by Historic England (formerly English Heritage) as Grade II Listed Buildings in September 1984. The listing details for Fairfield and Hall Farm respectively are as follows:

Fairfield - "House. Late C18. Painted rendered walls, graduated green slate roof, C19 end brick chimney stacks. 2 storeys, 3 bays, flanking single-storey 2-bay extension to left, single bay to right. 6-panel door in plain painted stone surround. Sash windows with glazing bars, 2-pane sash window over entrance, all in plain painted stone surrounds".

Hall Farm - "Farmhouse. Late C17 with C19 alterations. Whitewashed rendered clay walls, graduated Welsh slate roof with lower courses of sandstone slates, ridge brick chimney stacks. 2 storeys, 7 bays. 2 C20 doors in plain painted stone surrounds; 2- and 3- casement windows in C19



plain painted stone surrounds; 2 first floor Yorkshire sash windows on extreme right are probably in original painted surrounds".

- 6.20 Historic England's listing details describes the grade II listed building directly opposite the application site, Fairfield, as a late 18th Century dwelling. The accuracy of Historic England's listing description has previously been questioned by a third party as later research on clay dabbin buildings found in the publication 'The building of the clay dabbins of the Solway Plain' undertaken by Nina Jennings considers the property to be 17th century.
- 6.21 The council uses Historic England's listing details contained in the 'Greenback' publication of listed buildings and despite the publication of Nina Jennings work has not updated its listing description. Nevertheless, it is not disputed that this publication provides a useful resource for local clay dabbin buildings. Irrespective of its listing description the property continues to be a grade II listed building and should be considered in that context, the overall appearance of Fairfield is that of a typical local Georgian dwelling with rendered walls and slate roof with small sliding sash windows. The dwelling is set back within its plot, partially screened from the roadside by tall hedging, beyond which are lawned gardens.
- 6.22 Hall Farm is a late 17th Century farmhouse with adjoining barn and 19th Century alterations. Its appearance is that of a Cumbria longhouse with rendered clay dabbin walls with sandstone verges/slate roof. The single or paired small window openings are either casement or sliding sash with stone surrounds. A 1.5 metre stone wall fronts the highway with an intervening concrete forecourt separating the boundary wall from the dwelling.
- 6.23 The listed buildings are visually important features within the street scene; however, they are discretely housed within their plots, Fairfield behind tall hedging and lawned gardens and Hall Farm, to the south west of the application site, behind a 1.5 metre high stone wall and concrete forecourt. As such, views of both listed buildings are localised and read in the context of the street scene when travelling through the village.
- b) the effect of the proposed development on the listed buildings and their settings
- 6.24 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjacent listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.25 When considering potential impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its

significance (paragraph 193 of NPPF). As highlighted earlier in the report, paragraph 194 of the NPPF outlining that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ...". Where a proposed development would lead to substantial harm or less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraphs 195 and 196 of the NPPF).

- 6.26 Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
- 6.27 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: "the surroundings in which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral". The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking.
- 6.28 In respect of the impact of proposals on the setting and views of heritage assets, the TSHA advocates a staged approach to proportionate decision-taking. The TSHA stating that: "all heritage assets have significance, some of which have particular significance and are designated. The contribution made by their setting to their significance also varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of the change. It can also depend on the location of the asset: an elevated or overlooked location; a riverbank, coastal or island location; or a location within an extensive tract of flat land may increase the sensitivity of the setting (i.e. the capacity of the setting to accommodate change without harm to the heritage asset's significance) or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis".
- 6.29 As highlighted earlier in the report, the application site is identified under Policy HO1 of the local plan as Allocated Site 'R12: Land east of Monkhill Road, Moorhouse'. The Heritage Assessment for the site undertaken and contained in Appendix 1 of the local plan outlines: "Grade II listed building (Fairfield) opposite southern boundary of the site. Any development on this site will be expected to minimise any adverse impact on the listed building and its setting. Prehistoric remains survive adjacent to the site. An

archaeological desk-based assessment and field evaluation will be required at the planning stage".

- 6.30 As Members will be aware, the local plan has evolved through extensive research and consultations with the relevant statutory consultees including Historic England. The Inspector during the examination of the local plan was fully aware of all the allocated sites and their main constraints; however, did not see fit to remove the application site from the list of allocated sites. Historic England did not raise any objections or comment during the local plan process in respect of this allocated site.
- 6.31 When considering potential impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193). As highlighted earlier in the report, paragraph 194 outlining that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ...". Where a proposed development would lead to substantial harm or less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraphs 195 and 196).
- 6.32 When entering Moorhouse from the east, there is no vernacular with a mix of single and two storey dwellings many of which are of relatively modern appearance. In this part of Moorhouse, dwellings on the southern side of the B5307 are set back from the county highway, many partially screened by high hedges, within their own defined plots with former agricultural buildings forward of the building line fronting onto the pavement. The properties on the northern side of the county highway are predominantly closer to or front onto the pavement. Two grade II listed buildings, Fairfield and Hall Farm, are of significant visual importance in this part of Moorhouse. Two relatively recently constructed dwellings, Peterdale and The Gables are located to the west and north west of Fairfield respectively. The western extent of Moorhouse; however, has a more traditional character and form with buildings either directly fronting the road or separated by low stone walls. The traditional character is further emphasised as this part of Moorhouse has a large cluster of listed buildings. There are also several detached dwellings of non-traditional construction within the immediate vicinity.
- 6.33 This assessment is further supported in the Burgh-By-Sands Design Statement which states: "... the village as a whole lacks the visual cohesion of some of the other villages within the parish, largely on account of the presence of a busy public road, a good deal of modern infill development and the intermittent nature of the visual links provided by walls, hedgerows and associated tree groups".
- 6.34 Objections have been raised by third parties to the proposal as they consider it would have an adverse impact on the character and settings the adjacent

heritage assets by virtue of the scale, design, layout, lack of details in respect of surface water drainage and removal of the western and southern (roadside) hedges. A further issue raised was that the application site being formerly tied by ownership to Fairfield and was sold for agricultural use at some time in the 19th century. The third party is of the opinion that the field significantly enhances the setting of Fairfield and that Fairfield's visual attractive aspect will be eliminated by the proposed development. The parish council in its representation of objection outlines that the development: *"does not preserve or enhance the adjoining conservation area"*. This it is assumed is a drafting error and should read: *"does not preserve or enhance the adjoining heritage assets"* as Moorhouse has no designated conservation area.

- 6.35 Historic England has been consulted on the amended scheme and advise that it does not wish to comment on the application. The council's Urban Design/Conservation Officer in his response largely echo's his 2019 comments; however, in summary and to assist Members the officer highlights that: Moorhouse is an attractive rural village; was identified as a potential future Conservation Area in the 1994 Local Plan; there are 15 individual listed building designations three of which are in close proximity to the site; the general townscape quality of Moorhouse is very high, with pre C20th buildings arrayed along the B5307; the area has a strong local vernacular of clay and stone buildings, with slate roofs and well-scaled chimney stacks predominant; references the planning history of the application specifically the outline indicative scheme and concludes that the scheme before Members is: *"a-contextual – a cramped layout which turns its back on the village and is speculative in character..."* therefore, is of the opinion that the application should be refused.
- 6.36 As highlighted earlier in the report, this application was deferred by Members at their meeting in July 2019. Subsequently, an application for reserved matters for the erection of 9no. dwelling in October 2019 (application 19/0535). The originally submitted drawings in respect of this application and those of the extant permission retained the existing boundary hedgerows which surround the application site. Conditions were also imposed which sought to protect the existing hedgerows as the retention of the existing would mitigate for any perceived detrimental impact on the heritage assets or their settings.
- 6.37 The amended scheme before Members now seeks permission for the erection of 14no. dwellings (12no. single storey dwellings and 2no. two storey affordable units). The layout has also been revised which now includes the removal of the roadside (western and southern) hedgerow boundaries. Accordingly, the amended details of this application have to be dealt with on its own merits and a judgement made as to the impact of the development on the adjacent heritage assets. Paragraphs 195 and 196 of the NPPF outlining that if it is judged the development would lead to substantial harm or less than substantial harm to the significance of the heritage assets, then this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 6.38 In consideration of this application, Moorhouse was identified in the Carlisle District Local Plan (adopted September 1997) as a potential future conservation area; however, subsequent local plans (2001-2016) and the current local plan do not make specific reference to Moorhouse. As Members are aware, the application has to be assessed under current planning policy. Furthermore, Burgh-By-Sands Parish Design Statement (adopted November 2003) omitted the application site, Monkhill Road and properties located in the eastern extent of Moorhouse from the recommended conservation area. The Design Statement outlining that: *"the village possesses some good surviving examples of traditional buildings, of which 15 are listed as being of architectural or historic interest. These range from a restored late 17th century cruck cottage with thatched roof at the western end of the village to the nearby mid-18th century Moorhouse Hall with its painted stucco walls and raised painted quoins. It is considered that this grouping of buildings with their associated tree groups at the western end of the village, including some sensitive 20th century infill development at 'The Courtyard', possess a sufficient degree of visual unity to form the basis of a conservation area"*.
- 6.39 The amended drawings now illustrates the removal of the roadside hedgerows and their replacement by 1.2 metre high dry stone walls to facilitate an outward facing development, albeit of slightly higher density than the extant permission (17.50 dph as opposed to 11.25 dph). The majority of the dwellings would now be of single storey construction with the semi-detached two storey dwellings located adjacent to the northern boundary of the site. The design and materials of the single storey properties reflecting those of the single storey dwellings of the approved extant permission. It is argued that the application site significantly enhances the setting of Fairfield and that Fairfield's visual attractive aspect will be eliminated by the proposed development, however; neither Fairfield or Hall Farm, rely on the aspect of space afforded by the application site. The proposed landscaping scheme which illustrates the plots delineated by native hedgerows with specimen trees of varying species and maturity planted with the application site itself would help to settle the development into the village as a whole and would not be a discordant feature in the street scene.
- 6.40 In summary, the proposed application site is located within an area of Moorhouse which has no particular vernacular and has a mix of single and two storey dwellings many of which are of relatively modern appearance. In this part of Moorhouse, dwellings on the southern side of the B5307 are set back from the county highway, many partially screened by high hedges including Fairfield, within their own defined plots with former agricultural buildings forward of the building line fronting onto the pavement. The properties on the northern side of the county highway are predominantly closer to or front onto the pavement. The proposed development would be outward facing replicating development in this part of Moorhouse and addressing a concern of the council's Urban Design/Conservation Officer. The proposal does involve an increase in the number of dwellings than that of the extant permission. This increase would be mitigated as the majority of these dwellings would be single storey and be below the density per hectare of existing housing developments adjacent to the site. The landscaping scheme within the site together with the stone boundary walls would also

reflect the character of the roadside boundaries along the eastern approach into Moorhouse. Accordingly, on balance the proposal will have a less than substantial harm to the significance of the heritage assets and their settings.

- 6.41 In accordance with the objectives of NPPF, PPG, Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant local planning policies, this less than substantial harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use.
- 6.42 In the context of the foregoing, the benefits of the proposal would: a) contribute to achieving the council's housing targets through the development of an allocated housing site; b) provide 2no. on-site affordable units where none exist currently; c) provide 12no. bungalows providing an opportunity to provide accommodation for those people looking to 'down size' while freeing up family accommodation for younger households; and d) provide an opportunity for Moorhouse and the surrounding villages which have more service provision the opportunity to grow and thrive.
- 6.43 Accordingly, the benefits of the proposal clearly outweigh any perceived harm to the listed buildings and their settings.

### **3. Whether The Scale And Design Of The Dwellings Are Acceptable**

- 6.44 Policies seek to ensure that development proposals are appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.45 Specific to Moorhouse is the SPD 'Burgh-By-Sands Parish Design Statement' (adopted November 2003). The policies identified within Appendix 1 of the Design Statement relate to the 1997 local plan have been superseded by the Carlisle District Local Plan 2015-2030. Elements of the Design Statement, particularly those that relate to design principles do, however, still carry some weight.
- 6.46 In respect of new buildings the Design Statement seeks to ensure that:
- there should be a consistent theme and /or style within new development which is related to the locality and setting
  - new development should generally be single or two storey in height
  - building styles and materials should be in keeping with the local vernacular and reflect and respect the nearby colours, textures, materials, shapes, styles and proportions of existing traditional buildings and the character of the surrounding area
  - where garden walls and outbuildings are present in new development,

- these should utilise the same materials as the main building
  - local distinctive features, such as date-stones, decorative brickwork and gate posts, might be used to enhance new buildings.
- 6.47 The Design Statement, in respect of walls and plot boundaries seek to ensure that:
- existing hedgerows and trees should be incorporated within new developments, wherever possible
  - new property boundaries should be in keeping with the locality, preferably using local natural materials (indigenous hedging plants, stone, brick etc) rather than timber fencing
- 6.48 The council's Urban Design/Conservation Officer in his consultation response expresses concerns in respect: *"the cramped layout which turns it back on the village"* and lack of evidence to support the design and materials of the dwellings within the submitted documents. The parish council, ward councillor and third parties also raise objections to the proposal. The full contents of these representations have been made available to Members. In summary, the objections appear to centre on: increase in numbers and overdevelopment of site; detrimental impact on the character of the village; removal of roadside hedgerows which was to be retained in previous schemes; and increase in the number of dwellings within the village.
- 6.49 When assessing the character of this part of Moorhouse, it is evident that there is no particular vernacular and that there are a variety of properties of differing ages and styles within the immediate vicinity. The Burgh-By-Sands Parish Design Statement reiterating this assessment by stating: *"... the village as a whole lacks the visual cohesion of some of the other villages within the parish, largely on account of the presence of a busy public road, a good deal of modern infill development and the intermittent nature of the visual links provided by walls, hedgerows and associated tree groups"*. As outlined above in paragraphs 6.46 and 6.47, the Design Statement seeking to ensure that new development respects and harmonises with its environs. Ensuring that new property boundaries are in keeping with the locality preferably using natural materials and incorporating existing hedgerows and trees wherever possible.
- 6.50 The application site is identified within the local plan as an allocated housing site and has an extant permission for the erection of 9no. dwellings, therefore, are material planning considerations in respect of this application. Nevertheless, the application has to be considered on its own merits. The proposal seeks full planning permission for the erection of 14no. dwellings which would result in a housing density of 17.50 houses per hectare. To put this into context, the properties opposite, numbers 1 to 6 Monkhill Road, have a density of 27.34 dwellings per hectare. The amended drawings illustrate an outward looking development which would require the removal of the roadside hedges and their replacement by 1.2 metre high dry stone walls. These walls would also wrap around the shared vehicular entrance to the site. The majority of the dwellings would now be of single storey construction with the semi-detached two storey dwellings located adjacent to the northern

boundary of the site. The design and materials of the single storey properties reflecting those of the approved single storey dwellings of the extant permission and would also achieve adequate external space and parking provision to serve each of the dwellings. Native species hedgerows would delineate the plots with specimen trees of varying species and maturity planted within the application site itself.

- 6.51 In overall terms, the housing density of the scheme would be lower than that of other developments within this part of Moorhouse. The loss of the roadside hedgerow would allow the development to be outward facing providing an active frontage and integrating the development within the village. Any visual impact of the loss of the roadside hedgerow being mitigated through the implementation of a landscaping scheme within the application site and attractive low stone walls. In line with the objectives of the Burgh-By-Sands Parish Design Statement the entrance to the site would continue into the shared vehicular entrance of the site and would reflect other roadside boundaries along the eastern approach into Moorhouse. The proposed scale and design of the dwellings together with the proposed palette of materials would respect and reflect those of the existing properties within Moorhouse and achieve adequate external space and parking provision to serve each of the dwellings. The Agent has advised that the proposed dwelling would be heated by air source heat pumps. No details have been provided; therefore, a condition is recommend requiring the location and size of the units. The single storey dwellings within the development together with the provision of 2no. on-site affordable housing units would also respond to housing needs in the Strategic Housing Market Assessment.
- 6.52 In overall terms, the proposal would respond to the local context and would not be disproportionate or obtrusive within the street scene. Accordingly, the proposal accords with the objectives of the NPPF, local plan policies and SPDs.

#### **4. Affordable Housing Provision**

- 6.52 The application site is identified in the local plan as being within Affordable Housing Zone B. As such Policy HO4 of the local plan is relevant and require all sites of eleven units or over to provide 20% of the units as affordable housing. Policy HO4 of the local plan 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).
- 6.53 The City Council's Housing Development Officer has been consulted and confirms that: *the applicant's Affordable Housing Statement offers to provide 2 no. 2-bed semi-detached houses for affordable housing (plots 6 and 7). This equates to the 20% affordable housing requirement in Affordable Housing Zone B (rounded down to the nearest whole unit). The council would usually be look for 50% of the affordable units to be for social/ affordable rent, but that wouldn't be practical here, as the Housing*



*Associations would not be interested in acquiring a single unit, so this would be considered acceptable. The affordable units have a gross internal area of 64.6 m<sup>2</sup>, which more or less complies with the recommended affordable space standard for a 2 bed house of 65 m<sup>2</sup>, included in the Council's Affordable and Specialist Housing Supplementary Planning Document. The applicant's affordable housing proposals are therefore considered acceptable and in accordance with local plan policy HO4 Affordable Housing".*

- 6.54 The provision of on-site intermediate 3no. two bedroom dwelling (Plots 6 and 7) for low cost homes ownership at 30% discounted rate of market value, should Members approve the application, would be secured by a Section 106 Agreement.

## **5. Education Provision**

- 6.55 Policy CM2 of the local plan highlights that to assist in the delivery of additional school places, where required, to meet the needs of development, contributions will be sought. In terms of primary school provision, Cumbria County Council, as Education Authority, advises that the County Council's Planning Obligation Policy Document (POPD), sets out that contributions towards the provision of education capacity would only normally be sought from development that will result in a net increase of 15 or more dwellings in settlements like Moorhouse which are not a key service centre. As set out below, whilst there are some circumstances where we may see a capacity contribution for schemes that are below the threshold where there is a bespoke issue, this is not considered to be one of those cases.
- 6.56 Based on the dwelling-led pupil yield calculation set out in POPD, this development proposal is estimated to yield 3 school children (2no. primary age and 1no. secondary age). As previously set out, these numbers are negligible. Furthermore, it is noted that a large proportion of the dwellings proposed are bungalows, therefore, likely to attract a smaller number of family forming households than your average housing development. As such, it is considered that there is sufficient flexibility within the admissions system for any children that may be yielded by this development to be accommodated within local schools.

## **6. Impact Of The Proposal On Archaeology**

- 6.57 Cumbria County Council's Historic Environment Officer outlines that its records indicate that the site lies in an area of some archaeological potential. It is located in the centre of Moorhouse which has medieval origins, with documentary records of it dating to the mid-15th century. Furthermore, a number of cropmark complexes indicative of Iron Age and Romano-British settlements and agricultural practices are located around the village, including in the field immediately north of the application site.
- 6.58 Accordingly, there is the potential for the site to contain buried archaeological assets and that these would be disturbed by the construction of the proposed development. Consequently, the Historic Environment Officer recommends that should the application be approved a condition is imposed requiring an

archaeological investigation be undertaken prior to commencement of any development.

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

- 6.59 Development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. The living conditions of the occupiers of adjacent residential properties should not be adversely affected by proposed developments. This is echoed and reinforced in local plan policies and SPDs, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.
- 6.60 The City Council's SPD 'Achieving Well Designed Housing' outlines where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (12 metres between any wall of a building and a primary window). The layout of the proposed development is such that the proposed dwellings have been so orientated to achieve the minimum distances outlined in the SPD.
- 6.61 Objections have been raised to the development citing loss of privacy, noise and disturbance during construction works and car headlights illuminating properties directly opposite the proposed development. The proposal satisfies the minimum distances as outlined in the council's SPD 'Achieving Well Designed Housing' in respect of loss of privacy. Given that there is an existing street light on Monkhill Road, the proposal should not exacerbate the current situation to warrant a refusal of the application on this basis.
- 6.62 In overall terms, given the location of the application site in relation to neighbouring residential properties, the proposal would not have a detrimental impact on the living conditions of the occupiers of those properties on the basis of unacceptable loss of light, overlooking or over dominance. Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition is suggested which would limit construction hours.

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

- 6.63 The application site would be served by a shared vehicular access taken from Monkhill Road together with 4no. individual vehicular accesses. Two further vehicular accesses would access/exit onto the B5307 county highway. Cumbria County Council, as Highways Authority, has been consulted and raise no objections subject to the imposition of a series of conditions in respect of: highway construction; visibility splays; provision of ramps; access gates; and the submission of a construction phase management plan. Works in respect of the lowering of kerbs would also require permission from the Highway Authority under its legislation. The parish council and a number of

objectors have raised concerns in respect of highway safety and the increase in vehicular accesses; however, in light of the comments received from the Highways Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.

## **9. Whether The Proposed Methods For Foul And Surface Water Drainage Are Acceptable**

- 6.64 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development. The submitted documents illustrating that foul drainage from the proposed dwelling would enter the mains sewer with surface water disposed of via soakaways.
- 6.65 The parish council, ward councillor and third parties have raised objections in respect of the proposed methods for the disposal of foul and surface water. Both United Utilities (UU) and Cumbria County Council, as the Lead Flood Authority (LLFA), have been consulted as statutory drainage consultees. UU raise no objections to the proposed methods of drainage subject to the imposition of conditions would require that no surface water is permitted to drain directly or indirectly into the public sewer and that foul and surface water are drained on separate systems.
- 6.66 The LLFA recommends the imposition of several pre-commencement conditions to demonstrate that surface water run-off within the site can be accommodated within the proposed soakaways in accordance with SUD's taking into account the water table. These conditions would require the submission of: a surface water scheme; the design of the surface water scheme to mitigate for any negative impact of surface water from the development on flood risk outside the development boundary; construction surface management scheme; groundwater level(s) and infiltration tests. For clarity, the recommended conditions of both UU and the LLFA, should Members approve the application, have been amalgamated. The subsequent details of which would be subject to further assessment by the statutory consultees. Should these details prove to be unsatisfactory then the application will stall as a result.
- 6.67 The concerns of the parish council, ward councillor and third parties are noted; however, in light of the comments from both UU and the LLFA and subject to satisfying the recommended pre-commencement conditions it would be difficult to substantiate a refusal of the application on foul or surface water drainage issues.

## **10. Impact Of The Proposal On Trees And Hedgerows**

- 6.68 Policy GI6 of the local plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees and hedges. This aim is further reiterated in Policy SP6 of the local plan which requires all developments to

take into account important landscape features and ensure the enhancement and retention of existing landscaping.

- 6.69 The City Council's 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 tree 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.
- 6.70 The proposed site plan illustrated the removal of the roadside hedges, therefore, to assess the ecological value of these hedges a Hedgerow Ecological Assessment Report (HEA) was commissioned. The report outlines that the boundary hedgerows around the proposed development site are generally moderate to high ecological value. When viewed in its entirety as one hedgerow, it could be described as species-rich, as there are at least four native, woody species present. The report concluding that the roadside boundaries be retained as the loss of circa 46% of the boundary hedgerows on site, with no proposed mitigation, is likely to have a relatively significant ecological impact.
- 6.71 In light of the protection afforded to existing trees and hedges under Policy GI6 together with the findings of the Hedgerow Ecological Assessment a balanced planning judgement has to be made as to: the weight afforded to the retention of the hedgerows against the developments compliance with the other relevant development plan policies and benefits of the development.
- 6.72 In such a context, the application site has planning permission for the erection of 9no. dwellings which retains the majority of the existing roadside hedgerows at a height of 1.8 metres. Nevertheless, it would be inevitable that there would be some ecological loss due to the domestication of an agricultural field. The submitted landscaping scheme before Members seeks to mitigate for this loss of approximately 158 metres of roadside hedgerows by the incorporation of 357 metres of mixed native hedges within the development site itself. Several trees of differing species and maturity would also be planted within the development.
- 6.73 In light of the foregoing, the benefits of the development i.e. the outward facing integration of the development within the village; providing a supply of bungalows which addresses the lack of supply on development sites as outlined in the council's SPD 'Affordable and Specialist Housing', and the provision 2no. on-site affordable housing units within Moorhouse where none currently exists outweighs the ecological loss of the roadside hedgerows.

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

- 6.74 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. A desk study was included within the scope of the HEA, to assess the habitats in the locality and the presence of protected species/species of conservation note from within a 1km radius of the site. No protected or notable species were observed on site, although detailed survey work for protected/notable species was not undertaken. A depression in the ground, which could possibly be a (blocked) historic badger hole, was found near the eastern hedgerow, and birds' nests were observed in the hedgerows.

- 6.75 As highlighted above, the proposed removal of circa.46% of the existing boundary hedgerows has the potential to impact on biodiversity and legally protected species that may be present within the hedgerow habitat, or in adjacent habitat on site; however, its loss would be mitigated through a landscaping scheme. To further protect biodiversity and breeding birds, informatives are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

## **12. Other Matters**

- 6.76 Reference has been made by the council's Urban Design/Conservation Officer and third parties in respect of a previous refusal on the site (application reference 02/0691). As Members are aware, planning policy is not static and that things change both at a local and a national level. The 2002 application was assessed under the policy of the time and was not considered to be acceptable. This was, however; nearly 19 years ago.
- 6.77 The parish council in its early observations outlined that the development would overlook an existing children's play park. There are existing properties and a public telephone box that have views of the play park. In respect of the development site, views of the park would be partially obscured due to the existing hedgerow which is to be retained and the orientation of the proposed dwellings.
- 6.78 The parish council requested a site visit but the site was visited by Members in July 2019 prior to the deferral of this application.
- 6.79 Third parties have also raised objections in respect of loss of a view. As Members are aware, loss of a view is not a material planning consideration.
- 6.80 A third party has cited the potential for surface water run-off of the site to structurally damage adjacent properties. The objections of the third party are noted, however; pre-commencement conditions have been recommended by the Lead Local Flood Authority to ensure that surface water discharge from the application site is prevented from discharging onto the public highway or onto existing neighbouring developments. The details to satisfy the pre-commencement conditions would be subject to a further assessment by the LLFA.

## Conclusion

- 6.80 The application site is an allocated site identified under Policy HO1 of the local plan and has the benefit of an extant planning permission for the erection of 9no. dwellings. The proposed application site is located within an area of Moorhouse which has no particular vernacular with a mix of single and two storey dwellings many of which are of relatively modern appearance. The housing density of the scheme would be lower than that of other developments within this part of Moorhouse. The loss of the roadside hedgerow would allow the development to be outward facing providing an active frontage and integrating the development within the village. Any visual impact of the loss of the roadside hedgerow being mitigated through the implementation of a landscaping scheme within the application site and attractive low stone walls. In line with the objectives of the Burgh-By-Sands Parish Design Statement the entrance to the site would continue into the shared vehicular entrance of the site and would reflect other roadside boundaries along the eastern approach into Moorhouse. The proposed scale and design of the dwellings together with the proposed palette of materials would respect and reflect those of the existing properties within Moorhouse and achieve adequate external space and parking provision to serve each of the dwellings. The single storey dwellings within the development together with the provision of 2no. on-site affordable housing units would also respond to housing needs in the Strategic Housing Market Assessment.
- 6.81 The application would have a less than substantial harm to the significance of the heritage assets and their settings. In line with the objectives of NPPF, PPG, Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant local planning policies, this less than substantial harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use. In such a context, the benefits of the proposal would: a) contribute to achieving the council's housing targets through the development of an allocated housing site; b) provide 2no. on-site affordable units where none exist currently; c) provide 12no. bungalows providing an opportunity to provide accommodation for those people looking to 'down size' while freeing up family accommodation for younger households; and d) provide an opportunity for Moorhouse and the surrounding villages which have more service provision the opportunity to grow and thrive.
- 6.82 Given the location of the application site in relation to neighbouring residential properties, the proposal would not have a detrimental impact on the living conditions of the occupiers of those properties on the basis of loss of light, overlooking or over dominance. Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition imposed within the outline approval restricts construction hours.
- 6.83 Subject to satisfying pre-commencement conditions, the proposal will not have a detrimental impact on highway safety or archaeology. Pre-commencement conditions would also ensure that the proposed drainage methods to serve the development would not have a detrimental impact on foul and surface water drainage systems.

- 6.84 On balance, the benefits of the development i.e. the outward facing integration of the development within the village; providing a supply of bungalows which addresses the lack of supply on development sites as outlined in the council's SPD '*Affordable and Specialist Housing*', and the provision 2no. on-site affordable housing units within Moorhouse where none currently exists outweighs the ecological loss of the roadside hedgerows or on biodiversity.
- 6.85 In overall terms, the proposal is considered to be compliant under the provisions of the National Planning Policy Framework, the Planning Practice Guidance, Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant policies of the Carlisle District Local Plan 2015-2030 and relevant Supplementary Planning Documents.
- 6.86 The application is therefore recommended for approval subject to the completion of a legal agreement. If the legal agreement is not completed within a reasonable time, then Authority to Issue is requested to Corporate Director of Economic Development to refuse the application. The Section 106 Agreement to consist of the following obligation:
- a) the provision of on-site intermediate 2no. 2 bedroom dwellings (Plots 6 and 7) for low cost homes ownership at 30% discounted rate of market value.

## **7. Planning History**

- 7.1 In 1965, planning permission was refused for erection of dwellinghouses (BA4199).
- 7.2 In 1973, planning permission was refused for residential development (BA7805).
- 7.3 In 2003, full planning permission was granted for erection of 8no. detached dwellings and provision of open space (application reference 02/0691).
- 7.4 In 2016, outline planning permission was granted for erection of 9no. dwellings (application reference 16/0387).
- 7.5 In 2019, planning permission was granted for erection of 9no. dwellings (reserved matters pursuant to outline application 16/0387) (application reference 19/0535).

## **8. Recommendation: Grant Subject to S106 Agreement**

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

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

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

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

1. the submitted planning application form received 12th October 2020;
2. the Heritage Impact Assessment received 9th October 2020;
3. the Contaminated Land Statement received 21st March 2019;
4. the Affordable Housing Statement received 9th October 2021;
5. the External Materials Schedule received 9th October 2020 (Ref: 18/07/937 - EMS/3);
6. the Dwelling Type Schedule received 9th October 2020 (Ref: 18/07/937 - DS);
7. Landscaping Schedule received 3rd February 2021;
8. the location plan received 21st March 2019 (Drawing No. 18/07/937 - 01);
9. the proposed site plan received 29th January 2021 (Drawing No. 18/07/937 - 08e);
10. the Grisdale Elevations (Brick) received 14th September 2020 (Drawing No. 18/06/931 - Grisdale);
11. the Grisdale (2) Elevations (Render) received 14th September 2020 (Drawing No. 18/06/931 - Grisdale (2));
12. the Grisdale Floor Plan received 14th September 2020 (Drawing No. 18/06/931 - Grisdale);
13. the Grasmoor (2) Elevations (Render) received 14th September 2020 (Drawing No. 18/06/931 - Grasmoor (2));
14. the Grasmoor (2) Floor Plans received 14th September 2020 (Drawing No. 18/06/931 - Grasmoor (2) Rev B);
15. the Grasmoor (2) Elevations - No Garage received 4th February 2021 (Drawing No. 18/06/931 - Grasmoor (2) No Garage);
16. the Grasmoor (2) Floor Plans - No Garage received 4th February 2021 (Drawing No. 18/06/931 - Grasmoor (2) No Garage);
17. the Pillar (2) Elevations (Brick) received 14th September 2020 (Drawing No. 18/06/931 - Pillar (2));
18. the Pillar (2) Elevations (Render) received 14th September 2020 (Drawing No. 18/06/931 - Pillar (2));
19. the Pillar (2) Floor Plan received 14th September 2020 (Drawing No. 18/06/931 - Pillar (2) Rev B);
20. the Pillar (3) Working Elevations received 14th September 2020 (Drawing No. 18/06/931 - Pillar (3));
21. the Pillar (3) Floor Plan received 14th September 2020 (Drawing No. 18/06/931 - Pillar (3));
22. the Detached Double Garage - plan, section & elevations received 14th September 2020 (Drawing No. 18/06/931 - Double Garage);
23. the Detached Single Garage Details received 14th September 2020 (Drawing No. 18/06/931 - Single Garage Rev A);
24. the Notice of Decision; and
25. any such variation as may subsequently be approved in writing by the local planning authority.



**Reason:** To define the permission.

3. 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;
- ii. an archaeological recording programme the scope of which will be dependant upon the results of the evaluation;
- iii. 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 and recording of such remains in accordance with Policies SP7 and HE2 of the Carlisle District Local Plan 2015-2030.

4. The carriageway, footways, footpaths 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. To support Local Transport Plan Policies: LD5, LD7 LD8.

5. Development shall not be begun until a Construction Phase Traffic Management Plan (CPTMP) has been submitted to and approved in writing by the local planning authority. The CPTMP shall include details of:
  - details of proposed crossings of the highway verge
  - 1. retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development
  - 2. retained areas for the storage of materials
  - 3. cleaning of site entrances and adjacent public highway
  - 4. details of proposed wheel washing facilities for vehicles leaving the site

5. the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway
6. construction vehicle routing
7. construction hours
8. implementation of noise mitigation measures i.e. use of noise attenuation barriers, storage/unloading of aggregates away from sensitive receptors, use of white noise reversing alarms where possible
9. provision and use of water suppression equipment
10. covering of 'dusty' materials

**Reason:** To protect the living conditions of the occupiers of the adjacent residential properties in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

6. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to and approved in writing by the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

**Reason:** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety. To support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy L5.

7. Prior to the commencement of any development hereby permitted full details of a surface drainage scheme shall be submitted to and approved in writing by the local planning authority. The drainage system shall be designed such that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any dwelling hereby permitted in a 1 in 100 year event plus 40% to account for climate change, and flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are directed to flow in suitably designed conveyance routes. No dwelling hereby permitted shall be occupied until the surface water drainage scheme is fully implemented in accordance with the approved dwellings.

**Reason:** To manage flood risk within the development that results from surface water to minimise the risk to people and property in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

8. Prior to the commencement of any development details to confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary should be agreed in writing with the local planning authority.

**Reason:** To safeguard against negative impact outside the development boundary to people and property in accordance with Policy CC5 of the Carlisle District Local Plan.

9. Prior to the commencement of the hereby permitted development a construction surface water management plan should be approved in writing by the local planning authority which should include inspection and maintenance of below ground storage facilities identifying the responsible organisation.
- Reason:** To safeguard against flooding to surrounding sites and to safeguard against pollution of the water table and to ensure the surface water system continues to function as designed in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.
10. Prior to the commencement of the hereby permitted development a groundwater level(s) investigation and report shall be carried out and submitted for approval by the local planning authority. The investigation shall ensure that the base of the proposed infiltration component is at least 1 metre above the maximum groundwater level, taking into account seasonal variations. The hereby permitted development shall thereafter be completed in accordance with the approved investigation/report.
- Reason:** To ensure the surface water system continues to function as designed in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.
11. Prior to the commencement of any development infiltration tests should be carried out in accordance with Bettress (1996) based on the design approach in BRE.
- Reason:** To ensure the surface water system continues to function as designed in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.
12. Prior to commencement of development, details for how foul and surface water shall be drained on a separate system shall be submitted to and approved in writing by the local planning authority. The development thereafter shall be completed in accordance with the approved details.
- Reason:** To ensure a satisfactory means of foul and surface water disposal and in accordance with Policies IP6 and CC5 of the Carlisle Local Plan 2015-2030.
13. Before development commences a scheme of tree and hedge protection of those trees and hedges to be retained shall be submitted to and approved in writing by the local planning authority. The scheme shall show the position and type of barriers to be installed. The barriers shall be erected before development commences and retained for the duration of the development.
- Reason:** To protect trees and hedges during development works in accordance with Policy GI6 of the Carlisle District Local Plan

14. Within the tree protection fencing approved by Condition 13:

11. No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
1. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
2. No alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority.
3. No materials or vehicles shall be stored or parked within the fenced off area.
4. No alterations to the natural/existing ground level shall occur.
5. No excavations will be carried out within the fenced off area.
6. The tree and hedge protection fencing must be maintained to the satisfaction of the Local Planning Authority at all times until completion of the development.

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

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

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

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within a timeframe that has first been submitted to and approved in writing by the local planning authority and maintained thereafter in accordance with maintenance measures identified in the approved landscaping scheme. 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 and maintained, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI 6 of the Carlisle District Local Plan 2015-2030.

17. Notwithstanding any description of the boiler details on drawing numbers 18/06/931 - Pillar (2) Rev B and 18/06/931 - Grasmoor (2) Rev B, details and location of the air source heat pumps prior to their use as part of the

development hereby approved shall be 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:** Satisfactory details of the air source heat pumps have not yet been provided, therefore further information is necessary to ensure that air source heat pumps to be used are acceptable visually in accordance with Policies SP6 of the Carlisle District Local Plan 2015-2030.

18. Access gates, if provided, shall be hung to open inwards only away from the highway.

**Reason:** In the interests of highway safety in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

19. The existing hedgerows to be retained to the northern and eastern boundaries of the site as indicated on Drawing Number 18/07/937 - 08e) shall be retained at a height of not less than 1.6 metres as measured from the existing ground level.

**Reason:** In the interests of privacy and amenity in accordance with Policies GI6 of the Carlisle District Local Plan 2015-2030.

20. The development shall not commence until visibility splays as illustrated on drawing no. 18/07/937 - 08e) have been provided at the junction of the access roads with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

**Reason:** In the interests of highway safety in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

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

**Reason:** To ensure that the access roads are defined and laid out at an early stage in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

22. No dwelling shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and has been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the local planning authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use in accordance with Policies IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

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

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

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

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

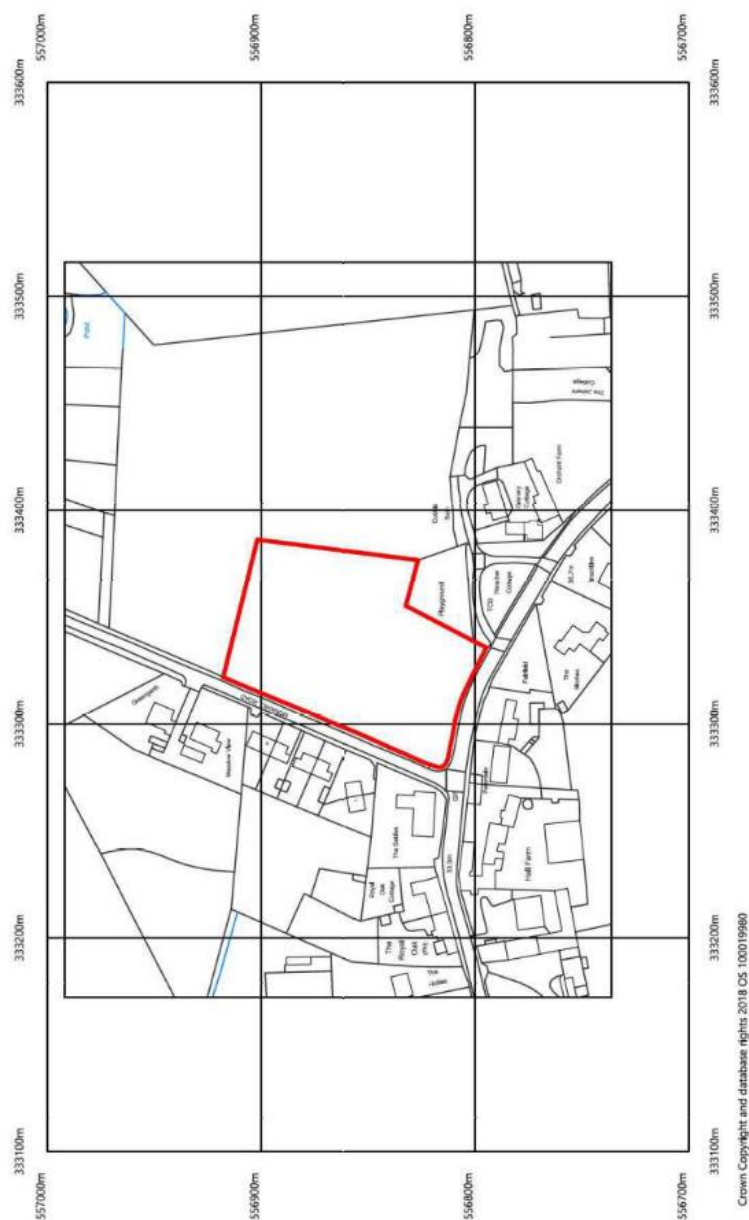
**Reason:** to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,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

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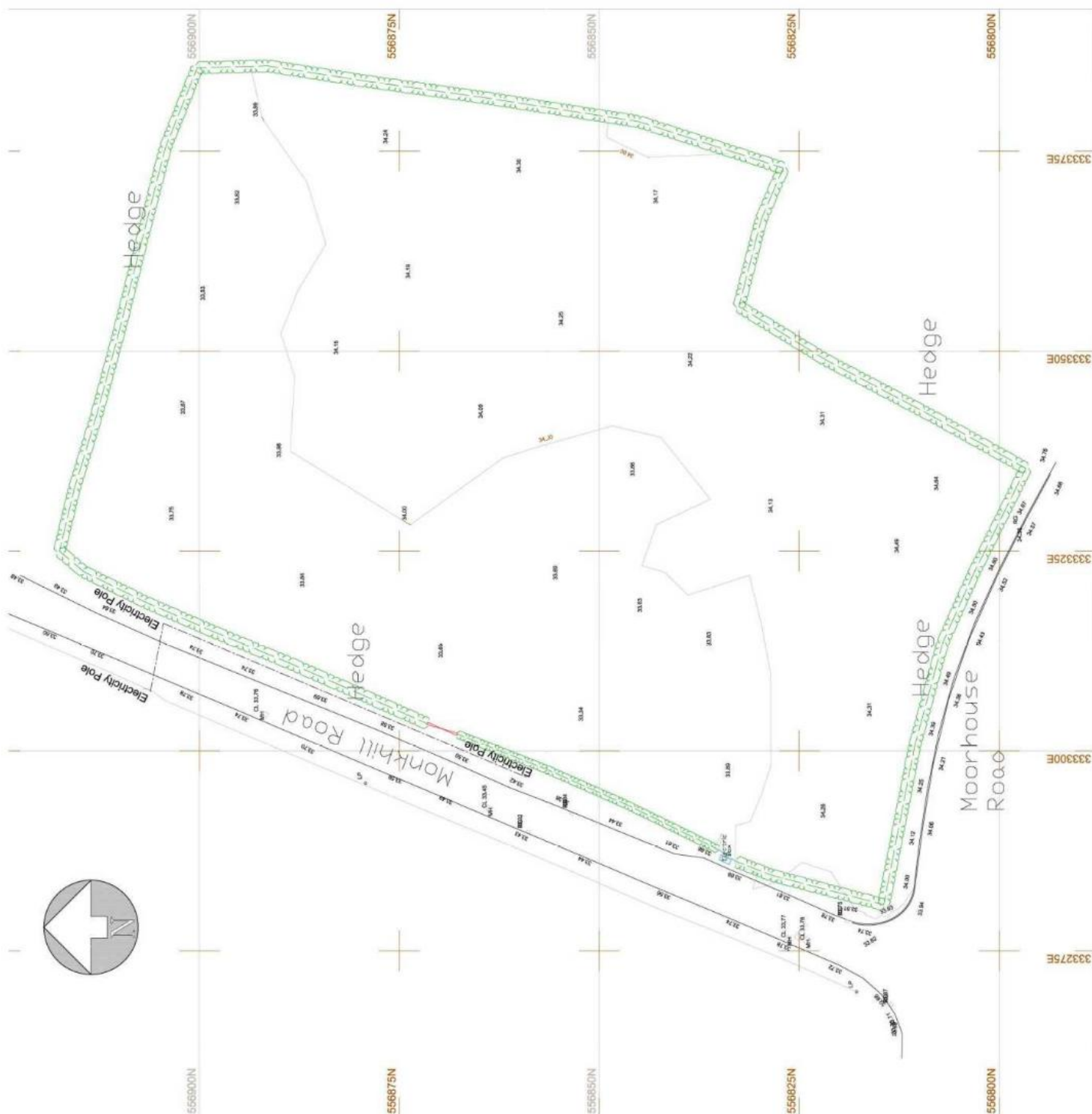




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<div><div>Project</div><div>FIELD 3486, MONKHILL ROAD, MOORHOUSE, CARLISLE</div><div>Client</div><div>CITADEL HOMES (CUMBRIA) LTD.</div></div>			
<div><div>Drawing</div><div>LOCATION PLAN</div><div>Scale 1:2500 @ A3 Drawn GB</div><div>Checked Date DEC. 2018</div></div>			
<div><div>Drawing No.</div><div>18/07/937 - 01</div></div>			
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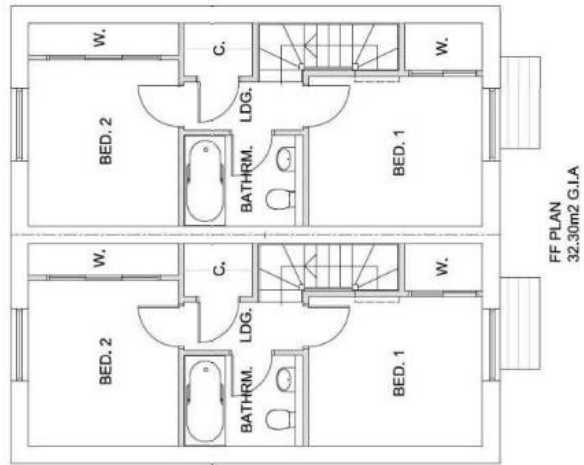
Drawing \_\_\_\_\_  
**EXISTING SITE PLAN**

Scale 1:250 @ A1 Drawn GB  
 Checked Date JULY 2018

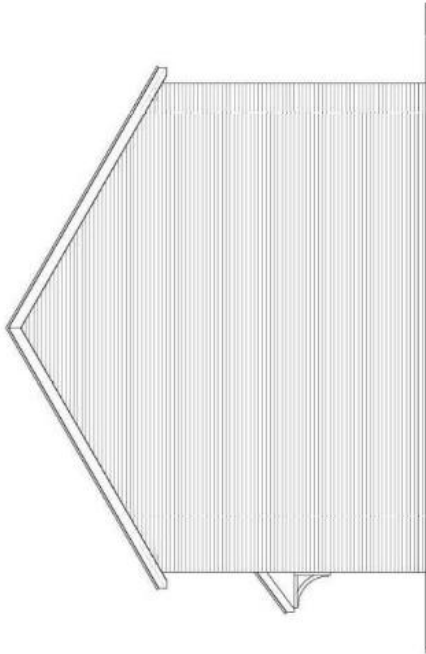
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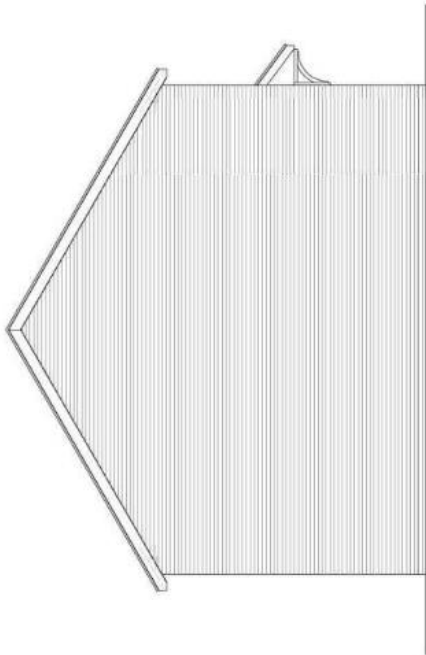




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SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

No.	Date	Revisions	Initial

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Project

## STANDARD DWELLING TYPES

Client

## CITADEL HOMES (CUMBRIA) LTD.

Drawing

## THE GRISDALE - ELEVATIONS (BRICK)

Scale 1:50 @ A1 Drawn GB

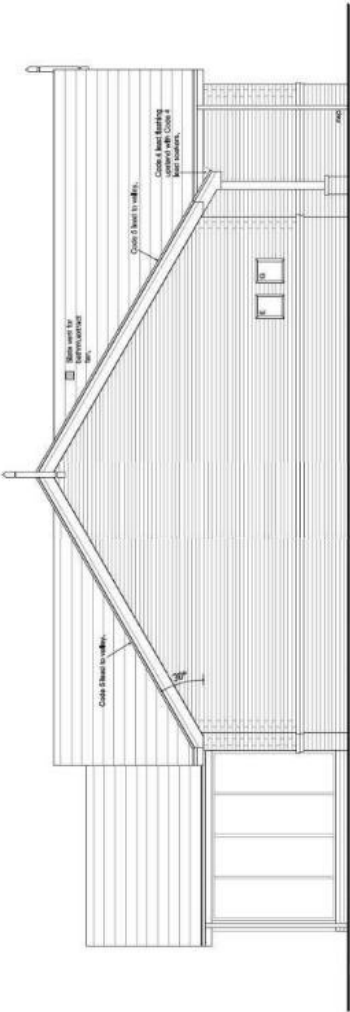
Checked Date SEPT, 2020

Drawing No.

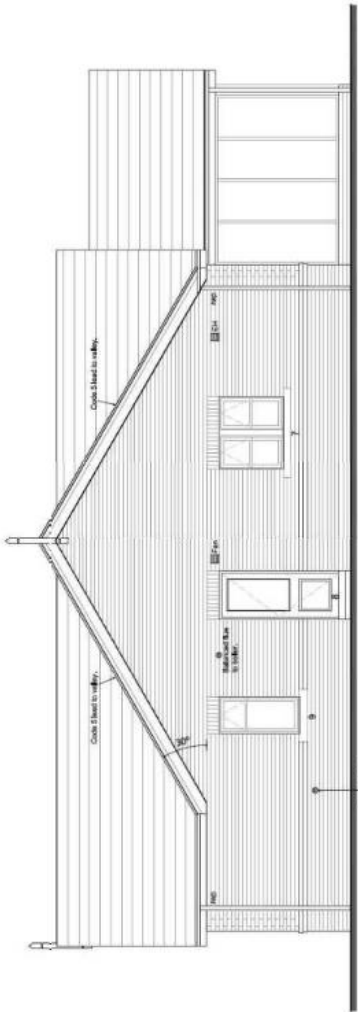
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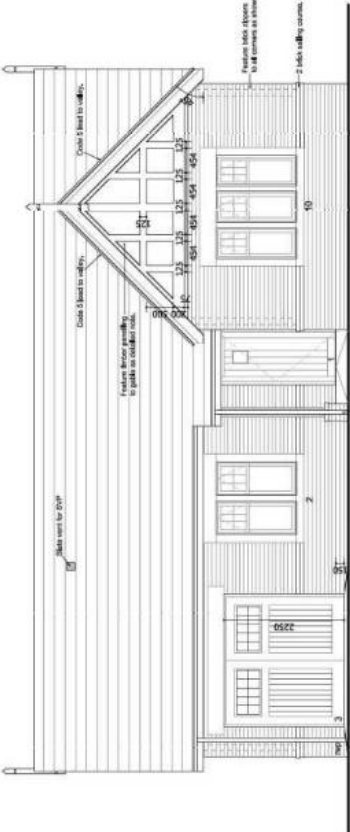




SIDE ELEVATION



SIDE ELEVATION

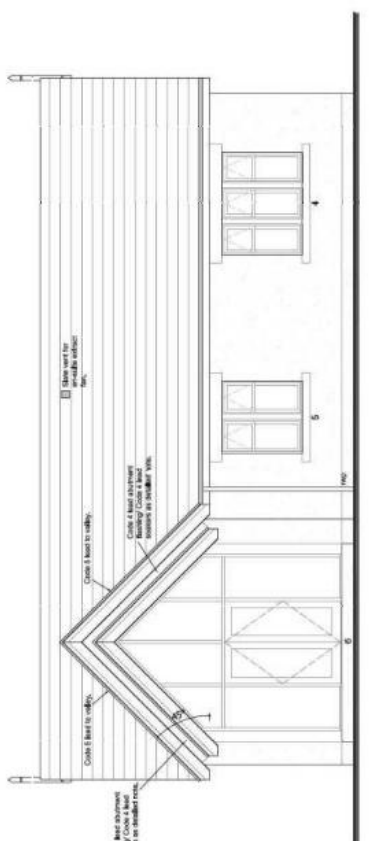
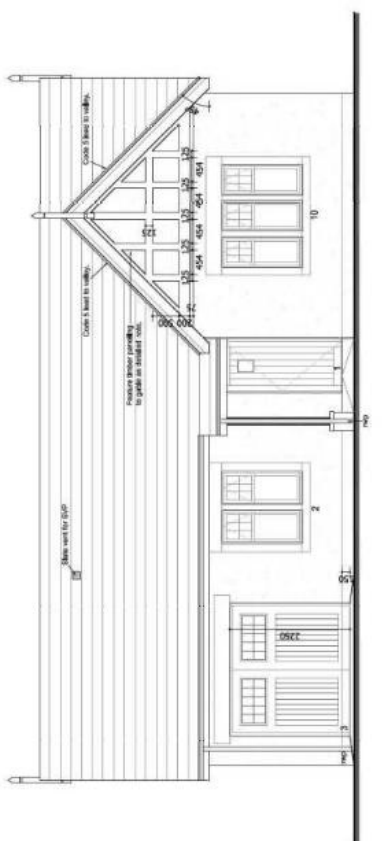
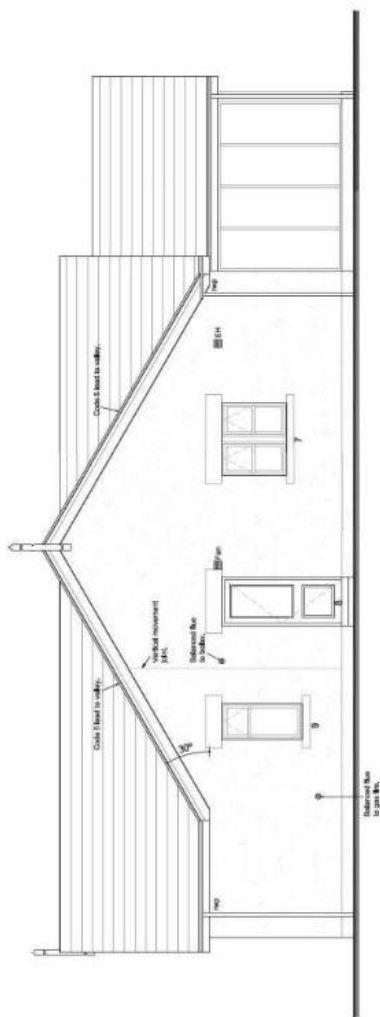
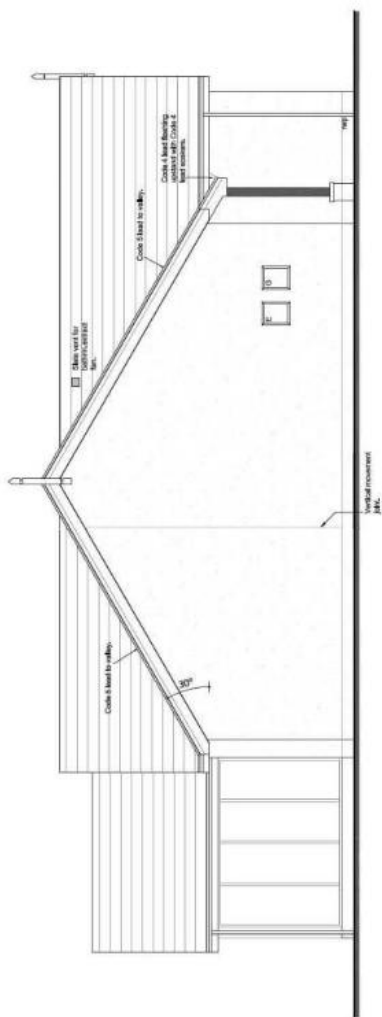


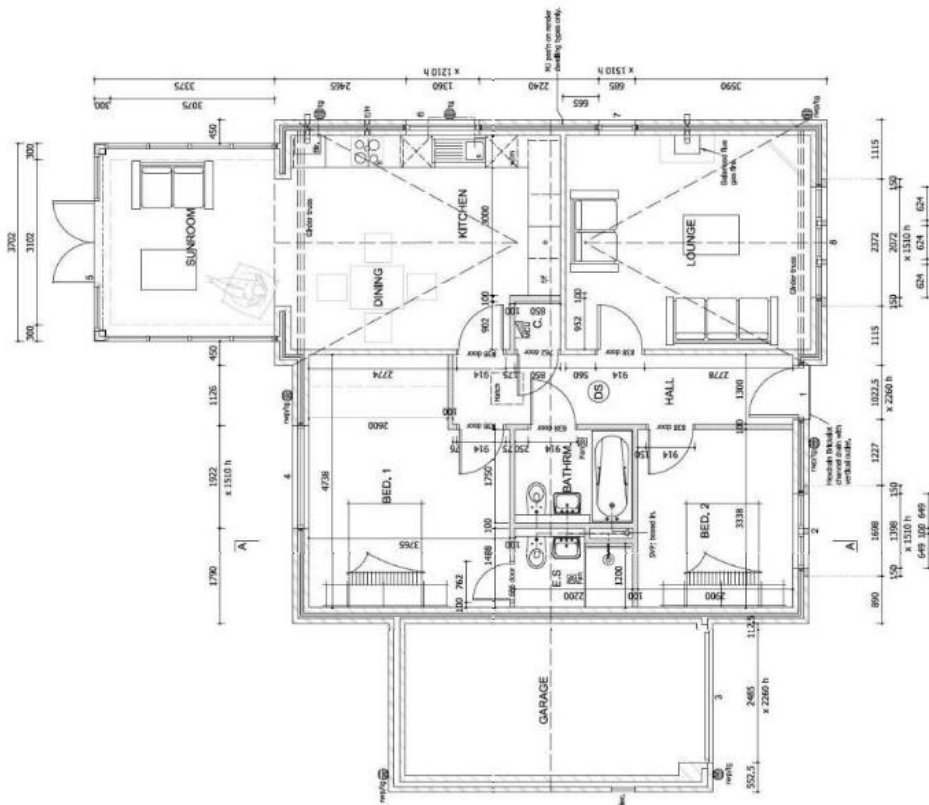
FRONT ELEVATION



REAR ELEVATION







**GRASMOOR (2)**  
**2-BED FLOOR PLAN**  
 TOTAL G.I.A - 94.98m<sup>2</sup>  
 1022 sq. ft.  
 plus garage @ 15.08m<sup>2</sup>  
 162 sq. ft.

No.	Date	Revisions	Initial
C	06/05/21	1. All dimensions to be checked for accuracy and consistency.	AM
B	05/07/20	2. All dimensions to be checked for accuracy and consistency.	GB
A	23/04/20	3. All dimensions to be checked for accuracy and consistency.	GB

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Project  
 STANDARD DWELLING TYPES

Client  
 CITADEL HOMES (CUMBRIA) LTD.

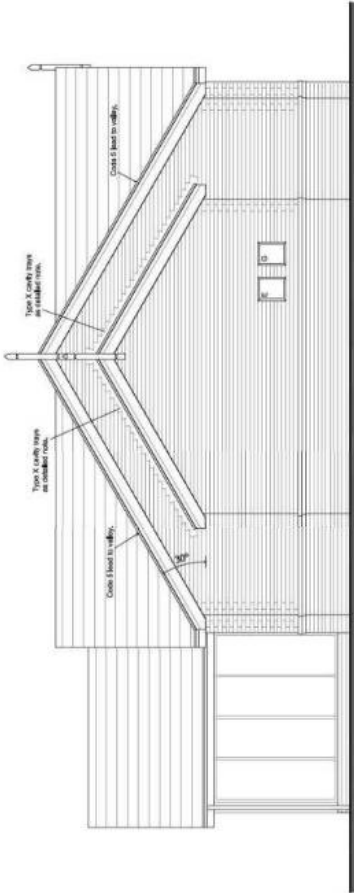
Drawing  
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 FLOOR PLAN

Scale 1:50 @ A1 Drawn GB  
 Checked Date FEB. 2020

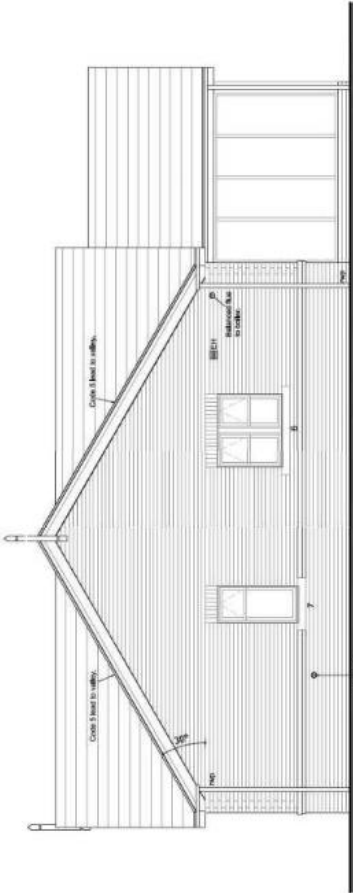
Drawing No.  
 18/06/931 - GRASMOOR (2)  
 Rev. C

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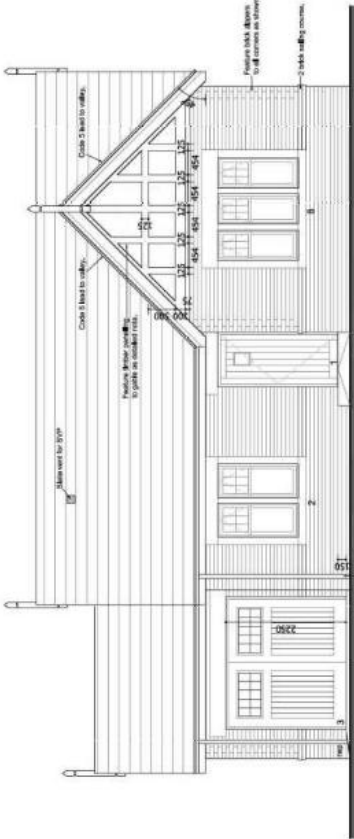




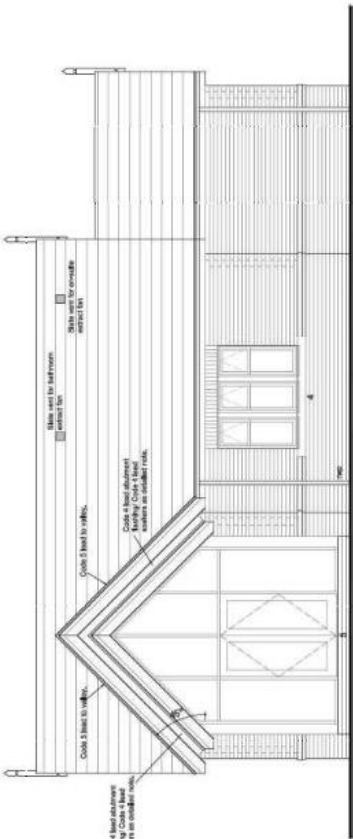
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SIDE ELEVATION

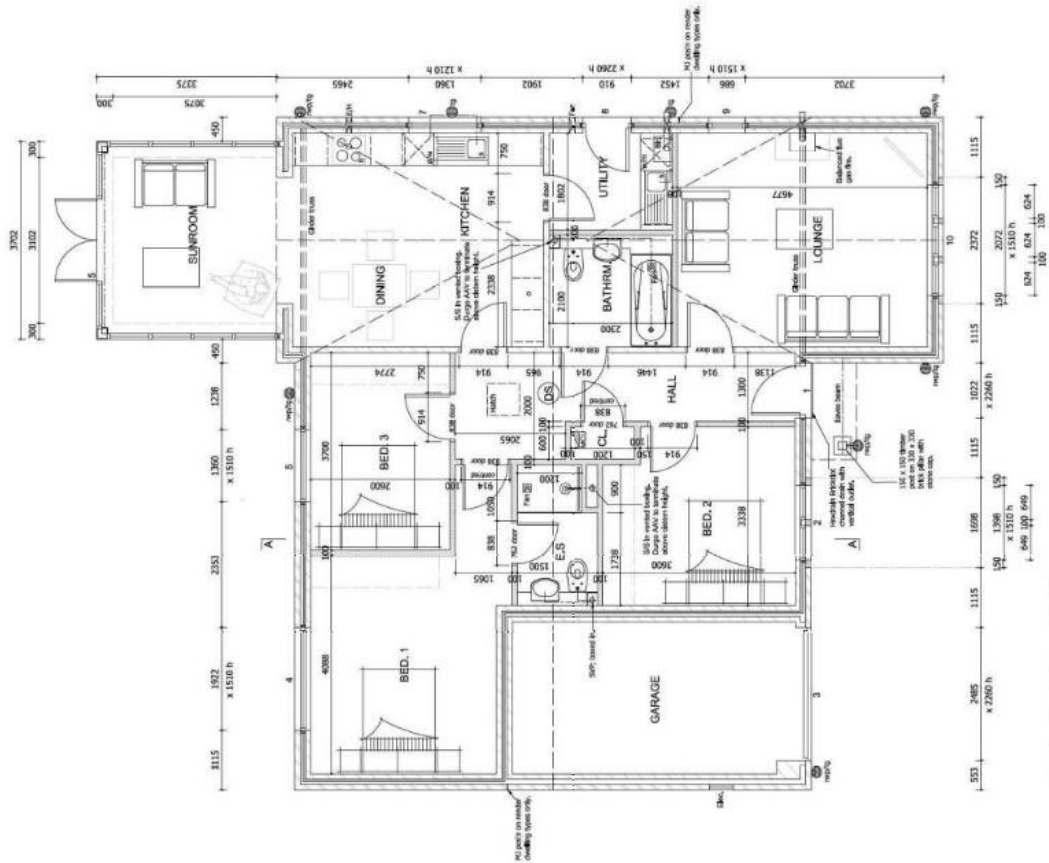


FRONT ELEVATION



REAR ELEVATION





No.	Date	Revisions	Initial
1	08/02/21	Initial design for client review	GA
2	09/02/21	Client review and feedback	GA
3	10/02/21	Client review and feedback	GA
4	11/02/21	Client review and feedback	GA
5	12/02/21	Client review and feedback	GA

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STANDARD DWELLING TYPES

Client

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Drawing

THE PILLAR (2) -  
 FLOOR PLAN

Scale: 1:50 @ A1 Drawn: GB

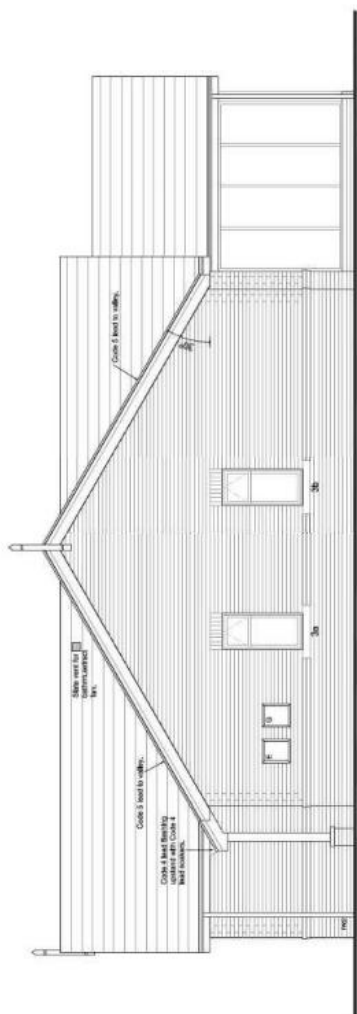
Checked: Date: FEB. 2020

Drawing No.

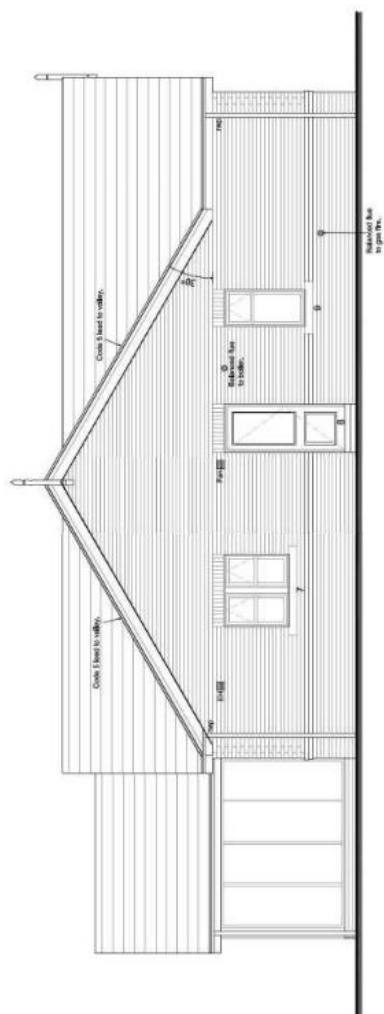
18/06/931 - PILLAR (2)

Rev. C

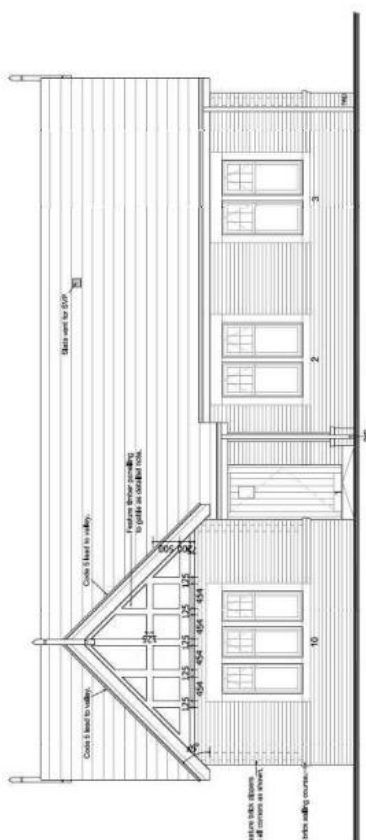
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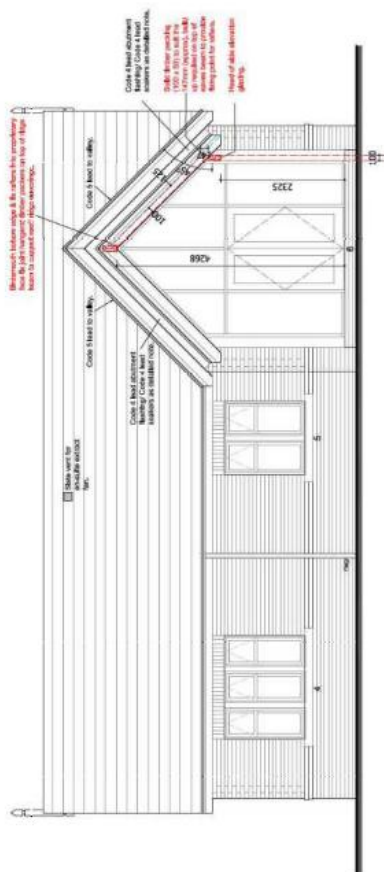
**SIDE ELEVATION**



**SIDE ELEVATION**

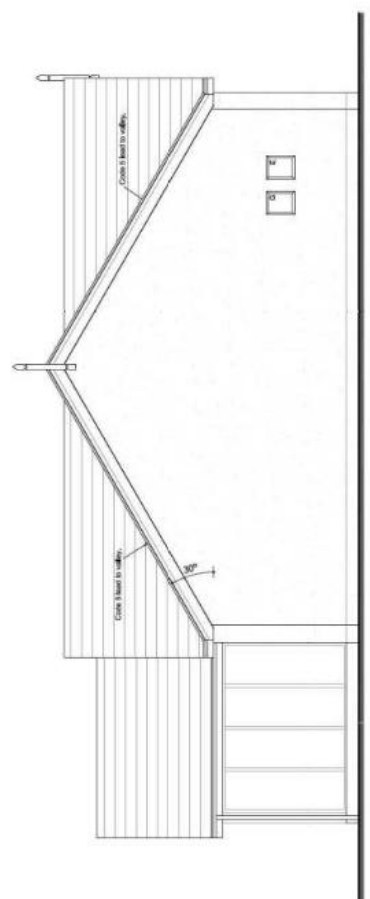
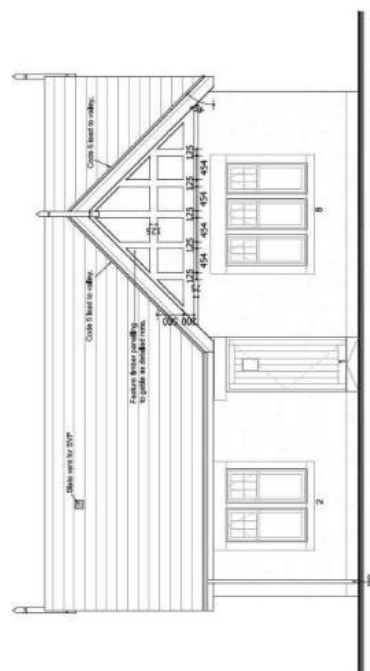
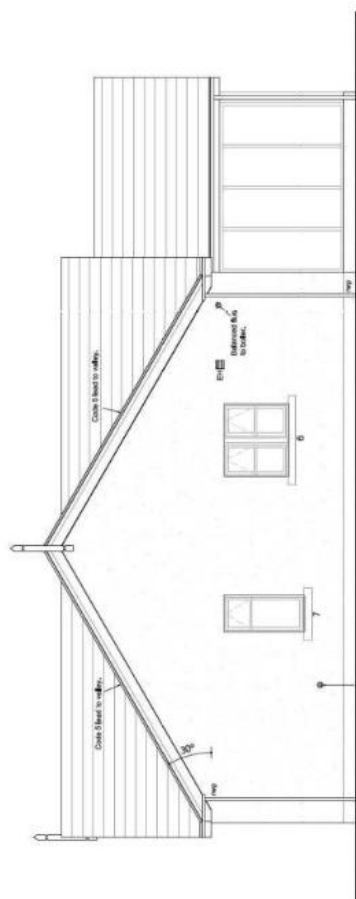
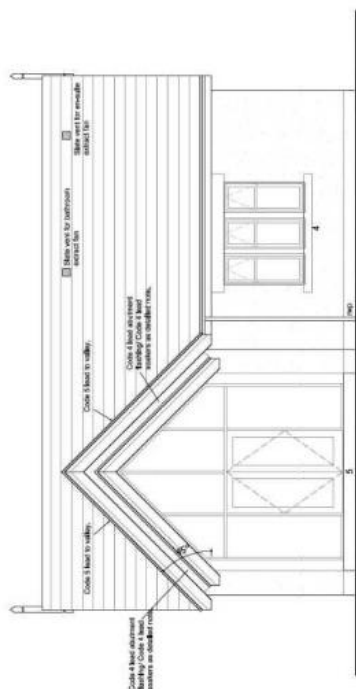


FRONT ELEVATION



REAR ELEVATION



[illegible]

18/06/931 - DETACHED GARAGES

Rev. A

Drawing No.

Checked

Date

JULY 2019

Scale 1:100 @ A2

Drawn

GB

DETACHED SINGLE

GARAGE DETAILS

Drawing

STANDARD DWELLING TYPES

Project

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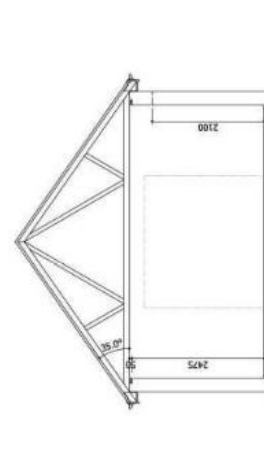
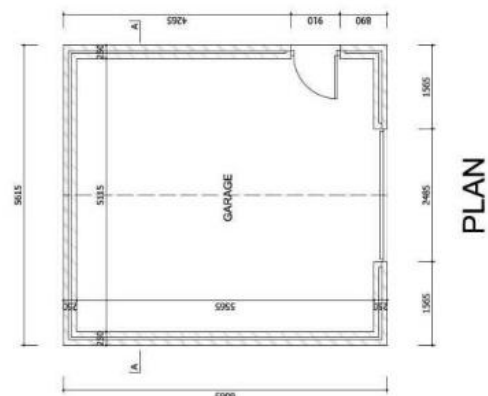
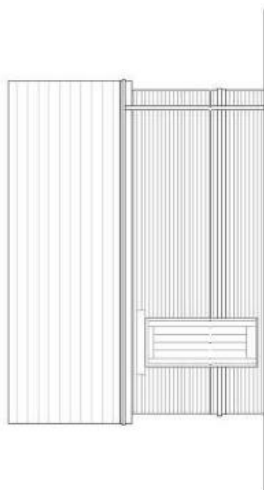
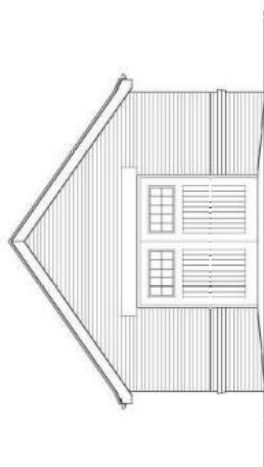
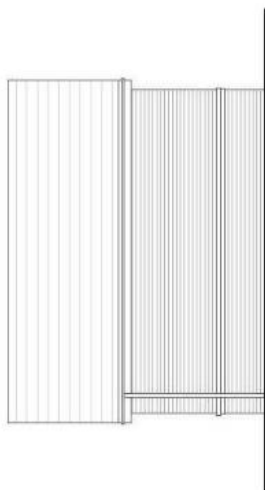
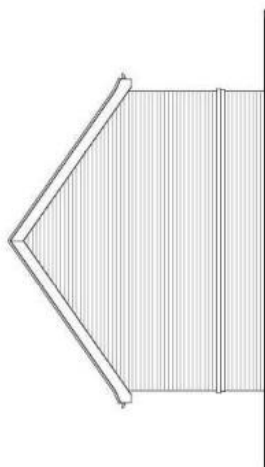
Tel: 01900 829199 email: gb@adacumbria.co.uk

No.	Date	Revision	Initial
A	23/07/19	Bids version of elevations removed to align Dwelling Type Schedule - scheme for 5 dwellings.	GB

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The image contains four architectural drawings of a detached garage. At the top, there are two 'SIDE ELEVATION' drawings showing the side profile of the building with a gabled roof and a single door. Below these are the 'REAR ELEVATION' and 'FRONT ELEVATION' drawings, both showing the building from a front-facing perspective with a gabled roof and a single door. At the bottom is a 'PLAN' drawing showing the top-down view of the rectangular building footprint with a small section labeled 'GARAGE'.

Page 75 of 182



No.	Date	Revision	Initial

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Project: \_\_\_\_\_

**STANDARD DWELLING TYPES**

Client: \_\_\_\_\_

**CITADEL HOMES (CUMBRIA) LTD.**

Drawing: \_\_\_\_\_

**DETACHED DOUBLE GARAGE -  
 PLAN, SECTION & ELEVATIONS**

Scale	1:50 (P A1)	Drawn	GB
Checked		Date	AUGUST 2020

Drawing No.  
**18/06/931 - DOUBLE GARAGE**

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## SCHEDULE A: Applications with Recommendation

20/0088

Item No: 02

Date of Committee: 19/02/2021

**Appn Ref No:**  
20/0088

**Applicant:**  
Mr K Moscrop

**Parish:**  
Wetheral

**Agent:**

**Ward:**  
Wetheral & Corby

**Location:** Land to the north of Station View, Station Road, Cumwhinton, Carlisle, CA4 8DJ

**Proposal:** Erection Of 4no. Dwellings (Outline)

**Date of Receipt:**  
02/03/2020

**Statutory Expiry Date**  
27/04/2020

**26 Week Determination**

---

### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Impact Of The Proposal On Landscape Character
- 2.3 Impact On The Settle-Carlisle Conservation Area
- 2.4 Impact On Listed Buildings
- 2.5 Whether The Scale And Design Would Be Acceptable
- 2.6 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.7 Highway Matters
- 2.8 Flooding & Drainage Issues
- 2.9 Biodiversity
- 2.10 Impact On The Public Footpath

#### 3. Application Details

##### The Site

- 3.1 The application site, which measures approximately 0.17 hectares, includes part of field, an area of hardstanding and a detached garage/ workshop building. The garage is constructed of blockwork under a corrugated sheet roof. An existing access links the site and an adjacent dwelling (Station View) to the B6263, which runs through Cumwhinton. The access has gates which are set back from the highway and is adjoined to both sides by a stone wall with a fence on top. A public footpath crosses the site and continues across the field to the rear.
- 3.2 The site is separated from the B6263 by an embankment, which contains a number of mature trees, and a section of stone walling with a fence above. Number 3 Townhead Court lies on the southern side of the B6263 and this dwelling has a number of windows in the rear elevation which face the road. A large stone building also lies on the southern side of the B6263 opposite the site entrance but this does not contain any windows in the roadside elevation.
- 3.3 Station View, which is in the applicant's ownership, adjoins the site to the south-west. A terrace of four properties (1-4 Low Croft) adjoin the site to the north-east. These dwellings are Grade II Listed and they also lie within the Settle-Carlisle Conservation Area, the boundary of which adjoins the site.

## **The Proposal**

- 3.4 The proposal is seeking outline planning permission for erection of four dwellings on the site. Permission is sought for the proposed access, with the layout, scale and appearance of the dwellings and the landscaping of the site being reserved for subsequent approval.
- 3.5 The indicative plan that has been submitted with the application shows two single-storey properties at the southern end of the site and two two-storey dwellings on the northern end. The existing access would be used to serve the dwellings and this would link into a new access road that the indicative plan shows running along the northern side of the site, adjacent to the retained field.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to nine neighbouring properties. In response, two letters of objection have been received, which raise the following concerns:

- access to and from the proposed development is onto a busy road with a very restricted view to the west. This is an accident waiting to happen;
- traffic on this road is heavy and fast and at times it is used by large wide vehicles - the entrance to the site is situated near a narrow corner with limited views - traffic now mounts the pavement regularly;
- one of the proposed dwellings is in direct line of sight from the upstairs window of 1 Low Croft. This, because of the height, would cause

overshadowing and loss of light. The existing outbuilding at 1 Low Croft does not obscure visibility from the first floor of the property;

- one of the proposed dwellings would be somewhat higher than the houses at Low Croft which would lead to overlooking and would loss of privacy.
- there is at present a drainage problem with a lot of water running off the field into the gardens and car park of the Low Croft houses, this will increase and cause even further damage to the car park and gardens;
- since the Thornedge development rainwater runs from the field via the entrance along the side of the road very rapidly to the entrance of Low Row - rainwater also runs from the field into the back entrance of 4 Low Croft;
- the proposed development is within the Settle-Carlisle Conservation Area and would have a detrimental effect on the character of the local area;
- the dwellings at Low Croft are listed and must adhere to strict rules - this seems pointless when they may be surrounded by development;
- Cumwhinton has had too much development recently;
- if this goes ahead this could lead to further development.

- 4.2 A letter of objection has been also been received from John Stevenson MP, which makes reference to three current applications (including this application) in Cumwhinton.

- it is extremely important when considering the construction of new buildings and their locality that they are built in line with the agreed Local Plan which has been through the appropriate consultation and democratic decision making process;
- we need to be concentrating our efforts in ensuring the success of The Garden Village - this is a huge opportunity to develop the city in a natural way have will long term benefits for residents and the economy;
- any application (unless there are extremely good grounds for it) which falls out with the Local Plan should be rejected as a matter of principle - they are a distraction, unnecessary and should be rejected so that resources can be concentrated on The Garden Village.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to conditions (measures to prevent surface water discharging onto the highway; parking for construction traffic; vehicle turning space within site; surfacing of access road; vehicular crossing of the footway; surface water drainage scheme; construction surface water management plan);

**Wetheral Parish Council:** - objects to the proposal - reiterates its previous objections for additional development in Cumwhinton and requests that a site visit be made. Considers this to be overdevelopment of the village. There is water run-off and also drainage issues generally in Cumwhinton, which have caused flooding in a number of properties. Until this is resolved there should be no further development permitted in the village. Access and egress from the proposed development in its current form is dangerous, with a stone wall obstructing visibility from B6263 from Wetheral and its proximity to the "narrows";

**Cumbria County Council - (Highway Authority - Footpaths):** - Public Footpath 138032 crosses the site and must not be altered or obstructed before or after the development has been completed;

**United Utilities** - no objections - site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

**Local Environment, Waste Services:** - no objections - waste containers might need to be left at the road end;

**Northern Gas Networks:** - no objections.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP6, HO2, HE3, HE7, GI1, GI3, GI5, GI6, CM4, CC5, IP3 and IP6 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Documents Achieving Well Designed Housing is also a material planning considerations as is the Cumbria Landscape Character Guidance and Toolkit.
- 6.3 The proposal raises the following planning issues.
  1. Whether The Proposal Is Acceptable In Principle
- 6.4 Cumwhinton is a village that contains a range of services, including a school, a shop and public house. Given the level of service provision in Cumwhinton, the proposal to erect new dwellings within the village would be acceptable in principle.
- 6.5 Wetheral Parish Council and an objector have raised concerns about the level of development in Cumwhinton in recent years and consider that this application should be refused.
- 6.6 John Stevenson MP has also commented that when we are looking at new buildings and their locality that they should be built in line with the agreed Local Plan which has been through consultation and that we should be concentrating our efforts on ensuring that the Garden Village is a success. He considers that any application (unless there are extremely good grounds for it) which falls outside the Local Plan should be rejected as a matter of

principle.

- 6.7 It is acknowledged that Cumwhinton has had a large amount of new housing development in recent years. There is, however, no policy which limits the number of dwellings that each settlement can accommodate. Applications are assessed against Policy HO2 and other relevant policies in the Local Plan. Policy HO2 in particular seeks to ensure that the scale and design of the proposed development is appropriate to the existing settlement. The indicative plan shows four dwellings and Policy HO2 (Windfall Housing Development) allows small scale sites to come forward within and on the edge of villages.
- 6.8 Whilst the Garden Village will accommodate significant housing development in Carlisle District in the coming years, development is not likely to start until 2022. Even when the Garden Village is under construction, small scale windfall housing development in villages (that complies with the requirement of Policy HO2) would be acceptable.

## 2. Impact Of The Proposal On Landscape Character

- 6.9 Whilst the site does not fall under any landscape designations, Policy G1 (Landscapes) of the Local Plan states that "all landscapes are valued for their intrinsic character and will be protected from excessive, harmful or inappropriate development". It goes on to state that development will be assessed against the criteria presented within the Cumbria Landscape Character Toolkit with regard to a particular Landscape Character Area's key characteristics, local distinctiveness and capacity for change. Given that the site is located within the village and is adjoined by development to three sides it is considered that the Cumbria Landscape Character Toolkit should be given limited weight. The application should, however, be assessed against the first section of Policy G1 which seeks to protect all landscapes from harmful or inappropriate development.
- 6.10 The proposal is only seeking planning permission to erect dwellings on the front section of the field and the majority of the field would be left undeveloped. The dwellings would sit in close proximity to the B6263 and would be well related to existing dwellings. The group of trees that lies between the application site and the B6263 would be retained.
- 6.11 In light of the above, the proposal would not have an adverse impact on landscape character.

## 3. Impact On The Settle-Carlisle Conservation Area

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

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

- 6.13 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.14 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.15 The Settle-Carlisle Conservation Area is centred around the railway line, although the conservation area does extend to the west to incorporate Station House and Low Croft. An access road runs to the rear of Low Croft and this is adjoined by a garage, outbuildings and parking areas. Whilst the application site would be visible from the rear of these dwellings there would be limited views of the site from the railway line itself which sits at a significantly lower than the application site. In light of the above, the proposal would not have an adverse impact on the Settle-Carlisle Conservation Area.

#### 4. Impact On Listed Buildings

- 6.16 A number of listed buildings/ structures lie to the west of the site, within the the Settle-Carlisle Conservation Area. These include 1-4 Low Croft (four former railway cottages), Station House (former Stationmaster's House), Cumwhinton Station and the road bridge over the railway.
- 6.17 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. 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".*

- 6.18 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.
- 6.19 The application site lies to the rear of Low Croft, a terrace of four dwellings. Large stone outbuildings are located to the rear of these dwellings beyond which lies an access road. The access road is adjoined by parking areas, a garage (which is clad in metal sheeting) and a shed.
- 6.20 Station House and Cumwhinton Station lie between the railway line and Low Croft. The main historic interest is the relationship of these buildings and their links to the railway line. The proposed development would not impact on the relationship of the buildings, with the site being located to the rear of Low Croft. Whilst the site is visible from the rear of Low Croft any dwellings

on the site would not have an adverse impact on the setting of the listed buildings.

## 5. Whether The Scale & Design Would Be Acceptable

- 6.21 The application is in outline with all matters except access reserved for subsequent approval. The indicative layout plan shows four dwellings on the site. The two dwellings at the southern end of the site are shown as single-storey with the dwellings at the northern end of the site being shown as two-storey. Each dwelling would need to incorporate a minimum of two parking spaces and adequate amenity space. Until the detailed layout and design of the dwellings are known it is unclear whether the site would be able to accommodate four dwellings but this issue would be determined through subsequent applications.

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

- 6.22 The Council's Achieving Well Designed Housing SPD provides guidance on separation distances between existing and proposed dwellings (12m from a primary window to a blank gable and 21m between facing primary windows) and any subsequent Reserved Matters applications would have to comply with this guidance.
- 6.23 Number 3 Townhead Court lies on the southern side of the B6263 and this dwelling has a number of windows in the rear elevation which face the site. There are a number of existing trees on embankment that lies to the south-east of the site and these would help to reduce overlooking between any proposed dwelling and 3 Townhead Court.
- 6.24 The dwellings at Low Croft also have rear elevations facing the site. These dwellings have outbuildings to the rear which lie between the existing and proposed dwellings. Plot 4 on the indicative layout plan would be approximately 24m from the rear of the nearest dwelling at Low Croft.
- 6.25 In light of the above, it is clear that some 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.

## 7. Highway Matters

- 6.26 The site would be accessed from an existing access from the B6263 which is a 30mph highway which runs through the centre of the village of Cumwhinton. The Parish Council and two objectors have raised concerns about the proposed access to the site.
- 6.27 The initial Highways response considered that insufficient information had been submitted regarding the access and visibility splays associated with the proposed new access. Following discussions with the Highway Authority, the applicant commissioned a speed survey to ascertain the true vehicular

speeds. This has identified vehicle speeds of 23mph to the north and 24mph to the south. In line with the requirements of the Cumbria Development Design Guide visibility splays of 2.4m x 31.3m are, therefore, required for the access.

- 6.28 The applicant has submitted a revised visibility splay plan which demonstrates that visibility splays of 2.4m x 31.3m can be achieved. This is acceptable to the Highways Authority who have confirmed that they have no objections to the proposal subject to the imposition of a number of conditions (measures to prevent surface water discharging onto the highway; parking for construction traffic; vehicles turning space within site; surfacing of access road; vehicular crossing of the footway).

## 8. Flooding & Drainage Issues

- 6.29 The Parish Council and two objectors have raised concerns about the proposed drainage. The applicant has submitted a Flood Risk Assessment. Within the document the applicant has worked through the hierarchy of drainage options as set out within the Cumbria Development Design Guide. The first option explored for the discharge of surface water was via infiltration. A series of infiltration tests were undertaken on site in accordance with the BRE 365 method which determined that infiltration was not viable on site. The Lead Local Flood Authority agree with the conclusions of the report and, therefore, discharge of surface water into an ordinary watercourse can be considered.

- 6.30 The applicant is proposing to discharge the surface water from the development via a 225m diameter culvert into an ordinary watercourse which is located approximately 305m north of the development. Attenuation would be provided through a pond prior to the outfall of the drainage system into the ordinary watercourse and it is noted that the applicant owns the field in which the 225 diameter culvert is to be located. The applicant has not, however, provided any detailed calculations regarding the capacity of the attenuation pond. Attenuation is required on site to accommodate a 1 in 100 year plus 40% to account for climate change storm event. Further to this, the maximum discharge rate from the development is to be equal to the greenfield runoff rate. It is determined that the sizing of the attenuation pond, associated Micro Drainage calculations and discharge rates can be submitted at a later stage of the planning process and a condition has been added to the permission to require the submission of this information.

- 6.31 United Utilities has confirmed that it has no objections to the proposals. It has stated that foul water should drain to the public sewer and surface water should drain in the most sustainable way.

## 9. Biodiversity

- 6.32 The application consists of grazing land, an area of hardstanding and a garage and is of low value in terms of biodiversity. The provision of gardens and landscaping within the site should have a positive impact on biodiversity.



## 10. Impact On The Public Footpath

- 6.33 Public Footpath 138032 crosses the site and this would need to be retained in any development. An informative would be added to any permission to advise the applicant that the public footpath must not be altered or obstructed before or after the development has been completed.

## Conclusion

- 6.34 The proposal would be acceptable in principle. The proposal would not have an adverse impact on landscape character, on the adjacent conservation area or listed buildings, on the occupiers of neighboring properties, on highway safety, on drainage or on biodiversity. The layout, scale and design of the proposed dwellings would be determined through a Reserved Matters application. In all aspects, the proposal is considered to be compliant with the relevant policies in the adopted Local Plan.

## 7. Planning History

- 4.1 There is no planning history relating to this site.

## 8. Recommendation: Grant Permission

1. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission and the development of each individual plot hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved for that plot or 5 years from the date of this outline permission whichever is the longer.

**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. Approval of the details of the layout of the development, the scale and appearance of the dwellings and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before the construction of the dwelling on that particular plot is commenced. The development of each plot shall be carried out as approved.

**Reason:** The application was submitted as an outline application in accordance with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

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

1. the submitted planning application form, received 11th February 2020;
2. Location Plan, received 28th February 2020;
3. Desk Top Study, received 11th February 2020;
4. Heritage Statement, received 28th February 2020;
5. Access Details/ Visibility Splays Plan, received 9th December 2020;
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

4. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority prior to their first use on site. The development shall then be undertaken in strict accordance with the approved materials.

**Reason:** To ensure the design of the dwellings is appropriate to the area and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

6. Details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected shall be submitted to and approved, in writing, by the Local Planning Authority prior to them being erected on the site. 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.

7. Prior to the commencement of development, details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of that dwelling and garage (if proposed) shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the local planning authority.

**Reason:** In order that the approved development is appropriate to the character and appearance of the area in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

8. 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. Prior to the commencement of development of each plot, details of the wildlife enhancement measures to be incorporated into each dwelling shall be 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) the following forms of development within the provisions of Part 1 to Schedule 2 of the Order shall not be undertaken without the express permission in writing of the council:

1. Extension or enlargement
2. Additions or alterations to roofs
3. Detached outbuildings
4. Porches
5. Chimneys and flues

**Reason:** The further extension or alteration of these dwellings or erection of detached buildings requires detailed consideration to safeguard the amenities of the surrounding area, to accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. 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.

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

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

12. 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. Further guidance can be found on the Carlisle City Council website “Development of Potentially Contaminated Land and Sensitive End Uses – An Essential Guide For Developers.”

Site investigations should follow the guidance in *BS10175:2011 (or updated version) “Investigation of Potentially Contaminated Sites.- Code of Practice ”*.

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.

13. No construction work (other than internal works) 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.

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

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

15. 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 drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage

Statement dated January 2021 proposing surface water discharging to the ordinary watercourse.

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.

16. No development shall commence until a Construction Surface Water Management Plan has been agreed in writing with the local planning authority. The development shall then be undertaken in strict accordance with the Construction Surface Water Management Plan.

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

17. 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 development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

18. 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 work is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

19. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, 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 turning space constructed. The turning space shall not thereafter be used for any other purpose.

**Reason:** To ensure that provision is made for vehicle turning within the site and in the interests of highway safety and to support Local

Transport Plan Policies LD7 and LD8.

20. The surfacing of the access road shall extend for at least 10m inside the site, as measured from the highway boundary prior to the buildings being occupied.

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

21. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

22. Prior to the occupation of each dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for each dwelling shall be implemented on site before that unit is occupied and shall be retained thereafter for the lifetime of the development.

**Reason:** To ensure the provision of electric vehicle charging points for each dwelling, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

23. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in BS5837:2012 shall be erected around the trees located adjacent to the site at the extent of the Root Protection Area as calculated using the formula set out in BS5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

Station View, Station Road, Cumwhinton, Cumbria, CA4 8DJ



LOCATION PLAN 1:1250 ALIGNED NORTH  
OUTLINE PLANNING APPLICATION OF MR K MOSCROP  
BOUNDARY SHOWN BLUE APPROXIMATELY 0.9186 HECTARE

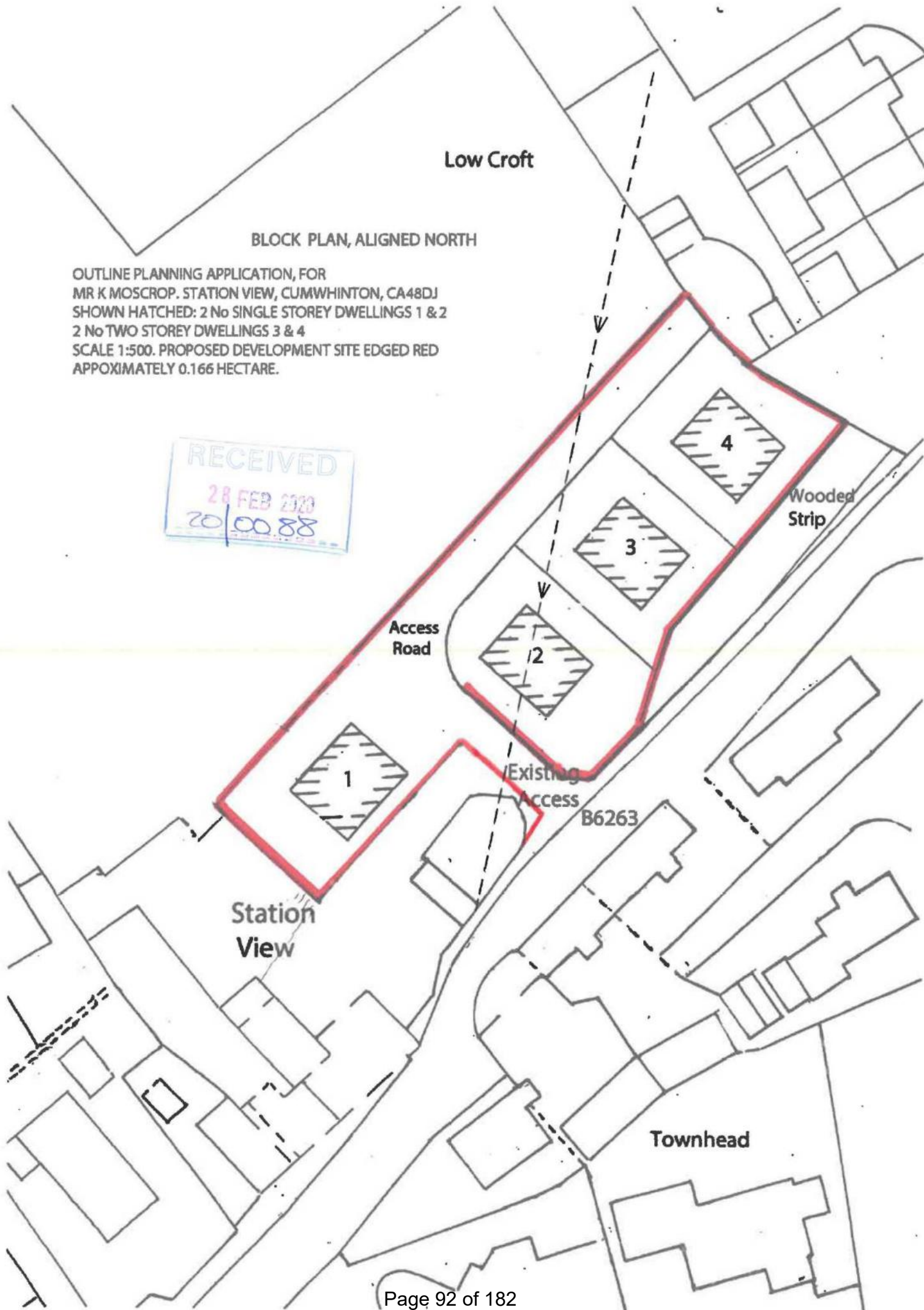




Low Croft

BLOCK PLAN, ALIGNED NORTH

OUTLINE PLANNING APPLICATION, FOR  
MR K MOSCROP. STATION VIEW, CUMWHINTON, CA48DJ  
SHOWN HATCHED: 2 No SINGLE STOREY DWELLINGS 1 & 2  
2 No TWO STOREY DWELLINGS 3 & 4  
SCALE 1:500. PROPOSED DEVELOPMENT SITE EDGED RED  
APPROXIMATELY 0.166 HECTARE.

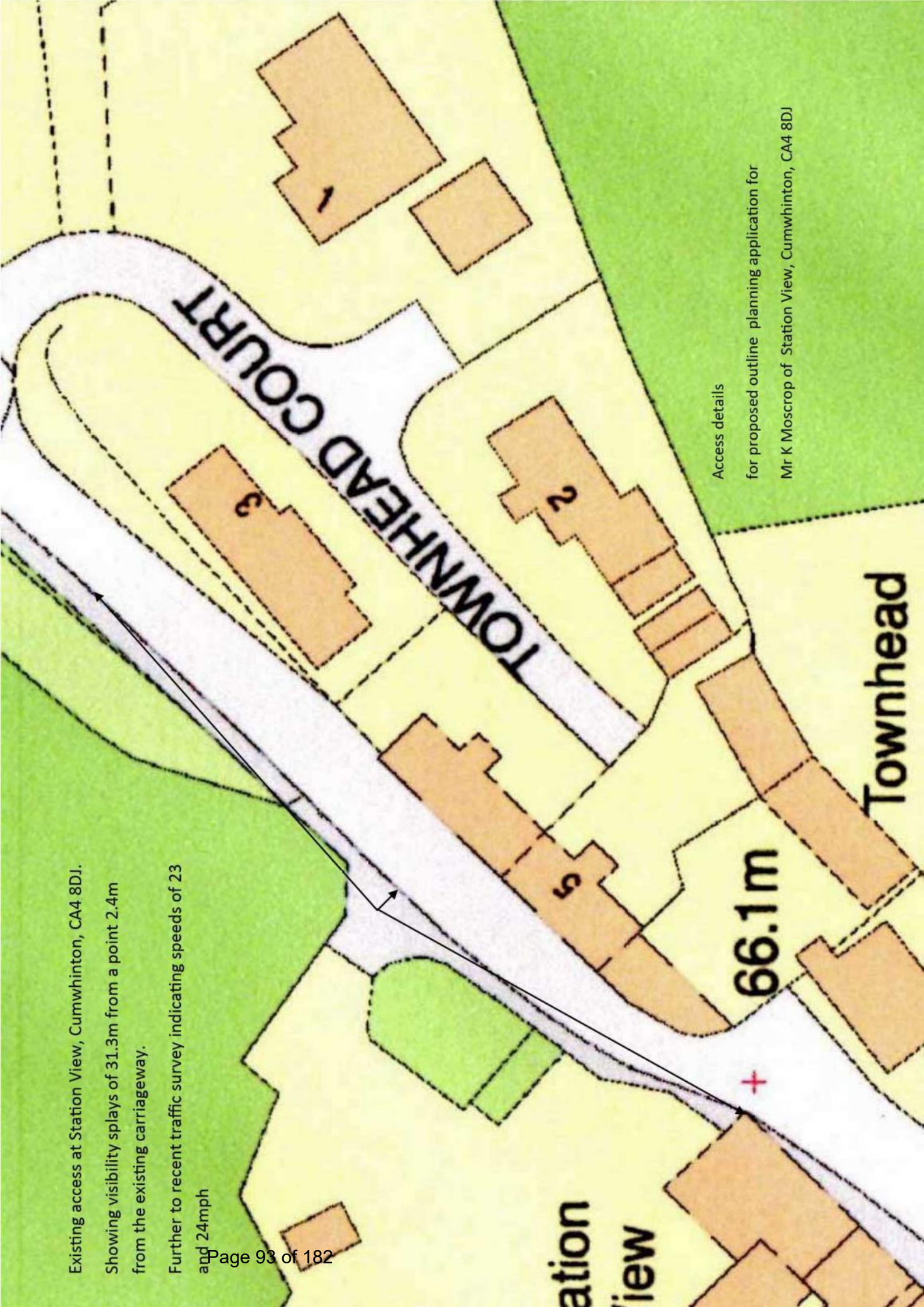




Existing access at Station View, Cumwhinton, CA4 8DJ.

Showing visibility splays of 31.3m from a point 2.4m from the existing carriageway.

Further to recent traffic survey indicating speeds of 23 and 24mph



Access details

for proposed outline planning application for

Mr K Moscrop of Station View, Cumwhinton, CA4 8DJ



## SCHEDULE A: Applications with Recommendation

20/0388

Item No: 03

Date of Committee: 19/02/2021

**Appn Ref No:**  
20/0388

**Applicant:**  
Mr and Mrs Grey

**Parish:**  
Burgh-by-Sands

**Agent:**  
Graham K Norman  
(Architect) Ltd

**Ward:**  
Dalston & Burgh

**Location:** Land to Rear of The Hollies, Thurstonfield, Carlisle, CA5 6HD

**Proposal:** Erection Of 1no. Dwelling

**Date of Receipt:**  
29/06/2020

**Statutory Expiry Date**  
22/08/2020

**26 Week Determination**  
22/02/2021

### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the character and setting of the listed building
- 2.3 Scale and design of the proposed dwelling
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Disposal of foul and surface water drainage
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on existing trees and hedges
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other matters

#### 3. Application Details

##### The Site

- 3.1 The application site is located to the north of The Hollies, a detached grade II listed building, within Thurstonfield. Extending to approximately 0.13

hectares in area, the site is currently the domestic curtilage of The Hollies. The northern boundary of the site consists of a post and wire fence with the eastern and western boundaries made up of a combination of: post and wire; post and rail; hedgerows; and walls. A curtilage listed barn with a relatively modern extension on the rear runs along the southern boundary. Within the vicinity of the application site are a variety of properties of differing ages and styles.

## **The Proposal**

- 3.2 This application seeks full planning permission the erection of a detached two storey dwelling. The submitted drawings illustrate a contemporary style dwelling centrally located within the application site. The dwelling would have a maximum length of 17.3 metres by a maximum width of 15.7 metres including the first-floor balcony with a maximum ridge of 8.2 metres. The accommodation would comprise of a kitchen/day room, porch, hallway, dining room, utility room, cloakroom with 1no. ensuite bedroom with gallery lounge, master ensuite bedroom, ensuite bedroom, bedroom/study and balcony above.
- 3.3 The proposed dwelling would be finished in a combination of an off-white smooth render and grey/blue fibre cement weatherboarding with a grey/blue natural slate roof.
- 3.4 The location of the dwelling would result in the loss of several overgrown ornamental shrubs and conifers within the existing garden, however; the loss of these would be mitigated by the planting of new ornamental shrubs and trees within the curtilage of the proposed dwelling. The existing hedgerow along the eastern boundary of the site would also be extended by the planting of a double row staggered hedgerow of laurel, black thorn, elder and holly in lieu of the existing post and rail fence.
- 3.5 Vehicular access would be via the existing access serving The Hollies which also provides access to the agricultural field beyond. Parking and turning provision would be to the south (front) of the dwelling.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of four neighbouring properties and the posting of site and press notices. In response, three representations of objection has been received.
- 4.2 The representations identify the following issues:
1. suitability of existing access to serve the proposed dwelling;
  2. impact of the proposal on the adjacent heritage asset;
  3. impact on existing trees and hedgerows;
  4. impact on the living conditions of neighbouring residents;
  5. location of proposed dwelling;
  6. refuse collection and storage;

7. potential to exacerbate existing surface water flooding;
  8. questions accuracy of speed survey.
- 4.3 The Ward Councillor has also made representations on behalf of a third party and the applicant. These representations have been reproduced in full for Members. In summary the issues raised in respect of the third party identify the following issues:
1. impact on living conditions of neighbouring residents;
  2. development potential of heritage asset;
  3. location of proposed dwelling.
- 4.4 The issues raised in respect of the applicant identify the following issues:
1. explanation for location of dwelling;
  2. existing access already used by tractors and other heavy vehicles;
  3. windows in eastern gable elevation would be obscurely glazed.

## 5. Summary of Consultation Responses

**Burgh-by-Sands Parish Council:** - concerns raised in respect of drainage as there are ongoing flooding issues in the area;

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to imposition of a condition requiring the boundary wall to the east of the existing access reduced to a height of 1.05 metres;

**United Utilities:** - no objections.

## 6. Officer's Report

### Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 At a national level, the relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP2, SP6, HO2, HO3, IP2, IP3, IP4, IP6, CC5, CM5, HE3, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The city council's Supplementary Planning Documents (SPD) 'Achieving Well Designed Housing', 'Tree and Development' and The Burgh By Sands Parish Design Statement are also material planning considerations. Historic England's document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3' is also a material consideration.
- 6.3 The proposal raises the following planning issues.

### 1. Principle Of Development



- 6.4 Paragraph 11 of the NPPF outlines that: *"at the heart of the NPPF is a presumption in favour of sustainable development"*. Paragraph 78 expands by highlighting that: *"To promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby"*.
- 6.5 The aims of the NPPF is reiterated in Policy HO2 of the local plan which outlines that new housing development other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and in the rural areas provided that the development would not prejudice the delivery of the spatial strategy of the local plan and be focussed in sustainable locations subject to satisfying five criteria. The proposal seeks full planning permission for the erection of a dwelling within a residential garden, therefore, Policy HO3 of the local plan is also relevant. Policy HO3 of the local plan supports housing development in existing residential gardens subject to the following criteria:
- "1. the scale, design and siting of the proposal would not result in a cramped form of development out of character with the surrounding environment;*
  - 2. 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;*
  - 3. the proposal, by way of design, siting and materials integrates into the surrounding built, natural, and where necessary historic environment;*
  - 4. there is no unacceptable loss of living conditions to surrounding properties by overlooking, loss of light, overbearing nature of the proposal or increase in on street parking; and*
  - 5. the proposal does not prejudice the development potential of an adjacent site."*
- 6.6 The application site is well contained within existing and proposed boundaries and adjoins the domestic curtilages of other residential properties within Thurstonfield. In overall terms, the application site is well contained within existing and proposed landscape features, it is physically connected, and integrates with, the settlement, and would not lead to an unacceptable intrusion into open countryside. The development of one dwelling is of an appropriate scale for the village to accommodate and would not be considered a threat to the delivery of the local plan's spatial strategy. Any perceived visual impact the proposal may have would be mitigated through the implementation of a landscaping scheme. Compliance with other criteria within Policies HO2 and HO3 of the local plan will be discussed in the relevant sections below.
- 6.7 In light of the foregoing, the site for housing is consistent with both the NPPF and local plan, the principle of development is acceptable.

## **2. Impact of the proposal on the character and setting of the listed**

## building

- 6.8 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. 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".*
- 6.9 Accordingly, considerable importance and weight to the desirability of preserving the character and settings of the listed buildings within the vicinity of an application site. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.10 Protecting and enhancing the historic environment is also an important component of the National Planning Policy Frameworks drive to achieve sustainable development. Paragraph 184 highlights that: *"heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".*
- 6.11 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.12 In considering potential impacts on heritage assets, paragraph 194 of the NPPF detailing that: *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ... "*
- 6.13 The aims of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF are reiterated at a local level. Policy HE3 of the local plan seeking to ensure that listed buildings and their settings are preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the harm.
- 6.14 In light of the foregoing, Members need to have cognizance of: a) the significance of the listed building and the contribution made to that

significance by its setting; and then assess b) the effect of the proposal on the listed building and its setting (inclusive of its significance and on the appreciation of that significance).

a) the significance of the listed building and the contribution made by its setting

6.15 The Hollies, is a Grade II listed building. By way of background, there are around 400,000 listed buildings within England which are categorised as Grade I, Grade II\* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II\* Buildings are particularly important buildings of more than special interest, 5.8% of listed buildings are Grade II\*. The final tier of listed buildings are Grade II listed buildings which are of special interest warranting every effort to preserve them. Over 90% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner.

6.16 The Hollies was listed by Historic England (HE) as a Grade II Listed Building in 1957. The HE listing details are as follows:

*"Farmhouse. Late C18. Flemish bond brickwork on chamfered stone plinth with raised quoins and plain cornice; Welsh slate roof with coped gables and kneelers, end brick chimney stacks. 2 storeys, 2 bays. C20 door in painted eared architrave, moulded cornice. Sash windows with glazing bars to right, double sash windows with glazing bars to left, all in painted architraves. Late C19 outbuildings to left is not of interest".*

6.17 The Hollies is an impressive double fronted property with an attached barn which has been converted to provide additional living accommodation. A further clay dabbin barn, used as domestic storage, is located to the rear of The Hollies forming a courtyard area which provides parking for the occupiers of The Hollies. The barns have been altered and extended with the HE listing detail outlining that: *"Late C19 outbuildings to left is not of interest"*. Nevertheless, they are curtilage listed given their relationship with the listed building and does not diminish their importance. As such, the assessment of the potential impact of the proposal should be on the listed building and the curtilage listed barns.

b) the effect of the proposal on the character and setting of the listed building (inclusive of its significance and on the appreciation of that significance)

6.18 Section 66 (1) of the 1990 Act requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the heritage assets and their setting when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).

6.19 When considering potential impacts of a proposed development on the



significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193 of NPPF). As highlighted earlier in the report, paragraph 194 of the NPPF outlining that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ..."*. Where a proposed development would lead to substantial harm or less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraphs 195 and 196 of the NPPF).

- 6.20 HE has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
  
- 6.21 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: *"the surroundings in which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*. The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking.
  
- 6.22 In respect of the impact of proposals on the setting and views of heritage assets, the TSHA advocates a staged approach to proportionate decision-taking. The TSHA stating that: *"all heritage assets have significance, some of which have particular significance and are designated. The contribution made by their setting to their significance also varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of the change. It can also depend on the location of the asset: an elevated or overlooked location; a riverbank, coastal or island location; or a location within an extensive tract of flat land may increase the sensitivity of the setting (ie the capacity of the setting to accommodate change without harm to the heritage assets significance) or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis"*.
  
- 6.23 When considering potential impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the

weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193). As highlighted earlier in the report, paragraph 194 outlining that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ..."*. Where a proposed development would lead to substantial harm or less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraphs 195 and 196).

- 6.24 The proposal seeks full planning permission for the erection of a dwelling within the domestic curtilage of The Hollies. Located approximately 60 metres to the north of The Hollies the proposed dwelling would be separated from the listed building specifically by the curtilage listed clay dabbin barn. Accordingly, the potential impact of the proposal on both The Hollies and its associated curtilage listed outbuildings have to be assessed.
  
- 6.25 As highlighted earlier in the report, within the vicinity of the application site are a variety of properties of differing ages and styles. This assessment is borne out by the The Burgh By Sands Parish Design Statement which outlines that: *"... most of its few surviving traditional buildings (only four of which are listed) are clustered at the eastern entrance to the village along the Powburgh Beck and around a small area of public open space which is situated in the centre of the village off the main road. These two potentially and attractive and historic groups of buildings, along with their associated tree groups, are separated from each other and surrounded by a predominance of 20th century development ..."*
  
- 6.26 When viewing The Hollies from public vantage points the southern (front) elevation of the dwelling and the attached barn are clearly visible with only partial views of the clay dabbin beyond. It is only when within the courtyard parking area that you view the dwelling in the context of the curtilage listed barns. The outbuilding directly to the east of the dwelling has been sympathetically altered to provide additional living accommodation for The Hollies. The clay dabbin barn, directly across the courtyard to the north of the dwelling has also been extended and altered by several stone and brick extensions with both gables replaced in brick. The northern elevation of the barn is mostly obscured by a relatively modern wood and block work extension.
  
- 6.27 The setting of the heritage assets have evolved from its former use as a farm and farmhouse. The application site, which it is assumed, would once have been agricultural land now serves as part of the domestic curtilage of The Hollies with pockets of overgrown ornamental shrubs and trees together with domestic paraphernalia. From within the application site, views of the dwelling and its extended living accommodation is largely obscured by the clay dabbin barn. The northern elevation of the clay dabbin barn is also largely obscured by a relatively modern wooden and block agricultural type building. The submitted drawings illustrate that the stepped front elevation of the dwelling would be located between 29 metres and 33 metres from the

original rear elevation of the clay dabbin barn with existing planting retained. The council's Conservation Officer has been consulted and raise no objections to the dwelling subject to ensuring the submission of details in respect of the surfacing of the access road. These details would be subject of a pre-commencement condition, should Members approve the application. Based on the foregoing assessment, the proposal would have a less than substantial impact on the character or setting of the heritage assets with the benefits of the proposal contributing to the housing stock and the built environment.

- 6.28 A planning consultant, acting on behalf of third parties, has referenced a document produced by Historic England (HE) in 2007 entitled *"High Beeches and The Hollies, Thurstonfield, Burgh By Sands, Cumbria: Tree-Ring Analysis of Timbers From the Barn"* (Research Department Report Series No. 85-2007). The agent outlining that HE describes the clay dabbin barn as a "nationally important and threatened building type" and questions the potential impact of the dwelling on the heritage asset and potential detrimental impact on the structural stability of the clay dabbin resulting from construction traffic and the formation of the vehicular access to serve the proposed dwelling.
- 6.29 The importance of the curtilage listed clay dabbin barn is not disputed, however; in light of the assessment above the proposed dwelling would have a less than significant impact on the heritage asset. Furthermore, although HE undertook the research in 2007 to primarily determine the age of the internal wooden cruck trusses. HE also used it to understand the significance of the historic structure and inform them of its conservation, however; chose not to list the clay dabbin building separately. This does not, however; diminish its importance as that of a curtilage listed building and is right and proper that the potential impact of the proposal on the curtilage listed building are assessed as part of this application.
- 6.30 In respect of the potential impact on the structure of the clay dabbin barn. The vehicular access to the proposed dwelling would be via an existing field access the width of which would naturally restrict the size of construction vehicles able to access the application site. However, in order to further ensure that the structural stability of the heritage assets are not undermined during the construction phase, a pre-commencement condition is recommended that would require the submission of a construction management statement (CMS). The CMS would detail how the heritage assets would be protected during construction works together with the details of the construction vehicles parking and storage of materials to be used within the application site.

### **3. Whether The Scale And Design Of The Dwelling Is Acceptable**

- 6.31 Policies seek to ensure that development proposals are appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policies

SP6, HO2, HO3 and HE3 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing, make use of appropriate materials and detailing and achieve adequate amenity space. Policy HO3 of the local plan, subject to satisfying five criteria, recognising that gardens contribute significantly to the character and quality of housing areas within the City, market towns and many villages within the rural area.

- 6.32 The submitted drawings illustrate a contemporary styled two storey dwelling within the domestic curtilage of The Hollies. As highlighted earlier in the report, there are a range of dwellings of differing styles and ages within the immediate vicinity of the application site. The scale and massing of the proposed dwelling would reflect neighbouring properties with the proposed palette of materials also harmonising with those of its neighbours.
- 6.33 Concerns has been raised in respect of the proposed location of the dwelling within the plot citing unacceptable intrusion into open countryside and that the dwelling does not respect the building line of this part of Thurstonfield. In respect of development within the domestic curtilages of existing dwellings within the immediate vicinity, the adjacent property, Birch House, is constructed on part of what was the former garden area of Orchard House (application 13/0021). Permission for another, as yet unimplemented, dwelling was approved within the domestic curtilage of Croft House to the east of The Hollies (application reference 20/0330). It is acknowledged that the rear elevation of the proposed dwelling would be set further back than that of Birch House, however; the dwelling would still be within the domestic curtilage of The Hollies and be well contained by existing/proposed landscaping. Furthermore, the location of the dwelling would ensure adequate external space to serve both the existing and proposed dwelling. In respect of the building line, there is no definitive building line in this part of Thurstonfield.
- 6.34 The concerns of third parties are respected, however; the scale and massing of the proposed dwelling would respond to the form of existing and proposed dwellings within this part of Thurstonfield and achieve adequate external space and in-curtilage parking provision to serve both the existing and proposed dwelling. The proposed palette of materials would also respect and reflect those of the adjacent properties. The retention of existing landscaping together with proposed landscaping would also help to soften and blend the proposed dwelling into the landscape. Furthermore, only limited views of the dwelling would be possible from public viewpoints. In overall terms, the proposal would respond to the local context and would not be disproportionate or obtrusive within the character of the street scene.

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

- 6.35 Development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. The living conditions of the occupiers of adjacent residential

properties should not be adversely affected by proposed developments. This is echoed and reinforced in local plan policies and SPDs, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.

- 6.36 The City Council's SPD 'Achieving Well Designed Housing' outlines where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (12 metres between any wall of a building and a primary window).
- 6.37 Objections have been raised by third parties citing over dominance, visual intrusion, loss of privacy to neighbouring properties and potential loss of privacy to the occupiers of the proposed dwelling resulting from overlooking from the balcony area of the adjacent property.
- 6.38 It is acknowledged that there may be some perception of over dominance and visual intrusion by the erection of a dwelling in an otherwise undeveloped domestic curtilage. In mitigation, due to the orientation and design of the proposed dwelling it would be located between 10.3 metres and 20 metres from the balcony and gable elevation of The Birches separated by a mature hedgerow. The maximum ridge height of the proposed dwelling, 8.2 metres, would not be significantly higher than that of its neighbour which the 2013 planning report detailed as 7.4 metres. The submitted drawings also illustrate that the proposed ridge and eaves lines would be stepped, thereby, also helping to reduce any perceived over dominance or visual impact by the proposed dwelling. An existing tree, within the curtilage of the adjacent property, would also help to screen the external balcony area from the proposed dwelling. Existing and proposed landscaping along the eastern shared boundary would also help to soften any perceived visual impact and screen the proposed dwelling from neighbouring properties.
- 6.39 In respect of loss of privacy resulting from the proposed development on neighbouring properties. The orientation and location of the proposed dwelling achieves the minimum distances outlined in the SPD. Proposed landscaping together with opaquely glazed windows in the eastern gable elevation of the proposed dwelling would also afford a greater degree of privacy to the neighbouring external amenity area. Landscaping along the shared boundaries and within the application site itself would protect the living conditions of the future occupiers of the proposed dwelling from unacceptable overlooking from the balcony area of the adjacent property.
- 6.40 In overall terms, given the location of the application site in relation to neighbouring residential properties, the proposal would not have a detrimental impact on the living conditions of the occupiers of those properties on the basis of unacceptable over dominance, visual intrusion or overlooking. To further protect the living conditions of the occupiers of neighbouring properties from unacceptable noise and disturbance during construction works a condition is recommended which would limit construction hours.

## **5. Disposal Of Foul And Surface Water Drainage**

- 6.41 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that enough capacity exists prior to commencement of any development. The submitted documents details that foul drainage would be disposed of via the mains sewer. Details submitted by a firm of consultant civil and structural engineers, in support of the application, illustrate surface water entering a soakaway located more than 5 metres away from the highway and existing/proposed properties.
- 6.42 United Utilities as statutory consultee for foul drainage raise no objections to the proposal with connection to its assets subject to its legislation. Cumbria County Council, as Lead Local Flood Authority (LLFA), advise that as the proposal is a minor development it is below the threshold for LLFA comments. Any development below five dwellings will have the drainage arrangements scrutinised by Building Control, however; the surface water discharge rate should not be greater than the existing, and if installing a soakaway, should not be positioned within 5 metres of the highway or property.
- 6.43 The proposed methods for the disposal of foul and surface water are acceptable. Should the proposed drainage methods prove unsatisfactory from a Building Control perspective then a further planning application for the any revised drainage methods to serve the proposed dwelling would be required.

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

- 6.44 The proposed dwelling would utilise part of the existing vehicular access serving The Hollies and the field beyond. Cumbria County Council, as Highways Authority, following the receipt of a speed survey, raise no objections, subject to the imposition of a condition, as the visibility splays required can be accommodated. The recommended condition would require the boundary wall to the east of the existing vehicular be reduced to 1.05 metres to allow greater visibility. The reduction of the wall would require listed building consent.
- 6.45 Third parties have questioned the suitability of the existing access to serve the development and the validity of the results of the speed survey due to parked vehicles potentially restricting vehicle speeds. The Highway Authority have been made aware of these concerns and confirm that the speed survey results are acceptable. A further issue raised was the potential of surface water discharging onto the highway from the access citing recent surface water flooding issues within the vicinity of the application site. This issue was also raised by Burgh By Sands Parish Council. The Highway Authority has not requested the imposition of a condition in respect of the proposed method to prevent surface water discharging onto the highway; however; as outlined earlier in the report, a condition is recommended requiring the submission of further details in respect of the surfacing of the proposed access. The LLFA have also confirmed that it has been investigating the cause of surface water flooding within the vicinity of the site and has found numerous blockages of the surface water drainage network in the village. These blockages have subsequently been removed with cracked pipework repaired. These works

will reduce the flood risk in the area.

- 6.46 The views of third parties are noted, however; given that the Highway Authority do not share these views it would be difficult to substantiate a refusal on highway safety grounds.

## **7. Impact Of The Proposal On Existing Trees And Hedges**

- 6.47 Policy GI6 of the local plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the city council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees and hedges. This aim is further reiterated in Policy SP6 of the local plan which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing landscaping.
- 6.48 The city council's 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 tree 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.
- 6.49 The submitted drawings illustrate the removal of several trees and shrubs in order to facilitate the erection of the dwelling, however; these shrubs and conifers do not make a positive contribution to the locality as they are mainly ornamental shrubs and conifers largely hidden from public viewpoints. The shrubs and trees are not worthy of protection by Tree Preservation Orders nor is the application site within a conservation area. As such, they could be removed by the applicant without applying for permission under planning legislation. The loss of these shrubs and conifers would also be offset by the implementation of a landscaping scheme within the development site which includes native species hedgerows. In overall terms, existing and proposed landscaping would help to soften and blend the development into the landscape.

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

- 6.50 The Council's 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, informatics are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

## **9. Other Matters**

- 6.51 Third parties have raised was the accuracy of the submitted drawings and questions the ability of the application site to accommodate the proposed dwelling. The submitted drawings are to scale and have been compiled by a qualified architect.
- 6.52 A further issue raised was in respect of refuse collections and the distance from the proposed dwelling to the kerbside collection point. The distance to the proposed collection point would be similar to that of other properties within the vicinity.
- 6.53 The Ward Councillor made reference to the potential future development of the curtilage listed clay dabbin barn. This barn is out with the application site; therefore, any potential future development is not relevant in the determination of this application.

## **Conclusion**

- 6.54 In overall terms, the principle of residential development on the site is acceptable under the provisions of the NPPF and the local plan. The application site is well contained within existing landscape features, it is physically connected, and integrates with, the settlement, and would not lead to an unacceptable intrusion into open countryside. The development of 1no. dwelling is of an appropriate scale for the village to accommodate and would not be considered a threat to the delivery of the local plan spatial strategy.
- 6.55 The proposal would have a less than significant impact on the heritage assets. A condition requiring the submission of a construction management plan would afford further protection of the heritage assets during construction works. A further condition would also ensure the surfacing of the proposed access in a material sympathetic to the heritage assets and their settings.
- 6.56 The scale, design and massing of the proposed dwelling is acceptable. Adequate external amenity space and parking provision to serve both the existing and proposed dwelling can also be achieved. Given the orientation of the application site with adjacent properties, the living conditions of the occupiers of neighbouring properties would not be significantly adversely affected through unacceptable over dominance, visual impact or overlooking that would merit the refusal of permission. Existing and proposed landscaping together with the proposed palette of materials would also help to soften and blend the proposed dwelling into the landscape, thereby, further minimising any perceived visual impact.
- 6.57 Adequate provision of the disposal of foul and surface water drainage can also be achieved. The Highway Authority, subject to the imposition of a condition requiring the reduction of the boundary wall to the east of the access to a height of 1.05 metres, raise no objections on highway safety grounds. The reduction in height of the boundary wall would require listed building consent.



- 6.58 In all other aspects, the proposal is compliant with the objectives of the NPPF, PPG and relevant local plan policies. Accordingly, the application is recommended for approval.

## **7. Planning History**

- 7.1 In 1970, full planning permission was refused for the proposed conversion of outbuilding to cottage (application reference BA6202).
- 7.2 In 1971, full planning permission was granted for alterations and extensions to dwelling (application reference BA6326).
- 7.3 In 1996, listed building consent was granted for internal alterations to provide a family room and bedroom, installation of 2no. roof lights to reverse slope of roof and erection of a sun lounge and porch to rear of dwelling (application reference 96/0515).
- 7.4 In 1999, listed building consent was granted for provision of balance flue (application reference 99/0208).
- 7.5 In 2002, full planning and listed building consent was granted for conversion of outbuilding to form kitchen, dining room and snug together with reconstruction of east facing wall into courtyard (application references 02/1033 and 02/1034 respectively).

## **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 11th June 2020;
  2. the Heritage Statement received 29th June 2020;
  3. the Speed Survey received 7th September 2020;
  4. the Speed Survey Summary received 7th September 2020;
  5. the Surface Water Drainage Calculations received 30th October 2020;
  6. the Surface Water Construction Phase Management Plan received 30th October 2020;
  7. the location plan received 13th August 2020 (Drawing No. 118-151-01 E);
  8. the as proposed site plan received 18th January 2021 (Drawing No. 118-151-03 E);

9. the as proposed ground floor plan & elevations received 18th January 2021 (Drawing No. 118-151-04 C);
10. the as proposed first floor plan & elevations received 11th June 2020 (Drawing No. 118-151-05 A);
11. the as proposed visibility splays received 18th January 2021 (Drawing No. 118-151-06 A);
12. the proposed surface water drainage plan received 30th October 2020 (Drawing No. D15363/SK.01);
13. the Notice of Decision;
14. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. The existing highway boundary wall to the east of the access shall be reduced to a height not exceeding 1.05 metres above the carriageway level of the adjacent highway in accordance with details submitted to the local planning authority and which have subsequently been approved before development commences and shall not be raised to a height exceeding 1.05 metres thereafter.

**Reason:** In the interests of highway safety in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

4. Development shall not be begun until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include details of:

- method for the protection of the structural stability of the heritage assets from construction traffic and deliveries
- area set aside for the parking of construction traffic
- area set aside for the storage of materials

**Reason:** To ensure the structural stability of the heritage assets during construction works in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

5. Details shall be submitted for the method and surfacing of the access within the proposed application site and approved in writing by the local planning authority prior to commencement of development hereby approved. The approved development shall be carried out in strict accordance with the details approved in response to this condition.

**Reason:** To ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policies SP6 and HE3 of the Carlisle District Local Plan 2015-2030.

6. No work associated with the construction of the residential units hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays

(nor at any times on Sundays or statutory holidays).

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

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

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

8. 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 dwellings 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 and that it fulfils the objectives of Policy GI6 of the Carlisle District Local Plan 2015-2030.

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

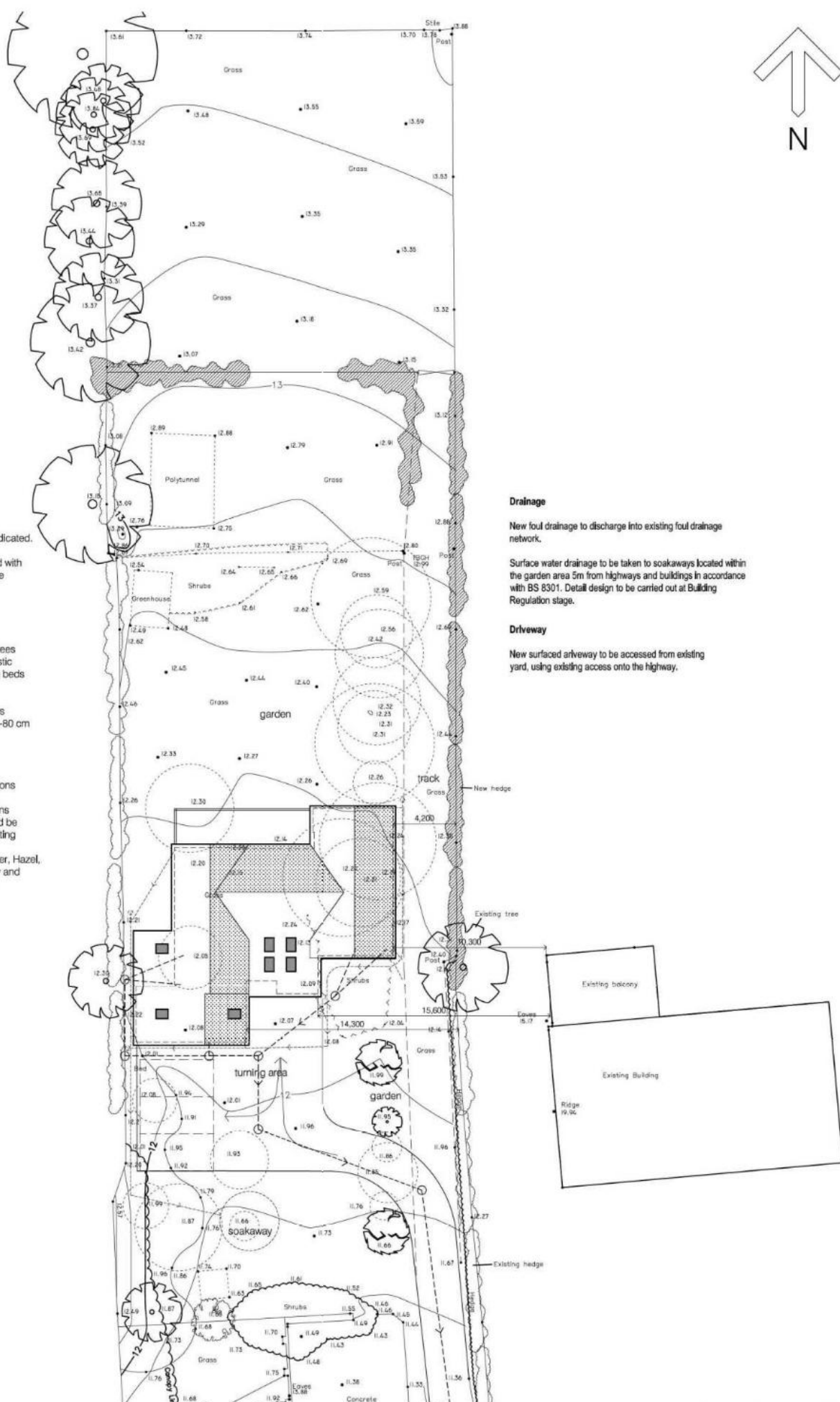
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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Existing trees to be thinned out as indicated.

[1] Rowan (*sorbus aucuparia*)  
[2] Silver Birch (*betula pendula*)

Trees and shrubs to be cell grown, trees planted in grass free beds within plastic sleeves, shrubs planted in grass free beds and protected until established.

[3] New double staggered hedgerows between properties comprising of 60-80 cm tall field grown plants.

Species:  
40% Laurel  
40% blackthorn  
20% elder and holly in equal proportions

Planting close to adopted sewer drains should be located min. 1m away, and be made up of the following shallow rooting shrubs.  
Blackthorn, Broom, Cotoneaster, Elder, Hazel, Laurel, Privet, Quickthorn, Snowberry and most ornamental flowering shrubs.

### Drainage

New foul drainage to discharge into existing foul drainage network.

Surface water drainage to be taken to soakaways located within the garden area 5m from highways and buildings in accordance with BS 8301. Detail design to be carried out at Building Regulation stage.

## Driveway

New surfaced driveway to be accessed from existing yard, using existing access onto the highway.

Site Plan scale 1:250

revisions

A	03-08-20	Location of dwelling altered, BB
B	05-08-20	Turfing & Parking area altered, BB
C	11-08-20	Location of dwelling altered, CA Parking and landscaping altered,
D	03-09-20	Roof plan amended, WJC
E	18-01-21	Dims added, notes added,

Graham K Norman Architect  
CHARTERED PRACTICE

UNIT 4 MERESIDE  
GREENBANK ROAD  
EDEN BUSINESS PARK  
PENRITH, CUMBRIA, CA11 9FB



AS PROPOSED SITE PLAN

creating title

**PROPOSED DWELLING,  
THE HOLLIES, THURSTONFIELD**

MR AND MRS GREY

27-05-20

WJC

WJC

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44

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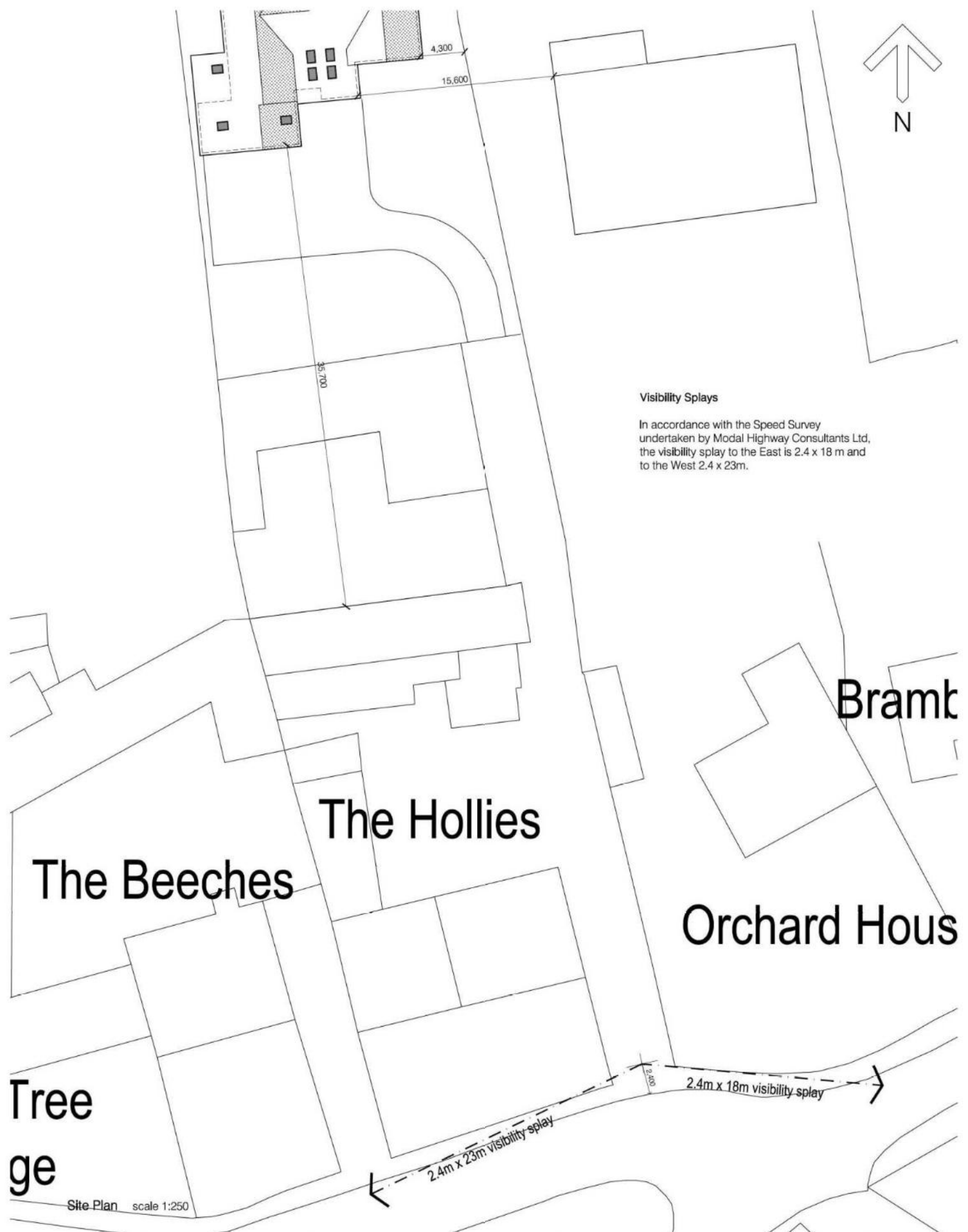
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118-151-03 E

1





#### Visibility Splays

In accordance with the Speed Survey undertaken by Modal Highway Consultants Ltd, the visibility splay to the East is 2.4 x 18 m and to the West 2.4 x 23m.

The Beeches

The Hollies

Bramk

Orchard House

Tree  
ge

Site Plan scale 1:250

revisions  
A 18-01-21 Dimensions added, CA

Graham K Norman Architect  
CHARTERED PRACTICE  
UNIT 4 MERESIDE  
GREENSBANK ROAD  
EDEN BUSINESS PARK  
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01768 868274  
mail@grahamknorman.co.uk  
www.grahamknorman.co.uk



#### AS PROPOSED VISIBILITY SPLAYS

drawing title

PROPOSED DWELLING,  
THE HOLLIES, THURSTONFIELD

works

MR AND MRS GREY

client

02-09-20

BB

01

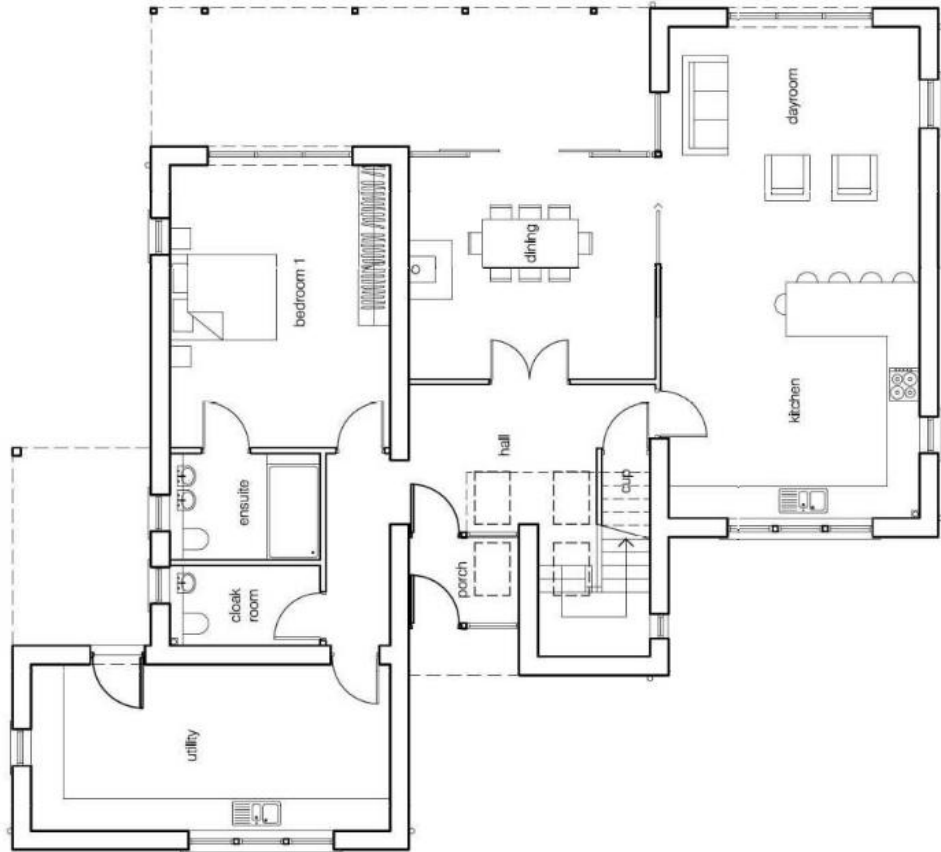
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Ground Floor Plan scale 1:100

#### Walls

Cavity blockwork walls to be finished in a smooth render, colour: off white.

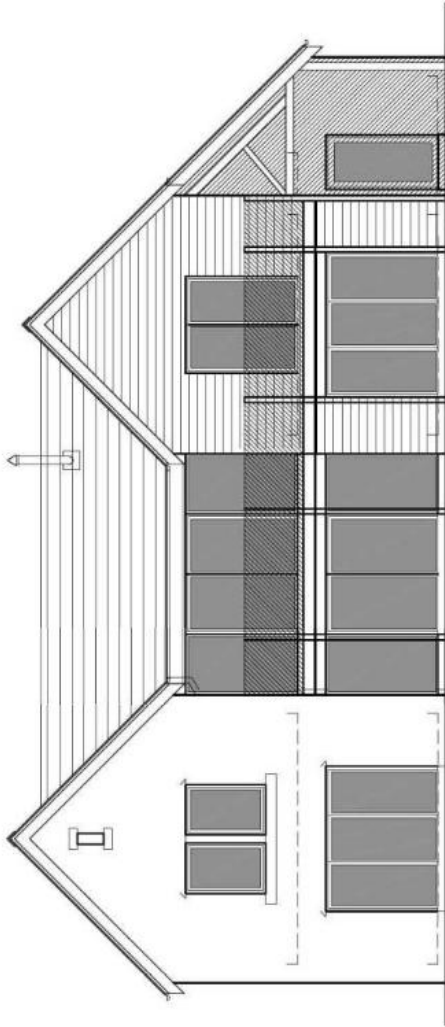
Cavity blockwork walls to be finished in natural cedar/larch boarding, left to colour naturally.

Alternatively Cedar weatherboard to be used, colour: grey/ blue. As supplied by Marley Eternit or equivalent.

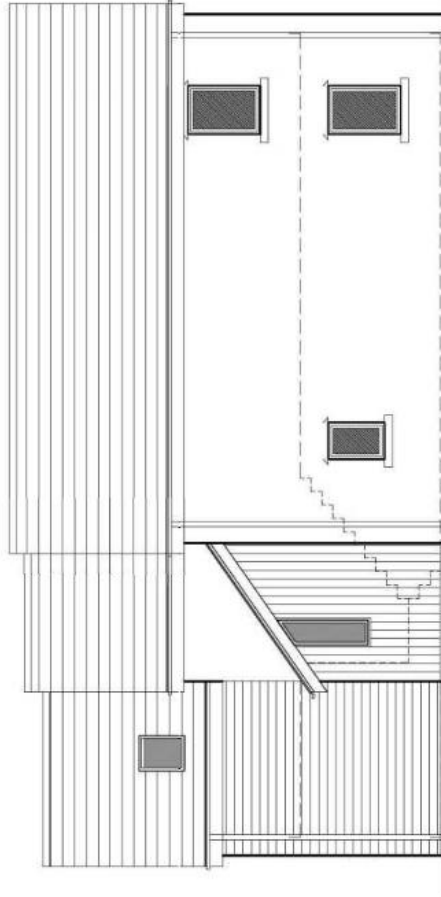
#### Windows, Screens and Doors

Proprietary aluminium timber 'composite' casement windows, glazed doors and screens to be finished with an opaque microporous stain, colour: blue/green.

All panes to be double glazed in clear multifunction glass, laminated clear 'safety' glass to doors.



North Elevation scale 1:100




East Elevation scale 1:100

#### Roof

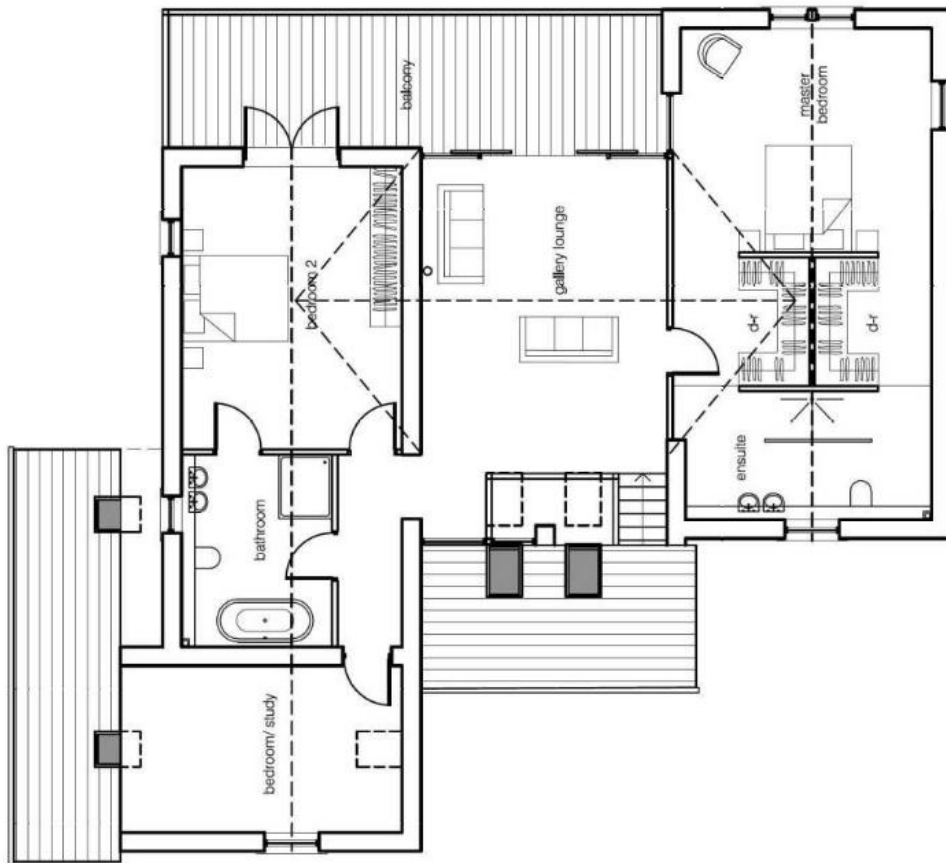
Windows to be fitted with obscure glazing on East Elevation as indicated.

New roof to be finished in natural slate, laid in the traditional manner colour: grey/blue. Roof to incorporate proprietary breather sarking underlay.

Proprietary plain stoneware ridges to be laid and bedded in mortar in the traditional manner, colour: red.

DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS COPYRIGHT ©	revisions	A 11-05-20 B 03-06-20 C 18-01-21	Alterations to Clients Comments & notes added. BB Roof amended. WJC Windows changed to obscure glazing on east elevation.	<div><div><div>Graham K Norman</div><div>Architect</div></div><div>CHARTERED PRACTICE</div><div>UNIT 1A NEESSIDE</div><div>GREENBANK ROAD</div><div>EDEN BUSINESS PARK</div><div>PENRITH, CUMBRIA, CA11 9FB</div><div>01768 886274</div><div>mail@grahamknorman.co.uk</div><div>www.grahamknorman.co.uk</div></div> <div><div></div><div>RIBA</div></div>	<div><div>03-03-20</div><div>BB</div><div>1-100@A3</div></div> <div><div>AS PROPOSED GROUND FLOOR PLAN &amp; ELEVATIONS</div><div>PROPOSED DWELLING, THE HOLLIES, THURSTONFIELD</div><div>MR AND MRS GREY</div></div> <div><div>118-151-04 C</div><div>118</div></div>
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First Floor Plan scale 1:100

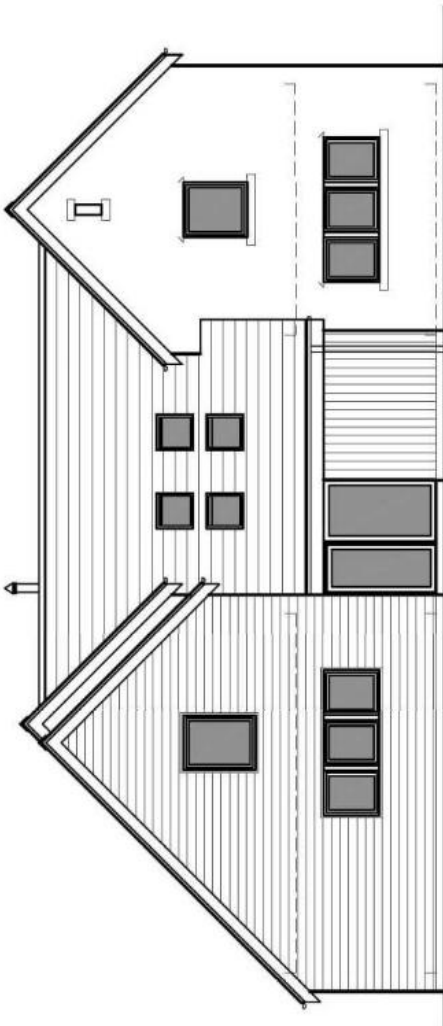
Eaves and Verges

Rafter to project beyond walls at eaves level with a fibre cement fascia and sloping soffit.

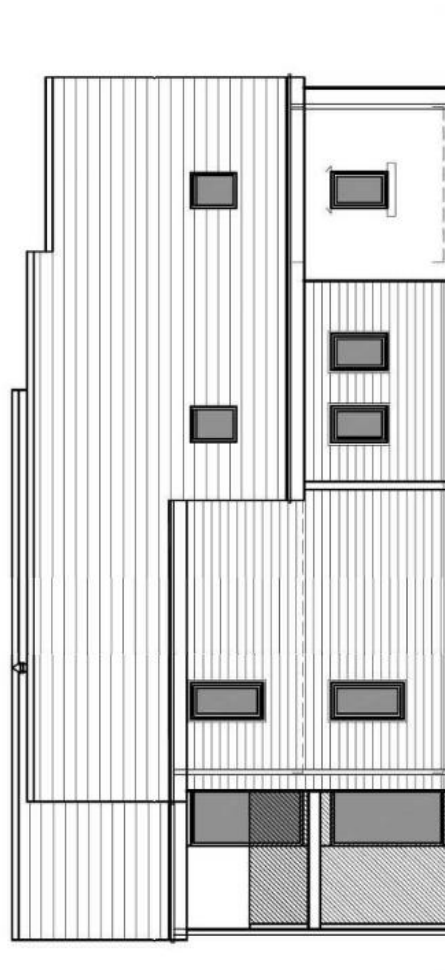
Verges to have a small overhang and bedded and pointed onto a slate undercloak with barge boards.

Cills and Thresholds

Openings in rendered superstructure walls to have dressed local stone cills and thresholds with plain mouldings, colour: pink/grey/buff.



South Elevation scale 1:100



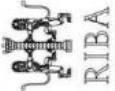
West Elevation scale 1:100

Rooflights

New rooflights to be proprietary model type GGL FK06 roof windows with recessed flashing kits from The Velux Company Ltd, colour: Grey.

Flue Pipe

Proprietary twin walled flue to be installed and where external to be painted, colour: grey

DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS COPYRIGHT ©	revisions A 11-05-20 Alterations to Clients Comments & notes added. BB	 Graham K Norman Architect CHARTERED PRACTICE UNIT 1A NERESBORO GREENWICK ROAD EDEN BUSINESS PARK PENRITH, CUMBRIA, CA11 9FB 01768 886274 mail@grahamknorman.co.uk www.grahamknorman.co.uk	AS PROPOSED FIRST FLOOR PLAN & ELEVATIONS  PROPOSED DWELLING, THE HOLLIES, THURSTONFIELD  MR AND MRS GREY	09-03-20 BB	1-100@A3
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				118-151-05	A



## SCHEDULE A: Applications with Recommendation

20/0867

Item No: 04

Date of Committee: 19/02/2021

**Appn Ref No:**  
20/0867

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Agent:**  
Align Property Partners

**Ward:**  
Cathedral & Castle

**Location:** Paton House, 9 Victoria Viaduct, Carlisle, CA3 8AN

**Proposal:** Demolition Of Building

**Date of Receipt:**  
17/12/2020 14:00:45

**Statutory Expiry Date**  
11/02/2021 14:00:45

**26 Week Determination**

---

### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of Demolition Of The Building
- 2.2 Impact On The City Centre Conservation Area
- 2.3 Impact On Listed Buildings
- 2.4 Impact On Archaeology
- 2.5 Impact On The Occupiers Of Neighbouring Properties
- 2.6 Highway Matters
- 2.7 Other Matters

#### 3. Application Details

##### The Site

- 3.1 Paton House was constructed in 1937 in the art-deco style and was originally used as a motor vehicle showroom. The east elevation of the building, which faces Bush Brow, contains a large two-storey section which is adjoined by a three-storey flat roof tower. A first floor flat roof section links the tower to Victoria Viaduct and Bush Brow runs beneath this.

- 3.2 The south elevation of the building adjoins the middle level of the Cumbria County Council pay and display car park. Due to a change in levels across the site, the west elevation of the main section of the building which adjoins the lower level of the car park is three-storey, with the tower being four-storey. The outer walls of the car park are the Grade II Listed Gaol Walls part of which abut Paton House.
- 3.3 The north elevation of the building adjoins Victoria Viaduct. This elevation contains a large shop display window with a large sign above and a doorway that provides access to the building from Victoria Viaduct. The north elevation also contains another entrance to the building from Bush Brow.
- 3.4 The building is largely finished in render, although the south elevation is brick. The first floor section that adjoins Bush Brow is clad in vertical metal sheeting.

## **The Proposal**

- 3.5 This proposal is seeking permission to demolish Paton House, which will be a vacant property from March 2021. The roof, three walls and all internal structures within the building would be demolished to the ground floor slab. The retaining wall that supports the cobbled Bush Brow highway would be kept in order to keep the structural integrity of the road. All existing boundary walls to the perimeter of the site would be retained upon completion. The pay and display car park around the site would be protected during the works and reinstated to its current condition in the event of any damage.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to two neighbouring properties. In response one letter of objections and two letters of comment have been received which make the following points:
- no mention is made about the businesses located in these premises - Laser Quest, Total Enigma, Total Power, The Bed Shop and Winterbottoms
  - what support is being offered to these businesses that are required to vacate this building during a pandemic;
  - the escape room at Total Enigma is one of the highlights of a visit to Carlisle - what is going to happen to this business;
  - what leisure facilities are planned for the new site? Laser Quest was something of an institution in Carlisle, appealing to all ages. Might these existing leisure facilities be able to be retained within the new site? This would be great for residents and visitors to Carlisle.

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

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

objections, subject to conditions;

**Local Environment - Environmental Protection:** - no objections, subject to conditions.

## **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 SP4, SP6, SP7, HE2, HE3, HE7 and CM5 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposal raises the following planning issues.
  1. Principle of Demolition Of The Building
- 6.4 Policy SP4 (Carlisle City Centre and Caldew Riverside) of the adopted Local Plan notes that a significant opportunity exists in the locality of the Citadel to reuse and redevelop buildings and land for a mix of uses which could act as a catalyst to enhance the vitality and viability of the southern extent of the City Centre and further improve the sense of arrival for visitors using this important historic and iconic gateway.
- 6.5 The proposal to demolish Paton House follows the demolition of the adjacent Lonsdale and Lower Gaol Building and is an integral part of the wider Citadels / Borderlands redevelopment that would bring considerable social, economic and environmental benefits. The building is no longer required by the City Council and is gradually falling in to a state of disrepair. The building would require substantial financial input to be re-purposed and / or upgraded so the decision has been taken to demolish it due its ever increasing negative impact on the surrounding area.
- 6.6 The impacts associated with the demolition would be managed through mitigation measures including an agreed demolition method statement. Prior to demolition a full photographic record of the building would be carried out and deposited with the Cumbria Historic Environment Record.
- 6.7 The Council's Heritage Officer has been consulted on the application. He understands that the proposed demolition is necessary as part of the wider development of the Citadels site, which would sustain the long term occupancy of the listed buildings. On the understanding that a development scheme for the site follows on shortly, he considers that the application is compatible with planning policies.

- 6.8 The Heritage Officer, whilst acknowledging that Paton House is an increasing states of disrepair, notes that it is one of Carlisle's few inter-war buildings of note, and at the time of building, was a positive art-deco presence on the street scape. The building should, therefore, be subject to a Level 2 Recording Survey prior to its demolition and this should be secured by condition.
- 6.9 In light of the above, subject to a condition of requiring the building to be recorded prior to its demolition, the proposal would be acceptable in principle.

## 2. Impact On The City Centre Conservation Area

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

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

- 6.11 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.12 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.13 Paton House is currently in a poor state of repair. A Statement of Significance was prepared by B&B Heritage Studio on behalf of Cumbria County Council in November 2019, and this considered that "the Paton building is currently impacting negatively on the townscape due to its poor and deteriorating condition".
- 6.14 The removal of the building would allow the comprehensive redevelopment of the area and would allow the setting of listed buildings, that make a significant positive contribution to the City Centre Conservation Area, to be improved. The proposal would not, therefore, have an adverse impact on the City Centre Conservation Area.

## 3. Impact On Listed Buildings

- 6.15 There are three listed buildings within the study area or its immediate setting as follow:
- The Courts/ Citadel (Grade I)

- Gaol wall west of Crown Court (Grade II)
- Hospital wing of County Gaol (Grade II)

6.16 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. 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".*

6.17 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.

6.18 The Courts is a civic complex located within the medieval walls of Carlisle. Thomas Telford was commissioned in 1802 to redevelop the 16th century Carlisle Citadel, but the main design work including the fitting out of the court rooms was completed by Robert Smirke by 1828. 'The Courts' describes the site owned by Cumbria County Council to the west of English Street, Carlisle. Buildings at the Courts comprise the Grade I listed Crown Court Citadel and the Grade II listed Gaol Wall that wraps around the southern boundary of the site and abuts Paton House.

6.19 Recently the modern additions of the Lonsdale, Kraemer and Lower Gaol Yard buildings have been demolished and a pay and display car park created as a replacement. Paton House is surrounded on two aspects by the car park.

6.20 Currently from the Victoria Viaduct only a fraction of the Grade I listed Citadels can be seen over the rooftop of Paton House. The demolition of the building would enhance the presence of the Citadels from the Viaduct and improve the setting of the Courts site in preparation for subsequent redevelopment proposals. Furthermore, the scheme would sustain and enhance the Listed Buildings by improving circumstances for their future use.

6.21 The demolition of Paton House would, therefore, make a positive contribution to the setting of the adjacent listed buildings.

#### 4. Impact On Archaeology

6.22 The proposed demolitions would be to existing ground level of the lower car park. The existing lower ground floor slab of Paton House would remain and the proposals would not involve excavation below current levels into potential archaeological deposits. Given this proposal does not involve ground disturbance it would not have an adverse impact on any archaeological remains.

## 5. Impact On The Occupiers Of Neighbouring Properties

- 6.23 Paton House lies in close proximity to retail units and offices and the demolition of the building has the potential to have an adverse impact on the occupiers of these neighbouring buildings.
- 6.24 Officers in Environmental Health have been consulted on the application. They have requested that consideration should be given to limiting the permitted hours of work in order to protect any nearby residents from possible statutory noise nuisance, including vibration. Appropriate noise mitigation measures should be considered together with measures to protect any nearby residents or sensitive receptors from statutory nuisance being caused by dust from the site. Conditions have been added to restrict the hours of work on site and to require the submission of a Construction Management Plan for approval by the local planning authority, prior to demolition starting on site.
- 6.25 Officers in Environmental Health also consider that it would be advisable for the applicant to write to all residents and businesses within the vicinity of the site, which could be potentially adversely affected by the works. This should include details of the planned hours of work, the duration of the project and contact details which can be used in the event of issues/complaints. The applicant is intending to write to all neighbouring occupiers prior to the demolition works starting.

## 6. Highway Matters

- 6.26 The Highway Authority has been consulted on the application and has raised no objections to the proposals subject to a condition requiring the applicant to agree a method statement for the works including trip journeys for the demolition vehicles and the removal of rubble. Appropriate permits would also need to be in place prior to any works commencing to cover any possible road closures in relation to the surrounding roads and bridge adjacent to the site.

## 7. Other Matters

- 6.27 Three letters have been received which raise concerns about the existing occupiers of Paton House and where they would relocate to. This is not, however, a planning matter and is not relevant to the determination of this application. It is understood that a number of the occupiers have already secured alternative premises. If any businesses are still looking for alternative premises the City Council can provide assistance. There are currently a number of vacant units in the City Centre which might be suitable.

## Conclusion

- 6.28 The proposal to demolish Paton House would be acceptable in principle. Subject to conditions, the proposal would not have an adverse impact on the City Centre Conservation Area, on the adjacent listed buildings, on



archaeology, on the occupiers of any neighbouring properties or on the local highway network. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted Local Plan policies.

## **7. Planning History**

- 7.1 There is an extensive planning history relating to the use of the for a leisure, retail and office use.

## **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 17th December 2020;
2. Site Location Plan (Dwg No. 200000\_S2\_P01), received 17th December 2020;
3. Proposed Block Plan (Dwg No. 200001\_S2\_P01), received 17th December 2020;
4. Proposed 3D Views (Dwg No. 220000\_S2\_P01), received 17th December 2020;
5. Proposed Elevations (Dwg No. 230000\_S2\_P01), received 17th December 2020;
6. Proposed 3D Views (Dwg No. 230001\_S2\_P01), received 17th December 2020;
7. Design, Access & Heritage Statement, received 17th December 2020;
8. Demolition Statement, received 17th December 2020;
9. the Notice of Decision;
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Prior to the carrying out of any demolition work, the building affected by the proposed development shall be recorded in accordance with a Level 2 Survey as described by Historic England's document 'Understanding Historic

Buildings A Guide to Good Recording Practice, 2016'. Within 2 months of the commencement of construction works, a digital copy of the resultant Level 2 Survey report shall be furnished to the local planning authority.

**Reason:** To ensure that a permanent record is made of the building of architectural and historic interest prior to its demolition as part of the proposed development, and to accord with the objectives of Policy SP7 of the Carlisle District Local Plan 2015-2030.

4. Prior to the commencement of the demolition works, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The demolition works shall then be undertaken in strict accordance with the Construction Management Plan.

**Reason:** To ensure the that the proposed demolition works do not have an adverse impact on the occupiers of any neighbouring properties, in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

5. Demolition shall not commence until a Construction Phase Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- proposed crossings of the highway verge;
  - retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the demolition;
  - 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).

The development shall then be undertaken in strict accordance with the CTMP.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety and to support Local Transport Plan Policies WS3 & LD4.

6. No demolition/ constructing works shall be carried out before 07:30 hours on weekdays and Saturdays nor after 18:00 hours on weekdays and 13:00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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



**3** **Site Location Plan**  
1 : 1250



**1** Land Ownership Plan  
1 : 1250



**2** Ownership Boundary Site Plan  
1 : 500

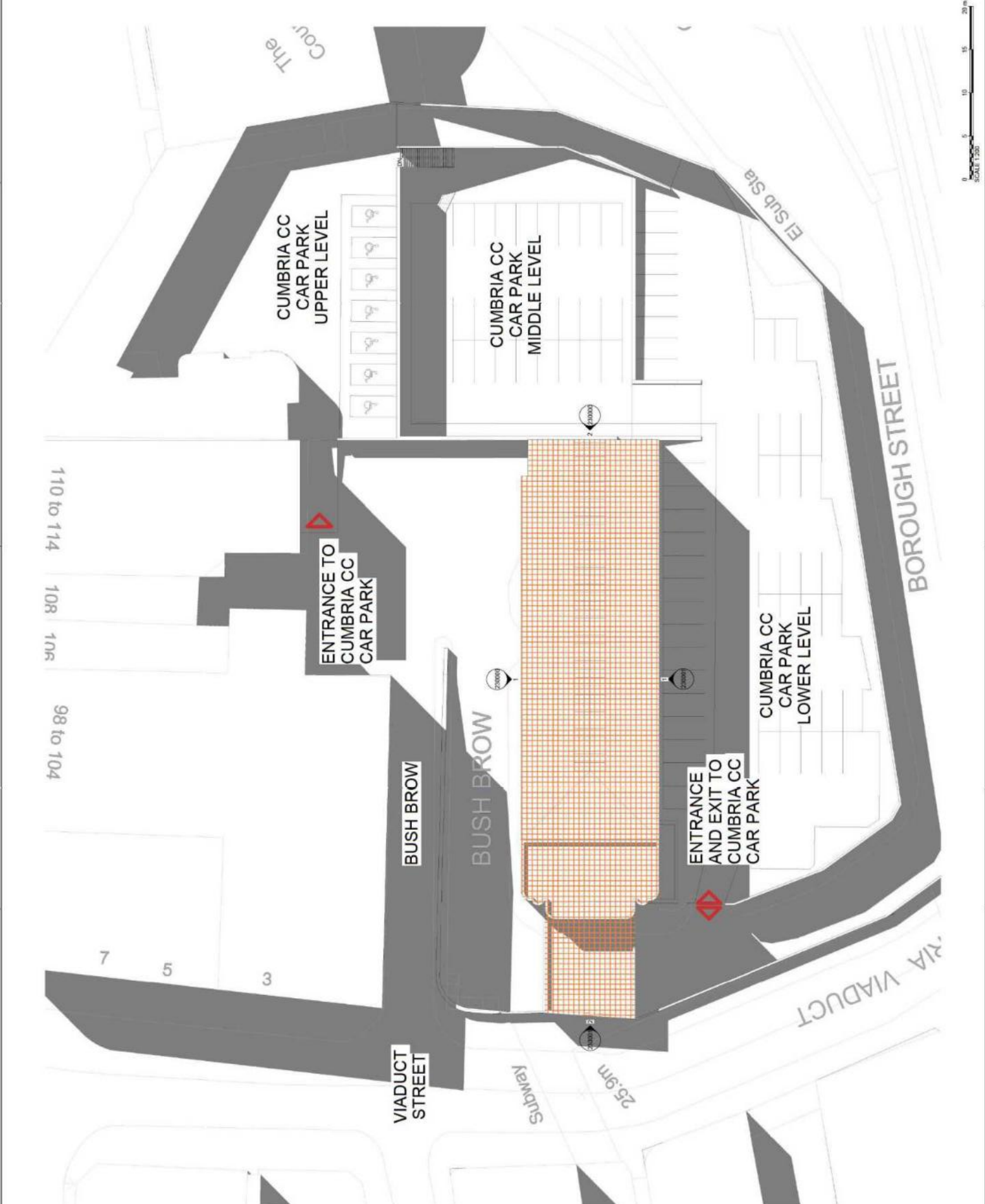
**Notes**

This drawing is an instrument of service and shall remain the property of the Engineer. It shall not be used for any other purpose without the written consent of the Engineer. The Engineer shall not be responsible for any errors or omissions in this drawing or for any consequences arising therefrom. The Engineer shall not be responsible for any delays or interruptions in the construction of the project resulting from any cause.



KEY

HATCHED AREA OF EXISTING TO BE DEMOLISHED, REQUIRING CONSTRUCTION OF NEW FOUNDATION, ASSIGNED TO THE NEW SUBSTATION. DRAINAGE CONNECTIONS TO BE MADE TO THE EXISTING DRAINAGE SYSTEM. THE NEW SUBSTATION SHALL BE EARLY ISOLATED TO REMOVE THE CONNECTION. THESE TO BE FROZEN AND CAPPED OFF BELOW GROUND TO SUITABLE LOCATION AGREED WITH THE C.A.



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Project	Cambridge City Council
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Project	Cambridge City Council
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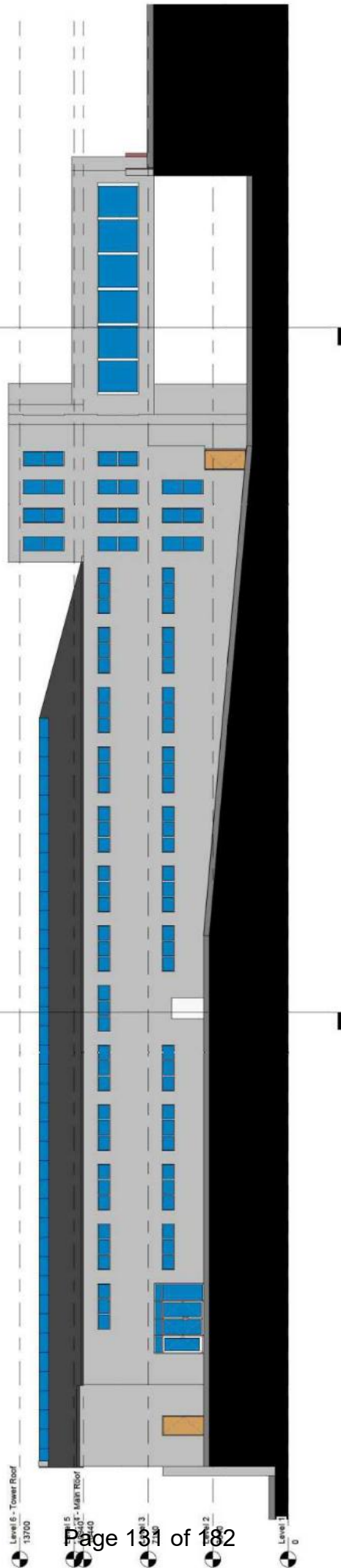


**3** Typical Section 3  
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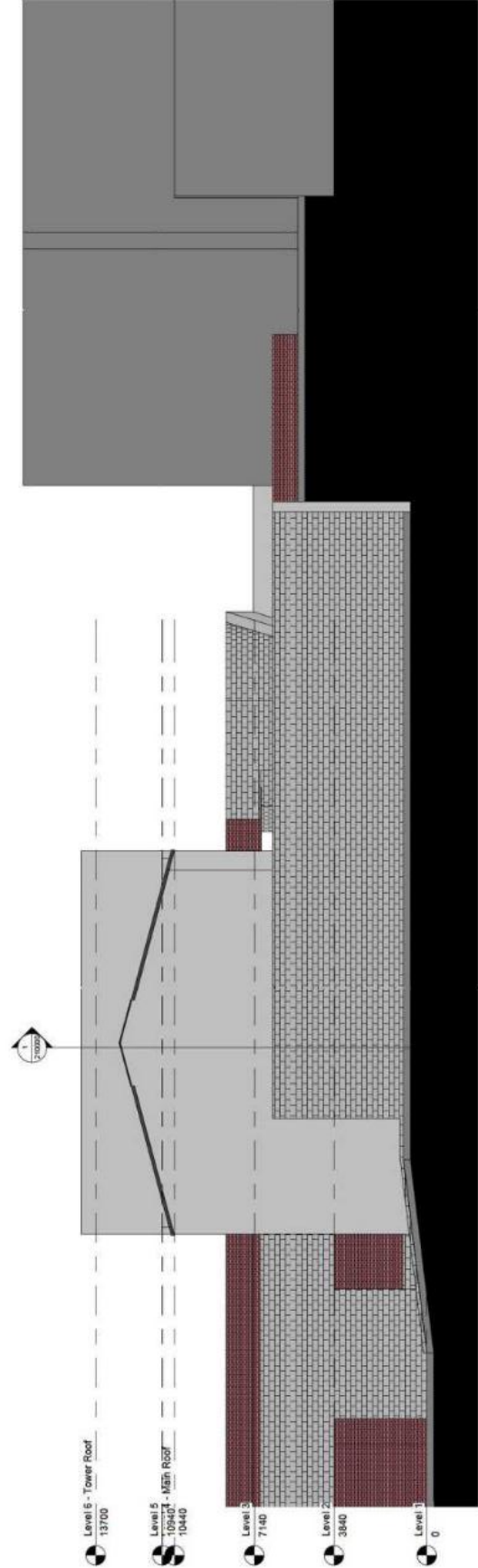
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C02000, APR XX XX OR A 210000.52, P101																																									



**Notes**  
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**1 Elevation A**  
1:100



**2 Elevation B**  
1:100

Project	Planning	10-10-20	APP	100
Client	10000	10000	10000	10000
Drawn by	align	10000	10000	10000
Check by	align	10000	10000	10000
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Project	align	10000	10000	10000
Client	align	10000	10000	10000
Drawn by	align	10000	10000	10000
Check by	align	10000	10000	10000
Scale	1:100	1:100	1:100	1:100
Sheet	10000	10000	10000	10000



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 2.4m HEIGHT BOUNDARY  
SECURITY FENCE IN SOLID TIMBER  
WITH ADVERTISING

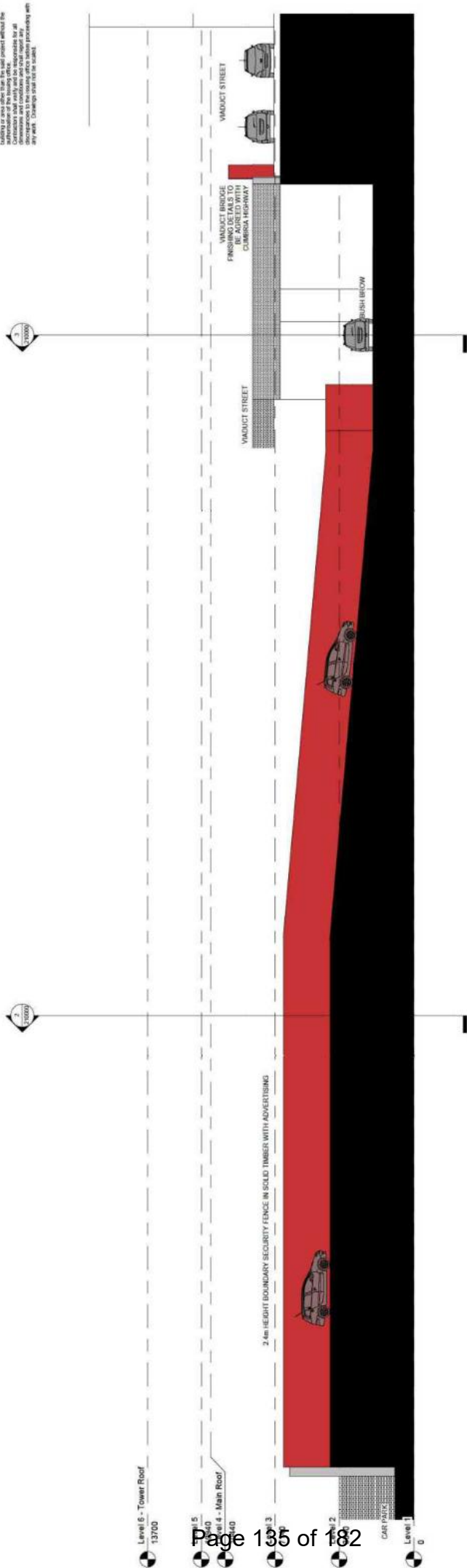
 DEMOLISHED BUILDING  
EXISTING FLOOR SLAB AND  
RETAINING WALL TO REMAIN

Purpose Planning	Scale	Size	Date	Case	Diagn		Checkd		Agreement	Notes [REDACTED]
					C.D.	A.D.	A.D.	A.D.		
	1-300	A1	10/10/76							

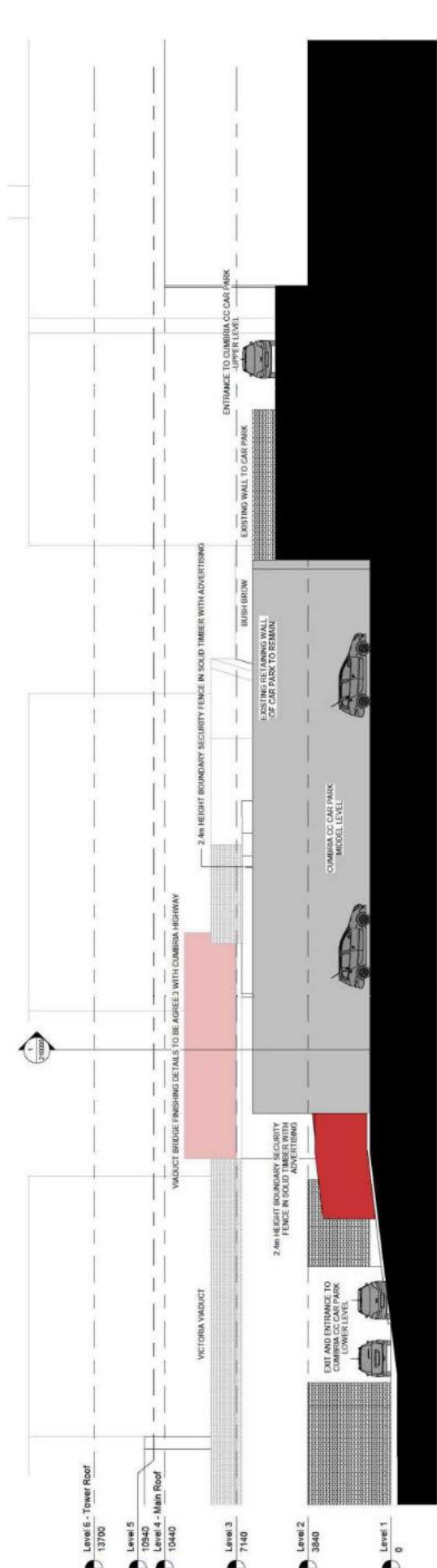




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**1 Elevation A**  
1:100



**2 Elevation B**  
1:100

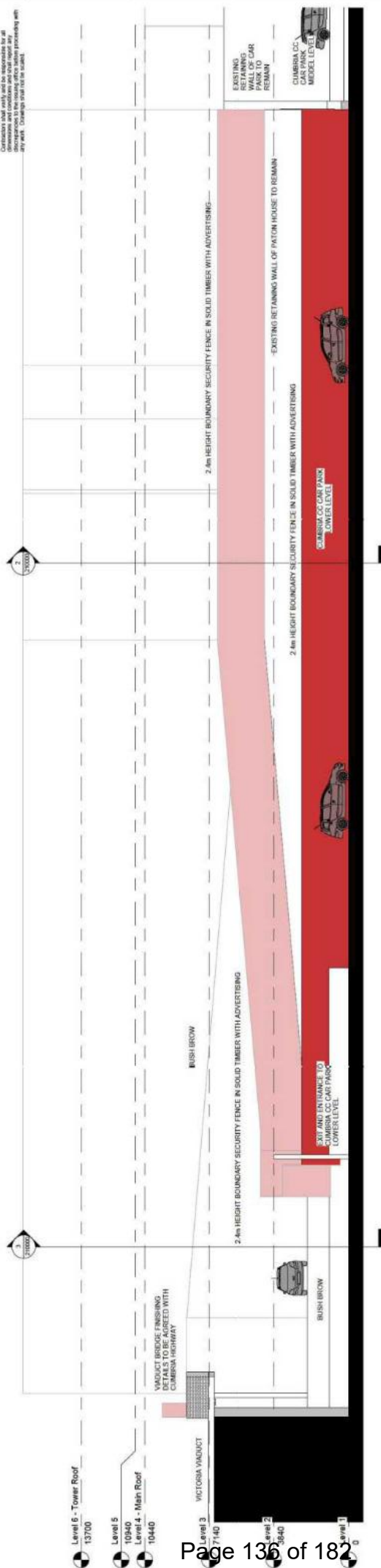
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Project	CLIMBRIA CC CAR PARK
Phase	Phase 1
Drawn by	Proposed elevation
Checked by	
Scale	1:100
Sheet	1 of 1
Date	15/01/2023
Drawn by	Proposed elevation
Checked by	
Scale	1:100
Sheet	1 of 1
Date	15/01/2023



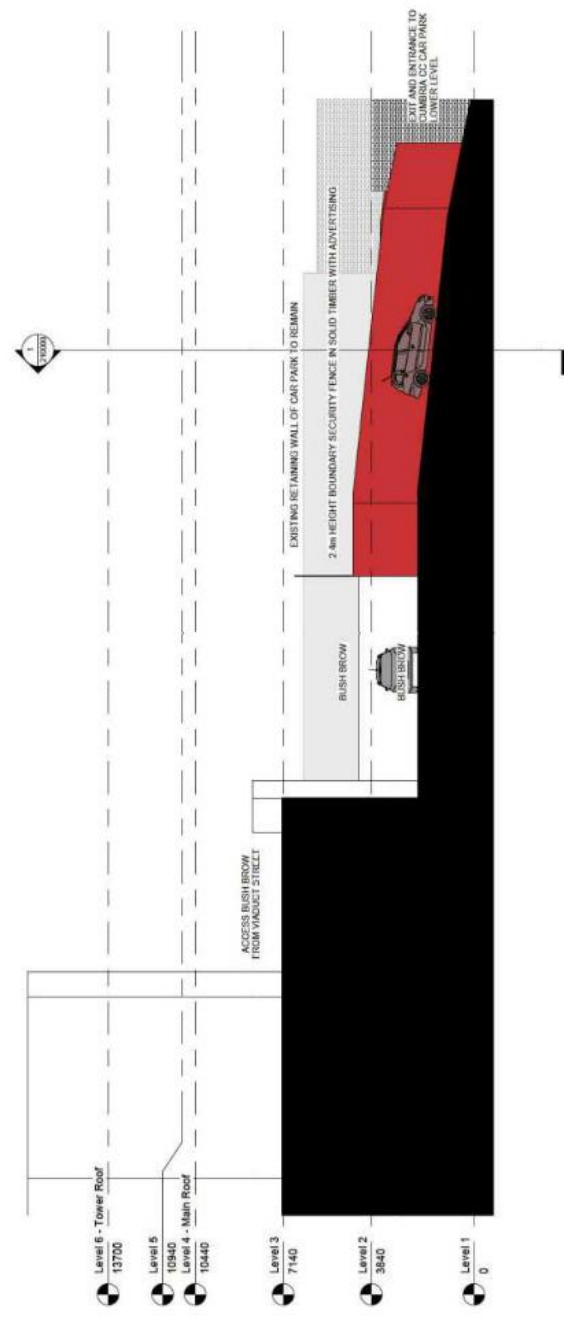
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Contractors shall verify and be responsible for all dimensions and conditions and shall report any discrepancies to the issuing office before proceeding with any work. Drawings shall not be scaled.



### 1 Elevation C



**2** **Elevation D**  
1:100

[illegible]

## SCHEDULE A: Applications with Recommendation

20/0844

Item No: 05

Date of Committee: 19/02/2021

**Appn Ref No:**  
20/0844

**Applicant:**  
Mr & Mrs McAdam

**Parish:**  
St Cuthbert Without

**Agent:**  
Jock Gordon Architectural  
SVS Ltd

**Ward:**  
Dalston & Burgh

**Location:** Land adjacent Carwinley, Durdar Road, Carlisle, CA2 4SB

**Proposal:** Erection Of 2no. Detached Dwellings (Outline/Revised Application)

**Date of Receipt:**  
08/12/2020

**Statutory Expiry Date**  
02/02/2021

**26 Week Determination**

---

### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the character of the area
- 2.3 Scale and design of the proposed dwellings
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Disposal of foul and surface water drainage
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on existing trees and hedges
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other matters

#### 3. Application Details

##### The Site

- 3.1 The application site is located to the west of Carwinley, a detached property to the west of Durdar Road, Carlisle Extending to approximately 0.16

hectares in area, the site is currently the domestic curtilage of Carwinley. The northern, western and southern boundaries of the application site consists of a post and wire fences with shrubs also planted along its western and southern boundaries. The eastern boundary of the application site is devoid of any boundary treatments. To the rear of Carwinley there are a number of outbuildings with a larger open fronted portal framed building adjacent to its southern boundary to the west of the vehicular access.

- 3.2 Within the vicinity of the application site are a variety of properties of differing ages and styles. Immediately adjacent to the western boundary of the application site is a large agricultural building and hardstanding.

## **Background**

- 3.3 Outline Planning Permission for the erection of 2no. dwellings was granted under delegated powers in February 2018. This permission lapsed earlier this month (2nd February 2021), however; it should be noted that the application was determined against the policies of the Carlisle District Local Plan 2015-2030.

## **The Proposal**

- 3.4 This application seeks outline planning permission with all matters reserved for the erection of 2no. detached dwellings. This application, therefore, seeks to re-establish the principle of development only.
- 3.5 The submitted drawings, although indicative only, illustrate the siting of 2no. detached dwellings served by individual vehicular accesses. Access to the site is along the existing unadopted access road off Durdar Road. This access road also affords vehicular access to Carwinley, the farm buildings of Blackwell Farm and other residential properties.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of four neighbouring properties and the posting of a site notice. In response, four representations of objection have been received.
- 4.2 The representations identify the following issues:
1. impact on pedestrian and vehicular safety;
  2. potential to exacerbate existing maintenance issues of the lane;
  3. main services for properties run beneath the lane;
  4. access lane should be adopted or repaired prior to granting planning permission;
  5. potential parking issues from construction traffic.

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

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - permission for this site was previously granted under application 17/1065. The Highway Authority and Lead Local Flood Authority has no objection to the proposed development as it is considered that the proposal will not have a material affect on existing highway conditions nor does it increase the flood risk on the site or elsewhere. However; recommend the conditions attached to planning approval 17/1065 be reimposed in respect of: access and parking provision to serve the proposed dwellings; construction traffic parking; access and parking arrangements to be substantially met prior to commencement of any development; and submission of foul and surface water drainage schemes;

**St Cuthberts Without Parish Council:** - no observations;

**Local Environment, Waste Services:** - no objections;

**Northern Gas Networks:** - no objections to the proposals subject to the imposition of an informative drawing the developers attention to their obligations under its legislation;

**United Utilities:** no objections subject to imposition of informatives drawing the applicants attention to their obligations under its legislation.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO2, HO3, IP2, IP3, IP4, IP6, CC5, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. Other material considerations are Supplementary Planning Documents (SPD) adopted by the City Council, in particular 'Achieving Well Designed Housing' and 'Trees and Development'.

### **1. Principle of Development**

- 6.3 *"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development"* (paragraph 10).
- 6.4 The aims of the NPPF is reiterated in Policy HO2 of the Local Plan which outlines that new housing development other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and in the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and be focussed in sustainable locations subject to satisfying five criteria. A further policy consideration is Policy HO3 which is specific to housing development within residential gardens.
- 6.5 The application site is located within Carlisle, therefore, the sustainability of

the application site is not in question. Furthermore, the erection of two dwellings would not prejudice the delivery of the spatial strategy of the local plan. As such, the principle of residential development is acceptable. Whether the development of the application site complies with other relevant local plan policies will be discussed in detail in the relevant sections below.

## **2. Impact Of The Proposal On The Character Of The Area**

- 6.6 Policy HO3 of the local plan acknowledges that gardens contribute significantly to the character and quality of housing areas within the City. Proposals for housing development in existing residential gardens will be permitted providing five criteria are met. The form and scale of any new development should respect the local character of the immediately surrounding area. In particular the scale, number of storeys and massing of new housing development should not exceed that of existing dwellings adjacent to the site.
- 6.7 The application seeks the development of part of the substantial domestic curtilage of Carwinley, a two storey detached dwelling located to the east of the application site. Extending to approximately 0.16 hectares in area, the northern, western and southern boundaries of the application site consists of a post and wire fences. Shrubs have also been planted along its western and southern boundaries. The eastern boundary of the application site is devoid of any boundary treatments.
- 6.8 It is inevitable that the erection of new dwellings on part of the domestic curtilage of Carwinley would have some visual impact on the character of the area; however, in mitigation it would replace an existing large portal framed building immediately adjacent to the application sites southern boundary. Furthermore, any perceived visual impact would be further controlled at reserved matters stage by the submission of details in respect of the layout, scale, appearance, access, and landscaping of the proposed dwellings. Accordingly, the proposed dwellings would not result in a significant detrimental visual impact on the character of the area.

## **3. Scale And Design Of The Proposed Dwellings**

- 6.9 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in both Policies HO3 and SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale, massing and established street patterns and by making use of appropriate materials and detailing.
- 6.10 As outlined earlier in the report, the application seeks outline planning permission with all matters reserved. Accordingly, the layout, scale, appearance, access, and landscaping are reserved for subsequent approval and do not form part of this application and would have to be considered by a



subsequent application. The submitted indicative details, however, illustrate the siting of 2no. detached dwellings centrally located within the application site served by individual vehicular accesses.

- 6.11 Due to the relationship of the application site with Carwinley, a condition is recommended which would ensure the submission of existing and proposed ground levels together with the height of the proposed finished floor levels and ridge height of the proposed dwellings. Further conditions, amongst others, are also recommended which would require the submission of details in respect of materials and boundary treatments. Accordingly, the proposed conditions would ensure that the proposed dwellings would be of an appropriate scale and design. Furthermore, any subsequent application would have to demonstrate that the development would achieve adequate amenity space, access and off-street parking to serve each of the dwellings.

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

- 6.12 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Policy HO3 recognising that development proposals have the potential to cause significant amenity problems to existing properties including loss of privacy, loss of daylight, overlooking, visual intrusion, noise disturbance, loss of car parking. Criterion of Policy SP6 seeking to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's SPD 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved.
- 6.13 As outlined earlier in the report, the application seeks outline planning permission with all matters reserved, therefore, the layout, scale, appearance, access, and landscaping of the proposed dwellings are reserved for subsequent approval. Nevertheless, any subsequent application would have to satisfy the objectives of the relevant local plan policies and SPD. To further ensure that the development does not have a detrimental impact on the living conditions of neighbouring properties through unacceptable noise and disturbance during construction works a condition is recommended that would restrict construction hours.

#### **5. Disposal of Foul And Surface Water Drainage**

- 6.14 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development. The submitted documents illustrate surface water would be disposed of via a soakaway but no details provided as to the method for the disposal of foul drainage.
- 6.15 In respect of surface water drainage, Cumbria County Council as Lead Local Flood Authority, has been consulted and raise no objections to the proposal

subject to the imposition of a condition. The recommended condition would require details of the surface water drainage scheme to serve the development prior to commencement of any works.

- 6.16 United Utilities as Statutory Consultee for foul drainage also raises no objections to the proposal subject to the development complying to its legislation. Accordingly, to ensure the implementation of a suitable method for the disposal of foul drainage a further condition is recommended requiring details of the proposed method for the disposal of foul drainage.
- 6.17 The imposition of the recommended conditions would ensure the submission of foul and surface water drainage schemes. The submitted details for both the proposed foul and surface water drainage schemes would then be subject of further consultations with the relevant statutory consultee. Should the additional details prove to be unacceptable, it may be that the residential development would stall as a result.

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

- 6.18 The indicative drawings illustrate that the proposed dwellings would be served by individual accesses onto the unadopted road via Durdar Road. Objections have been received from the occupiers of neighbouring properties in respect of the unadopted access road. The representations have been reproduced in full for Members, however, in summary the issues raised are: impact on pedestrian and vehicular safety; potential to exacerbate existing maintenance issues of the lane; access lane should be adopted or repaired prior to granting planning permission; and potential parking issues from construction traffic.
- 6.19 Cumbria County Council, as Highway Authority, raise no objections to the proposal as it considers it would not have a material effect on existing highway conditions. The Highway Authority does, however; recommend the re-imposition of its conditions attached to the earlier planning approval for the application site (application reference 17/1065). These conditions would require details of: access and parking provision to serve the proposed dwellings; and construction traffic parking. A further condition would require the access and parking arrangements to be substantially met prior to commencement of any development so that construction traffic can park and turn clear of the highway.
- 6.20 The views of the objectors are noted; however, given that the Highway Authority do not share these concerns then it would be difficult to substantiate a refusal on highway safety grounds. In respect of the adoption of the access road or that it should be resurfaced prior to any development being granted. Cumbria County Council, as Highway Authority, does not recommend the adoption of the access road. The imposition of a condition requiring the resurfacing of the unadopted road as part of this application would be unreasonable as most of the road would be out with the frontage of the application site. Should the access road be damaged by construction traffic then this would be a civil matter.

## **7. Impact Of The Proposal On The Existing Trees and Hedgerows**

- 6.21 Policy GI6 of the Local Plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute positively to a locality, and/or are of specific natural or historic value. Furthermore, the City Council's SPD 'Trees and Development' outline that not only should the design of developments seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting. Accordingly, it is important that these issues are considered at the very start of the planning process.
- 6.22 The southern and western boundaries of the site are delineated by shrubs. The submitted Design & Access Statement outlining that both of these boundaries would be retained, with the exception of the vehicular accesses, with new boundaries formed to the north and east. The application seeks to re-establish the principle of development only with landscaping reserved for subsequent approval. Accordingly, the details of a landscaping scheme to serve the proposed development site would be subject of a further application should Members approve this application.

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

- 6.23 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative has been included within the decision notice that if a protected species is found all work must cease immediately and the local planning authority informed.

## **9. Other Matters**

- 6.24 A third party has also made reference to the presence of services beneath the access lane. Northern Gas Networks and United Utilities have raised no objections to the proposal subject to compliance under their legislation in respect of protection of assets. Should Members approve the application, informatives are recommended to be included within the decision notice drawing the developer's attention to their obligations under Northern Gas Networks and United Utilities legislation.

## **Conclusion**

- 6.25 The application seeks only to establish the principle of housing development on the site which is acceptable under the provisions of the National Planning Policy Framework and the Carlisle District Local Plan 2015-2030. The layout, scale, appearance, access, and landscaping of the proposed dwellings are subject to appropriate planning conditions. Careful consideration at the time of any subsequent application would ensure that the dwellings would not form a discordant feature within the area and ensure that the proposal would not have a detrimental impact on the living conditions of the occupiers of neighbouring properties.

- 6.26 Cumbria County Council, as Highway Authority and Lead Local Flood Authority, has raised no objection to the proposal subject to the imposition of appropriate conditions. United Utilities also raise no objections to the application subject to the imposition of an informative.
- 6.27 In overall terms, the proposal site accords with the objectives of the National Planning Policy Framework and the Carlisle District Local Plan 2015-2030. Accordingly, the application is recommended for approval.

## **7. Planning History**

- 7.1 In 2000, full planning permission was granted for the erection of barn for storage of hay and agricultural implements (application reference 00/0884).
- 7.2 In 2017, outline planning permission was granted for the erection of 2no. detached dwellings (application reference 17/1065).

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

1. Any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years from 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 works are commenced, details of the layout, scale, appearance, access, and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority. The development shall be undertaken in strict accordance with the details approved in response to this condition.

**Reason:** To accord with the provisions of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, because this is outline permission only and these matters have been reserved for the subsequent approval of the local planning authority.

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

1. the submitted planning application form received 8th December 2020;
2. the Stage One Desk Top Study received 8th December 2020;
3. the location plan received 8th December 2020 (Drawing No. 3189/1A);
4. the block plan received 8th December 2020 (Drawing No, 3189/2B);
5. the Notice of Decision;
6. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

4. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction 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 facilities constructed. The approved 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 that all vehicles can be properly and safely accommodated clear of the highway in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030

5. 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 in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

6. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

**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 in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions

(inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the local planning authority.

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

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

8. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details

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

9. Prior to the commencement of development details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor and ridge heights of the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority.

**Reason:** In order that the approved development overcomes any problems associated with the topography of the area and the relationship of the proposed dwelling with existing dwellings to the north and east in accordance with Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

10. Construction of any dwelling shall not commence until samples or full details of all materials to be used on the exterior have been submitted to and approved in writing by the local planning authority. The hereby permitted development shall be carried out and completed in full accordance with the approved details.

**Reason:** In the interests of visual amenity in accordance with Policies HO3 and CM5 of the Carlisle District Local Plan 2015-2030.

11. Construction of any dwelling shall not commence until full details of the proposed hard surface finishes to all external areas have been submitted to and approved in writing by the local planning authority. The hereby permitted development shall be carried out and completed in full accordance with the approved details.

**Reason:** In the interests of visual amenity in accordance with Policies HO3 and CM5 of the Carlisle District Local Plan 2015-2030.

12. Prior to the occupation of any dwelling, particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted. All works comprised in the approved details of means of enclosure and boundary treatment shall be carried out in accordance with the approved details prior to the occupation of the dwelling.

**Reason:** To ensure that the work is undertaken in a co-ordinated manner that safeguards the appearance and security of the area in accordance with Policies HO3 and CM5 of the Carlisle District Local Plan 2015-2030.

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

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

14. No work associated with the construction of the residential units hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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

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.

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

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

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DWELLINGS & ACCESS POINTS  
SHOWN FOR PURPOSES OF  
ILLUSTRATION ONLY



**PROPOSED DWELLINGS - CARWINLEY - DURDAR ROAD - CARLISLE**

**BLOCK PLAN**

**DRG. NO. 3189/2B**

**SCALE : 1-500**



## SCHEDULE A: Applications with Recommendation

20/0692

Item No: 06

Date of Committee: 19/02/2021

**Appn Ref No:**  
20/0692

**Applicant:**  
Mr & Mrs Keith Ormiston

**Parish:**  
Stanwix Rural

**Agent:**  
Sam Greig Planning

**Ward:**  
Stanwix & Houghton

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**Location:** Land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT

**Proposal:** Residential Development (Outline) (Revised Application)

**Date of Receipt:**  
14/10/2020

**Statutory Expiry Date**  
09/12/2020

**26 Week Determination**

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### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Whether The Scale And Design Of The Dwellings Are Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Proposed Method For The Disposal Of Foul And Surface Water Drainage
- 2.5 Impact Of The Proposal On Highway Safety
- 2.6 Impact Of The Proposal On Existing Trees And Hedgerows
- 2.7 Impact Of The Proposal On The Public Right Of Way
- 2.8 Impact Of The Proposal On Biodiversity

#### 3. Application Details

##### The Site

- 3.1 This site is 0.2ha of former paddock/agricultural land at the end of Tarraby Lane and is accessed through Tarraby village. The site is level with a roadside hedge frontage and hedge to the southern boundary. To the west

is the current development of Tarraby View being built by Persimmon which is accessed from Windsor Way and there is a pedestrian link between the development and Tarraby Lane. Dwellings on the Tarraby View development adjacent to this site have recently been constructed. To the north lies Shortdale Cottage and on the opposite side of the lane is Shortdale Farm.

## **Background**

- 3.2 The site was granted outline planning permission for residential development in October 2019 under application 18/0796. When considering that application, it was clear that the Carlisle District Local Plan 2015-2030 includes this site as part of the overall allocated housing site U10 although at the time of the Persimmon applications it was not forthcoming as part of their site. When developing larger sites, it may not always be possible to develop them comprehensively and separate applications may seek development in different stages. This application must therefore be considered in the context of an allocated housing site and an extant outline planning permission for residential development.
- 3.3 Members may recall that a Reserved Matters application 19/0973 was scheduled for Development Control Committee on the 5th June 2020. Prior to the meeting questions were raised about the relationship between the Reserved Matters and Outline applications due to different references in the background information to two or four dwellings. The application was therefore withdrawn from discussion and is currently undetermined.

## **The Proposal**

- 3.4 This application is a revised Outline application for residential development with all matters reserved. The application includes an indicative site plan indicating four plots with each having an individual access onto Tarraby Lane.

## **4. Summary of Representations**

- 4.1 Consultation on this application has been undertaken by the posting of a site notice, additional notices in the vicinity of Tarraby and direct notification to 42 properties including those neighbouring the site and within the village of Tarraby. In response 11 objections have been received.

- 4.2 The objections raise the following issues:

The traffic on Tarraby Lane is already very high, recently we have lost many cats, hedgehogs, etc from speeding cars up and down Tarraby Lane. Increasing any traffic through Tarraby Lane will be disaster, the road isn't suitable for any more traffic.

Tarraby Lane is called a lane for a reason - it is a narrow lane with a passing place by the common. Since the footpath from Houghton opened the lane got busy. Now that Tarraby View is open we get lots of young families

walking along it is nice for them as the only traffic is from the 2 houses at the bottom so they can let their children run on ahead and look at the horses, sheep and cows and go into the wood. If the houses are built there will be at least 2 cars per house. Tarraby will change from being a quiet conservation Hamlet to a busy one it will not be safe if the wagons are going to the building site.

The application is a rehash of widely objected to planning application 19/0973. The concerns raised then by the many objectors have not gone away.

The plans suggest the development of four plots for residential purposes which means four families, their children, their friends, their cars, their deliveries all using the whole length of Tarraby Lane to get in and out of the hamlet.

Tarraby Lane is narrow at the best of times, but beyond Waterside Cottage it becomes a single track excuse of a road with two blind corners and no passing places. The final blind bend is the most dangerous and is where at least one head on collision has occurred in the past. The road is also unlit with no pavements and is likely to be the worst highway in the Carlisle area. Since Covid-19 we have seen an explosion in the use of Tarraby Lane as a place for recreation and also a massive increase in deliveries being made due to the boom in online shopping. All these additional road users increase the risk of a fatality on the road and this development will certainly exacerbate matters.

There is a field immediately south of the plots that Laing Property Holdings sold to Cumbria County Council in 2017. The expectation for this field is for it to be used to build a new school. This will mean the new houses on Windsor Way adjacent to the plots will appeal to families with children as will the proposed homes for this planning application. In turn, there will be a lot of children playing on Tarraby Lane, riding about on bikes, visiting friends, not always looking where they are going. This will be a recipe for disaster if this proposed development is passed.

For safety's sake, please reject this application and also scratch out the original permission for outline development which you must realise in hindsight was a woeful error.

Four new houses would likely mean an increase in traffic through Tarraby of up to eight cars.

Tarraby Lane is very narrow for much of its length and the proposed development is just round a very sharp bend. Visibility would be very poor for drivers.

The area is very popular for walkers and particularly young families who value the safe area with limited traffic. It has become even more popular since the development of Tarraby View. Pedestrian access to Tarraby Lane from this new housing estate is right on the dangerous corner already mentioned.

The village of Tarraby is a conservation area and much valued by residents and visitors alike.

It is important to preserve such areas for the enjoyment of the many people who use it and value it.

Tarraby Lane from the land proposed to build four houses on is absolutely

unsuitable for the eight vehicles that could easily use it from the proposed properties.

The path from Tarraby View estate has meant that many more families and dog walkers are enjoying the lane, and more vehicles would be dangerous . I have not noticed the planning proposals displayed here, a neighbour had to tell me.

Apparently they were tied to the telegraph post for a day or two but were then removed.

The plots are situated as you come round a very restricted visibility bend. There is now an alleyway/cut through to the new estate with a greater number of children on bikes, people with dogs, etc a very bad situation for the plots There is no pedestrian path to get onto

It is a designated footpath

Where will the deliveries of building materials on lorries manoeuvre and park there is not enough space in each plot

There is no way out as it is a no through road

The Highway Authority has failed to consider the impact of traffic throughout the whole length of Tarraby Lane

There are two further larger family dwellings, the public house car park and a new dwelling next to Wensleydale having access onto the lane

Not accounted for the pedestrian access from the large Persimmon development to visit the public house and petrol station/convenience store

Lane provides additional amenity to access the Wildlife Trust and Water Park, additional vehicles would increase safety issues for pedestrians

The lane is entirely narrow, single carriageway

A number of residents have no access to off-street parking

A letter from Cumbria Constabulary in 2012 highlighted local dangers of traffic Serious impact on residents of Tarraby, visitors and on the local rural environment

It is a peaceful conservation area directly adjacent to Hadrian's Wall World Heritage Site and we are now very close to losing that tranquillity

A full traffic impact survey and footfall survey should be undertaken for the whole of Tarraby Lane

The nature of the proposal is not readily apparent as the layout plan is merely indicative giving the impression there are four units

A reserved matters application could increase the number of dwellings beyond 4

No background transport information has been submitted

There is no location/details of the passing places

Absence of information on drainage and how this may impact on visibility splays and the extent of land required

The relatively quiet rural character of the neighbouring countryside should be respected

Increase in traffic would conflict with the predominantly quieter character of the area

Four additional family homes would triple the volume of traffic in that part of Tarraby Lane

Narrowness of lane and lack of pavement heightens concerns over perceived

safety and ability to use lane for exercise and be a general detriment to health and well-being

Plan is at odds with policies SP6, SP7, SP8, SP9 and HO3 of the Local Plan

I bought my home knowing that we would not be overlooked with having no neighbours behind us and also we sacrificed a larger garden to have the plot we have.

We bought our property knowing there was no one living directly behind us. I recently purchased my property on the understanding that there would be nothing built behind it. It seems questionable that all of a sudden four properties have been proposed? I object to planning consent particularly if it means that my own and neighbouring properties are overlooked by the proposed houses.

- 4.3 Objectors have referred to the recent application (19/0973) which was withdrawn from discussion. When consulting on this application the letter of notification was amended so that people were informed that any objections would not automatically be carried forward to this application. The issues raised in that consultation have been raised in relation to the objections above and in the Parish Council's response.

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

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

#### ***Highways response:***

Outline planning permission was granted on land adjacent to Shortdale Cottage, Tarraby Lane, Carlisle for 2 dwellings (18/0796). As part of the Highways Authority response to the planning application 18/0796 no objections were raised with regards to the development and the principal for the development of 2 dwellings was established. It was noted within the Highways Authority response that an issue that these additional dwellings will bring is the potential for conflict with regards to traffic along Tarraby Lane. As such 2 passing places were to be funded by the applicant along Tarraby Lane to mitigate against any impacts.

The current proposal is to increase the number of dwellings from 2 to 4 on Tarraby Lane. As noted within the previous planning application 18/0796, the increased traffic movements are a major issue as Tarraby Lane has no passing places in its current guise. It is noted that the number of vehicle movements for the current application will be greater than those previously approved; however the effects can be mitigated through the creation of passing places as requested previously. Therefore passing places are required to permit vehicle movements along this route, not only for the 4 dwellings proposed but also for any traffic which will have to serve the properties i.e. refuse, deliveries. The passing places are to be constructed at the developers cost (including any service diversions). The works will require a s278 Agreement and will need to be designed to take into account the traffic that may need to use them. It should also be noted that a s184 permit will be required to form the new accesses into each dwelling.

Therefore to conclude the Highways Authority have no objections with regards to the approval of planning permission subject to the applicant

funding the creation of passing places on Tarraby Lane and the conditions at the end of this response being applied to any consent granted.

***LLFA response:***

It is noted within the application form for this outline application that the method of discharge for surface water originating from this development would be via the combined sewer.

The applicant should work through the drainage hierarchy as set out within the Cumbria Development Design Guide to establish a suitable method of surface water disposal, as disposal to a sewer is a last resort option. The applicant is therefore required to undertake an infiltration test in accordance with the BRE 365 method to ascertain if infiltration is a viable method of discharge. The results of this test are to be sent to the Lead Local Flood Authority for comment. It is also worth stating that the development site itself is not located within an area prone to flooding. In light of the above the Lead Local Flood Authority have no objections to the approval of outline planning permission for this development subject to the following conditions being applied to any consent you may wish to grant.

***Public Rights of Way response:***

Public footpath 132011 follows an alignment to the east side of the proposed development and must not be altered, obstructed or affected before or after the development has been completed. If the footpath is to be temporarily affected then the applicant would need to apply to temporarily close the route there while work to create new vehicular accesses proceeds.

***Conclusion:***

Therefore to conclude the Highways and Lead Local Flood Authority have no objections with regards to the approval of planning permission subject to the applicant funding passing places on Tarraby Lane and the following conditions relating to surfacing of driveways; gates opening inwards, reduction of boundary treatment for visibility; prevention of surface water draining onto the highway; means of access and turning arrangements; construction traffic; surface water drainage and management.

**Stanwix Rural Parish Council: -**

At Q6 of the Application Form the applicant draws attention to the planning history of the site; and the advice of a former Planning Officer; the previous advice referred to being in respect of Appn Ref 18/0796 (Outline).

As planning history is brought into consideration by the applicant a brief examination is made in the interests of fairness and transparency.

**Appn Ref 18/0796 (Outline)**

Appn Ref 18/0796 proposed only 2 dwellings and included a Transport Statement. The Notification of Decision lists the application documents that define the permission; these include (numbered as per the notice):



1. *The submitted planning application form received 28 August 2018*  
(This specifies 2 Dwelling Units at Q7)
2. *The site location plan (Dwg 2946-01) received 28 August 2018*  
(This shows only one large plot)
3. *The block plan (Dwg 2946-02) received 28 August 2018*  
(Dwg 2946-02 is actually titled 'Block Plan As Existing' and shows only one plot.)
4. *"The transport statement produced by WYG received 28 August 2018 -*  
This states: *"Two years have passed since our previous correspondence"*  
And; *"We are now advised that an application is imminent but that even with the passage of two years, no aspects of the scheme have changed"*  
(The statement was thus 2 years out of date.)
6. *The Notice of Decision*  
(Thus confirming that consent is for 2 dwellings sharing 1 plot)  
It is important to note that this application was approved prior to the opening of a direct pedestrian/cycle between Tarraby Lane and Tarraby View estate.

### **Appn Ref: 19/0973 (Reserved Matters)**

The subsequent Reserved Matters Application, Appn Ref: 19/0973, received 19/12/2019, contained significant anomalies and inaccuracies (Refer to Stanwix Rural Parish Council submission 22/1/2020 and that of Hyde Harrington 6/2/2020) and generated several further objections. This was the only application scheduled for determination at the Development Control Committee on 5/6/2020; the minutes of the meeting record that on-going discussions with the applicant, in respect of a number of technical and legal issues, had not been resolved and consequently the Agent had requested the application be withdrawn.

In stating that, *"As the extra two dwellings are to be sited on an un-adopted highway, in principal the Highway Authority has no objections to the proposals."*, the officer report of 05/06/2020, in respect of Appn Ref 19/0973, repeats an error contained in the report of Cumbria County Council Flood & Development Management Officer, of 23 January 2019. The part of Tarraby Lane referred to actually constitutes part of the adopted road U1170 and also forms part of Public Right of Way -Footpath 132011.

### **CURRENT APPLICATION - APPN REF: 20/0692**

The application proposes that four dwellings be permitted on a Greenfield site lying at the western end of the U1170 Tarraby Lane, an adopted highway forming a cul-de-sac from the C1012 Houghton Road.

### **Application Issues**

Q 9 of the Application Form requires complete details of the changes be provided, no such details are given; the application form is therefore incomplete.

Under the heading Mandatory National Requirements, Carlisle City Council Planning Validation Checklist Guidance states, at 4 Block Plan, that in all in all cases *"the following must also be provided unless these would NOT influence or be affected by the proposed development."* (Original emphasis)

- All the buildings, roads and footpaths on land adjoining the site including access arrangements.
- All public rights of way crossing or adjoining the site
- The application and Block Plan fail to provide any detail or consideration in respect of:
- The U1170 Tarraby Lane next to the site – an adopted highway and PRow simply identified as ‘access road’
- The pedestrian/cycle link between Tarraby View and Tarraby Lane
- The Parish Council believes that this lack of compliance with mandatory requirements invalidates the application.

### **Highway/Public Right of Way Issues**

The section of Tarraby Lane fronting the site is identified as having Dual Status, also forming part of Public Right of Way – Footpath 132011 (Map A: Cumbria County Council Plan Public Footpath No.132011, Tarraby). This, the narrowness of the lane, and its use to connect two further PRows requires that highway and PRow issues are closely connected and must be considered in tandem.

Footpath 132011 must not of course be altered or obstructed before or after the development has been completed, while a temporary obstruction or diversion would require formal temporary closure.

The lane also serves to link 2 further PRows, Numbers 132010 and 132009. Together these link Stanwix with Houghton, via the Cumbria Wildlife Trusts centre at Houghton, and are increasingly popular with local people and by walker’s following the route of Hadrian’s Wall. (Map B: Tarraby Lane Constraints)

Immediately adjacent to the south east boundary of the site a newly constructed pedestrian/cycle access connects the Tarraby View estate with Tarraby Lane, emerging onto a 90 degree corner (Map B Tarraby Lane Constraints & Images 1).

The Tarraby View estate is accessed from the A7 Scotland Road, via the Windsor Way estate. This direct pedestrian/cycle link, between Tarraby Lane and Tarraby View estate, therefore also connects the previously very little used and narrow cul-de-sac to the large residential areas lying west of the A7. A major increase in use of the lane by families with young children; and cyclists of all ages and having varying degrees of road safety awareness is already evident.

Equestrian traffic is also very common on Tarraby Lane; a horse training manège lying approximately 235m east of the proposal site (Map B: Tarraby Lane Constraints); while stables access the lane within the Conservation Area. Horse drawn vehicles also use the lane.

All motorised traffic accessing the site must pass through the Tarraby Conservation Area, designated 51 years ago as Carlisle’s first Rural Conservation Area. The lane through the Conservation Area is restricted and has almost blind corners. Some properties in the Conservation Area have little if any off road parking, as result several cars may at times be required to park on the lane thus further restricting its width.

Although it may be possible to create passing places at the developer’s expense, this option would not of course be possible in the built part of the

Conservation Area. Such passing places that may be required must be of sufficient dimensions and load bearing capacity to allow their safe use by heavy goods vehicles accessing the site, both during and after construction. Any development accessing Tarraby Lane beyond the boundary of the Conservation Area will inevitably have an impact upon the Conservation Area.; the increase in traffic generation from four new dwellings; i.e. that of residents, visitors, service and delivery vehicles, construction traffic etc. representing a significant proportional increase in daily traffic flow.

### **Conservation Area**

The site was once allocated for development as part of allocated housing site U10, Land off Windsor Way and land east of Lansdowne Close/Lansdowne Court [Officer Report, Appn Ref 19/0973]; first identified 9 years ago, in 2011, and would have been accessed via new estate roads.

The current circumstances of the site now bear no comparison with those existing in 2011. It is now a stand-alone Greenfield paddock fronting directly onto a PRoW, meaning current application 20/0692 can no longer be considered in the context of an allocated large scale housing site.

It is evident that due to the location of the site and its consequent inaccessibility to motor vehicles, except via the Conservation Area, the proposal's impact will be as though it lies within or adjacent to the Conservation Area.

The impact of the proposed development on the Conservation Area must therefore be a material consideration.

Policy HE 7 - Conservation Areas of the Carlisle District Local Plan 2015-2030 states:

*"Any new development and/or alterations should preserve or enhance the special character and appearance of the conservation area and its setting."*

And:

- *not have an unacceptable impact on the historic street patterns; and*
- *not generate a significant increase in traffic movements, heavy vehicles or excessive parking demands where these would be prejudicial to the character of the conservation area.*

### **Paragraph 189 of the National Planning Policy Framework (NPPF) states:**

*"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."*

And at paragraph 190:

*"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

And at paragraph 193:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's*

*conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

While Government Guidance on the historic environment states:

*“All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset’s curtilage may not have the same extent.”*

And:

*“When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset’s significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.”* [Government Guidance

conserving-and-enhancing-the-historic-environment, updated 23 July 2019]

In considering ‘*the implications of cumulative change*’ referred to in the above Government Guidance it is important to include the impact arising from the increase in pedestrian and cycle traffic access from Tarraby View estate and also those of: 2 large dwellings (Appn Ref: 18/0928); a large dwelling (Appn Ref 18/0402); a large dwelling (Appn Ref: 15/0179); Equestrian Ménage (Appn Ref 15/1142); a large dwelling (Appn Ref 14/0483); a large dwelling (Appn Ref 06/1462).

## **Archaeology**

The route of the PRow - Footpath 132011 is traceable on Hodkinson and Donald's Map of Cumberland 1774, and may even then have long been established, Tarraby being a name of Viking origin and the hamlet being built almost directly on top of Hadrian’s Wall. As the site is a paddock lying alongside the footpath it may harbour features of archaeological interest yet it appears never to have been subject of an archaeological survey.

In consideration of the above the Parish Council strongly objects to the proposal for the following reasons:

- The application may be invalid;
- the impact of the proposal in view of the status of the lane as an adopted highway;
- the impact of the proposal in view of the status of the lane as a Footpath
- the effect of the proposal on highway safety with regard to the increasing volume of pedestrians and cyclists now able to access Tarraby Lane via the new link;
- the risks generated by increased daily traffic and construction traffic coming into conflict with equestrian traffic;
- the narrowness of the lane;
- the lack of passing places;
- the impact on the Conservation Area of construction traffic should consent be granted;
- the impact on the Conservation Area of increased volume domestic vehicular traffic, including from visitors and delivery and service

vehicles should consent be granted;

- the possible presence of hitherto unidentified archaeological features;
- The resulting overall detrimental impact upon the character of the conservation area

## **Local Environment - Environmental Protection: -**

### **Noise & vibration**

Consideration should be given to limit the permitted hours of work in order to protect any nearby residents from possible statutory noise nuisance, this includes vibration. Any other appropriate noise mitigation measures should be considered, for example, the use of noise attenuation barriers, the storage/unloading of aggregates away from sensitive receptors and the use of white noise reversing alarms, where possible. These measures should aim to minimise the overall noise disturbance during the construction works.

### **Dust**

It is necessary to protect any nearby residents or sensitive receptors from statutory nuisance being caused by dust from the site. Given that the site is located in a residential area it would be advisable to consider all appropriate mitigation measures. Vehicles carrying materials on and off site must be sheeted or otherwise contained, water suppression equipment should be present on site at all times and used when required, wheel wash facilities should be made available for vehicles leaving site and piles of dusty material should be covered or water suppression used.

### **Contamination.**

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. Further guidance can be found on the Carlisle City Council website "Development of Potentially Contaminated Land and Sensitive End Uses – An Essential Guide For Developers."

Site investigations should follow the guidance in *BS10175:2011 (or updated version)* "Investigation of Potentially Contaminated Sites.- Code of Practice ". 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.

### **Air Quality and Transport**

Measures that encourage the use of zero-emission modes of transport should be included in the development proposal. The aim is to minimise future impacts on air quality. It is recommended that the developer provides at least one electric vehicle charging point per dwelling, with off street parking. The use of rapid charging points in communal parking areas should also be implemented. This recommendation is supported by the following:

**Institute of Air Quality Management (IAQM)**

The provision of charging points is in line with current IAQM 'Land-Use Planning & Development Control: Planning for Air Quality' guidance (2017). Section 5 states:

"The provision of at least 1 Electric Vehicle (EV) "fast charge" point per 10 residential dwellings and/or 1000m<sup>2</sup> of commercial floorspace. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made".

### **The National Planning Policy Framework (NPPF)**

This was updated in February 2019 and concisely sets out national policies and principles on land use planning. Paragraph 105 states:

"If setting local parking standards for residential and non-residential development, policies should take into account: ...e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles".

Paragraph 103 of the NPPF states:

".... Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health...".

### **The Carlisle District Local Plan 2015-2030**

Carlisle City Council (CCC) adopted the Carlisle District Local Plan 2015-2030 in November 2016

Policy IP2 - Transport and Development:

*"Sustainable Vehicle Technology: Developers will be encouraged to include sustainable vehicle technology such as electric vehicle charging points within proposals".*

Paragraph 6.13 states: *".... consideration should be afforded to increasing electric charging provision wherever appropriate and possible".*

Policy CM5 – Environment and Amenity Protection:

*"The Council will only support development which would not lead to an adverse impact on the environment or health or amenity of future or existing occupiers".*

**United Utilities:** - No objection subject to conditions relating to surface water and foul water management.

## **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 SP2, SP6, HO1, HO2, IP3, IP4, IP6, CC5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The

City Council's 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. Principle Of Development**

- 6.4 The NPPF seeks to promote sustainable development in sustainable locations and in this context there are two aspects to this application. The land is allocated as part of the larger housing allocation U10 under the strategic housing policy HO1 and is indicated as that on the Local Plan Policies Map as part of the Carlisle District Local Plan 2015-2030. At this part of the allocated site, the north eastern boundary runs contiguous with Tarraby Lane. At the time of developing the larger housing allocation this site remained in separate ownership. There is no requirement that all allocations are developed at once unless policies seek particularly to masterplan that development due to particular constraints.
- 6.5 If the site was not allocated it would be considered in relation to Policy HO2 of the Local Plan which states new housing development on sites other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown, and villages within the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and subject to satisfying five criteria.
- 6.6 When assessing the application against the foregoing policies, the application site is accessed from Tarraby Lane through Tarraby village which is very rural in nature and access will be discussed later in this report. The context would suggest that this development is therefore within the rural area and the site has been used as a paddock however it lies within/adjacent to a large housing allocation where housing development is already underway and since the original application has been completed all along the western boundary of the site. As a consequence, this site will be directly adjacent to the urban edge of Carlisle and given the nature of the surrounding development would be seen directly in an urban rather than rural context.
- 6.7 Whilst agricultural land is to the east across the lane and further to the south east, the surrounding residential development and well defined boundaries mean that this site and its defined curtilage do not create a precedent for further housing extending into the rural area. This was reflected in the boundaries of the allocation of the land as a housing site.
- 6.8 A further material consideration relating to the principle of development is the outline approval which exists and has already established the principle of development.
- 6.9 Accordingly, in line with the NPPF, Local Plan policies and other material considerations, the principle of development is acceptable.

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

- 6.10 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale, massing and established street patterns and by making use of appropriate materials and detailing. Development of this site has to consider a rural and urban juxtaposition and therefore the design will have to respect this unique setting.
- 6.11 The application seeks outline planning permission with all matters reserved. Accordingly, appearance, landscaping, layout and scale are reserved for subsequent approval and do not form part of this application and would have to be considered by a subsequent application. The submitted details, however, indicate the siting of four plots which would gain access via the lane from Tarraby. It is worth noting that the adjacent housing development contains eight residential units along the same site length and four appear to be a reasonable interface given the site's surrounding context.
- 6.12 As previously highlighted, the application seeks outline planning permission with all matters reserved, therefore, the details of the dwellings would be considered on their merits during any subsequent application. Notwithstanding the foregoing, conditions are recommended requiring the submission of existing and proposed ground levels and the height of the proposed finished floor levels and ridge height of the proposed dwellings. Further conditions, amongst others, are also recommended which would require the submission of details in respect of materials and a landscaping scheme. Accordingly, the proposed conditions would ensure that the proposed dwellings would be of an appropriate scale and design. Furthermore, any subsequent application would have to demonstrate that the development would achieve adequate amenity space and off-street parking to serve each dwelling.
- 6.13 The Parish Council has noted that the application does not include a Block Plan as required through our validation processes however as this is an outline application with all matters reserved a Block Plan is not required and an indicative site plan is sufficient to be able to consider whether the principle of development would be acceptable.

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

- 6.14 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One of the criterion of Policy SP6 being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed



Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved.

- 6.15 As outlined earlier in the report, the layout and scale of the proposed development, amongst other matters, are reserved for subsequent approval. Accordingly, any subsequent application would have to satisfy the objectives of the relevant policies within the local plan and SPDs. Nevertheless, to further protect the living conditions of the occupiers of neighbouring properties from unacceptable noise disturbance during construction works a condition is recommended that would restrict construction hours.
- 6.16 It is noted that some objections have been received from residents of the new development expecting the site not to be developed. The Local Plan allocation and previous outline application have established the principle for development of this site and the use of planning conditions will therefore ensure that their amenity is protected in line with other developments within the district.

#### **4. Proposed Method For The Disposal Of Foul And Surface Water Drainage**

- 6.17 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development; however, due to the fact that only outline planning permission is sought by this application, there is no requirement to provide comprehensive details of the method for the disposal of either surface water or foul drainage provision at this stage. Nevertheless, the documents submitted as part of the application outline that drainage would be to a mains sewer.
- 6.18 Cumbria County Council, as Lead Local Flood Authority (LLFA), has been consulted and confirm that its surface water map illustrates that there is no flooding and/or surface water issues in the locale. As such, it is believed that the risk of surface water flooding would not be increased, therefore, there are no objections from the LLFA perspective. In respect of the disposal of foul water, United Utilities in its consultation response also raise no objections to the proposal.
- 6.19 Given the lack of details in respect of drainage and to ensure that there is adequate provision for foul and surface water facilities, pre-commencement conditions are recommended which would ensure the submission of further details.

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

- 6.20 As outlined earlier in the report, the application seeks outline planning permission with all matters reserved however the issue of access and transport has been a major concern raised by objectors. In this respect, the submitted drawing indicates that each of the proposed dwellings would have direct access onto Tarraby Lane.

- 6.21 Cumbria County Council, as Highway Authority, has been consulted and raise no objections; however, it acknowledges that due to the nature of the lane improvements are required to address highway safety by the creation of passing places. The concerns raised by objectors were brought to the attention of the Highway Authority and they have confirmed their comments on the application are still applicable. One of the objectors has raised further concerns in terms of the volume of pedestrian use in the lane. It has been noted that in recent months, the construction of the new housing which has a pedestrian link to Tarraby Lane combined with the lockdown restrictions on movement has led to an increase in pedestrians using the lane for exercise. This increase is noted and the volume of use will vary over time as people get used to new routines and adapting lifestyles post lockdown. It is envisaged that there would still be some increase since the original application was submitted and the road is a narrow rural lane.
- 6.22 The Local Plan allocation for U10 was specific that access for the housing allocation should not seek to bring the whole of the development along Tarraby Lane as the allocation anticipated 300 dwellings however this minor part of the allocation is only seeking access for four plots and in that context and the response from the Highway Authority the principle of accessing Tarraby Lane would be acceptable. Local residents have raised concerns that such access would necessitate passing through the village however the nature of the existing road layout necessitates the use of slower speeds which act as a speed control measure without the need for further modification. The Parish Council has raised concerns regarding the impact of additional domestic vehicular traffic on the conservation area at the heart of the village. Whilst the concern is noted, there are currently no restrictions on traffic to existing housing in the village such as the number of cars owned or volume of deliveries which could take place. It is therefore not reasonable to seek to impose restrictions on the proposed development for the volume of domestic traffic or that it would be a significant increase in traffic over that which could already happen.
- 6.23 The County Council has therefore requested a number of planning conditions as well as the provision of passing places, to ensure highway safety is integral to the development.

## **6. Impact Of The Proposal On The Existing Trees and Hedgerows**

- 6.24 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.
- 6.25 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.

- 6.26 The application site in particular has hedges along its boundary. As the application seeks only to establish the principle of development together with the access, landscaping would be subject of a further application. Conditions are recommended which would require the submission of a landscaping scheme and the installation of protection barriers around any retained trees or hedges.

## **7. Impact Of The Proposal On The Public Right Of Way**

- 6.27 Tarraby Lane forms part of the local Public Right of Way network and goes along the access in front of the site. The County Council, in its response has noted that there should be no obstruction to the right of way as a consequence of the development however it also acknowledges that works may have an impact during construction and measures would need to be put in place to ensure safe access routes. The proposed housing plots do not obstruct the right of way and there would be no long-term impacts or need for any permanent diversion.
- 6.28 The Parish Council has referred to the fact that the lack of information in the application form invalidates the application. The Council has accepted the application as valid and information on the Public Right of Way network is available from its own mapping and through consultation with the County Council. The impacts on the Public Right of Way have therefore been considered as part of the application and not been overlooked by lack of reference.

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

- 6.29 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. Furthermore, Natural England do not wish to comment on the application. To further protect biodiversity and breeding birds, informatives are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

## **Conclusion**

- 6.30 The application seeks outline planning permission with all matters reserved, therefore, the application seeks only to establish the principle of development of the site.

- 6.31 Appearance, landscaping, layout, scale and access are reserved for subsequent approval and do not form part of this application; however, they are subject to appropriate planning conditions and would be given careful consideration at the time of any subsequent application to ensure that the scheme would comply with the NPPF, PPG, relevant local plan policies and SPDs.
- 6.32 In overall terms, the principle of development accords with the objectives of the NPPF, PPG, the Carlisle District Local Plan 2015-2030 and SPDs. Accordingly, the proposal is, therefore, recommended for approval.

## **7. Planning History**

- 7.1 Planning application 18/0796 for Residential Development (Outline) was granted permission on 18th October 2019.
- 7.2 Planning application 19/0973 for the proposed landscaping of plot boundaries and access arrangements for each plot (Reserved Matters Application Pursuant To Outline Consent 18/0796) is currently undetermined.

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

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

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

2. Before any work is commenced, details of the access, appearance, landscaping, layout and scale 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 Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

1. the submitted planning application form received 14 October 2020;
2. the location plan (Dwg 2946-01) received 14 October 2020;
3. the existing site plan (Dwg 2946-02) received 14 October 2020;
4. the statement on land contamination received 14 October 2020;
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

4. Not more than four dwellings shall be erected on the site pursuant to this permission.

**Reason:** The local planning authority wish to control the scale of the development to avoid a cramped form of development in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. No development hereby approved shall be commenced until full construction details of two passing places to be provided, have been submitted to and approved, in writing, by the Local Planning Authority. The passing places shall be installed in compliance with the approved details prior to the occupation of the dwellings approved under the pursuant Reserved Matters application.

**Reason:** In the interests of highway safety.

6. The access drive shall be surfaced in bituminous or cement bound material, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 10 metres inside the site, as measured from the carriageway edge of the adjacent highway.

**Reason:** In the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8.

7. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto 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. To support Local Transport Plan Policies: LD5, LD7, LD8.

8. Access gates, if provided, shall be hung to open inwards only away from the highway.

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

9. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (before development commences) (before the development is brought into use) and shall not be raised to a height exceeding 1.05m thereafter.

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

10. No development shall commence until detailed drawings showing the development and means of access thereto 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. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, 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 turning space constructed. The turning space shall not thereafter be used for any other purpose.

**Reason:** To ensure that provision is made for vehicle turning within the site and in the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

11. 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 work is likely to lead to inconvenience and danger to road users. To support Local Transport Policy LD8

12. Development shall not commence until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
  - Details of proposed crossings of the highway verge;
  - Retained areas for vehicle parking, manoeuvring, 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

**Reason:** In the interests of highway safety

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.

**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. No development shall commence until details to confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary have been agreed in writing with the local planning authority.

**Reason:** To safeguard against negative impact outside the development boundary to people and property

15. No development shall commence until details of the future maintenance and operation of the surface water systems are agreed in writing with the local planning authority.

**Reason:** To ensure the surface water system continues to function as designed

16. 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.

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

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

18. Prior to the commencement of development details of the relative heights of

the existing and proposed ground levels and the height of the proposed finished floor and ridge heights of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority.

**Reason:** In order that the approved development overcomes any problems associated with the topography of the area and the relationship of the proposed dwelling with existing dwellings in accordance with Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

19. No development shall commence on the construction of dwellings until samples or full details of materials to be used externally on the dwellings have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials.

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

20. Before development commences on construction of the dwellings, particulars of the height and materials of any new screen walls and boundary fences to be erected shall be submitted to and approved in writing by the local planning authority and the development thereafter carried out in accordance therewith.

**Reason:** In the interests of privacy and visual amenity in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

21. No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the occupation of the dwelling. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

22. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around any retained trees and hedgerows in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.



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

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

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

24. Prior to the occupation of each dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for each dwelling shall be implemented on site before that unit is occupied and shall be retained thereafter for the lifetime of the development.

**Reason:** To ensure the provision of electric vehicle charging points for each dwelling, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

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

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

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

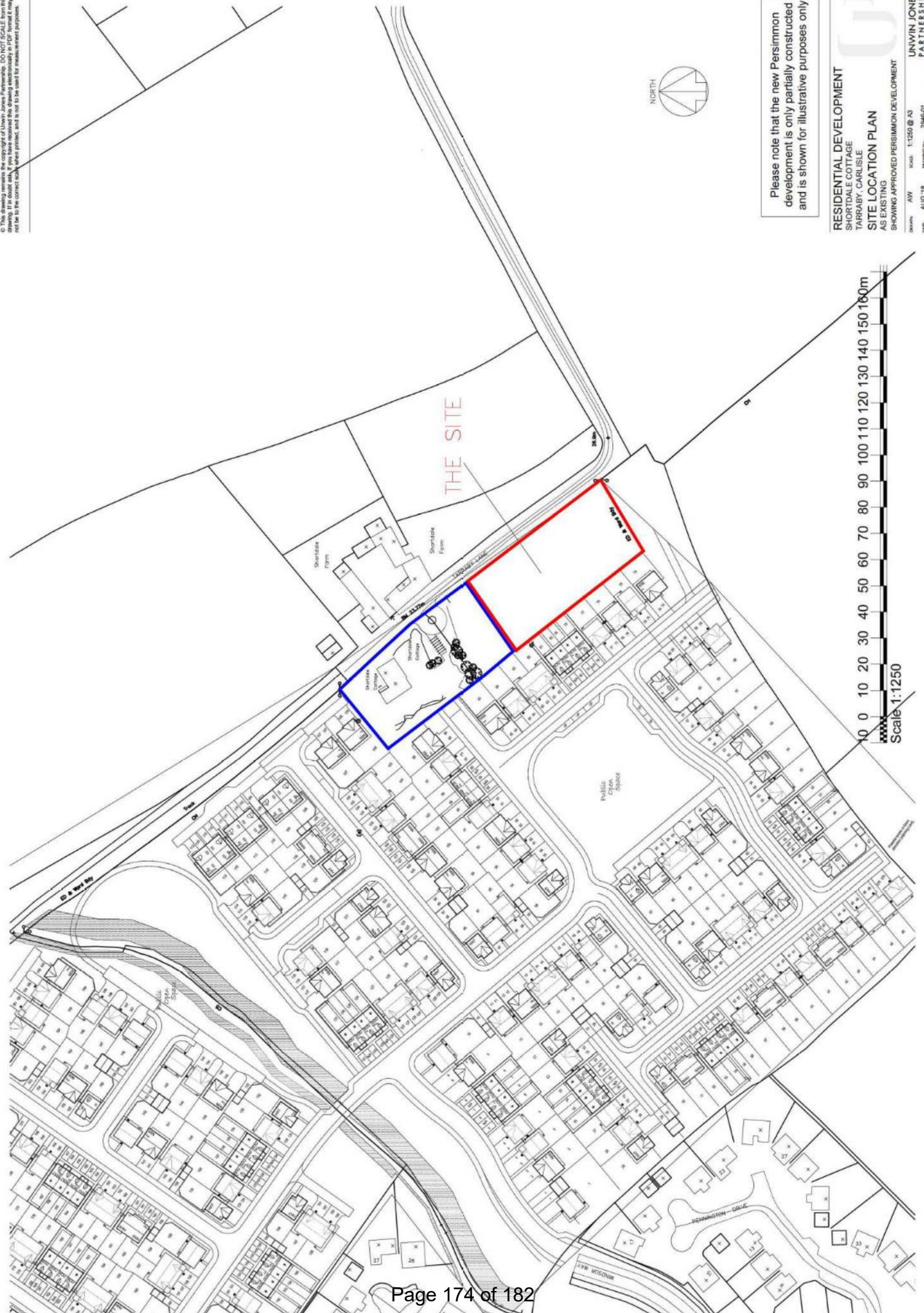
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Please note that the new Persimmon development is only partially constructed and is shown for illustrative purposes only

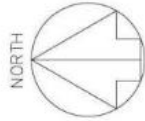
**RESIDENTIAL DEVELOPMENT**  
**SHORTDALE COTTAGE**  
**TARRABY CARLISE**  
**SITE LOCATION PLAN**  
 AS EXISTING  
 SHOWING APPROVED PERMITS/ON DEVELOPMENT





GENERAL NOTES

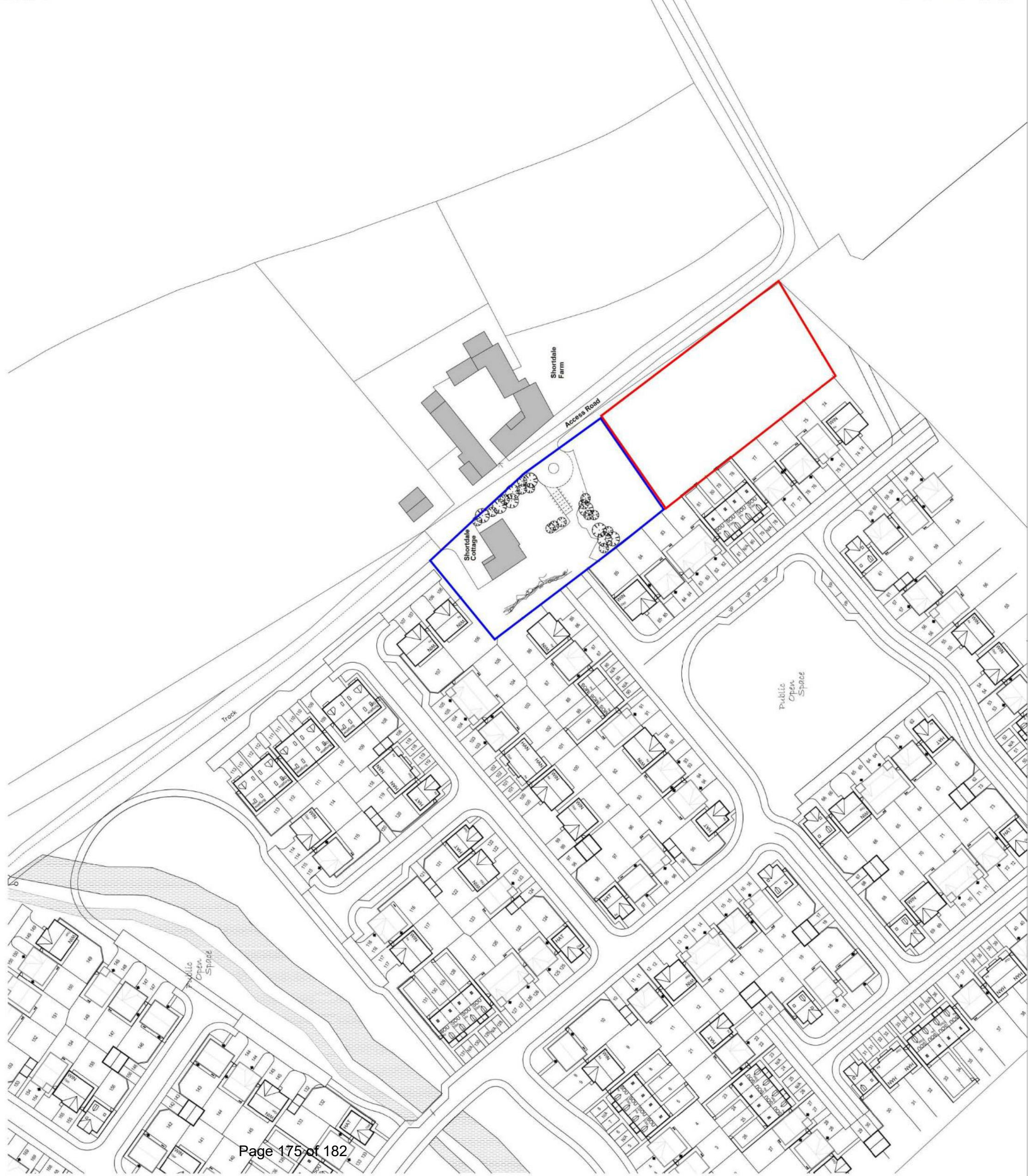
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Please note that the new Persimmon development is only partially constructed and is shown for illustrative purposes only

RESIDENTIAL DEVELOPMENT  
SHORTDALE COTTAGE  
TARRABY, CARLISLE  
BLOCK PLAN  
AS EXISTING  
SHOWING APPROVED PERSIMMON DEVELOPMENT

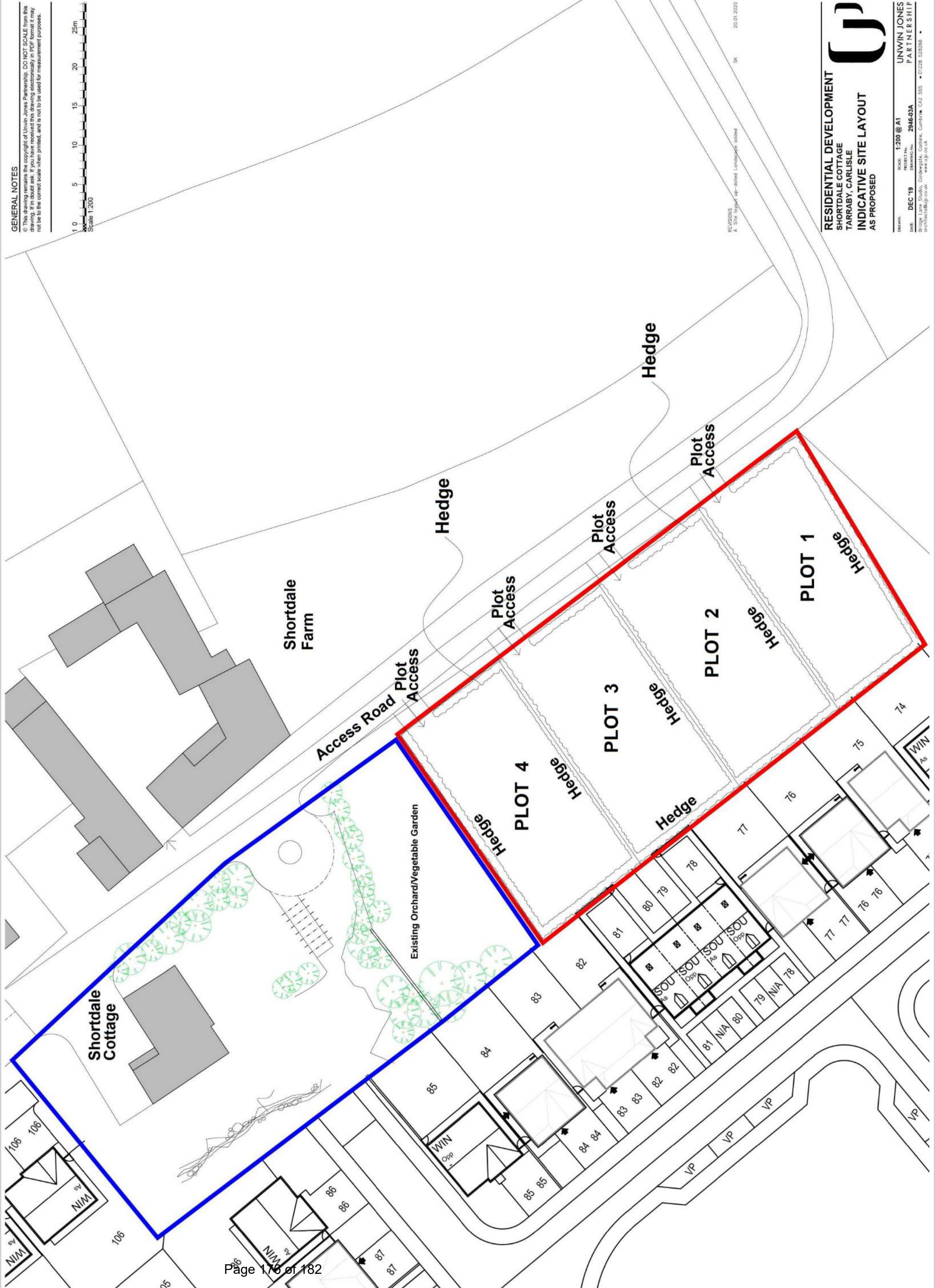
UNWIN JONES  
PARTNERSHIP  
DRAWN: AW SCALE: 1:500 @ A1  
DATE: AUG '18 DRAWING No: 2946-02  
Bridge Lane Studios, Cullinville, Carlisle, Cumbria, CA3 5J5 • 01228 532824 • architect@ujp.co.uk • www.ujp.co.uk





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REVISIONS  
A. Site layout up-dated Landscapes added  
SK  
20.01.2020

**RESIDENTIAL DEVELOPMENT**  
**SHORTDALE COTTAGE**  
**TARRABY, CARLISLE**  
**INDICATIVE SITE LAYOUT**  
**AS PROPOSED**



UNWIN JONES  
PARTNERSHIP  
SCALE: 1:200 @ A1  
PROJECT No: 2946-03A  
DATE: DEC '19  
DRAWING No: 2946-03A  
Bridge Lane Studios, Cuddeputon, Carlisle, Cumbria, CA2 5BS  
www.ujp.co.uk  
01228 528266

# SCHEDULE B

**Applications  
determined by other  
authorities.**

# SCHEDULE B

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**Item No: 07**

Between 19/12/2020 and 04/02/2021

**Appn Ref No:**  
19/0006 TPO**Applicant:**  
Mr P Carrol**Parish:**  
Carlisle**Date of Receipt:**  
05/03/2019**Agent:****Ward:**  
Stanwix Urban (Abolished  
07/05/2019)**Location:**  
3 Robins Wood, Stanwix, Carlisle, CA3 9FN**Grid Reference:**  
340275 557681**Proposal:** Reduction Of 3no. Lime Trees Subject To TPO 161

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**REPORT****Case Officer:** Sue Stashkiw**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:** A copy of the Notice of the decision of the Determining Authority is printed following the report.**Appeal Decision:** Appeal Dismissed**Date:** 01/02/2021





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## Appeal Decision

Site visit made on 14 June 2020

**by E Symmons BSc (Hons) MSc MA ArborA**

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

**Decision date: 01 February 2021**

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**Appeal Ref: APP/TPO/E0915/7428**

**3 Robins Wood, Off Larch Drive, Stanwix, Carlisle CA3 9FN**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order.
  - The appeal is made by Mr Peter Carrol against the decision of Carlisle City Council.
  - The application Ref: SJS/DC/19/0006/TPO, dated 4 March 2019, was refused by notice dated 29 April 2019.
  - The work proposed is described as to reduce 3 lime trees.
  - The relevant Tree Preservation Order (TPO) is City of Carlisle (Knowefield) Tree Preservation Order, 2000 (No. 161), which was confirmed on 8 May 2001.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant's plan accompanying the application form shows trees T10, T12, T13, T14, T15 and T16 but refers only to three lime. The Council's Risk Survey of Trees<sup>1</sup> (Capita report) expresses some uncertainty regarding which trees are part of the proposals and has identified four trees as potentially relevant, tree 3155, T14, T12 and T10. The report goes on to say that in their opinion the TPO plan is inaccurate. I concur with this view and as observed during my site visit, the inaccuracy is with respect to the relative position of the appeal dwelling and the trees. From my observations on site, and all the evidence submitted, I am satisfied that the trees subject of this appeal are lime T10, beech T11 and lime T12.

### Main Issues

3. The main issues are the effect of reducing the height of the three trees on the character and appearance of the area, and whether the reasons given for the work justify that course of action.

### Reasons

#### *Character and appearance*

4. The residential properties on Robins Wood are nestled against mature trees which edge the adjacent area of mixed deciduous and coniferous woodland containing a shrub understorey. There is a network of recreational paths throughout and around the woodland, one of which passes directly along the

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<sup>1</sup> Robins Wood, Tree Risk Survey of Trees Adjacent 3 Robins Wood. Capita. 15 April 2019.

southern garden boundary. From within the surrounding streets the trees are visible above, surrounding and between the properties providing a mature and sylvan setting which adds considerably to the character and appearance of the area.

5. The appeal property is bounded by trees to the south and west with smaller species such as elder overhanging the garden. T12 (lime), which sits on the pathway to the south of the garden is relatively tall and spindly with a small crown and epicormic growth on the greater part of the stem. Its contribution to the area is limited however, a height reduction would remove most of the small crown leaving only a stem sprouting minor epicormic growth. This would create an incongruous feature at a prominent part of the woodland edge.
6. T11 (twin-stemmed beech tree) has been lopped in the past and although this will detract from its amenity value during the winter months, this is barely visible when the tree is in leaf when its canopy adds to the continuity of the woodland edge. T10 is the tallest of the three appeal trees and despite there being some evidence of previous branch reduction, it is an important feature of the woodland edge.
7. All three trees are clearly visible from public vantage points and have a natural appearance which is typical of the surrounding woodland trees. As the extent of the reduction has not been specified, and from the reasons given as described below, I must consider any reduction would be significant. This would harm the natural appearance of the trees and consequently the character and appearance of the area. Any arguments to reduce the trees must therefore be convincing. It is to this justification which I now turn.

#### *Justification*

8. The Capita report has assessed the condition of the trees as generally good and I saw nothing during my site visit that leads me to a different view. That included a Quantified Tree Risk Assessment which concluded that the risk from these trees is 'As Low As Reasonably Practical'. The report suggests removal of minor deadwood, removal of ivy to check for defects and re-inspection 18 months from the date of the survey.
9. The justification for this work in part relates to fears regarding the safety of the trees. Reference has been made to the trees significantly moving in the wind, being close to breaking and to removal of neighbouring trees making those at the appeal site more exposed. Movement of trees in the wind is a natural phenomenon which prevents them from snapping by dissipating the wind energy. Although removal of some trees within a dense group can increase the chance of windthrow for those remaining, no technical assessment of this has been undertaken for the appeal trees, nor has evidence of any root-plate movement been advanced. Photographs of trees at No 2 showing a large snapped out limb have been submitted. The structure of individual trees varies considerably as does any associated risk of limb failure. No evidence has been submitted to support the view that the appeal trees would suffer similar limb loss.
10. There is a lack of substantive arboricultural evidence supporting the view that the trees are unsafe. Therefore, insufficient justification has been provided for the proposed work on these grounds.



11. I have no doubt that the rear of the property and the garden are shaded due to the position and proximity of the trees, by the overhanging shrub layer, by extensive ivy on trees T10 and T11, and by shade cast over the garden by the house. I accept that reducing the height of the trees may allow some more light into the property. However, given its orientation, and as other adjacent trees also cast considerable shade, to have a significant effect this would require removal of the greater part of the tree canopies. This would potentially harm the long-term viability of the trees in addition to harming their character and appearance when compared with the natural form of the surrounding woodland trees. For these reasons I also give this justification little weight.
12. In addition, I accept that roof tiles on the garage have had to be replaced, although the reason for this has not been detailed. Nevertheless, removal of deadwood, for which a TPO application is not required, would alleviate the potential risk of roof damage.

### **Other matters**

13. I note that the appellant is dissatisfied with the way the Council has dealt with this application however, these matters are not related to the merits of this case and have not formed part of my considerations.

### **Conclusion**

14. With any application to prune protected trees, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the visual amenity of the area. In this case, removal of a significant part of the tree canopies would result in harm to the character and appearance of the area and insufficient justification for this course of action has been demonstrated.
15. In conclusion, for the reasons stated above, the appeal is dismissed.

*E Symmons*

INSPECTOR



0 15 30m

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Coords: (340364,557693) Grid Ref: NY40365769